Community’s Rights and Responsibilities for Floodplain Mapping

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Agenda

• Introduction to Floodplain Maps
• NFIP Regulations for Floodplain Mapping
• Floodplain Mapping Revisions
• Tools and Resources
• Concluding Remarks
• Questions
Floodplain Maps
Introduction

• Floodplain maps are the basis from which the NFIP is administered
• Regulate development in the floodplain
• Rating Flood Insurance
• Mitigation and more!
Introduction – Floodplain Basics

• Types of Floodplain Maps
  • Flood Insurance Rate Maps (FIRMS)
  • Flood Hazard Boundary Maps (FHBM)
  • Flood Boundary and Floodway Maps (FBFM)
Introduction – Floodplain Basics

- Special Flood Hazard Areas (SFHA) are the areas encompassed by the 1% annual chance (100-year) floodplain
- 0.2% annual chance (500-year) floodplain
- Regulatory Floodway
Introduction – Floodplain Basics

• Types of SFHA
  • Without Base Flood Elevation (BFE) = Zone A, Zone V, Zone A99
  • With BFE or Depth = Zone AE, AO, AH, VE, AR
National Flood Insurance Program Regulations
NFIP Regulations for Floodplain Mapping

• 44 CFR Part 65 Authorizes FEMA to identify and publish information pertaining to special flood hazards (i.e. floodplain)

• Part 65 also outlines the steps a community needs to take to assist FEMA’s effort to provide up-to-date floodplain identification and publications.
NFIP Regulations for Floodplain Mapping

• Part 65.2 (c) defines “reasonably safe from flooding” as meaning base flood waters will not inundate the land or damage structures to be removed from the SFHA and that any subsurface waters related to the base flood will not damage existing or proposed buildings.
NFIP Regulations for Floodplain Mapping

• Part 65.3 – Community requirements to submit new technical data
  • A community's base flood elevations may increase or decrease resulting from physical changes affecting flooding conditions. As soon as practicable, but not later than six months after the date such information becomes available, a community shall notify the Administrator of the changes by submitting technical or scientific data in accordance with this part.
NFIP Regulations for Floodplain Mapping

• Example: If a culvert on a stream with SFHA gets replaced \textbf{and} the BFE changes because of the modification then the community must notify FEMA by way of a LOMR/CLOMR submittal
NFIP Regulations for Floodplain Mapping

• Part 65.4 – Community rights to submit new technical data
  • All requests for changes to effective maps, other than those initiated by FEMA, must be made in writing by the Chief Executive Officer of the community (CEO) or an official designated by the CEO. Should the CEO refuse to submit such a request on behalf of another party, FEMA will agree to review it only if written evidence is provided indicating the CEO or designee has been requested to do so.
NFIP Regulations for Floodplain Mapping

• Part 67.6 (a) – Basis of appeal
  • The sole basis of appeal under this part shall be the possession of knowledge or information indicating that the elevations proposed by FEMA are scientifically or technically incorrect.
Floodplain Map Revisions
# Floodplain Map Revisions

<table>
<thead>
<tr>
<th>Who can sponsor this floodplain revision project?</th>
<th>FEMA RiskMAP Projects</th>
<th>MT-1 Applications (LOMR-F, CLOMR-F, LOMA)</th>
<th>MT-2 Applications (LOMR/CLOMR/PMR)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Community or Private Entity</td>
<td>FEMA</td>
<td>Community or Private Entity</td>
<td>Community or Private Entity</td>
</tr>
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</table>

| Typical lifespan of project                      | 5 years or more        | 30-90 days                               | 6-12 months or longer if PMR     |

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<tr>
<th>Size of Revision</th>
<th>Multiple FIRM panels and communities</th>
<th>1 parcel</th>
<th>Usually less than 1 FIRM panel</th>
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</thead>
</table>

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<tr>
<th>Community involvement in revision</th>
<th>Significant: multiple meetings, comment periods; ordinance updates</th>
<th>Community sign off</th>
<th>Community sign off, public notices</th>
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FEMA RiskMAP Projects

- RiskMAP project milestones and community involvement

- Discovery Meeting
  Kicks off the project

- Engineering Notification Letters
  Describes scope and methodology
  30-day review and comment period

- Flood Risk Review Meeting
  Community’s first look at draft maps
  30-day review and comment period

- Preliminary Maps Released
  Community’s first look at preliminary FIRM panels

- Preliminary Map Open House
  30-day comment period and 90-day appeal period
  LOMCs reviewed

- LFD (Letter of Final Determination)
  Community must update ordinance prior to effective map
  LOMC Revalidation letter received

