Floodplain Development Permitting with Confidence



DEPT. OF NATURAL RESOURCES

Presenters

Chuck Chase, CFM

Outreach Coordinator chuck.chase@nebraska.gov (402) 471–9422 Adele Phillips, CFM Flood Mitigation Planner adele.phillips@nebraska.gov (402) 471–9252



DEPT. OF NATURAL RESOURCES

NeDNR *Model* Floodplain **Development Permit Application**

- Released June 2020
- Copy available online
- Generic
- Does not account for cumulative improvement regs

		1	FOR OFFICIAL L	JSE ONLY		
			Permit No.:		Date Filed:	
			Fee:		Receipt No.	:
			Approved?	Y N	Date Decide	ed:
			Notes:			
OWNER		STRUCTUR	E	AF	PLICANT	If different than owner.
Owner Name:		Structure Ad	ddress:	Aļ	oplicant Name	
Address:				A	ddress:	
City, State, Zip:		City, State, 2	Zip:	Ci	ty, State, Zip:	
Phone:		Parcel No:		Pł	none:	
Email:		Lot & Block	Subd. / PLSS (S	-T-R): Er	nail:	
				Li	cense No:	
ROJECT INFORM	IATION					
Project Type: Theck all that apply	Residential New Constructio Grading / Fill / Ex Other:			al / Non-Resid ruction - Atta ne		Fences / Walls Remodel / Rehab
Description of pro	posed Work:					
	ents for this projec t estimete; See FEMA's 1		uded Costs for Dam	age Repair Estin	(a) nates".	
Appraised Valuati Attach assessment do	on of the Structure	:			(b))
Calculate the follo	owing: (a) ÷ (b) x	100 = (c)			(c)	%
s the project a su	bstantial improvem	nent?				• Y • N
f (c) value is greater th	an or equal to 50%, then	the project const	itutes substantial im	provement.		• • • •

Floodplain Development Permit Application



Why?

- Floodplains are *hazardous* areas
- Regulations have been adopted at Federal, State, and local levels to ensure public safety in these areas, and preserve natural functions of the floodplain

Federal:

Code of Federal Regulations, Title 44 "Emergency Management and Assistance"

State:

- Nebraska Revised Statutes, Chapter 31, Article 10 "Flood Plain"
- Nebraska Administrative Code, Title 455, Chapter 1 "Nebraska Minimum Standards for Floodplain Management Programs"
- State regulation pdfs: dnr.nebraska.gov/legal





Why?

- N.R.S. 31-1019: if a local gov't is provided with "...sufficient data and maps with which to reasonably locate... any portion of the flood plain...shall be the responsibility of local government to adopt, administer, and enforce flood plain management regulations which meet or exceed the minimum standards..."
- For residents to obtain federally-backed flood insurance, a jurisdiction must be a participant in the NFIP Program
- Communities manage development in SFHA as a condition of NFIP participation
- Development is managed in accordance with the floodplain management ordinance
- Any *development* in a SFHA must have written permission (permit) to commence

What is "Development"?

44 CFR 59. Definitions:

"Development" means any man-made changes to improved or unimproved real estate, including but not limited to buildings or other structures, **mining**, **dredging**, **filling**, **grading**, **paving**, **excavation**, **drilling** operations, or **storage** of equipment or materials.

