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# *Committee Meeting*

of

## SENATE LEGISLATIVE OVERSIGHT COMMITTEE

*“The Committee will take testimony from invited guests on New Jersey’s application for Federal Housing and Urban Development grants for flood relief project funding, and other issues related to flood mitigation and efforts to prepare for climate change or sea level rise”*

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**LOCATION:** Committee Room 4  
State House Annex  
Trenton, New Jersey

**DATE:** February 11, 2016  
10:00 a.m.

**MEMBERS OF COMMITTEE PRESENT:**

Senator Robert M. Gordon, Chair  
Senator Loretta Weinberg, Vice Chair  
Senator M. Teresa Ruiz  
Senator Paul A. Sarlo  
Senator Thomas H. Kean Jr.  
Senator Joseph M. Kyrillos Jr.



**ALSO PRESENT:**

Michael R. Molimock  
*Office of Legislative Services*  
*Committee Aide*

Mark Magyar  
*Senate Majority*  
*Committee Aide*

Brian Ahrens  
*Senate Republican*  
*Committee Aide*

*Meeting Recorded and Transcribed by*  
The Office of Legislative Services, Public Information Office,  
Hearing Unit, State House Annex, PO 068, Trenton, New Jersey

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ROBERT M. GORDON  
Chairman

LORETTA WEINBERG  
Vice-Chair

M. TERESA RUIZ  
PAUL A. SARLO  
THOMAS H. KEAN, JR.  
JOSEPH M. KYRILLOS, JR.

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## New Jersey State Legislature

SENATE LEGISLATIVE OVERSIGHT COMMITTEE  
STATE HOUSE ANNEX  
PO BOX 068  
TRENTON NJ 08625-0068

### COMMITTEE NOTICE

TO: MEMBERS OF THE SENATE LEGISLATIVE OVERSIGHT COMMITTEE  
FROM: SENATOR ROBERT M. GORDON, CHAIRMAN  
SUBJECT: COMMITTEE MEETING - FEBRUARY 11, 2016

*The public may address comments and questions to Michael R. Molimock, Committee Aide, or make bill status and scheduling inquiries to Shirley Link, Secretary, at (609)847-3855, fax (609)292-0561, or e-mail: OLSAideSLO@njleg.org. Written and electronic comments, questions and testimony submitted to the committee by the public, as well as recordings and transcripts, if any, of oral testimony, are government records and will be available to the public upon request.*

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**The Senate Legislative Oversight Committee will meet on Thursday, February 11, 2016 at 10:00 AM in Committee Room 4, 1st Floor, State House Annex, Trenton, New Jersey.**

**The committee will take testimony from invited guests on New Jersey's application for federal Housing and Urban Development grants for flood relief project funding, and other issues related to flood mitigation and efforts to prepare for climate change or sea level rise.**

Issued 2/4/16

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## TABLE OF CONTENTS

	<u>Page</u>
Senator Stephen M. Sweeney District 3	3
Jeff Tittel Executive Director New Jersey Chapter Sierra Club	20
Amanda Devecka-Rinear Executive Director New Jersey Organizing Project	35
Joe Mangino Representing New Jersey Organizing Project	36
Penny Ryan-Sesta Representing New Jersey Organizing Project	36
Robert Freudenberg Director Energy and Environment Regional Plan Association	48
Captain William Sheehan Executive Director Hackensack Riverkeeper, Inc., and Chair Meadowlands Conservation Trust	54
Andrea Leshak, Esq. Staff Attorney Hackensack Riverkeeper, Inc.	59

**TABLE OF CONTENTS (continued)**

	<b><u>Page</u></b>
<b>APPENDIX:</b>	
Letter, addressed to Office of Flood Risk Reduction Measures from Hackensack Riverkeeper, Inc. submitted by Captain William Sheehan	1x
Letter, addressed to Senator Robert M. Gordon Chairman New Jersey Senate Legislative Oversight Committee from Congressman Bill Pascrell Jr.	6x
pnf: 1-61	

**SENATOR ROBERT M. GORDON (Chair):** Good morning, everyone.

Welcome to the Senate Legislative Oversight Committee.

Would you all please rise and join me in the Pledge of Allegiance? (all recite pledge)

May I have a roll call, please?

**MR. MOLIMOCK (Committee Aide):** Senator Kyrillos.

**SENATOR KYRILLOS:** Yes.

**MR. MOLIMOCK:** Senator Kean.

**SENATOR KEAN:** Here.

**MR. MOLIMOCK:** Senator Ruiz.

**SENATOR RUIZ:** Here.

**MR. MOLIMOCK:** Senator Weinberg.

**SENATOR LORETTA WEINBERG (Vice Chair):** Here.

**MR. MOLIMOCK:** Chairman Gordon.

**SENATOR GORDON:** Here.

Good morning.

More than three years ago, Superstorm Sandy smashed into New Jersey and other states up and down the Atlantic seaboard, causing unprecedented damage, particularly in Monmouth, Ocean, and Bergen counties. The Governor and our Congressional delegation fought hard for Federal aid to rebuild New Jersey, New York, and other hard-hit states in the same way that the Federal government had played a major role in helping New Orleans and the Gulf States recover from Hurricane Katrina.

Yet from the start, New Jersey consistently received less aid than New York. The \$4.2 billion New Jersey received in Community

Development block grants was less than half the amount received by New York City and New York state. The \$1.7 billion in FEMA funding received by New Jersey was dwarfed by the \$7.7 billion received by New York City and state. And now, in the most recent Natural Disaster Resiliency Competition round of grants from the Federal Housing and Urban Development department, New York received \$212 million, while New Jersey received just \$15 million.

This failure of our State government to compete successfully for Federal funding is just the latest in a series of decisions and missteps that have cost the state billions of dollars over the past six years. There was the cancellation of the ARC tunnel, a vitally needed initiative that was the biggest public works project in the nation. That cost us \$3 billion in Federal aid, and \$72 million in penalties.

There was the clerical error that cost us \$400 million in Race to the Top education funding and cost Education Commissioner Bret Schundler his job, because the Administration didn't want to be seen working cooperatively with the teachers' union.

There are many other examples: from the \$175 million a year in Federal Food Stamp money we're leaving on the table -- which we heard about at our Committee hearing two weeks ago -- to the \$225 million in Federal funding for women's health care we've passed up through our refusal to seek the necessary Medicaid waiver.

Unfortunately, the State's failure to win a greater share of the most-recent Federal allocation seems to combine many of the mistakes of the past. HUD Secretary Julian Castro told reporters that it was not a

question of need; the problem was that New Jersey simply filed a “weak application.”

With today’s hearing, we begin the process of examining New Jersey’s grant application, and where and why we failed.

We are going to ask why the State chose these projects as their priorities; and we’re going to go beyond this particular project to ask what our priorities should be to make New Jersey as storm resilient as possible in the face of sea level rise and climate change -- which, by the way, our Department of Environmental Protection inexplicably dismissed as an “evolving science,” in its grant application.

We will hear from experts and advocates today; and we expect to hear from HUD officials and, hopefully, from the DEP at a follow-up hearing a few weeks from now.

We need to understand fully why New Jersey, once again, was shortchanged on receiving vitally needed funding, a point on which the Governor and both our Democratic and Republican members of Congress agree.

I will first open up the hearing to comments from our other members of the Committee. We will then hear from Senate President Sweeney. We have-- Senator Sweeney, do you need to go?

**SENATOR STEPHEN M. SWEENEY:** No, no, no.

**SENATOR GORDON:** Okay.

And I will read a letter from Congressman Pascrell, and then we will open up the hearing to our witnesses.

With that -- Senator Kean, any comments you wish to make?

SENATOR KEAN: Yes, that was a frustratingly partisan introduction, Mr. Chairman, to the hearing; and wildly off-topic, frequently.

This is an important issue that requires bipartisan work to figure out what happened. But it is weeks early in substance for a couple of different reasons: number one, we're working only on the statement of the Cabinet official without the actual documentation at hand to see what is there -- what the criterion were, why New York outpaced us.

If you're going to talk about things like the ARC tunnel -- the ARC tunnel, in its first instance, made sense; it migrated into an area that was a project that was ending in the wrong place; it was not meeting the transportation needs of this state or of the region. And now there is truly a bipartisan solution -- not only on the tunnel, on bus terminals, on transportation infrastructure -- that is truly going to be a gateway work in the right fashion. Now, that's not the subject of the hearing, but you brought that up.

I look forward to hearing witnesses and understanding how we work on resiliency. Let's focus on making sure we get to the answers in a bipartisan basis, going forward.

SENATOR GORDON: Thank you, Senator Kean.

Senator Weinberg.

SENATOR WEINBERG: Thank you.

I respectfully disagree with the Senate Minority Leader, Senator Tom Kean. Nothing is wildly partisan if, in fact, it's based on the facts of the situation -- which, I believe, your open comments were. Second of all, if you want to engage in a debate on the ARC tunnel -- boy, I'm ready for that

one any time, Senator Kean -- and money that was earmarked for the ARC tunnel.

So thankfully we do have a bipartisan solution; all we need is the funding.

Having said that, my disappointment -- and it's my disappointment in the second Senate Legislative Oversight Committee meeting that I've attended where we get nobody from the Administration to appear here. And with the Senate President here, I am going to ask that if, in fact, Commissioners and Administration members do not see fit to appear before this Committee, that we go to the full Senate and ask for subpoena power in order to get them here. And I'm glad that the Senate President is here to hear that from me firsthand. I know none of us want to govern by subpoena but, then again, in order to govern and get the facts, we need those very same people who have that information to give us the courtesy of coming here.

Thank you.

SENATOR GORDON: Any other members of the Committee wish to speak?

Senator Kyrillos.

SENATOR KYRILLOS: Thank you, Mr. President. (*sic*)

You know I have enormous respect for you, personally, and as a colleague. I've got great respect and affection for the Senate President, and obviously, with the Minority Leader.

