

Community CRS Support & Recent Developments in the LOMC Process of Interest to YOU

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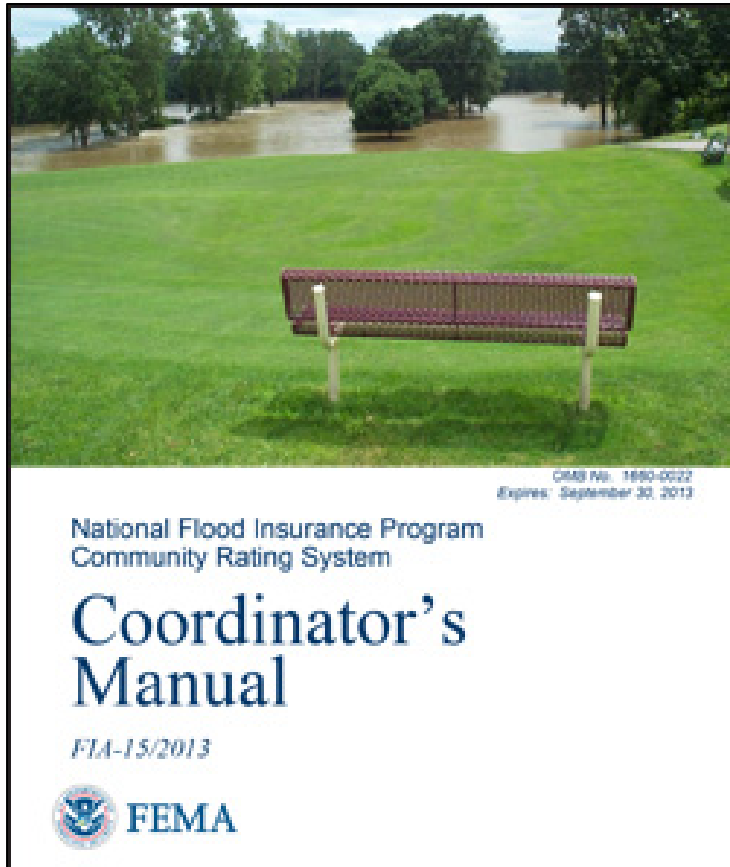


Here's What We Thought Would be of Interest to Y'all

- Community Rating System (CRS) Support Initiative
- Program for Public Information (PPI) Committee
- How You comply with the Endangered Species Act (ESA) when you submit a Conditional Letter of Map Revision (CLOMR)
- Recent Changes in Property Owner Notification requirements for CLOMRs
- A Few Words on Revisions to FEMA's Mapping Guidelines and Specifications

Community Rating System

- Voluntary Incentive Program
- Part of National Flood Insurance Program (NFIP)
- Reduced flood insurance premiums for better floodplain management



3 Goals

- Reduce and avoid flood damage to insurable property
- Strengthen and support insurance aspects of the NFIP
- Foster comprehensive floodplain management



