

**Waterlines - News from the Division of Water**

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News affecting the management and use of Indiana's water resources

Division of Water  
Indiana Department of Natural Resources  
Spring 2024

## **NEWS & NOTES**

***The FEMA National Dam Safety Program has asked the following information be shared with communities:***

FEMA is offering a Collaborative Technical Assistance (CTA) series to help communities at risk of dam-related flooding better understand their risk landscape and the potential consequences of dam-related emergencies. The CTA will include planning for emergencies related to operational discharges or dam-related infrastructure failure.

The FY25 Planning for Dam Emergencies Collaborative Technical Assistance Program Application is now live. Please [download the application instructions](#).

Session participants include local, state, and federal emergency managers; dam owners and operators; private sector representatives; community planners; floodplain management professionals; nonprofit partners; and other individuals and organizations facing dam-related emergencies. A typical CTA ranges from approximately 8-10 months in length. Customized CTA variations

are available upon request. If interested please complete the application and submit your materials to the [FY25 Planning for Dam Emergencies Collaborative Technical Assistance Program Application Upload folder](#). The application will close on **Friday, May 17**. (Note: You must disconnect from any VPN to access this link.)

If selected, participants will engage in a facilitated planning process with community stakeholders to build relationships, develop plans, and collaborate with whole community partners to achieve the goal of increased preparedness to dam-related hazards. The CTA delivery team will support the entire process with subject matter experts, as well as models, tools, and templates to foster the planning process. During the process, participants will develop benchmark activities, such as forming planning teams, conducting community analysis, compiling data reports, identifying operational priorities, goals, and objectives, and developing or refining current plans. At the end of the process, a tabletop exercise will be used to examine the plans that have been developed or refined.

For additional information on the National Dam Safety Program CTA please visit: [Planning for Dam Emergencies Collaborative Technical Assistance Program | FEMA.gov](#)

### **Water related photography**

We would like to ask anyone interested to submit photos of water related topics with a brief caption or article. We will select a photo from these submissions for publication in an issue of Waterlines. We would like to make this something that can be added to each issue. The first photo is below. Please submit photos to [dowfpm@dnr.IN.gov](mailto:dowfpm@dnr.IN.gov) Submitted photos must provide permission from the photo owner for its use by the Division of Water.



A Day at the Lake by DNR staff.

## **ENDANGERED SPECIES ACT and COMMUNITY COMPLIANCE**

*By Darren Pearson and Doug Wagner, Division of Water*

One question we receive frequently is about compliance to the Endangered Species Act (ESA). In particular, we get this question when a local Floodplain Administrator (FPA) is asked to sign off on the Community Acknowledgement Form associated with a Letter of Map Change (LOMC) application. When considering development in the floodplain, communities and developers should ensure they communicate and coordinate with the appropriate National Marine Fisheries Service (NMFS) or United States Fish and Wildlife Service (USFWS) regional or field office. Communities and developers should also take into consideration the following ESA requirements when making land-use decisions:

Section 9 of the ESA prohibits the taking of listed species. Taking is defined as harassing, harming, pursuing, hunting, shooting, wounding, killing, trapping, capture, or collection of ESA species, or attempting to engage in any such

conduct. Harm includes significant habitat modification or degradation that results in death or injury to ESA species by significantly impairing behavioral patterns such as breeding, feeding, or sheltering. Harass is defined as actions that create the likelihood of injury to ESA species to such an extent as to significantly disrupt normal behavior patterns that include, but are not limited to, breeding, feeding or sheltering (50 C.F.R. §17.3).

Section 10(a)(1)(B) of the ESA allows non-federal parties to apply for an incidental take permit for activities that could result in the incidental taking of ESA listed species. The application must include a habitat conservation plan that describes the proposed actions, determines the effects of those actions on ESA species and their habitats, and defines measures to minimize and mitigate adverse effects. We recommend contacting your local USFWS or NMFS office for assistance with the Habitat Conservation Program permitting process.

On May 25, 2018, a Record of Decision (ROD) was published in the Federal Register. Then, on or about March 5, 2019, FEMA sent out a notice of the decision to all communities participating in the National Flood Insurance Program (NFIP). A short summary of the ROD is that local communities will be required to comply with the ESA for all permits issued in their Special Flood Hazard Areas (SFHAs). This requirement still applies even if there is no intent to file for a LOMC. Basically, FEMA will be modifying the NFIP regulations to more clearly state that communities must follow ESA requirements for all permits issued in the SFHA.

Below a summary and explanation is provided for both sections of the community acknowledgement form.

