

Town of Pendleton



Town Hall, 6570 Campbell Blvd. Lockport, New York 14094

James Riester
Supervisor
716-625-8833
ext.13

December 2, 2009

Federal Emergency Management Agency
Attention: Paul Weberg, P.E.
Mitigation Division
DHS/FEMA Region II
26 Federal Plaza, 13th Floor
New York, NY 10278-0002

Re: Map Modernization Program for Niagara County
Town of Pendleton, Niagara County NY
Community No. 360509

Dear Mr. Weberg:

This letter is submitted in response to your November 5, 2009 letter that placed the Town's request for an updated flood model of Tonawanda Creek on a list of unmet needs for future study/mapping considerations. The Town acknowledges that a study was not included in the original scope and funding constraints exist, but herein requests that FEMA exclude from adoption the updated mapping associated with Tonawanda Creek until such time as an updated study can be completed. The impacted panels associated with this request are 36063C0358E, 36063C0359E, 36063C0376E, 36063C0377E, 36063C0378E, and 36063C0379E. Alternatively, the Town requests FEMA to consider updating the DFIRM associated with Tonawanda Creek using the results from the 1979 Flood Insurance Study (FIS).

The November 5, 2009 FEMA response letter stated that the new detailed studies completed for Niagara County did not include Tonawanda Creek and that the "best available data" was the hydraulic model reflected in the Town of Amherst FIS (effective October 16, 1992). We have reviewed this Flood Study and have identified critical flaws that adversely impact the Town residents and clearly need to be addressed before adoption of the proposed FIRM maps.

As previously stated in our May 12, 2009 letter, the top of the Pendleton Guard Gate is at a calculated elevation of 578.44 (NAVD88) while the upstream Base Flood Elevation (BFE) is at 580 (NAVD88) as presented in the Amherst Flood Study. Under this scenario, floodwaters under a 100-year storm event would overtop the structure. In reality, the structure would serve as a relief point and would significantly lower the calculated flood elevation. Therefore, it is clear that this structure needs to be included as an input to the flood model. The detailed 1992 Amherst Flood Study should have been extended from the current end point approximately 5,900 feet upstream to the gate structure. We have included, as an attachment to this letter, two additional figures entitled Flood Impact Maps, that detail the existing conditions surrounding the guard gate. Please note that the actual elevation of the guard gate, as surveyed by CRA Infrastructure & Engineering, Inc. (CRA), is 578.04 (NAVD88). This elevation is slightly lower than the previously calculated elevation of 578.44.

Federal Emergency Management Agency

Fax: 716-625-6295
Email: jriester@pendletonny.us

Town of Pendleton



Town Hall, 6570 Campbell Blvd. Lockport, New York 14094

James Riester
Supervisor
716-625-8833
ext. 13

December 2, 2009
Page 2

Given the above existing conditions and findings, it can be concluded that the "best available data" is not the 1992 Amherst Flood Study, but more accurately is reflected by the results of the 1979 FIS. Furthermore, in review of the 1979 FIS, the 100-year flood elevation is lower than the top of the guard gate, and therefore a modification in the Flood Study would not be required if used to update the maps.

Your November 12, 2009 letter states that "FEMA works closely with affected communities to ensure that each new DFIRM accurately reflects the flood hazards and risks." Our findings are clear that the hazards and risks are not accurately represented for the Town and respectfully requests FEMA to honor this commitment and work with the community before adopting these maps. The Town is also in complete agreement with FEMA that this flood hazard information is critical in planning future development so that risks to new and existing property are minimized and in protecting lives and property. It is our opinion that the acceptance of the DFIRM, as proposed, will unnecessarily burden the Town residents located along Tonawanda Creek.

On behalf of the Town Board and the residents of the Town of Pendleton, I would like to thank you, in advance, for giving our request due consideration. I trust that you will find the request is reasonable and the additional information provides the necessary supporting documentation for a favorable response. Please direct all technical questions and inquiries to our Town Engineer, David M. Britton, P.E., of CRA at (716) 856-2142.

Sincerely,

A handwritten signature in cursive script that reads "James Riester".

James Riester, Town Supervisor
Town of Pendleton, New York

Encl.

cc: Town Board
David Gerber, Floodplain Administrator, w/encl.
Terry Pienta, Town Clerk, w/encl.
William S. Nechamen, Chief - Floodplain Management Section, FEMA, w/encl.
Rebecca Anderson, NYSDEC, w/encl.