



FLOODPLAINS AND TRIBAL COMMUNITIES – PAST, PRESENT, AND FUTURE

**Tuesday, September 8, 2009
10:30 AM to 4:30 PM**

as part of the

*Floodplain Management Association's
2009 Annual Conference*

Fairmont Hotel, San Jose

MATERIALS

Table of Contents

I. Agenda.....	1
II. Guidelines for Discussion	3
III. Federal Responsibilities for the NFIP.....	4
IV. California Dept. of Water Resources Floodplain Management Branch.....	6
V. Local Authorities and Responsibilities	8

I. Agenda

WORKSHOP OBJECTIVES:

1. To showcase Tribal expertise in managing floodplains and flooding.
2. To discuss critical issues and opportunities for Tribal communities to establish flood warning, response, and recovery plans and systems, and thereby protect floodplains and people.
3. To share information about funding resources, technical assistance programs, and trainings.
4. To identify next steps for advancing the needs and interests of Tribal communities.

#	TIME	ITEM	PRESENTER
-	10:00 AM	REGISTRATION	
1	10:30	<p>Opening Prayer</p> <p>Welcome and Recap of Last Year's Special Tribal Session</p> <p>Introductions, Agenda, and Guidelines for Discussion</p>	<p>TBD</p> <p>Iovanka Todt, Floodplain Management Association</p> <p>La Vonne Peck, La Jolla Band of Luiseño Indians</p> <p>Dorian Fougères, Center for Collaborative Policy, CSUS</p>
2	10:50	<p>Showcase: <i>Tribal Management of Floodplains and Flooding – La Jolla Band of Luiseño Indians</i></p> <ul style="list-style-type: none"> • Presentation • Questions, Concerns, and Discussion <ul style="list-style-type: none"> ○ <i>How have Tribes historically managed floodplains and flooding?</i> ○ <i>How are Tribes managing floodplains and flooding today?</i> ○ <i>From a Tribal perspective, what is critical for success?</i> 	<p>La Vonne Peck, La Jolla Band of Luiseño Indians</p> <p>Adam Geisler, Inter-Tribal Long-Term Recovery Foundation</p> <p>All Participants</p>
3	12:00 PM	<i>lunch</i>	
4	1:00	<p>Overview of Non-Tribal Floodplain Management in California: Authorities and Responsibilities</p> <ul style="list-style-type: none"> • Federal Agencies • State Agencies • Local Agencies • Questions of Clarification, Concerns, and Discussion 	<p>Kathy Schaefer, Federal Emergency Management Agency</p> <p>Ricardo Pineda, California Department of Water Resources</p> <p>Ken Leep, California Emergency Management Agency</p> <p>Iovanka Todt, FMA</p>

#	TIME	ITEM	PRESENTER
4	1:30	<p>State and Federal Funding Resources, Technical Assistance Programs and Materials, and Trainings</p> <ul style="list-style-type: none"> • Presentation: <i>Mitigation: Flood, Wildfire, Earthquake</i> • Questions of Clarification and Discussion: <i>What types of resources, programs, or trainings would be most helpful for Tribal communities?</i> 	<p>Elizabeth Ashby, State Hazard Mitigation Officer, State of Nevada</p> <p>Denise Banker, California Emergency Management Agency</p> <p>Kathy Schaefer, Federal Emergency Management Agency</p> <p>All Participants</p>
5	3:15	<i>break</i>	
6	3:30	<p>How to Best Communicate with Tribes</p> <ul style="list-style-type: none"> • Discussion: <i>What should agencies learn and do to better communicate with Tribal communities?</i> • <i>What are some best practices? For example, is there proper etiquette or protocol for addressing Tribes, and for entering a reservation?</i> 	All Participants
7	4:00	<p>Possible Next Steps and Long-Term Outcomes</p> <ul style="list-style-type: none"> • Possible Next Steps and Long-Term Outcomes • Discussion: <i>What kinds of dialogue and activities would be helpful in the future?</i> • <i>How could these be supported?</i> 	<p>Kathy Schaefer</p> <p>All Participants</p>

II. Guidelines for Discussion

There will be many opportunities for meeting participants to engage in group discussion. Participants are asked to adhere to a few key ground rules to allow for productive outcomes.

HONOR TIME

We have an ambitious agenda, in order to meet our goals it will be important to follow the time guidelines given by the facilitator.

USE COMMON CONVERSATIONAL COURTESY

Don't interrupt; use appropriate language; no side-conversations at the table, etc.

ALL IDEAS AND POINTS OF VIEW HAVE VALUE

During this meeting you may hear something you do not agree with or you think is "silly" or "wrong." Please remember that the purpose of the meeting is to share ideas and achieve understanding. Simply listen, you do not have to agree, defend or advocate.