- 1. REQUESTS INVOLVING THE PLACEMENT OF FILL** As the community official responsible for floodplain management, I hereby acknowledge that we have received and reviewed this Letter of Map Revision Based on Fill (LOMR-F) or Conditional LOMR-F request. Based upon the community's review, we find the completed or proposed project meets or is designed to meet all of the community floodplain management requirements, including the requirement that no fill be placed in the regulatory floodway, and that all necessary Federal, State, and local permits have been, or in the case of a Conditional LOMR-F, will be obtained. For Conditional LOMR-F requests, the applicant has or will document ESA compliance to FEMA prior to issuance of the Conditional LOMR-F determination.

For LOMR-F requests, I acknowledge that compliance with Sections 9 and 10 of the ESA has been achieved independently of FEMA's process. Section 9 of the ESA prohibits anyone from "taking" or harming an endangered species. If an action might harm an endangered species, a permit is required from USFWS or NMFS under Section 10 of the ESA. For actions authorized, funded, or being carried out by Federal or State agencies, documentation from the agency showing its compliance with Section 7(a)(2) of the ESA will be submitted.

In addition, we have determined that the land and any existing or proposed structures to be removed from the SFHA are or will be reasonably safe from flooding as defined in 44CFR 65.2(c), and that we have available upon request by DHS-FEMA, all analyses and documentation used to make this determination. For LOMR-F requests, we understand that this request is being forwarded to DHS FEMA for a possible map revision.

In Section A.,

1. The local FPA acknowledges that the project met all of the community's floodplain management requirements including that no fill was placed in the floodway and that all necessary Federal, State, and Local permits were obtained. This should be done already as part of the permit process.
- If for a Conditional LOMR-F, the local FPA is acknowledging that the proposed project will meet all of the community's floodplain management requirements including that no fill was placed in the floodway and that all necessary Federal, State, and Local permits will be obtained.
1. The local FPA acknowledges that the project is in compliance with Section 9 and 10 of the ESA. To verify this, the applicant should provide either: a permit from USFWS (if there is an impact to an endangered species) or a letter from the USFWS stating that the project is in compliance with Sections 9 and 10 of the ESA (no endangered species are impacted). You can obtain the contact information for [USFWS offices in Indiana](#). The applicant should contact the Indiana office for their area.
- If for a Conditional LOMR-F, the applicant has to document ESA Compliance prior to issuance of the Conditional LOMR-F.

3. To determine that the land and any existing or proposed structures to be removed from the SFHA are or will be reasonably safe from flooding, the local official should refer to Technical Bulletin 10.
  - Many communities in Indiana require the applicant to provide a certification from a professional engineer that states the project is reasonably safe from flooding. The communities then use the certification as their documentation to verify that the site is reasonably safe from flooding.

All three parts of Section A. need to be met before the community acknowledgement form can be signed. All documentation should be maintained in local records for NFIP compliance.

1. **PROPERTY LOCATED WITHIN THE REGULATORY FLOODWAY** As the community official responsible for floodplain management, I hereby acknowledge that we have received and reviewed this request for a LOMA. We understand that this request is being forwarded to DHS-FEMA to determine if this property has been inadvertently included in the regulatory floodway.

We acknowledge that no fill on this property has been or will be placed within the designated regulatory floodway.

We find that the completed or proposed project meets or is designed to meet all of the community floodplain management requirements.

In Section B.,

1. The FPA needs to verify that no fill has been placed or will be placed in the floodway.
2. The FPA is stating that the project meets all of the community's floodplain management regulations. This should have been done earlier as part of the local permit process.
  - If for a Conditional LOMR-F, the FPA is agreeing (after a complete review) that the proposed project is designed to meet all of the community's floodplain management regulations.

Both parts of Section B. need to be met before the community acknowledgement form can be signed. All documentation should be maintained in local records.

## Required Floodplain Administrator Training

Many Indiana communities participate in the National Flood Insurance Program (NFIP). Participation in the NFIP is based on an agreement between local communities and the federal government that states that if a community will implement and enforce measures to reduce future flood risks to new construction in special flood hazard areas, the federal government will make flood insurance available within the community as a financial protection against flood losses. As a participating community in the NFIP, your community's floodplain management ordinance has designated a floodplain administrator to administer and implement the provisions of the ordinance.

The Department of Natural Resources Division of Water is the state coordinating office for the NFIP in Indiana. We would like to remind you of recent legislation that affects the floodplain administrator for your community. On July 1, 2023, Senate Enrolled Act (SEA) 242 became law. SEA 242 requires floodplain administrators to obtain approved training by June 30, 2025, to serve as the floodplain administrator of a county or a municipality. A document that provides information on the new requirement, including the training options available and the reporting process, can be found [here](#).

The floodplain administrator, along with any other staff authorized and directed to enforce the provisions of your floodplain ordinance, need to complete the training. Other staff that work with permitting in flood hazard areas are strongly encouraged to attend the training.

