



BROADWATER COUNTY

Floodplain Development Permit

Project: Toston Fishing Access Site Project

Date of Issue: Aug 23, 2021

Permit #: 21-FP-2

This permit is valid for one year from date of issue.

Background/authority:

The Broadwater County Floodplain Regulations (2019) apply to all areas of special flood hazard within the jurisdiction of Broadwater County. Section 7.1 of the Regulations states: "A Floodplain permit is required for a person to establish, alter or substantially improve an artificial obstruction, nonconforming use or development within the Regulated Flood Hazard Area."

The County Floodplain Administrator (FPA) received a Joint Permit Application for the project from the applicant on June 30, 2021. The FPA has reviewed the application and other project information (see Referenced Documents section at the end of this Permit) and has determined that the proposed project follows the Broadwater County Floodplain Regulations if the project proceeds as described and complies with the conditions listed in the Regulations and in this Permit.

Applicant Information:

Person or agency responsible

for project:	FWP Design and Construction	
Primary Contact:	Kevin McDonnell	
Mailing Address:	PO Box 200701 Helena, MT 59620-0701	
Physical Address:	1522 9th Helena, MT 59601	
Email:	kemcdonnell@mt.gov	Phone: (406)841-4010

Applicant Contractor/Agent Information:

Contractor/Agent (if one used):	Sletten Construction Company	
Primary Contact:	Zachary Zupan	Phone: (406)761-7920
Mailing Address:	1000 25th ST N Great Falls, MT 59401	
Email:	zzupan@sletteninc.com	

Project Site Information: (Site is located within jurisdiction of Broadwater County)

Site Description:	Fishing access parking lot	Site Number	1
Floodway or flood fringe:	Missouri River Floodplain	Floodplain Map:	Panel 1 of 30007C0725
Latitude/Longitude:	46.168157 N, 111.446312 W		
Address/Location:	Missouri River		
Legal Description:	Section 23, Township 5N, Range 2E	Geocode:	43-1393-23-2-03-05-0000
Landowner:	Montana Fish, Wildlife and Parks		
Landowner Contact:	See applicant information above.	Phone:	See applicant information above.
Email:	See applicant information above.		
Mailing Address:	See applicant information above.		

Other Notes on Project Extent

The purpose of the proposed project is to improve the parking lot at the Toston Fishing Access Site.

Permitting Requirement for Project

Some uses, as defined in the Broadwater County Floodplain Regulations, are allowed within the flood fringe or regulated flood hazard area without a permit. Uses requiring a Floodplain Development Permit are defined in Section 10 of the County Floodplain Regulations. This project will involve work that will be located within the identified floodplain for the Missouri River, therefore a Floodplain Development Permit is required per Section 9.3 of the Regulations.

According to Section 9.2, GENERAL REQUIREMENTS the project must be designed and constructed to ensure it is reviewed and approved by an engineer and constructed to substantially resist or withstand the forces associated with hydrodynamic and hydrostatic pressures, including flood depths, velocities, impact, ice, buoyancy, and uplift associated with the Base Flood.

According to Section 9.11 STRUCTURES ACCESSORY OR APPURTENANT (parking areas) the design of the project must also show compliance with the following applicable criteria:

9.11 STRUCTURES ACCESSORY OR APPURTENANT to permitted uses such as boat docks, loading and parking areas, marinas, sheds, emergency airstrips, permanent fences crossing channels that may impede or stop flows or debris, picnic shelters and tables and lavatories, that are incidental to a principal structure or use, provided in addition to the requirements of Section 9.2, that:

1. The structures are not intended for human habitation or supportive of human habitation; (ARM 36.15.602(9))

The project consisted of constructing an improved parking area. No structures were constructed as part of the project.

2. The structures will have low flood damage potential; (ARM 36.15.602(9))

The project consisted of constructing an improved parking area. No structures were constructed as part of the project.

3. The structures will, insofar as possible, be located on ground higher than the surrounding ground and as far from the channel as possible; (ARM 36.15.602(9))

The project consisted of constructing an improved parking area. No structures were constructed as part of the project.

4. The structures will be constructed and placed so as to offer a minimal obstruction to flood flows; (ARM 36.15.602(9))

The project consisted of constructing an improved parking area. No structures were constructed as part of the project. Also, according to the encroachment analysis completed by Morrison and Mairele Engineering and submitted with the joint application, the proposed project will not result in an increase of more than 0.00 feet to the Base Flood Elevation of the Floodway or more than 0.50 feet to the Base Flood.

5. Only those wastewater disposal systems that are approved under health and sanitation regulations are allowed;

No new wastewater disposal systems were installed as part of the project.