Model Permit / Application

Floodplain Development Permit Application

			FOR OFFICIA	AL USE ON	ILY			
			Permit No.:			Date Filed:		
			Fee:			Receipt No.		
			Approved?	Y	Ν	Date Decide		
			Notes:					
OWNER		STRUCTUR	E		AP	PLICANT	If differer than own	
Owner Name:		Structure A	ddress:		Ар	plicant Name	:	
Address:					Ad	dress:		
City, State, Zip:		City, State,	Zip:		Cit	y, State, Zip:		
Phone:		Parcel No:			Ph	one:		
Email:		Lot & Block	Subd. / PLS	S (S-T-R):	En	nail:		
PROJECT INFORM	ATION				Lic	ense No:		
Project Type:	Residential New Constructi			ercial / Nor Instruction			Fences / V Remodel /	
an that apply	Grading / Fill / E Other:	xcavation	WIODIIC	TIOTILE				
Description of pro Cost of Improvem	Other: posed Work: ents for this proje	ct:				(a)		
Description of pro Cost of Improvem Attach an itemized cost	Other: posed Work: ents for this proje t estimate; See FEMA's on of the Structure	ct: "Included and Exc			air Estim			
Description of pro Cost of Improvem Attach an itemized cost Appraised Valuatio Attach assessment doc	Other: posed Work: ents for this proje t estimate; See FEMA's on of the Structure suments.	ct: "Included and Exc a:			air Estim	ates". (b)		
Description of pro Cost of Improvem Attach an itemized cost Appraised Valuatit Attach assessment doc Calculate the follo	Other: posed Work: ents for this proje t estimate; See FEMA's on of the Structure uments. wing: (a) + (b) x	ct: "Included and Exc a: : 100 = (c)			air Estim	ates".		%
Description of pro Cost of Improvem Attach an itemized cost Appraised Valuati Attach assessment doc Calculate the follo Is the project a sul	Other: posed Work: ents for this proje t estimate; See FEMA's on of the Structure uments. wing: (a) + (b) x bstantial improvel	ct: "Included and Exc a: : 100 = (c) ment?	cluded Costs for I	Damage Rep		ates". (b)		% • N
Description of pro Cost of Improvem Attach an Itamized cost Appraised Valuati Attach assessment doc Calculate the follo Is the project a sup If (c) value is greater th FLOODPLAIN INFC	Other: posed Work: ents for this proje t estimate; See FEMA's on of the Structure suments. wing: (a) + (b) x bstantial improver an or equal to 50%, then	ct: "Included and Exc a: : 100 = (c) ment?	cluded Costs for I	Damage Rep		ates". (b)		
Description of pro Cost of Improvem Attach an itemized cost Appraised Valuati Attach assessment doc Calculate the follo Is the project a sui If (c) value is greater th	Other: posed Work: ents for this proje t estimate; See FEMA's on of the Structure suments. wing: (a) + (b) x bstantial improver an or equal to 50%, the DRMATION	ct: "Included and Exc a: : 100 = (c) ment?	cluded Costs for I	Damage Rep	ent.	ates". (b)		• N
Description of pro Cost of Improvem Attach an itemized cost Appraised Valuati Attach assessment do Calculate the follo Is the project a sul if (c) value is greater th FLOODPLAIN INFC	Other: posed Work: ents for this proje estimate; See FEMAs on of the Structure ruments. wing: (a) ÷ (b) × bstantial improve bstantial impr	ct: "Included and Exc a: : 100 = (c) ment?	cluded Costs for I	Damage Rep al improvem	ent.	(shaded)	• Y	• N

Structure is:	Elevated	Vented
Check all that apply. If the structure is elevated, attach an Elevation Certificate.	Flood Proofed	N/A
Elevation Certificate: Elevation Certificate is required for all new structures, additions, and substantial improvements.	• Y • N	
Flood Proofed	Dry (non-residential on) Wet	(V)
Lowest Floor Elevation: Provide source.		NGVD(29) / NAVD(88)
Lowest HVAC / Equipment Elevation:		NGVD(29) / NAVD(88)
Enclosed Area		Square Feet
Number of Openings*:		Openings
Area of Openings: "If engineered vents are proposed, construction details and specifications must be attached.		Square Inches
REQUIRED SUBMITTAL DOCUMENTS		
Completed Application Location Map Site Plan (incude regulatory floodplain / floodway Grading Plan Flood Plans / Construction Specifications Flood Profong Certificate (see necessary) Flood Vent Specifications (se necessary) NOTE: If grades are not changing as a result in I lieu of a grading plan. If structures are prop Jans. All site plans must detail the location, o proofing. Additional information and material CERTIFY THE ABOVE INFORMATION IS COR ACCORDANCE WITH THE APROVED PLAT, F COMPLIANCE WITH ALL PROVISIONS OF API	Less than 1' Rise for SFH4 without file Other (describe): of site work, a current topographic osed, the submittal must include I levation, and begin of mechanics may be required. Certification RECT AND AGREE TO CONSTRUC LANS, AND SPECIFICATIONS NOT PLICABLE REGULATIONS.	Elevation Certificate datitons) Determination dwwy) al map of the site will suffice roundation design and floor al equipment, venting, and flood-
Applicant Signature	Print Name	Date
FOR OFFICIAL USE ONLY		
Notes:		
Floodplain Administrator		
Approval Signature:		

