COMMENTS ON NJ CLIMATE CHANGE RESILIENCY PLAN

SUBMITTED BY:

ENGINEERS LABOR-EMPLOYER COOPERATIVE 825 (ELEC 825)

NJ LABORERS' – EMPLOYERS COOPERATION AND EDUCATION TRUST (NJLECET)

UTILITY & TRANSPORTATION CONTRACTORS ASSOCIATION (UTCA)

BACKGROUND

In February of 2021, the NJDEP received comments from our organizations in relation to the REAL component of the NJPACT proposal. In that correspondence, we lead with acknowledging that New Jersey has been subject to climate change and Sea Level Rise (SLR) for thousands of years. We continue to believe that even while our State pursues an aggressive Energy Master Plan designed to reduce greenhouse gas emissions by 2050 and its effect on climate change, SLR and rainfall precipitation will continue to impact New Jersey. However, we also believe that these impacts and any policy choices and proposals to address them by the NJDEP must match and not exceed the data that exists to support them.

We see the Draft NJ Climate Change Resiliency Strategy (including the embedded Coastal Resilience Plan) as interconnected with the REAL component of the NJPACT proposal and many of our overall concerns remain the same, especially as it relates to risk based policy choices that rely on data and projections far into the future. In addition, the lack of a financial impact statement connected to this Draft Strategy is irresponsible, as we do not have a clear picture of how its costs will impact our state finances or private development, and its overall effect on NJ's economy remains a concern.

MAJOR CONCERNS / COMMENTS

Strategy 1: Build Resilient & Healthy Communities

Strategy 1.3 Modify Regulatory Programs

See our comments on REAL component of NJPACT proposal.

Strategy 1.4 Decrease Vulnerability of Existing Infrastructure and Development

Reducing risk is always a primary goal of infrastructure improvement programs. That said, there is absolutely no detail on any of the actions proposed in this Draft Strategy. Please include details on these actions sufficient for stakeholders to respond, including measurable targets. This is important for both state and local project sponsors to understand.

It is unclear how these actions will impact capital investment plans from state or local governments. The Draft Strategy should be improved to clarify the process with information on how state agencies intend to implement these actions.

Strategy 1.5 Incentivize Sustainable Growth and Redevelopment that Incorporates Resilience and Location to Safer Places

Understanding the proposed actions relies on an understanding of what the State means by "safer." Please include a definition, criteria, or a map for stakeholders to better understand these actions to comment on them. Existing economic incentive programs are authorized by the Legislature, including geographic priorities. Any change to these existing programs requires an honest discussion of the geography of what is considered "safe" or "not safe" from climate change risks.

Strategy 2: Strengthen the Resilience of NJ's Ecosystems

Strategy 2.3 Deploy Natural and Nature-Based Solutions for Resilience

Action 2.3.1 presumes a property-by-property approach to shoreline stabilization. This approach is unlikely to yield the expected results. We recommend an approach to shoreline stabilization consistent with other civil infrastructure projects where complete stretches of waterways are addressed.

Action 2.3.2 presumes that "green" infrastructure investment happens separate and apart from "grey" infrastructure projects that improve flood protection, water quality and stormwater management. Standalone green infrastructure projects at a scale that can measurably mitigate impacts of climate change are not feasible. More likely, projects that have both green and grey elements are necessary. Therefore, prioritizing funding and accelerating the delivery of *all* infrastructure is warranted - not just on green components.

Strategy 3: Promote Coordinated Governance

We generally support this strategy and the actions contained within. NJ needs consistent sea level rise / precipitation standards to guide all land use planning and investment decisions in tidal areas across state departments, as opposed to being driven by DEP's land use regulations alone. Additionally, appropriate flexibility and transition times are needed to overcome DEP's traditional approach to land use regulation.

Meetings of the Interagency Council and their related records should be made public so they can be reviewed for the sake of transparency. Proposed agency action plans should be released as drafts and vetted with stakeholders before being finalized.

Strategy 4: Invest in Information and Increase Public Understanding

We generally support this strategy and recommend that it be expanded to include full transparency of the costs associated with mitigating the impacts of climate change and to identify the parties responsible for said costs.

Strategy 4.3 Develop a Statewide Climate Change Vulnerability Assessment

The Rutgers University Science and Technical Advisory Panel (STAP) in its 2019 report states: "New Jersey coastal areas are likely (at least a 66% chance) to experience SLR of 0.5 to 1.1 ft. between 2000 and 2030, and 0.9 to 2.1 ft. between 2000 and 2050. It is extremely unlikely (less than a 5% chance) that SLR will exceed 1.3 ft. and 2.6 ft. by 2050."

If the state produces a vulnerability assessment, it needs to be clear that the projections are based on different emissions scenarios, which can and will change. Projections this far into the future can be illuminating and provide useful guidance in policymaking, however these estimations are subject to potentially wide error margins. Any vulnerability assessment should be based on the best available information today in conjunction with what the data projects to be the highest likelihood of outcomes in the coming years, not the very least-likely outcomes.

Strategy 5: Promote Climate-Informed Investments and Innovative Financing

There is absolutely no detail on any of the actions proposed in this Draft Strategy. Please include details on these actions sufficient for stakeholders to respond, including measurable targets. This is important for both state and local project sponsors to understand.

Strategy 5.2 Expand the Availability of Financing for Resilience Investments from Public and Private Sources

There is no identification of the existing public funding sources targeted for expansion for these purposes. There is only a broad list of existing options. Please clarify.

Priority 6: Coastal Resilience Plan

There are no civil infrastructure projects identified or criteria for identifying civil infrastructure projects that will be prioritized to protect and/or mitigate the impacts to coastal areas resulting from anticipated rising seas and increased precipitation. More details are needed to understand the State's priorities. The Appendix simply contains completed projects and those that have been submitted.

See above comments as related to the identification of "safer areas" toward which movement will be encouraged. We see the same issues in the Coastal Resilience Plan chapter that we identified with other strategies, namely over-reliance on nature-based solutions, the lack of any real detail on how the State intends to reduce flood risk to existing buildings and infrastructure, and exactly how the State intends to make "smarter and more coordinated infrastructure decisions." Local governments and the private sector cannot reasonably comment on such vague and open-ended actions.