



ANALYSIS OF

NEW JERSEY'S

PROTECTING AGAINST CLIMATE THREATS (NJPACT) RULES

NOTICE OF PROPOSED SUBSTANTIAL CHANGES UPON

ADOPTION TO PROPOSED AMENDMENTS AND NEW RULES

AS TO:

N.J.A.C. 7:7
N.J.A.C. 7:7A
N.J.A.C. 7:13
N.J.A.C. 7:8

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ISSUED: AUGUST 15, 2025



Introduction

This analysis was prepared at the request of the County of Cape May and interest expressed by public and private stakeholders. It serves as a condensed synopsis of certain key regulatory implications which will result from the NJ Department of Environmental Protection (NJDEP) Protecting Against Climate Threats (NJPACT) Resilient Environments and Landscapes (REAL) Rules as originally proposed August 5, 2024 and later amended by the Notice of Proposed Substantial Changes (NOPSC) Upon Adoption to Proposed Amendments and New Rules, published July 21, 2025. This analysis follows a preceding memorandum, dated August 12, 2024, which evaluated the original NJPACT REAL rules proposal. The 273-page recent NOPSC to the prior 1,044-page rule proposal was officially released in Volume 57 of the New Jersey Register, dated July 21, 2025, in response to the 2,965 public comments received of which a two thirds majority expressed opposition to the initial proposal.

The NJPACT/REAL rule proposal and its NOPSC stem from Governor Murphy's Executive Order 100, January 2020, which instructed the NJDEP to adopt "Protecting Against Climate Threats" (PACT) regulations and to integrate sea level rise, flood storage, stormwater management, and inundation design standards into the rules. By extension, State policy aims to adapt to prevailing sea level rise, extreme weather intensification, and chronic flooding at higher elevations. The rule proposal and its NOPSC establish new and revised land use regulations to be integrated into the Coastal Zone Management Rules (*N.J.A.C. 7:7*), Freshwater Wetlands Protection Act Rules (*N.J.A.C. 7:7A*), Flood Hazard Area Control Act Rules (*N.J.A.C. 7:13*), and Stormwater Management Rules (*N.J.A.C. 7:8*), as well as citations and clarifications to other rules which reference flooding.

In its pre- and post-proposal presentations, as well as its most recent briefing on the NOPSC, NJDEP represented that the regulations are based on the "best available predictive climate science". The original 2024 rule proposal was based on a *2019 Science and Technical Advisory Panel Report*, Rutgers University, which indicated that current practices are not on target for moderate greenhouse gas emissions reductions. However, the NOPSC is now based on a *2023 6th Assessment Report*, International Panel on Climate Change, which indicates a lower-level warming prediction and that emissions are decreasing.

Key Areas of Opposition to the 2024 NJPACT REAL Rule Proposal

- The creation of the Inundation Risk Zone (IRZ) and expanded Climate Adjusted Flood Elevation (CAFE) restrictions would impose significant economic hardship on coastal communities by adversely affecting property rights, property values, ADA accessibility, and economic development. Severe limitations on development, even for properties critical to sustaining a municipality's market-rate tax base or meeting State-mandated affordable housing obligations, would exacerbate local budget challenges.
- By reducing or effectively prohibiting development on private lands without compensatory measures, the proposed rules would discourage investment, lower property values, and amount to a regulatory "taking." This would have far-reaching consequences for key coastal industries, including tourism, commercial fishing, construction, and real estate, ultimately straining employment, housing affordability, and economic growth.
- The reliance on broad assumptions about sea level rise and storm-related flooding, without due consideration for site-specific factors such as existing flood protection infrastructure, drainage patterns, or localized topography, would create regulatory



overreach. Using least-likely probability to define risk is overly conservative and would lead to unnecessarily restrictive outcomes. Moreover, applying uniform, statewide standards without accommodating regional variations imposes a one-size-fits-all framework that would fail to reflect real-world conditions.

- The rulemaking process lacked adequate stakeholder engagement and transparency. By excluding meaningful consultation with local governments and industry experts before proposing such comprehensive changes, the proposed rules overlook practical land use needs and the flexibility required to balance resilience with economic viability. Additional concerns included the increased regulatory complexity, further delays in an already burdensome permitting process, absence of legacy exemptions, imposition of premature permit expirations, and a lack of commensurate technical assistance and financial resources to satisfy elevated regulatory standards, all of which would jeopardize projects already in the pipeline and for which substantial investments have already been made.

Timeline for the 2025 Notice of Proposed Substantial Changes (NOPSC)

- **July 21, 2025:** Start of the 60-day Public Comment Period
- **September 3, 2025, 6pm:** Virtual Public Hearing via Microsoft Teams
- **September 19, 2025:** Close of the Public Comment Period
- **Late December 2025:** Anticipated Filing of Adoption documents for the original proposal with substantial changes in one rule package (*must be within 18 months of the original rule proposal publication in the NJ Register*)

Public Comment

For those interested in providing oral testimony at the virtual public hearing, a Public Hearing Pre-Registration Form is available on the NJDEP REAL website (<https://dep.nj.gov/njreal/nosc/>), which may be completed to secure a speaking position. While NJDEP indicates on its website that it is not required to pre-register for the virtual public hearing, those that do will be called first, in order of registration, to testify.

For those interested in submitting written comments, there are two options – electronically or by mail. Electronic submission shall be completed via <https://dep.nj.gov/rules/rule-comment-form/>. Each comment should be identified by the applicable N.J.A.C. citation, with the commenter's name and affiliation following the comment. Submission of written comments by mail shall be sent to:

Chris Segal, Esq.
Attention: DEP Docket No. 05-24-05
Office of Legal Affairs
New Jersey Department of Environmental Protection
401 East State Street, 7th Floor
Mail Code 401-04L
PO Box 402
Trenton, NJ 08625-0402



Core Findings from the 2025 NJPACT REAL Notice of Proposed Substantial Changes (NOPSC)

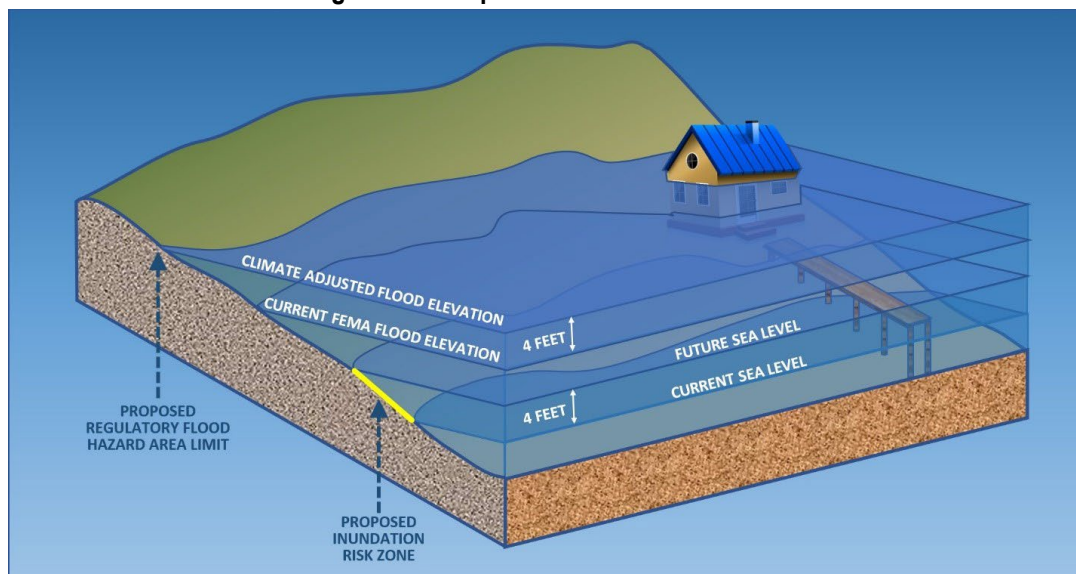
- Projected Sea Level Rise by the year 2100 is reduced from five feet to four feet in the NOPSC based on data indicating that emissions are decreasing and there is a lower-level warming prediction. Accordingly, the extent of the IRZ and CAFE is now based on this predicted four-foot increase in sea level, as discussed in the *NJDEP Climate Science Selection* herein. Finished floor elevations will therefore be specified as the FEMA base flood elevation plus four feet of sea level rise plus one foot of freeboard. Further, the NOPSC stipulates that NJDEP will review available climate change data every five years to determine whether sea level rise and precipitation data incorporated into the rules reflect the most current estimates for New Jersey, and the NJDEP shall take action to amend the rules accordingly.

Despite dynamic changes in climate science, NJDEP selected the most conservative prediction at less than a 17% chance of exceedance, designating four feet of sea level rise as a predicted condition 75 years into the future. However, since proposing the original NJPACT REAL rules just one year ago, different climate science data indicates a lower-level warming prediction and lowering of the originally predicted sea level rise elevation.

Inundation Risk Zone (IRZ): predicted area of permanent standing water due to sea level rise by 2100

Climate Adjusted Flood Elevation (CAFE): predicted limit of coastal flood hazard areas with storm-induced flooding exacerbated by sea level rise by 2100

Diagram 1. Composite of IRZ and CAFE



Graphic Excerpt: NJDEP REAL Website, July 21, 2025

- The Inundation Risk Zone (IRZ) is proposed to be removed as a Special Area and CAFRA Critical Environmental Site under the Coastal Zone Management Rules. As originally proposed, IRZs were included in the list of environmentally sensitive areas subject to 3% impervious cover restrictions. IRZs will still be regulated in the NOPSC under the Flood Hazard Area Control Act Rules, whereby proposing regulated development, redevelopment, “substantial improvement” renovations, and/or repairs to “substantially damaged” structures for residential and critical buildings and infrastructure must be designed to meet the applicable standards.



It should be noted that Flood Hazards Areas remain a Special Area under the Coastal Zone Management Rules requiring compliance with the Flood Hazard Area Control Act Rules; thus, by extension, the IRZ remains a new regulatory jurisdiction, and applicants must complete an Impact Assessment of sea level rise on the proposed activity, an On-site Alternatives Analysis to avoid or minimize risks, and a Risk Acknowledgement to be incorporated into NJDEP decision documents such that formal notice is attached to the title of ownership.

- A Legacy Period of Protection from the NJPACT/REAL rules, once adopted and published, is included in the NOPSC. Significant time and resources are invested into development projects even before permit applications and technical reports are submitted and reviewed by NJDEP. For projects which are essentially already in the pipeline, applicants will have 180 days from effective date of the new rules to submit permit applications and achieve a “complete for review” determination from NJDEP, or in the case of a CAFRA-regulated project a “complete for public comment or public hearing” determination, before the new regulatory standards apply.

Despite this provision, the NOPSC still proposes a premature permit expiration trigger under the Flood Hazard Area Control Act Rules that, if an authorized project has not commenced construction within 180-days of permit issuance, the permit can automatically expire. This proposal is a direct contradiction to the premise of legacy protection.

