

## **DEPARTMENT OF HOMELAND SECURITY**

### **Federal Emergency Management Agency**

#### **Proposed Flood Elevation Determinations**

**AGENCY:** Federal Emergency Management Agency (FEMA, Department of Homeland Security)

**SUMMARY:** Technical information or comments are solicited on the proposed and proposed modified Base (1 percent annual chance) Flood Elevations (BFEs) shown on the Preliminary revised Flood Insurance Study (FIS) report and Flood Insurance Rate Map (FIRM) for your community. Comments on any aspect of the FIS and FIRM, other than the proposed BFEs, will also be considered. These BFEs and modified BFEs are the basis for the floodplain management measures that your community is required to either adopt or show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP). In addition these BFEs, once finalized, will be used by insurance agents, and others to calculate the appropriate flood insurance premium rates for new buildings and the contents in these buildings.

**DATES & SUBMISSION:** The appeal period begins following the second publication of the Notice of this proposed BFE determination in a newspaper of local circulation in your community and ends 90 days thereafter. All comments and/or appeals must be submitted no later than 90 days after the second publication of the Notice in the local newspaper to:

**City of Fair Oaks Ranch:** The Honorable E.L. Boots Gaubatz, Mayor, 7286 Dietz Elkhorn, Fair Oaks Ranch, TX 78015

**City of Garden Ridge:** The Honorable Jay Feibelman, Mayor, City of Garden Ridge, 9357 Schoenthal Road, Garden Ridge, TX 78266

**City of New Braunfels:** The Honorable Bruce Boyer, Mayor, City of New Braunfels, 424 South Castell, New Braunfels, TX 78130

**City of Selma:** The Honorable James Parma, Mayor, City of Selma, 9375 Corporate, Selma, TX 78154

**Unincorporated Areas of Comal County:** The Honorable Danny Scheel, Judge, Comal County, 199 Main Plaza, New Braunfels, TX 78130

**ADDRESSES:** The FIS and FIRM showing the proposed and proposed modified BFEs can be viewed at:

**City of Fair Oaks Ranch:** 7286 Dietz Elkhorn, Fair Oaks Ranch, TX 78015

**City of Garden Ridge:** 9357 Schoenthal Road, Garden Ridge, TX 78266

**City of New Braunfels:** 424 South Castell, New Braunfels, TX 78130

**City of Selma:** 9375 Corporate, Selma, TX 78154

**Unincorporated Areas of Comal County:** 195 David Jonas Drive, New Braunfels, TX 78132

Lessees and owners of real property are encouraged to review the FIS report, FIRM, and related materials.

**FOR ADDITIONAL INFORMATION CONTACT:** William R. Blanton, Jr., CFM, Chief Engineering Management Section, Mitigation Division, Federal Emergency Management Agency, Department of Homeland Security, 500 C Street

**SUPPLEMENTARY INFORMATION:** FEMA gives notice of the proposed determinations of BFEs and modified BFEs in accordance with Section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These BFEs, with the floodplain management measures required by 44 CFR 60.3, are the minimum measures that are required. It should not be construed to mean your community must change any existing ordinances that are more stringent in its floodplain management requirements. Your community may, at any time, enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed and proposed modified BFEs are used to meet the floodplain management requirements of the NFIP and are also used to calculate the appropriate flood insurance premium rates for new buildings built after the BFEs are finalized, and for the contents in those buildings.

Pursuant to the provisions of 5 U.S.C. 605(b), the Director for Mitigation, to whom authority has been delegated by the Director of FEMA, hereby certifies that the proposed BFE determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. A BFE determination under Section 1363 forms the basis for new local ordinances, which, if adopted by a community, will govern future construction within the floodplain area. By themselves, the BFE determinations impose no restriction unless and until the community voluntarily adopts floodplain ordinances in accord with these BFEs. Even if ordinances are adopted in compliance with Federal standards, the BFEs only prescribe building height in the floodplain and do not prohibit development. Thus, this action only forms the basis for future local actions. It imposes no new requirement; by itself, it has no economic impact.

Appellants must itemize each issue as an appeal or a comment. Appellants must identify themselves as the owner or lessee of property within the community, indicate how they heard about the proposed map change; describe how they believe their property rights have been adversely impacted within areas where new BFEs are proposed, and specify how the requirements of 44 CFR 67.6 have been met. Appellants should provide all other information they believe is helpful to the process that does not meet the conditions of being a formal appeal. Such information is considered a comment. Comments that are submitted within the appeal period that object to information on the FIRM or in the FIS report are called Protests. The issues raised (appeals and, comments) will be reviewed in aggregate and not addressed individually. Information must be sent directly to the community CEO. Any information submitted directly to FEMA without evidence that it was sent to the CEO within 90 days of the second publication in the local newspaper will be considered a comment.

