



# Federal Emergency Management Agency

Washington, D.C. 20472

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**AUG 30 2010**

August 20, 2010

City of Portland  
Planning Division

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

IN REPLY REFER TO:  
101/155

The Honorable Nicholas Mavodones, Jr.  
Mayor, City of Portland  
City Hall  
389 Congress Street  
Portland, Maine 04101

Community: City of Portland,  
Cumberland County, Maine  
Community No.: 230051

Dear Mayor Mavodones:

On May 20, 2009, the Department of Homeland Security's Federal Emergency Management Agency (FEMA) provided your community with Preliminary copies of a Flood Insurance Study (FIS) report and Flood Insurance Rate Map (FIRM). On June 4, 2010 revised Preliminary copies of FIRM panels 23005C0717F, 23005C0719F, 23005C0736F, and 23005C0738F, were provided to your community. The FIS report and FIRM for your community were prepared in our countywide format, which means that flood hazard information for the entire geographic area of the county, including your community and all jurisdictions, was presented. This information makes it appropriate to modify the elevations of the flood having a 1-percent chance of being equaled or exceeded in any given year (base flood) for certain locations in the City of Portland, Cumberland County, Maine (All Jurisdictions). Public notification by way of a Standard Newspaper Notice that the proposed modifications in Base Flood Elevations (BFEs) are posted in the BFE Notice for Studies on the FEMA Website [https://www.floodmaps.fema.gov/fhm/Scripts/bfe\\_main.asp](https://www.floodmaps.fema.gov/fhm/Scripts/bfe_main.asp), will be given in the *Bridgton News*, *The Forecaster*, *Portland Press Herald*, and *The Times Record* on or about August 26, 2010, and September 2, 2010. The BFEs for the flooding sources are listed in the table at the end of the BFE Notice for Studies. Also, the proposed BFE determinations can be obtained by calling the FEMA Map Information eXchange (FMIX), toll free, at 1-877-FEMA MAP (1-877-336-2627). A copy of the Standard Newspaper Notice and a copy of the Correction Notice of Proposed Flood Elevation Determinations published in the *Federal Register*, on August 9, 2010 at Part 67, Volume 75, Pages 47751 thru 47753 are enclosed for your information.

These proposed BFEs, if finalized, will become the basis for the floodplain management measures that your community must adopt or show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP). However, before any revised BFEs are effective for floodplain management purposes, you will be provided an opportunity to appeal the proposed BFEs.

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 BFE 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 BFE determinations final. The appeal procedure is outlined below for your information. The regulations FEMA developed to implement

Section 110 are listed in Title 44, Chapter I, Part 67, Code of Federal Regulations. A copy of the NFIP regulations is enclosed.

During the 90-day appeal period following the second publication in the *Portland Press Herald*, any owner or lessee of real property in your community who believes his or her property rights will be adversely affected by the BFE determinations may appeal to you, or to an agency that you publicly designate. You must send copies of the individual appeals to the FEMA Region as soon as you receive them. Note that the 90-day appeal period is statutory and cannot be extended or shortened for any reason. It is important to know, however, that the sole basis for the appeals is having knowledge or information indicating that the proposed BFE determinations are scientifically or technically incorrect. However, inquiries regarding data other than the proposed BFE determinations (e.g., incorrect street names, typographical errors, omissions) will be considered as comments and not appeals. Any applicable changes will be made before the revised FIS report and FIRM become effective.

During the appeal period, private citizens who want to appeal should present to you the scientific or technical data intended to negate or contradict FEMA's findings in any form, as you specify. FEMA requests that you review and consolidate all appeals by private persons, and issue a written opinion stating whether the evidence presented is sufficient to justify an official appeal by your community on behalf of such persons. Your decision on whether an appeal by the community in its own name will be made must be sent to this office within the 90-day appeal period and at the same time a copy must be sent to the following individual:

Amol Daxikar  
50 Hampshire Street  
Cambridge, Massachusetts 02139

Any documents submitted to you without evidence that they were sent within 90 days of the second publication in the local newspaper will be considered comments. Your community may find it appropriate to call further attention to the proposed BFE determinations and to the appeal procedure by using a press release or other public notice.

If the FEMA Region does not receive an appeal from your community on behalf of individuals within the 90 days provided, FEMA shall consolidate and review on their own merits the individual appeals, which you have on file and forwarded to us. FEMA's final decision will be in writing, and copies will be sent to each individual appellant and the State coordinating agency.

The appeal resolution process will consider any scientific or technical data submitted by your community intended to negate or contradict the information upon which the proposed BFE determinations are based. The appeal will be resolved by consultation with officials of the local government involved, an administrative hearing, or submission of the conflicting data to an independent scientific body or appropriate Federal agency for a determination. FEMA will determine the method for resolution.

