

CLOMRs, No Rises, LOMRs, and Floodplain Development

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ENERGY AND
ENVIRONMENT CABINET
Division of Water

Agenda

- KDOW and the FEMA LOMR Review Partner (LRP) Program
- Common terms
- Regulations
- CLOMR: Design Phase
- LOMR: Construction Completed
- MT-2 Submittal Requirements
- MT-2 Review Process
- Common Issues and Tips



KDOW and the FEMA LOMR Review Partner (LRP) Program

- 1 January, 2024, KDOW was officially designated a FEMA LOMR Review Partner (LRP).
- As a FEMA LOMR Review Partner, KDOW is processing MT-2 (CLOMR and LOMR) applications here in the Commonwealth.
- FEMA is still handling MT-1 (LOMA, LOMR-F) applications.
- CLOMR/LOMR applicants have local KDOW contacts to discuss potential applications, application requirements, and the review process.
- Creates opportunities for better integration with KDOW's existing floodplain permitting program and Risk MAP flood mapping.
- KDOW's CLOMR/LOMR engineering contractors have experience with modeling and mapping in Kentucky, and have provided the engineering services to develop the existing FEMA flood maps for Kentucky

- KDOW now has a website for LOMR submittals and information and an email address for questions.

[Find Your Flood Zone - Kentucky Energy and Environment Cabinet](#)

LOMR.KYHelp@ky.gov

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Find Your Flood Zone

Flooding is Kentucky's #1 most frequent and costly natural disaster. Not only is flooding Kentucky's most common disaster, but its risk of happening can change over time. These changing risks can be due to new development in the watershed, changes in weather patterns, or new and better data used in creating the maps.

Communities use Flood Insurance Rate Maps (FIRMs) to regulate their identified floodplains as part of the National Flood Insurance Program (NFIP). FIRMs are also used by insurance agents to rate flood insurance policies, lenders to determine if flood insurance is required with a federally backed loan, and property owners to understand their risk of being impacted by a flood event. Knowing your risk enables you to take actions that can reduce that risk.

Revising Flood Maps

Revising Flood Maps through Letters of Map Change

The Kentucky Division of Water received delegation for processing and issuance of Letters of Map Revision (LOMR) and Conditional Letters of Map Revision (CLOMR) within the State of Kentucky from the Federal Emergency Management Agency (FEMA), effective January 1, 2024. The process begins with completion of the MT-2 request form, submission of hydraulic modeling data and payment of applicable fees.

MT-2 LOMC Application Packages may be submitted:

Electronically via [FEMA's Online LOMC Portal](#), or

KY Flood Hazard Portal

FEMA Map Service Center

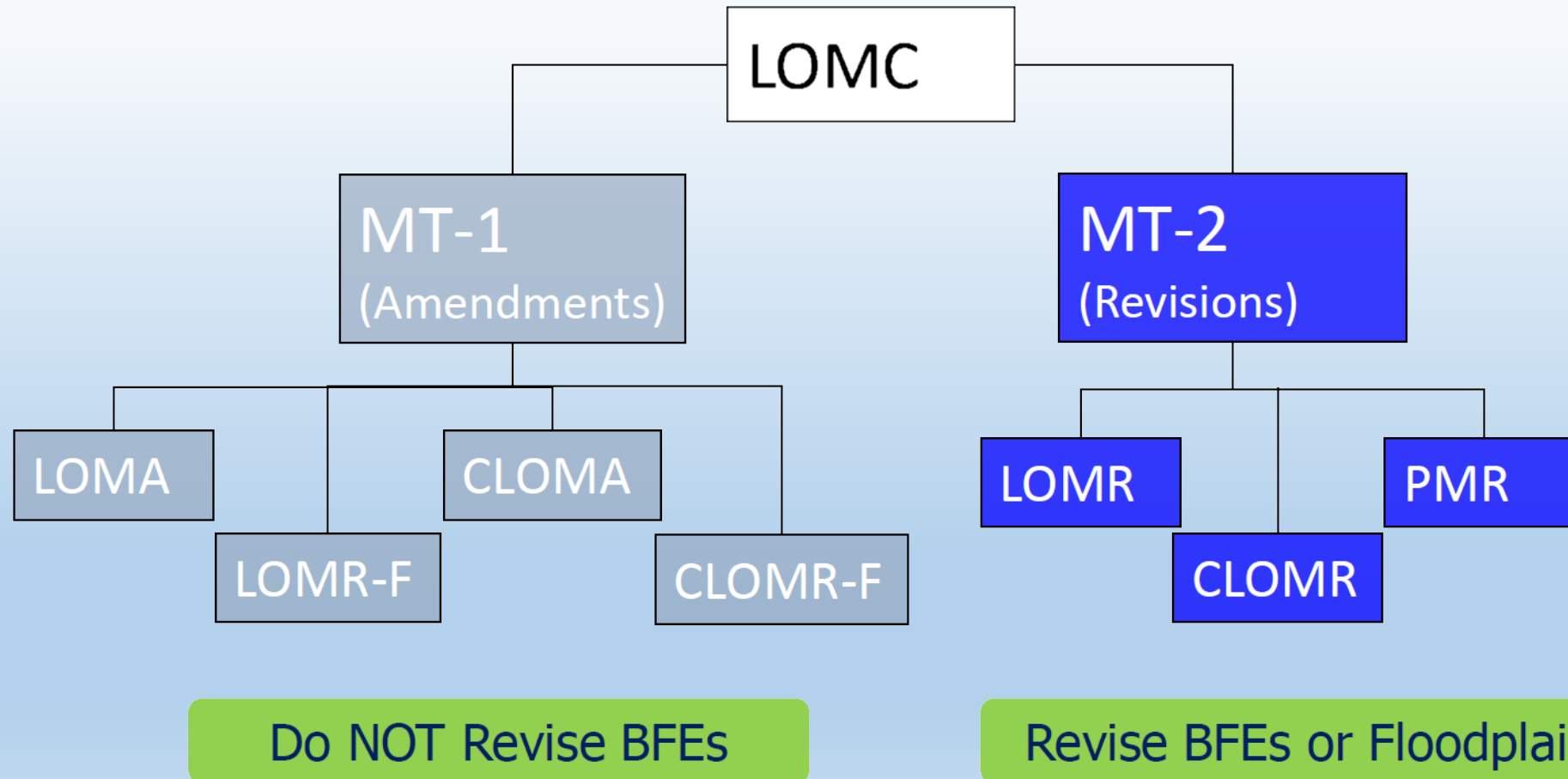
Preliminary Flood Maps

Viewing and Using Digital Flood Maps
[PDF, 2.9 MB]

