

State of Connecticut
Department of Emergency Services and Public Protection
Division of Emergency Management and Homeland Security

Flood Management General Certification for Certain Program Activities
Under the FEMA Public Assistance Programs

Attachment A – Executive Summary

The Department of Emergency Services and Public Protection/Division of Emergency Management and Homeland Security (DESPP/DEMHS) is seeking approval for certain activities that are eligible mitigation projects under the FEMA **Public Assistance Programs** within regulated floodplain areas. The regulated floodplain areas are zones: A, AE, V, VE, B and X as defined by the National Flood Insurance Program (NFIP). “Critical activities” (as defined below) located in a Zone B or Zone X (shaded) are regulated under Connecticut General Statutes (CGS) Chapter 476a, Section 25-68.

Proposed activities identified under this Flood Management General Certification are to be designed in compliance with the flood management requirements of CGS Section 25-68d(b) and Sections 25-68h-1 and 25-68h-3 of the Regulations of Connecticut State Agencies (RCSA).

This Flood Management General Certification is for certain program activities in regulated floodplains across the State and is for a five-year period from the date of signature approval from the State of Connecticut’s Department of Energy and Environmental Protection (DEEP). This General Certification may be amended within the five year period to reflect changes in the federal program and shall not prevent DESPP/DEMHS for applying for an exemption from the provisions of subsection (b) of the CGS Section 25-68d and RCSA Section 25-68h-1 through 25-68h-3, inclusive, in accordance with the procedures described under subsection (d) of CGS Section 25-68d, if appropriate.

General Statutes of Connecticut, Chapter 476a Flood Management, Section 25-68b. Definitions.

- (1) **Activity** means any proposed state action in a floodplain or any proposed state action that impacts natural or man-made storm drainage facilities that are located on property that the commissioner [DEEP] determines to be controlled by the state;

- (2) **Base flood** means that flood which has a one per cent chance of being equaled or exceeded in any year, as defined in regulations of the National Flood Insurance Program (44 CFR 59 et seq.) or that flood designated by the commissioner [DEEP] pursuant to section 25-68c. Any flood so designated by the commissioner shall have at least a one per cent chance of being equaled or exceeded in any year. Such flood may be designated as the A or V zones on maps published by the National Flood Insurance Program. The ***"base flood for a critical activity"*** means the flood that has at least a .2 per cent chance of being equaled or exceeded in any year. Such flood may be designated as the B zone on maps published for the National Flood Insurance Program;

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- (3) *Commissioner* means the Commissioner of Energy and Environmental Protection [DEEP];
- (4) *Critical Activity* means any activity, including, but not limited to, the treatment, storage and disposal of hazardous waste and the siting of hospitals, housing for the elderly, schools or residences, in the .2 percent floodplain in which the commissioner [DEEP] determines that a slight chance of flooding is too great;
- (5) *Floodplain* means that area located with real or theoretical limits of the base flood or base flood for a critical activity;
- (6) *Flood-proofing* means any combination of structural or nonstructural additions, changes or adjustments which reduce or eliminate flood damage to real estate or improved real property, to water and sanitary facilities, and to structures and their contents;
- (7) *Freeboard* means a safety factor, expressed in feet above a calculated flood level, that compensates for unknown factors contributing to flood heights greater than calculated height, including but not limited to, ice jams, debris accumulations, wave actions, obstructions of bridge openings and floodways, the effects of urbanization on the hydrology of a watershed, loss of flood storage due to development and sedimentation of a watercourse beds;
- (8) *Proposed state action* means an individual activities or a sequence of planned activities proposed to be undertaken by a state department, institution or agency, any state or federal grant or loan proposed to be used to fund a project that affect land use, or proposed transfer of real property belonging to the state.

Calculation of the 500 year Flood Elevation in a FEMA Designated Coastal Flood Hazard Area

As defined by Connecticut General Statute Section 25-65b(4), *critical activities* are regulated to the 500 year Base Flood Event when applying under this General Certification. Since data on the Coastal 500-year BFE is not available, the State of Connecticut's Department of Energy and Environmental Protection has indicated that the Coastal 500-year BFE can be approximated by multiplying the 100-year BFE by 1.25.

