

KANSAS

FLOODPLAIN MANAGEMENT NEWSLETTER



December 2011

Timing Defines “Fill”

Questions about floodplain fills typically relate to National Flood Insurance Program (NFIP) requirements because property owners want to – as they say it – get out of the floodplain by piling dirt around their homes.

Depending on the amount of the earthy material used to change the grade or elevation of real property, a permit may or may not be required from the Division of Water Resources (DWR). Visit the DWR Water Structures website for Kansas requirements at <http://www.ksda.gov/structures/>. As for NFIP requirements, the Code of Federal Regulations Title 44 parts 65 and 70 contains floodplain fill requirements dealing with the importance of timing when fill is placed in a location.

For example, if placed before the area is identified as floodprone and before a flood map shows the property to be in the special flood hazard area, earthy material is considered natural grade and not fill. A property owner with a house on a pad of fill dirt could file for a Letter Of Map Amendment (LOMA) in this situation with the LOMA reviewed in accordance with Part 70.

When placed in an area that has already been identified as floodprone, the earthy material is considered to be fill and is not treated like a natural grade. If a property owner brings in fill dirt after the property has been identified as being in the special flood hazard area, then the property owner must file a Letter Of Map Revision based on Fill (LOMR-F). The LOMR-F would be reviewed in accordance with Part 65.

The LOMA form is easier and less expensive to complete than the LOMR-F. Property owners may try to file for a LOMA when a LOMR-F is appropriate. Reviewing past aerial photos and historic flood maps will help in determining when an area was first mapped into the special flood hazard area and when the fill was placed.

If fill is placed in a location that has already been identified as being in the special flood hazard area, a local community floodplain development permit is always required for new development in the floodplain. However, some communities have not been issuing floodplain development permits for fill dirt saying that when the LOMR-F is approved it will no longer be in the floodplain, it is “only dirt,” or DWR has already issued a permit. This is incorrect. A local permit must be issued.

Community officials who issue floodplain development permits should only issue permits if the permitted activity is reasonably safe from flooding. Will piling dirt around a foundation prevent a basement from flooding? Will bringing in fill dirt for one property divert water onto the neighbor’s property? Look in the floodplain regulations for your community to find a definition of reasonably safe from flooding.

For more information contact Steve Samuelson at 785-296-4622 or steve.samuelson@kda.ks.gov.

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Storm Damage Training

Steve Samuelson recently attended a water damage cleaning class taught by Jerry Winkley, a professional with many years experience cleaning up after floods. Mr. Winkley offers this floodplain related class at no charge. Winkley, an excellent instructor, has years of experience in cleaning after storm events. He discussed several topics, including insightful information about mold, provided hands on demonstrations, and presented exceptional photographs of actual flood situations.

One of the most impressive demonstrations was a mock up of a home section featuring an area of carpet and a short wall section made of drywall. Before class started, Winkley poured 10 gallons of water on the carpeting to simulate water an inch deep inside a home. When a class participant volunteered to use a typical shop vacuum on the carpet, he was only able to recover about half of the water. While the drywall felt dry to the touch on the surface, the class looked at its back side where the paper backing is and could see that moisture had wicked far up the wall. Human skin, Winkley said, has a high percentage of moisture, thus touch is not a good way to judge dryness.

Winkley also discussed information to provide property owners when they telephone during or after a flood event. Of special use for floodplain management was his advice about safety and loss reduction.

“Community officials and insurance agents can learn a lot from Jerry,” Samuelson said. “Learn how to protect your own safety, what to tell people on the phone and what to consider when making substantial damage estimations. Floodplain managers in Kansas can sign up for a free class for good information you can use to perform your jobs with only a very small amount of sales pitch.”

To learn about upcoming classes, visit the website http://www.cleaninawink.com/index.php?page=RESIDENTIAL_SERVICES. On the left side of the page is a list of services. Click on the tab for Education Classes to find classes on Storm Damage (which focuses on muddied water left by flooding) or Water Damage (which addresses dealing with the after effects of clean water flooding) in the list of classes. These classes are offered free by a private company. If you want to know more, contact Steve Samuelson at 785-296-4622 or steve.samuelson@kda.ks.gov.

