

MT DNRC

Floodplain Resource Seminar 2012

Alterations/Changes to the Flood Insurance Rate Map

Thru LOMCs

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What we are going to address today...

How to make changes to the map
SFHA delineation (w/ or w/o BFEs)
BFE changes
SFHA designation

- What are LOMCs
- When a lender says you're "in"!
- When is a LOMR required
- When is a CLOMR required
- Approximate A zones and LOMCs



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What is Development

- Any man-made activity in the Special Flood Hazard Area to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.
- A FLOODPLAIN DEVELOPMENT PERMIT IS REQUIRED FOR ANY ACTIVITY IN THE Special Flood Hazard Area (ANY ZONE BEGINNING WITH “A”)



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What are the flood zone designations and what do they mean?

- Any Zone beginning with “A”
 - (unnumbered or Approximate) A zones – NO BFEs
 - A1-A30 (BFEs available)
 - AE (BFEs available)
 - AO (depth)
- **Is regulated and requires a floodplain development permit**
 - Even if the work is done by the community itself (such as Public Works) or by the County Highway department!!!
 - Aka “Special Flood Hazard Area”, FEMA floodplain, regulatory floodplain, high (flood) risk area, 100-year floodplain, 1% chance of exceedance
 - Expensive premiums



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What are the flood zone designations and what do they mean?

- Zones B, C, (shaded or unshaded) X
 - Low-to-moderate flood risk
 - NON regulatory
 - Lower insurance premiums
- **Zone D**
 - Area of undetermined flood risk
 - NON regulatory
 - **Expensive premiums (b/c the flood risk is unknown)**



Letters of Map Change (LOMCs)

- There are 6 kinds
 - LOMA, CLOMA, LOMR-F, CLOMR-F, LOMR, CLOMR
- There are 3 forms
 - MT-EZ, MT-1, MT-2
- Most cost money to submit
 - **LOMA – FREE!!!**
 - CLOMA - \$500-\$700
 - LOMR-F - \$325-\$800
 - CLOMR-F - \$500-\$800
 - LOMR/CLOMR - \$4,400-\$7150
- Some are voluntary actions; others are required
 - LOMAs, LOMR-Fs are voluntary
 - LOMRs are required when the project/property in question is in a reach that has BFEs defined on the FIRM



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What is the purpose of a LOMC?

- Through a process collectively called a Letter of Map Change, a property owner, developer, or other entity **may** or **must** (depending on type of project, map information, and other factors) submit a record of site-specific information to FEMA to officially record the change in flood risk.
 - **MAY**: LOMAs and LOMR-F are voluntary
 - **MUST**: LOMRs are required within 6 months of completion of project when BFEs are provided on the FIRM



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What are LOMCs?

Letters of Map Change

- **Letter of Map Amendment (LOMA)**
 - Small scale changes, such as a single residential lot at natural grade or multiple structures/lots at natural grade
 - Letter from FEMA - the map is “modified” by the Letter; a new map panel is not produced
 - Effective on the date sent
 - Requires a surveyor – costs are not re-imbursible
 - Used to remove a structure/property (if criteria is met) from the SFHA, and thus remove mandatory purchase of flood insurance



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What are LOMCs?

Letters of Map Change

- **Letter of Map Revision Based on Fill (LOMR-F)**
 - Small scale changes; residential or commercial structure(s)/lot(s) where fill has been placed to elevate the land to at/above the BFE
 - If fill is placed in floodway, a no-rise certification must be approved by the regional office before the LOMR-F can be processed.
 - Letter from FEMA - map is “modified” by Letter; a new map panel is not produced
 - Effective on the date sent
 - Requires a surveyor – costs are not re-imbursible
 - Used to remove a structure(s)/property(s) (if criteria is met) from the SFHA, and thus remove mandatory purchase of flood insurance



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What are LOMCs?

Letters of Map Change

- **Letter of Map Revision (LOMR)**
 - Large changes to the map, such as a structural changes like bridge/culvert replacement, channelization, or other flood control projects or subdivisions with structural changes
 - **LOMRs are required within 6 months of completion of project when BFEs are provided on the FIRM**
 - Requires a P.E. to perform a detailed H&H analysis
 - Letter from FEMA - map is “modified” by Letter; “mini-maps” either 8.5x11 or 11x17
 - **Effective date identified in determination letter**
 - Used to:
 - Request a change to the BFE or SFHA
 - Request a change to the regulatory floodway boundary delineation
 - Request a change (to BFE or floodway boundary delineation) involving property and/or structures that have been elevated by fill placed within the regulatory floodway



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What are **CONDITIONAL** LOMCs?