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The following narrative describes the types of activities/projects that are eligible under the FEMA grant Public Assistance programs and which are covered under this *Flood Management General Certification*:

Activity/Mitigation Project	Design Requirements
<p>1. Emergency Protective Measures</p>	<ul style="list-style-type: none"> A. Installation and removal of temporary traffic control devices, including pre-formed concrete barriers and fencings. B. Construction of emergency protective measures to protect lives or improved property, including temporary levees, berms, dikes, and sandbagging by itself or on top of a levee. C. Emergency placement of sand on a natural or engineered beach when necessary to protect improved property from immediate threat from a 5-year event. D. Placement of emergency beach berms seaward of improved property where severe erosion has occurred, with work performed under the authority of the U.S. Army Corps of Engineers and/or state environmental enforcement agency's permits for the sand deposit areas and upland or offshore borrow sites, including dredge spoil piles. E. Installation of emergency power generators, as long as the exterior fabric of a historic structure is not altered in a permanent fashion. F. Installation of a temporary (Bailey-type) bridge over an existing structure or at a previously disturbed location, such as a former bridge location, to allow passage of emergency vehicles.
<p>2. ROADS, BRIDGES and SMALLER TRANSPORTATION FEATURES (Category C), provided that excavation or site work will not disturb previously undisturbed soil. <i>The intent is to avoid any archaeologically sensitive areas that</i></p>	<ul style="list-style-type: none"> A. Repair of roads to pre-disaster geometric design standards and conditions, including number and width of lanes, shoulders, medians, curvature, grades, clearances, and side slopes, provided that all work is conducted from within the existing road footprint. B. Repair of road composition with in-kind or similar surface materials to maintain pre-disaster size, traffic capacity, and load classifications of motor vehicles, including the reshaping and compacting of road bed soil and the repair of asphalt or concrete pavements. <i>This Allowance does not apply to the repair of pre-1950 brick or stone paving.</i> C. Repair or replacement of culverts and associated head walls and wing walls within rivers, streams, or drainage ways. Repair, replacement or installation of culverts functioning as cross-drains beneath roads or within drainage ditches, as well as related concrete or synthetic elements of culverts, such as flared end sections, riprap or small headwalls.

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<p><i>may be present beyond the existing footprint</i></p>	<ul style="list-style-type: none"> D. Repair, replacement, hardening or installation of any footings, foundations, retaining walls, or other slope stabilization systems (e.g. riprap, gabion basket walls, crib walls, pile and lag walls) in which ground disturbance will not exceed the limits of previously disturbed portions of the right-of-way. E. In-kind repairs to bridge components, specifically abutments, wing walls, and decks, when the area of potential effect, including staging areas, is restricted to previously disturbed portions of the right-of-way. F. Repair of driveways, parking lots, paths, trails and walkways. Repairs may include minor upgrades to prevent future erosion, such as the addition of pavement or the installation of water bars or other similar devices.
<p>3. WATER CONTROL FACILITIES</p>	<ul style="list-style-type: none"> A. Repair of earthen core dam and/or spillway, including strengthening the surface of either with similar or other materials to retard future erosion. B. Repair or replacement of any associated equipment, machinery, piping or any other non-structural item. C. Repair or upgrade of a waste-water treatment lagoon or other earthen feature, when all work is done within the same footprint or is confined to a previously disturbed area adjacent to it. D. Repair or replacement of wells, pumps or surrounding protective structures.
<p>4. BUILDINGS AND EQUIPMENT (Category E). These Allowances apply to buildings that qualify as historic properties because they are more than 50 years old (or less than 50 years old if of exceptional architectural and/or engineering significance) and are listed on or eligible for listing</p>	<p>Elevation or demolition of an existing structure that is less than fifty years old and that is not located in or adjacent to a historic district.</p>

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<p>on the National Register of Historic Places, when all work is consistent with the Secretary of the Interior’s Standards (36 C.F.R. Part 68). Repairs to buildings younger than 50 years (unless of exceptional architectural and/or engineering significance) are not historic, do not require SHPO review, nor do they need to meet these standards.</p>	
<p>5. UTILITIES (Category F), provided the excavation will not disturb previously undisturbed soil.</p>	<ul style="list-style-type: none"> • Ground disturbing activities related to the repair, replacement, or hardening of any utilities (including sewer, water, storm drains, electrical, gas, communication, leach lines, and septic tanks).
<p>6. PARKS, RECREATION FACILITIES, AND OTHER ITEMS</p>	<ul style="list-style-type: none"> A. Repair or replacement of recreational and landscaping elements and their related support features in public use areas, such as paving, planters, trellises, irrigation, lighting, signage, retaining walls, ramps and steps. This also includes flag poles, above ground swimming pools, decks, and athletic field recreational structures and equipment (<i>i.e.</i>, benches, bleachers, permanent seating, batting cages, score boards, basketball hoops, picnic tables, fire pits, utility hook-ups, playground equipment, such slides and swing sets, or other movable objects), provided that the repairs will not disturb more soil than was previously disturbed. This Allowance also permits associated minor mitigation measures, such as increases in equipment diameters and addition of safety anchors. B. Repair and re-vegetation of eroded or otherwise damaged school yards, playgrounds, athletic fields, campgrounds or amphitheaters, provided that the repairs will not disturb more soil than was previously disturbed. C. Repair or upgrade to codes and standards of existing piers, docks, boardwalks, boat ramps, stands, gazebos, and dune crossovers, provided the footprint will substantially match the existing footprint.

