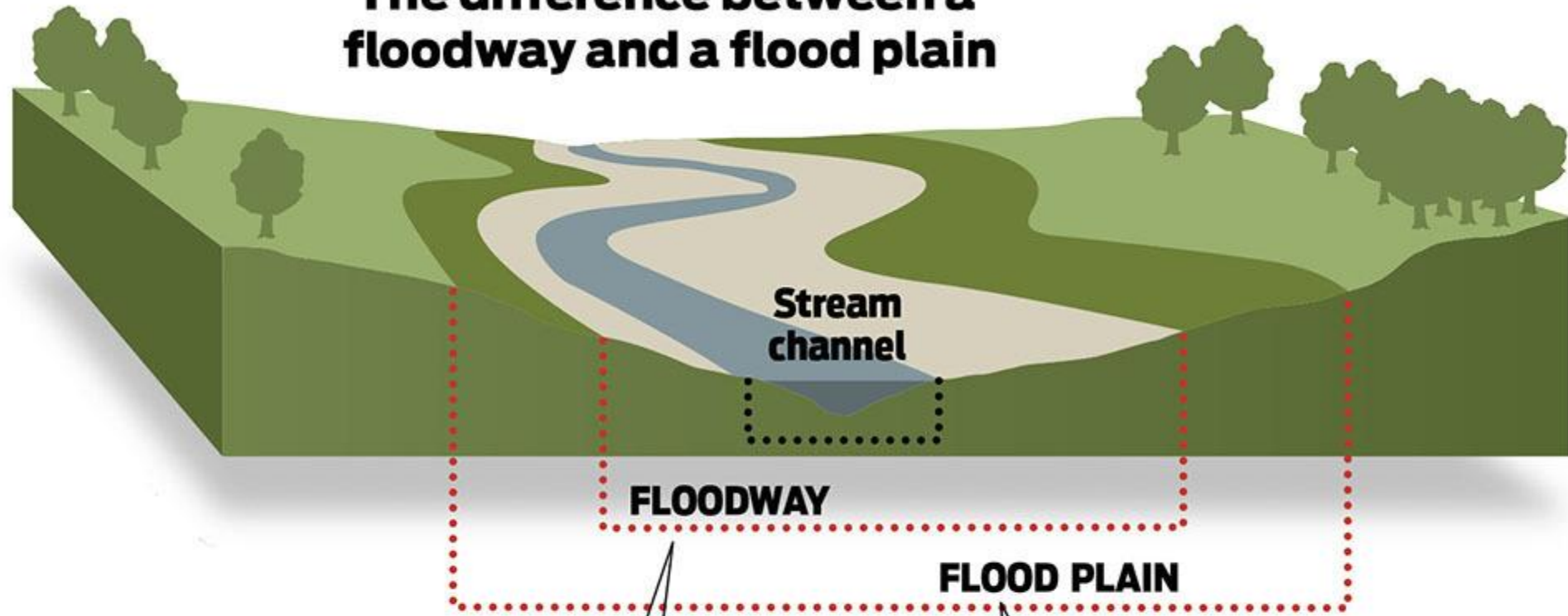


IRRIGATION/DRAINAGE DITCH MAINTENANCE IN FLOODPLAINS: AN UPDATE ON NFIP PERMIT GUIDANCE AND IDWR-FEMA MOA

Tim Luke, IDWR
AIC Annual Conference
June 19, 2019
Boise, ID

The difference between a floodway and a flood plain



A **floodway** is the channel of a river or stream, plus the adjacent land needed to carry away floodwaters. It has some of the fastest-moving water during a flood.

Source: Association of State Floodplain Managers

The **100-year flood plain** is a broader area surrounding the floodway. It would be inundated during a storm that has a 1 percent chance of occurring in a given year.

Houston Chronicle

SFHA = Floodway + 100-year floodplain

NFIP Roles & Responsibilities

- FEMA
 - Administers/Regulates/Enforces NFIP
 - Sets laws, regulations & policy
- State
 - Maintains statutes authorizing communities to adopt local floodplain ordinances
 - IDWR State Floodplain Coordinator
 - Outreach, training, assistance to local FPAs
 - Audit communities to assure compliance with NFIP
 - No enforcement authority

NFIP Roles & Responsibilities

- Local Communities
 - Administer NFIP at local level
 - Adopt FP ordinances & FP maps
 - Permit floodplain development consistent with Federal and State law
 - (IDWR does not permit floodplain development)
- Public/Land Owners or users/Irrigation Entities
 - work with local communities on any permit requirements, prior to construction

Definition of “Development”

Idaho Code § 46-1021 & 44 CFR § 60.3

Inconsistency:

The term "development" does not include the operation, cleaning, maintenance or repair of any ditch, canal, lateral, drain, diversion structure or other irrigation or drainage works that is performed or authorized by the owner thereof pursuant to lawful rights and obligations.

(Amendment added by HB 556, 2010)

Definition of “Development”

Idaho Code § 46-1022 & 44 CFR § 60.3

Inconsistency:

Floodplain zoning ordinances shall not regulate the operation, cleaning, maintenance or repair of any ditch, canal, lateral, drain, diversion structure or other irrigation or drainage works that is performed or authorized by the owner thereof pursuant to lawful rights and obligations.

