



# Federal Emergency Management Agency

Washington, D.C. 20472

August 10, 2009

**RECEIVED**  
AUG 14 2009

**COMMUNITY DEVELOPMENT**

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

IN REPLY REFER TO:  
Case No.: 09-04-1718P

The Honorable Ray Judah  
Chairman, Lee County  
Board of Commissioners  
P.O. Box 398  
Fort Myers, FL 33902

Community: Lee County, FL  
Community No.: 125124  
FIRM Panel Affected: 12071C0070 F

116

Dear Mr. Judah:

In a Letter of Map Revision (LOMR) dated March 19, 2009, you were notified of proposed modified flood elevation determinations affecting the Flood Insurance Rate Map (FIRM) for Lee County, Florida. These determinations were for Charlotte Harbor - from approximately 1,100 feet northwest of the intersection of Diamond Key Court and Sugarloaf Key Road to approximately 1,700 feet southwest of the intersection. The 90-day appeal period that was initiated on April 8, 2009, when the Department of Homeland Security's Federal Emergency Management Agency (FEMA) published a notice of proposed Base Flood Elevations (BFEs) in the *Fort Myers News-Press*, has elapsed.

FEMA received no valid requests for changes to the modified BFEs. Therefore, the modified BFEs that became effective on March 19, 2009, remain valid and revise the FIRM that was in effect prior to that date.


The modifications are pursuant to Section 206 of the Flood Disaster Protection Act of 1973 (Public Law 93-234) and are in accordance with the National Flood Insurance Act of 1968, as amended (Title XIII of the Housing and Urban Development Act of 1968, Public Law 90-448), 42 U.S.C. 4001-4128, and 44 CFR Part 65. The community number(s) and suffix code(s) are unaffected by this revision. The community number and appropriate suffix code as shown above will be used by the National Flood Insurance Program (NFIP) for all flood insurance policies and renewals issued for your community.

FEMA has developed criteria for floodplain management as required under the above-mentioned Acts of 1968 and 1973. To continue participation in the NFIP, your community must use the modified BFEs to carry out the floodplain management regulations for the NFIP. The modified BFEs will also be used to calculate the appropriate flood insurance premium rates for all new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

If you have any questions regarding the necessary floodplain management measures for your community or the NFIP in general, please call the Director, Mitigation Division of FEMA in Atlanta, Georgia, at (770) 220-5400.

If you have any questions regarding the LOMR, the proposed modified BFEs, or mapping issues in general, please call the FEMA Map Assistance Center, toll free, at 1-877-FEMA MAP (1-877-336-2627).

Sincerely,

A handwritten signature in cursive script that reads "William R Blanton Jr".

William R. Blanton Jr., CFM, Chief  
Engineering Management Branch  
Mitigation Directorate

cc:

Mr. Robert Stewart  
Floodplain Manager  
Department of Community Development  
Lee County

