



FEMA

W-10077

July 23, 2010

MEMORANDUM TO: Write Your Own (WYO) Principal Coordinators

FROM: *Edward L. Connor*  
Edward L. Connor  
Acting Federal Insurance and Mitigation Administrator

SUBJECT: *Federal Register* Notice on Financial Assistance/Subsidy Arrangement

On July 22, 2010, the Federal Emergency Management Agency published a notice in the *Federal Register* (Vol. 75, No. 140) titled "National Flood Insurance Program (NFIP); Assistance to Private Sector Property Insurers, Availability of FY 2011 Arrangement" (attached).

The notice points out that there has been a change to the marketing guidelines discussed in the Arrangement. While the marketing incentive percentage will remain the same, the criteria for the growth goals are being refined. Details addressing this revision will be included in the materials distributed with the FY 2011 Arrangement offer in early August.

If you have any questions, please contact your NFIP Bureau Company Consultant.

Attachment

cc: IBHS, FIPNC, Government Technical Representative

Suggested Routing: Accounting Claims, Legal, Marketing, Underwriting

information at facsimile number (202) 646-3347 or e-mail address: *FEMA-Information-Collections-Management@dhs.gov*.

**SUPPLEMENTARY INFORMATION:** The Department of Homeland Security's Federal Emergency Management Agency (FEMA) administers the National Flood Insurance Program (NFIP) (codified at 42 U.S.C. 4001, *et seq.*), and a major objective of the NFIP is to assure that participating communities are achieving the flood loss reduction objectives through implementation and enforcement of adequate land use and control measures. FEMA's authority to collect information that will allow for the evaluation of how well communities are implementing their floodplain

management programs is found at 42 U.S.C. 4022 and 42 U.S.C. 4102. Title 44 CFR 59.22 directs the respondent to submit evidence of the corrective and preventive measures taken to meet the flood loss reduction objectives.

#### Collection of Information

*Title:* Effectiveness of a Community's Implementation of the NFIP Community Assistance Program CAC and CAV Reports.

*Type of Information Collection:* Revision of a currently approved information collection.

*OMB Number:* 1660-0023.

*Form Titles and Numbers:* FEMA Form 086-0-28, Community Visit Report; FEMA Form 086-0-29, Community Contact Report.

*Abstract:* Through the use of a Community Assistance Contact (CAC) or Community Assistance Visit (CAV), FEMA can make a comprehensive assessment of a community's floodplain management program. Through this assessment, FEMA can assist the community to understand the NFIP's requirements, and implement effective flood loss reductions measures. Communities can achieve cost savings through flood mitigation actions by way of insurance premium discounts and reduced property damage.

*Affected Public:* State, local and Tribal Government.

*Estimated Total Annual Burden Hours:* 4,000 Hours.

#### ESTIMATED ANNUALIZED BURDEN HOURS AND COSTS

Type of respondent	Form name/form number	Number of respondents	Number of responses per respondent	Total number of responses	Avg. burden per response (in hours)	Total annual burden (in hours)	Avg. hourly wage rate	Total annual respondent cost
State, local or Tribal government.	FEMA Form 086-0-28/Community Visit Report.	800	1	800	2	1,600	\$35.39	\$56,624
State, local or Tribal government.	FEMA Form 086-0-28/Community Visit Report.	200	1	200	2	400	41.85	16,740
State, local or Tribal government.	FEMA Form 086-0-29/Community Contact Report.	1,600	1	1,600	1	1,600	35.39	56,624
State, local or Tribal government.	FEMA Form 086-0-29/Community Contact Report.	400	1	400	1	400	41.85	16,740
Total .....		3,000		3,000		4,000		146,728

*Estimated Cost:* There is no capital, start-up, operation or maintenance cost associated with this collection.

#### Comments

Comments may be submitted as indicated in the **ADDRESSES** caption above. Comments are solicited to (a) Evaluate whether the proposed data collection is necessary for the proper performance of the agency, including whether the information shall have practical utility; (b) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) enhance the quality, utility, and clarity of the information to be collected; and (d) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology,

*e.g.*, permitting electronic submission of responses.

