



STATE OF MINNESOTA

Date of Verification: Spring 2024

The Community Rating System (CRS) provides credit to communities for certain state laws, regulations, and standards that support floodplain management within a state and have proven effective in reducing flood damage. This Verification Report is provided to explain the recommendations of Insurance Services Office, Inc. (ISO) to DHS/FEMA concerning state-based credits under the CRS within the above state.

There are two sections to this report: State-based credit, and Other potential credit.

State-based credit is awarded to communities for activities that are implemented and enforced by the state. The credit is provided to each community in the state and documentation is not needed from the community.

Other potential credit lists the CRS activities for which communities may receive CRS credit based on, or due to, state or regional programs or regulations that are implemented within the community. There is also information regarding use of a state-based model ordinance, if present in the state. The potential credits must be verified by the ISO/CRS Specialists within each community, since enforcement is done at the community (or regional) level.

The following is a summary of state-based credit and other potential credit based on the *2017 CRS Coordinator's Manual* and *2021 Addendum*:

State Based Credit

ACTIVITY	ELEMENT	POINTS

No state-based credit has been verified at this time.

Other Potential Credit

ISO/CRS Specialists and the community need to determine which credits may apply to an individual community. The following is a summary of activities that are potential credits:

ACTIVITY	ELEMENT
410 (Floodplain Mapping)	SR–state review FWS–floodway standard
430 (Higher Regulatory Standards)	FRB–freeboard BC1–building codes LDP3–local drainage protection
450 (Stormwater Management)	ESC–erosion & sedimentation control WQ–water quality
630 (Dams)	SDS–state dam safety

Activity 410 (Floodplain Mapping) Element SR, State Review

According to the 2017 Manual, Minnesota is a state with review procedures that are eligible for full credit under SR for all studies. Note that the existence of an approved review program does not mean the community will automatically receive this credit. Each study credited must have been reviewed and approved by the review program and must not be paid for by FEMA.

Activity 410 (Floodplain Mapping) Element FWS, Floodway Standard

For those areas where floodways are delineated, Minnesota has a higher standard for floodway encroachment delineation – limiting the increase in flood heights to 0.5’ instead of 1.0’. Citation: <https://www.revisor.mn.gov/rules/6120.5700/>

6120.5700 Subpart 4. Delineation of the Floodway

Local government floodplain zoning ordinances shall designate a floodway. Exceptions may be allowed by the commissioner for those conditions listed in subpart 3, item C. A portion of the floodplain, outside of the immediate channel of a watercourse, shall be selected and designated as the floodway by a local governmental unit upon approval of the commissioner. The selection must be based on an evaluation of the flood hazard for the area which may be involved or affected by such designation and must conform to the following standards:

A. The limits of the floodway shall be designated so that permissible encroachments on the floodplain will not cause an increase in stage of the regional flood of more than 0.5 feet in any one reach or for the cumulative effect of several reaches of a watercourse. If the increase in flood stage will materially increase the flood damage potential, the

commissioner may require that such increases be less than 0.5 feet. The commissioner may authorize increases greater than 0.5 feet where studies show that further increases in flood stages will not materially increase the flood damage potential.

B. The limits of the floodway shall be based on a uniform degree of encroachment for a significant reach on both sides of a watercourse. Variances from this part may be authorized by the commissioner when topography, existing development patterns, and comprehensive land use plans justify a modified approach.

C. The floodway shall be determined consistent with minimum standards for technical hydrologic and hydraulic techniques and mapping standards contained in parts 6120.5600, subpart 4 and 6120.5700, subpart 2.

Statutory Authority: MS s [104.05](#)

Activity 430 & Potential Higher Regulatory Standards in the State's Model Ordinance

State Model Flood Damage Prevention Ordinance

The Minnesota Department of Natural Resources (DNR) is the State NFIP Coordinating Agency.

