

[Letter to be printed on official Levee Sponsor letterhead]

[Date]

COL John L. Hudson, Commander
US Army Corps of Engineers, Omaha District
1616 Capitol Avenue
Omaha, Nebraska 68102-4901

RE: [Levee Sponsor Name] Request for Approval of the System-wide Improvement Framework Letter of Intent (LOI) for Conditional Extension of USACE P.L. 84-99 Program Eligibility for [levee system(s) name(s)]

Dear Commander:

In accordance with the U.S. Army Corps of Engineers Policy for Development and Implementation of System-Wide Improvement Frameworks (SWIF), the [Levee Sponsor(s) name(s)] hereby request(s) approval of this Letter of Intent (LOI) for conditional extension of Public Law (P.L.) 84-99, rehabilitation eligibility while a SWIF is developed for [levee system name (s)]. The SWIF will address system-wide issues, including correction of unacceptable inspection items, in a prioritized way to optimize flood risk reduction.

The attachment contains the information required for the SWIF LOI to demonstrate our commitment to restoring the [levee system name(s)] to attain compliance with USACE operations and maintenance standards. [Levee Sponsor] is aware of the Interim Policy for Determining Eligibility Status of Flood Risk Management Projects for the Rehabilitation Program Pursuant to Public Law (P.L.) 84-99 dated 21 March 2014. Specifically, the attachment includes the following detailed information: 1) levee system(s) identification; 2) a description of deficiencies and/or issues with a justification of how the SWIF will improve and optimize overall flood risk reduction; 3) demonstration of funding commitments; 4) interim risk reduction measures that will be implemented; 5) description of existing and/or planned interagency collaboration; and 6) anticipated permit requirements. [Add the following if applicable: It is anticipated a vegetation variance(s) will be required.]

The attachment further justifies how a system-wide approach will optimize flood risk reduction by correcting deficiencies in a manner that provides the largest flood risk reduction in the most efficient and economical manner. The [levee sponsor(s) name (s)] ask that this initial request be granted for 2 years to allow adequate time to develop a successful SWIF plan.

Should you have any questions or need additional information, please do not hesitate to contact [*provide contact information*].

Sincerely,

[*Authorized representative of sponsor Signature(s)*]

[*Title(s)*]

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Notes: Instructions are included in *italics*. *[Brackets and italics]* request information to be entered. This template is a demonstration version, intended to expedite the System-wide Improvement Framework (SWIF) Letter of Intent (LOI) process, for both applicants and reviewers. When drafting the LOI, please feel free to include additional pertinent information that is not addressed in the template. Intent is for the sponsor to provide adequate justification on which to base USACE approval to conditionally reinstate P.L. 84-99 eligibility while a SWIF is developed. Where multiple systems/sponsors are participating in a single SWIF, all sponsors must endorse the LOI.

[Levee System Name(s), River Basin, Levee Sponsor's Name(s), and State(s)]
Request for Approval of the System-wide Improvement Framework Letter of Intent (LOI)
Prepared by: *[enter name, title]*

Signed: _____ Date: _____

Note: For multiple sponsors, repeat the signature block for each participating levee sponsor, or include a separate endorsement letter from, and signed by, each participating sponsor.

INTRODUCTION

Note: To qualify for SWIF, the levee must either already be inactive in P.L. 84-99, or will become inactive within 90 days from the date LOI is submitted to the USACE District.

The *[Levee Sponsor name(s)]* is (are) requesting approval of the System-wide Improvement Framework (SWIF) Letter of Intent (LOI) for continued rehabilitation eligibility for *[levee system name(s)]*, *[federal or non-federal]* flood risk reduction project under P.L. 84-99 while developing a system-wide improvement framework (SWIF). This attachment describes unacceptable deficiencies in the levee system and/or system-wide issues that will be addressed under the SWIF, and justifies how a system-wide approach will optimize flood risk reduction (i.e., will correct deficiencies in a manner that provides the largest flood risk reduction in the most efficient and economical manner.)

Note: Provide the introductory material below for each levee system covered by this request. This should explain the issues leading to the need for SWIF development. Intent is to identify the unacceptable deficiencies, and the key complex issues and/or complicating factors that interfere with timely deficiency corrective actions. Include a description of how this SWIF will optimize flood risk reduction by correcting the worst deficiencies first.

