

567—70.4(455B) Establishment of a floodway. Criteria for approval in 567—Chapter 72 often references the floodway. When available, floodways calculated and published by FEMA on community adopted flood insurance rate maps may be used by the department. When unavailable, or in discretion of the department based on best available information, the department will delineate the encroachment limits defining the outer limits of the floodway, conforming to the following criteria insofar as possible:

70.4(1) *Increase in water surface elevation.* The increase in the water surface elevation of Q100 (100-year discharge) that would result from confining flood flows to the floodway must not exceed one foot.

70.4(2) *Equal and opposite conveyance.* Floodway boundaries shall be located such that the floodway areas on each side of a stream convey a share of the flood flows proportionate to the total conveyance available on each respective side of the stream.

70.4(3) *Protection of existing development.* To the extent feasible, floodway boundaries shall be located as follows:

- a. To avoid the need to seek removal of a lawful existing structure in order to safely convey Q100;
- b. To minimize any increase in the level of Q100 in an area where such increase would adversely affect an existing lawful structure; and
- c. To avoid the need to place an existing lawful structure in a delineated floodway if the placement would result in additional restrictions on improvements or reconstruction or replacement of the structure.

70.4(4) *When acquisition of property interest is required.* Where protection of an existing structure necessitates prohibition of development in an area that could otherwise be developed under the criteria in 70.4(1) and 70.4(2), the department or local governmental designee may require that the owners of land benefited by the application of criteria in this subrule acquire property interests as needed to provide an adequate alternative floodway.

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