

Part 3 State Floodway Regulations



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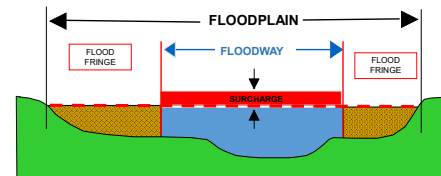
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NFIP Requirements for Floodways

60.3 d. 3. **Prohibit encroachments**, including fill, new construction, substantial improvements, and other development within the adopted regulatory floodway **unless** it has been **demonstrated through hydrologic and hydraulic analyses** performed in accordance with standard engineering practice **that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge;**

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Reminder - How do we get the Floodway in IL?



FLOODPLAIN = FLOODWAY + FLOOD FRINGE
SURCHARGE NOT TO EXCEED 0.1 Ft in Illinois and must keep 90% floodplain volume



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IDNR/OWR Permit Programs Administrative Rules

Floodway Permits

- Part 3700 Construction in Floodways of Rivers, Lakes and Streams
- Part 3708 Floodway Construction in Northeastern Illinois

Dam Safety Program and Public Waters

- Part 3702 Construction and Maintenance of Dams
- Part 3704 Regulation of Public Waters

Lake Michigan Water Allocation (Drinking and Navigation)

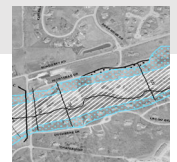
- Part 3730 Allocation of Water from Lake Michigan



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IDNR/OWR Floodway Permit Program (Part 3700 Rules)


- The IDNR/OWR exercises jurisdiction over **construction** in the **floodway** of watercourses which have a drainage area of:
 - 1 square mile or more (640 acres) in an urban area, or
 - 10 square miles or more (6400 acres) in a rural area.
- All jurisdictional streams in downstate counties regardless of the floodway/floodplain mapping
- Jurisdictional streams in NE IL which **do not** have regulatory (designated) floodways (Zone A or unmapped watercourses)



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IDNR/OWR Floodway Permit Program (Part 3708 Rules)


- Jurisdictional streams in NE IL which do have regulatory (designated) floodways
- Jurisdictional limitations still apply, regardless of FIRM:
 - 1 square mile or more (640 acres) in an urban area, or
 - 10 square miles or more (6400 acres) in a rural area.

An aerial photograph of a landscape with a floodway boundary highlighted in blue hatching. The area is labeled 'ZONE A' and 'FIRM'. The floodway follows a winding path through the terrain, which includes some developed areas and open land. A road or path is visible on the right side of the floodway.

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State Floodway Rules

The rules and permit information can be found at:
<https://www2.illinois.gov/dnr/WaterResources/Pages/PermitPrograms.aspx>

The logo for the Illinois Natural Resources is located in the bottom right corner. It features a green square with a white silhouette of the state of Illinois. Inside the state outline, there is a stylized sun and a tree. Below the square, the words "ILLINOIS" and "NATURAL RESOURCES" are written in a stacked, sans-serif font.

Where is the Floodway?


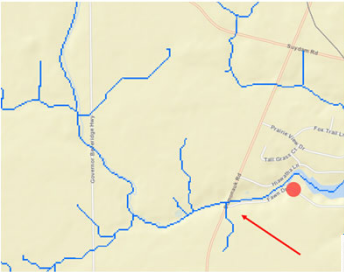
A 'Regulatory Floodway' means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without increasing the water surface elevation more than a designated height ($IL = 0.1'$)

Mapped Floodway	Floodplain w/out a floodway shown	Stream with no floodplain shown
		

17017CG04754
eff. 1/2/2009

How is the State Jurisdiction Determined?


- Calculate drainage area to downstream end of the project site
- USGS StreamStats
<https://streamstats.usgs.gov/ss/>
- Calculate using state LIDAR and GIS
- **Note:** Areas with strip mines, quarries, or ill-defined channels are not mapped well in StreamStats.



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Is a State Floodway Permit Required?

- Bridge project at Somonauk Rd.
- Nothing on FIRM
- What is the Drainage Area?


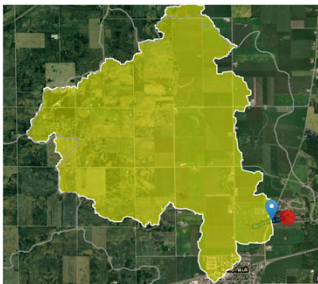


The map shows a bridge project area at Somonauk Rd. The map includes a yellow boundary line, a blue area labeled 'VILLAGE OF SOMONAUK 170190', and a green area labeled '17013700751 01/12/2006'. A purple area is labeled '17013700751 01/12/2006'. The map is overlaid with a grid and a scale bar.

