

National Flood Examiner

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The National Flood Examiner, the official newsletter of the National Flood Determination Association (NFDA), is published biannually for our members and all other interested parties. For more information about the NFDA or to subscribe to this newsletter, go to the "Contact us" section of www.nfdaflood.com.

Letter from the President

Dear Members and Colleagues,

2009 is already off to a vigorous start, promising to be a truly landmark year. This is due in large part to the initiatives of our country's new Administration, but also because changes to the NFIP, FEMA's mapping strategies, and regulatory requirements for financial institutions, all stand to impact the flood zone determination industry and how we support and service the evolving needs of our customers. The NFDA has been very busy addressing initiatives and issues on many fronts, while continuing to foster cooperative relationships with various NFIP stakeholders.

One of the NFDA's key focus areas continues to be coordination with officials within FEMA's Risk Analysis branch and with their mapping contractors. New contractors have just been secured by FEMA for Risk MAP Program Management and for other aspects of mapping production; the NFDA will be coordinating with all of them to schedule a meeting by mid-year. This is expected to be the first of two meetings in 2009 that allow NFDA members to interact with those responsible for the production and distribution of FEMA's map products.

A new NFDA initiative for 2009 is establishment of an inter-industry workgroup to discuss regulatory developments and the challenges that are faced by stakeholder groups, including lenders, insurance providers, FEMA officials, regulatory agencies, and flood zone determination companies. A very productive first meeting has taken place this month, coordinated by Scott Giberson of First American Flood Data Services, and we look forward to further discussions, including the open-forum "Regulatory Review" panel session planned for the NFDA's Annual Retreat & Conference. The NFDA is grateful for the overwhelming response to meeting invitations and such willingness to participate in these discussions for the benefit of all NFIP stakeholders.

After receiving approval from FEMA for qualified NFDA members to gain access to the eLOMA tool last December, NFDA representatives have been working diligently to craft a comprehensive plan for all aspects of administering the eLOMA program for our

Continued on next page

members, including sign-up and training. The program's Oversight Board will be meeting at the end of March to discuss the program details that have been drafted thus far, and we look forward to finalizing these and initiating the training process for interested, qualified member company representatives within the next few months. We are so appreciative of FEMA for authorizing NFDA member access to eLOMA, to the ASFPM for allowing us to use the Certified Floodplain Manager (CFM) credential as a condition of eligibility, and for the countless hours of diligent work performed by so many NFDA member representatives under the direction of Cheryl Small, NFDA Vice President. Without all of these efforts, we would not have been able to realize this opportunity to provide better support of our customers' needs as well as further promote the success of FEMA's programs.

The NFDA's 12th Annual Retreat & Conference is just around the corner, scheduled for April 5-7 at the Hilton Scottsdale Resort & Villas. We are anticipating a very full, productive program and the best attendance that we have seen in several years. The NFDA is honored to have so many presenters participate in the program, who

as top experts in their respective fields, bring extensive knowledge and insight to the topics they plan to discuss. And, as always, this is a wonderful opportunity to network with others in the industry and hopefully enjoy a little down-time in beautiful Scottsdale. Although the registration period for this year's event is now closed, I encourage you to visit www.nfdaflood.com to review our planned program and consider attending in 2010!

The 2008 Board of Directors was recently re-elected, in its entirety, for another term earlier this year, and I am so pleased to have the chance to work closely with this dedicated group of industry experts once again. It is my privilege to serve the NFDA as its president for a second year, and I am thankful for the opportunity to contribute in such a meaningful way to the success and resilience of the flood determination industry.

I look forward to yet another productive year for the NFDA and hope to see many of you in Scottsdale next month!

Leila Taha, NFDA President, 2009 leila.taha@lpsvcs.com



MARCH 2009

Legislative Report from the Capitol

Meredith R. Inderfurth, *Washington Liaison*

Setting the Stage

This is a brand new Congress, a brand new Administration. The first few months of 2009 have been largely consumed with organizing, staffing up and setting agendas. Substantively, both the Congress and the Administration have been focused on the economic and financial institutions' challenges facing the nation and on leftover funding business from the last Congress.