Filing for Letter Of Map Amendment Using Elevation Certificate

The form for Elevation Certificates, which are required to buy flood insurance, have spaces on it to document the Base Flood Elevation (BFE) and the Lowest Adjacent Grade (LAG). Once you have an Elevation Certificate, look at the BFE and the LAG. If the LAG is higher than the BFE, the structure has an excellent chance of being removed from the floodplain. To remove the property from the floodplain, the property owner must file for a Letter of Map Amendment (LOMA).

The form to use for a LOMA – MT-EZ – is a fairly simple two-page form. Property owners fill out the first page and the second page is normally completed by a surveyor. In the case where a property owner already has an Elevation Certificate, then the property owner can attach the Elevation Certificate and does not need to fill out the elevation information on page 2. There are parts of page 2, not related to elevation, that will need to be completed. The Elevation Certificate actually has more information than page 2 of the MT-EZ form.

Community officials will want to suggest this to property owners when reviewing elevation certificates and issuing permits. Once a property owner has gotten an approved LOMA, the property will qualify for the preferred risk policy, the least expensive form of flood insurance. It comes bundled with contents coverage as well.

Floodplain managers who want to help property owners save money and get better insurance coverage, should suggest sending in a for a LOMA.

If you want to know more on this topic, contact Steve Samuelson at 785-296-4622 or steve.samuelson@kda.ks.gov.

Salina Seminar Series
(Story provided by Evelyn Cable)

The Salina Seminar Series-2012, sponsored by The Salina Chapter of the Kansas Society of Land Surveyors, Inc., will be held on Jan. 12-14, 2012, at Webster Conference Center in Salina, Kan. These seminars offer surveyors in Kansas and the surrounding region an opportunity to earn up to 16 professional development hours.

This year, the Association of State Floodplain Managers has approved the Seminar for up to 14 Continuing Education Credits for Floodplain Managers. L. Scott Samuels, P.E., will be conducting a class on Elevation Certificates on Thursday afternoon, and one on Saturday morning covering Letter of Map Amendment. Each of these classes is eligible for 4 CECs. Samuels currently manages Central Missouri Engineering Services, LLC (CMES) in Ashland, Mo., which specializes in offering National Flood Insurance Program consulting services to local governments, lending institutions, private citizens and engineering firms. CMES is active with the preparation and submittal of Letter of Map Changes, the completion of the National Flood Insurance Program Elevation Certificates, and the presentation of five NFIP workshops in FEMA Region VII each year.

Floodplain managers who attend the Featured Speaker's two sessions on Friday will earn an addition six CECs. Gary Kent, LS, who is with the Schneider Corporation in Indianapolis, Indiana, will cover Easements and Rights of Way and Preparing a Surveyor's Report.

The Seminar begins with a four-hour session on Thursday at 12 p.m. A Thursday evening buffet will be available before the Kansas Society of Land Surveyors Board Meeting. Reservations are required and the cost will be \$12/person. Friday is an all-day session from 8 a.m. until 5:30 p.m. A lunch buffet on Friday is included in the registration fee for those registering for the full day. A cash prize drawing will take place immediately after lunch. All registered attendees are automatically entered to win for the main cash drawings, but you must be present to win. The Seminar wraps up on Saturday morning with a four-hour session beginning at 8:00 a.m. On Friday and Saturday, doors open at 7:30 a.m. and a Continental breakfast will be available. Webster Conference Center is located at 2601 North Ohio in Salina, one block North of I-70 at Exit 253.

Registration will begin Oct. 21, 2012, and on-line registration is available at www.salinaseminarseries.com. Our Early Bird Registration special allows a deduction of \$50 from the registration fee if you register prior to Dec. 19. General Information is currently available on the website, and a brochure will be posted Oct. 21.

Steve Samuelson, Kansas Department of Agriculture, Division of Water Resources, will have a booth at the seminar.

Updates

The cities of Manhattan and Wamego have had Community Assistance Visits (CAV) and met with a Community Rating System (CRS) Specialist from the Insurance Services Office. The CRS program rewards communities for work they do with flood insurance discounts. We look forward to seeing Manhattan, Wamego, Harvey County, and Valley Center as new members to the Community Rating System (CRS). For an unbiased opinion about CRS, talk to one of the communities that has already joined the program.

One of the newest cities to join the National Flood Insurance Program is Cedar (population of 16), the smallest NFIP community in Kansas. Some larger cities can learn from City of Cedar.

