



## 20. CAPABILITY ASSESSMENT

A capability assessment is an inventory of a community's missions, programs, and policies and an analysis of its capacity to carry them out (FEMA 2003). This assessment is an integral part of the planning process. It enables identification, review, and analysis of current local and state programs, policies, regulations, funding, and practices that could either facilitate or hinder mitigation. Through assessing its capabilities, a jurisdiction learns how or whether it can implement certain mitigation actions by determining the following:

- Limitations that may exist on undertaking actions
- The range of local and/or state administrative, programmatic, regulatory, financial, and technical resources available to assist in implementing their mitigation actions
- Actions that are infeasible because they are outside the scope of current capabilities
- Types of mitigation actions that may be technically, legally, administratively, politically, or fiscally challenging or infeasible
- Opportunities to enhance local capabilities to support long-term mitigation and risk reduction

This chapter presents a summary of plans, programs, and regulatory mechanisms at all levels of government (federal, state, county, local) that reduce hazard risks and support hazard mitigation within the planning area. These capabilities are presented in three categories:

- Planning and regulatory capabilities
- Administrative and technical capabilities
- Fiscal capabilities

### 20.1 CAPABILITY ASSESSMENT PROCESS

Each participating jurisdiction's annex in Volume II includes a capability assessment specific to those jurisdictions. In addition to the capability categories in this chapter, the annexes review capabilities in the more localized categories of adaptive capacity and education and outreach. All participating jurisdictions were tasked with developing or updating their capability assessment for this update, evaluating the effectiveness of their capabilities in supporting hazard mitigation and identifying opportunities to enhance local capabilities. Each jurisdiction identified how it has integrated hazard mitigation into its existing planning, regulatory, and operational/administrative framework and how it intends to promote ongoing integration.

The contracted consultant met with Sussex County and each jurisdiction virtually to review the capability assessment from the 2021 HMP and update accordingly. The consultant also reviewed plans, codes, and ordinances to enhance the information provided by the jurisdictions.

### 20.2 PLANNING AND REGULATORY CAPABILITIES

Planning and regulatory capabilities are based on ordinances, policies, local laws, state statutes, plans, and programs that relate to managing growth and development. Planning and regulatory capabilities refer not only to current plans and regulations, but also to the jurisdiction's ability to change and improve those plans and regulations



as needed. This section summarizes planning and regulatory capabilities for Sussex County. Further information is provided in the jurisdictional annexes in Volume II.

### 20.2.1 Federal

#### National Flood Insurance Program

The U.S. Congress established the National Flood Insurance Program (NFIP) with the passage of the National Flood Insurance Act of 1968. The NFIP is a Federal program enabling property owners in participating communities to purchase insurance as a protection against flood losses in exchange for State and community floodplain management regulations that reduce future flood damage.

There are three components to the NFIP: flood insurance, floodplain management, and flood hazard mapping. Communities participate in the NFIP by adopting and enforcing floodplain management ordinances to reduce future flood damage. In exchange, the NFIP makes federally backed flood insurance available to homeowners, renters, and business owners in these communities. Community participation in the NFIP is voluntary. Flood insurance is designed to provide an alternative to disaster assistance to reduce the escalating costs of repairing damage to buildings and their contents caused by floods. Flood damage in the U.S. is reduced by nearly \$1 billion each year through communities implementing sound floodplain management requirements and property owners purchasing flood insurance. Additionally, buildings constructed in compliance with NFIP building standards suffer approximately 80 percent less damage annually than those not built in compliance.

All municipalities in Sussex County actively participate in the NFIP. As of 2024, there were 168 NFIP policies in Sussex County. There have been 172 claims made, totaling over \$1.7 million for damage to structures and contents. There are 15 NFIP repetitive loss (RL) properties in the County. Further details on the County's flood vulnerability may be found in the flood hazard profile in Chapter 10.

As noted in the jurisdictional annexes in Volume II, the County's municipalities have been compliant with the NFIP. To enhance their flood damage prevention programs and enhance compliance with the NFIP in the future, several municipalities propose actions in their mitigation strategies to ensure that their floodplain administrators complete training on floodplain management and the NFIP or update their flood damage prevention ordinance. All municipalities have included an action to improve substantial damage determination procedures. In addition, Sussex County's mitigation strategy includes an action to encourage and empower municipalities to participate in FEMA's Community Rating System (CRS). Additional information on the NFIP program and its implementation throughout the County may be found in the flood hazard profile (Chapter 10).

The state and municipalities within it may adopt higher regulatory standards when implementing the provisions of the NFIP. Specifically identified are the following:

- **Base Flood Elevation (BFE):** The elevation of surface water due to flooding that has a 1 percent chance of being equaled or exceeded in any given year.
- **Freeboard:** By law, New Jersey requires Base Flood Elevation plus 3 feet (BFE+3) for all inland construction, and BFE+5 for coastal construction. When there is a base flood elevation available, the lowest floor, including any basement, must be at or above the base flood elevation. Elevation may be by means of properly compacted fill, a solid slab foundation, or a crawl space foundation that contains permanent openings to let flood waters in and out. Non-residential structures may be flood-proofed in lieu of elevation. Where a local floodplain administrator has information to estimate a base flood elevation, such as historical flood records or a hydraulic study, that elevation must be used. Communities may go beyond this requirement, providing for additional freeboard.



- **Cumulative Substantial Improvements/Damages:** The NFIP allows improvements valued at up to 50 percent of the building's pre-improvement value to be permitted without meeting flood protection requirements. Over the years, a community may issue a succession of permits for different repairs or improvement to the same structures. This can greatly increase the overall flood damage potential for structures within a community. The community may wish to deem "substantial improvement" cumulatively so that once a threshold of improvement within a certain length of time is reached, the structure is considered to be substantially improved and must meet flood protection requirements.

### NFIP Community Rating System

As an additional component of the NFIP, the CRS is a voluntary incentive program that recognizes and encourages community floodplain management activities that exceed the minimum NFIP requirements. As a result, flood insurance premium rates are discounted to reflect the reduced flood risk resulting from the community actions meeting the three goals of the CRS: reduce flood losses; facilitate accurate insurance rating; and promote the awareness of flood insurance.

As of October 2023, there are no communities in Sussex County that participate in the CRS program. Sussex County provides technical assistance to guide interested municipalities through the application process.

### Risk Rating 2.0: Equity in Action

FEMA's Risk Rating 2.0: Equity in Action revises federal flood insurance by considering specific characteristics of buildings to provide more modern, individualized, and equitable rates. The new rating methodology considers frequency of flooding, multiple flood types, proximity to flood sources, and building characteristics such as first floor heights and costs to rebuilt. The update was rolled out in October 2021 through April 2022, and as of April 1, 2023 has been fully implemented (FEMA 2022). As of July 2023, 12,000 NFIP flood insurance policies in New Jersey had been dropped since Risk Rating 2.0 became effective—a pattern attributed to rising flood insurance costs under the new flood insurance calculations (NJ Spotlight News 2023). Homeowners that elect to drop NFIP insurance policies will no longer have access to federal Flood Mitigation Assistance funding for mitigation efforts.

Across the country, officials are finding it to be increasingly difficult to communicate the benefits of mitigation to some property owners where insurance rates are likely to stay high even after mitigation due to factors such as proximity to flood sources and frequency of flooding. Continued shifts in flood insurance costs, coverage, impacts of mitigation on flood prone properties, and potential updates to Risk Rating 2.0 will be monitored by Sussex County throughout the period of performance of this HMP update.

### Risk Mapping, Assessment, and Planning

FEMA works with federal, state, tribal, and local partners across the nation to identify flood risk and promote informed planning and development practices to help reduce that risk through the Risk Mapping, Assessment, and Planning (Risk MAP) program. Risk MAP provides high-quality flood maps and information, tools to better assess the risk from flooding, and planning and outreach support to communities to help them take action to reduce (or mitigate) flood risk. Each Risk MAP flood risk project is tailored to the needs of each community and may involve different products and services.

According to the Risk MAP Progress interactive map available online at the time of this plan update, there are numerous active Risk MAP projects taking place throughout New Jersey (FEMA n.d.). FEMA coordinates and works directly with municipal floodplain managers during the Risk MAP process. The State NFIP Coordinator is kept apprised of project activities and consults as needed.



Since 2006, the NJDEP and FEMA have maintained a Cooperating Technical Partnership Agreement (CTP) to perform map production together to build the next generation of FEMA and state flood mapping. New Jersey will continue to take the lead in prioritizing projects, coordinating available data sources, conducting outreach, and all essential components of data production and map adoption. Moving forward, NJDEP will be developing new floodplain data, producing digital Flood Insurance Rate Maps (FIRMs) and post-preliminary processing (NJDEP Bureau of Flood Engineering 2023).

New Jersey will integrate its mapping program with the FEMA program. This integration hinges on creating FEMA FIRMs for New Jersey that delineate the New Jersey Flood Hazard Area Design Flood (NJFHADF; the state's regulatory standard) and plot the NJFHADF water levels on the stream profiles. The NJFHADF is based on the 100-year flood discharge plus 25 percent. The state is obligated to compare the state flood elevations and floodway with the FEMA data for higher flood levels and wider floodways. By including the NJFHADF on the FIRM, the state would be able to use the FEMA FIRMs as the single source for both federal and state floodplain management, freeing up staff resources and reducing errors (NJDEP Bureau of Flood Engineering 2023).

### **Disaster Mitigation Act of 2000**

The Disaster Mitigation Act of 2000 (DMA 2000) is the current federal legislation addressing hazard mitigation planning. DMA 2000 provides an opportunity for states, tribes, and local governments to take a new and revitalized approach to mitigation planning. DMA 2000 amended the Robert T. Stafford Disaster Relief and Emergency Assistance Act by repealing the previous mitigation planning provisions and replacing them with a new set of mitigation plan requirements. This new section emphasizes the need for state, tribal, and local entities to closely coordinate mitigation planning and implementation efforts. It emphasizes planning for disasters before they occur. It specifically addresses planning at the local level, requiring plans to be in place before Hazard Mitigation Assistance grant funds are available to communities. HMPs designed to meet the requirements of DMA will remain eligible for future FEMA Hazard Mitigation Assistance funds. This plan is designed to meet the requirements of DMA, improving eligibility for future hazard mitigation funds.

The New Jersey Office of Emergency Management (NJOEM) Mitigation Unit is the lead agency in New Jersey to promote mitigation planning. The law sets forth a more granular review of mitigation planning. Once approved, the applicant is eligible to apply for federal funds for mitigation of hazards. The rules provide detailed guidance on what applicants should include in a plan.

### **Regulations for Local Mitigation Plans**

FEMA policies and procedures for its review and approval of local hazard mitigation plans are outlined in Title 44 of the Code of Federal Regulations (44 CFR 201.6). The local hazard mitigation plan is the representation of the jurisdiction's commitment to reduce risks from natural hazards, serving as a guide for decision makers as they commit resources to reducing the effects of natural hazards. Local plans also serve as the basis for the state to provide technical assistance and to prioritize project funding.

### **Robert T. Stafford Disaster Relief and Emergency Assistance Act**

The Robert T. Stafford Disaster Relief and Emergency Assistance Act provides a means for the federal government to assist state and local governments in responding to disasters. It provides for the following:

- Revising and broadening the scope of existing disaster relief programs
- Encouraging the development of comprehensive disaster preparedness and assistance plans, programs, capabilities, and organizations by state and local governments
- Achieving greater coordination and responsiveness of disaster preparedness and relief programs



- Encouraging individuals and state and local governments to protect themselves by obtaining insurance coverage to supplement or replace governmental assistance
- Encouraging hazard mitigation measures to reduce losses from disasters, including development of land-use and construction regulations
- Providing federal assistance programs for public and private losses sustained in disasters

The NJOEM Mitigation Unit is the lead state agency that reviews, submits, and administers federal funding to programs that mitigate hazards. These programs help fund cost beneficial projects that help reduce damage from hazards.

### **Disaster Recovery Reform Act**

The Disaster Recovery Reform Act amended the Robert T. Stafford Disaster Relief and Emergency Assistance Act as follows:

- Modified the Pre-disaster Hazard Mitigation Grant Program to permit the use of technical and financial assistance to establish and carry out enforcement activities to implement codes, specifications, and standards that incorporate the latest hazard-resistant designs
- Directed the President to establish a National Public Infrastructure Pre-disaster Mitigation Fund
- Authorized the President's contribution to the cost of hazard mitigation measures to be used to increase resilience in any area affected by a major disaster
- Directed FEMA to issue a final rulemaking that defines the terms "resilient" and "resiliency"

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### **Presidential Policy Directive 8**

Presidential Policy Directive 8 requires that a threat hazard identification and risk assessment (THIRA) be developed for a state to remain eligible for Homeland Security Grant Program (HSGP) and Emergency Management Program Grant (EMPG) funding.

