Floodplain Management in Nebraska

Welcome Guide

Nebraska Department of Natural Resources

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DEPT. OF NATURAL RESOURCES

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About This Guide

Welcome to floodplain management!

This guide is a brief overview of your duties as a Floodplain Administrator as well as contextual information vital to your position.

The Nebraska Department of Natural Resources (NeDNR) hosts monthly virtual workshops on topics requested by the community.

Future workshops and links to recorded classes can be found at: <u>https://dnr.nebraska.gov/floodplain/training-and-</u> workshops

For further information visit the NeDNR floodplain website: <u>https://dnr.nebraska.gov/floodplain</u>

Comments and questions should be directed to the NeDNR at (402) 471-2363.

This guide is produced by the NeDNR Floodplain Management Section and is partially supported by funding through a Cooperative Agreement with the Federal Emergency Management Agency. The contents do not necessarily reflect the view and policies of the federal government.



Nebraska Department of Natural Resources office building. Photo courtesy of NeDNR.

The National Flood Insurance Program (NFIP) is a federal program that was established with the passage of the National Flood Insurance Act of 1968. Property owners in NFIP-participating communities can purchase flood insurance as a protection against flood losses. Community participation in the program is voluntary and is based on an agreement between local communities and the federal government to promote safe floodplain development. This partnership includes:



Image from NFIP.

- Flood Insurance. Property owners and renters within NFIP-participating communities are eligible to purchase federal flood insurance. Homeowners with a federally backed mortgage and development within a floodplain are required to have flood insurance.
- Flood Hazard Maps. FEMA collaborates with communities and the state to create flood maps according to FEMA standards. These maps are used by communities, state agencies, homeowners, insurance agents, and more.
- **Regulations.** It is the communities' duty to create, adopt, and enforce floodplain management regulations that are in line with state and federal minimum standards. This often takes the form of a floodplain ordinance. These regulations are meant to reduce the risk of flooding to community development.

Flood Insurance. Property owners within an NFIP participating community can purchase flood insurance at a reasonable rate. Then, when flooding occurs, home and business owners can recover and rebuild more efficiently. Rebuilding quickly after a disaster keeps your community viable.

Decreased Liability. Having an active floodplain management program involves taking positive steps to reduce the exposure of life and property to flooding hazards. By participating, local governing bodies can decrease their liability by making flood insurance available to citizens.

Flood Mitigation. Availability of flood insurance is only a small part of the program. Your community will benefit by having an overall floodplain management program that looks at all development within flood hazard areas in a manner consistent with federal and state guidelines. This means the probability of damage to new construction will be greatly reduced and the health and safety of your residents will be protected.

Federal Disaster Assistance. Should you choose not to join, federal flood insurance will continue to be unavailable in your community. Because flood insurance is required on all federally guaranteed loans (such as those from the Federal Housing Administration and Veterans Administration), these loans will be unavailable to citizens in your community. Additionally, some types of federal disaster assistance require a community to be in good standing with the NFIP in order to receive the financial assistance.



Bridge collapse caused by flooding. Photo courtesy of NEMA.

A **Floodplain Administrator** is the individual in a community tasked with implementing the floodplain management program.

Duties of a Floodplain Administrator may include:

- Understanding the regulations.
- Ensuring that all other permits are applied for and obtained prior to the issuance of the floodplain development permit.
- Reviewing and process permit applications.
- Coordinating with other programs.
- Inspecting to ensure projects are built according to approved permits.
- Correcting violations and take enforcement actions.
- Maintaining records.
- Maintaining and updating flood data and maps.
- Conducting Substantial Damage and Substantial Improvement (SD/SI) determinations.
- Completing post-flood damage assessments.



Floodplain Administrator. Photo courtesy of NeDNR.

A **Floodplain** is defined as any land area susceptible to being inundated by water from any source. Floodplains are where water naturally flows during high-water events. Their existence is important for safe and efficient stormwater control.

Especially important is the **1% Annual Chance Floodplain**, which is the area inundated during a 1% annual chance flood, also called a 100-year flood. A **1% Annual Chance Flood** is a flood that has a one percent chance of being equaled or exceeded in any given year. The 1% annual chance floodplain is also the regulatory floodplain, floodplain regulations apply within this area. During a 30-year mortgage, your property has at least a 26% chance of being flooded.

