

The National Levee Safety Program – What it Means for USACE, Levees, and You

CONNECTION SERIES is a topic-specific set of fact sheets that explores the connections between the National Levee Safety Program and emerging ideas or existing federal programs.

THE NATIONAL LEVEE SAFETY PROGRAM

The National Levee Safety Program, a joint effort led by the U.S. Army Corps of Engineers (USACE) and the Federal Emergency Management Agency (FEMA), is intended to support a more consistent approach to levees in the U.S. that will help reduce disaster suffering and support more resilient communities. The program is currently being designed with input from those who play a role in or benefit from levees. More information is available at <https://www.leveesafety.org>.

With congressional authorization and funding of the new National Levee Safety Program, you may be wondering how this program will fit in with existing programs and policies such as the USACE Levee Safety Program, Public Law (PL) 84-99 Rehabilitation Program, Section 408 Program, and USACE vegetation management policies for levees. This fact sheet provides a high-level summary of each of these programs and their connection to the National Levee Safety Program.

USACE LEVEE SAFETY PROGRAM

Overview: The USACE Levee Safety Program serves as an organizing framework to improve consistency and coordination in how levee-related activities are implemented across USACE. The program applies to congressionally authorized levees and includes more than 1,600 levees that are operated and maintained by a local public sponsor through a project agreement. Key program activities include levee inspections, risk assessments, and sharing levee information for those specific levees.

Guidance for the USACE Levee Safety Program is documented in Engineer Circular 1165-2-218 and can be found at <https://www.usace.army.mil/Missions/Civil-Works/Levee-Safety-Program>.

Connections with the National Levee Safety Program:

- » Some tools and levee practices used by USACE and others (federal, state, local, private, or international entities) may be considered in the development of the National Levee Safety Guidelines.
- » Nationally adopted practices for levees as part of the National Levee Safety Program will not conflict with USACE activities on levees.

- » USACE was authorized to create and maintain the National Levee Database. Through the National Levee Safety Program, additional improvements will be made to the database to support a single set of data for levees and related decisions across the Nation.

PUBLIC LAW 84-99 REHABILITATION PROGRAM

Overview: The Public Law (PL) 84-99 Rehabilitation Program is a voluntary program by which USACE can assist in repairing levee systems and other flood risk management projects after a flood event if the projects meet specified eligibility criteria. USACE determines if a levee is eligible for the PL 84-99 Rehabilitation Program using eighteen (18) specific items evaluated during an inspection conducted by USACE. These items must receive acceptable or minimally acceptable ratings for the levee to be eligible for the PL 84-99 Rehabilitation Program.

Interim guidance for how eligibility for levees is determined is available at <https://usace.contentdm.oclc.org/utis/getfile/collection/p16021coll2/id/2943>. A fact sheet on how the USACE Levee Safety Program and PL 84-99 Rehabilitation Program work together today is also available at <https://usace.contentdm.oclc.org/utis/getfile/collection/p16021coll11/id/4638>.

Requirements for the PL 84-99 Rehabilitation Program are set by USACE consistent with 33 Code of Federal Regulations 203. No changes will be made to the PL 84-99 Rehabilitation Program without going through the rulemaking and public input process for this regulation.

Connections with the National Levee Safety Program:

- » Levee owners in the PL 84-99 Rehabilitation Program currently rely on the Levee Owner's Manual for non-federal levees. This resource may be supplemented by practices and templates contained in the National Levee Safety Guidelines.
- » The PL 84-99 Rehabilitation Program uses the National Levee Database to track eligibility status.

SECTION 408 PROGRAM

Overview: USACE, in partnership with stakeholders, has constructed many federally authorized civil works projects across the Nation. Given the widespread locations of these projects,

many embedded within communities, over time there may be a need for others outside of USACE to alter or occupy these projects and their associated lands. Section 14 of the Rivers and Harbors Appropriation Act of 1899, as amended, and codified in 33 U.S. Code (USC) 408 (Section 408) provides that USACE may grant permission for another party to alter a USACE civil works project upon a determination that the alteration proposed will not be injurious to the public interest and will not impair the usefulness of the civil works project. Most Section 408 requests are related to USACE federally authorized levee systems.

Guidance for the USACE Section 408 Program is documented in Engineer Circular 1165-2-220 and can be found at <https://www.publications.usace.army.mil>. Requirements for the Section 408 decision-making process are set by USACE in Engineer Circular 1165-2-220. USACE plans to update how Section 408 is administered through a formal rulemaking and public input process.



Connections with the National Levee Safety Program:

- » Practices and approaches to alter levees may be included in the National Levee Safety Guidelines and could be used as a technical reference by entities planning to request to alter a USACE civil works project.
- » USACE maintains best available information for its federal levees in the National Levee Database. This information is used by the agency to inform Section 408 requests.
- » Although authority for granting permission to alter a federal project will always remain with USACE, it is possible there is an opportunity in the future to provide streamlined Section 408 review requirements for levees as an incentive for those states and tribes who develop formal levee safety programs through the National Levee Safety Program.



USACE LEVEE VEGETATION MANAGEMENT POLICIES

Overview: Section 3013 of the Water Resources Reform and Development Act (WRRDA) of 2014 requires USACE to conduct a comprehensive review of its policies related to vegetation management on levees to develop approaches that account for local and regional factors. The review requires consultation with other applicable federal agencies, state, tribal, regional, and local government, nongovernmental organizations, and the public. The review will include soliciting and considering the views of independent experts on the engineering, environmental, and institutional considerations. The results are intended to inform USACE revision to its levee vegetation management policies and the Levee Owner's Manual (33 USC 701n(c)). USACE initiated this review but determined that managing levees needs to be done collectively and comprehensively; therefore, considerations for vegetation management should be done in conjunction with other factors for levees.

Connections with the National Levee Safety Program:

- » A national dialogue related to best practices for levees and vegetation management will occur as part of developing the National Levee Safety Guidelines.
- » Once the National Levee Safety Guidelines are complete, USACE will adjust its internal policies related to vegetation management to align with approaches in the national guidelines.
- » There is also opportunity as part of the National Levee Safety Program to create a template for operation and maintenance activities, to include vegetation management, that could serve the purpose of the Levee Owner's Manual (33 USC 701n(c)) and incorporate updated best practices identified by the National Levee Safety Guidelines.