



January 17, 2007

MEMORANDUM FOR: Community Floodplain Administrators in (*your county name here*) County

FROM: Eric Simmons, Engineer
Federal Emergency Management Agency (FEMA)

SUBJECT: Request for Existing Certification Documents for Levees Recognized on Effective Flood Insurance Rate Maps

This memorandum requests your assistance in obtaining current levee certification documents from the owners of levees that are recognized (accredited) on the effective Flood Insurance Rate Maps (FIRMs) for communities in (*your county name here*) County. This is an essential step in the processing of the new countywide Digital Flood Insurance Rate Map (DFIRM) that is being prepared for your community.

Our review of the effective FIRMs for (*your county name here*) shows that the levees listed on an attachment to this memo were recognized as providing protection from the flood that has a 1 percent chance of being equaled or exceeded in any given year, also known as the base flood. That recognition was based on information available and the mapping standards of the National Flood Insurance Program (NFIP) at the time the flood insurance study was done for that area.

The November 15, 2006, memorandum to you from Les Sakumoto, who recently retired, described the current DFIRM production schedule. That memorandum also notified you of FEMA Headquarters Procedure Memoranda 34 and 43 that deal with levees for communities that will have their maps converted to DFIRMs. For the purposes of NFIP mapping, FEMA only recognizes in its flood hazard and risk mapping effort those levee systems that meet, and continue to meet, the minimum design, operation and maintenance standards specified in the NFIP regulations that were adopted in 1986 in Title 44 of the Code of Federal Regulations (CFR), Section 65.10 (44 CFR 65.10). For FEMA to continue showing these levee systems as providing protection, the owner of each levee, the community being protected or another party seeking recognition must provide documentation that the levee system meets the current standards in 44 CFR 65.10. Levees that were recognized on FIRMs by flood insurance studies produced before these 1986 standards were adopted were not certified against these levee standards.

FEMA is asking for information from levee owners or representatives in two phases that correspond with the two rounds of outreach meetings that are being held. This memorandum initiates the first phase, and is being issued in conjunction with the first round outreach meeting with local government officials in (*your county name here*) County. At this time, we request that you work with us to identify the owners of levee systems on the attached map that are shown as providing protection from the 1% chance per year flood to provide them with a copy of this memo requesting information about their levee or levee system. First, we are asking each of these levee owners to confirm which levees they own or are responsible for by listing the levee segment numbers on the attached map (such as P124, etc.) that belong to them. Then we are asking the owners of those levees that were certified/accredited after 1986 to provide a copy of the certification documents and back up data described in more detail below. We are also asking the owners of those levees that were never certified against the 1986 FEMA levee standards to tell us if they intend to have their levee certified as meeting the FEMA levee standards, or if they do not intend to have the levee certified. This information should be provided within 30 days of the date of this memo. We are aware that some of the larger Reclamation Districts and Flood Control Agencies may have levees in both of these categories so it is important to clearly differentiate between them.

All levee ownership confirmations, certification letters and documentation and statements of intent about future certification should be sent to the following address:

Nolte Associates, Inc.
15070 Avenue of Science, Suite 100
San Diego, CA 92128
(Attn: Scott Lyle, P.E.)

The second phase will be initiated at the time of the next round of outreach meetings in a few months. At that time, we will notify you which levees in your community will be eligible for the Provisionally Accredited Levee (PAL) designation, as per FEMA Procedure Memorandum 43. Your community or the levee owner may have the option of either submitting certification documents right away or signing a PAL agreement document within 90 days that commits your community or the levee owner to provide necessary levee certification documents within 2 years. More information on the PAL requirements and process will be provided at the first and second round outreach meetings.

The information provided about the levees that have been certified should include a copy of the adopted operation and maintenance plan, records of levee maintenance and operation, and results of tests of any mechanized interior drainage systems. For levee systems designed by the U.S. Army Corps of Engineers (USACE) or other Federal agency with responsibility for levee design, an official agency letter certifying that the levee has been adequately designed and constructed to provide protection against the base flood may be submitted instead of certification data from a Professional Engineer. If levee certification information cannot be provided in 30 days for levees on the attached list, please inform us of when the documentation can be provided.

After receiving levee certification documents, we will notify the individual who submitted the data whether or not additional information must be submitted regarding the requirements of 44 CFR 65.10. This additional information may include:

- Certification by a registered Professional Engineer that the 44 CFR 65.10 data and documentation submitted at the time of the original study are still pertinent and meet the criteria of 44 CFR 65.10(b).
- Updated survey data demonstrating that levee meets the minimum freeboard criteria of 44 CFR 65.10(b)(1).
- A written assessment of the performance of the levee system in any actual flood event(s) from the agency official responsible for levee operation.
- Results of a site visit by a registered Professional Engineer assessing the current condition of the levee.
- Assessment of the extent of underseepage or other geotechnical concerns.
- Verification that the levee system has been maintained in accordance with an officially adopted maintenance plan and any deficiencies have been corrected. This verification is to be provided by the entity assuming the ultimate responsibility for maintenance.

To provide more information, a document titled “Levee Certification Submittals” is attached.

FEMA will continue working with local officials in efforts to obtain adequate certification documentation for levee systems shown on an effective FIRM as providing protection for your community. However, if adequate documentation is not provided for a levee system on this list or a PAL designation is not made by the end of the 90-day PAL agreement offer, the new countywide DFIRM for (*your county name here*) County can not show that levee as providing protection from the base flood. The second phase of levee certification coordination for (*your county name here*) County is expected to begin in a few months. Preliminary Countywide FIRMs are anticipated to be issued approximately 90 days after the second outreach meeting, with effective countywide DFIRMs approximately one year later. These dates were provided in FEMA’s November 15, 2006 memorandum to your community.

If you have any questions or comments on the information and requests for information covered in this memo, please contact Jack Eldridge at 707-495-9533 (cell), 510-879-0956 (office), or john.eldridge@mapmodteam.com. I am also available to answer your questions at 510-627-7029.

Thank you for your attention to this matter.

Attachments:

- 1) Map of (*your county name here*) County – Levee Status (Draft)
- 2) List of Protecting Levees and Levee Like Structures
- 3) Title 44 of the Code of Federal Regulations (CFR), Section 65.10 (44 CFR 65.10): Mapping of Areas Protected by Levee Systems
- 4) Levee Certification Submittals