

Floodplain Project Scoping



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Floodplain Project Scoping

Presentation Overview

- Introduction
- Site Visits
- Regulations and Ordinances
- Permitting
- Case Study

Floodplain Project Scoping

Introduction

- Scoping - an investigation to evaluate and determine the extent of a situation in order to insure that you understand what will be required to complete the project.
- If you do not fully scope a project you may not fully understand a projects needs.
- If scoping is not done or done improperly it has the potential to cost you and your client time and \$\$\$.

Floodplain Project Scoping

Introduction

- A project should be scoped prior to bidding and/or prior to permit application submittal.
- When scoping a project there are three important aspects that you need to understand:
 - The extent and desired results of the project
 - The regulations and ordinances that apply to the project
 - The permitting requirements for the project

Floodplain Project Scoping

Site Visits

- Are a valuable way to help the applicant, consultant, and regulatory agencies insure a smoother more efficient permitting process.
- For complex projects it is advisable to have the joint (multi-agency) site visit prior to the applications submittal in order to insure, that everyone understands the full extent of the project, and everyone is on the same page.

Floodplain Project Scoping

Site Visits

- A multi-agency site visit allows each agency to identify any problems that may be associated with their agencies ability to permit the project.
- Helps identify up front, exactly what types of information the regulatory agencies will be requiring.
- Helps save time and \$\$\$ for everyone.

Floodplain Project Scoping

Regulations and Ordinances

- The floodplain program is a multi-layered program that originates at the Federal level, is coordinated at the State level, and administered at the local level.
- It is important for you to understand the Federal, State, and local regulations and ordinances that may apply to your project.
- A project that receives a local floodplain permit may also require a data submittal to FEMA (i.e. LOMC's, No Rise Certification, Elevation Certificate).

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Regulations and Ordinances

- FEMA Code of Federal Regulations, CFR 44 Emergency Management and Assistance.
- Montana Code Annotated (MCA's) 76-5, Floodplain and Floodway Management.
- Administrative Rules of Montana (ARM's) 36, Floodplain Management.
- Local Community Floodplain Regulations and Ordinances.

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Regulations and Ordinances

- When it comes to issuing a floodplain development permit, the local community is the decision maker.
- While most local floodplain regulations and ordinances are similar, they are not all the same.
- This is also true when it comes to the need for a floodplain analysis associated with the subdivision process.

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Permitting

- 310, 124, 404, 318, Section 10, SMZ's, BMP's.....
...the alphabet soup called the permitting process.
- There are a host of permits, easements, laws, and procedures that may apply to a project located in a riparian area.
- Understanding the permitting process is a key component of properly scoping a project.