Flood Map Help

Find Your Local Floodplain Coordinator

- **Letter of Map Change (LOMC)** - a letter which reflects an official Amendment or Revision to an effective FIRM.
- **Two types:** MT-1 (Amendments) and MT-2 (Revisions).



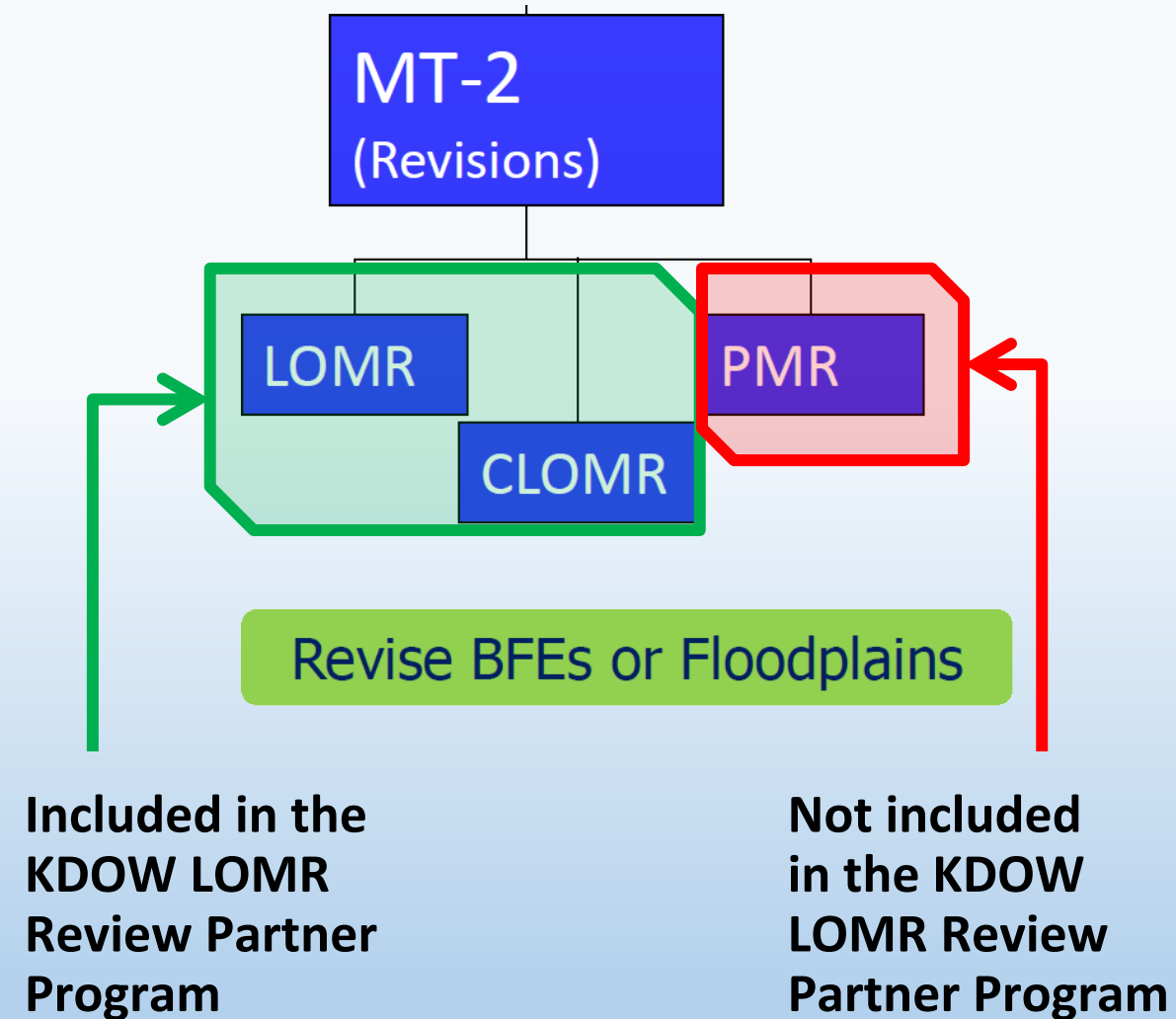
FEMA Processes:

- MT-1 Submittals: (See handout)
 - Letter of Map Amendment (LOMA)
 - Letter of Map Revision Based on Fill (LOMR-F)
 - MT-2 Submittals involving levees or dams

KDOW Processes:

- MT-2 Submittals:
 - Conditional Letter of Map Revision (CLOMR)
 - Letter of Map Revision (LOMR)

- **Letter of Map Revision (LOMR)** – modifies the FIRM and FIS report based on man-made change, natural changes, better information, and/or error corrections. Incorporated into the NFHL but not effective FIRM panels.
- **Conditional Letter of Map Revision (CLOMR)** – FEMA’s comment on a proposed project that would modify the FIRM and FIS report. Indicates if FEMA would recognize the project after completion. A LOMR is required after construction.
- **Physical Map Revision (PMR)** – similar to a LOMR however in addition to the NFHL, one or more FIRM panels are republished with the changes.



