



Montana DNRC

Floodplain Management Program

Advanced Floodplain Class July, 2009



Advanced Floodplain Topics

1. Permit Application – Olson Case Study
2. Unforeseen Insurance Ramifications
3. Options to Reduce Flood Insurance Costs
4. Floodplain Enforcement Process
5. CLOMR – Case Study

CURRENT FLOODPLAIN ISSUES

- Lenders are re-evaluating existing loans.
- Refinancing is prompting re-evaluation of existing loans.
- Mandatory flood insurance is being required for structures in the FEMA SFHA.
- Structures that were once compliant are now being required to provide verification that their lowest floors are above the BFE.

PERMIT APPLICATION

CASE STUDY

GARY AND NANCY OLSON

Permit Application

Important Facts About Property

In 1992, the Olson's purchased a property that abuts the Yellowstone River in Park County.

At the time of purchase, an Existing Foundation and Septic System was located on the property.

The property was located in an Approximate A Zone according to FIRM Panel 17 B, effective January 1, 1987.

The new owners wanted to comply with all Floodplain Regulations.

FEMA FIRM Panel Map 0017B

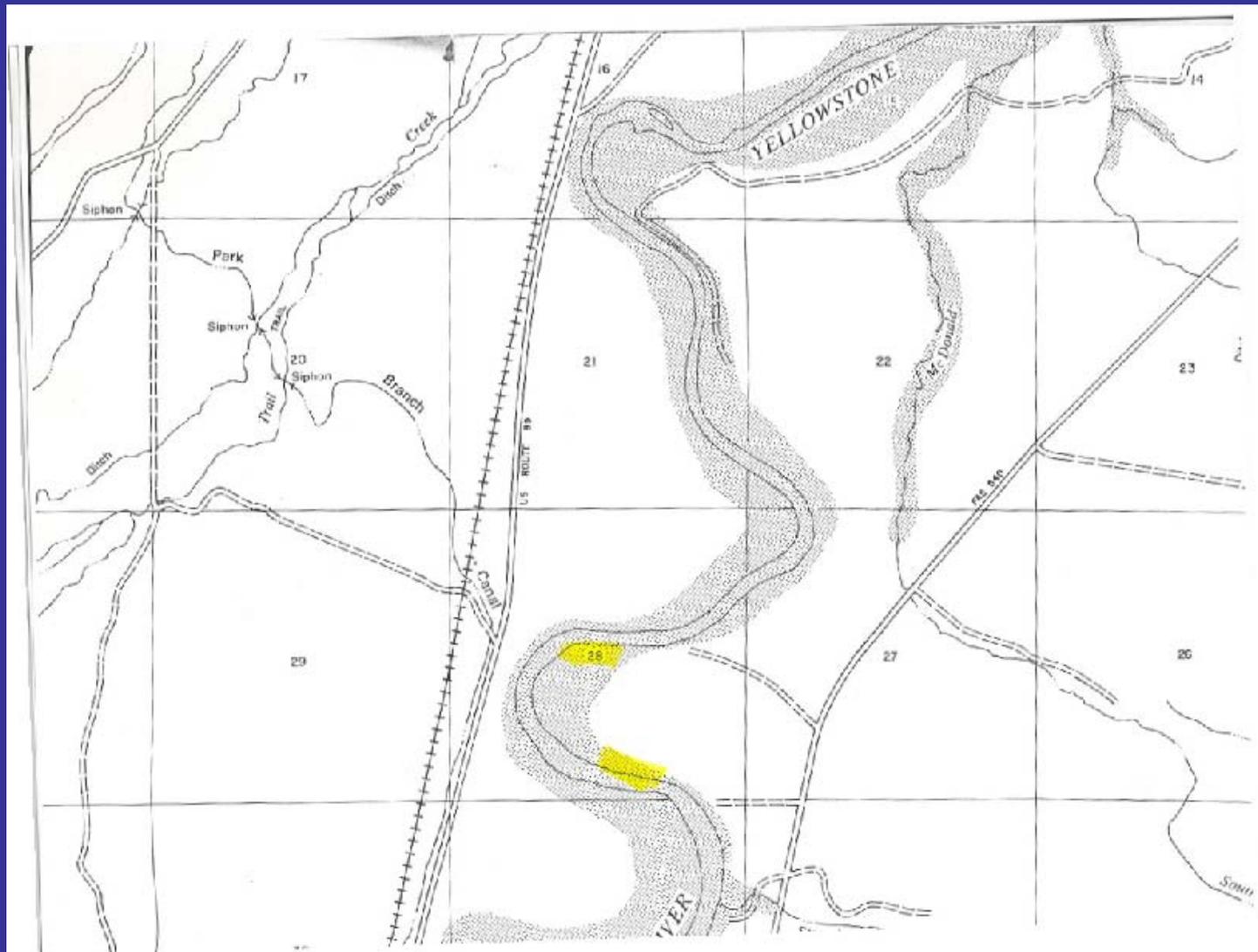


Figure 1

Permit Application

Important Facts About Property (continued)

- The Floodplain Administrator at that time was Randall Taylor “aka Randy”
- There were two lots on the property – a one acre lot for the residential structure and a five acre agricultural lot.

