

Appendix B

Public Comments and Response

- Overview of Action Plan Refinements in Response to Public Comment
- List of those who Submitted Written Comments
- Summary Written Comments – sorted by subject area¹
- Verbal Public Comments received at the following Public Meetings:
 - Delhi, NY; February 8, 2007
 - Wilmington, DE; February 15, 2007
 - Ewing, NJ; February 20, 2007
 - Easton, Pa; February 27, 2007

¹ A detailed summary of written comments sorted by commenter can be viewed at http://www.state.nj.us/drbc/Flood_Website/taskforce/Action-agenda_0707/comments.pdf

Delaware River Basin Interstate Flood Mitigation Task Force

Overview of Action Plan Refinements in Response to Public Comment

Four public meetings attended by over 200 people were held in February 2007 in Delhi NY, Wilmington DE, Ewing NJ, and Easton PA. In addition, 60 written letters were submitted during the public comment period. A list of the 60 commenters and a summary of the comments compiled by staff is contained within Appendix B of the Task Force Report. The comments spanned all six management categories, addressed such general issues as prioritization, budget constraints, allocation of resources, and in some cases offered specific edits to action plans. While some of the comments were state or sub-basin specific, a short list of the high level themes which applied across the entire Basin is as follows:

- Reservoir Operations
- Governance
- Delivery of Government Services
- More Resources: Acquisition and Elevation
- Immediacy of the Problem
- Revisiting the Supreme Court Decree

The Task Force reviewed the staff comment summaries and met in March 2007 to provide direction to DRBC staff regarding changes to the report based on comments, form of public response, and transmittal logistics of final recommendations to Basin state governors. In brief, Task Force Members decided to make several changes to the final report based on the comments, but retain the basic recommendation architecture of the Public Review Draft Action Plan. Key changes involve adding a more detailed description concerning hydrologic conditions in the Basin that contribute to tributary and main stem flooding, the addition of a Reservoir Operations Findings Statement that very specifically addresses the issue of using water supply reservoirs for flood control, the addition of more specific implementation accountability for each of the actions, a new recommendation regarding the need for an ice jam monitoring and communication plan, and various corrections, edits and clarifications to the substance of specific recommendations based on commenter input. In addition, Appendix B has been added to the report to document the public participation process. Lastly, in lieu of prioritizing recommendations, an Implementation Matrix was developed to provide for a structured implementation process over the short and medium term timeframe.

Regarding the public perception of a cause and effect relationship between “spilling reservoirs” in the upper Basin and flood occurrence in the main stem river between Hancock NY and Trenton NJ, the Task Force concluded that flooding would still occur along the Delaware even if a year round void program were implemented. In brief, historic data indicate that flooding on the main stem Delaware River occurred before

New York City reservoirs were in place, and has occurred since construction when the reservoirs have not spilled. The basis for these finding can found in Section V of the final report.

They also determined that reservoir management actions that reduce flood crests for a given flood, even by an inch or two, have great meaning when it makes the difference between damaging or not damaging a home or structure. For this reason the Task Force included reservoir management at all major basin reservoirs as an element of the report and has advocated for addressing all measures for reservoir management that do not adversely affect water supplies. One measure under consideration by the parties to the Supreme Court Decree is establishment of a Flexible Flow Management Program, one component of which is a permanent “Discharge Mitigation Program”. Another measure involves use of a flood analysis model to analyze the effects of structural alterations of major basin reservoirs, including evaluation of diversions, for other than water supply purposes, at those reservoirs.

Many commenters spoke to the need for more effective governance systems, including 1) more progressive flood plain regulations based on the latest digital floodplain mapping data; 2) better enforcement of existing floodplain management and stormwater management regulations; 3) improved linkage between regional stormwater and flood management plans; and 4) more attention to maintenance/clean out of conveyance structures.

Many commenters spoke to the need for a substantial increase in resources to effect positive flood mitigation outcomes. There was strong Task Force support for expediting, assisting and funding at adequate levels property acquisition and elevation.

Careful attention was paid to language corrections and action specific edits to make the document as accurate as possible. For example, representatives of the Association of REALTORS from New York, New Jersey and Pennsylvania alerted staff to the fact that the term REALTOR is a trademark that refers only to those real estate professionals who are members of the National Association of REALTORS.

All of the actions were re-evaluated to add more detail as to implementation accountability—ie., by specifying an action lead to facilitate tracking implementation progress.

Many commenters advocated for a more pro-active and immediate action agenda. In particular they indicated the multi-year studies and flood warning communication strategies were not sufficient to reduce the occurrence and magnitude of flooding in the future. To that end, the Task Force has taken a multi-pronged approach to reducing future flood risk. It has identified an array of on-going and short terms actions that will have collective effect of enhancing community flood resiliency. One Task Force Member characterized the approach as a “Ten Things to make the Basin 10% more Resilient Strategy”. This strategy is captured in the Recommendation Overview Implementation Timeline.

A few commenters advocated a much stronger flood control approach and recommended a return to the Supreme Court to effect a new apportionment of upper Basin water storage to achieve a measure of flood control. As noted above, the Task Force has included reservoir management at water supply reservoirs as an element of the report and has advocated for addressing all measures for reservoir management that do not adversely affect water supplies. A brief *History of the Reservoirs Releases Program in the Upper Delaware River Basin* is provided as Appendix C to this report.

In summary, the Task Force has evaluated flood prevention and mitigation options over the past six months, considered public hearing testimony and written public comments, and continues to conclude that **no set of mitigation measure will entirely eliminate flooding along the Delaware River or its tributaries, and that a combination of measures will improve the basin's resiliency – its capacity to prepare for and recover from flooding—in the future.**

**LIST OF THOSE WHO SUBMITTED WRITTEN COMMENTS
DELAWARE RIVER BASIN
INTERSTATE FLOOD MITIGATION TASK FORCE**

	Commenter	Affiliation	Date
1	Willis W. Smith	Mayor, Village of Deposit	03/01/07
2	Dave Burd	Lambertville, Office of Emergency Management	03/08/07
3	James E. Eisel	Chairman, Delaware County Board of Supervisors	02/08/07
4	William J. Powell	Hunterdon County Emergency Management Coordinator	03/05/07
5	Charles H. Martin, James F. Cawley, Sandra A. Miller	Board of County Commissioners of Bucks County	02/28/07
6	Donna M. Lewis	Planning Director, County of Mercer	03/06/07
7	Michael W. Herbert	On behalf of Mercer County Board of Chosen Freeholders	03/07/07
8	John J. Bonacic	New York State Senator	02/08/07
9	Patrick J. Murphy	Congressman 8 th District, Pa.	02/27/07
10	Joyce Andreoli	New Jersey Association of REALTORS	03/06/07
11	Derenda Updegrave	Pennsylvania Association of REALTORS	03/05/07
12	Charles Staro	New York Association of REALTORS	02/28/07
13	William Vogt	D.D.S and former Task Force Member	02/6/07
14	George Kelchner	President, Delaware Riverside Conservancy	02/05/07
15	Preston Luitweiler, P.E.	Aqua America	03/07/07
16	Robert F. Molzahn	Water Resources Association of the Delaware River Basin	02/27/07
17	Robin L. Dingle	Environmental Planning Consultants	03/07/07
18	Dr. Brent Blackwelder	Friends of the Earth	03/06/07
19	Jim Davis	Mill Rift Civic Association	02/28/07
20	Deborah Rousell, PhD.	Personal Comments and Letter from Trenton Island Civic Association	03/08/07
21	John Miller	New Jersey Association of Floodplain Managers (NJAFM)	03/03/07
22	Elizabeth George-Cherniara, Esq.	New Jersey Builders Association	03/13/07
23	Alicia Batko	Montague, N.J.	03/6/07
24	Lloyd Best, Jr.	Alpha, N.J.	02/26/07
25	Robert Castagna	Milford, N.J.	02/12/07
26	Philip Chase	Port Jervis, N.Y.; Town of Deerpark representative to the Upper Delaware Council	02/13/07
27	John D. Coffin	Flood Victim; Aberdeen, N.J., (Owns property in Wayne Co., Pa.)	02/6/07
28	James H. Cox	Flood Victim; Matamoras, Pa.	02/12/07
29	Barbara Curtis	Flood Victim	02/28/07

Individuals were identified as flood victims if they stated so in their comments.

