



Adoption of Flood Insurance Rate Maps by Participating Communities

FEMA 495 / September 2012



FEMA

Adoption of Flood Insurance Rate Maps by Participating Communities

The National Flood Insurance Program (NFIP) was established with the passage of the National Flood Insurance Act of 1968. The NFIP is a Federal program enabling property owners in participating communities to purchase insurance as a protection against flood losses in exchange for State and community floodplain management regulations that reduce future flood damages. Over 21,000 communities participate in the Program.

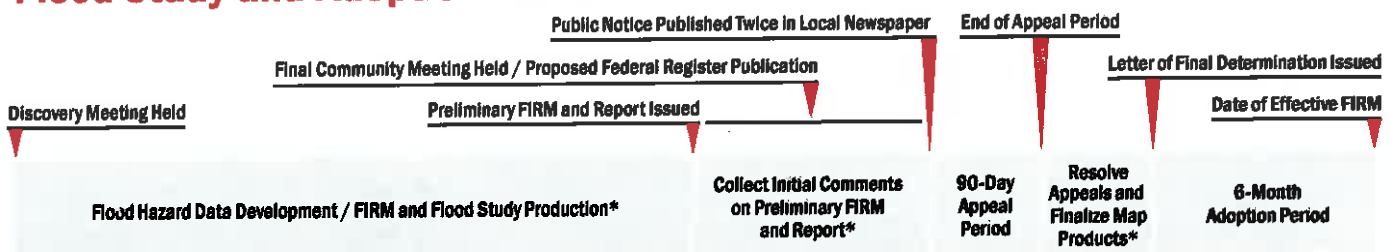
This brochure addresses several questions about community adoption of the Flood Insurance Rate Map (FIRM). As a participating community in the NFIP, your community is responsible for making sure that its floodplain management regulations meet or exceed the minimum requirements of the NFIP. By law, the Department of Homeland Security's Federal Emergency Management Agency (FEMA) cannot offer flood insurance in communities that do not have regulations that meet or exceed these minimum requirements. These regulations can be found in **Title 44 of the Code of Federal Regulations (44 CFR) Section 60.3**. You can also find them in model ordinances developed by most States and by FEMA Regional Offices.

The basis of your community's floodplain management regulations is the flood hazard data provided to the community by FEMA. FEMA identifies flood hazards nationwide and publishes and periodically updates flood hazard data in support of the NFIP. Flood hazard data is provided to communities in the form of a FIRM and Flood Insurance Study (FIS) report, typically prepared in a countywide format. Please be aware that while an FIS report accompanies most FIRMs, it is not created for all flood studies.

The identification of flood hazards serves many important purposes. Identifying flood hazards creates an awareness of the hazard, especially for those who live and work in floodprone areas. The FIRM and FIS report provide States and communities with the information needed for land use planning and to reduce flood risk to floodplain development and implement other health and safety requirements through codes and regulations. States and communities can also use the information for emergency management.

Each time FEMA provides your community with additional flood hazard data, your community must adopt new floodplain management regulations or amend existing regulations to incorporate the new data and meet any additional requirements that result from any changes in the data, such as the designation of a regulatory floodway for the first time. Your floodplain management regulations must also meet any additional State requirements and be adopted through a process that complies with any procedural requirements established in your State for the adoption of ordinances or regulations.

Flood Study and Adoption Timeline



*The timeframe for completing these activities may vary.

JUL 22 2016



FEMA
RECEIVED
JUL 25 2016
CITY OF ORONO

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

The Honorable Lili McMillan
Mayor, City of Orono
Orono City Hall
2750 Kelley Parkway
Orono, Minnesota 55356

Dear Mayor McMillan:

I commend you for the efforts that have been put forth in implementing the floodplain management measures for the City of Orono, Minnesota, to participate in the National Flood Insurance Program (NFIP). As you implement these measures, I want to emphasize the following:

- a Flood Insurance Study (FIS) and Flood Insurance Rate Map (FIRM) have been completed for your community;
- the FIS and FIRM will become effective on November 4, 2016; and
- by the FIS and FIRM effective date, the Department of Homeland Security's Federal Emergency Management Agency (FEMA) Regional Office is required to approve the legally enforceable floodplain management measures your community adopts in accordance with Title 44 Code of Federal Regulations Section 60.3(d).

