

Floodplain and Shoreland Management

Notes

Everyone Lives in a Floodplain

Everyone lives in a flood zone. Yes, you too. You do not need to live near water to be flooded. Ask the residents of Shorewood or Whitefish Bay. Most of the structures in those communities which were affected by the July 2010 flooding in the Milwaukee area were a mile or more from the nearest floodplain. Floods are caused by storms, melting snow, ice jams, water backup due to inadequate or overloaded stormwater drainage systems, as well as broken water mains.

Beyond these types of expected flooding sources, many of the smaller and unpredictable streams are not currently mapped and, based on projected budget dollars, most never will be. While many of these unmapped streams are in rural areas, there are numerous tributaries in urbanized counties which are exempt from minimum floodplain management standards and consequently are riskier places to build due to the lack of information.

While many of the flood maps in use in this country are more than 20 years old, the Federal Emergency Management Agency (FEMA) is investing over a billion dollars in a five-year Map Modernization (MAP-MOD) program to provide the public with more accessible and updated maps. The first phase of MAP-MOD is almost complete. Digital flood map products covering 92 percent of the nation's population are almost completed. In the second phase, currently under development, FEMA plans to leverage the new digital maps with even better data to present the best-available risk information to communities nationwide.

We know that the standard term "100-year floodplain" has long been confusing to lay people. A better concept is the "one-

percent chance flood." The term does not predict how often an area will flood, but instead reflects the statistical chance in any given year. The one-percent event happens with much more frequency than once every hundred years.

And it's important to understand that, by design, the one-percent annual chance event is an absolute minimum. That means that it represents a fairly routine flooding event – not a catastrophic storm like Hurricane Katrina. The one-percent standard, and the flood insurance rate maps which are based on it, are not a public safety map – they are designed for the National Flood Insurance Program (NFIP) to rate properties and to provide information on areas most likely to flood so local governments can better manage development in the riskiest areas. They are not now, and never have been, intended to show every area susceptible to flooding.

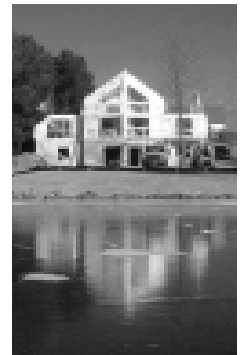
Flood Insurance Cuts Your Risks

You can protect your home, business, and belongings with flood insurance from the NFIP. Some folks believe that only people in high-risk areas should buy flood insurance. FEMA has always held that everyone needs to consider purchasing flood insurance as a way to protect their financial investments. The perception may exist that only people in floodplains need flood insurance or that people living outside of floodplains can't buy flood insurance. Both perceptions are wrong; any resident, business owner, renter or condo owner in a participating NFIP community can buy flood insurance.

Flood insurance is necessary because homeowners insurance does not cover flood losses. Anyone who applies for a



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federally-insured or federally-backed mortgage/loan (VA/FHA) or refinancing on an existing home in flood-prone areas will be required to carry flood insurance for the life of the mortgage/loan.

Whether your flood risk is low, moderate, or high, all residents in NFIP participating communities can purchase flood insurance. It is always a good idea to have flood insurance if you live in a high-risk flood area. But it is also a good idea even in lower risk areas since between 25% and 30% of flood insurance claims come from areas that are designated as low-to-moderate risk areas. To learn more about your property's flood risk, please view FEMA's floodplain maps and/or visit FEMA's FloodSmart web site and complete the One-Step Flood Risk Profile box, a red box on the left side of the page.

Homes and businesses in low-to-moderate risk areas can obtain a low-cost Preferred Risk Policy, which can cost as little as \$129 a year. To find out more about flood insurance and the different policies, contact your insurance agent or go to the FloodSmart web site, where you can find more information and search for an agent in your area.

For residents in NFIP non-participating communities, private insurance for such at-risk structures can be very expensive and difficult to obtain. For assistance in finding private insurance, contact your agent.

