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Oct. 9, 2015

Office of Flood Risk Reduction Measures
Attention: Dave Rosenblatt
501 E. State St.
Mail Code 501-01A
P.O. Box 420
Trenton, NJ 08625-0420

RE: National Disaster Resilience Competition Phase 2 Application

Dear Mr. Rosenblatt:

Thank you for the opportunity to comment on the State of New Jersey's proposed Phase 2 application to the National Disaster Resilience Competition (NDRC).

New Jersey Future is a nonprofit organization that promotes responsible land-use policies to help revitalize cities and towns and ensure our communities are livable and resilient. Our interest in this application centers on our desire to see actions taken that will help ensure that residents in areas vulnerable to extreme weather are safer from those risks.

Given the Meadowlands' significant exposure to flooding and sea-level rise and the area's continued work to recover from Hurricane Sandy, New Jersey Future commends the application's focus on flood mitigation for this region. We appreciate the federal commitment of funds through the Rebuild By Design process and the potential for additional funding from the NDRC. At the same time, New Jersey Future cannot evaluate the effectiveness of the proposed berm as a flood mitigation measure for the New Meadowlands project area. A robust and transparent feasibility study will be essential in developing an effective and appropriate project.

There are several specific ways the application can be strengthened in order to prepare the region more effectively for future disasters, help other parts of the state become more resilient, and protect all affected residents, especially those who are most vulnerable. Addressing our concerns will align the application more closely with the stated goals of the NDRC -- to mitigate future risks and advance broader community-development goals -- which should improve its ability to compete for funds.

New Jersey Future recommends the following revisions to the state's NDRC application:

1. Flood resilience.

There is tremendous uncertainty regarding future sea-level rise, flooding impacts and future precipitation patterns. For example, recent research suggests that the 500-year flood event may soon occur as often as every 25 years, due to sea-level rise.

The application states that the conceptual goal is protection against a 500-year flood event (p.64) and it assumes that the berm it proposes will have a 50-year life. The application further states that DEP will assess the proposed Meadowlands Resilience Revitalization Project component using NOAA's Sea Level Rise tool that lays out four

different potential sea level rise scenarios (low; intermediate-low; intermediate-high; high). Determination of which scenario will inform the project will be informed by such factors as costs associated with building to higher standards and the opportunity cost of instead spending additional funds to realize other components of the proposed project. (p. 64)

This level of specificity is welcome progress, but the application should commit to more explicit standards and a transparent process for comparing the levels of protection and costs associated with different solutions.

New Jersey Future recommends that the application include: 1) Consideration of sea-level-rise projections through at least 2075, which matches the project's stated useful life; 2) A plan to make the evaluation of all four sea-level-rise scenarios (low; intermediate-low; intermediate-high; high) and associated costs and benefits part of the public presentation and review process during the feasibility phase; and 3) A projection of the likelihood of flooding in 2075 based on the selected design elevation and projected future precipitation patterns, which information should be shared with the public. In addition, the State of New Jersey should commit to adopting official sea-level-rise projections along with a process for updating them, in order to guide mitigation of flood risks statewide.

2. Provide additional layers of resilience to flooding through clarification of the New Jersey Meadowlands Regional Commission's future role and through investment in better stormwater management measures such as green infrastructure.

The New Meadowlands area is vulnerable not only to coastal flooding as from Hurricane Sandy, but regular flooding from rain events. The application "also calls for pumping stations to address rainwater events as well as steps to begin addressing stormwater management" (p. 7) but provides no further details nor commits funds.

The Meadowlands Commission has played a critical role in helping its member communities mitigate flooding by acting as a flood-control commission, by being the National Flood Insurance Program (NFIP) "community" for the region, and by managing its member communities' participation in the FEMA Community Rating System (CRS). The commission's ability to continue these efforts is now called into question by recent legislation, which made the commission a subsidiary of the New Jersey Sports and Exposition Authority and allowed municipalities greater control over land-use decision-making.

New Jersey Future recommends that the application call on the Meadowlands Commission to work with FEMA to clarify its future role as a flood-control commission and its ability to act as a regional agent for its member municipalities to ensure their participation in the NFIP and CRS programs.

The application fails to acknowledge green-infrastructure approaches to stormwater management, despite their wide recognition by the state Dept. of Environmental Protection's Division of Water Quality and others as a cost-effective approach to managing flooding from small to moderate storms that produces many ancillary benefits: improving water quality and providing amenities like

street trees, planted strips and rain gardens that strengthen and beautify shopping districts and neighborhoods, enhance property values and advance community-development goals.

New Jersey Future recommends that the application designate \$5 million to: 1) prepare green-infrastructure feasibility studies and action plans for the study area in partnership with the Rutgers University Water Resource program and 2) provide matching grants for construction of such projects, leveraging funds from the New Jersey Green Acres program and the state Dept. of Transportation Local Aid program.

