ACT 138

An act relating to regulation of flood hazard areas, river corridors, and stream alteration.
1. Create Emergency Stream Alteration Rules
2. Create Flood Resilient Communities Program
3. Create State Floodplain Rules
4. Provide river corridor mapping and sensitivity assessments
ACT 138

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Emergency Relief and Assistance Fund (ERAF)

- Established in statute: 20 V.S.A. § 45:
  - Secretary of Administration expends funds following disaster declarations, used to match Federal disaster assistance programs;
  - Secretary of Administration distributes funds according to criteria and procedures established by rule-making.

The “Orange Book”
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Peter Shumlin, Governor
Brian R. Searles, Secretary of Transportation

2011—2013
Objectives of the ERAF Rule

✓ To render state assistance in a predictable and consistent way;

✓ Encourage hazard mitigation strategies by municipalities and individuals to reduce potential future damages from natural disasters.

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2011—2013
Goals in Amending Vermont’s Emergency Relief and Assistance Fund Rule

- Enhance public safety and disaster preparedness;
- Improve resilience to future flood hazards;
- Reduce the Vermont taxpayers’ burden associated with the cost of flood recovery; and,
- Use incentives to encourage and enable municipalities to play a more effective role in managing land use decisions that affect the extent of future flood damages.

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2011—2013
Old ERAF Rule

- FEMA typically covers 75% of the total damages to a structure under its Public Assistance Program
- There is a 25% local match requirement
- Municipalities were responsible for meeting half of the non-federal share (12.5% of total project costs)
ERAF – Keeping the percentages straight...

Public Assistance - Local Match

50%  50%

State  Municipality
Old ERAF Rule

- A municipality can qualify for an increase in state match funding up to 60% of the local match if the municipality adopts:
  - Codes and Standards for transportation construction and improvements;
  - Flood hazard regulations that meet National Flood Insurance Program; and,
  - An additional 3 out of 12 specified hazard mitigation measures

![Pie chart showing public assistance - local match with 50% and 60%]

- State
- Municipality
New ERAF Rule

- The provisions of the old rule remain in effect for 24 months;
- Municipalities have 24 months to adopt four basic measures to ensure that the state matching funds remain at half of the non-federal share:
New ERAF Rule – 4 basic measures

1. Adopt the most recent VTRANS Town Roads and Bridge Standards contained in the *Handbook for Local Officials*;

2. Adopt a flood hazard bylaw adequate enough to secure participation in the National Flood Insurance Program;

3. Adopt a local hazard mitigation plan; and,


![Public Assistance - Local Match](chart.png)

- State: 50%
- Municipality: 50%
New ERAF Rule

Not adopting the 4 base level measures:
State Match = 30%

Public Assistance - Local Match

- State: 30%
- Municipality: 70%
New ERAF Rule – Additional Incentive

When the new ERAF Rule becomes effective in 24 months, municipalities can qualify for an increased state match of 70% for the non-federal share by providing additional river corridor protections:
New ERAF Rule – Additional Incentive

1. Community Rating System (CRS) enrollment – including regulations that prohibit new structures in the SFHA

OR

2. Adopt River Corridor protection overlay/bylaws (i.e. Fluvial Erosion Hazard regulations)
New ERAF Rule – Example:

$2,000,000 = Total project costs
$500,000 = Local Match for Public Assistance

<table>
<thead>
<tr>
<th>State Match Percentage</th>
<th>30%</th>
<th>50%</th>
<th>70%</th>
</tr>
</thead>
<tbody>
<tr>
<td>State</td>
<td>$150,000</td>
<td>$250,000</td>
<td>$350,000</td>
</tr>
<tr>
<td>Municipal</td>
<td>$350,000</td>
<td>$250,000</td>
<td>$150,000</td>
</tr>
</tbody>
</table>
Advantages of this Approach

- Enhanced Public Safety
- Minimizes economic losses during floods
- Saves taxpayers money
- Improves local resilience to future flooding
- Creates a new community-based relationship with its river, floodplain, and wetland systems
- Improves water quality
Contacts

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