NFIP Common Questions about FEMA Maps and Map Changes

Have other questions? Contact the Flood Hazard Management Program for answers!

Q: How can I apply for a Letter of Map Amendment (LOMA)?

An approved Letter of Map Amendment (LOMA) is an official amendment to a FEMA Flood Insurance Rate Map (FIRM), removing a property or structure from the floodplain. LOMAs are common when a property or structure has been inadvertently mapped as being in the floodplain but is actually on natural high ground above the Base Flood Elevation (BFE).

All LOMA applications are submitted to FEMA. FEMA does not charge a fee to review a LOMA request, but requesters must provide specific mapping and survey information for their property. For FEMA to remove a structure from the floodplain through the LOMA process, the lowest ground touching the structure, or Lowest Adjacent Grade (LAG), must be at or above the BFE. This can be shown on an Elevation Certificate that has been completed and signed by a licensed surveyor or engineer.

If the property has been elevated by fill, the requester will need to use the Letter of Map Revision based on Fill (LOMR-F) process and is not eligible for a LOMA.

If the FEMA maps show a property or structure is outside the floodplain, it can be referred to as "out as shown." No elevation data is needed in this case for the LOMA submittal.

Fact Sheet: How to Request a LOMA or LOMR-F

Fact Sheet: Letter of Map Amendment (Out as Shown) – Documentation & Submittal Process

FEMA's Website: LOMA & LOMR-F Process

Q: How do I apply for a LOMA in an unnumbered Zone A?

Unnumbered A zones are flood zones where FEMA has released no base flood elevation data. How to determine what the base flood elevation is may vary depending upon how the base flood elevation is used. If you are looking for a Letter of Map Amendment (LOMA) for your site, you can ask FEMA's Map Service Center to determine one for the purpose of the LOMA analysis.

Property owners applying for a LOMA may request that FEMA's Map Service Center provide a base flood elevation if the applicant has first checked for other sources and has found none. Here are other sources to check:

1. Local engineering studies or local agency/community/neighboring community
2. Federal agencies (USACE, USGS, etc.)
3. Preliminary or Draft FIRM data
4. Model-backed Zone A Water Surface Elevations (WSEs)
5. Nearby Letters of Map Change (LOMCs)

Once you have done this research, contact the FEMA Map Service Center at 1-877-336-2627 and tell them that you want to submit a Letter of Map Amendment (LOMA) but do not have a base flood elevation, nor any other supporting data. You can refer them to any other LOMAs in your area that you feel might be applicable. Typically, they will help to determine the BFE in a situation like this.

Q: What is a Letter of Map Revision Based on Fill (LOMR-F)?

Note that the LOMR-F and CLOMR-F can only be used in A Zones. It cannot be used in V Zones or regulatory floodways.

If fill has been placed in the floodplain, causing the grade of the ground to be above the base flood elevation, and if a property owner wishes to show that the structure is above the base flood elevation, then the property owner must submit a Letter of Map Revision Based on Fill (LOMR-F) to FEMA. If fill is proposed for a development in the floodplain but not yet placed, a Conditional Letter of Map Revision based on Fill (CLOMR-F) can be requested, to receive FEMA's comments on the proposed project prior to any fill being placed. Even if a CLOMR-F is submitted, a LOMR-F must also be submitted after the fill has been placed, and BEFORE any construction begins, in order to officially change the flood maps. If any construction takes place prior to the issuance of a LOMR-F, the structure must be compliant with the flood resistant construction standard found in the MA Building Code for that applicable flood zone(s). A CLOMR-F does not remove the site or a structure from the floodplain. Both the CLOMR-F and LOMR-F applications require a Community Acknowledgement Form to be signed by the local floodplain management official. This form tells the (C)LOMR-F reviewers that the local community has documentation showing the that proposed/constructed structures will be/are "reasonably safe from flooding". An excerpt from this form is below:

> *In addition, we have determined that the land and any existing or proposed structures to be removed from the SFHA are or will be reasonably safe from flooding as defined in 44CFR 65.2(c), and that we have available upon request by DHS-FEMA, all analyses and documentation used to make this determination. For LOMR-F requests, we understand that this request is being forwarded to DHS-FEMA for a possible map revision.*

FEMA has provided a technical bulletin, *TB-10-01: Ensuring That Structures Built on Fill In or Near Special Flood Hazard Areas Are Reasonably Safe From Flooding*, to help developers and communities ensure that structures are meeting the requirements for "reasonably safe from flooding". In order to approve the removal from the floodplain through a LOMR-F, this documentation needs to be provided to the local building official, and in certain cases, FEMA as well.