(Amendment added by HB 556, 2010)

Potential Suspension of Idaho from NFIP and IDWR Mandate

- Spring 2018 - Governor directs IDWR to work directly with FEMA on guidance to preserve NFIP in Idaho
- IDWR & FEMA complete guidance June 2018
- IDWR & FEMA sign MOA March-April 2019

MOA Features

- 26-month term
- No NFIP suspension during term
- Notification, outreach & training
 - Letters & guidance sent to communities & irrigation/drainage entities May 2019
 - Training schedule included in letters & website

Guidance Features

- Defines Operation, Cleaning, Maintenance, Repair (OCMR)
 - Other definitions included
 - OCMR does not include dredging ditches/canals
- No Permit for OCMR activities
 - as defined by Guidance
- GIFD: General Irrigation Floodplain Development permit
 - Low-to-no impact irrigation development
 - Review, Assess, Document process
- Individual Permit

Guidance Features

No Permit for OCMR

Examples are limited:

- Removal of debris, growth, beaver dams
 - provided debris hauled off outside of SFHA
- General delivery operations, gate adjustments etc.
- General repairs or maintenance
 - maintain to same or original condition
 - does not include dredging as defined by Guidance

Guidance Features

GIFD Permit - Examples:

- Seasonal grading of natural channels (push-up dams)
- Dredging/Grading of ditches
 - Provided material/fill removed from SFHA within 10 days or graded and compacted to existing grade within ± 0.2 ft.
- Replacement meeting in-kind definition
 - Dimensions within $\pm 10\%$ of existing structure
- Armoring, stabilizing, securing infrastructure in channels
 - Provided channels are not altered

Guidance Features

Individual Permit - Examples:

- Any activity that causes an increase in flood elevation
- New construction, enlargement of facilities
- Replacement not meeting in-kind definition
 - Dimensions $> \pm 10\%$ of existing structure
- Fill
 - Except fill allowed under GIFD

Guidance Features

GIFD

- Authorizes multiple low-to-no impact irrigation activities within SFHA only, up to five years
- Letter/notice from local FPA to irrigation entity documenting activities/projects that qualify as GIFD
- Requires annual coordination between the irrigation entity & the FPA
- Ensures a community complies with NFIP regulations & its own ordinances while reducing administrative burden of permitting irrigation & drainage activities

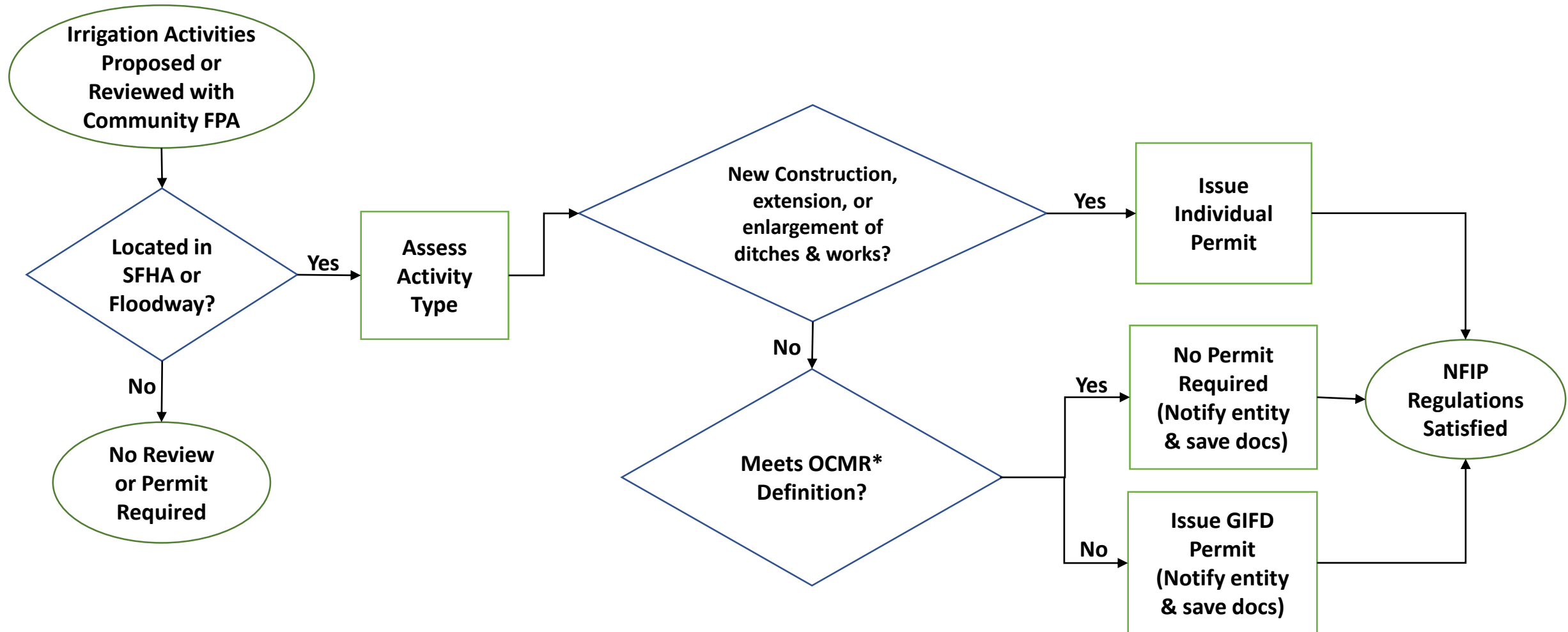
Guidance Features

Permit Process

- Review (FPA and water users)
- Assess (FPA)
- Document (FPA)

