



STATE OF MAINE

Date of Verification: Spring 2024

The Community Rating System (CRS) provides credit to communities for certain state laws, regulations, and standards that support floodplain management within a state and have proven effective in reducing flood damage. This Verification Report is provided to explain the recommendations of Insurance Services Office, Inc. (ISO) to DHS/FEMA concerning state-based credits under the CRS within the above state.

There are two sections to this report: State-based credit, and Other potential credit.

State-based credit is awarded to communities for activities that are implemented and enforced by the state. The credit is provided to each community in the state and documentation is not needed from the community.

Other potential credit lists the CRS activities for which communities may receive CRS credit based on, or due to, state or regional programs or regulations that are implemented within the community. There is also information regarding use of a state-based model ordinance, if present in the state. The potential credits must be verified by the ISO/CRS Specialists within each community, since enforcement is done at the community (or regional) level.

The following is a summary of state-based credit and other potential credit based on the *2017 CRS Coordinator's Manual* and *2021 Addendum*:

State Based Credit

ACTIVITY	ELEMENT	POINTS

No state-based credit has been verified at this time.

Other Potential Credit

ISO/CRS Specialists and the community need to determine which credits may apply to an individual community. The following is a summary of activities that are potential credits:

ACTIVITY	ELEMENT
410 (Floodplain Mapping)	MAPSH—mapping coastal erosion hazard areas
420 (Open Space Preservation)	CEOS—coastal erosion open space
430 (Higher Regulatory Standards)	BC1—building codes LDP3—local drainage protection FRB—freeboard
450 (Stormwater Management)	SMR—stormwater management regulations ESC—erosion and sedimentation control WQ—water quality
630 (Dams)	SDS—state dam safety

Activity 410 (Floodplain Mapping) Element MAPSH, Special Hazards Mapping

The state has defined and mapped an erosion hazard area. No closed fences are allowed in frontal dunes or in erosion hazard areas.

Citation: 06 ME Code Rules § 096-355: <https://regulations.justia.com/states/maine/06/096/chapter-355/>

06 ME Code Rules § 096-355

3 (P) Erosion Hazard Area. Any portion of the coastal sand dune system that can reasonably be expected to become part of a coastal wetland in the next 100 years due to cumulative and collective changes in the shoreline from:

- (1) Historical long-term erosion;
- (2) Short-term erosion resulting from a 100-year storm; or
- (3) Flooding in a 100-year storm after a two-foot rise in sea level,

or any portion of the coastal sand dune system that is mapped as an AO flood zone by the effective FEMA Flood Insurance Rate Map, which is presumed to be located in an Erosion Hazard Area unless the applicant demonstrates based upon site-specific information, as determined by the department, that a coastal wetland will not result from either (1), (2), or (3) occurring on an applicant's lot given the expectation that an AO-Zone, particularly if located immediately behind a frontal dune, is likely to become a V-Zone after 2 feet of sea level rise in 100 years.

5 (G) **Fences.** To allow for the movement of sand and water, no closed fence may be placed in any frontal dune or erosion hazard area.

6 (G) Sand and water movement. To allow for the movement of sand and water and future shoreline changes, all buildings modified or reconstructed pursuant to Sections 6(B)(4), 6(D), 6(E) or 6(F) and all new buildings constructed pursuant to Sections 6(B)(5), 7(C) or 9(A), except for detached buildings that are used as storage sheds, public bathhouses and garages, must have the lowest portion of the structural members of the lowest floor constructed on a post or piling foundation, and be elevated either 1) on undeveloped lots, three feet above the highest existing elevation, within the building's footprint; or, on developed lots, the highest natural elevation measured 5 feet from the corners of the existing building foundation; or 2) the elevation required in the local municipal floodplain ordinance, whichever elevation is higher when choosing between 1 or 2 above. The post or piling foundation may be enclosed with latticework or other similar material through which water, wind and sand can easily move.

Note: The department recommends that projects be constructed according to the Coastal Construction Manual, published by FEMA, which describes the best practices for residential construction in coastal areas, and which can be used to help create sustainable and livable coastal communities. The Coastal Construction Manual is available for review at Town Offices and regional department offices.

