



## STATEMENT

Comments on the New Jersey National Disaster Resilience Competition  
Draft Application

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Thank you for the opportunity to comment on The New Jersey Department of Environmental Protection's draft application to the federal Department of Housing and Urban Development's National Disaster Resilience Competition.

New Jersey Future is a non-profit, nonpartisan organization that promotes responsible land-use policies to help revitalize cities and towns and create livable, resilient communities for New Jersey residents. It is within that framework that we offer these comments.

Given the state's significant exposure to flooding and sea level rise, New Jersey Future commends the state for applying to this competition and supports the DEP's application. The purpose of our comments is to provide suggestions for strengthening the application in order to match the federal guidelines more exactly and to ensure resilience for all affected residents, especially those who are most vulnerable.

New Jersey Future applauds the state's recognition of sea-level rise and associated flooding risks in New Jersey. Understanding our risks is the first step in creating a more resilient state that can withstand the impacts from future storms. The focus on estuarine communities is appropriate given the number of properties and people at continued risk who will not be protected by dunes, sea walls and other structures. The layered approach to flood risk reduction that integrates measures such as buyouts, land preservation, restoration of wetlands and the elevation of structures, as well as the goal of developing pilot projects that are replicable in other communities, are strengths of the application.

There are, however, three main areas where the DEP's application can be improved by providing more detailed information. These have to do with the protection of vulnerable populations, including low- and moderate-income residents; community outreach and participation; and resiliency to flooding that is protective both now and in the future.

### **PROTECTION OF VULNERABLE POPULATIONS**

Major storms like Hurricane Sandy and Hurricane Irene can afflict economically and socially vulnerable populations, including, but not limited to low- and moderate-income (LMI) residents, senior citizens, residents with disabilities, and minorities, in a disproportionate manner. Disenfranchised and vulnerable populations are harder hit in disasters and have less capacity to recover and adapt.

DEP examines the consequences of repeated flooding and storms on LMI households and

communities and discusses its intention to use the grant funds to develop community-wide flood hazard mitigation pilot projects within these communities. Although DEP uses the LMI acronym in many ways, the agency never defines the thresholds for these populations. DEP must explain specifically what defines a household as LMI as well as what constitutes an LMI community, in order to be able to determine the needs of these residents and measure the project's success.

DEP also does not define specifically which it considers vulnerable populations. Is this designation limited to LMI residents? New Jersey Future recommends a broader definition. In the Notice of Funding Availability (NOFA), HUD defines vulnerable populations as “a group or community whose circumstances present barriers to obtaining or understanding information or accessing resources.” New Jersey Future interprets this to mean, at a minimum, low- and moderate-income residents, minority populations, the disabled, those with limited English proficiency, and the elderly. These individuals have difficulty obtaining and fully understanding information and accessing resources. Therefore the dissemination of information to these residents and ensuring their meaningful participation in this process should be a priority.

DEP needs to identify current impediments to resiliency for vulnerable communities and explain how this project overcomes them. The application should also include metrics that will measure success for this population. The definition of success should go beyond whether a flood protection project was implemented; it should describe specific impacts, such as how many people are no longer living in areas at risk of flooding, and the percentage of housing units in the project area that are affordable to low- and moderate-income households pre- and post-project.

New Jersey Future recommends that the application include the following items, which were required in [HUD's Round 1 Allocation Notice](#) of March 5, 2013:

- *An assessment of how planning decisions may affect racial, ethnic, and low-income concentrations, and ways to promote the availability of affordable housing in low-poverty, non-minority areas, where appropriate and in response to disaster-related impacts.*
- *A description of how the grantee plans to minimize displacement of persons or entities, and assist any persons or entities displaced (78 Fed Reg 14334).*

In summary, New Jersey Future recommends DEP's application:

- Refer to a specific definition of vulnerable populations and document their needs and concerns.
- Establish a structured process in the planning and design stage that ensures that project areas will be affordable to those with a range of incomes and backgrounds, and provides expanded economic opportunities to low- and moderate-income residents.
- Commit to developing metrics in the feasibility, design, permit review, pre-construction and construction phases to monitor compliance with the HUD LMI community requirements.
- Describe strategies for preventing low- and moderate-income residents from being displaced and prioritize funding for these communities.

- Commit to analyzing, at project’s end, which residents and communities benefited from the project and what those benefits are.

## **COMMUNITY OUTREACH AND PARTICIPATION**

Meaningful and extensive community engagement and buy-in are essential components to a strong application and successful project. HUD reiterated this point during the HUDExchange NDRC Public Participation and Consultation Webinar on Oct. 23, 2014, when it noted that the community consultation and engagement is worth a significant number of points as detailed in the NOFA. The speakers explain the importance of bringing all stakeholders to the table to provide input, stating that the “engagement and inclusiveness piece is something that can help your application stand out among the others if you do a really good job, a really thorough job.”

