

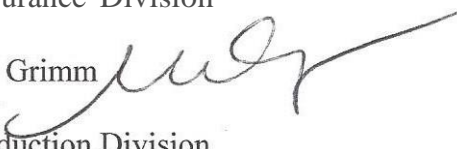


FEMA

W-15018

May 15, 2015

MEMORANDUM FOR: Jordan Fried
Acting Director
Risk Insurance Division

FROM: Michael Grimm 
Director
Risk Reduction Division

SUBJECT: Rescind Probation Status
Union County, South Dakota
Community Identification Number 460242

The FEMA Region VIII Office has requested that the Floodplain Management Branch of the Risk Reduction Division rescind the probation status for Union County, South Dakota. Please see attached Corrective Action Plan.

Union County was scheduled to go onto probation on May 18, 2015. Region VIII has made significant progress with Union County in resolving, to the maximum extent possible, violations. Additionally, Union County will be attending training at EMI in the near future in order to prevent future problems.

This memorandum requests that you notify the Bureau and Statistical Agent and Write Your Own Companies of the rescinded probation status.

Should you require further information about the community, please contact Bret Gates of my staff at 202-646-4133.

Attachment

CC: Barbara Montoya, OCC
Susan Koshgarian

Union County Corrective Action Plan
For NFIP and Floodplain Ordinance Violations
May 8, 2015 Revised May 11, 2015
To be reviewed by FEMA and Union County States Attorney

Through a Community Assistance Visit (CAV), the Federal Emergency Management Agency (FEMA) identified 9 Corrective Actions that Union County must undertake to remedy violations of the National Flood Insurance Program Guidelines NFIP or face probation and possible suspension from the NFIP. The 9 Actions were outlined in a letter dated January 16, 2015 and signed by Sharon Loper, Acting Regional Administrator for the FEMA Denver Regional Office.

In response to the letter the County provided additional information regarding the violations and through continued correspondence with FEMA, meetings and an April 29–30 floodplain tour. Barb Fitzpatrick and Tom Birney of FEMA indicated that four of the nine items had yet to be resolved. They included 1) Grading plan in Spanish Bay Development as it relates to the Floodway; 2) Homes on Spyglass Court and Spyglass Circle that have finished lower levels in a floodplain; 3) Certain homes in the Country Club 4th Addition that were not properly permitted as homes in a floodplain and 4) Requirement for additional floodplain training for the floodplain administrator.

Ms. Fitzpatrick and Mr. Birney indicated to avoid probation from the NFIP on May 18, 2015, a detailed corrective action plan must be developed indicating the steps that will be taken to remedy each of the three remaining violations with realistic, achievable dates for completion. The Corrective Action Plan is presented below.

- 1) Grading plan for Spanish Bay as it relates to the Floodway
 - a. Conduct No Rise Analysis using grading plan submitted to FEMA
 1. Obtain Modeling Data from FEMA
 1. Requested by DGR March 12th and returned by FEMA April 7 for insufficient fee. Second request sent by DGR April 15. Assumed receipt of model data from FEMA: May 15, 2015
 - b. Run no Rise Analysis
 - i. Calibrate or reconcile model Data
 - ii. Run model with data from Spanish Bay Grading Plan August 2, 2015
 - iii. Submit calculations to FEMA for Review August 2, 2015–August 30, 2015
 - iv. If applicable, establish revised grading plan to produce No Rise August 2, 2015–September 13, 2015
 - c. Obtain necessary Floodplain Permit and Implement mitigation
 - d. If Applicable Grade to Revised Plan September 13, 2015–October 31, 2015
 - e. Issue No Rise Certification by December 6, 2015

Note: Timeline dependent upon receiving FEMA modeling data.

- 2) Homes on Spyglass Court and Spyglass Circle
 - a. A letter will be sent to each property specifying the violation as noted by site visit and by FEMA, information on how to remedy, consequences of noncompliance and follow site visits.
 - i. Union County Flood Plain Administration office has identified the non-compliant structures pursuant to 2014 flood damage prevention ordinance (UCC-2014-004).

- ARCHIVED APRIL 2018
- ii. On or before June 1, 2015, the Union County Flood Plain Administrator shall send a letter to each owner(s) of each non-compliant structure and inform them of their violation with the 2014 flood damage prevention ordinance (UCC-2014-004) and the recourse for non-compliance. A Draft of the proposed June 1, 2015 letter shall be submitted to FEMA for Approval May 26, 2015.
 - 1. Work with each owner(s) of each non-compliant structure to resolve non-compliance issues: June 1–September 30, 2015;
 - 2. Inform each owner(s) of each non-compliant structure of the expectation of a follow-up site visit to be conducted on or before October 15, 2015.
 - iii. After October 30, 2015, the Union County Flood Plain Administrator shall specifically identify each remaining property that remains non-compliant and provide notice to both the owner of the non-compliant property and the Union County State's Attorney's Office of the owner's failure to comply with 2014 flood damage prevention ordinance (UCC-2014-004).
 - 1. The October 30, 2015 letter shall again (consistent with the June 1, 2015 letter) identify the penalties for noncompliance as stated in Section E. PENALTIES FOR NONCOMPLIANCE as stated in the 2014 flood damage prevention ordinance (UCC-2014-004). Remedies afforded the County by Ordinance include but are not limited to:
 - a. Specifically that a violation of the remedial request to gain compliance with the 2014 flood damage prevention ordinance (UCC-2014-004) is a class two misdemeanor pursuant to SDCL §7-18A-2 with a maximum punishment of five hundred dollar fine or thirty days in the county jailor both.
 - b. Specifically, the letter will identify that the 2014 flood damage prevention ordinance (UCC-2014-004) identifies that each and every day of the continued violation may constitute a separate offense.
 - c. Specifically, the letter will identify that in addition to any fine and/or imprisonment for each violation, violators shall pay all costs and expenses involved in the case.
 - 2. The Union County Flood Plain Administrator shall cooperate with the Union County State's Attorney's Office in the prosecution of all non-compliant property owners.
 - 3. The Union County Flood Plain Administrator shall forward to FEMA and South Dakota OEM the proposed recourse for review and approval by October 30, 2015.
 - 4. The County Commissioners, The Union County Flood Plain Administrator, or the Union County State's Attorney may request the FEMA administrator to declare the property Ineligible for flood insurance under Section 1316 of the National Flood Insurance Act of 1968.
 - 3) Homes in the Fourth Addition (south Royal Troon)
 - a. Development of LOMR Application (Assumes Modeling Data has been received—some dates subject to receipt of modeling data from FEMA)
 - i. Union County has identified HDR Engineering as the engineering firm to contract with for surveying in preparation for the LOMR (Letter of Map Revision).

- ii. Union County anticipates receiving the Engineer's Scope of Work by May 18, 2015, which will allow for a finalized contract for the anticipated services thereafter.
 - iii. Staff due diligence on Scope of Work May 19–25, 2015
 - iv. Consideration and approval of contract by County Commission June 9, 2015 Regular Commission Meeting
 - v. Surveying, Modeling, and Application Submittal to FEMA – June 9, 2015 through September 2, 2015
 - vi. FEMA Consideration and approval Process – September 3, 2015–February 1, 2016
- 4) Attend Advanced Flood Plain Management Course EMI E-284
- a. Application: Submitted May 11, 2015
 - b. Attend Course: August 24–27, 2015
 - c. Provide FEMA Proof of Attendance by October 1, 2014

Submitted by:



Dennis Henze, Union County Flood Plain Administrator

Date

Approved:



FEMA Representative

Date

Cc: South Dakota OEM