

A.1 Applications for FEMA Letters of Map Revision (LOMR)

In some instances, there may be a need to revise the effective Flood Insurance Rate Map (FIRM) for an area, based on a permitted project or updated information for a stream. Map changes that do not involve a revision to the base flood elevations (BFE's) or to the floodway limits such as flood fringe redelineations, usually do not need to be reviewed by IDNR for concurrence. This includes a Letter of Map Amendment (LOMA), and Letters of Map Revision based on fill (LOMR-F's). However, proposals to revise BFEs or floodway limits will, in most cases, need to be reviewed and approved by the IDNR.

A Letter of Map Revision (LOMR) is an official revision, by letter, to an effective Nation Flood Insurance Program (NFIP) map. A LOMR may change flood insurance risk zones, floodplain and/or floodway boundary delineations, planimetric features, and/or BFEs. All requests for LOMRs must be supported by detailed flood hazard analyses prepared by a qualified professional engineer. The specific data and documentation requirements are contained in Part 65 of the NFIP regulations and in FEMA's application/certification forms (MT-2). According to the Code of Federal Regulations 44 CFR 65.3 a LOMR is required when:

A community's base flood elevations may increase or decrease resulting from physical changes affecting flooding conditions. As soon as practicable but not later than six months after the date such information becomes available, a community shall notify the Administrator of the changes by submitting the technical or scientific data in accordance with this part.

To defray costs to NFIP policyholders, FEMA charges fees to recover review costs. Specific information on the fee schedule and exemption requirements is contained in the MT-2 forms.

*Because the Indiana Floodplain Management Rules state that all changes to floodways and BFEs be approved by IDNR, LOMR applications should be submitted to IDNR for review before they are submitted to FEMA. IDNR's review of and concurrence with a potential LOMR is not required if the stream in question has a drainage area of less than one square mile. However, if the potential LOMR submittal involves a proposed change in the hydrologic analysis affecting points on streams or lakes having a contributing watershed area greater than one square mile, the hydrologic analysis requires IDNR approval. Contact the IDNR for guidance in these cases.

Certification by a registered professional engineer or land surveyor is required by FEMA for a LOMR. In addition, a local community official must indicate in writing that they have reviewed the request and understand its implications on flooding in their community.

A Conditional Letter of Map Revision (CLOMR) is FEMA's comment on a proposed project that would affect the hydrologic and/or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway or effective BFEs. A CLOMR comments on whether the proposed project meets the minimum floodplain management criteria of the NFIP and, if so, what revisions will be made to the community's NFIP map if the project is completed as proposed. The submission requirements for a CLOMR are similar to the requirements for a LOMR. For the conversion of a CLOMR to a LOMR, as-built plans for the project must be submitted to FEMA (or their authorized agent) for their review and approval. See Section 3.6 for more information regarding when a LOMR may be required.

Submission requirements for IDNR review and approval of a CLOMR or LOMR are similar to the requirements for other model reviews. The IDNR modeling checklist must be included with the submittal. Models submitted without a completed checklist will not be reviewed. The IDNR will take no further action on the CLOMR or LOMR request until a completed checklist is submitted. Upon the review of the submitted checklist and modeling, Engineering Services will draft a technical memorandum recommending either approval or denial of the revision, or asking for corrections to the modeling before a conclusion can be reached. Refer back to Section 3.3; the same principles and procedures apply.

Another type of Map Revision is a Physical Map Revision (PMR). Usually this involves a major restudy and the establishment of FEMA recognized BFEs. These types of studies involve republishing the maps and the FIS text, and take considerably longer to complete due to the complexity of the project and FEMA's public notice requirements. If this type of map revision is being considered, the requestor should initiate coordination with Engineering Services staff well in advance of any submittals.

