

LOCAL CHOICES

And How They Can Impact the National Flood Insurance Program

June 21, 2018



AN AGREEMENT

FEDERAL GOVERNMENT

makes subsidized
flood insurance available
within the community



LOCAL COMMUNITIES

adopt and enforce floodplain
regulations that meet FEMA
requirements

(VOLUNTARY)

June 17, 1950 Flood of Alkali and Antelope Creeks



**Ed S. Bacon bunkhouse
on Milwaukee tracks**



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Harlowton, MT59036

MTDNRC
PO Box 201601
Helena, MT 59620-1601

Traci,

Here are copies of the letter my mom wrote to her aunt and uncle following the flood of 6/17/1950, here in Harlowton. The pictures are of her parents property a mile and a half north of town on the Old Gap Road. The house was moved into Harlo and we now live in it. My son and I still own the property north of town. According to her brother and Dad, the wall of water -9 feet high at the barn- came down Alkali Creek to start with as 9 earth dams breeched with the downpour.

Our son has added to the bunkhouse and now lives in it. After the flood, it was moved to higher ground.

Hope you might find a use for these.

Happy Thanksgiving to all of your crew!

Rich and Sue Knudson

RECEIVED

NOV 13 2017
D.N.R.C



SECTIONS

TRAFFIC

WATCH

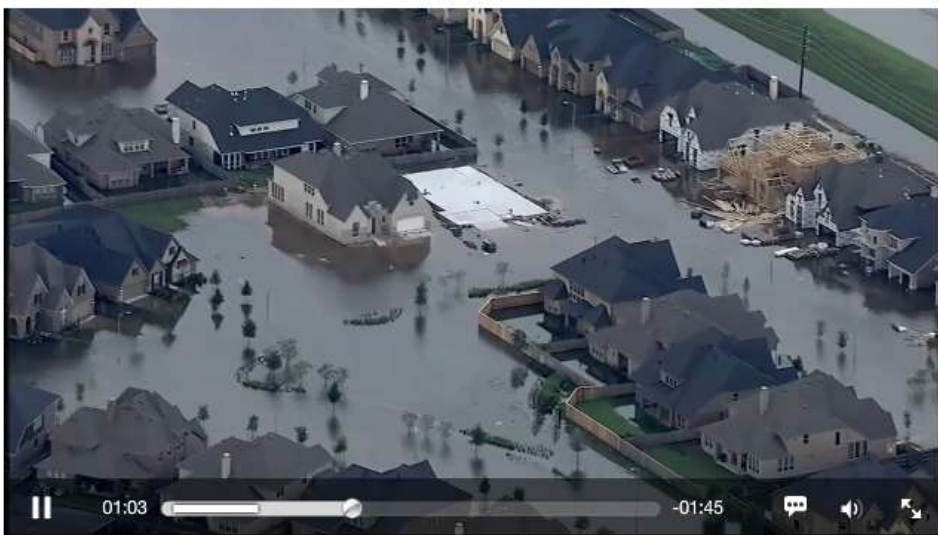
'Neighborhood should have not been built': Homeowners file lawsuit against developer after flooding issues

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01:03

-01:45



EMBED </>

MORE VIDEOS ▶

Homeowners suing developer in Sugar Land, Miya Shay reports.

