

## **ENVIRONMENTAL PROTECTION**

### **LAND USE MANAGEMENT**

#### **Notice of administrative Changes**

#### **Coastal Zone Management Rules**

#### **Freshwater Wetlands Protection Act Rules**

#### **Flood Hazard Area Control Act Rules**

**N.J.A.C. 7:7-1.5, 1.6, 4.12, 4.13, 4.23, 5.3, 6.25, 6.26, 9.4, 9.21, 9.27, 9.36, 9.44, 10.4, 12.9, 13.5, 13.9, 15.4, 15.11, 17.13, 22.2, 23.2, 23.3, 25.2, and 26.1 and 7:7 Appendix G and J; 7:7A-1.3, 1.4, 2.5, 3.1, 3.2, 4.7, 5.3, 7.17A, 10.1, 11.1, 11.12, 14.2, 16.2, 16.4, 16.6, 18.2, and 19.6; and 7:13-1.3, 4.2, 5.6, 7.26, 7.29, 11.5, 11.6, 12.11, 17.2, 18.2, 18.3, 20.2, 21.1, and 24.4**

**Take notice** that the Department of Environmental Protection (Department) is making administrative changes to its Coastal Zone Management Rules, N.J.A.C. 7:7, Freshwater Wetlands Protection Act Rules, N.J.A.C. 7:7A, and Flood Hazard Area Control Act Rules, N.J.A.C. 7:13, to update websites and email addresses. For security reasons, the Department recently converted all of its public websites from “http” to the more secure “https” protocol. This notice reflects that change. In addition, the Department is correcting website and email addresses that have been modified or deleted and providing a more specific website address for the Department’s Landscape Maps. The Department is also correcting the format of some websites and email addresses (see, for example, the addition of the https protocol to the website

addresses provided at N.J.A.C. 7:7-1.6(a)) to ensure consistent formatting across all three chapters.

**Full text** of the changed rules follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

## CHAPTER 7

### COASTAL ZONE MANAGEMENT RULES

#### SUBCHAPTER 1. GENERAL PROVISIONS

##### 7:7-1.5 Definitions

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise. Additional definitions specifically applicable to N.J.A.C. 7:7-13, Requirements for Impervious Cover and Vegetative Cover for General Land Areas and Certain Special Areas, are set forth at N.J.A.C. 7:7-13.2. Additional definitions specifically applicable to N.J.A.C. 7:7-17, Mitigation, are set forth at N.J.A.C. 7:7-17.1.

...

“Sewer service area” means the land area identified in an areawide Water Quality Management plan from which wastewater generated is designated to flow to a domestic treatment works or industrial treatment works. A distinct sewer service area is established for

each domestic treatment works and industrial treatment works. Adopted updates to sewer service area maps and proposed changes to sewer service areas can be viewed at

[<http://www.nj.gov/dep/wqmp/>] <https://www.nj.gov/dep/wrm>.

...

#### 7:7-1.6 Forms, checklists, information; Department address and website

(a) Forms, checklists, and other information related to this chapter can be obtained from the Division of Land Use Regulation at the address in (b) below, by telephone at (609) 984-0162, or through the Division's website at [[www.nj.gov/dep/landuse](http://www.nj.gov/dep/landuse)]

<https://www.nj.gov/dep/landuse>. Further information about the Department can be accessed at [[www.nj.gov/dep](http://www.nj.gov/dep)] <https://www.nj.gov/dep>.

(b) Applications, fees, and other correspondence shall be submitted to the following addresses:

1. – 2. (No change.)

3. For submittal of an application for authorization under a general permit-by-certification, the Department's website at [[www.nj.gov/dep/online](http://www.nj.gov/dep/online)] <https://www.nj.gov/dep/online>.

(c) Questions regarding the requirements of this chapter or about the status of a particular application can be directed to the Division of Land Use Regulation Technical Support Center at (609) 777-0454, via e-mail at [LURTechSupport@dep.state.nj.us,] **LURTechSupport@dep.nj.gov** or by using an online contact form at [[www.nj.gov/dep/landuse/contact.html](http://www.nj.gov/dep/landuse/contact.html)] **<https://www.nj.gov/dep/landuse/contact.html>**.

(d) (No change.)

#### SUBCHAPTER 4. PERMITS-BY-RULE

7:7-4.12 Permit-by-rule 12 – construction of one to three wind turbines less than 200 feet in height having a cumulative rotor swept area no greater than 2,000 square feet

(a) This permit-by rule authorizes the construction of one to three wind turbines less than 200 feet in height, measured from the ground surface to the tip of the blade at its highest position, and having a cumulative rotor swept area no greater than 2,000 square feet, provided:

1. – 3. (No change.)

4. No portion of the wind turbine, including blades, tower, and site disturbance, shall be located within an area mapped as threatened or endangered species habitat on the Department's Landscape Maps of Habitat for Endangered, Threatened and Other Priority Wildlife (Landscape Maps) except as provided at (a)4i and ii below. The Landscape Maps are available [on the Department's interactive mapping website at <http://www.nj.gov/dep/gis>]

**Division of Fish and Wildlife, Endangered and Nongame Species Program at**

**<https://www.nj.gov/dep/fgw/ensp/landscape/index.htm>**;

i. – ii. (No change.)

5. – 6. (No change.)

(b) (No change.)

7:7-4.13 Permit-by-rule 13 - installation of solar panels on a maintained lawn or landscaped area at a single-family home or duplex lot

(a) This permit-by-rule authorizes the installation of solar panels on a maintained lawn or landscaped area at a single-family home or duplex lot, provided:

1. – 3. (No change.)

4. The solar panel development shall not be located within an area mapped as threatened or endangered species habitat on the Department's Landscape Maps of Habitat for Endangered, Threatened and Other Priority Wildlife (Landscape Maps), except as provided at (a)4i and ii below. The Landscape Maps [are] **from** available [on the Department's interactive mapping website at <http://www.nj.gov/dep/gis> **Division of Fish and Wildlife, Endangered and Nongame Species Program at <https://www.nj.gov/dep/fgw/ensp/landscape/index.htm>**;

i. – ii. (No change.)

7:7-4.23 Permit-by-rule 23 – installation of an at-grade dune walkover at a residential, commercial, or public development other than a single-family home or duplex

(a) This permit-by-rule authorizes the installation of an at-grade dune walkover, such as a stabilization mat, at a residential, commercial, or public development other than a single-family home or duplex, provided:

1. Only one walkover is installed at the site unless New Jersey 2012 High Resolution Orthophotography (available for download at [\[http://njin.state.nj.us/NJ\\_NJGINExplorer/DataDownloads.jsp\]](http://njin.state.nj.us/NJ_NJGINExplorer/DataDownloads.jsp) [https://njin.state.nj.us/NJ\\_NJGINExplorer/DataDownloads.jsp](https://njin.state.nj.us/NJ_NJGINExplorer/DataDownloads.jsp)) reflects that more than one walkover was present on the site on the date depicted in the image. In such case, the maximum number of walkovers that may be installed shall be equal to the number of walkovers reflected on the 2012 orthophotography;

2. – 6. (No change.)

#### SUBCHAPTER 5. GENERAL PERMITS-BY-CERTIFICATION

7:7-5.3 General permit-by-certification 1A – installation of an elevated timber dune walkover at a residential, commercial, or public development other than a single-family home or duplex

(a) This general permit-by-certification authorizes the installation of an elevated timber dune walkover at a residential, commercial, or public development other than a single-family home or duplex, provided:

1. Only one walkover is installed at the site unless New Jersey 2012 High Resolution Orthophotography (available for download at [\[http://njin.state.nj.us/NJ\\_NJGINExplorer/DataDownloads.jsp\]](http://njin.state.nj.us/NJ_NJGINExplorer/DataDownloads.jsp)

[https://njgin.state.nj.us/NJ\\_NJGINExplorer/DataDownloads.jsp](https://njgin.state.nj.us/NJ_NJGINExplorer/DataDownloads.jsp)) reflects that more than one walkover was present on the site on the date depicted in the image. In such case, the maximum number of walkovers that may be installed shall be equal to the number of walkovers reflected on the 2012 orthophotography;

2. – 5. (No change.)

## SUBCHAPTER 6. GENERAL PERMITS

7:7-6.25 General permit 25 – construction of one to three wind turbines less than 200 feet in height and having a cumulative rotor swept area no greater than 4,000 square feet

(a) This general permit authorizes the construction of one to three wind turbines less than 200 feet in height, measured from the ground surface to the tip of the blade at its highest position, and having a cumulative rotor swept area no greater than 4,000 square feet provided:

1. – 7. (No change.)

8. In order to assess the impact of the operation of wind turbines authorized under this coastal general permit on avian species and bats, post-construction monitoring shall be required for the first 15 wind turbine developments constructed under this coastal general permit, where the rotor swept area either individually or cumulatively on a site, exceeds 2,000 square feet. The monitoring shall be conducted for one full year beginning immediately after the wind turbines begin operation and shall consist of bird and bat carcass searches as well as removal and efficiency trials. The monitoring methodology shall be approved by the Department prior to initiation and a complete report of findings submitted to the Department

within three months of completion of the monitoring. The Department has prepared a technical manual titled, "Technical Manual for Evaluating Wildlife Impacts of Wind Turbines Requiring Coastal Permits," which provides guidance on monitoring and reporting. The technical manual is available from the Department's Division of Land Use Regulation website [\[www.state.nj.us/dep/landuse\]](https://www.nj.gov/dep/landuse) <https://www.nj.gov/dep/landuse>.

(b) In accordance with N.J.A.C. 7:7-3.8(b) the Department may add a special condition to an authorization under this general permit, that would curtail the operation of the wind turbines, as directed by the Department pursuant to (b)1 below, during peak spring (April through June) and fall (August through November) migration periods when migrating birds or bats would likely be flying at the height of the rotor swept area or be present at seasonally high densities throughout the entire air column. Such curtailment shall not exceed 360 hours in a calendar year per turbine that occurs within the normal range of operation of the turbine. Curtailment measures include establishing a minimum wind speed that must be achieved prior to starting operations and shutting down operations during certain weather conditions or migratory events. Weather conditions that may necessitate curtailment include low wind speeds, low altitude cloud cover, strong storms, or approaching weather fronts favorable to bird or bat migration (such as southerly winds in the spring or northwest winds in the fall). Migratory events that may necessitate curtailment include high concentrations of migrating birds and bats using the coastal area (for example, high concentrations of shorebirds making daily flights between coastal feeding areas, such as mudflats, and roosting areas during spring migration).



