HIGHWATER

DNRC Floodplain Management Program

A publication of Montana's Department of Natural Resources and Conservation Floodplain Management Program

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NATIONAL FLOOD INSURANCE PROGRAM COMMUNITY RATING SYSTEM:

WHY MONTANA COMMUNITIES SHOULD JOIN

The objective of the Community Rating System (CRS) is to reward communities that are doing more than meeting the minimum National Flood Insurance Program (NFIP) requirements to help their citizens prevent or reduce flood losses. The CRS also provides a discount in flood insurance premiums to property owners in participating communities. CRS credit points are given for a wide range of floodplain management activities, and the total of these points determines the amount of discount.

Some CRS activities may be implemented by the state or regional agency rather than at the community level. There are over 80 Montana communities that have adopted the state floodplain management regulations (ARMS). These communities are eligible to come into the CRS as a Class 9 without having to do any additional activities.

Currently, there are only 12 Montana communities participating in the CRS. However, of the 3,133 flood insurance policies in force in the state with a premium of over $1.4 million, these 12 CRS communities hold over half the flood insurance policies count in the state with a total CRS savings of over $57,000.

For those communities that have adopted the state ARMS regulations joining the CRS can be easily accomplished by contacting Kerry Redente, ISO/CRS Specialist for the FEMA Region VIII States. To submit a CRS application, please contact me at:

Kerry Redente
ISO/CRS Specialist
12500 County Road 258
Salida, CO 81201
719-539-6501
kredente@iso.co

FLOODPLAIN MANAGEMENT 101 IN MONTANA

UPCOMING FREE WORKSHOPS IN MARCH '05

The DNRC Floodplain Program and the Montana Association of Floodplain Managers (AMFM) are sponsoring three one-day workshops this winter about the basics of floodplain management. Scott Gillian, from Gillian and Associates will lead the workshops.

Our goal in sponsoring these training sessions is to help those new to the field become more acquainted with the subject, as well as provide a solid refresher to those who want to brush up on their knowledge of the rules, regulations and standards associated with floodplain management. This training will also be an opportunity to talk about issues such as interpretation of ordinances, enforcement, and the challenges of regulating floodplain management locally. We know different parts of the state may have different issues to contend with, so we've planned to hold workshops in three different cities across the state.

These day long workshops are FREE, and they will give you (1) important information to help you in your job, (2) a chance to meet or become reacquainted with some of the other folks in your region who are also working with floodplain management issues, and (3) the opportunity to ask questions of professionals with years of experience in the field. (4) Your input will also be sought to help us understand other training topics you would like to see in the future. Please plan to be there!

Locations

Missoula	Great Falls	Miles City
Time: 9-4PM	**Time:** 9-4PM	**Time:** 9-4PM
Date: March 23, 2005	**Date: March 24, 2005**	**Date: March 25, 2005**
Location: Fire Station #4 **3011 Latimer, off of Reserve.**	**Location**: Holiday Inn **400 10th Ave S**	**Location: Auditorium of the VA** **(use back of nursing home entrance)** **210 S. Winchester**

Please sign up by March 20th to let us know which workshop you plan to attend

*** To sign up and for more details: Contact **Karl Christians** at kchristians@mt.gov or 444-6654. Lunch will be on your own.*

ARE YOU FLOODSMART?

By Mary Jo Vrem, FEMA

(Article originally printed in FEMA's newsletter "WaterMark" 2004, Number2)