Dated: July 16, 2010.

**Tammi Hines,**

*Acting Director, Records Management Division, Mission Support Bureau, Federal Emergency Management Agency, Department of Homeland Security.*

[FR Doc. 2010-17974 Filed 7-21-10; 8:45 am]

**BILLING CODE 9110-12-P**

#### DEPARTMENT OF HOMELAND SECURITY

#### Federal Emergency Management Agency

[Docket ID FEMA-2010-0018]

#### National Flood Insurance Program (NFIP); Assistance to Private Sector Property Insurers, Availability of FY2011 Arrangement

**AGENCY:** Federal Emergency Management Agency, DHS.

#### ACTION: Notice.

**SUMMARY:** Each year the Federal Emergency Management Agency (FEMA) is required by the Write-Your-Own (WYO) Program Financial Assistance/Subsidy Arrangement (Arrangement) to notify private insurance companies (Companies) and to make available to the Companies the terms for subscription or re-subscription to the Arrangement. In keeping with that requirement, this notice provides the terms to the Companies to subscribe or re-subscribe to the Arrangement.

**FOR FURTHER INFORMATION CONTACT:** Edward L. Connor, DHS/FEMA, 1800 South Bell Street, Room 720, Arlington, VA 20598-3020, 202-646-3429 (phone), 202-646-3445 (facsimile), or *Edward.Connor@dhs.gov* (e-mail).

**SUPPLEMENTARY INFORMATION:** Under the Write-Your-Own (WYO) Program Financial Assistance/Subsidy Arrangement (Arrangement), (90 as of June 1, 2010) private sector property insurers issue flood insurance policies

and adjust flood insurance claims under their own names based on an Arrangement with the Federal Insurance Administration (FIA) published at 44 CFR part 62, appendix A. The WYO insurers receive an expense allowance and remit the remaining premium to the Federal Government. The Federal Government also pays flood losses and pays loss adjustment expenses based on a fee schedule. In addition, under certain circumstances reimbursement for litigation costs, including court costs, attorney fees, judgments, and settlements, are paid by the FIA based on documentation submitted by the WYO insurers. The complete Arrangement is published in 44 CFR part 62, appendix A. Each year FEMA is required to publish in the **Federal Register** and make available to the Companies the terms for subscription or re-subscription to the Arrangement.

Though not substantive, there has been a recent change to the marketing guidelines discussed in the Arrangement. As noted in the first sentence of the third paragraph of 44 CFR part 62, appendix A, Article III. B. of the Arrangement:

[t]he amount of expense allowance retained by the Company may increase a maximum of two percentage points, depending on the extent to which the Company meets the marketing goals for the Arrangement year contained in marketing guidelines established pursuant to Article II.G.

The marketing incentive percentage will remain the same. However, through a separate document the National Flood Insurance Program is revising its targeted goals regarding the criteria for growth.

During August 2010, FEMA will send a copy of the offer for the FY2011 Arrangement, together with related materials and submission instructions, to all private insurance companies participating under the current FY2010 Arrangement. Any private insurance company not currently participating in the WYO Program but wishing to consider FEMA's offer for FY2011 may request a copy by writing: DHS/FEMA, Mitigation Directorate, Attn: Edward L. Connor, WYO Program, 1800 South Bell Street, Room 720, Arlington, VA 20598-3020, or contact Edward Connor at 202-646-3445 (facsimile), or [Edward.Connor@dhs.gov](mailto:Edward.Connor@dhs.gov) (e-mail).

**Edward L. Connor,**

*Acting Federal Insurance and Mitigation Administrator, National Flood Insurance Program, Federal Emergency Management Agency, Department of Homeland Security.*

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**BILLING CODE 9110-11-P**

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

[FWS-R5-ES-2010-N132; 50120-1113-0000-F2]

#### Preparation of an Environmental Impact Statement for Issuance of an Incidental Take Permit and Associated Habitat Conservation Plan for the Beech Ridge Wind Energy Project, Greenbrier and Nicholas Counties, WV

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice of intent and notice of meeting.