1. Limitations on operation shall be developed by the Department based on monitoring results and published and unpublished studies or data. The Department shall notify the permittee in writing of the operational limitations by March 15th of the first year curtailment is required during the spring migration and by July 15th of the first year curtailment is required during the fall migration. These operational limitations shall remain in effect unless the Department notifies the permittee in writing by the above dates in subsequent years that changes to operational limitations are required. This information shall also be made available on the Department's website at [[www.state.nj.us/dep/landuse](http://www.state.nj.us/dep/landuse)]

**<https://www.nj.gov/dep/landuse>**.

7:7-6.26 General permit 26 – construction of wind turbines less than 250 feet in height and having a cumulative rotor swept area no greater than 20,000 square feet

(a) This general permit authorizes the construction of wind turbines less than 250 feet in height, measured from the ground surface to the tip of the blade at its highest position, and having a cumulative rotor swept area no greater than 20,000 square feet provided:

1. – 3. (No change.)

4. No portion of the wind turbine(s), including blades, tower, and site disturbance shall be located within:

i. An area mapped as threatened or endangered species habitat on the Department's Landscape Maps of Habitat for Endangered, Threatened and Other Priority Wildlife (Landscape Maps). The Landscape Maps are available [on the Department's interactive mapping website at

<http://www.nj.gov/dep/gis>] from the Department's Division of Fish and Wildlife, Endangered and Nongame Species Program at <https://www.nj.gov/dep/fgw/ensp/landscape/index.htm>;

ii. An area identified on the Department's Large Scale Wind Turbine Siting Map, dated August 8, 2009, incorporated by reference into this chapter. The Department's Large Scale Wind Turbine Siting Map is available on the Department's interactive mapping website at [\[http://www.nj.gov/dep/gis\]](http://www.nj.gov/dep/gis) <https://www.nj.gov/dep/gis>; or

iii. (No change.)

5. – 8. (No change.)

9. In order to assess the impact of the operation of wind turbines authorized under this coastal general permit on avian species and bats, post-construction monitoring shall be required. The monitoring shall be conducted for one full year beginning immediately after the wind turbines begin operation and shall include bird and bat carcass searches as well as removal and efficiency trials. The monitoring methodology shall be approved by the Department prior to initiation and a complete report of findings submitted to the Department within three months of completion of the monitoring. The Department has prepared a technical manual titled, "Technical Manual for Evaluating Wildlife Impacts of Wind Turbines Requiring Coastal Permits," which provides guidance on monitoring and reporting. The technical manual is available from the Department's Division of Land Use Regulation website [\[www.state.nj.us/dep/landuse\]](http://www.state.nj.us/dep/landuse) <https://www.nj.gov/dep/landuse>.

(b) In accordance with N.J.A.C. 7:7-3.8(b), the Department may add a special condition to an authorization under this general permit, that would curtail the operation of the wind turbines

as directed by the Department pursuant to (b)1 below, during peak spring (April through June) and fall (August through November) migration periods when migrating birds or bats would likely be flying at the height of the rotor swept area or be present at seasonally high densities throughout the entire air column. Such curtailment shall not exceed 360 hours in a calendar year per turbine that occurs within the normal range of operation of the turbine. Curtailment measures include establishing a minimum wind speed that must be achieved prior to starting operations and shutting down operations during certain weather conditions or migratory events. Weather conditions that may necessitate curtailment include low wind speeds, low altitude cloud cover, strong storms, or approaching weather fronts favorable to bird or bat migration (such as southerly winds in the spring or northwest winds in the fall). Migratory events that may necessitate curtailment include high concentrations of migrating birds and bats using the coastal area (for example, high concentrations of shorebirds making daily flights between coastal feeding areas, such as mudflats, and roosting areas during spring migration).

1. Limitations on operation shall be developed by the Department based on monitoring results and published and unpublished studies or data. The Department shall notify the permittee in writing of the operational limitations by March 15th of the first year curtailment is required during the spring migration and by July 15th of the first year curtailment is required during the fall migration. These operational limitations shall remain in effect unless the Department notifies the permittee in writing by the above dates in subsequent years that changes to operational limitations are required. This information shall also be made available on the Department's website at [[www.state.nj.us/dep/landuse](http://www.state.nj.us/dep/landuse).]

<https://www.nj.gov/dep/landuse>.

## SUBCHAPTER 9. SPECIAL AREAS

### 7:7-9.4 Prime fishing areas

(a) Prime fishing areas include tidal water areas and water's edge areas which have a demonstrable history of supporting a significant local intensity of recreational or commercial fishing activity. These areas include all coastal jetties, groins, public fishing piers or docks, and artificial reefs. Prime fishing areas also include features such as rock outcroppings, sand ridges or lumps, rough bottoms, aggregates such as cobblestones, coral, shell and tubeworms, slough areas and offshore canyons. Prime fishing areas also include areas identified in "New Jersey's Recreational and Commercial Fishing Grounds of Raritan Bay, Sandy Hook Bay and Delaware Bay and The Shellfish Resources of Raritan Bay and Sandy Hook Bay" Figley and McCloy (1988) and those areas identified on the map titled, "New Jersey's Specific Sport Ocean Fishing Grounds." This map is available through the Coastal Management Program's website at [\[www.state.nj.us/dep/cmp\]](http://www.state.nj.us/dep/cmp) <https://www.nj.gov/dep/cmp>.

(b) – (c) (No change.)

### 7:7-9.21 Bay islands

(a) Bay islands are islands or filled areas surrounded by tidal waters, wetlands, beaches, or dunes, lying between the mainland and barrier island. Such islands may be connected to the

mainland or barrier island by elevated or fill supported roads. Existing lagoon edges (N.J.A.C. 7:7-9.24) are not bay islands.

1. (No change.)

2. For the purposes of this chapter, the areas listed below are not considered bay islands.

The impervious cover limits for these areas are determined under the special area rules at N.J.A.C. 7:7-9 where applicable, and/or under N.J.A.C. 7:7-13.

#### OCEAN COUNTY

Bonnett Island, Stafford Township

Chadwick Island, Dover Township

Channel Island, Mantoloking Borough

Osborne Island, Little Egg Harbor Township

Pelican Island, Dover/Berkeley Townships

West Point Island, Lavallette Borough

#### ATLANTIC COUNTY

Bader Field, Atlantic City

Chelsea Heights, Atlantic City

Venice Heights, Atlantic City

Ventnor Heights, Ventnor City

#### CAPE MAY COUNTY

Princeton Harbor, Avalon Borough

Shawcrest/Hildreth Island, Lower and Middle Townships. The areas mapped as Shawcrest/Hildreth Island are identified in the Department's Geographic Information System(GIS) coverage, titled "Shawcrest/Hildreth Island." This coverage is available as a download at the CAFRA layers webpage: [[www.nj.gov/dep/gis/CAFRAlayers.htm](http://www.nj.gov/dep/gis/CAFRAlayers.htm)]

<https://www.nj.gov/dep/gis/listall.html>

West Wildwood, Wildwood City

West 17th Street, Ocean City

(b) – (e) (No change.)

#### 7:7-9.27 Wetlands

(a) Wetlands or wetland means an area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation.

1. Wetlands areas are identified and mapped on the following:

i. – iiiii. (No change.)

Note: Maps referenced in (a)1ii above are available from the Division of Land Use Regulation [by e-mailing [TidelandsMapServices@dep.state.nj.us](mailto:TidelandsMapServices@dep.state.nj.us)] **at the address set forth at N.J.A.C. 7:7-1.6**, and those referenced in (a)1iii above are available through NJ-GeoWeb (see [<http://www.nj.gov/dep/gis/newmapping.htm>] <https://www.nj.gov/dep/gis/geoweb splash.htm>).

2. – 4. (No change.)

(b) – (j) (No change.)

#### 7:7-9.36 Endangered or threatened wildlife or plant species habitats

(a) Endangered or threatened wildlife or plant species habitats are terrestrial and aquatic (marine, estuarine, or freshwater) areas known to be inhabited on a seasonal or permanent basis by or to be critical at any stage in the life cycle of any wildlife or plant identified as “endangered” or “threatened” species on official Federal or State lists of endangered or threatened species, or under active consideration for State or Federal listing. The definition of endangered or threatened wildlife or plant species habitats includes a sufficient buffer area to ensure continued survival of the population of the species as well as areas that serve an essential role as corridors for movement of endangered or threatened wildlife. Absence of such a buffer area does not preclude an area from being endangered or threatened wildlife or plant species habitat.

1. Areas mapped as endangered or threatened wildlife species habitat on the Department's Landscape Maps of Habitat for Endangered, Threatened and Other Priority Wildlife (known hereafter as Landscape Maps) are subject to the requirements of this section unless excluded in accordance with (c)2 below. Buffer areas, which are part of the endangered or threatened wildlife species habitat, may extend beyond the mapped areas. The Department's Landscape Maps, with a listing of the endangered and threatened species within a specific area, are available from the Department's Division of Fish and Wildlife, Endangered and Nongame

Species Program at [the Division's web address, [www.state.nj.us/dep/fgw/ensphome](http://www.state.nj.us/dep/fgw/ensphome)]  
**<https://www.nj.gov/dep/fgw/ensp/landscape/index.htm>**.

2. – 3. (No change.)

(b) – (e) (No change.)

(f) The Department is responsible for the promulgation of the official Endangered and Threatened Wildlife lists pursuant to the Endangered and Nongame Species Conservation Act, N.J.S.A. 23:2A-1 et seq. These lists include wildlife species that are endangered and threatened in New Jersey as well as wildlife species officially listed as endangered or threatened pursuant to the Endangered Species Act of 1973, 16 U.S.C. §§ 1531 et seq. Because the lists are periodically revised by the Department in accordance with N.J.S.A. 23:2A-1 et seq., the lists are not published as part of this rule. The lists are found at N.J.A.C. 7:25-4.13 and 4.17, the rules adopted pursuant to the Endangered and Nongame Species Conservation Act. To obtain a copy of the most current Endangered and Threatened Wildlife lists, please contact the Department, Division of Fish and Wildlife, Endangered and Nongame Species Program at the Division's web address, [[www.state.nj.us/dep/fgw/ensphome.htm](http://www.state.nj.us/dep/fgw/ensphome.htm)]  
**<https://www.nj.gov/dep/fgw/ensphome.htm>**, or by writing to the Division at Mail Code 501-03, PO Box 420, Trenton, New Jersey 08625-0420.

(g) – (i) (No change.)



