

November 20, 2007

Supporting Statement for Paperwork Reduction Act Submissions

OMB Control Number: 1660 - 0015

**Title: Revisions to National Flood Insurance Program Maps:
Application Forms and Instructions for (C)LOMAs and (C)LOMR-Fs**

Form Number(s): FEMA Forms 81-87, 81-87A, and 81-87B

General Instructions

A Supporting Statement, including the text of the notice to the public required by 5 CFR 1320.5(a)(i)(iv) and its actual or estimated date of publication in the Federal Register, must accompany each request for approval of a collection of information. The Supporting Statement must be prepared in the format described below, and must contain the information specified in Section A below. If an item is not applicable, provide a brief explanation. When Item 17 or the OMB Form 83-I is checked “Yes”, Section B of the Supporting Statement must be completed. OMB reserves the right to require the submission of additional information with respect to any request for approval.

Specific Instructions

A. Justification

1. Explain the circumstances that make the collection of information necessary (give details as to why this information is being collected). Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information. Provide a detailed description of the nature and source of the information to be collected.

The Department of Homeland Security’s Federal Emergency Management Agency (FEMA) administers the National Flood Insurance Program (NFIP) and maintains the maps that depict flood hazard information. The NFIP regulations Section 44 CFR 65 and 70 (copy attached) outline the data that must be submitted by an owner or lessee of property who believes his/her property has been incorrectly included in a Special Flood Hazard Area (SFHA). In order to remove an area from a SFHA, the owner or lessee of the property must submit scientific or technical data demonstrating that the area is “reasonably safe from flooding” and not in the SFHA.

The forms supplement the general information requirements in the NFIP regulations and establish an organized, systematic approach to collect data needed to request removal from a SFHA in a manner that will:

- Ensure all data required to process such a request is received with the initial submittal;
- Ensure processing consistency between all processing partners;
- Ensure that submitted data are presented in a manner that will increase processing efficiency;
- Reduce the amount of time required to process requests; and
- Reduce processing costs.

2. Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection. Provide a detailed description of: how the information will be shared, if applicable, and for what programmatic purpose.

FEMA collects scientific and technical data submissions to determine whether a specific, single-lot property is located within or outside of a SFHA. FEMA provides the appellant with a written determination as to his/her decision. If the property is determined not to be within a SFHA, the appropriate map is modified by a Letter of Map Amendment (LOMA) or a Letter of Map Revision – Based on Fill (LOMR-F). The owner or lessee of a property uses a LOMA or LOMR-F to show that a property is not flood prone, making it possible for the lending institution to waive the flood insurance requirement. If insurance is carried for the property, the new determination should result in significantly lower rates.

Below is a detailed explanation of how each form will be utilized:

- a. FEMA Form 81-87, Property Information – This form describes the location of the property, what is being requested, whether or not fill has been placed on the property, and what data are required to support the request. The form also includes the contact information of the requestor.
- b. FEMA Form 81-87A, Elevation – This form indicates what the Base (1-percent annual chance) Flood Elevation (BFE) for the property is, how the BFE was determined, the lowest ground elevation on the property, and/or the elevation of the lowest adjacent grade to any structures on the property. This information is required in order for FEMA to determine if the property that the requestor would like removed from the SFHA is at or above the BFE.
- c. FEMA Form 81-97B, Community Acknowledgment – NFIP regulations 44 CFR §65.5(a)(4) require that a community official certify that the request complies with minimum floodplain management criteria specified in 44 CFR §60.3. For LOMR-F and CLOMR-F requests only Section A needs to be certified. A LOMR-F is a request for properties on which fill has been placed to elevate the land or structure to or above the BFE. A CLOMR-F is a request for FEMA’s comment on whether a proposed project involving the placement

of fill would be excluded from the SFHA. For LOMA requests in which the property has been inadvertently included within the regulatory floodway, only Section B needs to be certified. This form ensures that this requirement is fulfilled prior to the submittal of the request to FEMA.

In addition to these forms, requests must include the following:

A copy of the Plat Map for the property (with recordation data and stamp of the Recorder's Office) OR

A copy of the property deed (with recordation data and stamp of the Recorder's Office), accompanied by a tax assessor's map or other certified map showing the surveyed location of the property relative to the local streets and watercourses

Copy of the effective FIRM panel and/or Flood Boundary and Floodway Map (FBFM) (if applicable) on which the property location has been accurately plotted.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also describe any consideration of using information technology to reduce burden.

