

Floodplain and Shoreland Management

Notes

LOMAs in A Zones

A frequent question asked by zoning administrators is can a Letter of Map Amendment be used to issue a building permit. The answer is yes in AE zones, but not always in A zones. The reason is the BFEs used for LOMAs in A zones are sometimes developed using approximate methods and do not meet the engineering standards in NR. 116.

For real estate mortgages that are either backed by the federal government (VA, FHA, etc.) or are federally insured (most other loans), the lender must determine if a property is in the Special Flood Hazard Area (SFHA) as delineated on the local Flood Insurance Rate Map (FIRM). This applies to new loans, refinancing, second mortgages and lines of credit; any loan for which real property is the collateral is subject to this determination.

Property owners in this situation who disagree with the lender may apply for a Letter of Map Amendment (LOMA) which, if granted, removes the federal mandatory flood insurance requirement for the loan. Forms for these purposes can be most easily found by googling "MT-EZ".

Upon receiving a completed MT-EZ application, FEMA reviews property-specific information, including surveyed elevation data. This is typically the elevation of the lowest adjacent grade of the structure in question, determined by a registered land surveyor. In some cases, if other clear visual evidence is available, it may not be necessary to pay for an elevation survey. The accuracy of flood zone determinations varies widely. Although most companies attempt to determine the exact location of the insured structure relative to the floodplain, sometimes a

structure is called in even if only a portion of the lot (not the structure) is in. In such cases, providing FEMA with the following information is usually sufficient to issue a LOMA:

- A copy of the applicable FIRM for the property;
- A copy of a recorded Plat Map for the property; or
- A copy of the recorded deed for the property and a copy of the local tax assessor's map of the neighborhood in question (or other map which shows both property lines and local roads and watercourses).

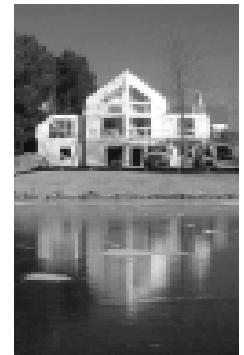
Once an application and all necessary data are received, the determination is normally issued within 30 to 60 days. If the LOMA removes the SFHA designation from the property, it can then be presented to the lender as proof that there is no federal flood insurance requirement for the property. However, even though a LOMA may waive the federal requirement for flood insurance, a lender retains the prerogative to require flood insurance. No fee is charged for the review and issuance of a LOMA.

In Zone AE areas, where the FIRM displays a Base Flood Elevation (BFE), the LOMA reviewer compares the Lowest Adjacent Grade (LAG) of the structure to the BFE. If the LAG is above the BFE, the structure is out of the floodplain and flood insurance is not required. In Zone A areas, however, since no BFE has been determined, the review process is a bit more complicated.

If the applicant is not willing to hire a Professional Engineer to develop a BFE,



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the LOMA reviewer will ask the applicant to determine whether there are any other local, state or federal data which can be used to determine a BFE. If there is nothing else available, the LOMA reviewer will use simplified methods to develop an approximate BFE which can only be used for LOMA review and approval process. This approximate BFE, while important for the LOMA process, has no other application in Wisconsin. It cannot be used for issuing building or zoning permits since the methods used to develop the approximate BFE do not meet the engineering standards in NR 116, Wisconsin Administrative Code. When presented such information by an applicant, local officials are advised to explain the limitations of the data and the specific requirements for determining a BFE under state standards.

If you have any questions about the technical requirements to develop a BFE, please contact the DNR Water Management Engineer (WME) for your community. Contact information for WMEs by county can be found at: http://dnr.wi.gov/topic/floodplains/staff_flood.html.

On-line System Makes Applying for Some Permits Easier

With the approach of spring, now is the time many property owners start planning for summer water related projects such as landscaping waterfront lots, ponds or road and culvert repairs. One of the challenges property owners face is obtaining the required permits in a timely manner. The DNR Watershed Bureau's new on-line water permitting system will make applying for some of the permits easier and less costly.

DNR launched an electronic permitting system for water-related projects a year ago. The permit system can be used for projects that would have an impact on wetlands or waterfronts and require an individual permit. Fish cribs and other habitat structures, shore stabilization, swim rafts, grading, and putting in a pea gravel blanket are among the kinds of activities for which applicants can sign and pay online. The online system allows applicants to save dollars, track the progress of review for an application, get quicker decisions on permit applications, and helps ensure projects get a more consistent and comprehensive review to better protect Wisconsin lakes, rivers and wetlands.

