


FLOOD HAZARD AREA CONTROL ACT RULES N.J.A.C. 7:13

**FLOOD HAZARD AREA
PERMITS-BY-RULE & GENERAL PERMITS**


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STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
JUNE 8, 2012**

DEP Regulates activities in:

- **Flood Hazard Area -- To protect life & Property from flooding. Flood Hazard Area includes the Floodway and Flood Fringe.**
- **Riparian Zone -- To preserve and protect quality of surface waters/vegetation/habitat.**


- **We will briefly examine how to determine the Flood Hazard Area.**
 - **Riparian Zone determination will be covered by Pat Ryan later in the program.**
- 

The **flood hazard area** is
the land area along a
regulated water inundated
by the **flood hazard area**
design flood.



FHA Design Flood ???



- **The 100-year flood- FEMA.**
 - **The FHA Design Flood – State adopted flood studies.**
 - **Calculated by adding a 25% factor of safety to the discharge of the 100-year flood.**
- 

Two types of flooding:



Fluvial



Tidal

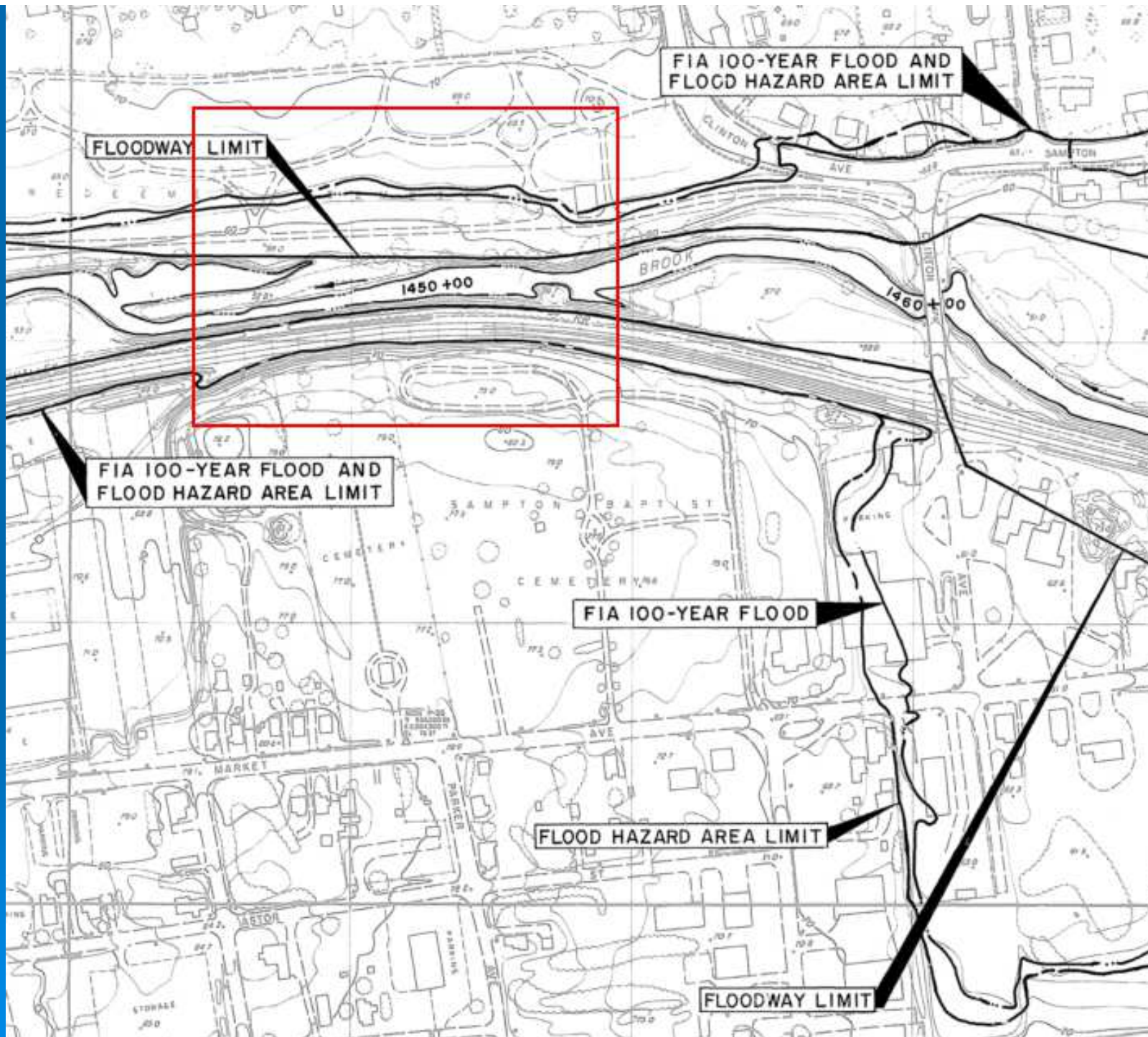
How to do you determine FHA Design Flood Elevation?