The MT-1 Forms are available on the Internet and can be downloaded from the website. The forms can be found at the following website address: http://www.fema.gov/plan/prevent/fhm/dl_mt-1.shtm. The forms are provided in Adobe® Acrobat® PDF format and as Microsoft Word WinZip archives. Users are able to download the files and print completed forms manually and mail them to FEMA. The forms are also available in FEMA's electronic forms system, DocNet located at <http://docnet.fema.gov>. The software for DocNet must be downloaded before accessing the system. Currently, there is no method for submitting completed forms online. Depending on the availability of funding from the federal government and the priority given to this collection, FEMA may develop the capability for users to return completed forms electronically over the Internet.

The Tutorials located at http://www.fema.gov/plan/prevent/fhm/ot_lmreq.shtm were designed to guide users through the application process and provide an online tool to complete the forms in this collection.

Effective Flood Insurance Rate Maps (FIRM), Flood Boundary and Floodway Maps (FBFM), and Flood Insurance Study (FIS) reports that cover the area in which a particular property is located can be obtained from the Map Service Center (MSC) on the FEMA website at <http://store.msc.fema.gov>. Those that do not have internet access can contact the Map Service Center at 800-358-9616.

Requestors can check on the status of their Letter of Map Amendment (LOMA), Letter of Map Revision Based on Fill (LOMR-F), Conditional Letter of Map Amendment (CLOMA), and Conditional Letter of Map Revision Based on Fill (CLOMR-F) request by visiting FEMA's Mapping Information Platform website at <https://hazards.fema.gov>.

4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Item 2 above.

There are no duplicative efforts. Detailed information on specific property locations within communities, nationwide, is not collected or maintained except at the community level because of the prohibitive costs associated with such an effort. While community officials may maintain such information, as required by 44 CFR §59.22(a), this data is not readily accessible by FEMA and thus must be provided for verification purposes. If available, however, property owners or lessees may use this data in preparing their submissions.

Usually, the submissions take the form of providing copies of existing information such as recorded deeds and plat maps from which FEMA can determine the location of the property relative to the mapped flood boundaries as depicted by the SFHA. Topographic or elevation data, when it is available, is also used in its available format.

5. If the collection of information impacts small businesses or other small entities (Item 5 of OMB Form 83-I), describe any methods used to minimize.

This collection of information does not impact small businesses or other small entities.

6. Describe the consequence to Federal/FEMA program or policy activities if the collection of information is not conducted, or is conducted less frequently as well as any technical or legal obstacles to reducing burden.

If the collection of information were not conducted, it would deprive individuals of the right to provide scientific or technical data to correct flood insurance maps that may be in error. The impact of this deprivation would, in all probability, adversely affect community participation in the NFIP, which is voluntary. If this information were not collected, the majority of respondents to this collection would continue to pay higher flood insurance premiums than would be necessary if they were to get a determination showing that their property was no longer in a Special Flood Hazard Area. If this were the case, local pressures would likely mount and cause a significant number of communities to reevaluate their decisions to continue their participation in the NFIP. Without this collection of information there would also be increased costs for mapping, since these requests would require physical revisions to the Flood Insurance Rate Maps.

7. Explain any special circumstances that would cause an information collection to be conducted in a manner:

(a) Requiring respondents to report information to the agency more often than quarterly.

There are no special circumstances for this collection that would require respondents to report information to the agency more often than quarterly.

(b) Requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it.

Under no circumstances are respondents required to prepare a written response to the collection of information in fewer than 30 days after receipt of it.

(c) Requiring respondents to submit more than an original and two copies of any document.

Respondents are only required to submit one copy of all documents.

(d) Requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records for more than three years.

Respondents are not required to retain any records pertaining to this collection.

(e) In connection with a statistical survey, that is not designed to produce valid and reliable results that can be generalized to the universe of study.

This collection is not used in statistical surveys not designed to produce valid and reliable results that can be generalized to the universe of study.

(f) Requiring the use of a statistical data classification that has not been reviewed and approved by OMB.

This collection does not require the use of a statistical data classification that has not been reviewed and approved by OMB.

(g) That includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use.

This collection does not include any pledges of confidentiality.

(h) Requiring respondents to submit proprietary trade secret, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.

This collection does not require respondents to submit confidential information.

8. Federal Register Notice:

a. Provide a copy and identify the date and page number of publication in the Federal Register of the agency’s notice soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden.

A 60-day Federal Register Notice inviting public comments was published on June 25, 2007, Volume 72, Number 121, pp. 34699. Comments were received in Information Collections Management on August 28 2007 from Ohio Department of Natural Resources, and Association of State Floodplain Managers, Inc., George F. Meyers, dated August 21, 2007. The program office has addressed the comments that were received below.

