

Floodplain and Shoreland Management *Notes*

Floodplain Management: Technical Bulletins

Local officials are frequently faced with technical questions regarding development in Special Flood Hazard Areas (SFHA). To assist local officials, FEMA has developed a series of documents focused on specific technical issues. All of the bulletins are written to meet FEMA's minimum standards as found in 44 CFR 59-72. Some also apply to flood zones or conditions not found in Wisconsin.

Local floodplain ordinances are written to meet not only FEMA's minimum requirements, but also the requirements found in Chapter NR 116, Wisconsin Administrative Code. **Check your local ordinance or with your regional DNR staff to verify the minimum Wisconsin standards before applying the information found in the technical bulletins.**

The technical bulletins cover a variety of issues. One which may be of particular interest is Technical Bulletin 10: *Ensuring that Structures Built on Fill In or Near Special Flood Hazard Areas are Reasonably Safe From Flooding* (FIA-TB-10). TB 10 includes the FEMA standards for fill. These fill standards must be met when applying for a Letter of Map Revision Based on Fill (LOMR-F) and requesting the removal of the mandatory purchase of flood insurance requirement.

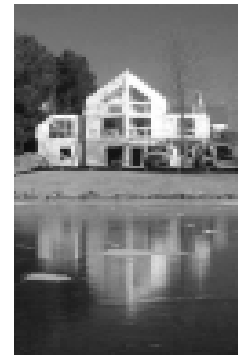
- **Technical Bulletin 0: *User's Guide to Technical Bulletins*** (2009) - Provides a list of available technical bulletins, a key word/subject reference index for all the bulletins, and information about how to obtain copies of the bulletins.
- **Technical Bulletin 1: *Openings in Foundation Walls and Walls of Enclosures*** (2008) - Provides guidance on the NFIP regulations concerning the re-

quirement for openings in below-BFE foundation walls for buildings located in Zones A, AE, A1-A30, AR, AO, and AH.

- **Technical Bulletin 2: *Flood Damage-Resistant Materials Requirements*** (2008) - Provides guidance on the NFIP regulations concerning the required use of flood damage-resistant construction materials for building components located below the BFE in SFHA (both A and V Zones).
- **Technical Bulletin 3: *Non-Residential Floodproofing -- Requirements and Certification*** (FIA-TB-3) - Provides guidance on the NFIP regulations concerning watertight construction and the required certification for floodproofed non-residential buildings in Zones A, AE, A1-A30, AR, AO, and AH whose lowest floors are below the BFE.
- **Technical Bulletin 4: *Elevator Installation*** (2010) - Provides guidance on the NFIP regulations concerning the installation of elevators below the BFE in SFHA (both A and V Zones).
- **Technical Bulletin 5: *Free-of-Obstruction Requirements*** (2008) - Provides guidance on the NFIP regulations concerning obstructions to flood waters below elevated buildings and on building sites in Coastal High Hazard Areas (Zones V, VE, and V1-V30).
- **Technical Bulletin 6: *Below-Grade Parking Requirements*** (FIA-TB-6) - Provides guidance on the NFIP regulations concerning the design of below-grade parking garages beneath buildings located in Zones A, AE, A1-A30, AR, AO, and AH.
- **Technical Bulletin 7: *Wet Floodproof-***



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ing Requirements (FIA-TB-7) - Provides guidance on the NFIP regulations concerning wet floodproofing of certain types of structures located in Zones A, AE, A1-A30, AR, AO, and AH.

