



# City of Malibu

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April 8, 2019

Alison Kearns  
Chief, Risk Analysis Branch  
FEMA Region IX  
1111 Broadway, Suite 1200  
Oakland, CA 94607-4052

**SUBJECT:** Appeal of the Federal Emergency Management Agency (FEMA) Preliminary Flood Insurance Rate Map (FIRM) and Flood Insurance Study (FIS)  
Appeal Response

Dear Ms. Kearns:

The City shares with FEMA a goal of accurate flood hazard maps and appreciates the need for an orderly process to accomplish that. In response to your March 28, 2019 letter, the City's appeal to the Preliminary Flood Insurance Rate Map and Flood Insurance Study, including the City's November 6, 2017 appeal letter and February 2018 technical submittal met the appeal criteria as stated in Title 44, Chapter I, Part 67 of the Code of Federal Regulations (44 CFR §67).

According to 44 CFR §67.6(b), there are three ways to demonstrate the basis of an appeal:

- Based upon an incorrect mathematical or measurements (44 CFR §67.6(b)(1))
- Based upon an error in application of hydrologic, hydraulic or other methods or use of interior data in applying such methods (44 CFR §67.6(b)(2))
- Based upon the proposed base flood elevations are scientifically incorrect (44 CFR §67.6(b)(3))

The majority of the City's appeal items were based upon the proposed base flood elevations are scientifically incorrect per 44 CFR §67.6(b)(3). The City's appeal included a detailed explanation on why the method calculating the proposed base flood elevation. In addition, the City's February 2018 technical submittal included alternative analysis and documentation of the locations of the errors. These items have met the requirements for a basis of an appeal as stated in 44 CFR §67.6. The appeal raises significant issues that merit serious attention.

Attachment "A" of FEMA's November 8, 2018 response to the City's appeal provided a summary of the City's comments and FEMA's corresponding responses. Your March 28, 2019 letter claims that FEMA's responses provide technical deficiencies that classify the City's submittals as comments rather than an appeal. After reviewing Attachment "A," it appears that FEMA's responses provide detail on the methodology applied to that specific issue. The responses do not include any reference to technical



deficiencies raised in the City's appeal. It appears that there are disagreements on the scientific approach in developing the base flood elevations. In accordance with 44 CRF §67.8(b), FEMA must resolve these issues with the local government officials. The City is anxious to collaborate with FEMA to assure that the most accurate flood hazard information is available for our community.

The City intends to submit a detailed response to FEMA's November 8, 2018 letter on April 8, 2019, including the City's response to Attachment "A."

Lastly, thank you for transmitting the data the City requested. The City's consultant discovered that the wave parameter data (provided on 3/28/2019) for Transect 41 (LA831) was truncated (1960-1975) and not the complete data from 1960-2009. Would you please provide this missing data?

If you have any questions, please call me at (310) 456-2489, extension 339. Otherwise, we look forward to working with you toward addressing the issues raised in the City's appeal.

Sincerely,



Rob DuBoux, PE, Esq.  
Public Works Director

cc: Reva Feldman, City Manager  
Ed Curtis, FEMA Region IX, Risk Analysis Branch  
Weixia Jin, Moffatt & Nichol

