

EXECUTIVE ORDERS

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

EXECUTIVE ORDER No. 68

Provisions for the necessary and appropriate State coordination and participation with the Federal Insurance Administration under the National Flood Insurance Act of 1968, as amended, and rules and regulations promulgated thereunder.

WHEREAS, The State of New Jersey has extensive and continuing programs for the construction of buildings, roads and other facilities and annually acquires and disposes of lands in flood hazard areas, all of which activities significantly influence patterns of commercial, residential and industrial development; and

WHEREAS, The availability of flood insurance under the National Flood Insurance Program, as provided by the National Flood Insurance Act of 1968, as amended, is dependent upon State coordination of Federal, State and local aspects of flood plain (i.e. any land area susceptible to being inundated by water from any source), mudslide (i.e. mudflow) area and flood-related erosion area management activities in the State; and

WHEREAS, The participation by the State of New Jersey in a plan of self-insurance for State owned properties under Section 1925.1 et seq., Rules and Regulations of the Federal Insurance Administration, is conditioned upon the State's compliance with the minimum flood plain management criteria of the National Flood Insurance Program regulations; and

WHEREAS, The State of New Jersey has made provision for the self-insurance of State owned properties which complies with Section 1925.1 et seq., Rules and Regulations of the Federal Insurance Administration; and

WHEREAS, The Federal Insurance Administration has promulgated and adopted rules and regulations governing eligibility of State and local communities to participate in the National Flood Insurance program and in a self-insurance program, which participation depends on State coordination and the designation of an agency in the State of New Jersey to be responsible for coordinating Federal, State and local aspects of flood plain, mudslide area

and flood-related erosion area management activities in the State of New Jersey.

Now, THEREFORE, I, Brendan Byrne, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the statutes of this State, do hereby ORDER and DIRECT:

Section 1. The Division of Water Resources in the State Department of Environmental Protection is hereby designated as the agency to implement Section 1910.12, Rules and Regulations of the Federal Insurance Administration, and to encourage a broad and unified effort to prevent the hazardous use and development of the State's flood plains, and in particular, to reduce the risk of flood losses in connection with State lands and installations and State financed or supported improvements. Specifically:

(1) Under the leadership and direction of the Division of Water Resources all State departments and agencies directly responsible for the construction of buildings, structures, roads or other facilities shall preclude the hazardous or unnecessary use of flood plains in connection with such facilities. In the event of construction or other development by any State department or agency in the flood plain, the flood plain management criteria set forth in Sections 1910.3, 1910.4 and 1910.5 of the National Flood Insurance Regulations shall be applicable. Compliance with these criteria does not excuse compliance with any other State laws or regulations.

(2) All State departments and agencies responsible for the administration of grant or loan programs involving the construction of buildings, structures, roads or other facilities shall evaluate flood hazards in connection with such facilities and, in order to minimize the exposure of facilities to potential flood damage and the need for future State expenditures for flood protection and flood disaster relief, shall preclude the hazardous or unnecessary use of flood plains in such connection.

(3) All State departments and agencies responsible for the disposal of lands or properties shall evaluate flood hazards in connection with lands or properties proposed for disposal to other public instrumentalities or private interests and in order to minimize future State expenditures for flood protection and flood disaster relief, shall attach appropriate restrictions with

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respect to uses of the lands or properties for disposal. In carrying out the provisions of this paragraph, each State department and agency may make appropriate allowance for any estimated decrease in sales price resulting from the incorporation of use restrictions in the disposal documents.

(4) All State departments and agencies responsible for programs which affect land use planning, including State permit programs, shall take flood hazards into account when evaluating plans, and shall encourage land use appropriate to the degree of hazard involved.

Section 2. All State departments and agencies identified pursuant to Section 1, Subsection 2, herein, shall submit to the Division of Water Resources for review and approval all plans for the construction of buildings, structures, roads and other facilities.

Section 3. All State departments and agencies identified pursuant to Section 1, Subsection 3, herein, shall submit to the Division of Water Resources for review and approval all plat plans of State-owned lands or properties proposed for disposal.

Section 4. All State departments and agencies shall submit to the Division of Water Resources an inventory of all State-owned structures and their contents during the month of September of each year consistent with the requirements of Section 1925.11, Rules and Regulations of the Federal Insurance Administration.

Section 5. This Order will take effect immediately.

[SEAL] Given, under my hand and seal this 1st day of November, in the year of Our Lord, one thousand nine hundred and seventy-eight, of the Independence of the United States, the two hundredth and third.

/s/ BRENDAN BYRNE,

Governor.

Attest:

ROBERT E. MULCAHY, III,
Chief of Staff, Secretary.