



FEMA

April 8, 2024

Dave Harner, II
Manager, Lee County
P.O. Box 398
Fort Myers, FL 339301

County Manager Harner:

Your community's participation in the National Flood Insurance Program's Community Rating System (CRS) has been appreciated, and we look forward to working with you to help ensure the county is meeting requirements that will help keep residents safer ahead of future disasters.

I regret to inform you that FEMA Region 4 has determined that your community is no longer in compliance with the National Floodplain Insurance Program's (NFIP) Minimum Floodplain Management Standards (44 CFR Parts 59 and 60). Communities must be in compliance with the NFIP's Minimum Floodplain Management Standards to be eligible to participate in the CRS; therefore, your community is no longer eligible to participate in the CRS. This requirement is found in Section 210 of the *CRS Coordinator's Manual* on page 210-2; See also Section 4-1 of the Community Compliance Program Guidance National Flood Insurance Program, P-1022 (July 2016) on page 4-1; Appendix F of the National Flood Insurance Program (NFIP) Guidance for Conducting Community Assistance Contacts and Community Assistance Visits, F-776 (April 2011) on pages F-1 – F-6.

After working with the county via technical assistance and document review during the last 18 months, FEMA found that the county is not enforcing the NFIP's Minimum Floodplain Management Standards. When a community fails to enforce the NFIP Minimum Floodplain Management Standards, communities are retrograded to a CRS class 10. CRS class 10 communities receive no discounts and do not participate in the CRS. This retrograde to a CRS class 10 is due to the large amount of unpermitted work in the Special Flood Hazard Area (SFHA) (44 CFR 60.3(b)(1)), failure to maintain permit records for development in the SFHA (44 CFR 60.3(b)(5); 44 CFR 59.22(9)(iii)), failure to make substantial development and substantial improvement determinations and calculations for development in the SFHA (44 CFR 60.3(b)(1)), and failure to maintain substantial damage and substantial improvement records for development in the SFHA (44 CFR 60.3(b)(5); 44 CFR 59.22(9)(iii)).

The attached *Findings Report* details the specific program deficiencies and substantive violations (individual properties) that are the basis for the retrograde to CRS Class 10. These program deficiencies and substantive violations were discovered during the last 18 months of technical assistance and document reviews conducted by FEMA in partnership with the county.

Effective October 1, 2024, your community's CRS Class 5 rating and commensurate 25% reduction will no longer be applied to flood insurance premiums for policyholders in your community.

However, the county has 30 days to submit any new information related to the deficiencies and substantive violations detailed in the *Findings Report*. Further, during this period, the county may clarify any factual misunderstanding related to the *Findings Report*. FEMA will review any additional information to determine if

the information is complete and fully addresses the noted deficiencies and violations. If the county provides additional information by May 9, 2024, FEMA will consider this information and respond with a final decision no later than 30 days after receiving the additional information. If no additional information is timely submitted to FEMA, then this a final decision.

Flood insurance premium discounts often are the most widely recognized benefit of community participation in the CRS program, but it's not the most important benefit. It is the enhanced safety and property protection brought about by the floodplain management practices that protect and make communities more resilient.

If you have any questions or need additional information, please contact the FEMA Region 4 Office, Jacky Bell, Mitigation Division Director, at jacky.bell@fema.dhs.gov or 404-273-4710.

Sincerely,



Robert D. Samaan
Regional Administrator

cc: Billie Jacoby, Floodplain Administrator
Jillian Kraynak, State NFIP Coordinator