



# State of Nebraska Floodplain Management Administrative Procedures Guide

*A guide for floodplain managers and community officials establishing local administrative procedures for effective floodplain management.*

*v1.2 - Revised September 10, 2026*

This guide is produced by the Nebraska Department of Water, Energy, and Environment (DWEE) Floodplain Management Division. The contents of this guide do not necessarily reflect the views and policies of the Federal Government.

| Revision Number | Revision Date | Reason for Revision                                                                                                                                                                                                                                                                                                                                            |
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| 1.0             | 5/29/2026     | Initial Version                                                                                                                                                                                                                                                                                                                                                |
| 1.1             | 8/05/2026     | Updated NFIP compliance audit section based on new guidance from FEMA.                                                                                                                                                                                                                                                                                         |
| 1.2             | 9/10/2026     | <p>Corrected language in Section 2.4 referring to determining flood elevations in dept-based flood zones.</p> <p>Revisions to language in Sections 3.2, 3.3, and 3.8 regarding permit review procedures.</p> <p>Revisions to terms in Glossary for improved alignment with US Code, Code of Federal Regulations, and Nebraska Model Ordinance Definitions.</p> |

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# Introduction

## Applicability

This Administrative Procedures Guide is intended for use by local floodplain management officials to provide guidance and recommendations for fulfilling the duties and responsibilities of the floodplain administrator position. The **floodplain administrator** is the appointed enforcement officer of a community's locally adopted floodplain ordinance and acts as a point of contact for a community that participates in the National Flood Insurance Program (NFIP) managed by the Federal Emergency Management Agency (FEMA).

With approximately 4% of Nebraskans living in a **Special Flood Hazard Area (SFHA)**, flooding is one of Nebraska's most dangerous and costly natural hazards. To help mitigate these impacts and to protect the health and safety of Nebraskans, local jurisdictions are tasked with adopting and enforcing development standards within the SFHA as a condition for its citizens to qualify for federally backed flood insurance or to receive many forms of federal disaster assistance. Through this document, the Nebraska Department of Water, Energy, and Environment (DWEE) Floodplain Management Division hopes to better aid floodplain administrators across the state to establish or improve their local floodplain management programs to reduce the overall flood impacts to life and property.

Throughout this guide, readers will find suggested procedures for understanding their community's floodplain maps, processing applications to develop in the floodplain, enforcing the local floodplain ordinance, and much more. While this guide is intended to provide information to help create local procedures, it is not intended to address every possible scenario related to floodplain management. Rather, this document will help guide officials through the daily responsibilities of a local floodplain administrator.

## Regulatory Setting

The guidance contained within this document is in accordance with the following federal and state rules and regulations governing local flood hazards:

- General Provisions – [44 Code of Federal Regulations §59](#)
- Criteria for Land Management and Use – [44 Code of Federal Regulations §60](#)
- Flood Plain – [Neb. Rev. Stat. §31-10](#)
- Rules and Regulations Concerning Minimum Standards for Floodplain Management Programs – [455 Neb. Admin. Code §1](#)

# 1 Understanding the Basics of Floodplain Management

## 1.1 Understanding Floodplain Functions

The foundation of a strong floodplain management program requires an understanding of what a floodplain is and the purposes they serve for the natural environment. A **floodplain** is the land area, typically adjacent to a body of water, that becomes inundated when there is an excess of water. Floods are a natural occurrence and are a part of the hydrologic cycle, altering the landscape and feeding it with nutrients over time. Throughout history, the forces of water have continuously shaped floodplains, either through the effects of erosion or through the deposition of sediment. More recently, floodplains have been altered by human development, affecting both the immediate floodplain and areas downstream. A common misconception is that floods can be controlled by constructing dams, levees, or other flood control structures, or that watercourses can be modified to prevent floods from occurring. However, these measures will only force floodwater elsewhere in the watershed.

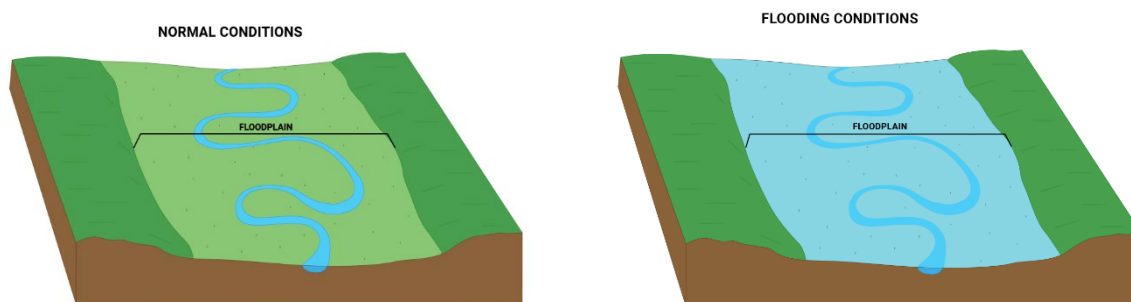


Figure 1: Visualization of the natural functions of the floodplain. (DWEE, 2026)

The increase in human development in floodplains has not only brought more risk to human life and property but has also negatively impacted the natural functions of floodplains. Healthy floodplains should convey floodwater away from communities, support biodiversity, the integrity of ecosystems, and habitation for fish and wildlife. A key consideration for implementing an effective floodplain management program is recognizing opportunities to avoid development in flood prone areas to maintain the natural and beneficial functions of floodplains.

However, in the event of development, standards have been established by the state and federal government to ensure construction is reasonably safe from flooding (see Chapter 4). The following chapters will detail the history of **floodplain management regulations** and specific aspects of developing a successful floodplain management program.

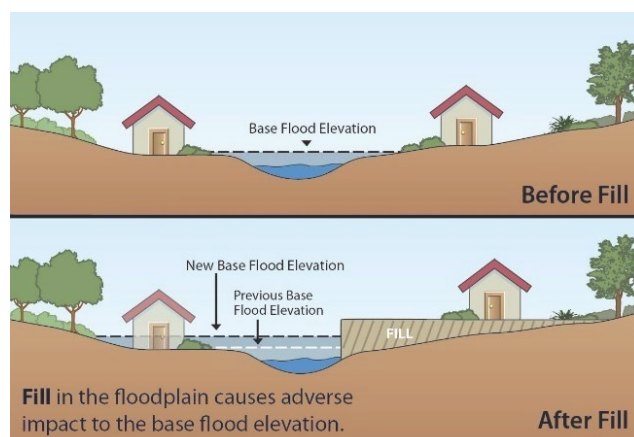


Figure 2: Impacts of development in the floodplain. (Dallas Floodplain 101, 2025)

## 1.2 The National Flood Insurance Program (NFIP)

### 1.2.1 Introduction to the NFIP

Before the creation of the National Flood Insurance Program (NFIP), flood damage was covered by the private insurance sector, typically through a standard homeowner's insurance policy. However, dozens of catastrophic flood events from 1960 to 1970, including the Christmas Flood of 1964, the Upper Mississippi Flood of 1965, and Hurricanes Betsey (1965) and Camile (1969), proved to be too expensive for the private sector to handle. Many insurance providers could not afford to pay claims for damages or did pay claims and experienced bankruptcy shortly after. Other providers were able to pay claims but resolved that they would no longer provide flood insurance coverage. The resulting crisis left potential homebuyers unable to obtain mortgages in high-flood risk areas due to the lack of affordable insurance options. Existing homeowners and business owners were also unable to purchase or unable to afford the insurance coverage they needed to protect their financial investments.

To fill this gap, the NFIP was established by Congress in 1968 through the National Flood Insurance Act with three main policy goals:

1. **Identify and Map Flood Hazards:** Delineate flood hazard areas and provide this flood hazard data to communities to help them make proactive and informed decisions. *Know the Risk*
2. **Flood Mitigation:** Promote the reduction of future flood damage through the enactment of federal, state, and local floodplain management regulations and; mitigate against the impacts of flooding via structural flood protection or through individual property acquisition, elevation, or floodproofing projects. *Manage the Risk*
3. **Provide Affordable Flood Insurance:** Provide financial protection for property owners against potential flood losses by allowing property owners access to federally backed flood insurance policies. *Insure the Risk*

#### 1.2.1.1 Identify and Map Flood Hazards

Hazard identification involves finding the areas at risk of flooding, categorizing them from low- to high-risk, and delineating each of the areas on a map. Mapping flood risk is a powerful tool for establishing a well-informed, science-backed floodplain management program. FEMA and DWEE often partner to identify and map flood hazards throughout Nebraska. The map inventory regularly changes, but there remain portions of the state without any flood hazard data. In areas without this data, communities can work with DWEE to develop procedures to use for decision making while waiting for flood hazard data to be developed.

Floodplain maps used for regulatory purposes that are produced or funded by FEMA are typically released in the form of Flood Insurance Rate Maps (FIRMs). FIRMs are issued by FEMA using the best available data at the time of the mapping project. During a mapping project, FEMA relies heavily on the expertise and first-hand accounts of local leadership to help validate the floodplain maps. In areas without official FIRMs, floodplain boundary data may be available as **Flood Awareness Areas** published on the [Nebraska Floodplain Interactive Map](#).

Many communities in Nebraska rely heavily on floodplain maps to make long-term planning decisions. Potential homebuyers use floodplain maps to make decisions on where to live or how to build. Lenders and homeowners use floodplain maps to decide when flood insurance is required to financially protect their assets. Most importantly, floodplain maps demonstrate the relationship between the community and the land areas needed to convey flood flows through the natural system allowing communities to limit development from occurring in areas that will experience flooding in the future.

### *1.2.1.2 Flood Mitigation*

Flood mitigation is any action taken to reduce or eliminate the impacts of flooding, whether to an individual **structure**, community, or watershed. The NFIP focuses on reducing future flood losses through the enactment and enforcement of floodplain management regulations. Floodplain management regulations set minimum standards for development and construction projects in the floodplain. The regulations allow communities to set minimum elevation requirements for new structures, limit the impact development can have on floodwater elevations, prohibit activities that could be harmful to others or the community as a whole, and more. Holding new development to these standards is essential to protecting the community's investments and ensuring its longevity as the community grows. In situations where development has already occurred in higher risk areas, communities can develop and prioritize flood mitigation projects, which focus on reducing or eliminating the impacts of flooding, whether to an individual structure, community, or throughout a watershed.

Strategies to reduce future flood losses must go beyond floodplain management regulations alone. A strong floodplain management program approaches flood resiliency from all fronts:

- **Prevention activities** are proactive decisions made during long-range planning to protect new growth. Prevention may include designating areas as open space or establishing a local stormwater management program.
- **Spreading public awareness** of flood risk encourages individual accountability to build safer and supports local buy-in to the overall floodplain management program. Public awareness activities may include making floodplain maps easily accessible to community members, establishing real estate disclosure laws to inform potential homebuyers if a residence is in the floodplain, or initiating a public outreach project which could include sending annual mailers or setting up booths at local fairs with flood information.
- **Protecting property** includes any activity that reduces the risk for an individual property or structure. This can be achieved through acquisition of structures to return to open space, elevating or floodproofing at-risk structures, or installing sewer back-flow prevention for new homes or **subdivisions**.
- **Protecting natural resources** to promote sustainable building practices and preserve the natural functions of the floodplain. This may include limiting or prohibiting development in floodplains or wetland areas, requiring erosion and sediment control for construction projects, and encouraging nature-based solutions to flood problems.
- **Improving emergency services** to consider flood hazards in all aspects of emergency response planning. This may include creating a flood warning system, drafting an

emergency action plan for flood response, or encouraging increased flood protection of critical facilities.

- **Structural projects** physically modify the behaviors and impacts of flooding. This may include reservoirs or storage basins, channel modifications, or increased conveyance through culverts and bridges to better accommodate flood flows.

Many federal grant programs exist to help offset costs to local governments. For a list of potential flood mitigation grant programs, see Chapter 5 of the [Nebraska Flood Hazard Mitigation Plan](#).

### *1.2.1.3 Provide Affordable Flood Insurance*

The third program area of the NFIP is to financially protect property owners by offering government backed flood insurance policies for property anywhere in an NFIP participating community. NFIP flood insurance policies are available often at a lower rate than the private market and are available for properties that the private market is unwilling to insure. NFIP flood insurance policies can also provide direct funding to mitigate or relocate structures that are repetitively damaged by flooding to reduce the insurance burden on the overall program. Every structure located in an NFIP-participating community is eligible to purchase an NFIP flood insurance policy, whether the structure is located inside or outside of the SFHA. In fact, more than 40% of the NFIP flood insurance claims come from properties located outside of the SFHA (FEMA 2025).

The NFIP underwrites flood insurance coverage only in communities that choose to participate in the NFIP; an agreement that requires the adoption and enforcement of floodplain management regulations that meet or exceed criteria established by FEMA. Structures built in accordance with these criteria have a lower risk of flooding and often have lower flood insurance premiums. To ensure the goals and objectives of the NFIP are met, local, state, federal governments, and private insurance companies must share roles and responsibilities. For more information on flood insurance, please visit [DWEE Floodplain Management Flood Insurance](#).

### *1.2.2 Enrolling in the NFIP*

Participation in the NFIP is voluntary. A community that decides to join the NFIP enters into an agreement with the federal government, in this case FEMA, indicating that they will adopt and enforce floodplain management regulations that meet or exceed those established by FEMA. In return, FEMA allows the community and its residents access to purchase federally backed flood insurance.

To join the program, a community must submit an application package. This package includes:

- **FEMA Form 81-64:** An official application form that provides FEMA with information such as the population that resides in a high-hazard flood zone, the community's contact information, and their main office that serves as the repository for the local flood maps.
- **Resolution of Intent:** This resolution is adopted by the local governing body stating that the community intends to enforce their floodplain management regulations and will cooperate with the **State NFIP Coordinating Office** and with FEMA.

- (*\*For mapped communities*) **Floodplain Management Regulations:** Floodplain management regulations establish development standards within flood prone areas. Regulations are adopted through a local ordinance, resolution, municipal code, or similar regulatory document. Local regulations must meet or exceed both state and federal minimum floodplain management requirements.

The NFIP application package documents can be obtained and submitted to the State NFIP Coordinating Office, which will forward the information to FEMA and work with the community through the enrollment process. A representative with the DWEE Floodplain Management Division will assist the community with completing the application forms, provide templates for the resolution of intent, and work with the community on developing their floodplain management regulations.

### **1.2.3 Non-participating Communities**

A mapped community has one year from the date of the floodplain map release to decide whether to participate in the NFIP. A community that chooses not to participate is subject to FEMA sanctions. Nebraska currently has 436 NFIP-participating communities. Many non-participating communities have not enrolled because they lack FEMA-identified flood hazard areas, are identified as areas of no special flood hazard area, or the areas identified as having flood risk do not impact developed property. FEMA sanctions for non-participation in the NFIP include:

- Property owners within the community will not be able to purchase a federal flood insurance policy through the NFIP.
- Existing NFIP policies will not be renewed, and coverage will lapse for any NFIP policyholders when their policy is due for renewal.
- Federal grants or loans for development will not be available in identified flood hazard areas under programs administered by federal agencies such as the U.S. Department of Housing and Urban Development (HUD), the U.S. Environmental Protection Agency (EPA), and the Small Business Administration (SBA).
- Federal disaster assistance will not be provided to repair insurable structures located in identified flood hazard areas for damage caused by a flood.
- Federal mortgage insurance or loan guarantees will not be provided in identified flood hazard areas.
- Federally insured or regulated lending institutions, such as banks and credit unions, must notify applicants seeking loans for insurable structures located in flood hazard areas of the hazard and that the property is ineligible for federal disaster relief.

## 1.3 The Roles and Responsibilities of the Floodplain Administrator

### 1.3.1 *Introducing the Floodplain Administrator*

The **floodplain administrator** is the enforcement officer in an NFIP-participating community. The position is appointed by the governing body through the locally adopted floodplain management regulations. The floodplain administrator is tasked with implementing the local floodplain management program by enforcing floodplain management regulations and reviewing application requests for any proposed development occurring in the floodplain. The floodplain administrator title is often designated to an existing position within the local government, such as the clerk, zoning administrator, emergency manager, or community CEO. In Nebraska, there are no specific qualifications or prerequisites for this position. The list of required floodplain administrator duties includes, but is not limited to:

- Review, approve, or deny all applications for floodplain development permits from any entity, including permits for structures, mining, dredging, filling, grading, paving, excavation or drilling operations, storage of equipment or materials, improvements to existing structures, and repairs to existing structures.
- Review all floodplain development permit applications to assure that sites are reasonably safe from flooding and that the requirements of the local floodplain management regulations have been met.
- Review floodplain development applications to assure that all other permits have been obtained from federal, state, and local government agencies.
- Review proposed floodplain development, including subdivision proposals and manufactured home parks, to determine whether the proposed project will be reasonably safe from flooding.
- Notify adjacent communities and the State NFIP Coordinating Office before any alterations are made to an existing watercourse.
- In instances where watercourses are altered, assure that proper maintenance is regularly conducted to maintain the flood carrying capacity of the watercourse.
- Provide project proponents with flood hazard information including elevations of the base flood.
- Collect and maintain records of the lowest floor elevation for new structures in the floodplain.
- Collect and maintain records of the floodproofing elevation for any new non-residential structures in the floodplain.
- Collect and maintain records of any improvements or repairs to existing structures in the floodplain.
- Ensure the comprehensive development plan is consistent with local floodplain management regulations and floodplain maps.

- Use the enforcement authorities granted by the local floodplain management regulations to address any violations.

### ***1.3.2 Other Responsibilities of the Floodplain Administrator***

Some responsibilities of the floodplain administrator are not directly stated in state or federal minimum standards but are still expected of the local representative for a community's floodplain management program. One such activity is coordinating community outreach activities, which may include distributing letters and brochures containing NFIP information or giving brief presentations at community meetings.

In addition, after a flood or severe weather event affecting structures in the SFHA, the floodplain administrator is responsible for permitting any repair work that occurs in the floodplain and for determining if repair work constitutes **substantial damage**. This guide does not go into detail on the post-disaster process; however, the Nebraska Substantial Damage Handbook is updated each year and contains detailed guidance for post-disaster responsibilities for floodplain managers. The handbook can be found in the [DWEE Floodplain Management Digital Desk Reference](#).

## **1.4 Floodplain Management Authority**

As stated above, communities that participate in the NFIP must create, adopt, and enforce floodplain management regulations that meet or exceed the state and federal minimum standards. These regulations are often established in the form of a floodplain management ordinance, which provides the framework for the community's floodplain management program. The ordinance will designate the floodplain administrator position to the appropriate title and will describe what the position entails. It also establishes what and where the floodplain is, the permitting process, and how to build reasonably safe from flooding.

### ***1.4.1 Floodplain Management Authority through the NFIP***

The federal minimum floodplain management standards are derived from the [Code of Federal Regulations Title 44 Chapter I Subchapter B Part 60.0](#). Communities must enforce regulations based on the level of flood hazard data available for their community. For communities with riverine flood risk, 44 CFR Part 60.3 is structured by levels A through D. Each level expands the minimum required development standards as FEMA makes more detailed floodplain data available in the community. Figure 3 demonstrates this concept in more detail.

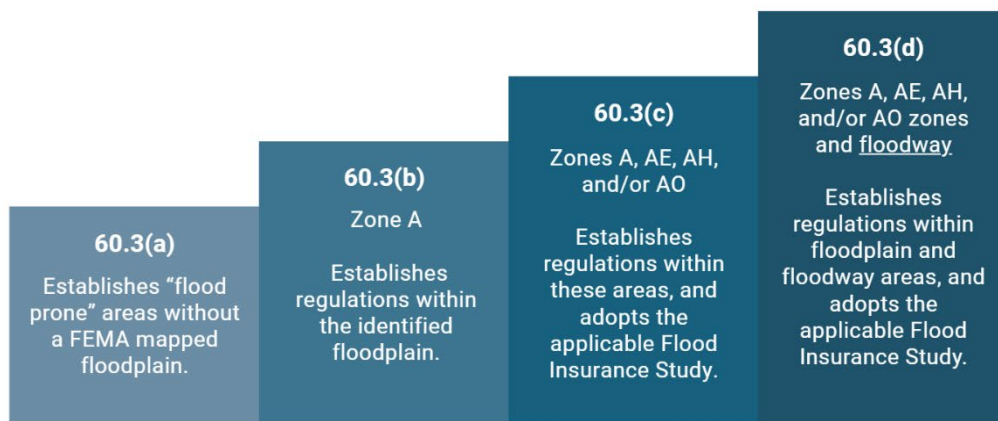


Figure 3: Visualization of the regulations levels of the CFR Criterial for Land Management and Use. As data becomes available, additional regulations must be enforced. (DWEE, 2026)

- **60.3(a) Regulations:** For communities with no published FIRMs (FEMA mapped floodplains have not been established). These regulations set general development standards within areas identified by local communities as "flood prone" using best available information.
- **60.3(b) Regulations:** For communities with a basic floodplain study showing Zone A areas with no **base flood elevations**. These regulations set minimum development standards within FEMA mapped floodplain areas. Zone A floodplains are the product of a basic mapping study, meaning a **floodway** and flood fringe are not established.
- **60.3(c) Regulations:** For communities with an enhanced floodplain study showing Zone AE, AH, and/or AO areas with base flood elevations. These regulations set minimum development standards within FEMA mapped floodplain areas and adopt the **Flood Insurance Study (FIS)**. The FIS can be used to find detailed information regarding flood elevations and risk. A floodway and flood fringe have not been established.
- **60.3(d) Regulations:** For communities with enhanced study data, where within at least one Zone AE area, a regulatory floodway is shown on the FIRM. The FIRMs may also show Zone A, AH, and AO areas. These regulations establish minimum development standards for each flood zone and set additional limitations for development within identified floodway areas for the purpose of safely conveying the base flood. Communities with Zone AE floodplain with a designated floodway will also have an FIS report, which can be used to find detailed information regarding flood elevations and risk.

To review the Code of Federal Regulations Criteria for Land Management and Use in more detail, visit [Code of Federal Regulations Title 44 Chapter I Subchapter B Part 60.0](#).

### 1.4.2 Floodplain Management Authority through the State of Nebraska

Floodplain management authorities were originally established by Nebraska Legislature in 1967 through the Nebraska Flood Plain Regulation Act, Legislative Bill 893. Today, [Nebraska Revised Statutes §§ 31-1001 to 31-1023](#) provide the floodplain management authorities to state and

local entities. More specifically, the Nebraska Revised Statutes §31-1017 give DWEE the authority to adopt and promulgate rules and regulations establishing minimum standards for local floodplain management regulation. Nebraska's minimum standards for floodplain management programs were most recently amended on June 27, 2008, through [Nebraska Administrative Code Title 455, Chapter 1: Rules and Regulations Concerning Minimum Standards for Floodplain Management Programs](#). All NFIP-participating communities within the state must enforce floodplain management standards that meet or exceed the standards in Neb. Admin. Code Title 455, Chapter 1, which exceed the federal minimum standards.

In addition, Nebraska Revised Statute §31-1019 provides local governments the authority to adopt, administer, and enforce development regulations for flood-prone areas that meet Nebraska and federal minimum requirements to establish their floodplain management programs.

### 1.4.3 Local Floodplain Management Ordinances & Resolutions

The Nebraska Flood Plain Regulation Act authorizes *local* governments to create and enforce floodplain regulations to reduce the future impact of flooding on their residents and business owners. Local floodplain management regulations must meet or exceed both state and federal regulations, ensuring that new construction will be reasonably safe from flooding and that the impact of development will not negatively impact neighboring properties or increase the flood hazard throughout the community. When reviewing applications for proposed floodplain development, the local floodplain management ordinance must always be consulted, as local minimum standards may exceed state and federal requirements.

#### Nebraska Model Floodplain Management Ordinance

DWEE Floodplain Management provides a model, or template, floodplain management ordinance that NFIP communities may use to draft their local floodplain standards. The model ordinance is designed to meet Nebraska minimum standards for floodplain management programs and Title 44 of the Code of Federal Regulations. The model ordinance also provides guidance on adopting local higher standards than State or Federal minimums. Nebraska's Model Floodplain Management Ordinance can be found here: <https://dwee.nebraska.gov/floodplain/model-ordinances>.