But our Legislative branch, frankly, has not done a good job overseeing the money, overseeing the process of this monumental national natural disaster that affected New Jersey. And I'm not saying that the

Executive branch has, either. And I'm certainly not saying that the Federal government, through the Housing and Urban Development Department and other Federal agencies, has.

But the fact that institutionally we have no role in the process of assuming these Federal funds as they come down from the Federal government is very unfortunate. Because we could have had hearings of this Legislative Oversight Committee, the Appropriations Committees of both houses -- making sure the money was spent well, efficiently. And we didn't have that role. But nor did we insert ourselves; and nor did I, as a Senator from deeply-affected areas, insert myself in a way, as it unfolded, that I should have. We all felt comfortable that the Federal and State governments, working so well together, I guess, because the President and the Governor hugged each other in the hours or days after Hurricane Sandy -- Superstorm Sandy hit, that everything would work out well. And for so many people and so many businesses it hasn't. Just come to my office in Monmouth County, listen to the calls, the e-mails -- people still not in their homes.

And so, listen: I think it's fine to have the Cabinet member, department heads from the State government come here; we should hear from them. We should ask HUD why it is they can't come here and explain to us-- If they thought New Jersey's application was deficient or weak, in whatever way that it might have been -- and I'm not sure that it was or wasn't; I don't know. They can't pick up the telephone and say, "Senator Menendez, Senator Booker, Majority members of the House delegation, Democrat members, Democrat majorities in the House and Senate here at the State House, this thing's not going to cut it"? We're

going to deny the people of New Jersey money because the people who do the bean counting and do the applications didn't do it right? Does that make any sense? Is that the message we want to send? We didn't do the application right; that's the message of this hearing. We did a bad job of the application. That's not a good message from us, and it's not a good message from HUD. Let the Secretary come here and tell all the people -- let him come to my District Office to tell the people, "Oh, we can't help you; we're going to help New York more, because they had better bureaucrats who did the application right." That's wrong.

So, you know what? There's a big, massive, institutional failure; and we have failed. And I do not know what to tell the people back home. And for those constituents who you have who were affected, and for those people who want to come into my district -- you better have a better answer than this.

SENATOR GORDON: Senator, I can tell you that I totally agree with you -- that we need to be playing a more aggressive role in exercising oversight over these issues.

I would remind you, actually, that with not a lot of cooperation from the Administration, we held a hearing on Sandy aid; we had the AshBritt organization come here. We actually learned a lot of things about the failures of the Administration -- of the relief.

SENATOR KYRILLOS: They should be here; I don't disagree with you.

SENATOR GORDON: And I--

SENATOR KYRILLOS: But tell the Obama Administration to be here too, and tell us why they did a worse job here than in Katrina. That's the headline.

SENATOR GORDON: Well--

SENATOR KYRILLOS: And that's the truth.

SENATOR GORDON: Senator, I can tell you that we have reached out to the Federal housing -- the Department of Housing and Urban Development, and I certainly would like them to be here to go through the issues with the application. And if our bureaucrats are failing in some way, I want to know what can be done to improve the process so that it doesn't happen again when the next storm hits us.

SENATOR KYRILLOS: Well, I know you're heartfelt, and you're thoughtful, Senator.

SENATOR GORDON: You know, I think we're in total agreement.

SENATOR KYRILLOS: And I do understand that.

SENATOR GORDON: I think we're in total agreement on this.

And we have invited HUD to appear here.

At this point, I'd like to turn to Senator Sweeney.

SENATOR SWEENEY: Thank you, Senator Gordon.

And again, Senator Kyrillos, I can't agree with you any more. That's why I asked Senator Gordon to do this hearing on Sandy. This State received more damage than anyone. We did; not Springfield, Massachusetts, who we finished behind. So it's an embarrassment.

But what we have to make sure we-- And Senator, if the Administration would cooperate -- you know, they don't have-- We asked for their people to be here; they're not here. If they would cooperate, maybe we could partner and be more of a partner in making sure that they fill out the application right. You know, the application -- they said how they were going to score things; the housing component was one of them. We didn't put a housing piece in.

So when you look at the issues, there are a lot of questions, and we really deserve to get the answers so we don't repeat it again. You know, this isn't the first time that we came up weak in an application process. It's not the first time. And New Jersey's economy cannot afford to pass up hundreds of millions of dollars over, and over, and over again because of a-- You know, as you talked about the Feds -- and I want to hear from them also, because I want them to tell us, "What did we do wrong?" so we can at least work with the Administration -- not criticize, work with the Administration to make sure you don't repeat the same mistakes over and over again.

So I want to thank Senator Gordon for holding this hearing. I was going to testify, but Senator Gordon said a lot of things I wanted to say, and so did you, Senator Kyrillos. This is something that is too important for the people of the State of New Jersey to get mired down in partisan politics. The Administration really needs-- And I heard Senator Weinberg's request. I don't think we should be governing everything, as she said, by subpoena power. But the Administration is going to have to respect the requests. This isn't a witch hunt; this happened. We got \$15 million out of \$250 million, was it?

MR. MAGYAR (Committee Aide): It was \$212 million to New York out of \$1 billion overall.

SENATOR GORDON: A billion overall.

SENATOR SWEENEY: Yes, so as we call on our Federal delegation to get the Feds here, and we will do that too -- the Administration needs to provide their people, too, to tell us where the Feds were wrong. I'm not going to jump on the State; I want to know where the Feds made the mistakes. Because if they made the mistakes, then we can fight it. But if we made the mistakes, we have to correct it. And I think we're all in agreement with that.

So Chairman, thank you for doing this hearing. This is important to the people of the State of New Jersey. And this should not be partisan in any ways or means. It should be an absolute "Let's fix it." Obviously, there was a mistake; let's make sure we don't replicate the mistake, over and over again -- which we have recently

So thank you for doing this hearing, Chairman.

SENATOR GORDON: Thank you.

Senator Kyrillos.

SENATOR KYRILLOS: Just a word.

I don't disagree with anything the Senate President said. Let's not -- there is no partisanship. Let's not call it even a *bipartisan* mistake. It's an institutional failure; it's an institutional failure. And I would ask you, and the Senate President, and the Majority Leader, and others, and the Congressional delegation to use its influence with the Administration to say, "How could this all go wrong? How can we make it so difficult for ordinary people to apply for this money, and get this money, and put it

effectively to work?” It is crazy, crazy. Most people, including me, do not understand the process. If you lived through it, it is a nightmare.

So there will be another national disaster. And by the way, if there’s a change in party after the 2016 election, then it would be on other people to use their influence. But there’s going to be another problem like this. No locality should go through what we’re still going through.

SENATOR GORDON: Thank you, Senator.

I know Senator Sarlo wants to comment.

Senator Weinberg.

SENATOR WEINBERG: Yes. First of all, I really agree, Senator Kyrillos, with your remarks, particularly with the idea that some bureaucrat could have called somebody in our Congressional delegation and said, “Hey, get back to your state; you have problems.”

SENATOR KYRILLOS: You screwed it up.

SENATOR WEINBERG: And that is something--

SENATOR KYRILLOS: And I’m not saying they did; nobody should print that. We don’t know. But maybe they did, and if they did, fix it.

SENATOR WEINBERG: And I also want to remind people that the Governor once fired one of his Commissioners -- the Department of Education -- for apparently screwing up on \$400 million that New Jersey didn’t get in an education grant -- not in the too-far-past that that took place. That was \$400 million we lost, and the Governor held somebody accountable for that -- the Department of Education, in case any of you were looking at me with mysterious eyes. Somebody was fired for not filling out that application.

So I just remind you of that; this is not the first time. And I think really your most telling comment, at least for me, is that somebody should have had enough sense to pick up the phone and say, "This is not a gotcha moment." This is about aid to the citizens of the state who we all represent -- all of us here, and all of our Congressional representatives in Washington. And I appreciate your pointing that out.

SENATOR GORDON: Senator Sarlo.

SENATOR SARLO: Thank you, Senator Gordon. I guess I missed some of the back-and-forth here; some of the fireworks. (laughter)

Good morning, everybody.

You know, at 12 o'clock after Hurricane Sandy hit that night, two towns in my district, Moonachie and Little Ferry -- two towns that most people never heard of in the State of New Jersey -- everybody heard of pretty quickly. Because we were all very focused on the Shore-- But we soon learned two towns had six feet of water throughout the community. And I was down there, sometime after 1 a.m.; the Governor and many other officials throughout the state and Federals were there in the coming days. I toured Northern Barrier Ocean Island; we were in Ortley Beach a few days afterwards with Senate President Sweeney, and the National Guard, and the State Police.

So I have seen it firsthand; and I have seen certain communities come back well. I will tell you this: Moonachie and Little Ferry have come back well; the residents have come back well. But Moonachie does not have a Borough Hall yet; they are still in trailers. And Shaun Donovan, who was then the HUD Director -- I don't know if that's his appropriate title --- but

he spent a lot of time-- We spent time in Little Ferry and Moonachie with him, and the Governor, and other Federal delegation officials.

So I'm not here to cast blame on anybody; but Moonachie should have a Borough Hall by now, when their entire community was flooded with water. I know your -- parts of Monmouth and Ocean-- I see it; I'm down there a lot, and I'm in Northern Barrier Island. They're still struggling.

So I'm not here to cast blame, but I do believe we have an obligation to get the answers. Where did the process go wrong? On whose part did it go wrong? Was it the Feds, was it the State -- where did it go wrong? Where did this application go wrong, and how come somebody couldn't have picked up the phone, as you said, Senator Weinberg, and said--

SENATOR WEINBERG: No, I was only quoting Senator Kyrillos.

SENATOR SARLO: Oh, Senator Kyrillos. The application -- I'm going to use Moonachie for example. "The Borough Hall in Moonachie, the Borough Hall is too close to the tributaries of the Hudson River. You need to put a berm, you need to put a pump station. Add that to the application and it will get approved." Nobody told anybody that, so that's the unfortunate--

SENATOR RUIZ: We don't know that.

SENATOR SARLO: We don't know that.

SENATOR RUIZ: That's the issue.