As noted in FEMA's letter dated May 4, 2016, no significant changes have been made to the flood hazard data on the Preliminary and/or revised Preliminary copies of the FIRM for Hennepin County. Therefore, the City of Orono should use the Preliminary and/or revised Preliminary copies of the FIRM as the basis for adopting the required floodplain management measures. Final printed copies of the FIRM for the City of Orono will be sent to you within the next few months.

If you encounter difficulties in enacting the measures, I recommend you contact the Minnesota Department of Natural Resources. You may contact Ceil Strauss, CFM, the NFIP State Coordinator, by telephone at (651) 259-5713, in writing at 500 Lafayette Road, Saint Paul, Minnesota 55155-4032, or by electronic mail at ceil.strauss@state.mn.us.

The FEMA Regional staff in Chicago, Illinois, is also available to provide technical assistance and guidance in the development of floodplain management measures. The adoption of compliant floodplain management measures will provide protection for the City of Orono and will ensure its participation in the NFIP. The Regional Office may be contacted by telephone at (312) 408-5500 or in writing. Please send your written inquiries to the Director, Federal Insurance and Mitigation Division, FEMA Region V, at 536 South Clark Street, Sixth Floor, Chicago, Illinois 60605.

The Honorable Lili McMillan

JUL 22 2016

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You may have already contacted the NFIP State Coordinator and/or the FEMA Regional Office, and may be in the final adoption process or recently adopted the appropriate measures. However, in the event your community has not adopted the appropriate measures, this letter is FEMA's official notification that you only have until November 4, 2016, to adopt and/or submit a floodplain management ordinance that meets or exceeds the minimum NFIP requirements, and request approval from the FEMA Regional Office by the effective date. Your community's adopted measures will be reviewed upon receipt and the FEMA Regional Office will notify you when the measures are approved.

I appreciate your cooperation to ensure that your community's floodplain management measures are approved by the FEMA Regional Office by November 4, 2016. Your compliance with these mandatory program requirements will enable your community to avoid suspension from the NFIP.

Sincerely,

A handwritten signature in black ink, appearing to read "Rachel Sears", written in a cursive style.

Rachel Sears, Director
Floodplain Management Division
Mitigation Directorate | FEMA

Enclosure

cc: Andrew Velasquez, III, Regional Administrator, FEMA Region V
Ceil Strauss, CFM, NFIP State Coordinator, Minnesota Department of Natural Resources
Diane Teigs, City Clerk, City of Orono

For Assistance

If your community needs assistance in adopting the FIRM, you may contact the FEMA Regional Offices listed below. You may also contact your State Coordinating Agency for the NFIP.

Additional information is available at www.fema.gov/rm-main/regional-contact-information.

REGION I

CT, ME, MA, NH, RI, VT
99 High Street, 6th Floor
Boston, MA 02110
617-956-7506

REGION II

NJ, NY, PR, VI
26 Federal Plaza, Suite 1337
New York, NY 10278-0002
212-680-3600

REGION III

DE, DC, MD, PA, VA, WV
615 Chestnut Street
1 Independence Mall, 6th Floor
Philadelphia, PA 19106-4404
215-931-5500

REGION IV

AL, FL, GA, KY, MS, NC, SC, TN
3003 Chamblee-Tucker Road
Atlanta, GA 30341
770-220-5200

REGION V

IL, IN, MI, MN, OH, WI
536 South Clark Street, 6th Floor
Chicago, IL 60605
312-408-5500

REGION VI

AR, LA, NM, OK, TX
Federal Regional Center
800 North Loop 288
Denton, TX 76209-3698
940-898-5399

REGION VII

IA, KS, MO, NE
9221 Ward Parkway, Suite 300
Kansas City, MO 64114-3372
816-283-7061

REGION VIII

CO, MT, ND, SD, UT, WY
Denver Federal Center, Building 710, Box 25267
Denver, CO 80225-0267
303-235-4800

REGION IX

AZ, CA, HI, NV, American Samoa, Guam,
Marshall Islands and Northern Mariana Islands
1111 Broadway, Suite 1200
Oakland, CA 94607
510-627-7100

REGION X

AK, ID, OR, WA
Federal Regional Center
130 228th Street SW
Bothell, WA 98021-8627
425-487-4600

Becoming a Cooperating Technical Partner



FEMA established the Cooperating Technical Partner (CTP) program to increase local involvement in, and

ownership of, the flood study process and the flood hazard data developed as part of that process. This program enables communities, and regional and State agencies that have the interest, capabilities, and resources to be active partners in FEMA's flood hazard mapping program.