Regulations

Local Community

- As part of participation in the NFIP, each community is required to have administrative rules/regulations for managing development within the floodplain.
- Meet the standards of 44 CFR 60.3
 - Permits for all proposed development
 - Building sites reasonably safe from flooding
 - Structure lowest floors required to be elevated above BFE (Higher Standard above the BFE in some communities)
 - Prohibit encroachment in a Zone AE that will increase BFEs more than 1.0 ft (Higher Standard in some communities)
 - Prohibit encroachment in the floodway that will increase BFEs more than 0.0 ft.
 - Reasonably safe from flooding (signing MT-2 Form 1)
 - Maintenance of channels and hydraulic structures
 - Communities have to assure that the flood carrying capacity of an altered watercourse is maintained

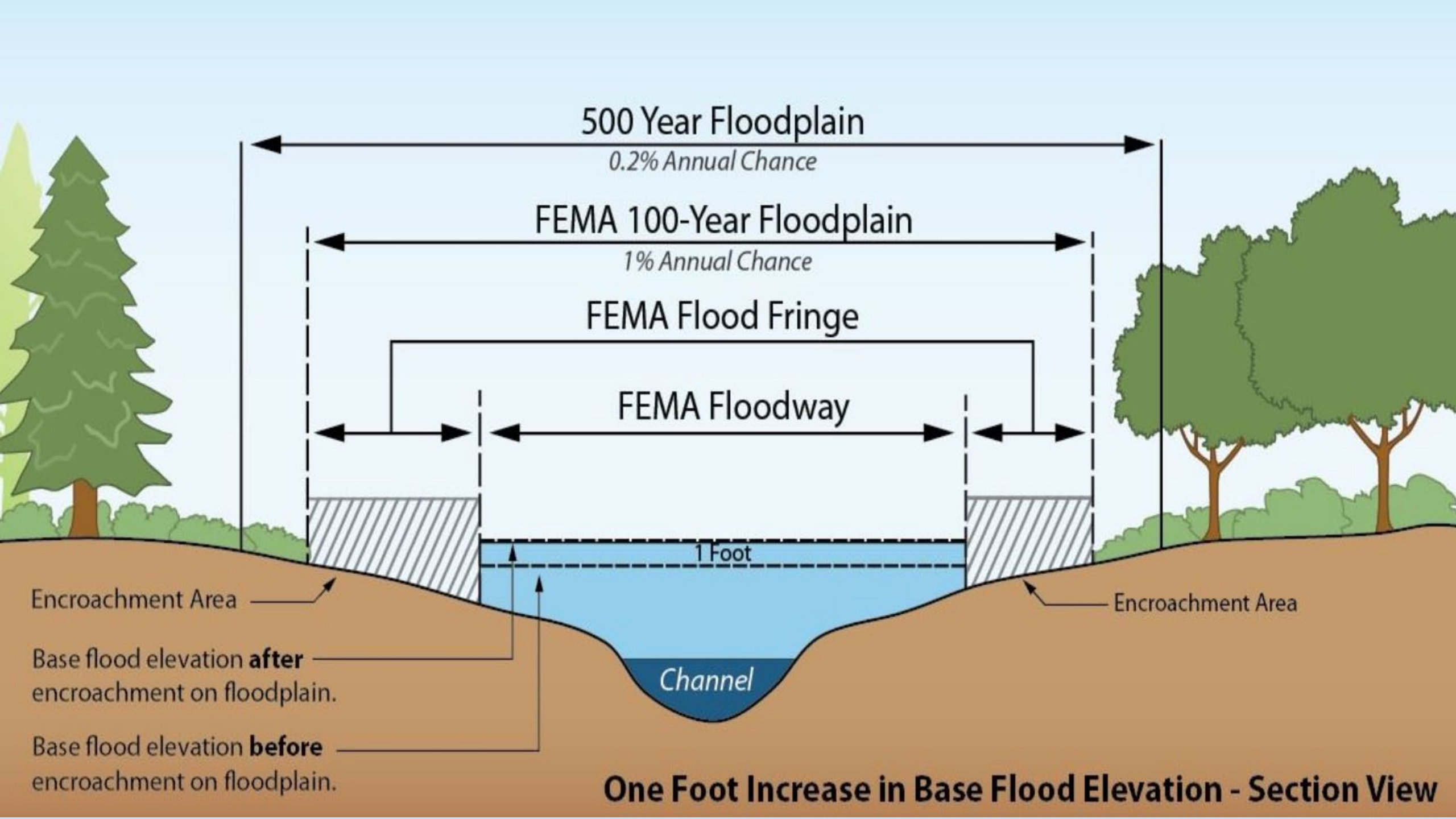
Local Community

- Meet the requirements of Kentucky Revised Statute (KRS) 151.250
 - [Chapter 151 Geology and Water Resources](#)
- Meet the requirements of Kentucky Administrative Regulation 401 KAR 4:060
 - Title 401 Chapter 4 Regulation 060 • Kentucky Administrative Regulations • Legislative Research Commission

Conditional Letter of Map Revisions (CLOMRs)

The Design Phase

- Any work proposed within a FEMA SFHA requires a state and local permit **prior** to land disturbance, construction, or demolition within a floodplain.
 - There are exceptions for general maintenance and minimal disturbance activities, but each community can be different so be sure you understand what is excluded.
- There are generally 3 different scenarios encountered when work is proposed within a FEMA SFHA.
 1. Proposed project within a watercourse SFHA where a **floodway has not been defined**.
 2. Proposed project within a watercourse SFHA floodway fringe.
 3. Proposed project within a watercourse SFHA floodway.



FEMA Review Schedule

- CLOMR submitted to FEMA; Assigned to KDOW
 - Community must sign off on the submittal and cannot issue a permit until CLOMR is issued.
 - Reviewers have 90 days to review a submittal, the clock restarts for each resubmittal.
 - Assume at least 2 rounds of comments from FEMA.
 - Submittal completeness
 - Technical completeness
 - Assume 9-month minimum timeline.
 - KDOW reviewers are working to shrink timeline.
 - CLOMR is issued as soon as FEMA review is satisfied.