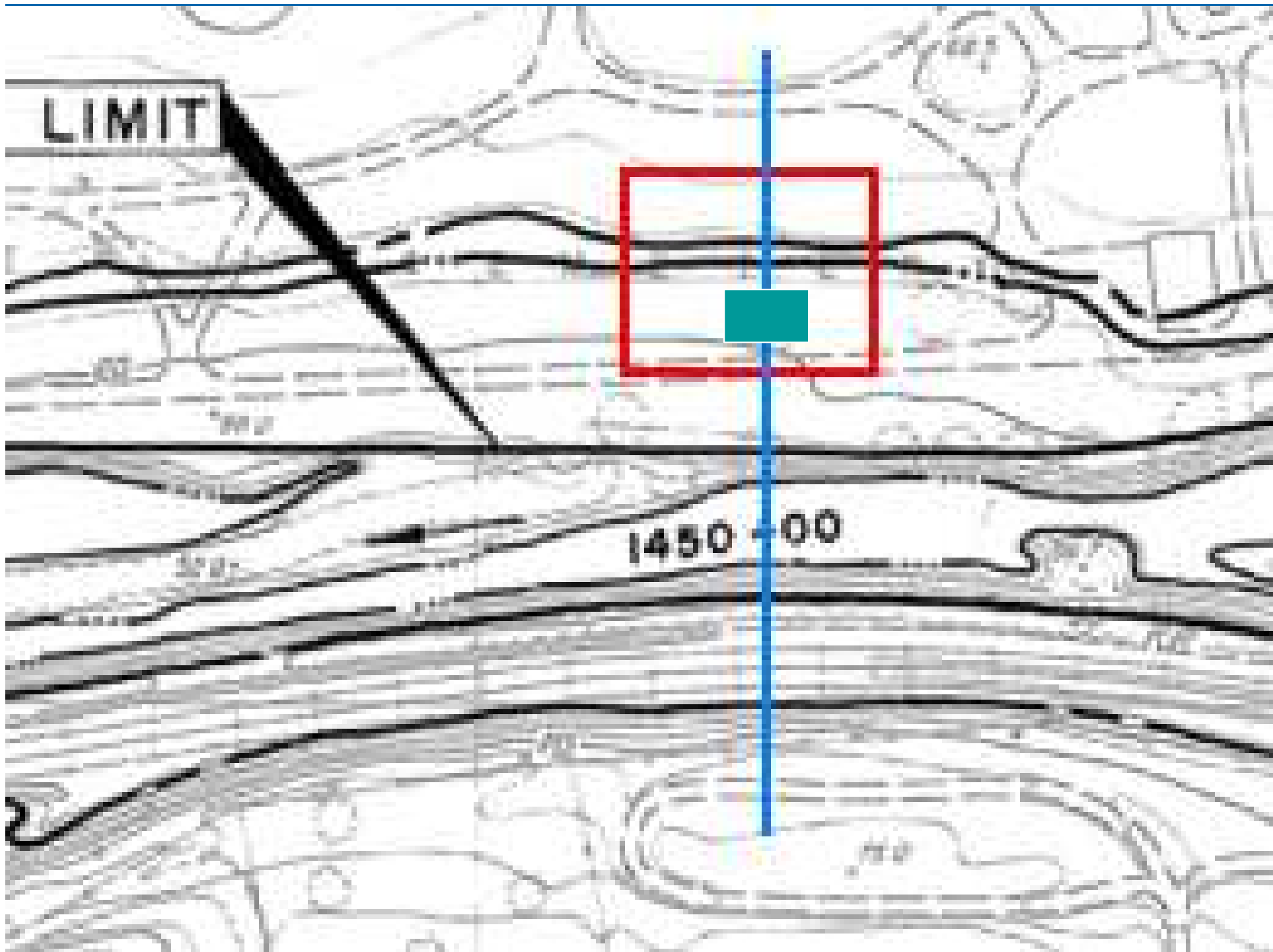
- State studied streams.
- FEMA studied streams
- Streams for which neither FEMA nor State study exists.

Note: Floodway is same under FEMA and State Study.

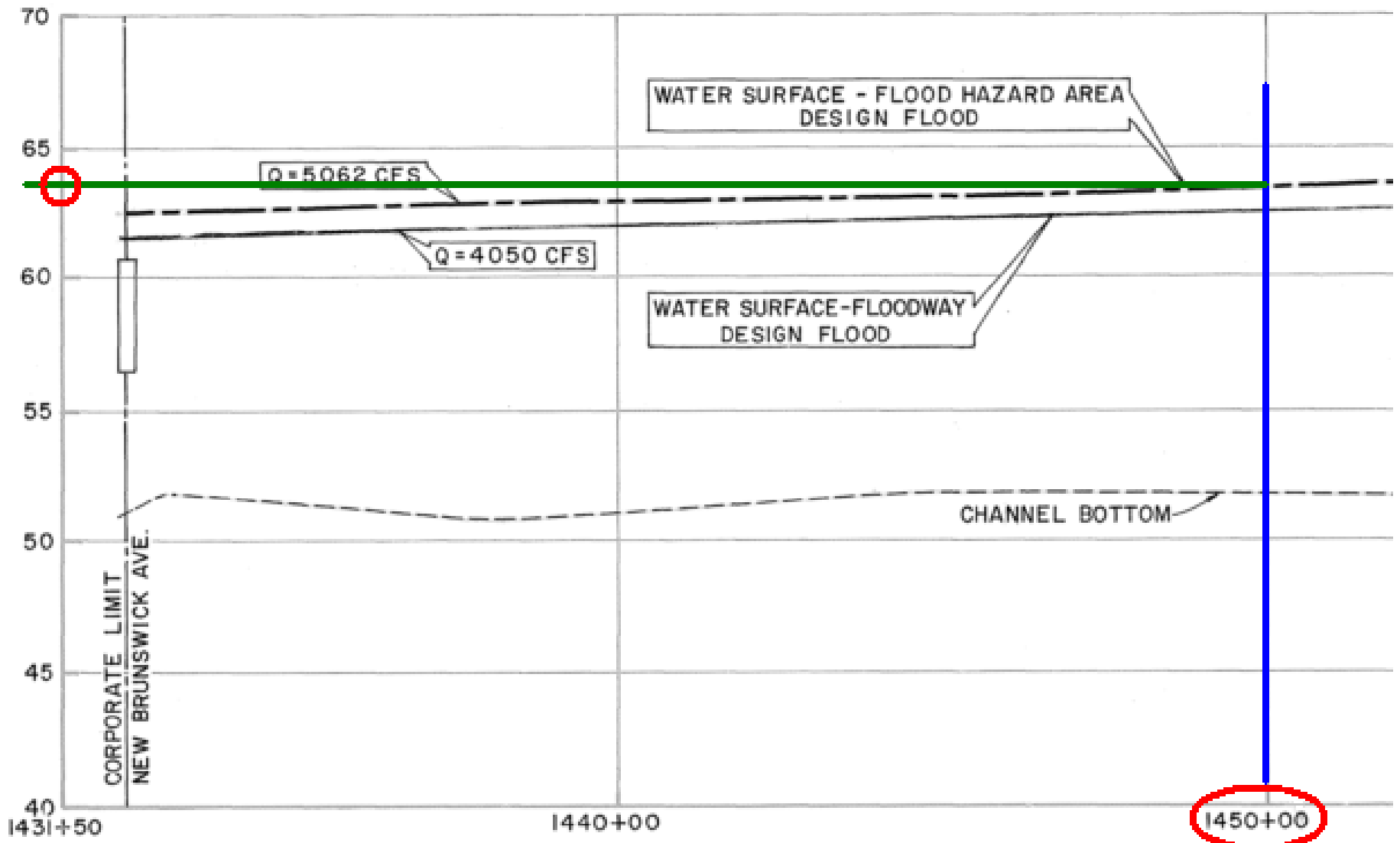
- **State studied streams: FHA Maps from Floodplain Dept. Plan and Profile maps.**
- **No State study but FEMA studied streams: FHA Design Flood Elev = FEMA 100-year flood elev + 1 foot.**

