

RISE TO RESILIENCE

OUR COMMUNITIES, OUR FUTURE

Draft State of New Jersey Climate Change Resilience Strategy Comments

Submitted May 21, 2021

BACKGROUND

On April 16, 2021, the Rise to Resilience coalition submitted [comments](#) in advance of the release of the New Jersey Climate Change Resilience Strategy (CCRC). We support the intent and advancement of these efforts to lead the state toward building resilience for our communities, our environments, and the infrastructure we depend on every day.

OVERVIEW

The CCRC includes many important components and priorities that reflect the breadth of change needed to adapt to our changing climate and an emphasis on community-centered solutions. Increased specificity in many areas will help to ensure that the Strategy is successful. Additionally, a significant overall increased investment in public communication and engagement and technical guidance will be needed to ensure just and transparent implementation of the strategy. We strongly recommend an addition of at least 10 additional staff to support the implementation and technical assistance associated with the strategy. Additionally, it is recommended that a significant increase in resiliency investments be made (potential sources include most immediately American Rescue Plan dollars and longer-term, revenue generation) to support its advancement.

The following are recommendations for edits or additions for the final version. Overall, there is a need for increased clarity on how this plan will be executed over time. A timeline including targets or milestones would be helpful to map out a path to accomplishing the included priorities. Our top five priorities include:

1. Clarify how the state will discourage or prevent development in areas of chronic inundation
2. Prioritize the pursuit of a flood risk disclosure “right to know law” for renters and buyers
3. Commit to a statewide sea level rise standard

4. Revise official stormwater guidance to incorporate climate data and better account for increased flooding
5. Commit to developing measurable targets and metrics within one year

Our detailed comments are organized below by seven themes and include three components: 1) what R2R (Rise to Resilience) called for prior to the release of the strategy; 2) how this is reflected from our understanding in the CCRC; and 3) our recommendations for the final version.

- **Environmental justice**
- **Start with the Science**
- **Support Local & Regional Action**
- **Plan & Design for the Future**
- **Promote Coordinated Governance**
- **Invest in Nature**
- **Preparing the Coast**

DETAILED COMMENTS

Environmental Justice

Rise to Resilience asked for the following:

1. We recommended that **environmental justice** be integrated throughout the Coastal Resilience Strategy. The resulting products and engagement must center the needs, voices, and participation of people of color and people with lower incomes who are more likely to live in flood zones, lack flood insurance coverage, and are impacted most by climate threats. The Department of Environmental Protection should ensure that environmental justice and heavily impacted communities are particularly reached and empowered in the development and finalization of this statewide strategy.
 - a. **How this is reflected in CCRC**
 - i. **Engagement of communities:** implementation strategy of the plan relies significantly on the Environmental Justice Interagency Council (p. 47).
 - ii. **Increased transparency:** resilience funding data will be published online
 - iii. **Funding criteria:** the strategy highlights that funding criteria will be updated to prioritize protection of underserved populations with perspectives and feedback from equity leaders and that they will evaluate options for providing financial support for resilience investments to low-income residents. (p. 69)
 - iv. **Guidance for planning:** Develop guidance for how to integrate social vulnerability and environmental justice considerations into resilience planning (p. 47)

b. Our recommendations

- i. **Engagement of Communities:** The strategy needs increased clarity on how people beyond the Environmental Justice Interagency Council will be engaged in decision-making around rules and subsequent products. It is recommended that the Department include more specificity on strategy and tactics for reaching populations at greatest climate risk and vulnerability. This could range from dedicating communications staff to conduct outreach with target stakeholders throughout affected communities in the state to leading a social media information campaign with the purpose of building awareness and gaining input. Tactics could include surveys, informational/input-seeking sessions, engaging local champions, and other means. The Council is an important advisory body but does not replace outreach and engagement with disproportionately affected populations. Resilient NJ is a great start to deep community engagement and empowerment in decision-making. One specific recommendation is to include a goal for how **all** communities across affected areas in New Jersey will be engaged in resilience-planning through current and future Resilient NJ planning processes, and how this will be funded over time. Greater specificity could be included as to what the Regional Resilience Coordinator initiative will accomplish, as a potential avenue for increased engagement and support (p. 84).
- ii. **Funding criteria:** it is recommended on page 69, that the following be added - “ the state will look to Overburdened Communities data and existing models in other regions to inform prioritization of state investment.” Among others, New York State’s Climate Leadership and Community Protection Act and Environmental Bond Act include a commitment to ensuring that 40% of investments are made in “disadvantaged communities.” This could be a benchmark to meet or exceed. Further, the state should consider overlying the “Overburdened Communities” data or mapped populations that meet the state’s definition of social vulnerability and disadvantage (page 9) with areas of high heat or flood risk to inform both hazard mitigation planning and funding prioritization decisions, and include reference to that in this section.

