

FLOODPLAIN 101 for realtors



STATE FLOODPLAIN PROGRAM
January 2017



TODAY'S PRESENTERS

- ▶ Michelle Phillips
Floodplain Specialist
MT DNRC Floodplain Program
- ▶ Traci Sears
National Flood Insurance Program Coordinator
MT DNRC Floodplain Program
- ▶ Larry Schock
Regional Engineer
MT DNRC Missoula Region

THANK YOU
Stacey Raney
Park County Board of Realtors
Education Coordinator

COURSE OBJECTIVE

To strengthen your ability to provide the best customer service to your clients

Assist local communities and their citizens with identifying and reducing flood risk

TODAY'S AGENDA

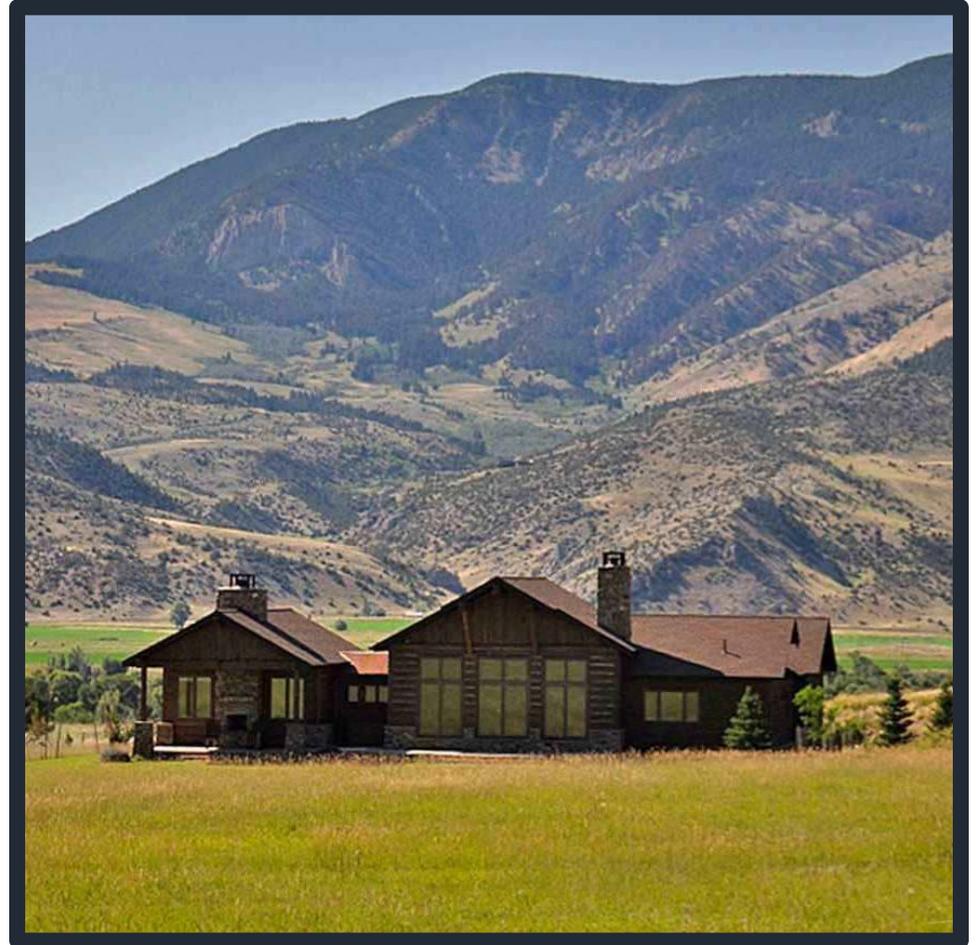
- ▶ Overview of floodplain management
- ▶ Understanding floodplain regulations
- ▶ Educating your clients
- ▶ Protecting yourself

QUESTIONS YOU MAY HEAR

Does this property flood?

Do I or will I have to get flood insurance if I purchase this property?

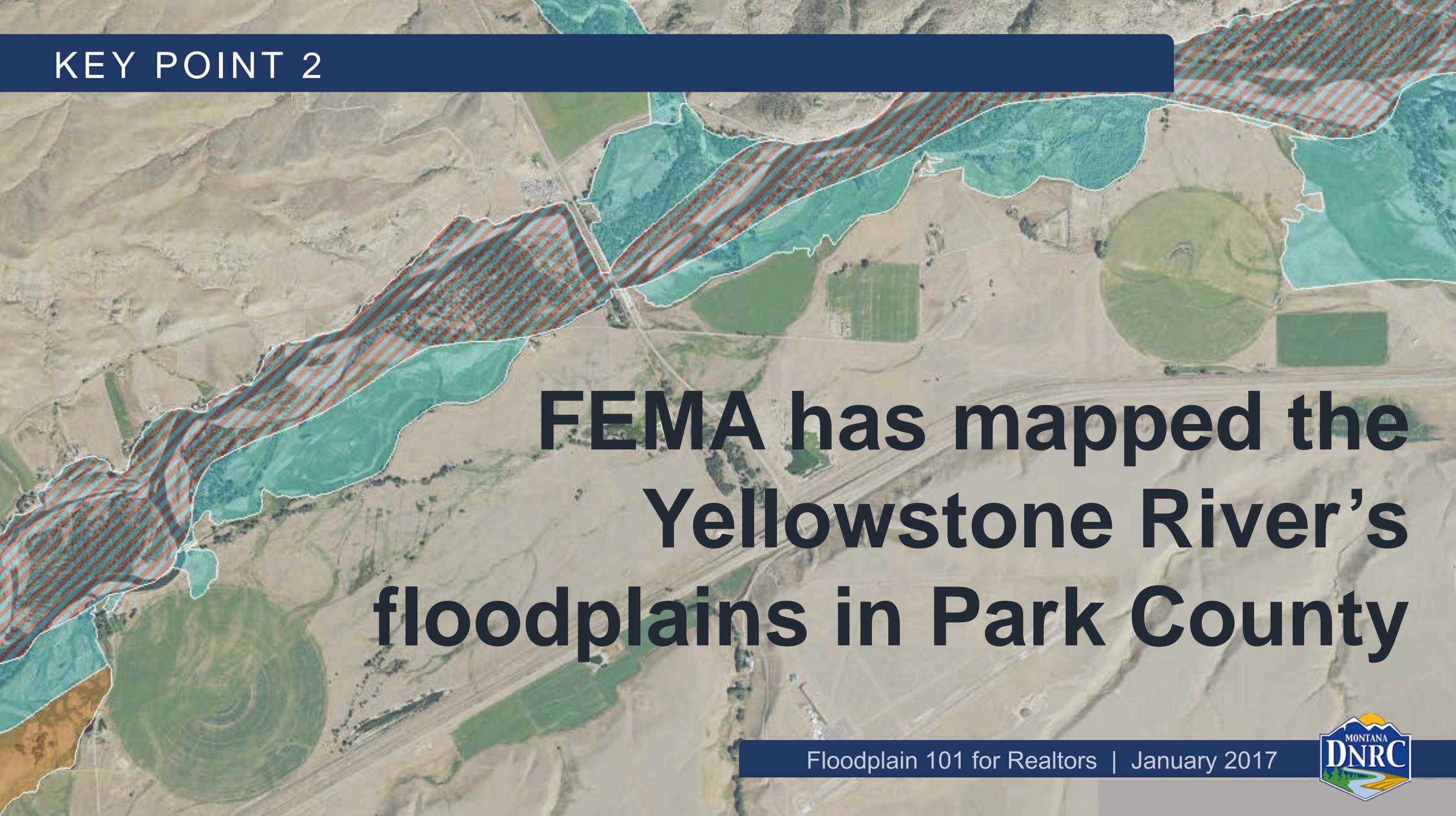
What type of development restrictions might this property have?



KEY POINT 1



**All properties have a flood risk
and are in a floodplain**



**FEMA has mapped the
Yellowstone River's
floodplains in Park County**

KEY POINT 3



National flood insurance is available in Park County because it regulates development in high risk floodplains

FLOODPLAIN MANAGEMENT HISTORY



CENTRAL QUESTION

How can the federal government reduce flood losses and keep people safe?

FLOODPLAIN MANAGEMENT HISTORY

By controlling
flood waters



Minot, ND (2011)



Hurricane Betsy (1965)

ISSUES TO ADDRESS



Development in
flood-prone areas



Disaster relief payouts
for flood damages



Availability of
flood insurance

CENTRAL QUESTION

How can the federal government reduce flood losses and keep people safe?

~~Control flood waters~~

Assist communities/property owners with
understanding and reducing their flood risk



NFIP

NATIONAL FLOOD
INSURANCE PROGRAM

AN AGREEMENT

FEDERAL GOVERNMENT

makes subsidized
flood insurance available
within the community



LOCAL COMMUNITIES

adopt and enforce
floodplain regulations that
meet FEMA requirements

(VOLUNTARY)

NATIONAL FLOOD INSURANCE PROGRAM



FEMA

Administers the National Flood Insurance Program



STATE OF MONTANA

Coordinates administration of the National Flood Insurance Program with FEMA



LOCAL COMMUNITIES

Enforce National Flood Insurance Program requirements via a local floodplain ordinance

WHY MANAGE FLOODPLAINS?

- ▶ Make federal flood insurance available to the community
- ▶ Maintain eligibility for federal disaster relief funds
- ▶ Identify areas of flood risk using best scientific data
- ▶ Guide development and planning in flood-risk areas

REDUCE FLOOD LOSS AND KEEP PEOPLE SAFE
BY BUILDING SMARTER



9th St Bridge, Park County (2008)

PARK COUNTY / CITY OF LIVINGSTON

126 policies in force

\$27,000,000 of insurance in force

90 paid losses

\$794,000 of total losses paid

7 substantial damage claims

WHAT DOES THIS MEAN FOR ME?

TALK FLOODS EARLY AND OFTEN

1. Educate your clients about their property
 - Flood risk
 - Flood insurance mandate
 - Development regulations
2. Protect yourself—cover your butt



NFIP NATIONAL FLOOD INSURANCE PROGRAM

- ▶ *MAPPING*
- ▶ *REGULATIONS*
- ▶ *INSURANCE*
- ▶ *MITIGATION*

FLOODPLAIN MAPS

Why do they exist?

What do they do?

