

NJDEP Coastal & Land Use Compliance & Enforcement

CAFRA, Waterfront Development, & Coastal Wetlands Jurisdiction

September 20, 2012

Michele Kropilak

Toms River Office 732-255-0787

Michele.Kropilak@dep.state.nj.us

Rules and Regulations

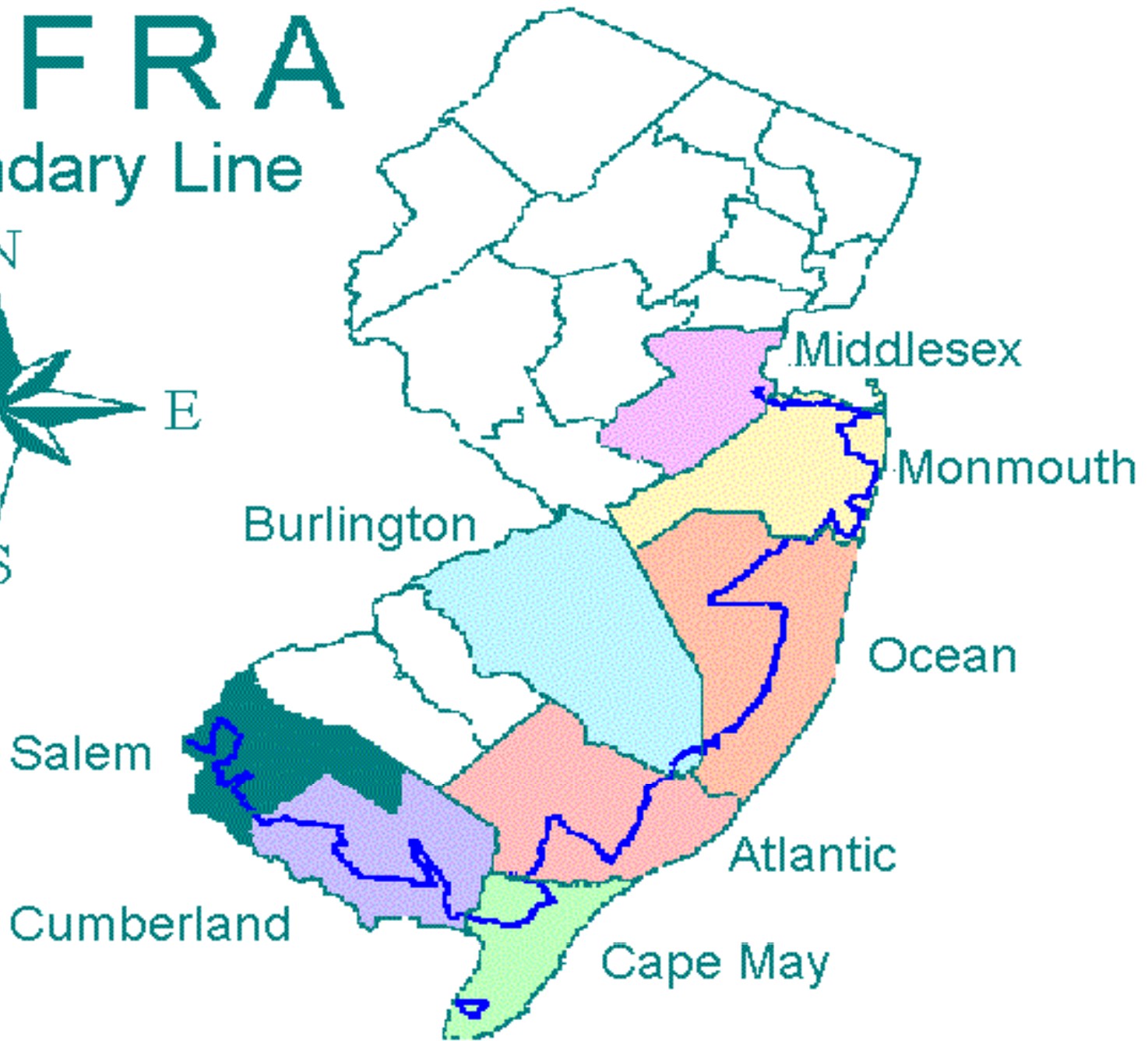
- Coastal Area Facility Review Act (CAFRA) (N.J.S.A. 13:19)
- Waterfront Development Law (N.J.S.A. 12:5-3)
- Tidelands Act (N.J.S.A. 12:3) & (N.J.A.C. 7:7)
- Wetlands Act of 1970 (N.J.S.A. 13:9A) Coastal Wetlands
- Coastal Permit Program Rules (N.J.A.C. 7:7)
 - Procedures for obtaining/appealing coastal permits (including CAFRA/Waterfront Development/Coastal Wetlands) as well as enforcement of same
- Coastal Zone Management Rules (N.J.A.C 7:7E)
 - coastal zone policies which govern permit decisions.

