

FEMA REGION VII STATE NFIP COORDINATORS

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NATIONAL FLOOD INSURANCE PROGRAM (NFIP) HISTORY

The NFIP was created in 1968 by the National Flood Insurance Act to:

- Improve the nation's basic knowledge about flood hazards
- Reduce future flood losses
- Reduce federal expenditures for disaster assistance and flood control projects
- Provide citizens favorably-priced flood insurance through the federal government

NFIP HISTORY

The NFIP is a voluntary program. To participate in the NFIP, communities must:

1. Adopt a Floodplain Management Ordinance for regulation of development in the floodplain.
2. Adopt a Resolution for Participation in the NFIP
3. Complete an Application for Participation form.

NFIP HISTORY

Communities join the NFIP to:

- Obtain federally-backed loans from banks for structures located in the floodplain
- Provide some measure of protection for new and substantially improved development in the floodplain
- Ensure disaster assistance is available to the community and individuals
- Reduce community's vulnerability to damage from flooding events

DEFINITIONS:

- **Base Flood** - The NFIP regulatory flood for floodplain management (defined as the flood that has a 1% chance of being equaled or exceeded in any given year)
- **Base Flood Elevation (BFE)** - Water surface elevation resulting from the Base Flood event that is tied to a known vertical datum
- **Special Flood Hazard Area (SFHA)** - Areas subject to the 1% - or greater - annual chance of flooding in any given year (the “100-year” floodplain)
- **Flood Insurance Rate Map (FIRM)** - The official map of a community on which FEMA has defined Special Flood Hazard Areas (SFHAs), Base Flood Elevations (BFEs), and risk zones applicable to the community
- **Development** - Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, drilling operations or storage of equipment or materials.

DEFINITIONS (CONT.):

Community:

- A political entity that has the authority to adopt and enforce floodplain ordinances for the area under its jurisdiction
 - Note that a city, town, village, Indian tribe, or authorized tribal organization is a separate community from the county in which it resides; each must participate in the NFIP individually

NFIP PARTICIPATION

As a participant in the NFIP, communities agree to:

- Adopt and enforce all applicable NFIP regulations
- Require permits for ALL development in the SFHA
- Require that new and substantially improved/damaged structures be elevated to or above the base flood elevation (non-residential structures can be dry-floodproofed)
- Obtain proof of compliance with local floodplain management ordinances for all new structures

12 FUNDAMENTAL DUTIES OF THE FLOODPLAIN ADMINISTRATOR

- 1. Require, review, evaluate applications**
- 2. Provide BFE information, answer questions**
- 3. Review Elevation and Floodproofing Certificates**
- 4. Review plans and specifications**
- 5. Discourage development in SFHA**
- 6. Advise regarding other state, federal, or local permits**
- 7. Provide notification of watercourse alterations**
- 8. Inspect development**
- 9. Educate the public**
- 10. Educate other officials**
- 11. Record keeping**
- 12. Remedy violations**

DUTIES OF THE LOCAL FLOODPLAIN ADMINISTRATOR

The 12 duties related to regulating development take up much of the local floodplain administrator's time. Other very important duties include:

- Determining substantial improvements
- Determining substantial damage

Substantial damage evaluations after a flooding event work to break the cycle of flood, rebuild, repeat.

SUBSTANTIAL DAMAGE

Substantial damage is defined as:

- “Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred.”
- This “damage” can be from any cause (fire, earthquake, flood, etc.)

Substantially damaged structures must be repaired in accordance with the requirements of the community’s floodplain ordinance for “new” structures in the SFHA.

SUBSTANTIAL DAMAGE

The formula:

$$\frac{\text{Cost to repair (back to a pre-damaged condition)}}{\text{Market value of the building (prior to the damage)}} = \% \text{ damage}$$

- Cost of repair: “True” cost of labor and materials to restore the building to its pre-damaged condition (even if owner does not want to make repairs).
 - Potential sources: Itemized estimates from licensed contractors
- Market value: What a willing buyer would pay for the building.
 - Potential sources: Independent appraisal
 - Market value for taxing purposes