Preferred Risk Policy Extension

A new flood insurance initiative called the Preferred Risk Policy Extension is designed to ease the transition for property owners who have been newly mapped into a high-risk flood zone and must now purchase flood insurance. This initiative will provide temporary financial relief by offering eligible property owners the Preferred Risk Policy (PRP), a low-cost policy for residential and non-residential buildings and their contents, for two years.

A property owner may be eligible for up to two years of reduced premiums if their building was newly mapped into a high-risk flood zone on or after October 1, 2008. For more information, please visit the FloodSmart web site <http://www.floodsmart.gov/floodsmart/>.



- Flooding from stormwater runoff

Dam Failure Analyses and Floodplain Ordinances

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Since the beginning of the Wisconsin Dam Safety program in 1986, a connection has been made between dams and floodplain management. Changes were made to Chapter NR 116 Wisconsin's Floodplain Management Program to include land use zoning downstream of dams in the local floodplain ordinance.

For many communities, the requirement to regulate land use downstream of a dam is brought to their attention during the floodplain ordinance update process when new Flood Insurance Rate Maps (FIRM) are issued. They are asked to determine if a dam failure analysis (DFA) exists for a dam located within the municipal boundaries. If a DFA exists, then under Sections NR 116.08 and 116.09, Wisconsin Administrative Code, the community must include the area inundated by the failure analysis as an overlay to the local zoning map. The affected area must then be zoned and regulated as Floodway.

A dam failure analysis is a study completed by the dam owner which delineates the potential inundation area caused by the failure of the dam during the base flood (100-year flood). The primary purpose of the analysis is to reduce the number of people or amount of property at risk if the dam fails. A secondary purpose is to maintain the hazard rating of the dam. A dam's hazard rating is based on the amount and type of development downstream. High hazard dams are those dams that could cause loss of life if the dam failed. Significant hazard dams are those that would cause significant property damage should failure occur. Low hazard dams are not expected to cause much damage from failure.

Communities are required to include the DFA in the local floodplain ordinance in the official maps section. This is Section 1.5 (2)(b) of the 2012 Model Floodplain Ordinance. The map or study reference must include the name of the study or map, the date it was created and the name of the consulting firm which created the map or study. The DFA must be reviewed and approved by the DNR before it can be used for regulatory purposes and included in the ordinance.

Sometimes the inundation area is contained within the Special Flood Hazard Area (SFHA). In these cases, no overlay is required. However, the area defined as Floodway may be larger than shown on the FIRM. Also, a reference to the DFA must be made in the local floodplain ordinance.

When the inundation area exceeds the limits of the SFHA an overlay map is required and the entire area must be regulated as Floodway unless delineated otherwise. Both the overlay map and the study must be referenced in the local floodplain ordinance.

A community amending the local floodplain ordinance to include new FIRMs must complete the amendment process within six (6) months after a Letter of Final Determination is issued by FEMA. Failure to adopt a compliant ordinance by the effective date of the FIRMs will result in immediate suspension from the National Flood Insurance Program. If a community is in the process of amending the local ordinance to meet the FEMA deadline and would not be able to obtain a required DFA in time, DNR will approve the ordinance with the expectation that the DFA be included as soon as practicable.

For information on Dam Failure Analyses contact the Water Management Engineer for your county. A list of WMEs by county can be found at: <http://dnr.wi.gov/topic/dams/regionalcontacts.html>. For information on amending a local floodplain ordinance contact either Gary Heinrichs at gary.heinrichs@wisconsin.gov or Miriam Anderson at miriam.anderson@wisconsin.gov.

The NFIP and the Endangered Species Act

Recently, FEMA changed the MT-1 Form (Conditional and Final Letters of Map Amendment and Letters of Map Revision Based on Fill [CLOMA, LOMA, CLOMR-F, LOMR-F]) and MT-2 Form (Conditional Letters of Map Revision and Letters of Map Revision [CLOMR, LOMR]) to include a requirement on compliance with the Endangered Species Act (ESA) for CLOMAs, CLOMR-Fs and CLOMRs. Local officials are required to acknowledge on the Community Acknowledgement Form that the CLOMA, CLOMR-F or CLOMR request complies with Sections 9 and 10 of the ESA.