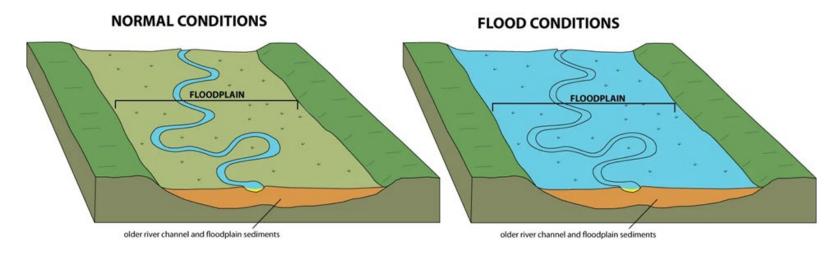
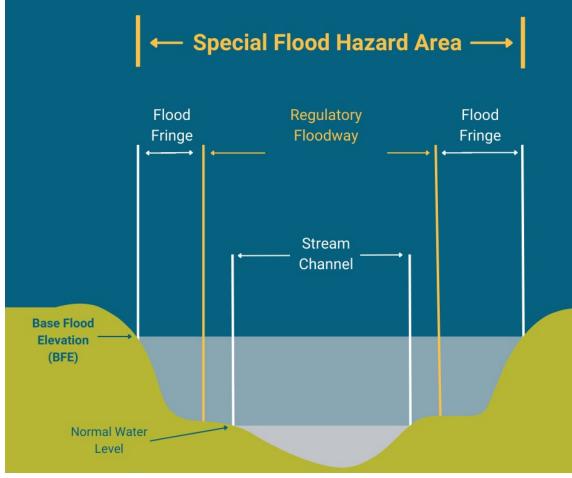


Image from Wired.

What is a Floodplain?



The Special Flood Hazard Area

(SFHA) is the area where the NFIP's floodplain management regulations must be enforced and the area where the mandatory purchase of flood insurance applies. Also known as an **1% Annual Chance Floodplain**, most commonly depicted as Zone A or Zone AE. See page 12 for more information on Flood Zones.

The Base Flood Elevation (BFE) is the

elevation to which floodwater is anticipated to rise during the 1% annual chance flood. The relationship between the BFE and a structure's elevation helps determine the flood insurance premium.

See page 14 for information on **Regulatory Floodways**.

Image from NeDNR.

Floods Don't Always Stop at the BFE

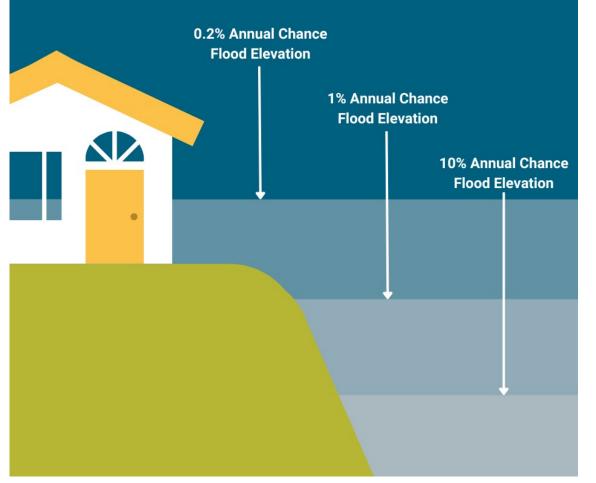


Image from NeDNR.

Just because a building is outside of the floodplain does **NOT** mean it is completely safe from flooding. Regulations are based on 1% annual chance flood elevation; however, it is possible for floods to exceed this elevation.

Nebraska State Minimum Standards for Floodplain Management Programs listed in Nebraska Administrative Code Title 455, Chapter 1 require residential structures to be built at least one foot above the BFE, and non-residentials structures to elevate or floodproof to at least one foot above BFE.

Important

Major storms and flash floods • can cause flooding higher than the BFE. Be safer by avoiding flood zones and building higher.

Insurance Overview

For communities in the NFIP, flood insurance is available throughout the jurisdiction, regardless of flood zone. In fact, more than 25% of NFIP claims come from outside of the regulatory floodplain. Between 2014 and 2019 more than 40% of all NFIP flood claims came from outside the regulatory floodplain. Unlike private insurance, policies are not cancelled for repeated losses. Building and contents coverage is available, which can be helpful for homeowners, businesses, and renters.