#### 7:7-9.44 Wild and scenic river corridors

(a) – (c) (No change.)

(d) Where the need for shoreline stabilization has been demonstrated, biostabilization of eroding shorelines shall be used where feasible. These systems include live branch cuttings, live facings, live stakes, vegetative cuttings, vegetated earth buttresses, coir fiber products, fiber plugs, plants, fiber pallets, fiber carpet, and wood stake anchor systems. These materials shall be installed in accordance with the construction guidelines of Chapter 16, “Streambank and Shoreline Stabilization Protection,” of the National Resources Conservation Service Engineering Handbook, National Engineering Handbook (NEH), Part 650, 1996, published by the United States Department of Agriculture, herein incorporated by reference as amended and supplemented. This document is available on the web at [[www.NTIS.gov](http://www.NTIS.gov)] <https://www.ntis.gov> to download for free with the creation of a public access account (order number PB98114358). Standards for structural shore protection are found at N.J.A.C. 7:7-15.11.

(e) – (i) (No change.)

#### SUBCHAPTER 10. STANDARDS FOR BEACH AND DUNE ACTIVITIES

#### 7:7-10.4 Standards applicable to dune creation and maintenance

(a) – (e) (No change.)

(f) The construction of at-grade dune walkovers at developments other than a single-family home and duplex shall comply with the following:

1. Only one walkover per site, unless:

i. The New Jersey 2012 High Resolution Orthophotography available for download

[[http://njin.state.nj.us/NJ\\_NJGINExplorer/DataDownloads.jsp](http://njin.state.nj.us/NJ_NJGINExplorer/DataDownloads.jsp)]

**[https://njin.state.nj.us/NJ\\_NJGINExplorer/DataDownloads.jsp](https://njin.state.nj.us/NJ_NJGINExplorer/DataDownloads.jsp)**, reflects that more than one walkover was present on the site on the date depicted in the image. In such case, the maximum number of walkovers that may be installed shall be equal to the number of walkovers reflected on the 2012 photo-imagery; or

ii. (No change.)

2. – 5. (No change.)

(g) – (h) (No change.)

## SUBCHAPTER 12. GENERAL WATER AREAS

### 7:7-12.9 Dredged material disposal

(a) (No change.)

(b) The standards relevant to dredged material disposal in water areas are as follows:

1. (No change.)

2. Disposal of dredged materials in the ocean and bays deeper than six feet is conditionally acceptable provided that there is no feasible beneficial use or upland placement site available and the disposal complies with the following, incorporated herein by reference, as appropriate to the proposed disposal site:

i. The USEPA and U.S. Army Corps of Engineers Guidelines (40 CFR parts 220-228 and 230-232 and 33 CFR parts 320-330 and 335-338) established under Section 404(b) of the Clean Water Act. These documents are available on the web at [[www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title40/40cfr136\\_main\\_02.tpl](http://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title40/40cfr136_main_02.tpl) and [www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title33/33tab\\_02.tpl](http://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title33/33tab_02.tpl)] [https://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title40/40cfr136\\_main\\_02.tpl](https://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title40/40cfr136_main_02.tpl) and [https://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title33/33tab\\_02.tpl](https://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title33/33tab_02.tpl);

ii. The U.S. Environmental Protection Agency and Department of the Army - U.S. Army Corps of Engineers, 1998. Evaluation of Dredged Material Proposed for discharge in Waters of the U.S.-Testing Manual (Inland Testing Manual). EPA 823-B-98-004, February 1998. This document is available on the web at [[www.water.epa.gov/type/oceb/oceandumping/dredgedmaterial/testing.cfm](http://www.water.epa.gov/type/oceb/oceandumping/dredgedmaterial/testing.cfm)] [https://www.epa.gov/sites/production/files/2015-08/documents/inland\\_testing\\_manual\\_0.pdf](https://www.epa.gov/sites/production/files/2015-08/documents/inland_testing_manual_0.pdf);

iii. The U.S. Environmental Protection Agency and Department of the Army - U.S. Army Corps of Engineers, 1991. Evaluation of Dredged Material Proposed for Ocean Disposal - Testing Manual, EPA-503/8-91/0001, February 1991. This document is available on the web at

[[www.water.epa.gov/type/oceb/oceandumping/dredgedmaterial/upload/gbook.pdf](http://www.water.epa.gov/type/oceb/oceandumping/dredgedmaterial/upload/gbook.pdf)]

[https://www.epa.gov/sites/production/files/2015-10/documents/green\\_book.pdf](https://www.epa.gov/sites/production/files/2015-10/documents/green_book.pdf);

iv. (No change.)

v. (No change.)

3. – 6. (No change.)

(c) – (d) (No change.)

## SUBCHAPTER 13. REQUIREMENTS FOR IMPERVIOUS COVER AND VEGETATIVE COVER FOR GENERAL LAND AREAS AND CERTAIN SPECIAL AREAS

### 7:7-13.5 Determining if a site is forested or unforested

(a) – (b) (No change.)

(c) To determine if a site or portion of a site is forested:

1. The limit of the forest shall be identified using aerial photographs obtained from the  
Department at [[www.nj.gov/dep/gis](http://www.nj.gov/dep/gis)] <https://www.nj.gov/dep/gis>; and

2. (No change.)

(d) – (f) (No change.)

7:7-13.19 Mainland coastal centers

(a) – (c) (No change.)

(d) The areas identified at (d)1 through 6 below shall not be considered part of a mainland coastal center, except for purposes of (f) below:

1. Areas mapped as endangered or threatened wildlife species habitat on the Department's Landscape Maps of Habitat for Endangered, Threatened or Other Priority Species. The data are available [as a download at the following webpage: <http://www.nj.gov/dep/gis/listall.html>]

**from the Department's Division of Fish and Wildlife, Endangered and Nongame Species Program at <https://www.nj.gov/dep/fgw/ensp/landscape/index.htm>;**

2. Areas mapped as Natural Heritage Program priority sites, excluding those lands within the boundaries of these sites mapped in the URBAN lands layer extracted from the most recent NJDEP Land Use/Land Cover GIS data set. Both the Natural Heritage Program priority site data and the URBAN lands data are available as a download at the following webpage:

[<http://www.nj.gov/dep/gis/listall.html>] <https://www.nj.gov/dep/gis/listall.html>;

3. – 5. (No change.)

6. Areas identified as Coastal Critical Environmental Sites. The data are available as a download at the following webpage: [<http://www.nj.gov/dep/gis/listall.html>]

<https://www.nj.gov/dep/gis/listall.html>.

(e) – (g) (No change.)

## SUBCHAPTER 15. USE RULES

### 7:7-15.4 Energy facility

(a) – (q) (No change.)

(r) Standards relevant to electric generating stations are as follows:

1. New or expanded electric generating facilities (for base load, cycling, or peaking purposes) and related facilities are conditionally acceptable provided:

i. – vi. (No change.)

vii. In order to minimize adverse effects on birds and bats, wind energy facilities located on land shall:

(1) For a wind turbine(s) 200 feet in height or taller or having a cumulative rotor swept area greater than 4,000 square feet on a site, be sited such that no portion of the wind turbine(s), including blades, towers and site disturbance shall be located in the areas identified on the Department's Large Scale Wind Turbine Siting Map, dated August 8, 2009, incorporated by reference into this chapter. This map is available on the Department's interactive mapping website at [<http://www.nj.gov/dep/gis>] <https://www.nj.gov/dep/gis>. The Department may revise the Large Scale Wind Turbine Siting Map in accordance with (r)3 below. The rotor swept area is the area of a circle delineated by the tips of the blades of the wind turbine for a horizontal axis wind turbine, and the area determined by multiplying the rotor radius times the rotor height times 3.14 for a vertical axis wind turbine;

(2) – (3) (No change.)

(4) Perform pre and/or post construction monitoring in order to establish the flight patterns and distribution of avian species and bats and impacts of the operation of these facilities on these species. Information shall be gathered on species composition, abundance, distribution, behavior, and flight pattern heights, as well as collisions associated with wind turbine construction and/or operation. Pre and/or post construction monitoring is dependent upon the scope of the facility including the number, height and rotor swept area of the turbines. Pre and post-construction monitoring may include visual, radar and acoustic surveys. Post construction monitoring shall also include carcass searches as well as removal and efficiency trials. The Department has prepared a technical manual titled, “Technical Manual for Evaluating Wildlife Impacts of Wind Turbines Requiring Coastal Permits,” which provides guidance on monitoring and reporting. The technical manual is available from the Department's Division of Land Use Regulation website [www.state.nj.us/dep/landuse] <https://www.nj.gov/dep/landuse>; and

(5) Curtail operations of wind turbines, as directed by the Department pursuant to (r)1vii(5)(A) below, during peak spring (April through June) and fall (August through November) migration periods when migrating birds or bats would likely be flying at the height of the rotor swept area or be present at seasonally high densities throughout the entire air column. Such curtailment shall not exceed 360 hours in a calendar year per turbine that occurs within the normal range of operation of the turbine. Curtailment measures include establishing a minimum wind speed that must be achieved prior to starting operations and shutting down operations during certain weather conditions or migratory events. Weather conditions that may necessitate curtailment include low wind speeds, low altitude cloud cover, strong storms,

or approaching weather fronts favorable to bird or bat migration (such as southerly winds in the spring or northwest winds in the fall). Migratory events that may necessitate curtailment include high concentrations of migrating birds and bats using the coastal area (for example, high concentrations of shorebirds making daily flights between coastal feeding areas, such as mudflats, and roosting areas during spring migration).

(A) Limitations on operation shall be developed by the Department based on monitoring results and published and unpublished studies or data. The Department shall notify the permittee in writing of the operational limitations by March 15th of the first year curtailment is required during the spring migration and by July 15th of the first year curtailment is required during the fall migration. These operational limitations shall remain in effect unless the Department notifies the permittee in writing by the above dates in subsequent years that changes to operational limitations are required. This information shall also be made available on the Department's website at [www.state.nj.us/dep/landuse]

**<https://www.nj.gov/dep/landuse>**.

viii. In order to minimize adverse effects on birds, bats, and marine organisms, wind energy facilities located in tidal waters shall:

(1) – (2) (No change.)