FHA Design Flood Elevation for State studied streams:





ELEVATION IN FEET ABOVE MEAN SEA LEVEL



Maps, Info, Contact:

State of New Jersey

**Department of Environmental
Protection**

**Bureau of Dam Safety and Flood
Control**


P.O. Box 419

Trenton, New Jersey 08625-0419

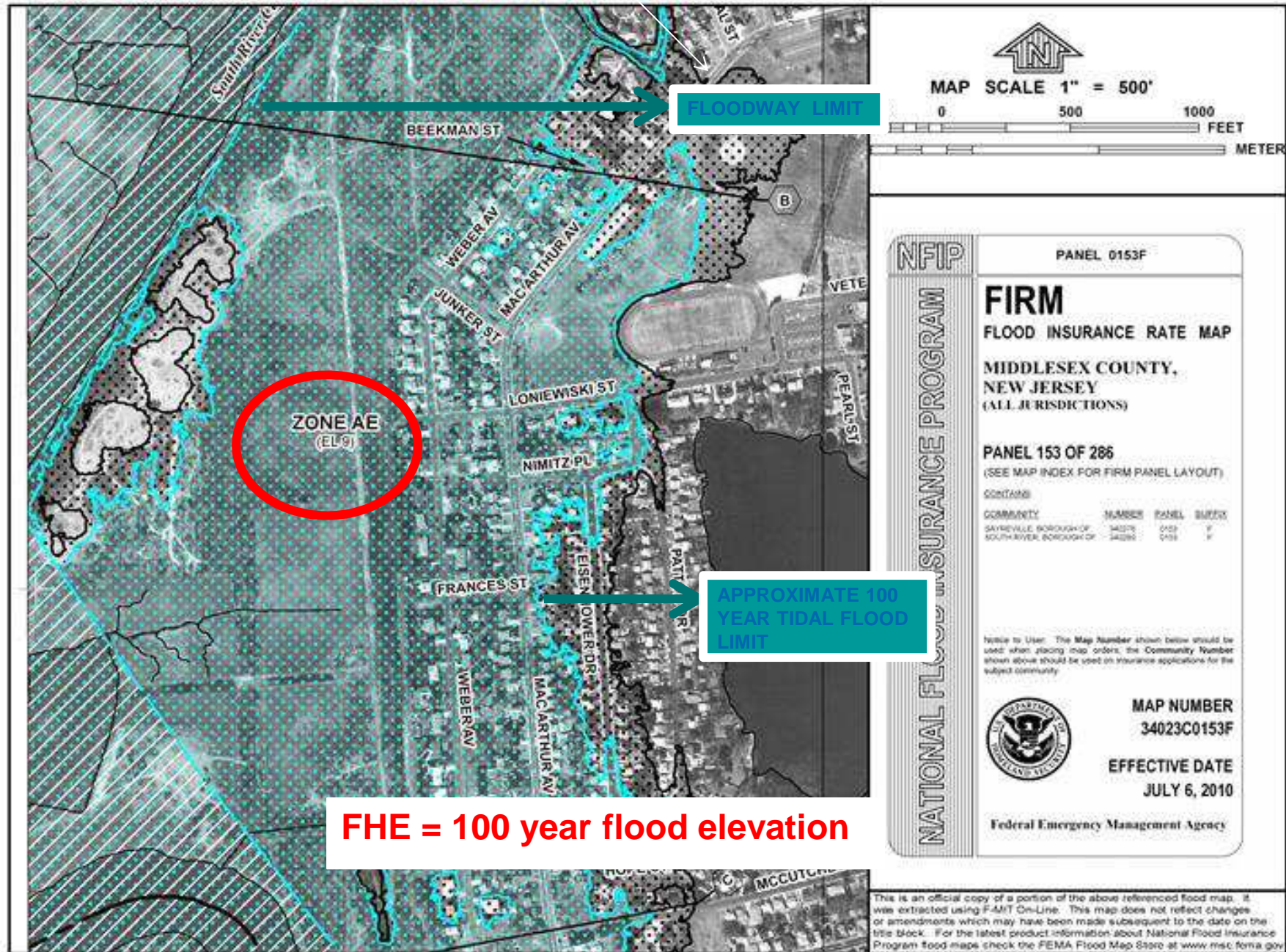
Telephone: (609) 984-0859

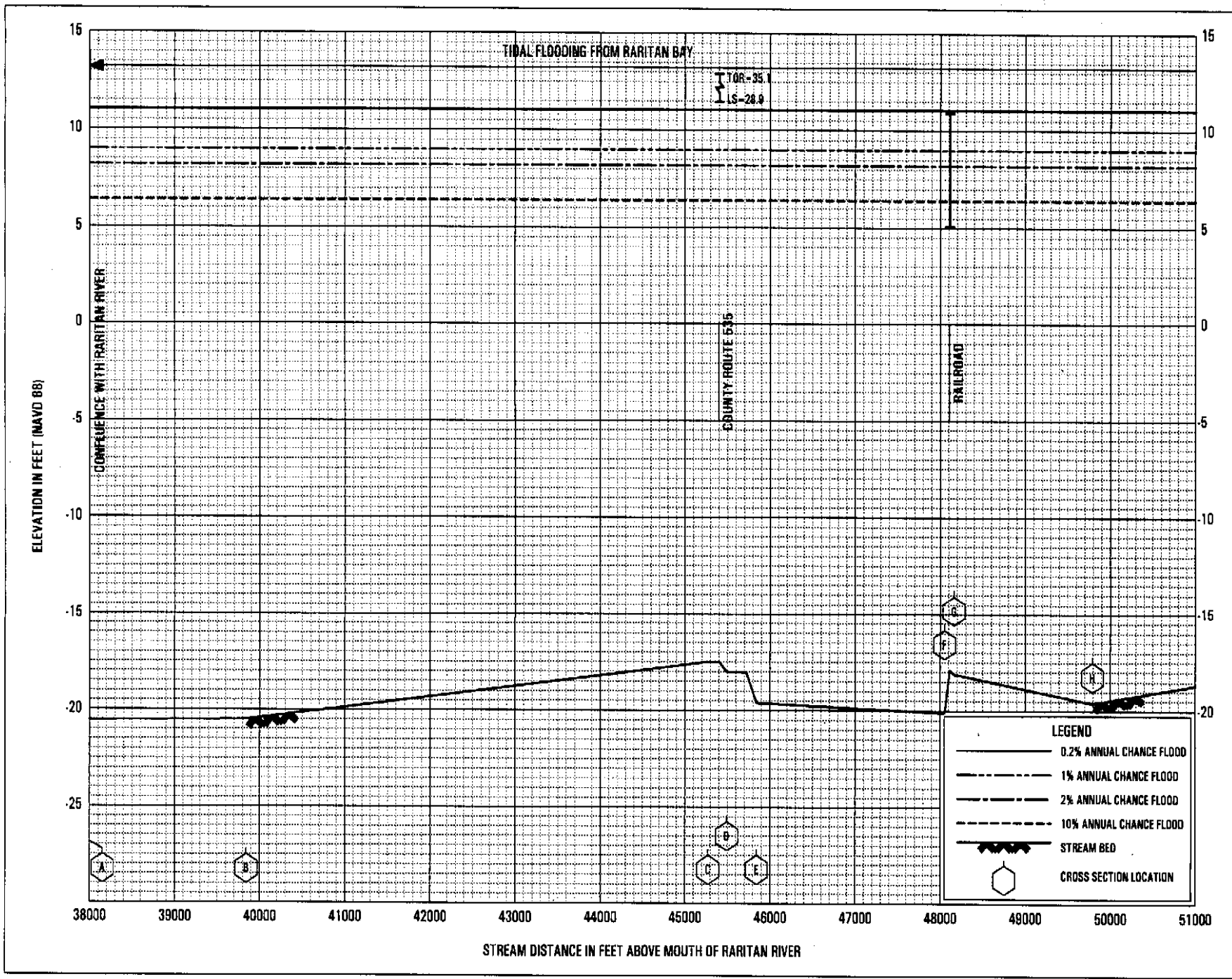
FEMA Maps

