

**CENTRAL VALLEY FLOOD PROTECTION BOARD**

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March 13, 2023

Colonel Chad W. Caldwell (District Commander)  
U.S. Army Corps of Engineers  
Sacramento District  
1325 J Street  
Sacramento, California 95814

Subject: Public Law 84-99 Rehabilitation Eligibility

Dear Colonel Caldwell:

The Central Valley Flood Protection Board (Board) acknowledges and appreciates the proactiveness of the U.S. Army Corps of Engineers (USACE) Sacramento District, in sending the notice of intent to open Public Law (PL) 84-99 Rehabilitation assistance for repairs to federal flood control project features damaged by recent flood events (December 29, 2022 to January 20, 2023). Based on this notice, the Board understands that USACE's plan is to officially open PL 84-99 Rehabilitation this April at the earliest, but by no later than June 2023.

In anticipation, the Board respectfully requests that the 15 Letter of Intent (LOI) submittals, which are currently pending review and approval by USACE Sacramento District, also be considered eligible for rehabilitation assistance. The 15 LOIs represent 22 levee systems that are listed for your convenience and reference in Exhibit A, attached to this letter.

In accordance with the USACE November 29, 2011 *Policy for Development and Implementation of System-Wide Improvement Frameworks (SWIF)* (Exhibit B), sponsors can request reinstatement of PL 84-99 eligibility by submitting a LOI to allow development of a SWIF plan to address the various deficiencies identified in USACE's inspection. The Board, as the State's non-federal sponsor for approximately 1,600 miles of Federal levees in the Central Valley is appreciative of USACE's 2011 policy, which provides an alternative for our local partners to address maintenance deficiencies that often take years to resolve due to their complexities. There are currently 59 levee systems considered inactive due to periodic inspections performed by USACE from 2009 to 2015, and re-confirmed by USACE's recent inspection. Of these 59 inactive systems, 22 have prepared and submitted an LOI to regain eligibility in PL 84-99.

USACE's 2011 policy indicates that rehabilitation assistance begins only after an LOI has been approved by USACE Headquarters. The majority of the 15 LOIs currently awaiting the USACE's review and approval have been under review for a minimum of 1 year, extending to almost 2 years. In comparison, the first LOIs submitted in early 2013 were approved by USACE within two months of their submission. Accordingly, the Board respectfully requests that the USACE Sacramento District complete its review and approval determination relative to the aforementioned 15 LOIs prior to USACE's anticipated opening of PL 84-99 Rehabilitation.

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The Board also notes that since the inception of the 2011 Policy, the level of details required in LOIs have significantly increased. More recent LOIs require a similar level of detail as was typically required in the past for SWIFs. This change places a significant burden on the development of LOIs by the Board's local partners and diverts already scarce resources from other critical tasks. This, along with lengthy USACE review and approval process, makes regaining PL 84-99 eligibility an inordinately lengthy process. With climate change and more extreme weather patterns becoming the norm, the Board anticipates more frequent damages to flood control facilities requiring federal assistance. As such, the Board also requests that the USACE Sacramento District revisit and reconsider its current review process so it can complete reviews and approvals of LOIs in a timelier manner and to make necessary policy adjustment to determine eligibility for LOI submittals.

The Board appreciates the USACE's continued support and looks forward to your response relative to the above requests. If there are questions regarding any of the above, your staff may contact Michael C. Wright, Chief Engineer for the Board at 916-873-4759 or [Michael.Wright@CVflood.ca.gov](mailto:Michael.Wright@CVflood.ca.gov).

Sincerely,



Jane Dolan  
Board President

Enclosures:

Exhibit A – LOI Summary Status March 2023

Exhibit B - USACE 2011 PL 84-99 Eligibility Policy

cc: (via electronic copy)  
Mr. Jonathan Yau, USACE Sacramento District  
Ms. Tonya Dutra, USACE Sacramento District  
Mr. Ryan Larson, USACE Sacramento District  
Ms. Sarah Backus, Board  
Mr. Michael Wright, Board  
Mr. Yiguo Liang, Board  
Ms. Angeles Caliso, Board  
Mr. Jit Dua, Board  
Mr. Eric Miao, Board  
Mr. Zubair Dosu, Board