

# The Torrent



## The Status of Connecticut Levees

Since Hurricane Katrina devastated New Orleans, the U.S. Army Corps of Engineers (USACE) has placed a high priority on levee safety and has been re-inspecting levees nationwide. Annually, USACE inspects projects built and/or maintained by the USACE; projects built by the USACE and transferred to a local owner to operate and maintain; and non-federal projects built by a local community. On January 31, 2007, the USACE notified East Hartford and Torrington of levee maintenance deficiencies found during October 2006 inspections. The Connecticut Department of Environmental Protection was also notified regarding deficiencies on a levee in the Waterbury-Watertown area. An unacceptable maintenance rating means the levee has one or more deficient conditions that can reasonably be foreseen to prevent the project from functioning as designed. Examples of maintenance deficiencies include animal burrows, erosion, tree growth, or blocked culverts.

The USACE in letters to levee owners dated January 31, 2007, has stated that it will allow one year to correct noted deficiencies. Failure to correct these maintenance deficiencies may result in the levee being placed on inactive status by the USACE. This could make these levees ineligible for rehabilitation assistance under Public Law 84-99 following a disaster. Once a levee is placed on inactive status, the USACE notifies the Federal Emergency Management Agency (FEMA). FEMA will start the process to remap the area behind the levee to now show the 100-year floodplain. Upon re-mapping by FEMA, residents and businesses that have a federally-backed mortgage or home equity loan would be required to purchase flood insurance as a condition of the loan per federal law. The USACE requires communities to submit a correction plan by May 1, 2007 that describes how they will address the levee deficiencies. The communities will then have until January 31, 2008 to make the necessary corrections to the levees.

The City of Hartford also has a USACE-constructed levee on the Connecticut River. In 2005, Hartford applied to the USACE and the CTDEP for the necessary permits to perform repairs and maintenance activities in conformance with USACE maintenance guidelines. Construction activities began in August 2006 and will continue through 2007, costing approximately \$5 million. In late 2006, aware of the impending USACE inspections, Hartford redirected its repair efforts and was able to complete the pertinent repairs to pass its inspection. With the completion of the repairs, the Hartford levee will maintain its USACE active status for a flood protection system and the property owners situated behind the levee will not be required to purchase flood insurance. For more information on Connecticut levees, please contact Arthur Christian, civil engineer at the CTDEP, (860) 424-3880.

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# Salmon River Flood Control Project Complete

Work is complete on the \$2.3 million flood control project on the Salmon River in East Haddam, Haddam, and East Hampton. This project will reduce flood damage from recurring jams upstream of the Route 151 bridge.

Flooding from ice jams has historically been a problem along the lower reach of the Salmon River due to river morphology, drainage and area topography. The most recent ice jam event occurred in January 1994 when an ice jam formed about one-half mile downstream of the Route 151 Bridge and progressed upstream to a point approximately 500 feet downstream of the Leesville Dam. The jam caused river water levels to rise, flooding five homes, two commercial properties, Powerhouse Road, and damaged the Route 151 Bridge.

The project, which is a joint effort with the U.S. Army Corps of Engineers, involved construction of a 125 foot long concrete pier ice control structure across the main river channel, 200 feet upstream of the Leesville Dam. The



Installation of concrete forms

structure consists of nine concrete piers, 2 feet wide by 10 feet thick, spaced 14 feet apart on center. In addition, twenty-three stone boulders obtained from a local quarry that are 4 to 5 feet in diameter and spaced 14 feet apart were placed on an existing vege-

tated sandbar upstream of the dam.

An accompanying permanent flow relief channel was built adjacent to the ice control structure, which will allow for the river to flow when there are ice sheets contained within the ice control structure. A 2.1-acre sedimentation detention basin was excavated to trap sediment upstream of the dam thus minimizing the amount of sediment transported downstream.

This is the first ice control project constructed within the State of Connecticut. Construction on the project began in September 2005, but was delayed by the October 2005 flooding event. The project was completed in January 2007.