(3) Perform a habitat evaluation, including species surveys, an impact assessment and post-construction monitoring in order to establish the movement corridors and distribution of avian species, bats, and marine organisms and impacts of the construction and/or operation of these facilities on these species. Information shall be gathered on species composition, abundance, distribution, behavior and, for avian species and bats, flight pattern heights, as well as collisions



and behavioral changes associated with wind turbine construction and/or operation. The habitat evaluation, impact assessment, and post construction monitoring are dependent upon the scope of the facility including the number, height, and rotor swept area of the turbines. Habitat evaluations may include visual, radar, and acoustic surveys. Post construction monitoring may include visual surveys and other collision detection systems. Habitat evaluations, impact assessments, and post-construction monitoring and reporting requirements will be coordinated with the Department, U.S. Fish and Wildlife Service, and National Marine Fisheries Service. The Department has prepared a technical manual titled, "Technical Manual for Evaluating Wildlife Impacts of Wind Turbines Requiring Coastal Permits," which provides guidance on habitat evaluations and assessments, monitoring, and reporting. The technical manual is available from the Department's Division of Land Use Regulation website [www.state.nj.us/dep/landuse] <https://www.nj.gov/dep/landuse>; and

(4) Curtail operations of wind turbines, as directed by the Department pursuant to (r)1viii(4)(A) below, during peak spring (April through June) and fall (August through November) migration periods when migrating birds or bats would likely be flying at the height of the rotor swept area or be present at seasonally high densities throughout the entire air column. Such curtailment shall not exceed 360 hours in a calendar year per turbine that occurs within the normal range of operation of the turbine. Curtailment measures include establishing a minimum wind speed that must be achieved prior to starting operations and shutting down operations during certain weather conditions or migratory events. Weather conditions that may necessitate curtailment include low wind speeds, low altitude cloud cover, strong storms, or approaching weather fronts favorable to bird or bat migration (such as southerly winds in

the spring or northwest winds in the fall). Migratory events that may necessitate curtailment include high concentrations of migrating birds and bats using the coastal area (for example, high concentrations of shorebirds making daily flights between coastal feeding areas, such as mudflats, and roosting areas during spring migration).

(A) Limitations on operation shall be developed by the Department based on monitoring results and published and unpublished studies or data. The Department shall notify the permittee in writing of the operational limitations by March 15th of the first year curtailment is required during the spring migration and by July 15th of the first year curtailment is required during the fall migration. These operational limitations shall remain in effect unless the Department notifies the permittee in writing by the above dates in subsequent years that changes to operational limitations are required. This information shall also be made available on the Department's website at [www.state.nj.us/dep/landuse]

**<https://www.nj.gov/dep/landuse>**.

2. (No change.)

3. The Large Scale Wind Turbine Siting Map identifies areas where large scale wind turbines cannot be constructed in accordance with (r)1vii(1) and N.J.A.C. 7:7-6.26 in order to minimize adverse effects on birds and bats. The Department may revise the Large Scale Wind Turbine Siting Map based on new information on species occurrence, new information on appropriate buffers, or new information on impacts developed from ongoing monitoring or from published and unpublished studies or data, as follows:

i. The Department shall publish notice of its intent to revise the Large Scale Wind Turbine Siting Map in the New Jersey Register, as well as in a newspaper of general circulation in each

affected county and post the proposed revision of the map on the Department's interactive mapping website at [[www.nj.gov/dep/gis](http://www.nj.gov/dep/gis)] <https://www.nj.gov/dep/gis>. The notice shall include:

(1) – (3) (No change.)

ii. Upon consideration of the available information and public comments, if the Department concludes that revising the Large Scale Wind Turbine Siting Map is appropriate based on the potential risk to birds and bats associated with the operation of large scale wind turbines, the Department shall:

(1) – (3) (No change.)

(4) Post the revised map on the Department's interactive mapping website at [[www.nj.gov/dep/gis](http://www.nj.gov/dep/gis)] <https://www.nj.gov/dep/gis>.

4. (No change.)

(s) (No change.)

#### 7:7-15.11 Coastal engineering

(a) (No change.)

(b) Nonstructural, hybrid, and structural shore protection and/or storm damage reduction measures shall be used according to the following hierarchy:

1. Non-structural shore protection and/or storm damage reduction measures that allow for the growth of vegetation shall be used unless it is demonstrated that use of non-structural

measures is not feasible or practicable. Factors considered in determining whether use of a non-structural measure is feasible include the type of waterway on which the site is located, the distance to the navigation channel, the width of waterway, water depth at the toe of bank, the bank orientation, shoreline slope, fetch, erosion rate, the amount of sunlight the site receives, substrate composition, and presence of shellfish habitat, submerged vegetation and wetlands at the site. For guidance on measures that may be appropriate depending upon factors impacting a site, see Guidance for Appropriate Shoreline Protection and/or Storm Damage Reduction Measures for a Site available from the Division of Land Use Regulation's website at [[www.nj.gov/dep/landuse/guidance.html](http://www.nj.gov/dep/landuse/guidance.html).]

**<https://www.nj.gov/dep/landuse/guidance.html>**. This guidance follows N.J.S.A 52:14B-3a and does not impose any new or added requirements nor can it be used for enforcement purposes.

2. – 3. (No change.)

(c) – (h) (No change.)

## SUBCHAPTER 17. MITIGATION

### 7:7-17.13 Requirements for wetlands mitigation

(a) – (e) (No change.)

(f) The post-construction monitoring reports required under (e) above shall be submitted to the Department by December 31 of each reporting year, and shall include:

1. – 3. (No change.)

4. Information required by the coastal wetlands mitigation monitoring checklist available from the Department at the address set forth at N.J.A.C. 7:7-1.6. For a wetlands mitigation project, the checklist requires the following information:

i. – iv. (No change.)

v. A field delineation of the wetlands at the wetlands mitigation project site, based on techniques specified in the Federal Manual for Identifying and Delineating Jurisdictional Wetlands, published in 1989 by the USEPA, USACE, USFWS, and U.S. Department of Agriculture's Conservation Services, incorporated herein by reference, available at [\[www.digitalmedia.fws.gov/cdm/ref/collection/document/id/1341\]](http://www.digitalmedia.fws.gov/cdm/ref/collection/document/id/1341)

**<https://digitalmedia.fws.gov/digital/collection/document/id/1341>**; and

vi. (No change.)

(g) – (h) (No change.)

## SUBCHAPTER 22. PRE-APPLICATION CONFERENCES

### 7:7-22.2 Request for a pre-application conference; scheduling; information required

(a) Except as provided at (b) and (d) below, a request for a pre-application conference shall be directed by electronic mail to [\[LURTechSupport@dep.state.nj.us\]](mailto:LURTechSupport@dep.state.nj.us)

**LURTechSupport@dep.nj.gov**, or by writing to the address set forth at N.J.A.C. 7:7-1.6 to the attention of “Supervisor, (county in which the proposed project is located).”

## SUBCHAPTER 23. APPLICATION REQUIREMENTS

### 7:7-23.2 General application requirements

(a) The Department provides a checklist for each type of application submitted under this subchapter. The checklist identifies all of the submissions required under the rules to be part of an application, and also the appropriate level of detail and the format of the information to be submitted for each type of application. For example, where the rules require, as part of an application, the submittal of a site plan or photographs showing certain types of information, the corresponding checklist will indicate, based on the type of development the particular permit covers, the number of copies of the plan to be submitted, the scale and details of the information to be illustrated on the plan, and the number and orientation of photographs of the location of the proposed development. The checklist will also indicate that the plan should be folded or prepared in a certain manner to facilitate processing. Checklists can be downloaded from the Department’s website at [[www.state.nj.us/dep/landuse](http://www.state.nj.us/dep/landuse)] <https://www.nj.gov/dep/landuse> or obtained by contacting the Department at the address set forth at N.J.A.C. 7:7-1.6.

(b) – (l) (No change.)

7:7-23.3 Additional application requirements for an authorization under a general permit-by-certification

(a) An application for authorization under a general permit-by-certification shall be submitted electronically through the Department's online permitting system at [\[http://nj.gov/dep/online\]](http://nj.gov/dep/online) [\*\*https://www.nj.gov/dep/online\*\*](https://www.nj.gov/dep/online).

(b) (No change.)

(c) Once the online application process is successfully completed, the authorization will be accessible to the applicant through the Department's online permitting system at [\[http://nj.gov/dep/online\]](http://nj.gov/dep/online) [\*\*https://www.nj.gov/dep/online\*\*](https://www.nj.gov/dep/online).

SUBCHAPTER 25. APPLICATION FEES

7:7-25.2 Adjustment of application fees

(a) When, based on budget considerations, the Department determines to adjust the application fees established in this subchapter for the upcoming State fiscal year (which runs from July 1 to June 30), the Department shall:

1. (No change.)

2. Publish a notice of administrative change in the New Jersey Register that:

i. States that the Application Fee Adjustment Report is available on the Department's website at [[www.nj.gov/dep/landuse](http://www.nj.gov/dep/landuse)] <https://www.nj.gov/dep/landuse>; and

ii. (No change.)

(b) (No change.)

## SUBCHAPTER 26. APPLICATION REVIEW

### 7:7-26.1 General application review provisions

(a) – (e) (No change.)

(f) Notwithstanding any other provision of this subchapter, an application shall not be declared complete for review unless the applicant has obtained all tidelands instruments required for occupation of State-owned tidelands or has submitted a complete application for a tidelands instrument, available from the Department's website at

[<http://www.nj.gov/dep/landuse/tideland.html>]

[https://www.nj.gov/dep/landuse/tl\\_main.html](https://www.nj.gov/dep/landuse/tl_main.html) or from the Bureau of Tidelands Management at P.O. Box 420, Mail Code 501-02B, Trenton, NJ 08625-0420. An application for a tidelands instrument requires the name and address of the applicant/title holder and any agent, site location and description, a property survey, and title or deed information.



(g) (No change.)

## APPENDIX G

### THE MANAGEMENT AND REGULATION OF DREDGING ACTIVITIES AND DREDGED MATERIAL IN NEW JERSEY'S TIDAL WATERS

#### Chapter VI – References

The following documents are incorporated by reference into this appendix and chapter.

“Beneficial Uses of Dredged Material.” Department of the Army - U.S. Army Corps of Engineers 1987. Beneficial Uses of Dredged Material, Engineer Manual EM 1110-2-5026, 30 June 1987.

This document is available on the web at

[[http://www.publications.usace.army.mil/Portals/76/Publications/EngineerManuals/EM\\_1110-2-5026.pdf](http://www.publications.usace.army.mil/Portals/76/Publications/EngineerManuals/EM_1110-2-5026.pdf)]

[https://www.publications.usace.army.mil/Portals/76/Publications/EngineerManuals/EM\\_1110-2-5026.pdf](https://www.publications.usace.army.mil/Portals/76/Publications/EngineerManuals/EM_1110-2-5026.pdf).