The New Jersey Office of Homeland Security and Preparedness is the lead state agency in preparing the state's THIRA. The fiscal year 2013 New Jersey State THIRA and Strategic Planning Report was submitted to FEMA Region II in December 2013.

### **Bunning-Bereuter-Blumenauer Flood Insurance Reform Act of 2004**

The Flood Insurance Reform Act of 2004 amended the 1994 National Flood Insurance Reform Act of 1968 to reduce losses to properties for which repetitive flood insurance claim payments have been made. This Act established a program for mitigation of severe repetitive loss properties and gave FEMA the authority to fund mitigation activities for individual repetitive loss properties. The Act provides additional coverage for compliance with land-use and control measures.

The NJDEP Flood Control Division is the lead coordinator of New Jersey's NFIP efforts. NJOEM Mitigation Unit is the agency working with New Jersey communities with severe repetitive loss properties. This statute helps New Jersey residents with affordable flood insurance and gives additional tools to the state and communities to mitigate severe repetitive loss properties.



## **Biggert Waters National Flood Insurance Reform Act of 2012**

Under the Biggert-Waters National Flood Insurance Reform Act of 2012, long-term changes to the National Flood Insurance Program have been adopted that have increased rates overall to reflect the flood risk more accurately to buildings in flood hazard areas. This has significantly influenced construction and reconstruction within flood hazard areas.

Property owners are encouraged to consider long-term insurance costs when undertaking reconstruction or elevation of damaged buildings. An investment to reconstruct the lowest floor of a building an additional foot or two higher today may translate into significant future flood insurance savings.

## **Homeowner's Flood Insurance Affordability Act**

This 2014 law modified provisions of the 2012 Biggert-Waters Flood Insurance Reform Act and made changes to programs not covered by that Act. It lowered rate increases on some policies, prevented some future rate increases, and implemented a surcharge on all policyholders. It repealed certain rate increases that had already gone into effect and provided for refunds to those policyholders. The Act authorized additional resources for the National Academy of Sciences to complete an affordability study.

## **Emergency Support Function #14, Long-Term Recovery Planning**

Emergency Support Function (ESF) #14 provides a mechanism for coordinating federal support to state, tribal, regional, and local governments, nongovernmental organizations (NGOs), and the private sector to enable community recovery from the long-term consequences of extraordinary disasters. It identifies and facilitates the use of sources of recovery funding and provides technical assistance (such as impact analyses) for community recovery and recovery planning (FEMA 2008).

ESF #14 may be activated for incidents that require a coordinated federal response to address significant long-term impacts (e.g., impacts on housing, government operations, agriculture, businesses, employment, community infrastructure, the environment, human health, and social services) to foster sustainable recovery (FEMA 2008).

Actions coordinated under ESF #14 include pre-incident planning and coordination, immediately prior to the incident, post-event planning, and operations (FEMA 2008).

Through ESF #14, NJOEM works with the Office of Homeland Security and Preparedness to have a plan for long-term planning and recovery prior to a disaster or emergency. One of the areas of planning includes mitigation. This coordination allows for another statewide plan to incorporate mitigation principles and planning.

## **Post-Hurricane Sandy Transportation Resilience Study of New York, New Jersey, and Connecticut**

The Post-Hurricane Sandy Transportation Resilience Study was part of a series of research projects funded by the Federal Highway Administration (FHWA) with a goal of mainstreaming the consideration of climate vulnerability and risk in transportation decision making. The study was intended to assess how to integrate climate resilience at multiple levels: in planning, during the project development process, and as part of operations and maintenance strategies, including asset management and emergency management.





## U.S. Army Corps of Engineers

Under Section 404(e) of the Clean Water Act, the U.S. Army Corps of Engineers (USACE) can issue general permits to authorize activities that have only minimal individual and cumulative adverse environmental effects. There are three types of USACE permits:

- A nationwide permit is a general permit that authorizes activities across the country unless a district or division commander revokes the nationwide permit in a state or other geographic region. There are 54 nationwide permits, and they authorize a wide variety of activities, including linear transportation projects, bank stabilization activities, residential development, commercial and industrial developments, aids to navigation and certain maintenance activities (USACE 2017).
- Standard permits are individual permits that involve full public interest review of an individual permit application and include the issuance of a public notice for any project that does not meet the terms and conditions of a nationwide permit or a letter of permission.
- Regional general permits are for small, specialized projects.

### 20.2.2 State

#### Municipal Land Use Law

The State of New Jersey Municipal Land Use Law (MLUL; New Jersey Statutes Annotated [NJSA] 40:55D-1) is the legislative foundation for the land use process in New Jersey, including decisions by planning boards and zoning boards of adjustment. It defines the powers and responsibilities of boards and is essential to their functions and decisions. It also provides the required components of a municipal master plan.

Every municipal agency must adopt and can amend reasonable rules and regulations consistent with this act or with any applicable ordinance for the administration of its functions, powers, and duties. These plans help jurisdictions review their land use plans and policies with public participation.

The MLUL requires that each municipality prepare a comprehensive plan and update that plan every 10 years. In 2017 the MLUL was amended to require that any land use plan element adopted after the amendment include a statement of strategy concerning smart growth, storm resiliency, and environmental sustainability. This section of the MLUL was further amended in 2021 to require that any land use plan element of the master plan adopted or amended after that date must include a climate change-related hazard vulnerability assessment, which must include an analysis of current and future threats to and vulnerabilities of the municipality associated with climate change-related hazards, including many of those identified in this HMP update.

#### Inland Flood Protection Rule

The Inland Flood Protection Rule became effective July 17, 2023. The Rule ensures that areas at most significant risk are better defined and that new and reconstructed assets in these areas are designed and constructed using the best available climate-informed precipitation data (NJDEP 2023). The Rule accomplishes the following:

- Establishes the new design flood elevation, which raises fluvial (non-tidal) flood elevation mapped by NJDEP by 2 feet
- Requires use of future projected precipitation when calculating flood elevations
- Ensures that NJDEP's Flood Hazard Area permits conform to New Jersey Uniform Construction Code (UCC) standards and meet or exceed minimum FEMA NFIP requirements



- Requires stormwater best management practices to be designed to manage runoff for both today's storms and future storms
- Removes use of Rational and Modified Rational methods for stormwater calculations (NJDEP 2023)

### **New Jersey Soil Erosion and Sediment Control Act**

New Jersey has 15 soil conservation districts, following county boundaries that implement the New Jersey Soil Erosion and Sediment Control Act (NJSA 4:24), which governs certain aspects of new development.

### **Uniform Construction Code**

Building codes mandate best practices and technology to reduce or prevent damage from occurring when structures are under stress. Structures built to code and sufficiently elevated suffer far less damage during hazard events. The UCC Act authorizes the Commissioner of the Department of Community Affairs to adopt and enforce rules pertaining to construction codes and provides for the administration and enforcement of those rules throughout the state. The UCC (NJAC 5:23) contains all rules relating to the administration and enforcement of construction regulations in New Jersey. It contains technical subcodes for the following:

- |                                 |                                          |
|---------------------------------|------------------------------------------|
| • Building                      | • Accessible (barrier free) construction |
| • Electrical                    | • Rehabilitation of existing buildings   |
| • Fire protection               | • Construction of manufactured homes     |
| • Plumbing                      | • Asbestos hazard abatement              |
| • Fuel gas installations        | • Radon hazard abatement                 |
| • Mechanical installations      | • Playground safety.                     |
| • One- and two-family dwellings |                                          |

The UCC adopts up-to-date building codes as its Building Subcode and One- and Two-Family Subcode that address construction in both A and V flood zones. All new flood zone construction is required to comply with the UCC.

The radon hazard sub-code sets forth basic requirements for a passive sub-slab or sub-membrane depressurization system (NJAC 5:23-10.4). The radon control standards apply to new residential construction (and school construction) in "tier one" areas. The sub-code lists the specific municipalities that are designated as tier one areas.

### **State Planning Act, Growth Management Policy**

New Jersey's smart growth is growth that serves the environment, the economy, and the community equally. It attempts to concentrate development into already-existing communities when possible, and it addresses the inherent interconnections between environmental protection, social equity, public health, and economic sustainability.

The State Planning Act (NJSA 52:18A) has enhanced the traditionally limited role of county land-use planning and control. The Act provides tools for municipalities when preparing their master land use plans and better opportunity for a comprehensive approach to planning so as not to harm or be in conflict with neighboring municipalities' plans. The State Planning Act created the New Jersey State Planning Commission and the Office of State Planning as staff to the Commission. Duties of the State Planning Commission are as follows:

- To prepare and adopt a State Plan to provide a coordinated, integrated, and comprehensive plan for the growth, development, renewal, and conservation of the state and its regions





- To prepare a long-term infrastructure needs assessment, which shall provide information on present and prospective conditions, needs and costs with regard to state, county and municipal capital facilities, including water, sewerage, transportation, solid waste, drainage, flood protection, shore protection, and related capital facilities
- To develop and promote procedures to facilitate cooperation and coordination among state agencies and local governments
- To provide technical assistance to local governments
- To periodically review state and local government planning procedures and relationships
- To review any bill introduced in either house of the Legislature which appropriates funds for a capital project

### **New Jersey Statewide Comprehensive Outdoor Recreation Plan**

Land preservation and recreation are cornerstones of New Jersey's smart growth policy. The New Jersey Statewide Comprehensive Outdoor Recreation Plan provides statewide policy direction to the state, local governments, and conservation organizations in the preservation of open space and the provision of public recreation opportunities. Under the requirements of the State Planning Act, the Outdoor Recreation Plan was prepared and adopted by the State Planning Commission to guide state agencies and local governments in planning, infrastructure investment, and other public actions and initiatives that affect and support economic growth and development.

### **Flood Hazard Area Control Act; Flood Hazard Area Control Regulation**

New Jersey enacted the Flood Hazard Area Control Act (NJSA 58:16A) to accomplish the following:

- Delineate and mark flood hazard areas
- Authorize NJDEP to adopt land-use regulations for the flood hazard area
- Control stream encroachments
- Coordinate the development, dissemination, and use of available information on floods and flood damage
- Authorize the delegation of certain administrative and enforcement functions to county governing bodies
- Integrate the flood control activities of the municipal, county, state, and federal governments

The intents of the implementing regulations (New Jersey Administrative Code [NJAC] 7:13) are as follows:

- Minimize potential on- and off-site damage to public or private property caused by development that exposes structures to flooding and increases flood heights or velocities upstream and downstream
- Safeguard the public from the dangers and damage caused by materials being swept onto nearby or downstream lands,
- Protect and enhance the public's health and welfare by minimizing the degradation of water quality from point and non-point pollution sources
- Protect wildlife and fisheries by preserving and enhancing water quality and the environment associated with the floodplain and the water courses that create them

### **Wetlands Act of 1970**

In the Wetlands Act of 1970 (NJSA 13-9A), the New Jersey Legislature declared that it is necessary to preserve the ecological balance of estuarine zones and prevent their further deterioration and destruction by regulating dredging, filling, removing, or otherwise altering or polluting them. These areas protect the land from the force of the sea, moderate the weather, provide a home for waterfowl and for fish and shellfish, and assist in absorbing sewage discharge by the rivers of the land.



## **Coastal Zone Management Rules Program, Coastal Zone Management Adopted Amendment**

Coastal Zone Management rules (NJAC 7:7E and 7:7-16.9) mandate that the use and development of coastal resources be considered in reviewing permit applications under the Coastal Area Facility Review Act, Wetlands Act of 1970, Waterfront Development Law, Water Quality Certification (401 of the federal Clean Water Act); and Federal Consistency Determinations (307 of the federal Coastal Zone Management Act). The rules provide a basis for recommendations to the Tidelands Resource Council on applications for riparian grants, leases, and licenses. They also provide for public access to tidal waterways and their shores.

## **Freshwater Wetland Protection Act, Freshwater Wetland Protection Rules**

New Jersey enacted the Freshwater Wetland Protection Act (NJSA 13:B1) to support state and local wetland protection programs through funding for projects that clearly demonstrate a direct link to increasing the state's ability to protect wetland resources. Grants are federally funded and administered by the NJDEP. The associated implementing regulations (NJAC 7:7A) support the New Jersey freshwater wetlands program.

## **Waterfront Development Statute, Coastal Permit Program**

The Waterfront Development Statute (NJSA 12:5-1) sets forth requirements for filling or dredging of, or placement or construction of structures, pilings, or other obstructions in, any tidal waterway or certain upland areas adjacent to tidal waterways outside the area regulated under Coastal Area Facility Review Act. The implementing rules (NJAC 7:7) establish the procedures by which the NJDEP will review permit applications and appeals from permit decisions under the Waterfront Development Law.

