

# KANSAS

## FLOODPLAIN MANAGEMENT TIPS



August 2013

### Permit Requirements Have Changed

House Bill 2363 became effective on July 1, 2013. The bill includes several amendments to dam and stream obstruction permit requirements. Division of Water Resources (DWR) has a guidance document that summarizes these changes. That document is being provided as an attachment with the email version of this newsletter. The document is available to download from the DWR website for those who receive this newsletter by postal mail.

Please refer to the guidance document for a more complete explanation of the changes. Here is a brief summary of some of the key changes that floodplain managers should be aware of.

- The storage volume of jurisdictional dams is now measured at the auxiliary spillway.
- The term “stream” will no longer apply. The new term will be “designated stream”. Designated streams have a larger watershed size. Permits may not be required on many smaller streams.
- Language has been added that will exempt minor projects. Some examples of minor project may include buried pipeline crossings and low water crossings.
- Rural stream crossing exemption has changed. The size of the watershed has increased to 5 square miles.
- Exemptions have been added for low hazard dams.

What do these changes from House Bill 2363 mean to community officials? Under the National Flood Insurance Program (NFIP) communities are required to issue permits for work being done in the floodplain, as shown on the Flood Insurance Rate Map (FIRM). One of the permitting requirements, spelled out in community ordinances and resolutions, is to verify all State and Federal permits have been issued prior to issuance of a local community floodplain development permit. That requirement remains the same.

In the past, community officials were holding approval of a floodplain development permit until a DWR permit was approved. This actually worked out well for many communities. Some of the engineering review associated with a local floodplain development permit was being provided through the DWR permit. Some of those same projects will now be exempt from DWR permit requirements. Local community floodplain managers will have to ask for information directly from developers.

In reading the guidance document, you'll see that permits are required for activities within the floodplain of a designated stream or within a floodplain identified on a federal flood insurance rate map. When new development occurs in the mapped floodplain community officials can always contact DWR to find out if a DWR permit is required. Call 785-296-2855 to learn if a permit has already been issued or to be put in touch with a permitting engineer who does work in the area.

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## **Expect Flood Insurance Rate Increases**

The Flood Insurance Manual is the document that insurance agents refer to for information about special certifications, insurance rates and community rating system. The Flood Insurance Manual is usually only updated twice each year on May 1st and October 1st. When the next manual comes out in October there will be new higher premium rates for flood insurance.

The rate increases in the manual are part of the Biggert-Waters Flood Insurance Reform Act of 2012 (BW 12). BW 12 requires that the National Flood Insurance Program (NFIP) be self sustaining. BW12 states that in order for the NFIP to pay for itself subsidized insurance ratings need to be eliminated.

Homes built prior to a Flood Insurance Rate Map (FIRM) are called Pre-FIRM. Pre-FIRM flood insurance rates are subsidized. In Kansas there are currently 13,160 total flood insurance policies. Of that total, 42% or 5,587 individual policies may be affected by BW 12. Some will be affected immediately. Others will not be affected until a change, such as selling the property, triggers new rates.

Here is a short summary of some of the rate changes. Full details are in the Flood Insurance Manual.

- The Federal Policy Fee is increasing from \$20 to \$22 for Preferred Risk Policies and from \$40 to \$44 for all other policies.
- Post-FIRM A1-A30 and AE Zones will have a premium increase of 6%.
- Pre-FIRM AE zones will have a premium increase of 16% to eliminate the amount of subsidy on these policies.
- AO, AH, AOB, and AHB zones (shallow flooding zones) will have an increase of 6%.
- Unnumbered A zones will have an 8% increase when elevations have not been determined.
- AR zones will have an increase of 9%.
- X Zones will have a premium cost increase of 8% for a standard rated policy.
- Preferred Risk Policies under the extension program will have a rate increase of 19%.
- Preferred Risk Policies that are not under the extension program will go up by 1%.

