



Federal Emergency Management Agency

Washington, D.C. 20472

January 19, 2023

THE HONORABLE MILTON USTAD
CHAIR, COUNTY COMMISSIONERS
UNION COUNTY
209 EAST MAIN, SUITE 200
ELK POINT, SD 57025

CASE NO.: 23-08-0166A
COMMUNITY: UNION COUNTY, SOUTH DAKOTA
(UNINCORPORATED AREAS)
COMMUNITY NO.: 460242

DEAR MR. USTAD:

This is in reference to a request that the Federal Emergency Management Agency (FEMA) determine if the property described in the enclosed document is located within an identified Special Flood Hazard Area, the area that would be inundated by the flood having a 1-percent chance of being equaled or exceeded in any given year (base flood), on the effective National Flood Insurance Program (NFIP) map. Using the information submitted and the effective NFIP map, our determination is shown on the attached Letter of Map Revision based on Fill (LOMR-F) Determination Document. This determination document provides additional information regarding the effective NFIP map, the legal description of the property and our determination.

Additional documents are enclosed which provide information regarding the subject property and LOMR-Fs. Please see the List of Enclosures below to determine which documents are enclosed. Other attachments specific to this request may be included as referenced in the Determination/Comment document. If you have any questions about this letter or any of the enclosures, please contact the FEMA Map Insurance eXchange (FMIX) toll free at (877) 336-2627 (877-FEMA MAP) or by letter addressed to the Federal Emergency Management Agency, LOMC Clearinghouse, 3601 Eisenhower Avenue, Suite 500, Alexandria, VA 22304-6426.

Sincerely,

Patrick "Rick" F. Sacbibit, P.E., Branch Chief
Engineering Services Branch
Federal Insurance and Mitigation Administration

LIST OF ENCLOSURES:

LOMR-F DETERMINATION DOCUMENT (REMOVAL)

cc: State/Commonwealth NFIP Coordinator
Community Map Repository
Region
Mr. Michael Washburn



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LETTER OF MAP REVISION BASED ON FILL DETERMINATION DOCUMENT (REMOVAL)

COMMUNITY AND MAP PANEL INFORMATION		LEGAL PROPERTY DESCRIPTION
COMMUNITY	UNION COUNTY, SOUTH DAKOTA (Unincorporated Areas)	<p>A portion of Lots 1 through 23, Tracts 1 and 3, Firethorn Trail, Dakota Dunes Golf Course 33rd Addition, as shown on the Final Plat recorded as Document No. 222444, in Book 39, Page 71, in the Office of the Register of Deeds, Union County, South Dakota</p> <p>The portion of property is more particularly described by the following metes and bounds:</p>
	COMMUNITY NO.: 460242	
AFFECTED MAP PANEL	NUMBER: 46127C0432E	
	DATE: 1/15/2021	
FLOODING SOURCE: MISSOURI RIVER		<p>APPROXIMATE LATITUDE & LONGITUDE OF PROPERTY: 42.488513, -96.505615</p> <p>SOURCE OF LAT & LONG: LOMA LOGIC</p> <p>DATUM: NAD 83</p>

DETERMINATION

LOT	BLOCK/SECTION	SUBDIVISION	STREET	OUTCOME WHAT IS REMOVED FROM THE SFHA	FLOOD ZONE	1% ANNUAL CHANCE FLOOD ELEVATION (NAVD 88)	LOWEST ADJACENT GRADE ELEVATION (NAVD 88)	LOWEST LOT ELEVATION (NAVD 88)
--	--	Dakota Dunes Golf Course 33rd Addition	Firethorn Trail	Portion of Property	X (shaded)	--	--	1090.4 feet


Special Flood Hazard Area (SFHA) - The SFHA is an area that would be inundated by the flood having a 1-percent chance of being equaled or exceeded in any given year (base flood).

ADDITIONAL CONSIDERATIONS (Please refer to the appropriate section on Attachment 1 for the additional considerations listed below.)

LEGAL PROPERTY DESCRIPTION	STATE LOCAL CONSIDERATIONS
PORTIONS REMAIN IN THE FLOODWAY	
FILL RECOMMENDATION	

This document provides the Federal Emergency Management Agency's determination regarding a request for a Letter of Map Revision based on Fill for the property described above. Using the information submitted and the effective National Flood Insurance Program (NFIP) map, we have determined that the described portion(s) of the property(ies) is/are not located in the SFHA, an area inundated by the flood having a 1-percent chance of being equaled or exceeded in any given year (base flood). This document revises the effective NFIP map to remove the subject property from the SFHA located on the effective NFIP map; therefore, the Federal mandatory flood insurance requirement does not apply. However, the lender has the option to continue the flood insurance requirement to protect its financial risk on the loan.

