



US Army Corps of  
Engineers  
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# Update

## Revising the PL 84-99 Rehabilitation Program

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### USACE Considering Changes to the Rehabilitation Program

The U.S. Army Corps of Engineers (USACE) Rehabilitation Program, as authorized by PL 84-99, assists public and tribal sponsors of flood risk management projects – primarily levees – repair those projects that have been damaged by floods and coastal storms. To be eligible for rehabilitation assistance, levee projects must maintain an Active status by receiving an "acceptable" or "minimally acceptable" rating based on an annual visual inspection conducted by USACE.

USACE is considering changes to the Rehabilitation Program eligibility criteria to encourage broader flood risk management activities by project sponsors. For example, USACE is considering linking eligibility more closely to sponsor actions such as emergency preparedness planning, risk communication to the public, and prioritization of maintenance activities based on risk.

The following guiding principles will be used to guide the development of revised policies:

- Federal assistance is supplemental to state, local and tribal efforts, and does not replace them.
- Public sponsors have primary responsibility for operations, maintenance and risk communication activities associated with their projects.
- Risk-informed decision making guides USACE and sponsor activities.
- Consider projects as systems and across the full flood lifecycle.
- Implement program in a flexible manner to address serious or systemic deficiencies or when complex natural resources or tribal issues exist.
- Ensure benefits of federal investment are being maintained and reduce future repair costs.

USACE is changing its relationship with sponsors in the Rehabilitation Program due to the recognition that sponsors are the primary responsible parties for operations and maintenance, repair, rehabilitation, replacement and risk communication associated with their projects.

USACE is adjusting its focus to better engage with sponsors to provide detailed information related to the nature of risk associated with projects, provide technical assistance and promote sponsor activities to effectively manage and communicate risks associated with their projects.

USACE is also considering further expansion of the System-Wide Improvement Framework – an option that allows sponsors to retain eligibility for rehabilitation assistance while conducting longer-term, system-wide improvement activities beyond the scope of usual operations and maintenance. This includes activities related to addressing complex natural resource issues and Tribal Treaty Rights that require additional time and coordination to ensure that Tribal rights, public safety and environmental requirements are adequately addressed and resolved.

USACE issued an interim policy for eligibility determinations for the Rehabilitation Program in March 2014, and intends to develop the final policy through the rulemaking process by the fall of 2015.

## **Significance**

The changes being considered to the eligibility criteria for the Rehabilitation Program will have the most direct impact on project sponsors.

## **Engaging the Public in the Revision Process**

As mentioned above USACE is in the process of revising the eligibility requirements for the Rehabilitation Program. HQUSACE will soon publish an Advance Notice of Proposed Rulemaking in the Federal Register. This will provide an opportunity for USACE to get input from Tribes, public sponsors of flood risk management projects, environmental organizations, and other interested parties about key issues to help shape the revised policy. USACE will:

- Share information about the proposed changes through webinars, fact sheets, and direct outreach at national and local events.
- Seek input from the public, tribes and interested stakeholders regarding new eligibility criteria.
- Assess new eligibility criteria against a number of USACE programs including the Rehabilitation Program, the Flood Risk Management, and the Levee Safety Program.
- Publish 33 CFR Part 203 as a Proposed Rule in the Federal Register. This will result in a public comment period of at least 60 days.
- Review and assess all submitted comments, revise the Proposed Rule as needed, and then publish the Final Rule for 33 CFR Part 203.
- Revise Engineer Regulation 500-1-1 to reflect the new policy of 33 CFR Part 203.

## **For Additional Information**

If you are interested in learning more about the Rehabilitation Program and the PL 84-99 revision effort, please visit:

<http://www.iwr.usace.army.mil/Missions/FloodRiskManagement/FloodRiskManagementProgram.aspx>