

NEBRASKA DEPARTMENT OF WATER, ENERGY, AND ENVIRONMENT

Floodplain Management Division

STRUCTURAL FLOODPLAIN DEVELOPMENT PERMIT APPLICATION INSTRUCTIONS

As defined in Title 44 of the Code of Federal Regulations (CFR) Part 60, Subpart A, Section § 60.3, the minimum standard for a community in the National Flood Insurance Program (NFIP) is to require a floodplain development permit prior to commencement of construction or development within any Special Flood Hazard Area (SFHA) within the community.

Note: The Structural Floodplain Development Permit Application is a separate process from other Building or Zoning permit application processes. The Floodplain Development Permit is a prerequisite for application to other departments or agencies for all development in the SFHA.

The Structural Floodplain Development Permit Application must be completed by the property owner or the owner's authorized representative. The application shall be completed on the forms provided by the Floodplain Administrator (FPA) and provided to the FPA upon completion for review and approval. No deviation from the original application is permissible.

The property owner or the owner's authorized representative must complete Section A, B, and C. The local floodplain administrator must complete Section D.

Section A: Applicant and General Property Information

Section A must identify the property owner and the location of the proposed development. Enter the name and address of the property owner and the name and address of the applicant, if different than the property owner. Under "Site Information" enter the street address, if applicable, or the tax parcel ID number or property location description.

If the address is a rural route or a Post Office box number, enter the lot number and subdivision block number, the tax parcel ID number, the legal description, or an abbreviated location description based on distance and direction from a fixed point of reference.

Section B: Project Proposal

Section B must provide a project narrative with sufficient detail and clarity for the FPA to understand the proposed scope of work for any property located partially or entirely within a SFHA.

Under the “For Structural Development Activities” section, please check all applicable activities, building type(s), foundation type(s), included development activities, or describe the development by selecting “other” and providing a description of the type of development.

For structural development activities, note that there is a difference between the foundation type defined as a **basement** or an **enclosure**.

A **basement** is any area of the building having its floor subgrade (below ground level) on all sides.

An **enclosure** is a foundation below the base flood elevation but is above grade and requires openings. An enclosure can be a crawlspace or garage. The bottom of each opening cannot be higher than 1 foot above the higher of the finished interior grade or the finished exterior grade immediately under the opening. Therefore, the expected finished exterior grade and the final interior grade (or floor) of a crawlspace must be known before the location of the openings in a perimeter foundation wall can be determined.

Under “Included Submittal Documents” section, please check and attach all submittal documents that are applicable to the project. If the applicant is unsure which documents apply, please work with the FPA to ensure a complete submittal.

Section C: Applicant Certification

Section C is the formal certification and request by the property owner to initiate work within a SFHA. This statement, once signed, commits the applicant to complete the project without deviation from the approved application, ensuring the proposed project remains in strict compliance with the local floodplain ordinance and any applicable regulations.

Section D: Project Requirements

Section D must be completed by the community FPA. In the “FEMA Flood Zone” section, reference the regulatory maps, which are available on FEMA’s Map Service Center (msc.fema.gov), select the appropriate flood zone(s) where the development is located. All flood zones containing the letter “A” are considered the Special Flood Hazard Areas (SFHAs) and require a floodplain development permit. Each flood zone is defined in the legend of the Flood Insurance Rate Map (FIRM) panel on which it appears.

Using the appropriate Flood Insurance Study (FIS) profile, FIS floodway data table, or FIRM panel, locate the proposed development. Using the appropriate FIS profile enter the Base Flood

Elevation (BFE) of the proposed development, rounded to the nearest tenth of a foot. If the proposed development is located in more than one flood zone, list all applicable BFEs.

In Zone A floodplains, where BFEs are not published, the BFE for the proposed development area may be determined from another source. The FPA may request a BFE determination from the Nebraska Department of Water, Energy, and Environment and this can be selected as the “Source of BFE” section. If the Nebraska Department of Water, Energy, and Environment did not produce a BFE determination for the proposed development location or if the proposed development is larger than five acres or 50 lots, indicate the source as “Other” and include the source of the BFE determination and the date the BFE determination was completed.

The substantial improvement section helps determine if the project qualifies as a substantial improvement, triggering compliance with flood regulations. This section must also be used when permitting repairs to damaged structures.

Provide the following:

- (a) **Cost of Improvements:** Attach supporting documentation (estimates, contracts, etc.).
- (b) **Value of Structure:** Attach assessment documents or appraisal.
- **Calculation:**
$$(a) \div (b)(a) \div (b)(a) \div (b) \times 100 = (c)$$
 - If **(c) ≥ 50%**, the project is a **substantial improvement** and must comply with full flood protection requirements.

Please ensure all elevation values are based on the applicable datum (e.g., NAVD88 or NGVD29) and that supporting documentation is submitted where required.

Upon receipt of a completed floodplain development permit application, the FPA shall review the application and approve or deny the requested development permit, in accordance with the provisions of the local floodplain ordinance, current NFIP regulations, and State minimum standards.

Upon approval, the FPA shall issue a placard to be posted in a conspicuous place on the affected property, and the placard shall remain posted until a Certificate of Compliance is issued, attesting to the fact that the use or alteration is in compliance with the provisions of the Floodplain Ordinance.

The development may not be used or occupied prior to the issuance of a Certificate of Compliance. By signing and submitting this application, the applicant consents to the FPA to make reasonable inspections prior to the issuance of the Certificate of Compliance.

In accordance with NFIP regulations, State minimum standards, and the local floodplain ordinance, documentation related to this application and permit must be retained. All records including, but not limited to, floodplain development permits, elevation certificates, Certificates of Compliance, and any attachments to these documents must be permanently retained by the community.

Request for Information (RFI)

The FPA may request additional information regarding the proposed development prior to approval of this application. If the applicant receives a returned permit application with the request for more information document attached, the applicant must submit the identified items or reach out to the FPA to get clarification. Upon receipt of the request for additional information, the applicant must not begin development activities until a revised floodplain development permit is submitted, approved, and issued by the FPA. Pay close attention to the “date info needed by” under the “General Information” section. If additional information is not submitted prior to this date, the applicant must complete a new floodplain development permit application.