Sonja Wood, H2O Partners, said webinar training is available. Webinar topics include FEMA Mapping Changes, Basic Agent Training and a class about Elevation Certificates called EC Made EZ. A good thing about webinars is that they do not involve any travel. Wood has been working with the Association of State Floodplain Managers. There will be education credits for Certified Floodplain Managers for some of Wood's classes. To learn more, visit the website <http://fema.webex.com> and click on the tab called Upcoming.

Training Opportunities

The Floodplain Management Program will host the following training sessions throughout Kansas. If you are interested in any of the no-cost training opportunities, please contact Tom Morey at 785-296-5440 or Steve Samuelson at 785-296-4622. A training registration form is in this newsletter.

Post Flood Responsibilities

This class is intended for community officials responsible for administering floodplain management regulations. The course focuses on what to do during and after a disaster event. Topics include substantial damage, permitting, Increased Cost of Compliance and violations. Approved 3.5 hours toward CFM. Limited to 20 participants.

- Fredonia– March 8, 2012 8:30 a.m.-12:30 p.m. Tonganoxie-April 11, 2012 8:30a.m.-12:30p.m.

Basics of the National Flood Insurance Program

This class is for officials responsible for administering their local floodplain management ordinance. The focus is on the National Flood Insurance Program (NFIP) and concepts of floodplain management, maps and studies, ordinance administration, and the relationship between floodplain management and flood insurance. Approved 3.5 hours toward CFM. Limited to 20 participants.

- Independence– March 1, 2012 8:30 a.m.-12:30 p.m. Lawrence-April 17, 2012 8:30a.m.-12:30p.m.

Elevation Certificates and Letters Of Map Amendment

This class is designed for community officials responsible for administering floodplain management as well as surveyors and engineers who complete Letters Of Map Amendment (LOMA) and Elevation Certificate forms. The course will focus on accurate completion of Federal Emergency Management Agency technical forms, building diagrams and base flood elevation. Approved 3.5 hours toward CFM.

- St. Marys – March 6, 2012, 8:30 a.m.-12:30 p.m.

Email saves money on postage. The electronic newsletter also has links and photos are in color. If you are getting this newsletter by postal mail and would prefer email, please contact alicia.benson@kda.ks.gov.

The Division of Water Resources newsletter *Currents* can be read online at:
<http://www.ksda.gov/dwr/content/314>

Mark your calendar. The Kansas Association for Floodplain Management 2012 conference will be Sept. 5 and 6 in Hutchinson. More information will be posted at the website www.ekafm.org. Registration will be done through a link on the website. If you have questions about registration, please contact Jon Bristol, treasurer, at 620-326-2207.

**Kansas Department of Agriculture
Division of Water Resources
Floodplain Program
Training Registration Form**

Name _____

Title _____

Organization _____

Address _____

City _____ State _____ Zip _____

Telephone _____ Fax _____

E-mail _____

Name, date and location of training you will attend _____

*Please share this invitation with anyone else who could benefit from the training.

**Classroom locations will be sent to registered participants one week before the training.

Please mail or fax your registration to:

**KANSAS DEPARTMENT OF AGRICULTURE
FLOODPLAIN MANAGEMENT PROGRAM
109 SW 9th STREET, 2nd FLOOR
TOPEKA, KS 66612-1283
Fax to: 785-296-1176**

If you have questions about training, please contact Steve Samuelson at steve.samuelson@kda.ks.gov or by phone 785-296-4622. You can also contact Tom Morey at tom.morey@kda.ks.gov and 785-296-5440.

Please help us keep our records current. If the name that appears on this newsletter is of an individual no longer with your organization, please call 785-296-7769, or send an e-mail to alicia.benson@kda.ks.gov

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Kansas Department of Agriculture
Division of Water Resources
Floodplain Management
109 SW 9th St 2nd Floor
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ASFPM 2012 National Conference in Texas

The 2012 Association of State Floodplain Managers National Conference will be May 20-25, 2012, in San Antonio, Texas. This conference is an excellent opportunity for floodplain managers to receive training on mapping technologies, regulations, permitting, outreach and best practices. It is estimated the conference will be attended by more than a thousand floodplain management professionals. This conference is great chance to meet people and to learn.

Funds **may** become available to provide financial assistance to community officials in Kansas so they can attend the ASFPM conference. Contact Tom Morey for more information.

KDA/DWR Water Structures Floodplain Program Staff

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