City of Columbus – Bartholomew County
Planning Department

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SUBMISSION INSTRUCTIONS FOR OBTAINING A SIGNED LOMR-F COMMUNITY ACKNOWLEDGEMENT FORM

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As part of the application to FEMA for a Letter of Map Revision Based on Fill (LOMR-F), the Planning Director is required to complete and sign a Community Acknowledgement Form. By signing the Community Acknowledgement Form, the City makes a determination, based on the information provided, that the land and any existing or proposed structures within the area to be removed from the Special Flood Hazard Area (SFHA) are or will be reasonably safe from flooding as defined in 44CFR 65.2(c). According to 44CFR 65.2(c) "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."

To help local floodplain management officials make this determination, FEMA issued Technical Bulletin 10-01: *Ensuring That Structures Built on Fill in or Near Special Flood Hazard Areas are Reasonably Safe from Flooding in accordance with the National Flood Insurance Program*. The bulletin provides guidance for the construction of buildings on land that has been elevated above the base flood elevation through the placement of fill.

In addition to ensuring that the land and structures are "reasonably safe from flooding", the Planning Department must ensure that all necessary Federal, State, and local permits have been obtained. The most commonly required Federal permits are wetlands permits under Section 404 of the Clean Water Act and incidental take permits under Section 10 of the Endangered Species Act.

In order to ensure that the Planning Department has adequate information to make a determination for the Community Acknowledgement Form, and based on the guidance provided in Technical Bulletin 10-01 and the definition of "reasonably safe from flooding," the Planning Department requires the submission of the following materials prior to signing a Community Acknowledgement Form for LOMR-F applications.

Questions related to these submission requirements should be directed to the Planning Department at (812) 376-2550.

1. **A notarized and recorded copy of the document titled Design Requirements for Structures Placed on Fill**

   Technical Bulletin 10-01 provides specific guidelines for structures with basements. The bulletin indicates that structures with basements that are constructed in areas previously designated in the SFHA can be considered reasonably safe from flooding only when these design standards are met. Submission of this document will provide recorded documentation from the property owner, likely the developer, that the design guidelines will be followed. Each lot removed from the SFHA by the LOMR-F must be listed on the document.

2. **A certification from a design professional (professional engineer, professional geologist, professional soil scientist, etc.) indicating that the land or structures to be removed from the SFHA are reasonably safe from flooding**

The following certificate should be placed on the LOMR-F exhibit that is submitted to the Planning Department, along with a signature, title, license number, date, and seal:

> I, _____, certify that the land and structures built within the bounds of the area to be removed from the Special Flood Hazard Area, if designed and/or constructed in accordance with the guidance provided within FEMA's Technical Bulletin 10-01, will be reasonably safe from flooding, as defined by 44CFR 65.2(c).

3. Documentation of compliance with Sections 9 and 10 of the Endangered Species Act

When the placement of fill in a floodplain has already occurred, as is the case with LOMR-F applications, compliance with Sections 9 and 10 of the Endangered Species Act (ESA) must be achieved independently of FEMA's review. Section 9 of the ESA prohibits anyone from "taking" or "harming" an endangered species. If an action might harm an endangered species, a permit is required from the U.S. Fish and Wildlife Service (USFWS) or National Marine Fisheries Service under Section 10 of the ESA. Documentation of compliance with Sections 9 and 10 of the ESA is required; if the fill is determined to harm an endangered species, a copy of the permit issued by the USFWS or the NMFS must be submitted.

4. If necessary, documentation of compliance with Section 404 of the U.S. Clean Water Act and/or Indiana's State Isolated Wetlands Law

Wetlands under federal jurisdiction are those that abut or are adjacent to a federally regulated stream, lake, river, or other Water of the U.S. The placement of dredged or fill material into federally jurisdictional wetlands is regulated by the U.S. Army Corps of Engineers under Section 404 of the Clean Water Act; a permit from the Corps of Engineers is required prior to the placement of fill.

The State of Indiana regulates isolated wetlands under Indiana's State Isolated Wetlands Law. Isolated wetlands are defined as wetlands that are not subject to regulations under Section 404 of the Clean Water Act. Prior to filling, excavating, or dredging an isolated wetland, a permit from the Indiana Department of Environmental Management (IDEM) is required.

If a federally jurisdictional or isolated wetland is and/or was present on the filled property, copies of all required permits from the U.S. Army Corps of Engineers and/or IDEM are required.

5. Soil compaction analysis and/or documentation

Provide documentation that the fill has been compacted to 95 percent of the maximum density obtainable with either the Standard or Modified Proctor Test method.

6. Completed copies of the Elevation Form and the Property Information Form of the LOMR-F application

7. An exhibit of the lots to be removed from the Special Flood Hazard Area and the 500-year floodway fringe

Design Requirements for Structures Placed on Fill

In Areas Previously Designated as the 100-Year Floodway Fringe in Bartholomew County, IN and all Incorporated Areas (Including Columbus, IN)

Ensuring that structures having basements built on fill in or near special flood hazard areas are reasonably safe from flooding in accordance with the National Flood Insurance Program

Structures with basements that are built on land that has been elevated above the base flood elevation (BFE) of the 100-year floodway fringe, as designated by the Federal Emergency Management Agency (FEMA), by use of compacted fill must comply with a series of design requirements in order to be considered reasonably safe from flooding. The following list of design requirements for basement construction was guided by FEMA's Mitigation Directorate Technical Bulletin 10-01 (FIA-TB-10).

Lots _____, in _____, as recorded in Plat Book ____, Page _____ [or the following metes and bounds description _____ _____] have been elevated above the base flood elevation (BFE) of the 100-year floodway fringe by the use of compacted fill. These lots shall be subject to the following building design requirements which shall run with the property:

1. The distance from the edge of the Special Flood Hazard Area (SFHA) and the nearest wall of any basement must be a minimum of 20 feet. Also, the ground surface around the building and within that defined setback must be at or above the Base Flood Elevation (BFE).
2. The ground around the building must be compacted fill; the fill material – or soil of similar classification and degree of permeability -- must extend to at least 5 feet below the bottom of the basement floor slab.
3. The fill material must be compacted to at least 95 percent of Standard Laboratory Maximum Dry Density (Standard Proctor), according to ASTM Standard D-698. Fill soils must be fine-grained soils of low permeability and must be homogenous and isotropic.
4. If a basement is constructed, the elevation of the basement floor shall be no more than 5 feet below the base flood elevation (BFE).
5. A basement cannot have any opening such as a window below the base flood elevation (BFE).
6. There must be a granular drainage layer beneath the floor slab, and a ¼-horsepower sump pump with a backup power supply must be provided to remove the seepage flow. The pump must be rated at four times the estimated seepage rate and must discharge above the base flood elevation (BFE) and away from the building.
7. The drainage system must be equipped with a positive means of preventing backflow.
8. Basement walls must be constructed of reinforced concrete or reinforced masonry.
9. A certification from a professional land surveyor licensed in the State of Indiana that certifies the elevation of the basement floor.

Acknowledgement:

These requirements are acknowledged by the undersigned owner of the subject property on this _____ day of _____, 20___.

Signed: _____

Printed: _____

State of Indiana)
) SS:
County of_____)

Subscribed and sworn to me this ____ day of _____, 20___.

_____
Notary Public

My Commission expires: _____.

This document was prepared by _____. I, affirm under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law.

_____
Printed Name