MONTANA HIGHGROUND

June 2020

Photo courtesy USFS-USDA

Photo courtesy Kyle Schmauch

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Keep updated on all things Highground by visiting floodplain.mt.gov/news

MONTANA RESOURCE SEMINAR

Save the Date for Virtual Event on September 14th -17th, 2020.

- Coming Soon -

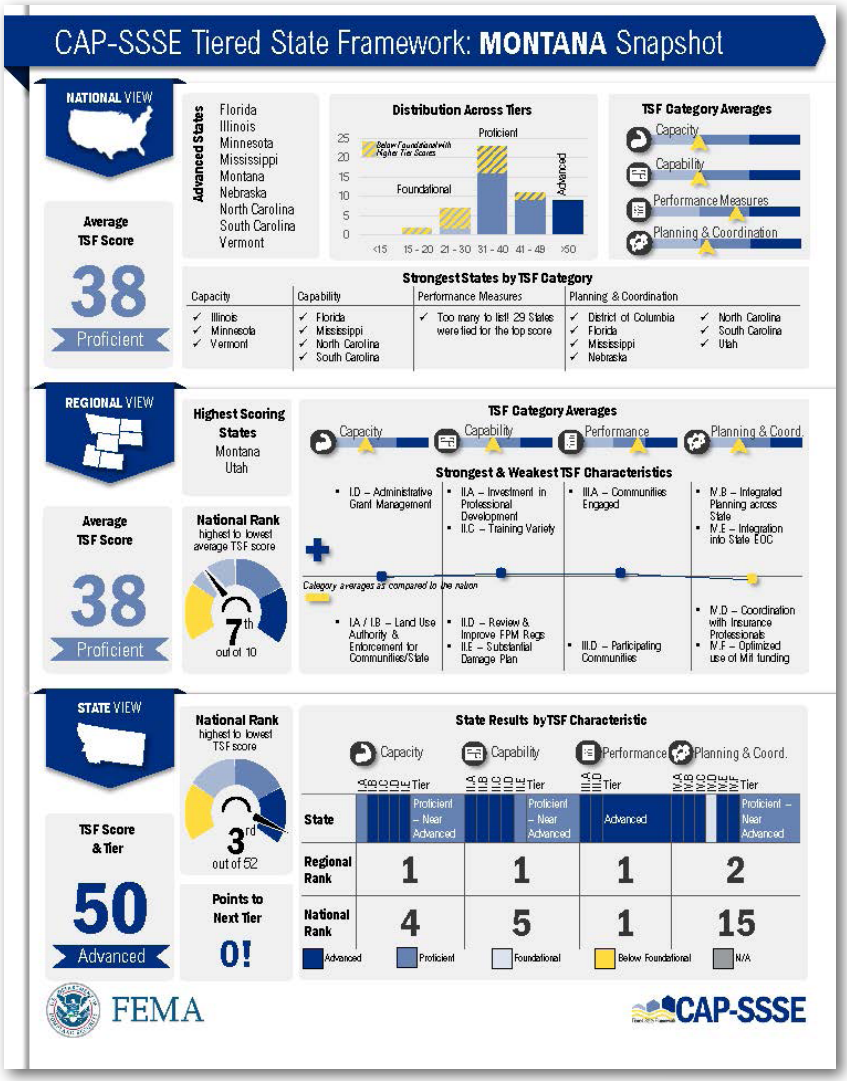
FLOODS AFTER FIRE (FAF)

Montana Guide

Stay tuned!

THE TIERED STATE FRAMEWORK (TSF)

In 2020, the Federal Emergency Management Agency (FEMA) required each state to complete a comparative evaluation of the floodplain Community Assistance Program, called a Tier State Framework (TSF) Assessment. The aim of the TSF Assessment was to evaluate the capacity and performance of CAP programs nationwide. CAP is funded through a federal grant to each state. States are required to provide technical assistance to communities in the National Flood Insurance Program (NFIP) and to evaluate community performance in implementing the NFIP floodplain management activities. Services to local communities include outreach, training, information, coordination, permitting guidance, regulation and technical assistance.