There is no payback requirement for federal flood insurance payments. A federal flood insurance policy reimburses up to \$250,000 for homes or \$500,000 for businesses.

Flood insurance is **mandatory** for homes or structures within the regulatory floodplain with federally backed mortgages and loans.

More information on flood insurance can be found at: <u>https://dnr.nebraska.gov/floodplain/flood-insurance</u>



Image from FEMA.

Important

It's important to remember that flood insurance claims are paid even if there is not a Federally Declared Disaster.

Insurance Overview

The definition of **flood** varies slightly for flood insurance applications.

According to FEMA and the NFIP, a **flood** is a general and temporary condition of partial or complete inundation of two or more acres of normally dry land area or of two or more properties.

This can include:

- Overflow of inland or tidal waters.
- Unusual, rapid surface water accumulation/runoff from any source.
- Mud flow.
- Collapse of land due to waves or currents above anticipated level.

Water seepage, unrelated to flooding, does not fall under the definition of flood, which includes groundwater infiltration.

Homeowners insurance doesn't cover flood damage.

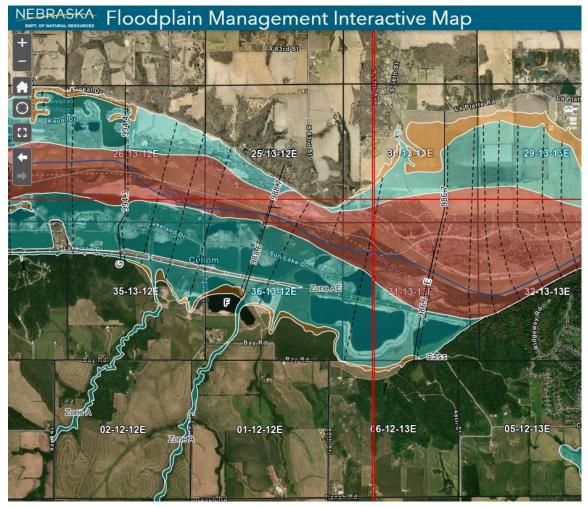




Image from FEMA.

Further reference material on flood insurance, provided by FEMA, can be found at: <u>https://www.fema.gov/sites/default/files/documents/fema_nfip-flood-insurance-manual-sections-1-6_oct2021.pdf</u>

Using the Floodplain Management Interactive Map



A Flood Insurance Rate Map

(FIRM) is an official map of a community on which FEMA has delineated the Special Flood Hazard Areas to the community.

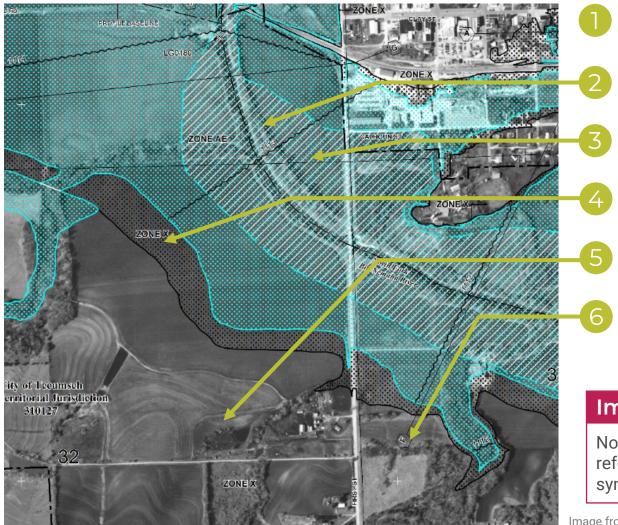
The Nebraska Floodplain Management Interactive Map provides FIRM information in an easy to use, online format. Along with floodplain boundaries, the Floodplain Management Interactive Map includes other helpful tools, including:

- Existing BFE Determinations
- Flood Awareness Areas
- FIRM Statuses

The Floodplain Management Interactive Map can be accessed at: <u>http://ne.gov/go/floodriskmap</u>

Image from NeDNR Interactive Map.

Reading FIRMs



- **Zone A** is a flood hazard area that does not have BFEs.
- **Zone AE** is the 1% annual chance floodplain with written BFEs.
- The **Floodway** is depicted here. See also p. 14 for a definition of floodway.

