

**ASSEMBLY, No. 2788**

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**STATE OF NEW JERSEY**

**219th LEGISLATURE**

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INTRODUCED FEBRUARY 13, 2020

**Sponsored by:**

**Assemblywoman VALERIE VAINIERI HUTTLE**

**District 37 (Bergen)**

**SYNOPSIS**

Creates New Jersey Coastal Commission; reallocates certain funds from DEP to commission; and appropriates \$20 million.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 2/20/2020)**

1   **AN ACT** providing for the restoration and protection of the shore  
2    area, creating the New Jersey Coastal Commission,  
3    supplementing, amending, and repealing various parts of the  
4    statutory law, and making an appropriation.

5  
6    **BE IT ENACTED** *by the Senate and General Assembly of the State*  
7    *of New Jersey:*

8  
9       1. (New section) This act shall be known, and may be cited as,  
10    the “New Jersey Coastal Commission Act.”

11  
12       2. (New section) The Legislature finds and declares that:

13       a. The beaches, dunes, riverfronts, bayfronts and inlets along  
14    New Jersey’s coastline and the surrounding region are sources of  
15    beauty and recreation for hundreds of thousands of residents and  
16    visitors each year, a priceless environmental resource, and a vital  
17    component of the State’s economy;

18       b. New Jersey’s dense population and expanding development,  
19    as well as a variety of natural events and phenomena, challenge and  
20    threaten the continued environmental integrity of the shore region  
21    and the coastal waters, and the economy of the coastal area is  
22    dependent upon the quality of the coastal environment;

23       c. A post-tropical storm commonly referred to as “Hurricane  
24    Sandy” swept through the Caribbean and up the East Coast of the  
25    United States in late October 2012, making landfall in the United  
26    States on October 29th, 2012, striking near Atlantic City, with  
27    winds of 80 miles per hour;

28       d. Hurricane Sandy caused a tragic loss of life, destroyed entire  
29    communities in parts of New Jersey, and inflicted incalculable harm to  
30    the economy of this State, as demonstrated by the 346,000 homes  
31    that were damaged or destroyed, the 116,000 people who were  
32    evacuated or displaced from their homes, the hundreds of buildings,  
33    vehicles, roads, and bridges that were washed away, and the nearly  
34    1,400 vessels that were either sunken or abandoned in the State’s  
35    waterways during the storm;

36       e. The damage caused by Hurricane Sandy left much of the State  
37    particularly vulnerable in its aftermath and the devastation was only  
38    exacerbated by another severe weather event that occurred days later;

39       f. New Jersey’s shore area is a vital component of the economy,  
40    welfare, and cultural landscape of the State and the existing land use  
41    and environmental regulatory system cannot adequately protect the  
42    region;

43       g. The restoration, protection, and enhancement of the State’s  
44    coastal environment are matters of highest priority and can be  
45    accomplished best through comprehensive regional planning,

**EXPLANATION** – Matter enclosed in bold-faced brackets **[thus]** in the above bill is  
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 regulation, and coordination among all levels of government, and  
2 the most effective and appropriate instrument to carry out these  
3 functions is a regional commission with a mandate to preserve,  
4 protect, and restore that portion of the coastal area located within  
5 the counties of Atlantic, Cape May, Middlesex, Monmouth, and  
6 Ocean; and

7 h. To best ensure the public health, safety, and welfare while  
8 also accomplishing the desired objective of restoring, enhancing,  
9 and preserving ecosystems in much of the coastal area for the public  
10 benefit, it is in the public interest to establish a New Jersey Coastal  
11 Commission and establish a regional approach to land use planning  
12 and environmental regulation in the coastal area located in the  
13 counties of Atlantic, Cape May, Middlesex, Monmouth, and Ocean.  
14

15 3. (New section) As used in sections 1 through 16 of  
16 P.L. , c. (C. ) (pending before the Legislature as this bill):

17 “Application for development” means the application form and  
18 all accompanying documents required for approval of a subdivision  
19 plat, site plan, planned development, conditional use, zoning  
20 variance, or direction of the issuance of a permit pursuant to the  
21 “Municipal Land Use Law,” P.L.1975, c.291 (C.40:55D-1 et seq.)  
22 or R.S.40:27-1 et seq., for any use, development, or construction.

23 “Capital improvement” means any facility for the provision of  
24 public services with a life expectancy of three or more years, owned  
25 and operated by or on behalf of the State or a political subdivision  
26 thereof.

27 “Coastal commission area” means that area designated pursuant  
28 to section 4 of P.L.1973, c.185 (C.13:19-4) located within the  
29 counties of Atlantic, Cape May, Middlesex, Monmouth, and Ocean.

30 “Coastal environmental land use permit” means a permit,  
31 approval, or other authorization for an activity, development, or  
32 project located in the coastal commission area issued pursuant to  
33 R.S.12:5-1 et seq., “The Wetlands Act of 1970,” P.L.1970, c.272  
34 (C.13:9A-1 et seq.), the “Freshwater Wetlands Protection Act,”  
35 P.L.1987, c.156 (C.13:9B-1 et seq.), the “Coastal Area Facility  
36 Review Act,” P.L.1973, c.185 (C.13:19-1 et seq.), or the “Flood  
37 Hazard Area Control Act,” P.L.1962, c.19 (C.58:16A-50 et seq.).

38 “Coastal management plan” means the “New Jersey Coastal  
39 Management Plan” developed and adopted pursuant to section 8 this  
40 act.

41 “Commission” means the New Jersey Coastal Commission  
42 created pursuant to section 4 of this act.

43 “Development” means the same as that term is defined in section  
44 3.1 of P.L.1975, c.291 (C.40:55D-4).

45 “Development regulation” means the same as that term is defined  
46 in section 3.1 of P.L.1975, c.291 (C.40:55D-4).

47 “Ecosystem-based management” means an approach to  
48 management that integrates biological, social, and economic factors

1 into a comprehensive strategy aimed at protecting, restoring, and  
2 enhancing the sustainability, diversity, and productivity of  
3 ecosystems.

4 “Hurricane Sandy” means the post-tropical storm commonly  
5 referred to as “Hurricane Sandy” that swept through the Caribbean  
6 and up the East Coast of the United States in late October 2012,  
7 making landfall in the United States on October 29th, 2012.

8 “Local government unit” means a municipality, county, or other  
9 political subdivision of the State, or any agency, board,  
10 commission, utilities authority or other authority, or other entity  
11 thereof authorized to undertake a project in the coastal commission  
12 area.

13 “Regional advisory council” or “council” means any council  
14 created to advise and assist the commission pursuant to section 12  
15 of this act.

16 “State Development and Redevelopment Plan” means the State  
17 Development and Redevelopment Plan adopted pursuant to  
18 P.L.1985, c.398 (C.52:18A-196 et al.).

19 “State entity” means any State department, agency, board,  
20 commission, or other entity, district water supply commission,  
21 independent State authority or commission, or bi-state entity.

22

23 4. (New section) There is hereby established a public body  
24 corporate and politic, with corporate succession, to be known as the  
25 “New Jersey Coastal Commission.” The commission shall  
26 constitute a political subdivision of the State established as an  
27 instrumentality exercising public and essential governmental  
28 functions, and the exercise by the commission of the powers and  
29 duties conferred by this act shall be deemed and held to be an  
30 essential governmental function of the State. For the purpose of  
31 complying with the provisions of Article V, Section IV, paragraph 1  
32 of the New Jersey Constitution, the commission is hereby allocated  
33 within the Department of Environmental Protection, but,  
34 notwithstanding that allocation, the commission shall be  
35 independent of any supervision or control by the department or by  
36 the commissioner or any officer or employee thereof.

37

38 5. (New section) a. The commission shall consist of 19  
39 voting members to be appointed and qualified as follows:

40 (1) Ten residents of the counties of Atlantic, Cape May,  
41 Middlesex, Monmouth, and Ocean, of whom two from each county  
42 would be appointed by the Governor upon the recommendation of  
43 the respective county governing body within 30 days after the date  
44 of enactment of this act, provided however that (a) no more than  
45 five shall be of the same political party, and (b) five shall be  
46 municipal officials residing in the coastal commission area and  
47 holding elective office at the time of appointment and five shall be

1 county officials holding elective office at the time of appointment;  
2 and

3 (2) Nine residents of the State, of whom three shall be appointed  
4 by the Governor with the advice and consent of the Senate, three  
5 shall be appointed by the Governor upon the recommendation of the  
6 President of the Senate, and three shall be appointed by the  
7 Governor upon the recommendation of the Speaker of the General  
8 Assembly. The members appointed pursuant to this paragraph shall  
9 have, to the maximum extent practicable, demonstrated expertise  
10 and interest in coastal issues and be actively connected with, or  
11 have experience in: natural resources protection, environmental  
12 protection, water quality protection, agriculture, forestry, land use,  
13 or economic development. The Governor shall appoint the  
14 members to the commission within 30 days after the date of  
15 enactment of this act.

16 The commissioner shall request the United States Army Corps of  
17 Engineers, the United States Environmental Protection Agency, the  
18 United States Coast Guard, and the National Oceanic and  
19 Atmospheric Administration to each appoint a representative to  
20 serve as an advisor to the commission.

21 The elected chairpersons of the regional advisory councils shall  
22 serve in an advisory capacity on the commission.

23 b. (1) Commission members shall serve for terms of five  
24 years; provided, however, that of the members first appointed, six  
25 shall serve a term of three years, six shall serve a term of four years,  
26 and seven shall serve a term of five years. The initial terms of the  
27 three commission members appointed by the Governor upon the  
28 recommendation, respectively, of the President of the Senate and  
29 the Speaker of the General Assembly shall be among those  
30 commission members assigned initial terms of five years pursuant  
31 to this paragraph.

32 (2) Each member shall serve for the term of the appointment and  
33 until a successor shall have been appointed and qualified. Any  
34 vacancy shall be filled in the same manner as the original  
35 appointment for the unexpired term only.

36 c. Any member of the commission may be removed by the  
37 Governor, for cause, after a public hearing.

38 d. Each member of the commission, before entering upon the  
39 member's duties, shall take and subscribe an oath to perform the  
40 duties of the office faithfully, impartially, and justly to the best of  
41 the member's ability, in addition to any oath that may be required  
42 by R.S.41:1-1 et seq. A record of the oath shall be filed in the  
43 Office of the Secretary of State.

44 e. The members of the commission shall serve without  
45 compensation, but the commission may, within the limits of funds  
46 appropriated or otherwise made available for such purposes,  
47 reimburse its members for necessary expenses incurred in the  
48 discharge of their official duties.

- 1 f. The powers of the commission shall be vested in the  
2 members thereof in office. A majority of the members of the  
3 commission constitutes a quorum for the conducting of official  
4 commission business. A vacancy on the commission does not  
5 impair the right of a quorum of the members to exercise the powers  
6 and perform the duties of the commission.
- 7 g. The Governor shall designate one of the members of the  
8 commission as chairperson. The commission shall appoint an  
9 executive director, who shall be the chief administrative officer  
10 thereof. The executive director shall serve at the pleasure of the  
11 commission, and shall be a person qualified by training and  
12 experience to perform the duties of the office.
- 13 h. The members and staff of the commission shall be subject to  
14 the "New Jersey Conflicts of Interest Law," P.L.1971, c.182  
15 (C.52:13D-12 et seq.).
- 16 i. The commission shall be subject to the provisions of the  
17 "Senator Byron M. Baer Open Public Meetings Act,"  
18 P.L.1975, c.231 (C.10:4-6 et seq.).
- 19 j. A true copy of the minutes of every meeting of the  
20 commission shall be prepared and forthwith delivered to the  
21 Governor. No action taken at a meeting by the commission shall  
22 have force or effect until 10 days, exclusive of Saturdays, Sundays,  
23 and public holidays, after a copy of the minutes shall have been so  
24 delivered; provided, however, that no action taken with respect to  
25 the adoption of the coastal management plan, or any portion or  
26 revision thereof, shall have force or effect until 30 days, exclusive  
27 of Saturdays, Sundays, and public holidays, after a copy of the  
28 minutes shall have been so delivered. If, in the 10-day period, or  
29 30-day period, as the case may be, the Governor returns the copy of  
30 the minutes with a veto of any action taken by the commission at  
31 the meeting, the action shall be null and void and of no force and  
32 effect.
- 33 k. The commission shall cause an audit of its books and  
34 accounts to be made at least once in each year by certified public  
35 accountants selected by the State Treasurer. The cost thereof shall  
36 be considered as an expense of the commission and a copy thereof  
37 shall be filed with the Governor, State Treasurer, the President of  
38 the Senate, the Speaker of the General Assembly, and the  
39 Legislature pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1).  
40 The State Auditor, or a legally authorized representative, may  
41 examine the accounts and books of the commission.
- 42 l. The first meeting of the commission shall take place as soon  
43 as practicable following the appointment and qualification of a  
44 majority of the commission members. The commission shall meet  
45 pursuant to a schedule to be established at its first meeting and at  
46 the call of the chairperson, but in no instance shall the commission  
47 meet less than twice a month.

- 1       6. (New section) a. The commission shall have jurisdiction  
2 within the coastal commission area for:
- 3       (1) all planning activities and all approvals related to  
4 applications for development;
- 5       (2) all activities related to land use permitting and approvals;
- 6       (3) all beach erosion and shore protection projects undertaken or  
7 proposed to be undertaken; and
- 8       (4) the oversight of disbursement and use of any federal monies  
9 received from the Federal Emergency Management Agency or any  
10 other source related to reconstruction from the effects of Hurricane  
11 Sandy.
- 12      b. The commission shall exercise its power to achieve the  
13 following purposes:
- 14      (1) Protect, preserve, and restore the environmental quality and  
15 natural resources of the New Jersey's coastal commission area, and,  
16 consistent with the protection and preservation thereof, maintain the  
17 long-term economic viability of the coastal commission area, and  
18 ensure public access to, and use or enjoyment of, the natural,  
19 scenic, recreation, and historic resources in the coastal commission  
20 area;
- 21      (2) Provide a comprehensive approach to protecting the  
22 environment by managing growth in the coastal commission area,  
23 noting regional differences and acting in close cooperation with  
24 local government units;
- 25      (3) Protect the ocean's renewable resources by acting to improve  
26 the quality of near coastal and estuary waters and coastal habitats;
- 27      (4) Preserve and promote the natural, scenic, recreation, and  
28 historic aspects of the coastal commission area; and
- 29      (5) Ensure that regulations governing the coastal commission  
30 area are understandable and provide for the widest public  
31 participation in the commission's decision making processes.  
32
- 33      7. (New section) The commission shall have the following  
34 powers, duties, and responsibilities, in addition to those prescribed  
35 elsewhere in this act:
- 36      a. To adopt and from time to time amend and repeal suitable  
37 bylaws for the management of its affairs;
- 38      b. To adopt and use an official seal and alter it at the  
39 commission's pleasure;
- 40      c. To maintain an office at such place or places in the coastal  
41 commission area as it may designate;
- 42      d. To sue and be sued in its own name;
- 43      e. To appoint, retain and employ, without regard to the  
44 provisions of Title 11A of the New Jersey Statutes but within the  
45 limits of funds appropriated or otherwise made available for those  
46 purposes, such officers, employees, attorneys, agents, and experts  
47 as it may require, and to determine the qualifications, terms of  
48 office, duties, services, and compensation therefor;

- 1       f. To apply for, receive, and accept, from any federal, State, or  
2 other public or private source, grants or loans for, or in aid of, the  
3 commission's authorized purposes or in the carrying out of the  
4 commission's powers, duties, and responsibilities;
- 5       g. To enter into any and all agreements or contracts, execute  
6 any and all instruments, and do and perform any and all acts or  
7 things necessary, convenient, or desirable for the purposes of the  
8 commission or to carry out any power, duty, or responsibility  
9 expressly given in this act;
- 10      h. To call to its assistance and avail itself of the services of  
11 such employees of any State entity or local government unit as may  
12 be required and made available for such purposes;
- 13      i. To adopt a coastal management plan for the coastal  
14 commission area as provided pursuant to section 8 of this act;
- 15      j. To appoint advisory boards, councils, or panels to assist in  
16 its activities, including but not limited to a municipal advisory  
17 council consisting of mayors, municipal council members, or other  
18 representatives of municipalities located in the coastal commission  
19 area;
- 20      k. To solicit and consider public input and comment on the  
21 commission's activities, the coastal management plan, and other  
22 issues and matters of importance in the coastal commission area by  
23 periodically holding public hearings or conferences and providing  
24 other opportunities for such input and comment by interested  
25 parties;
- 26      l. To conduct examinations and investigations, to hear  
27 testimony, taken under oath at public or private hearings, on any  
28 material matter, and to require attendance of witnesses and the  
29 production of books and papers;
- 30      m. To prepare and transmit to the Commissioner of  
31 Environmental Protection and the Legislature, pursuant to section 2  
32 of P.L.1991, c.164 (C.52:14-19.1), such recommendations for  
33 additional or more stringent water quality standards for surface and  
34 ground waters in the coastal commission area, or in tributaries and  
35 watersheds within or outside the coastal commission area and for  
36 other environmental protection standards pertaining to the lands and  
37 natural resources of the coastal commission area, as the commission  
38 deems appropriate;
- 39      n. To identify and designate in the coastal management plan  
40 special areas within which development shall not occur in order to  
41 protect water resources and environmentally sensitive lands while  
42 recognizing the need to provide just compensation to the owners of  
43 those lands when appropriate, whether through acquisition, transfer  
44 of development rights programs, or other means or strategies;
- 45      o. To identify any lands in which the public acquisition of a fee  
46 simple or lesser interest therein is necessary or desirable in order to  
47 ensure the preservation thereof, or to provide sites for public  
48 recreation, and to transmit a list of those lands to the Commissioner