CRS Rating



4,500+ points = **Class 1**

<500 points = **Class 10**



0% Reduction = **Class 10**

45% Reduction = **Class 1**

Activities

Public
Information

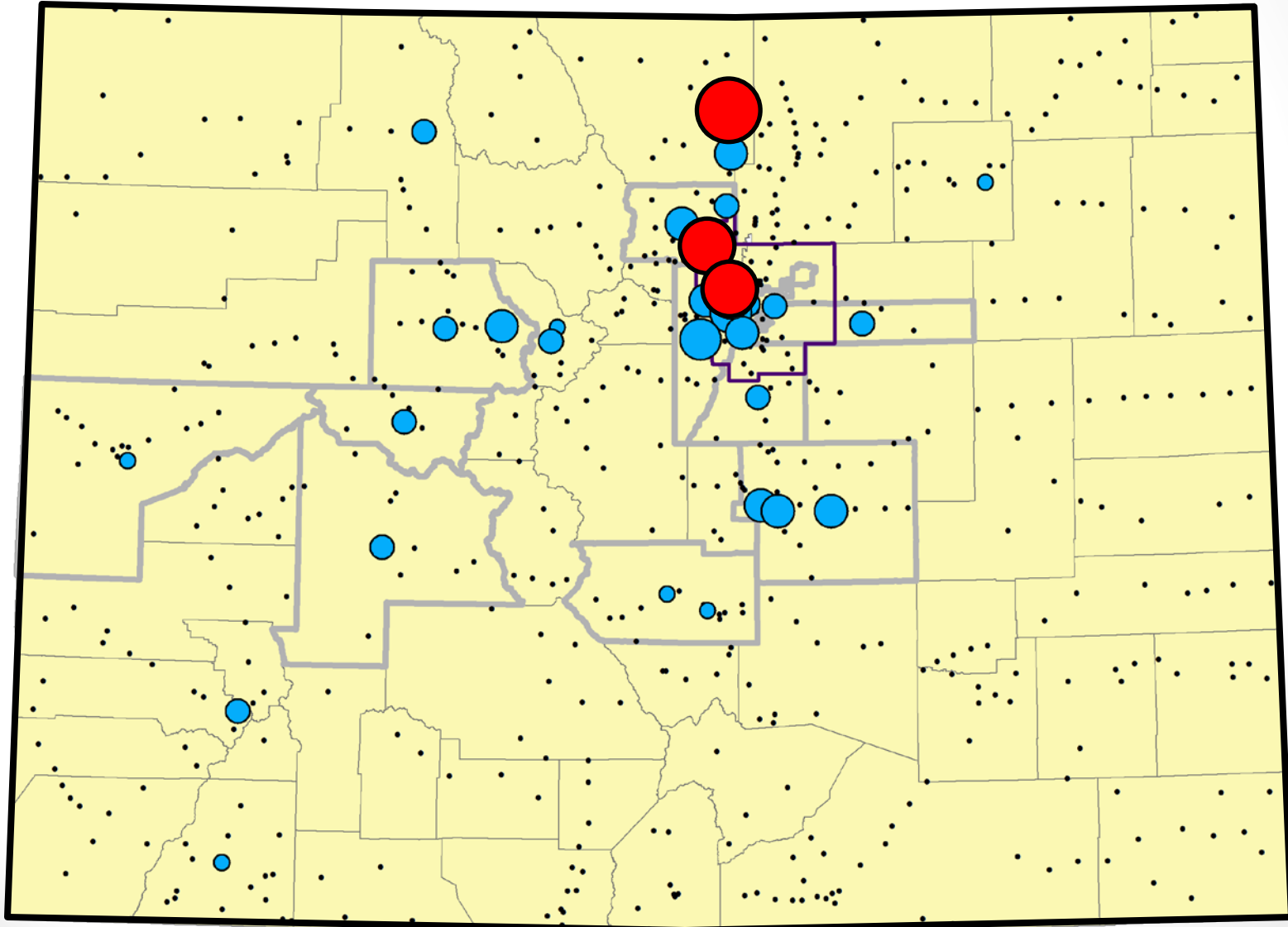
Mapping &
Regulations

CRS

Flood Damage
Reduction

Flood
Preparedness

Colorado CRS Communities



Colorado CRS Savings

POLICIES	PREMIUM	CRS SAVINGS
15,000	\$11.5 million	\$1.5 million



Other rewards



- Raise risk awareness
- Increase public safety
- Reduced damages
- Evaluate floodplain program

Resources

- **CRS Resources**
 - CRS Manual
 - Webinars
- **Emergency Management Institute**
4-Day CRS class – **FREE** to government
- **CASFM**
 - CRS Committee



Community CRS Support



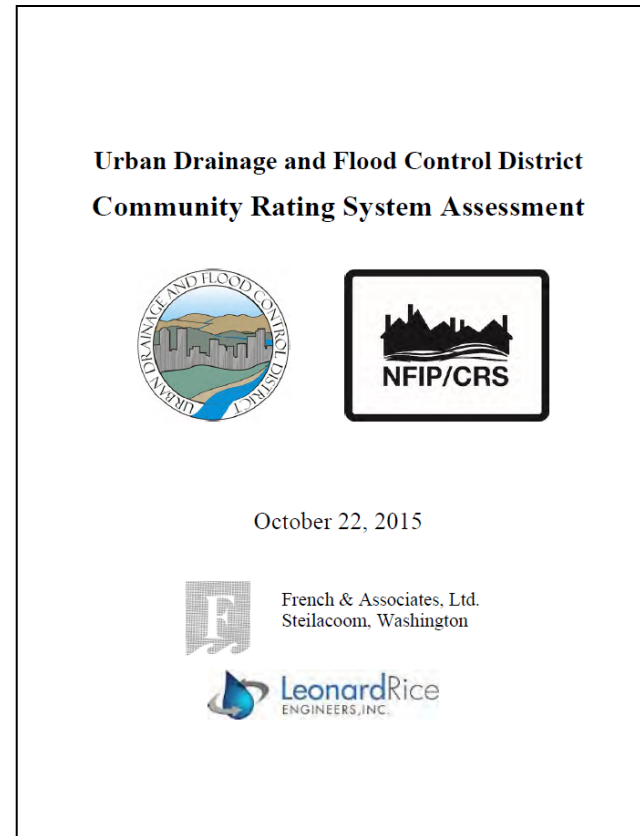
Community CRS Support

- UDFCD Adapting to Flood Insurance Changes
- CRS credits for UDFCD Activities
- Point of contact: CRS Support Committee



