

Emergency Relief & Assistance Fund Eligibility Criteria – 17.5% State Share

BACKGROUND:

The [Emergency Relief and Assistance Fund \(ERAF\) rule](#) was amended in September 2012, which created a sliding scale framework for cost share on the non-federal match requirements for [FEMA Public Assistance Grants](#). The current ERAF rule took effect in October 2014. To qualify for the maximum state cost share of 17.5%¹ of the non-federal match, municipalities have two options; 1) Enroll in the National Flood Insurance Program Community Rating System and adopt a bylaw that prohibits new structures in the Flood Hazard Area, or 2) Adopt River Corridor protection standards that meet Agency of Natural Resources (ANR) criteria.

DEFINITIONS:

Flood Hazard Area means the land in the flood plain within a community subject to a 1 percent or greater chance of flooding in any given year and shall have the same meaning as “area of special flood hazard” under 44 C.F.R. § 59.1, and are shown on published Flood Insurance Rate Maps.

Fluvial Erosion Hazards means those hazards related to the erosion or scouring of riverbeds and banks during high flow conditions of a river.

River means the full length and width, including the bed and banks, of any watercourse, including rivers, streams, creeks, brooks, and branches, which experience perennial flow. *River* does not mean constructed drainageways, including water bars, swales, and roadside ditches.

River Corridor means the land area adjacent to a river that is required to accommodate the dimensions, slope, planform, and buffer of the naturally stable channel and that is necessary for the natural maintenance or natural restoration of a dynamic equilibrium condition, as that term is defined in 10 V.S.A. §1422, and for minimization of fluvial erosion hazards, as delineated by the Agency in accordance with the ANR Flood Hazard Area and River Corridor Protection Procedure².

Option 1 - Community Rating System

Eligibility to receive the 17.5% state share under this option has 2 requirements: Enrollment in the Community Rating System (CRS), as well as specific CRS Activity requirements.

Enrollment in the [Community Rating System \(CRS\)](#) is done through FEMA Region I. As a first step, communities need to conduct a [CRS quick check](#) self-assessment and close out a successful Community Assistance Visit (CAV) with FEMA Region 1. [ANR Regional Floodplain Managers](#) are available to assist

¹ To qualify for at the 17.5% state match level, communities must adopt one of the 17.5% options in this document, in addition to the [four basic ERAF mitigation measures](#) to qualify at the 12.5% level.

² Available at: http://dec.vermont.gov/sites/dec/files/documents/DEC_FHARCP_Procedure.pdf

communities and serve as a liaison with FEMA. Please note that enrollment in the CRS program typically takes 12-18 months to complete.

In addition to enrollment in CRS, communities must be receiving some credit under Activity 430 (Higher Regulatory Standards) for having a flood hazard bylaw that prohibits new structures in at least some parts of their FEMA-mapped Flood Hazard Areas that are largely undeveloped.

Option 2 – River Corridor Protection

- A. To qualify under the River Corridor Protection option, a community must:
- i. Adopt a River Corridor overlay for all streams and rivers draining greater than two square miles.
 - ii. Adopt a river corridor setback for small streams as part of their flood hazard/river corridor bylaws. The setback must be a minimum of 50' from top of bank for streams with a watershed area between 0.5 and 2 square miles³. The setback shall be regulated as the River Corridor for streams draining between 0.5 and 2 square miles⁴.
 - iii. Adopt a minimum regulatory requirement for River Corridors that are at least as restrictive as those outlined in the [ANR Model River Corridor bylaws](#) in effect at the time of adoption.

Early Adopter communities that adopted partial River Corridor protection standards or protective flood inundation regulations prior to the ERAF rule going into effect on October 23, 2014 have taken important steps toward minimizing stream erosion, reducing exposure to flood hazards, and ensuring public safety, and will remain eligible for the 17.5% ERAF cost share under the current ERAF rule. However, it is anticipated that future amendments to the ERAF Rule will change the cost-share rate and/or the various qualifying activities for these communities to reduce their exposure to flooding.

To verify whether you are an *early adopter* community, generate an ERAF Summary Report on the Flood Ready website (http://floodready.vermont.gov/assessment/community_reports#ERAF). If the report indicates “RC Interim”, then your community is considered an early adopter based on hazard area regulations currently in place as of October 2014.

³ Streams draining less than half a square mile have a higher likelihood of being intermittent or ephemeral. For ERAF purposes, ANR requires river corridor protection for small streams draining at least half a square mile, to minimize the need to determine whether streams are perennial and reduce the sheer number of stream miles regulated. Please be aware that under Act 250, ANR may review and comment on projects impacting watersheds smaller than half a square mile. Therefore, the Statewide River Corridor map layer on the ANR atlas still identifies small streams with a watershed of 0.25 square mile, as well.

⁴ The River Corridor layer on the ANR Natural Resources Atlas has been updated to show streams draining between 0.5 and 2 square miles.

Communities interested in qualifying for enhance ERAF cost share should contact their ANR Regional Floodplain Manager to determine applicability of existing municipal regulations, and options available to the community. ANR, VLCT, and regional planning commission staff will provide technical assistance to interested towns in qualifying for increase state cost share under the ERAF rule.

Regional Floodplain Manager Contact Information:

http://dec.vermont.gov/sites/dec/files/wsm/rivers/docs/floodplain_mngr_regions.pdf

Regional Planning Commission Contacts: <http://www.vapda.org/>

Milly Archer, Vermont League of Cities and Towns; marcher@vlct.org

Additional Resources:

ERAF:

http://floodready.vermont.gov/find_funding/emergency_relief_assistance

CRS:

<https://www.fema.gov/national-flood-insurance-program-community-rating-system>

<http://crsresources.org/>

River Corridors:

http://floodready.vermont.gov/flood_protection/river_corridors_floodplains

http://floodready.vermont.gov/flood_protection/river_corridors_floodplains/river_corridors

<http://floodready.vermont.gov/RCFAQ>

River Corridor Mapping:

http://floodready.vermont.gov/assessment/vt_floodready_atlas

<http://anrmaps.vermont.gov/websites/anra5/>