Who Completes What?





Contacts and Location

OWNER	STRUCTURE	APPLICANT If different than owner.
Owner Name:	Structure Address:	Applicant Name:
Address:		Address:
City, State, Zip:	City, State, Zip:	City, State, Zip:
Phone:	Parcel No:	Phone:
Email:	Lot & Block Subd. / PLSS (S-T-R)): Email:
		License No:
Description of proposed Work:	(a)	
Cost of Improvements for this project: Attach an itemized cost estimate; See FEMA's "Included a Appraised Valuation of the Structure: Attach assessment documents	and Excluded Costs for Damage Repair Estimates". (b)	
Attach an itemized cost estimate; See FEMA's "Included a	(b)	
Attach an itemized cost estimate; See FEMA's 'Included a Appraised Valuation of the Structure: Attach assessment documents.	(b) c) (c) %	
Attach an itemized cost estimate; See FEMA's "included a Appraised Valuation of the Structure: Attach assessment documents. Calculate the following: (a) + (b) x 100 = (c Is the project a substantial improvement?	(b) c) (c) %	
Attach an itemized cost estimate; See FEMA's "included a Appraised Valuation of the Structure: Attach assessment documents. Calculate the following: (a) + (b) x 100 = (c Is the project a substantial improvement? If (c) value is greater than or equal to 50%, then the project	(b) c) (c) %	
Attach an itemized cost estimate; See FEMA's "included a Appraised Valuation of the Structure: Attach assessment documents. Calculate the following: (a) + (b) x 100 = (c Is the project a substantial improvement? If (c) value is greater than or equal to 50%, then the project FLOODPLAIN INFORMATION	(b) c) (c) % et constitutes substantial improvement. • Y • N	

- Signatures from all landowners
- Redundant location information
- Applicant = Primary Contact
 - Check licenses:
 - NE Board of Engineers and Architects
 - NE Dept of Labor Contractor Registration
 - NE State Surveyor



Full Descriptions

	Floodpla	in Develop	ment Pern	nit Application				• Descrip
			FOR OFFICIAL USE O	INLY				the full
			Permit No.:	Date Filed:				
			Fee:	Receipt No.:				
			Approved? Y	N Date Decided:				Attach
			Notes:					
	OWNER	STRUCTUR		APPLICANT If different than owner.				necess
	Owner Name:	Structure A	Address:	Applicant Name:				
	Address:			Add is:				
PROJEC	CT INFORMATION	1						Do sup
Project Check all	that apply Nev	idential v Constructic ding / Fill / E er:			/ Non-Residential uction - Attached e	Fences Remode	/ Walls el / Rehab	and de
Descrip	otion of proposed	Work:						"The w
Cost of	Improvements f	or this proied	et:			(a)		
				Excluded Costs for Damag	ge Repair Estimates".	()		
	sed Valuation of t		e:			(b)		 Local ju
Calcula	ate the following:	(a) ÷ (b) x	100 = (c)			(c)	%	obey th
	project a substant we is greater than or eq			nstitutes substantial impr	rovement.	•	Y • N	ordinar
FLOOD		TION		_//				permits

- Description includes the *full* scope of work
- Attach pages as necessary to describe
- Do supporting docs and description align?