Nominations for the new Administration started off at a quick pace, but have slowed dramatically, largely due to the intense "vetting" process. As a result, there are plenty of chiefs in Washington, but not many deputy chiefs and assistant chiefs. This has an effect on developing and rolling out new policies, follow through on initiatives and so on. Even when nominations have been made, the process of Senate confirmation takes time as well.

In the Congress, there are many newly elected members who have been hiring staff, organizing their offices and jockeying for committee assignments. That process has been largely completed and in late February, most Congressional committees were able to have their membership rosters reasonably settled and to hold organizational meetings to set their agendas.

The Work so Far

The work of the Congress, so far, has included action on the major economic stimulus package (H.R. 1) and action on an omnibus appropriations bill (H.R. 1105) providing funds for the federal government's activities through September 30, 2009. March is shaping up to be an extremely busy month of Congressional hearings, but little other legislation has been acted on in committees. The new Administration has released an overview of the budget for Fiscal Year 2010, but the actual detailed budget requests will not be released until April. In most years, the full budget would be released in February and appropriations hearings would be well underway in March and April. This year, that process will not start in earnest until mid-April.

Economic Stimulus Package – Many federal agencies received funds through the stimulus package and are now consumed with getting the funds out the door quickly, but responsibly, and with transparency. OMB has issued a 62 page guidance memorandum. Spending data can be followed by going to www.recovery.gov. During the fast-moving scenario involving passage of the stimulus bill, there was some consideration given to inclusion of a tax credit for

mitigation activity, but the effort was not successful. Infrastructure funds in the package do include funds for levee and other water infrastructure repair.

Omnibus Appropriations Bill – The Omnibus bill was essentially unfinished business from the last Congress but it did carry a number of Congressional earmarks, which made it controversial. Last year, the appropriations bills covering Defense, Homeland Security and Military Construction had been passed in regular order. The rest of the government had been operating under two sequential Continuing Resolutions, which simply continued programs at the previous year's funding level. The Omnibus bill provides funds for the departments and agencies covered by the remaining 9 regular appropriations bills that had not been passed by the end of FY 2008. The second of the CRs expired on March 11 and the Omnibus bill was passed and signed by the President that day. Authority for the National Flood Insurance Program (NFIP) had been caught up in the CR/Omnibus situation. Now that the Omnibus has been signed, the NFIP has full authority to operate through September 30, 2009.

Budget – The budget overview released by the new Administration is an overview likened by some to reading the CliffNotes of the budget. In an important departure, this budget does include elements that had been off-budget because they were funded through supplemental appropriations bills – notably the wars in Iraq and Afghanistan, and disaster costs. The \$3 trillion budget includes significant management initiatives designed to assist in reducing the deficit. In general, most agencies will see an increase in their budgets. Interestingly, the budget released for the Department of Homeland Security does not reflect funds for FEMA.

Flood Insurance

At this point, new flood insurance reform legislation has not been introduced in the House or Senate. Because this is a new Congress, the bills that were passed but not finalized in the last Congress would have to be re-introduced. It is expected that bills similar to those from the last Congress will be introduced, but probably not until later this spring, with action expected in the summer.

The House Financial Services Committee expects that a new bill will include some changes and adjustments. Since the previous bill was passed, a number of GAO reports dealing with flood insurance have been released as well as a report by the Office of Inspector General at FEMA and the major NFIP Evaluation. The Senate Banking Committee has not yet signaled expectations, largely because new staff handling this issue for the Majority has just arrived

Representative Gene Taylor (D-MS) has again introduced his Multi-Peril Insurance Act, H.R. 1264, which would add wind coverage to the NFIP. That bill was introduced March 3. Representative

Frank Pallone (D-NJ) has introduced a bill “to prohibit the Administration of FEMA from updating flood maps until the Administrator submits to Congress a community outreach plan,” H.R. 777. The bill also creates a tax credit for flood insurance premiums on property not previously in a mapped floodplain but in one on a new map. It is quite likely that more bills providing for map delays or otherwise associated with local mapping issues will be introduced. The large number of Provisionally Accredited Levee (PAL) agreements expiring this summer and continuing issues associated with mapping non-levee embankments can be expected to lead to other bills.

