

# Floodplain Management *Today*



NEBRASKA DEPARTMENT OF NATURAL RESOURCES FLOODPLAIN SECTION

MARCH 2015

## Preserving Open Space in the Floodplain & CRS

By Mitch Paine, CFM

Floodplains serve useful natural ecological functions, like storing floodwaters, and their best use is open space. If no structures are present in an area subject to flooding, then no damages occur and people's lives are not in danger. Communities clean up and recover after a flood much quicker and more cheaply if flooding just affects open space.

In the Community Rating System (CRS) Activity 420, preserved open space in the floodplain can yield a very high number of points: communities can get up to nearly 2,000 points for this credit area alone. A variety of types of credits are available: open space preserved, deed restricted parcels, natural functions, open space incentives, and low-density zoning.

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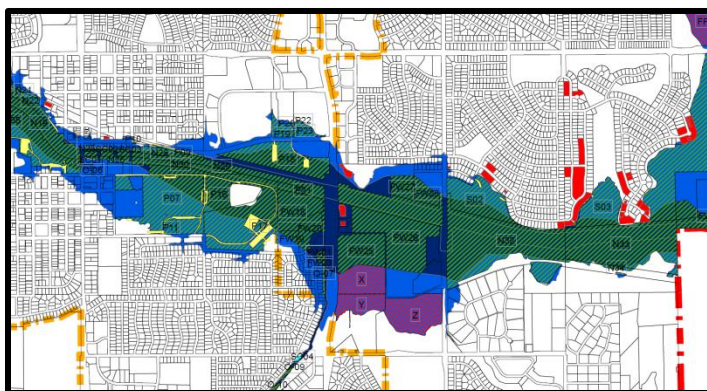


Figure 1. Excerpt from Papillion's open space map.

Your community can get up to 1,450 points simply by calculating the acres of open space in your floodplain, or Special Flood Hazard Area (SFHA). The open parcels must be mapped and be truly open, with no buildings, storage, filling, or other encroachment. A park with a large paved parking lot can be counted, but the area of impervious parking lot surface must be deducted. The parcel also must be "preserved" either by being owned by a public entity, private preserves like hunting grounds or

private golf courses, or areas where buildings are prohibited. Your community must provide a map and an inventory of all of the parcels that are open. Your score is calculated by taking the acres of open space divided by acres of SFHA. That ratio is multiplied by 1,450 to find your score.

A number of other points are available in this activity that reflect the value of maintaining floodplains free of buildings and other development. If any of the open space areas credited have a deed restriction that prohibits any future development, then those parcels can receive additional credit. The language in the deed restriction should specify that no new buildings are allowed, that the restriction runs with the land, and that it cannot be changed by a future owner.

If any open space areas credited serve natural functions of floodplains, then they can receive additional credits, just like the deed restricted parcels. Natural functions areas have to be in an undeveloped natural state or restored to a natural state. For example, preserved natural wetlands, like the wetland areas north of Lincoln along 27<sup>th</sup> street receive credit. For credit, a natural resources professional must submit a form certifying the natural functions.

The other credit activities that are good policies and can get credit include incentives for open space areas. If your community has in its subdivision or zoning regulations open space incentives like density transfers, planned unit developments, cluster development, or greenway/setback rules, then you can likely get credit here. These incentives should be focused on helping developers set aside floodprone land in new developments for open space – be it parks, recreation, or natural areas.

Lastly, your community zoning ordinance likely has language that encourages low-density development. Often, these are the agricultural or ag-residential zones in the extra-territorial jurisdiction. Minimum lot sizes are typically 5 or 20 acres per housing unit. By having such low-density areas in floodplains, it means fewer structures will ever be flooded. CRS credits areas in low-density zoning and communities can potentially receive up to 600 points for these areas.

CRS is full of details and nuances to help fit your community's particular situation, and as always, reach out to Mitch Paine at [mitch.paine@nebraska.gov](mailto:mitch.paine@nebraska.gov) or (402) 471-9252 for more information!

Preserving open space in our floodplains in Nebraska is the best way to truly make our communities safer places to live. CRS recognizes this and gives communities a large number of points for their work in this area. As communities look to developing flood risk reduction projects, creating open space free of development should be on the top of the list. Buying out floodprone properties and leaving their parcels free of buildings is a far cheaper and safer option in the long-run than building levees or dams.

