

An Applicant's Guide to No-Impact Certification (aka No-Rise Certification)

Refer to this page for general floodway information: <https://www.lee.gov/dcd/flood/firm/zones/regulatoryfloodway>

Per Lee County Land Development Code Sec. 6-487. - Limitations on sites in regulatory floodways.

No development, including but not limited to site improvements, and land disturbing activity involving fill or regrading, may be authorized in the regulatory floodway unless the floodway encroachment analysis required in [section 6-446\(1\)](#) of this article demonstrates that the proposed development or land disturbing activity will not result in any increase in the base flood elevation. ([Ord. No. 15-09](#), § 1, 5-19-15)

The Federal Emergency Management Agency has established regulatory floodways, which are the channel of a river or other watercourse and the channel's adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. All projects in the regulatory floodway must be reviewed to determine if the project will increase flood heights (this is called an "encroachment review"). Before a permit can be issued, an engineering analysis must be conducted to determine the effect on flood flows and to ensure the project does not cause problems. Communities are required to prohibit encroachments including fill, new construction, substantial improvements, and other development within the adopted regulatory floodway **unless it has been demonstrated that the proposed encroachment would not result in any increase in flood levels.**

This demonstration can be made through a No-Impact Certification, which must be submitted with the permit application. (The No-Impact Certification may be submitted prior to the permit application submittal, but only if all supporting documentation and technical data for encroachment review is included).

The No-Impact Certification must be signed and sealed by a Professional Engineer who is licensed in the State of Florida.

This is Unincorporated Lee County's preferred format to be placed on Engineer's company letterhead:

This is to certify that I am a duly qualified, registered professional engineer licensed to practice in the State of Florida. It is further to certify that the attached technical data supports the fact that proposed (explain project) will not impact the 100-year flood elevations, floodway elevations, or floodway widths on (name the floodway) Regulatory Floodway at published sections in the Flood Insurance Study for Lee County, Florida dated November 17, 2022 and will not impact the 100-year flood elevations, floodway elevations, or floodway widths at unpublished cross-sections in the vicinity of the proposed project.

Attached are the following documents and technical data that support my findings:

Please be sure to use
this format on
company letterhead.

(Date)

(Signature)

(Title)

seal:

There are two approaches for the No-Impact Certification:

- 1) Narrative certifications for minor projects
- 2) Technical certifications for projects that require modeling

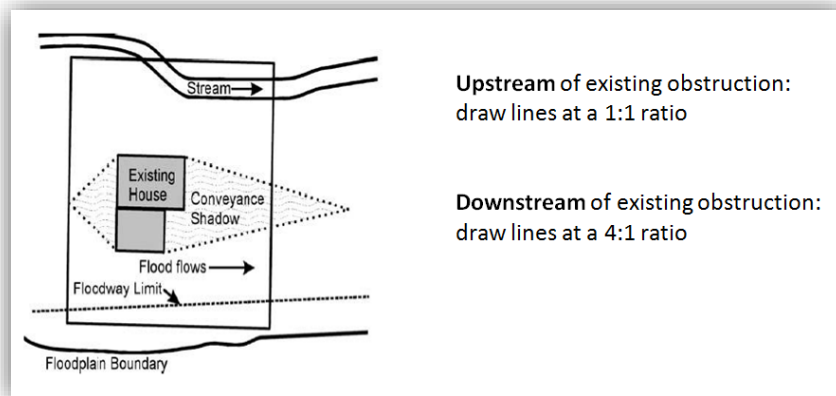
Engineers should present supporting documents and data specific to the project, which may include the following general recommendations.

Approach 1
Narrative
Certifications for Minor Projects

The No-Impact Certification for minor projects too small to warrant an engineering study may be determined using logic and common sense without preparation of a water model of hydrologic and hydraulic analyses. These may include erection of fences, pool enclosures, sheds and other small accessory structures in developed areas, as well as docks, at-grade improvements, such as a driveway, or improvements to existing sidewalks, entry areas and parking areas.

