



Runoff Review

August 2006
Volume 1, Issue 2

An official publication of the **Maryland Association of Floodplain and Stormwater Managers (MAFSM)**

MAFSM 2nd Annual Conference and General Membership Meeting... Register Now!

Laurel, MD

National Wildlife Visitor's Center

October 18-19, 2006

The Maryland Association of Floodplain and Stormwater Managers (MAFSM) will hold its **Second Annual Conference and General Membership Meeting** October 18-19, 2006, at the National Wildlife Visitor's Center in Laurel, MD. The theme for this year's meeting is **No Adverse Impact and Beneficial Uses of Floodplains**. Other topics include an update on the status of FEMA and the Region, how LOMAs and LOMRs are processed, status of Maryland's

Map Modernization, and a presentation and panel discussion on combining floodplain and stormwater management review. A general membership meeting will be held to announce elected officers and discuss Association business.

Conference Program

October 18th
CFM Training

Laurel Walking Tour

October 19th
MAFSM Introduction

NAI Floodplain Mgmt

Natural Beneficial
Functions of Floodplains

Membership Meeting

Status of FEMA and
Region III

LOMC Processing

Maryland's Map Mod

Combining Floodplain
and Stormwater

Floodplain/Stormwater
Panel Discussion



National Wildlife Visitor's Center



Main Street Laurel walking tour

New features this year will include two early bird sessions on October 18th. These sessions will consist of a walking tour in the City of Laurel to view past flooding and training for the Certified Floodplain Manager (CFM) exam. For more information on the early bird sessions see the *Field Trip Planned For MAFSM Members* and *MAFSM Certified Floodplain Manager Training Offering* articles in this newsletter.

Register to attend today! Visit our website at www.MAFSM.org for more details and to complete the registration form. For questions about the meeting and conference events, please contact John Joyce at jjoyce@mde.state.md.us or (410) 537-3914.

Conference related news...

Field Trip Planned For MAFSM Members Hurricane Agnes Site Tour of the City of Laurel, October 18, 2006

In 1972, the City of Laurel, MD, was affected by Tropical Storm Agnes. Several bridges were destroyed and large areas of the city were impacted by some of the worse flooding Maryland has experienced. On top of this, their dam was at capacity and posed a huge threat.

As a precursor to MAFSM's **2nd Annual Conference and General Membership Meeting**, we are offering a field trip that will take participants on a tour of portions of Laurel that was affected by the disaster. Joe Robinson, Fire Chief during Agnes and former Mayor of Laurel, will speak. He will share his experiences of the City of Laurel's response.

Mr. Robinson is also a local historian and will discuss other floods that impacted the city. The field trip will include a short walking tour where the destruction of Agnes is still visible over thirty years later.

The half day event is scheduled for October 18, 2006, from 1 pm – 4 pm. It is free to MAFSM members and \$35 for non-members.

Those who participate in the field trip will be eligible for two parallel Continuing Education Credits (CEC's) through the Association of State Floodplain Managers (ASFPM) to maintain their Certified Floodplain Manager (CFM) certification.

If you are interested in participating in the tour, please contact Lilah Haxton by September 27, 2006, at lhaxton@mema.state.md.us or (410) 517-5123.

MAFSM Certified Floodplain Manager Training Offering

Are you looking for training to prepare you for the Association of State Floodplain and Managers Certified Floodplain Manager (CFM) exam? Are you a current CFM looking to earn Continuing Education Credits (CECs) to maintain your certification?

MAFSM will be offering CFM training as a precursor to their **2nd Annual Conference and General Membership Meeting**. This training covers topics such as the National Flood Insurance Program (NFIP) regulations, community participation in the NFIP, reading and using Flood Insurance Rate Maps, insurance, mitigation, and other topics. It is an excellent supplement for those studying for the CFM exam. For those who are already CFMs, it is a great refresher course and its completion earns six core CECs.

The training will occur on October 18th from 9 am – 4:30 pm. Lunch will be provided. The cost of the training is \$10 for MAFSM members and \$45 for non-members. The registration deadline for the training is September 27, 2006. You may register for the training by visiting MAFSM's website at www.MAFSM.org and completing the conference registration form.