- **Technical Bulletin 8: Corrosion Protection for Metal Connectors in Coastal Areas** (FIA-TB-8) - Provides guidance on the need for, selection of, and use of corrosion-resistant metal connectors for the construction of buildings in coastal areas.
- **Technical Bulletin 9: Design and Construction Guidance for Breakaway Walls Below Elevated Coastal Buildings** (2008) - Provides guidance on the NFIP regulations concerning the design and construction of breakaway walls beneath elevated buildings in Coastal High Hazard Areas (Zones V, VE, and VI-V30).
- **Technical Bulletin 10: Ensuring that Structures Built on Fill In or Near Special Flood Hazard Areas are Reasonably Safe From Flooding** (FIA-TB-10) - This technical bulletin discusses building techniques, including the use of fill, that can be used to ensure structures are reasonably safe from flooding.
- **Technical Bulletin 11: Crawlspace Construction for Buildings Located in Special Flood Hazard Areas** (FIA-TB-11) - Provides interim guidance on minimum NFIP requirements as well as best practices for crawlspace construction in the SFHA.

Copies of the technical bulletins can be downloaded from FEMA's website at: <http://www.fema.gov/plan/prevent/floodplain/techbul.shtm>.

Frequently Asked Questions on the Revised Shoreland Zoning Standards

In 1968, the Wisconsin legislature created shoreland zoning by enacting ss. 59.692 and 281.31 of the Wisconsin Statutes (Wis. Stats.). In those statutes the legislature distinguished between un-incorporated and incorporated areas (villages and cities) of a county by authorizing the statutes (with 2 exceptions) to apply only to unincorporated areas. See s. 59.692(1m), Wis. Stats.

Ch. NR 115, Wis. Admin. Code, is an administrative rule the Department of Natural Resources (DNR) created to help it administer ss. 59.692 and 281.31, Wis. Stats. Since the legislature did not require villages or cities to adopt shoreland zoning under s. 59.692 Wis. Stats., DNR - an administrative agency with powers granted to it by the legislature - may not require villages or cities to zone shorelands within their boundaries under ch. NR 115 unless the legislature revises s. 59.692, Wis. Stats. to apply to villages and cities. (**NOTE:** *The legislature did enact specific shoreland zoning statutes for villages and cities which only require villages and cities to zone wetlands within village or city shorelands. See ss. 61.35 and 62.23, Wis. Stats., and ch. NR 117, Wis. Admin. Code.*)

The legislature did create two (2) exceptions to the general rule that shoreland zoning under s. 59.692, Wis. Stats. does not apply to villages or cities. The exceptions apply to shorelands in unincorporated areas subject to county shoreland zoning, but later incorporated into or annexed by a village or city after the dates specified in s. 59.692(7), Wis. Stats. The exceptions ensure that shorelands in unincorporated areas subject to shoreland zoning will continue to receive the protection that shoreland zoning provides

to water quality, natural scenic beauty, and fish and wildlife habitat even if the area in which those shorelands are located is later annexed or incorporated. The exceptions provide that:

- A village or city must have shoreland zoning standards that apply to shorelands within unincorporated areas of a county that the village or city annexes into its municipal boundaries after May 7, 1982. See s. 59.692(7)(a), Wis. Stats.
- A village or city created by a town incorporating after April 30, 1994, must have shoreland zoning standards that apply to shorelands within the newly incorporated area. See s. 59.692(7)(ad), Wis. Stats.

Do the revised statewide shoreland standards in ch. NR 115 apply to shorelands annexed by a village or city on or before May 7, 1982? What about shorelands in areas of a town incorporated as a village or city on or before April 30, 1994?

No. S. 59.692, Wis. Stats., and ch. NR 115 do not apply to these shorelands in villages and cities. Villages and cities are required by separate statutes and rules to zone wetlands in shorelands within their municipal boundaries.*

What about shorelands annexed by a village or city after May 7, 1982, or in areas of a town incorporated as a village or city after April 30, 1994?

The statute requires a village or city that includes such shorelands to choose from four options to ensure that the shorelands continue to receive protection at least as protective as that provided by the county shoreland zoning standards that applied when the shorelands were annexed by or incorporated into the village or city. See s. 59.692(7)(a)(intro.), 1., 2., and 3. and 59.692(7)(ad) (intro.), 1., 2., and 3., Wis. Stats.

