

Jennifer N Anticknap, CFM Gary L. Guhl, P.E.

Maryland Association of Floodplain and Stormwater Managers Thursday, October 21, 2010



OFFICE OF THE MAYOR

909 South Main Street

Phone: Extens Fax:

NOTES TO USERS

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+214

+ 46

+131

+9

+ 51

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ridge Road

shway

-76° 44' 24.33" 39° 7' 16.12" -76° 44' 2.08" 38° 59' 30.8" -76° 42' 24.05"

39° 5' 27.25"

-76° 35' 55.92" 39° 11' 37.5" -76° 39' 20.9"

39° 7' 9.11" -76° 48' 33.78" 39° 8' 47.12" -76° 36' 20.83"

+8 39° 7' 22.6" None -76° 37' 54.4"

None

+43

+130

Mayor

October 19, 2009

Mr. William R. Blanton Jr., Chief Engineering Management Branch Mitigation Directorate Federal Emergency Management Agency 500 C Street, SW Washington, D.C. 20472

Dear Mr. Blanton:

62050

Federal Register/Vol. 75, No. 194/Thursday, October 7, 2010/Proposed Rules

Flooding source(s)	Location of referenced elevation	*Elevation in feet (NGVD) +Elevation in feet (NAVD) #Depth in feet above ground A Elevation in meters (MSL)		Communities affected
		Effective	Modified	
	At the intersection of Northwest 2nd Street and North- west 142nd Avenue.	None	+966	
	Approximately 0.5 mile upstream of the confluence with the Des Moines River.	None	+780	City of Runnells.
	Approximately 1.25 mile upstream of the confluence with the Des Moines River.	None	+780	
North River	At the intersection of Southeast 72nd Avenue and Southwest 60th Street.	+780	+781	Unincorporated Areas of Polk County.
	At the intersection of Southeast Avon Drive and Southwest Goodhue Drive.	+780	+782	200000000000000000000000000000000000000
	Approximately 250 feet upstream of the I-35 crossing	+828	+829	Unincorporated Areas of Polk County.
	Approximately 1.6 mile upstream of the I-35 crossing	+831	+833	

^{*} National Geodetic Vertical Datum.

City of Alleman

Maps are available for inspection at 14000 Northeast 6th Street, Alleman, IA 50007.

City of Polk City

Maps are available for inspection at 112 3rd Street, Polk City, IA 50226.

City of Runnells

Maps are available for inspection at 110 Brown Street, Runnells, IA 50237.

Unincorporated Areas of Polk County

Mans are available for inspection at 111 Court Avenue. Des Moines, IA 50309.

⁺ North American Vertical Datum.

[#]Depth in feet above ground.

Mean Sea Level, rounded to the nearest 0.1 meter.

^{**}BFEs to be changed include the listed downstream and upstream BFEs, and include BFEs located on the stream reach between the referenced locations above. Please refer to the revised Flood Insurance Rate Map located at the community map repository (see below) for exact locations of all BFEs to be changed.

Send comments to Roy E. Wright, Deputy Director, Risk Analysis Division, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472. ADDRESSES

Today's Objectives

- NFIP regulations
 - Initiation
 - Time Frame
 - Requirements
 - Appeal versus Protest
 - Community's Role
 - FEMA's Response
- Levee Considerations
 - FEMA Procedure Memorandum No. 52
- Appeal Resolution
 - Alternatives



- NFIP Regulations
- 44CFR Part 67 Establishes the Appeals Procedure
 - Proposed Base Flood Elevations Must be Published (Paragraph 67.4)
 - Must be Filed in Writing (Paragraph 67.5)
 - Must be Based on Scientific or Technical Information (Paragraph 67.6)
 - Must be submitted by Community Chief Executive Officer (CEO) (Paragraph 67.7)
 - Appeals Procedure (Paragraph 67.8)
 - Individual Appeals Reviewed on Their own Merit (Paragraph 67.9)



Window of Opportunity

FLOOD INSURANCE STUDY

FLOOD COUNTY.

AND INCORPORATED AREAS

Community

Community

'AMBOY, CITY OF BLUE EARTH COUNTY UNINCORPORATED AREAS) GOOD THUNDER CITY OF LAKE CRYSTAL, CITY OF MADISON LAKE CITY OF MANKATO, CITY OF MAPLETON CITY OF MINNESOTA LAKE, CITY OF

VERNON CENTER, CITY OF

'NO SPECIAL FLOOD HAZARD AREAS IDEN





Federal Emergency Ma

FLOOD INSURANCE STUDY 27013CV000A

pa PMCC at 1477-FEMA.MAP (1-677-020-027) or visit

Your community will have 30 days from the date of this letter to review the enclosed copies of the FIS report and FIRM. The review period provides your community with an opportunity to correct and add nontechnical information, such as roads (within or adjacent to the Special Flood Hazard Areas [SFHA]), bridges, and streams, presented in the FIS report or the FIRM. We will review all comments or changes received during this 30-day review period and incorporate them, as appropriate, before the FIS report and FIRM become effective. Please forward all comments to [PM contact name], at [PBS&J or STARR], either by telephone at [insert telephone number], by facsimile at [insert fax number], or by email at [PM contact]@[pbsj or starr-team].com.

