

The Flood Record

Feb/March 2024

Upcoming Substantial Damage and Substantial Improvement Workshops

IDNR/OWR will be holding three 2-hour substantial damage and substantial improvement workshops across northern Illinois. This workshop is intended for a community's floodplain manager as well as any staff that would assist with post-flood inspections and permitting. Workshops will be held as follows:

- Thursday, February 29, 9 to 11 am, Kankakee County EOC, 3000 S. Justice Way, Kankakee, IL
- Tuesday, March 5, 9 to 11 am, Williams W. Power State Park, 12949 S Avenue O, Chicago, IL (Wolf Lake)
- Wednesday, March 20, 9 to 11 am, IDOT District 2, 819 Depot Ave, Dixon, IL

To register, please send an email to Ana.Salazar@Illinois.gov selecting the location where you will attend. A pdf of the presentation will be mailed to you before the workshop. Workshops are free and open to all.

The workshop will cover:

- How to complete damage estimates
- Use of FEMA's Substantial Damage Estimator software
- Use of construction cost guides
- Next steps required when a structure is substantially damaged,
- Increased Cost of Compliance coverage
- Substantial Improvements

Illinois and FEMA Floodplain Management Webinars

Illinois and FEMA monthly webinar series continues. Please share this information with your building inspectors, permit staff, engineers, and public work staff. Use the links below to register and add to your calendar. IDNR webinar attendance will be submitted to ASFPD for CFMs. Illinois will provide certificates for PEs and CFMs for your records.

- 2/28/24, (Wed), 9-10 am, FEMA [Development Permitting](#)
- 3/19/24, (Tues), 10 am-12 pm, [Enforcing Your Ordinance: Violations and Variances](#)
- 3/27/24, (Wed), 9-10 am, FEMA [NFIP Compliance](#)
- 4/9/24, (Tues), 11 am-12 pm, [Issuing Permits for Development in Floodways and Zones A/AE Without a Floodway](#)
- 5/29/24, (Wed), 9-10 am, FEMA [Increased Cost of Compliance](#)
- 6/26/24, (Wed), 9-10 am, FEMA [Floodplain Management Higher Standards](#)

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If you are a new local floodplain administrator, send any contact updates to
Erin Conley, State Floodplain Manager at erin.c.conley@illinois.gov.

When is a LOMR Required?

A Letter of Map Revision (LOMR) is required when the mapped floodway location is changed or there is an increase or decrease in the Base Flood Elevation (BFE). Communities are responsible for obtaining or requiring a LOMR be achieved by a property owner if a development causes a change in the BFE. This could be due to a new road, channel modification, or a flood control project. The BFE could change at the project site but also could change upstream or downstream of the project. Floodplain modeling must extend upstream and downstream to confirm no change to the BFE. The federal regulations, 44 CFR 65.3, explains that a community must maintain the accuracy of their floodplain maps and submit the corrections within six months. **The community will ultimately be held responsible if they do not require the LOMR through their permitting process.** Some type of surety bond or letter of credit should be required that includes the cost of the LOMR, as-built drawings, and floodplain modeling required to secure the LOMR.

It is important to understand:

- A local permit is always required for work in the floodplain regardless of any state floodway permit.
- A LOMR is not a federal permit. There is no federal floodplain permit. A LOMR is an official change to the Flood Insurance Rate Map (FIRM), typically requested by a community or property owner.
- The local community must require the LOMR as part of the local permit if the BFE changes.
- THE STATE FLOODWAY RULES MAY NOT REQUIRE A LOMR, EVEN WHEN THE BFE CHANGES. The state floodway rules are not NFIP compliant and are used to ensure compliance with state laws only.

A Conditional LOMR (CLOMR) is a letter from FEMA typically commenting on whether a proposed project's floodplain modeling and design will, if built as proposed, will result in the desired map change. A CLOMR is required if the floodway is being changed (44 CFR 60.3 d 4). For proposed encroachments in the regulatory floodway, any increase in the BFE requires a CLOMR from FEMA. The federal law does not require a CLOMR for proposed encroachments in the floodplain where a regulatory floodway has not been mapped and adopted.

