

Commission Policy

Subject: Flood Risk Reduction Policy	Index: 1-01.15
Authority Statute: secs. 200.31(1) and 200.35(8)	Page: 1 of 5
Resolution: 99-048-4(02); 00-011-1; 02-136-7; 07-005-1; 15-072-6; 17-021-2, 20-053-4	Issued: 4/26/99
	Last Revised: 4/27/20
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Policy Purpose: The purpose of the District's flood risk reduction efforts is to reduce the number of structures within the regional floodplain, as defined by MMSD Rules, sec. 13.103(13), along watercourses within the District's jurisdiction, as identified in MMSD Rules, Chapter 13, Appendices 1 to 6. While the District will address regional flood risks, other governmental units and landowners are responsible for local drainage and stormwater management, as indicated by MMSD Rules, sec. 13.206.

I. Jurisdiction

In MMSD Rules, Chapter 13, the Commission will identify watercourses where the District may reduce flood risks.

II. Watercourse Management Plans

- A. For watercourses within its jurisdiction, the District will develop Watercourse Management Plans. These plans will identify flood risks and the preferred alternatives to reduce flood risks. District staff will present Watercourse Management Plans to the Commission for adoption. A Watercourse Management Plan becomes effective after adoption by the Commission. In response to changed conditions or new information, District staff will propose updates to Watercourse Management Plans.
- B. Watercourse Management Plans will consider climate change. These plans will consider alternatives to reduce future flood risks.
- C. To the extent practical, the District will design and construct flood risk reduction projects to achieve other benefits, such as reduced risks to public health and safety, improved opportunities for access to and use of riparian areas, reduced sewerage system inflow and infiltration, green infrastructure, and improved habitat in riparian areas.
- D. The District will implement cost effective solutions developed with stakeholder input.

III. Funding

A. Funding in General

For the development and implementation of Watercourse Management Plans, all funding is subject to Commission approval.

B. Bridges and Culverts

1. The District will fund 100% of bridge and culvert removal when necessary to reduce flood risk and when the owner finds that the bridge or culvert is unnecessary.
2. The District may fund bridge and culvert modification or replacement to obtain the capacity needed under and through the structure to reduce flood risk. For

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modifying or replacing a non-District bridge or culvert, the level of District funding will be no more than the lowest cost alternative for modifying or replacing the structure to obtain the required flow capacity. Also, actual District funding will depend upon the remaining useful life of the structure, modifications needed to obtain the required flow capacity, and other relevant factors.

3. The District will seek to maximize funding from the bridge owner and minimize the District's contribution. When circumstances allow, the District will schedule bridge replacement to maximize the bridge owner's eligibility for state or federal funding and the District will support the bridge owner's efforts to obtain grant funding.

C. Voluntary Structure Acquisition and Removal and Voluntary Floodproofing

1. Selection of the Alternative to be Implemented

When a District Watercourse Management Plan identifies voluntary floodproofing or voluntary structure acquisition and removal as the preferred alternatives, the District will collaborate with the local governmental unit and the owner to determine the alternative to be implemented, including consideration of a no-action alternative.

2. District Funding

The District will fund voluntary floodproofing and voluntary structure acquisition and removal according to the criteria in Tables 1 and 2.

Table 1

District Funding Amounts for Residential Structures with One to Four Units

Result of Cost Analysis	Alternative Selected by Owner and Local Government	District Funding Amount
Floodproofing ≤ 50% Acquisition and removal	Floodproofing	100% of floodproofing cost
	Acquisition and Removal	100% of floodproofing cost
Floodproofing > 50% Acquisition and removal	Floodproofing	50% of acquisition and removal cost
	Acquisition and Removal	100% of acquisition and removal cost

Table 2

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District Funding Amounts for All Other Structures*