- **CONDITIONAL** Letters of Map Change
 - FEMA's comment on a proposed project – used to ensure compliance or project the change in the mapped flood risk
- **CONDITIONAL** Letter of Map Amendment (CLOMA)
 - **PRE-CONSTRUCTION**
 - FEE TO APPLY
- **CONDITIONAL** Letter of Map Revision Based on Fill (CLOMR-F)
 - **PRE-CONSTRUCTION**
 - Range of fees
- **CONDITIONAL** Letter of Map Revision (CLOMR)
 - **PRE-CONSTRUCTION**
 - Large changes to the map
 - Range of fees
 - ***ARE REQUIRED IN SOME CIRCUMSTANCES***



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CONDITIONAL LOMCs

- ***CONDITIONAL LOMCs do not remove the mandatory purchase of flood insurance requirement.***
- A CLOMC is FEMA's comment on the proposed plan (are you going down the path of compliance?)
- Does not revise or amend the map.
- **PRECONSTRUCTION!**



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LOMC forms

■ MT-EZ

- Single structure/lot
- Natural grade (no fill)
- Existing single structure or lot: FREE!! (LOMA)
- **Proposed** single structure/lot: fee to apply; \$500 (CLOMA)

■ MT-1

- Single structure/lot with fill
 - Existing structure/lot; fee to apply: \$325-\$425 (LOMR-F)
 - **Proposed** single structure/lot; fee to apply: \$500 (CLOMR-F)
- Multiple structure/lots with fill
 - Existing: fee to apply: \$700-\$800 (LOMR-F)
 - **Proposed**; fee to apply: \$700 (CLOMR-F)
- **Multiple structure/lots at natural grade**
 - Existing: FREE!! (LOMA)
 - **Proposed**; fee to apply: \$700 (CLOMA)
- **Fill in floodway**
 - **A no-rise must be approved by regional office prior to processing request; no change in BFE allowed**



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LOMC forms

- MT-2
 - New hydrology
 - More detailed H&H
 - Modify the BFE, floodway boundary delineation, or SFHA delineation (no BFEs)
 - Record structural changes such as bridge/culvert, channelization/re-alignment, levee construction , or other flood control improvements
 - CLOMRs/LOMRs: range of application fees \$4,400 - \$7,150
 - FEE EXEMPTIONS
 - Changes based on mapping/study errors
 - Changes based on natural changes within the SFHA
 - Federally funded flood control projects
 - Changes based on detailed H&H to replace approximate studies
 - **IMPROVEMENTS TO FLOOD MAPS OR STUDIES THAT PARTIALLY OR WHOLLY INCORPORATE MANMADE MODIFICATIONS WITHIN THE SFHA (SUCH AS BRIDGE OR CULVERT REPLACEMENT) WILL NOT BE EXEMPT FROM FEES.**



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Letters of Map Amendment and

Letters of Map Revision based on Fill

What are they used for?



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My Lender Says I'm "in"....

- How did this happen?
- What does it mean?
 - Escrow requirements
 - Insurance requirements
- What can I do about it?
 - LOMA/LOMR-F



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What are LOMAs and LOMR-Fs?

- Because of topography or limitations of (map) scale, small areas may be inadvertently shown within an SFHA on a FIRM even though the property (either legally defined parcel(s) of land or structure[s]) is on natural ground and is at or above the elevation of the 1-percent-annual-chance flood.
 - Such cases are referred to as "inadvertent inclusions"



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What are LOMAs and LOMR-Fs?

- Recognizing that such situations of “inadvertent inclusion” occur, FEMA established administrative procedures to change the designation for these properties via letter (as opposed to republishing the map panel).
- These procedures are referred to as the Letter of Map Amendment (LOMA) process and the Letter of Map Revision Based on Fill, (LOMR-F) process.
 - Through these processes, an individual who owns, rents, or leases property **may** submit certain mapping and survey information to FEMA and request that FEMA issue a document (not a map) that officially removes a property and/or structure from the SFHA.
 - In most cases, the applicant will need to hire a Licensed Land Surveyor or Registered Professional Engineer to prepare an Elevation Certificate or Elevation Form for the property.
 - Upon receiving a complete application forms package, FEMA will normally complete its review and issue its determination within **90 days**.



