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# News from Region X

## No-Rise Certificates

FEMA's guidance on how to determine whether a proposed project within a designated floodway will result in an increase in the base flood elevation (BFE) has often been misinterpreted or misunderstood. FEMA's publication of a "certificate" to be signed by a licensed professional engineer stating that there will be "no rise" in the BFE has, unfortunately, contributed to the misunderstanding. All too often the analyses that have been done to support the "No-Rise Certificates" have fallen far short of what is needed or required.

Analysis of a proposed project must be based on the current effective hydraulic model that underlies the Flood Insurance Study (FIS) and that was used to produce the Flood Insurance Rate Map (FIRM). A proper analysis can only be completed if the engineer obtains the current effective model from FEMA's library and uses it to compare the proposed conditions to the conditions that existed when the model was developed. Simple hand calculations to demonstrate the proposed project will cause "insignificant" loss of conveyance (and therefore no increase in the BFE) are seldom, if ever, sufficient. It is impossible to analyze the effects of a proposed development, much less the cumulative effects of all past and potential future development, without starting with the effective hydraulic model.

In Region X, we have seen single structures and entire neighborhoods developed in floodways based on "No-Rise Certificates" where community officials have relied on the engineer's signature alone to justify issuance of floodplain development permits. *Community officials are cautioned to evaluate every proposed development in a floodway very carefully.* If it appears the proposed development would obstruct the flow in any manner, there will almost certainly be an increase in the BFE. If the permit application for the project includes a "No-Rise Certificate" the permitting authority has an obligation to *review the analysis that supports the certificate* to ensure the development (and any similar future development) will not result in an increase in BFE.

If communities don't have the staff with the qualifications or expertise to evaluate an engineer's analysis, FEMA can assist. Any community may submit the engineer's analysis for a Conditional Letter of Map Revision (CLOMR) and FEMA will review the analysis and provide comments. Communities are encouraged to include a requirement in their floodplain ordinance that would require project proponents to prepare a CLOMR application for any development in a floodway, but 44 CFR §65.12 *requires* communities to submit one if the project is likely to result in an increase in the base flood elevation.

*Continued on next page*

### Newsletter Ideas?

If you have an announcement, story or event to share in the the Region X Newsletter, email us at [RXNewsletter@starr-team.com](mailto:RXNewsletter@starr-team.com).

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**No-Rise Certificates** (cont.)

**If a proposed development will cause an increase in the BFE and FEMA issues a CLOMR, can a community then issue a permit?**

*No, at least not until the community amends their ordinance to incorporate the increased base flood elevations and/or revised floodway.*

A floodplain development ordinance that meets FEMA's minimum requirements does not allow for any development in a designated floodway if it will result in an increase in BFE, however, [44 CFR §65.12](#) lists the steps that can and must be taken to allow the project to move forward.

Floodplain development ordinances reference not just the community's FIRM but also the data that supports the map. The FIS includes floodway data tables and flood profiles and are an integral part of community's floodplain ordinance.

The Code of Federal Regulations spell out the procedures that must be followed to amend the data and FIRM ([Click here for a link to 44 CFR §65](#)):

- § 65.6—Revisions to Base Flood Elevation determinations
- §65.7—Floodway Revisions
- §65.8—Review of proposed projects

The procedures are designed to assure adjoining property owners that they will receive due public notice of the potential adverse effect on their property before construction commences. Adverse effects may include an increase in flood levels, an increase in the frequency of flooding, or a change in classification from flood-fringe to floodway where development standards are more restrictive.

Communities that issue permits for projects that will result in any increase in the BFE without first amending their ordinance are out of compliance with the minimum requirements of the NFIP and subject to probation or suspension from the program.

[Click here to download the No-Rise Floodway Analysis Requirements.](#)

*If you have questions on "No-Rise Certificates" contact [Mark Riebau](#), Chief, FEMA Region X Floodplain Management & Insurance Branch.*

## Attention Southern Oregon Floodplain Administrators!

**NFIP Special Topic Training in Northern California**  
**Alturas City Hall**  
**February 13, 2014 9am – 12pm**

FEMA RIX, in coordination with local and regional partners in northern California, is providing training for floodplain administrators on special topics:

- Zone A regulatory requirements review
- Retrofitting buildings for lower insurance rates
- Elevation Certificate review
- FEMA's eLOMA program
- New tools for viewing FEMA maps

The session will be held at the Alturas City Hall in Modoc County.

