

June 17, 2022
REVISED JUNE 21, 2022

Honorable Philip Murphy
Governor
State of New Jersey
225 West State Street
Trenton, NJ 08625

RE: New Jersey Protecting Against Climate Threats Regulations

Dear Governor Murphy:

The undersigned 30 environmental organizations, representing hundreds of thousands of citizen members across the state, are sorely disappointed by your administration's continued delays in adopting strong land use regulations to protect New Jersey from climate change. We applauded in January 2020 when you issued Executive Order 100 pledging to protect New Jersey residents, municipalities, businesses and the environment from the impacts of climate change. This executive order was an important step in fulfilling your campaign promises regarding climate change and the environment and [received strong press coverage in the New York Times](#). We have been eagerly awaiting action to implement the executive order for more than two years and were excited to hear that the New Jersey Department of Environmental Protection (NJDEP) was preparing emergency rules to prevent new developments in flood prone areas and make our state's stormwater mitigation rules more effective. On June 10th, we heard that these overdue rules changes were being delayed once again.

New Jersey cannot afford more delays. As Hurricane Ida and other storms have made clear, New Jersey's current land use regulations are out of date and not sufficiently protective. Many communities in New Jersey endured devastating floods – many experiencing historic levels of flooding, 30 people lost their lives including many residents in basement apartments and people who sadly drowned in their cars. The storm caused hundreds of millions of dollars of property damage, [resulting in FEMA payouts of more than \\$247 million to close to 45,000 New Jersey residents](#). As we approach the one-year anniversary of Ida, many New Jersey residents are still not back in their homes and still lack the funds they need to move out of harm's way. As you announced at the signing of Executive Order 274 this November to reduce New Jersey's climate pollutants by 50% by 2030, "We must meet the devastating impacts of global warming and climate change, with bold intentional action." [Nov. 10, 2021, Press Release](#).

The November statement was not the first time that you acknowledged the dangers of climate change and promised that your administration would take action. According to Executive Order 100, "[t]he State's ability to reduce the severity of adverse climate change impacts will depend on the collective effort and commitment of our political and community

leaders, businesses, industries, and government entities to undertake considerable efforts to reduce greenhouse gas emissions on an economy-wide basis.”

To that end, you directed NJDEP to **adopt** NJPACT (New Jersey Protecting Against Climate Threats) regulations that “[i]ntegrate climate change considerations, such as sea level rise, into its regulatory and permitting programs, including but not limited to, land use permitting, water supply, stormwater ...” and promised that this work would be completed by January 27, 2022. Not only have these rules called for in EO 100 not been adopted, they have not even been proposed. New Jersey is still waiting for the bold action that you rightly told us our state needs.

The provisions we understood were to be included in NJDEP’s proposed emergency rule were pragmatic, reasonable steps that came as a result of a transparent process. NJDEP held stakeholder meetings in 2018, 2019, and 2020 in which the agency acknowledged that the data the State has been using to calculate the regulatory storm events was outdated. It was readily understood that using this outdated data results in stormwater management systems that cannot treat the storms our state is experiencing. The scientific data to support this widely recognized problem was released in November 2020. Now is the time to act on the only possible conclusion, to update the regulations to use the most current, protective data.

Similarly, in the 2020 stakeholder meetings regarding the NJPACT initiative, NJDEP acknowledged the need to adjust the mapping of flood plains to adequately reflect recent storms and flooding in New Jersey. Tens of thousands of New Jersey’s residents have experienced expensive and heart-breaking losses, because their homes were built in floodplains, especially during Hurricane Ida. You saw first-hand this devastation in the harrowing days after the storm when you declared that [we need “a new playbook” when we are responding to climate change](#). Municipalities have had to rebuild roads, bridges and other public spaces and infrastructure damaged by flooding at great expense. You visited Lambertville early last month, which was devastated by Hurricane Ida [to announce new federal dollars that would allow the state to increase the Blue Acres flooding buy-out program by \\$50 million and community stormwater grants by \\$10 million](#). The NJPACT rules and, in particular, the emergency rules, are an important step to limit these huge economic and personal expenditures in the future.

