

KANSAS

FLOODPLAIN MANAGEMENT

TIPS



December 2020

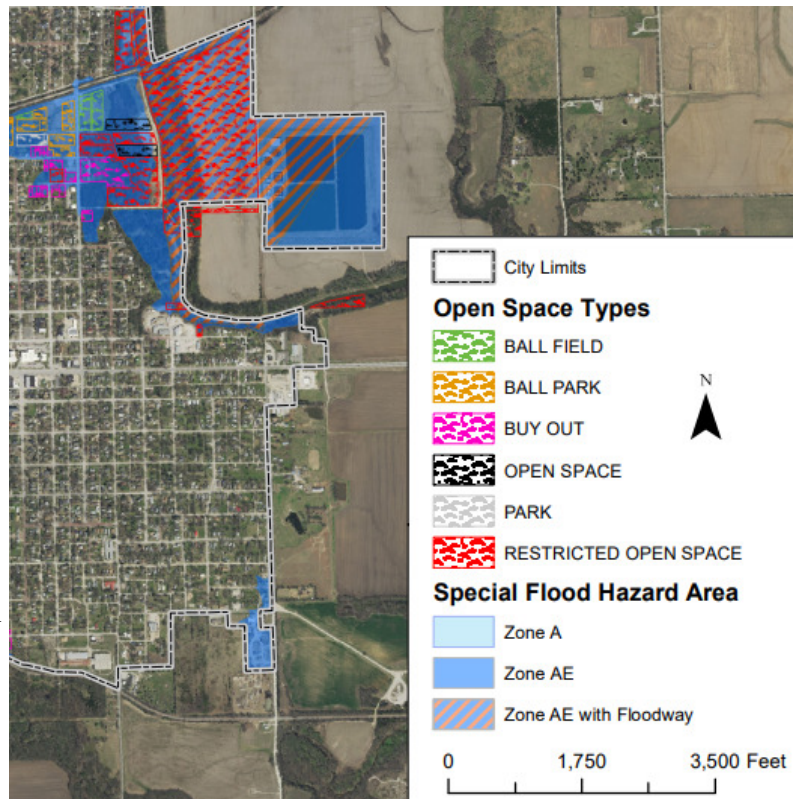
CRS Success

The city of Independence, located in South Eastern Kansas has been subject to periodic severe flood damages caused by torrential rainfall and flash flooding, most notably in 2007, and 2019. The flooding from Spring of 2019 left roads submerged, basements, homes, and businesses flooded. By late May, citizens were being told to evacuate. Since then, Independence has taken major strides to better protect their citizens and property.

In this bulletin...

- Independence CRS
- Endangered Species Act
- Announcements
- Learning Opportunities
- Training Registration Form

David Cowan has been the Public Safety Director for the city since 2012. He had been exposed to floodplain management as the building inspector in charge of it reported to him. However, when the inspector position was vacated in October of 2019, David was thrust into the floodplain administrator role. At that time, the program was well on its way to applying to the Community Rating System (CRS), and it became David's responsibility to carry through and lead the program. Without having previous specific training, David was forced to quickly get up to speed on floodplain management. It is a complex base of knowledge that requires extensive training. David struggled in the beginning, but accredits the support of the Division of Water Resources as well as the CRS specialist/Insurance Services Office (ISO) for helping him get through the beginning by providing training and guidance for taking on the floodplain administrator role and joining CRS.



Sample of OSP Map, Cartography by Bill Pace, DWR

The Community Rating System is a national program developed by FEMA that rewards communities for going above and beyond NFIP minimum requirements. Various activities that are conducted by the community are accredited and the community receives discounts on insurance premiums in return. There are prerequisite activities for each series, as well as minimum amount of points for entering each level, or "class". There are 10 classes, 1 being the highest. The four series of credited activities include Public Information activities (300 Series), Mapping and Regulations (400 series), Flood Damage Reduction Activities (500 series), and Warning and Response (600 series). Each of them addresses a different aspect of floodplain management and offers credit for different activities that promotes each of these categories.

Once David had a better grasp on floodplain management, he was able to determine with the ISO specialist what activities would work best for his community. For example, one activity is Open Space Preservation (OSP) that gives credit for preserving a percentage of the special flood hazard area as open space. With the support of KDA's mapping team, David provides the map as documentation,

Story Continued on Next Page

which is then calculated for credit. Open space preservation is activity 420, in the mapping and regulations series. This land is preserved by regulations to remain open floodplain space. In the 300 Series, Independence receives credit for Activity 360 for providing one-on-one advice on property protection.

Implementing activities for CRS can involve a lot of work and complication. Becoming adept in CRS and National Flood Insurance Program (NFIP) complexities has made it challenging for David, but he is rewarded by helping citizens to make better decisions on their land use projects. They are better informed about floodplain regulations and why they are in place. David has noticed better communication since Independence has implemented their CRS activities. Flood insurance is more affordable as they are now receiving a 15% discount on premiums via CRS. Some that were struggling to afford it are now able to do so. He also is pleased with knowing his community is in full compliance with the NFIP and has resolved floodplain issues through this process, such as cleaning up stockpiles of rock or removed dirt in the floodplain. Higher regulatory standards (Activity 430) can help maintain this, which as also been adopted.

