



FEMA

October 15, 2010

Mr. Shawn D. Moradian
Nass, Inc.
128 Auburn Court, Suite 205
Thousand Oaks, California 91362

Re: REQUEST FOR FORMAL INVESTIGATION
Ventura County Watershed Protection District
Revised FEMA Flood Maps dated January 2010
Newbury Park Area – Ventura County, CA

Dear Mr. Moradian:

Thank you for your letter dated August 9, 2010, to the Department of Homeland Security's Federal Emergency Management Agency (FEMA) regarding the Flood Insurance Rate Map (FIRM) for Ventura County and incorporated areas, which became effective on January 20, 2010. You requested a formal investigation of FEMA's mapping of the flood hazard associated with the South Branch Arroyo Conejo. Your specific concern is that FEMA approved a Letter of Map Revision (LOMR) which removed property in the Newbury Park area of Ventura County from the Special Flood Hazard Area (an area subject to inundation by the 1% annual chance flood) based on incorrect assumptions regarding storage of floodwater on and the ownership of the property located at the southwest corner of Highway 101 and Borchard Road in Thousand Oaks, California (Borchard Property). You attached a copy of the volumetric analysis study prepared by VA Consulting, Inc. dated August 4, 2009, along with a copy of the study transmittal letter addressed to Jeff Pratt, Director of Public Works, Ventura County.

FEMA has reviewed the mapping history of Newbury Park. Our review revealed that areas along South Branch Arroyo Conejo were initially mapped as Special Flood Hazard Areas (SFHAs) on the initial effective FIRM Panel 0604220015A, dated September 29, 1978. The FIRM was updated on January 1, 1983, and these areas continued to be identified as SFHAs on FIRM Panel 0604220015B. Finally, the current effective FIRM issued on January 20, 2010, shows areas upstream of the Borchard Property as removed from the SFHA on Panel 0611C0966E due to incorporation of LOMR Case No. 05-09-0439P issued on May 5, 2009, as referenced in your letter.

You asserted in your letter that, in the LOMR application they submitted to FEMA, Ventura County Watershed Protection District (WPD) incorrectly represented that they own the Borchard Property and that it provides storage in excess of 200 to 300 acre-feet of water. Our review of LOMR Case No. 05-09-0439P determined that the South Branch Arroyo Conejo Debris Basin, Unit 2 located upstream of the Borchard Property is owned by WPD, and the application did not indicate that the Borchard Property is owned by WPD nor was it identified as an area of flood storage. The Borchard Area is currently delineated, as it has been in the past, in Zone AE, a flood insurance rate zone that will be inundated and convey flood flow during the 1% annual chance (base) flood with a base flood elevation derived from detailed hydraulic analyses.

If, as indicated in your letter, development is planned for this area, FEMA floodplain management regulations require that the property owner demonstrate through hydraulic analysis that the proposed development, when combined with all other existing and anticipated development, will not cause base flood elevations to increase by more than one foot at any point within the community. The City of Thousand Oaks has adopted this regulatory requirement as part of their flood damage prevention ordinance. If the analysis indicates that the proposed development will cause greater than a one foot increase, the property owner can apply to FEMA for a Conditional Letter of Map Revision (CLOMR). Upon issuance of an approved CLOMR by FEMA, the City of Thousand Oaks may approve the proposed development. After the development is completed, an application for a LOMR would then need to be submitted with "as-built" certifications accompanying other data supporting the request to revise the FIRM. You can obtain information for submitting CLOMR and LOMR applications on the FEMA website: <http://www.fema.gov/library/viewRecord.do?id=1493>. This site contains instructions and the necessary forms needed to request a revision of the FIRM.

I hope this information is helpful to you. If you have any questions regarding this matter, please do not hesitate to contact me by telephone at (510) 627-7207 or by email at edward.curtis@dhs.gov.

Sincerely,

A handwritten signature in black ink that reads "Edward Curtis". The signature is written in a cursive style with a large initial "E".

Edward Curtis, P.E., CFM
Senior Engineer
Mitigation Division

Copies Furnished:

Ricardo Pineda, California State Floodplain Coordinator
Jeff Pratt, Director, Ventura County Public Works
Mark Watkins, Director, City of Thousand Oaks Public Works
Raymond Lenaburg, Chief, Risk Analysis Branch, FEMA Region IX