

**BOROUGH OF LONGPORT  
COUNTY OF ATLANTIC  
STATE OF NEW JERSEY  
RESOLUTION 2021-74**

**RESOLUTION OPPOSING NJDEP'S PROPOSED COASTAL REGULATIONS**

**WHEREAS**, the New Jersey Department of Environmental Protection (NJDEP) is planning to adopt new land use regulations that will likely have a significant negative economic impact to Longport property owners; and

**WHEREAS**, the regulations known as Protecting Against Climate Threats (PACT) propose to require five feet of freeboard above the base flood elevation for new construction in the flood zone. Elevating new and substantially improved homes an additional five feet may be prohibitively expensive and not reasonably based on need; and

**WHEREAS**, historically when NJDEP issues new rules they have been in alignment with corresponding legislation. In this case there is no legislation that has authorized the NJDEP to require more stringent requirements than the federal regulations that are now in place; and

**WHEREAS**, the proposed NJDEP freeboard requirement is based on sea level rise projections for the year 2100. Municipalities are required to prepare Master Plans with 20 or 30 year planning horizon, and the State should use the same time horizon that they require municipalities to use; and

**WHEREAS**, the science behind these 80 year projections has been questioned by many; and

**WHEREAS**, when municipalities impose new regulations, the State requires that they must be consistent with the adopted Master Plan after public input and revisions. In this case, NJDEP is proposing significant regulatory changes without a completed Resiliency Plan. The New Jersey Coastal Resiliency Plan is being prepared and has yet to be released or subject to public input or adoption; and

**WHEREAS**, there has been no major discussion concerning the magnitude of the economic impact of the proposed regulations or how to assist residents who will be negatively impacted. NJDEP must engage in a meaningful, economic impact analysis, and not simply rely on an analysis of potential impacts from future, projected climate change related threats.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the Borough of Longport, New Jersey that it opposes the Protecting Against Climate Threats (PACT) regulations as drafted, and

**BE IT FURTHER RESOLVED**, that the sea level rise projections being used by NJDEP be subjected to a scholarly peer review prior to commencing the rule making process, and

**BE IT FURTHER RESOLVED**, that the NJDEP regulations be based on 20 or 30 year timeframe and adjusted over time to the actual impacts of sea level rise decade by decade rather than based on an 80-year projection, and

**BE IT FURTHER RESOLVED** that NJDEP ensure that policy officials and stakeholders have an opportunity to review and evaluate the New Jersey Coastal Resiliency Plan before proposing rules that seek to solve many issues the report will purportedly identify, and

**BE IT FURTHER RESOLVED**, that the NJDEP seek the counsel from an independent economist to considering potential economic impacts prior to commencing the rule making process, and

**BE IT FURTHER RESOLVED**, that the NJDEP provide follow the same practices as FEMA and provide detailed maps so that communities and residents can clearly understand how these regulations effect specific properties.

1. Governor Phil Murphy
2. Individual State Legislator's (Atlantic County)
3. Atlantic County Coastal Municipalities
4. Jim Rutala, Municipal Planning Consultant

Record of Vote:

NAME	MOTION	SECOND	YES	NO	ABSTAIN	ABSENT
Russo	X		X			
Leeds			X			
Lawler		X	X			

DATE: April 21, 2021

**CERTIFICATION**

I, Monica Kyle, Clerk of the Borough of Longport, Atlantic County, do hereby certify the foregoing to be a true and correct copy of a resolution adopted by the Commissioners of the Borough of Longport at a meeting of said Commission held on April 21, 2021 and said resolution was adopted by not less than a two-thirds vote of the members of the Commission.

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Monica A. Kyle, RMC, Borough Clerk