A Template Management Plan for Floodplain Buyouts

*The purpose of this template is to aid local governments in developing a plan for managing sites acquired under floodplain acquisition programs (e.g., FEMA’s Hazard Mitigation Grant Program and other similar programs). This document is meant to serve as a starting point for local governments considering developing a management plan. It highlights some of the important considerations that could be included in a plan and should be customized as necessary and appropriate to address local conditions and applicable program restrictions.*

*Local governments should consider forming a committee to develop the Floodplain Buyout Management Plan. The committee could include representatives from local government agencies (including the hazard mitigation agency, public works, natural resources or parks agency, etc.), local elected officials, the state hazard mitigation agency, other relevant state agencies, and the public. The public should be invited to provide input on the development of the plan and the draft management plan should be released for public comment before it is finalized.*

# Introduction

[This section should detail the purpose of this management plan. Some questions to address include: What is the need for the plan, what are the goals for the plan, how the plan was developed (including how public input was gathered and addressed), and who is responsible for implementing the plan?]

# Vision and Goals for Buyout Sites

[This section should clearly outline the community’s vision for the buyout program and the goals for the buyout sites. Some questions that should be addressed include:

* How do the buyout sites fit in with other local goals (i.e., planning, economic development, community health, etc.)?

How do the sites fit in with the goals for the locality’s parks or natural areas?

* How do the buyout sites relate to the mission of the responsible agency?

What are the goals for the sites?

What kinds of projects will be allowed on the sites (including legal constraints and local restrictions)?

What will not be allowed on the sites?]

[Some possible goals include:

*Conservation Goals*

Protect or restore ecological integrity or natural systems (including connectivity; some communities may choose to frame this as the maximization of ecosystem services)

Sustain native species; provide habitat for local fauna (this might be especially valuable when there is a species of interest in the area)

*Recreation and Community Goals*

Increase recreational opportunities that are accessible to the community

Improve community health (including, but not limited to exercise opportunities)

Improve sense of community among residents/ positive community image by providing additional community amenities and gathering areas

Increase green space in underserved neighborhoods

*Flood Mitigation and Water Quality Goals*

Restore natural floodplain functions

Minimize flood damage to public and private property

Improve community resilience

Improve water quality]

[This section should also address how the agency will coordinate with the public and others on the buyout program and the subsequent management of the sites. Some questions that should be addresses include:

How will the agency coordinate with the public?

How will the agency coordinate with other local agencies or jurisdictions?

How will the agency coordinate with the state or federal agencies?

How will the agency coordinate with non-profits, university, foundations, etc.?

What should the public expect from the agency (e.g., provide signage on sites, enforcement, management on some sites, maintain a process for allowing the public to co-manage the sites, etc.)?]

# History of Buyout Sites and Current Management

### [This section should discuss the history of the buyout, include a description of the sites (including a map), discuss current management (if applicable), and outline any future plans for more acquisitions.]

# Plan for Future Management

[This is the heart of the management plan. This section should list possible or planned uses for buyout sites that conform to FEMA regulations and meet local desires, conditions, and restrictions. This section could include language that details site restrictions (e.g., the restrictions imposed by FEMA’s grant programs), allowable uses (i.e., those the agency will allow), and management roles and responsibilities.]

## *Management Opportunities and Desired Uses*

[Broadly identify the kinds of uses that will achieve the community’s goals identified above. Then clearly identify constraints. This section could include language on FEMA’s regulatory restrictions and any other local restrictions (e.g., zoning, financing, etc.). It may also include language on allowable and compatible use. Sample language may include:

Federal hazard mitigation regulations require that after properties are acquired and existing structures are removed, the land must be dedicated in perpetuity to open space, recreation, or wetland management uses (44 CFR § 80.19). Development is prohibited if it impedes the area’s ability to convey flood flows, reduces the area’s capacity to store floodwaters, or increases downstream velocities of flood heights. Commercial inventory storage (e.g., automobiles) and cemeteries are not allowed. Other uses and activities that are generally prohibited include walled buildings, levees, dikes, floodwalls, paved roads, highways, bridges, landfills, storage of hazardous or toxic materials, above or below ground pumping or switching stations, above or below ground storage tanks, paved parking, off-site fill or other uses that obstruct the natural and beneficial functions of the floodplain.

Even given those restrictions, the “compatible uses” which are allowed on the property present a wide range of opportunities for communities. In general, permissible “open space” uses include nature preserves, outdoor recreation, cultivation, grazing, buffer zones, and camping (where there is adequate warning time to allow evacuation) (44 C.F.R. 206.434(e)). To ensure the natural values of floodplains and/or wetlands are maintained, only unpaved parking lots can be used, and any structures other than a public restroom must be open on all sides and related to the open space use.]

