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# Floodplain – Shoreland Management Notes

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February 1994

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## **Floods of 1993 Report Now Available**

By Gary Heinrichs

1993 will be remembered throughout Wisconsin as the year of the floods. No other natural disaster in state history can rival this event in magnitude; severity; agricultural, business, environmental and property damages; and human suffering and loss.

Family savings and possessions were buried in the same muddy brown flow as people's hopes, dreams and plans for the future. Farmers - still reeling from the recent drought and a cold, wet 1992 - became caretakers of lifeless, sodden fields instead of cultivators of food and resources. Business owners spent much of the year pumping out basements instead of pumping up sales. Although some areas suffered more

than others, everyone shared the consequences because their fellow citizens suffered.

To chronicle the suffering and document the damages caused by the flooding, the DNR has produced "The Floods of 1993" report - a summary of flood damages, assistance programs, causes, lessons learned, and mitigation strategies for future flooding events.

The report's purpose is to thoroughly describe the flooding and its underlying causes, so people can better prepare for the next flood. The report provides a common frame of reference for everyone affected by the flood, a demonstration of the interdependence of natural events and other effects on people.

Through our experiences this year, we have seen again how development in one area can affect flooding in another; how flood control projects don't control, but merely move the problem elsewhere; how important wetlands are for flood storage; how dangerous and costly it can be to develop floodplain areas; how unpredictable the weather is and how limited we are in predicting it; and lastly, the failed legacy of our attempts to control and direct the course of nature. We can learn many lessons from the floods of 1993, the most important of which may be the need to work with nature instead of against it.

This report is being distributed to state legislators, county board chairpersons, UW-Extension offices, zoning administrators, and mayors/presidents in the affected counties and municipalities. If you have any comments or

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suggestions, or would like additional copies, please contact:

Gary Heinrichs, WZ/6  
DNR  
P.O. Box 7921  
Madison, WI 53707  
(608) 266-3093

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## **FEMA Hears From States On Floodplain Management**

By Gary Heinrichs

Floodplain managers from the six Midwestern states that comprise FEMA Region V met with agency staff in Chicago on May 18-19, 1993 to exchange ideas, complaints and advice.

While no major new policies or programs were announced, there was enough incremental change to tweak the interest of attendees. New follow-up procedures for Community Assistance Visits (CAV's) was a hot item. The purpose, according to FEMA, is to ensure timely close-outs of CAV's by expediting the probation process.

Basically, the state will send the community's CEO a standard letter after the CAV requesting a response to all issues raised within 30-60 days. If the response is late or incomplete, a follow-up letter will be sent by the state to the CEO and the community's attorney. If this doesn't produce a satisfactory response, the state will send a letter to FEMA. FEMA will send a certified copy of this letter to the CEO. If there is no response in 30 days, FEMA will prepare a probation letter.

By standardizing the follow-up procedures, FEMA should improve its effectiveness in responding to local needs and promote better coordination between federal and state staff.

Communities will know exactly what to expect, when to expect it, and what happens if they don't respond.

If a community is put on probation, does not rectify its problems, and is then suspended from the National Flood Insurance Program, what next? Federally-backed loans or loans through federally regulated institutions cannot be made, but conventional loans through other institutions are available even in flood hazard areas. When a community is suspended, federal disaster assistance is no longer available.

When a community is suspended, FEMA notifies the appropriate federal regulatory agencies for lending institutions, but it has no control over what these agencies do with the information. It is assumed they are contacting the lending institutions to inform them of the suspension, but it is apparently not universally effective. What can be done beyond notification is unclear, but all attendees agreed that more effective monitoring of lending practices is necessary to promote better floodplain management practices.

Mapping needs were also a topic of interest for attendees. Increasing development pressure and outdated studies were cited as the primary reasons for mapping requests. Developing a comprehensive list of all mapping needs from additional questions on CAV reports was discussed. A new LOMA/LOMR form is out for review - further information will be coming from FEMA soon. And the importance of proper - and updated - map references in ordinance language was discussed.

Both FEMA and state officials agreed that more training in floodplain management and NFIP procedures for local officials should be done.

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## **New Vertical Datum Proposed**

By Gary Heinrichs

The National Geodetic Survey (NGS) will be changing the vertical datum standards to correct discrepancies arising from unreliable procedures used in the NGVD 29 determinations. Everything you need to know about datums is explained below.

### **What is a datum?**

A datum is the plane from which elevations or reference surface elevations are measured. Base Flood Elevations (BFE) on a FIRM are referenced to a vertical datum and each FIRM panel contains at least one elevation reference mark referenced to NGVD 29.

### **Who is responsible for determining the datum?**

NGS is the Federal agency primarily responsible for the establishment and maintenance of the nation's vertical control.

### **Why is the datum being changed?**

NGS initiated the vertical datum change when it became clear that some of the procedures for determining NGVD 29 were unreliable. The new datum corrects the problems, and unlike NGVD 29, NAVD 88 (North American Vertical Datum) will be adopted by both Canada and Mexico.

