

SAMPLE/DRAFT Comments for New Jersey Protecting Against Climate Threats Resilient Environment and Landscapes (NJPACT REAL) Rules

Submit comments directly to NJDEP on the NJPACT REAL rule proposal by Sept 19, 2025 at:
<https://dep.nj.gov/rules/rule-comment-form/>

Join the NJDEP virtual public hearing on September 3, 2025, at 6:00 pm

Meeting ID: 227 437 409 843 1

Register in advance to testify at the NJDEP NJPACT REAL public hearing:

https://forms.office.com/pages/responsepage.aspx?id=0cN2UAI4n0uzauCkG9ZCp_BhqvwX2-RMlQ17pYRCUBdUMEIJRkdERjM0V0xFNk5FWVITR1VKNTIVWC4u&route=shorturl

BACKGROUND INFORMATION

New Jersey is the first and only state in the nation to incorporate the impacts of climate change using scientific modeling to understand the impacts of climate crisis related flooding on the Garden State through the year 2100. State regulations that have begun to address climate related flooding for freshwater areas of the state were adopted in 2022. Residents and businesses living in tidally influenced areas deserve the same protection. We need your help to make sure these rules are adopted.

The New Jersey Department of Environmental Protection (NJDEP) re-introduced a substantially revised version of the New Jersey Protecting Against Climate Threats Resilient Environment and Landscapes (NJPACT REAL) rules on July 21, 2025. This rule proposal has stronger protections against the impacts of flooding for both inland and coastal areas of New Jersey, but the revised rules were substantially weakened from the proposal published earlier this year. Governor Murphy and his administration bowed to the requests of big developers and revised protections that make communities more vulnerable than the previous rules. We are calling for BOTH the adoption of the proposed NJPACT REAL rules and additional rules changes that will protect New Jersey residents regardless of their income.

DRAFT COMMENTS

New Jersey has a flooding problem, and it is beyond time that our government take a comprehensive approach to development and redevelopment that better protects residents and businesses in the Garden State.

I am writing to encourage the NJDEP to adopt the NJPACT REAL rules without further delay. These rules will save lives and protect properties across the State.

The science on climate change is sound. We know that New Jersey is experiencing more flooding than most states with 72 confirmed weather/climate disaster events with losses exceeding \$1 billion each to affect New Jersey from 1980–2024 according to the National Center for Environmental Information. Storms by the name of Sandy, Irene, Henri, Ida have become unfortunate household names who have taken the lives and homes of New Jersey residents. There are untold unnamed flash flooding events that occur regularly that flood our home, cars, threaten our lives, and devastating our cherished valuables and bank accounts.

The climate has changed, and it's time that we change as well.

INSERT PERSONAL STORY/COMMENTS, IF YOU HAVE ONE.

I support the NJPACT REAL rules because they will:

- Use sound scientific modeling to implement common sense practices that require new and redevelopment projects to be built at an elevation above where it is and will flood through the year 2100. The rules will have no effect on current development
- Finally require stormwater management for redevelopment projects. As one of the nation's oldest states New Jersey has more than 350 years of development with unmanaged stormwater runoff. We need to require stormwater management on redevelopment projects if we are going to reduce flooding in our communities.
- Encourage nature based solutions to make it easier to restore wetlands, shoreline, floodplains and more to reduce the impacts of flooding, improve water quality, and create natural habitat.

I respectfully request that the NJDEP adopt the NJPACT REAL rules as soon as possible to better protect the lives and property of residents of the Garden State and our small business

. Upon adoption the NJDEP should propose the following amendments and guidance:

- Eliminate the hardship waiver eligibility for affordable housing. People with less economic means have the right to live in safe places and should not be subject to higher risk of death and property damage because they have less money than some other New Jersey residents. Affordable housing should not be built in floodplains. The NJPACT REAL rule revisions allow for any development project that includes any amount of affordable housing to apply for a hardship waiver. This means that large projects can potentially institute an end-run around the NJPACT REAL rule protections by simply including one affordable housing unit for the entire project. This provision must be eliminated to protect all New Jersey residents
- In the interim of new rulemaking, the department should issue policy guidance directing that for any development project applying for a public benefit hardship waiver for affordable housing, the development should provide at least the required 20% of the units as affordable housing with none of the affordable units located in the proposed flood hazard areas.

- Enact the rules upon adoption. The current proposal delays implementation of the NJPACT REAL rules until July 2026. This delay allows developers to rush to the DEP to secure development permits like last call at a shore bar in the summer. Those development permits are valid for 7-10 years, which will perpetuate the continuation of development in floodplains for up to a decade. The NJPACT REAL rules must be implemented upon adoption by the DEP rather than effectively delayed until well into the 2030's.
- The department should adopt an internal policy that it reviews administratively and technically complete applications on their merit as they are presented to the department. The department refrains from engaging with developers in an iterative review process wherein the department works with the applicant to modify the application from what was submitted in order to achieve compliance.

Sincerely,

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