



Federal Emergency Management Agency

Washington, DC 20472

North Carolina Floodplain Mapping Program

Cooperating Technical State



November 1, 2021

CERTIFIED MAIL

RETURN RECEIPT REQUESTED

The Honorable Jimmy Dancy
Mayor, Town of Rutherfordton
129 North Main Street
Rutherfordton, NC 28139

IN REPLY REFER TO:

Case No.: 21-04-1590R
Community Name: Town of Rutherfordton, NC
Community No.: 370219

Dear Mayor Dancy:

We are providing our comments with this enclosed Conditional Letter of Map Revision (CLOMR) on a proposed project within your community that, if constructed as proposed, could revise the effective Flood Insurance Study report and Flood Insurance Rate Map for your community.

If you have any questions regarding floodplain management regulations for your community or the National Flood Insurance Program (NFIP) in general, please contact the Floodplain Administrator for your community. If you have any technical questions regarding this CLOMR, please contact the North Carolina Floodplain Mapping Program (NCFMP) at (919) 825-2318, or the Federal Emergency Management Agency (FEMA) Mapping and Insurance eXchange (FMIX) toll free at 1-877-336-2627 (1-877-FEMA MAP). Additional information about the NFIP is available on FEMA's website at <https://www.fema.gov/flood-insurance>, and additional information about the NCFMP is available at <https://flood.nc.gov/ncflood/>.

Sincerely,

Patrick "Rick" F. Sacbibit, P.E., Branch Chief
Engineering Services Branch
Federal Insurance and Mitigation Administration

Krzysztof "Chris" Koltyk
Assistant Director, Risk Management
North Carolina Emergency Management

Enclosure:

Conditional Letter of Map Revision

cc: Mr. Doug Barrick, Town Manager, Town of Rutherfordton
Ms. Wendy Craig, Zoning and Code Enforcement Officer, Town Rutherfordton
Mr. David W. Odom, P.E., Odom Engineering PLLC
Mr. Scott Gentry, P.E., CFM, North Carolina Floodplain Mapping Program
Mr. Steve Garrett, CFM, NFIP Coordinator



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CONDITIONAL LETTER OF MAP REVISION COMMENT DOCUMENT

COMMUNITY INFORMATION		PROPOSED PROJECT DESCRIPTION	BASIS OF CONDITIONAL REQUEST
COMMUNITY	Town of Rutherfordton Rutherford County North Carolina	CULVERT	FLOODWAY 1D HYDRAULIC ANALYSIS UPDATED TOPOGRAPHIC DATA
	COMMUNITY NO.: 370219		
IDENTIFIER	NC-21-714 - Park Crossing at Cleghorn Creek	APPROXIMATE LATITUDE & LONGITUDE: 35.351, -81.961 SOURCE: Other(ArcGIS) DATUM: NAD 83	
AFFECTED MAP PANELS			
TYPE: FIRM* NO.: 3710151900J DATE: 7/2/2008		* FIRM - Flood Insurance Rate Map	

FLOODING SOURCE AND REACH DESCRIPTION

Cleghorn Creek - From a point approximately 500 feet downstream of Skyline Drive to a point approximately 500 feet downstream of Industrial Park Drive

PROPOSED PROJECT DESCRIPTION

Flooding Source	Proposed Project	Location of Proposed Project
Cleghorn Creek	Culvert	At approximately 500 feet along Skyline Drive approximately 100 feet east of the intersection of Skyline Drive and South Main Street.

SUMMARY OF IMPACTS TO FLOOD HAZARD DATA

Flooding Source	Effective Flooding	Proposed Flooding	Increases	Decreases
Cleghorn Creek	Zone AE	Zone AE	Yes	Yes
	Floodway	Floodway	Yes	Yes
	BFEs*	BFEs	Yes	Yes
	Zone X (shaded)	Zone X (shaded)	Yes	Yes

* BFEs - Base (1-percent-annual-chance) Flood Elevations

COMMENT

This document provides the Federal Emergency Management Agency's (FEMA's) comment regarding a request for a CLOMR for the project described above. This document is not a final determination; it only provides our comment on the proposed project in relation to the flood hazard information shown on the effective National Flood Insurance Program (NFIP) map. We reviewed the submitted data and the data used to prepare the effective flood hazard information for your community and determined that the proposed project meets the minimum floodplain management criteria of the NFIP. Your community is responsible for approving all floodplain development and for ensuring that all permits required by Federal or State/Commonwealth law have been received. State/Commonwealth, county, and community officials, based on their knowledge of local conditions and in the interest of safety, may set higher standards for construction in the Special Flood Hazard Area (SFHA), the area subject to inundation by the base flood. If the State/Commonwealth, county, or community has adopted more restrictive or comprehensive floodplain management criteria, these criteria take precedence over the minimum NFIP criteria.

