



# Compliance Alert

NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION

Coastal and Land Use Enforcement #2023-25

Issued: 12/21/2023

## GENERAL GUIDANCE FOR BEACH AND DUNE MAINTENANCE ACTIVITIES AND SEASONAL OR TEMPORARY STRUCTURES PLACED ON A BEACH BY A MUNICIPALITY

### WHO IS AFFECTED BY THIS ALERT?

This guidance applies to all coastal municipalities seeking to conduct beach and dune maintenance activities OR seeking to place seasonal or temporary structures related to the tourism industry on a beach or within a Coastal High Hazard Area.

### WHAT DO I NEED TO KNOW?

The Department is providing this advisory ahead of the 2024 summer season, to ensure all coastal municipalities comply with the Department's regulations by obtaining a CAFRA permit for beach and dune maintenance activities and/or for placement of any non-exempt structures on a beach or Coastal High Hazard Area.

By way of background, construction and maintenance activities on beaches and dunes in New Jersey require a Coastal Area Facilities Review Act (CAFRA) permit from the Department of Environmental Protection's Division of Land Resource Protection (DLRP). CAFRA permit approval is also required for the construction or placement of structures on a beach or Coastal High Hazard Area.

An exemption to the permitting requirement exists, and is limited to seasonal temporary structures related to the tourism industry. This exemption covers lifeguard stands, associated temporary storage containers for beach safety operations, picnic tables, benches, canopies, beach badge sheds, wooden platforms, stage platforms, garbage cans, and portable restrooms without utility hook up, which remain in place only during the period from May 1 through October 31. All seasonal temporary structures must be capable of manual removal within 24 hours prior to any major storm event and must be removed seasonally no later than October 31 each year. If structures meet the above description, their placement does not require NJDEP approval, provided their placement does not involve the excavation, grading, or filling of a beach or dune, and the structure's location complies with any Federal Beach Management Plan and/or Storm Damage Reduction Easement.

The following do **not** meet the definition of seasonal or temporary structures related to the tourism industry, and thus cannot be placed on the beach without a CAFRA permit issued by DLRP (list is not exhaustive): utility lines, buildings, cabanas, elevated dune walkovers, permanent structures, pilings, and beach and dune maintenance activities.

### WHY IS NJDEP ADDRESSING THESE ISSUES?

NJDEP wants to ensure that, ahead of the 2024 summer season, all municipalities are aware they are required to submit for and obtain the necessary permit(s) from the Department's DLRP prior to conducting beach and dune maintenance activities.

NJDEP wants to further ensure that all municipalities are aware of the types of activities that do not qualify for the exemption from CAFRA permitting for seasonal temporary structures related to the tourism industry. It is important that municipalities understand these are regulated activities on a beach or dune and require CAFRA permit approval from the Department's DLRP for the protection of public health, safety, and the environment pursuant to the Coastal Area Facilities Review Act (N.J.S.A. 13:19-1 et seq.) and the Coastal Zone Management Rules (N.J.A.C. 7:7-1.1 et seq.).

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Failure to obtain a CAFRA permit for such regulated activities is a violation of the law and may result in enforcement action by NJDEP. Improper and unauthorized construction, shoreline armoring, excavation, grading, filling, or vegetation removal on a beach or dune may negatively impact a natural or engineered beach and dune system, and/or can cause dangerous projectiles and costly repairs in the event of a storm, resulting in significant harm to the public and the environment.

## WHAT SHOULD I DO?

1. Obtain the required CAFRA permit(s) prior to conducting any regulated activity(ies), including beach and dune maintenance, the construction of structures on a beach or dune, and/or any activities that require excavation and/or grading of a beach or dune. If you are aware of any unauthorized structures remaining on the beach, they must be removed or legalized by obtaining the appropriate CAFRA permit approval, and/or included in any CAFRA permit application being submitted to the Department.
2. Comply with all permit conditions. Do not begin regulated activities on a beach or dune until the required permit approvals are obtained, and all pre-construction conditions of the permit have been met. Conditions may also include timing restrictions to protect threatened or endangered wildlife. Sand pile or temporary winter berm construction activities will typically require a pre-construction survey of the beach and a consultation with the DEP Office of Coastal Engineering to receive construction approval. Note that post-construction surveys will also be required if this work is authorized through a permit.
3. Complete any regulated construction or beach and dune maintenance in accordance with the approved permit plans. The work must be completed as shown on the approved permit plans and comply with all permit conditions. No changes can be made to the approved plans without first obtaining the written approval via a permit modification or new permit from the Department's DLRP.
4. Contact the DEP Hotline at (877) WARN DEP or use the WARN DEP app to report possible violations of the State's land use laws.

## WHO SHOULD I CONTACT WITH QUESTIONS?

### Land Resource Protection Permit Guidance

Division of Land Resource Protection (609) 777-0454

### Coastal & Land Use Compliance and Enforcement

Toms River Field Office (732) 255-0787 - *Atlantic, Cape May, Monmouth & Ocean Counties*

Trenton Field Office (609) 292-1240 – *Cumberland & Salem Counties*

## WHERE CAN I GET MORE INFORMATION?

The following websites can be accessed for additional information and to view the applicable rules:

DEP Coastal & Land Use Compliance & Enforcement: <https://dep.nj.gov/wlm/enforcement/>

DEP Land Resource Protection: <https://dep.nj.gov/wlm/>

DEP Office of Coastal Engineering: <https://dep.nj.gov/wlm/drec/ce/>

For additional contact information at DEP visit: <https://dep.nj.gov/contact/>

For a list of compliance advisories visit: <https://www.nj.gov/dep/enforcement/advisories-date.html>

This advisory is intended to be a summary explanation of a DEP alert. It does not include all potentially applicable requirements. If you have any questions related to compliance with this alert, please contact the Enforcement number listed above.