Shaded Zone X is the 0.2% annual chance floodplain.

Unshaded Zone X includes other areas considered low risk.

Cross Sections can be used to determine the BFE by utilizing a Flood Insurance Study (FIS). Contact NeDNR for more information.

Important

Not all FIRMs look alike, always • refer to your map's legend for correct symbology.

Image from FEMA Map Service Center.

Understanding Flood Zones

Zone A areas are based on basic studies. Zone A areas do not show BFEs, only floodplain boundaries. Development in Zone A areas must demonstrate that it will not cause more than one foot of rise in the floodplain, typically analyzed by an engineer. Flood Insurance Studies (FIS) are available in some Zone A areas. Please refer to FEMA's Map Service Center to verify the availability of the FIS in your community.

Zone AE areas are based on enhanced studies. These areas often include floodways and flood fringes. Flood elevations are determined in Zone AE areas. FIS reports are also available in Zone AE areas.

What is 'rise'?

Imagine placing your foot in front of a small stream. This obstruction causes the water to pool behind your foot and rise in elevation. The same happens with development in the floodplain, which can impact areas currently outside the floodplain.

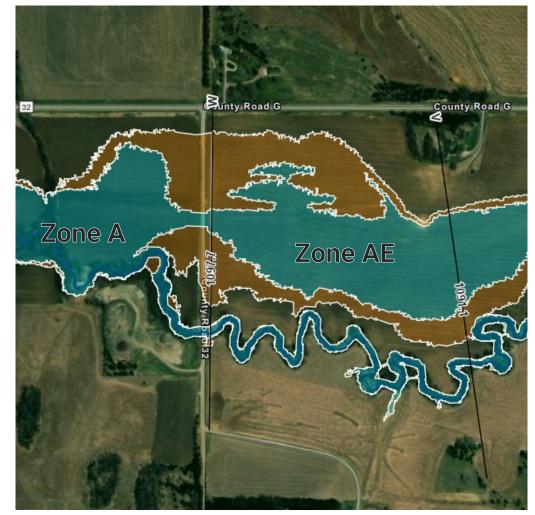


Image from NeDNR Interactive Map.

Understanding Flood Zones

Zone C or **Zone X (Unshaded)** are areas of minimal flood hazard, outside the SFHA and at elevations higher than the that of the 0.2% annual chance (or 500-year) flood. Zone C may reflect ponding and local drainage problems that don't warrant a detailed study or designation as regulatory floodplain. Zone X is the area determined to be outside the 0.2% annual chance flood and protected by levee from 1% annual chance flood.

Zone B or **Zone X (Shaded)** are areas of moderate flood hazard, between the boundaries of the SFHA and the 0.2% annual chance (or 500-year) flood zone. Zone B areas are also used to designate regulatory floodplains of lesser hazards, such as areas protected by levees from 1% annual chance flood, or shallow flooding areas with average depths of less than one foot or drainage areas less than one square mile.



Images from FEMA Map Service Center.

Zone AH are areas with a 1% annual chance of shallow flooding, usually in the form of a pond, with an average depth ranging from one to three feet. BFEs derived from detailed analyses are shown at selected intervals within these zones.

Zone AO are river or stream flood hazard areas, and areas with a 1% or greater chance of shallow flooding each year, usually in the form of sheet flow, with an average depth ranging from one to three feet. Average flood depths derived from enhanced analyses are shown within these zones.

Further information on flood zones can be found at: https://www.fema.gov/about/glossary



Images from FEMA Map Service Center.

Floodway

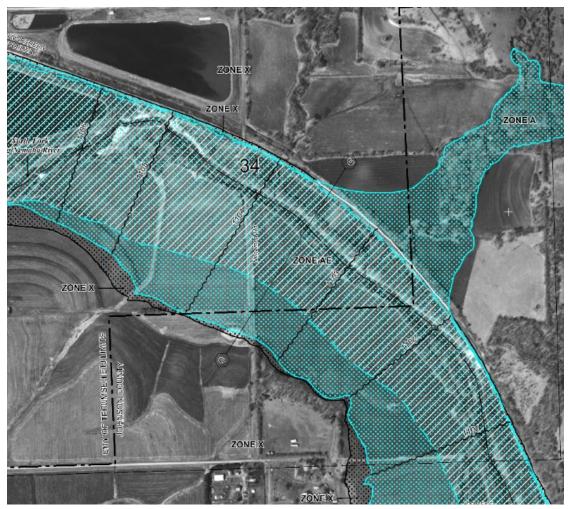


Image from FEMA Map Service Center.