Currently, many waterfront projects requiring customized "individual permits" are available for on-line permitting, as are applications for the treatment of aquatic plants in certain waters and pit-trench dewatering general permits. In coming months, on-line application processes will be available for more activities potentially affecting Wisconsin waters.

Common construction activities, when done near lakes, streams or wetlands, can have unintended side effects, including flooding nearby property, degrading downstream water quality, and harming fish and wildlife habitat. To protect against these impacts and harm to fish and wildlife, recreational activities, and scenic beauty, Wisconsin water laws require DNR permits for all construction projects on or near a waterway or wetland. A permit may also be required from the zoning department in the county in which the property is located, and from the U.S. Corps of Engineers.

To access the on-line permitting system, go to <http://dnr.wi.gov/permits/water/>. As with other secured internet-based services, there's a quick and easy process for project pro-

ponents to set up an account with a password before beginning the application process. For more information or questions about the on-line water permitting system, please contact Lu-Venus Mayas at LuVenus.Mayas@wisconsin.gov.

Spring Flooding Outlook

The National Weather Service (NWS) has predicted above normal precipitation for February and a potentially wetter than normal spring (March - May) for the upper Mid-west in its January precipitation probability outlook. It is important for everyone to be prepared for the potential of high water. One way of keeping track of future weather patterns is the National Weather Service's Climate Prediction Center. The Center delivers climate prediction, monitoring, and diagnostic products for timescales from weeks to years to the Nation and the global community for the protection of life and property and the enhancement of the economy.

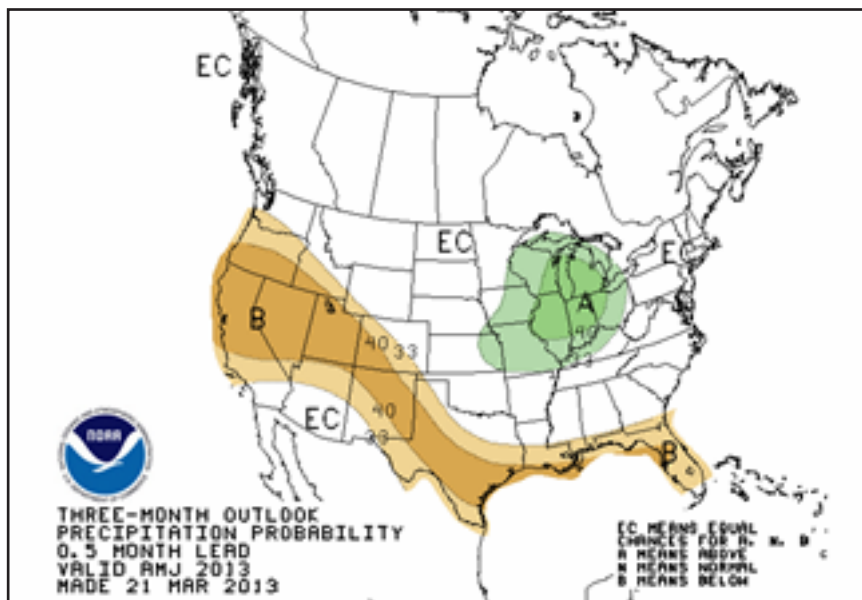
For a graphic display of the Three Month Outlook for temperature and precipitation go to: http://www.cpc.ncep.noaa.gov/products/predictions/long_range/seasonal.php?lead=2

For a technical discussion of the 30-day outlook go to: http://www.cpc.ncep.noaa.gov/products/predictions/long_range/fxus07.html

For the Long-Lead Forecast Release Schedule for 2013 go to: <http://www.cpc.ncep.noaa.gov/products/predictions/schedule.html>

The next monthly outlook will be issued on March 21, 2013 for April.

While long range forecasts are helpful, it is very important to be aware of what is expected for the next few days. Your local NWS office can give you the most current detailed information for your area. Current weather conditions and short term forecasts on a site specific, community or county basis can be found at: http://weather.noaa.gov/weather/WI_cc_us.html.



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Improved Sewer System Prevents Damage

The City of Superior Public Works Department was accustomed to receiving reports of flooded basements from residents following major storms. In 1999, a 100-year storm event inundated the city with more than five inches of rain in two hours and caused around \$574,000 in flood damage.

To help prevent future flooding, the City of Superior applied to Wisconsin Emergency Management (WEM) in 2000 for a grant through the Federal Emergency Management Agency's (FEMA) Hazard Mitigation Grant Program (HMGP). The City's proposal consisted of two phases to help reduce the flooding problems.