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What are the data requirements to get out

- Cross section of river
- Elevations
 - Requires a surveyor; costs are not re-imbursible
 - structure/property
 - Lowest Adjacent Grade (LAG) or Lowest Lot Elevation (LLE)
- BFE/documentation
 - Quick 2 program or FEMA 265 methods
- Plat map
- FIRMette
- **LOMR-Fs (MT-1 form) only -**
 - **Signed Community Acknowledgement Form**
 - **Application fee**



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Elevation certificate/elevation form

- Elevation Certificate
 - Used only for structures (not for land)
 - Can be used to support LOMA/LOMR-F application
 - BTW, required for insurance rating of post-FIRM structures in SFHA
 - Can be used by floodplain administrator to document compliant structure
- Elevation form
 - DHS - FEMA Form 086-0-26A, FEB 11
 - Form is part of MT-EZ and MT-1 package
 - Can be used for either structure or land



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Out-as-shown

- MT-EZ form only
- **Single residential lot @ natural grade only**
- No survey required
- No fee to submit
- Appropriate for a large tract of land
- Property owner can complete and submit
- Can use Google Earth to determine lat/long of structure
- See handout



LOMA - Basis of Determination

- Structure only
 - Comparison of the BFE with the elevation of the Lowest Adjacent Grade (LAG) to the structure, including attached decks, deck posts, stairs, window wells, or garages.
- Land
 - To remove the SFHA designation from a legally defined property or portion of property (with or w/o a structure), the elevation of the lowest ground on the property must be at or above the BFE.



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LOMR-F - Basis of Determination

- Structure only
 - When fill has been placed.
 - Comparison of the BFE with the elevation of the Lowest Adjacent Grade (LAG) to the structure, including attached decks, deck posts, stairs, window wells, or garages
 - Completed **Community Acknowledgement Form**.
- Land
 - When fill has been placed.
 - To remove the SFHA designation from a legally defined property or portion of property (with or w/o a structure), the elevation of the lowest ground on the property must be at or above the BFE.
 - Completed **Community Acknowledgement Form**.



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LOMA/LOMR-F – Basis of Determination Special Considerations

- In areas of shallow/sheet flooding (**AO zone**), the **LAG** must be **above** the surrounding grade by an amount equal to or greater than the depth shown on the map.
 - $LAG \geq AO \text{ depth}$
- If the lowest floor of the building has been elevated on posts, piers, or pilings above the BFE and any portion of the structure (including posts, piers, or pilings) is still below the BFE, **the building will not be removed from the SFHA.**



Effects of LOMA or LOMR-F

Determination – for the property owner

- If the determination is for **REMOVAL**, then the requirement for mandatory purchase of flood insurance does not apply.
 - HOWEVER, the lender may choose (since technically they still own the structure) to require the borrower to carry flood insurance. If this situation occurs, the premium will be rated based on low-to-moderate flood risk.
 - With a **REMOVAL** determination, the property owner would send a copy of the FEMA determination to the lender. The lender will send a letter back relieving the property owner of the mandatory purchase requirement. The property owner then takes both the FEMA letter and the lender's letter to the insurance agent to **request a refund** for the current year insurance premium.
 - The property owner can choose to carry flood insurance; the premiums will be lower since the structure/property is determined to be low-to-moderate risk.
 - A copy of the determination is sent to the community repository for record keeping and is also available to download from the FEMA Map Service Center.



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Effects of LOMA or LOMR-F Determination – for the floodplain manager

- If the determination is for **REMOVAL**, then the requirement for administration (i.e. floodplain development permit) do not apply.
 - Remember – if it is a CLOMA or CLOMR-F, the requirements DO STILL apply.
WHY????????????????????



LOMRs and CLOMRs



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Compliance with the Endangered Species Act (ESA) for CLOMOCs

- The guidance is for the compliance with the Endangered Species Act (ESA) for Letters of Map Change. The purpose of the ESA is to conserve threatened and endangered species and the ecosystems upon which they depend.
- **CLOMR-Fs, CLOMRs**
 - ESA compliance **MUST BE DOCUMENTED** to FEMA **PRIOR** to issuance of CLOMR-F or CLOMR.
 - FEMA **MUST** receive confirmation of a completed consultation (may be conducted with USFWS by phone, email, or letter) of ESA compliance from the U.S. Fish and Wildlife Service. In some circumstances, FEMA may have to participate in the consultation between the CLOMR-F/CLOMR applicant and USFWS.



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When is a CLOMR Required

- BFEs provided on map, no floodway defined
- 44 CFR 60.3 (c)(13)
- If the community proposes to allow development that would result in more than a 1.0 foot increase in the BFE, a CLOMR *with detailed analysis* must first be obtained.
 - **For Montana, the increase is 0.5 foot.**
 - **BTW, floodplain administrators should be requiring from the applicant a detailed analysis to demonstrate what, if any, rise to the BFE will occur.**
 - **Do not approve permit before CLOMR is approved by FEMA!**



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When is a CLOMR required

- BFE and floodway defined
- 44 CFR 60.3 (d)(4)
- If the community proposes to allow development totally or partially within the floodway that would result in any (greater than 0.0 foot) increase in the BFE, a CLOMR must be obtained.
- Even if there are to be no proposed changes, as part of the permitting process, the applicant must still demonstrate through detailed analysis that the rise in the floodway is no more than 0.00 feet. (44 CFR 60.3 (d)(3))



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WHEN IS A LOMR REQUIRED?

