

AGENDA

MONTROSE CITY COUNCIL SPECIAL MEETING MEETING

January 23, 2021 9:00 AM COMMUNITY CENTER

PLEDGE OF ALLEGIANCE

CALL TO ORDER - Roll Call

RULES OF DECORUM

APPROVAL OF AGENDA

REVIEW UPDATED FEMA FLOOD MAP & DISCUSS NEXT STEPS

ADJOURN

(NOTE: No changes will be made to the agenda within 24 hours of the Council meeting.)

Reduction of Comprehensive Flood Risk

The NFIP accomplishes the goal of reducing comprehensive flood risk primarily by requiring participating communities to

- collaborate with FEMA to develop and adopt flood maps called Flood Insurance Rate Maps (FIRMs), and
- enact minimum floodplain standards based on those flood maps.

In addition, premiums collected from the sale of insurance in the NFIP finance a Flood Mitigation Assistance (FMA) grant program that reduces overall flood risk. This section of the report briefly discusses each of these means of reducing comprehensive flood risk.

Risk Mapping, Assessment, and Planning (Risk MAP) and Flood Insurance Rate Maps (FIRMs)

FEMA is responsible for undertaking Flood Insurance Studies (FISs) nationwide to identify areas within the United States having special flood, mudslide, and flood-related erosion hazards; assess the flood risk; and designate insurance zones.¹⁷ FEMA develops, in coordination with participating communities, flood maps called FIRMs using these FISs that depict the community's flood risk and floodplain. In BW-12, Congress revised the authorities of FEMA as it relates to flood hazard mapping to formally establish what FEMA has called the Risk Mapping, Assessment and Planning (Risk MAP) process.¹⁸ Though formally authorized in BW-12, FEMA started the Risk MAP process at the request of Congress in 2009.¹⁹ While FEMA is largely responsible for the creation of the FIRM, the community itself must pass the map into its local or state law in order for the map to be effective.

Flood Zones

An area of specific focus on the FIRM is the Special Flood Hazard Area (SFHA). The SFHA is intended to distinguish the flood risk zones that have a chance of flooding during a "1 in 100 year flood" or greater frequency. This means that properties in the SFHA have a risk of 1% or greater risk of flooding every year. **Table 1** shows flood-risk zones that are depicted on the FIRMs. Zones A (A1-30), AE, AH, AO, V, VE, VO, and V1-30 constitute the designated SFHA on the community's FIRM. V zones are distinguished from A zones in that V zones are subject to wave action (i.e., coastal flooding). Two other designations for classifying zones in the SFHA are the Zone AR, which is an area where a levee or similar structure is determined not to provide sufficient flood protection, but is undergoing restoration; and the Zone A99, an area where a federal flood protection structure is under construction to provide the necessary flood protection standard.

¹⁷ See 42 U.S.C. §4101 and 44 C.F.R. Part 65.

¹⁸ §100216 of P.L. 112-141, 126 Stat. 927, as codified at 42 U.S.C. §4101b.

¹⁹ Congress called for the creation of a new five-year National Flood Map Maintenance Plan for FY2010-FY2014 in the Explanatory Statement which accompanied the Department of Homeland Security Appropriations Act, 2009 (P.L. 110-329). For the initial Risk MAP plan, see FEMA, *Risk Mapping, Assessment, and Planning (Risk MAP) Multi-Year Plan: Fiscal Years 2010-2014*, March 16, 2009, at http://www.fema.gov/media-library-data/20130726-1650-20490-4732/fema_risk_map_plan.pdf.

There is no consistent, definitive timetable for when a particular community will have their maps revised and updated. FEMA uses a process called the Coordinated Needs Management Strategy to prioritize, identify, and track the lifecycle of mapping needs of Risk MAP.²³ Generally, flood maps may require updating when there have been significant new building developments in or near the flood zone, changes to flood protection systems (e.g., levees and sand dunes), and environmental changes in the community. Because of the variability in how and when a FIRM is updated, for example, one community may be undergoing the process of updating its map while a neighboring community is not, and one community may have had its map last updated in 2020 while a neighboring community had its last revised in 2005, etc.

