State/local standards
Federal Regulations
Federal Guidance/Technical Bulletins
When is fill not really fill?
Community Acknowledgment Form: What knowledge? Who has the knowledge?
Role of the surveyor/engineer
FORMS

MT-1s vs. MT-2s

LOMAs vs. LOMRs

• Letters of Map Change (LOMCs)
• MT-EZ Map Amendments
• MT-1s Map Amendments or LOMAs
• MT-2s Map Revisions or LOMRs
LOMC – Letter of Map Change

- Reflects an official revision to an effective Flood Insurance Rate Map (FIRM)
- Issued in place of the physical revision and republication of the effective map

Supports Risk MAP Vision
- Incorporates more detailed data
- More accurate risk assessment
- Better tools for planning and mitigation
Endangered Species Act of 1973, Section 7

• Requires Federal agencies to ensure actions they authorize, fund, or carry out do not jeopardize listed species

• Fish & Wildlife Service and National Marine Fisheries Service (“the Services”) implement the ESA

• ESA compliance must be shown for all CLOMRs and CLOMR-Fs submitted as of October 1, 2010

• DNR Role? We have no role.
Must submit one of these documents from the Services:

- Incidental Take Permit
- Incidental Take Statement
- “Not likely to adversely affect” determination from the Services
- An official letter from the Services concurring that the project has “No Effect” on listed species or critical habitat

FEMA may deny CLOMR/CLOMR-F if the project may harm a species or habitat

For more information, Google “FEMA Procedure Memorandum 64”
What Are Lenders Responsibilities?

Required lender actions through National Flood Insurance Reform Act of 1994:

• Determine whether building is located in SFHA

• Document determination

• Require that flood insurance to the appropriate limit be maintained (usually loan value or replacement value)

• Over the term of the loan, ensure flood insurance is maintained or added if building is mapped into the SFHA
Community Officials’ Responsibilities

Required community official actions:

• Adopt and administer regulatory standards meeting the minimum state and federal requirements

• Require permits for all development in the SFHA

• Review floodplain projects to ensure compliance

• Initiate enforcement actions as needed and cooperate fully with state and federal agencies in resolving outstanding CAV violations and other compliance actions
Property Owners Responsibilities

Required property owner actions:

• Comply with community zoning standards

• Purchase flood insurance; or

• Apply for LOMA, LOMR-F, etc. if they want to remove insurance requirement
Title 44 of the Code of Federal Regulations Parts 65 and 70 provide procedures for FEMA to review scientific and/or technical data to create Letters of Map Change (LOMCs)
Map Amendments (MT-EZ and MT-1)

LOMA  Letter of Map Amendment
CLOMA  Conditional Letter of Map Amendment
LOMR-F  Letter of Map Revision Based on Fill
CLOMR-F  Conditional Letter of Map Revision Based on Fill
eLOMA  Electronic Letter of Map Amendment
LOMA: A letter from FEMA stating that an existing structure or parcel of land that has not been elevated by fill (natural grade) would not be inundated by the base flood.

CLOMA: A letter from FEMA stating that a proposed structure that is not to be elevated by fill (natural grade) would not be inundated by the base flood if built as proposed.
LOMA or CLOMA

Results from limitations or inaccuracies in the base mapping used for Flood Insurance Studies.

Based on natural ground, **without fill or other physical changes to the SFHA, NFIP regulatory floodway, or BFEs.**

CLOMAs may be required by the community in order to obtain a building permit. (Requires submittal of certified as-built data after project completion for a LOMA to be issued).
LOMR-F: A letter from FEMA stating that an existing structure or parcel of land that has been elevated by fill would not be inundated by the base flood.

CLOMR-F: A letter from FEMA stating that a parcel of land or proposed structure that will be elevated by fill would not be inundated by the base flood if fill is placed on the parcel as proposed or the structure is built as proposed.
LOMR-F or CLOMR-F

Fill placement is/will be outside the NFIP regulatory floodway. Fill in floodway requires a study and LOMR/CLOMR process.

Community acknowledges the placement of fill and concurs that all floodplain management requirements will be met.

In Wisconsin fill must be two feet above BFE and building site must have dryland access.