Mr. Howard J. Berrey

CHARLOTTE  
HARBOR

885000 FT

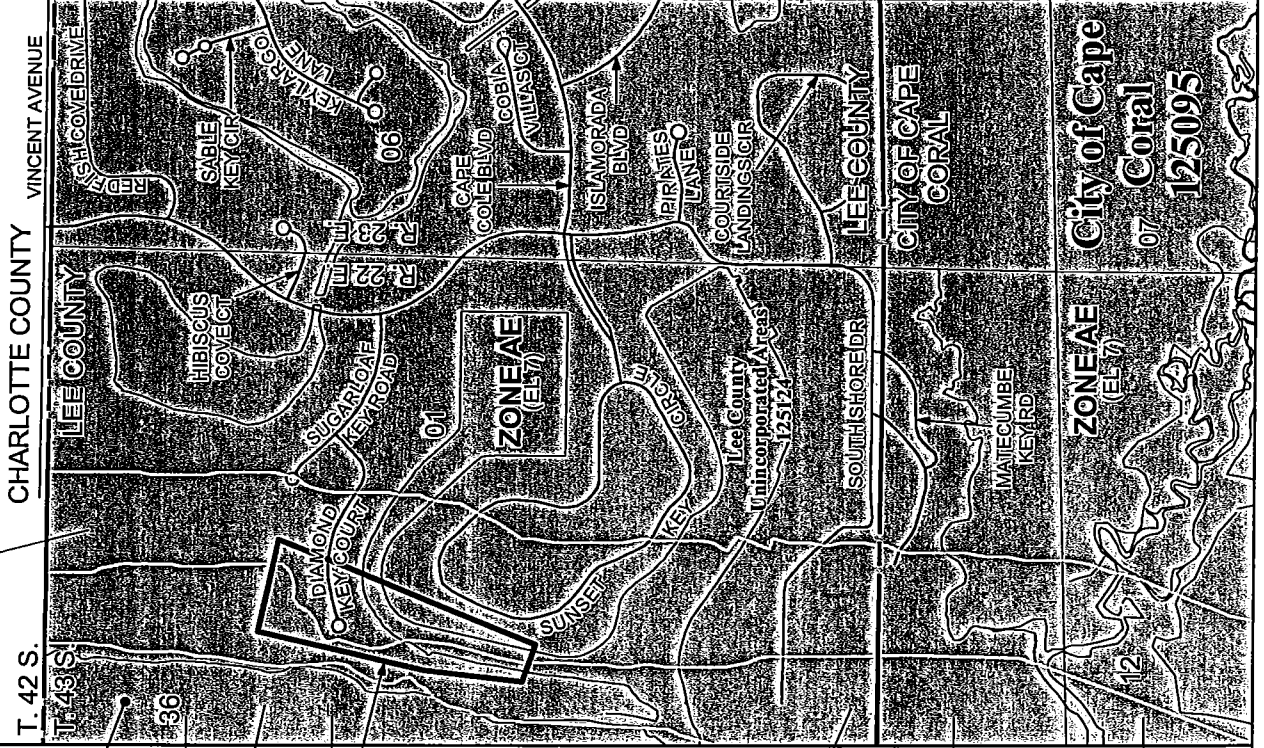
ZONE VE  
(EL 10)

REVISED  
AREA

ZONE VE  
(EL 9)

880000 FT

ZONE AE  
(EL 8)



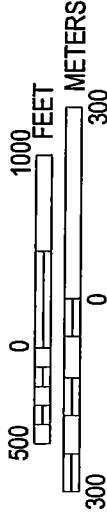
JOINS PANEL 0065

Legend

- 1% annual chance (100-Year) Floodplain
- 1% annual chance (100-Year) Floodway
- 0.2% annual chance (500-Year) Floodplain



MAP SCALE 1" = 1000'



PANEL 0070F

**FIRM**

FLOOD INSURANCE RATE MAP

LEE COUNTY,

FLORIDA

AND INCORPORATED AREAS

PANEL 70 OF 685

(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS:

COMMUNITY NUMBER PANEL SUFFIX  
LEE COUNTY 125124 F  
CAPE CORAL CITY OF 125095 0070 F

REVISED TO

REFLECT LOMR

EFFECTIVE: March 19, 2009

Notice to User: The Map Number shown below should be used when placing map orders; the Community Number shown above should be used on insurance applications for the subject community.



MAP NUMBER  
12071C0070F

EFFECTIVE DATE  
AUGUST 28, 2008

Federal Emergency Management Agency



# Federal Emergency Management Agency

Washington, D.C. 20472

March 19, 2009

**RECEIVED**  
MAR 23 2009

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

The Honorable Ray Judah  
Chairman, Lee County  
Board of Commissioners  
P.O. Box 398  
Fort Myers, FL 33902

IN REPLY REFER TO:

Case No.: 09-04-1718P  
Community Name: Lee County, FL  
Community No.: 125124  
Effective Date of  
This Revision: **March 19, 2009**

**COMMUNITY DEVELOPMENT**

Dear Mr. Judah:

The Flood Insurance Rate Map for your community has been revised by this Letter of Map Revision (LOMR). Please use the enclosed annotated map panel(s) revised by this LOMR for floodplain management purposes and for all flood insurance policies and renewals issued in your community.

