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CHRISTIE ADMINISTRATION ADOPTS RULES TO EXPEDITE RECOVERY AND REBUILDING
PROJECTS FOR SANDY AFFECTED NEW JERSEYANS

Rule Revisions Cut Red Tape and Streamline DEP Permits for Vital Rebuilding
Projects

(13/P65) TRENTON - As part of its ongoing commitment to help New Jersey's communities continue to recover and rebuild from Superstorm Sandy, the Christie Administration this week formally adopted rules that streamline Department of Environmental Protection (DEP) permits for various types of vital rebuilding projects.

This action will aid reconstruction of impacted homes and businesses, assist the recovery of marinas and shellfish industries, help make coastal areas more resilient in future storms, and expedite dredging of storm-impacted private lagoons and marinas.

The changes to the coastal rules eliminate unnecessary red tape by enabling various types of projects to proceed under less cumbersome permit procedures, including permits by rule and general permits. At the same time, the processes put in place will not compromise protection of coastal resources and will help ensure the rebuilding of a more resilient New Jersey coastline.

"The Christie Administration is committed to taking every step possible to help our communities rebuild more resiliently and quickly following Sandy," said DEP Commissioner Bob Martin. "These common sense rule changes eliminate unnecessary red tape that would needlessly impede the important work of rebuilding while ensuring continued protection of our important natural resources."

The changes eliminate or significantly reduce time needed for DEP reviews. They also save property owners fees and costs associated with more complex permit requirements. The DEP initially adopted the rule changes on an emergency basis on April 16.

The activities regulated by the simplified permit processes are for reconstruction activities that are occurring largely on the same footprint or involve minimal (up to 400 square feet) expansion. In many cases, these changes will provide significant environmental benefits and better prepare coastal communities for future storms.

For example, the changes allow for use of a permit by rule for necessary sand fencing, and expand activities allowed under general permits for beach and dune maintenance. Permits by rule recognize that the projects being undertaken are minor in scope and have no environmental impact.

Specifically, the rules enhance coastal protection by:

* Allowing maintenance of engineered beaches and dunes to federal project design levels through an individual coastal permit.

* Allowing for projects that create living shorelines through a general permit. Living shorelines utilize strategic placement of native vegetation, sand, organic materials, and/or bivalves such as oysters, clams and mussels to reinforce shorelines and prevent flooding naturally.

* Establishing a permit by rule for placement of sand to help create and stabilize dunes.

* Allowing for the removal of sand from underneath boardwalks through beach and dune maintenance general permit.

The rules expedite the rebuilding of residential and commercial structures by:

* Providing for a permit by rule for reconstruction of damaged residential or commercial structures in upland waterfront development areas that are outside the CAFRA zone, primarily Raritan Bay and the Newark-New York Harbor complex. Such rebuilding is already exempt in the state's CAFRA zone, which hugs the coastline from Sandy Hook south to Cape May Point and north again along the Delaware Bay to Salem County.

* Helping property owners make their buildings safer when feasible by changing the current general permit requirement to a permit by rule for lateral or landward relocation of the existing footprint of a structure. Expansion must be no more than 400 square feet.

* Eliminating the need for a permit to elevate a bulkhead, dock or pier as part of repair, replacement or reconstruction, as long as this is done in the existing footprint and not over wetlands. This will provide more resilience in future storms.

The rules also provide flexibility to allow marinas and other small businesses to enhance their operations without coming to DEP by:

* Changing current individual permits to permits by rule to allow marinas to reconfigure docks, wharfs, and piers within their existing leased areas.

* Allowing a permit by rule for construction or installation of boat pump-out facilities.

* Changing current individual permit requirements to a general permit to allow for construction of support facilities.

The rules also contain provisions to aid the recovery of the shellfish/aquaculture industry by:

* Allowing for a permit by rule for placement of certain land-based structures instead of an individual permit.

* Allowing for a permit by rule for placement of predator screens, shellfish cages and other minor activities.

* Establishing a general permit for various commercial aquaculture activities, such as placement of shell.

Finally, the rules expedite dredging after a storm event for which the Governor has declared a State of Emergency, by:

* Allowing general permits instead of individual permits for dredging of man-made lagoons impacted by storm events.

* Replacing individual permits with general permits for removal of sand and other material deposited in the water as a result of bulkheads damaged by storms.

* Allowing general permits instead of individual permits for

dredging of marina basins to removal materials deposited by storm events.

* Eliminating the requirement for a CAFRA permit for rehabilitation and use of existing dredged material management areas within the same footprint.

For a copy of full rule and response to public comments, please visit:

<http://www.nj.gov/dep/rules/adoptions.html>

For a copy of the Statement of Imminent Peril upon which the rule is based, please visit: http://www.nj.gov/dep/rules/ips_20130417.pdf

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