The Division of Water will be offering the new administrator training as Indiana's NFIP 101 in late April and early May. There are no fees for NFIP 101, which is the shortest time commitment of the specified training options. It will be offered as a three-part series of two-hour events hosted at various times. The training will also be offered on May 14 as an in-person event at the Indiana Government Center in Harrison Hall, Conference Room 19. For registration and other details on the workshop offerings see our [training page](#).



## Upcoming Training Opportunities

(Information from FEMA, ASFPM, and other websites)

### Association of State Floodplain Managers (ASFPM)

ASFPM has an online training program and new training is added regularly. See [floods.org/training-center/](https://floods.org/training-center/) for more information.

The association will hold its 48<sup>th</sup> annual conference in Salt Lake City, Utah, June 23-27. As the nation's premier conference dedicated to all aspects of flooding and floodplain management there will be topics to suit anyone's individual needs. Conference and registration information can be found at [floods.org/conference/2024-asfpm-conference](https://floods.org/conference/2024-asfpm-conference).

### FEMA's Emergency Management Institute (EMI)

In-person classes have resumed at the EMI in Emmitsburg, MD, however it still offers many courses through self-study webinars. Currently, E0273: Managing Floodplain Development through the NFIP is scheduled for March, April, and September 2024. For additional information on EMI classes and webinars, please visit EMI's training calendar website at [training.fema.gov/emicourses/schedules.aspx](https://training.fema.gov/emicourses/schedules.aspx) and its course catalog at [firstrespondertraining.gov/frt/npccatalog/EMI](https://firstrespondertraining.gov/frt/npccatalog/EMI).

### FEMA Region 5 announces continued training opportunities

FEMA Region 5 is conducting regular webinars on various topics such as floodplain management, flood insurance, and National Flood Insurance Program (NFIP) requirements to educate and train community officials on managing their community's floodplains. Each webinar lasts an hour, and one ASFPM CFM CEC is available by attending a session. The virtual webinar is open to all; however, local and county officials working in emergency management, building code administration, and floodplain management are strongly encouraged to attend. The webinar is presented by FEMA Region 5's Mitigation Division, Floodplain Management and Insurance Branch.

### FEMA Region 5 resumes flood insurance webinars

FEMA Region 5's Regional Flood Insurance Liaison announces a return of NFIP training webinars. Currently, two are scheduled and registration information is below. All are welcome to participate.

This one-hour webinar provides an overview of the Federal Emergency Management Agency's (FEMA's) National Flood Insurance Program (NFIP).

This webinar provides instruction on the essentials of the NFIP, including the following course highlights:

1. A brief history of the NFIP
2. The difference between disaster assistance and flood insurance
3. Eligibility to purchase flood insurance through the NFIP
4. What flood insurance through the NFIP covers
5. Claims, appeals, customer experience, and resources

At the end of the webinar, participants will have a better understanding of flood insurance through the NFIP and the knowledge and tools to promote better flood risk management.

Extra time has been allocated for an optional question and answer session at the end of the webinar. You may register for more than one session; however, a separate registration is required for each session.

For more information on either series or to register, see [dnr.IN.gov/water/events-and-training](https://dnr.IN.gov/water/events-and-training).

## **STATE TRAINING OPPORTUNITIES**

### **Indiana Department of Natural Resources**

For upcoming events and training hosted by the DNR Division of Water, check [dnr.IN.gov/water/events-and-training](https://dnr.IN.gov/water/events-and-training). We will post training videos and other opportunities as they are developed or scheduled.

The Operation Stay Afloat Conference will be held on Wednesday, March 6 at the Indiana State Government Center South building. This conference highlights flood preparedness and all-hazard mitigation. Target audience members for the conference are local floodplain administrators, local building officials, local emergency management officials, representatives from regional planning groups or river basin commissions, engineers and other consultants who work with local jurisdictions, volunteer groups involved with floodplain issues and disaster recovery, local CEOs, and state legislators. You can register to attend at [Operation Stay Afloat Registration](#) until March 4, 5 p.m.

Other workshops being held in 2024 include Substantial Improvement - Substantial Damage on March 19 and Indiana's NFIP 101 in April and May.

Registration links and other information are available at [dnr.IN.gov/water/events-and-training](http://dnr.IN.gov/water/events-and-training).

### **Indiana Department of Homeland Security**

Please visit the Indiana Department of Homeland Security's training calendar for upcoming courses and trainings at [oas.dhs.IN.gov/hs/training/public/calendar.do](http://oas.dhs.IN.gov/hs/training/public/calendar.do).

### **Certification**

The Certified Floodplain Manager (CFM) exam is now digital and may be taken at your convenience at a Measure Learning (formerly Scantron) test site or from your home or office. For information on the exam or to register visit ASFPM's website, [floods.org/certification-program-cfm](http://floods.org/certification-program-cfm).

### **THANK YOU**

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