

Division of Water – Frequently asked floodplain questions

Q: Where can I find copies of the floodplain mapping?

A: Local floodplain administrators will have copies of the FEMA mapping. (Generally the local floodplain administrator is found in the local permitting office. This may be the building commissioner, plan commission director, or other building and planning officer in your community.) The maps can also be viewed on the FEMA website at fema.gov. The Department of Natural Resources Division of Water website at in.gov/dnr/water also has a link to the digital floodplain mapping.

Q: Who is responsible for the removal of logjams and debris from a stream?

A: The property owner is generally responsible for the removal of debris from a stream that is on or borders the property. If the stream is a regulated drain, the County Drainage Board has responsibility regarding debris removal. The Department of Natural Resources (DNR) does not provide this service. Debris removal by hand or with hand-held tools does not require a permit from the DNR. If heavy machinery will be required to remove the logjam or debris, go to the Division of Water Web site, IN.gov/dnr/water, and click on “Logjams FAQs” for guidance.

Q: I need a base flood elevation. What is it and how do I obtain it?

A: The Base Flood Elevation (BFE) is the peak level of the floodwater during the regulatory flood event. The regulatory flood is also known as the one-percent annual chance flood, floodplain, Zone A (all types) and special flood hazard area. In many cases the BFE may be obtained from the FEMA Flood Insurance Studies. These studies may be found in your local Floodplain Administrator’s office, or online at the FEMA Web site: fema.gov. If there is no information available from FEMA or your local authority, the Division of Water may be able to determine a BFE for your site. A Request for Floodplain Information form (Request for a Floodplain Analysis and Regulatory Assessment) must be completed and submitted to the Division of Water. This form is available at IN.gov/dnr/water -- click on “Forms.”

Q: If the 100–year flood event occurred last year, does this mean it won’t flood like this again for 99 years?

A: No. The phrase “100-year flood” still seems to cause confusion among the public, lenders, and insurers. “100-year flood” is an abbreviated way of describing the magnitude of rainfall and subsequent flood event that has a one-percent chance of occurring. It is important to note that the same statistical chances apply for any storm at any time in *each* year.

Q: My mortgage company is requiring me to purchase flood insurance for my home. I’ve viewed the floodplain mapping and my home is not located in a Special Flood Hazard Area. Can they still require that I purchase the flood insurance?

A: Yes. The purchase of flood insurance is mandated by law only if a structure secured by the loan is located in a special flood hazard area; however, a lender may still require the purchase of flood insurance as a condition to obtain a mortgage. Premiums will be lower for a structure located *outside* of the special flood hazard area; make certain your insurance agent correctly rates your structure.

Q: Do Federal (National Flood Insurance Program) requirements take precedence over State floodplain requirements?

A: The regulatory requirements set forth by FEMA are the minimum measures acceptable for participation in the National Flood Insurance Program. More stringent requirements adopted by the local community or State take precedence over the minimum regulatory requirements established for flood insurance availability.

Q. Will a lending institution automatically waive the flood insurance requirement if a Letter of Map Amendment (LOMA) is issued by FEMA?

A. Although FEMA may issue a LOMA; it is the lending institution's prerogative to require flood insurance as a condition of its own beyond the provisions of the Flood Disaster Protection Act of 1973 and the National Flood Insurance Reform Act of 1994 before granting a loan or mortgage. Those seeking a LOMA should first confer with the affected lending institution to determine whether the institution will waive the requirement for flood insurance if a LOMA is issued. If it will, the policy holder may cancel flood insurance coverage and obtain a premium refund. If not, amending the NFIP map to remove the structure from the special flood hazard area will generally lower the flood insurance premium.

Q: What is mitigation?

