

SENATE ENVIRONMENT AND ENERGY COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 1726

STATE OF NEW JERSEY

DATED: SEPTEMBER 15, 2014

The Senate Environment and Energy Committee favorably reports Assembly Bill No. 1726 (1R).

This bill makes certain changes to the “Flood Hazard Area Control Act,” P.L.1962, c.19 (C.58:16A-50 et seq.), to direct the Department of Environmental Protection (DEP) to take certain actions concerning delineations of flood hazard areas and floodplains in the State.

Currently, the “Flood Hazard Area Control Act” requires the DEP to study the nature and extent of the areas affected by flooding in the State and to “delineate as flood hazard areas such areas as, in the judgment of the department, the improper development and use of which would constitute a threat to the safety, health, and general welfare from flooding.” The law further provides that the DEP, wherever practicable, is to make floodway delineations identical to the floodway delineations approved by the federal government for the National Flood Insurance Program (NFIP).

This bill directs the DEP to update its delineations of flood hazard areas as frequently as may be necessary to incorporate federal floodplain delineations as required by the bill, within the limits of funds appropriated or otherwise made available to the DEP. The bill directs the DEP to update its delineations of flood hazard areas at least once every 15 years and to prioritize the preparation of these updates based upon flood risk.

Further, upon adoption by the Federal Emergency Management Agency (FEMA) of a new floodplain delineation, the bill directs the DEP to incorporate that federal floodplain delineation into the department’s flood hazard area delineation for that watercourse, provided the DEP determines that the federal floodplain delineation is sufficient to carry and discharge the flood flow of the watercourse and is at least as protective of the public safety, health, and general welfare as the department’s delineation.

The bill also requires a person to apply for a permit, or any other type of approval or authorization, issued by the DEP pursuant to the “Flood Hazard Area Control Act,” for a site based upon a floodplain delineation approved by FEMA for the NFIP, provided that (1) the federal floodplain delineation is more recent than the DEP’s

delineation for the same watercourse, and (2) the DEP determines that the federal floodplain delineation is sufficient to carry and discharge the flood flow of the watercourse and is at least as protective of the public safety, health, and general welfare as the department's delineation.

As reported, this bill is identical to Senate Bill No. 308, as amended and reported by the committee.