The model establishes floodplain and floodway areas and the regulations that apply within each. If the community chooses to break the model language into pieces to be placed into various sections of local code, all pieces must be included to remain in good standing with the NFIP. State and Federal code references have been included under each line or section within the model ordinance.

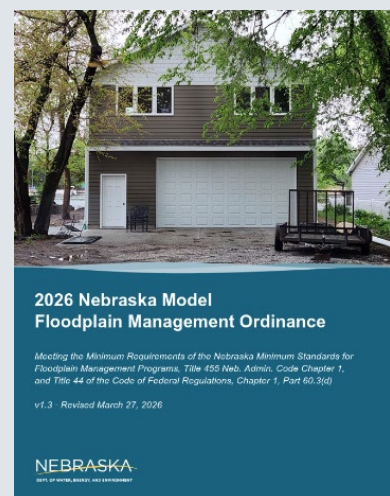


Figure 4: Model Ordinance Cover Page. (DWEE, 2026)

## 2 Learning to Interpret & Update Flood Hazard Data

Once the floodplain administrator is familiar with the general concepts of floodplain management, the next step is to learn the specifics of the community's flood risk. This chapter will describe the different methods for visualizing and obtaining flood information for local planning. Learning the different flood zones and what each represents will ensure that local planning efforts consider actions to reduce or eliminate flood damage when making decisions on future development and community goals.

### 2.1 The Special Flood Hazard Area

The **Special Flood Hazard Area (SFHA)** is “the land in the flood plain within a community subject to a 1 percent or greater chance of flooding in any given year” (44 CFR 59.1 “Area of special flood hazard”). The SFHA is referred to by many names, including the 1% annual chance floodplain, 100-year floodplain, base floodplain, regulatory floodplain, and similar. The most used terms are the 1% annual chance and 100-year floodplains. While these terms are referring to the same area, the term “100-year” flood is often misunderstood as an event that only occurs once in every 100 years. In actuality, it refers to there being a 1% chance probability that within any given year a flood of equal or greater magnitude could occur within the designated area.

### 2.2 Flood Insurance Rate Maps (FIRMs)

FEMA is responsible for delineating floodplains and producing regulatory flood hazard maps for communities. In the early days of the program, many communities received a **Flood Hazard Boundary Map (FHBM)**. The FHBM showed the boundaries of the flood hazard areas using approximate engineering methods. Most communities have had their FHBM replaced by **Flood Insurance Rate Maps (FIRMs)**. In some instances, communities had their FHBM converted to a FIRM by letter, not by updating any of the underlying data.

A FIRM is “the official map of a community, on which the Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community” (44 CFR 59.1 “Flood Insurance Rate Map”). FIRM panels delineate the floodplain boundaries for a community using either basic engineering studies or more in-depth enhanced studies, which will be defined in the coming sections. Figure 5 shows an example of a FEMA FIRM panel.

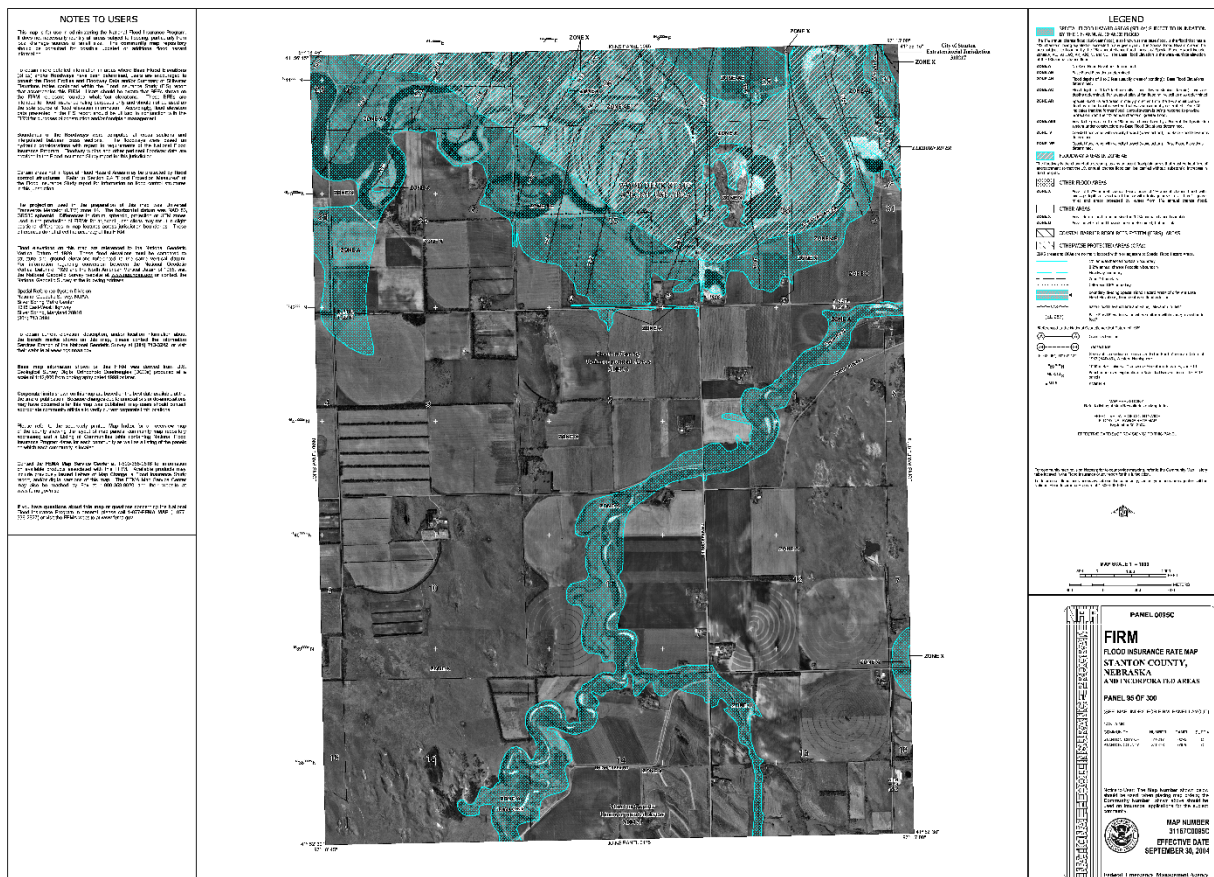


Figure 5: Image of a FIRM panel in Stanton County. (FEMA, 2004)

Every NFIP-participating community should have copies of their FIRMs on file and publicly available. If a proposal is made to develop in the community, the FIRMs must be referenced to determine if the floodplain regulations apply. It is important to note that not all FIRM panels look the same, so it is important for the floodplain administrator to be familiar with the FIRM panels available for their jurisdiction.

## 2.3 Flood Insurance Study (FIS)

The **Flood Insurance Study (FIS)** is defined as “an examination, evaluation, and determination of flood hazards and, if appropriate, corresponding water surface elevations.” The Flood Insurance Study typically includes detailed information about the study area. Older enhanced study areas may have a community FIS or a countywide FIS that only contain information about the enhanced studies that were conducted within the county. Newer project areas are required to publish a countywide FIS, even in counties that only have Zone A data. This is because FEMA requires all studies to be model-backed and the information related to the study must be summarized in the associated FIS for future users. In general, the FIS contains information related to the date the study was completed, the entity conducting the study, engineering methods used for each phase of work, the name and location of each study, historical flood data, along with floodway data tables and flood profiles for enhanced study areas.

## 2.4 Flood Zones and Determining Base Flood Elevations

Special flood hazard areas are divided into a variety of flood zones, each representing a level of risk and the type of data available. The most common SFHA zones include Zone A, Zone AE, Zone AO, and Zone AH. Some zones contain more specific “sub-zones”, such as the floodway and flood fringe. The main differences between these zones are the amount of information they provide, and type of flood hazard represented. For example, Zone A floodplains do not have published Base Flood Elevations (BFEs) on the FIRM.

The **Base Flood Elevation (BFE)** is the elevation that floodwater is expected to reach during the base flood. It is typically measured as an elevation above sea level, except in depth-based flood zones, such as Zone AO. Obtaining the BFE is the responsibility of the local floodplain administrator and is crucial for ensuring new construction is reasonably safe from flooding and meet the floodplain management regulations. The following section describes the most common flood zones and outlines how the BFE is determined in each.

Table 1: Risk levels of flood zone designations on FIRM. (DWEE, 2026)

| Risk Level     | Flood Zone(s) and Descriptions                                                                                                                                                                                  | Color Shown on New FIRMs                                                              |
|----------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------|
| High Risk      | A, AE, AH, AO, AR, A1-30 & A99: Non-coastal areas subject to a one (1) percent or greater chance of flooding in any given year.<br>Shown as blue on FIRM.                                                       |    |
| Moderate Risk  | Zone X (shaded) or B: Areas of moderate flood risk, typically between the 1% annual chance and the 0.2% annual chance. May also designate areas protected by a levee.<br>Shown as orange or black dots on FIRM. |  |
| Low Flood Risk | Zone X (unshaded) or C: Areas of minimal flood hazard, typically above the 0.2% annual chance flood.<br>No shading on FIRM.                                                                                     |  |

### 2.4.1 Zone A

Zone A floodplains are areas where a basic floodplain study has been conducted to delineate floodplain boundaries. Zone A boundaries are determined using approximate methodologies, which do not include field survey or hydraulic structures such as bridges, culverts, levees, and dams as part of the analysis. Zone A floodplain boundaries are delineated for the 1% annual chance flood event based on bare earth topography and BFEs, and flood depths are not published on the FIRM.



Figure 6: Zone A floodplain boundaries shown for the Village of Swanton as viewed from the Nebraska Floodplain Interactive Map. (DWEE, 2026)

#### 2.4.1.1 Determining the BFE in Zone A

Since BFEs are typically not published for Zone A floodplains, they must be determined by a registered professional engineer or licensed land surveyor using the best available data from local, state, and federal entities. The DWEE Floodplain Management Division has a team of mapping professionals that can provide BFEs upon request from a community floodplain administrator. These **DWEE BFE determinations** can be used for Letter of Map Amendments and Elevation Certificates on existing structures and for permitting new structures, although DWEE recommends that a professional engineer perform a site-specific analysis for all new development.

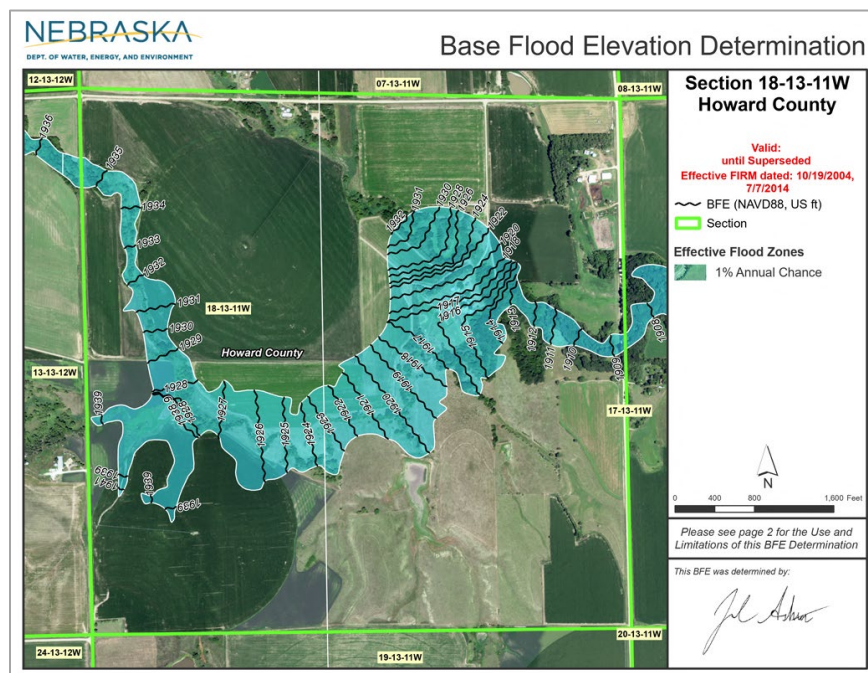


Figure 7: DWEE Base Flood Elevation Determination. (DWEE, 2026)

DWEE BFEs are not applicable for developments greater than five acres or 50 lots. For these developments, the BFE determination must be conducted as part of a hydraulic study.

DWEE BFE determinations are made using the Public Land Survey System (PLSS) section, township, and range locations for specific square mile sections. In locations where the Floodplain Management Division has published Flood Awareness Areas, BFE determinations will use the elevations of the new study as best available information.

DWEE BFE determinations show BFEs at whole-foot intervals within the Zone A area. If a development is proposed between two lines, the applicant and permitting official should use the higher of the two elevations as the BFE. Each BFE determination contains a page outlining the “Use and Limitations” of the data.

The local floodplain administrators may submit a request for a DWEE BFE Determination by registering and/or logging in via the DWEE website: [Request a Base Flood Elevation](#).

### 2.4.2 Zone AE

Zone AE floodplains are areas where enhanced studies have been conducted and BFEs have been determined. An enhanced study includes using field survey collected for the project area, along with modeling hydraulic structures, such as bridges, culverts, levees, and dams, to determine the impact of those structures on flood elevations. BFEs, cross sections or evaluation lines, locations of hydraulics structures, and similar features are published on the FIRMs in areas with enhanced studies. Areas that have Zone AE floodplain boundaries will also have a corresponding FIS that may contain floodway data tables and flood profiles for use in determining BFEs. There are two types of Zone AE studies. One designates a floodway and defines the flood fringe and is the more common. The second type of Zone AE does not have a designated floodway and uses limited or no new field survey. This study type is often referred to as a “Limited-Detailed” study.



Figure 8: Zone AE in the City of Tecumseh as viewed on the Nebraska Floodplain Interactive Map. (DWEE, 2026)

#### 2.4.2.1 Floodway

The **floodway** is the area in an AE zone that represents the channel of a watercourse and the adjacent land areas that must be reserved to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. The floodway is the area of the floodplain that will experience the highest flows, fastest moving water, and greatest depths during a flood event. The floodway is a dangerous place to develop, especially if actions are not taken to reduce the effects of flood forces. Communities must regulate development within the floodway to ensure there will be no rise in floodwater elevations, no matter the scale of the development. In Nebraska, new structures for human habitation are not allowed in the floodway.

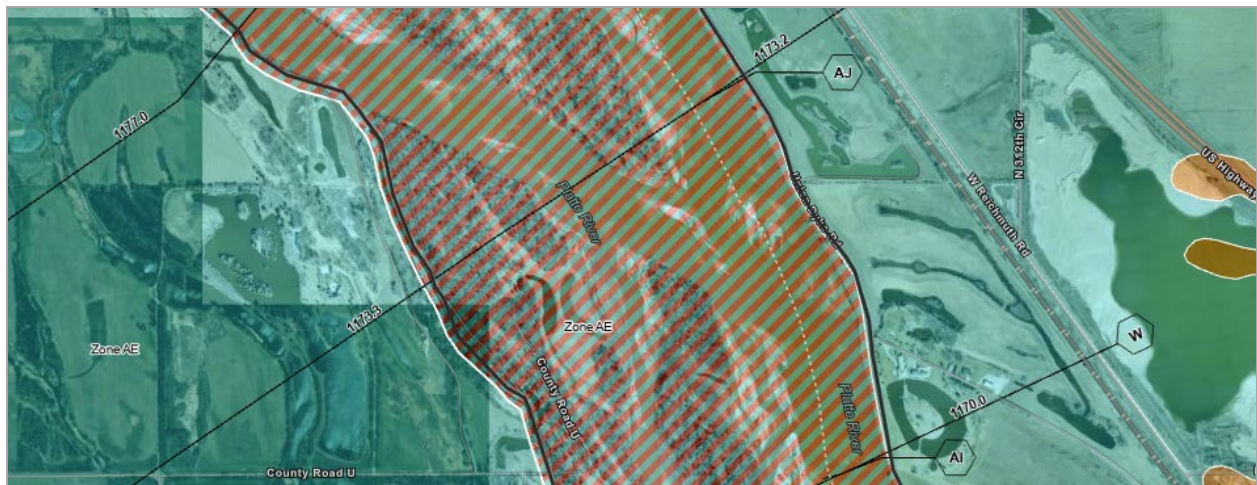


Figure 9: The designated floodway (red striped area) and flood fringe of the Platte River near Valley, as viewed on the Nebraska Floodplain Interactive Map. (DWEE, 2026)

#### 2.4.2.2 Determining the BFE in Zone AE

The FIS should be used when determining BFEs for any Zone AE floodplain. To do this, follow these steps:

1. Identify the location of the development.
2. Locate the nearest lettered cross-section or evaluation line.
3. Measure the distance along the stream flowline (thalweg) from the nearest cross-section or evaluation line to the location of the proposed development.
4. Determine the BFE using the Flood Profile for the named stream for the 1% annual chance flood event.

BFE determinations based on the FIS flood profile should be reported to the nearest tenth of a foot. The DWEE Floodplain Management Division has conducted in-depth training on how to determine a BFE using the FIS. Visit [DWEE Floodplain Management Training and Workshops](#) and scroll to the “Floodplain Development Permitting and Related Certificate Topics” section to view the recordings.

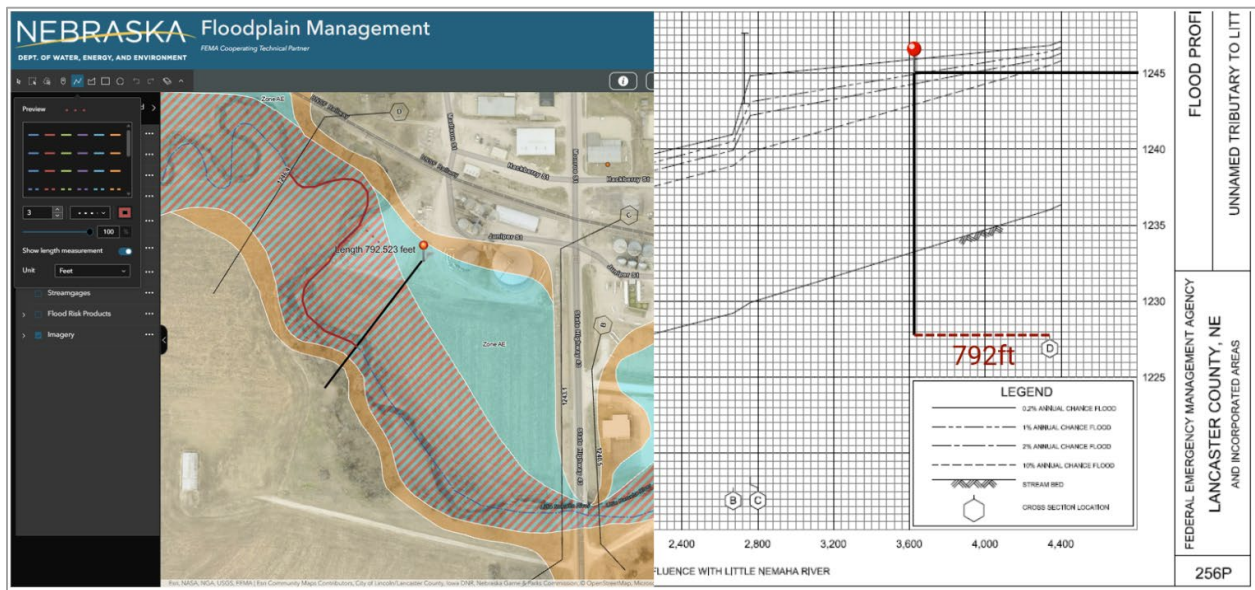


Figure 10: Interpolating a BFE using the Nebraska Floodplain Interactive Map and a FEMA FIS. (DWEE, 2026)

### 2.4.3 Zone AO

Zone AO represents areas of SFHA having shallow water depths and/or unpredictable flow paths between 1 and 3 feet. Zone AO floodplains correspond to the areas of the 1% annual chance flood event, where shallow sheet flow flooding occurs over an area of undulating terrain, with average depths between 1.0 and 3.0 feet.

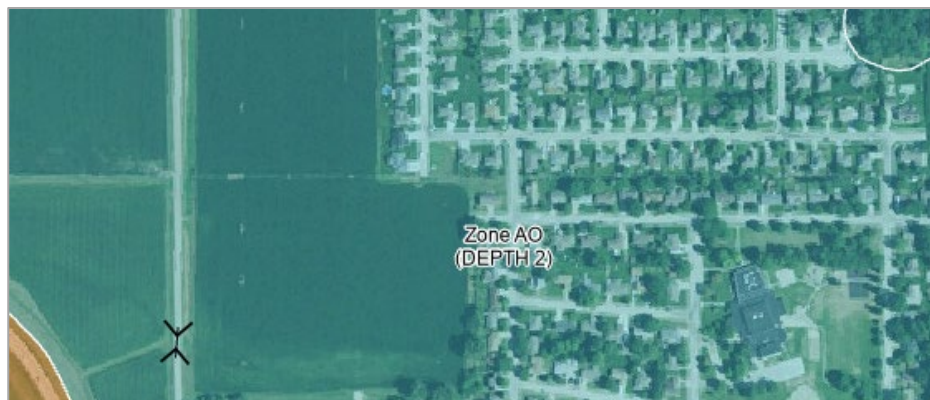


Figure 11: Zone AO in Fremont as shown on the Nebraska Floodplain Interactive Map. (DWEE, 2026)

#### 2.4.3.1 Determining the BFE in Zone AO

For Zone AO floodplains, the depth is published on the FIRM panel. If the depth is not specified on the FIRM panel, two feet is the assumed depth. When permitting, the published depth is in

relation to the highest adjacent grade. To determine the BFE in a Zone AO floodplain, use the best available terrain data for the project area. Determine the highest grade and add the Zone AO depth found on the FIRM to that ground elevation to determine the BFE, but verify the development is meeting all other regulatory requirements, such as freeboard, determining the proper elevation to use for construction.

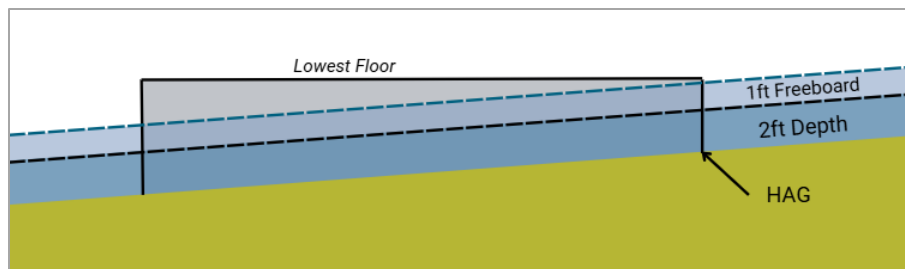


Figure 12: Visualization of adding the depth number to the Highest Adjacent Grade to a foundation to determine the BFE. (DWEE, 2026)

## 2.4.4 Zone AH

Zone AH represents areas of SFHA having shallow water depths and/or unpredictable flow paths between 1 and 3 feet, with water surface elevations determined. Zone AH floodplains correspond to the areas of 1% annual chance flood events that are the result of shallow flooding, whether from ponding or sheet flow on uniformly sloped terrain, with average depths between 1.0 and 3.0 feet. BFEs for these areas are published on the FIRM.



Figure 13: Zone AH in Lexington as shown on the Nebraska Floodplain Interactive Map. (DWEE, 2026)

### 2.4.4.1 Determining the BFE in Zone AH

Zone AH floodplains have BFEs published on the FIRM panel indicating the water surface elevation of the ponded or shallow flowing water. As with Zone A BFE determinations, interpolation should not take place between the elevations. If a proposed development is located between two lines, the floodplain administrator should use the higher of the two lines to establish the BFE.

