

Notice of Substantial Change

NJPACT - Resilient Environments and Landscapes



The Resilient Environments and Landscapes (REAL) rules were proposed on August 5, 2024, with the intent to modernize New Jersey's environmental land use rules in response to the most current science regarding climate change by considering risks such as sea-level rise and chronic flooding, and to facilitate climate resilience.

As a result of updated science recently available and the comments received during the comment period for REAL, the Department determined that it is appropriate to propose a Notice of Substantial Change (NOSC) to the originally proposed REAL Amendments.

About a Notice of Substantial Change (NOSC)

- The Department can propose a NOSC when, based on new information, public comments, and other factors, the originally proposed rules require changes that are more extensive than simple corrections that are usually made upon adoption of rules and provides an opportunity for additional public input.
- The public will be given the opportunity to submit written comments on the NOSC during the 60-day public comment period from the publication date and at a public hearing where oral comments may be presented to the Department.

Summary of Key Changes Proposed in the NOSC

Based on recent scientific findings and input from the public on the originally proposed REAL rules, the Department is proposing the following:

- Amending the REAL proposal to reflect a likely four feet of sea-level rise by 2100, rather than five feet as originally proposed. This results in changes to the tidal climate-adjusted flood elevation and the extent of flood hazard area jurisdiction and the inundation risk zone.
 - REAL was predominantly based on the sea-level projections and recommendations from 'New Jersey's Rising Seas and Changing Coastal Storms: Report of the 2019 Science and Technical Advisory Panel' (2019 STAP Report) which presents New Jersey specific observations and projections regarding sea-level rise and changing coastal storms and resulting flood risk. The STAP report projected warming of ~3.3 degrees Celsius resulting in 5.1 feet of sea-level rise by 2100.
 - Growing scientific consensus after REAL's proposal now agrees with projected warming of 2.7 degrees Celsius, resulting in ~4.4 feet of sea-level rise. ([Rutgers IPCC STAP comparison](#), 2023; [Climate Action Tracker](#), 2024; [Rhodium Climate Outlook 2024](#))
 - The Department will revisit sea-level rise and precipitation data at least every five years and update the rules if necessary.

- Proposing to allow 180 days from adoption of REAL before general permit and individual permit standards of REAL become operative.
- Clarifying the “dry access” requirements in the Flood Hazard Rules.
- Clarifying that the entire Inundation Risk Zone will not be subject to a 3% impervious limit by removing the Inundation Risk Zone from the list of special areas the Department will seek to designate as critical environmental sites under CAFRA.
- See NOSC proposal document to learn about all proposed changes

NOSC Timetable

- July 21, 2025 – NOSC published in the New Jersey Register
 - July 21, 2025 - start of 60-day public comment period
 - [Rule Comment Form](#)
 - September 3, 2025 @ 6:00 p.m. – Virtual public hearing
 - September 19, 2025 – Close of public comment period
 - January 2026 – Adoption of REAL rules with NOSC changes incorporated
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