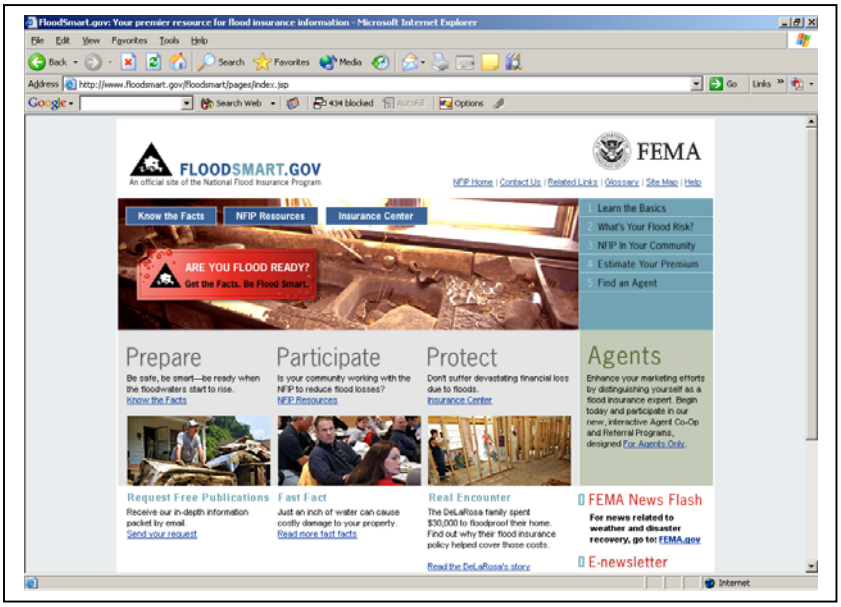
Good communication is one way that FEMA is being proactive in helping citizens plan for man-made and natural hazards. How? FEMA has a new partnership with a team of marketing, advertising, public relations, and web specialists at J. Walter Thompson (JWT). They are developing an integrated, national campaign that will encourage the American public to properly prepare themselves for the high risk of flooding. The goal — convince Americans that it is important to purchase flood insurance policies and direct them to insurance agents.

The New Campaign—Media

I hope you've seen the new NFIP commercials first aired in March and April (2004) on cable TV networks. These commercials focus on two themes:

- Homeowners insurance covers an asteroid hitting your house, but it does not cover floods.

- Don't wait too long! You need to be protected from floods, so buy NFIP flood insurance now.



New Consumer-Focused Web Site

The campaign has expanded nationally. It includes, as just one of its elements, a new web site (www.floodsmart.gov) dedicated to supporting the direct-response advertising that will blanket the nation in addition to targeting high-risk flood areas.

Consumers are encouraged to visit this new web site to further understand the consequences of floods and the importance of coverage. They will be directed to agents in their area for more information and to purchase flood coverage. Visitors to the site will also be able to use mapping technologies to assess their level of risk, discover what's happening in their local community; and learn more about floods, flood insurance, and the NFIP.

Eventually, the site will also incorporate unique content and features targeted specifically to policyholders and agents. The site will be a useful tool and great resource for consumers and professionals in the industry. The web address for the site is: http://www.floodsmart.gov/.

Mary Jo Vrem is the Acting Chief of the Risk Management Marketing Section of the FEMA Mitigation Division. She has been with FEMA for 10 years.

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6th ANNUAL AMFM CONFERENCE

"Flood of Development"

Grouse Mountain Lodge
2 Fairway Drive
Whitefish, MT 59937

March 14-16, 2005

REGISTRATION FORM

EVERYONE must complete this form. For more than one attending from your office, please copy extra forms as needed. **Must be sent by Wednesday, March 2, 2005** to avoid the late fee.

Name:_____

Title:_____

Employer:_____

Address:_____

City: _____ State:_____ Zip:_____

Phone:_____ Fax:_____ Email:_____

EXHIBITS: If you are interested in displaying your products, services or programs, contact Karl Christians at karl@mtfloods.org, or call (406) 444-6654. ***One registration fee included for Exhibitors.***

Registration Fee – Make checks payable to **AMFM**. Fee includes all sessions, workshop materials, breaks, and socials. *Please indicate which payment method and category apply to this registration.*

$95.00 if sent before March 2:
(Includes a 1-year AMFM membership)
☐ Check enclosed, Check No. _____
☐ Will pay on site

$120.00 if sent after March 2:
(Includes a 1-year AMFM membership)
☐ Check enclosed, Check No. _____
☐ Will pay on site

Please FAX, mail, or e-mail this form and any other necessary correspondence to:

Association of Montana Floodplain Managers
P.O. Box 1305
Helena, MT 59624-1305

Phone: 406-444-6654 * **Fax: 406-444-1475** * Email: conf2005@mtfloods.org

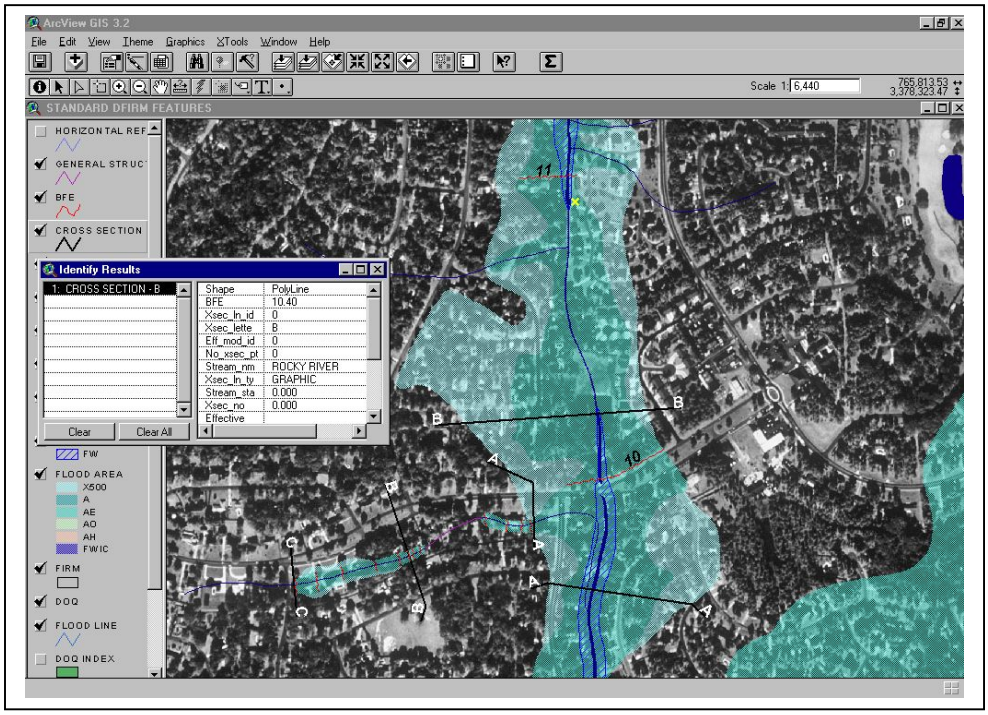
Lodging Information:

Please make your own reservations directly with Grouse Mountain Lodge at (877) 862-1505 or fax attached room reservation form to (406) 862-0326, if overnight stay is required. Rooms have been set-aside at a state rate of $60 plus tax for the nights of March 14 &15; identify yourself with the Association of Montana Floodplain Managers (AMFM) Conference or Floodplain Management. These rooms will only be reserved until February 28, 2005, so make your reservations early! Whitefish also has several other lodging options

MONTANA – MAP MODERNIZATION UPDATE

As Montana steps forward with FEMA's Map Modernization Program (Map Mod) this coming year, NFIP counties and mapped communities will start to hear more about this new federal Map Mod program, the State of Montana's involvement through the Department of Natural Resources and Conservation (DNRC), and the benefits of Digital Flood Insurance Rate Maps (DFIRMS). This article aims to provide a brief overview of Map Mod, new digital mapping, and the general process to initiate or "scope out" a countywide DFIRM project.

Digital FIRM. Below is a FEMA produced graphic depicting a DFIRM. Note that in this particular example of a detailed flood study, the floodplain and floodway boundaries are overlaid on top of a base map [e.g. a digital orthophoto quadrangle (DOQ) or other local base map] along with references to base flood elevations and cross sectional data.



A DFIRM provides the user with a geo-referenced map and associated database that will help improve the usability of FEMA's flood maps. Even in areas where no base flood elevations have been established and no detailed studies have been performed, digital conversions of existing flood hazard boundaries will at least contain better base map information (DOQ, roads, etc.) than what is associated with the current paper copy FIRMs. This reference to superior base map information will, in and of itself, improve the usability of these new digital maps.

The extent of information provided any given DFIRM area will vary depending on the extent of the GIS data and flood data already available via existing local, state and federal sources. There *may* be limited federal monies available from FEMA to conduct new flood studies…but we are warned that there are no guarantees. FEMA's allotment of Map Mod money is limited and the federal government has expressly stated that their primary goal in Map Mod is to digitize existing information. Any new study will be a secondary goal, only as funding allows.

Scoping Process. When an individual countywide DFIRM project gets underway, FEMA will lead a DFIRM pre-scoping and scoping process. During the pre-scoping process FEMA and the DNRC will work with county and community officials to introduce the project and the concept of DFIRMs, identify the range of existing data and information available to produce DFIRMs, and identify priorities for additional flood study needs (if funds allow).