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 as specified in Part 65 of the NFIP Regulations. If warranted, FEMA will revise the FIRM again after the effective date.

The reports and other information used for the final determination will be made available for public inspection. Until the conflict of data is resolved and the FIRM becomes effective, flood insurance available within your community shall continue to be available in accordance with the effective FIRM dated December 8, 1998.

If warranted by substantive changes, during the appeal period, FEMA will send to you revised copies of the FIS report and FIRM. At the end of the 90-day appeal period and following the resolution of any appeals, FEMA will send you a letter of final BFE determinations.

The FIRM panels for All Jurisdictions have been computer-generated. Once the FIS report and FIRM are printed and distributed, the digital files containing the flood hazard data for the entire county can be provided to your community for use in a computer mapping system. In the mean time, if you have any questions about the digital files please contact Amol Daxikar, 50 Hampshire Street, Cambridge, Massachusetts 02139, the designated mapping partner for preparing digital mapping files. These files can be used in conjunction with other thematic data for purposes of floodplain management, insurance determinations, and many other planning applications. In addition, your community may be eligible for additional credits under the NFIP Community Rating System if you implement your activities using digital mapping files.

If you have any questions regarding the proposed BFE determinations, revised FIS report, or revised FIRM for your community, please contact the FEMA Map Information eXchange (FMIX), toll free, at 1-877-FEMA MAP (1-877-336-2627).

Sincerely,



Kevin C. Long, Acting Chief  
Engineering Management Branch  
Mitigation Directorate

Enclosures:

- 1) Newspaper Notice
- 2) BFE Determination Notice to be published on FEMA's Web site
- 3) National Flood Insurance Program Regulations
- 4) Federal Register Publication

cc: Community Map Repository  
Margaret Schumuckal, Zoning Administrator, City of Portland

**DEPARTMENT OF HOMELAND SECURITY**  
**FEDERAL EMERGENCY MANAGEMENT AGENCY**

**Proposed Base Flood Elevation Determination for the City of Portland, City of South Portland, Towns of Bridgton, Cape Elizabeth, Casco, Cumberland, Harpswell, Scarborough, Standish and Windham, Cumberland County, Maine (All Jurisdictions).** The Department of Homeland Security's Federal Emergency Management Agency solicits technical information or comments on the proposed Base (1-percent-annual-chance) Flood Elevations (BFEs) shown in the Preliminary Flood Insurance Study (FIS) and on the Preliminary Flood Insurance Rate Map (FIRM) for your community. These proposed BFEs are the basis for the floodplain management measures that your community is required to either adopt or show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP). For a detailed listing of the proposed BFEs and information on the statutory period provided for appeals, please visit FEMA's website at [https://www.floodmaps.fema.gov/fhm/Scripts/bfe\\_main.asp](https://www.floodmaps.fema.gov/fhm/Scripts/bfe_main.asp), or call the FEMA Map Information eXchange (FMIX), toll free, at 1-877-FEMA MAP (1-877-336-2627).

TABLE 2—STATUS OF REQUIREMENTS FOR THE PROPOSED DFW 1997 8-HOUR OZONE SERIOUS NONATTAINMENT AREA—Continued

Requirement	Status	Action needed or date approved by EPA
Transportation control 182(c)(5)	Transportation controls in place under the 1997 8-hr ozone moderate nonattainment area SIP.	Adopt transportation controls as needed in the serious nonattainment area and submit to EPA for approval.
50 tpy threshold for VOCs 182(c)	Implemented in all 9 counties	July 17, 2008 (73 FR 40972).
50 tpy threshold for NO <sub>x</sub>	Implemented in all 9 counties	December 3, 2008 (73 FR 73562).
De minimis rule 182(c)(6)	Implemented in core counties	Must be expanded to all 9 counties.
Special rule for modifications of sources emitting less than 100 tons. 182(c)(7).	Implemented in core counties	Must be expanded to all 9 counties.
Special rule for modifications of sources emitting 100 tons or more. 182(c)(8).	Implemented in core counties	Must be expanded to all 9 counties.
Contingency provisions 182(c)(9)	Due 1 year from the effective date of the final rulemaking for this action.	Must be submitted to EPA for approval.
Offsets of 1.2 to 1 182(c)(10)	Implemented in core counties	Must be expanded to all 9 counties.
Stage II vapor recovery	Implemented in core counties	Submit evidence of widespread use or expand Stage II SIP to all 9 counties. <sup>4</sup>