Credit for UDFCD Activities

- Floodplain Mapping
- Public Information Activities
- Geographic Information System
- Website
- Flood Warning
- Stormwater Management
- Water Quality Activities
- Watershed Planning
- Flood Protection Projects
- Stream Corridor Maintenance Activities



<http://udfcd.org/services/floodplain-mapping/>

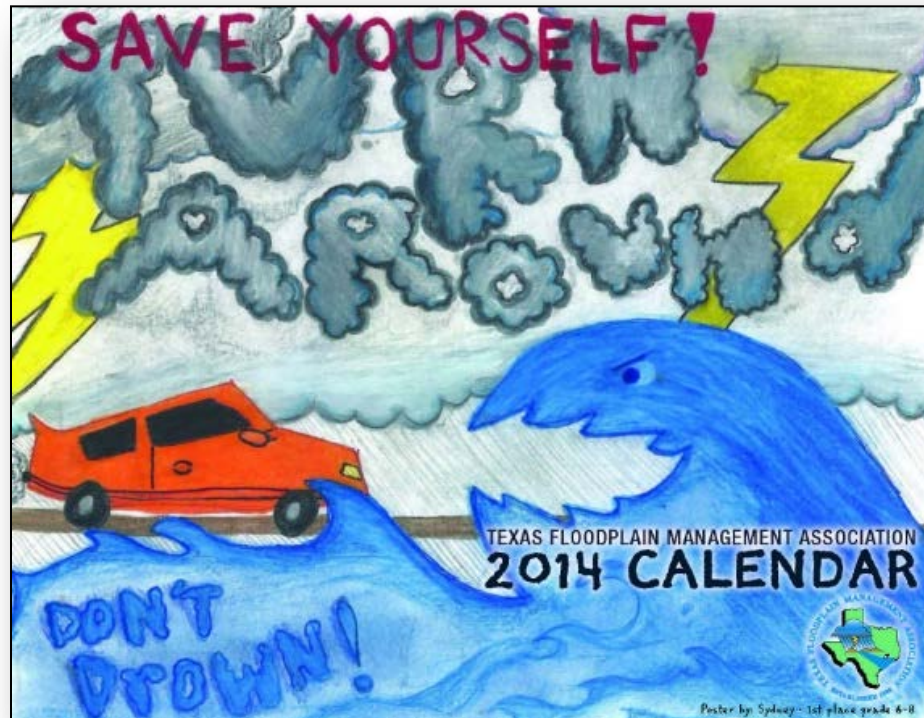
Program for Public Information (PPI)

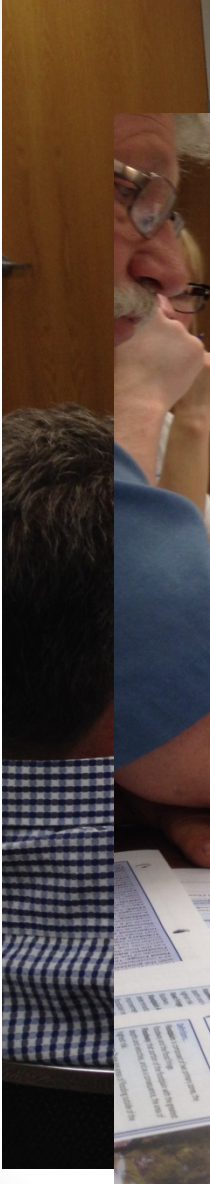
- Public Outreach Plan
- Defined Messaging



Program for Public Information (PPI)

- CRS Extra Credit! – Outreach & Flood Response





Annual Flood Risk Brochure

Beebe Draw and Three of its Tributaries

PURPOSE OF THIS NOTIFICATION
If you have received this brochure in the mail, you are located in or near the 100-year floodplain of Beebe Draw and Three of its Tributaries. The purpose of this notification is to inform you of this flood hazard, and to suggest actions you can take to mitigate the hazard.

FLOOD HAZARD AREAS
The 100-year floodplain is the area most susceptible to flooding. It will be flooded on an average of once every 100 years. It has a 1% chance of being flooded in any given year, or about a 20% chance of being flooded over the life of a 30-year mortgage. Smaller floods have a greater chance of occurring in any year and can still create a significant flood hazard to people and property close to the stream. Also, larger floods can, and do occur.

DETAILED MAPS
Detailed maps showing the 100-year floodplain are contained in Flood Hazard Area Determination, Beebe Draw and Left Bank Tributaries. Copies of these maps are on file at the offices of Adams County Engineering Department (225-522-4433), English Public Works Department (225-525-2204) and the Urban Drainage and Flood Control District (303-453-4277).

FLOOD INSURANCE
Standard homeowners insurance policies do not cover flood losses. Flood insurance is available in Adams County (underwritten and written by Digitech). You do not have to live in the floodplain to qualify for flood insurance. Property owners can insure their buildings and contents, and renters can insure just their contents. Insurance can be purchased from any insurance agent. The cost of flood insurance varies. For information on rates for your situation, contact your insurance agent. There is a 30-day waiting period before flood insurance becomes effective, so be sure to plan ahead.

