

National Flood Insurance Program (NFIP)

PERMITS

December 10, 2014

*Laura Horner, Risk Map Coordinator
Dionne Haynes, NFIP Coordinator*

Basis of the NFIP

NFIP balances three program areas:

1. Flood Hazard Identification (mapping)

Identifies Special Flood Hazard Areas (SFHA)

2. Flood Insurance

3. Floodplain Management (regulations)

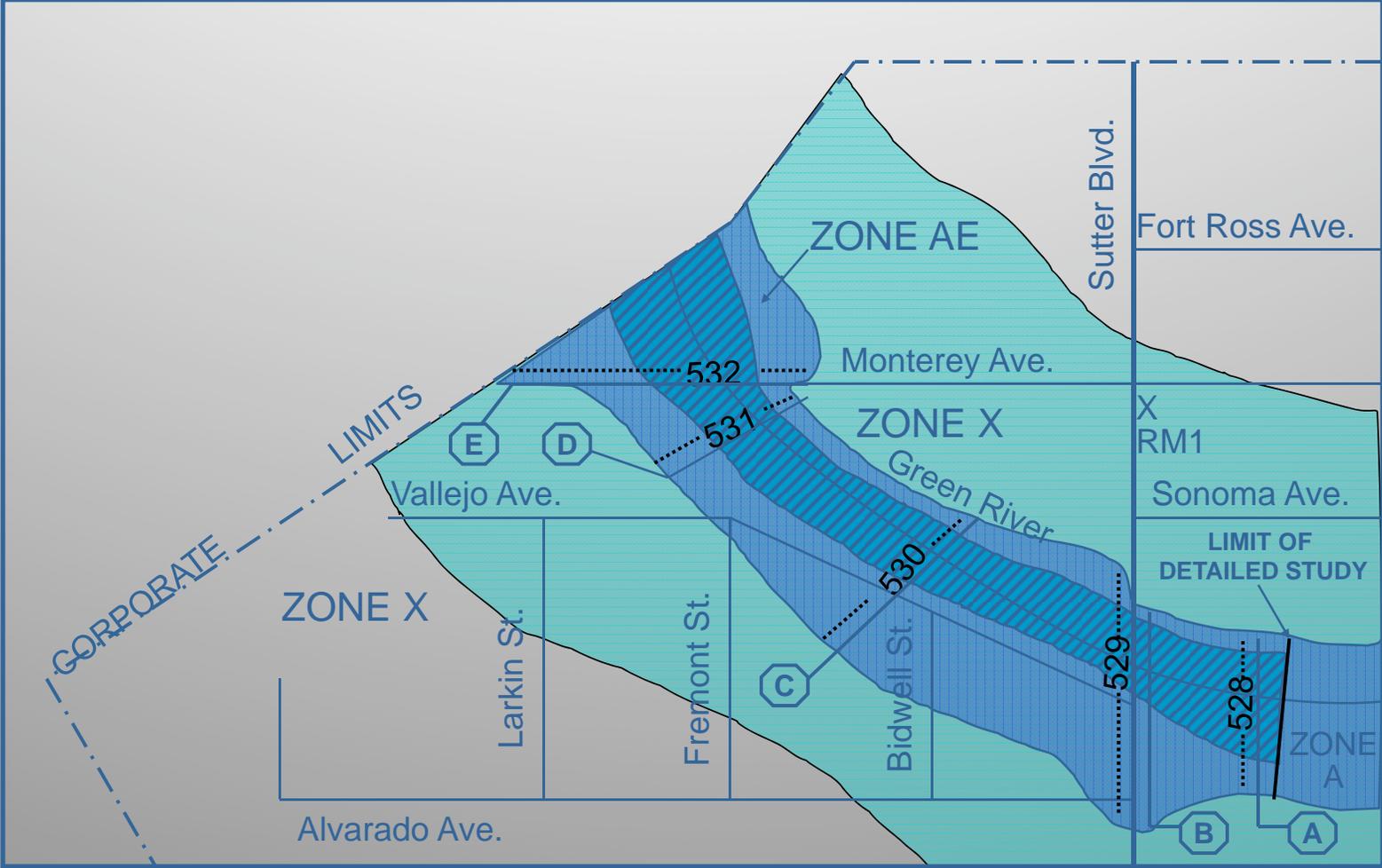
Permits

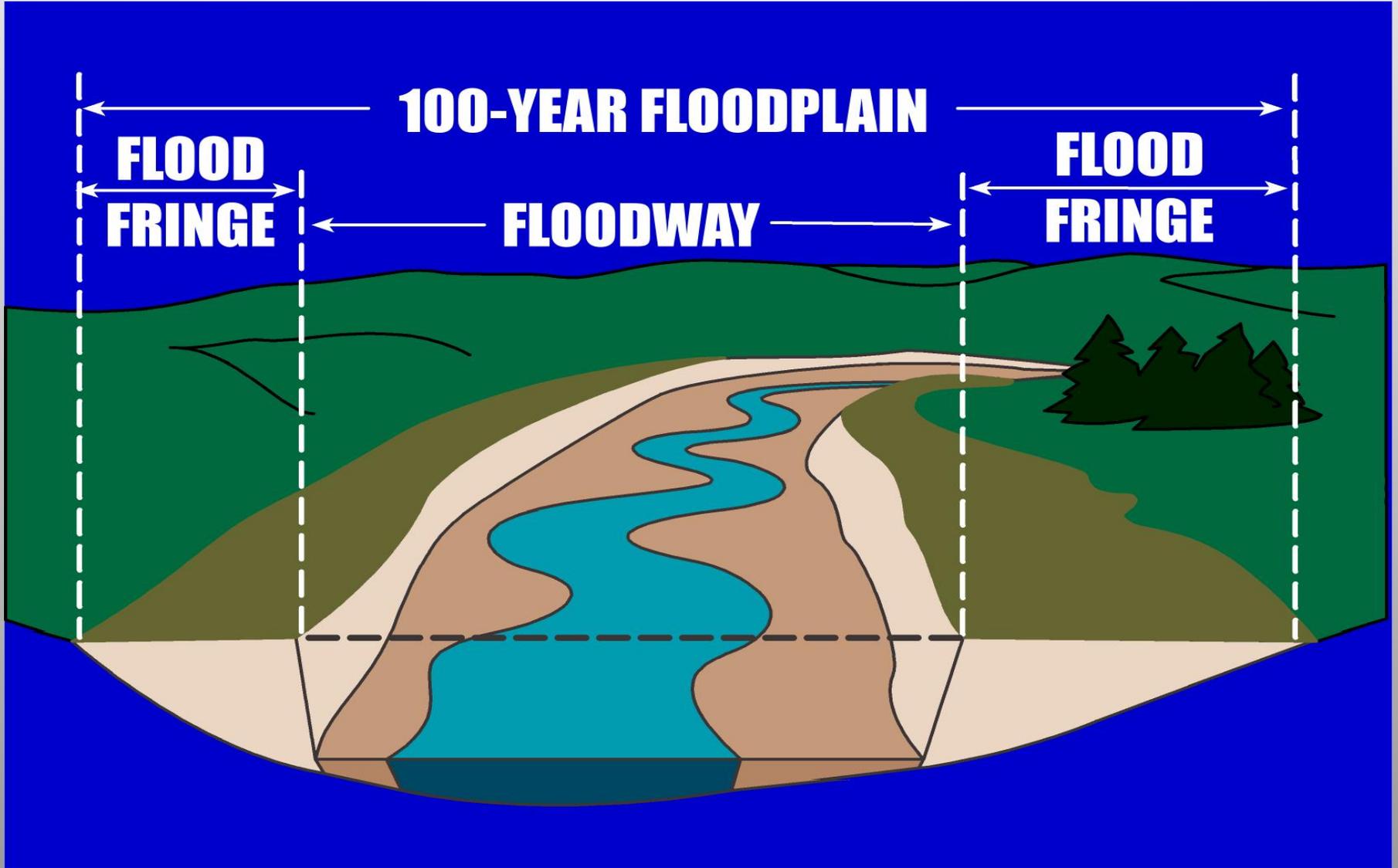


Risk Determination & Mapping

- FIRMs can be searched and viewed online
 - FEMA Map Service Center (msc.fema.gov)
- Flood Zones in North Dakota
 - Zone A: High risk, 1% (100yr flood) SFHA, a permit is needed.
 - Zone X: Low to moderate risk (500yr flood), no permit needed.
 - Zone D: Undetermined risk level, no permit needed.

FIRM Example





Purpose of Permits and Types

FLOODPLAIN DEVELOPMENT PERMIT APPLICATION NON-BUILDING SITUATION

GENERAL INFORMATION

PERMIT APPLICATION # _____ DATE: _____

Applicant/Contact: _____ Telephone # _____

Address: *North Dakota Department of Transportation
Attn: Engineering and Environmental Services
608 East Boulevard Avenue
Bismarck, ND 58505-0700*

Brief project description - location of proposed development - legal description:

Contractor: *Unknown* Telephone # _____

Address: *Contract Not Awarded*

Estimated Cost of project: \$ _

FLOODPLAIN DETERMINATION :

(Complete the appropriate information)

Project is located: 100-year floodplain? (Flood Fringe):
Regulatory Floodway:

Map information: FIRM Date:
FIRM Zone:
BFE at Development Site: (MSL)
Development will be elevated to: (MSL)

Who has Permitting Authority?

