



DEPARTMENT OF THE ARMY

U.S. Army Corps of Engineers
WASHINGTON, D.C. 20314-1000

JAN 18 2007

REPLY TO
ATTENTION OF:
CECW-HS

MEMORANDUM FOR Commanders, Major Subordinate Commands and Districts

SUBJECT: Supplemental Policy Guidance for the USACE 26 September 2006 Policy Guidance for Prioritization of FY07 Inspection of Completed Works (ICW), Operations and Maintenance (O&M), General (O&M Gen), Mississippi River and Tributaries (MR&T), and Flood Control & Coastal Emergencies (FCCE) Inspections Accounts

1. References:

- a. E-mail, HQ USACE (CECW-ZA), MG Don T. Riley, Subject: Levee Certification Guidance, 14 December 2006.
- b. Memorandum, HQ USACE (CECW-HS), MG Don T. Riley, Subject: Policy Guidance for the Prioritization of FY 07 Inspection of Completed Works (ICW) Operations & Maintenance, General (O&M Gen), Mississippi River and Tributaries (MR&T) and Flood Control & Coastal Emergencies Inspection Accounts, 26 September 2006.
- c. E-mail, HQ USACE (CECW-ZA), MG Don T. Riley, Subject: FY07 Inspection of Completed Works Program Execution, 15 August 2006.
- d. Memorandum, HQ USACE (CECW-CE), LTG Carl A. Strock, Subject: Implementation of Findings from Interagency Performance Evaluation Task (IPET) Force on I-Wall Type Floodwalls, 23 May 2006.
- e. Engineer Regulation (ER) 500-1-1, "Emergency Employment of Army and Other Resources Civil Emergency Management Program," 30 September 2001.
- f. Engineer Pamphlet (EP) 500-1-1, "Emergency Employment of Army and Other Resources - Civil Emergency Management Program – Procedures," 30 September 2001.
- g. Engineer Regulation (ER) 1130-2-530, "Project Operations - Flood Control Operations and Maintenance Policies," 30 October 1996.

2. The purpose of this memorandum is to establish a one time only "maintenance deficiency correction period" (MDCP) of one year and to provide additional guidance to Reference 1.b. The MDCP will allow public sponsors time to correct project maintenance deficiencies before the project is placed in an inactive status in the Rehabilitation and Inspection Program (RIP) and becomes ineligible for Public Law (PL) 84-99 rehabilitation assistance. This includes both Federal and non-Federal levee systems, which are eligible for PL 84-99 rehabilitation assistance. Current policy in EP 500-1-1, Section 5.8 for Federal and non-Federal projects, states when a project receives an overall condition rating of unacceptable it is immediately placed in an inactive status in the RIP and is ineligible for PL 84-99 rehabilitation assistance until the deficiencies have been corrected. Further for Federal projects, ER 1130-2-530, Section 3.3, indicates the following steps be taken when a project receives an unacceptable

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rating: (1) notify sponsor by letter of deficiencies and meet with them to communicate the gravity of the situation; (2) notify the Governor of the state and other state agencies by letter; (3) inform FEMA and the impacted public; and (4) if acceptable action is not taken, the project is removed from the ICW program and from eligibility for emergency rehabilitation under PL 84-99. We realize that these steps will take time to accomplish. Timely written notification to the sponsor and FEMA should be done by the district in the interest of public safety when unacceptable, poor or fair ratings are identified.

3. As contained in references 1.f. and 1.g. above, the definitions for levee ratings are:
 - a. Unacceptable: One or more deficient conditions that can reasonably be foreseen to prevent the project from functioning as designed.
 - b. Poor: Major deficiencies such that the structural integrity will probably not withstand a major flood event. Little or no evidence of maintenance performed.
 - c. Fair: Major deficiencies that if not corrected immediately may lead to or cause deterioration of the project such that it is incapable of providing maximum protection. Little or no evidence of minimum maintenance performed.

4. The Levee Safety Program managers are currently working to develop a standard inspection process capable of achieving consistency across USACE for the inspection of Federal and non-Federal projects. The policy memorandum, reference 1.b. above, provides notification guidance for projects that had received an unacceptable, poor, or fair rating during the projects' last inspection. Further evaluation of the condition and inspection ratings of some projects have resulted in a change from an acceptable to unacceptable condition rating. It has also been noted that in some cases, past inspection activities may not have been in full compliance with references 1.e-g. As a result, this supplemental guidance will be applied when complying with Corps policy guidance, reference 1.b.

5. Project sponsors will be eligible for a MDCP for projects that have received an unacceptable, fair, or poor inspection rating and were in an "active" status in the Corps RIP prior to 30 September 2005 (FY06). These project sponsors shall be notified by letter that the sponsor has one year from the date of the notification letter to correct the deficiencies noted in the inspection report. Project sponsors will be asked to submit a plan for the correction of the deficiencies within three (3) months of written notification of the deficiencies. The plan must include: a schedule for correcting the noted deficiencies within the one year period; a summary of the interim actions, which include an evacuation plan, that will be implemented to reduce the flood risk created by the deficiencies; and an outreach plan to notify the public of the deficiencies and planned correction process. If the correction plan is approved by the District Commander, the project shall maintain an active status in the RIP during the MDCP. If the

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correction plan is not received and approved within the 3 month period; the District Commander determines the work cannot reasonably be completed within 1 year; or at any time the plan is not fully implemented as approved, the project status shall be changed to "inactive" and immediately be ineligible for PL 84-99 rehabilitation assistance.

6. As districts convey this information to project sponsors, it is important to communicate that this is an eligibility determination for Corps rehabilitation assistance under the RIP, as associated with PL 84-99. Correcting the maintenance deficiencies within the MDCP does not imply the levee meets certification requirements for FEMA's National Flood Insurance Program (NFIP) or meets eligibility for FEMA's Provisionally Accredited Levee (PAL) Program. Districts are encouraged to continue to partner with FEMA throughout the notification process.

7. Reference 1.b., paragraph 7.a., coordination that was to be completed by November 15, 2006 is extended to December 31, 2006.

8. Reference 1.b., paragraph 7.b., written notification that was to be completed by December 31, 2006 is extended to January 31, 2007.

9. The points-of-contact for this action are Mr. Jeffrey Jensen, (202) 761-7687 and Mr. Stephen Durrett, (202) 761-5346.



DON T. RILEY
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