Letter of Map Revisions (LOMRs)

Construction Completed

After Construction is Completed

- Per 44 CFR 65.3 regulation, a community should require the project owner to submit a LOMR to FEMA if BFEs change, floodway boundaries change, or SFHA boundaries change.
 - As-built survey, sealed by a Professional Surveyor, is required.
- A No-Rise analysis could require a post-construction LOMR if the BFEs decrease at least 0.1 feet.
- A deficient No-Rise/Encroachment analysis discovered during the LOMR process may result in a Violation.
 - Impacts of a Violation
 - **Community** must mitigate any WSE or floodway impacts.
 - Closer coordination with FEMA Headquarters and Regional Office.
 - Possible probation/suspension from NFIP.

MT-2 Submittal Requirements

MT-2 Application Process



Required for All CLOMRs and LOMRs

- ✓ Completed MT-2 Application Forms
- ✓ Project Narrative
 - Required to explain the details and objectives of the project
- ✓ Hydrologic and/or Hydraulic computations and digital model files.
 - Before you start ensure you are using a model on the list of FEMA approved models.
- ✓ Certified Topographic Work Map with floodplain and floodway delineations.
- ✓ Annotated FIRM showing changes due to project.
- ✓ Data certified by a registered professional engineer or licensed surveyor.
- ✓ Revision request acknowledged by all impacted communities.
- ✓ Property owner notification of increases in BFE and/or SFHA.
- ✓ Endangered Species Act compliance (CLOMRs only)
- ✓ Fee Payment
- ✓ **Submit your application online through [Online LOMC](#).**
 - Even though you are submitting via FEMA's online LOMC portal, these cases are automatically routed to KDOW for review.

Application Process: MT-2 Forms

- Most Common Forms
 - Form 1 – Overview and Concurrence Form
 - Form 2 – Riverine Hydrology and Hydraulics Form
 - Form 3 – Riverine Structures Form
 - Payment Information Form
- **Always download the latest forms!**
- Additional information available in the Instructions
 - Definitions
 - Instructions on how to complete the forms
 - Instructions on submittal data requirements
 - Example public notifications
 - Useful links

DEPARTMENT OF HOMELAND SECURITY Federal Emergency Management Agency OVERVIEW & CONCURRENCE FORM		OMB Control Number: 1660-0016 Expiration: 1/31/2024
PAPERWORK BURDEN DISCLOSURE NOTICE Public reporting burden for this form is estimated to average 1 hours per response. The burden estimate includes the time for reviewing instructions, searching existing data sources, gathering and maintaining the needed data, and completing, reviewing, and submitting the form. You are not required to respond to this collection of information unless it displays a valid OMB control number. Send comments regarding the accuracy of the burden estimate and any suggestions for reducing this burden to: Information Collections Management, Department of Homeland Security, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, Paperwork Reduction Project (1660-0016). Submission of the form is required to obtain or retain benefits under the National Flood Insurance Program. Please do not send your completed survey to the above address.		
PRIVACY ACT STATEMENT AUTHORITY: The National Flood Insurance Act of 1968, Public Law 90-448, as amended by the Flood Disaster Protection Act of 1973, Public Law 93-234. PRINCIPAL PURPOSE(S): This information is being collected for the purpose of determining an applicant's eligibility to request changes to National Flood Insurance Program (NFIP) Flood Insurance Rate Maps (FIRM). ROUTINE USE(S): The information on this form may be disclosed as generally permitted under 5 U.S.C § 552a(b) of the Privacy Act of 1974, as amended. This includes using this information as necessary and authorized by the routine uses published in DHS/FEMA/NFIP/LOMA-1 National Flood Insurance Program (NFIP); Letter of Map Amendment (LOMA) February 15, 2006, 71 FR 7990. DISCLOSURE: The disclosure of information on this form is voluntary; however, failure to provide the information requested may delay or prevent FEMA from processing a determination regarding a requested change to a (NFIP) Flood Insurance Rate Maps (FIRM).		
A. REQUESTED RESPONSE FROM DHS-FEMA This request is for a (check one): <input type="checkbox"/> CLOMR: A letter from DHS-FEMA commenting on whether a proposed project, if built as proposed, would justify a map revision or proposed hydrology changes (See 44 CFR Ch. 1, Parts 60, 65 & 72). All CLOMRs require documentation of compliance with the Endangered Species Act. Refer to the Instructions for details. <input type="checkbox"/> LOMR: A letter from DHS-FEMA officially revising the current NFIP map to show the changes to floodplains, regulatory floodway or flood elevations. (See 44 CFR Ch. 1, Parts 60, 65 & 72).		

Application Process: Project Narrative

- Describe the project area and what work is proposed or has been done.
- Describe the objective of the MT-2
 - Example: Establish Zone AE SFHAs and BFEs within a previous Zone A SFHA.
- Explain engineering judgement, including model input variables, model progression, unique/complex aspects of the analysis, etc.
- Provide explanation for any fee exemption or special response requested on the MT-2 Forms.
- Failure to identify basic components of the revision will delay the overall processing time due to additional requests for clarification from your reviewer.

Application Process: Hydrologic Analyses

- All backup calculations must be submitted (Tc, CN, regression equations, etc.)
- Certified topographic drainage area map is required
- Supporting data should be submitted in digital format (GIS shapefiles, rasters, historic gage data)
- Typically, revised hydrology should be as good or better than the effective analysis.
 - Gage Analysis (best)
 - Rainfall-Runoff
 - Regression (lowest)



Application Process: Hydraulic Analysis

- Model Progression
 - **Duplicate Effective Model:** Reproduction of the Effective model, covering the area of revision. Contact FEMA engineering library or community.
 - **Corrected Effective Model:** Used to correct errors in the Duplicate Effective model. Must not reflect any man-made physical changes since the date of the Effective model.
 - **Existing/Pre-Project Conditions Model:** Reflects current conditions/terrain. Used to evaluate actual impacts of the project.
 - **Revised/Proposed/Post-Project Model:** Incorporates the physical changes into the model.
- Best Practice: Describe all of the changes between the models in the Project Narrative.

