



KANSAS



FLOODPLAIN MANAGEMENT NEWSLETTER

June 2011



In this newsletter...

- ASFPM Conference
- Endangered Species Act
- No Rise Certification
- Training Opportunities
- Announcements

ASFPM Conference

The 35th annual conference of the Association of State Floodplain Managers (ASFPM) took place May 15-20, 2011 in Louisville, Kentucky. The conference was themed "Flood Risk Management: The Winning Ticket," and offered walk-in information sessions, technical field trips and luncheons. Additionally, the plenary sessions "The Vision for Managing Risk to People, Property, and Natural Resources" covered a wide variety of program topics. Conference attendees also had a choice of eight, simultaneous track presentations. Options included:

- Showcase Session Track
- Rivers, Lakes and Oceans
- National Flood Insurance Program
- Flood Loss Mitigation
- Levees and Dams
- No Adverse Impact, Success Stories, Community Engagement
- Floodplain Mapping Technology
- Floodplain Mapping Application

[Abstracts of the concurrent sessions](#) are now available online.

In past years, a grant allowed the Floodplain Management Team at Division of Water Resources (DWR) to provide scholarships to local community officials for ASFPM Conference registration and other attendance fees. That grant program ended in 2010. If approval is granted from FEMA Region VII, another grant program could be used to once again provide scholarships. However, the amount of funding would be less than it was in the past so there would be fewer and smaller scholarships available.

Should grant funds become available, Tom Morey, National Flood Insurance Program coordinator, Kansas Department of Agriculture, DWR, will decide how to award the funds. Interested parties may contact Morey at tom.morey@kda.ks.gov to place their names a list for 2012. The next ASFPM annual conference is May 20-25, 2012 in San Antonio, Texas.

Endangered Species Act

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. KDWP has information on its [website](#) about Threatened and Endangered Species in State of Kansas.

The Federal Emergency Management Agency (FEMA) requires an endangered species act review by the US Fish and Wildlife Service for Letters Of Map Revision (LOMR) based on fill. The MT-1 form is used for a Letter Of Map Revision to revise a flood map for fill being placed in a floodplain. A CLOMR-F should be completed before bringing in any fill, and a LOMR-F done on completion of the project. The Flood Insurance Rate Map is revised by the LOMR to show the true condition with the fill.

The FEMA [website](#) discusses compliance with the Endangered Species Act (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," which requires a community official's signature. Section A requires that properties to be removed will be reasonably safe from flooding. A second 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.

How do community officials in Kansas verify compliance with the ESA when asked to sign the Community Acknowledgment Form? Floodplain managers in local communities should tell developers to contact the [U.S. Fish and Wildlife Service](#) Mountain-Prairie Region in Kansas, 2609 Anderson Avenue, Manhattan, KS 66502, for a determination whether a federally-listed species is present or likely to be affected by a project.

In the event a species may be affected, FEMA would have to enter the process to resolve either through ESA Section 7 ESA 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).

No Rise Certification

In 2005, in Lyon County, Steve Samuelson's jurisdiction had a Community Assistance Visit by Rhonda Montgomery, DWR, and Roger Benson, FEMA. The County Engineer, who also attended, had some questions for Montgomery about the floodways and no rise certification in relation to culverts. She told him that a culvert replacing an existing culvert of the exact same size could be considered maintenance and would need a floodplain development permit. However, the culvert would not require no-rise certification. Montgomery stated that a new culvert in a new location in the floodway would need no-rise certification.

That meeting was Samuelson's first encounter with a situation in a floodway that might not need a no-rise certificate. Since that day, just a few other situations that involved work in the floodway did not require a no-rise. One was a damaged building that was elevated on the original foundation and had the same exact building foot print. It was elevated as substantially damaged and had a permit. Although it was higher, the new building was the exact same size as the original building.

Lately, Tom Morey has been taking questions related to stream bank erosion. In discussions with our program manager, Chad Voigt, Morey offers the following list, saying if the listed conditions are met, he is willing to suggest that a no-rise would not be required.

- Channel modifications shall not extend upstream more than 3.5 times the length of the farthest proposed upstream jetty, or downstream more than 3.5 times the length of the farthest proposed downstream jetty;
- Channel modifications shall not extend upstream more than two times the channel width from the upstream end of a revetment, or more than two times the width of the channel from the downstream end of the revetment;
- The slope of the channel bank shall not be steeper than two horizontal units to one vertical unit unless it has been demonstrated that a revetment is to be installed on the steeper slope that will prevent caving and erosion;
- The conveyance capacity of the post-project channel shall not be less than the conveyance capacity of the pre-project channel; and
- Spoil and/or other waste material generated from the stream bank stabilization project shall not be placed within an identified floodway.

Although no-rise certification may not be required, other permits from DWR or the United States Army Corps of Engineers could still be needed. The fact that a project has been permitted by DWR does not mean it has a no-rise certificate or does not need one. DWR's Water Structures Program follows a set of rules that predates the National Flood Insurance Program. DWR can approve a permit if there is a rise as long as the rise is contained on the applicant's property or the other affected property owners have signed an easement to allow for the increase rise on their land.

The book "Floodplain Management Requirements" FEMA 480 lists examples of minor projects that will also not need certification on page 5-23. The book states that "some projects are too small to warrant an engineering study," giving sign posts, telephone poles, at grade parking lots and barbed wire farm fences as examples. When in doubt about using the criteria from DWR to determine if a floodway requires a no-rise certificate, note that Morey will support a community official who asks for a no rise certificate in the floodway. If you have further questions, contact Steve Samuelson at 785-296-4622 or steve.samuelson@kda.ks.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 Tom Morey at (785) 296-5440 or Steve Samuelson at (785) 296-4622. A training registration form is in this newsletter.

Basics of the National Flood Insurance Program

This class is intended for officials who administer local floodplain management ordinances. The course focuses on the NFIP, 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.

•Colby– July 13, 2011 8:30am-12:30pm

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.

•Topeka – July 7, 2011, 8:30am-12:30pm

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 LOMA and Elevation Certificate forms. The course will focus on accurate completion of FEMA technical forms, building diagrams and base flood elevation. Approved 3.5 hours toward CFM. Limited to 20 participants.

•Gardner – July 21, 2011, 8:30am-12:30pm

This newsletter is better by email. With the email newsletter, you can click your mouse to go straight to a link. Email also saves postage costs. If you would like to receive this newsletter by email please contact: alicia.benson@kda.ks.gov or steve.samuelson@kda.ks.gov.

The Division of Water Resources newsletter “Currents” can be read on line at:
<http://www.ksda.gov/dwr/content/314>

Mark your calendar. The Kansas Association for Floodplain Management 2011 conference will be September 7 and 8 in Manhattan. More information can be found at the website www.ekafm.org. Registration should be paid through Jon Bristor, Treasurer, 110 E. 10th Street, Wellington, KS 67152. Jon’s phone number is (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 (785) 296-4622, or Tom Morey at tom.morey@kda.ks.gov or (785) 296-5440.

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) 296-7769, 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
Topeka, KS 66612-1283

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. More than 1,300 floodplain management professionals and officials are expected to attend. Floodplain managers can learn a lot by attending this conference.

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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