Currently, Independence is a class 7 out of 10. There are prerequisite activities and point quantities to move up in class. David hopes when the new building inspector is fully trained in floodplain management and CRS, that they will be able to take on the workload of moving up in classes. This will provide bigger discounts and increased safety for his community. He has seen the progress that has been made with more informed citizens and a floodplain management program that has higher standards than NFIP minimum requirements. Independence will be able to lessen the impacts of future floods. CRS strategically and systematically builds better floodplain programs by rewarding communities for going above and beyond NFIP minimum requirements. Discounts are provided on flood insurance, proportional to the increased level of safety and awareness. Any community interested in CRS should contact DWR or the ISO for the state of Kansas: Steve Samuelson, DWR, NFIP coordinator, steve.samuelson@ks.gov, (785)296-4622. Melissa Mitchell, ISO Specialist, Melissa.mitchell@verisk.com, (913)-543-0632.

Endangered Species in the Floodplain

Everyone reading this has heard of the Endangered Species Act (ESA). Each of us probably has their own idea of what it means. It isn't just a law that says you can't shoot an endangered whooping crane. There is more to it than that. Did you know that habitat degradation used by an endangered species can be considered a 'taking' of endangered species? Local community officials need to be very aware of this fact When they permit new development in the floodplains because that new development could alter habitat used by an endangered species.



Snowy Plovers in Stafford County. Photos by Staff.

There are a few key issues to be aware of under the ESA. Section 7(a)1 of the act requires that all Federal agencies shall, in consultation with the Secretary (of the Interior and or Commerce), use their authorities in furtherance of the purposes of this Act... The Federal Emergency Management Agency (FEMA), as a Federal agency, is required to comply with this act. Compliance with the act includes activities under the National Flood Insurance Program (NFIP). Local community Floodplain Managers become involved simply by enforcing floodplain regulations.

That being said, it would be a pretty good idea for Floodplain Managers to know about endangered species in their areas. There is currently only one official way of going about that. The most official and proper way is to send an email to kansases@fws.gov or a letter to the United States Fish and Wildlife Service (USFWS), Kansas Ecological Services, 2609 Anderson Avenue, Manhattan, KS 66502 or call (785) 539-3474. In the case you make the call you will still need a follow up written email or letter for your floodplain permit files. When contacting USFWS it is suggested that you have a description of the work and you know where the work will be done. Maps are particularly useful when included in letters or attached to messages.

There are two other methods for a quick search of endangered species that are not officially approved by FEMA at this time. Visit the website for Kansas Department of Wildlife Parks and Tourism (KDWPT). Here is the direct link to the page for Kansas endangered species web page: <https://ksoutdoors.com/Services/Threatened-and-Endangered-Wildlife/List-of-all-Kansas-Counties/>. Select the name of your own County to see the list for your area. It is important to know that some species are considered endangered within Kansas but not by the Federal government.

Second useful website is the USFWS Information for Planning and Consultation (IPaC) website. Visit: <https://ecos.fws.gov/ipac/> and click on the button that says "Get Started". Step one is to enter in a location. Step 2 is to draw a polygon around the development site. Step 3 is to verify your sketch is accurate. The species list will now come up on the screen. There is a printing icon in the upper left corner. You will need to create a log in for a formal letter. FEMA has not yet said if they will accept these letters as sufficient evidence for ESA compliance or not.

Whenever a project has a 404 permit through United States Army Corps of Engineers then the USACE will verify ESA compliance independently of the local community. Levee Law of 1929 makes it unlawful to construct floodplain fills and levees in the State of Kansas without prior approval of the Chief Engineer in the Division of Water Resources (DWR). When there is an application for a floodplain fill, the Water Structures Program within DWR notifies other State agencies. One agency that is notified about a new fill project is The Kansas Department of Wildlife and Parks and Tourism (KDWPT). KDWPT reviews the fill application because sometimes a floodplain fill project will impact critical habitat for a threatened or endangered species. An applicant may need an Action Permit from KDWPT as required by the Kansas Nongame and Endangered Species Conservation Act.

FEMA requires an ESA review by the USFWS for Letters Of Map Revision based on fill (LOMR-F). The MT-1 form is used for a Letter Of Map Revision to revise a flood map for fill being placed in a floodplain and also to receive a conditional approval for Conditional Letter of Map Revision on fill (CLOMR-F). A CLOMR-F should be completed before bringing in any fill, and a LOMR-F done on completion of the project. The FEMA procedural memorandum PM 64 discusses compliance with the ESA, specifically saying that ESA compliance must be documented to FEMA prior to issuance of CLOMR-F. In the case of a LOMR-F, it states that ESA compliance is independent of FEMA and it is the community's responsibility to ensure that permits are obtained as required by 44 CFR Section 60.3(a)(2). Floodplain management regulations require community officials to verify that all state and federal permits have been obtained before they issue a local floodplain development permit. When developers are doing a floodplain fill, they should be completing an MT-1. One part of the MT-1 documentation is a "Community Acknowledgment Form". This form requires a community official's signature. The requirement is for projects with potential to impact endangered species to have documentation provided to show compliance with Sections 9 and 10 of the ESA.

