

The background of the slide is a photograph of several seashells of different shapes and sizes scattered on a light-colored sandy beach. The shells include a large, light-colored scallop with distinct radial ribs, a smaller, more rounded shell, and a few other smaller shells with varying patterns. The overall scene is bright and natural.

Division of Land Use Regulation

CAFRA

Coastal Wetlands

Waterfront Development

Freshwater Wetlands

Seminar Topics

☞ CAFRA

☞ Coastal Wetlands

☞ Waterfront Development

☞ Freshwater Wetlands

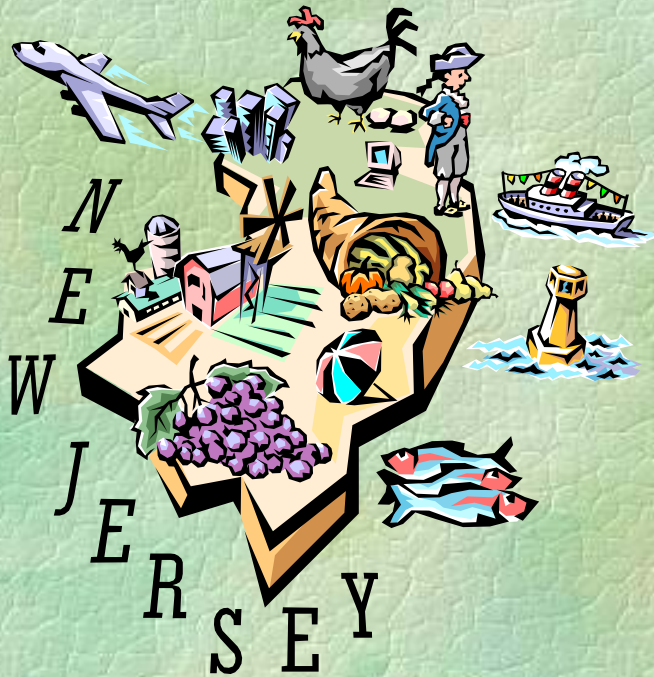


History in Brief

Vital Statistics

New Jersey's Coastal Zone

- ☞ Approximately 1,792 miles of coast in the State
- ☞ Coastal population of almost 7,000,000
- ☞ Features include Barrier Islands, wetlands, various shore birds, endangered plant & animal species



History in Brief

☞ 1914 - Waterfront Development Law

This law was the first to regulate land areas along tidal waters.

This law requires that prospective developers obtain State agency approval for “all plans for the development of any water-front upon any navigable water or stream of this State or bounding thereon.....”

(NJSA 12:5-3)

History in Brief

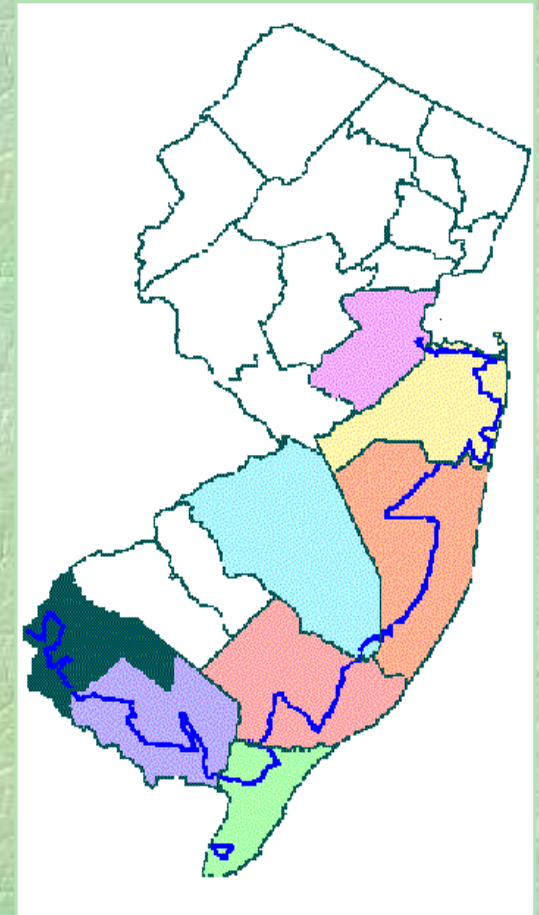


🌿 Wetlands Act of 1970

This law reflected the concern for the environment of the State's coastal areas.

