



American Planning Association  
**New Jersey Chapter**

*Making Great Communities Happen*

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Major Callahan:

The American Planning Association – New Jersey Chapter (APA-NJ) consists of 1,100 professional land use planners nearly all of whom are licensed Professional Planners in the State of New Jersey and most of whom are members of the American Institute of Certified Planners (AICP) of the American Planning Association. We have maintained since Superstorm Sandy a Hazard Mitigation and Recovery Planning Committee (<http://njplanning.org/membership/committees/hazard-mitigation-recovery-planning/>) that has worked with State, county, and local planners as well as with FEMA to advance a “gold standard” for New Jersey in planning for land use and infrastructure that anticipates and addresses natural and technological hazards that place people’s lives, property, and prosperity in harm’s way. Many of us have experience in both State and local hazard mitigation planning in New Jersey and elsewhere.

While APA-NJ credits the 2014 Draft NJSHMP to be the most comprehensive collection of information on threats to public health, safety, and prosperity amassed to date, our comments address deficiencies that should be addressed in this plan rather than wait for subsequent efforts to take place. A compilation of information on natural and human (“technological”) hazards as well as of programs in place and proposed to deal with these hazards is great, but without proper guidance will fall short at protecting this state's citizenry and it's economic interests.

We recognize the importance of this document in maintaining eligibility for FEMA-funded hazard mitigation projects in New Jersey. The process however reflects an effort to meet an expensive mandate, not produce an effective tool. Beyond fulfilling Federal requirements and serving as an encyclopedia for NJOEM, we are concerned **it may never be used to its potential**

as an effective planning and management tool for agencies, counties, local municipal governments, businesses, institutions, and other organizations with resiliency goals because of the processes of its preparation and proposed implementation.

The effort of preparing and maintaining state, county, and local hazard mitigation plans is crucial to the future of New Jersey and to the nation. **Both process and product are of critical importance** to support changes in the way things are to be done. There is much to be gained by doing this right, and everything for all of us to lose if it is done wrong. Professional planners from both APA-NJ and the national American Planning Association (<http://planning.org/nationalcenters/hazards/>) continue to seek to be meaningfully involved in these efforts, so that we can translate this information across the many disciplines (housing, environment, green infrastructure, transportation, social services, redevelopment, urban design, sustainable development, zoning, public involvement, demographic and land use projections, etc.), employers and clients with whom we work on a daily basis.

APA-NJ therefore requests NJOEM to address the concerns of our membership:

- 1. We request that NJOEM initiate, and FEMA require, a broad outreach process leading to an amended SHMP within 18 months.***

When the 2,000 page SHMP was released, there were no public information sessions, and only 30 days to review the document with no prior notice as to when it would be released, no way to work it into our existing commitments. A request for a representative of NJOEM or its consultant to meet with the Hazard Mitigation and Recovery Planning Committee of APA-NJ was rebuffed. Then we learned that comments, while invited, would not be considered because the SHMP had to be submitted to FEMA for approval even before it was released for public comment. Instead of inviting comment, NJOEM has invited some degree of contempt. Superstorm Sandy has made every community in New Jersey aware of natural hazards and needs for a well-considered program for mitigation. The process of outreach, in which interested and affected parties can learn about and contribute to the SHMP, should begin today and lead to a submittal of amendments to the draft SHMP.

- 2. Upon review of many of the NJ multi-jurisdictional hazard mitigation plans, a more comprehensive, strategic, effective approach will easily be achieved by ensuring that appropriate stakeholders and professionals are at the table working together with all aspects of each community.***

The SHMP did not include a comprehensive approach that included the participation of sufficient stakeholders and professionals to ensure a comprehensive review of the State's mitigation needs or assessment of risks.

Of all the people that should know about the SHMP, very few know about it. Only a

relatively few people in state government and their consultants were involved in its preparation. Due to the breadth of implementation actors and stakeholders, any hazard mitigation plan must involve more than the emergency management community and first responders in its preparation. While of course these entities are critical stakeholders, in order to be most effective, a SHMP should not be driven as such. To our knowledge, drafts were never shared with leaders of other levels of government or with associations of professionals that are responsible for carrying out the plan.

Outside of state and regional infrastructure, local land use decisions determine whether or not people are put in harm's way, how much they are to be put at risk, often without their knowledge. In NJ, most planning and zoning is done by municipalities. But municipal planning boards, and their staff and consultant professional planners, who should update local master plans, redevelopment plans, and zoning ordinances to reduce risks from hazards, are typically and remain excluded from this effort. Local Planning Boards, land developers and redevelopers, and the legal community are also important stakeholders that must not be ignored and many of which should be critical drivers of a process that this state and other across nation fail to understand.