COS 106 and COS 1054

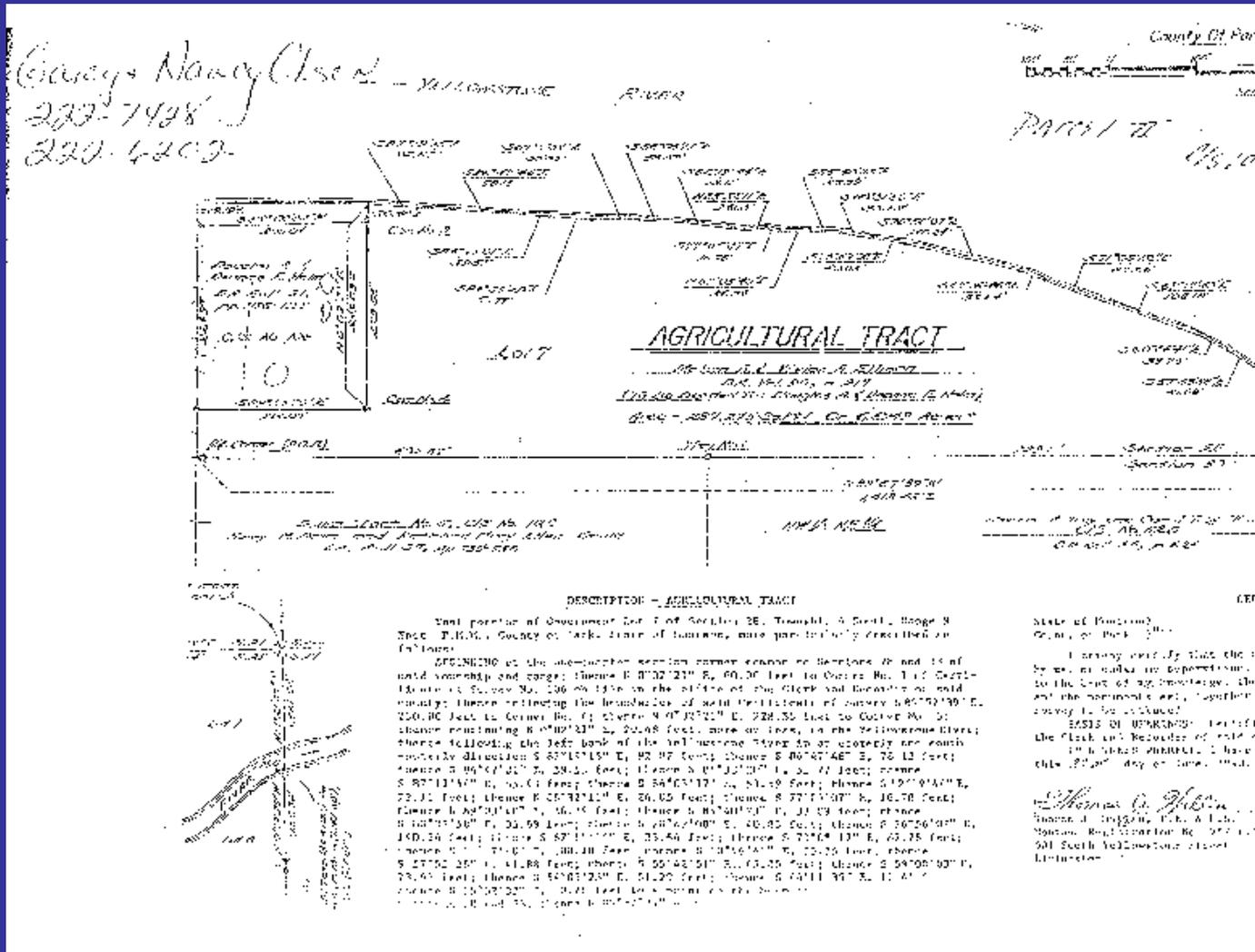


Figure 2

Permit Application

Important Facts About Property (continued)

- In 1995 the Olson's applied for a Floodplain Permit.
- Construction did not begin until 1999.
- Park County experienced two major flood events in 1996 and 1997.
- Randy inspected the existing foundation during these events for evidence of groundwater or flooding – he states it was bone dry during these events.
- In 2000 the Olson's moved in to their new home.

What Information Should Be
Submitted for Application
Review?

What Should Be Submitted for Application Review

- Historic information about the septic system and existing foundation.
- Property Maps -Topographic.
- Property Maps - Base Flood Elevation for Building Site.
- Proposed Site Plan
- Proposed Building Information.
- Elevation Certificate and LOMA.

Olson Floodplain Permit Application

FLOODPLAIN DEVELOPMENT PERMIT

THIS SECTION TO BE COMPLETED BY THE APPLICANT:

Name of Applicant Douglas A. Holm

Address 111 No 3rd

Property Owner Douglas A. Holm 204, Jeanne

Address 111 No 3rd, Livingston, RT 38th Dist.

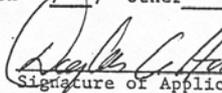
Location of Proposed Development See Attached
(Street Address and/or

Description of Development

Residential Commercial Mobile Home

Addition or Improvement Subdivision Mo
Un

Fill Watercourse Alteration Other


Signature of Applicant

Activities or uses which require a permit shall not include

Figure 3

19

check up copy

3093000

APPLICATION FOR INDIVIDUAL SEWAGE DISPOSAL INSTALLATION

Park City-County Health Department, Date 7-23-76

Owner Raymond A. & Deanna Helms 200 28 Township 45 R 9 E
(location, lot, block, etc.)

Address Hoffman Route, Livingston, Mont.

New Existing Installer Melvin Ellison

Living units 1, bedrooms 5, people served 5, water supply well

garbage disposal , size of septic tank 60 gallons, drain field

modified drain field , seepage pit none, make or dimensions

of septic tank none, footage effective area 200, all disposal into

septic tank yes, bypass no, distance from septic tank to: foundation 16',

well 16', canal, stream, lake etc. no, distance from

drainfield or seepage pit to: well 100, nearest property line 16',

canal, stream, lake, etc. 100, percolation test yes, soil type clay

maximum ground water depth during high water 1 1/2' from surface. 3/12/76
Sketch house, proposed sewage disposal layout and all adjacent wells
within 200 feet of streams, lakes, etc.



See Attached Sheet

This system will be constructed in accordance with the above specifications and regulation governing sewage systems with the county and state. Final inspection must be made before backfill.

