

# **FEMA Region VII Requirement Regarding Certifications of “Reasonably Safe from Flooding” to Support Letters of Map Revision Based on Fill**

## **Introduction**

This requirement addresses documentation of **“Reasonably Safe from Flooding” only as it applies to requests for a Letter of Map Revision Based on Fill (LOMR-F). Furthermore, it applies only to LOMR-F requests that do not satisfy both of the following criteria:**

1. Lowest adjacent grade to the structure is equal to or greater than the Base Flood Elevation (as required for all LOMR-Fs); and
2. Lowest floor, including basement, of the structure is equal to or greater than the Base Flood Elevation.

**Accordingly, the requirement does not apply to determinations of reasonably safe from flooding made in the broader context of floodplain management not involving a LOMR-F.**

## **Requirement**

FEMA Region VII will require that the community obtain and provide **a certification by a qualified design professional that indicates the land or structures to be removed from the Special Flood Hazard Area (SFHA) are reasonably safe from flooding, according to the criteria described in Technical Bulletin 10-01.** Such a professional certification may come from a professional engineer, professional geologist, professional soil scientist, or other design professional qualified to make such evaluations. (FIA-TB-10 (5/01), page 4)<sup>i</sup>

## **Basis for the Requirement**

LOMR-F      A letter from FEMA stating that an **existing** structure or parcel of land that has been **elevated by fill** would not be inundated by the base flood. (MT-1 SEPT 02, page 1)<sup>ii</sup>

If fill has been placed, FEMA's determination on a request for Letter of Map Revision Based on Fill will be based on a comparison of the Base Flood Elevation (BFE) with the elevation of the lowest adjacent grade to the structure (lowest ground touching the structure) including any attached decks or garage and a completed **Community Acknowledgment Form** (Attachment A). For FEMA to remove the SFHA designation from a legally defined property or portion of property that does not have a structure on it, the elevation of the lowest ground on the property must be at or above the BFE. (MT-1 SEPT 02, page 3)<sup>iii</sup>

The **Community Acknowledgment Form** contains the following statement that must be signed by the community official:

A. REQUESTS INVOLVING THE PLACEMENT OF FILL

As the community official responsible for floodplain management, I hereby acknowledge that we have received and reviewed this Letter of Map Revision Based on Fill (LOMR-F) or Conditional LOMR-F request. Based upon the community's review, we find the completed or proposed project meets or is designed to meet all of the community floodplain management requirements, including the requirement that no fill be placed in the regulatory floodway, and that all necessary Federal, State, and local permits have been, or in the case of a Conditional LOMR-F, will be obtained. 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),<sup>iv</sup> and that we have available upon request by FEMA, all analyses and documentation used to make this determination. (emphasis added) For LOMR-F requests, we understand that this request is being forwarded to FEMA for a possible map revision.

Upon review of the technical issues salient to being reasonably safe from flooding,<sup>i</sup> it is a **certification by a qualified design professional that indicates the land or structures to be removed from the Special Flood Hazard Area (SFHA) are reasonably safe from flooding, according to the criteria described in Technical Bulletin 10-01**, that FEMA Region VII will require as adequate analysis and documentation used to make this determination.

**Conclusion**

The requirement of certification by a qualified design professional applies only to LOMR-F requests for which the lowest floor, including basement, of the structure is not equal to or greater than the BFE.

## Attachment A

<b>FEDERAL EMERGENCY MANAGEMENT AGENCY COMMUNITY ACKNOWLEDGMENT FORM</b>	<u><i>O.M.B. NO. 3067-0147</i></u> <i>Expires September 30, 2005</i>
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**PAPERWORK BURDEN DISCLOSURE NOTICE**

Public reporting burden for this form is estimated to average 0.88 hour 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 a valid OMB control number appears in the upper right corner of this form. Send comments regarding the accuracy of the burden estimate and any suggestions for reducing this burden to: Information Collections Management, Federal Emergency Management Agency, 500 C Street, SW, Washington DC 20472, Paperwork Reduction Project (3067-0147). 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.**

This form must be completed for requests involving the existing or proposed placement of fill (complete Section A) OR to provide acknowledgment of this request to remove a property from the SFHA which was previously located within the regulatory floodway (complete Section B).

This form must be completed and signed by the official responsible for floodplain management in the community. The community number and the subject property address must appear in the spaces provided below.

Community Number: Property Name or Address:

**A. REQUESTS INVOLVING THE PLACEMENT OF FILL**

As the community official responsible for floodplain management, I hereby acknowledge that we have received and reviewed this Letter of Map Revision Based on Fill (LOMR-F) or Conditional LOMR-F request. Based upon the community's review, we find the completed or proposed project meets or is designed to meet all of the community floodplain management requirements, including the requirement that no fill be placed in the regulatory floodway, and that all necessary Federal, State, and local permits have been, or in the case of a Conditional LOMR-F, will be obtained. 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 FEMA, all analyses and documentation used to make this determination. For LOMR-F requests, we understand that this request is being forwarded to FEMA for a possible map revision.

Community Comments:

Community Official's Name and Title: <i>(Please Print or Type)</i>		Telephone No.:
Community Name:	Community Official's Signature: (required)	Date:

**B. PROPERTY LOCATED WITHIN THE REGULATORY FLOODWAY**

As the community official responsible for floodplain management, I hereby acknowledge that we have received and reviewed this request for a LOMA. We understand that this request is being forwarded to FEMA to determine if this property has been inadvertently included in the regulatory floodway. We acknowledge that no fill on this property has been or will be placed within the designated regulatory floodway. We find that the completed or proposed project meets or is designed to meet all of the community floodplain management requirements.

Community Comments:

Community Official's Name and Title: <i>(Please Print or Type)</i>		Telephone No.:
Community Name:	Community Official's Signature (required):	Date:

## References

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<sup>i</sup> Technical Bulletin 10-01, Ensuring That Structures Built On Fill In Or Near Special Flood Hazard Areas Are Reasonably Safe From Flooding, FIA-TB-10 (5/01).

Available at: <http://www.fema.gov/pdf/fima/tb1001.pdf>

<sup>ii</sup> MT-1 Application Forms And Instructions For Conditional And Final Letters Of Map Amendment And Letters Of Map Revision Based On Fill, MT-1 FEMA FORM 81-87 SERIES SEPT 02.

Available at: <http://www.fema.gov/pdf/fhm/mt-1.pdf>

<sup>iii</sup> For requests to remove an entire parcel of land from the SFHA, provide the lowest lot elevation; or, if the request involves an area described by metes and bounds, provide the lowest elevation within the metes and bounds description. (FEMA Form 81-87A, SEPT 02 Elevation Form MT-1 Form 2 Page 1 of 2)

<sup>iv</sup> 44 CFR 65.2 (c) For the purposes of this part, “reasonably safe from flooding” means base flood waters will not inundate the land or damage structures to be removed from the SFHA and that any subsurface waters related to the base flood will not damage existing or proposed buildings.