“Confined Disposal Guidance for Small Hydraulic Maintenance Dredging Projects - Design Procedures.” Schaefer, T.E. and P.R. Schroeder 1988. “Confined Disposal Guidance for Small Hydraulic Maintenance Dredging Projects - Design Procedures.” U.S. Army Corps of Engineers Waterways Experiment Station Environmental Effects of Dredging Technical Note EEDP-02-8, December, 1988. This document is available on the web at

[<http://el.erdc.usace.army.mil/elpubs/pdf/eedp02-8.pdf>] <https://erdc-library.erdc.dren.mil/xmlui/handle/11681/8813>.

“Confined Disposal of Dredged Material, Engineer Manual.” Department of the Army - U.S. Army Corps of Engineers 1987. Confined Disposal of Dredged Material, Engineer Manual EM 1110-2-5027, September 1987. This document is available on the web at

[[http://www.publications.usace.army.mil/Portals/76/Publications/EngineerManuals/EM\\_1110-2-5027.pdf](http://www.publications.usace.army.mil/Portals/76/Publications/EngineerManuals/EM_1110-2-5027.pdf).]

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“Contaminant Levels in Muscle and Hepatic Tissue of Lobster from the New York Bight Apex.” Folk, R. 1980. Petrology of Sedimentary Rocks. Hemphill Publishing Co., Texas. 181 p. National Marine Fisheries Service. 1996. “Contaminant Levels in Muscle and Hepatic Tissue of Lobster from the New York Bight Apex.” This document is available on the web at <http://www.nmfs.noaa.gov/>

“Design Requirements for Capping”, Dredging Research Technical Note.” Palermo, M.R. 1991a. “Design Requirements for Capping”, Dredging Research Technical Note DRP-5-03, U.S. Army Engineer Waterways Experiment Station, Vicksburg, MS, February 1991. This document is available on the web at [<http://el.erdc.usace.army.mil/elpubs/pdf/dr5-03.pdf>] <https://erdc-library.erdc.dren.mil/xmlui/handle/11681/4908>.

“Dredged Material Evaluation and Disposal Procedures: A Users Manual for the Puget Sound Dredged Disposal Analysis (PSSDA) Program.” U.S. Army Corps of Engineers - Seattle District, U.S. Environmental Protection Agency - Region 10, Washington Department of Natural Resources, and Washington Department of Ecology 1997. Dredged Material Evaluation and Disposal Procedures: A Users Manual for the Puget Sound Dredged Disposal Analysis (PSSDA) Program, July 1, 1997. This document is available on the web at [\[http://www.nws.usace.army.mil/Missions/CivilWorks/Dredging.aspx\]](http://www.nws.usace.army.mil/Missions/CivilWorks/Dredging.aspx) [\*\*https://www.nws.usace.army.mil/Missions/CivilWorks/Dredging.\*\*](https://www.nws.usace.army.mil/Missions/CivilWorks/Dredging)

“Engineer Manual for Hydrographic Surveying.” U.S. Army Corps of Engineers 2002. Engineer Manual for Hydrographic Surveying, EM 1110-2-1003, 31 January 1, 2002. This document is available on the web at [\[http://www.publications.usace.army.mil/USACEPublications/EngineerManuals.aspx?udt\\_43544\\_param\\_page=4\]](http://www.publications.usace.army.mil/USACEPublications/EngineerManuals.aspx?udt_43544_param_page=4) [\*\*https://www.publications.usace.army.mil/USACEPublications/EngineerManuals.aspx?udt\\_43544\\_param\\_page=4.\*\*](https://www.publications.usace.army.mil/USACEPublications/EngineerManuals.aspx?udt_43544_param_page=4)

“Equipment and Placement Techniques for Capping,” Dredging Research Technical Note.” Palermo, M.R. 1991c. “Equipment and Placement Techniques for Capping,” Dredging Research Technical Note DRP-5-05, U.S. Army Engineer Waterways Experiment Station, Vicksburg, MS, November 1991. This document is available on the web at

[\[http://el.erdcl.usace.army.mil/elpubs/pdf/drp5-05.pdf\]](http://el.erdcl.usace.army.mil/elpubs/pdf/drp5-05.pdf) <https://erdclibrary.erdcl.dren.mil/xmlui/handle/11681/4910>.

“Evaluation of Dredged Material Proposed for Discharge in Waters of the U.S.-Testing Manual (Inland Testing Manual).” U.S. Environmental Protection Agency and Department of the Army-U.S. Army Corps of Engineers, 1998. Evaluation of Dredged Material Proposed for Discharge in Waters of the U.S.-Testing Manual (Inland Testing Manual). EPA 823-B-98-004, February 1998.

This document is available on the web at

[\[http://water.epa.gov/type/oceb/oceandumping/dredgedmaterial/testing.cfm\]](http://water.epa.gov/type/oceb/oceandumping/dredgedmaterial/testing.cfm)

[https://www.epa.gov/sites/production/files/2015-08/documents/inland\\_testing\\_manual\\_0.pdf](https://www.epa.gov/sites/production/files/2015-08/documents/inland_testing_manual_0.pdf).

“Evaluation of Dredged Material Proposed for Ocean Disposal - Testing Manual.” U.S. Environmental Protection Agency and Department of the Army - U.S. Army Corps of Engineers 1991. Evaluation of Dredged Material Proposed for Ocean Disposal - Testing Manual, EPA-503/8-91/0001, February 1991. This document is available on the web at

[\[http://water.epa.gov/type/oceb/oceandumping/dredgedmaterial/upload/gbook.pdf\]](http://water.epa.gov/type/oceb/oceandumping/dredgedmaterial/upload/gbook.pdf)

[https://www.epa.gov/sites/production/files/2015-10/documents/green\\_book.pdf](https://www.epa.gov/sites/production/files/2015-10/documents/green_book.pdf).

“Field Sampling Procedures Manual.” New Jersey Department of Environmental Protection 2005. This document is available on the web at

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“Guidance for Preparation of Combined Work/Quality Assurance Project Plans for Environmental Monitoring.” U.S. Environmental Protection Agency. “Guidance for Preparation of Combined Work/Quality Assurance Project Plans for Environmental Monitoring,” OWRS QA-1, Office of Water Regulations and Standards. This document is available on the web at

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“Handbook - Stream Sampling for Waste Load Allocation Applications.” U.S. Environmental Protection Agency. This document is available on the web at

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“Leachate Testing and Evaluation of Estuarine Sediments Technical Report.” Myers, T.E. J.M. Brannon, B.A. Tardy, and D.M. Townsend 1996. “Leachate Testing and Evaluation of Estuarine Sediments”, Technical Report D-96-1, U.S. Army Engineers Waterways Experiment Station, Vicksburg, MS. This document is available on the web at [\[http://www.dtic.mil/dtic/tr/fulltext/u2/a306421.pdf\]](http://www.dtic.mil/dtic/tr/fulltext/u2/a306421.pdf) [\*\*https://apps.dtic.mil/dtic/tr/fulltext/u2/a306421.pdf.\*\*](https://apps.dtic.mil/dtic/tr/fulltext/u2/a306421.pdf)

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[<http://nepis.epa.gov/Exe/ZyNET.exe/20003RYN.TXT?ZyActionD=ZyDocument&Client=EPA&Index=1995+Thru+1999&Docs=&Query=&Time=&EndTime=&SearchMethod=1&TocRestrict=n&Toc=&TocEntry=&QField=&QFieldYear=&QFieldMonth=&QFieldDay=&IntQFieldOp=0&ExtQFieldOp=0&XmlQuery=&File=D%3A%5Czyfiles%5CIndex%20Data%5C95thru99%5CTxt%5C00000002%5C20003RYN.txt&User=ANONYMOUS&Password=anonymous&SortMethod=h%7C->



&MaximumDocuments=1&FuzzyDegree=0&ImageQuality=r75g8/r75g8/x150y150g16/i425&Display=p%7Cf&DefSeekPage=x&SearchBack=ZyActionL&Back=ZyActionS&BackDesc=Results%20page&MaximumPages=1&ZyEntry=1&SeekPage=x&ZyPURL]

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Comprehensive Descriptions of Trace Organic Analytical Methods. NOAA Technical

Memorandum NOS ORCA 71. 97 p. This document is available on the web at

[<http://ccma.nos.noaa.gov/publications/tm71v4.pdf>]

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[<http://nepis.epa.gov/Exe/ZyNET.exe/P1001R1M.txt?ZyActionD=ZyDocument&Client=EPA&Index=2011%20Thru%202015%7C1995%20Thru%201999%7C1981%20Thru%201985%7C2006%20Thru%202010%7C1991%20Thru%201994%7C1976%20Thru%201980%7C2000%20Thru%202005%7C1986%20Thru%201990%7CPrior%20to%201976%7CHardcopy%20Publications&Docs=&Query=902R98001&Time=&EndTime=&SearchMethod=2&TocRestrict=n&Toc=&TocEntry=&QFiel>]

d=&QFieldYear=&QFieldMonth=&QFieldDay=&UseQField=&IntQFieldOp=0&ExtQFieldOp=0&X  
mlQuery=&File=D%3A%5CZYFILES%5CINDEX%20DATA%5C95THRU99%5CTXT%5C00000021%5C  
P1001R1M.txt&User=ANONYMOUS&Password=anonymous&SortMethod=h%7C-  
&MaximumDocuments=15&FuzzyDegree=0&ImageQuality=r85g16/r85g16/x150y150g16/i500  
&Display=hpfr&DefSeekPage=x&SearchBack=ZyActionL&Back=ZyActionS&BackDesc=Results%2  
0page&MaximumPages=1&ZyEntry=1&SeekPage=x]  
**[https://www.nj.gov/dep/passaicdocs/docs/NJDOTSupportingCosts/STUDY-EPA-](https://www.nj.gov/dep/passaicdocs/docs/NJDOTSupportingCosts/STUDY-EPA-NYNJHARBOR-FINAL.pdf)**  
**[NYNJHARBOR-FINAL.pdf](https://www.nj.gov/dep/passaicdocs/docs/NJDOTSupportingCosts/STUDY-EPA-NYNJHARBOR-FINAL.pdf)**

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## ATTACHMENT C

### ANALYTICAL PROCEDURES AND ASSOCIATED QUALITY ASSURANCE/QUALITY CONTROL MEASURES

#### I. (No change.)

#### II. Quality Assurance/Quality Control Guidance and Reporting requirements

The guidance described below has been drawn from the December 1992 regional manual for USEPA Region II and the USACE New York District, entitled, "Guidance for Performing Tests on Dredged Material Proposed for Ocean Disposal"; the USEPA and the USACE "QA/QC Guidance for Sampling and Analysis of Sediments, Water, and Tissues for Dredged Material Evaluations," (EPA 823-B-95-001, April 1995); and the "Field Sampling Procedures Manual," New Jersey Department of Environmental Protection and Energy, 2005.