**IV. Proposed Action**

Pursuant to section 181(b)(2) of the Act, EPA is proposing to determine, based on certified, quality-assured monitoring data for 2007–2009, that the DFW area did not attain the 1997 8-hour ozone standard by the applicable June 15, 2010 attainment deadline. If EPA finalizes this determination, upon the effective date of the final determination DFW will be reclassified by operation of law as a serious 1997 8-hour ozone nonattainment area. Pursuant to section 182(i) of the Act, EPA is also proposing the schedule for submittal of the SIP revisions required for serious areas once the DFW area is reclassified. We propose that Texas submit the required SIP revisions for the serious attainment demonstration, RFP, RACT, contingency measures, and for all other serious area measures required under CAA section 182(c) to EPA no later than one year after the effective date of the final rulemaking for this reclassification; except that we propose that Texas submit the required SIP revision for the Stage II vapor recovery to EPA no later than two years after the effective date of the final rulemaking for this reclassification, pursuant to section 182(b)(3)(A) of the Act.

**V. Statutory and Executive Order Reviews**

Under section 181(b)(2) of the CAA, a determination of nonattainment is a factual determination based upon air quality considerations and the resulting reclassification must occur by operation of law. A determination of nonattainment and the resulting

reclassification of a nonattainment area by operation of law under section 181(b)(2) does not in and of itself create any new requirements, but rather applies the requirements contained in the Clean Air Act. For these reasons, this proposed action:

- Is not a “significant regulatory action” subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the Clean Air Act; and
- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using

practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, this rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the SIP is not approved to apply in Indian country located in the state, and EPA notes that it will not impose substantial direct costs on tribal governments or preempt tribal law.

**List of Subjects in 40 CFR Part 81**

Environmental protection, Air pollution control, National parks, Wilderness areas.

**Authority:** 42 U.S.C. 7401 *et seq.*

Dated: July 28, 2010.

**Lawrence E. Starfield,**

*Acting Regional Administrator, Region 6.*

[FR Doc. 2010–19574 Filed 8–6–10; 8:45 am]

**BILLING CODE 6560–50–P**

**DEPARTMENT OF HOMELAND SECURITY**

**Federal Emergency Management Agency**

**44 CFR Part 67**

[Docket ID FEMA–2008–0020; Internal Agency Docket No. FEMA–B–1060]

**Proposed Flood Elevation Determinations**

**AGENCY:** Federal Emergency Management Agency, DHS.

**ACTION:** Proposed rule; correction.

**SUMMARY:** On July 2, 2009, FEMA published in the **Federal Register** a proposed rule that contained an erroneous table. This notice provides corrections to that table, to be used in

<sup>7</sup> In 2005, the Texas Legislature repealed the Texas Clean Fuel Fleet substitute program. As a result, Texas must submit an equivalency demonstration. See 75 FR 27514, beginning on page 27524 (May 17, 2010).

lieu of the information published at 74 FR 31656. The table provided here represents the flooding sources, location of referenced elevations, effective and modified elevations, and communities affected for Cumberland County, Maine (All Jurisdictions). Specifically, it addresses the following flooding sources: Atlantic Ocean, Bonny Eagle Pond, Casco Bay, Crescent Lake, Dock Brook, Elkins Brook, Fore River, Highland Lake, Jackson Brook, Presumpscot River, and Saco Bay.

**DATES:** Comments are to be submitted on or before November 8, 2010.

**ADDRESSES:** You may submit comments, identified by Docket No. FEMA-B-1060, to Kevin C. Long, Acting Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646-2820 or (e-mail) [kevin.long@dhs.gov](mailto:kevin.long@dhs.gov).

**FOR FURTHER INFORMATION CONTACT:** Kevin C. Long, Acting Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 500 C Street, SW.,

Washington, DC 20472, (202) 646-2820 or (e-mail) [kevin.long@dhs.gov](mailto:kevin.long@dhs.gov).

**SUPPLEMENTARY INFORMATION:** The Federal Emergency Management Agency (FEMA) publishes proposed determinations of Base (1% annual-chance) Flood Elevations (BFEs) and modified BFEs for communities participating in the National Flood Insurance Program (NFIP), in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed BFEs and modified BFEs, together with the floodplain management criteria required by 44 CFR 60.3, are minimum requirements. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations are used to meet the floodplain management requirements of the NFIP and also are used to calculate the appropriate flood

insurance premium rates for new buildings built after these elevations are made final, and for the contents in those buildings.

**Corrections**

In the proposed rule published at 74 FR 31656, in the July 2, 2009, issue of the **Federal Register**, FEMA published a table under the authority of 44 CFR 67.4. The table, entitled "Cumberland County, Maine, and Incorporated Areas" addressed the following flooding sources: Atlantic Ocean, Casco Bay, Crescent Lake, Fore River, Jackson Brook, Presumpscot River, and Saco Bay. That table contained inaccurate information as to the location of referenced elevation, effective and modified elevation in feet, or communities affected for these flooding sources. In addition, it did not include the following flooding sources: Bonny Eagle Pond, Dock Brook, Elkins Brook, and Highland Lake. In this notice, FEMA is publishing a table containing the accurate information, to address these prior errors. The information provided below should be used in lieu of that previously published.