History in Brief

- ☞ 1973 Coastal Area Facility Review Act
CAFRA was passed giving the Department of Environmental Protection (DEP) the authority to regulate major development in a defined area (Bay & Oceanfront) to preserve environmentally sensitive sites and ensure a rational pattern of development. The DEP was also required to prepare a strategy for the management of the area by September 1977.



5 Simple Questions Approach to LURP Permitting

1. Is the project located in a regulated area?
2. Is a permit automatically required, or does the project qualify for an exemption, or is it below the regulatory threshold requiring a permit?
3. Does the project qualify for a general permit or is an individual permit needed?
4. What are the development standards that the project must meet to be approved?
5. Does the engineer and/or environmental consultant clearly understand these 4 questions?

Jurisdictional Determinations

Land Use Regulation Program

Information Required for Jurisdictional Determination For CAFRA, Waterfront Development and the Wetlands Act of 1970

PLEASE SUPPLY THE FOLLOWING:

Applicant name: _____

Address: _____

Contact Person: _____

Address: _____

PROJECT LOCATION:

Lot(s): _____ Block _____

Municipality: _____ County _____

Street Address (or nearest crossroads): _____

Project Description:

Project description: _____

A copy of the site plan or survey for the proposed project

Photographs (Optional)

United States Geological Services (USGS) Topographic Quadrangle with property outlined or other location map (street map, tax map, etc.)

Send To: New Jersey Department of Environmental Protection
Land Use Regulation Program
P.O. Box 439
Trenton, NJ 08625
Attn: Jurisdictional Determination Unit

