

EXECUTIVE ORDER NO. 89

WHEREAS, the scientific community has reached an overwhelming consensus that due to increasing atmospheric levels of carbon dioxide and other greenhouse gases from human activities, the Earth is warming, and temperature increases are contributing to an increase in the frequency and intensity of severe weather events, precipitation, and wind damage, as well as rising sea levels; and

WHEREAS, New Jersey is especially vulnerable to the impacts of sea level rise, increased flooding and other aspects of climate change, with potentially disastrous consequences for public health and safety; and

WHEREAS, minority and low-income communities are disproportionately affected by climate change, including by the health effects of higher temperatures and increased air pollution and by the displacement of coastal and low-lying neighborhoods from sea level rise and flooding; and

WHEREAS, the severity of future impacts of climate change on our State will directly depend on the willingness and ability of communities, businesses, industries, and government entities to integrate climate change considerations into planning and decision-making, and to become more resilient and adapt to the effects of climate change; and

WHEREAS, studies show that each dollar spent to mitigate hazards, including those associated with climate change impacts, results in a six-fold decrease in spending on recovery; and

WHEREAS, it is the policy of this State that Executive Branch departments and agencies shall take proactive and coordinated efforts, where appropriate, to protect public health and safety and to promote and protect the physical, economic, and social vitality and resilience of New Jersey's communities from the current and anticipated impacts of climate change;

NOW, THEREFORE, I, PHILIP D. MURPHY, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. State of New Jersey Chief Resilience Officer. The Commissioner of the Department of Environmental Protection ("DEP") shall appoint a Chief Resilience Officer of the State of New Jersey to lead development and implementation of the Statewide Climate Change Resilience Strategy. The Chief Resilience Officer shall direct and be supported by the Climate and Flood Resilience Program established herein and shall be an employee of the State.

2. Climate and Flood Resilience Program. There is hereby established the Climate and Flood Resilience Program within the DEP. The Climate and Flood Resilience Program, under the direction of the Chief Resilience Officer, shall:

a. Develop a Scientific Report on Climate Change based on existing data and the best available science regarding the current and anticipated environmental effects of climate change in New Jersey, including but not limited to increased temperatures, sea level rise, increased frequency or severity of rainfall, storms and flooding, increased forest fires, and increased frequency and severity of droughts, anticipated by scientists at least through 2050;

b. Deliver the Scientific Report on Climate Change to the Governor within 180 days of the effective date of this Order and update and supplement the report as necessary, but at least every two (2) years to reflect the latest available climate change science;

c. Develop, with the support of the Interagency Council on Climate Resilience, described fully herein, the Statewide Climate Change Resilience Strategy, also described fully herein;

d. Provide strategic direction and support to the Interagency Council on Climate Resilience and other cross-departmental climate change resilience initiatives, including facilitating stakeholder engagement and input into recommendations;

e. Coordinate DEP's policies, programs, and activities to plan for and address the current and anticipated impacts of climate change;

f. Compile and periodically update a directory of federal and State governmental grants and financing programs available to assist Executive Branch departments and agencies, counties, and municipalities to plan for, mitigate, and respond to the impacts of climate change; and

g. Provide technical guidance and support to counties and municipalities in their efforts to plan for and address the current and anticipated impacts of climate change in accordance with the Statewide Climate Change Resilience Strategy.

3. Interagency Council on Climate Resilience. An Interagency Council on Climate Resilience (the "Interagency Council") is hereby established to coordinate the efforts of Executive Branch departments and agencies to develop and implement the Statewide Climate Change Resilience Strategy. The Interagency Council shall develop consistent statewide policies and actions and establish both short- and long-term action plans by which Executive Branch departments and agencies will work both individually and collectively to accomplish the goals of this Order.

a. The Commissioners or other agency heads of the following Executive Branch departments and agencies, or their designees, shall serve as members of the Interagency Council:

- i. Department of Agriculture;
- ii. Department of Banking and Insurance;
- iii. Department of Community Affairs;
- iv. Department of Environmental Protection;
- v. Department of Health;
- vi. Department of Human Services;
- vii. Department of Law and Public Safety;
- viii. Department of State;
- ix. Department of Transportation;
- x. Department of the Treasury;
- xi. Board of Public Utilities;
- xii. Economic Development Authority;
- xiii. New Jersey Infrastructure Bank;
- xiv. New Jersey Transit;
- xv. New Jersey Turnpike Authority; and
- xvi. New Jersey Office of Emergency Management.

b. The Governor may, as determined to be appropriate, appoint additional members to the Interagency Council, who shall serve at the pleasure of the Governor.

c. The Governor shall designate a Chair of the Interagency Council. The Chief Resilience Officer shall also be a member and serve as the Council's Vice-Chair.

d. The Chair, Vice-Chair, and the members of the Interagency Council shall not be compensated in addition to the compensation received, if any, as an employee or officer of the State.

e. The Chair shall convene an initial meeting of the Interagency Council within 45 days of the Governor's appointment of the Chair. Subsequent meetings of the Interagency Council shall be held as necessary at the call of the Chair, but not less frequently than twice annually.

f. The Chief Resilience Officer shall be prepared to provide an initial, preliminary presentation on the best available science and preliminary recommendations and guidance to the Interagency Council at its first meeting to further the development of the Statewide Climate Change Resilience Strategy.

g. The Interagency Council is authorized to establish appropriate rules of procedure for its meetings, sub-committees, sharing of information, and development of work product, as consistent with State law.

h. The Interagency Council may establish, as necessary, subcommittees to execute tasks within this Order or other climate-related activities of the State that warrant interagency coordination.

i. The Interagency Council shall be purely advisory in nature, and shall periodically report to the Governor, outlining specific recommendations as directed in this Order.

