



FEDERAL EMERGENCY MANAGEMENT AGENCY

Region II

Jacob K. Javits Federal Building
26 Federal Plaza, Room 1337
New York, New York 10278-0002

JUN 27 1997

IN REPLY REFER TO:
Case No. NJ 2384
Community: Township of Pequannock
Community No.: 345311
Map Panel Affected: 345311 0001 C
Map Effective Date: September 17, 1992

Joseph Blossfield
14 Brooklawn Drive
Pompton Plains, NJ 07444

1703/17

Dear Mr. Blossfield:

We reviewed your request dated June 19, 1997, for a Letter of Map Amendment. All required information for this request were received on June 19, 1997. Using the information submitted and the effective National Flood Insurance Program (NFIP) map, we determined the structure(s) on the property described below would be inundated by the flood having a 1-percent chance of being equaled or exceeded in any given year (base flood) and is correctly shown on the current NFIP map as being located in a Special Flood Hazard Area (SFHA), designated Zone AE.

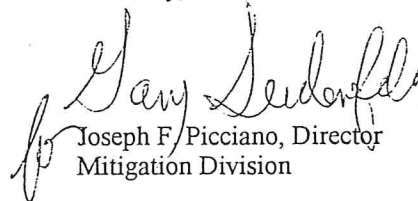
Property Description: Lot 17, Block 464

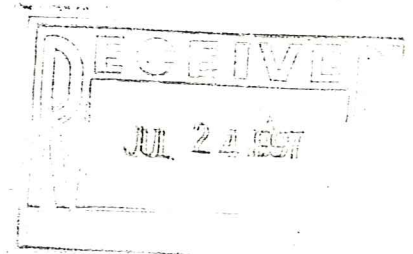
Street Address: 14 Brooklawn Drive

The elevation of the lowest adjacent grade to a structure (the lowest ground touching the structure) must be at or above the base flood elevation for the structure to be outside the SFHA. Because the elevation of the lowest adjacent grade to the structure, 188.6 feet, is lower than the base flood elevation, 189.0 feet, the structure is within the SFHA. These elevations are referenced to the National Geodetic Vertical Datum of 1929.

This determination is based on the flood data presently available. The enclosed document provides additional information about your options for obtaining a Letter of Map Amendment. If you have any questions about this letter, please contact Paul Weberg at (212) 225-7200.

Sincerely,


Joseph F. Picciano, Director
Mitigation Division



Enclosure

cc: Clark Gilman, P.E., NJDEP
Community Map Repository

218-70-NS

Denied

ADDITIONAL INFORMATION REGARDING LETTERS OF MAP AMENDMENT

In making determinations on requests for Letters of Map Amendment (LOMAs), the 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 that 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 that 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 the lender decides to release the 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 the written waiver of the flood insurance requirement from the lender to the property insurance agent or company that is 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 losses in the NFIP occur to 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. That risk is just not as great as the flood risk to structures located in SFHAs. To offer flood insurance protection to owners of such structures, the NFIP offers two types of flood insurance policies: the Standard Policy and the Preferred Risk Policy (PRP). The PRP is available at low cost for buildings located outside the SFHA with little or no loss history. Information about the PRP and how one can apply is enclosed. The Standard Policy is available for all other buildings. The Standard Policy is available for all other structures. Individual flood risk situations and insurance needs should be discussed with an insurance agent or company before making a final decision regarding flood insurance coverage.

ADDITIONAL INFORMATION REGARDING DENIALS OF REQUESTS FOR LETTERS OF MAP AMENDMENT AND LETTERS OF MAP REVISION BASED ON FILL

In making determinations on requests for Letters of Map Amendment (LOMAs) and Letters of Map Revision based on the placement of fill (LOMR-Fs), the 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 FEMA's denial of a request to remove a property (parcel of land or structure) from the Special Flood Hazard Area (SFHA) means FEMA has determined that the property continues to be subject to inundation by the flood having a 1-percent chance of being equaled or exceeded in any given year (base flood). As mentioned earlier, this determination is based on the flood hazard information available at the time. If more detailed property or flood hazard information becomes available, and the requester believes the information will support removing the property from the SFHA, the requester may submit that information to FEMA at any time and request that FEMA reconsider its determination. In areas where base flood elevations (BFEs) shown on the effective National Flood Insurance Program (NFIP) map were used for the original determination, new BFEs cannot be used until they have been proposed and finalized through the community appeal process. The appeal process is described in detail in Part 67 of the NFIP regulations.

If FEMA denies a request for a LOMA because the elevation of the lowest adjacent grade (the lowest ground touching a structure) is below the BFE and that elevation has been raised to or above the BFE by the placement of fill material, the requester may submit the appropriate supporting data and request a LOMR-F in accordance with Paragraph 65.5(a)(4) of the NFIP regulations. In this circumstance, if both the elevation of the lowest ground touching the structure *and* the elevation of the lowest floor (including basement/crawl space) are at or above the BFE, FEMA will issue a LOMR-F to remove the structure from the SFHA. If fill material is used to elevate the lowest ground touching the structure and the lowest floor (including basement/crawl space) to or above the BFE, the requester also must submit a completed copy of Form 4, "Community Acknowledgment of Requests Involving Fill," from the MT-1 application/certification forms package that must be used for all LOMR-F requests.

The NFIP regulations provide a requester with a period of 90 days from the date of a denial letter to submit data and request that FEMA reconsider its determination without repayment of review and processing fees. Data submitted after 90 days, or data which show that a project has been significantly altered in design or scope other than as necessary to respond to findings made in FEMA's original determination, are subject to all submittal/payment procedures. Effective October 1, 1996, FEMA revised the fee schedule for reviewing and processing requests for modifications to published flood information and maps. Under this schedule, FEMA established a flat review and processing fee for each type of request. All requests dated October 1, 1996, or later will be processed under this new schedule.

The review and processing fee for a single-lot or single-structure LOMR-F is \$400; the fee for a multiple-lot or multiple-structure LOMR-F request is \$800. There is no review and processing fee for a LOMA. The fee must be received before FEMA can begin processing a LOMR-F request. Payment of this fee shall be made in the form of a check or money order, made payable in U.S. funds to the National Flood Insurance Program, or by credit card. The payment must be forwarded to the following address:

Federal Emergency Management Agency
Fee-Collection System Administrator
P.O. Box 3173
Merrifield, VA 22116-3173