### **How does this affect NFIP maps?**

BFE's for all NFIP communities are referenced to a vertical datum.

### **How do I know what the effective datum is?**

The effective datum can be found in the upper right hand corner of each FIRM panel.

### **When will the conversion start?**

The actual conversion of NFIP maps - which are used to determine flood insurance

premiums and provide information to help implement effective local floodplain management program - to NAVD 88 began in fiscal year 1993 (October 1, 1992).

### **How will the conversion take place?**

The conversion will be gradual, driven by the opportunity to republish FIRMs and FIS insurance studies for other substantive reasons.

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## **Floodplain Legislation Declared Unconstitutional**

By Gary Heinrichs

A Pierce County Circuit Court decision rendered on August 24, 1993, struck down legislation passed in 1992 by the State Legislature that exempted certain parts of Pierce County from zoning laws designed to place restrictions on the modification and rebuilding of non-conforming structures. The decision by Circuit Court Judge Robert W. Radcliffe declared sections 59.972 and 87.307, Stats., unconstitutional, of no legal force and effect and, therefore, void because they:

- are local bills enacted by the Legislature and part of the budget bill in violation of article IV, section 18 of the Wisconsin Constitution.
- violate the equal protection guarantees of the Wisconsin and United States Constitutions.
- violate the Public Trust Doctrine in article IX, section 1 of the Wisconsin Constitution.

This legislation, 1991 Wis. Act 269, was introduced to exempt property owners on Trenton Island, Pierce County, from

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conforming to the requirements in Statutes and Administrative Rules that govern the modification of legal non-conforming structures. Historically, the rules limited such modification to a maximum of 50% of the current equalized assessed value of the property over the lifetime of the structure. This means that the costs of all modifications, alterations, additions and structural repairs are cumulative and cannot exceed 50% of the property's value. The percentage that the modification contributes to the 50% is calculated at the time of each modification. The rules also state that any structure damaged beyond 50% of its assessed value cannot be rebuilt unless it is brought into conformance with current standards.

The legislation changed these rules by amending two critical sections. First, the 50% limit was amended to read that "the floodplain zoning ordinance may require that the cost of a modification of, or an addition to, a building of the type specified in sub. (1) may not exceed 50% of the building's market value on the date that the modification or addition begins." This eliminates the lifetime cap on modifications, allowing the property owner to make unlimited improvements to a structure as long as each improvement costs less than 50% of the structure's market value.

Secondly, for buildings that have been destroyed or that are so severely damaged that they cannot be restored, "a floodplain zoning ordinance under s. 87.30 may require that the cost of the reconstruction or replacement of the building may not exceed 150% of the building's market value immediately before the destruction or the damage occurred." These amendments undermine local officials authority to control the use and development of non-conforming structures in environmentally sensitive areas

and diminish the ability to phase out non-conforming structures in these areas.

The concept of allowing at least some improvement and modernization of nonconforming buildings at the expense of extending the life expectancy of nonconforming uses is firmly established in statutory and case law at both the state and national levels. In a recent case in Wisconsin (Marris v. City of Cedarburg, 176 Wis. 2d 14 [1993]), the Wisconsin Supreme Court noted that in order to respect ownership rights, some modernization and maintenance should be permitted.

**However, the Court was also quite clear that it is not in the public's interest to allow unlimited modifications to expand and extend the life of the nonconforming use.**

Sections 59.972 and 87.307 also undermined the right of municipalities to adopt standards that are more restrictive than those prescribed by state law and contradicted existing policy to minimize the expenditures of public money for costly flood control projects, rescue and relief efforts, business interruptions, damage to public facilities, occurrence of future blight, victimization of unwary land and home buyers and to prevent increases in regional flood heights which would cause conflict and litigation between landowners. It also undermined the intent of shoreland zoning, which is designed to promote safe and healthful conditions; prevent and control water pollution; protect spawning grounds, fish and aquatic life; control building sites, placement of structures and land uses; and reserve shore cover and natural beauty by limiting expansion of nonconforming uses.

In a January 15, 1992 letter to Rep. Thomas Seery, Chairman of the Assembly Environmental Resources, Utilities and

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Mining Committee, the Wisconsin County Code Administrators went on record as opposing the original legislation. In discussions at its annual meeting, the WCCA concluded that "zoning, by its very nature, attempts to eliminate conflicting and nonconforming uses through the 50% rule applied over the life of the use or structure. To eliminate the 50% limitation over the life of a nonconforming structure effectively eviscerates most of what zoning is proposed to accomplish."

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## **COURTHOUSE CORNER**

By Gary Heinrichs

Because of the varied backgrounds and experiences of Board of Adjustment/Appeal members, it is always useful to review the decision-making and procedural criteria to be followed in making legally sound and impartial decisions. Acting on applications for variances is one of the most important (and common) duties of a board and reviewing the case histories outlined in the following recent court decisions should prove instructive to any zoning official or board member.

