

# Procedures for No-Rise Certification

# What is a Floodway

- According to 44 CFR 59.1: Definitions.
  - ***Regulatory Floodway*** means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.



# What is a Floodway

- According to Nebraska State Statute 31-1008.  
***Floodway, defined.***
  - Floodway shall mean the channel of a watercourse or drainway and the adjacent land areas that are necessary to be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a reasonable height, as designated by the department.

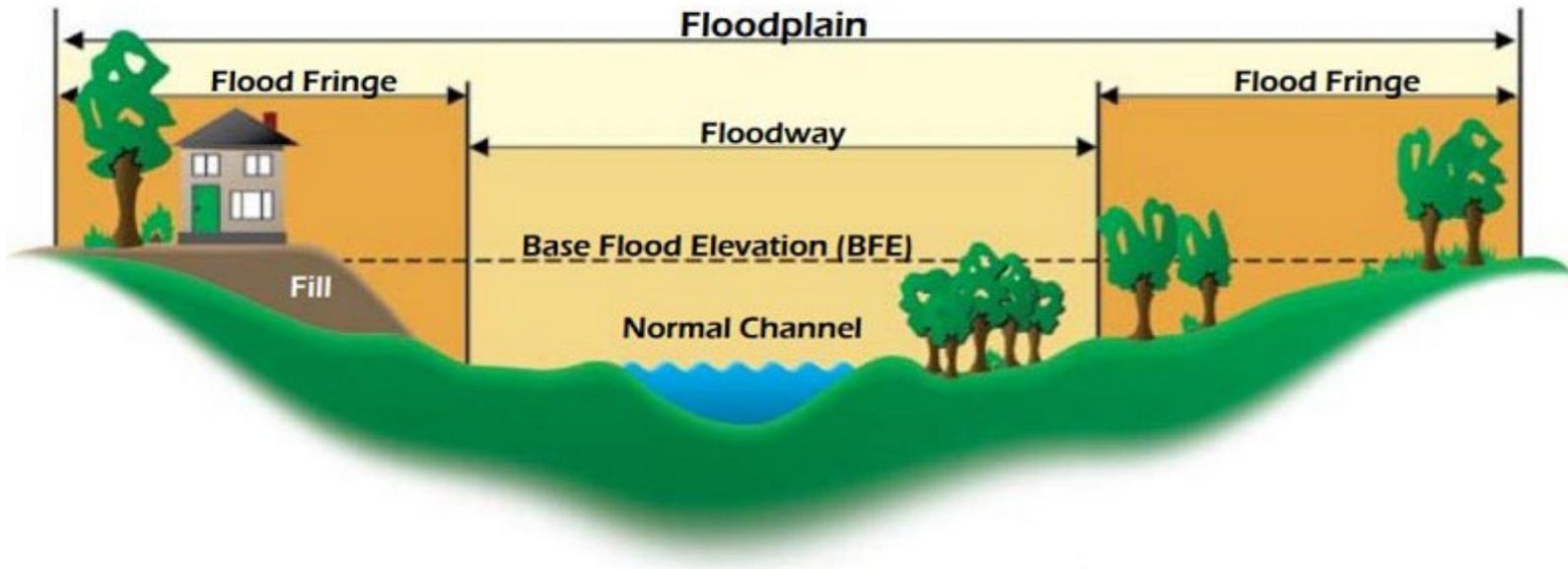
# What is a Floodway

- The floodway is the stream channel and portion of the adjacent floodplain that must remain open to permit passage of the base flood.
- The floodway is a regulatory measure to assist communities with protecting the river corridor where flows are most sensitive to encroachment.



# What is a Floodway

## Characteristics of a Floodplain



Source: FEMA, National Flood Insurance Program Guidebook, 2009

# Federal Floodway Regulatory Requirements

- 44 CFR 60.3(d)(3):

...the community shall: Prohibit encroachments, including fill, new construction, substantial improvements, and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.

# State Floodway Regulatory Requirements

- Nebraska Administrative Code, Title 455, Chapter 1, Rules and Regulations Concerning Minimum Standards for Floodplain Management Programs, Section 005.01:

No new construction, substantial improvements, or other obstruction (including fill) shall be permitted within the floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed new construction would not result in any increase in water surface elevations along the floodway profile during the occurrence of the base flood.

