

910 Cleveland Avenue  
Post Office Box 809  
Mount Vernon, WA 98273

Phone (360) 336-6203  
Facsimile (360) 336-6267  
E-Mail [mvattorney@ci.mount-vernon.wa.us](mailto:mvattorney@ci.mount-vernon.wa.us)  
[www.ci.mount-vernon.wa.us](http://www.ci.mount-vernon.wa.us)

October 27, 2006

Carl L. Cook, Jr.,  
Director Mitigation Division  
U.S. Department of Homeland Security Region X  
FEMA  
130 228 Street, SW  
Bothell, WA 98021-9796

Re: September 29, 2006 FEMA letter to Mayor Norris

To Carl L. Cook:

This letter is intended to respond to your letter of September 29, 2006 addressed to the Honorable Mayor Bud Norris.

In response to the City's letter on September 29, 2006, you have stated that FEMA has met all "statutory requirements with respect to consultation during the study." However, your letter fails to address many of the specific objections raised in previous correspondence. Rather, it only responds to one specific instance (i.e. the initial meeting required of FEMA) of potential compliance among a litany of FEMA responsibilities the City has questioned and raised objection to. I will briefly respond by addressing the points made in previous correspondence:

**FEMA's Region X has failed to provide authority for failing to affirmatively disclose and for refusing to disclose information regarding the study to the local community.**

Your letter fails to account for the City's objection raised in its previous correspondence regarding your refusal on May 25, 2006 to voluntarily disseminate any of your information. Section 206 of the Flood Disaster Protection Act of 1973 [42 U.S.C. 4107] states in pertinent part that FEMA's Director must encourage local officials to disseminate information concerning FEMA's flood study widely within the community, so that interested persons will have an opportunity to bring all relevant facts and technical data concerning the local flood hazard to the attention of the agency during the course of the study. To comply with this federal mandate, FEMA must disseminate the information in its possession concerning the study to local officials early, and often, so they in turn may disseminate this widely within the community, which may then provide informed input well before a decision is initially made by FEMA.

The USACE study sponsored by FEMA is complete. It appears that the study was, or is being reviewed and evaluated by FEMA officials, and that initial mapping based on this data is near

completion. To date FEMA has not only failed to affirmatively provide, or volunteer, to local officials the information FEMA relies on for the production of these maps during the process in order that they can distribute it to the local community, FEMA has denied local jurisdictions request for this information (which would include that information required to be maintained in the community file and flood docket pursuant to 44 CFR 66.3) in your May 25, 2006 letter until maps have been prepared. This delay and failure to disclose information results in preventing local input before decisions or prospective findings have been reached (i.e. what data FEMA shall use, what model FEMA shall employ). This, in turn, prevents local jurisdictions the ability to have meaningful input.

Again, this runs contrary to FEMA's obligations (see 44 C.F.R. 66.1 (2)) and your letter fails to address this objection or provide any authority to justify FEMA's actions.

Most troubling, is that by this course of conduct, you have refused to provide the City with the record in which you have stated justifies FEMA's course of action - thereby creating an obvious paradox to the City's ability to respond to your conclusions of having complied with the consultation requirement, including the original meeting of local officials. In light of FEMA Region X's maintaining the unfortunate position of concealment of its records, despite requests from local jurisdictions, I feel that it is necessary at this point to seek the records through a FOIA request while preserving the City's objection to such process. A copy of the City's request is attached and is also being sent to the appropriate FOIA contact person. Should you wish to reconsider your position and allow the City access to your files, please inform me immediately.

**FEMA Region X's duty is a continuing duty for early and full consultation which only begins with the initial meeting required under 44 CFR 66.5 (e). It is the City's position that FEMA's role to date has been limited in providing such early and full consultation.**

The initial meeting before the study begins, as required pursuant to 44 CFR 66.5 (e), must satisfy specific criteria set forth in FEMA regulations (i.e. informing local communities of the specific information set forth in FEMA regulations and notifying the State coordinating agency of such a meeting). As mentioned previously, the City has not seen "the record" referred to by FEMA about the meeting on January 4, 2001, nor has FEMA allowed the City access to these records. Nevertheless, even if the initial meeting was conducted by FEMA, this is only an initial step and does not relieve FEMA of its ongoing duty to consult with local jurisdictions throughout the process, as required in FEMA regulations.