The "Unacceptable" deficiencies are described below in Paragraph 2, "Description of Deficiencies and Proposal for Using the SWIF Approach," and have resulted in the levee systems being put in "inactive" status in the USACE P.L. 84-99 Rehabilitation Program. As such, the *[levee system name(s)]* is/are currently ineligible for federal

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funding for repairs if they are damaged during a flood event. The *[Sponsor name]* is seeking conditional reinstatement of P.L. 84-99 eligibility by developing and executing a SWIF plan to correct complex deficiencies. *Note that under an approved LOI/SWIF, deficient items rated "Unacceptable" (U) are not eligible for PL 84-99 rehabilitation assistance, until they have been corrected.*

Since the most recent *[periodic/routine continuing eligibility inspection]* dated *[enter date]*, the levee sponsor *[has made/plans to make]* progress toward correcting identified deficiencies, including *[list actions completed so far or in progress, if there are any]*. In addition, the *[Sponsor name]* plans to correct *[enter deficiencies]* by *[enter timeframe]*. Other deficiencies rated "unacceptable" are more complex to correct and (if appropriate...) involve interagency collaboration. These deficiencies and/or system-wide issues include *[engineering deficiencies¹, improvements to multiple levee systems, complex natural resources considerations, additional time and consideration to protect Tribal rights]*, and the *[Sponsor name]* is seeking to use a SWIF approach to resolve these "unacceptable" items and restore the levee to current USACE operation and maintenance standards.

DESCRIPTION OF LEVEE SYSTEM DEFICIENCIES AND PROPOSAL FOR USING SWIF

1. Levee System Identification:

Identify levee system or systems covered by the SWIF, including system name and system identification number as listed in the National Levee Database. List the system name and all segment names, what the inspection ratings were for each segment and their sponsor. Intent is to clarify which systems are included in the proposed SWIF development, and of those, which segments are contributing to the Unacceptable System Rating. (The NLD number can be obtained from the USACE District).

1.a. The levee system (or systems) covered by this LOI and included in the SWIF is/are listed in Table 1.

Note: Intent is to identify all segments within the system; the participating sponsors; the type of inspection (routine or periodic) and when it took place.

Levee System Name and ID Number	NLD Segment Name and ID Number	Latest Segment Date and Inspection Type	Rating	Sponsor Name
Typical Creek, Sample, NY, Right Bank	Huntington Metro segment, NLD#	Routine inspection, 24-25 June 2010	A	X Flood Control District

¹Engineering deficiencies refers to changes in design standards that have occurred between the time the project was constructed, and today.

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Levee, NLD #2405000005	2027615400			
Same as above	Factory Park segment, NLD# 2027614800	Periodic inspection, 24-25 June 2010	U	Y Flood Control District
Typical Creek, Sample, NY, Left Bank Levee, NLD #2405000004	Left Bank segment, NLD# 2027613200	Periodic inspection, 24-25 June 2010	M	Z Flood Control District

TABLE 1 – List of Levee Systems and Segments included in this SWIF LOI request.

1.b. *[Provide a brief description of the systems involved and map of each system. A sample description is given below. Map of each system should show leveed area, critical infrastructure, and include project features (i.e. pump stations, closures, etc.).]*

Give overview of levee system features: The [name system] is comprised of [#] miles of levee, [#] feet of floodwall, [#] closures, [#] pumping stations, and was constructed in [year]. [Provide brief construction history.] Major improvements and/or alterations, including [description], were completed in [year] [give reason, such as a result of breach, flood damage, etc].

Give overview of population and industry at risk: The leveed area includes [#] acres of residential land use, [#] acres of farmland, and [#] acres of industrial land use, including [list industry, for example a factory that produces PVC pipe] and other critical infrastructure, for example power plants, etc.]. The population at risk (PAR) is [list population number, e.g. 3500] day and [list nighttime population, e.g. 3000] night. A map of the system is included.

Note: Population at risk (PAR) can be obtained from USACE.

Risk characterization (risk screening such as LSAC) is provided, if available, along with key recommendations or LOI should state, risk assessment is not yet completed. LSAC information can be obtained from USACE.

