



DEPARTMENT OF THE ARMY

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

REPLY TO
ATTENTION OF:

CECW-HS

SEP 26 2006

MEMORANDUM FOR Commanders, Major Subordinate Commands and Districts

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

1. References:

- a. Engineer Regulation (ER) 500-1-1, Civil Emergency Management Program, 30 Sep 2001.
- b. Engineer Pamphlet (EP) 500-1-1, Emergency Employment of Army and Other Resources - Civil Emergency Management Program – Procedures, 30 Sep 2001.
- c. Engineer Regulation (ER) 1130-2-530, Flood Control Operations and Maintenance Policies, 30 October 1996.
- d. Memorandum, HQ USACE (CECW-CE), LTG Carl A. Strock, 23 May 06, subject: Implementation of Findings from Interagency Performance Evaluation Task (IPET) Force on I-Wall Type Floodwalls
- e. E-mail, HQ USACE (CECW-ZA), MG Don T. Riley, 15 Aug 06, subject: FY07 Inspection of Completed Works Program Execution.

2. The purpose of this memorandum is to provide direction and establish the priority for use of ICW inspection funds during FY 2007. This memorandum is applicable to all districts and divisions in the U.S. Army Corps of Engineers with Civil Works responsibilities and to project inspection activities funded under the Operations and Maintenance General, Mississippi River and Tributaries and Flood Control and Coastal Emergencies accounts for the inspections of federal and non-federal flood damage reduction projects.

3. The Corps and FEMA are working together to develop a coordinated notification plan for contacting levee owners and informing them of the conditions of their levees, their responsibilities to correct unsatisfactory project conditions, and of the resulting consequences if the project conditions are not corrected. A copy of FEMA's Procedure Memorandum No. 43- Guidelines for Identifying Provisionally Accredited Levees (PAL) is provided as Enclosure 1.

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4. The first priority is the continued evaluation of projects with I-Wall construction. As you are aware, we recently completed the first phase of evaluations for all of our projects with I-Wall construction. Additional I-wall evaluation guidance is being developed and will be available for implementation NLT 1 October 2006. Completion of these I-Wall evaluations will be the first priority for expenditure of inspection funds.

5. To support the additional cost of the I-wall evaluations, 15% of the O&M Gen FY2007 ICW appropriation will be reallocated by headquarters to districts with I-wall assessment requirements to supplement the cost for completing these evaluations.

6. The second priority activities include: project sponsor notifications for all federal and non-federal projects that have received a rating of Fair, Poor or Unacceptable during the projects last inspection under the ICW and RIP programs as described in paragraph 7 below; conduct active coordination with the appropriate FEMA regions and provide available project information, when requested by FEMA to determine those projects that do not provide protection from the 1-percent-annual -chance flood (base flood) as described in paragraph 8 below; and coordination with local sponsors on their certification issues as described in paragraph 9 below. The MSC shall develop a coordination plan to address division wide policy and coordination issues for the work defined in paragraphs 7-9. MSC's within the geographic boundaries of a FEMA region shall identify a lead MSC who will be the primary point of contact with the FEMA region for MSC responsibilities. The execution of the work described in paragraphs 7-9 shall be performed by the districts working directly with the FEMA regions. Division shall provide a quarterly progress report summarizing the status of execution of FY07 Inspection priorities and coordination activities with FEMA regions.

7. The following actions will be taken to notify the project sponsor, State and local agencies and FEMA for federal and non-federal projects that have received an inspection rating of Fair, Poor or Unacceptable. The purpose of this notification is to inform the project sponsor and appropriate state and federal agencies that the project has received an unacceptable rating and is no longer eligible for Public Law 84-99 rehabilitation assistance and that the project may no longer provide a reliable level of protection against flooding, FEMA scenario C in enclosure 1.

a. Prior to written notification, the District Commander or his designee will meet with the sponsor and explain the magnitude of the situation and the potential consequences. The District shall coordinate with congressional offices representing the project sponsor, FEMA, state county and local authorities, and the local NFIP coordinator indicating the lack of adequate maintenance and the repercussions. Also, the District shall coordinate closely with the project sponsors and FEMA to manage risk communications and path forward associated

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with project deficiency notification letters. The above listed coordination sequence shall be executed prior to November 15th 2006.

b. Notify the project sponsor by registered letter of the projects deficiencies and inform them that the project will not be eligible for further rehabilitation assistance until the project deficiencies have been corrected. Provide copies of this notification letter to the appropriate state, county and local authorities, congressional offices and the FEMA regional office. A sample notification letter is provided as Enclosure 2. Registered notification letters shall be delivered between November 15th, and December 31st 2006.

c. If the sponsor or the state desires to hold a public meeting to discuss the problem, participate fully. Meetings should, however, in all cases be arranged by the non-federal interests and held under their auspices.

8. FEMA scenario E (enclosure 1) is a collaborative effort between FEMA Regions and the Districts to clearly identify projects that do not provide the required level of protection needed for Certification under the NFIP. The Corps initial levee survey indicates some projects in the 0 to 24 and 25 to 49 level of protection categories that are shown on an existing FIRM as providing protection from the base flood. When requested by FEMA Regions, Districts and FEMA Regions shall work together to evaluate existing data or information concerning specific projects and determined if the project "clearly" does not provide protection from the base flood. Goal is to identify projects in our inventory that without a doubt do not and could not protect against the base flood.

9. Coordinate with project sponsors who request assistance concerning project certification and provide them any existing available data to support their recertification. This coordination is not intended to perform new analysis or data collection but to review available data and provide assistance up to and including certification if all necessary information is available to the district.

10. The third priority is to conduct scheduled inspections of those projects that the district determines a priority to inspect. Timing of the inspections will need to consider the risk but may need to be delayed to ensure sufficient funds to execute the first two priorities for FY07. Deficiencies for all project inspections resulting in unacceptable, poor or fair ratings shall be submitted to CECW-HS utilizing the form at appendix E of ER 1130-2-530. Annual inspection report correspondence with the sponsor shall indicate that the inspection report results have been provided to HQUSACE in addition to FEMA and state/local officials.

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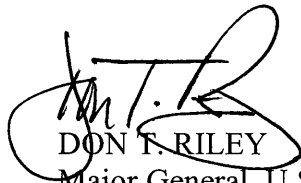
11. The gathering of information for the national levee data base has identified inconsistencies between the project rating and inspection criteria for inspections conducted under the ICW and RIP programs. A Project Delivery Team has been formed to address the Corps inspection program and make recommendations for improvement to the current program. However, to avert further inconsistencies with future inspection ratings the project condition codes outlined in EP 500-1-1, Section II - Inspections, paragraph 5-5 Table 5-2 will be used to rate project conditions. The FCW Inspection Guide at Enclosure 3 will be used beginning FY 2007 to conduct operations & maintenance inspections of all federal and non-federal projects.

12. Expenditure of ICW and RIP inspection funds for activities other than those addressed as priority 1, 2, 3 and routine project modification reviews will require approval from HQUSACE.

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

3 Encls

1. FEMA Guidelines Identifying Levees
2. COE Notification Letter
3. COE Inspection Guide



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