Three sample ordinances are available on the state's website

https://www.dnr.state.mn.us/waters/watermgmt_section/floodplain/sample_ordinances.html

Use of the model is optional but recommended. Blue bold text in the "Ordinance Language" column of the model documents indicates optional standards, including:

- Freeboard: defines Regulatory Flood Protection Elevation as BFE + 1
- Critical Facilities
- Non-conversion agreements

Activity 430 (Higher Regulatory Standards) Element FRB, Freeboard

Minnesota code enacts a statewide flood protection elevation of 1 foot above BFE. However, it does not specify whether it applies to all utilities and ductwork as well as to lowest floor. Specialists will verify with each community whether machinery/utilities and ductwork are required to be elevated and/or protected, to determine credit (CRS Manual page 430-13).

- Note the CRS Class 8 prerequisite: The community must adopt and enforce at least a 1-foot freeboard requirement (including machinery or equipment) for all new and SI/SD residential buildings in areas where BFEs have been determined. This includes the replacement of manufactured homes in pre-FIRM manufactured home parks

Citation: <https://www.revisor.mn.gov/rules/6120.5700/>

6120.5700 Subpart 5. 5. Flood protection elevations.

The flood protection elevations shall correspond to a point not less than one foot above the water surface profile associated with the regional flood plus any increases in flood stages attributable to encroachments on the floodplain established under subpart 4, item A. The flood protection elevations shall be clearly lettered at identifiable positions on the official zoning district map consistent with the water surface profile of the regional flood, or the profile shall be attached to and made part of the official zoning district map.

Statutory Authority: MS s 104.05

Activity 430 (Higher Regulatory Standards) Element BC1, Building Codes

The 2020 Minnesota State Building Code is based on the 2018 International Building Code and International Residential Code. The state has also adopted 2018 International Mechanical Code and International Fuel Gas Code. Jurisdictions that elect to adopt building codes must adopt the prevailing state building code. Every six years, the MN Dept of Labor and Industry adopts new building codes.

- IBC Chapter 1 and Appendix G are not adopted.

<http://www.dli.mn.gov/business/codes-and-laws/2020-minnesota-state-building-codes>

- Map of Counties that have adopted the MN Building Code:
http://www.dli.mn.gov/sites/default/files/pdf/bc_map_county_jurisdiction.pdf

Activity 430 (Higher Regulatory Standards) Element LDP3, Local Drainage Protection

The MN building code includes the IBC requirement for fill/grading to be compacted and to slope away from buildings to provide positive drainage and minimize erosion. Provided the community has adopted the state building code and can document enforcement of the positive drainage provisions, 10 points is available. *Citation: IBC Section 1804.4.*

Activity 450 (Stormwater Management)

ESC–EROSION AND SEDIMENTATION CONTROL WQ–WATER QUALITY

[Municipal stormwater \(MS4\) | Minnesota Pollution Control Agency \(state.mn.us\)](#)

[Construction stormwater | Minnesota Pollution Control Agency \(state.mn.us\)](#)

Relates to the state’s implementation of National Pollutant Discharge Elimination System (NPDES) Phase II Program, which requires all construction activities greater than 1 acre to obtain a permit from the Environmental Protection Agency (EPA), a delegated state, or a community with a MS4 permit.

Construction Stormwater General Permit (Aug 2023, expires July 2028)

<https://www.pca.state.mn.us/sites/default/files/wq-strm2-81a.pdf>

Activity 630 (Dams) Element SDS, State Dam Safety

Credit available for activities of the state's dam safety program is based on the Dam Safety Program Management Tool. Credit for element SDS is limited to communities that would be affected by a flood from the failure of a high-hazard-potential dam. This must be documented with a description and a map.

- Minnesota DNR's Dam Safety Program
https://www.dnr.state.mn.us/waters/surfacewater_section/damsafety/index.html

The U.S. Army Corps of Engineers National Inventory of Dams webpage at <https://nid.sec.usace.army.mil/#/> documents the dams and flood inundation maps information. [FEMA's Dam Safety](#) Office annually verifies element SDS credit.