- Affordable Housing as a compelling public need is included in the NOPSC, which provides for the relaxation of flood hazard area design standards in support of affordable housing development. The original rule proposal provided for relief in the form of hardship exception to the Flood Hazard Rules for activities which were deemed a compelling public need. The NOPSC explicitly includes the development of affordable housing as an activity which merits hardship exception but must also demonstrate that the proposed activity would not pose a threat to public health, safety, and welfare. Further, the NOPSC provides for a definition of affordable housing to mean very-low-income, low-income, or moderate-income housing as defined in the Fair Housing Act.

Notwithstanding significant public comment in this regard, a similarly disproportionately impacted and protected class of New Jerseyans was not provided flexibility or relief. Design standards associated with the NJAPCT REAL rule and its NOPSC do not consider loss of ground-level accessibility, expensive costs for access retrofitting and maintenance, and risk of displacement for individuals and families protected by the Americans with Disabilities Act. This oversight is a significant concern, especially given the aging population in Cape May County, where over 30% of its residents are 65 years or older and over 14% of its residents have a disability.

- Dry Access requirements to buildings during flood events are clarified in the NOPSC with regard to residences proposed for construction outside of flood hazard areas, which simply confirms the design requirements of the existing rules. Although there is some differentiation between fluvial and tidal flood hazard areas, significant restrictions still remain for residential uses, including multi-family, two or more single-family or duplexes, and critical buildings located within flood hazard areas. Further, critical buildings and residential development within a flood hazard area must be served by at least one existing or proposed roadway, which is at least one foot above the flood hazard area design flood elevation and be adequately sized with capacity to serve the building. Under very limited circumstances, subject to NJDEP-review discretion, relief may be sought by demonstrating via a comprehensive engineering flood analysis that no extraordinary risk is posed to any person using each proposed building.



Despite the NOPSC indicating that the purpose of the rules is not to require landowners to address off-site roadway network infrastructure or emergency management issues, NJDEP highlights that even development located outside the flood hazard area may rely on infrastructure that could potentially be inaccessible during or after a flood event. Therefore, applicants must ensure that the dry access requirements are met. Subject to NJDEP-review discretion, relief may be sought; however, a variety of factors relative to the flood risk must be analyzed and reported, including the depth and velocity of flooding that would inundate the primary access to each building during flooding to the climate-adjusted flood elevation, the amount of time that the primary access to each building would be inundated during this flood, the minimum annual frequency at which flooding is expected to inundate the primary access to each building, the amount of time after the beginning of the storm that floodwaters are expected to peak onsite, and the number of people that will be adversely impacted when the primary access is inundated.

- *Building Height as a metric for “Substantial Improvement”* is qualified in the NOPSC whereby an exception is allowed for activities that consist solely of “repair and maintenance” that do not alter the building’s height, footprint area, or habitable area. Notwithstanding the adoption by many of New Jersey’s municipalities of NJDEP’s 2021 model ordinance which included wide-ranging criteria for determining and tracking improvements that qualify under the “substantial improvement” threshold, a different standard is now proposed for undertaking necessary improvements to maintain a building in a state of good repair and that would likely increase the resilience of the structure.

The aforementioned NJDEP model ordinance required that, “...*applications for building permits to improve buildings and structures, including alterations, movement, repair, additions, rehabilitations, renovations, ordinary maintenance and minor work, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures...*” be used for the purpose of determining substantial improvement. While the NOPSC revised standard is beneficial in reversing the regulatory overreach of the State’s model ordinance, the existence of two different mandates creates confusion and conflicting standards to be tracked by municipal construction offices and forces local units of government to revise its ordinances to maintain consistency. Moreover, municipalities will need to address the inequities created by the prior State-directed policy for determining and tracking “substantial improvements”, for which property owners were held accountable for previously permitted construction activities.

- An *Expansion of Stormwater Review under the “Major Development”* criteria occurs as a result of the NOPSC. NJDEP proposes to include even the reconstruction of pre-existing motor vehicle or other impervious surfaces as a “major development” and to require 80 percent total suspended solids removal for stormwater runoff. By changing the definition of “major development”, this proposal furthers the NJDEP’s goal to qualify more projects as major development that would undergo stormwater review, effectively expanding jurisdiction.

The NOPSC standards no longer consider net impervious or motor vehicle surface for major development, thereby diminishing the value of pre-existing coverage. By altering the definition for “major development” and requiring stormwater management for even the reconstruction of an existing building or parking lot, many smaller redevelopment projects (less than one acre), which would have been exempt and able to proceed without costly delays and infrastructure expenses, will be required to add stormwater management. In many cases the land area required for doing so does not exist, therefore, the policy



downgrades site redevelopment potential, and the potential benefit is de minimis. For projects less than one acre in size, which do not have a net increase in drivable surface, the improvement in water quality, even after the implementation of current stormwater management measures, would be minimal at best.

- Clarification of Dry Floodproofing applicability for buildings is provided in the NOPSC which states that the practice is only prohibited in flood hazard areas where flood velocity is greater than five feet per second, Coastal A zone, and the V zone or VE zone. The original rule proposal standards prohibited dry flood-proofing within the inundation risk zone and within flood hazard areas in which the flood velocity is unknown. NJDEP states that this proposed change provides for applicability standards which more closely align with National Flood Insurance Program (NFIP) standards, the UCC, and ASCE 24-14.
- Permitting for Underground Utility Lines via Horizontal Directional Drilling (HDD) is modified under the NOPSC, allowing for a limited exemption within 25 feet of any top of bank provided the activities are located within or under lawfully existing impervious cover. Even though horizontal directional drilling is frequently more appropriate than open trenching as a construction method and serves to protect above-ground resources by reducing the footprint of disturbance, NJDEP identifies that there is the potential to negatively affect environmental resources. Accordingly, NJDEP will require site-specific application reviews to more closely regulate the placement of certain underground utility lines under the NOPSC for the purpose of monitoring, enforcing, and reporting on these construction activities. Further, the NJDEP is providing an exemption from deed notice requirements for the installation, replacement, or repair of underground utility lines constructed within a previously recorded easement.
- The regulatory exemption for Isolated Waters with a drainage area of less than 50 acres is clarified in the NOPSC. The original rule proposal deleted this exemption and expanded flood hazard area jurisdiction substantially. NJDEP recognizes that isolated waters with a drainage area of less than 50 acres, which have no surface or subsurface hydrological connection to existing waters, are substantially different than those which have shared hydrology. Thus, where subject waters are truly isolated with no connection via pipe or channel, the basis for the existing exemption remains in effect.
- Limitations placed on Mosquito Control activities in the original rule proposal are rescinded or modified in the NOPSC. NJDEP removed a pre-existing regulatory provision which permitted thin layer placement on-site resulting from excavated material from water conveyances. Further, the rules added the requirement that all mosquito control activities must obtain certification from the State Office of Mosquito Control Coordination for each site-specific proposal as opposed to the standing practice of permits issued on a county-wide scale. Both regulatory additions created inefficiencies, exacerbated costs, and decreased flexibility. The NOPSC corrects this overreach and restores the prior functional practices.



NJDEP Climate Science Selection

The newly NOPSC relies on sea level projections derived from the “2023 6th Assessment Report”, International Panel on Climate Change (IPCC), indicating 2.7°C of warming and with decreasing emissions. This data, available even before the original NJPACT REAL rule proposal, differs from the previously projected 3.3°C warming and predicted sea level rise selected by NJDEP from the 2019 Science and Technical Advisory Panel (STAP) report. The original rule proposal relied on “2019 New Jersey’s Rising Seas and Changing Coastal Storms, STAP”, which concluded a 50% probability that sea level rise will exceed 3.3 feet by year 2100 and a 17% chance that sea level rise will exceed 5.1 feet by year 2100 assuming moderate emissions.

However, within one year of proposing the original NJPACT REAL rules, different climate science data indicates a lower-level warming prediction (2.7°C) and lowering of the originally predicted sea level rise elevation where according to NJDEP, “the intermediate scenario described in the IPCC’s AR6, with inclusion of rapid ice sheet loss processes and adjusted for conditions specific to New Jersey, there is up to a 17 percent chance that sea level rise will exceed 4.4 feet by 2100 (Rutgers University, 2023)”, as indicated in Table 1. below.

Table 1. Composite of IRZ and CAFE

New Jersey Sea Level Rise Estimates (ft) in 2100 *											
Climate Scenario	STAP Low / IPCC LOW (SSP1-2.6)			IPCC Intermediate (SSP2-4.5)			STAP Moderate/ IPCC High (SSP3-7.0)			STAP High/ IPCC Very High (SSP5-8.5)	
Report	STAP	IPCC AR6		STAP	IPCC AR6		STAP	IPCC AR6		STAP	IPCC AR6
Warming (°C)**	2.0	1.8		—	2.7		3.5	3.6		5.0	4.4
Confidence Levels	Low, Medium, & High	Low, Medium, & High	Medium & High	Low, Medium, & High	***Low, Medium, & High	Medium & High	Low, Medium, & High	***Low, Medium, & High	Medium & High	Low, Medium, & High	Low, Medium, & High
Chance of Sea Level Rise Exceedance											
> 83%	1.7	1.9	1.9	—	2.3	2.3	2.0	2.7	2.7	2.3	3.0
~ 50%	2.8	2.5	2.5	—	3.1	2.9	3.3	3.6	3.3	3.9	4.0
< 17%	3.9	3.4	3.2	—	4.4	3.8	5.1	5.1	4.2	6.3	5.9

* ‘Low confidence’ does not indicate lower quality than a ‘high confidence’ estimate of sea level rise; rather, confidence is used to qualify the degree of agreement and level of evidence around the processes that are used as inputs into the sea level rise estimates; ** Reported global warming levels are for the end of the 21st century, relative to a late nineteenth century baseline. For the IPCC scenarios, reported warming levels are median projections, while the IPCC sea level projections incorporate the range of possible warming levels consistent with the specified emissions scenario; and *** IPCC low confidence projections for the intermediate (SSP2-4.5) and high (SSP3-7.0) emissions scenarios are interpolated and are not direct outputs of the IPCC.

NJDEP REAL website: Rutgers University 2023 STAP Update, 2023 IPCC AR6, <https://dep.nj.gov/njreal/underlying-science/>

Despite dynamic changes in climate science, NJDEP selected the most conservative prediction at less than a 17% chance of exceedance, designating a 4-foot sea level rise by the year 2100 in the NOPSC. Further, the proposed changes provide that “...every five years after adoption, the Department shall take action to determine whether the sea level rise and precipitation data incorporated into these chapters reflect the most current estimates for New Jersey and shall, as necessary, amend these chapters...” The creation of a 4-foot Inundation Risk Zone compounded by the Climate Adjusted Flood Elevation remains rooted in a predicted condition 75 years into the future. However, instead of adopting a dramatic sea level rise elevation change based on a less than 17% chance of exceedance, the Department can adopt a more modest elevation, which the science indicates is more statistically likely to occur and then apply the same five-year cycle for data review with the opportunity to increase the elevation requirements, if warranted, based on actual observed conditions in comparison to predictions.