If no State delineation exists, the NJFHA Design Flood Elevation may be established using the FEMA flood maps. (map must provide flood elevation)

The bottom right corner of the slide features a decorative graphic of several concentric, light blue circles that resemble ripples on water, set against the dark blue background.

FEMA Tidal flood map





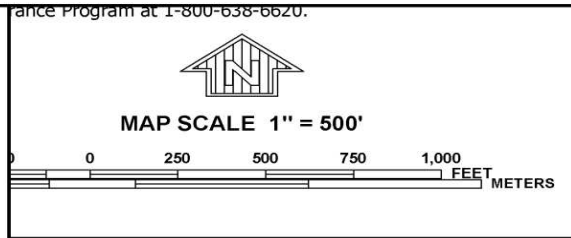
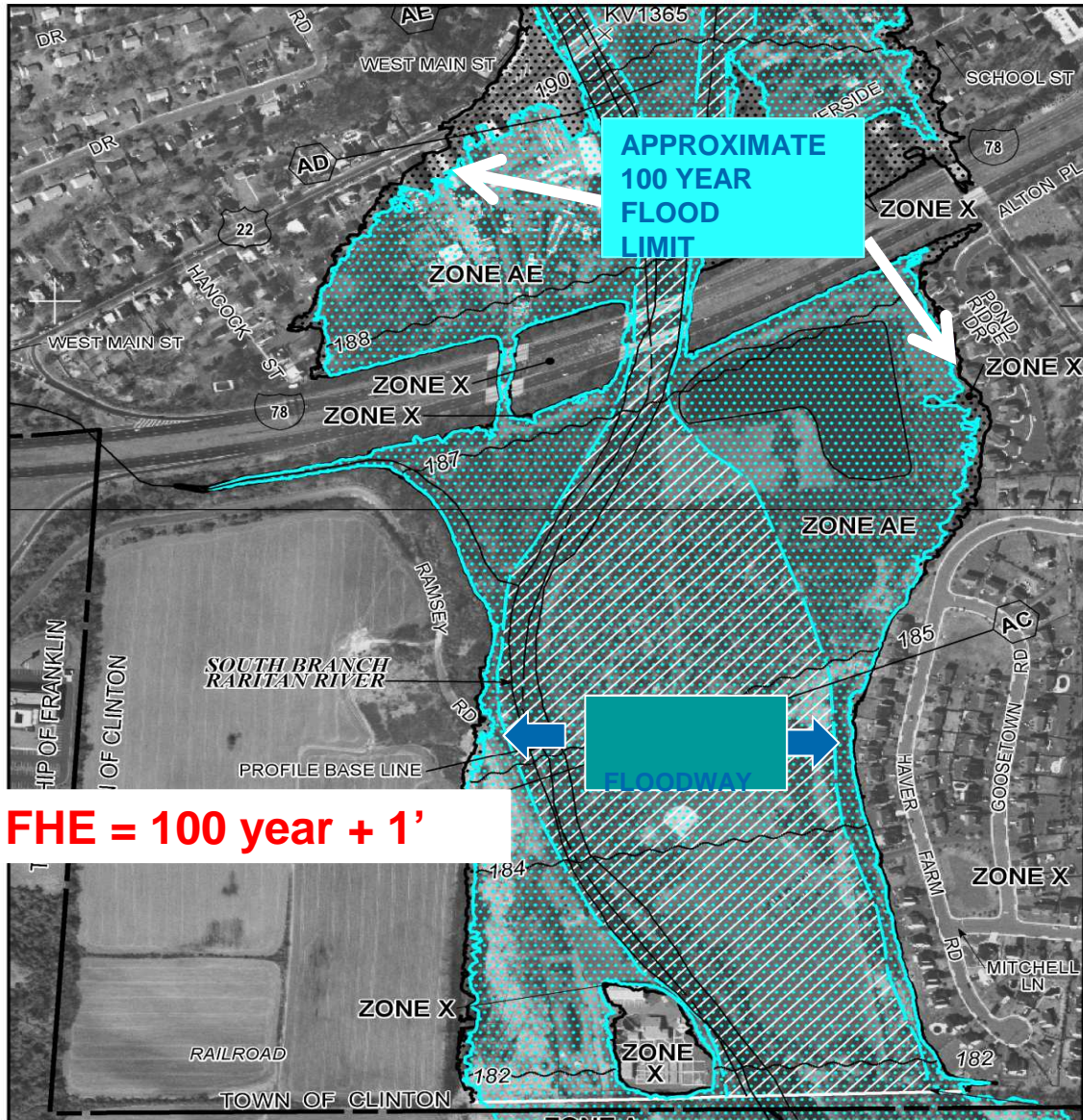
FLOOD PROFILES

