

A. INTRODUCTION**WATERFRONT REVITALIZATION PROGRAM POLICIES IN NEW JERSEY**

The federal Coastal Zone Management Act (CZMA) of 1972 was established to encourage coastal states to manage development within the states' designated coastal areas, reduce conflicts between coastal developments, and protect resources within the coastal zone. Requirements for federal approval of coastal zone management programs and grant application procedures for development of the state programs is included in 15 C.F.R. Part 923, Coastal Zone Management Program Development and Approval Regulations, National Oceanic and Atmospheric Administration (NOAA). The Coastal Zone Management Act requires that federal activities within a state's coastal zone be consistent with that state's coastal zone management plan. New Jersey has a federally approved coastal zone management program, which is administered by the New Jersey Department of Environmental Protection (NJDEP).

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NJDEP regulates coastal zone activities under N.J.A.C. Section 7:7E, Coastal Zone Management (CZM) Policies. Section 7:7E sets forth substantive rules of the NJDEP regarding the use and development of coastal resources, to be used primarily by the Department's Land Use Regulation Program in reviewing permit applications under the Coastal Area Facility Review Act (CAFRA), N.J.S.A. 13:9A-1 *et seq* (as amended to July 19, 1993), Wetlands Act of 1970, N.J.S.A. 13:9A-1 *et seq*, Waterfront Development Law, N.J.S.A. 12:5-3, Water Quality Certification (401 of the Federal Clean Water Act), and Federal Consistency Determinations (307 of the Federal Coastal Zone Management Act). Because the Portal Bridge Capacity Enhancement Project is outside the CAFRA Zone, consistency with CAFRA is not addressed in this assessment.

PROJECT STUDY AREA WITHIN THE COASTAL ZONE

N.J.A.C. 7:7E-1.2 defines coastal waters as any tidal waters of the State and all lands lying thereunder. Coastal waters of the State of New Jersey extend from the mean-high-water (MHW) line out to the three geographical mile limit of the New Jersey territorial sea, and elsewhere to the interstate boundaries of the States of New York, Delaware, and the Commonwealth of Pennsylvania. The definition includes all lands outside of the coastal area as defined by CAFRA, extending from the MHW line of a tidal water body to the first paved public road, railroad, or surveyable property line (existing on September 26, 1980) generally parallel to the waterway, provided that the landward boundary of the upland area shall be no less than 100 feet and no more than 500 feet from the MHW line. The definition also includes all areas containing tidal wetlands and the Hackensack Meadowlands District as defined by N.J.S.A. 13:17-4.

Portal Bridge Capacity Enhancement Project FEIS

The Portal Bridge Capacity Enhancement Project is within the coastal zone, because the project is within the Hackensack Meadowlands District. As such, consistency with applicable Coastal Zone Management Policies must be evaluated.

B. NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION COASTAL ZONE MANAGEMENT POLICIES

The DEIS included an analysis of NJDEP CZM Policies dated February 2008. The NJDEP released updated CZM regulations in April 2008; the FEIS has been revised to reflect these changes. Table 5.8-1, located below, lists all of the NJDEP CZM Policies and specifies whether or not each policy applies to the Portal Bridge project. A full analysis of the NJDEP CZM Policies with respect to Special Areas identified in the coastal zone—as described in New Jersey Administration Code (N.J.A.C. Subchapter 3: Special Areas, Section 7:7E)—and whether the project alternatives are consistent with these policies is located in Appendix C, “Ecology.” Only the policies that are relevant to the project alternatives are discussed in Appendix C. For a complete set of policies presented in N.J.A.C. 7:7E please refer to: www.state.nj.us/dep/landuse/njac/7-7e.pdf.

Also included in Appendix C is correspondence from NJDEP regarding the CZM analysis. NJDEP has determined that the Portal Bridge project is consistent with NJDEP’s CZM policies, provided that all applicable conditions are met. The conditions include appropriate mitigation for ecological impacts, financial surety for such mitigation, a mitigation monitoring plan, and design of a waterfront walkway, among other project-specific conditions. The details of these conditions will be addressed in more detail during the permitting phase of the project.