### 2.4.5 Other Flood Zones

Other flood zones may also be identified on a FIRM panel, such as the shaded Zone X or unshaded Zone X. These are often unregulated areas but are provided for the community to use for decision making. The shaded Zone X floodplain represents areas of moderate flood hazards. In areas of shallow flooding, Zone X (shaded) refers to areas of 1% annual chance flooding where average depths are less than 1.0 foot. The Zone X (shaded) floodplain also depicts the 0.2% annual chance floodplain, or the “500-year” floodplain. The unshaded Zone X is the “area of minimal flood hazard” or the area outside of the SFHA that has flood elevations higher than that of the 0.2% annual chance. On older floodplain maps, these zones may be labeled as Zones B and C, respectively.

Developments within these zones have a moderate to low flood risk and are not typically subject to floodplain regulations. Proposed development that is located in shaded Zone X or unshaded Zone X areas typically do not require a floodplain development permit but may still be subject to floodplain regulations depending on the development. In some cases, critical facilities such as fire stations, hospitals, and other similar facilities need to be protected from the 0.2% annual chance flood risk. The floodplain administrator should review the local floodplain ordinance for such regulations before approving a floodplain development permit.

Additional information related to flood maps can be found on FEMA’s [How to Read a Flood Map](#) tutorial or [DWEE Floodplain Management Floodplain Mapping](#).

## 2.5 Procedures for Updating Flood Data & Flood Insurance Requirements

A **Letter of Map Change (LOMC)** is a request to FEMA to officially revise or amend the FIRM. There are several types of FEMA map changes, including a Letter of Map Amendment (LOMA), Letter of Map Revision based on Fill (LOMR-F), and Letter of Map Revision (LOMR). Furthermore, there are also conditional map changes for LOMCs that allow FEMA to perform a review on a proposed project to ensure the project will meet NFIP requirements if built as proposed.

### 2.5.1 Letter of Map Amendment (LOMA)

A Letter of Map Amendment (LOMA) is used to reflect that a structure, portion of property, or an entire property is not inundated by the 1% annual chance flood event but was inadvertently mapped into the floodplain. The LOMA applies to a property that is on naturally high ground that has not been elevated by fill. A LOMA does not physically revise the map, as the change would not be visible at map scale. Properties with a valid LOMA may no longer be required to maintain flood insurance under the NFIP.

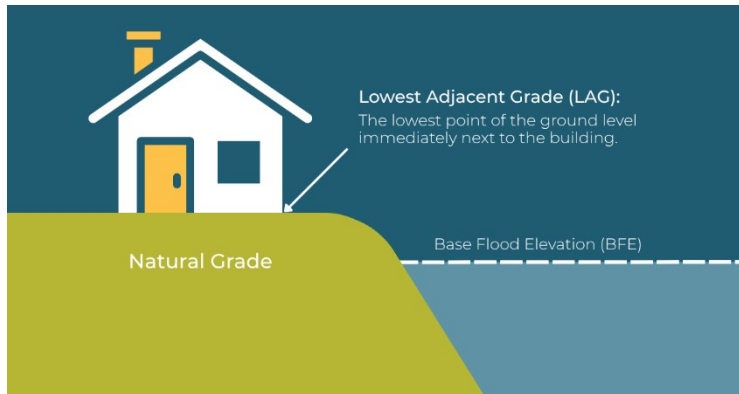


Figure 14: Diagram depicting a LOMA scenario based on the natural Lowest Adjacent Grade to a structure. (DWEE, 2026)

A LOMA is pursued by the property owner and often does not require assistance from the floodplain administrator since the request does not involve any sort of development. It is important to note that a LOMA will be approved by FEMA if the lowest adjacent grade is above BFE and is not required to meet local freeboard requirements.

### 2.5.2 Letter of Map Revision Based on Fill (LOMR-F)

A Letter of Map Revision based on Fill (LOMR-F) is an official determination from FEMA denoting that a structure, portion of property, or entire property has been elevated by earthen fill and will not be inundated by the 1% annual chance floodplain. When a property is elevated on fill, a LOMA no longer applies because the surrounding grade is no longer natural. Properties with a valid LOMR-F may no longer be required to maintain flood insurance under the NFIP.

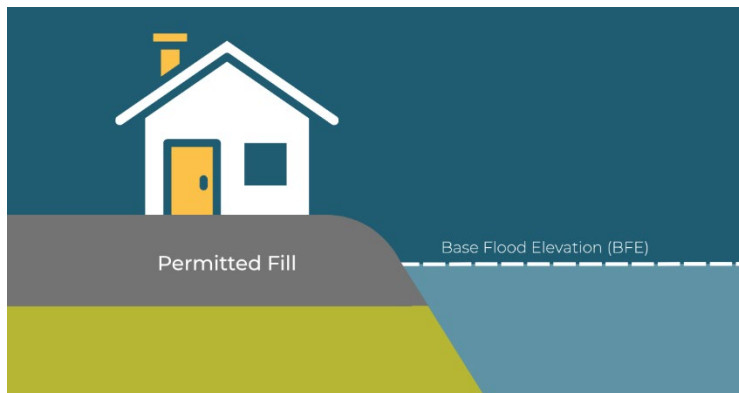


Figure 15: Diagram depicting a LOMR-F scenario. (DWEE, 2026)

Applications for a LOMR-F require the floodplain administrator to sign a **Community Acknowledgement Form**, indicating the project is reasonably safe from flooding and meets the required floodplain management regulations. If the floodplain administrator does not have the proper information to support signing the acknowledgement form, FEMA will not issue the LOMR-F.

The typical LOMR-F process is outlined below:

1. The applicant requests a floodplain development permit for the placement of fill, including all supporting documentation and engineering determinations.
2. An approved floodplain development permit allows the placement of fill to the specified elevation, above the base flood elevation.
3. The applicant completes a FEMA MT-1 application form.
4. The application is provided to the floodplain administrator for review. If the project satisfies local floodplain regulations and meets the required conditions on the Community Acknowledgement Form, the floodplain administrator signs the form.
5. The applicant submits the application to receive an official determination from FEMA.

### **2.5.3 Letter of Map Revision (LOMR)**

A Letter of Map Revision (LOMR) officially revises the effective NFIP data to update floodplain boundaries, floodway boundaries, flood elevations, or other data published in the FIRM or FIS. A LOMR may be submitted due to changes resulting from development, and in that case should be preceded by a Conditional Letter of Map Revision (CLOMR). However, LOMRs may also be submitted to:

- Update regulatory data due to mapping or study analysis errors.
- Update regulatory data to more accurately represent natural changes within the SFHA.
- Reflect newly constructed flood control projects.
- Replace Zone A data on the FIRM with detailed hydrologic and hydraulic studies (Zone AE).
- Improve upon the flood hazard information shown on the FIRM.

A LOMR must be certified by a Registered Professional Engineering and/or Land Surveyor, depending on the underlying reason for the map change. The application is submitted to, reviewed, and approved by FEMA; however, the application requires the same Community Acknowledgement Form discussed under the LOMR-F section to be signed by the floodplain administrator. If the floodplain administrator does not have the information needed to support signing the form, FEMA will not issue the LOMR. DWEE has floodplain mapping professionals that can provide technical assistance to communities that receive LOMR applications, but who do not have the experience to review them internally. DWEE staff can review and provide comments to the community to ensure compliance with NFIP and state regulations.

*Approved Letters of Map Change can be downloaded from [FEMA's Map Service Center](#).*

*More information about Letters of Map Change can be viewed on the [DWEE Floodplain Management Training and Workshops](#).*

## 3 Establishing Administrative Procedures for Floodplain Development Permit Applications

### 3.1 Recommended Permitting Process



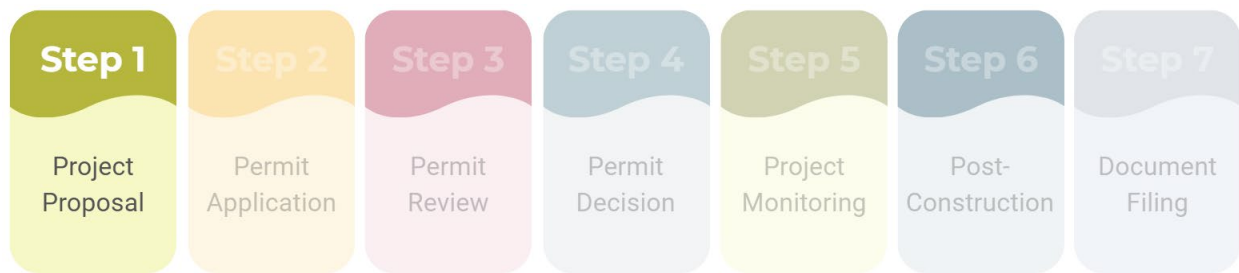
Figure 16: Graphic depicting the recommended floodplain development permitting process. (DWEE, 2026)

Requiring floodplain development permits indicates the community will provide direct input and oversight on all development projects in the floodplain, which is vital to the success of any floodplain management program. This helps to avoid violations of local floodplain ordinances and provides developers with information on how to be proactive with their development practices. Developers rely on an efficient floodplain permitting process for timely input on their proposals, providing them with the information they need to build safely from flood hazards and to ensure their project meets local regulations.

This chapter will provide a recommended review process for floodplain development permit applications. The recommended steps are:

1. **Project Proposal:** Community provides immediate feedback to the developer to indicate if the project is feasible.
2. **Permit Application:** Developer completes a floodplain development permit application.
3. **Permit Review:** Community reviews the application for compliance with local regulations.
4. **Permit Decision:** Community approves or denies the application or requests more information.
5. **Project Monitoring:** Community monitors the construction activity for compliance.
6. **Post-Construction:** Community verifies the project was constructed as described in the permit.
7. **Document Filing:** Community maintains record of the permit documentation to show compliance.

A condensed checklist for floodplain development permitting procedures can be found in [Appendix A](#) of this guide.



### 3.2 Step 1: Project Proposal

The **Project Proposal** phase begins when a property owner or developer expresses interest in a specific development and possibly asks if they need to be aware of any local requirements. At this point, no official application has been submitted to the community. This step is simply the fact-finding phase of a development proposal, where a developer is exploring any regulatory roadblocks that could make their project unfeasible.

When proposals are made, community offices will review local codes for setback regulations, zoning designations for the lot, building size or height limitations, and other requirements to provide general information to the developer. The floodplain administrator must participate in these discussions to determine whether the proposed project is in a floodplain and which local floodplain regulations apply for the project type.

The floodplain administrator should develop strong connections with other community offices to maintain consistent external communication about development standards, and so they are notified of development proposals immediately upon receiving a request or expression of interest in a project. Delays in notifying the floodplain administrator can result in floodplain requirements being missed, which can lead to costly project modifications or even potential violations.

During the Project Proposal phase, the floodplain administrator should:

- Verify the project is within their jurisdictional boundary.
- Determine the flood zone.
- Determine the Base Flood Elevation (BFE).
- Explore alternate building sites.
- Understand and communicate the general regulations related to the project/structure type.

#### 3.2.1 Determine the Project Jurisdiction

Counties, villages, and cities choose to participate in the NFIP on an individual basis. This means that a county may participate in the program, while the villages or cities within the county may not. Conversely, a city may participate, while the unincorporated areas outside of the city jurisdiction do not.

This also means that between NFIP jurisdictions, each entity has its own set of rules, regulations, and permitting authorities. When reviewing proposals, it is vital to know the community corporate limits, including any extraterritorial jurisdictions, to make sure that communities are not permitting construction activity in areas outside of their jurisdiction. This helps to avoid violations and possible legal altercations.

Note that community corporate limits may not be current on a FIRM panel or on the DWEE Floodplain Interactive Map. For official, corporate limit boundaries, contact local leadership or other local permitting offices. If a community changes their corporate limits, the floodplain administrator is required to notify both DWEE Floodplain Management and FEMA as soon as possible (44 CFR 60.2(h)). The notification must include:

- A copy of the updated corporate limits suitable for reproduction, including a clear indication of the areas added or removed.
- A copy of the legislative action or meeting minutes demonstrating the new area adopted by the community.

### 3.2.2 Determine the Flood Zone

The local floodplain management regulations define the requirements based on the flood zones within the community. Upon notification of a project proposal, the floodplain administrator must determine whether the project is in a regulatory flood zone. Chapter 2 discusses the regulatory flood zones and the risks they represent.

Flood hazard information is available on the [Nebraska Floodplain Interactive Map](#) or the [FEMA National Flood Hazard Layer \(NFHL\) Viewer](#).

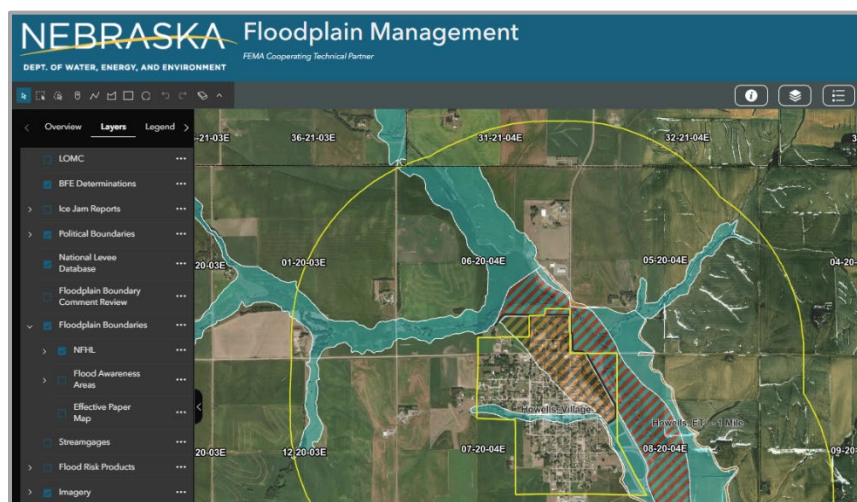


Figure 17: Floodplain boundaries at Howells as shown on the Nebraska Floodplain Interactive Map. (DWEE, 2026)

Online maps that contain the FEMA NFHL data may be used for NFIP purposes with caution, but users should ensure the data matches the FIRM and FIS. In later steps, when making official permitting decisions, the community should reference their official FHBM or FIRMs.

Paper copies or access to digital copies of FIRMs can often be obtained from the community's local map repository. Otherwise, digital copies of FIRMs can be accessed at [FEMA's Map Service Center](#).

If the community does not have FEMA provided flood hazard data, then a community should use the best available data from other local, state, or federal sources. For example, the DWEE Floodplain Management Division may have draft or historical data that the community can review to make proactive decisions, even when an official FEMA FIRM is not available. Other best available data might include high water marks or historical flood photos.

### 3.2.3 Determine the BFE

If the proposed project is in a floodplain, the community should provide the applicant with the regulatory BFE. The methods for determining the BFE depend on the flood zone and are described in more detail in [Section 2.4](#). Table 2 summarizes the source of BFEs.

Table 2: BFE source based on flood zone. (DWEE, 2026)

| Regulatory Zone | BFE Source                                      |
|-----------------|-------------------------------------------------|
| Zone A          | DWEE Base Flood Elevation Determination         |
| Zone AO         | Flood Insurance Rate Map                        |
| Zone AH         | Flood Insurance Rate Map                        |
| Zone AE         | Flood Profiles within the Flood Insurance Study |

### 3.2.4 Alternate Project Location

In cases where a proposed project location is unsafe, impractical, or prohibited by the local floodplain management ordinance, the developer may be required to investigate alternate project locations in areas outside of the floodplain, or at least on higher ground where flood impacts are reduced. It is typically in the community's best interest to avoid allowing development in the floodplain, as any development may have unintended consequences within the community or downstream. Encouraging the preservation of the floodplain to maintain the capacity to convey floodwater helps to protect citizens, businesses, and new development by ensuring they are not in harm's way in future flood events.

### 3.2.5 Education on General Floodplain Management Regulations

The floodplain administrator should provide the project proponent with floodplain information, including regulatory floodplain boundaries and BFEs, in the early stages of their project since this information should be used in the design or site selection for the development. While the final scope of the project may not be set, communicating the minimum standards for floodplain regulations may prevent costly revisions to building designs, construction plans, or even violations later in the process. These early discussions also provide an excellent opportunity to

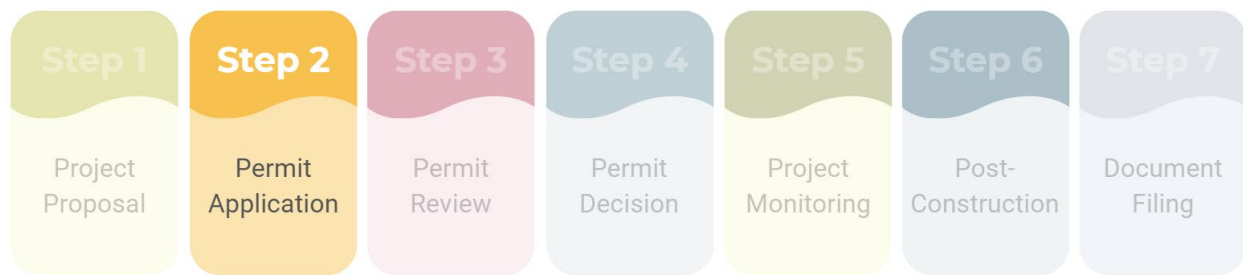
share contact information and establish a communication network between the community, the developer, and the contractor.

Several floodplain management concepts apply to most floodplain development proposals.

- **Floodplain Development Permits required.** A floodplain development permit required for any manmade changes within the floodplain. Whether the project involves a new structure, earthwork, paving, mining, or any other form of “development”, a floodplain development permit must be approved by the local floodplain administrator prior to the start of construction. This expectation must be communicated to developers to ensure compliance with the local ordinance and for a community to maintain good standing in the NFIP. Floodplain development permits are a separate permit from other building, zoning, or construction permits, but serve a similar purpose, as a tool to require construction projects to follow the conditions of the local floodplain regulations.
- **Elevation of the lowest floor.** For structures, the elevation of the lowest floor compared to the BFE is used to determine compliance with floodplain regulations. In Nebraska, minimum standards require all new or substantially improved residential structures to have the lowest floor, including basement, elevated one foot above the BFE. For all new construction, a post-construction, or “as-built”, survey is required to verify the elevation of the lowest floor. This expectation should be communicated in advance to avoid delays in obtaining elevations after construction is complete.
- **Improvements or repair work.** If the development includes improvements, alterations, or repairs to an existing, non-conforming structure, and the cost of the project exceeds 50% of the structure’s market value, then the structure is required to meet all requirements of the local floodplain regulations. Communicating this information in the early stages of project development may prevent costly revisions later in the process.
- **Determination of floodwater rise.** If the development is occurring in a Zone A floodplain, or a Zone AE floodplain without a floodway, a determination must be made that the development will result in less than one foot of rise to the 1% annual chance flood elevation. If the development is occurring in the floodway, a determination that the development will result in no-rise in the floodway or 1% annual chance flood elevation must be conducted and signed and sealed by a Nebraska licensed professional engineer.
- **Additional floodway considerations.** In Nebraska, new structures for human habitation are prohibited within the floodway. Alternative uses are allowed if they do not include human habitation, represent a minimal investment, and maintain the carrying capacity of the floodway and floodplain.

These general floodplain management concepts can help quickly identify problematic project proposals. Communicating these expectations early will help developers design the project to meet the local standards, leading to a complete and compliant permit application in the next step. Complete permit applications help streamline the permit review process, saving both parties time and money.

As always, the community can contact DWEE Floodplain Management for guidance when a project proposal is received.



### 3.3 Step 2: Floodplain Development Permit Application

Before construction begins on any development in the floodplain, the developer must submit floodplain development permit application with the required supporting documentation. The floodplain administrator must review the application package to verify the project will meet the requirements of the local floodplain management regulations. If the floodplain administrator does not have the necessary information to approve and issue the permit, it must be denied or returned to the developer with a request for more information.

Template Floodplain Development Permit Application Forms for both structures or non-structures, as well as a template Request for More Information Form, can be found in [Appendix C](#) of this guide.

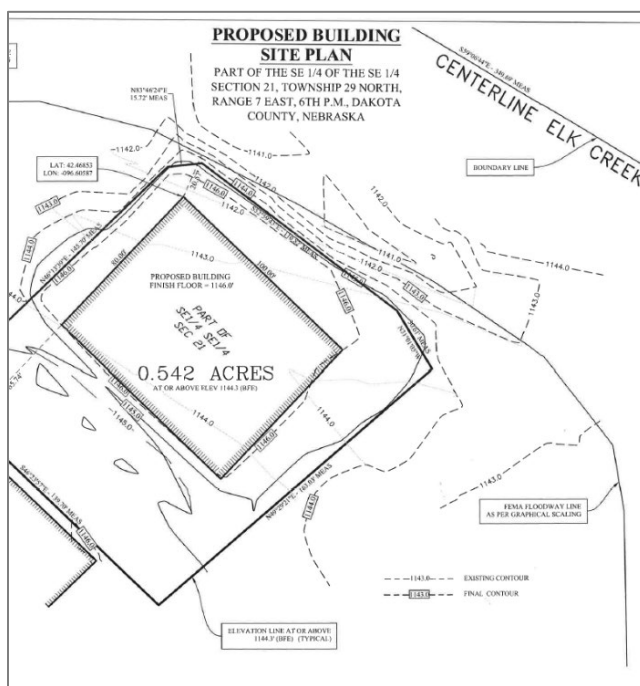
#### 3.3.1 Minimum Requirements for a Floodplain Development Permit Application

All floodplain development permit applications must provide a complete scope of work for the final project. In addition, the permit application must provide information about the applicant, their professional representative, such as a surveyor, architect, or engineer, and a specific project location and site map. Without this information, it can be very difficult to determine where the activity is taking place or to find more information about the project if details are missing. At a minimum, every floodplain development permit application should include:

- Applicant's name.
- Applicant's contact information.
- Location of the development (site address, parcel number, or a legal property description).
- Site plans/Survey maps.
- Technical documentation.
- Grading/Drainage plans.
- Cost of the project and valuations of any existing structures.
- Any additional local, state, or federal permits.

### 3.3.1.1 Site Plans / Survey Maps

Site plans are a scaled, top-down technical drawing of a property, which should, at a minimum, include property lines, setbacks, scaled distances, and existing and proposed conditions that help floodplain administrators understand where the development is located. The site plan can be used to determine whether a project is in the floodplain by requesting the floodplain and floodway boundaries be included on the map or by scaling distances from the site plan using the community's FIRMs.



registered professional engineer or architect. Certifications must be made based both on construction design plans and on as-built conditions once the project is complete.

- **Wet-Floodproofing Specifications:** Wet-floodproofing refers to installing permanent openings in the foundation walls of a structure to allow floodwater to pass through, reducing hydrostatic pressure and the risk of structural collapse. Wet-floodproofing without a variance is limited to enclosures below the lowest floor of a structure and small accessory structures. These enclosures or accessory structures must (1) be solely used for parking, storage, or building access; (2) be designed to allow for the automatic entry and exit of floodwaters; and (3) be constructed with flood resistant materials. Note that garage or barn doors cannot be considered flood openings as they require human intervention, and therefore, do not allow for the *automatic* entry and exit of floodwaters.

When “engineered” flood vents are used, the technical specifications of the vent must be provided with the floodplain development permit application. Engineered vents will typically have a **flood vent certificate** with the product number and a corresponding specification sheet available online.

- **Determinations of Floodwater Rise:** Within any designated floodplain that includes Zone A or Zone AE without a floodway, the permit application must be accompanied with a determination demonstrating the activity will not increase base flood heights greater than one foot. Within any designated floodway, the application must be accompanied by a determination that the proposed encroachment would not result in any increase in base flood heights. This is referred to as a no-rise determination. These determinations of rise may be a written statement, supported by hydraulic computations, and signed and sealed by a Nebraska registered professional engineer.
- **BFE Source Information:** The BFE determination and computation methodology should be included in the application. The BFE determination methodology varies depending on the flood zone (Zone A, AE, AO, AH), for example, if the BFE determination was based on interpolation of the FIS Flood Profile, a copy of the flood profile should be included in the application supporting how the elevation was determined.