CAFRA

- The CAFRA law regulates certain development activities including residential, commercial, public or industrial development within the defined CAFRA area.
- Includes construction, relocation and enlargement of buildings or structures; and all related work, such as excavation, grading, shore protection structures, and site preparation

CAFRA

Boundary Line



CAFRA - What's Regulated? (Overview)

- Any development on a beach or dune
- Construction of structures between the mean high water line (or land ward limit of a beach or dune) and a point 150 feet land ward. Includes single family homes, commercial/industrial or public development, pools, upland bulkheads, etc
- Within the CAFRA area, a residential development having 25 or more dwelling units
- Within the CAFRA area, a commercial development having 50 or more parking spaces

CAFRA – Nonregulated/exempt activities

- Too many to list – but here are a few common ones
- Construction/reconstruction/elevation in the same footprint of development of a structure which was legally existing on July 19, 1994 - no expansion
- Patio/deck or similar structure (sheds under 120 sq ft, fences, flower boxes etc.) at a residential development as long as it does not result in the grading, excavation or filling of a beach, dune or wetland
- Solar panels/smaller sized wind turbines attached to a legally existing building, utility pole/impervious surface.
- Development/utility/repaving work within existing right of ways- no expansion and no new pavement.
- Any development that started prior to July 19, 1994 and has had no lapses in construction activity for more than 1 year.

Permits by Rule

- Once again- too many to list but here are a few common ones...
- Single family home expansion up to 400 sq. ft on the nonwaterward side after 7/19/1994.
- Development of one single family home/accessory structures on a bulkheaded lagoon lot with sewer service
- Construction of a boatwash system at a marina to comply with NJPDES rules.
- Certain small wind turbines with restrictions
- Some Solar Panel systems with restrictions

Structures on a beach need permits



Revetment wall and filling/grading beach



Excavation of dune and placement of sand in Atlantic Ocean





Expansion of Bar Deck on Beach



Coastal Bluffs – Development regulated not clear cutting



Grading/clearing a dune is prohibited
unless part of a beach mgmt plan



Retaining walls need a permit



Waterfront

Development

Waterfront Development

- Projects or structures built or proposed in a tidally flowed waterway anywhere in New Jersey require a permit and a tidelands instrument.
- **What's Regulated?** Examples of projects that need a Waterfront Development Permit include docks, piers, pilings, boat lifts, floating docks, bulkheads, marinas, bridges, pipelines, cables, and dredging.
- For development outside the CAFRA zone, the Waterfront Development Law regulates not only tidal waters but areas adjacent from 100 to 500 feet inland from the tidal water body. Examples include areas along Delaware River & Hudson River

Waterfront Development Zane Exemption

- Repair, replacement, renovation or reconstruction in the same location and size (length, width and height) of the preexisting structure of any dock, floating dock, wharf, pier, bulkhead or building that appears on the applicable Tidelands Map from 1977/1978 or Coastal Wetlands Map from 1971/1972, or that received a Waterfront Development Permit subsequent to the date of the maps.



