



Federal Emergency Management Agency

Washington, D.C. 20472

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

IN REPLY REFER TO:
APPEAL START

September 9, 2016

Joel Maerten
Supervisor, Town of Pendleton
6570 Campbell Boulevard
Pendleton, New York 14094

Case No: 16-02-0007S
Community: Town of Pendleton,
Niagara County, New York
Community No.: 360509

Dear Mr. Maerten:

On February 29, 2016, the Department of Homeland Security's Federal Emergency Management Agency (FEMA) provided your community with Preliminary copies of the revised Flood Insurance Rate Map (FIRM) and Flood Insurance Study (FIS) report for Niagara County, New York (All Jurisdictions) and revised Preliminary copies of the revised FIRM and FIS report on May 9, 2016. FEMA has posted digital copies of these revised FIRM and FIS report materials to the following Website:

<http://www.fema.gov/preliminaryfloodhazarddata>. The Preliminary and revised Preliminary FIRM and FIS report include proposed flood hazard information for certain locations in the Town of Pendleton. The proposed flood hazard information may include addition or modification of Special Flood Hazard Areas, the areas that would be inundated by the base (1-percent-annual-chance) flood; base flood elevations or depths; zone designations; or regulatory floodways.

We have published a notice of the proposed flood hazard determinations in the *Federal Register* and will publish a public notification concerning the appeal process (explained below) in the *Union Sun (Lockport Edition)* on or about September 16, 2016, and September 23, 2016. We will also publish a separate notice of the flood hazard determinations on the "Flood Hazard Determinations on the Web" portion of the FEMA Website (www.fema.gov/plan/prevent/fhm/bfe). We have enclosed copies of the notice published in the *Federal Register* and the newspaper notice for your information.

These proposed flood hazard determinations, if finalized, will become the basis for the floodplain management measures that your community must adopt or show evidence of having in effect to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP). However, before any new or modified flood hazard information is effective for floodplain management purposes, FEMA will provide community officials and citizens an opportunity to appeal the proposed flood hazard information presented on the Preliminary and revised Preliminary FIRM and FIS report posted to the above-referenced Website.

Section 110 of the Flood Disaster Protection Act of 1973 (Public Law 93-234) is intended to ensure an equitable balancing of all interests involved in the setting of flood hazard determinations. The legislation provides for an explicit process of notification and appeals for your community and for private persons prior to this office making the flood hazard determinations final. The appeal procedure is outlined below

for your information and in the enclosed document titled *Criteria for Appeals of Flood Insurance Rate Maps*.

During the 90-day appeal period following the second publication of the public notification in the above-named newspaper, any owner or lessee of real property in your community who believes his or her property rights will be adversely affected by the proposed flood hazard determinations may appeal to you, or to an agency that you publicly designate. It is important to note, however, that the sole basis for such appeals is the possession of knowledge or information indicating that the proposed flood hazard determinations are scientifically or technically incorrect. The appeal data must be submitted to FEMA during the 90-day appeal period. Only appeals of the proposed flood hazard determinations supported by scientific or technical data can be considered before FEMA makes its final flood hazard determination at the end of the 90-day appeal period. Note that the 90-day appeal period is statutory and cannot be extended. However, FEMA also will consider comments and inquiries regarding data other than the proposed flood hazard determinations (e.g., incorrect street names, typographical errors, omissions) that are submitted during the appeal period, and will incorporate any appropriate changes to the FIRM and FIS report before they become effective.

If your community cannot submit scientific or technical data before the end of the 90-day appeal period, you may nevertheless submit data at any time. If warranted, FEMA will revise the FIRM and FIS report after the effective date. This means that the revised FIRM would be issued with the flood hazard information presently indicated, and flood insurance purchase requirements would be enforced accordingly, until such time as a revision could be made.

Any interested party who wishes to appeal should present the data that tend to negate or contradict our findings to you, or to an agency that you publicly delegate, in such form as you may specify. We ask that you review and consolidate any appeal data you may receive and issue a written opinion stating whether the evidence provided is sufficient to justify an official appeal by your community in its own name or on behalf of the interested parties. Whether or not your community decides to appeal, you must send copies of individual appeals and supporting data, if any, to:

Matt Lesher, STARR II
1500 Lake Shore Drive, Suite 100
Columbus, Ohio 43204
(614) 486-4383

If we do not receive an appeal or other formal comment from your community in its own name within 90 days of the second date of public notification, we will consolidate and review on their own merits such appeal data and comments from individuals that you may forward to us, and we will make such modifications to the proposed flood hazard information presented on the revised FIRM and in the revised FIS report as may be appropriate. If your community decides to appeal in its own name, all individuals' appeal data must be consolidated into one appeal by you, because, in this event, we are required to deal only with the local government as representative of all local interests. We will send our final decision in writing to you, and we will send copies to the community floodplain administrator, each individual appellant, and the State NFIP Coordinator.