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 Mapping and Insurance eXchange (FMIX) toll free at (877) 336-2627 (877-FEMA MAP) or by letter addressed to the Federal Emergency Management Agency, LOMC Clearinghouse, 3601 Eisenhower Avenue, Suite 500, Alexandria, VA 22304-6426.


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LETTER OF MAP REVISION BASED ON FILL DETERMINATION DOCUMENT (REMOVAL)

ATTACHMENT 1 (ADDITIONAL CONSIDERATIONS)

LEGAL PROPERTY DESCRIPTION (CONTINUED)

COMMENCING at the Northeast corner of Lot 1 of said DAKOTA DUNES GOLF COURSE 33RD ADDITION; thence S 17° 49' 23" E, along the Easterly line of said Lot 1, a distance of 11.19 feet to a point on the Westerly line of Flood Zone AE, as shown on the Flood Insurance Rate Map prepared by the Federal Emergency Management Agency, Map Number 461237C0432E and dated January 15, 2021, said point also being the POINT OF BEGINNING; thence continuing along the Easterly line of said Lot 1, S 17° 49' 23" E, a distance of 171.78 feet; thence departing the Easterly line of said Lot 1, S 06° 08' 07" W, a distance of 106.81 feet to a point of curvature; thence Southerly along a tangent curve to the right, having a radius of 190.00 feet, a central angle of 14° 05' 31" and an arc length of 46.73 feet to point of compound curvature; thence Southerly and Southeasterly along a tangent curve to the left, having an initial tangent bearing of S 20° 13' 38" W, a radius of 85.00 feet, a central angle of 45° 04' 26" and an arc length of 66.87 feet to a point of tangency; thence S 24° 50' 48" E, a distance of 82.81 feet to a point of curvature; thence Southeasterly and Southwesterly along a tangent curve to the right having a radius of 30.00 feet, a central angle of 59° 47' 27" and an arc length of 31.31 feet to a point of tangency; thence S 34° 56' 39" W, a distance of 32.48 feet to a point of curvature; thence Southwesterly and Southerly along a tangent curve to the left, having a radius of 75.00 feet, a central angle of 56° 16' 51" and an arc length of 73.67 feet to a point of tangency; thence S 21° 20' 12" E, a distance of 111.06 feet to a point of curvature; thence Southeasterly along a tangent curve to the left, having a radius of 150.00 feet, a central angle of 42° 17' 49" and an arc length of 110.73 feet to a point of tangency; thence S 63° 38' 01" E, a distance of 437.10 feet to a point of curvature; thence Southeasterly, Southerly and Southwesterly, along a tangent curve to the right, having a radius of 195.00 feet, a central angle of 88° 33' 06" and an arc length of 301.38 feet to a point of tangency; thence S 24° 55' 05" W, a distance of 132.82 feet to a point of curvature; thence Southwesterly, Southerly and Southeasterly, along a tangent curve to the left, having a radius of 30.00 feet, a central angle of 62° 21' 56" and an arc length of 32.65 feet to a point of tangency; thence S 37° 26' 51" E, a distance of 102.37 feet to a point on the Southeasterly line of said DAKOTA DUNES GOLF COURSE 33RD ADDITION; thence S 14° 54' 38" W, along said Southeasterly line, a distance of 68.25 feet to a point on a curve; thence Northwesterly, departing said Southeasterly line along a curve to the left, having an initial tangent bearing of N 17° 22' 39" W, a radius of 350.00 feet, a central angle of 48° 33' 50" and an arc length of 296.66 feet to a point of compound curvature; thence Northwesterly, along a tangent curve to the left, having an initial tangent bearing of N 65° 56' 29" W, a radius of 2860.00 feet, a central angle of 7° 35' 04" and an arc length of 378.58 feet to a point of tangency; thence N 73° 31' 33" W, a distance of 147.37 feet, to a point of curvature; thence Northwesterly and Northerly, along a tangent curve to the right, having a radius of 250.00 feet, a central angle of 58° 14' 27" and an arc length of 254.12 feet to a point on the Westerly line of said Flood Zone AE, said point also being a point of compound curvature; thence Northerly along the Westerly line of said Flood Zone AE the following four (4) courses, along a tangent curve to the right, having an initial tangent bearing of N 15° 17' 06" W, a radius of 1000.00 feet, a central angle of 16° 26' 38" and an arc length of 287.87 feet to a point of tangency; thence N 01° 12' 32" E, a distance of 291.85 feet, to a point of curvature; thence Northerly and Northeasterly, along a tangent curve to the right, having a radius of 350.00 feet, a central angle of 48° 21' 46" and an arc length of 295.43 feet to a point of tangency; thence N 49° 34' 18" E, a distance of 181.31 feet, to the POINT OF BEGINNING