## *Allowable uses*

[This section could include a list of uses that will be permitted by the agency. **Remember, FEMA approval may be required for some projects. It is important to engage the state hazard mitigation official early in the process of selecting and approving buyout projects**. A possible list may include:

##### Community Open Space

* + *Waterfront Greenway*

##### Recreation

##### Trail/greenway

##### Park/playground

##### Athletic fields

##### Archery Range

##### Disc golf

##### Community Gathering

##### Community gathering space (e.g., barbeque/picnic area)

##### Community Garden

##### Dog park

##### Habitat

##### Species habitat (e.g., wood duck houses)

##### Nature reserve

##### Floodplain

##### Wildflower Gardens

##### Wetlands

##### Pollinator habitat

* + *Grazing*

##### Water quality

##### Green Infrastructure (e.g, rain garden)

##### Education

##### Outdoor community education area

##### Outdoor classroom

##### Fishing

##### Fishing Access

##### Wharf

##### Boat ramp (in certain cases, if approved by the state and FEMA)

##### Other uses

##### Camping (scouting events)

##### Outdoor activities

[Alternatively, or in addition, this section may include a list of specific projects that the agency plans to pursue in order to achieve the identified goals. These projects maybe identified on a map.]

## Map of Sites with Proposed Future Uses

[This section would include a map showing the location, pattern, extent and geographic distribution of buyouts and the potential connections to existing public lands (including forests, wetlands, parks and greenways), existing recreation areas, cultural resources, and other natural features and community amenities. The map can also depict any proposed or possible future projects or desired management uses for specific sites. As such, the map may also show any additional restrictions that may apply to particular sites.]

## Management Roles and Responsibilities

[This section should discuss management roles and responsibilities and any possible partnerships. Some questions that should be addressed include: Does the agency plan to maintain management of all sites, or is the agency planning to partner with other agencies, conservation groups, or local citizens?]

Roles

[This section should discuss the context in which the agency will partner with agencies, groups, and the public. Some questions that could be addressed here include: For what sites (or types of sites or locations) will the agency maintain management, if any? Will the agency seek partnerships with other agencies, conservation organizations, local groups, citizens on the management of sites? In what contexts or for what kinds of sites will the agency encourage partnerships? Will the agency seek opportunities to transfer sites to other agencies or approved conservation organizations (make sure you are aware of the any restrictions or requirements associated with transferring sites that may vary by acquisition program)? Will the agency seek opportunities to lease properties to organizations or private citizens (make sure you are aware of the any restrictions or requirements associated with leasing sites that may vary by acquisition program and indicated that lease agreement issues will need to be developed in partnership with FEMA, the state, and the local government)? For what kinds of projects is the agency willing to partner with private citizens?]

Responsibilities

[The section should detail the responsibilities for each of the roles above. Specific tasks that should be detailed include:

* Management/maintenance
* Signage
* Monitoring
* Enforcement
* Public relations]

[Clearly identify what entity is responsible for management activities, and include relevant contact information]

## **Approving Proposed Uses on Buyout Sites**

[This section should detail the process for identifying and approving projects and planned partnerships under this plan. The process may vary depending on the various restrictions that may apply to each buyout site, the community’s goals for the buyout sites, and whether or not the community will engage in management partnerships. We provide a few examples below. **Again, remember that FEMA approval may be required for some projects. It is important to engage the state hazard mitigation official early in the process of selecting and approving buyout projects**.]

### *Project Proposal and Approval Process*

[The section should outline a process for identifying and planning projects. One possible process is for projects to be developed and implemented by the responsible agency.

1. **Project Committee Selects Proposed Project** – The project committee may include some representatives from the committee that developed this management plan. The committee should include – or seek input from – the state hazard mitigation official, if possible. The proposed project should meet the goals of this plan, conform to all regulations and restrictions for the site or sites in question, be feasible, and address the concerns and desires of the neighbors. Possible project evaluation criteria could include:
* Compatibility with size of parcel
* Adjacent land use
* Possibility of future buyouts adjacent to the parcel
* Proximity of neighbors
* Support of neighbors
* Proximity of parks/recreation opportunities
* Habitat/species goals/objectives for the area
* Community/neighborhood wants/needs
* History of management issues/concerns
* Funding
* Availability of partnerships (for maintenance, management, etc.)
* Management capacity of a lessee
* Publicly available use

Possible funding opportunities or project partners should be identified at this point.

