

**THE FOLLOWING ARE QUESTIONS ASKED BY CITY ENGINEER MIKE COURT  
TO THE DNR REGARDING THE FLOODPLAIN ISSUE**

- ***Who is currently participating in the Federal Flood Insurance Program? How many people in the City currently have a Flood Insurance Policy thru the NFIP? What happens to them if the Community is out of the NFIP?***
  - The following information was obtained from FEMA. Please note that the federal insurance databases cannot provide "as of today" data and may be 1-2 months behind the actual status. Also, no further details can be provided on specific policies because of privacy restrictions.
  - In Wisconsin currently approximately 510 out of the approximately 780 communities (includes counties, cities and villages) participate in the NFIP.
    - In Waukesha County currently 21 of the 27 communities are participating in the NFIP.
    - In Delafield currently 13 policies are in effect.
    - In Delafield 2 claims were filed with a date of loss during the June event.
  - If the city chooses to no longer participate in the NFIP, then any current policies will not be renewed as set forth in 44 CFR 59.24 (g) and no new policies will be written.

- ***Is there private flood insurance available? Are there other means to provide flood insurance for your property if the Community is out of the NFIP?***

Private flood insurance may be purchased from groups such as Lloyds of London. I do not know of any other way of obtaining flood insurance for a structure located in a floodplain. Typical insurance companies such as State Farm or All State do not sell privately backed flood insurance. They do sell flood insurance policies on behalf of the NFIP. The insurance pool for flood insurance is held by the federal government not by the private insurance companies.

- ***If the City does not recognize the new FIRMs - Does it really matter? What are all the other ramifications? Individuals cannot get flood insurance? Will mortgage companies/banks still reference the maps and not provide financing? Currently the City will be receiving FEMA reimbursement funding for the expenses incurred with the June floods, if the City is not part of the NFIP will they still receive this funding? What about future disaster relief funding thru FEMA?***

If the city does not adopt a compliant ordinance including the new FIRMs then current policies will not be renewed and no new policies will be written. The suspension will go into effect as of midnight of the effective date of the new FIRMs. This has happened in Milwaukee Co (Fox Point and Wauwatosa) for the 9/26/2008 adoption deadline. Financing institutions will still reference the FIRMs. If the loan being requested is federally backed and the structure is located within the floodplain, then the financing will be denied because flood insurance is not available. The City's current disaster reimbursement is handled through Wisconsin Emergency Management and they would need to be consulted on the details. However, I can say that there may be some limitations on disaster assistance in the floodplain for non-participating communities. And, structures within the floodplain would be severely limited as to disaster assistance.

- ***By the City not adopting the Firms does that make the properties that are in the floodplain, not in the floodplain?***

No. The properties will still be within the floodplain and still at risk to flooding. They simply will not be able to obtain flood insurance. Also, they would be eligible for only limited assistance from FEMA if

there is a disaster. Also, the city would not be eligible for certain types of assistance as well. It is important to note that s.87.30(1) Stats requires communities to adopt and enforce "reasonable and effective floodplain ordinances ... within one year after hydraulic and engineering data adequate to formulate the ordinance becomes available." So even if the community does not join the NFIP, they are still required under state statute to have a floodplain ordinance that meets the requirements of NR 116 Wis. Admin Code.

- ***Can the City request an extension of time before adopting the FIRMs? Can the extension be for as long as it takes to file a LOMR to correct the maps? Does the City have a better chance getting the LOMR approved with or without adopting the FIRMs at this time?***

No. FEMA will not issue extensions for the adoption date. The City has one of three options:

1. Adopt a compliant ordinance by the effective date of the maps.
2. Adopt a building moratorium within the floodplain until a compliant ordinance is adopted.
3. Be suspended until a compliant ordinance is adopted (if later than 12 months then community will be treated as having never participated and will be required to file an application to join the NFIP, have a full review of the permitting process, all permit files and overall enforcement. The deadline for adopting a compliant ordinance when new maps and/or base flood elevations are issued is set forth in 44 CRF 59.24 Suspension of community eligibility. The DNR has no authority over these requirements.

- ***How many FEMA claims were there in the City with the June floods?***

See Question #1.

- ***Within the appeal that the City submitted last year there were individual letters and supporting data submitted by individual homeowners, which included surveying data showing homes that were above the floodplain elevation, where these taken into account with the revised mapping?***

Yes, the letters and survey data were taken into consideration. The FIRM was changed to reflect the information provided. However, the new dam was not in place and operational at the time the Appeals and Protests period ended. Therefore, the city needs to submit the dam information to FEMA as a LOMR to have the new engineering reflected on the city's FIRMs. Please refer to FEMA's letter to the city dated September 5, 2007.