Recent county-wide floodplain mapping and other Letter of Map Change requests have found numerous cases of new development in the floodway, channels enclosed in a storm sewer or new road crossings. The community will now be responsible for securing the LOMR.

Have you updated or changed your floodplain regulations?

If you change your floodplain regulations, outside of adopting a new set of floodplain maps, you must first send a copy to the state and FEMA for review and approval prior to adoption. Occasionally a community has changed a provision of their code that is not compliant with the National Flood Insurance Program's minimum standards. Having the state and FEMA approve any changes will avoid any compliance issues at your next audit. The state and FEMA maintain electronic copies of your floodplain ordinances. Please send updates or proposed changes to Erin Conley, Erin.C.Conley@illinois.gov and for NE IL, to Marilyn Sucoe, Marilyn.Sucoe@illinois.gov.

44 CFR 65.3 Requirement to submit new technical data

*A community's base flood elevations may increase or decrease resulting from physical changes affecting flooding conditions. **As soon as practicable, but not later than six months after the date such information becomes available, a community shall notify the Administrator of the changes by submitting technical or scientific data in accordance with this part.** Such a submission is necessary so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and flood plain management requirements will be based upon current data.*

Spring Flood Tool Kit and Fliers Available for Your Website and Newsletter

FEMA provides several tools for a community's outreach program. Go to [Spring Flooding Toolkit | FloodSmart](#) links to graphics and videos including [What is Flash Flooding? \(youtube.com\)](#)

and [FloodSmart | Metropolitan Flooding Chicago](#)

FEMA also has developed a one-page information sheet [Fast Facts on Floods & Flood Insurance](#) and an [updated flood damage flyer](#).

NWS - Spring Flood Outlook Updates

The five National Weather Service (NWS) Forecast Offices in Illinois issued their first Spring Flood Outlook updates on February 15, 2024. Two additional updates will be provided on February 29 and March 14. Links to the NWS offices and the February 15th updates have been provided below.

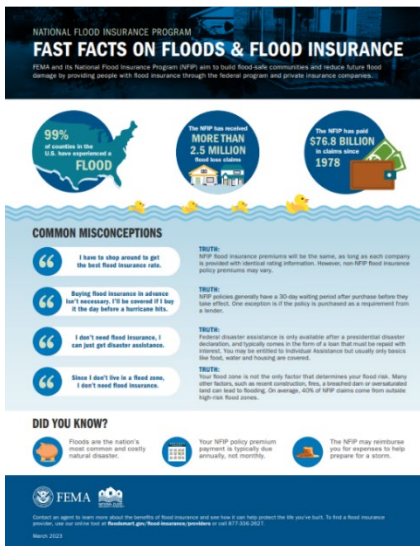
Overall, the risk of spring flooding is normal to below normal across the state. The updates generally include the outlook on flooding, seasonal temperature, seasonal precipitation, drought condition, and soil moisture.

- [Central Illinois \(weather.gov\)](#), [Spring Flood Outlook \(weather.gov\)](#)
- Northeastern Illinois - [Chicago, IL \(weather.gov\)](#), [Spring Flood Outlook for NE IL and NW IN \(weather.gov\)](#)
- Northwestern Illinois - [Quad Cities, IA/IL \(weather.gov\)](#), [2024 Spring Flood Outlook \(weather.gov\)](#)
- Southern IL ([Paducah, KY \(weather.gov\)](#)) - [Spring Flood Outlook PAH \(weather.gov\)](#)
- Metro East [St. Louis, MO \(weather.gov\)](#) [NWS St. Louis 2024 Spring Flood Outlook \(arcgis.com\)](#)

