

AnnMarie Lain

From: Wood-McGuiness, Karen [Karen.Wood-McGuiness@fema.dhs.gov]
Sent: Monday, February 06, 2017 1:13 PM
To: AnnMarie Lain
Subject: RE: Community Use of Preliminary FIRM

Follow Up Flag: Follow up
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AnnMarie,

Thanks for the great clarification questions. Your interpretation of 44 CFR 60.3 (b)(4) is correct. It does state that a community is to "...reasonably utilize any base flood elevation and floodway data available." The reasonable refers to locating applicable data; the regulations do not require a community to spend a great deal of time and money (months) to locate usable data. If there is elevation data from the preliminary maps for an Approximate A zone, that constitutes the best data available. This is applicable only for using base flood data in an approximate A zone (Zone A). Also, there is a caveat that the data must be more restrictive. The reason a community would use the base flood elevation (BFE) from the FIS and FIRM from the preliminary maps for land currently within a Zone A is this data is more restrictive.

However, this does not apply to the lateral extent of a Zone A that under the new preliminary FIS and FIRM is smaller than that of the current Zone A. So your statement of "...communities must regulate floodplain development using the data in the preliminary FIS Report and FIRM ...even before the community has officially adopted the new ..." is conditional. If the extent of the Special Flood Hazard Area (SFHA) is less than that of the current Zone A, and to assure an area is "reasonably safe from flooding (44 CFR 60.3(a))," a community must regulate to the larger extent SFHA. The BFE from the preliminary maps is considered more restrictive, although, will usually provide information to an insurance company that will allow a property owner to obtain the best insurance rate.

Your point of requiring delineation of data from the preliminary maps on a proposed subdivision map is the purview of your community. Requiring the use of the data from the preliminary FIS and FIRM when it is more restrictive than the current effective information is required.

I hope this provides some clarification. Please let me know.

Thank you.

Karen

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From: AnnMarie Lain [<mailto:alain@ci.valdez.ak.us>]
Sent: Monday, February 06, 2017 12:09 PM
To: Wood-McGuiness, Karen <Karen.Wood-McGuiness@fema.dhs.gov>
Subject: FW: Community Use of Preliminary FIRM

Hi Karen-

We have an applicant whose platting process is currently on-hold pending your direction. Will you have time to respond to this email today? Thank you

-AML

From: AnnMarie Lain
Sent: Tuesday, January 31, 2017 2:14 PM
To: Wood-McGuinness, Karen
Cc: 'MJacobs@iso.com'; Lisa Von Barga
Subject: Community Use of Preliminary FIRM

Hi Karen-

It is my understanding that when land is designated as being located in the SFHA on a communities FIRM, and no BFEs or floodway have been identified, communities are required to apply the provision contained in subparagraph 60.3(b)(4) requiring communities to:

Obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State, or other source...

It is also my understanding that communities are to use preliminary flood data and require that new construction and/or substantial improvement projects be built with the lowest floor elevated to or about the preliminary BFE. Subparagraph 60.3(b)(4) states that available BFE or floodway data should be used as long as they:

*Reasonably reflect flooding conditions expected during the base flood;
are not known to be scientifically or technically incorrect; and
represent the best data available.

Data from a preliminary FIS constitute available data.*

It is my understanding that for land currently within Zone A, communities must regulate floodplain development using the data in the preliminary FIS Report and FIRM under Subparagraph 60.3(b)(4) even before the community has officially adopted the new FIS report and FIRM into its floodplain management ordinance.

Subparagraph 60.3(a)(4) requires communities to review subdivision proposals and other proposed land development, including manufactured home parks or subdivisions, to determine whether proposed developments will be reasonably safe from flooding. Communities are required to review such proposals for floodprone areas to ensure that potential flood damage including damage to utilities is minimized, utilities are constructed to minimize or eliminate damage, and adequate drainage is provided to reduce the exposure to flood hazards.

I've requested a surveyor going through the City platting process for a new subdivision to delineate on the preliminary plat the preliminary FIRM data. The surveyor has countered stating that FEMA does not require the use of preliminary data. Your regulatory guidance would be much appreciated.

The current effective FIRM for River Drive panel # 020094 0066C and the preliminary FIRM panels for River Drive are 020094 0302D and 020094 0304D.

Thank you,

-AnnMarie Lain