

[First Reprint]

ASSEMBLY, No. 1726

STATE OF NEW JERSEY
216th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2014 SESSION

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Co-Sponsored by:

**Assemblyman Johnson, Assemblywoman Pinkin, Assemblyman Gusciora
and Senator Greenstein**

SYNOPSIS

Amends "Flood Hazard Area Control Act" to require DEP to take certain actions concerning delineations of flood hazard areas and floodplains.

CURRENT VERSION OF TEXT

As reported by the Assembly Environment and Solid Waste Committee on February 24, 2014, with amendments.

(Sponsorship Updated As Of: 6/26/2015)

1 AN ACT concerning mapping of flood hazard areas and amending
2 P.L.1962, c.19.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. Section 3 of P.L.1962, c.19 (C.58:16A-52) is amended to
8 read as follows:

9 3. a. The department shall study the nature and extent of the
10 areas affected by flooding in the State. After public hearing upon
11 notice, and pursuant to the “Administrative Procedure Act,”
12 P.L.1968, c.410 (C.52:14B-1 et seq.), the department shall adopt
13 rules and regulations which delineate as flood hazard areas such
14 areas as, in the judgment of the department, the improper
15 development and use of which would constitute a threat to the
16 safety, health, and general welfare from flooding. **Such** These
17 delineations shall identify the various subportions of the flood
18 hazard area for reasonable and proper use according to relative risk,
19 including the delineation of floodways necessary to preserve the
20 flood carrying capacity of natural streams. The department shall¹,
21 within the limits of funds appropriated or otherwise made available
22 therefor,¹ update delineations of flood hazard areas as appropriate
23 as provided in subsection b. of this section. ¹**At a minimum, the**
24 **The¹** department shall update its delineations of flood hazard areas
25 at least once every 15 years¹ and shall prioritize the preparation of
26 updates based upon flood risk¹. The department may, after public
27 hearing upon notice and pursuant to the **aforecited**
28 “Administrative Procedure Act,” revoke, amend, alter, or modify
29 such regulations if in its judgment the public interest so warrants.

30 b. (1) The department shall wherever practicable, make
31 **floodway** flood hazard area¹ delineations identical to the
32 **floodway** floodplain¹ delineations approved by the **Federal**
33 **Government** Federal Emergency Management Agency for the
34 National Flood Insurance Program. Immediately upon adoption of
35 a **floodway** floodplain¹ delineation approved by the Federal
36 Emergency Management Agency for the National Flood Insurance
37 Program, the department shall include the federal **floodway**
38 floodplain¹ delineation into the department’s flood hazard area
39 delineation for that watercourse, provided that the department has
40 determined that the federal **floodway** floodplain¹ delineation is
41 sufficient to carry and discharge the flood flow of the watercourse
42 ¹and is at least as protective of the public safety, health, and general

EXPLANATION – Matter enclosed in bold-faced brackets **thus** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly AEN committee amendments adopted February 24, 2014.

1 welfare as the department's delineation¹ .
2 (2) Notwithstanding any other provision of law, or rule or
3 regulation adopted pursuant thereto, to the contrary, a person shall
4 apply for a permit or other approval or authorization issued by the
5 department pursuant to the "Flood Hazard Area Control Act,"
6 P.L.1962, c.19 (C.58:16A-50 et seq.), for a site based upon a
7 '[floodway] floodplain¹ delineation approved by the Federal
8 Emergency Management Agency for the National Flood Insurance
9 Program, provided that (a) the federal '[floodway] floodplain¹
10 delineation is more recent than the department's delineation for the
11 same watercourse, and (b) the department has determined that the
12 federal '[floodway] floodplain¹ delineation is sufficient to carry
13 and discharge the flood flow of the watercourse and is at least as
14 protective of the public safety, health, and general welfare as the
15 department's delineation.
16 c. The department shall establish a procedure for reducing any
17 delineated flood hazard area when a change has been made which
18 increases the flood carrying capacity of the concerned stream at that
19 location.
20 (cf: P.L.1979, c.359, s.4)
21
22 2. This act shall take effect immediately.