FEMA Ad Hoc Committee Report to Town Council 9-11-2020   Revised

The committee held a virtual meeting on August 24, 2020, at 10:00 a.m.

Randy Bartholomew called the meeting to order and welcomed everyone. All Ad Hoc Committee members were present (see list below) and Laura Walters from the Coastal Press was also on the call. No others were identified.
    Members:

- Randy Bartholomew (Chair, South Bethany Town Council)
- Ed Bintz
- Robin Greenhall
- Ria Malinak
- Chip Mitchel
- Maria Vershel
- Colin Chasler (non-voting at this 1st meeting)

Randy briefly reviewed the Goals and Objectives of the Ad Hoc Committee (AHC) and the Agenda; there were no questions or comments. He further indicated that this AHC nor any members of the AHC would have direct contact with the Federal Emergency Management Administration (FEMA) representing the Town of South Bethany (Town). That all communications would go through the Town Mayor or the Town Manager.

Randy gave a brief overview of the current status, generally indicating that the first of two Letter of Map Revision (LOMRs) has been issued relating to the Riverine (Bayside) section of the Town. This LOMR has a 90-day comment period with an effective date of December 18, 2020. FEMA indicated that the 2nd LOMR related to the Coastal section of the Town will be issued in the next few months.

Ed was asked to provide a brief summary related to the FEMA maps and process. This was based upon his previous experience with FEMA and his successful lawsuit in September of 2019. He briefly described the following:

- The key steps FEMA took to increase the BFE for the east of side of Ocean Drive from the originally proposed 10 feet to 13 feet. He indicated that FEMA could not support the steps it took, with the Court finding that FEMA's actions were arbitrary, capricious and in violation of law.
- That his lawsuit related solely to his property. He noted that despite the lawsuit relating only to his property, FEMA rescinded the flood maps for the entire Town, dated March 7, 2017, and reverted back to the maps previously in effect, dated March 16, 2015, that were the same as the 2005 maps. He stated that FEMA denied due process to those adversely affected by repeal of the full map.
- That the steps FEMA took under its flood map modeling lowered the profile of South Bethany's beach to such an extreme degree that a person walking parallel to the beach 50 feet from the high tide mark would (under FEMA's modeling) walk into a wall of sand

more than five feet high as he or she left South Bethany and entered Middlesex beach. He further explained how this allowed FEMA to create the 13-foot BFE.

- That FEMA's study was based on how South Bethany's Beach existed during 2005 and did not take the beach replenishment and new dune into consideration.

Chip indicated that for in order for FEMA to treat South Bethany differently from adjacent towns, it should have to demonstrate valid reasons for doing so.

Maria confirmed Ed's comment that FEMA did not take the beach dune / replenishment in to consideration; a pre-2005 condition based upon her inquiries.

Ria indicated that her property is not oceanfront, but in the coastal side of FEMA maps. The reversion back to the 2005 maps increased her flood insurance premium from about $1,200 to $14,000 annually.

Collin indicated that he is on the west side of Route 1 and when he built a few years ago, he was in compliance with the Base Flood Elevation (BFE) height requirement. It is believed that if you were in compliance with the BFE when the structure was built, then you would not be penalized with higher flood insurance rate premiums.

For the "riverine" LOMR, Chip and Collin both asked if the methodology was valid for South Bethany when compared to nearby towns. If it is different, why? Maria indicated that it is likely that the methodology used for the Riverine area would be completely different than the coastal side.

Chip asked what the Town's current thinking is regarding the LOMRs. Randy replied that the Town would like input from this AHC and will further discuss concerns with FEMA. Also, that any expenditures would need to represent most of the Town, as there are about 1,400 property owners and not just one map.

Randy suggested that based upon these discussions, that the AHC develop and provide questions for the Town to discuss with FEMA. The questions should relate to both the 1st LOMR and anticipated 2nd LOMR. It was agreed that Randy would draft the questions and have Ed provide feedback back to Randy.

Subsequent to the committee meeting, Mayor Saxton, Maureen Hartman, and Joseph Hinks had a discussion with the FEMA representative and provided the following responses to the committee's questions:

- What methodology is being used to determine the proposed map related to the 1st LOMR and for the proposed 2nd LOMR? 1st LOMR, no change. Goes back to 2017 and based on the FIS study. 2nd LOMR – 4 methods were reviewed. Consultants from all over the US involved in the review and the conclusion was to use method # 2 Modified Retreat Methodology". "Modified Approach" is a better used term. This method most accurately reflects South Bethany's coastal storms (used 2012 Sandy and 2016 Nor'easter). It also includes the presence of the dune, or post nourishment. BFE's are rounded to the nearest whole foot.

• Is it consistent with the Town's neighboring areas? If not, why? It is not consistent with the neighboring areas. There is never exact uniformity in topography from Town to Town. They only looked at South Bethany and are using newer data because of the court order.

• Request that FEMA participate in a virtual community meeting open to all own property owners. Using the Town's GoToMeeting platform, they can conduct a presentation for residents.

• Request that a final draft map for the coastal side be provided to the Town ASAP and in advance of issuing the 2nd LOMR. FEMA will meet with Mayor Saxton, Joe, and Maureen before the 2nd LOMR goes out.

A follow up AHC meeting will be scheduled in the next week or so to review the responses from FEMA.

Respectfully submitted,
Randy Bartholomew