Additional documents are enclosed which provide information regarding this LOMR. Please see the List of Enclosures below to determine which documents are included. Other attachments specific to this request may be included as referenced in the Determination Document. If you have any questions regarding floodplain management regulations for your community or the National Flood Insurance Program (NFIP) in general, please contact the Consultation Coordination Officer for your community. If you have any technical questions regarding this LOMR, please contact the Director, Mitigation Division of the Department of Homeland Security's Federal Emergency Management Agency (FEMA) in Atlanta, Georgia, at (770) 220-5400, or the FEMA Map Assistance Center toll free at 1-877-336-2627 (1-877-FEMA MAP). Additional information about the NFIP is available on our website at <http://www.fema.gov/nfip>.

Sincerely,

*Beth A Norton*

Beth A. Norton, Program Specialist  
Engineering Management Branch  
Mitigation Directorate

For: William R. Blanton Jr., CFM, Chief  
Engineering Management Branch  
Mitigation Directorate

List of Enclosures:

Letter of Map Revision Determination Document  
Annotated Flood Insurance Rate Map

cc: Mr. Robert Stewart  
Floodplain Manager  
Department of Community Development  
Lee County

Mr. Howard J. Berrey



# Federal Emergency Management Agency

Washington, D.C. 20472

## LETTER OF MAP REVISION DETERMINATION DOCUMENT

COMMUNITY AND REVISION INFORMATION		PROJECT DESCRIPTION	BASIS OF REQUEST
COMMUNITY	Lee County Florida (Unincorporated Areas)	NO PROJECT	COASTAL ANALYSIS UPDATED TOPOGRAPHIC DATA
	COMMUNITY NO.: 125124		
IDENTIFIER	Diamond Park, Lot 7 -- 3361 Diamond Key Court	APPROXIMATE LATITUDE & LONGITUDE: 26.660, -82.030 SOURCE: USGS QUADRANGLE DATUM: NAD 83	
ANNOTATED MAPPING ENCLOSURES		ANNOTATED STUDY ENCLOSURES	
TYPE: FIRM* NO.: 12071C0070 F DATE: August 28, 2008		NO REVISION TO THE FLOOD INSURANCE STUDY REPORT	

Enclosures reflect changes to flooding sources affected by this revision.

\* FIRM - Flood Insurance Rate Map; \*\* FBFM - Flood Boundary and Floodway Map; \*\*\* FHBM - Flood Hazard Boundary Map

### FLOODING SOURCE(S) & REVISED REACH(ES)

Charlotte Harbor - from approximately 1,100 feet northwest of the intersection of Diamond Key Court and Sugarloaf Key Road to approximately 1,700 feet southwest of the intersection

### SUMMARY OF REVISIONS

Flooding Source	Effective Flooding	Revised Flooding	Increases	Decreases
Charlotte Harbor	Zone VE	Zone AE	NONE	YES
	BFEs*	BFEs	NONE	YES

\* BFEs - Base Flood Elevations

### DETERMINATION

This document provides the determination from the Department of Homeland Security's Federal Emergency Management Agency (FEMA) regarding a request for a Letter of Map Revision (LOMR) for the area described above. Using the information submitted, we have determined that a revision to the flood hazards depicted in the Flood Insurance Study (FIS) report and/or National Flood Insurance Program (NFIP) map is warranted. This document revises the effective NFIP map, as indicated in the attached documentation. Please use the enclosed annotated map panels revised by this LOMR for floodplain management purposes and for all flood insurance policies and renewals in your community.

This determination is based on the flood data presently available. The enclosed documents provide additional information regarding this determination. If you have any questions about this document, please contact the FEMA Map Assistance Center toll free at 1-877-336-2627 (1-877-FEMA MAP) or by letter addressed to the LOMR Depot, 3601 Eisenhower Avenue, Alexandria, VA 22304. Additional information about the NFIP is available on our website at <http://www.fema.gov/nfip>.