Applicant: Deanna Helms address Hoffman Route Livingston

Paid 60 permit no. 685 all no fee date of installation

Approved: was changed

Date of inspection 29 Oct 76

By: Roy Hedrick

City-County Sanitarian &
Health Officer

MUST BE INSPECTED
BEFORE COVERING

Figure 4

Topographic Map

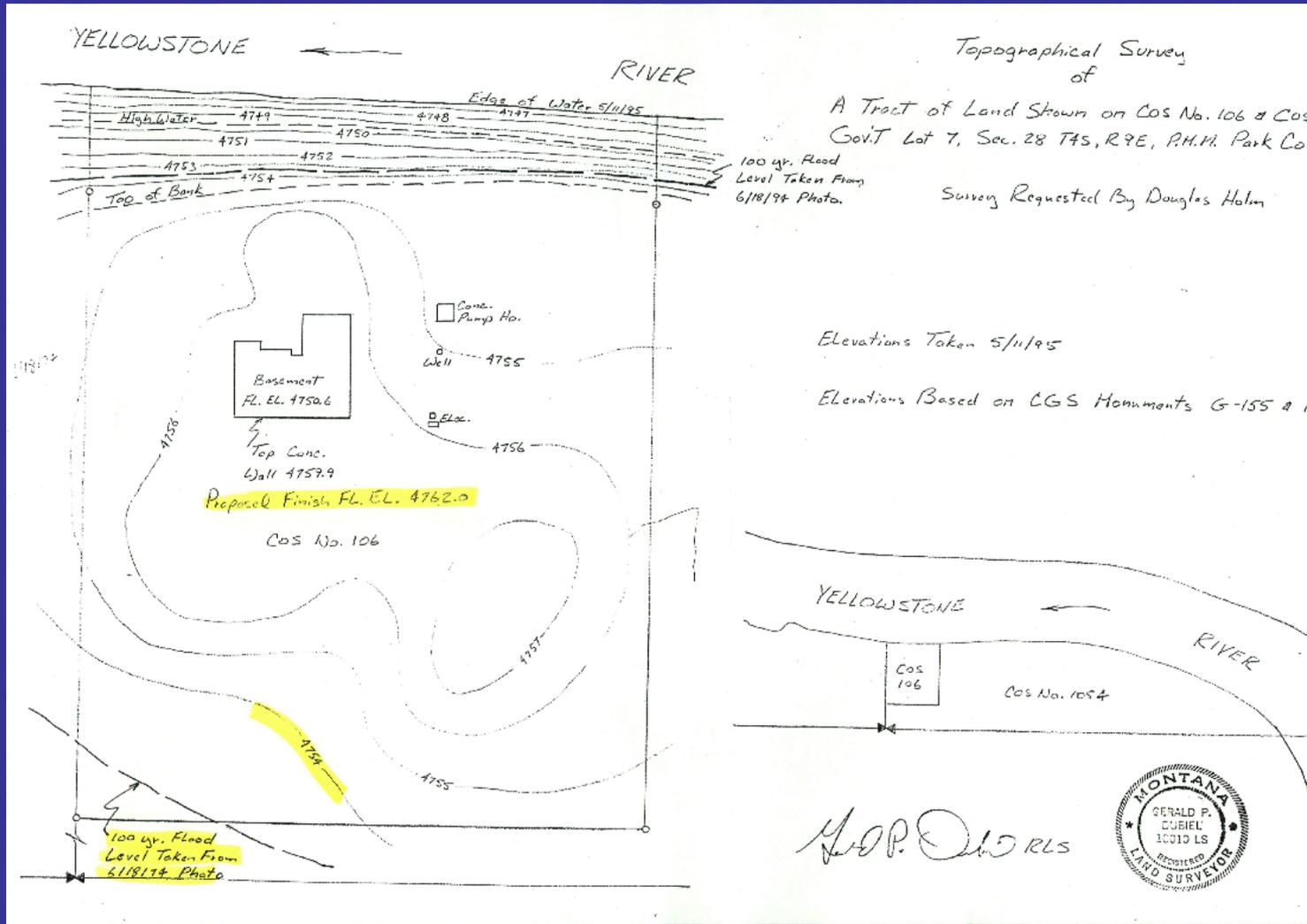


Figure 6

Structure Elevations

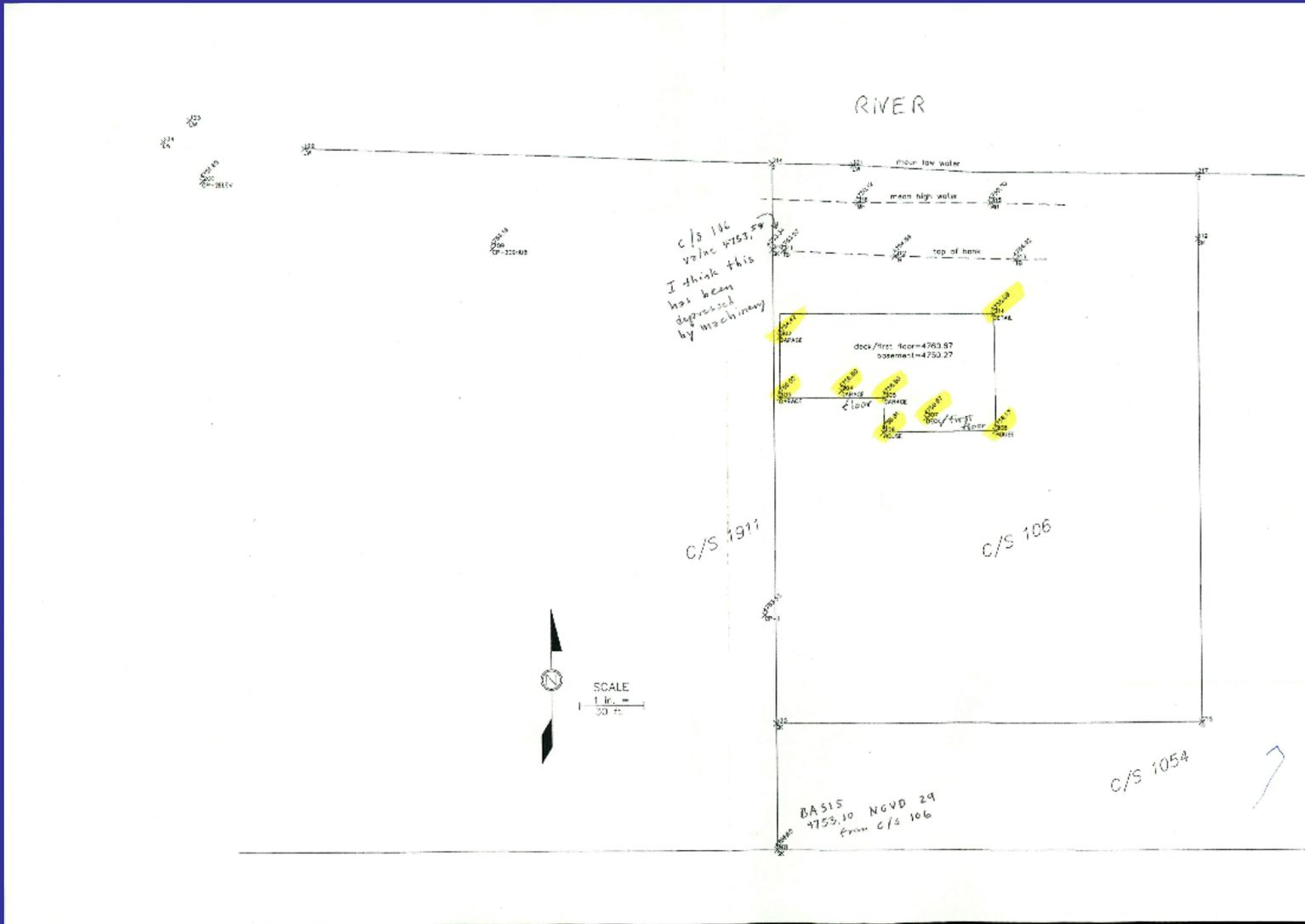


Figure 7

Approximate A Zones

What is “best available data”?

44CFR 60.3(b)(4) requires you to make every effort to use any data available in order to make a reasonable measure of flood protection.

- ✓ Data can be used from other sources as long as they:
 - ✓ Reasonably reflect flooding conditions expected during the base flood.
- ✓ Are known to be technically correct, and
- ✓ Represent the best data available

Examples of Best available data:

Historical-observed flood of record

Site specific data generated by developer.

Preliminary flood insurance study data

Data generated by Transportation Department for road and bridge construction.

USACE/NRCS

Montana DNRC

Olson Floodplain Permit

ADMINISTRATIVE ACTION

Permit Number _____
Date Received _____

TO BE COMPLETED BY THE FLOODPLAIN ADMINISTRATOR

The proposed development is located in the: Floodway Flood fringe
The Base Flood Elevation at the development site is: 4754
Source Documents: Survey & 1974 Aerial Photos

Plan Review
MSL Elevation to which the first floor is to be elevated: 4756 feet.
MSL Elevation to which the structure is to be floodproofed: 4756 feet.
MSL Elevation to which the compacted fill is to be elevated: N/A feet.

Action

Insufficient data submitted with application to determine conformance with applicable Floodplain Management standards (explanation attached). Permit is denied.

The proposed development is not in conformance with applicable Floodplain Management standards. (explanation attached). Permit is denied.

The proposed development is in partial conformance with the applicable Floodplain Management standards. A conditional approval is granted. (Conditions attached).

The plans and materials submitted in support of the proposed development are in compliance with applicable Floodplain Management Standards. Permit is approved.

5/8/95
Date _____
Signature Ellen Woodby-Randy Taylor R.S.

Applicant has been advised that the proposed development may require a "310" permit (Section 75-7-101 et. seq. MCA) as administered by the Conservation District or "Stream Protection Act" (Section 87-5-501 et. seq. MCA) approval as administered by the Department of Fish, Wildlife, and Parks.

Building Construction Documentation

The certified as-built MSL Elevation of the lowest floor of the structure is _____ feet.
The certified as-built MSL floodproofed elevation of the structure is _____ feet.
Certificates of a registered professional engineer or land surveyor documenting these elevations are attached.

Certificate of Occupancy or
Compliance Issued: _____
Date _____ Park County Floodplain Administrator

Figure 8

Hot water furnace and holding tank on raised platform



Elevated Electrical Box



Outside view of foundation under deck.



Front view of Olson Home



Right side view of Olson Home



Right side view of Olson Home



View of basement window and raised walls
per Park County direction
(see top two blocks)



Regulations

What are the benefits to adopting Higher Regulatory Standards?

Can provide a higher degree of protection to buildings.

Can compensate for errors in mapping.

Preserve the natural function of the floodplain.

Reduce the cost of Flood Insurance.

Can reduce the cost of flood emergency response and preparedness.

Provide longevity to the mapping.

Elevation Certificate

ELEVATION CERTIFICATE

FEDERAL EMERGENCY MANAGEMENT AGENCY
NATIONAL FLOOD INSURANCE PROGRAM

OMB No. 0704-0187
Expires May 31, 2012

ATTENTION: Use of this certificate does not provide a waiver of the flood insurance purchase requirement. This form is used only to provide elevation information necessary to ensure compliance with applicable community floodplain management ordinances, to determine the proper insurance premium rate, and/or to support a request for a Letter of Map Amendment or Revision (LOMA or LOMR). Instructions for completing this form can be found on the following pages.

SECTION A: PROPERTY INFORMATION		FOR INSURANCE COMPANY USE
BUILDING OWNER'S NAME <i>Douglas A. Holm, Dennis Holm</i>		POLICY NUMBER
STREET ADDRESS (including Apt. No., Suite and/or Dig. Number) OR P.O. ROUTE AND BOX NUMBER <i>111 No. 3rd Huntington, Mt.</i>		COMPANY NAIS NUMBER
OTHER DESCRIPTION (Lot and Block Numbers, etc.)		
CITY <i>Huntington, Mt.</i>	STATE <i>Mt.</i>	ZIP CODE <i>55401</i>

SECTION B: FLOOD INSURANCE RATE MAP (FIRM) INFORMATION

Provide the following from the proper FIRM (See Instructions):

1. COMMUNITY NUMBER	2. PANEL NUMBER	3. SUFFIX	4. DATE OF FIRM ISSUE	5. FIRM ZONE	6. BASE FLOOD ELEVATION (if AD Special Use apply)
<i>300160</i>	<i>0017</i>	<i>A</i>	<i>Jan 1, 1987</i>	<i>A</i>	

7. Indicate the elevation datum system used on the FIRM for Base Flood Elevations (BFE): NGVD '29 Other (describe on back)
 8. For Zones A or V, where no BFE is provided on the FIRM, and the community has established a BFE for this building site, indicate the community's BFE: *47.54* feet NGVD feet NGVD (or other FIRM datum—see Section B, Item 7).

SECTION C: BUILDING ELEVATION INFORMATION

- Using the Elevation Certificate Instructions, indicate the diagram number from the diagrams found on Pages 5 and 6 that best describes the subject building's reference level: _____
- (a) FIRM Zones A1-A30, AL, AH, and A (with BFE). The top of the reference level floor from the selected diagram is at an elevation of _____ feet NGVD (or other FIRM datum—see Section B, Item 7).
 (b) FIRM Zones V1-V30, VF, and V (with BFE). The bottom of the lowest horizontal structural member of the reference level from the selected diagram, is at an elevation of _____ feet NGVD (or other FIRM datum—see Section B, Item 7).
 (c) FIRM Zone A (without BFE). The floor used as the reference level from the selected diagram is _____ feet above or below (check one) the highest grade adjacent to the building.
 (d) FIRM Zone AO. The floor used as the reference level from the selected diagram is _____ feet above or below (check one) the highest grade adjacent to the building. If no flood depth number is available, is the building's lowest floor (reference level) elevated in accordance with the community's floodplain management ordinance? Yes No Unknown
- Indicate the elevation datum system used in determining the above reference level elevations: NGVD '29 Other (describe under Comments on Page 2). (NOTE: If the elevation datum used in measuring the elevations is different than that used on the FIRM (see Section B, Item 7), then convert the elevations to the datum system used on the FIRM and show the conversion equation under Comments on Page 2.)
- Elevation reference mark used appears on FIRM: Yes No (See Instructions on Page 4)
- The reference level elevation is based on: actual construction construction drawings
 (NOTE: Use of construction drawings is only valid if the building does not yet have the reference level floor in place, in which case this certificate will only be valid for the building during the course of construction. A post-construction Elevation Certificate will be required once construction is complete.)
- The elevation of the lowest grade immediately adjacent to the building is: *47.56* feet NGVD (or other FIRM datum—see Section B, Item 7).

SECTION D: COMMUNITY INFORMATION

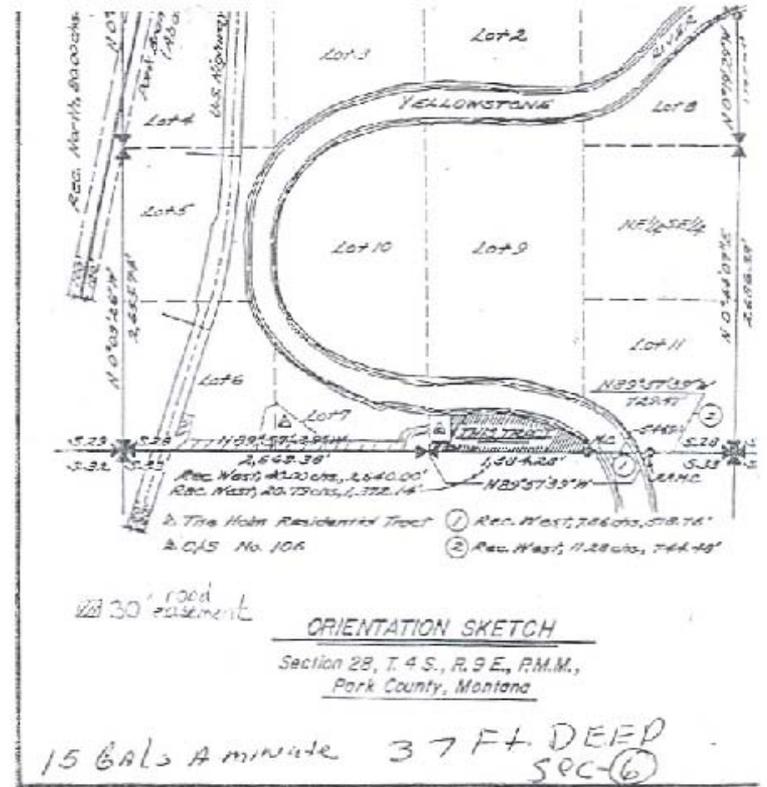
- If the community official responsible for verifying building elevations specifies that the reference level indicated in Section C, Item 1 is not the "lowest floor" as defined in the community's floodplain management ordinance, the elevation of the building's "lowest floor" as defined by the ordinance is: _____ feet NGVD (or other FIRM datum—see Section B, Item 7).
- Date of the start of construction or substantial improvement: _____

Figure 9

Elevation Certificate

114 PAGE 173

Exhibit "A"



State of Montana }
 County of Park } ss
 Filed for record this 8 day of April, A.D. 1996 at 4:17
 o'clock P.M. Recorded in Roll 114 Page 171-173
 Denise Nelson By Jeanette Conley
 County Clerk & Recorder Deputy Security Title
 Advertising fee \$ 18.00 Document No. 252218 Returns to Security Title
 C/S 1054
 C/S 106

Figure 10

Elevation Certificate

SECTION E CERTIFICATION

This certification is to be signed by a land surveyor, engineer, or architect who is authorized by state or local law to certify elevation information when the elevation information for Zones A1-A30, AE, AH, A (with BFE), V1-V30, VE, and V (with BFE) is required. Community officials who are authorized by local law or ordinance to provide floodplain management information, may also sign the certification. In the case of Zones AO and A (without a FEMA or community issued BFE), a building official, a property owner, or an owner's representative may also sign the certification.

Reference level diagrams 6, 7 and 8 - Distinguishing Features: If the certifier is unable to certify to breakway/non-breakway wall enclosure size, location of servicing equipment, area use, wall openings, or unfinished area Feature(s), then list the Feature(s) not included in the certification under Comments below. The diagram number, Section C, Item 7, must still be entered.

I certify that the information in Sections B and C on this certificate represents my best efforts to interpret the data available. I understand that any false statement may be punishable by fine or imprisonment under 18 U.S. Code, Section 1001.

CERTIFIER'S NAME Gerald P. Dubiel LICENSE NUMBER (or Arch Seal) 10010 LS
 TITLE Owner COMPANY NAME Dubiel Associates
 ADDRESS 1202 W. Front St. Livingston CITY MT STATE 59047 ZIP
 SIGNATURE [Signature] DATE 5/18/95 PHONE 406-222-3143

Copies should be made of this Certificate for: 1) community official, 2) insurance agent/company, and 3) building owner.

