



## Board of County Commissioners

Kevin Ruane  
District One

April 5, 2024

Cecil L. Pendergrass  
District Two

The Honorable Deanne Criswell  
Administrator

Ray Sandelli  
District Three

Federal Emergency  
Management Agency 500 C

Brian Hamman  
District Four

Street S.W.  
Washington, D.C. 20472

Mike Greenwell  
District Five

**Re: Proposed retrograde of areas most impacted by Hurricane Ian to CRS Class 10**

Dave Harner, II  
County Manager

Richard Wm. Wesch  
County Attorney

Dear Administrator Criswell:

Donna Marie Collins  
County Hearing  
Examiner

We, the undersigned chief administrative officers of Lee County, Florida and the City of Bonita Springs, City of Cape Coral, Village of Estero and Town of Fort Myers Beach, at the direction and with the full support of our respective Boards and Councils, write to request that you reconsider FEMA's potential action to eliminate each of our jurisdiction's National Flood Insurance Program (NFIP) premium discount under the Community Rating System (CRS). Given the impact of this potential action on our recovering communities and our citizens, we request the opportunity to address and resolve any compliance concerns. Having received verbal notice of your intentions earlier today, we eagerly await FEMA's direction and thank you in advance for working closely with us to successfully resolve any outstanding concerns.

FEMA and our respective communities have partnered since 1984 to administer the NFIP in Southwest Florida. Through the NFIP, Lee County and our municipal partners have demonstrated an unwavering commitment to making our community more disaster resistant by enhancing public safety, property protection, and the protection of natural functions of floodplains. This commitment has been acknowledged by FEMA through the NFIP's CRS, where Lee County has maintained a Class 5 rating for the past seventeen (17) years and our municipalities have achieved similar milestones. This rating qualifies our residents for a twenty-five percent (25%) discount on flood insurance premiums. As Lee County residents continue to navigate the process of rebuilding their lives, homes, and businesses in the wake of Hurricane Ian's devastation, maintaining this discount is a critical cost savings measure to these residents.

### Background

Hurricane Ian was the largest hurricane to make landfall in Lee County and is ranked as the third costliest tropical system to make landfall in the United States behind only Hurricane Katrina in 2005 and Hurricane Harvey in 2017. Initial damage assessments show Ian caused more than \$112 billion in damage to residential and commercial structures. Immediately following the storm, more than 130,000 people needed housing assistance.



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Using Lee County as an illustrative example, community outreach and education on recovery resources began immediately post-storm. Specific messaging regarding permitting in the Special Flood Hazard Area (SFHA) was delivered through multiple channels, including enhanced website and social media messaging, informational YouTube videos, press releases, permit form addenda and in-person communications. Just one week after impact, Lee County set up a remote building and permitting operation, altered routine construction permitting and inspections for rebuilding, and provided substantial damage determination services in order to enforce the laws required by the NFIP for determining Substantial Damage and Substantial Improvement.

Lee County staff conferred with FEMA and/or Florida Department of Emergency Management (FDEM) personnel on several occasions to discuss post-disaster floodplain management activities, in particular relying upon technical assistance provided by FDEM's NFIP Coordinator/Floodplain Administrator. Just a few examples include correspondence regarding procedures for performing substantial damage assessments, the timing of those assessments, and the proper substantial damage/substantial improvements course of action for demolished structures.

Since Hurricane Irma in 2017, the City of Bonita Springs' number one strategic priority is improving stormwater management and pursuing projects for a more resilient community. Bonita Springs has been actively communicating each year to educate citizens about floods and has successfully participated in the CRS Program since 2006. When hurricane Ian hit, community outreach and education on recovery resources were already underway and continued throughout the storm. City messaging regarding permitting was delivered through multiple channels. FEMA resources were shared on the city website, Bonita television, social media platforms, flyers, in person and via e-blasts. Additionally, the City partnered with FEMA for an in-person Town Hall meeting to educate and address substantial damage and permitting resources. Bonita Springs permitting offices resumed normal operations and permitting within three business days post storm.

The City of Cape Coral was diligent in providing public outreach and information on the substantial damage process. The City took swift action for emergency permitting purposes and performed thousands of inspections. The City also requested additional resources to assist in the substantial damage determinations. It was steadfast in ascertaining compliance with NFIP and building code regulations, with enforcement actions pursued where necessary.

The Town of Fort Myers Beach was heavily impacted by the hurricane with structural damage Island wide. Navigating getting back onto the Island, battling debris, nowhere to work/no service, only three permit technicians and the laptops those employees went home with, forced the Town to have a slow start in the permit process; however, the Town is recovering and hit the ground running as fast as possible. The Town has corresponded with FEMA on several occasions to ensure it is and remains proactive in enforcing their rules and regulations with Town residents.



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### Discussion

Our jurisdictions have maintained impeccable records of participation in both the NFIP and CRS over the past 40 years. In fact, Lee County was among the first communities nationwide to embrace the CRS Program for Public Information, which specifically includes instruction about pre- and post-disaster permitting obligations.

In the aftermath of hurricanes Charley, Irma and Ian, as well as FEMA disaster declarations for COVID and other local events, we maintained performance in annual FEMA and CRS reviews of elevation certificates and code enforcement; five- and three-year CRS site visits; and periodic community reviews by the Florida Department of Emergency Management. *Our most recent CRS reviews occurred after Hurricane Ian with no question of our maintaining the CRS discount.*

The resiliency of flood compliant structures that survived the catastrophe of Hurricane Ian without substantial damage is proof that Lee County and our municipal partners successfully comply with NFIP regulations and CRS best practices. This results directly from continuing dedication of local governments to the accuracy and highest quality of Flood Insurance Rate Maps and code enforcement of construction requirements based on those maps.

