

# Update to USACE Emergency Program Policies

**Jeffrey Jensen**

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USACE Flood Risk Management Workshop

Southbridge, MA



US Army Corps of Engineers  
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# Purpose

- Provide a status update on revisions to:
  - ▶ 33 CFR Part 203 – Emergency Employment of Army and Other Resources, Natural Disaster Procedures.
  - ▶ ER/EP 500-1-1 – Civil Emergency Management Program.



# Background: PL 84-99

- Section 5 of the Flood Control Act of 1941
  - 33 USC 701n (Law)
  - 33 CFR Part 203 (Federal Regulation)
  - ER 500-1-1 (USACE Policy)
- Part 203 and ER 500-1-1 typically updated once every 10-15 years
  - Part 203 last revised in 2003
  - ER 500-1-1 last revised in 2001
- PL 84-99 activities are funded by Flood Control and Coastal Emergencies (FCCE) appropriation



# Program Activities Changed



## *Six Program Activities*

### **Program Authority:**

Public Law 84-99 provides an emergency fund\* to be expended for:

- Preparation for emergency responses to any natural disaster
- Flood fighting
- Repair & restoration of flood & coastal storm risk management projects

### **Program Activities:**

- Preparedness
- Response
- **Rehabilitation**
- Water Assistance
- Advance Measures
- Hazard Mitigation

\*Executed through the Flood Control and Coastal Emergencies (FCCE) appropriation



# Change Drivers

Why are we updating our Civil Emergency Management Program Policies:

- Better understanding flood risk drivers and responsibilities for managing flood risk.
- Improvements to better address environmental/ESA concerns.
- Lessons learned from previous flood events.
- More coordinated support to sponsors and communities.
- Part of regular update cycle for CFR and ER/EP
- WRRDA 2014 authorizations



# Desired Outcome

- Encourage a community discussion and engagement in a broader set of flood risk management actions to manage risk.
- Encourage dialogue and problem solving between USACE and sponsors.
- Promote risk-informed, cost effective prioritization of USACE risk management activities.
- Begin a change from USACE as “compliance inspector” to provider of risk advice and technical assistance.
- Provide greater flexibility to align flood risk management actions with requirement to balance benefits across environment, economy, and social accounts.



# WRRDA 2014 Authorizations

- *Section 3029 amended 33 U.S.C 701n (PL84-99)*
  - ▶ *Defined the level of restoration for Hurricane & Shore Protection projects to the “Design Level of Protection”.*
  - ▶ *Added authority to implement modifications to Hurricane & Shore Protection projects to address major deficiencies.*
  - ▶ *Added authority to implement a non-structural alternatives to the repair/restoration of Hurricane & Shore Protection projects requested by the non-federal sponsor.*
- *Section 3011 Systemwide Improvement Framework (SWIF)*
  - ▶ *Levee systems implementing SWIF will remain eligible for rehabilitation assistance for sponsors who continue to make satisfactory progress.*
- *Section 1024 authority to accept and use materials & Services*
  - ▶ *Authorizes the Secretary to accept and use materials donated by non-federal public, private, and nonprofit entities for repairing, restoring, replacing water resource development projects damage or destroyed in an emergency.*



# Stakeholder Outreach

- Advance Notice of Proposed Rulemaking (ANPR)
  - ▶ Published in the Federal Register 13 Feb – 14 Apr 2015.
  - ▶ ANPR outlined policy concepts being considered for revision and asked for public comments in response to targeted questions related to policy revisions under consideration.
  - ▶ Received 367 comments from 47 submissions
  
- USACE internal review
  - ▶ Conducted 4 regional USACE internal listening sessions in June 2014 (Sacramento, Kansas City, St. Louis, Norfolk)
  - ▶ Outlined policy concepts being considered for revision to USACE participants for appropriate CoP (EM, EN, PL, LS, Env, Ops)



# What we learned from stakeholders

- General support for risk informed approach that inform sponsor project OM&I and related FRM activities.
- General support that evaluation of sponsor OM&I, EPP, risk communication activities for eligibility are appropriate activities to evaluate.
- Need to address challenges meeting environmental and ESA impacts and mitigation needs.
- Strong support for the continuation of the SWIF policy
- Need for flexibility in our eligibility determinations.
- Concern for increased burden of sponsors and Corps
- Concern there will be less emphasis on inspections in the future
- Supported considerations for broader floodplain management activities



# Planned Next Steps

- Publish proposed rule in Federal Register (Feb 2016)
- 60 day public comment period (Feb – Mar 2016)
- Public comment review/analysis (Mar – Apr 2016)
- Finalize CFR and ER/EP 500-1-1 (Apr – May 2016)
- Staff review of final rule & ER/EP 500-1-1 (June – Jul 2016)
- Implement policy rollout/transition guidance (Aug 2016)
- Publish final rule in the Federal Register (Aug 2016)
- Publish revised ER/EP 500-1-1 (Aug 2016)



# Questions / Discussion



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