FEMA must consult with the local communities in a substantive manner, not only during the initial meeting, but also regarding the progress and to discuss prospective findings of the study in order to allow for local input and dissemination to community members. See 44 C.F.R. 66.1 and 44 C.F.R. 66.5. FEMA has an affirmative duty to specifically request that the local community submit pertinent data "particularly if such data will necessitate a modification of a base flood elevation." *Id.* During the study FEMA must also notify local officials of the progress of surveys, studies, investigations, and of prospective findings, along with data and methods employed in reaching such conclusions. 44 CFR 66.1 (c) (2). Using this preliminary data, FEMA must then encourage local dissemination of surveys, studies, and investigations so

that interested persons will have an opportunity to bring relevant data to the attention of the community and to the Administrator. 44 C.F.R. 66.1 (c) (3); 44 C.F.R. 66.5 (b).

To date, it is apparent from the limited record before the City that FEMA has refused to disclose the progress of the USACE study, including its prospective findings and FEMA's review, failed to volunteer the record it must maintain on the study, pursuant to 44 C.F.R. 66.13 (b), and most importantly, failed to engage in a substantive discussion with the local community regarding pertinent data in the City's possession and address significant questions raised by the local communities regarding justifications and the quality of the data used by the USACE. Therefore, the City must conclude at this point the FEMA process has not been followed.

**FEMA has continued to fail to appropriately identify a Consultation Coordination Officer in which local jurisdictions can rely on to engage in during the process and substantial confusion remains on roles and responsibilities among FEMA officials.**

Your letter dated August 14, 2006 (copy attached) by FEMA, indicates in the last paragraph, that you are the designated Consultation Coordination Officer for Region X and that you have delegated, in Washington, those responsibilities to Ryan Ike of your staff.

Again, as stated in previous correspondence, I must point out that this still fails to comply with FEMA's responsibility set forth in 44 C.F.R. 66:

When a CCO is appointed by the Administrator, the responsibilities for consultation and coordination as set forth in Sec. 66.5 shall be carried out by the CCO. **The Administrator shall advise the community** and the state coordinating agency, in writing, of this appointment.

44 C.F.R. 66.4 emphasis added.

The City has not received, to my knowledge, such written communication from the Flood Insurance Administrator. 44 C.F.R. 66.4 makes it clear that such agent authority may only be granted when the Administrator, from which that authority stems, informs communities in writing of such a delegation. You have failed to address this insufficiency by naming yourself the Consultation Coordination Officer.

Moreover, while the duties for consultation and coordination among the local agencies may be delegated, according to FEMA regulations, it is the Flood Insurance Administrator who is responsible for making the proposed flood elevation determinations. *See 44 C.F.R. 67.4.* FEMA regulations suggest this responsibility and authority is non-delegable, as no other position is identified, nor authority to delegate this responsibility is expressly provided. However, recent correspondence suggests that your role is one of greater responsibility than mere consultation and coordination. (see October 16, 2006 letter from Carl Cook, "After further consideration, it is my decision that the U.S. Department of Homeland Security's Federal Emergency Management Agency (FEMA) will not provide additional analysis on the possible outcomes that Mr. Hosey's scenario could yield." and, "I cannot support a proposal that prioritizes affordable flood control structures over potential citizen safety.") The City objects to

any ultra vires decision made by FEMA staff and requests communication from the Flood Insurance Administrator as to what, if any, responsibility has been delegated and the authority relied on to delegate more responsibility than consultation and coordination allowed under 44 CFR 66 et. seq. and 44 CFR 67 et. seq.