The assessment announcement stated that the goal of the TSF was to provide "a quantifiable and equitable approach to ensure that each state receiving CAP-SSSE funding possesses the necessary capacity and expertise, a history of satisfactory performance, and adequate plans, strategies, and partnerships to accomplish the work in the most efficient and effective manner." Traci Sears and Worby McNamee were charged with providing the required evidence for the state CAP program for the last three years.

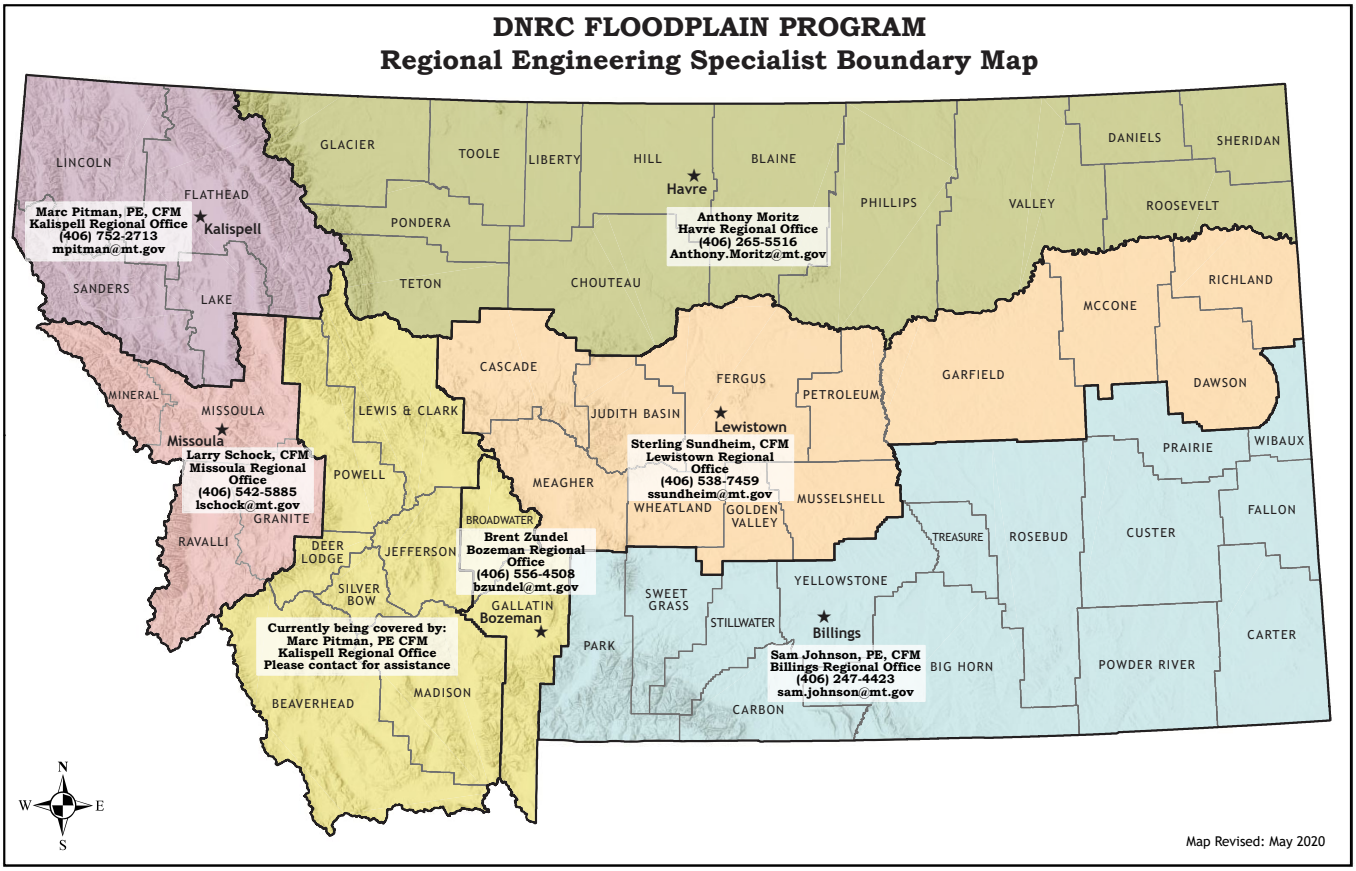
Essentially, the Montana CAP program performed a self-audit on its program. Then FEMA reviewed, validated, and delivered their findings. It sounds simple, but it required a massive amount of time and work to pull together the necessary evidence. The process is very similar to what communities participating in the Community Rating System (CRS) do before each cycle visit, minus the required GIS maps.