The following quality control samples or procedures will be required for chemical analysis of both sediment and water matrices:

1. – 4. (No change.)

5. Minimum detection limit verification within last two years for marine sediments and salt water matrices to be submitted to the Department upon request (40 CFR 136 (1994) Appendix B, Revision 1.11). [See <http://www.ecfr.gov/cgi-bin/text-idx?rgn=div9&node=40:24.0.1.1.1.0.1.8.2>];

6. (No change.)

...

...

#### APPENDIX J

BOUNDARIES OF MAINLAND COASTAL CENTERS IN THE CAFRA AREA RE-ESTABLISHED UNDER  
THE PERMIT EXTENSION ACT OF 2008 AS AMENDED JANUARY 18, 2010, SEPTEMBER 19, 2012,  
AND DECEMBER 26, 2014

For purposes of N.J.A.C. 7:7-13, this appendix sets forth the boundary descriptions of the mainland coastal centers whose March 15, 2007, expiration has been extended under the Permit Extension Act of 2008, N.J.S.A. 40:55D-136.1 et seq. and the January 18, 2010, September 19, 2012, and December 26, 2014, amendments to that Act. The areas listed at N.J.A.C. 7:7-13.19(d) shall not be considered part of a mainland coastal center. In addition, the areas that are within the “environmentally sensitive area” defined by the Permit Extension Act of 2008, as amended, at N.J.S.A. 40:55D-136.3, were not extended by the Act and, therefore,

are not part of the mainland coastal center. Further information on the Permit Extension Act and environmentally sensitive areas is described on the Department's webpage at [[www.nj.gov/dep/permitextension/peaes.html](http://www.nj.gov/dep/permitextension/peaes.html)] <https://www.nj.gov/dep/landuse/pea.html>.

...

I. – II. (No change.)

## CHAPTER 7A

### FRESHWATER WETLANDS PROTECTION ACT RULES

#### SUBCHAPTER 1. GENERAL PROVISIONS

##### 7:7A-1.3 Definitions

The following words and terms, when used in this chapter, shall have the following meanings unless the context clearly indicates otherwise. Additional definitions specifically applicable to N.J.A.C. 7:7A-11, Mitigation, are set forth at N.J.A.C. 7:7A-11.1.

...

“HUC” means the hydrologic unit code system developed by the United States Geological Service for delineating and identifying drainage areas. The system starts with the largest possible drainage areas and progressively smaller subdivisions of the drainage area are delineated and numbered in a nested fashion. As used in this chapter, “HUC 14” indicates a drainage area with a hydrologic unit code designation with 14 numbers. “HUC 11” indicates a larger subwatershed that is composed of several HUC 14 subwatersheds. There are 921 HUC 14

subwatersheds in New Jersey that range in size from 0.1 to 42 square miles. The boundaries are included in the United States Geological Survey, Water Resources Investigations Report 95-4134, 1995, entitled "Development of a 14-digit Hydrologic Coding Scheme and Boundary Data Set for New Jersey." The HUC codes for New Jersey can be downloaded from [\[http://www.nj.gov/dep/gis\]](http://www.nj.gov/dep/gis) <https://www.nj.gov/dep/gis>. The HUC 11 data is entitled "subwatersheds." Software designed for use with Geographic Information Systems (GIS) will be required to view the downloaded data.

...

"Normal rainfall year" means a 12 month period in which the precipitation at a location is within 10 percent of the average annual precipitation for that location, calculated using the standard averaging period for "normals," established by the World Meteorological Organization, except that the Department may determine normal rainfall on a case-by-case basis in unusual situations, such as where the sampling period begins immediately following prolonged drought conditions. As of September 4, 2001, the World Meteorological Organization has defined the standard averaging period as 1961 through 1990. Information regarding the standard averaging period can be found in the USDA's Natural Resources Conservation Service website at [\[www.nrcs.usda.gov/water/climate\]](http://www.nrcs.usda.gov/water/climate) <https://www.wcc.nrcs.usda.gov/climate>.

...

7:7A-1.4 Forms, checklists, and information; Department address and website

(a) Forms, checklists, and other information related to this chapter can be obtained from the Division of Land Use Regulation at the address in (b) below, by telephone at (609) 984-0162, or through the Division's website at [\[www.nj.gov/dep/landuse\]](http://www.nj.gov/dep/landuse)

<https://www.nj.gov/dep/landuse>. Further information about the Department can be accessed at [\[www.nj.gov/dep\]](http://www.nj.gov/dep) <https://www.nj.gov/dep>.

(b) Applications, fees, and other correspondence shall be submitted to the following addresses:

1. – 2. (No change.)

3. For submittal of an application for authorization under a general permit-by-certification, the Department's website at [\[www.nj.gov/dep/online\]](http://www.nj.gov/dep/online) <https://www.nj.gov/dep/online>.

(c) Questions regarding the requirements of this chapter or about the status of a particular application can be directed to the Division of Land Use Regulation Technical Support Center at (609) 777-0454, via e-mail at [LURTechSupport@dep.nj.gov](mailto:LURTechSupport@dep.nj.gov) or by using an online contact form at [\[www.nj.gov/dep/landuse/contact.html\]](http://www.nj.gov/dep/landuse/contact.html) <https://www.nj.gov/dep/landuse/contact.html>.

(d) (No change.)

SUBCHAPTER 2. APPLICABILITY AND ACTIVITIES FOR WHICH A PERMIT IS REQUIRED



## 7:7A-2.5 Geographic areas exempted from permit and/or waiver requirement

(a) (No change.)

(b) The discharge of dredged or fill material in a freshwater wetlands or State open water under the jurisdiction of the Pinelands Commission is subject to freshwater wetlands and open water fill permit requirements under this chapter. However, regulated activities in areas under the jurisdiction of the Pinelands Commission, other than the discharge of dredged or fill material, are not subject to this chapter. Transition areas are not regulated under this chapter in areas under the jurisdiction of the Pinelands Commission. However, the Pinelands Commission may provide for more stringent regulation of activities in and around freshwater wetland areas within its jurisdiction, which include transition area regulations. For information on freshwater wetlands and transition areas in the Pinelands under this chapter and under the Pinelands Comprehensive Management Plan (CMP), contact the Pinelands Commission at (609) 894-7300 or through its website at [[www.state.nj.us/pinelands](http://www.state.nj.us/pinelands)]

<https://www.nj.gov/pinelands>.

(c) - (d) (No change.)

## SUBCHAPTER 3. IDENTIFYING FRESHWATER WETLANDS AND TRANSITION AREAS; FRESHWATER WETLANDS RESOURCE VALUE CLASSIFICATION

### 7:7A-3.1 Identifying freshwater wetlands

(a) – (e) (No change.)

(f) The Department has provided the New Jersey freshwater wetlands maps to the offices listed at (f)1 and 2 below for public inspection. The maps are also available through NJ-GeoWeb at [\[http://www.nj.gov/dep/gis/newmapping.htm\]](http://www.nj.gov/dep/gis/newmapping.htm)

<https://www.nj.gov/dep/gis/geoweb splash.htm>.

1. – 2. (No change.)

#### 7:7A-3.2 Classification of freshwater wetlands by resource value

(a) – (b) (No change.)

(c) For the purposes of (b) above, the Department identifies present and documented habitat for threatened or endangered species using the Landscape Project method, which focuses on habitat areas required to support local populations of threatened and endangered wildlife species. The report entitled New Jersey's Landscape Project, which is updated periodically, provides additional information on mapping methodology and is available at [\[www.nj.gov/dep/fgw/ensphome.htm\]](http://www.nj.gov/dep/fgw/ensphome.htm) or through the Department's interactive website at [www.nj.gov/dep/gis/geoweb splash.htm](http://www.nj.gov/dep/gis/geoweb splash.htm) <https://www.nj.gov/dep/fgw/ensp/landscape/index.htm>. Interested parties may also obtain information by writing to the Division of Fish and Wildlife, Endangered and Nongame Species Program at:

The Landscape Project

State of New Jersey Department of Environmental Protection

Division of Fish and Wildlife Endangered and Nongame Species Program

Mail Code 501-03

PO Box 420

Trenton, NJ 08625-0420.

(d) – (i) (No change.)

#### SUBCHAPTER 4. LETTERS OF INTERPRETATION

##### 7:7A-4.7 Conditions that apply to an issued letter of interpretation delineation or verification

(a) Within 90 calendar days after the Department issues a delineation or verification letter of interpretation on a privately owned lot, or on a publicly owned lot other than a right-of-way, the recipient of the delineation or verification shall submit the following information to the Office of the County Clerk or the registrar of deeds and mortgages in which the site is located, and shall send proof to the Department in accordance with (b) below that this information is recorded on the deed of each lot referenced in the delineation or verification letter of interpretation:

1. – 4. (No change.)

5. The following statement: “The State of New Jersey has determined that all or a portion of this lot lies in a freshwater wetland and/or transition area. Certain activities in wetlands and transition areas are regulated by the New Jersey Department of Environmental Protection and some activities may be prohibited on this site or may first require a freshwater wetland permit. Contact the Division of Land Use Regulation at (609) 292-0060 or [<http://www.nj.gov/landuse>] <https://www.nj.gov/dep/landuse> for more information prior to any construction onsite.”

(b) (No change.)

## SUBCHAPTER 5. GENERAL PROVISIONS FOR GENERAL PERMITS-BY-CERTIFICATION AND GENERAL PERMITS

7:7A-5.3 Use of an authorization pursuant to a general permit-by-certification or a general permit to conduct regulated activities

(a) (No change.)

(b) An activity that meets the requirements of a general permit may be conducted when the person proposing to conduct the activity receives authorization from the Department in accordance with N.J.A.C. 7:7A-19, except in an area under the jurisdiction of the Pinelands Commission. In such an area, the application shall be submitted to the Pinelands Commission rather than to the Department, in accordance with the Pinelands Comprehensive Management Plan (CMP). For information on freshwater wetlands and transition areas in the Pinelands, contact the Pinelands Commission at (609) 894-7300 or through its website at

[[www.state.nj.us/pinelands](http://www.state.nj.us/pinelands)] <https://www.nj.gov/pinelands>.