**FEMA has misrepresented that the City has not responded to FEMA's invitation to discuss mapping but that such mapping has occurred without early and full consultation with the City.**

You state that "on August 14, 2006 (in a letter directly to the City of Mount Vernon), City Officials were formally invited to meet with FEMA to discuss work maps. There was no response regarding our invitation to discuss the mapping process."

This is simply incorrect and a misrepresentation of the facts. On August 30, 2006, at 3:12 pm Jana Hanson, the City's Planning Director, responded directly to Ryan Ike's invitation stating "Thank you for the letter sent to the City of Mount Vernon on August 14. The City of Mount Vernon would like to schedule a meeting with FEMA; however we are hopeful that FEMA will agree to our request to meet first with the members of the Skagit River Impact Partnership (SRIP) collectively and then individually as requested by the individual entities." I have attached a copy Ms. Hanson's response including Ryan Ike's acknowledgement. As you know, the request for an initial meeting with the SRIP (which members consist of representatives of most of the local communities including the Cities, Towns, the County and the Diking Districts of Skagit County) was a further attempt by the local communities to request that FEMA follow its procedures, thereby allowing the local communities to have a meaningful opportunity to engage in substantive input and discussion, and to delay any further attempt by FEMA at the production of maps, until such an opportunity has been provided.

This misrepresentation of the facts has caused additional and significant concerns from my client about FEMA's process and its motivations. Namely, the concerns are whether or not the current process is, or will lead, to violations of the City's and its citizens, who are property owners', procedural and substantive due process rights.

Again, the City renews its objections raised in its previous correspondence. Moreover, the City again requests that FEMA reject any maps, or drafts of maps, that revise the current base flood elevations as premature, disclose all the necessary and relevant data it has compiled relating to its flood study, allow the City to then disseminate this in the local community so that its members can provide input, and finally begin to engage in a substantive discussion of whether or not the USACE study is more technically correct, or scientifically correct, than competing studies using the standards set forth in 44 C.F.R. 59.1. These standards must be applied and weighed before a determination may be made by FEMA and as a result of a collaborative process with the local communities.

If you have any questions of me, please do not hesitate to let me know.

Very truly yours,



Kevin Rogerson  
Mount Vernon City Attorney  
Re: May 25, 2006 FEMA letter to Skagit County Council of Governments

cc: Mount Vernon City Council  
Mayor Bud Norris  
The Office of Senator Maria Cantwell  
The Office of Congressman Rick Larsen  
The Office of Senator Patty Murray  
Charles L. Steele, Department of Ecology, Bellevue  
Skagit County Council of Governments  
David I. Maurstad; Director of Mitigation and Federal Insurance Administrator

910 Cleveland Avenue  
Post Office Box 809  
Mount Vernon, WA 98273

Phone (360) 336-6203  
Facsimile (360) 336-6267  
E-Mail [mvattorney@ci.mount-vernon.wa.us](mailto:mvattorney@ci.mount-vernon.wa.us)  
[www.ci.mount-vernon.wa.us](http://www.ci.mount-vernon.wa.us)

October 26, 2006

*Sent via facsimile also (202) 646-4536*

Jeff Ovall

FOI/PA Specialist, Room 840

Federal Emergency Management Agency

500 C Street, S.W.

Washington, D.C. 20472

Dear Mr. Ovall,

Under the Freedom of Information Act (FOIA), 5 U.S.C. subsection 552, I am requesting access and copies of FEMA's Skagit County Community Case File, required to be maintained pursuant to 44 C.F.R. 66.3 (copy attached), including the required flood elevation study consultation docket for the new flood elevation study ("the study") which allegedly began with an initial consultation meeting on January 4, 2001. See Attached letter from FEMA's Carl L. Cook dated September 29, 2006. The information within the docket must include "copies of (1) all correspondence between the Administrator and the community concerning the study, reports of any meetings among the Agency representatives, property owners of the community, the state coordinating agency, study contractors or other interested persons, (2) relevant publications, (3) a copy of the completed flood elevation study, and (4) a copy of the Administrator's final determination." 44 C.F.R. 66.3 (b). Moreover, the City requests access to any and all records relating to FEMA's ongoing flood investigation study and re-mapping of the Skagit Valley flood prone areas regardless of whether they are currently contained within either the community case file or the docket referenced above. These records include, but are not limited to:

1. All records relating to the January 4, 2001 meeting between FEMA and local officials pertaining to the study as identified by Carl L. Cook in his letter of September 29, 2006, including, but not limited to, attendance sheets, minutes, notices of such a meeting, notes, handouts and presentations.
2. All records of communications, studies, findings, notices, and meetings between FEMA officials, Army Corps of Engineers officials, USGS officials, or outside consultants relating to the study.
3. All records of communications between FEMA officials, Skagit County officials, and all other local officials relating to the study.

4. All records of communications between FEMA staff relating to the study.
5. All records relating to expenditures, costs, and FEMA budget related to the study.

Under the FOIA definition of “records”, records would include any information maintained by FEMA in any format, including but not limited to, e-mails, phone logs, memorandums, voice recordings, notes, calendars, and directives. 5 U.S.C. § 552 (f)(2).

It is the City’s position that FEMA has an affirmative, ongoing duty to produce all records within the flood elevation study consultation docket and community case file once a new flood elevation study begins and that this request is unnecessary and improper under federal statute and FEMA regulations.<sup>1</sup>

Nevertheless, FEMA Region X has refused to disclose any findings or studies completed in its possession involving the ongoing study, nor has allowed the City access to the community file or flood elevation study consultation docket without a request pursuant to the authority of the Freedom of Information Act. The City expressly renews its objections to this process and this request does not serve as waiver of such objections.

**The City requests expedited process as these records relate to an imminent action by FEMA in making a flood elevation determination which involve due process rights that would be impaired by the failure to process immediately.**

The U.S. Court of Appeals for the D.C. Circuit has recognized that some FOIA requests necessarily involve a far greater degree of urgency than others and that when a requester can show "exceptional need or urgency," his request should be processed out of turn. *See Open America v. Watergate Special Prosecution Force*, 547 F.2d 605, 616 (D.C. Cir. 1976), *citing* 5 U.S.C. § 552(a)(6)(C). Further cases have clarified this urgency as the FOIA is needed for the preservation of a substantial right.

FEMA is in the process of drafting and mapping proposed based flood elevations that would, if adopted and upheld, encumber property rights of landowners that lie in the flood prone areas identified in those maps including property owned by the City of Mount Vernon which owns property along the Skagit River within current 100 year flood plains. Moreover, U.S. Congress has declared that this information must be disclosed in a timely manner so that local officials, in turn, may disseminate information widely within the community in order that further input may be received before FEMA makes an initial determination. *See U.S.C. § 4107*. Currently, FEMA has refused to disclose this information, despite working towards a first set of initial maps.

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<sup>1</sup> The City maintains that requiring the City to undergo a formal and time consuming FOIA request and FEMA’s failure to affirmatively disclose the flood elevation consultation docket does not comply with FEMA’s duty that the Director shall encourage local officials to disseminate information concerning such study widely within the community and that the Administrator or delegate must “Notify local officials of the progress of surveys, studies, and investigations, and of prospective finding, **along with the data and methods employed in reaching such conclusion.**” *See* 42 U.S.C. § 4107; 44 C.F.R. 66.1(c) (3) *emphasis added*.

**The City requests a fee waiver as this information, as identified by U.S. Congress, is clearly within the public interest and is necessary to contribute with the consultation process required under FEMA regulations.**

To qualify for a fee waiver, a requester must demonstrate that disclosure of the requested information is in the public interest because it is likely to contribute significantly to public understanding of the operations and activities of the government and is not primarily in the commercial interest of the requester.

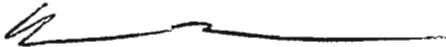
In the instant matter, the information requested is necessary to fulfill the local jurisdictions mandate set forth in 44 C.F.R. 66.5 (b) to distribute among members of the community so that they may in turn bring relevant data to FEMA.

