



COMMUNITY ROLES DURING THE LOMC PROCESS

The purpose of this guide is to provide communities with a better understanding of their role in regards to the Letter of Map Change (LOMC) Process.

For a **Letter of Map Amendment (LOMA)** and **Conditional Letter of Map Amendment (CLOMA)**, community participation is not required. Property owners and/or their representatives are responsible for compiling the necessary documentation and submitting the application materials to FEMA. The community may assist, but no data or approvals are required.

A **Letter of Map Revision Based on Fill (LOMR-F)** is used in cases where fill has been placed on a property. FEMA defines fill as any material used to raise the ground to or above the Base Flood Elevation (BFE). Fill placed before the effective date of the first National Flood Insurance Program (NFIP) map showing the subject property to be within the Special Flood Hazard Area (SFHA) is treated as natural ground and, therefore, would be processed as a standard LOMA. However, if fill was used to elevate a parcel of land or structure after having been identified within the SFHA, the LOMR-F process is used. For all LOMR-Fs, FEMA requires the community official responsible for floodplain management to complete and sign Section A of the Community Acknowledgment Form. By doing so, the community is verifying that the structure was built in accordance with CFR44 60.3 or follows the requirements in TB 10-01. Please note that fill cannot be placed in the regulatory floodway unless new modeling and a No-Rise certificate is received by the community showing that the placement of fill did not cause a BFE increase. FEMA regulations do not state if this is project-by-project or cumulative; it is the responsibility of the local jurisdiction to manage. It is also the responsibility of the community to manage the low floor elevation, as FEMA does not require a low floor elevation to process a LOMR-F. Please be advised that FEMA minimum regulations state that if anything causes a BFE rise of more than one foot, a Letter of Map Revision (LOMR) is required. However, some states have even more stringent requirements. LOMR-Fs are designed for small scale projects (such as individual homes) that are inadvertently included in the SFHA, in which the primary purpose is to try to remove the mandatory insurance requirement.

A **Conditional Letter of Map Revision Based on Fill (CLOMR-F)** is used in cases where there are proposed plans to use fill to elevate a parcel of land or structure during construction in an identified SFHA. FEMA requires the community official responsible for floodplain management to complete and sign Section A of the Community Acknowledgment Form. The guidelines are the same as the LOMR-F process, except the community must also verify that during the placement of fill, the necessary requirements of the Endangered Species Act of 1972 were met. Please note that once fill has been placed, a new Community Acknowledgment Form will be required to proceed with the LOMR-F in order to obtain a Final Determination.

A **Letter of Map Revision Based on Floodway (LOMR-FW)** is used in cases where a structure and/or property is located within the regulatory floodway on the Flood Insurance Rate Map (FIRM). FEMA requires the community official responsible for floodplain management to complete

and sign Section B of the Community Acknowledgment Form. By doing so, the community is verifying that the structure was built in accordance with CFR44 60.3(d) and, therefore, is reasonably safe from flooding. It also acknowledges that no fill on the property has been or will be placed within the regulatory floodway.

When substantial physical changes have occurred that may affect flooding, a community or a citizen may apply for a revision to the floodplain boundaries shown on the NFIP map via the MT-2 Process under the provisions of Part 65 of the NFIP regulations. Part 65 describes the map revision procedures and the requirement for supporting technical data. In accordance with 65.4, all requests for Letter of Map Revisions (LOMRs) and Conditional Letter of Map Revisions (CLOMRs) must be submitted to FEMA through the Chief Executive Officer (CEO) or designee of the community, since it is the responsibility of the community to furnish to FEMA the data reflecting the nature and effects of the changes. Should the CEO refuse to submit such a request on behalf of another party, FEMA will agree to review it only if written evidence is provided indicating that the CEO has been requested to do so.

All LOMR/CLOMR requests must include the MT-2 Form "Overview and Concurrence" signed by the community official responsible for floodplain management. If multiple communities are/will be affected by the revision, each affected community official is required to sign the form separately. The form assures FEMA that the community is aware of the proposed LOMR and changes to the maps.

Any request that causes a change to the regulatory floodway must meet the requirements set forth in NFIP Regulation CFR44 Section 65.7. These requirements include submitting a copy of a public notice distributed by the community stating the community's intent to revise the floodway or a statement by the community that it has notified all affected property owners and affected adjacent jurisdictions. In addition, the community is required to make sure that all affected property owners slated to have an increase in BFEs, widening/narrowing, or shifting of SFHAs are notified. These notifications can be in the form of a public notice in the newspaper or individual letters to affected property owner for a floodway/SFHA revision.

Under 44 CFR 60.3(a)(2), the community is required to ensure, prior to issuing a floodplain development permit, that an applicant has obtained all necessary Federal and State permits related to development. The most commonly required Federal permits are wetlands permits under Section 404 of the Clean Water Act of 1972 and incidental take permits under Section 10 of the Endangered Species Act of 1972. If the community is not sure if a wetlands permit is required, refer the applicant to the U.S. Army Corps of Engineers District Office. If the proposed development impacts threatened or endangered species or the community is unsure if it does, have the applicant consult with the nearest U.S. Fish and Wildlife Service field office. Necessary state permits vary by state and state agencies should be contacted as appropriate.

Once the request for a LOMR/CLOMR is approved, FEMA will send an official copy of the LOMR/CLOMR along with the revised Flood Insurance Rate Map (FIRM) and Flood Insurance Study (FIS) attachments (if applicable) to the community for their records.