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30	Kathy Davis		03/1/07
31	Harold Deal	Northampton County, Pa.	03/6/07
32	Robert Gavin	Bucks County, Pa.	03/7/07
33	Mina Hamilton	former President of the Delaware Valley Conservation Association	03/7/07
34	Douglas and Linda Hay	Flood Victims; Mill Rift, Pa.	02/13/07
35	Joan Homovich	Flood Victim; Downsville, NY	02/08/07
36	Joan Homovich	Flood Victim; Downsville, NY	03/5/07
37	Ronald Godshalk	Easton, Pa.	02/27/07
38	Uke Jackson	Delaware Water Gap, Pa.	02/24/07
39	William Kays		
40	J. Kennedy	Lower Mount Bethel, Pa.	02/28/07
41	David Laird II	Trenton, NJ	02/15/07
42	James and Doris MacPherson	Upper Mt. Bethel, Pa.	03/06/07
43	Thomas W. McBrien IV	Flood Victim; Upper Black Eddy, Pa.	03/06/07
44	John McVeigh		03/07/07
45	Sandy McNichol		03/07/07
46	Kelly Offerman	Flood Victim; Belvidere, NJ	03/07/07
47	Rita Ohman	Flood Victim; Equinunk, Pa.	02/15/07
48	Mike O'Hare	Flood Victim; Upper Black Eddy, Pa.	03/07/07
49	Kirk Pierson	Columbia, NJ	02/28/07
50	James Reuss	Flood Victim; Forks Township, Pa.	02/28/07
51	Edwin Rogusky	Catasauqua, Pa.	02/20/07
52	Ellen Sapienza	Flood Victim; Upper Black Eddy, Pa.	03/04/07
53	Nancy Shukaitis		03/07/07
54	Sheila Uris Stern	Flood Victim; Upper Black Eddy, Pa.	03/02/07
55	Karen and Wayne Tittle	Flood Victim; Upper Black Eddy, Pa.	03/02/07
56	Joan Van Gilson	Flood Victim; Island Section, Trenton, NJ	03/07/07
57	Barry Ziff	New Hope, Pa.	03/02/07
58	Michelle Kintner	Flood Victim; Minisink Hills, Pa.	02/22/07
59	Magoleath Berman	Morrisville, Pa.	02/23/07
60	Mary Lou Delahanty, Esq.	Lawrenceville, NJ	03/07/07

Individuals were identified as flood victims if they stated so in their comments.

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Comment ID	Comment
General Support or Non-Support for the Plan	
6, 15, 17, 19, 20, 21, 22, 27, 34, 52, 56	The Task Force did a commendable job of considering a broad range of recommendations.
6	Support was expressed for six priority management areas and holistic watershed approach.
9	The Preliminary Action Plan represents a strong step in the right direction, offering both long term and immediate solutions to be taken up by all levels of government.
24	To blame the flooding on the Upper Delaware Basin is a waste of money and time
22	Statements that development, stormwater management, and floodplain encroachment are potentially contributing and exacerbating factors for flood loss is not supported by data and are without merit.
13	There is nothing in the recommendations that would effectively create any meaningful flood control in the near future.
14	The Delaware Riverside Conservancy (DRC) and its membership refuse to take part in a flawed and inadequate process that fails to provide and/or recommend immediate and emergent flood relief.
Prioritization	
21	Due to limited state resources, the recommendations should be prioritized.
17, 42	The Task Force needs to emphasize & prioritize education, with a focus on stormwater management and protection/benefits of natural vegetation in the watershed.
20	Recommendations to immediately remedy obvious deficiencies are endorsed, if there is data and consensus to support the potential effectiveness of such measures. These include such measures such as funding mechanisms to elevate basement utilities in the Island Section of Trenton, and backflow prevention. These measures should be given priority for funding in addition to considering funding for longer term measures.
21	The report should place high priority on those measures which alleviate flood damage under existing conditions, and on measures which will both prevent flood damage under existing conditions and prevent increases in future flood damages.
53	A proven, public notification system of a dam break or any other pre-eminent danger should be No. 1 priority.
29	Most cost-effective recommendation is to strongly support, expedite, assist and fund at adequate levels property acquisition and elevation.
Implementation	
16, 20, 21, 22, 56, 58	Implementation of the report is critical and will require commitment and funding
27, 56, 58	Emphasizes the need to enact the recommendations quickly
31, 44	The best intended recommendations cannot be effective without the methods and the power to implement them.
38, 42, 59	It is vital to maintain the health of the river and its natural inhabitants.
Coordination	
5	Communications of the findings and recommendations of the Task Force report is critical to fostering public support, funding and political action.

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Comment ID	Comment
16	There should be a continuing open dialogue with all stakeholders in the basin and balancing of interests in developing implementation strategies for flood loss reduction.
20	All communities should have representation during the prioritization of recommendations and the funding allocation process.
56	Going forward, announcements, notices and flyers regarding meetings and discussions are needed to keep residents advised.
1	DRBC should provide clear information to downstream communities regarding reservoir release schedules contemplated as part of future plans for “Flexible Flow Management.”
31	Task Force should continue to work closely with environmental organizations like the Delaware Riverkeeper Network.
17	Flood management practices need to be adopted in tributaries because local actions have cumulative benefits.
	Composition
20, 60	Neither Trenton nor Mercer County was represented on the Task Force
22	There are no members of the regulated community on the Task Force
21	On page 3, it is not clear if private business was represented on the Task Force.
6	Better representation of scientists, policy-makers, and lay people are needed to effectively implement the policies of the Plan.
	Document Clarity
21	On page 8, the reference to the frequency for a 10 inch rainfall should be clarified.
27	Explain Supreme Court Decree in report, list Decree members; possibly include the Decree as an Appendix
27	Better explain the impact on the definition of the floodway of a 0.2 foot rise in depth vs. a 1.0 foot rise in depth; recommends providing an example or a graphic.
35	The report needs to mention DRBC Resolution 2006-18
	Requested Document Additions
21	Identification of areas of greatest risk, ranking of mitigation strategies, and specific funding sources should be considered for inclusion in the document.
21	On page 9, a map should be added to show the drainage for each of the four basin states.
21	On page 10, it would be valuable to know the percentage of floodplain properties where flood insurance has actually been purchased.
21	On page 10, there is a need for a policy on prioritizing repetitive loss areas
21	On page 13, SM –Strengthening regulations must be backed by education to land use decision bodies.
2	Add the following language to page 12, B. Structural and Non-structural Measures to advocate consistency between the Interstate Task Force Report and the NJ Task Force Report, " <i>Small local flood control that may be beneficial for prevention of stream tributary flooding should be investigated. Backwater flooding along the stream tributaries could be controlled and prevented through the use of flap gates, flood gates, tide gates and pumping stations.</i> " Also modify language under SM-1.1 as noted below.
22	The Task Force’s recognition of the need for flexibility (as evidenced in FR-5: Riparian Corridors) should be adopted as a core principal of its report.
16	It must be acknowledged that we cannot completely control all natural events.

