



Linda Lingle,
Governor

Hawaii Flood Management News

Department of Land and Natural Resources
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We welcome newsworthy items from the general public. Articles may be sent to the Department of Land and Natural Resources, Engineering Division, P.O. Box 373, Honolulu, Hawaii 96809. Call (808) 587-0267 for more information.

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NOAA ANNOUNCES CENTRAL PACIFIC HURRICANE SEASON OUTLOOK

Governor Lingle Declares Hurricane Preparedness Week in Hawaii

The National Oceanic and Atmospheric Administration's Central Pacific Hurricane Center in Honolulu expects two to three tropical cyclones in the central Pacific basin in 2006, a slightly below average season. In a typical year, four to five tropical cyclones will form or cross into the area, according to National Weather Service hurricane experts, with two storms reaching hurricane intensity.

"Many factors are considered in the seasonal hurricane outlook," said Jim Weyman, director of NOAA's Central Pacific Hurricane Center. "Data from NOAA's Climate Prediction Center shows near normal tropical ocean temperatures, which typically means less tropical cyclone activity in the Pacific. In addition, atmospheric and oceanic circulation patterns will likely produce a below normal season in the eastern Pacific. Fewer storms in the eastern Pacific will contribute to a below normal season in the central Pacific."

"Even in a less active season, it only takes one storm to make it a bad season," said Brig. Gen. David L. Johnson, U.S. Air Force (Ret.), director of NOAA's National Weather Service. "Hawaii can count on the Central Pacific Hurricane Center to provide the best possible forecasts to protect lives and property."

Hawaii Governor Linda Lingle declared May 21-27 Hurricane Preparedness Week in the state, and released a proclamation calling upon government agencies, private organizations, schools, and the news media to share information about hurricane preparedness and calling on everyone to take appropriate safety measures to protect themselves.

Weyman urges residents to take action now to plan in advance for weather emergencies. "Hawaii is vulnerable because of our isolation," he said. "Everyone needs a plan. People need to become familiar with evacuation shelters and be ready to move if necessary. Families need to establish a common meeting place if separated and determine a single contact person to pass messages to other family members. They need to assemble a disaster supply kit. That means stocking up on a week's supply of food, water, medicines, batteries, clothes, and protecting important papers. It's a matter of thinking about it, discussing it with family members, and ensuring that everyone knows what to do."

Hurricanes not only pack high winds, but can also cause torrential rains that can lead to flash flooding and abnormally high waves and storm surge. Known as "the triple threat," each of these alone can pose a serious threat to life and property. Taken together they are capable of inflicting a high loss of life and widespread destruction.

Heading into the season, the public should become familiar with the following terms: A hurricane watch or tropical storm watch means the threat of hurricanes or tropical storm conditions exist for designated islands within 48 hours.



Flood Insurance Rate Maps

Are you currently doing work in Maui County? If so, please take note that FEMA has approved the following Letter of Map Revision (LOMR) for changes to the flood hazard information shown on the current FIRM.

Maui County

FIRM Panel 0025B

FHBM Panel 0025

Effective date of revision: May 10, 2006

FEMA Case No. :

06-09-A607P

06-09-2100607P (former Case No.)

Flooding Source: Pacific Ocean

Visit the FEMA Flood Map Store to download a copy of this map revision.

www.msc.fema.gov



Professional Development

For only the second time ever, the Certified Floodplain Manager's Exam will be offered right here in Honolulu on August 17, 2006 from 1:30 pm - 4:30 pm at Hale Ikena in Fort Shafter.

To be a part of this Nationally Accredited Program and to take the August 17th exam, applicants must apply with the Association of State Floodplain Managers (ASFPM) at:

2809 Fish Hatchery Road

Madison, WI 53713

Phone: 608-274-0123

Fax: 608-274-0696

Email: asfpm@floods.org

Website: www.floods.org

(application forms downloadable)

Exam fees are \$300 for non-ASFPM members and \$100 for members.

To become a member of this elite organization, who's mission is to mitigate the losses, costs and human suffering caused by flooding and to promote the wise use of the natural and beneficial functions of floodplains, call ASFPM at (608) 274-0123 or visit their website for more information.

