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U.S. Department of Homeland Security  
 Region VII  
 9221 Ward Parkway, Suite 300  
 Kansas City, MO 64114-3372



# FEMA

February 3, 2010

Mr. Tom Krahenbuhl  
 Stormwater & Building Codes Administrator  
 Planning and Development Division  
 Jackson County Public Works  
 303 West Walnut  
 Independence, Missouri 64050

Dear Mr. Krahenbuhl:

This letter is in regard to the Atherton Levee (351-R) shown on the effective Flood Insurance Rate Map (FIRM) and in the effective Flood Insurance Study (FIS) report for Jackson County, Missouri. The Department of Homeland Security, Federal Emergency Management Agency (FEMA), is producing a countywide FIS report and Digital Flood Insurance Rate Map (DFIRM) for Jackson County as part of FEMA's Flood Map Modernization (Map Mod) program.

During the DFIRM production, FEMA determined that the flood hazard information presented on the effective FIRM and in the FIS report is based, in some areas, on flood protection provided by the Atherton Levee. 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. This 1-percent-annual-chance flood also is referred to as the "base flood."

For FEMA to continue to accredit the identified levee with providing protection from the base flood, 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), the community or other party seeking recognition of a levee system is responsible for providing the data defined and outlined within the regulation. Please note, 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 aggressive schedule of Map Mod that, if needed, will provide the community or other party seeking recognition of a levee system with additional time to submit all the necessary documentation. Initiation of this process can only take place if the levee owner, Atherton Levee District, and a representative of each impacted community sign and return the enclosed agreement within 90 days of the date of this letter (before May 4, 2010).

Completion and submittal of the enclosed agreement will officially request that FEMA label the levee as a Provisionally Accredited Levee (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. As previously stated, the levee owner is responsible for submitting the data required by 44 CFR

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MARY JO SPINO  
 COUNTY CLERK

65.10 to certify the levee as providing protection from the base flood. The completed agreement must be submitted before May 4, 2010, for the levee to be designated as a PAL.

By endorsing the agreement, you acknowledge that if all necessary documentation to comply with 44 CFR 65.10 is not provided before May 4, 2012, FEMA will initiate a map revision which will show certain areas on the landward side of the levee as flood-prone. Upon receipt of the 44 CFR 65.10 submittal, we will review the data to determine whether the levee will continue to be accredited with providing protection from the base flood. Please note that affected communities that do not own and/or maintain the levee in question are not responsible for submitting data necessary for 44 CFR 65.10 compliance.

The approved levee will be labeled as a PAL during the 24-month period to convey to map users that levee certification verification is underway. FEMA recommends that you and other 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.

If you have additional questions regarding the specific submittal requirements, please contact Dawn Kinsey of my staff at (816) 283-7055. 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,



Robert G. Bissell  
Director, Mitigation Division

Enclosures:

PAL Agreement

"Requirements of 44 CFR Section 65.10: Mapping of Areas Protected by Levee Systems"

"Meeting the Criteria for Accrediting Levees on Flood Maps: How-to-Guide for Floodplain Managers and Engineers"

cc: Larry L. Daniels-Murray, CFM, DBARM LLC.  
Randy Scrivner, State of Missouri NFIP Coordinator  
Scott Vollink, P.E., U.S. Army Corps of Engineers, Kansas City District  
Senator Christopher Bond  
Senator Claire McCaskill  
Representative Emanuel Cleaver

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

We, the undersigned, have received the letter from FEMA dated February 3, 2010, and the enclosed document entitled "Mapping of Areas Protected by Levee Systems." We understand that FEMA is in the process of providing updated flood maps for Jackson County, Missouri, and that the area behind the levee known as the Atherton-Blue Mills Levee (351-R2) will be remapped to reflect that the levee has been designated as a PAL.

We understand that all the necessary information to show that the levee known as Atherton-Blue Mills Levee complies with 44 CFR 65.10 will be required before May 4, 2012. In addition, we understand that it is the responsibility of the levee owner, Atherton-Blue Mills Levee District, to submit the data required by 44 CFR 65.10 before FEMA can certify the levees as providing protection from the base flood. This information will allow FEMA to move forward with the flood mapping for Jackson County, Missouri. We fully acknowledge 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 map revision to redesignate certain areas on the landward side of the levees as floodprone.

Jackson County Representative:


 (signature)

Michael D. Sanders  
JACKSON COUNTY EXECUTIVE (print)

Date:

May 4, 2010

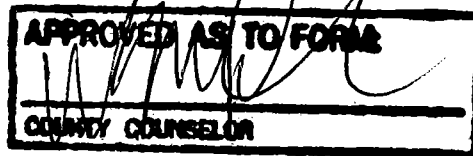
Other (if applicable):

 (signature)

MARY JO SPINO  
CLERK OF COUNTY LEGISLATURE (print)

Date:

May 4, 2010



# Memo

**To: Jerry Page & Shelley M. Temple-Kneuvean**  
**From: Tom Krahenbuhl, Stormwater & Building Codes Administrator, x-4466**  
**Re: FEMA PAL Agreements**  
**Date: 4/21/2010**

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Take a look at the attached acknowledgements. They are what FEMA calls PAL Agreements for Levee Districts. In Jackson County's case they mean that when we are approving development permits behind the Levee system we would treat them as being outside of the 100 years Flood Zone and no special requirements for building. If the Levee Districts fails to meet the FEMA criteria after the next 24 months, we would then treat developments from that point on as if they are in the 100 years flood zone. Under the UDC we would then require all structures to be elevated to at least 1 foot above the Base Flood Elevation and install special flood proofing materials.

I have met with the representatives of each of the two Levee Districts along with FEMA. All parties are aware of the requirements. Each of the Levee Districts are to sign separate agreements and return them to FEMA. The county will return there separate from the Levee Districts to FEMA.

Bill Snyder has reviewed these as well.

As you read in these agreements we are looking at a very near dead line for there signing and return to FEMA. Before May 4, 2010.

I have attached documents concerning these agreements for your review.

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