**Table 5.8-1
List of CZM Policies**

CZM Policy Number	CZM Policy Name	Applicable to the Portal Bridge Project	Not Applicable to the Portal Bridge Project
LOCATION RULES – SPECIAL AREAS			
7:7E-3.2	SHELLFISH HABITAT		X
7:7E-3.3	SURF CLAM AREAS		X
7:7E-3.4	PRIME FISHING AREAS		X
7:7E-3.5	FINFISH MIGRATORY PATHWAYS	X	
7:7E-3.6	SUBMERGED VEGETATION HABITAT		X
7:7E-3.7	NAVIGATION CHANNELS	X	
7:7E-3.8	CANALS		X
7:7E-3.9	INLETS		X
7:7E-3.10	MARINA MOORINGS		X
7:7E-3.11	PORTS		X
7:7E-3.12	SUBMERGED INFRASTRUCTURE ROUTES	X	
7:7E-3.13	SHIPWRECKS AND ARTIFICIAL REEFS		X
7:7E-3.14	WET BORROW PITS		X
7:7E-3.15	INTERTIDAL AND SUBTIDAL SHALLOWS	X	
7:7E-3.16	DUNES		X
7:7E-3.17	OVERWASH AREAS		X
7:7E-3.18	COASTAL HIGH HAZARD AREAS		X
7:7E-3.19	EROSION HAZARD AREAS		X
7:7E-3.20	BARRIER ISLAND CORRIDOR		X
7:7E-3.21	BAY ISLANDS		X
7:7E-3.22	BEACHES		X
7:7E-3.23	FILLED WATER’S EDGE	X	
7:7E-3.24	EXISTING LAGOON EDGES		X

**Table 5.8-1 (cont'd)
List of CZM Policies**

CZM Policy Number	CZM Policy Name	Applicable to the Portal Bridge Project	Not Applicable to the Portal Bridge Project
LOCATION RULES – SPECIAL AREAS (cont'd)			
7:7E-3.25	FLOOD HAZARD AREAS	X	
7:7E-3.26	RIPARIAN ZONES	X	
7:7E-3.27	WETLANDS	X	
7:7E-3.28	WETLANDS BUFFERS	X	
7:7E-3.31	COASTAL BLUFFS		X
7:7E-3.32	INTERMITTENT STREAM CORRIDORS		X
7:7E-3.33	FARMLAND CONSERVATION AREAS		X
7:7E-3.34	STEEP SLOPES		X
7:7E-3.35	DRY BORROW PITS		X
7:7E-3.36	HISTORIC AND ARCHAEOLOGICAL RESOURCES	X	
7:7E-3.37	SPECIMEN TREES		X
7:7E-3.38	ENDANGERED OR THREATENED WILDLIFE OR VEGETATION SPECIES HABITATS	X	
7:7E-3.39	CRITICAL WILDLIFE HABITATS	X	
7:7E-3.40	PUBLIC OPEN SPACE	X	
7:7E-3.41	SPECIAL HAZARD AREAS	X	
7:7E-3.42	EXCLUDED FEDERAL LANDS		X
7:7E-3.43	SPECIAL URBAN AREAS	X	
7:7E-3.44	PINELANDS NATIONAL RESERVE AND PINELANDS PROTECTION AREA		X
7:7E-3.45	HACKENSACK MEADOWLANDS DISTRICT	X	
7:7E-3.46	WILD AND SCENIC RIVER CORRIDORS		X
7:7E-3.47	GEODETIC CONTROL REFERENCE MARKS	X	
7:7E-3.48:	HUDSON RIVER WATERFRONT AREA		X
7:7E-3.49	ATLANTIC CITY		X
7:7E-3.50	LANDS AND WATERS SUBJECT TO PUBLIC TRUST RIGHTS	X	
USE RULES- GENERAL WATER AREAS			
7:7E-4.2	AQUACULTURE		X
7:7E-4.3	BOAT RAMPS		X
7:7E-4.4:	DOCKS AND PIERS FOR CARGO AND COMMERCIAL FISHERIES		X
7:7E-4.5	RECREATIONAL DOCKS AND PIERS		X
7:7E-4.6	MAINTENANCE DREDGING		X
7:7E-4.7	NEW DREDGING	X	
7:7E-4.8	DREDGED MATERIAL DISPOSAL	X	
7:7E-4.9	SOLID WASTE OR SLUDGE DUMPING	X	
7:7E-4.10	FILLING	X	
7:7E-4.11	MOORING	X	
7:7E-4.12	SAND AND GRAVEL MINING		X
7:7E-4.13	BRIDGES	X	
7:7E-4.14	SUBMERGED PIPELINES		X
7:7E-4.15	OVERHEAD TRANSMISSION LINES	X	
7:7E-4.16	DAMS AND IMPOUNDMENTS		X
7:7E-4.17	OUTFALLS AND INTAKES	X	
7:7E-4.18	REALIGNMENT OF WATER AREAS		X
7:7E-4.19	BREAKWATERS		X
7:7E-4.20	SUBMERGED CABLES		X
7:7E-4.21	ARTIFICIAL REEFS		X
7:7E-4.22	MISCELLANEOUS USES		X
7:7E-5	REQUIREMENTS FOR IMPERVIOUS COVER AND VEGETATIVE COVER FOR GENERAL LAND AREAS AND CERTAIN SPECIAL AREAS		X

