



Federal Emergency Management Agency

Washington, D.C. 20472

February 03, 2016

MR. RICHARD BRITTEN
HOWARD & ASSOCIATES REAL ESTATE
2397 ROUTE NO. 426
FINDLEY LAKE, NY 14736

CASE NO.: 16-02-0626A
COMMUNITY: TOWN OF MINA, CHAUTAUQUA
COUNTY, NEW YORK
COMMUNITY NO.: 361371

DEAR MR. BRITTEN:

This is in reference to a request that the Federal Emergency Management Agency (FEMA) determine if the property described in the enclosed document is located within an identified Special Flood Hazard Area, the area that would be inundated by the flood having a 1-percent chance of being equaled or exceeded in any given year (base flood), on the effective National Flood Insurance Program (NFIP) map. Using the information submitted and the effective NFIP map, our determination is shown on the attached Letter of Map Amendment (LOMA) Determination Document. This determination document provides additional information regarding the effective NFIP map, the legal description of the property and our determination.

Additional documents are enclosed which provide information regarding the subject property and LOMAs. Please see the List of Enclosures below to determine which documents are enclosed. Other attachments specific to this request may be included as referenced in the Determination/Comment document. If you have any questions about this letter or any of the enclosures, please contact the FEMA Map Assistance Center toll free at (877) 336-2627 (877-FEMA MAP) or by letter addressed to the Federal Emergency Management Agency, LOMC Clearinghouse, 847 South Pickett Street, Alexandria, VA 22304-4605.

Sincerely,

A handwritten signature in black ink, appearing to read "Luis Rodriguez".

Luis Rodriguez, P.E., Chief
Engineering Management Branch
Federal Insurance and Mitigation Administration

LIST OF ENCLOSURES:

LOMA DETERMINATION DOCUMENT (REMOVAL)

cc: State/Commonwealth NFIP Coordinator
Community Map Repository
Region



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ADDITIONAL INFORMATION REGARDING LETTERS OF MAP AMENDMENT

When making determinations on requests for Letters of Map Amendment (LOMAs), the Department of Homeland Security's Federal Emergency Management Agency (FEMA) bases its determination on the flood hazard information available at the time of the determination. Requesters should be aware that flood conditions may change or new information may be generated that would supersede FEMA's determination. In such cases, the community will be informed by letter.

Requesters also should be aware that removal of a property (parcel of land or structure) from the Special Flood Hazard Area (SFHA) means FEMA has determined the property is not subject to inundation by the flood having a 1-percent chance of being equaled or exceeded in any given year (base flood). This does not mean the property is not subject to other flood hazards. The property could be inundated by a flood with a magnitude greater than the base flood or by localized flooding not shown on the effective National Flood Insurance Program (NFIP) map.

The effect of a LOMA is it removes the Federal requirement for the lender to require flood insurance coverage for the property described. The LOMA *is not* a waiver of the condition that the property owner maintain flood insurance coverage for the property. *Only* the lender can waive the flood insurance purchase requirement because the lender imposed the requirement. *The property owner must request and receive a written waiver from the lender before canceling the policy.* The lender may determine, on its own as a business decision, that it wishes to continue the flood insurance requirement to protect its financial risk on the loan.

The LOMA provides FEMA's comment on the mandatory flood insurance requirements of the NFIP as they apply to a particular property. A LOMA is not a building permit, nor should it be construed as such. Any development, new construction, or substantial improvement of a property impacted by a LOMA must comply with all applicable State and local criteria and other Federal criteria.

If a lender releases a property owner from the flood insurance requirement, and the property owner decides to cancel the policy and seek a refund, the NFIP will refund the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy during the current policy year. The property owner must provide a written waiver of the insurance requirement from the lender to the property insurance agent or company servicing his or her policy. The agent or company will then process the refund request.

Even though structures are not located in an SFHA, as mentioned above, they could be flooded by a flooding event with a greater magnitude than the base flood. In fact, more than 25 percent of all claims paid by the NFIP are for policies for structures located outside the SFHA in Zones B, C, X (shaded), or X (unshaded). More than one-fourth of all policies purchased under the NFIP protect structures located in these zones. The risk to structures located outside SFHAs is just not as great as the risk to structures located in SFHAs. Finally, approximately 90 percent of all federally declared disasters are caused by flooding, and homeowners insurance does not provide financial protection from this flooding. Therefore, FEMA encourages the widest possible coverage under the NFIP.