A.2 Flood Control Projects

A flood control project is a work of any nature that is designed, constructed, and operated according to sound and accepted engineering practice for flood control. Typically, these projects may include reservoirs, detention or retention ponds, channel improvements, or levees. The definition of "flood control" provided under IC 14-28-1-2 is to mean a project that results in claiming recognition for one or more of the following benefits through either structural measures or floodplain regulation:

- Reduced flood stages
- Reduced discharges
- Removal of land from the floodway and/or floodplain

Approval as a flood control project is contingent upon the permit applicant being able to demonstrate:

- A project benefitting a stream reach with a cumulative upstream drainage area of greater than one (1) square mile that will benefit the community and local unit of government.
- A constructed works of any nature.
- Maintenance by a governmental entity. (FEMA requires maintenance by a governmental entity or NFIP participating agency as listed in the Federal Codes 44CFR 65.10)
- Can lead to a revision (LOMR) of the Flood Insurance Rate Maps

These types of projects would require approval as a “flood control” project and the commission/Department would have to “determine whether the proposed works in the plans and specifications will be in aid of and acceptable as part of flood control in Indiana” (IC 14-28-1-29 (b)(1)) and/or “the plans are found to be feasible and will ultimately constitute a part of an integrated plan for the entire state or a designated major watershed” (IC 14-28-6-1 (2)).

For the effect of these types of projects to be considered for establishing or revising regulatory discharges, BFEs, or floodway/floodplain limits, the following conditions apply:

- The project must be approved under the Flood Control Act (IC 14-28-1-29) as a flood control project.
- Any engineering analyses or design documents submitted for consideration of approval are to be certified by a Professional Engineer or Land Surveyor licensed in the State of Indiana.
- As-built plans must be certified by a Professional Engineer or Land Surveyor licensed in the State of Indiana.
- The project must be properly operated & maintained by a government entity.
- A letter of perpetual maintenance from a governmental entity with an attached O&M Manual is required. The O&M Manual must include the following information:
 - 1) Responsibility statement - Who ensures that the project will function as designed in perpetuity
 - 2) Financial Assurance – How will maintenance work be funded, how will major repairs be funded. Funds may be raised/committed through taxing authority
 - 3) Schedule of events
 - 4) Procedures / Actions to be performed and by when
 - a) Preventive Maintenance
 - b) Repair Maintenance
 - i) Immediate
 - ii) Required at earliest date
 - 5) Reporting (Inspection / Monitoring) procedures –Who does inspection and monitoring, how records are kept, and who are reports filed with
 - 6) Permanent Maintenance and Access Easement – Establish proof through copy of recorded maintenance and access easement.

Notes:

- Approved flood control projects that no longer serve their permitted purpose (due to lack of maintenance) may be considered for decertification by the Department.
- According to the Code of Federal Regulations 44 CFR 65.3 a LOMR is required when:

A community's base flood elevations may increase or decrease resulting from physical changes affecting flooding conditions. As soon as practicable but not later than six months after the date such information becomes available, a community shall notify the Administrator of the changes by submitting the technical or scientific data in accordance with this part.

- According to the Code of Federal Regulations 44 CFR 65.12 a Conditional LOMR is required: **(note that in the State of Indiana an elevation increase in the regulatory floodway/floodplain in excess of 0.14 ft should be applied)**

When a community proposes to permit encroachments upon the floodplain when a regulatory floodway has not been adopted or to permit encroachments upon an adopted regulatory floodway which will cause base flood elevation increases in excess of 0.0 ft in the floodway and /or 0.1 ft in floodplain the community shall apply to the Administrator for conditional approval of such actions prior to permitting the encroachments to occur.

A.3 Levees

The following conditions must be met for the area protected by a levee to be removed from the 100-year floodplain:

- The levee must be approved as a flood control project under the Flood Control Act (IC 14-28-1-29) as a flood control project.
- The levee must meet the requirements under 44 CFR Section 65.10 or be considered by FEMA as a Provisionally Accredited Levee (PAL).

If a levee does not meet the preceding requirements, elevations streamward of the levee should be determined assuming that the levee will be in place during the 100-year frequency flood. Elevations outside of the levee should be determined without considering the levee; that is assuming that the levee will fail. Generally, floodways are calculated without considering the levee. However, on a case-by-case basis, and depending on the height and conditions of the levee, IDNR may allow the levees to be considered for floodway determination.