



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS
441 G STREET, NW
WASHINGTON, DC 20314-1000

CECW-CE

JUN 02 2017

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Implementation Guidance for Section 3014 of the Water Resources Reform and Development Act of 2014 (WRRDA 2014), Levee Certifications

1. Section 3014(a) of WRRDA 2014 directs that the Secretary ensure that at least one activity carried out under the U.S. Army Corps of Engineers (USACE) Inspection of Completed Works (ICW) program provides adequate information to reach a levee accreditation decision under the National Flood Insurance Program (NFIP) and, to maximum extent practicable, carry out activities under the ICW program in alignment with the schedule established for the NFIP. In addition, Section 3014(b) provides that, at the request of a non-federal interest, the Secretary may accelerate carrying out a levee system evaluation of a federally authorized levee for purposes of the NFIP and that the evaluation shall comply with regulations for levee accreditation and be carried out in accordance with procedures established by the Secretary, in consultation with the Administrator of the Federal Emergency Management Administration (FEMA). It also provides that the funds made available under Section 22 of the Water Resources Development Act (WRDA) 1974, as amended (42 U.S.C. 1962d-16), are available to carry out Section 3014(b) and that the cost sharing under Section 22 of WRDA 1974, as amended, applies to activities carried out under Section 3014(b). Section 3014 is enclosed.

2. In carrying out activities under the ICW program, districts will follow the Policy Guidance Letter, Planning Levee Systems in a Risk Context, Emphasis on Communication and Sponsor Engagement, dated November 06, 2015, to coordinate with the appropriate FEMA region, and prioritize assessment of levee systems to align with FEMA mapping efforts under the NFIP to the maximum extent practicable.

3. In accordance with the November 13, 2014, Memorandum of Understanding (MOU) between USACE and FEMA, a USACE quantitative risk assessment (QRA) for levees provides adequate information to reach a levee accreditation decision for NFIP mapping purposes. The MOU and Flood Protection Structure Accreditation Task Force report containing details for this agreement can be found at <http://www.usace.army.mil/Missions/Civil-Works/Levee-Safety-Program/Task-Force>.

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4. An accelerated levee system evaluation of a federally authorized levee system under Section 3014(b) will follow the QRA process for levees established by the Risk Management Center (RMC). It may include non-federal levee segments as long as there is at least one federally authorized levee segment. The following process applies to accelerated levee system evaluations:

a. To initiate the process, a written request for an accelerated levee system evaluation may be submitted by either the non-federal sponsor or by a public entity representing the community actively participating in the NFIP and seeking levee accreditation for the NFIP. For a levee system with multiple non-federal sponsors, each non-federal sponsor must sign the request letter or submit a separate one before USACE will move forward with the process. If the request is submitted by a public entity representing a community, the non-federal sponsor(s) must provide written acknowledgment that it is aware of the request. Enclosure 2 is an example request letter.

b. Upon receipt of a written request, the district will notify the appropriate FEMA region, division Levee Safety Program Manager (LSPM), and HQUSACE LSPM of the request through the appropriate Regional Integration Team (RIT). After vertical coordination, the HQUSACE LSPM will determine the availability of resources as well as a general timeframe for initiating the QRA. Prioritization and allocation of resources within USACE personnel and funding to accomplish these levee evaluations will be risk-informed. The district will provide this information to the requesting entity to determine whether it wishes for USACE to proceed with development of a scope and cost for the QRA.

c. If the requesting entity decides to proceed, the HQUSACE LSPM will coordinate with the RMC and district to scope the requirements of the QRA, with the non-federal sponsor, community representative, and FEMA included in this scoping effort. This scoping will be used to develop the cost estimate, schedule, and will include, but is not limited to, the following:

(1) Evaluation of existing best available data. If available data shows that it is unlikely that the levee system can be accredited, the requesting entity should be informed before proceeding further.

(2) Identification of additional exploration, investigation, modeling or analysis needed.

(3) Further coordination and information needed related to Operation and Maintenance Plans, interior drainage analyses, and hydrologic and hydraulic modeling in the levee-impacted area.