## **Safe Dam Act of 1981**

Under New Jersey's Safe Dam Act (NJAC 7:24A), no municipality, corporation, or person shall (without the consent of the Commissioner of Environmental Protection) build any reservoir or construct any dam, or repair, alter, or improve existing dams, on any river or stream in New Jersey or between New Jersey and any other state that will raise the waters of the river or stream more than 5 feet above its usual mean low water height.

## **Tidelands Act**

Under New Jersey's Tidelands Dam Act (NJAC 12:3), tidelands—lands flowed by the tide of a natural waterway and lands that were previously flowed by the tide but have been filled and are no longer flowed by the tide—are owned by the people of the State of New Jersey. Individuals must get permission from the state to use these lands—in the form of a tidelands license, lease, or grant—and must pay for this use.

Grants, licenses, and leases are issued by the Tidelands Resource Council, which makes all ultimate decisions with regard to tidelands. The Tidelands Resource Council is a board of 12 Governor-appointed volunteers, along with NJDEP staff at the Bureau of Tidelands Management.

## **Stormwater Management Rules**

New Jersey's Stormwater Management rules (NJAC 7:8) are implemented by the NJDEP through the review of permits issued by the Division of Land Use Regulation (Flood Hazard, Freshwater Wetlands, Coastal Area Facility Review Act, Waterfront Development, and Coastal Wetlands). The Stormwater Management rules are also implemented by local authorities through the Municipal Land Use Law and the Residential Site Improvement Standards, which apply any residential application that goes before a local board. Through the site improvement



standards, the Stormwater Management rules are activated whenever a municipality requires the control of runoff from a site that is the subject of a site or subdivision application.

These rules set forth the required components of regional and municipal stormwater management plans and establish the stormwater management design and performance standards for proposed new development. The design and performance standards for new development include groundwater recharge, runoff quantity controls, runoff quality controls, and buffers around certain waters.

### **New Jersey Pollutant Discharge Elimination System Stormwater Rules**

The New Jersey Pollutant Discharge Elimination System (NJPDES) Stormwater Rules (NJAC 7:14A) govern the issuance of permits to entities that own or operate small, separate municipal storm sewer systems. The permit program establishes the Statewide Basic Requirements that must be implemented to reduce nonpoint source pollutant loads from these sources. The Statewide Basic Requirements include measures such as the following:

- Adopting ordinances (litter control, pet waste, wildlife feeding, proper waste disposal, etc.)
- Developing a municipal stormwater management plan and implementing ordinance(s)
- Requiring certain maintenance activities (such as street sweeping and catch basin cleaning)
- Implementing controls for solids and floatables
- Locating discharge points and stenciling catch basins
- Conducting public education

NJDEP issued final stormwater rules and four NJPDES general permits authorizing stormwater discharges from Tier A and Tier B municipalities as well as public complexes and highway agencies that discharge stormwater from municipal separate storm sewers. The general permits address stormwater quality issues related to new development, redevelopment, and existing development by requiring municipalities to implement the Statewide Basic Requirements. All municipalities have a local stormwater coordinator, and NJDEP case managers are assigned to each municipality for compliance assistance.

The Tier A and Tier B Municipal Stormwater General Permits authorize the discharge of stormwater from small municipal separate storm sewers. The Tier A permit addresses stormwater quality issues related to both new and existing development. The Tier B permit focuses on new development and redevelopment projects and public education. There are 462 Tier A municipalities and 100 Tier B municipalities.

### **Construction Permits**

State law mandates that NJDEP make timely decisions on construction permit applications so as not to delay necessary construction projects, ensure adequate public notice of procedures, and continue effective administration of the substantive provisions of other laws (NJSA 13:1D-30). This applies to coastal and flood hazard regulations but not to freshwater wetland rules.

### **New Jersey Green Acres Land Acquisition Act of 1961**

The Legislature enacted the New Jersey Green Acres Land Acquisition Acts to achieve a system of interconnected open spaces, whose protection will preserve and enhance New Jersey's natural environment and its historic, scenic, and recreational resources for public use and enjoyment. In 1998, New Jersey voters approved a referendum that created a stable source of funding for open space, farmland, and historic preservation and recreation development. The Garden State Preservation Trust Act, passed in 1999, established a stable source of funding for preservation efforts.



Rules to implement the Green Acres laws govern the award of loans or matching grants to local governments and nonprofits for the acquisition or development of land for outdoor recreation and conservation purposes. The rules establish project eligibility requirements, application requirements, funding award categories and criteria, matching grant and loan terms, and program administrative requirements. They contain procedures for the disposal, or diversion to a use other than recreation and conservation, of lands acquired or developed with Green Acres funding or otherwise encumbered with Green Acres restrictions.

### **Emergency Building Inspection Act**

The Commissioner of the Department of Community Affairs established a program to deploy state and local construction code officials to assist local construction code officials and inspectors. This program has provided flexibility and redundancy to the state and local governing bodies in the deployment of essential personnel to evaluate buildings and other structures affected by a natural or man-made disaster or emergency. New Jersey's Emergency Building Inspection Act (NJSA 52:27D-126.3) addresses how building code officials would be compensated if called to support damage assessment outside of their jurisdiction.

### **New Jersey Civilian Defense and Disaster Control Act**

New Jersey's Civilian Defense and Disaster Control Act prescribes a course of conduct for the civilian population during emergencies and centralizes control of civilian activities having to do with such emergencies under the Governor. It gives the Governor control over the resources of state and local government and other powers as may be necessary to cope with emergencies. The Act is implemented through coordination and communication among NJOEM and county emergency management coordinators, overseen by the Office of Civilian Defense Director, who is appointed by the Governor.

### **Agreements with Governors of Bordering States for Protection of Communication Facilities**

The Governor is authorized under NJSA 38A:17 to enter into agreements with the governors of any of the states bordering on New Jersey for the protection in the event of emergency of any or all interstate bridges, tunnels, ferries, and other communications facilities. NJOEM is responsible for the implementation of the Governor's directive to assist emergency response counterparts in bordering states. NJOEM manages interstate assistance through delineated lines of communication and standard operating procedures.

### **New Jersey State Forest Fire Service**

Under NJSA 13:9, the State Forest Fire Service is responsible for the following:

- Determining wildfire hazards
- Removing or overseeing removal of brush, undergrowth, or other material that contributes to wildfire hazards
- Maintaining or overseeing maintenance of firebreaks
- Setting backfires
- Plowing lands
- Closing roads
- Making regulations for burning brush

The Forest Fire Service has the authority to summon any person between the ages of 18 and 50 who may be within the jurisdiction of the state, to assist in extinguishing fires. The Service can require the use of property needed for



extinguishing fires, issue permits, collect extinguishment costs and fines for violations, and direct all persons and apparatus engaged in extinguishing wildfires. The Service has the right of entry to inspect and ascertain compliance and extinguish wildfires, investigate fires to determine cause, close the woods to all unauthorized persons in an emergency, and arrest (without an official warrant) anyone violating the Forest Fire Laws. Certain forest fire mitigation efforts may occur where there is threatened and endangered habitat, even when that habitat was caused by past prescribed burning operations.

### **The Fire Service Resource Emergency Deployment Act**

The Fire Service Resource Emergency Deployment Act (NJSA52:14E-11) allows for the Fire Division within the Department of Community Affairs to deploy fire assets to a pre-designated location in advance of a disaster or emergency and to move assets to a pre-designated location to avoid assets being damaged.

### **New Jersey Statewide Water Supply Plan**

NJDEP developed and periodically updates the New Jersey Statewide Water Supply Plan to guide future water supply management as follows:

- Identify surface and groundwater sources, and current demands on those resources
- Make demand projections for duration of the plan
- Identify intended uses of land purchased for water supply facilities but not yet used
- Recommend:
  - Improvements, new construction, and interconnections
  - Diversions for aquaculture
  - Legislative and administrative actions to protect watershed areas
  - Identification and purchase of land for water supply facilities
  - Administrative actions to protect surface and groundwater supplies

The 2023-2028 plan extends the planning period from 2040 to 2050 and addresses the following issues (NJDEP n.d.):

- Climate change implications for water availability and water supply demands
- Environmental justice and equity issues related to water supply management
- Potential water supply implications of source water contamination, especially regarding emerging contaminants of concern
- More specific water management recommendations for stressed water resources

### **2020 New Jersey Scientific Report on Climate Change**

NJDEP's Scientific Report on Climate Change summarized the effects of climate change on New Jersey's environment to inform state and local decision-makers as they seek to understand and respond to the impacts of climate change. This report identifies and presents the best available science and existing data regarding the current and anticipated environmental effects of climate change globally, nationally, and regionally (NJDEP 2023).

### **2021 New Jersey Climate Change Resilience Strategy**

New Jersey's Statewide Climate Change Resilience Strategy provides a framework for policy, regulatory, and operational changes to promote the long-term resilience of New Jersey to climate change. It presents actions that



New Jersey's Executive Branch can take to support the resilience of the state's communities, economy, and infrastructure. The Resilience Strategy includes 125 recommended actions across six priority areas (NJDEP 2021):

- Build resilient and healthy communities
- Strengthen the resilience of New Jersey's ecosystems
- Promote coordinated governance
- Invest in information and increase public understanding
- Promote climate informed investments and innovative financing
- Coastal resilience plan

### **New Jersey Wetland Program Plan, 2023 – 2027**

In 2023, NJDEP, the New Jersey Sports and Exposition Authority, the Pinelands Commission, and the Highlands Council developed the five-year Wetland Program Plan to direct current and future wetland protection, management and restoration efforts to the benefit of the state's wetland resources. The plan includes an environmental justice component to lessen environmental and public health stressors in historically overburdened communities.

## **20.2.3 County**

### **Sussex County Strategic Growth Plan**

Sussex County's Strategic Growth Plan recommends strategies to reduce or reverse the loss of population and economic base that the County has been experiencing in recent years. In order for the Strategic Growth Plan to lead to improved economic stability, the information and recommendations found in this Plan should be considered by both private and public county stakeholders, in a partnership with the business community and non-profit organizations. The cooperation of state and regional agencies is also essential. The recommendations in this plan are based on six focus areas selected by Sussex County. The Plan of Action lists recommendations for tourism, transportation, economic development, housing, reducing the regulatory burden, and agricultural development.

### **Disaster Debris Management Plan**

Disaster Debris Management Plan establishes procedures and guidelines for managing disaster debris in a coordinated, environmentally responsible, and cost-effective manner. It identifies two county-owned locations for debris collection.

### **Groundwater Manual**

Sussex County's Groundwater Manual places a high priority on the protection and management of groundwater, especially existing and potential high yielding aquifers, since over 90 percent of area residents rely on groundwater for supplies. This manual is intended to:

- Identify critical areas in need of management and protection
- Identify the existing and potential problems specific to the planning area
- Offer municipal decision makers and professional staff a regional groundwater management strategy
- Outline practices that can be incorporated into municipal water plans and ordinances for managing groundwater
- Design a framework for implementing groundwater management at the municipal level





## Stormwater Pollution Prevention Plan

Sussex County's Stormwater Pollution Prevention Plan identifies site-specific potential sources of stormwater pollution. It outlines best management practices to reduce pollutants in stormwater discharges from various sites. The plan identifies all potential pollution sources that could come into contact with stormwater leaving a site, and includes the following elements:

- Descriptions of activities that could cause pollution
- Best management practices and control measures for preventing pollution
- Procedures for conducting inspections and monitoring
- Plans for keeping the Stormwater Pollution Prevention Plan up to date

## Open Space and Recreation Plan

The following goals guide the recommendations of Sussex County's Open Space and Recreation Plan Update:

- Protect the quantity and quality of water resources
- Secure protection of rivers, lakes, and streams
- Connect land for regional greenways and trail development
- Shape growth and maintain rural character of a community
- Safeguard threatened and endangered species habitat
- Add to publicly owned land
- Preserve scenic vistas
- Offer opportunities for resource-based ("passive") recreation
- Provide opportunities for facility-based ("active") recreation
- Engage in land stewardship activities
- Promote tourism activities
- Enhance land and sites with historic values

## Highlands Regional Master Plan

The Highlands Regional Master Plan evaluates how best to protect the natural and cultural resources of the Highlands Region while striving to accommodate a sustainable economy. The Plan establishes capacity limitations for future growth in the Highlands Region related to both natural systems (such as protection of drinking water supplies) and the built environment (such as wastewater and transportation infrastructure). The Plan evaluates the costs and potential consequences of local land use planning decisions, assesses the environmental and economic benefits of natural resource and open space protection (particularly as relates to water supply), and further develops tools to institute necessary growth control measures to safeguard critical natural resources.