Flooding Source(s)	Location of Referenced Elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ^ Elevation in meters (MSL)		Communities Affected
		Effective	Modified	
<b>Cumberland County, Maine (All Jurisdictions)</b>				
Atlantic Ocean .....	Along the shoreline at the intersection of Hannaford Cove Road, Cunner Lane, and Rocky Point Lane.	+8	+12	Town of Cape Elizabeth.
	Along the shoreline, approximately 1,050 feet east of the intersection of Shore Road and Dyer Pond Road.	None	+42	
Bonny Eagle Pond .....	Entire shoreline within the Town of Standish .....	None	+268	Town of Standish.
Casco Bay .....	Along the shoreline, approximately 625 feet south of the intersection of Tondreau Point Road and Birch Run.	+8	+10	City of Portland, City of South Portland, Town of Cape Elizabeth, Town of Cumberland, Town of Harpswell.
	Along the shoreline, approximately 100 feet east of the intersection of Bluff Road and Cloyster Road.	None	+41	
Crescent Lake .....	Along the shoreline at Edwards Road .....	None	+278	Town of Casco.
Dock Brook .....	Just upstream of the confluence with Kezar Pond .....	None	+384	Town of Bridgton.
	Approximately 1.1 mile northwest of the intersection of White Mountain Way and Davids View, at the Town of Bridgton corporate limits.	None	+384	
Elkins Brook .....	Just upstream of the confluence with Kezar Pond .....	None	+384	Town of Bridgton.
	Approximately 1,400 feet northeast of High Street, at the Town of Bridgton corporate limits.	None	+384	
Fore River .....	Along the shoreline, at the terminus of Holyoke Wharf	+9	+10	City of Portland, City of South Portland.
	Along the shoreline, at the terminus of Portland Street.	None	+13	
Highland Lake .....	Entire shoreline within the Town of Windham .....	None	+192	Town of Windham.
Jackson Brook .....	Approximately 1,500 feet south of the intersection of Thomas Drive and County Road.	None	+45	City of Portland.
Presumpscot River .....	Approximately 1,250 feet west of the intersection of Cardinal Lane and River Road.	None	+225	Town of Standish.

Flooding Source(s)	Location of Referenced Elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ^ Elevation in meters (MSL)		Communities Affected
		Effective	Modified	
Saco Bay .....	Along the shoreline, approximately 1,200 feet west of the intersection of Ferry Road and Black Point Road.	None	+12	Town of Scarborough.
	Along the shoreline at the intersection of Black Point Road and Whittier Lane.	+8	+24	

\* National Geodetic Vertical Datum.

+ 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 Kevin C. Long, Acting Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472.

**ADDRESSES**

**City of Portland**

Maps are available for inspection at City Hall, 389 Congress Street, Portland, ME 04101.

**City of South Portland**

Maps are available for inspection at City Hall, 25 Cottage Road, South Portland, ME 04106.

**Town of Bridgton**

Maps are available for inspection at 3 Chase Street, Bridgton, ME 04009.

**Town of Cape Elizabeth**

Maps are available for inspection at the Town Hall, 320 Ocean House Road, Cape Elizabeth, ME 04107.

**Town of Casco**

Maps are available for inspection at the Town Hall, 635 Meadow Road, Casco, ME 04015.

**Town of Cumberland**

Maps are available for inspection at the Town Hall, 290 Tuttle Road, Cumberland, ME 04021.

**Town of Harpswell**

Maps are available for inspection at the Town Hall, 263 Mountain Road, Harpswell, ME 04079.

**Town of Scarborough**

Maps are available for inspection at the Town Hall, 259 U.S. Route 1, Scarborough, ME 04074.

**Town of Standish**

Maps are available for inspection at the Town Office, 175 Northeast Road, Standish, ME 04084.

**Town of Windham**

Maps are available for inspection at 8 School Road, Windham, ME 04062.

(Catalog of Federal Domestic Assistance No. 97.022, "Flood Insurance.")

Dated: July 29, 2010.