# Federal Zone A Regulatory Requirements

- 44 CFR 60.3(c)(10):

...the community shall: Require until a regulatory floodway is designated, that no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1–30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

# State Zone A Regulatory Requirements

- Nebraska Administrative Code, Title 455, Chapter 1, Rules and Regulations Concerning Minimum Standards for Floodplain Management Programs, Section 004.01:

No new construction, substantial improvements, or other obstruction (including fill) shall be permitted unless it is demonstrated that the cumulative effect of the proposed new construction, when combined with all other existing and anticipated new construction or substantial improvement, will not increase the water surface elevation of the base flood more than one foot at any location.

# Why Does it Matter?

- Required by:
  - Code of Federal Regulations (CFR).
  - Nebraska State Statutes and Nebraska Administrative Code Title 455.
  - Your local floodplain management ordinance.
- These procedures must be enforced to maintain a community's status in the National Flood Insurance Program (NFIP).
- ***Floodplain management protects the health and well-being of residents.***

# Know the Rules for Floodways

- Must be demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practices.
- MT-2 Revision Request Submittal Checklist identifies if the Base (1-percent-annual chance) Flood Elevation (BFE) increases greater than 0.00 foot as a result of encroachment within a floodway a Conditional Letter of Map Revision (CLOMR) is required.
- NeDNR has created guidance for completing No-Rise Analyses, which contains information that may be useful for Floodplain Administrators.

## **PART B: CLOMR SPECIFIC REQUIREMENTS**

**Endangered Species Act COMPLIANCE:** Please submit documentation of compliance with the ESA Requirements. To learn more about ESA Compliance, please see the MT-2 Instructions manual.

**65.12 REGULATORY REQUIREMENTS:** If the Base (1-percent-annual-chance) Flood Elevation (BFE) increases greater than 0.00 foot as a result of encroachment within a floodway or 1.0 foot within Zone AE that has no floodway/Zone A, between the pre-project (existing) conditions and the proposed conditions as a result of the proposed project. Please submit a). Certification that no structures are affected by the increased BFE; b). Documentation of individual legal notice to all affected property owners, explaining the impact of the proposed action on their property; and c). An evaluation of alternatives that would not result in an increase in BFE.

# Know the Rules for Floodways

- Per 44 CFR 65.12 must submit for and receive approval for a CLOMR prior to activity, if modeling shows:
  - Increase in base flood elevation(s).
  - Change in floodway delineation / encroachment stations.
  - Change in Hydrology.



# Know the Rules for Floodways

Per 44 CFR 65.7(c)(2)(i), if a floodway change is proposed:

The ***original hydraulic computer model used to develop the established base flood elevations*** must be modified to include all encroachments that have occurred in the flood plain since the existing floodway was developed. If the original hydraulic computer model is not available, an alternate hydraulic computer model may be used provided the alternate model has been calibrated so as to reproduce the original water surface profile of the original hydraulic computer model. The alternate model must be then modified to include all encroachments that have occurred since the existing floodway was developed

# Know the Rules for Zone A Floodplains

- Per 44 CFR 60.3(c)(13) must submit for and receive approval for a Conditional Letter of Map Revision (CLOMR) prior to activity, if :
  - Increase in base flood elevation(s) of more than one foot.
- The analysis should be supported by technical data that conforms to standard engineering principles.