(c) – (i) (No change.)

## SUBCHAPTER 7. GENERAL PERMITS

7:7A-7.17A General permit 17A—Non-Motorized, Multiple-use Paths

(a) – (b) (No change.)

(c) The non-motorized, multiple use path shall be designed in accordance with the American Association of State Highway and Transportation Officials (AASHTO) "Guide for the Development of Bicycle Facilities," published 1999, incorporated herein by reference, as amended and supplemented. It is available at [[www.communitymobility.org/pdf/aashto.pdf](http://www.communitymobility.org/pdf/aashto.pdf)] <https://www.transportation.org>.

(d) – (e) (No change.)

#### SUBCHAPTER 10. REQUIREMENTS FOR ALL INDIVIDUAL FRESHWATER WETLANDS AND OPEN WATER FILL PERMITS

##### 7:7A-10.1 General provisions for individual permits

(a) – (c) (No change.)

(d) In some cases, a regulated activity that requires an individual permit and is located in an area under the jurisdiction of the Pinelands Commission also requires approval by the Pinelands Commission, in accordance with the Pinelands Comprehensive Management Plan (CMP). For information on freshwater wetlands in the Pinelands, contact the Pinelands Commission at (609) 894-7300 or through its website at [[www.state.nj.us/pinelands](http://www.state.nj.us/pinelands)] <https://www.nj.gov/pinelands>.

## SUBCHAPTER 11. MITIGATION

### 7:7A-11.1 Definitions

...

“Watershed Management Area” means an aggregation of HUC 11s designated by the Department as a watershed management area and shown on the map entitled “New Jersey's Watersheds, Watershed Management Areas, and Water Regions,” dated April 2000, as amended and supplemented. The map of watershed management areas may be viewed on the internet at [<http://www.nj.gov/dep/gis>] <https://www.nj.gov/dep/gis>.

...

### 7:7A-11.12 Requirements for restoration, creation, or enhancement

(a) – (f) (No change.)

(g) The post-construction monitoring reports required under (f) above shall be submitted to the Department by December 31 of each reporting year, and shall include:

1. – 3. (No change.)

4. Information required by the wetlands mitigation monitoring project checklist available from the Department at the address set forth at N.J.A.C. 7:7A-1.4. For a wetlands mitigation project, the checklist requires the following information:

i. – iv. (No change.)

v. A field delineation of the wetlands at the wetlands mitigation project site, based on techniques specified in the Federal Manual for Identifying and Delineating Jurisdictional Wetlands, published in 1989 by the USEPA, USACE, USFWS, and U.S. Department of Agriculture's Conservation Services, incorporated herein by reference, available at [\[www.digitalmedia.fws.gov/cdm/ref/collection/document/id/1341\]](http://www.digitalmedia.fws.gov/cdm/ref/collection/document/id/1341) <https://digitalmedia.fws.gov/digital/collection/document/id/1341>; and

vi. (No change.)

#### SUBCHAPTER 14. EMERGENCY AUTHORIZATIONS

##### 7:7A-14.2 Procedure to request an emergency authorization

(a) – (b) (No change.)

(c) Emergency activities in an area under the jurisdiction of the Pinelands Commission may require approval by the Pinelands Commission, in accordance with the Pinelands Comprehensive Management Plan. For information on freshwater wetlands and transition areas in the Pinelands, contact the Pinelands Commission at (609) 894-7300 or through its website at [\[www.nj.gov/pinelands\]](http://www.nj.gov/pinelands) <https://www.nj.gov/pinelands>.

#### SUBCHAPTER 16. APPLICATION REQUIREMENTS

##### 7:7A-16.2 General application requirements

(a) The Department provides a checklist for each type of application submitted under this subchapter. The checklist identifies the submissions required under the rules to be part of an

application, and also the appropriate level of detail and the format of the information to be submitted for each type of application. For example, where the rules require, as part of an application, the submittal of a site plan or photographs showing certain types of information, the corresponding checklist will indicate, based on the type of development the particular permit covers; the number of copies of the plan to be submitted; the scale and details of the information to be illustrated on the plan; and the number and orientation of photographs of the location of the proposed development. The checklist will also indicate that the plan should be folded or prepared in a certain manner to facilitate processing. Checklists can be downloaded from the Department's website at [[www.nj.gov/dep/landuse](http://www.nj.gov/dep/landuse)] <https://www.nj.gov/dep/landuse> or obtained by contacting the Department at the address set forth at N.J.A.C. 7:7A-1.4.

(b) – (l) (No change.)

#### 7:7A-16.4 Application requirements for an E-LOI

(a) An application for an LOI may be submitted electronically via the “NJDEP online business portal” (portal). The web address for the portal is: [[www.nj.gov/dep/online](http://www.nj.gov/dep/online)] <https://www.nj.gov/dep/online>. All application information and supporting documentation can be submitted electronically with the exception of any required surveys, which must be mailed or delivered to the Department for review.

(b) – (e) (No change.)



7:7A-16.6 Additional application requirements for an authorization under a general permit-by-certification

(a) An application for authorization under a general permit-by-certification shall be submitted electronically through the Department's online permitting system at [\[www.nj.gov/dep/online.\] https://www.nj.gov/dep/online.](https://www.nj.gov/dep/online)

(b) (No change.)

(c) Once the online application process is successfully completed, the authorization will be accessible to the applicant through the Department's online permitting system at [\[www.nj.gov/dep/online\] https://www.nj.gov/dep/online.](https://www.nj.gov/dep/online)

## SUBCHAPTER 18. APPLICATION FEES

### 7:7A-18.2 Adjustment of application fees

(a) When, based on budget considerations, the Department determines to adjust the application fees established in this subchapter for the upcoming State fiscal year (which runs from July 1 to June 30), the Department shall:

1. (No change.)
2. Publish a notice of administrative change in the New Jersey Register that:
  - i. States that the Application Fee Adjustment Report is available on the Department's website at [\[www.nj.gov/dep/landuse\] https://www.nj.gov/dep/landuse;](https://www.nj.gov/dep/landuse) and

ii. (No change.)

(b) (No change.)

## SUBCHAPTER 19. APPLICATION REVIEW

### 7:7A-19.6 Public comment on an application

(a) The Department shall publish notice in the DEP Bulletin of each administratively complete application in accordance with N.J.A.C. 7:7A-19.1, except for an application for an administrative modification or a minor technical modification. The DEP Bulletin is available at [[www.nj.gov/dep/bulletin/](http://www.nj.gov/dep/bulletin/)] <https://www.nj.gov/dep/bulletin>. This notice shall constitute notice of the application to all interested persons except those who must be notified by the applicant under N.J.A.C. 7:7A-17.3.

(b) – (e) (No change.)

## CHAPTER 13

### FLOOD HAZARD AREA CONTROL ACT RULES

## SUBCHAPTER 1. GENERAL PROVISIONS

### 7:13-1.3 Forms, checklists, information, technical manual; Department address and website

(a) Forms, checklists, and other information related to this chapter can be obtained from the Division of Land Use Regulation at the address in (c) below, by telephone at (609) 984-0162, or through the Division's website at [[www.nj.gov/dep/landuse](http://www.nj.gov/dep/landuse)]

**<https://www.nj.gov/dep/landuse>**. Further information about the Department can be accessed at **[\[www.nj.gov/dep\]](https://www.nj.gov/dep)** **<https://www.nj.gov/dep>**.

(b) (No change.)

(c) Applications, fees, and other correspondence shall be submitted to the following addresses:

1. – 2. (No change.)

3. For submittal of an application for authorization under a general permit-by-certification, refer to the Department's website at **[\[www.nj.gov/dep/online\]](https://www.nj.gov/dep/online)**  
**<https://www.nj.gov/dep/online>**.

(d) Questions regarding the requirements of this chapter or about the status of a particular application can be directed to the Division of Land Use Regulation Technical Support Center at (609) 777-0454, via [e-mail] **email** at **[LURTechSupport@dep.nj.gov](mailto:LURTechSupport@dep.nj.gov)**, or by using an online contact form at **[\[www.nj.gov/dep/landuse/contact.html\]](https://www.nj.gov/dep/landuse/contact.html)**  
**<https://www.nj.gov/dep/landuse/contact.html>**.

(e) (No change.)

## SUBCHAPTER 4. DETERMINING THE RIPARIAN ZONE

### 7:13-4.2 Determining if a riparian zone is forested or unforested

(a) (No change.)

(b) To determine if a riparian zone or portion of a riparian zone is forested:

1. The limit of the forest shall be identified using aerial photographs obtained from the Department at [[www.nj.gov/dep/gis/](http://www.nj.gov/dep/gis/)] <https://www.nj.gov/dep/gis>; and
2. If the aerial photograph contains areas of sporadic coverage that have not been identified as forest by the applicant, the applicant shall overlay a one-half acre grid system provided by the Department on its website at [[www.nj.gov/dep/landuse/guidance.html](http://www.nj.gov/dep/landuse/guidance.html)] <https://www.nj.gov/dep/landuse/guidance.html>. For any grid block containing 33 percent or greater forest cover, the limit of the forested area shall be determined pursuant to (d) below, unless the applicant demonstrates in accordance with (c) below that the size and density of the trees in the area are not sufficient for the area to be considered forest.

(c) – (d) (No change.)

## SUBCHAPTER 5. VERIFICATIONS

### 7:13-5.6 Conditions that apply to an issued or reissued verification

(a) Within 90 calendar days after the Department issues or reissues a verification on a privately owned lot, or on a publicly owned lot other than a right-of-way, the recipient of the verification shall submit the following information to the Office of the County Clerk or the registrar of deeds and mortgages in which the site is located, and shall send proof to the Department in accordance with (b) below, that this information is recorded on the deed of each lot referenced in the verification:

1. – 5. (No change.)

6. The following statement: “The State of New Jersey has determined that all or a portion of this lot lies in a flood hazard area and/or riparian zone. Certain activities in flood hazard areas and riparian zones are regulated by the New Jersey Department of Environmental Protection and some activities may be prohibited on this site or may first require a flood hazard area permit. Contact the Division of Land Use Regulation at (609) 292-0060 or [[www.nj.gov/dep/landuse](http://www.nj.gov/dep/landuse)] <https://www.nj.gov/dep/landuse> for more information prior to any construction onsite.”

(b) (No change.)