SOUTH RIVER

FEDERAL EMERGENCY MANAGEMENT AGENCY
MIDDLESEX COUNTY, NJ
(ALL JURISDICTIONS)

193P

FEMA Fluvial Flood Map



NFIP

PANEL 0118F

FIRM
FLOOD INSURANCE RATE MAP
HUNTERDON COUNTY,
NEW JERSEY
ALL JURISDICTION

PANEL 118 OF 426
 (SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS:

COMMUNITY	NUMBER	PANEL	SUFFIX
CLINTON, TOWN OF	340233	0118	F
CLINTON, TOWNSHIP OF	340505	0118	F
FRANKLIN, TOWNSHIP OF	340507	0118	F
UNION, TOWNSHIP OF	340242	0118	F

Notice to User: The Map Number shown below should be used when placing map orders, the Community Number shown above should be used on insurance applications for the subject community.

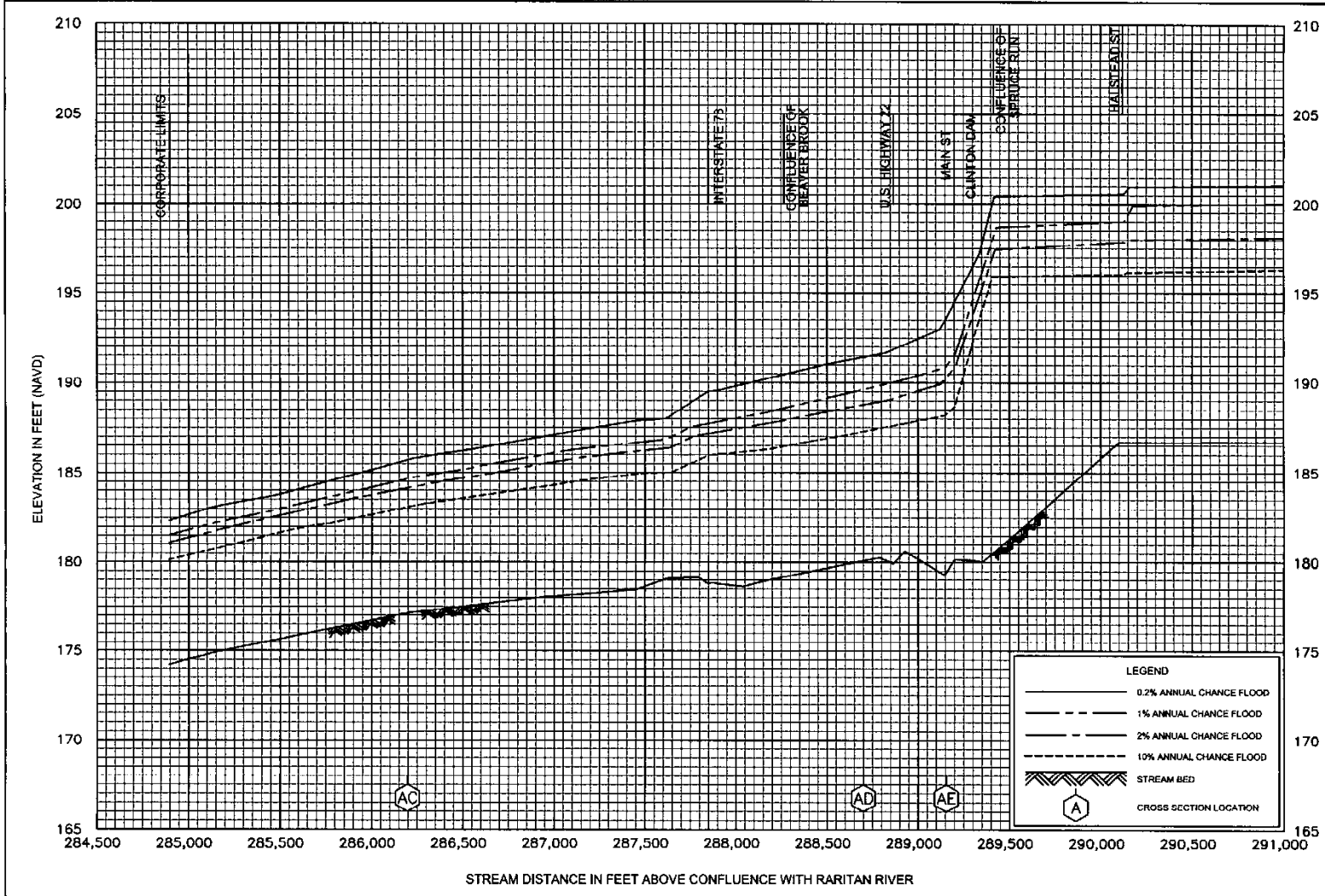
MAP NUMBER
34019C0118F

EFFECTIVE DATE
SEPTEMBER 25, 2009

Federal Emergency Management Agency

This is an official copy of a portion of the above referenced flood map. It was extracted using F-MIT On-Line. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. For the latest product information about National Flood Insurance Program flood maps check the FEMA Flood Map Store at www.msc.fema.gov

FLOOD PROFILE



FLOOD PROFILES
SOUTH BRANCH RARITAN RIVER

FEDERAL EMERGENCY MANAGEMENT AGENCY
HUNTERDON COUNTY, NJ
AND INCORPORATED AREAS

Questions, Info:

877-FEMA MAP.