[MAP GOES AFTER DESCRIPTION OR AS AN APPENDIX]

2. Description of Deficiencies and Proposal for Using the SWIF Approach

Briefly describe deficiencies and/or issues that will be included in the SWIF for each of the systems covered. If broad engineering improvements are being undertaken for the levee system, describe how the deficiency correction will be incorporated, and discuss how a system-wide approach will improve overall flood risk reduction. This includes

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identifying any conditions not within the control of the levee sponsor(s) (complexities) that prevents them from correcting “Unacceptable” inspection items in a timely manner. List the deficiencies separately for each system. If there are only a few deficiencies, list them in text. However if there are many deficiencies, suggest listing them in a table. Please note that the SWIF approach is intended for complex deficiencies. These may fall into one of the following general categories: engineering deficiencies, improvements to a levee system (or multiple levee systems), complex natural resource considerations that would require additional time and coordination, and/or additional time and consultation to protect Tribal rights and resources. {NFIP accreditation is not directly related to the goal of restoring the levee to current Corps O&M requirements; however, much of the needed rehabilitation work will benefit both objectives.} Justification based on complexity (be specific) is required for approval of P.L. 84-99 eligibility under the SWIF policy.

The most recent *[periodic inspection or routine]* continuing eligibility inspection report *[name and date]* rated the *[levee system name/levee segment names]* unacceptable. The primary factors driving the unacceptable rating were *[enter a brief description of deficiencies]*. Please summarize the deficiencies in a table below. Table should include all the ratings for each deficiency category for segment included in LOI and the number of occurrences for each deficiency. A relative risk ranking for each deficiency category, highest to lowest, is identified. Provide a statement that ensures that the *Interim Eligibility Criteria* was used in prioritization.

Given the complexity of deficiencies including *[provide complexities description]* and associated corrective actions, such efforts would be best completed through a SWIF process. The levee sponsor will take a “fix the worst deficiency first” prioritized approach with the overall goal of correcting all outstanding deficiencies (*Note: sponsors have the latitude to do what is economically smart in conducting corrective actions, such as correcting lower risk deficiencies at the same time high risk deficiencies are being corrected*). It is the intent of the sponsor to restore the levee(s) to USACE O&M standards with priority given to rehabilitation eligibility criteria as identified in the Interim policy. Longer term system improvements will be undertaken with the goal of *[insert goal (e.g. correcting more complex deficiencies, NFIP accreditation, incorporate Endangered Species Act (ESA) considerations, etc.)]*. Status of any vegetation variance requested from USACE, if not applicable, state no vegetation variance is being requested. The SWIF will outline deficiencies to be corrected and other proposed system improvements; and will include interim risk reduction measures for unacceptable deficiencies that will be implemented until those deficiencies are corrected.

If levee(s) is NFIP accredited note FEMA has been notified and provide documentation in an Appendix, if not no FEMA notification is required.

3. Demonstration of Funding Commitment for SWIF Development and Implementation:

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*Note: Intent is to determine if the sponsor has funding or a plan to get funding to develop and implement a SWIF. Demonstrate that significant **non-federal** resources have been, or will be, committed for developing and/or implementing the SWIF process (e.g., state legislative action, bond financing, real estate tax). Include a preliminary estimate of the cost of repairs, a description of the funding resources currently available, and the strategy and timeline for making up any funding shortfall. Identify any repairs or work already performed or initiated.*

[Levee Sponsor name(s)] will secure all funding necessary for levee rectification work. The rough estimated cost for the rectification work is [give rough estimate] and it is estimated to be complete by [insert date]. [Amount of funds] is available from [give source(s)]. Any shortfall of funding to complete rectification work will be obtained from [give source(s)]. Corrective actions that have been completed or initiated since the last USACE inspection include: [Enter description here and cost to date]