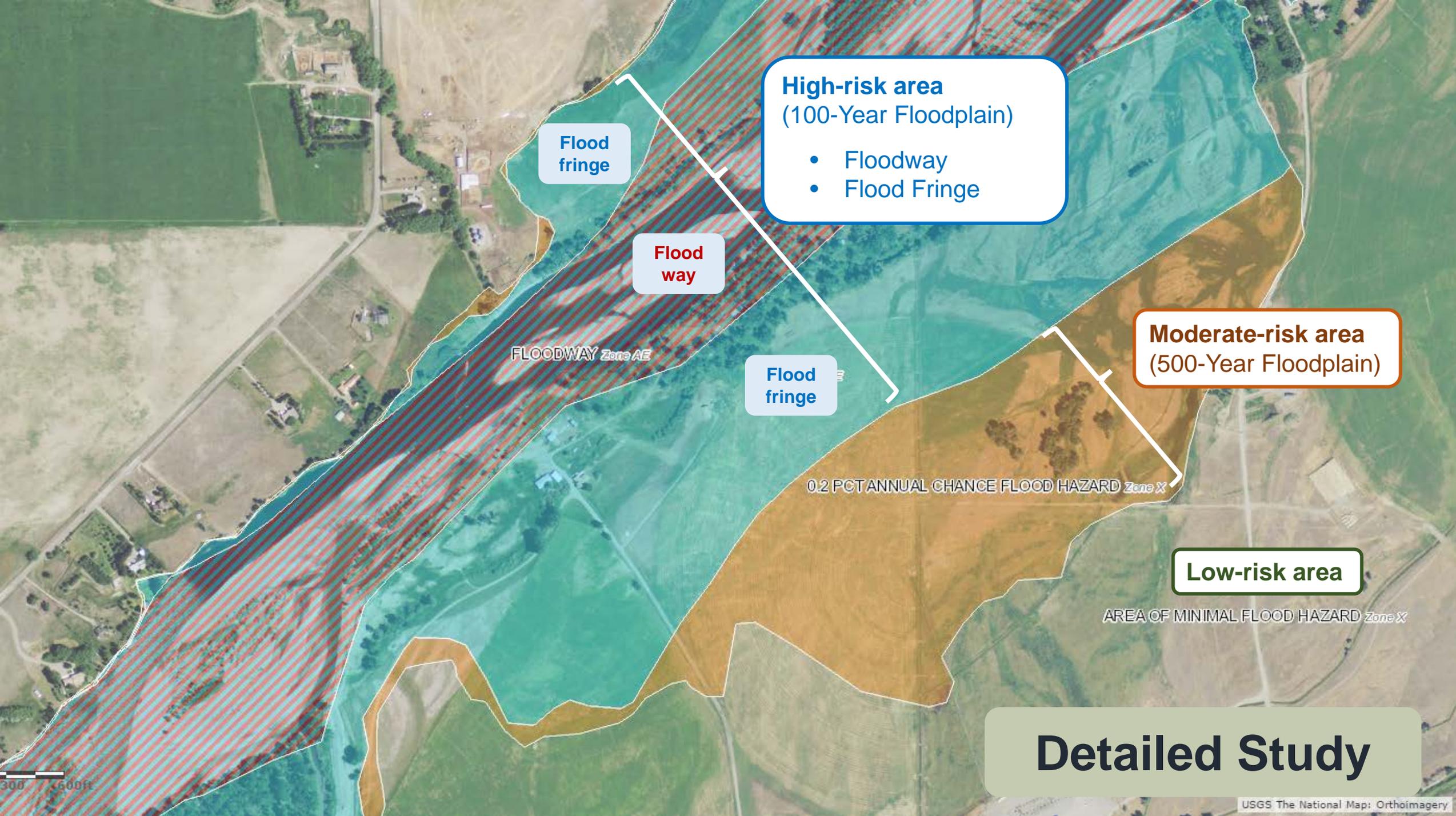
How do I find them?

Flood maps

Flood Insurance Rate Maps & the National Flood Hazard Layer

1. Identify areas of flood risk
 - High risk
 - Moderate risk
 - Low risk (minimal risk)
2. Used for various purposes
 - Floodplain regulations
 - Flood insurance rating
 - Local emergency planning
3. Have different levels of detail depending on the area
 - Detailed Study
 - Approximate A

FEMA Lingo
Flood Insurance Rate Maps
(FIRMs)



High-risk area
(100-Year Floodplain)

- Floodway
- Flood Fringe

Flood fringe

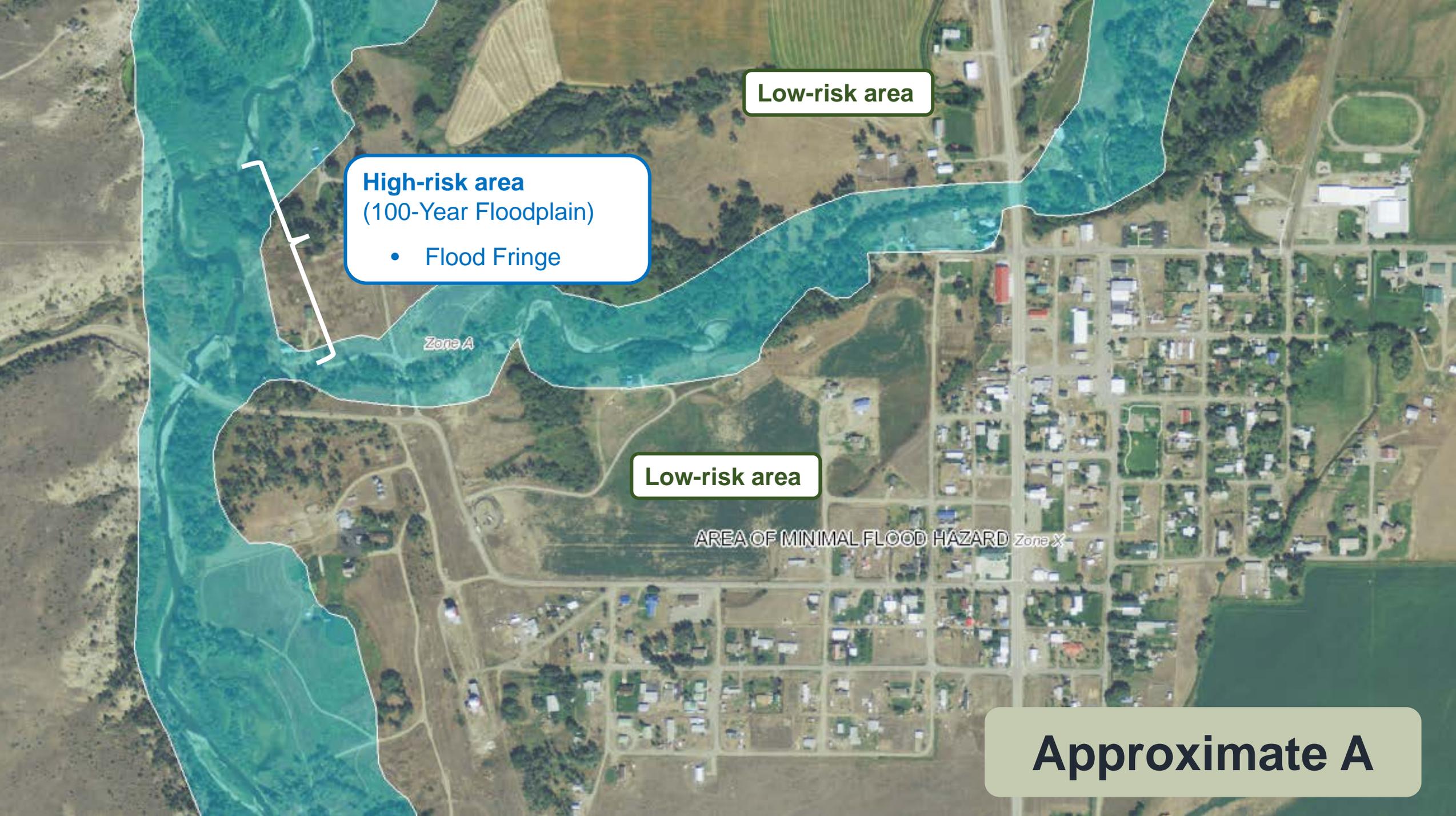
Flood way

Flood fringe

Moderate-risk area
(500-Year Floodplain)

Low-risk area

Detailed Study



Low-risk area

High-risk area
(100-Year Floodplain)

- Flood Fringe

Zone A

Low-risk area

AREA OF MINIMAL FLOOD HAZARD Zone X

Approximate A

	HIGH-RISK FLOOD ZONE Floodway Flood Fringe		MODERATE-RISK FLOOD ZONE	LOW-RISK FLOOD ZONE
Color on Map	RED & TEAL	TEAL	ORANGE	NONE
Special Flood Hazard Area	YES	YES	NO	NO
Flood Zone Designation	AE	AE or A	X	X
Floodplain Designation	100-YEAR 1%-Annual-Chance	100-YEAR 1%-Annual-Chance	500-YEAR 0.2%-Annual-Chance	NONE
Flood Insurance	REQUIRED	REQUIRED	RECOMMENDED	RECOMMENDED
Floodplain Permit Required	YES	YES	NO	NO
New construction allowed	NO	YES	YES	YES

High-risk areas

(100-Year Floodplain, Special Flood Hazard Area)

- ▶ 25% chance of flooding during a 30-year mortgage
- ▶ Flood insurance required on buildings with a federally backed mortgage
- ▶ Floodplain regulations apply, floodplain permits necessary
- ▶ Also referred to as:
 - 1%-Annual-Chance Floodplain
 - Regulated Flood Hazard Area

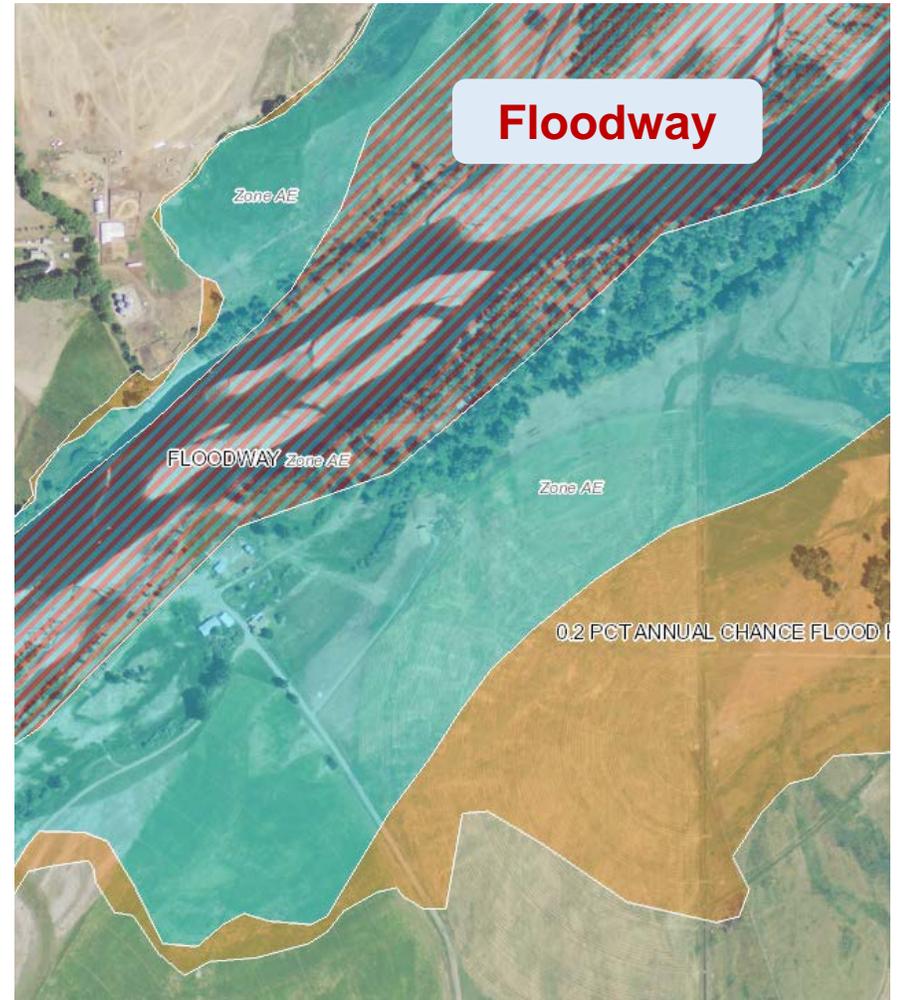
FEMA Lingo
Special Flood Hazard Area
(SFHA)

Floodway

- ▶ Fastest flows and the deepest depths of flood waters
- ▶ Kept clear from development so that flood waters may pass

How it's different from Flood Fringe

- ▶ Insurance requirement is the same
- ▶ More restrictive floodplain regulations apply