IRZ Impacts by Municipality and for the County

The IRZ disproportionately impacts land areas within the coastal zone, placing additional land use restrictions on development within coastal communities thereby resulting in greater impacts to the ratable base. While NJDEP estimates that much of the IRZ is already developed or encumbered by environmentally sensitive areas, its analysis is generalized for the entire state and does not account for the extent Cape May County impacts. Significant portions of the County, including within the coastal areas, remain undeveloped or targeted for redevelopment as reflected by long-standing center designations and supporting local zoning standards, which is in contrast to NJDEP's interpretation of the impact of the IRZ on anticipated future development.

As provided herein, the “NJDEP/NOAA Predicted Sea Level Rise Inundation Risk Zone Mapping” (Sheets 0-5), prepared by The Lomax Consulting Group, dated July 30, 2025, depicts the extent of the mapped IRZ within Cape May County. Table 2 below provides a summary of IRZ-impacted land areas (excluding surface waters) for the County as a whole and for each municipality. Of the 157,481 acres of land in Cape May County, the IRZ will overlay 39.25% of the total. Based on the proposed reduction from five feet to four feet in predicted sea level rise, the land area inundation for Cape May County changes by only 3.6% in the NOPSC.

Table 2. IRZ Future Anticipated Sea Level (Year 2100)

Name	Total Land Area (Acres)	Inundated Area (Acres)	% Inundated
Avalon	2,496	1,656	66.35%
Cape May City	1,470	439	29.86%
Cape May Point	178	72	40.45%
Dennis Township	38,141	11,131	29.18%
Lower Township	17,184	6,294	36.63%
Middle Township	43,710	22,021	50.38%
North Wildwood	1,046	591	56.50%
Ocean City	4,349	3,170	72.89%
Sea Isle City	1,387	979	70.58%
Stone Harbor	901	479	53.16%
Upper Township	38,907	13,804	35.48%
West Cape May	748	335	44.79%
West Wildwood	182	171	93.96%
Wildwood City	904	482	53.32%
Wildwood Crest	773	189	24.45%
Woodbine	5,105	0	0.00%
Cape May County	157,481	61,813	39.25%

The barrier island municipalities continue to be most significantly impacted by the IRZ in terms of inundated land area percentage, whereas the mainland municipalities will have significantly larger IRZ-impacted acreage for which larger scale development will be restricted, especially in terms of proposed new housing stock, as well as significant restrictions for Delaware Bayshore communities.

Any future residential buildings, or critical buildings and infrastructure development, redevelopment, or renovation within the IRZ will continue to require substantial impact assessment, alternatives analysis, and risk acknowledgement under the NOPSC as part of the land use permitting process, subject to NJDEP discretion, before the proposed activity can be authorized. As an example, NJDEP will request that the applicant examine all opportunities to ameliorate inundation risk on the site, bias development to the highest portions of the site, and/or fill portions of the site to elevate the proposed activity above the IRZ.



CAFE Impacts by Municipality and for the County

The establishment of the CAFE disproportionately impacts land areas within the coastal zone and places additional land use restrictions on development within coastal communities thereby impacting the ratable base, as well as development trends (i.e., increased building and road heights, elevated construction costs). NJDEP underestimates the REAL rule proposal with regard to substantial impairment of the Cape May County land mass.

As provided herein, the “NJDEP Proposed Climate Adjusted Flood Elevation Land Cover Analysis Mapping” (Sheets 0-5), prepared by The Lomax Consulting Group, dated August 6, 2025, depicts the extent of the existing FEMA-mapped 100-year flood hazard area limits, as well as the NJDEP-proposed flood hazard area set at 4 feet above the FEMA-designated limits pursuant to predicted sea level rise as of year 2100. Table 3 below provides a summary of CAFE-impacted land areas (excluding surface waters). Of the 157,481 acres of land in Cape May County, the CAFE overlays 58.14% of the total.

Table 3. CAFE Future Anticipated Flood Level (Year 2100)

Name	Total Land Area (Acres)	Current FEMA Tidal FHA (Acres)	NJDEP Proposed Climate Adjusted Flood Elevation (Acres)	% of Total Proposed FHA Land Coverage	% Change of FHA Land Coverage - Current vs. Proposed
Avalon	2,496	2,367	2,482	99.44%	4.61%
Cape May City	1,470	857	1,435	97.62%	39.32%
Cape May Point	178	140	176	98.88%	20.22%
Dennis Township	38,141	12,197	16,061	42.11%	10.13%
Lower Township	17,184	7,253	10,953	63.74%	21.53%
Middle Township	43,710	22,265	30,148	68.97%	18.03%
North Wildwood	1,046	1,038	1,046	100.00%	0.76%
Ocean City	4,349	4,135	4,343	99.86%	4.78%
Sea Isle City	1,387	1,340	1,384	99.78%	3.17%
Stone Harbor	901	800	900	99.89%	11.10%
Upper Township	38,907	15,555	20,090	51.64%	11.66%
West Cape May	748	413	682	91.18%	35.96%
West Wildwood	182	181	181	99.45%	0.0%
Wildwood City	904	892	902	99.78%	1.11%
Wildwood Crest	773	613	773	100.00%	20.70%
Woodbine*	5,105	130	7	0.14%	N/A*
Cape May County	157,481	70,176	91,563	58.14%	13.58%

**Note: current FEMA tidal FHA mapping for Woodbine does not include base flood elevation data and therefore not represented in NJDEP proposed climate adjusted flood elevation*

This expansion is an increase of 13.58% in affected land areas beyond current flood hazard area limits, with the understanding that lands within the pre-existing flood hazard area will inherit an additional 4 feet of regulated flood elevation restriction. These expanded flood hazard areas cross the U.S. Route 9 corridor and overtop the Garden State Parkway and N.J. Route 47, all three major transportation arteries in Cape May County.



Conclusion

Under the State's current Coastal Zone Management Rules (*N.J.A.C. 7:7*), Freshwater Wetlands Protection Act Rules (*N.J.A.C. 7:7A*), Flood Hazard Area Control Act Rules (*N.J.A.C. 7:13*), and Stormwater Management Rules (*N.J.A.C. 7:8*), significant regulatory restrictions already provide substantial protection and afford NJDEP discretion to regulate development in a manner that balances land use development with sensible environmental protections. The proposed NJPACT REAL rules set forth an even more stringent regulatory authority which is far-reaching in its implications to stakeholders who live, work, and rely on development opportunities within the coastal zone. These restrictions compound the challenges of local units of government which negotiated in good faith and at great expense with the State to establish centers of residential development and commerce and designate areas in need of redevelopment to fuel the local economy and provide jobs to County's residents.

Sweeping regulatory reform warrants comprehensive analysis and determination of consistency with enabling federal jurisdictional authorities. Under the Federal Coastal Zone Management Act (CZMA) Section 306(e) and 15 C.F.R. Part 923, any amendments to a State's federally approved Coastal Zone Management Program must be approved by the National Oceanic and Atmospheric Administration (NOAA) before they can become effective for federal consistency purposes. The NJPACT REAL rules, including the NOPSC amendments, result in substantial updates to New Jersey's Coastal Zone Management Rules. These changes clearly alter the state's enforceable policies, which are subject to federal consistency review. Additionally, the federal government delegated authority to the State of New Jersey for its Freshwater Wetlands Protection Program which assumed administration of the federal Clean Water Act Section 404 permit program. Under this delegated authority, the U.S. Environmental Protection Agency (EPA) retains oversight. Accordingly, it is appropriate that the NJPACT REAL rules undergo a full federal evaluation for consistency under its delegated authority before proceeding any further.

The State's economy is reliant upon seasonal and year-round business, which to prosper, must rely on a stable and predictable regulatory climate. Significant uncertainty exists in understanding economic impacts that will result from these regulatory changes. A full economic impact and cost-benefit analysis is therefore warranted to quantify potential flood insurance costs, property tax implications, infrastructure costs, renovation and redevelopment costs borne by the private sector, and tax ratable implications to local units of government. The original NJPACT REAL rule proposal offered a limited, biased assessment of anticipated economic impacts, solely focused on costs associated with flooding and storm events, and the NOPSC did not propose any further information or assessment of impacts in this regard. Current land use application review timeframes are unprecedented in terms of length where NJDEP review staff are clearly overburdened. With such expansive regulatory authority and attendant assessments/analyses to be included in future land use applications as proposed by these regulations, a robust staffing plan and budget allocation will be needed by the State for the additional workload to ensure application review and timely issuance of decisions.

Climate resiliency is a critical matter of public interest, and Cape May County, given its unique geographic position, is well suited to play an active role in long-term planning. However, the County's role should be as a fully engaged partner in shaping these strategies, not as the subject of disproportionate restrictions when considered in context. In the interest of safeguarding both the welfare of New Jersey's residents and the stability of its economy, it is imperative that the State halt the current rulemaking and initiate a structured dialogue with the stakeholders most directly affected. Such engagement is essential to developing a climate change planning framework that is scientifically sound, economically sustainable, and practically achievable.



EXHIBITS



EXHIBIT 1

**“NJDEP/NOAA Predicted Sea Level Rise Inundation Risk
Zone – 4ft Above MHHW, Cape May County, New Jersey”**

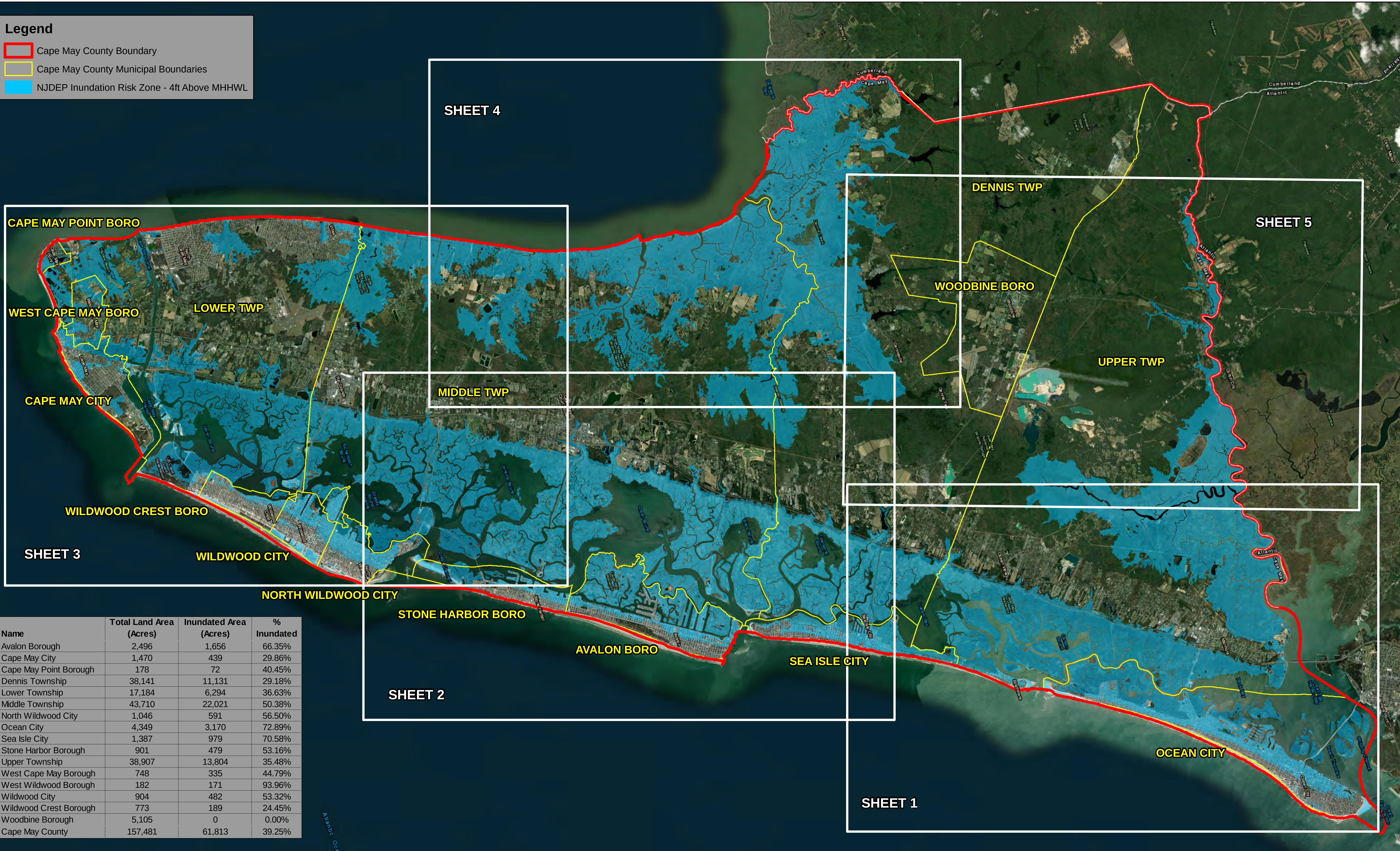
**Prepared by The Lomax Consulting Group,
Dated July 30, 2025**

