

PUBLIC NOTICES

COMMUNITY AFFAIRS

(a)

STATE PLANNING COMMISSION

Notice of Correction to Notice of Effect of Permit Extension Act of 2008 on State Planning Commission Designated Centers

Take notice of the following correction to the April 20, 2009 public notice regarding the effect of the Permit Extension Act of 2008 on State Planning Commission designated centers. See 41 N.J.R. 1894(a). Seaside Heights Town Center in Seaside Heights Borough, Ocean County, was erroneously listed in Table 4—State Planning Commission Centers Not Extended Pursuant to the Act Entirely in Planning Areas 4b, 5 and/or Critical Environmental Sites. In fact, Seaside Heights Town Center should have been listed in Table 2—State Planning Commission Designated Centers Extended Pursuant to the Act Entirely in Planning Areas 1, 2, 3, 4 and/or 5b. The center is entirely within Planning Area 5b and there is no critical environmental site present. There are no changes to the boundary. Accordingly, the town center, which was created on July 16, 2003 and was to expire July 16, 2009, is now extended until December 31, 2010.

(b)

STATE PLANNING COMMISSION

Notice of State Planning Commission Decision on a Petition for Plan Endorsement and Amendments to the State Plan Policy Map for Town of Newton, Sussex County, New Jersey as Petitioner

Take notice that, effective March 13, 2009, the State Planning Commission (Commission) authorized designation of an interim Town center (Newton Center) as part of petitioner's application for Plan Endorsement. The center shall remain designated for two years provided petitioner continues making progress in following its Action Plan. In the event petitioner fails to satisfy action plan deadlines, the interim center may be subject to revocation by the Commission based on a recommendation by the Executive Director made in consultation with relevant State agencies. The boundaries of this interim center shall be used to define boundaries of a designated center and may only be amended if they are shown to be inconsistent with the State Development and Redevelopment Plan as determined by the Commission.

In August 2007, petitioner began seeking plan endorsement pursuant to the process described in Plan Endorsement Guidelines Adopted in October 2007. From September 2008 through December 2008, petitioner, relevant State agencies and staff to the Commission negotiated a draft Action Plan of actions needed to achieve plan endorsement. In addition, an interim center and boundary therefore were also negotiated.

On February 18, 2009, the Commission considered and approved Resolution 2009-02 authorizing execution of a Memorandum of Understanding (MOU) between the Commission and petitioner and designation of an interim town center. The MOU includes a negotiated Action Plan and map showing boundaries for the interim town center. On February 29, 2009, the governing body of the Town of Newton considered and resolved to execute said MOU. On March 13, 2009 the fully executed MOU was received at the Office of Smart Growth and became effective. Please refer to the Office of Smart Growth website at: www.nj.gov/dca/divisions/osg/ to view Resolution 2009-02, the Memorandum of Understanding, the Action Plan and the map of the designated interim center.

ENVIRONMENTAL PROTECTION

(c)

COASTAL MANAGEMENT OFFICE

Notice of Determination on Routine Program Change to the New Jersey Coastal Management Program

Take notice that the National Oceanic and Atmospheric Administration's (NOAA) Office of Ocean and Coastal Resource Management has, by letter dated April 14, 2009, approved changes to New Jersey's Federally approved Coastal Management Program (see 41 N.J.R. 1272(b); March 16, 2009). The New Jersey Coastal Management Program has been changed to incorporate regulatory amendments to the Coastal Zone Management rules, N.J.A.C. 7:7E, specifically N.J.A.C. 7:7E-1.1, 1.5, 1.6, 1.8, 3.4 and 3.21, that were proposed on March 5, 2007 and adopted April 7, 2008 (see 39 N.J.R. 725(a); March 5, 2007 and 40 N.J.R. 1836(a); April 7, 2008). The adopted amendments reorganize and refine the purpose and scope of the Coastal Zone Management rules; update the goals of the Coastal Zone Management rules and New Jersey's Coastal Management Program; refine the definition of, and incorporate new digital mapping of, prime fishing areas; and add the Shawcrest/Hildreth Island to the list of bay islands exempted from the bay island rule. Federal consistency requirements of the Federal Coastal Zone Management Act apply to the approved provisions as of the date of publication of this notice.

Pursuant to the requirements of 15 CFR 923, changes to the Coastal Management Program must be approved by NOAA. On February 6, 2006 the Department submitted to NOAA a request for concurrence with the Department's determination that incorporation of the above listed regulations into New Jersey's Coastal Management Program constitutes a routine program change (see 41 N.J.R. 1272(b); March 16, 2009). Under 15 CFR 923.84(a), changes to an approved coastal management program constitute Routine Program Change when they do not result in the kind of amendments of the state's Coastal Management Program that can be described as "substantial changes to enforceable policies or authorities related to: (1) uses subject to management; (2) special management areas; (3) boundaries; (4) authorities and organization; and, (5) coordination, public involvement and national interest." NOAA requested comments on whether the change should be considered a routine program change. No comments on the routine program change submission were received by NOAA.

NOAA has concurred with the Department's determination that the following regulatory amendments that were proposed on March 5, 2007 and adopted on April 7, 2008, constitute a routine program change:

Name/Description of State regulation	Citation
ADDED:	
Purpose and scope - clarified the development of the Coastal Zone Management rules and their application in the coastal decision-making process	N.J.A.C. 7:7E-1.1(e)*
MODIFIED:	
Purpose and scope - minor corrections and clarifications	N.J.A.C. 7:7E-1.1(b)*
Purpose and scope - revised coastal goals and policies (recodified from N.J.A.C. 7:7E-1.5(a))	N.J.A.C. 7:7E-1.1(c)
Purpose and scope - clarified the development of the Coastal Zone Management rules and their application in the coastal decision-making process	N.J.A.C. 7:7E-1.1(d)*
CAFRA Findings (recodified from N.J.A.C. 7:7E-1.5(b))	N.J.A.C. 7:7E-1.5(a)