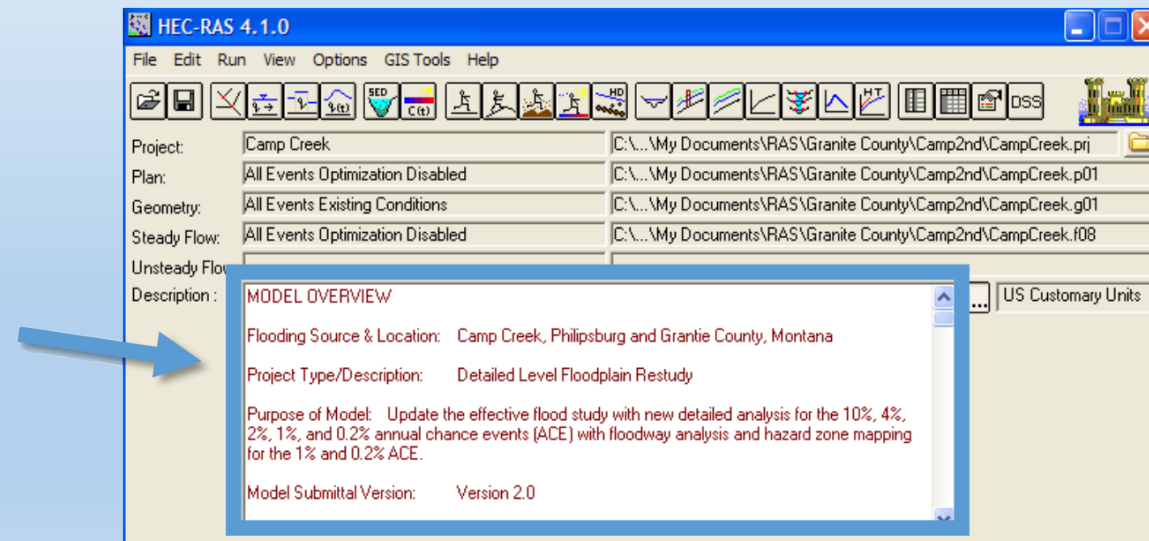
Application Process: Hydraulic Analysis (continued)

- Model Requirements
 - **CFR 44 § 65.6(a)(2):** When BFEs are established (effective FIRM), a revised analysis *must tie-in vertically within 0.5-ft* at the upstream and downstream study limits.
 - **CFR 44 § 65.6(a)(8):** A revision must study the *same recurrence intervals as studied in the effective FIS* (0.2%, 1%, 2%, 4%, 10%).
 - Unless basis of request is new methodology or it can be shown that effective methods are inappropriate, *revision should be made in the same model type as the effective.*
 - For requests where an executable effective model is available, the revision should be incorporated into that model and not truncated to the revision area.

Application Process: Hydrologic and Hydraulic Models

- Provide a digital (executable) version of the models.
- Document input variable in the report.
 - Examples: manning's n, vertical datum conversions, soil type, curve numbers, etc.
- Submit appropriate as-built or proposed plans to verify structures in model
 - Must be certified and include vertical and horizontal datums)

- Recommended to list vertical datum and details in the modeling description box



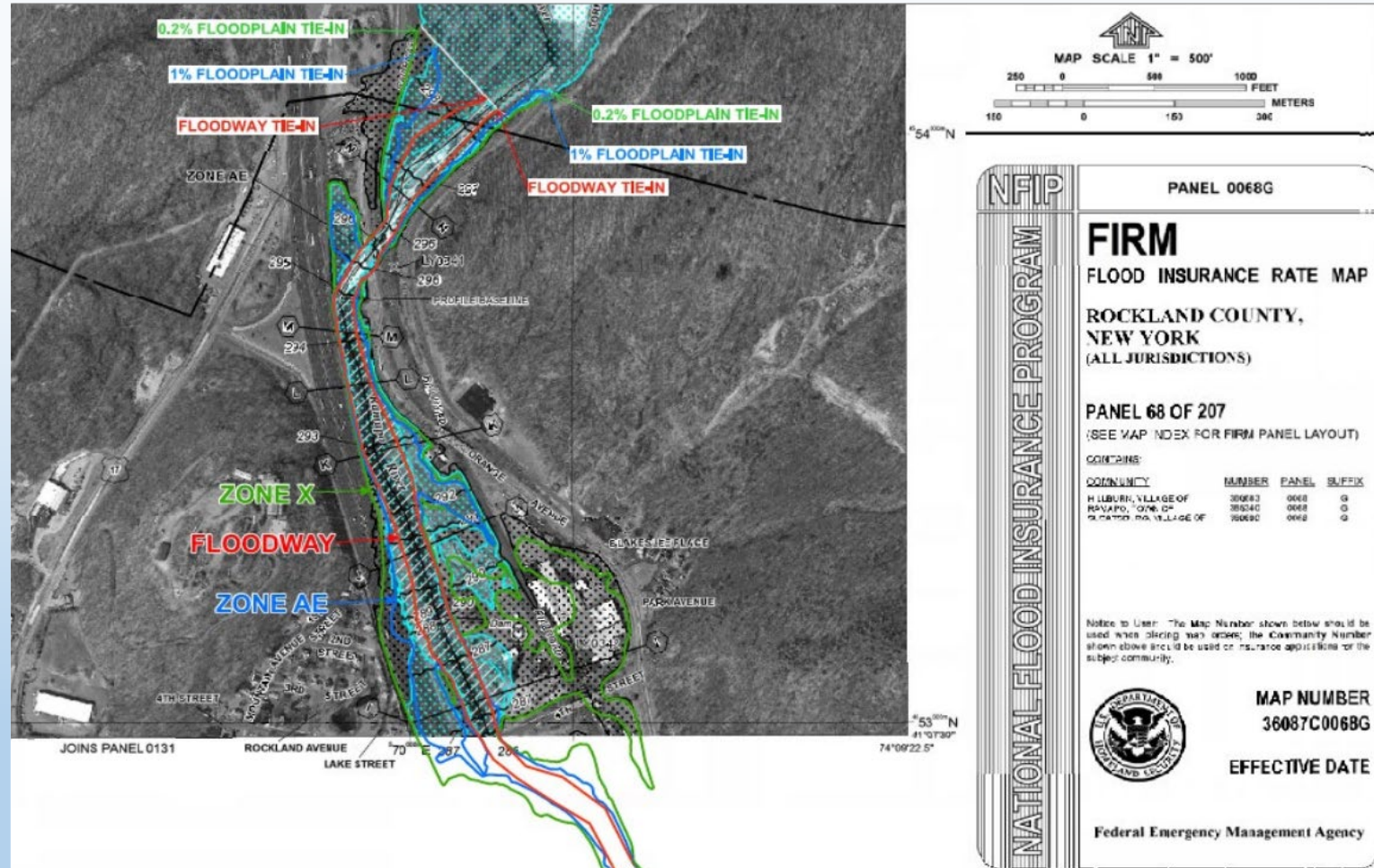
Application Process: Certified Topographic Work Map

