

Flathead County
Board of Commissioners

(406) 758-5503

Pamela J. Holmquist
Dale W. Lauman
Calvin L. Scott



August 6, 2012

FEMA Region VIII Office
Denver Federal Center
Building 710
Box 25267
Denver, Colorado 80225-0267

To Whom It May Concern:

On April 27, 2012, the 90-day appeal period for FEMA's proposed revisions to the Flood Insurance Study (FIS) and Flood Insurance Rate Maps (FIRMs) expired. During that time, our Planning and Zoning Office received five (5) written protests of the proposed revisions. Copies of the written protests we received are enclosed with this letter for your review.

Prior to and during the protest period, we spoke with many of our constituents who raised concerns with the proposed revisions. Although many of these concerns were not based on "the possession of knowledge or information indicating that the proposed flood hazard determinations are scientifically or technically incorrect" (per your letter to us of April 13, 2012), they were nevertheless based on many, many years of living, working and recreating in the area studied. We were provided with examples of areas now designated "100-year floodplain" that residents claim did not flood in 1964 (the most severe flooding in modern times according to FEMA's own FIS). There is a perception that the revisions lack common sense or some sort of "reality check." However, Flathead County does not have the resources available to pursue a study to investigate and possibly validate this perceived discrepancy.

Additionally, in the fall of 2011 our Planning and Zoning Office contacted the Montana Department of Transportation (MDT) regarding the public's concerns with the flooding impacts of Montana Highway 35 on the south side of Evergreen. MDT reviewed the study data provided to them by David Jula at Baker, Inc. and responded in December of 2011. In their email response (enclosed with this letter), MDT states that any mitigation work involving Highway 35 would have impacts beyond the scope of Highway 35 and would therefore require a broadly-based, multi-disciplinary, multi-agency study. Again, Flathead County does not have the resources available to spearhead a study of this nature.

RECEIVED

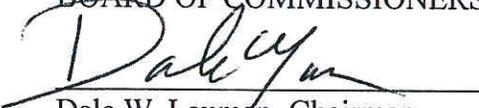
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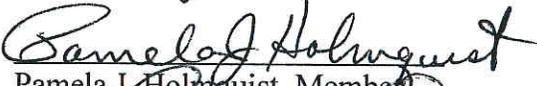
FLATHEAD COUNTY
PLANNING & ZONING OFFICE

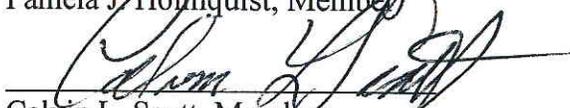
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The Flathead County Commissioners share the frustrations of our constituents regarding the proposed revisions to the FIS and the FIRMs. It does not appear at this time as though there are any options available to Flathead County that do not require a significant expenditure of public resources and many years of additional studies.

Sincerely,
FLATHEAD COUNTY
BOARD OF COMMISSIONERS


Dale W. Lauman, Chairman


Pamela J. Holmquist, Member


Calvin L. Scott, Member

Enclosures: (2)

cc: FEMA Regional Service Center
165 South Union Boulevard
Suite 200
Lakewood, CO 80228

Alex Hogle

From: Mary Fisher
Sent: Wednesday, July 25, 2012 2:27 PM
To: Alex Hogle
Subject: FW: flood zone

From: Randy Morken [<mailto:randy@morkensrepair.com>]
Sent: Wednesday, July 25, 2012 2:08 PM
To: Planning.Zoning
Cc: Planning.Zoning
Subject: flood zone

I was given a copy of yesterday's paper stating you had had no comments on from the 1000 residents, I am one of those and had never received any notification of a comment period and after speaking to neighbors today no one knew about it, I do not get the newspaper and would not have even known about yesterday's article,, I did get notice of the meeting last year and I did attend as did you and you know every one of the people in the gym was against the new flood zone change if you were to send out something even a post card letting people know of the objection period or go door to door I bet you could get all 1000 signatures against it , at least showing the county commissioners office that they should put in there two cents for the people that elected them. I did talk to Alex in your office and he explained the situation. I don't have any documentation showing why they are wrong just think it is basically another tax on already starving residents .