Legend

Cape May County Boundary

Cape May County Municipal Boundaries

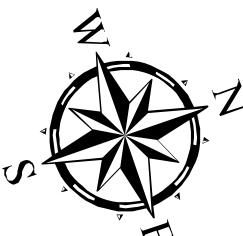
NJDEP Inundation Risk Zone - 4ft Above MHHWL



Name	Total Land Area (Acres)	Inundated Area (Acres)	% Inundated
Avalon Borough	2,496	1,656	66.35%
Cape May City	1,470	439	29.86%
Cape May Point Borough	178	72	40.45%
Dennis Township	38,141	11,131	29.18%
Lower Township	17,184	6,294	36.63%
Middle Township	43,710	22,021	50.38%
North Wildwood City	1,046	591	56.50%
Ocean City	4,349	3,170	72.89%
Sea Isle City	1,387	979	70.58%
Stone Harbor Borough	901	479	53.16%
Upper Township	38,907	13,804	35.48%
West Cape May Borough	748	335	44.79%
West Wildwood Borough	182	171	93.96%
Wildwood City	904	482	53.32%
Wildwood Crest Borough	773	189	24.45%
Woodbine Borough	5,105	0	0.00%
Cape May County	157,481	61,813	39.25%

OVERVIEW

PRJ\Act22-1156\Site Mapping\IgFm\2024 NJPACT REAL Maps\IRZ\CMC Sea Level Rise 4ft Overview



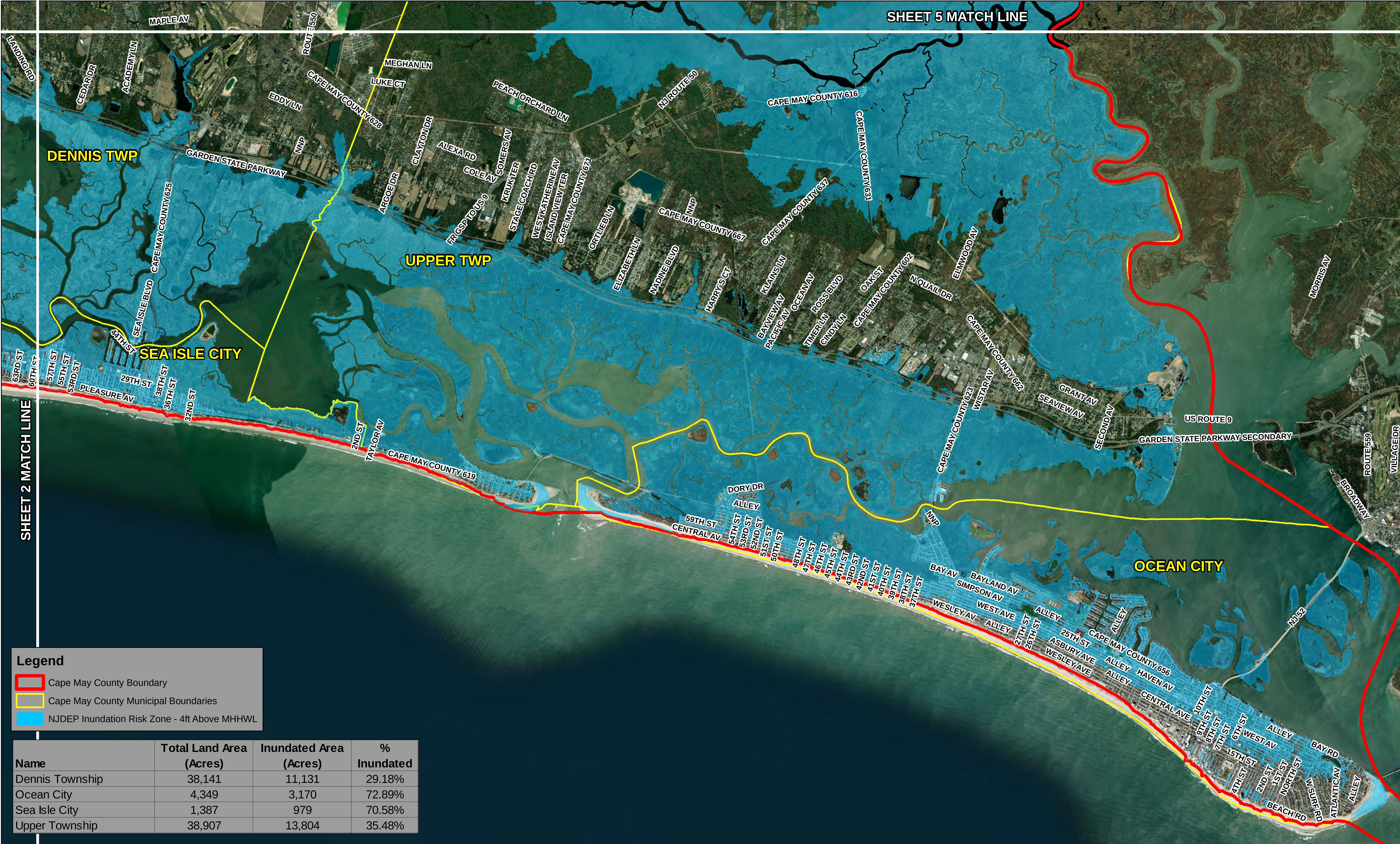
SCALE: 1 inch = 5,000 feet
0 2,500 5,000 10,000 Feet

SOURCE: AERIAL PHOTOGRAPH BY ESRI
BASE MAPS, INUNDATION DATA PROVIDED
BY NOAA AND NJDEP. MUNICIPAL
BOUNDARIES BY CAPE MAY COUNTY
PLANNING DEPARTMENT

CAPE MAY COUNTY
NJDEP/NOAA PREDICTED SEA LEVEL RISE
INUNDATION RISK ZONE - 4FT ABOVE MHHW
CAPE MAY COUNTY, NEW JERSEY

DRAWN BY:	DATE:
NAC	2025-07-30
CHECKED BY:	REVISED:
PROJECT #:	
22-1156	





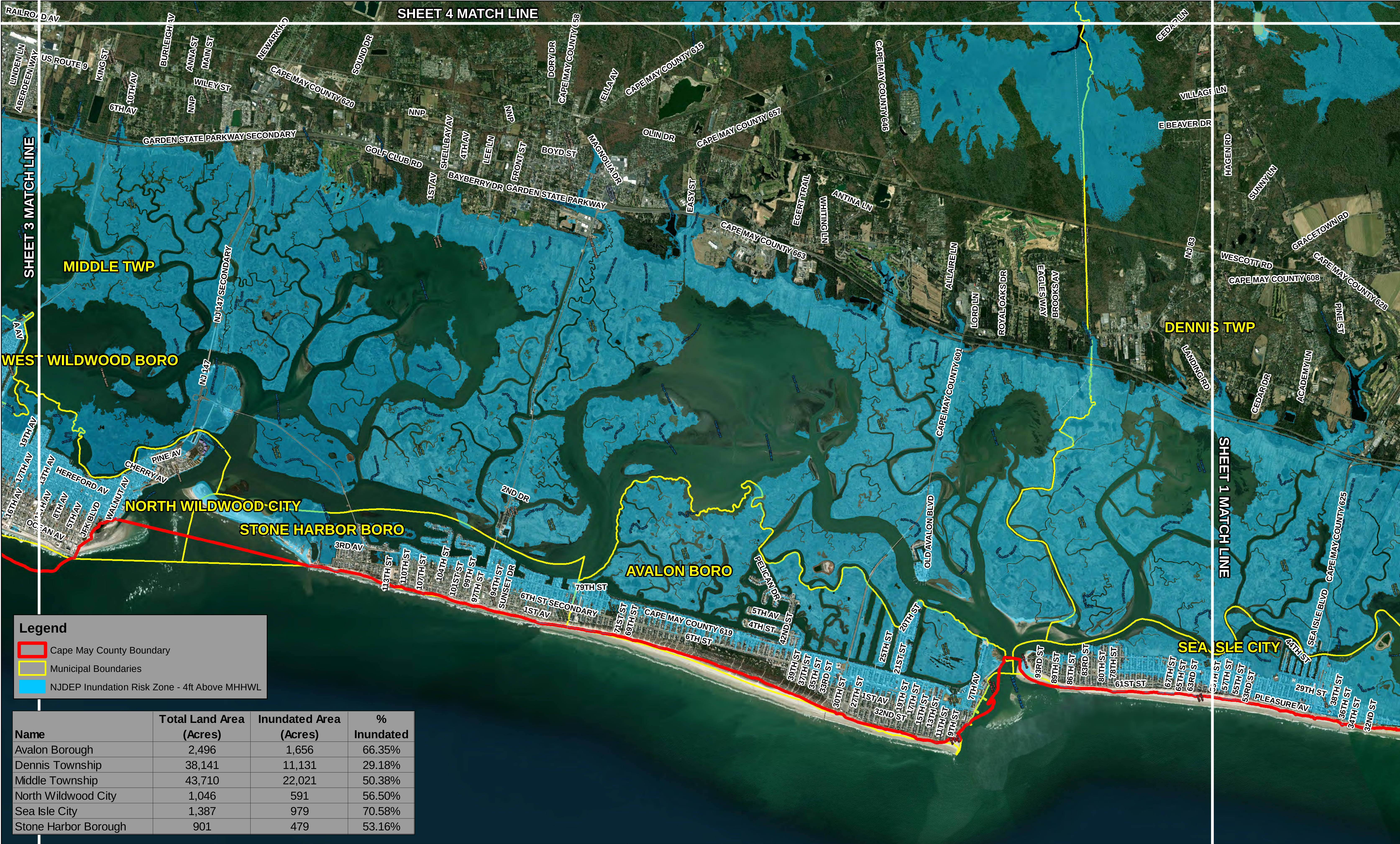
Legend

Cape May County Boundary

Cape May County Municipal Boundaries

NJDEP Inundation Risk Zone - 4ft Above MHHW

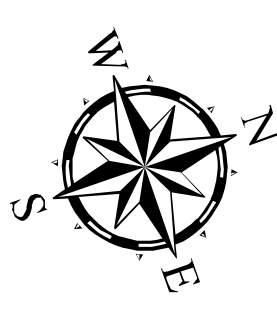
Name	Total Land Area (Acres)	Inundated Area (Acres)	% Inundated
Dennis Township	38,141	11,131	29.18%
Ocean City	4,349	3,170	72.89%
Sea Isle City	1,387	979	70.58%
Upper Township	38,907	13,804	35.48%