One of the major objectives of the CTP program is to recognize States, regional agencies, and communities with proactive floodplain management programs that include identifying the flood risk and getting the information incorporated into official FEMA flood hazard data. The CTP Program maintains national standards consistent with the NFIP Regulations. The following are some of the benefits of being a CTP.

- CTPs are given an opportunity to develop more detailed maps by making local geospatial data a part of the FIRM

- CTPs receive support such as access to existing data, access to custom-made FEMA tools, technical assistance, and national recognition
- CTPs receive mentoring support, online examples of "best practices," and free training
- Communities that participate in the Community Rating System (CRS) that also become CTPs or are in an area covered by a regional or State CTP may be eligible to receive CRS credit for CTP activities

Another major objective and benefit of the CTP Program is the ability to leverage available funding and local data to make the most of limited resources. Communities, States, and regional agencies can take advantage of these benefits by entering into an agreement with FEMA that formalizes the types of mapping activities and support the CTP will provide. Nearly 250 communities, States, and regional agencies are currently participating in the CTP Program.

To learn more about becoming a CTP, visit www.fema.gov/plan/prevent/fhm/ctp_main.shtm or contact your FEMA regional office (see back page for contact information)

Becoming an NFIP Community Rating System Community



The NFIP Community Rating System (CRS) recognizes community floodplain management practices that exceed the minimum requirements of the NFIP. CRS recognizes these efforts by

reducing the cost of flood insurance premiums from 5 percent to 45 percent for flood insurance policies in communities that participate in the CRS.

Many communities may already be doing activities that would earn credit under the CRS which would reduce flood insurance premiums for their citizens. Here are a few examples:

- Adopting and enforcing more protective building standards that result in safer new construction
- Informing the public about flood hazards and flood insurance and how to reduce flood damage
- Preserving open space in the floodplain

To receive CRS credit, a community must submit a CRS application to FEMA which identifies floodplain management practices being implemented by the community. FEMA can help with the application. After FEMA reviews and verifies the application, the flood insurance premium discounts will go into effect. The amount of flood insurance policy premium discount depends on the number of CRS-credited activities a community performs.

Community participation in the CRS has many benefits:

- Discounts for flood insurance premiums from 5 percent to 45 percent
- Enhanced public safety
- Reduced flood damage
- Increased environmental protection
- Informed community residents supporting improved flood protection measures that will make communities safer from flood risks.

To learn more about CRS, visit www.fema.gov/business/nfip/crs.shtm or call 317-848-2898



Elevated home on pile foundation



Elevated home on crawl space foundation

make conventional loans for insurable buildings in flood hazard areas of non-participating communities. However, the lender must notify applicants that the property is in a flood hazard area and that the property is not eligible for Federal disaster assistance. Some lenders may voluntarily choose not to make these loans.

If a community is suspended, it may regain its eligibility in the NFIP by enacting the floodplain management measures established in 44 CFR Section 60.3 of the NFIP regulations. If development takes place in your community during suspension that does not meet the minimum NFIP requirements, your community will be asked to take actions to reduce the increased flood hazard prior to reinstatement.

Digital Flood Hazard Information Resources

In accordance with the Flood Insurance Reform Act of 2004, FEMA has implemented a policy that allows the use of digital data for official NFIP purposes. All FEMA's flood mapping products are now prepared digitally, and a number of different digital options are available to view the flood hazard information shown on community FIRMs. All digital flood hazard resources referenced below can be accessed through FEMA's Map Service Center (MSC) at <http://msc.fema.gov>.

- Once effective, copies of the FIRM panels in digital format will be provided to your community and will also be available through the MSC. Note that Letters of Map Change (LOMCs) are also available through the MSC in .pdf format.
- FIRMettes show a desired section of a FIRM panel specified by a user, plus map scale, and other legend information from the FIRM. FIRMettes can be created online through the MSC, and printed or saved in .pdf format at no cost.
- The FIRM database is designed for use with specialized Geographic Information System (GIS) software. Users are able to integrate local data sets with the FEMA flood hazard data in the FIRM database to assist with floodplain management or mitigation planning measures. The FIRM

database is provided to your community once the FIRM becomes effective and is also available for download through the MSC.