A. It is a sustained action taken to reduce or eliminate long-term risk to people and their property from hazards and their effects. Mitigation focuses on breaking the cycle of disaster damage, reconstruction, and repeated damage. Mitigation efforts provide value to the American people by creating safer communities and reducing loss of life and property. Mitigation specific to flooding includes such activities as:

- Complying with or exceeding National Flood Insurance Program floodplain management regulations.
- Enforcing flood-proofing requirements for new construction or repairing existing buildings.
- Adopting zoning ordinances that steer development away from areas subject to flooding.
- Acquiring damaged homes or businesses in flood-prone areas, relocating the structures, and returning the property to open space, wetlands or recreational uses.

Q. My home is in the floodplain and has been flooded. I want FEMA to buy my home. What do I need to do?

A. Mitigation grants are not given to individual homeowners. If a homeowner is interested in exploring a possible buyout of a home located in the floodplain, the homeowner needs to contact the City, Town or County Floodplain Administrator or the county Emergency Management Director.

Q. Will I be forced to sell my home if my community is granted funding for an acquisition project?

A. Acquisition projects funded under the FEMA Mitigation Programs are voluntary, and you are under no obligation to sell your home. Communities consider other options when preparing projects, but it may be determined by State and local officials that the most effective mitigation measure in a

location is the acquisition of properties and the removal of residents and structures from the hazard area. Despite the effectiveness of property acquisitions, it may not make you or your family whole again. Acquisition projects are based on the principle of fair compensation for property. Property acquisitions present owners with an opportunity to recoup a large part of their investment in property that probably has lost some, if not most of its value due to damage. But, it will not compensate you or your family for your entire emotional and financial loss.

Q. Will someone be able to rebuild and make a profit on the property I sell in a FEMA-funded mitigation acquisition project?

A. Under the Stafford Act, any land purchased with grant funds must be restricted to open space, recreational, and wetlands management uses in perpetuity. Most often, a local government takes responsibility, but even if a State or Federal Agency takes ownership of the land, the deed restrictions still apply.

Q. As local government representatives, we are interested in the mitigation buyout program. What do we need to do?

A. Communities wishing to apply for a mitigation grant must have a FEMA-approved and adopted Multi-Hazards Mitigation Plan. Many communities are currently developing their Multi-Hazard Mitigation Plan. Those communities may begin grant development, but are not able to submit their grants until the Multi-Hazard Mitigation Plan has been approved by FEMA and adopted by the community.

Communities interested in applying for a Mitigation Grant should contact the Indiana Department of Homeland Security Mitigation Program staff at (317) 232-3830. Mitigation Program team members will be happy to discuss the current community situation, funding availability and timing of grant application efforts, as well as any other issues or concerns regarding the grant process.

Q. What do I need to know if my building is in the floodplain?

A. Buildings in special flood hazard areas shown on Flood insurance Rate Maps (FIRMs) may be damaged when flooding occurs. Some buildings flood frequently, while others get damaged by only the more severe events.

If your home is in the 1-percent annual chance floodplain, it has a 26-percent chance of getting flooded over a 30-year period. This means it is about five times more likely to get damaged by flood than by a severe fire.

You should know that usually you can get flood insurance, if available, by contacting your regular homeowners insurance agent. FEMA recommends that everyone in special flood hazard areas buy flood insurance. If you buy a home or refinance your home, your mortgage lender or banker may require flood insurance. But, even if not required, flood insurance is a good investment, especially in areas that flood frequently or where flood forces are likely to cause major damage.

Another thing you should know is that your community may require permits for remodeling, improving, expanding, or rebuilding your building. In order to reduce long-term flood damage, the National Flood Insurance Program requires that buildings that are substantially improved or substantially damaged become compliant. This means if the cost of the improvements or repairs is more than 50-percent of the market value of the building, you will have to make it compliant with the rules for floodplain construction. Usually, this means lifting it off the foundation and elevating it above the predicted flood level. If you carry a flood insurance policy and have major flood damage, you may be eligible for up to \$30,000 more to help pay for the cost of this work.