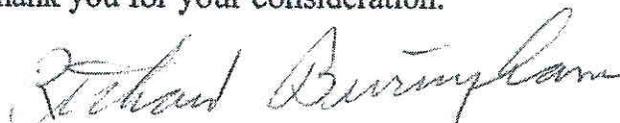
Randy Morken

To: FEMA

Subject Case No. 11-08-0476s

From: Richard Burningham
Assessor number 0120275
202 Park Dr. Kalispell, Montana

Reference to 90 day period of public notification: New Flood plane:
Technical problem: We have not had any flood water on this piece of property for 50 years. My concern is that the new designation will decrease the value of my property and increase my insurance rates.
I do not feel that I should need to buy flood insurance to support those who are in flood areas each year.
Thank you for your consideration.



Richard Burningham
Phone 406 755 7484



White Birch Motel and RV Park

17 Shady Lane
Kalispell, MT 59901
Office – (406) 752-4008 (888) 275-2275
Cell – (406) 250-7417
Fax – (406) 752-1106

Flathead County Planning Director BJ Grieve

Mr. Grieve,

I am a small business owner and would like to share my thoughts on the bank-mandated policy that those in what is referred to as a flood zone must buy flood insurance to cover the cost of rebuilding due to a flood which may or may not come in the next one hundred years.

We are living in an economic atmosphere where people are losing their homes due to various reasons (vis loss of job, sickness, extreme cost of living), while banks continue to charge high interest rates while paying 1% or less for savings, charge 1% origination fees on new or refinanced loans, and up to 27% on credit cards, require a new appraisal on all loans at a cost of \$2,000 to \$4,000. We have federal, state, and local taxes not to mention county and city. Fees and levies also add to our financial burdens. We have food banks for the poor to survive on and unemployment to help others until they can get new sources of income, while we import labor from outside the country. Grants are available to some, but minorities must be considered first. We have manipulation of oil prices while the cost of fuel goes up and up. Now the oil companies want to sell oil produced in this country overseas so they can make more money. In the 1960's, it was reported that a one-cent increase in a gallon of gas would make oil companies \$8,000,000 more a day in southern California. Consider the profit now when gas has gone up about \$3.50 a gallon since then.

Now we are forced to purchase flood insurance to make the insurance richer and us poorer, and our politicians want to allow this to happen.

I was informed several years ago I had to purchase flood insurance or the bank would put it in place and it would cost me a lot more. Since FEMA controls the cost, how can the banks do that?

I am required to purchase a separate policy on each building I own and the cost for each building in total annual premium would have been \$7,000. My budget couldn't meet that demand, so I insured enough buildings to cover my current mortgage balance, annual premium of \$2,880, still a strain on a small business. FEMA gets \$35 for each building insured.

In 2011 we were threatened with a flood. My business, which is in a flood zone according to the maps, never even got water in the only basement on my property, while 1st Interstate Bank (who carries the mortgage on my business), pumped water out of their basement through a 4"- and a 2"-pipe nearly all summer. The bank isn't listed in the flood zone. (Of course we pay for their losses through high interest rates, low savings rates while we are required by them to purchase flood insurance.)

I urge the commissioners to not allow this practice to continue. It raises the cost of living for all business which has to be passed on to our customers to be able to stay in business. Many people save for years to go on a vacation, and when we have to pass these added costs to them, eventually they quit coming.



Larry J. Cummings
Owner, White Birch Motel



To whom it concerns,

My wife and I are protesting, the new proposed flood elevations. We live at 137 river place, in evergreen, off of river road. There is no reason to change this from the current map, in my opinion, except to make the government money. In the flood of 64, we were told, the water came to the edge of our property. In 97, after record snowfall, we did not get flooded. Then this record setting June's, rainfall, also did not flood us. This is even more surprising, when you consider we have a split level house, and also got no seepage.

Now, Fema wants to change the map so we have to pay more money, on a house that I owe more than it is worth. I am sure having a split level in a 100yr flood plain, will do wonders for increasing its value.

Then flood insurance, what is it good for? I have a one thousand dollar deductible, on my first insurance. Now I have a, newly acquired, higher priced flood insurance. For all of this high cost, insurance, I get basically no coverage. They will not cover any of our personal belongings, none of the doors or carpets and mats, in our finished lower level. Oh, but they will cover, sheet rock and clean up I guess. However, for us, we have a split level, so if the water does not come through the doors or windows, nothing will be covered. So if we get water coming in through the cement, from saturated ground. My insurances policies, which I now would have two, cover nothing!!

