

Central Valley Flood Protection Board Meeting  
May 26, 2023

INFORMATIONAL BRIEFING

8B. Presentation by the United States Army Corps of Engineers on the Public Law  
84-99 Rehabilitation Program

**BRIEFING SUMMARY**

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**Background**

U.S. Army Corps of Engineers (USACE) levee systems that are eligible for rehabilitation assistance under Public Law (PL) 84-99 following flood or storm damage include those that are federally authorized and operated and maintained by non-federal sponsors. These levees remain eligible if they are operated and maintained to acceptable or minimally acceptable USACE inspection standards. For federal levee systems that do not meet minimally acceptable standards and are thus ineligible in PL 84-99, USACE offers non-federal sponsors a process through the System-Wide Improvement Framework (SWIF) to remain temporarily eligible for PL 84-99 assistance while the unacceptable operation and maintenance deficiencies are corrected. See **Figure 1** on next page for typical PL 84-99 Rehabilitation process.

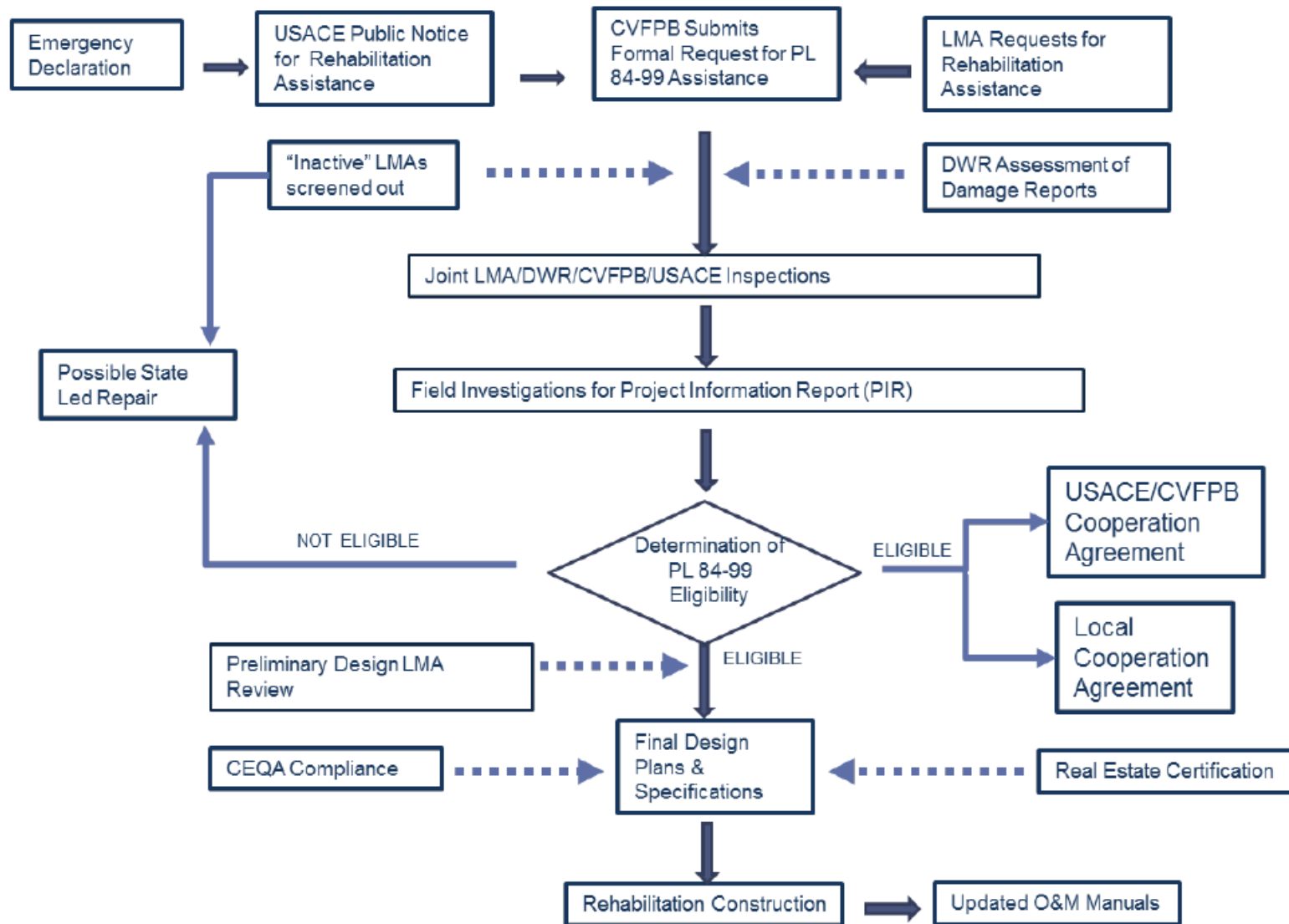
USACE is proposing changes to policies and procedures for activities administered under authority of PL 84-99. These revisions would change the eligibility criteria for the PL 84-99 Rehabilitation Program from an inspection-based approach to a risk-informed approach by evaluating a broader set of risk management activities performed by non-federal sponsors. USACE has held several outreach engagement meetings seeking input from sponsors and other interested parties. Several Board staff participated at the December 8, 2022 event and provided comments on the proposed changes to USACE on January 17, 2023, as discussed during the February Board Meeting.

**2017/2019 Rehabilitation Repairs**

For the 2017 flood damages, the State received over \$168 million in federal funding for 48 sites repaired under PL 84-99, with the State's cost share of only \$19 million. For the 2019 flood damages, 5 sites were deemed eligible for PL 84-99 rehabilitation. One site in RD 70 was repaired in late 2019, the remaining four (4) are expected to be repaired in 2024.

**2023 Rehabilitation Repairs**

The USACE intends to open the PL84-99 rehab program in the next two weeks to allow NFS to submit requests for rehabilitation assistance due to the January and March flood damages.



**Figure 1.** Flowchart of typical PL 84-99 Rehabilitation Process