



**US Army Corps
of Engineers®**



FEMA

FLOOD PROTECTION STRUCTURE ACCREDITATION TASK FORCE

BACKGROUND

More than 21,000 communities across the U.S. and its territories voluntarily participate in the NFIP by adopting and enforcing floodplain management ordinances to reduce future flood damage. In exchange, the NFIP makes federally-backed flood insurance available to homeowners, renters, and business owners in these communities.

Communities or parties seeking recognition of a levee system for the NFIP must provide data and documentation in accordance with program requirements, detailed in federal regulations (44 CFR 65.10), demonstrating that the levee system is expected to perform during the 1% ACE event or 100-year flood (this is defined as the “base flood” in NFIP regulations). Once compliance is demonstrated, the levee system can be accredited on NFIP Flood Insurance Rate Maps and the area behind the accredited levee is designated as Zone X (shaded) on the NFIP maps. In most cases, mandatory flood insurance purchase requirements of the NFIP do not apply in areas behind accredited levees (although flood insurance is recommended). Many communities pursue accreditation of a levee system to lessen the financial burden of flood insurance on property owners and encourage local economic development.

About 9,500 miles of levees are part of the USACE Inspection of Completed Works (ICW) Program. These levees were typically designed and constructed by the USACE and then transferred to a non-federal sponsor for operations and maintenance. For these levees the USACE conducts activities including routine inspections, periodic inspections, screenings, and a set of increasingly refined risk assessments if results from inspections and screenings warrant a more in-depth analysis of levee risks. Activities are conducted by USACE and in most cases in conjunction with the levee sponsor/local community. More specifically:

- USACE conducts **levee inspections** to: 1) identify deficiencies or areas that need monitoring or immediate repair; 2) continuously assess the integrity of the levee system to identify any changes over time; 3) collect information to make informed decisions about future actions; 4) determine if the levee sponsor is in compliance with the project partnership agreement, if applicable; and 5) determine eligibility for federal rehabilitation funding through the Rehabilitation and Inspection Program (in accordance with P.L. 84-99). These inspections are conducted using a standardized inspection checklist to evaluate and rate 125 specific items/components along levee embankments, floodwalls, interior drainage systems, pump stations, and channels, resulting in an overall levee system inspection rating.
- USACE conducts two types of inspections. USACE routine inspections, typically completed annually, are intended to verify proper operations and maintenance of the levee systems and to identify deficiencies or areas that need monitoring or repair. These inspections utilize performance and operational history and visual observation; there is no design analysis. USACE periodic inspections, typically completed every five years and only on federally authorized levees in the USACE portfolio (not locally constructed / locally maintained levees that are enrolled in the Rehabilitation and Inspection Program), include a detailed inspection of the

items/components in the routine inspection checklist. Pre-inspection documentation collection and review is completed along with a design criteria review to identify potential performance impacts and evaluate the design analyses used against current design standards.

- **Levee screenings** support an initial, risk-informed classification of the portfolio and set priorities for more detailed analysis. The screening relies on existing data, engineering judgment, and consequence estimation to characterize the relative risks posed by levees within the portfolio in terms of a relative probability of breach and potential risk to life and property.

USACE shares significant amounts of information on the integrity of federally authorized/locally operated and maintained levee system based on its inspections with both communities and FEMA. ***While these activities provide a useful information for prioritizing levee operations and maintenance, determine eligibility for post-flood rehabilitation in the Rehabilitation Program, and provide important information for managing flood-risk, they do not generate the complete suite of information (data and analysis) necessary to prepare a full NFIP accreditation package detailed in 44 CFR 65.10, especially for older levee systems.***

Communities seeking accreditation of their levees for the NFIP are often required to invest additional resources to meet the requirements for levee accreditation for the NFIP.

Increasing Focus on Risk Assessments In the USACE Portfolio

USACE is initiating a use of more in-depth **risk assessments** on levees within its portfolio when more detailed information is needed to make a specific decision (e.g., levee fix/improvement) or when results from levee inspections or screenings indicate a potential life safety risk. Risk assessments may include: 1) detailed understanding of likelihood of various loading frequencies; 2) levee performance for a full range of potential loads; and 3) consequences of breach under different scenarios.

Because detailed risk assessments are tailored toward the particular question(s) and levee system at hand, significant variation in scope and detail exist between risk assessments of different levee systems. Some of the levees in the ICW program have had or plan to have risk assessments, but not all.

PURPOSE AND CHARGE OF THE FLOOD STRUCTURE ACCREDITATION TASK FORCE

USACE and FEMA have long coordinated to identify efficiencies and synergies between the USACE Levee Safety Program and FEMA's programs, including the NFIP. The two agencies are sharing information, developing common messages and coordinating on agency specific policies.

A joint USACE and FEMA Flood Protection Structure Accreditation Task Force is currently meeting to develop a process to better align the information and data collected by and for USACE with the flood protection structure accreditation requirements of the NFIP. Congress has charged this Task Force to develop processes by which: 1) information and data collected for either purpose can be used interchangeably; and 2) information and data collected by or for the USACE is sufficient to satisfy NFIP flood protection structure accreditation requirements.

