

Levee Talking Points

Timing Requirements for Provisionally Accredited Levee (PAL) Certification:

- Letter sent to levee owner/community identifying those levees for which Section 65.10 documentation is needed. Letter describes the PAL option and requests that the community and/or levee owner sign an agreement.
- If the signed Owner Acknowledgement Form and agreement is not returned to FEMA within 90 days, the levees in the community are no longer eligible for the PAL designation.
- If the signed Owner Acknowledgement Form and agreement is returned within the 90 days, a 24 month time clock begins in which the community must submit the data and documentation required to comply with Section 65.10. Progress report should be provided to FEMA after 12 months. Certification by a registered PE accompanying submitted data stating the data and documentation meets requirements of Paragraph 65.10(e).
- If full certification (65.10) is not submitted to FEMA within the 24 month period, then the area landward of the levee will be remapped as Zone AE or Zone A.
- NOTE: When a levee receives PAL certification, a public notice is not sent, as the map zones are not unchanged. However, when a certification package is insufficient or never received by the deadline, the map is revised and public notification of the change as well as a comment/appeals period do take place.

Impacts on DFIRM Map Release from the PAL Certification:

- The preliminary Flood Map panels are printed and distributed with special PAL labels, which include the end date of the 2 year provisional period, around the areas of protection for the affected levees.
- Flood Hazard Zone X is mapped behind the levees, which has no mandatory purchase requirement or permitting requirement and is advisory only
- The maps move from preliminary to effective through statutory processing and community adoption, typically for about 1-year.
- If levee certification documents are submitted and accepted, accreditation is achieved and the PAL labels are removed. If levee certification documents are not submitted or accepted, the Zone X areas could become Zone A or AE with insurance and permitting requirements, or deaccreditation.
- If there are BFE changes, appeal and comment periods are required.
- In states and commonwealths where there is not auto adopt, an ordinance update is required to adopt the effective map.

Flood Insurance Implications:

- As a result of insurance grandfathering, communities are encouraged to provide notice to the public of any PALs that will result in changes to insurance ratings. Communities are not required to notify the public. However, a timely public notice can prevent policy holders from missing out on insurance grandfathering opportunities.

Floodplain Management and Planning:

- Effective Map vs. Preliminary Map
 - **Note:** Communities are required to “reasonably utilize” data from a draft or preliminary FIRM or Flood Insurance study, as uncontested preliminary information is presumed to be best available.
 - **For Digital Conversions:** Draft or preliminary maps with a digital conversion, which applies better topography and photographic aerial base maps, constitute best available data, unless the technical or scientific validity of the data in the draft or preliminary FIS is questioned. If the technical or scientific validity of the data in the draft or preliminary map is questioned, a community is allowed discretion as to whether the draft/preliminary map is the best available data.
 - **For Zone A:** When a current A zone is changing to any other zone, the preliminary FIS/FIRM must be used when any/all appeals have been resolved AND the LFD issued since it represents a reasonable use of best available data.
 - **For All Other Zones:** NFIP floodplain management criteria do not require communities to use BFE and floodway data from a draft or preliminary Flood Insurance Restudies. Communities are strongly encouraged, however, to use the draft or preliminary information, in particular where it is the more restrictive data (i.e. higher BFEs or larger floodways), for planning and permitting purposes. Again, while FEMA cannot mandate the use of BFE or floodway data in draft of preliminary form, FEMA encourages communities to reasonably utilize this more restrictive information (especially in instances where BFEs increase and/or floodways are expanded) to protect the health, safety and property of their citizens.
- Permit requirements
- Changes to building standards

Resources:

- FEMA Region III Levee Accreditation Knowledgebase: www.r3levees.org (State & FEMA)
- Levee System Information for Stakeholders:
http://www.fema.gov/plan/prevent/fhm/lv_intro.shtm (General public and communities)