

OCT 26 2007



**FEMA**

Mr. James T. Smith, Jr.  
Baltimore County Executive  
400 Washington Avenue  
Old Courthouse Mezzanine  
Towson, Maryland 21204

Dear Mr. Smith:

This is in regard to the Painters Mill Flood Dike, owned by the Maryland State Highway Administration, shown on the effective Flood Insurance Rate Map (FIRM) and in the effective Flood Insurance Study (FIS) report for Baltimore County, Maryland. As you may know, the 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 Baltimore County, Maryland. This effort is being undertaken as part of FEMA's Flood Map Modernization (Map Mod) program.

As part of FEMA's effort to produce the DFIRM, it was 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 Painters Mill Flood Dike. 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 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), 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 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. This process can take place only if the levee owner, Painters Mill Flood Dike, and a representative of each impacted community sign and return the enclosed agreement within 90 days of the date of this letter (before January 25, 2008). Completion and submittal of the enclosed agreement will serve as your official 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 stated above, 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 agreement must be submitted before January 25, 2008 for the levee to receive the PAL designation.

By endorsing the agreement, you acknowledge that if all necessary documentation to comply with 44 CFR 65.10 is not provided before January 25, 2010, FEMA will initiate a map revision to redesignate certain areas on the landward side of the levee as floodprone. Upon receipt of the 44 CFR 65.10 submittal, we will review the data and determine whether the levee will continue to be accredited as providing protection from the base flood. Please note that affected communities that do not own and/or maintain the levee(s) in question are not responsible for submitting data necessary for 44 CFR 65.10 compliance.

The approved 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 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 Nikki Roberts of my staff, either by telephone at 215-931-5575 or by facsimile at 215-931-5501.

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,



Eugene K. Gruber, P.E.  
Director, Mitigation Division  
FEMA Region III

#### Enclosures

cc: Edward C. Adams, Jr, Director of Baltimore County Public Works Department (w/enclosures)  
David Guignet, State NFIP Coordinator (w/enclosures) ✓  
Anthony Vidal, USACE-Baltimore District (w/enclosures)  
Senator Mikulski's Office (w/o enclosures)  
Senator Cardin's Office (w/o enclosures)  
Representative Gilchrest's Office (w/o enclosures)  
Representative Ruppberger's Office (w/o enclosures)  
Representative Sarbanes' Office (w/o enclosures)  
Representative Bartlett's Office (w/o enclosures)  
Representative Cummings' Office (w/o enclosures)

#### List of Enclosures

Requirements of 44CFR Section 65.10  
Community Levee Certification Checklist  
Effective FIRM Panel

**SCENARIO A1: LEVEE NOT IN FEDERAL SYSTEM/PAL AGREEMENT  
(Non-levee Owner Community)**

**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 October 26, 2007, and the enclosed document entitled "Requirements of 44 CFR 65.10". We understand that FEMA is in the process of providing updated flood maps for Baltimore County, Maryland and that the area behind the levee known as Painters Mill Flood Dike, owned by Maryland State Highway Administration, 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 Painters Mill Flood Dike complies with 44 CFR 65.10 will be required before January 25, 2010. In addition, we understand that 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. This information will allow FEMA to move forward with the flood mapping for Baltimore County, Maryland. 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 levee as floodprone.

Non-levee Owner Community CEO \_\_\_\_\_ (signature)  
\_\_\_\_\_ (print)

Date: \_\_\_\_\_

Other (if applicable) \_\_\_\_\_ (signature)  
\_\_\_\_\_ (print)

Date: \_\_\_\_\_