NFIP IRRIGATION and DRAINAGE PERMIT PROCESS FLOWCHART

Including Operation, Cleaning, Maintenance & Repair (OCMR) of Irrigation & Drainage Works



* Refer to OCMR definitions in IDWR NFIP Irrigation and Drainage Permit Guidance



0.2 PCT ANNUAL CHANCE FLOOD HAZARD Zone X

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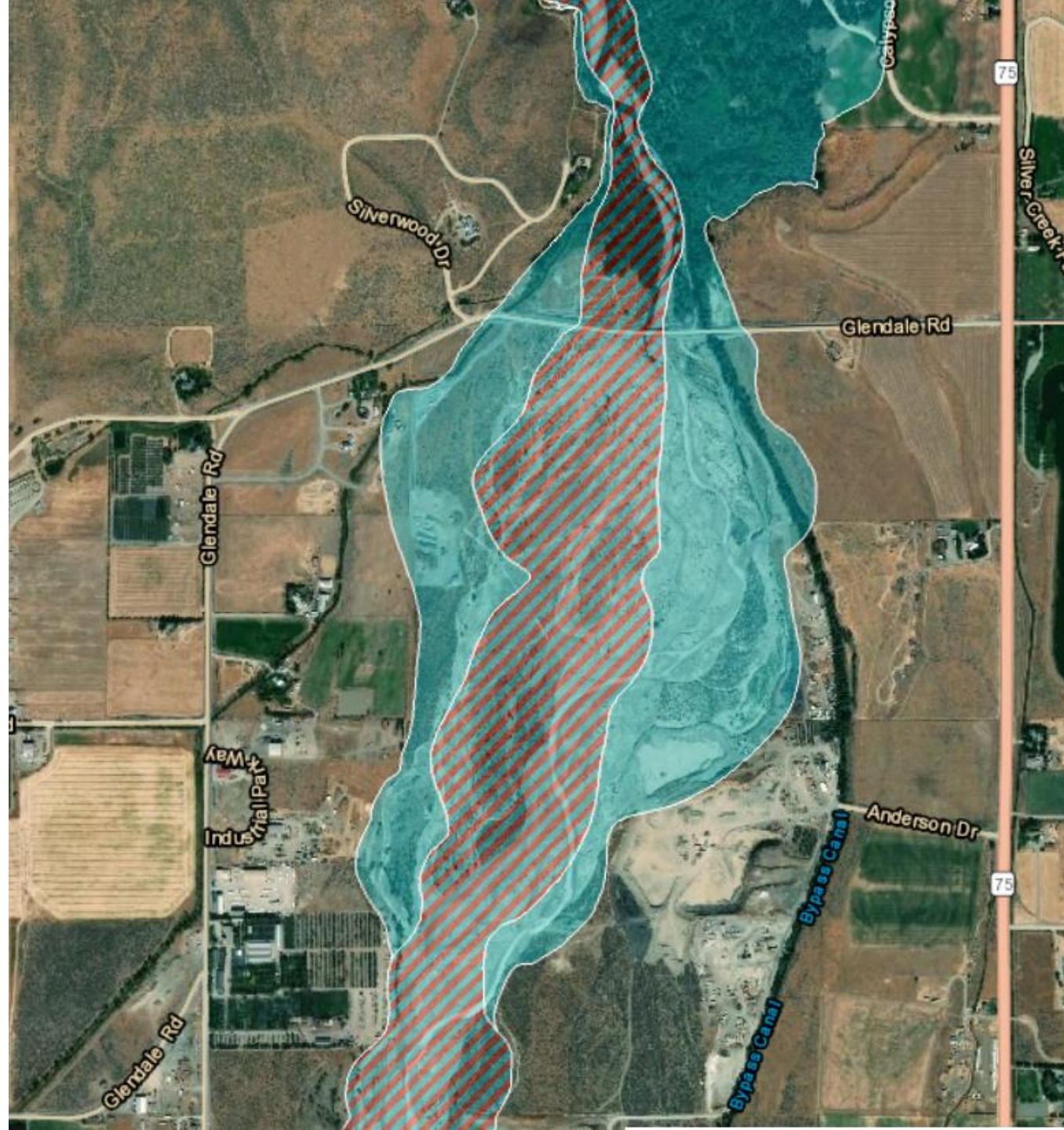
AREA OF MINIMAL FLOOD HAZARD Zone X

FLOODWAY Zone AE

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Zone AE

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Questions