- The National Flood Hazard Layer (NFHL) contains all effective digital flood hazard information from FIRM databases and LOMRs produced by FEMA in one integrated nationwide dataset. It also contains point locations of other LOMCs, such as Letters of Map Revision Based on Fill and Letters of Map Amendment. The NFHL is available for viewing through FEMA's online map viewer which can be accessed through the MSC. The NFHL can also be viewed as a layer in Google Earth or accessed via Web Map Service (WMS), a web-based method of viewing map information using commercial GIS software, such as ESRI's ArcGIS. Additional information on these services is available through the MSC.

Note for communities that do not yet have digitally produced FIRMs: scanned digital versions of the paper FIRM panels are available through the MSC. However, since the FIRMs were not produced digitally, a FIRM database will not be available and the flood hazard information shown on the FIRMs will not be included in the NFHL.



Janesville, Wisconsin, 2008

When must a community adopt the new or revised flood hazard data?

Your community must amend its existing floodplain management regulations or adopt new regulations before the effective date of the FIRM and FIS report, which is identified in the LFD. The LFD initiates the six-month adoption period.

Communities are encouraged to adopt the appropriate floodplain management regulations as soon as possible after the LFD is issued. The adopted regulations must be submitted to FEMA or the State and be approved by FEMA before the effective date of the FIRM and FIS report.

FEMA will send two letters notifying the community that it must have approved floodplain management regulations in place before the effective date of the FIRM. The first letter is a reminder letter and is sent to the community 90 days before the effective date. The second letter is sent to the community 30 days before the effective date of the FIRM. This letter is FEMA's final notification that the community will be suspended from the NFIP if it does not adopt the FIRM before the effective date. Notice of the suspension is also published in the *Federal Register*.

If the community adopts or amends its floodplain management regulations prior to the effective date of the FIRM and FIS report and the FEMA Regional Office approves the community's regulations, the suspension will not go into effect and the community will remain eligible for participation in the NFIP.

What happens if a community does not adopt the appropriate floodplain management regulations during the six-month adoption period?

If a community does not adopt new floodplain management regulations or amend its existing regulations before the effective date of the FIRM and FIS report, the community will be suspended from the NFIP.

The following sanctions apply if a community is suspended from the NFIP:

- Property owners will not be able to purchase NFIP flood insurance policies and existing policies will not be renewed.
- Federal grants or loans for development will not be available in identified flood hazard areas under programs administered by Federal agencies such as the Department of Housing and Urban Development, the Environmental Protection Agency, and the Small Business Administration.
- Federal disaster assistance will not be provided to repair insurable buildings located in identified flood hazard areas for damage caused by a flood.
- Federal mortgage insurance or loan guarantees will not be provided in identified flood hazard areas such as those written by the Federal Housing Administration and the Department of Veteran Affairs.
- Federally insured or regulated lending institutions, such as banks and credit unions, are allowed to



FIRM

What must an NFIP participating community do when FEMA provides new or revised flood hazard data?

Each time FEMA provides a community with new or revised flood hazard data, the community must either adopt new floodplain management regulations, or amend its existing regulations to reference the new FIRM and FIS report. In some cases, communities may have to adopt additional floodplain management requirements if a new type of flood hazard data is provided, such as a new flood zone (e.g., going from a Zone A without BFEs to a Zone AE with BFEs or going from a Zone AE to a Zone VE – the coastal high hazard area), or with the addition of a regulatory floodway designation.

The following guide is to help you determine whether changes need to be made in your community’s floodplain management regulations when a new or revised FIRM and FIS report are provided:

- If the community’s floodplain management regulations are compliant with the NFIP requirements when the LFD is issued, the community needs to amend only the map reference section of their floodplain management regulations to identify the new FIRM and FIS report.
- If the community has a legally valid automatic adoption clause established in the map reference section of the regulations and the community’s regulations are otherwise compliant with the NFIP requirements, then the floodplain management

regulations do not need to be amended. Automatic adoption clauses adopt all future revisions to the FIRM without further action by the community. However, keep in mind that the FIRM and FIS report update process outlined above still applies for communities with automatic adoption clauses. Automatic adoption clauses are not permitted in many States.

- If the community is provided a new type of flood hazard data, the community will need to either adopt new regulations or amend existing regulations to include the appropriate NFIP requirements, in addition to referencing the new FIRM and FIS report.

