

**Statement of Imminent Peril to Public Health, Safety and Welfare Mandating Adoption of
Amendments to the Existing Flood Hazard Area Control Act Rules
at N.J.A.C. 7:13 by Emergency Procedures**

The State of New Jersey has suffered extraordinary levels of damage to homes, infrastructure, public buildings and private businesses due to the unprecedented storm surge and resulting flooding from Superstorm Sandy that made landfall in New Jersey on October 29, 2012. This extreme weather event and its aftermath greatly compounded the damages suffered by residents of the State from flooding brought about by Tropical Storm Irene in August 2011 and the October 2011 snowstorm. Viewed together, these storms demonstrate the vulnerability of much of the State's infrastructure and buildings to severe damage from flooding. Because of the experience of these events, and because the State may be subject to additional intense storm and flooding events in the future, it is imperative that new and reconstructed buildings in flood hazard areas be properly elevated to ensure appropriate protections and that the State rely on the most recent and reliable flood elevation data. It is essential that these new standards be in place immediately, before massive reconstruction of New Jersey's coastal communities begins in earnest.

Flooding has and continues to be the most frequent, destructive and costly natural hazard in New Jersey and is responsible for the large majority of disaster-related damage reported within the State. According to the 2011 State Hazard Mitigation Plan, floods present the highest natural disaster risk to the State with a high expectation of property damage and a near certainty of severe flooding. It is well documented that flooding causes major social disruptions due to the need to relocate flood victims and provide emergency services to affected residents, which necessarily diverts emergency personnel from other essential tasks, as well as the long-term social, economic and emotional impact on residents as a result of damaged or destroyed homes, schools, businesses and infrastructure upon which residents rely. Flooding also presents

significant health risks and results in prolonged interruptions to private businesses, reduced access to emergency care and interruption of essential government functions. Improperly built structures can furthermore experience severe and repetitive flood damage, which threatens public safety and results in economic loss and adverse social impacts. Significant damage can also result from collapsed structures and improperly secured structures and materials that are carried along by floodwaters.

New Jersey ranks nationally as having one of the highest number of flood insurance claims annually and ranks high among states in repetitive flood claims, as defined by the National Flood Insurance Program. From 1993 until April 2010, New Jersey experienced 1,241 floods causing more than 1.25 billion dollars in property damage and resulting in 14 deaths and 197 injuries. In each of the last eight years, New Jersey has experienced at least one major disaster declaration from Federal Emergency Management Agency (FEMA) resulting in millions of dollars of flood damage. In 2011, FEMA made five major disaster declarations in the State, four of which were due to flooding from severe weather events. Recent floods, such as those associated with Tropical Storm Irene in August 2011, have added significantly to these numbers. Most recently, in October 2012, Superstorm Sandy led the President of the United States to issue a major disaster declaration for all of New Jersey. The most recent estimates for Superstorm Sandy indicate that as many as 38 New Jersey residents lost their lives and that the statewide economic impact of the storm exceeds 37 billion dollars.

Unless structures in flood hazard areas are properly designed, constructed and elevated, they may not withstand future, severe flood events. Additionally, the reconstruction of structures without appropriate flood-proofing, such as constructing the lowest floor of buildings safely above flood elevations, will serve only to further heighten the risk of damage to surrounding structures. Damage also occurs from fallen structures, unsecured materials and other debris

carried by floodwaters. In coastal communities, significant damage occurs when buildings and structures are dislodged or become buoyant, and subsequently move with the ebb and flow of floodwaters. These problems are exacerbated by the human activity inevitably associated with New Jersey's status as the most densely populated State in the nation. With over 8.4 million residents in its 8,721 square mile area and approximately 3.8 million residents in flood hazard areas, without swift and immediate action, the State is presented with a risk of severe impacts during the next flood event.

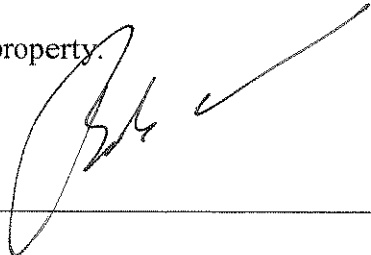
While many measures need to be taken to prevent and mitigate flood damage, one thing that will significantly reduce future flood impacts is the proper reconstruction of structures and elevating buildings to withstand flood events. Employing these measures has the potential to save the State's residents and taxpayers billions of dollars in property damage, economic loss, and in response and mitigation costs, as well as reducing further loss of life. These standards will also have the benefit to homeowners of reducing flood insurance rates.

Recognizing the potential for severe weather events, and the need to timely rebuild damaged structures within New Jersey's coastal communities on a monumental scale, emergency regulations are necessary to facilitate the repair, reconstruction and elevation of structures in flood hazard areas. These emergency amendments provide options to utilize the best available flood elevation data to determine the flood hazard area design flood elevation for a given site, including FEMA's recently released advisory flood maps for New Jersey's coast. The amendments also incorporate FEMA mapping issued as final (effective) that is developed in partnership with the Department such that it depicts the Department's flood hazard area design flood elevation and floodway limit; allow flood-proofing measures to be used instead of elevating structures in certain limited situations; and ensure consistency between the Department's standards for elevating buildings in flood hazard areas with the building standards

of the Uniform Construction Code promulgated by the Department of Community Affairs. These amendments will help minimize flood damage potential throughout the flood hazard areas of the State and help protect New Jersey's residents from the deleterious impacts of flooding.

I therefore find that an imminent peril exists to the health, safety and welfare of the citizens of this State that justifies the adoption of emergency regulations pursuant to N.J.S.A. 52:14B-4(c). These emergency rules will ensure that buildings and other structures rebuilt in our battered coastal communities in the wake of Superstorm Sandy are constructed, reconstructed and repaired to resist future severe flood events in accordance with the best available flood mapping and other standards incorporated in this emergency adoption, thereby mitigating future flood damage and protecting New Jerseyans' lives and property.

1/24/2013
Date



Bob Martin, Commissioner
Department of Environmental Protection