

EXECUTIVE ORDER NO. 23

WHEREAS, the State of New Jersey recently experienced severe weather conditions causing damaging floods that continue to adversely affect residents and business owners in various locations in the State; and

WHEREAS, the Passaic River basin, which is an area where a number of large tributary rivers join the Passaic River situated in Passaic, Bergen, Morris and Essex Counties, was particularly hard hit by these damaging flood conditions; and

WHEREAS, New Jersey's Passaic River basin is known for chronic flooding problems during periods of heavy rainfall or snow-melt; and

WHEREAS, many New Jersey citizens and businesses have been affected by this flooding problem and have suffered devastating losses over the years; and

WHEREAS, severe flooding events in the Passaic River basin have resulted in loss of life and property, warranting eleven federal disaster declarations since 1903; and

WHEREAS, approximately 20,000 homes and places of business as well as significant public infrastructure lie in the Passaic River floodplain; and

WHEREAS, the growth of residential, commercial, and industrial development in the last several decades has multiplied the threat of serious damage and loss of life from flooding in the Passaic River basin; and

WHEREAS, in other parts of the State, substantial progress has been made in addressing chronic flooding problems, such as in the Raritan River basin in Middlesex, Somerset and Union Counties, through the work of the United States Army Corps of Engineers and the Green Brook Flood Control Commission; and

WHEREAS, in contrast, the United States Army Corps of Engineers has been working on plans to reduce flooding in the Passaic River basin since 1936, but despite those efforts a comprehensive plan for the Passaic River basin has not yet been adopted; and

WHEREAS, while important steps have been taken on the local and regional levels to coordinate efforts to seek relief for flood prone communities, including but not limited to the efforts of the Passaic River Basin Flood Task Force, it is important for the State to provide ongoing leadership by creating an expert advisory commission led by the Commissioner of the Department of Environmental Protection to assist in planning measures to minimize flood impacts affecting residents and businesses, and to identify ways to minimize damage in the future; and

WHEREAS, as Governor, I am responsible for protecting the health, safety, and welfare of the people of this State, and also am entrusted with the responsibility to aid in the prevention of damage, loss, or destruction of property in the event of emergency;

NOW, THEREFORE, I, CHRIS CHRISTIE, 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:

1. There is hereby created The Governor's Passaic River Basin Flood Advisory Commission ("Advisory Commission"). The Advisory Commission shall consist of seven (7) members as set forth in this paragraph. The Governor hereby appoints the Commissioner of the Department of Environmental Protection to serve as the chairperson of the Advisory Commission, and the

Superintendent of the State Police or his designee to serve as a member of the Advisory Commission. The chairperson shall select the other members of the Advisory Commission, which shall be comprised of two (2) mayors who represent municipalities located in the Passaic River basin; one (1) state legislator who represents municipalities located in the Passaic River basin; and two (2) individuals with relevant expertise in the areas of engineering, flood mitigation, public planning, environmental protection, or related issues. All members of the Advisory Commission shall serve without compensation

2. The Advisory Commission shall be responsible for identifying both short-term and long-term recommendations to enhance flood mitigation efforts, emergency response planning, and streamlining requirements that impede post-flooding recovery. In reviewing the circumstances surrounding recent flooding in the Passaic River basin, the Advisory Commission shall identify ways to minimize damage in the future, thus minimizing flood impacts to residents and businesses. The Advisory Commission shall provide the State of New Jersey and local communities with an array of alternatives for flood damage reduction and environmental restoration. The Commission's charge shall include, but not be limited to, providing recommendations to the Governor regarding:

- a. Expanding and expediting the buy-out of properties in the Passaic River floodway to reduce negative impacts to residents, focusing particularly on repetitive loss properties from flooding. This effort also shall include recommendations for strategically prioritizing acquisition and leveraging State Blue Acres and other

funding with available federal dollars through the Federal Emergency Management Agency (FEMA) and the United States Army Corps of Engineers;

- b. Identifying areas of acquisition for natural flood storage and possible creation or restoration of wetlands on both public and non-public lands;
- c. Investigating the operations of the Pompton Lakes Dam flood gate project and any potential impacts to downstream communities and making recommendations for infrastructure improvements and/or operational enhancements;
- d. Identifying acceptable and efficient methods to clear the river system of debris and sediments that reduce the natural capacity of the system to carry storm waters;
- e. Conducting an across-the-board evaluation of existing state regulatory programs to identify needs for expedited emergency permitting and making recommendations for streamlining technical requirements, raising homes to above flood levels, interagency coordination and consistency, and financial assistance;
- f. Reviewing the status and effectiveness of all county and local emergency response plans in cooperation with the New Jersey State Police Office of Emergency Management and the Department of Environmental Protection;
- g. Evaluating enhancements to the Passaic River Flood Warning System such as improving existing precipitation and stream gauge networks, and developing additional flood forecast points and flood inundation maps;
- h. Enhancing public involvement, information sharing and outreach for flood response;

- i. Reinvigorating the U.S. Army Corps of Engineers study and analysis of potential engineering projects or a series of projects for long-term flood damage reduction;
- j. Evaluating historical river characteristics to identify changes to the river system to better understand, predict, and respond to changes in flood patterns;
- k. Identifying methods, including Master Plan and zoning changes, for municipalities to phase-out or prevent future development in flood hazard areas; and
- l. Such other matters as may be referred to the Advisory Commission by the Governor.

3. The Department of Environmental Protection shall provide staff support to the Advisory Commission. The Advisory Commission shall be authorized to call upon any department, office, division, or agency of this State to supply it with any information, personnel, or other assistance available as the Advisory Commission deems necessary to discharge its duties under this Order. Each department, office, division, and agency of this State is hereby required, to the extent not inconsistent with law, to cooperate fully with the Advisory Commission within the limits of its statutory authority and to furnish the Advisory Commission with such assistance on as timely a basis as is necessary to accomplish the purposes of this Order.

4. The Advisory Commission may consult with experts or other knowledgeable individuals in the public or private sector on any aspect of its mission. This includes the existing Passaic River Basin Flood Task Force, members of the New Jersey congressional delegation, the Army Corps of Engineers and FEMA.

5. No later than December 31, 2010, the Advisory Commission shall submit to me its final Report that presents recommendations pursuant to the charge outlined above and on any other aspects of flood mitigation and emergency response planning identified by the Advisory Commission pursuant to this Order. The Report shall also present an initial implementation plan with identified schedules and milestone dates. The Advisory Commission shall expire within thirty (30) days of the issuance of its final report.

6. This Order shall take effect immediately.

GIVEN, under my hand and seal this  
23<sup>rd</sup> day of April,  
Two Thousand and Ten, and  
of the Independence of the  
United States, the Two  
Hundred and Thirty-Fourth.

/s/ Chris Christie  
Governor

Attest:

/s/ Jeffrey S. Chiesa  
Chief Counsel to the Governor