

## **2.0 Floodplain Management and Drainage Alterations**

### **2.1 Policy**

It is the policy of the Board of Managers to ensure the preservation of the natural function of floodplains as floodwater storage areas and to maintain no net loss of floodplain storage in order to accommodate 100-year flood storage volumes. The District will seek to maximize upstream storage and infiltration of floodwaters.

### **2.2 Regulation**

A permit from the District is required for:

2.2.1 Any alteration or filling of land below the 100-year flood elevation of Nine Mile Creek or another water body, or any filling below the 100-year flood elevation of a constructed stormwater facility in the watershed, except no permit under this rule is required:

- a for installation of riprap to dissipate energy from the outflow into a water body, as long as the design and materials are consistent with the standards in NMCWD Rule 7.0 – Shoreline and Streambank Improvements;
- b for removing accumulated sediment from a water basin; or
- c for maintenance or in-kind replacement of existing public infrastructure that does not decrease floodplain storage volume.

2.2.2 Any alteration of surface water flows below the 100-year flood elevation of a water basin or watercourse by changing land contours, diverting or obstructing surface or channel flow, or creating a basin outlet.

### **2.3 Criteria for floodplain and drainage alterations**

2.3.1 The low floor elevation of all new and reconstructed buildings, bridges and boardwalks must be constructed in accordance with the freeboard standards in NMCWD Stormwater Rule, subsection 4.3.3.

2.3.2 Placement of fill below the 100-year flood elevation is prohibited unless fully compensatory flood storage is provided within the floodplain:

- a at the same elevation +/- 1 foot for fill in the floodplain of a watercourse; or
- b at or below the same elevation for fill in the floodplain of a water basin or constructed stormwater facility.

Creation of floodplain storage capacity to offset fill must occur within the original permit term. If offsetting storage capacity will be provided off site, it must be created before any floodplain filling for the project will be allowed.

- 2.3.3 The District will issue a permit to alter surface flows only if it finds that the alteration is not reasonably likely to have a significant adverse impact on any upstream or downstream landowner and is not reasonably likely to have a significant adverse effect on flood risk, basin or channel stability, groundwater hydrology, stream base-flow, water quality or aquatic or riparian habitat.
- 2.3.4 No structure may be placed, constructed or reconstructed and no new impervious surface may be constructed within 50 feet of the centerline of any water course, except that this provision does not apply to:
  - a Bridges, culverts and other structures and associated impervious surface regulated under Rule 6.o;
  - b Trails 10 feet wide or less, designed primarily for nonmotorized use.

## 2.4 Required information and exhibits

The following exhibits must accompany the permit application. Exhibits must be submitted in an electronic format acceptable to the District:

- 2.4.1 Site plan showing property lines, delineation of the work area, existing elevation contours of the work area, ordinary high water level or normal water elevation and 100-year flood elevations. All elevations must be reduced to NGVD (1929 datum).
- 2.4.2 Grading plan showing any proposed elevation changes.
- 2.4.3 Preliminary plat of any proposed land development.
- 2.4.4 Determination by a licensed professional engineer or qualified hydrologist of the 100-year flood elevation(s) for the site before and after the project.
- 2.4.5 Computation by a licensed professional engineer of cut, fill and change in water storage capacity resulting from proposed grading.
- 2.4.6 Erosion-control plan.
- 2.4.7 Soil boring results, if requested by the NMCWD engineer.
- 2.4.8 Documentation that drainage and flowage easements over all land and facilities below the 100-year flood elevation, if required by the municipality with jurisdiction, have been conveyed and recorded.