

U.S. Department of Homeland Security
Region VIII
Denver Federal Center, Building 710
P.O. Box 25267
Denver, CO 80225-0267

**FEMA**

RECEIVED

OCT 20 2009
MAYOR'S OFFICE

The Honorable Alan Hanks
Mayor, City of Rapid City
300 Sixth Street
Rapid City, South Dakota 57701

October 13, 2009

Dear Mayor Hanks:

This is in regard to the Sheridan Lake Drive Levee shown on the effective Flood Insurance Rate Map (FIRM) and in the effective Flood Insurance Study (FIS) report for the City of Rapid City, Pennington County, South Dakota, and on the attached Figure 1. 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 Pennington County, South Dakota. This effort is being undertaken as part of the FEMA Flood Map Modernization (Map Mod) program.

As part of the FEMA effort to produce the DFIRM, it was determined that the flood hazard information presented on the effective FIRM and in the effective FIS report is based, in some areas, on flood protection provided by the Sheridan Lake Drive Levee shown on the attached Figure 1. 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 base flood protection, 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 and documentation 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 data and 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 necessary data and 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 January 12, 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. The completed agreement must be submitted before January 12, 2010, for the levee to receive the PAL designation.

By endorsing the agreement, you agree to provide all necessary data and documentation to comply with

44 CFR 65.10 before January 12, 2012. If you are unable to submit all data and 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 Special Flood Hazard Area, the area subject to inundation by the base flood.

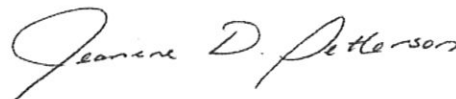
The levees will be labeled as PALs during the 24-month period to convey to map users that levee certification verification is underway. FEMA recommends that you, the levee owner, and the impacted communities implement outreach efforts to inform affected property owners that an assessment of the levee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

If the data and documentation necessary to fully comply with 44 CFR 65.10, including an existing operation and maintenance plan and record of an onsite inspection by a registered professional engineer, is readily available, please submit the data and documentation to this office within 30 days of the date of this letter. Upon receipt of your submittal, FEMA will review the data and documentation and determine whether the levee will continue to be accredited with providing base flood protection.

If you have additional questions regarding the specific submittal requirements, please contact Nancy Steinberger of my staff, either by telephone at (303) 235-4992 or by facsimile at (303) 235-4849.

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,



Jeanine D. Petterson
FEMA Region VIII Mitigation Division Director

Enclosures

cc: Robert Ellis, Rapid City Public Works Director
Steve Schelske, Rapid City Floodplain Administrator
Nicole Prince, State NFIP Coordinator
Karen Amrhein, State MMMS Coordinator
Nancy Steinberger, FEMA Region VIII
Sara Brush, FEMA Region VIII
Senator Johnson's Washington, DC, Office
Senator Thune's Washington, DC, Office
Representative Herseth Sandlin's, Washington, DC, Office

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 the Federal Emergency Management Agency (FEMA) dated October 13, 2009, and the enclosed document entitled "Requirements of 44 CFR 65.10." We understand that FEMA is in the process of providing an updated flood map, termed a Digital Flood Insurance Rate Map (DFIRM), for Pennington County, South Dakota, and that the area behind the levee known as the Sheridan Lake Drive Levee (shown in Figure 1) will be remapped to reflect that the levee has been designated as a PAL.

To the best of our knowledge, the levee known as the Sheridan Lake Drive Levee meets the requirements of 44 CFR 65.10. We hereby submit to FEMA, within 90 days (before January 12, 2010) our agreement to provide FEMA with necessary data and documentation to show that the levee known as the Sheridan Lake Drive Levee complies with 44 CFR 65.10. We understand that the data and documentation will be required before January 12, 2012. This information will allow FEMA to move forward with the DFIRM for Pennington County, South Dakota. We fully understand that if complete data and documentation to comply with 44 CFR 65.10 are not provided within the designated timeframe of 24 months, FEMA will initiate a revision to the DFIRM to redesignate the area as Special Flood Hazard Area, the area subject to inundation by the base (1-percent-annual-chance) flood.

