

*25

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)

PAL Agreement Form

We, the undersigned, have received a letter from FEMA dated May 1, 2007 with an enclosed "Levee Status Map" and "Levee Status Table" and two enclosed documents titled "Title 44 of the Code of Federal Regulations (CFR), Section 65.10 (44 CFR 65.10)" and "Requirements of 44 CFR Section 65.10: Mapping of Areas Protected by Levee Systems." We understand that FEMA is in the process of providing an updated Flood Insurance Rate Map for Santa Clara County, CA and that the flood hazards around levee(s) identified on the Levee Status Map and Levee Status Table with ID numbers P____, P____, P____, P____, P____ will be remapped to reflect that these levees have been designated a PAL. This/these levee(s) or levee system(s) is/are also known as _____

To the best of our knowledge, the levee(s) identified above meet the criteria of 44 CFR 65.10 and has/have been maintained in accordance with an adopted operation and maintenance plan. For Scenario A (non-USACE Program) levees, this must be evidenced by an attached Operation and Maintenance Plan and records of levee maintenance and operation, as well as Test Records of Mechanized Interior Drainage System. We hereby submit to FEMA within 90 days (before August 2, 2007) our agreement to provide FEMA with all the necessary information to show that the levee(s) identified above comply with 44 CFR 65.10. We understand that this documentation will be provided before August 2, 2009. Providing the information described in 44 CFR 65.10 will allow FEMA to move forward with the flood mapping for Santa Clara County. 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 for Santa Clara County to redesignate the area as floodprone.

Levee Owner Representative (signature): _____

Date: _____

Levee Owner Representative (print name): _____

Community CEO (signature): _____

Date: _____

Community CEO (print name): _____

Other, if applicable (signature): _____

Date: _____

Other, if applicable (print name): _____

Required Attachments for Scenario A (non-USACE Program) Levees only:

- Operation and Maintenance Plan and Records
- Test Records of Mechanized Interior Drainage System

Instructions for Completing this Form:

- On this PAL Agreement Form, fill-in the levee ID numbers and levee(s) name/description for which the Provisionally Accredited Levee (PAL) designation is requested. A separate PAL Agreement Form is recommended for each unique levee owner/levee system. Make copies of this blank form to request PAL designation for multiple levee systems, as necessary.
- This document is available on-line (in a PDF format that can be filled-in electronically) via the link named "Generic PAL Agreement Form for Region IX" at http://rnc.mapinodteam.com/rnc9/Fact_Sheets.htm

Milpitas Levee Status

April 26, 2007

Levee ID	Type	USACE Program Levee	Community	Levee Status *	Flooding Source	Organization	Comment
P146	Levee	N	Milpitas	Levee is certified and full accreditation planned	Berryessa Creek	SCVWD	Levee is certified and full accreditation planned
P148	Levee	N	Milpitas	Levee is certified and full accreditation planned	Berryessa Creek	SCVWD	Levee is certified and full accreditation planned
P158	Levee	N	Milpitas	Levee is certified and full accreditation planned	Berryessa Creek	SCVWD	Levee is certified and full accreditation planned
P152	Levee	N	Milpitas	May be PAL A Eligible	Berryessa Creek	SCVWD	May be eligible for PAL agreement
P52	Levee	N	Milpitas	May be PAL A Eligible	Lower Penitencia Creek	SCVWD	May be eligible for PAL agreement
P79	Levee	Y	Milpitas	May be PAL B Eligible	Coyote Creek	SCVWD	May be eligible for PAL agreement