NWS- Flood Prediction Services Website Update Coming Soon

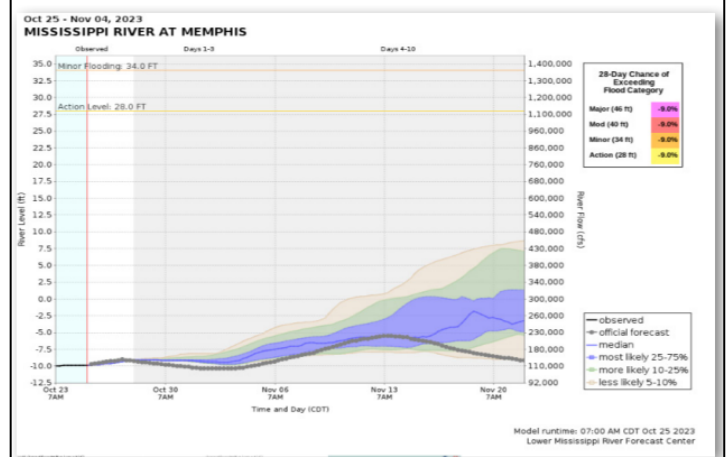
The National Water Prediction Service will replace the Advanced Hydrologic Prediction Service this spring. A [Factsheet](#) is available that explains the additional data that will be available at many gauging locations across the U.S.

- Accumulated precipitation maps and probabilistic guidance are new features.
- Take a look at a test version of the new site on [the preview site](#).
- Learn more by viewing the [User Guide story map](#).



Short-term Probabilistic Guidance

This graphical product depicts short-range river forecast uncertainty and conveys the range of possible river stages and flows at each forecast timestep. These forecast scenarios are shaded using different categories of forecast probability, ranging from most likely to least likely, and are derived from ensemble river forecasts produced by NWS River Forecast Centers.



Violations, Enforcement, and Legal Assistance: Why Building a Relationship with Your Local Attorney is Important

This article, written by Larry Schock, originally appeared in Montana Highground, Montana DNRC Floodplain Quarterly Newsletter (December 2023). It has been slightly modified for this reprinting.

Floodplain regulations are complex. Compliance can be hard to understand and violations difficult to enforce. Many property owners develop projects in the floodplain without the knowledge or understanding of what it takes to lessen flood risk and be compliant. It falls on local floodplain administrators (FPA) to inform and educate.

When projects are non-compliant, the FPA and the community must work together to enforce their local floodplain regulations. While the Floodplain Management staff at IDNR/OWR are always available to assist communities with enforcement questions, compliance, and technical reviews, it is important for FPA's to recognize and use their local resources as well. One valuable source of assistance is the county/city attorney. Having a solid working relationship with the community's attorney helps when it comes to enforcing floodplain violations.

Most community floodplain regulations address compliance in two sections often titled Enforcement and Penalties. Both provide guidance on how to communicate, document, and address floodplain violations. Non-compliant structures can be expensive to mitigate or repair and cause financial hardship. FPA's should overcome any reluctance when it comes to having tough conversations and focus on offering guidance or explaining floodplain requirements in pre-application meetings. Notifying a property owner their project needs permitting can avoid the frustration and higher cost of fixing a deficiency after the fact. This can also help avoid lengthy enforcement or legal actions. It is beneficial when everyone understands what is needed and how floodplain regulations are followed and enforced.

FPA's should document discussions and recommendations with property owners wanting to develop in questionable or high-risk floodplain locations. Later if there is a flood event, channel migration, or streambank erosion, it could be beneficial to have pre-existing conditions identified. It is tedious, but it could protect a community from possible litigation.

When it looks like legal action is needed, it is recommended for the FPA to talk with the local attorney early while it is still an enforcement action. This way the attorney is aware, can make recommendations, and both sides can assess the type of support needed for compliance. The attorney can advise:

- How to complete a remediation plan with the property owner
- What is the best way to document a violation
- What is the proper language and process for notifying the property owner or violator
- What type of evidence and documentation is needed
- How to collect and document information to present it legally

It is important for FPA's to document any communications, recommendations, remediation plans, and technical information regarding a floodplain inquiry or project. Not only will this assist outside reviewers, it is also essential for successful litigation in court cases. Failure to follow statutes, convey permit requirements, or document permitting could jeopardize the case and the community's ability to defend its decisions. Floodplain regulations provide a good outline of what to do, however they do not provide legal information or steps needed for enforcement. Having a close working relationship with the local attorney is essential.