Bloomberg Businessweek



■ August 31, 2017, 3:00 AM MDT

Harvey Wasn't Just Bad Weather. It Was Bad City Planning

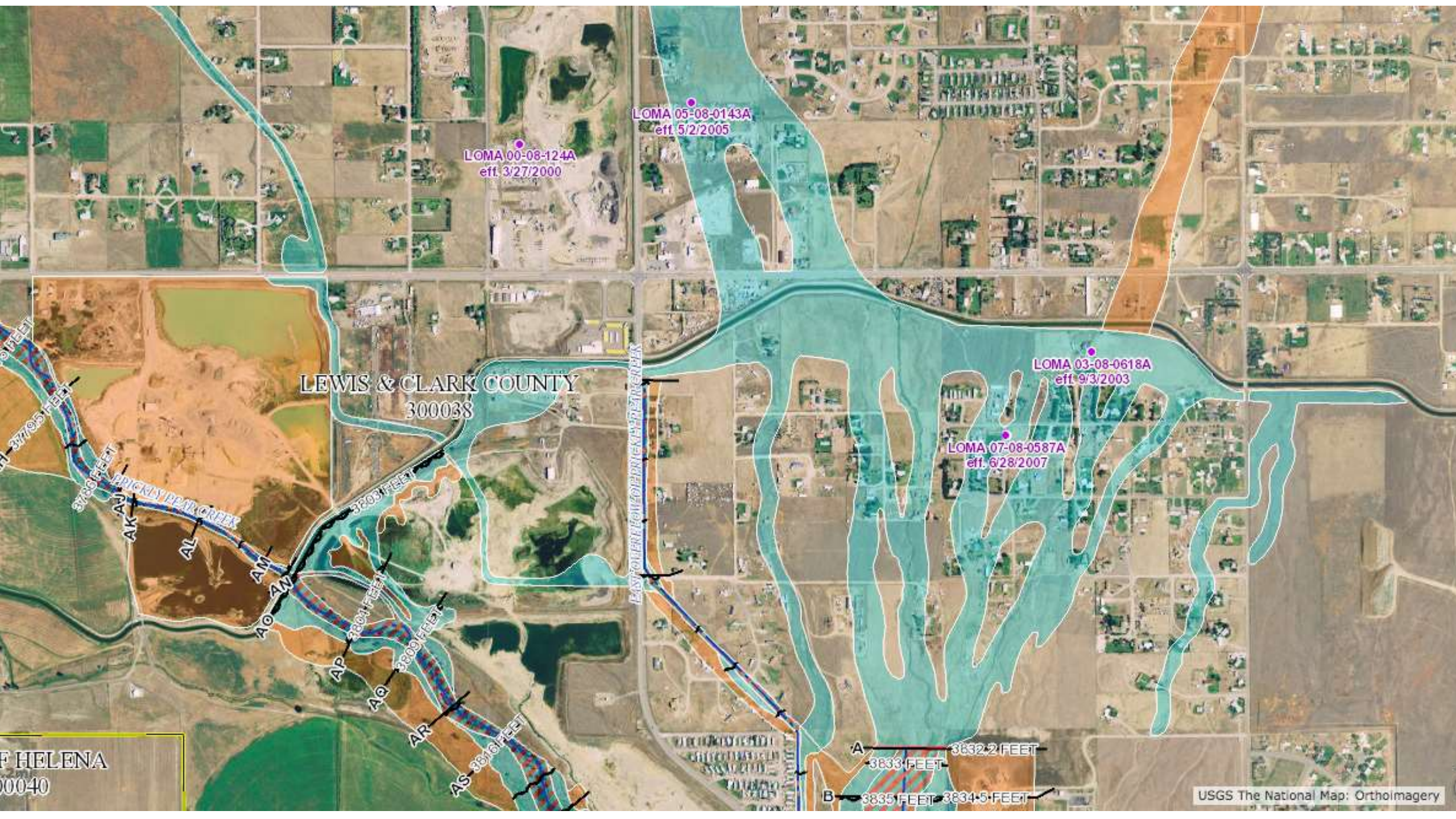
Houston exulted in sprawling, hands-off growth. That's no way to prepare for natural catastrophes.







Minot, ND (2011)



LOMA 00-08-124A
eff. 3/27/2000

LOMA 05-08-0143A
eff. 5/2/2005

LOMA 03-08-0618A
eff. 9/3/2003

LOMA 07-08-0587A
eff. 6/28/2007

LEWIS & CLARK COUNTY
300038

HELENA
00040

Variances

Example Permit Application Request - Background Information

- ▶ Tongue River residential home
 - ▶ Pre-FIRM – built in 1972
 - ▶ Mapped into floodplain in 2010 with new study
 - ▶ Since 2010 – entire home is located in AE Zone Floodway
- ▶ In 2017, the homeowner submits floodplain application to:
 - ▶ Add an addition to the house – one bedroom and additional bathroom
 - ▶ Proposed elevation of addition same as existing house
- ▶ Permit was denied because:
 - ▶ Existing code allows no new structures in floodway
 - ▶ Existing code requires New construction or substantial improvement of any residential structure lowest level of floor is at two feet above the base flood elevation

The existing residential structure is one foot below the Base Flood Elevation (BFE)



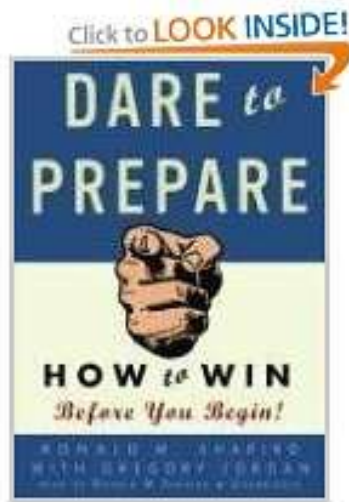
Variances

- ▶ **Proposed variances from must show the following:**
 - ▶ Good and Sufficient cause is shown
 - ▶ An exceptional hardship to the applicant exists
 - ▶ The variance provides the minimum necessary action to afford relief
 - ▶ The variance will not increase flood heights, cause additional threats to public safety, cause extraordinary public expense, create nuisances, cause fraud or victimization of the public, or conflict with local laws or ordinances.
 - ▶ If a variance is granted, the community must maintain a record of all variances
 - ▶ Variances are for floodplain management purposes only and could significantly affect insurance premium rates on affected structures.

**BEST ADVICE TO DECISION MAKING BOARDS – DON'T GRANT
THESE VARIANCES UNLESS ABSOLUTELY NECESSARY**



Mitigation and Recovery



- Keys to Recovery Success
 - Act quickly
 - Actively plan
 - Engage the community
 - Develop partnerships, networks and effective coordination strategies

- Systematic and inclusive
- Leadership and unity of effort
- Pre-disaster & post-disaster recovery planning

Basic Enforcement Process

- Right to inspection (inspection of work in progress)
- Stop work order
- Revocation of permit
- Right to periodic inspection
- Violations to be corrected
- Actions in event of failure to take corrective actions
- Order to take corrective actions
- Appeal
- Failure to comply
- Section 1316



How is Section 1316 used?

- Intended for use primarily as a backup for local enforcement actions (i.e., if a community could not force compliance through the enforcement mechanisms in its regulations, it could use Section 1316 as additional leverage)
- Not intended merely as a mechanism to remove bad risks from the policy base
- Section 1316 will only be implemented in instances where States or communities submit declarations specifically for that purpose.

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

Thank you!

► **Traci Sears**
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