

Floodplain and Shoreland Management

Notes

October 2009 Flood Insurance Program Changes

Changes to the NFIP Flood Insurance Rate Manual take effect twice a year, in May and October. This fall, the October 2009 manual revisions include changes to Standard Flood Insurance Policy rates and deductibles, which may impact policy holders. It's important for insurance agents to understand the changes so they can provide informed counsel to policy holders and applicants and answer questions that may arise. The bullets below reflect just a few highlights. For the full Flood Insurance Rate Manual that provides details for all of the October changes go to http://www.nfipiservice.com/nfip_docs.html.

Rate and Premium Changes

Changes to standard flood insurance policy rates may result in premium increases for some of policy holders, on policies written or renewed on or after October 1, 2009. On average, premiums will be increasing 8 percent; however, individual rate changes may vary – and some policyholders may see their premiums decrease. Preferred Risk Policy premiums are not changing.

It's important for insurance agents to inform customers that rate increases take effect regularly to ensure premiums stay aligned with NFIP costs. Premiums are also dependent upon a variety of factors such as the amount of coverage and deductible factors, among others. The Flood Insurance Manual "Rating" section should be consulted for detailed rating information and examples of how to discuss rate calculations with customers.

Another factor driving increases are changes to the basic coverage limits for both residential and non-residential properties. Standard policy basic insurance

limits are increasing for all categories of building and contents coverage as follows:

- 1-4 Family Dwelling Building Coverage: Basic limit increases from \$50,000 to \$60,000.
- Residential Contents Coverage: Basic limit increases from \$20,000 to \$25,000.
- Other Residential and Non-Residential Building Coverage: Basic limit increases from \$150,000 to \$175,000.
- Non-Residential Contents Coverage: Basic limit increases from \$130,000 to \$150,000.

Deductible Changes

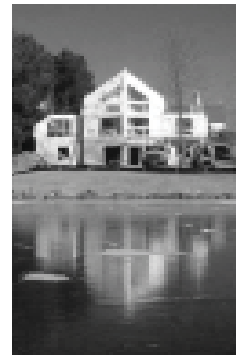
In addition to rate and basic coverage changes, all policyholders, including those with a Preferred Risk Policy, will see increases to their standard deductible. The NFIP is discontinuing the \$500 deductible for all properties. New deductible levels are listed below:

- Standard deductible increases from \$500 to \$1,000 for post-FIRM build ings and pre-FIRM buildings rated as post-FIRM in SFHAs.
- Standard deductible increases from \$500 to \$1,000 for buildings in non-SFHAs.
- Standard deductible increases from \$1,000 to \$2,000 for pre-FIRM build ings.

Owners of pre-FIRM properties can pay a surcharge and buy back the \$1000 deductible. This option should be explained as pre-FIRM policies come up for renewal. It's also important to alert policy holders to these changes so that they are not surprised at the change in the



Volume 8
Number 3
Fall 2009



Inside this issue:

Municipal Flood Grants . . .	2
NR 115 Update	3
Map Modernization	8
Training/Conferences	9

Continued on Page 3 . . .

Municipal Flood Grants

The DNR is pleased to announce that we will have funding available for the Municipal Flood Control Grant Program in 2010.

Grant availability information will be sent in October to every city, village and town in Wisconsin by post card and all application materials are readily available on the web site at <http://www.dnr.state.wi.us/org/caer/cfa/Ef/flood/grants.html>. Most of the grant dollars will be reserved for funding the program's highest priority - acquisition and removal of structures for permanent open space or flood water storage - although there may be funding for structural floodproofing, acquisition of land or easements to provide flood storage.

The program, which was signed into law in 1999, provides 70% cost-sharing grants to acquire and remove flood-prone structures, to floodproof structures, to restore riparian areas for flood control and conservation purposes, to purchase land and easements to provide flood storage areas, to construct flood control projects, and to map flood hazard areas. Grants cannot be awarded for projects that increase runoff or raise flood elevations upstream or downstream, that channel-

ize a waterbody, or that do not provide adequate public access.

The Department has \$3.25 million in grant funds available for 2010. There will be a maximum grant per municipality of \$650,000 possible but it is a reimbursement program only. Application materials need to be completed and postmarked by March 15, 2010 and grant awards will be announced by late summer.