## Target Business and Industry Analysis

This analysis has three inter-related objectives that will lead to the creation of a strategy intended to develop a sustainable business and industrial base that will provide good, family sustaining jobs for County residents, increase the County's tax base without sacrificing the County's quality of life and natural resources, and broaden the County's economic base. In broad terms these objectives are to:

- Identify and target economic sectors with the greatest economic, growth, and public benefit potential



- Enhance intergovernmental planning and coordination to promote the desired growth
- Identify ways to streamline the local regulatory processes to promote obtaining economic development objectives.

### **Ten-Year Mobility Study**

The goal of the study is to develop strategies to address transportation needs in the coming decade. The study identifies challenges and issues that have both resulted from the study process and represent challenges that will be faced during the implementation period for the plan; presents the study steps and the key findings that have resulted from the overall process; and presents the recommended steps that should be taken by Sussex County and its associated partners to address current and emerging transportation needs over the next 10 years.

### **Comprehensive Farmland Preservation Plan**

Since the program's inception in 1983, the Sussex County Agriculture Development Board has preserved 9,468 acres of farmland with another 2,894 acres pending in 2007. At the end of 2007, the Board will have preserved a total of 12,362 acres of farmland in Sussex County. Sussex County realizes the importance of preserving its farmers as well its farmland. In cooperation with local schools, organizations, and research institutions, the County has undertaken a number of initiatives that help to promote the economic well-being of local farmers.

### **Complete Streets Policy and Implementation Plan**

The purpose of the Sussex County Complete Streets Policy and Implementation Plan is to better accommodate the travel needs and desires of motorists, pedestrians, bicyclists, transit riders, seniors, children, and individuals with disabilities. The Plan recommends consideration of context-sensitive roadway design improvements that provide safe access for all users by designing and operating a comprehensive, integrated, and connected multimodal network (streets, sidewalks, and trails) of transportation options within the County. In addition, the Plan includes specific Complete Streets recommendations for targeted Pilot Locations.

### **Natural Resources Inventory**

Sussex County's Natural Resources Inventory provides a stand-alone discussion of natural resource issues that affect development, conservation, and the economic vitality of the County.

### **Solid Waste Management Plan**

Sussex County seeks to maximize the diversion of marketable or reusable waste materials out of the solid waste stream into a recycling program. The Solid Waste Management Plan seeks to achieve the following:

- Codify existing County policy and procedures to enable the County to enforce and administer the Plan.
- Establish minimum standards of performance for generators of solid waste and recyclable materials.
- Aid in the conservation and recovery of valuable resources.
- Establish standardized responsibilities for residential generators of solid waste throughout the County.
- Establish standardized responsibilities for non-residential generators of solid waste throughout the County.
- Establish standardized performance responsibilities for all municipal recycling coordinators.
- Establish standardized performance responsibilities for the County recycling coordinator.
- Provide mechanisms for enforcing the Plan and penalties for those who are non-compliant with it.



- Fix fees for compliance monitoring.
- Remove a maximum amount of recyclable material from the County solid waste stream.

### **Wastewater Management Plan**

The Sussex County Wastewater Management Plan is a comprehensive plan for wastewater management for the 24 municipalities served by the County. Wastewater management planning is part of the continuing planning process required by the New Jersey Water Quality Planning Act (NJSA 58:11A-1) and the federal Clean Water Act. The intent of the continuing planning process is to align federal, state, regional and local land use plans to ensure that they do not conflict with each other.

### **Emergency Operations Plan**

The Sussex County Emergency Operations Plan defines the scope of preparedness and emergency management activities necessary in the County. This document assigns responsibility to organizations and individuals for carrying out actions that exceed routine responsibility during an emergency. It sets lines of authority and organizational relationships and shows how all actions will be coordinated. The plan also identifies how people and property are protected and identifies personnel, equipment, facilities, supplies, and other resources available within the jurisdiction or by agreement with other jurisdictions.

### **Communications Plan**

The Sussex County Communications Plan is a strategic, step-by-step process that specifies when, how, and with whom to communicate when an emergency occurs. This plan covers different communication channels and who is in charge of sending messages. The plan is broad enough to apply to most emergency situations but specific enough for everyone to follow. The plan includes items such as contact information for employees, stakeholders, and partnering agencies; notification methods; media contacts; and message prompts.

### **Continuity of Operations Plan**

A continuity of operations plan is a policy and guidance document that ensures that essential functions for an agency or organization are continued in the event of an emergency. Sussex County's plan addresses emergencies from an all-hazards approach, including natural and human-caused disasters.

### **Threat and Hazard Identification and Risk Assessment**

Sussex County's THIRA is a three-step risk assessment process that helps the County understand its risks to natural and human-caused hazards and what must be done to address those risks. The County works with the New Jersey Office of Homeland Security and Preparedness to complete its THIRA.

### **Community Health Improvement Plan**

The Community Health Improvement Plan sets priorities and coordinates resources to improve community health in Sussex County. The plan identifies chronic disease, mental health and substance abuse, healthy aging, and maternal child health as priority areas for intervention. This document outlines community health partners' activities that improve these priority areas.



### **Traffic Diversion Plans**

Traffic Diversion Plans are sets of documents that detail the processes to be followed to divert traffic from specific areas of the County. The plans outline preferred types of diversion techniques, the factors used to decide diversion locations, and area-specific regulations or policies. The County uses these plans when there is a scheduled event, construction, or an emergency incident.

### **Community Forest Management Plan**

The five-year Community Forest Management Plan addresses street trees, park trees, and trees on other public grounds. Future plans will follow up on goals not attained during this planning period. The objectives and timeline for completion outlined in this plan are dependent on the availability of funding and will be altered from time-to-time to ensure there is no negative impact on the day-to-day operations of the County.

### **Subdivisions**

The MLUL dictates subdivisions in New Jersey. The Sussex County board of commissioners provides for the review of all subdivisions of land within the county by the county planning board and for the approval of those subdivisions affecting county road or drainage facilities (NJSA 40:27-6.2).

#### **20.2.4 Local**

New Jersey's Home Rule Act (1917) grants municipal governments broad authorities to enact ordinances and regulations providing for public welfare and order. Municipalities can leverage these powers to address local conditions that affect their residents. To ensure a minimum set of standards, New Jersey has passed laws and regulations mandating that each municipality adopt local ordinances with the same basic criteria. Jurisdictions may adopt additional requirements but cannot have fewer requirements than the state.

The following sections described general types of plans and ordinances at the municipal level. For information on plans and regulations specific to each municipality in Sussex County, refer to Volume II.

### **Master Plans**

New Jersey's Municipal Land Use Law grants municipalities the power to enact a master plan with a land use element (NJSA 40:55D-28). Master plans create the foundation for the local zoning and land ordinances that govern development. These plans help jurisdictions review their land use plans and policies with public participation. The MLUL provides the required components of a municipal master plan and requires all zoning ordinances to be consistent with the master plan. The local zoning administrator and volunteer planning and zoning board members have the responsibility to interpret and enforce the municipality's master plan.

Current state law requires municipalities to incorporate a climate change-related hazard vulnerability assessment into any master plan land use element (PL 2021 Chapter 6). The vulnerability assessments must rely on the most recent natural hazard projections and best available science provided by the NJDEP. They must consider environmental effects associated with climate change, including but not limited to temperature, drought, and sea-level rise, and contain measures to mitigate reasonably anticipated natural hazards, such as coastal storms, shoreline erosion, flooding, storm surge, and wind.



## **Zoning Ordinances**

The MLUL grants municipalities the power to adopt a zoning ordinance (NJSA 40:55D-62). Each municipality must adopt a zoning ordinance. Zoning ordinances have three major constraints:

- Municipalities may not exercise authority in ways that conflict with provisions of the federal or state constitutions.
- Municipal authority may not be exercised in conflict with authority exercised by the county, state, or federal governments.
- Municipal authority must be exercised in strict conformity with the provisions of the MLUL.

A property owner can request a variance from the municipality, and if granted, the owner can use the land in a way that is ordinarily not permitted by the local zoning ordinance. Each municipal clerk is required to file a copy of the planning and zoning ordinances of the municipality with the county planning board (NJSA 40:27-6.10). The local zoning administrator and volunteer planning and zoning board members have the responsibility to interpret and enforce the municipality's zoning and other land development ordinances.

## **Building Codes**

In New Jersey, municipalities are required to adopt the New Jersey State Uniform Construction Code (UCC). The MLUL allows municipalities to adopt their own building codes, and all property owners within a municipal boundary must abide by these laws (NJSA 40:55D-1). Local building regulations can be more stringent than the requirements of the UCC but not more lax. State-licensed, municipally employed code enforcement professionals (construction officials, subcode officials, and inspectors) are responsible for enforcement of the UCC (NJDCA n.d.).

## **Stormwater Management Ordinances**

New Jersey establishes stormwater management design and performance standards that address water quality, water quantity, and recharge (NJAC 7:8). Municipal stormwater control ordinances must be designed to do the following:

- Reduce flood damage, including damage to life and property.
- Minimize, to the extent practical, any increase in stormwater runoff from any new development.
- Reduce soil erosion from any development or construction project.
- Ensure the adequacy of existing and proposed culverts and bridges, and other instream structures.
- Maintain groundwater recharge.
- Prevent, to the greatest extent feasible, an increase in nonpoint pollution.
- Maintain the integrity of stream channels for their biological functions, as well as for drainage.
- Minimize pollutants in stormwater runoff from new and existing development in order to restore, enhance and maintain the chemical, physical, and biological integrity of the waters of the state, to protect public health, to safeguard fish and aquatic life and scenic and ecological values, and to enhance the domestic, municipal, recreational, industrial and other uses of water.
- Protect public safety through the proper design and operation of stormwater management basins.
- Follow green infrastructure practices that use or mimic the natural water cycle to capture, filter, absorb, and/or reuse stormwater.

Municipal ordinances can be more stringent than the state requirements but not more lax. The state's Residential Site Improvement Standards allow municipalities to require stormwater runoff controls for development falling below



major development to address groundwater recharge and stormwater runoff quantity, but not for water quality (NJAC 5:21-7.1) (NJDEP 2023).

### Stormwater Management Plans

A municipal stormwater management plan documents the strategy of a specific municipality to address stormwater-related impacts. New Jersey's NJPDES Stormwater Rules (NJAC 7:14A) set forth the required components of municipal stormwater management plans. A plan may address an existing water quantity issue, such as localized flooding; an existing water quality issue, such as excess pollutant loading; or issues of water quantity and quality that may be generated by future development. Municipal stormwater management plans provide the structure and process for addressing stormwater management in the municipality. They are required by the U.S. Environmental Protection Agency's Phase II Stormwater Permitting Rules; the mandatory elements of the plan are described in the Stormwater Management Rule (NJDEP 2004).

### Emergency Operations Plans

Local municipalities in New Jersey are required to have an approved emergency operations plan. The plan specifies the vulnerabilities for major emergencies the municipality may have and outlines the resources the municipality has or can access to meet the emergency. The plan is reviewed at the county and state offices of emergency management.

## 20.3 ADMINISTRATIVE AND TECHNICAL CAPABILITIES

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This section summarizes administrative and technical capabilities in Sussex County. Further information is provided in the jurisdictional annexes in Volume II.

### 20.3.1 Federal

#### FEMA Assistance Programs and Plan Review

FEMA is responsible for providing assistance before, during, and after disasters. FEMA is the federal reviewer of hazard mitigation plans and sets federal standards for local and state hazard mitigation plans.

#### Community Assistance Visits and Community Assistance Contacts

FEMA performs audits known as Community Assistance Visits (CAVs) and Community Assistance Contacts (CACs) to ascertain community compliance with the NFIP, at entry into the CRS, and to maintain participation in the CRS. FEMA may conduct these with its own regional staff, with NJDEP staff, or with private contractors. CAVs are generally more rigorous than CACs (NJDEP 2023). FEMA evaluates the following key areas in a compliance audit:

- The community's flood damage prevention ordinance
- Mapping products and other ordinances used to regulate floodplain development
- Floodplain development permitting procedures
- Floodplain permit applications and other forms/records, including substantial damage and improvement determinations
- Floodplain development review and performance standards
- Floodplain development permits issued to applicants (NJDEP 2023)





## **National Dam Safety Program**

The National Dam Safety Program (NDSP) is a partnership of state and federal agencies and other stakeholders that encourages individual and community responsibility for dam safety to protect people from dam failures. It is administered through the Department of Homeland Security and FEMA. The program improves safety and security around dams in the following ways (FEMA 2023):

- Providing grants to state dam safety agencies to assist them in improving their regulatory programs
- Producing educational materials for dam owners
- Funding research to enhance technical expertise as dams are built and rehabilitated
- Establishing training programs for dam safety inspectors
- Creating a National Inventory of Dams

## **HURREVAC**

HURREVAC is the decision support tool of the National Hurricane Program, administered by FEMA, USACE, and the National Atmospheric and Oceanic Administration's National Hurricane Center (HURREVAC n.d.). The NJOEM has established a working group with all 21 county offices of emergency management to use HURREVAC software for tracking hurricanes. HURREVAC allows NJOEM and the counties to coordinate notification, communication, activations, public warning, evacuation, and sheltering. By operating together, the state and the counties can provide the same advisories and actions.