### 3.3.1.3 Grading / Drainage Plans

Grading and drainage plans detail the topographic changes required to accommodate surface water and drainage to avoid areas of ponding or stagnant water. Grading plans include detailed information regarding the quantity of material cut or filled, site elevations, and slopes. Grading plans are necessary for any earthwork activity, including excavation, landscaping, and the placement of fill. Drainage plans detail the engineering methods used to drain water away from a structure including gutters and swales.

Grading and drainage plans are necessary to demonstrate that water will drain away from proposed structures and will not impact neighboring properties. If plans indicate that the designed drainage will damage new or existing developments, the design must be modified.

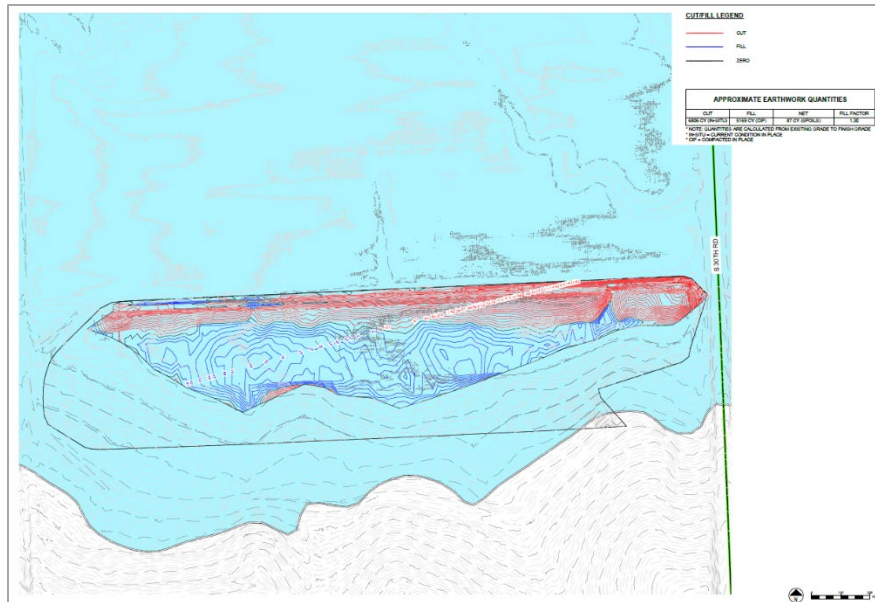


Figure 19: Grading plan including cut material (red) and fill (blue) in Otoe County. (2026)

### 3.3.1.4 Project Costs

When work is proposed to a pre-existing, nonconforming structure in the floodplain, a cost analysis must be completed to determine if the project constitutes a **substantial improvement**. Substantial improvement refers to any addition, alteration, or repairs to an existing structure where the costs of the project equal or exceed 50% of the structure's pre-improvement market value.

Like any other development within the floodplain, when improvements and/or repair work are proposed for an existing structure in the floodplain, a floodplain development permit is required. The floodplain development permit application must include a cost analysis of the total cost of the project, including both improvement and repair costs, and all "phases" of the project.

The total cost must include structural and finish materials as well as labor. Any unpaid labor, such as work completed by a property owner or volunteer, as well as the value of any donated materials, must be included based on current labor rates and market values. Whenever possible, the cost analysis should come from a professional contractor and include an itemized list of project costs. A list of costs required in the analysis can be found in the [Nebraska Substantial Damage Handbook](#), found in the [DWEE Digital Desk Reference](#) under the heading of Disaster Preparedness.

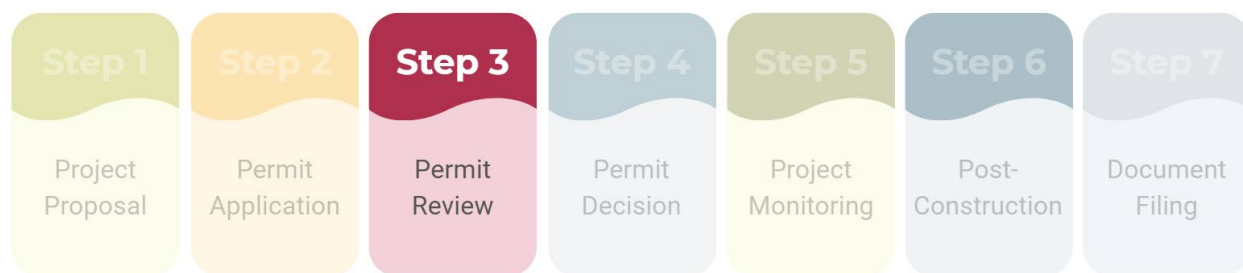
### 3.3.2 Nebraska Model Permit Application

The Nebraska Model Floodplain Development Permit includes an application form that developers can use to provide project details. The Model Floodplain Development Permit application form is divided into four sections:

- **Section A – Applicant and General Property Information:** Section A requires the owner or representative applicant to provide their contact information, including license numbers. This section also requires disclosure of the site location, including the site address, parcel identification number, and/or a lot and section number.
- **Section B – Project Proposal:** Section B requires the applicant to provide the full scope of the project including a project narrative. Depending on the project type, the applicant will need to check the corresponding activities including structures and any associated landscaping, filling, and excavating. For example, structural projects will need to include information on the structure's usage, foundation type, and proposed grading or landscaping activities.

Additionally, Section B contains checkboxes for the applicant to select which paperwork and supplemental submittal documents are included in the application. The list of included documents ranges from site plans to copies of other federal and state permits. While this is not a comprehensive list of every required document for every project, it allows the applicant to indicate the documents included in their application, regardless of whether the project is compliant with every requirement. The floodplain administrator may request more information if documentation is missing.

- **Section C – Applicant Certification:** In Section C, the applicant certifies that the information provided is accurate and true to the included plans and specifications. This section also requires the applicant to certify that the project will meet the minimum requirements of the local floodplain ordinance, including providing post-construction certifications by engineers, surveyors, or architects demonstrating compliance.
- **Section D – Application Determination (to be completed in a later step):** This section is NOT completed by the applicant at this stage. This section is completed in a later step by the local permitting official after the application is submitted. See [Section 3.6](#) for more information on permitting decisions.



### 3.4 Step 3: Reviewing the Floodplain Development Permit Application

When a floodplain development permit application is received by the local floodplain management office the floodplain administrator must review the proposal for compliance with the local regulations. The permit application form, the scope of work, and any supporting documents must be reviewed and cross-checked with the local floodplain regulations to verify if the project will be compliant. Then, the floodplain administrator must decide whether the application can be approved to begin construction, if more information is needed, or if the application must be denied.

The floodplain development permit review process should fit into the community's larger administrative procedures. This includes setting similar review timelines to other permit reviews, having the same group of staff involved in each review process, and providing comments to applicants at the same time for all permit applications. A recommended timeline for permit review is typically 60 days from the date of application receipt, however, there is no minimum standard set by the NFIP for permit turnaround.

*Please note that while this section provides recommended procedures for reviewing specific project types, it does not serve as a legal document describing the minimum standards of the NFIP. The community's local floodplain management regulations must be referenced when reviewing any permit application. This document is for information and procedural recommendation purposes only.*

#### 3.4.1 Floodplain Development Permit Application Review Procedures

All floodplain development, regardless of the project type or flood zone, must protect the health, safety, and wellbeing of the community as well as the basic functions of the floodplain. Thorough floodplain management regulations will include general procedures to address the following concerns for all floodplain development activities:

- Require permits for all proposed development in the community's identified SFHA if maps are available, or in locally designated flood prone areas if not.
- Review proposed development to verify that the necessary permits have been received from all other local, state, and federal entities.
- Review all permit applications, including subdivision proposals, to determine whether proposed building sites will be reasonably safe from flooding.

- Review all permit applications to ensure that adequate drainage is provided to reduce exposure to flood hazards.
- Verify that new construction and substantial improvements are anchored to prevent flotation, collapse, or lateral movement.
- Ensure that new construction and substantial improvements are constructed with materials resistant to flood damage and with methods that minimize flood damage.
- Confirm that new construction and substantial improvements are built with utilities, electrical, HVAC, and plumbing elevated or designed to prevent the accumulation or infiltration of water during flooding.
- Ensure that stored materials or equipment are not subject to flood hazards, are anchored to resist floatation or lateral movement, or are removed from harm's way in times of flooding.

These standards align with the basic requirements of a floodplain management program, established by 44 CFR §60.3(a). Note that specific development types and flood zones will introduce additional minimum standards. Procedures for reviewing more specific development types are provided throughout the remainder of Step 3.

### **3.4.2 Crosscheck the Floodplain Development Permit Application Based on Project Type**

To verify that a permit application is compliant, the floodplain administrator will determine the project type and compare the design elements to the applicable regulations in the local ordinance. For example, if an application is submitted for a commercial structure, the floodplain administrator should locate the section of their ordinance for non-residential structures and ensure the project complies with that set of regulations. Not all applications are for structural projects, so the floodplain ordinance also establishes minimum standards for: **storage of materials and equipment, recreational vehicles**, filling or grading, water supply and sanitary systems, public or **building utilities**, drainage, and subdivision proposals. At a minimum, a floodplain management ordinance should identify regulations for the following structural developments:

- **Residential Structures:** All new or substantially improved residential structures located within the floodplain must have the lowest floor (including basements) elevated at least one foot above the BFE. Elevation can be achieved through the use of fill, posts, piles, or piers, or elevating above an enclosure.

Surveyed elevations of the top of the lowest floor compared to the BFE must be provided in the permit application, demonstrating the lowest floor will meet elevation requirements. Note that Nebraska state minimum standards prohibit the placement of new structures for human habitation in the floodway.



Figure 20: Structure in flood fringe elevated on backfilled block foundation in Schuyler. (DWEE, 2025)

- **Non-residential Structures:** Nonresidential structures must be protected to at least one foot above the BFE. This can be achieved by either elevating the structure's lowest floor, dry floodproofing any areas that are below one foot above the BFE, or a combination of elevation and dry-floodproofing (mixed mitigation).

If floodproofing is used for any portion of the structure, the application must include a floodproofing certificate based on certified engineering designs. [FEMA Technical Bulletin 3](#) provides more information on the limitations of dry-floodproofing and NFIP minimum standards.



Figure 21: Dry-floodproofing flood shields installed on a large garage in Burt County. (Ann Chytka, 2024)

- **Enclosures Below the Lowest Floor:** An enclosure below the lowest floor includes any area below the lowest living floor used exclusively for limited storage, parking of vehicles, or access to the upper floors. This is a common construction method used to elevate the lowest floor of a structure while still allowing the area below the lowest floor to be useable space. Enclosures below the lowest floor include unfinished garages or crawlspaces, where foundation walls are used to elevate the structure above the BFE. Because the foundation walls are then subject to flood forces during a flood, flood openings or vents are required to ensure the automatic passage of water through the enclosure, reducing hydrostatic pressure and the risk for collapse.

If the permit application indicates an enclosure below the lowest floor, the permit application must include evidence that the minimum size requirements have been met for flood openings. The NFIP requires at least one square inch of opening per square foot of enclosed space. The application must also include evidence that this enclosed space will not be used for human habitation.

[FEMA Technical Bulletin 1](#) provides additional technical guidance for flood openings in foundation walls. A more comprehensive breakdown of engineered vents vs. non-engineered openings can be found in Chapter 9 of the bulletin.

- **Manufactured or Mobile Homes:** All new or substantially improved manufactured or mobile homes must be installed with proper **anchoring** methods to reduce flotation, collapse, and lateral movement and must be elevated so that the lowest floor is at least one foot above the BFE. Since manufactured or mobile homes are typically installed above a pier foundation system, many have skirting installed around the foundation system for weatherproofing and insulation. When skirting is installed, the foundation system becomes an enclosure below the lowest floor, and flood openings or vents are required. Some exceptions to the elevation requirements may apply for manufactured or mobile homes within existing mobile home parks, so pay close attention to the details of the floodplain ordinance when permitting anything related to these structures.

At a minimum, the floodplain management ordinance should also identify the following minimum design standards for floodplain development:

- **Anchoring:** Ensure the application includes evidence that the development will be anchored to resist flotation or lateral movement.
- **Building Materials:** Review the building materials used below the BFE to verify they are flood resistant and minimize flood damage.
- **Building Utilities:** Building utilities, including HVAC systems, must be flood resistant and must prevent the infiltration or accumulation of floodwater. This is most commonly achieved by installing the utilities and service equipment on the elevated floors of the structure, or by installing the equipment in dry-floodproofed areas of a structure.



*Figure 22: Air conditioner elevated to the same elevation as the lowest floor (first door on left side of image). (DWEE 2025)*

- **Drainage:** When reviewing permit applications for structures, ensure the application includes evidence that surface water will drain away from the structure and its foundation system. When reviewing permit applications for development with neighboring developed properties, the application should include a drainage and/or grading plan demonstrating that floodwater will not cause damage to the surrounding properties.
- **Water Supply and Sanitary Sewer Systems:** Water supply and sanitary sewer systems, including both property specific systems and larger community infrastructure projects, are required to prevent the infiltration or accumulation of floodwater into the systems. This includes on-site waste disposal systems, commonly known as septic tanks. Septic tanks must be anchored to resist buoyancy forces during the base flood, and any inspection or access ports must either be elevated one foot above the BFE or be sealed to be watertight during flooding.
- **Public Utilities:** All public utilities proposed in the floodplain, including gas lines, electrical lines, water supplies, and other utilities must be located and constructed to prevent flood damage. Public utilities also include publicly owned hookups for recreational vehicles or campgrounds. Such utilities must be a quick-disconnect system to allow for evacuation during flood emergencies.

### **3.4.3 Reviewing Floodplain Development Permit Applications for Non-structural Projects**

In the NFIP, a structure is defined as “a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home” (44 CFR 59.1 “Structure”). In the context of this guide, **non-structural development** refers to any project that does not involve the placement of a structure but is included in the NFIP definition for development and thus is still subject to floodplain management standards. Non-structural projects may include earthwork, road resurfacing, culvert replacement or repair, sandpit or general mining operations, and any other manmade changes within the floodplain.

The documentation that needs to be included with a non-structural project floodplain development permit application depends on the flood zone, the severity of changes to the floodplain, and the overall size and complexity of the project. Large, obstructive earthwork projects might have severe impacts on flood elevations, the capacity of the floodplain to convey flood flows, and the accuracy of the community's floodplain maps. The community should take care when permitting these projects to ensure the community infrastructure and neighboring properties are protected from flood impacts caused by the project. Recommendations for reviewing common non-structural floodplain projects may include:

- **General Earthwork Activity:** Earthwork activity may involve the placement of fill or excavation of material. Both fill and excavation activities can result in significant changes in flood elevations and how floodwater flows through the floodplain. This remains true even if the material is being relocated from other areas within the floodplain, or from within the same property. When reviewing applications for earthwork, the floodplain administrator should verify the determinations of floodwater rise meet the community's standards, and that grading plans are included with the application that demonstrate neighboring infrastructure or property will not be adversely affected by the project.
- **Storage of Materials:** Any storage of items in the floodplain is considered development in the NFIP, even if the storage is temporary. The storage of materials that are hazardous to human, animal, and plant life is prohibited in floodplain areas.

#### **Underground Line/Pipe Placement or Replacement**

Not all projects introduce obstructions to the floodplain. Projects involving underground improvements or replacements, such as water supply lines or fiber optic cables, may be able to occur without resulting in any changes to above ground surface water conditions. In these cases, the permitting official should request before-and-after evidence that grades have not been changed, but full engineering analyses of floodwater rise or drainage plans may not be necessary.

Note that the activity may include temporary excavation and piling of materials, as well as the storage of construction equipment. Permitting officials should recognize the additional hazards from this temporary activity and require mitigation actions to avoid potential flood damages.

Most, if not all, construction projects include temporary staging areas for construction materials and equipment, such as large machinery or material stockpiles. Permit applications that involve stored items must ensure that the items are not subject to flooding, are anchored to resist floatation or lateral movement, or can be removed from site within a reasonable timeframe after a flood warning. If the applicant plans to remove the items, the application must include supporting evidence, such as an evacuation or emergency operations plan. Local emergency management officials should be consulted for input on evacuation plans.

- **Recreational Vehicles:** Recreational vehicles (RVs) are not considered "structures" under the NFIP, meaning that typical elevation requirements for the lowest floor do not apply. However, RVs, RV parks, and campgrounds are often in areas with increased flood risks due to their proximity to flood sources and should be closely reviewed for floodplain related concerns. The floodplain development permit application must include evidence that RVs will not be on site for longer than 180 days, they will be licensed and

fully highway ready in case of evacuation, and that all utility connections are the quick disconnect type. For an RV to be fully highway ready, it must not have any permanent connections such as decks or stairs, and must have working lights, brakes, and tires.

Permit applications for RVs and RV parks must also include supporting evidence that evacuation procedures are in place. The evacuation procedures must explicitly address flooding and flash flooding and must be reasonable given the timeframe of local flood warnings. Local emergency management officials should be consulted for input on evacuation plans.

- **Subdivisions:** Subdivisions in the floodplain may involve a few lots or hundreds of lots for development. When subdivisions are proposed in a community's floodplain, the floodplain administrator must be included in permitting and design discussions to ensure the project is designed to minimize the potential for flood damage. New structures or public utilities within the subdivision must be properly elevated or floodproofed, and adequate drainage away from the structures and away from neighboring developments must be provided. Large development proposals over five acres or 50 lots must be supported by engineering analyses providing site specific BFEs. If the application shows that flood elevations or floodplain boundaries are changing due to the proposed project, a CLOMR submittal to FEMA is required prior to issuance of a permit and a LOMR application is required within six months after construction is complete to officially revise the FEMA regulatory products.

#### 3.4.4 Reviewing Applications for Additions and Repairs

As with all other development activities in the floodplain, projects that include improvements, additions, alterations, or repairs to existing structures are required to obtain floodplain development permits before construction can begin. For structures already compliant with local floodplain regulations, permit applications are typically straightforward to review. The applications simply need to demonstrate the proposed project maintains the compliant status of the structure, which includes not lowering the elevation of the lowest floor, eliminating previous compliance actions, or not causing unacceptable floodwater rise.

Permit applications for proposed projects on non-conforming structures requires additional analysis to determine if the work constitutes a "substantial improvement" or that the repairs are the result of a "substantial damage." A **substantial improvement** occurs when an improvement will equal or exceed 50% of the structure's pre-improvement market value. **Substantial damage** occurs when a structure is damaged by any event, including flood, fire, hailstorm, earthquake, tornado, and similar, where the cost to repair the structure meets or exceeds 50% of the structure's market value before the damage.

$$\left( \frac{\text{Total Cost of Improvements and Repairs}}{\text{Pre-Improvement Market Value of the Structure}} \right) 100 = \% \text{ Cost of Improvement}$$

Example:

$$\left( \frac{\$25,000}{\$150,000} \right) 100 = 16.7\%$$

Structures undergoing substantial improvements and/or repairs to substantial damage are required to meet the floodplain development standards for new construction. During the application review stage, the local permitting official must review the cost of the work being completed to the market value of the structure to determine if the work will constitute a substantial improvement or substantial damage. Note that the costs must be assessed together, meaning a damaged structure that is also undergoing improvements will need to have both costs included in the determination.

There are a multitude of resources produced by FEMA and by the DWEE Floodplain Management Division for reviewing substantial improvements or repairs. Please reference the DWEE Digital Desk Reference for these additional reading materials:

- [DWEE Floodplain Management: Substantial Damage Handbook](#)
- [FEMA P-758: Substantial Improvement/Substantial Damage Desk Reference](#)

### **3.4.5 Technical Document and Professional Certification Review**

Some applications must include technical certifications, showing that designs or elevations are accurate and verified by professionals. Technical certifications may include engineering documents demonstrating that designs are watertight and resist flood forces. Other certifications may be from surveyors providing elevations of floors. It is the floodplain administrator's responsibility to review these documents and confirm whether they demonstrate compliance with the local floodplain ordinance. As always, if information is missing, the permitting official may ask for clarification or more documentation. Common technical documents, and recommendations for review, are below:

- **FEMA Elevation Certificate:** Floodplain administrators should review that the elevation of the lowest floor is high enough when compared to the BFE. This includes reviewing the elevations for other building components, such as HVAC, utilities, and equipment. Remember, an elevation certificate based on construction drawings does not meet the requirement of verifying post-construction elevations of the lowest floor. If an elevation certificate is completed prior to completion of construction, a post-construction elevation certificate is still required.

Floodplain administrators must verify the licensed status of the surveyor when reviewing any professional survey documents. Professional surveyors must be Nebraska registered and have a valid license. [Check licensure information for Nebraska Surveyors.](#)

- **FEMA Floodproofing Certificate:** When floodproofing is proposed for eligible non-residential structures, floodplain administrators should review the information on the certificate and determine if the projected flood heights and velocities are considered reasonable for dry-floodproofing. [FEMA Technical Bulletin 3](#) recommends that dry-floodproofing not be used when flood heights are greater than three feet, or where velocities are higher than five feet per second.

As with any engineering certification, floodplain administrators must verify the licensed status of the engineer or architect. Professionals submitting documents must be

registered in Nebraska and have a valid license. [Check licensure information for Nebraska engineers and architects.](#)

- **Wet-Floodproofing Specifications:** Floodplain administrators should review applications with enclosures below the lowest floor for proof of adequate openings in foundation walls. When engineered flood vents are proposed, the floodplain development permit application must include a certification report demonstrating the vents will automatically equalize flood loads, the performance rating accounting for any louvres, screens, or grilles, and the measurements and flood characteristics used to certify the design.

When non-engineered “openings” are proposed instead of engineered vents, the application should demonstrate that enough openings will be installed to automatically equalize hydrostatic flood forces. [FEMA Technical Bulletin 1](#) provides additional technical guidance for flood openings in foundation walls.

- **Determinations of Floodwater Rise:** Floodplain administrators should review determinations of rise for possible impacts to regulatory flood heights. For developments within Zone A or Zone AE without a floodway, the determination must show that the cumulative rise of the project, when combined with other existing developments, will not exceed one foot during the 1% annual chance flood event. The determination should include specific information about existing and proposed conditions, showing the difference in water surface elevations during the base flood.

For proposed developments within a designated floodway, the permit application must include a determination that the project will result in no rise in base flood and floodway elevations. The determination of no-rise should include a comparison of existing and proposed conditions, showing that the project will cause 0.00 foot of rise.

If the project results in unacceptable levels of rise, the floodplain administrator must reject the proposal or ask the application to submit a Conditional Letter of Map Revision (CLOMR) following the provisions of 44 CFR §65.12. A CLOMR will show the proposed changes to the effective floodplain boundaries and flood elevations and will require notifications to affected property owners. More information about a CLOMR is available in the [FEMA MT-2 Form Instructions](#) or the [FEMA Guidance for Flood Risk Analysis and Mapping MT-2 Requests](#).

- **BFE Source Information:** Floodplain administrators should review and verify that the BFE provided on the floodplain development permit application is accurate. This includes ensuring the BFE was sourced from the correct location. [Section 3.2.3](#) of this guide provides information on the appropriate source of BFE data depending on the flood zone.

If the project is located in a Zone A floodplain, and the application references a DWEE BFE determination as the source of BFE data, a copy of the determination must be included as a supporting document. Refer to [Section 2.4](#) for specific information on the DWEE BFE determination. During the application review, the floodplain administrator must verify that the BFE noted on the application matches the DWEE BFE determination. View the full [“Use and Limitations” of DWEE BFE determinations](#).

### ***3.4.6 Reviewing Applications Using the Nebraska Model Floodplain Development Permit***

The Nebraska Model Floodplain Development Permit Application form referenced in Step 2 includes a section for the floodplain administrator to cross-check the application with local requirements. Specifically, Section D allows floodplain administrators to record project details, such as lowest floor elevations and flood opening specifications, to determine whether the project meets local standards. The information in Section D will vary depending on the project type and whether the project includes new or existing structures.