In addition, AICP planners involved in the county and local hazard mitigation planning efforts taking place throughout the state, efforts that should be consistent with this state plan, were also reportedly not included in this process.

**3. *Restore the SHMP Goal supporting local hazard mitigation planning.***

The prior plan included a Goal #6 and corresponding objectives: "Continue to enhance and strengthen local mitigation capabilities." The 2014 update removes this goal and in the process, dilutes a strong emphasis on local mitigation planning. This is a critical component of the implementation of any SHMP and to exclude it is puzzling.

**4. *Add a SHMP Goal, "Minimize future vulnerabilities through strategic planning."***

Though "protecting life" and "protecting property" are broad goals; the State should consider supplementing these goals. This direct goal, which is supported through the actions laid out in the current and previous plans, emphasizes the State's understanding that future development, redevelopment, and projects should not increase future potential losses from hazards.

**5. *Expand the mitigation strategy to significantly address hazards in addition to flooding.***

There is no doubt that most damage in New Jersey is caused by flooding. However, Superstorm Sandy, recent earthquakes, blizzards, cold and hot weather, drought, and other events have demonstrated that wind damage, landslides, rockslides, and other damage threaten all communities. Page 6-51 reports that no action was taken to survey

wind vulnerabilities because of disaster responsibilities, despite wind damage in most declared disasters and the relatively universal vulnerability to wind damage in New Jersey; this should be given a higher priority by NJOEM.

**6. Answer the question, “How do we address hazard mitigation so that we will recover better, stronger, and more resilient so that the next and subsequent events are less disruptive and damaging?”**

While the SHMP contains all of the pieces needed for this charge, it neglects to provide concrete and specific descriptions of efforts, capabilities, and approaches that will satisfy its six stated goals. The SHMP fluctuates between providing a statewide assessment of hazards, risks, and mitigation needs, and representing State government interests. Specifically, it should expand to include mitigation activities and vulnerabilities in all sectors and levels. As was seen in Superstorm Sandy, disruption in private sector operations can be just as challenging as disruption in public sector services. Both private and public sector considerations are important to properly and effectively address the ramifications, and responses to, any hazard. New Jersey’s prosperity is determined by how we address the socioeconomic needs of all of our population, not just the wealthiest communities. Hazard mitigation efforts specific to better protecting special needs populations such as the disabled, elderly, and low-income renter populations are not given priority in the SHMP. Providing green infrastructure is not given priority; recommend that green infrastructure be given priority and incentives on page 6-29, “Stormwater Management Rules” and page 6-76, floodplain management ordinance.

A specific example of the failure to interconnect provisions of the SHMP is in Section 4 where the SHMP discusses trends within the state for deforestation and urbanization, which are only superficially connected to increased hazard risks. Page 4-13 the section on Watersheds states, “As a watershed becomes developed, the rate of stormwater runoff can increase. Less stormwater is able to soak into the ground when sidewalks, roads, parking lots, and rooftops block this infiltration. This means a greater volume of water can reach the waterway more quickly and less of that water is able to infiltrate to groundwater. This can lead to more flooding after storms, with the potential of a reduced flow in streams and rivers during dry periods.” Though the connection is stated briefly in this section, albeit incomplete, it is not acknowledged at all in the flooding section or the drought section. There should be significantly more emphasis placed on describing the actions that are could, or do, increase the State’s vulnerability to hazards.

**7. Address the importance of resiliency and hazard mitigation in retaining and regaining the state’s ability to complete as a player in the global economy.**

There was no apparent discussion of the impacts of these kinds of hazards on sea and air ports or on other transportation except for NJDOT/Parkway/Turnpike “contra-flow” plans. Are these contra-flow plans still current and relevant? Information on the

frequency of contra flow plan exercise and the degree to which advance notice is given the actors would give a more realistic understanding of our preparedness. Are improvements needed to secure our aviation and freight rail systems from hazards?

**8. *Treat sea level rise, coastal flooding, and coastal erosion as related but independent hazards.***

APA-NJ appreciates that climate change is addressed in the SHMP. Addressing climate change and sea level rise is an important and much needed next step for hazard mitigation planning throughout the country and especially in New Jersey. However, this information gets lost in a combined profile with Coastal Erosion and mentioned in the Flooding Profile.

**9. *Address the impact of New Jersey's property tax system, as it that militates against rational mitigation through retreat.***

Self explanatory.

**10. *Award priority points to projects that address regional mitigation.***

Page 3-46 of the SHMP does not list regional projects as a means to earn points. The SHMP must incentivize regional projects and plans. Counties could propose logical sub-regional affiliations based on boundaries defined by vulnerabilities and risk probability and, as a result, encourage municipal cooperative efforts.