- Certified by a licensed professional engineer (signed, sealed, and dated)
- Effective floodplain delineations
- Revised floodplain delineations
- Graphical tie-in
- Topographic contours
 - Use best available topography. Must be as detailed or better than effective.
- Vertical Datum, Horizontal Datum, Scale, North Arrow
- Submit digital mapping files consistent with the work map (GIS or CAD).



Application Process: Annotated FIRM

- Obtain effective FIRM
- Overlay revised delineations
- Show floodplain tie-ins
- Maintain scale and title block of FIRM



Application Process: Property Owner Notification

- Notification may take the form of individual notifications or newspaper notifications.
- **Floodway:** For floodway revisions, individual notifications must either be sent on community letterhead, or a community official must issue a statement on letterhead that everyone affected by the floodway revisions has been notified.
- **CLOMR:** If 44 CFR 65.12 is required, individual notification are mandatory.
- Property owner notification templates are available in the MT-2 instructions.

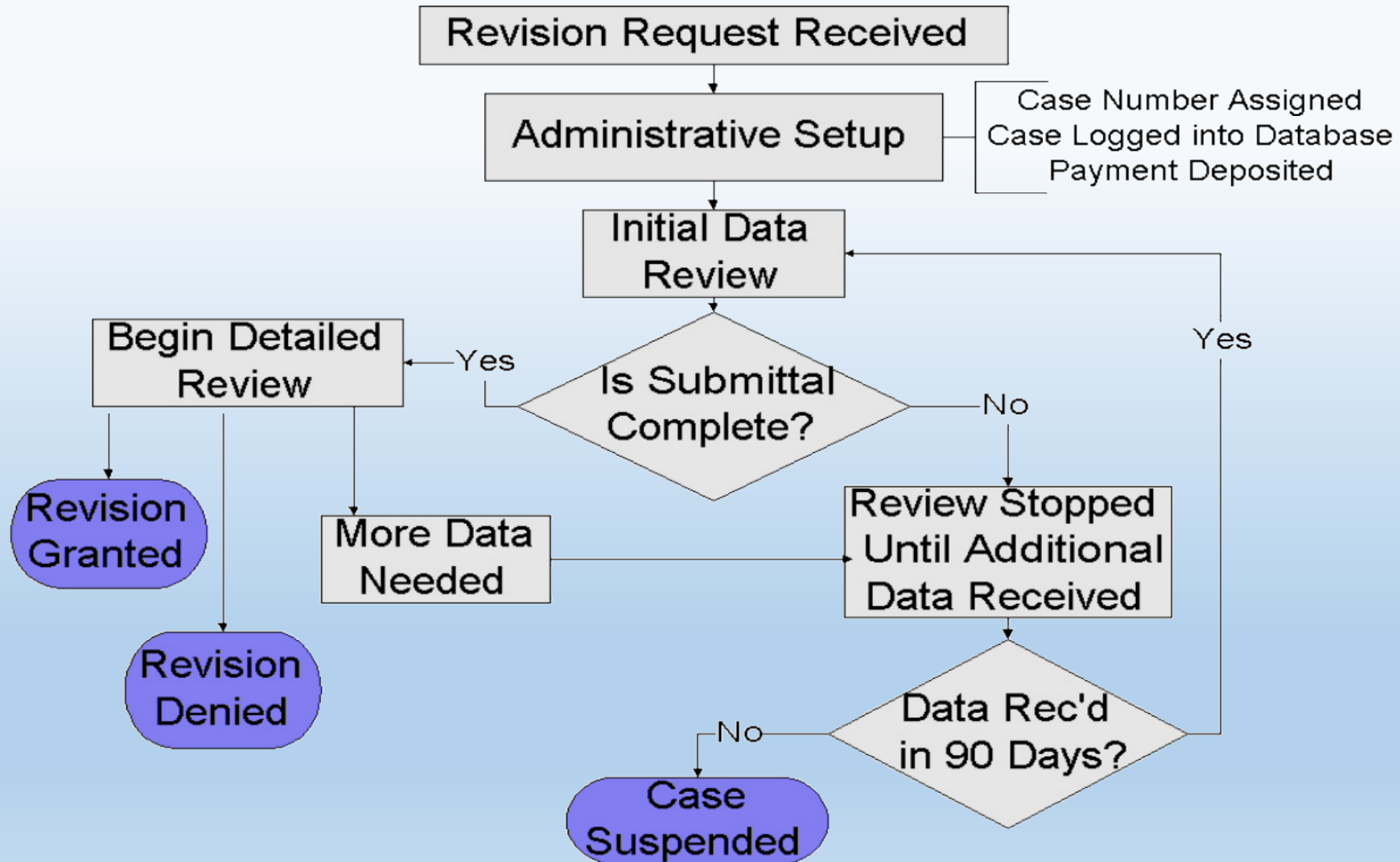
Application Process: Endangered Species Act (ESA)

