



Federal Emergency Management Agency
Region V
175 West Jackson Blvd, 4th Floor
Chicago, IL 60604

"NO IMPACT" FLOODWAY DEVELOPMENT IN OHIO
NATIONAL FLOOD INSURANCE PROGRAM GUIDANCE
OCTOBER 15, 1993

Under provisions of the National Flood Insurance Program (NFIP), communities are obligated to follow regulations which pertain to development within their adopted, regulatory floodway. These requirements, as found in Section 60,3.(d) of the NFIP regulations, prohibit encroachment, including fill, new construction, substantial improvements and other development that would result in any increase in the Base Flood Elevation (BFE), also known as the 100-year flood stage.

Where earthwork or other substantive development is proposed in the floodway, a statement of impact on flood levels due to encroachment in the regulatory floodway must involve an engineering analysis. However, the Federal Emergency Management Agency (FEMA) has determined that certain types of development within a floodway can be considered to have an impact small enough that resultant zero rise in flood levels could reasonably be assumed without performing an engineering analysis. Since Ohio State law does not mandate state-permitting of floodway development, it is incumbent upon local government to ensure conformance to NFIP regulations in this regard.

The following activities in a mapped floodway can be considered no impact and may be permitted by a local community without an engineering analysis, provided the activities do not involve placement of fill, change of grade, or construction within channel:

1. Installation of under-ground utility lines, septic fields, and wells not requiring above-ground service structures;
2. The construction of light poles, sign posts, playground equipment, and properly anchored open structures (without walls) such as pavilions and car ports;
3. The construction of fences which are parallel to the floodway flow direction and do not pose an obstruction to flow or debris;
4. The construction of sidewalks, driveways, patios, athletic fields and similar surfaces which are built at or below existing grade and do not require fences which conflict with item 3 above;

5. The construction of elevated structures on piers, where flow-through is provided for at least ninety percent of the area facing the flow, and where the under side of the lowest floor is at least one foot above the BFE;
6. The placement of a properly anchored, non-habitable, appurtenant building which is not placed in tandem to similar structures and does not exceeding one (1) story, one hundred (100) square feet in size, or ten (10) feet in any dimension;
7. Repair or replacement of buildings in existence prior to the effective date of the first FEMA Flood Boundary and Floodway Map (FBFM) which result in no change to the original outside dimensions and meet all other ordinance requirements;
8. The construction of additions to existing buildings which are located in the hydraulic shadow of the existing building (do not extend beyond the sides parallel to the floodway flow direction) and which do not increase the first floor area by more than twenty (20) percent of the pre-FBFM structure.

Documentation must be maintained on file for each permit application for which an engineering analysis has been exempted. Such activities shall conform to all other Federal, State and local regulations, including elevation requirements for lowest floor. Also, the permit applicant should be advised that exemption to the Federal flood insurance purchase requirement can only be addressed by FEMA through the agency's Letter of Map Amendment (LOMA) or Letter of Map Revision (LOMR) procedures.

Development activities not specifically exempt herein will require a engineering analysis conducted by a State-registered Professional Engineer (PE). Documents supporting this analysis shall be submitted to the local permitting official for review, and shall include topographic work maps and computer model data decks representing the pre- and post-development conditions. If the analysis determines adverse impact to the BFE, options to be considered include alternative siting, an appeal to FEMA for map revision based on mitigation (usually channel improvements) or appeal to FEMA for floodway revision without mitigation. FEMA policy guidance in this regard is provided by a document entitled "Procedures for Compliance with Floodway Regulation" (May, 1990).

Where an engineering analysis is required, it is suggested that a PE employed by or under contract to the community conduct the review. However, Ken Hinterlong, FEMA Staff Engineer, is available to provide comment upon request, and can be reached at 312-408-5529.