COMMENTS: Base Flood Elevation was determined by surveyor using 1974 Flood Map, Air Photos, and bank height - Best Available Information

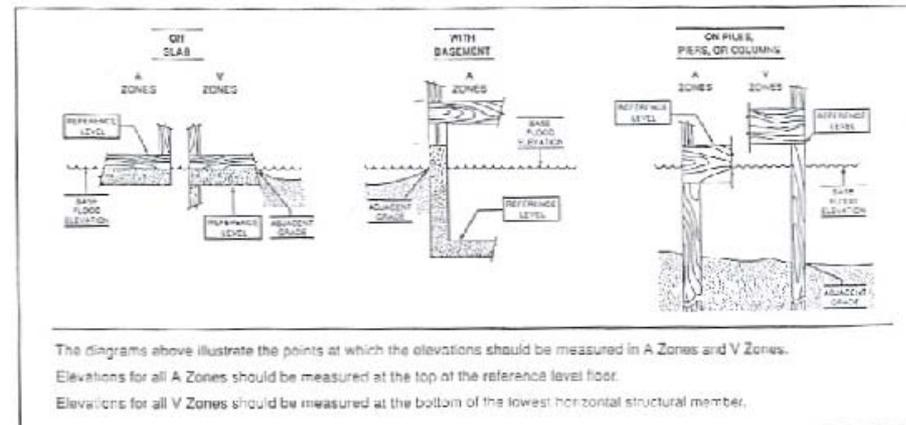


Figure 11

**Unforeseen
Insurance
Ramifications**

The Floodplain Management Toolkit

Flood Insurance



Know the impacts of your decisions on the cost of flood Insurance.

It is possible to buy insurance on a non-compliant structure, ***but it will cost!***

Use the possible savings on the cost of insurance as justification for higher regulatory standards.

Insurance Renewal Certificate 2001

POLICY NUMBER		FLOOD-DEWELLING POLICY	DATE DUE	PLEASE PAY THIS AMOUNT								
[REDACTED]		MAY-18 2001 TO MAY 18 2002	MAY 18 2001	\$485.00								
<p>OLSON, GARY M & NANCY 322 E PARK ST LIVINGSTON MT 59047-2715</p> <p>Location: 3228 HWY 89 S LIVINGSTON MT</p> <p>Mortgagee: COUNTRYWIDE HOME LOANS [REDACTED] Loan No. 8334008</p>												
<p>Coverages and Limits</p> <table border="0"> <tr> <td>A Dwelling</td> <td>\$128,000</td> </tr> <tr> <td>C Other Coverages</td> <td>**</td> </tr> <tr> <td>D Increased Cost of Compliance</td> <td>**</td> </tr> </table> <p>Deductibles</p> <table border="0"> <tr> <td>Dwelling</td> <td>\$1000</td> </tr> </table> <p>Flood Hazard Zone C</p>					A Dwelling	\$128,000	C Other Coverages	**	D Increased Cost of Compliance	**	Dwelling	\$1000
A Dwelling	\$128,000											
C Other Coverages	**											
D Increased Cost of Compliance	**											
Dwelling	\$1000											
<p>Forms and Endorsements Flood Policy - Dwelling Form * [REDACTED]</p> <p>*Effective: MAY 18 2001</p>												
<table border="0"> <tr> <td>Annual Premium</td> <td>\$455.00</td> </tr> <tr> <td>Federal Policy Fee</td> <td>530.00</td> </tr> <tr> <td>Amount Due</td> <td>\$485.00</td> </tr> </table> <p>Gov. A - Inflation Index: N/A Gov. B - Consumer Price: N/A</p>					Annual Premium	\$455.00	Federal Policy Fee	530.00	Amount Due	\$485.00		
Annual Premium	\$455.00											
Federal Policy Fee	530.00											
Amount Due	\$485.00											
<p>NOTICE: Information concerning changes in your policy language is included. Please call your agent if you have any questions.</p> <p>Full premium payment will provide continuous coverage until MAY 18 2002.</p> <p>**See policy booklet for explanation of coverage</p>												
<p>Thanks for letting us serve you... Agent [REDACTED] Telephone [REDACTED]</p> <p>See reverse side for important information. Please keep this part for your record.</p> <p>Prepared APR 03 2001</p>												

Figure 12

Flood Hazard Determination 2005

FEDERAL EMERGENCY MANAGEMENT AGENCY STANDARD FLOOD HAZARD DETERMINATION		200 The Agency's Innovation	D.M.B. No. 2004-0204 Revised October 31, 2003
SECTION I - LOAN INFORMATION			
1. LENDER NAME AND ADDRESS [REDACTED] WEST INTERSTATE BANK AND TRUST COMPANY 12 SOUTH WILCOX STREET MODESTO, CA 95351 REQUESTOR: [REDACTED] FAX#: [REDACTED] PHONE#: [REDACTED]		3. COLLATERAL (Building/Mobile Home/Personal Property) PROPERTY ADDRESS (Legal Description may be attached) OLSON, GARY M 2928 HWY 89 S LIVINGSTON, MT 59047 FOT: D.K. PARCE SUBV:	
2. LENDER ID. NO.	4. LOAN IDENTIFIER	5. AMOUNT OF FLOOD INSURANCE REQUIRED	
SECTION II			
A. NATIONAL FLOOD INSURANCE PROGRAM (NFIP) COMMUNITY JURISDICTION			
NFIP Community Name	County(ies)	State	NFIP Community Number
PARK CO *	UNINCORPORATED AREAS	MT	300160
B. NATIONAL FLOOD INSURANCE PROGRAM (NFIP) DATA AFFECTING BUILDING/MOBILE HOME			
NFIP Map Number or Community - Panel Number (Community name, if not the same as "A")	NFIP Map Panel Effective/Revised Date	LOADS/FLOORS Yes _____ No _____	Special Flood Hazard Area NO NFIP Map
300160-0017B	01/01/1987		A
C. FEDERAL FLOOD INSURANCE AVAILABILITY (Check all that apply)			
<input checked="" type="checkbox"/> Federal Flood Insurance is available (community participates in NFIP). <input checked="" type="checkbox"/> Regular Program <input type="checkbox"/> Emergency Program of NFIP <input type="checkbox"/> Federal Flood Insurance is not available because community is not participating in NFIP. <input type="checkbox"/> Building/Mobile home is in a Coastal Barrier Resource Area (CBRA) or Otherwise Protected Area (OPA). Federal Flood Insurance may not be available. CBRA/OPA registration date: _____			
D. DETERMINATION - Determination based on legal description provided by lender:			
IS BUILDING/MOBILE HOME IN SPECIAL FLOOD HAZARD AREA (ZONES CONTAINING THE LETTERS "A" OR "V")? <small>(If yes, flood insurance is required by the Flood Disaster Protection Act of 1973. If no, flood insurance is not required by the Flood Disaster Protection Act of 1973.)</small>			
		<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
E. COMMENTS (optional)			
<p>The flood determination is provided solely for the use and benefit of the entity named in Section I. Use is limited to comply with the 1994 Flood Insurance Reform Act and may not be used or relied upon for any other entity or individual for any purpose, including, but not limited to, lending, whether to purchase a property or determine the value of a property.</p>			
CERTIFY TO:		TYPE OF COVERAGE: LIFE-OF-LOAN	YES/NO
This determination is based on examining the NFIP map, any Federal Emergency Management Agency revision(s), and any other information needed to locate the building/mobile home on the NFIP map.			
F. PREPARED INFORMATION (Other than lender)			
NAME, ADDRESS, TELEPHONE NUMBER  AMERICAN FLOOD RESEARCH, Inc. 1820 Preston Park Blvd, Suite 1100 Plano, Texas 75093 1-800-995-8667 (TEL) 1-800-995-8668 (FAX)		DATE OF REQUEST: 04/15/2005 DATE OF DETERMINATION: 04/20/2005 CERTIFICATE CONTROL NUMBER: 5076008A-11265	

Figure 13

Insurance Renewal Certificate 2005


Sincere Farm Fire and Casualty Company
 PC Box 8000
 Duport, WA 98227-8000
 205-1146-670 (F.D.)

OLSON, GARY M & NANCY
 3958 US HIGHWAY 89 S
 LIVINGSTON MT 59047-9160

Location: 3255 HWY 86 S
 LIVINGSTON MT
 59047

Mortgages: **FIRST INTERSTATE BANK**
 ITS SUCCESSORS AND ASSOCIATED
 Loan No. **640003010**

Forms and Endorsements
 Flood Policy - Dwelling Form **FF 7970 A**
 Increased Cost of Compliance **FF 6745**

POLICY INFORMATION	
POLICY NUMBER	FC 50 4550 1
Flood Dwelling Policy MAY 18 2005 to MAY 18 2006	
DATE DUE	PI FARE PAYABLE AMOUNT
MAY 18 2005	\$2,704.01

Coverages and Limits

A Dwelling	\$157,000
C Other Coverages	KA
D Increased Cost of Compliance	KA

Deductibles

Dwelling	\$1000
----------	--------

Flood Hazard Zone A

Revised Amount Due \$2,704.

Cov. A - Inflation Index: N/A
 Cov. B - Consumer Price: N/A

Full premium payment will provide continuous coverage until MAY 18 2006.
 **See policy booklet for explanation of coverage.

Thanks for letting us serve you...
 Agent: **[REDACTED]**
 Telephone: **[REDACTED]**

See reverse side for important information.
 Please keep this paid for you record.

Prepared APR 29 2005

Figure 14

Mortgage Letter 2008



First Interstate
Mortgage Servicing
114 South Wacker, 4th Floor
P.O. Box 40
Chicago, NY 10910-0040
107-505-4911
www.fisfirst.com

Account Name
[Redacted]
[Redacted]
[Redacted]
Garry N. Miller
4126 US Hwy 89 S
Livingston, NJ 07042

2nd NOTICE

Dear Agent:

Enclosed is a copy of the Flood Determination for the above referenced property showing that the Flood Zone is A. The policy provided to us from State Farm P & O Comp, Policy No. [Redacted] shows the Flood Zone as [Redacted].

We are requesting that you change the policy to reflect the correct Flood Zone. If the zone has been grandfathered, please provide us with a letter and documentation of the grandfathered zone within 45 days of the date of this letter. Should there be a discrepancy in your underwriter's determination and the determination provided to our bank, please contact our office to discuss this matter.

Sincerely,
[Redacted Signature]

ask Hank Rate
Convert survey data to Navd 88 datum.

Figure 15

Options
to Reduce
Flood
Insurance
Costs

Park County Letter May 5, 2005

Director of
Environmental Health
Randy Taylor, R.S.



414 East Gallender
Livingston, MT 59047
Phone 406-222-4142
or 222-4143
FAX 406-222-4199

May 5, 2005

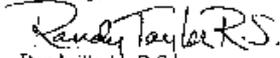
Gary And Nancy Olson
3938 US Hwy 89
Livingston, MT 59047

Re: Floodplain Determination and New Study

Gary and Nancy,

After your visit, and looking at the new study maps, there is a possibility you may be incorrectly classified as existing in the flood way. On the previous map which is in effect right now, you are listed in the flood fringe. But as you remember the foundation and drain field were in existence before the flood hazard rules were in effect. The first floor was elevated over 2' above the base flood elevation (BFE). The drain field was reviewed and approved. That was the criteria we used to allow you to build in the original footprint of the foundation. Now comes the new flood study, which at first showed you in the flood plain. With the recent modifications and adjustments fine tuning the document, it appears you are now in the flood way. This appears to be in error. You have been provided with elevations, and cross sections to aid in your inquiry. You need to contact The Department of Natural Resources to obtain information for reviewing this. These studies are not in effect yet, so you are only located in the flood fringe at this time, until the DNRC and Commissioners adopt the new study as best available information. If you need more information, please contact our office.

Sincerely,


Randy Taylor, R.S.
Park Co. Floodplain Administrator

file

Figure 16

New Maps

- Park County is getting new DFIRM maps that should go effective in two years.
- The Olson property now has a detailed study on it.
- The base flood elevation is anywhere from 1 to 3 feet higher than the BFE done by the Olson's Surveyor in 1995.

What options may be available
to bring the structure into
Compliance and what effect will
the new maps have on these
options?

- Will the basement floor be considered as the lowest floor for the structure?
- Will the Elevation Certificate still be in compliance with the new maps?
- What advise would you give the Olsons?

Discussion

- Have you experienced any similar situations in your community?
- How did you handle the them?

Property owners are still vulnerable to flood problems, even if they meet all local ordinance requirements.



Sanders County

Floodplain Enforcement Process Toolbox

- Ordinance to clarify community enforcement process.
- Ways to correct floodplain management violations to the “maximum extent possible”

Ordinance Review

- Is there a section that specifically addresses what to do if structures are built without a permit.
- What is the community's violation process?
- Are after-the-fact permits allowed to correct violations?
- Are variances allowed to correct violations?

Maximum Extent Possible (Riverine A-Zone Violations)

- Floodway encroachment
- Structures allowed below BFE
- Structures and other development not property anchored (resist floatation, collapse or lateral movement)
- A/C, electric components not flood resistant
- Proper venting (sufficient openings)

Maximum Extent Possible (Remediation – A Zone Violations)

- Demonstrate no increase in BFE
- Remove fill or other obstructions
- Take other compensating action
- Obtain floodway revision
- Community recalculates BFE and adopts new BFE

Remedying Violations

Will vary according to when discovered during the development process.

- No permit issued.
- Permit issued but work not started.
- Early stages of construction.
- Prior to sale by developer.
- After sale by develop.

To Remedy Violations

- Provide missing elevation certificated, floodproofing certificates, permit forms,
- Floodway violation
 - Submit engineering data showing “no increase” in water surface elevation.
 - Remove fill.
 - Remove or modify noncompliant structure.

To Remedy Violations (Continued)

- Rescind non compliant permits for development that has not begun.
- Invoke Section 1316.

Enforcement Options Vary

- Options sometimes vary according to who is at fault for the violation:
 - Community/Community official
 - Current owner of structure
 - Former owner of structure
 - Developer
 - Surveyor/Engineer
 - FEMA/State
 - Combination

Enforcement Options: Individual Structure

- Bring structure into full compliance to the maximum extent possible
- Bring the structure into partial compliance
- Section 1316
- Litigation

Section 1316

Denial of insurance coverage:

- Community can request 1316 action against individual structure
- Must be in writing
- Must refer to violated law, regulations, or ordinance
- Must describe the site, the property, the owner, the notification process, and the violation

CLOMRs

When are They Required?

Marijo Brady, P.E., CFM
FEMA Region 8
303-235-4835 (office)
303-241-5278 (cell)
Marijo.brady@dhs.gov

CLOMRs

- WHAT IS IT?
 - PRECONSTRUCTION
 - COMMENT BY FEMA THAT PROPOSED PROJECT IS COMPLIANT WITH PROGRAM REQUIREMENTS

CLOMRs

- REQUIRED FOR TWO SITUATIONS
 - BFEs WITHOUT FLOODWAY DESIGNATED (44 CFR 60.3 (c)(10))
 - IF PROPOSED PROJECT RESULTS IN AN INCREASE TO THE BFE OF >1 FOOT (**for Montana, state law mandates that the BFE cannot increase more than 0.5 feet**)
 - FLOODWAY DEFINED (44 CFR 60.3 (d)(4))
 - PROPOSED PROJECT DEMONSTRATES THE RISE TO THE BFE IS 0.00 FEET (analysis required, certification letter of no-rise from engineer is not sufficient)

CLOMRs

- USE OF CLOMRs THAT ARE NON-MANDATORY
 - FLOODPLAIN ADMINISTRATOR CAN REQUIRE A CLOMR TO BE SUBMITTED BEFORE SIGNING FLOODPLAIN PERMIT TO ENSURE COMPLIANCE (REMEMBER, A CLOMR IS PRE-CONSTRUCTION)
 - Approx A ZONES WHEN LOMR WILL BE SUBMITTED MAY REQUIRE A CLOMR; CONTACT LOMR MANAGER (Baker)

CLOMRs

- SUBMITTAL
 - DETAILED ANALYSIS
 - PROFESSIONAL ENGINEER STAMP
 - \$\$
 - USE OF MT-2 FORM

CLOMRs

- DO NOT REVISE FLOOD INSURANCE RATE MAP (FIRM)
- DOES NOT CHANGE INSURANCE REQUIREMENTS OR RATES

CLOMRs

- WITHIN 6 MONTHS UPON COMPLETION OF PROJECT, THE COMMUNITY MUST REQUEST A REVISION THROUGH A LOMR TO CHANGE THE EFFECTIVE MAP (44 CFR 65.3)

CLOMRs

EXAMPLE: City of Tea, SD

- CLOMR requested 4/30/08, assigned case number 08-08-0612R on 5/5/08; FEMA has 90 days (8/3/08) to make determination or request add'l data
- Request additional data on 5/21/08 (letter form number 316-AD) and includes "Summary of Add'l Data Required to Support a CLOMR" and includes a request for processing fee; applicant has 90 days to respond (8/20/08) to request. **If all items list on the Summary of Add'l Data (including fee) is not rec'd by August 20, case stands risk of being dropped*
- Add'l data received 8/19/08 & **FEE** (Acknowledgement of data received sent to applicant on 9/4/08). FEMA has 90-days (11/17/08) to make determination or request add'l data.
- Request add'l data 10/23/08; applicant has 90 days to respond (1/21/09)
- Add'l data received 1/5/09 (acknowledgement of data received sent to applicant on 1/6/09); FEMA has 90 days (4/21/09) to make determination or request add'l data
- Request add'l data 1/7/09; applicant has 90 days to respond (4/23/09)
- Add'l data received 2/24/09 (acknowledgement of data received sent to applicant on 2/24/09); ; FEMA has 90 days (5/23/09) to make determination or request additional data
- **FEMA makes determination; CLOMR issued 3/31/09!!**
- *Acknowledgement of data received sent to applicant by email or letter form number 316-ACK; ACK notification does not impact timeline*