

Dear Mayor _____:

This letter is intended to provide you and your community with assistance in its ongoing responsibilities regarding participation in the National Flood Insurance Program (NFIP).

Under the NFIP, your community has made a mutual agreement with the Federal Emergency Management Agency (FEMA) to maintain a Local Flood Damage Prevention Ordinance (LFDPO) which regulates all development within the mapped Special Flood Hazard Areas (SFHA). By honoring this agreement and enforcing your LFDPO, FEMA ensures that residents of your community will continue to be eligible to purchase flood insurance coverage for their properties.

The concept of “development” as defined in your LFDPO goes beyond the coverage of a traditional “building” permit. Whereas the building permit is concerned with buildings, the development permit includes building and alterations to the present landscape such as the use of fill that would affect drainage patterns or the flood carrying capacity of a watercourse. Development means any man made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials located within the area of special flood hazard.

An important function of the “development” permit requirement is to allow the Local Floodplain Administrator (LFPA) to determine whether a particular project will impact flood heights. All development that may effect flooding or flood damage must be required to obtain a development permit. The requirement applies to both structural and nonstructural activities since projects in either category can affect flooding and flood damage in the community.

An important objective of the NFIP is to protect structures constructed in floodplains from flood-induced damages. In support of this objective, the NFIP regulations include building design and construction criteria that apply to new construction and substantial improvements (including structures which have incurred substantial damage) of existing structures in the SFHA. According to these criteria, residential structures in A zones must be constructed with their lowest floors elevated to or above the Base Flood Elevation (BFE). Non-residential structures constructed in A zones must either have their lowest floors elevated to or above the BFE or be dry floodproofed (made watertight) to or above the BFE. Measures to accomplish dry floodproofing of non-residential structures must not only provide watertight protection but also must be designed to withstand hydrostatic, hydrodynamic, and impact forces produced by flooding. The intent is to provide complete protection at least up to the floodproofing design level, which must, at a minimum, be at the BFE.

Additionally, it has come to our attention that clarification is needed between the enforcement of the LFDPO and the New Jersey Rehabilitation Subcode. In areas of special flood hazard the substantial improvement and substantial damage provisions listed in the LFDPO must be implemented and treated as a prior approval before the New Jersey Rehabilitation Subcode is enforced. In order to further assist communities participating in the NFIP, the NJ Department of Environmental Protection (NJDEP), the NJ Department of Community Affairs (NJDCA), and the FEMA have coordinated their efforts to develop the following guidance measures to be adhered to by each community designated LFPA.

1. Whenever a proposed project is located within a mapped SFHA and the Local Floodplain Administrator (LFPA) is not also the Construction Official, the LFPA will review the proposed project for floodplain requirements and provide the Construction Official a "Prior Approval", which identifies requirements for compliance with the LFDPO.
2. Whenever a proposed project is located within a mapped SFHA and the LFPA is also the Construction Official, the Construction Official shall exercise "LFPA" responsibilities first and go through the "Prior Approval" process before permitting construction.
3. The NJDCA, Division of Codes and Standards expects the Construction Official to assure that all construction permitted is compliant with all requirements by ensuring that all applicable prior approvals are in hand prior to the issuance of a permit. It is the responsibility of the LFPA (if other than the Construction Official) to advise the Construction Official if there is a problem with a particular permit. Where the Construction Official is also designated as the LFPA, he or she must be thoroughly familiar with the LFDPO and State Building Code standards for floodplain development to assure compliance.

Should your community have any questions or require further assistance regarding the above guidance measures and administration of your LFDPO, please do not hesitate to contact Bruce Wallauer of this office at (609) 292-2296.

Sincerely yours,

John H. Moyle, P.E., Manager
Bureau of Dam Safety & Flood Control

C: _____, Local Floodplain Administrator
Mary Colvin, Chief, Mitigation Division, FEMA Region II
William Connolly, Director, Division of Codes & Standards, NJDCA

