

## Kim Nelson

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**From:** Mike Howell  
**Sent:** Monday, March 19, 2012 4:00 PM  
**To:** Kim Nelson  
**Subject:** FW: Permitting of piers and boat houses.

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**From:** Meredith, Ken [mailto:Ken.Meredith@adeca.alabama.gov]  
**Sent:** Wednesday, March 14, 2012 1:55 PM  
**To:** Mike Howell  
**Subject:** RE: Permitting of piers and boat houses.

You misunderstood me, Mike. Anytime you allow development in the SFHA, you must issue a floodplain development permit which describes the project event. If you don't, you violate the NFIP regs and your ordinance. If, in issuing the floodplain development permit, you see that the development is encroaching an area that requires additional review such as a No Rise Certificate if in a floodway or a CLOMR in the case of a housing development encroaching an Approximate A zone, and you do nothing about it, there will be problems associated with the action. It has nothing to do with the Building Permit. Development Permits and Building Permits are two separate things. FEMA does not ensure piers and boat houses, but if those structures are attached to the main building, they could impact the lowest floor elevation and cause a higher risk associated with the main structure. Hence, higher insurance cost/premiums. Most Alabama counties don't have a building department and do not issue building permits; but, they do issue development permits and require elevation certs. To be safe, it is always a good idea to have any and every type of development include a floodplain development permit, even if not in a floodplain. The permit reflects that fact and can be used by an owner to support an argument against flood insurance requirements. Not issuing your traditional building permit for piers and docks and boathouses has no impact on the floodplain management program of Baldwin County.

## James K. Meredith, CFM

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State of Alabama

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**From:** Mike Howell [mailto:MHOWELL@baldwincountyal.gov]  
**Sent:** Wednesday, March 14, 2012 1:15 PM  
**To:** Meredith, Ken  
**Subject:** RE: Permitting of piers and boat houses.

How could flood insurance rates be negatively impacted and legal liability assumed if we stop issuing building permits for piers and continuo to enforce all flood regulations?  
Thanks.  
Mike.

**From:** Meredith, Ken [<mailto:Ken.Meredith@adeca.alabama.gov>]  
**Sent:** Wednesday, March 14, 2012 10:25 AM  
**To:** Mike Howell  
**Subject:** RE: Permitting of piers and boat houses.

Mike,

Do you have a separate Floodplain Development Permit Form you use that is separate from a Building Permit? May I see it? The floodplain development permit is simply floodplain-specific information about the project. It should be issued free of charge and it should be attached to an Elevation Certificate if applicable. FEMA requires two basic documents for reference---floodplain development permit and elevation certificate. The information you derive from the permit will determine whether or not the developer/homeowner is required to perform additional tasks prior to any physical work, i.e., a No Rise Certificate, or CLOMR, or LOMR or federal permits. Legal liability could be attached to the development permit if conditions noted on the form are ignored by officials. Certainly, flood insurance rates due to risk would be negatively impacted.

In other words, I see nothing wrong with floodplain management of these structures.

**James K. Meredith, CFM**

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**From:** Mike Howell [<mailto:MHOWELL@baldwincountyal.gov>]  
**Sent:** Wednesday, March 14, 2012 9:32 AM  
**To:** Meredith, Ken  
**Subject:** Permitting of piers and boat houses.

Ken.

The Baldwin County Commission is considering doing away with the issuance of building permits for the construction of piers and boat houses. The county is having more legal issues with these structures as more and more are being built. The legal issues pertain to riparian rights, over size during construction and set backs from the riparian line etc. The provisions of the 44 CFR and section 3.3 of our flood plain development ordinance ( A development permit shall be required in conformance with the provisions of this ordinance prior to the commencement of any development) will be enforced as well as section 5.2- (4) (Floodway regulations) and any other sections of our flood regulations that may apply. Piers and boat houses are currently regulated by the Corps of Engineers and State lands Division therefore the county is considering floodplain management of these structures only. Please let me know your thoughts and or concerns pertaining to this matter.

Thank you.

**Mike Howell CBO, CFM**

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