*Beth A. Norton*

Beth A. Norton, Program Specialist  
Engineering Management Branch  
Mitigation Directorate

112553 10.3.1.09041718 102-D-A



# Federal Emergency Management Agency

Washington, D.C. 20472

## LETTER OF MAP REVISION DETERMINATION DOCUMENT (CONTINUED)

### COMMUNITY INFORMATION

#### APPLICABLE NFIP REGULATIONS/COMMUNITY OBLIGATION

We have made this determination pursuant to Section 206 of the Flood Disaster Protection Act of 1973 (P.L. 93-234) and in accordance with the National Flood Insurance Act of 1968, as amended (Title XIII of the Housing and Urban Development Act of 1968, P.L. 90-448), 42 U.S.C. 4001-4128, and 44 CFR Part 65. Pursuant to Section 1361 of the National Flood Insurance Act of 1968, as amended, communities participating in the NFIP are required to adopt and enforce floodplain management regulations that meet or exceed NFIP criteria. These criteria, including adoption of the FIS report and FIRM, and the modifications made by this LOMR, are the minimum requirements for continued NFIP participation and do not supersede more stringent State or local requirements to which the regulations apply.

#### COMMUNITY REMINDERS

We based this determination on the 1-percent-annual-chance stillwater elevations computed in the FIS for your community. A comprehensive restudy of your community's flood hazards could establish greater flood hazards in this area.

Your community must regulate all proposed floodplain development and ensure that permits required by Federal and/or State law have been obtained. State or community officials, based on knowledge of local conditions and in the interest of safety, may set higher standards for construction or may limit development in floodplain areas. If your State or community has adopted more restrictive or comprehensive floodplain management criteria, those criteria take precedence over the minimum NFIP requirements.

We will not print and distribute this LOMR to primary users, such as local insurance agents or mortgage lenders; instead, the community will serve as a repository for the new data. We encourage you to disseminate the information in this LOMR by preparing a news release for publication in your community's newspaper that describes the revision and explains how your community will provide the data and help interpret the NFIP maps. In that way, interested persons, such as property owners, insurance agents, and mortgage lenders, can benefit from the information.

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:

Mr. Brad Loar  
Director, Mitigation Division  
Federal Emergency Management Agency, Region IV  
Koger Center - Rutgers Building  
3003 Chamblee Tucker Road  
Atlanta, GA 30341  
(770) 220-5400

This determination is based on the flood data presently available. The enclosed documents provide additional information regarding this determination. If you have any questions about this document, please contact the FEMA Map Assistance Center toll free at 1-877-336-2627 (1-877-FEMA MAP) or by letter addressed to the LOMR Depot, 3601 Eisenhower Avenue, Alexandria, VA 22304. Additional information about the NFIP is available on our website at <http://www.fema.gov/nfip>.

*Beth A. Norton*

Beth A. Norton, Program Specialist  
Engineering Management Branch  
Mitigation Directorate

112553 10.3.1.09041718 102-D-A



# Federal Emergency Management Agency

Washington, D.C. 20472

## LETTER OF MAP REVISION DETERMINATION DOCUMENT (CONTINUED)

### STATUS OF THE COMMUNITY NFIP MAPS

We will not physically revise and republish the FIRM for your community to reflect the modifications made by this LOMR at this time. When changes to the previously cited FIRM panel(s) warrant physical revision and republication in the future, we will incorporate the modifications made by this LOMR at that time.

This determination is based on the flood data presently available. The enclosed documents provide additional information regarding this determination. If you have any questions about this document, please contact the FEMA Map Assistance Center toll free at 1-877-336-2627 (1-877-FEMA MAP) or by letter addressed to the LOMR Depot, 3601 Eisenhower Avenue, Alexandria, VA 22304. Additional Information about the NFIP is available on our website at <http://www.fema.gov/nfip>.