Though at times the process and record keeping seemed tedious, there is a tremendous amount of unforeseen benefits to this grant requirement. It has fostered additional collaborations with all of the state programs, it has increased transparency around state activities, and it has enabled a performance-based program. It has also provided increased awareness to the activities that are accomplished under CAP.

State submittals were evaluated by FEMA and divided into three tiers – foundational, proficient, and advanced. FEMA final evaluation identified the Montana CAP as an advanced tier state. Montana shares the advanced tier recognition with eight other states and will participate in newly formed Advanced State Partner Group. We hope to continue improving our program and working with other states to increase their status as well.

I want to take this opportunity to thank Worby McNamee for all of his assistance with pulling a lot of this information together and for the last two years in the CAP program. I would also like to recognize our partners at the Department of Emergency Services, the Montana Insurance Commissioner's Office, and the FEMA Region VIII staff. Our success is a reflection of our local, state, and federal partnerships.

DNRC REGIONAL ENGINEERS SPECIALIST



We are excited to announce the addition of Brent Zundel and Anthony Moritz to the DNRC outstanding Regional Engineer staff. Brent was brought on as the new Bozeman Regional Engineer in the beginning of April of this year. He has been with the Bozeman Regional Office for the last five years as the regional hybrid Engineer/Hydro-Specialist.

Anthony was hired as the Havre Regional Engineer Specialist this past May. He is new to state government and hails from the historic Butte area.

Regional Engineering Specialists provides technical assistance and training to local floodplain administrators and National Flood Insurance Program (NFIP) communities. It has been a few years since the Regional Engineers have been fully staffed. The DNRC Floodplain Program - Regional Engineering Specialist Boundary Map has been updated to reflect the new additions. The updated map can also be viewed on the DNRC Floodplain Website:

http://dnrc.mt.gov/divisions/water/operations/floodplain-management/contacts/2020511Compressed.pdf

We want to welcome both Brent and Anthony to the DNRC Floodplain Programs!

NATIONAL FLOOD INSURANCE PROGRAM

PREPAREDNESS AND INSURANCE MESSAGING

High snowpack, spring runoff and concerns with floods after fire have once again provided an active flood season for Montana. Coordination between the DRNC Floodplain Program, Montana Insurance Commissioner's Office, FEMA Region VIII, and DNRC Fire were critical for targeted public outreach efforts.

Flooding is not only the most costly natural disaster in the United States, it can affect anyone. Flood messaging is important to convey preparedness, flood safety, the value of flood insurance coverage, and the 30 day wait period. The amount of messaging is determined by the potential for a flood event as identified by the National Weather Service, USGS, Governor's Drought Committee, and DNRC Fire.

Director John Tubbs

The Montana Insurance Commissioner's Office kicked off the season with a Radio Public Service Announcement (PSA) on preparedness and flood insurance. Those efforts were followed up by DNRC with a Spring Flooding Commercial PSA, with DNRC Director John Tubbs. The PSA ran in all seven media markets after a significant snowpack was identified.

Michael DeGrosky

In the middle of the snowpack discussions and concerns, the potential for spring rain events and an awareness of increased wildfire risks prompted the third PSA for Floods After Fire featuring Michael DeGrosky, DNRC Fire and Aviation Bureau Chief.

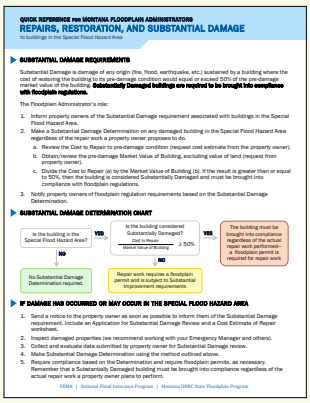
The two commercial PSAs can be viewed via the DRNC Floodplain Website, www.floodplain.mt.gov. These timely messages guide property owners to be proactive and provide information to help them protect themselves and their families during natural disasters and severe weather. The Montana Community Assistance Program will make the commercial PSAs available to for inclusion on local community floodplain websites.

