

acknowledged the community's initial work, while concurrently providing an incentive, through the removal of probation, to complete the remediation plan. Since 2007, the county has made great strides and shown good faith in implementing a sound floodplain management program. One important first step was the county hiring a full-time floodplain administrator. As part of the remediation plan, the community has demolished several structures, manufactured homes have been elevated or moved out of the floodplain, and regulatory floodways have been cleared of debris and refuse.

On January 4, 2008, Alexander County was reinstated in the NFIP in good standing for successfully demonstrating remedial actions to correct a sample of their floodplain violations and fully corrected their administrative deficiencies. Terry Reuss Fell, Chief, Floodplain Management and Insurance Branch in FEMA's Region V Office said, "We are really pleased that the County has corrected their prior administrative deficiencies and has really solid floodplain management review procedures in place."

[Return to Table of Contents](#)

FEMA Library Resources

FEMA recently posted several fact sheets in the FEMA Library regarding the different grant programs available that may be of interest to floodplain managers. A few of the most important ones are:

- ◇ FY 2008 RFC Guidance
- ◇ FY 2008 FMA Guidance
- ◇ SRL Pilot Program Guidance
- ◇ FMA Fact Sheet
- ◇ HMGP Fact Sheet

You can find the documents by searching the FEMA Library either by keywords or by category. You can find the FEMA Library online at: <http://www.fema.gov/library/index.jsp>.

[Return to Table of Contents](#)



Submit your own items or suggestions for future topics to column editor Rebecca Quinn, CFM, at rcquinn@earthlink.net. Comments welcomed!

Here's Something You Might Find Interesting . . .

Have you ever had to issue a permit for a building that is positioned to be in more than one flood zone? This could happen if the building straddles the line between the AE Zone and the VE Zone, if it straddles the line between the floodway and the flood fringe, or if it is partly in the SFHA and partly in the X Zone (shaded or unshaded). If you've run up against one of these situations, I'm curious about how you handled it. Here's what I think.

When looking into questions like this, I always start with the NFIP regulations at 44 CFR §60.3 (and definitions in §59.1). The regulations are silent on this specific issue – you won't find exact language that addresses a building in more than one zone.

But let's keep in mind that the regulations do more than give us the specifics. The regulations also contain a performance statement for how buildings should perform when exposed to flooding (look at §60.3(a)(3), copied below). What this suggests is that without specifics, we have to interpret how to make sure that a building in more than one zone will perform as expected. It seems to me that gives us a pretty clear answer – the building has to meet the more restrictive requirements in order to perform adequately. But we should do a bit more research.

The Elevation Certificate anticipates this situation; it requires users to complete Item B8 with “Flood Zone(s)” and Item B9 with “Base Flood Elevation(s).” The instruction for Item B9 is very specific that all appropriate BFEs are to be listed “[i]f the building is located in more than one flood zone”. Elevation Certificates are used by insurance agents to issue flood insurance policies. Why collect data on multiple zones if it isn't used? This tells me that I probably should dig into the *Flood Insurance Manual*. Sometimes that's a daunting prospect; however, this time I quickly found the following in General Rules X Special Rating Situations:

“D. Buildings in More Than One Flood Zone. Buildings, not the land, located in more than one flood zone must be rated using the more hazardous zone. This condition applies even though the portion of the building located in the more hazardous zone may not be covered under the Standard Flood Insurance Policy, such as a deck.”

Okay, now we're getting somewhere. Now we know that if we want the permit applicant to get the best flood insurance rates, we need to require that the building comply with the requirements of “the more hazardous zone.” If it straddles the A/V line – it must comply with the V zone requirements. If it is part in the floodway, then a floodway analysis is required. And if it is part in the SFHA and part in Zone X, it must be built to SFHA requirements. This reinforces and is consistent with the interpretation we got from considering the performance statement in §60.3(a)(3).

And then I remembered that there's a clear answer in the *International Building Code* and the *International Residential Code*. Most states base their codes on these model codes – which means you probably have flood provisions in both the building code and your floodplain management ordinance. Sure enough, the answer quickly becomes clear:

- **IBC 1612.1 (reads in part):** For buildings that are located in more than one flood hazard area, the provisions associated with the most restrictive flood hazard area shall apply.
- **IRC 324.1** Buildings and structures constructed in whole or in part in flood hazard areas (including A or V Zones) as established in Table R301.2(1) shall be designed and constructed in accordance with the provisions contained in this section. **Exception:** Buildings and structures located in whole or in part in identified floodways shall be designed and constructed in accordance with ASCE 24. [and] **324.1.1** As an alternative to the requirements in Section R324.3 for buildings and structures located in whole or in part in coastal high hazard areas (V Zones), ASCE 24 is permitted subject to the limitations of this code and the limitations therein.

Normally, when researching questions and interpretations, the next step I'd take would be to check FEMA's guidance documents, of which there are many (and I'm sure everyone will agree that having them in searchable electronic format makes it easier to do our jobs!). Between the NFIP Technical Bulletins, several reference manuals, and many documents that address specific issues, there is plenty of material.

While there is no single compilation of FEMA interpretations, FEMA 480 does address many, but not all, of the questions that people ask me, making it a valuable resource. However, for the question about multiple zones, I did several word searches and didn't discover any specific guidance. Not surprising, given how many questions I still have to research despite quite a few years in this business!

A variation of the above situation is a large building proposed in an SFHA where the site is affected by more than one BFE (as opposed to more than one zone). This situation can easily occur in coastal areas where the BFEs change over a short distance. Or it could occur along riverine waterways where the topography is steep and the water surface elevations drop several feet in a short distance. I ran into this many years ago in Western Maryland, when a developer wanted to put a long, narrow building parallel to the stream, and the BFE at the downstream end of the site was 4 or 5 feet lower than the BFE at the upper end. He tried to convince me that the solution was to have a “stepped” building, with each stepped part above the BFE. I’d like to hear how you would handle this situation, and I’ll report on it in the next issue of *The Insider*. [RCQ]

§60.3(a)(3) Review all permit applications to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a flood-prone area, all new construction and substantial improvements shall (i) be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, (ii) be constructed with materials resistant to flood damage, (iii) be constructed by methods and practices that minimize flood damages, and (iv) be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

[Return to Table of Contents](#)

Washington Legislative Report

Meredith R. Inderfurth, Washington Liaison
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Busy Times on Capitol Hill

The atmosphere on Capitol Hill this month is energized. Seemingly every committee is holding hearings – on the budget for fiscal year '09 and on authorizing issues. The expectation of a shortened Congressional session due to the November elections is causing a normally busy legislative season to be even busier.

On the budget for FY '09, the House Budget Committee reported out a Budget Resolution on March 5th. A Senate Budget Resolution was reported out of committee on March 6th. For an orderly process of considering appropriations bills, the plan calls for a Budget Resolution to be in place, hopefully a version agreed upon by both the House and Senate. These resolutions do not become law. Budget ceilings (or 302B allocations) can then be derived from it for each appropriations subcommittee. Although this orderly process does not always occur, it does provide a useful framework for the budget process when it works. At times, House and Senate Appropriations subcommittee allocations have been based on separate House and Senate Budget Resolutions. The Appropriations Committees hold most of their hearings on federal department and agency budget requests in March and April, so that mark-ups of the appropriations bills can begin as soon after May 15th as possible. During the week of March 3rd, the various House Appropriations subcommittees held 26 hearings.