WWW.FEMA.GOV



New FHA Control Act Rules

November 2007

- Simplify Permit Process
- Tiered Approach to Permits:
 - No Permits Required (Permits-By-Rule-”Minor Work” & “Ordinary Maintenance”)
 - Minor impact activities-simple application (General Permits- “construction permit”).
 - Require comprehensive review (Individual Permits)

PERMITS-BY-RULE

N.J.A.C. 7:13-7

- A permit-by-rule is an authorization to undertake a specific regulated activity without the need to obtain prior written approval from the Department provided all conditions of the permit-by-rule are satisfied. There are 47 Permits-By-Rule activities.
- **These activities are not likely to cause adverse impacts to flooding or environment if they meet the requirements and are executed correctly.**
- Eight of the 47 activities under PBR require Department notification, 14 days prior to initiating the activity (N.J.A.C. 7:13-7.2(a)). ***(conceptual equivalent of “Minor Work”)***.
- **Regulated activities that do not meet PBR requirements will require a Flood Hazard Area General and/or Individual Permit.**

PERMITS-BYRULE N.J.A.C. 7:13-7.2(a)

14-day prior notice to the Department required:

1. Reconstructing a lawfully existing structure outside the floodway.
2. **Constructing in a disturbed riparian zone at or below grade in a flood hazard area.**
3. Elevating a building above the flood hazard area design flood elevation.
4. **Constructing an addition to a building of no more than 300 square feet outside the floodway.**
5. Removing a major obstruction from a regulated water with machinery.
6. **Constructing a boat launching ramp not exceeding 1,000 square feet.**
7. Constructing an aquatic habitat enhancement device.
8. Constructing a USGS-approved flow gauge or weir.

PERMITS-BY-RULE

N.J.A.C. 7:13-7.2(a)

3 examples of Permits-By-Rule that require 14-day prior notice to the Department:

1. Reconstructing a lawfully existing structure outside the floodway.
2. Elevating a building above the flood hazard area design flood elevation.
3. Constructing an addition to a building of no more than 300 square feet outside the floodway.

PERMIT-BY-RULE N.J.A.C. 7:13-7.2(a)1
Reconstructing a lawfully existing structure
outside the floodway



➤ **Requirements:**

- 1. Not a habitable building or retaining wall extending 4 feet or more above grade.**
- 2. Within existing footprint.**
- 3. Not a Major Development.**
- 4. No clearing/cutting of vegetation within riparian zone, except within 20 feet of the footprint.**
- 5. Temporarily disturbed Riparian Zone vegetation is restored.**

PERMIT-BY-RULE N.J.A.C. 7:13-7.2(a)3

Elevating a building above the flood hazard area design flood elevation



➤ Requirements:

1. Within existing footprint.
2. F.F.F at least 1 foot above FHA Design flood elevation.
3. Area below F.F.F. is not habitable and remains open to free flow of flood waters.
4. No clearing/cutting of vegetation within riparian zone, except within 20 feet of the footprint.
5. Temporarily disturbed Riparian Zone (RZ) vegetation is restored.

PERMIT-BY RULE N.J.A.C. 7:13-7.2(a)4

Constructing an addition to a building of no more than 300 square feet outside the floodway



➤ Requirements:

- 1. Addition footprint no more than 300 sq. feet.**
- 2. No disturbance within 25 feet of Top Of Bank.**
- 3. No portion of addition extends into the floodway.**
- 4. No clearing/cutting of vegetation within riparian zone, except within 20 feet of the footprint.**
- 5. Temporarily disturbed RZ vegetation is restored.**

PERMITS-BY-RULE

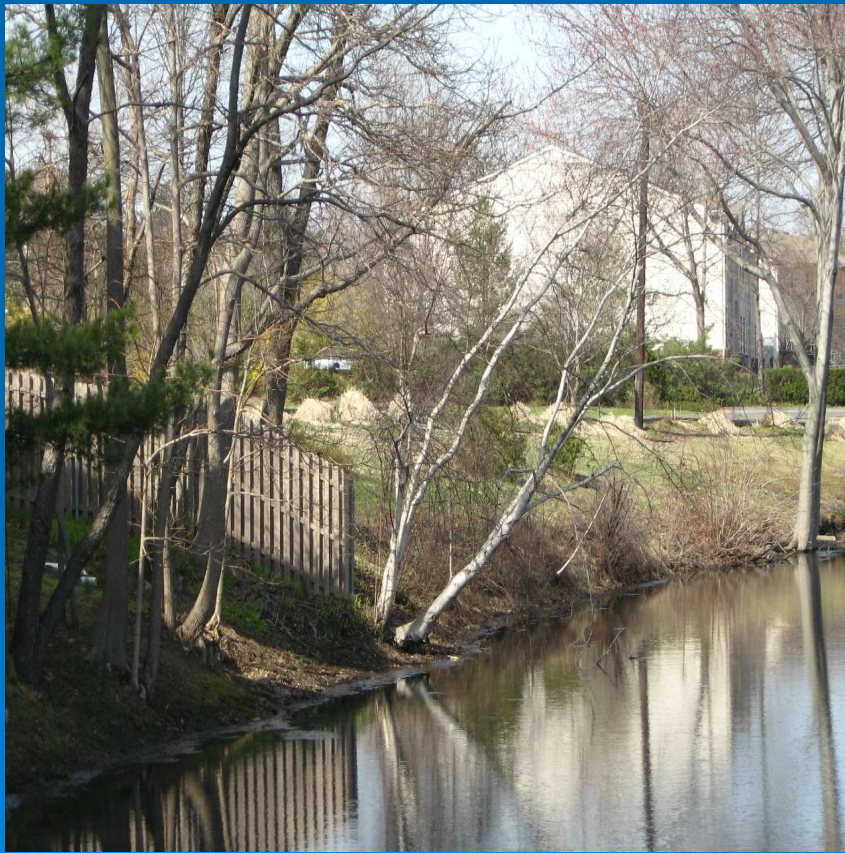
N.J.A.C. 7:13-7.2(b) thru (f)

(Ordinary Maintenance)

These 39 activities include general construction and maintenance, utilities, roadways and parking areas, storage of unsecured material and agricultural activities and DO NOT need prior notification to the Department. Let us look at some of them:

PERMIT-BY-RULE N.J.A.C. 7:13-7.2(b)1

Normal property maintenance in a riparian zone



➤ **Allows:**

Pruning, planting, maintaining a field, lawn or park or garden established before October 2, 2006, removal of trash and debris.