Location in the “conveyance shadow” may allow this narrative review for building additions, accessory buildings, and similar small projects. This is the area upstream and downstream (in the shadow) of an existing building or other obstruction to flood flows. Flood water is already flowing around the larger obstruction, so the addition of a new structure will not change existing flood flow.

Determining the limits of the conveyance shadow is illustrated in the figure below. Small structures located completely within the shadow can be permitted without the engineering analysis needed for a No-Impact Certification, however a “narrative” certification is still required. Please include a drawing similar to the one below if you are making the argument that the new structure is in the conveyance shadow.



Support for a Narrative No-Impact Certification for a minor project should include:

- A site drawing of the proposed construction that identifies the FIRM panel and includes a northward pointing arrow and distance scale. The drawing should show:
 - The position of all structures on the parcel
 - Direction of the flows
 - Any conveyance, hydrological feature, or FIRM map panel feature that are referred to in the certification, the permit application, or construction plans

- A detailed description of the new construction/encroachment to the floodway, including dimensions and materials.
- An Elevation Certificate or survey data that identifies the Lowest Adjacent Grade and Required Base Flood Elevation of the proposed structure.
- Dock and shoreline project considerations could include:
 - Flow velocity in the channel, with a likely guideline of being below 1 foot per second
 - Placement and number of pilings, with a likely guideline of not exceeding two rows of piles to be aligned with the flow of the channel and placed no closer than approximately six feet
- The use of horizontal bracing or cross members, with the likely guideline that they should not be perpendicular to the flow or below the regulatory floodway elevation or base flood requirement.

Approach 2 Technical Certifications for Projects that Require Modeling

Construction of new buildings or substantial improvements to existing buildings in the regulatory floodway require the applicant to provide hydrologic and hydraulic analyses in accordance with standard engineering practice to demonstrate that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.

At a minimum, this requires:

- A narrative description of the proposed construction and description of the analysis
- A HEC-RAS model natural run of existing conditions without the proposed development in place and with the addition of site-specific, new cross-sections in the vicinity of the proposed construction with calculations and reports.
- A HEC-RAS model natural run of proposed conditions with the proposed development in place and with the addition of site-specific, new cross-sections in the vicinity of the proposed construction with calculations and reports
- Check –RAS model reports and response
- Summary of stages
- Attached topographic map
- model files and digital mapping (acceptable formats: CD, thumb drive, file transfer link)

Letters of Map Revision in floodways

For map revision projects (after a No-Rise Certification has already been approved) located within the regulatory Floodway, keep in mind that FEMA may require a LOMR (MT-2) application, NOT a LOMR-F (MT-1) application. FEMA may require an MT-1 (Conditional Letters of Map Change based on fill aka CLOM-R) or an MT-2 Revision application for to be submitted for proposed encroachments within the regulatory floodway to determine the encroachments will not cause an increase in BFEs **even if a No-Impact Certification has already been reviewed and approved under the location community official**. FEMA will conduct its own separate review under the MT-2 process. (Refer to 44 CFR Part 65.5 and 70 of the NFIP Regulations which cover the Amendments process in its entirety (CLOMAs, LOMAs, CLOMR-Fs & LOMR-Fs). 65.5(a) references the requirements for fill cases, excluding V Zones and Floodway and with no change to BFEs. Part 70 covers the LOMA process). 60.3(d)(3) refers to the requirements prohibiting encroachments within the regulatory floodway unless it can be demonstrated through H&H that the encroachment would not cause an increase in flood levels. Parts 65.6 & 65.7 are under the MT-2 revisions process and explain the requirements for LOMRs including floodway revisions. Also refer to FEMA 480, Unit 5, NFIP Floodplain Mgmt. Requirements under Encroachments. In order to determine that fill or other encroachments within the adopted regulatory floodway have not caused an increase in flood levels, such projects must be reviewed under the MT-2 revisions process, even if a physical revision to the FIRM is not warranted.

Please contact FEMA's Map Service Center for detailed questions regarding Letters of Map Revision based on Fill in a Floodway: (877) 336-2627, FEMAMapSpecialist@riskmapcds.com or FEMA-FMIX@fema.dhs.gov