All appeal submittals will be resolved by consultation with officials of the local government involved, by an administrative hearing, or by submission of the conflicting data to an independent scientific body or appropriate Federal agency for advice. Use of a Scientific Resolution Panel (SRP) is also available to your community in support of the appeal resolution process when conflicting scientific or technical data are submitted during the appeal period. SRPs are independent panels of experts in hydrology, hydraulics, and other pertinent sciences established to review conflicting scientific and technical data and provide recommendations for resolution. An SRP is an option after FEMA and community officials have been engaged in a collaborative consultation process for at least 60 days without a mutually acceptable resolution of an appeal. Please refer to the enclosed "Scientific Resolution Panels" fact sheet for additional information on this resource available to your community.

FEMA will make the reports and other information used in making the final determination available for public inspection. Until the conflict of data is resolved and the revised FIRM becomes effective, flood insurance available within your community will continue to be available under the effective NFIP map, and no person shall be denied the right to purchase the applicable level of insurance at chargeable rates.

The decision by your community to appeal, or a copy of its decision not to appeal, should be filed with this office no later than 90 days following the second publication of the flood hazard determination notice in the above-named newspaper. Your community may find it appropriate to call further attention to the proposed flood hazard determinations and to the appeal procedure by using a press release or other public notice.

If warranted by substantive changes, during the appeal period we will send you Revised Preliminary copies of the revised FIRM and FIS report. At the end of the 90-day appeal period and following the resolution of any appeals and comments, we will send you a Letter of Final Determination, which will finalize the flood hazard information presented on the revised FIRM and FIS report and will establish an effective date.

If you have any questions regarding the proposed flood hazard determinations, revised FIRM panels, or revised FIS report for your community, please call our FEMA Map Information eXchange (FMIX), toll free, at 1-877-FEMA-MAP (1-877-336-2627) or e-mail the FMIX staff at FEMAMapSpecialist@riskmapcds.com.

Sincerely,



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

List of Enclosures:

Newspaper Notice
Proposed Flood Hazard Determinations FEDERAL REGISTER Notice
Criteria for Appeals of Flood Insurance Rate Maps
"Scientific Resolution Panels" Fact Sheet

DEPARTMENT OF HOMELAND SECURITY
FEDERAL EMERGENCY MANAGEMENT AGENCY

Proposed Flood Hazard Determinations for Niagara County, New York (All Jurisdictions)

The Department of Homeland Security's Federal Emergency Management Agency has issued a preliminary Flood Insurance Rate Map (FIRM), and where applicable, Flood Insurance Study (FIS) report, reflecting proposed flood hazard determinations within Niagara County, New York (All Jurisdictions). These flood hazard determinations may include the addition or modification of Base Flood Elevations, base flood depths, Special Flood Hazard Area boundaries or zone designations, or the regulatory floodway. Technical information or comments are solicited on the proposed flood hazard determinations shown on the preliminary FIRM and/or FIS report for Niagara County, New York (All Jurisdictions). These flood hazard determinations are the basis for the floodplain management measures that your community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program. However, before these determinations are effective for floodplain management purposes, you will be provided an opportunity to appeal the proposed information. For information on the statutory 90-day period provided for appeals, as well as a complete listing of the communities affected and the locations where copies of the FIRM are available for review, please visit FEMA's website at www.fema.gov/plan/prevent/fhm/bfe, or call the FEMA Map Information eXchange (FMIX) toll free at 1-877-FEMA MAP (1-877-336-2627).

