

RESOLUTION 2026-110

RESOLUTION OF THE TOWNSHIP OF LITTLE EGG HARBOR, COUNTY OF OCEAN, STATE OF NEW JERSEY, OPPOSING THE NJDEP "REAL" RULES IN THEIR CURRENT FORM

WHEREAS, the New Jersey Department of Environmental Protection ("NJDEP") has adopted amendments to its land use and coastal regulations known as the Resilient Environments and Landscapes ("REAL") rules, as part of the New Jersey Protecting Against Climate Threats ("NJPACT") initiative; and

WHEREAS, the REAL rules significantly expand NJDEP regulatory authority over development, redevelopment, reconstruction, and land use within coastal, flood hazard, and environmentally sensitive areas throughout the State of New Jersey; and

WHEREAS, coastal municipalities within the County of Ocean are small, flat and densely developed, almost entirely built out within a narrow geographic footprint between the Atlantic Ocean and inland waterways largely built out within a constrained geographic footprint bordered by the Atlantic Ocean, and inland waterways, with limited remaining undeveloped land, such that the expanded flood and inundation designations inherently affect a disproportionately large percentage of Ocean County properties compared to inland communities; and

WHEREAS, the governing body of the Township of Little Egg Harbor, County of Ocean, State of New Jersey recognizes the importance of environmental stewardship, climate resilience, and public safety, and supports reasonable, science-based measures to protect residents, infrastructure, and natural resources; and

WHEREAS, the REAL rules are intended to impose resilient construction and land use requirements in areas protected to experience future inundation, relying on climate-adjusted flood

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evaluation and coastal inundation mapping, including NJDEP's Coastal Flood Exposure Area ("CAFE") mapping, which extends beyond current FEMA flood plain designations; and

WHEREAS, The REAL rules are fundamentally based on modeled sea-level rise and storm surge projections extending to the year 2100, approximately seventy-four (74) years into the future, and apply those projected conditions immediately to present-day land use, development, and redevelopment decisions; and

WHEREAS, the governing body of the Township of Little Egg Harbor, County of Ocean, State of New Jersey is concerned that applying regulatory standards today based on long-term projections rather than present or near-term conditions fails to reflect the typical lifecycle of residential structures, infrastructure investments, and property ownership in established communities within the County of Ocean; and

WHEREAS, independent academic and scientific discussions, including analyses associated with Rutgers University and related climate research forums, have noted that some earlier sea-level rise modeling assumptions used by NJDEP-such as projections approaching five (5) feet by the year 2100-represented upper-end probabilistic outcomes, with estimated likelihoods as low as approximately seventeen percent (17%) under moderate emissions scenarios; and

WHEREAS, climate science projections inherently involve uncertainty due to variables including future greenhouse gas emission pathways, ice sheet behavior, and localized land elevation changes, none of which can be predicted with a high degree of certainty over multi-decade time horizons; and

WHEREAS, the governing body of the Township of Little Egg Harbor, County of Ocean, State of New Jersey is concerned that anchoring binding land-use regulations to low-certainty,

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long range projections, without incorporating probability thresholds or phased implementation tied to observed conditions, may result in premature and disproportionate regulatory burdens; and

WHEREAS, NJDEP's REAL rules are expected to substantially expand the areas treated as flood-regulated within coastal communities, and based on preliminary mapping and analysis, may affect well over sixty percent (60%) and potentially as much as ninety percent (90%) of properties within the County of Ocean due to the coastal locations, floodplain exposures, and developed footprints; and

WHEREAS, such expanded regulatory designations may trigger higher required building elevations above FEMA Base Flood Elevations, restrictions on basements and subgrade construction, limitations on substantial improvements, increased construction costs, and higher flood insurance premiums for property owners; and

WHEREAS, New Jersey's 2023 flood risk disclosure law requires sellers and landlords to disclose known flood risks, and the expansion of REAL-related inundation zones may materially affect property values, marketability, financing, and long-term ownership costs within the County of Ocean; and

WHEREAS, the governing body of the Township of Little Egg Harbor, County of Ocean, State of New Jersey is further concerned that expanded flood mapping and regulatory classifications may impact eligibility for disaster assistance and insurance programs, while simultaneously eroding the County of Ocean's ratable base that supports essential municipal services; and

WHEREAS, taken together, the combined effects of expanded inundation zones, elevated construction standards, and mandatory disclosures are likely to constrain redevelopment, increase

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housing costs, and adversely affect the long-term economic vitality of certain municipalities within the County of Ocean; and

WHEREAS, the governing body of the Township of Little Egg Harbor, County of Ocean, State of New Jersey believes that the more incremental, transparent, and collaborative approach-developed with meaningful input from municipalities, counties, engineers, planners, property owners, and legislators, would better achieve climate resilience goals while avoiding unintended and disproportionate impacts on established coastal communities; and

WHEREAS, the governing body of the Township of Little Egg Harbor, County of Ocean, State of New Jersey, further believes that any regulatory framework of this magnitude should be supported by independent economic, social and fiscal impact analysis, as well as clear legislative oversight and consideration of potential impacts on municipal land-use authority; and

NOW, THEREFORE, BE IT RESOLVED, by the governing body of the Township of Little Egg Harbor, County of Ocean, State of New Jersey as follows:

1. The governing body of the Township of Little Egg Harbor, County of Ocean, State of New Jersey, hereby formally opposes the NJDEP REAL regulations in their current form.
2. The governing body of the Township of Little Egg Harbor, County of Ocean, State of New Jersey respectfully urges the Governor of the State of New Jersey, the New Jersey Legislature, and the NJDEP to withdraw the REAL rules and suspend their implementation pending further legislative review and revision.
3. The governing body of the Township of Little Egg Harbor, County of Ocean, State of New Jersey call upon the State to engage in a collaborative, stakeholder-driven process that meaningfully includes coastal municipalities in the development of climate resilience policies.
4. The governing body of the Township of Little Egg Harbor, County of Ocean, State of New Jersey request that any revised regulations utilize shorter, phased planning horizons, incorporate probability-based risk assessment, rely on finalized and transparent mapping,

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and provide clear standards to ensure predictability for property owners and local governments.

5. The governing body of the Township of Little Egg Harbor, County of Ocean, State of New Jersey, further urges the completion of independent cost-benefit, economic, and fiscal impact analyses prior to the adoption of any new or revised regulations of similar scope.
6. A certified copy of this Resolution shall be transmitted to all County of Ocean elected officials, Commissioner of the New Jersey Department of Environmental Protection, and the Governor of the State of New Jersey.

CERTIFICATION

I, **KELLY LETTERA, CMC, RMC**, do hereby certify that the foregoing is a true copy of a resolution adopted by the Governing Body of the Township of Little Egg Harbor at a meeting held on the **9th** day of **April, 2026**.



KELLY LETTERA, CMC, RMC
Township Clerk
Little Egg Harbor Township

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