TIP#13 - Please pass this information along to your landlord or apartment manager.

(April 2015)

WHAT CAN YOU DO?

If you have received this brochure in the mail you should be concerned about the flood hazard. There are several actions you can take to mitigate the flood hazard, including:

1. Know the flood hazard exists.
 2. Plan escape routes to high ground.
 3. Obtain flood insurance.
 4. During times of heavy rainfall, monitor the level of water in the drainage. Stay tuned to radio or TV for possible flood warnings.
 5. Evaluate the flood hazard area in times of impending flood or when advised to do so by official agency such as a police or sheriff's department.
 6. Consider floodproofing options (structural changes should be designed by a professional engineer).
 7. Be a good neighbor. Report potential dumping sites.
 8. Remember building on the local spot will not be there.
- Go to www.floodsmart.gov

Understand Your Flood Risk

Anywhere it rains, it can flood. All rivers, streams, tributaries and canals – regardless of size – have the potential to flood.

There is a 26% chance that a high-risk area will be flooded during a 30-year period.

If a property was flooded previously, there is still the potential for that property to flood again.

Additionally, you are subject to local flooding, groundwater intrusion, and sewer backups.

Search your address on the UDFCD Flood Hazard Map at udfcd.org/floodmap.



Find your flood risk. Fill out the Flood Risk Profile at FloodSmart.gov.

Get Flood Insurance

Flood insurance is recommended for everyone, but especially if you are in or near a mapped floodplain area.

Standard homeowners' insurance policies do not cover flood losses. Property owners can insure their buildings and contents, and renters can insure just their contents (even if the owner does not insure the structure).

You cannot be denied flood insurance. You do not need to be within a floodplain to qualify for flood insurance.

If you live in a floodplain or high-risk area and have a Federally-backed mortgage, your mortgage lender requires you to have flood insurance.

Find your flood risk, fill out the Flood Risk Profile at FloodSmart.gov.

Find a local Flood Insurance Agent, at FloodSmart.gov.

There is a 30-day waiting period before the policy becomes effective, so plan ahead.

Following a Natural Disaster, Federal assistance may be limited if you don't have flood insurance.

Protect Property from Flood Hazard

Before a Flood

Obtain flood insurance.

Keep trash and debris out of the drainage channels, so they can carry flood flows.

Ensure that water flows away from your house.

Report potential problems like blocked culverts, or people dumping debris in the channels.

Construct barriers around window wells or other building openings to keep flood water from entering. Keep materials like cardboard, plywood, plastic sheeting, and lumber handy for emergency waterproofing.

Floodproofing buildings can help reduce potential flood damage to structures and their contents. Structural changes should be designed by a professional engineer. A building permit may be required for this type of work.

Ask your plumber about a valve to prevent sewage back-up.

After a Flood

Cover broken windows and holes in the roof or walls to prevent further weather damage.

Call your insurance agent. Proceed with immediate clean-up measures to reduce any health hazards. List and take pictures of ruined items before disposing of them. Take pictures of the damage, and keep record of repairs. Show these to the insurance appraiser for verification.

You need to obtain a permit for repair if it's more than just cleanup! Contact your local Floodplain Contact on the opposite side of this brochure.

For more information, visit FloodSmart.gov and Ready.gov.

Build Smarter, Safer, and Responsibly!

Remember that all development in the floodplain (new construction, addition, remodel, filling and grading, etc.) requires a permit from the local government.

Get a Floodplain Use Permit before you build.

Construction in the floodway has special requirements.

Substantially damaged or improved building have special requirements.

Contact your local Floodplain Contact on the opposite side of this brochure for specific requirements.

Protect People from Flood Hazard

Before a Flood

Plan evacuation routes to move to higher ground, and evacuate immediately, if necessary. Have photocopies of important documents and valuable papers away from your house (safe deposit box).

Be prepared to move your valuables to a higher location, if possible.

During a Flood

During heavy rainfall, stay alert for sirens and possible flood warnings (TV, radio, websites, and social media).

If you are caught in the house by floodwater, move to a higher floor or the roof. Take warm clothing, a flashlight, your cell phone, and portable radio. Wait for help.

Avoid contact with floodwater—it is contaminated and potentially hazardous.

Do not drive through flooded areas—most flood deaths occur in cars.

Do not drive around road barriers—the road or bridge may be washed out.

Do not walk through flowing water—6 inches of moving water can knock you off your feet.

After a Flood

Stay informed—tune to a battery-powered radio, website, or social media for advice on where to obtain medical care and assistance for such necessities as shelter, clothing, food, and counseling for stress.

Do not visit disaster areas until authorized to do so.