## **National Weather Service**

The National Weather Service (NWS) monitors weather and delivers weather forecasting for New Jersey. Most of the state, including Sussex County, is serviced by the Mount Holly weather forecast office (WFO). Passaic, Bergen, Essex, Hudson, and Union County are covered by the New York WFO. The NWS also offers various education and training programs on weather-related hazards (NWS 2023).

The NWS operates the StormReady program, which provides emergency managers with guidelines on how to improve their hazardous weather operations. To be recognized by the program, a community must do the following (NWS n.d.):

- Establish a 24-hour warning point and emergency operations center
- Have more than one way to receive severe weather warnings and forecasts and to alert the public
- Create a system that monitors weather conditions locally
- Promote the importance of public readiness through community seminars
- Develop a formal hazardous weather plan, which includes training severe weather spotters and holding emergency exercises

There are no StormReady communities within Sussex County, including the County.

## **U.S. Army Corps of Engineers**

USACE works to strengthen the nation's security by building and maintaining America's infrastructure. Projects include dredging, storm damage reduction, and ecosystem restoration in and near waterways (USACE n.d.). New Jersey is serviced by the Philadelphia and New York districts. USACE has numerous initiatives to support hazard mitigation measures, including the Silver Jackets, planning assistance, and inspections and repair of flood control structures. USACE also maintains the National Inventory of Dams and the National Levee Database.



### U.S. Geological Survey

The U.S. Geological Survey (USGS) maintains gauges across New Jersey that continuously measure lake, reservoir table, stream, and tidal levels. The USGS receives the data and makes it available over the internet. USGS provides data to NJDEP for drought determinations. As project needs and funding levels change, gauges may be added or deactivated, and deactivated gauges may be reactivated (USGS 2023).

USGS also recovers high water marks post-coastal flooding (USGS 2018). In back bays and along tidal waters, the USGS manages the New Jersey Tide Telemetry System, which transmits continuously to the NWS, USGS, State Climatologist, NJDEP, NJOEM, all affected counties, and many municipalities.

### 20.3.2 State

#### New Jersey Department of Environmental Protection

##### Bureau of Dam Safety and Flood Control

The Bureau of Dam Safety and Flood Control leads the state's efforts filling the State NFIP Coordinator position and providing CRS support. Its responsibilities include the funding of construction and operation of federal, state, and local flood control mitigation projects throughout the state. The bureau has a lead role in the development and adoption of New Jersey Flood Hazard Area mapping, as well as an active partnership with FEMA on its Map Modernization Program. The bureau assists communities that participate in the NFIP and are interested in joining CRS through the NJDEP Community Assistance Program Unit.

##### Dam Safety Section

The Dam Safety Section under the NJDEP Bureau of Dam Safety and Flood Control has responsibility for ensuring the safety and integrity of dams in New Jersey. The section also coordinates with the Division of State Police and local and county emergency management officials in the preparations and approval of emergency action plans.

The Dam Safety Section reviews plans and specifications for the construction of new dams or for the alteration, repair, or removal of existing dams. The section must grant approval before a dam owner can proceed with construction. Engineers from the Dam Safety Section evaluate each project, investigate site conditions, and check recommended construction materials. During construction, engineers identify conditions that may require design changes, check for compliance with approved plans and specifications, and approve foundations before material is placed.

Existing dams are periodically inspected to ensure that they are adequately maintained, and owners are directed to correct any deficiencies found. The regulations require dam owners to obtain a professional engineer to inspect their dams on a regular basis. These investigations include a comprehensive review of all pertinent material contained in the Section's files, a visual inspection, technical studies when necessary, and preparation of a comprehensive report.

##### Division of Water Supply and Geoscience

NJDEP's Division of Water Supply and Geoscience works to ensure an adequate, reliable, and safe water supply for the future. It is responsible for regulating groundwater and surface water diversions, permitting wells, permitting drinking water infrastructure, monitoring drinking water quality, and providing technical support for water systems to achieve compliance with federal and state standards. Division staff provide technical assistance for water



systems during water supply emergencies, as needed to re-establish safe and adequate public water supplies, and to address routine non-compliance from significant deficiencies or poor water quality test results. Additionally, Water Supply provides operator licensing and training support.

### New Jersey Geological and Water Survey

The New Jersey Geological and Water Survey evaluates geologic, hydrogeologic and water quality data to manage and protect water resources, to identify natural hazards and contaminants, and to provide mineral resources, including offshore sands for beach nourishment. Information provided by the survey includes GIS data and maps of geology, topography, groundwater, and aquifer recharge. In addition, data is available for wellhead protection areas, aquifer thicknesses, properties and depths, groundwater quality, drought, geologic resources, and hazards such as earthquakes, abandoned mines, karst-influenced sinkholes, and landslides.

### New Jersey Department of the State Office of Planning Advocacy

The New Jersey Office of Planning Advocacy supports and coordinates planning throughout the state to protect the environment, mitigate development hazards, and guide future growth into compact, mixed-use development and redevelopment while fostering a robust long-term economy. The Office of Planning Advocacy implements the goals of the State Development and Redevelopment Plan to achieve comprehensive, long-term planning. It integrates that planning with programmatic and regulatory land use decisions at all levels of government and the private sector.

### Rutgers University

#### Office of the State Climatologist

The Office of the New Jersey's State Climatologist generates and archives climate data. Generated data are from the New Jersey Weather and Climate Network, which is an assemblage of 55 automated weather stations throughout the state. A decade or more of hourly observations are available from some of the stations; others have shorter records. Since late 2012, observations are available on a five-minute basis.

Along with these records, the State Climatologist Office archives or has ready access to NWS Cooperative Weather Station data. These are daily observations from several dozen stations at any given time over the past century. Individual stations have as many as 120 years of data. Another source of generated data is the Community Collaborative Rain, Hail and Snow Network, which includes daily observations of rain and snow from as many as several hundred volunteers throughout the state.

### New Jersey Climate Adaptation Alliance

New Jersey Climate Adaptation Alliance (NJADAPT) focuses on climate change preparedness for New Jersey in key impact sectors (public health; watersheds, rivers, and coastal communities; built infrastructure; agriculture; and natural resources). NJADAPT is a collaborative effort of scientists and data managers in academia, government, the private sector and non-governmental organizations who have developed a strategic plan for a New Jersey platform to host and apply climate science impacts and data. The NJADAPT website includes a flood exposure profile for community discussions about hazard impacts; New Jersey Flood Mapper (which is a tool for flooding hazards and sea level rise); and Getting to Resilience (a tool used to help communities reduce vulnerability and increase preparedness).



### Rutgers Cooperative Extension of Sussex County

Rutgers Cooperative Extension is part of the federal land grant university system serving as the educational outreach arm of the U.S. Department of Agriculture. Rutgers Cooperative Extension of Sussex County was established in 1912 and was the first cooperative extension program in New Jersey. The office provides research-based information to help Sussex County residents acquire knowledge to make informed decisions to maintain or improve their quality of life.

Outreach programs are provided, including classes and conferences, telephone and in-person consultations, replies to emailed questions, newspaper columns, radio and television programs, bus trips, fairs and clubs, field meetings and demonstrations, computerized diet and financial analyses, videos, newsletters, fact sheets, speaking engagements for organizations and work sites, exhibits and displays, and web sites.

### Highlands Water Protection and Planning Council

The Highlands Water Protection and Planning Council (Highlands Council) is a regional planning agency that works in partnership with municipalities and counties in the Highlands Region to encourage a comprehensive regional approach to implementing the 2004 Highlands Water Protection and Planning Act (the Highlands Act). Southeastern areas of Sussex County are located in the Highlands Region.

The Highlands Act established the Highlands Council and charged it with the creation and adoption of a regional master plan to protect and enhance the natural resources within the New Jersey Highlands. The Highlands Regional Master Plan was adopted by the Highlands Council in 2008. Conformance with the master plan is a two-phase process: petition and implementation. During the petition process, municipalities and counties work in collaboration with Highlands Council staff to prepare draft documents that will integrate the land use and resource management requirements of the Highlands Act into local regulatory and planning documents. Once a petition is approved by the Highlands Council, work begins on implementation, which involves finalizing those documents for local adoption and ongoing management of resources.

The Highlands Council may provide grant funding to municipalities and counties to support local hazard mitigation planning. Such plans would identify local level risks associated with extreme storm events and develop local actions that could prevent or mitigate hazardous situations. For example, grants fund stormwater management plans that support green infrastructure for stormwater management, as well as stormwater mitigation plans. These plans should be in place prior to disaster events. Highlands Council grants may be used for planning, design, and/or engineering activities, but do not fund capital expenses.

The Highlands Council is participating in the Governor's Climate Resiliency initiative and is preparing to develop a Highlands Climate Change chapter of the Regional Master Plan.

The Highlands Council has initiated a stormwater management program for counties and municipalities to assist in advance planning. The Council also requires extensive green stormwater infrastructure for all projects reviewed.

### New Jersey Office of Emergency Management

Emergency management functions at the state-level are coordinated by NJOEM, a branch of the New Jersey State Police. The Superintendent of the New Jersey State Police is generally appointed as the state director of NJOEM (New Jersey State Police n.d.-a). NJOEM uses conference calling with the NWS and county offices of emergency management to share specific information and needs when severe weather is forecast. When an approaching storm warrants monitoring, NJOEM sends out e-mails with State Emergency Operations Center (EOC) status information



and advice to keep all emergency managers statewide up to date. Resources are deployed as early as possible to prepare for storm impacts.

### **New Jersey State Police Emergency Management Section**

The Emergency Management Section of the New Jersey State Police organizes, directs, staffs, coordinates, and reports the activities of the Communications Bureau, Emergency Response Bureau, Recovery Bureau, and Preparedness Bureau. The section is also responsible for planning, directing, and coordinating emergency operations within the state that are beyond local control. Hazard mitigation efforts in the state are largely coordinated through the Recovery Bureau and Preparedness Bureau. The Supervisor of the State Police Emergency Management Section serves as assistant deputy state director of NJOEM (New Jersey State Police n.d.-b).

### **North Jersey Transportation Planning Authority**

The North Jersey Transportation Planning Authority is the federally authorized Metropolitan Planning Organization for the 13-county northern New Jersey region. Each year, the Authority oversees over \$2 billion in transportation improvement projects and provides a forum for interagency cooperation and public input.

### **New Jersey Governor's Disaster Recovery Office**

The New Jersey Governor's Disaster Recovery Office (GDRO) coordinates the multi-agency response to large-scale disaster events, such as COVID-19, Tropical Storm Ida, Superstorm Sandy, and other disasters, to assist in the recovery and rebuilding of the state. The GDRO also focuses on disaster resilience activities and sources of funding to mitigate damage from future events. The GDRO works with other state agencies, including NJOEM (FEMA funding), the NJDCA Disaster Recovery and Mitigation Division (HUD funding), and NJDEP (USACE and FEMA/HUD funding) to ensure that the funding received from Congress is put toward the most effective uses, including those related to hazard mitigation, and is reported to the public in a transparent manner.

The GDRO works closely with NJOEM, NJDEP, NJDCA, and other areas of the Governor's Office in developing long-term hazard mitigation strategies. Important focus areas include updating the Flood Hazard Area Control Act, deploying pre-disaster programs, and weighing in on state legislation that might fund hazard mitigation activities or change flood hazard understanding.

### **New Jersey State Hazard Mitigation Team**

The New Jersey State Hazard Mitigation Team (SHMT) is an advisory committee that serves as a coordination point for all FEMA-funded natural hazard mitigation activities that will be evaluated in conjunction with other federal- and state-funded recovery and resilience activities. The SHMT is responsible for periodically updating New Jersey's State Hazard Mitigation Plan and has the authority to call state, county, and local government agencies, academic institutions, and nongovernmental entities to provide input to the state plan. The SHMT meets annually or following any Presidentially declared disaster event that results in FEMA funding being made available to the State of New Jersey for hazard mitigation or resilience or to coordinate recovery activities.

The SHMT consists of seven members:

- The Executive Director of the GDRO
- The State Hazard Mitigation Officer
- The Chief Resilience Officer, or designee
- The State Director of Emergency Management, who is the Superintendent of State Police, or designee



- The Commissioner of Community Affairs, or designee
- The Commissioner of Transportation, or designee
- The Attorney General, or designee

The Governor also can appoint additional members to the SHMT. The SHMT is co-chaired by the Executive Director of the GDRO and the State Hazard Mitigation Officer.