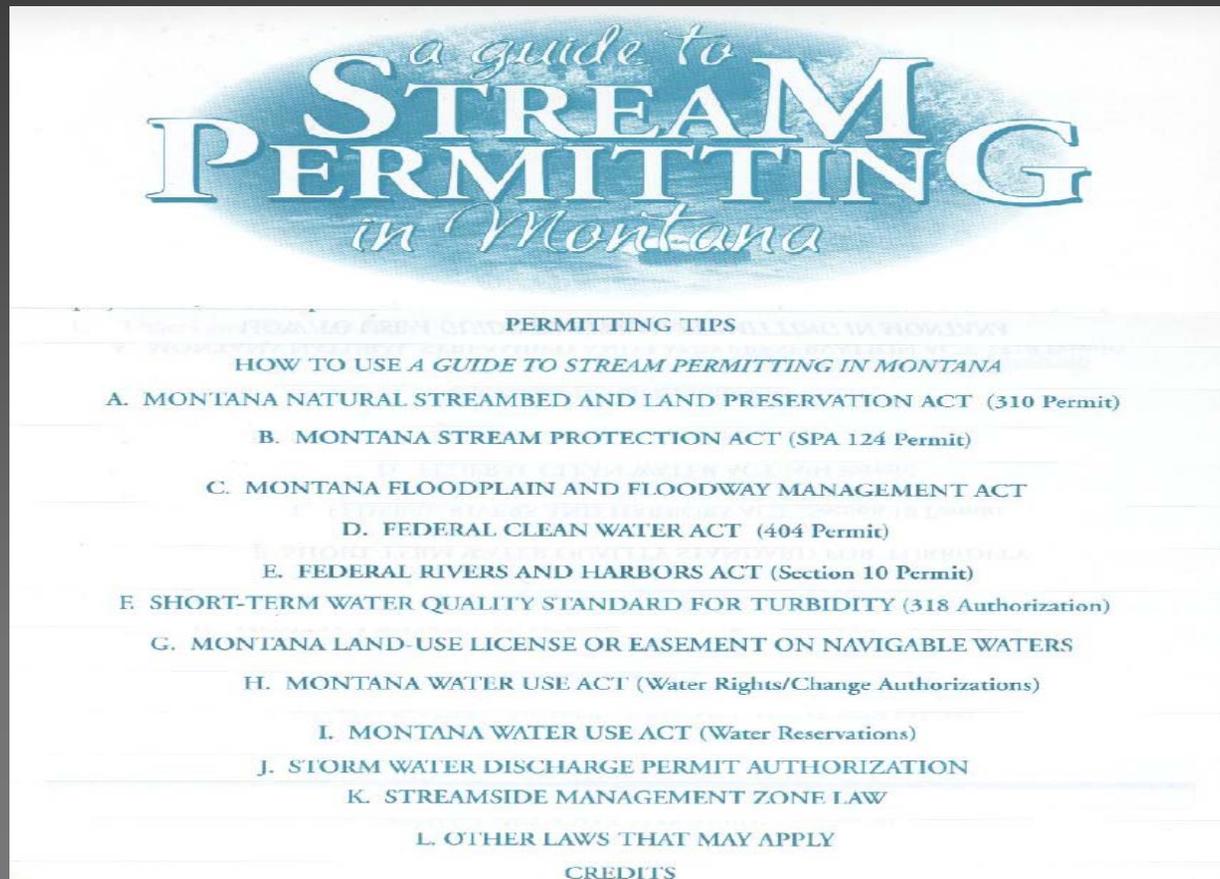
Floodplain Project Scoping

Permitting

- FEMA regulations require that all other applicable permits be obtained for a project before the local floodplain permit can be issued.
- When it comes to permitting it is better to ask and be told no, than not to ask and have a project stopped and/or held up waiting on a permit you didn't get.
- If not done properly, the permitting process can delay a project to the extent that you lose your construction window or it changes the scope of the project.

Floodplain Project Scoping

Permitting



Floodplain Project Scoping

Permitting

- Whenever possible use the “Joint Application For Proposed Work In Montana’s Streams, Wetlands, Floodplains, and Other Water Bodies”.

- Follow the instructions and answer all of the questions.

Revised: 2/16/10 (310 form 270) Form may be downloaded from: www.dnrc.mt.gov/permits/default.asp	AGENCY USE ONLY: Application # _____ Date Received _____ Date Accepted _____ / Initials _____ Date Forwarded to DFWP _____
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JOINT APPLICATION FOR PROPOSED WORK IN MONTANA'S STREAMS, WETLANDS, FLOODPLAINS, AND OTHER WATER BODIES

Use this form to apply for one or all local, state, or federal permits listed below. "Information for Applicant" includes agency contacts and instructions for completing this application. To avoid delays, submit all required information, including a project site map and drawings. Incomplete applications will result in the delay of the application process. Other laws may apply. It is the applicant's responsibility to obtain all permits and landowner permission, when applicable, before beginning work.

PERMIT	AGENCY	FEE
<input checked="" type="checkbox"/> 310 Permit	Local Conservation District	No fee
<input type="checkbox"/> SPA 124 Permit	Department of Fish, Wildlife and Parks	No fee
<input type="checkbox"/> Floodplain Permit	Local Floodplain Administrator	Varies by city/country (\$25 - \$500+)
<input type="checkbox"/> Section 404 Permit, Section 10 Permit	U. S. Army Corps of Engineers	Varies (\$0 - \$100)
<input type="checkbox"/> 318 Authorization	Department of Environmental Quality	\$250 (318)
<input type="checkbox"/> 401 Certification		\$400 - \$20,000 (401)
<input type="checkbox"/> Navigable Rivers Land Use License or Easement	Department of Natural Resources and Conservation, Trust Lands Management Division	License \$25; Easement \$50, plus annual fee

A. APPLICANT INFORMATION

NAME OF APPLICANT: _____
 Has the landowner consented to this project? Yes No
 Mailing Address: _____ Day Phone: _____
 Physical Address: _____ Evening phone: _____
 City/State/Zip: _____ E-Mail: _____