## SUBCHAPTER 7. PERMITS-BY-RULE

### 7:13-7.26 Permit-by-rule 26 – forest management activities

(a) Permit-by-rule 26 authorizes the forest management activities identified at (b) below, provided they are conducted in accordance with a forest management plan that has been

approved by the New Jersey State Forester or designee before the activities are undertaken. Information and guidance related to forest management activities in flood hazard areas and riparian zones are provided in the document entitled, “New Jersey Forestry and Wetlands Best Management Practices Manual,” dated October 1995, which is available at [\[www.state.nj.us/dep/parksandforests/forest/nj\\_bmp\\_manual1995.pdf\]](http://www.state.nj.us/dep/parksandforests/forest/nj_bmp_manual1995.pdf) [\*\*https://www.nj.gov/dep/parksandforests/forest/nj\\_bmp\\_manual1995.pdf\*\*](https://www.nj.gov/dep/parksandforests/forest/nj_bmp_manual1995.pdf).

(b) – (c) (No change.)

(d) No clear-cutting of trees shall be undertaken in a riparian zone unless it is unavoidably necessary as part of a silviculture prescription for:

1. Atlantic white-cedar restoration. Information and guidance related to Atlantic white-cedar restoration are provided in the document entitled “Atlantic White-Cedar: Ecology and Best Management Practices Manual,” by K. A. Mylecraine and G. L. Zimmermann, dated 2000, which is available from the Department at:

[\[www.nj.gov/dep/parksandforests/forest/njfs\\_awc\\_bmps.html\]](http://www.nj.gov/dep/parksandforests/forest/njfs_awc_bmps.html)

[\*\*https://www.nj.gov/dep/parksandforests/forest/njfs\\_awc\\_bmps.html\*\*](https://www.nj.gov/dep/parksandforests/forest/njfs_awc_bmps.html), unless the State Forester provides written approval authorizing modification of a practice in the manual where necessary to ensure the success of a given project;

2. – 3. (No change.)

7:13-7.29 Permit-by-rule 29 – placement of one to three wind turbines

(a) Permit-by-rule 29 authorizes the placement of one to three wind turbines, provided the conditions at N.J.A.C. 7:13-6.7 are met and:

1. – 3. (No change.)

4. No portion of any wind turbine, including blades, tower, and site disturbance, is located within an area mapped as threatened or endangered species habitat on the Department's Landscape Maps of Habitat for Endangered, Threatened and Other Priority Wildlife (Landscape Maps) except as provided at (a)4i and ii below. Landscape Maps are available [on] **from** the Department's [interactive mapping website at [www.nj.gov/dep/gis](http://www.nj.gov/dep/gis)] **Division of Fish and Wildlife, Endangered and Nongame Species Program at** **<https://www.nj.gov/dep/fgw/ensp/landscape/index.htm>**:

i. – ii. (No change.)

5. – 10. (No change.)

#### SUBCHAPTER 11. AREA-SPECIFIC REQUIREMENTS FOR INDIVIDUAL PERMITS

7:13-11.5 Requirements for a regulated activity in or along a regulated water with fishery resources

(a) – (e) (No change.)

(f) The Delaware River Basin Commission (DRBC) may impose timing restrictions in addition to those listed in Table 11.5 above on certain activities in waters under DRBC jurisdiction.

Information related to the DRBC and its requirements can be obtained at [[www.nj.gov/drbc](http://www.nj.gov/drbc)]  
**<https://www.nj.gov/drbc>** or by calling (609) 883-9500.

7:13-11.6 Requirements for a regulated activity in or affecting a present or documented habitat  
for threatened or endangered species

(a) (No change.)

(b) For the purposes of this chapter, the Department identifies present and documented habitat for most threatened or endangered wildlife species using the Landscape Project method, which focuses on habitat areas required to support local populations of threatened and endangered wildlife species. The report entitled New Jersey's Landscape Project, which is updated periodically, provides additional information on mapping methodology and is available at [[www.nj.gov/dep/fgw/ensphome.htm](http://www.nj.gov/dep/fgw/ensphome.htm)] or through the Department's interactive website at [www.nj.gov/dep/gis/geoweb splash.htm](http://www.nj.gov/dep/gis/geoweb splash.htm)]  
**<https://www.nj.gov/dep/fgw/ensp/landscape/index.htm>**. Interested parties may also obtain information by writing to the Division of Fish and Wildlife, Endangered and Nongame Species Program at:

The Landscape Project

State of New Jersey Department of Environmental Protection

Division of Fish and Wildlife Endangered and Nongame Species Program

Mail Code 501-03

P.O. Box 420



Trenton, NJ 08625-0420.

(c) – (e) (No change.)

(f) Persons seeking information pertaining to threatened or endangered species sightings on or near a particular site can contact:

State of New Jersey

Department of Environmental Protection

The New Jersey Natural Heritage Program

Mail Code 501-04

P.O. Box 420

Trenton, NJ 08625-0420

Telephone: (609) 984-1339

Website: [[www.nj.gov/dep/parksandforests/natural/heritage](http://www.nj.gov/dep/parksandforests/natural/heritage)]

**<https://www.nj.gov/dep/parksandforests/natural/heritage>**

(g) (No change.)

## SUBCHAPTER 12. ACTIVITY-SPECIFIC REQUIREMENTS FOR INDIVIDUAL PERMITS

### 7:13-12.11 Requirements for a dam

(a) (No change.)

(b) The activities at (b)1 and 2 below do not require a flood hazard area approval under this chapter, provided all applicable requirements of the Dam Safety Standards at N.J.A.C. 7:20 are met. Dams and certain associated activities are subject to the Department's Dam Safety Standards at N.J.A.C. 7:20, administered by the Department's Bureau of Dam Safety and Flood Control. For additional information concerning the regulation of dams see [\[www.nj.gov/dep/damsafety/index.htm\]](https://www.nj.gov/dep/damsafety/index.htm) <https://www.nj.gov/dep/damsafety>.

1. – 2. (No change.)

(c) – (d) (No change.)

#### SUBCHAPTER 17. PRE-APPLICATION CONFERENCES

##### 7:13-17.2 Request for a pre-application conference; scheduling; information required

(a) Except as provided at (b) below, a request for a pre-application conference shall be directed by electronic mail to [LURTechSupport@dep.state.nj.us] **LURTechSupport@dep.nj.gov**, or by writing to the address set forth at N.J.A.C. 7:13-1.3 to the attention of "Supervisor, (county in which the proposed project is located)."

(b) – (d) (No change.)

## SUBCHAPTER 18. APPLICATION REQUIREMENTS

### 7:13-18.2 General application requirements

(a) The Department provides a checklist for each type of application submitted under this subchapter. The checklist identifies all of the submissions required under the rules to be part of an application, and also the appropriate level of detail and the format of the information to be submitted for each type of application. For example, where the rules require, as part of an application, the submittal of a site plan or photographs showing certain types of information, the corresponding checklist will indicate, based on the type of development the particular permit covers, the number of copies of the plan to be submitted, the scale and details of the information to be illustrated on the plan, and the number and orientation of photographs of the location of the proposed development. The checklist will also indicate that the plan should be folded or prepared in a certain manner to facilitate processing. Checklists can be downloaded from the Department's website at [[www.nj.gov/dep/landuse](http://www.nj.gov/dep/landuse)] <https://www.nj.gov/dep/landuse> or obtained by contacting the Department at the address set forth at N.J.A.C. 7:13-1.3.

(b) – (l) (No change.)

### 7:13-18.3 Additional application requirements for an authorization under a general permit-by-certification

(a) An application for authorization under a general permit-by-certification shall be submitted electronically through the Department's online permitting system at [\[www.nj.gov/dep/online\]](https://www.nj.gov/dep/online) <https://www.nj.gov/dep/online>.

(b) (No change.)

(c) Once the online application process is successfully completed, the authorization will be accessible to the applicant through the Department's online permitting system at [\[www.nj.gov/dep/online\]](https://www.nj.gov/dep/online) <https://www.nj.gov/dep/online>.

## SUBCHAPTER 20. APPLICATION FEES

### 7:13-20.2 Annual adjustment of fees

(a) When, based on budget considerations, the Department determines to adjust the application fees established in this subchapter for the upcoming State fiscal year (which runs from July 1 to June 30), the Department shall:

1. (No change.)
2. Publish a notice of administrative change in the New Jersey Register that:
  - i. States that the Application Fee Adjustment Report is available on the Department's website at [\[www.nj.gov/dep/landuse\]](https://www.nj.gov/dep/landuse) <https://www.nj.gov/dep/landuse>; and
  - ii. (No change.)

(b) (No change.)

## SUBCHAPTER 21. APPLICATION REVIEW

### 7:13-21.1 General application review provisions

(a) – (e) (No change.)

(f) Notwithstanding any other provision of this subchapter, an application for an authorization under a general permit or for an individual permit shall not be declared complete for review unless the applicant has obtained all tidelands instruments required for occupation of State-owned tidelands or has submitted a complete application for a tidelands instrument, available from the Department's website at [<http://www.nj.gov/dep/landuse/tideland.html>] [https://www.nj.gov/dep/landuse/tl\\_main.html](https://www.nj.gov/dep/landuse/tl_main.html) or from the Bureau of Tidelands Management at P.O. Box 420, Mail Code 501-02B, Trenton, NJ 08625-0420. An application for a tidelands instrument requires the name and address of the applicant/title holder and any agent, site location and description, a property survey, and title or deed information.

(g) (No change.)

## SUBCHAPTER 24. ENFORCEMENT

7:13-24.4 Procedures to request and conduct an adjudicatory hearing to contest an administrative order and/or a notice of civil administrative penalty assessment

(a) (No change.)

(b) A violator requesting an adjudicatory hearing shall provide the following information on an adjudicatory hearing request form, available from the Department at the address set forth at N.J.A.C. 7:13-1.3:

1. – 4. (No change.)

5. A statement as to whether the violator agrees to allow the Department to delay the transfer of a granted hearing request to the Office of Administrative Law for the purposes of engaging in settlement negotiations as provided by the Uniform Administrative Procedure Rules at N.J.A.C. 1:1-8.1(b);

i. A person may request that the Department determine whether the matter is suitable for mediation by the Department's Office of Dispute Resolution. The Department shall promptly notify the requester of its determination. If the Department determines that the matter is suitable for mediation, the Department shall also notify the requester of the procedures and schedule for mediation. More information about the Office of Dispute Resolution is available from the Department's website at [\[www.nj.gov/dep/odr\]](http://www.nj.gov/dep/odr) <https://www.nj.gov/dep/odr>;

6. – 8. (No change.)

(c) – (e) (No change.)