



MONTANA DNRC FLOODPLAIN PROGRAM

Letters of Map Change, New Mapping, and Ordinance Adoption

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What is Triggering the Update

New Maps/Studies

- Notification
- Public Hearing
- Defined Time Line

LOMR

- Notification
- Public Hearing
- Defined Time Line

Community Assistance Visit or Disaster Recovery

- Notification
- Public Hearing
- Defined Time Line

Being Proactive

- Notification
- Public Hearing



New Maps/Studies



Federal Emergency Management Agency

Washington, D.C. 20472

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

IN REPLY REFER TO:
15P-A

February 18, 2014

The Honorable Elaine Graveley
Chair, Broadwater County
Board of Commissioners
Broadwater County Courthouse
515 Broadway Street
Townsend, MT 59644

Community: Broadwater County, Montana
(Unincorporated Areas)
Community No.: 300145
Map Panels Affected: See FIRM Index

Dear Commissioner Graveley:

This is to formally notify you of the final flood hazard determination for the Unincorporated Areas of Broadwater County, Montana, in compliance with Title 44, Chapter I, Part 67, Section 67.11, Code of Federal Regulations (CFR). This section requires that notice of final flood elevations shall be sent to the Chief Executive Officer of the community, all individual appellants, and the state coordinating agency, and shall be published in the *Federal Register*.

On October 8, 2012, the Department of Homeland Security's Federal Emergency Management Agency (FEMA) provided you with Preliminary copies of the FIS report and Flood Insurance Rate Map (FIRM) that identify the existing flood hazards in your community. The proposed Flood Hazard Determinations (FHDs) for your community were published in the *Townsend Star*, on February 28, 2013 and March 7, 2013, and in the *Federal Register* at Part 67, Volume 78, Page 8182, on February 5, 2013.

The statutory 90-day appeal period, which was initiated on the second newspaper publication date cited above, has ended. The proposed FHDs for your community were appealed during that time. All technical data submitted in support of the appeal have been evaluated and the appeal has been resolved. Therefore, the FHDs for your community are considered final. The final notice for FHDs will be published in the *Federal Register* as soon as possible. The FIS report and FIRM will become effective on August 18, 2014. Before the effective date, FEMA will send you final printed copies of the FIS report and FIRM.

The FIRM and FIS report for your community have been prepared in our countywide format, which means that flood hazard information for all jurisdictions within Broadwater County have been combined into one FIRM and FIS report. When the FIRM and FIS report are printed and distributed, your community will receive only those panels that present flood hazard information for your community. We will provide complete sets of the FIRM panels to county officials, where they will be available for review by your community.

The FIRM panels have been computer-generated. Once the FIRM and FIS report are printed and distributed, the digital files containing the flood hazard data for the entire county can be provided to your community for use in a computer mapping system. These files can be used in conjunction with other thematic data for floodplain management purposes, insurance purchase and rating requirements, and many other planning applications. Copies of the digital files or paper copies of the FIRM panels may be

- ▶ Pre-LFD Letter
- ▶ LFD Letter – starts the 6 month adoption
- ▶ Post-LFD Letter or email
- ▶ DNRC starts coordination with community
- ▶ Bi-monthly and weekly calls and emails



LOMR

December 5, 2013

Shawn Higley
1275 Maple St. Suite F
Helena, MT 59601

Dear Shawn,

As part of Broadwater County's Digital Flood Insurance Rate Map (DFIRM) Conversion process, the Federal Emergency Management Agency (FEMA) will be sending Broadwater County an official letter detailing when the new Flood Insurance Rate Maps and Flood Insurance Study for the county will go into effect. This letter is called a Letter of Final Determination and will also explain the requirement for you to adopt the new Flood Insurance Rate Maps and Study and update your existing Floodplain Regulations. We are anticipating that FEMA will be sending this letter out to you sometime in early 2014.

Once a Letter of Final Determination is issued by FEMA, a community has five months to adopt the new floodplain maps and update their existing floodplain regulations. The new floodplain maps go into effect six months from the date of the Letter of Final Determination. Some communities choose to start the process of updating their floodplain regulations ahead of time, before they receive the Letter of Final Determination from FEMA.