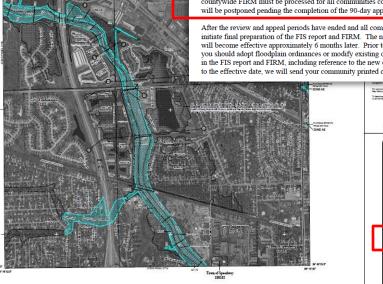
[USE THE FOLLOWING PARAGRAPH FOR ALL STATES EXCEPT MN IF COMMUNITY RECEIVING LETTER WILL HAVE APPEAL PERIOD

During the course of preparing the countywide FIS report and FIRM, we added or modified Base (1percent-annual-chance) Flood Elevations (BFEs) where appropriate. Therefore, at the end of the 30-day review period, we will initiate a statutory 90-day appeal period for the new or modified BFEs. We will send you a letter approximately 2 weeks before the start of the 90-day appeal period to detail the appeal process. The letter will forward a list of the BFEs to be published in your local newspaper in a "Notice of Proposed Flood Elevation Determinations," and will provide the first and second publication dates. The appeal period will start on the second publication date. During the appeal period, community officials and/or other interested parties may submit scientific or technical information that would serve to refute the proposed or proposed modified BFEs.

(USE THE FOLLOWING PARAGRAPH FOR ALL STATES EXCEPT MN IF APPEAL PERIOD WILL BE INITIATED FOR ANY OTHER COMMUNITY IN THE COUNTY BUT NOT THE COMMUNITY RECEIVING THIS LETTER

At the end of the 30-day review period, we will initiate a statutory 90-day appeal period for another community within your county for which we added or modified base flood elevations. Because the countywide FIRM must be processed for all communities concurrently, further action for your community will be postponed pending the completion of the 90-day appeal period and resolution of all appeals.

After the review and appeal periods have ended and all comments/appeals have been addressed, we will initiate final preparation of the FIS report and FIRM. The new FIS report and FIRM for your community will become effective approximately 6 months later. Prior to the effective date, you will be notified that you should adopt floodplain ordinances or modify existing ordinances as necessary to reflect any changes in the FIS report and FIRM, including reference to the new effective date. Approximately 3 weeks prior to the effective date, we will send your community printed copies of the FIS report and FIRM.







- Window of Opportunity
 - Community Given 30-Days to Review
 - BFEs Published Twice in Local Newspaper
 - Also available at:
 - Federal Register "Proposed Rule"
 - FEMA's website "Base Flood Elevation (BFE)
 Notices for Preliminary Flood Insurance Studies
 and Letters of Map Revision (LOMR)"
 - 90-Day Appeal Period Begins with Second Publication
 - Appeal Resolution within 90-Days from Receiving the *Complete* Appeals Data Package



Federal Register Publication of Proposed Notice
CEO Receives 101/155 Letter
Proposed BFE Published in Prominent Local Newspaper









- Appeals
 - Challenge New or Revised BFEs
 - Based on Data that Show BFEs to be Incorrect
 - Scientifically
 - Technically
 - Scientifically Incorrect
 - Inappropriate or Incorrect Methodology
 - Technically Incorrect
 - Incorrectly Applied Methodology
 - Insufficient or Poor-Quality Data
 - Mathematical or Measurements Errors
 - Physical Changes



- What is Meant by Incorrect?
 - Not Absolute
 - Applicants Must Provide Alternative Analysis

- Protests
 - DOES NOT Challenge Proposed BFEs
 - DOES Challenge the Information or Data Presented in the FIS and FIRM
 - Typically Consist Off:
 - More Detailed Topographic Data
 - Improved Floodplain Boundary Delineations
 - Omissions
 - Base Map Errors:
 - Street Names
 - Corporate Boundaries



- The Community's Role
 - Communities and Individuals May Appeal Proposed or Revised BFEs
 - Individuals Should Submit Data Directly to the Community
 - The Community Reviews and Consolidates the Appeals Received
 - The Community Prepares a Written Opinion on the Justification of the Appeals Received
 - The Community Submits the Opinion and Appeals Data to FEMA for Review



- FEMA's Response
- Appeal Resolution
 - Reviews and Evaluates Submitted Data
 - Acknowledges the Submittal in Writing
 - 175A
 - 175P
 - May Request Additional Data
 - Recommends a Resolution
 - May Issue Revised Preliminary (If Changes are Significant)
 - Prepares and Distributes Resolution Letter
 - Addresses Comments and Prepares the LFD Letter



Protest Resolution

- Changes Incorporated (Usually at the Time the FIS and FIRM are Printed)
- Unless the Changes are Significant
 - Revised Preliminary is Not Distributed
 - No Additional Community Review and Comment
 - Resolution Explained in LFD letter



- Levee Considerations
 - To appeal the effects of levees/levee systems or similar structures/systems
 - Submit data and documentation to show freeboard, structural stability, and operation and maintenance requirements of Section 65.10 have been meet
 - To appeal the effects of a flood protection system involving Federal funds that is under construction
 - Submit data and documentation to show requirements for "adequate progress" in accordance with Section 61.12 have been met
 - Expired Provisionally Accredited Levee/Levee Systems
 - FEMA Procedure Memorandum No. 52 set forth a 90-day period to comment on floodplain delineations only



- Lost Cause(?)
- Effective BFEs Can Be Revised at Any Time



Resources:

- Study Status and Description Explanations
 http://www.fema.gov/fhm/st_study.shtm
- Part 67: Appeals from Proposed Flood Elevation Determinations
 http://www.access.gpo.gov/nara/cfr/waisidx_09/44cfr67_09.html
- Appeals, Revisions, and Amendments to National Flood Insurance Program Maps: "A Guide for Community Officials" (December 2009)

http://www.fema.gov/library/viewRecord.do?id=4053

Maryland Department of Environment – DFIRM Outreach Program website

http://mesgis.com/dfirm/info/communities.html