The NFIP offers two types of flood insurance policies to property owners: the low-cost Preferred Risk Policy (PRP) and the Standard Flood Insurance Policy (SFIP). The PRP is available for 1- to 4-family residential structures located outside the SFHA with little or no loss history. The PRP is available for townhouse/rowhouse-type structures, but is not available for other types of condominium units. The SFIP is available for all other structures. Additional information on the PRP and how a property owner can qualify for this type of policy may be obtained by calling the Flood Insurance Information Hotline, toll free, at 1-800-427-4661. Before making a final decision about flood insurance coverage, FEMA strongly encourages property owners to discuss their individual flood risk situations and insurance needs with an insurance agent or company.

FEMA has established "Grandfather" rules to benefit flood insurance policyholders who have maintained continuous coverage. Property owners may wish to note also that, if they live outside but on the fringe of the SFHA shown on an effective NFIP map and the map is revised to expand the SFHA to include their structure(s), their flood insurance policy rates will not increase as long as the coverage for the affected structure(s) has been continuous. Property owners would continue to receive the lower insurance policy rates.

LOMAs are based on minimum criteria established by the NFIP. State, county, and community officials, based on knowledge of local conditions and in the interest of safety, may set higher standards for construction in the SFHA. If a State, county, or community has adopted more restrictive and comprehensive floodplain management criteria, these criteria take precedence over the minimum Federal criteria.

In accordance with regulations adopted by the community when it made application to join the NFIP, letters issued to amend an NFIP map must be attached to the community's official record copy of the map. That map is available for public inspection at the community's official map repository. Therefore, FEMA sends copies of all such letters to the affected community's official map repository.

When a restudy is undertaken, or when a sufficient number of revisions or amendments occur on particular map panels, FEMA initiates the printing and distribution process for the affected panels. FEMA notifies community officials in writing when affected map panels are being physically revised and distributed. In such cases, FEMA attempts to reflect the results of the LOMA on the new map panel. If the results of particular LOMAs cannot be reflected on the new map panel because of scale limitations, FEMA notifies the community in writing and revalidates the LOMAs in that letter. LOMAs revalidated in this way usually will become effective 1 day after the effective date of the revised map.



FEMA



The National Flood Insurance Program and Levees

More than 21,000 communities across the United States and its territories participate in the National Flood Insurance Program (NFIP) by adopting and enforcing floodplain management ordinances to reduce future flood damage. In exchange, the NFIP makes Federally-backed flood insurance available to homeowners, renters, and business owners in these communities. Community participation in the NFIP is voluntary.

Communities joining the NFIP are required to adopt floodplain management ordinances to minimize damage to properties located in the high-risk areas (known as Special Flood Hazard Areas, or SFHAs). The NFIP requires all new or substantially improved structures be constructed at or above the elevation of the one-percent-annual-chance flood, also called the base flood. Appropriate precautions should be taken by residents and business owners living or working in areas behind levees mapped as moderate-to-low risk areas because there is always a risk of overtopping or levee failure.

Levees: Risk Reduction, Not Protection

FEMA defines a levee as “a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water in order to reduce risk from temporary flooding.” Levees reduce risk from flooding events, but they do not eliminate it. There is always the chance a flood will exceed the capacity of a levee, no matter how well it is built. Levees are designed to manage a certain amount of floodwater and can be overtopped or fail during flood events exceeding the level for which they were designed. Levee failures can also be caused by structural failures resulting from improper maintenance, inadequate foundations, seismic activity, erosion, seepage, and burrowing animals. When a levee does fail, the result can be more catastrophic than if the levee had not been present.

FEMA strongly encourages citizens living and working behind levees to understand their flood risk and take action to reduce the risk to their families, businesses, and property.



Overview

The Federal Emergency Management Agency (FEMA) administers the NFIP, the cornerstone of the Nation's strategy for assisting communities in preparing for flood disasters. The NFIP was created to help protect lives and reduce flood damages by identifying flood risks, encouraging sound community floodplain management practices, and providing flood insurance to lessen the financial impact of flooding.

While the NFIP provides flood insurance and strives to reduce flood damages through floodplain management regulations, FEMA identifies and maps the Nation's floodplains. Mapping flood hazards creates broad-based awareness of the flood hazards and provides the data necessary for floodplain management programs to ensure safer construction and for the flood insurance program to provide more accurate rating.

