



FEMA

US Department of Homeland Security
Region X
130 228th Street SW
Bothell, WA 98021

Guidance Memorandum: Temporary Encroachments into the Floodway

Temporary encroachments in the floodway for the purposes of capitol improvement projects (including bridge construction/repair) must be permitted through the community's floodplain development permitting process. This includes ensuring that all other required permits and permissions are obtained from federal, state and local agencies.

The permit should stipulate the days and dates the structure or other development will be on site. If a longer period is required, a new permit should be issued.

A flood warning system for the project should be in place to allow equipment to be evacuated from the site and placed outside the floodplain.

Placement of equipment in the floodway should be restricted to only that equipment which is absolutely necessary for the purposes of the project. All other accessory equipment and temporary structures (i.e. construction trailers) should be restricted from the floodway. Structures should be placed on site so that flood damages are minimized. The community may want to consider such things as anchoring construction trailers in case evacuation isn't practical.

The following conditions should be included in the permit:

- Identification of the temporary changes to the floodplain under a 1% chance flood event (100-year flood)
- Identification of all insurable structures affected by any increase in BFE during a 1% chance flood event (100-year flood)
- Written notification to the applicant that they may be liable for any flood damages resulting from the temporary structure
- The length of time the structure or encroachment will be allowed.

No CLOMR/LOMR will be required because there is no need to modify the FIRM due to the temporary condition of the encroachment, but the community should disclose to all owners of insurable structures and all applicants for permits in the affected area that there is an increased risk of flooding for the duration of the temporary encroachment.

Finally, if the temporary encroachment results in flood damage to an insured structure the insurer may subrogate the claim.