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TRANSMITTED ELECTRONICALLY

Chris Segal
ATTN: 05-24-05
NJ Department of Environmental Protection
Office of Legal Affairs
Mail Code 401-04L; P.O. Box 402
401 East State Street, 7th Floor
Trenton, NJ 08625-0402

Dear Mr. Segal:

On behalf of our membership, the LBT10 Taxpayers Association Inc. (LBT10) hereby provides a comment on the New Jersey Protection Against Climate Threats – Resilient Environment and Landscape (NJPACT-REAL) proposed regulations currently under consideration.

Our comment is focused on the timing of the imposition of the 4 ft above the FEMA base flood elevation building height requirement for new or substantially improved development and the resulting extent of the Inundation Risk Zone (IRZ). As you know, the amended proposed regulations also provide that the Department of Environmental Protection (DEP) will review the relevant sea level rise and precipitation data, which is the reference basis for the proposed regulations, at least every five years and update the regulations if necessary.

While we appreciate the periodic review of the regulations in light of changes in the relevant data, we suggest that the starting point for the building height requirement, and the resulting IRZ, should be set at 1 ft above the FEMA base flood elevation for the first 5-year period after adoption of the regulations. Our interrelated reasons to support this are as follows.

State of the Science: Without getting into a discussion of the scientific basis upon which the DEP has relied in developing the proposed regulations, it can be assumed that the science and its predictions will change between now and 2100. Thus, we do not believe it is reasonable to impose the full building height requirement of 4ft, and the resulting IRZ, for today and the next 75 years based on what the science suggests to us today. Rather, we urge that the building height requirement, and resulting IRZ, be phased in or deferred over time based upon the DEP's periodic review.

Effectiveness of Intervention Efforts: As you know, in addition to the proposed regulations, there are numerous flood and related intervention efforts that will be undertaken over the next few decades throughout the State. These efforts will include nature and structural based resilience solutions as well as infrastructure efforts which will be designed to have a significant positive impact in addressing climate change threats. An

assessment of the effectiveness of these intervention efforts should be part of the DEP's periodic review of whether there should be any changes to the regulations, specifically to the building height requirement and resulting IRZ.

Flexibility: As many commenters on the proposed regulations have made abundantly clear, once adopted these proposed regulations will have a broad and substantial impact, the full consequences of which may not be known for years. There should be no doubt that a lot is at stake in adoption of the proposed regulations. Accordingly, all stakeholders would be better served if the proposed regulations as adopted provide the DEP with flexibility in making any changes to the regulations, specifically to the building height requirement and resulting IRZ, in the periodic review based not only on changes in the relevant climate science and data, but also on other relevant conditions and circumstances.

In closing, we should note that we support climate resilience solutions that are well thought out, practical, equitable, achievable and flexible. We urge that any solutions adopted should not have the potential to cause adverse consequences to property ownership and value or erode the economic foundation and future prospects of the effected communities.

Respectfully submitted,

William H. Malone, Jr.
President
LBT10 Taxpayers Association Inc.

About LBT10 Taxpayers Association Inc.

LBT10 Taxpayers Association Inc. (LBT10) is a non-profit corporation created in 2021 under New Jersey law and is qualified as a tax-exempt organization for federal income tax purposes. LBT10 operates as a non-political, volunteer group of individual members who are real property owners and taxpayers of Long Beach Township, on Long Beach Island, Ocean County, New Jersey. LBT10 and its members are dedicated to maintaining their property values; minimizing their property tax burdens; ensuring the economic and environmental viability of their community; and enhancing the quality of life for all property owners, residents, and visitors of or to Long Beach Township. In this endeavor, LBT10 serves principally as an educational and informational resource and advocate to foster informed communication between taxpayers and township and other government officials, in a politically unbiased public interest manner, in matters of government resource allocation, infrastructure projects, public safety issues, residential and commercial regulations, ordinances, land use planning, zoning, building codes, impact of significant public policy questions, real property tax assessments, government budgetary commitments, future plans, and related matters.