

Application for Re-Use of FEMA-Funded Open Space Properties

Mandatory Prior Approval for Site Work and Land Use Changes

No work, development, or change in land use may be initiated on any property acquired for open space purposes without prior written approval from FEMA.

Federal law and regulations (44 CFR Part 80) mandate that these properties be dedicated and maintained in perpetuity as open space for the conservation of natural floodplain functions. Consequently, FEMA must review and approve the proposed land use of all acquired property to ensure compatibility with these restrictions.

Specific activities that constitute a change in use or development and require a written determination of compatibility from the FEMA Regional Administrator before work begins including, but are not limited to:

- **Structural Construction:** Building any new structure or improvement, even those functionally related to open space (e.g., pavilions or restrooms), must be confirmed in writing by FEMA before construction starts.
- **Site Alterations:** Any activity involving filling, paving, or excavation.
- **Grading Changes:** Any grading occurring outside the original building footprint.
- **Vegetation Management:** The planting or removal of vegetation.
- **New Encumbrances:** Establishing any new easement, lease, or encumbrance on the property.

To seek approval, the subrecipient must submit a written request through Vermont Emergency Management (VEM) to FEMA. If a property is not maintained in accordance with the deed restrictions and applicable FEMA requirements, FEMA may work with the Recipient and Subrecipient to address the issue and bring the property back into compliance. If compliance cannot be achieved, FEMA may pursue remedies available under the grant, which can include enforcement actions and the potential repayment of federal funding used for the acquisition.

Please note: FEMA has not established a formal timeframe for reviewing proposed reuse requests. Once submitted, the State may follow up on the status, but we cannot guarantee how long FEMA's review will take or when a response will be provided.

State Agency Name: Vermont Emergency Management

Program: Hazard Mitigation Assistance, FMA (Swift Current),
FRCF

SECTION I: APPLICANT INFORMATION

- **Subrecipient (Town/City/County):**

- **Project Number:** _____
- **Primary Point of Contact (Name & Title):** _____
- **Phone/Email:**

- **Project SPAN #s:**

SECTION II: PROPERTY DESCRIPTION

- **Property Address(es):**

- **Geospatial Coordinates (Latitude/Longitude to 6th decimal):** _____

- **Current Site Condition:** (e.g., cleared lot, graded and seeded, remaining vegetation)

SECTION III: PROPOSED RE-USE PLAN

A. Consistency with Allowable Uses Check all that apply to your proposed plan:

	Natural/Restorative: Wetland management, nature reserve, or wildlife habitat.
	Recreational: Public park, unpaved walking/bike paths, or ball fields.
	Agricultural: Cultivation, or community gardens.
	Infrastructure (Limited): Unimproved, unpaved parking consistent with open space regulations.
	Other: Please provide additional details in section B (below)

B. Nature and Scope of Use Describe the proposed re-use of the property. (Note: FEMA mandates that land be maintained in **perpetuity as open space for the conservation of natural floodplain functions**).

- *Priority is given to Nature-Based Solutions (e.g., wetland restoration, riparian buffers, pollinator habitats, or bioswales).*

Scope of Work Description:

C. Proposed Structures Will any structures be built? (Note: Generally, **no new structures** are permitted except for those open on all sides and related to open space use, or public restrooms). ☐ Yes ☐ No

- *If yes, describe the structure and confirm it will be elevated/floodproofed to the Base Flood Elevation plus 2 foot of freeboard or what your local zoning or ordinance determines (whichever is more conservative). Please provide a completed elevation certificate based on proposed construction signed by a licensed engineer or surveyor.*

[enter text here]

SECTION IV: LOCAL REGULATORY COMPLIANCE (MANDATORY)

A. Zoning and Land Use

- Has the town ensured the project complies with all State and local land-use, zoning, and permitting regulations and the community's Local Hazard Mitigation, Town and Emergency plan(s). ☐ Yes ☐ No

If no, please explain why:

B. Floodplain Management Ordinances

- This project **must** comply with the State and community's local floodplain management ordinance and the minimum standards of the **National Flood Insurance Program (NFIP) under 44 CFR § 60.3**.
- Has the **Local Floodplain Administrator** reviewed and approved this proposed use? ☐ Yes ☐ No

Name of Administrator: _____ Date of Review: _____.

SECTION V: COMMUNITY & STAKEHOLDER INPUT

- Was a community involvement process (e.g., town meetings, workshops) used to determine this re-use? ☐ Yes ☐ No
- Describe how the plan addresses the "gaps" in community amenities.

[enter text here]

SECTION VI: LONG-TERM MANAGEMENT & MONITORING

- **Responsible Entity:** Does site maintenance meet the requirements of the original maintenance agreement and deed restrictions?

Yes ☐* No ☐

If no, please explain why:

**Note to Applicant: Checking "Yes" confirms that the Town has identified a specific local funding source and an assigned department or individual responsible for ensuring the land continues to conserve natural floodplain functions in perpetuity*

SECTION VII: REQUIRED ATTACHMENTS

☐ **Project Site Map:** Delineating the property boundaries, river corridor and the SFHA (1% annual chance floodplain).

☐ **Conceptual Design/Site Plan:** Showing any proposed improvements (paths, plantings, etc.).

☐ **Site Photographs:** Current views of the property.

☐ **Permits:** If needed, please include any Town or State permits related to this project

☐ **Elevation Certificate:** For structures only

SECTION VIII: AUTHORIZED SIGNATURE

I certify that the proposed re-use of this property is consistent with the recorded deed restrictions, the community's hazard mitigation plan, and all applicable local zoning and floodplain management ordinances. I understand that any substantive change to this plan requires prior written approval from the State Agency and the FEMA Regional Administrator.

Monitoring Certification: The town acknowledges the requirement to inspect the property and submit a report to the State/FEMA **every three years** certifying that the property remains consistent with open space restrictions.

Authorized Town Official (Name & Title): _____

Signature: _____ **Date:** _____