State and county	Location and case No.	Chief executive officer of community	Community map repository	Effective date of modification	Community No.
Tarrant (FEMA Docket No.: B-1607).	City of Fort Worth (15-06-0830P).	The Honorable Betsy Price, Mayor, City of Fort Worth, 1000 Throckmorton Street, Fort Worth, TX 76102.	City Hall, 1000 Throckmorton Street, Fort Worth, TX 76102.	May 31, 2016	480596
Travis (FEMA Docket No.: B-1611).	City of Pflugerville (15-06-3658P).	The Honorable Jeff Coleman, Mayor, City of Pflugerville, P.O. Box 589, Pflugerville, TX 78660.	Development Services Department, 201-B East Pecan Street, Pflugerville, TX 78691.	Jun. 3, 2016	481028
Travis (FEMA Docket No.: B-1611).	Unincorporated areas of Travis County (15-06-3658P).	The Honorable Sarah Eckhardt, Travis County Judge, P.O. Box 1748, Austin, TX 78767.	Travis County Engineering Department, 700 Lavaca Street, Austin, TX 78767.	Jun. 3, 2016	481026
Virginia: Chesterfield (FEMA Docket No.: B-1611)	Unincorporated areas of Chesterfield County (15-03-2769P).	The Honorable Steve A. Elswick, Chairman, Chesterfield County Board of Supervisors, P.O. Box 40, Chesterfield, VA 23832.	Chesterfield County Department of Environmental Engineering, 9800 Government Center Parkway, Chesterfield, VA 23832.	Jun. 10, 2016	510035
Fauquier (FEMA Docket No.: B-1611).	Unincorporated areas of Fauquier County (15-03-0741P).	The Honorable Chester W. Stribling, Chairman, Fauquier County Board of Supervisors, 10 Hotel Street, Suite 208, Warrenton, VA 20186.	Fauquier County Department of Community Development, Zoning and Development Services, 29 Ashby Street, Suite 310, Warrenton, VA 20186.	Jun. 9, 2016	510055
Mecklenburg (FEMA Docket, No.: B-1607).	Unincorporated areas of Mecklenburg County (15-03-1485P).	The Honorable Glenn E. Barbour, Chairman, Mecklenburg County Board of Supervisors, P.O. Box 729, South Hill, VA 23970.	Mecklenburg County Zoning Department, P.O. Box 307, Boydton, VA 23917.	May 26, 2016	510189

[FR Doc. 2016-18970 Filed 8-9-16; 8:45 am]
BILLING CODE 9110-12-P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA-2016-0002; Internal Agency Docket No. FEMA-B-1634]

Proposed Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: Comments are requested on proposed flood hazard determinations, which may include additions or modifications of any Base Flood Elevation (BFE), base flood depth, Special Flood Hazard Area (SFHA) boundary or zone designation, or regulatory floodway on the Flood Insurance Rate Maps (FIRMs), and where applicable, in the supporting Flood Insurance Study (FIS) reports for the communities listed in the table below. The purpose of this notice is to seek general information and comment regarding the preliminary FIRM, and where applicable, the FIS report that the Federal Emergency Management Agency (FEMA) has provided to the affected communities. The FIRM and FIS report are the basis of the floodplain management measures that the community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified

for participation in the National Flood Insurance Program (NFIP). In addition, the FIRM and FIS report, once effective, will be used by insurance agents and others to calculate appropriate flood insurance premium rates for new buildings and the contents of those buildings.

DATES: Comments are to be submitted on or before November 8, 2016.

ADDRESSES: The Preliminary FIRM, and where applicable, the FIS report for each community are available for inspection at both the online location and the respective Community Map Repository address listed in the tables below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at www.msc.fema.gov for comparison.

You may submit comments, identified by Docket No. FEMA-B-1634, to Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW., Washington, DC 20472, (202) 646-7659, or (email) patrick.sacbibit@fema.dhs.gov.

FOR FURTHER INFORMATION CONTACT: Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW., Washington, DC 20472, (202) 646-7659, or (email) patrick.sacbibit@fema.dhs.gov; or visit the FEMA Map Information eXchange (FMIX) online at www.floodmaps.fema.gov/fhm/fmx_main.html.

SUPPLEMENTARY INFORMATION: FEMA proposes to make flood hazard

determinations for each community listed below, in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. These flood hazard determinations are used to meet the floodplain management requirements of the NFIP and also are used to calculate the appropriate flood insurance premium rates for new buildings built after the FIRM and FIS report become effective.

The communities affected by the flood hazard determinations are provided in the tables below. Any request for reconsideration of the revised flood hazard information shown on the Preliminary FIRM and FIS report that satisfies the data requirements outlined in 44 CFR 67.6(b) is considered an appeal. Comments unrelated to the flood hazard determinations also will be considered before the FIRM and FIS report become effective.