**Sandra K. Knight,**

*Deputy Federal Insurance and Mitigation Administrator, Mitigation, Department of Homeland Security, Federal Emergency Management Agency.*

[FR Doc. 2010-19550 Filed 8-6-10; 8:45 am]

BILLING CODE 9110-12-P

**DEPARTMENT OF TRANSPORTATION**

**Office of the Secretary**

**49 CFR Parts 27, 37, and 38**

**[Docket No. OST-2006-23985]**

**RIN 2105-AD54**

**Transportation for Individuals With Disabilities**

**AGENCY:** Office of the Secretary (OST), U.S. Department of Transportation (DOT).

**ACTION:** Notice of Public Meeting and Extension of Comment period.

**SUMMARY:** The Department of Transportation is holding a public meeting on August 20, 2010, concerning the Department's pending rulemaking to amend its Americans with Disabilities Act (ADA) rules. In connection with the meeting, the comment period on this

will be reopened briefly, from August 19-25, 2010.

**DATES:** The public meeting will be held on August 20, 2010. The reopened comment period on the rulemaking will extend from August 19 through August 25, 2010.

**ADDRESSES:** You may submit comments (identified by the agency name and DOT Docket ID Number OST-2006-23985) by any of the following methods:

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov> and follow the online instructions for submitting comments.
- *Mail:* Docket Management Facility: U.S. Department of Transportation, 1200 New Jersey Avenue, SE., West Building Ground Floor, Room W12-140, Washington, DC 20590-0001
- *Hand Delivery or Courier:* West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., between



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## DEPARTMENT OF HOMELAND SECURITY

### Federal Emergency Management Agency

#### Proposed Flood Elevation Determinations

**AGENCY:** Federal Emergency Management Agency (FEMA, Department of Homeland Security)

**SUMMARY:** Technical information or comments are solicited on the proposed and proposed modified Base (1-percent-annual-chance) Flood Elevations (BFEs) shown on the Preliminary revised Flood Insurance Study (FIS) report and Flood Insurance Rate Map (FIRM) for your community. Comments on any aspect of the FIS and FIRM, other than the proposed BFEs, will also be considered. These BFEs and modified BFEs are the basis for the floodplain management measures that your community is required to either adopt or show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP). In addition these BFEs, once finalized, will be used by insurance agents, and others to calculate the appropriate flood insurance premium rates for new buildings and the contents in these buildings.

**DATES & SUBMISSION:** The appeal period begins following the second publication of the Notice of this proposed BFE determination in a newspaper of local circulation in your community and ends 90 days thereafter. All comments and/or appeals must be submitted no later than 90 days after the second publication of the Notice in the local newspaper to:

**City of Portland:** The Honorable Nicholas Mavodones, Jr., Mayor, City of Portland, City Hall, 389 Congress Street, Portland, ME 04101

**City of South Portland:** The Honorable Tom Coward, Mayor, City of South Portland, City Hall, 25 Cottage Road, South Portland, ME 04106

**Town of Bridgton:** Arthur D. Triglione Sr., Chairperson, Board of Selectmen, 3 Chase Street, Suite 1, Bridgton, ME 04009

**Town of Cape Elizabeth:** Anne Swift-Kayatta, Chairperson, Town Council, Town Hall, P.O. Box 6260, 320 Ocean House Road, Cape Elizabeth, ME 04107

**Town of Casco:** Barbara A. York, Chairperson, Town Council, Town Hall, P.O. Box 60, 635 Meadow Road, Casco, ME 04015

**Town of Cumberland:** Ronald Copp, Jr, Chairperson, Town Council, Town Hall, 290 Tuttle Road, Cumberland, ME 04021

**Town of Harpswell:** James S. Henderson, Chairperson, Board of Selectmen, Town Hall, P.O. Box 39, 263 Mountain Road, Harpswell, ME 04079

**Town of Scarborough:** Carol S. Rancourt, Chairperson, Town Council, Town Hall, P.O. Box 360, 259 U.S. Route 1, Scarborough, ME 04070

**Town of Standish:** Cynthia Hopkins, Chairperson, Town Council, Town Office, 175 Northeast Road, Standish, ME 04084

**Town of Windham:** William Tracy, Chairperson, Town Council, Town Hall, 8 School Road, Windham, ME 04062

**ADDRESSES:** The FIS and FIRM showing the proposed and proposed modified BFEs can be viewed at:

**City of Portland:** City Hall, 389 Congress Street, Portland, ME 04101

**City of South Portland:** City Hall, 25 Cottage Road, South Portland, ME 04106

**Town of Bridgton:** Town Hall, 3 Chase Street, Bridgton, ME 04009

**Town of Cape Elizabeth:** Town Hall, 320 Ocean House Road, Cape Elizabeth, ME 04107

**Town of Casco:** Town Hall, 635 Meadow Road, Casco, ME 04015

**Town of Cumberland:** Town Hall, 290 Tuttle Road, Cumberland, ME 04021

**Town of Harpswell:** Town Hall, 263 Mountain Road, Harpswell, ME 04079

**Town of Scarborough:** Town Hall, 259 U.S. Route 1, Scarborough, ME 04074

**Town of Standish:** Town Office, 175 Northeast Road, Standish, ME 04084

**Town of Windham:** Town Hall, 8 School Road, Windham, ME 04062

Lessees and owners of real property are encouraged to review the FIS report, FIRM, and related materials.