**11. *Award priority points for alternative mitigation projects that promote resilience.***

Alternative mitigation projects that promote resilience can reinforce approaches other than, for example, elevation of structures at the coast that may also make them more sensitive to wind damage. As only primary homeowners are benefitting from Gramm-Waters (a 30% minority), remaining property owners - businesses and second homeowners that provide much of the economic activity at the shore – need more cost-effective loss-avoidance measures to reduce their NFIP premiums to reduce their currently negative weight on the Jersey Shore's real estate market and commercial activity.

**12. *Award priority points for consistency with the New Jersey State Development and Redevelopment Plan.***

The New Jersey State Development and Redevelopment Plan (SDRP) maintained by the New Jersey State Planning Commission is the strategic plan for New Jersey State Government to balance and advance a comprehensive range of competing economic, environmental, infrastructure, housing, and intergovernmental coordination objectives.

The SHMP should not only be consistent with the SDRP, but should give priority on page 3-46 to projects that are consistent with the SDRP. While Goal 5.4 on page 6-3 provides for this, there appear to be no specific actions associated with this goal. Further, page 6-20 discusses this balancing with no reference to the SDRP: “The nation’s most densely populated state is also home to a wide array of natural resources. New Jersey must carefully balance development and preservation of the use of its land, coast, and water. The State recognizes the direct benefit of carefully planning land use in coordination with growth management and has passed laws regulating land use, preservation of land and water, floodplains, growth, and emergency management to protect the land. In addition, the State also recognizes that proper planning can reduce the potential for hazards to impact the State. Refer to Section 4 (State Profile) for more detailed information on growth and development across New Jersey.”

**13. Provide greater priority to water supply protection.**

The health, safety, and prosperity of New Jersey will be more endangered by a loss of safe and reliable water supply than it will from traffic control or LIDAR investments. Ultimately, how the ranking of actions will be used must be made explicit. Rather than a laundry list of activities, there needs to be more substantial information and evaluation of actions being undertaken.

**14. Correct the municipal master plan reexamination period.**

Table 6-6 is incorrect in that the interval for municipal master plan re-examination is at least every 10 years, no longer 6 years. The same comment applies in the Building Codes Policy section.

**15. Recommend that the role of hazard mitigation as part of municipal planning be strengthened by amending the New Jersey Municipal Land Use Law.**

APA-NJ commits to assisting NJOEM in developing the details of such legislation, which should require that hazard mitigation planning be incorporated into other municipal master plan elements and particularly the land use element, circulation, parks and open space, community facilities, utilities, and housing elements. Goals and objectives in the municipal master plan, and regional plans for the Meadowlands, Highlands, and Pinelands, must also demonstrate how they relate to the goals of the SHMP and applicable county LHMPs. Finally, consistency with approved hazard mitigation plans should be included as a requirement for municipal master plans and reexamination reports.

**16. Strengthen the roles for County planning through legislative changes.**

The SHMP adds responsibilities to county governments and county planning agencies

without expanding their authority or funding to carry out these responsibilities.

### **17. Clarify relationships with Local Hazard Mitigation Plan requirements.**

The sub-sections in “3.2.2 Coordination of Local Planning Requirements-Plan Review Elements” seem to correspond to the topic of “Additional State requirements to the Plan Review Tool.” For instance the red headings “Plan’s Web Address” and “Identification of Mitigation Projects” were items identified in the previous SHMP as additional state requirements in the section “6.3.2: Additional State Requirements to the Crosswalk.” In the 2014 draft SHMP it is not as clear that these are additional state requirements. APA-NJ recommends one or all of the following clarifications:

- Clearly list which or if all the items in “3.2.2 Coordination of Local Planning Requirements-Plan Review Elements” are additional state requirements in the SHMP.
- List additional state requirements as NJOEM and FEMA would like to see them for review on an annotated NJ version of the Plan Review Tool in Element F.
- Clarify in the to be developed “Additional State requirements to the Plan Review Tool” handout mentioned in section 3.2.1.

### **18. Include the required State Capability Assessment**

We cannot tell from the HMP whether NJ is succeeding or failing in hazard mitigation and planning. There are inventories (albeit not comprehensive), but little assessment of progress. Section 6.2 of the SHMP lists State agencies and the programs they administer that are involved in hazard mitigation and recovery. While such an inventory is necessary, there is no “capability assessment,” as required by the federal regulations.

- Rather than marking a check “√” as to whether an agency or program has pre-disaster or post-disaster capabilities, descriptions of specific capabilities should be provided under their respective pre- and post- columns. The information supplied in Appendix G does not satisfy this need. By enumerating agency/program capabilities and categorizing them appropriately, NJ can better understand where there are overlaps or gaps in capabilities. Clarify in the to be developed “Additional State requirements to the Plan Review Tool” handout mentioned in section 3.2.1.
- After listing the types of agency/program capabilities and categorizing them, the Plan should evaluate these programs, as is required by Federal regulations. Appendix G provides some facts and figures (number of homes acquired, monies distributed, etc.) for some agency programs, but not all. In addition to listing achievements, the assessment should evaluate the programs to determine where improvements are needed, and so forth. The evaluation should be both qualitative and quantitative, and include benchmarks and performance metrics.

- The inventory includes agency programs- but does not include policies. Where each State agency has a policy statement that expresses their role and responsibilities in hazard mitigation planning and recovery, it should be provided in the plan.
- The roles and their effectiveness in carrying out their roles, of the National Guard Units in the state, must be addressed.
- The assessment must work to break down “silos” within and between agencies that have allowed development and infrastructure sitting in areas that are now high hazard (e.g. NJ Transit rail yards). Silos are evident within the organization chart for NJOEM itself, and no measures to remove these silos are evident.

### **19. Include the required Local Capability Assessment**

The federal regulations requires Section 6.3 of the SHMP to provide “a description and analysis of the effectiveness of local mitigation policies, programs, and capabilities.” This section in the NJ HMP is severely inadequate.

- There are no descriptions of local mitigation policies, programs and capabilities. This is not covered in Chapter 3, as well.
- There is absolutely no analysis of local programs to determine effectiveness.
- There are only listings of State policies that may “impact” local efforts. Even this is an incomplete inventory and the analysis is substandard and often incorrect. A comprehensive inventory and analysis is needed.
- For Land Use Planning and Development, for example, the HMP relies on the MLUL, just one NJ statute that impacts land use. The HMP wrongly notes that the Master Plan must be updated every six (6) years, when it was changed to ten (10) years. To be useful, the HMP should evaluate, for example:
  - How effective the MLUL is at getting municipalities to prepare and update land use plans?
  - What percentage of municipalities have ordinances that are consistent with their plans?
  - Are local plans addressing hazard mitigation? To what extent?
  - Do communities have ordinances to address hazard mitigation?
  - Where is technical assistance needed?
- For the section addressing the State’s Growth Management Policy, the HMP relies on a discussion of New Jersey’s Outdoor Recreation Plan. It should be presenting the effectiveness of the State Development and Redevelopment Plan (SDRP), and the status of Draft State Strategic Plan.
- Does the UCC require the adoption of a Master Plan? The Plan makes this assertion.
- On page 6-37 there is no mention of resolving the obstacles in meeting NJDEP requirements for stream clearing and infrastructure repair.



**20. Improve the effectiveness of the Mitigation Strategies section.**

Mitigation strategies in Section 6 must be better tied to the goals and objectives they are helping to achieve. Benchmarks and realistic performance metrics should be provided and resources made available to track their progress. There should be a statewide database for tracking strategies.

- “Actions” that are extremely vague and open-ended should be removed and listed as goals and objectives.
- Rather than organizing actions by the year of the SHMP, organize them by the goal(s) objectives(s) they are striving to achieve, or other type of action, or a categorization that is helpful for tracking progress. The year of the Plan can be a separate column in the table.
- The strategies provide little sense of progress being made or the scope of the issues they address. For example, in the dams regulations – Safe Dam Act of 1981, the SHMP states that 95 high hazard dams have been repaired. That would average about three per year. How many need to be repaired and how efficient is the process. Most importantly, what do you do in the event of an emergency?
- Within Table 6.9 many of the actions include the statement “ongoing capability or responsibility.” Again, this does not provide any sense of the status of the action or progress.
- For section 6.4.2 New Mitigation Strategies, the HMP notes that “All State agencies and academia” were given opportunity to add new mitigation strategies to the 2014 Plan update. What about Counties? Municipalities? Outside agencies, professional organizations?

**21. Improve the information regarding funding sources.**

The funding section chart should identify available funding and the ways in which each program arrives at its funding decisions.

**22. Require vulnerability analysis and hazard mitigation as part of redevelopment.**

Most of New Jersey’s future population and economic growth will be through redevelopment of existing developed land. By relying on land development rules that only govern new construction, such as the Coastal Zone Management rules, the mitigation strategy leaves the New Jersey coast extremely vulnerable to future events. Much of New Jersey’s current redevelopment is funded in part by the New Jersey Economic Development Authority and other State agencies. Mitigation for natural and technological hazards must be part of redevelopment plans and redevelopment projects, and hazard mitigation required for these projects must be included as eligible for funding assistance.

Thank you for your consideration of these recommendations. APA-NJ and professional planning practitioners continue to be available for assistance to the State of New Jersey moving forward.

Sincerely,



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