*Beth A. Norton*

Beth A. Norton, Program Specialist  
Engineering Management Branch  
Mitigation Directorate

112553 10.3.1.09041718 102-D-A



# Federal Emergency Management Agency

Washington, D.C. 20472

## LETTER OF MAP REVISION DETERMINATION DOCUMENT (CONTINUED)

### PUBLIC NOTIFICATION OF REVISION

#### PUBLIC NOTIFICATION

FLOODING SOURCE	LOCATION OF REFERENCED ELEVATION	BFE (FEET NAVD 88)		MAP PANEL NUMBER(S)
		EFFECTIVE	REVISED	
Charlotte Harbor	Approximately 1,100 feet west of the intersection of Diamond Key Court and Sugarloaf Key Road	9	8	12071C0070 F

Within 90 days of the second publication in the local newspaper, any interested party may request that we reconsider this determination. Any request for reconsideration must be based on scientific or technical data. This revision is effective as of the date of this letter. However, until the 90-day period has elapsed, the revised BFEs presented in this LOMR may be changed.

A notice of changes will be published in the *Federal Register*. A short notice also will be published in your local newspaper on or about the dates listed below. Please refer to FEMA's website at [https://www.floodmaps.fema.gov/fhm/Scripts/bfe\\_main.asp](https://www.floodmaps.fema.gov/fhm/Scripts/bfe_main.asp) for a more detailed description of proposed BFE changes, which will be posted within a week of the date of this letter.

LOCAL NEWSPAPER      Name: *Fort Myers News Press*  
                                  Dates: 04/01/2009    04/08/2009

This determination is based on the flood data presently available. The enclosed documents provide additional information regarding this determination. If you have any questions about this document, please contact the FEMA Map Assistance Center toll free at 1-877-336-2627 (1-877-FEMA MAP) or by letter addressed to the LOMR Depot, 3601 Eisenhower Avenue, Alexandria, VA 22304. Additional Information about the NFIP is available on our website at <http://www.fema.gov/nfip>.

*Beth A. Norton*

Beth A. Norton, Program Specialist  
 Engineering Management Branch  
 Mitigation Directorate





# Federal Emergency Management Agency

Washington, D.C. 20472

SEP 20 2001

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Mr. Doug St. Cerny  
Chairman, Lee County  
Board of Commissioners  
P.O. Box 398  
Fort Meyers, Florida 33902-0398

IN REPLY REFER TO:

Case Number: 01-04-205P  
Community Name: Lee County, Florida  
(Unincorporated Areas)  
Community Number: 125124  
Map Panel Number: 125124 0045  
Effective Date of  
This Revision: SEP 20 2001

102-I-A

Dear Mr. St. Cerny:

The Flood Insurance Rate Map (FIRM) for the unincorporated areas of Lee County has been revised by this Letter of Map Revision (LOMR) to reflect a site-specific wave height analysis along Charlotte Harbor and more detailed and up-to-date topographic information than that used to prepare the September 19, 1984, FIRM. This LOMR supersedes the previously issued LOMR dated December 7, 1995, only in the area of revision marked on the enclosed annotated FIRM. The subject area, Diamond Park, is located approximately 1,500 feet northwest of Burnt Store Marina. This revision was initiated by Mr. Kenneth E. Morris of Gee & Jenson, Inc., in a letter dated February 11, 2001.

We received the following technical data, prepared by Gee & Jenson, Inc., unless otherwise noted, in support of this revision:

- Wave Height Analysis for Flood Insurance Studies (Version 3.0) input and output files, dated May 4, 2001, for two transects located along the subject area, which include the effects of wave setup;
- an undated Automated Coastal Engineering System analyses of the 1% annual chance wave conditions;
- a certified topographic map, titled Lee County, Ft. Myers, Florida, dated February 1991, at a scale of 1"=200', with a contour interval of 1 foot, prepared by Deni Associates;
- aerial photographs, titled County of Lee, Department of Information Services, dated December 1981 and March 1984, at a scale of 1"=300', representing pre-FIRM conditions, prepared by Kucera and Associates, Inc.; and
- completed application/certification forms, including county concurrence with the request.

We received all data necessary to process this revision by June 14, 2001.

Based on our review of the submitted data, we are issuing this LOMR to reflect increases in Base Flood Elevations (BFEs) along Charlotte Harbor in the vicinity of Burnt Store Marina. This LOMR revises the unincorporated areas of Lee County FIRM number 125124, panel 0045 B, dated September 19, 1984, as shown on the enclosed digitally reproduced portion of the FIRM.

