



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
SEATTLE DISTRICT, CORPS OF ENGINEERS
P.O. BOX 3755
SEATTLE, WASHINGTON 98124-3755

Design Branch

MAR 24 2014

Dear Sponsor:

This letter provides the specific details about near and long-term changes to the U.S. Army Corps of Engineers (Corps) policy for eligibility criteria for levees in the Public Law (PL) 84-99 Rehabilitation Program. It follows my letter of 31 January 2014 which provided advanced notice a change was forthcoming. The changes result from public feedback and a comprehensive program review and intend to better synchronize flood risk management and levee safety. As a levee sponsor, it is important you are aware of these changes since managing, communicating, and reducing flood risk is a shared responsibility among federal, state, and local government entities.

Long-term changes to the Rehabilitation Program will require USACE to change 33 Code of Federal Regulations, Section 203 through a rulemaking process. Near-term interim policy (enclosed) was issued on 21 March 2014 for making Rehabilitation Program eligibility decisions while the Corps completes the final policy. The purpose of the interim policy is to allow eligibility determinations in the Rehabilitation Program to continue to be implemented while the new policy is developed, and to do so in a manner that avoids potentially incentivizing public sponsors to take actions that may negatively impact natural resources or tribal rights. Vegetation on levees is no longer a criterion for determining Program eligibility.

While comprehensive levee system inspections and ratings will continue, those ratings will not be used to determine eligibility status in the Rehabilitation Program. The interim policy provides revised eligibility criteria for levee systems based on a subset of the inspection items drawn from the existing levee inspection checklist. An Unacceptable rating on any of the eligibility subset of items will result in a levee system being put in Inactive status. If a levee system comprises more than one levee segment, all segments must meet the interim eligibility criteria for the levee system to be Active. It is important to note that this interim policy does not impact flood fighting policies. USACE will continue to provide flood fighting assistance regardless of status in the Program.

The Interim Policy's paragraph 5 covers eligibility determinations, with requirements and criteria in paragraph 6. Continued eligibility for existing systems will fit one of four cases:

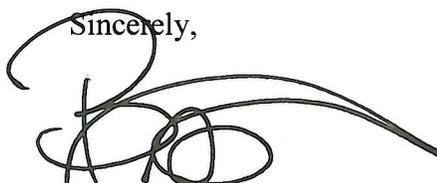
- Federal and non-federal levee systems currently Active in the Rehabilitation Program will be evaluated for continuing eligibility using the interim eligibility criteria during the next scheduled Continuing Eligibility Inspection (CEI).

- Federal and non-federal systems with a CEI conducted prior to 21 March 2014, and for which the public sponsor has not been provided an eligibility determination due to the 25 November 2013 temporary suspension of eligibility determinations, will be reevaluated using the interim eligibility criteria. Reevaluations may be conducted using information from the previous inspection report. Therefore, reinspection may not be necessary.
- Upon request by the public sponsor, federal levee systems currently Inactive in the Rehabilitation Program can be reinspected and reevaluated for eligibility based on the interim eligibility criteria. Inactive federal levee systems that meet the interim eligibility criteria may regain Active status in the Rehabilitation Program.
- Upon request by the public sponsor, inactive non-federal levee systems must complete an Initial Eligibility Inspection (IEI) for Program re-entry and eligibility determination. The IEI entails specific additional requirements, and those of a CEI.

The Corps remains committed to the 29 November 2011 System Wide Improvement Framework (SWIF) policy and process for working with public sponsors to plan and implement long-term system-wide improvements that improve the performance and reliability of levee systems and provide for environmental compliance. In fact, the SWIF policy reflects the broader flood risk management approach that USACE plans to incorporate into the future of the Rehabilitation Program. Therefore, public sponsors engaged in SWIFs will be aligned with this future approach. The Policy's paragraph 7 provides additional detail for processing Letters of Intent (LOI) and SWIFs as part of this interim policy. This letter and the enclosed policy notifies current SWIF sponsors that they are required to provide written notification by 24 May 2014 of their selected option to: address all system-wide issues in the current LOI plan; reprioritize to focus the LOI plan to meet the interim eligibility criteria; or cancel the LOI plan and follow interim policy. Seattle District is available to coordinate with current SWIF sponsors and further discuss their options and plan forward.

Please feel free to contact Douglas T. Weber for additional information at (206) 764-3406 or email at douglas.t.weber@usace.army.mil.

Sincerely,

A handwritten signature in black ink, appearing to read 'B. Estok', with a long, sweeping horizontal line extending to the right.

Bruce A. Estok
Colonel, Corps of Engineers
District Commander

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