The structural, electrical, and plumbing systems, as well as gas lines and water wells should be inspected for safety before re-entering your home.

Before entering a building, check for structural damage and be alert for gas leaks, turn off outside gas lines to your meter, use a flashlight (no open flames) to inspect for damage, turn off the gas, and ventilate the area.

Stay away from downed power lines and electrical wires—electricity can travel through water.

Look before you step—the ground and floors may be covered with hazardous debris, and floors and stairs can be covered with slippery mud.

For more information, visit FloodSmart.gov and Ready.gov.

Protect the Floodplain...it Protects You!

Benefits of the Floodplain

During flood events, urban stream corridors function as conveyance systems for storm runoff. There is a universal benefit to preserving the natural floodplain functions. Floodplains allow water to spread over a large area reducing the speed and volume of floodwater downstream.

Clear the Way

Dispose of trash and debris properly and do not dump or throw anything into ditches or streams. Every piece of trash contributes to flooding—even grass clippings and branches can accumulate and block flood flows. Trash and debris may increase flooding on properties near a ditch or stream.

Quality Counts

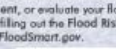
Help keep our lakes and streams clean: properly dispose of motor oil, pick up pet waste, use car washes instead of washing at home, and follow directions when using fertilizers, pesticides, and weed control chemicals.

More Information

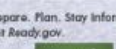
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Find a local Flood Insurance Agent, or evaluate your flood risk, by filling out the Flood Risk Profile at FloodSmart.gov.



Prepare. Plan. Stay Informed. Visit Ready.gov.



Ready.gov

Community side



Urban Drainage and
Flood Control District
2450 W 28th Ave, Suite 156-B
Denver, CO 80211

PSRP STD
U.S. POSTAGE PAID
DENVER, CO
PERMIT NO. 400

TENANTS: please share this
flood risk information with your
landlord or apartment manager

CURRENT RESIDENT
1801 CENTAUR CR
LAFAYETTE, CO 80026



How close do you live to a floodplain?
Search your address at:
<http://udfcd.org/floodmap>



OFFICIAL NOTICE

Flood Hazard Information

Protect What Matters
Think about what your family and property means to you. Have you done everything you can to protect them?

Everyone has a flood risk: Know Yours!

Your property is located in or near an area that has a high flood risk. It may be within or near either a Federal Emergency Management Agency (FEMA) regulated floodplain or a local regulatory floodplain. These are considered areas that have a 1% or greater chance of being flooded in any given year (a high risk of flooding) and are often referred to as the 100-year floodplain.