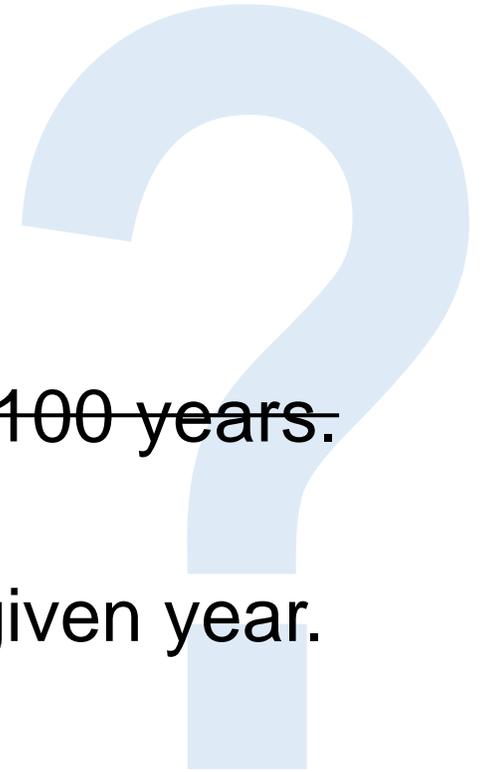


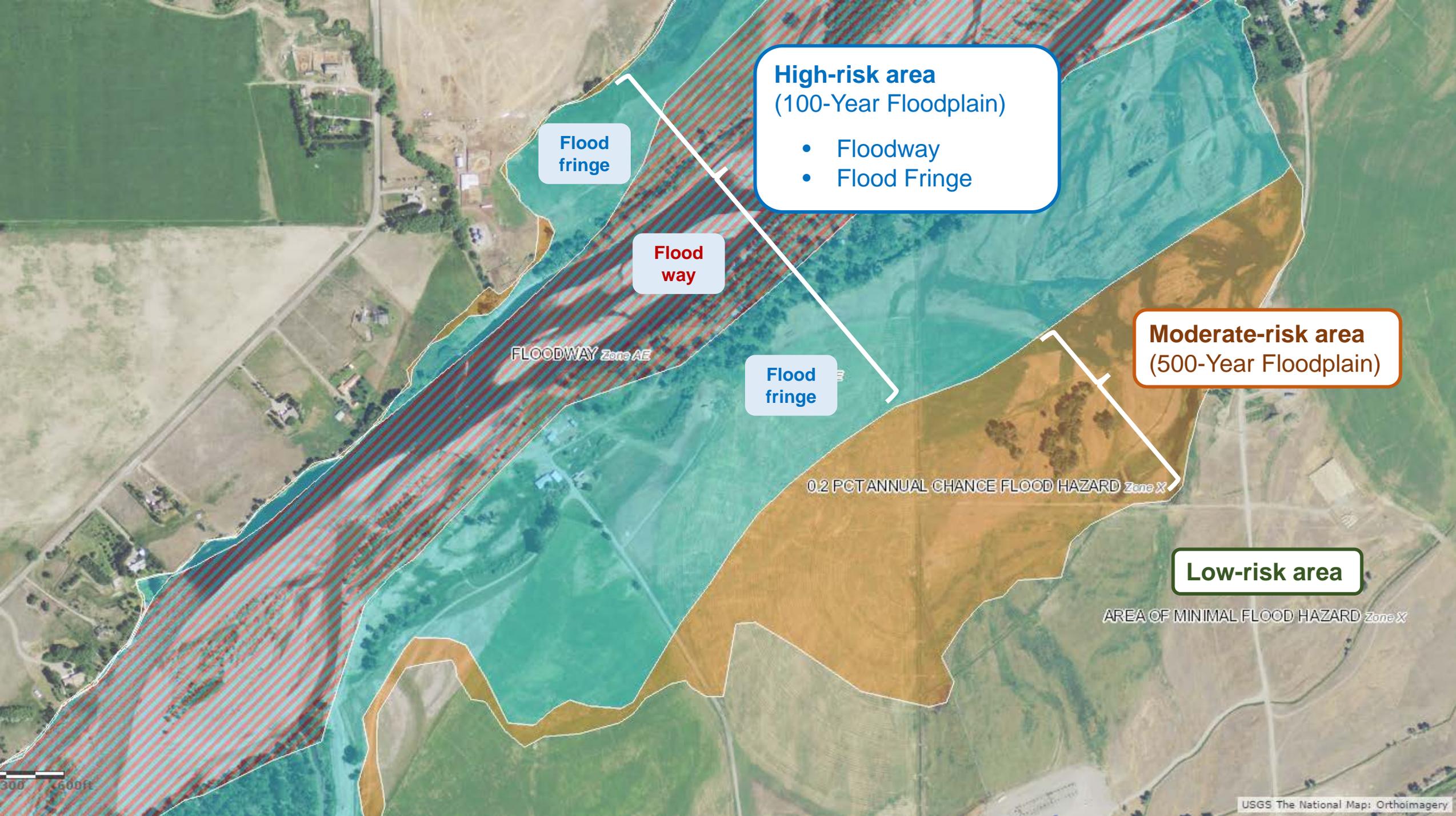
Know the lingo

100-Year Flood

~~A 100-Year Flood is only expected to happen once in 100 years.~~

A 100-Year Flood has a 1% chance of occurring any given year.





High-risk area
(100-Year Floodplain)

- Floodway
- Flood Fringe

Flood fringe

Flood way

Flood fringe

Moderate-risk area
(500-Year Floodplain)

Low-risk area

FLOODWAY Zone AE

0.2 PCT ANNUAL CHANCE FLOOD HAZARD Zone X

AREA OF MINIMAL FLOOD HAZARD Zone X

0 300 600ft

Moderate-risk and Low-risk areas (Non-Special Flood Hazard Area)

- ▶ Account for 20% of flood insurance claims nationwide
- ▶ Flood insurance recommended; your lender may choose to require it
- ▶ Floodplain regulations do not apply
- ▶ Includes the 500-Year Floodplain
(0.2%-Annual-Chance Floodplain)

FEMA Lingo
Non-Special Flood Hazard Area
(NSFHA)

Client Question

100-Year Floodplain

This property is in a 100-Year Floodplain. What does that mean?

1. The property has a high risk of flooding
2. Structures with a federally backed mortgage will need flood insurance
3. A floodplain permit is required for any development on the property

Client Question

500-Year Floodplain

This property is in a 500-Year Floodplain. What does that mean?

1. The property has a moderate risk of flooding
2. Flood insurance is recommended
(a lender may choose to require it)
3. No floodplain permit required for development

FEMA's Map Service Center

www.msc.fema.gov

Looking for a Flood Map? [?](#)

Enter an address, a place, or longitude/latitude coordinates:

Livingston, Montana

Search

Looking for more than just a current flood map?

Visit [Search All Products](#) to access the full range of flood risk products for your community.



FLOOD MAPS

www.msc.fema.gov

Search Results—Products for LIVINGSTON, CITY OF

The flood map for the selected area is number **30067C0591C**, effective on **10/18/2011** [?](#)



VIEW MAP



SAVE MAP



INTERACTIVE MAP

Show **all** products for this area



Letters of Map Change [?](#)

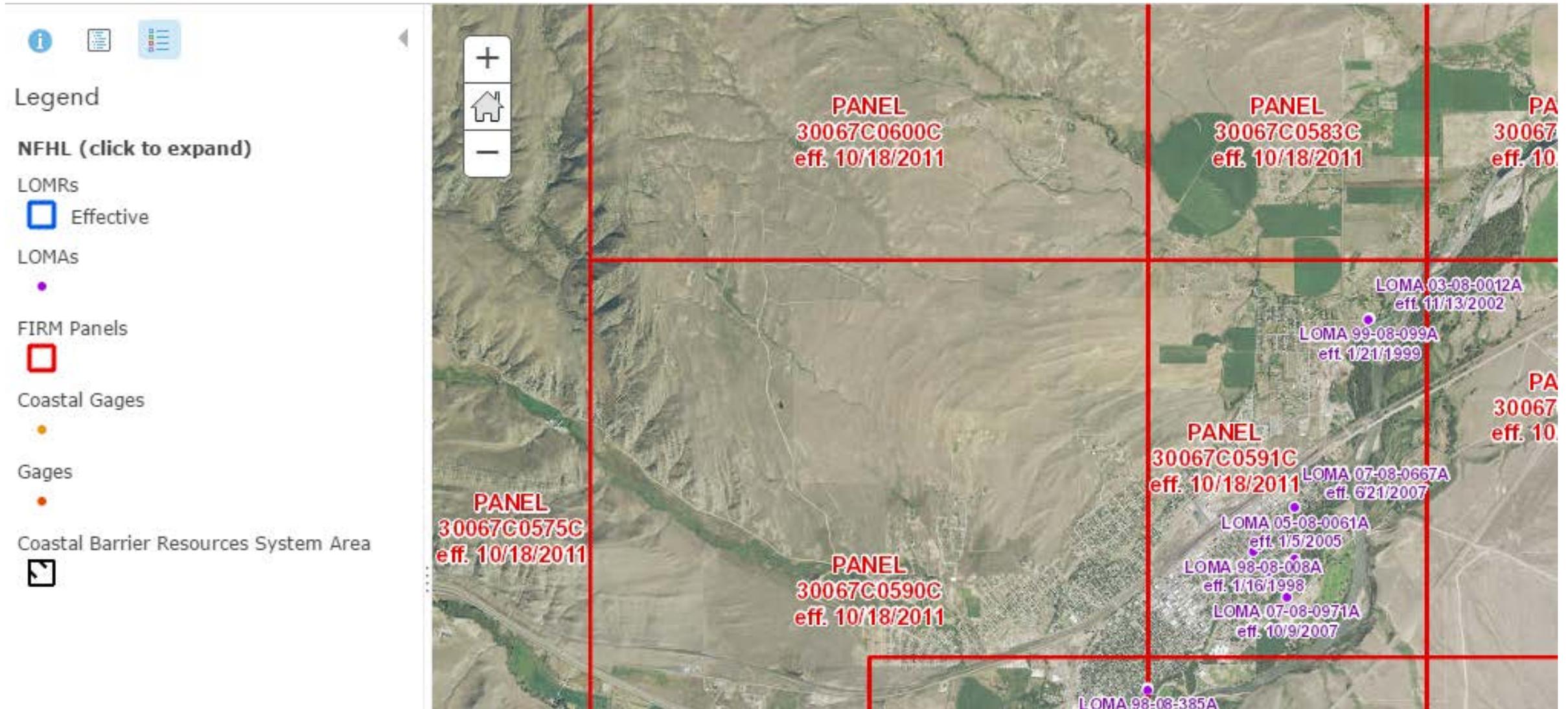
-  Revisions (0)
-  Amendments (2)
-  Revalidations (0)

Locator Map



FLOOD MAPS

www.msc.fema.gov



FLOOD MAPS

www.msc.fema.gov

Legend

NFHL (click to expand)

