

Interim Policy for Determining Eligibility Status of Flood Risk Management Projects for the Rehabilitation Program Pursuant to Public Law (PL) 84-99

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US Army Corps of Engineers
Sacramento District

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Background

- November 25, 2013, HQUSACE directed districts to temporarily suspend PL 84-99 eligibility determinations. The policy issued on 21 March 2014 grants districts the ability to make eligibility determinations based on a subset of items from the full inspection checklist.
- The primary purpose of the Interim Policy for Determining Eligibility Status in the Rehabilitation Program is to:
 - ▶ Continue to focus on repairing levee systems in a worst-first approach.
 - ▶ Provide interim criteria for determining eligibility for rehabilitation assistance during the transition to the development of a final policy and revisions to 33 CFR Part 203.
 - ▶ Using a sub-set of existing criteria to determine eligibility in a manner that does not create an incentive to take actions that might negatively impact natural resources or Tribal rights.



Policy Highlights

- The inspection checklist will still be used to determine overall system ratings, however, PL 84-99 eligibility will not be based on this rating.
- Interim eligibility criteria for levee systems will be based on a subset of the existing inspection checklist.
- The item subset selection is based on those items where inspectors can clearly determine performance issues; items not selected are difficult to determine performance issues based on the existing checklist.
- Must receive a Minimally Acceptable or Acceptable on all interim eligibility inspection items to maintain Active status.



Policy Highlights

18 Inspection Items Used for Eligibility Determination

Levee Embankments

Encroachments
Closure Structures
Slope Stability
Erosion/Bank Caving
Animal Control
Culverts/Discharge Pipes
Relief Wells/Toe Drains

Floodwalls

Encroachments
Closure Structures
Tilting, Sliding, or Settlement
Foundations of Concrete Structures
Relief Wells/Toe Drains

Interior Drainage System

Culverts/Discharge Pipes
Sluice/Slide Gates
Flap Gates/Flap Valves/Pinch Valves

Pump Stations

Intake and Discharge Pipelines
Sluice/Slide Gates
Flap Gates/Flap Valves/Pinch Valves



Policy Highlights

- If requested, USACE will still assist the State with flood fight activities, regardless of PL 84-99 rehabilitation status.
- Federal levee systems that are currently inactive can request to be re-inspected for eligibility based on the interim eligibility criteria.
- The overall system rating will still be used to communicate the results of the inspection; however, an unacceptable overall system rating will not necessarily lead to an inactive status in the Rehabilitation Program.



Policy Pertaining to SWIFs

- Encourage public sponsors to continue to develop and implement SWIFs for all standards.
- Sponsors undergoing LOI/SWIF process will be given a choice:
 - a) continue as is,
 - b) reprioritize their plan to align with interim guidance, or
 - c) cancel the SWIF or LOI and follow interim policy.
- Districts may allow up to one year for sponsors to adjust and resubmit approved LOIs/SWIFs.
- For HQ approved LOIs/SWIFs, Districts may approve any amendments in accordance with the interim policy.
- Any environmental compliance that USACE determines to be required for the implementation of a SWIF will be accomplished by USACE, including necessary consultation under Section 7 of the ESA.
- Sponsors must provide all necessary documentation required for consultation, and must complete any follow-on mitigation.



Policy Highlights

- This policy does not impact ongoing studies or projects.
- New construction still must comply with the design guidance in the Engineering Technical Letter (ETL 1110-2-571).
- Maintenance reporting by sponsor is still required (no change).



Future Direction

- Note, of the current inactive systems, almost all will remain inactive based on the subset items; only one was determined inactive due to vegetation.
- Improvements will be made to the Rehabilitation Program to further synchronize with USACE's emphasis on fixing the worst issues first, and advances in the flood risk management and levee safety, such as:
 - ▶ Revising its eligibility criteria to promote broader flood risk management activities such as:
 - Emergency preparedness planning
 - Risk communication
 - ▶ Prioritizing maintenance activities based on risk
 - ▶ Aligning flood risk terminology and activities across USACE's various programs
- The final policy will go through the formal rule-making process.



Questions?



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