

**Questions from March 24th Webinar
Rehabilitation Program Interim Policy
March 2014**

- 1. If a levee system was made Inactive several years ago, will they now be made Active if they meet the interim criteria?**

Yes, however the public sponsor must request a reevaluation of their system using the interim eligibility criteria.

- 2. Under the interim policy, is it possible to have a scenario where a levee system receives a system rating of Unacceptable (U) but is Active in the Rehabilitation Program? Or a levee system rating of Minimally Acceptable (M) but is Inactive?**

Eligibility for the Rehabilitation Program has been disconnected from the overall system rating, so yes, both scenarios are possible. However, in order to be designated Active, a levee system cannot receive a U rating on any of the interim eligibility criteria. The interim eligibility criteria are based on elements representative of system performance, therefore it is unlikely that a system would receive an overall rating of M while receiving U rating(s) on inspections items part of the interim eligibility criteria. If this does occur, the SWIF process is available to sponsors to remain Active in the Rehabilitation Program while making progress to address deficiencies. Likewise, a system could receive an overall rating of M although receiving U rating(s) on inspections items not part of the interim eligibility criteria. Sponsors are still encouraged to prioritize their O&M activities to correct these items to ensure levee integrity and reduce risk to the public while keeping impacts to natural resources and Tribal Rights in mind.

- 3. Why is seepage not on the interim list of eligibility criteria?**

It was recognized by the PDT that seepage is a significant issue. Seepage was not included as an item in the interim criteria because the description in the existing inspection checklist is worded in a way that is too general to be useful for interim eligibility determinations. It is anticipated that engineering judgment will be utilized in regards to seepage.

- 4. Why is vegetation maintenance not on the interim list of eligibility criteria?**

In areas in which ESA are identified issues, a requirement to meet USACE vegetation maintenance standards could compel the public sponsor to take action that may be in violation of ESA. USACE vegetation maintenance standards have not changed, and vegetation maintenance will still be rated during inspections, however USACE will not use the vegetation maintenance inspection

item for eligibility determinations in order to not inadvertently incentivize actions that could negatively impact natural resources or Tribal rights.

5. What do we tell sponsors that have spent a lot of money on removing vegetation in order to be eligible for the Rehabilitation Program?

USACE has not changed its vegetation management standards and encourages public sponsors who have implemented vegetation maintenance activities to continue.

6. Because eligibility determinations for all non-levée infrastructure remain paused, will USACE continue to inspect that infrastructure?

Districts should continue to conduct routine inspections as normally scheduled for federally authorized, locally maintained projects that are in an Active or Inactive eligibility status and for non-federal projects that have an "active" eligibility status during the period that the interim policy guidance is in effect. Inspections results will be reported in accordance with existing policy.

7. How is the two-year timeframe to correct deficiencies impacted by this policy?

The two-year timeframe to correct unacceptable rated items is linked to the overall system rating which is no longer being used to determine eligibility during the interim period. There is not a grace period for the subset of inspection items that are being used to determine eligibility in this interim policy. If a levee system receives a U rating on any of the interim eligibility criteria it will be immediately designated Inactive. If that happens, there are two courses of action for a sponsor. They can fix the U items on the inspection checklist, get reinspected and reinstated to an Active status. This will promote attention to items that are not system-wide or long term in nature. For larger and longer term deficiencies, the SWIF process is available to sponsors as a mechanism to remain Active in the Program while addressing deficiencies.

8. What triggers a notification to FEMA, the overall system rating or the Active/Inactive status in the Rehabilitation Program?

FEMA notification is not addressed in the interim policy; therefore notification is based on overall system rating per ER/EP 500-1-1.

9. Can the Levee Safety Officer (LSO) approve an amendment to an LOI or SWIF or must this be done by the District Commander?

Amendments to existing accepted LOIs and SWIF plans will be approved by the District Commander, with no further delegation authorized.

10. Is funding available for inspection requests?

Inspection funding sources for activities associated with the interim policy guidance remains unchanged. Reevaluations should be made using the most recent inspection report. For non-federal levee systems that have been Inactive and a new inspection is necessary, those funds may be requested.

11. What materials can we share with sponsors?

The interim policy, slides from this webinar, talking points, and other documents will be made publically available.

12. What communication documents will be made available and where will they be located?

District and Division offices have been provided the interim policy; PDF of the March 24th webinar slides; and talking points for use as communications materials. In addition, those documents plus these Q&As will be posted on the National Flood Risk Management Program website at:

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