

## **Administrative Order No. 2012-09 Frequently Asked Questions** **(Updated 10-23-12)**

### **Who is eligible?**

State, County and Municipal agencies are eligible under the Administrative Order.

### **What does the Administrative Order authorize?**

It authorizes State, County and/or Municipal agencies to engage in **specific activities** in the repair and/or restoration of certain **public infrastructure** directly damaged by Hurricane Irene and subsequent flooding **without** making final formal application for Flood Hazard Area or Freshwater Wetlands permits.

### **What does the Administrative Order define as public infrastructure?**

For the purposes of this Administrative Order **Public Infrastructure** is defined as: public roadways, railroads, culverts, bridges, utility lines, outfall structures, stormwater management basins, bulkheads and other similar shoreline stabilization structures.

### **What specific activities does the Administrative Order allow for?**

**The in-kind replacement** and/or repair of **legally** existing public infrastructure that **DOES NOT exceed the pre-existing footprint** of such structure, maintains the same hydraulic opening and flow characteristics of the regulated water and does not adversely impact any previous flow conditions or environmental resources or obstruct flow in the channel or floodway. In addition, the **repair of scouring** directly adjacent to a legally existing bridge, culvert or public roadway which may include placement of rip-rap and other stabilization materials to replace material eroded away **NOT to exceed the pre-existing footprint**, maintains at least the same hydraulic opening and flow characteristics of the regulated water and does not adversely impact any previous flow conditions or environmental resources or obstruct flow in the channel or floodway.

### **What activities are NOT eligible?**

The Administrative Order does not authorize the replacement of structures with larger or smaller sized structures that may result in a detrimental effect on upstream or downstream flooding or additional impacts to freshwater wetlands, State open waters or transition areas. The Administrative Order does not authorize new bank stabilization activities in areas that aren't immediately adjacent to legally existing public infrastructure. In addition, the Administrative Order does not authorize stream cleaning projects. Please refer to Department's Guidance Document on Stream Cleaning at [http://www.nj.gov/dep/landuse/download/fh\\_012.pdf](http://www.nj.gov/dep/landuse/download/fh_012.pdf) for further information regarding stream cleaning projects.

## **What is necessary to qualify under the Administrative Order?**

**Within 90 days of the effective date** of the Administrative Order the following information and certifications must be submitted:

- A **complete** comprehensive inventory of public infrastructure damaged which includes the following:
  - Site location: stated as State place coordinates, street address, lot/block;
  - Detailed description of the qualifying damages;
  - Photographs of each inventoried damage;
  - Certification by Authorized personnel – that damage identified was a direct result of Hurricane Irene and subsequent flooding;
  - Detailed description of the emergency activity to be or has been conducted; and
  - Certification by Professional Engineer, licensed to practice in New Jersey, that emergency activities described will meet the requirements of the Flood Hazard Area and Freshwater Wetlands regulations.
  - A schedule of implementation for the activities described in the comprehensive inventory including estimated date of completion.

**Within 60 days of completion of ALL emergency activities authorized by the Department**, the following information must be submitted and certified by a representative authorized by the State, County and/or municipal entity:

- A FINAL comprehensive inventory of emergency activities completed; and
- A FINAL report providing a brief narrative of each emergency activity and before and after photographs at each site.
- A certification that all activities were completed in accordance with the Administrative Order and the Department's approval of the comprehensive inventory.

## **Is there a specific format that I should follow when completing a comprehensive inventory?**

Yes. The Department has prepared an Excel spreadsheet that specifies the information necessary to complete its review. The spreadsheet can be downloaded at

<http://www.state.nj.us/dep/landuse/forms.html> under the "General Forms" tab.

When completing the spreadsheet, each emergency repair or replacement activity should be listed on a separate row and all information should be provided for each activity. In addition, the photographs should be cross-referenced to the spreadsheet using local structure number and/or site location.

## **Can I submit my initial comprehensive inventory incrementally as I identify qualifying projects?**

No. Only one comprehensive inventory should be submitted to the Division for each public entity seeking approval under the Administrative Order.

## **Can I submit my final inventory incrementally as I complete emergency activities?**

No. The final inventory should be submitted as a complete package once all approved emergency activities have been completed.

## **How do I submit my inventory to the Department?**

An agency may submit their inventory to the Department via mail to:

Division of Land Use Regulation  
501 East State Street, Mail Code 501-02A, P.O. Box 420  
Trenton, NJ 08625-0420  
Attention: Ryan Anderson

The Department also requests that an electronic copy of the inventory be submitted to [ryan.anderson@dep.state.nj.us](mailto:ryan.anderson@dep.state.nj.us).

## **Am I required to provide public notice with my inventory?**

No, an agency is not required to provide public notice with their inventory. The inventory is the equivalent of an emergency authorization request which does not require public notice in the Flood Hazard Area Control Act Rules or the Freshwater Wetlands Protection Act Rules. Upon written approval of the inventory by the Department, a notice will be published in the DEP Bulletin.

## **What will be the Department's review and response to the required submissions?**

Upon the Department's receipt of the initial comprehensive inventory and certifications, the Department will review and provide authorization of the damages and emergency activities to be completed. Upon issuance of the written authorization of the inventory, the Department will consider the requirements to obtain permits under the Flood Hazard and Freshwater Wetlands regulations be waived. After the initial 90 day submission period, the Department will have 90 days to make a decision on the inventories.

## **How does the Administrative Order affect my funding from FEMA?**

The Department's written approval will also be sufficient to obtain approved reimbursement monies from the Federal Emergency Management Agency (FEMA) and New Jersey's Office of Emergency Management (OEM).

## **Who should I contact if I have questions about the Administrative Order?**

If you have specific questions regarding emergency activities in your jurisdiction, please contact Richard Langbein (for Mercer County and north) at [richard.langbein@dep.state.nj.us](mailto:richard.langbein@dep.state.nj.us) or Keith Stampfel (for Monmouth County and south) at [keith.stampfel@dep.state.nj.us](mailto:keith.stampfel@dep.state.nj.us). If you have general questions regarding the Administrative Order, please contact Ryan Anderson at [ryan.anderson@dep.state.nj.us](mailto:ryan.anderson@dep.state.nj.us).