 Available from the
Program AT NO COST

 Special Unit that handles
the requests

 JD Request form available

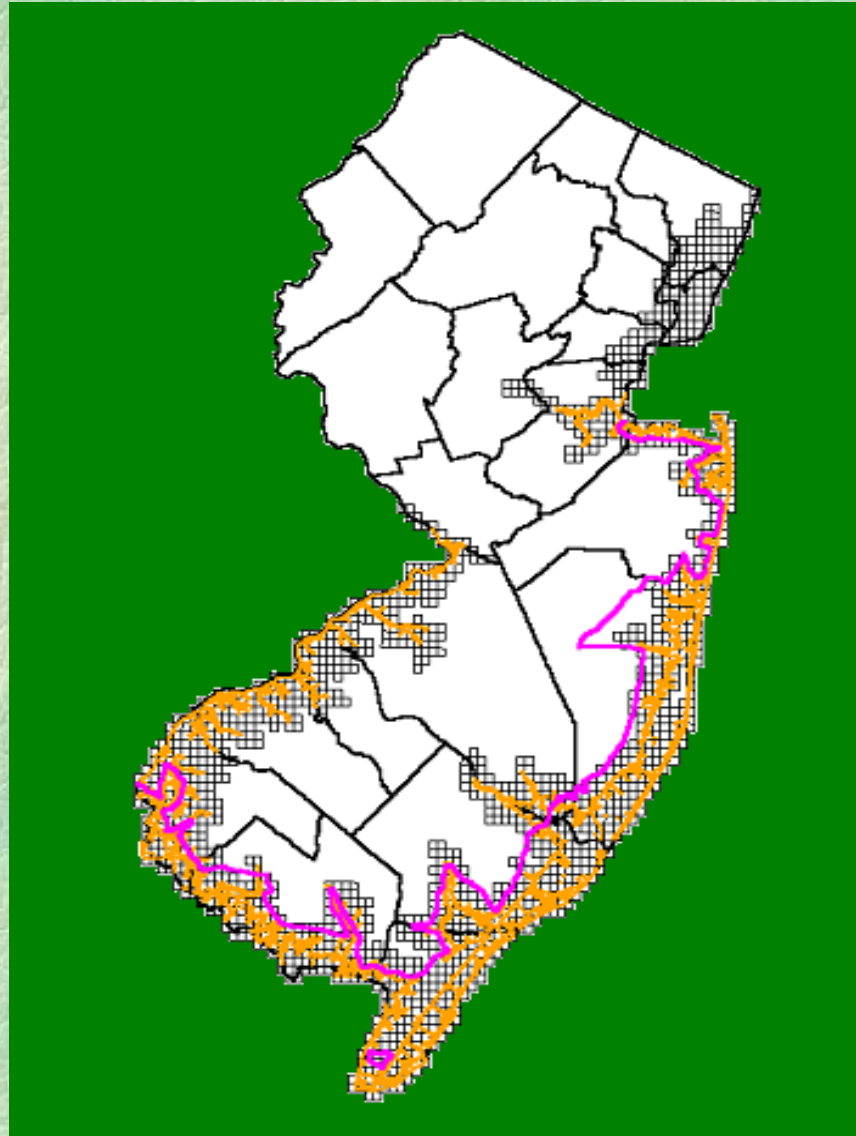
Pre-Application Conferences

Submit request to Land Use Region Supervisor

Include: contact person, project location (lot, block, municipality, county), location map and project plans and verbal description

We will contact you as soon as possible to schedule either an in-house meeting or phone conference

CAFRA / Tidelands / Upper Wetland Boundary



Regulatory Thresholds - CAFRA

- ☛ Any construction on a beach or dune
- ☛ Any construction activity proposed within 150 feet of the Mean High Water Line (MHWL) so long as there is no intervening development



Regulatory Thresholds - CAFRA

Commercial

0' - 150' any first development

0' - 150' after "first use" -
projects with 5 or more
parking spaces

Balance projects with 50 or
more parking spaces



Regulatory Thresholds

Waterfront Development

Within the CAFRA Zone



Any activity taking place, in a **TIDAL WATERWAY**, located at or waterward of the MHWL

- docks
- dredging
- bulkheads (new & replacement)
- placement of cables
- etc.

Regulatory Thresholds

Waterfront Development

Outside the CAFRA Zone

All activities that are regulated within the CAFRA Zone as well as upland construction activities within 500 feet or the MHWL

- Tidal waters of state except Hackensack meadowlands
- minimum of 100 feet, first paved public road, to a max of 500 feet



Regulatory Thresholds Wetlands Act of 1970

Activities proposed within areas mapped as coastal wetlands on the 1971/1972 aerial photography are regulated pursuant to this Act



Types of Permits Available Waterfront Development

☞ Individual Permits

☞ General Permits for specific “low impact” activities

- reconstruction of legally functioning bulkhead
- bulkhead construction at a lagoon
- maintenance dredging in a man-made lagoon

Types of Permits Available

CAFRA

☛ Individual Permits

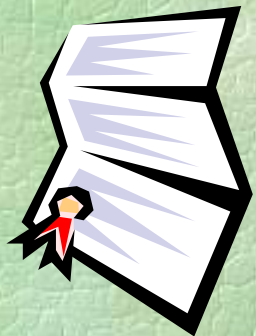
☛ General Permits

☛ Permits-by Rule

- No submittal required to the Program
- No “paper” authorization issued by the Program

Types of Permits Available Wetlands Act of 1970

☛ Individual Permits only



Types of Permits Available Coastal General Permits

- ☞ Voluntary Reconstruction
 - residential
 - commercial
- ☞ Marina Support Facilities
- ☞ Bulkheads
 - reconstruction
 - new bulkheads in lagoons
- ☞ Maintenance dredging in lagoon