We would do well to learn from Fort Collins, Colorado. The City had a program to purchase properties in the floodplain for many decades. Currently nearly 70% of the floodplain is open space and in the 2013 flooding, damage was minimal from floodwaters in Fort Collins, while so many other Colorado communities were devastated. It is only a matter of time before flooding hits our communities and every acre of open space means fewer lives or buildings at risk!



Figure 2. McMurry Park during the 2013 flooding in Fort Collins.

## Changes to Flood Insurance

By Shandi Teltschik, FEMA Region VII

The National Flood Insurance Program (NFIP) is in the process of implementing Congressionally mandated reforms required by the Homeowner Flood Insurance Affordability Act of 2014 (HFIAA) that repeal and modify the Biggert-Waters Flood Insurance Reform Act of 2012 (Biggert-Waters). The new law slows some flood insurance rate increases and offers relief to some policyholders who experienced steep flood insurance premium increases in 2013 and early 2014. Flood insurance rates and other charges will be revised for new or existing policies beginning on April 1, 2015. In addition to insurance rates, other changes resulting from Biggert-Waters and HFIAA will be implemented that will affect the total amount a policyholder pays for a flood insurance policy.

Floodplain administrators will likely get calls about these changes and this information should help explain what changes are coming.

Key changes to flood insurance beginning April 1, 2015 include:

- Revised rate tables for policies written or renewed on or after April 1, 2015;
- Introduction of the HFIAA Surcharge for all new and renewal policies;
- Reserve Fund Assessment increase;
- Introduction of premiums for properties newly mapped into a Special Flood Hazard Area; and
- New \$10,000 deductible option for residential properties.

Insurance policies are calculated using a number of input components comprised of: Rate for the structure, Deductible Factor, ICC Premium Fee, CRS Discount, Reserve Fund Assessment, HFIAA Surcharge, and Federal Policy Fee. HFIAA directs the NFIP to apply percent increases to the rates, which are based on elevations – the first component of the premium calculation. In most cases for policies written or renewed on or after April 1, 2015, the rates have been revised to reflect increases that are capped at 15%. In addition, no individual premium rate will increase by more than 18% of that premium. As directed by BW-12, and unchanged by HFIAA, business properties with subsidized policies, pre-FIRM non-primary residences, severe repetitive loss properties, and buildings that have been substantially damaged or improved will continue to see a 25% annual rate increase until they reach full-risk rates. Fees and surcharges are not included in the calculation of the percent rate increases, so the *total* amount charged an individual policyholder could increase by more than 18 percent.

HFIAA also mandated a surcharge be added to all policies that will be collected until all subsidies are eliminated in order to compensate for the decrease in revenue. It is a flat fee applied to *all* policies based on the occupancy type of the insured building and is not associated with the flood zone in which the building is located or the construction date of the building. The HFIAA Surcharge for primary, residential structures is \$25. The HFIAA surcharge for all other policies is \$250.

BW-12 required the establishment of a Reserve Fund to help cover costs when claims exceed the annual premium collected by the NFIP. FEMA began collecting an assessment in 2013 to add money to the Reserve Fund. HFIAA did not change this requirement, and the assessment on policies will increase in 2015. For Preferred Risk Policies (PRP), this fee will be 10% of the premium. For all other policies, the Reserve Fund Assessment Fee will be 15% of the premium. The HFIAA surcharge is not included when calculating this fee.

The Newly Mapped procedure applies to properties previously in Zones B, C, X, or D that have been newly mapped into a Special Flood Hazard Area (SFHA). This procedure also applies to policies previously issued under the Preferred Risk Policy Eligibility Extension that are renewing on or after April 1, 2015. Properties meeting the eligibility and loss history requirements will be able to be insured at the low flood risk Preferred Risk Policy rate for one year. After the initial policy year, a policy issued under the Newly Mapped procedure will begin the transition to full-risk rates. Annual increases are limited to no more than 18% per year. Grandfathering was reinstated under HFIAA, so properties can be "grandfathered" to a previous low risk zone or lower Base Flood Elevation (BFE). A "grandfathered" rate is considered a full-risk rate; therefore, the full-risk rates may be based on the current map or a grandfathered zone and/or BFE. The Newly Mapped procedure does not apply to properties mapped into the SFHA by the initial Flood Insurance Rate Map (FIRM).