A CFM exam will be held at Greenhorne & O'Mara, 6110 Frost Place, Laurel, MD, on Friday, October 20, 2006, from 3 pm - 6 pm. To register for the exam, please contact Sarah Wozniak at swozniak@g-and-o.com.

Please note that separate advanced registration is required for both the training and the exam.

MAFSM Call for Nominations

MAFSM will soon be holding elections for a new Board of Directors and Regional Representatives.

We are currently seeking nominations for the following positions: Chairman, Treasurer, Vice-Chairman and Secretary, as well as Representatives for the Eastern, Central and Western Region.

After nominations are accepted, members will receive ballots via email. For those unable to complete the ballot via email by the specified date, votes may be cast on October 19, 2006, at the **2nd Annual Conference and General Membership Meeting**. The results of the elections will be announced at the membership meeting.

Nominees should be current members of MAFSM, be prepared to attend meetings every other month, and play an active role in the planning and implementation of MAFSM events. A current list of the Board of Directors and Regional

Representatives is located on page 9 of this newsletter.

To nominate someone, please send their name and nominated position to Necolle Maccherone at Necolle.maccherone@mapmodteam.com or contact her at (410) 689-3460.

Please submit all nominations by September 8, 2006.

No Adverse Impact and its Legal Implications

No Adverse Impact (NAI) is defined “as an approach that insures the action of any property owner, public or private, does not adversely affect the property and rights of others.” This principle makes the community look at what really needs to be done to prevent damage to people, property, and the environment. It is well rooted in ancient common law. The concept is being advanced by the Association of State Floodplain Managers as the solution to flooding problems not fully addressed by Federal and State regulations.

NAI is the principle that leads to a process which is legally acceptable, non-adversarial, understandable, and palatable to the community as a whole. The process clearly establishes that the “victim” in a land use development is not the developer, but rather the other members of the community who would be adversely affected by a proposed development. Developers are liberated to understand what the community’s concerns are so they can plan and engineer their way to a successful, beneficial development.

NAI is based on a principle of ancient law that states: “Use your own property so that you do not injure another’s property.” Restrictive regulations may be construed as a “taking”, under the U. S. Constitution’s 5th Amendment, which states: “...nor shall private property be taken for public use without just compensation.” However, extensive reviews of court cases involving “taking” have revealed that courts have required an increased standard of care in cases involved in protecting people and property from hazards. Courts are very deferential to government efforts to prevent harm.

In fact, State and local governments are vastly more likely to be sued for permitting development that causes problems, such as grading, fill, roads,

stormwater systems, and bridges, than they are for prohibiting such development. While almost no cases involving hazard based regulations have been held to be a “taking”, many more cases held communities and landowners responsible for harming others.

A community that takes an NAI approach by requiring that any new development will not impact existing development in a negative way is best protected from adverse legal action. Any development authorized or permit issued should be documented by engineering certification that the project would not have an adverse impact. If this cannot be done, the project should not be authorized.

Excerpted from an article by Ed Thomas in Storms & Floods, Illinois Association of Floodplain & Stormwater Management, Fall, 2005.

Map Modernization Status in Maryland

The U. S. Army Corps of Engineers (USACE) is working on countywide Digital Flood Insurance Rate Maps (DFIRMs), based on new studies for Howard, Dorchester, Somerset and Wicomico Counties, expected to be ready for release by the end of this year. Hydrology was provided through a contract with Dr. Glenn Moglen at the University of Maryland. Measurements of bridges and culverts were contracted with Dr. Andrew Miller at the University of Maryland-Baltimore County, Dr. Michael Scott at Salisbury University, and Maryland Environmental Services to assist USACE with data collection.

Maryland Department of the Environment (MDE) has signed a contract with the USACE to undertake the production of DFIRMs for four more counties. The counties are expected to be Anne Arundel, Calvert, Cecil, and Talbot. The process of production of the new studies will be similar to the first four counties now being processed.