Q: My community has had Preliminary Maps issued. Can I use these maps to regulate development?

This answer varies depending on your role in your community:

If you're a Building Inspector: For the MA Building Code, the answer is no. Building Officials are required to use the currently effective Flood Insurance Rate Maps (FIRM) and Flood Insurance Study (FIS) reports until FEMA issues Letters of Final Determination (LFD) for the preliminary FIRMs and FIS, per MA State Building Code, 10th Edition, Section 2.00: Flood Hazard Areas and MA Residential Code, 10th edition, R322.1.1 Base Flood Elevation, Flood Maps, Delineations and Definitions. Once the LFD is issued, Building Officials should refer to both the MA Base Building Code and MA Residential Building Code for specifics of when the pending maps should be used.

If you're on a Conservation Commission: For the Wetlands Protection Act, the answer is yes. DEP NERO advises that Conservation Commissions can use Preliminary FEMA FIRMs as best available data per the Wetlands Protection Act definition of Special Flood Hazard Area in 310 CMR 10.04. Conservation Commissions can always speak with their DEP Regional Representative for additional guidance.

If you are the Zoning Enforcement Officer: The FEMA maps adopted in your current floodplain zoning regulations are the regulatory maps.

The Wetlands Protection Act, State Building Code, and local Zoning floodplain regulations are different regulations with different standards for what floodplain data can be used to regulate development.

Q: Can a community request a copy of a map study?

Local governments can request FEMA data from a study by contacting FEMA's Map Service Center at 877-336-2627 or by reaching out to FEMA-FMIX@fema.dhs.gov. This information should be free of charge for a local NFIP community.

Q: Can our community get paper copies of FEMA's flood maps?

When the most recent flood maps became effective for your community, FEMA would have sent your community printed copies. It may be worth checking with different departments (Planning, Building, Conservation, Selectboard Office, etc.) to see if your community already has copies. Copies of the flood maps can always be downloaded and printed from FEMA's Map Service Center.

If your community is part of a FEMA mapping update project and receiving new maps, FEMA will send printed copies of the new maps once an effective date of the new maps has been determined.

How to Print & Download a copy of the FEMA Flood Map

Q: My community has had Preliminary Maps issued. How can I view them and understand what has changed?

The FEMA Flood Map Changes Viewer lets you compare your preliminary FEMA Flood Insurance Rate Maps (FIRMs) to your currently effective FEMA FIRMs. FEMA has instructions for the viewer here: FEMA's Flood Map Changes Viewer

Common FAQs Specific to the Community Acknowledgment Form (CAF)

Q: What is the Community Acknowledgement Form?

The Community Acknowledgment Form is a required form used to record community awareness of and to document the community's approval/disapproval of an applicant's request to FEMA for the following types of map change:

a) Conditional Letter of Map Revision based on Fill (CLOMR-F)

b) Letter of Map Revision Based on Fill (LOMR-F)

c) Letter of Map Amendment (LOMA) application that involves an area that was inadvertently included within the regulatory floodway on the FEMA map.

The Community Acknowledgment Form is used by FEMA to assure that the applicant's request does not undermine the authority of the community. By completing a Community Acknowledgment Form, the community acknowledges their awareness of the development activity and gives their concurrence (or disapproval) regarding the fill and the proposed structures (if applicable.)

Q: What information is conveyed by the community to FEMA on the Community Acknowledgment Form?