NAME OF LANDOWNER (if different from applicant): _____
 Mailing Address: _____ Day Phone: _____
 Physical Address: _____ Evening Phone: _____
 City/State/Zip: _____ E-Mail: _____

NAME OF CONTRACTOR/AGENT (if one is used): _____
 Mailing Address: _____ Day Phone: _____
 Physical Address: _____ Evening Phone: _____
 City/State/Zip: _____ E-Mail: _____

B. PROJECT SITE INFORMATION

NAME OF STREAM or WATER BODY at project location _____ Nearest Town _____
 Address/Location: _____ Geocode (if available): _____
 _____ 1/4 _____ 1/4, Section _____, Township _____, Range _____, County _____
 Longitude _____, Latitude _____

The state owns the beds of certain state navigable waterways. Is this a state navigable waterway? Yes or No.
 If yes, send copy of this application to appropriate DNRC land office – see Information for Applicant.

ATTACH A PROJECT SITE MAP OR A SKETCH that includes: 1) the water body where the project will take place, roads, tributaries, landmarks; 2) a circled "X" representing the exact project location. IF NOT CLEARLY STATED ON THE MAP OR SKETCH, PROVIDE WRITTEN DIRECTIONS TO THE SITE.

This space is for all Department of Transportation and SPA 124 permits (government projects).	
Project Name _____	Contract letting date _____
Control Number _____	MEPA/NEPA Compliance <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, #14 of this application does not apply.

Floodplain Project Scoping Case Study

- This case study will illustrate a floodplain project where incomplete scoping had a significant impact on the project, the consultant, and the applicant.
- The case study presentation is not meant to be critical of any one group, but rather to illustrate the need of properly scoping a project.

Floodplain Project Scoping Case Study

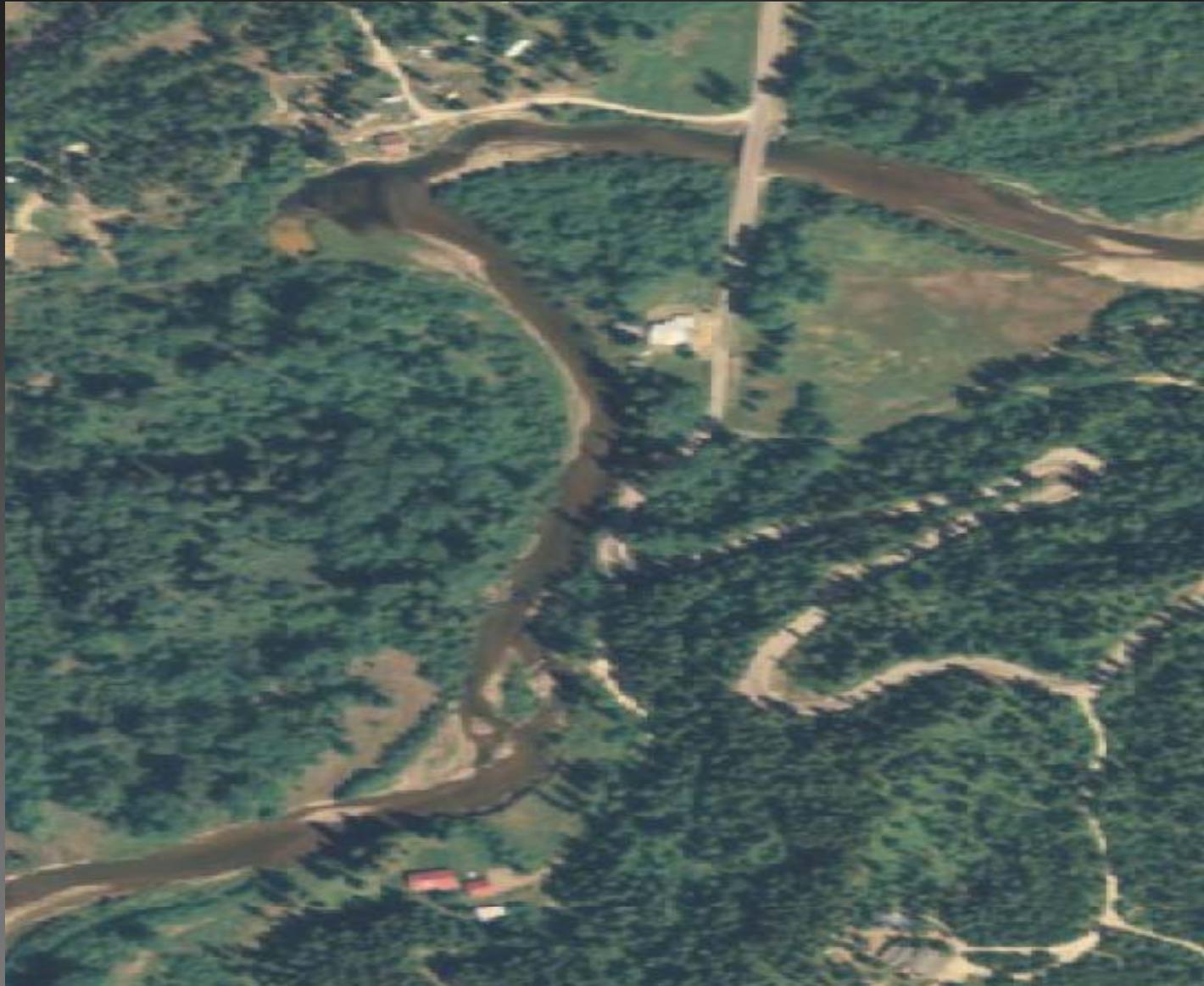
- The proposed project was located within a FEMA designated A zone 100 yr. floodplain.
- The bank stabilization and channel restoration project was proposed because the eroding bank was going to capture the applicants access road into his seasonal home.

