

Alternative Permitting Methodology through the Review, Assess, and Document Process (RAD)

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Overview and Purpose

This document provides information on permitting development activities within locally adopted Special Flood Hazard Areas (SFHAs). Its purpose is to offer a streamlined framework to assist local communities in managing the floodplain permitting process for specific types of development, while ensuring compliance with the National Flood Insurance Program (NFIP).

Local communities are responsible for developing and implementing a review process that meets the minimum requirements of the NFIP and relevant regulatory standards. Although the recommended process aligns with regulatory expectations, its adoption and enforcement remain solely the responsibility of the community and are subject to oversight by state and federal agencies.

This document does **not** address permits related to water resources regulations issued by other local, state, or federal authorities. The Review, Assess, and Document (RAD) process applies **only** to permitting requirements necessary for enrollment and continued participation in the NFIP.

Local permitting systems such as the RAD must be designed to ensure that **all** proposals meeting the definition of “development” — including temporary activities — are subject to review and permitting.

44CFR 59.1 broadly defines “development”, encompassing far more than just building construction. Therefore, local regulations must cover additional development activities, including but not limited to:

- Filling, paving, grading, and land clearing
- Excavation, dredging, mining and drilling
- Storage of materials and/or equipment
- Repairs or improvements to existing buildings
- Stream crossings
- Recreational vehicles
- Temporary development

In some low-to-no impact situations, the permit requirement can be satisfied if the locality follows an approved RAD process.

Review, Assess, and Document

A NFIP participating locality is meeting the minimum permitting requirement for all development in the floodplain in instances where the local floodplain administrator or authorized designee:

- **Reviews** the proposed development
- **Assesses** the proposed development and determines what floodplain management requirements apply, and,
- **Documents** that determination in some way, or permit the development in accordance to 44 CFR 60.3 (a)(1) & (b)(1).

Communities that implement a locally adopted RAD process are considered compliant with NFIP permitting standards, provided that they have documented the evaluation or issued a permit accordingly. The RAD process must be thoroughly documented to avoid misunderstandings that could lead to non-compliant development or improper substantial improvements.

The RAD method is similar to the evaluation process used to determine whether a structure lies within a Special Flood Hazard Area (SFHA). The local floodplain administrator must consistently document and review all supporting information to determine whether a proposed activity triggers local floodplain regulations.

Communities may develop their own RAD procedures in coordination with their NFIP State Coordinating Office. Once agreed upon, the RAD process must be formally adopted **by reference** into the community's local floodplain ordinance and implemented as policy.

Localities must retain RAD-related documentation and property records in perpetuity. Each proposed development should be documented as a separate activity, using tools such as:

- A spreadsheet,
- A log sheet, or
- A written note to file that includes a project description, address, elevation, and other relevant details.

Alternatively, localities may choose to assess and document **classes of similar activities**. In either case, retaining documentation safeguards the locality, providing essential evidence if a project is modified later or enforcement action is needed.

Reviewing Classes of Activities with Limited Impacts

Localities have the discretion to exempt clearly insignificant activities from individual permit requirements, provided they follow a documented RAD process. Under this

approach, a locality may identify classes of development activities that do not trigger any additional floodplain management regulations beyond the initial review.

These activity classes may be considered compliant with NFIP permitting requirements without the issuance of an individual permit, so long as they meet all of the following conditions:

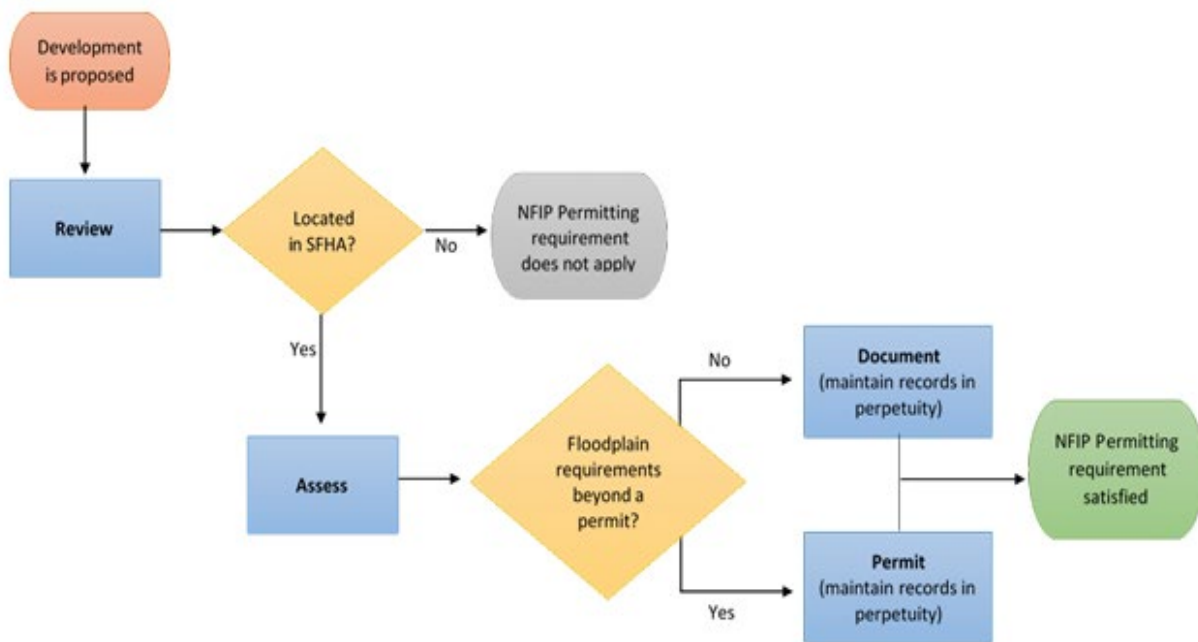
- Is NOT located in a regulatory floodway or in a Zone AE without floodway (note that the “floodway” is distinct from the “flood fringe”).
- Is NOT located in any special flood hazard area with identified compound hazards, including but not limited to mudslides, landslides, high-velocity flows, wave action, alluvial fans, erosion-prone, and dam break inundation zone.
- Does NOT alter or change flood carrying capacity of water courses or man-made or natural protective barrier.
- Does NOT contribute to substantial improvement, nor is it determined to be a substantial improvement.
- Does NOT increase flood damage and/or increase exposure to flood hazards.
- Is NOT a new construction.
- Does NOT trigger any requirement found in the local floodplain management regulations.
- Depth of flooding at development sites is less than 3 feet during a 1% annual chance flood event.
- Development area is less than 200 square feet.
- Flood Design Class 1, per ASCE 24-24.

In some cases, a locality may choose to adopt a general permit to cover development activities that fall within these parameters. If doing so, the locality must document the justification for why the class of activity does not trigger additional floodplain management requirements beyond the RAD process.

This documentation is subject to be reviewed by the State NFIP Coordinating Office and FEMA Regional Office — either when the administrative procedure is developed or during future compliance audits.

Communities are encouraged to **list these low-to-no impact development types in their adopted floodplain ordinance by reference**. However, they must consult legal counsel to ensure such a list does not result in a potential violation, become outdated, and be misinterpreted, as it could inadvertently serve to limit the locality’s authority to administer and enforce their floodplain regulations.

Flowchart



For more information on developing a process for reviewing, assessing and documenting floodplain development, please contact the DCR Floodplain Management Program, Floodplainmgmt@dcr.virginia.gov.