Dredging for backfill of a bulkhead



Bulkhead Failure – Emergency Permit request



Even temporary structures need permits







Waterfront Development- Property Line disputes



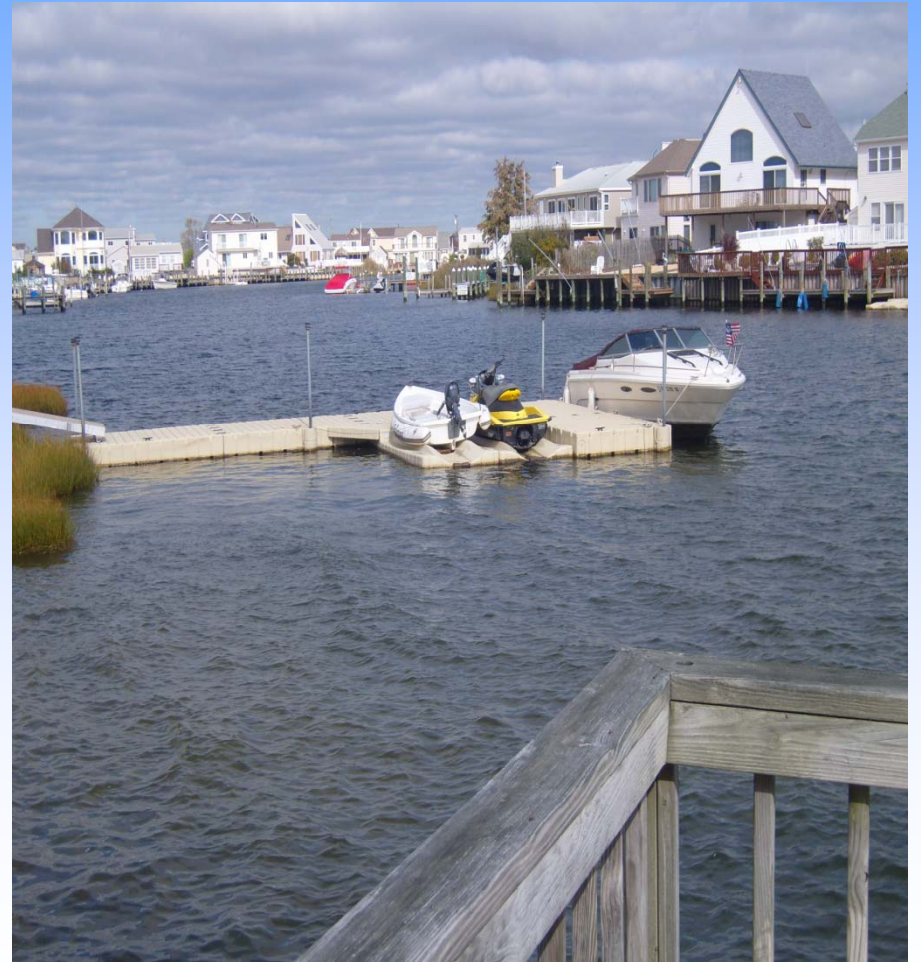
Marina - Oversized floating docks outside Tidelands area



Bulkhead Install- Note height vs. adjacent properties



Dock Violation-- oversized/Coastal Wetlands/ Navigation Hazard/no Tidelands



Jurisdictional Determinations

Zane Letters

- Request a jurisdictional determination/zane letter from the Department to determine whether a proposed project is subject to CAFRA, Waterfront Development or Coastal Wetlands rules/regulations.

When in doubt or to guarantee compliance, get one prior to commencing site prep and/or construction