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Comment ID	Comment
	Reservoir Operations
<i>General:</i>	
43, 60	DRBC and the states must make flood prevention a primary mission with regard to the management of reservoirs.
28, 50, 55, 57, 60	It is likely that overfilling the reservoirs and reservoir management had a significant impact on the three recent floods. What effect do reservoirs have on the flood levels? Any study needs to be expedited.
14	Understand the need for comprehensive studies regarding the reservoirs and the basin as a whole, but studies are not required or necessitated for immediate and substantial relief in the form of reservoir voids and proper reservoir management. A simple calculation regarding drainage areas and percentages evidences the potential of the reservoirs to provide substantial and significant reductions in downstream flooding damage and devastation.
14	The current management and operations of the reservoirs is reckless, dangerous, and maintained at levels which represent extreme indifference to the lives, safety and property of all of those downstream.
3, 8, 23, 25, 28, 30, 32, 34, 35, 36, 43, 45, 47, 48, 49, 50, 52, 54, 55, 57, 58	The reservoirs must have a permanent year-round void for flood mitigation.
26, 29, 31, 48, 52	The 1954 Supreme Court Decree should be revisited.
9	The DRBC should pursue every avenue possible to bring the parties to the 1954 Supreme Court Decree together for a more permanent agreement before the current reservoir operation agreement ends on May 21, 2007.
29, 31, 49	More diversions to the Hudson via the aqueduct should be made in the event of a flood.
26, 47	New York City should be prohibited from selling Delaware water to new customers in the Hudson watershed.
25, 26, 31, 47, 50, 53	New York City should seek a water supply from the Hudson in order to lessen its reliance on the Cannonsville, Pepacton and Neversink. This additional supply would allow for a void for flood management without endangering the NYC water supply.
26	The federal government should fund the cost of a filtration plant and pump system in order to allow NYC to take 325mgd from the Hudson. (In 1951, NYC’s own “Little Hoover Commission” claimed that 325mgd could be taken from the Hudson above Poughkeepsie)
57	Siltation in the reservoirs must be addressed. This would create a greater storage capacity to allow for greater voids.
34	Commended PPL’s discharge mitigation program for Lake Wallenpaupack and said Mongaup and other watershed pools should do the same.
<i>Specific</i>	
21	R-1: A basin wide model that includes real time data for decision support should be pursued, and should be GIS based and coupled with flood inundation mapping.
21	R-1: A six hour time step for the flood analysis model is questioned as being too long.
5	R-1: Such analysis is helpful tool to explain causes of flooding to the public
22	R-1 and R-2: A high priority should be given to developing a flood analysis model and the procurement of hydrologic data. All

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Comment ID	Comment
	available forecasting technology should be used to better inform release decisions and to reduce total discharge from reservoirs during flood conditions.
5, 19, 29, 31, 49, 60	R-2: Emphasize need for coordinated releases, better reservoir management and the development of a reservoir operations plan.
31	R-3: Spill mitigation should take into account real-time weather conditions and actual rainfall.
15, 16	R-3: Spill mitigation programs should not adversely impact uses for which the reservoirs were created
22	R-3 and R-4: Discharge mitigation programs and snowpack based storage management are supported.
19, 34	R-4: Why is the arbitrary number 50 percent used in the water equivalent snowpack calculation. Won't a greater percentage reach the reservoir? Why not use 100% snowpack water equivalent estimate instead of 50% when determining releases.
19	R-5: Support this recommendation. It is crucial that data pertaining to reservoir storage be made more readily available to the public.
22	R-6: DRBC should ensure accurate reporting of data and conditions for all the basin's reservoirs and dams. DRBC should use services offered by the National Weather Service and USGS to provide relevant data on-line for the public.
	Structural and Non-Structural
	General:
29, 38, 49, 53	Supports non-structural solutions, acquisition and converting floodplains to open space, rather than large engineering projects.
29, 32, 49	Support building another reservoir specific for recreation and flood control.
43, 52	The size of the reservoirs should <u>not</u> be increased.
48	Investigate the possibility of increasing the size of the reservoirs
50, 51	Advocate a Main Stem Dam
18, 23, 31, 33, 42, 52, 53, 59	Oppose Main Stem Dam; A main stream dam is not the answer and will not stop flooding. Opposition to further expenditure of tax dollars.
29, 39, 49	Obstructions in the river should be cleared so as to not prevent flow during high water events. Examples include widening the river, removing all trees and vegetation from river islands and some banks is necessary, removing some islands completely, removing unused bridges, dredging silt, and "any S curves be cut straight through". Such a move would require coordination between the three states.
31	Oppose channelization, dredging, removing trees from islands and shorelines and removing entire islands to expedite flow during periods of heavy runoff.
21	The Task Force should note that flood mitigation projects require proper record keeping. A centralized GIS data base may assist with future planning and help focus mitigation dollars.
	Specific
29, 33	S-1: Support ACOE study, A re-analysis of appropriate flood control and flood mitigation methods is warranted.
31	S-1: Oppose the ACOE study (an unencumbered flood study up and down the river that would allow them to create their own plans

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Comment ID	Comment
	to mitigate future flooding.)
21	S-1: DRBC participation Corps of Engineers evaluation of basin-wide mitigation strategies is encouraged.
40	S-2: Municipalities should be required to do hazard mitigation plan. Residents have no control if municipalities decide not to participate in or create a plan leaving the municipality ineligible for funding. Wants policymakers to put strict enforcement on agencies to help with mitigation and compliance.
4	S-2: All-Hazard Mitigation Plan: Federal legislators need to review and possibly modify the DMA-2000 to ease municipal requirements for development of All-Hazards Mitigation Plans. State Mitigation Units need to be better staffed. States should develop a funding source to assist municipalities in hiring planning consultants. States should consider deploying Mitigation Unit employees to lead regional planning processes.
6	S-2: Supportive of companion process to the Task Force, involving a NJ four county approach to developing a Multi-Jurisdictional Flood Mitigation Plan, as a first step toward a regional All-Hazards Plan.
5, 47	S-3: Greater and continued federal funding for acquisition and elevation is needed.
21	S-4: There is a need for extensive training in various areas such as responsibilities under the National Flood Insurance Program, developing Hazard Mitigation Plans, and application for flood mitigation grants.
4	S-4: Each County and Municipal Office of Emergency Management should have a “Mitigation Officer”. This person would be on the Local Emergency Planning Council (LEPC) and be the lead person to deal with all mitigation issues.
4	S-4: Citizens should be encouraged to join Community Emergency Response Teams (CERT). CERT teams could help support municipal mitigation actions.
60	S-5: Recommending property acquisition as a flood mitigation solution further victimizes residents who cannot control the decision to keep reservoirs at 100 percent capacity.
21	S-5: Mention should be made that Growing Greener in PA and Green Acres/Blue Acres in New Jersey are important for local matches to FEMA funds, which require local matching funds.
46	S-5, S-6.2 & FR-3: Will counties/communities that have severe rep loss properties be prioritized for funding? What is the timeframe that funding will become available? Funding is dependant on each municipality having a mitigation plan in place, can DRBC help expedite this?
5, 31	S-6 & FR-3: Support emphasis on floodproofing and elevation in historic communities and acquisition of floodplain properties elsewhere.
22, 31, 38	S-6: A process is needed to insure that property acquisition is appropriate and justified. Don’t use eminent domain for acquisitions but do so with incentives and fair market buyouts.
20, 60	S-6: Trenton should be included in the report with other communities mentioned for historic significance. Insert Trenton on page 33, paragraph 2, line 3.
20	S-6.1: Elevation of basement utilities needs to be mentioned as an effective means of flood proofing. Insert the phrase "of structure and or basement utilities" into page 33, paragraph 3, sentence 2.
21	S-7.3: A levee safety and inspection plan is supported.
22	S-8: A funding mechanism is needed to support private dam owners and government in dam inspection and maintenance activity