Any questions regarding this project can be direct to Gene Robida, Project Engineer, CTDEP, Dam Safety Program, at (860) 424-3889 or via email at [eugene.robida@po.state.ct.us](mailto:eugene.robida@po.state.ct.us).



Completed project, February 2007

# Floodplain Focus: Flood Insurance Disputes

Most local officials have experienced this same scenario on at least one occasion—a resident contacts you because they have been informed by their bank that they must purchase flood insurance in conjunction with a mortgage or home equity loan after the bank has determined that their home lies within the 100-year floodplain, however, they do not agree with the bank and request your help.

Lenders are required by federal law to evaluate the location of structures in the floodplain and to require flood insurance as a prerequisite for a loan. These determinations are purely “in or out” and do not involve vertical elevation of the structure. When a borrower disagrees with the lender’s determination, there are formal resolution options available, which are outlined below. An overview of these options can also be found at: [http://www.fema.gov/plan/prevent/fhm/fq\\_gen11.shtm](http://www.fema.gov/plan/prevent/fhm/fq_gen11.shtm).

**Letter of Determination Review (LODR).** Property owners who dispute the flood hazard determination given by their lender may request a Standard Flood Hazard Determination Review, jointly with the lender, from the Federal Emergency Management Agency (FEMA). FEMA will review the information that the lender used, and issue a Letter of Determination Review (LODR) that states whether FEMA agrees or disagrees with the determination. The request must be postmarked no later than 45 days after the lender notified the borrower of the flood insurance requirement and the submittal must be complete. The request must include an \$80 fee and all of the required information listed on the Standard Flood Hazard Determination Form (FEMA Form 81-93) which can be downloaded at <http://www.fema.gov/business/nfip/sfhdform.shtm>.

If the request is postmarked after the 45-day limit has expired or if FEMA does not receive all of the information requested within the 45-day limit, they will not review the determination and the flood insurance requirement stands.

FEMA’s can make three conclusions to a LODR request: (1) the lender’s determination is upheld, (2) the lender’s determination is overturned, or (3) the determination is unchanged because the data is insufficient to reach a conclusion. FEMA’s LODR response does not amend or revise the NFIP floodplain map for your community. It only states that FEMA agrees or disagrees with the lender’s determination. Also, this review process does not consider the elevation of the structure, only its location in the floodplain. Additional information on the LODR process can be found on FEMA’s website at: <http://www.fema.gov/business/nfip/lomri.shtm> and [http://www.fema.gov/plan/prevent/fhm/fq\\_gen12.shtm](http://www.fema.gov/plan/prevent/fhm/fq_gen12.shtm). If the lender does not agree to participate in this process or the 45-day limit has expired, the property owner can apply for a Letter of Map Amendment.

**Letter of Map Amendment (LOMA)** Although FEMA uses the most accurate information available to prepare the flood maps, data limitations may cause small areas on the map that are at or above the base flood elevation (BFE) to be inadvertently shown within the floodplain boundary. In this situation, the property owner may apply for a LOMA. For a LOMA to be issued removing a structure from the floodplain, it is required that the lowest adjacent grade (the lowest ground touching the structure) be at or above the BFE. There is no fee for a LOMA, but the requestor is responsible for providing all the information need for the review, including an elevation certifi-

cate prepared by a licensed land surveyor or professional engineer. Also, if the structure is located in a 100-year floodplain without a BFE provided by FEMA on the flood map, the requestor will need to hire an engineer to determine a BFE for the area in question, which can be costly. The MT-EZ form (FEMA Form 81-92) is used for a LOMA request for a single residential lot or structure, and can be found at [http://www.fema.gov/plan/prevent/fhm/dl\\_mt-ez.shtm](http://www.fema.gov/plan/prevent/fhm/dl_mt-ez.shtm). Information on the LOMA process can be found at: [http://www.fema.gov/plan/prevent/fhm/fmc\\_loma.shtm](http://www.fema.gov/plan/prevent/fhm/fmc_loma.shtm).