CLOMR-Fs may be required by the community in order to obtain a building permit. (Requires submittal of certified as-built data after project completion for a LOMR-F to be issued).
MT-1

- May be used for all LOMAs, CLOMAs, LOMR-Fs, and CLOMR-Fs

MT-EZ

- May only be used for LOMAs
- Single structure/lot
- Must be outside of floodway
Data Required For LOMA

- Property Information Form
- Recorded deed or plat map
- Local parcel map showing property
- Elevation Form or Certificate
- Effective FIRM Panel
Plat maps

Certified Site Survey

ESA Compliance: Procedure Memorandum No. 64

Mettes and bounds descriptions and accompanying maps

BFEs for Zone A areas
Technical Bulletin 10-01 Basement Requirements

Two Options

• Ground surface around the building at/above BFE
• Filled area extends at least 20 feet from foundation wall
• Fill is at least five feet below the basement floor slab
• Fill meets Proctor standard for compaction
• Fill must be homogeneous and isotropic
• Basement floor should be less than five feet below BFE
• Adequate drainage system with sump pump

• If these standards can’t be met, a licensed soils engineer or geologist can perform an analysis looking at soil depths, types and stratification layers

• If neither option can be met, the local official should not sign the community acknowledgment form
Administrative Options

• Require building sites to be identified on subdivision plats

• Require grading plans as a condition of issuing fill permits

• Require setback zones around filled sites

• Either prohibit basements in filled areas or require engineered basement designs
Property Information Form

FEDERAL EMERGENCY MANAGEMENT AGENCY
PROPERTY INFORMATION FORM

This form is required to be completed by the property owner, property owner's agent, licensed land surveyor, or registered professional engineer to support a Letter of Map Amendment (LOMA), Letter of Map Amendment (LOMR-F), or Letter of Map Revision based on FEMA (LOMR-F) for existing or proposed, single or multiple line structures. Please check the item below that pertains to your request:

- LOMA
  A letter from FEMA stating that an existing structure or parcel of land that has not been elevated by fill (natural process) would not be inundated by the flood event.

- LOMR-F
  A letter from FEMA stating that an existing structure or parcel of land that has been elevated by fill would not be inundated by the flood event.

- CLMR-F
  A letter from FEMA stating that a parcel of land or proposed structure that will be elevated by fill would not be inundated by the flood event.

1. Street Address of the Property (if request is for multiple structures, please attach additional sheet):
   1363 Briscoe Road

2. Legal description of Property (Lot, Block, Subdivision) (if street address cannot be provided):
   Tax ID: #6-29-175-005

3. Are you requesting that the SFHA designation be removed from this structure?
   - Yes
   - No

4. (Check one):
   - single structure
   - single lot
   - multiple structures (how many structures are involved in your request? List the number: )
   - multiple lots (how many lots are involved in your request? List the number: )

In addition to this form (N-F-1 Form 1), all requests must include the following:

- Copy of the Plot Map for the property (with recordation data and stamp of the Recorder's Office) OR
- Copy of the property deed (with recordation data and stamp of the Recorder's Office), accompanied by a tax assessor's map or other map showing the surveyed location of the property relative to floodplains and watercourses
- Copy of the effective FEMA Form and/or Flood Boundary and Floodway Map (FBFM) (if applicable) or on which the property location is accurately plotted (property inadvertently located in the NFIP regulatory floodway will require Section 3 of N-F-1 Form 3)
- Form 2 - Elevation Form. If an Elevation Certificate has already been completed for this property, it may be submitted in addition to Form 2.

Please include a map scale and north arrow on all maps submitted.

For LOMR-Fs and CLMR-Fs, the following must be submitted in addition to the items listed above:
- Form 3 - Community Acknowledgement Form
- Form 4 - Acknowledgement Form

Schedule:

- [ ] 300 (single lot or structure)
- [ ] 250 (single lot or structure)
- [ ] 150 (multiple lots or structures)
- [ ] 50 (multiple lots or structures)
- [ ] 0 (multiple lots or structures)

Marco B. Jones

Applicant's Signature

If you have any questions concerning FEMA policy, or the NFIP in general, please contact the FEMA Map Assistance Center toll free at 1-877-FEMA MAP (1-877-336-2627), or visit the Flood Hazard Mapping website at www.fema.gov/zhd.html.
EXECUTOR'S DEED

This Deed is made between the

Executor of the Estate of

Loven Park, Illinois, 61131, Executor of the Estate of

of the City of Rockford, County of DeKalb, State of Illinois, herein referred to as

an unmarried man, of

DeKalb, Illinois, 60115, referred to as Grantor.