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Comment ID	Comment
	when they cannot afford it.
21	S-8: Dam safety enforcement is not adequately addressed in the action plan.
34	S-8: Supportive of dam safety inspections.
Specific problem/ location:	
23	Mashipacong Island ice flow channel needs to be cleared of debris that has collected from the last three floods.
56	Morrisville, PA has a retaining wall, why doesn't the Trenton Island Section have one?
57	Pipelines should be constructed along highways to carry floodwaters to deep abandoned coal mines; turbines for electricity generation, irrigation or geothermal are presented as possible end uses for the water.
1	Mitigation needs to be done with the huge gravel bar underneath the Route 17 overpass that crosses the Delaware River. Minor flooding at this location could impact the Airport Road area and Wastewater Treatment Plan improvements.
41	There seems to be a bias to flooding north of the Trenton railroad bridge, there is also a flood problem south of the bridge in the Broad Street Park neighborhood.
49	Consider completion of a flood control reservoir in upstate NY started by the Army Corps of Engineers in the 50s/60s and equip with water control features.
17	Cost benefit and ecological analysis should be conducted to evaluate wing dam removal and replacement where these structures raise flood levels.
31	Remove low head dams on tributaries to restore natural riparian areas and prevent flood waters from backing up, for example those on the Pequest in Belvidere, N.J. Also, remove abandoned structures in floodplain and on islands.
56	Can the National Guard be sent to sandbag the Island section of Trenton in times of need?
	Stormwater Management
General:	
5, 34, 59	Endorse proactive stormwater and waterway corridor management.
24, 49, 59	Support low impact development practices and non-structural stormwater management strategies
44	Development of upriver municipalities is partially to blame for these flood events, planning has been inadequate in upriver regions.
5, 27, 40	Stormwater enforcement is a problem in Pennsylvania. Help identify ways to require municipalities to enforce and implement their stormwater management ordinances. Under Pennsylvania law, stormwater requirements can be waived by the elected officials.
41, 57	Existing retention basins and culverts are in need of restoration and maintenance. Retention basins should be reevaluated for size.
Specific:	
6	SM-1: Stormwater Management Plans and Ordinances need to be integrated with local and regional flood management plans.
17, 21	SM-1: Regional stormwater management plans must be promoted and enforced at the local level.
2, 20, 21, 41, 56	SM 1.1: Consider rewording to allow for structural measures such as backflow preventers where they are the proper mitigation solution. Insert the phrases "and main stem river areas" and "backflow prevention" and "existing development" into page 38, paragraph 2, sentence 3.
21	SM-2: The EPA Clean Water Act generation of the MS4 permit system under NPDES should be mentioned.

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Comment ID	Comment
21	SM-3: The DRBC should work at the State/County level to implement ordinance changes
17	SM 3: Supportive of Low Impact Development; Future designs of bridges and culverts should minimize concentrated flows and promote natural channel stability.
21	SM 4.1: The phrase “more consistent implementation” could be replaced by “thoughtful enforcement” of existing standards.
21	SM 4.2: Include a note on the inspection requirements under the MS4, NPDES Phase II regulations.
21	SM-5: DRBC should review how smart growth and stormwater requirements can be addressed for re-development. Requirements for flood mitigation retrofits should be strengthened.
21	SM-5: Consider adding the USDA-NRCS programs as means of reducing stormwater runoff from existing development.
21	SM-5.1: Consider providing BMPs to older sites without stormwater control when retrofit is feasible.
21	SM 6.1: Data maintained by the DRBC, USGS, NWS/NOAA and the States should be made available to the public in a coordinated manner.
21, 47	SM-7: Address the need for streamlined and consistent permitting between the states specific to maintenance cleanouts. State land use policies and regulations make river/creek/ditch clean-out (necessary due to erosion) rather costly (engineering and permitting)
17	SM-7: Stream restoration guidelines should be developed that include measures to mitigate existing flooding and prevent future degradation of water quality and stream habitat resulting from flood induced erosion and sedimentation.
22	SM-7: Some of the statements related to channel clearing and permitting seem at odds with the flood mitigation purpose of the report or appear out of context.
25, 28, 56	SM-7: Erosion is a serious concern and financial relief is needed for riverbank restoration (invasive species - Japanese hops mentioned as a concern)
Floodplain Mapping	
General:	
6	Better communication is needed between the counties, FEMA and NJDEP as part of the floodplain map update process.
21	Adding dam failure inundation limits to Flood Insurance Rate Maps is supported.
4	Flood Hazard Maps-Once completed, make maps available on-line to emergency managers.
40	The flood maps along the river are inaccurate.
17	Floodplain mapping needs to extend to the headwaters of the tributaries.
53	Revise floodplain mapping based on the last three floods, take El/Nino/Global Warming effect into account
22	Compensation must be provided to those property owners who are prevented from using their property.
Specific:	
21	FM-2: The Task Force should consider the Report entitled “Reducing Flood Losses – Is the 1 percent Chance Flood Standard Sufficient” – The report of the 2004 Assembly of the Gilbert F. White National Flood Policy Forum.
21	FM-2.2: Agree that areas subject to levee or dam failures should be taken into consideration when preparing new floodplain maps.
22	FM-2: It is unclear why a 25 percent safety factor is necessary if the area is already built out.

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Comment ID	Comment
22	FM-2: There are not technical reports that support the 25 percent safety factor for the 100 year flow rate. Without this documentation, it is arbitrary.
22	FM-2: If the ‘no net fill’ restriction is imposed, it is unnecessary to apply the 25 percent safety factor.
22	FM-2: Potential flooding impacts from existing development should be controlled by retro-fitting existing conditions, not by curtailing future development.
21	FM-3: The Task Force is encouraged to view documents provided by the ASFPM on this subject.
22	FM-3: The cited 0.1 ft allowable rise standard appears to be directed at preventing development rather than at mitigating flooding. Analysis and documentation is needed to justify this rather than the New Jersey standard of 0.2 ft. rise or the FEMA standard of 1 ft rise.
Floodplain Regulations	
<i>General:</i>	
31, 34, 44, 49	Support a prohibition of new construction in the floodplain
5	Floodplain regulations in the basin need to be upgraded.
53	New floodplain building codes are needed after redelineation of floodplains
23, 31, 40, 49, 53	Existing floodplain regulations need to be enforced. There is a failure to enforce at the federal, state and local level.
29	Pennsylvania is recognized as being a development-friendly state, the state should take steps to reverse that.
25	Consider the long-term financial impact to riverside towns of more restrictive building codes (loss of ratables)
<i>Specific:</i>	
22	FR-1: The Task Force should encourage adoption of uniform, region-wide standards administered by state or county and not municipal entities.
22	FR-1: If floodplain protection requirements are adopted to prevent future construction, fill, or devegetation, then the Task Force should emphasize that compensation must be made to property owners by the respective governments.
21	FR-1: #4, The plan should recognize the resources required for producing the level of detail in the Pennypack Creek floodplain restudy.
22	FR-2: The certification of all local floodplain managers and local officials is supported.
22	FR-3: Rather than financing repeated reconstruction as under the Flood Insurance Program, better access to mitigation monies would enable communities to acquire flood prone properties.
22	FR-3: All flood prone structures should be required to carry flood insurance.
31	FR-3: Remove roads, waste water facilities, and public infrastructure that sustain repeated damage from flooding.
10, 11	FR-4: The term REALTOR® is a registered mark from NAR and may only be used by members of the association. The term “real estate licensee” is the more general term and should be used for purposes of this report.
10, 11, 12	FR-4: Such a significant disclosure obligation of “permits or other documentation from the states, flood insurance records, easements onsite or tax records” on a real estate licensee for information that is not within the personal knowledge of the licensee without extensive investigation is unreasonable and could unfairly place the licensee in jeopardy of legal or administrative prosecution.