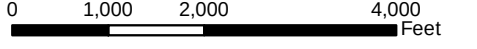
Legend

- Cape May County Boundary
- Municipal Boundaries
- NJDEP Inundation Risk Zone - 4ft Above MHHW

Name	Total Land Area (Acres)	Inundated Area (Acres)	% Inundated
Avalon Borough	2,496	1,656	66.35%
Dennis Township	38,141	11,131	29.18%
Middle Township	43,710	22,021	50.38%
North Wildwood City	1,046	591	56.50%
Sea Isle City	1,387	979	70.58%
Stone Harbor Borough	901	479	53.16%



SCALE: 1 inch = 2,000 feet



0 1,000 2,000 4,000 Feet

SOURCE: AERIAL PHOTOGRAPH BY ESRI
BASE MAPS, INUNDATION DATA PROVIDED
BY NOAA AND NJDEP, MUNICIPAL
BOUNDARIES BY CAPE MAY COUNTY
PLANNING DEPARTMENT

DRAWN BY: NAC	DATE: 2025-07-31
CHECKED BY:	REVISED:
PROJECT #: 22-1156	

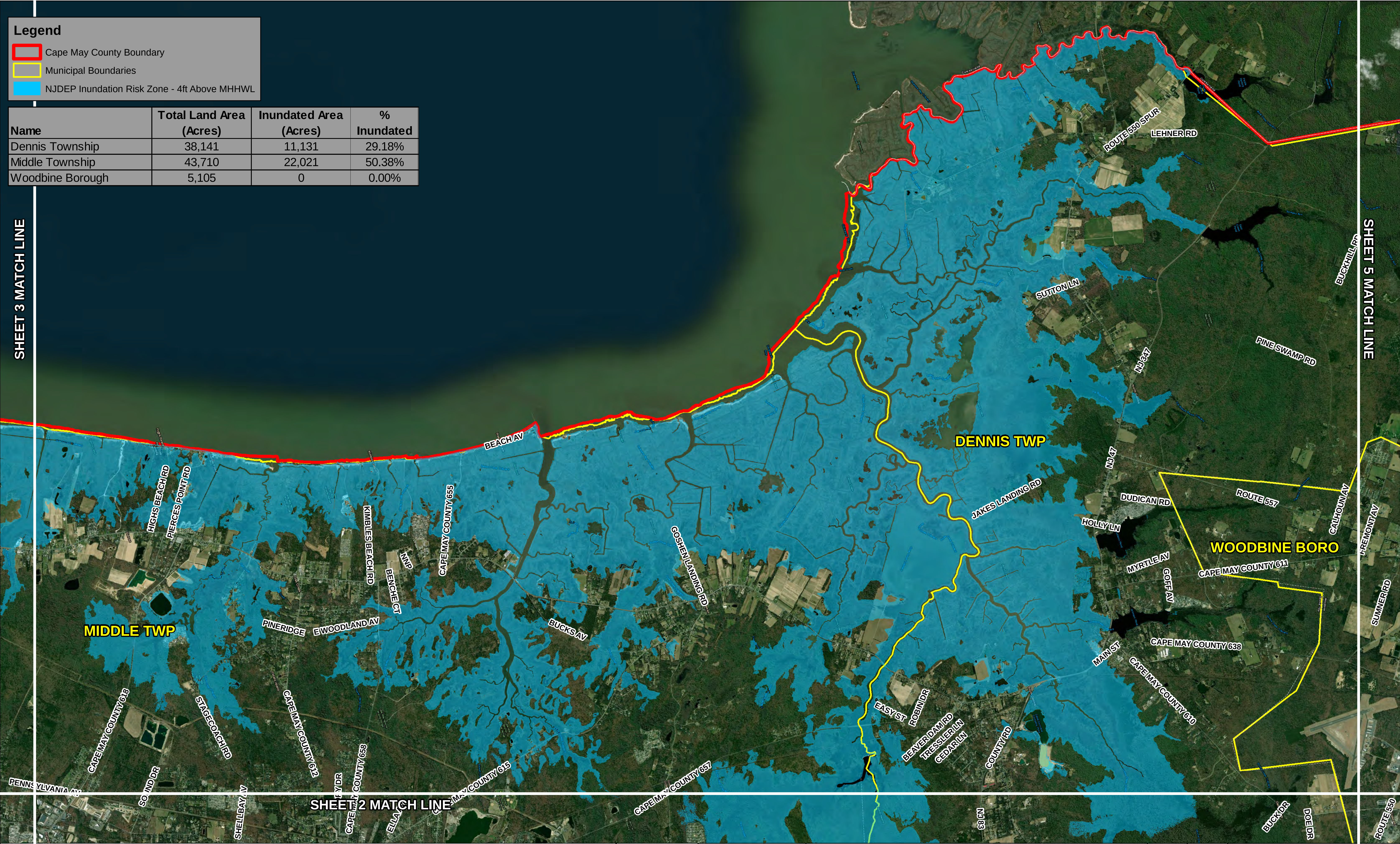
Legend

Cape May County Boundary

Municipal Boundaries

NJDEP Inundation Risk Zone - 4ft Above MHHWL

Name	Total Land Area (Acres)	Inundated Area (Acres)	% Inundated
Dennis Township	38,141	11,131	29.18%
Middle Township	43,710	22,021	50.38%
Woodbine Borough	5,105	0	0.00%



SHEET 3 MATCH LINE

SHEET 5 MATCH LINE

SHEET 2 MATCH LINE

SHEET 4

PRJ\Act22-1156\Site Mapping\IgFm\NJ\PACT_REAL_Maps\IRZ\CMC Sea Level Rise 4ft Sheet 4

SCALE: 1 inch = 2,000 feet

0 1,000 2,000 4,000 Feet

SOURCE: AERIAL PHOTOGRAPH BY ESRI
BASE MAPS, INUNDATION DATA PROVIDED BY NOAA AND NJDEP, MUNICIPAL BOUNDARIES BY CAPE MAY COUNTY PLANNING DEPARTMENT

CAPE MAY COUNTY

NJDEP/NOAA PREDICTED SEA LEVEL RISE INUNDATION RISK ZONE - 4FT ABOVE MHHW

CAPE MAY COUNTY, NEW JERSEY

DRAWN BY:	DATE:
NAC	2025-08-01
CHECKED BY:	REVISED:
PROJECT #:	
22-1156	





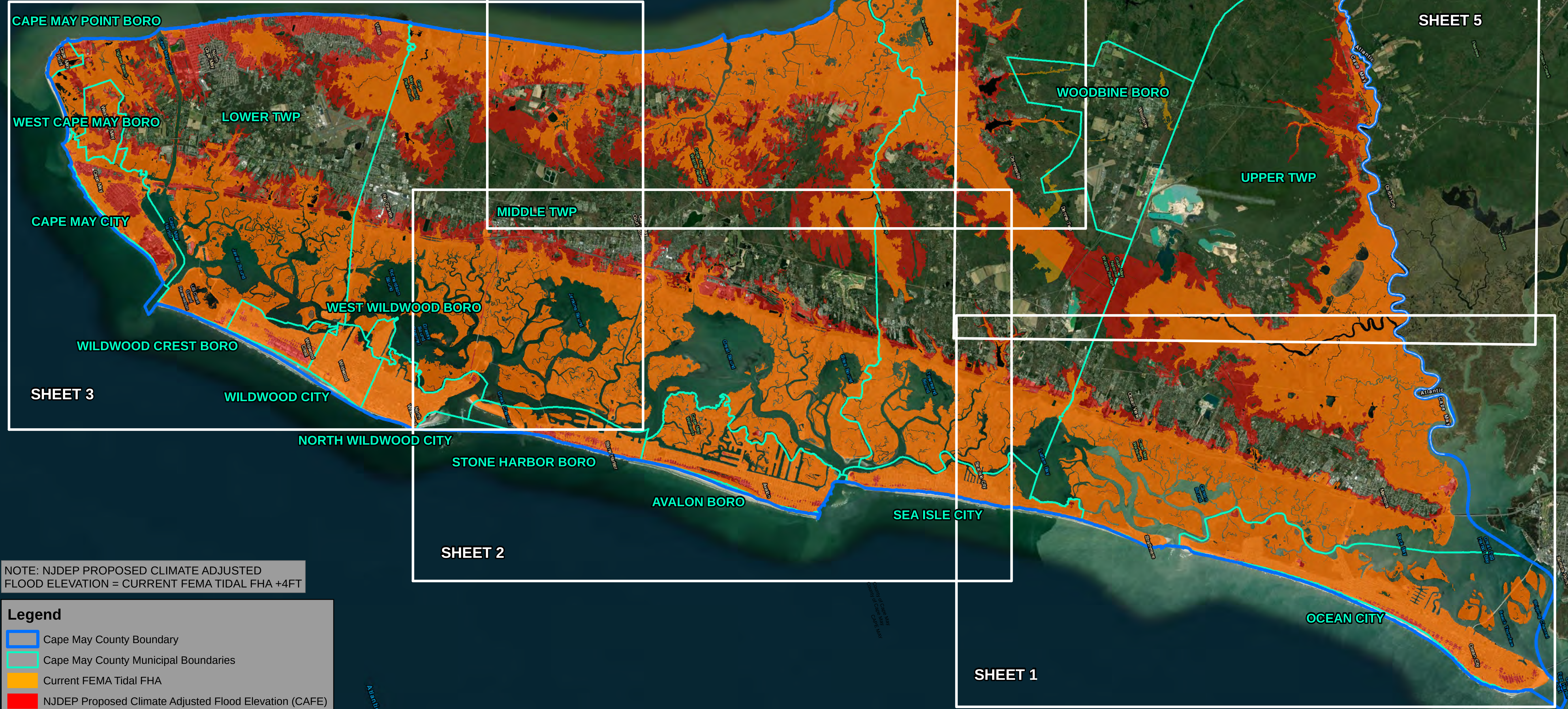
EXHIBIT 2

“NJDEP Proposed Climate Adjusted Flood Elevation Land Cover Analysis, Cape May County, New Jersey”

