

August 15, 2018

Planning Board
Board of Selectmen

I am sending a summary of the recent notice the town received of FEMA's proposed flood map changes. I will be posting this on the webpage for the townspeople to be aware of.

FEMA has published public notification of the proposed flood hazard determinations concerning the appeal process before adopting the revised Flood insurance rate maps. The publications were planned for the Journal Tribune for July 25 and Aug 1.

The appeal period of 90 days began on the second publication date.

If the proposed flood hazard determinations are finalized these will become the basis for the floodplain management measures that we must adopt or show evidence of having in effect to remain qualified for participation in the National Flood Insurance Program.

During the 90-day appeal period which we are currently in, any owner of property in Lyman who believes their property rights will be adversely affected by the proposed flood hazard determinations may appeal to the town or to an agency that the town publicly designates. The only basis for the appeal is possession or knowledge of information that the flood hazard determination is incorrect. The appeal data must be submitted to FEMA during the 90-day appeal period.

At the end of the 90-day appeal period and following resolution of any appeals and comments, a Letter of Final Determination will be sent to the town, which will finalize the flood hazard information and establish an effective date.

I would suggest that the town officially amends our Flood Management Ordinance to refer to the most up to date FIRM maps. Flood Insurance Rate Map.

Respectfully,



Patti McKenna
Code Enforcement / Land Use Director



Federal Emergency Management Agency
Washington, D.C. 20472

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

IN REPLY REFER TO:
APPEAL START

July 18, 2018

Community: Town of Lyman,
York County,
Maine

John Tibbetts
Chairperson, Board of Selectmen
Town of Lyman
Town Hall
11 South Waterboro Road
Lyman, Maine 04002

Community No.: 230195

Dear Mr. Tibbetts:

On April 14, 2017 and March 28, 2018, the Department of Homeland Security's Federal Emergency Management Agency (FEMA) provided your community with Revised Preliminary copies of the revised Flood Insurance Rate Map (FIRM) and Flood Insurance Study (FIS) report for York County, Maine (All Jurisdictions). FEMA has posted digital copies of these revised FIRM and FIS report materials to the following Website: <https://www.fema.gov/view-your-communitys-preliminary-flood-hazard-data>. The Preliminary FIRM and FIS report include proposed flood hazard information for certain locations in the Town of Lyman, York County, Maine. The proposed flood hazard information may include addition or modification of Special Flood Hazard Areas, the areas that would be inundated by the base (1-percent-annual-chance) flood; base flood elevations or depths; zone designations; or regulatory floodways.

We have published a notice of the proposed flood hazard determinations in the *Federal Register* and will publish a public notification concerning the appeal process (explained below) in *The Journal Tribune* on or about July 25, 2018 and August 1, 2018. We will also publish a separate notice of the flood hazard determinations on the "Flood Hazard Determinations on the Web" portion of the FEMA Website (www.fema.gov/plan/prevent/fhm/bfe). We have enclosed copies of the notice published in the *Federal Register* and the newspaper notice for your information.

These proposed flood hazard determinations, if finalized, will become the basis for the floodplain management measures that your community must adopt or show evidence of having in effect to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP). However, before any new or modified flood hazard information is effective for floodplain management purposes, FEMA will provide community officials and citizens an opportunity to appeal the proposed flood hazard information presented on the preliminary revised FIRM and FIS report posted to the above-referenced Website.

Section 110 of the Flood Disaster Protection Act of 1973 (Public Law 93-234) is intended to ensure an equitable balancing of all interests involved in the setting of flood hazard determinations. The legislation provides for an explicit process of notification and appeals for your community and for private persons prior to this office making the flood hazard determinations final. The appeal procedure is outlined below for your information and in the enclosed document titled *Criteria for Appeals of Flood Insurance Rate Maps*.

During the 90-day appeal period following the second publication of the public notification in the above-named newspaper, any owner or lessee of real property in your community who believes his or her property rights will be adversely affected by the proposed flood hazard determinations may appeal to you, or to an agency that you publicly designate. It is important to note, however, that the sole basis for such appeals is the possession of knowledge or information indicating that the proposed flood hazard determinations are scientifically or technically incorrect. The appeal data must be submitted to FEMA during the 90-day appeal period. Only appeals of the proposed flood hazard determinations supported by scientific or technical data can be considered before FEMA makes its final flood hazard determination at the end of the 90-day appeal period. Note that the 90-day appeal period is statutory and cannot be extended. However, FEMA also will consider comments and inquiries regarding data other than the proposed flood hazard determinations (e.g., incorrect street names, typographical errors, omissions) that are submitted during the appeal period, and will incorporate any appropriate changes to the revised FIRM and FIS report before they become effective.