In consideration of Ten and 00/100 Dollars ($10.00) paid to Executor by Grantee, the receipt of which is acknowledged, Executor hereby conveys to Grantee, his heirs and assigns, the following real property:

Data Timelines

Once all data received: minimum of 60 days for determination from FEMA

If additional data are required: Requestor (you) has 90 days to submit that data
LOMA-Out As Shown

Determination type – not an application

Use MT-EZ application form

Situation where certified elevations are not needed

No EC required

Fewer than 10% of LOMAs Received

Before submitting, check with lender and ask if they will accept additional data for reconsideration
LOMA’s In Zone A Areas

What if there is no BFE on the map?

Possible data sources include:

• U.S Army Corps of Engineers

• State agencies (i.e. Department of Natural Resources, Department of Transportation, etc.)

• Local community’s Engineering, Planning, or Building Department

• Regional Planning Commission
Zone A Manual and Quick-2

Provides guidance for developing BFEs in Zone A

Only used for issuing LOMA and determining whether flood insurance purchase requirements apply

Cannot be used for issuing zoning or building permits in Wisconsin

Only an engineering study which meets the standards in NR 116 is valid
When is the Community Acknowledgment form needed?

- LOMR-F / CLOMR-F (Section A)
- Involves a structure or property that has been inadvertently included within the NFIP regulatory floodway (Section B)

Why is the form needed?

- Provides FEMA written assurance that the community is aware that the structure or property is located within the NFIP regulatory floodway and meets all community floodplain management requirements (Section B)
Why is the form needed (continued)?

• Provides FEMA with written assurance that the LOMR-F / CLOMR-F request meets / will meet the minimum floodplain management requirements of the NFIP (Section 60.3) and is reasonably safe from flooding (Section A)

• Existing residential structures have their lowest floor elevated to or above the BFE

• The community has issued all permits for existing or proposed construction or other development

• There have been no encroachments to the NFIP regulatory floodway
Who can complete the form?

• Community official responsible for floodplain management

What does it say?

Based on the community’s review, we find that the completed or proposed project meets or is designed to meet all of the floodplain management requirements:

• No fill in the floodway
• All permits have been or will be issued
• Removed parcel/structure(s) will be reasonably safe from flooding as defined in 44CFR 65.2(c), which states that: “base flood waters will not inundate the land or damage structures to be removed from the SFHA.”
Common Application Problems

- Forms not signed or dated
- Elevation datum not included (1988 or 1929)
- Multiple buildings on property, not identified
- Deed/Plat not recorded
- Community Acknowledgement
- Form left blank at top
The current effective FIRM was issued January 30, 1980 and doesn’t show Mr. Smith in the regulatory floodway – although it does show him in the SFHA.

Due to a project completed downstream last year (and a consequent LOMR), Mr. Smith’s property is now partially included in the regulatory floodway and SFHA.

Elevation data shows his property to be above the new BFE and he wants to have his entire property removed from the SFHA and floodway – what type of LOMC should he submit?
Mr. Smith should request a LOMA and must include Part B (floodway removal) of the Community Acknowledgment Form with his application.
Mrs. Schwartz lives in a house that was built in 1980 and knows that fill was placed on the property during construction. The first FIRM was issued for the area in 1985 (there was no previous FBFM). A new study was recently approved and a new FIRM issued, which placed Mrs. Schwartz’s property in the Special Flood Hazard Area.

She wants to have her property removed, as it hasn’t flooded in the twenty years that she’s been there.

What type of Letter of Map Change should Mrs. Schwartz request?
Because the fill was placed on the property prior to the issuance of the first Flood Insurance Rate Map, it’s classified as natural ground. Therefore, Mrs. Schwartz need only request a LOMA (as opposed to a LOMR-F with fee).
There is a large development called Greene Acres located near a river. There was a new FIRM issued three years ago which placed the majority of the subdivision into the SFHA. There have been fifty LOMAs with removal determinations issued for the area in this period of time, and there are another hundred property owners who think they are unnecessarily paying for flood insurance and want to be removed as well. They’re wondering what the most efficient process will be for group removal.
Instead of requesting such a large quantity of LOMAs (and each property owner needing to pay for a survey), it would be best to request a Letter of Map Revision. This would revise the entire development (with one application), which has obviously been inadvertently included in the SFHA, and alter the area to create a new SFHA which more accurately illustrates the likelihood of flooding.

