

§ 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

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with identified requirements, notification will be provided that the levee is not eligible for consideration for rehabilitation under Pub. L. 84-99 until the Corps is advised that the work is completed. No further inspections will be made of a levee that is ineligible until the sponsor provides notification by letter indicating that noted deficiencies have been corrected.

(c) *Technical evaluation.* Technical evaluation procedures are intended to establish the general capability of a non-Federal levee to provide reliable flood protection.

§ 203.93 Inspections.

(a) *General.* The initial inspection of any non-Federal levee using these guidelines will establish the estimated level of protection and structural reliability of the existing levee. Subsequent inspections will detect changed project conditions which have an impact on the integrity of the flood protection provided by the levee.

(b) *Hydrologic/hydraulic analyses.* The level of protection provided by a non-Federal levee will be evaluated and expressed in terms of exceedence frequency (e.g., a 20%, 10% etc. chance of the levee being overtopped in any given year.) These analyses also include an evaluation of existing or needed erosion control features for portions of the levee which may be threatened by wind generated waves, stream or surface flows.

(c) *Geotechnical analyses.* The geotechnical evaluation will be based primarily on a detailed visual inspection. The initial inspection will identify critical sections where levee stability appears weakest and will document the location, reach, and cross-section at these points.

(d) *Maintenance.* The Maintenance section of Rating is intended for use in evaluation of maintenance performance and deficiencies to the same scope and degree as is required to determine compliance with assurance agreements entered into pursuant to 33 CFR 208.10. This evaluation should reflect the level of maintenance required to assure the intended degree of flood protection and performance of local cooperation required for a levee to remain eligible for the rehabilitation program under Pub.

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L. 84-99. The Rating Guide is also applicable to levees where no local cooperation agreement exists (i.e., not previously repaired under Pub. L. 84-99), but an eligibility review is requested by the owner/sponsor of the project.

§ 203.94 Evaluation of eligibility based on the Rating Guide.

After the technical evaluation has assessed the integrity of the levee, the current definitive condition of the levee will be evaluated using the Rating Guide as a basis. The following table provides general guidance on appropriate inspection recommendations based on the Rating Guide parameters:

Condition	Recommendation
A—Acceptable	No immediate work required.
M—Minimally Acceptable.	A deficient condition exists which needs to be improved by the levee sponsor/owner. The inspector's evaluation should address the impacts on the original design and/or on operating deficiencies resulting from the condition identified.
U—Unacceptable	Items which fall within this category may render the levee ineligible for rehabilitation under Pub. L. 84-99 unless immediate corrective action is taken by the sponsor/owner. The inspector's evaluation will establish specific time periods within which the unacceptable performance items must be upgraded to at least Condition M.

If the sponsor/owner does not comply with the recommendation for correction of Condition "U" items, within specified time frames a notification will be provided to the sponsor/owner that the levee is ineligible for rehabilitation under Pub. L. 84-99 until the deficiencies are corrected. No further inspections will be made until the sponsor/owner notifies the Corps that this has been completed.

§ 203.95 Rehabilitation investigation.

The inspection program outlined in this subpart is intended to facilitate the completion of rehabilitation investigations when levees in the program are damaged by flood. The most recent inspection report should provide most of the general information required to support a request to rehabilitate a levee under Pub. L. 84-99.