CITY OF Lafayette

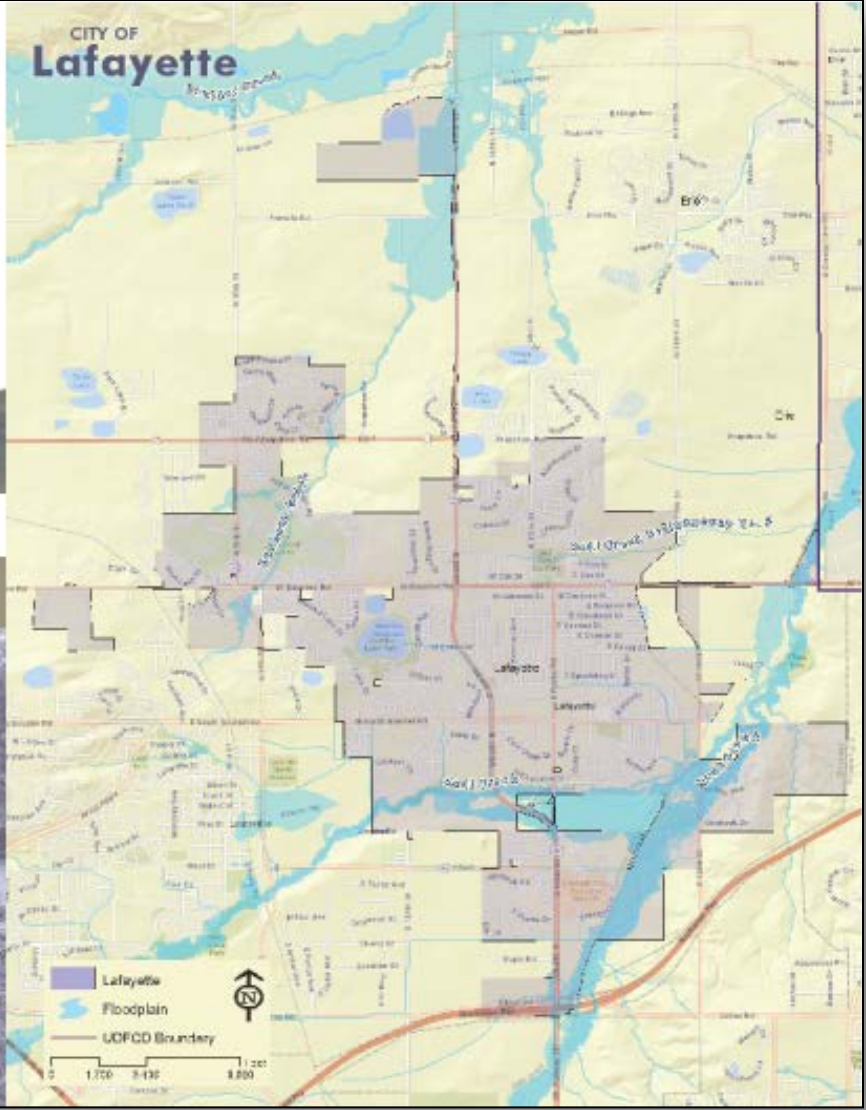
For More Information

For floodplain questions and recent floodplain changes near your property, contact your local Floodplain Contact:
Karan Walker
kwalker@cityoflafayette.com
303-665-1379

For questions on preparing for an emergency, contact your Office of Emergency Management:
Gerry Merrill
gerrym@cityoflafayette.com
303-665-2663

Learn about your risk, estimate premiums, and find an agent who can answer your flood insurance questions at: FloodSmart.gov

Major Streams Within Your Community



Messaging

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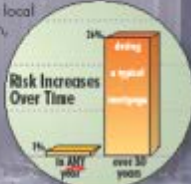
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Additionally, you are subject to local flooding, groundwater intrusion, and sewer backups.

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- Find your flood risk, fill out the Flood Risk Profile at FloodSmart.gov.



Get Flood Insurance

Flood insurance is recommended for everyone, but especially if you are in or near a mapped floodplain area.

5-Best Flood 2000 to 2014	
Fluorine	\$ 2.44
Wells	\$ 2.44
Pinhook	\$ 1.90
Cabrini	\$ 1.90
TOTAL	\$ 6.68

Standard homeowners' insurance policies do not cover flood losses. Property owners can insure their buildings and contents, and renters can insure just their contents (even if the owner does not insure the structure).

You cannot be denied flood insurance. You do not need to be within a floodplain to qualify for flood insurance.

If you live in a floodplain or high-risk area and have a Federally-backed mortgage, your mortgage lender requires you to have flood insurance.

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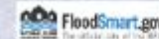


More Information

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- Find a local Flood Insurance Agent, or evaluate your flood risk, by filling out the Flood Risk Profile at FloodSmart.gov.



- Prepare. Plan. Stay informed. Visit Ready.gov.



How Do I Get on the Right Side of the Endangered Species Act?



Navigating ESA Compliance

- **What Are The Regulations?**
 - Endangered Species Act
 - FEMA's guidance documents
 - Private Actions vs Non-FEMA Federal Actions
 - USFWS Colorado Field Office Guidance
 - Federal Nexus
 - Lead Federal Agency
- **How Do We Navigate The Process?**
 - Available Tools
 - Compliance Scenarios
- **Take Away Message**
 - Resources and Timing

What Are The Regulations?

What Is The Endangered Species Act?

The ESA was passed in 1973 to provide protections to species of wildlife and plants (listed as endangered or threatened) and the ecosystems upon which these species depend

- The USFWS and the NMFS are the agencies responsible for implementing the ESA
- Mandates all ***Federal Departments and Agencies*** to conserve listed species and to utilize their authorities in furtherance of the purposes of the ESA (Section 7)
- Private individuals, State, and Local Governments must comply with the ESA (Section 7/10)

What Are The Regulations?

ESA - Section 7

- Requires federal agencies to develop a conservation program for listed species (*Section 7(a)(1)*)
- Requires a federal agency to insure that **any action it authorizes**, funds, or carries out is not likely to jeopardize the continued existence of any listed species or result in adverse modifications of designated critical habitat (*Section 7(a)(2)*)

What Are The Regulations?

ESA - Section 7 Cont.

- Effects determination:
 - No effect
 - May affect, but not likely to adversely affect
 - May affect, likely to adversely affect
- No species or critical habitat “No Effect” = no further consultation required
- May affect = consultation required (informal or formal process)

What Are The Regulations?

ESA - Section 7 Cont.

- May affect, but not likely to adversely affect
 - Beneficial, discountable, or insignificant
 - Informal process – No Biological Opinion (BO) required
 - No “take” can occur under this category

What Are The Regulations?

ESA - Section 7 Cont.

- May affect, likely to adversely affect
 - Formal consultation with USFWS required
 - Consultation would be concluded with the USFWS issuing a BO

What Are The Regulations?