"The words should match the pictures"

Local jurisdictions must
 obey their own FP
 ordinance and get
 permits

Substantial Improvement

	Floodpl	lain Develop	ment Per	mit Application				Subst Impro
			FOR OFFICIAL USE	ONLY				πηριο
			Permit No.:	Date Filed:				evalua
			Fee:	Receipt No.:				evalua
			Approved? Y	N Date Decided:				
			Notes:					impro
	OWNER	STRUCTUR		APPLICANT If different than owner.				existir
	Owner Name:	Structure A	Address:	Applicant Name:				
	Address:			Add is:				
PROJEC		N						 Most a online
Project Check all t	hat apply Ne	esidential ew Constructic ading / Fill / E		Commercial / N ed New Constructi Mobile Home			/ Walls el / Rehab	
		her:						• All FP
Descrip	tion of propose	d Work:						copy o Substa
	Improvements itemized cost estin			Excluded Costs for Damage R	epair Estimates".	(a)		Substa
	ed Valuation of sessment documen		e:			(b)		Refere
Calculat	te the following	у: (a)÷(b)х	100 = (c)			(c)	%	 Permi
Is the pr If (c) value	r oject a substai e is greater than or e	ntial improven equal to 50%, then	ment? In the project co	onstitutes substantial improve	ment.	•	Y ● N	accou
FLOODE								impro ^v
				V				

- Substantial
 Improvement must be evaluated for
 improvements to any
 existing structures
- Most assessor data is online
- All FPAs should obtain a copy of FEMA **P-758** *Substantial Improvement / Substantial Damage Desk Reference*
- Permit form doesn't account for *cumulative* improvements

Where to Find BFE?

Zone	Where to get BFE	
Α	community requests NeDNR determination, or proponent's engineer provides	16 16
AH (ponding)	FIRM	
AO (sheet flow)	Add FIRM depth to HAG	AVERATE 24
AE	FIS	PANEL
AE + Floodway	FIS	31167/C0080C eff. 9/30/2004

ZONE AE

15

500-A

NeDNR Interactive Map

dnr.Nebraska.gov/floodplain





Flood Zones



- Flood zone + mapping status drive FP requirements in local jurisdictions
- Local ordinances are derived from 44 CFR 60.3
- NeDNR provides model floodplain ordinances to local communities
- Nebraska has 1' freeboard requirement

No-rise Guidance

			FOR OFFICIAL U Permit No.: Fee:	Dat	e Filed: eipt No.:			
			Approved?		e Decided:			
			Notes:					
	OWNER	STR	JCTURE	APPLIC		different an owner.		
	Owner Name:	Stru	cture Address:	Applica	nt Name:			
	Address:			Address	5:			
	City, State, Zip:	City,	State, Zip:	City, Sta	ite, Zip:			
	Phone:	Parc	el No:	Phone:				
	Email:	Lot 8	& Block Subd. / PLSS (S	S-T-R): Email:				
				License	No:			
	PROJECT INFORM	ATION						
	Project Type: Check all that apply	Residential New Construction - Det Grading / Fill / Excavat Other:	tached New Const	al / Non-Residentia rruction - Attached me		es / Walls odel / Rehab		
	Description of pro	oposed Work:		4				
	AIN INFOF							
		RIVIATION						
EMA Floo	od Zone:				Α	AE	X (shaded)	Other
	d Elevatio	n:					NG	/D(29) / NAVD(88)
ase Floo		n: tection Elevati	on:					/D(29) / NAVD(88) /D(29) / NAVD(88)

- No new human habitation structures allowed in the floodway
- No-rise means 0.00'
- No-rise process and certificate template available on NeDNR website
- NeDNR needs 30 days to review for jurisdictions requiring assistance