Start with the Science

Rise to Resilience asked for the following:

1. **Vulnerability assessments:** establish and adopt state-endorsed flood and climate change vulnerability assessment protocols that can be applied in all municipalities to provide consistent guidance and a strong foundation for planning. The scope and content of the assessments should be linked to the resilience planning decision-making framework. See below recommendation under “support local & regional action,” which overlaps with this section.

Support Local & Regional Action

Rise to Resilience asked for the following:

1. **Local planning.** Develop and adopt a standardized resilience planning decision-making framework to support municipalities with incorporating a climate change related hazard vulnerability assessment into their development of municipal master plans. This framework would also help to consistently guide technical assistance provided by the New Jersey Department of Environmental Protection to municipalities preparing these assessments.
 - a. **How these recommendations are reflected in CCRC**
 - i. Priorities 1.1.3-4 commit to the integration of climate change into multi-jurisdictional multi-hazard mitigation planning and the provision of clear actionable guidance for integrating climate change into local planning (p. 17)
 - ii. A statewide climate vulnerability assessment will be conducted (p. 56).
 - iii. Office of Planning Advocacy, Office of Emergency Management, DEP, and the Interagency Council will develop “guidance to help advance local action.”
 - iv. Recommends that existing technical assistance programs should be expanded through Resilient NJ and the Plan Endorsement Program.
 - v. Commits to supporting the development of comprehensive, equitable, resilience plans in every coastal municipality (p. 82).
 - b. **Our recommendations:** In addition to what is included, we suggest specifically committing to developing a template for localities to incorporate climate change-related hazard vulnerability assessments into municipal master plans, to meet Plan Endorsement criteria and the requirements of recently-amended Municipal Land Use Law. The Department may have intended the forthcoming “Resilient NJ: Local Planning for Climate Change toolkit” to serve this purpose, but this needs to be clarified. We applaud the inclusion of the commitment to support comprehensive, equitable, resilience plans, but recommend that the state consider placing this goal earlier in the strategy and changing the wording “in every coastal municipality” to “every municipality.” As all municipalities are now required to incorporate a climate change hazard vulnerability assessment in municipal master planning efforts, it should be a state goal to build resilience to those hazards in all municipalities. In developing this guidance, the state should also consider the fiscal vulnerabilities of municipalities to climate hazards.
2. **Measurable targets for adaptation:** develop and include measurable targets in the forthcoming State Climate Resilience Strategy to provide direction and accountability. These targets must take into account the diversity of New Jersey’s communities and contexts, from Hoboken to the Jersey shore to Camden. To strengthen the impact of the state’s efforts and drive results, it is critical to have clear climate change adaptation goals and to associate measurable objectives and targets with each of these goals. Quantified objectives and targets will enable focused, coordinated, and efficient action,

harnessing the power and synergies of the public and private sector and build in accountability.

- a. *How these recommendations are reflected in CCRC:*** The Interagency Council on Climate Resilience and Office of Climate Action and the Green Economy are charged with developing targets. No specifics are committed other than the state should “monitor resource distribution and outcomes to ensure that the state sees appropriate reductions in risk and measurable increases in resilience within all communities across the state.”
 - b. *Our recommendations:*** The State should commit to developing measurable targets for resilience within one year of the final strategy.
- 3. A statewide sea-level rise standard.** Adopt an official state sea-level rise standard to guide all land use planning and investment decisions in tidal areas across state departments.
 - a. *How these recommendations are reflected in CCRC:*** The report says that NJDEP will “provide guidance on use of seal-level rise projections” without committing to a statewide standard (p. 83). This may be incorporated into sea level rise guidance, which will be released next month.
 - b. *Our recommendations:*** the state should commit to a statewide sea level rise standard in addition to providing guidance. This is critical to providing consistency in planning, design, and construction across jurisdictional boundaries.