The DEP draft application mentions adopting the same approach to citizen participation as was used in the RBD projects. It also discusses the creation of a sub-committee focused on outreach and development and implementation of a citizen participation plan, citing the CDBG-DR Action Plan Amendment 12 as the process that will be followed. Amendment 12 states that the DEP is committed to a robust community process involving stakeholders in the feasibility, design, environmental review, pre-construction and construction phases. However, the public engagement process is not described. No concrete actions are listed.

A meaningful and well-articulated public outreach process needs to be established in the application. New Jersey Future recommends that in the application DEP commit to the creation of a clearly defined and articulated outreach process that includes non-profit organizations, residents and businesses, and other interested parties as pilot projects are identified. Local stakeholders from affected communities have vital knowledge and experience that can contribute to the conceptualization, development, and implementation of the pilot projects and therefore aid in their success. In addition, given that vulnerable populations are partly defined as not having access to information, local organizations in the areas of the pilot projects should be utilized to disseminate information and gain community input from those who may not have access to the emails and website notices on which the DEP has been relying. For example, in the Meadowlands, the Bergen County Voluntary Organizations Active in Disaster Long Term Recovery Committee has a proven track record of getting information to its community, even canvassing door to door. DEP should partner with community non-profits, churches and local leaders to ensure that all community members are informed and engaged, which will build broad-based support for the projects.

New Jersey Future recommends that the application be revised to include:

- A commitment to creating a list of local organizations that have established relationships with residents, particularly the LMI community, minority populations and other vulnerable populations, and details on how these organizations will be engaged.
- Specified timelines of when and how the community will be involved.
- The establishment of a detailed public participation process that outlines the specific groups that will be engaged, the method of informing them, the opportunities for public comment, and how the public’s concerns and feedback will be incorporated.
- The creation of a series of community workshops during the feasibility, design,

environmental review, pre-construction and construction project phases that allow for interactive engagement by members of the public.

- The creation of a website where draft and final reports are posted in each project phase and where comments can be submitted electronically.

## **RESILIENCY TO FLOODING**

The changing nature of flood risks, including risks that are increasing due to climate change, demands conservative standards that will withstand the test of time and the forces of nature. New Jersey Future applauds DEP's recognition of the contributions of sea level rise to increased flooding risks and the need to adapt to these conditions. The acknowledgement of sea level rise, the use of modeling tools to identify risks and vulnerability, and the objective of designing multi-strategy flood risk reduction measures are essential and beneficial aspects of this application. However, the draft is unclear on standards and guidelines on resiliency.

To ensure that the pilot projects mitigate risks from flooding and stronger storms appropriately, New Jersey Future recommends modifying the application to include the following:

- A commitment to conducting a detailed analysis of the flooding vulnerabilities of each municipality today, in 2050 and in 2100, incorporating sea level rise, as part of the feasibility and design phases.
- Specific reference to science-based New Jersey-specific studies of sea level rise such as the Rutgers Climate Institute's *Rutgers State of the Climate New Jersey 2013*, rather than just a general reference.
- Consideration of the design and elevation standards reflective of President Obama's recent proposed Executive Order 11988, which directs federal agencies to adopt new flood elevation standards for the siting, design, and construction of federal projects. The presidential directive proposes giving agencies three choices for setting appropriate elevation levels:
  1. Elevation to at least two feet above the 100-year (1 percent annual chance) flood elevation for standard projects, and three feet above for critical buildings like hospitals and evacuation centers;
  2. Elevation to the more restrictive 500-year (0.2 percent annual chance) flood elevation; or
  3. Another method "informed by best-available, actionable climate science."
- Reliance on hydrological studies in the design phase to ensure that communities upstream and downstream will not be affected negatively during the pilot projects and construction phases.
- Studies of pilot project areas that document how many people are currently living in locations vulnerable to flooding, and the development of metrics to determine if, as a result of the implementation of the pilot projects, these residents will be protected from sea level rise-based flooding projected for 2100.
- Articulation of methods to protect infrastructure, not just residences, from current and future flooding risks.

## **CONCLUSION**

DEP's National Disaster Resilience Competition application offers tremendous opportunity to obtain additional federal funds to make New Jersey more resilient to future storms and flooding events. New Jersey Future supports DEP's application, and commends the state's acknowledgement of sea-level rise and associated flooding risks the multi-pronged strategy approach to reducing these risks; and the objective of developing projects that are replicable in other communities with metrics to measure success.

We recommend that the DEP revise the application prior to submittal by adding critical details regarding how the stated goals of equity and resilience will be assured. The application should include concrete and measurable steps to ensure that vulnerable populations are identified and treated fairly; that the public is actively engaged and participating in the projects; and that the project areas are designed to be resilient to storms and flooding both today and in the future.

New Jersey Future looks forward to working with DEP to ensure a successful application and implementation.