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(4) Designation of the project delivery team, including assignment of risk adviser and risk cadre.

d. If based on the scope and cost, the requesting entity decides to proceed, it must execute a cost sharing agreement to provide 50 percent of the cost of the levee QRA. The template agreement to be used will be posted on the Civil Works Agreements website:

<http://www.usace.army.mil/missions/civilworks/projectpartnershipagreements> under Agreement Templates. If the District Levee Safety Officer and District Counsel concur that the negotiated agreement is acceptable, the district commander may approve and sign the agreement.

e. The district will ensure the requesting entity and FEMA are engaged at various milestones throughout the evaluation, which will include at a minimum, scoping, site visits, data gathering, team elicitations, and reviews of draft and final reports. At any point in the evaluation, should information reveal that the levee system would not be recommended for NFIP accreditation, the requesting entity will be informed and provided the option to terminate further work.

f. The levee system evaluation will not include preparation of documents for design or construction purposes.

g. The district will provide the completed levee QRA report to the requesting entity for its use for NFIP purposes.

5. In addition, while USACE conducts risk assessments on levee systems within its portfolio based on risk, these risk assessments may not provide sufficient information to provide a NFIP levee accreditation recommendation. In those cases, a non-federal sponsor or local community may request an expansion of the scope of an ongoing risk assessment to provide a levee accreditation recommendation for the NFIP following the process outlined in paragraph 4. Only the expanded scope will be cost-shared.

6. The guidance in this memorandum will be incorporated into the future policy and procedures document for the USACE Levee Safety Program.

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7. Questions regarding this implementation guidance should be directed to Tammy Conforti, Special Assistant for Levee Safety, Engineering and Construction Division, at (202) 761-4649 or Tammy.Conforti@usace.army.mil.



JAMES C. DALTON, P.E.
Director of Civil Works

Encl

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SEC. 3014. LEVEE CERTIFICATIONS.

(a) **IMPLEMENTATION OF FLOOD PROTECTION STRUCTURE ACCREDITATION TASK FORCE.**—In carrying out section 100226 of Public Law 112–141 (42 U.S.C. 4101 note; 126 Stat. 942), the Secretary shall—

(1) ensure that at least 1 program activity carried out under the inspection of completed works program of the Corps of Engineers provides adequate information to the Secretary to reach a levee accreditation decision under section 65.10 of title 44, Code of Federal Regulations (or successor regulation); and

(2) to the maximum extent practicable, carry out activities under the inspection of completed works program of the Corps of Engineers in alignment with the schedule established for the national flood insurance program established under chapter 1 of the National Flood Insurance Act of 1968 (42 U.S.C. 4011 et seq.).

(b) **ACCELERATED LEVEE SYSTEM EVALUATIONS.**—

(1) **IN GENERAL.**—On receipt of a request from a non-Federal interest, the Secretary may carry out a levee system evaluation of a federally authorized levee for purposes of the national flood insurance program established under chapter 1 of the National Flood Insurance Act of 1968 (42 U.S.C. 4011 et seq.) if the evaluation will be carried out earlier than such an evaluation would be carried out under subsection (a).

(2) **REQUIREMENTS.**—A levee system evaluation under paragraph (1) shall—

(A) at a minimum, comply with section 65.10 of title 44, Code of Federal Regulations (as in effect on the date of enactment of this Act); and

(B) be carried out in accordance with such procedures as the Secretary, in consultation with the Administrator of the Federal Emergency Management Agency, may establish.

(3) **FUNDING.**—

(A) **IN GENERAL.**—The Secretary may use amounts made available under section 22 of the Water Resources Development Act of 1974 (42 U.S.C. 1962d–16) to carry out this subsection.

(B) **COST SHARE.**—The Secretary shall apply the cost share under section 22(b) of the Water Resources Development Act of 1974 (42 U.S.C. 1962d–16(b)) to any activities carried out under this subsection.

LETTERHEAD

(Date)

(Name of District Commander)

District Commander

U.S. Army Engineer District, *(Name of District)*

(District Mailing Address)

ATTN: District Levee Safety Program Manager *(Insert name if known)*

Dear *(Name of District Commander)*:

This is in reference to Section 3014 of the Water Resources Reform and Development Act of 2014, Levee Certifications. Section 3014 provided authority for the US Army Corps of Engineers (USACE) to accelerate a levee system evaluation to provide a levee accreditation recommendation for purposes of mapping for the National Flood Insurance Program (NFIP). The *(name of non-federal interest (s))* requests an accelerated levee system evaluation from USACE for the *(name of levee system)* located in *(name of city and state)*.

We understand that upon receipt of this letter, USACE will evaluate available resources and prepare a scope of work and a cost estimate for the levee system evaluation. If the *(name of non-federal interest (s))* enters into an agreement with USACE for the levee system evaluation, we understand that we will be responsible for 50 percent of the cost.

(Insert name of point-of-contact).

(signature)