Plan & Design for the Future

Rise to Resilience asked for the following:

- 1. Land use rules.** Align NJPACT state land use and development rules to better adapt to climate change. The State has already committed to moving forward on this process through NJPACT, but they should be aligned with the Strategy, more carefully consider investments in high risk areas, and ensure equitable outcomes for people of color and with lower incomes.
 - a. *How this is reflected in CCRC:*** In compliance with NJ PACT’s statewide rulemaking efforts, NJ DEP will release its proposed updates to FHA Rules, Stormwater Management Rules, and Coastal Rules by mid-2021. The state identifies statutory limitations including the modification of code (p. 21). Additionally, Actions 6.2.2-3 call for the establishment of sea level rise zones for areas that will be subject to chronic inundation and modification of regulations to ensure that risk reduction measures do not promote development in vulnerable areas.
 - b. *Our recommendations:*** The coalition supports modifications to code and encourages the state to pursue necessary avenues including legislative changes to statutes/limitations of authority.
- 2. Public engagement and input:** prior to the release of the proposed rules, provide the general details of the planned proposal and convene stakeholders through robust public

engagement that will inform the officially proposed rules. This may include sector-based groups (environmental justice, municipalities, industry), virtual town halls, online polling, social media, and other strategies. Input should be compiled and shared and include a response process for communicating why the feedback was or was not incorporated and should be developed in a way that does not delay 2022 adoption.

a. *How this is reflected in CCRC:* the state will (p51):

- i. Build a state-wide clearinghouse website for all climate and resilience information.
- ii. Launch a multi-platform climate communication campaign to increase awareness
- iii. Leverage partnerships and technology to expand communication and engagement w/members of the public and all levels of government. Specific tactics referenced include: social media, engagement with community-based organizations, and programming.
- iv. Promote transparency by regularly sharing information with external groups and partners (p. 44)

b. *Our recommendations:* Clarify the details about how a broader array of stakeholders will be engaged in the rulemaking and future strategy updates. Make clear recommendations for needed dedicated, trained communications staff to support this effort.

3. **Riverine and design storm guidance.** Revise the official design storm standard to account for increased inland flooding, ensuring appropriate stormwater and floodplain planning and management.

a. *How this is reflected in CCRC:*

- i. NJ will prioritize investment in green infrastructure to augment water quality protection and stormwater management, particularly in underserved communities (p. 37)
- ii. Build a collaborative climate change research agenda to guide future research efforts that will be “crucial to updating stormwater management practices and policy” (p. 58-59)
- iii. Strengthen state oversight and requirements for local floodplain managers (p. 19)

b. *Our recommendations:* Revise the official design storm standard to account for increased inland flooding, ensuring appropriate stormwater and floodplain planning and management.

4. **Combined Sewer Systems.** Incorporate climate projections (sea level rise, future precipitation) into Combined Sewer Outfall (CSO) planning for the next permit cycle.

a. *How this is reflected in CCRC:* the word “sewer” appears once in the entire 120-page report (p. 98).

b. *Our recommendations:* the state should update the CCRS with a section on combined sewer systems and how climate projections will be incorporated to ensure that water quality standards will be met under future conditions.