Subsidized ratings have already been eliminated for Pre-FIRM non-primary homes and will end in October for commercial properties. These properties will see a 25% per year rate increase until such time as elevation data supplied on an Elevation Certificate (EC) indicates that the full risk premium rate is being paid. This is the actuarial rating that buildings built after a FIRM called Post-FIRM already pay. Subsidized ratings will be eliminated for properties that have incurred flood-related damage in which the cumulative amounts of the NFIP flood insurance claim payments equal or exceed the fair market value of the property. There will be no subsidy for new or lapsed policies. New policies will be rated same as Post-FIRM policies with an elevation certificate.

Flood insurance premiums are going up. Floodplain managers usually like to advise their citizens about how to save money on the cost of flood insurance. Tell property owners that they should talk to an insurance professional before changing or cancelling their flood insurance. The website [www.floodsmart.gov](http://www.floodsmart.gov) can provide a list of agents in your area that have attended recent training from the Federal Emergency Management Agency (FEMA). The rules for a grandfathered policy have not changed. The grandfather rules may change next year. Until changes are announced about grandfathering, anyone with a grandfathered insurance rating should not cancel the policy.

Some property owners try to have their property removed from the floodplain and lower the flood insurance costs. Community officials who know about base flood levels and ground elevations can give their citizens valuable advice about a potential Letter Of Map Amendment (LOMA). Floodplain managers who attend training will know how to apply for letters of map change and can share that knowledge with their citizens.

## **Aid After A Disaster**

Flooding is only one of many types of natural disasters we face in Kansas. We also have to deal with tornado, ice storms and blizzards. All of these disasters can result in the disruption of utilities. Ice and snow can down power lines. Floods can disrupt electricity, natural gas, water and waste water systems.

Does your community have the ability to recover on its own from a large scale disaster that affects utilities? Utilities usually require specialized equipment and resources to be repaired. Operators with specialized training are required to make those repairs. In the event of a large scale disaster a local utility may not have all the resources needed. Neighboring utilities may not be able to assist if they are affected by the same disaster.

The Kansas Mutual Aid Program (KS MAP) is a coordinated effort of utility associations and government agencies including:

- Kansas Municipal Utilities;
- Kansas Rural Water Association?
- Kansas Section—American Water Works Association;
- Kansas Water Environment Association;
- Kansas Corporation Commission; and
- Kansas Department of Health and Environment.

KS MAP program provides a coordinated and organized structure for help with utilities after a disaster. Participating in KS MAP involves some simple steps. A participating utility must adopt a resolution approving the program agreement, compile an inventory of assets, agree to help other utilities when they have a disaster, provide training to personnel and be prepared to repay assisting utilities for costs of personnel and equipment after a disaster.

To learn more about the Kansas Mutual Aid Program visit [www.ksmap.org](http://www.ksmap.org) . Your citizens will be happier to have utilities restored faster after a disaster.

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## **Elevation Certificates**

A federally backed loan for a property in a special flood hazard area will trigger the requirement for flood insurance. New owners of property in the floodplain will then ask for a copy of an elevation certificate.

The floodplain manager for the community should have copies of elevation certificates for structures built after the community joined the National Flood Insurance Program (NFIP). In some cases, communities have accepted documentation on site surveys or letters from surveyors instead of on an elevation certificate form. When the local community does not have copies of elevation certificates there are some other places to look for the forms.

The previous owner may have a copy of the elevation certificate. It is often found with copies of the old closing documents. An insurance agent may have a copy of the elevation certificate for a property that was previously insured. There have been cases when a local surveying company was able to provide a copy of an elevation certificate from their files when they had been to a property before.

When an elevation certificate can't be found the new buyer will have to obtain one from a surveyor or engineer. Community officials should be provided with copies of any new elevation certificates. This requirement is stated in Section D of the form. Communities should develop a record keeping system for the review and maintenance of elevation certificates they receive. Contact Steve Samuelson at [steve.samuelson@kda.ks.gov](mailto:steve.samuelson@kda.ks.gov) for assistance in reviewing elevation certificates.

## **Training Opportunities**

The Floodplain Management Program will host the following training sessions throughout Kansas. If you are interested in any of the no-cost training opportunities, please contact Tom Morey at 785-296-5440 or Steve Samuelson at 785-296-4622. A training registration form is in this newsletter.