SUBSTANTIAL DAMAGE ESTIMATOR (SDE) 3.0 SOFTWARE



Substantial Damage Estimator (SDE) User Manual and Field Workbook

Using the SDE Tool to Perform
Substantial Damage Determinations

FEMA P-784 / Tool Version 3.0 / August 2017



FEMA



UNDER THE NFIP, STATES ARE CONSIDERED TO BE “COMMUNITIES”

- When a community joins the NFIP:
- A community must ensure that their adopted floodplain management ordinance and enforcement procedures meet minimum NFIP requirements, which include requiring permits for all development in the SFHA, and ensure that construction materials and methods used will minimize future flood damage
- Requirements can vary from state to state due to differences in state enabling legislation

IOWA FLOODPLAIN MANAGEMENT PROGRAM

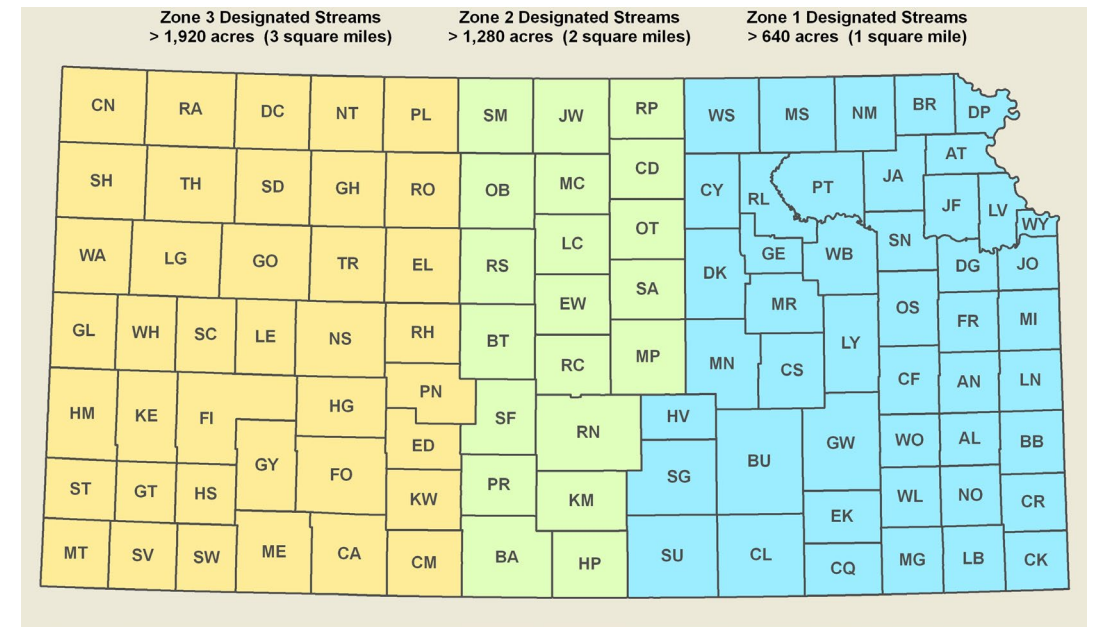
- State of Iowa has had floodplain permitting authority since 1957
 - Authority currently resides with Iowa Dept. of Natural Resources (DNR) Floodplain & Dam Safety Section
- An Iowa DNR Floodplain Permit is required for construction, operation and maintenance of: bridges/culverts, buildings, dams, levees, channel changes and miscellaneous obstructions and excavations located in the SFHA.
- New and substantially improved/damaged buildings are required to be protected to at least 1 ft. above BFE
 - “Maximum damage potential” uses (e.g., hospitals, electrical power plants, etc.) are required to be protected to at least 1 ft. above 500-year frequency flood event
- Floodplain development in most Iowa communities requires permits from both Iowa DNR and local community
 - Where the FIRM does not provide the BFE and floodway, the community’s ordinance requires Iowa DNR to make those determinations

IOWA FLOODPLAIN MANAGEMENT PROGRAM (CONT.)