Should FEMA determine there are any fees for searching for or copying the records, please supply the records without informing me of the cost if the fees do not exceed \$500.00, which I agree to pay.

If you deny all or any part of this request, please cite each specific exemption you think justifies your refusal to release the information and notify me of appeal procedures available under the law.

If you have any questions about handling this request, you may telephone me at 360-336-6203 (office phone).

Sincerely,



Kevin Rogerson  
City Attorney  
City of Mount Vernon

**Rogerson, Kevin**

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**From:** Hanson, Jana  
**Sent:** Wednesday, October 11, 2006 9:08 AM  
**To:** Rogerson, Kevin  
**Subject:** FW: meeting

-----Original Message-----

**From:** Hanson, Jana  
**Sent:** Tuesday, September 05, 2006 1:21 PM  
**To:** 'Ike, Ryan'  
**Subject:** RE: meeting

The Executive Committee will be meeting on 9/14 at 9:30 here at Mount Vernon City Hall. If you are asking about a meeting date to attend and meet with the SRIP for the purpose of discussing the FIRMs and process, please provide me with dates and I will inform the Partnership. We have a Steering Committee which is a larger group within the SRIP that I am sure would like to attend any meeting with FEMA with respect to the maps and process.

-----Original Message-----

**From:** Ike, Ryan [mailto:ryan.ike@dhs.gov]  
**Sent:** Tuesday, September 05, 2006 1:18 PM  
**To:** Hanson, Jana  
**Subject:** meeting

Jana,  
When is the next SRIP meeting?

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**From:** Hanson, Jana [mailto:janah@ci.mount-vernon.wa.us]  
**Sent:** Wednesday, August 30, 2006 3:12 PM  
**To:** Ike, Ryan  
**Subject:** Intermediate Consultation

Ryan,

Thank you for the letter sent to the City of Mount Vernon on August 14<sup>th</sup>. The City of Mount Vernon would like to schedule a meeting with FEMA; however we are hopeful that FEMA will agree to our request to meet first with the members of the Skagit River Impact Partnership (SRIP) collectively and then individually as requested by the individual entities. A letter has been sent to Carl Cook requesting a meeting with the members of the SRIP signed by the County, cities and dike district commissioners.

I am happy to discuss this further with you and to set up a tentative meeting in the near future. Please let me know how you would like to proceed.

Thanks!

*Jana Hanson, Director  
City of Mount Vernon Community and Economic Development Department  
PO Box 809 / 910 Cleveland Avenue  
Mount Vernon, WA 98273-0809*

*Phone: (360) 336-6214*

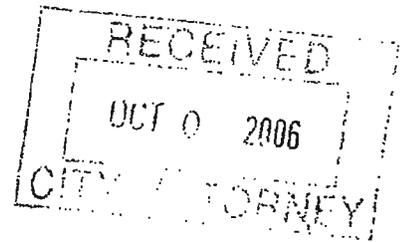
*Fax: (360) 336-6283*

U.S. Department of Homeland Security  
Region X  
130 228th Street, SW  
Bothell, WA 98021-9796



**FEMA**

September 29, 2006



Certified Mail

Honorable Bud Norris  
Mayor of Mount Vernon  
PO Box 809  
Mount Vernon, Washington 98273

Dear Mayor Norris:

On August 17, 2006 the Department of Homeland Security's Federal Emergency Management Agency (FEMA) received a copy of the Mount Vernon City Attorney's letter regarding concerns over the consultation process required under 44 CFR. In that letter, the city requests that FEMA formally reject the U.S. Army Corps of Engineers' study due to a perceived violation of due process.