- North Dakota has no formal permitting authority as a state entity in NFIP identified floodplain areas.
- Permitting is always done at the local level
 - County
 - City
 - Township
 - Reservation

Office of the State Engineer



Governments and the NFIP

- FEMA - provides flood mapping, minimum floodplain management standards, flood insurance
- State : ND State Engineer - FEMA funded mapping and assists communities in floodplain management
- Community - adopts and enforces floodplain management standards according NFIP regulations and under state law

Updating FEMA Maps

- When is a CLOMR (Conditional Letter of Map Revision) required?
 - Modification of the existing floodway or SFHA
 - Approved encroachment will cause a rise
- What is a LOMR (Letter of Map Revision)?
 - FEMA's revision to an effective FIRM

Thank You

For more information, please visit these sites:

Map Service Center <http://msc.fema.gov>

NFIP <http://www.floodsmart.gov>

General info <http://www.fema.gov>

Office of State Engineer Sovereign Lands

PERMITS

December 10, 2014

Gerald Heiser, Sovereign Lands Manager

Definitions

- **Sovereign Lands** - areas, including beds and islands, lying within the ordinary high water mark of navigable lakes and streams.
- **Navigable waters** - any waters which were in fact navigable at the time of statehood, that is, were used or were susceptible of being used in their ordinary condition as highways for commerce over which trade and travel were or may have been conducted in the customary modes of trade on water.
- **Ordinary High Water Mark** - the line below which the action of the water is frequent enough to prevent the growth of vegetation or to restrict its growth to predominantly wetland species. Islands in navigable waters are considered to be below the ordinary high water mark in their entirety.
- **Project** - any activity which occurs either partially or wholly on sovereign lands

Navigability – Federal Standards

- Equal Footing Doctrine
- United States Constitution Commerce Clause

Section 10 Waters

- Red River of the North
- Bois De Sioux
- James River (Jamestown railroad bridge to the South Dakota border)
- Missouri River
- Upper Des Lacs Lake
- Yellowstone River

Navigable Lakes and Streams

- Missouri River
- Yellowstone River
- Red River
- Sheyenne River
- James River
- Pembina River
- Mouse River
- Cannonball River
- Heart River
- Knife River
- Devils Lake
- Lake Metigoshe
- Painted Woods Lake
- Upper Des Lacs Lake
- Sweetwater Lake
- Lake Isabel
- Long Lake – Bottineau County



APPLICATION FOR AUTHORIZATION TO CONSTRUCT A PROJECT WITHIN ISLANDS AND BEDS OF NAVIGABLE STREAMS AND WATERS

Office of the State Engineer
900 East Boulevard
Bismarck, ND 58505-0850

Permit No. _____
Project No. 1625



I, the undersigned, do hereby submit the following information to the Office of the State Engineer as an application to construct a project that may impact islands and beds of navigable streams and waters of North Dakota under NDCC Chapter 61-33.

GENERAL INFORMATION:

This Application must include a map from an actual survey, aerial photo or topographic map and plot map (if a development). The size of the map shall be 8 1/2 by 11 inches. The map shall have a north arrow and approximate scale. Indicate the existing or proposed work on the drawing. Plans and specifications must be submitted if project includes construction work.

- (1) Project will be located in the: _____ Water Resource District
(2) Legal description to the nearest 40 acre tract: _____ 1/4 _____ 1/4 Section _____ Township _____ Range _____
(3) Is this application for modification of an existing project Yes No If so, what year was project constructed: _____
By whom: _____
(4) Proposed project involves water crossing, type boat dock, boat ramp, water intake, dredge, volume cu. yds. filling, volume cu. yds., type other (explain)
(5) Water body on which project will be located: _____
(6) Purpose: _____
(7) Project Description: _____
(8) Contractor, if known: _____
(9) Anticipated construction start date: _____ Completion date: _____

The filing of this application and its approval in no way relieves the applicant or riparian landowner from any responsibility or liability resulting from the construction, operation or failure of the project.

Riparian Land Owner or Organization Sponsor: (Print) _____

Applicant: (Print) _____

Address: _____

Phone: (H) _____

(W) _____

Signature: _____ Date Submitted: _____

(Riparian landowner or Organization Sponsoring the project)

Sovereign Land Permit Process

1. Application received by State Engineer.
2. Log in the application and assign a permit number.
3. Solicitation of views – includes a letter describing the project, the application and all attachments.
4. Comment period: 30 days from the date of the Solicitation of Views letter.
5. Prepare the permit and a memo to the State Engineer describing the project, all comments received, how those comments were addressed, and my recommendation whether to permit or deny the project.
6. The memo and permit are reviewed and initialed by the Chief of the Regulatory Division, the Section Chief, and either signed or denied by the State Engineer.
7. Mail the signed permit and a copy of all comments received or the denial letter to the applicant.

Thank You

**Gerald R. Heiser
Sovereign Lands Manager
Office of the State Engineer
(701) 238-4935
gheiser@nd.gov**

www.swc.nd.gov