Response to Comments Received on OMB Collection 1660-0015

A Notice and Request for Comments on the FEMA forms used in MT-1 Processing (Forms 81-87, 81-87A, and 81-87B) was published in Volume 72, Number 121 of the Federal Register on June 25, 2007. A 60-day comment period followed this publication. Comments that were received, and our responses to them, are summarized below: Letter dated August 21, 2007, from Mr. George F. Myers, P.E., CFM and Mr. Michael S. Powell, CFM, Co-chairs, Floodplain Regulations Committee, Association of State Floodplain Managers

Comments on Instructions (paraphrased)

1. Page 1, Use of Application Forms, definitions – The LOMR-F and CLOMR-F definitions address inundation of the land, which is only one aspect of “reasonably safe from flooding.” Definition should be modified to include damage from subsurface waters associated with the base flood.

Disagree with comments. Although subsurface waters are a concern, we only regulate to the base flood elevation.

2. Page 2, Applicable Regulations – If topography has been altered only by removal of earth to the point where the ground is still at or above the BFE, Part 70 procedures should still apply and this section should be modified to state that.

Agree with comments, suggested change will be incorporated during this collection or the subsequent collection.

3. Page 3, Basis of Determination – The MT-1 Form does not require the lowest floor elevation to be submitted by the requester, although it is included on the FEMA Elevation Certificate. The lowest floor elevation is only reviewed if the

requester chooses to submit that information. The lowest floor elevation should be added as a requirement to the MT-1 Form to ensure that it is reviewed for all requests.

Current NFIP regulations for MT-1 submittals do not require lowest floor elevations. The suggested change would modify the NFIP regulations and would require internal review by FEMA.

4. Page 3, special considerations – Please clarify why the Zone AO instructions differ between page 3 and page 11.

Zone AO instructions were addressed and revised prior to receiving these comments.

5. Page 3, special considerations – Zone AO instructions indicate that the lowest floor elevation is also used as the basis for determination of the request, which contradicts Paragraph 70.4 of the NFIP regulations.

Zone AO special consideration was addressed and revised prior to receiving these comments.

6. Page 4 – Revise to show that payment and forms are now submitted to the same address.

This was addressed and revised prior to receiving these comments.

7. Page 5, General Instructions – Consider adding a statement clarifying that LOMR-Fs will not be issued for areas within jurisdictions that do not participate in the NFIP.

Agree with comment; however this will require procedural changes that will not be implemented during this collection.

8. Page 5, General Instructions – Consider adding the note, “Please note, not all states permit engineers and architects to certify elevation information. Please check with the appropriate state board of registration to determine who may legally certify elevation information in your state.”

This was addressed and implemented on Page 8, General Instructions for the Elevation Form prior to receiving these comments.

9. Page 5, General Instructions – Indicate that a FIRMette may be submitted in lieu of a photocopy of the FIRM.

Agree with comments, suggested change will be incorporated during this collection or the subsequent collection.

10. Page 5, Fill Placement – The current definition of fill suggests that the intent of placing earthen material qualifies that material as fill. A better way to address this would be to define fill as “material from any source placed that raises the ground level above its previous elevation,” and the question modified to “Has fill been placed on your property that raised ground that was previously below the BFE to above the BFE?”

The comment regarding the definition of fill was addressed and revised prior to receiving these comments. The question of “Has fill been placed on your property” was not changed.

11. Page 5, Fill Placement – It is difficult to determine the date of the first NFIP map that identified an SFHA because many communities discard superseded maps. The fill-placement cut off date should be the date of the first NFIP map for the community, and instruction should be added to locate this date on the map.

This was addressed and wording was added regarding how to obtain historic flood maps prior to receiving these comments.

12. Page 5, Fill Placement – Provide guidance on how to investigate whether fill has been placed if a property owner purchased the property post-FIRM and does not know if fill has been placed on the property.

Agree with comments, suggested change will be incorporated during this collection or the subsequent collection.

13. Page 6, Number 3 Subject of Determination – Space should be provided on the form that requires a requester to indicate if there are structures on a parcel or portion of a parcel that are the subject of the request.

Disagree, if the request is for the entire property, or a portion thereof, the only elevation considered is the lowest lot elevation. The applicant is not required to provide information on any existing or proposed structures. It is the community’s responsibility to ensure that all existing or proposed structures are or will be reasonably safe from flooding.

14. Page 6, Required Data, 2nd bullet – Indicate that a FIRMette may be submitted in lieu of a photocopy of the FIRM.

Please refer to the response for comment #9.

15. Page 6, Required Data, 3rd bullet – The Elevation Certificate should be acceptable in lieu of the Elevation Form if the request is for a structure only.

This was addressed and revised prior to receiving these comments.

16. Page 6, Required Data, 3rd bullet – Refer to Comment #8 for discussion on legal authority to certify elevation data.

Please refer to the response for comment #8.

17. Page 8 – An explanation should be added that the Elevation Form is not needed in addition to an Elevation Certificate unless the request is to remove a piece of land, not just the structure.

Please refer to the response for comment #15.

