



COLORADO

**Colorado Water
Conservation Board**

Department of Natural Resources

1313 Sherman Street
Denver, CO 80203

P (303) 866-3441
F (303) 866-4474

John Hickenlooper, Governor

Mike King, DNR Executive Director

James Eklund, CWCB Director

TO: Town of Jamestown, Colorado

FROM: Colorado Water Conservation Board

DATE: January 6, 2016

RE: Memorandum of Understanding (MOU) between Town of Jamestown, CO and the Colorado Water Conservation Board (CWCB)

Background

The Colorado Hazard Mapping Program (Program) aims to provide more accurate representations of natural hazard risks around the State, with Phase I of this Program focused on updated flood hazard information for the streams most affected by the September 2013 flood event. Updated flood risk information can enhance local and State hazard mitigation plans, and improve Jamestown's ability to raise awareness about flood risk, while making informed decisions that will improve its resilience to flooding.

This project MOU:

- Describes the short and long-term goals of the Program for Jamestown
- Describes the draft nature of the data provided to Jamestown (Town)
- Summarizes the areas expected to have increased flood hazards
- Describes the project milestones and sets the schedule for when those milestones will be achieved
- Describes the roles and responsibilities of FEMA, CWCB and the community throughout the project

Program Goals for Jamestown

As stated above, CWCB's overall goal for Phase I of the Program is to generate updated flood hazard information for those streams most affected by the September 2013 flood event. CWCB has contracted with AECOM, a nationally recognized engineering firm, to conduct the technical work for those efforts in the Big Thompson and St. Vrain watersheds. In the long-term, CWCB intends to eventually submit the updated flood hazard information to the Federal Emergency Management Agency (FEMA) to be used to update the regulatory Flood Insurance Rate Maps, which are used to identify risk zones and determine flood insurance requirements.

The 2013 flood event significantly impacted the Town and the Town needs updated regulatory flood hazard information to provide a baseline for ongoing flood recovery efforts. At the Town's request, in the short-term, CWCB authorized AECOM to fast-track the flood hazard update for James Creek and Little James Creek within the Town's limits and to submit the updated information to FEMA in the form of a Letter of Map Revision (LOMR) request. The



LOMR process typically takes from three to nine months from the date of submittal to the date of FEMA issuing a determination and map attachment. Note that the LOMR process does not physically revise the FIRM maps (eg. no full-size maps are issued), but instead documents the changed mapping via a map attachment.

Draft Data

The draft floodplain mapping for Jamestown was recently completed and has been provided to the Town for their local use to plan and prepare a notification strategy to educate and inform local citizens of the changes in flood hazards. The following draft materials have been provided to the Town:

- Jamestown LOMR Area Figures 1-3 (two versions of the same floodplain work map, one with topographic contours and the other without)
- Jamestown LOMR Area Changes from Effective Figures 1-3
- Jamestown Parcels Affected by Floodplain and Floodway Changes from Effective (Table)
- Jamestown LOMR Floodplain Work Map (Exhibits 1A-1D)
- James Creek Flood Profiles (Sheets 193P-197P)
- Little James Creek Flood Profiles (Sheets 221P-225P)

The draft floodplain mapping data will undergo further review by FEMA and is considered preliminary until FEMA issues a formal LOMR determination and it becomes effective. Thus, the data are subject to change, are for information only, and the Town must be aware of the element of uncertainty associated with the data until FEMA approves it.

Disclaimer: Any use of the draft floodplain information for decision making related to development is at the sole discretion of the user. If the Town should use this information to advise community members to rebuild or build structures based on the draft floodplain data, it will be recognized as the recommendation of the Town.

Areas Expected to have Increased Flood Hazards

For purposes of the LOMR submittal, AECOM is required to identify properties which are impacted by increases in the regulatory 1%-annual-chance floodplain, floodway, and/or Base Flood Elevations as compared to the those published on the FIRM. An increase in the floodplain or floodway can be an increase in the top width on a given property or a shift in the delineation onto a new portion of the property. Notifying the owners of these properties is required. Furthermore, as the regulatory floodway has changed, notification of expected revisions to the floodway is required as well. These notifications typically take the form of a public notice published in the local newspaper or individual letters sent to each affected property owner.