During the formal appeal period, a community official or individual property owner may want to object to information shown on the FIRM, FBFM or FIS report. If the objection does not involve the proposed BFEs, it does not, in accordance with 44 CFR 67 constitute an appeal. Such objections are called protests, and protests should be sent directly to the community CEO and not to FEMA.

Individuals providing information and comments who have been determined by FEMA to meet the criteria of "appellant" as articulated in 44 CFR 67.5 will be sent a copy of the CEO letter, which name them as appellants. This letter will be issued within 180 days of the second publication in the local newspaper. Individuals who only provide comments and protests will not be notified. However, the information they submit will be considered in finalizing the BFEs. The resolution of the appeal will be sent to the CEO and a copy sent to the appellants.

## **PROPOSED AND MODIFIED BASE FLOOD ELEVATIONS**

The new elevations being proposed are given in the table below for the upstream and downstream limits of the flooding sources.

Community	Flooding Source	Location	Lat/Long Coordinates	* Elevation in feet (NGVD) <sup>1</sup> + Elevation in feet (NAVD) <sup>2</sup> # Depth in feet above ground <sup>3</sup>	
				Existing	Modified
City of New Braunfels	Alligator Creek	Approximately 4500 feet downstream from the intersection with FM 1101 Road	29° 43' 04.84" / -98° 02' 38.84"	+ 640	+ 643
		Intersection with Hoffman Lane	29° 46' 34.38" / -98° 04' 49.26"	None	+ 717
City of New Braunfels Unincorporated Areas of Comal County	Alligator Creek Tributary No. 6	Confluence with Alligator Creek	29° 46' 26.81" / -98° 04' 41.98"	None	+ 715
		Intersection with FM 306	29° 47' 00.23" / -98° 06' 25.07"	None	+ 795
City of Garden Ridge Unincorporated Areas of Comal County	Bear Creek (Dry Comal Watershed	Confluence of Bear Creek and Dry Comal Watershed	29° 39' 12.66" / -98° 16' 24.83"	None	+ 730
		Confluence of Bear Creek and Bear Creek Tributary 14	29° 40' 08.44" / -98° 17' 58.44"	None	+ 831
City of New Braunfels Unincorporated Areas of Comal County	Blieber's Creek	Intersection with River Road	29° 43' 56.61" / -98° 07' 37.86"	None	+ 663
		Intersection with Schoenthal Road	29° 42' 58.94" / -98° 11' 28.62"	None	+ 892
City of Garden Ridge Unincorporated Areas of Comal County	Bracken Tributary	Confluence with Cibolo Creek	29° 36' 08.54" / -98° 18' 48.10"	None	+ 772
		Approximately 2075 feet upstream from the intersection with Garden North Drive	29° 38' 40.25" / -98° 19' 55.85"	None	+ 899
Unincorporated Areas of Comal County City of Fair Oaks Ranch City of Selma	Cibolo Creek	Intersection with Lookout Road	29° 35' 38.46" / -98° 18' 39.05"	None	+ 763
		Approximately 1.1 mile upstream from the confluence with Postoak Creek	29° 44' 39.85" / -98° 38' 46.05"	+ 1274	+ 1276
City of New Braunfels	Dry Comal Creek	At Altgelt Lane	29° 40' 50.54" / -98° 09' 41.35"	+ 643	+ 646

Unincorporated Areas of Comal County					
		Confluence of West Fork Dry Comal Creek and Upper Comal Creek	29° 40' 12.05" / -98° 15' 54.15"	+ 784	+ 780
City of Garden Ridge Unincorporated Areas of Comal County	Garden Ridge Tributary	Confluence of HID Tributary of Garden Ridge Tributary and Garden Ridge Tributary	29° 36' 33.73" / -98° 18' 54.57"	None	+ 784
		Intersection with Water Wood Drive	29° 38' 17.79" / -98° 18' 42.49"	None	+ 903
Unincorporated Areas of Comal County	Guadalupe River (Lower Reach)	Approximately 300 feet upstream from the intersection with Missouri Kansas Texas Railroad	29° 44' 24.76" / -98° 06' 27.44"	+ 626	+ 634
		Confluence with Canyon Dam Emergency Spillway Channel	29° 51' 35.77" / -98° 10' 45.9."	+ 755	+ 760
Unincorporated Areas of Comal County	West Fork Tributary	Confluence with West Fork Dry Comal Creek	29° 40' 38.82" / -98° 15' 52.34"	+ 802	+ 799
		Approximately 774 feet downstream of Schoenthal Rd.	29° 41' 37.03" / -98° 16' 09.71"	+ 850	+ 852

<sup>1</sup>National Geodetic Vertical Datum of 1929, rounded to nearest whole foot

<sup>2</sup>North American Vertical Datum of 1988, rounded to nearest whole foot

<sup>3</sup>Depth in feet above ground, rounded to nearest whole foot