18. Page 8, General Instructions, 1st paragraph – Refer to Comment #8 for discussion on legal authority to certify elevation data.

Please refer to the response for comment #8.

19. Page 9, Number 4 Type of Construction – Consider changing the reference from “Crawl Space” to “At/Above Grade Crawl Space” so that requesters are aware that a below-grade crawl space is considered a basement.

The definition of a crawl space should be changed to be in agreement with Technical Bulletin 11-01 “Crawlspace Construction for Buildings Located in Special Flood Hazard Areas”. The suggested change will be incorporated during this collection or the subsequent collection.

20. Page 9, Number 4 Type of Construction – Delete the phrase “Structures constructed above” from the second sentence to clarify that the crawl space is considered an enclosure.

Please refer to the response for comment #19.

21. Page 9, Number 5 Subsidence – Add “Uplift” to the heading.

Agree with comments, suggested change will be incorporated during this collection or the subsequent collection.

22. Page 9, Number 5 Subsidence, 1st paragraph – Update the reference to NGVD to account for other commonly used datums, such as NAVD.

Agree with comments, suggested change will be incorporated during this collection or the subsequent collection.

23. Page 9, Elevation Table, Lot/Block Number – Please clarify how the information should be listed in the table if the request is for single metes and bounds description that contains multiple lots or portions of multiple lots.

Although it is important to clarify how this information should be listed in the Elevation Table, this suggestion will not be incorporated due to the variations of metes and bounds descriptions.

24. Page 10, Lowest Lot Elevation – The instructions should be clarified to explain that the lowest elevation required is for the area to be removed, not necessarily of the entire property. Also, for a property that runs for a significant distance along a flooding source that has appreciable slope such that the BFE varies, additional instruction should be given as to how many points and at what locations LLEs and BFEs should be provided.

This was addressed and revised prior to receiving these comments.

25. Page 10, Base Flood Elevation – This instruction should indicate that the BFE will be verified by FEMA during the review process.

Agree with comments, suggested change will be incorporated during this collection or the subsequent collection.

26. Page 10, Riverine Flooding Systems – Guidance should be provided on how to determine BFEs in backwater areas.

Disagree with comment. Providing this guidance may be too complex and confusing for applicants.

27. Page 10, Coastal Flooding Systems – Provide additional guidance on how to determine Stillwater elevations.

Agree with comments, suggested change will be incorporated during this collection or the subsequent collection.

28. Page 10, Coastal Flooding Systems – In some cases, the two-part criteria for determining the BFE doesn't cover every value of the Stillwater elevation when making the comparison. Provide additional guidance on determining the BFE in this situation.

Please refer to the response for comment #27.

29. Page 10, Zone A Flooding – Please clarify that surveyors may only perform BFE determinations if permitted by state law.

Disagree with comment. FEMA accepts BFE determinations from surveyors and engineers. It is the surveyor's responsibility to adhere to all applicable laws of the state in which they are licensed.

30. Page 11 – Revise the Zone AO instruction to reflect that the average depth is to be added to the highest adjacent grade, not the lowest.

Please refer to the response for comment #4.

31. Page 11, Certification – Please refer to Comment #8.

Please refer to the response for comment #8.

32. Page 12, Community Acknowledgement Form (Form 3), second line – Change “requests that” to “requests for land or structures that.”

Agree with comments, suggested change will be incorporated during this collection or the subsequent collection.

33. Page 12, Community Acknowledgement Form (Form 3) – If the community is expected to certify compliance with the Code of Federal Regulations, more guidance should be provided on the specific criteria that must be evaluated.

Disagree with comment. Communities should become familiar with CFR language. Additional guidance, if needed, should be provided by FEMA workshops, etc.

34. Page 12, Instructions for Communities – Add the phrase “As a participant in the NFIP” to the beginning of the paragraph.

Agree with comments, suggested change will be incorporated during this collection or the subsequent collection.

35. Page 12, Instructions for Communities – In addition to Federal and State permits, this section should also state that the community must enforce their local regulations, including the requirement that the lowest floor of residential structures, including basement, be at or above the BFE.

Agree with comments. The following wording will be added after the word applicant in the second line “is in compliance with local and NFIP regulations, and”.

36. Page 12, Instructions for Applicants, second sentence – The use of the words “make sure” may imply that the community has a requirement to compel the applicant to obtain the permit. Consider replacing “make sure” with “verify.”

Agree with comments, suggested change will be incorporated during this collection or the subsequent collection.

37. Page 12, Section A, 3rd paragraph – The guidance in Technical Bulletin 10-01 is contrary to FEMA’s minimum criteria in Paragraphs 60.3(c)(2) and 65.5(a)(4)(i) of the NFIP regulations that require that the lowest floor of residential structures be elevated to the BFE. The guidance in the MT-1 Form instructions should contain plain language that the request of a LOMR-F cannot be used to circumvent the requirement for the lowest floor of residential structures to be at or above the BFE.

