



NEWS RELEASE
September 1, 2009

“FEMA to Rescind Letter of Final Determination Pertaining to the Flood Insurance Study and Flood Insurance Rate Map for Garden City and Finney County”

[For more information, please contact Matt Allen, City Manager, City of Garden City. mallen@garden-city.org or 620/276-1160. or Peter Olson, County Administrator, Finney County. admin@finneycounty.org or 620/272-3542]

Garden City – Attached are two letters which were sent to Judge J. Thomas Marten on August 31, 2009 by counsel for FEMA, and David M. Traster, co-counsel for the City of Garden City, Kansas, County of Finney, Kansas and the other named Plaintiffs in the pending litigation in the Federal District Court in Wichita, Kansas.

STATEMENT FROM PLAINTIFFS: FEMA has made the determination that it will rescind the Letter of Final Determination pertaining to a Flood Insurance Study and Flood Insurance Rate Map which were to become effective September 25, 2009. FEMA has indicated that it is rescinding the Letter of Final Determination as a result of an administrative error. FEMA has indicated that it intends to issue another Letter of Final Determination and restart the process for compliance. While Plaintiffs are very pleased that the action which was to become effective on September 25, 2009 has been rescinded, a result which is more comprehensive than what would have been achieved at the hearing on September 3rd, Plaintiffs will closely review any new Letter of Final Determination. At this point, the lawsuit is still pending, and should FEMA not correct the substantive and procedural deficiencies raised in the complaint, Plaintiffs will endeavor to seek the recourse requested in the complaint. Notwithstanding FEMA’s statement that rescission is based upon an administrative error, Plaintiffs are confident the breadth and scope of the legal theories and arguments set forth in Plaintiffs’ complaint and brief contributed significantly to the result achieved to date.

For more information on this issue, please do not hesitate to contact Matt Allen, City Manager, City of Garden City at 620/276-1160 or mallen@garden-city.org, or Peter Olson, County Administrator, Finney County at 620/272-3542 or admin@finneycounty.org.

CITY COMMISSION

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U.S. Department of Homeland Security
500 C Street, SW
Washington, DC 20472



FEMA

August 31, 2009

VIA FAX AND FIRST CLASS MAIL

The Honorable J. Thomas Marten
U.S. District Court, District of Kansas
232 U.S. Courthouse
401 North Market
Wichita, KS 67202
Fax No. 316-269-6580

Re: City of Garden, City, Kansas, et al. v. FEMA
Civil Case No. 09-1258-WEB-DWB

Dear Judge Marten:

We are writing to advise you that the Federal Emergency Management Agency ("FEMA"), the Defendant in the above matter, will be rescinding a Letter of Final Determination ("LFD") pertaining to a Flood Insurance Study ("FIS") and Flood Insurance Rate Map ("FIRM") for Garden City, Kansas and Finney County that was scheduled to become effective on September 25, 2009. FEMA is rescinding the LFD due to an administrative delay pertaining to community notice. FEMA intends to issue another LFD which will restart the six month compliance period and establish a new effective date for the FIS and FIRM. FEMA's proposed FIS and FIRM are the basis for Plaintiffs' Motion for Preliminary Injunction which is scheduled for an expedited hearing this Thursday, September 3, 2009.

FEMA has advised Plaintiffs' counsel of the rescission.

If you have any further questions, please do not hesitate to contact us.

Very truly yours,

Ramoncito J. deBorja
Darren S. Wall
Trial Attorneys
Office of General Counsel
(202) 646-2906/4611
(202) 212-4949 Fax

cc: David M. Traster, Esquire

www.fema.gov



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August 31, 2009

SENT VIA ELECTRONIC MAIL:

The Honorable J. Thomas Marten
U.S. District Court Judge
232 U.S. Courthouse
401 N. Market
Wichita, KS 67202
ksd_marten_chambers@ksd.uscourts.gov

Re: *City of Garden City, Kansas, et al. vs. FEMA*
Civil Case No. 09-1258-JTM-DWB

Dear Judge Marten:

Plaintiffs are grateful to the Court for its willingness to hold an expedited hearing in the above referenced matter, and as noted in FEMA's letter to the Court dated August 31, 2009, which is attached, the underlying claims have not been resolved. However, based on assurances from counsel, as set out in FEMA's letter, no hearing will be needed in the above referenced matter on September 3, 2009. FEMA's assurances that it is rescinding the Letter of Final Determination, and hence the Flood Insurance Study and the Flood Insurance Rate Map, render the need for a hearing on the Plaintiffs' Motion for a Preliminary Injunction moot. So long as FEMA's actual rescission is timely received by the City of Garden City and Finney County, Kansas, Plaintiffs will withdraw their motion for a Preliminary Hearing.

Very truly yours,

FOULSTON SIEFKIN LLP

David M. Traster

DMT/pb

cc: Darren S. Wall via e-mail
Robin B. Moore via e-mail