

Agenda Item # 23a

Date 7/28/21

U.S. Department of Homeland Security
FEMA Region VII
11224 Holmes Road
Kansas City, MO 64131



FEMA

July 16, 2021

Mr. Bob Missel
Chairman, Board of Supervisors, Dodge County
435 N. Park
Fremont, NE 68025

Subject: Floodplain Management Ordinance Violations

Dear Mr. Missel:

The Department of Homeland Security's Federal Emergency Management Agency (FEMA) is responsible for administering the National Flood Insurance Program (NFIP). One of these responsibilities is ensuring the effectiveness of a community's implementation of its floodplain management regulations. As a participating community in the NFIP, Dodge County is responsible for verifying and correcting violations.

On May 5, 2021, the State of Nebraska's NFIP Coordinator, Katie Ringland, forwarded the enclosed violation to FEMA due to Dodge County's lack of communication and resolution of the floodplain management violation identified by the Nebraska Department of Natural Resources (NeDNR) Floodplain Management Section. Dodge County confirmed that development occurred within the floodway without a permit and in violation of the following sections of Dodge County's Floodplain Management Ordinance:

- Section 2.4 COMPLIANCE - requires development to fully comply with the ordinance
- Section 3.1 PERMIT REQUIRED - requires obtaining a permit prior to any floodplain development
- Section 7.2 STANDARDS FOR THE FLOODWAY OVERLAY DISTRICT- prohibits all development in the floodway unless certification by a registered professional engineer or architect is provided demonstrating that the development will not increase water surface elevations along the floodway profile during occurrence of the base flood discharge.

Dodge County has 15 business days from the date of this letter to submit to FEMA and the State a detailed compliance plan for resolving this violation. The compliance plan must explicitly state the actions Dodge County will take to bring the development into compliance and provide a reasonable timeline with milestones to document progress, along with contingency plans if milestones are not met. The plan must also include regularly scheduled meetings with FEMA

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and State partners to review progress. The compliance plan must be approved by FEMA prior to implementation.

There are several options to bring the violation into compliance, including but not limited to:

- submitting a complete engineering analysis that indicates the development caused no increase in water surface elevations,
- issuing a permit for modification of the development and providing a complete engineering analysis showing that the modified development will cause no increase in water surface elevations, or
- issuing a permit for complete removal of the development and post-development documentation showing the development has been removed and the floodplain restored to pre-development conditions.

If Dodge County does not submit a compliance plan within 15 business days of this letter or fails to implement the approved compliance plan, FEMA will take steps to place Dodge County on probation with the NFIP as outlined in Title 44 of the Code of Federal Regulations Part 59.24. Probation represents formal notification to the community that its floodplain management program is not compliant with NFIP requirements. During the probationary period, flood insurance coverage will remain available within Dodge County; however, a \$50 surcharge will be added to the premium of each new and renewed flood insurance policy for a period of at least one year from the effective date of the probation. If Dodge County fails to address the violation during the probationary period, FEMA will take steps to suspend Dodge County from the NFIP for failure to enforce its floodplain management regulations. Per federal law (42 U.S.C. §4106), when a community is suspended from the NFIP, Federal officers or agencies are prohibited from approving any financial assistance (such as a loan, grant, insurance, subsidy, or flood disaster assistance) for acquisition or construction purposes in an area of special flood hazard areas in the community.

FEMA and the NeDNR remain committed to assisting you in re-establishing an effective and successful floodplain management program to protect health, safety, and the welfare of your community. FEMA takes placing a community on probation seriously and with great reluctance. It is our hope that Dodge County will submit and successfully implement a compliance plan, making probation and suspension unnecessary. All submittals, related documentation, questions, or concerns should be sent to Emily Hatcher at Emily.Hatcher@fema.dhs.gov.

Sincerely,

CATHERINE R
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Catherine R. Sanders, Director
Mitigation Division

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CC: Jean Andrews, Floodplain Administrator, Dodge County
Katie Ringland, Nebraska State NFIP Coordinator, NeDNR
Erin Cobb, Branch Chief, Floodplain Management and Insurance, FEMA Region VII
Shandi Teltschik, Senior Floodplain Management Specialist, FEMA Region VII
Emily Hatcher, Floodplain Management Specialist, FEMA Region VII

Encl: Letters from NeDNR to Dodge County
NFIP Sanctioned Community Fact Sheet