3. Provide a robust, practical and transparent public participation process.

New Jersey Future hopes that the human element of this proposal – the continued suffering of residents who are still recovering from Hurricane Sandy and the profound threat of future disasters that remain – is remembered and informs all activities moving forward. We commend the application’s attention to vulnerable populations and understanding of the unique challenges they face in recovering from and adapting to disasters and repetitive flooding. We appreciate the inclusive definition of vulnerable populations including low- and moderate-income residents; those who speak limited English; the elderly; single-parent households; adults, children and youth who are homeless or at risk of homelessness; and people with disabilities or behavioral-health needs. We also applaud the partnership with the Department of Human Services to reach out to these populations.

At the same time, we have seen very few members of these populations at the public hearings. Nor has there been significant participation by the local business community. Efforts to date to inform constituents have been inadequate and should not be used as the model moving forward. For example, allowing four days to review a 186-page document prior to a public hearing does not provide adequate time for residents to read and prepare. The numerous groups and residents with which New Jersey Future has worked in the region did not get notification about the NJDEP’s Sept. 2 meeting or its public hearing from any correspondence by NJDEP, but instead from their own internal network system.

New Jersey Future recommends that a minimum of one week be provided for the review of all written documents. The NJDEP must continue to expand its outreach efforts to ensure vulnerable populations are reached. We expect to see a Citizens’ Advisory Group or groups formed. Membership should include but not be limited to mayoral appointees as it is in the Hudson River project, but also include members nominated by the NJDEP, the counties and neighboring municipalities, including those downstream.

4. Feasibility.

While New Jersey Future supports flood-mitigation investments in the Meadowlands, we cannot evaluate the appropriateness of the proposed berm and understand that other alternative will be explored. We are concerned about whether a berm could be scaled back to match the funding that is provided and still be effective. The proposed project includes a \$236-million resilience component, a \$75-million bus garage, and \$15 million in planning grants and tools. No attempt has

been made to explain how a less costly berm and associated structures could be constructed. Yet realistically New Jersey will be competing with New York for its share of the \$180 million set-aside and will not be able to win additional funds. We hope that a robust and transparent feasibility study will produce an effective and affordable solution.

New Jersey Future commends the application's acknowledgement that addressing contaminated sites, particularly the Berry's Creek Superfund site, is a critical component of any regional resilience and revitalization endeavor.

The bus garage in particular raises concerns. The relationship between the garage and the application's stated goal of resilience is tenuous at best. The NJ Transit Garage Alternatives Analysis is inadequate, in that it considers only the size of the garage, not alternative transit options. Furthermore, the garage may not be an authorized use of the funds.

New Jersey Future recommendation: The application should explain how the flood control measures can be constructed at a range of scales and costs. The satellite bus garage should be deleted from the proposal.

5. **Integration and Replicability.**

Resilience is not just creating structures that mitigate the impact from floodwaters but also modifying the economic, social, infrastructure, governance systems and networks so that all businesses and people, particularly the vulnerable and marginalized can recover from disasters. The project recognizes the New Jersey Regional Meadowlands Commission (NJRMC) as a partner. Certainly the project could utilize the history, experience and expertise of the NJMRC to help align it with existing land uses in the region and the Meadowlands Master Plan. But the Meadowlands Commission staff have not been visible at public meetings.

New Jersey Future recommends that the application ensure that the project complements and enhances municipal goals and plans for economic development, neighborhoods, transportation infrastructure, recreation, etc., by articulating a clear and public role for the New Jersey Meadowlands Commission.

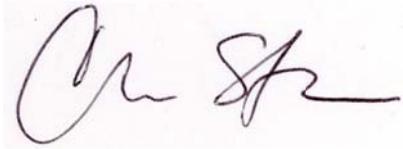
The proposed planning activities, the \$10-million regional planning grant program and the \$5-million tool kit are the application's strongest components for leveraging the proposed investment by offering lessons and resources for other flood-prone areas statewide. Providing funds to communities to identify and address vulnerabilities to hazards due to climate change is an essential first step to mitigating risks. From here communities can undergo comprehensive planning to determine the most appropriate adaptation methods and development that follows smart-growth principles given the identified risks. Unfortunately, when the state has provided federal planning funds to municipalities under the Post Sandy Planning Assistance program, it has not required such a systematic approach.

New Jersey Future recommends that additional specificity be provided regarding the planning grant program and tool kit. The tool kit's "easily accessible and repeatable cost-benefit analysis

process” should include a methodology for measuring both the direct and ancillary benefits of flood-mitigation measures like green infrastructure. The planning grant program should be accompanied by state standards for resilience including official state projections for sea-level rise and increased precipitation. It should also require integrating risk-based hazard-mitigation planning with land-use planning documents like community master plans and land-use ordinances.

Thank you for your consideration. If you have any questions, please don't hesitate to contact me at csturm@njfuture.org or 609-393-0008, x114.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Sturm", written on a light-colored background.

Chris Sturm
Senior Director of State Policy
New Jersey Future