**Summary of Written Comments received by March 7, 2007, on the
“Preliminary Action Plan Public Review Draft, January 2007” Issued by the
Delaware River Basin Interstate Flood Mitigation Task Force**

Comment ID	Comment
10, 11, 12	FR-4: Object that real estate licensees should become responsible for certain property condition disclosures that appropriately should only apply to the seller. We suggest that any final recommendation limit property condition disclosure obligations to sellers only. The onus is on the seller only to make these disclosures prior to a buyer being bound by a contract of sale.
11	FR-4: The requirement for a municipality to store individual property flood history would place a liability on the municipality. Why should a municipality store this information and what would it be used for?
22	FR-4: Support flood hazard disclosure requirements
21	SM-7 or FR: Address the need for streamlined and consistent permitting between the states specific to maintenance cleanouts. State land use policies and regulations make river/creek/ditch clean-out (necessary due to erosion) rather costly (engineering and permitting).
Flood Warning	
<i>General:</i>	
4, 22, 29, 31	Support and recognize the need for improved gaging, forecasting, and warning systems
22	DRBC should invest in tools that provide real time warnings and images for emergency management personnel.
4	The National Weather Service should develop a password protected site dedicated to emergency management personnel.
4	Support 6 hours frequency forecasting updates
<i>Specific:</i>	
36	FW-2: USGS gages immediately downstream of Cannonsville and Pepacton (Stilesville #01425000, Downsville #0141700) need telemetry for real-time access.
4	FW-2: Request for Hunterdon County forecast point.
22	FW-2: Additional financial sources should be sought to support the operation and maintenance of gages.
21	FW-2: Supports flash flood forecasting tool for the headwaters.
4, 21, 53	FW-10: Dam failure inundation mapping should be more readily available. Adding dam failure inundation limits to Flood Insurance Rate Maps is supported.
4	FW-10: All dam/levee emergency action plans should follow a standardized format to facilitate use by Emergency Management Officials. The plans should be available in electronic format and should be included into the EPI-Net system so that they are available on a protected on-line source.

**DELAWARE RIVER BASIN FLOOD MITIGATION TASK FORCE
PUBLIC MEETING #1**

**Thursday, February 8, 2007
Sen. Charles D. Cook County Office Building
Delhi, N.Y.**

(60 people in attendance)

Summary of Public Comments:

Tina Molé, representative of N.Y. State Senator John Bonacic

Delhi, NY; (A collection of 6 newspaper articles was distributed)

A statement prepared by Senator Bonacic was read. Senator Bonacic supports the needed studies and analysis mentioned in the task force document, but he urges that until these studies are completed and the results implemented, lowering the NYC reservoirs and creating sizable voids should be a first priority. He maintains that current reservoir levels, according to NYCDEP, are 15% above average. He suggests that there is no need for reservoir levels to be so far above average and he proposes that the reservoirs should be lowered immediately and the average levels of the reservoirs should be maintained.

James Eisel, Supervisor of Delaware County, N.Y. and Task Force Member

Mr. Eisel stressed that one of his main concerns is reservoir operations and that the current temporary spill mitigation program needs to become permanent. He believes this program, along with snowpack monitoring and releases, may have the ability to contain 50-60% of rainfall events that would otherwise cause flooding conditions.

Gerard Behrens

Downsville, NY

NYC reservoir levels need to be adjusted to account for rainfall and lowered to average levels.

Sam Rowe, Town of Hancock Supervisor, Delaware County, N.Y.

Hancock, NY

Attention was brought to recommendations S-3 through S-6:

S-3 Ensure Financial Assistance for State, County and Municipal Flood Mitigation Projects

S-4 Provide Training for Local Officials to Maximize Use of Available Mitigation Funding

S-5 Create Partnering Programs for Floodplain Acquisition

S-6 Establish Funding Priority Areas for Acquisition, Elevation, and Floodproofing

In regards to Hazard Mitigation Grant Program (HMGP) funding, following a disaster a certain percentage of all disaster funding is made available to the state for mitigation purposes. This pot of money is usually distributed from FEMA to the state and then is dispersed to all counties. During the June 2006 flood, the mitigation dollars were directed only to affected counties. Directing mitigation dollars to affected counties only should be continued in the future.

Delaware County has applied to FEMA for acquisition funds but has never been awarded any funds. Hancock has applied for acquisition funds and was denied. Small N.Y. towns are not able to meet the necessary qualifying requirements set by FEMA. The qualifying requirements should be revisited and help with prioritizing the applications is necessary.

Regarding recommendation SM-7 (Create Stream Restoration and Debris Removal Guidelines), because the area is mountainous and conditions vary from other areas in the basin, the township would like to be involved in and kept aware of the development of any such guidelines.

HMGP funding recently made available to N.Y. requires a 25% local match. A lot of the work that would qualify for funding has already been done through FEMA. Current FEMA bank armorization using riprap, however, is causing incision of the stream bed and eroding private property. A better, long-term solution than the FEMA riprap should be found.

Use of Natural Resource Conservation Service (NRCS) Emergency Watershed Protection funding is limited because it can only be used near a roadway and it cannot touch private property. Instead, funding should be made available to repair/restore a damaged stream on a watershed basis, not only near a roadway.

Robert H. Homovich, Supervisor of the Town of Colchester, Delaware County, N.Y.

Downsville, NY

N.Y. towns cannot afford unfunded mandates. Town ordinances have been reviewed and they seem to work as is. Now, new FEMA mapping using recent high water marks has put the whole valley in the floodplain. The floodplain ordinance for the town did not anticipate and was not designed for this change. Now, with the change in floodplain and floodway, what does this do to the local economy? To real estate values? To the tax base? To flood insurance rates of existing residents who are now told they are in the floodway? Will banks still hold the mortgages of existing residents? The town would like answers to these questions. If towns are going to be asked to regulate, it must be something that the towns can live with.

Years have gone by with no stream maintenance. The river channels need to be maintained and have a planned maintenance schedule in order to clear out debris. Right now, Colchester has six miles of trash, trailers, uprooted trees, etc. He cannot get any funding from agencies for debris removal.

Reservoir operation plans that are operated in a realistic and flexible manner are needed. Stormwater management will bankrupt towns; funding must be provided.

Joan Homovich

Downsville, NY

Ms. Homovich lives one mile downstream from Pepacton. Nine events have flooded her home. She offered the following thoughts:

Recommendation R-3 (Evaluate Discharge Mitigation Programs for Reservoirs): She believes planning takes too long. Something should be done now.

Recommendation R-2 (Develop an Interoperable Reservoir Operating Plan): She is concerned about the implementation time of three years.

DRBC Resolution 2006-18 (Interim Spill Mitigation Plan): Needs to be evaluated now. Release rates need to be increased and reevaluated, especially for Pepacton at the L2 level. Why does Pepacton have the smallest release capacity of the program? An evaluation of flood thresholds immediately below Cannonsville and Neversink was recently performed by the National Weather Service. As a result, the maximum combined spill and release flow rate for each of these reservoirs is being reevaluated. Why was the flood threshold not reevaluated for Pepacton?

Recommendation FW-7 (Evaluate River Forecast Points): In the recent USGS report on the April 2005 event in the Neversink River Basin, gages 01417000 (East Branch at Downsville) and 01425000 (West Branch at Stilesville) are listed. Why aren't these gages available online with real-time data? These should be prioritized for updates.

Jim Serio, Delaware River Foundation

Hancock, NY

The adaptive release policy for the NYC reservoirs is needed and goes a long-way in the short-term. The policy will be released in March at DRBC's Regulatory Flow Advisory Committee meeting. The adaptive policy will look at what is coming into the reservoirs to convert uncontrolled spills into controlled releases. In order to create any substantial voids in anticipation of hurricane season, the program must begin in summer.