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	<p>D. Repair of driveways, parking lots, paths, walking and snowmobile trails and simple wooden/wire stream crossings. Repairs may include minor upgrades to prevent future erosion, such as the addition of pavement or the installation of water bars or other similar devices.</p> <p>E. Repairs to airport facilities, including:</p> <ol style="list-style-type: none"> 1. Repair of existing runways, taxiways, roadways, aprons, drainage systems, and parking areas; 2. Repair or replacement of safety components, including beacons, lighting bars, signage, and weather sensors, provided that repairs will not disturb more soil than was previously disturbed; and 3. In-kind replacement or repair of existing beacons not on airport property, as long as no new access is required. <p>F. In-kind repairs to railroads, including repair or replacement of damaged railroad tracks (e.g. rails, cross ties, spikes, plates and clips), earthen and ballast roadbeds and embankments, railroad crossings, passenger loading areas, and transportation safety components and systems (e.g. signals, gates, and automatic control devices.)</p> <p>G. Repair or replacement of fish hatcheries (e.g. raceways, ponds, fish ladders, and water intake or outfall structures) provided that the work substantially conforms to the existing footprint and the integrity of any historic materials is not significantly compromised.</p> <p>H. In-kind replacement of fish-ways or fish ladders on spawning streams.</p>
<p>7. NON-DISASTER GRANT ACTIVITIES</p>	<p>A. Purchase, elevation or demolition of any structure that is less than fifty years old and that is not located in or adjacent to a historic district or archaeologically sensitive area.</p> <p>B. Retrofitting of existing structures that are less than 50 years old for purposes of general damage prevention, flood proofing, seismic retrofits, wind proofing, or to provide safe rooms; or retrofitting of a historic structure for similar purposes when none of the character-defining elements or spaces of a structure are affected.</p> <p>C. Installation of emergency power generators, as long as the exterior fabric of a historic structure is not altered in a permanent fashion. [This may be accomplished by mounting an electric hook-up on poles or other anchors <u>adjacent to</u> a historic building, particularly in a visually obscured area].</p>

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	<p>D. Repair or replacement of a cell tower when the proposed tower would not involve excavation outside the current tower site, defined as the current boundaries of the leased or owned property surrounding the tower and any access or utility easements currently related to the site, and the height of the new tower exceeds the height of the old tower by less than 10%. ***</p>
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Additional Flood Management General Certification Requirements

In addition, the sub-applicant/sub-grantee shall evaluate their proposed activity should it fall within those areas as identified below and obtain the appropriate permit(s) and/or documentation for the proposed activity. The sub-applicant/sub-grantee shall retain copies of the permit(s) and/or documentation and shall make them available to the State (DESPP/DEMHS) upon sub-grant close-out and/or upon request by the State (DESPP/DEMHS and/or DEEP).

- Coastal Boundary: If the proposed activity is located within the coastal boundary as delineated on DEEP approved coastal boundary maps, then the proposed activity must be consistent with the State’s Coastal Area Management regulations. Any activity located at or below the Coastal Jurisdiction Line (CJL) or within tidal wetlands requires prior approval from DEEP Office of Long Island Sound Programs.
- Endangered or Threatened Species: If the proposed activity is located within an area identified as a habitat for endangered, threatened or special concern species on the “State and Federal Listed Species and Natural Communities Map”, then the sub-applicant/sub-grantee must complete and submit to DEEP a Connecticut Natural Diversity Data Base (CT NDDB) Review Request Form (DEP-APP-007) to the address specified on the Form. The proposed activity must be consistent with the State and Federal Regulations regarding habitat for endangered, threatened, or special concern species. For more information visit the DEEP website at: www.ct.gov/dep/endangeredspecies (Review/Data Requests or call the NDDB at 860-424-3011).
- Aquifer Protection Areas: If the proposed activity is located within a town required to establish Aquifer Protection Areas, as defined in Section 22a-354a through 354bb of the Connecticut General Statutes (CGS) and the site is within an area identified as a Level A or Level B map, then the proposed activity must be consistent with the CGS Statutes and Regulations governing Aquifer Protection Areas.
- Conservation or Preservation Restriction: If the property is subject to a conservation or a preservation restriction, then the sub-applicant/sub-grantee must be is in compliance with the terms of the restriction.

To be in compliance with this Flood Management General Certification, the proposed activity/project would have to be designed in such a manner so as to demonstrate the following (where applicable):

- Balance cuts and fills within the 100 year floodplain.
- Must not increase peak flows from current to proposed conditions.
- Does not alter the hydraulic section of the floodplain such that there is an increase in water surface elevations from existing to proposed conditions.