In both the House and Senate, the timing of consideration of flood insurance reform will be very much associated with consideration of the urgent housing finance assistance legislation and financial regulatory reform legislation. Both are “front burner” issues for the Senate Banking and House Financial Services committees this spring.

"There are plenty of chiefs in Washington, but not many deputy chiefs and assistant chiefs. This has an effect on developing and rolling out new policies, follow through on initiatives and so on."

Levee Issues

The Water Resources Development Act of 2007 established a Levee Safety Committee to make recommendations for a national Levee Safety Program. After a delay due to lack of funding, the committee met intensively this past fall and winter and completed its report in January on schedule. It has not been officially released as it is still undergoing review at OMB, but there will be Congressional interest in reviewing and considering those recommendations. Hearings are anticipated this spring. Much of the report apparently deals with engineering and certification issues. Land use aspects of levee safety are not significantly addressed.

FEMA in or out of DHS

It is unclear at this point how much attention the question of removing FEMA from the Department of Homeland Security will generate given so many other pressing issues. Chairman James Oberstar (D-MN) of the House Committee on Transportation and Infrastructure (the committee with jurisdiction over disaster relief and mitigation programs) has introduced a bill (H.R. 1174) to re-establish FEMA as an independent, cabinet level agency. The committee's Ranking Republican, Rep. John Mica (R-FL) co-sponsored the bill. Chairman Bennie Thompson (D-MS) of the House Homeland Security Committee, opposed independent status for FEMA as do both

Chairman Joe Lieberman (I-CT) and Ranking Republican Susan Collins (R-ME) of the Senate Homeland Security and Governmental Affairs Committee. The DHS Secretary Janet Napolitano has not yet indicated her views on this question, nor has the announced nominee for FEMA Administrator, Craig Fugate. (Since Mr. Fugate's nomination has not been officially received by the Senate, a nomination hearing has not been scheduled.)

Upcoming Hearings

March will include a number of financial regulatory hearings in the House Financial Services Committee on March 17, 20, 24 and 26. The hearings will focus on a systemic risk regulator, streamlining

front-line regulation, strengthening the substance and structure of consumer and investor protection, and development of legislation to reform the mortgage origination process. The Senate Banking Committee will continue financial regulatory hearings and will also hold a hearing March 17 on proposals to modernize regulation of the insurance industry. The Senate Homeland Security and Governmental Affairs Committee will hold a hearing on March 18 on its report further examining long-term disaster recovery primarily on the Gulf Coast and making recommendations for a "way forward."

All of the bills mentioned in this article can be reviewed by going to: <http://thomas.loc.gov> and typing in the bill number.

Flood Zone Discrepancy Workgroup

Scott Giberson, First American Flood Data Services

On March 12, the NFDA hosted the initial meeting via conference call of an interdisciplinary work group focusing on the sharing of best practices, ideas and concerns related to the handling, identifying and resolving of flood zone discrepancies that arise between a lender's SFHDF and the flood insurance policy. While the flood zone discrepancy issue is certainly not a new one to the industry, we now have the benefit of a year or two of insurance agents and companies and lending institutions identifying and addressing concerns that they confront in response to the guidance provided by FEMA since the release of the revised *Mandatory Purchase of Flood Insurance Guidelines*.

The purpose of the work group is to bring these varied perspectives and experiences together with FEMA and the Regulators as an audience to hopefully bring greater understanding between all stakeholders about the issues related to these discrepancies — ultimately, these efforts may effectuate a change to the regulatory guidance, if appropriate. Participants included individuals from FEMA, FDIC, FCA, and the Federal Reserve, along with individuals representing lenders, WYOs, force-placed carriers, consultants, and flood determination companies.

It is intended that the work group will convene for one more call prior to the NFDA Retreat in April in anticipation of the Regulatory Panel discussion to be held in Scottsdale. With another call to be held prior to FEMA's National Flood Conference, the hope is that the work group's efforts may culminate with a face-to-face meeting with FEMA and the Regulators at the Flood Conference in Boston or later in Washington. *If you were unable to participate in the first call, but you or someone from your company would like to join, please contact Leila Taha by email at leila.taha@lpsvcs.com for more information.*

Scottsdale or Bust!