LOMRs

- Effective

LOMAs

-

FIRM Panels

-

Coastal Gages

-

Gages

-

Cross-Sections

-

Base Flood Elevations

-

Coastal Barrier Resources System Area

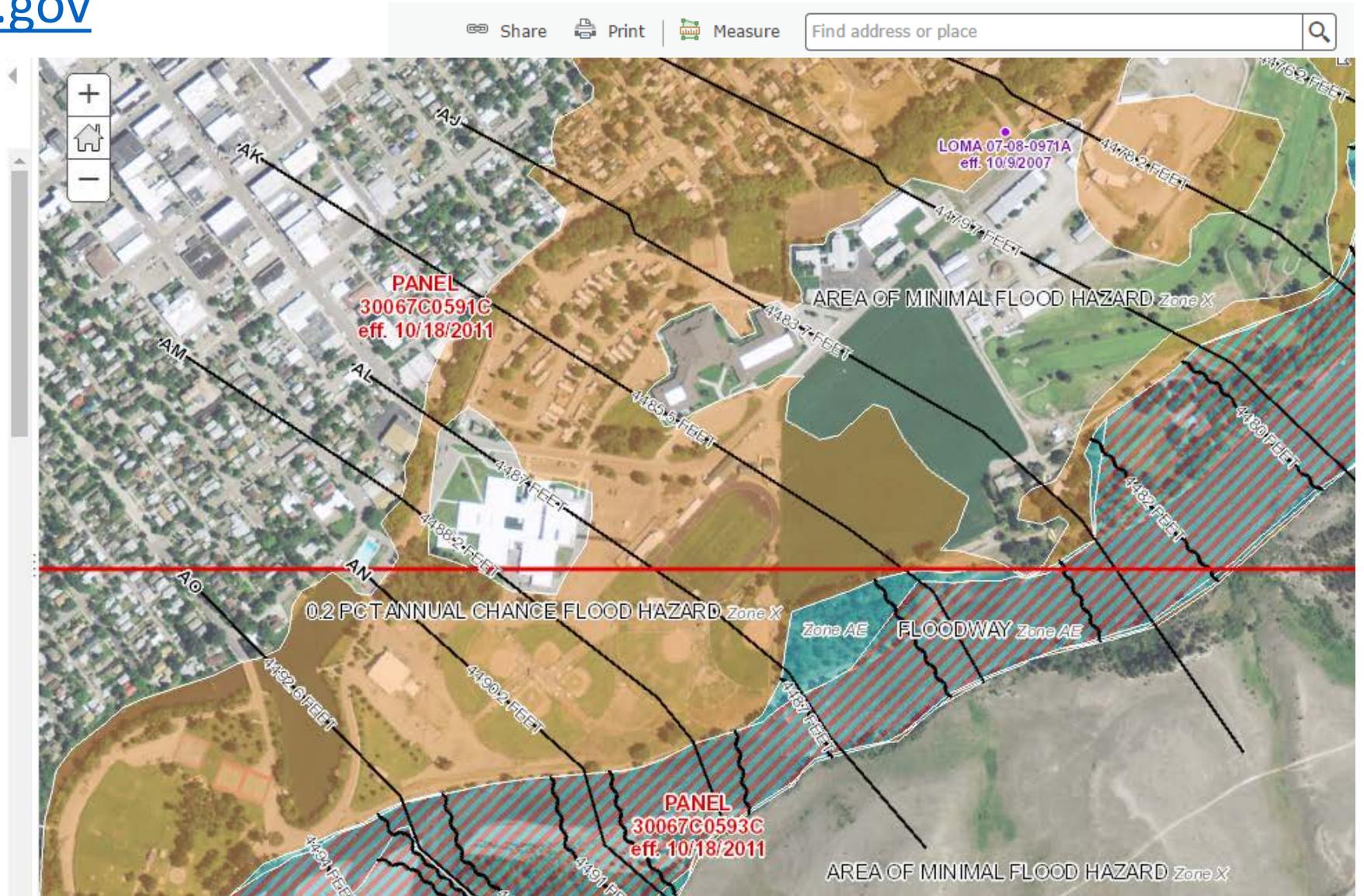
-

Levees

- Unaccredited Levee
- Accredited Levee

General Structures

- Flood Structure



FLOOD MAPS

www.msc.fema.gov

The screenshot displays the FEMA Flood Maps web application interface. At the top, there is a navigation bar with tabs for "Details" and "Basemap". To the right of the navigation bar are utility icons for "Share", "Print", and "Measure", along with a search box labeled "Find address or place".

On the left side, there is a "Contents" panel with the following items:

- NFIP Community Layer
- NGA US National Grid
- NFHL (click to expand) ***
- USGS Imagery Basemap (Large-scale)
- USGSImageryOnly

The main map area shows an aerial view of a rural landscape with a flood zone overlaid in a light blue color. The flood zone is labeled "Zone A". Three specific flood zones are highlighted with red text labels:

- PANEL 30067C0325C** eff. 10/18/2011
- LOMA 12-08-0627A** eff. 6/12/2012
- LOMA 12-08-0706A** eff. 6/19/2012

On the left side of the map, there are zoom controls (+, -, Home) and a search icon.

FLOOD MAPS

www.msc.fema.gov

Search Results—Products for **BROADUS, TOWN OF**

The flood map for the selected area is number **3000580001C**, effective on **03/18/1986** 



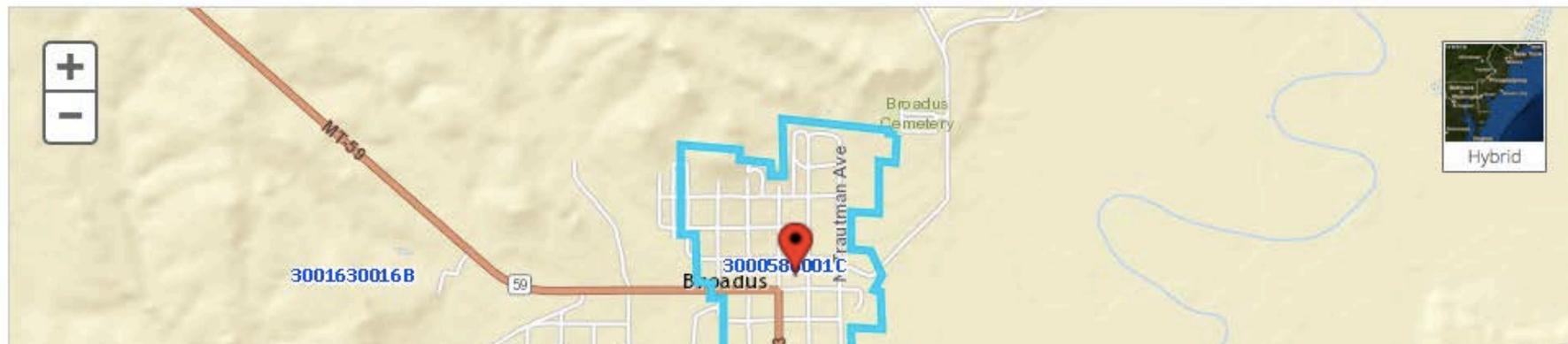
Show **all products** for this area



Letters of Map Change

-  Revisions (1)
-  Amendments (3)
-  Revalidations (0)

Locator Map



Helpful contacts (Floodplain maps and regulations)

Park County & Town of Clyde Park

- ▶ **Lawson Moorman**
(406) 222-4102
lmoorman@parkcounty.org

City of Livingston

- ▶ **Jim Woodhull**
(406) 222-4903
jwoodhull@livingstonmontana.org

DNRC Floodplain Program

- ▶ **Michelle Phillips**
(406) 444-1300
mphillips2@mt.gov
- ▶ **Traci Sears**
(406) 444-6654
tsears@mt.gov

Client Question Floodplain Maps

Where do I find flood information for this property?

1. FEMA's Map Service Center (www.msc.fema.gov)
2. Contact the community's Floodplain Administrator
3. Contact the DNRC Floodplain Program

	HIGH-RISK FLOOD ZONE Floodway Flood Fringe		MODERATE-RISK FLOOD ZONE	LOW-RISK FLOOD ZONE
Color on Map	RED & TEAL	TEAL	ORANGE	NONE
Special Flood Hazard Area	YES	YES	NO	NO
Flood Zone Designation	AE	AE or A	X	X
Floodplain Designation	100-YEAR 1%-Annual-Chance	100-YEAR 1%-Annual-Chance	500-YEAR 0.2%-Annual-Chance	NONE
Flood Insurance	REQUIRED	REQUIRED	RECOMMENDED	RECOMMENDED
Floodplain Permit Required	YES	YES	NO	NO
New construction allowed	NO	YES	YES	YES

Flood Insurance Rate Map zone designations

HIGH-RISK ZONE **A**

MODERATE-RISK ZONE **Shaded X** (formerly B)

LOW-RISK ZONE **Unshaded X** (formerly C)

UNDETERMINED-RISK ZONE **D**



FLOOD ZONES CAN CHANGE

1. Identify areas of flood risk

300 600ft

KNOW FLOOD MAP BASICS

1. Where to find maps
 - www.msc.fema.gov
2. What flood zones mean
 - Flood map guide
 - www.floodsmart.gov

3. **DISCLAIMER—**
everything can change
 - Maps and zones
 - Insurance
 - Regulations

FLOODPLAIN MAP CHANGES in the high-risk flood zone

Clarifications

Maps have coarse data

FEMA Lingo
Letter of Map Change (LOMC)

Revisions

Map information can change
(i.e. due to development)

Base Flood Elevation (elevation of the 100-Year Flood)

FEMA Lingo
Base Flood Elevation (BFE)

- ▶ Changes depending on where a property is located
- ▶ Shown on flood maps (estimate)
- ▶ Exact Base Flood Elevation is in the Flood Insurance Study
- ▶ Used for
 1. Elevation Certificates
 2. Letters of Map Change



AREA OF MINIMAL FLOOD HAZARD Zone X

Zone AE

4437 FEET

FLOODWAY Zone AE

4436 FEET

4435.8 FEET

Zone AE

4434.9 FEET
4434 FEET

4432 FEET

4432.4 FEET

4430 FEET

4430 FEET

4437.9 FEET

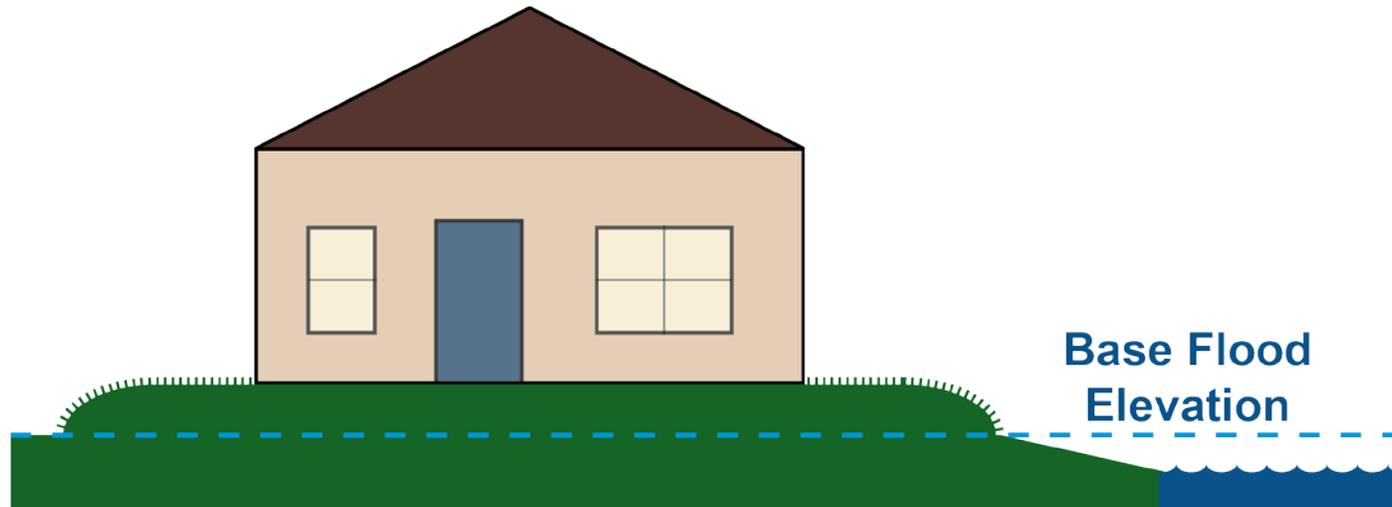
0.2 PCT ANNUAL CHANCE FLOOD HAZARD Zone X

4439 FEET



Base Flood Elevation (elevation of the 100-Year Flood)

FEMA Lingo
Base Flood Elevation (BFE)



Letter of Map Amendment (Clarification on FEMA flood map)

FEMA Lingo
Letter of Map Amendment
(LOMA)

- ▶ Tied to a structure or piece of land
- ▶ Single-lot only, natural grade
- ▶ Used by property owners to
 1. Be relieved of their flood insurance requirement
 2. Demonstrate structure elevation to the community (for permitting)
- ▶ Requires an Elevation Certificate
- ▶ Fee free except for the cost to establish elevations



(1 of 2)

LOMA Case 00-08-222A

Letter of Map Amendment (LOMA) point locations are approximate. The location of the LOMA is referenced in the legal description of the letter itself: [Download Letter Here.](#)

This LOMA database may include LOMAs that are no longer effective. To be certain a particular LOMA is currently valid, please check relevant documentation at <https://msc.fema.gov/>. Relevant documents can be found for a particular community by choosing to "Search All Products", and finding the community by State and County. **Zoom to**

JUN 28 2000

Case No.: 00-08-222A

LOMA



Federal Emergency Management Agency

Washington, D.C. 20472

LETTER OF MAP AMENDMENT DETERMINATION DOCUMENT (REMOVAL)

COMMUNITY AND MAP PANEL INFORMATION		LEGAL PROPERTY DESCRIPTION
COMMUNITY	Park County, Montana	<p>A portion of Lot 3, Paradise Valley Estates, as shown on the Plat recorded as Document No. 132885, in the Office of the Recorder, Park County, Montana</p> <p>The legal description of the portions mentioned above are as follows:</p> <p>BEGINNING at the southeast corner of Lot 3; thence S 89°59'39" W, 356.00 feet; thence N 08°16'58" W, 101.05 feet; thence N 89°59'39" E, 399.00 feet; thence 104.23 feet along the east lot line to the POINT OF BEGINNING</p>
	COMMUNITY NO: 300160	
MAP PANEL AFFECTED	NUMBER: 0016 B	
	NAME: Park County, Montana	
	DATE: January 1, 1987	
FLOODING SOURCE: Yellowstone River		<p>APPROXIMATE LATITUDE & LONGITUDE: 45.39, -110.61</p> <p>SOURCE OF LATITUDE & LONGITUDE: STREETS PLUS</p>

DETERMINATION

LOT	BLOCK/ SECTION	SUBDIVISION	STREET ADDRESS	OUTCOME WHAT IS REMOVED FROM THE SFHA	NEW FLOOD ZONE	1% ANNUAL CHANCE FLOOD ELEVATION (NGVD)	LOWEST ADJACENT GRADE ELEVATION (NGVD)	LOWEST FLOOR ELEVATION (NGVD)	LOWEST LOT ELEVATION (NGVD)
3	N/A	Paradise Valley Estates	River Drive	Portion of Property	C	4836.8 to 4837.0 feet	N/A	N/A	4836.8 to 4837.0 feet

Special Flood Hazard Area (SFHA) – The SFHA is an area that would be inundated by the flood having a 1-percent chance of being equaled or exceeded in any given year (base flood).