"...Hurricane Season ..." continued from page 1

- A hurricane warning or tropical storm warning means hurricane or tropical storm conditions are expected to occur for designated islands within 24 hours. Listen to radio, TV, and NOAA Weather Radio All Hazards for the latest weather information. Be prepared to evacuate if advised to do so by State Civil Defense.

One way to stay informed during severe weather or other natural disasters is through [NOAA Weather Radio All Hazards](#) – the official voice of the National Weather Service. Continuous weather updates are provided by the Honolulu Forecast Office. Weather radio receivers are available at electronics stores and prices typically start at \$30. Higher grade units can be programmed to turn on automatically whenever a weather watch or warning is issued. This is particularly important if there is a weather or tsunami emergency at night, when most people are asleep.

The Central Pacific Hurricane Center's area of responsibility extends from 140 degrees west to the international date line and north of the equator. The National Hurricane Center in Miami, Fla., covers the Eastern Pacific, Atlantic Ocean, Gulf of Mexico and Caribbean Sea. Hurricane season runs from June 1 – November 30.

The National Oceanic and Atmospheric Administration is an agency of the U. S. Commerce Department. NOAA is dedicated to enhancing economic security and national safety through the prediction and research of weather and climate-related events and providing environmental stewardship of our nation's coastal and marine resources. Through the emerging Global Earth Observation System of Systems (GEOSS), NOAA is working with its federal partners and more than 60 countries to develop a global monitoring network that is as integrated as the planet it observes.



NOAA News Release Number: NOAA06-R254

Release Date: 5/22/06

Source: NOAA

The World of the Flood Zone Determination Industry

The State of Hawaii Coordinating Office of the National Flood Insurance Program (NFIP) often receives calls from home owners inquiring and/or disputing a flood zone determination. The following article, provided by Michigan's Department of Environmental Quality, answers some of these questions and provides insight into the "World of the Flood Zone Determination Industry":

"The floodplain management staff of the Michigan Department of Environmental Quality often receive inquiries from property owners regarding the need to obtain flood insurance. Many inquiries are from persons who currently own their residence and are re-mortgaging or pursuing a home equity loan. They often find the lender requires proof of flood insurance before the loan can be consummated. The callers usually indicate that they never were required to have flood insurance before and they wonder why all of a sudden it is needed and why they are now considered in a floodplain when they weren't before.

One obvious reason for this situation is that the FEMA had not identified special flood hazard areas within the community until after the citizens last obtained a home loan of any kind. Now, with the newly identified flood hazard areas the community falls under the requirements of the NFIP, which requires the purchase of flood insurance for mortgaged structures. Citizens are duly notified by the lenders of this pursuant to the NFIP regulations.

In the past, lenders often were not diligent in determining if structures were located in flood hazard areas and were not requiring flood insurance for many structures located in flood hazard areas as required by the NFIP regulations. Lenders were not penalized for not requiring flood insurance when it should have been. Changes were made in the NFIP regulations in 1994 that authorized the FEMA to impose civil penalties against lenders for not requiring flood insurance when necessary.

The authorization of civil penalties and subsequent FEMA actions against non-compliant lenders resulting in fines caught the lending industry's attention. It is now more of a standard practice for lenders to evaluate the location of structures relative to flood hazard risk and to require flood insurance as a prerequisite for a home loan. Enter the "flood zone determination service industry". This service industry has developed to provide flood zone determinations on behalf of lenders that do not want to make the determinations themselves, but still want to be NFIP compliant and competitive.

Most lenders will contract with a service company trained and knowledgeable in floodplain management to make those determinations that become the basis for the lender's decision to require a mortgagor to obtain flood insurance.

The FEMA official special flood hazard maps and accompanying community specific flood insurance studies (FIS) are used by the flood zone determination service companies to determine a structure's locations relative to the 1% chance flood hazard area. One very important factor that will effect the confidence level in a determination company's findings is the accuracy and level of detailed information found on the effective FEMA flood hazard maps and FIS. The more detailed a FEMA map and study are, the greater the confidence level that the findings are accurate and more closely they will represent the real relationship of a structure to flood risks.

FEMA does not regulate or rate flood zone determination service companies as far as their qualifications, knowledge, and abilities to make proper and accurate determinations.