FEMA takes the city's concerns very seriously; however, my records show we have met all our statutory requirements with respect to consultation during this study. On January 4, 2001 my staff hosted an initial consultation and coordination meeting to scope the restudy of the Lower Skagit River. Mr. Joe Natola, City Building Official attended that meeting as did representatives from the U.S. Army Corps of Engineers, Skagit County, and other impacted communities. Subsequent to that meeting, the city was notified, in writing, to provide any additional information relevant to the study on September 10, 2003 (during a Community Assistance Visit), and again on March 3, 2005 by FEMA's National Service Provider. On July 5, 2006 (via the Skagit County Council of Governments) and again on August 14, 2006 (in a letter directly to the City of Mount Vernon), City Officials were formally invited to meet with FEMA to discuss the work maps. There was no response regarding our invitation to discuss the mapping process.

To date, the only additional data submitted to FEMA came from Pacific International Engineers by way of Skagit County. That hydrologic information was reviewed by FEMA's engineers. Although the official appeals period has not yet begun, if the city has additional technical information, it can be submitted to my office at any time.

If you have any questions about this letter, please contact Ryan Ike of my staff. He can be reached at the above address, or by calling (425) 487-4767.

Sincerely,

Carl L. Cook, Jr., Director  
Mitigation Division

CC: Kevin Rogerson, City Attorney, 910 Cleveland Ave, PO Box 809, Mount Vernon, WA 98273  
John R. Shultz, Attorney, Skagit County Dike District 12 & Dike District 1  
Cascade Professional Center 160 Cascade Place, Suite 211, Burlington, WA 98233

U.S. Department of Homeland Security  
Region X  
130 228th Street, SW  
Bothell, WA 98021-9796



**FEMA**

August 14, 2006

RECEIVED  
MOUNT VERNON

SEP 14 2006

U.S. DEPARTMENT  
OF

Certified Mail  
Return Receipt Requested

Honorable Bud Norris  
Mayor of Mount Vernon  
PO Box 809  
Mount Vernon, Washington 98273

Dear Mayor Norris:

On July 5, 2006, the Department of Homeland Security's Federal Emergency Management Agency (FEMA) provided a copy of a status update letter to the Skagit County Council of Governments (SCOG). Initially, the SCOG appeared to be an efficient conduit for FEMA to disseminate information broadly to community stakeholders in Skagit County. However, some local officials have recently requested direct coordination. From this point forward, FEMA will correspond individually with each community in all matters associated with the ongoing Skagit River Flood Insurance Study.

On June 28, 2006, the US Army Corps of Engineers (COE) provided FEMA with a copy of the first set of *draft* work maps covering the lower Skagit River floodplain from Sedro Woolley downstream to the Puget Sound as well as a copy of the hydraulic model used to produce the maps. The model is currently at FEMA's National Service Provider for technical review. These maps are the first of a series of maps that will eventually include the flood-prone areas along the Skagit River from Concrete to the Sound as well as portions of the Sauk and Cascade Rivers. Please note that the current work maps do not yet include a depiction of the floodway. Pending the outcome of the internal FEMA technical review, we intend to task the COE with producing the next set of maps covering the upper Skagit River floodplain from Sedro Woolley to Concrete as soon as possible.

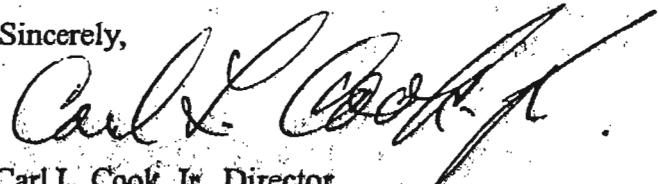
Pursuant to Part 66 of the Code of Federal Regulations (CFR), FEMA is required to consult with local officials during the initial scoping phase of a new flood insurance study. *As a matter of regional policy*, we periodically conduct additional meetings throughout the study phase to solicit community comments and address local concerns over the *draft* map portrayal of the flood risk. This should not be confused with Part 67 of the CFR pertaining to the official 90-day appeal period. Pursuant to Part 67, FEMA shall publish study results in the Federal Register, notify

community officials via certified mail of proposed flood elevation changes, and publish the proposed flood elevation data in a prominent local newspaper at least twice. Upon the second publication, a 90-day appeal period will begin. During this time, interested parties may review the hydraulic and hydrologic data used to create the Flood Insurance Rate Maps (FIRM) and submit any findings that conclusively demonstrate that FEMA is scientifically or technically incorrect. Please be advised that this has not occurred yet.