The **Regulatory Floodway** refers to the channel of a river and the adjacent land areas that must be reserved in order to discharge the 1% annual chance flood without cumulatively increasing the water surface elevation more than a designated height. Communities must regulate development in floodways to ensure there are no increases in flood elevations. In this image, the floodway is shown in white hatching.

The **Flood Fringe** fills in the remaining portion of the floodplain. Development in the flood fringe typically does not interfere with the flow of water. In this image, the flood fringe is shown with blue shading.

Important

Not all FIRMs look alike, always • refer to your map's legend for correct symbology.

Where to Find FEMA Flood Map Information

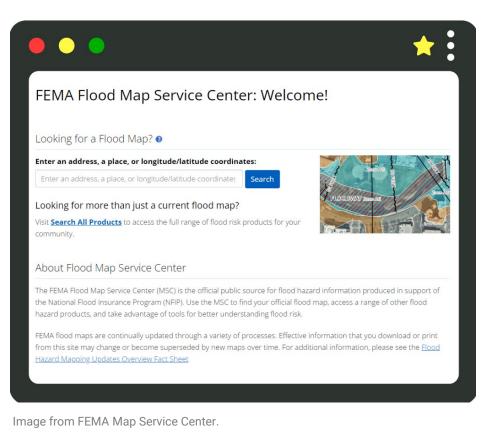
Anyone can access floodplain maps for specific properties and communities:

- FIRM Panels.
- Letter of Map Changes (LOMCs).
- Flood Insurance Study (FIS) Reports.
- National Flood Hazard Layer (NFHL) Maps.
- Historical FIRMs.
- FIRMettes.

These products are accessible at: https://msc.fema.gov/portal/home

Important

Flood profiles, taken from FIS • reports, can be used to determine the BFE of a particular location. Contact NeDNR with any questions regarding deciphering a flood profile.



Ordinances

Communities that participate in the NFIP must create, adopt, and enforce floodplain management regulations that are in line with state and federal minimum standards. These regulations are often established in the form of a floodplain ordinance, which lays the framework for the community's floodplain management program. The ordinance will designate the Floodplain Administrator position to the appropriate title and describes what the position entails. It also establishes what the floodplain is, the permitting process, what needs to be permitted, and how to build reasonably safe from flooding.

A floodplain ordinance should be maintained to meet or exceed the minimum standards of the NFIP and Nebraska Administrative Code Title 455, Chapter 1. If the ordinance is out of compliance, or if the community is interested in updating their floodplain regulations, they can contact the NeDNR Floodplain Management Section to begin the ordinance update process.

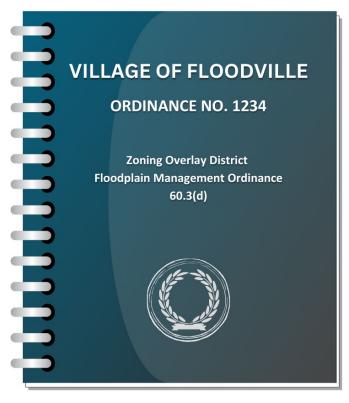


Image from NeDNR.

Communities must enforce different levels of NFIP regulations according to the types of flood risk designated within that community. This section reviews the four levels of regulations applicable in Nebraska, as defined by Title 44 of the Code of Federal Regulations, Chapter 1, Subchapter B, Part 60, Subpart A, Sections 60.3(a) - (d) (44 CFR \$ 60.3(a) - (d))

Communities that participate in the NFIP and have no designated FIRMs or Flood Hazard Boundary Maps (FHBMs) must review and permit ALL development to ensure it will be reasonably safe from flooding. Without a designated floodplain within which to enforce regulations, the ordinance must be enforced anywhere within the jurisdiction. All new developments must obtain a floodplain development permit and must not increase risk to the community or neighboring developments.