CLOMR-Fs and CLOMRs are issued before a physical action occurs in the floodplain and are FEMA's comments as to whether the proposed project would meet minimum National Flood Insurance Program (NFIP) requirements and how the proposed changes would impact the NFIP maps. Because CLOMAs, CLOMR-Fs and CLOMRs are submitted to FEMA prior to construction, there is an opportunity to identify if threatened and endangered species may be affected by the potential project. If potential adverse impacts could occur, then changes may be required to the proposed activity and/or mitigation.

The purpose of the ESA is to conserve threatened and endangered species and the ecosystems upon which they depend. Congress passed the ESA in 1973 with recognition that the natural heritage of the United States was of "esthetic, ecological, educational, recreational, and scientific value to our Nation and its people." Congress understood that, without protection, many of the nation's living resources would become extinct. Species at risk of extinction are considered endangered, whereas species that are likely to become endangered in the foreseeable future are considered threatened. At present approximately 1,900 species are listed as threatened or endangered under the ESA. The U.S. Department of Interior's Fish and Wildlife Service and the U.S. Department of Commerce's National Marine Fisheries Service share responsibility for implementing the ESA.

CLOMA, CLOMR-F and CLOMR applicants are responsible for documenting to FEMA that ESA compliance has been achieved prior to FEMA's review of an application. ESA compliance may be documented by submitting to FEMA a copy of an Incidental Take Permit, an Incidental Take Statement, a "not likely to adversely affect" determination from the National Marine Fisheries Service (NMFS) or the U.S. Fish and Wildlife Service (USFWS), or an official letter from NMFS or USFWS concurring that the project has "No Effect" on proposed or listed species or designated critical habitat. The applicant may begin by contacting a NMFS or USFWS office, State wildlife agency office, or independent biologist to identify whether threatened or endangered species exist on the subject property and whether the project associated with the request would adversely affect species or designated critical habitat. These entities are also available to discuss questions pertaining to listed species and ESA compliance. If potential adverse impacts could occur, then NMFS or USFWS may require changes to the proposed activity and/or mitigation.

Additional information about the ESA and these requirements is available from FEMA at: <http://www.fema.gov/library/viewRecord.do?id=4312> or by requesting a copy from the DHS-FEMA Map Information eXchange (FMIX) toll free at 1-877-FEMA MAP (1-877-336-2627). The WDNR Bureau of Endangered Resources can also provide some assistance in identifying whether a species listed under the ESA as threatened or endangered exists on the property and whether the project associated with the request would adversely affect species or designated critical habitat. WDNR Endangered Resources website is (<http://dnr.wi.gov/topic/endangeredresources/>).

The following table provides a general summary of FEMA's ESA requirements.

Request	ESA-related Action	ESA Requirement Related to FEMA Process
<i>Conditional LOMC Requests</i>		
CLOMA	No physical modification to floodplain is proposed.	ESA compliance is required independently of FEMA's process. The community needs to ensure that permits are obtained per requirement under Section 60.3(a)(2) of FEMA's regulations.
CLOMR-F	Proposed placement of fill in the floodplain.	ESA compliance must be documented to FEMA prior to issuance of CLOMR-F. FEMA must receive confirmation of ESA compliance from the Services.
CLOMR	Proposed modifications of floodplains, floodways, or flood elevations based on physical and/or structural changes.	ESA compliance must be documented to FEMA prior to issuance of CLOMR. FEMA must receive confirmation of ESA compliance from the Services.
<i>LOMC Requests</i>		
LOMA	No physical modification to floodplain has occurred.	ESA compliance is required independently of FEMA's process. The community needs to ensure that permits are obtained per requirement under Section 60.3(a)(2) of FEMA's regulations.
LOMR-F	Placement of fill in floodplain has occurred.	ESA compliance is required independently of FEMA's process. The community needs to ensure that permits are obtained per requirement under Section 60.3(a)(2) of FEMA's regulations.
LOMR	Modifications of floodplains, floodways, or flood elevations have occurred based on physical and/or structural changes.	ESA compliance is required independently of FEMA's process. The community needs to ensure that permits are obtained per requirement under Section 60.3(a)(2) of FEMA's regulations.