SENATOR SARLO: Exactly. And you know what? Let me correct myself; Senator Ruiz is right. We do not know where it went wrong

and, hopefully we can find out where it went wrong. I'm not casting blame on anybody. But I would like to know why the application -- especially for Moonachie's Borough Hall -- is not fixed and why we're sitting in trailers.

Thank you.

SENATOR GORDON: Senator Kean.

SENATOR KEAN: If I may.

It's my understanding that, at this time, that the Feds and the State haven't had those type of detailed conversations, point by point, to flush out where -- or, excuse me, *flesh* out where those--

SENATOR GORDON: Good pun. (laughter)

SENATOR KEAN: Excuse my language.

SENATOR GORDON: I thought it was a very good pun.

MR. MAGYAR: That's a better word.

SENATOR KEAN: I understand -- to flesh out--

SENATOR GORDON: Very good pun.

SENATOR KEAN: I was going to say, I was just making sure -- to flesh out where those inadequacies existed -- whether they would be on individual applications or systemic issues on this front. And to the extent that the Feds and the State are not talking in that type of detail, that HUD has not yet provided that information to DEP so they could make a-- You know, the only thing that people are acting on is a comment from the Secretary, without the details behind it.

So what I'm saying is this should be done-- And this impacts all of our constituents. We all -- everybody in New Jersey lived not just that night, but those two weeks afterwards and every day since those two weeks. And I'm only talking about two weeks, because that's when my District got

power back -- was two weeks later. People have lived it, are living it on a daily basis. This is an important focus on why we didn't match up with New York -- or didn't exceed New York with a ratio. And that's an important way to find out.

I'm simply saying let's do it in a bipartisan way; let's do it with substance. But also, let's do it with information. And if HUD has not yet told the DEP details on why they didn't get it, and today that push back and forth-- I'm saying that's an important start. So when we get these Cabinet officials here -- Federal as well as State -- let's make sure they have answers. And that's why I'm saying let's not jump to the subpoena issue, because there is no answer to give yet. Let's make sure we have the right answers up front.

SENATOR RUIZ: May I--

SENATOR GORDON: Senator Ruiz.

SENATOR RUIZ: So that I won't be the odd woman out here -- I'm just-- We're having a conversation in a vacuum in the sense that the people who should be answering some of these questions are not here. Did you get any information back from HUD? If their response was simply, "No, we're in the process of getting the point system" -- to see where we didn't do as well in the different areas of the application, to review what we could have done better, then I think we could have waited to have this conversation. But there does not appear to be an open dialogue with the Cabinet members in here, or fluid information. So I would just encourage, to Senator Kyrillos' point, and to echo the Senate President -- this isn't a "I'm going to come get you" kind of mode; it's just fact-finding to figure out-- I'm most concerned with -- I know that the President has issued out

their budget; there are several areas where New Jersey can benefit from. And if we're going to have a stake in the game of whatever discipline it is -- whether it's education, whether it's funding for infrastructure, transportation -- that we have solid applications moving forward. And whether we're part of that in some way -- where they come and they pitch us, to some extent, so that we have some say in it -- maybe that becomes part of the process as well.

SENATOR KEAN: I think Senator Ruiz is correct. And if I may, there is an e-mail from the Administration -- from the DEP -- that says, "As you may be aware, DEP has not yet been debriefed by HUD staff -- decision making behind the NDRC grant. Accordingly, we respectfully decline your invitation to appear before the Committee today." So there is, indeed, a response saying that they have not yet, from a staff-to-staff perspective -- that the Federal Obama Administration has not yet debriefed them on what's going on. So before we focus on casting aspersions, let's, as you were saying, focus on solutions, the broad policy issues. But to simply say, "somebody testify" -- who has not yet been provided the reasoning behind an inadequate distribution from the Federal government -- that information, according to the professional staff at the Department of Environmental Protection, has not yet been provided to them by the Federal Housing and Urban Development department.

SENATOR GORDON: Thank you, Senator Kean.

I know that the Christie Administration has requested that briefing. I think we're going to have this introductory hearing to get a better idea of what kind of questions we should be asking, and we look

forward to getting both Federal and State officials here, when the State officials are fully informed, so we can understand what went wrong.

I had the opportunity last night to read some of the press about prior funding, prior grant programs, and the problems that were associated with those. There was a story about FEMA's public assistance program, and the huge discrepancy between the funding that New York got and New Jersey. And the story concluded that it really came down to the people who were filling out the paperwork. And many of you don't know this, I'm sure, but in an earlier life I actually found myself in a position to be filling out applications for the public assistance program after Superstorm Floyd.

SENATOR KEAN: As one of Joe Kyrillos' bean counters? Is that what you were? (laughter)

SENATOR GORDON: You know, I was -- I put my green eyeshade away to run for the Legislature.

But I can tell you, it's a lot like--

SENATOR WEINBERG: I'm not sure you put it away.  
(laughter)

SENATOR GORDON: It's a lot like doing tax returns. If you're an accountant who understands the Internal Revenue code better than most, or understands decisions that the IRS makes in other parts of the state, you can fill out a better tax return and get more money back for your client. And it's the very same with the public assistance program. If you understand how FEMA makes its decisions and the kind of documentation they're looking for; if you know to tell your municipalities that before a storm hits you should top off your gas tank so you'll have

records of how much gas was consumed during the event, and things like that -- you end up getting a lot more money than others.

I think that's what happened in New York with Superstorm Sandy. They had consultants assisting them in developing those applications that apparently did a better job than in New Jersey.

But these are some of the questions we need to ask; and I look forward to probing today and in our follow-up hearing.

At this point, what I would like to do is read a letter sent to us by Congressman Pascrell. And it reads as follows.

"Mr. Chairman, thank you for the invitation to testify at today's hearing today. I regret that I am unable to attend due to a voting session in the U.S. House of Representatives. I would ask that my statement be included in the hearing record.

"I was proud to fight alongside the New Jersey Congressional delegation to ensure that \$181 million was set aside for New Jersey and New York from the pool of funding available as part of the National Disaster Resilience Competition; and I was grateful for the United States Department of Housing and Urban Development for exceeding that set-aside for the region.

"That said, I was disappointed to learn that New Jersey missed out on potentially \$300 million for two major projects in New Jersey's 9th Congressional District because there were problems with New Jersey's final application. Those funds would have gone towards water pumping stations, berms, wetland restoration, and other resiliency efforts in the Meadowlands; as well as to construct a New Jersey Transit bus garage in Secaucus. Our state was awarded a mere \$15 million of the nearly \$1 billion designated for

the program. I know that it is too late to change the application, but it is important the people of New Jersey understand how this happened, and ensure that it not happen in the future.

“According to HUD Secretary Julian Castro, New Jersey submitted ‘a weaker application,’ specifically in two areas: identifying non-Federal funds to assist with bearing the cost of the project, and creating projects that can be broken down into subprojects. Additionally, Secretary Castro noted that feedback was provided on each application, and applicants were able to resubmit their applications to incorporate that feedback. Given that the state seemingly had the opportunity to address deficiencies in its application before awards were issued, it troubles me that New Jersey still received such a small share of the funding.

“As a result, I believe it is critical that all correspondence related to the technical assistance or recommendations provided to improve New Jersey’s application be released so we can have a full accounting of exactly how New Jersey received this unacceptable result. That is why Representative Pallone and I sent a letter to the Governor asking the State to request a technical briefing on the application from HUD and allow members and staff of New Jersey’s Congressional Delegation to join. Additionally, our letter also requests any correspondence related to any technical assistance provided by HUD or the Rockefeller Foundation be released.

“It is imperative that the State provide answers to why this application for desperately needed flood mitigation funds fell so short, and I thank the Senate Legislative Oversight Committee for taking up this question.

“Sincerely, Bill Pascrell Jr., Member of Congress.”

We thank Congressman Pascrell for his input on this.

At this point, I would like to start calling our witnesses; and we are going to begin with Jeff Tittel of the Sierra Club.

Mr. Tittel.

**J E F F T I T T E L:** Thank you.

Jeff Tittel; Director, New Jersey Sierra Club.

And I think I can, hopefully, shed some light on some concerns on this issue; and why New Jersey may have not received not only its fair share, but received so little.

I served on the New Jersey HUD Sandy Advisory Task Force. I also served on the FEMA Natural Resources Committee. And I have been working on Sandy recovery issues for quite a long time, from pretty much day one.

I also want to mention -- because of some of the things I heard-- Every year, by the way, the Senate and the Assembly Environment Committees also hold a Sandy hearing, usually down the Shore. So I mean, the Legislature has been looking at this in Oversight and seeing problems, and there are things that were flagged at those hearings, as well, that you should take a look at.

But the main reason that I strongly believe that New Jersey is not receiving its share has more to do with political science than real science. And the reason I say that is that when we were at those HUD meetings, and we had those discussions on Sandy aid and the programs that were going to be put in place, the Administration was there. DCA

Commissioner Constable was at all those meetings, or he had representatives.

The President of the United States signed, in 2010, the Executive Order on climate change. He has signed a series of ones after -- including one on Sandy recovery -- that also talked about states needing to do mitigation and adaptation for climate impacts. New Jersey is one of the most vulnerable states in the country when it comes to sea level rise and climate impacts. Yet in the documents that have been submitted to HUD, and to FEMA, and to many other agencies of the Federal government, this Administration doesn't even want to use those words: *sea level rise* or *climate change*. Yet they are a part of all the funding mechanisms, and all the Executive Orders, and all the applications.

I want to go and dig into a little bit more on that, because I think it's critical. Right now, at normal high tides, you see fish living in storm drains along Barnegat Bay. You see, unfortunately, the coastal area along the Delaware Bayshore eroding by at least a football field every year. You see streets going under water during high tides. You know, New Jersey has some of the most vulnerable infrastructure in the country when it comes to sea level rise -- whether it's Port Newark or Newark Airport -- and so we desperately need these fundings. But if you deny the science of climate change, you're going to deny the funding.