If by chance, we get flooded, several others will have been as well. So many, that a state of emergency will be declared. At this point the government, will step in and dish out a bunch of money (borrowed from China), and the insurance companies will get reimbursed any costs. Of course the tax payers will have to cover the bill. This means, we will have paid, for TWO insurances, lost more value in our house, then pay back the insurance companies losses through taxes. Sounds like a pretty big scam!!

Where's the attorney General

Darron and Cindi Frye



COMMENT

JUL 20 2012

To: Federal Emergency Management Agency (FEMA) c/o Flathead County Planning Office

From: Edwin Speelman, 504 E Evergreen Dr, Kalispell, Montana, 59901

Subject: Preliminary revised Flood Insurance Rate Map (FIRM) Panel 1830H and preliminary Flood Insurance Study (FIS) report, reflecting proposed flood hazard determinations within the Unincorporated Areas of Flathead County, Montana released on April 27, 2012 and the subjects of an "Appeal Start" letter by FEMA received by Flathead County Board of Commissioners on April 13, 2012.

Message: The revised FIRM Panel 1830 ought to show or indicate a certain flood control structure on the west bank of the Flathead River, and the structure ought be also referred to in the report text. The report text in Section 2.4 "Flood Protection Measures" refers to dams on the Flathead River, but not to any other flood protection structure on this river.

The structure is the Lybeck Levee which extends upstream and downstream from the east end of East Reserve Drive. It is not named nor depicted by map symbols on preliminary FIRM panel 1830H. This levee, built by the United States Army Corps of Engineers and maintained by Flathead County Road and Bridge Department, is about one mile long.

It is a substantial structure. It is faced streamward by rip-rap, coarse angular rock blocks. A road runs on top of it. This road is one of the levee's functions, providing a base and ready access for rapidly increasing levee height if a flood threat should so indicate. The road maintenance specifications call for capability for a dump truck to back up on it in the dark.

It is my understanding that this levee was designed to protect the unincorporated Evergreen developed area from a flood in which the Flathead River "jumps its bank" (west bank) to the north of Evergreen and then flows southward, flooding through the area. This was the case in the 1964 flood according to eyewitnesses.

My brother, Gene Speelman, of Kalispell, Montana was moving articles up out of a basement at a residence on the south part of Harmony Road when 1964 floodwater first entered the back yard coming from the north. At about the same time, about one mile to the west, Ms. Wendy Powell, resident of Libby, Montana was at the parking lot of the Calvary Lutheran Church to attend a funeral for her grandfather George Anderson. It had not been canceled even though a flood evacuation declaration was in effect. This church is located on the north corner of the intersection of the east end of West Evergreen Drive and US Highway 2. While she and a few others waited in their cars, floodwaters began to appear from the north, flowing southward beside and down US Highway 2. They drove away in flood water, and left the Evergreen.

Later, in the summer of 1964 I helped my brother retrieve some of the honey bee hive boxes that had been carried away from a bee yard located in the back yard of my current address on East Evergreen Drive. We found a few of the boxes. They had floated about 0.7 mile to the south, caught in brush about 200 yards south of East Cottonwood Drive. The other one hundred or so unretrieved boxes probably ended up in Lower Valley and in Flathead Lake.

JUL 20 2012

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COMMENT to FEMA (cont.)

July 19, 2012

I believe that I am adversely affected by the omission of an existing substantial flood control structure on the FIRM panel and from the FIS report. Flathead County, at the urging of Evergreen area and Days Acre area residents may undertake to have built a continuous flood levee system along the Flathead River, of the sort proposed by U.S. Army Corps of Engineers in 1971. Rather than pay \$100 or \$200 a year for flood insurance, I would rather pay that amount in increased property taxes for a bond issue (floodplain residents, not county-wide) for levee easement and construction.

Infrastructure investment is a good goal for the country now. Not showing existing flood control works on a map and in a report promotes ignorance of this possible course of action and does not encourage education about and planning for such action.

