



**Cumberland County  
Board of County Commissioners**

164 West Broad Street  
Bridgeton, NJ 08302



ADOPTED

**RESOLUTION 2024-562**

**Meeting: September 24, 2024 6:00 PM**

---

---

**RESOLUTION URGING THE STATE OF NEW JERSEY TO TAKE AN  
INCREMENTAL AND TARGETED APPROACH TO ADOPTING THE  
PROPOSED "PROTECTING AGAINST CLIMATE THREAT (PACT) /  
RESILIENT ENVIRONMENTS AND LANDSCAPING (REAL) RULES**

WHEREAS, the County of Cumberland acknowledges that climate change and sea level rise are a documented risk to the coastal zone of New Jersey and its barrier island communities, requiring thoughtful and well-reasoned response from all levels of government; and

WHEREAS, the County of Cumberland continues to respond to the threat of tidal flooding/major coastal storms by practicing the highest standards of coastal resiliency and floodplain management in all County critical infrastructure and building projects, while also providing necessary support to our local communities in the approach, duration and wake of major coastal storms through our Office of Emergency Management and Public Safety Departments; and

WHEREAS, in addition to the previously mentioned efforts, all of the municipalities in Cumberland County that are within Special Flood Hazard Areas (SFHAs) have all adopted floodplain management ordinances that in most cases go beyond compliance with FEMA's standards, have designed and certified floodplain manager on staff; and are participants in the Insurance Services Office, Inc. (ISOs) Community Rating System (CRS) Program, with several County towns floodplain management efforts ranked best in the State and near the best in the Nation; and

WHEREAS, initiated through Governor Murphy's Executive Order 100, the New Jersey

Department of Environmental Protection (NJDEP) has produced a 1,057-page rule proposal policy document known as NJ PACT (Protection Against Climate Threats)/ REAL (Resilient Environments and Landscape) to expand flood hazard areas (FHAs) statewide and implement higher floodplain management regulatory standards beyond the local and existing FEMA standards; and

WHEREAS, according to the NJDEP's website, these rules will soon be posted on the NJ Register for a 90-day public comment period, with a benchmark adoption range of February 2025; and

WHEREAS, historically, new rules issued by the NJDEP have always been promulgated pursuant to legislation through the typical legislative process; and

WHEREAS, in this case, like the NJDEP's recently proposed Shore Protection Rule, there is no legislation that authorized the NJDEP to require more stringent requirements than the federal regulations that are now in place; and

WHEREAS, these rules as currently written do not consider the economic impact these new standards may have on the rates, real-estate values, development, and redevelopment statewide; and

WHEREAS, the proposed rules also do not account for the impact these higher regulatory building standards will impose on historic structures and historic districts throughout Cumberland County and the State of New Jersey; and

WHEREAS, the State of New Jersey must also consider the burden these new rules will have on municipalities, especially within their local construction offices, due to the additional duties and responsibilities of enforcing these higher regulatory standards that will likely result in

the need to hire additional staff or enter additional public/private contracts; and

WHEREAS, these rules will also increase construction costs and impact the feasibility for public infrastructure projects with the minimum construction height requirements for new roads in excess of Base Flood Elevation (BFE) plus 5 ft Freeboard, that in some cases will be infeasible and unachievable given the paths and locations of the projects; and

WHEREAS, despite the burden these rules will inevitably play on our coastal towns, the State of New Jersey has not mentioned any plan for a State budget appropriation to assist towns statewide with the additional duties and functions imposed through the proposed NJPACT/REAL rules; and

WHEREAS, the proposed expansion of flood hazard areas will also create additional financial burden for lower and middle class property owners living in Cumberland County by imposing more restrictive building standards accompanied by engineering assessments and alternatives analyses within the newly expanded regulated areas, and may also potentially result in higher insurance premiums given the expansion of the inundation risk zone and increase of the regulated flood hazard area limits by 5 feet vertically; and

WHEREAS, the proposed NJPACT/REAL policy document is based on Rutgers University's 2019 Study Report, entitled, "New Jersey Rising Seas and Changing Coastal Storms," projecting sea level rise for the year 2100 exceeding 5.1 feet, which has a probability of occurrence of approximately 17%; and

WHEREAS, the science behind these 80-year projections have been questioned by many, including former NJDEP employees and New Jersey Business & Industry Association (NJBIA) Deputy Chief of Staff, Ray Cantor, stating, "the (NJDEP) knows there is no proved science

justifying their position, but they also know it is easier to scare people and force them to retreat from the shore if they tell them that much of their communities and other areas will be underwater. It is part of their managed retreat strategy"; and