### 3.5 Step 4: Permit Decision

After reviewing the application, the floodplain administrator must decide whether or not to approve the proposed project. If the application does not align with the community's floodplain development standards, or if there is insufficient information to make a decision, the floodplain administrator is under no obligation to approve the application. The floodplain administrator's responsibility is to uphold the requirements outlined in the local floodplain ordinance and to maintain the community's good standing in the NFIP (44 CFR 59.22(a)), which includes preventing floodplain development that does not meet local floodplain management regulations.

This section provides recommendations for permit decisions, including notifications to applicants on the decision, setting time limits for work to be completed, and substantial improvement determinations.

#### 3.5.1 Permit Approval, Denial, or Request for More Information

The floodplain administrator must decide whether the proposed project application can be approved, if more information is required, or if the application must be denied. Decisions must be made based on the information provided in the application and cannot be made based on spoken assurances or assumptions. Incomplete applications should always be returned to the applicant to complete.

Regardless of the decision, the floodplain administrator must formally notify the applicant by returning the floodplain development permit with the permit decision clearly noted. The notification should be made using the community's standard permit notification process, which may include a letter or electronic notification to the owner and any applicant representatives.

If the floodplain administrator chooses to return the permit application with a request for more information, the notification should provide a clear list of required materials and a timeline for returning the materials to allow the community to continue to review and process the permit application. The DWEE Floodplain Management Division has developed a template "Request for Information (RFI)" form that floodplain administrators may use to help develop the list of required materials, which can be found in [Appendix C](#) of this guide.

## 3.5.2 Communicating Project Expectations

### 3.5.2.1 Reminder to Obtain Post-Construction Proof of Compliance

Regardless of the information provided in previous phases, post-construction inspections and survey data are still required after project completion to prove that local requirements are met. To avoid issues obtaining this documentation, floodplain administrators should communicate to developers that they must obtain post-construction certifications simultaneously to providing the approved permit. Section C of the Nebraska Model Floodplain Development Permit requires the applicant to certify, by signature, that post-construction documentation will be obtained.

For structures, this includes a post-construction elevation survey providing as-built elevations of the lowest floor. For non-structural projects, this may include a post-construction topographical survey or site inspection by the floodplain administrator. [Section 3.7](#) contains more information on post-construction certifications.

### 3.5.2.2 Determination Letters

Simply returning an approved floodplain development permit may not clearly communicate the community's minimum standards. The applicant may assume the application was approved with no additional conditions, or they may not read or understand the associated permit requirements, such as those that would be contained in Section D of the Nebraska Model Floodplain Development Permit, if used. To avoid miscommunications and potential violations of the local floodplain ordinance, it is recommended that the floodplain administrator provide a letter that fully explains the expectations for compliance with the floodplain development permit. This letter should reference the applicable regulations in the ordinance and should provide the floodplain administrator's direct contact information for any questions. A template notification letter is available in [Appendix B](#).

### 3.5.2.3 Project Timelines

The NFIP minimum standards state that developers have 180 days to begin construction after receiving an approved floodplain development permit. If that time has elapsed and construction has not started, the applicant must reapply to obtain a new permit. After construction has started, permits are typically valid for the length of construction, which may vary from weeks to years depending on the scope of the project.

As flood risk changes over time, communities may choose to specify an expiration date for construction activities as a condition of the permit. Once the permit expires, the developer must reapply or request renewal of the existing floodplain development permit. Enacting this policy ensures that developers are aware of the floodplain compliance requirements and helps prevent breakdowns in communication between the developer and the floodplain administrator.

#### Local Ordinance Language

It is highly recommended that project timelines be established through the local floodplain ordinance. Template language for this administrative expectation can be found in [Nebraska's 2026 Guide to Optional or Higher Standards for Floodplain Administration](#).

If the community establishes a time limit for floodplain development permits, it should align with other permit limits, including building, zoning, or utility permits, to ensure consistency across administrative procedures.

### 3.5.3 Providing a Substantial Improvement & Substantial Damage Determination

When issuing a floodplain development permit for improvements and/or repair work, the floodplain administrator must provide a clear determination of whether the project constitutes a substantial improvement or if the property was substantially damaged. The returned permit form must include the cost analysis used as the basis for the substantial improvement determination.

If the project is a substantial improvement or includes repairs to substantial damage, the permit must clearly identify expectations for bringing the structure into compliance with the local floodplain management regulations. Property owners have the right to appeal the floodplain administrator's permit decision, including the cost analysis performed for the substantial improvement determination. More information on appeals can be found in [Section 5.3.3](#).

To avoid miscommunications, all permit applications for improvements or repairs should be returned with a supporting letter that defines substantial improvement and substantial damage, the implications of the determination, and the community's expectations for project compliance with local regulations. Template substantial damage and substantial improvement overview documents, as well as official notification letters, are included in Appendix A of the [Nebraska Substantial Damage Handbook](#).

### 3.5.4 Using the Nebraska Model Floodplain Development Permit for Permitting Decisions

Section D of the Nebraska Model Floodplain Development Permit includes a certification area for the floodplain administrator to document their permit decision, titled "Application Determination: For Official Use Only." Floodplain administrators need to clearly mark their decision, whether approving, requesting additional information, or denying the permit application. If the application is approved, the floodplain administrator must sign and date the permit, at which point, the form itself becomes the floodplain development permit.

| Application Determination: For Official Use Only |                                                                               |                                        |
|--------------------------------------------------|-------------------------------------------------------------------------------|----------------------------------------|
| <input type="checkbox"/> Permit Approved         | <input type="checkbox"/> Additional Information Required <i>*See attached</i> | <input type="checkbox"/> Permit Denied |
| If Approved:                                     |                                                                               |                                        |
| <input type="text"/>                             | <input type="text"/>                                                          | <input type="text"/>                   |
| Floodplain Administrator Signature               | Permit Approval Date                                                          | Permit Expiration Date                 |

Figure 23: Application Determination section of the Nebraska Model Floodplain Development Permit. (DWEE, 2025)



### 3.6 Step 5: Project Monitoring

Communities should develop an inspection schedule after permit issuance to periodically check the progress of the project and verify the work is following the scope detailed in the permitting documents. On-site inspections for floodplain management compliance can happen independently or can be conducted with other inspections for efficiency and to maintain communication between departments.

For example, communities typically schedule a site inspection before the foundation of a project is placed to ensure site conditions and proposed **formwork** do not vary from the design plans significantly while also reminding crews of the elevation requirements of the lowest floor. While on-site, the inspector could also ensure grading allows proper drainage and that the project footprint matches what was approved on the permitting documents. Additionally, after the foundation is complete, the inspector should confirm the elevation of the top of the foundation is adequate before the construction of the superstructure begins. Verifying this information throughout construction ensures the lowest floor will be elevated high enough before construction proceeds to a point where modifications become more time-consuming or costly.

If the floodplain administrator cannot complete the inspection, a designated community agent can perform the inspection and report results. Site inspections help prevent violations and provide opportunities to catch non-compliant or unpermitted work as soon as possible. If non-compliant or unpermitted work is discovered, communities may use their local enforcement authority to pause the work. This may include revoking the issued permit or issuing a stop work order until violations are resolved (See Chapter 4 for more information on violations and enforcement).

Recommendations for site inspections, including timeframe for the inspection and information to be verified at each project phase include:

- **General Site Inspection – Pre-Foundation:** With constructions plans in hand, the inspector should verify that the proposed plans are consistent with current site conditions and request a site manager or project foreman show the extent of the project boundaries. If possible, the inspector should confirm the location of the floodplain and floodway boundaries in relation to the site location on the plans to ensure that the physical project site and activity is within the scope of the approved permit. When referencing floodplain maps on-the-ground, the inspector should use the scale bars and north arrow on the FIRMs to determine the location of the boundaries in relation to the construction. Landmarks, such as power poles or roads, can be used to scale distances.

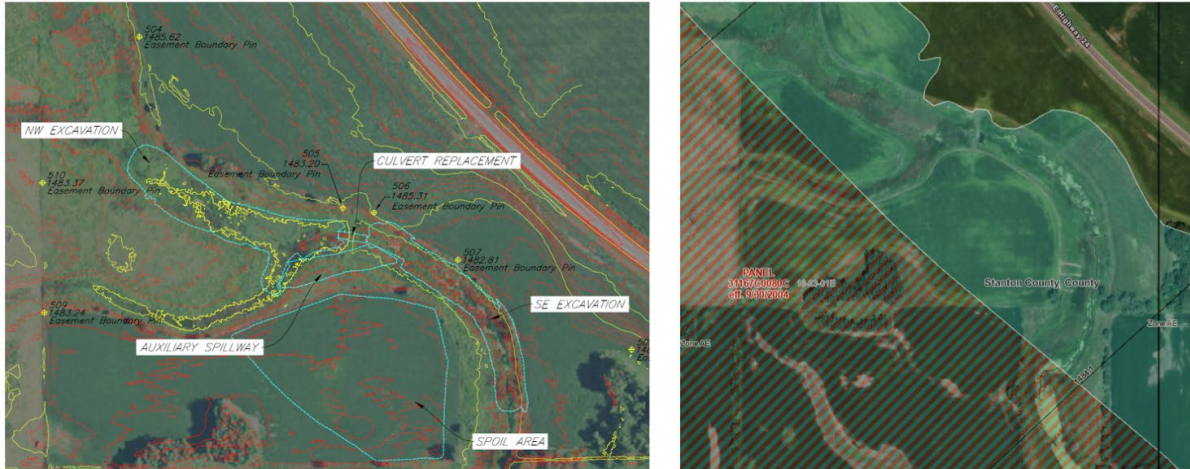


Figure 24: Wetland restoration site plans compared with effective floodplain and floodway boundaries in Stanton County. (Kylee Klug, 2026)

- **Foundation Inspection:** When proposed project construction involves structures, an inspection should be scheduled after the foundation is set, but prior to the placement of the lowest floor of the building. The inspection should include:
  - A measurement of the height of the foundation system compared to the adjacent grade. This should match the proposed elevation requirements from the permit application. If elevations cannot be determined from the application, the applicant may need to hire a professional surveyor to record the elevation of the top of the foundation compared to sea level.
  - Verification that the foundation system matches the type specified in the plans (slab, crawlspace, piers, etc.).

As with the previous inspection, the inspector should verify that the original design plans have not changed and that the construction company or contractor remains aware of floodplain compliance requirements specified on the issued permit.



Figure 25: Structure elevated above enclosed foundation under construction in Inglewood. Spaces to later install engineered flood vents can be seen. (DWEE, 2025)

- **Project Completion:** When the project is substantially complete, a final inspection should be conducted to verify as-built conditions match the issued permit. The inspection should include:
  - Verification that any fill placement meets local slope and protection standards and is within the permitted scope of work.
  - An inspection of any enclosures below the lowest floor and below the base flood elevation to verify flood openings exist and are adequately sized.
  - An inspection of any additions, improvements, or repair work to confirm that the work is within the project scope and no improvements have been added.
  - Verification that any manufactured or mobile homes are adequately anchored.

It is recommended that this inspection occur at the same time as the post-construction elevation certificate is obtained from a registered, professional surveyor certifying as-built floor elevations. See [Section 3.7](#) for more information on post-construction documentation.

### **3.6.1 Additional Inspections**

Compliance with the local floodplain ordinance must be maintained on the project site after construction is complete. Additional unpermitted work or future work that does not comply with the local floodplain management ordinance is not allowed. Routine inspections of properties in the floodplain should occur, even if in passing, to verify the property meets the requirements of the local floodplain regulations.

Some projects require closer monitoring to ensure activities remain within the permitted scope of work. Examples of developments that will require routine inspections after construction include:

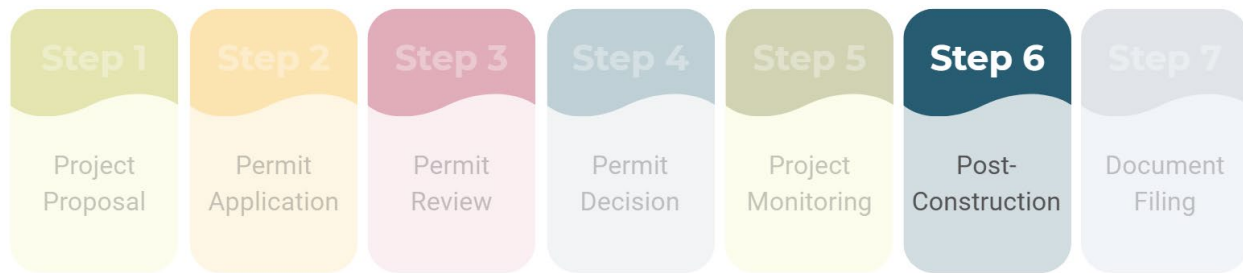
- **Storage or Recreational Facilities – Operational Inspections:** For floodplain development permits involving continuous operations in the floodplain, such as storage facilities or recreational vehicle parks, inspections need to occur on a regular basis to ensure compliance is maintained throughout the life of the operation. A schedule of inspections should be scheduled, either once per year or on an as-needed basis. Operational inspections for storage include:
  - Verifying stored materials are anchored or readily removable in the event of flooding.
  - Evacuation and emergency operations plans are up to date.
  - Access routes to and from the facility, including evacuation routes, are maintained.

- **Enclosures Below the Lowest Floor:** As discussed in previous chapters, enclosures below the lowest floor may only be used for parking, limited storage, or access to upper floors. These areas cannot be used for human habitation in any form. A routine inspection schedule should be developed for the floodplain administrator to verify that the enclosure has not been finished or converted to a habitable space. Additionally, the inspection should involve checking any flood openings or engineered vents for covers, blockages, or component failure.

If the community requires non-conversion agreements for enclosures below the lowest floor, the agreement may set an inspection schedule annually or on an as-needed basis. Template language for requiring non-conversion agreements for enclosures can be found in the [Nebraska Guide to Optional or Higher Standards for Floodplain Administration](#).

### ***3.6.2 General Inspections of Special Flood Hazard Areas***

Routine inspections of the community's SFHA allows the floodplain administrator to monitor for any unpermitted floodplain development activity, including unpermitted additions, improvements, or repairs to existing structures. For counties, this may involve inspecting different regions of the county at various times of the year to be more manageable.



### 3.7 Step 6: Post-Construction Activities

After construction is complete, the developer must provide the community with proof that the project is compliant with local floodplain regulations. **Proof of Compliance** documentation refers to evidence indicating the project followed the requirements of the issued permit, and that the community's expectations for floodplain development have been met. Proof of compliance evidence will look different depending on the type of development.

The expectation of post-construction documentation should be communicated early in the permitting process, well before this step, to prevent issues obtaining the information. It is the floodplain administrator's responsibility to collect and maintain records of lowest floor and floodproofing elevations for any development in the floodplain. However, it is not the community's responsibility to pay for or organize the post-construction documentation for compliance. Communities may withhold the issuance of an occupancy permit until the proper proof of compliance documentation has been received.

FEMA defines a violation as "the failure of a structure or other development to be fully compliant with the community's flood plain management regulations. *A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in... is presumed to be in violation until such time as that documentation is provided*" (44 CFR 59.1 "Violation").

#### 3.7.1 Obtaining Proof of Compliance for Structures

For structural developments, survey collecting the lowest floor elevations, as well as the elevations that structures have been floodproofed to, are required. Generally, the simplest method for the applicant to document proof of compliance for structures is through a FEMA Elevation Certificate or Floodproofing Certificate.

Even if an elevation certificate was completed based on construction drawings or during construction, a post-construction elevation certificate is still required. While elevation certificates during earlier project phases are recommended, the post-construction, or as-built, elevation of the lowest floor is required to meet 44 CFR §60.3(b)(5). Elevations and specifications should be recorded for every applicable structural element, including:

- Elevation of the lowest floor.
- Elevation of the bottom floor (if applicable).
- Elevation of any attached garage.

- Flood opening or engineered vent specifications.
- Elevation of machinery and equipment.
- Lowest Adjacent Grade (LAG).
- Highest Adjacent Grade (HAG).

### 3.7.1.1 Reviewing a Post-Construction Elevation Certificate

A post-construction elevation certificate documents the as-built elevations of the lowest floor, elevations of the bottom floor (including crawlspaces or other enclosures), elevations of any attached garage, flood opening or engineered vent specifications, elevations of the adjacent grade, elevations of any equipment servicing the building, photographs, and more. The information provided on this certificate can be used to prove that the work followed the originally issued permit and meets the community's standards for floodplain development. The floodplain administrator's review should include:

- **Section A:** Verify the site information matches the original permit. This includes ensuring the building diagram matches the permitted structure and foundation type. For example, diagram 9 represents a subgrade crawlspace. If this does not match the originally permitted design plans, this may demonstrate non-compliant construction. Section A also includes specifications for any flood openings, engineered vents, or a combination.
- **Section B:** Review the flood hazard data to ensure the correct FIRM panel was referenced, and that the BFE is accurate, matches the original permit, and the correct source is identified. For example, if the development is in Zone AE, the FIS should be referenced for calculating the BFE.
- **Section C:** Review the surveyed elevations, including any additional information provided in the comments and compare the elevations with the BFE provided in Section B to verify that each structural component meets the community's elevation and freeboard (additional height above BFE) requirements. Only registered professional land surveyors, engineers, or architects can provide this information.
- **Section D:** Verify the licenses of the professional that completed Section C. If any information is missing, contact this individual for a new elevation certificate. Any writing or changes to the certificate after signing this section voids the entire document.

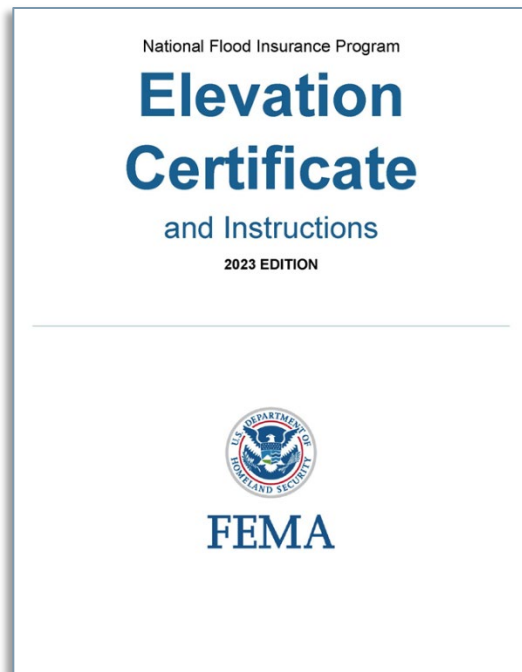


Figure 26: FEMA Elevation Certificate cover page. (FEMA, 2023)

- **Sections E & F:** Used only for AO zones, the floodplain administrator must verify heights of the lowest floor, bottom floor, and machinery or equipment above the adjacent grade. Since only height measurements are required, these do not have to be provided by a professional land surveyor, engineer, or architect. However, the owner is discouraged from self-certifying these heights. The individual completing Section E must certify their information in Section F.
- **Section G:** The floodplain administrator may use this section to verify that local administrative procedures were followed, such as providing permit numbers, variance documentation (if applicable), date the certificate of occupancy was issued, and a comments section for additional notes. Editing Section G will not void the information in Section C, if it is only the community official providing the information.
- **Sections H & I:** These sections are exclusively for insurance rating purposes and should not be used to verify compliance with the local ordinance. This section requires the heights of the “first floor” compared to the adjacent grade. Heights are based on the first floor above grade, and do not require surveyed elevations. The individual completing Section H must certify their information using Section I.

### ***3.7.2 Obtaining Proof of Compliance for Non-Structural Development***

For non-structural development, post-construction proof of compliance depends on project activity. In instances where the project site was restored to pre-construction conditions, such as an underground pipeline or cable, conducting an inspection or collecting before and after photos depicting that the original grade was restored may be sufficient.

For projects where grades changes occurred, either cutting or filling material, post-construction documentation may include a topographic survey of the site based on as-built conditions, which can be compared to the initial grading plans to confirm that construction followed the scope outlined in the issued permit.



### 3.8 Step 7: Document Filing

After the project is complete and all proof of compliance is collected, the final step in the permitting process is to file the documents. Permits and additional documentation related to a project in the floodplain development are required to be filed and saved in perpetuity. It is the responsibility of the floodplain administrator to maintain such files and have them readily accessible for reference.

Permits, records of variances, Letters of Map Change, and proof of compliance documents may be reviewed during compliance audits. Previously collected documentation may help the community confirm compliance if any improvements, additions, or repairs are proposed to a project in the future.

There is no defined expectation for how floodplain related files are stored, only that the documents are accessible and able to be referenced as needed. Files can be maintained by paper or electronically.

A Documentation and Filing Matrix listing the most common documentation that should be maintained can be found in [Appendix D](#) of this guide.

## 4 Establishing Procedures for Violations & Enforcement

### 4.1 Violations

Violations of local floodplain management regulations can occur under a variety of situations, including unpermitted development, improperly constructed buildings, variations from original scopes of work, failing to obtain proof of compliance documentation, and similar. Many property owners may be unaware they live in a floodplain or that there are additional regulations in place for any floodplain development occurring on their property which can lead to unintentional violations.

Violations can be identified in several ways including residents reporting potentially unpermitted development, the floodplain administrator discovering unpermitted development occurring or that has already occurred, through a compliance audit, among others. More information related to compliance audits are included later in this chapter.

Procedures for floodplain violations should typically align with the community's other procedures for code or regulation enforcement. Enforcement procedures follow the same steps to address violations:

- **Confirm the Violation:** Verify whether the development is a violation and collect evidence supporting the determination.
- **Notification:** Formally notify the property owner or violator and outline steps that need to be taken to address the violation.
- **Compliance Strategies:** Discuss compliance options and ensure the property owner or violator take the appropriate actions to resolve the violation.
- **Resolution:** Ensure the violation has been resolved and any remaining development activity complies with local regulations.

#### 4.1.1 Confirm the Violation

When unpermitted floodplain development is discovered, the first step is to document the situation; taking photographs of the entire working area, coordinating with other community offices, and collecting evidence to determine what areas of local regulations are being violated, if any. If construction work is actively taking place, the community should notify the developer immediately to pause work until fact-finding is complete, compliance strategies are discussed, and necessary permits are obtained if the activity is permissible. For construction that has already finished, the community should request post-construction proof of compliance to determine if the development meets floodplain regulations, or if remedial actions need to occur (see [Section 3.7](#) for information on post-construction documentation). Remember that until post-construction documentation and all necessary permits and forms are received, the development is assumed to be a violation under 44 CFR §59.1 "Violation."

### 4.1.2 Notification Procedures

Once a violation is identified and verified, the next step is to inform the property owner. To start, have a conversation with the property owner to determine how the violation occurred, since it is possible the property owner is unaware they are in a floodplain or that additional regulations apply. If the property owner is unwilling to resolve the violation based on the conversation alone, an official “Notice of Non-compliance” should be sent. The letter should contain the following information:

- Description of the development.
- Location of the development.
- Detailed description of the violation.
- Steps required to resolve the violation, which may include removal of the development.
- Clearly identify the expectations and timeline for the next action item in the resolution.
- Outline the penalty if the timeframe for the action item is not met.
- Provide floodplain administrator contact information.

[Appendix E](#) includes a template “Notice of Non-compliance” letter that can be used to notify property owners of a potential violation.

The consequences for an NFIP participating community choosing to not resolve violations include possible **probation** and/or **suspension** from the program. Refer to [Section 4.2.3](#) for more information about probation and suspension from the NFIP.

### 4.1.3 Compliance Strategies

Compliance strategies may be as simple as obtaining the appropriate documentation, such as the floodplain development permit, required supplemental documentation, or proof of compliance, but may be as complicated as requiring physical construction changes or removal of the development entirely. The DWEE Floodplain Management Division can provide technical assistance to assist with violation resolution.

Unfortunately, not all property owners will be willing to obtain compliance. Legal authorities are granted to the community and floodplain administrator to resolve violations, which are detailed within the local floodplain management ordinance. However, it is also important to consult with legal counsel when working through violations.