### **State of Wisconsin : In Supreme Court Oneida County vs. Converse**

(Filed Dec. 8, 1993)

The ruling in this case struck down a DNR administrative rule that regulated the rebuilding of wet boathouses. Section NR 325.065, Wis. Adm. Code, stated that "the limitation on repairing only 50% of the current value of a boathouse or fixed houseboat shall not be applicable to any such structure damaged by violent wind, vandalism or fire." This section was in conflict with the Oneida County Zoning and

Shorelands Protection Ordinances and section 30.121, Wis. Stats.

Since 1945, the Converse family has owned a two story wet boathouse on Lake Tomahawk in Oneida County. On April 27, 1984, the boathouse was destroyed by a tornado. At this time, the boathouse constituted a nonconforming use under sec. 30.121 (2), Stats., and sec. 9.51 D of the County Ordinance. The Converse family was denied a permit to rebuild by the Zoning Office and the Board of Adjustment. The DNR informed them that a state permit was not needed to rebuild but that local or federal permits might be. Instead of requesting judicial review of the decisions, the Converse family rebuilt the boathouse and the county filed suit claiming that sec. 9.51 D had been violated. As a defense, the Converse family relied on sec. NR 325.065, Wis. Adm. Code. Oneida County circuit court granted summary judgment to the county which was reversed by the court of appeals, based on the conflict between county and state standards.

In reversing the court of appeals decision, the Supreme Court opined that "an administrative agency has only those powers which are expressly conferred or can be fairly implied from the statutes under which it operates." Based on its review of sec. 30.121, Stats., the court found that "the express language indicates that the legislature intends to phase out wet boathouses. New construction of wet boathouses is prohibited, while repairs and maintenance are only allowed when they are no more than fifty percent of assessed or fair market value. Because of the restrictions on maintenance and repair, these provisions provide only limited protection to owners of existing wet boathouses and does not allow owners to completely replace these structures."

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The court then concluded that sec. 30.121 is a specific statute regulating maintenance and repair of wet boathouses which in no way expressly or even implicitly states that 100% replacement is allowable. The DNR rule would permit repair in situations flatly prohibited by the statute. The DNR rule is completely inconsistent with sec. 30.121(3). Because the DNR rule is invalid, the Converses are bound by the Oneida County ordinances. Accordingly, it was appropriate for the circuit court to grant summary judgment and impose forfeitures, as well as to require that the Converses remove the new boathouse. The decision of the court of appeals was reversed and the judgment of the circuit court reinstated.

**State of Wisconsin vs. Waukesha County Zoning Board of Adjustment**  
(Court of Appeals, District II, No. 92-0055)  
(June 24, 1992, unpublished)

In this case, a shoreland property owner requested a variance for a deck constructed without a permit. The stated reason for seeking the variance was that "there is no space to entertain guests..." A hearing was held before a joint meeting of the town and county Boards of Adjustment. Although the town denied the request, the county granted it, reasoning that "the improvement to the residence...is a practical solution to an entrance and exit problem that the petitioner has due to the steep terrain of the property." A certiorari review by the circuit court found that "the board did not exceed its jurisdiction in granting the variance and that the board did not abuse its discretion in deciding that the exit-entrance problem was not an unnecessary hardship." The state appealed.

In rendering its decision, the Court of Appeals relied on a 1976 case, Snyder vs. Waukesha County Board of Adjustment,

which ruled that personal inconveniences do not constitute practical difficulties or unnecessary hardship which justify a variance. Further, no evidence had been introduced claiming an entrance or exit problem, much less that the deck would solve it. Nothing in the hearing or anywhere else in the record shows that the owner ever suggested such a problem. "Because the board's grant of the variance is entirely dependent on this assessment, we must conclude that the board's decision is arbitrary because it is without a rational basis. Holding, as we do, that the board's finding does not support a conclusion of unnecessary hardship, we reverse the board's grant of a variance."

Several other unpublished cases, although not cited in the above decision, reached similar conclusions. In one case, a property owner built a deck after being denied a variance by the board. The board then granted a variance at a second hearing, finding unnecessary hardship existed. On appeal to circuit court, the court also relied on the Snyder case, finding that "It is not the uniqueness of the plight of the owner, but uniqueness of the land causing the plight which is the criterion." The land owner in this case had been using the property for many years and nothing in the record indicated the property would have no reasonable use if a variance wasn't granted.

In the second, the board tried to justify the granting of a variance by placing conditions on the variance that were aesthetically commendable, but wholly irrelevant to the criteria in the county ordinance. The land owner had an existing deck and gazebo within 75 feet of the shoreline. In granting the variance, the board found that:

- The structures are well screened from the lake by trees.

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- The owner has not opened up the shoreline as a walk-out.
  - The color of the gazebo is natural.
  - Cannot see the deck from the lake.
  - This is an individual case and not exactly like any other.

As noted by the circuit court, "this decision failed to contain findings necessary to the granting of a variance ... there exists no findings relating to unnecessary hardship or the impact of granting the variance on the public interest." The court found that the owner had used the property as a residence for many years prior to erecting the gazebo and deck, and could have continued to do so without having to place the structures within the 75 foot setback. Accordingly, the board's order was reversed and the variance denied.