At this time, we would like to meet with your community's staff to discuss the technical aspects of the initial draft work maps. This meeting, referred to as an Intermediate Consultation and Coordination Officers' meeting (ICCO), is traditionally held with FEMA, the study contractor (US Army Corps of Engineers), and the affected community's engineering and planning staff. The purpose is to review the maps for cartographic accuracy, evaluate the initial base flood elevations, discuss map impacts on current and future floodplain permitting, and collect technical feedback to be included in the file prior to release as "Preliminary Flood Insurance Rate Maps." ICCO meetings are also an excellent way to establish a consultation process by which subsequent map releases will occur in your community.

I am the designated Consultation Coordination Officer for Region X. In Washington, I've delegated the responsibilities of this position to Ryan Ike of my staff. Please contact him directly to set up a meeting in your area. He can be reached at the above address, or by calling (425) 487-4767.

Sincerely,



Carl L. Cook, Jr., Director  
Mitigation Division

cc: Jana Hanson, Director Community and Economic Development Department  
PO Box 809, Mount Vernon, Washington 98273

RI:gb

U.S. Department of Homeland Security  
Region X  
130 228th Street, SW  
Bothell, WA 98021-9796



**FEMA**

October 16, 2006

Certified Mail  
Return Receipt Requested

Skagit River Impact Partnership  
Attn: Honorable Bud Norris  
Mayor of Mount Vernon  
P.O. Box 809  
Mount Vernon, Washington 98273

Dear Mayor Norris:

This letter is intended for the Skagit River Impact Partnership (SRIP) organization. I have addressed it to you as the spokesperson. Please share it with other members of the organization at your convenience.

During our last meeting on September 14, 2006, Pacific International Engineers (PIE) provided a brief overview of a new hydrologic proposal whereby all four controversial floods of record would be removed from calculations of the one percent flood. While I support SRIP's ongoing efforts to reduce flooding in Skagit County, I strongly encourage the organization to work with the US Army Corp of Engineers (USACOE) on potential flood control solutions.

After further consideration, it is my decision that the U.S. Department of Homeland Security's Federal Emergency Management Agency (FEMA) will not provide additional analysis on the possible outcomes that Mr. Hosey's scenario could yield. It is this agency's responsibility to accurately map the flood risk and provide maps for insurance rating purposes. The PIE proposal encourages FEMA to ignore historic information documented by the US Geological Survey, used by the USACOE in their ongoing general investigation and corroborated in other basin flood insurance studies. I cannot support a proposal that prioritizes affordable flood control structures over potential citizen safety.

This is FEMA's position for the purposes of our ongoing study. As I have mentioned in several letters and at our meeting, this position does not preclude any community or citizen from performing their own technical analysis and submitting it to FEMA during the statutory appeal period or as a Letter of Map Revision at any time.

If you have any questions about my position, please contact me at (425) 487-4687, or Ryan Ike of my staff. He can be reached at the above address, or by calling (425) 487-4767.

Sincerely,

A handwritten signature in black ink, appearing to read "Carl L. Cook, Jr.", written in a cursive style.

Carl L. Cook, Jr., Director  
Mitigation Division

cc: Colonel Michael McCormick, Seattle District US Army Corp of Engineers  
Office of Senator Murray, Attn: Ardis Dumett, Seattle  
Office of Senator Cantwell, Attn: Jay Pearson, Seattle  
Office of Congressman Rick Larsen, Attn: Jill McKinney, Everett  
Chuck Steele, Department of Ecology, Bellevue

[Code of Federal Regulations]

[Title 44, Volume 1]

[Revised as of October 1, 2005]

From the U.S. Government Printing Office via GPO Access

[CITE: 44CFR66.3]

[Page 356-357]

TITLE 44--EMERGENCY MANAGEMENT AND ASSISTANCE

CHAPTER I--FEDERAL EMERGENCY MANAGEMENT AGENCY, DEPARTMENT OF HOMELAND

SECURITY

PART 66 \_CONSULTATION WITH LOCAL OFFICIALS--Table of Contents

Sec. 66.3 Establishment of community case file and flood elevation study docket.