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StreamStats Drainage Area Map

- Use report function to calculate area
- Can also calculate estimated flows

The logo for the Illinois Natural Resource Survey, featuring a stylized green and blue landscape with the text "ILLINOIS NATURAL RESOURCE SURVEY" below it.

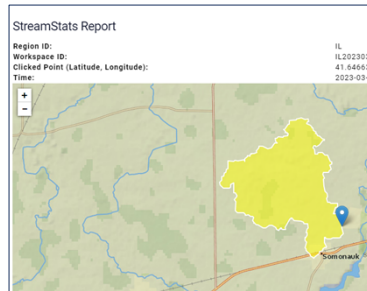
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StreamStats Report

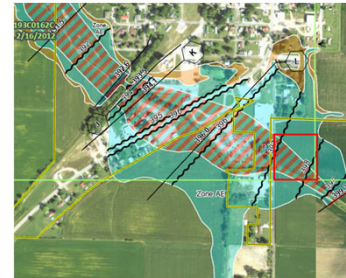
10.11 sq. miles

Although no floodplain is shown on the FIRM this bridge needs a state floodway permit.

A local floodplain permit should also be issued as the community should be aware of the area being flood prone.

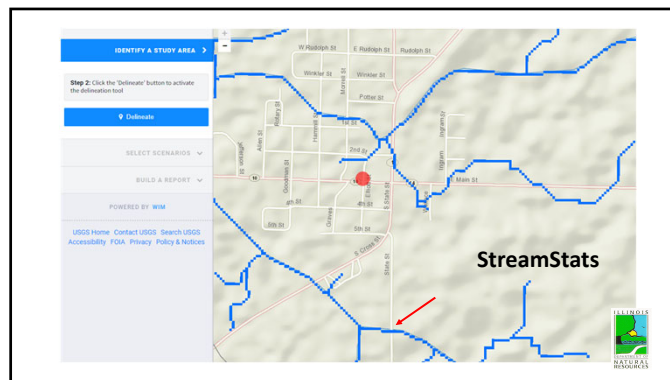


Crossville IL – FIRM shows a Floodway Does it Need a State Floodway Permit?

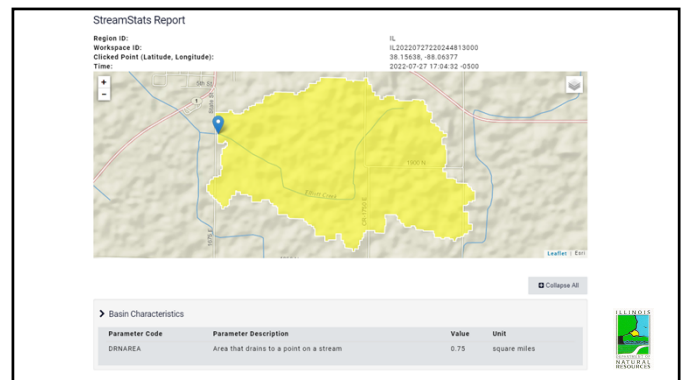


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Where is the Floodway if It Isn't Mapped?

Until a regulatory floodway is determined the entire floodplain is considered the floodway. Part 3700 Rules apply in IL across the state.

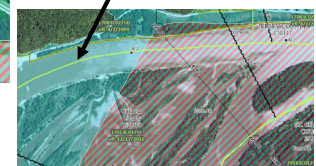


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Be alert – there may be jurisdictional streams without floodways in the floodplain of another stream



These two streams are still jurisdictional and construction in their 100-year floodplain requires IDNR/OWR authorization



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Floodway Regulations - Part 3700 Rule - Details

- Project Channel Conveyance must be maintained
- List of exempted activities: maintenance, remove culverts
- Allowances for New Bridges to increase the water level by < 0.1-foot
- Allowances for Replacement Bridges => conveyance, damage assessment
- **Statewide Permits** for minor construction may apply



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IDNR/OWR Floodway Permit Program (Part 3700 Rules)

Two types of **Part 3700 Rule Permits** offered:

1. **Statewide Permit**
Statewide Permits are pre-authorizations of certain minor projects which are permissible per the Part 3700 rules.
[A Joint Permit Application Form submittal is usually not needed.](#)
2. **Formal Permit**
Formal Permits are needed for significant projects which do not meet a Statewide Permit. These projects generally require an extensive project review of hydrologic & hydraulic engineering data.
[Examples: New Bridges and Culverts, Levees](#)