SUBSTANTIAL DAMAGE REFERENCE GUIDE

Photo courtesy Kyle Schmauch

Spring/Summer reminder that damage from any origin (fire, flood, etc.) in the Regulated Flood Hazard Area will trigger the need for the local floodplain administrator to evaluate the damage and any proposed repairs to an existing structure.

How does a local floodplain administrator determine the next steps aftera n event? Check out this handy Substantial Damage Guide. It is important to be prepared and knowledgeable before an event happens.



QUICK REFERENCE FOR MONTANA FLOODPLAIN ADMINISTRATORS

REPAIRS, RESTORATION, AND SUBSTANTIAL DAMAGE

to buildings in the Special Flood Hazard Area

SUBSTANTIAL DAMAGE REQUIREMENTS

Substantial Damage is damage of any origin (fire, flood, earthquake, etc.) sustained by a building where the cost of restoring the building to its pre-damage condition would equal or exceed 50% of the pre-damage market value of the building. **Substantially Damaged buildings are required to be brought into compliance with floodplain regulations.**

The Floodplain Administrator's role:

1. Inform property owners of the Substantial Damage requirement associated with buildings in the Special Flood Hazard Area.
2. Make a Substantial Damage Determination on any damaged building in the Special Flood Hazard Area regardless of the repair work a property owner proposes to do.
   a. Review the Cost to Repair to pre-damage condition (request cost estimate from the property owner).
   b. Obtain/review the pre-damage Market Value of Building, excluding value of land (request from property owner).
   c. Divide the Cost to Repair (a) by the Market Value of Building (b). If the result is greater than or equal to 50%, then the building is considered Substantially Damaged and must be brought into compliance with floodplain regulations.
3. Notify property owners of floodplain regulation requirements based on the Substantial Damage Determination.

SUBSTANTIAL DAMAGE DETERMINATION CHART

Is the building in the Special Flood Hazard Area? — YES → Is the building considered Substantially Damaged? (Cost to Repair ÷ Market Value of Building ≥ 50%) — YES → The building must be brought into compliance regardless of the actual repair work performed—a floodplain permit is required for repair work

Is the building in the Special Flood Hazard Area? — NO → No Substantial Damage Determination required.

Is the building considered Substantially Damaged? — NO → Repair work requires a floodplain permit and is subject to Substantial Improvement requirements

IF DAMAGE HAS OCCURRED OR MAY OCCUR IN THE SPECIAL FLOOD HAZARD AREA

1. Send a notice to the property owner as soon as possible to inform them of the Substantial Damage requirement. Include an Application for Substantial Damage Review and a Cost Estimate of Repair worksheet.
2. Inspect damaged properties (we recommend working with your Emergency Manager and others).
3. Collect and evaluate data submitted by property owner for Substantial Damage review.
4. Make Substantial Damage Determination using the method outlined above.
5. Require compliance based on the Determination and require floodplain permits, as necessary. Remember that a Substantially Damaged building must be brought into compliance regardless of the actual repair work a property owner plans to perform.