Structure Requirements

REGULAT	TORY REQUIREMEN	тѕ		
	e is: hat apply. If the structure ttach an Elevation Certific		Elevated Flood Proofed	Vented N/A
Elevation C	n Certificate: Certificate is required for a ures, additions, and subst		● Y ● N	
Flood Pro	oofed		Dry (non-residential onl Wet	()
Lowest F Provide sou	Floor Elevation:			NGVD(29) / NAVD(88)
Lowest H	IVAC / Equipment E	levation:		NGVD(29) / NAVD(88)
Enclosed	d Area			Square Feet
Number	of Openings*:			Openings
Area of C *If engineer	of Openings*: Openings: red vents are proposed, c ications must be attached			Openings Square Inches
Area of C *If engineer	Openings: red vents are proposed, c			
Area of C *If engineer	Dpenings: red vents are proposed, c ications must be attached proving Adducted Information i certify the above information accordance with the approv	на тнателать тнау репециятер.		
Area of C *If engineer	Dpenings: red vents are proposed, c ications must be attached proving Adducted Information i certify the above information accordance with the approv	I. Certification ION IS CORRECT AND AGREE TO CONST YED PLAT, PLANS, AND SPECIFICATIONS		
Area of C *If engineer	Dpenings: red vents are proposed, c ications must be attached proving: Additional information i CERTIFY THE ABOVE INFORMAT ACCORDANCE WITH THE APPROV COMPLIANCE WITH ALL PROVISIO	Certification Certification ION IS CORRECT AND AGREE TO CONST VED PLAT, PLANS, AND SPECIFICATIONS ONS OF APPLICABLE REGULATIONS.	NOTED HEREIN AND IN STRICT	
Area of C *If engineer	Openings: red vents are proposed, c ications must be attached proving Additional Information at I CERTIFY THE ABOVE INFORMAT ACCORDANCE WITH THE APPROV COMPLIANCE WITH ALL PROVISION Applicant Signature	Certification Certification ION IS CORRECT AND AGREE TO CONST VED PLAT, PLANS, AND SPECIFICATIONS ONS OF APPLICABLE REGULATIONS.	NOTED HEREIN AND IN STRICT	
Area of C *If engineer	Denings: red vents are proposed, c ications must be attached proving Additional Information at accorpance with the APPROV COMPLIANCE WITH ALL PROVISIO Applicant Signature FOR OFFICIAL USE ONLY	Certification Certification ION IS CORRECT AND AGREE TO CONST VED PLAT, PLANS, AND SPECIFICATIONS ONS OF APPLICABLE REGULATIONS.	NOTED HEREIN AND IN STRICT	

- Where proponent affirms structural compliance with regulations
- Retain copies of ECs
- HVAC = 1' above BFE
- Non-residential flood proofing? See TB 3
- Openings? See TB 1
- At least 2 openings, with net area of 1 sq. in. for every SF of enclosed space



Supporting Documents

REGULATORY REQUIREMENTS	
Structure is: Check all that apply. If the structure is elevated, attach an Elevation Certificate.	Elevated Vented Flood Proofed N/A
Elevation Certificate: Elevation Certificate is required for all new structures, additions, and substantial improvements.	• Y • N
Flood Proofed	Dry (non-residential only)

REQUIRED SUBMITTAL DOCUMENTS

- Completed Application
- Location Map
- Site Plan (include regulatory floodplain / floodway)
- Grading Plan
- Floor Plans / Construction Specifications
- Flood-Proofing Certificate (as necessary)
- Flood Vent Specifications (as necessary)

- No-Rise Certificate (floodway only)
- Pre-Construction Elevation Certificate (for new structures / additions)
- Less than 1' Rise Determination (for SFHA without floodway)
- Other (describe):

NOTE: If grades are not changing as a result of site work, a current topographical map of the site will suffice in lieu of a grading plan. If structures are proposed, the submittal must include foundation design and floor plans. All site plans must detail the location, elevation, and design of mechanical equipment, venting, and flood-proofing. Additional information and materials may be required.

Certification

I CERTIFY THE ABOVE INFORMATION IS CORRECT AND AGREE TO CONSTRUCT THE PROJECT IN ACCORDANCE WITH THE APPROVED PLAT, PLANS, AND SPECIFICATIONS NOTED HEREIN AND IN STRICT COMPLIANCE WITH ALL PROVISIONS OF APPLICABLE REGULATIONS.