The first phase involved the construction of a stormwater detention basin and a 7,000-foot storm water interceptor sewer to connect to the existing storm sewer system. Phase 1 was completed in 2004 at a cost of \$1.9 million. The HMGP funded the interceptor sewer with FEMA providing \$240,000, a Stormwater Grant provided \$150,000, and both WEM and a Wisconsin Coastal Management Grant each provided \$40,000. The City covered the remaining \$1.4 million.

The project was deemed a success after significant flooding occurred in October 2005. There were no reports from property owners in the project area, even though other areas in Superior reported storm water flooding. Officials estimate that 284 structures, both residential and commercial benefitted from Phase 1 of the project, with an estimated \$1.42 million in damages avoided from a single 100-year storm event. An estimated 664 structures would be protected from potential flooding in a 10-year storm event.

Phase 2 of the project was completed in 2009 and involved the construction of a 3,000-foot storm water interceptor sewer to connect to the project. Though Phase 2 did not use any FEMA mitigation funding, the City of Superior matched funding provided by the American Recovery and Reinvestment Act of 2009 (ARRA) to further reduce the risk of flooding in the community.

The mitigation efforts were tested June 19-20, 2012 when a severe thunderstorm dropped eight to ten inches of rain over the Superior area resulting in flash flooding.



- Detention Basin, Superior, WI

Public works officials estimate that prior to the completion of the project, a storm of this magnitude would have yielded about 150 calls, but they only received 15 reports of flooded basements.

“Based on comparisons of flooding calls within the City after the June 2012 storm, the South Superior pond and interceptor sewers are protecting significantly more structures than initial estimates,” said Diane Nelson, Stormwater Coordinator for the Environmental Services Division of Public Works. “It’s great to see an area that used to have the most flooding problems become one of the most protected.”

By demonstrating long-lasting commitment to effectively mitigate risk, Superior has enhanced its ability to recover from a recent disaster, improving community resiliency for the future.

For more information on HMGP, visit <http://www.fema.gov/hazard-mitigation-grant-program>.

NFIP Reform 2012 Update

In July 2012, the President signed into law the “Biggert-Waters Flood Insurance Reform and Modernization Act of 2012.” The legislation extended the National Flood Insurance Program (NFIP) for five years. In addition to reauthorization, the legislation includes reforms to modernize the NFIP. A goal of the reforms is a phase-out of subsidies and discounts on flood insurance premiums to ensure the program stays solvent.

The following changes will take effect in 2013:

January 1, 2013 - A 25% increase in premium rate each year until premiums reflect full risk rates for:

- homeowners with subsidized insurance rates on non-primary residences. Properties receiving subsidized insurance rates are those structures built prior to the Flood Insurance Rate Map (pre-FIRM properties) that have not been substantially damaged or improved.

August 1, 2013 - A 25% increase in premium rates each year until premiums reflect full risk rates for:

- owners of business properties with subsidized premiums;
- owners of severe repetitive loss properties consisting of 1-4 residences with subsidized premiums;
- owners of any property that has incurred flood-related damage in which the cumulative amounts of claims payments exceeded the fair market value of such property.