This comment does not pertain directly to the forms themselves, and therefore will not be addressed at this time. This guidance would require an internal review by FEMA.

38. Page 12, Section B, first sentence – Add the words “Letter of Map Amendment” before the word “requests.”

Disagree with comment. LOMR-Fs could be considered inadvertent inclusions in the floodway if the fill was placed within the SFHA, but prior to the floodway designation.

39. Page 12, Section B, second sentence – The word “any” should be changed to “unacceptable.”

Agree with comments, suggested change will be incorporated during this collection or the subsequent collection.

40. Page 12, Section B, third sentence – Please clarify that this section also requires the community to verify that the subject request is not a violation of the community’s regulations.

Disagree with comment. By signing Section B of the form, the community official is acknowledging that he/she has reviewed the request and that the property meets or is designed to meet all community floodplain management requirements.

Comments on MT-1 Forms (paraphrased)

41. Property Information Form, MT-1 Form 1, Page 1, Subject of Request – Please refer to Comment #1.

Please refer to the response for comment #1.

42. Property Information Form, MT-1 Form 1, Page 1, Fill – Refer to Comment #10. Change “placed to raise” with “placed that raises.”

Please refer to the response for comment #10.

43. Property Information Form, MT-1 Form 1, Page 1, Fill – Refer to Comment #2.

Please refer to the response for comment #2.

44. Property Information Form, MT-1 Form 1, Page 1, Bullets 3 and 4 – Please clarify if requests for land can contain structures on the land.

The presence of existing structures is secondary to the request for removal of land.

45. Property Information Form, MT-1 Form 1, Page 2, top section – Allow submission of a FEMA Elevation Certificate in lieu of Form 2 if the request is for a structure only.

Please refer to the response in comment #15.

46. Elevation Form, MT-1 Form 2, Page 1, second text box below heading – Not all states permit engineers to certify elevation data.

Please refer to the response for comment #8.

47. Elevation Form, MT-1 Form 2, Page 1, second text box below heading – The FEMA Elevation Certificate should be allowed in lieu of the Elevation Form for single structure requests.

Please refer to the response for comment #8.

48. Elevation Form, MT-1 Form 2, Page 1, second text box below heading – Please clarify the submittal requirements for requests to remove land that has a structure or structures on it.

Please refer to the response for comment #13.

49. Elevation Form, MT-1 Form 2, Page 1, Bullet 3 – Revise to show check boxes for “NGVD 29,” “NAVD 88,” and “Other,” with a separate line for providing the conversion factor, if any.

This was addressed and revised prior to receiving these comments.

50. Elevation Form, MT-1 Form 2, Page 1, Bullet 4 – Change “crawl space” to “at/above grade crawl space. Refer to Comment #9.

Please refer to the response for comment #9.

51. Elevation Form, MT-1 Form 2, Page 1, elevation table – Add a column to allow easy cross-references between the table and exhibits.

Disagree with comment. This is unnecessary as internal evaluation of submittals and use of internal checklists are sufficient.

52. Community Acknowledgement Form, MT-1 Form 3, Section A, Requests Involving the Placement of Fill – In addition to the current language, require the community to acknowledge that the lowest floor of residential structures have been elevated to or above the BFE.

This would be a procedural change and would require internal review by FEMA.

53. Community Acknowledgement Form, MT-1 Form 3, Section A, Requests Involving the Placement of Fill – If FEMA’s intent is that the community must regulate all future development on the property following issuance of the LOMR-F, the phrase “the land and any existing or proposed structures” should be replaced with “the land and any existing or future structures.” However, communities that adopt the minimum criteria in Section 60.3 of the NFIP regulations may not have the authority to regulate these areas once the LOMR-F has been issued. Inconsistencies between the guidance in the MT-1 Form, Technical Bulletin 10-01, and the NFIP regulations should be resolved.

This comment does not pertain directly to the forms themselves, and therefore will not be addressed at this time. This would require an internal review by FEMA.

General Comments (paraphrased)

54. Downloading Forms – Please make sure that all links referenced in the instructions and forms are correct and working links.

This was addressed prior to receiving these comments.

Letter dated August 21, 2007, from Mr. George F. Myers, P.E., CFM, Project Engineer, Floodplain Management Program, Ohio Department of Natural Resources

1. Page 12, Section A, 3rd paragraph – The guidance in Technical Bulletin 10-01 is contrary to FEMA’s minimum criteria in Paragraphs 60.3(c)(2) and 65.5(a)(4)(i) of the NFIP regulations that require that the lowest floor of residential structures be elevated to the BFE.

