
From: Peter Kasabach <pkasabach@njfuture.org>

Sent: Thursday, March 5, 2020, 11:11 AM

To: McCabe, Catherine

Cc: Rosenblatt, Dave; Mans, Debbie; Angarone, Katrina; Rosenblatt, Jane; LaTourette, Shawn; Chris Sturm; Tanya Rohrbach; Missy Rebovich; Louise Wilson; Kandyce Perry; Mo Kinberg

Subject: [EXTERNAL] Follow-up from DEP climate change meetings

Commissioner,

Thanks for a very informative and productive meeting on Tuesday. You, Dave and the Department are doing an admirable job organizing these issues and forging ahead. We look forward to staying engaged and helping where we can.

Here are just a few follow-ups.

1. Sea level rise standard. Great presentation and we like where you are going with this. We strongly support your concept of three categories with one number for each. This will eliminate a great deal of confusion and make planning, rule-making and implementation much easier. From a communications standpoint, when you do release this standard, I would suggest also saying that this does not include storm surge or increased frequency and intensity of precipitation, but that you are looking at how to incorporate these. This will send the message to advocates that you know the risks are greater, and a message to the business community that these numbers could have been a lot more aggressive. We have significant experience working with the builders on environmental issues and can assist here. Please keep

us posted as the standards come together. We are happy to review iterations and help get additional feedback.

2. Municipal Land Use Law change. We are working with the Senate on a bill that would require incorporating climate change resilience planning into the Master Planning process. We want to make sure that this is on your radar screen, since it could be very complementary to the work you are doing.

3. Municipal authority to disinvest. We shared with Sean Moriarty some background research we conducted on this topic. In a nutshell, when houses and roads are destroyed by disasters, municipalities have a legal obligation to rebuild the infrastructure as long as at least one property owner remains. This is a critical legislative initiative that needs to be tackled in order to allow disinvestment in high risk areas. To expedite this work, we suggest bringing in outside council or working with one of the state's law schools. We are willing to work with you on this, since it is so critical.

4. Strategic disinvestment (aka Retreat). We are very supportive of the Department creating a new working group to tackle this issue. This work can be supported by the Resilient NJ consultant teams that have already been prequalified (full disclosure - we are on one of the teams) or through some other funding mechanism. It would be disappointing if a plan came out in the fall and it did not address this issue.

5. Looking beyond elevating and protecting buildings. It was great to hear you reiterate that regulations alone won't get us where we need to go, and that planning, both locally and regionally will be necessary. To this end we encourage you to work with the Office of Planning Advocacy to have the State Planning Commission play a bigger role in climate change planning. We also recommend more aggressive regional planning scenarios. The Resilient NJ regional planning projects are a good start, but they rely on the towns choosing the scenario they like best. Leaving this to a local political process will likely result in the least beneficial long-term solution being selected.

6. Environmental justice communities. We were very glad to hear that progress is being made on identifying these communities. We will be reviewing the recent bill that formalizes the definition of these communities and weighing in. It will be important for the Department to not just look at protecting these areas and the people that live there, but ensuring that the [voices in front-line communities](#) are at the table as plans and solutions are developed. This may require a shift in planning resources toward engagement activities and away from technical research and mapping.

7. Design storm. We understand the challenges with coming up with good numbers for the increased frequency and severity of rainfall events. However, we encourage you to prioritize this work and use the various rule-making working groups to assist. For instance there is a stormwater rule sub-group that could take this on if given the direction and minimal staff support. This may also be an area that the Pew Foundation can help with. I know that Dave attended one of their recent gatherings and they seem interested in assisting states.

8. Combined Sewer Systems. While these systems were not raised at the meeting, we strongly encourage the Department to incorporate sea level rise and climate change more generally into the next round of permits. Janice Brogle did a great job presenting at the Sewage Free Streets and Rivers coalition presentation in Elizabeth last month and seems

committed to this end.

-- pete



Peter Kasabach

Executive Director

pkasabach@njfuture.org 609-393-0008 ext. 104

16 W. Lafayette St. | Trenton, NJ 08608



Attend the Redevelopment Forum on March 6! [Register now.](#)