

**§ 415.1**

**18 CFR Ch. III (4-1-11 Edition)**

ENFORCEMENT

- 415.50 General conditions.
- 415.51 Prior non-confirming structures.
- 415.52 Violations.

AUTHORITY: Pub. L. 87-328 (75 Stat. 688).

SOURCE: 42 FR 13541, Mar. 11, 1977, unless otherwise noted.

GENERALLY

**§ 415.1 Short title.**

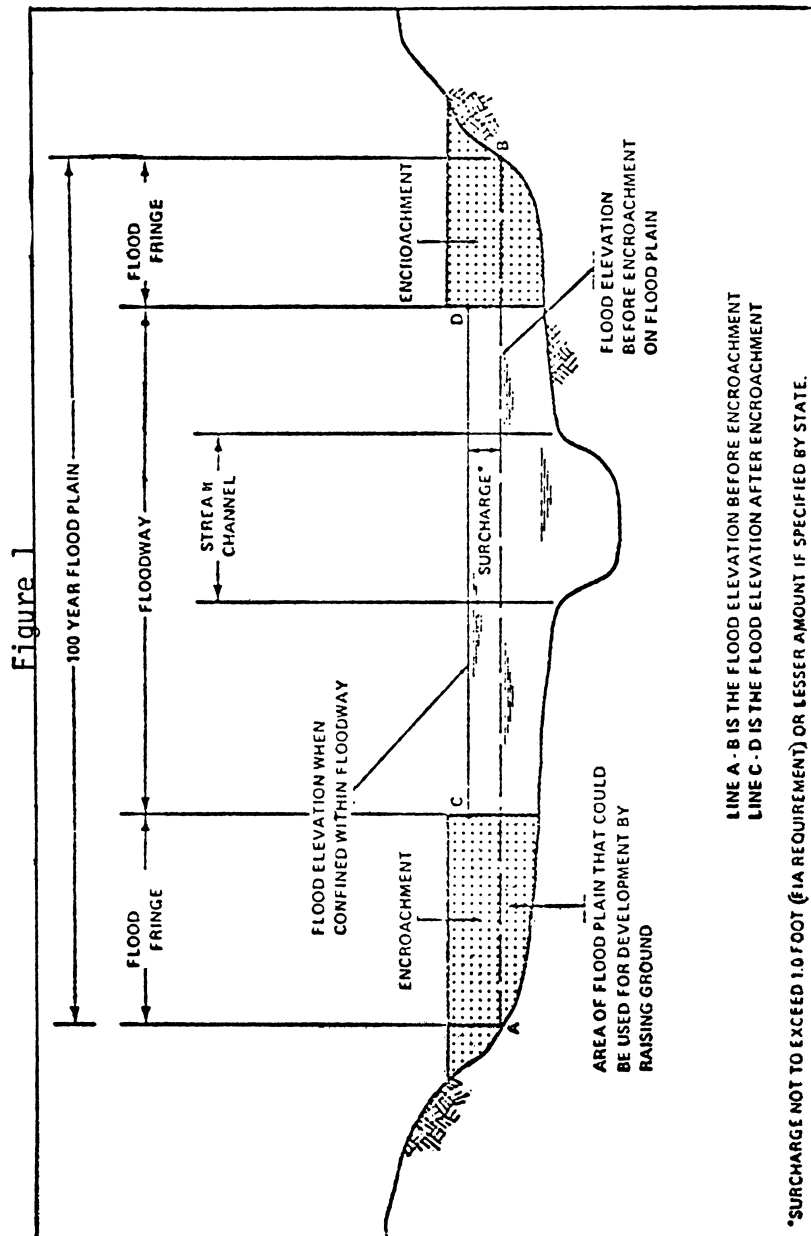
This part shall be known and may be cited as the “Flood Plain Regulations.”

**§ 415.2 Definitions.**

For the purposes of this part, except as otherwise required by the context:

*Project* means the same word as defined by section 1.2(g) of the Delaware River Basin Compact.

*Floodway* means the channel of the watercourse and those portions of the adjoining flood plains which are reasonably required to carry and discharge the regulatory flood. For this purpose the limit of the floodway shall be established by allowing not more than a one-foot rise of the water surface elevation of the regulatory flood as a result of encroachment. Wherever practical, equal conveyance reduction from each side of the flood plain shall be used. (See Figure 1.)



*Flood fringe* means that portion of the flood hazard area outside the floodway.  
*Flood hazard area* means the area inundated by the regulatory flood.

*Flood plain* means the area adjoining the channel of a stream which has been or hereafter may be covered by flood water.

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*Floodproofing* means any combination of structural and nonstructural additions, changes, or adjustments to properties and structures which reduce or eliminate flood damage to lands, water and sanitary facilities, structures, and contents of buildings.

*Flood protection elevation* means one foot above the elevation of the flood that has a one percent chance of occurring in any one year. (The 100-year flood).

*Major tributary* means the mainstem of the following streams:

PENNSYLVANIA

Brandywine Creek, Brodhead Creek, Big Bushkill Creek, Lackawaxen, Lehigh, Schuylkill, Neshaminy.

DELAWARE

Brandywine Creek, Christina.

NEW YORK

East Branch, Mongaup, Neversink, West Branch.

NEW JERSEY

Assunpink, Musconetcong, Paulins Kill, Rancocas, Pequest.

*Official flood plain map* means a map showing the flood plain area of a community prepared pursuant to the National Flood Insurance Act, or a map recognized by the Executive Director as meeting equivalent hydraulic or engineering criteria.

*Regulatory flood* means the flood which has a one percent chance of occurring in any one year. (The 100-year flood.)

*Structure* means any assembly of material above or below the surface of land or water, including but not limited to, buildings, dams, fills, levees, bulkheads, dikes, jetties, embankments, causeways, culverts, roads, railroads and bridges.

**§415.3 Purpose and findings.**

(a) The Commission hereby finds and determines that the use of flood plains is affected with a public interest due to:

(1) The danger to life and property due to increased flood heights or velocities caused by encroachments.

(2) The danger that materials may be swept onto other lands or downstream to the injury of others.

(3) The requirements of a facility for a waterfront location.

(b) In order to protect the public interest, the following principles and goals have been determined:

(1) The overall goal is prudent land use within the physical and environmental constraints of the site.

(2) The principle of equal and uniform treatment shall apply to all flood plain users who are similarly situated.

(3) Flood plain use shall not result in nuisance to other properties.

(4) Flood plain use shall not threaten public safety, health and general welfare.

(5) Future land uses in private flood plains shall not result in public expense to protect the property and associated public services from flood damage.

(6) All future public and private flood plain users shall bear the full direct and indirect costs attributable to their use and actions.

(7) Restrictions on flood plain use, and flood hazard information shall be widely publicized.

(8) Land and water use regulations of responsible units of government shall not impair or conflict with the flood plain use standards duly adopted for the basin, except as provided for in §415.42(a) of this part.

(9) Plans for land and water use adopted by responsible agencies shall not impair or conflict with these flood plain use standards.

(10) No action of any unit of government shall impair or conflict with these flood plain use standards.

TYPES OF PROJECTS AND JURISDICTION

**§415.20 Class I projects.**

Projects described in paragraphs (a) and (b) of this section shall be subject to review by the Commission under standards provided by this section and in accordance with the provisions of §§415.30 through 415.33 of this part, as follows:

(a) All projects subject to review by the Commission under section 3.8 of the Compact and the regulations thereunder.

(b) State and local standards of flood plain regulation.