

# Regulating Within a Floodway

## FREQUENTLY ASKED QUESTIONS

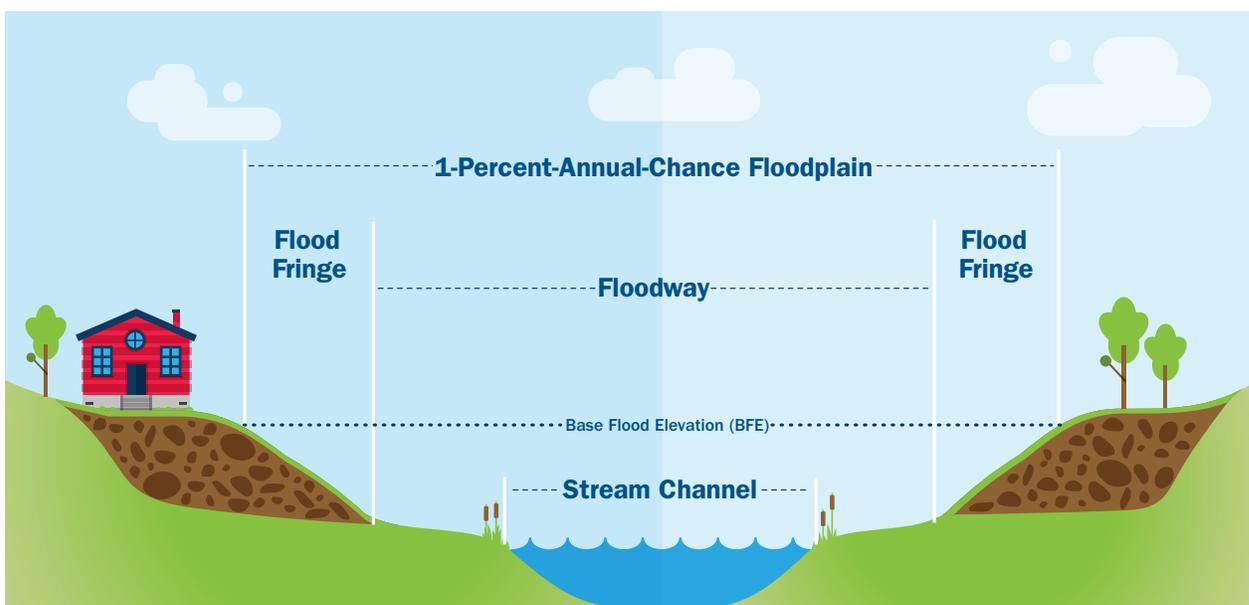
Addressing the regulatory implications of a mapped floodway on development and redevelopment and the additional requirements for modifications to the floodway

### WHAT IS THE DIFFERENCE BETWEEN A FLOODPLAIN AND A FLOODWAY?

**A floodplain** is comprised of the floodway and the flood fringe. The floodway includes the channel and adjacent overbank areas necessary to effectively convey floodwaters. The flood fringe are lands outside the floodway, at or below the Base Flood Elevation, that store but do not effectively convey floodwaters. FEMA regulates the floodplain to represent the 1 percent-annual-chance flood, known as the base flood.

**A floodway** is the primary conveyance area of a channel's cross-section that is the natural conduit for flood waters. The floodway must remain open in order to allow flood waters to pass. When the floodway is obstructed by buildings, structures, or debris, flood waters will back up, resulting in greater flooding potential upstream.

**The distinction between the two is important when considering development and mitigating risk in a community.**



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## WHY DO WE REGULATE FLOODWAYS AND FLOODPLAINS?

