

10. PLAN ADOPTION

SECTION 10 PLAN ADOPTION

44 CFR 201.4(c)(6): "The plan must be formally adopted by the State prior to submittal to [FEMA] for final review and approval."

44 CFR 201.4(c)(7): "The plan must include assurances that the State will comply with all applicable Federal statutes and regulations in effect with respect to the periods for which it receives grant funding, in compliance with 44 CFR 13.11(c)."

This section discusses the State approval and plan adoption process, the statutes and Executive Orders that establish and define the authority of the Hazard Mitigation Plan (HMP), and the State's assurances. In addition, a copy of the letter of adoption is included at the end of this section. A completed Standard State Mitigation Plan Review Tool can be found in Appendix T—Standard Plan Crosswalk.

10.1 PLAN ADOPTION

The State HMP update was prepared and approved by the State Hazard Mitigation Team. The completed Plan is considered a draft until it is adopted by the Governor of New Jersey. The Draft, on its way to becoming finalized, must be forwarded to and approved by the following authorities:

1. State Director of Emergency Management
2. State Office of the Attorney General
3. Federal Emergency Management Agency (FEMA) Region 2 for initial review
4. Governor of New Jersey

The procedure is pursuant to Executive Order 115 (Florio); this plan is the State's "comprehensive plan for the reduction of natural hazards."

A copy of the Governor's letter of adoption is included at the end of this section.

The State of New Jersey hereby assures and certifies that the State HMP will comply with FEMA regulations, policies, guidelines, and requirements including Department of Treasury Office of Management and Budget's (OMB) Circulars No. A-95 and A-102, and 44 Code of Federal Regulations (CFR), Part 13. The HMP will comply with these regulations as they relate to any approved projects or grants, and the acceptance and use of federal funds for any federally assisted project.

10.2 AUTHORITY AND REFERENCES

The following statutes and Executive Orders establish and define the authority of this State HMP:

- Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended
- New Jersey Civil Defense and Disaster Control Act
- Executive Order #39 (Driscoll), Governor Driscoll, January 14, 1954
- Executive Order #12 (Cahill), Development of Department Emergency Plans, Governor Cahill, December 3, 1970
- Executive Order #101 (Byrne), Establishment of Office of Emergency Management, Governor Byrne, December 17, 1980
- Executive Order #115 (Florio), Establishment of Interagency State Mitigation Team, Governor Florio, January 14, 1994

10.3 ASSURANCES

As part of its formal adoption of this HMP update, the State of New Jersey asserts that it will comply with all applicable federal statutes and regulations in effect with respect to the periods for which it receives grant funding, in compliance with 44 CFR 13.11(c). The State also asserts that it will amend its plan whenever necessary to reflect changes in State or federal laws and statutes as required in 44 CFR 13.11(d).

10.4 ADOPTION DOCUMENTS

Upon agreement between FEMA Region 2 and New Jersey Office of Emergency Management (NJOEM), the official adoption documents will be presented after FEMA's final review and conditional approval of the Plan. A Standard State Mitigation Plan Review Tool is included in Appendix P – Standard Plan Crosswalk.