Companies using the same base maps and having the same level of background knowledge of floodplain management should theoretically make the same determination on any structure they review. However, differences in determinations do occur because the review and accuracy stands and level of risk vary with each flood zone determination service company.

The lack of consistent standards in the flood zone determination industry has led some to question the trustworthiness and actual benefit that the industry provides to floodplain management and the NFIP. Flood insurance and governmental NFIP stakeholders are working to provide a method of self regulation within the industry initially through the creation of the National Flood Determination Association (NHDA) and by subsequent development of a certification program administered by the association. The NFDA is a non-profit organization dedicated to promoting interests and success of its members involved in conducting flood zone determination reviews and the distributing and reselling of the flood zone determination findings. Its membership includes flood zone determination service companies, their vendors, re-sellers and other industry associates.

It took seven years to develop the certification program and in 2005 the first exam was administered. Ten firms were certified as meeting NFDA's stringent standards on seven key criteria. The established certification criteria

Common Legal Questions *About Floodplain Regulations in the Courts*

The following is the first of several installments of the "Common Legal Questions about Floodplain Regulations in the Courts". The material presented in this article was reproduced from a Association of Floodplain Managers' document prepared by Jon A. Kusler, Esq.

Have courts continued to uphold the overall constitutionality of state and local floodplain regulations?

Yes. Courts at all levels, including the U.S. Supreme Court, have broadly and repeatedly upheld the general validity of floodplain regulations in the last 15 years. They have, however, held regulations as unconstitutional "takings" of private property in several cases where certain regulations, not clearly based on principles of hazard prevention or "no adverse impact" denied all economic use of lands, *Lucas v. South Carolina Coastal Council*, 505 U.S. property, *Nollan v. California Coastal Commission*, 483 U.S. 825 (1987); *Dolan v. City of Tigard*, 512 U.S. 374 (1994).

Does general validity mean that regulations are valid for all properties?

No. A landowner may attack the constitutionality of regulations as applied to his or her property even where regulations in general are valid. Regulatory agencies need to be able to support the validity of the regulations as applied to particular properties. However, the overall presumption of validity for regulations and a presumption of correctness for regulatory agency information gathering and regulatory decisions help the agency meet its burden of proof. Courts have broadly supported state and local floodplain regulations as applied to particular properties. A court decision that regulations are unconstitutional as applied to specific property will not necessarily determine site-specific constitutionality or unconstitutionality as applied to other properties.

Acknowledgements

This summary was prepared for the Association of State Floodplain Managers (ASFPM) by Jon Kusler, Esq., Associate Director of the Association of State Wetland Managers. Preparation involved a review of the legal literature on floodplain regulations as well as the last 15 years of federal and state case law concerning floodplain regulations. Detailed reviews of cases from period 1960-1990 were prepared by Kusler in an earlier document.

Edwards A. Thomas, Esq. Provided extensive review of this document. Funding was provided by The McKnight Foundation and the ASFPM Foundation. Opinions expressed in the document are those of the authors and do not necessarily reflect the view of the sponsoring organizations.

The reader is advised not to rely upon this booklet to resolve specific legal questions. Advice of legal counsel or program officials in the state or community in question should be obtained.



Frequently Used FEMA Mitigation WebPages

In April 2006, FEMA.gov launched a new web page design. Please review the following frequently used links, as many mitigation information has been relocated throughout the site.

Flood Smart

www.FloodSmart.gov



FEMA's Map Service Center

www.msc.fema.gov



Mapping Information Platform (MIP)

www.hazards.fema.gov



National Flood Insurance Program (NFIP)

www.fema.gov/business/nfip



Floodplain Management

www.fema.gov/plan/prevent/floodplain



Flood Hazard Mapping

www.fema.gov/plan/prevent/fhm



FEMA Technical Bulletins

www.fema.gov/fima/techbul



NFIP Forms

www.fema.gov/business/nfip/forms



NFIP Publications

www.fema.gov/business/nfip/publicat



Grants & Assistance Programs for Individuals

www.fema.gov/individual/grant



Community Rating System

www.fema.gov/business/nfip/crs

Source: FEMA

Hawaii Flood Recovery Update

Hundreds Have Been Assisted at Disaster Recovery Centers

Release Date: May 26, 2006

Release Number: 1640-017

HONOLULU, Hawaii. -- The U.S. Department of Homeland Security's Federal Emergency Management Agency (FEMA) and Hawaii State Civil Defense officials continue working in partnership to help Hawaii residents and businesses as they continue their recovery from the severe storms and flooding. More than 275 people were able to visit the state/federal Disaster Recovery Centers (DRC) before their closings at the end of this week.

