

COLORADO ASSOCIATION OF STORMWATER AND FLOODPLAIN MANAGERS

NEWSLETTER

VOL. 2, NO. 2, JULY 1991

CHANGES TO THE NATIONAL FLOOD INSURANCE PROGRAM PASSED BY U.S. HOUSE OF REPRESENTATIVES

H.R. 1236

National Flood Insurance, Mitigation and
Erosion Management Act of 1991

-- Prepared by the Association of State
Floodplain Managers, Inc.
April 24, 1991

On May 1, 1991, the U.S. House of Representatives passed H.R. 1236. The following summarizes the provisions of the bill.

Flood Mitigation Program

- Establishes an Office of Mitigation Assistance within the Federal Insurance Administration.
- States are eligible for grants for mitigation projects and providing planning and technical assistance for communities.
- Communities are eligible for grants if they have mitigation plans and (1) are proactive/exceed minimum NFIP standards (including erosion management if designated as erosion-prone); (2) have suffered \$250,000 in non-infrastructure flood damage within the past 12 months; or (3) have suffered recurring flood damage and claims.
- Individuals are eligible for grants if they have had flood insurance for at least two years and have suffered insured flood damage since December 31, 1977. Projects must be consistent with state and local land use and hazard mitigation plans.
- Eligible mitigation activities must be technically feasible and cost effective, including, but not limited to, acquisition, elevation-in-place, relocation, and floodproofing.
- Current Section 1362 activities are folded into comprehensive mitigation program, with transition provided.
- Grants are 75% federal and 25% state/local funds. Matching funds are defined to include materials, time and salary, donated time, and services.
- Capable states may seek delegation of certain authorities.
- Creates National Flood Mitigation Fund by assessment of a \$5 mitigation surcharge per policy term, and including unexpended 1362 funds

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and penalties assessed on noncompliant lenders.

- Provides for a transition period, and implementation of a mitigation pilot program prior to issuance of final regulations.
- Repeals Section 1362, with provision of transition period.

Erosion Zone Management

- Requires development of regulations and implementation of a program to reduce coastal erosion hazards along the U.S. coastal waters and Great Lakes shorelines.
- Provides for identification of erosion-prone areas using available data.
- Establishes minimum setbacks for the 10-, 30-, and 60-year erosion zones.
- Establishes minimum land use restrictions within erosion zones, including restrictions on relocated buildings, new construction and substantial improvements, and provisions for movability of certain new construction.
- Requires communities identified as erosion-prone to adopt minimum land use standards in order for citizens to be eligible for mitigation benefits.
- Provides mitigation assistance to certain eligible structures threatened by imminent collapse.
- Mitigation assistance available for relocation of buildings, or if relocation is unsafe or more costly, allows demolition (up to 40% and 100%, respectively) of the lesser of the value of the structure or insurance coverage.
- Owners who fail to relocate/demolish within 24 months will be penalized by a one

time limitation of 40% of the value followed by cancellation of the policy.

- Denies flood insurance on new and substantially improved structures built in violation of erosion management standards.
- Limits availability of flood insurance to structures relocated landward of appropriate setbacks.
- Repeals Section 1306(c), "Jones-Upton," with provisions for transition in coastal and riverine areas.
- Authorizes \$5 million/year for erosion mitigation assistance.
- Authorizes the Federal Emergency Management Agency to conduct a study to determine the feasibility of identifying and establishing erosion rates in riverine areas, and to analyze management strategies that may be applicable.

Lender Compliance

- Clarifies that lenders and federal agencies may not waive the mandatory flood insurance purchase requirement.
- Extends to all lenders the requirement to require borrowers to purchase flood insurance.
- Requires lenders to perform full portfolio reviews, unless already conducted recently with high level of compliance, and to assure that all loans secured with floodprone improved property are adequately insured.
- Allows lenders to charge the borrower up to 50% of the costs of making a floodplain determination on outstanding loans.
- For residential real estate loans, requires lenders to establish escrow accounts where the lender is already escrowing other charges,

- such as homeowners insurance and taxes.
- Imposes a \$350 fine for each failure to require flood insurance, with an aggregate annual penalty not to exceed \$100,000 per lender.
- Requires development and usage of a Standard Hazard Determination form to include map and panel numbers, flood zone, and date of map.