Promote Coordinated Governance

Rise to Resilience asked for the following:

1. **State interagency coordination.** Leverage the new Office of Climate Action and the Green Economy to lead 1) cross-agency implementation of the resilience strategy; 2) tracking and reporting on progress towards measurable goals and targets for resiliency; 3) solicitation of feedback from stakeholders; and 4) updates to the plan over time.
 - a. **How this is reflected in CCRC:** The Interagency Council on Climate Resilience will and Office of Climate Action and the Green Economy will lead the implementation of the strategy and will be charged with creating resilience action plans at each agency with standard goals and metrics tracked through an interagency web portal. They are considering establishing a chief resilience officer/liaison in each agency, in coordination with the State Chief Resilience Officer. The plan will be updated every two years. The interagency Council is also responsible for ensuring stakeholders are consulted to inform changes to the plan over time (page 112).
 - b. **Our recommendations:** we support the establishment of a chief resilience officer/liaison in each agency, though these roles should be resourced and not shared with other responsibilities. Commitment, collaboration, and leadership on resilience in every agency is critical to success and resilience officer roles are most effective when they have a budget/resources, and are empowered, dedicated roles. This governance group should play a critical role in establishing agency-specific and state-wide metrics for success over time. With clear metrics, the frequent updates (every two years) of the strategy can be leveraged as a way to drive success and progress.

Invest in Nature

Rise to Resilience asked for the following:

1. **Restoration of vulnerable lands.** Support migration, conservation, and restoration of wetlands and other vulnerable habitats through a suite of strategies ranging from state-level protections for migration zones (acquisition, maximizing buffers) to guidance for municipalities to support vulnerable habitat protection through planning and zoning. Identify opportunities for revisioning the existing mission and resources associated with the Green and Blue Acres acquisition to support floodplain restoration and relocation and counseling services for homeowners.
 - a. **How this is reflected in CCRC:** the section **Priority 2: strengthen the resilience of New Jersey's Ecosystems sections** on pp 32-39 describes the ways that existing natural lands can be stewarded to maximize efforts to mitigate impacts due to climate change. Specific recommendations include: 1) Promote Resource Conservation and Natural Lands Management to Strengthen Ecological Resilience 2) Manage Agricultural Lands, Forests, and Other Ecosystems for Climate Impacts and Environmental Stressors; and 3) Deploy

Natural and Nature-based Solutions for Resilience. The report also highlights that the state will “require nature-based solutions in all coastal resilience planning” (p. 83) and that the “use of natural features should be promoted and incentivized across broader types of coastal shorelines” (p. 93).

- b. **Our recommendations:** the report highlights important actions (especially prioritizing green infrastructure investments in urban and environmental justice communities and requiring nature-based solutions in planning) for increasing management and restoration of green infrastructure and habitat. Some connections are made between the Changing Habitat Across New Jersey (CHANJ) program (p. 34) and the Blue Acres program, but does not specify or commit to specific strategies. The report should commit to specific incentives and promotion strategies, and build a great connection between habitat acquisition, restoration, and relocation programs (CHANJ, Green Acres, Blue Acres, and others). The report also alludes to the creation of a homeowner assistance program for use of living shorelines and nature-based approaches (action 2.3.1). The state’s increased focus on fostering living shoreline development is welcomed and important, though various programs in the state have previously provided technical assistance. It is recommended that to effectively increase uptake, this action must also include a commitment to the development of incentives or amend existing regulations so that the use of natural and nature-based approaches are more or equally attractive than conventional solutions.

Preparing the Coast

Rise to Resilience asked for the following:

1. **Resilient infrastructure investments:** identify and commit to funding and financing strategies for resilient infrastructure and retrofits, prioritizing investments for those with the highest vulnerabilities to climate impacts, especially environmental justice communities.
 - a. **How this is reflected in CCRC**
 - i. The strategy recognizes the value of up-front investments in resilience and specifically commits to incorporating climate risk analysis into existing state asset management, capital funding, and grant programs through updated evaluation, prioritization, and cost-benefit criteria (p. 64)
 - ii. Specific funding or financing methods were explicitly recommended, though a range of mechanisms (bonds, taxes, fees, and innovative financing) were referenced (p. 102)
 - iii. All state-funded projects must align with the “Coastal Resilience Plan” (p. 101)
 - iv. NJ will enhance coordination across agencies to leverage funding sources and maximize co-benefits across multiple project needs (p. 101)

