



OSAGE COUNTY EMERGENCY MANAGEMENT AGENCY

FLOODPLAIN MANAGEMENT FACT SHEET

(DEVELOPMENT IN THE REGULATORY FLOODWAY)

What happens if a Structure (or Development) is also in the Regulatory Floodway?

The Regulatory Floodway is an area of the Special Flood Hazard Area (SFHA) that has been designated by FEMA as an area that must remain free of obstructions to convey the base flood event without increasing flood heights by an allowable amount. In Missouri, including Osage County, this allowable amount is one (1) foot and is referred to as the Floodway Surcharge.

This is the reason why many communities in Missouri adopt the additional elevation requirement of one (1) foot above the Base Flood Elevation (BFE) for new development because legally the BFE can be one (1) foot higher than the elevation currently published on the effective or revised FIRM's. This additional one (1) foot elevation requirement is sometimes listed as the Design Flood Elevation (DFE) in FEMA publications and documents. This legal increase in the BFE only considers development inside the SFHA and does not take into account development outside of the SFHA or the community's political boundaries which also affects the flood heights in Osage County.

The Regulatory Floodway portion of the SFHA typically contains the highest velocities and deepest flood depths. These conditions require greater engineering review and design standards to withstand the larger hydrodynamic forces acting on the structure or infrastructure project. Because of these conditions most development in a Regulatory Floodway will increase the published BFE in the Flood Insurance Study (FIS).

Because of the negative consequences of not preserving the ability of the Regulatory Floodway to pass the base flood, any development in the Regulatory Floodway, must meet a more stringent development standard. The higher development standard is to show that the proposed development will not increase the existing published BFE by any amount. This is sometimes referred to as providing a "No-Rise" certification for the proposed development.

What is the "No-Rise" Certification Process?

Any proposed development (which means any man-made change) located in the Regulatory Floodway, as shown on the effective FIRM, will require a Hydraulic Analysis performed by a Professional Engineer licensed in the State of Missouri to determine the effects of that development on the existing flooding conditions.

FEMA has not developed any set engineering standards for the professional engineer to follow for them to certify a new development will not increase flood heights by any amount in the regulatory floodway. It is up to the design professional to follow standard engineering principals and practices while performing their hydraulic analysis of the proposed development on the existing floodplain. This means the design professional can create their own models of the existing floodplain conditions and then add the proposed development to determine the effects of that project.

What the design professional needs to remember is that they could be held liable for that certification if it is determined later that the proposed development did cause a rise in the existing BFE.

Even though FEMA has not passed regulations specifically telling the design professional how to do a “No-Rise” analysis and certification they do expect the design professional should follow the engineering procedures describe in applying for a Letter of Map Revision (LOMR). The reason FEMA expects the design professional to follow the LOMR process is if the new development does show an increase in the published BFE’s, then the next step for that project, would be to apply for a Conditional Letter of Map Revision (CLOMR) to move the project forward.

The CLOMR application requirements are exactly the same as the LOMR application requirements and are accomplished by the use of the FEMA MT-2 form. The difference between a Conditional LOMR request and a LOMR is that the Conditional LOMR is only FEMA’s opinion on the project. A LOMR would actually change the effective published FIRM.

It must also be noted that the local community will also need to sign off on the CLOMR application being submitted for FEMA to process the CLOMR request. This is because when a local community joins the NFIP they effectively just became the “owners” of the floodplain and in some situations must “approve” or “sign off” on development that will change the existing flooding conditions on the FIRM.

Other Sources of Information

There are four hydraulic models that may need to be developed to support the conclusion of the effect of a proposed project on the existing floodplain conditions. The descriptions of the models required are listed in the instruction section of the MT-2 form. FEMA Region VII has developed a three page “*Procedures for “No-Rise” Certification for Proposed Development in the Regulatory Floodway*”, dated October 12, 1995, that also describe the requirements of the four models that may need to be develop. This document can be found at: www.osagecountyma.com/pages/floodprogram.htm

FEMA RVII has also provided a “No-Rise” Certification document dated December 2, 2003 that can be used to comply with the certification process of the floodplain management ordinance for floodway developments and is included with the above listed document