We have enclosed a copy of the public notification of the revised BFEs, which will be published in the News-Press on or about September 27, 2001, and October 4, 2001. In addition, we will publish a notice of changes in the Federal Register. However, we will not print and distribute this LOMR to users, such as insurance agents or lenders. Your community will serve as a repository for the new data. Therefore, we encourage you to supplement the notification to appear in the News-Press by preparing a news release for publication in your community newspaper that describes the revision and explains how your community will provide data and help interpret the National Flood Insurance Program (NFIP) maps. In that way, interested persons, such as property owners, insurance agents, and mortgage lenders, can benefit from the information.

Within 90 days of the second publication in the News-Press, any interested party may request that we reconsider this determination. Any request for reconsideration must be based on scientific or technical data. This revision is effective as of the date of this letter. However, until the 90-day period elapses, the revised BFEs presented in this LOMR may be changed.

We based this determination on the 1% annual chance stillwater elevations computed in the July 20, 1998, Flood Insurance Study (FIS) for the unincorporated areas of Lee County, as well as the aforementioned wave height analysis. A comprehensive restudy of your community's flood hazards could establish greater flood hazards in this area.

Your county must approve all proposed floodplain development and ensure that permits required by Federal and/or State law have been obtained. State or county officials, based on knowledge of local conditions and in the interest of safety, may set standards for construction that are higher than the minimum NFIP criteria or may limit development in floodplain areas. If the State of Florida or Lee County has adopted more restrictive or comprehensive floodplain management criteria, those criteria take precedence over the minimum NFIP requirements.

Because of funding constraints, we must limit the number of map republications. Consequently, we will not republish the FIRM, for the unincorporated areas of Lee County to reflect this determination. However, we will incorporate this determination when we next republish FIRM panel 0045.

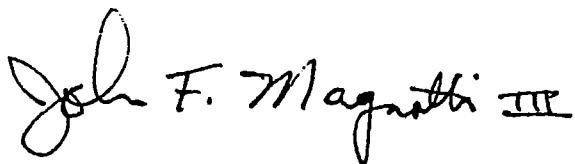
We have enclosed an updated version of a document titled "List of Current Flood Insurance Study Data," which now includes this letter, to help your county to maintain all information for floodplain management and flood insurance. If any of the items in that document are not filed in your county's map repository, please contact the Federal Emergency Management Agency (FEMA) Map Assistance Center at the number listed below for information on how to obtain those items.

Use the map panel listed above and revised by this letter for flood insurance policies and renewals issued for property located on this panel.

We have made this determination pursuant to Section 206 of the Flood Disaster Protection Act of 1973 (P.L. 93-234) and in accordance with the National Flood Insurance Act of 1968, as amended (Title XIII of the Housing and Urban Development Act of 1968, P.L. 90-448), 42 U.S.C. 4001-4128, and 44 CFR Part 65. Pursuant to Section 1361 of the National Flood Insurance Act of 1968, as amended, communities participating in the NFIP are required to adopt and enforce floodplain management ordinances that meet or exceed minimum NFIP criteria. These criteria, including adoption of the FIS and FIRM, and revisions made by this LOMR, are the minimum requirements for continued NFIP participation and do not supersede more stringent State or local requirements to which the regulations apply.

If you have any questions, please do not hesitate to contact the Director, Federal Insurance and Mitigation Administration of FEMA in Atlanta, Georgia, at (770) 220-5400, or the FEMA Map Assistance Center toll-free at 1-877-FEMA MAP (1-877-336-2627).

Sincerely,



John F. Magnotti III  
Project Engineer  
Hazards Study Branch  
Federal Insurance and  
Mitigation Administration

For: Matthew B. Miller, P.E., Chief  
Hazards Study Branch  
Federal Insurance and  
Mitigation Administration

Enclosures

cc: Ms. Mary Gibbs, Director of Development Services  
Mr. Kenneth E. Morris, Gee & Jenson, Inc.  
Ms. Lisa J. Levendofsky, Burnt Store Properties, Inc.  
State NFIP Coordinator