(a) A file shall be established for each community at the time initial consideration is given to studying that community in order to establish whether or not it contains flood-prone areas. Thereafter, the file shall include copies of all correspondence with officials in that community. As the community is tentatively identified, provided with base flood elevations, or suspended and reinstated, documentation of such actions by the Administrator shall be placed in the community file.

Even if a map is administratively rescinded or withdrawn after notice

under part 65 of

[[Page 357]]

this subchapter or the community successfully rebuts its flood-prone designation, the file will be maintained indefinitely.

(b) A portion of the community file shall be designated a flood elevation study consultation docket and shall be established for each community at the time the contract is awarded for a flood elevation study. The docket shall include copies of (1) all correspondence between

the Administrator and the community concerning the study, reports of any

meetings among the Agency representatives, property owners of the community, the state coordinating agency, study contractors or other interested persons, (2) relevant publications, (3) a copy of the completed flood elevation study, and (4) a copy of the Administrator's final determination.

(c) A flood elevation determination docket shall be established and maintained in accordance with part 67 of this subchapter.

[41 FR 46988, Oct. 26, 1976. Redesignated at 44 FR 31177, May 31, 1979, as amended at 48 FR 44544 and 44553, Sept. 29, 1983; 49 FR 4751, Feb. 8,

1984]

[Code of Federal Regulations]

[Title 44, Volume 1]

[Revised as of October 1, 2005]

From the U.S. Government Printing Office via GPO Access

[CITE: 44CFR66.5]

[Page 357]

TITLE 44--EMERGENCY MANAGEMENT AND ASSISTANCE

CHAPTER I--FEDERAL EMERGENCY MANAGEMENT AGENCY, DEPARTMENT OF HOMELAND

SECURITY

PART 66\_CONSULTATION WITH LOCAL OFFICIALS--Table of Contents

Sec. 66.5 Responsibilities for consultation and coordination.

(a) Contact shall be made with appropriate officials of a community in which a proposed investigation is undertaken, and with the state coordinating agency.

(b) Local dissemination of the intent and nature of the investigation shall be encouraged so that interested parties will have an opportunity to bring relevant data to the attention of the community and to the Administrator.

(c) Submission of information from the community concerning the study shall be encouraged.

(d) Appropriate officials of the community shall be fully informed of (1) The responsibilities placed on them by the Program, (2) the administrative procedures followed by the Federal Emergency Management Agency, (3) the community's role in establishing elevations, and (4) the responsibilities of the community if it participates or continues to participate in the Program.

(e) Before the commencement of an initial Flood Insurance Study, the CCO or other FEMA representative, together with a representative of the organization undertaking the study, shall meet with officials of the community. The state coordinating agency shall be notified of this meeting and may attend. At this meeting, the local officials shall be informed of (1) The date when the study will commence, (2) the nature and purpose of the study, (3) areas involved, (4) the manner in which the study shall be undertaken, (5) the general principles to be applied, and (6) the intended use of the data obtained. The community shall be informed in writing if any of the six preceding items are or will be changed after this initial meeting and during the course of the ongoing study.

(f) The community shall be informed in writing of any intended modification to the community's final flood elevation determinations or the development of new elevations in additional areas of the community as a result of a new study or restudy. Such information to the community will include the data set forth in paragraph (e) of this section. At the discretion of the Chief of the Natural and Technological Hazards Division in each FEMA Regional Office, a meeting may be held to accomplish this requirement.

[47 FR 771, Jan. 7, 1982, as amended at 49 FR 4751, Feb. 8, 1984]

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