Applicant Signature	Print Name	Date

- FPAs must be provided adequate information to allow them to do their job
- "Burden of proof" is on the project proponent
- Approvals may not be made on *promise* of receipt of supporting documents



				Date
	odplain Administrator proval Signature:			
Not	es:			
FOF	OFFICIAL USE ONLY			
			V	
	Cer	tification	A	
	Number of Openings*: Area of Openings: "If engineered vents are proposed construction details and specifications must be attached. REQUIRED SUBMITTAL DOCUMENTS Completed Application Location Map Site Plan (include regulatory floodplain / floodway) Grading Plan Flood Plans / Construction Specifications Flood Proofing Certificate (as necessary) NOTE: If grades are not changing as a result of site in lieu of a grading plan. If structures are proposed, plans. All site plans must detail the location, elevatic proofing. Additional information and materials may	(for new structures / ed Less than 1' Rise D (for 5FA without flood Other (describe); work, a current topographical he submittal must include fo in, and design of mechanical be required.	Openings Square Inches (floodway only) levation Certificate dtions) tetermination way) map of the site will suffice undation design and floor	
	Enclosed Area		Square Feet	
	Lowest Floor Elevation: Provide source. Lowest HVAC / Equipment Elevation:		NGVD(29) / NAVD(88)	
	Elevaton Certificate is required for all new structures, additions, and substantial improvements. Flood Proofed	Dry (non-residential only) Wet		
	Structure is: Check all that apply. If the structure is elevated, attach an Elevation Certificate. Elevation Certificate:	Elevated Flood Proofed	Vented N/A	
	REGULATORY REQUIREMENTS			

- When signed, the application becomes a permit
- Only sign when adequate documentation has been provided to assure compliance
- Do not sign on good faith
- Keep FP development permits with other permits

Other Permits

Nise Certificate (#odway only) Construction Elevation Certificate ex structures / additions) is than 1" Rise Determination FriA without floodway) if (describe): :topographical map of the site will suffice sust include foundation design and flood- of mechanical equipment, venting, and flood-
Construction Elevation Certificate ex structures / additions) FHA without floodnay/ FHA without floodnay/ ff (describe): topographical map of the site will suffice ust include foundation design and floor
Construction Elevation Certificate ex structures / additions) FHA without floodnay/ FHA without floodnay/ ff (describe): topographical map of the site will suffice ust include foundation design and floor
Construction Elevation Certificate ex structures / additions) FHA without floodnay/ FHA without floodnay/ ff (describe): topographical map of the site will suffice ust include foundation design and floor
Construction Elevation Certificate ex structures / additions) FHA without floodnay/ FHA without floodnay/ ff (describe): topographical map of the site will suffice ust include foundation design and floor
Construction Elevation Certificate ex structures / additions) FHA without floodnay/ FHA without floodnay/ ff (describe): topographical map of the site will suffice ust include foundation design and floor
Square Inches
Square Feet Openings
NGVD(29) / NAVD(88)
NGVD(29) / NAVD(88)
n-residential only)
N
ed Vented Proofed N/A

- Understand the larger regulatory context
- Other permits may take precedence:
 - ✓ Building Permit
 - ✓ Zoning Permits
 - ✓ Endangered Species
 Determination
 - ✓ Wetland Permit
 - ✓ Septic System
 - ✓ USACE 404/408
 - ✓ Others?

Hyperlinks to Referenced Documents in Order of Appearance

NeDNR Model Floodplain Development Permit Application

State Floodplain Regulations

NE Department of Labor Contractor's License Search

NE Board of Engineers and Architects

NE State Surveyor

FEMA P-758 Substantial Improvement / Substantial Damage Desk Reference

NeDNR Interactive Maps

NeDNR No-rise Certification Guidance

FEMA Technical Bulletins



DEPT. OF NATURAL RESOURCES