### Sustainable Jersey

Sustainable Jersey is a nonprofit organization that provides tools, training and financial incentives to support community efforts to reduce waste, cut greenhouse gas emissions, and improve environmental equity. The organization also offers a certification program for municipal governments in New Jersey. The certification is free and completely voluntary (Sustainable Jersey 2023). Many municipalities in Sussex County participate in Sustainable Jersey but only the following municipalities are certified: Sparta Township (bronze) and Hopatcong Borough (bronze) (Sustainable Jersey 2024).

### 20.3.3 County

#### Sussex County Sheriff's Office Division of Emergency Management

The Division of Emergency Management (DEM), a division of the Sussex County Sheriff's Office, is a county-level emergency service required by statute that coordinates resources to serve the needs of Sussex County during times of emergency. The DEM oversees the emergency management activities of all county agencies and Sussex County's 24 municipalities. Each municipality has an emergency management coordinator with whom this division interacts. Those coordinators, in turn, interact at the local level with police, fire, EMS, public works, public health, schools, etc. As mitigation grant funding becomes available, the Sussex County DEM distributes information to the municipal coordinators at quarterly meetings.

The DEM presents training and educational programs, including personal emergency preparedness, access and functional needs, and incident command for responders. It also oversees two community alert programs—Swift911 and Register Ready. The DEM is leading this HMP update and hosting information about the HMP on its website.

#### Sussex County Division of Planning and Economic Development

The Sussex County Division of Planning and Economic Development is responsible for providing staff and technical assistance to the County Planning Board, Agricultural Development Board, Solid Waste Advisory Committee, 208 Water Quality Policy Advisory Committee, Strategic Growth Advisory Committee and Board of Chosen Commissioners on all matters related to land use, development, and conservation. The Division manages the following programs:

- |                              |                                     |
|------------------------------|-------------------------------------|
| • Census data for the County | • Open space preservation           |
| • Housing market             | • Regional planning                 |
| • Cross acceptance           | • Solid waste planning              |
| • Development review         | • Transportation planning           |
| • Economic development       | • Water quality management planning |
| • Farmland preservation      | • Conferences and presentations     |





### **Sussex County Planning Board**

The Sussex County Planning Board is responsible for approving site plan and subdivision applications within its jurisdiction in accordance with the New Jersey County Planning Enabling Act. A Development Review Committee reviews all applications and acts on behalf of the full Board. Applications for waivers from County development standards are heard by the full Board with input from county engineering and planning staff.

### **Sussex County Division of Engineering**

The Sussex County Division of Engineering is charged with overseeing activities associated with maintaining, improving, and monitoring the County's transportation network. The Division works with the Division of Facilities Management to provide project support and civil/survey design services for facility-related capital improvement projects. It also provides technical support to the Division of Planning. Department responsibilities include the following:

- Provide in-house design of road and bridge improvements
- Manage capital projects
- Monitor the condition of bridges, signals, signs, and traffic markings
- Develop long-term capital budgets
- Conduct construction stakeouts
- Perform right-of-way surveys
- Track traffic trends
- Monitor work within the county right of way through road opening and driveway permits

The Division supported the update of this HMP, is a member of the Steering Committee, and reviewed and contributed to the plan and County annex.

### **Sussex County Open Space Committee**

The Sussex County Open Space Committee consists of seven voting members who are appointed by the Board of Chosen Commissioners. The members are drawn from the agricultural, nonagricultural, and business communities. The Committee oversees the use of Open Space Trust Fund dollars to acquire lands and wetlands for the protection of environmentally sensitive areas; for the preservation of scenic, cultural or historically valuable areas; and for public outdoor recreation areas.

### **Sussex County Division of Public Works**

The Sussex County Division of Public Works is responsible for the maintenance, surfacing, resurfacing, drainage and repair of all County roads, bridges, and drains. The Division is also in charge of removing snow, ice, leaves, debris, or other matter that may impede or restrict travel within the County. The Division investigates complaints involving County roads and bridges and then takes proper action to see that the needed repairs are made with a minimum of delay.

The Division supported the update of this HMP, is a member of the Steering Committee, and reviewed and contributed to the plan and County annex.



## **Sussex County Department of Health and Environmental Services**

The Sussex County Department of Health and Environmental Services' mission is to protect, promote, maintain, and improve the health and quality of life for Sussex County citizens and visitors. The Department website has information on whom to contact in times of emergency. The following areas are under the Department's responsibility:

- Environmental health
- Public health nursing
- Emergency preparedness
- Hazardous materials
- Special child health services
- Weights and measures
- Mosquito control
- Health education topics
- Sussex-Warren chronic disease coalition

## **Sussex County GIS**

Sussex County GIS (Geographic Information Systems) provides mapping and other GIS services to meet the business needs of county divisions, constitutional offices, local government and not-for-profit organizations within Sussex County. This includes providing support and maintenance in the areas of data conversion, cartography, computer graphics and visualization, global positioning systems (GPS), database design and software development.

Sussex County GIS supported this update of the Sussex County HMP, is a member of the Steering Committee, and reviewed and contributed to the plan and County annex.

## **Sussex County HAZ-MAT Team**

The Sussex County HAZ-MAT team consists of about 20 full time employees trained to the technician level and available to respond to environmental and public health emergencies 24 hours a day, seven days a week. The team is a collaborative effort between the Sussex County Sheriff's Office, the Sussex County Office of the Prosecutor, the Sussex County Division of Public Works, and the Sussex County Department of Environmental and Public Health Services. Its state of the art hazmat equipment, including response vehicles, air monitoring instruments, personal protective equipment, and decontamination units, was paid for through state and federal Homeland Security Grants.

## **Sussex County Economic Development Partnership**

The Sussex County Economic Development Partnership is dedicated to the creation of sustainable economic opportunity and prosperity to improve the quality of life in Sussex County. The Partnership facilitates the recruitment, retention and expansion of business that will complement and be consistent with the character and environment of Sussex County.



## 20.3.4 Local

Detailed information regarding administrative and technical capabilities of the municipalities can be found in each jurisdictional annex found in Volume II.

## 20.4 FISCAL CAPABILITIES

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This section summarizes fiscal capabilities in Sussex County. Further information is provided in the jurisdictional annexes in Volume II.

### 20.4.1 Federal Funding Opportunities

#### FEMA

##### Hazard Mitigation Assistance Programs

FEMA Hazard Mitigation Assistance programs provide funding for activities that reduce long-term risk to people and property from future disasters. States, local, tribal and territorial governments may apply for this funding. All mitigation projects must be cost-effective, technically feasible and effective, and compliant with federal, state, territorial, tribal and local laws. All applicants and sub-applicants must have a FEMA-approved hazard mitigation plan. Individual homeowners and business owners may not apply directly to FEMA for these programs; eligible local governments may apply on their behalf. The following are the main Hazard Mitigation Assistance programs (FEMA 2023):

- The Hazard Mitigation Grant Program (HMGP) assists in implementing long-term hazard mitigation planning and projects following a Presidential major disaster declaration. Funding is generally 15 percent of the total amount of federal assistance provided to a state, territory, or federally recognized tribe following a major disaster declaration. Eligible applicants are state and local governments, certain nonprofit organizations or institutions that perform essential government services, and Indian tribes and authorized tribal organizations. Funds can be used for projects that will protect public or private property in an area covered by a federal disaster declaration.
- Flood Mitigation Assistance (FMA) provides funds on an annual basis for planning and projects to reduce or eliminate risk of flood damage to buildings, manufactured homes, and other structures that are insured under the NFIP. Funding depends on the amount Congress appropriates each year. At minimum, a FEMA-approved local flood mitigation plan is required before a project can be approved.
- The Pre-Disaster Mitigation (PDM) program provides funds on an annual basis for hazard mitigation planning and projects designed to reduce the risk to individuals and property from future natural hazards, while also reducing reliance on federal funding from future disasters. Funding depends on the amount Congress appropriates each year.
- Building Resilient Infrastructure and Communities (BRIC) supports jurisdictions' hazard mitigation projects by building capability and capacity; encouraging and enabling innovation; promoting partnerships; enabling large projects; maintaining flexibility; and providing consistency. BRIC is funded by a 6 percent set-aside from federal post-disaster grant funding.
- The Safeguarding Tomorrow Revolving Loan Fund (RLF) program is authorized under Section 205 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act to provide capitalization grants to states, eligible federally recognized tribes, territories and the District of Columbia to establish revolving loan funds that provide hazard mitigation assistance for local governments to reduce risks from natural hazards and



disasters. The Safeguarding Tomorrow RLF program complements and supplements FEMA's Hazard Mitigation Assistance grant portfolio to support mitigation projects at the local government level and increase the nation's resilience to natural hazards and climate change. These low interest loans will allow jurisdictions to reduce vulnerability to natural disasters, foster greater community resilience and reduce disaster suffering.

### Cost Sharing

FEMA Hazard Mitigation Assistance grants require a local cost share in the range of 10 to 25 percent of the total project cost, as summarized in Table 20-1.

Table 20-1. FEMA Hazard Mitigation Assistance Grant Cost Share Requirements

Programs	Cost Share (Percent of Federal / Non-Federal Share)
<b>Hazard Mitigation Grant Program</b>	
HMGP	75 / 25 <sup>a</sup>
HMGP Post Fire	75 / 25
<b>Flood Mitigation Assistance</b>	
Community flood mitigation, project scoping, individual mitigation of insured properties, and planning grants	75 / 25 <sup>b</sup>
Socially vulnerable communities	Up to 90 / 10
Repetitive loss property <sup>c</sup>	90 / 10
Severe repetitive loss property <sup>c</sup>	100 / 0
<b>Pre-Disaster Mitigation</b>	
PDM	75 / 25
PDM—Small and impoverished community	Up to 90 / 10
<b>Building Resilient Infrastructure and Communities</b>	
BRIC	75 / 25
BRIC—Economically Disadvantaged Rural Communities	Up to 90 / 10

Source:

(FEMA 2023)

- Sub-applicants should consult their State Hazard Mitigation Officer for the amount of percentage of HMGP subrecipient management cost funding their state has determined to be passed through subrecipients.
- Of the 25 percent funding required from a non-federal source, no more than half can be provided as in-kind contributions from third parties.
- To be eligible for an increased federal cost share, a FEMA-approved state or tribal (standard or enhanced) mitigation plan that addressed repetitive loss properties must be in effect at the time of award, and the property is being submitted for consideration must be a repetitive loss property.

### Extraordinary Circumstances

For projects in communities with no currently approved HMP, the FEMA Region may award HMGP, BRIC, and FMA funds under a determination of extraordinary circumstances when justification is provided and with concurrence



from FEMA Headquarters. If this exception is granted, a local mitigation plan must be approved by FEMA within 12 months of the award of the project funding.

Extraordinary circumstances exist if the proposed project is consistent with the priorities and strategies identified in the state hazard mitigation plan and the local jurisdiction meets at least one of the following criteria:

- The jurisdiction meets the criteria for a small, impoverished community.
- The jurisdiction had insufficient capacity due to lack of available funding, staffing, or other necessary expertise to satisfy the mitigation planning requirement prior to the current disaster or application deadline.
- The jurisdiction had been at low risk from hazards because of low frequency of occurrence or minimal damage from previous occurrences as a result of sparse development.
- The jurisdiction experienced significant disruption from a declared disaster or another event that impacted its ability to complete the mitigation planning process prior to award or final approval of a project award.
- The jurisdiction does not have a mitigation plan for reasons beyond the control of the state, federally recognized tribe, or local community, such as Disaster Relief Fund restrictions that delay FEMA from granting a subaward prior to the expiration of the local or tribal mitigation plan.

The applicant must provide written justification that identifies the specific criteria or circumstance listed above, explains why there is no longer an impediment to satisfying the mitigation planning requirement, and identifies the specific actions or circumstances that eliminated the deficiency. If the jurisdiction does not meet at least one of the above criteria, the Region must coordinate with FEMA Headquarters for HMGP; for BRIC and FMA the Region must coordinate and seek concurrence prior to granting an exception.

When an HMGP project funding is awarded under extraordinary circumstances, the recipient must acknowledge in writing to the Regional Administrator that a plan will be completed within 12 months of the subaward. The recipient must provide a work plan for completing the mitigation plan, including milestones and a timetable, to ensure that the jurisdiction will complete the plan in the required time. This requirement must be incorporated into the award (both the planning and project subaward agreements if a planning subaward is also awarded).

### Rehabilitation of High Hazard Potential Dams Grant Program

The Rehabilitation of High Hazard Potential Dams (HHPD) grant program provides technical, planning, design, and construction assistance for rehabilitation activities that reduce dam risk and increase community preparedness. The HHPD Grant Program provides assistance for technical, planning, design, and construction activities for repair, removal, or rehabilitation of eligible high hazard potential dams.