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IDNR/OWR Floodway Permit Program (Part 3700 Rules)

Current Active Statewide Permits

- SWP 2 - Bridge and Culvert Crossings of Streams in Rural Areas
 SWP 3 - Mooring Facilities Used Exclusively for Barge Fleeting Purposes
 SWP 4 - Aerial Utility Crossings
SWP 5 - Minor Boat Docks
SWP 6 - Minor Non-Obstructive Floodway Construction
 SWP 7 - Outfalls
SWP 8 - Underground Pipeline and Utility Crossings (>3 ft. below channel)
SWP 9 - Minor Shoreline, Stream Bank, and Channel Protection activities
 SWP 10 - Accessory Structures and Additions to Existing Residential Structures
 SWP 11 - Minor Maintenance Dredging
SWP 12 - Bridge and Culvert Replacement Structures
 SWP 13 - Temporary Construction Activities
 SWP 14 - Special Uses of Public Waters



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Floodway Regulations - Part 3708 Rule - Details

- Communities in NE IL six counties, excluding City of Chicago
- Exempted activities: repair, remodeling or maintenance of buildings or structures in existence as of November 18, 1987:
- Applies an Appropriate Use criteria which prohibits most new buildings
- **Regional Permit #3** for minor construction may apply
- Delegation of permit authority allowed



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Floodway Regulations - Part 3708 Rule

Appropriate Uses 3708.70 c) include:

- Flood control structures
- Boat docks
- Sewer outfalls
- Underground/overhead utilities
- Garages and sheds if accessory to a primary structure
- Bridges and culverts
- Parks, athletic field, trails, etc.
- Parking lots <one-foot deep @ BFE
- No-fill regrading
- Floodproofing of existing buildings
- Repairs of damaged building with no increase to footprint
- Improvements to existing buildings with no increased floor area.



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IDNR/OWR Floodway Permit Program (Part 3708 Rules)

Two types of Part 3708 Permits:

1. **Regional Permit No. 3** is a pre-authorization of specified minor projects which are considered permissible per the Part 3708 rules.
[A permit application submittal is usually not needed, and is discouraged. The local community should review the project for compliance and issue the local floodplain development permit.](#)
2. **Formal Permits** are needed for any project not allowed under Regional Permit No. 3. These projects generally require an extensive project review of engineering data and H/H modeling.
[Examples: Bridges, Culverts, Channel Modification Projects, Flood Control Projects, Accessory Structures](#)

Delegation Letters to some local communities may be issued, such as DuPage County and Lake County. **A full application to OWR must be made.** Not all projects will be delegated, such as a local road or other community project. There is a \$250 fee for delegations.

Permit Not Required letters are available, **an application form is required with sufficient details on the project scope and location to make the determination made.** Do not submit a letter without an application form. A PNR letter free.



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IDNR/OWR Floodway Permit Program (Part 3708 Rules)

Regional Permit No. 3 – Authorizes:

- underground and overhead utilities,
- storm and sanitary sewer outfalls,
- sidewalks, patios, athletic fields, playground equipment, and
- streambank protection activities.

RP3 can be found at:

<https://www.dnr.illinois.gov/WaterResources/Pages/PermitsStatewideRegionalGeneral.aspx>



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Floodway Regulations - Part 3708 Rule

Issue a Formal Permit with:

- Computer backwater calculations showing impacts of the proposed work
- Floodway velocity cannot be increased by the project
- Floodway Storage must be preserved between normal water to 10-year and 10-100-year flood elevations
- Base flood stage increases generally not allowed, except for roadway crossings or flood control projects
- Appropriate Use criteria must be met
- Floodway must be changed via a CLOMR/LOMR for any use not listed as an Appropriate Use in the rule
- Roadway crossing modifications must use the procedure outlined in 3708.70 for permitting



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IDNR/OWR Floodway Permit Program (Parts 3700 and 3708 Rules)

Permit Application Review Fees

- Formal and Delegated permits

Fee Schedule can be found at

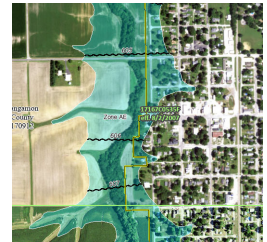
<http://www.dnr.illinois.gov/WaterResources/Pages/default.aspx>

- Check or Electronic Payment
- The fee increases/decreases yearly, based on U.S. Labor Consumer Price Index

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When is a floodway application required?

Submit if anywhere in the floodplain of a stream without a delineated floodway if the drainage area criteria is met.



Can always email us for confirmation.

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When to Submit a Joint Application Form...