They could apply for a multi-lot LOMA, but it’s likely to be cheaper to pay for a new study rather than a comprehensive survey of the entire subdivision.
What is an eLOMA?

- eLOMA is a Web-based application within the Mapping Information Platform (MIP) that provides Licensed Land Surveyors and Professional Engineers (Licensed Professionals) with a system to submit simple Letter of Map Amendment (LOMA) requests to FEMA.

- Map determination companies that are NFDA members can also submit eLOMAs (Certified Professionals).

- Only existing single residential structures or entire legally recorded properties qualify.
Why use eLOMA?

• It is fast and easy

• eLOMA requests audited by FEMA are processed within 5 business days of receiving all required supporting data from the Licensed Professional

• FEMA performs random audits of eLOMA submittals
eLOMA

May be used for LOMA requests for single structures or single lots

eLOMA Limitations:

• Must not contain fill
• Must be in a detailed studied areas AE, A1-30, or AH (No A, V, AO, or D zones)
• Must not be in a floodway
• No multi-lot requests
• Must not be a metes and bounds request
• CLOMR/LOMR

• CLOMRs are for proposed projects

• FEMA’s comment on the effects that a proposed project would have on the FIRM

• Does not revise map; must be followed by a LOMR request when project completed

• Not a permit

• Not a substitute for DNR review/approval
When is a CLOMR required?

- Encroachment upon the floodway
  - BFE increase > 0.00 foot between proposed and existing conditions

- Encroachment upon a Zone AE floodplain with no floodway
  - BFE increase > 1.00 foot between proposed and existing conditions
  - Includes all existing and anticipated development
LOMR

A letter from FEMA officially revising the current NFIP map to show changes to floodplains, floodways, or flood elevations

Does not republish effective FIRM and FIS

Annotated maps, profiles, and tables are attached to the letter

Requires DNR review/approval
When is a LOMR Required?

• Any change (increases or decreases) in BFE or floodplain boundaries resulting from physical changes or new studies

• Changes involving:
  • Floodways
  • Properties in alluvial fan areas
  • Coastal high hazard areas
Typical examples:

- New or more detailed analyses
- Updated hydrology
- Additional hydraulic information (more cross-sections, etc.)
- New topographic information
- No previous study (Zone A)
- Physical changes
- Projects (bridge/culvert, channelization, levee, etc.)
- Natural changes (erosion, subsidence, etc.)
• Required for any project that affects the BFE

• A community must notify FEMA within 6 months of the changes

• Requests for changes to effective maps must be initiated by community’s CEO or CEO’s designee (floodplain administrator)

• Community is ultimately responsible and must concur with revision

• A community has the right to request changes to any of the information on the FIRM
Application Materials

- Application/Certification Forms (MT2 Forms)
- Community Concurrence
- State Approval
- Review Fees (if applicable)
- H&H Analysis
- Topographic Workmap
- Annotated FIRM
- Certified Design Plans or Survey Data (if applicable)
- Property Owner Notifications (if applicable)
- Public Notification (if applicable)
65.12 Requirements

- Property owner notification – for areas where the project will increase the BFE, relative to existing conditions
- No structures impacted - certification that no insurable structures are affected by the increased BFE’s
- Evaluation of alternatives – can the project be redesigned to avoid increases? Why not?
- Endangered Species Act compliance
Community Responsibilities

• Floodplain Administrator signs MT-2 Forms or provides letter that includes “reasonably safe from flooding” certification and meets ESA requirements

• By signing, community is certifying that fill placed on site and any basements or crawl spaces will meet the standards in Tech Bulletin 10-01.

• Every community affected must sign off
Individual Legal Notices

- Sent to all property owners adversely impacted by increase in water surface elevation or SFHA
- Explain location and magnitude of increase
- Can also be done as a public notice

Public Notice
- Published in local newspaper
- Location and magnitude of increase and decrease or shift in the floodway

OR

- Certification from community that “all affected property owners have been notified of the floodway revision”

NOTE:
Also required for SFHA, BFE, and Floodway establishment. Templates found in the instructions for the MT-2 Forms.
Prior to December 1, 2011

• Appeal period only for LOMRs with changes to BFEs

• LOMRs could become effective immediately with property owner pre-acceptance

As of December 1, 2011

• Appeal period for all revisions to flood hazard information:
  • BFEs
  • Floodway Boundaries
  • Floodplain Boundaries