Coastal General Permit #13 - Support Facilities at Legally Existing and Operating Marinas

- ☛ Construction of boat rack system or marina support building
- ☛ Construction of restroom facilities
- ☛ Construction of pumpout facilities
- ☛ Construction of fences, water lines and sewer line to connect restrooms and pumpouts to existing sewer lines
- ☛ Construction of gasoline pumps and associated pipes and tanks
- ☛ Construction of boat handling facilities including winches, gantries, railways, platforms, lifts, hoists, cranes, fork lifts and ramps
- ☛ One-time construction of a single marina support not exceeding 120 sq. ft.

What is a Zane Letter?

- ☛ The “Zane” exemption to the Waterfront Development law allows the replacement of legally existing bulkheads and certain other waterfront structures, as long as they are constructed within the same footprint of the existing structure.
- ☛ A Zane letter is a jurisdictional determination that verifies that the project qualifies for the exemption, and that a Waterfront Development Permit is not needed.

A legal structure must have a valid Tidelands instrument and appear on the Department’s 1972 or 1978 photography, or was permitted and the applicant can produce the permit.

Emergency Permits


Emergency permits are available under
Waterfront Development, CAFRA and
Wetlands Act of 1970

- ☛ Imminent threat to lives and/or property
 - Site inspection by enforcement
 - Letter issued by Program

Application Contents (General)

- ☛ LURP-1 Form
- ☛ Appropriate fee
 - (payable “Treasurer - State of New Jersey)
- ☛ Site plans
- ☛ Photographs
- ☛ Notification letter and certified mail receipts
- ☛ Compliance Statement or Environmental Impact Statement (EIS)

Coastal Zone Management Rules N.J.A.C. 7:7E-1.1 et seq.

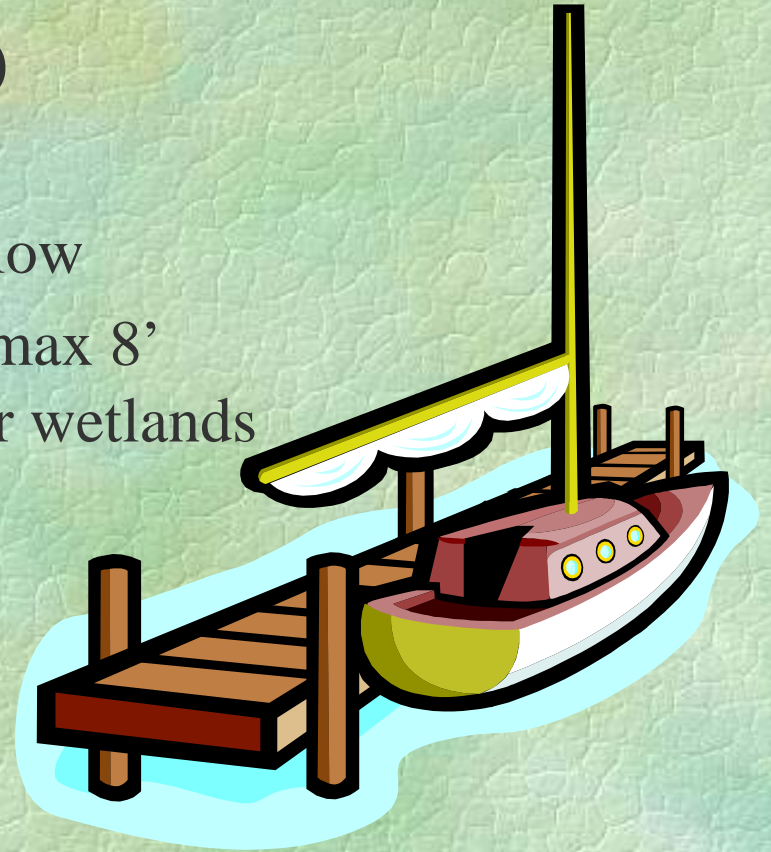


Rules Important to a Waterfront
Development Application
Compliance Statement or
Environmental Impact Statement
(EIS)

