

# SENATE ENVIRONMENT AND ENERGY COMMITTEE

## STATEMENT TO

### **SENATE, No. 308**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: SEPTEMBER 15, 2014

The Senate Environment and Energy Committee favorably reports Senate Bill No. 308 with committee amendments.

This bill, as amended, 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 in this 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.

The committee amendments make this bill identical to Assembly Bill No. 1726 (1R). The committee amendments:

1) require 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;

2) require 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;

3) require that the DEP determine a 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 when incorporating a federal floodplain delineation into a DEP flood hazard area delineation for a specific watercourse; and

4) change the references to federal floodway delineations to instead refer to federal floodplain delineations.

As reported, this bill is identical to Assembly Bill No. 1726 (1R) which was also considered and reported by the committee.

This bill was pre-filed for introduction in the 2014-2015 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.