

# FRANKLIN COUNTY

To:	Franklin County	Reviewed:	
	Board Of County Commissioners		
From:	Larry D. Walrod	Extension:	3571
	Planning & Building Dept.		
Date:	November 5 <sup>th</sup> , 2008	No.	

## **ITEM:**

FEMA Provisionally Accredited Levee (PAL) Agreement

## **BACKGROUND:**

In January of 2008, the County met with representatives from FEMA, Kansas Department of Agriculture Division of Water Resources and the City of Ottawa to review the criteria for the implementation of the Flood Map Modernization (the revised FEMA Federal Insurance Rate Maps). In order for FEMA to officially adopt, the County/City to implement these revised maps, the levee system along the Marias des Cygnes River providing flood protection would have to be certified by a licensed, qualified engineer.

As an alternative to the actual certification, the City and/or County could use the "Provisionally Accredited Levee (PAL) Agreement". The PAL Agreement would allow for a period of up to two (2) years before the certification of the levee system would have to be completed. It was pointed out that the deadline for participation in a PAL Agreement would be October 16<sup>th</sup>, 2008.

Although the levee system is owned and maintained by the City of Ottawa, a small portion of the levee is not within the corporate boundaries of the City. The City of Ottawa has submitted a "PAL" Agreement for the levee known as the Ottawa Levee.

FEMA representative have contacted the County noting that there is a portion of the levee within the unincorporated area of the County and in order for the City of Ottawa "PAL" Agreement to be effective, Franklin County is required to submit a similar agreement.

Failure of the City or the County to participate in a "PAL" Agreement will result in amending to floodplain maps showing the flood hazard boundary (100 Year Floodplain) as if the levee system did not exist.

## **STAFF RECOMMENDED ACTION:**

Authorize the Chairman and Public Works Director to sign the Provisionally Accredited Levee, (PAL) Agreement.

## **ATTACHMENTS:**

Agreement  
Letter to FEMA

**FRANKLIN COUNTY  
PLANNING AND BUILDING DEPARTMENT**

**BOARD OF COUNTY COMMISSIONERS**

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October 17, 2008

FEMA  
US DHS Region VII  
Attention: Dawn Kinsey  
922 Ward Parkway  
P.O. Box 300  
Kansas City, MO 64114-3372

**Re: Provisionally Accredited Levee (PAL) Agreement**

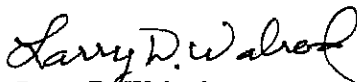
Dear Ms. Kinsey:

Please find enclosed the Provisionally Accredited Levee (PAL) Agreement for the levee system along the Marais des Cygnes River in the unincorporated territory of Franklin County, Kansas pursuant to the requirements of Title 44 of the Code of Federal Regulations, Section 65.10.

That portion of the levee system in the unincorporated territory of Franklin County Kansas is a portion of the Ottawa Levee constructed by the U.S. Army Corps of Engineers and maintained by the City of Ottawa. In order for the portion of the levee in the County to be certified, the upstream portion of the Ottawa Levee, lying within the City of Ottawa, would have to be certified.

In recognition of this circumstance, the County will continue to work with the City of Ottawa regarding the levee certification.

Sincerely,



Larry D. Walrod  
Floodplain Administrator

**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 July 16, 2008, and the enclosed document entitled "44 CFR Section 65.10: Mapping of Areas Protected by Levee Systems". We understand that FEMA is in the process of providing updated flood maps for Franklin County, Kansas, and that the area behind the levee known as the Ottawa Levee will be remapped to reflect that the levee has been designated as a PAL.

To the best of our knowledge, that portion of the levee known as the Ottawa Levee, located within the unincorporated territory of Franklin County, Kansas, meets the requirements of 44 CFR 65.10. We hereby submit to FEMA, within 90 days (before October 15, 2008) our agreement to provide FEMA with all the necessary information to show that the portion of the levee, known as the Ottawa Levee, located within the unincorporated area of Franklin County, Kansas, complies with 44 CFR 65.10. We understand that this documentation will be required before October 15, 2010. This information will allow FEMA to move forward with the flood mapping for Franklin County, Kansas. 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.

Franklin County Levee Representative:

\_\_\_\_\_ (signature)

\_\_\_\_\_ (print)

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

Chairman Franklin County Board of County Commissioners:

\_\_\_\_\_ (signature)

\_\_\_\_\_ (print)

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