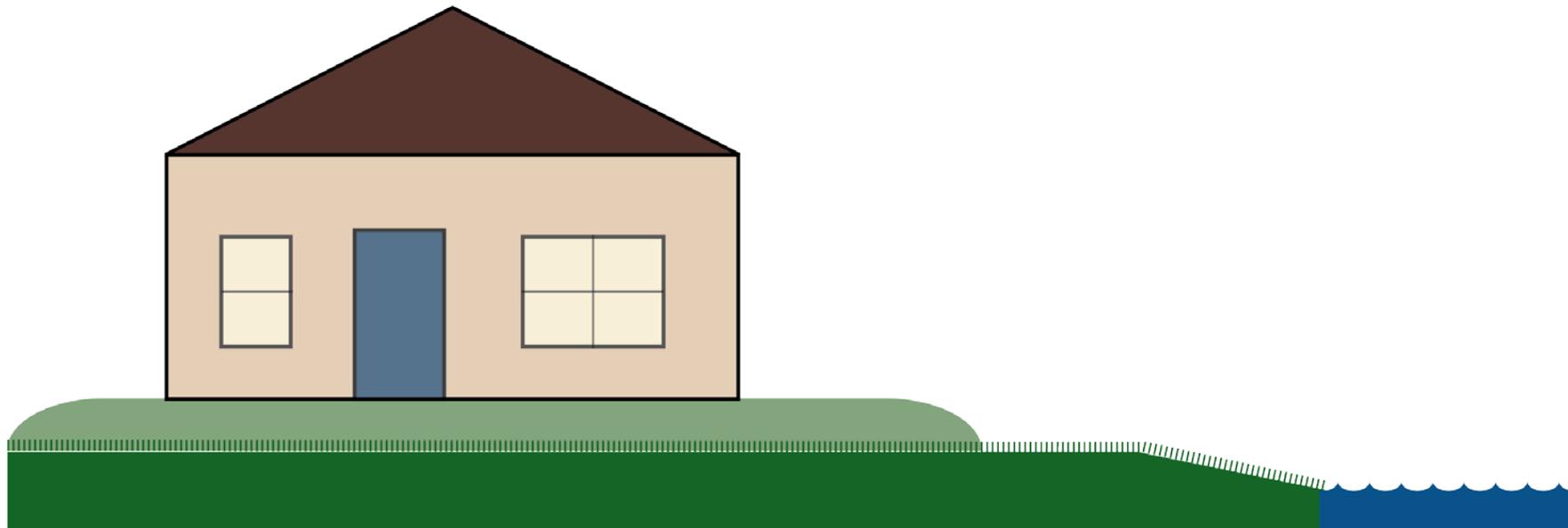
Letter of Map Revision based on Fill (Clarification on FEMA flood map)

FEMA Lingo
Letter of Map Revision
based on Fill (LOMR-F)

- ▶ Tied to a structure or piece of land
- ▶ Single-lot only
- ▶ Used by property owners to
 1. Be relieved of their flood insurance requirement
 2. Demonstrate structure elevation to the community (for permitting)
- ▶ Requires an Elevation Certificate

Letter of Map Revision based on Fill (Clarification on FEMA flood map)

FEMA Lingo
Letter of Map Revision
based on Fill (LOMR-F)



Elevation Certificate (part of Letter of Map Amendment)

FEMA Lingo
Elevation Certificate (EC)

- ▶ Tied to a structure or piece of land
- ▶ Single-lot only
- ▶ Used by property owners to
 1. Submit a Letter of Map Amendment
 2. Demonstrate structure elevation to the community (for permitting)
- ▶ Must be completed by a registered surveyor or engineer

SECTION C – BUILDING ELEVATION INFORMATION (SURVEY REQUIRED)

C1. Building elevations are based on: Construction Drawings* Building Under Construction* Finished Construction

*A new Elevation Certificate will be required when construction of the building is complete.

C2. Elevations – Zones A1–A30, AE, AH, A (with BFE), VE, V1–V30, V (with BFE), AR, AR/A, AR/AE, AR/A1–A30, AR/AH, AR/AO. Complete Items C2.a–h below according to the building diagram specified in Item A7. In Puerto Rico only, enter meters.

Benchmark Utilized: _____ Vertical Datum: _____

Indicate elevation datum used for the elevations in items a) through h) below.

NGVD 1929 NAVD 1988 Other/Source: _____

Datum used for building elevations must be the same as that used for the BFE.

Check the measurement used.

- | | | | |
|---|---------------|-------------------------------|---------------------------------|
| a) Top of bottom floor (including basement, crawlspace, or enclosure floor) | _____ . _____ | <input type="checkbox"/> feet | <input type="checkbox"/> meters |
| b) Top of the next higher floor | _____ . _____ | <input type="checkbox"/> feet | <input type="checkbox"/> meters |
| c) Bottom of the lowest horizontal structural member (V Zones only) | _____ . _____ | <input type="checkbox"/> feet | <input type="checkbox"/> meters |
| d) Attached garage (top of slab) | _____ . _____ | <input type="checkbox"/> feet | <input type="checkbox"/> meters |
| e) Lowest elevation of machinery or equipment servicing the building
(Describe type of equipment and location in Comments) | _____ . _____ | <input type="checkbox"/> feet | <input type="checkbox"/> meters |
| f) Lowest adjacent (finished) grade next to building (LAG) | _____ . _____ | <input type="checkbox"/> feet | <input type="checkbox"/> meters |
| g) Highest adjacent (finished) grade next to building (HAG) | _____ . _____ | <input type="checkbox"/> feet | <input type="checkbox"/> meters |
| h) Lowest adjacent grade at lowest elevation of deck or stairs, including structural support | _____ . _____ | <input type="checkbox"/> feet | <input type="checkbox"/> meters |

SECTION D – SURVEYOR, ENGINEER, OR ARCHITECT CERTIFICATION

This certification is to be signed and sealed by a land surveyor, engineer, or architect authorized by law to certify elevation information. I certify that the information 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.

Were latitude and longitude in Section A provided by a licensed land surveyor? Yes No Check here if attachments.

Certifier's Name	License Number
Title	
Company Name	
Address	
City	State ZIP Code

Place
Seal
Here

www.floodplain.mt.gov/mapping-and-technical-resources

Fema Map Service Center

[Find a Flood Insurance Rate Map \(FIRM\) Online](#)

[Find Digital FIRM Info, NFHL, Where Available](#)

[FEMA Flood Zones Defined](#)

Converting Maps to Digital Format

[Guidance Documents](#)

[Guidelines and Specifications for Flood Risk Analysis and Mapping](#)

[FEMA National Flood Hazard Layer NFHL](#)

Changing / Correcting Maps

[Letter of Map Amendment for Single Lot Only \(LOMA\)](#)

[Letter of Map Revision Based on Fill \(LOMR-F\)](#)

[Letter of Map Revision \(LOMR\)](#)

[Letter of Map Amendment Out As Shown Method \(LOMA-OAS\)](#)

Elevation Certificates

[Elevation Certificate](#)

[Elevation Certificate: Converting NGVD1929 to NAVD1988](#)

[EC Made EZ Online 2013 Course](#)

[Elevation Certificates, 2013 Presentation to Surveyors](#)

[Surveyors Guide to ECs: NFIP Video and Resources](#)

Letter of Map Revision (Change to the FEMA flood map)

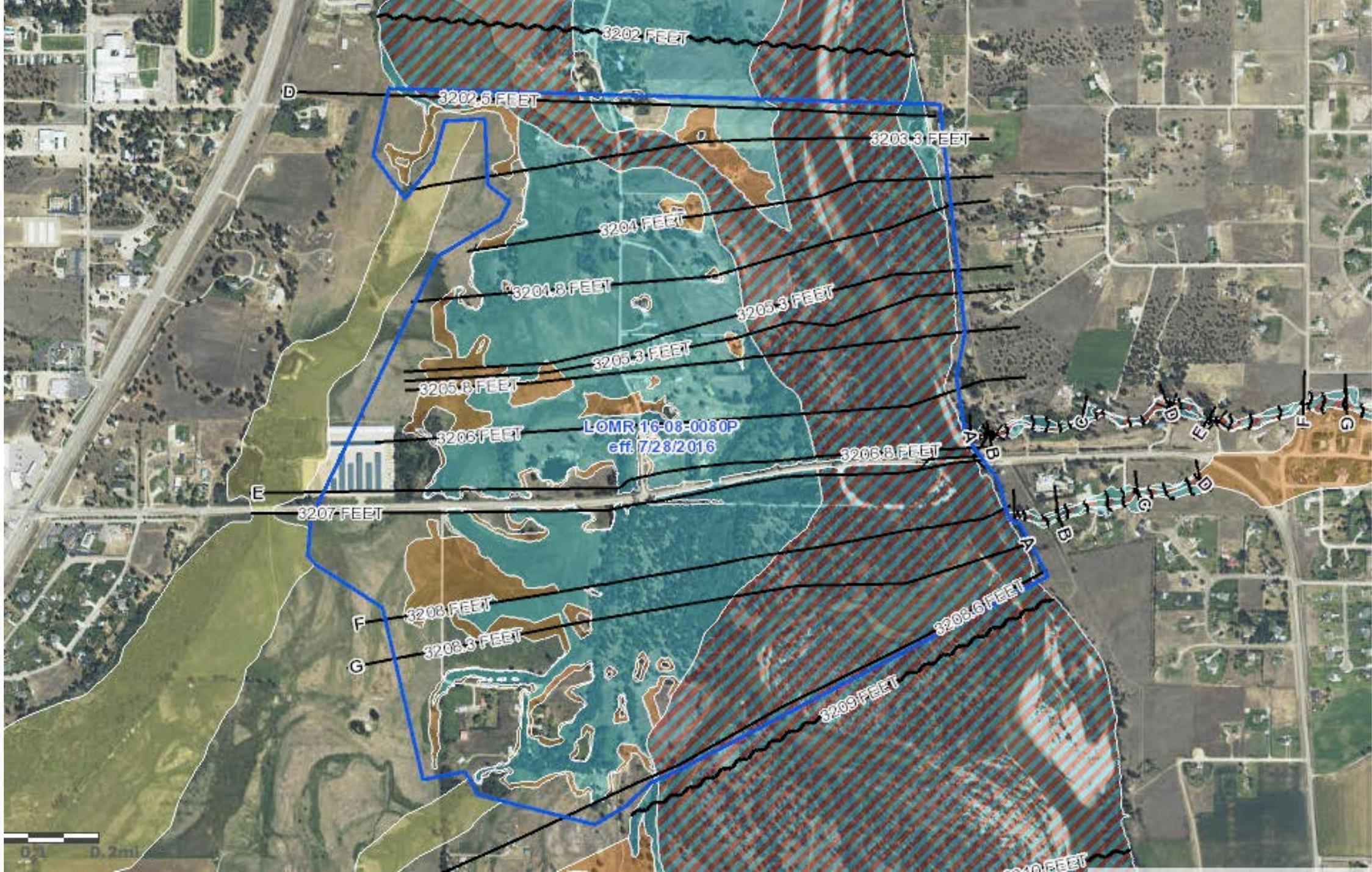
FEMA Lingo
Letter of Map Revision (LOMR)

- ▶ Large changes in a high-risk flood zone
 - Structural changes (bridges, culverts)
 - Channelization of the stream/river
 - Construction of a subdivision
- ▶ Require in-depth engineering analysis
- ▶ May remove a property(s) from their flood insurance requirement

Letter of Map Revision (Change to the FEMA flood map)

FEMA Lingo
Letter of Map Revision (LOMR)

- ▶ Used by property owners, developers, agencies, etc. to
 - Request a change to the Base Flood Elevation
 - Request a change to the high-risk flood zone delineation



FLOOD MAPS

www.msc.fema.gov

Search Results—Products for LIVINGSTON, CITY OF

The flood map for the selected area is number **30067C0591C**, effective on **10/18/2011** [?](#)



VIEW MAP



SAVE MAP



INTERACTIVE MAP

Show **all products** for this area



Letters of Map Change [?](#)

-  Revisions (0)
-  Amendments (2)
-  Revalidations (0)

Locator Map



Conditional Letter of Map Change (FEMA's comment on a proposed project)

FEMA Lingo
Conditional Letter of Map
Changes (CLOMR)

- ▶ Conditional Letter of Map Amendment
- ▶ Conditional Letter of Map Revision based on Fill
- ▶ Conditional Letter of Map Revision

Client Question

Flood map changes

What if I think this house is above the flood level?

