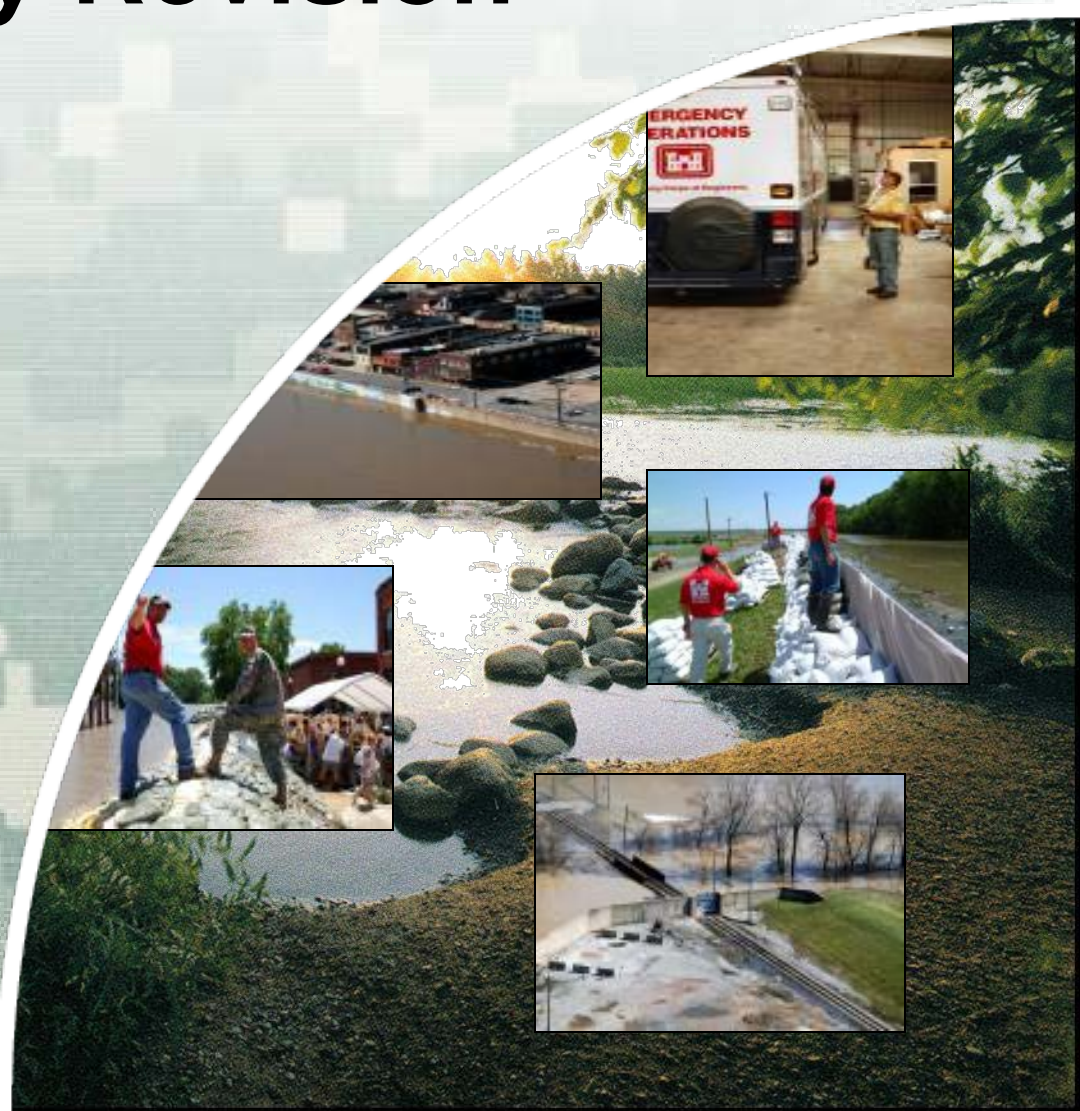


PL 84-99 Rehabilitation Program Policy Revision Procedures

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Purpose

- Provide information regarding the Advance Notice of Proposed Rulemaking (ANPR) – focuses on proposed revisions to PL 84-99 implementation policy.
- Outline areas of the PL 84-99 policy targeted for revision
- Overview of HQ “Next Steps” for completing revisions.



Background: PL 84-99

- Section 5 of the Flood Control Act of 1941
 - 33 USC 701n (Law)
 - 33 CFR Part 203 (Federal Regulation)
 - ER 500-1-1 (USACE Policy)
- Part 203 and ER 500-1-1 typically updated once every 10-15 years
 - Part 203 last revised in 2003
 - ER 500-1-1 last revised in 2001



PL 84-99 ANPR

- HQ proposed changes to 4 primary areas of the implementation of PL 84-99
 - ▶ Rehabilitation
 - ▶ Advanced Measures
 - ▶ Non-Structural Alternatives
 - ▶ System-Wide Improvement Framework
- Opportunity for public and stakeholder input into forthcoming policy.



Revised Eligibility Concepts

- Develop new eligibility requirements that incentivize broader flood risk management actions by non-federal sponsors
- Eligibility based on the following concepts:
 - ▶ Implementation of Risk-Prioritized O&M Activities
 - ▶ Develop and maintain Emergency Preparedness Plan
 - ▶ Develop and implement Risk Awareness and Communication Activities
 - ▶ Participate in Levee Safety Program Activities
- Levee safety inspections and risk screenings are still done by USACE and will be used to inform non-federal sponsor actions, not eligibility.
- Sponsor maintains responsibility for all costs associated with deferred and deficient O&M.



Factors Influencing Change

- Better understanding of risk drivers and responsibilities for managing risk.
- Challenges with environmental concerns highlight limitations of using a standards-based approach in a consistent manner.
- Lessons learned from flood events.
- To continue making progress in correcting deficiencies despite long-term maintenance challenges.



Desired Outcome

- Encourage a community discussion and engagement in a broader set of flood risk management actions to manage risk.
- Encourage dialogue and problem solving between USACE and sponsors.
- Promote risk-informed, cost effective prioritization of risk reduction activities.
- Change the role of USACE from “compliance inspector” to provider of risk advice and technical assistance.
- Provide flexibility to align flood risk management actions with requirements to protect and restore natural resources.



Proposed Schedule

- Publish ANPR (**13 FEB 2015**)
- 60-day comment period (**MAR-APR 2015**)
- Review/assess ANPR comments, develop Proposed Rule (**MAY-JULY 2015**)
- Publish Proposed Rule (**AUG 2015**)
- 60-day comment period (**SEP-OCT 2015**)
- Review/assess Proposed Rule comments and develop Final Rule (**OCT-NOV 2015**)
- Publish Final Rule for 33 CFR Part 203 (**DEC 2015**)
- Publish revised ER 500-1-1 (**JAN 2016**)



ANPR Comment Process

- ANPR was published in the Federal Register on 13 February 2015 for a 60-day comment period; comments close 14 April 2015
- There are 13 questions within the ANPR to focus public comments on the proposed policy revisions
- Comments may be submitted:
 - ▶ Electronically at www.regulations.gov
 - ▶ Via email to 33CFR203@usace.army.mil
 - ▶ By mail to:
US Army Corps of Engineers, Headquarters
441 G Street NW, ATTN: CECW-HS (3D64)
Washington DC 20314-1000



Discussion