As you know, the Department of Natural Resources and Conservation (DNRC) Floodplain Program has a draft Model Ordinance that is available and can be used to update your regulations. It is available on the DNRC website:
http://dnrc.mt.gov/wrd/water_op/floodplain/permitting.asp

I will be available to work with you throughout this process to assist with any questions and concerns. Here is my contact information, along with information for the National Flood Insurance Program (NFIP) Specialist for Montana, Marijo Brady. Please feel free to contact either of us with questions:

Traci Sears
NFIP/CAP Coordinator
DNRC Floodplain Program
1424 9th Ave.
Helena, MT 59620
406-444-6654
tsears@mt.gov

Marijo Brady
NFIP Specialist
FEMA Region VIII
DFC, Bldg 710
Denver, CO 80225
303-235-4835
marijo.brady@dhs.gov

- ▶ Working on Pre- LOMR Letter
- ▶ LOMR determination document – with issue date and effective date
- ▶ Post-LOMR Letter or email
- ▶ DNRC starts coordination with community
- ▶ Weekly calls and emails



CAV or Disaster Recovery

- ▶ CAV Follow-up Letter establishing a time frame
- ▶ DNRC starts coordination with community
- ▶ Monthly and Weekly calls and emails



Being Proactive (Amendments and Updates)

- ▶ Community Time Frame
- ▶ Community coordinates with DNRC and FEMA



Ordinance/Regulations Adoption Procedures

Community needs to work with legal council on adoption/amendment procedures

- ▶ What is the community notification procedure?
- ▶ What is the community adoption timeline?
- ▶ Who makes the final decision on adoptions/amendments for community?
- ▶ Are other boards required to review the document?
- ▶ What is the notification timeline for board reviews and public hearings?
- ▶ What is the general notification process



Ordinance/Regulations Adoption

Community Prepares Ordinance/Regulations for Review

- ▶ Stand Alone Document
- ▶ Input specific community information
- ▶ Land use Boards are aware of responsibility
- ▶ Findings and Fact for Higher Standards
- ▶ Review times needed
- ▶ Legal department has reviewed document
- ▶ Legal department has reviewed Enforcement Section



Three Paths

Community

- Provides Draft to FEMA and DNRC
- Corrects and resends any updates
- Notification
- Public Hearing
- Adoption
- Updating community information

State (DNRC)

- Need 30 days for review
- Initial review Information
- Final approval after community adoption and signature page
- Update CIS

Federal (FEMA)

- Need 30 days for review
- Checklist
- May contact community during process
- Update CIS

Review time could be longer if not using the State Model Ordinance



State Review Process – Initial Review

- ▶ 76–5–302 MCA – Local ordinance, regulations, or resolutions are found acceptable by the department.
- ▶ 36.16.202 ARMs – Approval of Local Regulations
 - 1 – Copies of all regulations meet minimum standards and are sent to the department
 - 2 – Department shall notify by letter approval or disapproval
 - 3 – Any changes to the regulations or administrative and enforcement procedures proposed shall be sent to the department for approval
- ▶ Review of Document
- ▶ Checklist
- ▶ Email, call, or letter
- ▶ Coordinate with FEMA to make sure they have draft document and state initial review



State Review Process – Final Approval

July 3, 2014

Shawn Higley
Floodplain Administrator
Broadwater County
1275 Maple St., Ste F
Helena, MT 59601

Dear Shawn,

Thank you for all of your hard work these past few months in revising and adopting Broadwater County Floodplain Hazard Management Regulations to coincide with the new Digital Flood Insurance Rate Maps (DFIRMs) that are going into effect for Broadwater County on August 18, 2014. The Montana Department of Natural Resources and Conservation's (DNRC) Floodplain Management Program's review of local regulations is intended to ensure that proposed local regulations meet the minimum state floodplain standards prior to adoption. DNRC has completed its review and received all applicable documentation on Broadwater County's floodplain regulations adopted by the Board of Broadwater County Commissioners on June 23, 2014.

