

[First Reprint]

**ASSEMBLY, No. 3262**

**STATE OF NEW JERSEY**  
**215th LEGISLATURE**

INTRODUCED SEPTEMBER 27, 2012

**Sponsored by:**

**Assemblywoman CONNIE WAGNER**

**District 38 (Bergen and Passaic)**

**Assemblyman TIMOTHY J. EUSTACE**

**District 38 (Bergen and Passaic)**

**Co-Sponsored by:**

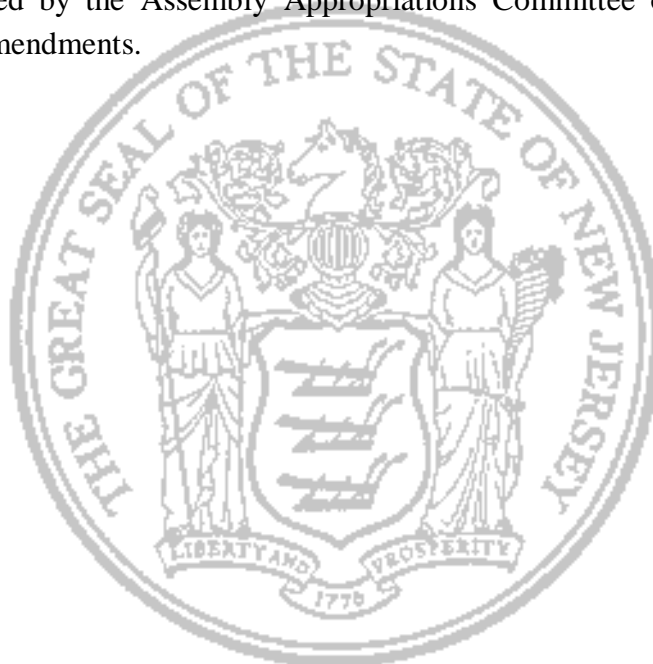
**Assemblyman Johnson**

**SYNOPSIS**

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

**CURRENT VERSION OF TEXT**

As reported by the Assembly Appropriations Committee on February 7, 2013, with amendments.



**(Sponsorship Updated As Of: 10/12/2012)**

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 shall  
21 update delineations of flood hazard areas as appropriate as provided  
22 in subsection b. of this section. At a minimum, the department shall  
23 update its delineations of flood hazard areas at least once every 15  
24 years. The department may, after public hearing upon notice and  
25 pursuant to the **[aforecited]** “Administrative Procedure Act,”  
26 revoke, amend, alter, or modify such regulations if in its judgment  
27 the public interest so warrants.

28 b. (1) The department shall wherever practicable, make  
29 floodway delineations identical to the floodway delineations  
30 approved by the **[Federal Government]** Federal Emergency  
31 Management Agency for the National Flood Insurance Program.  
32 Immediately upon adoption of a floodway delineation approved by  
33 the Federal Emergency Management Agency for the National Flood  
34 Insurance Program, the department shall include the federal  
35 floodway delineation into the department’s flood hazard area  
36 delineation for that watercourse, provided that the department has  
37 determined that the federal floodway delineation is sufficient to  
38 carry and discharge the flood flow of the watercourse.

39 (2) Notwithstanding any other provision of law, or rule or  
40 regulation adopted pursuant thereto, to the contrary, a person  
41 <sup>1</sup>**[may]** shall<sup>1</sup> apply for a permit or other approval or authorization  
42 issued by the department pursuant to the “Flood Hazard Area  
43 Control Act,” P.L.1962, c.19 (C.58:16A-50 et seq.), for a site based  
44 upon a floodway delineation approved by the Federal Emergency

**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:

<sup>1</sup>Assembly AAP committee amendments adopted February 7, 2013.

1 Management Agency for the National Flood Insurance Program,  
2 provided that (a) the federal floodway delineation is more recent  
3 than the department's delineation for the same watercourse, and (b)  
4 the department has determined that the federal floodway delineation  
5 is sufficient to carry and discharge the flood flow of the  
6 watercourse and is at least as protective of the public safety, health,  
7 and general welfare as the department's delineation.

8 c. The department shall establish a procedure for reducing any  
9 delineated flood hazard area when a change has been made which  
10 increases the flood carrying capacity of the concerned stream at that  
11 location.

12 (cf: P.L.1979, c.359, s.4)

13

14 2. This act shall take effect immediately.