**SUMMARY:** Under the National Environmental Policy Act (NEPA), we, the U.S. Fish and Wildlife Service (Service or "we"), advise the public that we intend to gather information necessary to prepare an Environmental Impact Statement (EIS) on the proposed incidental take permit and associated Habitat Conservation Plan for the Beech Ridge Wind Energy Project (HCP). The proposed HCP is being prepared under the Endangered Species Act of 1973, as amended (ESA). The incidental take permit is needed to authorize the incidental take of listed species as a result of implementing activities covered under the proposed HCP.

We provide this notice to: (1) Describe the proposed action and possible alternatives; (2) advise other Federal and State agencies, affected tribes, and the public of our intent to prepare an EIS; (3) announce the initiation of a 30-day public scoping period; and (4) obtain suggestions and information on the scope of issues and alternatives to be included in the EIS.

**DATES:** An "open-house" public meeting will be held on August 9, 2010, from 6 p.m. to 9 p.m. To ensure consideration, please send your written comments for receipt on or before August 23, 2010.

**ADDRESSES:** The public meeting will be held at the Community Center, 604 Nicholas Street, Rupert, WV 25984. Information, written comments, or questions related to the preparation of the EIS and NEPA process should be submitted to Ms. Laura Hill, Assistant Field Supervisor, by U.S. mail at U.S. Fish and Wildlife Service, West Virginia Field Office, 694 Beverly Pike, Elkins, WV 26241; by facsimile at (304) 636-7824; or by electronic mail (e-mail) at [fwses\\_wvfo@fws.gov](mailto:fwses_wvfo@fws.gov).

**FOR FURTHER INFORMATION CONTACT:** Ms. Laura Hill (**ADDRESSES**) at (304) 636-6586, extension 18. Individuals who are hearing impaired or speech impaired may call the Federal Relay Service at (800) 877-8337 for TTY assistance.

## SUPPLEMENTARY INFORMATION:

### Reasonable Accommodation

Persons needing reasonable accommodations in order to participate in the public meeting should contact Laura Hill (**ADDRESSES**) at (304) 636-6586, extension 18, no later than 1 week before the public meeting. Information regarding this proposed action is available in alternative formats upon request.

### Background

Section 9 of the ESA and Federal regulations prohibit the "take" of fish and wildlife species listed as endangered or threatened. Under the ESA, the following activities are defined as take: To harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect listed animal species, or to attempt to engage in such conduct (16 U.S.C. 1538). However, under section 10(a) of the ESA, we may issue permits to authorize "incidental take" of listed species. Incidental take is defined by the ESA as take that is incidental to, and not the purpose of, carrying out an otherwise lawful activity. Regulations governing permits for threatened and endangered species are at 50 CFR 13 and 50 CFR 17.

On December 8, 2009, the U.S. District Court of Maryland ruled that Beech Ridge Energy LLC was in violation of section 9 of the ESA for its potential to take endangered Indiana bats (*Myotis sodalis*) and its failure to file an application for an incidental take permit related to its wind energy project located in West Virginia. The Court determined that take of Indiana bats was likely over the life of the project via collision with turbines or barotrauma (*i.e.*, hemorrhaging of bats' lungs in low-pressure areas surrounding operating turbine blades).

The District Court ruled that Beech Ridge Energy LLC's construction and operation of wind turbines (40 in construction at the time, with a total of 124 hoped for by the end of 2010) would violate section 9 of the ESA unless and until the defendants, Beech Ridge Energy LLC, obtained an incidental take permit. The Court enjoined Beech Ridge Energy LLC from building additional turbines beyond the 40 already under construction, and restricted turbine operation to the bat hibernation season (November 15 to March 31) until Beech Ridge Energy LLC obtains an incidental take permit. The Court also invited the parties to confer on whether they could agree on terms for further turbine operation while Beech Ridge Energy LLC pursued an incidental take permit.