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New Jersey Department of Environmental Protection  
Division of Land Use Regulation  
Via Email to Jill Aspenwall

Re: Adapting Land Use Regulations to Climate Change Stakeholder Process

The Murphy Administration, via Executive Order 100 (EO 100), has embarked on a targeted regulatory reform effort that will modernize environmental laws to Protect Against Climate Threats (PACT). Under NJ PACT, New Jersey Department of Environmental Protection (NJDEP or Department) is targeting to revise environmental land use regulations to tailor land use and planning policies to adapt to unavoidable impacts, such as sea-level rise, extreme weather, and chronic flooding.

The regulatory efforts by NJDEP are being undertaken in alignment with, and as a complement to, the Global Warming Response Act (GWRA), Energy Master Plan (EMP) and the anticipated Coastal Resiliency Plan (CRP). These legislative and regulatory actions include a number of initiatives to reduce CO2 emissions, transition to a cleaner energy system, adapt coastal and flood prone areas to altered conditions, and increase the electrification of building systems and the transportation sector. To achieve the climate and clean energy goals of the Administration, PSEG and others will need to continue to implement projects to reduce CO2 emissions, increase reliability, and implement expansion projects to support future demands.

On March 2, 2020 the Department held a broad stakeholder event to outline the land use regulatory areas under consideration for revision and receive comment. At that time participants were informed that the Department would accept additional written comment via email. As the Department revises various land use regulations to further regulate projects and restrict development that could be impacted by sea level rise or flooding due to changes in precipitation patterns, the Department should also consider the importance of infrastructure projects that will be resilient, and that also support the goals of the GWRA and the EMP.

Particular attention should be focused on the potential to include a Public Interest Provision that would give NJDEP the ability to expedite approvals and provide certain exceptions for projects that support the broader goals of the Administration's Climate Adaptation and Clean Energy goals. Energy infrastructure and offshore wind development onshore are examples of the types of projects that should be included.

To further this process and provide a foundation for the discussions in future meetings, PSEG proposes the follow language for consideration by the Department for inclusion as necessary, in the regulations under review.

*“New Jersey is implementing a range of policies that will lead to infrastructure projects that would otherwise be subject to restrictions under these regulations. Based on a determination of public benefit/ societal need, in alignment with the policies put forth in the EMP, RGGI regulation and the provisions of the GWRA, the Department shall retain the flexibility to approve these projects and/or limit regulatory requirements.”*

We thank you for the opportunity to submit our comments and look forward to continuing to work with the NJDEP as part of the stakeholder process.

Sincerely

A handwritten signature in black ink, appearing to read "Russell J. Furnari", with a long horizontal flourish extending to the right.

Russell J. Furnari  
Manage of Environmental Policy Enterprise