



# KANSAS



## *FLOODPLAIN MANAGEMENT NEWSLETTER*

February 2011

### **Floodplain Misconceptions**

The Floodplain Management Team at Division of Water Resources makes personal visits to communities in Kansas. In doing these visits, we have found out there are some misconceptions about floodplain management. Four issues have come up more than once. These issues are important enough to address in this newsletter.

If the lowest opening is above the base flood level is that good enough? At one time the lowest opening was used for insurance purposes. Although that practice ended many years ago there are still communities using lowest opening as the benchmark for regulating to. We have seen this in communities that have an ordinance or resolution that clearly says lowest floor must be one foot above the base flood level. The community's own ordinance doesn't say lowest opening any place in it. Some communities have still allowed noncompliant structures to be built with lowest floor below the base flood level as long as the lowest opening was higher. This is a direct violation of their own ordinances. Regulate to the lowest floor and not to the lowest opening. Communities with a FEMA approved basement exemption program are the only ones allowed to have lowest floor below the base flood elevation.

If a bridge, pond, or stream obstruction has a permit from Division of Water Resources is that all that is required? These types of developments also require permits from the local community. Several communities have had to issue after the fact permits for culverts and ponds in order to be in compliance. Local floodplain development permits are required.

If a development, such as a park improvement or bridge, is being built by the community does it also need a floodplain development permit from the community? Yes, it does. This may create a challenge in getting another department to get a permit from the Floodplain Manager. Same is true for highway bridges being built by Kansas Department Of Transportation. If you need assistance in explaining this requirement to community officials contact the Floodplain Management Team.

If a property owner does not plan to buy flood insurance can the structure be built below the base flood level? The floodplain management regulations apply to the entire community. That also includes people who do not want flood insurance. The structure will be sold someday and it is likely the new buyer will need to have flood insurance.

If you have a question about floodplain management please do not hesitate to contact the Floodplain Team at Division of Water Resources.

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## **Four Kansas Communities Move Forward**

The City of Lyons, City of Lansing, City of Lenexa, and Shawnee County have all taken an important step forward. Each of these communities have completed a successful Community Assistance Visit (CAV) and received a letter of compliance. These communities have all filed applications for entry into the Community Rating System (CRS). Each of them have met with a CRS specialist from the Insurance Services Office.

One benefit of joining the CRS program is that citizens receive discounts on flood insurance. The insurance discounts will not be official in these four communities until it is officially published in the Flood Insurance Manual. The Manual is only updated twice a year. Once the CRS rating is published in the Flood Insurance Manual, the citizens of Lyons, Lansing, Lenexa, and unincorporated Shawnee County will all receive discounts on flood insurance. The communities will also be safer and have better educated citizens. Floodplain Managers will get the political good will created by both the savings and the increased public awareness.

Several other communities in Kansas have requested a CAV so they can also file a CRS application. We look forward to announcing the success of those communities in a future newsletter. If your community is interested in joining the Community Rating System please contact Steve Samuelson at 785-296-4622 or [steve.samuelson@kda.ks.gov](mailto:steve.samuelson@kda.ks.gov). Almost every community in Kansas can qualify for the first level of CRS.

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## **Scientific Resolution Panel**

A Scientific Resolution Panel (SRP) process is a new program that is part of the flood map appeal process. The SRP is the final step of an appeal process. The SRP comes only after communities have submitted scientific technical data as part of an appeal or protest and the community and FEMA are unable to resolve a conflict over the information from the protest/appeal after 60 days. The SRP must be requested prior to the Letter of Final Determination.

FEMA is committed to using the best science for the purpose of accurately depicting flood risk. The SRP will become part of this commitment. The Scientific Review Panel is made up of technical experts that act as an independent third party. The new SRP program will help to efficiently resolve appeal and protest issues between FEMA and communities.

The purpose of this article is not to explain every detail of the new SRP process. The purpose is to make communities in the process of getting new flood maps aware of the new program. To learn more about the SRP it is suggested that community officials visit the FEMA website. Useful information exists at the following links.

- Fact Sheet for SRP:

[http://www.fema.gov/pdf/media/factsheets/2010/srp\\_fs.pdf](http://www.fema.gov/pdf/media/factsheets/2010/srp_fs.pdf)

- Implementing the SRP Process:

<http://www.fema.gov/library/viewRecord.do?fromSearch=fromsearch&id=4404>

- Announcing the SRP:

<http://www.fema.gov/news/newsrelease.fema?id=53147>

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### **Technical Bulletins**

FEMA Technical Bulletin 4 was updated in July of 2010. This document concerns elevator installation. The previous bulletin on elevator installation was five pages long. At sixteen pages long there is a great deal more information in the new version. One community in Kansas had to deal with an elevator for a building in a floodplain recently. The issue was that an elevator was required for compliance with ADA.

There are Technical Bulletins on a wide variety of topics. If you have a question about openings in foundation walls, flood resistant materials, floodproofing, structures on fill, or crawl space construction then the answer is probably in one of the Technical Bulletins from FEMA.

To view the Technical Bulletins on the internet go to the website: <http://www.fema.gov/plan/prevent/floodplain/techbul.shtm> . Another method is to visit the FEMA website at [www.fema.gov](http://www.fema.gov). Then type ‘technical bulletins’ in the search box on the website. This should lead you to a link for a list of all of the technical bulletins. The first Technical Bulletin on the list is a guide to using all of the other bulletins. An example of one use for technical bulletins would be for a floodplain manager to send the Technical Bulletin about structures placed on fill to a contractor building a similar structure. Use the information in the Technical Bulletins to make your job easier.