This attachment provides additional information regarding this request. If you have any questions about this attachment, please contact the FEMA Mapping and Insurance eXchange (FMIX) toll free at (877) 336-2627 (877-FEMA MAP) or by letter addressed to the Federal Emergency Management Agency, LOMC Clearinghouse, 3601 Eisenhower Avenue, Suite 500, Alexandria, VA 22304-6426.

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LETTER OF MAP REVISION BASED ON FILL DETERMINATION DOCUMENT (REMOVAL)

ATTACHMENT 1 (ADDITIONAL CONSIDERATIONS)

PORTIONS OF THE PROPERTY REMAIN IN THE FLOODWAY (This Additional Consideration applies to the preceding 1 Property.)

A portion of this property is located within the Special Flood Hazard Area and the National Flood Insurance Program (NFIP) regulatory floodway for the flooding source indicated on the Determination/Comment Document while the subject of this determination is not. The NFIP regulatory floodway is the area that must remain unobstructed in order to prevent unacceptable increases in base flood elevations. Therefore, no construction may take place in an NFIP regulatory floodway that may cause an increase in the base flood elevation, and any future construction or substantial improvement on the property remains subject to Federal, State/Commonwealth, and local regulations for floodplain management. The NFIP regulatory floodway is provided to the community as a tool to regulate floodplain development. Modifications to the NFIP regulatory floodway must be accepted by both the Federal Emergency Management Agency (FEMA) and the community involved. Appropriate community actions are defined in Paragraph 60.3(d) of the NFIP regulations. Any proposed revision to the NFIP regulatory floodway must be submitted to FEMA by community officials. The community should contact either the Regional Director (for those communities in Regions I-IV, and VI-X), or the Regional Engineer (for those communities in Region V) for guidance on the data which must be submitted for a revision to the NFIP regulatory floodway. Contact information for each regional office can be obtained by calling the FEMA Mapping and Insurance eXchange toll free at (877) 336-2627 (877-FEMA MAP) or from our web site at <http://www.fema.gov/about/regoff.htm>.

FILL RECOMMENDATION (This Additional Consideration applies to the preceding 1 Property.)

The minimum NFIP criteria for removal of the subject area based on fill have been met for this request and the community in which the property is located has certified that the area and any subsequent structure(s) built on the filled area are reasonably safe from flooding. FEMA's Technical Bulletin 10-01 provides guidance for the construction of buildings on land elevated above the base flood elevation through the placement of fill. A copy of Technical Bulletin 10-01 can be obtained by calling the FEMA Mapping and Insurance eXchange toll free at (877) 336-2627 (877-FEMA MAP) or from our web site at <https://www.fema.gov/emergency-managers/risk-management/building-science/national-flood-insurance-technical-bulletins>. Although the minimum NFIP standards no longer apply to this area, some communities may have floodplain management regulations that are more restrictive and may continue to enforce some or all of their requirements in areas outside the Special Flood Hazard Area.

STATE AND LOCAL CONSIDERATIONS (This Additional Consideration applies to all properties in the LOMR-F DETERMINATION DOCUMENT (REMOVAL))

Please note that this document does not override or supersede any State or local procedural or substantive provisions which may apply to floodplain management requirements associated with amendments to State or local floodplain zoning ordinances, maps, or State or local procedures adopted under the National Flood Insurance Program.

This attachment provides additional information regarding this request. If you have any questions about this attachment, please contact the FEMA Mapping and Insurance eXchange (FMIX) toll free at (877) 336-2627 (877-FEMA MAP) or by letter addressed to the Federal Emergency Management Agency, LOMC Clearinghouse, 3601 Eisenhower Avenue, Suite 500, Alexandria, VA 22304-6426.