1 of Environmental Protection, the State Agriculture Development  
2 Committee, affected local government units, and appropriate federal  
3 agencies;

4 p. To develop model land use ordinances and other  
5 development regulations, for consideration and adoption by  
6 municipalities in the coastal commission area, that would help  
7 protect the environment and to provide guidance and technical  
8 assistance in connection therewith to those municipalities;

9 q. To comment upon any application for development before a  
10 local government unit, on the adoption of any master plan,  
11 development regulation, or other regulation by a local government  
12 unit, or on the enforcement by a local government unit of any  
13 development regulation or other regulation, which power shall be in  
14 addition to any other review, oversight, or intervention powers of  
15 the commission prescribed by this act;

16 r. To work with interested municipalities to enter into  
17 agreements to establish, where appropriate, capacity-based  
18 development densities, including, but not limited to, appropriate  
19 higher densities to support transit villages or in centers designated  
20 by the State Development and Redevelopment Plan and endorsed by  
21 the State Planning Commission;

22 s. To establish and implement a road signage program in  
23 cooperation with the Department of Transportation and local  
24 government units to identify significant natural and historic  
25 resources and landmarks in the coastal commission area;

26 t. To promote, in conjunction with the Department of  
27 Environmental Protection and the Department of Agriculture,  
28 conservation of water resources;

29 u. To promote brownfield remediation and redevelopment in  
30 the coastal commission area;

31 v. To prepare, adopt, amend, or repeal, pursuant to the  
32 provisions of the "Administrative Procedure Act," P.L.1968, c.410  
33 (C.52:14B-1 et seq.), such rules and regulations as may be  
34 necessary in order for the commission to exercise its powers and  
35 perform its duties and responsibilities under the provisions of this  
36 act, including the establishment of reasonable fees for services  
37 performed relating to the review of applications for development  
38 and other applications filed with or otherwise brought before the  
39 commission, or for other services, as may be required by this act or  
40 the coastal management plan adopted pursuant to this act;

41 w. To submit an annual report, by March 1st of each year, to  
42 the Governor and to the Legislature, pursuant to section 2 of  
43 P.L.1991, c.164 (C.52:14-19.1), summarizing the commission's  
44 activities for the previous calendar year and providing  
45 recommendations for legislative actions that the commission deems  
46 appropriate and necessary to assist the commission in fulfilling the  
47 requirements of this act, including the financial resources needed to  
48 achieve the purposes of this act;

- 1       x. To receive complaints of pollution or other activities that  
2 may lead to the environmental degradation of the land or waters of  
3 the coastal commission area or the circumvention of the coastal  
4 management plan and conduct investigations to promote and protect  
5 the environmental quality of the land and water areas within the  
6 coastal commission area;
- 7       y. To issue periodic status reports on the quality of ocean and  
8 other waters within the coastal commission area;
- 9       z. To audit the actions of local government units as those  
10 actions relate to conformance with the coastal management plan;
- 11       aa. To consider any matter relating to the protection,  
12 maintenance, and restoration of coastal and ocean resources,  
13 including: the coordination and development of a research agenda  
14 on ecosystem-based management; studying and investigating  
15 coastal and habitat protection; and submitting, from time to time, to  
16 the Commissioner of Environmental Protection recommendations  
17 which the commission deems necessary to protect, maintain, and  
18 restore coastal and ocean resources;
- 19       bb. To review and approve, reject, or modify any State project  
20 planned within the coastal commission area for conformance with the  
21 coastal management plan, and submit its decision to the Governor and  
22 the commissioner of the department or head of the State entity or  
23 authority proposing the project; and
- 24       cc. To coordinate with the State Office of Emergency  
25 Management in the Division of State Police in the Department of  
26 Law and Public Safety, the United States Army Corps of Engineers,  
27 and the Federal Emergency Management Agency to conduct and  
28 review any assessment of the damage, and any associated recovery  
29 efforts, caused by Hurricane Sandy or any other major storm event  
30 that impacts the coastal commission area.
- 31
- 32       8. (New section) a. Within nine months after its first  
33 meeting, and at least every five years thereafter, the commission  
34 shall prepare and adopt, or review, revise and readopt, a New Jersey  
35 Coastal Management Plan. Prior to the adoption or readoption of  
36 the coastal management plan the commission shall hold a public  
37 hearing in each county in the coastal commission area. Within one  
38 week after the adoption or readoption of the coastal management  
39 plan, the commission shall send a copy of the plan to each  
40 municipality and county in the coastal commission area and shall  
41 make a copy of the plan available on the commission's website.
- 42       b. The development of the coastal management plan shall be  
43 closely coordinated with the provisions of the "State Development  
44 and Redevelopment Plan" and the comprehensive management plan  
45 for the pinelands adopted pursuant to the "Pinelands Protection  
46 Act," P.L.1979, c.111 (C.13:18A-1 et seq.). Nothing in the coastal  
47 management plan may, however, be construed to affect the  
48 provisions or requirements under the comprehensive management

1 plan for the pinelands. In developing the coastal management plan,  
2 the commission shall consider input from federal, State, county, and  
3 municipal entities, and other regional bodies, with respect to their  
4 land use, environmental, capital, and economic development plans.

5 c. The commission shall adopt procedures to provide for the  
6 maximum feasible participation by the regional advisory councils,  
7 local government units, and the public in the preparation of the  
8 coastal management plan and in the periodic review and revision of  
9 the plan for purposes of readoption.

10  
11 9. (New section) The coastal management plan shall include,  
12 but need not be limited to:

13 a. A comprehensive statement of policies for protecting coastal  
14 resources and managing development in the coastal commission  
15 area, based upon a resource assessment made pursuant to subsection  
16 b. of this section, which policies shall:

17 (1) preserve, restore and protect the natural resources and  
18 environmental qualities of the coastal commission area, including,  
19 but not limited to, coastal and estuary waters, agricultural areas,  
20 fresh and saltwater wetlands, flood plains, stream corridors, aquifer  
21 recharge areas, sand dunes, areas of unique flora and fauna and  
22 other ecological systems, and areas of scenic, historic and  
23 recreational value;

24 (2) provide for the development of, and use of land and water  
25 resources in, the coastal commission area in a manner consistent  
26 with:

27 (a) the preservation and protection of the natural resources and  
28 environmental qualities thereof based on ecological considerations;

29 (b) the protection of the coastal commission area from  
30 individual and cumulative adverse impacts of development on  
31 natural resources and the environment; and

32 (c) the protection of human life and property from natural  
33 hazards, including rising sea levels, severe weather events, and  
34 erosion;

35 (3) channel patterns of compatible residential, commercial and  
36 industrial development in or adjacent to areas already utilized for  
37 such purposes or in areas where the necessary infrastructure exists  
38 or can be provided efficiently and economically; and

39 (4) provide for the protection, maintenance, and restoration of  
40 healthy coastal and ocean ecosystems, and incorporate ecosystem-  
41 based management approaches.

42 b. A resource assessment:

43 (1) that determines the amount and type of development and  
44 other human activities that can be sustained by the ecosystems of  
45 the coastal commission area while maintaining and enhancing the  
46 viability and natural productivity of the ecosystems, with special  
47 reference to the ecological vitality of wetlands, natural hazards,

- 1 endangered or unusual species or habitat, and the cumulative  
2 adverse impacts of development on air and water quality; and  
3 (2) of natural, scenic, public open space and outdoor recreation  
4 resources of the area, together with a determination of the land use  
5 and other public policies required to maintain or restore such  
6 resources;
- 7 c. A land use capability component for designating areas for  
8 growth, limited growth, agriculture, open space, natural resource  
9 conservation, recreation, habitat protection, water related or  
10 dependent use, and other appropriate designations that the  
11 commission may deem necessary. In making these designations the  
12 commission shall seek to provide for development and  
13 redevelopment only in locations where highway and transit  
14 capacity, sewerage, water supply, and other physical infrastructure  
15 facilities and public services are available or can be provided  
16 efficiently and economically and where the development or  
17 redevelopment will not conflict with the preservation and protection  
18 objectives of the coastal management plan;
- 19 d. Consideration, evaluation, recommendation, and  
20 implementation of mechanisms by which the policies and purposes  
21 of the coastal management plan may be carried out, including land  
22 and water protection and management techniques, utilizing State,  
23 regional and local police, regulatory and other powers;
- 24 e. A reference guide of technical planning standards and  
25 guidelines used in the preparation of the coastal management plan;
- 26 f. Regional planning standards and guidelines in the following  
27 areas: housing, transportation, land and water-based recreation,  
28 urban and suburban redevelopment, historic preservation, public  
29 facilities and services, and intergovernmental coordination;
- 30 g. A public access and use component, including, but not  
31 limited to, a detailed program to assure public access to, and use of,  
32 the beaches and shoreline of the coastal commission area, and to  
33 inform the public of the availability of these and other public  
34 recreational opportunities, and of appropriate uses of the land and  
35 water within the coastal commission area;
- 36 h. A five-year coastal commission area capital improvement  
37 program, coinciding with the term of each coastal management  
38 plan, to encompass projects to be undertaken or assisted by the  
39 commission for purposes of implementing the policies and goals of  
40 the coastal management plan. The capital improvement program  
41 shall set forth the project ranking criteria used by the commission  
42 and contain a project priorities list, which shall provide a  
43 description of each project, its purpose and relation to the policies  
44 and goals of the coastal management plan, its impacts, costs and  
45 proposed construction schedules, and commission funding to be  
46 available therefor; and
- 47 i. A financial component, together with a cash flow timetable,  
48 which details:

1 (1) the cost of implementing the coastal management plan,  
2 including, but not limited to, payments in lieu-of-taxes, acquisition  
3 of fee simple or of other interests in lands for preservation or  
4 recreation purposes, grants, loans, loan guarantees, project costs,  
5 general administrative costs, and any anticipated, extraordinary or  
6 continuing costs; and

7 (2) the sources of revenue for covering such costs, including,  
8 but not limited to, appropriations, bond revenues, fees, grants,  
9 donations, and loans from local, State, and federal entities, and from  
10 the private sector.

11  
12 10. (New section) a. In preparing the coastal management  
13 plan the commission shall:

14 (1) Prepare an infrastructure needs assessment, which shall  
15 describe present and prospective conditions, needs, and costs of  
16 State, county, and municipal capital facilities, including water,  
17 sewerage, solid waste, transportation, drainage, flood protection,  
18 shore protection, and related capital facilities;

19 (2) Prepare a research needs assessment detailing information  
20 deemed necessary or useful to the commission in preparing and  
21 implementing the coastal management plan and carrying out its  
22 functions under this act;

23 (3) Develop a natural resources inventory, which shall be  
24 regularly maintained and updated, through data collection and field  
25 work, a computerized data base of lists of rare and endangered  
26 species, natural communities ranked according to rarity, land areas  
27 of unique or ecological significance, and other items designated by  
28 the commission; and

29 (4) Solicit input from local officials in the coastal commission  
30 area, the public, and relevant State and federal entities.

31 b. The commission shall conduct, or cooperate in the conduct  
32 of, research projects relating to the health and environmental effects  
33 of water quality on humans, fish, and shellfish.

34  
35 11. (New section) a. Notwithstanding any other law, or rule  
36 or regulation adopted pursuant thereto, to the contrary, every State,  
37 regional, county and municipal government entity shall comply  
38 with the coastal management plan.

39 The commission shall require State, county, and municipal  
40 government implementation of the coastal management plan in a  
41 manner that will ensure the consistent and uniform protection of the  
42 coastal commission area. The commission shall establish, consistent  
43 with the coastal management plan, minimum standards for the  
44 adoption or revision of, as applicable, municipal or county master  
45 plans, development regulations, and capital improvement programs  
46 in the coastal commission area.

47 b. The commission shall make a finding in the case of each  
48 county and municipality in the coastal commission area as to that

1 county's or municipality's conformance with the coastal  
2 management plan. A county or municipality shall be in  
3 conformance with the coastal management plan when, as  
4 applicable, the county or municipal master plan, development  
5 regulations, and capital improvement program, as appropriate, in  
6 the coastal commission area are deemed by the commission to be in  
7 conformance with the coastal management plan and where the  
8 actions of the county or municipality, as they relate to provisions of  
9 the coastal management plan, are not inconsistent with the coastal  
10 management plan.

11 c. (1) Within six months after the adoption or readoption of  
12 the coastal management plan, each county and municipality shall  
13 submit to the commission its master plan, development regulations,  
14 and capital improvement program. The commission shall review  
15 and make a determination as to whether the plan, regulations, and  
16 program conform to the coastal management plan. If the plans and  
17 ordinances are in conformity therewith, the commission shall certify  
18 their conformance.

19 Upon a finding that the plan, regulations, or program are not in  
20 conformance, the commission shall, in writing, set forth the reasons  
21 for the finding of nonconformity and the action the county or  
22 municipality must take in order to conform to the coastal  
23 management plan. A county or municipality that has been found  
24 not to be in conformance with the coastal management plan may  
25 resubmit its plan, regulations, or program, as the case may be, to the  
26 commission for further review.

27 The commission shall review and approve or disapprove a  
28 county's or municipality's master plan, development regulations,  
29 and capital improvement program within 30 days after receipt  
30 thereof.

31 (2) A county or municipality shall be deemed to be not in  
32 conformance with the coastal management plan for purposes of  
33 subsection e. of this section, if:

34 (a) it fails to submit, as appropriate, its master plan,  
35 development regulations, or capital improvement program for the  
36 coastal commission area within six months after the commission's  
37 adoption or readoption of the coastal management plan; or

38 (b) the commission rejects the master plan, development  
39 regulations, or capital improvement program submitted following  
40 adoption or readoption of the coastal management plan.

41 d. The commission shall audit, periodically and at least twice  
42 each calendar year, the actions of counties and municipalities as  
43 those actions relate to conformance with the coastal management  
44 plan. Based upon the results of this audit, the commission shall  
45 make a determination as to whether that county or municipality is or  
46 is not in conformance with the coastal management plan. Upon a  
47 finding of nonconformance, the commission shall send the county  
48 or municipality, in writing, its reasons for finding nonconformity, a

1 copy of the audit report, and recommendations for action to be  
2 taken by that county or municipality to be in conformity. A county  
3 or municipality that has been found not to be in conformance with  
4 the coastal management plan pursuant to this subsection may, at a  
5 later date, petition the commission to reconsider the finding of  
6 nonconformity.

7 (1) A county or municipality is not in conformance with the  
8 coastal management plan pursuant to this subsection if:

9 (a) approvals or conditions of approvals for development  
10 activities constituting 5% or greater, on an annual basis, of the  
11 approvals for dwelling units, or square feet of nonresidential  
12 activities, are substantially in conflict with, or impede the  
13 implementation of, the coastal management plan; or

14 (b) activities required by the coastal management plan for which  
15 standards are contained in the coastal management plan are not  
16 undertaken or are funded at levels less than 90%, on an annual  
17 basis, of the funding required by standards established by the  
18 commission.

19 (2) The commission may find a county or municipality not to be  
20 in conformance with the coastal management plan if, upon petition  
21 or its own review, it finds, by resolution, that:

22 (a) any single approval for development activity or pattern of  
23 approvals, whether or not the approvals constitute, on an annual  
24 basis, 5% of the approvals for residential or nonresidential  
25 development, is substantially in conflict with, or impedes the  
26 implementation of the coastal management plan; or

27 (b) the county or municipality has failed to implement any  
28 activity required by the coastal management plan, whether or not  
29 the activity is funded at a level greater than 90%, on an annual  
30 basis, of the funding required by standards established by the  
31 commission.