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If the design of the proposed activity/project cannot meet these requirements, then an Individual Permit would be required. If there is a question as to whether a proposed activity/project falls under this Flood Management General Certification or under an Individual Permit, the sub-applicant must contact the DEEP's Inland Water Resources Division for guidance.

- If DEEP indicates that an Individual Permit will be required, the sub-applicant shall prepare all necessary documents as required and complete the DEEP IWRD Permit Application Form (DEP-IWRD-APP-100) entitled *Permit Application for Programs Administered by the Inland Water Resources*. The sub-applicant shall complete the following parts of the DEEP Form: Part I (Application Type); Part II (Permit Type and FEE Information); Part III (Application Information); Part IV (Site Information); Part V (Supporting Documents). In addition, DESPP/DEMHS shall require the applicant to complete Compliance Forms A (Chief Executive Office Compliance Certification) and B (Professional Certification).
 - **PROCESS NOTE:** DESPP/DEMHS is responsible for completing Part VI (Application Certification) of the DEEP Form and Attachment F (*Documentation Form for Flood Management Certification (DEP-IWRD-APP-104/State Agencies Only)*).

Required Application Documents. The following process is in effect for this Flood Management General Certification:

1. A copy of the General Certification will be made available on the DESPP/DEMHS website and applicants will be made aware of the requirements.
2. As part of the Public Assistance process, the Chief Executive Officer of a municipality, qualified private non-profit organization, or of a federally recognized Native American Tribe, in which the proposed activity is taking place, shall certify that the proposed activity has been constructed in accordance with the design requirements of this general certification. The Chief Executive Officer shall prepare and sign Compliance Form A which is entitled "Chief Executive Officer Compliance Certification". Compliance Form A shall be submitted to DEHMS upon project close out in the Public Assistance grant process. (See attached form)
3. If the proposed activity requires an engineering design, then the Professional Engineer preparing the design on behalf of the Chief Executive Officer or the homeowner shall prepare and sign Compliance Form B which is entitled "Professional Certification." Those preparing the design plans shall affix their Professional Engineer Connecticut license number and stamp to the form. Compliance Form B shall be submitted to DEHMS upon project close out in the Public Assistance grant process. (See attached form)
4. Upon a disaster close out DESPP/DEMHS shall provide copies of Compliance Forms A and B to the DEEP Director of the Inland Water Resources Division, located at 79 Elm Street, Hartford, CT.

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Compliance Form A: Chief Executive Officer Compliance Certification. The term Chief Executive Officer includes the following: a municipality; a qualified private non-profit organization; or a federally recognized Native American Tribe.

Name of Applicant: _____

Description of Proposed Project: _____

The recipient of federal funding will be: _____

Name: _____

Mailing Address: _____

City/Town: _____ State: _____ Zip Code: _____

Phone: _____ ext. _____ Fax: _____

Based on my review and reasonable investigation, including my inquiry of those individuals responsible for preparing the information, the proposed activity described in this application is consistent with all applicable standards and criteria established or referred to in this Flood Management General Certification. Proposed activities identified under this Flood Management General Certification are to be designed in compliance with the flood management requirements of CGS Section 25-68d(b) and Sections 25-68h-1 and 25-68h-3 of the Regulations of Connecticut State Agencies (RCSA).

I understand that a false statement made in the submitted information may, pursuant to Section 22a-6 of the General Statutes, be punishable as a criminal offense under Section 53a-157b of the General Statutes, and may also be punishable under Section 22a-438 of the General Statutes.

Chief Executive Officer _____ Date _____

Chief Executive Officer _____

(Print or Type)

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Compliance Form B: Professional Certification

Name of Applicant: _____

Description of Proposed Project: _____

The recipient of federal funding will be: _____

Name: _____

Mailing Address: _____

City/Town: _____ State: _____ Zip Code: _____

Phone: _____ ext. _____ Fax: _____

Plan Dated and Revised Through:

I hereby certify that the prepared information and the proposed activity described in this application is consistent with all applicable standards and criteria established or referred to in this Flood Management General Certification. Proposed activities identified under this Flood Management General Certification are to be designed in compliance with the flood management requirements of CGS Section 25-68d(b) and Sections 25-68h-1 and 25-68h-3 of the Regulations of Connecticut State Agencies (RCSA).

I understand that a false statement made in the submitted information may, pursuant to Section 22a-6 of the General Statutes, be punishable as a criminal offense under Section 53a-157b of the General Statutes, and may also be punishable under Section 22a-438 of the General Statutes.

Signature of Professional Engineer

Date _____

Name of Professional Engineer (Print or Type) _____

P.E. Number _____