



Determining if a Flood Plain Permit is Required – Building and Placement of Associated Fill

This form has been developed to help you determine if a flood plain permit will be required from the Iowa DNR for a project on or near a river or stream. You must also obtain approval from the Iowa DNR Sovereign Lands Program (515) 725-8464, the U.S. Army Corps of Engineers (309) 794-5371, and your local flood plain manager (if applicable) before beginning construction. You are legally responsible if you proceed with a project without obtaining all required permits.

When is a DNR Flood Plain Permit Required?

Approval by the department for construction, use and maintenance of buildings* and for placement of fill is required as described in the following thresholds:

71.7(1) Building and placement of associated fill in urban areas (incorporated municipalities). In urban areas approval is required for construction, use and maintenance of buildings in the floodway or flood plain of any stream draining more than 2 square miles at the location of the structure as follows:

- a. *New construction* including fill for development purposes. Approval is required for construction of any new building. New construction includes replacement or relocation of an existing building. New construction also includes placement and grading of fill materials in a manner that would create an elevated building site.
- b. *Additions to existing buildings*. Approval is required for any addition which increases the original floor area of a building by 25 percent or more. All additions constructed after July 4, 1965, shall be added to any proposed addition in determining whether the total increase in original floor space would exceed 25 percent.
- c. *Lowering or elevating*. Approval is required for lowering a floor of a building. Approval is not required for elevating an existing building. However, when a building is elevated the lowest floor should be elevated to the appropriate minimum protection level stated in 567—subrule 72.5(1). The department, upon request, will cooperate in determining the minimum protection level for a person who proposes to elevate a building.
- d. *Reconstruction*. Approval is required for reconstruction of any portion of a building if the cost of reconstruction exceeds 50 percent of the market value of the existing building or if reconstruction will increase the market value by more than 50 percent.

71.7(2) Buildings and associated fill located within 2 miles of an urban area. The thresholds for buildings and associated fill in subrule 71.7(1) shall apply to rural areas within 2 miles of municipal corporate limits.

71.7(3) Buildings and associated fill in all other rural areas. In rural areas not covered by 71.7(1) the thresholds for approval of buildings and associated fill are the same as in 71.7(1) except that approval is required only when the drainage area at the location of the structure is more than 10 square miles.

71.7(4) Buildings and associated fill adjacent to or downstream from impoundments. Approval is required for new construction, additions, lowering, or reconstruction and associated fill as described in 71.7(1) without regard to the drainage area if the proximity of the building to a dam regulated by the department is as follows:

- a. *Adjacent to impoundment*. Approval is required for a building and associated fill adjacent to an impoundment if the lowest floor level including any basement is lower than the top of the dam.
- b. *Downstream from dam*. Approval is required for a building and associated fill downstream from a dam at any location where flooding can be reasonably anticipated from principal or emergency spillway discharges. If the dam does not substantially comply with high hazard criteria in these rules, approval is required for a building and associated fill at any location where flooding can be reasonably anticipated from overtopping and failure of the dam.

***Note:** “Buildings” are all residential housing including mobile homes, as well as cabins, factories, warehouses, storage sheds, and other walled, roofed structures constructed for occupation by people or animals or storage for materials (including a gas or liquid storage tanks). Structures that are not considered buildings include pavilions, bleachers, carports, or similar structures that do not have at least two rigid walls and a roof.

The following information must be completed to make the determination:

Part A. Determining if a Flood Plain permit is required based on the location of the project:

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| Location (in Quarter-Section-Tier-Range format): | Qtr. | Sec. | T | N | R |
| County: | Stream(s): | | | | |
| Located within a corporate limit? <input type="checkbox"/> Yes <input type="checkbox"/> No | Located within 2 miles of corporate limit? <input type="checkbox"/> Yes <input type="checkbox"/> No | | | | |
| If Yes, provide street address: | | | | | |
| Drainage Area: | square miles | How was the drainage area determined? | | | |
| Note: A drainage area determination can be made by calling the Iowa DNR at (866) 849-0321 . Alternately, the County Engineer or the local office of the Natural Resources Conservation Service may also be able to make this determination for you. | | | | | |

If your project includes other construction activities within the flood plain please review the other DNR Forms to see if they apply. Should you need assistance, please call the DNR at (866) 849-0321.

