N.J.A.C. 7:7
COASTAL ZONE MANAGEMENT RULES

Statutory authority:

N.J.S.A. 13:19-1 et seq.; 12:3-1 et seq., 12:5-3; 13:9A-1 et seq.

Date last amended:

February 20, 2020

For regulatory history and effective dates, see the New Jersey Administrative Code

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policies and principles of the Master Plan are effectuated through the New Jersey Meadowlands Commission District Zoning Regulations, N.J.A.C. 19:4.

7:7-9.44 Wild and scenic river corridors

(a) Wild and scenic river corridors are all rivers designated into the National Wild and Scenic Rivers System and any rivers or segments thereof being studied for possible designation into that system pursuant to the National Wild and Scenic Rivers Act (16 U.S.C. §§ 1271-1278). For rivers designated into the national system, the wild and scenic river corridor shall include the river and adjacent areas located within one-quarter mile from the mean high water line on each side of the river until a Federal River Management Plan has been adopted, after which time the wild and scenic corridor shall be the area defined in the adopted plan. For rivers under study for possible designation into the national system, the wild and scenic river corridor shall include the river and adjacent areas extending one-quarter mile from the mean high water line on each side of the river.

(b) Development in wild and scenic river corridors shall comply with (b)1 and 2 below, and the standards for the specific type of development at (c), (d), (f), (g) and (h) below. The standards for linear development are found at (e) below.

1. Development that would have a direct and adverse effect on any "outstandingly remarkable resource value" for which the river was designated or is being studied for possible designation into the National Wild and Scenic Rivers System is prohibited. For the purposes of this rule, "outstandingly remarkable resource values" means any of those extraordinary scenic, recreational, cultural, historical, or fish and wildlife attributes of a river corridor which, under the National Wild and Scenic Rivers Act, are required to be preserved and protected for the benefit and enjoyment of future generations.
2. The development shall comply with the standards set forth in the Federal River Management Plan adopted pursuant to the National Wild and Scenic Rivers Act for the wild and scenic river corridor if a plan exists.

(c) Development of docks, piers, and moorings on the Great Egg Harbor River and Maurice River and their tributaries shall comply with the following:

1. A dock, pier or mooring shall not extend to a depth greater than two feet at mean high water or further than 20 percent of the river width, as measured from mean high water line on one side of the river to the mean high water line on the opposite side of the river, whichever is less.
2. On the Great Egg Harbor River and Maurice River, development of a dock, pier**,** or mooring within 75 feet of the edge of a navigation channel is prohibited.
3. On the tributaries to the Great Egg Harbor River and Maurice River, development of a dock, pier**,** or mooring within 25 feet of the edge of a navigation channel, is prohibited.

(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 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) Linear development shall be located within the right of way of an existing linear development route or outside of the wild and scenic river corridor where feasible. Where an analysis of alternatives demonstrates that proposed development which is in the public interest cannot be so located, the linear development shall be located and designed to minimize adverse effect on outstandingly remarkable resource values and the width of the clearing for the linear development shall be minimized.

(f) Communication and cellular towers are prohibited in a wild and scenic river corridor.

(g) Development of bridges is conditionally acceptable provided it complies with the following:

1. The structure spans the entire width of the water body, and has no associated structures located below the mean high water line, unless it is demonstrated that such a structure is not feasible;
2. The bridge is non-obtrusive, including siting, design and materials, all of which are in character with the surrounding development;
3. A vertical clearance of five feet is maintained between the elevation of the water body at mean high water and the lowest structural member of the bridge where the water depth is greater than two feet at mean high water;
4. A single crossing is used where feasible;
5. There is no reduction of the total width and volume of the water body passing under the bridge;
6. The water body is crossed by a method which minimizes disruption to the bottom of the water body; and
7. The crossing is designed to minimize impacts to the fishery resources, and is generally at a 90 degree angle to the shoreline.

(h) Development of culverts is conditionally acceptable provided it complies with the following:

1. A natural streambed is provided through either the use of a bottomless structure or by recessing the culvert bottom a minimum of 12 inches below the bottom of the water body;
2. There is no reduction of the total pre-construction width and volume of the water body passing through the culvert; and
3. The crossing is designed to minimize impacts to the fishery resources, and is generally at a 90 degree angle to the shoreline.

(i) Rationale: This rule reflects and incorporates the goals of the National Wild and Scenic Rivers Act, which recognizes outstandingly remarkable scenic, recreational, fish and wildlife, historic, cultural**,** and similar values of certain rivers of the State, in addition to the goals of reducing loss of life and property resulting from the over development of floodplains. The primary purpose of the National Wild and Scenic Rivers Act is to protect the free-flowing character and the outstandingly remarkable resource values of designated rivers. Construction within the established boundary that may adversely affect the reasons why a river was designated into the national system is prohibited, except for linear development in the public interest where no alternative is feasible. Such development must minimize impacts and provide mitigation.

The limits on the length of a dock on the Great Egg Harbor River or Maurice River help assure that docks will not adversely affect the outstandingly remarkable scenic and recreational resources in the future, including when the navigational channel changes. It will ensure continued use of the rivers for kayaking and canoeing without encumbrance by lengthy docks. Seine fisheries, including fisheries for alewife herring, have operated on these rivers for years. The marine fish and fisheries rule, N.J.A.C. 7:7-16.2, will ensure protection of the fisheries on these rivers. Hard engineering structures cause the velocity of the river to increase and thus increase the potential for scouring. In an effort to maintain these river corridors in a natural state to the maximum extent practicable, natural embankment stabilization techniques such as live cuttings and earth buttresses are encouraged.

7:7-9.45 Geodetic control reference marks

(a) Geodetic control reference marks are traverse stations and benchmarks established or used by the New Jersey Geodetic Control Survey pursuant to P.L. 1934, c.116. They include the following types:

1. Monument-(Mon), Disk-(DK): A standard United States Coast and Geodetic Survey or New Jersey Geodetic Control Survey disk set in a concrete post, pavement, curb, ledge rock, etc., stamped with a reference number, and used for both horizontal and vertical control.
2. Point (Pt.): A State highway, tidelands (riparian), city, etc. survey marker represented by a chiseled cross, punch hole, brass plug, etc. used for horizontal and vertical control. These stations are not marked, but if there should be an enclosing box, the rim is stamped with a number.
3. Rivet-(Rv.): A standard metal rivet set by the New Jersey Geodetic Control Survey, used