"It's important that Hawaii residents affected by the recent storms know that even though the DRCs are closing, assistance is still readily available," said Michael Karl, federal coordinating officer for the disaster.

The DRCs are transitioning into U.S. Small Business Recovery Centers and Outreach Centers to continue to assist renters, homeowners, and businesses of all sizes with SBA's disaster loan program. For current SBA center hours and locations, or for additional SBA assistance, call the SBA Customer Service Center at 1-800-659-2955, or visit SBA's website at www.sba.gov.

Those who have yet to register for FEMA assistance, have questions about the status of their FEMA applications, or want to update information in their files, can call **1-800-621-FEMA (3362)** or **1-800-462-7585 (TTY)** for the hearing- or speech-impaired, from 5 a.m. to 6 p.m. (local time), Monday through Saturday. Registration can also be done online at www.fema.gov.

RECOVERY FACTS:

- The City and County of Honolulu and Kaua'i County were designated for federal disaster assistance due to the effects of severe storms, flooding, landslides and mudslides during February 20 to April 2, 2006.
- **\$447,898** in grants has been given to those affected by the severe storms.
- **463** individuals have registered for disaster assistance.
- **303 home inspections** have been completed by FEMA inspectors. If an applicant submits a disaster loan application to the U.S. Small Business Administration (SBA), in most cases the SBA will inspect the damaged property to determine the cost for repair to repair or replace the damaged property.
- The U.S. Small Business Administration has approved low-interest disaster loans totaling more than **\$979,400** for Hawaii homeowners, renters and businesses of all sizes.

FEMA manages federal response and recovery efforts following any national incident. FEMA also initiates mitigation activities, works with state and local emergency managers, and manages the National Flood Insurance Program. FEMA became a part of the U.S. Department of Homeland Security on March 1, 2003.

Source: FEMA

Hawaii Residents Can Appeal Denial Letters

Release Date: June 1, 2006
Release Number: 1640-018

HONOLULU, Hawaii -- Applicants who received denial letters declaring them ineligible for disaster assistance can follow a process to appeal decisions, according to state and federal officials.



Common reasons for denial include: adequate insurance coverage; damage to a secondary home, not a primary residence; duplicate applications made from the same address; and inability to prove occupancy or ownership.

"The recovery process doesn't necessarily end with a denial letter," said Michael Karl, federal coordinating officer for the disaster. "Sometimes a denial simply means that more information is needed before the analysis can be completed."

Applicants who are denied housing and other needs assistance under FEMA's Individuals and Households Program (IHP) have 60 days from the date of their determination letter to appeal the decision. All appeals must be submitted in writing.

In their appeal letters, applicants should explain in writing why they think the decision about the amount or type of assistance they received is not correct. They should provide specific examples, such as areas - electrical, plumbing, floors, walls, ceilings, etc. - they feel were not addressed in the inspection process. The applicant, or someone who represents them or their household, should sign the letter. If the person writing the letter is not a member of the household, there must be a signed statement saying that the writer may act on the applicant's behalf.

Appeal letters should include the applicant's FEMA registration number and the disaster number. It is important to have appeal letters postmarked within 60 days of the date on the decision letter. It is also important to date the appeal letter, which should be mailed to the following address:

FEMA - Individuals & Households Program
National Processing Service Center
P.O. Box 10055
Hyattsville, MD 20782-7055

Letters can also be faxed to 800-827-8112 (Attention: FEMA - Individuals & Households Program).

To register for or ask questions about FEMA assistance, residents should call FEMA at 1-800-621-FEMA (3362) or TTY 1-800-462-7585 for the speech- and hearing- impaired. The deadline to apply for disaster assistance is July 1, 2006.

Appealing insurance-related denials:

While the law forbids federal payment for losses covered by insurance, financial aid may be provided for losses not covered, and information in the settlement letter from the insurance company can help obtain this aid from FEMA, if the individual is eligible.