6. Service facilities within these structures such as electrical, heating and plumbing are flood proofed according to the requirements in Section 10; (ARM 36.15.602(9))

No electrical, heating or plumbing facilities were installed at the site.

7. The structures are firmly anchored to prevent flotation; (ARM 36.15.602(9))

No structures requiring anchoring were constructed.

8. The structures do not require fill and/or substantial excavation;

The project did require fill, but according to the encroachment analysis completed by Morrison and Mairele Engineering and submitted with the joint application, the proposed project will not result in an increase of more than 0.00 feet to the Base Flood Elevation of the Floodway or more than 0.50 feet to the Base Flood.

9. The structures or use cannot be changed or altered without permit approval; and

Any alteration of the current project would require the review and approval of a new floodplain permit.

Review and Findings

Permitting the proposed project described herein and in the submitted application, and other project information (see referenced documents at the end of this Permit), meets all the provisions of the Broadwater County Floodplain Regulations and the following relevant factors (per Section 8.3 Floodplain Permit Criteria):

- 1. Floodplain permit applications shall be approved provided the proposed new construction, substantial improvement, or alteration of an artificial obstruction meets the requirements of the minimum standards and criteria in Sections 9 and 10 and other requirements of these regulations. ((MCA 76-5-406) (44 CFR 60.3))**

The project as proposed meets the minimum standards and criteria as outlined in Sections 9 and 10 of the County Floodplain Regulations.

- 2. A Flood Plain permit application for a development that will cause an increase of more than 0.00 feet to the Base Flood Elevation of the Floodway or more than 0.50 feet to the Base Flood Elevation of the Regulated Flood Hazard Area without a Floodway shall not be approved until approval for an Alteration pursuant to Section 4.3 has been approved, the Regulated Flood Hazard Area is amended and a FEMA CLOMR where required is issued.**

The Applicant's engineer Morrison and Mairele completed an encroachment analysis which was submitted with the joint application. The analysis indicates that the proposed work completed at the Toston Fishing Access will not result in an increase of more than 0.00 feet to the Base Flood Elevation of the Floodway or more than 0.50 feet to the Base Flood.

- 3. The FPA shall determine that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including section 404 of the Federal Water Pollution Control Act Amendment of 1972, 36 U.S.C. 1334. (44 CFR 60.3(a)(2).**

Not applicable.

Permit Conditions:

The following conditions are required of the applicant:

1. The project shall conform to the drawings and specifications found in Joint Application and Encroachment Analysis that was submitted with the Joint Application.
2. The project shall conform to the requirements of all other permits obtained by the MT FWP or their lessees.
3. All work must be located outside of the floodway as identified in the flood impact analysis completed by Morrison and Mairele.
4. Project costs will be paid for by MT FWP or their lessees. Broadwater County will not incur any costs associated with the construction or design of the project.
5. All work will be conducted on property owned by the MT FWP

Inspection and Penalties for Non-compliance

Note that pursuant to Section 14 Enforcement of the Broadwater County Floodplain Regulations, the County Floodplain Administrator may make reasonable entry upon any lands and waters in Broadwater County for the purpose of making an investigation, inspection, or survey to verify compliance with the County Floodplain Regulations and this permit. Section 15 Penalties of the Broadwater County Floodplain Regulations indicates that violation of provisions of these Regulations constitutes a misdemeanor, and upon conviction, any person who is found in violation shall be fined not more than one hundred dollars (\$100.00) or imprisoned not more than ten (10) days or both. Each day's continuance of a violation shall be deemed a separate and distinct offence per Section 15 of the regulations.

Applicant Acknowledgement

In accepting this permit, the applicant understands that all conditions of the permit must be met, all other regulatory permits have been obtained, and agrees to allow on-site inspections, as needed during construction, to determine compliance with this permit.

UNDERSTOOD AND ACCEPTED THIS _____ DAY OF _____, 2021

Kevin McDonnel, Montana Fish, Wildlife and Parks

Decision Authorization

_____ August 23, 2021

Broadwater County

Referenced Documents – available from Jerry Grebenc, County Floodplain Administrator

Joint Application: Montana Fish, Wildlife and Parks (June 20, 2021)

Encroachment Analysis: June 19, 2021 Flood Impact Analysis completed by Morrison and Maierle.

Email from Brent Zundel, PE, Montana Department of Natural Resources and Conservation in response to reviewing the Flood Impact Analysis mentioned above. (July 6, 2021)

Broadwater County Floodplain Regulations

Cc:

Traci Sears, DNRC Water Operations Bureau