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U.S. Department of Homeland Security  
1111 Broadway,  
Suite 1200  
Oakland, CA. 94607-4052



**FEMA**

August 31, 2007

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Jeff Pratt  
Ventura County Department of Public Works  
800 South Victoria Avenue  
Ventura, CA 93009  
(805) 654-2040

RECEIVED  
SEP 05 2007  
WATERSHED PROTECTION DIST.

Dear Mr. Pratt:

This letter is in regard to the levees that are accredited on the effective Flood Insurance Rate Map (FIRM) and in the effective Flood Insurance Study (FIS) report for the Ventura County Watershed Protection District. These levees are identified on an enclosure to this letter. The U.S. Department of Homeland Security, Federal Emergency Management Agency (FEMA), is in the process of producing a countywide FIS report and Digital Flood Insurance Rate Map (DFIRM) for Ventura County, California. This effort is being undertaken as part of FEMA's Flood Map Modernization Program.

Flood hazard information presented on the effective FIRM and in the FIS report is based, in some areas, on flood protection provided by the levees identified on the enclosure. 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 levees 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 levees with providing protection from the base flood, the levees must meet the criteria of the Code of Federal Regulations, Title 44, Section 65.10 (44 CFR 65.10), titled "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 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 understands that it may take time to acquire and/or assemble the documentation necessary to fully comply with 44 CFR 65.10. Therefore, FEMA has incorporated a process into the schedule of Flood Map Modernization that, if needed, will provide the Ventura County Watershed Protection District with additional time to submit all the necessary documentation. Initiation of this process can take place only if the levee owner and a representative of each impacted community sign and return the enclosed agreement to the FEMA Region IX office within 90 days of the date of this letter (before November 30, 2007).

In addition, the following must be provided:

- A copy of the adopted operation and maintenance plan for the levee; and
- Records of levee maintenance and operation, as well as tests of the mechanized interior drainage systems, if applicable.

Completion and submittal of the agreement, as well as the operation and maintenance plan and records, will serve as an official request that FEMA label the levee as a Provisionally Accredited Levee (PAL) on the DFIRM and will serve as agreement that, to the best of your knowledge, the levee meets the criteria of 44 CFR 65.10. It is the responsibility of the levee owner to submit the data required by 44 CFR 65.10 before FEMA can accredit the levee as providing protection from the base flood. The completed package must be submitted to the FEMA Region IX office before November 30, 2007 for the levee to receive the PAL designation. Please note that a levee that has maintenance deficiencies is not eligible for PAL consideration.

By endorsing the enclosed agreement, you state that all the necessary documentation will be provided within 2-years to comply with 44 CFR 65.10; that is before September 1, 2009. If you are unable to submit all the documentation necessary to meet the criteria of 44 CFR 65.10 before this date, FEMA will initiate a map revision to redesignate certain areas on the landward side of the levee as floodprone.

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 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, even though coverage is not federally required for the areas landward of the accredited levee.

If the documentation necessary to fully comply with 44 CFR 65.10, including an existing operation and maintenance plan and record of on-site inspection, is readily available, please submit the data to this office. Upon receipt of your submittal, FEMA will review the data and determine whether the levee will continue to be accredited with providing protection from the base flood.

If the only grounds for the levee in question not currently meeting the 44 CFR 65.10 criteria or PAL requirements are **maintenance issues**, then the FEMA Region IX office must be contacted by letter to bring attention to the matter before the end of this 90-day period to submit the enclosed PAL agreement. If you notify FEMA that the levee has known maintenance deficiencies, then a 1-year correction period can be provided to remedy these deficiencies. This 1-year correction period would begin on November 30, 2007, if you notify FEMA within 90 days of the date of this letter. During the 1-year correction period, FEMA will move forward with the current flood hazard mapping project as if the areas landward of the levee is to be located in a Special Flood Hazard Area (SFHA); the mapped 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 landward of the levee, the following requirements must be met within the 1-year correction period:


- All the criteria contained in 44 CFR 65.10 submitted to FEMA, **or**
- Submittal of the entire PAL application, including the following documentation:
  - An agreement signed by the community and/or levee owner stating that the PAL

- designation is warranted because the levee meets the requirements of 44 CFR 65.10;
- A copy of the adopted operation and maintenance plan for the levee; and
  - Records of levee maintenance and operation, as well as tests of the mechanized interior drainage systems, if applicable.

Once the 1-year correction period has expired, FEMA will assess any submitted data and determine whether any mapping revisions are necessary. If no data have been submitted within the 1-year correction period, or if the submitted data are determined inadequate, FEMA will issue the LFD and effective DFIRM to show the areas landward of a maintenance deficient levee as located in a SFHA. However, if all of the criteria of 44 CFR 65.10 or the entire PAL application is submitted before the 1-year correction period has elapsed, then FEMA will show the levee on the newly effective DFIRM as accredited or provisionally accredited, as applicable.