Any new development proposals, including subdivisions, must be reviewed for:

- The need to minimize flood damage. •
- Location/construction of public utilities/facilities. •
- Adequate drainage. •

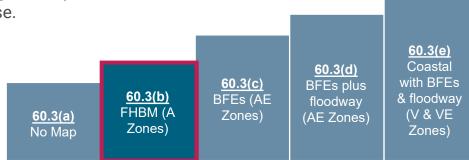
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When a participating community has a designated FIRM or FHBM, the community must enforce the floodplain ordinance within the established floodplain. For communities with Zone A floodplains, their ordinance must contain regulations that meet 44 CFR § 60.3 (b). Zone A floodplains are a product of a basic mapping study, where flood elevations are not determined and will not be shown on the FIRMs.

Because BFEs are not shown on the FIRMs, communities must contact the NeDNR Floodplain Management Section any time there is a new development in the floodplain. NeDNR provides a BFE determination within 10 to 20 working days. Subdivisions and other development proposals over 50 lots or 5 acres must have a site specific BFE and hydrologic study and may not use state determined BFEs. They also cannot be used for the design of hydraulic structures. An example of a statedetermined BFE can be found on Page 22.

Because a floodway and flood fringe have not been established, all new development proposals must prove they will not increase the BFE by more than one foot (or an unacceptable amount as determined by the community). A registered professional engineer may complete this determination of rise.

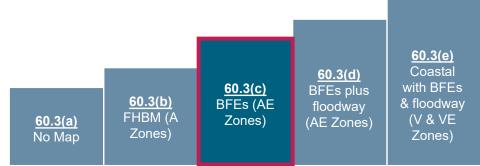


Floodplain Types - 60.3(c) Communities with Zone AE

When a participating community has Zone AE floodplains without a designated floodway, their ordinance must contain regulations that meet 44 CFR § 60.3(c). Zone AE floodplains are a product of an enhanced mapping study, where flood elevations have been established and are shown on the FIRM.

Communities with Zone AE floodplains will also have a FIS report, which can be used to find detailed information regarding flood elevations and risk. Within the FIS are flood profiles. These flood profiles are line charts that show flood elevations along the watercourse and must be used to determine the BFE to the nearest tenth of a foot. For questions about reading flood profiles, contact the NeDNR Floodplain Management Section. Remember that subdivisions and other development proposals over 50 lots or 5 acres must develop a site specific BFE.

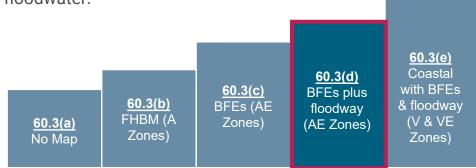
Because a floodway and flood fringe have not been established, all new development proposals must prove they will not increase the elevation of floodwaters more than one foot (or an unacceptable amount as determined by the community). A registered professional engineer may complete this determination of rise.



When a participating community has Zone AE floodplains WITH a designated floodway, their ordinance must contain regulations that meet 44 CFR § 60.3(d). A floodway is the channel of a 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.

Communities with Zone AE floodplains with a designated floodway will also have a FIS report, which can be used to find detailed information regarding flood elevations and risk. Within the FIS are flood profiles. These flood profiles are line charts that show flood elevations along the watercourse and must be used to determine the BFE to the nearest tenth of a foot. For questions about reading flood profiles, contact the NeDNR Floodplain Management Section. Remember that subdivisions and other development proposals over 50 lots or 5 acres must develop a site specific BFE.

Within the regulatory floodway, communities must regulate development to ensure there will not be ANY rise in floodwater elevations anywhere in the floodway. Outside of the floodway in the flood fringe, a determination of rise for new development is not required as it typically does not interfere with the flow of floodwater.



Floodplain Development Permits

It is the Floodplain Administrator's duty to check floodplain development permit applications for completeness and accuracy; and approve or deny these permit applications.

Development, as defined in 44 CFR \S 59.1 , includes but is not limited to:

- Buildings or other structures.
- Mining.
- Dredging.
- Filling.
- Grading.
- Paving.
- Excavation.
- Drilling.

Development can include other items, such as earthwork and storage of equipment or materials. Please familiarize yourself with your local ordinance to learn what is considered development in your community.

An **Elevation Certificate** is used to document a structure's compliance with a floodplain development permit. It is required after construction of a structure is complete and documents how high a building is elevated or floodproofed.

