



Federal Emergency Management Agency

Washington, D.C. 20472

June 1, 2001

MEMORANDUM FOR: Doug Bellomo, P.E., Project Officer
Eastern Studies Team

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[Original Signed]

FROM: Matthew B. Miller, P.E., Chief
Hazards Study Branch

SUBJECT: Procedure Memorandum No. 22 - Revised Processing Procedures
for Letters of Map Revision (LOMRs) and Letters of Map
Revision Based on Fill (LOMR-Fs)

Background: The criteria under which LOMRs and LOMR-Fs are to be reviewed and issued are covered in the Code of Federal Regulations under Sections 65.5 and 65.6.

Issue: Sections 65.5 and 65.6 of 44 CFR were revised by the final rule published in the Federal Register on May 4, 2001.

Final Procedure: Beginning June 4, 2001, all LOMR and LOMR-F requests will be reviewed following the revised criteria in Section 65.5 and 65.6, which no longer requires information regarding the lowest floor of structures built or proposed in the area to be removed from the Special Flood Hazard Area (SFHA).

The lowest floor elevation and certification of fill placement, MT-1 Form 3, and MT-2 Form 5, page 2, previously required for structure and filled lot or parcel removal from the SFHA, are no longer required. The MT-1 Form 4, Community Acknowledgment of Requests Involving Fill, and the community signature on MT-2 Form 1 will be used as our assurance that any existing or proposed structures within the area to be removed from the SFHA are (or will be) reasonably safe from flooding as required under the current minimum floodplain management regulations at Subparagraph 60.3(a)(3).

The MT-1 Form 4 and MT-2 Form are currently being revised to provide further guidance on the "reasonably safe from flooding" component of these new rules as well as the community's concurrence as represented by their signature on the forms. However, the revisions to the forms are not yet complete. Therefore, in the short term, the instructions for the MT-1 form have been

revised to explain in more detail what is meant by the community's signature. These instructions may be mailed to revision requesters and local officials, with copies of the May 4, 2001, final rule, and Technical Bulletin 10-01, if questions arise. The final rule and Technical Bulletin 10-01 are also available to download from the Internet at www.fema.gov/library/lomrAD13.pdf and www.fema.gov/mit/techbul.htm, respectively.

Beginning June 4, 2001, the community signature is our assurance that all minimum NFIP requirements have been met. This includes the following:

- 1) The lowest floor elevations (including basement) of all residential structures built in the area to be removed from the SFHA are at or above the base flood [§60.3(b)].
- 2) The area to be removed from the SFHA (including any existing or proposed structures) has been determined to be "reasonably safe from flooding" [§60.3(a)(3), §60.3(a)(4), and Technical Bulletin 10-01].
- 3) All applicable Federal and State permits have been obtained [§60.3(a)(2)].
- 4) All applicable local permits have been obtained. This includes a local development permit to grade or place fill in the SFHA, and a permit for all existing or proposed construction [§60.3(b)(1)].
- 5) Fill has not been placed in a floodway [§60.3(d)(3)] that causes a rise in flood elevations associated with the base flood discharge.

If there is written evidence that any of the above requirements have not been met, the entire revision request will immediately be suspended and the current potential violation procedures will be followed. These procedures call for a letter to be sent to the CEO of the community with copies sent to the floodplain administrator, State Coordinator, FEMA Regional Office, and the FEMA Policy and Assessment Division. Further, a memorandum is to be drafted from FEMA Headquarters notifying the Regional office of the potential violation. The Technical Services Division will not resume processing of the map revision until it gets a written directive to proceed from the Policy and Assessment Division.

We will not actively review previous LOMR and LOMR-F cases in light of the revised criteria. We will, however, review previous requests when asked to do so in writing. All new LOMR and LOMR-F requests and requests for re-determinations will be subject to the fee schedule established in 44 CFR 72.

The processing of conditional LOMRs (CLOMRs) and conditional LOMR-Fs (CLOMR-Fs) are covered in the regulations at 44 CFR 65.8, and are therefore also affected by the rule change. Section 65.8 states the following:

The data required to support such requests [for FEMA's comments on a proposed project] are the same as those required for final revisions under §§ 65.5, 65.6, and 65.7, except as-built certification is not required.