In the event a species may be affected, FEMA would have to enter the process to resolve either through ESA Section 7 through an informal or formal consultation. If the former is used, FEMA has the option of designating a non-federal entity to conduct informal consultation. If adverse affects were identified and could not be avoided, then FEMA would have to be directly involved in the formal consultation with the Fish and Wildlife Service to meet its responsibilities under Section 7(a)(2).

Floodplain Managers need to be very aware of the ESA when issuing permits and signing off on FEMA forms. Contact USFWS in Manhattan, Kansas with detailed questions about the ESA. Should you have questions about FEMA's requirements related to the ESA then please contact Donald Masterson by email at Donald.Masterson@FEMA.DHS.Gov.

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 Cheyenne Sun Eagle at 785-296-0854 or Steve Samuelson at 785-296-4622. A training registration form is in this newsletter.

The LOMA and LOMR-F Part 1

This class will compare LOMA and LOMR-F and completion of the forms. Part 1 will focus on the LOMA. Approved one hour for CFM.

- Virtual Meeting on Jan 13, 2021 from 1:00 p.m.-2:00 p.m.

The LOMA and LOMR-F Part 2

This class will compare LOMA and LOMR-F and completion of forms. Part 2 will focus on the LOMR-F. Approved one hour for CFM.

- Virtual Meeting on Jan. 14, 2021 from 10:00 a.m.-11:00 a.m.

GIS for CRS: Completing Community Rating System (CRS) Activities Using ArcGIS Pro

Geographic Information System (GIS) is a great tool to gather, manage, and analyze data used in floodplain management. In this training, you will learn how ArcGIS Pro can be useful for completing several Community Rating System (CRS) activities. Topics included in this training include floodplain management data, importing and symbolizing data in ArcGIS Pro, create a map, and how to complete CRS Activities 320, 420, 440, and the 500 Series using ArcGIS Pro. Approved one hour for CFM each. Must take both classes to receive credit.

- Virtual Meetings on Jan. 20, and Jan 21, 2021 from 10:00a.m.-11:30a.m.

Find more information about floodplain management from Kansas Department of Agriculture
Division of Water Resources online at:

<http://agriculture.ks.gov/divisions-programs/dwr/floodplain>

Email saves money on postage. The electronic newsletter also has links and the photos are in color. In the case that you are getting this newsletter by postal mail and would prefer email please contact Cheyenne Sun Eagle at cheyenne.suneagle@ks.gov.

To find and register for upcoming training, as well as recordings of previous trainings, please see our new Floodplain Management Training webpage at: <https://agriculture.ks.gov/divisions-programs/dwr/floodplain/training>

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.

**To find and register for upcoming training, as well as recordings of previous trainings, please see our new Floodplain Management Training webpage at: <https://agriculture.ks.gov/divisions-programs/dwr/floodplain/training>

Please scan and email your registration to: cheyenne.suneagle@ks.gov

Or mail to:

KANSAS DEPARTMENT OF AGRICULTURE
FLOODPLAIN MANAGEMENT PROGRAM
1131 SW Winding Road, Suite 400
TOPEKA, KS 66615

For questions about training, please contact Cheyenne Sun Eagle by email at cheyenne.suneagle@ks.gov or by phone at 785-296-0854. May also contact Steve Samuelson by email at steve.samuelson@ks.gov or by phone at 785-296-4622.

Please help us keep our records current. If the name that appears on this newsletter is for an individual no longer with your organization, please call 785-296-0854 or email cheyenne.suneagle@ks.gov to report the change.

4626
Kansas Department of Agriculture
Division of Water Resources
Topeka Field Office
Floodplain Management
1131 SW Winding Road, Suite 400
Topeka, KS 66615

ASFPM 2021 National Conference in Raleigh

The 2021 Association of State Floodplain Managers National Conference will be May 9-13, 2021 in Raleigh, NC. 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 1,000 floodplain management professionals. This conference is great chance to meet people for networking and to learn the latest news in floodplain management. Visit www.floods.org for more information.

Kansas Association For Floodplain Management Conference in Mulvane

The 2021 KAFM conference will be September 1-3rd, at the Kansas Star Event Center in Mulvane, Ks

KDA/DWR Water Structures Floodplain Program Staff

Steve Samuelson, CFM, NFIP Coordinator	785-296-4622	steve.samuelson@ks.gov
Tara Lanzrath, CFM, Floodplain Mapping Coordinator	785-296-2513	tara.lanzrath@ks.gov
William Pace, CFM, Floodplain Mapping Specialist	785-296-4622	william.pace@ks.gov
Joanna Rohlf, CFM, Floodplain Mapping Specialist	785-296-7769	joanna.rohlf@ks.gov
Cheyenne Sun Eagle, NFIP Specialist	785-296-0854	cheyenne.suneagle@ks.gov

Mailing Address:
1131 SW Winding Road, Suite 400
Topeka, KS 66615

<http://agriculture.ks.gov/dwr>