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### **Flood Zone Determinations**

Lenders use flood zone determination companies to help them decide if structures are in or out of the floodplain. There are sometimes issues with the determination that is made. It may be that a building is not actually in the floodplain. Many property owners in Kansas have applied for a Letter Of Map Amendment Out As Shown (LOMA OAS) in that situation. During a recent conference call it was discussed that if the structure is not in the floodplain the property owner could go back to the lender. The lender can inform the determination company that there is a “dispute” and request that the determination be “reviewed” or “rechecked”. Use these key terms when making the request. The lender should not submit a new order. This is only appropriate if the structure is not in the floodplain.

If the property owner can not get resolution from the lender or determination company then a LOMA OAS is an option. The MT-EZ form recently changed and we have modified the LOMA OAS instructions to match the new form. You may request a copy of the updated instructions from [alicia.benson@kda.ks.gov](mailto:alicia.benson@kda.ks.gov).

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### **Chad Voigt**

Chad Voigt has replaced Matt Scherer as the Water Structures Program Manager at the Division of Water Resources. Chad has over 20 years of engineering experience in the public and private sectors. Chad most recently worked at an engineering firm in Lawrence. He has past experience as the Stormwater Engineer for the City of Lawrence for nearly 10 years. As Water Structures Program Manager, Chad will be responsible for administering state laws governing dams, levees, stream modifications, and floodplain fills. He will also administer federal grants to produce dam emergency action plans, address unpermitted dams and hazard class changes, outreach, and education. He will also administer federal grants to coordinate the National Flood Insurance Program in Kansas and to produce updated flood maps.

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## 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. KAFM is sponsoring two of these classes.

### Basics of the National Flood Insurance Program

This is for officials responsible for administering their local floodplain management ordinance. 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. Approved for 3.5 hours for CFM. Limited to 20.

- ◆ Ottawa– April 12, 2011 8:30am-12:30pm
- ◆ Wichita– April 21, 2011 8:30am-12:30pm. Sponsored by KAFM.

### Elevation Certificates and Letters Of Map Amendment

This class is for community officials responsible for administering floodplain management and also for surveyors and engineers who complete the LOMA and Elevation Certificate forms. Focus will be on accurate completion of FEMA technical forms, building diagrams, and base flood elevation. Approved for 3.5 hours for CFM. Limited to 20.

- ◆ Great Bend – April 14, 2011, 8:30am-12:30pm
- ◆ Wellington – April 5, 2011, 9:30am-2:00pm with free lunch provided by KAFM.

### Substantial Damage Estimator

Class is intended for community officials who make damage estimations in the floodplain. The focus will be on the new SDE software. There will be exercises in using the new software. You will need your own laptop computer for this class. Limited to 20.

- ◆ Olathe – May 6, 2011, 8:30am-12:30pm

### **LOMA OAS**

The MT-EZ form used for Letters of Map Amendment has been revised. Please check the expiration date on this and any other FEMA forms you may use. Because the form has changed we have revised our Letter Of Map Amendment Out As Shown instructions. Along with the new form the instructions also include some minor changes we were required to make. Contact [steve.samuelson@kda.ks.gov](mailto:steve.samuelson@kda.ks.gov) to get the new instructions form.

### **Certified Floodplain Manager Test**

If you are interested in the CFM test contact Tom Morey at 785-296-5440. Tom will try to offer the test in April at a date and place that can accommodate the most people.

### **Floodplain Mapping Specialist**

Erika Stanley is joining the floodplain team as the new Floodplain Mapping Specialist. Erika worked previously at KDHE. She has GIS experience she can use to help you.

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](http://www.ekafm.org). Registration should be paid through Jon Bristor, Treasurer, 110 E. 10<sup>th</sup> Street, Wellington, KS 67152. Jon's phone 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 9<sup>th</sup> STREET, 2<sup>nd</sup> FLOOR  
TOPEKA, KS 66612-1283  
Fax to: (785) 296-4835

If you have questions about training, please contact Steve Samuelson at [steve.samuelson@kda.ks.gov](mailto:steve.samuelson@kda.ks.gov) or (785) 296-4622, or Tom Morey at [tom.morey@kda.ks.gov](mailto: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](mailto:Alicia.benson@kda.ks.gov)

046-17  
Kansas Department of Agriculture  
Division of Water Resources  
Floodplain Management  
109 SW 9th St 2nd Floor  
Topeka, KS 66612-1283

### March 14-18, 2011 is Flood Safety Awareness Week

<http://www.floodsafety.noaa.gov/>

NOAA's National Weather Service has announced that March 14-18 will be Flood Safety Awareness Week. According to the 2010 Kansas Hazard Mitigation Plan and the National Climatic Data Center there were 21 flood related deaths and 24 flood related injuries in Kansas between 1996 and 2009. Most of those deaths happened when vehicles were driven on to flooded roads. Remind the people of your community not to drive into flood waters. Let us make everyone aware of flood safety. Please help make 2011 a year without any flood related deaths or injuries.

### KDA/DWR Water Structures Floodplain Program Staff

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[www.ksda.gov/dwr](http://www.ksda.gov/dwr)