32 e. Upon a finding by the commission that a county or a  
33 municipality is not in conformance with the coastal management  
34 plan, the commission shall:

35 (1) withhold all grants, loans or loan guarantees to that county  
36 or municipality, except upon a finding of substantial, regional  
37 benefit;

38 (2) notify the Governor and both houses of the Legislature and  
39 recommend that all discretionary funding relating to the policies,  
40 standards, and guidelines included in the coastal management plan  
41 for that county or municipality be withheld until that entity  
42 conforms to the coastal management plan; and

43 (3) if it is found that, in the case of a municipality, the approval  
44 or conditions of approval for 10% or more of the dwelling units or  
45 of the nonresidential square footage approved in any year is not in  
46 conformance with the coastal management plan, require permit  
47 review and approval by the commission, notwithstanding any  
48 provision to the contrary in P.L.1973, c.185 (C.13:19-1 et seq.),

1 (a) for the area of that municipality between the mean high  
2 water line of any tidal waters and the nearest parallel public street  
3 or road, or 1,000 feet, whichever is greater, of any application for  
4 development for the construction, alteration, enlargement,  
5 relocation, or reconstruction of any structure, or for a subdivision or  
6 resubdivision of land into two or more lots, tracts or parcels for sale  
7 or development, within that area of the municipality;

8 (b) for the area of that municipality within the coastal  
9 commission area but outside the area designated in subparagraph (a)  
10 of this paragraph, of any application for development for the  
11 construction, alteration, enlargement, relocation, or reconstruction  
12 of three or more dwelling units or a commercial development  
13 requiring a total of 10 or more parking spaces, or a subdivision or  
14 resubdivision of land into three or more lots, tracts, or parcels for  
15 sale or development, within that area of the municipality.

16 f. Upon a finding set forth in a resolution of the commission  
17 that a municipality is not in conformance with the coastal  
18 management plan by reason of a pattern of decisions the cumulative  
19 effect of which would be to adversely impact on the natural  
20 resources or environment of the coastal commission area, the  
21 commission, notwithstanding any provision to the contrary in  
22 P.L.1973, c.185 (C.13:19-1 et seq.), may:

23 (1) if the pattern of decisions resulting in the adverse impact is  
24 within the area between the mean high water line of any tidal waters  
25 and the nearest parallel public street or road, or 1,000 feet,  
26 whichever is greater, require permit review and approval by the  
27 commission of any application for development for the  
28 construction, alteration, enlargement, relocation, or reconstruction  
29 of any structure, or for a subdivision or resubdivision of land into  
30 two or more lots, tracts or parcels for sale or development, within  
31 that area of the municipality;

32 (2) if the pattern of decisions resulting in the adverse impact is  
33 within the coastal commission area but outside the area designated  
34 in paragraph (1) of this subsection, require permit review and  
35 approval by the commission of any application for development for  
36 the construction, alteration, enlargement, relocation, or  
37 reconstruction of three or more dwelling units or a commercial  
38 development requiring a total of 10 or more parking spaces, or a  
39 subdivision or resubdivision of land into three or more lots, tracts,  
40 or parcels for sale or development, within that area of the  
41 municipality.

42 g. The commission shall develop a coordination and  
43 consistency plan that details the ways in which local, State, and  
44 federal policies and programs, including but not limited to the  
45 federal "Coastal Zone Management Act of 1972," 16 U.S.C. s.1451  
46 et al., shall be coordinated to promote the goals and policies of the  
47 coastal management plan, and identifies the means whereby land,  
48 water, and structures managed by governmental or



1 nongovernmental entities in the public interest within the coastal  
2 commission area shall be integrated into the coastal management  
3 plan.

4 h. The commission shall provide technical assistance to  
5 municipalities and counties in order to encourage the use of the  
6 most effective and efficient planning and development review data,  
7 tools, and procedures and to assist municipalities and counties with  
8 conformance with the coastal management plan. The commission  
9 shall make available grants and other financial assistance, within  
10 the limits of available appropriations, to municipalities and counties  
11 for any revision of their master plans, development regulations, or  
12 other regulations which is designed to bring those plans,  
13 development regulations, or other regulations into conformance  
14 with the coastal management plan. The grants and other financial  
15 assistance shall pay for the reasonable expenses therefor incurred by  
16 a municipality or county and shall be distributed according to such  
17 procedures and guidelines as may be established by the  
18 commission. The commission shall make the grants and other  
19 financial assistance from any State, federal, or other funds that shall  
20 be appropriated or otherwise made available to it for that purpose.

21 i. Notwithstanding any provision of P.L.2008, c.78 (C.40:55D-  
22 136.1 et seq.) to the contrary, no approval, as defined pursuant to  
23 section 3 of P.L.2008, c.78 (C.40:55D-136.3), within the coastal  
24 commission area shall be extended or tolled pursuant to the  
25 provisions of P.L.2008, c.78 (C.40:55D-136.1 et seq.).  
26

27 12. (New section) There are created four regional advisory  
28 councils for the purpose of advising the commission in all of its  
29 actions, including but not limited to, the development of the coastal  
30 management plan, project priority lists, other plans, rules and  
31 regulations, and any other matter referred to them by the  
32 commission.

33 a. The council regions comprise those portions of the counties  
34 within the coastal commission area as follows:

- 35 (1) Region one -- Middlesex and Monmouth counties;  
36 (2) Region two -- Ocean county;  
37 (3) Region three -- Atlantic county; and  
38 (4) Region four -- Cape May county.

39 b. Each regional advisory council shall consist of 11 members,  
40 appointed and qualified as follows:

41 (1) Two elected or appointed county officials from the council  
42 region appointed by the county governing body or bodies, as the  
43 case may be, of the council region, who shall not be of the same  
44 political party, and who shall serve on the council ex officio;

45 (2) Four elected or appointed municipal officials from the  
46 council region appointed by the county governing body or bodies,  
47 as the case may be, of the council region, not more than two of

1 whom shall be of the same political party, and who shall serve on  
2 the council ex officio; and

3 (3) Five members of the public at large residing in the council  
4 region appointed by the county governing body or bodies, as the  
5 case may be, of the council region, not more than three of whom  
6 may be of the same political party.

7 In region one, representation shall, to the greatest extent feasible,  
8 reflect population and land area in the proportion of each county in  
9 the region. The governing bodies of each county in region one shall  
10 agree on a methodology for selecting the members of their regional  
11 advisory council.

12 c. Of the members initially appointed to each council, four  
13 members shall be appointed for terms of three years, four for terms  
14 of two years, and three for terms of one year. Thereafter, all  
15 council members shall serve three-year terms. Each qualified  
16 council member shall remain in office for the term of appointment  
17 and until a successor is appointed and qualified. Any vacancy in  
18 the membership occurring other than by expiration of term shall be  
19 filled in the same manner as the original appointment but for the  
20 remainder of the unexpired term only. Any member may be  
21 removed by the county governing body or bodies, as the case may  
22 be, for cause, after public hearing, and may be suspended by the  
23 county governing body or bodies, as the case may be, pending the  
24 completion of the hearing.

25 d. The members of each council shall elect a chairperson from  
26 among their members. The chairperson shall serve for a term of  
27 three years and until a successor has been elected. A chairperson  
28 shall not be eligible to serve successive terms.

29 e. The members of each council shall serve without  
30 compensation, but may be reimbursed by the commission for  
31 expenses necessarily incurred in the performance of their duties.

32 f. The commission and any local government unit may provide  
33 staff assistance to each council.

34 g. Each council shall meet at the call of its chairperson. A  
35 majority of the members of each council shall constitute a quorum  
36 for the conducting of official council business. In no event shall  
37 any action be taken or resolutions adopted without the affirmative  
38 vote of at least six members. A vacancy on a council does not  
39 impair the right of a quorum of its members to exercise the powers  
40 and perform the duties of the council.

41

42 13. (New section) a. The commission shall administer,  
43 enforce, implement, and oversee all activities related to land use  
44 permitting and approvals within the coastal commission area.  
45 Notwithstanding any other law, or rule or regulation adopted  
46 pursuant thereto, to the contrary, the commission shall be the  
47 administering agency within the State for implementing and

1 enforcing within the coastal commission area the following laws  
2 and any rules or regulations adopted pursuant thereto:

- 3 (1) R.S.12:5-1 et seq.;
- 4 (2) "The Wetlands Act of 1970," P.L.1970, c.272 (C.13:9A-1 et  
5 seq.);
- 6 (3) the "Freshwater Wetlands Protection Act," P.L.1987, c.156  
7 (C.13:9B-1 et seq.);
- 8 (4) the "Coastal Area Facility Review Act," P.L.1973, c.185  
9 (C.13:19-1 et seq.); and
- 10 (5) the "Flood Hazard Area Control Act," P.L.1962, c.19  
11 (C.58:16A-50 et seq.).

12 b. The duties and functions assigned to the Department of  
13 Environmental Protection pursuant to R.S.12:5-1 et seq, P.L.1970,  
14 c.272 (C.13:9A-1 et seq.), P.L.1987, c.156 (C.13:9B-1 et seq.),  
15 P.L.1973, c.185 (C.13:19-1 et seq.), and P.L.1962, c.19 (C.58:16A-  
16 50 et seq.) exercised in the coastal commission area are hereby  
17 transferred to the commission.

18

19 14. (New section) a. The commission may issue a coastal  
20 environmental land use permit, where applicable, and may develop  
21 a single permitting process for any permit issuable pursuant to  
22 R.S.12:5-1 et seq., P.L.1970, c.272 (C.13:9A-1 et seq.),  
23 P.L.1987, c.156 (C.13:9B-1 et seq.), P.L.1973, c.185 (C.13:19-1 et  
24 seq.), or P.L.1962, c.19 (C.58:16A-50 et seq.), and any rules or  
25 regulations adopted pursuant thereto. Notwithstanding that a  
26 coastal environmental land use permit may be issued, the  
27 commission in reviewing and issuing a decision on an application  
28 for a coastal environmental land use permit shall apply the statutory  
29 criteria required pursuant to each individual act for each permit  
30 covered by the coastal environmental land use permit.

31 b. Except as otherwise provided in section 16 of this act, until  
32 such time as the commission adopts its own rules and regulations,  
33 pursuant to the "Administrative Procedure Act," P.L.1968, c.410  
34 (C.52:14B-1 et seq.), for a coastal environmental land use permit,  
35 the commission shall review each application pursuant to the rules  
36 and regulations adopted by the Department of Environmental  
37 Protection pursuant to the applicable statute.

38 c. In addition to making the necessary findings for the issuance  
39 of a permit pursuant to the applicable statute, the commission may  
40 only issue a permit pursuant to this act if it makes the additional  
41 findings that the proposed development or regulated activity:

- 42 (1) would not individually or, in conjunction with a previously  
43 existing development, cumulatively have an adverse impact on the  
44 natural resources or environmental quality of the coastal  
45 commission area; and

- 46 (2) conforms with all applicable provisions of the New Jersey  
47 Coastal Management Plan adopted pursuant to section 8 of this act.

1       15. (New section) a. A person who is required to apply for a  
2 permit or approval to perform any construction work or engage in  
3 any activity in the coastal commission area may seek the assistance  
4 of the commission in identifying all permits or approvals that the  
5 applicant may need to secure from federal, State, regional, or local  
6 units of government.

7       b. The commission shall prepare and make available to any  
8 interested person a permit application checklist identifying all items  
9 reviewed by the commission in evaluating an application for a  
10 permit issued pursuant to this act, R.S.12:5-1 et seq.,  
11 P.L.1970, c.272 (C.13:9A-1 et seq.), P.L.1987, c.156 (C.13:9B-1 et  
12 seq.), P.L.1973, c.185 (C.13:19-1 et seq.), P.L.1962, c.19  
13 (C.58:16A-50 et seq.), and any permits or approvals that may be  
14 required from federal, State, regional, or local governmental  
15 entities. The checklist shall be periodically reviewed and updated  
16 by the commission in order to assure the currency of the  
17 information provided therein.

18       c. A prospective applicant may request a pre-application  
19 conference with the commission to discuss and review the permit  
20 application checklist requirements prepared in accordance with  
21 subsection b. of this section and the documentation that may be  
22 required thereunder. At the request of a prospective applicant, the  
23 conference also may informally review a concept plan for a  
24 development which the prospective applicant intends to prepare and  
25 submit for commission review. The concept plan and  
26 documentation in connection therewith shall be for discussion  
27 purposes only. The commission shall request the attendance of  
28 representatives of any State, regional, or local entities that also may  
29 be required to review the permit application. The commission shall  
30 establish pre-application conference requirements and shall charge a  
31 pre-application conference fee, which shall be in addition to permit  
32 application fees.

33       d. The commission shall periodically review its permitting  
34 procedures and the permitting procedures of other governmental  
35 entities for the coastal commission area and may make  
36 recommendations to these other governmental entities to improve  
37 their permitting processes.

38  
39       16. (New section) a. Notwithstanding any other law, or rule  
40 or regulation adopted pursuant thereto, to the contrary, within 45  
41 days following receipt of an application pursuant to R.S.12:5-1 et  
42 seq.; P.L.1970, c.272 (C.13:9A-1 et seq.), P.L.1987, c.156  
43 (C.13:9B-1 et seq.), P.L.1973, c.185 (C.13:19-1 et seq.), or  
44 P.L.1962, c.19 (C.58:16A-50 et seq.), the commission shall notify  
45 the applicant in writing regarding its completeness. An application  
46 shall be deemed complete upon the expiration of the 45-day period  
47 for purposes of commencing the applicable time period for action  
48 by the commission, unless:

1 (1) the application lacks information indicated on a checklist  
2 adopted pursuant to section 15 of this act; and

3 (2) the commission has notified the applicant, in writing, of the  
4 deficiencies in the application within 45 days after receipt of the  
5 application. The commission, within 15 days following receipt of  
6 additional information to correct the deficiencies, shall notify the  
7 applicant of the completeness of the amended application.

8 The application shall not be considered to be filed until it has  
9 been declared complete by the commission.

10 b. The commission, or a member of the commission staff  
11 designated by the commission, may hold a hearing as it deems  
12 necessary to afford interested parties the opportunity to present,  
13 orally or in writing, their position concerning the application and  
14 any data in reference to the environmental effects of the proposed  
15 facility. The hearing, if required, shall be held within 60 days after  
16 the filing of a completed application. The commission shall, by  
17 rule or regulation adopted pursuant to the "Administrative  
18 Procedure Act," P.L.1968 c.410 (C.52:14B-1 et seq.), establish  
19 adequate notice procedures and criteria for the holding of a public  
20 hearing.

21 (1) The commission, within 15 days after the hearing, may  
22 require an applicant to submit any additional information necessary  
23 for the complete review of the application.

24 (2) The commission shall notify the applicant within 60 days  
25 after the hearing as to the granting or denial of a permit. If no  
26 hearing is held, the commission shall notify the applicant of its  
27 decision within 90 days following the filing of a completed  
28 application. The reasons for granting or denying the permit shall be  
29 stated. In the event the commission requires additional information  
30 as provided for in paragraph (1) of this subsection, the commission  
31 shall notify the applicant of its decision within 60 days following  
32 receipt of the information.

33 c. Denial of an application for a permit under this act shall in  
34 no way adversely affect the future submittal of a new application.  
35

36 17. (New section) Whenever the term "Department of  
37 Environmental Protection" or "department" occurs in R.S.12:5-1 et  
38 seq., the term shall be deemed to mean or refer to the "New Jersey  
39 Coastal Commission" created pursuant to section 4 of P.L. ,  
40 c. (C. ) (pending before the Legislature as this bill) for the area  
41 located in the coastal commission area as defined pursuant to  
42 section 3 of P.L. , c. (C. ) (pending before the Legislature as  
43 this bill).  
44

45 18. (New section) Whenever the term "Department of  
46 Environmental Protection" or "department" occurs in  
47 P.L.1970, c.272 (C.13:9A-1 et seq.), the term shall be deemed to  
48 mean or refer to the "New Jersey Coastal Commission" created

1 pursuant to section 4 of P.L. , c. (C. ) (pending before the  
2 Legislature as this bill) for the area located in the coastal  
3 commission area as defined pursuant to section 3 of P.L. , c. (C.  
4 ) (pending before the Legislature as this bill).