1. **Develop Project Proposal** – The proposal should include location, current management concerns, proposed project, any restrictions, who will be responsible for implementation, who will be responsible for long-term maintenance and monitoring, what funding is necessary, etc. The proposal should also identify any necessary partners and possible funding sources.
2. **Gather Public Comment** – The proposal could be discussed during a regularly scheduled meeting (e.g., city council meetings, parks department meetings, where appropriate) or at a separate meeting (e.g., public forum) focused on the project. The agency may also wish to allow for other opportunities for public comment (e.g., written comments).
3. **Develop Final Project Implementation Plan** – The final plan should incorporate and address public comment, detail funding, include a timeline, and include plans for monitoring and long-term maintenance. The agency may wish to go back to the community to present the plan and timeline.
4. **Post Plan and Timeline** – The plan should be posted on the locality’s website (and/or via other public media).
5. **Implementation, Monitoring, and Enforcement** – All buyout properties must continue to be monitored to ensure the deed restrictions are not violated. A report must be submitted, through the State, every three years “certifying that the Grantee has inspected the Property within the month preceding the report, and that the Property continues to be maintained consistent with the provisions of 44 C.F.R. Part 80, the property conveyance, and the grant award.” In addition, the agency should also monitor the sites to ensure the proposed projects are maintained and partners are carrying out agreed upon roles.]

[In addition, or alternatively, this section may outline a process for evaluating and approving projects proposed by conservation organizations, local groups, and the public.

1. **Collect Proposed Project Ideas** – The responsible management agency should post how and where to submit initial proposed ideas (e.g., via phone, email, etc.). The agency should also post the kinds of projects or proposals it will accept (e.g., proposed property lease, property transfer, proposal to close a buyout property to public access, proposal to develop a site with a park, proposal for habitat restoration, etc.). Promising project ideas should be forwarded by the responsible agency to the state hazard mitigation official for discussion and review, if appropriate. Promising projects should then be invited to submit a full proposal.
2. **Collect Full Application/Proposal** – The relevant agency should post a proposal template. Required information should include location, current management, proposed project, who will be responsible for management, what funding is necessary, contact information for applicant, etc. The agency may also wish to require a site visit and invite the state hazard mitigation official and other relevant agency staff.
3. **Collect Public Input** – The proposal could be discussed during a regularly scheduled meeting or at a separate meeting focused on the project. The agency may wish to allow for other opportunities for public comment (e.g., written comments).
4. **Review and Approve Project** – The agency should detail the approval process and the criteria that will be used to evaluate proposals. The process should detail who will review the project (e.g., the project committee), who makes the final decision, how long the process may take, evaluation criteria and how they are weighted, etc.). Possible evaluation criteria could include:
* Compatibility with size of parcel
* Adjacent land use
* Possibility of future buyouts adjacent to the parcel
* Proximity of neighbors
* Support of neighbors
* Proximity of parks/recreation opportunities
* Habitat/species goals/objectives for the area
* Community/neighborhood wants/needs
* History of management issues/concerns
* Funding
* Availability of partnerships (for maintenance, management, etc.)
* Management capacity of a lessee
* Publically available use

The evaluation criteria could be organized into a scorecard or matrix. Depending on the type of project, certain criteria could be weighted as more important or favorable.

1. **Sign Agreement, if necessary** – A signed agreement will be necessary for any leases (for individuals, conservation organizations, local groups, etc.) or property transfers (for conservation organizations or other agencies). Indicate that lease agreement issues will need to be developed in partnership with FEMA, the state, and the local government An agreement with other types of project partners may also be desirable (e.g., if a local group will take on maintenance duties, etc.). These should be developed in advance and posted, if appropriate.
2. **Conduct Monitoring and Enforcement** – Depending on the project, the agency should monitor the project during construction and implementation (for restoration projects, for example) as well as over the long term to ensure compliance with restrictions and community regulations. All buyout properties must continue to be monitored to ensure the deed restrictions are not violated. A report must be submitted, through the State, every three years “certifying that the Grantee has inspected the Property within the month preceding the report, and that the Property continues to be maintained consistent with the provisions of 44 C.F.R. Part 80, the property conveyance, and the grant award.” 44 C.F.R. Part 80 In addition, the agency should also monitor the sites to ensure the proposed projects are maintained and partners are carrying out agreed upon roles.]

## **Appendices**

[Some possible appendices include:

1. Evaluation Scorecard
2. Template Lease]