

**Trina Hembree**

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**From:** Baron, Wayne R. [WBaron@state.nd.us]  
**Sent:** Thursday, February 14, 2002 4:30 PM  
**To:** 'thembree@csg.org'  
**Cc:** Friez, Douglas C.; Scott, Patrick M.  
**Subject:** Comments on Proposed Rule and FEMA/State MOU

Trina: North Dakota previously submitted comments to Sharon Hordesky regarding elements contained in the FEMA/State MOU (copy attached). The updated draft FEMA/State MOU does not adequately address those concerns.

<<Federal State MOU Changes.doc>>

In addition, ND DEM has identified two additional areas which warrant discussion.

The current FEMA/State MOU has eliminated the provision allowing for amendment of the FEMA/State MOU. The elimination of this provision excludes our ability to negotiate for special circumstances and increased involvement in appeals and cases requiring state input. ND DEM recommends inclusion of a provision allowing for amendment of the MOU.

The current FEMA/STATE MOU requires the submittal of a management plan within 5 days of the execution of the FEMA/State MOU. 5 days is inadequate to prepare a management plan delineating responsibilities, functions, procedures, administration and audit provisions. ND DEM recommends a 45 day time frame for the submittal of a management plan.