

FLOODPLAIN MANAGEMENT

Federal policy recognizes that floodplains have unique and significant public values and calls for protection of floodplains, and reduction of loss of life and property by not supporting projects located in floodplains. There is a process to consider unusual circumstances when it can be demonstrated that there are no practicable alternatives, such as no sites outside the floodplain. Two laws apply to floodplains: (1) Executive Order 11988 Floodplain Management and (2) the Flood Disaster Protection Act of 1973 (see the narrative in this section on the Act).

Executive Order 11988 – Floodplain Management

Executive 11988 on floodplain management requires a special review process for projects located in a floodplain. HUD has promulgated regulations for this Executive Order at 24 CFR Part 55 that covers all projects that are located in a 100-year floodplain and critical actions located in the 500-year floodplain. Critical action means any activity for which even a slight chance of flooding would be too great. Examples include hospitals, day care and nursing homes where people may be injured or killed because they might not be mobile enough to get out in the event of a flood, or police and fire stations that may be inoperative during a flood or storm event. The review process includes two periods for public notification and comment, an evaluation of alternatives to locating the project in the floodplain, an evaluation of the impact of the project, and an identification of measures that can be taken to mitigate the negative effects of the project. In order to locate any project in a 100-year floodplain or a 500-year floodplain for a critical action, a determination must be made that no practicable alternatives exist to the proposed project.

Threshold for Review: Properties proposed for new construction, major rehabilitation, acquisition, and acquisition of undeveloped land.

Level of Concurrence Required: A determination that

- 1) the proposed site/project is not located in an identified 100 year floodplain (or for critical actions in a 500 year floodplain) as identified by FEMA mapping or flood prone area as identified by other reliable sources (i.e. Corps of Engineers, State of Alaska DCRA, Natural Resources Conservation Service, local Planning & Zoning Dept.); or
- 2) the proposed site/project is located in a FEMA mapped 100 year floodplain or 500 year floodplain for a critical action and is excluded from the 8-step process per Part 55.12;
- 3) the proposed site/project is located in a FEMA mapped 100 year floodplain (or 500 year floodplain for critical actions) the project is not excluded from the decision making process per Part 55.12, the “8-Step” process is completed and a determination was made that there are no practical alternatives, flood insurance is obtained, mitigation measures are included, if appropriate; or

- 4) the proposed site is located in a FEMA mapped 100 year floodplain (or 500 year floodplain for critical actions) or identified flood prone area, the project is not excluded from the decision making process per Part 55.12, the “8-Step” process is completed and a determination was made that there are practical alternatives. The project is not eligible for Federal funding.

Basic Steps to Obtain Concurrence:

1. Determine whether the proposed site/project is located in a 100 year floodplain or a 500-year floodplain for critical actions or flood prone area by checking FEMA maps or other available resources including the U.S. Army Corps of Engineers, AK Communities Flood Hazard Data Book, DCRA Community Profile Maps, the Natural Resources Conservation Service or other entities with local knowledge of flooding in the community. If the proposed site/project is not located in a 100 year floodplain or 500 year floodplain for , or flood prone area: **Prepare a determination whether the proposed site/project is located in a 100 year floodplain, 500 year floodplain for critical actions, or flood prone area and include it with all relevant support documentation in the ERR file.**
2. If the proposed site/project is locate in a 100 year floodplain as identified by FEMA maps and the community is participating in the National Flood Insurance Program (See Appendices) then: **Obtain required Flood Insurance for the proposed site/project and include documentation in the ERR file.**
3. Determine if the project is excluded from the decision making process at Part 55.12. If it is maintain documentation in the ERR file.
4. If the project is not excluded from the decision making process at Part 55.12, complete the 8-step decision making process. Include any mitigation as a condition to contracts. Maintain supporting documentation for the process and mitigation in the ERR file.
5. If there are practicable alternatives Federal funds cannot be used on the project.

For CATEGORICAL EXCLUSION determinations: If mitigation action is required, the Tribe must complete and post a NOI/RROF and submit an RROF to the AONAP.

Additional information regarding participation in the National Flood Insurance Program, FEMA and COE flood hazard information can be found on the Internet at the following addresses:

FEMA: www.fema.gov

State of Alaska DCED: <http://www.dced.state.ak.us/dca/planning/nfip/nfip.htm>

US Army Corp of Engineers:

<http://www.poa.usace.army.mil/About/Offices/Engineering/FloodplainManagement.aspx>

Flood Insurance Q&A:

http://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/environment/review/qa/floodinsurance

Point of Contacts: Taunie Boothby, Certified Floodplain Manager
Department of Commerce, Community and Economic Development
Division of Community Advocacy
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(907) 269-4583