Natural and Beneficial Floodplain Functions

- Includes "encouraging state and local governments to protect natural and beneficial floodplain functions that reduce flood related losses" under the NFIP declaration of purpose.
- Defines natural and beneficial floodplain functions.
- Specifically authorizes additional Community Rating System credits for communities that implement measures related to protection of natural and beneficial floodplain functions.

Additional Provisions

- Authorizes the CRS, requires biennial reporting to Congress, and provides funding from the National Flood Insurance Fund.
- Creates a Flood Insurance Interagency Task Force.
- Increases maximum available coverage for all structures, i.e., from \$185,000 to \$250,000 for single family residential buildings.

- Provides for assessments every five years of the need to revise and update Flood Insurance Rate Maps.

CASFM SECOND ANNUAL MEETING

The second annual meeting of the CASFM was held June 11 in conjunction with the ASFPM national conference. The informal breakfast meeting was attended by approximately 30 members.

The officers for 1991 were announced. Dan Bunting and Bill DeGroot were re-elected as Chair and Secretary/Treasurer, respectively. Nancy Love was elected as Vice Chair.

It was suggested that planning begin for next year's annual conference. Boulder or a Western Slope location was proposed as a possible site.

THANK YOU TO VOLUNTEERS

A special thank-you to those CASFM members who volunteered their time to assist with ASFPM Conference activities. Your contributions helped make the conference a success.

BOARD OF DIRECTORS MEETING

A Board of Directors Meeting will be held Thursday, September 5 at 10:00 a.m. at the Urban Drainage and Flood Control District.

CHANGES TO SECTION 404 OF THE CLEAN WATER ACT NATIONWIDE PERMITS

-- *U.S. Army Corps of Engineers
Albuquerque District*

The Section 404 regulatory program of the U.S. Army Corps of Engineers (USACE) includes 26 nationwide permits. These general permits are issued to authorize minor activities with little or no paperwork. The present nationwide permits expire in November of this year.

On April 10, 1991, the USACE published a proposal in the Federal Register to reissue all the existing nationwide permits (some with changes) and to issue 13 new nationwide permits. The USACE is amending its nationwide permit regulations to simplify and clarify the regulations so they will be less confusing and burdensome and make administration of the program more efficient.

This article very briefly summarizes the proposed changes for eight of the existing permits commonly used in Colorado and five of the new permits which are of the most interest to our readers. For a full description, please see the Federal Register.

- No. 3. Maintenance. This permit for repair, rehabilitation, or replacement of an authorized, currently serviceable structure or fill would be reissued with a definition of "currently serviceable."
- No. 7. Outfall Structures. This permit for outfall and intake structures for effluent permitted under the National Pollutant Discharge Elimination System would be reissued with a new notification requirement.
- No. 12. Utility Line Backfill and Bedding. This permit would be reissued and include a definition of temporary fills which are allowed and a requirement to stabilize exposed soils.
- No. 13. Bank Stabilization. This permit would be reissued with a new allowance for anchored trees. Notification would be required for projects longer than 500'. Streambed or other material which can be eroded by normal flows would not be allowed.
- No. 14. Road Crossing. This permit would be reissued with a new notification requirement if wetlands are involved. The maximum allowed would change from the present 200 cubic yards to a limit of filling no more than 1/3 acre of the waterway.
- No. 18. Minor Discharges. This permit for small single complete projects would be reissued with a new notification requirement if wetlands are involved. Its limit would increase from the present 10 cubic yards to 25 cubic yards and a limit of 1/10 acre of waterway or wetland loss.
- No. 25. Structural Discharge. This permit for placement of concrete in tightly sealed forms would be reissued and expanded to also include discharges of sand and rock. Fill for housepads or building supports would not be allowed.

- No. 26. Headwaters and Isolated Waters Discharges. This permit for work in small streams or isolated waters would be reissued. The proposal includes leaving the 10-acre limit and the 1- to 10-acre notification requirement, but changes the measurement from acres of loss or substantial adverse modification to measurement of only acres of loss (filled area plus flooded or drained areas). However, the USACE is still considering several options to this permit: a 5-acre maximum with notification required for 1-5 acres of loss or a 5-acre maximum with notification required for 0.5-5 acres of loss.
- No. 27. Wetland Restoration Activities. This new permit would allow restoration of altered and degraded wetlands on certain private and federal lands.
- No. 30. Dewatering Construction Sites. This new permit would allow temporary cofferdams to dewater construction sites for up to 6 months. It would include restrictions on maintaining flows, minimizing flooding, and removal.
- No. 32. Temporary Construction and Access. This new permit would allow temporary structures and other fills necessary for construction activities or access fills. Notification and restoration would be required and the USACE would be able to add site-specific conditions.
- No. 36. Boat Ramps. This new permit would allow construction of boat ramps using concrete, rock,

crushed stone or gravel, or pre-cast concrete planks or slabs. The ramp must total less than 50 cubic yards and 20 feet in width. Fill in wetlands would not be allowed.