5  
6 19. (New section) Whenever the term “Department of  
7 Environmental Protection” or “department” occurs in  
8 P.L.1987, c.156 (C.13:9B-1 et seq.), the term shall be deemed to  
9 mean or refer to the “New Jersey Coastal Commission” created  
10 pursuant to section 4 of P.L. , c. (C. ) (pending before the  
11 Legislature as this bill) for the area located in the coastal  
12 commission area as defined pursuant to section 3 of P.L. , c.  
13 (C. ) (pending before the Legislature as this bill).

14  
15 20. (New section) Whenever the term “Department of  
16 Environmental Protection” or “department” occurs in  
17 P.L.1973, c.185 (C.13:19-1 et seq.), the term shall be deemed to  
18 mean or refer to the “New Jersey Coastal Commission” created  
19 pursuant to section 4 of P.L. , c. (C. ) (pending before the  
20 Legislature as this bill) for the area located in the coastal  
21 commission area as defined pursuant to section 3 of  
22 P.L. , c. (C. ) (pending before the Legislature as this bill).

23  
24 21. (New section) Whenever the term “Department of  
25 Environmental Protection” or “department” occurs in P.L.1962,  
26 c.19 (C.58:16A-50 et seq.), the term shall be deemed to mean or  
27 refer to the “New Jersey Coastal Commission” created pursuant to  
28 section 4 of P.L. , c. (C. ) (pending before the Legislature as  
29 this bill) for the area located in the coastal commission area as  
30 defined pursuant to section 3 of P.L. , c. (C. ) (pending before  
31 the Legislature as this bill).

32  
33 22. (New section) Notwithstanding any other law, or rule or  
34 regulation adopted pursuant thereto, to the contrary, the commission  
35 shall be responsible for all beach erosion and shore protection  
36 projects undertaken or proposed to be undertaken within the coastal  
37 commission area.

38 a. The commission shall be the administering agency for  
39 implementing and enforcing the following within the coastal  
40 commission area:

- 41 (1) P.L.1940, c.52 (C.12:6A-1 et seq.);
- 42 (2) P.L.1992, c.148 (C.13:19-16.1 et al.);
- 43 (3) P.L.1997, c.384 (C.13:19-16.2);
- 44 (4) P.L.1995, c.19 (C.13:19-31 et seq.); and
- 45 (5) the “Shore Protection Bond Act of 1983,” P.L.1983, c.356.

46 b. The commission shall, on an ongoing basis, review the New  
47 Jersey Shore Protection Master Plan prepared by the Department of  
48 Environmental Protection pursuant to section 5 of P.L.1978, c.157.

1 The commission shall make additions, modifications, and revisions  
2 to the plan when the commission determines that there is a  
3 developing or emergent need for other projects or actions to restore,  
4 maintain, or protect the beach areas within the jurisdiction of the  
5 commission.

6 c. The commission shall prepare, and systematically update  
7 and revise, a priority list of beach erosion or shore protection  
8 projects within its area of jurisdiction. Before inclusion of a project  
9 on a priority list, the project shall be reviewed by a coastal geologist  
10 consultant, utilizing accepted principles of coastal geology, for the  
11 purpose of ensuring that the proposed beach erosion or shore  
12 protection project takes adequate account of the transitory nature of  
13 the shoreline and the effects of coastal storms and rising sea level.  
14 This priority list shall be given primary consideration in the  
15 commission's determination of the projects to which it shall provide  
16 financial assistance or in its recommendation that an appropriation  
17 for financial assistance be made by the State or federal government.

18 d. The commission may enter into agreements with the federal  
19 government, or with any State entity or local government unit, or  
20 any public agency, under which the commission and the other entity  
21 shall undertake a beach erosion or shore protection project as a joint  
22 venture, with the commission providing financial assistance through  
23 loans, loan guarantees, or grants and any technical or managerial  
24 assistance, as the agreement may provide.

25 e. The commission may make grants to pay, in whole or in  
26 part, the cost of any beach erosion or shore protection project, either  
27 by providing the local share of a project that is part of a federal  
28 program, or by providing direct assistance through grants to any  
29 local government unit undertaking a beach erosion or shore  
30 protection project whenever the compelling or emergent need for a  
31 project may warrant that action be taken.

32 f. For the purposes of acquiring lands necessary for any beach  
33 erosion or shore protection project, the commission shall have the  
34 power to enter, inspect, survey, investigate ownership and take title  
35 to, in fee or otherwise, by purchase, gift, devise, exchange, or  
36 eminent domain, any appropriate lands necessary for undertaking a  
37 beach erosion or shore protection project.

38 (1) The commission shall exercise its power of eminent domain  
39 in accordance with the "Eminent Domain Act of 1971,"  
40 P.L.1971, c.361 (C.20:3-1 et seq.).

41 (2) Whenever the commission wishes to acquire, by eminent  
42 domain, title to unoccupied lands and it appears that such title may  
43 be defective in any manner, the commission may, with the consent  
44 of the Attorney General, acquire the best available title,  
45 notwithstanding that such title is defective or incomplete.

46 g. Any action taken pursuant to this section shall be in  
47 conformance with the provisions of the coastal management plan.

1       23. (New section) The Commissioner of Environmental  
2 Protection shall transfer to the New Jersey Coastal Commission for  
3 the purposes of implementing the provisions of this act any staff  
4 employed by the Department of Environmental Protection  
5 specifically for, or related to, the administration and enforcement of  
6 statutes concerning land use permitting and beach erosion and shore  
7 protection activities in the coastal commission area, including but  
8 not limited to R.S.12:5-1 et seq., P.L.1940, c.52 (C.12:6A-1 et  
9 seq.), P.L.1970, c.272 (C.13:9A-1 et seq.), P.L.1987, c.156  
10 (C.13:9B-1 et seq.), P.L.1973, c.185 (C.13:19-1 et seq.),  
11 P.L.1992, c.148 (C.13:19-16.1 et al.), P.L.1997, c.384 (C.13:19-  
12 16.2), P.L.1995, c.19 (C.13:19-31 et seq.), P.L.1962, c.19  
13 (C.58:16A-50 et seq.), and P.L.1983, c.356.

14  
15       24. (New section) The State Treasurer shall reallocate to the  
16 New Jersey Coastal Commission for the purposes of implementing  
17 the provisions of this act any State funds appropriated to the  
18 Department of Environmental Protection specifically for, or related  
19 to, the administration and enforcement of statutes concerning land  
20 use permitting and beach erosion and shore protection activities in  
21 the coastal commission area, including but not limited to R.S.12:5-1  
22 et seq., P.L.1940, c.52 (C.12:6A-1 et seq.), P.L.1970, c.272  
23 (C.13:9A-1 et seq.), P.L.1987, c.156 (C.13:9B-1 et seq.),  
24 P.L.1973, c.185 (C.13:19-1 et seq.), P.L.1992, c.148 (C.13:19-16.1  
25 et al.), P.L.1997, c.384 (C.13:19-16.2), P.L.1995, c.19 (C.13:19-31  
26 et seq.), P.L.1962, c.19 (C.58:16A-50 et seq.), and P.L.1983, c.356.

27  
28       25. (New section) Notwithstanding any other law, or rule or  
29 regulation adopted pursuant thereto, to the contrary, the commission  
30 shall be responsible for the dissemination, administration, and  
31 oversight of any monies received from the Federal Emergency  
32 Management Agency or any other source related to disaster  
33 assistance or recovery from the impacts of Hurricane Sandy within  
34 the coastal commission area, and for any other major storm event  
35 that impacts the coastal commission area.

36       a. (1) The State Treasurer shall immediately notify the  
37 commission of the receipt of funding received from the federal  
38 government, or any other source, for disaster assistance for impacts  
39 associated with Hurricane Sandy and any other major storm event  
40 that impacts the coastal commission area after the date of enactment  
41 of this act. The State Treasurer shall provide the commission with  
42 detailed information concerning the amount of funding received for  
43 disaster assistance associated with Hurricane Sandy, or any other  
44 major storm event, and the authorized uses of that funding. For any  
45 funding received as discretionary aid, as part of a block grant, or  
46 any other similar funding, the State Treasurer shall consult with the  
47 commission prior to the allocation and dissemination of such funds  
48 within the coastal commission area.



1 (2) For any funds received for disaster assistance associated  
2 with Hurricane Sandy by the State prior to the date of enactment of  
3 this act, the State Treasurer shall provide the commission with  
4 detailed information, including: the amount of funding received  
5 and the authorized uses of that funding; the amount of the funding  
6 that has been distributed or allocated to specific purposes and  
7 identification of those purposes; and the process by which this  
8 funding was distributed. This information shall provide a detailed  
9 description of funds used for emergency operations, loss  
10 reimbursement, repairs, rebuilding, restorations, reconstruction,  
11 removal of debris, temporary housing, household assistance, relief,  
12 hazard mitigation improvements, construction, and other recovery  
13 and rebuilding activities deemed by the State Treasurer to be  
14 associated with recovery and rebuilding from the impacts of  
15 Hurricane Sandy incurred within the coastal commission area.

16 b. (1) The State Office of Emergency Management in the  
17 Division of State Police in the Department of Law and Public  
18 Safety shall provide the commission with copies of all damage  
19 assessments and any applications submitted to the Federal  
20 Emergency Management Agency for any funds, grants, or other  
21 forms of financial assistance to support the recovery and rebuilding  
22 within the coastal commission area from the impacts of Hurricane  
23 Sandy.

24 (2) Prior to the submittal after the date of enactment of this act  
25 of any damage assessment or any application to the Federal  
26 Emergency Management Agency for any funds, grants, or other  
27 forms of financial assistance to support the recovery and rebuilding  
28 from the impacts associated with Hurricane Sandy or for any other  
29 major storm that impacts New Jersey after the date of enactment of  
30 this act, the State Office of Emergency Management shall consult  
31 with the commission and provide the commission with the  
32 opportunity to review and comment on the assessment or  
33 application.

34

35 26. Section 1 of P.L.1939, c.30 (C.12:5-9) is amended to read as  
36 follows:

37 1. **【In addition to the powers conferred by the provisions of the**  
38 **act to which this act is a supplement, the Board of Commerce and**  
39 **Navigation】** The New Jersey Coastal Commission, established  
40 pursuant to section 4 of P.L. , c. (C. ) (pending before the  
41 Legislature as this bill), is hereby authorized and empowered to co-  
42 operate with the Federal government, the county of Monmouth, and  
43 the borough of Atlantic Highlands in providing and maintaining a  
44 harbor of refuge in Sandy Hook bay near the borough of Atlantic  
45 Highlands.

46 (cf: P.L.1939, c.374, s.1)

1       27. Section 1 of P.L.1940, c.52 (C.12:6A-1) is amended to read  
2 as follows:

3       1. **【In addition to the powers conferred by the provisions of the**  
4 **act to which this act is a supplement,】** The New Jersey Coastal  
5 Commission, established pursuant to section 4 of P.L. , c. (C. )  
6 (pending before the Legislature as this bill), for the area of its  
7 jurisdiction, and the 【State】 Department of 【Conservation and  
8 Economic Development is】 Environmental Protection, for the  
9 remainder of the State, are hereby authorized and empowered to  
10 repair, reconstruct, or construct bulkheads, seawalls, breakwaters,  
11 groins, jetties, beachfills, dunes and any or all appurtenant  
12 structures and work, on any and every shore front along the Atlantic  
13 ocean, in the State of New Jersey, or any shore front along the  
14 Delaware bay and Delaware river, Raritan bay, Barnegat bay, Sandy  
15 Hook bay, Shrewsbury river including Nevesink river, Shark river,  
16 and the coastal inland waterways extending southerly from  
17 Manasquan Inlet to Cape May Harbor, or at any inlet, estuary or  
18 tributary waterway or any inland waterways adjacent to any inlet,  
19 estuary or tributary waterway along the shores of the State of New  
20 Jersey, to prevent or repair damage caused by erosion and storm, or  
21 to prevent erosion of the shores and to stabilize the inlets or  
22 estuaries and to undertake any and all actions and work essential to  
23 the execution of this authorization and the powers granted hereby.  
24 (cf: P.L.1966, c.212, s.1)

25

26       28. Section 2 of P.L.1940, c.52 (C.12:6A-2) is amended to read  
27 as follows:

28       2. The **【Division of Navigation is】** New Jersey Coastal  
29 Commission, established pursuant to section 4 of P.L. , c. (C. )  
30 (pending before the Legislature as this bill), for the area of its  
31 jurisdiction, and the Department of Environmental Protection, for  
32 the remainder of the State, are further authorized 【and empowered】  
33 to use the facilities and services of any branch of the Federal  
34 Government or of the State Government, or of any county or  
35 municipality within the State, and any funds which may now be  
36 available or which may hereafter be appropriated by the Federal  
37 Government, or any division of the State Government, or of any  
38 county or municipality within the State for the purpose of beach  
39 erosion, and beach protection.  
40 (cf: P.L.1946, c.258, s.2)

41

42       29. Section 3 of P.L.1940, c.52 (C.12:6A-3) is amended to read  
43 as follows:

44       3. The **【Division of Navigation is】** New Jersey Coastal  
45 Commission, established pursuant to section 4 of P.L. , c. (C. )  
46 (pending before the Legislature as this bill), for the area of its  
47 jurisdiction, and the Department of Environmental Protection, for

1 the remainder of the State, are further authorized **【and empowered】**  
2 to dredge and remove **【any and】** all obstructions in every waterway  
3 or stream in the State of New Jersey to a depth and width to be  
4 determined by the **【council of the Division of Navigation】** New  
5 Jersey Coastal Commission, for the area of its jurisdiction, and the  
6 Department of Environmental Protection, for the remainder of the  
7 State, and to erect such bulkheads, breakwaters, groins or jetties as  
8 are necessary to prevent erosion and stabilize the shore in the  
9 vicinity of any inlet along the coast of the State of New Jersey.  
10 (cf: P.L.1946, c.258, s.3)

11  
12 30. Section 12 of P.L.1970, c.33 (C.13:1D-9) is amended to read  
13 as follows:

14 12. The department shall formulate comprehensive policies for  
15 the conservation of the natural resources of the State, the promotion  
16 of environmental protection and the prevention of pollution of the  
17 environment of the State. The department shall in addition to the  
18 powers and duties vested in it by this act or by any other law have  
19 the power to:

20 a. Conduct and supervise research programs for the purpose of  
21 determining the causes, effects and hazards to the environment and  
22 its ecology;

23 b. Conduct and supervise Statewide programs of education,  
24 including the preparation and distribution of information relating to  
25 conservation, environmental protection and ecology;

26 c. Require the registration of persons engaged in operations  
27 which may result in pollution of the environment and the filing of  
28 reports by them containing such information as the department may  
29 prescribe to be filed relative to pollution of the environment, all in  
30 accordance with applicable codes, rules or regulations established  
31 by the department;

32 d. Enter and inspect any property, facility, building, premises,  
33 site or place for the purpose of investigating an actual or suspected  
34 source of pollution of the environment and conducting inspections,  
35 collecting samples, copying or photocopying documents or records,  
36 and for otherwise ascertaining compliance or noncompliance with  
37 any laws, permits, orders, codes, rules and regulations of the  
38 department. Any information relating to secret processes  
39 concerning methods of manufacture or production, obtained in the  
40 course of such inspection, investigation or determination, shall be  
41 kept confidential, except this information shall be available to the  
42 department for use, when relevant, in any administrative or judicial  
43 proceedings undertaken to administer, implement, and enforce State  
44 environmental law, but shall remain subject only to those  
45 confidentiality protections otherwise afforded by federal law and by  
46 the specific State environmental laws and regulations that the  
47 department is administering, implementing and enforcing in that  
48 particular case or instance. In addition, this information shall be