1. Research if there is an Elevation Certificate or Letter of Map Amendment
 - Ask current owners
 - Check the deed
 - Check with the community
2. Go through the process to get one (no charge except for surveyor's fee)



NFIP NATIONAL FLOOD INSURANCE PROGRAM

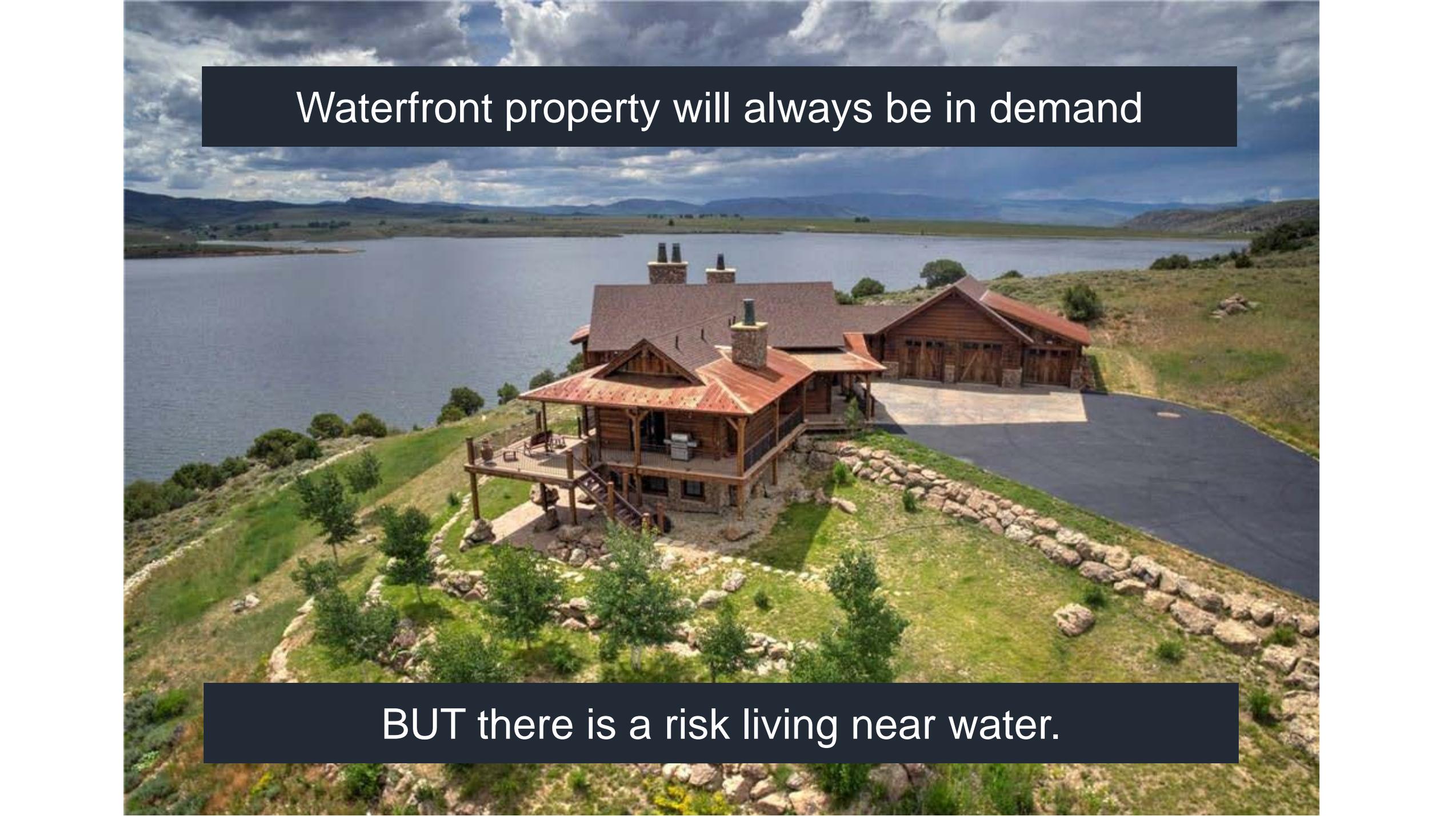
- ▶ *MAPPING*
- ▶ *REGULATIONS*
- ▶ *INSURANCE*
- ▶ *MITIGATION*

FLOOD INSURANCE

Where is it required?

How does it work?

What does it cover?



Waterfront property will always be in demand

BUT there is a risk living near water.

IN A HIGH-RISK FLOOD ZONE

There is a 1-in-4 chance of flooding during a 30-year mortgage

Flood insurance is an important form of economic protection against flooding

Federal flood insurance is available in communities that participate in the National Flood Insurance Program

Building coverage (covers up to \$250,000)

- ▶ Insured building and its foundation
- ▶ Electrical and plumbing systems
- ▶ Central air, furnaces, and water heaters
- ▶ Refrigerators, cooking stoves, dishwashers
- ▶ Permanently installed carpet over unfinished flooring

Contents coverage (covers up to \$100,000)

- ▶ Clothing, furniture, electronic equipment
- ▶ Curtains
- ▶ Portable and window air conditioners
- ▶ Portable microwaves and dishwashers
- ▶ Carpeting not already included in Building Coverage
- ▶ Washers and dryers

General rating information for the high-risk flood zone

Lowest Premiums	Structures located outside the high-risk flood zone
Lower Premiums	Structures with lowest finished floor (enclosed areas) above the Base Flood Elevation
High Premiums	Structures with lowest finished floor (enclosed areas) below the Base Flood Elevation
High Premiums	Structures with a crawlspace below the Base Flood Elevation where: <ul style="list-style-type: none">• Flood openings are missing or insufficient• Machinery or utilities are below the Base Flood Elevation

Flood insurance premium comparison

Premium at 4ft below
Base Flood Elevation

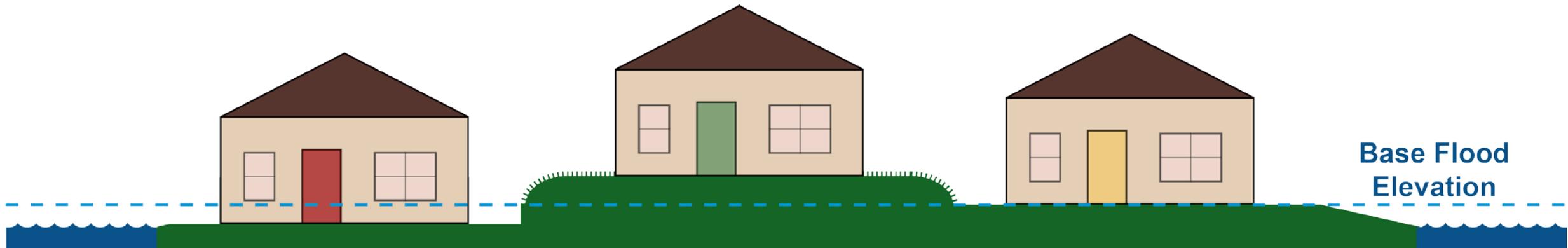
\$9,500/year

Premium at 3ft above
Base Flood Elevation

\$430/year

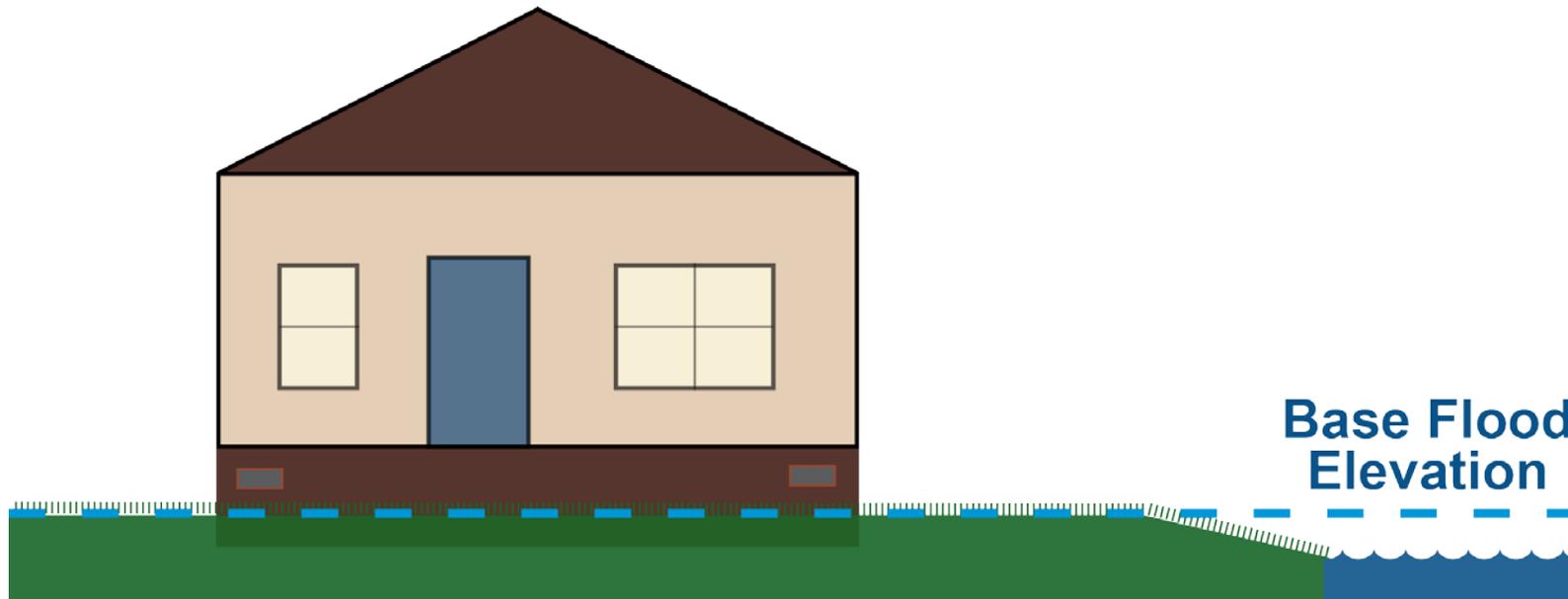
Premium at
Base Flood Elevation

\$1,400/year



Crawlspace requirements for insurance

- ▶ Must have proper openings/vents
- ▶ Utilities must be elevated above Base Flood Elevation
- ▶ Used only for parking, storage, or building access



Recent trends

- ▶ Flood insurance is undergoing a lot of change
 - Subsidized insurance rates are being increased incrementally to reflect the true risk (9% annually on average)
 - Policy holders are paying a surcharge to supplement the cost of running the National Flood Insurance Program
 - Lenders are being more cautious, requiring Elevation Certificates
 - Private flood insurance policies are being considered
 - Supplemental policies are now being offered

PARK COUNTY / CITY OF LIVINGSTON

126 policies in force

\$27,000,000 of insurance in force

90 paid losses

\$794,000 of total losses paid

7 substantial damage claims

Important points for you

- ▶ Flood insurance is recommended in all flood zones
- ▶ Lenders can require flood insurance and/or elevation information from anyone
- ▶ Flood insurance policies have a 30-day waiting period before they go effective
- ▶ Policies with subsidized rates can transfer to new property owners if there is no lapse in coverage

Client Question

Flood insurance

What will my flood insurance premium be for this home?