Robert Ogle, AFR Services, Inc.

Well, it's hard to believe another year has passed so quickly, but I bet we can all agree that a trip to beautiful Scottsdale is just what the doctor ordered. In other words, the NFDA's Annual Retreat & Conference can't get here fast enough.

Our retreat continues to grow and improve each year. Certified Floodplain Managers can now earn eight Continuing Education Credits (CECs). And, we are expecting important discussions about lender compliance, legal issues, and ways to protect flood zone determination companies' interests. In addition to a full schedule, it looks as if we're going to have an equally full conference room, as the number of registered attendees is the highest we've had in several years. So, it will be more important this year than ever that we begin on time, and keep our breaks to a minimum. This will ensure that everyone's valuable time is respected.

On the lighter side, as always, Guy Smith looks to have put together a couple of great golf outings. But whether you're playing or you're just going outside to enjoy the afternoons, average temperatures for the first week in April should be spectacular. If you're a baseball fan, the Arizona Diamondbacks are in town most of the week. If you are a fan of fine art, make a point to visit the Phoenix Art Museum. Aside from an outstanding collection, the contemporary work of Ernest L. Blumenschein is now on exhibit.

The NFDA Board of Directors looks forward to seeing all of you very soon.

GET THE SKINNY AT NFDAFLOOD.COM

It's fat with the resources and information you need about everything related to the flood zone determination industry.

FEMA Approves NFDA Member Company Access to eLOMA Application

Leila Taha, *LPS National Flood*

On December 19, 2008, the National Flood Determination Association (NFDA) received formal approval from FEMA for qualified NFDA member company representatives to access the web-based eLOMA application. This authorization comes in the form of a Memorandum of Understanding (MOU) between FEMA and NFDA after about three years of discussions and negotiations.

Established in 2006, eLOMA has provided an electronic means for licensed land surveyors and professional engineers (“Licensed Professionals”) to submit Letter of Map Amendment (LOMA) applications. In most cases, they then receive determinations from FEMA within minutes, instead of via the manual process that would have previously taken 60 days. The LOMA is a letter from FEMA stating that an existing structure or parcel of land that has not been elevated by fill is not expected to be inundated by the 1-percent-annual-chance flood (i.e., the base flood). The issuance of the LOMA can result in a revision to the mandatory requirement to purchase flood insurance for homeowners with active loans.

FEMA estimated that approximately 50% of the thousands of LOMA applications submitted annually would be eligible for eLOMA under established guidelines, so the more Licensed Professionals registered as eLOMA users, the more effective the initiative would be in significantly reducing the financial burden on FEMA and in improving the service to the consumer.

NFDA members, comprised of companies collectively issuing in excess of 30 million determinations annually based on FEMA’s flood data, are the nation’s most prolific users of FEMA’s flood maps. In addition to providing flood hazard data, companies have diversified their offerings to include services such as LOMA application assistance for homeowners. Each year, it is estimated that approximately 2,000 LOMA applications submitted to FEMA have passed through the hands of flood determination company employees at some point in the process.

Although not licensed in the same manner as surveyors or engineers, NFDA member representatives are recognized by lenders and insurance providers as reliable sources of information related to the LOMA process. Part of this knowledge-base has been derived from training and education received through the Certified Floodplain Manager (CFM) program offered by the Association of State Floodplain Managers (ASFPM). By communicating NFDA member company involvement in LOMA application submissions, appealing to FEMA’s interest in improving the effectiveness of eLOMA and reducing production costs, and receiving support from the ASFPM for use of the CFM qualification as one of the conditions of member representative eligibility, NFDA was able to submit a viable proposal

to FEMA that has received broad acceptance from eLOMA program officials.

The now-executed MOU outlines the obligations of NFDA to monitor and manage eLOMA access for its member company representatives. NFDA is actively organizing tasks associated with implementing this program amongst member companies and will be communicating program details and scheduling training during the second quarter of 2009. NFDA is grateful for the support received from members, numerous industry groups and FEMA officials and looks forward to extending to its member companies opportunities for providing improved services to customers while supporting FEMA’s ongoing efforts for increasing efficiency and reducing costs.