**Prepared by The Lomax Consulting Group,
Dated August 6, 2025**

Name	Total Land Area (Acres)	Current FEMA Tidal FHA (Acres)	NJDEP Proposed Climate Adjusted Flood Elevation (Acres)	% of Total Proposed FHA Land Coverage	% Change of FHA Land Coverage - Current vs. Proposed
Avalon Borough	2,496	2,367	2,482	99.44%	4.61%
Cape May City	1,470	857	1,435	97.62%	39.32%
Cape May Point Borough	178	140	176	98.88%	20.22%
Dennis Township	38,141	12,197	16,061	42.11%	10.13%
Lower Township	17,184	7,253	10,953	63.74%	21.53%
Middle Township	43,710	22,265	30,148	68.97%	18.03%
North Wildwood City	1,046	1,038	1,046	100.00%	0.76%
Ocean City	4,349	4,135	4,343	99.86%	4.78%
Sea Isle City	1,387	1,340	1,384	99.78%	3.17%
Stone Harbor Borough	901	800	900	99.89%	11.10%
Upper Township	38,907	15,555	20,090	51.64%	11.66%
West Cape May Borough	748	413	682	91.18%	35.96%
West Wildwood Borough	182	181	181	99.45%	0.00%
Wildwood City	904	892	902	99.78%	1.11%
Wildwood Crest Borough	773	613	773	100.00%	20.70%
Woodbine Borough*	5,105	130	7	0.14%	N/A*
Cape May County	157,481	70,176	91,563	58.14%	13.58%

*NOTE: CURRENT FEMA TIDAL FHA MAPPING FOR WOODBINE BOROUGH DOES NOT INCLUDE BASE FLOOD ELEVATION DATA AND THEREFORE NOT REPRESENTED IN NJDEP PROPOSED CLIMATE ADJUSTED FLOOD ELEVATION



NOTE: NJDEP PROPOSED CLIMATE ADJUSTED FLOOD ELEVATION = CURRENT FEMA TIDAL FHA +4FT

Legend

Cape May County Boundary

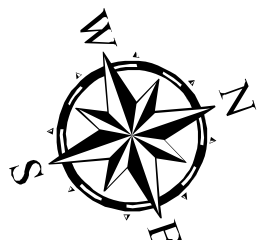
Cape May County Municipal Boundaries

Current FEMA Tidal FHA

NJDEP Proposed Climate Adjusted Flood Elevation (CAFE)

OVERVIEW

PRJ\Act22-1156\Site Mapping\IgFml2024 Slr 5ft\CMC FEMA FHA 5FT Overview



SCALE: 1 inch = 5,000 feet

0

2,500

5,000

10,000

Feet

SOURCE: AERIAL PHOTOGRAPH BY ESRI BASE MAPS, CURRENT TIDAL FLOOD HAZARD AREA BY FEMA, PROPOSED FLOOD HAZARD AREA INCREASE BY NJDEP, MUNICIPAL BOUNDARIES BY CAPE MAY COUNTY PLANNING DEPARTMENT

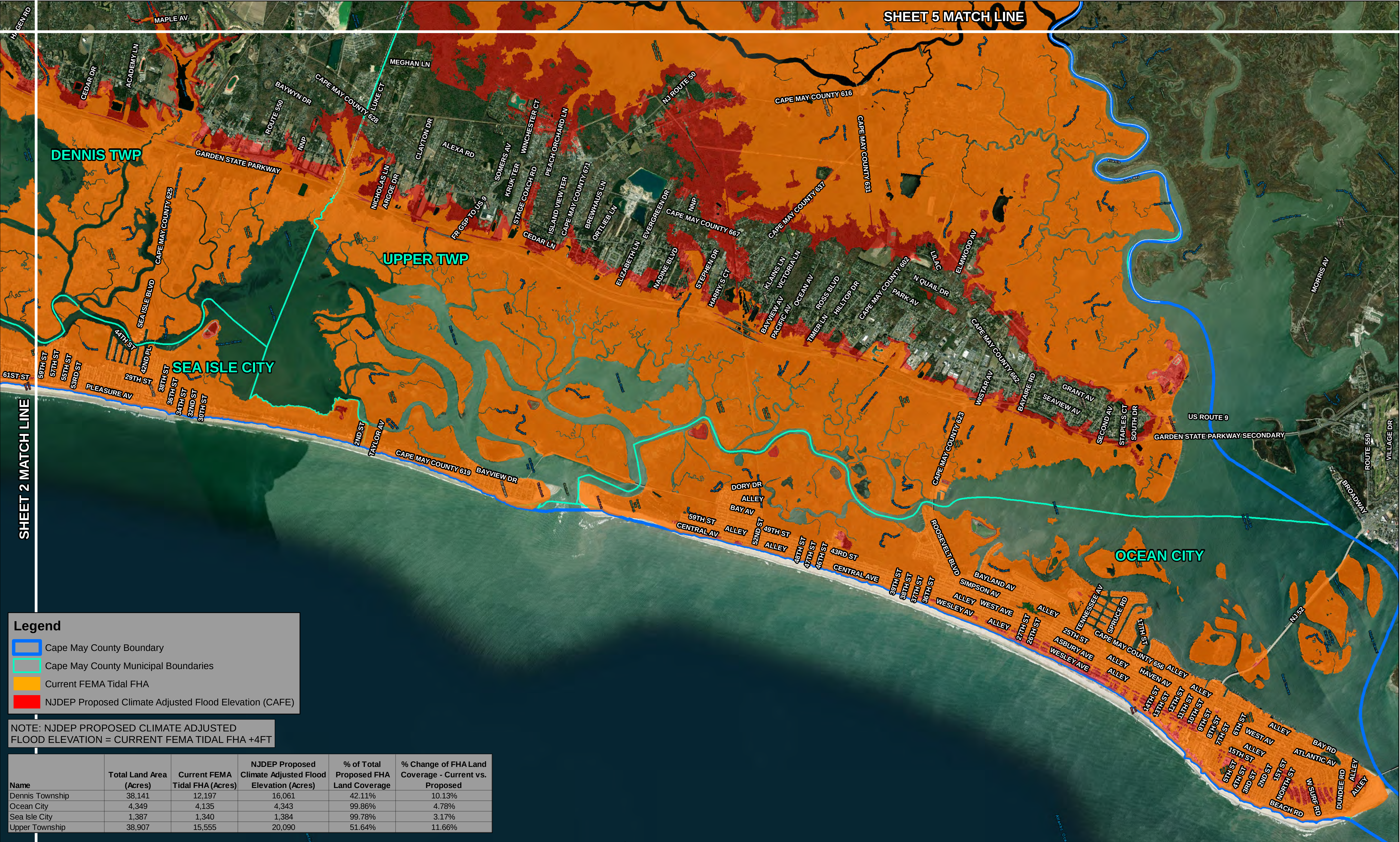
CAPE MAY COUNTY

NJDEP PROPOSED CLIMATE ADJUSTED FLOOD ELEVATION LAND COVER ANALYSIS

CAPE MAY COUNTY, NEW JERSEY

DRAWN BY:	DATE:
NAC	2025-08-06
CHECKED BY:	REVISED:
PROJECT #:	
22-1156	



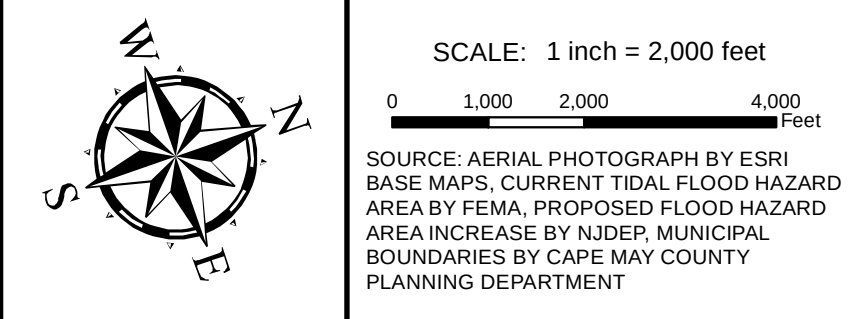


Legend

- Cape May County Boundary
- Cape May County Municipal Boundaries
- Current FEMA Tidal FHA
- NJDEP Proposed Climate Adjusted Flood Elevation (CAFE)

NOTE: NJDEP PROPOSED CLIMATE ADJUSTED FLOOD ELEVATION = CURRENT FEMA TIDAL FHA +4FT

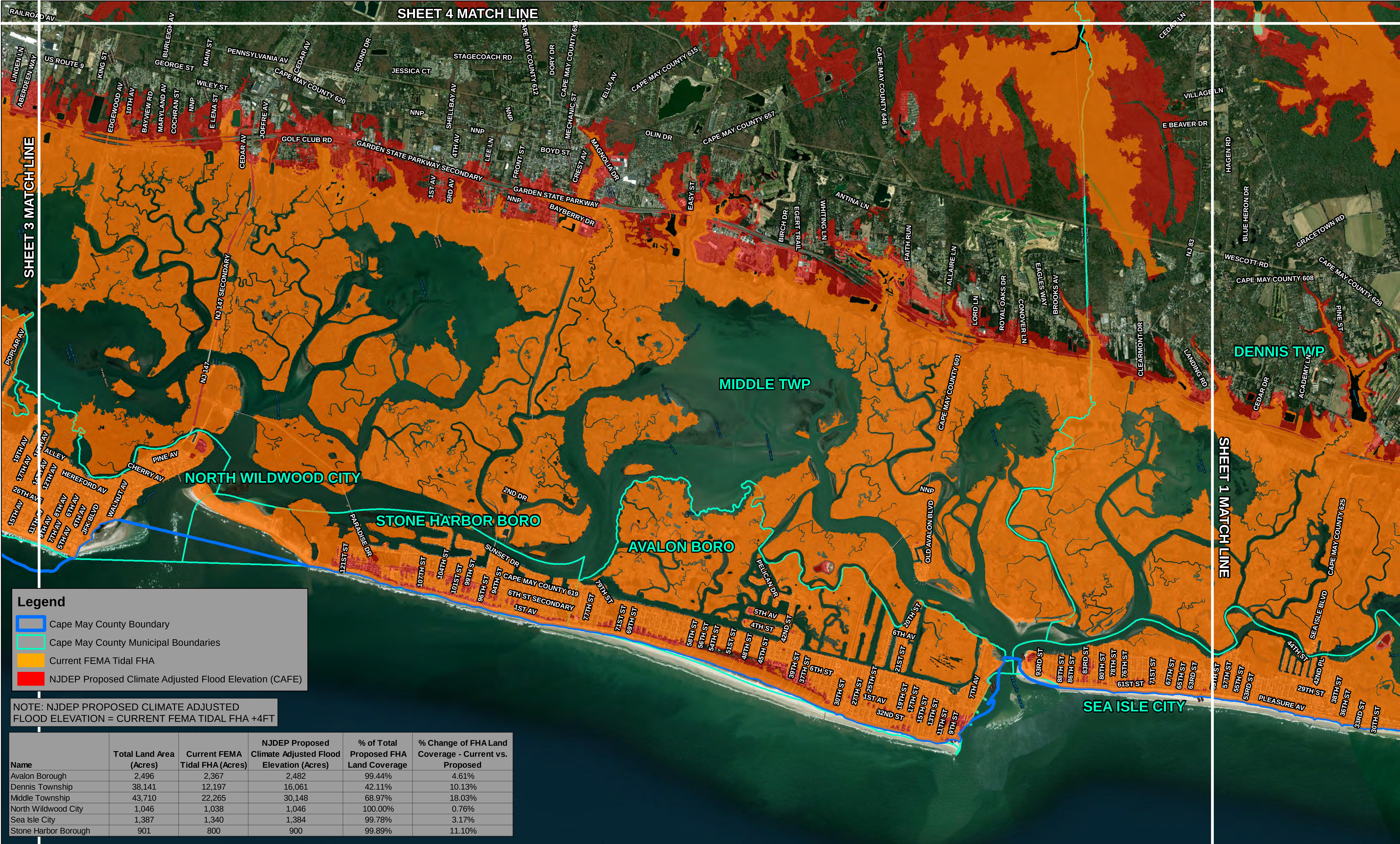
Name	Total Land Area (Acres)	Current FEMA Tidal FHA (Acres)	NJDEP Proposed Climate Adjusted Flood Elevation (Acres)	% of Total Proposed FHA Land Coverage	% Change of FHA Land Coverage - Current vs. Proposed
Dennis Township	38,141	12,197	16,061	42.11%	10.13%
Ocean City	4,349	4,135	4,343	99.86%	4.78%
Sea Isle City	1,387	1,340	1,384	99.78%	3.17%
Upper Township	38,907	15,555	20,090	51.64%	11.66%