If you do not have web access, please contact the appropriate environmental grants specialist listed below.

South Central Region, Eileen Trainor,
(608) 275-7760

Southeast Region, Sandy Manthei,
(414) 263-8569

Northeast Region, Sue Kocken,
(920) 492-5797

Northern Region, Jane Malischke,
(715) 635-4062

West Central Region, Bruce Neeb,
(715) 839-3713

Central Office Grant Manager, Jeff Soellner,
(608) 267-7152

Central Office Program Coordinator, Gary Heinrichs, (608) 266-3093

Floodplain and Shoreland Management Notes

"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.

This newsletter is supported by funding through FEMA Cooperative Agreement No. EMC-2007-CA-7008 as part of the Community Assistance Program - State Support Services Element of the National Flood Insurance Program. The contents do not necessarily reflect the views and policies of the federal government.

Floodplain Contacts:

- Gary Heinrichs, 608-266-3093
gary.heinrichs@wisconsin.gov
- Miriam G. Anderson, 608-266-5228
miriam.anderson@wisconsin.gov
- Bob Watson, 608-266-8037
robert.watson@wisconsin.gov

Shoreland Contacts:

- Gregg Breese, 608-261-6430
gregory.breese@wisconsin.gov

Dam Safety Contacts:

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

event they need to file a claim. Insurance agents should remind policy holders that while their deductibles have increased, they are still just a fraction of the cost of the average flood insurance claim. Just a few inches of water can cause tens of thousand dollars in damages.

Application Changes

Effective on or after October 1, 2009, there will be some changes to language in the standard application and endorsement forms. Changes to the Flood Insurance Application, PRP Application, and General Change Endorsement forms will capture additional community, building, and construction information.

New information must be provided for all grandfathered policies. Insurance agents are asked to identify the type of grandfathering (i.e., Built in Compliance, Continuous Coverage) on the revised flood insurance application form and WYO companies must also include the grandfathering indicator on the front of the flood insurance policy declarations page. These requirements may help resolve disputes when a lender has a different flood zone determination than the agent or insured.

Other Insurance Program Changes

Other insurance program changes include:

- Two new building types have been added, elevated on crawlspace and non-elevated with subgrade crawlspace

- Pre-FIRM buildings in Unnumbered Zone A areas with a basement, enclosure, or crawlspace may use Post-FIRM rates if the rates are more favorable to the insured. When policies affected in these zones up for renewal, insurance agents may want to consider rerating the policy applying the new rules. It may result in significant savings for policy holders.
- WYO Companies must report the source of the building construction date, e.g., Building Permit Date, Date of Construction, Substantial Improvement Date, etc.

Important DFIRM Change to Note: Paper FIRM to Digital FIRM (DFIRM) Transition

As of October 1, 2009, FEMA will provide a single paper flood map and Flood Insurance Study (FIS) to each newly mapped NFIP community. FEMA will convert all other distribution of maps and FIS reports for digital delivery. Consequently, paper FIRMs will no longer be available besides this one copy.

Agents, property owners and others will still be able to access the current and historic maps (for grandfathering) and print FIRMettes by visiting FEMA's Map Service Center <http://msc.fema.gov>

Please email FEMA at info@fema-floodsmart.com with any questions.



- Elevated House, Soldiers Grove WI 2008

The *WHY* Behind the New NR 115 Standards

Think back to 1968:

- The gold standard was repealed
- Richard Nixon was elected to office of the president
- Dr. Martin Luther King Jr. was assassinated
- NR 115 was approved in Wisconsin, setting the first statewide shoreland zoning standards in the country

That was then and this is now. We are prepared to improve the same shoreland standards that were in place when Nixon was president. It is amazing to think about how many changes have occurred since 1968. To protect Wisconsin's shorelands – one of our most valuable resources – we propose applying the best science and technology available today, rather than continuing to rely on the rudimentary information available in 1968. For more information about why the shoreland zoning standards are being updated see *A Bright Future for Our Waters* factsheet at www.dnr.state.wi.us/org/water/wm/dsfm/shore/documents/shoreland-zoning_factsheet.pdf

Since 1968, we have learned many things from the broad range of scientific and economic research that has been completed. Some of the research has found that the current NR115 is inadequate to protect our lakes and rivers. The following table summarizes some of the key research findings relevant to shoreland zoning and how the standards have been changed to reflect the research.