A model floodplain development permit application, created by NeDNR, and an elevation certificate can be found at: https://dnr.nebraska.gov/floodplain/digital-desk-reference

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PROJECT INFORMATION						
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s the project a substantial impre- (c) value is greater than or equal to 50%	ovement? , then the project constitutes sub	stantial improvem	ent.	Y N	ation Certificate	
LOODPLAIN INFORMATION					ermination	
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Required Flood Protection Eleva s the property within the Floody		*N	NGVD If any work is proposed v a no-tise cartification mus	(29) / NAVD(88) sithin the Floodway, I be attached	ap of the site will suffice fation design and floor	
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	FOR OFFICIAL US	E ONLY				
		Floodplain Administrator Approval Signature:			Approval Date:	
	Notes:				Permit Expiration Date:	

Image from NeDNR.

BFE determinations allow Floodplain Administrators to determine the BFE for areas without enhanced studies. A BFE is required when filling out a floodplain development permit, as it establishes the elevation requirements that new structures need to meet. Floodplain Administrators may request BFE determinations from NeDNR for free.

Remember, unacceptable uses for these BFEs include:

- Design of developments greater than 5 acres or 50 lots.
- Hydraulic structure design.

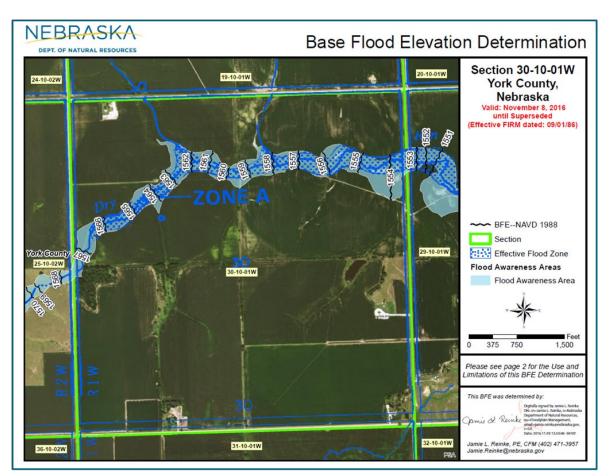


Image from NeDNR.

Letters of Map Change (LOMC, LOMA, LOMR, LOMR-F)

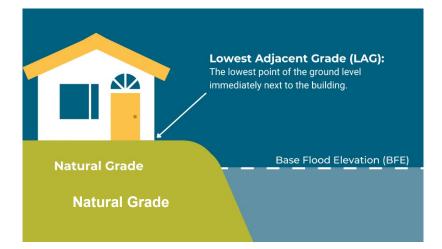
Letter of Map Change (LOMC): a general term used to refer to several types of FEMA map revisions and amendments, such as:

Letter of Map Amendment (LOMA): a letter of official determination on the relation of a property or structure to the SFHA; most frequently used when property on naturally high ground has been inadvertently mapped within the floodplain.

Letter of Map Revision (LOMR): a revision to the FIRM reflecting changes to the floodplains, BFEs, or floodways; this typically results in revision of a portion of a FIRM panel.

Letter of Map Revision based on Fill (LOMR-F):

a letter of official determination on the flood zone for a property that has been elevated by earthen fill to modify the SFHA. Remember that new fill is considered development and must receive a floodplain development permit.





The top image depicts a situation in which a LOMA would be appropriate, While the bottom image requires a LOMR-F. Image from NeDNR.

Recreational Vehicles (RVs) are not considered structures and, depending on local ordinance, may be allowed in some SFHAs. RVs must be fully able to evacuate in the event of imminent flooding.

Per State Minimum Standards for Floodplain Management Programs listed in Nebraska Administrative Code Title 455, Chapter 1, Section 4.13 RVs to be placed on sites within the floodplain shall:

- Be on site for fewer than 180 consecutive days;
- Be fully licensed and ready for highway use, which shall mean it is on its wheels or jacking system, is attached to the site by only quick-disconnect type utilities and security devices, and no permanently attached additions; or
- Meet the permit requirements and the elevation and anchoring requirements for manufactured homes of this Chapter.

Some communities enforce higher standards than the state minimum requirements.



Image from Pixabay.

Some structures in a community's floodplain may have been built before being mapped into the floodplain and therefore may not be compliant with current floodplain regulations. When one of these structures is substantially damaged or substantially improved it must be brought into full compliance with the minimum standards governing its use. This often means elevating the structure to one foot above the BFE.