This comment does not pertain directly to the forms themselves, and therefore will not be addressed at this time. This would require an internal review by FEMA.

2. Community Acknowledgement Form, MT-1 Form 3, Section A, Requests Involving Placement of Fill – If FEMA’s intent is that the community must regulate all future development on the property following issuance of the LOMR-F, the phrase “the land and any existing or proposed structures” should be

replaced with “the land and any existing or future structures.” However, communities that adopt the minimum criteria in Section 60.3 of the NFIP regulations may not have the authority to regulate these areas once the LOMR-F has been issued. Inconsistencies between the guidance in the MT-1 Form, Technical Bulletin 10-01, and the NFIP regulations should be resolved.

This comment does not pertain directly to the forms themselves, and therefore will not be addressed at this time. This would require an internal review by FEMA.

b. Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.

FEMA conducts workshops for community officials, engineers, surveyors, and developers every year on the MT -1 process. While the purpose of these workshops is not to solicit feedback on the forms and instructions, attendees use the opportunity to give comments and clarity of instructions. In addition, FEMA’s website (http://www.fema.gov/plan/prevent/fhm/tsd_emap.shtm) includes an email address, in which respondents can provide comments regarding the forms and clarity of instructions. FEMA also provides a toll free number (877-336-2627) to answer questions and provide opportunity for respondents to comment on the forms.

c. Describe consultations with representatives of those from whom information is to be obtained or those who must compile records. Consultation should occur at least once every three years, even if the collection of information activities is the same as in prior periods. There may be circumstances that may preclude consultation in a specific situation. These circumstances should be explained.

By the nature of the information collection activity, itself, consultation with those from whom information is to be obtained is continuous. These consultations are conducted on a daily basis by FEMA’s Contractor, the National Service Provider. When requests are received from respondents (homeowners, surveyors, engineers and community officials), comments are often included regarding the forms and instructions. The majority of the comments involve the clarity of instructions.

9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.

There will be no payments or gifts provided to respondents.

10. Describe any assurance of confidentiality provided to respondents. Present the basis for the assurance in statute, regulation, or agency policy.

This collection does not involve privacy act information. The information on the forms consists of documentation and interpretation of public documents. The information of the collection is publicly available and therefore not confidential.

11. Provide additional justification for any question of a sensitive nature (such as sexual behavior and attitudes, religious beliefs and other matters that are commonly considered private). This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.

There are no questions of a sensitive nature required for this collection of information.

12. Provide estimates of the hour burden of the collection of information. The statement should:

a. Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. Unless directed to do so, agencies should not conduct special surveys to obtain information on which to base hour burden estimates. Consultation with a sample (fewer than 10) of potential respondents is desired. If the hour burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of estimated hour burden, and explain the reasons for the variance. Generally, estimates should not include burden hours for customary and usual business practices.

Based on historical records, it is anticipated that FEMA will receive at least 19,972 responses to this collection per year. The estimated number of burden hours per response to submit all forms in this application/certification package has been determined to be 4.76 hours. Frequency of response for the FEMA Forms will be annual. Frequency of response for the LOMA/LOMR-F Tutorial will be as needed. Burden hours per respondent vary as displayed in the chart under 12c.

There are wide differences in the complexity and size of individual data submissions. Some of the respondents request determinations for very small pieces of properties that only involve one structure; others seek determinations for large acreage, which often involve entire subdivisions and proposed construction. Approximately ninety percent of requests are single structure lot/structure requests. The other ten percent are for multiple lot/structure requests and do not significantly affect the burden hours. Based on these percentages, the average burden hours were calculated.

Table 1. Annual Hour Burden

Data Collection Activity/Instrument	No. of Respondents	Frequency of Responses	Hour Burden Per Response	Annual Responses	Total Annual Hour Burden
	(A)	(B)	(C)	(D) = (AxB)	(E) = (CxD)
Form 81-87, Property Information Form (Homeowners/Representatives of Homeowner)	18,272	Annual (1)	1.63	18,272	29,783
On-line LOMA/LOMR-F Tutorial (Homeowners)	1,700	Annual (1)	0.5	1,700	850
Form 81-87A, Elevation Form (Surveyors/Engineers)	18,272	Annual (1)	1.25	18,272	22,840
Form 81-87B, Community Acknowledgment Form (Community Officials)*	3,389	Annual (1)	1.38	3,389	4,677
TOTAL	41,633		4.76	41,633	58,150

* This form is not required for all requests. It is only required for LOMR-F and CLOMR-F requests.

The Property Information Form is estimated to be 29,783 total annual burden hours. The burden hours per response is estimated to be 1.63 which includes gathering other existing data such as a copy of the Plat Map for the property, a copy of the deed for the property accompanied by a copy of the tax assessor’s map (or other suitable map) for the property, and a photocopy of the effective FIRM panel (including title block) that shows the area in which the property is located.