This article was also published in the January, 2009 edition of “Insider,” a publication for the members of the Association of State Floodplain Managers (ASFPM).

LFD Distribution Change

Kate Metznik, *Michael Baker Jr., Inc.*

As part of its Digital Vision initiative, FEMA set a goal of converting hard-copy flood hazard information to digital data. In keeping with this initiative, FEMA discontinued mailing hard copies of the documents that are enclosed with Letters of Final Determination (LFDs) beginning January 1, 2009.

An LFD is a letter mailed to community officials to inform them that a new or updated FIRM will become effective in 6 months. Additionally, an LFD finalizes the Base Flood Elevations (BFEs) for the community. Upon receiving an LFD, a participating community must establish compliant floodplain management ordinances by the effective date of the new FIRM to remain in the NFIP.

Communities still will receive a hard copy of the LFD, but instead of receiving enclosures with the letter, FEMA will now make them available on FEMA’s web site at www.floodmaps.fema.gov/lfd. The five enclosures to the LFD that will no longer be distributed with the letter include:

- *Answers to Questions about the NFIP;*
- Title 44 of the Code of Federal Regulations;

- “Frequently Asked Questions Regarding the Effect that Revised Flood Hazards Have on Existing Structures;”
- “Use of Flood Insurance Study (FIS) Data as Available Data;” and
- The Elevation Certificates necessary to ensure compliance with community floodplain ordinances.

FEMA mails LFDs to more than 2,000 communities per year at an average cost of \$30 per letter. Switching to digital enclosures will create a significant annual savings for FEMA. Moving to digital enclosures is a low-cost solution that is consistent with the goals of Digital Vision and accommodates the needs of individual communities.

Communities will still be able to request hard copies of enclosures through the FEMA Map Assistance Center at 1-877-FEMA MAP (1-877-336-2627). Additionally, a fact sheet describing the transition to digital LFD enclosures is available at www.floodmaps.fema.gov/lfd.

ABOUT THE NATIONAL FLOOD DETERMINATION ASSOCIATION

The National Flood Determination Association (NFDA) is a national nonprofit organization comprised of flood zone determination companies, their vendors, and re-sellers.

The association is dedicated to promoting the interests and success of members involved in making, distributing, and reselling flood zone determinations. NFDA serves as a collective industry voice on legislative and regulatory issues.

NFDA supports the National Flood Insurance Program (NFIP) and the agencies that serve the NFIP.



Update on Digital Flood Maps

Melis Mull, *Mitigation Directorate, Federal Emergency Management Agency*

Since Flood Map Modernization (Map Mod) began in 2003, FEMA has achieved a 50- to 75-percent reduction in the number of flood maps distributed in paper form. A key goal of Map Mod has been to convert the National Flood Insurance Program (NFIP) paper map inventory to digital products and to replace the distribution of paper maps with digital delivery via the Internet.

Beginning with communities that have Letters of Final Determination (LFDs) effective on or after October 1, 2009, FEMA will provide a single printed paper map to each mapped community and will end all other distribution of paper maps. FEMA will continue to provide free digital map products and data to federal, state, tribal, and local NFIP stakeholders.

Replacing paper map products with digital versions will save money and improve the usability of FEMA flood hazard data. Instead of waiting for paper maps, flood determination companies and other stakeholders can instantly access maps online using a variety of tools. Flood Insurance Rate Map (FIRM) Scans provide digital pictures of entire flood maps, and can be either downloaded or delivered on CD and viewed by computer. To print these scans, a specialized large format printer is needed. FIRMettes offer an online means of viewing sections of a FIRM Scan image, and option to print them on any printer. These tools will allow

continuous access to flood hazard information for all communities participating in the NFIP.

Once a Digital Flood Insurance Rate Map (DFIRM) Database is made available, it can be downloaded or delivered on CD. The data also are available as National Flood Hazard Layer (NFHL) datasets. Tools such as Mapviewer-Web and the Web Map Service allow users to select specific flood hazard information to be displayed and to create custom maps and reports.

The FEMA Map Service Center (www.msc.fema.gov) provides users with these free tools and extensive background information and instructions about its digital products. All of these data can be downloaded, delivered on CD-ROM, or accessed through a Web Map Service using a variety of FEMA-provided or commercially available software tools.

