



## STATEMENT

Rule Proposal: DEP Docket No. 03-14-04

August 1, 2014

137 West Hanover Street  
Trenton, NJ 08618  
p: (609) 393-0008  
f: (609) 393-1189  
w: njfuture.org

Contact: [Chris Sturm](#), 609-393-0008, ext. 114

### Rule Proposal: DEP Docket No. 03-14-04, Coastal Zone Management and Coastal Permit Program Rules; proposed consolidation with amendments

To: Gary Bower, Esq.  
Office of Legal Affairs  
New Jersey Dept. of Environmental Protection

Thank you for an opportunity to comment on the proposed consolidation with amendments of the Coastal Permit Program and Coastal Zone Management rules.

The proposed consolidation and changes to the rules present a key opportunity to apply lessons from Superstorm Sandy in helping New Jersey become better prepared for future storms. The rules must integrate acknowledged future risks from rising sea levels and climate change so that all future development and infrastructure investments make people safer, rather than putting them in harm's way. Superstorm Sandy was the most recent and most destructive example of the future storms New Jersey will certainly face.

The proposed rules do not acknowledge the increase in sea level rise that will continue into the future. The National Oceanic and Atmospheric Administration's recently published "Sea Level Rise and Nuisance Flood Frequency Changes around the United States" clearly demonstrates how flooding now occurs more frequently during high tides, causing road closures and damage to buildings and infrastructure. This flooding will become more pronounced and frequent in the coming decades, and increasingly large areas will be flooded.

Instead, these rule proposals allow more development to occur in areas that are vulnerable to flooding; for example, an expansion from one single-family or duplex dwelling to two single-family or duplex dwellings. This expansion is inconsistent with the original intent of the General Permit adopted in 1993, and will result in more development in vulnerable areas; will reduce waterfront

setbacks; and will increase impacts to coastal dunes. Another example allows for non-water-dependent uses, such as restaurants, at marinas. This allowance will detract from the existing, limited water-dependent uses and will affect unfavorably the availability of water-dependent uses within the coastal zone. The new rule proposal also allows non-water-dependent restaurants to be set back just 15 feet from the mean high-water line of bulkheaded shorelines, which will cause more development in tidal zones, further limit public access along waterfronts, and lead to future marina expansion into sensitive marine ecologic habitats, in direct conflict with the DEP's duty to protect and preserve coastal areas.

As an organization committed to the state's long-term prosperity, New Jersey Future calls upon the DEP to rewrite these rules in such a way as to incorporate long-term protection of people, property and coastal resources from adverse impacts of sea level rise. The rules should include more stringent standards of preservation of waterfront areas, higher building elevation requirements, and greater development setbacks from dunes and tidal waters.

Thank you for your consideration.