4. Interim Risk Reduction Measures:

Provide the details of the IRRM plan that will be implemented immediately and during the development of the SWIF; include an overall risk communications approach that addresses the increased risk to life, due to the unacceptable deficiencies and system-wide issues. Provide details on how and when the public was informed of concerns related to the levee condition and actions to implement repairs. This can be accomplished through community newsletter, public meetings, newspaper articles, radio or a website. Example IRRMs include Emergency Action Plans, special modification to evacuation plans that account for additional risk and potentially reduced response times, heightened public communication campaigns to inform citizens of the increased flood risk, and/or increased levee monitoring during flood events. Other IRRMs might include stockpiled materials, (e.g. sand bags), agreements for equipment use or volunteers needed during flood fighting, or other temporary fixes until a more permanent solution can be implemented via SWIF. The SWIF plan will require an Emergency Action Plan (EAP) and Risk Communication plan be developed and included in the final SWIF submittal. An Emergency Preparedness Plan (EPP) that includes emergency actions, flood fight details, evacuations, and risk communication is recommended to be developed during the SWIF plan development. As such, a statement should be included that states that there will be an Emergency Action Plan and Risk Communication Plan as part of the SWIF IRRM.

*The IRRMs should be tailored to the system unacceptable deficiencies. **Engineering and Construction Bulletin No. 2016-8 dated 28 February 2016 is an excellent resource for IRRMs that sponsors should consider.***

[Sponsor name] will implement interim risk reduction measures (IRRM) immediately and continue these measures, as necessary, throughout the development of the SWIF and completion of the rectification work. Such measures will include:

[Enter description here, including increased monitoring of Unacceptable rated deficiencies, flood fight readiness, implementing EAP, IRRMs specific to unacceptable

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deficiencies (monitoring, stockpiled materials etc.), and overall risk communication approach.]

Note: USACE LSAC risk screening results is a good source of IRRM's to implement right away.

5. Interagency Collaboration:

Briefly describe any existing or planned interagency collaborative efforts that will contribute positively to SWIF development, implementation, and oversight. FEMA, EPA, US Fish and Wildlife Service, Counties, Water Council, Chamber of Commerce, State Agencies, Indian Nations, etc.

The SWIF will be developed in consultation with *[list agencies and roles]* and USACE. This interagency collaboration will continue as SWIF measures are implemented. During this time, progress on SWIF milestones will be monitored and evaluated by USACE. Routine continuing eligibility inspections of the levee system will also be jointly undertaken by USACE and the *[Sponsor name]* during the SWIF development and implementation timeline. USACE and the *[Sponsor name]* will coordinate inspections during SWIF development and implementation to ensure milestones are being met.

In addition to this, *[Sponsor name]* is seeking partnerships with local community groups, local and state government agencies, and other non-government organizations (e.g. utility companies) who can contribute positively to the SWIF development. It is expected that:

[Enter description here of how specific agencies, group, etc. will assist]

Include a statement that USACE will be monitoring SWIF plan development milestones.

6. Anticipated State and Federal Permit, Analysis, and Consultation Requirements:

List any anticipated state and federal permits and consultation requirements, needed to implement the SWIF. Example permits could include a section 404 Clean Water Act permit, Section 401 Water Quality Certification, Endangered Species Act consultation, National Historic Preservation Act consultation and other environmental analyses captured under the National Environmental Policy Act (NEPA) to potentially address environmental concerns such as contamination or risk to sensitive resources.

Alterations to the federal system implemented under the SWIF will be submitted under 33 USC 408 for USACE approval.

Vegetation variances prepared under SWIF will be submitted in accordance with the USACE Policy Guidance Letter for acceptance. If not applicable, do not include.

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[Sponsor name(s)] is/are responsible for continued operation, maintenance, repair and rehabilitation needs on *[levee system name]*. Special permitting may be required by the *[Sponsor name]* to perform these activities to ensure operational adequacy of the levee systems.

In general, rectification work will involve:

[Enter description here]

The following environmental permits are anticipated for the project:

[List permits]

Include a statement that NEPA compliance will be observed as applicable. Any endangered species should be listed and any concerns be identified.

CONCLUSION

Given the anticipated scope of necessary work, *[Sponsor name(s)]* respectfully requests that the levee system (s) listed in Table 1 above retain(s) “active” status in the P.L. 84-99 Program while the SWIF plan is developed. The *[Levee Sponsor name(s)]* ask(s) that this initial request be granted for 2 years, to allow adequate time to develop a successful SWIF plan.