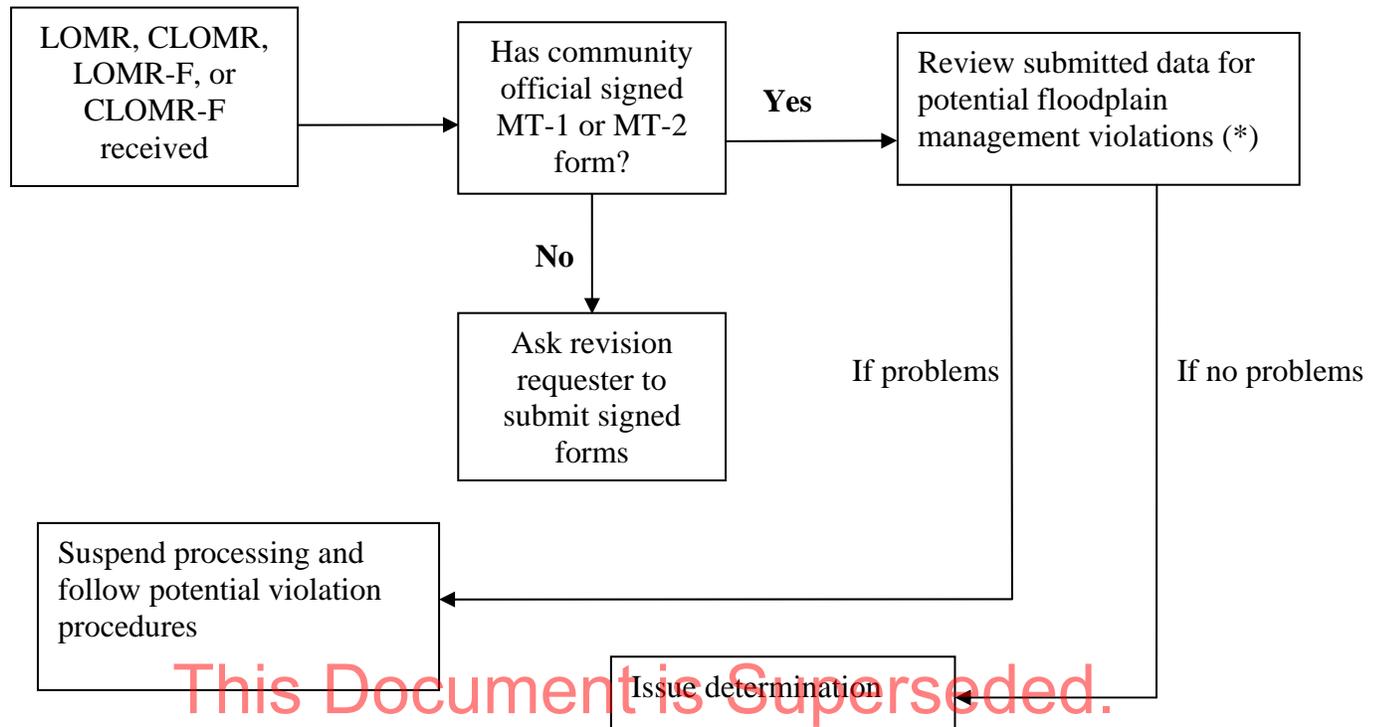
Attached is a flow chart titled "LOMR and LOMR-F Processing Under Final Rule Procedures" outlining the new procedures.

cc: see distribution list

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LOMR and LOMR-F Processing Under Final Rule Procedures

(Effective June 4, 2001: Federal Register Notice May 4, 2001,
Vol. 66 No. 87, page 22438)



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(*) There are potential floodplain management violations if you find:

- Technical evidence that an existing structure has been built with its lowest floor below the Base (1% annual chance) Flood Elevation (BFE) in the mapped SFHA
- Technical evidence of fill in the floodway without supporting documentation showing no rise
- Written indication by the responsible State, Local, or Federal entity that a required permit was not issued for existing development in the area to be removed from the floodplain
- Technical evidence of fill in a V Zone
- Technical evidence of a post-V Zone, existing, non-pile supported structure in a V Zone

Note: If a LOMC processor is “told” there are violations, but not provided with anything in writing, they should explain that they cannot hold up a request based on anecdotal information and request documentation. Processing should continue unabated until written documentation is received. If it is not received, the case will be processed. If evidence is provided after the determination is made, and it suggests violations occurred, the data and case file will be forwarded to the Policy and Assessment Division for a recommendation on how to resolve the issue and/or whether or not to issue a re-determination.

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