*For more information, please email or call [Ryan Teubert](#), (530) 365-7332 ext. 209.*

### Ask the Help Desk

Have a question? Let us help! Email [RegionXHelpDesk@starr-team.com](mailto:RegionXHelpDesk@starr-team.com).

## Upcoming Events & Training

(All times Pacific)

### Floodplain Development Permit Review

February 11, 9am  
 Online\* – 1 CEC

### Inspecting Floodplain Development

February 12, 10am  
 Online\* – 2 CECs

### CRS Webinar Series: Introduction to CRS

February 18, 10am  
 March 18, 10am  
 May 20, 10am  
 July 15, 10am  
 Online\* – 1 CEC

### CRS Webinar Series: Developing Outreach Projects (Activity 330)

February 19, 10am  
 April 16, 10am  
 Online\* – 1 CEC

### Elevation Certificates

February 20, 10am  
 April 17, 10am  
 Online\* – 2 CECs

### Determining Base Flood Elevation

February 27, 10am  
 Online\* – 1 CEC

### NFIP Basics

March 12, 9am  
 Online\* – 1 CEC

### Elevation Certificates for A Zones

March 13, 10am  
 Online\* – 2 CEC

### CRS Webinar Series: Higher Regulatory Standards (Activity 430)

March 19, 10am  
 May 21, 10am  
 Online\* – 1 CEC

### CRS Webinar Series: Preparing for the CRS Verification Visit

April 15, 10am  
 June 17, 10am  
 Online\* – 1 CEC

\*To register for online courses, visit STARR's training site online at [j.mp/starrwebtraining](http://j.mp/starrwebtraining), or email [RXTraining@starr-team.com](mailto:RXTraining@starr-team.com).

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## Finding a BFE in Unnumbered A Zones

*This article first appeared in the STARR Region X Newsletter in October 2011.*

Zone A identifies an approximately studied Special Flood Hazard Area (SFHA) for which no Base Flood Elevation (BFE) has been determined. The initial Floodway Hazard Boundary Maps (FHBMs) for communities identified as having flood hazards were prepared using available floodplain data contained in reports developed by a variety of federal, state, and local sources. For those communities that had no available flood hazard information, approximate hydrologic and hydraulic analyses methods or historical flood data were used to determine the extent of the SFHA.

When managing and regulating floodplain development in A Zones, community officials are often challenged to find the best method to ensure that all development is “reasonably safe from flooding.” as required in 44 CFR § 60.3.

If the proposed development is greater than 50 lots or five acres, the applicant is required to develop base flood elevations and protect the proposed development to that elevation, in accordance with the local ordinance. But when smaller development projects are proposed in A Zones, the community should work with the applicant to find an appropriate level of protection.

The first step for the local official is to check with other state and federal agencies to see if BFE’s have already been determined for the area. Check with your state’s Departments of Transportation, Water Resources, Land Conservation and Development, Ecology, Geological Survey, or Natural Resources. At the federal level, look to the US Army Corps of Engineers, Natural Resources Conservation Service, and the US Geological Survey.

You can also check with local or regional agencies to see if any work has been done in the area to determine BFE’s that can be used at the site of the proposed development. BFE’s developed by local certified engineers are acceptable, with supporting engineering data. For example, the local public works department or the local transportation department may have developed flood data in designing sewer and storm drainage systems and local roads. Also, if there are culverts or bridges which cross the same stream within 1,000 feet of the area of interest, there may be hydrologic and hydraulic information pertaining to the 1-percent-annual-chance flood discharge and elevation which may be pertinent to the site.

If, after consulting all possible sources, there is no base flood elevation data available, a Zone A MT-1 application can be submitted for help in determining the BFE for

## FEMA MT-1 Process

- The structure or property is overlaid with the effective FIRM map. If the structure or property does not plot inside the SFHA it is deemed “Out-As-Shown” and no BFE is needed.
- FEMA then checks for previously processed nearby cases to see if another BFE can be applied to the structure or property in question. If not, an additional data letter is sent to the homeowner requesting they check with Federal and State agencies to determine if a BFE already exists.  
NOTE: The applicant can expedite the process when submitting the MT-1 form by including records of their research, or a letter from their state, that confirms that no BFE exists.
- FEMA will review all supporting data and concur or modify the BFE.
- If no BFE exists and the property is less than 50 lots or 5 acres, FEMA will develop one. The processes used to develop a BFE are defined in the Zone A Manual, FEMA 265.

a site. This service is only available for development less than 50 lots or five acres, and only after the applicant has made a reasonable effort to locate existing data. 