

**From:** [REDACTED]  
**Sent:** Monday, November 13, 2000 2:24 PM  
**To:** mike buckley  
**Cc:** [REDACTED]; todd davison; matt miller, mark vieira; [REDACTED];  
[REDACTED]; doug bellomo; [REDACTED]  
**Subject:** meeting regarding final issues/resolution

Mike,

On behalf of Columbia Venture, LLC ("Columbia Venture"), I want to follow-up on some of the points you raised in the October 18, 2000 meeting regarding the procedural requirements associated with a proposed encroachment on a regulatory floodway, as well as comment on the analyses and technical data provided by Columbia Venture, LLC and its engineering consultants, Lockwood Greene, with respect to the computation of the Congaree River floodway as delineated in the September 26, 2000 map. I believe the two meetings we have had since its issuance have substantially narrowed the technical differences between FEMA and Columbia Venture. I believe another meeting between our engineering consultants and FEMA will provide an important opportunity to close the gap and facilitate resolution of the remaining issues.

At the same time, I want to bring to your attention certain procedural concerns on the part of Columbia Venture that I believe can be mitigated by the technical resolution we have proposed. As you know, in 1994, FEMA certified to the South Carolina Department of Transportation ("SCDOT") that its proposed 12th Street connector to I-326 (the "12th Street Project") complied with the requirements of the National Flood Insurance Program ("NFIP") by moving the floodway boundaries on the Lexington County side of the Congaree River specifically to exclude the 12th Street Project, while at the same time extending the boundaries on the Richland County side. These changes, however, were made without proper notice to property owners in Richland County (as required by 44 C.F.R. § 65.12), a fact which was confirmed to me by FEMA staff last year. The failure to provide proper notice at the time the proposed amendments were first considered was later exacerbated by the fact that these changes were not reflected in the 1995 map -- nor were they incorporated in the letter of final determination which was issued one year after the amendments were, in fact, approved by FEMA.

The lack of notice has adversely affected the rights of property owners on the Richland County side. First, the property owners, with proper notice, could have exercised their procedural rights to participate in the review of the data submitted by the SCDOT and could have submitted technical analyses and data from their own experts. And second, to the extent that the floodway widths were computed on the basis that the existing levee system on the Richland County side did not meet FEMA standards, the property owners had the legal right to seek to upgrade the levees to protect their property rights while such system was still outside of the floodway -- a less costly and cumbersome process than when such a system is already deemed to be within a delineated floodway. But for this failure to provide notice, property owners on the Richland County side would not find themselves in their present predicament.

While I understand that FEMA also shares the concern that the Richland County property owners may not have been accorded full due process in this period, I want to emphasize that it is the position of Columbia Venture that the September 2000 map can still serve as the basis for resolving the limited number of technical issues remaining. In particular, we continue to maintain that Columbia Venture's concerns can be satisfactorily resolved, as explained in our earlier provided comments, if FEMA employed the Lexington BFE HEC-2 model to determine the final boundaries of the Lexington floodway. As demonstrated by the analyses and data provided by Lockwood Greene, the Lexington model is technically correct and will show, consistent with the FEMA regulations, that the Lexington floodway elevation is above the Lexington base flood elevation. In contrast, however, the Richland County BFE HEC-2 model, if it is utilized instead, would produce a technically inappropriate result by showing that the Lexington floodway elevation is below, not above, the Lexington base flood elevation.

Accordingly, I would respectfully request an opportunity for Columbia Venture to meet with you and appropriate FEMA staff at your earliest convenience in order to resolve these final technical issues.

Sincerely,

[REDACTED]

Consultant to Columbia Venture

[REDACTED]