

TESTIMONY OF

Aaron Carranza, Division Director, Regulatory Division

Chairman Longmuir, and members of the House Political Subdivisions Committee, I am Aaron Carranza the Regulatory Division Director of the Department of Water Resources. I'm here today to provide testimony in support of SB 2060.

The State of North Dakota is a participating community in Federal Emergency Management Agency (FEMA)'s National Flood Insurance Program (NFIP). One benefit of this participation has been enabling North Dakota to be one of 16 states to have a federally approved Enhanced State Mitigation Plan, unlocking an additional 5% of federal disaster assistance to be used in the Department of Emergency Services-managed Hazard Mitigation Grant Program. As a result, N.D.C.C. § 61-16.2-12 currently requires all state property and structures to be subject to floodplain management requirements under N.D.C.C. ch. 61-16.2 and the NFIP.

During a recent Federal audit of the State's participation in the NFIP, it was identified that North Dakota does not currently track such activities. In order for the state to remain an NFIP community in good standing, the Department has proposed a requirement for all state agencies to provide notice to the Department when state property or structures are constructed or modified within the NFIP's identified floodplains.

This new notice to the Department will allow for tracking and provide an opportunity for the Department to engage and provide assistance to state agencies with any questions regarding proper design and construction considerations specific to the NFIP. The Department has developed the attached guidance document that articulates the current permitting requirements for state agencies constructing in the floodplain, including where to locate floodplain related information from FEMA. The Department intends to update this document if this bill passes.

Thank you for the opportunity to testify, and I'm happy to answer any questions.

STATE AGENCY DEVELOPMENT IN THE FLOODPLAIN



Contact DWR and the
State's NFIP Coordinator
with Questions.



Tyler Spomer, CFM
*National Flood Insurance
Program Coordinator*

tlspomer@nd.gov
(701) 328-2452



 1200 Memorial Hwy
Bismarck, ND 58504

 701.328.2750

 DWR@ND.Gov

 www.DWR.nd.gov

STATE AGENCY COMPLIANCE

In order to ensure the State of North Dakota is eligible to receive the maximum amount of federal disaster assistance following a federal disaster declaration, all state agencies must comply with North Dakota Century Code (N.D.C.C.) § 61-16.2-12 which requires state agencies to follow state and federal minimum requirements when developing or constructing structures on state-owned property located within a special flood hazard area.

BACKGROUND



The Department of Water Resources (DWR) Regulatory Division is responsible for the coordination of the National Flood Insurance Program in North Dakota.

The DWR assists participating communities, including political subdivisions and the state, with oversight and compliance activities in areas of identified flood risk that are governed by N.D.C.C. and NFIP minimum requirements. Compliance is required for eligibility of federal dollars.

DETERMINING PERMITTING REQUIREMENTS FOR STATE AGENCIES



If a project meets the definitions of the following scenarios, (man-made change on state-owned property not within a participating community), follow the flowchart to determine permitting requirements.



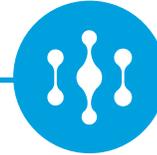
MAN-MADE CHANGE

The project is a man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.



STATE OWNED PROPERTY

The project impacts state owned property, or a structure on state owned property.



COMMUNITY STATUS BOOK

The project is not within a participating community per the Community Status Book.

Is the project location in a special flood hazard area as identified on the FEMA Flood Insurance Rate Map located at <https://msc.fema.gov/portal/home>?

NO

Follow all local permitting requirements

YES

Does local zoning/permitting authority participate in the NFIP?

YES

Follow Community Floodplain Development Permitting Process. The entity responsible for the project shall follow all community permitting requirements.

NO

The entity responsible for the project must comply with [44 CFR 60.3](#) and [ND Century Code ch. 61-16.2](#), including Floodway Review and No Rise Requirements. Agency must track compliance.

NDRAM

KNOW THE RISK

Check out your flood risk through DWR's Risk Assessment Mapservice at ndram.dwr.nd.gov



High Risk
Zone AE/A on FIRM



Moderate Risk
Shaded Zone X



Low Risk
Unshaded Zone X



SPECIAL FLOOD HAZARD AREA

The Special Flood Hazard Area (SFHA) is the land in the floodplain within a community subject to a 1 percent or greater chance of flooding in any given year as identified by FEMA. The area may be designated as Zone A on the Flood Hazard Boundary Map (FHBM) or Flood Insurance Rate Map (FIRM). After detailed ratemaking has been completed in preparation for publication of the flood insurance rate map, Zone A usually is refined into Zones A, AO, AH, A1-30, AE, A99, AR, AR/A1-30, AR/AE, AR/AO, AR/AH, AR/A, VO, or V1-30, VE, or V. For purposes of these regulations, the term "special flood hazard area" is synonymous in meaning with the phrase "area of special flood hazard". FEMA's official publication of identified SFHA is located at the Map Service Center at <https://msc.fema.gov/portal/home>

COMMUNITY STATUS BOOK

The Community Status Book is a listing of all participating communities in the NFIP. Development within the SFHA in a participating community is regulated per the requirements of the NFIP. The Community Status Book does not list those communities where an SFHA has been delineated but who are not participating in the NFIP.

For communities that don't participate in the NFIP, development within the SFHA is not regulated per the requirements of the NFIP unless otherwise required by N.D.C.C. § 61-16.2-12 mandates that all state property and structures on state property are subject to the requirements of the NFIP and N.D.C.C ch. 61-16.2.

The Community Status Book can be found at <https://www.fema.gov/cis/ND.pdf>

Contact the State NFIP Coordinator at 701-328-2452, or tlspomer@nd.gov for more information



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