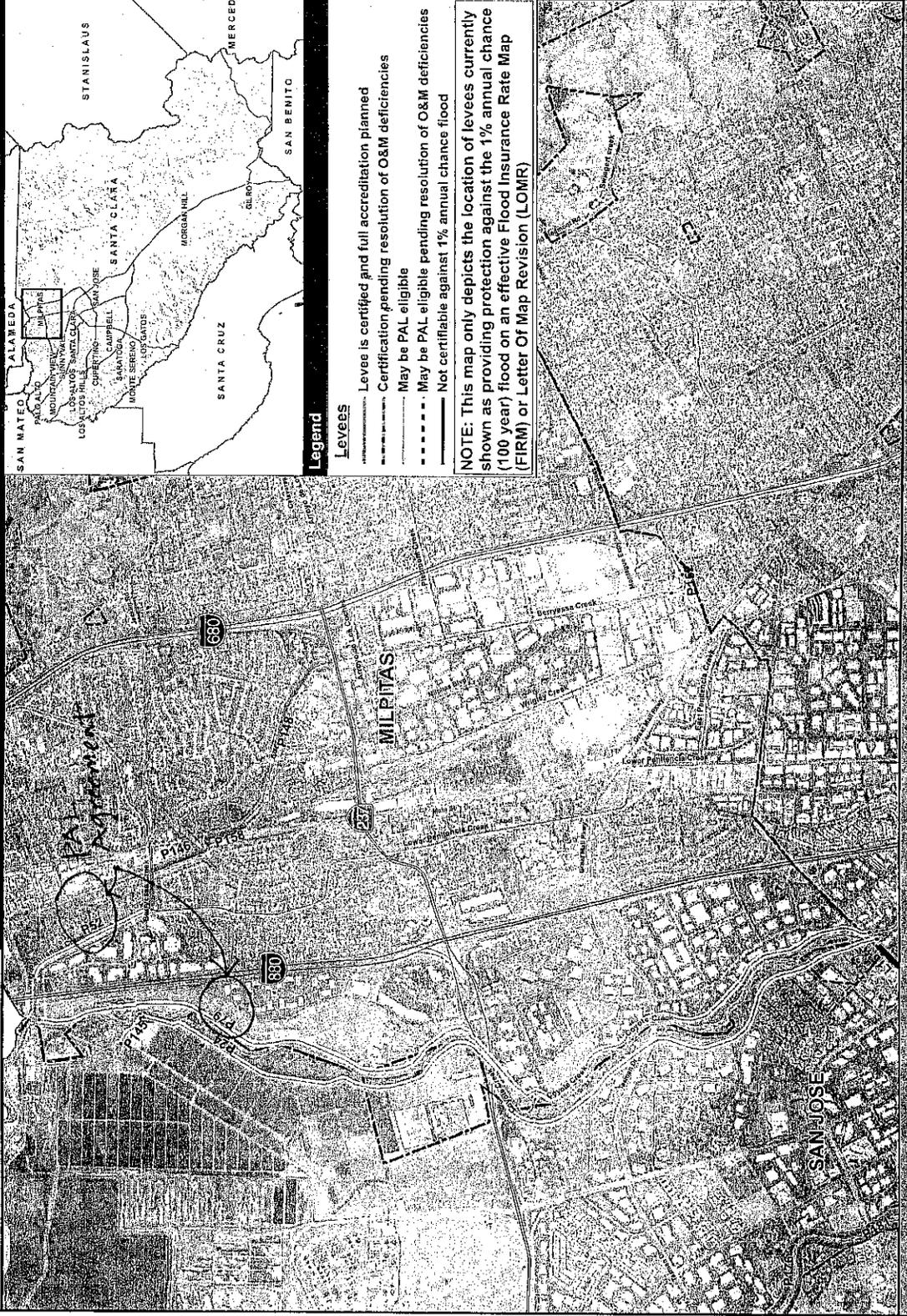
* May be PAL A Eligible: Levees not in USACE program that are shown as providing base flood protection on an effective FIRM or LOMR, and may be eligible for PAL

May be PAL B Eligible: Levees in the USACE program that are shown as providing base flood protection on an effective FIRM or LOMR, and may be eligible for PAL



FEDERAL
EMERGENCY
MANAGEMENT
AGENCY

Milpitas Levee Status



Legend

Levees

- Levee is certified and full accreditation planned
- - - Certification pending resolution of O&M deficiencies
- · · · · May be PAL eligible
- · · · · May be PAL eligible pending resolution of O&M deficiencies
- Not certifiable against 1% annual chance flood

NOTE: This map only depicts the location of levees currently shown as providing protection against the 1% annual chance (100 year) flood on an effective Flood Insurance Rate Map (FIRM) or Letter Of Map Revision (LOMR)