ESA - Section 9

Prohibits against “take of” or “harming” listed species of wildlife and plants

- Harm can arise from habitat modifications that could significantly impair behavior patterns of a listed species
- If an action might harm a species, an incidental take authorization is required
 - Incidental Take Statement - Section 7
 - Incidental Take Permit - Section 10

What Are The Regulations?

ESA - Section 10

If a non-federal action will result in “take” or “harm” of a listed species, a permit from the USFWS is required

- Provides guidelines under which a permit may be issued to non-federal parties to authorize prohibited activities
- Requires a Habitat Conservation Plan (HCP)
- Time and labor intensive process

What Are The Regulations?

FEMA ESA Compliance - Prior to 2010



What's ESA Compliance?

What Are The Regulations?

FEMA – ESA Compliance

April 2010 – Procedure Memorandum 64

- Address potential adverse impacts to listed species *before* construction activities occur
- Required a Requestor to provide ESA compliance documentation from USFWS
- FEMA's role "action" in ESA compliance (Section 7) vs the Requestor's role in the process (Section 10)

What Are The Regulations?

USFWS – Denver Field Office

June 2015 – Regional Guidance

- Is there a Federal “action” and who is the Lead Federal Agency?
 - Section 404 Permit – Corps
 - CLOMR – FEMA
- Will no longer providing Technical Assistance directly to a non-federal entity
- Requires the Lead Federal Agency (Corps or FEMA) to name a non-federal designee to do parts or all of the Section 7 consultation with the USFWS on the lead agencies’ behalf

What Are The Regulations?

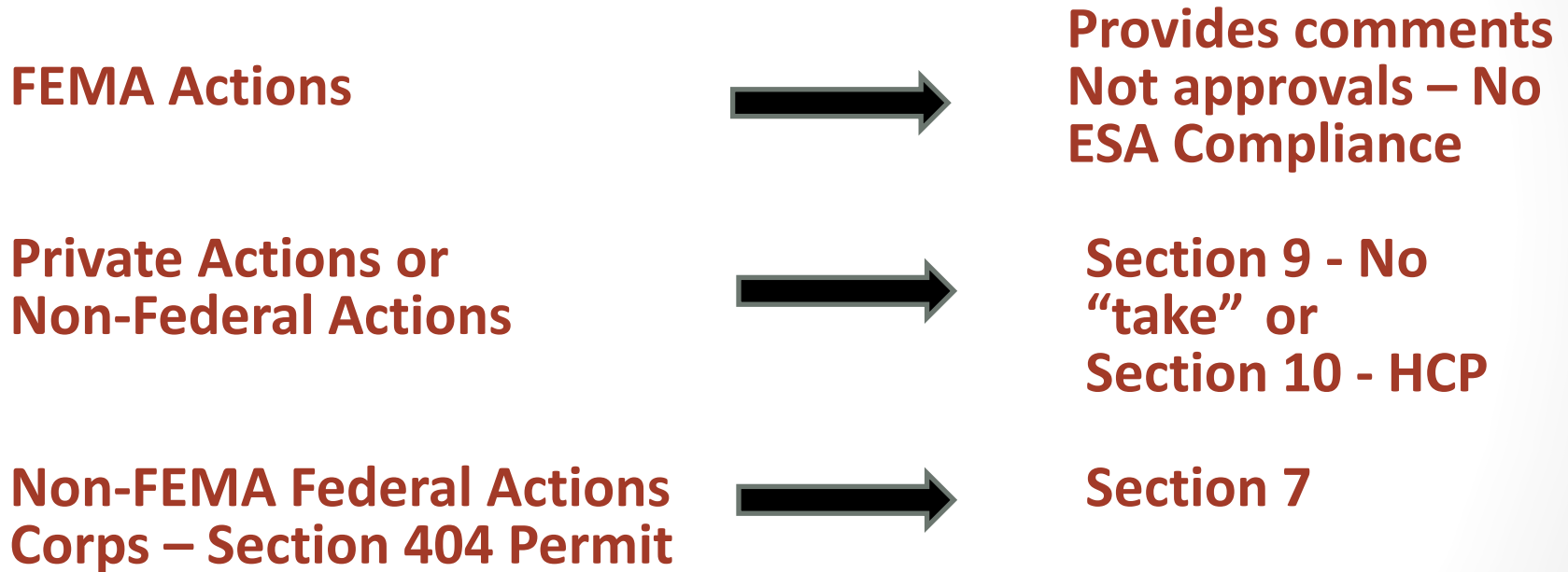
FEMA – ESA Compliance

November 2015 – Clarifications to Memo 64

- Defines Roles and Responsibilities
 - Will no longer act as a facilitator
 - Will still require documentation of ESA compliance for the proposed project *before* processing a request
 - ***Private Actions*** and ***Non-FEMA Federal actions***— compliance the sole responsibility of the Requestor

What Are The Regulations?

Summary - FEMA ESA Compliance Process



What Are The Regulations?