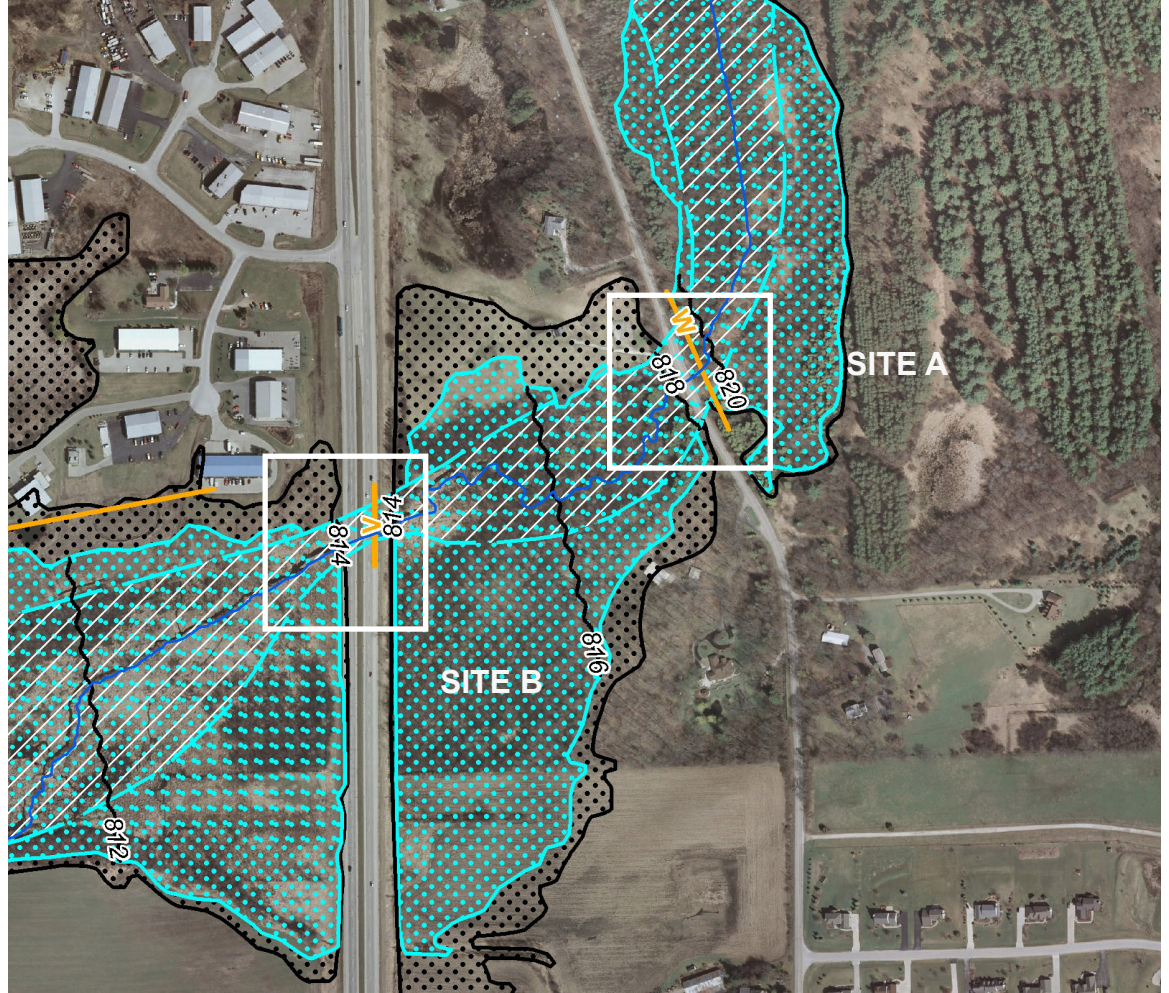
October 1, 2013 - Full risk rates will apply to policies for:

- owners of property not insured as of the date of enactment of the Flood Insurance Reform Act of 2012;
- owners of property with a lapsed NFIP policy;
- owners of property that was purchased after the date of enactment of the Flood Insurance Reform Act of 2012.

For more information on NFIP Reform go to the Association of State Floodplain Managers website at www.floods.org under Current Events or contact Gary Heinrichs at gary.heinrichs@wisconsin.gov. For more information on flood insurance go to www.floodsmart.gov.

Zoning Challenge

The photo below shows a Zone AE Special Flood Hazard Area (SFHA) with both a floodway and a flood fringe area. A road culvert replacement is proposed by the community for Site A. A second culvert replacement is planned by WDOT for Site B. Are permits required for a culvert replacement? Who issues the permit? Are any studies required?



Site A: Floodplain permit must be obtained from the community zoning official to comply with the local floodplain zoning ordinance. All development in the floodplain requires a permit, including grading, filling, drilling, materials storage, and bridges/culverts. If it is a like kind/like size replacement, a study would not be required.

In Zone A areas, minor non-building projects typically do not require a code-compliant engineering study if the following criteria can be met:

- Project won't significantly affect flood flows, flood elevations or floodplain boundaries;
- Insurable structures will not be affected; and
- Project is located in an undeveloped area (per NR 116 definition) and department review concludes that only the applicant's property would be affected by the proposal.

Site B: A floodplain permit is not required, however any state/federal agency doing development work in a floodplain must still meet the standards in the local floodplain ordinance. Because this project is in the mapped floodway, the agency must do a code-compliant engineering study to determine its effects on flood flows, flood heights and floodplain boundaries. If it is a like kind/like size replacement, less analysis may be acceptable in consultation with the DNR's regional floodplain engineer.

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 for information on Letters of Map Change and the Map Service Center.

