

Requirements for CAFRA Consistency

Introduction

In order for the Department of Environmental Protection (DEP) to accept a center endorsed by the State Planning Commission as a CAFRA Center under the Coastal Zone Management Rules, the Department must be able to make a finding that the center is consistent with the purposes of the Coastal Area Facility Review Act, (CAFRA) N.J.S.A. 13:19-1 et seq., and the Coastal Zone Management Rules. The Department must also determine whether accepting a center would result in unacceptable harm to the coastal ecosystem or the resources of the built or natural environment, or would otherwise be clearly inconsistent with the purposes of CAFRA, and the Coastal Zone Management Rules.

This document outlines the items additional to Initial Plan Endorsement standards that the DEP has set forth as requirements for consistency with its Coastal Zone Management rules. DEP will provide technical assistance to municipalities to complete both the Plan Endorsement (DEP-related) and CAFRA tasks.

The Coastal Zone Management Rules require DEP to make this consistency determination within 90 days of endorsement. Therefore, municipalities seeking CAFRA center designation from DEP should plan to meet the additional CAFRA requirements prior to or within 45 days of State Planning Commission endorsement. Fulfillment of these tasks will be necessary for DEP to accept boundary changes approved in Plan Endorsement for use in CAFRA permit review under the Coastal Zone Management rules.

CAFRA Center Requirements

Coastal Consistency Statement

This statement must address natural resource protection and coastal management in coastal municipalities through demonstration of consistency of local plans and ordinances with the goals of the Coastal Zone Management Program found in the Coastal Zone Management rules at N.J.A.C.7:7E. Municipal plans must also be consistent with any existing Department rule, permit or plan including Municipal Stormwater Regulations and Federal River Management Plans.

Wastewater Management Plan

The Wastewater Management Plan must be up-to-date, comply with Executive Order 109 guidance and be consistent with the master plan and petition. Proposed wastewater service must be pulled back from the Fringe, Rural and Environmentally Sensitive Planning Areas, and other areas not proposed for growth.

Water Supply

Municipalities must provide documentation that water supply capacity exists for the amount of growth detailed in the Endorsed Master Plan. This documentation must identify existing and proposed water supply sources. For existing public water sources, identify the available approved allocations and firm capacity. In addition, municipalities must identify local water conservation measures required to ensure efficient use of available resources and methods to be used to promote wastewater reuse.

Zoning Ordinance

The Zoning Ordinance revisions and/or new ordinances must implement the policies and recommendations of the Master Plan, and accurately reflect center boundaries and/or planning area changes (if applicable), and ordinances that implement appropriate Critical Environmental Site and environs protection measures, including zoning, resource protection, and site plan and subdivision ordinance revisions and are consistent with coastal goals and wastewater management plans.

Center and Planning Area Boundaries

The Department will seek to have significant environmental features removed from areas identified for growth or certain fragmented environmental features recognized as Critical Environmental Sites.

DEP will generally request the following items to be part of the PIA:

Municipal Environmental Justice Plan

In the event that the data provided by the Department indicate environmental justice issues, a municipal Environmental Justice plan shall be prepared. The plan shall address whether the sites are causing adverse consequences for any residential communities, and ensure that municipal planning does not adversely and/or disproportionately affect minority and low-income individuals. The Department will provide technical assistance to municipalities.

Open Space, Recreation and Parks Plan

The Open Space, Recreation and Parks Plan must articulate a vision of open space and recreation for a municipality. The plan should establish a philosophical and practical justification for the protection and preservation of open space and recreation opportunities. The plan must identify and examine open space and recreation resources important to the municipality, and map out an implementation strategy to protect, manage, and improve them. Specific guidelines are available at: <http://www.nj.gov/dep/greenacres/osrpg.doc>.

Habitat Conservation Plan

The Habitat Conservation Plan specifies conservation requirements and implementation measures to fully mitigate any incidental take of the suitable habitat of state-listed Endangered or Threatened species. Conservation Plan requirements may include a mix of options that include the creation, enhancement, restoration, acquisition or preservation of habitat and/or monetary contributions for these purposes.

Historic Preservation Plan

The Historic Preservation Plan should be based upon a Cultural Resource Inventory, and be adopted as part of a municipal master plan. The municipality must also adopt a historic preservation ordinance that sets forth a process for designation and protection of historic sites and districts. The ordinance must articulate the design guidelines or standards for regulating these properties in order to prevent their unauthorized loss, alteration, or demolition, and where applicable, empower a local historic preservation commission to administer the Historic Preservation Plan. See N.J.S.A. 40:55D-28.

Wellhead Protection Plan

The Wellhead Protection Plan shall manage potential sources of contamination and threatening activities that occur within a source water protection area. Plans shall include delineation of the source water protection area, an inventory of known and potential contamination sources, a determination of water supply system susceptibility to these contaminants, public outreach and education about threats, implementation measures to prevent, reduce or eliminate threats, and contingency planning strategies to address with water supply contamination or service interruption emergencies. Source Water Protection Plans can be developed for the protection of either groundwater supplies of drinking water, wellhead protection areas or surface water supplies, intakes and reservoirs and their drainage.

Water Conservation Plan

The Water Conservation Plan shall:

- reduce water consumption levels
- reduce the loss and waste of water
- improve efficiency in the use of water
- increase recycling and reuse in the water supply
- extend the life of current water supplies by reducing the rate of growth in demand

Stream Corridor Protection Plan

The Stream Corridor Protection Plan shall establish the basis for a municipal Stream Corridor Protection Ordinance. The plan shall consider all waterways within or forming the boundary of a municipality and any State-required stream setback, wetland transition area, and riparian buffer. The plan shall also:

- establish a comprehensive waterways map which will denote the standard limits of construction disturbance for each waterway based upon the best currently available information.
- identify areas where existing or proposed development patterns conflict with and any State required stream setback, wetlands transition area, and riparian buffer.
- provide for a systematic procedure to allow for alternative stream corridor construction setbacks based on an evaluation of the specific stream corridors in the study area to determine the extent of the features critical to supporting the functions of a healthy riparian buffer for the stream corridors in question and the requirements of applicable State statutes and regulations.
- identify and prioritize locations for rehabilitation of areas with disturbed stream corridors.

Septic Management Plan

The Septic Management Plan shall establish the strategies and implementation measures necessary to ensure that septic systems are properly maintained and that new systems are located, designed, installed and maintained in accordance with State statute and regulation so as to protect ground water quality and to ensure the continuing viability of this means of wastewater management.