The LFD indicates the sections of the NFIP floodplain management requirements at 44 CFR Section 60.3 that a community must adopt based on the type of flood hazard data provided to the community.

You can contact the FEMA Regional Office or your State NFIP Coordinating Agency for assistance on the specific requirements your community will need to adopt. (See “For Assistance” on the back cover page for contact information.)

If your community has adopted higher standards than the minimum requirements of the NFIP, your community may qualify for a reduction in flood insurance premiums for your citizens under the Community Rating System (CRS). (See the box on the inside of the back cover for a brief description of the CRS.)

What is the process for developing new flood hazard data or revising existing data?

FEMA coordinates closely with communities to develop new flood risk data or revise existing data during the flood study process. This coordination may lead to new or updated flood hazard mapping (i.e., the update of a community's FIRM and FIS report), flood risk assessment projects, and/or mitigation planning assistance. In general, the process includes the following activities:

- Under FEMA's Risk MAP program, FEMA engages in a Discovery process with communities and other local stakeholders to obtain a comprehensive picture of flooding issues, flood risk, and the potential for the performance of additional flood mitigation activities, including the adoption of more restrictive floodplain management criteria by communities. Stakeholders may include, but are not limited to, local officials, citizen associations, representatives of levee boards, conservation districts, Tribal Nations, and economic development organizations. Information obtained during the Discovery meeting helps determine whether a flood risk assessment project, including new or updated flood hazard data and a corresponding FIRM and FIS report, is needed.
- Once it is determined that the creation or revision of flood hazard data, including an update to the FIRM and FIS report, is needed, FEMA works with communities and other Discovery stakeholders to determine the parameters of the project, including flooding sources and the type and extent (number of stream or coastline miles) of the study.
- The mapping process typically includes development of Base Flood Elevations (BFEs) and floodways for the project area. In addition, the mapping process includes activities such as obtaining the digital base map, developing the FIRM flood hazard database and, when appropriate, incorporating or revalidating previously issued Letters of Map Change, or LOMCs. LOMCs, which include Letters of Map Revision (LOMRs), Letters of Map Revision Based on Fill and Letters of Map Amendment, serve to officially revise the effective FIRM and FIS report without requiring the physical revision and republication of these materials.
- When the study is completed, FEMA provides the community with a preliminary FIRM and FIS report for review. In addition, FEMA may hold public meetings—often referred to as the Final Meeting and Open House—to explain and obtain comments on the preliminary FIRM and FIS report.
- FEMA provides a 90-day appeal period for all new or modified flood hazard information shown on a FIRM, including additions or modifications of any BFEs, base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, or regulatory floodways. SFHAs are areas subject to inundation by the base (1-percent-annual-chance) flood and include the following flood zones: A, AO, AH, A1-A30, AE, A99, AR, AR/A1-A30, AR/AE, AR/AO, AR/AH, AR/A, VO, V1-V30, VE, and V. The regulatory floodway is the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. Before the appeal period is initiated, FEMA will publish a notice of proposed flood hazard determinations in the Federal Register and notify the community's Chief Executive Officer of the determination. FEMA will then publish information about the flood hazard determinations at least twice in a local newspaper. The appeal period provides the community and owners or lessees of property in the community an opportunity to submit scientific or technical information if they believe the flood hazard determinations are scientifically or technically incorrect.
- Following the 90-day appeal period, FEMA resolves all appeals and finalizes all changes to the FIRM and FIS report.
- FEMA then issues a Letter of Final Determination (LFD), which establishes the final flood hazard data and the effective date of the new FIRM and FIS report for the community. The LFD also initiates the six-month adoption period during which the community must adopt or amend its floodplain management regulations to reference the new FIRM and FIS report.
- The FIRM and FIS report become effective at the end of the six-month period. The effective date is also the date when flood insurance rates will be based on the new flood data for new construction built after this date. The effective FIRM will be used by Federally insured or regulated lenders to determine if flood insurance is required as a condition of a loan.

FEMA has entered into agreements with nearly 250 communities, States, and regional agencies to be active partners in FEMA's flood hazard mapping program under the Cooperating Technical Partners (CTP) Program. These agencies are participating with FEMA in developing and updating FIRMs. (See the box on the inside of the back cover page for a brief description of the CTP program.)