CAPE MAY COUNTY
NJDEP PROPOSED CLIMATE ADJUSTED
FLOOD ELEVATION LAND COVER ANALYSIS
CAPE MAY COUNTY, NEW JERSEY

DRAWN BY: NAC	DATE: 2025-08-06
CHECKED BY:	REVISED:
PROJECT #: 22-1156	





Legend

Cape May County Boundary

Cape May County Municipal Boundaries

Current FEMA Tidal FHA

NJDEP Proposed Climate Adjusted Flood Elevation (CAFE)

NOTE: NJDEP PROPOSED CLIMATE ADJUSTED FLOOD ELEVATION = CURRENT FEMA TIDAL FHA +4FT

Name	Total Land Area (Acres)	Current FEMA Tidal FHA (Acres)	NJDEP Proposed Climate Adjusted Flood Elevation (Acres)	% of Total Proposed FHA Land Coverage	% Change of FHA Land Coverage - Current vs. Proposed
Avalon Borough	2,496	2,367	2,482	99.44%	4.61%
Dennis Township	38,141	12,197	16,061	42.11%	10.13%
Middle Township	43,710	22,265	30,148	68.97%	18.03%
North Wildwood City	1,046	1,038	1,046	100.00%	0.76%
Sea Isle City	1,387	1,340	1,384	99.78%	3.17%
Stone Harbor Borough	901	800	900	99.89%	11.10%



SCALE: 1 inch = 2,000 feet

0 1,000 2,000 4,000 Feet

SOURCE: AERIAL PHOTOGRAPH BY ESRI BASE MAPS, CURRENT TIDAL FLOOD HAZARD AREA BY FEMA, PROPOSED FLOOD HAZARD AREA INCREASE BY NJDEP, MUNICIPAL BOUNDARIES BY CAPE MAY COUNTY PLANNING DEPARTMENT

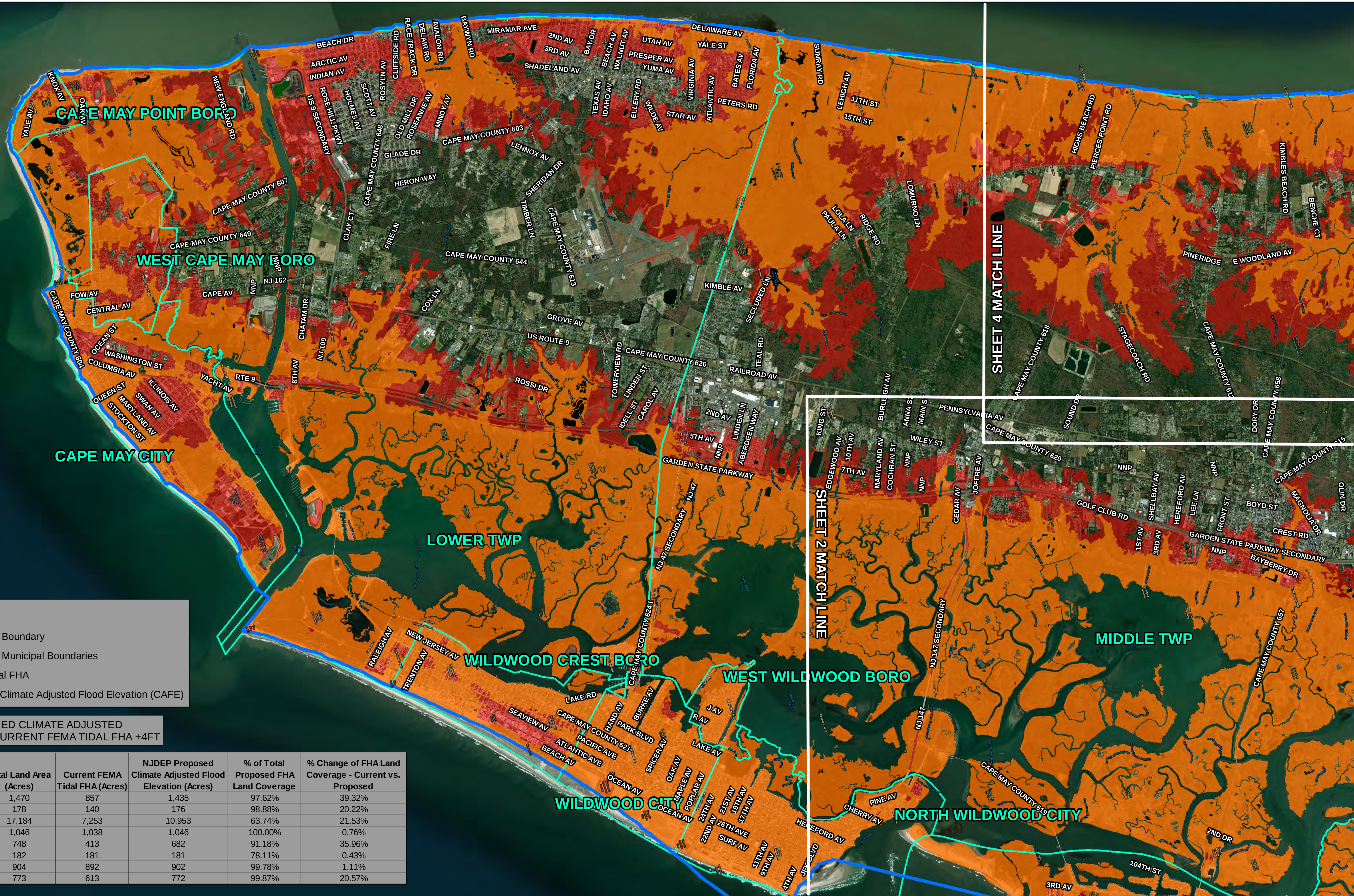
CAPE MAY COUNTY

NJDEP PROPOSED CLIMATE ADJUSTED FLOOD ELEVATION LAND COVER ANALYSIS

CAPE MAY COUNTY, NEW JERSEY

DRAWN BY:	DATE:
NAC	2025-08-06
CHECKED BY:	REVISED:
PROJECT #:	
22-1156	





Legend

- Cape May County Boundary
- Cape May County Municipal Boundaries
- Current FEMA Tidal FHA
- NJDEP Proposed Climate Adjusted Flood Elevation (CAFE)

NOTE: NJDEP PROPOSED CLIMATE ADJUSTED FLOOD ELEVATION = CURRENT FEMA TIDAL FHA +4FT

Name	Total Land Area (Acres)	Current FEMA Tidal FHA (Acres)	NJDEP Proposed Climate Adjusted Flood Elevation (Acres)	% of Total Proposed FHA Land Coverage	% Change of FHA Land Coverage - Current vs. Proposed
Cape May City	1,470	857	1,435	97.62%	39.32%
Cape May Point Borough	178	140	176	98.88%	20.22%
Lower Township	17,184	7,253	10,953	63.74%	21.53%
North Wildwood City	1,046	1,038	1,046	100.00%	0.76%
West Cape May Borough	748	413	682	91.18%	35.96%
West Wildwood Borough	182	181	181	78.11%	0.43%
Wildwood City	904	892	902	99.78%	1.11%
Wildwood Crest Borough	773	613	772	99.87%	20.57%



SCALE: 1 inch = 2,200 feet

0 1,100 2,200 4,400 Feet

SOURCE: AERIAL PHOTOGRAPH BY ESRI BASE MAPS, CURRENT TIDAL FLOOD HAZARD AREA BY FEMA, PROPOSED FLOOD HAZARD AREA INCREASE BY NJDEP, MUNICIPAL BOUNDARIES BY CAPE MAY COUNTY PLANNING DEPARTMENT

CAPE MAY COUNTY

NJDEP PROPOSED CLIMATE ADJUSTED FLOOD ELEVATION LAND COVER ANALYSIS

CAPE MAY COUNTY, NEW JERSEY

DRAWN BY: NAC

CHECKED BY:

PROJECT #: 22-1156

DATE: 2025-08-06

REVISED:



Legend

Cape May County Boundary

Cape May County Municipal Boundaries

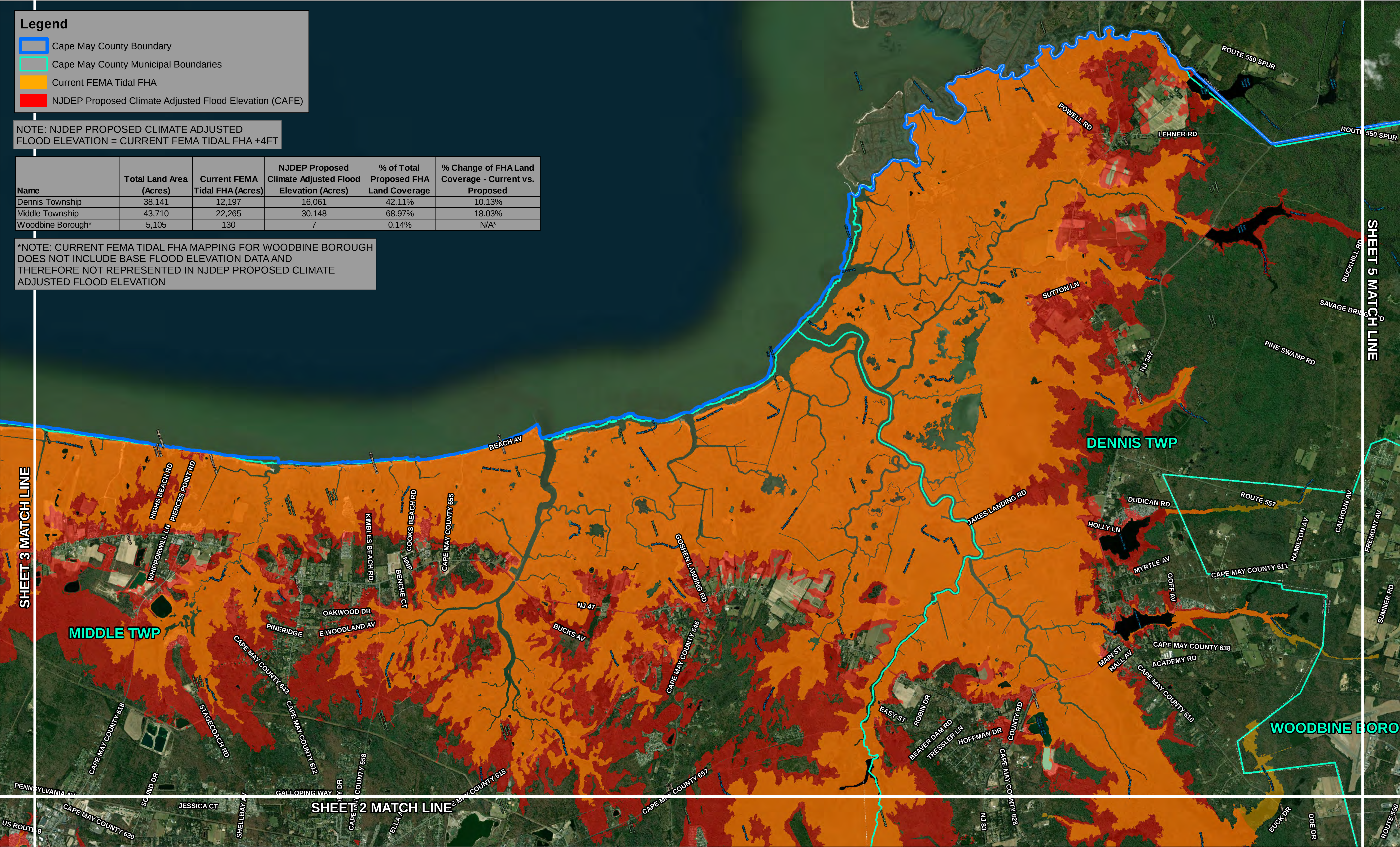
Current FEMA Tidal FHA

NJDEP Proposed Climate Adjusted Flood Elevation (CAFE)

NOTE: NJDEP PROPOSED CLIMATE ADJUSTED FLOOD ELEVATION = CURRENT FEMA TIDAL FHA +4FT

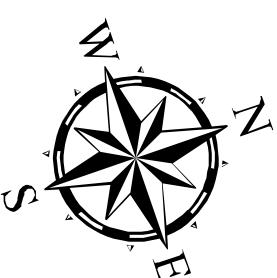
Name	Total Land Area (Acres)	Current FEMA Tidal FHA (Acres)	NJDEP Proposed Climate Adjusted Flood Elevation (Acres)	% of Total Proposed FHA Land Coverage	% Change of FHA Land Coverage - Current vs. Proposed
Dennis Township	38,141	12,197	16,061	42.11%	10.13%
Middle Township	43,710	22,265	30,148	68.97%	18.03%
Woodbine Borough*	5,105	130	7	0.14%	N/A*

*NOTE: CURRENT FEMA TIDAL FHA MAPPING FOR WOODBINE BOROUGH DOES NOT INCLUDE BASE FLOOD ELEVATION DATA AND THEREFORE NOT REPRESENTED IN NJDEP PROPOSED CLIMATE ADJUSTED FLOOD ELEVATION

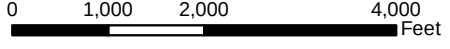


SHEET 4

PRJ\Act22-1156\Site Mapping\IgFm\NJ\ACT REAL Maps\CAFE\CMC FEMA FHA 4FT Sheet 4



SCALE: 1 inch = 2,000 feet



SOURCE: AERIAL PHOTOGRAPH BY ESRI BASE MAPS, CURRENT TIDAL FLOOD HAZARD AREA BY FEMA, PROPOSED FLOOD HAZARD AREA INCREASE BY NJDEP, MUNICIPAL BOUNDARIES BY CAPE MAY COUNTY PLANNING DEPARTMENT

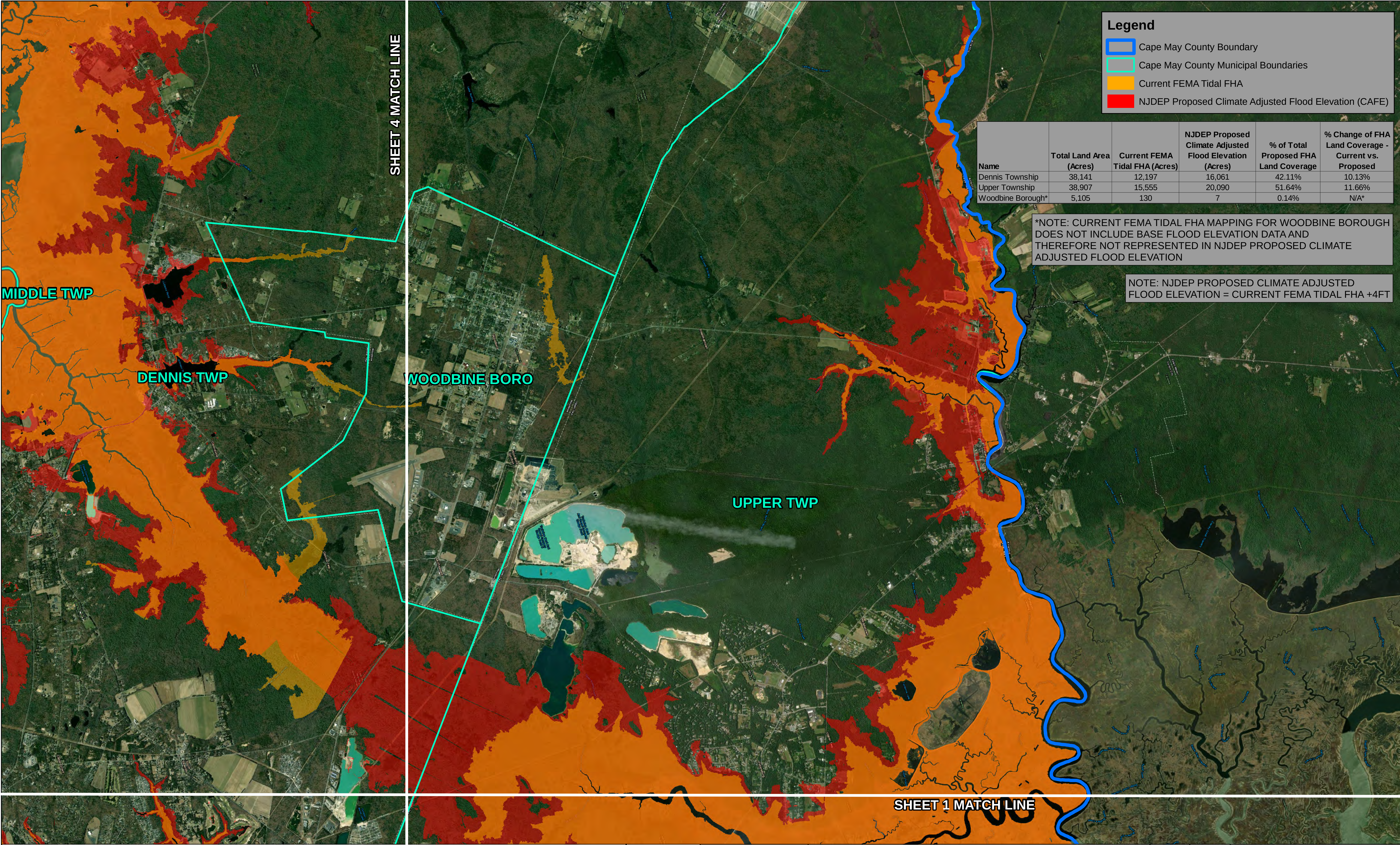
CAPE MAY COUNTY

NJDEP PROPOSED CLIMATE ADJUSTED FLOOD ELEVATION LAND COVER ANALYSIS

CAPE MAY COUNTY, NEW JERSEY

DRAWN BY:	NAC	DATE:	2025-08-06
CHECKED BY:		REVISED:	
PROJECT #:	22-1156		





Legend

Cape May County Boundary

Cape May County Municipal Boundaries

Current FEMA Tidal FHA

NJDEP Proposed Climate Adjusted Flood Elevation (CAFE)

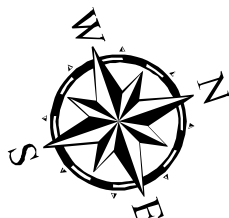
Name	Total Land Area (Acres)	Current FEMA Tidal FHA (Acres)	NJDEP Proposed Climate Adjusted Flood Elevation (Acres)	% of Total Proposed FHA Land Coverage	% Change of FHA Land Coverage - Current vs. Proposed
Dennis Township	38,141	12,197	16,061	42.11%	10.13%
Upper Township	38,907	15,555	20,090	51.64%	11.66%
Woodbine Borough*	5,105	130	7	0.14%	N/A*

*NOTE: CURRENT FEMA TIDAL FHA MAPPING FOR WOODBINE BOROUGH DOES NOT INCLUDE BASE FLOOD ELEVATION DATA AND THEREFORE NOT REPRESENTED IN NJDEP PROPOSED CLIMATE ADJUSTED FLOOD ELEVATION

NOTE: NJDEP PROPOSED CLIMATE ADJUSTED FLOOD ELEVATION = CURRENT FEMA TIDAL FHA +4FT

SHEET 5

PRJ\Act\22-1156\Site Mapping\IgFm\NJ\PACT_REAL_Maps\CAFE\CMC FEMA FHA 4FT SHEET 5



SCALE: 1 inch = 2,000 feet

0 1,000 2,000 4,000 Feet

SOURCE: AERIAL PHOTOGRAPH BY ESRI BASE MAPS. CURRENT TIDAL FLOOD HAZARD AREA BY FEMA. PROPOSED FLOOD HAZARD AREA INCREASE BY NJDEP. MUNICIPAL BOUNDARIES BY CAPE MAY COUNTY PLANNING DEPARTMENT

CAPE MAY COUNTY

NJDEP PROPOSED CLIMATE ADJUSTED FLOOD ELEVATION LAND COVER ANALYSIS

CAPE MAY COUNTY, NEW JERSEY

DRAWN BY: NAC	DATE: 2025-08-06
CHECKED BY:	REVISED:
PROJECT #: 22-1156	