- No. 39. Agricultural Discharges. This new permit would allow placing fill into "farmed wetlands" for agricultural production with a number of restrictions.

The present nationwide permits have 14 special conditions which must be met and 8 management practices which should be followed. These conditions and management practices are proposed to be combined into 13 general conditions and 9 404-only conditions. Two new conditions would be added to address erosion and siltation controls and notification requirements.

COLORADO NATURAL HAZARDS MITIGATION COUNCIL

-- *Bob Kistner, Executive Secretary*

Over the past decade, we have seen that natural hazards can cause significant physical and sizeable financial impacts. Flooding in western Colorado, earthflows in the Rocky Mountains, wildfires along the Front Range, and drought in the High Plains have resulted in unexpected costs to state and local governments. These natural hazards have caused the degradation of the state's health, safety, environment, infrastructure, and economy. However, opportunities exist to manage these natural hazards through implementation of mitigation measures.

On March 23, 1989, Governor Romer signed an executive order establishing the

Colorado Natural Hazards Mitigation Council. The Council's goal is to manage the mitigation of natural hazards such as floods, wildfires, earthquakes, drought, avalanches, and landslides. It will assess vulnerabilities to these situations; evaluate and prioritize mitigation options; seek funding for the most immediate needs; and coordinate all levels of government and the private sector in effective responses to such hazards.

The Council Chairman is David J. Thomas, Executive Director, Colorado Department of Public Safety. The Executive Secretary is Robert L. Kistner, Colorado Division of Disaster Emergency Services (DODES). Organizations or groups have been appointed by the Governor to fill the official and ex-officio positions. All members will serve for a term of two years with reappointment at the pleasure of the Governor.

During June 1991, Dave Thomas, Chairman, formed the Steering Committee and nominated 12 people to serve on the committee. The Steering Committee will provide recommendations for action to the Chairman and Executive Secretary.

The Council will meet twice a year and focus on the political issues of immediate interest. The spring 1991 meeting was conducted on May 21, 1991 at the Grand Junction Hilton. The fall meeting, November 7-8 in Golden, will focus on legislative and budget issues. The Council will prioritize, advocate, and implement mitigation measures based on a variety of federal, state, and local funding mechanisms.

Council Responsibilities

The responsibilities assigned to the Council include:

- Identification of the vulnerability to various natural hazards and evaluation of the options available to mitigate such risks;
- Review of current mitigation plans for hazards such as wildfires, droughts, and avalanches;
- Development of a unified management strategy with recommendations concerning state, federal, or local mitigation responsibilities;
- Prioritization of hazards statewide;
- Assistance to local government in seeking funding to implement hazard mitigation recommendations;
- Meetings at the call of the chairman, but no less frequently than once a year;
- Preparation of an annual work program and status report covering progress achieved and periodic updates to the Governor and the state legislature; and
- Information to local governments and the general public on the activities and recommendations of the Council.

Technical Committees

The Council will be supported by five technical committees. They include:

- Mitigation Plans Committee to provide technical assistance on current hazard mitigation plans;
- Project Development Committee to develop the management strategy with federal, state, and local responsibilities;
- Report Committee to prepare annual work plans and status reports for the Governor and legislature;
- Funding Committee to assist local governments seeking funding to

- implement recommendations; and Public Information Committee to inform local citizens and the public on activities and recommendations of the Council.

As the first of its kind in the country, the Council presents a great opportunity to identify and solve potential hazards prior to major disasters.

CASFM Participation

The Council is an excellent vehicle for the CASFM to facilitate and fund many of the studies, projects, training sessions, and other items of interest to its membership. I seek the support of my fellow colleagues of CASFM in serving as members of the Flood Hazard Mitigation Plans Committee. Your support on this committee will assist in completion of many of the action items identified in the 1985 Colorado Flood Hazard Mitigation Plan. CASFM members may also identify other projects throughout Colorado that require attention. If you are willing to serve, please contact Bob Kistner at (303) 273-1779.