### Assistance to Firefighters Grant Program

The goal of the Assistance to Firefighters Grants is to enhance the safety of the public and firefighters with respect to fire-related hazards by providing direct financial assistance to eligible fire departments, nonaffiliated emergency medical services organizations, and state fire training academies. This funding is for critically needed resources to equip and train emergency personnel to recognized standards, enhance operations efficiencies, foster interoperability, and support community resilience.

### Emergency Management Performance Grants Program

The Emergency Management Performance Grant (EMPG) provides state, local, tribal, and territorial emergency management agencies with the resources required for implementation of the National Preparedness System. The



EMPG supports efforts to build and sustain core capabilities in disaster prevention, protection, mitigation, response, and recovery.

### Homeland Security Grant Program

The Homeland Security Grant Program (HSGP) supports efforts to build and sustain law enforcement terrorism prevention capabilities and to enhance state and major urban area fusion centers. The program funds a range of preparedness activities, including planning, organization, equipment purchase, training, exercises, and management and administration.

### Disaster and Recovery Assistance Programs

Following a disaster, various types of assistance may be made available by local, state, and federal governments. The following sections describe general types of assistance that may be provided should the President of the United States declare a major disaster.

#### Individual Assistance

Individual Assistance (IA) provides help for homeowners, renters, businesses, and some nonprofit entities after disasters occur. This program is largely funded by the U.S. Small Business Administration.

Homeowners and renters who suffered uninsured or underinsured losses may be eligible for a Home Disaster Loan to repair or replace damaged real estate or personal property. Individuals may borrow up to \$200,000 to repair or replace real estate, \$40,000 to cover losses to personal property (such as clothing, furniture, cars, and appliances), and an additional 20 percent for mitigation. Renters are eligible for loans to cover personal property losses.

For businesses, loans may be made to repair or replace disaster-damaged property owned by the business, including real estate, machinery and equipment, inventory, and supplies. Businesses of any size are eligible. Nonprofit organizations such as charities, churches, private universities, etc. are also eligible. An Economic Injury Disaster Loan provides necessary working capital until normal operations resume after a physical disaster. These loans are restricted to small businesses. Physical disaster loans of up to \$2 million are available to qualified businesses or most private nonprofit organizations.

#### Public Assistance

Public Assistance (PA) provides cost reimbursement aid to local governments (state, county, local, municipal authorities, and school districts) and certain nonprofit agencies that were involved in disaster response and recovery programs or that suffered loss or damage to facilities or property used to deliver government-like services. This program is largely funded by FEMA, with both local and state matching contributions required.

### U.S. Department of Health and Human Services

#### Social Services Block Grant Program

The Social Services Block Grant (SSBG) is a flexible funding source that allows states and territories to provide essential social services for the following:

- To help reduce dependency and promote self-sufficiency
- To protect children and adults from neglect, abuse, and exploitation





- To help individuals who are unable to take care of themselves to stay in their homes or to find the best institutional arrangements.

### **U.S. Department of Housing and Urban Development**

#### **Community Development Block Grants**

Community Development Block Grants (CDBG) are federal funds intended to provide low and moderate-income households with decent housing, a suitable living environment, and expanded economic opportunities. Eligible activities include community facilities and improvements, roads and infrastructure, housing rehabilitation and preservation, development activities, public services, economic development, planning, and administration. Public improvements may include flood and drainage improvements. During the times of urgent need (e.g., post-disaster), CDBG funding may be used to acquire a property located in a floodplain that was severely damaged by a recent flood, demolish a structure severely damaged by an earthquake, or repair a public facility severely damaged by a hazard event.

Community Development Block Grant Disaster Recovery (CDBG-DR) grant funds are allocated to rebuild disaster-impacted areas and provide seed money to start the long-term recovery process. These grants help cities, counties, Indian tribes, and states recover from presidentially declared disasters, especially in low-income areas. CDBG-DR assistance may help communities and neighborhoods that otherwise might not recover due to limited resources.

#### **Disaster Housing Assistance Program**

The Disaster Housing Assistance Program provides emergency assistance for housing, including minor repairs of a home to establish livable conditions, mortgage assistance, and rental assistance.

#### **HOME Investment Partnerships Program**

The HOME Investment Partnerships Program provides grants to states and localities to fund a wide range of activities, including building, buying, and/or rehabilitating affordable housing for rent or homeownership or providing direct rental assistance to low-income people. HOME is the largest federal block grant to state and local governments designed exclusively to create affordable housing for low-income households. HOME funds are awarded annually as grants to participating jurisdictions. The program's flexibility allows states and local governments to use HOME funds for grants, direct loans, loan guarantees or other forms of credit enhancements, or rental assistance or security deposits. The program requires participating jurisdictions to match 25 cents of every dollar in program funds.

#### **Section 108 Loan Guarantee Program**

The Section 108 Loan Guarantee Program provides communities with a source of low-cost, long-term financing for economic and community development projects. Section 108 financing provides an avenue for communities to undertake larger, more costly projects, where they may have limited resources to invest upfront. It can fund economic development, housing, public facilities, infrastructure, and other physical development projects, including improvements to increase resilience against natural disasters. Section 108 assistance can be deployed in two ways:

- Directly by the community or its governmental or non-profit partner to carry out an eligible project
- Indirectly with a community or its partner re-lending (or, in limited circumstances, granting) the funds to a developer or business to undertake an eligible project



## U.S. Department of Transportation

### Federal Highway Administration Emergency Relief

Federal Highway Administration (FHWA) Emergency Relief is a grant program that can be used for the repair or reconstruction of federal-aid highways and roads on federal lands that have suffered serious damage as a result of a disaster. **New Jersey** serves as the liaison between local municipalities and FHWA, making the municipalities sub-applicants of the State. The program is appropriated \$100 million annually.

### Federal Transit Administration Emergency Relief

Federal Transit Administration (FTA) Emergency Relief is a grant program that funds capital projects to protect, repair, reconstruct, or replace equipment and facilities of public transportation systems. Administered by the FTA and directly allocated to mass transit and port authorities, this transportation-specific fund was created as an alternative to FEMA's PA.

### Federal Highway Administration Recreational Trails

The Recreational Trails Program is an assistance program of the FHWA that provides funds to states to develop and maintain recreational trails and trail-related facilities for both nonmotorized and motorized recreational trail uses. The program requires that states use 30 percent of funds for non-motorized recreation, 30 percent for motorized recreation, and 40 percent for diverse recreational trail use.

In **New Jersey**, the Recreational Trails Program is administered by the New Jersey Department of Environmental Protection.

### Rebuilding American Infrastructure with Sustainability and Equity Grant Program

The Rebuilding American Infrastructure with Sustainability and Equity (RAISE) grant program invests in road, rail, transit, and port projects that promise to achieve national objectives. Project sponsors at the state and local levels can obtain funding for multi-modal, multi-jurisdictional projects that are more difficult to support through traditional USDOT programs. RAISE can provide funding directly to any public entity, including municipalities, counties, port authorities, tribal governments, or others, in contrast to traditional federal programs that provide funding to very specific groups of applicants (mostly state departments of transportation and transit agencies).

## U.S. Department of Agriculture

### Community Facilities Direct Loan and Grant Program

This program provides funding to develop essential community facilities in rural areas. An essential community facility is defined as a facility that provides an essential service to the local community for the orderly development of the community in a primarily rural area and does not include private, commercial, or business undertakings. Funds can be used to purchase, construct, and/or improve essential community facilities, purchase equipment, and pay related project expenses. Rural areas including cities, villages, townships, towns, and federally recognized tribes, with no more than 20,000 residents according to the latest U.S. Census, are eligible for this program.

### Emergency Loan Program

The Emergency Loan Program is triggered when a natural disaster is designated by the Secretary of Agriculture, or a natural disaster or emergency is declared by the President under the Stafford Act. These loans help producers



who suffer qualifying farm-related losses directly caused by a disaster in a county that has been declared or designated as a primary disaster or quarantine area. Farmers in counties that are contiguous to the declared, designated, or quarantined area may also qualify for emergency loans. For production losses, a 30 percent reduction in a primary crop in a designated or contiguous county is required. Losses to quality, such as receiving a 30 percent reduced price for flood-damaged crops, may be eligible for assistance, too.

### Emergency Watershed Protection Program

The Emergency Watershed Protection (EWP) Program offers technical and financial assistance to help communities relieve imminent threats to life and property caused by floods, fires, windstorms, and other natural disasters that impair a watershed. EWP does not require a disaster declaration by federal or state government officials. The Natural Resources Conservation Service (NRCS) state conservationist can declare a local watershed emergency and initiate EWP program assistance in cooperation with an eligible sponsor. The sponsor must sign a cooperative agreement with NRCS. The EWP program offers financial and technical assistance for various activities, including the following:

- Remove debris from stream channels, road culverts, and bridges
- Reshape and protect eroded streambanks
- Correct damaged or destroyed drainage facilities
- Establish vegetative cover on critically eroding lands
- Repair levees and structures
- Repair certain conservation practices
- Buyouts

#### *EWP – Recovery*

The EWP – Recovery program is aimed at relieving imminent hazards to life and property caused by floods, fires, windstorms, and other natural occurrences. Public and private landowners are eligible for assistance but must be represented by a project sponsor that must be a legal subdivision of the state, such as a city, county, township, or conservation district, or Native American tribes. NRCS will pay up to 75 percent of the construction cost of emergency measures. The remaining 25 percent must come from local sources and can be in the form of cash or in-kind services.

The program funds recovery measures to safeguard lives and property as a result of a natural disaster. NRCS completes a Damage Survey Report, which provides a case-by-case investigation of the work necessary to repair or protect a site. Watershed impairments that the EWP Program addresses are debris-clogged stream channels, undermined and unstable streambanks, jeopardized water control structures and public infrastructures, wind-borne debris removal, and damaged upland sites stripped of protective vegetation by fire or drought.

#### *EWP – Floodplain Easement*

Privately owned lands or lands owned by local and state governments might be eligible for the EWP – Floodplain Easement program. To be eligible, lands must meet one of the following criteria:

- Lands that have been damaged by flooding at least once within the previous calendar year or have been subject to flood damage at least twice within the previous 10 years
- Other lands within the floodplain that would contribute to the restoration of flood storage and flow, provide for control of erosion, or improve the practical management of the floodplain easement
- Lands that would be inundated or adversely impacted as a result of a dam breach



Through this program, easements are restored to the natural environment to the extent practicable. Work can include both structural and nonstructural practices to restore flood storage and flow, control erosion, and improve the practical management of the easement. Structures within the floodplain easement must be demolished and removed or relocated outside the 100-year floodplain or dam breach inundation area.

### Regional Conservation Partnership Program

The Regional Conservation Partnership Program promotes coordination of NRCS conservation activities with partners that offer value-added contributions to address on-farm, watershed, and regional natural resource concerns. Through this program, NRCS seeks to co-invest with partners to implement projects that demonstrate innovative solutions to conservation challenges and provide measurable improvements and outcomes tied to the resource concerns they seek to address.

### U.S. Fish and Wildlife Service

#### Partners for Fish and Wildlife

The Partners for Fish and Wildlife Program provides free technical and financial assistance to landowners, managers, tribes, corporations, schools, and nonprofits interested in improving wildlife habitat on their land. These projects range in size from a wetland of a few acres to a grassland restoration covering several hundred thousand acres. Many Partners for Fish and Wildlife projects take place on working landscapes such as forests, farms, and ranches. Efforts are focused on areas of conservation concern, such as upland forests, wetlands, native prairies, marshes, rivers, and streams. Projects are designed to benefit federal trust species, including migratory birds and endangered, threatened, or at-risk species.

### U.S. Environmental Protection Agency

#### Smart Growth Implementation Assistance Program

The Smart Growth Implementation Assistance program focuses on complex issues such as stormwater management, code revision, transit-oriented development, affordable housing, infill development, corridor planning, green building, and climate change. Applicants can submit proposals under four categories: community resilience to disasters, job creation, the role of manufactured homes in sustainable neighborhood design, or medical and social service facilities siting.

#### Water Quality Planning Grants

Water Quality Planning Grants provide funding to implement regional comprehensive water quality management planning activities as described in Section 604(b) of the federal Clean Water Act. Funds are to be used for water quality management planning activities, including tasks to determine the nature, extent, and causes of point and nonpoint source water pollution problems, and to develop plans to resolve these problems.

### U.S. Economic Development Administration

The U.S. Economic Development Administration (USEDA) is an agency of the U.S. Department of Commerce that supports regional economic development in communities. It provides funding to support comprehensive planning and makes strategic investments that foster employment creation and attract private investment in economically distressed areas of the United States.



### Public Works Program

Through its Public Works Program, USEDA invests in key public infrastructure, such as traditional public works projects, including water and sewer system improvements, expansion of port and harbor facilities, brownfields, multitenant manufacturing and other facilities, business and industrial parks, business incubator facilities, redevelopment technology-based facilities, telecommunications facilities, and development facilities.