1. Research if current owners have a policy and what type
2. Consider if the building has a living space (enclosed area) below the Base Flood Elevation
3. **Encourage clients to talk to their lender or an insurance agent as early as possible about flood insurance**

Client Question

Flood insurance

Is there anything I can do to lower my insurance premium?

1. Reduce your risk by elevating
 - Fill in or add openings to the lowest floor/enclosed area
 - Move machinery or electrical panels above the Base Flood Elevation
2. Encourage your community to join the Community Rating System



NFIP NATIONAL FLOOD INSURANCE PROGRAM

- ▶ *MAPPING*
- ▶ *REGULATIONS*
- ▶ *INSURANCE*
- ▶ *MITIGATION*

FLOODPLAIN REGULATIONS

Why do they exist?

What is or isn't allowed?

How do I find them?

AN AGREEMENT

FEDERAL GOVERNMENT

makes subsidized
flood insurance available
within the community



LOCAL COMMUNITIES

adopt and enforce
floodplain regulations that
meet FEMA requirements

(VOLUNTARY)

Floodplain Regulation history

- ▶ **1968** National Flood Insurance Program established
- ▶ **1971** Montana Flood Plain and Floodway Management Act established (amended in 1973)
- ▶ **1976** National Flood Insurance Program minimum standards established (44 CFR 60.3)
- ▶ **1989** Montana Administrative Rules, Chapter 15, Floodplain Management

FLOODPLAIN REGULATIONS

Require a permit for development in a high-risk flood zone (Regulated Flood Hazard Area)

Describe the permitting process in detail (including roles and responsibilities)

Describe community procedure for appeals, variances, and violations

Local Floodplain Regulation requirements

- ▶ Meet State and Federal minimum standards
- ▶ Be updated within 6 months of a update to the flood maps
- ▶ Go through the local notice and adoption procedure
- ▶ Undergo FEMA review
- ▶ Receive review and approval from the DNRC Floodplain Program

Local Floodplain Regulation include

- ▶ Administrative and enforcement procedures
- ▶ Specific requirements, regulations, and standards to support the purpose
- ▶ A tie in to FEMA's flood maps (usually referencing the Flood Insurance Rate Map panels)
- ▶ State and FEMA minimum requirements

FEDERAL STANDARD	MONTANA STANDARD
Lowest Floor Freeboard	
None	2 feet above Base Flood Elevation
Floodway Encroachment	
1 foot surcharge	½ foot surcharge
Habitable Structure Location	
Allowed in floodway	Prohibited in floodway
Mobile Homes	
May be elevated 3 feet above adjacent grade	Requires elevation to the freeboard protection level
Septic Systems	
Allows systems within the floodplain	In subdivisions, systems must be located 100 feet beyond floodplain

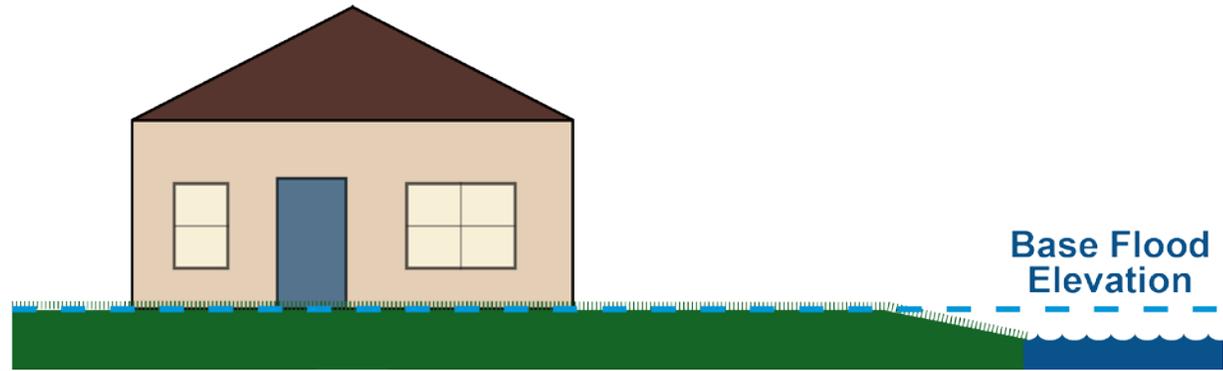
Freeboard

(A margin of safety added to the Base Flood Elevation)

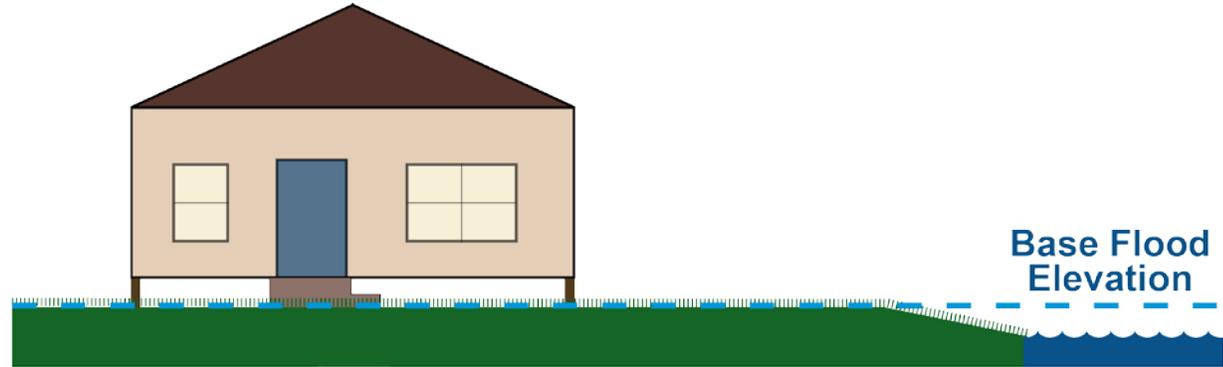
- ▶ Montana requires 2 feet of freeboard for new construction
- ▶ Accounts for unknowns that could increase the Base Flood Elevation



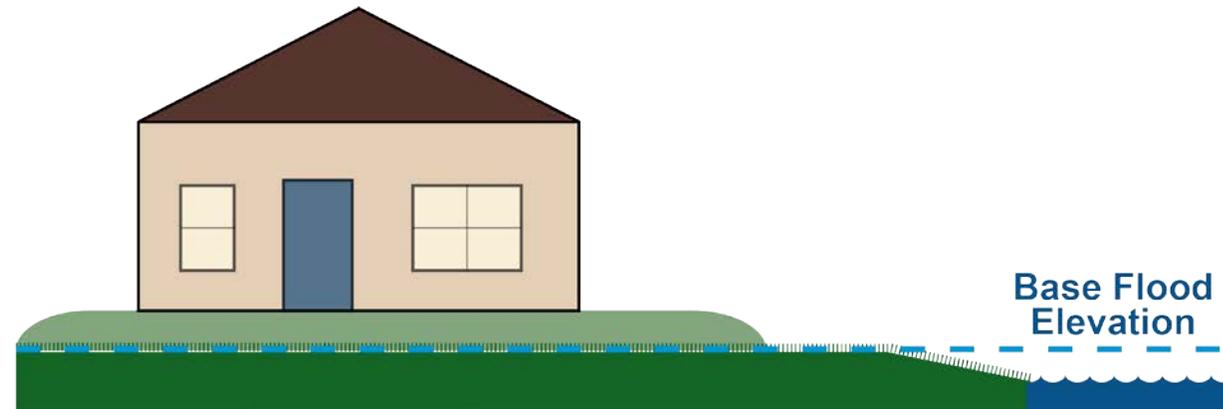
No Freeboard



Freeboard
(elevated on posts)



Freeboard
(elevated on fill or
natural ground)



Why does Montana have higher standards?

- ▶ Flooding has caused a lot of damage in Montana
- ▶ Protection of property rights
 - Developing in the floodplain comes with rewards but with higher personal responsibility
 - Neighbors are better protected when everyone builds with flood risk in mind

The floodplain permitting process

- ▶ Any development (man-made activity) in a high-risk flood zone should go through the permitting process
- ▶ All required local, state, and federal permits must be approved before a floodplain application is considered complete



A Guide to Stream
Permitting in Montana

FLOODPLAIN REGULATIONS

www.parkcounty.org/Government-Departments/Planning/Floodplain

[HOME](#) | [DEPARTMENTS](#) | [PLANNING](#) | [FLOODPLAIN](#)

FLOODPLAIN

[PLANNING](#)

[SUBDIVISION](#)

[ZONING](#)

[RIDS](#)

[FLOODPLAIN](#)

[PLANNING & DEVELOPMENT BOARD](#)

[PARKS & RECREATION BOARD](#)

[FEE SCHEDULE](#)

[GROWTH POLICY UPDATE](#)

[PARK COUNTY ATLAS](#)

[DOCUMENTS ONLINE](#)

FLOODPLAIN

The Park County "Floodplain Program" is actually the Federal Emergency Management Agency's (FEMA) National Flood Insurance Program (NFIP), implemented at the local level. Although the Flood Program starts as a federal program, FEMA has charged the local jurisdictions (cities and counties) with adopting regulations and administering the program at the local level. Participation in the NFIP program allows Park County residents to purchase subsidized flood insurance, borrow money from an FDI backed lender for purchasing property in the floodplain, and utilize a number of other benefits important to a community so dependent on its waterways. If you would like to learn more about the [National Flood Insurance Program Click Here](#). If you are interested as to whether or not your property may be in the floodplain or if you plan on doing any work in the floodplain or along a waterway, please contact the Park County Planning Department staff.

[To see if you may be in the floodplain go to FEMA's floodmapping service by Clicking Here.](#)

Floodplain Regulations and Applications

- [Floodplain Regulations](#)
- [Appendix A](#)
- [Appendix B](#)
- [Floodplain Application Instructions](#)
- [Floodplain Application](#)
- [Emergency Work Form](#)
- [Permit Compliance Form](#)

Floodplain Links and Information

- [Floodtools Webpage](#)
- [Elevation Certificate](#)
- [Flood Cleanup Guide](#)
- [Why You Need Flood Insurance](#)
- [NFIP Brochures and Information](#)



www.floodplain.mt.gov/permitting-and-regulations

Permitting and Regulations

[2014 Model Floodplain Hazard Management Regulations, Rev 2017](#) – Development of the new model is now completed and available for use by communities to utilize and update or establish local regulations. Thanks to everyone that participated in the development process for the model regulations. Inquiries can be made to Traci Sears at 406.444.6654.

Permitting Information

- [Joint Application](#) – for use by anyone planning to do work in Montana's floodplains, streams, wetlands, etc.
- [Joint Application Instructions](#)
- [Floodproofing Form - 2016](#)

FLOODPLAIN REGULATIONS

www.floodplain.mt.gov/permitting-and-regulations

JOINT APPLICATION FOR PROPOSED WORK IN MONTANA'S STREAMS, WETLANDS, FLOODPLAINS, AND OTHER WATER BODIES

Use this form to apply for one or all local, state, or federal permits listed below. The applicant is the responsible party for the project and the point of contact unless otherwise designated. "Information for Applicant" includes agency contacts and instructions for completing this application. To avoid delays, submit all required information, including a project site map and drawings. Incomplete applications will result in the delay of the application process. Other laws may apply.

The applicant is responsible for obtaining all necessary permits and landowner permission before beginning work.