HUMOR IS WELCOME

BUT humor should never be at someone else's expense.

BE COMFORTABLE

Please feel help yourself to refreshments or take personal breaks. If you have other needs please let the facilitator know.

SPELLING DOESN'T COUNT

Research indicates that writing on a vertical surface (like blackboards or flipcharts) actually increases the number of spelling errors.

AVOID EDITORIALS

It will be tempting to analyze the motives or intentions of others or judge things. Please talk about YOUR ideas and thoughts.

OTHER?

III. Federal Responsibilities for the NFIP



Federal Role in Floodplain Management

FEMA is responsible for administering the National Flood Insurance Program (NFIP) and administering programs that provide assistance for mitigating future damages from natural hazards.

Flood Hazard Identification and Risk Assessment

The Director of FEMA is required by statute to identify and map the Nation's flood-prone areas and to establish flood-risk zones in such areas. Flood hazard maps have been issued for over 19,200 communities at a cost of over \$1.5 billion (actual dollars) [\$2.8 billion in 2001 dollars]. To date, approximately 100,000 flood map panels have been produced depicting approximately 150,000 square miles of floodplain areas.

NFIP Floodplain Management Requirements

Once a community has been mapped as having a SFHA, participating NFIP communities are required to regulate all development in SFHAs. "Development" is defined as:

"any 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."

Before a property owner can undertake any development in the SFHA, a permit must be obtained from the community. The community is responsible for reviewing the proposed development to ensure that it complies with the community's floodplain management ordinance. Communities are also required to review proposed development in SFHAs to ensure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, such as 404 wetland permits from the Army Corps of Engineers or permits under the Endangered Species Act.

In general, the NFIP minimum floodplain management regulations require that new construction or substantially improved or substantially damaged existing buildings in A Zones must have their lowest floor (including basement) elevated to or above the Base Flood Elevation (BFE). Non-residential structures in A Zones can be either elevated or dry-floodproofed. In V Zones, the building must be elevated on piles and columns and the bottom of the lowest horizontal structural member of the lowest floor of all new construction or substantially improved existing buildings must be elevated to or above the BFE. The minimum floodplain management requirements are further described below:

For all new and substantially improved buildings in A Zones:

- All new construction and substantial improvements of residential buildings must have the lowest floor (including basement) elevated to or above the BFE.
- All new construction and substantial improvements of non-residential buildings must either have the lowest floor (including basement) elevated to or above the BFE or dry-floodproofed to the

BFE. Dry floodproofing means that the building must be designed and constructed to be watertight, substantially impermeable to floodwaters.

- Buildings can be elevated to or above the BFE using fill, or they can be elevated on extended foundation walls or other enclosure walls, on piles, or on columns.
- Because extended foundation or other enclosure walls will be exposed to flood forces, they must be designed and constructed to withstand hydrostatic pressure otherwise the walls can fail and the building can be damaged. The NFIP regulations require that foundation and enclosure walls that are subject to the 100-year flood be constructed with flood-resistant materials and contain openings that will permit the automatic entry and exit of floodwaters. These openings allow floodwaters to reach equal levels on both sides of the walls and thereby lessen the potential for damage. Any enclosed area below the BFE can only be used for the parking of vehicles, building access, or storage.

In addition, to the above requirements, communities are required to select and adopt a regulatory floodway in riverine A Zones.

Monitoring Community Compliance

FEMA monitors communities to ensure that they have adopted an ordinance that meets or exceeds the minimum NFIP floodplain management criteria and to ensure that they are effectively enforcing their ordinance. While the NFIP floodplain management criteria are administered by States and communities through their floodplain management regulations, FEMA's role is to provide technical assistance and to monitor communities for compliance with the minimum NFIP criteria.

Flood Insurance

The National Flood Insurance Fund (NFIF) is the instrument through which the Federal Government fulfills its financial responsibilities for the NFIP. In fiscal year 2001, FIMA took in about \$1.5 billion in revenue, mostly from insurance premiums and a \$30 Federal Policy fee on each policy sold or renewed. Revenues from insurance premiums are used to pay losses, pay interest to the Treasury, service the policies, and pay Increased Cost of Compliance claims that provide financial resources for protecting buildings from future flood damages. Revenue from the Federal Policy Fee supports almost all the flood mapping and floodplain management activities of the Program including the Flood Mitigation Assistance program.



