



FEMA

FEMA Disaster Specific Guidance

Guidelines for National Flood Insurance Program Participating Communities on the Repair/Replacement of Publicly Owned Roads and Bridges in Special Flood Hazard Areas (SFHAs) for the Ongoing Tropical Storm Helene Recovery (FEMA Disaster Relief 4827).

Section 1: DATE OF ISSUANCE: May 9, 2025

Section 2: GUIDANCE STATEMENT:

This disaster specific guidance (DSG) addresses the need for North Carolina communities participating in the National Flood Insurance Program (NFIP) to re-establish access on publicly owned roads and bridges. If NFIP participating communities elect to follow this DSG, the state and local communities may begin work related to the repair or replacement of publicly owned roads and bridges without the requirement to obtain, review, or approve a “no-rise” certification prepared by a professional engineer with supporting hydraulic and hydrologic modeling before construction.

Section 3: OVERVIEW:

Title 44 of the Code of Federal Regulations (C.F.R.) Section 60.3(d)(3) states that a community shall “prohibit encroachments, including fill, new construction, substantial improvements, and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.”



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To comply with this regulation, NFIP communities must obtain, review, and approve a certification to that effect prepared by a professional engineer and supported by hydraulic modeling. This is commonly referred to as a “no-rise” certification. The purpose of this guidance is to provide guidelines to NFIP participating communities and the state to begin work related to repair or replacement of publicly owned roads and bridges to access areas made inaccessible from the devastating flooding from Tropical Storm Helene. Section 8 of this DSG details the approaches that communities and the state may consider before beginning work.

Section 4: SCOPE, APPLICABILITY, AND EXTERNAL AUDIENCE:

This DSG applies to major disaster North Carolina Tropical Storm Helene (DR-4827-NC) under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, with a declaration date of Sept. 28, 2024, and incident period of Sept. 25 to Dec. 18, 2024.

These guidelines specifically apply to the State of North Carolina and/or NFIP participating communities within the state responsible for work related to repair or replacement of publicly owned roads and bridges to reestablish access to residences, businesses, emergency services, and public premises.

This guidance does not impact other state and local building code permits, engineering standards or any Environmental Historical Preservation requirements, and does not modify Public Assistance eligibility requirements.

Section 5: AUTHORITY:

National Flood Insurance Act of 1968 (Title 42 United States Code Section 4102; Title 44 Code of Federal Regulations Section 60.3).

Section 6: OBJECTIVES:

The NFIP floodplain management requirements ensure that new and substantially improved and substantially damaged buildings are protected in accordance with Title 44 Code of Federal Regulations Section 60.3, Floodplain management criteria for flood-prone areas. These requirements are intended to avoid or minimize damage from future disasters.

Additionally, NFIP regulations require that states and communities regulate development in regulatory floodways, which is defined as the channel of a river or other watercourse plus 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.

Communities must regulate development in these floodways to ensure that there are no increases in upstream or downstream flood elevations. Where FEMA has provided Base Flood Elevations (BFEs), but no floodway has been designated, the community must review floodplain development on a case-by-case basis to ensure that increases in water surface elevations do not occur or identify the need to adopt a floodway if adequate information is available.

In areas where regulatory floodways have not been identified on Flood Insurance Rate Maps (FIRMs), the state of

North Carolina includes areas known as “non-encroachment areas,” (NEA), at the local level, and are generally regulated the same as a floodway. These areas are documented in the North Carolina Department of Public Safety’s “North Carolina NFIP Guidance Document #1: Review of No-Rise Submittals,” dated Sept. 29, 2017.

Permanent work shall comply with NFIP regulations and NC NFIP Guidance Document #1.

Section 7: DEFINITIONS:

Community: Means any state or area or political subdivision thereof, or any Indian Tribe or authorized tribal organization, or Alaska Native village or authorized native organization, which has authority to adopt and enforce floodplain management regulations for the area within its jurisdiction (Title 44 Code of Federal Regulations Section 59.1).

Special Flood Hazard Area (SFHA): Is the land in the floodplain within a community subject to a 1% or greater chance of flooding in any given year. The designation of the SFHA is usually designated on the Flood Insurance Rate Map as Zone A, AO, AH, A1-30, AE, A-99, AR, AR/A1-30, AR/AE, AR/A), AR/AH, AR/A, VO, or V1-30, VE, or V (Title 44 Code of Federal Regulations Section 59.1).

Section 8: DETAILS FOR STATE AND COMMUNITIES' REPLACEMENT OF ROADS AND BRIDGES:

In areas designated Zone A, AO, AH, A1-30, AE, A-99, AR, AR/A1-30, AR/AE, AR/A, AR/AH, AR/A, VO, or V1-30, VE, or V, the state of North Carolina and its local communities that choose to begin work to repair or replace publicly owned roads or bridges pursuant to this guidance are not required to obtain, review, or approve a hydrologic or hydraulic analysis demonstrating no cumulative increase of the water surface elevation more than a designated height before construction.

The state of North Carolina will conduct hydrologic and hydraulic analyses to restudy and map all effective floodplains identified on the Flood Insurance Rate Map through FEMA’s Cooperating Technical Partners program for rivers/streams affected by the replacement of roads, bridges, and culverts once all replacements have been completed to ensure compliance with Title 44 Code of Federal Regulations Section 60.3.

The guidance will facilitate work related to repair or replacement of publicly owned roads and bridges to reestablish North Carolina’s transportation network, providing access to residences, businesses, emergency services, and public premises.

North Carolina identified an inventory of state-maintained highways, roads, and bridges that may need work and repair. Repair and replacement of state-maintained publicly owned roads and bridges shall:

- Utilize the Memorandum of Agreement (MOA) between the Department of Transportation, an agency of the State of North Carolina, and North Carolina Emergency Management to satisfy FEMA's National Flood Insurance Program requirements in lieu of floodplain community permits.
- Provide to North Carolina Emergency Management (NCEM) post-construction hydrologic and hydraulic analyses and other data to facilitate the re-study and mapping of post-construction conditions.

This guidance shall not apply to new construction or site development unrelated to recovery efforts for Tropical Storm Helene (FEMA-4827-DR-NC), nor does it apply to communities outside the federally declared area for this disaster.

Section 9: ROLES, RESPONSIBILITIES, AND MONITORING:

Community Floodplain Management Administrators are responsible for ensuring that the required studies are completed in accordance with FEMA's National Flood Insurance Program regulations, and any state or local higher standards as explained above.

Work initiated pursuant to this guidance shall not continue for longer than 180 days from the effective date and may only continue beyond 180 days consistent with this DSG upon an extension. The work shall meet the rules and regulations of the regulating entity. Extension requests shall go through the regulating entity for review and approval.

The NFIP State Coordinating Office, and FEMA will continue to provide technical assistance to the communities when needed.

Section 10: RESPONSIBLE OFFICE:

Resilience, Hazard Mitigation Directorate

Section 11: REVIEW DATE:

This DSG will be reviewed one year from the date of issuance.

Derrick Hiebert, Assistant Administrator
Hazard Mitigation Directorate

Date of Issuance: May 9, 2025