- 1 available upon request to the United States Government for use in  
2 administering, implementing, and enforcing federal environmental  
3 law, but shall remain subject to the confidentiality protection  
4 afforded by federal law. If samples are taken for analysis, a  
5 duplicate of the analytical report shall be furnished promptly to the  
6 person suspected of causing pollution of the environment;
- 7 e. Receive or initiate complaints of pollution of the  
8 environment, including thermal pollution, hold hearings in  
9 connection therewith and institute legal proceedings for the  
10 prevention of pollution of the environment and abatement of  
11 nuisances in connection therewith and shall have the authority to  
12 seek and obtain injunctive relief and the recovery of fines and  
13 penalties in a court of competent jurisdiction;
- 14 f. Prepare, administer and supervise Statewide, regional and  
15 local programs of conservation and environmental protection,  
16 giving due regard for the ecology of the varied areas of the State  
17 and the relationship thereof to the environment, and in connection  
18 therewith prepare and make available to appropriate agencies in the  
19 State technical information concerning conservation and  
20 environmental protection, cooperate with the Commissioner of  
21 Health and Senior Services in the preparation and distribution of  
22 environmental protection and health bulletins for the purpose of  
23 educating the public, and cooperate with the Commissioner of  
24 Health and Senior Services in the preparation of a program of  
25 environmental protection;
- 26 g. Encourage, direct and aid in coordinating State, regional and  
27 local plans and programs concerning conservation and  
28 environmental protection in accordance with a unified Statewide  
29 plan which shall be formulated, approved and supervised by the  
30 department. In reviewing such plans and programs and in  
31 determining conditions under which such plans may be approved,  
32 the department shall give due consideration to the development of a  
33 comprehensive ecological and environmental plan in order to be  
34 assured insofar as is practicable that all proposed plans and  
35 programs shall conform to reasonably contemplated conservation  
36 and environmental protection plans for the State and the varied  
37 areas thereof;
- 38 h. Administer or supervise programs of conservation and  
39 environmental protection, prescribe the minimum qualifications of  
40 all persons engaged in official environmental protection work, and  
41 encourage and aid in coordinating local environmental protection  
42 services;
- 43 i. Establish and maintain adequate bacteriological, radiological  
44 and chemical laboratories with such expert assistance and such  
45 facilities as are necessary for routine examinations and analyses,  
46 and for original investigations and research in matters affecting the  
47 environment and ecology;

- 1       j. Administer or supervise a program of industrial planning for  
2 environmental protection; encourage industrial plants in the State to  
3 undertake environmental and ecological engineering programs; and  
4 cooperate with the State Departments of Health and Senior  
5 Services, and Labor and Workforce Development, and the New  
6 Jersey Commerce Commission in formulating rules and regulations  
7 concerning industrial sanitary conditions;
- 8       k. Supervise sanitary engineering facilities and projects within  
9 the State, authority for which is now or may hereafter be vested by  
10 law in the department, and shall, in the exercise of such supervision,  
11 make and enforce rules and regulations concerning plans and  
12 specifications, or either, for the construction, improvement,  
13 alteration or operation of all public water supplies, all public  
14 bathing places, landfill operations and of sewerage systems and  
15 disposal plants for treatment of sewage, wastes and other  
16 deleterious matter, liquid, solid or gaseous, require all such plans or  
17 specifications, or either, to be first approved by it before any work  
18 thereunder shall be commenced, inspect all such projects during the  
19 progress thereof and enforce compliance with such approved plans  
20 and specifications;
- 21       l. Undertake programs of research and development for the  
22 purpose of determining the most efficient, sanitary and economical  
23 ways of collecting, disposing, recycling or utilizing of solid waste;
- 24       m. Construct and operate, on an experimental basis, incinerators  
25 or other facilities for the disposal of solid waste, provide the various  
26 municipalities and counties of this State, and the Division of Local  
27 Government Services in the Department of Community Affairs with  
28 statistical data on costs and methods of solid waste collection,  
29 disposal and utilization;
- 30       n. Enforce the State air pollution, water pollution,  
31 conservation, environmental protection, solid and hazardous waste  
32 management laws, rules and regulations, including the making and  
33 signing of a complaint and summons for their violation by serving  
34 the summons upon the violator and thereafter filing the complaint  
35 promptly with a court having jurisdiction;
- 36       o. Acquire by purchase, grant, contract or condemnation, title  
37 to real property, for the purpose of demonstrating new methods and  
38 techniques for the collection or disposal of solid waste;
- 39       p. Purchase, operate and maintain, pursuant to the provisions of  
40 this act, any facility, site, laboratory, equipment or machinery  
41 necessary to the performance of its duties pursuant to this act;
- 42       q. Contract with any other public agency or corporation  
43 incorporated under the laws of this or any other state for the  
44 performance of any function under this act;
- 45       r. With the approval of the Governor, cooperate with, apply  
46 for, receive and expend funds from, the federal government, the  
47 State Government, or any county or municipal government or from  
48 any public or private sources for any of the objects of this act;

1 s. Make annual and such other reports as it may deem proper to  
2 the Governor and the Legislature, evaluating the demonstrations  
3 conducted during each calendar year;

4 t. Keep complete and accurate minutes of all hearings held  
5 before the commissioner or any member of the department pursuant  
6 to the provisions of this act. All such minutes shall be retained in a  
7 permanent record, and shall be available for public inspection at all  
8 times during the office hours of the department;

9 u. Require any person subject to a lawful order of the  
10 department, which provides for a period of time during which such  
11 person subject to the order is permitted to correct a violation, to  
12 post a performance bond or other security with the department in  
13 such form and amount as shall be determined by the department.  
14 Such bond need not be for the full amount of the estimated cost to  
15 correct the violation but may be in such amount as will tend to  
16 insure good faith compliance with said order. The department shall  
17 not require such a bond or security from any public body, agency or  
18 authority. In the event of a failure to meet the schedule prescribed  
19 by the department, the sum named in the bond or other security  
20 shall be forfeited unless the department shall find that the failure is  
21 excusable in whole or in part for good cause shown, in which case  
22 the department shall determine what amount of said bond or  
23 security, if any, is a reasonable forfeiture under the circumstances.  
24 Any amount so forfeited shall be utilized by the department for the  
25 correction of the violation or violations, or for any other action  
26 required to insure compliance with the order;

27 v. Encourage and aid in coordinating State, regional and local  
28 plans, efforts and programs concerning the remediation and reuse of  
29 former industrial or commercial properties that are currently  
30 underutilized or abandoned and at which there has been, or is  
31 perceived to have been, a discharge, or threat of a discharge, of a  
32 contaminant. For the purposes of this subsection, "underutilized  
33 property" shall not include properties undergoing a reasonably  
34 timely remediation or redevelopment process; and

35 w. Conduct research and implement plans and programs to  
36 promote ecosystem-based management. As used in this subsection,  
37 "ecosystem-based management" means an approach to management  
38 that integrates biological, social, and economic factors into a  
39 comprehensive strategy aimed at protecting, restoring, and  
40 enhancing the sustainability, diversity, and productivity of  
41 ecosystems.

42 (cf: P.L.2007, c.288, s.6)

43  
44 31. Section 1 of P.L.1975, c.232 (C.13:1D-29) is amended to  
45 read as follows:

46 1. For the purposes of this act, unless the context clearly  
47 requires a different meaning, the following terms shall have the  
48 following meanings:

- 1 a. "Commissioner" means the State Commissioner of  
2 Environmental Protection.
- 3 b. "Construction permit" means and shall include:
- 4 (1) Approval of plans for the development of any waterfront  
5 upon any tidal waterway pursuant to R.S.12:5-3 **[.]** ;
- 6 (2) A permit for a regulated activity pursuant to "The Wetlands  
7 Act of 1970," P.L.1970, c.272 (C.13:9A-1 et seq.) **[.]** ;
- 8 (3) A permit issued pursuant to the "Coastal Area Facility  
9 Review Act," P.L.1973, c.185 (C.13:19-1 et seq.) **[.]** ;
- 10 (4) Approval of a structure or alteration within the area which  
11 would be inundated by the 100 year design flood of any  
12 nondelineated stream or of a change in land use within any  
13 delineated floodway or any State administered and delineated flood  
14 fringe area, all pursuant to the "Flood Hazard Area Control Act,"  
15 P.L.1962, c.19 (C.58:16A-50 et seq.) as amended and supplemented  
16 **[.]** ; and
- 17 (5) Approval of plans and specifications for the construction  
18 changes, improvements, extensions or alterations to any sewer  
19 system pursuant to **[R.S.58:11-10]** law.
- 20 "Construction permit" shall not, however, include :
- 21 (1) any approval of or permit for an electric generating facility  
22 or for a petroleum processing or storage facility, including a  
23 liquefied natural gas facility, with a storage capacity of over 50,000  
24 barrels; or
- 25 (2) any development, regulated activity, permit or approval  
26 located within the coastal commission area and under the  
27 jurisdiction of the New Jersey Coastal Commission, as defined  
28 pursuant to section 3 of P.L. , c. (C. ) (pending before the  
29 Legislature as this bill).
- 30 c. "Department" means the Department of Environmental  
31 Protection.  
32 (cf: P.L.1979, c.359, s.8)
- 33
- 34 32. Section 7 of P.L.1993, c.190 (C.13:19-5.2) is amended to  
35 read as follows:
- 36 7. A permit shall not be required pursuant to section 5 of  
37 P.L.1973, c.185 (C.13:19-5) for:
- 38 a. A development which has received preliminary site plan  
39 approval pursuant to the "Municipal Land Use Law,"  
40 P.L.1975, c.291 (C.40:55D-1 et seq.) or a final municipal building  
41 or construction permit on or prior to July 19, 1994, or a residential  
42 development which has received preliminary subdivision approval  
43 or minor subdivision approval on or prior to July 19, 1994 where no  
44 subsequent site plan approval is required, provided that, in any of  
45 the cases identified above, construction begins within three years of  
46 July 19, 1994, and continues to completion with no lapses in  
47 construction activity of more than one year. This subsection shall

1 not apply to any development that required a permit pursuant to  
2 P.L.1973, c.185 (C.13:19-1 et seq.) prior to July 19, 1994;

3 b. **【The reconstruction of any development that is damaged or**  
4 **destroyed, in whole or in part, by fire, storm, natural hazard or act**  
5 **of God, provided that such reconstruction is in compliance with**  
6 **existing requirements or codes of municipal, State and federal law】**  
7 (Deleted by amendment, P.L. \_\_\_\_\_, c. \_\_\_\_\_) (pending before the  
8 Legislature as this bill);

9 c. The enlargement of any development if the enlargement  
10 does not result in:

11 (1) the enlargement of the footprint of the development; or

12 (2) an increase in the number of dwelling units within the  
13 development;

14 d. The construction of a patio, deck or similar structure at a  
15 residential development;

16 e. Services provided, within the existing public right-of-way,  
17 by any governmental entity which involve:

18 (1) the routine reconstruction, substantially similar functional  
19 replacement, or maintenance or repair of public highways;

20 (2) public highway lane widening, intersection and shoulder  
21 improvement projects which do not increase the number of travel  
22 lanes; or

23 (3) public highway signing, lighting, guiderail and other  
24 nonintrusive safety projects;

25 f. The expansion of an existing, functional amusement pier,  
26 provided such expansion does not exceed the footprint of the  
27 existing, functional amusement pier by more than 25 percent, and  
28 provided the expansion is located in the area beyond 150 feet  
29 landward of the mean high water line, beach or dune, whichever is  
30 most landward; or

31 g. The enclosure of an establishment offering dining, food  
32 services and beverages that was in operation as of December 18,  
33 2000 and is located upon a functional pier, provided the enclosure  
34 only includes an open area which was actively used in the operation  
35 of the establishment.

36 A development subject to any exemption provided in this section  
37 shall be required to satisfy all other applicable requirements of law.  
38 (cf: P.L.2001, c.418, s.1)

39  
40 33. Section 1 of P.L.1992, c.148 (C.13:19-16.1) is amended to  
41 read as follows:

42 1. a. There is created in the Department of the Treasury a  
43 special non-lapsing fund to be known as the "Shore Protection  
44 Fund." The monies in the fund are dedicated and shall only be used  
45 to carry out the purposes enumerated in subsection b. of this  
46 section. The fund shall be credited with all revenues collected and  
47 deposited in the fund pursuant to section 4 of P.L.1968, c.49  
48 (C.46:15-8), all interest received from the investment of monies in



1 the fund, and any monies which, from time to time, may otherwise  
2 become available for the purposes of the fund. Pending the use  
3 thereof pursuant to the provisions of subsection b. of this section,  
4 the monies deposited in the fund shall be held in interest-bearing  
5 accounts in public depositories, as defined pursuant to section 1 of  
6 P.L.1970, c.236 (C.17:9-41), and may be invested or reinvested in  
7 such securities as are approved by the State Treasurer. Interest or  
8 other income earned on monies deposited into the fund shall be  
9 credited to the fund for use as set forth in this act for other monies  
10 in the fund.

11 b. (1) Monies deposited in the "Shore Protection Fund" shall  
12 be used, in accordance with the priority list approved by the  
13 Legislature pursuant to section 1 of P.L.1997, c.384 (C.13:19-16.2),  
14 for shore protection projects associated with the protection,  
15 stabilization, restoration or maintenance of the shore, including  
16 monitoring studies and land acquisition, consistent with the current  
17 New Jersey Shore Protection Master Plan prepared pursuant to  
18 section 5 of P.L.1978, c.157, and may include the nonfederal share  
19 of any State-federal project. The requirements of subsection c. of  
20 section 1 of P.L.1997, c.384 (C.13:19-16.2) notwithstanding, the  
21 New Jersey Coastal Commission, established pursuant to section 4  
22 of P.L. , c. (C. ) (pending before the Legislature as this bill), for  
23 the area of its jurisdiction, and the Commissioner of Environmental  
24 Protection for the remainder of the State, may, pursuant to  
25 appropriations made by law, allocate monies deposited in the fund  
26 for shore protection projects of an emergency nature, in the event of  
27 storm, stress of weather or similar act of God. Two percent of the  
28 monies annually deposited in the fund shall be allocated and  
29 annually appropriated for the purposes of funding the Coastal  
30 Protection Technical Assistance Service established pursuant to  
31 section 1 of P.L.1993, c.176 (C.18A:64L-1), of which amount up to  
32 \$100,000 annually may be utilized for funding coastal engineering  
33 research and development to be conducted by Stevens Institute of  
34 Technology in response to requests therefor made by State or local  
35 governmental entities.

36 (2) (a) Notwithstanding the provisions of paragraph (1) of this  
37 subsection, in State Fiscal Year 2009 up to \$9,000,000 of the  
38 monies deposited in the Shore Protection Fund may be used to help  
39 defray the cost of operation and maintenance of State parks and  
40 forests as defined in subsection e. of section 3 of P.L.1983, c.324  
41 (C.13:1L-3).

42 (b) (i) If the unobligated balance of the monies in the Shore  
43 Protection Fund on June 30, 2009 is less than \$20,000,000, as  
44 certified by the State Treasurer, the sum of \$9,000,000 shall be  
45 appropriated and credited to the Shore Protection Fund, to be used  
46 solely for the purposes prescribed in paragraph (1) of this  
47 subsection, from the proceeds of the State portion of the basic fee,  
48 collected pursuant to P.L.1968, c.49 (C.46:15-5 et seq.) and paid to

1 the State Treasurer pursuant to paragraph (2) of subsection b. of  
2 section 4 of P.L.1968, c.49 (C.46:15-8), excluding any amounts  
3 from those proceeds credited to the Shore Protection Fund pursuant  
4 to paragraph (1) of subsection c. of section 4 of P.L.1968, c.49  
5 (C.46:15-8), or from such other unappropriated revenues as the  
6 State Treasurer may determine that are not otherwise dedicated by  
7 law.

8 (ii) If the requirements of subsubparagraph (i) of this  
9 subparagraph are not met for any reason, or any portion of the sum  
10 of \$9,000,000 transferred and credited to the Shore Protection Fund  
11 pursuant to that subsubparagraph is used for any purpose other than  
12 the purposes prescribed in paragraph (1) of this subsection, the  
13 Director of the Division of Budget and Accounting in the  
14 Department of the Treasury shall, not later than five days thereafter,  
15 certify to the Director of the Division of Taxation that these  
16 requirements have not been met.

17 (cf: P.L.2008, c.31, s.1)

18  
19 34. Section 1 of P.L.1997, c.384 (C.13:19-16.2) is amended to  
20 read as follows:

21 1. a. The New Jersey Coastal Commission, established  
22 pursuant to section 4 of P.L. , c. (C. ) (pending before the  
23 Legislature as this bill), for the area of its jurisdiction, and the  
24 Commissioner of Environmental Protection for the remainder of the  
25 State shall develop a priority system for ranking shore protection  
26 projects and establish appropriate criteria therefor. Commencing  
27 with the fiscal year beginning on July 1, 1999, and for each fiscal  
28 year thereafter, the **【commissioner】** New Jersey Coastal  
29 Commission and the Commissioner of Environmental Protection, as  
30 appropriate, shall use the priority system to establish a shore  
31 protection project priority list for projects designated to receive  
32 funding pursuant to an appropriation made from the Shore  
33 Protection Fund, hereinafter referred to as the "fund," established  
34 pursuant to section 1 of P.L.1992, c.148 (C.13:19-16.1). The list  
35 shall include a description of each project and its purpose, impact,  
36 estimated cost, and estimated construction schedule, and an  
37 explanation of the manner in which priorities were established. A  
38 description of the priority system and the project priority list for the  
39 ensuing fiscal year shall be submitted by the New Jersey Coastal  
40 Commission and the Commissioner of Environmental Protection for  
41 the areas of the State under their respective jurisdictions to the  
42 Legislature on or before January 31 of each year on a day when  
43 both Houses are meeting. The President of the Senate and the  
44 Speaker of the General Assembly shall cause the date of submission  
45 to be entered upon the Senate Journal and the Minutes of the  
46 General Assembly, respectively, and shall cause the project priority  
47 list to be introduced in each House in the form of legislative bills

1 authorizing the expenditure of monies appropriated pursuant to  
2 section 1 of P.L.1992, c.148 (C.13:19-16.1) for projects on the list,  
3 and shall refer these bills to the Senate Economic Growth **【**,  
4 Agriculture and Tourism**】** Committee, the Senate Budget and  
5 Appropriations Committee, the **【General】** Assembly Environment  
6 **【**, Science and Technology**】** and Solid Waste Committee, and the  
7 **【General】** Assembly Appropriations Committee, or their  
8 successors, for their respective consideration.