➤ **DOES NOT allow:**

Mowing/clearing an area in its natural vegetative state, removing existing vegetation to create a new lawn/park/garden, burning vegetation, grading & constructing structures or placing fill or impervious surfaces.

PERMIT-BY-RULE N.J.A.C. 7:13-7.2(b)3

Placing no more than 5 cubic yards of fill material outside a floodway



➤ Requirements:

1. No fill within 25 feet of TOB or edge of water.
2. Fill can not be a structure.
3. No new disturbance to existing vegetation in riparian zone.
4. Temporarily disturbed Riparian Zone vegetation is restored.

PERMIT-BY-RULE N.J.A.C. 7:13-7.2(b)4

Repairing a lawfully existing structure



➤ Requirements:

1. If located in or along a regulated water, timing restrictions of N.J.A.C. 7:13-10.5(d) are observed.
2. No new disturbance to existing vegetation within riparian zone.
3. Temporarily disturbed RZ vegetation is restored.

PERMIT-BY-RULE N.J.A.C. 7:13-7.2(b)5

Constructing a fence



➤ Requirements:

1. No disturbance within 25 feet of TOB or edge of water.
2. No new disturbance to existing vegetation within riparian zone.
3. Temporarily disturbed RZ vegetation is restored.
4. If within the floodway, must have sufficiently large openings (split rail, barbed wire). No chain link or lattice.

PERMIT-BY-RULE N.J.A.C. 7:13-7.2(b)8

Constructing a non-habitable building outside a floodway



➤ Requirements:

1. Footprint is 150 square feet or less.
2. No disturbance within 25 feet of TOB or edge of water.
3. No new disturbance to existing vegetation within riparian zone.
4. Temporarily disturbed RZ vegetation is restored.

PERMIT-BY-RULE N.J.A.C. 7:13-7.2(b)9

Constructing an open structure with a roof outside a floodway



➤ Requirements:

1. No walls.
2. No disturbance within 25 feet of TOB or edge of water.
3. Roof supported by poles or cantilevered.
4. No fill, except for roof support poles within FHA.
5. No new disturbance to existing vegetation within RZ.
6. Temporarily disturbed RZ vegetation is restored.

PERMIT-BY-RULE N.J.A.C. 7:13-7.2(b)12

Constructing an in-ground swimming pool for residential use



➤ Requirements:

1. Pool at or below existing grade.
2. If in floodway, open safety fence and minimal height.
3. Remove excavated material from FHA.
4. No disturbance within 25 feet of TOB or edge of water.
5. No new disturbance to existing vegetation within RZ.
6. Temporarily disturbed RZ vegetation is restored.

PERMIT-BY-RULE N.J.A.C. 7:13-7.2(b)12

Constructing an above-ground swimming pool for residential use

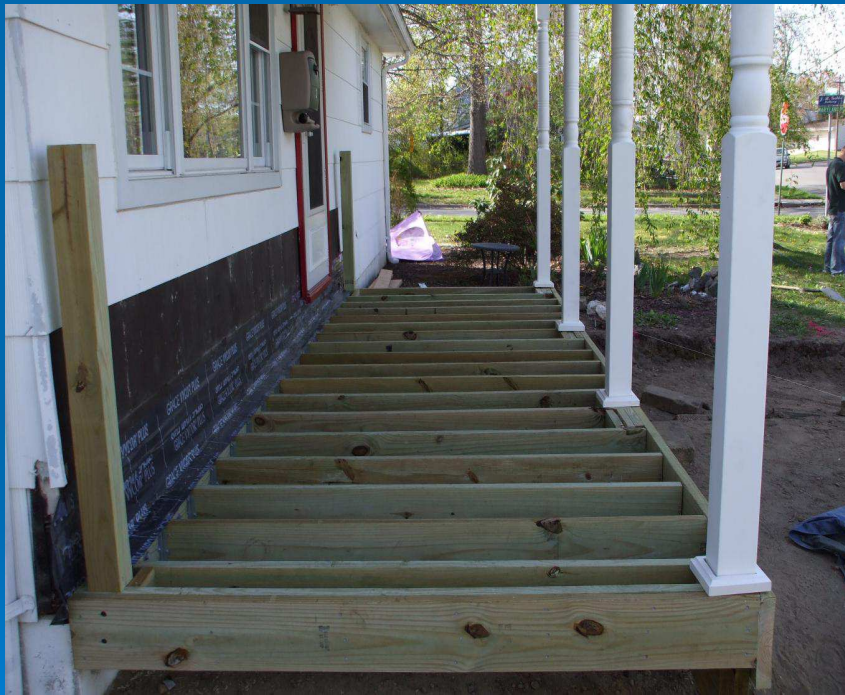


➤ Requirements:

1. Max 100 Cubic yards flood storage displaced.
2. Remove excavated material from FHA.
3. No disturbance within 25 feet of TOB or edge of water.
4. No new disturbance to existing vegetation within RZ.
5. Temporarily disturbed Riparian Zone vegetation is restored.

PERMIT-BY-RULE N.J.A.C. 7:13-7.2(b)13

Constructing an open deck attached to a building



➤ Requirements:

1. Deck is not enclosed; allows floodwaters to pass freely.
2. No disturbance within 25 feet of TOB or edge of water.
3. No new disturbance to existing vegetation within Riparian Zone.
4. Temporarily disturbed RZ vegetation is restored.

GENERAL PERMITS

N.J.A.C. 7:13-8

There are 16 General Permits:

- All General Permits require a simplified application, application fee of \$500 (except General Permits 1 and 6 which have no fee).
- All General Permits must comply with requirements under N.J.A.C. 7:13-8.1(b). In addition, there are requirements specific to each General Permit.
- No public noticing requirements.
- N.J. Professional Engineer's certification of compliance with all requirements.
- 45-day review period (except General Permit 1).