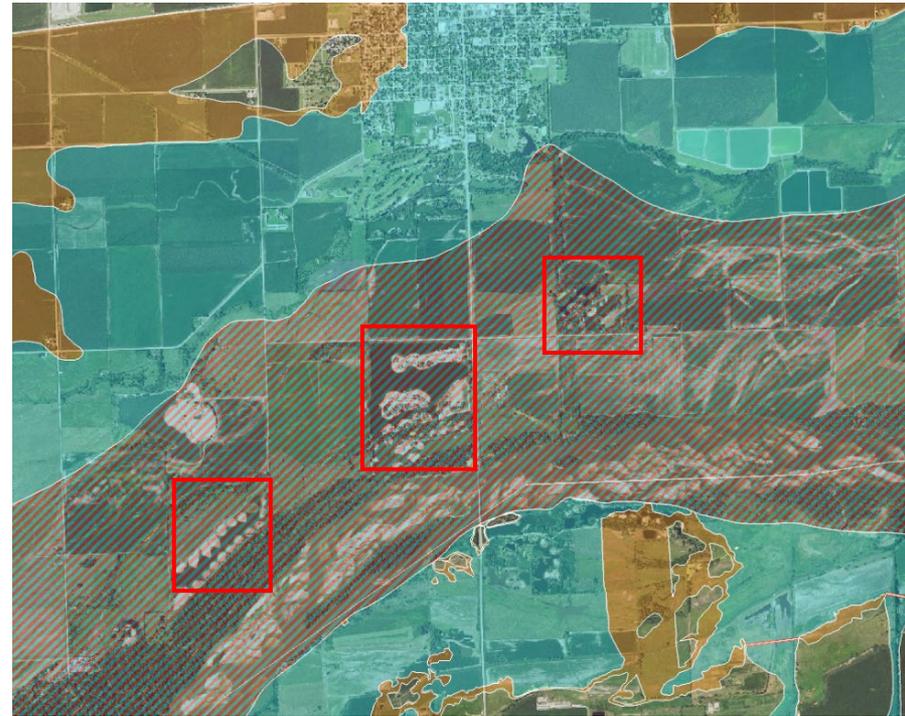
# When a No-Rise Analysis is Required

- Any time work is being completed within the designated floodway.
- Does not matter what type of work or the size of the project, even simple repair projects require no-rise certification.



# Project Discussions

- Engineering firms may reach out to you.
- You have the knowledge and information related to projects within their study area.
- Ensure the property owner or their engineer knows what is expected in a submittal.



# Project Discussions

- Review the submittal for completeness.
- Verify the project meets requirements for permitting under your local ordinance.
- Approve the no-rise or request technical assistance from NeDNR.



# Technical Assistance

- NeDNR can provide technical assistance if requested in writing.
- NeDNR does not approve no-rise submittals.
  - Determines whether No-Rise Certification meets FEMA's requirements.
  - Verifies the documentation meets the requirement of 44 CFR 60.3(d)(3).
- Review comments are provided within 20 working days of a complete submittal.



# Requirements

- Analysis must be based on the Effective information, which is reflected on your Flood Insurance Rate Map (FIRM) panels.
- Analysis must be supported by technical data or an explanation of why a hydraulic analysis is not required.
- If draft data is available in your area, it can only be used if it is more restrictive than the effective information.

# Submittal

- No-Rise supporting data should include:
  - All models associated with the study.
  - FIRM and topographic work maps.
  - Project narrative, clearly stating analysis procedures & source of topographic data.
  - Effective Floodway Data Table from FIS.
  - Cross section plots for Existing and Proposed.
  - Boundary survey of structures, if applicable.
  - No-Rise Certification (if applicable)



