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**Subject:** ATLANTIC COAST PIPELINE

Good afternoon, Lyn. Following are comments from the Risk Management Group, Division of Emergency Management, Department of Public Safety in response to the Atlantic Coast Pipeline Draft EIS.

- 1) Executive Order 11988 requires an eight-step review process that agencies should carry out as part of their decision-making on projects that have potential impacts to or within the floodplain. Any work within the SFHA of studied streams, based on the current Flood Insurance Rate Map, should follow these guidelines in order to avoid to the extent possible the long and short term adverse impacts associated with the occupancy and modification of floodplains. The eight steps are summarized below.
  - a. Determine if a proposed action is in the base floodplain (that area which has a one percent or greater chance of flooding in any given year).
  - b. Conduct early public review, including public notice.
  - c. Identify and evaluate practicable alternatives to locating in the base floodplain, including alternative sites outside of the floodplain.
  - d. Identify impacts of the proposed action.
  - e. If impacts cannot be avoided, develop measures to minimize the impacts and restore and preserve the floodplain, as appropriate.
  - f. Reevaluate alternatives.
  - g. Present the findings and a public explanation.
  - h. Implement the action.
- 2) All encroachments within the Special Flood Hazard Area along the pipeline route will require a Floodplain Development Permit from the local permitting authority where the encroachment will occur. Please refer to the North Carolina Flood Risk Information System web site (<http://fris.nc.gov/fris>) for Special Flood Hazard Area locations within the state.
- 3) Where there is an encroachment, construction, or storage of equipment and materials in the Floodway or Non-Encroachment Area of the Special Flood Hazard Area, a hydraulic analysis shall be performed to determine the impact on flood levels during the base flood discharge due to the proposed construction. An increase in flood levels will require approval of a Conditional Letter of Map Revision prior to construction. No structures shall be impacted by the increase in flood levels. If there are no increases in flood levels, a "No-Rise" study and certification will be required prior to construction.
- 4) For temporary encroachments within the Floodway or Non-Encroachment Area, several conditions should be included with the floodplain development permit:

- a. The permit should stipulate the days, dates, and duration that equipment and material will be within the Floodway or Non-Encroachment Area.
- b. Pre- and post-construction inspections should be performed, with photographic documentation, to assure that post-project conditions match the pre-project conditions at the stream crossings.
- c. The contractor should establish a warning system during construction to allow equipment to be evacuated from the site and placed outside the floodplain in case severe weather or flooding conditions are possible.
- d. Placement of equipment in the floodway and Special Flood Hazard Area should be restricted to only that equipment which is absolutely necessary for the purpose of the pipeline installation.
- e. The permitting agency should provide written notification to the applicant that they may be liable for any flood damages resulting from the temporary encroachment.
- f. Notify potentially affected property owners upstream and applicants for permits in the affected area that there may be an increased risk of flooding for the duration of the temporary encroachment.
- g. Finally, if the temporary encroachment results in flood damage to an insured structure the insurer may subrogate the claim.

Please let me know if you have any questions. I will be posting these comments to the FERC site as well.

Best regards,

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