HFIAA also stipulated a new higher deductible option for residential properties. This new \$10,000 deductible option for residential properties will offer 35-40% savings on a "buildings and contents" residential policy through a premium rate deduction factor. For a "building only" or "contents only" residential policy, the premium reduction could be 30-35%. These deductible factor reductions apply to the premium rate only and not to any fees or surcharges.

For more information on HFIAA and complete listing of April 1, 2015 changes, please visit: <https://www.fema.gov/national-flood-insurance-program/flood-insurance-reform>

April 1, 2015 flood insurance change fact sheet: <https://www.fema.gov/media-library/assets/documents/99601>

Flood Insurance Reform - Resources for Property Owners and Renters, Insurance Agents, Real Estate Agents and Community Officials: <https://www.fema.gov/flood-insurance-reform-resources-property-owners-and-renters-insurance-agents-real-estate-agents-and>

And for more information, please reach out to John Callen, NFIP State Coordinator at [john.callen@nebraska.gov](mailto:john.callen@nebraska.gov) or (402) 471-3957.

## New Letter of Map Change Fees

As of January 21, 2015, FEMA has changed the fee schedule for filing Letters of Map Change. The current fee schedule for a variety of common situations is below. For more information and additional types of projects or situations, please visit: <https://www.fema.gov/flood-map-related-fees>.

Type	Paper Form Fee	Online LOMC Fee
Single-lot/structure LOMA	Free	Free
Single-lot/structure LOMR-F	\$525	\$425
Multiple-lot/structure LOMA	Free	Free
Multiple-lot/structure LOMR-F	\$900	\$800
LOMR based on bridge, culvert, channel, hydrology, or combination thereof	\$8,250	\$8,000



## January Ice Jam

By Marlin Petermann, Papio-Missouri River NRD

The opening article in our last newsletter highlighted the partnership formed to keep floodprone residents safe from ice jams during the winter months. That partnership came in handy when ice jams threatened hundreds of homes of acres of land near Yutan at the end of January. Marlin Petermann from the Papio NRD gives us an update.

In late December 2014 and early January 2015, cold temperatures and winter conditions set the stage for possible ice jams along the Platte and Elkhorn Rivers. That partnership we have set up between various NRDs, state and federal agencies, and local governments kept a watchful eye on the river conditions. On January 26<sup>th</sup>, 2015, ice chunks, broken up from the frozen Platte upstream, started flowing downstream and began to get caught up in a river bend just downstream of the Highway 92 bridge.

On January 27<sup>th</sup>, early in the morning, volunteer fire departments were called to rescue 4 people from flooded campgrounds at Two Rivers State Park in Douglas County. Papio-Missouri River NRD staff flew the river that day and noticed an ice jam along the Platte River extending approximately 1.5 miles from just south of the extension of Q street. Significant flooding occurred between Saunders County Roads K and L. Some homes along the river had to be protected and evacuated.



Figure 3. Flooding near Yutan, Highway 92 bridge visible near top of photo. Photo by Papio NRD.

Part of the ice jam pushed up against the Clear Creek Levee, which is part of an Army Corps of Engineers Western Sarpy-Clear Creek Levee project in Saunders County. Seepage through the levee was observed at various points and the contractor working on the project worked quickly to shore up the levee. The Papio-Missouri River NRD consulted the partner agencies and declared a flood emergency on the 27<sup>th</sup>. The ice jam explosives contractor (Dykon Explosives out of Tulsa, OK) was notified to mobilize for blasting operations. The NRD considered two major potential impacts: the situation at the Clear Creek levee and the forecast for more cold temperature later in the week.

As the blasting operations were set up at the state park on January 28<sup>th</sup>, the ice jam and flooding conditions stabilized and on the 29<sup>th</sup> a channel opened up in the ice jam and the river was beginning to flow. Floodwaters receded and began to fall as the ice surged downstream. No additional flooding was reported and the natural release of the ice jam led the NRD to call off blasting. The Western Sarpy-Clear Creek Levee Project worked as intended, preventing substantial damages to land and vital infrastructure until the blasting operations were readied. Thankfully, the ice jam released naturally. The crisis was avoided and our partnership worked!

## Flood Mitigation Assistance Grants

By Mitch Paine, CFM

FEMA offers three hazard mitigation grants. Our colleagues in the Nebraska Emergency Management Agency oversee the Hazard Mitigation Grant Program and the Pre-Disaster Mitigation grants (HMGP and PDM). NDNR oversees the Flood Mitigation Assistance grant. This year, we want to submit a state grant application for as many repetitive loss properties in our communities as possible. We want to get input from communities on possible projects.