7 (C) Unstable back dune areas. Certain back dune areas may be identified as erosion hazard areas. New buildings, additions to existing buildings, and reconstructed buildings located in those areas must meet the standards of Section 6(G).

The map can be viewed here:

[https://services1.arcgis.com/RbMX0mRVOFNTdLzd/ArcGIS/rest/services/MGS Beaches and Dunes/FeatureServer/2](https://services1.arcgis.com/RbMX0mRVOFNTdLzd/ArcGIS/rest/services/MGS_Beaches_and_Dunes/FeatureServer/2).

Activity 420 (Open Space Preservation) Element CEOS, Coastal Erosion Open Space

Applicable in coastal communities. Specialists will verify coastal details individually when determining credit eligibility. The Mandatory Shoreland Zoning Act (MSZA) requires municipalities to adopt, administer, and enforce local ordinances that regulate land use activities in the shoreland zone. The shoreland zone is comprised of all land areas within 250 feet, horizontal distance, of the

- normal high-water line of any great pond or river;
- upland edge of a coastal wetland, including all areas affected by tidal action, and
- upland edge of defined freshwater wetlands; and
- all land areas within 75 feet, horizontal distance, of the normal high-water line of certain streams.

Individual state-imposed ordinance chapters can be found at - <https://www.maine.gov/dep/land/slz/>.

6 (G) Sand and water movement. To allow for the movement of sand and water and future shoreline changes, all buildings modified or reconstructed pursuant to Sections 6(B)(4), 6(D), 6(E) or 6(F) and all new buildings constructed pursuant to Sections 6(B)(5), 7(C) or 9(A), except for detached buildings that are used as storage sheds, public bathhouses and garages, must have the lowest portion of the structural members of the lowest floor constructed on a post or piling

foundation, and be elevated either 1) on undeveloped lots, three feet above the highest existing elevation, within the building's footprint; or, on developed lots, the highest natural elevation measured 5 feet from the corners of the existing building foundation; or 2) the elevation required in the local municipal floodplain ordinance, whichever elevation is higher when choosing between 1 or 2 above. The post or piling foundation may be enclosed with latticework or other similar material through which water, wind and sand can easily move.

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Activity 430 & Potential Higher Regulatory Standards in the State's Model Ordinance

State Model Flood Damage Prevention Ordinance

The Maine Department of Agriculture, Conservation, and Forestry is the State NFIP Coordinating Agency.

Model ordinances can be downloaded here: <https://www.maine.gov/dacf/flood/ordinances.shtml>.

Higher Standards:

- One foot freeboard requirement for residential and nonresidential structures

Activity 430 (Higher Regulatory Standards) Element BC1, Building Codes

The Maine Uniform Building and Energy Code is based on the 2015 International Building Code and 2015 International Residential Code. The state has also adopted the 2015 International Mechanical Code. <https://www.maine.gov/dps/fmo/building-codes>

The code is considered a statewide code and applies to all towns within the State of Maine; jurisdictions with a population less than 4,000 people must take official action if they wish to opt-in for enforcement.

- IBC Chapter 1 is adopted. <https://codes.iccsafe.org/codes/maine>

Activity 430 (Higher Regulatory Standards) Element LDP3, Local Drainage Protection

The state's building code includes the IBC requirement for fill/grading to be compacted and to slope away from buildings to provide positive drainage and minimize erosion. Provided the community can document enforcement of the positive drainage provisions, 10 points is available. Citation: IBC 1804.4

Activity 430 (Higher Regulatory Standards) Element FRB, Freeboard

The state's building code includes the IBC Section 1612 requirement that the design and construction of buildings and structures located in flood hazard areas, including coastal high hazard areas and coastal A zones, shall be in accordance with Chapter 5 of ASCE 7 and ASCE 24 which requires at least 1 foot of freeboard. Specialists will verify with each community whether machinery/utilities and ductwork are required to be elevated and/or protected, to determine credit (CRS Manual page 430-13).