And that is the concern that we have here -- that when you look at the record, we're the only coastal state that does not have a climate adaptation and mitigation plan. Yet HUD requires it, so does the Obama Administration, for all types of funding. This Administration closed the Office of Climate Change; this Administration ended the work -- which was

award-winning -- by the DEP coastal program on climate adaptation and mitigation, which was working in areas along the Barnegat Bay and the Delaware Bayshore.

We've been lucky, in some of these applications, because EPA-- When it came to the resiliency funding for sewers and water, EPA -- because we wouldn't use the words *sea level rise* or plan for the impacts of sea level rise, they accepted us, in our grant applications, using the 500-year storm as the stalking horse for actually having a plan for sea level rise.

And what's sad is that New Jersey has some of the best scientists in the country, if not the world; you know, at Rutgers University, at Princeton -- the Sea Grant Consortium, which has been doing award-winning work on climate adaptation. But we're not putting it into our plans. In fact, two years ago I was at a meeting of the Ocean County Hazard Mitigation Plan that the County had with their professional staff and the towns. And they actually came to me and said that they need help, because they're going to be submitting grant applications to FEMA, but that the Administration doesn't want them to use the words *climate change* and *sea level rise*. And they're concerned that they're going to get short-funded because of it, because those are the requirements.

That's what's happening. This Administration, for whatever reason, has decided to play politics with grants. And every one of us goes after grants, somehow, for some program. I know if I applied for a grant to a nonprofit, to a foundation, and the requirements say that it's for education on the need to have clean water, and I decide that I'm going to talk about soda pop or something -- I'm not going to get the grant. And it's the same thing here.

The reason New York has been getting the money is they have a Climate Adaptation Plan. They've been planning for climate change, they've been mapping for climate change. That's why they beat us on that other grant from HUD, where we were getting 50-50; and they got two-thirds and we got one-third. It's because they actually have a plan in place that's doing these things. They also are having programs in place to reduce not only climate impacts, but greenhouse gases; and New Jersey is not. Even though New Jersey was a state that sued, with Massachusetts, to get EPA to regulate carbon, we have now switched sides. We are not promoting clean energy, as we should be. And again, when you look at the guidelines, it's about resiliency. *Resiliency* means climate adaptation and mitigation, planning for sea level rise; it means reducing carbon impacts. We're not doing that.

And we have a series of letters -- and we sent some to the Committee -- where we had broached this Administration, at either Sandy hearings on rebuilding, or even as-- It took this State three years, under pressure from HUD, to finally change the building codes -- that we still had the 2007 codes. Yet three years ago, HUD's requirements -- getting HUD money for Sandy rebuilding required an updating of those building codes; and we didn't do them until, finally, September of this year, after three years of pressure from HUD. Which I understood -- and it may not be in writing, and that's something you should be looking into -- where they were threatening to withhold money from New Jersey until we updated those building codes.

That is the problem. And so I think we should have further investigation and go deeper into it. Because, quite frankly, New Jersey

could not only lose this money, but because climate adaptation and mitigation is part of other Federal programs, we could start losing money for water and sewer infrastructure, for highways, and even for transportation. Because they're not going to be investing in infrastructure in places that are going to be vulnerable to sea level rise and climate impacts. And so unless we start planning for that future, we're going to be left behind.

And I just want to end with -- 190 nations came together in Paris to do work on climate change. Almost every coastal state is working on a climate plan, but us. And that is not only the science, but that is the future that we face. And unless we start grappling with this issue as a state, we're going to see up to 9 percent of New Jersey go underwater within the next 30 or 40 years. Places like Hoboken are already flooding, and down the Shore. But it's going to get worse and worse. Up in the Meadowlands -- one year when the Giants are playing the Dolphins, they may be real dolphins. (laughter) I mean, it's serious, and it's happening, and we really need to start grappling with this issue.

And you need to get to the bottom of it, because if we're not using the right science, and we're not planning the way we're supposed to be planning, then how could we get those grants? In fact, the grant that we did get was even a grant that some of the towns don't even want and it has problems to it. The reason I think we got it was because it was more about some minor flooding in the Meadowlands, more based on the (indiscernible) than it was based on the requirements. I think they almost felt sorry for us.

But the point is, even that grant didn't even talk about sea level rise and climate change. And those things are real, and they're happening.

And I just want to say that I know that the Senators on this Committee of both parties want to do what's best for New Jersey, and understand what's happening down the coast. And we should have more hearings to understand why monies aren't being spent, or why people are still suffering three-plus years after Sandy. Because we need to get to the bottom of it.

Is it bureaucracy in Trenton, or is it bureaucracy in Washington? Unfortunately, I think it's this Administration willing to sacrifice our environment, and even funding, for political ambitions; versus actually doing what's right to make sure New Jersey is rebuilt in a way that will protect us against the next storm.

Thank you.

SENATOR GORDON: Thank you, Mr. Tittel.

I note that in reviewing the criteria for the issuance of the grants, one criterion that stood out for me is "conformity with national goals." And certainly, one of the questions we want to ask HUD and other officials in the follow-up hearing is the extent to which your comments about climate change and sea level rise had an impact on the success of the application.

I have a question I want to pose to you. My understanding is that in this grant application, funds were not requested for projects in Ocean and Monmouth counties, or Cape May -- or, generally, the shoreline communities that were so hard-hit in Sandy -- and focused instead on the

Meadowlands. And I wouldn't call the damage there *minor* by any means, but it seems as if the Shore was left out.

Based on your involvement in the Advisory Committee, can you tell us why you--

MR. TITTEL: Well, I mean, my concern -- and it's something you need to dig more into -- I think my concern is that when I worked with Monmouth and Ocean counties, their professional staff talked about programs for mitigation and adaptation for climate change and sea level rise, which were not words that carried favor with the front office. And as I said at those couple of meetings that I had been at, they asked for my help because they knew that was a requirement, and they were concerned they weren't getting sign-off. My belief is that it may be because those counties are actually trying to do the right thing when it comes to those issues, and the Administration was trying to ignore those issues because of other agendas.

SENATOR GORDON: Okay; thank you very much.

Any questions from the Committee?

Senator Weinberg.

SENATOR WEINBERG: Yes; thank you, Jeff.

I was interested in reviewing the paperwork -- and I guess because I have buses on my mind -- that one of the projects that the State put in -- apropos of what, I'm not sure -- was a bus garage in the Meadowlands. As a member of the Advisory Board, did you have any input into that, and what was that all about?

MR. TITTEL: No. We worked on--

SENATOR WEINBERG: Oh, by the way, the Meadowlands is a flood-prone area. That's why they're called *the Meadowlands*. (laughter)

MR. TITTEL: I was going to say, maybe they should have been ferries. (laughter)

No, we set up the criteria and gave input to what the criteria should be for planning and that. And so we did not set up for specific projects, but it was the general concepts of what was supposed to be there, which included green buildings, updating building codes, and resiliency. And the sea level rise and climate impacts really came out of the Administration -- which, of course, we supported. So we did not set up for--

But given the scope of those grants, which were supposed to really be resiliency-- I don't know how you build a resilient bus garage, unless you have floats in there or something. I'm not really sure.

SENATOR WEINBERG: Well, you know, the information we got, which I'm assuming came out of public hearings? Is that--

MR. TITTEL: Yes.

SENATOR GORDON: Yes.

SENATOR WEINBERG: --that we received as background. And I'm just going to talk about bus garage projects. So this is from the hearing people, who were listening to commentators. One commenter -- not *commentators*; *commenter* -- stated that "the focus of the application should be exclusively on flood-risk reduction measures. And that given those needs, investing in a satellite bus garage in the target area could not be justified." And the staff responds -- I'm assuming this is the DEP staff -- "The State agrees with commenter regarding the importance of investing in regional flood reduction measures, which is why the State prioritized the

project component first in its--” I’m going to skip all that. “Apart from its ancillary benefits, reducing congestion, reducing emissions, investing in the enhancement of economic opportunity is critical to long-term community vitality.”

And I have no argument with that sentence. However, it does not sell a bus garage in an application of this kind. And as I said, my eye went directly to that, for obvious reasons. But it was \$75 million they were asking.

MR. TITTEL: Well, through the Chair, I would say that if you read the grant proposals from other states, especially New York, they dealt directly with making people and property safer in dealing with climate adaptation and mitigations -- same thing in Massachusetts, Maryland, and other states as well; even some with Republican governors.

I think what it shows is that instead of putting in grant applications for Monmouth and Ocean counties to make sure that the Bayshore areas, or the bays, and the rivers are more flood-resistant and people can adapt their properties more to impacts and climate change, is that we’re looking to fund the TTF. And I think that’s probably one of the reasons -- that should have been a grant to the Department of Transportation, not to HUD for resiliency and to help mitigate for flood impacts.

SENATOR GORDON: Mr. Tittel, I wonder if you could just comment on what you think the top resiliency priorities for the state should be, based on your involvement in the Advisory Committee.

MR. TITTEL: Well, I would say that the areas that I would look at-- And there is no area that-- I mean, we have so many areas that

are very vulnerable. And the area where climate change is having the biggest impact with sea level rise is the Delaware Bayshore, the Barnegat Bay, and the coast in Monmouth County. And we need to really concentrate a lot there. But our urban areas, which we're also going to have serious problems -- Hoboken, Jersey City, too. But we're a state that-- You know, I hate to say it this way, but there are areas of our state that are drowning, and we need to come up with plans to help mitigate those impacts. Places like Tuckerton may disappear; Bivalve, down on the Delaware Bayshore. But also, when you think about Hudson County, and the Meadowlands, and those areas -- we have hundreds of billions of dollars of investments in infrastructure and in ratables that are vulnerable. So we have a lot of work to do, and we need a lot of money.

So I don't want to pick one area over another, other than to say that the Delaware Bayshore is probably one of the biggest areas going under water in this country, as are parts of Barnegat Bay. And we have our cities where we have massive investments. I mean, Newark Airport is another place; we have vital infrastructure.

