



Federal Emergency Management Agency

Washington, D.C. 20472

July 6, 2009

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

FU/CS/115I

Ms. Marcy Onieal
Black Mountain Town Manager
106 Midland Avenue
Black Mountain, North Carolina 28711

Community No.: 370033
Community: Town of Black Mountain,
Buncombe County,
North Carolina
Map Panels Affected: See enclosed
Summary of Map Actions (SOMA)

Dear Ms. Onieal:

On September 28, 2007, you were provided copies of the preliminary Flood Insurance Study (FIS) report for Buncombe County, North Carolina and Incorporated Areas and Flood Insurance Rate Map (FIRM) panels for your community. You were also notified of the proposed modified flood elevation determinations reflected in the FIS report and FIRM panels and of the dates the proposed Base (1% annual chance) Flood Elevations (BFEs) would be published in your local newspaper. The 90-day appeal period that was initiated on December 6, 2007, when the Federal Emergency Management Agency (FEMA) published a notice of proposed BFEs for your community in the Black Mountain News, has elapsed.

We are issuing this Letter of Final Determination to your community to begin the finalization and adoption process for the Buncombe County FIS report and Digital Flood Insurance Rate Map (DFIRM), which were issued preliminary on September 28, 2007. We have addressed all formal appeals and protests for all jurisdictions within Buncombe County; however, we will continue to support and investigate concerns raised by the Town of Black Mountain in reference to the elevation data used to prepare the engineering modeling and flood hazard mapping for Camp Branch. Representatives from the North Carolina Geodetic Survey will be performing spot checks to verify ground elevations along and around Camp Branch over the next few weeks. We will coordinate our findings from these visits with the Town of Black Mountain. If the results of these checks warrant a restudy for Camp Branch in the Town of Black Mountain, we will initiate a new restudy for only Camp Branch to revise the engineering modeling and flood hazard mapping that will become effective when your compliance period ends on January 6, 2010.

The determination (copy enclosed) of the Agency as to the BFEs for your community is considered final. The final BFEs will be published in the Federal Register as soon as possible. The modified BFEs and revised map panels, as referenced on the enclosed SOMA, are effective as of January 6, 2010, and revise the FIS report and FIRM which were in effect prior to that date. For insurance rating purposes, the community number and new suffix code for the panels being revised are indicated on the maps and must be used for all new policies and renewals.

No significant changes have been made to the flood hazard data since it was presented on the Preliminary and/or Revised Preliminary FIRM for your community; therefore, we encourage you to use these materials in the floodplain management regulations adoption process described below. Final printed copies of the FIS report and FIRM will be mailed to you in the near future.

Effective with the date of this letter, your community should use the BFE and floodway data presented on the preliminary FIS report and FIRM for regulating floodplain development in accordance with the guidance provided in the Floodplain Management Bulletin titled *Use of Flood Insurance Study (FIS) Data As Available Data*. Use of the BFEs on the preliminary FIS report and FIRM as “best available data” is required where the area is an approximate A zone on the current effective map. While this requirement does not apply to areas that currently have a BFE, for permitting purposes, we recommend that you either use it or inform potential developers of changes when the BFEs are higher than on the current map.

To assist your community in maintaining the FIRM, we have enclosed a SOMA to document previous Letters of Map Change (LOMCs) (i.e., Letters of Map Amendment [LOMAs], Letters of Map Revision [LOMRs]) that will be superseded when the revised FIRM panels become effective. Information on LOMCs is presented in four categories: (1) LOMCs that have been included on the revised FIRM panels; (2) LOMCs that have not been shown on the revised FIRM panels because of scale limitations or because the LOMC that was issued had determined that the lots or structures involved were outside the Special Flood Hazard Area shown on the FIRM; (3) LOMCs that have not been included on the revised FIRM panels because they are being superseded by new detailed flood hazard data; and (4) LOMCs that will be re-determined. The LOMCs in Category 2 of this form are revalidated through a single letter that reaffirms the validity of a previously issued LOMC. LOMCs issued for multiple lots or structures where the determination for one or more of the lots or structures have changed (Category 4) cannot be revalidated through this administrative process. However, we will review the data which were previously submitted as part of the original LOMA or LOMR request and issue a new determination for the subject properties after the FIRM effective date.

By the effective date of the FIRM, your community is required, as a condition of continued eligibility in the National Flood Insurance Program (NFIP), to adopt or show evidence of adoption of floodplain management regulations that meet the standards of Section 60.3(d) of the NFIP regulations. These standards are the minimum requirements and do not supersede any State or local requirements of a more stringent nature.

It must be emphasized that all of the standards specified in Section 60.3(d) of the NFIP regulations must be enacted in a legally enforceable document. This includes the adoption of the effective FIS report and FIRM to which the regulations apply and the modifications made by this map revision. Some of the standards should already have been enacted by your community. Any additional requirements can be met by taking one of the following actions:

1. Amend existing regulations to incorporate any additional requirements of Section 60.3(d);
2. Adopt all of the standards of Section 60.3(d) into one new, comprehensive set of regulations; or,
3. Show evidence that regulations have previously been adopted that meet or exceed the minimum requirements of Section 60.3(d).

Communities that fail to enact the necessary floodplain management regulations will be suspended from participation in the NFIP and subject to the prohibitions contained in Section 202(a) of the Flood Disaster Protection Act of 1973 as amended.

The North Carolina Division of Emergency Management is available to assist your community with any difficulties you may be encountering in enacting the floodplain management regulations. Any questions may be directed to the following address:

Mr. Randy Mundt, AICP, CFM
Acting NFIP State Coordinator
North Carolina Division of Emergency Management
1812 Tillery Place, Suite 105
Raleigh, North Carolina 27604-1356
(919) 715-5711 x119
rmundt@ncem.org

In addition, a FEMA Region IV Compliance Specialist has been designated to assist your community. You may contact your FEMA Region IV Compliance Specialist at FEMA, Federal Insurance and Mitigation Division, 3003 Chamblee Tucker Road, Atlanta, Georgia 30341, or at (770) 220-5400, or the FEMA Map Assistance Center toll free at (877) 336-2627 (877-FEMA MAP).

Additional information and resources your community may find helpful regarding the NFIP and floodplain management, such as *Use of Flood Insurance Study (FIS) Data as Available Data*, *The National Flood Insurance Program Code of Federal Regulations*, *Answers to Questions About the National Flood Insurance Program*, *Frequently Asked Questions Regarding the Effect that Revised Flood Hazards have on Existing Structures*, and *National Flood Insurance Program Elevation Certificate and Instructions*, can be found on our website at <http://www.floodmaps.fema.gov/lfid>. Paper copies of these documents may also be obtained by calling our Map Assistance Center.

Sincerely,



William R. Blanton, Jr., CFM, Chief
Engineering Management Branch
Mitigation Directorate

Enclosures:

- Final SOMA
- Final BFE Determination
- FEMA 495 brochure: Adoption of FIRMs
by Participating Communities

cc: Mrs. Elizabeth Teague, Town of Black Mountain Planning Director
Mr. Randy Mundt, AICP, CFM, Acting NFIP State Coordinator, North Carolina
Division of Emergency Management
FEMA, Region IV