

FEMA FLOODPLAIN MAP MODERNIZATION PROJECT  
UPDATE FOR MONTGOMERY COUNTY, TEXAS  
September 2009

EXECUTIVE SUMMARY:

The Federal Emergency Management Agency (FEMA) has undertaken a program to update flood risk identification throughout the United States. The nationwide program will include updating Montgomery County Flood Insurance Rate Maps. FEMA issued preliminary maps that reflect changes to the current Montgomery County maps showing areas within the revised floodplain on September 23, 2008.

On May 27, 2009, FEMA provided public notice of the proposed modifications to the flood maps which began a 90-day formal review and public comment period. Information on the new maps was posted on the Montgomery County Government website which included a link to the county floodplain maps. Individuals could file protests regarding the revised maps with the County by August 21, if they believed the proposed changes were in error. Montgomery County gathered, and forwarded to FEMA, over 100 individual comments received from the public during the comment period.

Information on the proposed new maps is posted on the Montgomery County Government website (<http://www.co.montgomery.tx.us>) including a link to the 46 DFIRM Map Panels showing all proposed map changes in the county (<http://www.mctx.org/info/flood.shtml>).

The Woodlands Joint Powers Agency (WJPA) reviewed the proposed FEMA maps and prepared appeal comments regarding inaccuracies they found on the maps on behalf of the Municipal Utility District's (MUDs) that serve The Woodlands. The WJPA comments were provided to Montgomery County and formally submitted to FEMA. See WJPA's website at <http://www.wjpa.net> for additional information.

FEMA will review all comments submitted by Montgomery County and will inform the county or other interested parties by letter if appeals and/or protests are denied and provide an explanation for the denial.

## BACKGROUND:

The Federal Emergency Management Agency (FEMA) has undertaken a nationwide Map Modernization initiative to update flood risk identification throughout the United States using advanced technology, and partnerships with communities, including Montgomery County. Map Modernization responds to National Flood Insurance Program (NFIP) requirements and feedback provided by federal, state, and local program stakeholders.

Locally, the FEMA modernization effort entails updating all Montgomery County flood insurance rate maps. The result of the modernization effort will be Digital Flood Insurance Rate Maps (DFIRMs) for the county. As is the case with all Flood Insurance Rate Maps, the DFIRMS will be used to calculate the cost of insurance premiums, to establish flood risk zones and base flood elevations to mitigate against potential future flood damages to properties. Insurable buildings located in high-risk areas, called Special Flood Hazard Areas, are required to purchase flood insurance.

A result of the FEMA effort to update the maps in Montgomery County was issuance of preliminary Digital Flood Insurance Rate Maps on September 23, 2008. The proposed floodplain maps reflect changes to the current effective FEMA floodplain maps and show the areas within the county that are projected to be in the floodplain. The preliminary DFIRMS will not reflect the official county floodplain boundaries until they have been subjected to public comment and FEMA response (see below for additional information).

On May 27, 2009 the Federal Emergency Management Agency published a public notice of the proposed modifications to the Flood Insurance Rate Maps for Montgomery County that began a 90-day formal review and comment period on the DFIRMs. Information on the proposed new maps was posted on the Montgomery County Government website including a link to the 46 DFIRM Map Panels showing all proposed map changes in the county. Seven of the DFIRM Map Panels pertain to lands within The Woodlands, including Map Panels – 510, 515, 520, 530, 535, 540 and 680.

During the 90-day public comment period on the proposed DFIRMs, any owner of property within Montgomery County where a proposed Base Flood Elevation (BFE) determination was made could file a written "appeal" or "protest" with the Montgomery County Engineer's Office no later than the close of business on August 21, 2009, if they believed the proposed determination was in error.

The Montgomery County Engineer's Office forwarded all DFIRM appeals and protests received from the public to FEMA's Regional Office in Denton, Texas within the regulatory 90-day appeal period. FEMA will send acknowledgement letters indicating receipt of appeals and/or protests they received to Montgomery County with a copy to the each appellant.

(NOTE: Submitting an "appeal" to FEMA required data proving that the proposed Base Flood Elevations are scientifically or technically incorrect. Depending upon the type of information being challenged, "protests" required similar documentation.)

## HOW APPEALS AND PROTESTS WILL BE ADDRESSED BY FEMA:

If Montgomery County officials, property owners, or other appellants were unable to obtain and submit the appropriate support data within the 90-day appeal period, they may pursue a formal map revision after the map has become effective.