Do the revised statewide shoreland standards in ch. NR 115 apply to shorelands annexed by a village or city after May 7, 1982 or in areas of a town incorporated as a village or city after April 30, 1994?

If a village or city annexed or incorporated shorelands before February 1, 2010 – the effective date of ch. NR 115 – then the revised statewide shoreland standards in ch. NR 115 do not apply to those shorelands. Under its general zoning powers, a city or village may update its shoreland ordinance that applies to those annexed or incorporated shorelands, but may not make that ordinance less restrictive than the shoreland zoning ordinance now in effect for those annexed or incorporated shorelands.

If a village or city annexed or incorporated shorelands on or after February 1, 2010, the analysis is more complex. The Department is developing further guidance for those annexed or incorporated shorelands. Please contact the Department or discuss the facts of your situation with your counsel.

For further questions please contact 608-261-6430 or heidi.kennedy@wisconsin.gov.

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:

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

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

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

Lee Traeger - FEMA
lee.traeger@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 before the effective date. 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
Pierce County	November 16, 2011
Dunn County	December 2, 2011
Bayfield County	December 16, 2011
Forest County	December 16, 2011
La Crosse County	January 6, 2012
Douglas County	February 2, 2012

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

Updating Your Floodplain Ordinance

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

DNR Staff Changes

The DNR has had several Water Management Engineers move on to new positions over the past two years. Temporary reassignment of counties to other staff has allowed the DNR to continue to provide technical assistance to local officials and others. The DNR is currently in the process of hiring engineers to fill vacant regional Water Management Engineer positions.

A listing of staff contacts by county can be found on the DNR Dam Safety and Floodplain Management websites. However, the staff listing is likely to change in the near future as we assign duties to cover these additional vacancies. For Dam Safety staff contacts, go to <http://dnr.wi.gov/org/water/wm/dsfm/dams/> and select "Staff". For Floodplain Management contacts, go to <http://dnr.wi.gov/org/water/wm/dsfm/flood/> and select "Staff".

Konny Margovsky - Watershed Management Program

Konny has left his position as Water Regulation and Zoning Engineer for the South Central Region. He provided dam safety, floodplain management, and engineer-

ing assistance to Crawford, Grant, Green, Iowa, Lafayette and Richland and Sauk Counties. His new position will be as a Water Management Engineer for the Dam Safety Program. Konny will still provide dam safety, floodplain management, and engineering assistance to Crawford, Grant, Green, Iowa, Lafayette and Richland Counties. Please check the on-line staff listing for county assignments.

Dave Stertz - Watershed Management Program

Dave has left his position as Water Regulation and Zoning Engineer for the Northern Region. He provided dam safety, floodplain management, and engineering assistance to Calumet, Fond du Lac, Green Lake, Manitowoc, Marquette, Waupaca, Waushara and Winnebago Counties. His new position will be as a Wastewater Engineer for the Bureau of Watershed Management. Please check the on-line staff listing for county assignments.



2011 Conference

The 9th annual Wisconsin Association of Floodplain, Stormwater and Coastal Managers conference will be held November 2 - 4, 2011 at the Country Springs Hotel and Conference Center, Pewaukee, Wisconsin. The theme of the conference will be "*Water: Friend or Foe*".

Workshops will be held on Wednesday, November 2. The topics covered will include No Adverse Impact, Fundamentals of Flood Insurance and the Community Rating System. A field tour of Milwaukee Metropolitan Sewer District flood management improvements along the Menomonee River will be held on Friday, November 4.

Information on registration, accommodations and workshops can be found on the WAFSCM website <http://wi.floods.org/>.

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

If you have questions, contact Carrie Bristol-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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- Bob Watson, 608-266-8037
robert.watson@wisconsin.gov

Shoreland Contacts:

- Water Management Specialist
<http://dnr.wi.gov/org/water/wm/dsfm/shorecounty.htm>

Dam Safety Contacts:

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