Q. My bank said I'm in the floodplain and have to buy insurance. I don't believe it. What can I do?

A. If a lending institution is federally regulated or making federally backed loans, it must review the National Flood Insurance Program (NFIP) maps to determine if the building is located in a Special Flood Hazard Area (SFHA). The SFHA is the area that is expected to be inundated by a 1-percent annual chance flood. If the bank makes such a determination, it must require the borrower to purchase flood insurance. Please note, these determinations are purely in/out and do not involve the vertical elevation of the structure. If you disagree with the lending institution's determination, you may request that FEMA review the lender's determination. FEMA will then review the information that the lending institution used, and issue a letter that states whether FEMA agrees with the determination. Your request must be postmarked no later than 45 days after the lending institution notifies you of the flood insurance requirement and the submittal must be complete. The request must include all of the information and fees listed in the Letter of Determination Review (LODR) information sheet. If your request is postmarked after the 45-day limit has expired, or if FEMA does not receive all of the information within the 45-day limit, FEMA will not be able to review the determination and the flood insurance requirement will stand. FEMA's responses to these requests are called LODRs, and offer two basic dispositions: (1) the lender's determination stands or (2) it is overturned. FEMA's determination is based on the technical data submitted. If the lender's evidence is inconclusive or the request is incomplete, FEMA can disagree with the lender's determination. FEMA's response does not amend or revise the NFIP map for your community. It only states that FEMA agrees or disagrees with your lender's determination. Occasionally a lending institution may require insurance if it determines that a part of your lot is in the SFHA. The NFIP does not insure land. However, even if you submit evidence that your building is out of the floodplain, the bank may still decide to require insurance on your building.

Q: My home is located in the floodway. My home has not been flooded, but my neighbors were. I would like to elevate my home to the flood protection grade. Am I allowed to elevate? Will I need a permit?

A: Following several severe flooding incidents in 2007 and 2008 new legislation was passed that revised the Flood Control Act, IC 14-28-1-24(B)(2), effective March 14, 2008. The revised Act authorizes the reconstruction of residences damaged by flood if certain criteria are met.

Additionally this has been interpreted to include elevating a residence located in the floodway that has not been substantially damaged. In order to elevate your home the following criteria must be met and submitted to the Division of Water:

CHECKLIST FOR SUBMITTAL OF MATERIAL FACTS TO ELEVATE AN ABODE IN THE
FLOODWAY
SUBMITTED TO THE INDIANA DEPARTMENT OF NATURAL RESOURCES,
DIVISION OF WATER

(IC 14-28-1-24(B)(2))

- ❑ Submittal of a survey plot map of the parcel of land that contains documentation showing the dimensions of the original foundation for the abode or residence and existing ground elevations at the original foundation
- ❑ Documentation showing that the proposed reconstructed abode or residence does not extend beyond the original foundation of the abode or residence
- ❑ Documentation showing that the lowest floor elevation of the reconstructed abode will be at least two (2) feet above the one hundred (100) year flood elevation
- ❑ Documentation demonstrating that the abode or residence will be designed or modified and adequately anchored to prevent flotation, collapse, or lateral movement of the abode or residence resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy (Refer to FEMA 54 publication, page 71)
- ❑ Documentation demonstrating that the portions of the reconstructed abode or residence below the base flood elevation plus two (2) feet, will be constructed with materials resistant to flood damage (Refer to FEMA Technical Bulletin 2-93)
- ❑ Documentation demonstrating that the abode or residence will be reconstructed by methods and practices that minimize flood damages
- ❑ Documentation demonstrating that the abode or residence will be reconstructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and located to prevent water from entering or accumulating within the components during conditions of flooding (Refer to FEMA 54 publication, page 92)
- ❑ If the abode or residence will be reconstructed on solid foundation walls, documentation demonstrating that said foundation walls will have at least two (2) permanent openings (in addition to doors and windows) having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding and that the bottom of all openings shall be no higher than one foot above adjacent foundation interior grade **which must be equal to**

in elevation or higher than the exterior foundation grade (Refer to FEMA Technical Bulletin 1-93)