Substantial Damage means damage of any origin (such as fire, tornado, hail, or flood) sustained by a structure where the cost of restoring the structure to its before-damage condition would equal or exceed 50 percent of its market value. It is important to remember this applies to all existing non-compliant structures in the SFHA.

Substantial Improvement means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before "start of construction" of the improvement. The term does not include any project for improvement of a structure to correct existing violations of state or local health, sanitary or safety code specifications or an alteration of a "historic structure," provided that the alteration will not preclude the structure's designation as a "historic structure."



Image courtesy of FEMA.

NeDNR offers many in-person and virtual options for training and workshops. Upcoming opportunities and recorded trainings can be found at: https://dnr.nebraska.gov/floodplain/training-and-workshops

FEMA L0273: Managing Floodplain Development Through the NFIP is a free 4-day course tailored to floodplain managers, community planners, and elected officials. The course is offered across the country, including Nebraska. The Emergency Management Institute (EMI) in Maryland offers the course multiple times annually and covers lodging and reimburses travel expenses for qualified attendees. To learn more visit: https://training.fema.gov/emi.aspx

The Association of State Floodplain Managers (ASFPM) offers a free online course called NFIP101 at: https://www.floods.org/training-center/online-training/asfpm-on-demand-learning/nfip101/

Floodplain Administrators may become Certified Floodplain Managers (CFM) through a process administered by ASFPM. To learn more about this process visit: https://www.floods.org/certification-program-cfm/



EMI campus building. Photo courtesy of NeDNR.

Glossary

1% Annual Chance Flood – A flood having a 1% chance of being equaled or exceeded in any given year. Also called the regulatory flood, base flood, and the 100-year flood.

1% Annual Chance Floodplain – The area that is anticipated to be inundated by the 1% annual chance flood. This is referred to as the Special Flood Hazard Area (SFHA) and is commonly depicted as Zone A or Zone AE.

0.2% Annual Chance Floodplain – The area that is anticipated to be inundated during the 0.2% annual chance (or 500-year) Flood. This area of moderate flood hazard is most commonly depicted as Zone X.

Base Flood Elevation (BFE) – The elevation to which floodwater is anticipated to rise during the 1% annual chance flood. The relationship between the BFE and a structure's elevation helps determine the flood insurance premium.

Flood – A general and temporary condition of partial or complete inundation of normally dry land areas. Flood risk is not based on history; it's based on many factors that include current weather patterns, natural changes in the environment, and development in your community. **Flood Awareness Area** – Floodplain boundaries that are produced by NeDNR which can be used as "best available data" for communities involved in a current mapping project, those that do not have regulatory floodplain boundaries, or those that have outdated floodplain information.

Flood Insurance Rate Map (FIRM) – The official map of a community on which FEMA has delineated both the special hazard areas and the risk premium zones applicable to the community.

Flood Insurance Study (FIS) – A Flood Insurance Study is a compilation and presentation of flood risk data for specific watercourses, the FIS report contains detailed flood elevation data in flood profiles and data tables.

Letter of Map Amendment (LOMA) – A LOMA is an official amendment, by letter, to an effective NFIP map. A LOMA establishes a property's location in relation to the SFHA. LOMAs are usually issued because a property has been inadvertently mapped as being in the floodplain but is actually on natural high ground above the base flood elevation.

Glossary

Lowest Floor – The lowest floor of the lowest enclosed area, including basement, of a structure. Communities are required to obtain the elevation of the lowest floor of all new and substantially improved structures. These structures must have the lowest floor elevated to one foot above the Base Flood Elevation. Non-residential buildings may be floodproofed to that elevation.

National Flood Insurance Program (NFIP) – Federally managed program that aims to reduce the impact of flooding on private and public structures by providing affordable insurance to property owners and by encouraging communities to adopt and enforce floodplain management regulations.

Recreational Vehicle (RV) – A vehicle which is (i) built on a single chassis; (ii) 400 square feet or less when measured at the largest horizontal projection; (iii) designed to be self-propelled or permanently towable by a light duty truck; and (iv) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use. **Special Flood Hazard Area (SFHA)** – The SFHA is the area where the National Flood Insurance Program's (NFIP's) floodplain management regulations must be enforced and the area where the mandatory purchase of flood insurance applies.

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