- Effective Map
MT-1 Applications

• MT-1 (LOMR-F, CLOMR-F, LOMA) Applications

• Signed Community Acknowledgement Form required when...
  • Requests involve the placement of fill
    • Meets all community floodplain management requirements
    • No fill in floodway
    • Removed land or structures are “reasonably safe from flooding”

• LOMA requests located in the floodway
  • No fill was placed in floodway
Reasonably Safe from Flooding

- Technical Bulletin 10-01 provides detailed information on ensuring that structures built on fill in or near the SFHA are “reasonably safe from flooding”
MT-2 Applications

• MT-2 (LOMR, CLOMR, PMR) Applications

• Signed Community Concurrence Form required for each affected community
  • Signed concurrence must be provided by official responsible for floodplain management and states the following:
    • Community acknowledges receipt and review of LOMR/CLOMR
    • Completed or proposed project meets or will meet all floodplain management requirements
    • Endangered Species Act compliance has been met
    • Any land and existing or proposed structures removed from SFHA will be “reasonably safe from flooding”
Physical Map Revisions

**MT-2 Process**
- **MT-2 Review**: Community signoff
- **MT-2 Approval**: PMR approval letters received

**Physical Map Revision**
- **Preliminary Maps Released**: Community’s first look at preliminary FIRM panels
- **Preliminary Map Open House**: 30-day comment period and 90-day appeal period
  - LOMCs reviewed
- **LFD (Letter of Final Determination)**: Community must update ordinance prior to effective map
- **Effective Map**: LOMC Revalidation letter received
Floodplain Map Revision Appeals

• 90-day appeal period is provided for any community affected by any revision to the flood hazard information on the FIRM
• The appeal period starts on 2nd newspaper public notice publication
## Floodplain Map Revision Appeals

<table>
<thead>
<tr>
<th>Type of Error</th>
<th>Example</th>
</tr>
</thead>
<tbody>
<tr>
<td>Technically incorrect due to mathematical or measurement error or changed</td>
<td>Datum conversion error</td>
</tr>
<tr>
<td>physical condition</td>
<td></td>
</tr>
<tr>
<td>Technically incorrect due to error in application of methods or use of</td>
<td>Use of older topography</td>
</tr>
<tr>
<td>inferior data</td>
<td></td>
</tr>
<tr>
<td>Scientifically incorrect if methodology or assumptions are inappropriate or</td>
<td>Use of regression equations downstream of major reservoir</td>
</tr>
<tr>
<td>incorrect</td>
<td></td>
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</tbody>
</table>
Floodplain Map Revision Appeals

• Appeals submitted within the 90-day timeframe should:
  • Be certified by a P.E. or Land Surveyor
  • Demonstrate that the proposed Flood Hazard information is incorrect based on one of the 3 appeal criteria
  • Include corrected Flood Hazard data/information
Tools and Resources
FEMA Map Service Center (MSC)

• Search by community
• Effective Products
  • FIRM Panels
  • Flood Insurance Studies (FIS)
  • Letters of Map Change (LOMRs, LOMR-Fs, LOMAs)
  • National Flood Hazard Layer – Floodplain data in GIS format
• Preliminary Products
• Pending Products
• Historic Products
National Flood Hazard Layer (NFHL)

• Useful for GIS savvy communities
• Updated continuously to incorporate LOMRs
• Tables contain more detail than shown on the FIRM panels
National Flood Hazard Layer (NFHL)
NFHL Web Viewer

• Don’t need GIS
• Can view LOMA locations
Google Earth NFHL KMZ File
Factors that may indicate need for new mapping

• Watershed conditions have changed
• Flood control measures have been implemented
• Newer study methods available
• Major flood has occurred since last floodplain update
• High density of LOMAs/LOMRs
• Repetitive loss properties outside of SFHA
• Areas of high growth requiring detailed studies
Coordinated Needs Management Strategy (CNMS)

• Assessment of all mapped floodplains as either valid or unverified

• [https://msc.fema.gov/cnms](https://msc.fema.gov/cnms)
Concluding Remarks
Community Rights

• Community has a right to submit new technical data to update floodplain maps (CFR 65.4)
• Community has a right to review any requests for floodplain revisions (CFR 65.4)
• Community has a right to appeal any proposed floodplain revisions (CFR 67.6)
Community Responsibilities

• Community is responsible to assist FEMA’s effort to keep floodplain maps current (CFR 65)
• Community is responsible to notify FEMA of physical changes that alter BFEs (CFR 65.3)
• Community is responsible to assure that land and structures removed from SFHA are “reasonably safe from flooding” (CFR 65.5(a) CFR 65.6(a))
• Community is responsible to update ordinance to adopt pending floodplain maps
Questions