I think what you should do -- and maybe it would be a nice -- I don't want to say a nice *program*, but an interesting program would be to bring in Rick Lathrop from Rutgers to show you the vulnerability. You can go on their website and actually take a map of New Jersey and look at storm surge scenarios and see what's vulnerable. We have a lot of areas that are vulnerable; and unfortunately, we need to do a better job in trying to protect those areas. But first you have to recognize the science of climate change and that sea level rise is real. And unless you do that, you're never going to be able to address those problems.

SENATOR GORDON: And a follow-up question.

In reviewing the grants that were awarded to other states and municipalities, I noted that many of them were grants to mitigate risks of flooding and damage to housing. This was, after all, an application to the Department of Housing and Urban Development; and yet, it seems as if the projects proposed were non-housing kinds of projects. Can you comment on whether that represented a priority, and whether you think that might have been detrimental?

I realize I'm asking you to speculate; but if you have any information from your meetings, I would appreciate it.

MR. TITTEL: Well, I know from the meetings that I was at and spent time following, there was overall resiliency. Housing was a component, as was actually economic growth was a part of it -- businesses and that too -- because SDA was part of the process, and others.

But I would also say that in a state where so many people are still out of their homes, and so many people-- And I have friends who are still living on their second floors, waiting for money to fix their first floors where there was mold damage. I have people I know who are still out of their homes, or others who are looking to be bought out, still living with family, renting, whatever. I think in a state where there's still a homeless problem and a housing problem because of Sandy, we should be investing in housing -- because we actually need to do it -- as well as trying to make our communities more resilient to protect from future floodings.

So again, you know, if I'm applying for a grant for Open Space, I don't apply to the Ford Foundation that does environmental justice. I

mean, I know enough of where to apply for a grant, as a person who has to apply for grants.

SENATOR GORDON: And a final question -- at least for me -- can you comment on the Meadowlands berm project? Was this, in your opinion, a useful project to make a priority?

MR. TITTEL: Of all the projects that this state needs -- and there are literally, probably, thousands -- no, I didn't think it was a good project. I thought it was sort of a token by HUD just to give New Jersey something. In fact, I think it's not-- Not only do I not think it's a good project, it also didn't deal with sea level rise and adaptation to storm surges in the Meadowlands. It was really more of a project from the 1970s than one that's really moving us forward.

We had opposed, or at least commented in-- I would just say, we raised concerns about that project to begin with.

SENATOR GORDON: Okay.

Senator Sarlo.

SENATOR SARLO: And I understand, with respect to where the environmental community is on that. And I-- Listen; I get it. No berm is ever going to deal with a surge that we had received from Superstorm Sandy, right? We're not going to deal with that. That's-- I don't know if a berm is ever going to be able to deal with that. However, those communities down there get a lot of nuisance flooding.

MR. TITTEL: Yes.

SENATOR SARLO: They get a lot of coastal flooding; we get coastal flooding, they get it there -- where intersections, where low-lying areas are shut down, sewer pump stations are flooded, sanitary sewer

backups into the streams. The berm, the pumps -- I agree; they are not going to deal with rising levels of our seas and our oceans over years. It's not going to deal with the next Superstorm Sandy. But it will protect many of those communities and businesses on a lot of your 100-year flooding, a lot of your 100-year storms and high tides -- serious high-tide conditions. So I think we--

MR. TITTEL: My point was more not that they couldn't use the money. Look, every town in this state that has been dealing with flooding needs a lifeline. And I understand that it will help, at least temporarily, or in certain cases. The point I was trying to make is that we should have had a plan in there to really make the Meadowlands resilient and help protect it from future storms. And that's what we should have been looking for funding for -- for projects that would have actually had a much longer term fix, which actually would cost a lot more money--

SENATOR SARLO: Absolutely.

MR. TITTEL: --which we should get from the Feds; and we could do a lot more work, and a lot better.

Look, if you're going under water, you're going to grab a lifeline. The point I'm trying to make is we need more than a lifeline; we need to actually have a real plan to deal with, long-term.

SENATOR SARLO: Listen, we were willing to settle on a ham sandwich instead of a prosciutto sandwich.

MR. TITTEL: Exactly.

SENATOR SARLO: So we were ready to take the ham sandwich. (laughter)

SENATOR KEAN: And if I may, through the Chair, to follow up on Senator Sarlo's conversation.

I mean, I think all of us came up to Moonachie during that storm; and many of us have been up there frequently for a variety of reasons. And if we're talking about resiliency and redundancy, and whether it's nuisance or systemic flooding -- you have to apply to whatever pots of money are there. I mean, it would seem to me if we can get -- whether it's \$15 million, or whatever it is, to solve that issue-- I mean, if you're talking about protection and health issues -- because, obviously, they follow up with the mold issues and a variety of other things from the frequency of water. I know that when towns in my district flood -- whether it's Cranford, or up in Long Hill -- I mean, anything you can do regarding a pump station, regarding a berm, regarding anything up river-- I mean, that seems to me to be helping on a myriad of different fronts.

So not to get into this back-and-forth, but I think that to simply say that a project is not -- we shouldn't be doing it, or prioritizing for funding because it doesn't have that 500-year application or the 100-year application-- I mean, projects that have three-month or one year applications are as important for people's daily lives in this state as there are the longer-term projects.

MR. TITTEL: We just saw, with a minor storm, a big portion of Cape May County getting destroyed. My point was that we have real needs and real priorities. And compared to what we really need in the state, not only was it a drop in the bucket, it really doesn't have a long-term fix.

Had the State gone in with a plan for the Meadowlands that dealt with sea level rise and climate change, instead of \$15 million they

could have gotten \$150 million. And that was sort of my point. Not that I'm taking anything away from the people there who are being protected; what I'm saying is that we have a state that every time we have a full moon or every time there's a storm going off the coast, there's a lot of property damage and we have a lot of priorities.

And on the list that's out there, I don't think that is as important as some of the other places that did not get funding that we didn't even apply for, let alone need. I mean, again, I think that should be part of a plan for the Meadowlands -- it should be a much larger plan, not just that small slice for a specific place. And look, they need the help; that's fine, I get that. The point is that, as a State government, when we're applying for grants, we should be looking to get as much money as we can get to do the most good for the most people.

SENATOR GORDON: A follow-up to that. What specifically do you think should be done to try to increase the level of protection in those Meadowlands towns? I mean, what should be the components of that plan you were referring to?

MR. TITTEL: I think it takes multiple-- I think part of it is going to be, in some areas, selective buyouts to create new flood storage areas; in other areas, creating flood storage by helping to take out fill and recreate wetlands. It's going to take elevations in places; it's going to take some strategic retreats in other areas. It's going to take a-- It can't be done town-by-town; it has to be done regionally. And it has to be done in a way that takes into account multiple factors. It's going to take a lot of time and a lot of money.

Look, what people don't understand -- and I have been to conferences on Sandy and on climate impacts for flooding -- what you have to understand is that you have to plan one year -- which is fine; that \$15 million is the one-year plan -- 5 years, 10 years, and 50 years. And that's the kind of plan you need for the Meadowlands. You can't get it all done at once, but you have to have a plan that has stages that takes you out at least to a 50-year horizon.

SENATOR GORDON: Okay. Any questions from any other member of the Committee? (no response)

Seeing none, thank you very much, Mr. Tittel.

MR. TITTEL: You're welcome.

SENATOR GORDON: We will next hear from Amanda Rinear of the New Jersey Organizing Project.

Ms. Rinear.

**A M A N D A D E V E C K A - R I N E A R:** (off mike) Can we all come?

SENATOR GORDON: Could you all introduce yourselves for us?

MS. DEVECKA-RINEAR: Sure.

I'm-- Can you hear me?

SENATOR GORDON: Yes.

MS. DEVECKA-RINEAR: I'm Amanda Devecka-Rinear; I am the Director of the New Jersey Organizing Project. And we are a group that was founded by Sandy survivors, mostly from Ocean and Monmouth counties.

**J O E M A N G I N O:** I am Joe Mangino, also of the New Jersey Organizing Project. I am from Beach Haven West, down in Ocean County.

**P E N N Y R Y A N - S E S T A:** I am Penny Ryan with the New Jersey Organizing Project; and I reside in Little Egg Harbor Township, Ocean County.

SENATOR GORDON: Okay; please proceed.

MS. RYAN-SESTA: Okay; as I said, I am here with the New Jersey Organizing Project. And I am actually here to present the human side of -- involving the impact of Superstorm Sandy.

SENATOR GORDON: Could you speak a little louder, please, or closer to your mike?

MS. RYAN-SESTA: Sure.

I want to represent the human impact from Superstorm Sandy. I live in Little Egg Harbor Township, Ocean County, New Jersey. I reside there with my husband and my six children. We have lived there for 27 years.

Our home was severely damaged by Superstorm Sandy, which is on the golf course, across the street from the lagoon, and on the back Great Bay, just so you have an idea of where we are.

And thinking back, I remember the storm of 1992, where we had a foot-and-a-half of water come into our garage. No big deal; we cleaned it up, and we moved on. In October 2012, we watched the water rise from Superstorm Sandy as it was coming in. Once the water reached our doorstep, we evacuated our property -- later realizing the water reached seven-and-a-half to eight feet high, destroying our home.

At that point, we were displaced. We moved eight times, facing extreme financial and emotional hardships. Excuse me; it's kind of hard. We're still struggling to get back home. Part of our hardships were, obviously, financial -- finding a place to live. We separated multiple times just to find housing. That included living in a campground.

At this point, we became just about homeless; and we relied on a local church in which we are now living in their home. And they have assured us housing until we're able to get back into our home.

We have-- We are not able to get back in our home for a couple of different reasons: one, we are affected by contractor fraud -- one contractor that is on the RREM listing for approved contractors; as well as the lengthy State process involved. We have done everything possible and everything that has been asked of us. During this time, my husband became ill with severe bacterial infection. He almost died; he was out of work for 18 months.

I'm here today to share my story because I don't understand why the State didn't include a proposal to help mitigate the process and provide protection for homeowners, now and in the future.