If your community cannot submit scientific or technical data before the end of the 90-day appeal period, you may nevertheless submit data at any time. If warranted, FEMA will revise the FIRM and FIS report after the effective date. This means that the revised FIRM would be issued with the flood hazard information presently indicated, and flood insurance purchase requirements would be enforced accordingly, until such time as a revision could be made.

Any interested party who wishes to appeal should present the data that tend to negate or contradict our findings to you, or to an agency that you publicly delegate, in such form as you may specify. We ask that you review and consolidate any appeal data you may receive and issue a written opinion stating whether the evidence provided is sufficient to justify an official appeal by your community in its own name or on behalf of the interested parties. Whether or not your community decides to appeal, you must send copies of individual appeals and supporting data, if any, to:

Alex Sirotek, Region 1 Service Center
CDM Smith
75 State Street, Suite 701
Boston, Massachusetts 02109

Kerry Bogdan, Risk Analysis Branch Chief
U.S. Department of Homeland Security
Federal Emergency Management Agency
99 High Street, 6th Floor
Boston, Massachusetts 02110

If we do not receive an appeal or other formal comment from your community in its own name within 90 days of the second date of public notification, we will consolidate and review on their own merits such appeal data and comments from individuals that you may forward to us, and we will make such modifications to the proposed flood hazard information presented on the revised FIRM and in the revised FIS report as may be appropriate. If your community decides to appeal in its own name, all individuals' appeal data must be consolidated into one appeal by you, because, in this event, we are required to deal only with the local government as representative of all local interests. We will send our final decision in writing to you, and we will send copies to the community floodplain administrator, each individual appellant, and the State NFIP Coordinator.

All appeal submittals will be resolved by consultation with officials of the local government involved, by

an administrative hearing, or by submission of the conflicting data to an independent scientific body or appropriate Federal agency for advice. Use of a Scientific Resolution Panel (SRP) is also available to your community in support of the appeal resolution process when conflicting scientific or technical data are submitted during the appeal period. SRPs are independent panels of experts in hydrology, hydraulics, and other pertinent sciences established to review conflicting scientific and technical data and provide recommendations for resolution. An SRP is an option after FEMA and community officials have been engaged in a collaborative consultation process for at least 60 days without a mutually acceptable resolution of an appeal. Please refer to the enclosed "Scientific Resolution Panels" Overview for additional information on this resource available to your community.

FEMA will make the reports and other information used in making the final determination available for public inspection. Until the conflict of data is resolved and the revised FIRM becomes effective, flood insurance available within your community will continue to be available under the effective NFIP map, and no person shall be denied the right to purchase the applicable level of insurance at chargeable rates.

The decision by your community to appeal, or a copy of its decision not to appeal, should be filed with this office no later than 90 days following the second publication of the flood hazard determination notice in the above-named newspaper. Your community may find it appropriate to call further attention to the proposed flood hazard determinations and to the appeal procedure by using a press release or other public notice.

If warranted by substantive changes, during the appeal period we will send you Revised Preliminary copies of the revised FIRM and FIS report. At the end of the 90-day appeal period and following the resolution of any appeals and comments, we will send you a Letter of Final Determination, which will finalize the flood hazard information presented on the revised FIRM and FIS report and will establish an effective date.

If you have any questions regarding the proposed flood hazard determinations, revised FIRM panels, or revised FIS report for your community, please call our FEMA Map Information eXchange (FMIX), toll free, at 1-877-FEMA MAP (1-877-336-2627) or e-mail the FMIX staff at FEMAMapSpecialist@riskmapcds.com.

Sincerely,



Luis V. Rodriguez, P.E., Director
Engineering and Modeling Division
Federal Insurance and Mitigation Administration

List of Enclosures:

Newspaper Notice
Proposed Flood Hazard Determinations *Federal Register* Notice
Criteria for Appeals of Flood Insurance Rate Maps
"Scientific Resolution Panels" Overview

cc: Community Map Repository
Patti McKenna, Code Enforcement Officer, Town of Lyman
Roderick Tetu, Chairperson, Planning Board, Town of Lyman
Pauline Weiss, Town Clerk, Town of Lyman
Alyce Swan, Emergency Management Director, Town of Lyman
Thomas Larned, Chairperson, Zoning Appeals Board, Town of Lyman
Penny Thomas, Secretary, Planning Board and Zoning Board of Appeals, Town of Lyman
Sue Baker, CFM, State NFIP Coordinator, Floodplain Management Program, Maine Department of
Agriculture, Conservation and Forestry
Joe Legee, Acting Director, Mitigation, Preparedness, and Recovery Division, Maine Emergency
Management Agency
Arthur W. Cleaves, Director, York County Emergency Management Agency
Alex Sirotek, Regional Service Center, Region I
Brian Caufield, Project Manager, Compass Region I
Kerry Bogdan, Risk Analysis Branch Chief, FEMA Region I