**Letter of Map Revision based on Fill (LOMR-F).** If a structure has been elevated by the placement of fill above the BFE, a property owner may submit data to support a revision to the flood map called a LOMR-F. The MT-1 form (FEMA Form 81-87) is used for a LOMR-F request, and can be found at [http://www.fema.gov/plan/prevent/fhm/dl\\_mt-1.shtm](http://www.fema.gov/plan/prevent/fhm/dl_mt-1.shtm).

*The FEMA issuance of a LOMA or LOMA-F eliminates the federal flood insurance requirement as a condition of a mortgage, however, the lender retains the prerogative to require flood insurance.*

**Refunds.** If a borrower was required to get flood insurance by a lender and then a LODR, LOMA or LOMR-F was received, a refund may be requested. To receive a refund, the lender must agree to waive it. A written waiver from the lender must be given to the insurance agent who sold the policy. Refunds are not available if a claim has been made or is pending against the policy.

# Flood Insurance Dispute Resolution Process

## **Letter of Determination Review (LODR)**

- Both the lender and the property owner must agree to the review by FEMA. (If the lender does not agree to the review, go to the LOMA process).
- Request must be submitted to FEMA no more than 45 days from the date the lender notified the borrower that the structure was located in the floodplain and flood insurance is required. (If the 45 day time limit has expired, go to the LOMA process).
- Only the original data used by the bank is reviewed by FEMA, no new information is considered or can be submitted with the application. (If new data is submitted for consideration, go to the LOMA process).
- This review is strictly for “in or out” of the floodplain determinations. (If the elevation of the structure is the issue, go to the LOMA process).
- The LODR process does NOT officially amend the FEMA NFIP Flood Map for the community. However, if FEMA overturns the lender’s decision, the flood insurance requirement is waived.
- Fee = \$80; other required documentation: the completed Standard Flood Hazard Determination Form (FEMA Form 81-93); a copy of the dated notification letter to the borrower from the lender that the property is in the floodplain and requires flood insurance; a letter signed by both the borrower and the lender requesting FEMA’s review; an annotated copy of the effective NFIP map panel for the community showing the location of the structure as plotted by the lender or designated third party; and a copy of all material used by the lender to make the original flood hazard determination.
- Processing time: 45 days from day of receipt of LODR request.
- More information: <http://www.fema.gov/business/nfip/lomri.shtm>.

## **Letter of Map Amendment (LOMA)**

- The LOMA process should be used if the LODR process cannot be used for any of the following reasons: lender does not agree to the review, 45 day time limit has expired, you want new data to be reviewed, you want elevation data on the structure to be reviewed.
- The LOMA process does officially amend the FEMA NFIP Flood Map for the community. The issuance of a LOMA will officially remove the structure from the 100-year floodplain. Confirm this with lender.
- Fee = Free, however an elevation certificate is required with the LOMA which can be \$300-\$500; other required documentation: a completed MT-EZ form; an elevation certificate prepared and certified by a licensed land surveyor or professional engineer; and a copy of a recorded Plat Map for the property or a copy of the recorded deed for the property; a copy of the local tax assessor’s map of the neighborhood in question (or other map which shows both property lines and local roads and watercourses). If the structure is located in a 100-year floodplain without a BFE provided by FEMA on the flood map, the requestor will need to hire an engineer to determine a BFE for the area in question, which can be costly.
- Processing time: 60 days if all information is received at the time of application.
- More information: [http://www.fema.gov/plan/prevent/fhm/fmc\\_loma.shtm](http://www.fema.gov/plan/prevent/fhm/fmc_loma.shtm).

## **Letter of Map Revision Based On Fill (LOMR-F)**

- The LOMR-F process should be used only if the structure or property has been elevated on fill.
- The LOMA-F process does officially amend the FEMA NFIP Flood Map for the community. The LOMR-F will officially remove the structure or property from the 100-year floodplain. Confirm this with lender.
- Fee = \$425; other required documentation: a completed MT-1 form; a copy of a recorded Plat Map for the property or a copy of the recorded deed for the property; a copy of the local tax assessor’s map of the neighborhood in question (or other map which shows both property lines and local roads and watercourses); a certified Elevation Information Form (included in the MT-1) or a topographic map or other information indicating existing ground elevations and the date of fill; and a signed community acknowledgement of fill placement form (included in the MT-1).
- Processing time: 60 days if all information is received at the time of application
- More information: [http://www.fema.gov/plan/prevent/fhm/fmc\\_loma.shtm](http://www.fema.gov/plan/prevent/fhm/fmc_loma.shtm).

# News Briefs

## Training Required for Flood Insurance Agents

As is often the case following a major flood, victims insist that their insurance agent misinformed them about their flood risk or the availability of flood insurance coverage.

To address this problem, Section 207 of the Flood Insurance Reform Act (FIRA) of 2004 charges FEMA, in cooperation with the insurance industry and state insurance regulators, with establishing minimum training and education requirements for all insurance agents who sell flood insurance policies.

On December 1, 2006, the Connecticut Insurance Department issued a notice to all licensed insurance agents regarding this new training requirement. This notice can be found at: <http://www.ct.gov/cid/lib/cid/notlclood.pdf>. All insurance agents must complete a new flood training course on or after August 1, 2007 but before their next license expiration date/birth date. If an agent has taken a flood course prior to August 1, 2007, it will not count toward the new federal requirement. All licensed insurance agents must complete the new flood insurance training requirement in order to be compliant to renew their license.

The Independent Insurance Agents of Connecticut (IIAC) will schedule FEMA-approved flood training classes as part of its normal Education Calendar, which can be found at [www.iiact.org](http://www.iiact.org). All IIAC flood courses offered after August 1, 2007 will meet the new FEMA requirement and the state's requirement for continuing education for agents.

## NFIP Flood Insurance Premiums to Increase

Effective May 1, 2007, changes are being made in premium rates for National Flood Insurance Program (NFIP) flood insurance policies. Premium increases will be about 7.0% for subsidized policies and 5.4% for actuarially rated policies. The increase for actuarially rated policies is the result of holding the premium for Preferred Risk Policyholders unchanged while increasing the Standard X-Zone policies and actuarially rated Special Flood Hazard Area policies by an average of 7.4%. The rates for properties in V Zones (coastal areas) will be increasing by about 10%. Flood insurance premiums will increase by an average of 6.0% for policies written or renewed on or after May 1, 2007.

## Oceans 21 Bill Introduced in U.S. House

In January 2007, members of the House of Representatives Oceans Caucus introduced sweeping legislation to reform ocean governance at the federal and regional levels. The bill (H.R. 21) is a streamlined version of legislation introduced in the last congress. The bill establishes a "National Oceans Adviser" for the President and oversees the Committee on Ocean Policy and other advisory bodies on ocean policy; offers guidelines for regional coordination and ecosystem planning; establishes an ocean and Great Lakes conservation trust fund; and formally authorizes the National Oceanic and Atmospheric Administration (NOAA). View the Oceans 21 Bill online at: <http://thomas.loc.gov>.

## Public Act No. 05-174

Public Act No. 05-174, "An Act Concerning Flood Management & the Stream Channel Encroachment Program", became effective October 1, 2005. This act amended the Connecticut Flood Management statutes (Chapter 476a) which changed the types of state actions that are subject to review. The CTDEP will continue to perform Flood Management Certification reviews for floodplain and stormwater projects performed by state agencies and municipal or private projects receiving a state grant or loan if any portion of the project is located in the floodplain. The act eliminates the need for CTDEP to review municipal or private projects receiving a state grant or loan but not located in the floodplain.