There are statutory guidelines for how FEMA is allowed to develop new FIRMs for a community. These guidelines require, for example, FEMA to conduct extensive communication and outreach efforts with the community during the mapping process and include various minimum waiting periods after intermediary steps are taken in the process.²⁴ In addition, during this process, communities are asked to submit pertinent data concerning their flood hazards, flooding experience, mitigation plans to avoid potential flood hazards, and estimates of historical and prospective economic impacts flooding has had on the community.²⁵ Generally, FEMA seeks to make the Risk MAP process a collaborative process with local communities to encourage a joint sense of “ownership” of the maps. There are also legal requirements allowing communities and individuals to appeal during the process of updating FIRMs.²⁶ This appeal process now includes the option, first authorized in BW-12, for communities to appeal to a Scientific Resolution Panel regarding a proposed FIRM.²⁷

In BW-12, Congress reestablished and reauthorized a council called the Technical Mapping Advisory Council (TMAC).²⁸ The TMAC is broadly authorized to review and recommend improvements to how FEMA produces and disseminates flood hazard, flood risk, and flood map information.²⁹ In particular, the TMAC is authorized to recommend to FEMA “mapping standards and guidelines for—(A) flood insurance rate maps [FIRMs]; and (B) data accuracy, data quality, data currency, and data eligibility.”³⁰ Currently, the TMAC estimates that the production of a new or revised FIRM is designed to take three to five years under the Risk MAP program, but can

²³ For more, see FEMA, *Coordinated Needs Management Strategy*, at <https://www.fema.gov/flood-maps/tools-resources/risk-map/coordinated-needs-management-strategy>.

²⁴ See, for example, 42 U.S.C. §4101b(d)(1) and 42 U.S.C. §4104.

²⁵ See, for example, 44 C.F.R. §66.1.

²⁶ Primarily, see 42 U.S.C. §4104(c)-(g).

²⁷ §100218(a) of P.L. 112-141, 126 Stat. 930, as codified at 42 U.S.C. §4104-1. For more on the Scientific Resolution Panel, see the Panel’s website at <http://www.floodsrp.org/>.

²⁸ Section 100215, Title II of P.L. 112-141, 126 Stat. 924, as codified at 42 U.S.C. §4101a. Congress originally authorized the creation of the Technical Mapping Advisory Council (TMAC) in 1994 (see §576 of P.L. 103-325, 108 Stat. 2280). However, in that originating statute, the TMAC was required to terminate “5 years after the date on which all members of the Council have been appointed.” BW-12 did not include a termination clause for TMAC, thus making it permanent. BW-12 describes the conditions for membership, pay, and other matters relating to the operations and structure of the TMAC.

²⁹ For a list of duties, see 42 U.S.C. §4101a(c).

³⁰ 42 U.S.C. §4101a(c)(2).

- require permits for development in the SFHA;
- require elevation of the lowest floor of all new residential buildings in the SFHA to or above the Base Flood Elevation (BFE);³⁹
- restrict development in the regulatory floodway to prevent increasing the risk of flooding; and
- require certain construction materials and methods that minimize future flood damage.⁴⁰

Legal enforcement of the floodplain management standards is the responsibility of the participating NFIP community. However, FEMA, often in cooperation with state governments, will conduct community assistance visits (CAVs) to monitor how and if a community is adequately enforcing its floodplain ordinances.⁴¹ Two previous reviews commissioned by FEMA on community enforcement of minimum floodplain standards have estimated that the nationwide rate of community compliance with the standards is 70% to 85%,⁴² and that between 58% and 70% of buildings are built in full compliance with the standards.⁴³ A community that has been found failing to enforce the floodplain management standards may be placed on probation and ultimately suspended from the NFIP (as discussed later in this report).⁴⁴ As these standards are just *minimum* requirements, states and communities can elect to adopt higher standards as a means of mitigating flood risk. In addition, FEMA operates a program, called the Community

³⁹ The Base Flood Elevation (BFE) is the water-surface elevation of the base flood, which is the 1%-annual-chance flood, commonly called the 100-year flood. The probability is 1% that rising water will reach BFE height in any given year. The depth of the base flood is calculated by subtracting the ground elevation from the BFE.

⁴⁰ For more on the NFIP minimum floodplain standards, see, for example, FEMA, *NFIP Floodplain Management*, at <https://www.fema.gov/floodplain-management-requirements>.

Christopher P. Jones, William L. Coulbourne, and Jamie Marshall, et al., *Evaluation of the National Flood Insurance Program's Building Standards: Prepared as part of the 2001-2006 Evaluation of the National Flood Insurance Program*, American Institutes of Research, October 2006, at https://www.fema.gov/media-library-data/20130726-1602-20490-5110/nfip_eval_building_standards.pdf.

