

**Waterlines - News from the Division of Water**

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Division of Water  
Indiana Department of Natural Resources  
Fall 2024

**Indiana Association for Floodplain and Stormwater Management Conference**

*By Doug Wagner, Division of Water*

The Indiana Association for Floodplain and Stormwater Management will hold its annual conference Sept. 11–13 at the Blue Chip Casino, Hotel and Spa in Michigan City.

Registration fee is discounted until Aug. 31 but is available up to the event and onsite. With more than 40 sessions there will be something of interest for everyone. The conference is an excellent opportunity to network with other local officials and state staff to learn more about topics of interest or changes in state regulations. For additional details or to register, visit [inafsm.org/2024-annual-conference](https://inafsm.org/2024-annual-conference).

**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 the federal requirements 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 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 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 and 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 is [available online](#).

## **New Exemptions to the Flood Control Act**

Indiana's Flood Control Act (IC 14-28-1) was amended this year with new exemptions that went into effect on July 1. These new exemptions include certain agricultural or residential stream crossings and agricultural fences. If a project meets the criteria of the exemption, then a permit from the DNR Division of Water is not required.

#### Agricultural or Residential Stream Crossings

This new exemption cannot be applied in FEMA-mapped floodways and is only applicable if the drainage area of the stream at the location of the crossing is 5 square miles or less. Additionally, the crossing must be used for agricultural or residential purposes and must be located in a rural area. The typical review criteria of the Flood Control Act would still need to be met for the exemption to apply. These include:

- The stream crossing does not adversely affect the efficiency of or unduly restrict the capacity of the floodway. This means that an increase in the 1% annual chance flood elevation at the site cannot be more than 0.14' as a result of the new crossing.
- The stream crossing cannot constitute an unreasonable hazard to the safety of life or property.
- The stream crossing cannot result in unreasonably detrimental effects on fish, wildlife, or botanical resources.

A crossing is more likely to meet these criteria if it spans the creek from bank to bank. It is recommended a professional experienced with stream crossings and hydraulics and hydrology is consulted in designing a crossing to ensure the exemption criteria are met. The property owner of a crossing that is installed under this exemption would be responsible for proving the crossing meets these criteria if the department receives a complaint about the crossing. More information about this exemption can be found on our [website](#).

#### Agricultural Fence

An agricultural fence, meaning a fence that is primarily used to keep animals in or out of an area, does not require a permit from the DNR Division of Water under the Flood Control Act if the fence does not obstruct the flow of water or debris through a floodway. Chain-link and woven wire fencing obstructs the flow of water or debris and cannot be used under this exemption. An example style of fence that is less likely to obstruct the flow of water or debris would be single posts, spaced several feet apart, with one or two horizontal rows of wire between them. It should be noted that this exemption only applies to the Flood

Control Act, not the Navigable Waterways statute.

In addition to these new exemptions, there were some updates to the logjam removal exemption as well. Check out the new [logjam exemption guide](#) for details. Other projects can be completed in the floodway without formal review by the DNR Division of Water. For more information, please visit [dnr.IN.gov/water/regulatory-permit-programs/exemptions](https://dnr.IN.gov/water/regulatory-permit-programs/exemptions). For projects that require a permit, more information about the Division's permitting program can be found at [dnr.IN.gov/water/regulatory-permit-programs](https://dnr.IN.gov/water/regulatory-permit-programs). Please contact the Division of Water's Technical Services section with any questions about permitting requirements in the floodway or along streams and/or lakes in Indiana.

## **New Model Floodplain Ordinance**

*By Doug Wagner, Division of Water*

The Indiana Model Floodplain Ordinance underwent an extensive review and rewrite in coordination with FEMA which was approved in November 2021. At that time, it was agreed communities would update their ordinances as they are audited or when they have new Flood Insurance Rate Maps issued by FEMA.

Since FEMA's approval, we have had many of our Indiana communities update to the new model language. Don't be alarmed if your community has not updated to the new model yet. With 452 communities in Indiana, this is a huge task, and we will get to every community that has not updated yet in the next few years.

You may be asking why we need to update to the new model. Most of these modifications were completed at FEMA's request for Indiana communities to remain in compliance with the minimum requirements of the NFIP. The list below highlights most of the changes in the new model.

- Provides additional clarity on requirements at application and finished construction for development in the Special Flood Hazard Areas (SFHAs).
- Clarifies the duties of the local floodplain administrator.
- Offers clearer guidance on variance procedures and requirements.

- Article 5, Section A, (1), d was added to meet the minimum requirements of the National Flood Insurance Program (NFIP). (No-rise and CLOMR requirements)
- Updates general and specific standards to meet the minimum requirements of the NFIP and Community Rating System (CRS) program. CRS is a program that provides premium discounts to community members that have a NFIP policy in participating communities.
- Revised manufactured home requirements to meet the freeboard requirements that are in state statute, preventing compliance issues when permitting these structures.
- “Base flood elevation data shall be provided for subdivision proposals and other proposed development (including manufactured home parks and subdivisions), which is greater than the lesser of fifty lots or five acres.” This text was added to the general standards making it clear that this requirement applies to all developments and not just subdivisions.
- Incorporates the public freshwater lake and coastal requirements where applicable to maintain NFIP compliance.
- Removed compensatory storage language, as most communities have incorporated this in much more detail in their stormwater ordinance.

The new model has been restructured to make it easier to follow and find the compliance requirements for development within a Special Flood Hazard Area (SFHA). You can [view and download](#) the new model. Any amendments or replacements to your ordinance must be approved by our office and FEMA.

It is best to work with your regional planner to obtain an editable version tailored to your community. The process includes a pre-adoption review to assure compliance prior to adoption, eliminating repetitive appearances before the legislative body/bodies.