**State of Wisconsin vs. Ozaukee County Board of Adjustment**

(Court of Appeals, District II, No. 90-1796)  
(Jan. 23, 1991, unpublished)

In this case, a business owner was granted a variance to expand a nonconforming building to within 11 feet of a river, arguing that the addition was necessary to make the property usable as a retail operation. Although expansion in other directions was feasible, the board determined that unnecessary hardship existed because this would require digging up either the septic bed or the parking lot. The board also opined that "alternative plans were either noneffective due to location or too costly. Denial of the variance would hurt the future economic growth of the community." Also, the board asserted that the DNR had conceded hardship at the hearing by stating it would not object to a variance given for lateral expansion. The board reasoned that if the owners could not prove hardship to gain a variance in building toward the creek,

they could not prove hardship to build laterally either. By not challenging a lateral variance, the board asserted that the DNR conceded unnecessary hardship and was attempting to limit the board's discretion about which alternative variance should be granted.

In its findings, the appeals court refutes both points. First, it rejects the claim of unnecessary hardship by pointing out that the board never determined if the owners could continue a viable business in its present state. Even if the board had made this determination, the ordinance requires that the finding not be made solely on economic grounds. Yet that is exactly what the board did. It also rejects the board's assertion that the DNR conceded hardship by stating it would not challenge a variance for lateral expansion. "Each option is a separate request for a variance. The board must find unnecessary hardship exists regarding that proposed variance. What the DNR does or does not do with a separate request for an alternative variance is irrelevant." Because the board acted contrary to law by failing to come to grips with the questions regarding unnecessary hardship, the order was reversed and the variance denied.

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**NFIP Reform Being Debated**

By Gary Heinrichs

Two proposals to reform the National Flood Insurance Program are currently before congressional committees. Senator John F. Kerry has introduced Senate Bill 1405, "The National Flood Insurance Reform Act of 1993." The major provisions are summarized below:

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- Broadens the flood insurance purchase requirement to include mortgages purchased by government sponsored enterprises and mortgages guaranteed or insured by federal agencies that act as lenders. It allows these institutions to purchase insurance for a property and charge a borrower if insurance is required and found not in force.
  - Requires regulated lending institutions and federal agency lenders who escrow for other purposes to escrow for flood insurance.
  - Establishes a streamlined notifications process for lenders, federal agencies and communities, and a standard hazard determination form.
  - Requires participating communities to publicly notify affected property owners and lenders of the flood insurance purchase requirements for newly determined properties.
  - Increases maximum coverage to \$250,000 for single-family homes and \$2.5 million for non-residential property. Also provides additional coverage for repair of repetitive or substantial-loss structures to current floodplain standards.
  - Requires federal regulatory agencies to determine whether regulated lenders are complying with NFIP requirements.
  - Imposes a maximum \$350 fine per violation on lending institutions for failing to require flood insurance, to escrow, or to notify for flood insurance. Total penalties per lender are not to exceed \$100,000 per year.

Mitigation insurance and mapping erosion hazard areas have proven the two most

difficult points to reach consensus on. Senator Kerry remains committed to prohibiting flood insurance for *new* buildings built in 30-year erosion hazard areas. Also, risk premium rates for repetitive loss properties (those suffering flood damages in two of the last 10 years) would be instituted to cover the cost of compliance with floodplain development requirements. The bill would also authorize grants to communities for mitigation planning and implementation projects.

Opposition to these provisions is rooted in the perceived implications for property owners and the view that NFIP policy is being used to further environmental objectives. Senator D'Amato is concerned that coastal policyholders could see 300% rate increases if risk-based rating policies are enacted.

The National Association of Realtors and the National Association of Home Builders have both expressed support for the bill, although the builders requested assurance that the "full range of erosion mitigation options" would be credited under mitigation programs. The Coastal States Organization and the Coastal Alliance both support the bill and urged that the prohibition on flood insurance for new structures in erosion hazard areas be kept. Representatives of coastal communities expressed fear that this prohibition would lead to wholesale devaluation of property and loss of tax base. Both FEMA and the Association of State Floodplain Managers are backing the bill.

The House companion to the Kerry bill, H.R. 3191, the "National Flood Insurance Program Reform Act" of 1993, has also seen debate focused on the erosion provisions. A compromise amendment was approved to clarify that homes in erosion hazard areas that sustain substantial damage from any

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cause can be rebuilt (to code compliance) and continue with flood insurance coverage. An amendment to integrate mitigation insurance into basic policy coverage was rejected in favor of specific mitigation grants to hold down costs. The committee did agree to study the feasibility of standard mitigation insurance. The senate bill includes such coverage.