Subchapter 4 - Water Areas

Recreational Docks & Piers (4.5)

- No hazard to navigation
- Minimal interruption to natural flow
- Maximum sunlight penetration (max 8' width for dock with a 6' max over wetlands)



Subchapter 4 - Water Areas

Maintenance Dredging (4.6)

Removal of accumulation of sediment from previously authorized and legally dredged areas

- Rule includes provisions for material disposal, analysis of material, water quality measures, method, etc.
- Most of these applications are handled by the Office of Dredging & Sediment Control



Subchapter 4 - Water Areas

New Dredging (4.7)

Removal of sediment from a water body that has not been previously dredged

- demonstrated need that cannot be satisfied by existing facilities
- Adjacent H₂O areas are used for recreational/commercial purposes
- Environmental impacts are minimized
- Additional standards found in Rule
- Most of these applications are handled by the Office of Dredging & Sediment Control

Subchapter 4 - Water Areas

Dredged Material Disposal (4.8)



- prohibited in medium rivers, streams, creeks, tidal guts, man-made harbors, etc.
- discouraged in open bays, backbays and where water depth is less than 6 feet
- Conditions for disposal on land are found at NJAC 7:7E-7.12

Subchapter 8 - Resource Rules



Public Access to the Waterfront (8.12)

- All development shall provide a linear waterfront strip accessible to the public
- Public access shall be clearly marked, provide parking, and be designed to take advantage of the waterfront setting
- shall be barrier free
- Conservation restriction may be required

A photograph of a forest stream with a title overlay. The stream flows through a dense forest of tall, thin trees. The water is calm and reflects the surrounding greenery. The title is written in a large, white, serif font, centered over the upper half of the image. Below the title is a light blue horizontal bar with a slight shadow effect.

The Regulation of Wetlands in the State of New Jersey

Types of Wetlands

☞ Tidally influenced wetlands

- Primarily regulated via the *Wetlands Act of 1970*



☞ Freshwater Wetlands

- Regulated via the *Freshwater Wetlands Protection Act of 1987*



Wetlands Act of 1970

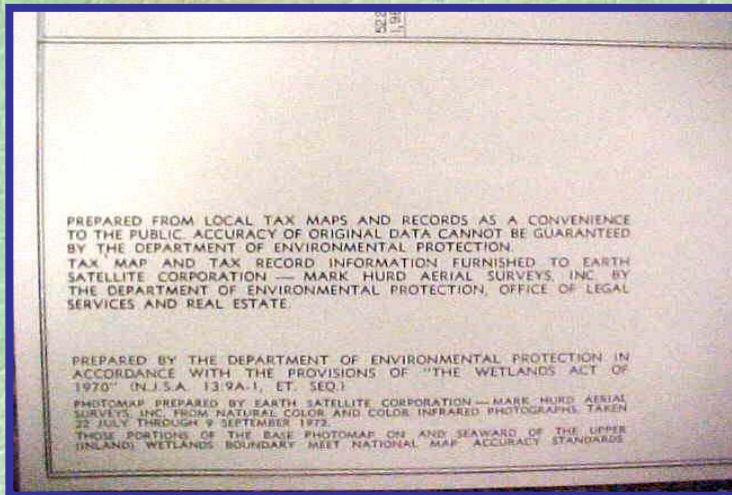
N.J.S.A. 13:9A-1 et seq.

