

CHAPTER 71

FLOODPLAIN OR FLOODWAY DEVELOPMENT—

WHEN APPROVAL IS REQUIRED

[Prior to 7/1/83, INRC, Ch 5, Div. 1]

[Prior to 12/3/86, Water, Air and Waste Management[900]]

PREAMBLE: This chapter contains administrative thresholds which implement the statutory requirement that approval from the department be obtained for any development including construction, maintenance and use of a structure, dam, obstruction, deposit, excavation or “flood control work” on a floodplain or floodway.

567—71.1(455B) Delegated State Floodplain Permitting by Local Communities A floodplain permit issued by a local government may fulfill the state floodplain permitting requirements of the department when all of the following apply:

71.1(1) Delegated Authority. The community has an ordinance containing floodplain regulations approved by the Department. The Department will review the community’s floodplain permitting procedures to determine if they are consistent with the requirements for communities to participate in the FEMA National Flood Insurance Program and are compatible with these rules.

71.1(2) Project Types. The project is located in the community’s adopted floodway fringe zoning and consists of buildings, fill placement, minor grading activities, trails, or other development that does not require an engineering evaluation such as is required for bridges, culverts and levees.

71.1(3) Eligibility. Communities shall demonstrate capacity to properly review applications and issue floodplain permits. Communities shall provide evidence of this capacity at least every 5 years.

567—71.2(455B) State Floodplain Permits. Approval by the department for any development including construction, maintenance and use of a structure, dam, obstruction, deposit, excavation or “flood control work” on a regulated floodplain or floodway shall be required in the following instances if a project is not approved by a delegated community’s local floodplain permit under 71.1 in any of the following instances.

71.2(1) Rural areas. In rural areas:

a. Projects in or on the floodplain of any stream draining 10 or more square miles at the downstream end of the project site.

71.2(2) Urban areas. Projects in or on the flood plain of any river or stream draining 2 or more square miles at the downstream end of the project site.

71.2(3) Protected streams. Channel changes at any location on any river or stream designated as a protected stream pursuant to division III of 567—Chapter 72.

71.2(4) Buildings and other structures adjacent to or downstream from impoundments. Approval is required for new construction, additions, lowering, or reconstruction of buildings and other structures such as water and waste water treatment, sanitary landfills, and animal feeding operations, and associated fill without regard to the drainage area if the proximity of the building to a dam regulated by the department is as follows:

a. Adjacent to impoundment. Approval is required for a building or other structure and associated fill adjacent to an impoundment if the lowest floor level including any basement is lower than the top of the dam.

b. Downstream from dam. Approval is required for a building or other structure and associated fill downstream from a dam at any location where flooding can be reasonably anticipated from principal or emergency spillway discharges. If the dam does not substantially

comply with high hazard criteria in these rules, approval is required for a building and associated fill at any location where flooding can be reasonably anticipated from overtopping and failure of the dam.

71.2(5) Dams. Approval by the department for construction, repair, or modification of any dam shall be required when the dam exceeds the thresholds under rule 567—73.3(455B).

567—71.3(455B) Exempted Activities. The following activities will not require approval by the Department.

71.3(1) Bridges/culverts/road embankments and associated work. Approval is not required for any crossing in a rural area flood plain with a drainage area less than 100 square miles including associated channel changes not on protected streams with up to 500 feet in length and maximum of 25% reduction in length, and associated excavations within 500 feet of the project. Approval is not required for federally regulated railroad crossings having a drainage area of any size.

71.3(1) Buildings. Approval is not required under the following conditions:

a. Building additions which increase the original floor area of a building by less than 25%. All additions constructed after July 4, 1965, shall be added to any proposed addition in determining whether the total increase in original floor space would exceed 25 percent.

b. Reconstruction of any portion of a building if the cost of reconstruction (as would be determined by a qualified contractor) does not exceed 50 percent of the market value of the existing building or if reconstruction will not increase the market value by more than 50 percent. Volunteer labor and donated materials shall be included in the estimated cost of repair.

71.3(3) Pipeline and Underground Linear Utility Crossings. Approval by the department for the construction, operation and maintenance of buried pipeline, conduit and linear utility

crossings is not required if the natural contours of the channel and floodplain are maintained and no bank stabilization is included.

71.3(4) Excavations Approval by the department shall not be required if one of the following apply:

a. The channel cross section is increased by 10% or less. The cross-sectional area of the channel shall be determined based on current survey, or original engineering plans, if being performed by a drainage district. If an original plan is not available, the current channel surveyed area will be used to determine the original cross-sectional area of the channel.

b. Excavation for the repair and maintenance of a drainage district ditch with less than 100 square mile drainage area as defined in 567—70.2(455B)

c. Excavation outside the channel on any floodplain of any river or stream draining more than 10 square miles where spoil is removed from the floodplain and surface waters are not diverted into a sinkhole or quarry excavated in carbonate rock.

71.4(5) Boat docks. All floating boat docks on lakes, and those recreational non-floating type boat docks located on the Mississippi and Missouri rivers, located on reservoirs within state parks, and the conservation pools of the Coralville, Rathbun, Red Rock, and Saylorville reservoirs shall not require department approval, other than a permit obtained from the parks, recreation and preserves division of the department.

71.4(6) Small projects. Approval by the department shall not be required in rural areas for any low damage potential project where such works obstruct less than 3 percent of the cross-sectional area of the stream channel at bankfull stage or where such works obstruct less than 15 percent of the cross-sectional area of that side of the stream's floodplain at any stage. This includes

signs, navigational markers, and utility poles including H-frame structures. Fences that could catch debris and block flow during a flood may be considered a full obstruction to flow for purposes of determining the 3% or 15% obstruction.

These rules are intended to implement Iowa Code chapter 455B, division III, part 4; and Iowa Code sections 459.102, 459.301 and 481A.15.

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