

## Jane Hagan

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**From:** "Carey, Mark" <mark.carey1@dhs.gov>  
**To:** "Jane Hagan" <jhagan@inrpower.com>  
**Cc:** "Riebau, Mark" <Mark.Riebau@dhs.gov>  
**Sent:** Friday, August 08, 2008 10:33 AM  
**Subject:** RE: Suspension from the NFIP

Jane, NFIP compliance cases come in two varieties: Failure to enforce (Shady Cove) and failure to adopt either a compliant ordinance or a new map. The failure to adopt variety is much more serious and is considered "sudden death", meaning there is no probation and unless remedied in 30 days, the community is suspended by FEMA HQ. The rash of suspensions is probably caused by failure to adopt new flood maps FEMA has been producing in record numbers through the Agency's Map Modernization Initiative over the past 5 years. In fact I believe Jackson County is scheduled to get new digitized maps in the near future. FEMA HQ told me last year that average length of suspension is for 6 months or less. Usually this is a failure to adopt issue where as the elected officials adopt what they need quickly and we reinstate the community.

Failure to enforce, such as the case in Shady Cove, is more subjective where the community has a compliant ordinance and has adopted the most current flood maps, but has not enforce their ordinance properly on a reoccurring or systemic basis. These cases nationally usually take more time to resolve, especially with issues of non-compliant construction. These cases are also more complicated and more staff work, both FEMA and the locals, is needed. As in case in Shady Cove, these remedies vary from community to community, but normally include such things as abating violations, cancelling flood insurance policies, providing community officials training and technical assistance, revising or establishing permit and inspection procedures, public education, elected officials outreach, inter-local agreements and improved reporting and data collection methodologies. Shady Cove is pursuing a number of these remedies. Probation is viewed by FEMA as a valuable proactive tool to gain improvement in floodplain management practices and ultimately a level of compliance to avoid suspension. We have a number of communities in Region 10 undergoing compliance remediation and we have historically suspended communities for failure to enforce once probation has failed to produce any measurable or meaningful results.

Our goal is not to suspend communities as nobody wins in a full suspension. Our goal is to achieve good floodplain management practices whereby communities are reducing their risk to flooding. The NFIP provides a basic set of requirements for all participating communities, including incentives to go beyond the minimums, and provides local desecration on day-to-day permit decisions.

**From:** Jane Hagan [mailto:jhagan@inrpower.com]  
**Sent:** Friday, August 08, 2008 7:22 AM  
**To:** Carey, Mark  
**Subject:** Suspension from the NFIP

Mr. Carey, some numbers have come to my attention that are of concern to me regarding the upcoming review of Shady Cove's current probation with the NFIP. In the study found on the FEMA website: <http://www.fema.gov/library/viewRecord.do?id=2589>, it states that at the time of the study, 2001-2006, from the inception of the NFIP, there had been only 10 suspensions from the Program. However, if you look at the suspensions reflected in the Community Status Book: <http://www.fema.gov/fema/csb.shtm>, they total 193 currently.

An analysis of those 193 show them to be fairly widely disbursed across the county; however, for instance, there are none in either California, Nevada or Oregon, and only one in Washington and Arizona.

In the 2006 compliance study cited above, one of the recommendations made was for more swift and consistent enforcement by FEMA of sanctions available for "recalcitrant" communities; a designation in which Shady Cove surely could be included, given its unwillingness to respond to repeated requests for action by FEMA over the past seven years. With the explosion of cases of NFIP suspension over the past two years, logic would dictate that there is a high probability that Shady Cove could find itself suspended as early as this fall.

7/3/2009