

## Summary of the Letter of Map Revision Process

The City of Springfield, Oregon is in the process of preparing an MT-2 form to submit a Letter of Map Revision (LOMR) request to update flood hazard boundary information for a reach of the Willamette River. The City has obtained new topographic data that is more accurate than the data that was used for the original circa 1980 FEMA study. Northwest Hydraulic Consultants (**nhc**) has used this new topographic data to update the FEMA hydraulic model of the reach. The model results were then used to refine the flood hazard boundary data.

The City has asked **nhc** to prepare a short document that summarizes the steps that are involved in the FEMA LOMR process. A brief summary is provided below.

### Steps:

1. If you haven't already done so, send the LOMR package to:  
FEMA National Service Provider  
3601 Eisenhower Avenue  
Alexandria, VA 22304-6425
2. The NSP will examine the package to determine if any additional materials are needed. They will send a letter to the City to say that either the submittal package is complete or that additional items are needed. If any items are needed, the City should contact **nhc** as soon as possible. **nhc** will gather materials and submit them to the NSP. Once the package is complete, the NSP will have 90 days to review the materials and issue the LOMR letter.
3. At any time you can call the NSP to check on the status of the review (877-FEMA-Map or 877-336-2627). You can also check the status on-line by contacting a map specialist at [FEMAMapSpecialist@mapmodteam.com](mailto:FEMAMapSpecialist@mapmodteam.com). You'll probably receive more up-to-date information by calling rather than by e-mail.
4. You will need to notify the public of your intent to update the maps. A sample of a public notice for publication in a local news paper can be found on page 12 of the attached MT-2 Form Instructions.
5. Public acceptance of the new map will be required since the proposed changes do involve changes to BFEs and floodway. You have two options as to how to handle this:
  - You can contact all property owners to inform them of the proposed changes and seek their approval via signature. You can start this now with the hope that you get everyone to sign off on the changes before the NSP finishes their 90-day review. If you have collected signatures of every property owner, then once the NSP sends you the LOMR approval letter, it

would immediately become effective and no other public process would be required. Sample letters that you could send to the property owners can be found on pages 13 to 17 of the attached MT-2 Form Instructions.

- You can wait until the NSP finishes their 90-day review to hold a public meeting to inform the community of the proposed changes. Once the NSP has finished their review and sent you the LOMR approval letter, then you will need to hold a public meeting to present the maps to the community. The appeal period is 90 days long and starts the day the NSP send you the letter. It does not start from the time you hold the public meeting; therefore, you will want to hold the meeting as soon as you can after you receive the letter.
6. If there are appeals, the NSP will first determine if they are based upon scientific information. If they are not they will be disregarded. If there are appeals that are supported by scientific data, then the NSP will review the materials and make a decision if the map should be refined to reflect the appeal information. There is no set timeline on how long this might take for it depends upon the complexity of the appeal.
  7. Once all appeals have been resolved, the NSP will provide you with the final LOMR. The LOMR will be effective as of the date of the letter.

## **Map Revision Process**

A complete and detailed description of the process can be found in FEMA publication “*Guidelines and Specifications for Flood Hazard Mapping Partners, Volume 2, Map Revisions and Amendments, April 2003.*” **nhc** recommends that the City review this document which can be found at the following web site:

<http://www.fema.gov/library/viewRecord.do?id=2206>

The summary provided below is an edited version of the above referenced document. The full document is quite long and contains a great deal of information that isn't relevant to the City of Springfield LOMR request. **nhc** has retained the headings that are used in the full FEMA document to make it easy for the City to cross reference should they seek additional detail from the full document.

### **2.1.1 Receipt and Acknowledgment**

Map revision requests must be made in writing by the CEO of the community.

Once the request is received, FEMA's Mapping Partner (Michael Baker) has 5 working days to send an acknowledgment letter to the Chief Executive Officer (CEO) of the community.

### **2.1.3 Case Initiation**

Upon receipt of the request, the processing Mapping Partner shall:

- Assign a case number (if appropriate);
- Create a revision case file, in accordance with Section 66.3 of the NFIP regulations (see Appendix F of these Guidelines); and

### **2.1.4 Initial Reconnaissance**

After the case has been properly recorded, the processing Mapping Partner shall begin a search of all available records to determine the status of the community in the NFIP and to identify all past actions by FEMA in the community that may affect the request.