- **CLOMRs Only**
- If Federal Action Agency:
 - “No Effect” made or concurred by the federal agency
 - “Not Likely to Adversely Affect” determination with concurrence of the Services.
 - Biological opinion with “no jeopardy” determination
 - A copy of the federally issued permit.
- No Federal Action Agency:
 - No potential for “Take” exists. The requester will be responsible for the potential for take determination.
 - If a “Take” will or has a potential to occur, they can consider contacting the Services to discuss potential project revisions to eliminate the “Take.”
 - Incidental Take Permit



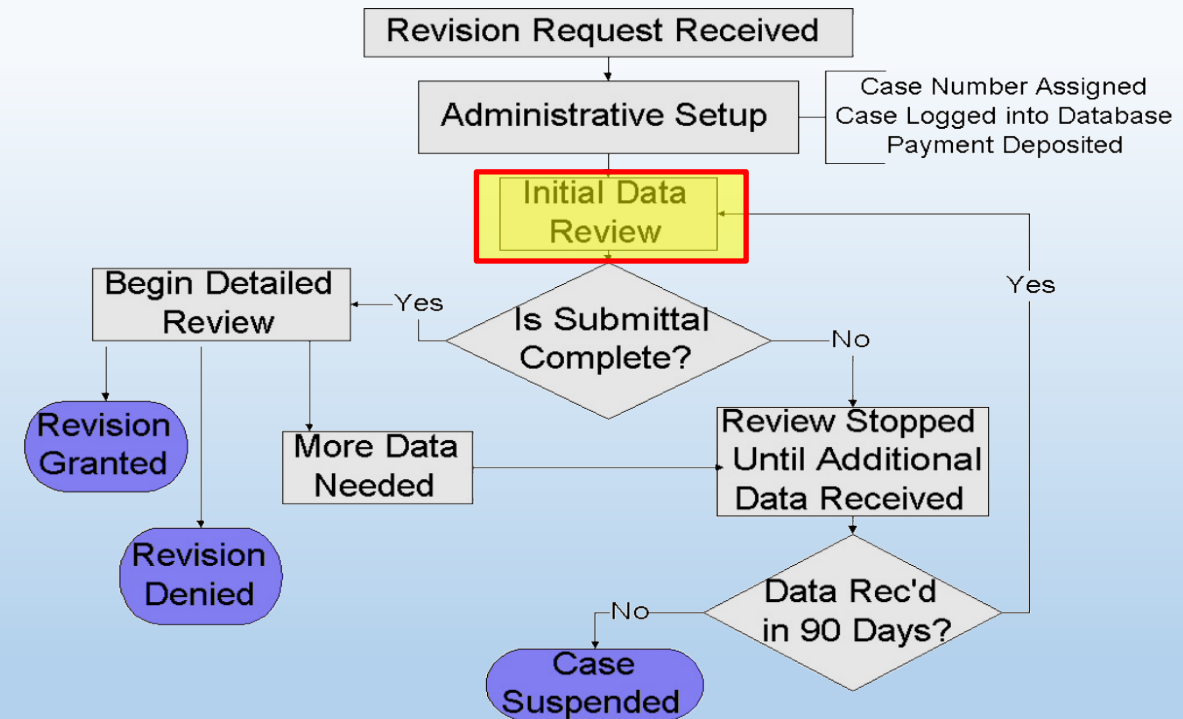
MT-2 Review Process

MT-2 Review Process



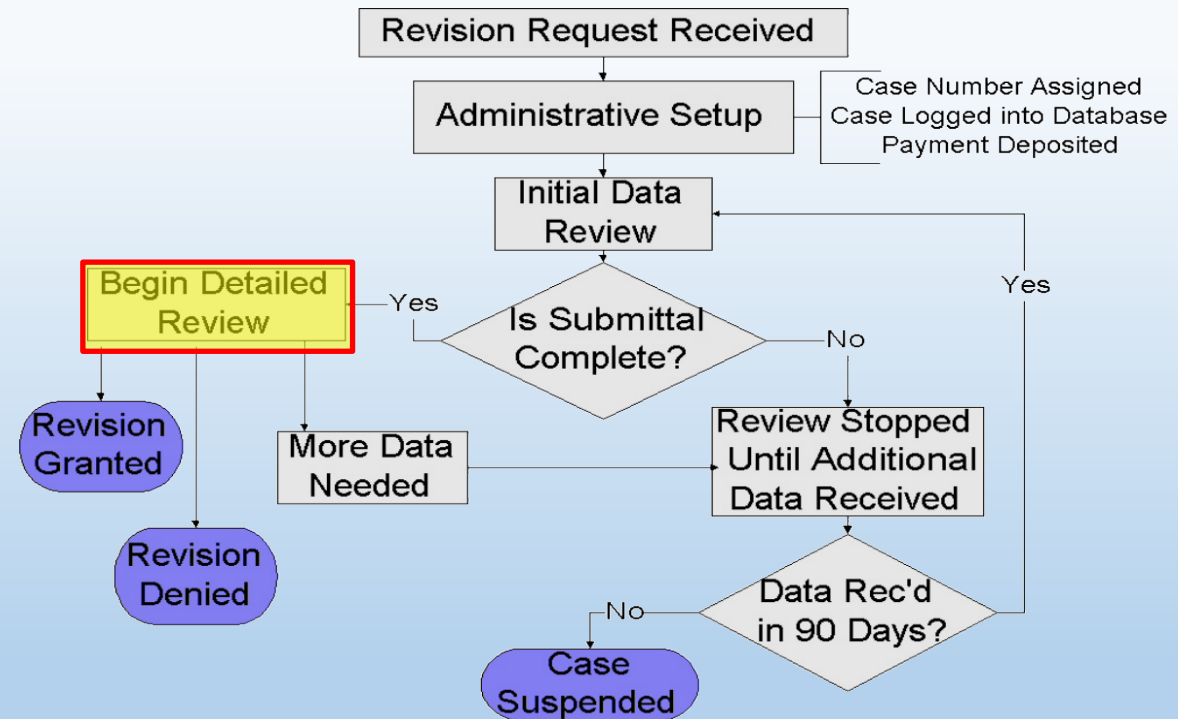
MT-2 Review Process: Initial Data Review

