



The New Jersey

COASTAL MANAGEMENT PROGRAM

Fact Sheet 4 April 2002

Coastal Zone Boundaries

All states with federally approved coastal programs delineate a coastal zone consistent with the general standards set forth in the Coastal Zone Management Act of 1972, (CZMA), as amended. According to the CZMA, this area should encompass all important coastal resources including transitional and intertidal areas, salt marshes, beaches, coastal waters and adjacent shorelands where activities have the potential to impact coastal waters. Federal lands are expressly excluded from the state coastal zone by the CZMA.

As defined through the New Jersey Coastal Management Program (NJCMP), New Jersey's coastal zone includes all areas where the state has authority, through the Department of Environmental Protection and the New Jersey Meadowlands Commission, to regulate land and water uses that may have significant impact on coastal resources. The primary state implementing authorities for the NJCMP are the Coastal Area Facility Review Act (CAFRA), the Waterfront Development Law, the Wetlands Act of 1970, Tidelands Statutes and the Hackensack Meadowlands Reclamation and Development Act.

Coastal Area Facility Review Act (CAFRA)

The Coastal Area Facility Review Act of 1973 authorizes the DEP to regulate and approve the location, design and construction of major facilities in the 1,376 square mile coastal area, encompassing portions of Middlesex, Monmouth, Ocean, Burlington, Atlantic, Cape May, Cumberland and Salem Counties. Regulated development includes energy facilities, mining activities, industrial operations, marine terminals, residential developments of 25 units or more, and public projects such as new roads, wastewater treatment systems, parking lots and landfills. 1993 amendments to CAFRA set new development thresholds and expanded jurisdiction to include all development on beaches and dunes, as well as first

uses adjacent to and landward of beaches, dunes and tidal waters. The CAFRA area begins where the Cheesequake Creek enters Raritan Bay in Old Bridge, Middlesex County. It extends south along the coast around Cape May, and then north along Delaware Bay, ending at Kilcohook national Wildlife Refuge in Salem County. The waterward limit of the CAFRA area is the mean high water line. The inland limit of the CAFRA area follows an irregular line drawn along public roads, railroads and other features. The CAFRA area varies in width from a few thousand feet to 24 miles, measured inland from the ocean.

Waterfront Development Law

The Waterfront Development Law of 1914 was enacted to pro-

tect and maintain navigation and commerce on and adjacent to New Jersey's tidal waterways. Examples of regulated activities include construction of docks, piers, bulkheads, bridges; laying undersea cables and pipelines; and dredging and filling operations. In the CAFRA area, regulatory jurisdiction under the Waterfront Development Law includes all tidally flowed waterways in New Jersey seaward of the mean high water line. Outside the CAFRA area and the Hackensack Meadowlands District, jurisdiction includes all tidally flowed waterways and adjacent upland areas extending to the first public road, railroad right-of-way or property line. At a minimum, the zone extends at least 100 feet, but no more than 500 feet inland from the tidal water body. These areas

are commonly referred to as *upland waterfront development areas*

Wetlands Act of 1970

Coastal wetlands include those wetlands subject to tidal action along specified water bodies throughout the state. The Wetlands Act of 1970 authorizes DEP to regulate a broad range of activities and disturbances in coastal wetlands, including the construction of docks, piers, bridges and pipelines, as well as dredging and filling. Freshwater wetlands are subject to jurisdiction under the Freshwater Wetlands Protection Act of 1987. Regulatory jurisdiction under the Wetlands Act of 1970 is limited to areas identified and delineated as coastal wetlands on the Department's coastal wetland

Federal Consistency: an Important States' Rights Provision

By participating in the voluntary federal-state partnership made possible through the federal Coastal Zone Management Act (CZMA), New Jersey gains significant authority over federal actions affecting the state's coastal zone.

Section 307 of the CZMA requires that various federal activities be conducted in a manner consistent, to the maximum extent practicable, with approved state coastal management programs. States are granted the authority to review proposed federal actions to determine their compliance with their coastal program's enforceable authorities. The actions subject to this federal consistency review include any activity within or outside the coastal zone which: 1) is conducted by or on behalf of a federal agency; requires a federal permit or license; or receives

federal financial assistance; and 2) is likely to effect any land or water use or natural resource of the coastal zone.

Applicable federal activities occurring within the coastal zone always require a consistency determination. Federal consistency authority extends to activities on excluded federal lands and other lands outside the coastal zone if it is found that they will affect the coastal zone, based on the type and scope of the activity and its proximity to the coastal zone.

In New Jersey, federal consistency reviews are conducted by the DEP using the Coastal Zone Management rules (N.J.A.C. 7:7E) as the acceptability standards for proposed activities.

Coastal Nonpoint Pollution Control Program: CZMA Requires New Measures to Restore Coastal Water Quality

Section 6217 of the federal 1990 Coastal Zone Management Act Reauthorization requires states with approved coastal management programs to address threats to coastal waters from nonpoint source pollution (NPS), by developing a Coastal Nonpoint Pollution Control Program. States are directed to adopt management measures to control impacts from sources including agricultural and urban runoff, faulty septic systems, forestry practices, recreational boating and marinas, and physical changes to stream channels.

To facilitate development of state coastal nonpoint programs and ensure coordination among states, administration of 6217 at the federal level was assigned to the National Oceanic and

Atmospheric Administration (NOAA) and the Environmental Protection Agency (EPA). NOAA and EPA prepared guidance documents to support states in developing effective nonpoint pollution controls for coastal areas.

New Jersey received conditional approval of its coastal nonpoint program and is working to fully incorporate this program into the federally approved New Jersey Coastal Management Program. The NOAA/EPA recommended 6217 Management Area boundary for New Jersey includes over 80% of the total land area in the state, with the Wallkill River watershed being the only area excluded.

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maps, available for inspection at the office of the DEP's Land Use Regulation Program and at each county clerk's office.

Tidelands Management

In New Jersey, tide-flowed (or riparian) lands are owned by the state of New Jersey, except where they already have been conveyed to private parties. These lands are currently or were formerly flowed by the mean high tide, and include filled lands. The state owns the lands as trustee for the public, and must administer their use in the public interest. The state exercises control over tidelands in two ways: through its proprietary role as owner, and through its regulatory role under the Waterfront Development Law. The limits of state claims to riparian lands are shown on the Tidelands orthophoto maps available from the Tidelands Management Program.

Hackensack Meadowlands District

The Hackensack Meadowlands District is a 19,730-acre area of water, wetlands and associated uplands, including all or portions of 4 Hudson County municipalities and 10 Bergen County municipalities. The District boundary follows an irregular line drawn along public roads, railroads, waterways and other features. Implementation of the NJCMP in the Hackensack Meadowlands is a joint effort of DEP and the New Jersey Meadowlands Commission (formerly the Hackensack Meadowlands Development Commission), with the Commission's District Master Plan guiding both agencies in their decisions. The three mandates of this plan are environmental protection, economic development and solid waste management.

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ADDITIONAL RESOURCES

CAFRA, Waterfront Development
Law, Wetlands Act of 1970
and Tidelands Management:
www.state.nj.us/dep/landuse

Coastal statutes:
www.njleg.state.nj.us
www.state.nj.us/dep/landuse/njsa/njsa

The Hackensack
Meadowlands District:
www.hmdc.state.nj.us

Federal Consistency
and NOAA's 6217 Program:
www.ocrm.nos.noaa.gov