Association of State Floodplain Managers, *A Guide for Higher Standards in Floodplain Management*, March 2013, at https://s3-us-west-2.amazonaws.com/asfpm-library/General/Higher_Standards_Floodplain_Management_ASFPM_2013.pdf.


⁴¹ For more information on CAVs, see FEMA, *Guidance for Conducting Community Assistance Contacts and Community Assistance Visits*, F-776, April 2011, at https://www.fema.gov/media-library-data/20130726-1812-25045-9789/fema_f776_cacs_cavs_web_final_apr2011.pdf.

⁴² A community was estimated to be compliant with the floodplain management standards if it had no program deficiencies or violations or if it addressed them satisfactorily within two years [following a community assistance visit]. As another way of gauging overall community compliance, FEMA and state personnel were asked in interviews to give estimates of the proportion of compliant communities in their 'territories.' Their responses ranged from 0 percent compliant for some areas to 100 percent for others, but averaged to 78 percent compliant, the median of the range calculated from existing records.

See Jacquelyn L. Monday, Kristen Y. Grill, and Paul Esformes, et al., *An Evaluation of Compliance with the National Flood Insurance Program Part A: Achieving Community Compliance*, American Institutes of Research, Prepared as part of the 2001-2006 Evaluation of the National Flood Insurance Program, November 2006, p. x, at https://www.fema.gov/media-library-data/20130726-1602-20490-1461/nfip_eval_community_compliance_a.pdf.

⁴³ Margaret L. Mathis and Suzanne Nicholson, *An Evaluation of Compliance with the National Flood Insurance Program Part B: Are Minimum Building Requirements Being Met?*, Dewberry, Prepared as part of the 2001-2006 Evaluation of the National Flood Insurance Program, October 2006, p. viii, at https://www.fema.gov/media-library-data/20130726-1602-20490-2430/nfip_eval_community_compliance_b.pdf.

⁴⁴ See the "Nonparticipating Communities and Community Suspension" section of this report.

 An official website of the United States government
[Here's how you know](#)



FEMA

Flood Maps

Change Your Flood Zone Designation

[Determination Documents](#)

[How to Submit a Map Change Request](#)

[Completed Map Changes](#)

If you believe your property was incorrectly identified as a Special Flood Hazard Area (SFHA) by the [National Flood Insurance Program \(NFIP\)](#), you may submit an application to FEMA for a formal determination of the property's location and/or elevation relative to the SFHA. This is called a **Letter of Map Change (LOMC)** request.



A "Special Flood Hazard Area" has a one percent or greater chance of flooding in any given year, sometimes referred to as the one-percent-annual-chance flood or base flood.

After FEMA reviews the map change request, it will issue a **determination document**, either approving or denying the map change. There are two types determination documents you can seek in your LOMC request.

- **Letter of Map Amendment (LOMA):** A letter from FEMA stating that an existing structure or parcel of land — *that is on naturally high ground and has not been elevated by fill* — would not be inundated by the base flood.
- **Letter of Map Revision Based on Fill (LOMR-F):** A letter from FEMA stating that an existing structure or parcel of land *has been elevated by earthen fill* and would not be inundated by the base flood.

Registered users can use eLOMA to generate a determination from FEMA within minutes of submitting required information and data.

[Learn How to Access eLOMA](#)

Gather Your Letter of Map Change (LOMC) Documents

The [Online LOMC](#) application requires specific information regarding the property (parcels) of land or structure(s), including:

- Location
- Legal description
- Use of fill

In accordance with NFIP regulations, FEMA uses the information required in the Online LOMC application process to make a determination on whether or not a property is located within a designated SFHA.

In certain instances, additional data may be required. A FEMA representative will notify the applicant of any additional requirements needed to complete the request.

Flood Insurance Study (FIS) Data Request

FEMA has identified seven categories into which requests for Flood Insurance Study (FIS) backup (i.e., technical and administrative support) are separated.

[See FIS Data Request Categories and Associated Fees](#)

[Download Payment Form](#)

Compendium of Map Changes

You can review a list of all the changes made to the National Flood Insurance Program maps in a given six-month period, including:

Updated

McCook County Current Effective and 2021 Enhanced Data Comparison