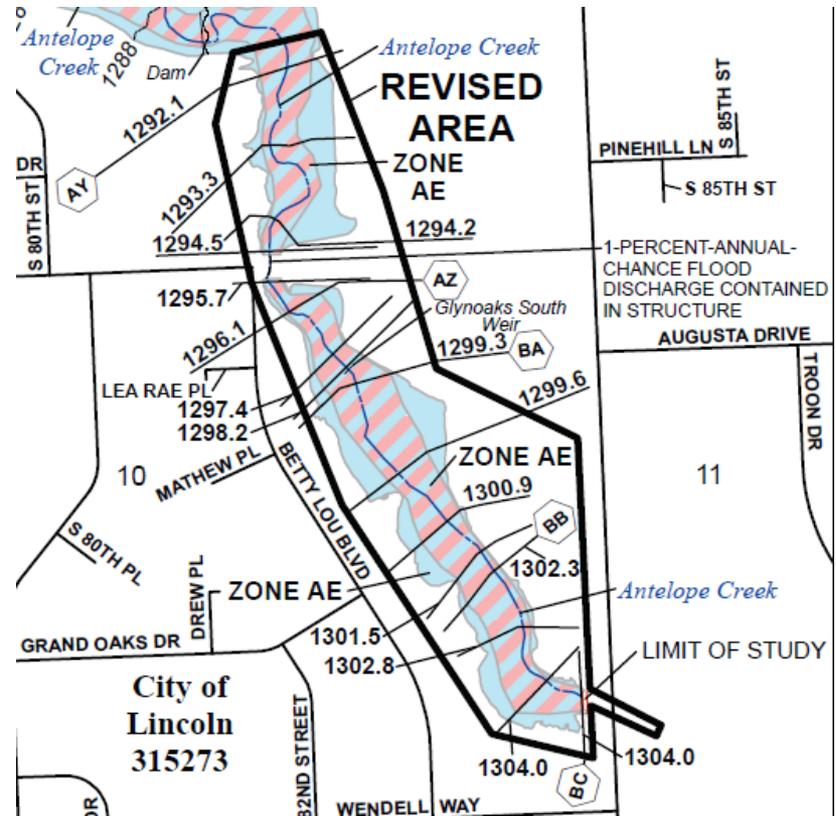
# Submittal Tips

- Information should be organized!
- Make sure hydraulic models are labeled.
- Project narrative should be understandable to anyone reading it.
- Work map should show the vertical tie-ins, floodplain, floodway, and other natural features of the site.
- Comparison tables depicting whether no-rise was achieved.



# FIRM / Topographic Work Map

- Floodplain and Floodway boundaries
- Topography
- Cross sections – Effective and added sections, including locations and labels
- Site location
- Existing and Proposed features/structures

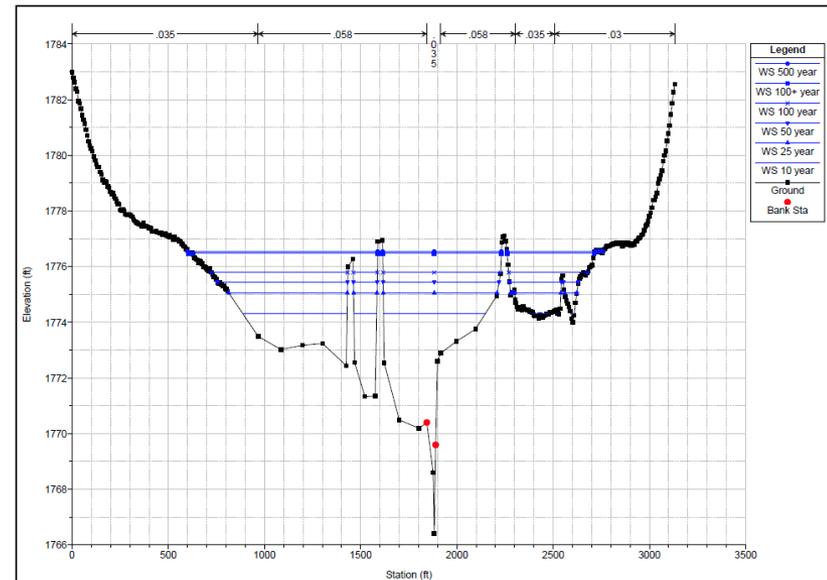


# Project Narrative

- All modifications to the Effective Model must be documented.
  - Provide source of additional information (cross section topography, changes to manning's 'n' values, etc.)
  - Provide a detailed description of the methodology.
  - Describe issues encountered.
  - Include comparison tables.
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# Cross Section Plots

- Include all cross sections in project area
  - Effective
  - Additional cross sections to model project impact
- Label features and changes
- Provide elevations



# Certification

- Sealed by a Professional Engineer.
- Addresses BFEs, floodway elevations, and floodway widths.
- No qualifying language:
  - “I think”, “I believe”, “In my judgement”.
  - “No significant impact”, “Minor impacts”.
  - “No increase in published BFE”.
- Community sign-off.

# Thoughts to Consider

- No-Rise Certification does not affect only the property in question.
- Less than one foot rise does not affect only the location in question.
- Understand that the level of effort for a no-rise should be at least as comprehensive as a map revision.
- Hydraulic modeling should only be performed by knowledgeable and experienced engineers with a strong understanding of the software being used.



# Questions?



# Contacts

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