If all compliance efforts are unsuccessful, the community can request that FEMA provide assistance. Under Section 1316 of the National Flood Insurance Act FEMA is allowed to deny new flood insurance coverage for properties declared to be in violation of floodplain regulations. Section 1316 is intended for use as backup for local enforcement actions in circumstances where the community is unable to obtain compliance. This action will only be used as a final effort; all other compliance options must be exhausted prior to implementation of Section 1316.

Before considering the use of Section 1316, coordinate with the State NFIP Coordinating Office to ensure all necessary steps have been followed and documentation obtained.

## **4.2 NFIP Community Compliance Audits**

NFIP Compliance Audits are routine meetings with NFIP participating communities to ensure program requirements are being met and that the community is upholding their agreement with FEMA. These audits are typically conducted by the State NFIP Coordinating Office. In Nebraska, NFIP Compliance Audits are conducted on a 5-year schedule or on an as needed basis, such as when a community appoints a new floodplain administrator, or when high levels of development activity are occurring.

### **4.2.1 Diagnostic Assessment**

All NFIP Compliance Audits begin as Diagnostic Assessments, where the community's basic floodplain program functions are reviewed. Floodplain administrators are expected to attend these meetings virtually, by phone, or in person with a staff member from the DWEE Floodplain Management Division.

Prior to the meeting, DWEE staff will review the community's floodplain management regulations and will compare historic and current satellite imagery to determine if any new developments have occurred in the community's floodplain. These developments will be discussed during the meeting, and closure of the audit will be dependent on compliance documentation being provided.

If the floodplain administrator does not have permits and compliance documentation for the new developments, DWEE will transfer the audit to the "follow-up" phase. The follow-up phase transitions DWEE to a remedial support and technical assistance role, helping the community collect documentation and ensure the development is compliant with regulations.

### **4.2.2 Full Evaluation**

Full Evaluations are conducted on an as-needed basis in communities with high levels of floodplain development or with outstanding compliance issues identified during the Diagnostic Assessment. They include an in-person site visit and a meeting with the floodplain administrator. Prior to the visit, formal correspondence with community leadership and the floodplain administrator will occur, notifying them that the full evaluation will be opened. The DWEE Floodplain Management Division will select a larger sample of new developments identified via satellite imagery or through previously identified possible violations.

The floodplain administrator is encouraged to join the DWEE Floodplain Management staff on the site visits to provide local context to the development and help property owners feel more comfortable with the site inspection. Staff will take photographs of each selected development to gain a better understanding of the use and potential compliance status. Following the site visit a meeting will be conducted. Any follow-up items, such as permitting and documentation from the developments visited, will be requested during the meeting.

After the full evaluation meeting, the community must provide evidence of compliance for any outstanding items during the follow-up phase. If good faith efforts are being made to resolve any identified violations within a reasonable timeframe, DWEE Floodplain Management will assist in the process. However, if the community is not making efforts to resolve the violations, official notification will be sent to the community's leadership and FEMA. If FEMA finds that efforts are not being made to remain compliant with the NFIP, the community may face probation or suspension from the program.

#### **4.2.3 Community Non-Compliance**

If an NFIP participating community does not abide by their agreement with FEMA and fails to enforce the floodplain management regulations, the community may face probation or suspension from the NFIP. The consequences of probation and suspension include:

- **Probation:** Per 44 CFR § 59.24(b), a community that fails to adequately enforce floodplain management regulations meeting the minimum requirements of 44 CFR § 60.3, and their local Floodplain Management Ordinance shall be subject to probation. Probation shall represent formal notification to the community indicating the local program is not compliant with NFIP requirements. An additional \$50 premium will be charged on all policies sold or renewed during the probation period. This added premium will apply as long as the community remains on probation.
- **Suspension:** Per 44 CFR § 59.24(c), a community that fails to adequately enforce floodplain management regulations meeting the minimum requirements of 44 CFR § 60.3 and their local Floodplain Management Ordinance and does not correct the program deficiencies and remedy all violations to the maximum extent possible in accordance with compliance deadlines established during a period of probation shall be subject to suspension of its program eligibility. In the event of suspension, flood insurance policies issued in the community will be non-renewable, however, homeowners with federally backed loans will still be required to meet the mandatory purchase requirement without access to the federally backed policies that were previously available through the NFIP.

## 5 Other Floodplain Management Procedures

### 5.1 Local Regulation Updates

NFIP participating communities in Nebraska must have a local regulatory document that establishes standards for development in the SFHA. Local floodplain regulations can be defined through local zoning regulations, building codes, municipal code, a standalone ordinance or resolution, or other regulating documents. Maintaining and updating floodplain regulations on a regular basis helps keep the regulations applicable, reasonable, and legally defensible.

Local regulations may be updated at any time for any reason, but draft regulations must be reviewed by the DWEE Floodplain Management Division for compliance with state and federal regulations prior to adoption. There are a few instances when regulations are **required** to be updated:

- **Non-Compliant Ordinance:** During the NFIP community compliance audit process, floodplain regulations are reviewed for alignment with state and federal regulations. If there is a misalignment, or if language is missing, the regulations are required to be updated as a condition of closing the audit.
- **New FIRMs:** NFIP participating communities are required to formally adopt any updated regulatory floodplain data by referencing the FIRM panel identification numbers and effective dates through the ordinance or a resolution. Communities in mapping project areas going through regulatory product updates receive a Letter of Final Determination from FEMA, which is a 180-day compliance period allowing communities time to update the local regulations with the new FIRM panel references prior to the new effective date.
- **Annexations or De-annexations:** Changing community boundaries may lead to additional flood hazard designations in a community or may require different FIRM panel numbers to be referenced in the local regulations. Communities considering updates to corporate limits or extraterritorial jurisdictions must notify the DWEE Floodplain Management Division to determine if changes to the floodplain regulations are necessary.
- **Changes to Federal or State Minimum Standards:** If new minimum standards are established by a higher regulating authority, such as the state or federal government, all local floodplain management regulations within the jurisdictional area must be updated to align with the new standards. If new standards are proposed, all NFIP communities will be notified of expectations for regulatory updates well in advance.

Outside of required changes, communities may adopt new floodplain regulations to better align the floodplain ordinance with local standards for other development activities outside of the floodplain. A flood event may prompt interest in adopting higher floodplain development standards as a form of mitigation. NFIP participating communities are encouraged to update their local floodplain regulations on a regular basis for compliance with state and federal regulations and to ensure they align with other regulatory documents and administrative procedures.

In general, the process for updating local floodplain management regulations requires a draft developed by the local jurisdiction, a review by the DWEE Floodplain Management Division and

by FEMA Region 7, and the formal adoption of the approved draft. To describe the process in more detail:

1. The local governing body approves a draft floodplain ordinance or resolution.
2. The draft regulations are submitted to DWEE Floodplain Management for review. The review includes a cross-check with federal and state minimum standards.
3. DWEE Floodplain Management provides comments to the community on the draft, citing any missing language, incorrect FIRM panel references, or errors. The community updates the draft and re-submits.
4. Draft regulations are approved by DWEE Floodplain Management and forwarded to FEMA Region 7 for an additional review.
5. Regulations approved by both DWEE Floodplain Management and FEMA Region 7 are returned to the community for formal adoption.
6. Community provides a final adopted copy of the regulations with a signature and community seal to DWEE Floodplain Management.

DWEE Floodplain Management has created a model, or template, floodplain management ordinance that NFIP communities may use to draft their local floodplain regulations and offers technical assistance to communities throughout the process. The [Nebraska's Model Floodplain Management Ordinance](#) is designed to meet the Nebraska minimum standards for floodplain management programs and Title 44 of the Code of Federal Regulations. The model ordinance also provides guidance on adopting higher local standards that exceed the state or federal minimum requirements.

## 5.2 Participating in the Flood Risk Identification Projects

Identifying flood risk is complicated with many variables that may alter how flooding occurs within a community. Understanding flood risk is the foundation for every aspect of a community safely managing development, promoting flood insurance, and developing strategies to mitigate the risk. The DWEE Floodplain Management Division, in partnership with FEMA, aims to identify flood risk throughout the state and assist community officials to communicate that risk to residents and business owners. Community officials, specifically the floodplain administrator, are a valuable contributor to the risk identification process and often provide key information related to local flooding patterns and can help ground truth the results of the engineering studies conducted by DWEE.

Whether a floodplain mapping project is FEMA-funded or not, DWEE will communicate with communities throughout the study area to keep local officials updated on the project progress, collect supporting information the communities may have on file, provide information for review, and similar. DWEE also hosts meetings with community officials at key project milestones regardless of funding source. For FEMA funded projects the meetings, at minimum, include:

- **Kick-off Meeting:** Community involvement in the flood risk identification process begins with a Kick-off Meeting between DWEE Floodplain Management and community officials

within the project area. During this meeting, project managers discuss the history of the floodplain maps and studies within the watershed, the scope of the project, the map development process, and expectations of the community. Communities are responsible for providing information to the Floodplain Management Division to allow for the development of the most accurate representation of flood hazards. The information communities provide may include copies of corporate limits and extraterritorial jurisdiction boundaries; topography, survey, or other elevation data; any existing floodplain or stormwater studies; design or as-built data for stream crossing structures; and any high-water marks or historic storm and flood data.

- **Flood Risk Review Meeting:** Once the flood risk identification products have been developed, but prior to entering the regulatory phase of updating the official FEMA products, DWEE Floodplain Management staff members will host a Flood Risk Review (FRR) meeting. This meeting is intended to be more technical, engineering-focused and is used to present the floodplain boundaries and associated flood risk products for the communities to review and provide comments on. During this meeting the project team will stress the importance of communities reviewing the data and reaching out with any questions or concerns since DWEE still has flexibility to analyze comments and make any warranted changes based on the feedback communities provide during this timeframe. These revisions can often be completed at no cost to the community, depending on the project funding source, and can help a community avoid a costly appeal during the regulatory phase of the project. While the “official” comment period after the FRR meeting is limited to 30 days, communities are encouraged to continue communicating with DWEE even after the 30 days have passed as there may still be opportunities to address comments prior to Preliminary Product distribution.
- **Public Open House:** The public open house for a project can be hosted after the FRR meeting (before Preliminary Product Distribution) or after Preliminary Product Distribution. The DWEE Floodplain Management Division typically hosts open houses after Preliminary Product Distribution and the engineers, GIS technicians, and NFIP professionals on the team work one-on-one with property owners to understand their unique flood risk and describe how the future products may impact their specific property. The public open house is an optional meeting that communities do not have to participate in, however, the meeting is offered at no cost to the community. The community is responsible for advertising the meeting to encourage the most participation of residents within the project area, as DWEE recognizes that our staff will not know the best method to encourage residents to attend the meeting. DWEE Floodplain Management staff provide the community with all outreach materials to print for posting in areas that are most likely to draw attention from impacted property owners.
- **Consultation Coordination Officer (CCO) Meeting:** The CCO meeting is held with local community officials to present the Preliminary FIRMs and FIS in the weeks immediately following preliminary products distribution. This meeting focuses on providing resources and information to community officials to allow them to communicate with residents about the flood hazards and risks, proposed maps, identifying ways to reduce flood risk, and similar information. In addition, community officials are informed that the floodplain management ordinance will need to be updated during the adoption/compliance period later in the project life.

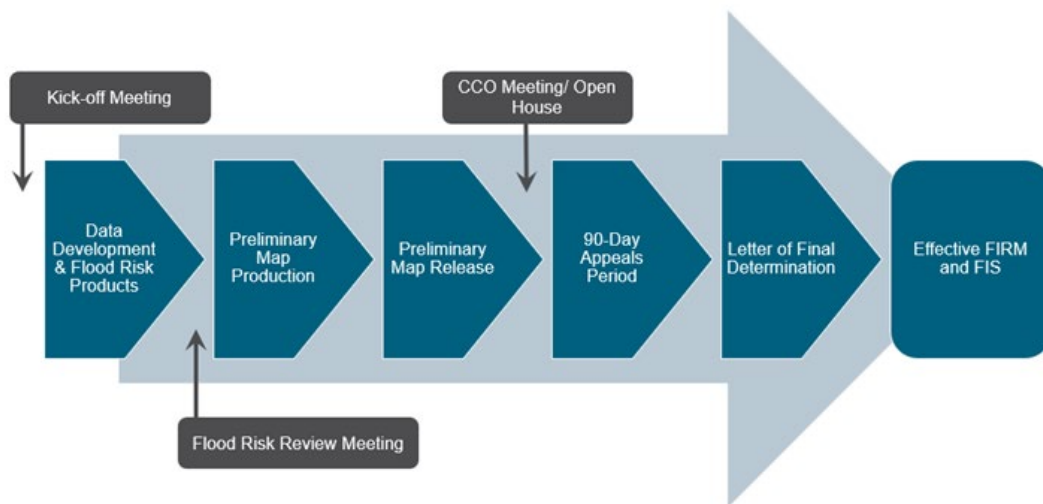


Figure 27: Visualization of the floodplain mapping project timeline. (DWEE, 2026)

After the CCO meeting is complete, the DWEE Floodplain Management project team works to initiate the FEMA required 90-day appeal period. During the appeal period property owners, lessees, community officials, and similar can formally submit scientific or technical data, such as hydrologic or hydraulic analyses, proving the proposed flood elevations, boundaries, or zones are incorrect and must be corrected using the information submitted as part of the appeal package. An appeal can only be submitted by a community, so individual property owners must route their appeals through the floodplain administrator, who then forwards them to FEMA or the DWEE Floodplain Management Division.

At the conclusion of the 90-day appeal period and appeal resolution, FEMA will issue each community within the project area a Letter of Final Determination (LFD). This letter informs the community that the previously proposed flood hazard information, shown on Preliminary FIRMs and in the Preliminary FIS, are now considered final and all Due Process requirements have been complied with. The LFD provides the FIRM effective date and any pertinent information related to map adoption and ordinance updates.

From the issuance of this letter, communities have 180 days to adopt the maps by updating their local floodplain management ordinance or by resolution. Communities participating in the NFIP must adopt the new map panels within their jurisdiction prior to the effective date to stay in good standing within the program or risk probation and/or suspension for failing to adopt the maps within the 180-day timeframe. The DWEE Floodplain Management Division works with the floodplain administrator of each community receiving new maps to ensure they are adopted before the effective date.

Several days before the maps go effective, a Revalidation Letter will be distributed to each applicable community, which lists previously issued LOMCs reaffirmed for the new maps. This letter summarizes whether each LOMR was incorporated into the mapping project, not incorporated but still effective, or has been superseded. The Revalidation Letter becomes effective one day after the products become effective. The LOMC information is not provided to

the property owner, so the community official may consider outreach with impacted residents to convey this information to them.

To learn more about the mapping process and statuses of projects in the State of Nebraska, visit the DWEE Floodplain Management Division's [CTP Business Plan](#).

## 5.3 Variances & Appeals

In rare instances, a proposed development may be unable to fully conform with the requirements of the local floodplain management ordinance or resolution. A **variance** provides relief from specific regulatory requirements on the basis that full compliance would create an unnecessary hardship for the property owner or developer (44 CFR 59.1 "Variance"). This process requires an application for the variance, which must be reviewed by the community appeals board or governing body.

### 5.3.1 General Variance Procedures

In NFIP participating communities, local floodplain management regulations establish procedures and guidelines for use when considering or granting variances. Communities should have standardized variance review procedures that align with the floodplain management regulations and any other zoning or building codes.

Generally, the variance process starts as a formal, written request by the developer addressed to the appropriate governing body or commission, as defined in local ordinance or resolution, responsible for hearing appeals. The developer presents the variance to the governing body at a public meeting, which includes deliberations from the floodplain administrator, the applicant, and other interested parties.

Variances can only be issued if the developer can demonstrate good and sufficient cause for being unable to comply with the floodplain regulations and that the failure to grant the variance would result in exceptional hardship, such as rendering the property valueless. The cost of building the structure in compliance with floodplain regulations is not considered an exceptional hardship and should not be a factor in the determination process. The development must also not result in increased risk to the community. The burden of collecting proof to support the need for a variance falls solely on the applicant.

Floodplain development permits are required for all development projects, even if a variance is issued. Variances only provide relief from specific portions of the floodplain regulations; they are not an exemption from all floodplain management regulations.

Variances may place liability on the community, have negative impacts on the floodplain, and potentially jeopardize the community's participation in the NFIP. The local floodplain management ordinance should be closely reviewed for more information on the conditions and processes for granting a variance. Floodplain administrators may also contact DWEE Floodplain Management for additional resources and support.

[FEMA P-993 Variances and the National Flood Insurance Program](#) provides comprehensive guidance to local government officials for reviewing and processing variance requests.

### **5.3.2 Variance Documentation**

Variance decisions are tied to the specific property and must be maintained in perpetuity, like other floodplain management documentation. Documentation of variance decisions must include:

- Copies of the initial variance request, either in the form of an application document or other formal request process.
- Notification to the applicant of the decision, including specific notification statements required by the local floodplain regulations.
- Documentation of all variance discussions and actions, including justifications for decisions. This may include copies of meeting minutes, correspondence with appeals board members, or public notices of hearings.
- Permit documentation, including the floodplain development permit issued for the start of construction and post-construction proof of compliance.

### **5.3.3 Appeals**

Developers and property owners may disagree with a floodplain management decision made by the floodplain administrator. In these cases, they may challenge the decision directly with the floodplain administrator or may request a hearing for an appeal to the local appeals board or governing body. Appeals are often submitted during the review of substantial improvements or substantial damage estimates, where property owners allege that the cost analyses or market value determinations are inaccurate.

It is important for communities to establish procedures for reviewing appeals, including maintaining a list of acceptable forms for appeal documentation. Acceptable forms may include technical documentation of engineering or survey data, contractor estimates for improvement or repair projects, or professional appraisals when challenging market value determinations. It is not appropriate for a property owner to seek an appeal for development that does not comply with local regulations. Local officials are responsible for examining appeals closely to determine if the development will meet local regulatory requirements and should seek technical assistance from the local floodplain administrator and DWEE Floodplain Management.

## Glossary

**Additional Floodway Considerations.** Within Nebraska, new and substantially improved residential structures are prohibited. A proposed development is also not allowed cause any rise in the base flood elevation unless and Letter of Map Revision is obtained. This should be communicated to prospective floodplain developers.

**Anchoring.** Methods used to prevent flotation, collapse, or lateral movement of a development resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

**Base Flood Elevation.** The elevation of surface water resulting from a flood that has a 1% chance of equaling or exceeding that level in any given year.

**Building Materials.** Products and construction materials, including structural and finish materials, fastened and connected to a building.

**Building Utilities.** Building systems including mechanical, electrical, plumbing and other utility elements.

**Community Acknowledgment Form.** FEMA Form 086-0-26B. Required for all map amendment requests involving the existing or proposed placement of fill or to provide acknowledgement of the request to remove a property from the SFHA which was previously located within a regulatory floodway.

**Determination of Floodwater Rise.** A determination completed by a licensed professional engineer of how a project will impact the surface water elevations of the base flood or other flood frequency.

**DWEE Base Flood Elevation Determination.** A free determination provided by the Nebraska Department of Water, Energy, and Environment of the water surface elevations of the base flood, that is, the flood level that has a one percent or greater chance of occurrence in any given year. These can be provided for any Zone A floodplain to any floodplain administrator in Nebraska through the [DWEE website](#).

**Elevation of Lowest Floor.** The surveyed elevation based on sea level of the lowest floor of the lowest enclosed area, including a basement. (See definition for “Lowest Floor”).

**Enclosure Below Lowest Floor.** An area below an elevated building that is enclosed by walls on all sides. An unfinished or flood-resistant enclosure that is used solely for parking of vehicles, building access, or storage is not the lowest floor, provided the enclosure is built in compliance with applicable requirements.

**Flood Awareness Areas.** Floodplain boundaries produced by the Nebraska Floodplain Management Division which provide communities with the most accurate flood risk information. May be used as best available data for communities involved in a current mapping project or that do not have regulatory floodplain boundaries.

**Flood Hazard Boundary Map (FHBM).** An official map of a community where the boundaries of the special flood hazard area have been designated as Zone A.

**Flood Insurance Rate Map (FIRM).** An official map of a community delineating both the areas of special flood hazard and the risk premium zones applicable to the community. These can be viewed online at [FEMA's Map Service Center](#).

**Flood Insurance Study (FIS).** An examination, evaluation, and determination of flood hazards and, if appropriate, corresponding water surface elevations. A flood insurance study gives detailed information on its floodplain, such as past flooding events, discharge amounts, and velocities. The FIS is used in Zone AEs and floodways to determine the base flood elevation using flood profiles.

**Flood Vent Certificates.** Flood vent certificates, or certification reports, are documents that demonstrate an engineered flood opening has been designed and certified by registered design professionals to meet NFIP regulatory standards. Certificates must demonstrate compliance with criteria set by product certification organizations and address performance required by NFIP regulations.

**Floodplain.** Any land susceptible to being inundated by water from any source.

**Floodplain Administrator.** The local official responsible for implementing and enforcing community floodplain management regulations.

**Floodplain Management Regulations.** Zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a flood plain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such regulations which provide standards for the purpose of flood damage prevention and reduction.

**Floodproofing Certificates.** A certification that a floodproofed structure is watertight and resistant to flood forces. Completed by a licensed professional engineer or architect.

**Floodplain Development Permits Required.** For all development within the floodplain, a floodplain development permit is required to ensure all floodplain regulations are being followed.

**Floodway or Regulatory Floodway.** The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

**Formwork.** A construction term referring to a set of forms to hold wet concrete until it sets.

**General Earthwork Activity.** Earthwork may include, but is not limited to, mining, dredging, filling, grading, or excavation or drilling.

**Improvements or Repair Work.** Any reconstruction, rehabilitation, addition, repairs to damage, or other alterations of a structure.

**Letter of Map Change (LOMC).** An official FEMA determination, by letter, that amends or revises an effective Flood Insurance Rate Map or Flood Insurance Study. Letters of Map Change include:

- A. **Letter of Map Amendment (LOMA).** An amendment based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A

LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property or structure is not located in a special flood hazard area.  
(FEMA MT-1 Form Instructions)

- B. **Conditional Letter of Map Revision Based on Fill (CLOMR-F)**. A determination that a parcel of land or proposed structure that will be elevated by fill would not be inundated by the base flood if fill is placed on the parcel as proposed or the structure is built as proposed.  
(FEMA MT-1 Form Instructions)
- C. **Letter of Map Revision Based on Fill (LOMR-F)**. A determination that a structure or parcel of land has been elevated by fill above the base flood elevation and is, therefore, no longer exposed to flooding associated with the base flood. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community's floodplain management regulations.  
(FEMA MT-1 Form Instructions)
- D. **Conditional Letter of Map Revision (CLOMR)**. A formal review and comment as to whether a proposed flood protection project or other project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective Flood Insurance Rate Map or Flood Insurance Study; upon submission and approval of certified as-built documentation, a Letter of Map Revision may be issued by FEMA, to revise the effective FIRM.  
(FEMA MT-2 Form Instructions)
- E. **Letter of Map Revision (LOMR)**. Letter of Map Revisions are generally based on the implementation of physical measures that affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective Base Flood Elevations (BFEs), or the Special Flood Hazard Area (SFHA). The LOMR officially revises the Flood Insurance Rate Map (FIRM) or Flood Boundary and Floodway Map (FBFM), and sometimes the Flood Insurance Study (FIS) report, and when appropriate, includes a description of the modifications. The LOMR is generally accompanied by an annotated copy of the affected portions of the FIRM, FBFM, or FIS report.  
(FEMA MT-2 Form Instructions)

**Manufactured or Mobile Homes**. A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. It does not include "recreational vehicles".

**Nonresidential Structure**. A commercial or mixed-use building where the primary use is commercial or non-habitational.

**Non-structural Development**. Non-structural development is any development that is not constructing or improving a walled and roofed structure.