Also of note was the quick passage of S. 1670 in the final days of the session. This legislation significantly modifies FEMA's Hazard Mitigation Grant Program (Section 404 of the Stafford Act). The key provisions are a change in the cost-share formula from 50-50 to 75% federal and 25% local, and increasing the size of the fund from 10% to 15% of the total amount spent on all public and individual assistance. This legislation will guarantee a larger pot of mitigation money flowing into the state and a lighter burden on local treasuries to pay for projects.

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## **Shoreline Improvements Help Both Water and People**

By Bill Schwengel

Waterfront property owners often wish to improve their shoreline for various reasons, including protecting it from erosion by currents and waves, constructing a pier for boating, establishing a swimming area and landscaping an irregular bank. Waterfront (riparian) owners should be aware that county, state, and federal laws protect the waterways for the public interest. These laws prohibit certain activities, but also allow for permits to be issued for projects where there will be minimum or no negative impacts on a stream or lake.

It's important that permits are obtained prior to doing the work and that the permit specifications are followed. State law generally applies to the body of the water itself, while county shoreland-wetland protection ordinances apply to the land surrounding the lake or stream. Federal laws, administered by the Army Corps of Engineers, apply to bodies of water as well as wetlands.

The point where state law protects a lake or stream usually begins at the ordinary high water mark (OHWM). This line is seen along the shoreline where terrestrial vegetation, such as grasses and trees, gives way to aquatic vegetation like cattails and water plants. Other indicators of the OHWM are water line stains on rocks and trees and changes in soil types. Because of the drought, the water levels on many streams and lakes are still below the OHWM. Whenever excavation is done or material is added to the lake bed (that area below the OHWM, whether it is under water at the time or not), a permit from the Department of Natural Resources is required.

The most common type of shoreline improvement is called shoreline stabilization. This is done to prevent erosion of the shoreline. Most often, rock riprap is placed on the bank and in the water after the shoreline has been graded. A shoreline property riprapped will withstand the force of ice during spring breakup. Cement and wood sea walls are permitted in some cases, although they are more susceptible to ice damage. Materials such as tires, brush, aluminum siding, and car bodies are not permitted for shoreline stabilization.

No fee is required for a shoreline stabilization permit. This practice is encouraged to prevent loss of land and

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sedimentation of lakes and streams. Rock riprap also provides a good habitat for fish.

Another lake shore improvement is the placement of a layer of pea gravel on the lake bed for a swimming area. This type of alteration is closely regulated to prevent destruction of lake and stream beds. Fine beach sand is not permitted for use because it creates a sterile environment for aquatic life and is too easily eroded and covered with silt. Pea gravel provides habitat for aquatic life as well as a suitable base for swimming and wading. Permits for pea gravel blankets specify the area and depth of the blanket. Plastic liners are not permitted to be placed on the lake bed because the trap gasses from decomposing organic materials and usually deteriorate in a few years. Beach sand may be placed without a permit on the lake shore provided none is placed below the OHWM.

Riparian landowners may construct both piers and swimming rafts in lakes and streams in front of their property. These do not require any DNR permit unless they pose a potential conflict with the rights of the public or adjoining landowners to use the water. A landowner's pier can extend out from the shore to the water depth needed for boat navigation (generally considered to be 3 feet). Rafts must be anchored within 200 feet of shore, and piers in shallow water that are longer than 200 feet must be lighted from sunrise to sunset with a white light.

Aquatic plants can become quite a nuisance for lakefront property owners. Aquatic plants may be cut by hand or machine without a permit. Likewise, any floating cattail bogs may be cut and removed. In all cases the plants and cattail bogs are required to be disposed of above the OHWM. Lakefront property owners may, with permit, use certain herbicides to control

weeds and algae. Chemical treatments require less labor, but are more expensive and leave the weeds to decompose in the lake where the nutrients are recycled for the next generation of plant growth.

A relatively new technique is the placement of fiberglass or plastic screening on the bed of the lake. This blocks out sunlight and prevents plant growth. This screening must be removed at the end of the growing season and requires a DNR permit for placement.

Dredging in the bed of lakes and streams requires a DNR permit. Permits are granted in certain cases that are consistent with the public interest and good water quality.

Several excavation activities above the OHWM require a permit from the DNR. Any grading on the shore of a lake or stream requires a permit from the DNR if the area is in excess of 10,000 square feet. Approved plans must provide for erosion control measures such as sodding or seeding. Constructing a pond or ditch within 500 feet of a navigable lake or stream also requires a DNR permit, except when done for agricultural purposes.

County shoreland-wetland protection ordinances are more restrictive than state laws where shoreline area are involved, although they do not apply to the lake or stream bed itself. County ordinances apply to activities within 300 feet of the OHWM of streams and rivers (or the entire floodplain if wider than this) and within 1,000 feet of the OHWM of lakes. These ordinances restrict tree cutting, brush clearing, building, construction, filling, dredging, grading, lagooning, ditching or excavating within areas of the ordinance jurisdiction.