- Note the CRS Class 8 prerequisite: The community must adopt and enforce at least a 1-foot freeboard requirement (including machinery or equipment) for all new and SI/SD residential buildings in areas where BFEs have been determined. This includes the replacement of manufactured homes in pre-FIRM manufactured home parks.

Activity 450 (Stormwater Management)

SMR–STORMWATER MANAGEMENT REGULATIONS

Maine has Stormwater Management standards for projects resulting in 3 acres or more of impervious area or 20 acres or more of developed area. Verification by specialists: The area standards are not creditable by themselves for sub-element SZ, size of development regulated. Check with each community, as design storms can vary (sub-element DS) and they may have different standards for size of development regulated that could be creditable.

06 E Code Rules § 096-500-4 - <https://regulations.justia.com/states/maine/06/096/chapter-500/section-096-500-4/>

A. Flooding standard. The flooding standard applies as described below.

- (1) When the flooding standard must be met. A project must meet the flooding standard if the project:
 - a. Results in three acres or more of impervious area or 20 acres or more of developed area; or
 - b. Requires a Site Law permit or permit modification.
- (2) **Description of the flooding standard.** To meet the flooding standard, the applicant must demonstrate that a project's stormwater management systems will meet the following:
 - a. The system must detain, retain, or result in the infiltration of stormwater from 24-hour storms of the 2-year, 10-year, and 25-year frequencies such that the peak flows of stormwater from the project site do not exceed the peak flows of stormwater prior to undertaking the project;
 - b. The design of piped or open channel systems must be based on a 10-year, 24-hour storm without overloading or flooding beyond channel limits;
 - c. The areas expected to be flooded by runoff from a 10-year or 25-year, 24-hour storm must be designated in the application, and no buildings or other similar facilities may be planned within such areas. This does not preclude the use of parking areas, recreation areas, or similar areas from use for the detention of storms greater than the 10-year, 24-hour storm. The applicant

shall secure drainage easements from any downstream property owners across whose property may be flooded by runoff pursuant to Section 4(G)(2)(a);

- d. Runoff from the project may not flood the primary access road to the project and any public roads bordering the project as a result of a 25-year, 24-hour storm; and
- e. If a wetpond is utilized for stormwater quality treatment under Section 4(C)(3)(a) of this Chapter, detention to meet the flooding standard must be provided above the permanent pool.

NOTE: Please see Appendix H for 24-Hour Duration Rainfalls for Various Return Periods in Maine.

Construction activity including one acre or more of disturbed area, or activity with less than one acre of total land area that is part of a common plan of development or sale, if the common plan of development or sale will ultimately disturb equal to or greater than one acre; or 2. Any other construction activity designated by the Department based on the potential for contribution to a violation of a water quality standard or for significant contribution of pollutants to waters of the State

ESC–EROSION AND SEDIMENTATION CONTROL WQ–WATER QUALITY

Maine requires an erosion and sedimentation plan as part of its general permit for construction for all land disturbing activities greater than 1 acre.

Citation: Maine General Permit <https://www.maine.gov/dep/land/stormwater/2006mcgp.pdf>.

Maine has a Stormwater Management Manual that is a guidance document for the design and implementation of sound technical stormwater management systems and to assist developers and the regulated community in complying with existing state laws and regulations. The information outlined in the guidance manual supplement the requirements stated in the Maine Department of Environmental Protection Stormwater Management Rules, Chapter 500.

Citation – Maine Stormwater Best Practices Manual -
<https://www.maine.gov/dep/land/stormwater/stormwaterbmps>.

Activity 630 (Dams) Element SDS, State Dam Safety

Credit available for activities of the state's dam safety program is based on the Dam Safety Program Management Tool. Credit for element SDS is limited to communities that would be affected by a flood from the failure of a high-hazard-potential dam. This must be documented with a description and a map.

The U.S. Army Corps of Engineers National Inventory of Dams webpage at <https://nid.sec.usace.army.mil/#/> documents the dams and flood inundation maps information. [FEMA's Dam Safety](#) Office annually verifies element SDS credit.

- Maine Emergency Management Agency <https://www.maine.gov/mema/hazards/dam-safety>