Use of a Scientific Resolution Panel (SRP) is available to communities in support of the appeal resolution process. SRPs are independent panels of experts in hydrology, hydraulics, and other pertinent sciences established to

review conflicting scientific and technical data and provide recommendations for resolution. Use of the SRP only may be exercised after FEMA and local communities have been engaged in a collaborative consultation process for at least 60 days without a mutually acceptable resolution of an appeal. Additional information regarding the SRP process can be found online at http://floodsrp.org/pdfs/srp_fact_sheet.pdf.

The watersheds and/or communities affected are listed in the tables below.

The Preliminary FIRM, and where applicable, FIS report for each community are available for inspection at both the online location and the respective Community Map Repository address listed in the tables. For communities with multiple ongoing Preliminary studies, the studies can be identified by the unique project number and Preliminary FIRM date listed in the tables. Additionally, the current effective FIRM and FIS report for each community are accessible online

through the FEMA Map Service Center at www.msc.fema.gov for comparison.

(Catalog of Federal Domestic Assistance No. 97.022, "Flood Insurance.")

Dated: August 2, 2016.

Roy E. Wright,

Deputy Associate Administrator for Insurance and Mitigation, Department of Homeland Security, Federal Emergency Management Agency.

I. Non-watershed-based studies:

Community	Community map repository address
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Montgomery County, New York (All Jurisdictions)

Maps Available for Inspection Online at: <http://www.fema.gov/preliminaryfloodhazarddata>

Project: 16-02-0009S Preliminary Date: February 19, 2016

City of Amsterdam	City Hall, 61 Church Street, Amsterdam, NY 12010.
Town of Amsterdam	Amsterdam Town Office Building, 283 Manny's Corners Road, Amsterdam, NY 12010.
Town of Canajoharie	Canajoharie Town Office, 12 Mitchell Street, Canajoharie, NY 13317.
Town of Charleston	Charleston Municipal Building, 480 Corbin Hill Road, Sprakers, NY 12166.
Town of Florida	Florida Town Office Building, 214 Fort Hunter Road, Amsterdam, NY 12010.
Town of Glen	Glen Town Office, 7 Erie Street, Fultonville, NY 12072.
Town of Minden	Minden Municipal Town Building, 134 Highway 80, Fort Plain, NY 13339.
Town of Mohawk	Town of Mohawk, Richard A. Papa Office Building, 2-4 Park Street, Fonda, NY 12068.
Town of Palatine	Palatine Town Office, 141 West Grand Street, Palatine Bridge, NY 13428.
Town of Root	Root Town Office, 1048 Carlisle Road, Sprakers, NY 13317.
Town of St. Johnsville	St. Johnsville Town Office, 7431 State Highway 5, St. Johnsville, NY 13452.
Village of Ames	Village Office, 595 Latimer Hill Road, Ames, NY 13317.
Village of Canajoharie	Canajoharie Village Office, 75 Erie Boulevard, Canajoharie, NY 13317.
Village of Fonda	Municipal Building, 8 East Main Street, Fonda, NY 12068.
Village of Fort Johnson	Municipal Building, 1 Prospect Street, Fort Johnson, NY 12070.
Village of Fort Plain	Village Hall, 168 Canal Street, Fort Plain, NY 13339.
Village of Fultonville	Village Court Municipal Building, 10 Erie Street, Fultonville, NY 12072.
Village of Hagaman	Pawling Hall, 86 Pawling Street, Hagaman, NY 12086.
Village of Nelliston	Village Municipal Building, 11 River Street, Nelliston, NY 13410.
Village of Palatine Bridge	Village Office, 11 West Grand Street, Palatine Bridge, NY 13428.
Village of St. Johnsville	St. Johnsville Village Office, 16 Washington Street, St. Johnsville, NY 13452.

Niagara County, New York (All Jurisdictions)

Maps Available for Inspection Online at: <http://www.fema.gov/preliminaryfloodhazarddata>

Project: 16-02-0007S Preliminary Date: May 9, 2016

Town of Pendleton	Pendleton Town Hall, 6570 Campbell Boulevard, Lockport, NY 14094.
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Butler County, Ohio and Incorporated Areas

Maps Available for Inspection Online at: <http://www.fema.gov/preliminaryfloodhazarddata>

Project: 15-05-6384S Preliminary Dates: April 25, 2014 & September 18, 2015

City of Fairfield	City Hall, 5350 Pleasant Avenue, Fairfield, OH 45014.
City of Hamilton	Department of Community Development, Planning Division, 345 High Street, Suite 370, Hamilton, OH 45011.