DEPARTMENT OF HOMELAND SECURITY - FEDERAL EMERGENCY MANAGEMENT AGENCY COMMUNITY ACKNOWLEDGMENT FORM	<i>O.M.B. NO. 1660-0015</i> <i>Expires February 28, 2014</i>
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PAPERWORK BURDEN DISCLOSURE NOTICE Public reporting burden for this data collection is estimated to average 1.38 hours per response. The burden estimate includes the time for reviewing instructions, searching existing data sources, gathering and maintaining the needed data, and completing and submitting the form. This collection is required to obtain or retain...

A. REQUESTS INVOLVING THE PLACEMENT OF FILL

As the community official responsible for floodplain management, I hereby acknowledge that we have received and reviewed this Letter of Map Revision Based on Fill (LOMR-F) or Conditional LOMR-F request. Based upon the community's review, we find the completed or proposed project meets or is designed to meet all of the community floodplain management requirements, including the requirement that no fill be placed in the regulatory floodway, and that all necessary Federal, State, and local permits have been, or in the case of a Conditional LOMR-F, will be obtained. For Conditional LOMR-F requests, the applicant has or will document Endangered Species Act (ESA) compliance to FEMA prior to issuance of the Conditional LOMR-F determination. For LOMR-F requests, I acknowledge that compliance with Sections 9 and 10 of the ESA has been achieved independently of FEMA's process. Section 9 of the ESA prohibits anyone from "taking" or harming an endangered species. If an action might harm an endangered species, a permit is required from U.S. Fish and Wildlife Service or National Marine Fisheries Service under Section 10 of the ESA. For actions authorized, funded, or being carried out by Federal or State agencies, documentation from the agency showing its compliance with Section 7(a)(2) of the ESA will be submitted. In addition, we have determined that the land and any existing or proposed structures to be removed from the SFHA are or will be reasonably safe from flooding as defined in 44CFR 65.2(c), and that we have available upon request by DHS-FEMA, all analyses and documentation used to make this determination. For LOMR-F requests, we understand that this request is being forwarded to DHS-FEMA for a possible map revision.

Community Comments:

For actions authorized, funded, or being carried out by Federal or State agencies, documentation from the agency showing its compliance with Section 7(a)(2) of the ESA will be submitted. In addition, we have determined that the land and any existing or proposed structures to be removed from the SFHA are or will be reasonably safe from flooding as defined in 44CFR 65.2(c), and that we have available upon request by DHS-FEMA, all analyses and documentation used to make this determination. For LOMR-F requests, we understand that this request is being forwarded to DHS-FEMA for a possible map revision.

Community Comments:

DNR Website for Mapping Status

The Department of Natural Resources has developed a website to provide communities and others with information regarding the Risk Map Program in Wisconsin. The website contains information on project status, the public open house schedule, the comment and appeal process, post preliminary map process and other mapping related issues.

Links to FEMA's website are included. The FEMA sites are for information on Letters of Map Change and the Map Service Center.

For further information regarding the Risk Map Program contact:

Katie McMahan - GIS/Process Issues
katie.mcmahan@wisconsin.gov

Christopher Olds - Technical Issues
christopher.olds@wisconsin.gov

Lee Traeger - FEMA
lee.traeger@dhs.gov

The website is located at:
<http://dnr.wi.gov/topic/floodplains/>

Current Letters of Final Determination

Letters of Final Determination (LFD) have been issued for several counties. Once an LFD has been issued, all communities in the county participating in the NFIP have six (6) months to amend the local floodplain ordinance to include the new FIRMs and Flood Insurance Study. Communities which do not adopt by the effective date of the maps will be immediately suspended from the NFIP. Communities which do not currently participate in the NFIP have one (1) year to join the NFIP and adopt the new maps.

All ordinance amendments must be reviewed and approved by the DNR and FEMA before the effective date. For further information on ordinance amendments and adoption go to <http://dnr.wi.gov/topic/floodplains/communities.html> and download the appropriate DNR Model Floodplain Ordinance and Checklist and the Ordinance Approval Procedures. You may also contact your DNR Regional Engineer.