- Iowa DNR can delegate portions of its floodplain permit authority to local communities
 - Delegated communities must have detailed FIS and ability/willingness to issue permits in lieu of Iowa DNR
 - Certain types of development in delegated communities (i.e., those requiring hydraulic analysis, such as bridges, dams and flood protection projects) still require a separate Floodplain Permit from Iowa DNR
 - Iowa DNR approval/concurrence required for variances granted from requirements of community's floodplain ordinance
 - Only 136 of 688 NFIP participating communities have delegated authority
 - Iowa DNR issues floodplain permits for state-owned development

KANSAS FLOODPLAIN MANAGEMENT PROGRAM

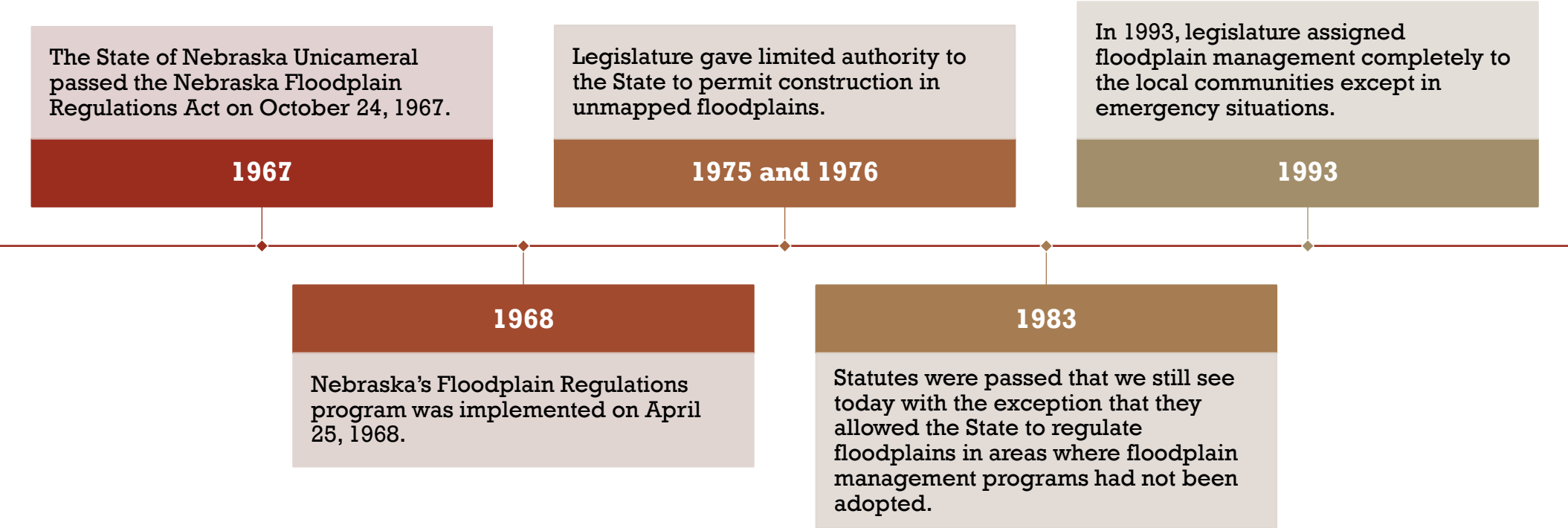
- The State of Kansas Dept. of Agriculture (KDA) issues floodplain development permits (including for state owned projects) for:
 - Construction, modification or repair of bridges, culverts, levees, dams, and other stream obstructions in the floodplain of a “designated stream”
 - Channel changes or other excavations within the bank lines of a designated stream
 - Construction, modification or repair of levees and placement of regulated fill in a FEMA designated floodplain



KANSAS FLOODPLAIN MANAGEMENT PROGRAM (CONT.)

- **State owned development:**
 - In NFIP participating communities, a local Floodplain Development Permit is required for all state-owned development in the SFHA
 - Department of Administration (DOA) issues floodplain permits for state-owned buildings in the SFHA in non-participating communities.

NEBRASKA FLOODPLAIN MANAGEMENT PROGRAM STATUTE HISTORY*



*Only major Statute changes have been included.

NEBRASKA FLOODPLAIN MANAGEMENT PROGRAM STATUTE PURPOSE

“31-1001. Legislative findings; purpose of sections.

(1) The Legislature finds that recurrent flooding in various areas of the state presents serious hazards to the health, safety, welfare, and property of the people of the state, both within and outside such areas. The hazards include loss of life, loss of and damage to private and public property, disruption of lives and of livelihoods, interruption of commerce, transportation, communication, and governmental services, and unsanitary and unhealthy living and environmental conditions. The wise use of land subject to flooding is a matter of state concern. The Legislature further finds that the establishment of improved flood plain management practices and the availability of financial assistance to citizens of the state whose property is damaged during times of flooding are essential to the health, safety, and general welfare of the people of Nebraska.