9 b. Within 60 days of the referral thereof, the Senate Economic  
10 Growth **【**, Agriculture and Tourism**】** Committee, the Senate Budget  
11 and Appropriations Committee, the **【General】** Assembly  
12 Environment **【**, Science and Technology**】** and Solid Waste  
13 Committee, and the **【General】** Assembly Appropriations  
14 Committee, or their successors, shall, either individually or jointly,  
15 consider the legislation containing the project priority list, and shall  
16 report the legislation, together with any modifications, out of  
17 committee for consideration by each House of the Legislature. On  
18 or before June 1 of each year, the Legislature shall approve the  
19 legislation containing the project priority list, including any  
20 amendatory or supplementary provisions thereto. The legislation  
21 approved by the Legislature shall authorize the expenditure of  
22 monies appropriated to the New Jersey Coastal Commission and the  
23 Department of Environmental Protection, as appropriate, from the  
24 Shore Protection Fund for the specific projects, including the  
25 estimated amounts therefor, on the list.

26 c. No monies appropriated from the Shore Protection Fund to  
27 the New Jersey Coastal Commission or the Department of  
28 Environmental Protection, as appropriate, shall be expended for any  
29 shore protection project unless the estimated expenditure is  
30 authorized pursuant to legislation approved in accordance with the  
31 provisions of subsection b. of this section or unless the shore  
32 protection project is of an emergency nature pursuant to the  
33 provisions of subsection b. of section 1 of P.L.1992, c.148  
34 (C.13:19-16.1). The commission or department **【is】** for the areas of  
35 the State under their respective jurisdictions are authorized to  
36 transfer monies between authorized projects to compensate for the  
37 differences between the estimated and actual costs of a project. If  
38 the Legislature fails to approve legislation within the time frame  
39 specified pursuant to subsection b. of this section, the expenditure  
40 of monies appropriated from the Shore Protection Fund shall be  
41 authorized pursuant to the provisions of the annual appropriations  
42 act.

43 (cf: P.L.1997, c.384, s.1)

44  
45 35. Section 1 of P.L.2007, c.278 (C.13:19-16.3) is amended to  
46 read as follows:

1        1. Whenever the State enters into an agreement, on or after the  
2 date of enactment of this act, with the United States Army Corps of  
3 Engineers for the State to assume responsibility as the non-federal  
4 sponsor of a shore protection project, the Department of  
5 Environmental Protection or the New Jersey Coastal Commission  
6 established pursuant to section 4 of P.L. , c. (C. ) (pending  
7 before the Legislature as this bill), as appropriate, shall conduct a  
8 public hearing and provide the opportunity for public comment at  
9 the conclusion of the feasibility study phase for the proposed shore  
10 protection project.

11 (cf: P.L.2007, c.278, s.1)

12  
13        36. Section 2 of P.L.1992, c.213 (C.13:19-23) is amended to  
14 read as follows:

15        2. The Legislature finds and determines:

16        a. The presence of debris, litter, floatable waste, and other  
17 refuse in the ocean waters has an adverse impact on the quality of  
18 those waters and on sea mammals and other marine life;

19        b. Programs involving public participation can be an integral  
20 part of a Statewide strategy to combat the deleterious effects of  
21 ocean pollution, and can contribute to the goal of achieving a  
22 pollution free environment with the hope that in the future, cleanups  
23 of this nature will no longer be required;

24        c. "Adopt a beach" programs, which provide for citizen  
25 cleanups of beaches and shores of debris, litter, floatable waste, and  
26 other refuse, have been enthusiastically received in other states, and  
27 have proved useful in the continuing effort to remove potential  
28 pollutants from ocean waters; and

29        d. It is in the public interest and in furtherance of the general  
30 welfare of the people of this State to establish an "Adopt a Beach"  
31 program in the Department of Environmental Protection to be  
32 implemented in conjunction with the New Jersey Coastal  
33 Commission.

34 (cf: P.L.1992, c.213, s.2)

35  
36        37. Section 3 of P.L.1992, c.213 (C.13:19-24) is amended to  
37 read as follows:

38        3. As used in this act:

39        "Commission" means the New Jersey Coastal Commission  
40 established pursuant to section 4 of P.L. , c. (C. ) (pending  
41 before the Legislature as this bill).

42        "Department" means the Department of Environmental  
43 Protection.

44        "Program volunteer" means any group, organization, business, or  
45 individual who has adopted a section of beach or shore for cleanup  
46 in accordance with **[this act]** P.L.1992, c.213 (C.13:19-22 et seq.) .

47 (cf: P.L.1992, c.213, s.3)

1       38. Section 5 of P.L.1992, c.213 (C.13:19-26) is amended to  
2 read as follows:

3       5. a. The department, in conjunction with the commission,  
4 shall:

5       (1) Develop a packet of information and instructions, and,  
6 within the limits of funds made available therefor, provide cleanup  
7 supplies, for use by program volunteers in cleaning up beaches and  
8 shores in accordance with **【this act】** P.L.1992, c.213 (C.13:19-22 et  
9 seq.);

10       (2) Coordinate with program volunteers and appropriate local  
11 government officials in arranging for the disposal, and to the  
12 maximum extent practicable and feasible, the recycling, of debris,  
13 litter, floatable waste, and other refuse collected by program  
14 volunteers;

15       (3) Advertise and promote the "Adopt a Beach" program, and  
16 develop and utilize such slogans, symbols, and mascots as the  
17 department may deem expedient for such purposes;

18       (4) Coordinate the operation of the "Adopt a Beach" program  
19 with the responsibilities of the department and the Department of  
20 Education to prepare and distribute educational materials  
21 concerning the deleterious effects of plastics and other forms of  
22 pollution on the marine environment pursuant to the "Clean Ocean  
23 Education Act," P.L.1988, c.62 (C.58:10A-52 et seq.);

24       (5) Cooperate with the Department of Corrections on any  
25 program established by law or by that department that utilizes  
26 prisoners to clean up or maintain beaches or shores;

27       (6) Provide notice of the provisions of this act to every coastal  
28 municipality in the State; and

29       (7) Organize, coordinate, and designate the dates for two annual  
30 coastwide beach and shore cleanups, one in the Spring and one in  
31 the Fall, in which all program volunteers shall be asked to  
32 participate, and which shall be in addition to any other cleanup  
33 activities that program volunteers may undertake.

34       b. The department, in conjunction with the commission, may:

35       (1) Prepare or use from existing environmental advocacy group  
36 sources, data cards to be distributed to program volunteers to record  
37 information on the amounts and types of debris, litter, floatable  
38 waste, and other refuse collected, and such other information as the  
39 department may deem useful;

40       (2) Utilize the information derived from data cards distributed  
41 to program volunteers to formulate recommendations to the  
42 Governor and the Legislature for administrative or legislative action  
43 to effectuate the goal of preventing ocean pollution; and

44       (3) Issue to each program volunteer an adoption certificate, and,  
45 within the limits of funds made available therefor, provide a sign  
46 indicating the name of the participating group, organization,  
47 business, or individual for placement, if not otherwise prohibited by  
48 law or municipal ordinance, at an appropriate point on the public

1 road providing access to the section of beach or shore adopted by  
2 the program volunteer, or at such other point as the department or  
3 the commission may prescribe.

4 (cf: P.L.1992, c.213, s.5)

5  
6 39. Section 6 of P.L.1992, c.213 (C.13:19-27) is amended to  
7 read as follows:

8 6. a. Any group, organization, business, or individual  
9 interested in adopting a section of beach or shore for cleanup in  
10 accordance with this act shall notify, as appropriate, the  
11 commission for a section of beach or shore within its jurisdiction or  
12 the department for a section of beach or shore in the remainder of  
13 the State. Such notification may include a request to adopt, if  
14 possible, a specified section of beach or shore. Upon receipt of a  
15 notification of interest, the department or commission, as  
16 appropriate, shall: (1) assign an appropriate section of beach or  
17 shore to that group, organization, business, or individual for  
18 adoption; (2) notify the group, organization, business, or individual  
19 of that assignment and provide thereto the materials required to be  
20 prepared pursuant to paragraph (1) of subsection a. of section 5 of  
21 **【this act】** of P.L.1992, c.213 (C.13:19-26).

22 b. Upon receipt from the department or commission, as  
23 appropriate, of notification of its assigned section of beach or shore,  
24 the program volunteer shall notify the clerk of the municipality  
25 within which the assigned section of beach or shore is located so  
26 that the municipality will be aware of the program volunteer's  
27 activities and may, at its discretion, provide assistance.

28 c. (1) An adopted section of beach or shore shall be  
29 approximately one mile in length, but other lengths may be  
30 permitted depending upon the desires and capabilities of the  
31 program volunteer, the amount of waste that may be expected to be  
32 collected, or the accessibility of the section of beach or shore.

33 (2) The adoption period for a section of beach or shore shall be  
34 one year, but a program volunteer may renew its participation in the  
35 program by notifying the department or commission, as appropriate,  
36 annually at such time as shall be specified therefor by the  
37 department or commission, as appropriate.

38 (cf: P.L.1992, c.213, s.6)

39  
40 40. Section 8 of P.L.1992, c.213 (C.13:19-29) is amended to  
41 read as follows:

42 8. a. No department, agency, bureau, board, commission,  
43 authority, or other entity of the State, or of any county or  
44 municipality, and no employee thereof, shall be liable to any person  
45 for any injury or damages that may be caused or sustained by a  
46 program volunteer during an "Adopt a Beach" event or activity.

47 As a condition of participating in the program, a prospective  
48 program volunteer shall sign a waiver releasing the department, the

1 commission, the State, and any other appropriate governmental  
2 entity, and all employees thereof, from liability for any injury or  
3 damages that may be caused or sustained by that volunteer during  
4 an "Adopt a Beach" event or activity.

5 b. A program volunteer shall not be considered a "public  
6 employee" or "State employee" for purposes of the "New Jersey  
7 Tort Claims Act," N.J.S.59:1-1 et seq., or otherwise be accorded  
8 any of the protections set forth therein.

9 (cf: P.L.1992, c.213, s.8)

10  
11 41. Section 9 of P.L.1992, c.213 (C.13:19-30) is amended to  
12 read as follows:

13 9. Any person may donate to the department, the commission,  
14 or to a county or municipality, funds, supplies, or services for use in  
15 the "Adopt a Beach" program, and the department, the commission,  
16 and any county or municipality are authorized to accept such  
17 donations.

18 (cf: P.L.1992, c.213, s.9)

19  
20 42. Section 2 of P.L.1995, c.19 (C.13:19-32) is amended to read  
21 as follows:

22 2. a. The Department of Environmental Protection in  
23 conjunction with the New Jersey Coastal Commission established  
24 pursuant to section 4 of P.L. , c. (c. ) (pending before the  
25 Legislature as this bill shall prepare a guidance document which  
26 provides information to coastal municipalities on eligibility  
27 requirements for receiving federal monies related to shore  
28 protection projects and disaster aid. The document shall provide  
29 detailed information which describes the policies, programs or other  
30 actions required of a municipality to qualify for these federal  
31 monies, and shall include a section which explains what a  
32 municipality must do to create and maintain an engineered beach.

33 b. Upon completion of the guidance document, the Department  
34 of Environmental Protection or the New Jersey Coastal  
35 Commission, as appropriate, shall notify all coastal municipalities  
36 of the availability of the guidance document. The department and  
37 the New Jersey Coastal Commission shall provide copies of the  
38 guidance document to a municipality upon request.

39 c. As used in this act, "coastal municipality" means any  
40 municipality located within the coastal area as defined in section 4  
41 of P.L.1973, c.185 (C.13:19-4).

42 (cf: P.L.1995, c.19, s.2)

43  
44 43. Section 1 of P.L.2009, c.171 (C.13:19-45) is amended to  
45 read as follows:

46 1. Whenever the Department of Environmental Protection or  
47 the New Jersey Coastal Commission established pursuant to section  
48 4 of P.L. , c. (C. ) (pending before the Legislature as this bill),

1 as the case may be, enters into discussions in order to reach a  
2 settlement agreement with an owner of property containing dunes or  
3 other environmentally sensitive areas located in a coastal  
4 municipality, the department or the commission, as appropriate,  
5 shall provide notice, in writing, to the governing body of the coastal  
6 municipality in which the property is located. The notice required  
7 pursuant to this section shall state the location of the property,  
8 including the address and the lot and block number of the property,  
9 and a description of the nature of the settlement discussions, and  
10 shall offer the governing body of the coastal municipality the  
11 opportunity to participate in the settlement discussions.

12 As used in this section, "coastal municipality" means any  
13 municipality located within the coastal area as defined in section 4  
14 of P.L.1973, c.185 (C.13:19-4).  
15 (cf: P.L.2009, c.171, s.1)  
16

17 44. Section 4 of P.L.1956, c.135 (C.26:9-12.6) is amended to  
18 read as follows:

19 4. It shall be the duty of the commission to carry on a  
20 continuous study of mosquito control and extermination in the  
21 State, to recommend to the Governor and the Legislature, from time  
22 to time, changes in legislation which in its judgment may be  
23 necessary or desirable to be enacted in order to enforce and carry  
24 out mosquito extermination and control work throughout the State,  
25 to recommend to the Legislature the amount of money which in its  
26 judgment it shall deem necessary and desirable to be appropriated  
27 each year by the State for mosquito control purposes and to allocate  
28 funds appropriated for State aid to counties in the performance of  
29 such work among the various counties through the New Jersey State  
30 Agricultural Experiment Station, to act in an advisory capacity in  
31 all matters pertaining to mosquito extermination and control and to  
32 co-operate with the agencies of other States and the Federal  
33 Government in the elimination of mosquito breeding areas under  
34 their control. The commission shall not recommend to the  
35 Legislature any mosquito control project in the coastal commission  
36 area, as defined pursuant to section 3 of P.L. c. (C. )  
37 (pending before the Legislature as this bill), that is inconsistent with  
38 the policies or goals of the New Jersey Coastal Management Plan  
39 adopted in accordance with section 8 of P.L. c. (C. )  
40 (pending before the Legislature as this bill). The commission shall  
41 submit to the New Jersey Coastal Commission, established pursuant  
42 to section 4 of P.L. , c. (C. ) (pending before the Legislature  
43 as this bill), for review and certification as to consistency with the  
44 coastal management plan, any mosquito control project within the  
45 coastal commission area prior to recommending the project for  
46 financing to the Legislature.

47 (cf: P.L.1956, c.135, s.4)



1       45. Section 4 of P.L.1993, c.168 (C.39:3-27.50) is amended to  
2 read as follows:

3       4. a. There is created in the Department of the Treasury a  
4 special non-lapsing fund to be known as the "Coastal Protection  
5 Trust Fund." There shall be deposited in the fund the amount  
6 collected from all license plate fees collected pursuant to section 3  
7 of **[this act]** P.L.1993, c.168 (C.39:3-27.49), less the amounts  
8 necessary to reimburse the division for administrative costs  
9 pursuant to section 5 of **[this act]** P.L.1993, c.168 (C.39:3-27.51) .  
10 Except as otherwise provided in subsection b. of this section,  
11 moneys deposited in the fund shall be dedicated to the purposes set  
12 forth in section 6 of **[this act]** P.L.1993, c.168 (C.39:3-27.52) .  
13 Moneys deposited in the fund shall be held in interest-bearing  
14 accounts in public depositories as defined pursuant to section 1 of  
15 P.L.1970, c.236 (C.17:9-41), and may be invested or reinvested in  
16 such securities as are approved by the State Treasurer. Interest or  
17 other income earned on moneys deposited into the fund, and any  
18 moneys which may be appropriated or otherwise become available  
19 for the purposes of the fund, shall be credited to and deposited in  
20 the fund for use as set forth in **[this act]** P.L.1993, c.168 (C.39:3-  
21 27.47 et al.) .