Communities will have a choice of how they will regulate their floodplains. Those communities willing to regulate their floodplains as floodways can save the cost of the floodway analysis to spend on more limited detailed analysis of approximate areas or newly delineated floodplains.

Special Feature...

Stormwater Notes

In order to recognize the importance of stormwater issues, "Stormwater Notes" is a regular column in the Runoff Review. This issue's article has been brought to us by Terrence P. McGee, P.E., our Stormwater Co-chair.

As stated previously in Stormwater Notes, one of the goals of MAFSM is to foster better coordination between floodplain and stormwater management efforts. If your jurisdiction is anything like mine here in Washington County, I would suspect that the storm events of late June were a wake up call. Aside from the "normal" flooding of some of the streams and creeks that was to be expected, we experienced some flooding in newly developed areas that should have been protected by the current regulations and design requirements. As a profession, we like to pride ourselves on the improvement of modern designs versus those of years gone by. The recent storm damage certainly should cause us to pause and reexamine how we are approaching stormwater runoff. In this regard, a couple of thoughts come to mind.

The term "flood" and the variations of it mean different things to different people. However, the bottom line is that a foot of water in a house causes the same damage, whether it be from a ditch, stormwater control device, FEMA designated floodplain, stream, creek, river...you get the point, or regardless of whether someone calls it a flood or not. Should we reconsider the level of protection provided by our regulations?

All too often we associate flooding with FEMA designated floodplains, and furthermore just the 100-year event. Due to their environmental importance, such floodplains do deserve the attention they get. However, should we consider other areas and other storms as well?

It has long been a basic principle of stormwater management design to control the rate of discharge back to predevelopment conditions for different study storms, more typically up to the 10-year storm. In so doing, we routinely adjust the discharge hydrograph without any further consideration of downstream impacts. At what point does this type of modification of the

discharges from these subareas begin to adversely affect other downstream discharge characteristics? Should this be routinely studied?

Several of our more notable problem areas during the June storms involved large residential developments still under some level of construction, some of which involved FEMA floodplains. A common feature was stormwater management ponds being used as sediment basins with the corresponding temporary modifications necessary to serve the sediment control function. As such, the level of stormwater control was greatly altered (reduced) and downstream problems developed. Since we can't control the magnitude or timing of storms, should we have some type of stormwater control during this construction period?

Before the storms occurred, I had discussed this topic with the stormwater personnel at MDE regarding the need for improved coordination between stormwater and floodplain management. I haven't discussed this with them since the storms; maybe I should to see what their comments are today. The comments were consistent with similar discussions involving others, and that is - yes it is a good idea, but not sure about specifics.

Hopefully two things will move this effort along. First, the resulting storm damage should cause numerous jurisdictions to take look at this issue. And second, MDE will be participating in our **2nd Annual Conference and General Membership Meeting** in a roundtable discussion regarding this topic. At the very least, I hope these thoughts will prompt your own discussions on this subject.

Terry is the Chief Engineer for Washington County, holding that position since 1990. He has also recently been elected as the Western Regional Representative for MAFSM. He has always been the County's Stormwater Manager, but only recently became its Floodplain Manager responsible for enforcement of the County's Floodplain Management Ordinance. As a result, he brings a unique perspective to this subject. He can be reached at tmcgee@washco-md.net.

Member corner...

MAFSM Becomes an Official ASFPM Chapter!

During a recent Association of State Floodplain Managers (ASFPM) Board of Directors meeting, the Board approved the Chapter Directors' recommendation to accept the application for **Maryland Association of Floodplain and Stormwater Managers (MAFSM)** for Chapter membership in ASFPM. Garrett Skinner and Jen Marcy of MAFSM's Board of Directors were in attendance to accept a plaque in honor of the occasion at ASFPM's Annual Conference in June.



Jen Marcy and Garrett Skinner accept chapter plaque from ASFPM's Larry Larson

There are many benefits to being a State Chapter of ASFPM. They include the ability to place issues of a regional nature on the ASFPM agenda; the Chapter receives one vote at general membership meetings; members are represented on the Board of Directors at a ratio of one Board member for every five chapters; chapter members may serve on ASFPM policy committees; chapter members receive discounts on the purchase of all ASFPM publications; one Chapter officer receives all ASFPM mailings for distribution within their association; all Chapter members are eligible for the membership registration rate at ASFPM conferences and workshops; and Chapters may reproduce or excerpt information from ASFPM newsletters and publications (with proper credit).