The Elevation Form is estimated to be 22,840 total annual burden hours. The burden hours per response is estimated to be 1.25 which includes surveying the subject properties before completing the Elevation Form. Once the forms are completed, they are certified by the surveyor/engineer. This form must be included for all requests, except those requests that involve properties or structures already shown outside of the SFHA on the FIRM.

The Community Acknowledgment Form is estimated to be 4,677 total annual burden hours. The burden hours per response is estimated to be 1.38 which includes reviewing community records regarding the subject properties for approval.

The on-line LOMA/LOMR-F Tutorial is estimated to be 850 total annual burden hours. The burden hours per response is estimated to be 0.5 which includes navigating through the on-line tutorial

b. If this request for approval covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burdens in Item 13 of OMB Form 83-I.

See table in 12(a).

c. Provide an estimate of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories. The cost to the respondents of contracting out or paying outside parties

for information collection activities should not be included here. Instead this cost should be included in Item 13.

Table 2. Annual Cost to Respondents for Hour Burden.

Data Collection Activity/Instrument	Respondent's Occupational Category	Median Wage (\$)	Total Annual Hour Burden (hour)	Total Annual Cost Burden (\$)
		(F)	(E)	(G) = (FxE)
Form 81-87, Property Information Form	Individuals of Household	\$14.61	29,783	\$435,130
On-line LOMA/LOMR-F Tutorial	Individuals of Household	\$14.61	850	\$12,418
Form 81-87A, Elevation Form	Surveyor	\$23.22	15,988	\$371,241
	Engineer	\$30.00	6,852	\$205,560
Form 81-87B, Community Acknowledgment Form	Community Official	\$50.00	4,677	\$233,850
TOTAL			58,150	\$1,258,199

Individuals and households (homeowners) are the primary public affected by this forms collection. This is because individuals and households are those who initiate completion and submission of the forms collection. However, due to certification and other technical requirements, completion of the forms collection requires participation by a second category of “affected public.” This category includes business or other for-profit organizations and State, Local, or Tribal government representatives. The estimates provided are based on the assumption that the burden involved with completing this forms collection will typically be split evenly between these two categories of “affected public.”

The burden assumed by the homeowner to complete this form collection is based on average annual pay figures for the United States in 2006. According to the United States Department of Labor, Bureau of Labor Statistics, the median hourly wage rate was \$14.61. This figure was used to determine the annual cost to homeowners. The total annual hour burden for homeowners (30,633, which includes the Property Information Form and On-line Tutorial) was multiplied by the median hour rate for homeowners (\$14.61) to arrive at a total annual cost of \$447,548 for homeowners.

The burden assumed by the business or other for-profit organizations to complete this form collections is based on the average annual pay figures for these professions (surveyors and engineers), according to the United States Department of Labor, Bureau of Labor Statistics. The median hourly wage rate for a surveyor in 2006 was \$23.22, and for an engineer was \$30.00. Historical data indicates that approximately seventy percent (70%) of the Elevation Forms are completed by surveyors and approximately thirty percent (30%) are completed by engineers. Therefore, the percentage of total annual hour burden for surveyors (15,988) and engineers (6,852) was multiplied by the median

hour rate for surveyors (\$23.22) and engineers (\$30.00) to arrive at a total annual cost of \$576,801 (\$371,241 for surveyors and \$205,560 for engineers).

The median hourly wage rate for a community official was assumed to be \$50.00. The total annual hour burden for community officials (4,677) was multiplied by the median hour rate for community officials (\$50.00) to arrive at a total cost of \$233,850 for community officials.

13. Provide an estimate of the total annual cost burden to respondents or recordkeepers resulting from the collection of information. The cost of purchasing or contracting out information collection services should be a part of this cost burden estimate. (Do not include the cost of any hour burden shown in Items 12 and 14.)

The cost to the homeowners is estimated to be a fee of \$200 - \$800 charge to the applicant, for a license surveyor or engineer to complete the Elevation information form. Although the average is estimated to be \$450 the cost per Elevation form varies from property to property. The annual cost to 19,972 respondents x an average cost of \$450 is estimated to be approximately \$8,987,400.

The proposed 60-day Federal Register Notice have been changed to reflect the cost estimated to respondents. This change is published in the 30-day Federal Register Notice.

Recordkeeping burden is minimal and considered usual business practice for communities. The total cost is included in the annual burden hours for the community acknowledgment form. This is the requirement for each community to keep on file all supporting analyses and documentation used to support a determination that property (land or structures) are "reasonably safe from flooding" [as referenced in §65.5(a)(4)(ii), §65.:(a)(5), §65.6(a)(14)(ii), and §65.6(a)(15) - May 4, 2001, Final Rule (Vol. 66, No. 87, pages 22442 - 22443] (copy attached).