ASFPM FLOODPLAIN MANAGEMENT RESOURCE CENTER

The Association of State Floodplain Managers (ASFPM) has established a Floodplain Management Resource Center (FRC) at the Natural Hazards Research and Applications Information Center (NHRAIC) at the University of Colorado in Boulder. The FRC is both a library and referral service for floodplain management publications. The FRC collects floodplain management publications from around the nation. Those that meet

selection criteria are placed in the FRC's library and document summaries are entered into a computer data base. By using keywords, FRC staff can easily and quickly search through the data base for publications that best meet a user's needs.

To date, the FRC contains over 425 documents. Nearly half are specifically related to floodproofing and flood protection planning. Other topics include arid west issues, stormwater management, and floodplain management guidance documents for local officials. The FRC continues to collect and summarize documents related to these topics in addition to addressing new areas of interest.

Individuals searching for information on a specific topic can call the FRC at (303) 492-6818, M-F, 9:00 a.m. - 4:00 p.m. A NHRAIC staff member will review the data base and inform the caller of the publications that fit their needs and how they may be obtained.

There is no charge for using the FRC. The FRC is financed by the ASFPM, U.S. Army Corps of Engineers, Federal Insurance Administration, Tennessee Valley Authority, Environmental Protection Agency, Eveready Flood Control, and Illinois Association for Floodplain and Stormwater Management.

If you have any documents that may be appropriate for inclusion in the FRC, please send this information to:

Clancy Philipsborn
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Corporation
Box 382
Boulder, CO 80306
(303) 494-4242

WORKSHOP AND CONFERENCE PLANNING COMMITTEE FORMED

As a result of discussions at the CASFM Second Annual Meeting, a Workshop and Conference Planning Committee has been formed. This group will help plan and organize upcoming workshops and next year's annual conference.

The first meeting of this committee was held July 12. Two one-day workshops have been scheduled. They will be held in Pueblo on August 22 and in Ft. Collins on August 23. Topics will include LOMRs (Letter of Map Revision) and U.S. Army Corps of Engineers 404 Permits. Registration information and a final agenda will be provided in an upcoming flyer.

Initial discussions were also held concerning next year's annual conference. The conference is tentatively scheduled for June 17-19, 1992. Proposed locations include Telluride, Ouray, Durango, and

Glenwood Springs. Nancy Love will serve as Program Chair and Mark Glidden as Exhibits Chair.

If you are interested in assisting with CASFM planning activities, please contact Nancy Love at (303) 440-3439.

CALIFORNIA FLOODPLAIN MANAGEMENT ASSOCIATION EXTENDS INVITATION

The California Floodplain Management Association has voted to treat all members of the ASFPM, ASFPM Chapters, and colleagues in organizations formed for the principal purpose of improving floodplain management the same as their own members with respect to fees associated with meetings and conferences.

This is primarily for the convenience of members of the Arizona Floodplain Management Association who might find it convenient to attend a meeting in California, but it has been extended to CASFM members as well.

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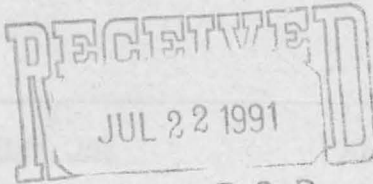
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CALENDAR

- August 5-16:** Construction Management Practices for Water Resources Facilities, Denver, Colorado. Contact American Water Foundation, 1616 17th St., Denver, CO 80202, (303) 628-5516.
- September 9-20:** Irrigation Water Quality Management, Denver, Colorado. Contact American Water Foundation, 1616 17th St., Denver, CO 80202, (303) 628-5516.
- September 16-20:** Water Quality Management, Hydrologic Engineering Center. Contact Commander, U.S. Army Engineer Division, Huntsville, Attn: CEHND-TD/Betty Pruitt, Registrar, P.O. 1600, Huntsville, AL 35807.
- September 23-27:** Flood Plain Hydrology Using HEC-1, Tempe, Arizona. Contact Center for Professional Development, College of Engineering & Applied Sciences, Arizona State University, Tempe, AZ 85287-7506.
- October 21-25:** Unsteady Flow Modeling Using DAMBRK/88 & DWOPER, Tempe, Arizona. Contact Center for Professional Development, College of Engineering and Applied Sciences, Arizona State University, Tempe, AZ 85287-7506.
- October 28-November 8:** Operation, Maintenance, & Management of Irrigation & Drainage Projects, Denver, Colorado. Contact American Water Foundation, 1616 17th St., Denver, CO 80202, (303) 628-5516.

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