

# Final Public Notice

## FEMA Floodplain Management Requirements for Community-Wide Basement Exceptions Cass County, North Dakota

The Federal Emergency Management Agency (FEMA) hereby gives final notice to the public of its intent to review and approve community-wide basement exceptions under the National Flood Insurance Program (NFIP) that allow for residential basement construction below the Base Flood Elevation (BFE) in the Special Flood Hazard Area (SFHA). These approvals will be conducted in accordance with Title 44 of the Code of Federal Regulations (C.F.R.) § 60.6.

In compliance with Executive Orders 11988 (Floodplain Management) and 11990 (Protection of Wetlands), all federal actions in or affecting floodplains or wetlands must be reviewed for opportunities for relocation. Additionally, these actions must be evaluated for their social, economic, historical, environmental, legal, and safety considerations. Where relocation is not practicable, FEMA is required to undertake a detailed review to determine what measures can be taken to minimize future flood damages. The public is invited to participate in the process of identifying alternatives and analyzing their impacts through this notification.

The review process will focus on ensuring that the proposed community-wide basement exceptions are designed and implemented in a manner that minimizes flood risk and preserves the floodplain's natural and beneficial functions. FEMA's review and approval process for community-wide basement exceptions in the SFHA follows the Environmental and Historic Preservation (EHP) 8-step process.

FEMA has determined no practicable locations outside the floodplain or wetland exist for this action. No practicable alternative locations outside the floodplains were identified as the regulatory exception applies only to activities within the SFHA. The community-wide basement exception does not alter floodplain characteristics or increase the risk of flood loss as the action does not permit the placement of structures, but rather allows for a specific construction type of homes with basements to be built.

The community-wide basement exception does not support development in the floodplain as development within the floodplain will reasonably occur with or without the requested action. FEMA does not make land use decisions, the land in question is privately held, and approval for the development of the land to construct the underlying structure has already been provided by the appropriate local authorities. The Agency is not supporting development of floodplains; rather, it is ensuring that the structures comply with the appropriate standards.

An analysis was conducted to identify impacts of allowing residential basement construction below the Base Flood Elevation (BFE) in the SFHA. Key areas of focus include potential increases in flood risk, threats to the floodplain's natural functions, and the possibility of heightened flood damage. This analysis extended to potential social and economic consequences for the community if flood damages were to occur.

Measures to minimize potential flood damage are identified and incorporated into the project design. These measures may include advanced dry floodproofing techniques, improvements in basement drainage systems, and incorporation of resilient construction practices.

This final notice will be the only public notice for the approval of community-wide exceptions under the NFIP. This notice and the 8-step process analysis applies to all communities within Cass County that are or may be seeking a community-wide basement exception.

Interested persons are invited to review the proposed action and provide input. Written communications regarding this notice should be submitted to the Federal Emergency Management Agency within 10 days of this announcement at [fema-r8ehp@fema.dhs.gov](mailto:fema-r8ehp@fema.dhs.gov) referencing NFIP Regulation - Communitywide Basement Exception in the Subject line.

For additional information on the proposed basement exception process please contact Tyler Spomer, State NFIP Coordinator, by email at [tlspomer@nd.gov](mailto:tlspomer@nd.gov) or by telephone at 701.328.2452