ASFPM reports that our Association brings the total number of chapters of ASFPM to 24!

Treasurer's Report

As of August 9, 2006, MAFSM has 81 members and five corporate sponsors. We currently have \$3,459.25 in the treasury.

MAFSM Letter to Congress

On May 10, 2006, MAFSM sent a letter to Congress on behalf of its members supporting the removal of the Federal Emergency Management Agency (FEMA) from the Department of Homeland Security (DHS).

MAFSM believes our country would be better served with FEMA as an independent agency with Cabinet level status, reporting directly to the President. The transfer of FEMA into the DHS morass departmentalized many of its parts, stripped it of necessary funding, and, as illustrated by the Hurricane Katrina response, has left it ineffective in dealing with natural disasters. This dismantling of FEMA's emergency management systems has separated the components of emergency management that must be kept intact in order to successfully address the entire disaster life cycle and reduce taxpayer cost for disasters.

For a complete copy of the letter, please contact Necolle Maccherone at Necolle.maccherone@mapmodteam.com

Members Attend CFM Training

In April 2006, MAFSM offered training to current and future Certified Floodplain Managers (CFMs), covering topics such as the National Flood Insurance Program (NFIP) regulations, community participation in the NFIP, reading and using Flood Insurance Rate Maps, insurance, mitigation, and other topics.

Fifteen people attended the training, some of which took the CFM exam later that week. Other attendees who were already CFMs received 6 core Continuing Education Credits from the Association of State Floodplain Managers for attending!

Welcome New Members

Since the publication of our last newsletter, nine new members have joined MAFSM. These members represent Montgomery County, Queen Anne's County, Greenhorne & O'Mara, Watershed Concepts, and an independent professional. This brings our total membership to 81. Welcome new members!

Membership Renewal Approaching

Please note that membership fees for 2007 are due by January 1, 2007. The membership application can be found on our website, <http://www.mafsm.org/join.htm>.

MAFSM Seeking Volunteers

We are looking for volunteers to serve on our committees: Program, Membership, Public Relations & Outreach, Mapping and Technology, Mitigation, and Stormwater. Please contact John Joyce at 410-537-3914 or jjoyce@mde.state.md.us if you are interested in helping, or have any questions.

E273 Managing Floodplain Development Through the NFIP Offered in Harford County

On October 3-6, 2006, the Maryland Department of the Environment, Maryland Emergency Management Agency, and FEMA Region III will cooperate in offering the E273 course, *Managing Floodplain Development Through the NFIP* at the Anita C. Leight Estuary, 700 Otter Point Road, Abington, MD, from 9 am - 4 pm.

This course is intended for local officials responsible for administering their local floodplain management ordinance. The course will focus on the National Flood Insurance Program and concepts of floodplain management, maps and studies, ordinance administration, and the relationship between floodplain management and flood insurance. The material covered in this course is useful background material for the Certified Floodplain Manager exam as well.

Please contact Lilah Haxton at (410) 517-5123 or lhaxton@mema.state.md.us by August 31, 2006, to register or for more information.

eLOMA Now Available

The eLOMA tool is a web-based application within the Mapping Information Platform (MIP) that provides Licensed Professionals with a system to submit simple Letter of Map Amendment (LOMA) requests to FEMA. This tool is designed to make a determination from FEMA in minutes based on the information submitted by a Licensed

Professional. The eLOMA tool thus will save time and reduce physical paperwork not only for the licensed professionals seeking FEMA's determination, but also for FEMA staff. Currently, it can be used only to make requests for existing single residential structures or properties, provided no fill has been placed.

Since its June 12, 2006, release almost 100 licensed land surveyors and professional engineers (Licensed Professionals) have registered to use the tool. Approximately half of the LOMAs processed annually (about 10,000 cases) could use eLOMA. Initially, users are audited for the quality of their work, and then audited periodically. Once FEMA is satisfied with the submission, subsequent submissions will be processed quickly.