What is the USFWS' Position on FEMA's Memorandum 64?

What Are The Regulations?

USFWS' Position on FEMA's Memorandum 64?

FEMA Actions	→	Provides comments Not approvals No ESA Compliance	✗
Private Actions Non-Federal Actions	→	Section 9 - No "take" or Section 10 - HCP	✗
Non-FEMA Federal Actions	→	Section 7	✓

"FEMA is responsible for demonstrating compliance with Section 7 for all projects proposed within Special Flood Hazard Areas where a CLOMR or CLOMR-F request is made for FEMA's review"

Navigating ESA Compliance

- **Tips and Tools to Address ESA Compliance**
- **Consultation Scenarios**
- **Take Away Message**

Navigating ESA Compliance

How do I determine if there are threatened or endangered species or critical habitat in my project area?

- Websites:
 - Species present in the county where the project is taking place: <http://ecos.fws.gov/ecp/>
 - ITPs and USFWS: www.fws.gov/endangered/what-we-do/hcp-overview.html
 - Data is only useful if you know what it means and how it is applied
- Contact the USFWS Directly:
 - USFWS Office Directory: www.fws.gov/offices/
 - Very slow response time

Navigating ESA Compliance

Consultation Scenarios

Scenario 1 - The project area associated with the CLOMR has **no habitat for any threatened or endangered species**

Scenario 2 - The project area associated with the CLOMR has **the potential to impact habitat for a PMJM**, but the impact is likely ***“insignificant and discountable”***

Scenario 3 - The project area associated with the CLOMR **will impact habitat for a threatened or endangered species**, such as Preble’s, and **no Corps action** (i.e., 404 permit) is needed

Navigating ESA Compliance

Consultation Scenarios

Scenario 1 - The project area associated with the CLOMR has **no habitat for any threatened or endangered species.**

- Submit a HA letter requesting no further consultation required (“no effect”) and get the stamped letter back from the Service indicating “no concerns”.
 - Provide a copy of the original HA letter and the stamped letter correspondence from the Service to FEMA.
 - Based on the Service’s response, translate it into the “no take” language, if required by FEMA.

Navigating ESA Compliance

Consultation Scenarios

Scenario 2 - The project area associated with the CLOMR has the potential to impact habitat for a PMJM, but the impact is likely ***“insignificant and discountable”***

- The project is not at the “take” level, which would require an Incidental Take Permit (Section 9) from the Service, but it also doesn’t fit the “no take” category
- FEMA will accept an ***“insignificant and discountable”*** effects determination from the USFWS
- Assumes the USFWS will provide technical advice on ESA compliance for the project without knowing if there is another federal agency involved
- Non-federal entities legally can’t make effects determinations, including take or no take statements

Navigating ESA Compliance

Consultation Scenarios

Scenario 3 - The project area associated with the CLOMR **will impact habitat for a threatened or endangered species**, such as Preble's, and **no Corps action** (i.e., 404 permit) is needed

- FEMA's guidance requires applicant to go through Section 10 consultation, which would require a Habitat Conservation Plan (HCP)
- Similar to FEMA, the local Service office has limited resources and staff available to address the volume of applications this level of consultation would require
- Currently, the HCP process takes several years to permit through the Service and this timeline would likely increase if more CLOMR projects have to go through the Section 10 consultation process
- What happens if the Service does not concur with FEMA's guidance?
- The local Service field office views CLOMRs as a federal action that would require FEMA to consult with them directly under Section 7 of the ESA
- Projects could result in a stalemate
- Potential for legal actions



Agencies don't agree on ESA process

Seek Professional Services early in the process

Build extra time and money in the compliance review process



Questions For Jenelle?

Property Owner Notification Requirements for CLOMRs

- Previously Focused on Pre-Project to Post-Project changes
- Now includes Effective to Post-Project changes
- Notifications include:
 - Individual Legal Notifications for properties affected by proposed work in the floodway (NFIP 65.12). Requester can certify.
 - All property owners adversely affected by increases in the SFHA or BFEs. Can be public notice, certified by requester or community.
 - All property owners affected by floodway changes. Can be public notice, certified by the community.

Operation & Maintenance Plans Detention Basins

- Any new or revisions to existing Regional Detention Basins that attenuate peak flow rates require an O & M Plan
- Please utilize the O & M template on the UDFCD website

Revisions to FEMA's Mapping Guidelines and Standards

- FEMA has separated Guidelines (friendly suggestions) from Standards (must do unless granted a variance from FEMA Headquarters)
- Guidelines and Standards are updated twice a year, fall and spring
- The November 2015 cycle included the latest guidance on ESA compliance discussed in Jenelle's remarks
- Proposed May cycle changes were distributed for comment
- Expect an emphasis on Community Engagement and Risk Communication
- <https://www.fema.gov/guidelines-standards-maintenance>



Questions???