This comment is based on the flood data presently available. If you have any questions about this document, please contact the FEMA Mapping and Insurance eXchange (FMIX) toll free at 1-877-336-2627 (1-877-FEMA MAP) or by letter addressed to the LOMC Clearinghouse, 3601 Eisenhower Avenue, Suite 500, Alexandria, VA 22304. Additional Information about the NFIP is available on the FEMA website at <https://www.fema.gov/flood-insurance>.

Patrick "Rick" F. Sacbitt, P.E., Branch Chief
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CONDITIONAL LETTER OF MAP REVISION COMMENT DOCUMENT (CONTINUED)

COMMUNITY INFORMATION

To determine the changes in flood hazards that will be caused by the proposed project, we compared the hydraulic modeling reflecting the proposed project (referred to as the proposed conditions model) to the hydraulic modeling used to prepare the Flood Insurance Study (FIS) (referred to as the effective model). If the effective model does not provide enough detail to evaluate the effects of the proposed project, an existing conditions model must be developed to provide this detail. This existing conditions model is then compared to the effective model and the proposed conditions model to differentiate the increases or decreases in flood hazards caused by more detailed modeling from the increases or decreases in flood hazards that will be caused by the proposed project.

The table below shows the changes in the BFEs:

BFE Comparison Table

Flooding Source: Cleghorn Creek		BFE Change (feet)	Location of maximum change
Existing vs. Effective	Maximum increase	3.5	Immediately upstream of Skyline Drive
	Maximum decrease	0.2	Approximately 500 feet downstream of Industrial Park Drive
Proposed vs. Existing	Maximum increase	0.5	Immediately downstream of Skyline Drive
	Maximum decrease	1.3	Immediately upstream of Skyline Drive
Proposed vs. Effective	Maximum increase	2.1	Immediately upstream of Skyline Drive
	Maximum decrease	0.4	Approximately 100 feet upstream of Skyline Drive

Increases due to the proposed project that exceed those permitted under Paragraphs (c)(10) or (d)(3) of Section 60.3 of the NFIP regulations must adhere to Section 65.12 of the NFIP regulations. With this request, your community has complied with all requirements of Paragraph 65.12(a) of the NFIP regulations. Compliance with Paragraph 65.12(b) also is necessary before FEMA can issue a Letter of Map Revision when a community proposes to permit encroachments into the effective regulatory floodway that will cause BFE increases in excess of those permitted under Paragraph 60.3(d)(3).

NFIP regulations Subparagraph 60.3(b)(7) requires communities to ensure that the flood-carrying capacity within the altered or relocated portion of any watercourse is maintained. This provision is incorporated into your community's existing floodplain management ordinances; therefore, responsibility for maintenance of the altered or relocated watercourse, including any related appurtenances such as bridges, culverts, and other drainage structures, rests with your community. We may request that your community submit a description and schedule of maintenance activities necessary to ensure this requirement.

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CONDITIONAL LETTER OF MAP REVISION COMMENT DOCUMENT (CONTINUED)

COMMUNITY INFORMATION (CONTINUED)

DATA REQUIRED FOR FOLLOW-UP LOMR

Upon completion of the project, your community must submit the data listed below and request that we make a final determination on revising the effective FIRM and FIS report. If the project is built as proposed and the data below are received, a revision to the FIRM and FIS report would be warranted.