### **Floodplain Management Section Changes**

Doug Wagner was promoted to NFIP State Coordinator effective Aug. 18. Many of you already know Doug, but for those of you that have not met him yet, here is a little information.

Doug has a construction management degree from Purdue University. He spent his early career in the construction business as a custom home builder. Since then, he has worked in two counties in roles such as a local building inspector, floodplain administrator, zoning administrator, and plan director. He completed the L273 Managing Floodplain Development Through the National Flood Insurance Program in August 2014 and earned his Certified Floodplain Manager certificate in September of the same year. Doug joined the Department of Natural Resources in November of 2018 as the senior planner and was responsible for education and outreach pertaining to the National Flood Insurance Program. Doug now brings his experience to the role of NFIP State Coordinator.

The senior planner position that Doug previously held is posted, and the Division of Water plans to fill it as soon as possible. Anyone interested in applying can find the details at [workforindiana.IN.gov/job-invite/447127](https://workforindiana.IN.gov/job-invite/447127).

### **Required Floodplain Administrator Training**

Many Indiana communities participate in the National Flood Insurance Program (NFIP). Participation in the NFIP is based on an agreement between local communities and the federal government that states that if a community implements and enforces measures to reduce future flood risks to new construction in special flood hazard areas, the federal government will make flood insurance available within the community as a financial protection against flood losses. As a participating community in the NFIP, your community's floodplain management ordinance has designated a floodplain administrator to administer and implement the provisions of the ordinance.

The Department of Natural Resources Division of Water is the state coordinating office for the NFIP in Indiana. We would like to remind you of recent legislation that affects the floodplain administrator for your community. On July 1, 2023, Senate Enrolled Act (SEA) 242 became law and amended the Floodplain Management Act (IC 14-28-3-7.2). The act now requires floodplain administrators to obtain approved training by June 30, 2025, to serve as the floodplain administrator of a county or a municipality. A document that provides information on the new requirement, including the training options available and the reporting process, can be found [here](#).

The floodplain administrator, along with any other staff authorized and directed

to enforce the provisions of your floodplain ordinance, need to complete the training. Other staff who work with permitting in flood hazard areas are strongly encouraged to attend training.

To date only 217 of the 452 (48%) NFIP participating communities have met this requirement.

### **Upcoming Training Opportunities**



(Information from FEMA, ASFPM, and other websites)

#### **Association of State Floodplain Managers (ASFPM)**

ASFPM has an online training program and new training is added regularly. See [floods.org/training-center](https://floods.org/training-center) for more information.

#### **FEMA's Emergency Management Institute (EMI)**

In-person classes are available at the EMI in Emmitsburg, MD. The institute also offers many courses through self-study webinars. Currently, E0273: Managing Floodplain Development through the NFIP, is scheduled for December 2024 and February, June, and September 2025. For additional information on EMI classes and webinars, visit EMI's training calendar website at [training.fema.gov/emicourses/schedules.aspx](https://training.fema.gov/emicourses/schedules.aspx) and its course catalog at [firstrespondertraining.gov](https://firstrespondertraining.gov).

#### **FEMA Region 5 announces continued training opportunities**

FEMA Region 5 is conducting regular webinars on various topics such as floodplain management, flood insurance, and National Flood Insurance Program (NFIP) requirements to train community officials on managing their community's floodplains. Each webinar lasts an hour, and one ASFPM CFM CEC is available by attending a session. The virtual webinar is open to all; however, local and county officials working in emergency management, building code administration, and floodplain management are strongly encouraged to attend. The webinars are presented by FEMA Region 5's Mitigation Division, Floodplain Management and Insurance Branch.

For more information on the trainings or to register, see [dnr.IN.gov/water/events-and-training](https://dnr.IN.gov/water/events-and-training).

## **STATE TRAINING OPPORTUNITIES**

### **Indiana Silver Jackets**

The Indiana Silver Jackets will be holding “Indiana Flooding & Flood Tools Awareness” workshops this fall. These workshops are an effort to increase knowledge and awareness of the following topics:

- Common types and causes of flooding.
- Flood-related regulations, mitigation best practices, and climate change impacts.
- Focus on flood risk reduction tools available.

These three-hour workshops will be held on:

- Aug. 28, American Red Cross, 29 S Stockwell Road, Evansville, IN
- Sept. 11-13, INAFSM Conference, Michigan City, IN

### **Indiana Department of Natural Resources**

For upcoming events and training hosted by the DNR Division of Water, check [dnr.IN.gov/water/events-and-training](https://dnr.IN.gov/water/events-and-training). We will post training videos and other opportunities as they are developed or scheduled.

Variances and the NFIP will be hosted as four virtual offerings on Oct. 1 and 2. This workshop will discuss what variance is, variance procedures, what are justified and unjustified variances, and when boards should deny or grant variances. The sessions are two hours long and cover the same material. Registration can be completed at [Variances Registration](#).

NFIP Violations and Compliance will be hosted as four virtual offerings on Dec. 10 and 12. These sessions will focus on a more in-depth look at inspecting potential violations, notifying and meeting with the property owners, and resolving violations. The sessions are two hours long and cover the same material. Registration can be completed at [Violations and Compliance Registration](#).

### **Indiana Department of Homeland Security**



Please visit the Indiana Department of Homeland Security's [training calendar](#) for upcoming courses and trainings.

### **Certification**

The Certified Floodplain Manager (CFM) exam is now digital and may be taken at your convenience at a Measure Learning (formerly Scantron) test site or from your home or office. For information on the exam or to register visit [ASFPM's website](#).

### **THANK YOU**

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