



# Frequently Asked Questions

## Fargo-Moorhead Area Diversion Project Conditional Letter of Map Revision

### Project Scope and Communities Impacted

#### **Q1. What is the Fargo-2 Diversion Project?**

**A1.** The Fargo-Moorhead (FM) Diversion Project will establish permanent flood protection measures for the region. Once constructed this project is a 20,000 cubic feet per second, 36-mile long, 1,500 foot-wide diversion channel with 32,500 acres of upstream staging. The project would reduce a 100-year flood event from 42.4 feet to 35 feet at the Fargo gage. For additional information about the project, visit <http://www.fmdiversion.com/>.

#### **Q2. Which communities in Minnesota and North Dakota are likely to be impacted by the FM Diversion Project?**

**A2.** The FM Diversion Project impacts 27 communities in four counties in Minnesota and North Dakota.

**Minnesota:**                    **Clay County** -- City of Comstock; City of Moorhead

**Wilkin County** -- City of Wolverton

**North Dakota:**                **Cass County**

City of –

   Argusville; Briarwood; Fargo; Frontier; Harwood; Horace;  
North River;

   Oxbow; Prairie Rose; Reiles Acre; and, West Fargo.

Township of –

   Gardner; Harwood; Mapleton; Pleasant; Raymond; Reed;  
Stanley; Warren; Berlin; and Wiser.

**Richland County**

City of Christine; Township of Eagle; Township of Walcott

**Q3. My house is going to be impacted by this project, with a higher flood elevation. Will FEMA raise my insurance while I am waiting for promised project mitigation?**

**A3.** FEMA will continue to rate insurance using the currently effective Flood Insurance Rate Map (FIRM) and flood elevations that have been adopted by the local communities. As FEMA is continuing to coordinate with state and local governments, there is currently not an intention to update the FIRMs until the proposed project is complete.

**Q4. When can I expect to have my house mitigated per the plan included in the CLOMR?**

**A4.** The U.S. Army Corps of Engineer (USACE) and Local Project Sponsors are managing the flood mitigation efforts and would be best suited to address structure specific inquiries. The projected timeline indicates that the project will be operational by 2024. All mitigation must be completed prior to the project becoming operational. For more information about the project timeline and mitigation efforts, visit [www.fmdiversion.com](http://www.fmdiversion.com).

**Q5. We understand that the state of Minnesota has not approved the project. How can FEMA proceed with the Conditional Letter of Map Revision (CLOMR) when not all of the impacted states and communities have concurred with the CLOMR?**

**A5.** Concurrence was received from the cities of Moorhead, Minnesota and Fargo, North Dakota and these counties: Clay County in Minnesota and Cass County in North Dakota. The other communities that will be affected have been notified.

FEMA will review map change requests that affect non-concurring communities when written evidence is provided that the communities have been informed of the project and afforded or provided the opportunity to review. All affected communities were sent information regarding the FM Diversion project and the CLOMR and given an opportunity to review and comment.

FEMA will proceed with issuance of the CLOMR that includes a condition that the maps cannot be updated via a Letter of Map Revision (LOMR) for Minnesota communities until FEMA receives documentation of the approval of the revised floodway by the state of Minnesota.

**Q6. As a local official do I have to adopt the higher elevations now and begin using them for permitting in my community?**

**A6.** Many jurisdictions have already adopted the higher elevations and are following these implemented regulations. Some jurisdictions have not adopted higher elevations that FEMA highly recommends, but cannot require.

**Q7. As a state hazard mitigation officer can I use the higher Base Flood Elevations (BFEs) now to determine cost benefit for future mitigation projects?**

**A7.** For the purposes of, and in coordination with FEMA Region VIII, Benefit Cost Analyses (BCAs) can be prepared using the regulated elevations -- in this case the proposed project Base

Flood Elevations. In this scenario, Hazard Mitigation Assistance (HMA) funding should no longer be applied to the federal project that is sponsored by the U.S. Army Corps of Engineers. HMA funds are ineligible for FM Diversion projects that are either receiving benefit from or being mitigated due to this project's specifications as it is considered a duplication of federal programs.

Prior to the approval of this project, FEMA Region VIII partnered extensively with Cass County (ND) and the City of Fargo (ND) to complete property acquisitions.

### **Additional Information about the CLOMR**

#### **Q8. What is a FEMA Conditional Letter of Map Revision (CLOMR)? When does FEMA issue a Letter of Map Revision (LOMR) or revise a Flood Insurance Rate Map?**

**A8.** A Conditional Letter of Map Revision (CLOMR) is a letter from FEMA commenting on whether a project, if built as proposed, would meet the minimum National Flood Insurance Program (NFIP) requirements to warrant a map revision. It is not a permit or other authorization for development.

CLOMRs do not include a physical change to the Flood Insurance Rate Map (FIRM) as they are a comment on a proposed project.

Additionally, CLOMRs do not change the flood insurance rates or mandatory purchase requirements for impacted property owners. Once the project is completed, the project sponsor will submit a request for a Letter of Map Revision (LOMR) to FEMA to revise the effective FIRM to reflect the impacts of the project.

With multi-year projects, it is not uncommon for FEMA to condition a CLOMR to require future mitigation of impacted structures, including a mixture of different mitigation techniques. Until evidence of mitigation action has been completed and received, FEMA will not issue a LOMR, Letter of Map Amendment (LOMA), or Letter of Map Revision based on Fill (LOMR-F) based on the mitigation efforts or the effects of the larger project. The community must show that the flood hazard to the affected structures has been mitigated before FEMA will issue a map revision. The flood insurance rates and the mandatory purchase requirement in the affected areas will not change until FEMA can confirm that the mitigation has been completed.

Once the project is built, the project sponsor will submit to FEMA a request for a LOMR to revise the effective FIRM to reflect the impacts of the project. Evidence of mitigation will be required in order to issue the LOMR(s). Until that time, flood insurance rates and mandatory purchase requirements will not change as a result of the FM Diversion project.

#### **Q9. What are specific federal regulations which apply to CLOMRs?**

**A9.** There are several references in the Code of Federal Regulations (CFR) to address topics such as development and floodplain management. The following actions are allowed by regulations when a CLOMR is processed first.

- Allows communities to permit development in the floodplain that will increase the base flood elevation. See 44 CFR 60.3(c)(13). See the following regulatory language:

*“Notwithstanding any other provisions of, a community may approve certain development in Zones AI-30, AE, and AH, on the community's FIRM which increase the water surface elevation of the base flood by more than one foot, provided that the community first applies for a conditional FIRM revision, fulfills the requirements for such a revision as established under the provisions of § 65.12, and receives the approval of the Federal Insurance Administrator.”*

- Allows communities to permit encroachments on the regulatory floodway. See 44 CFR 60.3(d)(4). See the following regulatory language:

*“Notwithstanding any other provisions of § 60.3, a community may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that the community first applies for a conditional FIRM and floodway revision, fulfills the requirements for such revisions as established under the provisions of § 65.12, and receives the approval of the Federal Insurance Administrator.”*

- Both of these regulations reference the requirements in 44 CFR 65.12 regarding CLOMRs. Among other things, this part of the regulations requires:
  - Documentation of individual legal notice to all impacted property owners;
  - Concurrence of the Chief Executive Officer of any other communities impacted by the proposed actions; and
  - Certification that no structures are impacted by the increased base flood elevation.
- Also, requires communities to adopt the proposed changes prior to FEMA’s issuance of a Letter of Map Revision (LOMR). See 44 CFR 65.12 (b)

*FEMA's mission is to support our citizens and first responders to ensure that as a nation we work together to build, sustain and improve our capability to prepare for, protect against, respond to, recover from and mitigate all hazards.*

*Follow FEMA online at [www.fema.gov/blog](http://www.fema.gov/blog), [www.twitter.com/fema](https://twitter.com/fema), [www.facebook.com/fema](https://www.facebook.com/fema) and [www.youtube.com/fema](https://www.youtube.com/fema). Also, follow Administrator Brock Long’s activities at [www.twitter.com/fema\\_brock](https://www.twitter.com/fema_brock).*

*The social media links provided are for reference only. FEMA does not endorse any non-government websites, companies or applications.*