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Every waterfront owner contemplating making improvements should contact both a DNR office and the county zoning office to check for permit requirements and prohibitions. DNR offices can inform the riparian owner if their proposed project requires federal approval from the Army Corps of Engineers. This should be done well in advance of the proposed starting date of work. Failure to secure the proper permits, non-compliance with permit restrictions or doing work not allowed even with a permit can result not only in a fine or forfeiture, but may also involve restoration of the affected areas.

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## **The Floods of '93 are Now History ... "Not!"**

By Tim McClain

Although the summer floodwaters have receded, many communities are still struggling to rebuild homes, businesses, infrastructure – as well as the lives of its citizens. Other communities, fed up with the enormous costs expressed in dollars and human suffering associated with repeated flooding, are taking flood recovery into their own hands. These communities (e.g. City of Darlington) are developing mitigation plans and strategies which focus on the acquisition/relocation of structures out of flood-prone areas. These are voluntary programs for those property owners who wish to relocate.

To assist these communities, the Federal Emergency Management Agency (FEMA) created a Interagency Disaster Recovery Office (IDRO) located at the Department of Military Affairs, Division of Emergency Government (DEG) in Madison. The purpose of the IDRO is to simply act as a

clearinghouse and to help coordinate Wisconsin recovery/mitigation activities.

In close association with the Interagency Disaster Recovery Office, FEMA and DEG also formed as Interagency Group consisting of FEMA, DEG, Department of Natural Resources, the U.S. Economic Development Administration, WI Department of Development, WI Department of Administration, WI Department of Transportation, State Historical Society, and the Wisconsin Regional Planning Agencies. The general purpose of the Interagency Group, which has met on an almost weekly basis since October 19, 1993, is to provide a cooperative federal and state recovery effort in reviewing flood recovery/mitigation applications and to assist communities and regional agencies in utilizing funding sources.

Although the Interagency Group does not approve applications, it serves an important “streamlining role” by coordinating the various agency assistance programs. The Interagency Group also encourages “multiplication of effort” by piecing together different sources of assistance where appropriate, into a funding package for communities.

To date, the Interagency Group has reviewed 94 projects submitted by communities totaling about \$28 million. Examples of projects which the Interagency Group reviewed include large acquisition/relocation projects in the City of Darlington, City of Eau Claire, and Pierce County/Trenton Island, stormwater improvement projects, stream bank stabilization, floodproofing houses and businesses, dam repair, and repair of other public facilities such as roads/bridges damaged by the floods.

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Major sources of funding include FEMA's Hazard Mitigation Grant Program for acquisition/relocation, FEMA Public Assistance, Community Development Block Grant (CDBG) program, EDA grants and loans, Emergency Relief for roadway structure damage on Federal-Aid Highways administered through the Federal Highway Administration, Flood Damage and General Transportation Aids Program administered by Wisconsin Department of Transportation, and Crop Disaster Program administered by WI Department of Agriculture, Trade and Consumer Protection. In addition, funds were also made available through EDA and FEMA to provide technical assistance to flood-impacted areas for flood-recovery, mitigation, and coordination/planning activities.

It should be noted that although there many sources of funding, there are also many applicants which must compete for this assistance. Also, deadlines have passed for some of these programs.

For more information regarding Flood Recovery/Mitigation assistance or more about the work of the Interagency Disaster Recovery Office, please contact Timothy McClain, DNR, at (608)266-0161 or Diane Kleiboer, Division of Emergency Government at (608)266-5626. In addition, we will try to keep you informed on the progress of the Interagency Group in future issues.

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### **Spring BOA Training Sessions Set**

Since the building boom of the last several years shows no signs of slowing down, we're expecting a big turnout for our spring board training sessions in the Northwest and North Central Districts. The BOA sessions

will again concentrate on the types of decisions (appeals, variances, CUPs) boards make, decision-making criteria/process, legal challenges, recent court cases, and small group exercises designed to put all that knowledge to the test.

In North Central District, training for Zoning Administrators will also be offered. Topics covered will include the National Flood Insurance Program, Community Rating System, 1993 flood review, nonconforming uses, recent court cases, floodplain maps, and a wetlands open forum.

The Northwest District will kick off the season with a March 1<sup>st</sup> session at the Skyline Supper Club on Highway 13 North in Phillips. On March 2<sup>nd</sup>, Spooner will host a session at the Spooner Civic Center in the Poolside Room. North Central sessions are scheduled for the Oneida County Airport on Highway 8 West in Rhinelander on March 8<sup>th</sup>; and the Portage County Courthouse at 1516 Church Street in Stevens Point on March 9<sup>th</sup>.

All sessions will run from 9:30 am to 3:00 pm. Lunch will be served on the premises. If you have any questions, please call Dan Miller (Phillips session) at (715)339-3272; John Gozdziwski (Spooner session) at (715)635-4055; Steve Osterman (Rhinelander session) at (715)369-6130; or Steve Brazzale (Stevens Point session) at (715)346-1334. Western District is planning three training sessions for late April/early May, one in each area office. Check with the District Office for more information.