**NEBRASKA
FLOODPLAIN
MANAGEMENT
PROGRAM
STATUTE
PURPOSE
(CONTINUED)**

(2) The purposes of sections 31-1001 to 31-1023 shall be to:

- (a) Accelerate the mapping of flood-prone areas;
- (b) Assist local governments in the promulgation and implementation of effective flood plain management regulations and other flood plain management practices;
- (c) Assure that when state lands are used and state-owned and state-financed facilities are located and constructed, flood hazards are prevented, flood losses are minimized, and the state's eligibility for flood insurance is maintained; and
- (d) Encourage local governments with flood-prone areas to qualify for participation in the national flood insurance program.”

NEBRASKA FLOODPLAIN MANAGEMENT PROGRAM

OTHER STATUTORY ITEMS

The Nebraska Department of Natural Resources (NeDNR) is named as the State Agency responsible for fulfilling the Statutory Requirements.

It is the duty of the local government to administer and enforce any regulations adopted by the department.

- Local governments can adopt more restrictive regulations

All state agencies, boards, and commissions are required to get permits from local governments when developing in floodplains/floodways.

- If a local floodplain management program does not exist, they are required to self permit to State Minimum Standards
- Only NeDNR can grant a variance to state agencies, boards and commissions.

NEBRASKA FLOODPLAIN MANAGEMENT PROGRAM STATE MINIMUM STANDARDS

- Nebraska Administrative Code, Title 455, Chapter 1: Rules and Regulations Concerning Minimum Standards for Floodplain Management Programs.



May 2015
Little Blue River near Hebron

NEBRASKA FLOODPLAIN MANAGEMENT PROGRAM

STATE MINIMUM STANDARDS (CONTINUED)

- Higher Standards include:
 - Requires new construction and substantial improvements of residential structures to have the lowest floor be built one foot above the Base Flood Elevation (BFE).
 - Requires new construction and substantial improvements of non-residential structures to have the lowest floor be built one foot above the BFE or be floodproofed to a level one foot above the BFE.
 - Requires manufactured homes to be placed or substantially improved to be elevated on a permanent foundation such that the lowest floor of the manufactured home is one foot above the BFE.

NEBRASKA FLOODPLAIN MANAGEMENT PROGRAM STATE MINIMUM STANDARDS (CONTINUED)

- Higher Standards include:
 - Prohibits the storage or processing of materials that are in time of flooding buoyant, flammable, explosive, or could be injurious to human, animal or plant life in the floodplain.
 - New and substantial improvements of structures for human habitation in the floodway is prohibited.

NEBRASKA FLOODPLAIN MANAGEMENT PROGRAM RESOURCES

- Nebraska Floodplain Management Statutes:
<https://dnr.nebraska.gov/sites/dnr.nebraska.gov/files/doc/desk-reference/legal-authority/FloodplainStatutes201909.pdf>
- Nebraska Minimum Standards for Floodplain Management Programs:
[https://dnr.nebraska.gov/sites/dnr.nebraska.gov/files/doc/desk-reference/legal-authority/Title 455 0708.pdf](https://dnr.nebraska.gov/sites/dnr.nebraska.gov/files/doc/desk-reference/legal-authority/Title%20455%200708.pdf)



March 2019 Highway 281, Niobrara, NE
Office of Governor Pete Ricketts

MISSOURI FLOODPLAIN MANAGEMENT PROGRAM

State of Missouri NFIP Legislation:

- Executive Order (E.O.) 98-03:
 - Originally became effective in July of 1997 as E.O. 97-09 in response to the floods of 1993 and 1995
 - Names the State Emergency Management Agency as the State NFIP Coordinating Agency



MISSOURI FLOODPLAIN MANAGEMENT PROGRAM

State of Missouri NFIP Legislation:

- Executive Order (E.O.) 98-03:
 - It is intended that the SEMA permit will be the only local floodplain permit required for state agency development
 - Contains the State floodplain management “ordinance”
 - Adopts minimum NFIP regulations

