

From: Perkins, Dwight
Sent: Tuesday, December 08, 2009 3:12 PM
To: Chal Martin
Cc: Esfandiary, Siamak; Graves, John; Riebau, Mark; Eberlein, Mark
Subject: RE: Meeting to Update Region X on Dike 12 / Burlington "Certified Levee Segment" Concept

Chal,



John Graves passed on some floodplain management and ESA comments that I am including below. This is the stuff I will not be able to fully cover but I can try if you have questions. It would be good to have another call on these issues when John and Mark Eberlein are back in the office.

Ted

Addressing Floodplain Development permitting for levees

1. The building of a new levee (or some rehabilitation actions on an existing levee) requires a floodplain development permit be issued.
2. Demonstration of ESA Compliance is required for any floodplain development permit that is issued
 - a. Demonstration of compliance may be
 - i. Section 7 consultation (federal nexus)- FEMA will entertain Section 7 only in the case of a LOMR
 - ii. Section 10 consultation (HCP)- Any person or community can enter into consultation under Section 10
3. RPA 5 demonstrates an example of an ESA compliant levee, however FEMA is not requiring levees to comply with RPA 5.
4. Unique to Communities that do not have a floodway:
 - a. Demonstration of 44CFR 60.3(c)(10) compliance
 - i. Demonstrate that the floodplain development will not cause a rise of more than 1 foot in the community.
5. Any further questions regarding 60.3 compliance or ESA compliance please refer them to me.

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