IV. California Dept. of Water Resources Floodplain Management Branch

The Floodplain Management Branch undertakes projects and programs aimed at reducing the consequences of flooding on floodplains. Floodplain management is an efficient management tool that works effectively with flood system improvements. Floodplain management is an important part of improving public safety, especially with population growth and changes in floodplain land uses. What differentiates floodplain management from other forms of flood prevention or mitigation is its focus on minimizing the consequences associated with flooding through proactive, non-structural means, like delineating floodplains and influencing land use decisions.

The Branch's activities can be broken down into four general categories, each of which is made up of several projects and programs:

- **Floodplain Management Technical Support**, which involves the Department of Water Resources' (DWR) assistance to local communities regarding floodplain delineation and flood insurance. This includes the National Flood Insurance Program/Community Assistance Program; the Community Rating System Program; State Agency Compliance; Local Technical Assistance; the California Levee Database; the Best Available Maps effort; and Map Modernization/Risk MAP/ Provisionally Accredited Levee Support.
- **Floodplain Evaluation and Delineation**, which involves direct mapping and analysis of floodplains throughout California. This includes the Central Valley Floodplain Evaluation and Delineation program, the Alluvial Fan Floodplain Evaluation and Delineation program, and Awareness Floodplain Mapping.
- **Floodplain Risk Notification**, which is a program designed to alert all property owners in the State of California whose property is protected by a levee of the inherent, residual risk they face. This includes Levee Flood Protection Zone Updates; Parcel Database Maintenance; Annual Risk Notification; and Local-State-Federal Risk Notification Coordination.
- **Flood Risk Planning**, which is made up of efforts to help local communities incorporate flood risk into their general plans and local land use plans. This includes Flood Risk in General Plans; the Alluvial Fan Task Force; Hazard Mitigation Planning and Federal Emergency Management Agency Grants; Legislative Review and Technical Support; California Water Plan Technical Support; Floodplain Management Executive Order; and the Building Standards Code Update Project.

More information can be found at <http://www.water.ca.gov/floodmgmt/lrafmo/fmb/>. Of course, the Floodplain Management Branch is just part of the larger Department of Water Resources Division of Flood Management. Some notable parts of the Division include: Levee Repairs and Levee Evaluations; the Delta-Suisun Marsh Office; the Flood Operations Branch; the California State Climatologist; the Flood Project Integrity and Inspection Grant; and the Hydrology Branch.

There are other flood prevention, mitigation, and emergency efforts being conducted by the DWR FloodSAFE California Initiative, “a sustainable integrated flood management and emergency response system throughout California that improves public safety, protects and enhances environmental and cultural resources, and supports economic growth by reducing the probability of destructive floods, promoting beneficial floodplain processes, and lowering the damages caused by flooding.” More information on FloodSAFE can be found at <http://www.water.ca.gov/floodsafe/>.

V. Local Authorities and Responsibilities

LOCAL FLOOD MANAGEMENT JURISDICTIONS

Cities, Counties, locally established agencies such as Flood Control Districts

LOCAL PLANNING DOCUMENTS RELATING TO FLOOD MANAGEMENT

County and City General Plans
Community Plans
Codes and Ordinances
County Emergency Plans
FEMA and State references and guidance documents

LOCAL ORGANIZATION

1. Cities and counties coordinate land use and land development through a comprehensive General Plan which sets land use designations and development guidelines to meet public safety and environmental protection goals. General Plans are now required to incorporate provisions for addressing flood risk, in part by limiting development in flood hazard areas. As hazard planning tools, general plans guide other local measures, such as capital improvement programs, open space designation, zoning ordinances, and subdivision ordinances.
2. Cities and counties are individually responsible to reduce existing flood risk and prevent future flood hazards created in developing areas subject to flooding in their jurisdiction. In practice, they often coordinate efforts in the planning, design, construction and maintenance of flood management infrastructure such as storm drains, channels, dams, and debris basins. In some areas, Flood Control Districts are established by the counties with jurisdiction over unincorporated areas of the County.
3. Cities and counties enforce the California Building Code and also establish local codes and ordinances such as a Floodplain Management Ordinance to set standards for addressing flood risk and floodplain protection, protect existing assets, restrict development in flood hazard areas and meet the minimum requirements for participation in FEMA's National Flood Insurance Program. They review new development permit applications for items such as flood elevation, proper setback from watercourses, and adequate drainage plans.
4. Cities and counties coordinate efforts to maintain consistency in local codes, ordinances and permit conditions for new development. Efforts also include public education, development of local hazard mitigation methods, construction standards and other tools

for local communities. Cities and counties share floodplain data, maps and information on flood risk.

5. Cities and counties engage in regional partnerships between the state, counties, local and tribal governments to identify, prioritize, and implement projects that address flood risk. These include education, mapping, infrastructure, restoration, flood warning and emergency response.