

**INITIAL NOTIFICATION LETTER, SCENARIO C2:
LEVEE IN FEDERAL SYSTEM (CORRECTION PERIOD)**

[Mr./Ms.] (Full Name of Levee Owner)
(Title of Levee Owner)
(Levee Owner Address)
(City, State Abbreviation, and Zip Code)

Dear **[Mr./Ms.] (Last Name of Levee Owner)**:

This is in regard to the **(Name of Levee)** shown on the effective Flood Insurance Rate Map (FIRM) and in the effective Flood Insurance Study (FIS) report for **(County or Community Name)**. As you may know, the Department of Homeland Security, Federal Emergency Management Agency (FEMA), **[is in the process of/will be]** producing a countywide FIS report and Digital Flood Insurance Rate Map (DFIRM) for **(County or Community Name)**. This effort **[is being/will be]** undertaken as part of the FEMA Flood Map Modernization (Map Mod) program.

As part of the FEMA effort to produce the DFIRM, it was determined that the flood hazard information presented on the effective FIRM and in the effective FIS report is based, in some areas, on flood protection provided by the **(Levee Name)**. Based on the information available and on the mapping standards of the National Flood Insurance Program (NFIP) at the time that the FIS was performed, FEMA accredited the levee with providing protection from the flood that has a 1-percent-chance of being equaled or exceeded in any given year. The 1-percent-annual-chance flood also is referred to as the base flood.

For FEMA to continue to accredit the identified levee with providing base flood protection, the levee must meet the requirements of the Code of Federal Regulations, Title 44, Section 65.10 (44 CFR 65.10), entitled "Mapping of Areas Protected by Levee Systems" (copy enclosed). In accordance with 44 CFR 65.10(a), it is the responsibility of the community or other party seeking recognition of a levee system to provide the data and documentation defined and outlined within the regulation. Specifically, the design and construction data provided must be certified by a registered professional engineer or by a Federal agency with responsibility for levee design.

FEMA has been informed by the U.S. Army Corps of Engineers (USACE) that the **(Levee Name)** has received a **[fair/poor/unacceptable maintenance rating or has known deficiencies]**. A copy of the letter sent to you, Governor **(State Governor's Name)**, and FEMA Region **(Region Numeral)** by the USACE is enclosed for your reference.

The USACE has issued supplemental guidance that establishes a 1-year correction period for maintenance-deficient levees. This 1-year correction period will provide levee owners with the opportunity to remedy levee maintenance deficiencies before the levee is considered inactive in the USACE Rehabilitation and Inspection Program. In response to the supplemental guidance from USACE, FEMA will also provide a 1-year correction period for all maintenance-deficient levees. The **(Levee Name)** qualifies for the 1-year correction period.

The USACE has afforded you, **(Levee Owner)**, the 1-year correction period. FEMA will move forward with the current flood hazard study as if the areas landward of the levee are located in a Special Flood Hazard Area (SFHA), the area subject to inundation by the base flood. However, FEMA will delay issuance of the Letter of Final Determination (LFD) and effective DFIRM until the 1-year correction period has elapsed.

For FEMA to remove the SFHA designation from the areas landward of the levee that are subject to

inundation by the base flood, the requirements must be met within the 1-year correction period.

- All requirements contained in 44 CFR 65.10 must be met; **or**
- The entire Provisionally Accredited Levee (PAL) agreement package signed by the levee owner and all impacted communities must be submitted, stating that the PAL designation is warranted because the levee meets the requirements of 44 CFR 65.10. (See additional information on PAL process below.)

Once the 1-year correction period has expired, the USACE, in coordination with FEMA, will assess the adequacy of any submitted data and documentation and determine whether any mapping revisions are necessary. If no data or documentation have been submitted within the 1-year correction period, or if the submitted data and documentation are determined to be inadequate, FEMA will issue the LFD and effective DFIRM to show areas landward of the levee that are subject to inundation by the base flood as located in an SFHA. However, if all of the requirements for 44 CFR 65.10 or the entire PAL application package is submitted before the 1-year correction period has elapsed, FEMA will show the levee on the newly effective DFIRM as accredited or provisionally accredited, as applicable, and remove the SFHA.

FEMA understands that it may take time to acquire and/or assemble the data and documentation necessary to fully comply with 44 CFR 65.10. Therefore, FEMA has incorporated a process into the aggressive schedule of Map Mod that, if needed, will provide you with additional time to submit all necessary data and documentation. Initiation of the PAL process can take place only if you, the levee owner, and a representative of each impacted community sign and return the enclosed agreement within 1 year of the date of the USACE letter (before **(Month of one year Following Date of USACE Letter) (Day of one year Following Date of USACE Letter), (Year of one year Following Date of USACE Letter)**). Completion and submittal of the enclosed agreement will serve as your official request that FEMA label the levee as a PAL on the DFIRM and will serve as your agreement that, to the best of your knowledge, the levee meets the requirements of 44 CFR 65.10. The completed agreement must be submitted before **(Month of one year Following Date of USACE Letter) (Day of one year Following Date of USACE Letter), (Year of one year Following Date of USACE Letter)**, for the levee to receive the PAL designation.

By endorsing the enclosed agreement, you agree to submit all necessary data and documentation to comply with 44 CFR 65.10 before **(Month, Day, and Year of the Second Anniversary of the end of the 1-year Period)**. If you are unable to submit all necessary data and documentation to comply with 44 CFR 65.10 within the allotted timeframes, FEMA will initiate a map revision to redesignate certain areas on the landward side of the levee as SFHA. Upon receipt of the 44 CFR 65.10 submittal, FEMA will review the data and determine whether the levee will continue to be accredited with providing base flood protection. Please note that affected communities that do not own and/or maintain the levee(s) in question are not responsible for submitting data and documentation necessary for 44 CFR 65.10 compliance.

Levees will be labeled as PALs during the 24-month period to convey to map users that levee certification verification is underway. FEMA recommends that you, the levee owner, and the impacted communities implement outreach efforts to inform affected property owners that an assessment of the levee is underway. FEMA also encourages the purchase of flood insurance for structures in the area landward of the levee, even though coverage is not federally required.

If you have additional questions regarding the specific submittal requirements, please contact **(Regional Engineering Contact Name)** of my staff, either by telephone at **(Regional Engineering Contact's Telephone Number: (###) ###-####)** or by facsimile at **(Regional Engineering Contact's Fax Number: (###) ###-####)**.

Sincerely,

(Regional Mitigation Division Director's Name)
[Director/Acting Director], Mitigation Division
FEMA Region **(Region Numeral)**

Enclosures

cc: **(Community CEO)**
(Community Floodplain Administrator)
(State NFIP Coordinator)
(USACE Point of Contact)
Senator **(Senator's Last Name)**'s Washington, DC, Office
Senator **(Senator's Last Name)**'s Washington, DC, Office
Representative **(Representative's Last Name)**'s, Washington, DC, Office