To register for an account or just view the eLOMA tool, please visit the MIP at <https://hazards.fema.gov>. Find the MIP's Tools & Links tab, and select eLOMA.

Participation in National Evaluation of the Pre-Disaster Mitigation Grant Program

Matt Kropp, CFM, an Environmental Planner for Harford County Government-Dept of Planning and Zoning attended a week-long workshop for the National Evaluation of the Pre-Disaster Mitigation (PDM) grant program. Here he shares his experience at the workshop.

PDM provides funds to states, territories, tribes, and local communities for hazard mitigation planning and the implementation of mitigation projects prior to a disaster event. Congress appropriated \$50 million for competitive grants, technical assistance, and program support for the FY 2006 PDM program. Funding these plans and projects reduces overall risks to the population and structures, while also reducing reliance on funding from actual disaster declarations. The National Evaluation is the formal process by which projects are reviewed and ranked without reference to state allocations or quotas.

I was asked by the Maryland Emergency Management Agency (MEMA) to represent local governments in the State of Maryland at the evaluation. This was the first year that local representatives were invited to participate. I quickly realized at the beginning of the workshop that most reviewers were multi-year veterans of

this process and were from either FEMA or various state emergency management agencies.

Before the review began, projects were pre-screened by FEMA to assure that members would not review a project from their state. We also had to sign off on a form declaring that we have no special interest in the project and will review the project without bias. Additionally, we were instructed to not discuss any of the projects that we have reviewed during the week with any other participants.

Grants were either planning or project-based. Two reviewers were given the same grant to review separately, and were instructed to complete the rankings for the project. Most of the ranking categories were based on how well thought-out the projects were, and if there was community support and coordination. One interesting twist was that we were asked to ignore the technical aspects of the grant, as the technical review was occurring separately. We were to focus on the qualitative aspects of the grant, and whether the project was likely to be successful. We then brought the proposals to a panel session where other members could ask questions about the proposal. Panel members gave each project a confidence rating of the likelihood of being a successful project. Our rankings/scores were eventually calculated into the overall score for the project, which determined project approval.

By going through this process, I have learned a great deal about how grants are reviewed, judged, and ranked based on the application that is submitted. I also feel that I can now greatly improve my County's chances of being awarded a grant under this program. Since the evaluation, I have coordinated with our Emergency Operations Center (EOC) planners and offered my assistance in future projects that are identified in the County's hazard mitigation plan. As we all know but tend to forget, hazard mitigation is a year-round effort and does not have to be a last minute work effort. In most cases, we could begin doing much of the groundwork for the projects or planning efforts prior to the start of the PDM grant application period.

If you work for a local jurisdiction and are given the opportunity to attend the PDM Review, I would strongly encourage you to go. Not only will you improve your grant writing techniques, but more importantly you will learn how to submit

good mitigation projects that are likely to be successful.

Thanks to Matt Kropp for submitting this article.

New FEMA Mitigation Grant Programs

The Bunning-Bereuter-Blumenauer Flood Insurance Reform Act of 2004 authorized the creation of two separate FEMA mitigation programs aimed at reducing the burden of repetitive loss properties on the National Flood Insurance Fund. A repetitive loss property is defined as a property that has had two or more losses within any 10-year period since 1978, each of which has resulted in flood insurance claim payments of \$1,000 or more. While these properties typically represent less than three to four percent of all flood-insured properties, they account for more than 1/3 of all National Flood Insurance Program claims payments. There are currently over 600 repetitive loss properties in Maryland.