We wish to commend the work of the New Jersey Department of Environmental Protection, NJDEP Commissioner Shawn LaTourette and countless NJDEP staff on this initiative. It is to their credit that the proposed emergency rules were strengthened in the immediate wake of Hurricane Ida early last fall (following on the heels of damage from Tropical Storms Henri and Elsa last summer) to reflect this new normal in inland flooding across the state.

The additional time that has been proposed for additional stakeholder meetings on these topics, which have been discussed for more than four years and announced for more than two

years, at best can be seen as a delay tactic. At worst, it will provide an opportunity to push through land use permits before the emergency rules go into effect and to ultimately weaken the overall impact of the emergency rules. In short it continues to put people and property in harm's way.

We urge you to release the emergency NJPACT rules without further delay and to propose the rest of the NJPACT flooding rules by the end of this summer. We cannot and should not wait for another storm to flood our neighbors and families before we act. It is time to put the interests of New Jersey residents above those seeking to build yet more development in flood plains, with under designed controls on stormwater.

Sincerely,

Jim Waltman, Executive Director, The Watershed Institute
Bill Kibler, Policy Director, Raritan Headwaters
Ed Potosnak, Executive Director, New Jersey League Conservation Voters
Julia Somers, Executive Director, New Jersey Highlands Coalition
Doug O'Malley, State Director, Environment New Jersey
Kelly Knutson, Director, Coalition for the Delaware River Watershed
Clea Carchia, Executive Director, Rahway River Watershed Association
Captain Bill Sheehan, Riverkeeper & Executive Director, Hackensack Riverkeeper, Inc.
Laurie Howard, Executive Director, Passaic River Coalition
Fred Akers, Administrator, Great Egg Harbor Watershed Association
Lori Charkey, Director, Bergen Save the Watershed Action Network
Jennifer Coffey, Executive Director, Association of New Jersey Environmental Commissions
Heather Fenyk, PhD, AICP/PP, Board President, Lower Raritan Watershed Partnership
Jaclyn Rhoads, Ph.D, Assistant Executive Director, Pinelands Preservation Alliance
Alex Ireland, Ph.D, Acting President & CEO, New Jersey Audubon
Laura McBride, President, Deal Lake Watershed Alliance
Cindy Zipf, Executive Director, Clean Ocean Act
Tom Gilbert, Co-Executive Director, New Jersey Conservation Foundation
Faith Teitelbaum, Director, The Whale Pond Brook Watershed Association
Sally Rubin, Executive Director, Great Swamp Watershed Association
Ames Hoyt, President, Save Hamilton Open Space
Brita Forsberg, Executive Director, Save Barnegat Bay
Anne Pool, President, New Jersey Environmental Lobby
Greg Remaud, Baykeeper & CEO NY/NJ Baykeeper
Maya K. van Rossum, Delaware Riverkeeper, Delaware Riverkeeper Network
Kate Tallon, Executive Director,, Crafts Creek Hill Brook Watershed Association,
Anjuli Ramos-Busot, Director, New Jersey Sierra Club
Jesse Burns, Executive Director, League of Women Voters of New Jersey
Tim Dillingham, Executive Director, American Littoral Society

Amy Goldsmith, NJ State Director, Clean Water Action

Cc: Sheila Y. Oliver, Lieutenant Governor,
George Helmy, Chief of Staff, Governor Murphy
Shawn M. LaTourette, Commissioner, NJ DEP
The Honorable Nicholas Scutari, Senate President
The Honorable M. Teresa Ruiz, Senate Majority Leader
The Honorable Steven Oroho, Senate Republican Leader
The Honorable Bob Smith, Senate Environment and Energy Chair
The Honorable Craig Coughlin, Assembly Speaker
The Honorable Louis Greenwald, Assembly Majority Leader
The Honorable John DiMaio, Assembly Minority Leader
The Honorable James Kennedy, Assembly Environment and Solid Waste Chair
Seth Hahn, Executive Director, Assembly Majority Office
Mark Duffy, Executive Director, Assembly Republican Office
Alison Accettola Executive Director, Senate Majority Office
Christine Shipley, Executive Director, Senate Republican Office
Jess Cohen, Senior Advisor, Senate Majority Office
Dan Harris, Deputy Executive Director, Assembly Majority Office