

**§ 203.85 Transfer of completed work to local interest.**

Responsibility for operation and maintenance of completed emergency repair work under Pub. L. 84-99 will be transferred to the responsible local interests in accordance with the applicable procedures for transfer of completed local protection projects (ER 1150-2-301). Detailed instructions and suggestions relative to proper maintenance and operation usually will be furnished as a standard inclosure to a letter notifying the local interests that the work authorized under Pub. L. 84-99 has been completed. The letter must remind the local interests that they are responsible for satisfactory maintenance of the flood control works in accordance with the terms of the local cooperation agreement. In appropriate cases, use the "Flood Control Regulation for Maintenance and Operation of Flood Control Works: (33 CFR part 208). If warranted, a full-scale operation and maintenance manual may be furnished. Reporting requirements placed on the local interests will vary according to organization and other circumstances. Regular inspections will be scheduled to verify local maintenance.

**Subpart H—Non-Federal Levee Rehabilitation Eligibility Guidelines**

SOURCE: 51 FR 25692, July 16, 1987, unless otherwise noted.

**§ 203.91 General.**

(a) *Intent.* The intent of these guidelines is to facilitate the evaluation of the design, construction and maintenance of non-Federal flood control facilities to determine eligibility for repair under Pub. L. 84-99. Based on its common use the word "levees" will be used in this text to mean any flood control work.

(b) *Level of detail.* The evaluation will be made through site inspections and technical analyses by trained (experienced) Corps district technical staff. This inspection will assess the general functional and structural integrity of the levee for flood control purposes and will serve as a basis for determining Corps assistance. The guidelines are not intended to establish design stand-

ards for non-Federal levees, but to provide uniform procedures within the Corps for determining eligibility under Pub. L. 84-99. If the results of the Corps study are not acceptable to the levee owner, he may choose to provide his own detailed engineering study (certified by a qualified professional engineer) as a reclama to establish the eligibility of his levee for Corps assistance.

**§ 203.92 Procedures.**

(a) *General.* Corps involvement with any non-Federal levee normally begins the first time an owner/sponsor requests repairs under Pub. L. 84-99. To evaluate these levees, it is imperative that the initial eligibility investigation assess the integrity and reliability of the levee. In addition, other key information required to determine the Federal interest in repairing the levee will be obtained. Any levee repaired by the Corps will be inspected periodically to assure that the conditions of local cooperation are being fulfilled by the sponsor. These inspections will also be used in determining the eligibility of the levee for possible future Corps assistance under Pub. L. 84-99. The project sponsor will be advised of any work required to maintain project eligibility. The guidelines established herein may also be used where an owner/sponsor who has not previously received levee rehabilitation assistance from the Corps, submits a request for inspection to determine whether his levee meets established eligibility criteria.

(b) *Inspection procedure.* A Rating Guide will be used to establish performance levels for non-Federal levees to be included in the Corps rehabilitation program. This guide will be provided to all non-Federal levee sponsors for their use in maintaining or upgrading their projects as required to remain eligible for the Corps rehabilitation program. (A copy of the Rating Guide will be provided to sponsors by the Corps District in their area.) The inspection will identify all areas where work is required to upgrade the levee to an acceptable performance level, and specify an appropriate time period to sponsors in which to accomplish the work. If a levee sponsor fails to comply