- ☞ This Act is implemented thru the *Coastal Zone Management Rules* (N.J.A.C. 7:7E)
- ☞ This law reflected the concern for the environment of the State's coastal waters
- ☞ Activities proposed within areas mapped as coastal wetlands on 1971/1972 Promulgated aerial mapping are regulated pursuant to this Act



Wetlands Act of 1970

1971/1972 Promulgated Aerial Maps



Coastal Zone Management Rules

Wetlands (7:7E-3.27)

- Development of all kinds is prohibited unless the proposed meets the following conditions:
 - requires water access or is water oriented as a central purpose of the basic function of the activity. (must be water dependent)
 - has no prudent or feasible alternative
 - results in minimum alteration or impairment of natural circulation
 - results in minimum alteration or impairment of natural contour or vegetation of the wetland

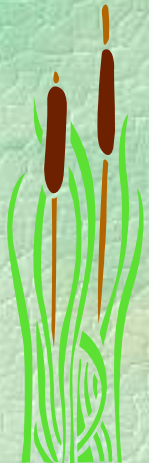
Coastal Zone Management Rules

Wetlands Buffers (7:7E-3.28)

A wetlands buffer (or transition area) is a area of land adjacent to a wetland which minimizes adverse impacts to the wetlands or serves as an integral component of the of the wetlands ecosystem

☞ Development is prohibited in a buffer (transition) area unless it can be demonstrated that the proposed development :

- will not have a significant adverse impact and;
- will cause minimal feasible adverse impact on the natural ecotone between the wetlands & the surrounding uplands.



Coastal Zone Management Rules

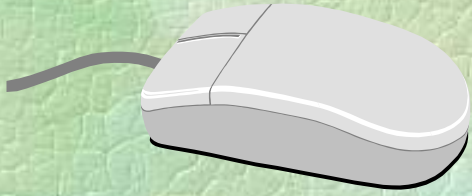
Wetlands Buffers (7:7E-3.28)

- ☛ For Freshwater Wetlands see the FWPA at NJAC 7:7A
 - maximum of 150 feet
- ☛ For all other wetlands (coastal) a buffer of up to 300 feet may be established
 - case-by-case basis
- ☛ In the Hackensack Meadowlands District, the buffer width shall be determined by the requirements in the HMD Zoning Regulations

Freshwater Wetlands Protection Act Rules (N.J.A.C. 7:7A)

Activities regulated include:

- removal, excavation, disturbance or dredging of soil
- drainage/disturbance of the water level or water table
- dumping, discharging or filling with any material
- driving of pilings
- placement of obstructions
- destruction of plants so as to alter the character of a freshwater wetland (includes tree cutting)
- placing a residential development in a wetland or “transition area”



Useful WEBSites

- ☛ National Oceanic & Atmospheric Administration (NOAA)
 - www.noaa.gov
- ☛ U.S. Army Corps of Engineers (USACOE)
 - www.usace.army.mil
- ☛ U.S. Environmental Protection Agency (EPA)
 - www.epa.gov
- ☛ U.S. Geological Survey (USGS)
 - www.usgs.gov
- ☛ U.S. Fish & Wildlife Service
 - www.fws.gov
- ☛ Federal Emergency Management Agency (FEMA)
 - www.fema.gov

Other Important Contacts

- **Office of Dredging & Sediment Technology** (609) 292-9203
- Water Quality Standards & Assessment (609) 777-1753
- Dam Safety (609) 984-0859
- Green Acres Program (609) 984-0500
- Historic Preservation Office (609) 292-2023
- Bureau of Underground Storage Tanks (609) 633-1455
- Brownfields Reuse (609) 292-1251
- Tidelands Management Program (609) 292-2573
- Philadelphia District ACOE (215) 656-6725
- New York District ACOE (212) 656-6725

www.state.nj.us/dep/landuse

DEP's

**Land Use Regulation Program
is on the web!!**

Wetlands! -- CAFRA! -- Stream encroachment!
Waterfront Development! – Tidelands!

Forms -- Regulations -- Application checklists
Fee schedules -- Guidance documents
Phone numbers for LUR info!!

All your questions answered!!*

*well, almost all of them.

at **www.state.nj.us/dep/landuse**