As you can see, we have proposed several new ideas to address future problems. Impervious surface limitations, setbacks, buffers, and mitigation are the guts of this proposal. Lot sizes, shoreland setbacks and shoreland buffer sizes are proposed to stay the same.

While a number of these concepts are new at the state level, more than 20 Wisconsin counties recognized that the statewide minimum shoreland zoning standards are inadequate for lake protec-

tion and have strengthened their shoreland zoning ordinances with provisions including larger lot sizes, larger shoreland setbacks, larger and more protective buffer areas, impervious surface caps and mitigation standards. The proposed changes to the statewide minimum shoreland zoning standards are not as strong as many of the county standards. They only set minimum standards that were negotiated at the state level. Counties may continue to be more protective.

Now, more explanations about the proposed changes to statewide minimum standards...

Impervious surfaces are a simple concept. If the water is not allowed to infiltrate, it is impervious. We say up to 15% on any lot demands no action by a property owner (however it is still a good idea to have a fully functioning buffer). Now that is 15% of the entire lot. This allows a property owner to decide what percentage they would like to place into a footprint for a house, how much for a shed, driveway, etc. On a 10,000 square foot lot you can have up to 1500 square feet in impervious surfaces.

If you feel that you would like to have more than 15% you may do that, as long as you mitigate. You can go to 30% with mitigation. For that same lot this is a total of 3000 square feet of impervious surfaces. As you can see in the diagrams, this allows for a very nice size house with most traditional landscaping items such as a driveway, sidewalk, etc.

The next question is always "what is mitigation?" The concept is a simple one. You are in a special area that has specific value. You will need to do things to replace or off-set the impacts your project will have on those special values. Specifically, you need to protect habitat, water quality, and natural scenic beauty.

As you can see, we have proposed several new ideas to address future problems.

Continued on Page 5 . . .

Table 1. Key Shoreland Research Findings

Subject	Research findings since 1968	Current NR115 standard	Proposed NR115 standard
Value of water-front property	When all other factors were equal, properties on lakes with clearer water commanded significantly higher property prices	NA	NA
Impervious surfaces	Runoff increases as the percentage of the watershed that is impervious increases. Fish populations and fish species decline dramatically when impervious surfaces exceed about 8-10% of the watershed. Streams with more than 12% imperviousness have consistently poor fish communities. See Figure A.	No standard	30% impervious surface standard; mitigation needed if impervious surfaces 15-30%
Rain gardens	Rain gardens can catch most of the storm water runoff from impervious surfaces in many situations if they are built to the correct size and design	No standard	Rain gardens are one option if mitigation (off-setting) is needed
Nonconforming structures	Impervious surfaces closer to the water have a greater impact than those farther away. They also reduce critical wildlife habitat.	Alterations and repairs may be limited to no more than 50% of the equalized, assessed value	Limited by impervious surface standard
Wildlife and fish that depend on shorelands	94% of all lake life is born, raised, and fed within 30 feet of where the water meets the land.	NA	NA
Shoreland buffers	If excellent riparian habitats were preserved, fish diversity could be maintained up to 15% impervious surface. A 50 foot deep buffer is needed to protect water quality.	35' deep no clear cut area	35' deep area. Current lawns and landscaping can stay as they are. Clear limits on vegetation management to protect critical habitat.

Impervious surface limitations, setbacks, buffers, and mitigation are the guts of this proposal. Lot sizes, shoreland setbacks and shoreland buffer sizes are proposed to stay the same.

While a number of these concepts are new at the state level, more than 20 Wisconsin counties recognized that the statewide minimum shoreland zoning standards are inadequate for lake protection and have strengthened their shoreland zoning ordinances with provisions including larger lot sizes, larger shoreland setbacks, larger and more protective buffer areas, impervious surface caps and mitigation standards. The proposed changes to the statewide minimum shoreland zoning standards are not as strong as many of the county standards. They only set minimum standards that were negotiated at the state level. Counties may continue to be more protective.

Now, more explanations about the proposed changes to statewide minimum standards...