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## **DNR Welcomes New Water Regulation and Zoning Staff**

By Gary Heinrichs

If a sign of a progressive organization is to embrace change, then the DNR is certainly world-class in progressive action. Last spring, we were pleased to announce 15 new staff members had joined the Bureau. Amazingly enough, we have topped that prodigious feat. Water Regulation & Zoning can now count an additional 16 new faces among our happy throng. Some are replacements for departed staff members, others came to us through grant monies for special projects the Bureau is working on. All are valuable assets to the organization and we hope you are able to tap their expertise.

We would also like to acknowledge staff who have left the program in search of new opportunities. Wally Berg, Floodplain Specialist, NCD-Rhineland, retired after many years of service to the Water Regulation program. Congratulations and good fishing, Wally. Vic Pappas, Water Management Specialist, SD-Horicon, accepted a position as Environmental Impact Specialist in the Milwaukee office. Tom Smith, Water Management Specialist, NCD-Wisconsin Rapids, accepted a position as Area Land Agent in the LaCrosse office. Naomi Hedge, Water Management Specialist, LMD-Sturgeon Bay, moved to Pennsylvania to attend graduate school. We wish all of them well. And now for the new hires.

### **NORTH CENTRAL DISTRICT**

Pete Wolter, Wisconsin Rapids Office, is the WMS for Wood, Portage, Juneau and Adams counties. Pete, who is from Milwaukee, has a B.S. in Resource Management and Environmental Law from

the UW-Stevens Point. He worked as a private wetland consultant for four years before joining the department. Pete enjoys hunting, fishing and basketball and admitted that his lifelong dream was to work for the DNR.

Dan Peerenboom was recently appointed WRZ Engineer for the district and will start in January. Dan is currently the Unit Supervisor for the Nonpoint program in Water Resources Management, Central Office. Dan has a B.S. in Soil Science from UW-Stevens Point and a M.S. in Engineering from Marquette. Before joining the DNR, Dan worked as an agricultural engineer for DATCP. Dan, who is an avid sportsman, plans to spend a lot of time outdoors.

Sandy Wickman, Antigo office, is the WMS Assistant for Lincoln, Langlade and Marathon counties. She will be helping out Mitch with program administration. Sandy, who lives in Three Lakes, has a B.S. in Wildlife Biology from UW-Stevens Point. She previously worked as a forestry and wildlife technician for the U.S. Forest Service. In her spare time she runs a sawmill.

### **SOUTHERN DISTRICT**

Andy Nelson, Horicon office, is the WMS for Columbia, Dodge Fond du Lac, Green Lake and Marquette counties. Andy, who is from West Bend, has a B.S. in Water Resources from UW-Stevens Point. He transferred from the DOT where he worked as the District Environmental Coordinator in Eau Claire. Before that, he was an Environmental Impact Assistant with the DNR in Eau Claire. Andy enjoys hunting, fishing and all outdoor activities and would like to thank the Horicon staff for all their assistance in his new position.

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Rich Vogt, Fitchburg office, is the WRZ Engineer for Dane, Dodge, Grant, Green, Iowa, Jefferson, Lafayette and Rock counties. Rich, who lives in Plain, has a B.S. in Civil Engineering from the UW-Madison. Rich has a long history with the department, having worked in the old Bureau of Engineering from 1970-77, Water Regulation & Zoning from 1977-1985, and then with DOT from 1985-1990. He took a plunge into the private sector for three years with Westbrook Associate Engineers before rejoining the DNR last spring. Rich, who claims he's happy to be back, says he missed the program and the people. "I like water resource work," he explained, adding that "I don't want to learn any new tricks." Welcome Rich, it's good to have an old dog back.

### **SOUTHEAST DISTRICT**

Christopher Deremer, Milwaukee office, is the WMS for Kenosha County. Chris, who is from Janesville, has a B.S. in Biological Reclamation from UW-Platteville. He previously worked as a toxicologist for Hazelton Labs in Madison. Chris enjoys hunting and fishing and was interested in joining the department because he wanted to work in resource protection.

### **MADISON OFFICE**

Leslie Gauberti is a Program Assistant in central office. A 1991 Recreation Resources Management graduate of the UW-Madison, this Connecticut native came to us from the Department of Revenue. She enjoys camping, backpacking, cross-country skiing and snowmobiling. Claiming she always wanted to work for the department, Leslie is meeting lots of new people in her position and she admitted that it gives her lots of opportunities to find the program that's best suited to her.

Dan Hunt is a Planning Analyst for the floodplain management section. A Fond du Lac native, Dan has a B.S. in Resource Management from the UW-Stevens Point. He transferred from DATCP where he worked in the farmland preservation program. Prior to that Dan was a planner in Dodge County. He enjoys all sports, trout fishing and camping. He admits that the biggest challenge so far has been learning all the regulations. Dan covers Northwest and Southeast districts.

Tim McClain is also a Planning Analyst for the floodplain management section. A Nebraska native, this cornhusker has a B.S. in Natural Resources from the University of Nebraska and a M.S. in Urban and Regional Planning from the UW-Madison. Tim transferred from the PSC where he toiled as an environmental analyst. He previously worked as a planner for the city of Janesville. Tim enjoys running and playing the piano. He said his biggest challenge so far was understanding all the complex issues associated with hazard mitigation.