Q. When I see someone placing fill or building in an area that is probably a floodplain, what should I do?

A. The best way to report a possible violation of either the Flood Control Act or the Lake Preservation Act is to email the DNR Division of Water at water_inquiry@dnr.in.gov with as much detailed information as possible, including your name and contact information. Anonymous reports will also be accepted. The best way to get a quick response is to attach a map or a link to the location, such as from an aerial photo or an online mapping program, as well as digital photographs. Other information that can speed up a response includes name and contact information of property owner and/or contractor. Numerous reports of unpermitted work and a limited field staff make accurate site location information a must before the Compliance Section of the Division of Water can send an inspector. Municipal and county governments as well as other state and federal agencies may have separate permitting requirements. It is advisable to contact the local building department, too.

Q. I am thinking about buying a house on a lake but heard that there is a dam on this lake. How does a dam affect me as an owner on a lake?

A. Although it depends on the particular lake, in many cases the homeowners (or association) on a lake that is created by a dam are financially responsible for maintaining the safety and structural integrity of the dam. Many dams have been neglected for years. Repairs to fix structural deficiencies in dams can run up to several hundred thousand dollars or higher. Owners of dams that are classified as “high hazard,” i.e., those that have the potential to cause loss of human life, serious damage to homes and other buildings, as well as interrupt service if they fail, are required to provide inspection reports to the DNR once every two years. A dam that has serious safety issues may result in an order to completely dewater the lake if reports are not filed regularly, or if required repairs are not completed. Property, homes, and/or associated structures located below the top of dam elevation will likely get flooded. In many situations, the homes are located above the small 100-year pool elevation but within the flood pool for larger events. There is also significant liability in owning a dam (individually or as an association) if the structure fails. Indiana’s regulations regarding dams, general guidelines for new dams and improvements for existing dams, and the Indiana Dam Inspection Manual can be found on the Division of Water website, dnr.IN.gov/water.

Q. I just found out that there is a dam upstream of my house. How do I find out if the dam is legal and is being inspected regularly?

A. Contact the Division of Water Dams and Levees Section by requesting that information through the Water Inquiry email address water_inquiry@dnr.IN.gov. Make sure you provide a map indicating the site and include an exact location description of the dam.

Q. There is a small stream right out behind my walkout basement. I checked the FEMA maps and there is no floodplain shown for my area. That means I am safe, right?

A. All streams have a floodplain (which includes a floodway). Many of the smaller streams (and some of the larger streams) in rural areas have not been mapped but they still have floodplains and will flood. It is quite possible that your home is in a floodplain. You should look into flood insurance and investigate ways to protect your home.

Q. My neighbor dumped several loads of dirt along the property line, and now each time it rains he floods my driveway. Can you arrest him?

A. It sounds like what you are referring to is storm water runoff. The DNR does not have the authority to regulate storm water runoff. Check with your local permitting office to see if your community has adopted stormwater regulations that may apply. If the flooding is damaging property, and there is no local requirement to correct the problem, you may wish to work things out with the neighbor.

Q. My neighbor filled his backyard, and it now causes my yard to flood each time we get moderate rainfall. He told me that DNR approved it. How can that be since it causes my property to flood?

A. It is possible that while his fill causes flooding problems during the more frequent, normal rainfall events, the fill causes an insignificant increase during a 1 percent annual chance flood (commonly referred to as a 100- year flood) due to the sheer volume of floodwater during such an event. DNR permits are based on regulations (Flood Control Act and Indiana Floodplain Management Rules) that pertain to the effect of fill or obstructions during the regulatory flood, also known as the 1 percent annual chance flood event. DNR does not regulate the smaller but more frequent floods. Instead, it considers them to be localized drainage issues. Check your local permitting office to see if your community has adopted storm water regulations or other rules to address localized drainage issues.