

KANSAS FLOODPLAIN MANAGEMENT TIPS



August 2022

ASFPM Conference 2022

From May 15-19, the KDA-DWR Floodplain team attended the Association of State Floodplain Managers (ASFPM) 2022 annual conference in Orlando, Florida. At the conference, team members learned about development in the fields of floodplain management, mitigation, and mapping from professionals across the country. Presentation sessions covered themes including disaster preparedness, flood modeling, flood insurance, nonstructural floodproofing, mitigation planning, flood damage assessment, mapping initiatives, disaster recovery, levee processes, Risk Rating 2.0, floodplain management policy, climate change, equity, floodplain management ordinances and building codes, the Community Rating System (CRS), grant applications, stormwater initiatives, compliance and enforcement, risk communication, and flood warning. Speakers included experts such as David Maurstad, Acting Associate Administrator, Resilience, and the Federal Emergency Management Agency (FEMA). Attendees also visited the Orlando Wetlands Park during a separate tour.

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State NFIP Coordinator Steve Samuelson moderated the concurrent session on “Flood Insurance” as well as the plenary session on “Local Success Stories”. State Floodplain Mapping Coordinator Tara Lanzrath moderated a concurrent session on “State Floodplain Management Initiatives”. Next year’s conference will be held in Raleigh, North Carolina. Local floodplain managers are encouraged to attend; for more information, visit: <https://www.floods.org/conference/2023-asfpm-conference/>.

Staff Changes

After serving the State of Kansas since 2007, Steve Samuelson, State NFIP Coordinator will be retiring in mid-July. The current Floodplain Mapping Coordinator, Tara Lanzrath will be stepping into the role of NFIP Coordinator following Steve’s departure. Floodplain Mapping Specialist, Joanna Rohlf will be stepping into the role of Floodplain Mapping Coordinator.

Flood Risk Reduction Website

Last month, ASFPM launched their Flood Risk Reduction site to help property owners and others understand their options for mitigating flood risk. [ReduceFloodRisk.org](https://www.reducefloodrisk.org) is an interactive flood mitigation resource library.



Members of the DWR Floodplain team visit the Orlando Wetlands Park on the ASFPM Field Tour

The site opens to a page with options for your role as a property owner, renter, community association representative, government official, or other. Under the property owner tab, there are options for the structure building type. The site then asks for the foundation type. Based on this information, your known flooding history, and specific flood hazards, the site gives options for mitigation based on the user’s preferences. These are filterable in levels of maintenance or effort, active measures if flooding is imminent, relative cost, and professional or Do It Yourself (DIY) projects.

The options are typical flood mitigation strategies of acquisition projects, elevation, demolition, floodproofing techniques,

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and flood insurance. Various methods of elevation options such as fill, and posts, piles, or pier foundations are suggested. Mitigation strategies regarding the importance for siting is displayed if the structure type is a manufactured home. Construction for an elevated pad is suggested for agricultural structures, along with following the Federal Emergency Management's (FEMA) requirements for agricultural and accessory structures. For multi-family residences, the user is guided to the FEMA 2015 publication of "Reducing Flood Risk to Residential Buildings that Cannot be Elevated", and the 2019 "Flood Mitigation Measures for Multi-Family Buildings". These structures have limited options because of shared interior and exterior walls.

Other user types that are not property owners or buyers are directed to fact pages on their specific roles in mitigating flood risk. For instance, renters do not have much control over mitigating a building they do not own. There are recommendations for protecting belongings with insurance, assessing risk before signing a lease, knowing your rights as a renter, and talking with the landlord about mitigating buildings. Community association representatives are encouraged to purchase flood insurance, create a disaster plan, and mitigate their community flood risk. Government officials are given resources on explaining mitigation to residents, and what actions they can take on a community level.

The site also provides resources to information about flood insurance and outreach materials that can be used to promote the site, such as door hangers for post-disaster outreach. There are postcards, PowerPoint slides, and more. The site can help property owners get oriented after a flood or serve as a good starting place for those who would like to preemptively reduce their risk and learn more about their options for mitigation.

Endangered Species in the Floodplain

Most people have heard of the Endangered Species Act (ESA). The ESA doesn't just protect endangered species themselves from hunting, shooting, collecting, or other harmful activities. Did you know that habitat degradation of 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 new development could alter habitat used by an endangered species.

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 is required for activities under the National Flood Insurance Program (NFIP). Local community floodplain managers become involved simply by enforcing floodplain regulations, approving permits and signing community acknowledgement forms for Letters of Map Change (LOMC).