FEMA will continue to work closely with stakeholders to ensure these digital products and services meet the needs of the NFIP and support the reduction of flood risk nationally.

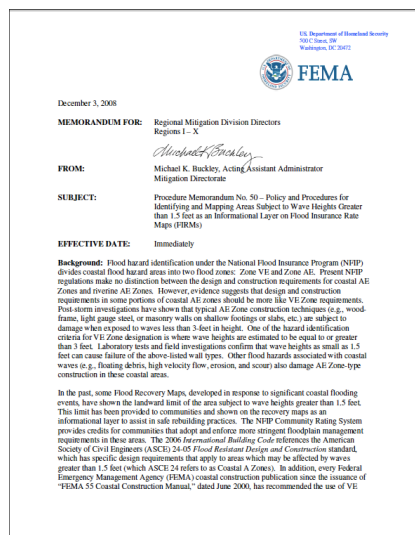
FOR FURTHER INFORMATION CONTACT: Melis Mull (melis.mull@dhs.gov), Mitigation Directorate, Federal Emergency Management Agency, Mitigation Directorate, 1800 S Bell Street, Room 703, Arlington, VA 20598-7970.

FEMA Issues New Flood Mapping Guidance:

New Procedure Memorandum No. 50 and Update to Procedure Memorandum No. 42

Mapping partners and other stakeholders should be aware of two new pieces of flood hazard mapping guidance that FEMA released in December 2008. To better communicate risk and guide safer development in coastal areas, FEMA

released Procedure Memorandum No. 50 (PM 50), *Policy and Procedures for Identifying and Mapping Areas Subject to Wave Heights Greater than 1.5 feet as an Informational Layer on FIRMs*. Also, FEMA issued an update to Procedure Memorandum No. 42 (PM 42), *Quality Control Requirements in the DFIRM Process*, that



will better facilitate the quality review timelines required by PM 42.

Issued December 3, 2008, PM 50 changes the mapping requirements for coastal studies. As stated in PM 50, "For all new detailed coastal study starts in Fiscal Year 2009, the landward limit of waves 1.5 feet in height will be delineated on the FIRMs and included in the DFIRM database as an informational layer with no NFIP floodplain management requirements or special insurance ratings. Communities are encouraged, but not required, to adopt higher standards than the minimum NFIP requirements in these areas." The NFIP Community Rating System provides credits for communities that adopt and enforce more stringent floodplain management requirements in these areas because it has been shown that typical



AE Zone construction techniques are subject to damage when exposed to waves as small as 1.5 feet in height. FEMA Regional Offices, in coordination with state and local officials will benefit from the delineation of the landward limit of waves 1.5 feet in height as an informational layer on the FIRM. PM 50 went into effect on the date it was issued.

On December 1, 2008, FEMA issued an update to PM 42 that requires mapping partners to submit the Letter of Final Determination and the Map Service Center (MSC) deliverables package for review at the same time as the final DFIRM database and geo-referenced map panels are submitted to FEMA for review. In addition, PM 42 incorporated other changes based on feedback from the mapping partners and Regional Management Centers. Some examples of these added benefits are: negatives are no longer required until the study passes certain quality reviews; and the visual review of the DFIRM database and the review of the MSC deliverables package take place at the same time, therefore, streamlining the review and correction process. These updates will improve the delivery of updated flood hazard maps to communities for adoption in a timely manner. These changes became effective January 1, 2009.

Additional information on PM 50 and PM 42 can be located on FEMA's Web site at http://www.fema.gov/plan/prevent/fhm/gs_memos.shtm.

NFDA BOARD OF DIRECTORS

The following are the 2009 election results, including the results of the officer election that took place by the new Board:

- President:** Leila Taha, *LPS National Flood*
- Vice President:** Cheryl Small, *First American Flood Data Services*
- Treasurer:** Steve Murchison, *CBCInnovis*
- Secretary:** Barb Skalsky, *Wells Fargo Insurance*
- Director:** John Duchouquette, *MDA Lending Solutions*
- Director:** Robert Ogle, *AFR Services, Inc.*
- Director:** Mark Schnellinger, *LPS National Flood*



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