Result of Cost Analysis	Alternative Selected by Owner and Local Government	District Funding Amount
Floodproofing ≤ 50% Acquisition and removal	Floodproofing	100% of floodproofing cost
	Acquisition and Removal	100% of floodproofing cost
50% Acquisition and removal < Floodproofing < 75% Acquisition and removal	Floodproofing	100% of floodproofing cost
	Acquisition and Removal	100% of acquisition and removal cost
Floodproofing ≥ 75% Acquisition and removal	Floodproofing	75% of acquisition and removal cost
	Acquisition and Removal	100% of acquisition and removal cost

*residential structures greater than four units and commercial, industrial, governmental, and institutional structures

3. Supplemental Funding
If the alternative to be implemented has costs higher than the District funding amount, then the local governmental unit, the owner, or a combination of them must provide the supplemental funding.
4. Intergovernmental Cooperation Agreement
The District and the local governmental unit will prepare and execute an intergovernmental cooperation agreement to identify each party's responsibilities. Generally, this agreement will indicate that the District will provide funding, according to Tables 1 and 2, and the local governmental unit will do the floodproofing or acquisition and removal work.
5. Floodproofing
 - a. The District may fund any floodproofing option allowed by applicable floodplain zoning requirements. Whether the land is residential, commercial, or manufacturing and industrial will determine floodproofing options.
 - b. When the District funds voluntary floodproofing, enough floodproofing must occur to achieve compliance with all applicable floodplain zoning requirements.
6. Property Interest

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The District will obtain a permanent property interest, such as an easement, in any property where the District has funded voluntary acquisition and removal or voluntary floodproofing. These easements will prevent any action that would increase flood risk. In the case of property acquisition and removal, the easement will require the property to remain as open space under public ownership.

7. Acquisition and Removal Cost

“Acquisition and removal cost” may include, but is not limited to, costs for appraisal, survey, environmental inspections, purchase, title, recording, closing, building demolition or deconstruction, relocation, and property restoration after removal. For each project, the District and the local governmental unit will collaborate to identify the relevant costs and include them in the intergovernmental cooperation agreement.

D. Land Conservation

The District may fund preservation of property in open land uses to continue environmentally valuable features, such as natural storage and infiltration. These expenditures may take the form of conservation easements, fee-simple acquisition, purchase of development rights or other methods approved by the Commission.

IV. Operation and Maintenance

A. Location of Work

District operation and maintenance will be limited to watercourses within the District’s jurisdiction, as identified in MMSD Rules, Chapter 13.

B. Facilities Constructed by the District

1. The District will operate and maintain facilities constructed by the District to the extent necessary to maintain the functionality identified in the Watercourse Management Plan, except as provided in par. 2.
2. Local governmental units will operate and maintain facilities constructed or modified as part of a District flood risk reduction project when these facilities have a local purpose. These facilities may include, but are not limited to, bridges, culverts, and stormwater drainage facilities. Before the commencement of construction, the District and the governmental unit will execute an intergovernmental cooperation agreement to indicate the conditions for transferring responsibility from the District to the other governmental unit.

C. Removal of Debris

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1. “Debris” may be either a single item or a group of items and may be either man-made or natural, including, but not limited to: uprooted trees, tree limbs, shopping carts, furniture, picnic tables, construction materials, mattresses, bikes, strollers, tires, rocks, sand, sediment, or gravel.
2. The District will remove debris if the District determines the debris will raise the water surface elevation during the regional flood to a level that:
 - a. adds a structure to the regional floodplain or
 - b. increases the regional flood elevation by one tenth of a foot or more at a structure already in the regional floodplain.
3. If debris is on land owned by others, then the requirements of MMSD Rules, sec. 13.203, apply.

V. Flood Risk Reduction Facilities with features Requested by Others

If another party requests features that supplement the flood risk reduction facilities identified in a Watercourse Management Plan, then, before the commencement of construction, the District and the other party will execute a memorandum of understanding, an intergovernmental cooperation agreement, or other agreement to indicate how construction, operation, and maintenance costs will be shared. The District will fund costs related to the facilities identified in the Watercourse Management Plan, with the other party funding costs related to the supplementary features, modified to the extent required by related easements, permits, or the conditions of grants or other funding assistance.