The procedures to be followed by FEMA in handling the filed appeals and protests are as follows:

- \* When FEMA has received the formal objections from Montgomery County, FEMA will send letters to county officials acknowledging receipt of the appeals and/or protests.
- \* FEMA also will send copies of the acknowledgment letters to all appellants unless the number of appellants is so great that to do so is not practical. In such cases, Montgomery County will be responsible for informing appellants that FEMA has received the appeals or protests.
- \* FEMA will review all appeals and protests and the support data submitted with them.
- \* If any questions or problems arise, FEMA will work with Montgomery County officials or the appellants to resolve them.
- \* If needed, FEMA will request any additional support data through a letter to Montgomery County or appellants. FEMA will allow approximately 30 days for submittal of the required data.
- \* Data submitted within the 30-day period will be considered in resolving the objections.
- \* If the data is not provided within the 30-day period, FEMA will resolve the appeals or protests using the data originally submitted.
- \* If appeals and/or protests are adequately supported, FEMA will revise the base flood elevations, floodplain boundaries, regulatory floodway boundaries, and any other information affected by the objections. If appropriate, FEMA will revise the affected map panels and/or FIS report materials.
- \* FEMA will send letters explaining the resolution of the appeals and/or protests to the Montgomery County officials along with copies of the revised Map Panels and FIS report materials, if appropriate. The revised Map Panels and FIS report materials will be stamped as "Revised."
- \* Montgomery County will be given a 30-day period to review and submit comments on the resolution.
- \* FEMA will inform Montgomery County or other interested parties by letter if appeals and/or protests are denied and provide an explanation for the denial.
- \* At the end of the 30-day review period, FEMA will review and address all comments on the appeal and/or protest resolutions. FEMA will contact Montgomery County if additional coordination is necessary.

At the end of the above process, FEMA will continue processing the digital maps and FIS reports as discussed in the following -

## HOW THE MAPS AND REPORTS BECOME FINAL AND EFFECTIVE:

- \* After the 90-day appeal period has ended and all objections have been addressed, FEMA will make the proposed base flood elevations final by publishing a legal notice, called a "Final Rule," in the FEDERAL REGISTER and issue Letters of Final Determination, or LFDs, to Montgomery County officials.
- \* The LFD will inform officials that Montgomery County is being given a period of time to enact new or modified floodplain management ordinances required for participation in the NFIP.
- \* During this six-month "adoption/compliance period," FEMA prepares the digital maps and FIS reports in final form, and coordinates with the U.S. Government Printing Office to have them printed and distributed.
- \* At the end of the adoption/compliance period, the new digital maps and FIS reports will become effective.

## HOW TO APPEAL THE FINAL MAP DETERMINATION MADE BY FEMA:

Under the provisions of Section 67.12 of the NFIP regulations, an appellant who is aggrieved by the final determination by FEMA may, within 60 days of receipt of the LFD, appeal the final determination to the U.S. District Court for the district in which The Woodlands is located. While the appeal is being reviewed by the U.S. District Court, the final determination by FEMA will be effective, unless it is stayed by the Court for good cause shown.

## PROTECTING YOURSELF WITH FLOOD INSURANCE:

Since standard homeowners insurance doesn't cover flooding, it can be important to have protection from floods associated with hurricanes, tropical storms, heavy rains and other high water conditions that can impact Montgomery County and The Woodlands.

Congress created the National Flood Insurance Program (NFIP) to help provide a means for property owners to financially protect themselves. The NFIP offers flood insurance to homeowners, renters, and business owners if their community participates in the NFIP as Montgomery County does.

The National Flood Insurance Program is administered by the Federal Emergency Management Agency and is a federal program, offering flood insurance, which can be purchased through many property and casualty insurance agents. Rates are set and do not differ from company to company or agent to agent. The rates depend on many factors, which include the date and type of construction of a structure, along with a building's level of risk.

It is important to know that if a Flood Insurance policy is obtained before a new DFIRM becomes effective, policyholders can potentially retain (grandfather) the lower rate associated with the previous map's flood zone and BFE, as long as continuous coverage has been maintained. For structures built after a DFIRM was approved, insurance costs

will be based on the zone designation and BFE for the map in effect at the time the structure was built (unless the new map offers a lower rate).

FEMA provides information on saving on Flood Insurance at <http://www.fema.gov/library/viewRecord.do?id=2845> by clicking the English Language Resource File (pdf 85K). FEMA's NFIP's grandfathering rules for flood insurance can be found at this site.