The subsequent scoping meeting will be a follow up to this initial information sharing and brainstorming meeting and is intended to hone in on what the actual scope of work will entail. This

scoping session does not guarantee that an individual county project will be funded this year. Rather, it just gets a project "ready", so when funds do become available it will be easier to hit the ground running. Actual funding for Federal Fiscal Year '05 (FFY 05) is still unknown. The DNRC expect to learn more from FEMA about how many projects can be funded this March. Any unfunded projects in FFY 05 will be completed as funding becomes available in subsequent years.

Creative Financing. While FEMA must meet its minimum goal of creating digital versions of the existing FIRMS, FEMA and the DNRC feels it is also important to work with communities to identify possible ways in which we might also improve upon existing information…and therefore create better, more accurate maps. We recognize that many communities feel that some of their existing flood hazard maps are inaccurate or inadequate and believe that better or more detailed flood study is needed. With that in mind, the DRNC wants to work with communities not only to find the required resources to match FEMA funds for DFIRM conversion, but also explore creative ways to identify/locate resources that might allow us pursue this additional study and go further than just converting existing information to a digital format. There are no guarantees, but the opportunity is here so it is worth exploring.

Keep in mind that FEMA views Map Mod as a collaborative undertaking. While federal funds will lead the way, **all** DFIRM projects will require some local match. Montana communities cannot rely solely on federal funding to improve their flood maps, and strong local commitment will be particularly important if any new flood studies are sought.

What's Next. The DNRC will be working with FEMA this coming year to start the DFIRM pre-scoping process in four counties. At this point we expect FEMA to host pre-scoping meetings in Missoula, Flathead, Lewis & Clark, and Gallatin Counties.

This first year will be a work in progress and FEMA (and the DNRC) will be learning as they (we) go. As the DNRC works its way through the first few countywide projects, we also hope provide more outreach and specific training to Montana's other NFIP counties and mapped communities about what they should expect before they are selected for DFIRM conversion. The goal is to provide communities with more forewarning and information so that decisions can start to be made at a local level as to their level of commitment and involvement. Stay tuned…

COMMUNITY ASSISTANCE PROGRAM UPDATE

COMMUNITY ASSISTANCE VISITS (CAV): WHAT TO EXPECT

The DNRC Floodplain Program is Montana's National Flood Insurance Program (NFIP) Coordinating Office for the Federal Emergency Management Agency (FEMA). As the state's NFIP Coordinator, FEMA requires the DNRC to conduct periodic Community Assistance Visits (CAVs) of all NFIP communities across Montana. With that in mind, the DNRC aims to visit each NFIP community once every five years. This year we have 21 CAVs planned (see below).

CAVs fulfill several purposes, perhaps the most important of which is provide guidance and assistance to local government, and to identify and help resolve potential problems before they lead to non-compliant development or, in the worst case scenario: FEMA considers probation.

Starting this year, the DNRC will contact a community Floodplain Administrator a couple weeks in advance of a proposed CAV meeting to schedule an exact time/date. The Floodplain Administrator

and the local head of government will then receive a follow-up letter and a checklist outlining what needs to be prepared for the CAV.

Typically we recommend communities be able to provide the following at a CAV meeting:

- Your floodplain management ordinance,
- Comments on your flood maps,
- Copies of floodplain permits from the last several years,
- Copies of any variances granted,
- Copies of Elevation Certificates, and
- Any written administrative procedures.

Expected 2005 CAV Schedule		
Anaconda-Deer Lodge County	Golden Valley County	Red Lodge, Carbon Co.
Broadwater County	Granite County	Richland County
Carbon County	Jefferson County	Roosevelt County
Culbertson, Roosevelt Co.	Joliet, Carbon Co.	Sidney, Richland Co.
Dawson County	Lake County	Stillwater County
Flathead County	Polson, Lake Co.	Wheatland County
Fromberg, Carbon Co.	Ravalli County	Yellowstone County

During the CAV meeting with the community official(s), the whole permit process is reviewed. We will take a look at permit applications, issued permits, and possibly even inspect on the ground floodplain development. We review the floodplain ordinance to make sure it meets the NFIP and State of Montana requirements. We review floodplain permit files with particular attention to whether minimum standards are applied and whether proper documentation is maintained. Sometimes, the meeting may be followed by a field review of the Special Flood Hazard Area. If this is done, typically newer buildings are inspected to determine if the ordinance was enforced. Following the CAV, the DNRC prepares a summary report, which we are then required to submit to FEMA for federal review.

