



DEPARTMENT OF THE ARMY
PHILADELPHIA DISTRICT, CORPS OF ENGINEERS
WANAMAKER BUILDING-100 PENN SQUARE EAST
PHILADELPHIA, PA 19107-3390

REPLY TO
ATTENTION OF

Emergency Management

February 23, 2015

Dear Sir/Ma'am,

Under the authority of Public Law 84-99 (P.L. 84-99), an eligible flood risk management system can be rehabilitated if damaged by a flood event. The flood risk management system would be restored to its pre-disaster status at no cost, if the system was constructed by the U.S. Army Corps of Engineers (USACE), or on a cost-shared basis to the Sponsor, if the system was constructed by a non-federal entity. All systems considered eligible for P.L. 84-99 assistance need to have an "Active" status in the Rehabilitation and Inspection Program (RIP) prior to the flood event. The annual inspection completed by USACE of the flood risk management system is currently the method used to determine the status in RIP. The interim policy for determining eligibility status of flood risk management projects for RIP pursuant to P.L. 84-99 can be found here: <http://bit.ly/RIPinterimMarch2014>. The interim policy became effective on March 21, 2014, and consists of using a sub-set of the existing inspection checklist to determine the status in RIP.

USACE is continuing in the process of revising its policies relating to eligibility criteria for levee and coastal projects within its P.L. 84-99 RIP, and we are requesting your input.

USACE has published an Advance Notice of Proposed Rulemaking (ANPR) in the Federal Register, entitled "Emergency Employment of Army and Other Resources, Natural Disaster Procedures," to help obtain public input on the policy concepts being considered. The docket number is COE-2015-0004. Please visit <http://bit.ly/RIPFedReg2015> to review the documents. Comments must be received on or before April 14, 2015. Please let us know if you cannot access this document.

This solicitation of public input is an optional mechanism in the rulemaking process. However, before making any changes to our policies, it is crucial to get feedback from those whom these policies will affect the most.

There are two of three documents available for comment that guide P.L. 84-99 and fall under Section 5 of the Flood Control Act of 1941. Engineering Regulation (ER) 500-1-1 is a USACE Policy. As the Sponsor, you may be most interested in Chapter 5 (Rehab & Inspection Program) and Chapter 6 (Coastal Rehab Program). You may also provide comment on 33 Code of Federal Regulations (CFR) Part 203, which is a Federal Regulation. These documents were last updated in 2001 and 2003, respectively, and are typically updated once every 10 to 15 years. The third presiding document that is not available for comment is Law 33 United States Code (USC) 701n.

Some of the concepts included in the revised USACE policy are the removal of inspection ratings as the sole determining factor in the determination of eligibility requirements for RIP; and the development of new eligibility requirements that focus on meeting basic eligibility requirements plus demonstrated emergency preparedness, outreach, and project operation and maintenance activities. For example, to maintain active status in RIP, a Sponsor would need to:

- Develop and maintain an Operations, Maintenance and Inspection Plan
- Develop and maintain an Emergency Preparedness Plan
- Develop and implement Risk Awareness and communication activities

- Participate in Levee Safety Program activities (for projects with levees and/or floodwalls)

USACE would still perform project condition inspections and risk screenings (for projects with levees and/or floodwalls); however, these results would be used to inform Sponsor actions - not for RIP eligibility consideration. USACE will continue to provide planning and technical expertise to local communities to help them appropriately identify and address flood risks to protect property and save lives.

Sponsors will still have the responsibility for operations and maintenance of flood risk management works and communication activities associated with their projects.

The proposed changes reflected in the policy were influenced by our better understanding of risk drivers and responsibilities for managing these risks; lessons learned from previous flood events; limitations of using a standards-based approach in a consistent manner in relationship to environmental concerns; and the need for consistent stakeholder support.

We hope that these proposed changes will encourage better dialogue and problem solving between USACE and our Sponsors and provide greater flexibility to align risk-informed and cost-effective flood risk management actions with requirements to protect our natural resources.

Comments may be submitted through one of the following media:

- Electronically at www.regulations.gov
- Via email to 33CFR203@usace.army.mil (include docket number COE-2015-0004 in the subject line)
- By mail to:

US Army Corps of Engineers, Headquarters
Attn: 33CFR203/CECW-HS/3D64
441 G Street NW, ATTN: CECW-HS (3D64)
Washington DC 20314-1000

We will be reviewing and assessing the comments, and we hope to publish the proposed rule in the early fall, for another 60-day comment period. After incorporation of those comments, we anticipate publishing a Final Rule for 33 CFR Part 203 in winter 2015 and a revised ER 500-1-1 in winter 2016.

Please distribute this message to others you feel would have an interest in providing comment. Broad dissemination is critical, so we ensure we have all of the right eyes on the documents.

Please view the attached fact sheet for more information.

We greatly value your input, and if you have any further questions, please do not hesitate to contact:

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Sincerely

James V. Monsu
Chief, Emergency Management Office