Levee Owner Representative _____ (signature)

_____ (print)

Date: _____

Community CEO _____ (signature)

_____ (print)

Date: _____

Other (if applicable) _____ (signature)

_____ (print)

Date: _____

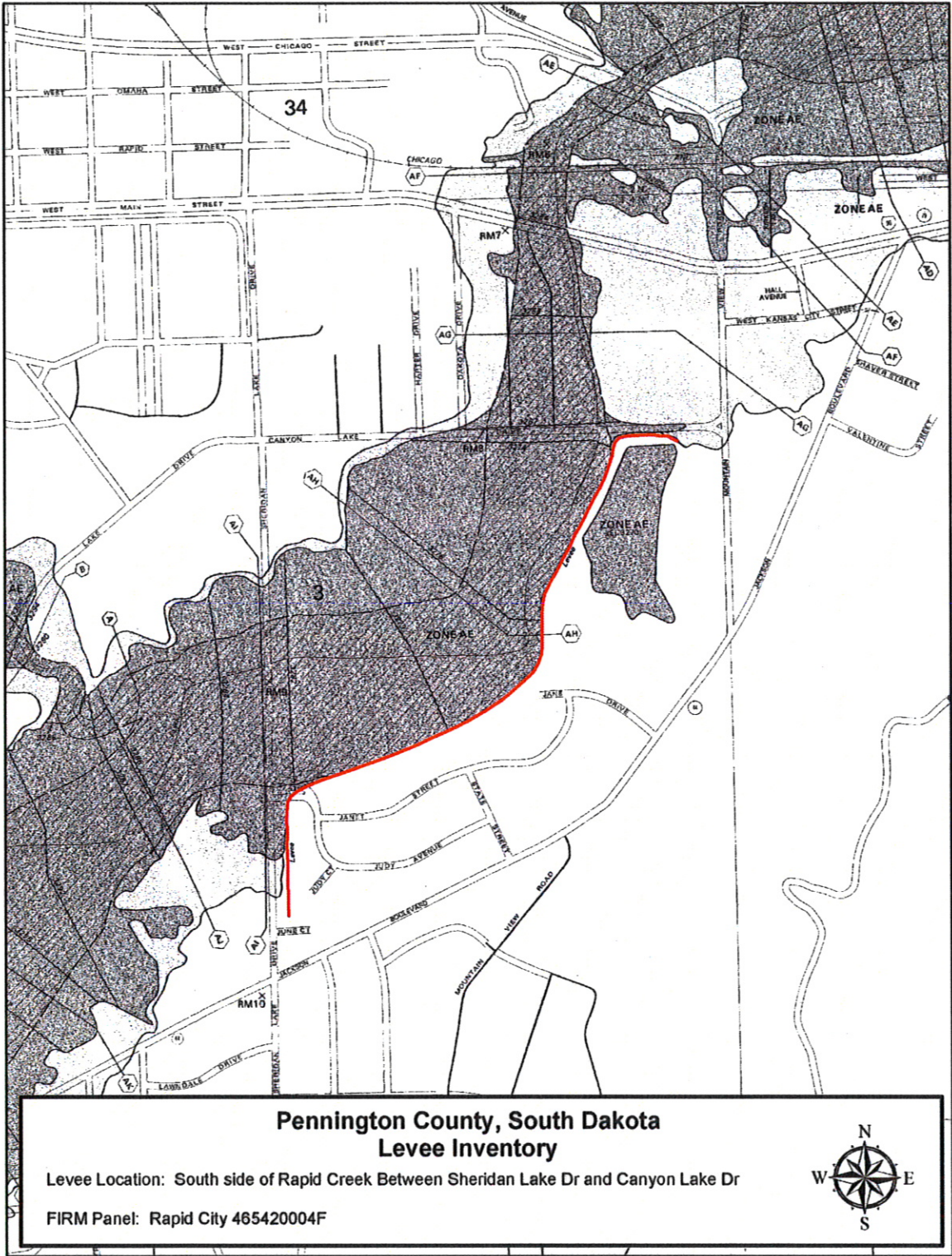


Figure 1: Sheridan Lake Drive Levee