WHEREAS, potentially pushing fixed income residents out of their homes based on the 17% probability of an 80-year sea level rise projection should be taken more gradually with a higher percentage of probability and likelihood occurring; and

WHEREAS, Municipalities are required to prepare Master Plans for a 20- or 30- year planning horizon, and Cumberland County strongly recommends a similar time horizon for rules based on sea level rise projections; and

WHEREAS, the NJDEP's proposed expansion of flood hazard areas limits the County's potential for development in most coastal areas, especially as inland development centers are being reduced in size via the State Planning process; and

WHEREAS, these Rules will appear to run counter to the laudable Mount Laurel Doctrine and coastal zone towns fair share affordable housing obligations, especially in the wake of the Governor's recently signed legislation (Bill S50/A4) that established one of the strongest affordable housing frameworks in the United State in the State of New Jersey; and

WHEREAS, the Federal Emergency Management Agency (FEMA) is also in the process of preparing detailed updates to the flood insurance rate maps (FIRMS) that take into account many factors of risk including sea level rise; and

WHEREAS, the State of New Jersey has historically used these maps to guide public policy, and therefore, Cumberland County urges the State to defer to the superseding governing body, in this instance FEMA, and wait until the new FIRMS have been posted before

expanding flood hazard areas through a streamlined State authorization; and

WHEREAS, while recognizing the importance of addressing climate change, as stated previously, Cumberland County believes that a more gradual and balanced approach is necessary to target incremental adjustments over time in order to mitigate the potential negative impacts that these radically changing rules will have on the towns of New Jersey; and

WHEREAS, it is imperative that the State of New Jersey consider the disproportionate burden resulting from the implementation of such stringent regulatory standards that will challenge the people of New Jersey living, working, and visiting in the newly designated zones.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF CUMBERLAND, as follows:

1. Cumberland County requests a comprehensive and independent analysis of the potential economic and social impacts of the proposed regulations, including a focus on protecting the interests of low- and moderate-income families.
2. Cumberland County requests that the State of New Jersey engage the Legislature and enact these rules through the typical legislative process, in order to give the people of New Jersey a voice, rather than through an Executive Order with limited public engagement.
3. Cumberland County requests that these regulations be based on a 10- year timeframe that is adjusted over time to reflect sea level rise and resiliency measures, rather than based on an 80-year projection.
4. Cumberland County requests that the State of New Jersey consider the inclusion of a budgetary appropriation to assist towns with the implementation of these rules and further, appropriate funding to implement a State grant program to support coastal resiliency projects that

will inevitably incur greater costs due to the higher regulatory standards that includes significantly higher elevation requirements for new roads.

5. Cumberland County requests that the State of New Jersey follow the same practice of FEMA and prepare detailed flood maps, and further hold public engagement sessions across the State, so that communities and residents can clearly understand how these regulations will impact their areas and properties.

6. That certified copies of this Resolution shall be transmitted to Governor Phil Murphy, Lieutenant Governor Tahesha Way, Chief of Staff to Governor Murphy Diane Gutierrez Scaccetti, Senate President Nicholas P. Scutari, Assembly Speaker Craig J. Coughlin, Senate Environmental Committee Chair Bob Smith, Assembly Environmental Committee Chair James J. Kennedy, Senator Michael Testa, Assemblyman Antwan McClellan and Assemblyman Erik Simonsen, the New Jersey Association of Counties (NJAC), New Jersey Business and Industry Association (NJBIA), and the New Jersey League of Municipalities (NJLM) to convey Cumberland County's concerns and recommendations.

7. That this Board hereby orders copies of this resolution be submitted as public comment on the New Jersey Register after the rules have been posted to serve as the County's official comments to the NDEP's proposed NJPACT/REAL rules.

Passed and adopted at a regular meeting of the Board of County Commissioners held at the Cumberland County Administration Building, 164 West Broad Street, Bridgeton, New Jersey on Tuesday, September 24, 2024 at 6:00 p.m. prevailing time.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Victoria Groetsch-Lods, Commissioner
<b>SECONDER:</b>	Douglas A. Albrecht, Commissioner
<b>AYES:</b>	Albrecht, Groetsch-Lods, Sauro, Marchand, Taylor, Romero, Sileo