Respectfully submitted,



Edwin Speelman

BJ Grieve

From: Toavs, Ed [etoavs@mt.gov]
Sent: Monday, December 05, 2011 2:15 PM
To: BJ Grieve
Subject: RE: Evergreen Hwy 35 culverts follow-up

Follow Up Flag: Follow up
Flag Status: Flagged

BJ

I had passed the subject information on to our Hydraulic Section in Helena for a quick and general review of the culverts in this area. We have had some discussion since then and have outlined some of our general concerns below;

Our main concern is the increased risk of flooding downstream property if we upsize the pipes to allow more water to go through the road.

- The pathway back to the Flathead appears to be blocked so increasing the structure size without opening pathways would have little effect on flows to the west.
- The extra water would flow west into Spring Creek which flows through a populated area which includes Meadow Manor Village which is currently in a delineated floodplain.
- This section of road was reconstructed in 1967 so people have relied on any flood protection it provided downstream.
- We have lost two lawsuits in the area where we increased the capacity of our structures with highway reconstruction projects and caused "perceived" increased flooding downstream.

To us, it appears there are many factors to be considered in the study of this area and the affect any and all changes would have on the entire area. Since most of the affects are outside of MDT property, any changes made to MDT culverts would not be prudent without a study of the entire area with design options and thought of global impacts. With that said, MDT does not have the jurisdiction or authority to lead such an effort but would offer to assist if a team could be put together.

If you would like to discuss further, give me a call at 751-2020.

Thanks for the information

From: BJ Grieve [<mailto:bgrieve@flathead.mt.gov>]
Sent: Wednesday, November 02, 2011 8:19 AM
To: Toavs, Ed
Subject: FW: Evergreen Hwy 35 culverts follow-up

I had your email wrong on original email, so I'm resending to you, see below...

BJ Grieve, AICP®, CFM®
Planning Director
Flathead County Planning & Zoning
1035 First Avenue West
Kalispell, MT 59901-5607
Phone: 406.751.8200

Fax: 406.751.8210

From: BJ Grieve
Sent: Wednesday, November 02, 2011 8:18 AM
To: 'tmihlbachler@mbakercorp.com'; 'djula@mbakercorp.com'
Cc: 'etoavs@mdt.gov'
Subject: Evergreen Hwy 35 culverts follow-up

Good morning Tom and David:

Awhile back (08/24) I emailed Tom about the issue(s) of the culverts under MT Hwy 35 and how the size of these culverts does or does not impact where the water in the Flathead River goes once it leaves the channel at the low spot on the west bank just north of the Hwy 35 bridge. Based on your presentation you made while you were here, we investigated the possibility of an HMGP grant to open up those culverts so they might convey more water under the road and get it back to the channel or to agricultural land to the south, rather than the water heading west to Evergreen with the Hwy embankment acting as a dike. However, we ran into the issue that the road is MDT's road and we can't apply for a grant for MDT's road. That makes sense.

Since that time I've followed up with MDT (since it's their road) by giving them the raw data and they said they would look at the effect to determine if any of what I saying was accurate. Obviously I know that they're busy and the ramblings of a silly Planning Director understandably don't jump to the top of their priority list.

However, recently Sara told us that the BFEs for the Evergreen PMR had not been published because Baker was re-examining based on info received. She happened to mention the issue of culverts under Highway 35.

So I'm writing to inquire if there is any possibility of analysis you're doing anyways per your contract w/ FEMA being forwarded when it's done to MDT for them to look at. Sort of an "engineers-to-engineers" pass off that allows MDT to save time by not having to re-run any models you've already (maybe?) done, and an opportunity for your work to be utilized twice.

Ok, if you've read this far I'm impressed. If I don't know what I'm talking about, let me know and it won't surprise me in the least. But if this happens to connect the dots at all, I've been communicating with a very patient and very friendly guy at the Montana Department of Transportation named Ed Toavs who is the Missoula District Engineer. He's here in Kalispell. I'd love to be able to forward to him any analysis you've done or are doing that he may use to simply and more efficiently take a look at this issue and see if it has any merit at all.

Thanks!

BJ Grieve, AICP®, CFM®
Planning Director
Flathead County Planning & Zoning
1035 First Avenue West
Kalispell, MT 59901-5607
Phone: 406.751.8200
Fax: 406.751.8210