FEMA | National Flood Insurance Program | Montana DNRC State Floodplain Program

See Guide next two pages

QUICK REFERENCE FOR MONTANA FLOODPLAIN ADMINISTRATORS

REPAIRS, RESTORATION, AND SUBSTANTIAL DAMAGE

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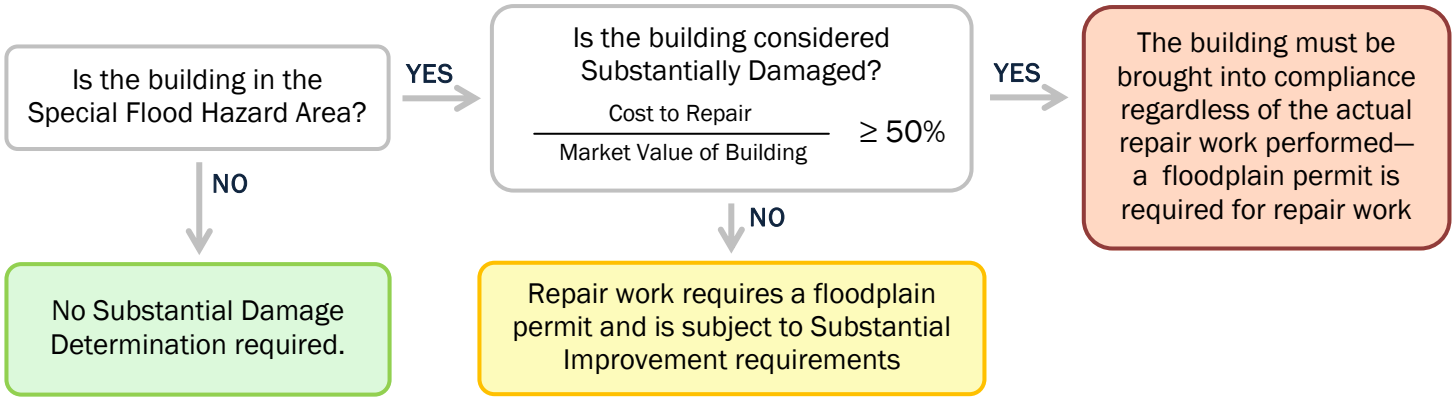

IF DAMAGE HAS OCCURRED OR MAY OCCUR IN THE SPECIAL FLOOD HAZARD AREA

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REPAIRS, RESTORATION, AND SUBSTANTIAL DAMAGE

to buildings in the Special Flood Hazard Area

ADDITIONAL CONSIDERATIONS

- **Flood insurance** has no bearing on Substantial Damage requirements. A building in the Special Flood Hazard Area is subject to a Substantial Damage Determination whether or not it carries flood insurance.
- **Cost to Repair** calculations considerations (See FEMA P-758 Section 4.4):
  - Include removal of damaged materials (flooring, carpeting, wallboard, insulation, etc.)
  - Include any alterations associated with the building's structural elements (interior and exterior).
  - Include cost of labor and contractor overhead/profits.
  - Exclude outside improvements and clean up (except building exterior improvements).
  - Exclude any cost associated with correcting existing code violations.
  - Materials should be valued at fair market value, even if donated, re-used, or recycled. Owner labor, volunteer or otherwise, should be valued at minimum wage or fair market value (but not less than minimum wage).
- **Market Value** pertains to the building in question before the damage occurred, excluding value of the land. The Market Value of the pre-damaged building can be determined through the tax assessor's office or a licensed appraiser (at property owner's expense).
- **Historic Structures** are exempted from Substantial Damage requirements so long as any repairs maintain the historic status of the building and take all possible flood damage reduction measures. A floodplain permit is required for improvements to historic structures in the Special Flood Hazard Area.

INCREASED COST OF COMPLIANCE COVERAGE FOR NFIP POLICY HOLDERS

If a building is determined to be Substantially Damaged by a flood AND the building carries flood insurance through the National Flood Insurance Program, the building may qualify for Increased Cost of Compliance coverage. Under Increased Cost of Compliance, the flood insurance policy will not only pay for repairs to the flooded building, it will pay up to $30,000 to help cover the additional cost of complying with the local floodplain ordinance.

MORE INFORMATION

For complete details on Substantial Damage requirements, see FEMA's Substantial Improvement/ Substantial Damage Desk Reference Guide (P-758):

www.fema.gov/media-library/assets/documents/18562

For property owner notification forms, go to DNRC's website:

www.floodplain.mt.gov/disaster-and-recovery

For additional questions or to request more materials, contact Montana DNRC or FEMA at anytime:

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Marijo Brady
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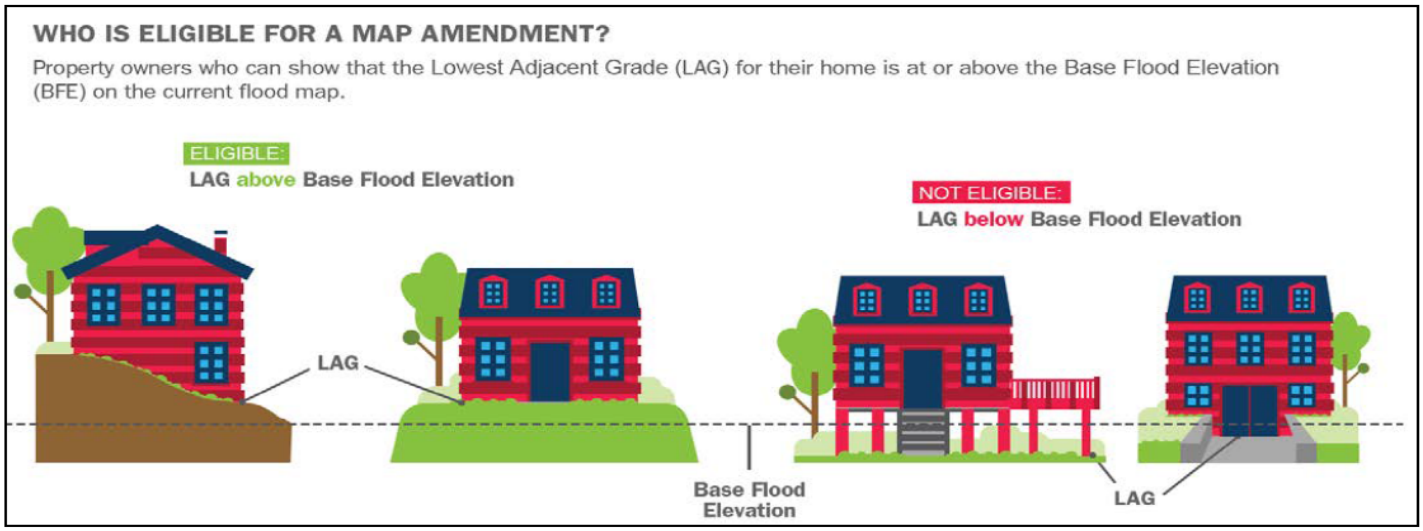


Graphics courtesy of FEMA

FEMA uses rigorous standards to develop Flood Insurance Rate Maps (FIRMs). In most cases, flood hazard data and topographic information were used to produce a community's maps, which are a visual representation of flood risk. However, limitations in the scale or topographic detail of the data used to prepare the maps can sometimes cause elevated areas to be inadvertently included in a Special Flood Hazard Area (SFHA). SFHAs are high flood risk areas subject to inundation by the base (1% annual chance) flood, also known as the 100-year floodplain.

To request a flood hazard determination in these areas, FEMA provides the Letter of Map Amendment (LOMA) process for areas of naturally high ground and the Letter of Map Revision Based on Fill (LOMR-F) process for buildings elevated by the placement of fill. LOMAs and LOMR-Fs provide a written determination from FEMA that a building (or a property or portion of property) is at or above the Base Flood Elevation and not in a high risk flood zone.

Is there a Cost? ? There is no cost to submit a LOMA application to FEMA, but applicants are responsible for providing survey and mapping information specific to their property. LOMR-F applications require a fee because they require more detailed review. See: www.fema.gov/flood-map-related-fees.

What about Application Forms? ? For most LOMAs, the MT-EZ Application Form can be used: www.fema.gov/mt-ez-form-instructions. MT-1 Applications are needed for LOMR-Fs; however, LOMA requests can still utilize the MT-1 application: www.fema.gov/mt-1-application-forms-instructions. Applications can be submitted online or via paper format.

What is Needed for the Application?

- Property Information Form: The property information form is the form found within the MT-1 and MT-EZ application.
- Recorded Legal: Plat Map OR Property Deed. Needs to be recorded at the county office.
- Location Map: Parcel/Tax Map that identifies the property. If a plat map is provided, it may be sufficient. Additional information can be found on the LOMA and LOMR-F Factsheet on the FEMA website: https://www.fema.gov/media-library/assets/documents/19871
- Elevation Information: Certified elevation information that includes the Lowest Adjacent Grade (for a building) or Lowest Lot Elevation (for a property or portion of property). A licensed surveyor or engineer needs to complete the Elevation Form portion of the application, or provide a completed Elevation Certificate. The only exception to this is for an "Out-As-Shown (OAS) LOMA". For more information on OAS LOMAs see: www.floodplain.mt.gov/mapping-and-technical-resources/
- Base Flood Elevation (BFE): The surveyor or engineer should provide the BFE, if available, from the FIRM/Flood Insurance Study (FIS). FEMA will verify the BFE during their review. For Zone A areas or where no BFE is available, having the surveyor or engineer calculate a BFE can be a good idea. If the property is under 5 acres or 50 lots, FEMA will try to calculate a BFE as part of

continued...