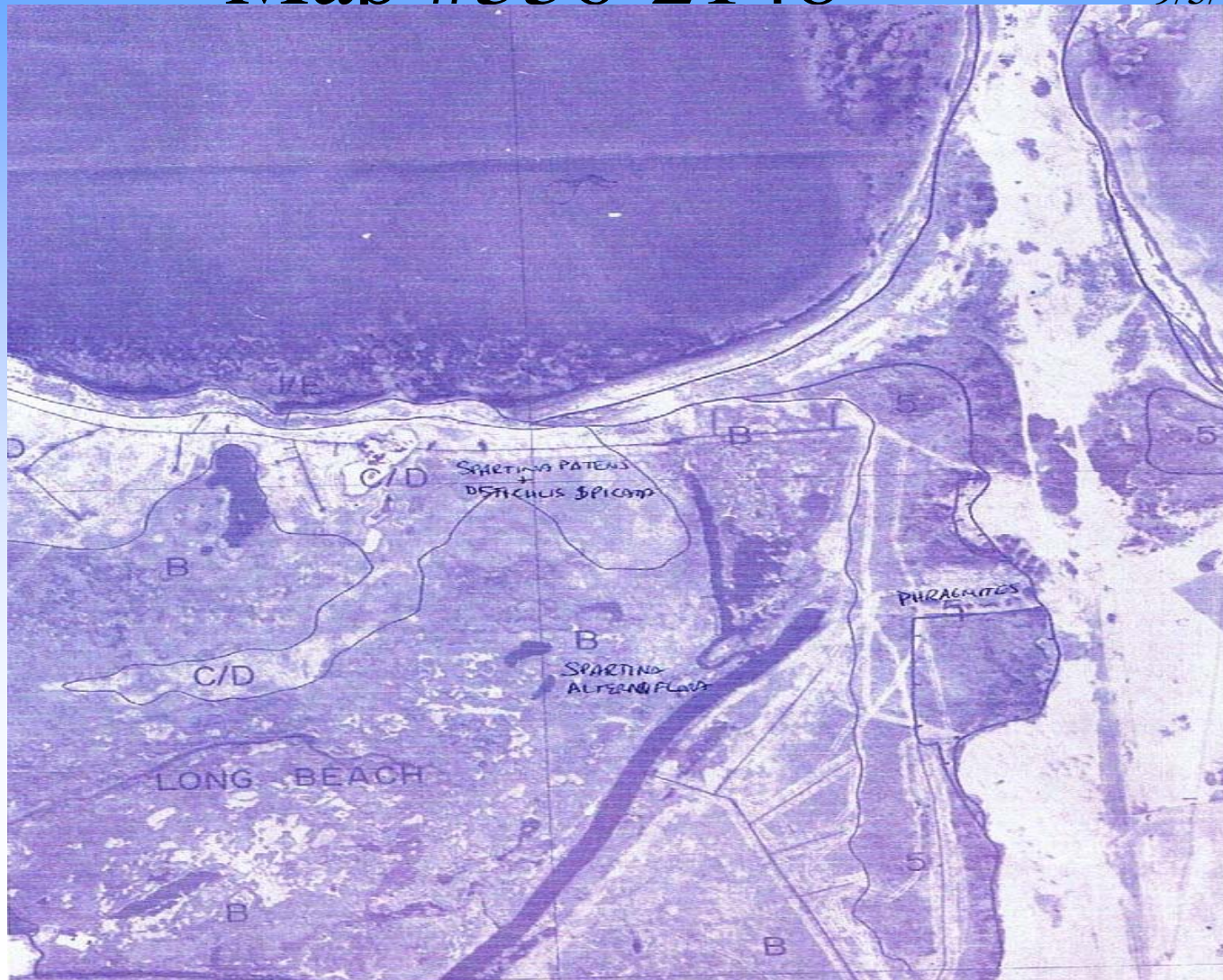
Coastal Wetlands

Wetlands Act of 1970 - Coastal Wetlands

- Locally referred to as Salt Marshes
- Do NOT have to be vast to be regulated
- **What's Regulated?** Permits required for activities in coastal wetlands delineated and mapped in 1971.
- Development, including installation of utilities, filling, excavation, or construction of catwalks, piers, docks, sea walls, diversion of water, driving a mechanical conveyance which may alter the contour or natural vegetation etc.
- Prohibited activities include disposal of solid waste, discharge of sewage/industrial waste, application of or storage of pesticides.
- Unmapped Coastal Wetlands regulated under Freshwater Wetlands Protection Act 7/1/1988

Example of Coastal Wetland Map #336-2148

9/5/1971



Map

Search

Tidelands

GeoWeb



Map Search

Tidalands Geoweb



Scale 1: 1,547,53

Easting (X) : 596,467 . N

Freshwater Wetlands
Line.

Filling Mapped Coastal Wetlands



More filling...



And more filling!



Revetment and filling of coastal wetlands



Tools in the Field

- Camera - ALWAYS take a picture or two or twenty
- Measure – Actually measure it! - Eyeball it, or pace off and note area impacted
- Site location/taxmap/site map- on large sites, mark on tax map where potential violation is
- Any contact info- names/numbers you may have

Division of Land Use Regulation (DLUR) Contact Info

- WEBSITE – www.nj.gov/dep/landuse
- Email questions LURTechSupport@dep.state.nj.us
or use online contact form
- CAFRA/Coastal Wetlands/Flood Hazard/Waterfront Development
Tidelands/Freshwater Wetlands//Highlands 609-777-0454
- Dredging/Marinas 609-292-1250
- Pre-application Meetings can be scheduled to review projects prior to
submittal to NJDEP.
- Jurisdictional determination letters may be obtained for projects from
DLUR

Tools Available on the NJDEP Website

www.nj.gov/dep

- NJ Geoweb – GIS -maps/aerials/layers
- Data Miner – check for NJDEP data online
- OPRA – Open public records requests can be completed online



Questions & NJDEP BCLUCE Contact Information



- **QUESTIONS???**

- **Trenton Office**, (609) 292-1240

- **Counties:** Northern and Central Burlington, Southern Bergen, Camden, Cumberland, Essex, Gloucester, Hudson, Hunterdon, Mercer, Middlesex, Eastern Morris, Eastern Passaic, Salem, Somerset, & Union
- **Mailing Address:** 401 East State P.O. Box 420, Mail Code 401-04C, Trenton, NJ 08625

- **Toms River Office**, (732) 255-0787

- **Counties:** Atlantic, Southern Burlington, Cape May, Monmouth, & Ocean
- **Mailing Address:** 1510 Hooper Ave, Suite 140, Toms River, NJ 08753

- **Chester Office**, (908) 879-3769

- **Counties:** Northern Bergen, Passaic, Morris, Sussex, & Warren
- **Mailing Address:** 100 North Road, Chester, NJ 07930