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GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
LANSING



STEVEN E. CHESTER  
DIRECTOR

2006

FEMA NFIP

Map Modernization Map Adoption

Website Information Letter

Dear Sir/Madam:

SUBJECT: Federal Emergency Management Agency's (FEMA's) Floodplain Map Adoption

Your county floodplain managers have been participating in the FEMA's National Flood Insurance Program (NFIP) Map Modernization initiative for Michigan to produce a new county-wide Flood Insurance Study (FIS) and the accompanying Flood Insurance Rate Maps (FIRMs). Any community in your county that is currently participating in the NFIP, or is not and is now identified as having flood hazard prone areas in the FIS and on the new FIRMs, must officially adopt the county-wide FIS and the accompanying FIRMs. Such official action by the community is the most critical community action that FEMA requires of all communities having flood hazard prone areas.

Communities that do not have flood hazard prone areas identified by the county-wide FIS and shown on the FIRMs are not required to go through the map adoption process. However, all communities have the option to join and participate in the NFIP. Joining and adopting the new FIS and FIRMs benefits citizens by making national flood insurance available at much lower premium rates. History has shown that many actual flood events throughout the country have caused large amounts of flood damage to structures and contents that are located outside of the one percent chance annual flood hazard areas. It is important to remember that homeowner insurance policies do not cover flood damages.

This letter and the enclosed model documents have been prepared to simplify and assist all communities through the FEMA flood map adoption process.

The new FEMA county-wide FIS and FIRMs created for your county are the FEMA's base maps used for the management of floodplain development throughout the county by communities participating in the NFIP. They represent the base from which any community within the county is obligated to regulate floodplain development under the NFIP. A community's future acceptance into or continued participation in the NFIP requires the official adoption of the effective FEMA county-wide FIS and the accompanying FIRMs applicable to the area within the community's political boundaries.

Past map adoption was accomplished by using community resolutions referencing the use of the effective FIS and flood hazard maps. The Michigan Department of Attorney General (DAG) reviewed the historical resolution formats for map adoption and found that the resolution format, by itself, is not an appropriate format for official adoption of maps that are used to base the regulation of floodplain development upon, under the NFIP. The appropriate method for the adoption of legally enforceable floodplain regulatory maps is the development and adoption of an ordinance which specifically references the current effective FIS and FIRMs.

Community CEO \_\_\_\_\_

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The enclosed model resolution formats and model ordinance format have been prepared with assistance from the DAG. They are considered appropriate for use by a community to comply with the NFIP participation and map adoption requirements. The resolutions provide program description and community commitments to the management of floodplain development within its community political boundaries. The model resolution "A" format is for a community that, by ordinance, has taken on the responsibility of administering, applying, and enforcing the state construction code act and the state construction code. The model resolution "B" format is for a community that arranges for the same to be administered by another community. The model map adoption ordinance can be used for both act and code administration situations.

The model map adoption ordinance format is tailored after the sample ordinance found in the 2003 state construction code. The sample has been modified to include reference to the effective FIS and FIRMs and the application of Appendix G of the Michigan Building Code for floodplain construction requirements. Communities that are currently administering the construction code act and state construction code within their jurisdiction should already have adopted an ordinance to do so. An amendment to that ordinance would be appropriate to adopt the new FIS and FIRMs and Appendix G. The enclosed model ordinance can be used as a model for amending an existing state building code ordinance. It also contains a clause that repeals all ordinances that are inconsistent with the provisions of the model ordinance. This clause may or may not be needed by a community. **It is strongly suggested that each community have its legal counsel review the model resolutions and ordinance for their applicability to the community's particular needs.**

Michigan communities are faced with a unique situation relative to floodplain management regulations. The state construction code authorized by the Stille-Derossett-Hale Single State Construction Code Act, 1972 PA 230, as amended, contains floodplain management regulations applicable to all floodplain development. This regulation is compliant with the minimum NFIP criteria. Since the state construction code is administered in all communities throughout the state, a community is considered, by default, to have an applicable floodplain regulatory base from which all floodplain development is regulated. **The model documents are based upon this premise, and their use records the community's use of the state construction code, resulting in compliance with the NFIP criteria.** A community's use of the model documents will satisfy the FEMA's required map adoption process and can result in a timely process to avoid the FEMA sanctions for missing federally required map adoption deadlines.

Community floodplain management programs have used, over the years, various individually crafted floodplain regulation formats (zoning ordinances, subdivision regulations, health regulations, special purpose ordinances, and other applications of police power) in lieu of, or in addition to an ordinance adopting the state construction code act for its management of floodplain development.

If your community chooses to use a floodplain regulation format other than the enclosed model resolutions and ordinance, a thorough, time-consuming review of those regulations by the community is required to ensure that they are compliant with the state construction code floodplain regulations, Appendix G, and the minimum NFIP criteria contained within the 44 CFR, Section 60.3. A FEMA checklist is available to assist the community with such a review. The completed checklist needs to be included as part of the community's map adoption documentation package submitted for state review and forwarding to the FEMA.

Community CEO \_\_\_\_\_

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It is hoped that your community will find the model documents available on CD or from the MDEQ website helpful in your efforts to comply with the FEMA's official flood map adoption process. The templates are protected, therefore you should work with a copy to maintain the original formats. We have included detailed instructions with the disk. The templates are available for downloading from the Michigan Department of Environmental Quality Web site [www.michigan.gov/deg](http://www.michigan.gov/deg) under "Water", "Water Management", "Floodplain Management/National Flood Insurance", "information", and then "NFIP Map Modernization Map Adoption" ([http://michigan.gov/deg/0,1607,7-135-3313\\_3684\\_3725---,00.html](http://michigan.gov/deg/0,1607,7-135-3313_3684_3725---,00.html)).

The FEMA requires communities to submit their map adoption documentation to the state for an audit review for completeness and compliance with the minimum NFIP criteria before forwarding to the FEMA. **We request that your community submit your flood map adoption documents to our office at least 45 days prior to the final adoption date indicated by the FEMA.**

Any community failing to meet the FEMA map adoption deadline will face immediate suspension or sanctions from the NFIP. Being suspended or sanctioned from the NFIP means that persons will not be able to obtain federally backed loans for residential or commercial development, because flood insurance through the NFIP will not be available to them. Federal regulations require flood insurance on all structures located in the one percent annual chance floodplain (100-year floodplain). **It is very important for your community to meet the state submittal dates in order to facilitate a timely submittal to the FEMA prior to the final adoption deadline date.** That final deadline date will be provided to you by the FEMA in its "Letter of Final Determination" to you after the 90-day map appeal period.

Feel free to contact me by telephone at 517-335-3448, by e-mail at THOMASL@michigan.gov, or by mail, with any questions, discussion, or guidance that your community may need with this process. Please submit your final map adoption documentation materials to this office, Attention Les Thomas. I extend my offer to review your documents in draft form as you get them developed for final action by your community. **I have done this with other communities and it has saved some communities from having to make changes in final adopted documents due to errors.** Your finalized documents need to be submitted this office, to my attention for a final state review and then forwarding onto FEMA with recommendation to accept.

Sincerely,

Les Thomas, NFIP Coordinator  
Land and Water Management Division  
517-335-3448

Enclosures