22       b. There is created within the "Coastal Protection Trust Fund" a  
23 special emergency reserve account, to which shall annually be  
24 credited the amount of license plate fees collected in excess of  
25 \$1,000,000 during the year. The commissioner, in conjunction with  
26 the New Jersey Coastal Commission established pursuant to section  
27 4 of P.L. , c. (C. ) (pending before the Legislature as this  
28 bill), may, pursuant to specific appropriations made by law, use  
29 moneys deposited in the special emergency reserve account to:

30       (1) finance shore protection projects of an emergency nature in  
31 the event of storm, stress of weather or similar act of God; and

32       (2) provide for the cleanup of discharges of pollutants or  
33 contaminants discharged into the ocean waters of this State.

34       Any expenditure of moneys pursuant to this subsection for  
35 projects in the coastal commission area, as defined pursuant to  
36 section 3 of P.L. c. (C. ) (pending before the Legislature as  
37 this bill), shall require the approval of the New Jersey Coastal  
38 Commission and be consistent with the policies and goals of the  
39 coastal management plan adopted in accordance with section 8 of  
40 P.L. c. (C. ) (pending before the Legislature as this bill).

41 (cf: P.L.1993, c.168, s.4)

42  
43       46. Section 11 of P.L.1985, c.398 (C.52:18A-206) is amended to  
44 read as follows:

45       11. a. The provisions of P.L.1985, c.398 (C.52:18A-196 et al.)  
46 shall not be construed to affect the plans and regulations of the  
47 Pinelands Commission pursuant to the "Pinelands Protection Act,"  
48 P.L.1979, c.111 (C.13:18A-1 et seq.), the New Jersey Meadowlands

1 Commission pursuant to the "Hackensack Meadowlands  
2 Reclamation and Development Act," P.L.1968, c.404 (C.13:17-1 et  
3 seq.), **[or]** the Highlands Water Protection and Planning Council  
4 pursuant to the "Highlands Water Protection and Planning Act,"  
5 P.L.2004, c.120 (C.13:20-1 et al.) for that portion of the Highlands  
6 Region lying within the preservation area as defined in section 3 of  
7 P.L.2004, c.120 (C.13:20-3), or the New Jersey Coastal  
8 Commission pursuant to the "New Jersey Coastal Commission  
9 Act," P.L. , c. (C. ) (pending before the Legislature as this  
10 bill). The State Planning Commission shall rely on the adopted  
11 plans and regulations of these entities in developing the State  
12 Development and Redevelopment Plan.

13 b. The State Planning Commission may adopt, after the  
14 enactment date of P.L.1993, c.190 (C.13:19-5.1 et al.), the coastal  
15 planning policies of the rules and regulations adopted pursuant to  
16 P.L.1973, c.185 (C.13:19-1 et seq.), the coastal planning policies of  
17 the rules and regulations adopted pursuant to subsection b. of  
18 section 17 of P.L.1973, c.185 (C.13:19-17) and any coastal  
19 planning policies of rules and regulations adopted pursuant to  
20 P.L.1973, c.185 (C.13:19-1 et seq.) thereafter as the State  
21 Development and Redevelopment Plan for the coastal area as  
22 defined in section 4 of P.L.1973, c.185 (C.13:19-4).  
23 (cf: P.L.2004, c.120, s.72)  
24

25 47. Section 5 of P.L.1975, c.217 (C.52:27D-123) is amended to  
26 read as follows:

27 5. a. The commissioner shall after public hearing pursuant to  
28 section 4 of the "Administrative Procedure Act," P.L.1968, c.410  
29 (C.52:14B-4) adopt a State Uniform Construction Code for the  
30 purpose of regulating the structural design, construction,  
31 maintenance, and use of buildings or structures to be erected and  
32 alteration, renovation, rehabilitation, repair, maintenance, removal,  
33 or demolition of buildings or structures already erected. Prior to the  
34 adoption of said code, the commissioner shall consult with the code  
35 advisory board and other departments, divisions, bureaus, boards,  
36 councils, or other agencies of State Government heretofore  
37 authorized to establish or administer construction regulations.

38 Such prior consultations with departments, divisions, bureaus,  
39 boards, councils, or other agencies of State Government shall  
40 include but not be limited to consultation with the Commissioner of  
41 Health and the Public Health Council prior to adoption of a  
42 plumbing subcode pursuant to paragraph b. of this section. Said  
43 code shall include any code, rule, or regulation incorporated therein  
44 by reference.

45 b. The code shall be divided into subcodes which may be  
46 adopted individually by the commissioner as the commissioner may  
47 from time to time consider appropriate. These subcodes shall  
48 include but not be limited to a building code, a plumbing code, an

1 electrical code, an energy code, a fire prevention code, a  
2 manufactured or mobile home code, and a mechanical code.

3 These subcodes, except for the energy subcode, shall be  
4 adoptions of the model codes of the Building Officials and Code  
5 Administrators International, Inc., the National Electrical Code, and  
6 the National Standard Plumbing Code, provided that for good  
7 reasons, the commissioner may adopt as a subcode, a model code or  
8 standard of some other nationally recognized organization upon a  
9 finding that such model code or standard promotes the purposes of  
10 P.L.1975, c.217 (C.52:27D-119 et seq.). The initial adoption of a  
11 model code or standard as a subcode shall constitute adoption of  
12 subsequent edition year publications of the model code or standard  
13 of such other nationally recognized organization, except as provided  
14 for in paragraphs (1) through (4) of this subsection. Adoption of  
15 publications shall not occur more frequently than once every three  
16 years; provided, however, that a revision or amendment may be  
17 adopted at any time in the event that the commissioner finds that  
18 there exists an imminent peril to the public health, safety, or  
19 welfare.

20 The energy subcode shall be based upon the model codes cited  
21 under this subsection or the International Energy Conservation  
22 Code. It may be amended or supplemented by the commissioner  
23 once before 2012 without regard to intervals between the adoption  
24 of the energy subcode in effect on the effective date of  
25 P.L.2009, c.106 (C.52:27D-122.2 et al.) and subsequent year  
26 revisions of that subcode. In amending or supplementing the  
27 energy subcode, the commissioner shall rely upon 10-year energy  
28 price projections provided by an institution of higher education  
29 within one year following the effective date of P.L.2009, c.106  
30 (C.52:27D-122.2 et al.), and thereafter at three-year intervals. In  
31 developing the energy price projections, the institution of higher  
32 education shall consult with the Board of Public Utilities. The  
33 commissioner shall be authorized to amend the energy subcode to  
34 establish enhanced energy conservation construction requirements,  
35 the added cost of each of which may reasonably be recovered  
36 through energy conservation over a period of not more than seven  
37 years. Such requirements shall include provisions to ensure that, in  
38 all parts of the State the anticipated energy savings shall be  
39 similarly proportionate to the additional costs of energy subcode  
40 compliance.

41 (1) Except as otherwise provided in this subsection, the edition  
42 of a model code or standard in effect as a subcode as of July 1, 1995  
43 shall continue in effect regardless of any publication of a  
44 subsequent edition of that model code or standard. Prior to  
45 establishing the effective date for any subsequent revision or  
46 amendment of any model code or standard adopted as a subcode,  
47 the commissioner shall review, in consultation with the code  
48 advisory board, the text of the revised or amended model code or

1 standard and determine whether the amended or revised provisions  
2 of the model code are essential to carry out the intent and purpose  
3 of P.L.1975, c.217 (C.52:27D-119 et seq.) as viewed in contrast to  
4 the corresponding provisions of the subcode then currently in effect.

5 (2) In the event that the commissioner, pursuant to paragraph (1)  
6 of this subsection, determines that any amended or revised  
7 provision of a model code is essential to carry out the intent and  
8 purpose of this act as viewed in contrast to any corresponding  
9 provision of the subcode then currently in effect, the commissioner  
10 may then adopt that provision of the amended or revised model  
11 code.

12 (3) The commissioner, in consultation with the code advisory  
13 board, shall have the authority to review any model code or  
14 standard currently in effect as a subcode of the State Uniform  
15 Construction Code and compare it with previously adopted editions  
16 of the same model code or standard in order to determine if the  
17 subcode currently in effect is at least as consistent with the intent  
18 and purpose of this act as were previously adopted editions of the  
19 same model code or standard.

20 (4) In the event that the commissioner, after consultation with  
21 the code advisory board, determines pursuant to this subsection that  
22 a provision of a model code or standard currently in effect as a  
23 subcode of the State Uniform Construction Code is less consistent  
24 with the intent and purpose of P.L.1975, c.217 (C.52:27D-119 et  
25 seq.) than was the corresponding provision of a previously adopted  
26 edition of the same model code or standard, the commissioner may  
27 delete the provision in effect and substitute in its place the  
28 corresponding provision of the previously adopted edition of the  
29 same model code or standard determined to be more consistent with  
30 the intent and purpose of P.L.1975, c.217 (C.52:27D-119 et seq.).

31 (5) The commissioner shall be authorized to adopt a barrier free  
32 subcode or to supplement or revise any model code adopted  
33 hereunder, for the purpose of insuring that adequate and sufficient  
34 features are available in buildings or structures so as to make them  
35 accessible to and usable by persons with physical disabilities.  
36 Multi-family residential buildings with four or more dwelling units  
37 in a single structure shall be constructed in accordance with the  
38 barrier free subcode; for the purposes of this subsection the term  
39 "multi-family residential buildings with four or more dwelling units  
40 in a single structure" shall not include buildings constructed as  
41 townhouses, which are single dwelling units with two or more  
42 stories of living space, exclusive of basement or attic, with most or  
43 all of the sleeping areas on one story and with most of the  
44 remaining habitable space, such as kitchen, living, and dining areas,  
45 on another story, and with an independent entrance at or near grade  
46 level.

47 c. Any municipality through its construction official, and any  
48 State agency or political subdivision of the State, may submit an

1 application recommending to the commissioner that a State  
2 sponsored code change proposal be adopted. Such application shall  
3 contain such technical justification and shall be submitted in  
4 accordance with such rules of procedure as the commissioner may  
5 deem appropriate, except that whenever the State Board of  
6 Education shall determine that enhancements to the code are  
7 essential to the maintenance of a thorough and efficient system of  
8 education, the enhancements shall be made part of the code;  
9 provided that the amendments do not result in standards that fall  
10 below the adopted subcodes. The Commissioner of Education shall  
11 consult with the Commissioner of Community Affairs prior to  
12 publishing the intent of the State Board to adopt any amendments to  
13 the Uniform Construction Code. Upon adoption of any amendments  
14 by the State Board of Education they shall be transmitted forthwith  
15 to the Commissioner of Community Affairs who shall publish and  
16 incorporate the amendments as part of the Uniform Construction  
17 Code and the amendments shall be enforceable as if they had been  
18 adopted by the commissioner.

19 At least 45 days prior to the final date for the submission of  
20 amendments or code change proposals to the National Model Code  
21 Adoption Agency, the code of which has been adopted as a subcode  
22 under P.L.1975, c.217 (C.52:27D-119 et seq.), the commissioner  
23 shall hold a public hearing in accordance with the "Administrative  
24 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), at which  
25 testimony on any application recommending a State sponsored code  
26 change proposal will be heard.

27 The commissioner shall maintain a file of such applications,  
28 which shall be made available to the public upon request and upon  
29 payment of a fee to cover the cost of copying and mailing.

30 After public hearing, the code advisory board shall review any  
31 such applications and testimony and shall within 20 days of such  
32 hearing present its own recommendations to the commissioner.

33 The commissioner may adopt, reject, or return such  
34 recommendations to the code advisory board for further  
35 deliberation. If adopted, any such proposal shall be presented to the  
36 subsequent meeting of the National Model Code Agency by the  
37 commissioner or by persons designated by the commissioner as a  
38 State sponsored code change proposal. Nothing herein, however,  
39 shall limit the right of any municipality, the department, or any  
40 other person from presenting amendments to the National Model  
41 Code Agency on its own initiative.

42 The commissioner may adopt further rules and regulations  
43 pursuant to this subsection and may modify the procedures herein  
44 described when a model code change hearing has been scheduled so  
45 as not to permit adequate time to meet such procedures.

46 d. (Deleted by amendment, P.L.1983, c.496.)

47 e. In adopting the code or any subcode thereof pursuant to this  
48 section, the commissioner shall consult with the New Jersey Coastal

1 Commission, established pursuant to section 4 of P.L. , c. (C. )  
2 (pending before the Legislature as this bill), to determine whether  
3 the code or subcode shall include any specific provisions or  
4 considerations for the purpose of regulating the structural design,  
5 construction, maintenance and use of buildings or structures to be  
6 erected, and the alteration, renovation, rehabilitation, repair,  
7 maintenance, removal, or demolition of buildings or structures  
8 already erected, within the coastal commission area, as defined  
9 pursuant to section 3 of P.L. , c. (C. ) (pending before the  
10 Legislature as this bill).

11 (cf: P.L.2017, c.131, s.191)

12

13 48. Sections 1 through 5 of P.L.2007, c.288 (C.13:19-34 through  
14 C.13:19-37) are repealed.

15

16 49. There is appropriated from the General Fund to the New  
17 Jersey Coastal Commission the sum of \$20,000,000 for the  
18 purposes of this act, including providing grants and other financial  
19 assistance to municipalities and counties for any revision of their  
20 master plans, development regulations, or other regulations which is  
21 designed to bring those plans, development regulations, or other  
22 regulations into conformance with the coastal management plan.

23

24 50. Sections 13 through 29 and sections 31 through 47 of the act  
25 shall take effect on the 30th day following the date of enactment,  
26 and the remainder of the act shall take effect immediately, but the  
27 State Treasurer and the Commissioner of Environmental Protection  
28 shall take such anticipatory administrative action in advance thereof  
29 as shall be necessary for the implementation of this act.

30

31

## 32 STATEMENT

33

34 This bill establishes a New Jersey Coastal Commission  
35 (“commission”), sets forth the commission's powers, and transfers  
36 to the commission certain functions now vested in the Department  
37 of Environmental Protection (DEP) under various acts, including  
38 R.S.12:5-1 et seq. (the “waterfront development law”), “The  
39 Wetlands Act of 1970,” the “Freshwater Wetlands Protection Act,”  
40 the “Coastal Area Facility Review Act” (CAFRA), and the “Flood  
41 Hazard Area Control Act.”

42 The purpose of the bill is to promote the protection, preservation  
43 and restoration of a portion of the State's coastal area, designated as  
44 the “coastal commission area” by the bill, through comprehensive  
45 planning, regulation, and intergovernmental cooperation. The  
46 powers and responsibilities for achieving these objectives are  
47 assigned to a regional commission established by the bill, to be  
48 known as the New Jersey Coastal Commission. The coastal

1 commission area comprises the area defined in CAFRA located  
2 within the counties of Atlantic, Cape May, Ocean, Monmouth, and  
3 Middlesex. For the purposes of this bill, the coastal commission  
4 area does not include that portion of the CAFRA region located in  
5 Burlington, Cumberland, and Salem counties.

6 Section 4 of the bill establishes the commission as an  
7 instrumentality of the State exercising essential government  
8 functions, and allocates the commission to the DEP, but makes the  
9 commission independent of department supervision or control.

10 The commission is to consist of 19 members, as follows: 10  
11 residents of the counties of Atlantic, Cape May, Middlesex,  
12 Monmouth, and Ocean, of whom two from each county would be  
13 appointed by the Governor upon the recommendation of the  
14 respective county governing body, provided however that (a) no  
15 more than five are to be of the same political party and (b) five are  
16 to be municipal officials residing in the coastal commission area  
17 and holding elective office at the time of appointment and five are  
18 to be county officials holding elective office at the time of  
19 appointment; and nine residents of the State, of whom three are to  
20 be appointed by the Governor with the advice and consent of the  
21 Senate, three are to be appointed by the Governor upon the  
22 recommendation of the President of the Senate, and three are to be  
23 appointed by the Governor upon the recommendation of the  
24 Speaker of the General Assembly. In addition, these nine members  
25 are to have, to the maximum extent practicable, demonstrated  
26 expertise and interest in coastal issues and be actively connected  
27 with, or have experience in: natural resources protection,  
28 environmental protection, water quality protection, agriculture,  
29 forestry, land use, or economic development. The members are to  
30 be appointed to the commission within 30 days after the date of  
31 enactment of the bill into law. In addition, the commission is  
32 directed to request the United States Army Corps of Engineers  
33 (USACOE), the United States Environmental Protection Agency,  
34 the United States Coast Guard, and the National Oceanic and  
35 Atmospheric Administration to each appoint a representative to  
36 serve as an advisor to the commission.