Habitat and recreation need to be highlighted in the report. Yes, we need to mitigate floods, but doing so also provides and maintains better habitat which in turn creates and sustains recreation, including fisheries.

More downstream water supply is already being addressed at the FE Walter Dam with the new current flow management plan allowing the pool elevation to be maintained at 65 feet.

Stanley Woodford, Supervisor, Town of Deposit, N.Y.

Deposit, NY

Regarding the flexible flow program and DRBC Resolution 2006-18, Mr. Woodford would like to see the reservoirs lowered to 80%.

He also would like to know if there is a way to dredge the rivers without hurting the fish.

David Jones, Kittatinny Canoes

Dingmans Ferry, PA

Kittatinny Canoes cannot afford another flood. \$0.5 million was lost in the last flood and in addition revenues have been lost. Controlling the reservoirs is a short-term solution. NYC needs to release water in the summer to create voids and control flow.

The June flood created an artificial floodplain. His buildings were built higher than the 100-year flood levels and yet they were inundated this past flood. He is concerned about changes in the floodplain and the damage caused by erosion. In considering any regulations, land owner rights must be evaluated and just compensation provided for any imposed economic burden.

Ken Pyle

Delhi, NY

Mr. Pyle, a 30-year Delhi resident, is concerned with future development and believes all future development should wait and take into account new studies and delineations of the floodplain and floodway. He is concerned that when development is allowed in the floodplain, the allowed fill will displace water elsewhere and exacerbate future flooding conditions downstream. Local towns need development, but they need safe development.

Antonio Scielzi

Delhi, NY

FEMA will only pay for riprap in repairing stream beds. This does not solve the problem and is only temporary. The riprap placed at one bridge has already moved. A longer-term solution should be sought and the funding should be expanded to cover large stone and slate.

Elaine O'Neil, Delaware Riverside Conservancy (DRC)

Belvidere, NJ

The temporary spill mitigation plan, Resolution DRBC 2006-18, does not take into account rainfall. A plan needs to be put in place that is flexible and adaptive. Release rates need to be increased.

The Delaware Riverside Conservancy was originally a member of the task force, but it has withdrawn its name from the report because there are no short-term recommendations and the recommendations suggested by DRC (including mandated reservoir voids and retrofitting the NYC outlet works) were not accepted into the report.

Bob Mackey, NJ resident

NYC has an arrogant attitude and greater releases should be made.

Edward (Skip) Garlits, PA resident

A main stem flood flow control structure at Walpack Bend in the Delaware Water Gap and a reservoir along the Flat Brook would provide for the water supply needs of downstream users (N.J. & Pa.) during droughts. This creation of a new water supply may allow the decree parties to agree to greater voids in the NYC reservoirs.

**DELAWARE RIVER BASIN FLOOD MITIGATION TASK FORCE
PUBLIC MEETING #2**

**Thursday, February 15, 2007
Carvel State Office Building
820 North French Street, Wilmington, Del.**

(5 people in attendance)

Summary of Public Comments:

No comments were made.

**DELAWARE RIVER BASIN FLOOD MITIGATION TASK FORCE
PUBLIC MEETING #3**

**Tuesday, February 20, 2007
William Antheil Elementary School,
339 Ewingville Road, Ewing, N.J.**

(75 people in attendance)

Summary of Public Comments:

Bill Kearney, Co-president Island Civic Association

Trenton, NJ

A statement signed by 101 community members of the Island section of Trenton was read. The association appreciated the report and hopes that the commitment to study the problem carries through to a commitment to implement a solution to the problem. The association appreciates that many of the recommendations need appropriate research, studies and planning and it endorses the data driven process. But, there are some obvious community- or organization-specific deficiencies that could be prioritized and committed to now. Prioritization is an important next step, along with subsequent identification of projects and allocation of appropriate funding.

In the Island section of Trenton, most of the community experiences basement flooding primarily caused by backwater flooding. Insurance only allows replacement of utilities (furnace, electrical, etc.) to be returned to the basement. The community needs grants or available funding in order to raise these utilities to an upper floor. This would allow for a solution and prevent loss of these utilities during the next event.

In addition, the community needs retrofitting of storm sewers in order to prevent backwater flow into the neighborhood. Following the April 2005 event, a passive elbow joint was installed that worked effectively to prevent damage during the June 2006 event. Active backflow prevention devices as opposed to passive would be even better for the community.

Elaine O'Neil, Delaware Riverside Conservancy

Belvidere, NJ

She said the Delaware Riverside Conservancy was a Task Force member, but withdrew from the process because their recommendations were ignored by the task force since New York City would not agree to them. She went on to say their recommendations included retrofitting release works, 20%-30% voids, and using shaft #6 to take additional water out of the reservoirs. The temporary spill release program does not take into account rainfall. While the releases to date through the program (142 BG) are impressive, it is worthless compared to what is still retained in the reservoirs (combined 89%). The program is designed to allow the reservoirs to be 100% full at the start of June and won't be in effect during hurricane season. She questions the "neighborliness" of New York City.

Barry Ziff

New Hope, PA

Stream restoration was addressed in the report. What about reservoir restoration? The silting issue/problem needs to be addressed to determine if storage is being lost. He read an article

reporting that per capita water consumption is down; if this is true, does New York City need as much reservoir storage for its drinking water?

Kurt Weirich, American Red Cross Director of Emergency Services

Princeton, NJ

He commends DRBC on the report and its recommendations. He strongly supports mitigation and elevation programs. He all too often has responded to floods on the Delaware and would like this cycle of repetitive floods to end. The only way to end this cycle is to have comprehensive, properly funded mitigation plans that continue to be implemented. Stream gaging along with modeling, prediction and warning are very important. These tools make it easier for residents and emergency management personnel to understand the forecasted event and respond appropriately. He added that these tools should be made more easily accessible to the public and more data should be made available to first responders. He advocates flood insurance and flood mitigation opportunities. A public education and awareness campaign is critical for residents and communities to appropriately respond to flood events and plan for the future.

Joe Bair

Trenton, NJ

He lives across the street from the Island section and believes that reservoir levels will not go down until there is a drought. He noted the high level of anxiety due to current high reservoir levels and expressed concern about a future ice jam. Residents need better information regarding elevation of appliances. It is very hard to figure out how high they should be elevated. Future LIDAR and accompanying digital flood maps will help, but they need the information now. Sewage infiltration, which impacted his property, should be addressed. Sewer vents need to be protected from flood waters with collars. He had a specific inquiry about the New Jersey Governor's Flood Mitigation report and will follow up directly with John Moyle.

Jim McManimon, Ewing Twp Administrator

Ewing, NJ

Stormwater backflow preventors are needed to protect Ewing Township, too. There are 69 outfalls between Trenton and Ewing. Many of the outfalls along Route 29 are owned by the State of N.J. In one section of Ewing Twp. in the vicinity of Wilburtha Road, 500 homeowners and apartment residents go without power in the event of a flood. The power company has estimated that it would cost \$150,000 to relocate the grid.

Comments by the audience: Medina Consultants, working for N.J. Department of Transportation, is looking at all outfalls currently along Route 29. Yardley, Pa. also has a problem with backflooding due to storm drains.

Doug Gravier, Lambertville, N.J. Resident

Grants or insurance are needed to help pay for the elevation of utilities or help defray the costs of disconnecting/re-connecting utility service. Elevation of utilities can cost between \$10,000-\$15,000. This is a short-term solution that many will be able to take advantage of. He's not expecting that all costs can be covered, just some of them.

He plans to set up a Yahoo User Group ("Yahoo @ Delaware River Flooding" or something like that) so all meeting attendees can coordinate and work together.

