



# FEMA Letters of Map Change

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# FEMA Map Changes and Updates

- ▶ The Map Change process (CLOMR/LOMR) is used to keep FEMA maps current. It is important that FEMA keep the data technically credible and defensible, but FEMA cannot monitor all changes and development that occur in and around the floodplain.
- ▶ The flood data FEMA disseminates for use should be the most accurate data available showing the current conditions.
- ▶ 44 CFR 65.3 – Requires that a community submit changes that increase or decrease and physical changes affecting flooding conditions (Within 6 months).
- ▶ It is important that all changes be captured as small changes can have a cumulative effect that needs to be taken into consideration over time.



## § 60.3 Floodplain Management Criteria for Flood-Prone Areas

- ▶ 60.3(a) – No SFHA mapped
- ▶ 60.3(b) – Zone A
- ▶ 60.3(c) – BFEs (but no floodway or V Zones)
- ▶ 60.3(d) – Floodway
- ▶ 60.3(e) – V Zones
- ▶ 60.3(f) – AR

### Allowable Increase

- ▶ Zone A – No regulation (unless a BFE is available)
- ▶ Zone AE, no floodway - Increases up to 1.0 foot
- ▶ Floodway – No increases allowed

Exceptions to 60.3(c)(10) and (d)(3) can be granted if the requirements in 65.12 are met.

- This requires a CLOMR be approved by FEMA for these projects.



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# Dam Removals



- ▶ **§ 65.3:** requires communities to submit data to FEMA any time a project results in BFE change
  - Applies to increases and decreases in BFE
  - FEMA will incorporate data in a future update to FIRMs
  
- ▶ **Community may want FIRM updated right away**
  - ▶ Accurate insurance requirements for new development
  - ▶ Improved floodplain management
  
- ▶ **LOMR can be submitted to expedite FIRM update**
  - ▶ Fee typically required

# Current LOMR/CLOMR Review and Processing Fees

- ▶ **LOMRs/CLOMRs based on projects in the SFHA are generally not fee exempt.**

Requests for Map Changes Requiring Special Technical Review	Paper Form Fee	Online LOMC Fee
CLOMR Based on New Hydrology, Bridge, Culvert, Channel or Combination Thereof	\$6,750	\$6,500
CLOMR Based on Levee, Berm or Other Structural Measures	\$7,250 (plus \$60/hr)	\$7,000 (plus \$60/hr)
LOMR Based on Bridge, Culvert, Channel, Hydrology, or Combination Thereof	\$8,250	\$8,000
LOMR Based on Levee, Berm or Other Structural Measures	\$9,250 (plus \$60/hr)	\$9,000 (plus \$60/hr)
LOMR Based on As-Built Information Submitted as a Follow-up to a CLOMR	\$8,250	\$8,000
LOMR Based Solely on Submission of More Detailed Data	Free	Free
LOMR/CLOMR Based on Structural Measures on Alluvial Fans	\$7,250 (plus \$60/hr)	\$7,000 (plus \$60/hr)



# Fee Exemptions

▶ **LOMRs/CLOMRs based on projects are fee exempt if:**

**A. Federally funded (50%) flood control projects.**

**OR**

**B. Homeowner Flood Insurance Affordability Act of 2014**

- **Primary purpose is habitat restorations**

**AND**

- **Funded in whole or in part with Federal or State funds**



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# Dam Removals – Small Dams

## ► Assumption for small dams

- **No flood storage**
  - Some level of analysis should be performed to quantify effects
- **No change to downstream BFE due to removal**
  - Should be true but needs to be verified
- **Minimal change to upstream BFE**
  - Positive affect for adjacent properties
- **USACE “low head” dams**
  - Built to pass upstream flows over the entire width of the dam crest on an uncontrolled basis
  - Streamlined permit process



# Dam Removals – Small Dams

- ▶ No flood storage
- ▶ No change to downstream BFE due to removal
- ▶ Minimal change to upstream BFE



- ▶ USACE “low head” dams
  - Built to pass upstream flows over the entire width of the dam crest on an uncontrolled basis
  - Streamlined permit process



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# Dam Removals – Large Dams

- ▶ Significant storage capacity
- ▶ Control the flow of water through dam structure
- ▶ Removal would:
  - Increase downstream BFEs
  - Decrease upstream BFEs
- ▶ Data must be submitted to FEMA
  - Not in SFHA – Approximate SFHA boundaries (from design info)
  - Zone A – Revised approximate SFHA boundaries
  - Zone AE – Revised SFHA and BFEs
  - Floodway – New floodway boundaries
- ▶ Data must be equal or better quality than FEMA effective

# Fee Exemption for Habitat Restoration Projects



## Homeowner Flood Insurance Affordability Act of 2014

42 USC 4101e

### SEC. 22. EXEMPTION FROM FEES FOR CERTAIN MAP CHANGE REQUESTS.

- Notwithstanding any other provision of law, a requester shall be exempt from submitting a review or processing fee for a request for a flood insurance rate map change based on a habitat restoration project that is funded in whole or in part with Federal or State funds, including dam removal, culvert redesign or installation, or the installation of fish passage.

# Fee Exemption for Habitat Restoration Projects

**FEMA is further defining the exemption requirements under..**

**Public Law 109-294 Partners for Fish and Wildlife Act**

**Title 16- Conservation**

**Chapter 57B – Partners for Fish and Wildlife**

**§ 3772. Definitions**

**(5) Habitat restoration**

**(A) In general**

**The term “habitat restoration” means the manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning the majority of natural functions to the lost or degraded native habitat**



# Fee Exemption for Habitat Restoration Projects

## **(5) Habitat restoration**

### **(B) Inclusions**

The term “habitat restoration” includes—

(i) an activity conducted to return a project site, to the maximum extent practicable, to the ecological condition that existed prior to the loss or degradation, including—

(ii) if restoration of a project site to its original ecological condition is not practicable, an activity that repairs 1 or more of the original habitat functions and that involve the use of native vegetation, including—

(iii) removal of a disturbing or degrading element to enable the native habitat to reestablish or become fully functional.



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# CASE - Cox Brook Dam Removal – Northfield Vermont

## ► Project Information

- Low head dam removal
- Safety concerns with deteriorating structure
- Restore ecological processes within the brook
- Does not provide Flood Control Benefits

## Vermont Department of the Environmental Conservation

- Project has only localize impact on the flood profile
- BFEs are not increasing so not adverse impact to adjacent properties
- LOMR requirements as cost prohibitive to a project of this size
- This is a restoration project with environmental beneficial effects





# CASE - Habitat Restoration Projects

- ▶ **Vermont HMGP Project**
  - Tree planting for acquisition sites
  - Habitat restoration benefits
  - Plantings in both the SFHA and Regulatory Floodway
  
- ▶ **Requirements under 60.3 and 65.12**
  - CLOMR for Floodplain and Floodway revision or
  - A No-Rise Analysis showing no impacts of BFE by the plantings

# Temporary Shoreline Disturbances

- ▶ **Temporary Changes**
  - Storm induced erosion
  - Beach nourishment
  - Dune construction
- ▶ **May increase or decrease exposure to flood hazards**
  - But only in the short term
- ▶ **FIRMs based on prevailing condition for the shoreline**
  - Expected to persist long term (5-20yrs)