The processing Mapping Partner shall determine whether all data required to address the request have been submitted, advise the FEMA PO or his/her designee of the results of this review, and make a recommendation concerning action to be taken.

### **2.1.5 Required Data**

Based on the reason for and extent of the request, the processing Mapping Partner shall determine whether sufficient data have been submitted by the community or other revision requester for additional data in accordance with the applicable portions of

Sections 65.5, 65.6, 65.7, 65.10, 65.11, 65.12, and 65.13 of the NFIP regulations. In addition, the processing Mapping Partner shall ensure that the requester has completed and submitted the appropriate application/certification forms from the latest version of the MT-2 application/certification forms package.

All data submitted must be certified by a Registered Professional Engineer or Licensed Land Surveyor in accordance with Part 65 of the NFIP regulations. Examples of standard data requirements for various modifications include, but are not limited to, the following:

#### All Revisions

1. Topographic work map that includes the entire area of the revision and delineates floodplain and/or floodway boundaries, BFEs, and cross-section locations, and all applicable items required in the MT-2 package
2. Floodplain and/or floodway boundary delineations on the effective map panels and the topographic work map
3. Notification to affected adjacent communities

#### Revisions in Riverine Areas

1. Hydrologic analysis (if the discharges in the effective FIS report are not used)
2. Effective hydraulic model run duplicating original hydraulic model (multiple profile and floodway). See Appendix C, Subsection C.5.2.1 of these Guidelines for information on FEMA's policy for conversion to HEC-RAS.
3. Existing hydraulic model (multiple profile and floodway) if the calibration hydraulic model run does not reflect the floodplain conditions prior to the start of the project
4. Revised hydraulic model (multiple profile and floodway)
5. Floodplain and/or floodway boundary delineations on the effective map panels and the topographic work map

### **2.1.6 Technical Review**

The processing Mapping Partner shall review the technical, scientific, and other information submitted by the revision requester to ensure that the data are technically accurate, consistent with standard engineering practice and FEMA standards, and sufficient to warrant a revision. The extent of the technical review will, generally, be limited to a review of the information presented on the application/certification forms and the supporting documentation submitted with them.

For revisions involving the addition of detailed flood hazard information or changes to flooding sources originally studied by detailed methods, analyses and other supporting data for the 10-, 50-, 100-, and 500-year floods and regulatory floodway may be required. At a minimum, the analyses and other supporting data provided in support of a revision request must meet the original standards employed by FEMA for the preparation of the FIS report, FIRM, and FBFM, which are documented in Appendices J and K of these Guidelines.

### **2.1.7 Reporting and Project Officer Approval**

Upon request, the processing Mapping Partner shall advise the revision requester, the FEMA RO, the FEMA PO, or his/her designee about the current status of a technical review. When the technical review is complete, the processing Mapping Partner shall discuss the results of the review, any additional data required to support the requested revision, and any problems encountered during the review with the FEMA PO or his/her designee. If appropriate, the FEMA PO or his/her designee shall direct the processing Mapping Partner to finalize the technical review by one of the following options:

- Requesting, by telephone or letter, additional or revised data to complete the technical review;
- Preparing a LOMR or Physical Map Revision (PMR)

### **2.1.9 Preparation of Preliminary Copies of Maps and Reports**

Once the revision requester has submitted all required data in accordance with Part 65 of the NFIP regulations and the processing Mapping Partner has completed the technical review and discussed findings with the FEMA PO and his/her designee, The processing Mapping Partner shall prepare Preliminary copies of the revised map panel(s) in accordance with Section 1.4.6 of these Guidelines. The processing Mapping Partner also may prepare a revised FIS report if required by FEMA.

Occasionally, FIRM and/or FBFM panels may be revised to include changes that do not significantly affect the FIS report, such as redelineations of floodplain boundaries to reflect new or updated topographic data. However, because most Physical Map Revisions (PMRs) will involve significant changes affecting BFEs, flood risk zones, and floodplain and floodway boundary delineations, revisions to the FIS report as well as the FIRM and FBFM will be necessary.