4. Statewide Climate Change Resilience Strategy. By September 1, 2020, the Chief Resilience Officer, with the support of the Interagency Council, shall deliver to the Governor a Statewide Climate Change Resilience Strategy to promote the long-term mitigation, adaptation, and resilience of New Jersey's economy, communities, infrastructure, and natural resources throughout the State in a manner consistent with the Scientific Report on Climate Change.

a. Recommendations. The Statewide Climate Change Resilience Strategy shall include recommendations for actions the State should take to mitigate and adapt to the effects of climate change, including but not limited to the following measures:

i. Identify methods that can be used to strengthen the resilience of New Jersey's communities,

infrastructure, economic sectors, and natural resources to climate change impacts;

ii. Provide guidance and strategies for Executive Branch departments and agencies, municipalities, and regional planning agencies to implement resiliency measures, including through changes to plans, by-laws, regulations, policies, or land use standards;

iii. Promote long-term water and energy resource security;

iv. Reduce the risk of wildfires in State forests;

v. Reduce the risks to the health of New Jersey residents that may accompany climate change, such as increased vulnerability to extreme temperatures or increased incidence of mosquito-borne or other diseases;

vi. Support sustainable and resilient economic development;

vii. Identify financing mechanisms, strategies, and opportunities for coordination to support climate resilience measures, mitigation, and adaptation; and

viii. Any other measures the Chief Resilience Officer determines necessary to prepare for, mitigate, and adapt to the impacts of climate change.

b. Coastal Resilience Plan. The Statewide Climate Change Resilience Strategy shall include a Coastal Resilience Plan that recommends a specific long-term strategy for climate change resilience and adaptation in the coastal areas of the State, i.e., tidal and non-tidal waters, waterfronts, and inland areas along the coast. The Coastal Resilience Plan shall include, at a minimum:

i. An assessment of the vulnerabilities of communities located within the coastal areas to climate change effects such as rising sea levels, increased flooding, and tidal and storm

surge flooding anticipated by the year 2050, including physical, economic, and social vulnerabilities;

ii. A description of the investments that the State, along with the federal government, local governments, and other organizations, have already made or committed to make in building the resilience of coastal communities, including hard and nature-based resistance structures, planning guidance and assistance, and other resilience and adaptation measures;

iii. Recommended methodologies for decision-making for further investment of State or federal funds in constructing additional hard or nature-based resilience structures to prevent or mitigate impacts of climate change, or in adopting other resilience or adaptation strategies;

iv. Recommendations for further actions to be taken by the State to assist coastal communities in planning for, mitigating, and adapting to the anticipated impacts of climate change; and

v. Recommendations for financing strategies to fund the recommended resilience and adaptation measures.

c. The Statewide Climate Change Resilience Strategy shall be updated as necessary and shall be reviewed at least every two (2) years by the Chief Resilience Officer, with the support of the Interagency Council, to ensure consistency with the Scientific Report on Climate Change and with evolving scientific information.

5. Authority to Request Information or Assistance. The Chief Resilience Officer and the Interagency Council shall be authorized to call upon any State Agency to supply it with information or other assistance as the Chief Resilience Officer and the Interagency Council determines to be necessary to discharge their duties under this Order. Each Executive Branch department and agency is hereby required, to the extent not inconsistent with law and consistent with budgetary

constraints, to cooperate fully with the Chief Resilience Officer and the Interagency Council within the limits of its statutory authority and to furnish them with such assistance on as timely a basis as is necessary to accomplish the purpose of this Order.

6. Coordination with Academic or Research Institutions. The Chief Resilience Officer and the Interagency Council shall consult with, and may seek the assistance of, scientific experts at State universities, academic or research institutions, and other expert organizations, for the purpose of developing the Scientific Report on Climate Change and the Statewide Climate Change Resilience Strategy prepared pursuant to paragraphs two (2) and four (4) of this Order.

7. State Development and Redevelopment Plan. The State Planning Commission, based upon the Scientific Report on Climate Change and the Statewide Climate Change Resilience Strategy, shall incorporate climate change considerations, such as increasing temperatures, rising sea levels, increased flooding, and increased vulnerability to droughts and forest fires, as a mandatory requirement for State Development and Redevelopment Plan endorsement of the development and redevelopment plans of local units of government. The State Planning Commission shall, consistent with the Administrative Procedure Act and as necessary or appropriate, amend its regulations to incorporate these climate change considerations.

8. For purposes of this Order, "Executive Branch departments and agencies" shall mean any of the principal departments in the Executive Branch of State government and any agency, authority, board, bureau, commission, division, institution, office, or other instrumentality within or created by any such department, and any independent State authority, commission, instrumentality, or agency over which the Governor exercises executive authority, as determined by the Attorney General.

9. Nothing in this Order shall be construed to confer any legal rights upon entities whose activities are regulated by State entities, nothing shall be construed to create a private right of action on behalf of any such regulated entities, and nothing shall be used as a basis for legal challenges to rules, approvals, permits, licenses, or other actions or inaction by a State entity. Nothing in this Order shall be construed to supersede any federal, state, or local law.

10. This Order shall take effect immediately.

GIVEN, under my hand and seal this
29th day of October,
Two Thousand and Nineteen, and
of the Independence of the
United States, the Two Hundred
and Forty-Fourth.

[seal]

/s/ Philip D. Murphy

Governor

Attest:

/s/ Matthew J. Platkin

Chief Counsel to the Governor