their review, but FEMA will use existing data available to them, and it may be a conservative BFE determination. If FEMA is unable to determine a BFE, more information will be requested from the applicant.

- Community Acknowledgement Form: Required for all LOMR-Fs and for any LOMA that includes land in a Floodway. The Community Acknowledgement Form needs to be completed and signed by the community's floodplain administrator. BEFORE signing a Community Acknowledgement Form, floodplain administrators should CAREFULLY read the details on the form, be familiar with the property or project, and understand what they are acknowledging with their signature. The form includes space for the floodplain administrator to provide additional comments.

How long does FEMA's review take? ? FEMA has 60 days to issue determinations once all required documentation has been received, but most LOMA determinations are issued within 45 days. Incomplete applications will take longer.

What is the Outcome? FEMA will issue a "Removal" or "Denial" determination so it is very important to read the determination document. A "Removal" determination will specify what is removed from the SFHA: a structure, property, or portion of property. Removal amends the effective FIRM by letter, and removes the building, property, or portion of property from the SFHA. A LOMA and LOMR-F will not revise the effective map. The determination document will also include information about the removal (ie. metes and bounds description to identify the portion of property being removed, and additional considerations including if portions of the property still remain in the SFHA).

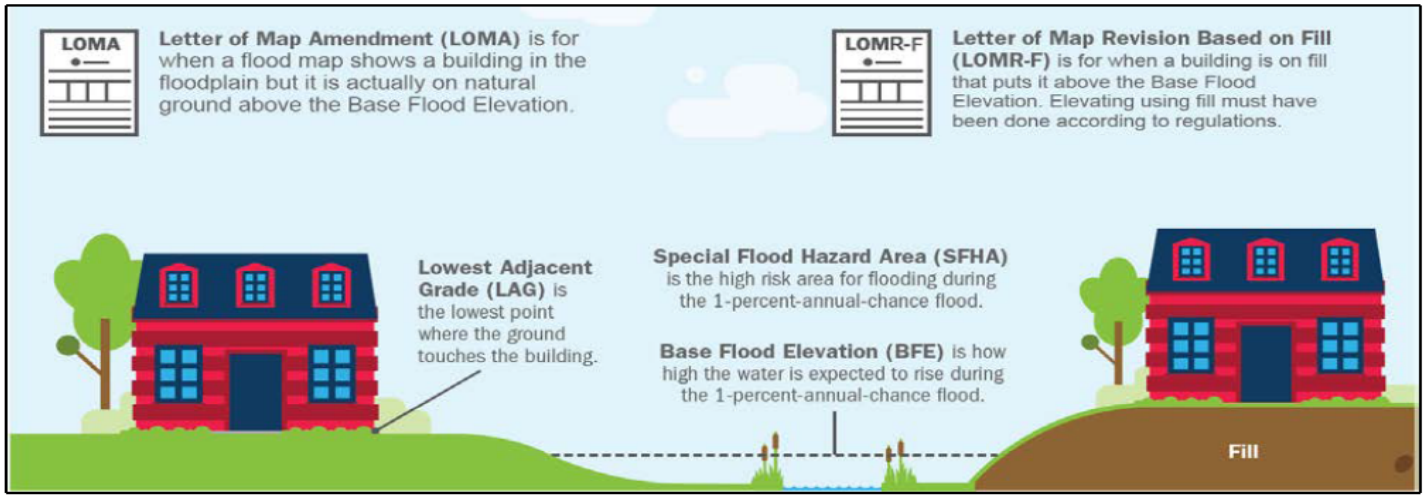
Did You Know? Even though FEMA may issue a LOMA that removes a building from the SFHA, fl ood insurance is still recommended, even if the lender no longer requires it. Even though a LOMA and LOMR-F removes the federal requirement of fl ood insurance, the lender can still require fl ood insurance as a condition of the loan. Flood insurance is typically less expensive in moderate and low fl ood risk areas.

