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**Subject:** call to fema on floodplains

I just spoke with David Knowles, the FEMA contact that Paul Sneeringer had suggested.

FEMA's maps are generally based on data that is quite old (say 25 years) and unless the COE had given some significant information when they recertified the dam (or on some other big project) , the maps may not have changed. He doesn't think that is likely that they did, but he is going to check.

When I mentioned the amount of flood storage loss that is expected from the South Terminal project, he said that he doesn't think FEMA flood storage data is so refined that they would take such a modest project into account. Further, he said that small projects like that probably take place all the time without FEMA incorporating it into their calculations of flood elevations.

We discussed Executive Order 11988 and he said they generally try to honor it, but that the significance of the state's filling project wouldn't be significant enough that they would pay attention. He did mention that the Massachusetts regulations were much more specific and would provide a better set of guidelines in determining appropriate mitigation.

Finally, I asked him if he knew whether the Steamship Authority project or the Marsh Island project had been taken into account in their recent mapping project. He didn't know for sure, but he suggested probably not given their size. Once again, they typically use the older data, don't view things at a micro level, and only take major issues (like a big change in the hurricane barrier) into account.

When I mentioned that Mass may want to take credit for the Steamship and Marsh Island projects under the Executive Order, he suggested that they shouldn't just come along and scoop credit for someone else's work. In looking at the State's latest submission, it appears that they did provide some of the funding for the projects and perhaps deserve some if not all of the credit. That will need to be examined more closely.

He said he would get to me on more definitive answers to all the questions I asked.

Summary of conversation:: If the State's recent submission on the Floodplain mitigation is accurate, they may perhaps be able to work things out to meet the EO requirements. I think I should probably check to see DEP has done on their own analysis of the floodplain regulations.

Right now I am in the middle of writing up the legal analysis of how the SER should treat the EO as an ARAR or a TBC. Once I finish that, I will take a look at how the state floodplain regulations factor in. I will then take a closer look at the state submission of yesterday and review whatever David sends me, which he expects to do by the end of this week or early next week.

I will be out for the following week and will resume work on this when I get back.

Bill