- Do we have enough data to complete a detailed review?
- Items Checked:
 - Fee
 - MT-2 Forms
 - Includes required signatures and is sealed?
 - Community Acknowledgement
 - Models and supporting documentation
 - Topographic Work Map
 - Is sealed and includes datums and scale?
 - Annotated FIRM
 - Includes scale and title block?
 - Tie-in to effective
 - Draft property owner notification



MT-2 Review Process: Detailed Review

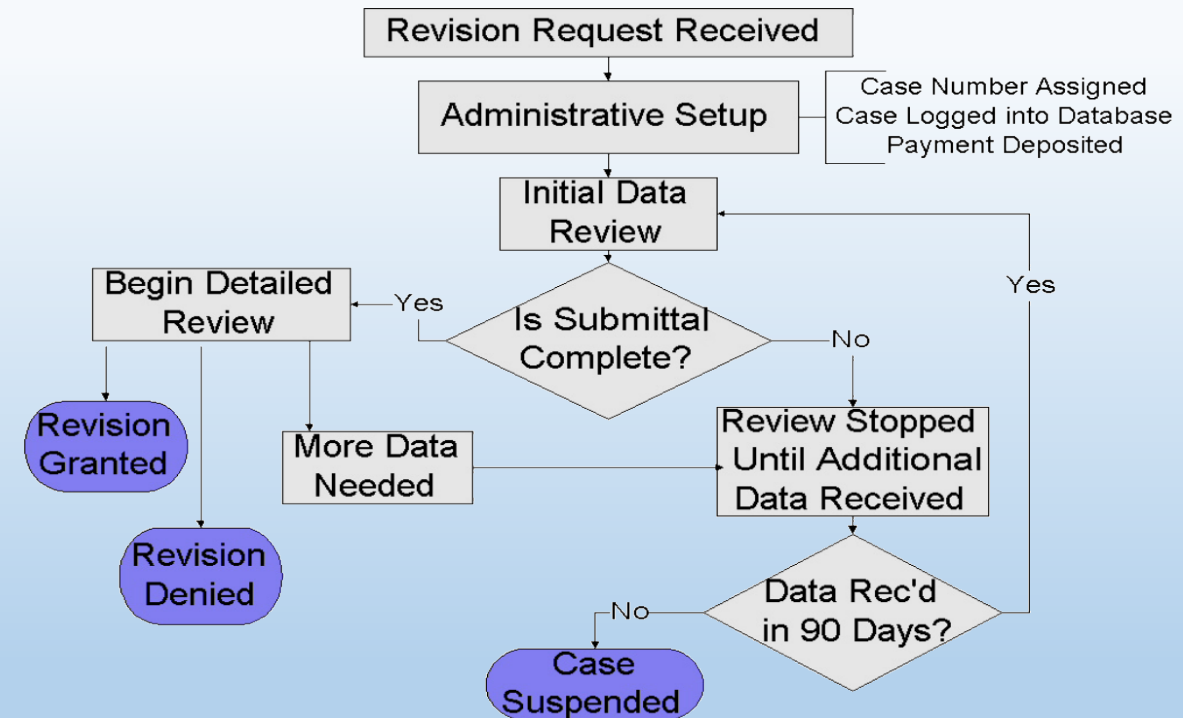
- Items Checked:
 - Technical review of Hydrology and Hydraulics (H&H)
 - Map and Model agreement
 - Regulatory Compliance



MT-2 Review Process: Review Timeline

- Notification
 - FEMA is required to notify the requestor and community as to adequacy of the submittal within **90 days**.
- Completion
 - FEMA is required to provide the requestor with LOMR, CLOMR, or other written comment within **90 days** of receipt of all data.

*KDOW only has **60 days** for completion, to allow time for FEMA processing.



When is the LOMR effective?

As of December 1, 2011 all LOMRs are subjected to the Expanded Appeal Process (EAP).

- All LOMRs must have a 90-day appeal/comment period.
- All LOMRs will become effective 120 days from FEMA's second newspaper publication date.
- Property owner notification and acceptance no longer influences the effective date of a LOMR.

*KDOW delivers the final LOMR documentation to FEMA and FEMA handles the EAP.

Common Issues and Tips



- ✓ Review the MT-2 application instructions.
- ✓ Reach out to KDOW for guidance.
 - ❖ KDOW will assist applicants prior to submittal to help ensure a complete and correct application is submitted.
 - ❖ Results in fewer request for additional information and speeds up the process and approval time.
 - ❖ KDOW is funded by a FEMA grant to conduct LOMR Review and held to timely performance measures. One of these is the expectation of only 2 requests for additional information per case. We cannot meet this goal without complete submittals.
- ✓ Perform agreement checks between the modeling and other deliverables.
- ✓ Provide a complete project narrative and supporting documentation.



Questions?

- Kaycie Len Carter – kaycie.carter@ky.gov
- Matthew Armstrong – matthew.armstrong@stantec.com
- LOMR.KYHelp@ky.gov

For More Information and access to the Online LOMC portal for submittals:
[Letters of Map Revision and Conditional Letters of Map Revision | FEMA.gov](#)

[Find Your Flood Zone - Kentucky Energy and Environment Cabinet](#)