



**U.S. ARMY CORPS OF ENGINEERS**

**BUILDING STRONG®**

### **USACE Considering Changes to the Rehabilitation Program**

The U.S. Army Corps of Engineers (USACE) Rehabilitation Program 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 a “minimally acceptable” condition based on an annual visual inspection of their levee system by the USACE.

USACE is considering changes to the Rehabilitation Program eligibility 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 usual operations and maintenance. This includes activities related to addressing complex natural resource systems or treaties with tribes that require additional time and coordination to ensure the imperatives of tribal rights, public safety and environmental requirements are adequately address and met.

Although USACE has issued an interim policy for eligibility determinations for the Rehabilitation Program, the ultimate goal is to develop a final policy through the rulemaking process in the spring of 2015.

## **Potential Significance to Tribal Communities**

The changes being considered to the eligibility criteria for the Rehabilitation Program will have the most direct impact on project sponsors. Nationally, only three tribes are currently project sponsors.

About 30 federally-recognized tribes and Alaska Native Villages are located behind levees or other flood risk management projects that are currently in the Rehabilitation Program<sup>1</sup>. These tribes may be interested in changes to the program as they could be impacted by the ability of a levee sponsor (tribal or otherwise) to repair a structure should it be damaged by a flood event. Other federally recognized tribes and Alaska Natives may be interested in levee rehabilitation and maintenance of those levees more generally.

## **The Plan for Engaging Tribes and Others in the Revision Process**

As mentioned previously USACE is in the early stages of the process to revise the eligibility requirements for the Rehabilitation Program. This provides an opportunity for USACE to get input from tribes, including those that are sponsors, and other interested stakeholders about key issues that will help shape the proposed rule. USACE plans to:

- 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.
- Invite tribes to consult on the proposed revisions before or after the publication of the proposed rule.
- Review all submitted comments and assess the results of consultation efforts – revise the Proposed Rule as needed.
- Publish the Final Rule for 33 CFR Part 203.
- Revise Engineer Regulation 500-1-1 to reflect the new rule.

## **For Additional Information**

If you are interested in learning more about the Rehabilitation Program, the current eligibility criteria, or in understanding whether or how your tribe may be impacted by a flood risk management project, please visit:

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

If you are interested in receiving updates on this initiative, please contact Steve Fink at [steven.j.fink@usace.army.mil](mailto:steven.j.fink@usace.army.mil)

---

<sup>1</sup> This figure is based on data currently in the National Levee Database. It is a subset of all levees – only those currently associated with USACE authorities. This does not include other types of flood risk management structures such as channels and tunnels. Some tribes may have tribal lands, treaty rights or other interests in areas behind levees that are not part of USACE authorities. Those levees are not affected by these proposed changes.