Floodplain Project Scoping Case Study

- The project proposed covered an 850 ft. reach of the stream using a combination of rip rap, root wads, erosion control blankets, and other bio-engineering techniques .
- The project was proposing to add structures designed to decrease the stream's width to depth ration, provide fish habitat, stabilize an actively eroding outside bank, and to lay back and re-vegetate portions of the bank that had been over steepened by erosion.

Floodplain Project Scoping Case Study

- Approximately 733 cubic yards of fill, consisting of 600 cubic yards of cobble and 133 cubic yards of large woody debris (25-35 root wads), was proposed to be added in to the 100 yr. floodplain.
- Within ½ mile downstream of the proposed project there are two residential structures, a garage, and a County road bridge that were also in danger of being captured by the stream.







Floodplain Project Scoping Case Study

- Floodplain Application submitted to the County and copies forwarded to DNRC on 2/4/09.
- Proposed starting date 3/2/09.
- DNRC recommendations and comments submitted to the County on 2/13/09.

Floodplain Project Scoping Case Study

- Despite numerous discussions and correspondence involving the County, the State, and the consultant, the recommended technical data was not submitted.
- The applicant lost the only access road into the property.
- The floodplain application was terminated in August of 2009.

Floodplain Project Scoping Case Studies

What went wrong?

- The consultant did not fully scope the project in two key areas:
 - Regulations
 - Permitting

Floodplain Project Scoping Case Study

What went wrong? – Regulations

- The consultant did not fully understand the requirements of the County floodplain regulations.
- Projects within a FEMA mapped floodplains have to meet certain technical standards and often require certification by a Montana Licensed Professional Engineer (PE).

Floodplain Project Scoping Case Study

What went wrong? – Regulations

- The County Floodplain regulations had language requiring a PE certification for:
 - Documentation that the proposed activity had been designed in compliance with the local floodplain regulations.
 - Design calculations (i.e. scour, anchoring, buoyancy).
 - The HEC-RAS model.

Floodplain Project Scoping Case Study

What went wrong? – Regulations

- The County Floodplain regulations had language requiring information demonstrating:
 - The flood-carrying capacity of the stream had been maintained.
 - The project would not cause more than a 0.5 ft. rise.
 - The project had been designed to withstand a 100 yr. flood.

Floodplain Project Scoping Case Study

What went wrong? – Regulations

- The County Floodplain regulations had language requiring information addressing:
 - The danger to life and property due to increased flood heights, increased flood water velocities, or alterations in the patterns of flood flow caused by encroachments.
 - The danger that materials may be swept onto lands or downstream to the injury of others.

Floodplain Project Scoping Case Study

What went wrong? – Permitting

- The consultant did not understand the local floodplain permitting requirements.
- The level of information needed for a design of this complexity was not provided.

Thank You

QUESTIONS?



Reminder....

**Please Complete Your
Course Evaluations for Us**

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