U.S. Department of Homeland Security
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FEMA

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MEMORANDUM FOR: Mitigation Division Directors
Regions I - X

FROM: David I. Maurstad
Director
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SUBJECT: Revised Procedure Memorandum No. 43 - Guidelines for Identifying Provisionally Accredited Levees

Background: Early in the implementation of Flood Map Modernization (Map Mod), the Department of Homeland Security's Federal Emergency Management Agency (FEMA) recognized that the role of levees in flood risk reduction would be an important part of the efforts of Map Mod. Further, it was acknowledged that the condition of levees had not been assessed since they were originally mapped as providing base (1-percent-annual-chance) flood protection. Because of this, FEMA initiated a revised process to gain a better understanding of the actual flood risks for those citizens living and working behind levees nationwide.

On August 22, 2005, FEMA issued Procedure Memorandum No. 34 - Interim Guidance for Studies Including Levees. The purpose of the memorandum was to help clarify the responsibility of community officials or other parties seeking recognition of a levee by providing information identified during a study/mapping project. Often, documentation regarding levee design, accreditation, and the impacts on flood hazard mapping is outdated or missing altogether. To remedy this, Procedure Memorandum No. 34 provides interim guidance on procedures to minimize delays in near-term studies/mapping projects, to help our mapping partners properly assess how to handle levee mapping issues.

Issue: Levee owners or communities have the responsibility to provide documentation that a levee meets the requirements of Title 44 of the Code of Federal Regulations, Section 65.10 of the National Flood Insurance Program regulations (44 CFR Section 65.10), as part of a study/mapping project. Without the required documentation necessary to comply with 44 CFR Section 65.10, the area behind the levee will be re-delineated and mapped as Special Flood Hazard Area on the Digital Flood Insurance Rate Map (DFIRM). Procedure Memorandum No. 34 allows for the issuance of a deadline to the community for submitting the required documentation.

All policy and standards in this document have been superseded by the FEMA Policy for Flood Risk Analysis and Mapping.
However, the document contains useful guidance to support implementation of the new standards.

While 44 CFR Section 65.10 documentation is being compiled, the release of more up-to-date DFIRM panels for other parts of a community or county may be delayed. To minimize the impact on the Map Mod goals of mapping areas landward of levees, mapping partners should be provided with guidance that will allow preliminary and effective DFIRMs to be issued while the levee owner or community is given a reasonable amount of time to compile and submit data and documentation to show compliance with the requirements of 44 CFR Section 65.10. Guidance should also be provided to the mapping partners that allows, in specific situations, the preliminary DFIRM to be issued while providing the communities and levee owners with a specified timeframe to show compliance with 44 CFR Section 65.10 by correcting any maintenance deficiencies associated with the levee.

Action Taken: To minimize the impact of the levee recognition and certification process on Map Mod goals, guidelines have been developed that will allow mapping partners to issue preliminary and effective versions of DFIRMs while the levee owners or communities are compiling the full documentation required to show compliance with 44 CFR Section 65.10. The guidelines also explain that mapping partners can issue preliminary DFIRMs while providing the communities and levee owners with a specified timeframe to correct any maintenance deficiencies associated with a levee to and show compliance with 44 CFR Section 65.10. These guidelines are summarized in the attached document entitled "Guidelines for Identifying Provisionally Accredited Levees (PALs)."

The attached document describes the criteria for five scenarios intended to determine when a levee does or does not qualify for the PAL designation. FEMA has established a specified timeframe in which the community or levee owner may use to fulfill the remaining requirements for 44 CFR Section 65.10 before the levee is shown on the DFIRM as not providing base flood protection. The attached guidance also describes an additional process for maintenance deficient levees that do not currently qualify for the PAL designation. FEMA has established a separate specified timeframe for these levees, which allows the community or levee owner time to correct any maintenance deficiencies associated with a levee. If the levee qualifies for the PAL designation, FEMA will provide the community 90 days to sign and return an agreement indicating that the full documentation for 44 CFR Section 65.10 will be provided within 24 months of the signed agreement. If the signed agreement is not returned to FEMA within 90 days, or if the levee does not meet the PAL requirements (except for the maintenance deficient levees), the community is no longer eligible for the PAL designation, and the area landward of the levee will be remapped as Zone AE or Zone A, depending on the type of study performed for the area.

For levees that are included in the U.S. Army Corps of Engineers (USACE) Federal Program, FEMA will actively coordinate with the appropriate USACE district to determine which projects do not provide protection from the base flood. In a collaborative effort, existing data or project-specific information will be evaluated to identify and validate non-accredited levees in the USACE's inventory. As part of the USACE's recent survey of their levee inventory, levee projects have been identified to be no longer eligible for Public Law (PL) 84-99 rehabilitation assistance, based on the project's last inspection. However, many of these levee projects have been identified to

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be eligible for a one-time-only "maintenance deficiency correction period," established to allow public sponsors/levee owners to correct levee maintenance deficiencies before the levee is placed in an inactive status in the USACE Rehabilitation & Inspection Program and becomes ineligible for PL 84-99 rehabilitation assistance. The USACE has developed a written notification process to inform communities or levee owners of this status after it has coordinated with FEMA. Copies of the USACE notification letter will be provided to FEMA. If a community or levee owner receives this notification letter, the area landward of the identified levee will be mapped as Zone AE or Zone A, as appropriate.

Effective on the date of this Procedure Memorandum, levees that meet the PAL requirement (levees presently shown as providing base flood protection on the effective FIRM), for which the community or levee owner cannot readily provide full documentation of 44 CFR Section 65.10, will be identified on the FIRM with a map note. This note, placed landward of the levee, will indicate that the levee is provisionally accredited and any existing Zone X (shaded) area is provisional. If there is no existing Zone X (shaded) area on the effective FIRM, then the mapping partner should define the provisional Zone X (shaded) area using the best available data. Specific procedures and guidance for evaluating and mapping levees is provided in Appendix H of *Guidelines and Specifications for Flood Hazard Mapping Partners.*

The following note must be applied at several locations, point to the levee, and be placed landward of the levee in or near the Zone X (shaded) area:

> WARNING: Provisionally Accredited Levee. For explanation, see the Notes to Users.

The applicable Note to Users would read as follows:

> WARNING: This levee, dike, or other structure has been provisionally accredited and mapped as providing protection from the 1-percent-annual-chance flood. To maintain accreditation, the levee owner or community is required to submit documentation necessary to comply with 44 CFR Section 65.10 by (_____,____). Because of the risk of overtopping or failure of the structure, communities should take proper precautions to protect lives and minimize damages in these areas, such as issuing an evacuation plan and encouraging property owners to purchase flood insurance.

The five scenarios for determining whether the levee qualifies for the PAL designation are described in the attachment. The document also summarizes the process for coordinating with community officials and others to acquire the appropriate levee documentation, while moving forward with the production of countywide mapping for communities with levees.

Attachment

Guidelines for Identifying Provisionally Accredited Levees (PALs)

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cc: See Distribution List

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