



**US Army Corps
of Engineers**®
Kansas City District

Levee Rehabilitation Program Eligibility Requirements

Public Law 84-99 (33 U.S.C. 701n)
Flood Control and Coastal Emergencies



Union Township Overtop Levee Breach, 24 July 2010

General The U.S. Army Corps of Engineers may provide assistance in the rehabilitation of flood damage reduction projects only when repairs are clearly beyond the normal physical and financial capabilities of the project sponsor. The established Corps of Engineers eligibility criteria identified below must also be met. Structures built for channel alignment, navigation, recreation, fish and wildlife, land reclamation drainage, or to protect against land erosion are not flood control works and, therefore, are not eligible for assistance.

Eligibility For Corps of Engineers Assistance

- **Be Active In The Corps of Engineers Rehabilitation and Inspection Program**
Only those Flood Damage Reduction projects in an “Active” status at the time of a flood or storm event may receive rehabilitation assistance under the authority of PL84-99. An “Active” project must have met USACE criteria for entry into the Corps of Engineers Rehabilitation and Inspection Program (RIP), must currently participate in the RIP program, and must have received an **Acceptable** or **Minimally Acceptable** inspection rating on the last continuing eligibility inspection performed by the Corps of Engineers.
- **Be A Primary Levee**
A primary levee is a complete system, tied to high ground, designed for flood damage reduction and does not encroach on the flood plain.
- **Provide Required Minimum Level of Protection**
Levee systems must provide a minimum 5-year level of protection for agriculture and a 10-year level of protection for urban area.
- **Have a Public Sponsor**
A public sponsor is required for other than a public entity. The sponsor must be a public agency such as a legal subdivision of a State or State government, local unit government such as a county or city, a qualified Indian tribe or a state-chartered organization such as a levee board or district, drainage board or district. The sponsor will be required to co-sign any request for assistance.
- **Be Damaged By Flooding**
The damages must exceed \$15,000 (normal erosion is not eligible). Deliberate levee breaches will only be eligible for rehabilitation assistance if prior approval was received from the Corps of Engineers.

➤ **Be Properly Maintained**

A properly maintained levee has a good grass cover, other vegetation is removed (trees), grass mowed not grazed, animal burrows controlled, erosion repaired, supporting drainage structures maintained, level of protection maintained, and pass a biennial inspection.

➤ **Repairs Must Meet Economic Criteria**

The rehabilitation project must protect items of value and have a favorable benefit-cost-ratio. The annual benefit must exceed the total annualized cost.

➤ **Provide Traditional A-B-C's**

Corps policy requires the public sponsor to furnish the following items of cooperation and assurances (referred to as A-B-C's) prior to undertaking any work: (1) provide without cost to the United States all lands, easements, and rights-of-way necessary; (2) hold and save the United States free from damages due to the work, exclusive of damages due to negligence of the United States or its contractor; (3) removal of any temporary emergency protective measure; (4) maintain and operate, in a manner satisfactory to the Chief of Engineers, the entire project after completion.

➤ **Cost Share Repairs**

Rehabilitation projects for non-Federal flood damage reduction projects will be cost shared at 80 percent Federal and 20 percent non-Federal. The non-Federal share may be provided with work-in-kind, cash, or a combination of both. Federal flood damage reduction projects will be repaired at 100 percent Federal cost.

Steps To Initiate Repairs

After A Flood Following a flood event, the Corps of Engineers will issue a public notice stating that requests for assistance for rehabilitation work must be submitted within 30 days after the flood waters recede to bank full. Local interests should request a rehabilitation investigation from the Corps of Engineers as soon as possible after the flood damage occurs. The process is as follows:



Baltimore Bend Levee, July 2010

➤ **Levee Owner/Sponsor Applies**

The levee owner or sponsor will call, write, or visit a Corps of Engineers field or District office and identify the areas that have been damaged.

➤ **Investigation of Damages**

A field investigation will be conducted by the Corps and will include an assessment of levee damage and acreage, crops and buildings involved. The sponsor will accompany the team as it identifies damages. The sponsor should provide proof of ownership or sponsorship authority. Necessary agreements will be signed.

➤ **Determination of Eligibility**

The field report will be forwarded to the District Office where it will be reviewed. The Sponsor will be notified of the eligibility determination as soon as possible. Structures built for channel alignment, navigation, recreation, fish and wildlife, land reclamation, drainage diversion, or to protect against land or shoreline erosion or salt water intrusion are not considered flood damage reduction projects and are not eligible for rehabilitation assistance. Sediment removal from drainage ditches and debris removal are not eligible for rehabilitation assistance.

➤ **Forwarded for Approval and Funding**

Project approval is made at the Division Office level. The sponsor will be notified when the project has either been approved or disapproved. Funding to complete the engineering and design; and funding to construct the rehabilitation project is made immediately upon notification that the project has been approved. Rehabilitation under PL84-99 is subject to the availability of funding.

➤ **Cost Share Details Resolved**

If the local sponsor is providing cash for the 20% sponsor share, it must be received by the Corps prior to the contract being prepared. In-kind services must be accomplished before or during construction.

➤ **Start Contracting Procedures**

➤ **Award Contract, Start Construction**

➤ **Returned to Owner for Maintenance**

How Long Will It Take?

It Depends On—

- **When the Water Goes Down**
- **How Many Applications There Are**
- **How Extensive the Damages Are**
- **Availability of Contractors**
- **Availability of Funding**
- **Weather Conditions**

How to Obtain Help

If you would like to discuss the Corps of Engineers Flood Rehabilitation program, please contact the Kansas City District Emergency Management Office at 816-426-6320.