Because of this, it is important for floodplain managers to be familiar with the 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 phone 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 where it 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 and Parks (KDWP). Here is the direct link to the 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. The ESA is concerned with federally endangered species only.

The second useful resource is the USFWS Information for Planning and Consultation (IPaC) website. Visit: <https://ipac.ecosphere.fws.gov/>. Start by clicking on the button that says, "Get Started". Step 1 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 login for a formal letter. FEMA has not yet announced if they will accept these letters as sufficient evidence for ESA compliance, however, they may save time on processing by having a letter automatically generated rather than waiting for a response from USFWS if they are accepted.

When a project has a 404 permit through United States Army Corps of Engineers (USACE) for dredged or fill material into the waters of the United States, then the USACE will verify ESA compliance independently of the local community by conducting a consultation with the USFWS. The 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 (KDWP). KDWP 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 KDWP 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 a Conditional Letter of Map Revision based on fill (CLOMR-F). A CLOMR-F should be completed before bringing in any fill, and a LOMR-F filed 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 form. 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, which would be the correspondence with USFWS or the IPaC letter. The community official should read and ensure the project is compliant with their regulations and all other requirements listed on the Community Acknowledgment Form before signing and reject any that do not adhere to the statement on this page. The requirements aside from ESA compliance are that no fill in the floodway, and compliance with the community floodplain management regulations.

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 effects were identified and could not be avoided, then FEMA would have to be directly involved in the formal consultation with the USFWS to meet its responsibilities under Section 7(a)(2).

Floodplain Managers need to be conscientious 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 Todd Tucker by email at Todd.Tucker@Fema.Dhs.Gov.

Training Opportunities

Basics of the NFIP

This four-hour course is for officials responsible for administering their local floodplain management ordinance, as well as those who work closely with floodplain management. This is a beginner class and an introduction to the National Flood Insurance Program (NFIP) and floodplain management. The focus is on the NFIP and concepts of floodplain management, maps and studies, ordinance administration, and the relationship between floodplain management and flood insurance.

August 31-September 01, 2022, KAFM Conference– 200 McDonald Dr., Lawrence, Ks

Floodplain Managers Review Session

This 2.5-hour course will cover the ASFPM study guide materials and the expected body of knowledge including floodplain mapping, NFIP regulatory standards, regulatory administrative procedures, flood insurance, flood hazard mitigation, natural and beneficial functions of the floodplain, and the overall context of floodplain management.

September 01, 2022 3:30 P.M.-6:00 P.M., KAFM Conference– 200 McDonald Dr., Lawrence, Ks

Inspecting Violations and Giving Notices/Meeting with Violators and Resolving Issues

This free class is designed for floodplain managers and community officials responsible for enforcing floodplain management regulations. The first hour of the course will focus on investigating alleged violations and sending notices to property owners. The second hour will focus on meeting with violators and resolving matters. Resolution may include going to court. This training has been approved for 2 hours of Continuing Education Credit for Certified Floodplain Managers. For full credit via virtual, please register for both webinars.

Wednesday, September 14, 2022, from 1:00 P.M.-3:10 P.M. in Concordia, KS

To attend the **IN-PERSON** class in Concordia, please register here: [Inspecting Violations and Giving Notices/Meeting with Violators and Resolving Issues \(formsite.com\)](#)

Location is distributed upon complete registration. Limited to 35 in-person participants.

TO ATTEND VIRTUALLY:

Inspecting Violations and Giving Notices *virtual option* via Zoom, 1:00 P.M.-2:00 P.M, please register [HERE](#)

Meeting with Violators and Resolving Issues, *virtual option* via Zoom, 2:10 P.M.-3:10 P.M. please register [HERE](#)

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>

** Any individual with a disability may request accommodation in order to participate in training. Persons who require special accommodations must make their needs known at least five working days prior to training. For more information, including special accommodations, please contact Cheyenne Sun Eagle at 785-296-0854 or by email Cheyenne.Suneagle@ks.gov.

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. You may also contact Tara Lanzrath by email at tara.lanzrath@ks.gov or by phone at 785-296-2513

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.

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

Kansas Association For Floodplain Management Conference in Lawrence

The 2022 KAFM Conference will be August 31-September 1, at the Double Tree by Hilton in Lawrence, Kansas.

Association of State Floodplain Managers 2023 Conference in Raleigh

The 2023 ASFPM Conference will be May 7-11, in Raleigh, North Carolina.

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