- v. NJ will prioritize state funding for resilience infrastructure that protects large population and economic centers, areas with concentrations of critical infrastructure, and socially vulnerable populations (p. 101)
- vi. NJ will coordinate elevation, protection, and floodproofing of homes, businesses, and critical infrastructure as part of comprehensive risk reduction planning (p. 98)

b. Our recommendations: the coalition supports the state’s recognition of the value of up-front investments in resilience and commitment to prioritizing funding that protects large population centers, concentrations of infrastructure, and socially vulnerable populations. Further, the commitment to incorporating climate risk into cost-benefit criteria, asset management, and prioritization is a significant and important step. We also applaud the support shown for resiliency retrofits and establishing financing strategies through institutions like the Infrastructure bank. The strategy should additionally recommend specific financing and funding strategies as initial opportunities to pursue to give some strategic direction toward implementation.

The expansion of low-cost public finance options dedicated for resilience projects (Action 5.1.2) is an important option. Currently, there is a bill in the legislature (A2374) to establish a Commercial Property Assessed Energy (C-PACE) program in New Jersey. Advancing C-PACE is one near-term step that should be acknowledged as a near-term opportunity in the strategy. As financing programs are developed for other property types, careful attention should be paid to consumer protections and risks (and mitigation strategies, including forgivable loans for certain improvements) to low-income property owners.

2. Transition from high-risk areas. Develop the planning tools, guidance, and legal framework to allow development, redevelopment, and infrastructure decisions to transition away from high-risk areas and toward safer, more sustainable locations. Incentivize towns to restrict development in high hazard areas while reducing barriers for increased density in low-risk areas. These policies must maintain or expand access to affordable housing and prevent displacement of low income communities and communities of color from upland communities.

a. How this is reflected in CCRC:

- i. Inundation zones will be developed in areas expected to experience chronic inundation in the future, to discourage new development in highly vulnerable locations.
- ii. NJ will expand relocation programs and require and/or incentivize local plans to evaluate relocation opportunities for populations at high risk of flooding (p. 106)
- iii. NJ will limit state investment in new infrastructure in areas with high projected sea-level rise (p. 107)

b. Our recommendations: the expansion of the Blue Acres program is critical to expanding resources needed to retreat, and should be paired with stronger land use rules/retreat strategies as well as resources for habitat restoration. It is

recommended that the strategy clarify how the state will discourage or prevent development in inundation zones.

3. **Flood disclosure and transparency.** Incorporate disclosure into policy and rulemaking. Support and pass a comprehensive flood disclosure law because homebuyers, renters, and business owners have the right to make smart personal and economic decisions based on the flood risk they face.
 - a. ***How this is reflected in CCRC:*** the need to “promote risk disclosure for property owners in current and future hazard areas” is identified on page 21.
 - b. ***Our recommendations:***
 - i. We strongly support flood risk disclosure for both renters and buyers. Many low income individuals and families are renters and tend to be vulnerable to losses even if they are not land owners. Disclosure also results in increased insurance uptake (action 1.4.3), helping people to recover more quickly following a storm. The state should commit to pursuing a flood risk disclosure policy that discloses the following for tenants and buyers whether the property:
 1. Is within the current 100- or 500-year floodplain acknowledging that the floodplain is changing due to sea level rise
 2. Has previously experienced flooding and/or subject to assistance due to previous flood damage
 3. Has a FEMA elevation certificate
 4. Is subject to requirements under federal law to obtain and maintain flood insurance
 - ii. Additionally, the state should commit to expanding state records of building elevations in floodplain areas to full coverage by 2030. The CCRS report acknowledges that “Of the buildings at-risk for flooding, it is unknown how many have already been elevated above anticipated flood levels. The OEM is working to improve the state’s data on building elevation and flood exposure through multiple ongoing efforts” (p. 24).

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The Rise to Resilience campaign is supported by the Waterfront Alliance. Rise to Resilience is a campaign and coalition of residents, leaders in business, labor community and justice, volunteer organizations, scientists, environmental advocates, and design professionals collectively calling on our federal, state, and local governments to make building climate resilience an urgent priority. For questions or further information, please contact Kate Boicourt: kboicourt@waterfrontalliance.org.