1. Is your project within 2 miles of an urban area AND is the drainage area greater than 2 square miles?
 Yes No
2. Is your project in a rural area (not within 2 miles of an incorporated city) AND is the drainage area greater than 10 square miles? Yes No
3. Is your project adjacent to an impoundment or downstream of a dam? Yes No
 - If you answered "Yes" to any one of Questions 1, 2, or 3, your project may need a flood plain permit. Please complete Part B. If you answered No to all of Questions 1, 2 and 3, a DNR Flood Plain permit is not required for your project; please proceed to Part C, mark "No" and proceed to Part D. If you are unsure how to answer, please call (866) 849-0321 for assistance.

Part B. Determining if a Flood Plain permit is required based on the type of construction:

4. Is this new construction (no existing building at this location)? Yes No
5. Is placement of fill part of this project? Yes No

For existing buildings:

6. Will the construction (repairs, remodeling, or reconstruction) increase the floor area (footprint) of the original building by more than 25%? Yes No
7. Will the cost of construction (repairs, remodeling, or reconstruction)- including the cost of labor and materials in a fair market- be more than 50% of the market value of the existing building? Yes No
8. Will the construction (repairs, remodeling, or reconstruction) increase the market value of the building by more than 50%? Yes No
9. Will the elevation of the existing floor be modified (lowered or elevated)? Yes No
 - Please note that if you answered "Yes" to any one of Questions 4 through 9, your project will need a flood plain permit; please proceed to Part C, mark "Yes" and proceed to Part D. If you answered No to all of Questions 1 through 9, a DNR Flood Plain permit is not required for your project; please proceed to Part C, mark "No", and proceed to Part D.

Part C. Is a DNR Flood Plain permit needed? Yes No

Note: If it is unclear as to whether your project will require a Flood Plain Permit from the Department, please call (866) 849-0321 for assistance with the determination. This determination will have a significant effect on the type and amount of information that you will need to include with your application.

Part D. Submitting the information:

- If you answered "No" to the question "Is a DNR Flood Plain permit needed?", your project may still require a local flood plain permit. Please contact your local Flood Plain Manager, if known, or call (866) 849-0321 for assistance.

- If you answered “No” to the question “Is a DNR Flood Plain permit needed?” AND you wish to have written confirmation from this Department that a DNR Flood Plain Permit is not required, you must submit copies of a completed and signed Joint Application Form (Form #36 - *Protecting Iowa Waters*) to the DNR Flood Plain Management Program, to the DNR Sovereign Lands Program, and to the U.S. Army Corps of Engineers, according to the instructions for the Joint Application Form (can be found at <http://floodplain.iowadnr.gov/>).
 - For the Flood Plain Management Program, the required submittals (in addition to the Joint Application Form) are this form and a project location map.
 - Please note that the DNR Sovereign Lands Program and the U.S. Army Corps of Engineers may require additional information to determine if their permits are required.
 - Your project may also need a permit from your local (city or county) permit authority. The local permit may require technical concurrence from the DNR Flood Plain Management Program.

- If you answered “Yes” to the question “Is a DNR Flood Plain permit needed?” you will be required to secure a flood plain permit from the DNR Flood Plain Management Program prior to constructing the project.
 - The first step toward obtaining a Flood Plain Permit is to confirm the flood plain parameters of the Base Flood Elevation, the Minimum Protection Level, and the Floodway Limits for the location. To complete this step, please reference DNR Form 542-1030 – “Pre-Application Confirmation of Flood Plain Construction Parameters” (can be found at <http://floodplain.iowadnr.gov/>) and follow all directions contained within.

Once you have received a response to DNR Form 542-1030 from DNR Flood Plain staff, you will need to complete and submit an application for a DNR Flood Plain Permit. You will be directed to use either DNR Form 542-1032 – “Applying for a Flood Plain Permit - Single Family Houses and Associated Buildings” **OR** DNR Form 542-1033 – “Applying for a Flood Plain Permit – Commercial, Industrial, and Multi-Unit Residential Development and Placement of Associated Fill”, depending on the scope of your project.