The Task Force is facing several challenges in aligning USACE and FEMA processes for levee accreditation for the NFIP:

1. USACE Levee Safety Program activities examine and evaluate all levees within its program regardless of design level. NFIP levee accreditation requirements, on the other hand, focus solely on the 1% annual chance exceedance (ACE) event (100-year event). For example, in the

case of a levee designed to the 0.2% ACE event (500-year), the USACE inspection would assess the levee to the 0.2% design level. USACE activities would not determine whether the levee would perform at the 1% ACE event, which is the analysis necessary to meet NFIP accreditation requirements.

2. Different programmatic timelines and review and budgeting processes can affect ability of FEMA and USACE to fully utilize each other's data.
3. To retain a systems approach to levee analysis and risk management, complete NFIP levee accreditation packages must be submitted by one source, typically the requester of levee accreditation. However, levee maintenance and the body of data/information generated by these activities that are required for accreditation is a local responsibility; USACE Levee Safety Program activities generate data / information that may meet other aspects of the accreditation requirements.
4. A perception of liability related to the condition of a levee may result in communities, private sector companies, or professional engineers preferring to perform their own data collection and evaluations rather than using available USACE-generated data and information.

The Task Force is undertaking these challenges with the assumption that changes to USACE and FEMA administrative processes to achieve alignment (processes that do not require a change in authority) should still fulfill the purposes of each agency's activities, be beneficial to both USACE and FEMA, and be the most effective way to meet the Task Force's objectives with minimal impacts.

The Task Force is identifying areas where specific elements of USACE Levee Safety Program inspections and levee screenings can directly address elements of 44 CFR 65.10 so that – with agreement between FEMA and USACE - communities would need to collect and submit only the data / analysis that is not available from USACE. These changes may require changes to both USACE and FEMA policies and processes. When a comprehensive USACE levee system risk assessment has been completed, the Task Force believes it will generate a body of data and analysis sufficient to make a complete technical decision concerning NFIP accreditation.

Legislative Language Establishing the Flood Protection Structure Accreditation Task Force

P.L. 112-141, the Moving Ahead for Progress in the 21st Century Act (MAP-21) established the Flood Protection Accreditation Task Force in Section 10026:

SEC. 100226. FLOOD PROTECTION STRUCTURE ACCREDITATION TASK FORCE.

(a) DEFINITIONS.—In this section—

(1) the term “flood protection structure accreditation requirements” means the requirements established under section 65.10 of title 44, Code of Federal Regulations, for levee systems to be recognized on maps created for purposes of the National Flood Insurance Program;

(2) the term “National Committee on Levee Safety” means the Committee on Levee Safety established under section 9003 of the National Levee Safety Act of 2007 (33 U.S.C. 3302); and

(3) the term “task force” means the Flood Protection Structure Accreditation Task Force established under subsection (b).

(b) ESTABLISHMENT.—

(1) **IN GENERAL.—**The Administrator and the Secretary of the Army, acting through the Chief of Engineers, in cooperation with the National Committee on Levee Safety, shall jointly establish a Flood Protection Structure Accreditation Task Force.

(2) DUTIES.—

(A) **DEVELOPING PROCESS.—**The task force shall develop a process to better align the information and data collected by or for the Corps of Engineers under the Inspection of Completed Works Program with the flood protection structure accreditation requirements so that—

(i) information and data collected for either purpose can be used interchangeably; and

(ii) information and data collected by or for the Corps of Engineers under the Inspection of Completed Works Program is sufficient to satisfy the flood protection structure accreditation requirements.

(B) **GATHERING RECOMMENDATIONS.—**The task force shall gather, and consider in the process developed under subparagraph (A), recommendations from interested persons in each region relating to the information, data, and accreditation requirements described in subparagraph (A).

(3) **CONSIDERATIONS.—**In developing the process under paragraph (2), the task force shall consider changes to—

(A) the information and data collected by or for the Corps of Engineers under the Inspection of Completed Works Program; and

(B) the flood protection structure accreditation requirements.

(4) **RULE OF CONSTRUCTION.—**Nothing in this section shall be construed to require a reduction in the level of public safety and flood control provided by accredited levees, as determined by the Administrator for purposes of this section.

(c) IMPLEMENTATION.—The Administrator and the Secretary of the Army, acting through the Chief of Engineers, shall implement the process developed by the task force under subsection (b) not later than 1 year after the date of enactment of this Act and shall complete the process under subsection (b) not later than 2 years after the date of enactment of this Act.

(d) REPORTS.—The Administrator and the Secretary of the Army, acting through the Chief of Engineers, in cooperation with the National Committee on Levee Safety, shall jointly submit to the Committee on Banking, Housing, and Urban Affairs and the Committee on Environment and Public Works of the Senate and the Committee on Financial Services, the Committee on Transportation and Infrastructure, and the Committee on Natural Resources of the House of Representatives reports concerning the activities of the task force and the implementation of the process developed by the task force under subsection (b), including—

(1) an interim report, not later than 180 days after the date of enactment of this Act; and

(2) a final report, not later than 1 year after the date of enactment of this Act.

(e) TERMINATION.—The task force shall terminate on the date of submission of the report under subsection (d)(2).