**Table 5.8-1 (cont'd)
List of CZM Policies**

CZM Policy Number	CZM Policy Name	Applicable to the Portal Bridge Project	Not Applicable to the Portal Bridge Project
GENERAL LOCATION RULES			
7:7E-6.1	RULE ON LOCATION OF LINEAR DEVELOPMENT	X	
7:7E-6.2	BASIC LOCATION RULE	X	
7:7E-6.3	SECONDARY IMPACTS	X	
USE RULES			
7:7E-7.2	HOUSING USE RULES		X
7:7E-7.3	RESORT/RECREATIONAL USE		X
7:7E-7.4	ENERGY FACILITY USE RULE		X
7:7E-7.5	TRANSPORTATION USE RULE	X	
7:7E-7.6	PUBLIC FACILITY USE RULE		X
7:7E-7.7	INDUSTRY USE RULE		X
7:7E-7.8	MINING USE RULE		X
7:7E-7.9	PORT USE RULE		X
7:7E-7.10	COMMERCIAL FACILITY USE RULE		X
7:7E-7.11	COASTAL ENGINEERING		X
7:7E-7.12	DREDGED MATERIAL PLACEMENT ON LAND		X
7:7E-7.13	NATIONAL DEFENSE FACILITIES USE RULE		X
7:7E-7.14	HIGH RISE STRUCTURES	X	
RESOURCE RULES			
7:7E-8.2	MARINE FISH AND FISHERIES	X	
7:7E-8.4	WATER QUALITY	X	
7:7E-8.5	SURFACE WATER USE		X
7:7E-8.6	GROUNDWATER USE	X	
7:7E-8.7	STORMWATER MANAGEMENT	X	
7:7E-8.8	VEGETATION	X	
7:7E-8.10	AIR QUALITY	X	
7:7E-8.11	PUBLIC TRUST RIGHTS	X	
7:7E-8.12:	SCENIC RESOURCES AND DESIGN	X	
7:7E-8.14:	TRAFFIC	X	
7:7E-8.21	SUBSURFACE SEWAGE DISPOSAL SYSTEMS		X
7:7E-8.22	SOLID AND HAZARDOUS WASTE	X	
Note: For a further explanation of each policy, refer to Appendix C, "Ecology."			
Source: www.state.nj.us/dep/landuse/njac/7-7e.pdf			

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