

Charge, Composition and Timeline for the Floodplain Regulations Evaluation Subcommittee (FRES) of the DRBC Flood Advisory Committee (FAC):

Background: The DRBC Flood Advisory Committee (FAC) was established in 1999 to provide a forum for coordination of flood warning and flood loss reduction activities and the efficient use of technical and financial resources for the benefit of the Delaware River Basin Community. Details on the FAC are available at <http://www.state.nj.us/drbc/advisory.htm#flood>.

The Delaware River Basin Interstate Flood Mitigation Task Force issued a report in July 2007 to the four basin governors identifying recommendations for a proactive, sustainable, and systematic approach to flood damage reduction. In May 2008, Commissioners from New Jersey and Pennsylvania requested that a subcommittee of the FAC be formed to address Task Force Recommendation FR-1: Catalog, Evaluate and Update Existing Floodplain Regulations in the Basin.

Subcommittee Charge:

To review and evaluate the similarities and differences in floodplain regulations throughout the Delaware River Basin, and to develop and present recommendations on the potential for more effective floodplain management throughout the basin to the FAC.

Subcommittee Organization: The subcommittee is organized into representative interest groups, each having designated representatives or spokespersons. Although all subcommittee meetings will be open to the public, participation in the deliberative process will be limited to the designated representatives. Representatives have been appointed by their representative interest group when possible. Interest groups are encouraged to meet separately to develop recommendations which can be presented to the subcommittee through the designated representative(s) from that group. The designated representatives are to state both majority and minority opinions of their interest group to the subcommittee for consideration. Those wishing to actively participate in the deliberative process should do so by actively participating in one of the representative interest groups designated below.

To keep this subcommittee to a workable size, this subcommittee is composed of the following representative interest groups:

- Basin states (6 total, 2 per state when applicable)
- Federal Government (2)
- Environmental, Citizen and Educational (3)
 - environmental
 - riverbank property owners
 - education and outreach
- Builders, Agriculture and Commerce (3)
 - builders association
 - farm bureau
 - chamber of commerce
- Flood Mapping Consultants (2)
- Local Officials (4 total, 1 per state - designated by state)

Timeline: The subcommittee will provide a comparison document and recommendations to the FAC within 9 months of its first meeting. It is expected that the subcommittee will convene 4-6 times. During the first few meetings, presentations will be arranged to present and discuss the regulations/review materials provided below.

Once a comparison document and recommendations are provided to the FAC, the FAC will consider the subcommittee recommendations and report the results of their deliberations to the Commission at a regularly scheduled Commission meeting. The FAC will report to the Commissioners within 3 months of receipt of the subcommittee report to the FAC. DRBC staff will provide technical support to the subcommittee throughout the process.

Subcommittee Review Materials:

The subcommittee will review the following materials:

1. National Flood Insurance Program (NFIP) minimum requirements (44 CFR 60.3)
2. Delaware River Basin Commission Floodplain Regulations
3. New Jersey - NJDEP Flood Hazard Area Control Act Rules (N.J.A.C. 7:13)
4. Pennsylvania – Pennsylvania Flood Plain Management Act (Act 166-1978)
5. Guidance from PADCED on how municipalities can meet the minimum National Flood Insurance Program (NFIP) requirements
6. New York - Floodplain Management Criteria for State Projects (6NYCRR Part 502)
7. NYS Residential Building Code (Chapter III, Section R323)
8. Guidance by NYSDEC; Optional Additional Language to Model Local Law for Flood Damage Prevention
9. New Castle County, DE (Unified Development Code Section 40.10.310 – Floodplains and Floodways)
10. National Flood Programs and Policies in Review, Association of State Floodplain Managers, 2007
11. Effective State Floodplain Management Programs, Association of State Floodplain Managers, 2003

The subcommittee may review other materials as it determines is appropriate during its deliberations.

Subcommittee Considerations: Specifically, the subcommittee will consider and comment on the following areas, at a minimum:

- Regulatory floodplain definition
- Floodway definition
- Development in the floodplain
- Development in the floodway
- Fill in floodplain
- Fill in floodway
- Stream/riparian corridors and vegetation disturbance
- Standards for the lowest habitable floor of structures (freeboard)
- Venting of crawl spaces/storage areas
- Substantial improvements to structures
- Coastal zone construction
- Required permits, application process
- Enforcement
- Tidal/non-tidal
- Main Stem/tributary