

DISPATCHED

1986 APR 23 AM 11:47

FEMA MAIL
OPERATIONS

FEMA CENTRAL FILES
FEMA READING FILES
BRAGG
IA CENTRAL FILES
THOMAS
ROBINSON
REGIONAL DIRECTOR
OFFICE CHRON

MAIL ROOM
MAIL ROOM
IA
IA-OLR
IA-OLR
IA-OLR
4
IA-OLR

F-2

APR 23 1986

Mr. Charles A. Parks
Planning and Development
Manatee County Government
212 6th Avenue East
Bradenton, Florida 33508

Dear Mr. Parks:

This is in response to your letter of December 13, 1985, regarding an interpretation of National Floodplain Insurance Program (NFIP) floodplain management criteria. In particular, you raised an issue concerning whether floodway provisions at 44 CFR 60.3(d)(3) apply to additions to existing structures which are not substantial improvements. I apologize for our delay in developing a response.

Paragraph 60.3(d)(3) requires that communities "prohibit encroachments, including fill, new construction, substantial improvements, and other development within the adopted regulatory floodway that would result in any increase in flood levels within the community during the occurrence of the base flood discharge." This requirement applies not only to fill, new construction, and substantial improvements but also to other "development." "Development" is defined at §59.1 as follows:

"Development" means any man-made change to improved or unimproved real estate including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

Additions to existing structures which were not substantial improvements would be included under this definition since they would be a man-made change to improved real estate. Therefore, an addition to a structure that was not a substantial improvement falls under the definition of development and must meet the requirements of §60.3(d)(3). You should require a hydraulic analysis before allowing such an addition. I am enclosing a copy of a FEMA publication entitled "The Floodway: A Guide for Community Permit Officials." Page 11 of that publication provides further guidance on this and other floodway issues.

Note that many of the other requirements in NFIP criteria must only be applied to "new construction" and "substantial improvements". "New construction" also includes any repairs, reconstructions, additions or other improvements to structures that meet the "new

- 2 -

construction" definition (e.g., structures for which start of construction commenced on or after the effective date of a floodplain management regulation adopted by a community.) If the floodway addition were to a structure that was new construction or was a substantial improvement to an existing structure, it would not only have to comply with the no increase in flood stage requirement at §60.3(d)(3), but would also have to be elevated or floodproofed in accordance with §60.3(c)(2) or (3).

You also raised the issue of whether such additions would have to meet V-Zone requirements at §60.3(e). They would have to meet these requirements if they were substantial improvements or if they were additions of any size to "new construction".

I am enclosing two copies of NFIP criteria as you requested. These copies include the NFIP Final Rule dated September 4, 1985, which became effective on January 1, 1986. If I have not fully addressed your concerns, please feel free to contact me or our Region IV Office in Atlanta. Their address is Gulf Oil Building, Suite 700, 1375 Peachtree Street, NE., Atlanta, Georgia 30309. The telephone number is (404) 347-2400.

Sincerely,

SIGNED

Frank H. Thomas
Assistant Administrator
Office of Loss Reduction

IA-OLR:ROBINSON:dm/6-2716/416DONO/4-21-86 (DISK 11)

IA-OLR
ROBINSON

IA-OLR
THOMAS