### **Post Flood Responsibilities**

This free class is intended for community officials responsible for administering floodplain management regulations. The course focuses on what to do during and after a disaster event. Topics include substantial damage, permitting, Increased Cost of Compliance and violations. Approved 3.5 hours toward CFM. Limited to 20 participants.

- Manhattan– Oct. 10, 2013 8:30 a.m.-12:30 p.m.

### **Substantial Damage Estimator Overview**

This free class is intended for officials responsible for administering local floodplain management regulations. Floodplain management regulations require communities to perform substantial damage estimations. The class will include a short demonstration on how to open and use the substantial damage estimation software. A portion of class will involve entering data into the software. There will be a field trip to a location where we will practice damage estimating techniques. Students must have a lap top computer for this class. Approved 3.5 hours toward CFM. Limited to 20 participants.

- Emporia - Oct. 3, 2013 8:30 a.m.-12:30 p.m.

### **Basics of the National Flood Insurance Program**

This class is for officials responsible for administering their local floodplain management ordinance. The focus is on the National Flood Insurance Program (NFIP) and concepts of floodplain management, maps and studies, ordinance administration, and the relationship between floodplain management and flood insurance. Approved 3.5 hours toward CFM. Limited to 20 participants.

- Lyons– Oct. 16, 2013 8:30 a.m.-12:30 p.m.

**The Division of Water Resources newsletter “Currents” can be read on line at:**

<http://www.ksda.gov/dwr/content/314>

Email saves money on postage. The electronic newsletter also has links and the photos are in color. If you are getting this newsletter by postal mail and would prefer email please contact Steve Samuelson at [steve.samuelson@kda.ks.gov](mailto:steve.samuelson@kda.ks.gov).

Mark your calendar. The Kansas Association for Floodplain Management 2013 conference will be September 4 and 5 in Topeka. More information will be posted at the website [www.kafm.org](http://www.kafm.org). Registration will be done through a link on the website. If you have questions about registration please contact Don Slone, Chairman, at 913-667-1708.

**Kansas Department of Agriculture**  
**Division of Water Resources**  
**Floodplain Program**  
**Training Registration Form**

Name \_\_\_\_\_

\_\_\_\_\_

Title \_\_\_\_\_

Organization \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Telephone \_\_\_\_\_ Fax \_\_\_\_\_

E-mail \_\_\_\_\_

Name, date and location of training you will attend \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\*Please share this invitation with anyone else who could benefit from the training.

\*\*Classroom locations will be sent to registered participants one week before the training.

Please mail or fax your registration to:

KANSAS DEPARTMENT OF AGRICULTURE  
FLOODPLAIN MANAGEMENT PROGRAM  
109 SW 9<sup>th</sup> STREET, 2<sup>nd</sup> FLOOR  
TOPEKA, KS 66612-1283  
Fax to: 785-296-1176

If you have questions about training, please contact Steve Samuelson by email at [steve.samuelson@kda.ks.gov](mailto:steve.samuelson@kda.ks.gov) or by phone 785-296-4622, or contact Tom Morey at [tom.morey@kda.ks.gov](mailto:tom.morey@kda.ks.gov) and 785-296-5440.

Please help us keep our records current. If the name that appears on this newsletter is for an individual no longer with your organization, please call 785-296-4622, or send an e-mail to [steve.samuelson@kda.ks.gov](mailto:steve.samuelson@kda.ks.gov) to report the change.

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

### **ASFPM 2013 National Conference in Connecticut**

The 2014 Association of State Floodplain Managers National Conference will be June 1-6 2014 in Seattle, Washington. This conference is an excellent opportunity for floodplain managers to receive training on mapping technologies, regulations, permitting, outreach and best practices. It is estimated the conference will be attended by more than 1,000 floodplain management professionals. This conference is great chance to meet people for networking and to learn the latest news in floodplain management. Funds may become available to subsidize attendance at this conference. Contact Tom Morey to inquire about scholarships to the ASFPM conference at 785-296-5440.

### **KDA/DWR Water Structures Floodplain Program Staff**

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