**FOR ADDITIONAL INFORMATION CONTACT:** Kevin C. Long, Acting Chief, Chief Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, Department of Homeland Security, 500 C Street SW, Washington, DC 20472. Telephone number (202) 646-2820.

**SUPPLEMENTARY INFORMATION:** FEMA gives notice of the proposed determinations of BFEs and modified BFEs in accordance with Section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These BFEs, with the floodplain management measures required by 44 CFR 60.3, are the minimum measures that are required. It should not be construed to mean your community must change any existing ordinances that are more stringent in its floodplain management requirements. Your community may, at any time, enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed and proposed modified BFEs are used to meet the floodplain management requirements of the NFIP and are also used to calculate the appropriate flood insurance premium rates for new buildings built after the BFEs are finalized, and for the contents in those buildings.

Pursuant to the provisions of 5 U.S.C. 605(b), the Director for Mitigation, to whom authority has been delegated by the Director of FEMA, hereby certifies that the proposed BFE determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. A BFE determination under Section 1363 forms the basis for new local ordinances, which, if adopted by a community, will govern future construction within the floodplain area. By themselves, the BFE determinations impose no restriction unless and until the community voluntarily adopts floodplain ordinances in accord with these BFEs. Even if ordinances are adopted in compliance with Federal standards, the BFEs only prescribe building height in the floodplain and do not prohibit development. Thus, this action only forms the basis for future local actions. It imposes no new requirement; by itself, it has no economic impact.

Appellants must itemize each issue as an appeal or a comment. Appellants must identify themselves as the owner or lessee of property within the community, indicate how they heard about the proposed map change; describe how they believe their property rights have been adversely impacted within areas where new BFEs are proposed, and specify how the requirements of 44 CFR 67.6 have been met. Appellants should provide all other information they believe is helpful to the process that does not meet the conditions of being a formal appeal. Such information is considered a comment. Comments that are submitted within the appeal period that object to information on the FIRM or in the FIS report are called Protests. The issues raised (appeals and, comments) will be reviewed in aggregate and not addressed individually. Information must be sent directly to the community CEO. Any information submitted directly to FEMA without evidence that it was sent to the CEO within 90 days of the second publication in the local newspaper will be considered a comment.

During the formal appeal period, a community official or individual property owner may want to object to information shown on the FIRM, FBFM or FIS report. If the objection does not involve the proposed BFEs, it does not, in accordance with 44 CFR 67 constitute an appeal. Such objections are called protests, and protests should be sent directly to the community CEO and not to FEMA.

Individuals providing information and comments who have been determined by FEMA to meet the criteria of "appellant" as articulated in 44 CFR 67.5 will be sent a copy of the CEO letter, which name them as appellants. This letter will be issued within 180 days of the second publication in the local newspaper. Individuals who only provide comments and protests will not be notified. However, the information they submit will be considered in finalizing the BFEs. The resolution of the appeal will be sent to the CEO and a copy sent to the appellants.

**PROPOSED AND MODIFIED BASE FLOOD ELEVATIONS**

The new elevations being proposed are given in the table below for the upstream and downstream limits of the flooding sources.

Community	Flooding Source	Location	Lat/Long Coordinates	* Elevation in feet (NGVD) <sup>1</sup> + Elevation in feet (NAVD) <sup>2</sup> # Depth in feet above ground <sup>3</sup> ^ Elevation in meters (MSL) <sup>4</sup>	
				Existing	Modified
Town of Cape Elizabeth	Atlantic Ocean	Along the shoreline at the intersection of Hannaford Cove Road, Cunner Lane, and Rocky Point Lane	43° 34' 085.78" -70° 12' 06.929"	+ 8	+ 12
		Along the shoreline, approximately 1,050 feet east of the	43° 37' 06.819" -70° 12'	None	+ 42