<input checked="" type="checkbox"/>	<u>PERMIT</u>	<u>AGENCY</u>	<u>FEE</u>
	310 Permit	Local Conservation District	No fee
	SPA 124 Permit	Department of Fish, Wildlife and Parks	No fee
	Floodplain Permit	Local Floodplain Administrator	Varies by city/county (\$25 - \$500+)
	Section 404 Permit, Section 10 Permit	U. S. Army Corps of Engineers	Varies (\$0 - \$100)
	318 Authorization 401 Certification	Department of Environmental Quality	\$250 (318); \$400 - \$20,000 (401)
	Navigable Rivers Land Use License, Lease, or Easement	Department of Natural Resources and Conservation, Trust Lands Management Division	\$50, plus additional fee

A. APPLICANT INFORMATION

FLOODPLAIN REGULATIONS

It's not that you can't build, you have to build differently



FLOODPLAIN REGULATIONS

It's not that you can't build, you have to build differently



Elevation Certificate (part of Letter of Map Amendment)

FEMA Lingo
Elevation Certificate (EC)

- ▶ Tied to a structure or piece of land
- ▶ Single-lot only
- ▶ Used by property owners to
 1. Submit a Letter of Map Amendment
 2. Demonstrate structure elevation to the community (for permitting)
- ▶ Must be completed by a registered surveyor or engineer

Substantial Improvement

Improvement to a home greater than 50% of home's value

- ▶ A determination made by the local Floodplain Administrator
- ▶ Requires a floodplain permit
- ▶ Requires entire home to come into compliance with the local Floodplain Regulations
- ▶ Also applies when a home is damaged

Important points for you

- ▶ A permit is required for any development in the high-risk floodplain
- ▶ A Floodplain Administrator cannot issue a permit without documentation that other permits have been approved
- ▶ Local regulations and permit applications are available online or from the local Floodplain Administrator

Client Question

Floodplain Regulations

Could we build an addition to this home in the future?

1. A floodplain permit would be required
2. The addition would have to be at least 2 feet above the Base Flood Elevation
3. A Substantial Improvement Determination may be necessary
4. **Encourage clients to talk to their local Floodplain Administrator as soon as they're serious about building an addition**

Client Question

Floodplain Regulations

How can I be relieved of floodplain regulations?

1. Submit to the local Floodplain Administrator an Elevation Certificate showing the property is above the Base Flood Elevation before developing
2. The community may require you to submit a FEMA Letter of Map Amendment



NFIP NATIONAL FLOOD INSURANCE PROGRAM

▶ *THE REALTOR'S ROLE*

PROTECT YOURSELF

Be informed—do the research

Communicate early

More information is better

FUNDAMENTAL LEGAL QUESTION

Who pays when a property is damaged?

Was any information withheld from the property owners that could have prevented the damage?

Did someone else's actions cause/worsen the damage?

How property owners rebuild after damage

- ▶ **SELF HELP:** Loans, savings, charity, neighbors
- ▶ **INSURANCE:** Disaster relief is usually a combination of insurance and self help
- ▶ **LITIGATION:** Property owners think they shouldn't have to pay for the damage

No Adverse Impact

Managing principle focused on the impact on others

- ▶ Protects property rights—ensures action of any property owner does not adversely impact the property rights of others
- ▶ Leads to reduced flood losses while promoting better stewardship and community mitigation efforts
- ▶ Prevention of harm is treated different legally than making the community a better place—tougher to challenge in court

Important rights

- ▶ **LANDOWNERS** do not have the right to violate the property rights of others, violate floodplain regulations, or violate public trust
- ▶ **PUBLIC ENTITIES** have the right to regulate to prevent harm
- ▶ **PUBLIC ENTITIES** do not have the right to abuse the public or use regulation to steal from a landowner

Federal rules envision housing/development which is decent, safe, sanitary, and affordable

Lincoln, Nebraska (2010)

City of Lincoln found not liable for flood damage

- ▶ Three property owners sued when they were flooded because the city gave them a building permit without disclosing they were in a high-risk floodplain
- ▶ The City of Lincoln was not found liable despite their employees' carelessness
- ▶ **Takeaway is for homeowners to proactively educate themselves—a realtor should disclose flood risk**

Dispel the misconception

Hurricanes are the number one natural disaster in the country.

Flooding is the number one natural disaster in the country and has caused the most damage.

Flooding poses a more significant threat to homeowners nationally than fire and theft combined.

Dispel the misconception

Flood insurance is required in any flood zone.

Only those living in a high-risk flood zone (100-Year Floodplain) are required to get flood insurance AND only if they have a federally backed mortgage.

Everyone lives in a flood zone.

Dispel the misconception

My homeowners insurance covers flooding.

It is rare that homeowners insurance covers flooding.

Flood insurance needs to be purchased separately from homeowners insurance.



Dispel the misconception

Flood insurance is always expensive

Flood insurance can be inexpensive depending on the home.

If you live outside the high-risk flood area or your lowest floor (enclosure) is above the Base Flood Elevation, your flood insurance will be more affordable.

Dispel the misconception

We taxpayers are footing the bill for federal flood insurance.

The National Flood Insurance Program does not spend any tax dollars.

The government is bringing flood insurance policies up to their full-risk rates nationally in order to cover flood claims and operating expenses in an average historical loss year.

Dispel the misconception

Private companies sell flood insurance so the government doesn't need to.

The National Flood Insurance Program often offers more affordable flood insurance, especially to those at a high risk of flooding.

Private companies can drop flood insurance policies at any time if they think the risk is too high.

Dispel the misconception

People who own beachfront property out east use flood insurance the most.

Most properties insured through the National Flood Insurance Program are inland.

Many beach areas are off limits to the National Flood Insurance Program because the flood risk is too high.

Dispel the misconception

The National Flood Insurance Program subsidizes beachfront homeowners.

Inland states are at the top of the list with the most years in which claims exceeded premiums, including North Dakota.

Park County and the City of Livingston combined have made almost \$800,000 in flood insurance claims.

Dispel the misconception

The flood maps shows that I'm outside of the high risk flood zone so I won't get flooded.

The flood maps are a scientific estimate of the flood risk but floods do not follow the lines on the map.

20% of National Flood Insurance Program claims occur outside the high risk flood zone, receiving one third of overall flood disaster assistance.

FLOODING IN MONTANA

**East Gallatin River
Gallatin County
2008**



FLOODING IN MONTANA



**Yellowstone River
Miles City, MT
2009**

FLOODING IN MONTANA

**Billings, MT
2010**



FLOODING IN MONTANA



**Prickly Pear Creek
Lewis & Clark County
2011**

FLOODING IN MONTANA

**Yellowstone County
2011**



FLOODING IN MONTANA



**Musselshell River
Roundup, MT
2011**

FLOODING IN MONTANA

**Musselshell River
Roundup, MT
2011**



FLOODING IN MONTANA

9th Ave
Livingston, MT
2014



www.floodplain.mt.gov

Water Adjudication

Water Management

Water Operations

Board of Water Well

Contractors

Dam Safety

Floodplain Management

Training

Silver Jackets

Permitting and Regulations

Outreach

News

Mapping and Technical
Resources

Disaster and Recovery

Community Rating System

Big Hole Floodplain Study
Products

Floodplain Management



The Montana DNRC Floodplain Management Program promotes common sense planning for development in flood prone areas through education for the benefit of public health, safety, and welfare.

Contacts



Insurance



Permitting and Regulations



Contacts

Steve Story, PE, CFM
Bureau Chief
Water Operations Bureau
(406) 444-6816

Breanna Caldwell
Administrative Support
(406) 444-0862

Traci Sears, CFM
NFIP/CAP Coordinator
(406) 444-6654

Walter Ludlow, PE

FUTHER RESOURCES

www.floodplain.mt.gov/contacts

Contacts

Local Contacts

[Local Floodplain Administrators](#)

[NFIP Participating Communities Map](#)

State Contacts

[State Regional Engineers and Boundary Map](#)

[State Floodplain Staff](#)

Federal Contacts

[Federal Contacts](#)

[FEMA and FEMA Contractors](#)

Professional Associations

[Association of Montana's Floodplain Managers \(AMFM\)](#)

[Association of State Flood Managers \(ASFPM\)](#)

[Floodplain Management Association](#)

Local Floodplain Administrators

Montana Counties, Municipalities, and Tribes participating in the National Flood Insurance Program

County	Community	Floodplain Administrator (FPA)	FPA Email	FPA Phone	Address
Anaconda-Deer Lodge	Anaconda-Deer Lodge County	Hess, Steve	shess@adlc.us	(406) 563-4015	800 S Main Anaconda, MT 59711
Beaverhead	Beaverhead County	Hartz, Rick	rhartz@beaverheadcounty.org	(406) 683-3768	2 S Pacific, Suite #12 Dillon, MT 59725
	Dillon, City of	Hazelbaker, Todd	operations@dillonmt.org	(406) 683-4245	125 N Idaho St Dillon, MT 59725
	Lima, Town of	Weidinger, Carla	lima@3rivers.net	(406) 276-3521	PO Box 184 Lima, MT 59739
Big Horn	Big Horn County	Taft, Craig	ctaft@bighorncountymt.gov	(406) 665-8724	809 N Custer Hardin, MT 59034
	Hardin, City of	Connolly, Joe	publicworks@hardinmt.com	(406) 665-9292	406 N Cheyenne Ave Hardin, MT 59034
	Lodge Grass, Town of	Lovato, Joe	lgcityhall@yahoo.com	(406) 639-2362	PO Box 255 Lodge Grass, MT 59050
Blaine	Blaine County	Higley, Shawn	shigley@wwcengineering.com	(406) 443-3962	1275 Maple St, Suite F Helena, MT 59601
	Chinook, City of	Higley, Shawn	shigley@wwcengineering.com	(406) 443-3962	1275 Maple St, Suite F Helena, MT 59601
	Harlem, City of	Higley, Shawn	shigley@wwcengineering.com	(406) 443-3962	1275 Maple St, Suite F Helena, MT 59601
Broadwater	Broadwater County	Higley, Shawn	shigley@wwcengineering.com	(406) 443-3962	1275 Maple St, Suite F Helena, MT 59601
	Townsend, City of	Higley, Shawn	shigley@wwcengineering.com	(406) 443-3962	1275 Maple St, Suite F Helena, MT 59601
Butte-Silver Bow	Butte-Silver Bow County	Sesso, John	jsesso@bsb.mt.gov	(406) 497-6254	155 W Granite Butte, MT 59701
Carbon	Carbon County	Juarez, Josh	jjvarez@co.carbon.mt.us	(406) 446-1694	17 West 11th St, PO Box 466 Red Lodge, MT 59068
	Bearcreek, Town of	Webb, Dean	jdeanwebb@q.com	(406) 446-3129	143 Main Street, PO Box 1082 Bearcreek, MT 59007
	Fromberg, Town of	Anderson, Richard	mayor@fromberg-mt.gov	(406) 668-7383	PO Box 236 Fromberg, MT 59029

www.floodplain.mt.gov/training

Training

Recent events

[2017 Floodplain 101 for Realtors](#) January 23, Livingston, MT

[2016 Floodplain Resource Seminar](#) July 19-22, Helena, MT

ASFPM Resources

[Association of State Floodplain Managers](#) ASFPM Training Page

Certified Floodplain Manager Study Materials

[ASFPM CFM Program](#)

[CFM Training Course](#)

[Exam Takers' Instructions](#)

[CFM Exam Overview](#)

FUTHER RESOURCES

www.floodplain.mt.gov/news

News

Highground Newsletter

The Highground Newsletter is a quarterly publication of the DNRC Floodplain Program. To subscribe to the newsletter or to contribute content, please [email Michelle Phillips](mailto:Michelle.Phillips@dnrc.mt.gov), Highground Newsletter editor.



Click above to access the December 2016 Highground Newsletter.

Highground Newsletter Archives

2016 – [March](#), [May](#), [August](#), [December](#)

2015 – [March](#), [June](#), [September](#)

2014 – [March](#), [June](#), [September](#)

2013 – [January](#), [June](#), [September](#), [December](#)

2012 – [April](#), [August](#)



Today's floodplain is not necessarily tomorrow's floodplain—rivers change and so does risk.

Ed Thomas, Esq.



THANK YOU