This letter is intended to provide official notice that the DNRC Floodplain Management Program finds that Broadwater County's 2014 Floodplain Hazard Management Regulations adopted on June 23, 2014 are approved based on staff's thorough review and determination that the document appears to meet all the required minimum state standards. Please be advised that as of the date of this letter, DNRC has updated Broadwater's community file and submitted all required documentation to Marijo Brady with the Federal Emergency Management Agency (FEMA) Region VIII office.

If you have any questions, please feel free to contact the DNRC Floodplain Management Program.

Sincerely,

Traci Sears
Montana NFIP/CAP Coordinator
Montana DNRC Floodplain Program

cc: Marijo Brady, FEMA Region VIII
John Connors, Montana DNRC Helena Regional Office

- ▶ Review of Adopted Document
- ▶ Get copy of Signature Pages
- ▶ Update Community information for state offices
- ▶ Create and send Formal Approval Letter to Community



State Review Process – Update CIS

Community Ordinance Report

Community:	BROADWATER COUNTY*	State:	MONTANA
County:	BROADWATER COUNTY	CID:	300145

Ordinance Adoption Status

FIRM Effective Date:	08/18/2014	Ordinance Adoption Status:	
Letter of Final Determination Date:	02/18/2014	Level of Regs Required:	D
Reason for Ordinance Review:		Level of Regs Adopted:	
Review By:		Zones on Panel:	AO/AH Zones <input type="checkbox"/> Zone A <input type="checkbox"/>
Review Date:			Zone V <input type="checkbox"/> 60.3(c)(10) <input type="checkbox"/>
		Approved by FEMA:	
		Date of FEMA Approval:	

Ordinance Summary

Reviewed but Pending Approval:	N	State Compliance:	Y
Ordinance Effective Date:	06/23/2014		
Does the Ordinance adopt all future map revision?			
<input type="radio"/> Yes		<input type="radio"/> No	
Does the community exercise extraterritorial jurisdiction?			
<input type="radio"/> Yes		<input type="radio"/> No	
<input type="radio"/> Full			
<input type="radio"/> Limited			
Location of Floodplain Management Regulations:			
<input checked="" type="checkbox"/> Stand-Alone Ordinance (Based on State Model)			
<input type="checkbox"/> Zoning Ordinance			
<input type="checkbox"/> Subdivision Ordinance			
<input type="checkbox"/> Codified			
<input type="checkbox"/> Other Ordinances/Regulations containing NFIP form reqmts			
<input type="checkbox"/> Building Code			
Type of Code Adopted:	<input type="checkbox"/> IBC	<input type="checkbox"/> IRC	<input type="checkbox"/> Other I-Codes
	<input type="checkbox"/> NFPA 5000	<input type="checkbox"/> State Building Code	<input type="checkbox"/> Other

Provide Citations, current effective dates, and last amendment dates of all applicable ordinances, codes, and regulations (provide up to five in CIS Ordinance Notes):

- | | | |
|--|---------------------------------|--------------------------------|
| 1. Floodplain Regulations 2014-19 | Effect. Date: 06/23/2014 | Amend. Date: |
| 2. Floodplain ordinance no. 2012-A | Effect. Date: 03/12/2012 | Amend. Date: 06/23/2014 |
| 3. Floodplain Regulations No. 2006-B | Effect. Date: 11/06/2006 | Amend. Date: 03/12/2012 |
| 4. Floodplain Ordinance #51689 | Effect. Date: 05/16/1989 | Amend. Date: 11/06/2006 |
| 5. Flood Damage Prevention Resolution 81-5-A | Effect. Date: 06/02/1981 | Amend. Date: 05/16/1989 |

More Restrictive Ordinance:

<input type="radio"/> Yes		<input type="radio"/> No
Type of More Restrictive Requirements:		
<input checked="" type="checkbox"/> Freeboard	<input type="checkbox"/> Cumulative Sub. Damage/Improvement	<input type="checkbox"/> Lower Sub. Damage Threshold
<input type="checkbox"/> Repetitive Loss Definition	<input type="checkbox"/> Enclosure Limits	<input checked="" type="checkbox"/> Other
<input type="checkbox"/> EPA Waiver		

Notes: