

EXHIBIT A

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
EXECUTIVE OFFICE  
WASHINGTON, D.C. 20001



April 25, 2008

Vice Admiral Harvey E. Johnson, Jr.  
Deputy Administrator and Chief Operating Officer  
Federal Emergency Management Agency  
500 C Street S.W.  
Washington, D.C. 20472

Dear Vice Admiral Johnson:

In follow-up to our request and your approval to proceed, we began a collaborative effort with your appointed staff to develop an approach to provide flood protection and risk abatement for the floodplain of the District of Columbia. I am pleased to report to you that we have reached mutual agreement upon a schedule and set of milestones, outlined in the enclosed documents, that we believe will achieve the necessary flood protection.

This letter memorializes our mutual agreement to enter into a process to construct, by no later than November 2009, an interim solution and temporary closure structure (which moves toward a permanent closure structure) and is creditable by the U.S. Army Corps of Engineers to provide 1% annual chance flood protection as outlined in the enclosed accelerated timeline and schedule of milestones.

Our agreement affirms that we shall observe the enclosed Notification Schedule, so that in the event that issues arise that impact our ability to meet a specific deadline, we can quickly work together to put in place actions that will ensure that our interests and investments in flood risk abatement in the District can still be protected and continue to advance.

As part of this agreement, the District affirms that it has \$2.5 million in funds available for this endeavor and that it is prepared to immediately execute the work order that commences the engineering investigations.

We further affirm that we shall continue to work closely with National Parks Service, National Capital Planning Commission, and the Commission on Fine Arts to ensure an expedited review process for this interim and temporary levee closure solution.

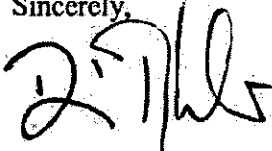
We understand that, if a milestone is missed, while we will work together to determine if it is recoverable in time to still reach the November 2009 completion goal, FEMA may

finalize the maps as drafted today with a plan to revise them as soon after completion of the interim solution as possible.

We very much appreciate the dedication of time, effort and good will that all parties brought to the table, particularly your FEMA staff, but also the National Park Service, the National Capital Planning Commission and the U.S. Army Corps of Engineers. I trust that you will find this accord to be agreeable. I am requesting that you indicate your agreement by a return letter and affirm the outcome of this negotiating process.

I would like to underscore my appreciation of your consideration of our unique circumstances and your willingness to pursue alternative means of attaining the ultimate outcome that this FEMA mapping effort is intended to achieve – a reduction of health and safety risk to the citizens, businesses, structures and institutions in the District.

Sincerely,

A handwritten signature in black ink, appearing to read 'Dan Tangherlini', written in a cursive style.

Dan Tangherlini  
City Administrator

Enclosures

Cc: The Honorable Eleanor Holmes Norton

FEMA/DC Mitigation Notification Schedule

*According to the schedule below, the District will deliver to FEMA the following\*:*

|                |   |
|----------------|---|
| April 2008     | Letter of Agreement from City Administrator Dan Tangherlini;<br>Draft scope of work and timeline for Levee Accreditation<br>Alternatives  |
| May 2008       | Copy of Executed Contract for Levee Accreditation Alternatives  |
| June 2008      | Proactive plan for floodplain management ordinance update for<br>adoption by DC Council that meets, but preferably exceeds<br>minimum National Flood Insurance Program requirements.        |
| July 2008      | Public notification plan for residents and businesses in affected<br>areas.   |
| August 2008    | General summary of all major planned and ongoing development<br>in the affected area.   |
| September 2008 | Datasets from completed Freeboard Analysis for existing levee<br>including preliminary interior drainage modeling for a 1% annual<br>chance rainfall event assuming the closure is in place |
| October 2008   | Concept design plans for various closure alternatives   |
| November 2008  | Preliminary engineering calculations to support recommended<br>closure alternative  |
| December 2008  | Final draft design plans (50% or 75%) for recommended closure<br>alternative  |
| January 2009   | Final design plans with response to comments on previous<br>submissions and submission of Conditional Letter of Map Revision  |
| February 2009  | USACE approval letter & project groundbreaking  |
| March 2009     | Construction completion milestone (TBD in December 2008)  |
| April 2009     | Construction completion milestone (TBD in December 2008)  |
| May 2009       | Construction completion milestone (TBD in December 2008, but<br>expected to be equal to or greater than 50%)  |
| June 2009      | Construction completion milestone (TBD in December 2008)  |

|                |  |
|----------------|--|
| July 2009      | Construction completion milestone (TBD in December 2008)   |
| August 2009    | Construction completion milestone (TBD in December 2008, but expected to be equal to or greater than 80%)  |
| September 2009 | Construction completion milestone (TBD in December 2008)   |
| October 2009   | Construction completion milestone (TBD in December 2008)   |
| November 2009  | 100% of Construction complete  |
| December 2009  | Copy of US Army Corps of Engineers Inspection Letter for system with a minimally acceptable rating or better, certification the levee is designed and constructed to provide 1% protection, and submission of as-built Letter of Map Revision including all required elements for Levee Certification. FEMA Issues Letter of Final Determination for map to become effective in 6 months |

*Note: All relevant datasets produced in the preparation of the design plans will be delivered to FEMA.*

***According to the schedule below, FEMA will to the District deliver the following:***

|               |  |
|---------------|--|
| April 2008    | Letter of Agreement signed by FEMA   |
| May 2008      | Upon completion of the May milestone, FEMA will rescind the March 25, 2008 Letter of Final Determination |
| December 2009 | Letter of final determination setting effective date of June 2010  |
| March 2010    | Notice of Adoption of the Revised (Post-Levee Certification) Flood Rate Insurance Maps                   |

*Note: At any point, should FEMA determine the project is not likely to be completed by November 2009, FEMA will immediately issue a Letter of Final Determination, setting a map effective date 6 months from its issuance. The map will include any pertinent improvements to the hazard data. This final determination will not later be rescinded for any reason. However, FEMA will continue to work in partnership with the District to ensure a timely update to the maps once the project is completed.*

**EXHIBIT B**

Office of the Administrator  
U.S. Department of Homeland Security  
500 C Street, SW  
Washington, DC 20472



**FEMA**

May 1, 2008

Dan Tangherlini  
City Administrator  
District of Columbia  
1350 Pennsylvania Avenue, NW  
Suite 521  
Washington, DC 20004

Dear Mr. Tangherlini:

Thank you for your letter dated April 25, 2008. I am pleased that agreement has been reached on this important matter in such a relatively short time. I want to affirm that FEMA will observe the schedule you enclosed in your letter. In addition, should issues arise that may impact delivery of the milestones, FEMA will work with the District to ensure that we reach our mutual goal – a reduction in flood vulnerability, including the eventual establishment of a permanent barrier.

The FEMA Region III staff will be the primary point of contact for oversight of the project schedule and milestones. During this process, FEMA Headquarters will also provide assistance.

I encourage you to continue to work with your Federal partners at the National Park Service, National Capital Planning Commission, and the Commission on Fine Arts to ensure an expedited review process for this interim and temporary levee closure solution.

I also appreciate your understanding that if at any time it is determined the project is not likely to be completed by November 2009, FEMA will immediately issue a Letter of Final Determination which will set a map effective date six months from the issuance. While the finalized map will include any pertinent improvements to the hazard data, the FEMA final determination will not be rescinded at a later date except pursuant to the process established at 44 CFR Part 65.

Sincerely,

A handwritten signature in black ink, appearing to read "Harvey E. Johnson, Jr.", written in a cursive style.

Harvey E. Johnson, Jr.  
Deputy Administrator and Chief Operating Officer

cc: Representative Eleanor Holmes Norton