Floodway and floodplain regulations not only enhance a community's resilience, they also:

- **Protect people and property.** Floodplain and floodway management is about building smart and reducing our vulnerability to flooding. If we know the land will flood from time to time, we should make reasonable decisions to help protect our families, homes, and businesses.
- **Reduce future flood losses in Boulder County.** Floodplain and floodway development regulations are designed to protect our residents from future flood losses. Regulating floodplain development helps keep flooding conditions from worsening as development continues.
- **Ensure federal flood insurance and disaster assistance is available.** The National Flood Insurance Program (NFIP) is a voluntary program that communities may elect to join. By joining the NFIP the community takes responsibility for managing and regulating floodplains and floodways. In turn, residents may purchase federally-backed flood insurance and the community may be eligible for several types of federal assistance. Therefore, not joining and participating in the NFIP means communities will be ineligible for some types of federal assistance and many residents would not be able to secure most types of federally-backed loans to purchase real estate located in a floodplain or floodway.
- **Save tax dollars.** Every flood disaster affects your community's budget. If we build smart, we will have fewer problems the next time the water rises. Remember, federal disaster assistance is not available for all floods. Even when the President declares a disaster, your community still has to pay a portion to cover the costs of evacuation, temporary housing, repair, and cleanup.
- **Avoid liability and lawsuits.** If we know an area is mapped as floodplain or floodway and likely to flood, if we know people could be in danger, and if we know that buildings could be damaged, it makes sense to take reasonable protective steps when we develop and build in such an area.

## CAN I BUILD IN A FLOODWAY?

Boulder County prohibits the construction of new buildings or additions in the floodway. If you think of the floodway as a highway for floodwaters to travel, it helps visualize the inherent risk of building in that space. Building in a floodway alters that pathway and can increase the flood risk in a community, which is why such activity must be regulated.

Boulder County reviews all proposed projects in the floodway and floodplain to determine their eligibility for development. Before a Floodplain Development Permit can be issued for projects in the floodway, the applicant must provide evidence that "no rise" (see sidebar) will occur or obtain a Conditional Letter of Map Revision (CLOMR) from FEMA. You will need a qualified engineer to make sure your proposed project will not increase flood levels. This ensures it will not have a negative effect on neighboring properties by increasing flood risk. Additionally, applicants must comply with all additional Boulder County floodway restrictions.

### "NO RISE" IN THE FLOODWAY

- Development is not allowed unless "no rise" in flood levels is certified. "No rise" means no increase in flood elevations greater than 0.00 feet. Essentially, when it comes to flood level rise, zero means zero.
- A registered professional engineer must evaluate the hydraulic impact of proposed development.
- Check with the the Boulder County floodplain administrator for additional guidance before you decide to work in a floodway.
- In the event a "no rise" certification cannot be obtained, then a Conditional Letter of Map Revision (CLOMR) must be submitted and approved by FEMA before work can be performed.

Please refer to Boulder County's Land Use Code Section 4-400 for any additional floodplain management requirements.

## ARE INSURANCE RATES DIFFERENT FOR BUILDINGS IN A FLOODWAY?

Floodways do not affect the cost or availability of flood insurance.



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## WHERE CAN I GO FOR MORE INFORMATION?

- For advice on flood information and permits, call Boulder County's Floodplain Management Program at 303-441-3900.
- The Colorado Water Conservation Board (CWCB) and Boulder County administer the NFIP. More information about CWCB is available at: <http://cwcb.state.co.us>
- For question about flood maps, contact a Map Specialist by phone (877) FEMA MAP (1 877-336-2627) or by email at [FEMAMapSpecialist@riskmapcds.com](mailto:FEMAMapSpecialist@riskmapcds.com). Hours of Operation: Monday through Friday, 8 a.m. through 6:30 p.m. Eastern Time (ET).
- Learn more about flood maps and check the status of Map Change Requests at <http://www.fema.gov/national-flood-insurance-program/flood-map-information>.
- To learn about flood insurance, call your insurance agent or visit [www.FloodSmart.gov](http://www.FloodSmart.gov). Most insurance companies can write an NFIP policy for you. For the name of an agent in your area, visit [www.FloodSmart.gov](http://www.FloodSmart.gov) or call 1-888-379-9531.



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