



**FEMA**

## NJDEP Protecting Against Climate Threats Stakeholders Meeting

March 2, 2020

The Federal Emergency Management Agency Region II (FEMA) appreciates the opportunity to comment on the Department's climate change regulatory reform effort - Protecting Against Climate Threats (NJ PACT). FEMA's Vision is a prepared and resilient nation. FEMA is New Jersey's partner in protecting the health and safety of its residents and this rulemaking process is important in preventing the exacerbation of the state's most devastating risk: flooding.

FEMA is a stakeholder in New Jersey's rules. The agency's investments post-disaster support to New Jersey through Public Assistance and the Hazard Mitigation Grant Program is nearly \$2.7 billion to date. This figure does not include non-disaster funding through the Hazard Mitigation Assistance grant programs – funding that New Jersey has been very competitive in obtaining. FEMA's hefty Federal funding assistance is indicative of New Jersey's great exposure to flood risk.

The following broad statements will inform our engagement with the Department as it moves forward with the review and proposed changes to its rules:

1. The Commissioner's January Administrative Order specifies several rules that will be modified to comply with the Governor's Executive Order 100. These are the Coastal Zone Management Rules, Freshwater Wetlands Protection Act Rules, Stormwater Management Rules and Flood Hazard Area Control Rules. FEMA believes that there are additional rules, for example NJAC 7:20 Dam Safety Standards, that require updating to align with the Governor's Executive Order and Commissioner's Administrative Order. FEMA partly funds the Department's Dam Safety program;
2. FEMA not only funds pre and post disaster grant and loan programs. FEMA provides funding for state and multijurisdictional planning, including Hazard Mitigation Plans, to build resilience and mitigate risk. The agency also operates the Community Rating System that strives to make communities safer and rewards more rigorous practices and standards by providing a discount on flood insurance policy premiums. This program that provides millions of dollars in savings requires state rules to be consistent and complementary with Federal regulations.
3. In performing a State Assessment, FEMA Region II has identified parts of the Flood Hazard Area Control Act Rule that are not compliant with the United States Code of Federal Regulations pertaining to non-structural activities, definitions that effect applicability, and variances. This assessment was not limited to NJDEP rules and we will work with the Department of Environmental Protection and the Department of

Community Affairs to rectify the inconsistencies. This is the perfect time to address this issue with the state's examination of many rules at once under Executive Orders 89 and 100.

4. FEMA funds the Department to assist communities in implementing the locally adopted Flood Damage Protection Ordinances. FEMA has also funded Department training of local officials and preparing them to take the Certified Floodplain Manager exam and be credentialed. We believe that education of communities and the regulated community will be critical when new rules rollout to ensure proper implementation.
5. FEMA Region II will continue to convene the Department of Environmental Protection and Department of Community Affairs to harmonize the Flood Hazard Area Control Act rules, the Uniform Construction Code and the Code of Federal Regulations. The work of the Interagency Council on Climate Resilience and the Department's climate change regulatory reform make this the optimum time to build comprehensive and coordinated regulations for the state. The state's resiliency to flood risk and future conditions depends on code compliance and enforcement.

FEMA looks forward to working with the Murphy Administration and the Department in focused stakeholder sessions titled "Planning for the Future," "Resilient Building," and "Mitigating the Effects of Climate Change." We look forward to participating in the advancement of a regulatory framework that will advance the State's public and building safety.

FEMA's Mission is helping people before, during, and after disasters. Regulations addressing today's and the future's flood vulnerability equates to less risk to the public, communities rebounding quicker after disasters, and a more resilient and prosperous New Jersey.