SENATOR GORDON: Thank you very much.

Sir.

MR. MANGINO: Sure.

So again my name is Joe Mangino; I'm not only a Sandy survivor, I'm kind of a Sandy conqueror.

After the storm, once my home was gutted, it became a relief center for our community. So I fought hard the last three years to not only get my family home, but to help my community and rebuild my

community; to the point where the group I co-founded helped gut over 800 homes in Long Beach Island, Stafford Township; and we saved our taxpayers roughly \$4 million in clean-up costs. That's how committed I am to seeing our community rebuild and come back stronger than ever.

Which -- I'm here today because I'm disappointed at the failures with this application for the disaster relief competition. I mean, the failure to secure these funds not only hurts our recovery from Superstorm Sandy, but it exposed us to the future disasters and the continued rise of sea levels. By failing to submit a detailed and broad-based application, communities like mine that are currently recovering from these recent extreme weather events -- they have been denied an opportunity to build resilience within their community. You know, low- and moderate-income communities -- they're always the most impacted by these disasters, and they've been left with nothing. They have little chance to build a stronger and more prepared community.

I find it unbelievable that an application for disaster resilience did not include any projects for the four counties that were the hardest hit. And it did not include a climate adaptation plan, which I just -- I don't understand it. You know, instead of putting all of our eggs in the Meadowlands' basket -- and I think there were some good ideas in that project -- I wish we expanded it to include more projects throughout the state that dealt with more wetlands restoration; work on solutions for back bay flooding, which happens on any extreme high tide now; resilience education -- regular people just don't know enough about what's going on and the impact it's going to have; and the effect of these extreme weather events and sea level rise on Barnegat Bay, which, for us, is a huge part of

our economy. I mean, I think Barnegat Bay is worth about \$4 billion -- is what we get from the tourism and things like that.

So community resilience kind of -- it needs to address not just all the environmental factors, but quality of life and economic prosperity. Our failed application I feel kind of leaves with us with no funding and nowhere to go. And I feel like we have nothing but Band-Aid solutions.

Thank you.

SENATOR GORDON: Thank you.

Ms. Rinear.

MS. DEVECKA-RINEAR: Thank you all so much for inviting us -- sort of the voices on the ground still recovering from Sandy -- to join you. It matters a lot to us, as you can see.

And I just want to make a point about the cost of our failure to secure funding. We're talking about the cost in sort of millions and billions, and that's huge. But I'm going to get a little more specific.

So first, globally, I think we all know -- Senator Kyrillos also talked about, and Senator Sweeney -- many of you -- that we're not recovered from Superstorm Sandy, and that that hasn't gone particularly well. The program that both Penny and Joe are in -- the State's marquee recovery program for homeowners to help rebuild, mitigate, and elevate after the storm -- this October is four years; I checked the numbers again today -- actually, yesterday, before I came here -- and it's still around 68 percent of the families in that program are not home for good.

And the Department of Community Affairs has, at different points, created support -- rental assistance -- for those families, for people who are paying a rent or mortgage and they're still out of their homes; or

even for seniors on a fixed income who aren't paying a mortgage or renting, but for whom the rent is actually prohibitive since they can't be in their homes. That program tapped out at nine months. And currently the Department of Community Affairs is saying they are not going to extend that for people who are not having extreme hardship. So we're about to leave our Sandy survivors high and dry again. So I just think that's an incredibly important point to make.

But I live on a small island in the middle of Barnegat Bay, and there's just been a ton of flooding this last couple of weeks. It's like I have to go work in muck boots; luckily, it wasn't flooding today, so I was able to dress appropriately for a Senate hearing -- but otherwise, I would have had to be wearing waterproof boots to get out of my little island.

And it just-- Like these guys are saying, we have to do better. It's our family, it's our economy, it's our state, it's our coastline. And in addition to losing the millions of dollars we needed for all sorts of brilliant ideas that people in the state have for what we could do about it, I just want to say that living with this constant, sort of, threat of flooding or incoming water is hard for us. At one of our very first meetings, when we were founded about a year-and-a-half ago, I said, "What's the cost of the fact that we're not doing better, to you and your family?" And here's what our members said. They said, "Our marriages; I'm not sure if my marriage is going to make it through this." They said, "My retirement security; I have no money anymore, I have no nest egg. I count on my Social Security and pension like never before." "My health" -- Joe has really bad asthma now; Penny testified about her husband's illness.

And we have people who lost people after the storms. There was a study that was done by Rutgers that demonstrated the spike in heart attacks and strokes immediately after Sandy. If we do not deal with this -- it is hurting our homes, our families, our health, our financial security. And so the failure to secure funding that really was about Sandy-impacted communities in these key counties, to help us with further disaster and flood mitigation, is gigantic.

Thank you, guys.

SENATOR GORDON: Thank you.

Any members of the Committee have questions?

Senator Weinberg.

SENATOR WEINBERG: Not a question, just a comment.

First of all, thank all three of you for coming here to, kind of, translate-- And it's always good for us to translate all the bureaucratic paperwork numbers to the real-life situation that you have found yourselves in, and still find yourselves in. And, as you say, October will be four years; as those of you who remember, it was a big presidential election at the time.

So I just wanted to thank you, and tell you we will try to do everything that we in the Legislature can do to right whatever went wrong here.

Thank you.

SENATOR GORDON: Thank you, Senator Weinberg.

Senator Ruiz.

SENATOR RUIZ: I, too, just want to thank all of you for your advocacy in light of the tragedy -- the positive that's come out of it in the formation of the group. And, was it John?

MR. MANGINO: Joe.

SENATOR RUIZ: Joe -- in the middle -- used a term that I often echo in the same chamber: Stop with the Band-Aid approach. Government is extraordinarily great at doing that. Even when it comes to our budget process, it's always this short-term, "Let's get to the finish line and then we'll figure things out next year." This is obviously a critical issue that needs a long-term blueprint for security -- both of the environment and of our families. And it's time that we really roll up our sleeves here in the State -- both as a legislature and the Administration -- to really start looking out years ahead. Not for ourselves, but for the future generations of this great state.

Chairman Sarlo and I say this all the time -- and it's going to probably be a conversation that we have in the coming weeks when it comes to budget -- this is something that is a huge point of frustration for me, because we don't do this in our own home bases when we're planning ahead. We don't plan for tomorrow; we plan for weeks ahead. So I don't understand why government oftentimes gets in that kind of rut.

In the beginning there were sentiments that were expressed: "This isn't about 'I'm going to come get you' kind of a Committee." The truth of the matter is, is the people who are "getting it" are the people in the State of New Jersey who are still suffering in a bad way.

So my apologies to you and your families.

SENATOR GORDON: Thank you.

Senator Kyrillos.

SENATOR KYRILLOS: Thank you, Mr. Chairman.

Just very briefly, I wanted to thank Amanda for her testimony and thank her for her advocacy. And I know that my office is working with you, and will continue to do that to help people -- help their families along. So thank you very much.

And I just want to reiterate what I said earlier -- your comments about the *application should have been this way, should have been that way*. You know, a process that is set up that can fail in the way this seems to have failed, obviously, by definition, is just not a good process. It's a process that talks about climate change, philosophy, and long-range funding. This is emergency disaster relief. Let's figure out what we're talking about here.

So, you know, Mr. President, sit around the Cabinet table; ask the Secretary of Housing and Urban Development how is it possible that you allowed the people of New Jersey -- the tenth, eleventh-largest state in America -- not to get the kind of assistance that it needed. If we're in the business of helping people when they experience earthquakes, and tsunamis, and superstorms, then let's just do it. If we want to debate the philosophy on it, that's different.

Thank you.

SENATOR GORDON: Senator Kean, did you have a question?

SENATOR KEAN: Yes.

Thank you for coming here today. We talked about it at a number of different levels of applications, but I want to get a sense from you -- I mean, not only the-- First and foremost, thank you, all three of you, for helping your neighbors, helping your community, and advocating; because, again, I mean, frequently the best solutions are neighbor-to-

neighbor and neighborhood-to-neighborhood. And so, first and foremost, the initiative that in the first 24 hours it takes to recognize the problem; to run in when others are ruining out, is extraordinary. So first and foremost, in that first 24 to 48 hours, when people really needed help -- thank you for working with people, and doing things; and then building that out to help out people, over the months and the years, since it ensued.

And I can't imagine listening to, whether it's the weather radio, or each different forecaster, every night, to say "Okay, what does an astronomical high tide mean?" And everybody there, of course, says it's not just-- It doesn't mean it could be necessarily huge; it's a lunar cycle. And then you have to-- I mean, the thought process of going through understanding the definitions, and understanding what that means to your front doorstep, has an impact on families and has an impact on economies, and has an impact on everything.

So I think, to follow up on some of your thought processes, it's not just how the State put forth an application. But I want to get to a point -- whether it's now or in subsequent efforts -- the application process was just very detailed, frustrating; the ability for contractor fraud to come in and do what it did. But that was -- there were standards that were set on the State, on the Federal level, and maybe even on the county level that in the up-front -- the human impact-- I mean, we could talk about how we applied them for the State. But also, I think in that time of need, so that fellow citizens can know: How do we help ourselves? How do we make sure that the government is more efficient leading into that process? Is the Federal bureaucracy too obtuse? Is the State effort not where it needs to be? Does the municipal or the county level need help?

So the extent that you can get to -- in this conversation, or over time -- what are some of the things that you've seen that have really blocked the ability of individuals, and that have the human impact on health, human impact on property, human impact on relationships in a way that has a legacy effect -- not just six months later, but now three-and-a-half years later-- So that others, when you see the most recent surge storm or Irene, or whatever is going to be happening over time -- because that does have an impact on people.

I mean, I know when you go back and think about Irene-- And you have a town in my district that was -- Cranford -- at that juncture. And that was a completely different river of water that came in, and the entire downtown flooded. And then when Sandy came, because it was a surge event -- and that was where, in Cranford specifically, the generators were for the area. So everybody was out of power, because that substation completely flooded and had mud everywhere. And that had an impact.