**Probation**. A FEMA-imposed change in a community's status resulting from violations and deficiencies in the administration and enforcement of NFIP local floodplain management regulations. A community is placed on probation for 1 year (may be extended), during which time a \$50 surcharge is applied to all NFIP policies.

**Proof of Compliance.** Any documentation providing evidence of compliance with the originally issued floodplain development permit and the community floodplain regulations.

**Recreational Vehicles.** A vehicle which is:

- A. Built on a single chassis;
- B. Four hundred (400) square feet or less when measured from the largest horizontal projections;
- C. Designed to be self-propelled or permanently towable by a light duty truck; and
- D. Designated primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

**Residential Structure.** A non-commercial structure designed for habitation by one or more families or a mixed-use building that qualifies as a single-family, two-to-four family, or other residential structure.

**Special Flood Hazard Area (SFHA).** The floodplain within a community subject to a one (1) percent or greater chance of flooding in any given year.

**State NFIP Coordinating Office.** The state office responsible for coordinating NFIP activities, performing functions that fulfill, supplement, and complement federal floodplain management activities.

**Storage of Materials.** Any operation involving stored items, including construction materials and equipment, on a site temporarily or long-term.

**Structure.** A walled and roofed building that is principally above ground, as well as a manufactured home and a gas or liquid storage tank that is principally above ground.

**Subdivision.** The division or re-division of a lot, tract, or parcel of land by any means into two or more lots, tracts, parcels, or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership, building or lot development.

**Substantial Damage.** Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damage condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.

**Substantial Improvement.** Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

- A. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or

- B. Any alteration of a “historic structure”, provided that the alteration will not preclude the structure's continued designation as a “historic structure”.

**Suspension.** FEMA's removal of an NFIP participating community from the program because the community has not enacted and/or enforced the proper floodplain management regulations required for participation. Flood insurance may not be sold or renewed in communities that are suspended from the NFIP. When a community is suspended, coverage remains in effect until expiration. These policies cannot be renewed.

# Appendices

## Contents

**Appendix A:** Template Floodplain Development Permitting Procedural Checklist

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**Appendix E:** Template “Violation Notification” Letter

## Appendix A: Floodplain Development Permitting Process Checklist

Below is a suggested checklist for reviewing floodplain development proposals and may be used to develop local review procedures. This is not intended to be an all-inclusive list for every community or for every project, and additional review procedures may be added as necessary. Contact the [DWEE Floodplain Management Division](#) for assistance with any questions about a floodplain proposal.

| Step 1: Project Proposal                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                        |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------|
| Discuss general details about the proposal and provide immediate feedback on the feasibility of the project. Is this project possible under federal, state, and local regulations? |                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                        |
|                                                                                                                                                                                    | Determine the location of the proposal, including address or parcel/lot information, and the specific location on the lot.                                                                                                                                                                                                                                                                                           |                                                                                                        |
|                                                                                                                                                                                    | Determine the scope of the project. How large will the project be?                                                                                                                                                                                                                                                                                                                                                   |                                                                                                        |
|                                                                                                                                                                                    | Using the provided location and scope, identify the flood zone. Check floodplain/floodway boundaries based on the location of the project. Use the official FEMA FIRM or DWEE Floodplain Management Interactive Map. <ul style="list-style-type: none"> <li>• <a href="#">FEMA Map Service Center</a></li> <li>• <a href="#">DWEE Floodplain Interactive Map</a></li> </ul>                                          |                                                                                                        |
|                                                                                                                                                                                    | Determine the Base Flood Elevation, or if Zone A, request a Base Flood Elevation Determination from DWEE Floodplain Management. <ul style="list-style-type: none"> <li>• <a href="#">Request a Base Flood Elevation</a></li> </ul>                                                                                                                                                                                   |                                                                                                        |
|                                                                                                                                                                                    | Confirm the project type:                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                        |
|                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                      | Structure (Residential, non-residential, mixed-use, manufactured/mobile home, agricultural, accessory) |
|                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                      | Non-structure (earthwork, mining, paving, etc.)                                                        |
|                                                                                                                                                                                    | Explore alternate building sites, including areas outside of the floodplain.                                                                                                                                                                                                                                                                                                                                         |                                                                                                        |
|                                                                                                                                                                                    | Review local ordinance/resolution for regulations related to the project type.                                                                                                                                                                                                                                                                                                                                       |                                                                                                        |
|                                                                                                                                                                                    | Inform other community offices about the proposal.                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                        |
|                                                                                                                                                                                    | Contact <a href="#">DWEE Floodplain Management</a> for technical assistance, if required.                                                                                                                                                                                                                                                                                                                            |                                                                                                        |
|                                                                                                                                                                                    | Inform the project proponent about general floodplain regulations for the development type, including: <ul style="list-style-type: none"> <li>• Base Flood Elevations at their proposed location</li> <li>• Elevation or floodproofing requirements</li> <li>• Required technical documentation, including determinations of floodwater rise, elevation surveys, grading plans, building/site plans, etc.</li> </ul> |                                                                                                        |

## Step 2: Permit Application

The developer must submit an application along with any supporting documentation showing that the project will meet local floodplain regulations. Does the application contain all of the necessary information? Does it tell the full story of the project, including an end goal?

|  |                                                                                                                                                                                                                                                                                                  |
|--|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|  | Applicant name and contact information are provided and accurate.                                                                                                                                                                                                                                |
|  | Specific location of the development (address, parcel number, or legal property description) is provided and accurate.                                                                                                                                                                           |
|  | Site plans or a survey map with detailed location of the construction project in relation to floodplain boundaries.                                                                                                                                                                              |
|  | Technical Documentation:                                                                                                                                                                                                                                                                         |
|  | Elevation Certificate (pre-construction)                                                                                                                                                                                                                                                         |
|  | Floodproofing Certificate                                                                                                                                                                                                                                                                        |
|  | Wet-floodproofing specifications                                                                                                                                                                                                                                                                 |
|  | Determination of floodwater rise                                                                                                                                                                                                                                                                 |
|  | BFE Source information                                                                                                                                                                                                                                                                           |
|  | Mitigation method is defined and demonstrated by construction plans: <ul style="list-style-type: none"> <li>• Elevation of the lowest floor</li> <li>• Dry-floodproofing (for non-residential structures)</li> <li>• Wet-floodproofing (for enclosures or small accessory structures)</li> </ul> |
|  | Grading and/or drainage plans are provided, and show earthwork extents and potential localized flooding impacts to nearby property and community infrastructure.                                                                                                                                 |
|  | Project Costs Estimates (for substantial improvements and/or damage) include all required costs, including material and labor costs. See the <a href="#">DWEE Substantial Damage Handbook</a> for a list of required costs for substantial improvement/damage determinations.                    |
|  | Additional local, state, or federal permits are provided.                                                                                                                                                                                                                                        |

## Step 3: Review Application

**Does the project proposal comply with local regulations based on Flood Zone?**

|  |                                                                                                                                                                                                       |
|--|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|  | Within a Zone A or AE without a floodway, a determination of floodwater rise is provided showing the project and cumulative effects from other development will result in less than one foot of rise. |
|--|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

|                                                                                                                 |                                                                                                                                                                                                                                                                         |                                                                                                                                                   |
|-----------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                                                                 |                                                                                                                                                                                                                                                                         | If the project is resulting in increases of more than one foot, the application contains an application for a Conditional Letter of Map Revision. |
|                                                                                                                 | Within a floodway, a determination of no-rise is provided demonstrating no increases to floodwater elevations, including cumulative effects from other development.                                                                                                     |                                                                                                                                                   |
|                                                                                                                 |                                                                                                                                                                                                                                                                         | If the project will cause BFE increases, the application contains an application for a Conditional Letter of Map Revision and floodway revision.  |
|                                                                                                                 | Adequate drainage is provided within Zone AO and AH.                                                                                                                                                                                                                    |                                                                                                                                                   |
|                                                                                                                 | New structures for human habitation are prohibited within the floodway.                                                                                                                                                                                                 |                                                                                                                                                   |
| <b>Does the project proposal comply with general regulations for <u>all new floodplain development</u>?</b>     |                                                                                                                                                                                                                                                                         |                                                                                                                                                   |
|                                                                                                                 | Proposed building sites will be reasonably safe from flooding.                                                                                                                                                                                                          |                                                                                                                                                   |
|                                                                                                                 | Anchored to prevent flotation, collapse, or lateral movement.                                                                                                                                                                                                           |                                                                                                                                                   |
|                                                                                                                 | Adequate drainage is provided to reduce exposure to flood hazards.                                                                                                                                                                                                      |                                                                                                                                                   |
|                                                                                                                 | Constructed with materials resistant to flood damage and with methods that minimize flood damage.                                                                                                                                                                       |                                                                                                                                                   |
|                                                                                                                 | Constructed with utilities, electrical, HVAC, and plumbing to prevent the accumulation or infiltration of water during flooding. HVAC is elevated at least to the elevation of the lowest floor, or meets the community freeboard requirements.                         |                                                                                                                                                   |
|                                                                                                                 | Stored materials or equipment are anchored to resist flotation or lateral movement or removed from harm's way in times of flooding. Note: Storage of flammable materials or materials hazardous to human, animal, or plant life is prohibited in the floodplain.        |                                                                                                                                                   |
|                                                                                                                 | Technical documents and professional certifications reviewed.                                                                                                                                                                                                           |                                                                                                                                                   |
|                                                                                                                 | Professional licenses are active and valid in Nebraska. ( <a href="#">Nebraska Board of Engineers and Architects</a> , <a href="#">Nebraska Board of Examiners for Land Surveyors</a> )                                                                                 |                                                                                                                                                   |
| <b>For structures, does the project proposal comply with general regulations for the <u>Structure Type</u>?</b> |                                                                                                                                                                                                                                                                         |                                                                                                                                                   |
|                                                                                                                 | New or Substantially Improved Residential Structure: The lowest floor will be at least one foot above the Base Flood Elevation or local higher freeboard. (Review local floodplain regulations for higher standards)                                                    |                                                                                                                                                   |
|                                                                                                                 | New or Substantial Improved Non-residential Structure: The lowest floor will be elevated, or the structure will be floodproofed, at least one foot above the Base Flood Elevation or local higher freeboard. (Review local floodplain regulations for higher standards) |                                                                                                                                                   |

|                                                                                                 |                                                                                                                                                                                                                                                                                                                                                            |
|-------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                                                 | Enclosure below lowest floor: If applicable, any enclosures below the lowest floor are used exclusively for storage or parking and have adequate flood openings/vents. (Review local floodplain regulations for higher standards)                                                                                                                          |
|                                                                                                 | Other Structure Type (critical facilities, small accessory structures, agricultural structures): The structure meets the applicable standards for the structure type as defined in local floodplain regulations.                                                                                                                                           |
| <b>Additional Considerations:</b>                                                               |                                                                                                                                                                                                                                                                                                                                                            |
|                                                                                                 | Discuss the project with other community offices. Does the project comply with all other local regulations, including zoning and building codes?                                                                                                                                                                                                           |
|                                                                                                 | If the project includes temporary storage of materials, construction equipment, or the creation of temporary access to the construction site, the permit application includes an Emergency Operations Plan (EOP) that addresses flooding.                                                                                                                  |
|                                                                                                 | Application for storage or recreational vehicle park includes an EOP that addresses flooding.                                                                                                                                                                                                                                                              |
|                                                                                                 | Other necessary permits have been received from all other local, State, and Federal entities.                                                                                                                                                                                                                                                              |
| <b>Step 4: Permit Decision</b>                                                                  |                                                                                                                                                                                                                                                                                                                                                            |
| After reviewing the application, approve, deny, or ask for more information from the applicant. |                                                                                                                                                                                                                                                                                                                                                            |
|                                                                                                 | Approve: All necessary documentation has been provided, and the project as planned is expected to meet or exceed local floodplain management regulations.                                                                                                                                                                                                  |
|                                                                                                 | Deny: Proposal is not compliant. The development is not able to be permitted.                                                                                                                                                                                                                                                                              |
|                                                                                                 | More information needed: The application is missing details or contains minor errors.                                                                                                                                                                                                                                                                      |
| Notify the applicant of the decision and provide clear instructions for next steps.             |                                                                                                                                                                                                                                                                                                                                                            |
|                                                                                                 | If <b>approved</b> , provide a copy of the approved permit and a memo or letter explaining the local standards. Additionally, remind the applicant that they must notify of any changes in scope during construction and that they must provide proof of compliance with the permit when the project is complete (i.e. an Elevation Certificate).          |
|                                                                                                 | If <b>denied</b> , notify the applicant in writing that the application has been denied, and that the project may not move forward without first receiving an approved permit.                                                                                                                                                                             |
|                                                                                                 | If <b>requesting more information</b> , provide the applicant with a list of missing documents or proof of compliance, and set a due date for when the missing documents must be provided. A new application is required if they miss this date. A template Request for Information form is available on the <a href="#">DWEE Digital Desk Reference</a> . |

### Step 5: Project Monitoring

The development should be monitored throughout the construction process to ensure it is being completed in accordance with the approved permit.

|  |                                                                                                                                       |
|--|---------------------------------------------------------------------------------------------------------------------------------------|
|  | General Site Inspection (Pre-foundation): Verify the location of the project and that the work will occur within the permitted scope. |
|--|---------------------------------------------------------------------------------------------------------------------------------------|

|  |                                                                                                                                                                |
|--|----------------------------------------------------------------------------------------------------------------------------------------------------------------|
|  | Foundation Inspection: Verify the elevation of the foundation meets the permit requirements, preferably using an elevation certificate, before work continues. |
|--|----------------------------------------------------------------------------------------------------------------------------------------------------------------|

|  |                                                                                                                                                                                                                                                                                                                                                                   |
|--|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|  | Project Substantially Complete Inspection: <ul style="list-style-type: none"><li>• Verification that any fill meets local slope and protection standards and within permitted scope of work.</li><li>• Enclosures below lowest floor have adequate flood openings.</li><li>• Additions, improvements, or repair work match the permitted project scope.</li></ul> |
|--|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

### Step 6: Post-Construction

After construction is complete, the developer will need to provide the community with proof that their project is compliant with local floodplain regulations.

|  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|--|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|  | Post-Construction Proof of Compliance for Structures: <ul style="list-style-type: none"><li>• Recommended: Post-Construction Elevation Certificate (FEMA Form FF-206-FY-22-152)</li><li>• Surveyed elevations of lowest floor</li><li>• Elevations to which structures have been floodproofed (nonresidential)</li><li>• Surveyed elevations of machinery and equipment</li><li>• Surveyed elevations of Highest and Lowest Adjacent Grade</li><li>• Flood opening or engineered vent specifications</li></ul> |
|--|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

|  |                                                                                                                                                                                                                                                                       |
|--|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|  | Other forms of Proof of Compliance: <ul style="list-style-type: none"><li>• Photos or inspection showing site was put back to pre-construction conditions if underground</li><li>• Topographic survey post-construction to compare to initial grading plans</li></ul> |
|--|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

### Step 7: Document Filing

|  |                                                                                                                                                                                                                                                                                         |
|--|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|  | After the project is complete and post-construction proof of compliance is collected, all documents related to the project and its permitting are filed and kept indefinitely. See the <a href="#">Documentation and Filing Matrix</a> in this guide for suggested records to maintain. |
|--|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

## ***Appendix B: Template “Floodplain Development Permit Required” Letter***

This letter template may be used to notify a project proponent that their proposal is located within a Special Flood Hazard Area and that local floodplain regulations will apply. It is recommended to attach a blank floodplain development permit application to this letter.

[ Place on Community Letterhead ]

[Date]

[ Project Proponent Name ]

[ Project Proponent Address Line 1 ]

[ Project Proponent Address Line 2 ]

Subject: Location of Proposed Project in a Regulatory Floodplain/Floodway

Dear [ Project Proponent Name ],

[ Community Name ] understands that you intend to develop at [ Describe Project Location ]. Upon review of the project location, it has been determined that the proposed project is [ fully / partially ] located within a FEMA identified Special Flood Hazard Area (SFHA). Our community participates in the National Flood Insurance Program (NFIP), allowing all citizens in the community to purchase federally backed flood insurance. To uphold our participation in the NFIP, [ Community Name ] has adopted floodplain regulations that establish standards for development within floodplain and floodway areas.

This letter serves as official notice that any development within the [ Floodplain / Floodway ] is subject to minimum construction standards described in [ Community Name ]’s floodplain [ Ordinance/Resolution/Other Document Number # ].

Prior to beginning any construction, you are required to complete and submit a floodplain development permit application to [ Floodplain Administrator Name, Title ]. Construction cannot begin until the application is approved by the Floodplain Administrator. Any development completed in the floodplain without a valid and approved floodplain development permit is a violation of [ Community Name ]’s floodplain regulations and is subject to penalties.

Additional requirements may include:

- Elevation or floodproofing of any structure at least \_\_\_\_ foot/feet above the Base Flood Elevation.
- Cost estimates for any improvements or repairs to existing structures.
- Determination of floodwater rise completed by a Nebraska registered engineer.
- Elevation survey of the ground and/or floor elevations for any structures.
- Any other information that may be requested by the local Floodplain Administrator.

Please contact [ Floodplain Administrator Name ] for more information on the specific floodplain requirements for your project.

[ Floodplain Administrator Name ]

[ Office Address ]

[ Phone ]

[ Email ]

Sincerely,

### ***Appendix C: Model Floodplain Development Permits***

C:1: Model Floodplain Development Permit Application for Structural Development

C:2: Model Floodplain Development Permit Application for Non-Structural Development

C:3: Template Request for Information Form

Place  
Jurisdiction  
Seal

**FOR OFFICIAL USE ONLY**

Floodplain Ordinance / Resolution #:

Date Filed:

Jurisdiction:

Date Decided:

Permit No.:

Approved? Y N

Fee:

Notes:

# Floodplain Development Permit Application: Structural

*\*Insert Community Office Address and FPA Contact Information Here\**

## Section A: Applicant and General Property Information

### Owner Information

Property Owner Name: \_\_\_\_\_

Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Phone: \_\_\_\_\_

Email: \_\_\_\_\_

### Site Information

Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Parcel #: \_\_\_\_\_

Lot & Block Subd. / PLSS (S-T-R): \_\_\_\_\_

### Applicant Information *If different than owner.*

Applicant Name: \_\_\_\_\_

Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Phone: \_\_\_\_\_

Email: \_\_\_\_\_

License No.: \_\_\_\_\_

## Section B: Project Proposal

### Project Narrative:

### For Structural Development Activities *Check all applicable activities*

#### Activity:

☐ New Structure

☐ Existing Structure:

☐ Demolition and Replacement

☐ Demolition

☐ Relocation/Elevation

☐ Alteration/Addition/Improvement

☐ Repair after Damage

#### Building Type:

☐ Residential

☐ Non-residential

☐ Multi-use Development

☐ Manufactured Home

☐ Accessory Building (sq. footage \_\_\_\_\_ )

☐ Other (describe): \_\_\_\_\_

### Foundation Type *Check all that apply*

☐ Slab

☐ Basement

☐ Elevated on posts, piles, or piers

☐ Elevated on posts, piles, or piers with enclosure

☐ Above-ground crawlspace

☐ Elevated above an enclosure (garage, stairway access)

Will the structure have an enclosed space below the lowest floor and below the Base Flood Elevation? ☐ Y ☐ N

Total square footage of enclosed area below BFE: \_\_\_\_\_

**Included Development Activities** *Check all other activities related to this project*

- |                                                        |                                                                       |                                   |
|--------------------------------------------------------|-----------------------------------------------------------------------|-----------------------------------|
| <input type="checkbox"/> Deck/Patio/Gazebo             | <input type="checkbox"/> Gas or liquid storage tank                   | <input type="checkbox"/> Clearing |
| <input type="checkbox"/> Fence                         | <input type="checkbox"/> Utilities, well, or other service facilities | <input type="checkbox"/> Fill     |
| <input type="checkbox"/> Watercourse Alteration        | <input type="checkbox"/> Bridge or culvert construction or alteration | <input type="checkbox"/> Mining   |
| <input type="checkbox"/> Road or trail construction    | <input type="checkbox"/> Subdivision                                  | <input type="checkbox"/> Drilling |
| <input type="checkbox"/> Excavation or Removal of Fill | <input type="checkbox"/> Recreational Vehicle Park                    | <input type="checkbox"/> Grading  |
| <input type="checkbox"/> Dredging                      | <input type="checkbox"/> Flood Control (berms, piling of fill, etc.)  |                                   |
| <input type="checkbox"/> Other (describe): _____       |                                                                       |                                   |

**Included Submittal Documents** *Check all that apply*

- |                                                                 |                                                                                  |
|-----------------------------------------------------------------|----------------------------------------------------------------------------------|
| <input type="checkbox"/> Completed application                  | <input type="checkbox"/> No-rise certificate (floodway)                          |
| <input type="checkbox"/> Location map with floodplain shown     | <input type="checkbox"/> Less than 1' rise determination (for SFHA w/o floodway) |
| <input type="checkbox"/> Site plan                              | <input type="checkbox"/> Copies of required state and federal permits            |
| <input type="checkbox"/> Grading plan                           | <input type="checkbox"/> Site specific BFEs                                      |
| <input type="checkbox"/> Construction specifications            | <input type="checkbox"/> CLOMR application                                       |
| <input type="checkbox"/> Cost estimate for improvements/repairs | <input type="checkbox"/> FEMA Elevation Certificate                              |
| <input type="checkbox"/> Other (describe): _____                |                                                                                  |

**Section C: Applicant Certification**

I (APPLICANT) CERTIFY THE ABOVE INFORMATION IS CORRECT AND AGREE TO CONSTRUCT THE PROJECT IN ACCORDANCE WITH THE APPROVED PLAT, PLANS, AND SPECIFICATIONS NOTED HEREIN AND IN STRICT COMPLIANCE WITH ALL PROVISIONS OF APPLICABLE REGULATIONS INCLUDING THOSE OUTLINED IN SECTION D. I AGREE TO NOT BEGIN DEVELOPMENT ACTIVITIES UNTIL THIS APPLICATION IS APPROVED BY THE FLOODPLAIN ADMINISTRATOR.

I UNDERSTAND THAT UPON APPROVAL BY THE FLOODPLAIN ADMINISTRATOR, THE PERMIT IS ISSUED WITH THE CONDITION THAT THE LOWEST FLOOR (INCLUDING BASEMENT) OF ANY NEW OR SUBSTANTIALLY IMPROVED RESIDENTIAL BUILDING WILL BE ELEVATED TO THE REQUIRED FLOOD PROTECTION ELEVATION IN SECTION D. IF THE PROPOSED DEVELOPMENT IS A NON-RESIDENTIAL BUILDING, THAT UPON APPROVAL BY THE FLOODPLAIN ADMINISTRATOR, THE PERMIT IS ISSUED WITH THE CONDITION THAT THE LOWEST FLOOR (INCLUDING BASEMENT) OF A NEW OR SUBSTANTIALLY IMPROVED NON-RESIDENTIAL BUILDING WILL BE ELEVATED TO THE REQUIRED FLOOD PROTECTION ELEVATION IN SECTION D, OR, TOGETHER WITH ATTENDANT UTILITY AND SANITARY FACILITIES, FLOODPROOFED BELOW THE REQUIRED FLOOD PROTECTION ELEVATION IN SECTION D.

I AGREE TO PROVIDE CERTIFICATION BY A REGISTERED, PROFESSIONAL ENGINEER, ARCHITECT, OR LAND SURVEYOR OF THE "AS-BUILT" LOWEST FLOOR ELEVATION (INCLUDING BASEMENT) OR FLOODPROOFED ELEVATION OF ANY NEW OR SUBSTANTIALLY IMPROVED BUILDING COVERED BY THIS PERMIT.

I UNDERSTAND THAT AN APPROVED FLOODPLAIN DEVELOPMENT PERMIT MAY BE REVOKED AT ANY TIME UPON VIOLATION OF ANY PROVISIONS OF APPLICABLE REGULATIONS.

I HEREBY REQUEST A FLOODPLAIN DEVELOPMENT PERMIT ON THE ABOVE DESCRIBED REAL PROPERTY, LOCATED WITHIN THE (INSERT COMMUNITY NAME), NEBRASKA.