• Nearly all LOMRs are effective ~4.5 months after issuance

• Exceptions include reissuances and revisions to non-flood hazard information
Common Problems

- Inadequate narrative
  - Describe purpose
  - Explain methodology
- Fees – exempt vs. required
- Project area vs. revised reach (must tie-in)
- Wrong effective model used (should consider other LOMRs)
- Does not use FEMA-approved hydrologic and hydraulic models
Fee-Exempt Projects

- Correct error in effective information
- Based on natural changes within SFHA
- Flood-control project $\geq$ 50% federally funded

Any request involving manmade modifications within the SFHA will require a review fee:

- Regardless of whose project it was
- Except federally funded flood control project
- Regardless of when it was constructed
- Except pre-FIRM projects
Q: Name the three individuals that must sign the MT-2 concurrence form.

Answer:

1. Requestor (property owner)
2. Community floodplain administrator
3. Licensed Professional Engineer
Q: Name the three regulatory requirements for CLOMR approval.

Answer:

1. Property owner notifications
2. Certification – no structures impacted
3. Evaluation of alternatives
Which of the scenarios below requires a review fee?

A. CLOMR for a bridge replacement
B. LOMR based on new topographic data
C. LOMR to establish BFEs in a Zone A area
D. LOMR for a federally funded coal-fired power plant
E. LOMR that includes a culvert that was built 5 years ago
Q: How many key components of a LOMR application can you name?

- Application/Certification Forms (MT2 Forms)
- Community Concurrence
- State Approval (if applicable)
- Review Fees (if applicable)
- H&H Analysis
- Topographic Workmap
- Annotated FIRM
- Certified Design Plans or Survey Data (if applicable)
- Property Owner Notifications if increase in BFE or SFHA
- Public Notification if floodway is revised
Q: What is the turnaround time for LOMRs/CLOMRs?

• 90 days

Q: Once a CLOMR is issued, how long before it is effective?

• Immediately!

• For LOMRs it’s 4.5 months because of the appeal period

Q: How long does the typical LOMR/CLOMR take to process?

• Usually 6-12 months, but it can take longer

• Not including the 4.5 months for the appeal period
Important Public Service Announcement

If you don’t respond to FEMA’s request for information by the due date, these are the consequences:

• You must apply again
• You must pay another review fee; and
• your project will be assigned to a new reviewer
The effective model is old and no longer accurate. However, it still should be used as the starting point for LOMR/CLOMR hydraulic modeling. True

There is a new study in my CLOMR area that just went preliminary. I should base my CLOMR on the preliminary modeling because it is the newest and best available data. True

But be aware:
- The LOMR must be based on effective data (Model)
- The preliminary could change or be delayed
FEMA Mapping Information eXchange (FMIX)

1-877-FEMA-MAP (1-877-336-2627)

• Formerly FEMA Map Assistance Center (FMAC)

• First point of contact for questions concerning the NFIP

• Hours of operation: Monday through Friday 7:00 a.m. to 5:30 p.m.

• New Live Chat Service (8:00-4:00)
MT-EZ

http://www.fema.gov/plan/prevent/fhm/dl_mt-ez.shtm

• To request a LOMA for a single structure or parcel

MT-1

http://www.fema.gov/plan/prevent/fhm/dl_mt-1.shtm

• To request a multiple-lot or multiple-structure LOMA, CLOMA, LOMR-F, or CLOMR-F

MT-2

http://www.fema.gov/plan/prevent/fhm/dl_mt-2.shtm

• To request a LOMR or CLOMR
Map Service Center (MSC)

- View and order copies of effective FIRMs and FIS reports
- Create and print FIRMettes
- View and print copies of LOMCs (search by FIRM panel, community, or case number)
Engineering Library

- Archival and maintenance of technical and administrative support data
- Hydrologic and Hydraulic Backup Data
- Topographic Mapping
- Survey Notes (from FIS productions)
- LOMCs
- Preliminary Maps
- Digital Mapping Files
- FEMA computer programs and user manuals
- Fee waived for participating communities
The address for submitting all LOMC applications has changed

LOMC Clearinghouse
847 South Pickett Street
Alexandria, VA 22304-4605

MIP – Mapping Information Platform

Check status of a study or LOMC review