

Waterlines Flume - News from DNR Division of Water*Indiana Department of Natural Resources sent this bulletin at 08/16/2024 11:59 AM EDT*

News affecting the management and use of Indiana's water resources

Thank you for subscribing to the Indiana DNR Division of Water's (DOW) monthly newsletter for engineers – *Flume*.

Your interest to protect, enhance, preserve, and wisely use water resources for the benefit of Indiana's citizens through professional leadership, management, and education helps drive DOW's mission.

Engineers are a vital part of our community, and we look forward to sharing updates on Division of Water initiatives and topics impacting our shared work around water resources.

No-Rise Certifications for Floodways

As part of a community's participation in the National Flood Insurance Program (NFIP), its members agree to enforce federal floodplain standards in their local floodplain ordinance. One of those federal standards is that projects in FEMA designated floodways do not result in any increase in flood levels (44 CFR 60.3 (d)(3)). This means proposed projects must demonstrate no rise in flood levels (0.00' surcharge). Projects not meeting the no-rise standard require FEMA approval via a Conditional Letter of Map Revision (CLOMR) before local permits can be issued.

This No-Rise Certification process is not new. In the past, FEMA's guidance was that DNR's construction in floodway (CIF) permits were acceptable as No-Rise Certification, so because of that, local floodplain administrators required a DNR permit before a local permit was issued. Now that FEMA interprets no rise as a 0.00' surcharge, local floodplain administrators should be asking applicants of projects in FEMA floodways to demonstrate that projects cause no rise in addition to a DNR permit.

The certification showing 0.00' surcharge must be supported by technical data and signed by a registered professional engineer. Modeling for No-Rise Certification should show that there is no increase in flood elevations between the duplicative effective, corrected effective, existing, and

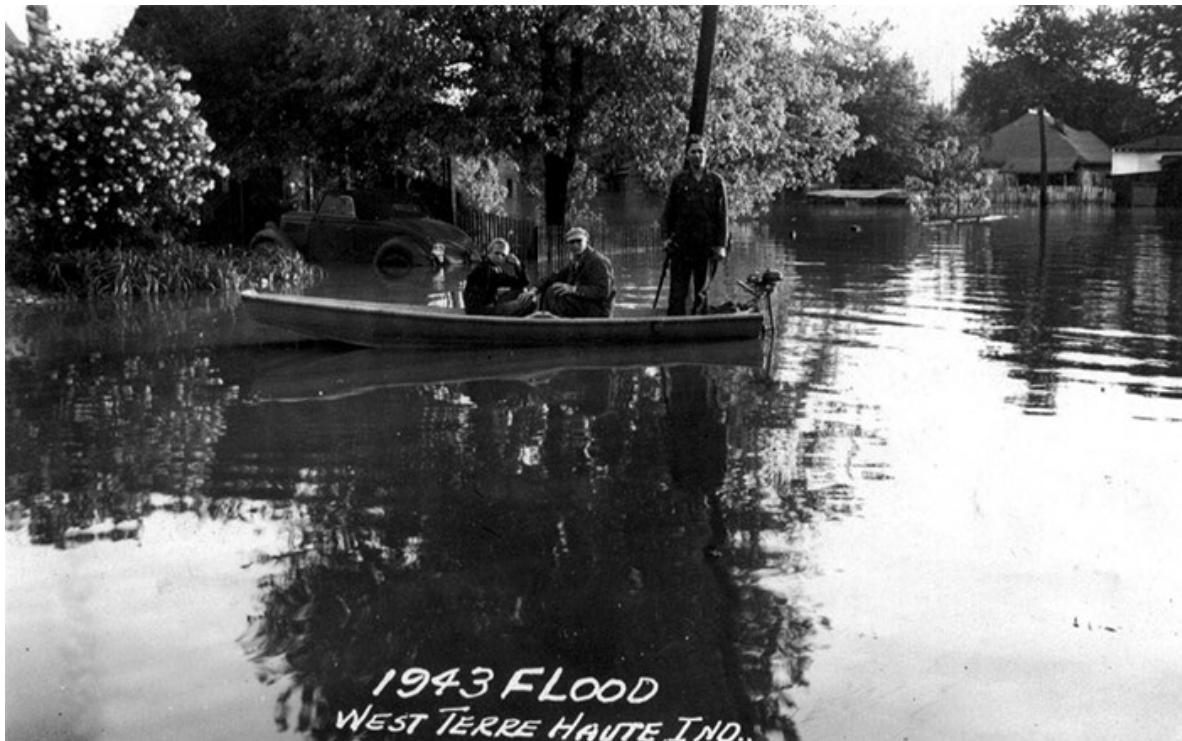
proposed models.