If an applicant is still waiting for an insurance settlement - but has received a letter from FEMA stating that a claim for federal assistance has been denied

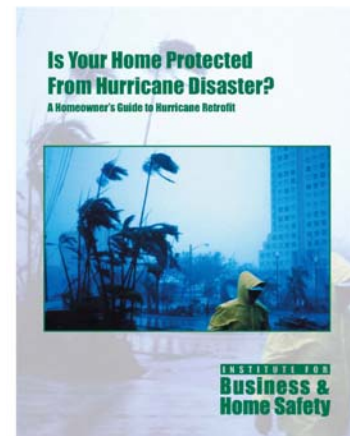
"... Appeal Denial Letters" Continued on Page 6

Spotlight



Spotlight, features informative publications which are available to the public free of charge. This quarter's selection is:

[A Homeowner's Guide to Hurricane Retrofit](#)



"Hurricanes are well known for causing damage to homes and property, for destroying family keepsakes, and for disrupting family life."

The purpose of this document is to provide homeowners with guidance on ways to retrofit one and two-family homes in order to reduce losses from hurricane winds.

This publication was prepared by the Institute for Business & Home Safety. The Institute for Business & Home Safety (IBHS) is an initiative of the insurance industry to reduce deaths, injuries, property damage, economic losses, and human suffering caused by natural disasters. IBHS is a not-for-profit research and communications organization.

To download this publication, visit:

http://www.nhc.noaa.gov/HAW2/pdf/hurricane_retrofit.pdf

NOTE: We offer this publication information for reference only. We do not endorse any product or company. Please note website links may have changed since the publication of this newsletter.



Department of Land and Natural Resources
Engineering Division
P.O. BOX 373
HONOLULU, HAWAII 96809

Hawaii Flood Management News
Board of Land and Natural Resources
Peter T. Young, Chairperson Timothy E. Johns Dr. Sam Gon II Gerald DeMello Jerry Edlao Taryn Schuman Ron Agor
Engineering Division
Eric T. Hirano, Chief Engineer
Editor: Carol Tyau-Bearn
Editorial Support Staff: Elaine Keb

"...Flood Zone Determinations..." Continued from Page 3

keys are accuracy, business recovery capabilities, industry experience, financial viability, training of map research analysts, quality assurance, and record keeping. The real value in the flood zone certification program and its criteria become obvious when one considers that the current membership of the NFDA accounted for an estimated 33 million flood zone determinations in 2003. You may visit the website address of www.floodassoc.com for more information on the NFDA and its certification program.

Just as the flood zone determination companies establish their own individual standards for business operations and the level of risk they are willing to accept in making the flood zone determination, so do the lenders establish risk levels for their operations. Their choices can vary on a scale of very liberal to very conservative. The ultimate decision as to whether flood insurance will be required beyond the NFIP requirements is the lenders' choice. They could choose to be ultra conservative and require flood insurance on every mortgage they issue just as they would require a home owners insurance policy. Even if a structure is far far removed from any flood risk, a lender could still require flood insurance. If a citizen is faced with a situation where a lender is requiring flood insurance and there appears to be very good evidence that the structure being mortgaged is not in a flood zone regulated by the NFIP then the citizen has the option of shopping around for another lender.

 Source: Michigan Dept. of Environmental Quality


"Hawaii Residents can Appeal Denial Letters" Continued from Page 5

because of insurance coverage - he or she should contact FEMA and request a "delay of settlement" letter. A completed copy of the letter should be mailed back to FEMA at the above address so the agency is aware that the claims process is still ongoing.

If an applicant does receive an insurance settlement - and also receives a letter from FEMA stating that a claim for federal assistance has been denied because of insurance coverage but feels the insurance settlement was not sufficient - the applicant can re-contact FEMA and let them know of the situation. Insurance cases can be appealed to FEMA up to 12 months from an applicant's registration date.

It is important to register with FEMA now. Occasionally, the insurance settlement process may take several months before it is final, perhaps until after the registration period has ended. To be considered for federal assistance, residents must have applied before the July 1, 2006 deadline, even if they are not finished with the insurance claims process.*

* This article applies to individuals who have already applied for FEMA assistance prior to the July 1, 2006 deadline.

 Source: FEMA