Impervious surfaces are a simple concept. If the water is not allowed to infiltrate, it is impervious. We say up to 15% on any lot demands no action by a property owner (however it is still a good idea to have a fully functioning buffer). Now that is 15% of the entire lot. This allows a property owner to decide what percentage they would like to place into a footprint for a house, how much for a shed, driveway, etc. On a 10,000 square foot lot you can have up to 1500 square feet in impervious surfaces.

If you feel that you would like to have more than 15% you may do that, as long as you mitigate. You can go to 30% with mitigation. For that same lot this is a total of 3000 square feet of impervious surfaces. As you can see in the diagrams, this allows for a very nice size house with most traditional landscaping items such as a driveway, sidewalk, etc.

The next question is always "what is mitigation?" The concept is a simple one.

You are in a special area that has specific value. You will need to do things to replace or off-set the impacts your project will have on those special values. Specifically, you need to protect habitat, water quality, and natural scenic beauty.

While the concept may be simple, setting a statewide minimum standard is not simple. We have more than 25,000 lakes and more than 54,000 miles of rivers. They are as diverse as they are plentiful. Because of the diversity in soil, plant hardness, slopes, nutrients, rainfall, etc. we decided to simply state that each county must have a system that meets the goal of offsetting the impact. The logic is real and clear. We can assist counties in developing systems that meet the specific needs of their residents and water bodies. At that scale it is possible as demonstrated in more than 20 counties who already have mitigation systems such as Jefferson, Vilas, Burnett, and Waushara.

In order to remove some of the vagueness we have agreed that any county which proposes to have a fully functioning buffer as the mitigation measure will be acceptable to us. That will be at each of the counties discretion and would hold true for up to 30% of impervious surfaces. The buffer will need to have several components. First, it must have vegetation that is indicative of that area. Second, a viewing and access corridor will need to be identified. Finally, the runoff from the areas outside of the buffer needs to be directed away from the viewing and access corridor and allowed to infiltrate in a stable, non-erosive manner. For more details about how the proposed shoreland standards will affect waterfront owners, see the Frequently Asked Questions fact sheet at <http://www.dnr.state.wi.us/org/water/wm/dsfm/shore/documents/FAQNR115.pdf>

The bottom line: balancing property rights with public rights is a very difficult task. We believe that these standards move us in a better direction to protect water

quality, habitat, and natural scenic beauty. We believe these standards are “REAL” Reasonable, Equitable, Affordable, Logical.

1. Krysel, Charles et al. June 2003. Lakeshore property values and water quality: Evidence from property sales in the Mississippi headwaters region. www.mhbriverwatch.dst.mn.us/publications/lakeshore_property.pdf
2. Hunt, Randall J. and Jeffrey J. Steuer, Evaluating the Effects of Urbanization and Land-Use Planning Using Ground-Water and Surface-Water Models. USGS fact sheet FS – 102-01, October 2001. Schueler, T. 1987. Controlling Urban Runoff: A Practical Manual for Planning and Designing Urban Best Management Practices. Metropolitan Washington Council of Governments. Washington, D.C.
3. Wang, L., J. Lyons, P. Kanehl, R. Bannerman, and E. Emmons 2000. Watershed Urbanization and Changes in Fish Communities in Southeastern Wisconsin Streams. Journal

- of the American Water Resources Association. 36:5(1173-1187); Wang, L., J. Lyons, and P. Kanehl 2001. Impacts of Urbanization on Stream Habitat and Fish Across Multiple Spatial Scales. Environmental Management. 28(2):255-266.
4. Bannerman, Roger. 2003. Rain gardens: A how-to manual for homeowners. http://cleanwater.uwex.edu/pubs/pdf/home_rgmanual.pdf
5. Wang, L., J. Lyons, and P. Kanehl 2001. Impacts of Urbanization on Stream Habitat and Fish Across Multiple Spatial Scales. Environmental Management. 28(2):255-266.
6. Ontario Canada
7. Center for Watershed Protection. Impacts of Impervious Cover on Aquatic Systems. Watershed Protection Research Monograph No. 1, March 2003, p.12.
8. Wegner, Seth. 1999. A Review of the Scientific Literature on Riparian Buffer Width, Extent and Vegetation. Office of Public Service and Outreach, Institute of Ecology, University of Georgia. Athens, GA. 57 pp. http://greer.ecology.uga.edu/buffer_litreview.pdf



- Rain gardens: a shoreland mitigation option

DNR Website for Mapping Status

The Department of Natural Resources has developed a website to provide communities and others with information regarding the Flood Map Modernization 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 Flood Map Modernization Program contact:

Amanda Schwoegler - Process Issues
amanda.schwoegler@wisconsin.gov

Bob Watson - Technical Issues
robert.watson@wisconsin.gov

Ken Hinterlong - FEMA
ken.hinterlong@dhs.gov

The website is located at: <http://dnr.wi.gov/org/water/wm/dsfm/flood/mapping.htm>.