Lee County government alone has invested more than \$13.4 million since 2013 on consulting services and the continuing education of Certified Floodplain Managers to deliver high-quality compliance to NFIP and CRS standards. This investment includes hydrologic and hydraulic modeling to ensure the accuracy of flood insurance rate maps. The pattern of flooding and storm damage from Hurricane Ian demonstrates that accuracy.

The City of Bonita Springs has undertaken approximately \$40 million in flood reduction projects. As an example, the City's Voluntary Home Buyout Program has already removed thirteen (13) homes from the Special Flood Hazard Area (SFHA). In 2019, the City implemented a Stormwater Utility Assessment to support needed and necessary stormwater improvements. Bonita Springs updated a city-wide storm water model, the Interconnected Pond and Routing Model, (ICPR). Strengthened codes to ensure all future development model 100-year storm in city ICPR model and future projects do not create negative impacts downstream.

The City of Cape Coral is proud of its achievement in attaining a Community Rating System (CRS) Class 5 rating, signifying its commitment to proactive measures in safeguarding our residents against flood risks. Since Hurricane Ian, 39,017 permits have been issued in Cape Coral's Special Flood Hazard Area and 69 Substantial Damage determinations have been made thus far. The City acknowledges the pressing need for decisive action to ensure our residents retain their flood insurance discounts.

Cape Coral's foremost objective is to collaborate closely with FEMA to navigate the complexities of compliance while upholding the CRS rating of 5. Through meticulous planning and diligent efforts, the City endeavor to mitigate risks, bolster resilience, and continue to foster the sustainable development of the City amidst challenging



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environmental conditions. The City is committed to the NFIP process now and into the future.

The City of Cape Coral remains steadfast in its commitment to ensuring the safety and resilience of the community. The City will continue to work tirelessly in collaboration with FEMA and other stakeholders to uphold the highest standards of flood risk management and enhance the quality of life for all Lee County residents.

The Town of Fort Myers Beach has been in contact with FEMA since February 2023 when the State requested a meeting with officials, the State, and FEMA. Since then, the Town has had numerous correspondences in the form of emails, letters, and meetings to discuss various topics, ensuring that every time FEMA requested information or action from the Town, it was completed in a timely manner. In a continued effort to improve recovery efforts, the Town brought in the Jacobs Group to assist with permitting needs. The Town has also attempted to further our education on the subject with training. Last year's *Substantial Damage Administrative Procedures Training* was cancelled, but staff plans to attend this year's training next week.

We know FEMA's primary goal in the wake of a catastrophic disaster is to compassionately assist victims and help affected communities rebuild. To that end, we greatly appreciate the agency's quick response after the storm and its ongoing collaboration on the Public Assistance front. Nonetheless, we are struggling with the potential course of action and assert the following:

### **I. FEMA's verbal communication of proposed action is of concern.**

As referenced earlier, our communities have been model NFIP participants and regularly satisfy all CRS audits. We have diligently responded to FEMA's multiple requests for information concerning Hurricane Ian related issues and will continue to do so. We believe that we continue to be NFIP compliant and have the documentation to demonstrate same.

If some errors were actually made in the wake of one of our country's most destructive natural disasters, we believe the proper course of action would be for the federal government to help our communities remedy those issues in a way that protects our citizens and enhances the NFIP. We sincerely hope that our most recent conversations with your team will ultimately yield such an outcome.

### **II. There is a need for full transparency.**

- A.** As stated above, our communities have not received any specific details regarding perceived program deficiencies. Moreover, to our knowledge we have never received notice that our ongoing efforts to satisfy Requests for Information have ultimately proven insufficient.

We are hopeful for an opportunity to satisfy FEMA and retain our CRS rating. We ask that you send appropriate personnel to our jurisdictions for in-person meetings so as to avoid any miscommunication or misunderstandings and ensure that FEMA gets all of the information it needs in the most timely fashion.



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- B. Anecdotally, policy holders and insurance brokers have tendered information that appears to demonstrate our purported CRS discount is not being provided to residents in many cases.

We request an opportunity to understand how our risk-mitigation efforts are actually affecting premiums paid by the taxpayers who are funding these measures. It appears the CRS discount methodology may have changed under the Risk Rating 2.0 pricing approach. Please release the underlying data we need to assess the efficacy of our ongoing CRS related investments.

**Conclusion**

Lee County and our municipal partners have been responsive to all of FEMA's NFIP related inquiries. If the information provided has in any way been insufficient, we request an opportunity to cure our submissions. It is also crucial to reiterate that we have had no previous interactions with FEMA that would indicate concerns regarding existing program deficiencies that warrant CRS retrograde or NFIP probationary status.

We respectfully request that FEMA engage with our communities to resolve any potential compliance issues in a manner that honors our collective commitment to the NFIP and protects our citizens when they are most in need.

We greatly appreciate your consideration and willingness to engage with us directly.

Sincerely,

Handwritten signature of Dave Harner in blue ink.

Dave Harner  
County Manager

Handwritten signature of Arleen Hunter in blue ink.

Arleen Hunter  
City Manager, Bonita Springs

Handwritten signature of Andy Hyatt in blue ink.

Andy Hyatt  
Town Manager, Town of Fort Myers  
Beach

Handwritten signature of Michael Ilcyszyn in blue ink.

Michael Ilcyszyn  
City Manager, City of Cape Coral

Handwritten signature of Steve Sarkozy in blue ink.

Steve Sarkozy  
Village Manager, Village of Estero

CC:FEMA Region IV Administrator  
Lee Board of County Commissioners  
Cape Coral City Council  
Bonita Springs City Council  
Village of Estero Council  
Town of Fort Myers Beach Council  
Southwest Florida Congressional Delegation  
Lee County State Legislative Delegation