LFDs have been issued for the following counties and all the incorporated communities within the county:

County	Effective Date
Jackson County	September 28, 2012
Washburn County	October 2, 2012
Juneau County	October 16, 2012
Vernon County	November 2, 2012
Marquette County	December 18, 2012

For further information and updates on mapping issues go to <http://dnr.wi.gov/topic/FloodPlains/mapping.html>.

Updating Your Floodplain Ordinance

Interested in updating your local floodplain ordinance? Download the latest Model Floodplain Ordinance at <http://dnr.wi.gov/topic/floodplains/communities.html> or contact Gary G. Heinrichs (gary.heinrichs@wisconsin.gov) or Miriam G. Anderson (miriam.anderson@wisconsin.gov) for further information.

Zoning Challenge

The photo below shows a residence partially in the floodfringe. The home was built after the effective date of the flood map (post FIRM). The owner wants to construct an addition off the rear of the house and do some other modifications. The application includes a Letter of Map Revision Based on Fill showing the BFE at 752' NAVD, the top of the fill at 753' NAVD and the first floor at 754' NAVD. Is the structure consider in or out of the floodfringe according to the local ordinance?



In. The residence is still considered in the floodplain according to the local ordinance and ch. NR 116, Wis. Admin. Code. For a post FIRM structure to be considered outside of the floodplain, it must have a lowest adjacent grade of BFE+2, have dryland access and the FIRM is amended.



2012 Conference

The Wisconsin Association of Floodplain, Stormwater and Coastal Managers (WAFSCM) will be celebrating their 10th annual conference in October. The 2012 conference will be held October 10-12, 2012 at the Sheraton Hotel in Madison, WI. The theme for the 2012 conference will be "Making Waves! Our 10-year Event. For more information regarding the annual WAFSCM conference go to http://wi.floods.org/Annual_Conference.htm.

DNR Staff Changes

WDNR Dam Safety Floodplain Management has recently hired three new Water Management Engineers (WMEs) for the South Central and West Central Regions. The new WMEs will be available to provide assistance to local officials and others on issues related to dam safety, floodplain management and engineering in the Water Regulation Program.

Ann-Marie Kirsch, PE – Watershed Management

Ann-Marie was recently hired as a Water Management Engineer for the South Central Region. She has over thirteen years of experience as a consulting engineer and two years of experience at WisDOT. In her new position, Ann-Marie will provide dam safety, floodplain management, and engineering assistance to the Water Regulation Program. She will be working out of the Fitchburg office.

Contact information: Wisconsin Department of Natural Resources, 3911 Fish Hatchery Road, Fitchburg, WI 53711, (608) 275-3279, AnnMarie.Kirsch@wisconsin.gov.

Dustin deFelice – Watershed Management

Dustin was recently hired as a Water Management Engineer for the West Central Region. He is a recent graduate from UW-Platteville majoring in Environmental Engineering and was previously employed at the university farm where he conducted numerous studies within the hydraulics lab, focusing mainly on their extensive surface-water runoff program. In his new position, Dustin will provide dam safety, floodplain management, and engineering assistance to the Water Regulation Program. He will be working out of the Eau Claire office.

Contact Information: Wisconsin Department of Natural Resources, 1300 West Clairemont Avenue, Eau Claire, WI 54702, (715) 836-7574, Dustin.defelice@wisconsin.gov.

Jordan Thole – Watershed Management

Jordan was recently hired as Water Management Engineer for the West Central Region. He is recent graduate from UW-Platteville with a bachelors degree in Environmental engineering. He was recently employed by a private firm out of Madison working as a stormwater and wastewater engineer. In his new position, Jordan will provide dam safety, floodplain management, and engineering assistance to the Water Regulation Program. He will be working out of the La Crosse office.

Contact Information: Wisconsin Department of Natural Resources, 3550 Mormon Coulee Road, La Crosse, WI 54601, (608) 789-2649, Jordan.thole@wisconsin.gov.

Bob Watson – Watershed Management

Bob Watson has recently returned on a limited temporary basis to the Dam Safety Floodplain Management staff. Bob's primary focus will be working on engineering issues related to the FEMA Risk Map process. He will also be available to provide technical assistance to regional engineering staff and consultants on engineering issues related to Letters of Map Change.