A signed Community Acknowledgement Form indicates to FEMA that:

- All necessary permits were obtained.
- The applicant is in compliance with local ordinances and NFIP regulations.
- The fill does not result in a floodway encroachment.
- The community is aware of actions that can potentially impact floodplains.
- Development (site and structure) is/ will be reasonably safe from flooding.

Q: Which local official must complete the Community Acknowledgment Form?

The local Floodplain Administrator may complete the form or may designate this task to another person with local authority such as the town engineer or building official.

Q: There are 2 parts to the Community Acknowledge Form. What are these?

Part A is titled "Requests involving the placement of fill." This part of the Form is an acknowledgment that the community has approved the use of fill in the floodplain and must be completed when fill is being utilized in the floodplain, such as to lift the site up above the base flood elevation for construction of a new structure.

Part A must be completed for a CLOMR-F or a LOMR-F request. In completing Part A, the community is stating that:

- They have reviewed the LOMR-F or CLOMR-F request for the use of fill;
- The proposed project meets or is designed to meet all of the community floodplain management requirements; and
- No fill will be placed in the regulatory floodway.

The community is also stating that:

- They have determined that the land and any existing or proposed structures to be removed from the SFHA (by use of fill) are or will be reasonably safe from flooding, and
- They have available upon request all analyses and documentation used to make this determination.

Things to consider:

- Does the fill meet local requirements?
- Does it not encroach into the regulatory floodway?
- Will the fill as placed be reasonably safe from flooding (and erosion)?
- Will existing or proposed structures be reasonably safe from flooding?
- What documentation does the community have to prove this?

The community will need to review the engineering or certified design plans showing that the structure will be reasonably safe from flooding. (See FEMA's Technical Bulletin 10: Reasonably Safe from Flooding Requirement for Building on Filled Land for this type of certification.)

It's important to remember that the community needs to keep copies of all of these forms, plans, designs and engineering documents on hand, perhaps in the permit file associated with the development. FEMA may ask to see these in the future.

Part B is titled "Property located within the regulatory floodway." This part must be completed when an applicant is submitting a LOMA to ask FEMA to correct the map because their structure (or site) is not truly in the regulatory floodway as shown on the FIRM.

The applicant will need to submit to FEMA all technical data that proves their assertion.

Q: What if the community doesn't have an engineer or someone who can expertly review the design for a "reasonably safe from flooding" determination when a Community Acknowledgement Form is requested?

Licensed professionals must submit the evidence that the proposed development will be reasonably safe from flooding. FEMA's Technical Bulletin 10: Reasonably Safe from Flooding Requirement for Building on Filled Land offers guidance and insight into this condition. If the community is comfortable with the signed and stamped licensed professional's design plans, this should suffice. If a third party review is needful, the community may ask the applicant to cover the cost of this. Remember that FEMA will also be reviewing these documents to assure that the standard of "reasonably safe from flooding" will be met.

Q: What if the community does not agree with the proposed development when a Community Acknowledgment Form is requested?

If the community does not agree with the development, the local official can attach their comments about this to the form. In the Community Comments section, the local official should insert a comment stating that comments have been attached in case these accidentally become detached from the application package. The local official's comments should clearly demonstrate the community's objection to the proposal and include any technical data or local regulations that may support the position.

Q: In Part B of the Community Acknowledgment Form, what if the community isn't aware of whether fill *"on this property has been… placed…"*?

Typically, local officials in MA are aware of when fill has been placed in the floodplain, especially since the Wetlands Protection Act mandates local approval of such. It's not necessary to go back to the beginning of time, but any knowledge of fill on the property should be noted. Additionally, any

fill placed at the site prior to FEMA identifying the area as in the floodplain is considered natural grade.

Q: Can the community refuse to complete the Community Acknowledgment Form?

There is no law requiring the community to complete the form. The applicant cannot submit the Letter of Map Change request to FEMA, however, without the form. The applicant has the right to submit the request, so the best scenario is for the community to clearly state either their support for or concern about the development. FEMA is keenly interested in the community's point of view and will contact the community if there is an issue needing resolution.