But then because-- When Sandy came through -- that was a surge event -- Secaucus was a surge, and therefore a third of the town was impacted; but Cranford was impacted in a very different way. So you have to respond differently to different things. But there should be some commonality to how you get to the point where it's like, "This shouldn't be this difficult to get an application." And from a human perspective, then get better certainty through the process.

I've been long-winded, but it's-- If you can add some value on it.

MR. MANGINO: Sure. I think the biggest problem we've incurred is, no matter what we're trying to do -- whether it's getting through the rent program, or raising our homes--

SENATOR KEAN: Can you get closer to the mike, please?

MR. MANGINO: --is we can't find the end zone; it keeps changing. So, you know, people are starting to rebuild, and they're telling you, "You have to rebuild to this level." They are three-quarters of the way done; all of a sudden, the rules have changed. "No, you have to go up higher."

Same thing with getting through the rent program. You follow all these steps; two weeks later, there's a new rule in place. And that's been the biggest frustration that we have encountered -- is if we knew where the end zone was, then we could get there. But it seems like we get to that 10-yard line and all of a sudden we're pushed back, and we can never find the end. There is no defined goal there at the end; there's no finish line. And that's been the biggest frustration for most people.

MS. DEVECKA-RINEAR: And I think, in some ways, that experience that we're living -- and we do believe, actually, that people who are experiencing a problem are sometimes experts, and do need to lead the way towards a solution. But, you know -- so I looked at New York's plan. Did anyone else look at New York's plan? I had, like, a moment of, like, envy for \$212 million to our \$15 million. And then, you know, I got mad, right? New Jersey; we're the best. Well, what did New York have -- submit a plan for? So in terms of the difficulties in the RREM application program, we could do a hearing just on that; and we would love it, and we

could bring a lot of other people, because every person you talk to has a different story -- which is a symptom of a broken system, right?

But what we know about, at least, this process is that New Jersey put in four proposals: one was for the Meadowlands' berm expansion, water pumping, and wetlands restoration, \$236 million -- denied; another was for a New Jersey Transit satellite bus garage near the Meadowlands, \$75 million -- denied. And then a best practices toolkit got \$5 million, as did a regional planning fund to help communities pay for collaborative planning efforts. And maybe, in some ways, that grant money can help address what you're talking about. But that was \$15 million, and none of that is going to do anything about what we're here, living through today. And that sort of lack of vision and planning has been shining through; I think we're experiencing it, the whole state just experienced it.

Yes, we can't -- like, we won't be able to-- I won't-- I don't think my house will be here in 40 years if we keep going on like this; honestly, yes.

SENATOR GORDON: I want to thank you all for appearing here.

All too often we spend our days talking about budgets, and programs, and goals, and fiscal years. And it's easy for us to lose sight of the fact that what we're trying to do is protect people and improve the quality of their lives in this state.

And so I think it was extraordinarily important that you three joined us today to put a human face on this issue. I thank you for it; you have certainly given us some foundation for further questions that we're

going to raise with Federal and State officials. And I thank you sincerely for sharing your stories with us.

Anyone else have a question for this panel? (no response)

If not--

MS. DEVECKA-RINEAR: Thank you for inviting us.

SENATOR GORDON: Thank you very much, all of you.

MS. RYAN-SESTA: Thank you.

SENATOR GORDON: We are next going to hear from Robert Freudenberg of the Regional Plan Association.

Mr. Freudenberg, welcome.

**ROBERT FREUDENBERG:** Thank you.

Good morning. Thank you for the opportunity to share thoughts on resiliency to the impacts of flooding and sea level rise in New Jersey and the greater region.

My name is Robert Freudenberg; I'm the Director for Energy and Environment of the Regional Plan Association, an independent, nonprofit research organization that plans for the long-range sustainable development and economic competitiveness of the tristate metropolitan region.

And forgive me for my cold.

One of the greatest challenges we face today is climate change and its devastating effects on our region's communities. Rising sea levels, more frequent and intense storms, coastal and river flooding, and extreme cold and heat are no longer things we brace for at some far-off date. They're here now, and hurting many of our residents far too often, too many of whom are particularly poorly equipped to respond.

For most, Hurricane Irene and Superstorm Sandy were disturbing wake-up calls about just how underprepared our region is to handle the damaging flooding, storm surge, and wave impacts of coastal storms. In their aftermath, *resilience* has become a much-used, but important, buzz word humming throughout our region.

We at RPA have been doing research in looking into the issue and wanted to share a few things with you today.

One thing that we've learned is the underlying reason of why we need resilience. In a sense, we've developed in places and in ways that have put our residents and critical infrastructure at significant risk from storms and flooding, made increasingly worse by sea level rise. Today we find that approximately one million of our region's residents live within flood zones that are going to face significant flooding into the future. By 2050, that number will double to over 2 million due to sea level rise and storm surge; over one-third of that population is considered socially vulnerable.

Also in this future flood zone is 59 percent of our power generating capacity, 45 percent of our wastewater treatment plants, and 13 percent of our rail and subway stations. And in New York City, it's 21 percent of their public housing in the flood zone.

We've also found there's no consistent and comprehensive set of guidelines to improve development or redevelopment practices in flood-prone areas in ways that reduce risk and social vulnerability. So despite the many actions around our region for resilience, there has been very little consistency in approach -- meaning some communities are well ahead of the

curve in preparing for a future with more flooding, while too many still remain very vulnerable.

We've also seen that Federal tax dollars, as well as Federal, State, and local planning continue to encourage development and rebuilding in areas at high risk to climate impacts. Whether it's the artificially low premiums on NFIP insurance, FEMA mapping that doesn't take into account sea level rise, or local development plans and zoning that don't factor in flooding hazards, our policies will continue to put residents at risk for the foreseeable future.

So what do we need to do? Well, on one hand, we need to regionalize resilience. The three states in our region that we work in -- the municipalities in all of them -- all face similar threats from flooding. Water doesn't know any boundaries resulting from storm surge, sea level rise, and increased precipitation. We can no longer take a community-by-community approach that depends on recovery dollars from the Federal government after a disaster. Instead, New York, New Jersey, and Connecticut should form a Regional Hazards Reduction Program -- modeled after the Earthquake Reduction Program out West -- to develop, disseminate, and promote knowledge, tools, and practices for flood risk reduction as one region. At a minimum, each state should have a coordinated program that focuses specifically on climate change impacts, adaptation, and other resilience measures.

Two, we need to move from a protection mentality to one of adaptation. At all levels we need to change our mindset from one of protecting against flooding and other climate impacts to one of adaptation. This means considering all options for adaptation -- from innovatively

redesigning all of our waterfront communities beyond the Federal minimum, to welcoming the concept of living with water; and yes, even taking the steps now to limit development in the most at-risk areas, and working towards a future where some of our communities will return sections of towns to nature to improve the comprehensive bioprocess. This shift will require public education; changes to State and local programs, policies, and zoning codes; and a reshuffling of budgets to invest more in adaptation and less in traditional protection measures.

Finally, we need to recognize that Federal dollars will never be enough. Even if New Jersey had received full funding requests for the NDRC program, it still would not have been nearly enough to complete the project in the Meadowlands, let alone make all of New Jersey's at-risk communities more resilient. Federal dollars will continue to play an important role in moving towards resilience, but we must find ways to better engage the private sector, including private insurers, in funding adaptation in our region. Funding adaptation offers a tremendous opportunity for returns on investments, if done correctly.

So several years have passed since Sandy and Irene struck our region. These wake-up calls instigated an important conversation about resilience, and even resulted in measures being taken across the region. But at the end of the day, there is much more to be done and little time to do it.

We welcome the conversation here today, and encourage more action to be taken starting today.

Thank you.

SENATOR GORDON: Thank you, Mr. Freudenberg. And certainly your comments about taking a regional approach I think are well

taken, and we should continue the conversation. And perhaps some legislation can come out of this so it will take us in that direction.

One question I have is this: You're representing a regional agency; you obviously have interaction with New York officials and those in Connecticut.

MR. FREUDENBERG: Yes.

SENATOR GORDON: Can you offer any thoughts as to why New York seems to consistently get more money out of the Federal government than we do? Why does -- why are its applications more successful than ours? I mean, any thoughts on that?

MR. FREUDENBERG: Yes, I have some thoughts on that.

I mean, just to share with you one example. New York City, for instance -- they reached out to us to write a letter of recommendation for their application. And by doing that to us, they reached out to many, many others. They involved a lot of input into that, and changed it, based on comments that they received back from us.

New York City has also been ahead of the curve on resilience; and New York state as well. New York state began a program called *New York Rising* after Sandy. First they convened a Blue Ribbon panel to kind of look at all the issues of why Sandy hit New York so hard. Then they instituted a program called *New York Rising* that basically put together agencies, working together, towards a common interest in adaptation and climate change resilience. I think that governance structure -- the fact that New York set up that program, put them in a much stronger position. They're aligning all of their programs and policies to include climate change, to include sea level rise; they've done their own sea level rise projections.

They're taking the issue seriously; they're reorganizing government, and they're involving the community and nonprofits in the conversation when they do these things.

So the NDRC applications were much better funded over there because, in some ways, they involved -- they were building on already-established programs, and also invited others into the conversation.

SENATOR GORDON: Okay.

Any other members of the Committee with questions?

Mr. Freudenberg, we'll -- I hope we'll be continuing the conversation and drawing on your expertise as we develop legislation to try to cope with the new world of climate change here in New Jersey.

MR. FREUDENBERG: Great; I look forward to that.

SENATOR GORDON: Thank you very much.

MR. FREUDENBERG: Thank you.

SENATOR GORDON: Senator Weinberg.

SENATOR WEINBERG: Yes, just a comment.

Maybe we should invite New York here to give us a how-to primer. (laughter)

SENATOR GORDON: That's not a bad idea.

I would say that given the interaction that some of us have had with New York over the last few years, we can turn our attention from bridges and tunnels to flooding issues.

Thank you very much.