Generally, the top width of the 1%-annual-chance floodplain and floodway both increased and decreased as compared to the currently effective floodplains for the Town, as shown on the maps provided. Shifts also occurred. These results are to be expected based on the decreased flood flows used in the analysis that were taken from the Colorado Department of Transportation's *Hydrologic Evaluation of the Lefthand Creek Watershed, Post September 2013 Flood Event*, but also on the new, highly detailed LiDAR topography from 2014.



Parcels that were affected by changes in the floodplain or floodway delineations are listed in the "*Jamestown Parcels Affected by Floodplain and Floodway Changes from Effective*" table listed above. Parcels are also shown on the provided maps. 67 parcels were identified as being impacted by increases or shifts.

Project Milestones

The next project milestone for the LOMR is submission of the LOMR report, analyses, and mapping to FEMA for review. However, before that submittal can be made, the required notifications must occur.

The Town has indicated during several tele-conferences that the typical notification strategy (i.e. letters and/or public notice, etc.) is not preferred and has undertaken additional evaluations of the provided maps to devise a notification strategy for its affected citizens. To maintain forward progress on the LOMR, the Town is requested to provide evidence of having notified all property owners whose properties were impacted by increases or shifts in the draft 1%-annual-chance floodplain or floodway to CWCB and AECOM by **January 25, 2016**. Community concurrence of the LOMR request from both the Town and from Boulder County will also be needed at that time. AECOM will provide the required forms to the Town by **January 15, 2016**. As this LOMR was requested by the Town, CWCB and AECOM will rely on the Town to assist with obtaining concurrence from Boulder County.

Upon receipt of evidence of the notifications and community concurrence, AECOM will submit the LOMR request to FEMA's Online LOMC Portal within 5 days.

By statute (44 CFR), FEMA has a period of 90 days to conduct their review of the submitted LOMR information. At the end of that period, FEMA will either issue a determination or request additional information. Should additional information be requested, 90 days are provided for AECOM to respond, then FEMA has another 90 days to review the new information. AECOM typically responds in 5-30 days, depending on the complexity of the additional data request.

Once FEMA issues a determination letter indicating the LOMR is approved, a 90-day appeal period will begin. At the conclusion of those 90 days, if no appeals were received, the LOMR is effective and formally updates the FIRM.

Project Roles and Responsibilities of FEMA, CWCB, and Jamestown

CWCB will provide Jamestown with project updates and outreach and hazard mitigation guidance to increase the local awareness of flood risk. These efforts will better enable the Town to take action to reduce risk, such as through the adoption of the maps, development, enhancement of mitigation plans, and increased communication with citizens to inform them of their risk and the steps they can take to mitigate that risk. At the specific request of the Town, the CWCB and FEMA can provide additional guidance materials and attend in-person meetings to assist the Town with these efforts. It is ultimately the community's responsibility to communicate to its constituents their risks and mitigation options.

This project MOU represents a good-faith effort by all parties to respectfully share data, and communicate necessary information and requests in order to effectively assist Jamestown with planning activities to protect Jamestown from flood risk while considering the unique

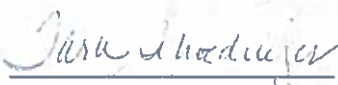


concerns of Jamestown. It is not legally binding nor does it preclude Jamestown from participating in the FEMA mapping appeal process.


Request for Signature

Please indicate your concurrence with the above MOU between the Town of Jamestown, CO and the Colorado Water Conservation Board by returning a scanned signed copy of this MOU to Ms. Thuy Patton at thuy.patton@state.co.us or Ms. Stephanie DiBetitto at stephanie.dibetitto@state.co.us. We request that you contact us or provide concurrence within 5 business days. We appreciate your timely response and look forward to continuing to working with you on this project.

Town of Jamestown

<u>Tara Schoedinger</u>	<u>Mayor</u>	<u>Town of Jamestown</u>
Printed Name	Title/Position	Agency
<u></u>	<u>1/8/2016</u>	
Signature	Date	

Colorado Water Conservation Board

<u>Stephanie DiBetitto</u>	<u>Hazard Mapping Specialist</u>	<u>CWCB</u>
Printed Name	Title/Position	Agency
<u></u>	<u>1/11/2016</u>	
Signature	Date	

