

## CHAPTER 104

### FLOOD PLAIN MANAGEMENT

104.02 Definitions.

104.10 State inventory and assessment.

104.11 Flood hazard mitigation grants.

104.35 Management plans; hearing; establishment.

**104.02 DEFINITIONS.**

Subdivision 1. **Applicability.** For the purposes of sections 104.01 to 104.07, 104.10, and 104.11, the terms defined in this section have the meanings given them.

Subd. 2. **Regional flood.** "Regional flood" means a flood which is representative of large floods known to have occurred generally in Minnesota and reasonably characteristic of what can be expected to occur on an average frequency in the magnitude of the 100 year recurrence interval.

Subd. 3. **Floodplain.** "Floodplain" means the areas adjoining a watercourse or water basin which has been or hereafter may be covered by the regional flood.

Subd. 4. **Floodway.** "Floodway" means the channel of the watercourse, the bed of water basins, and those portions of the adjoining floodplains which are reasonably required to carry and discharge, and provide storage for the regional flood.

Subd. 5. **Flood fringe.** "Flood fringe" means that portion of the floodplain outside of the floodway.

Subd. 6. **Local governmental unit or local government.** "Local governmental unit" or "local government" means a county, statutory or home rule charter city, town, watershed district, or lake improvement district.

Subd. 7. **Commissioner.** "Commissioner" means the commissioner of natural resources.

Subd. 8. **Structural flood management measures.** "Structural flood management measures" means physical actions taken to modify the behavior and extent of floods and flooding, including the construction of dams, dikes, levees, flood bypass channels, flood storage and retardation structures, and water level control structures, but excluding deepening or straightening of existing stream channels.

Subd. 9. **Nonstructural flood management measures.** "Nonstructural flood management measures" means actions in floodplains designed to reduce the damaging effects of floods on existing and potential users of floodplains, without physically altering the flood behavior. The measures include:

- (1) public acquisition of floodplain lands;
- (2) relocation of public and private structures and facilities;
- (3) floodproofing of public and private facilities;
- (4) installation and operation of flood warning systems and evacuation procedures;
- (5) adoption and enforcement of land use control ordinances and building codes;
- (6) installation of signs and other notifications in regional flood areas; and
- (7) provision of flood insurance and public education.

Subd. 10. **Mitigation.** "Mitigation" means the act of alleviating the effects of floods and flooding by moderating or reducing the severe damages resulting from floods through structural and nonstructural flood management measures.

Subd. 11. **Mitigation measures.** "Mitigation measures" means structural or non-structural flood management measures, or both.

Subd. 12. **Water basin.** "Water basin" has the meaning given it by section 105.37, subdivision 9.

**History:** 1987 c 306 s 3

**104.10 STATE INVENTORY AND ASSESSMENT.**

The commissioner shall conduct a statewide inventory and flood damage assessment of flood prone structures and lands.

**History:** 1987 c 306 s 4

**104.11 FLOOD HAZARD MITIGATION GRANTS.**

Subdivision 1. **Grants authorized.** The commissioner may make grants to local governments to:

(1) conduct floodplain damage reduction studies to determine the most feasible, practical, and effective methods and programs for mitigating the damages due to flooding within flood prone rural and urban areas and their watersheds; and

(2) plan or implement, or both, flood mitigation measures.

Subd. 2. **Action on grant applications.** (a) Upon receipt of a request for a grant for less than \$75,000 on forms provided by the commissioner, the commissioner shall confer with the local government requesting the grant and may make a grant based on the following considerations:

(1) the extent and effectiveness of mitigation measures already implemented by the local government requesting the grant;

(2) the feasibility, practicality, and effectiveness of the proposed mitigation measures and the associated nonflood related benefits and detriments;

(3) the level of grant assistance that should be provided to the local government, based on available facts regarding the nature, extent, and severity of flood problems;

(4) the frequency of occurrence of severe flooding that has resulted in declaration of the area as a flood disaster area by the president of the United States;

(5) the economic, social, and environmental benefits and detriments of the proposed mitigation measures;

(6) whether the floodplain management ordinance or regulation adopted by the local government meets the minimum standards established by the commissioner, the degree of enforcement of the ordinance or regulation, and whether the local government is complying with the ordinance or regulation;

(7) the degree to which the grant request is consistent with local water plans developed under chapters 110B and 112 and sections 473.875 to 473.883;

(8) the financial capability of the local government to solve its flood hazard problems without financial assistance; and

(9) the estimated cost and method of financing of the proposed mitigation measures based on local money and federal and state financial assistance.

(b) If the amount of the grant requested is \$75,000 or more, the commissioner shall determine, under the considerations in paragraph (a), whether any part of the grant shall be awarded and submit to the governor and the legislature for funding consideration before each odd-numbered year a list of the grant requests or parts of grant requests of \$75,000 or more. The commissioner must prioritize the grant requests, under the considerations in paragraph (a), beginning with the projects the commissioner determines most deserving of financing.

(c) A grant may not exceed one-half the total cost of the proposed mitigation measures.

(d) After July 1, 1991, grants made under this section may be made to local governments whose grant requests are part of, or responsive to, a comprehensive local water plan prepared under chapter 110B or 112 or sections 473.875 to 473.883.

**History:** 1987 c 306 s 5

**104.35 MANAGEMENT PLANS; HEARING; ESTABLISHMENT.**

*[For text of subd 1, see M.S.1986]*

Subd. 2. The commissioner shall make the proposed management plan available to affected local governmental bodies, shoreland owners, conservation and outdoor recreation groups, the commissioner of trade and economic development, the director of public service, the governor, and the general public. The commissioner of trade and economic development, the director of public service, and the governor shall review the proposed management plan in accordance with the criteria in section 86A.09, subdivision 3, and submit any written comments to the commissioner within 60 days after receipt of the proposed management plan. Not less than 60 days after making such information available, the commissioner shall conduct a public hearing on the proposed management plan in the county seat of each county that contains a portion of the designated area, in the manner provided in chapter 14.

Subd. 3. Upon receipt of the administrative law judge's report, the commissioner shall immediately forward the proposed management plan and the administrative law judge's report to the commissioner of trade and economic development and the director of public service for review under section 86A.09, subdivision 3, except that the review by the commissioner of trade and economic development and the director of public service must be completed or be deemed completed within 30 days after receiving the administrative law judge's report, and the review by the governor must be completed or be deemed completed within 15 days after receipt. Within 60 days after receipt of the administrative law judge's report, the commissioner shall decide whether to designate by order the river or a segment of the river as a wild, scenic, or recreational river and, if so designated, shall adopt a management plan to govern the area. The commissioner shall notify and inform public agencies and private landowners of the plan and its purposes so as to encourage their cooperation in the management and use of their land in a manner consistent with the plan and its purposes.

*[For text of subd 4, see M.S.1986]*

**History:** 1987 c 312 art 1 s 3,4