We will next hear from Bill Sheehan, the Hackensack Riverkeeper.

Mr. Sheehan is our final witness.

CAPTAIN WILLIAM SHEEHAN: Thank you. I'm battling cleanup, huh? (laughter)

SENATOR GORDON: That's right.

CAPTAIN SHEEHAN: All right. For the record, my name is Captain Bill Sheehan; I am a Hackensack Riverkeeper. Hackensack Riverkeeper is a nonprofit, public interest organization. Our mission, primarily, is to protect, preserve, and restore the natural, the living, and the recreational resources of the Hackensack River Watershed.

In the Hackensack River Watershed we have one of the most unique features -- natural features in the State of New Jersey: that would be the Meadowlands. And since the Meadowlands became ground zero for this application, I'm glad that you invited me here to talk about our problems with this application, and some of my ideas about where things might have gone wrong.

First off, during the run-up to this, there was very little dialogue between the New Jersey DEP and the community at large -- especially with my office. We had very, very little notice that they were even working on this grant application until one day last fall I was invited to go out on a boat ride; imagine somebody taking me on a boat ride (laughter). But I went along, and it was a group of advocates from around the state that were on board the boat with staff from DEP. And the DEP on board the boat -- when we got out onto the river and we were talking about the need to protect people, the need for resiliency, and what New Jersey needs to do in order to protect the surrounding communities in the Meadowlands -- they unveiled a map. First time I had ever seen it. And as soon as I laid eyes on the map, I saw about 75 things wrong with it and very little right. First off,

we had one of the largest environmental advocacy battles in the history of the State of New Jersey that took place in the Meadowland, which resulted in the complete change in the way the Meadowlands has been administered, now, for the past, probably, going on 12 or 13 years.

The Meadowlands was always looked upon as a wasteland; it was also always looked upon as a land of opportunity for developers; and it was all looked upon as a disposal site for industrialists and other -- the garbage industry and other industries that were looking for a cheap and easy place to get rid of whatever it was they wanted to get rid of.

The Meadowlands -- we changed that image a great deal in the Meadowlands with the work of countless advocates; not just myself -- I would never take full credit for it, because that would be really hubris on my part -- it was the people of the Meadowlands that finally stood up and said, "We want to save this place. This is a special place."

We have a State Wildlife Management Area in the Meadowlands. We have over 265 species of birds that use the Meadowlands as habitat during the course of the year. These are migratory birds, and residential birds that live here all year round. We have over 70 species of marine life back in a river that was so badly polluted 30 years that nothing could live in it. And yet, the DEP -- the very agency that is entrusted with the task of protecting New Jersey's environment and protecting New Jersey's natural resources -- came up with this plan to run dikes and berms right through protected wetlands. Some of the wetlands where they proposed to build their dikes and their berms -- not only are they protected on the State level, but they're also protected through covenants with the Army Corps of Engineers, because they've been used as

wetlands mitigation sites over the years. And once a wetland is engineered as a mitigation site, the deed restrictions are placed on it by the Federal government that it will have to remain as a wetland in perpetuity. And yet, here is the DEP showing me a map where there's a wall that's going to run clear across the Richard P. Kane Natural Area, which actually borders across that Moonachie-South Hackensack--

This is a huge wetland; it took us years to acquire that wetland for conservation. And another aside is the fact that I serve the State as the Chairman of the Meadowlands Conservation Trust. The Meadowlands Conservation Trust owns the Kane Tract, and no one from DEP consulted anybody who has anything to do with the Meadowlands Conservation Trust about whether or not we thought it was a good idea to use these wetlands for this type of construction. You know, as the Chairman, I, at least, should have gotten a call from somebody at the Department.

Another reason why I'm here, though, and I want to stress this: The Hackensack Riverkeeper preamble is that we are a nonpartisan organization; we're a 501(c)(3) nonpartisan organization. And I guess that means that, at any given time, I don't like anybody; but I love you all.  
(laughter)

The problem that I've seen -- and I know that there are other people in this room who could probably support this position -- is the bench over at DEP has been getting shallower and shallower. The intelligent, intellectually enlightened people who ran the Department of Environmental Protection for the first 20 years that I was in this business -- I've been watching them as, one retirement party after another retirement party, after another retirement party, after another retirement party-- These are people,

many of them -- most of them in their prime of life who could really afford, under better circumstances, to stay with the Department and keep protecting the environment for New Jersey. That's what they dedicated their careers to. But they're leaving, and they're leaving because of other policies. You know, should I mention the pension problems that we're having in the State; the top-down management of the DEP under Commissioner Martin? You know, it's just been one thing after another. And, you know, really dedicated career environmentalists who worked at the Department have been leaving in droves.

So when it came time to write this highly technical grant, a grant that deserved the full attention of the best people who you could possibly lay hands on, they had to give it to what amounted to the B team. And when they held a public hearing, it was more of a public listening session than a public hearing. They actually had a stop clock on the screen; and when it came around to the 12 o'clock, you had to stop talking. And I did not hear any comments from the audience who were there -- the people who got up to actually comment -- that were favorable for the application.

The DEP had-- When you fail with the environmental community, well, maybe the business community is getting what they want. When you fail with the environmental community and the business community, well, maybe we're really thinking about homeowners for a change. When you fail all of those constituency groups, there's something wrong. And that's exactly what I heard at the public hearing.

I brought our comments with me -- the written comments that Andrea, here, by the way-- I'm sorry I didn't introduce her. Andrea Leshak is the Hackensack Riverkeeper staff attorney. She prepared our

commentary on this. And I would like to leave this with the Committee. I have a couple of copies with me.

Even the public notice on the fact that they were taking comments was limited to about less than three weeks. You know, this is a major project; \$375 million.

And then finally, before I finish, I have to say -- it's been brought up before -- but one of the things about this application that really astonished me, and I still don't understand -- and I just wish somebody could explain it to me in a way that makes sense -- is how building a bus station in the Meadowlands protects anybody from flooding. Let's not kid people, let's not fool people, let's not tell them we're going to fix your flooding problems. Because every time, over the past 350 years (*sic*), the State of New Jersey has tried to fix the flooding problem, it stayed fix for approximately a few months until the next storm came along.

And it's not just the Meadowlands; it's the Passaic River Basin -- you hear about that all the time. Towns like Woodland Park and other towns that flood out incessantly; Lincoln Park is another one. Down in the Raritan Basin you have the Bound Brook situation; you have the New Brunswick situation. You have these situations all over the northern part of the state, and yet the New Jersey DEP, in the past several years, has basically forgotten us. They have basically forgotten the entire northern part of the state in favor of the Bayshore, and in favor of the ocean beaches. I understand the ocean beaches are a huge economic engine during the tourist season, but I have news for them: Bergen County, and Hudson County, and Essex County are huge economic engines unto themselves.

And the people who live in those counties deserve respect from the DEP, from this body, and also from the Administration.

SENATOR GORDON: Thank you very much.

Is it Andrea?

**A N D R E A L E S H A K, Esq.:** Yes; Andrea Leshak, staff attorney with Hackensack Riverkeeper.

I just want to reiterate something Captain Bill mentioned, which is the limited public engagement on this application.

I remember the draft application came out on a Friday afternoon; the one and only public hearing was held on a Tuesday evening, and then comments were due the next week. And from my review of the final application, the DEP didn't really take into account many of the comments that were made by the public. So I think that's one avenue that this Committee could explore further: why there was not more engagement with the project that wasn't really wanted by the community. They wanted protection from flooding and sea level rise, but not this particular project.

So I think why there was such limited public engagement, and why the DEP did not consider the concerns of the affected communities.

So thank you.

SENATOR GORDON: Thank you very much.

We certainly want to ask those questions if and when representatives from the DEP appear before this Committee.

You remind me of something I learned early on in my management consulting career -- that if you try to trace the explanation for organizational problems or organizational failures of some kind, it usually comes back to the people in the organization. The fact that you may not

have the best people-- I've argued that the failures in this Administration's ability to implement programs has a lot to do with the skill sets of the people who have been brought in to manage these agencies. There have been a number of people appointed to high levels in this Administration who, I'm sure, were very skilled prosecutors. But being an Assistant U.S. Attorney doesn't mean you know how to run a large organization. In fact, many of these people have no experience in running a large organization and trying to achieve complex objectives.

It is disheartening to hear that the DEP did not, apparently, listen to the comments that were made, and also offered little opportunity for the public and experts to have input on the elements of this application. These are certainly issues we'll raise when Commissioner Martin or his staff come before us.

Senator Weinberg.

SENATOR WEINBERG: Yes; thank you, Captain Bill, and thank you, Andrea, for coming today.

A little commercial: All of you should take one of Captain Bill's pontoon rides through the wetlands. (laughter)

CAPTAIN SHEEHAN: Thank you, Senator.

SENATOR WEINBERG: Sorry, but I always just have to give that little Bergen, Essex, Hudson, northern New Jersey commercial.

MR. MAGYAR (Committee Aide): I've done that; I've done it.

SENATOR GORDON: Some of us have even taken kayaks through the Hackensack River.

SENATOR WEINBERG: Well, that's your problem. (laughter)  
I went on the pontoon.

But a comment -- not particularly germane to this testimony -- but we also got a note in part of our research package that Secretary Castro said one of the big problems with our application was the lack of matching funds; that we got 1 point out of 10 available points because we just didn't put up any matching funds for this little undertaking. So I think we need to put that into our computer, too.

So again, thank you both for coming here.

CAPTAIN SHEEHAN: Thank you.

MS. LESHAK: Thank you.

SENATOR GORDON: Any other further questions for these witnesses? (no response)

Seeing none, thank you very much.

And these are the last witnesses for our hearing today. Our hope is that what we've learned today will provide a foundation for further inquiry in our next hearing, which I hope will bring representatives of the Federal Department of Housing and Urban Development; and if not the Federal government, certainly representatives of the DEP and other State agencies.

And we are committed to finding out what went wrong so that it doesn't happen again.

Thank you all very much. The Committee is adjourned.

**(MEETING CONCLUDED)**