The DNRC also provides the community (both the Floodplain Administrator and the local head of government) with a report of the CAV results, including any noncompliance issues that may have been noted. If issues are identified, the DNRC is ready, willing and able to provide assistance in remedying violations and correcting problems with administrative processes.

Please take advantage of us as a resource and look at this as an opportunity for you to discuss any general floodplain management questions you might have and voice any specific issues or concerns you have with your floodplain program and/or with your floodplain maps. Ultimately we are here to help you and provide information. Our goal is to keep your floodplain program running smoothly and avoid any compliance issues with FEMA.

Remember, unresolved NFIP compliance issues will eventually be addressed by the federal government, and may result in program sanctions if FEMA is not satisfied. No one wants that! If you have any questions, please contact Laura Pfister at lpfister@mt.gov or at 406-444-6656.

FLOOD MITIGATION ASSISTANCE PROGRAM (FMAP)

Tom Sanburg of the state Department of Natural Resources and Conservation (DNRC) administers federal grants from FEMA to qualified communities and owners of repetitive loss properties.

There are two types of grants available under the FMAP program; planning grants and project grants. **Planning Grants** are given to communities that have repetitive loss properties (properties with at least two flood insurance claims in a 10-year period). The grant money is used to write flood mitigation plans to identify areas impacted and suggest strategies of mitigating potential damage from future floods**. Project Grants** are applied for by owners of repetitive loss properties with the intent of removing the structures from the flood plain or otherwise preventing them from receiving continued damage from future flood events. The repetitive loss property must be identified in a community flood mitigation plan and the project must be able to pass a test of cost effectiveness before it can be considered for grant approval.

Due to lack of recent flooding events, Montana currently has few repetitive loss properties that have not been addressed by the FMAP program. Most communities that have repetitive loss properties have written flood mitigation plans with funding from FMAP. Each year, many thousands of federal dollars are not used in the region due to lack of interest and financial constraints.

FMAP POC is Tom Sanburg 444-9362.

OTHER FEDERAL UPDATES

FEMA FLOODPLAIN MANAGEMENT BULLETIN 1-98…
"USE OF FLOOD INSURANCE STUDY (FIS) DATA AS AVAILABLE DATA"

FEMA has produced a new Floodplain Management Bulletin (1-98) to provide communities with more detailed guidance about how they should use any draft or preliminary FEMA Flood Insurance Study data as "available data" for regulating local floodplain development. Below are a few excerpts from that bulletin. Please go to http://www.fema.gov/fima/fis_data.shtm for more information and to access a complete copy.

Overview

When areas have been designated as special flood hazard areas on the community's Flood Hazard Boundary Map (FHBM) or Flood Insurance Rate Map (FIRM) and no Base Flood Elevations (BFEs) or an identified floodway have been developed, communities are required to apply the provisions of 44 Code of Federal Regulations 60.3(b)(4). This regulation requires that communities:

> *Obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State, or other source...*

The data obtained should be used as long as they reasonably reflect flooding conditions expected during the base flood, are not known to be scientifically or technically incorrect, and represent the best data available. Data from a draft or preliminary Flood Insurance Study (FIS) constitute available data under 44 CFR 60.3(b)(4).

Specifics - Use of Draft or Preliminary FIS Data

For Zone A (Approximate). For Zone A areas designated on the community's effective FHBM or FIRM, the BFE and floodway data from a draft or preliminary FIS constitute available data under Subparagraph 60.3(b)(4). This requirement is an important floodplain management tool for reducing flood damages in areas where a detailed engineering study to develop BFEs and designate floodways on streams has not been conducted. Communities are required to reasonably utilize the data from a draft or preliminary FIS under the section of their ordinance that applies to this paragraph. A community is allowed discretion in using this data only to the extent that the technical or scientific validity of the data in the draft or preliminary FIS is questioned.

If a community decides not to use the BFE or floodway data in the draft or preliminary FIS because it is questioning the data through a valid appeal, the community must continue to ensure that buildings are constructed using methods and practices that minimize flood damages in accordance with federal and state floodplain management requirements

When all appeals have been resolved and a notice of final flood elevation determination has been provided in a LFD, communities are required to use the BFE and floodway data for regulating floodplain development in accordance with 44 CFR 60.3(b)(4) since the data represents the best data available.