Jay McLaughlin, Waste Management

Morrisville, PA He coordinates disaster response for Waste Mgmt. from Sullivan County, N.Y. down to Trenton, N.J. He warns that there is a depression setting in around river towns. We need a more proactive approach to flood mitigation, not just improved flood warning. The report makes it sound like we are surrendering. We are losing the serenity of living in a river town and the government owes us more.

Gail Pedrick

New Hope, PA

She witnessed the 1955 flood (a one day flood), the 2004 flood (a one day flood), the 2005 flood (a two day flood), and the 2006 flood (a three day flood). The reservoirs need to be lowered! These recent events were lengthened by the reservoirs. She referred to a lawsuit against New York City for mismanagement of the reservoirs and is concerned that silt buildup is weakening the dams which would be catastrophic if they would fail. Flooded residents should have had a seat on the task force. Regarding a potential ice jam, she is concerned about the potential buildup and would like to know what will be done in the event of an ice jam. She remembers the 1996 jam up in Milford, PA when she was given only three hours to remove belongings from her home and is worried that a similar scenario could occur. She believes dynamite was used in the past to break up ice.

Mary Lou Delahanty, Glen Afton Civic Association, Trenton

Trenton, NJ

She applauds the study, but we need measures that can be implemented now. One such measure is the creation of a void in the NYC reservoirs. The current spill mitigation program expires May 31 and it needs to continue beyond that date. Concern was expressed about working relationships with NYC and the possibility of going back to the U.S. Supreme Court was suggested. The possibility of building more reservoirs was raised.

Nancy McKeen, Glen Afton Civic Association, Trenton

Trenton, NJ

Acquisition and open space are seen as white surrender flags. The report makes it seem as if we are giving up. She is upset that Trenton is dismissed from being a historic community.

We need more proaction (like the Trenton plan), not reaction as this plan seems to be. There are outfalls that can be addressed. In fact, one check valve was installed in the Sanhickon system for \$100,000 by NJDOT. More outfalls need to be addressed and more grants made available.

Why were no flooded residents/citizens from Trenton asked to participate on the Task Force? Why was DOT not on the task force? Why wasn't flooding on smaller streams, like the Assunpink Creek, specifically addressed?

David Laird II

Trenton, NJ

He is concerned with Spring Lake and its designed function as an extended detention basin. He also has concerns about culverts placed in the wrong places and nonpoint source pollution as well as the D&R Canal and its flood gates system.

Lucy Walter, Mercer County Freeholder

Congressman Holt held a meeting for flooded residents back on August 14, 2006. At that meeting, DRBC was one of the speakers present. At that meeting, Freeholder Walter expressed her desire for Mercer County involvement; reverse 911, etc. She is disappointed that Mercer

County was not included as a Task Force member and that they should have been part of the process. She feels that Hunterdon and Warren counties had ample representation and that Mercer was ignored. The N.J. Association of Counties would have been a good task force member, too. We need a multi-jurisdictional approach with county governments being a key player. A seamless system across county boundaries is needed for immediate emergency response.

Deborah Roussell, Island Civic Association

Trenton, NJ

The Island section needs better efforts to add backflow prevention devices and to retrofit storm sewers. One was recently retrofitted, which is positive but cost \$100,000. This is 1 out of the needed 69. Also, the Island section needs help to move up utilities out of basements. This study and report are positive, but the work cannot be forgotten 10-15 years down the road if there is a period of no flooding; we need to be diligent in working towards implementation. Pressure must be put on elected officials.

Jolene Cooper

Resident of the Byram section of Kingwood, Hunterdon County, NJ

The Byram section of Kingwood has been repetitively flooded. It is a small (approximately 40 homes), but committed community. Funding and grants for elevation of homes is desired. FEMA continues to spend dollars for mitigation, but dollars committed to elevating homes falls short. She is concerned about a lack of funding to implement measures. She believes that is why so much attention is focused on reservoir management since those are actions that can be done relatively quickly without requiring a lot of money.

Silt levels in the reservoirs should be addressed prior to considering raising the reservoirs. More voids in the reservoirs are important. Even if they only create an additional inch downstream, that inch is important to the downstream residents.

Unidentified Person

A look should be taken at how development in the Lehigh River Valley impacts flooding. Land development, impervious cover, and zoning decisions all have an impact on runoff, which exacerbates flooding.

Assemblywoman Marcia Karrow, N.J. State Legislature (District 23) and Task Force Member

She represents 16 flooded communities in Hunterdon and Warren counties. She emphasized recommendation S-1, Fund a Comprehensive Flood Mitigation Study of the Entire Delaware River. This recommendation would allow the Army Corps of Engineers to study all structural and non-structural solutions to flooding. N.J. has already made a commitment to the Army Corps for a limited portion of the study. All four governors would need to provide funding for this unfettered study.

**DELAWARE RIVER BASIN FLOOD MITIGATION TASK FORCE
PUBLIC MEETING #4**

**Tuesday, February 27, 2007
Hugel Science Center, Lafayette College
Easton, Pa.**

(100+ people in attendance)

Summary of Public Comments:

Doug Platz, Office of Congressman Patrick Murphy (8th District-Pa.)

Congressman Murphy said in a prepared statement that flooding is changing the current landscape and that the task force's report is a strong step in the right direction. The congressman is eager to be of assistance with the report's implementation. He is concerned over the operations of the NYC reservoirs and recommends that the current temporary spill mitigation program be extended through the current flood season. He urges the decree parties to come up with an agreement prior to the May 31 expiration date.

Phil Chase, Upper Delaware Council

Port Jervis, NY

A prepared statement was read. He noted that he previously worked on efforts to stop Tocks Island Dam. He warned that NYC has always wanted to avoid the costs of filtration and pumping that would be necessary to take water from the Hudson. Other towns, such as Hyde Park and Poughkeepsie, drink Hudson water and NYC could, too, if the city would pay an estimated \$8 billion for a filtration plant. NYC has put millions into purchasing farmland and building new sewer plants in the headwaters of Cannonsville. He referred to the 1951 "Little Hoover Commission" which was comprised of experts from around the nation hired by NYC. He said this commission recommended that Cannonsville should not be built, that all drinking water should be filtered, and that the city's water tunnels should be fixed. In addition, this panel found that it is possible to pump 325 million gallons per day (MGD) from the Hudson. He stated that this should be done in order to allow for voids in the NYC Delaware Basin reservoirs. He also warned that when the Delaware Aqueduct is closed for maintenance in the next few years, none of the allowed 800 MGD diversion to NYC will be made. It is possible that the Catskills Aqueduct will close down for maintenance in the future and then the full diversion of 800 MGD to NYC out of the Delaware reservoirs can be expected. If 325 MGD is taken from the Hudson, the allowed NYC diversion of 800 MGD is decreased, which creates the possibility of a 70-100 billion gallon void.

DRBC does not have the authority to do what needs to be done due to NYC's veto power as a decree party. He said there is a need to return to the U.S. Supreme Court to take back the 800 MGD diversion from NYC and believes NYC should be stopped from selling water to other out-of-basin customers.

William Kays

Warren County resident

To reduce floods, the flow in the Delaware should be expedited to the Atlantic Ocean.. Inflows to the river should be controlled, but also trees and vegetation should be removed from river

islands in a controlled manner, some of the river islands should be removed and the S curve in the Delaware should be straightened or else a canal should be put through it.

Diane Tharp, Delaware Riverside Conservancy Member

Minisink Hills, PA

NYC reservoirs and Lake Wallenpaupack need to have adequate and coordinated spill mitigation plans. There needs to be a permanent year-round provision to keep a void for flood mitigation purposes in all reservoirs. Increased releases are necessary in order to account for times of increased inflow (runoff) to the reservoirs. A spill mitigation program will not work unless it takes into account rainfall. In addition, it is not prudent for NYC to create additional storage in its basin reservoirs. She is concerned that a newspaper investigation showed that reservoir inspection reports were falsified.