For further information regarding the Risk Map Program contact:

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

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

Lee Traeger - FEMA
lee.traeger@dhs.gov

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

Current Letters of Final Determination

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

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

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

County	Effective Date
Oneida County	May 16, 2013
Waushara County	June 16, 2013

Current Open Houses

Flood Map Open Houses are held to provide residents with an opportunity to view and comment on FEMA's draft preliminary Flood Insurance Studies and Flood Insurance Rate Maps. WDNR will be holding a series of open houses for the Rock River Watershed on:

County	Meeting Date
Jefferson County	March 26, 2013
Walworth County	April 9, 2013
Columbia County	April 23, 2013

A flyer for the Open Houses can be downloaded at <http://dnr.wi.gov/topic/floodplains> under "Events". For further information on the Jefferson and Walworth County Open Houses contact Fritz Statz (gordon.statz@wisconsin.gov) or Gary Heinrichs (gary.heinrichs@wisconsin.gov). For more information on the Columbia County Open House contact Kristy Hanselman (kristy.hanselman@wisconsin.gov) or Gary Heinrichs (gary.heinrichs@wisconsin.gov).

Workshops/Conferences

Lakes Partnership Convention

The 35th annual Wisconsin Lakes Partnership Convention will be held April 9-11, 2013 at the KI Convention Center in Green Bay. The event is sponsored by the Wisconsin Lakes Partnership, a nationally recognized and successful collaboration of the University of Wisconsin Extension, Wisconsin Department of Natural Resources, and Wisconsin Lakes. The Convention brings together lake enthusiasts from across the state to explore lake policy updates, research advancements, management tools, and educational initiatives.

This year's theme is "We're All In This Together: Celebrating Diversity". Presenters and exhibitors at the conference will be exploring the many different aspects of Wisconsin's wonderfully varied lakes - the diverse flora and fauna, the diverse people who love them, and the many ways people recreate in and around Wisconsin's waters.

To download the conference brochure and to register for the convention go to: <http://www4.uwsp.edu/cnr/uwexplakes/conventions/>. WDNR Dam Safety/Floodplain Management staff will also be available to answer questions at the WDNR Dam Safety/Floodplain Management Exhibitor Booth throughout the convention.



2013 Conference

The Association of State Floodplain Managers will convene its 37th annual gathering the week of June 9 - 14, 2013, in Hartford, Connecticut. Throughout the week, over 100 of the industry's experts will conduct plenary and concurrent sessions and share the state-of-the-art in techniques, programs, and resources to accomplish flood mitigation, watershed management, and other community goals. A three-day comprehensive exposition features the materials, equipment, accessories, and services vital to get the job done. Supplementary technical field tours and training workshops provide in-depth training. Numerous networking activities offer additional opportunities to learn from each other.

Information on registration, accommodations and workshops can be found on the ASFPM website www.asfpmconference.org/.

Updating Your Floodplain Ordinance

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

WDNR Dam Safety Program

2013 Dam Safety Workshops

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The purpose of the workshops are to educate dam owners/operators and others in the dam industry about basic dam terminology and design, common maintenance issues and how to write and use Inspection, Operation and Maintenance Plans (IOM) and Emergency Action Plans (EAP). The workshops will also provide an opportunity for dam owners/operators to meet one on one with WDNR Dam Safety staff, if desired.

The workshop cost is \$20.00 and includes lunch. Attendees will receive a CD with course materials and other materials related to dam safety, IOMs, EAPs, permitting and inspections.

LOCATIONS and DATES

April 3, 2013	Lussier Heritage Center Main Level 3101 Lake Farm Road Madison, WI
April 4, 2013	Cranberry Country Lodge Blossom Room #403 319 Wittig Road Tomah, WI
April 16, 2013	Ladysmith Public Library East Room Lower Level Community Rooms 418 Corbett Avenue Ladysmith, WI
April 17, 2013	Shawano County Courthouse Lower Level Meeting Room 311 Main Street Shawano, WI

AGENDA

8:00 – 8:30	Registration/Coffee Session 1 Course Introduction/Basic Dam Terminology and Design Session 2 Common Maintenance/Operation Issues Break Session 3 Inspection Operation and Maintenance Plans
11:45 – 12:30	Lunch provided Session 4 Common Emergency Issues Session 5 Emergency Action Plans
2:45 – 3:00	Wrap up
3:00 – 5:00	One on one discussions with WDNR staff

Questions regarding registration contact the Association of State Dam Safety Officials at (859) 257-5140 or <http://www.damsafety.org/> and click on *Register for Training*. The access code is WIDAMS.

Questions concerning workshop materials, professional development hours for Wisconsin registered professional engineers, etc. contact WDNR at DNRDAMSAFETY@wisconsin.gov.

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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- Miriam G. Anderson, 608-266-5228
miriam.anderson@wisconsin.gov

Shoreland Contacts:

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

Dam Safety Contacts:

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