

NFIP CRS Compliance Team- Response Plan

10-30-2020

Background and Objective:

On Sept 18th, 2020 the City received a letter from FEMA stating “the city is no longer considered to be fully compliant with minimum development and participation standards of the NFIP”. This letter laid out what FEMA termed “Administrative Deficiencies Requiring Action” that have led to our city being non-compliant.

On Oct 21st, 2020 the City received another letter from FEMA stating “your community is no longer eligible to participate in Community Rating System” (CRS) and that effective April 1st, 2021 the current 10% floodplain insurance premium reduction will no longer be applied to policy holders in La Crosse.

The purpose of this memo is to define the steps being taken to bring the City back into compliance so we can again participate in the CRS.

Mayor’s August 24th Directive on Floodplain Duties:

In the past, duties of the floodplain management have shifted to various departments, with a combination of duties and titles shared between Building and Inspections (now CRM), Planning, and Engineering Departments. Centralizing these duties and the NFIP-CRS program, defining roles and responsibilities of departments, and having assigned staff is a critical step to eliminating “administrative deficiencies”.

The Mayor’s directive, effective September 24th, 2020 moved the floodplain regulatory review and compliance to CRM department, in consultation with the Utility Manager, with the Utility Manger now overseeing the Floodplain Committee Staffing. The CRM department has 4 certified Floodplain mangers on staff now and plans to add a permeant full-time Floodplain Manger in 2021, with new operating budget funding already secured by City Council in October.

Action Items:

- Create a plan that defines roles and responsibilities and assigns staff to specific duties.

Substantial Improvement Calculation:

We determined FEMA had not been provided all the permit info we had, specifically, when a determination was made that an improvement was not substantial. In the absence of documentation, FEMA assumed the improvements they observed in the field were not evaluated and damage calculation undone. This is not the case for many of these.

Action Items:

- CRM staff are assembling this missing documentation and will provide a response to FEMA.
- If documentation of substantial improvement calcs were not done, do them.
- If it is determined any are actual violation, remediation plans will be needed
 - Remediation plans for some of these older violations exist in whole or in part. CRM will dust off, update, or complete remediation plans where they can or provide a list of

address that have more detailed, in-depth remediation planning need for S E H to perform.

- A substantial completion calculation database is being developed
- CRM will consider ordinance changes to add additional development permitting requirements specific to the Floodplain, if it is determined this is needed to facilitate tracking and documenting Substantial Improvement calculations

Development Permit Requirements:

We determined FEMA had not been provided all the permit info we had, specifically, when a as-built information related to 1st floor elevation on non-permitted work or when a determination was made but the work was not a substantial improvement.

Action Items:

- CRM staff are assembling this missing documentation and will provide a response to FEMA. -
- If documentation of first floor elevation and BFE was not done, do them.
 - Provide list where survey is needed
 - Provide Survey

LOMA-F Community Acknowledgement Form:

We determined it takes engineering knowledge and judgment to review and document most projects requiring a fill permit and/or elevation certificate. This was not always available to the Floodplain Manager before signing the community acknowledgment forms, so this effort needs to happen now. The City Engineer does not have staff available to do this review so a proposal from S E H to review and provide the engineering justification and documentation to FEMA was obtained (see attached) and funding is being sought. If the S E H review determines these are actual violations, they will also develop a remediation plan for each violation.

Action Items:

- Provide S E H all LOMA -F permit applications and elevation certificates in question and the supporting documentation for review
- Develop a contract and funding source to hire S E H to do future reviews
- Perform review and provide the engineering justification and documentation for concurrence or remediation plan for violations
- Hire or train and assign an engineer with these skills to the Floodplain Compliance Team

Variances:

There isn't a lot that can be done if BOZA chooses to approve a variance against the wishes of staff and in violation of the minimum development and participation standards of the NFIP. Our goal will be to educate the Committee prior to and during meetings related to floodplain variances, as well as provide

clear and direct recommendations from City Staff. We will also solicit and provide the Committee the opinion and recommendation of State floodplain staff as well.

Action Items:

- Provide Training opportunities to Floodplain Committee and BOZA
 - We had good attendance of our BOZA and Floodplain Committee member to the WDNR floodplain 101 training and will continue to provide training opportunities in house and externally -
- Create a Variance Recommendation Memo with any variance before the board related to Floodplain. The memo will contain clear determination and rational on if and why the request might be a violation of any NFIP-CRS provision and possible remedies.
- Provide WDNR Floodplain Staff pertinent information on pending variance requests and seek a written opinion. Seek attendance at meeting as necessary.
- Provide written opinion from State Floodplain Staff and attend BOZA to present opinion as requested by City Staff

Violations of Minimum NFIP Development Standards requiring action:

David was involved in the past and is reviewing the old violation and proposed, why they were not completed, and what might be the needed. I will work with him, thru the Floodplain committee, to implement these remedial actions. It may involve hire outside consulting help