



Federal Emergency Management Agency

Washington, D.C. 20472

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MEMORANDUM FOR: Doug Bellomo, P.E., Project Officer
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[Original Signed]

FROM: Matthew B. Miller, P.E., Chief
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SUBJECT: Procedure Memorandum No. 10 - Guidance on the New Fee Charge
Structure

Background: On September 23, 1999, FEMA published a Final Rule regarding procedures and fees for processing map changes (copy attached). Under this rule, map change requests based on flood hazard information meant to improve upon the information contained on the flood map or within the flood study will be exempt from review and processing fees. The rule also states that improvements to flood maps or studies, which partially or wholly incorporate man-made modifications within the Special Flood Hazard Area (SFHA) will not be exempt from review and processing fees. This Final Rule adds exemption (f) to Part 72.5 of the CFR. The purpose behind this rule is to encourage communities or other entities to submit new/improved flood hazard information in approximate Zone A areas (specifically when the data was not generated by a Federal, State, or local agency) as well as the submittal of improved flood hazard information in detailed study areas. The submittal of this flood data will serve to update Flood Insurance Rate Maps, thereby improving the flood maps, strengthening local floodplain management initiatives, and reducing FEMA restudy costs.

The intent of fee exemptions (a)-(f) contained in Part 72.5 of the CFR is to avoid penalizing revision requestors when the flood maps contain an error and to encourage the submittal of more detailed data for approximate Zone A areas, and new or improved data when changes (not associated with development projects within the SFHA) have occurred.

Issue: Further guidance is needed to clarify what is meant by *improving* flood hazard information shown on a flood map, especially in areas where the FIRM contains BFEs and a floodway; what constitutes an *error*; and where to draw the line between man-made changes within an SFHA and other man-made changes outside the SFHA that affect the flood hazard data.

Final Procedure: Clarification of the review and processing fee exemption criteria is summarized below:

Exemption (a) - Requests for map changes based on mapping or study analysis errors

Some clarification is needed to define what constitutes an “error”. A computational error in the hydrologic or hydraulic model, inconsistency between the BFEs shown on the FIRM and those contained on the flood profiles, flood boundaries not following the contours on the workmap, and the omission of a bridge or culvert in a detailed study area that was overlooked at the time of the FEMA study are examples of errors. The addition of cross sections in a detailed study area to better define the floodplain would not be considered an “error” nor would a new study for an area that was shown as approximate Zone A on a FIRM. (Refer to exemptions (e) and (f) discussed below.)

Exemption (b) - Requests for map changes based on the effects of natural changes within SFHAs

Examples of natural changes within SFHAs would be stream erosion or meandering, naturally occurring sedimentation in the stream channel or overbank, or significant changes in vegetative cover due to growth of new vegetation or the loss of vegetation caused by wildfire or other natural event such as prolonged drought. Because this exemption is limited to natural changes within the SFHA, a new hydrologic analysis that takes into account current runoff conditions in the watershed would not be considered under this exemption, but could warrant exemption under (e) or (f) as discussed below.

Exemption (c) - Requests for a Letter of Map Amendment

This exemption is self-explanatory and requires no clarification.

Exemption (d) - Requests for map changes based on Federally sponsored flood-control projects

This exemption is self-explanatory and requires no clarification.

Exemption (e) - Requests based on detailed hydrologic and hydraulic studies conducted by Federal, State, or local agencies to replace approximate studies

The intent of this exemption has always been to encourage those who generate more detailed flood hazard information for approximate Zone A areas to submit it to FEMA for inclusion on the flood maps. By definition, entities other than those listed under the exemption criteria would not be exempt from processing fees under exemption (e), but would be under exemption (f). It should be noted that more detailed studies for approximate Zone A areas could include the effects of man-made changes within or outside the SFHA. Typically a new more detailed study for an approximate Zone A area would have a hydrologic analysis that takes into account current runoff conditions in the watershed. These analyses would include the effects of development that occurred since the flood map was produced. Sorting out whether these changes are due to development inside or outside the SFHA would be difficult to determine, and therefore, would not be evaluated for the purpose of denying fee exemption. Obvious man-made changes within the SFHAs such as new bridges or culverts, fill, structural flood control measures, or stream modifications can be detected and could result in the imposition of processing fees.

Exemption (f) – Requests for map changes based on flood hazard information meant to improve upon that shown on the flood map or within the flood study

The term “improve” is not defined. However, it is anticipated that this exemption would cover the following situations so long as they do not include, in part or wholly, man-made changes within the SFHA:

- Detailed hydrologic and hydraulic studies for approximate Zone A areas conducted by entities other than Federal, State, and local agencies as addressed in exemption (e).
- Revised hydraulic analyses based on additional cross sections to better define the 100-year floodplain.
- Revised hydrologic analyses based on more detailed landuse/landcover data. (So long as the data does not include the effects of man-made changes within the SFHA.)
- Revised floodplain boundaries based on more detailed topography in approximate or detailed study areas.

It should be noted that changes in floodway boundaries not associated with physical changes within the SFHA would not be exempt from processing fees. However, errors in the floodway delineation or modeling would be exempt from fees under category (a).

Generally, for detailed studied streams where a bridge or detention facility was overlooked when the original study was conducted should be considered an “error” and should be fee exempt under category (a) rather than this category. However, there may be cases where the original study was of limited scope/budget, or was based on a study conducted by an entity other than FEMA. In these cases, the addition of overlooked bridges or culverts should be considered an “improvement” and therefore would be fee exempt under this category.

Other Considerations

There will still be cases that are not clearly exempt under categories (a)-(f). In such cases the FEMA Project Engineers and Project Officers will have to use their best judgement in determining if fees should be waived. Cooperating Technical Communities (CTCs) may play a key role in these situations and may, in fact, be a determining factor in waiving processing fees if there is specific mention of fee waivers in their agreement with FEMA.

It should also be noted that any potential floodplain management violations identified through the submittal of new or revised flood hazard data need to be closely coordinated with the FEMA Regional Office.

cc: see distribution list

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