DNR has created an example form applicants can use to document No-Rise Certification and submit it to the community. If surcharges do exist, a CLOMR will be required before construction and a LOMR will be required after construction. For any stream with an upstream drainage area greater than one square mile the modeling must also be submitted to DNR for review/approval.

The Division of Water has begun informing both permit applicants and the local community when proposed projects are in a FEMA-published floodway. The applicant is told that they will also need a local permit, and the local communities are reminded that a No-Rise Certification is necessary. The division aims to save applicants time and money by allowing them to revise their plans to meet the No-rise requirement or requesting a CLOMR before proceeding with the DNR application review.



An overview of no-rise requirements and frequently asked questions are available on the [DNR website](#). In addition, see the Upcoming Events section below for details on an upcoming webinar on *Permitting Projects in a Published FEMA Floodway with a Base Flood Elevation (No-Rise) Webinar*, presented by DNR and hosted by ACEC Indiana.



Indiana House Enrolled Act (HEA) 1401 (c.2024), effective July 1, received additions under IC-28-3-7.4, IC-14-28-3-8, and IC 14-28-1-22.5 that address a variety of natural resource issues:

1. Request for review of mapping data:

- When a review of Indiana Floodplain Information Portal (INFIP) data is requested, the department will: a) Perform at least one free site investigation and b) Update the hydrology model with a detailed method

2. Property owner notifications:

- The department will notify individual property owners within 90 days if their mapping status changes due to new studies on the Best Available Floodplain Layer (BAFL)
- Property owners will be notified before mapping data is sent to FEMA. Owners have 90 days from receipt of notice to request a review of the data.

3. IC 14-28-1-22.5 Sections d) and e) respectively include permit exemptions for agricultural fence and stream crossings:

a) Agricultural Fences in Floodways:

- Allowed, but should not unduly restrict the floodway

b) Residential Rural Bridge Exemption:

- For residential stream crossings with drainage areas < 5 square miles
- Not applicable to FEMA-designated floodways or within extraterritorial corporate boundaries
- Property owners must ensure compliance with Flood Control Act standards and provide modeling if questioned
- Stream crossing must not restrict the capacity of the floodway or cause a safety hazard

These new rules provide more opportunities for stakeholder input into the Division's floodplain mapping process. Updated studies of the watersheds will be completed using the Natural Resource Commission's and FEMA's guidance. Like Senate Enrollment Bill 368 inspections, community regulators and review requesters are invited to provide input during on-site inspections.

Public notification will be expanded to include property owners affected by INFIP review requests. Individual property owners will also be notified when BAFL data will be sent to FEMA for use in updating or changing the FEMA Flood Insurance Rate Maps (FIRM). Both INFIP review and BAFL update notifications come with a 90-day comment period in which the Division will accept and review detailed modeling from the requestor or perform a detailed hydrology study, as appropriate.

Finally, Construction in Floodway (CIF) permit exemptions are the responsibility of the individual and local communities. The Division is working on guidelines for best management practices for

the stream crossings and agricultural fences, however, individuals and communities must provide data justifying the negligible impact of improvements, including designs and modeling, if the installations of stream crossings or fences are challenged.

Division of Water Upcoming Events

Permitting Projects in a Published FEMA Floodway with a Base Flood Elevation (No-Rise) Webinar

Presented by DNR Division of Water, Hosted by ACEC Indiana

Thursday, Aug. 22, 10-11 a.m., Virtual

Projects that are proposed within a floodway published by FEMA on a Flood Insurance Rate Map (or on the National Flood Hazard Layer), need to be reviewed to determine if a change to the published Base Flood Elevation is warranted as a result of the project. This is referred to as No-Rise Certification and in addition to the requirements of the Indiana Flood Control Act and permitting by the Indiana Department of Natural Resources. This webinar will address how DNR, in its roles as both state regulator and FEMA's Cooperative Technical Partner, recommends permit applicants and their agents address this need.

[Register](#) via ACEC Indiana.

Division of Water Open House

Wednesday, Sept. 4, Alexandria

You are invited to attend a DOW open house on Wednesday, Sept. 4 from 5-7 p.m. at the Emery Lee Building in Alexandria. This event is free and open to the public and will provide open public question and answer opportunities. Staff from all DOW programs will be available to answer questions. There will be no formal presentation. Attendees are encouraged to arrive any time during the event hours.

Join the DOW staff in a discussion about our state's vital water resources and how they impact you. Representatives from the DOW will share information about their work in Floodplain Management, Floodplain Mapping, Water Resource Assessment and Availability, Water Rights and Use, Dam and Levee Safety, Watershed Stewardship, Floodway and Lake Permits, and Compliance.

This is the first in a series of similar open houses that will be held throughout the state.

Questions about the event can be submitted via the [DOW website](#).

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