The cost estimates should be split into two components:

a. Operation and Maintenance and purchase of services component. These estimates should take into account cost associated with generating, maintaining, and disclosing or providing information. Include descriptions of methods used to estimate major cost factors including system and technology acquisition, expected useful life of capital equipment, the discount rate(s), and the time period over which costs will be incurred.

There is no cost to respondents for Operation and Maintenance.

b. Capital and Start-up-Cost should include, among other items, preparations for collecting information such as purchasing computers and software, monitoring sampling, drilling and testing equipment, and record storage facilities.

There is no Capital and Start-up Cost for this collection.

14. Provide estimates of annualized cost to the federal government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing and support staff), and any other expense that would have been incurred without this collection of information. You may also aggregate cost estimates for Items 12, 13, and 14 in a single table.

Annual Cost to the Federal Government

Item	Cost (\$)
Contract Costs [Description below]	\$93,500
Staff Salaries [1 GS12 employee spending approximately 15% of time annually (insert annual rate) to the review, coordination, and approval of the final submission for MT-1 forms.]	\$10,745
Facilities [cost for renting, overhead, etc. for data collection activity]	\$0
Computer Hardware and Software [cost of equipment annual lifecycle]	\$0
Equipment Maintenance [cost of annual maintenance/service agreements for equipment]	\$0
Travel	\$0
Printing [35,000 MT-1 annually]	\$23,000
Postage [35,000 MT-1 annually]	\$13,650
Other	
Total	\$140,895

The contractor costs are estimated to be \$93,500. This cost includes call center staff responding to an average of 16,000 calls per year that pertain to this collection. Most of these calls are from respondents who require assistance with completing the forms and interpretation of the instructions. Based on historical call center data, calls pertaining to the forms lasts an average of 6 minutes. Based on an average loaded rate of \$55.00 per hour, the contractor costs for responding to these calls is \$88,000. The contract costs associated with completing and submitting required documents for this collection is estimated to be \$5,500. This includes 100 hours and is based on an average loaded rate of \$55.00 per hour.

Staff salary cost is estimated to be \$10,745. This cost includes one GS12 government employee, with an hourly rate of \$34.44, dedicating fifteen percent of their time (312 hours) to the coordination, completion, and final submission of this collection.

The cost for printing 35,000 copies of the MT-1 forms and instructions is estimated to be \$23,000.

The postage cost for mailing 35,000 MT-1 forms and instructions is estimated to be \$13,650 based on a postage cost of 0.39 cents per mailing.

15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB Form 83-I in a narrative form. Present the itemized

changes in hour burden and cost burden according to program changes or adjustments in Table 5. Denote a program increase as a positive number, and a program decrease as a negative number.

Itemized Change in Annual Cost Burden

Data Collection Activity/Instrument	Program Change (Old Cost Burden)	Program Change (New)	Adjustment Old Cost Burden	Adjustment (New)
Homeowners				
Difference	\$8,222,000.			+\$765,400.
Total(s)				\$8,987,400.

Explain:

An adjustment was made to this information collection to capture the correct purchasing of service cost to respondents. The total number of respondents included for this cost should have been 19,972. The total cost should be 8,987,400. (19,972x \$450) vs. 8,222,000. An adjustment of +\$765,400 was included in purchasing of service cost to respondents for this collection.

During September of 2005, the nation was impacted by Hurricane Katrina. The Terms of Clearance for this collection required an evaluation of the impact, if any, to this forms collection. There have been no regulatory or statutory changes that have affected this collection and consequently no changes in burden hours or annual responses.

As a lesson learned, FEMA now includes the NFIP and Levees Fact Sheet with all final determinations issued for properties in areas protected by levees. This Fact Sheet contains additional information concerning risks associated with levees, flood insurance and mitigation of flood risks in areas protected by levees.

16. For collections of information whose results will be published, outline plans for tabulation and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.

The results of information collections will be made in accordance with NFIP regulations 44 CFR Parts 65 and 70 will not be published for statistical use.

17. If seeking approval not to display the expiration date for OMB approval of the information collection, explain reasons that display would be inappropriate.

A valid OMB control number, expiration date and burden disclosure notice will be displayed in all collection's material, including the forms, supporting statement and 83-I.

18. Explain each exception to the certification statement identified in Item 19 "Certification for Paperwork Reduction Act Submissions," of OMB Form 83-I.

This collection does not seek exception to the certification statement referenced above.

B. Collections of Information Employing Statistical Methods.

When Item 17 on the Form OMB 83-I is checked "Yes", the following documentation should be included in the Supporting Statement to the extent it applies to the methods proposed:

There is no statistical methodology involved in this collection.