### **2.1.9 Community Review and Comment**

At the request of FEMA, the processing Mapping Partner shall transmit Preliminary copies of the revised map panels and FIS report to the community CEO and floodplain management official, revision requester (if other than the CEO or floodplain management official), and others for review and comment. For all revisions, the community shall receive at least a 30-day review period. When BFEs are changed, the statutory 90-day appeal period shall be required.

## **90-Day Appeal Period**

For PMRs that involve new or modified BFEs, the processing Mapping Partner shall initiate the statutory 90-day appeal period to provide residents of the affected community an opportunity to appeal the new or modified BFEs. As in the processing of studies and restudies, the proposed or proposed modified BFEs must be published in a local newspaper with wide circulation and in the Federal Register to initiate the appeal period and must be finalized after the appeal period has elapsed, if no appeals are received. (Refer to Volume 1, Subsection 1.4.3.6 of these Guidelines for the procedures to be followed.)

For PMRs, the appeal period is held either before the start of or concurrent with the printing process for the revised FIS report, FIRM, and/or FBFM. The appeal period will occur prior to printing for revisions involving new or higher BFEs and may be concurrent with the printing process for revisions resulting in lower BFEs. For both the prior and concurrent procedures, the appeal period must elapse and the BFEs must be finalized before the revised FIS report, FIRM, and/or FBFM may become effective.

### **2.1.9.1 Revised Preliminary Processing [April 2003]**

During or subsequent to the review and comment period, the FEMA PO or his/her designee may decide that revisions to the FIS report, and/or FIRM/DFIRM, and/or FBFM, and/or database are warranted. In such cases, the processing Mapping Partner, at the direction of FEMA, shall prepare and distribute Revised Preliminary copies of the appropriate materials. In most cases, the Revised Preliminary copies shall be sent to the community with the official notification of the start of the 90-day appeal period. However, at the request of FEMA in coordination with the community and other Project Team members, the processing Mapping Partner shall prepare and distribute Revised Preliminary copies for review before the statutory 90-day appeal period is initiated.

When Revised Preliminary copies are prepared and submitted to the community for review, the processing Mapping Partner shall generate a SOMA and conduct a review similar to that conducted before the Preliminary copies were issued. When required, the processing Mapping Partner shall revise the Preliminary SOMA and submit it to FEMA for review with a special transmittal letter to the community. The processing Mapping Partner shall mail the revised SOMA to the CEO, RO, and State NFIP Coordinator with the special transmittal letter.

### **2.1.10 Statutory Appeal Period Requirements [April 2003]**

When FEMA proposes new or modified BFEs as the result of a PMR, FEMA must, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Public Law 93-234), provide all affected communities with a 90-day appeal period. In accordance with Section 67.4 of the NFIP regulations, FEMA initiates the appeal period by publishing a proposed BFE determination notice in the *Federal Register*; by notifying the CEO of the community by certified mail, return receipt requested; and by publishing the proposed BFE determinations twice in a prominent local newspaper during the 10-day period immediately following notification of the community CEO. The proposed BFE determination notice typically is published in the legal advertisements portion of the newspaper. Although it is not required, FEMA encourages community officials to provide an even wider distribution of the notice to ensure that residents, property owners, and other interested stakeholders are aware of the proposed BFE determinations.

When a 90-day appeal period is required for a PMR, the processing Mapping Partner shall prepare and process the correspondence for initiating the appeal period and proposing the new or modified BFEs. The processing Mapping Partner shall prepare the proposed BFE notices for publication in the *Federal Register* and a local newspaper with wide circulation and prepare all FEMA letters that will be sent to the CEO and floodplain administrator of the community, the State NFIP Coordinator, and others.

The processing Mapping Partner shall ensure that the notices are correct, that they include BFEs for all flooding sources for which revisions were made, and that they are published in the local newspaper on the correct date and in the *Federal Register*.

At the beginning of each month, the processing Mapping Partner shall compile the proposed BFE lists for all communities receiving proposed BFE determination letters and notices during the previous month and prepare the Proposed Rule for concurrence and signature and for publication in the *Federal Register*. The processing Mapping Partner shall then submit the Proposed Rule to the designated FEMA coordinator for routing, concurrence, and signature. The FEMA coordinator shall coordinate with GPO to ensure timely publication of the Proposed Rule in the *Federal Register*. The FEMA coordinator and the processing Mapping Partner shall review the published Proposed Rule to ensure it is accurate, and shall coordinate correction of the Proposed Rule through publication in the *Federal Register* when appropriate.

