



COLORADO ASSOCIATION OF STORMWATER AND FLOODPLAIN MANAGERS

January 30, 2012

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CASFM comments regarding FEMA's proposed Analysis and Mapping Procedures for Non-Accredited Levees (Dec. 9, 2011 draft).

Submitted January 30, 2012

Thank you for the opportunity to review and comment on the December 9, 2011 "Analysis and Mapping Procedures for Non-Accredited Levees" (LAMP), "Proposed Approach for Public Review". The Colorado Association of Stormwater and Floodplain Managers (CASFM) have reviewed these proposed procedures, and would like to add our voice to the discussion. A number of our members represent cities or local governments that have levees in their areas, and are affected by levee compliance issues. It is our understanding that FEMA's objective was to create an approach that would be flexible, collaborative, and feasible. With that objective in mind we would like to provide the following general comments.

We found the proposed procedures and processes, in their current form, to be complicated and hard to understand. The conclusion was made that explaining this at a public meeting would be difficult. There was a general feeling among the CASFM membership that much of the dissatisfaction with the current process could be caused by the terminology. The 'without levee' scenario makes it difficult for people to understand that even though the levee physically exists, it is treated as though it provides no protection. While the consensus is the current system does not accurately communicate the risk, the proposed system does not communicate risk appropriately either.

We found the following parts of the proposed analysis and mapping procedures for non-accredited levees to be positive:

- The collaborative effort with community involvement could address a lot of issues. The formation of local levee working group has potential to solve a variety of problems through local stakeholder engagement.

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- The general idea of breaking levees into unique reaches for analysis and mapping was seen as positive, however more guidance is needed to ensure a consistent approach is applied on a case by case basis.
- Partial credit for meeting portions of 65.10 is good idea. The current method of providing full accreditation or non-accreditation does not seem reasonable or realistic.

We received several comments on the following parts of the proposed analysis were seen as negative:

- The process and procedure proposed were seen as complicated, both to explain and execute. The criteria for when to use which procedure is so broad, there is a concern that there may be an inconsistency in which process is selected for use in a given case. It also appears that the process would be lengthy and expensive, with the possibility that the zone could still be ultimately undetermined.
- The designation of Zone D was seen creating even more problems. Zone D does not allow for appeals, and letter of map changes and floodplain regulations do not apply. The undetermined insurance rates for Zone D would be, consequently, extremely high. So while insurance is not required, if an owner chooses to get insurance it is prohibitively expensive and may seem punitive to those wishing to mitigate flood risks on their property. The general consensus was that the risk communicated with Zone D was not accurate or productive. The question was asked if lenders and insurance agents could still require insurance.
- Additional guidelines were requested for geotechnical requirements for the Sound Reach. Requiring that geotechnical testing is done but not specifying to what extent makes it hard for communities and owners to budget and scope projects. We understand the guidance on the geotechnical requirements may be somewhat elusive since much of the cost for certification/re-certification reflects effort by the geotechnical engineers to ensure they are satisfied that the existing levee embankment will remain stable. This may vary depending on each geotechnical consultant's comfort level with the existing data and the need for additional data collection.

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- The cost of performing the new levee analysis procedures and the added technical requirements were a concern. It is unclear if those costs would be covered by FEMA, communities, or the owner. The proposed procedures have introduced a cost benefit component to the non-accredited levee process. Although the proposed procedure **may** more accurately reflect the risk behind the levee the determination comes at a significant cost of time and money. Whereas, the current with and without levee method is by comparison less costly and quicker. In the end, at least the without levee analysis provides a base flood elevation, an appealable SFHA, and eligibility for the LOMA process.

Based on the review and discussion CASFM offers the following suggestions:

- Create a new residual Risk Zone or Zones with regulations and insurance requirements – these could be applied widely to non-levee embankments as well.
- Use AO or AH designations with data created from the engineering analysis especially the breach and overtopping process. Even shaded Zone X is more accurate and utilitarian than Zone D.
- Provide guidance and information on the costs for certification/re-certification from those that have completed the work. This may be provided on a “per mile” basis since there may be an economy of scale issue for this effort. Also, it should be noted that this information will likely not include the costs associated with structural improvements should those become necessary to certify the structure. This data, combined with the guidance information, should be available and provide insight to those communities/levee owners that are faced with the costs to complete the certification efforts.
- Provide guidelines for flood hazard mapping; how do lines between reaches get mapped, and what happens if a line splits a structure? Current mapping specifications do not have zone breaks for Zone D areas, typically panel boundaries or corporate limits are the boundary. That could create concerns for areas adjacent to the Zone D but not affected by riverine flooding.

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The proposed approach provides no incentive for a local jurisdiction to seek or conduct re-mapping under the new policy since it preserves the same heightened insurance rates for the homeowners whether the map shows Zone A, AE, or D. This is clearly not the intended proposed consequence of the draft Analysis and Mapping Procedures for Non-Accredited Levees.

CASFM recognizes that levees present a complex series of challenges for floodplain management, risk management, and public risk communication. CASFM has a diverse group of members with a wide range of professional experience on this topic. Our membership has expressed a willingness to partner with FEMA on this issue, and stand ready to help.

Please contact CASFM Chair David Bennetts at 303-455-6277 with any additional questions.

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