REQUIREMENTS FOR ALL GENERAL PERMITS

N.J.A.C. 7:13-8.1(b)

- Comply with time restrictions under N.J.A.C. 7:13-10.5(d) for activity in waters with fishery resources.
- **Does not adversely affect low-flow aquatic passage, threatened and endangered species or a documented habitat for T & E species.**
- Structures are suitably anchored.
- **Comply with Standards for Soil Erosion and Sediment Control at N.J.A.C. 2:90.**
- Obtain approval from local SCD.
- **Does not require Stormwater review for compliance with N.J.A.C. 7:8.**
- Comply with N.J.A.C. 7:13-10.7 if activity is in area known or suspected to contain acid producing soils.
- **Comply with requirements specific to the applicable General Permit.**

GENERAL PERMITS

N.J.A.C. 7:13-8

- Seven General Permits (2A through 2G) for agricultural activities under NRCS (USDA Natural Resource Conservation Service) oversight. We will not be covering these in this presentation.
- **Three General Permits (1, 3 and 4) for repair and maintenance activities under the supervision of local governments/public entities.**
- Three General Permits (5, 6 and 7) for building construction/reconstruction/relocation activities.
- **Three General Permits (8, 9 and 10) for minor construction activities along waters that drain less than 50 acres.**

GENERAL PERMIT 1: N.J.A.C. 7:13-8.3

Channel Cleaning by a public entity under the Stream Cleaning Act



1. Requirements:
2. Supervised by a public entity.
3. Implements the provisions of the “Stream Cleaning Act” (N.J.S.A. 58:16A-67).
4. GP1 not required if activity is authorized under a Freshwater Wetlands General Permit 26.
5. Review period is 60 days for sediment removal; 15-days otherwise.

GENERAL PERMIT 3: N.J.A.C. 7:13-8.5

Bridge or culvert scour protection by a public entity



➤ Requirements:

1. Supervised by a public entity.
2. Necessary for maintenance and/ or protection.
3. Limit stabilizing material to original footprint.
4. No obstruction to flow in channel/floodway.
5. Restore banks to pre-existing if disturbed.
6. Restore RZ vegetation; preserve southerly/westerly bank canopy/vegetation; cover stabilizing material with indigenous substrate.
7. Work from one bank if feasible.

GENERAL PERMIT 4: N.J.A.C. 7:13-8.6

Stormwater maintenance by a public entity



➤ Requirements:

1. Supervised by a public entity.
2. Necessary for maintenance.
3. RZ disturbance minimized and vegetation restored.
4. Eroded structure/ SW pipe/ headwall/ culvert along manmade channel/ tidal water separation structure (tidegate, levee or pump station).

GENERAL PERMIT 5: N.J.A.C. 7:13-8.7

Relocation of a building to reduce flood damage



➤ Requirements:

1. Away from water to higher ground if feasible.
2. No enlargement of building.
3. Not in floodway (existing and proposed).
4. FHADF elevation and floodway limits must be known. May require FHA Verification.
5. Lowest finished floor is raised to at least one foot above FHADF elevation; area below must comply with N.J.A.C. 7:13-11.5(l).
6. Proposed location outside RZ if possible; otherwise, minimize tree removal.
7. No disturbance in RZ, except within 20 feet of the footprint. Restore Riparian Zone vegetation.

GENERAL PERMIT 6: N.J.A.C. 7:13-8.8

Reconstruction of damaged/destroyed residence



➤ Requirements:

1. Damage due to natural disaster.
2. No enlargement. Can move to higher ground.
3. Not in floodway (existing and proposed).
4. FHADF elevation and floodway limits must be known. May require FHA Verification.
5. Lowest finished floor is raised to at least one foot above FHADF elevation; area below must comply with N.J.A.C. 7:13-11.5(l).
6. Proposed location outside RZ if possible; otherwise, minimize tree removal.
7. No disturbance in RZ, except within 20 feet of the footprint. Restore RZ vegetation.

GENERAL PERMIT 7: N.J.A.C. 7:13-8.9

Residential construction in a tidal FHA



- Requirements:
- 1. Located in tidal FHA.
- 2. One private residence, not part of larger subdivision, or
- 3. An addition to a private residence, and/or a building appurtenant to a private residence (garage, barn, shed)
- 4. Does not require a CAFRA or WFD permit under N.J.A.C. 7:7 and 7:7E.
- 5. FHADF elevation and floodway limits must be known. May require FHA Verification.
- 6. Meets RZ disturbance limits under N.J.A.C. 7:13-10.2, AND requirements for a building under N.J.A.C. 7:13-11.5.

GENERAL PERMIT 8: N.J.A.C. 7:13-8.10

Utility line across or along a water with drainage area of less than 50 acres

➤ Requirements:

1. Along or across a regulated water draining < 50 acres.
2. NOT located in the FHA or RZ of another regulated water draining 50 acres or more.
3. Authorized under a valid FWW GP 2 or 21 (N.J.A.C. 7:7A-5.2 or 5.21).
4. Meets RZ disturbance limits under N.J.A.C. 7:13-10.2, AND requirements for a utility line under N.J.A.C. 7:13-11.9.



GENERAL PERMIT 9: N.J.A.C. 7:13-8.11

Roadway or footbridge across a water with drainage area of less than 50 acres



- Requirements:
- 1. Along or across a regulated water draining < 50 acres.
- 2. NOT located in the FHA or RZ of another regulated water draining 50 acres or more.
- 3. Authorized under a valid FWW GP 10A or 10B (N.J.A.C. 7:7A-5.10A or 5.10B).
- 4. Meets RZ disturbance limits under N.J.A.C. 7:13-10.2.
- 5. Comply with N.J.A.C. 7:13-11.7(e) through (i) for the protection of aquatic habitat and maintenance of low-flow aquatic passage.

GENERAL PERMIT 10: N.J.A.C. 7:13-8.12

Stormwater outfall along a water with a drainage area of less than 50 acres

➤ Requirements:

1. Along or across a regulated water draining < 50 acres.
2. NOT located in the FHA or RZ of another regulated water draining 50 acres or more.
3. Authorized under a valid FWW GP 11 (N.J.A.C. 7:7A-5.11).
4. Complies with N.J.A.C. 7:13-10.2 (RZ disturbance), AND N.J.A.C. 7:13-11.10 (SW outfall structure).



Questions?



For More Information:

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Website: www.nj.gov/dep/landuse