LOMAs and LOMR-Fs are tied to the building or property. Th ey stay with the property even if it is sold to someone else. Th ey remain in eff ect as long as there are no changes to the building's outside dimensions or to the eff ective mapping.

You can fi nd LOMAs and LOMR-Fs on FEMA's Map Service Center http://msc.fema.gov or on the National Flood Hazard Layer viewer (you need to toggle on the LOMA layer to view them).

LOMAs and LOMR-Fs can be superseded by future mapping updates or revisions. New mapping will evaluate existing LOMAs and LOMR-Fs by comparing the Lowest Adjacent Grade or Lowest Lot Elevation to updated BFEs to determine if they will remain valid or not.

FEMA has a technical guidance document which outlines how they review applications and make determinations. A copy of the document, along with additional forms and instructions can be found here: www.floodplain.mt.gov/mapping-and-technical-resources/



NEW STAFF

Shaye Bodine

We are pleased to announce that Shaye Bodine has joined the State Floodplain office in Helena as our Floodplain Specialist with the Community Assistance Program. Shaye is a member of the Montana Air National Guard and is joining the state government after completing a graduate civil engineering degree at the University of Colorado Boulder. Shaye works on community compliance for the NFIP as part of the Community Assistance Program team. Call Shaye at 406-444-1343 or email her at shaye.bodine@mt.gov

Peri Turk

The Floodplain Mapping Program would also like to welcome Peri Turk as the Civil Engineering Specialist. Peri received her Bachelor of Science in Ecological Engineering in 2020 from Ohio State. During her time at Ohio State, she worked on projects such as a Water Conservation Feasibility Study for the University and designing a system for dairy manure processing. She also spent her summers interning doing R&D for the National Park Service and utilities capital expansion for Engie at Ohio State. In her free time, she loves to spend her time rock climbing, backpacking, and creating stained glass artwork. Peri is excited to move out to Montana and join the Montana DNRC team. Please stop by and say hello whenever you get a chance!

THE 21ST ANNUAL ASSOCIATION OF MONTANA FLOODPLAIN MANAGERS CONFERENCE

Flathead County Courthouse – Flathead County Website

The Annual AMFM Conference in Kalispell Montana this past March was a tremendous success and occurred on the last week before the state entered into Phase I of the COVID-19 response. The conference was held at the Hilton Garden Inn and included a special Pre-Conference Workshop Session on Working in and Around Floodplains for community officials, surveyors, and engineers.

The first full day of the conference started with the DNRC Concurrent Technical sessions including an in-depth Letter of Map Change session.

The next two days were filled with program specific presentations from Ice Jam modeling and tools, to Risk Communication, history of the NFIP Mapping Program, HEC-LifeSim Modeling, Mitigation Projects, and Strategic Lessons Learned from Hurricane Katrina.

The conference was a great event under the leadership of Pam Vosen, the current AMFM Chair, her dedicated assistants and AMFM Board Members. A huge thank you to all of the presenters and the attendees for pulling this conference together. AMFM has always been a great networking & learning opportunity and the 2020 conference was no exception.

We are hoping that we can see everyone again in person at the AMFM 22nd Annual Conference in Butte next year.

AMFM pictures taken by AMFM or DNRC staff

ABOUT THE MONTANA HIGHGROUND

We are always accepting articles and ideas for this newsletter! Please email your contributions at anytime to tsears@mt.gov.

The Highground Newsletter is a quarterly publication of the Montana DNRC Floodplain Program. This newsletter and other DNRC Floodplain Program activities are funded, in part, through grants from FEMA.

Persons with disabilities who need an alternative accessible format of this document should contact the DNRC Public Information Officer at 406-444-0465.

Montana Department of Natural Resources & Conservation

FLOODPLAIN PROGRAM

www.floodplain.mt.gov

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Sam Johnson, EIT, Regional Engineering Specialist
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Counties served: Granite, Mineral, Missoula, Ravalli