		intersection of Shore Road and Dyer Pond Road	37.220"		
Town of Standish	Bonny Eagle Pond	Entire shoreline within the Town of Standish	43° 41' 31.986" -70° 34' 59.423"	None	+ 268
City of Portland City of South Portland Town of Cape Elizabeth Town of Cumberland Town of Harpswell	Casco Bay	Along the shoreline, approximately 625 feet south of the intersection of Tondreau Point Road and Birch Run	43° 49' 53.473" -69° 54' 44.878"	+ 8	+ 10
		Along the shoreline, approximately 100 feet east of the intersection of Bluff Road and Cloyster Road	43° 38' 14.064" -70° 13' 22.579"	None	+ 41
Town of Casco	Crescent Lake	Along the shoreline at Edwards Road	43° 59' 20.30" -70° 27' 41.33"	None	+ 278
Town of Bridgton	Dock Brook	Just upstream of the confluence with Kezar Pond	44° 5' 10.741" -70° 51' 46.180"	None	+ 384
		Approximately 1.1 mile northwest of the intersection of White Mountain Way and Davids View, at the Town of Bridgton corporate limits	44° 5' 42.897" -70° 51' 30.757"	None	+ 384
Town of Bridgton	Elkins Brook	Just upstream of the confluence with Kezar Pond	44° 4' 45.045" -70° 51' 57.669"	None	+ 384
		Approximately 1,400 feet northeast of High Street, at the Town of Bridgton corporate limits	44° 3' 35.149" -70° 51' 30.366"	None	+ 384
City of Portland City of South Portland	Fore River	Along the shoreline, at the terminus of Holyoke Wharf	43° 39' 16.539" -70° 15' 08.108"	+ 9	+ 10
		Along the shoreline, at the terminus of Portland Street	43° 39' 02.170" -70° 14' 30.344"	None	+ 13
Town of Windham	Highland Lake	Entire shoreline within the Town of Windham	43° 45' 58.725" -70° 21' 26.239"	None	+ 192
City of Portland	Jackson Brook	Approximately 1,500 feet south of the intersection of Thomas Drive and County Road	43° 38' 45.74" -70° 20' 31.70"	None	+ 45
Town of Standish	Presumpscot River	Approximately 1,250 feet west of the intersection of Cardinal Lane and River Road	43° 49' 1.13" -70° 26' 56.86"	None	+ 225
Town of Scarborough	Saco Bay	Along the shoreline, approximately 1,200 feet west of the intersection of Ferry Road and Black Point Road	43° 32' 24.357" -70° 19' 09.192"	None	+ 12
		Along the shoreline at the intersection of Black Point Road and Whittier Lane	43° 32' 00.500" -70° 19' 05.223"	+ 8	+ 24

All elevations referenced to the North American Vertical Datum of 1988 (NAVD).

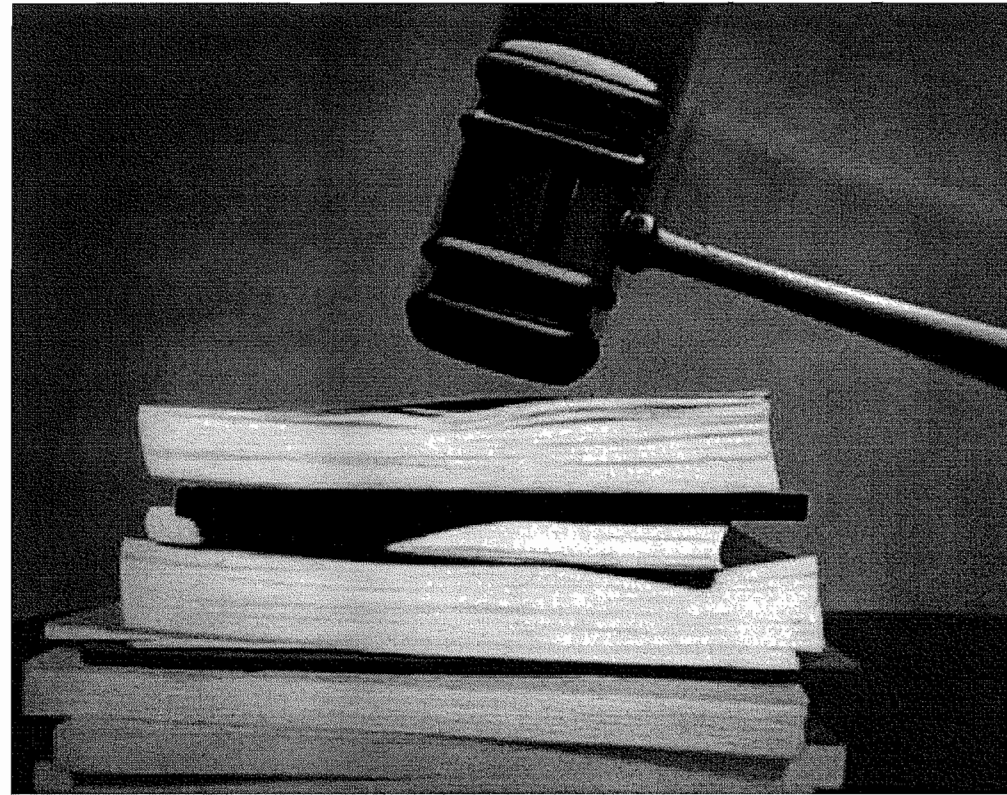
<sup>1</sup>National Geodetic Vertical Datum of 1929, rounded to nearest whole foot