- Detailed application and certification forms must be used for requesting final revisions to the maps. Therefore, when the map revision request for the area covered by this letter is submitted, Form 1, entitled "Overview and Concurrence Form," must be included. A copy of this form may be accessed at <https://www.fema.gov/flood-maps/change-your-flood-zone/paper-application-forms/mt-2>.
- The detailed application and certification forms listed below may be required if as-built conditions differ from the proposed plans. If required, please submit new forms, which may be accessed at <https://www.fema.gov/flood-maps/change-your-flood-zone/paper-application-forms/mt-2>, or annotated copies of the previously submitted forms showing the revised information.
- Form 2, entitled "Riverine Hydrology and Hydraulics Form." Hydraulic analyses for as-built conditions of the base flood, the 10-percent, 2-percent, and 0.2-percent-annual-chance floods, and the regulatory floodway, must be submitted with Form 2.
- Form 3, entitled "Riverine Structures Form."
- A certified topographic work map showing the revised and effective base and 0.2-percent-annual-chance floodplain and floodway boundaries. Please ensure that the revised information ties in with the current effective information at the downstream and upstream ends of the revised reach.
- An annotated copy of the FIRM, at the scale of the effective FIRM, that shows the revised base and 0.2-percent-annual-chance floodplain and floodway boundary delineations shown on the submitted work map and how they tie into the base and 0.2-percent-annual-chance floodplain and floodway boundary delineations shown on the current effective FIRM at the downstream and upstream ends of the revised reach.
- As-built plans, certified by a registered Professional Engineer, of all proposed project elements.
- A copy of the public notice distributed by your community stating its intent to revise the regulatory floodway, or a signed statement by your community that it has notified all affected property owners and affected adjacent jurisdictions.
- Documentation of the individual legal notices sent to property owners who will be affected by any widening or shifting of the base floodplain and/or any BFE increases along Cleghorn Creek.

This comment is based on the flood data presently available. If you have any questions about this document, please contact the FEMA Mapping and Insurance eXchange (FMIX) toll free at 1-877-336-2627 (1-877-FEMA MAP) or by letter addressed to the LOMC Clearinghouse, 3601 Eisenhower Avenue, Suite 500, Alexandria, VA 22304. Additional Information about the NFIP is available on the FEMA website at <https://www.fema.gov/flood-insurance>.

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CONDITIONAL LETTER OF MAP REVISION COMMENT DOCUMENT (CONTINUED)

COMMUNITY INFORMATION (CONTINUED)

DATA REQUIRED FOR FOLLOW-UP LOMR (continued)

• FEMA's fee schedule for reviewing and processing requests for conditional and final modifications to published flood information and maps may be accessed at <https://www.fema.gov/flood-maps/change-your-flood-zone/status/flood-map-related-fees>. The fee at the time of the map revision submittal must be received before we can begin processing the request. Payment of this fee can be made through a check or money order, made payable in U.S. funds to the National Flood Insurance Program, or by credit card (Visa or MasterCard only). Please either forward the payment, along with the revision application, to the following address:

North Carolina Emergency Management, Risk Management
Attention: Scott Gentry, P.E., CFM
4218 Mail Service Center
Raleigh, NC 27699-4218

or submit the LOMR using the Online LOMC portal at: <https://hazards.fema.gov/femaportal/onlinelomc/signin>

After receiving appropriate documentation to show that the project has been completed, FEMA will initiate a revision to the FIRM and FIS report. Because the flood hazard information (i.e., base flood elevations, base flood depths, SFHAs, zone designations, and/or regulatory floodways) will change as a result of the project, a 90-day appeal period will be initiated for the revision, during which community officials and interested persons may appeal the revised flood hazard information based on scientific or technical data.

This comment is based on the flood data presently available. If you have any questions about this document, please contact the FEMA Mapping and Insurance eXchange (FMIX) toll free at 1-877-336-2627 (1-877-FEMA MAP) or by letter addressed to the LOMC Clearinghouse, 3601 Eisenhower Avenue, Suite 500, Alexandria, VA 22304-6426. Additional Information about the NFIP is available on the FEMA website at <https://www.fema.gov/flood-insurance>.

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CONDITIONAL LETTER OF MAP REVISION COMMENT DOCUMENT (CONTINUED)

COMMUNITY INFORMATION (CONTINUED)

COMMUNITY REMINDERS

We have designated a Consultation Coordination Officer (CCO) to assist your community. The CCO will be the primary liaison between your community and FEMA. For information regarding your CCO, please contact:

Ms. Jacky Bell
Director, Mitigation Division
Federal Emergency Management Agency, Region IV
Rhodes Building, 3005 Chamblee Tucker Road
Atlanta, GA 30341
(770) 220-5406

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A handwritten signature in black ink, appearing to read "Rick F. Sacbibit".

Patrick "Rick" F. Sacbibit, P.E., Branch Chief
Engineering Services Branch
Federal Insurance and Mitigation Administration