44 CFR 65.3

- 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.*



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When a LOMR is required...

- Who pays?
 - If it is a FEMA mitigation project, who pays?
 - If it is a community sponsored effort, who pays?
 - If it is a developer?
 - If it is the State DOT, who pays?



Community Acknowledge Form

- Required for MT-1 And MT-2 forms
- Provides written assurance by the participating community that they have complied with the appropriate minimum floodplain management requirements of 44 CFR 60.3(a)(3)

- 44 CFR 60.3(a)(3) – **reasonably safe from flooding**

Review all permit applications to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a flood-prone area, all new construction and substantial improvements shall

- (i) be designed (or modified) and **adequately anchored** to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy,
- (ii) be constructed with **materials resistant to flood damage**,
- (iii) be constructed by methods and practices that **minimize flood damages**, and
- (iv) be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other **service facilities** that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.



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Changing the map

- A LOMC is a letter which reflects an official revision to an effective FIRM or FHBM.
- LOMCs are issued in place of the physical revision and republication of the effective map.
- A processed LOMC will change the current effective map (by letter) and thus may impact a floodplain administrators' regulatory requirements and also insurance requirements.
- In some cases, communities are required to ensure the changed flood risk (either increased or decreased) information is reported to FEMA.



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Approximate A zones and the LOMC

- LOMAs, LOMR-Fs
 - Are voluntary
 - Property owners engineer should develop BFE thru Quick-2 or FEMA 265 methods
 - FEMA can develop BFEs, but will be based on best available information and thus could be more conservative (i.e. higher)
- LOMRs
 - Are **recommended** for approximate A zones if 5 acre/50 lot requirement met
 - What happens if LOMR is not submitted
- **CLOMRs**
 - **ARE STRONGLY SUGGESTED!!**
 - Examples: bridge/culvert replacement, stream realignment/restoration, large or complex mitigation projects



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Submitting LOMCs

- Please submit both the review and processing fee and the application package **together** to the following address:

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



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Timeline for Determinations

- Upon receipt of complete application
- **LOMAs** **60 days**
 - CLOMAs 90 days
- LOMR-FS 90 days
 - CLOMR-Fs 90 days
- LOMRs 90 days
 - CLOMRs 90 days
- **If additional data is needed to process the LOMC request, the applicant is provided 90 days to respond.**



Where can I find copies of in processed LOMCs?

- FEMA Map Service Center
 - www.msc.fema.gov
 - P.O. Box 3617 Oakton, Virginia 22124-9617
 - Phone: (877) 336-2627
- There are 3 ways to find a LOMC
 - By Case ID
 - By Map Panel
 - By State/County/Community
- **STATUS OF LOMC CAN ALSO BE FOUND ON FEMA WEBSITE**
 - Type “Status of Map Change Requests” in FEMA search engine



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Alteration to a Watercourse

- Alterations are often made to the channels of rivers, stream, or drainageways, usually to improve drainage, relocate the channel, or to increase its flood carrying capacity.
- How do you prove maintained or increased capacity?
 - A detailed study would have to be been done PRIOR to the work being performed to establish the current carrying capacity and a second study done with proposed new conditions to verify the carrying capacity is being maintained or increased. IN ADDITION, the permit must address how the carrying capacity will be maintained over time.



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What is an Alteration

- Manmade change to the channel/floodplain
- There are two requirements for maintaining the flood carrying capacity of an altered watercourse.
 - 1. The altered or relocated watercourse must have the same or greater capacity as the original watercourse.
 - 2. Additionally, once the alteration is made, the capacity of the altered or relocated watercourse must be maintained over time.



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Natural Changes

- Natural changes can and do occur and can be confusing about what to do for an Approximate A zone.
 - It is RECOMMENDED that a CLOMR be prepared for large projects where the current effective map is an Approximate A zone.



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Alteration of a Watercourse

- 44 CFR 60.3 (b)(6)
 - Notify, in riverine situations, adjacent communities and the State Coordinating Office prior to any alteration or relocation of a watercourse, and submit copies of such notifications to the Administrator
- 44 CFR 60.3 (b)(7)
 - Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained



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Best Available Data

- Most typically used for Approximate A zones when more detailed information is available such as thru a private study or unpublished study, but not adopted on the FIRM.
- Example: private study on approximate A zone that developed BFEs.
- Should the data be consistent with FEMA methods? Ideally, yes.
- What happens if the detailed study shows the property to be out. Is a permit still required?



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