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ADDITIONAL INFORMATION REGARDING LETTERS OF MAP REVISION BASED ON FILL

When making determinations on requests for Letters of Map Revision based on the placement of fill (LOMR-Fs), the Department of Homeland Security's Federal Emergency Management Agency (FEMA) bases its determination on the flood hazard information available at the time of the determination. Requesters should be aware that flood conditions may change or new information may be generated that would supersede FEMA's determination. In such cases, the community will be informed by letter.

Requesters also should be aware that removal of a property (parcel of land or structure) from the Special Flood Hazard Area (SFHA) means FEMA has determined the property is not subject to inundation by the flood having a 1-percent chance of being equaled or exceeded in any given year (base flood). This does not mean the property is not subject to other flood hazards. The property could be inundated by a flood with a magnitude greater than the base flood or by localized flooding not shown on the effective National Flood Insurance Program (NFIP) map.

The effect of a LOMR-F is it removes the Federal requirement for the lender to require flood insurance coverage for the property described. The LOMR-F *is not* a waiver of the condition that the property owner maintain flood insurance coverage for the property. *Only* the lender can waive the flood insurance purchase requirement because the lender imposed the requirement. *The property owner must request and receive a written waiver from the lender before canceling the policy.* The lender may determine, on its own as a business decision, that it wishes to continue the flood insurance requirement to protect its financial risk on the loan.

The LOMR-F provides FEMA's comment on the mandatory flood insurance requirements of the NFIP as they apply to a particular property. A LOMR-F is not a building permit, nor should it be construed as such. Any development, new construction, or substantial improvement of a property impacted by a LOMR-F must comply with all applicable State and local criteria and other Federal criteria.

If a lender releases a property owner from the flood insurance requirement, and the property owner decides to cancel the policy and seek a refund, the NFIP will refund the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy during the current policy year. The property owner must provide a written waiver of the insurance requirement from the lender to the property insurance agent or company servicing his or her policy. The agent or company will then process the refund request.

Even though structures are not located in an SFHA, as mentioned above, they could be flooded by a flooding event with a greater magnitude than the base flood. In fact, more than 25 percent of all claims paid by the NFIP are for policies for structures located outside the SFHA in Zones B, C, X (shaded), or X (unshaded). More than one-fourth of all policies purchased under the NFIP protect structures located in these zones. The risk to structures located outside SFHAs is just not as great as the risk to structures located in SFHAs. Finally, approximately 90 percent of all federally declared disasters are caused by flooding, and homeowners insurance does not provide financial protection from this flooding. Therefore, FEMA encourages the widest possible coverage under the NFIP.

The revisions made effective by a LOMR-F are made pursuant to Section 206 of the Flood Disaster Protection Act of 1973 (P.L. 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, P.L. 90-448) 42 U.S.C. 4001-4128, and 44 CFR Part 65.

In accordance with regulations adopted by the community when it made application to join the NFIP, letters issued to revise an NFIP map must be attached to the community's official record copy of the map. That map is available for public inspection at the community's official map repository. Therefore, FEMA sends copies of all such letters to the affected community's official map repository.

To ensure continued eligibility to participate in the NFIP, the community must enforce its floodplain management regulations using, at a minimum, the flood elevations and zone designations shown on the NFIP map, including the revisions made effective by LOMR-Fs. LOMR-Fs are based on minimum criteria established by the NFIP. State, county, and community officials, based on knowledge of local conditions and in the interest of safety, may set higher standards for construction in the SFHA. If the State, county, or community has adopted more restrictive and comprehensive floodplain management criteria, these criteria take precedence over the minimum Federal criteria.

FEMA does not print and distribute LOMR-Fs to primary map users, such as local insurance agents and mortgage lenders; therefore, the community serves as the repository for LOMR-Fs. FEMA encourages communities to disseminate LOMR-Fs so that interested persons, such as property owners, insurance agents, and mortgage lenders, may benefit from the information. FEMA also encourages communities to prepare articles for publication in the local newspaper that describe the changes made and the assistance community officials will provide in serving as a clearinghouse for LOMR-Fs and interpreting NFIP maps.

When a restudy is undertaken, or when a sufficient number of revisions occur on particular map panels, FEMA initiates the printing and distribution process for the panels and incorporates the changes made effective by LOMR-Fs. FEMA notifies community officials in writing when affected map panels are being physically revised and distributed. If the results of particular LOMR-Fs cannot be reflected on the new map panels because of scale limitations, FEMA notifies the community in writing and revalidates the LOMR-Fs in that letter. LOMR-Fs revalidated in this way usually will become effective 1 day after the effective date of the revised map.