For Zones AE, A1-30, AH, and AO. The NFIP floodplain management criteria do not require communities to use BFE and floodway data from a draft or preliminary Flood Insurance Restudy in Zones AE, A1-30, AH, and AO in lieu of using the BFE and floodway data contained in an existing effective FIS and FIRM. Because communities are afforded the opportunity to appeal BFE data from a restudy in accordance with Section 1363 of the National Flood Insurance Act of 1968, as amended, a presumption of validity is given to existing effective BFE data that has gone through the formal statutory appeals process and which has been adopted by the community.

Exceptions. However, in cases where BFEs increase in the restudied area, communities have the responsibility to ensure that new or substantially improved structures are protected, particularly if the increases in BFEs are significant. FEMA encourages communities to reasonably utilize this information in instances where BFEs increase and floodways are revised to ensure that the health, safety, and property of their citizens are protected.

In cases where BFEs decrease, the community should not use this information to regulate floodplain development until the Letter of Final Determination has been issued or at least until all appeals have been resolved.

In communities where floodways have not been designated for all or some of the flooding sources, but BFEs have been provided, communities are required to apply the criteria at 44 CFR 60.3(c)(10). This provision requires that:

> *Until a regulatory floodway is designated, no new construction, substantial improvements, or other development shall be permitted unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.*

However, if a draft or preliminary FIS has designated floodways where none had previously existed, communities should reasonably utilize this data in lieu of applying the encroachment performance standard of 44 CFR 60.3(c)(10) since the data in the draft or preliminary FIS represents the best data available.

For Zones B, C, and X. The NFIP floodplain management criteria do not require the use of BFE and floodway data from a draft or preliminary FIS under 44 CFR 60.3(b)(4) for an area or areas within Zones B, C, or X on the community's FIRM that are being revised to Zone AE, A1-30, AH, or AO.

ENDANGERED SPECIES ACT APPLIES TO NFIP, COURT SAYS

Originally Printed in ASFPM's "News and Views" Vol. 16, No 6, December 2004

The U.S. District Court for Western Washington (in Seattle) ruled on November 17 (2004) that the Federal Emergency Management Agency is in violation of the Endangered Species Act because it has ignored the impacts of the National Flood Insurance Program on threatened chinook salmon in Puget Sound. The ruling came in response to a lawsuit brought by the National Wildlife Federation and Public Employees for Environmental Responsibility.

The court agreed with the plaintiffs that, first, FEMA is required to comply with the Endangered Species Act and second, that the NFIP helps fuel development and floodplain damage in some of the most sensitive and important salmon habitat in the region.

For example, the judge agreed that "FEMA is in effect encouraging filling" in floodplains, an activity that "is highly likely to have negative effects on habitat of listed and endangered species." Calling federal flood insurance a "prerequisite" to floodplain development, the judge ruled that FEMA's regulations and the sale of insurance "enable development in the floodplain that negatively impacts salmon." Plaintiffs claimed that development in floodplains "reduces the amount of habitat available to chinook salmon and creates additional impermeable surfaces in the floodplain that produce polluting runoff."

The court ordered FEMA to engage in a "Section 7 consultation" with the National Marine Fisheries Service. This process is required under Section 7(a)(2) of the Endangered Species Act and ensures that a federal agency intending to undertake an action coordinates with the federal agency charged with protecting an endangered or threatened species (in this case, the NMFS has jurisdiction over anadromous salmon). The purpose of the consultation is to ensure that the action is carried out in such a way that it is "not likely to jeopardize" the species in question. This consultation is the same procedure followed for other federal activities such as timber sales and dam operations.

FEMA was ordered specifically to address in its consultation with NMFS the minimum NFIP eligibility criteria, the mapping of floodplains and the revision of the maps, and provisions of the Community Rating System that could encourage local activities detrimental to salmon. The actual sale of flood insurance policies was excluded from the consultation.

A copy of the decision can be viewed at http://www.nwf.org/wherewework. Scroll down to "Northwestern Natural Resource Center" and click on "Salmon."

REMEMBER!!!

SIGN UP FOR THE FREE FLOODPLAIN MANAGEMENT WORKSHOP IN YOUR AREA

AND

REGISTER FOR THE 6TH ANNUAL AMFM CONFERENCE IN WHITEFISH!

...DETAILS ON PAGES 2 AND 4