



FEMA

Mr. Steven Durst
Mayor
Town of Bayard
P.O. Box 243
Bayard, West Virginia 26707

JUN 20 2008

Dear Mayor Durst:

This is in regard to the **West Bayard Levee System** shown on the effective Flood Insurance Rate Map (FIRM) and in the effective Flood Insurance Study (FIS) report for the **Town of Bayard, Grant County, West Virginia**. 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 **Grant County, West Virginia and incorporated communities**. 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 **West Bayard Levee System**. 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), 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 you with additional time to submit all the necessary documentation. Initiation of this process can take place only if you, the levee owner, and a representative of each impacted community sign and return the enclosed agreement within 90 days of the date of this letter (before **September 18, 2008**). 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. The completed agreement must be submitted before **September 18, 2008**, for the levee to receive the PAL designation.

By endorsing the agreement, you agree to provide all the necessary documentation to comply with 44 CFR 65.10 before **September 18, 2010**. If you are unable to submit all of the documentation necessary to meet the requirements 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.

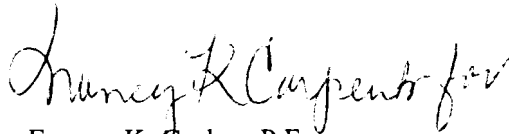
The levees will be labeled as PALs during the 24-month period to convey to map users that levee certification verification is underway. FEMA recommends that you, the levee owner, and the impacted communities implement outreach efforts to inform affected property owners that an assessment of the levee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

If the documentation necessary to fully comply with 44 CFR 65.10, including an existing operation and maintenance plan and record of an on-site inspection by a registered professional engineer, is readily available, please submit the data to this office within 30 days of the date of this letter. 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 you have additional questions regarding the specific submittal requirements, please contact **Robert Pierson, Civil Engineer** of my staff, either by telephone at **215-931-5650** 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,

A handwritten signature in cursive script that reads "Eugene K. Gruber for".

Eugene K. Gruber, P.E.
Director, Mitigation Division
FEMA Region 3

Enclosures

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

cc: Robert L. Perry, CFM, State NFIP Coordinator (w/ enclosures)
Anthony Vidal, USACE-Baltimore District (w/ enclosures)
Senator Byrd's State Office (w/o enclosures)
Senator Rockefeller's State Office (w/o enclosures)
Representative Mollohan's State Office (w/o enclosures)

SCENARIO B: LEVEE IN FEDERAL SYSTEM/PAL AGREEMENT
(Levee Owner)

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)

We, the undersigned, have received the letter from FEMA dated **June 20, 2008**, 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 the **Town of Bayard, Grant County West Virginia** and that the area behind the levee known as **West Bayard Levee System** will be remapped to reflect that the levee has been designated as a PAL.

To the best of our knowledge, the levee known as **West Bayard Levee System** meets the requirements of 44 CFR 65.10. We hereby submit to FEMA, within 90 days (before **September 18, 2008**) our agreement to provide FEMA with all the necessary information to show that the levee known as **West Bayard Levee System** complies with 44 CFR 65.10. We understand that this documentation will be required before **September 18, 2010**. This information will allow FEMA to move forward with the flood mapping for the **Town of Bayard, Grant County, West Virginia**. 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 to redesignate the area as floodprone.

Levee Owner Representative _____ (signature)
_____ (print)

Date: _____

Community CEO _____ (signature)
_____ (print)

Date: _____

Other (if applicable) _____ (signature)
_____ (print)

Date: _____