U.S. Department of Homeland Security
FEMA Region I
99 High Street, 6th Floor
Boston, Massachusetts, 02110-2320

FEMA

November 20, 2015

Priscilla V. Jenness, Chairperson
Board of Selectmen
Town of Rye
Town Hall
10 Central Road
Rye, New Hampshire 03870-2522

Re: Town of Rye, Rockingham County, New Hampshire
Community No.: 330141

IN REPLY REFER TO: APPEAL RES

Dear Ms. Jenness:

This is in response to an initial letter dated November 28, 2014, and subsequent communications dated March 24, 2015, April 6, 2015, April 21, 2015, June 18, 2015, July 28, 2015, and September 25, 2015, submitted by Woods Hole Group, East Falmouth, MA, on behalf of Mr. Edward O'Meara, Homeowner, Town of Rye, appealing the proposed Base (1-percent-annual-chance) Flood Elevations (BFEs) and Special Flood Hazard Area (SFHA) boundary for coastal flooding in the Town of Rye, as presented on the Preliminary Flood Insurance Rate Map (FIRM) for Rockingham County, New Hampshire, dated April 9, 2014. The appeal focuses on the SFHA in the vicinity of 2220 Ocean Boulevard, Rye, NH, which appears on Preliminary FIRM panel #33015C0432F. Please note that your request is considered an appeal because it satisfied the data requirements defined in Title 44, Chapter I, Part 67 of the Code of Federal Regulations (44 CFR Part 67), and was submitted during the 90-day appeal period for the aforementioned Preliminary FIRM.

The following scientific and/or technical data were submitted in support of this request:

- November 28, 2014 – CD from Woods Hole Group (WHG) containing revised engineering data and floodplain mapping.
- March 24, 2015 - Revised engineering data and floodplain mapping from WHG.
- June 18, 2015 - Revised engineering data and floodplain mapping from WHG.
- July 28, 2015 - Revised engineering data and floodplain mapping from WHG.
- September 25, 2015 - Revised engineering data and floodplain mapping from WHG.

We received the initial data in support of this appeal on December 1, 2014, and the final full data set necessary to resolve this appeal on September 29, 2015.

There are two elements of the FIRM being appealed. The first element is a request to reduce the extent of the VE zone in this area based upon the removal of the Primary Frontal Dune (PFD) mapping. We are rejecting this element of the appeal based on the following:

a) Appellant states that the PFD is not shown on the effective FIRM for this area. Response: the effective FIRM for this area is based on modeling and mapping conducted in 1984. Products developed prior to 1988 did not typically include a PFD delineation as the concept was formally introduced as part of the National Flood Insurance Program Regulations in that year.
b) Appellant states that dune resource data from the NH Department of Environmental Services (NHDES) does not show a dune resource in this area. Response: Inspection of the NHDES dune resource data at Jenness State Park, just south of the area in question, reveals a mapped coastal sand dune resource. This delineation is not supported by review of field photos, orthophotography, or LiDAR data, thereby calling into question the accuracy of the NHDES dune resource data set in this region.
c) Appellant states that based on field reconnaissance and LiDAR data, there does not appear to be a dune resource in this vicinity, in part because it is a highly developed area. Response: The PFD delineation for the subject area originated from a regional approach, including examination of overall coastal morphology between FIS Transects 36 and 43. While the area does not exhibit typical dune features as a result of development patterns, topographic profiles generated from LiDAR substantiate the presence of a dune footprint.

Retaining the PFD delineation, coupled with the fact that the seawall at the subject address is not a FEMA-certified structure, results in the VE zone extent remaining as originally mapped based upon *FEMA 2007 Atlantic Ocean and Gulf of Mexico Coastal Guidelines Update, Section 2.10.2.1.*

The second element of the FIRM being appealed is a request to modify the BFE based on a lower wave setup value generated from SWAN 1-D modeling. FEMA is accepting this component of the appeal on the basis of the revised engineering data submitted by the appellant.

We have resolved this appeal in accordance with the requirements of 44 CFR Part 67. We have determined that the proposed BFEs and SFHA boundary for coastal flooding in the Town of Rye, as shown on the Preliminary FIRM, should be revised based on the submitted data. Please review the enclosed draft revised Preliminary FIRM panel to verify that the updated flood hazard data for this appeal resolution has been satisfactorily incorporated, where appropriate. Note that both the content and the date of the revised preliminary panel are subject to change. Please submit any comments regarding this appeal resolution within 30 days of the date of this letter to the following address:

Fay Rubin, Project Director
Earth Systems Research Center
University of New Hampshire
8 College Road
Durham, NH 03824
fay.rubin@unh.edu

If you feel that the technical issues originally raised have not been adequately addressed by this resolution letter and that an acceptable resolution will not be feasible through the submittal of additional comments as outlined above, please note that FEMA makes Scientific Resolution Panels (SRPs) available to support the appeal resolution process. SRPs are independent panels of experts in hydrology, hydraulics, and other pertinent sciences established to review conflicting scientific and technical data and provide recommendations for resolution. An SRP is an option after FEMA and a local community have been engaged in a collaborative consultation process without a mutually acceptable resolution.

Your community may contact John Grace, CFM, Coastal Engineer, FEMA Region 1 at (617) 832-4715 for additional information on the specific eligibility requirements for the SRP. To request that an SRP review your scientific or technical data, your community must complete the enclosed SRP Request Form and submit it to the address above within 30 days of the date of this letter.

If we do not receive any comments or the completed SRP Request Form from your community during the 30-day review period associated with this resolution, we will finalize the FIRM and FIS report by issuing a Letter of Final Determination (LFD). The LFD will explain the adoption/compliance process and will state the date when the FIRM and FIS report will become effective.

Sincerely,

MARILYN HILLIARD

Digitally signed by MARILYN HILLIARD
DN: c=US, o=U.S. Government, ou=Department of Homeland Security, ou=FEMA, ou=People, cn=MARILYN HILLIARD, 0.9.2342.19200300.100.1.1=0505196419.FEMA.1
Date: 2015.11.18 13:25:57 -05'00'

Marilyn Hilliard
Risk Analysis Branch Chief
Mitigation Division

Enclosures:
Draft Revised Preliminary FIRM Panel: 33015C0432F
SRP Request Form

cc: Peter Rowell, Building Inspector, Town of Rye (w/o enclosures)
Michael Magnant, Town Administrator, Town of Rye (w/o enclosures)
Kim Reed, Planning and Zoning Administrator, Town of Rye (w/o enclosures)
Mike Labrie, Chairperson, Rye Beach Commission, Town of Rye (w/o enclosures)
Mitchell A. Buck, PE, Woods Hole Group (w/o enclosures)
John Grace, CFM, Coastal Engineer, FEMA Region I (w/o enclosures)
Jennifer Gilbert, CFM, State NFIP Coordinator, New Hampshire Office of Energy and Planning (w/o enclosures)
Alex Sirotek, Regional Service Center, Region I (w/o enclosures)
Fay Rubin, Project Director, University of New Hampshire (w/o enclosures)