- A Joint Application Form submittal is needed for **floodway construction** that requires a **formal permit**.
- A Joint Application Form needed for a permit review for a delegated community

How to Submit...

- Permit application package: **Joint Application Form**, and **project report** that outlines existing conditions, hydrology and hydraulics, and project scope
- In NE Illinois call (847) 608 3116 and setup an application meeting
- **Provide the review fee** before a technical review may begin



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IDNR/OWR Permit Program Process

Joint Application Form

Complete and Submit Joint Application Form



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When not to Submit for a Formal Permit...

A Joint Application Form submittal is not needed for floodway construction activities that:

- are not jurisdictional – drainage area criteria not met
- are authorized by a Regional or Statewide permit (minor construction),
- are an exempted activity per administrative rules (maintenance-remodeling),
- can be authorized by IDOT/DOH per Memorandum of Agreement (review taken by IDOT/DOH).



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Formal Permit 3700 Technical Review Criteria

Study the list of **exempt construction activities** such as:

Structure maintenance, dredging to original geometry, remove a culvert, etc.

Is Project a **New Bridge or Culvert**?

All flood stage increases to a max. of <0.1 feet for URBAN

All flood stage increases to a max. of <0.5 feet for RURAL

Erosive design engineering needed for some soils

Is Project **Replacement Bridge or Culvert**?

Provide documentation with letters of no damage (i.e. county engineer)

Engineer bridge with equal conveyance all flood storm frequencies, meet

New Bridge Standards, or reduce flood damages to full practical extent

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Formal Permit 3708 Technical Review Criteria

Is the proposed construction an **Appropriate Use** ?

Is Project a **New Bridge or Culvert**?

All flood stage increases to a max. of <0.1 feet

Compensatory 0-10 and 10-100-year storage needed

Erosive design engineering (evaluate flow velocities) needed for some soils

Is Project **Replacement Bridge or Culvert**?

If not source of flood damage, then 0.1 increase is ok

If existing structure causes flood damage, then study potential larger waterway openings

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Submitting a Permit Application

- Complete and Submit Joint Application Form.
- Application Form and instructions can be found at <https://www.dnr.illinois.gov/WaterResources/Pages/PermitApplicationandInstructions.aspx>
- Support Information (maps, drawings, etc.) also needed.



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Joint Application Form with the US Army Corps of Engineers and IEPA

- Application number (OWR assigns)
- Date Received (in OWR Office)
- Applicant's name (with contact info)
- Agent's name (often the Engineer)
- Statement of Authorization (allows signatory authorization for the Agent)
- Adjacent Property Owners Information
- Project Location (Latitude, Longitude and Section-Township-Range)
- Municipality of the project (in or near)

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Joint Application Form with the US Army Corps of Engineers

- Brief description of Project
- Purpose of Project
- For Dredging Projects Only
- Start Date of Project
- Projected Date of Completion
- Signature and date



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Supporting Information

- Narrative (*Meet with us, before submittal*)
- Location Map (*Show major cross streets*)
- FIRM (*use the National Flood Hazard Layer maps or FEMA Map Service Center for communities on paper maps*)
- Site Plan (*show property limits, 11x17 sheets are ok*)
- Grading Plan (*overlay existing and proposed grades*)
- Plotted Cross Sections (*especially road projects*)
- Design Construction Drawings (*PE sealed title sheet*)
- Computations/H&H Analyses (*provide digital models*)
- Engineering Report (*w/ flood damage assessments*)



Google search as:
National Flood Hazard Layer viewer

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Needed for your State Floodway Permit Submittal...

- Only one copy needed for the application form, engineering report, drawings, etc.
- Wetland reports needed by COE not IDNR/OWR
- Full set of engineering drawings (*just plan sheets for construction in the floodway*)
- Soil boring reports*
- Contract documents *

* May be needed for a dam safety submittal.



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Typical state floodway review outcomes

- Permit Not Required notification letter
- Statewide/Regional Permit #3 notification letter (Not required but OWR will issue if necessary)
- Individual Permit
- Delegation Letter for NE IL Delegated communities



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RECAP - Local NFIP Community Responsibilities

- Issue a local floodplain development permit
- If a Statewide Permit/Regional Permit #3 applies, no IDNR/OWR letter is required. The local permit review should confirm all conditions of the Statewide Permit or Regional Permit #3 apply.
- If an individual permit is required, the local permit must wait until IDNR/OWR authorizations is issued.
- The local community should inspect the site during and at the end of the project. If anything changes such that the permit conditions are no longer being met the work should be stopped and OWR contacted to discuss changes to the permitting status of the project.



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IDNR-OWR Offices

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