JoAnn Kennedy

Martins Creek, PA

There is a severe failure of adequate enforcement of floodplain and stormwater regulations at the federal, state and local level, and confusion over who should be doing the enforcement. Hazard mitigation plans have not been completed by her township in a timely fashion, so residents have lost funding assistance opportunities. Floodplain maps are inadequate. Development is continuing. Strict enforcement of programs already in place is needed at all levels of government and all agencies must coordinate their efforts.

Robert Belstra

Blairstown, NJ

Mr. Belstra owns a farm in Hope Township along the Beaver Brook, a quick response stream. In June, the private bridge spanning the river was washed away. FEMA directed him to contact the Farmers Home Administration for a loan. Why isn't more aid being given to homeowners?

The NYC reservoirs should have greater releases before flood events. Channelization is a good idea. Is there another site for a dam like Tocks Island that could be used since that location did not work out? (He said a dam also would help with hydropower generation).

George Kelchner, Delaware Riverside Conservancy President

Phillipsburg, NJ

Over the past six years, the NYC population has increased by 9% but water consumption has decreased by 450 million gallons. Why does NYC need so much water? Prior to both the September 2004 and April 2005 flood events, NYC was not making any diversions. He understands the reason is because the city did not want to aggravate conditions at Rondout Reservoir. If need be, let's modify Rondout and get Shaft #6 working in order to divert more water from the reservoirs to the Hudson. He later added that he thought the floods were manmade, not natural.

Jeff Russo, Delaware Riverside Conservancy Attorney

He is an attorney representing a nonprofit with hundreds of residents. One formal objection he made was over the approach, ideals and focus of the task force since he believes public comments were not procedurally taken into consideration. He also formally objected to the subjectivity of that evening's powerpoint presentation regarding the reservoirs and the timing of the proposed Flexible Flow Management Plan now under consideration. He believes that this was done to taint the public.

Kathy Davis, Delaware Riverside Conservancy Member

Bangor, PA

The report has some merit, but it is not good or quick enough. Short-term actions are needed. The Supreme Court decree must be revisited because NYC is arrogant. She noted that nine lives were already lost and future floods will kill more people.

Mark Klouda, Delaware Riverside Conservancy Member

Columbia, NJ

He questioned why there were no flooded residents on the task force.

Robert Tailor

Lower Mt. Bethel Township, PA

Should penalties, in addition to the removal of flood insurance, be attached to lack of appropriate enforcement? Most local governments do not know how to adequately enforce their floodplain management ordinances. Local officials need training and licensing.

Lack of appropriate local control was evident after the recent PPL fly ash spill. The township allowed PADEP to lead operations and he does not believe township interests were protected.

Lake Wallenpaupack needs to release water prior to the river cresting. During one of the floods, PPL released water at 3 a.m., the worst possible time. He said this increased water levels at this house by nine feet. Coordination and action plans need to be in place to avoid this occurrence in the future.

Mel Kaplan

Bushkill, PA

He has been an emergency management volunteer for 30 years. Those who do not learn from past experiences are doomed to repeat them. He warned of the event in the Susquehanna Basin about 35 years ago when an earthen dam was overwhelmed and floodwaters inundated Wilkes-Barre and Harrisburg. Dredging of tributaries used to be common place in the late 1960s. Today, dredging is no longer done and the channels have filled with rock. The flood plain maps have to be wrong if dredging hasn't occurred since they were drawn.

Mary Shafer, Author of “Devastation on the Delaware,” Local Weather Communicator for Nockamixon Township, PA

Ferndale, PA

Four things affect flooding: nature, communication, technology and human behavior. Some circumstances we do not have much direct control over, including shifting climatic conditions and NYC reservoir levels. But one thing we do have direct control over is our own behavior. For the larger decisions, people need to affect local politics – show up at township meetings and make sure to vote in your local elections.

Rivers flood, floods cannot be stopped, and floodplains are a necessary part of a “living” river. Perhaps the Supreme Court decree should be revisited, but people who live in the floodplain must accept the risks associated with living in the floodplain. She mentioned that there is a dichotomy between those who live “on the river” vs. those who live “with the river.” “With the river” residents believe that floods are a “beauty tax” that you must accept in order to live with the beauty of the river all other days of the year. “On the river” residents believe that the river and government owe them something. The reality is that people should be helped to move out of the floodplains and that future development needs to be restricted from the floodplains.

Robert Johnson, Easton Citizen Action Group

Easton, PA

We need to stop development in the floodplain! In downtown Easton, a “Riverwalk” project is planned 20 yards from the river on a vacant property that was inundated by the June 2006 flood to a height of eight feet. Government needs to make a conscious decision not to allow developers to continue to build in the floodplain. These are obstructions during future floods and should not be allowed. We need a moratorium on development in the floodplains.

Someone else in the audience added that better federal/state/regional enforcement of regulations already in place is needed.

Elizabeth Weaver, Friends of the Delaware Canal Board Member

Easton, PA

The preservation and restoration work needed for the flood-damaged Delaware Canal is estimated to be \$31 million dollars (cost share: 25% state and 75% federal/FEMA). The canal is a national historic landmark and the work will be completed between Easton, PA and Bristol, PA. She does not believe these costs are included in the task force documents and poster displays.

Edward (Skip) Garlits, PA Resident, Task Force Contributor

A main stem flood flow control structure at Walpack Bend in the Delaware Water Gap (controlling 74% of the drainage between the Delaware Water Gap National Recreation Area and Trenton) and a reservoir along the Flat Brook would provide for the water supply needs of downstream users in NJ & PA during droughts. If built, they may allow the decree parties to agree to greater voids in the NYC reservoirs in order to protect homes and infrastructure downstream. He believes we have to move towards structural measures for flood loss reduction.

Craig Gillhouse

Belvidere, NJ

He said development along the Brodhead Creek in the Poconos needs to be considered. He believes that creek discharged more than the Lehigh River during one of the floods. Development in the Poconos and lack of dredging on the rivers are exacerbating flooding.

Elaine O’Neil, Delaware Riverside Conservancy Member

Belvidere, NJ

She said the Delaware Riverside Conservancy was a task force member, but withdrew from the process because their recommendations were ignored by the task force since NYC would not agree to them. A problem with the task force is that everything was decided by consensus. She went on to say their recommendations included retrofitting release works, 20%-30% voids, and using shaft #6 to take additional water out of the reservoirs. The temporary spill release program does not take into account rainfall; what matters is the amount of water stored in the reservoirs, not the amount of water released under the program. The recurrent theme is that we need voids to reduce flooding and we need to look at using shaft #6 to release water into the Hudson. NYC needs to step up and be socially responsible. She would like DRBC to go back to the Supreme Court because the decree is outdated. She is not an advocate of a main stem dam since it would put more control in the hands of the government and she does not believe that such a long-term, government solution will benefit homeowners like her along the river.

Assemblywoman Marcia Karrow, N.J. State Legislature (District 23) and Task Force Member

She represents 16 flooded communities in Hunterdon and Warren counties. She emphasized recommendation S-1, Fund a Comprehensive Flood Mitigation Study of the Entire Delaware River. This recommendation would allow the Army Corps of Engineers to study all structural and non-structural solutions to flooding. N.J. has already made a commitment to the Army Corps for a limited portion of the study. All four governors would need to provide funding for this unfettered study.

She noted that the Delaware Riverside Conservancy recently sent a letter to Governor Corzine requesting that the Supreme Court decree be revisited. She noted that her office will track and follow any action that occurs as a result of that request. She believes it needs to be added as a recommendation by the task force.