RiskMAP
Increasing Resilience Together

Such risk reduction actions include:

- Purchase flood insurance through the NFIP
- Adhere to local floodplain management regulations when building or substantially improving your building
- Familiarize yourself with local evacuation procedures and have a family or business emergency plan in place
- Consider floodproofing and other protective measures such as elevating furnaces, water heaters and electrical panels and seal basement walls with waterproofing compounds to avoid seepage

Flood Hazard Maps Identify Flood Risks

Because floodplains change over time, flood hazard information must be periodically updated to reflect actual flood risk. FEMA is currently updating flood hazard maps, also known as Flood Insurance Rate Maps (FIRMs), Nationwide through the Risk Mapping, Assessment, and Planning (Risk MAP) program. FIRMs are the official flood maps for a community on which FEMA has identified both the high-risk and the moderate-to-low risk flood zones. With new FIRMs, community officials will have updated information to better guide where and how to build more safely, and the public will better understand their risk so they can make more informed decisions about financially protecting their homes and businesses.

Levees that are designed to provide protection from at least the base flood may be accredited by FEMA, and areas immediately behind them identified as moderate-risk zones on the FIRM. To meet FEMA's criteria for accreditation, the levee owner must provide certified documentation that the levee meets or exceeds minimum Federal requirements for reducing flood risk. If the levee owner cannot provide the necessary data and documentation for the levee, FEMA cannot accredit it and the flood risk map will show the immediate area behind the levee as a high-risk flood zone. It is important to note accrediting a levee does not guarantee protection. FIRMs carry a warning that overtopping or failure of levees is possible and flood insurance protection and adherence to evacuation procedures are strongly recommended.

Flood Insurance

Flooding is the Nation's most common natural disaster. Levees reduce the risk of flooding, but do not eliminate it. Property owners living near levees must consider the risks and take appropriate steps to protect themselves and their

assets. FEMA recommends flood insurance for all property owners, especially those behind levees. Because most homeowner's insurance policies do not cover damage from floods, FEMA offers Federally-backed flood insurance through the NFIP. Low-cost flood insurance is available in areas behind accredited and provisionally accredited levees with premiums starting as low as \$129 a year.

Living with Levee Systems-It's a Shared Responsibility

Ensuring the safety of lives and property in areas behind levees is a shared responsibility. FEMA identifies risk levels through flood analyses and mapping projects and establishes criteria for levee accreditation. FEMA does not build, own or certify levees. The U.S. Army Corps of Engineers (USACE) is responsible for building and maintaining USACE-owned levees and for inspecting those structures to determine their level of maintenance. States, communities, and private levee owners maintain and operate the levees they own according to their specific design criteria. Communities and their citizens are strongly encouraged to learn more about the risk associated with levees and know the steps to take to protect their families, businesses, and communities from the threat of flooding.

For More Information

- For additional information on the NFIP, please visit: www.fema.gov/about/programs/nfip/index.shtm.
- For additional information on levees, please visit www.fema.gov/plan/prevent/fhm/lv_intro.shtm.
- To see how levees work and how they can fail, visit www.FloodSmart.gov/simulator.
- For additional information on flood hazard mapping, please visit: www.fema.gov/plan/prevent/fhm/hm_main.shtm.
- For additional information on flood insurance for your home or business or to find an agent, please visit the FloodSmart website at: www.floodsmart.gov.
- For more information about FEMA's levee accreditation process, please visit: www.fema.gov/plan/prevent/fhm/lv_fpm.shtm.
- For more information about the USACE and their Levee Safety Program, please visit: www.usace.army.mil/LeveeSafety/Pages/main.aspx.

RiskMAP
Increasing Resilience Together

Your home has been reclassified as moderate-to-low flood risk.

You may now qualify for a Preferred Risk Flood Insurance Policy with rates starting as low as \$129 per year. So, you may keep your home—as well as its contents—covered all year for less money. Have your insurance agent switch your policy today.

Remember, there's no such thing as no flood risk.

Stay covered. Talk to an agent today.

Call **1-888-724-6390** or go to www.floodsmart.gov/preferred

People outside of high-risk areas file over 20% of NFIP claims and receive one-third of disaster assistance for flooding.



FEMA