Public Act 05-174 also provided exemptions from the Stream Channel Encroachment Line (SCEL) permit, including: placement of lawns, gardens or plantings; split rail fences; open decks attached to a residence; construction of minor structures to provide handicap access; backfilling of foundations; demolition of existing structure; temporary greenhouses or hoop houses without permanent foundations; placement of fish habitat enhancement devices; flood-proofing of existing structure; repair or installation of septic systems; installation of water monitoring systems, irrigation systems or dry hydrants; patios or walkways at grade; driveways and road repair that does not raise existing grade.

The entire act can be found online at: <http://www.cga.ct.gov/2005/act/Pa/2005PA-00174-R00HB-06772-PA.htm>.

## UPCOMING CONFERENCES & WORKSHOPS

**April 2-6, 2007. 2007 National Hurricane Conference, New Orleans, Louisiana.** Hilton Riverside Hotel, Phone: (850) 906-9224, Internet: <http://www.HurricaneMeeting.com>.

**April 9-12, 2007. Mission Mitigation: Gulf Coast Flood Recovery, New Orleans, Louisiana.** Sponsored by FEMA and ASFPM. Phone: (608) 274-0123, Internet: <http://www.floods.org/Conferences,%20Calendar/MissionMitigation.asp>.

**April 19-20, 2007. Earth Summit for Global Warming Mitigation: 18th Global Warming International Conference and Expo, Miami, Florida.** Sponsored by the Global Warming International Center. Phone: (630) 910-1551, Internet: <http://gw18.globalwarming.net>.

**April 29-May 3, 2007. National Flood Conference, Denver, Colorado.** Sponsored by the National Flood Insurance Program. Internet: [http://www.fema.gov/business/nfip/natl\\_fldconf.shtm](http://www.fema.gov/business/nfip/natl_fldconf.shtm).

**June 3-8, 2007. Association of State Floodplain Managers (ASFPM) 31<sup>st</sup> Annual Conference, Norfolk, Virginia.** Internet: [www.floods.org](http://www.floods.org).

**September 4-7, 2007. Flood Management Association (FMA) Annual Conference, South Lake Tahoe, Nevada.** Internet: <http://www.floodplain.org>.

## UPCOMING EMERGENCY MANAGEMENT INSTITUTE COURSES

The Emergency Management Institute (EMI) is located at the Federal Emergency Management Agency (FEMA) National Emergency Training Center (NETC) in Emmitsburg, Maryland. EMI serves as the national center for emergency management training of federal, state, and local government officials. Tuition, housing, and all books and materials are provided at no cost. Participants are responsible for the cost of a meal pass (approximately \$100). The following is a list of upcoming EMI courses through September 2007. To apply, call Diane Ifkovic, CTDEP, (860) 424-3537 or email at [diane.ifkovic@po.state.ct.us](mailto:diane.ifkovic@po.state.ct.us). For more information on the courses listed, visit the EMI website: <http://training.fema.gov/emweb/>.

- E155 Building Design for Homeland Security — August 21-24
- E172 Advanced HAZUS MH for Flood — June 25-28, August 13-16
- E179 Application of HAZUS MH for Disaster Operations — April 30-May 3
- E190 Introduction to ArcGIS for HAZUS Mitigation Users — April 16-19
- E202 Debris Management — September 17-20
- E210 Recovery from Disaster: The Local Government Role — August 28-31
- E241 Cooperating Technical Partners Program: Special Topics Training — July 30-August 2
- E273 Managing Floodplain Development through the NFIP — August 27-30
- E278 NFIP Community Rating System (CRS) — March 5-8, May 14-17, September 24-27
- E313 Basic HAZUS Multi-Hazards — June 11-14
- E317 Comprehensive Data Management for HAZUS Multi-Hazards—September 17-20
- E376 State Public Assistance Operations — March 12-15
- E386 Residential Coastal Construction — July 9-13
- E464 Disaster Resistant Jobs' Strategies for Community & Economic Risk Management — Aug 20-23