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. For further information on ordinance amendments and adoption go to <http://dnr.wi.gov/org/water/wm/dsfm/flood/communities.htm> and download the appropriate DNR Model Floodplain Ordinance and Checklist and the Ordinance Approval Procedures. You may also consider contacting your local DNR Regional Engineer.

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

County	Effective Date
Walworth County	October 2, 2009
Fond du Lac County	November 4, 2009
Barron County	December 3, 2009
Sauk County	December 18, 2009
Monroe County	January 20, 2010
Waupaca County	January 20, 2010
Green Lake County	February 3, 2010
Rusk County	February 3, 2010
Wood County	February 17, 2010
Chippewa County	March 2, 2010

For further information and updates on mapping issues go to <http://dnr.wi.gov/org/water/wm/dsfm/flood/mapping.htm>.



2010 Conference

9

On February 11-12, 2010, the Wisconsin Wetlands Association will hold its 15th annual WWA conference in Eau Claire, WI. The theme of the conference will be "*Wetlands in Service*" and will convene members of the regional wetland community to discuss the latest in wetland science, management and protection issues as they relate to the ecological services wetlands provide. The program for this 2-day conference will include a keynote address, topical oral sessions, a poster session, working groups, a banquet and wetland field trips. Following more than a decade-long tradition, it is anticipated that this year's conference will contribute to a growing regional collaboration for protecting and conserving Wisconsin's wetlands.

Historically, wetlands have not been recognized or valued as natural treasures, but were instead generally considered wastelands and obstacles to progress. Today, thankfully, wetlands are beginning to be recognized and valued not only for their importance for wildlife but also for the variety of other ecosystem services they provide to human communities. From clean water to fish and wildlife habitat, flood and shoreline protection to groundwater recharge, floral diversity to aesthetics, recreation and educational opportunities, wetlands provide a variety of critical services that benefit all communities.

WWA invites wetland experts and enthusiasts from around the Midwest region and beyond to join them for the 2010 conference. WWA's audience typically includes:

- Scientists from colleges and universities
- Federal and state agency scientists
- Federal and state agency regulators
- Local government officials
- Tribal staff
- Natural resource managers (public and private)
- Private consultants
- Graduate and undergraduate students in the natural sciences
- Staff of local, statewide and regional non-profit conservation groups
- Volunteer leaders of non-profit conservation groups
- Wetland enthusiasts and concerned citizens
- Members of the media

For further information about the Wisconsin Wetlands Association or the 2010 conference, go to www.wisconsinwetlands.org.



2009 Conference

The 7th annual Wisconsin Association of Floodplain, Stormwater and Coastal Managers conference will be held October 7 - 9, 2009 at the Barker's Island Inn Resort and Convention Center in Superior, Wisconsin. The 2009 conference will be a joint conference with the Minnesota Association of Floodplain Managers. The theme of the conference will be "*Floods Know No Boundaries*". The conference brochure including registration forms, accommodations and preliminary program can be found on the WAFSCM website www.wi.floods.org. On-site registration is \$110 for members, \$120 for non-members and \$20 for students with appropriate identification.

WISCONSIN ASSOCIATION FOR FLOOD- PLAIN, STORMWATER AND COASTAL MANAGEMENT (WAFSCM)

Membership Application/Renewal Form

For January 2010 – December 2010

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 include a check for the annual Membership Fee of \$20.00
made payable to: *WAFSCM*

Return to:

Roxanne Gray

WAFSCM

c/o Wisconsin Emergency Management

2400 Wright Street

Madison, WI 53707-7865

If you have questions, call Roxanne Gray at (608) 242-3211 or Roxanne.gray@wisconsin.gov or
visit the WAFSCM website at <http://wi.floods.org/>.