\_\_\_\_\_  
Applicant Signature\_\_\_\_\_  
Print Name\_\_\_\_\_  
Date

## Section D: Project Requirements (To Be Completed by Floodplain Administrator)

## Floodplain Information

FEMA Flood Zone: ☐ A ☐ AE ☐ AH ☐ AO ☐ Floodway ☐ X (shaded) ☐ Other

Base Flood Elevation: \_\_\_\_\_ ☐ NGVD (29) ☐ NAVD (88)

Source of BFE: ☐ FIRM / FIS ☐ Nebraska Floodplain Division ☐ Other: \_\_\_\_\_

Required Flood Protection Elevation (FPE): ☐ NGVD (29) ☐ NAVD (88)

## Regulatory Requirements

## Residential:

Minimum required elevation of top of lowest floor: \_\_\_\_\_ ft. (Required Flood Protection Elevation)

Enclosed area below lowest floor and below BFE? ☐ Yes ☐ No

Requirements for enclosed area below BFE:

Required Net Area of Openings: \_\_\_\_\_ Square Inches

Minimum required elevation for utilities/equipment: \_\_\_\_\_ ft. (Required Flood Protection Elevation)

## Nonresidential:

Permitted Mitigation Method(s): ☐ Elevation of the Lowest Floor to or above required FPE

☐ Dry-floodproofing to or above required FPE

☐ Wet-floodproofing (only for pre-approved structures)

Required Net Area of Openings: \_\_\_\_\_ Square Inches

Enclosed area below lowest floor and below BFE? ☐ Yes ☐ No

Requirements for enclosed area below BFE:

Required Net Area of Openings: \_\_\_\_\_ Square Inches

Permitted Mitigation Method for Utilities/Equipment: ☐ Elevation to or above required FPE

☐ Dry-floodproofing to or above required FPE

Substantial Improvement Determination *For improvements/additions of an existing structure*

## Cost of Improvements:

Attach an itemized cost estimate; See FEMA's \*Included and Excluded Costs for Damage Repair Estimates\*

(a) \_\_\_\_\_

## Value of Structure:

Attach assessment documents

(b) \_\_\_\_\_

Calculate the following: (a) ÷ (b) x 100 = (c)

(c) \_\_\_\_\_

## Is the project a substantial improvement?

If (c) is greater than or equal to 50%, the project is a substantial improvement.

☐ Y ☐ N

If yes, project must meet applicable regulatory requirements listed above.

**Post-Construction Requirements**Elevation Certificate required post-construction? ☐ Y ☐ N*Certificate must be completed by a Nebraska registered, professional surveyor*Floodproofing Certificate required post-construction? ☐ Y ☐ N*Certificate must be completed by a Nebraska registered, professional engineer***Is the proposed development within a designated Floodway?** ☐ Yes ☐ NoIf yes, does this application include a certificate of no-rise from a registered, professional engineer? ☐ Yes ☐ No *\*If no, the permit may not be approved until a no-rise is provided***Is the proposed development in an A or AE zone without a designated floodway?** ☐ Yes ☐ NoIf yes, does this application include a determination that the development will result in less than 1 foot of cumulative floodwater rise? ☐ Yes ☐ No *\*If no, the permit may not be approved until a determination rise is provided***For Developments in all Flood Zones**

|                              |                             |                              |                                                                                                                                                                    |
|------------------------------|-----------------------------|------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> N/A | Anchored?                                                                                                                                                          |
| <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> N/A | Materials and equipment are resistant to flooding?                                                                                                                 |
| <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> N/A | Minimizes flood damage and is reasonably safe from flooding?                                                                                                       |
| <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> N/A | Provides adequate drainage to reduce exposure to flood hazards?                                                                                                    |
| <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> N/A | All electrical, heating, ventilation, air conditioning, plumbing, and any other service facilities have been designed and located to prevent entry of floodwaters? |
| <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> N/A | Materials that are buoyant, flammable, explosive, or could be injurious to human, animal, or plant life?                                                           |

**Required Submittal Documents** *Check all that apply*

|                                                                 |                                                                                  |
|-----------------------------------------------------------------|----------------------------------------------------------------------------------|
| <input type="checkbox"/> Completed application                  | <input type="checkbox"/> No-rise certificate (floodway)                          |
| <input type="checkbox"/> Location map with floodplain shown     | <input type="checkbox"/> Less than 1' rise determination (for SFHA w/o floodway) |
| <input type="checkbox"/> Site plan                              | <input type="checkbox"/> Copies of required state and federal permits            |
| <input type="checkbox"/> Grading plan*                          | <input type="checkbox"/> Site specific BFEs**                                    |
| <input type="checkbox"/> Construction specifications            | <input type="checkbox"/> CLOMR application***                                    |
| <input type="checkbox"/> Cost estimate for improvements/repairs | <input type="checkbox"/> FEMA Elevation Certificate                              |
| <input type="checkbox"/> Other (describe):                      |                                                                                  |

*\* If grades are not changing as a result of site work, a current topographical map of the site will suffice in lieu of a grading plan. All site plans must detail the location, elevation, and design of mechanical equipment. Additional information and materials may be required**\*\* For developments larger than 5 acres or 50 lots**\*\*\*For developments resulting in floodwater rise above permissible levels, changes to base flood elevations, or changes to floodplain boundaries***Application Determination: For Official Use Only**☐ Permit Approved ☐ Additional Information Required *\*See attached* ☐ Permit Denied**If Approved:**\_\_\_\_\_  
Floodplain Administrator Signature\_\_\_\_\_  
Permit Approval Date\_\_\_\_\_  
Permit Expiration Date

Place  
Jurisdiction  
Seal

**FOR OFFICIAL USE ONLY**

Floodplain Ordinance / Resolution #:

Date Filed:

Jurisdiction:

Date Decided:

Permit No.:

Approved? Y N

Fee:

Notes:

# Floodplain Development Permit Application: Non-structural

*\*Insert Community Office Address and FPA Contact Information Here\**

## Section A: Applicant and General Property Information

### Owner Information

Property Owner Name: \_\_\_\_\_

Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Phone: \_\_\_\_\_

Email: \_\_\_\_\_

### Applicant Information *If different than owner.*

Applicant Name: \_\_\_\_\_

Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Phone: \_\_\_\_\_

Email: \_\_\_\_\_

License No.: \_\_\_\_\_

### Site Information

Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Parcel #: \_\_\_\_\_

Lot & Block Subd. / PLSS (S-T-R): \_\_\_\_\_

## Section B: Description of Proposed Project

### Project Narrative:

### Included Development Activities *Check all that apply*

- |                                                        |                                                                       |                                   |
|--------------------------------------------------------|-----------------------------------------------------------------------|-----------------------------------|
| <input type="checkbox"/> Deck/Patio/Gazebo             | <input type="checkbox"/> Gas or liquid storage tank                   | <input type="checkbox"/> Clearing |
| <input type="checkbox"/> Fence                         | <input type="checkbox"/> Utilities, well, or other service facilities | <input type="checkbox"/> Fill     |
| <input type="checkbox"/> Watercourse Alteration        | <input type="checkbox"/> Bridge or culvert construction or alteration | <input type="checkbox"/> Mining   |
| <input type="checkbox"/> Road or trail construction    | <input type="checkbox"/> Subdivision                                  | <input type="checkbox"/> Drilling |
| <input type="checkbox"/> Excavation or Removal of Fill | <input type="checkbox"/> Recreational Vehicle Park                    | <input type="checkbox"/> Grading  |
| <input type="checkbox"/> Other (describe): _____       | <input type="checkbox"/> Flood Control (Berm, piling of fill, etc.)   | <input type="checkbox"/> Dredging |

### Included Submittal Documents *Check all that apply*

- |                                                             |                                                                                  |
|-------------------------------------------------------------|----------------------------------------------------------------------------------|
| <input type="checkbox"/> Completed application              | <input type="checkbox"/> No-rise certificate (floodway)                          |
| <input type="checkbox"/> Location map with floodplain shown | <input type="checkbox"/> Less than 1' rise determination (for SFHA w/o floodway) |
| <input type="checkbox"/> Site plan                          | <input type="checkbox"/> Copies of required state and federal permits            |
| <input type="checkbox"/> Grading plan*                      | <input type="checkbox"/> Site specific BFEs**                                    |
| <input type="checkbox"/> Construction specifications        | <input type="checkbox"/> CLOMR application***                                    |
| <input type="checkbox"/> Other (describe): _____            |                                                                                  |

*\* If grades are not changing as a result of site work, a current topographical map of the site will suffice in lieu of a grading plan. All site plans must detail the location, elevation, and design of mechanical equipment. Additional information and materials may be required*

*\*\* For developments larger than 5 acres or 50 lots*

*\*\*\*For developments resulting in floodwater rise above permissible levels, changes to base flood elevations, or changes to floodplain boundaries*

**Section C: Applicant Certification**

I (APPLICANT) CERTIFY THE ABOVE INFORMATION IS CORRECT AND AGREE TO CONSTRUCT THE PROJECT IN ACCORDANCE WITH THE APPROVED PLAT, PLANS, AND SPECIFICATIONS NOTED HEREIN AND IN STRICT COMPLIANCE WITH ALL PROVISIONS OF APPLICABLE REGULATIONS INCLUDING THOSE OUTLINED IN SECTION D BELOW. I AGREE TO NOT BEGIN DEVELOPMENT ACTIVITIES UNTIL THIS APPLICATION IS APPROVED BY THE FLOODPLAIN ADMINISTRATOR.

I UNDERSTAND THAT AN APPROVED FLOODPLAIN DEVELOPMENT PERMIT MAY BE REVOKED AT ANY TIME UPON VIOLATION OF ANY PROVISIONS OF APPLICABLE REGULATIONS.

I HEREBY REQUEST A FLOODPLAIN DEVELOPMENT PERMIT ON THE ABOVE DESCRIBE REAL PROPERTY, LOCATED WITHIN THE (INSERT COMMUNITY NAME), NEBRASKA.

\_\_\_\_\_  
Applicant Signature

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Date

**Section D: To Be Completed by the Floodplain Administrator****Floodplain Information**

**FEMA Flood Zone:**    \_\_\_ A    \_\_\_ AE    \_\_\_ AH    \_\_\_ AO    \_\_\_ Floodway    \_\_\_ X (shaded)    \_\_\_ Other

**Base Flood Elevation:**    \_\_\_\_\_ NGVD (29) / NAVD (88)

Source of BFE:    \_\_\_ FIRM / FIS    \_\_\_ Nebraska Floodplain Division    \_\_\_ Other: \_\_\_\_\_

**Required Flood Protection Elevation:**    \_\_\_\_\_ NGVD (29) / NAVD (88)

**Is the proposed development within a designated Floodway?**    \_\_\_ Yes    \_\_\_ No

If yes, does this application include a certificate of no-rise from a registered, professional engineer?    \_\_\_ Yes    \_\_\_ No    *\*If no, the permit may not be approved until a no-rise is provided*

**Is the proposed development in an A or AE zone without a designated floodway?**    \_\_\_ Yes    \_\_\_ No

If yes, does this application include a determination that the development will result in less than 1 foot of cumulative flood-water rise?    \_\_\_ Yes    \_\_\_ No    *\*If no, the permit may not be approved until a determination of rise is provided*

**For Developments in all Flood Zones**

\_\_\_ Yes    \_\_\_ No    \_\_\_ N/A

Anchored?

\_\_\_ Yes    \_\_\_ No    \_\_\_ N/A

Materials and equipment are resistant to flooding?

\_\_\_ Yes    \_\_\_ No    \_\_\_ N/A

Minimizes flood damage and is reasonably safe from flooding?

\_\_\_ Yes    \_\_\_ No    \_\_\_ N/A

Provides adequate drainage to reduce exposure to flood hazards?

\_\_\_ Yes    \_\_\_ No    \_\_\_ N/A

All electrical, heating, ventilation, air conditioning, plumbing, and any other service facilities have been designed and located to prevent entry of floodwaters?

\_\_\_ Yes    \_\_\_ No    \_\_\_ N/A

Materials that are buoyant, flammable, explosive, or could be injurious to human, animal, or plant life? *\*If yes, the permit cannot be approved*

**Application Determination: For Official Use Only**

\_\_\_ Permit Approved    \_\_\_ Additional Information Required *\*See attached*    \_\_\_ Permit Denied

**If Approved:**

\_\_\_\_\_  
Floodplain Administrator Signature

\_\_\_\_\_  
Permit Approval Date

\_\_\_\_\_  
Permit Expiration Date

Place  
Jurisdiction  
Seal

## Request for Information – Incomplete Floodplain Development Permit Application

### General Information

For Permit No.: \_\_\_\_\_ Requested by: \_\_\_\_\_  
Date Requested: \_\_\_\_\_ FPA Phone: \_\_\_\_\_  
Date information needed by: \_\_\_\_\_ FPA Email: \_\_\_\_\_  
*After this date, a new permit application must be submitted.*

### Additional Documentation Requested

The following information was not included in your initial floodplain development permit application. To process your request, please provide the following information to the floodplain administrator by the date indicated in the General Information section above. If the requested information is not provided by the deadline, a new floodplain development permit application must be submitted. DO NOT begin any development activity until an approved floodplain development permit is granted by the floodplain administrator.

- |                                                                    |                                                                                  |
|--------------------------------------------------------------------|----------------------------------------------------------------------------------|
| <input type="checkbox"/> Applicant contact information             | <input type="checkbox"/> No-rise certificate                                     |
| <input type="checkbox"/> Applicant license number                  | <input type="checkbox"/> Less than 1' rise determination                         |
| <input type="checkbox"/> Site Address, Parcel No., or Legal Desc.  | <input type="checkbox"/> Required state or federal permits <i>(see comments)</i> |
| <input type="checkbox"/> Better description of project             | <input type="checkbox"/> Site specific BFE                                       |
| <input type="checkbox"/> Location map                              | <input type="checkbox"/> CLOMR application                                       |
| <input type="checkbox"/> Site plan (including floodplain/floodway) | <input type="checkbox"/> Pre-construction Elevation Certificate*                 |
| <input type="checkbox"/> Grading plan                              | <input type="checkbox"/> Elevation Certificate for existing structure            |
| <input type="checkbox"/> Construction specifications               | <input type="checkbox"/> Floodproofing Certificate                               |
| <input type="checkbox"/> Floor plans                               | <input type="checkbox"/> Flood opening/vent specifications                       |
| <input type="checkbox"/> Project cost estimate                     |                                                                                  |

Additional Comments or Other Documentation Requested (Describe):

### Floodplain Administrator Certification

FPA Signature: \_\_\_\_\_  
*The above signature does not grant permission to begin development.*

Date: \_\_\_\_\_

## Appendix D: Documentation and Filing Matrix

This matrix is intended to provide a general list of required and recommended documents that local floodplain managers should maintain with a property's file. This matrix applies to new construction in the floodplain and should not be considered a comprehensive guide for every possible document that may be required to verify compliance with local regulations.

|                          |                          | <div>X = Required<br/>R = Recommended<br/>D = If Dry Floodproofing is Used</div> <div><b>Document Type:</b><br/>FDP = Floodplain Development Permit<br/>L = Location Map with Floodplain Shown<br/>SP = Site Plan<br/>GP = Grading Plan<br/>CS = Construction Specifications/Blueprints<br/>NR = No-rise Determination<br/>LFRD = Less than One Foot Rise Determination<br/>BFE-ENG = Site Specific BFE from an engineer<br/>BFE-FIS = Base Flood Elevation from Flood Insurance Study<br/>BFE-DWEE = Base Flood Elevation from DWEE<br/>EC = Post-construction Elevation Certificate<br/>FPC = Floodproofing Certificate<br/>EP = Emergency Operations Plan</div> |   |    |    |    |    |      |         |         |          |    |     |     |
|--------------------------|--------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|----|----|----|----|------|---------|---------|----------|----|-----|-----|
| Project Type             | Flood Zone               | FDP                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | L | SP | GP | CS | NR | LFRD | BFE-ENG | BFE-FIS | BFE-DWEE | EC | FPC | EOP |
| Residential Structure    | Zone A                   | X                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | X | X  | X  | X  |    | X    |         |         | X        | X  |     |     |
|                          | Zone AE without Floodway | X                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | X | X  | X  | X  |    | X    |         | X       |          | X  |     |     |
|                          | Zone AE with Floodway    | X                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | X | X  | X  | X  |    | R    |         | X       |          | X  |     |     |
|                          | Floodway                 | Not Permissible                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |   |    |    |    |    |      |         |         |          |    |     |     |
| Nonresidential Structure | Zone A                   | X                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | X | X  | X  | X  |    | X    |         |         | X        | X  | D   |     |
|                          | Zone AE without Floodway | X                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | X | X  | X  | X  |    | X    |         |         |          | X  | D   |     |
|                          | Zone AE with Floodway    | X                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | X | X  | X  | X  |    | R    |         | X       |          | X  | D   |     |

|                         |                                                                                                                 |   |   |   |   |   |   |   |   |   |   |   |   |   |
|-------------------------|-----------------------------------------------------------------------------------------------------------------|---|---|---|---|---|---|---|---|---|---|---|---|---|
|                         | Floodway                                                                                                        | X | X | X | X | X | X |   |   | X |   | X | D |   |
| Non-structure           | Zone A                                                                                                          | X | X | X | X |   |   | X |   |   | X |   |   |   |
|                         | Zone AE without Floodway                                                                                        | X | X | X | X |   |   | X |   | X |   |   |   |   |
|                         | Zone AE with Floodway                                                                                           | X | X | X | X |   |   | R |   | X |   |   |   |   |
|                         | Floodway                                                                                                        | X | X | X | X |   | X |   |   | X |   |   |   |   |
| Other Development Types | Storage of materials                                                                                            | X | X | X |   |   |   |   |   |   |   |   |   | X |
|                         | Recreational Vehicle Park                                                                                       | X | X | X |   |   |   |   |   |   |   |   |   | X |
|                         | Development or subdivision proposal greater than 5 acres or 50 lots (whichever is less) in Zone A               | X | X | X | X |   |   | X | X |   |   |   |   |   |
|                         | Development or subdivision proposal greater than 5 acres or 50 lots (whichever is less) in Zone AE w/o Floodway | X | X | X | X |   |   | X | X |   |   |   |   |   |
|                         | Development or subdivision proposal greater than 5 acres or 50 lots (whichever is less) in Zone AE w/ Floodway  | X | X | X | X |   |   | R |   | X |   |   |   |   |
|                         | Development or subdivision proposal greater than 5 acres or 50 lots (whichever is less) in Floodway             | X | X | X | X |   | X |   |   | X |   |   |   |   |

## Appendix E: Template Violation Notification Letter

This template letter may be used to notify a property owner of a violation, whether for unpermitted development or otherwise non-compliant activities in the floodplain. It is always recommended that communities provide an official notification to the property owner before starting any procedures for penalties or enforcement actions. For assistance with following enforcement procedures, contact the DWEE Floodplain Management Division.

[ Place on Community Letterhead ]

[ Date ]

[ Property Owner Name ]

[ Property Owner Address Line 1 ]

[ Property Owner Address Line 2 ]

Subject: Notice of Non-compliance with [ Community Name ] Floodplain Management Regulations

Dear [ Property Owner Name ],

[ Community Name ] has been made aware that [ Development Type ] is in violation of [ Community Name ]'s [ Ordinance/Resolution/Other Document Number # ].

[Insert a narrative describing the violation, including flood zone, dates of inspections, permit number or list that it was unpermitted, or other information related to confirmation of the violation.]

This activity is in violation of [ Community Name ]'s [ Ordinance/Resolution/Other Document Number # ], Sections #, #, #, etc. ]:

[ Insert relevant language/paragraph/section from floodplain regulations. ]

This document serves as an official notice of the violation. It is your responsibility to bring this violation into compliance with [Community Name] regulations. If you fail to bring this violation into compliance, enforcement actions may be required. These actions may include [ Copy relevant language from community regulations related to enforcement and penalties, including relevant section numbers. ]

To prevent enforcement procedures from being activated, please contact the Floodplain Administrator, [Floodplain Administrator Name] to discuss a reasonable path toward resolution of this violation. [ Insert language describing remedial actions that will bring the development into compliance. ]

[ Property Owner ] must contact [ Floodplain Administrator Name ]'s office within [ XX ] working days of this notice discuss the matter and develop a plan to achieve compliance. If adequate steps are not taken to rectify this issue, [ Community Name ] will proceed with activating

enforcement procedures. If proper documentation is provided to my office and the violation is resolved, this notice with [ Community Name ] will be closed.

Please contact [ Floodplain Administrator Position ] with any questions. Your assistance on this matter is greatly appreciated.

[ Floodplain Administrator Name ]  
[ Office Address ]  
[ Phone ]  
[ Email ]

Sincerely,

## Resource Directory

The section lists the references cited in the guide.

Code of Federal Regulations. 2026. General Provisions. Available at <https://www.ecfr.gov/current/title-44/chapter-I/subchapter-B/part-59>

Code of Federal Regulations. 2026. Criteria for Land Management and Use. Available at <https://www.ecfr.gov/current/title-44/chapter-I/subchapter-B/part-60>

Nebraska Revised Statutes Chapter 31. 1983. Flood Plain. Available at [https://nebraskalegislature.gov/laws/search\\_range\\_statute.php?begin\\_section=31-1001&end\\_section=31-1023](https://nebraskalegislature.gov/laws/search_range_statute.php?begin_section=31-1001&end_section=31-1023)

Nebraska Administrative Code Title 455, Chapter 1. 2008. Rules and Regulations Concerning Minimum Standards for Floodplain Management Programs. Available at <https://rules.nebraska.gov/>

DWEE (Department of Water, Energy, and Environment) Floodplain Management. 2026. Nebraska Floodplain Interactive Map. Available at <https://dwee.nebraska.gov/floodplain-map>

DWEE Floodplain Management Resources. Various. Current editions available at <https://dwee.nebraska.gov/floodplain/digital-desk-reference>

- Nebraska Flood Hazard Mitigation Plan
- Nebraska Model Ordinances
- Nebraska Substantial Damage Handbook

DWEE Floodplain Management Webpages. Various. Available at: <https://dwee.nebraska.gov/floodplain>

- Flood Insurance
- Digital Desk Reference
- Model Ordinances
  - Nebraska Guide to Optional or Higher Standards for Floodplain Administration
- Request a Base Flood Elevation Determination
  - “Use and Limitations” of DWEE BFE Determinations
- Floodplain Mapping
- Training and Workshops

FEMA (Federal Emergency Management Agency). Various. NFIP Technical Bulletins. Current editions available at <https://www.fema.gov/emergency-managers/risk-management/building-science/national-flood-insurance-technical-bulletins>

- Technical Bulletin 1
- Technical Bulletin 2
- Technical Bulletin 3

FEMA publications in order of appearance. Current editions available at <https://www.fema.gov/multimedia-library>

- FEMA. 2010. P-758, Substantial Improvement / Substantial Damage Desk Reference

- FEMA. 2023. Instructions for MT-2 Forms
- FEMA. 2024. Guidance for Flood Risk Analysis and Mapping: MT-2 Requests
- FEMA. 2014. P-993, Variances and the National Flood Insurance Program

FEMA. 2026. Flood Map Tutorials. Available at <https://www.fema.gov/flood-maps/tutorials>

FEMA. 2026. Map Service Center. Available at <https://msc.fema.gov/portal/home>

FEMA. 2026. National Flood Hazard Layer Viewer. Available at  
<https://www.fema.gov/flood-maps/national-flood-hazard-layer>

NBELS (Nebraska Board of Examiners for Land Surveyors). Professional Land Surveyor Roster. Available at <https://nbels.nebraska.gov/lalpha.html>

State of Nebraska Board of Engineers and Architects. Licensee Search. Available at  
<https://www.nebraska.gov/ea/search/search.php>



245 Fallbrook Blvd., Suite 100  
Lincoln, Nebraska 68521-6729  
(402) 471-2186