### Economic Adjustment Program

Through its Economic Adjustment Program, USEDA administers its Revolving Loan Fund Program, which supplies small businesses and entrepreneurs with the gap financing needed to start or expand their business in areas that have experienced or are under threat of serious structural damage to the underlying economic base.

### National Park Service

#### Land and Water Conservation Fund

The Land and Water Conservation Fund (LWCF) provides funding to safeguard natural areas, water resources, and cultural heritage, and to provide recreation opportunities. Using no taxpayer dollars, the LWCF invests earnings from offshore oil and gas leasing to help strengthen communities, preserve history, and protect the national endowment of lands and waters. The LWCF program is divided into the "State Side," which provides grants to state and local governments, and the "Federal Side," which is used to acquire lands, waters, and interests necessary to achieve the natural, cultural, wildlife, and recreation management objectives of federal land management agencies.

### Restore America's Estuaries

#### Coastal Watersheds Grant Program

Restore America's Estuaries, in coordination with and financial support from the U.S. Environmental Protection Agency, administers the National Estuary Program Coastal Watersheds Grant Program to address the following issues:

- Loss of key habitats resulting in significant impacts on fisheries and water quality such as seagrass, mangroves, tidal and freshwater wetlands, forested wetlands, kelp beds, shellfish beds, and coral reefs
- Recurring harmful algae blooms
- Unusual or unexplained marine mammal mortalities
- Proliferation or invasion of species that limit recreational uses, threaten wastewater systems, or cause other ecosystem damage
- Flooding and coastal erosion that may be related to sea-level rise, changing precipitation, or salt marsh, seagrass, or wetland degradation or loss
- Impacts of nutrients and warmer water temperatures on aquatic life and coastal ecosystems, including low dissolved oxygen conditions in estuarine waters
- Contaminants of emerging concern found in coastal and estuarine waters such as pharmaceuticals, personal care products, and microplastics



## 20.4.2 State Funding Opportunities

The 2019 New Jersey State Hazard Mitigation Plan features a section with further details on funding administered by state agencies that eligible jurisdictions can use to fund mitigation actions.

### New Jersey Board of Public Utilities

#### Analysis and Technical Assistance

The New Jersey Board of Public Utilities (BPU) works with private utility companies to provide analysis of natural hazard information affecting the provision of electric power, telecommunications, public water, sewage collection and treatment, and other regulated public utilities. The data is used during response and recovery efforts in the event of emergency or disaster and is also used to analyze impacts of mitigation plans and projects. BPU also provides technical assistance for the Energy Resiliency Program.

#### New Jersey's Clean Energy Program (NJCEP)

New Jersey's Clean Energy Program (NJCEP) promotes increased energy efficiency and the use of clean, renewable sources of energy, including solar, wind, geothermal, and sustainable biomass. NJCEP offers financial incentives, programs, and services for residential, commercial, and municipal customers. The program also offers a Community Energy Plan Grant for government entities (e.g., municipality, county, Green Team or environmental commission, or other Sustainable Jersey organization). The grant will provide funding for an entity to create a Community Energy Master Plan to align local communities with the State Energy Master Plan.

### New Jersey Department of Environmental Protection

NJDEP offers a wide variety of funding opportunities for local governments and other types of organizations to fund numerous environmentally based projects involving mitigation of hazards such as flooding and wildfires. This includes funding for air quality, energy, and sustainability; compliance and enforcement; engineering and construction; land use management; local government assistance; natural and historic resources; site remediation and waste management programs; and water resource management.

#### Matching Grants Program for Local Environmental Agencies

NJDEP may grant state aid and/or technical assistance to a local environmental agency for any activity that the agency is authorized to perform by law and for the preparation of an environmental index. An environmental index is a report on environmental conditions in the locality and community objectives concerning open areas, parks, water supply, solid waste, wildlife protection, soil resources, air pollution, water pollution, and other related issues. The purpose of the funding is to assist local environmental commissions and soil conservation districts with funding for local environmental projects, including the following (NJDEP n.d.):

- Community education
- Environmental resource inventories
- Beach monitoring and management projects
- Environmental trail designs
- Lake rehabilitation studies
- Stream and water quality testing
- Wellhead delineation
- GIS mapping projects
- National environmental performance partnership system indicator projects
- Surveys of threatened and endangered species.





The maximum annual grant is \$2,500. Applicants must match at least 50 percent of the total cost of the project. Projects funded by this grant are reported online.

### Drinking Water State Revolving Fund

Projects eligible for financing under the Drinking Water State Revolving Fund (DWSRF) Program are those that address federal safe drinking water health standards. This includes replacement, source development and rehabilitation, treatment to comply with primary/ secondary drinking water standards, storage to prevent contamination from entering the water system and transmission lines/distribution systems to prevent contamination or to improve pressure to safe levels. The New Jersey Water Bank Financing Program, in partnership with the NJDEP Water Supply Administration, uses this funding to provide low-interest loans to help communities in New Jersey improve and safeguard their drinking water systems.

### Environmental Infrastructure Financing Program

NJDEP provides below-market interest rate loans through the Environmental Infrastructure Financing Program to municipalities for capital improvements that improve water quality. Projects are ranked to address higher state priorities or high-water quality problems or improvements. Approximately one half to three quarters of each loan is a 0-percent interest NJDEP State Revolving Fund loan. The other portion comes from proceeds of highly rated tax-exempt revenue bonds. Combining these two funds results in a loan that is 50 to 75 percent lower than traditional loan rates.

### Dam Restoration and Inland Water Projects Loan Program

The New Jersey Dam Restoration and Inland Water Projects Loan Program provides loans to assist local government units, private lake associations or similar organizations in the funding of a dam restoration project or an inland waters project. Application periods are established from time to time based upon availability of funds in the program..

### Blue Acres Program

The Blue Acres Program purchases flood-prone properties for preservation. This program assists local government units and nonprofits in their efforts to increase and preserve permanent outdoor recreation areas for public use and enjoyment, and conservation areas for the protection of natural resources such as waterways, wildlife habitat, wetlands, forests, and view sheds. Funding for Blue Acres is a combination of dedicated state funding from the corporate business tax and federal grants.

### Green Acres Program

The Green Acres Program provides low interest (2 percent) loans and grants to municipal and county governments to acquire open space and develop outdoor recreation facilities. Green Acres also provides matching grants to nonprofit organizations to acquire land for public recreation and conservation purposes. Voters authorize Green Acres funding through bond referendums. Together with public and private partners, Green Acres has protected well over a million and a half acres of open space and provided hundreds of outdoor recreational facilities in communities around the state.

### New Jersey Infrastructure Bank

The New Jersey Infrastructure Bank is an independent state financing authority that provides low interest rate loans to qualified municipalities, counties, regional authorities, and water purveyors in New Jersey. Approximately



\$350 million is awarded annually. The New Jersey Infrastructure Bank provides principal forgiveness opportunities and better financing packages for projects that implement climate change resilience measures.

### New Jersey Water Bank

New Jersey Water Bank is a partnership between the NJDEP and the New Jersey Infrastructure Bank to provide low-cost financing for the design, construction, and implementation of projects that help protect and improve water quality and help ensure safe and adequate drinking water. Funding comes from revenue bonds used in combination with zero percent interest funds to provide very low-interest loans for water infrastructure improvements. The NJDEP administers a combination of federal and state revolving fund capitalization grants, as well as the state's matching funds, loan repayments, state appropriations, and interest earned on such funds.

### New Jersey State Agriculture Development Committee

#### Open Space and Farmland Preservation Programs

Farmland and open space preservation programs are often funded partially through grants administered by the New Jersey State Agriculture Development Committee and the New Jersey Green Acres Program. The objective of these programs is to expand the existing county and municipal park systems. Many counties in New Jersey also support land preservation acquisition through open space funding.

### New Jersey Redevelopment Authority

The New Jersey Redevelopment Authority (NJRA) is an independent state financing authority committed exclusively to the redevelopment of New Jersey's urban areas. NJRA offers several financing resources, including site acquisition funding, predevelopment assistance, several development assistance resources, and technical assistance.

### New Jersey Department of Community Affairs

The New Jersey Department of Community Affairs (NJDCA) is a state agency created to provide administrative guidance, financial support, and technical assistance to local governments, community development organizations, businesses, and individuals to improve the quality of life in New Jersey. NJDCA offers a wide range of programs, funding, and services that respond to issues of public concern, including fire and building safety, housing production, community planning and development, and local government management and finance. Among other funding sources, NJDCA administers CDBG funding and is typically the CDBG-Disaster Relief funding recipient for the State of New Jersey.

### New Jersey Small Cities Community Development Block Grants

The New Jersey Small Cities Community Development Block Grants provide funds for economic development, housing rehabilitation, community revitalization, and public facilities designated to benefit people with low and moderate incomes or to address recent local needs for which no other source of funding is available to non-entitlement counties and municipalities.



## **New Jersey Department of Transportation**

### **Transportation Trust Fund**

The New Jersey Department of Transportation (NJDOT) is committed to advancing projects that enhance safety, renew aging infrastructure and the state's economy, and support new transportation opportunities. The Transportation Trust Fund provides assistance to local governments for the funding of road, bridge, and other transportation projects. Annually, the trust fund provides \$400 million in state aid to municipalities and counties for local transportation improvements.

## **New Jersey Turnpike Authority**

### **Capital Program**

The New Jersey Turnpike Authority is dedicated to the safe and efficient movement of people and goods over the New Jersey Turnpike and the Garden State Parkway, two of the busiest toll roads in the United States. The Capital Program for the NJ Turnpike Authority will spend over \$1.5 billion annually during the next 4-5 years. Projects include lane widening and several bridge rehabilitation projects including the Newark Bay Extension Improvement Program, and Passaic River Bridge Improvements.

Through the Asset Management Program, the Turnpike Authority invests approximately \$50 million annually on drainage-related projects to better equip the Authority's roadways in response to major rainfall events.

### **20.4.3 County and Local**

Sussex County and municipalities are legally able to fund mitigation projects through existing local budgets and local appropriations, including referendums and bonding. Many jurisdictions noted throughout the planning process that they are faced with increasing fiscal constraints, including decreasing revenues, budget constraints, and tax caps. In an effort to overcome these fiscal challenges, jurisdictions have continued to leverage the sharing of resources and combining available funding with grants and other sources. Plans and interjurisdictional cooperation are beneficial in obtaining grants.

### **Sussex County Annual Capital Project Requests**

Sussex County entities will submit desired capital projects to County Finance with project titles, descriptions, and anticipated costs. The submitted projects may include those with relevance to hazard mitigation, including stormwater management or making facilities more sustainable.

### **Sussex County Open Space Trust Fund**

In 2001, Sussex County began collecting a tax at a rate not to exceed \$0.02 per \$100 of equalized real property valuation for the Sussex County Farmland, Recreation and Open Space Trust Fund. The Trust generates approximately \$2 million per year. The Sussex County Board of Chosen Freeholders allocated 10 percent of the Trust to open space preservation, and 90 percent to farmland preservation. The portion dedicated to open space preservation is distributed through a competitive grant program open only to Sussex County and the 24 municipalities in Sussex County. Open space preservation grants can be used for a variety of eligible purposes, including the following:

- Acquisition of land or water areas mostly natural or totally undeveloped to provide:
- Parkland or green spaces



- Public outdoor recreational facilities (active and/or passive)
- Protection of ecologically sensitive areas
- Preservation of lands exhibiting exceptional flora or fauna
- Preservation of areas of scenic, historic, or cultural value
- Protection of critical water supplies such as areas containing municipal/county wells, aquifer recharge protection areas and watershed areas
- Other open space acquisitions as recommended by the Open Space Trust Fund Advisory Committee and deemed appropriate by the Board of Chosen Freeholders
- Payment of debt service for new projects under consideration

### Municipality Open Space Trust Funds

Municipalities throughout Sussex County have instituted local open space trust funds. Green Township was the first to establish an open space trust, in 1998. Hampton and Frankford Townships followed in 1999. In 2000, Byram and Sparta Townships and Hopatcong Borough created open space trust funds. Three more municipalities—Fredon, Vernon, and Hamburg—established open space trust funds in 2001. Over the years, additional municipalities added open space trust funds, and some have let them lapse.

14 of Sussex County's 24 municipalities have open space trust funds: Andover Borough, Andover Township, Byram Township, Frankford Township, Fredon Township, Green Township, Hamburg Borough, Hampton Township, Hopatcong Borough, Lafayette Township, Sparta Township, Stillwater Township, Vernon Township and Wantage Township. Vernon Township's open space trust fund lapsed in 2005.

### Small Business Grant Program

The Sussex County Board of County Commissioners dedicated \$2 million of its allocated funding from the American Rescue Plan to support small businesses and nonprofit organizations affected by the COVID-19 pandemic and the resulting, unpredictable fluctuations in the national and local economies.