#### **2.1.10.1 Appeal and Protest Processing Requirements [April 2003]**

An appeal is a challenge of a proposed BFE. The sole basis of an appeal, as indicated in Section 67.6 of the NFIP regulations, is the possession of knowledge or information indicating that the BFEs proposed by FEMA are scientifically or technically incorrect. The proposed BFEs are considered scientifically incorrect if the methodology or assumptions used in the determination of the BFEs is inappropriate or incorrect. The BFEs are considered technically incorrect if the BFEs were based on insufficient or poor quality data, analysis contains mathematical or measurement errors, or physical changes have occurred in floodplain.

Comments received by FEMA during the appeal period that do not challenge proposed BFEs are considered “protests.” A protest is a challenge of information or data from a Preliminary FIS Report or FIRM other than BFEs. Types of protests include, but are not limited to, the following:

- Challenges of proposed floodplain boundary delineations based on more detailed or recent topographic data;

- Challenges of proposed regulatory floodway boundaries based on better modeling,

- Requests that changes effected by a previous Letter of Map Change be incorporated;

- Base map errors; and

- Errors of omission.

Appeals and protests must be supported by scientific or technical data, provide proof of error, and provide sufficient data to make revisions (bridge plans, cross-section data) and may require certification of data by a Registered Professional Engineer or Licensed Land Surveyor.

In accordance with Section 67.7 of the NFIP regulations, private persons shall submit appeals to the community CEO during the appeal period. The CEO, or a community official designated by the CEO, shall review and consolidate all appeals by private persons and prepare a written opinion stating whether or not the appeal is justifiable. The community CEO or other designated community official shall then submit the opinion and the appeal(s) to FEMA for review.

In accordance with Section 67.8 of the NFIP regulations, FEMA will “review and fully consider any technical or scientific data submitted by the community that tend to negate or contradict the information upon which the proposed determination is based.” Although not specifically required by the regulations, FEMA also will consider all technical or scientific data submitted in support of a protest as well. To assist FEMA, the processing Mapping Partner shall review and evaluate submitted data, request additional data when required, and recommend resolutions to FEMA for all appeals and protests submitted during the 90-day appeal period. An expanded discussion of these procedures also appears in the *Guide for Community Officials* (FEMA, 1993).

At the request of FEMA, the processing Mapping Partner shall perform the following tasks:

- Acknowledge receipt of an appeal or protest
- Evaluate any data submitted;
- Request, by telephone and/or in writing, any additional data required to support the appeal or protest;
- Perform technical analyses if requested by FEMA;
- Prepare and distribute Revised Preliminary copies of the affected FIS report, materials (usually, Flood Profiles and/or data tables), FIRM/DFIRM panels, and/or FBFM panels, if requested by FEMA; and
- Assist FEMA in preparing and distributing an appeal or protest resolution letter to be sent to the community CEO and floodplain administrator and all appellants.

For most appeals, FEMA shall provide a comment period (usually 30 days) following the date the appeal or protest resolution letter is issued before proceeding with the processing of the new or revised FIS report and FIRM by preparing and issuing an LFD. FEMA, with the support of the assigned Mapping Partner and other members of the Project Team for the Flood Map Project, shall address any comments received during this comment period before proceeding with the LFD.

Changes resulting from protests usually shall be incorporated at the time that the final reproduction materials are prepared. However, if the changes are significant, the FEMA PO

or his/her designee may direct the processing Mapping Partner to prepare and distribute Revised Preliminary copies of the revised FIS report, FIRM/DFIRM, and/or FBFM. If a Revised Preliminary is not required, the FEMA PO or his/her designee shall direct the processing Mapping Partner to include the protest resolution in the LFD.

### **Issuance of LOMR**

When the LOMR is issued, included with it will be a cover letter and LOMR Determination Form, as well as attachments such as annotated FIRMs, flood profiles, and floodway data tables.