Hank de Haan is a Geographical Information Systems (GIS) Specialist with the water regulation section, performing the mystical process of digitizing wetland maps. A Dutch boy from the Swiss enclave of New Glarus, Hank has B.S. and M.S. degrees in Geography from the UW-Madison. He transferred from the Bureau of Research where he was working on a glacial habitat restoration project. Hank enjoys running, fishing, hunting and camping and is also a tractor mechanic of considerable reputation.

Kimberly De Morett, who escaped to Wisconsin from Minnesota, is a GIS Analyst. Whereas Hank is doing original digitization work, Kimberly is updating older digitized maps. She has a B.S. in Environmental Biology from St. Mary's

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College in Winona, MN. Kimberly just completed two years with the Peace Corps in Equador as an environmental coordinator. She enjoys the outdoors and reading.

Celine Thum is another new GIS Analyst, updating digitized wetland maps. A Des Plaines, Illinois native, Celine graduated from the University of Illinois with a B.A. in Geography. She spent the last two years surviving in Chicago, working for Geonix Chicago Aerial Survey. Celine enjoys travel, horseback riding, canoeing and backpacking.

Sharon Ashworth is a Wetland Ecologist with the water regulation section. A self-described military brat, Sharon claims no hometown, but is happy to be living in Madison. She has a B.S. in Environmental Studies from Smith College, Massachusetts, and an M.S. in Land Resources from the UW-Madison. Sharon transferred from the DOT where she worked as a Water Resources Specialist. She enjoys hiking and bicycling.

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## **NFIP: Contacts & Resources Guide**

### **FEMA REGIONAL OFFICE** **(312) 408-5546**

FEMA staff can answer questions about statutory and regulatory provisions of the program. This includes information on Letters of Map Amendment and Revision, mitigation options, disaster assistance, and funding sources. They do not do flood zone determinations. Tira Miller is the Wisconsin Coordinator. FEMA also distributes a variety of publications related to floodplain management. They are listed on the back of this sheet.

### **NFIP REGIONAL OFFICE** **(708) 955-4550**

This office answers technical questions about insurance policies, procedures, claims, ratings, risks, etc. They also provide information about lending and agent seminars, legislative issues, and general lender or agent questions. The contacts are Rich Slevin and Marita Madderom.

### **NFIP INFORMATION HOTLINE** **(800) 638-6620**

This is the customer service center for the NFIP, and is geared to handle routine inquiries from all sources. This includes questions about policy ratings/status, claims reporting/status, community status, application assistance, and mailing addresses for applications, loss notices, etc.

### **NFIP MAP SERVICES** **(800) 358-9616**

Call this office to order FEMA flood maps or to request a directory of map status information, called the Flood Map Status Subscription Service. There is a nominal charge for the maps, which are available in paper copies or on microfiche. The Flood Map Status Subscription Service helps you determine whether you have the most current FEMA map for your community. It is available on diskette or microfiche.

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## **FEMA PUBLICATIONS**

<u>Pub #</u>	<u>Publication Title</u>
FIA-2	Answers to Questions About the NFIP
FIA-14	Guide to Flood Insurance Rate Maps

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Public Awareness Materials

FEMA 186	Mandatory Purchase of Flood Insurance Guidelines	L-186	"Nothing Could Dampen The Joy Of Home Ownership. Or Could It?" - explains the benefits of flood insurance
FIA-16	Flood Insurance Compliance for Lenders and Servicers		
900-013A	NFIP Mortgage Lenders Workshop	900-293	"Your Homeowners Insurance Doesn't Cover Floods" - a stuffer reminding customers of flood insurance benefits
593-9109A	NFIP Insurance Manual - Agents		
TOD-1	Amendments and Revisions to NFIP Maps	900-340	Same as above in counter card (mini-poster) form
Vol. 56	Mortgage Portfolio Protection Program No. 41	593-9126	"Your Home May Be Exposed To Flood Risk" - a stuffer with an vital message about flood insurance protection
FIA-11	NFIP - Revised Through Dec. 31, 1990	900-358	"No Matter Where You Live, Floods Happen" - a stuffer that explains the value of flood insurance
593-9122	Myths and Facts About the NFIP		
593-9065	Regulations for Lenders	593-8010	"Flood Safety Tips" - a brochure with tips to minimize loss of life and property

To order these materials,  
call 1-800-638-6620

Bureau of Water Regulation and Zoning  
Wisconsin Department of Natural Resources  
Box 7921  
Madison, Wisconsin 53707-7921

"Floodplain – Shoreland Management Notes" is published by the Wisconsin Department of Natural Resources' Bureau of Water Regulation and Zoning. Our purpose is to inform local zoning officials and others concerned with state and federal floodplain management and flood insurance issues, shoreland and wetland management, and dam safety issues. Comments or contributions are welcome, call (608)266-3093.

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