37 Actions taken by the commission and recorded in the minutes are  
38 be subject to review and approval or disapproval by the Governor.  
39 The commission is required to file annual reports on its activities  
40 with the Governor and the Legislature.

41 Section 6 provides that the commission shall have jurisdiction  
42 within the coastal commission area for: (1) all planning activities  
43 and all approvals related to applications for development; (2) all  
44 activities related to land use permitting and approvals; (3) all beach  
45 erosion and shore protection projects undertaken or proposed to be  
46 undertaken; and (4) the oversight of disbursement and use of any  
47 federal monies received from the Federal Emergency Management

1 Agency (FEMA) or any other source related to reconstruction from  
2 the effects of Hurricane Sandy.

3 Section 6 further provides that the commission shall exercise its  
4 power to: (1) protect, preserve, and restore the environmental  
5 quality and natural resources of the New Jersey's coastal  
6 commission area, and, consistent with the protection and  
7 preservation thereof, maintain the long-term economic viability of  
8 the coastal commission area, and ensure public access to, and use or  
9 enjoyment of, the natural, scenic, recreation, and historic resources  
10 in the coastal commission area; (2) provide a comprehensive  
11 approach to protecting the environment by managing growth in the  
12 coastal commission area, noting regional differences and acting in  
13 close cooperation with local government units; (3) protect the  
14 ocean's renewable resources by acting to improve the quality of  
15 near coastal and estuary waters and coastal habitats; (4) preserve  
16 and promote the natural, scenic, recreation, and historic aspects of  
17 the coastal commission area; and (5) ensure that regulations  
18 governing the coastal commission area are understandable and  
19 provide for the widest public participation in the commission's  
20 decision making processes.

21 Section 7 enumerates the extensive general powers and duties of  
22 the commission, which include but are not limited to: (1)  
23 appointing advisory boards, councils, or panels to assist in its  
24 activities, including but not limited to a municipal advisory council  
25 consisting of mayors, municipal council members, or other  
26 representatives of municipalities located in the coastal commission  
27 area; (2) soliciting and considering public input and comment on  
28 the commission's activities, the coastal management plan, and other  
29 issues and matters of importance in the coastal commission area by  
30 periodically holding public hearings or conferences and providing  
31 other opportunities for such input and comment by interested  
32 parties; (3) preparing and transmitting to the DEP Commissioner  
33 and the Legislature such recommendations for additional or more  
34 stringent water quality standards for surface and ground waters in  
35 the coastal commission area, or in tributaries and watersheds within  
36 or outside the coastal commission area and for other environmental  
37 protection standards pertaining to the lands and natural resources of  
38 the coastal commission area, as the commission deems appropriate;  
39 (4) identifying and designating areas within which development  
40 shall not occur in order to protect water resources and  
41 environmentally sensitive lands while recognizing the need to  
42 provide just compensation to the owners of those lands when  
43 appropriate, whether through acquisition, transfer of development  
44 rights programs, or other means or strategies; (5) identifying lands  
45 in which the public acquisition of a fee simple or lesser interest  
46 therein is necessary or desirable in order to ensure the preservation  
47 thereof, or to provide sites for public recreation; (6) developing  
48 model land use ordinances and other development regulations, for



1 consideration and adoption by municipalities in the coastal  
2 commission area; (7) commenting upon any application for  
3 development before a local government unit, on the adoption of any  
4 master plan, development regulation, or other regulation by a local  
5 government unit, or on the enforcement by a local government unit  
6 of any development regulation or other regulation; (8) working with  
7 interested municipalities to enter into agreements to establish,  
8 where appropriate, capacity-based development densities, including,  
9 but not limited to, appropriate higher densities to support transit  
10 villages or in centers designated by the State Development and  
11 Redevelopment Plan; (9) promoting conservation of water resources  
12 and brownfield remediation and redevelopment in the coastal  
13 commission area; (10) adopting rules and regulations, pursuant to  
14 the provisions of the "Administrative Procedure Act," as may be  
15 necessary in order for the commission to exercise its powers and  
16 perform its duties and responsibilities, including the establishment  
17 of reasonable fees; (11) submitting annual reports to the Governor  
18 and Legislature; (12) auditing the actions of local government units  
19 as those actions relate to conformance with the coastal management  
20 plan required by section 8 of the bill; (13) considering any matter  
21 relating to the protection, maintenance, and restoration of coastal  
22 and ocean resources, including the coordination and development of  
23 a research agenda on ecosystem-based management; (14) reviewing  
24 any State project planned within the coastal commission area for  
25 conformance with the coastal management plan; and (15)  
26 coordinating with the State Office of Emergency Management, the  
27 USACOE, and FEMA to conduct and review any assessment of the  
28 damage, and any associated recovery efforts, caused by Hurricane  
29 Sandy or any other major storm event that impacts the coastal  
30 commission area.

31 In addition, as set forth in the bill, the commission would be  
32 responsible in the coastal commission area for implementing State  
33 laws concerning land use and beach erosion and shore protection  
34 that are current the responsibility of the DEP.

35 Section 8 requires, within nine months of its organizational  
36 meeting, and after public hearings in each county within the coastal  
37 commission area, the commission to adopt a coastal management  
38 plan. The plan is to be reviewed, revised, and readopted at least  
39 once every five years. The commission is to provide for maximum  
40 feasible local government and public participation in the plan's  
41 preparation, and consider input from federal, State, county and  
42 municipal entities in preparing the plan. The coastal management  
43 plan is to be closely coordinated with the provisions of the State  
44 Development and Redevelopment Plan, though exempt therefrom,  
45 and the Pinelands Comprehensive Management Plan. The goal of  
46 coastal management plan is to protect, preserve and, where  
47 practicable, restore, the natural resources and environmental  
48 qualities of the coastal commission area.

1       Section 9 prescribes the main components of the coastal  
2 management plan, which include:

3       (1) a comprehensive statement of policies for protecting coastal  
4 resources and managing development, including the channeling of  
5 development into areas already developed or having the  
6 infrastructure therefor, or areas where the infrastructure can be  
7 efficiently and economically provided;

8       (2) a resource assessment that determines the types and amounts  
9 of development and other human activities that can be sustained by  
10 the coastal commission area ecosystems, and identifies natural,  
11 scenic, open space and outdoor recreation resources of the coastal  
12 commission area, and the public policies required to maintain or  
13 restore these resources;

14       (3) a land use capability component for designating growth  
15 areas and special land use areas;

16       (4) identification of land and water protection and management  
17 techniques and other mechanisms that could be utilized by State,  
18 regional and local governmental entities to effectuate the policies  
19 and purposes of the coastal management plan;

20       (5) a reference guide of technical planning standards and  
21 guidelines use in preparing the coastal management plan;

22       (6) regional planning standards and guidelines for  
23 transportation, housing and other land uses, and for effectuating  
24 intergovernmental coordination;

25       (7) a public access and use component;

26       (8) a five-year coastal commission area capital improvement  
27 program; and

28       (9) a financial component detailing the cost of implementing the  
29 coastal management plan and the revenue sources therefor.

30       Section 10 requires preparation of the coastal management plan  
31 to include an infrastructure needs assessment, a research needs  
32 assessment, and a natural resources inventory. The commission is  
33 also required to conduct, or cooperate in the conduct of, research on  
34 the health and environmental effects of water quality.

35       Section 11 requires all State, regional, county and municipal  
36 government entities to comply with the coastal management plan.  
37 The commission is to establish, consistent with the coastal  
38 management plan, minimum standards for the adoption and  
39 revision, as applicable, of municipal and county master plans,  
40 development regulations and capital improvement programs.  
41 Within six months after the adoption or readoption of the coastal  
42 management plan, each county and municipality in the coastal  
43 commission area is required to submit, as applicable, its master  
44 plan, development regulations, and capital improvement program to  
45 the commission for a determination as to whether the plan,  
46 regulations and program are in conformity with the coastal  
47 management plan. The commission is also directed to audit the  
48 actions of affected counties and municipalities to determine if they

1 conform to the coastal management plan. The bill sets forth criteria  
2 for determining, and the implications of, county or municipal  
3 nonconformance with the coastal management plan.

4 The commission is also directed to develop a coordination and  
5 consistency plan for achieving intergovernmental coordination of  
6 policies and programs to promote the policies and goals of the  
7 coastal management plan, and for integrating into the plan land,  
8 water and structures managed in the public interest by governmental  
9 or nongovernmental entities.

10 Section 11 further provides that no approval, as defined by the  
11 “Permit Extension Act of 2008,” P.L.2008, c.78 (C.40:55D-136.1 et  
12 seq.), within the coastal commission area shall be automatically  
13 extended or tolled by that act.

14 Section 12 creates four regional advisory councils for the  
15 purpose of advising the commission in all of its actions, including  
16 but not limited to, the development of the coastal management plan,  
17 project priority lists, other plans, rules and regulations, and any  
18 other matter referred to the councils by the commission.

19 Sections 13 through 21 transfers to the commission, from the  
20 Department of Environmental Protection, the primary authority  
21 within the coastal commission area for the issuance of permits,  
22 approvals or other authorizations pursuant to R.S.12:5-1 et seq.  
23 (commonly referred to as the “waterfront development law”), “The  
24 Wetlands Act of 1970” (commonly referred to as the “coastal  
25 wetlands act”), the “Freshwater Wetlands Protection Act,” the  
26 “Coastal Area Facility Review Act” (commonly referred to as  
27 “CAFRA”), and the “Flood Hazard Area Control Act.” The  
28 commission may develop a single permitting process and issue a  
29 coastal environmental land use permit for proposed developments in  
30 the coastal commission area, but the review would remain subject to  
31 the separate provisions of each law applicable thereto, except as  
32 otherwise provided in this bill.

33 Section 22 provides that the commission shall be responsible for  
34 all beach erosion and shore protection projects undertaken or  
35 proposed to be undertaken within the coastal commission area. The  
36 primary authority for shore protection activities pursuant to the  
37 following statutes, currently the responsibility of the DEP, would be  
38 transferred to the commission for the coastal commission area:  
39 P.L.1940, c.52 (C.12:6A-1 et seq.) (concerning beach erosion and  
40 shore protection projects); P.L.1992, c.148 (C.13:19-16.1 et al.)  
41 (i.e., the Shore Protection Fund); P.L.1997, c.384 (C.13:19-16.2)  
42 (priority list for shore protection projects); P.L.1995, c.19 (C.13:19-  
43 31 et seq.) (eligibility requirements for federal monies related to  
44 shore protection programs and disaster aid), and the “Shore  
45 Protection Bond Act of 1983,” P.L.1983, c.356. In addition, section  
46 22: authorizes the commission to prepare and update a priority list  
47 for beach erosion or shore protection projects eligible for financial  
48 assistance from the commission, the State, or federal government

1 entities; provides that the commission may undertake a beach  
2 erosion or shore protection project in a joint venture with a federal,  
3 State or local government unit, with the commission providing  
4 financial, technical or managerial assistance to the venture; and  
5 grants the commission the power of eminent domain for the  
6 purposes of acquiring lands necessary for a beach erosion or shore  
7 protection project.

8 Section 23 of the bill requires the DEP Commissioner to transfer  
9 any staff employed by the DEP specifically for, or related to, the  
10 administration and enforcement of statutes concerning land use  
11 permitting and beach erosion and shore protection activities in the  
12 coastal commission area to the New Jersey Coastal Commission for  
13 the purposes of implementing the provisions of this bill.

14 Section 24 requires the State Treasurer to reallocate any State  
15 funds appropriated to the DEP specifically for, or related, to the  
16 administration and enforcement of various listed statutes concerning  
17 land use permitting and beach erosion and shore protection  
18 activities in the coastal commission area to the New Jersey Coastal  
19 Commission for the purposes of implementing the provisions of this  
20 bill upon enactment into law.

21 Section 25 of the bill provides that the commission shall be  
22 responsible for the dissemination, administration, and oversight of  
23 any monies received from FEMA or any other source related to  
24 disaster assistance or recovery from the impacts of Hurricane Sandy  
25 or other major storm event within the coastal commission area.

26 The remaining sections of the bill amend current law to reflect  
27 creation of the New Jersey Coastal Commission.

28 Sections 26 through 29 amend current law to transfer to the  
29 commission jurisdiction over waterfront and harbor facilities,  
30 navigable waters in the coastal commission area, and authority to  
31 repair, construct, or reconstruct bulkheads, seawalls, breakwaters,  
32 groins, jetties, beachfills, dunes and other appurtenant structures  
33 within the coastal commission area.

34 Section 30 amends subsection w. of section 12 of P.L.1970, c.33  
35 (C.13:1D-9), which grants the DEP the authority to conduct  
36 research and implement plans and programs to promote ecosystem-  
37 based management, to add the definition of “ecosystem-based  
38 management” currently contained in P.L.2007, c.288 (C.13:19-34 et  
39 seq.) which is a statute that would be repealed upon the enactment  
40 of the bill into law.

41 Section 31 amends section 1 of P.L.1975, c.232 (C.13:1D-29)  
42 (commonly referred to as the “90 Day Law”) to provide that the  
43 definition of “construction permit” does not include any  
44 development, regulated activity, permit or approval within the  
45 coastal commission area and under the jurisdiction of the  
46 commission.

47 Section 32 amends CAFRA to delete the exemption from  
48 CAFRA permitting requirements pertaining to the reconstruction of

1 any development that is damaged or destroyed, in whole or in part,  
2 by fire, storm, natural hazard or act of God. Current law provides  
3 that such reconstruction does not require a CAFRA permit from the  
4 DEP, provided that the reconstruction is in compliance with  
5 existing requirements or codes of municipal, State, and federal law.  
6 This bill deletes this exemption, thus a permit would be required  
7 from the commission for reconstruction if the development is  
8 subject to the regulatory thresholds of CAFRA. This change would  
9 apply throughout the CAFRA area, not just within the coastal  
10 commission area.

11 Sections 33 through 35, 42 and 43 of the bill amend existing law  
12 concerning the Shore Protection Fund and beach erosion and shore  
13 protection projects.

14 Sections 36 through 41 of the bill amend the “New Jersey Adopt  
15 a Beach Act,” P.L.1992, c.213 (C.13:19-22 et seq.) to reflect the  
16 establishment of the New Jersey Coastal Commission.

17 Section 44 amends the duties of the State Mosquito Control  
18 Commission to reflect the establishment of the New Jersey Coastal  
19 Commission.

20 Section 45 amends P.L.1993, c.168, the law that established the  
21 coastal protection license plate program, to reflect the establishment  
22 of the New Jersey Coastal Commission.

23 Section 46 exempts the commission's coastal management plan  
24 from the State Development and Redevelopment Plan.

25 Section 47 amends the law concerning the adoption of the  
26 Uniform Construction Code to direct the Commissioner of  
27 Community Affairs, when adopting the code or any subcode  
28 thereof, to consult with the New Jersey Coastal Commission to  
29 determine whether the code or subcode should include any specific  
30 provisions or considerations for the purpose of regulating the  
31 structural design, construction, maintenance and use of buildings or  
32 structures to be erected, and the alteration, renovation,  
33 rehabilitation, repair, maintenance, removal, or demolition of  
34 buildings or structures already erected, within the coastal  
35 commission area.

36 Section 48 repeals P.L.2007, c.288 (C.13:19-34 et seq.) (which  
37 establishes the “New Jersey Coastal and Ocean Protection  
38 Council”). The commission established by this bill would  
39 essentially assume the duties of the New Jersey Coastal and Ocean  
40 Protection Council to consider any matter relating to the protection,  
41 maintenance, and restoration of coastal and ocean resources,  
42 including the coordination and development of a research agenda on  
43 ecosystem-based management. The coastal management plan to be  
44 developed pursuant to this bill would include policies to provide for  
45 the protection, maintenance, and restoration of healthy coastal and  
46 ocean ecosystems, and incorporate ecosystem-based management  
47 approaches.

1       Section 49 of the bill appropriates \$20 million from the General  
2 Fund to the commission for the purposes of this bill, including for  
3 providing grants and other financial assistance to municipalities and  
4 counties for any revision of their master plans, development  
5 regulations, or other regulations which is designed to bring those  
6 plans, development regulations, or other regulations into  
7 conformance with the coastal management plan.

8       Lastly, sections 13 through 29, and sections 31 through 47,  
9 inclusive, (i.e., the sections of the bill that transfer responsibilities  
10 from the DEP to the new commission and amend current law to  
11 reflect the establishment of the new commission) would take effect  
12 on the 30th day following the date of enactment of the bill into law,  
13 and the remainder of the bill would take effect immediately.