

The Blue Acres Acquisition Process- An Overview for Local Officials



Preserving Land Since 1961

What is Blue Acres?

The NJDEP Blue Acres Program is an acquisition program that targets the buyout of flood prone structures and the preservation of the floodplain. It is a subset of the Green Acres State Land Acquisition (SLA) Program.

In administering the Blue Acres acquisitions, Green Acres draws upon the experience that we have gained in coordinating the Passaic River Basin Buyout. The Green Acres Program successfully acquired 126 properties using \$15 million authorized by the Green Acres, Farmland and Historic Preservation, and Blue Acres Bond Act of 1995.

The passage of the Green Acres, Farmland, Blue Acres, and Historic Preservation Bond Act of 2007 ("the Act") established \$12 million for acquisition of Blue Acres lands in the floodways^[1] of the Delaware River, Passaic River or Raritan River, and their respective tributaries, for recreation and conservation purposes. An additional \$24 million was approved by the voters in the *Green Acres, Water Supply and Floodplain Protection, and Farmland and Historic Preservation Bond Act of 2009*. These funds can be spent statewide.

^[1] The Act states that: " 'Floodway' means 'flood hazard area' as defined pursuant to section 2 of P.L.1962, c.19 (C.58:16A-51)."

What is eligible for a State Blue Acres acquisition?

- Eligible properties are those that have been damaged by, or may be prone to incurring damage caused by, storms or storm-related flooding, or that may buffer or protect other lands from such damage.
- Acquired properties are permanently deed restricted as open space in accordance with the Green Acres statutes. These lands must remain open to the public.

How do you prioritize properties for acquisition under the State Blue Acres Program?

- Properties listed on the Federal Emergency Management Agency (FEMA) lists of "Repetitive Loss" (RL)^[1] and "Severe Repetitive Loss" (SRL)^[2] sites in New Jersey that are located within a municipality with its own "All Hazards Mitigation Plan" (or one that has signed on to a County plan,) and that are located adjacent to existing State recreation and conservation land holdings.
- Properties on the RL and SRL lists that are located within a municipality with its own "All Hazards Mitigation Plan" (or one that has signed on to a County plan,) but that are not located adjacent to existing State recreation and conservation land holdings, provided that a municipality or county agrees to enter into an agreement (MOU) with the State to manage those properties.
- Properties on the RL and SRL lists that are not located within a municipality with its own "All Hazards Mitigation Plan" or one that has signed on to a County plan but that are located adjacent to existing State recreation and conservation land holdings.

^[1] FEMA defines Repetitive Loss properties as those that have had two or more claims of at least \$1,000 paid by the National Flood Insurance Program (NFIP) within any ten-year period.

^[2] FEMA defines Severe Repetitive Loss properties as those that have had four or more NFIP claims in excess of \$5,000, with at least two occurring in a ten-year period, or two or more claims that cumulatively exceed the total value of the building. As of March 22, 2011, there were over 1,000 properties in New Jersey on the SRL list.

The State Blue Acres Program prioritization continued:

- Properties on the RL and SRL lists that are not located within a municipality with its own "All Hazards Mitigation Plan," or one that has signed on to a County plan, and are not located adjacent to existing State recreation and conservation land holdings, provided that a municipality or county agrees to enter into an agreement with the State to manage those properties.
- Properties not on the RL and SRL lists that are Eligible Properties that are located adjacent to existing State recreation and conservation land holdings.
- Properties not on the RL and SRL lists that are Eligible Properties that are not located adjacent to existing State recreation and conservation land holdings provided that a municipality or county agrees to enter into an agreement with the State to manage those properties.

Status of State Blue Acres buyouts

- Green Acres has received over 400 Blue Acres offers.
- In order to leverage our Blue Acres funds, DEP Green Acres has submitted 5 Hazard Mitigation Grant (HMA) applications to FEMA for cost share; 4 of which are in the Passaic River Basin.
- The 5 FEMA applications have a total project cost of \$ 39,343,671.80.

The Passaic River Basin

- The Passaic River Task Force recommendations were released on February 10, 2011.
- The report estimates that about 6,300 properties could be acquired to reduce future flood impacts. This is estimated to cost upwards of \$3.4 billion.
- The State Blue Acres program alone can not address all the buyouts necessary in this basin. The Passaic River Basin will require a coordinated buyout effort inclusive of all levels of government: Local, State and Federal.

New Local Blue Acres Floodplain Acquisition Grants

- Getting people out of harm's way, combined with creating open space, warrants innovative action so, for the first time, Green Acres has created a special category of funding to assist towns and counties in acquiring flood prone lands.
- \$2 million have been earmarked for grants to local government units seeking matching funds to acquire flood prone properties within their communities.
- These grants will be administered like all other Green Acres Local Assistance acquisition funds.
- Requests for the floodplain grant funds will NOT preclude a municipality from requesting other Local Assistance grant or loan funds for acquisition or park development projects.

New Local Blue Acres Floodplain Acquisition Grants

- These Local Blue Acres funds will be either 10% or 25% matching grants.
- Green Acres will give the highest priority to towns and counties that obtain FEMA funding; however, consideration will be given to local governments that can identify alternative funding sources for properties that are in the floodplain but may not qualify for FEMA funding. For instance, it could also be a match to a County open space grant or local open space tax monies as long as there is a clear flood mitigation and open space objective. As with all Local grant funds, the demand will determine the grant cap.
- There is a separate, streamline Local Blue Acres Floodplain Acquisition grant application. The application was released in early September 2011. We sent it out to every local government in the Passaic River Basin. The grant deadline is October 31, 2011 and we will try to coordinate with the award notification with FEMA grant cycle.

Please remember....

- These buyouts are voluntary. Neither the State (NJDEP or NJOEM) nor the federal government (FEMA) will condemn properties.
- Elevation projects are not eligible for State Blue Acres or Local Blue Acres Floodplain Acquisition grants.



So now what ?....

- Take a good hard look at your community. Do some GIS mapping of the flood prone areas to identify where buyouts should be focused. Review the National Flood Insurance Program's SRL and RL lists to see what properties may qualify for Federal buyout grants.
- Work to develop a local strategy. It may make sense to acquire certain properties and to elevate others. You may even consider commissioning studies that would assess certain flood control measures to mitigate the severity of future floods.
- Then, when there is a plan of action established, reach out to the landowners you have identified for a potential buyouts to see if they would be interested.
- Keep NJOEM and NJDEP Green Acres abreast of your plans and intentions.

How to Contact Us?

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