Contact information: Wisconsin Department of Natural Resources, 101 S Webster St., WT/3, P. O. Box 7921, Madison, WI 53707, (608) 266-8037, robert.watson@wisconsin.gov.

Workshops

The WDNR Floodplain Management staff will be holding a series of workshops on the NFIP and Letters of Map Change. The workshops will be a comprehensive overview of floodplain permit procedures and the relationship to the federal flood map amendment/revision process. Updated federal and state guidance, including summaries of FEMA Technical Bulletins, will be discussed. All community officials, surveyors, engineers and other development professionals are encouraged to attend. No fee or registration is required, but seating is limited. Attendees from outside the workshop county are requested to notify the County Zoning Administrator for the workshop in question regarding attendance.

For more information on the material to be presented and the full agenda, please contact Gary Heinrichs at 608/266-3093 or gary.heinrichs@wisconsin.gov.

Agenda: Comparison of minimum federal/state standards; LOMC overview; FEMA Technical Bulletins; Community Acknowledgement Form; Endangered Species Act

LOMC Workshop Schedule:

Date	Location	Time
July 31	Racine County - Sturtevant Ives Grove Government Complex 14200 Washington Avenue	10:00
August 2	Dane County - Fitchburg Fitchburg Community Center 5520 Lacy Road, Fitchburg Room	2:00
August 7	Sheboygan County - Sheboygan Sheboygan County Admin. Bldg 508 New York Ave., Room 302	2:00
August 8	Brown County - Green Bay Neville Public Museum 210 Museum Place	10:00
August 21	Fond du Lac County - Fond du Lac Fond du Lac City/County Building 160 S. Macy Street - EOC	2:00
August 23	Waukesha County - Pewaukee SEWRPC W239 N1812 Rockwood Drive	2:00
Sept 11	Marathon County - Wausau Marathon County Offices 210 River Drive	10:00
Sept 12	Washburn County - Spooner DNR Service Center 810 West Maple Street	2:00
Sept 18	Chippewa County - Lake Hallie Lake Hallie Village Hall 13033 30th Avenue	2:00
Sept 19	La Crosse County - La Crosse La Crosse County Offices 400 4th St. N, County Board Room	2:00

WISCONSIN ASSOCIATION FOR FLOODPLAIN, STORMWATER AND COASTAL MANAGEMENT (WAFSCM)

Membership Application/Renewal Form For January 2011 – December 2011

Membership Fee: \$20.00

Name: _____

Title: _____

Organization: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Phone: _____ Ext.: _____ Fax: _____

E-mail: _____

Would you like to receive occasional announcements, newsletters and/or notices via E-mail: Yes ___ No ___

Other Affiliations: _____

Primary Interest: ___ Floodplain ___ Stormwater ___ Coastal

Specific Interest: _____

Please send a check for the annual Membership Fee of \$20.00 made payable to WAFSCM in care of:

Carrie Bristoll-Groll, PE, CFM
WAFSCM
c/o Stormwater Solutions Engineering, LLC
100 East Sumner Street
Hartford, WI 53027

If you have questions, contact Carrie Bristoll-Groll at either (262) 673-9697 or cbg@stormwater-solutions-engineering.com.

"Floodplain and Shoreland Management Notes" is published by the WDNR, Bureau of Watershed Management. Its purpose is to inform local zoning officials and others concerned about state and federal floodplain management, flood insurance, shoreland and wetland management, and dam safety issues. Comments or contributions are welcome.

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Floodplain Contacts:

- Gary G. Heinrichs, 608-266-3093 gary.heinrichs@wisconsin.gov
- Miriam G. Anderson, 608-266-5228 miriam.anderson@wisconsin.gov

Shoreland Contacts:

- Water Management Specialist under Contact Information <http://dnr.wi.gov/topic/Waterways/>

Dam Safety Contacts:

- Bill Sturtevant, 608-266-8033 william.sturtevant@wisconsin.gov
- Meg Galloway, 608-266-7014 meg.galloway@wisconsin.gov