The Repetitive Flood Claims (RFC) Program was opened earlier this year with grant applications due by June 30, 2006. There are \$10 million in funds associated with this program. For 2006, the only approved mitigation technique was acquisition. This program is generally open to communities that have not traditionally been able to participate in FEMA's Flood Mitigation Assistance (FMA) Program and does not require the community to have a mitigation plan. Funding covers 100 percent of the project cost so that no local or property owner match is required. The focus of this program is currently on, but not limited to, severe repetitive loss properties (SRLs), a subset of repetitive loss properties. SRLs are defined as NFIP-insured single-family properties (1-4 families) that satisfy one of the following two criteria: 1) 4 or more claims of at least \$5,000, or 2) 2 or more separate claims payments where the cumulative amount paid exceed the value of the property. Although this definition only includes residential structures, non-residential structures are also eligible for this funding. In fact, any currently insured property that has sustained at least one flood insurance claim is eligible.

The Maryland Emergency Management Agency submitted one application for the FY 2006. We anticipate that this program will be authorized for one additional year.

The Severe Repetitive Loss Pilot Program offers \$40 million in no year funds and is set to expire in June 2009. For this program, only SRLs are eligible. The amount of funding awarded to the State of Maryland will be determined based on the number of severe repetitive loss properties within Maryland. Eligible applicants are required to have an approved Flood Mitigation Assistance (FMA) mitigation plan. Non-residential properties are not eligible for this program. Eligible mitigation projects include acquisition, relocation, elevation, minor physical localized flood control projects, and mitigation reconstruction. FEMA will conduct outreach to identified properties with states and communities actually making the mitigation offers keeping in mind state and local mitigation goals and activities as identified during mitigation planning efforts. Should an owner refuse an offer of mitigation, there will be penalties. However, there is also an appeal process for the owners. The Maryland Emergency Management Agency anticipates that this program will be available starting in September 2006.

Both these programs require that the property owner have a current NFIP flood insurance policy. If you would like details about these grant programs or about repetitive loss designations, please contact Carver Struve, State Hazard Mitigation Officer at 410-517-3624 or cstruve@mema.state.md.us.

Hazard Mitigation Funding

The Maryland Emergency Management Agency administers several hazard mitigation grant programs. Eligible projects include acquisition, elevation, or relocation of structures in mapped floodplain areas. Some programs can also fund structural hazard controls such as berms, floodwalls and the installation of back-flow valves. The cost share for these programs is 75% federal and 25% local. More information on all these programs can be found on FEMA's website at www.FEMA.gov.

Hazard Mitigation Grant Program (HMGP) funds are awarded to the Maryland Emergency Management Agency after a presidential declaration. For Tropical Storm Isabel the State of Maryland received over \$5 million dollars. Funds from this disaster have been used for a variety of projects including elevation of homes, acquisitions and fuel tank anchoring. On July 2, 2006, the

State of Maryland received a Presidential Disaster Declaration. New funding will be available under this program. Notice of funding will be sent to all County Emergency Managers.

The Flood Mitigation Assistance Program (FMA) offers both planning and project funds. The State's annual allocation is based on the number of NFIP insurance policies issued in the state. Eligible applicants must have an approved FMA plan. For local jurisdictions that do not have a plan, planning funds are available to assist in developing a plan. Projects are limited to acquisition and demolition and elevation. Property owners must have a current flood insurance policy at the time of application.

The Pre-Disaster Mitigation Grant Program (PDM) is a nationally competitive program that is available annually.

If you are interested in any of these programs, please contact the State Hazard Mitigation Officer, Carver Struve at 410-517-3624 or cstruve@mema.state.md.us.

New Elevation Certificate Available

The Federal Emergency Management Agency (FEMA) has released a revised elevation certificate (EC) form effective February 13, 2006, through February 28, 2009. It is similar to the previous form except that certifiers will have to provide at least two photographs that show the front and rear of the structure; the structure's longitudinal and latitudinal locations; a building diagram number; and measurement of crawl spaces, attached garages, and other areas.

The new EC will be phased in on a voluntary basis until December 31, 2006. Although the old version of the form is no longer available for distribution, existing copies may be used until the end of 2006. Elevations certified on or after January 1, 2007, must be submitted on the new form and must include photographs. FEMA suggests that applicants begin using the new Elevation Certificate and its requirements now.

The form and instructions are available at <http://www.fema.gov/business/nfip/elvinst.shtm> Hard copies (limit of 25) are available from the FEMA Distribution Center at 800-480-2520

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