



FEMA

August 31, 2016

MEMORANDUM FOR: Gerald M. Stolar
Federal Coordinating Officer
FEMA-DR-4277-LA

THROUGH: George A. Robinson *GAR*
Regional Administrator

FROM: Sandra Keefe *Sandra Keefe*
Mitigation Division Director

SUBJECT: Guidance for Use of Best Available Information in Complying
with Title 44 of the Code of Federal Regulations § 9 and Executive
Order 11988 (Floodplain Management)

Purpose: This memorandum provides guidance on the requirement in Title 44 of the Code of Federal Regulations (44 CFR) § 9.7(c) and Executive Order (EO) 11988 Sec. 2(a)(1) on the use of “best available” flood hazard information for FEMA-funded actions in the State of Louisiana for areas impacted by the August 2016 flooding events.

Scope: FEMA-funded projects include temporary facilities and housing, along with reconstruction, rebuilding, and all repair efforts funded under the Public Assistance and Hazard Mitigation Grant Program.

Background: EO 11988 is codified in 44 CFR § 9 and requires federal agencies to avoid or minimize occupancy of or disruptions to the nation’s floodplains. EO 11988 stipulates that the location of a particular floodplain, or Special Flood Hazard Area, is determined by the “best available” flood risk information. As flood risk is constantly evolving, ensuring the correct identification of the most current “best available” floodplain information is essential. In turn, this “best available” information then serves as the basis for mandated requirements for elevation, building, and other FEMA-funded site actions.

Applicability: This memorandum identifies the source and location of the “best available” flood information for FEMA-funded actions for DR-4277-LA, as well as protocols for applying this information.

Where to Find the “Best Available” Flood Risk Information:

Step 1. The “best available” flood risk information, as of the date of this memorandum, is contained in the enclosed spreadsheets and posted on riskmap6.com at the following address: http://riskmap6.com/documents/resource/20160325_AvailableData_LA.pdf

The most current Available Data worksheets are available for Arkansas, Louisiana, Oklahoma, New Mexico, and Texas on the Risk MAP 6 website at <http://riskmap6.com/Resources.aspx>. Scroll down to the bottom of the *Resources* page to locate the section titled, **Determining Best Available Data - Other Source Data**. Locate the state of interest and click on the link to open the Available Data worksheet.

The “best available” flood risk information must be used to determine the flood zone, including the coastal high hazard area, and for elevation and reconstruction requirements when making recovery and mitigation decisions for FEMA grants. It must also be used in determining requirements for the placement of temporary facilities and temporary housing units.

Step 2. A comparison must now be made between this information and the local elevation requirement of the community in which the action is occurring. The higher of the two requirements prevails. For example, the enclosure *Available Data LA* may identify an elevation of two feet as the “best available” flood risk information, however the local community participating in the National Flood Insurance Program (NFIP) has adopted a minimum standard of building three feet above the Base Flood Elevation (BFE). The three-foot requirement of the local community prevails because it is more restrictive.

Bottom Line: The “best available” requirement is always the more restrictive or higher of the “best available” information depicted in the enclosure *Available Data LA* or the floodplain requirement of the community in which the action takes place.

How to Apply the “Best Available” Information and Requirements on the Use of Draft or Preliminary FIS Data:

FEMA has provided guidance on the use of draft or Preliminary Flood Insurance Study (FIS) data as available data for regulating floodplain development in Floodplain Management Bulletin 1-98, *Use of Flood Insurance Study Data as Available Data* (FPM 1-98). The key points for communities in using the draft Preliminary FIS data for regulating floodplain development are:

- The guidance in FPM 1-98 specifies situations in Zone A (without BFEs designated) where draft flood hazard data or Preliminary FISs are required to be used by communities.

- This guidance also describes how communities should use draft or Preliminary FIS data in Zones AE, A1-30, AH, AO, VE, and V1-30 (where BFEs have been identified). In these zones, the NFIP does not require communities to use BFE data from draft data or Preliminary FIS. The reason is that the existing effective BFE data has gone through the statutory appeals process which gives the effective BFE data a presumption of validity. This is also the BFE data that has been adopted by the community. However, FEMA encourages communities to use the draft flood hazard data or Preliminary FIS if BFEs increase. In cases where BFEs decrease, communities should not use the information to regulate development until all appeals have been resolved to ensure lives and property are not placed at increased risk in case a valid appeal results in an increase in BFEs.

Protocols for Documenting Floodplain Requirements for FEMA-funded Projects:

Floodplain management and criteria can be confusing and complex to those not familiar with this technical field. To ensure that rebuilding, repair, and location requirements are clear to the applicant, sub-applicant, and others, the following standard notation shall be used by the JFO, Recovery, and Mitigation (includes Environmental/Historical Preservation) staff when articulating project or action requirements in instances when something other than the effective Flood Insurance Rate Map (FIRM) is utilized:

“Project is Located in Area Where FEMA is Using Best Available Information (BAI) that is Not the Effective FIRM, Regardless of Flood Zone”:

Otherwise, if effective FIRM data is used, the following notation will apply:

“Project is Located in Area Where FEMA is Using the Effective FIRM as Best Available Information (BAI)”:

Applicant must comply with the appropriate local floodplain management ordinance or “best available” information as defined by the **Bottom Line** described above, whichever is more restrictive. Applicant must coordinate with the local floodplain administrator and obtain any required permits prior to initiating work. All coordination pertaining to these activities and applicant compliance with any conditions should be documented and copies forwarded to the state and FEMA Region 6 for inclusion in the permanent project files.

Enclosure

cc: John Long, R6 REC