<sup>2</sup>North American Vertical Datum of 1988, rounded to nearest whole foot

<sup>3</sup>Depth in feet above ground, rounded to nearest whole foot

<sup>4</sup>Mean Sea Level, rounded to the nearest 0.1 meter

Last Updated: Thursday, August 19, 2010



# National Flood Insurance Program Regulations

FEMA F-775 / June 2009



**FEMA**

# FEMA Laws and Regulations and the National Flood Insurance Program

## 1. Flood Insurance related laws and regulations

The FEMA regulations are set forth in 44 Code of Federal Regulations (CFR). This book of Federal regulations is updated yearly, the FEMA regulations are updated every October 1.

Once you are in the 44 CFR, go to the specific chapter title you are looking for (links to each chapter are listed below).

The National Flood Insurance Program (NFIP) regulations, a part of the FEMA Regulations, begins at 44 CFR 59, and runs through 44 CFR 80. Keep in mind that many of these parts are mitigation-related as well as being Flood insurance-related since much of the programs are intertwined, as you can see from the titles of each chapter below. The main area for flood insurance and the Standard Flood Insurance Policies are Chapter, or Part, 61 through 63.

44	CFR SUBCHAPTER B--INSURANCE AND HAZARD MITIGATION
59	59.1 To 59.30 General Provisions
60	60.1 To 60.26 Criteria For Land Management And Use
61	61.1 To 61.17 Insurance Coverage And Rates
62	62.1 To 62.24 Sale Of Insurance And Adjustment Of Claims
63	63.1 To 63.18 Implementation Of Section 1306(C) Of The National Flood Insurance Act Of 1968
64	64.1 To 64.6 Communities Eligible For The Sale Of Insurance
65	65.1 To 65.17 Identification And Mapping Of Special Hazard Areas
66	66.1 To 66.5 Consultation With Local Officials

67	67.1 To 67.12	Appeals From Proposed Flood Elevation Determinations
68	68.1 To 68.12	Administrative Hearing Procedures
69	[Reserved]	
70	70.1 To 70.9	Procedure For Map Correction
71	71.1 To 71.5	Implementation Of Coastal Barrier Legislation
72	72.1 To 72.7	Procedures And Fees For Processing Map Changes
73	73.1 To 73.4	Implementation Of Section 1316 Of The National Flood Insurance Act Of 1968
74	[Reserved]	
75	75.1 To 75.14	Exemption Of State-Owned Properties Under Self-Insurance Plan
76-77	[Reserved]	
78	78.1 To 78.14	Flood Mitigation Assistance
79	79.1 To 79.9	Flood Mitigation Grants
80	80.1 To 80.21	Property Acquisition And Relocation For Open Space

Then National Flood Insurance Program began in 1968 following a series of large hurricanes and storms, as noted in the initial law and those that followed. (42 U.S.C. 4001 et seq.). These laws became the regulations set forth above. The National Flood Insurance Act of 1968 and the Flood Disaster Protection Act of 1973 also alternate NFIA of 1968 and FDPA of 1973

**National Flood Insurance Reform Act of 1994** resulted in major changes to the National Flood Insurance Program (NFIP). The law amended the Flood Disaster Protection Act of 1973. It provides tools to make the NFIP more effective in achieving its goals of reducing the risk of flood damage to properties and reducing Federal expenditures for uninsured properties that are damaged by floods. View the National Flood Insurance Reform Act of 1994 NFIRA thru the FEMA Library.

In 2004, Congress amended the above laws by enacting the Flood Insurance Reform Act (FIRA) 2004

## 2. Disaster Relief and Emergency Management

Other laws and related material you may hear about include some of the mitigation laws, including the following:

The Stafford Disaster Relief and Emergency Assistance Act (Public Law 93-288) (Stafford Act) amended the Disaster Relief Act of 1974, PL 93-288. This Act constitutes the statutory authority for most Federal disaster response activities especially as they pertain to FEMA and FEMA programs.

The Pre-disaster Mitigation Grant program is authorized through the Disaster Mitigation Act (DMA) which amends the Stafford Act;

The Mitigation Directorate has a regulations development page;  
[http://online.fema.net/res\\_regulation.htm](http://online.fema.net/res_regulation.htm)

## 3. Other useful sites

The site to find all regulations is at the National Archives, Federal Register

Daily Federal Registers

The Government Accounting Office (GAO)

The FEMA Federal Register Notices and Rules Archives

FEMA acronyms, Abbreviations and Terms (FAAT)



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