If you have additional questions regarding the specific submittal requirements, please contact Raymond T. Lenaburg, Senior Engineer, of my staff, either by telephone at (510) 627-7181 or by facsimile at (510) 627-7147 or by facsimile at (510) 627-7147. We look forward to working with you and community officials to address this important matter. If there is anything we can do to facilitate the submittal process, please let us know.

Sincerely,



Feb: Sally Ziolkowski, Director  
Mitigation Division  
FEMA Region IX

**Enclosures:**

- Title 44 of the Code of Federal Regulations (CFR), Section 65.10 (44 CFR 65.10)
- Requirements of 44 CFR Section 65.10: Mapping of Areas Protected by Levee Systems
- Letter of Agreement and Request for Provisionally Accredited Levee (PAL) Designation and Agreement to Provide Adequate Compliance With the Code of Federal Regulations, Title 44, Section 65.10 (44 CFR 65.10)
- Levee Status Map
- Levee Status Table

**Copies Furnished**

Senator Feinstein State Office

Senator Boxer State Office

Representative Gallegly District Office

Ricardo Pineda, CA DWR  
NFIP State Coordinator

Colonel Thomas H. Magness, USACE, LA District  
Commander

Mr. Gerard Kapuscik, Special Projects Project Manager  
Ventura County Watershed Protection District

**Letter of Agreement and Request for Provisionally Accredited Levee (PAL) Designation and Agreement to Provide Adequate Compliance with the Code of Federal Regulations, Title 44, Section 65.10 (44 CFR 65.10)**

**PAL Agreement Form**

We, the undersigned, have received a letter from FEMA dated August 31, 2007 with an enclosed "Levee Status Table" and two enclosed documents titled "Title 44 of the Code of Federal Regulations (CFR), Section 65.10 (44 CFR 65.10)" and "Requirements of 44 CFR Section 65.10: Mapping of Areas Protected by Levee Systems." We understand that FEMA is in the process of providing an updated Flood Insurance Rate Map for Ventura County, California and that the flood hazards around levee(s) identified on the Map and Levee Status Table with ID numbers \_\_\_\_, \_\_\_\_, \_\_\_\_, will be remapped to reflect that these levees have been designated a PAL. This/these levee(s) or levee system(s) is/are also known as \_\_\_\_\_

To the best of our knowledge, the levee(s) identified above meet the criteria of 44 CFR 65.10 and has/have been maintained in accordance with an adopted operation and maintenance plan. For Scenario A (non-USACE Program) levees, this must be evidenced by an attached Operation and Maintenance Plan and records of levee maintenance and operation, as well as Test Records of Mechanized Interior Drainage System. We hereby submit to FEMA within 90 days (before November 30, 2007) our agreement to provide FEMA with all the necessary information to show that the levee(s) identified above comply with 44 CFR 65.10. We understand that this documentation will be provided before September 1, 2009. Providing the information described in 44 CFR 65.10 will allow FEMA to move forward with the flood mapping for Ventura County, California. We fully understand that if complete documentation of compliance with 44 CFR 65.10 is not provided within the designated timeframe of 24 months, FEMA will initiate a revision to the Flood Insurance Rate Map for Ventura County, California to redesignate the area as floodprone.

Levee Owner Representative (signature): \_\_\_\_\_ Date: \_\_\_\_\_

Levee Owner Representative (print name): \_\_\_\_\_

Community CEO (signature): \_\_\_\_\_ Date: \_\_\_\_\_

Community CEO (print name): \_\_\_\_\_

Other, if applicable (signature): \_\_\_\_\_ Date: \_\_\_\_\_

Other, if applicable (print name): \_\_\_\_\_

**Required Attachments for Scenario A (non-USACE Program) Levees only:**

- Operation and Maintenance Plan and Records
- Test Records of Mechanized Interior Drainage System

**Instructions for Completing this Form:**

- On this PAL Agreement Form, fill-in the levee ID numbers and levee(s) name/description for which the Provisionally Accredited Levee (PAL) designation is requested. A separate PAL Agreement Form is recommended for each unique levee owner/levee system. Make copies of this blank form to request PAL designation for multiple levee systems, as necessary.
- This document is available on-line (in a PDF format that can be filled-in electronically) via the link named "Generic PAL Agreement Form for Region IX" at [http://rnc.mapmodteam.com/rnc9/Fact\\_Sheets.htm](http://rnc.mapmodteam.com/rnc9/Fact_Sheets.htm)

**City of Santa Paula Levee Status Map**



# City of Camarillo Levee Status Map



