



Engineers
Planners
Surveyors
GIS Specialists

Frank J. Little, Jr., P.E., P.P., C.M.E.
Douglas F. Klee, P.E., P.P., C.M.E.
William J. Berg, P.L.S.

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Submitted Hard Copy & Electronically via www.nj.gov/dep/rules/comments

Chris Segal, Esq.

ATTN: DEP Docket No. 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

Re: DEP Docket No. 05-24-05

**Comments on Proposed REAL and Flood Hazard Area Rule Amendments –
Impacts to Long Beach Island Coastal Communities including Long Beach
Township and the Boroughs of Barnegat Light, Beach Haven, Harvey Cedars,
Ship Bottom, and Surf City**

Dear Mr. Segal,

As the Municipal Engineer representing the municipalities of Long Beach Island — located between the Atlantic Ocean and Barnegat Bay — I respectfully submit the following comments and objections on behalf of Long Beach Township and the Boroughs of Barnegat Light, Beach Haven, Harvey Cedars, Ship Bottom, and Surf City to the New Jersey Department of Environmental Protection's (NJDEP) proposed Resilient Environments and Landscapes (REAL) rulemaking, published in the August 5, 2024, New Jersey Register (56 N.J.R. 1462(a)), and the Notice of Substantial Changes issued July 21, 2025 (57 N.J.R. 1340(a)).

While all of these communities share the goal of improving resilience to flooding and climate change, the proposed rules are overly restrictive, misaligned with the realities of developed barrier island communities, and will create serious unintended consequences for the safety, economy, and long-term sustainability of our island.

Highly Restrictive Standards May Limit Opportunities for Redevelopment

The proposal applies the Inundation Risk Zone (IRZ) (proposed N.J.A.C. 7:13-3.6) to lands projected to be inundated by tidal flooding by 2100, combined with a Climate Adjusted Flood Elevation (CAFE) of +4 feet above FEMA Base Flood Elevation (BFE) (N.J.A.C. 7:13-12.6(b), as amended by 57 N.J.R. 1340(a)). With most of our island at a grade elevation of five feet or less, these provisions will affect nearly every property across Long Beach Island.

For barrier islands like ours, these combined standards will:

- Severely limit the ability to redevelop homes, businesses, and public facilities;
- Impose heightened construction costs beyond the reach of many property owners;

443 Atlantic City Blvd.
Beachwood, NJ 08722
732-244-1090
Fax 732-341-3412
www.owenlittle.com
info@owenlittle.com

- Create unintended “no-build” situations, even after the removal of the IRZ from the 3% impervious cover limit (57 N.J.R. 1340(a), deleting proposed N.J.A.C. 7:7E-3.4(b)3); and
- Result in piecemeal elevation, where only a few properties meet the standards while neighboring homes remain significantly lower — an impractical and unsafe outcome without billions in coordinated funding to elevate the entire island simultaneously.

Responsible redevelopment — including appropriate lot fill and elevation of existing structures — has been the most effective way for our communities to reduce flood impacts for more than a decade. These proposed rules instead discourage investment and leave existing, non-compliant structures at risk, rather than encouraging mitigation or safe reconstruction.

Elimination of Coastal Centers and Expansion of Riparian Zones Harms Built Communities

The proposal removes Coastal Center designations and reclassifies barrier islands as Environmentally Sensitive Areas under N.J.A.C. 7:7-13.2(b), disregarding decades of coordinated planning under CAFRA and the Coastal Zone Management Rules.

It also expands riparian zones into bay-side developed areas (N.J.A.C. 7:13-4.1(c)), meaning that routine property maintenance — such as bulkhead repairs, dock replacements, and vegetation management — and even minor land disturbances would now require lengthy, expensive permitting processes.

In addition, the proposal eliminates all Coastal Centers and establishes new “CAFRA Critical Environmental Sites.” These changes substantially reduce allowable impervious cover limits for projects requiring a CAFRA Individual Permit and the Notice of Substantial Rule Change (July 2025) does not alter these restrictions, except to remove the Inundation Risk Zone from the definition of “CAFRA Critical Environmental Sites.”

However, the 14 other designated special areas remain, including Flood Hazard Areas. As a result, under the REAL Rule, it is my understanding that any property located within a Flood Hazard Area or eliminated Coastal Center tied to an Environmentally Sensitive Planning Area will be limited to the greater of 3% net land area or existing impervious cover. For developed properties, no new impervious cover would be permitted; for undeveloped sites, the 3% cap effectively prohibits meaningful development under a CAFRA Individual Permit.

Long Beach Island is not an undeveloped barrier island tract; it is a fully developed, long-established, and high-density community with critical infrastructure, businesses, and year-round and seasonal residences. The Island must continually maintain, upgrade, and adapt its infrastructure and properties to ensure the safety, functionality, and livability of the community for residents, visitors, and the economy that sustains it. Applying standards designed for rural or undeveloped lands is both inappropriate and unworkable.

Economic and Public Safety Implications

Cumulatively, these changes will:

- Reduce property values and erode municipal tax bases thereby limiting funding for public safety, stormwater improvements, and shoreline protection;

- Delay or prevent critical infrastructure upgrades — including roads, utilities, and public facilities — which are essential for safe evacuation routes (N.J.A.C. 7:13-12.7(b) limits critical infrastructure in the IRZ except under narrow circumstances);
- Increase overall flood risk, as owners defer or abandon needed upgrades due to costs and regulatory uncertainty; and
- Negatively impact tourism and the economy that sustains our communities.

Critical Need for a Barrier-Island-Specific Approach

We urge NJDEP to revise the REAL and FHACA amendments to:

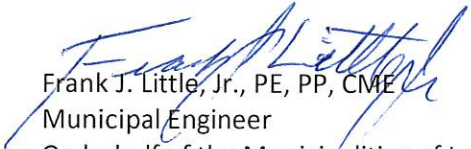
- Recognize the built status of barrier islands and preserve reasonable redevelopment allowances in N.J.A.C. 7:7 (Coastal Zone Management);
- Exclude fully developed bayfront areas from expanded riparian zone requirements (N.J.A.C. 7:13-4.1(c));
- Provide flexibility in applying CAFE standards for non-critical structures (N.J.A.C. 7:13-12.6(b)); and
- Coordinate regulatory updates with municipal master plans and hazard mitigation plans. Barrier islands such as ours are at the forefront of climate change adaptation. Achieving success will require regulations that are both practical and flexible, supporting resilient redevelopment rather than inflexible restrictions that may increase vulnerability for residents and infrastructure.

The municipalities on Long Beach Island have been leaders in coastal resiliency and flood adaptation. Our track record shows that collaborative, science-driven, and practical approaches can deliver measurable results. The current proposal, however, threatens to undercut these efforts and impede further progress.

As active partners in NJDEP's Resilient Long Beach Island initiative, our municipalities remain committed to advancing strategies rooted in both climate science and local expertise. I urge NJDEP to work with us in crafting rules that are practical, flexible, and supportive of resilient redevelopment that enhances — rather than diminishes — the safety, economic vitality, and sustainability of the island.

Thank you for considering these comments. I look forward to continuing this critical dialogue and working with NJDEP to achieve our shared goals of resilience and long-term sustainability.

Respectfully,


Frank J. Little, Jr., PE, PP, CME
Municipal Engineer

On behalf of the Municipalities of Long Beach Island

FJL:ASI:caa