While repetitively flooded properties are a major burden on the National Flood Insurance Program's portfolio, they also are a liability for local governments. Residents that have a particularly floodprone home still need to be rescued in the event of a major flood and that responsibility falls on the community. Every time that home gets flooded, it represents another resident that has to pay a deductible for flood insurance and less money going in to that community.



Figure 4. Flooded house on Grable Street in Beatrice in 1973. Photo courtesy of Bob Feit.



Figure 5. Grable Street after buyouts. Photo by Bob Feit, from 2008.

A few Nebraska communities have taken this into their own hands and have acquired or elevated homes. One of the best examples is Beatrice. The Big Blue River in Beatrice has flooded over 40 times in the past century. After the particularly disastrous 1984 and 1993 floods, the city took measures into their own hands and purchased flooded properties with the help of various federal funds. Over 70 homes and 20 businesses were removed from the floodplain in the 1990's and were replaced by parks, green space, and trails. The city removed the risk for many residents and enhanced their community by providing open areas.

If your community is interested in tackling a similar challenge and improving the quality of life for your residents, reach out to Mitch Paine, who manages the FMA grant at [mitch.paine@nebraska.gov](mailto:mitch.paine@nebraska.gov) or (402) 471-9252. He can tell you more about the repetitive loss properties in your area and work on a project application. Repetitive loss properties are eligible for a cost share of 90% federal, 10% local and possibly 100% federal share if the properties are considered severe repetitive loss.

## **Mark Your Calendar**

If you have questions about any of these opportunities, please contact John Callen or Mitch Paine.

The Nebraska Floodplain and Stormwater Managers Association (NeFSMA) Annual Conference will be held from July 29<sup>th</sup> – 30<sup>th</sup>, 2015 in Nebraska City. Be sure to put this on your calendar!

NeFSMA will also host its Spring Meeting in Scottsbluff on May 6<sup>th</sup> – 7<sup>th</sup>. Costs are \$10 for NeFSMA members and \$45 for non-members. Rooms are available at Hampton Inn for lodging. Visit <http://nefsma.wildapricot.org/event-1880802/Registration> to learn more and to register.

### **FEMA L-273 Class: Managing Floodplain Development Through the NFIP**

FEMA Region VII will be hosting the EMI course from June 16-18 in Kansas City, Missouri. Topics will include the National Flood Insurance Program and concepts of floodplain management, maps and studies, ordinance administration, and relationship between floodplain management and flood insurance. At the end of the course, there will be an opportunity to take the Certified Floodplain Manager (CFM) exam. The course will be free to attend, but travelers will need to arrange their own transportation, food, and lodging. To attend, please contact Andy Megrail at [andy.megrail@fema.dhs.gov](mailto:andy.megrail@fema.dhs.gov) or Todd Tucker at [todd.tucker@fema.dhs.gov](mailto:todd.tucker@fema.dhs.gov) by May 28<sup>th</sup>.

### **FEMA Emergency Management Institute Courses**

Other Emergency Management Institute courses that will be offered at the Emmitsburg, MD campus (free course and transportation for community officials):

- May 11<sup>th</sup> – 14<sup>th</sup>: E291 Community Dam Safety, Preparedness, and Mitigation
- June 1<sup>st</sup> – 4<sup>th</sup>: E157 Hazard Mitigation Community Education and Outreach Specialist Qualifying Course
- August 24<sup>th</sup> – 27<sup>th</sup>: E190 ArcGIS for Emergency Managers

Visit <http://training.fema.gov/EMICourses/> for more information.

### **Community Rating System Webinar Series**

This series of trainings is targeted to new communities that are not yet participating in CRS, as well as to local government staff with some CRS experience. This series includes basic introductory sessions and more advanced topics. To register go to <http://atkinsglobalna.webex.com/tc> and click the "upcoming" tab. Upcoming online trainings include:

- **Preparing for a Verification Visit** on April 21 and June 16
- **Activity 540: Drainage System Maintenance** on April 22
- **CRS & Higher Regulatory Standards** on May 20
- **CRS & Natural Floodplain Functions** on June 17



**Floodplain Management *Today***

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**WANT MORE INFORMATION?**



Visit DNR's Floodplain Website at  
<http://dnr.nebraska.gov/fpm>

**Or Contact**

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