



United States
Department of
Agriculture

Farm Production and
Conservation

Risk
Management
Agency

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September 3, 2021

INFORMATIONAL MEMORANDUM

TO: All Approved Insurance Providers Writing in the State of Nebraska

FROM: Collin Olsen /s/ *Collin Olsen*
Director, Topeka RO

SUBJECT: Actuarial Rates Resulting from Breached Levees in Nebraska

I. BACKGROUND

Due to the 2019 flood event, levees along the Missouri were breached. The following is a 2022 crop year policy provision (“Breached Levee Statement”) in the Special Provisions for fall planted crops with a 6/30 filing date:

"Land flooded due to a breach in a levee resulting from prior year(s) flooding is insurable. The applicable rate will be assigned based on conditions of the levee and soils on the latter of the sales closing date or earliest planting date. If, by that date, the levee has not been repaired to prior specifications, or if damaged soil (if any) has not been restored to at least the same crop yield potential as prior to the flood event, the land will be classified as high-risk and will have the highest rate classification in the county. However, if the levee is repaired to prior design specifications, and the soil has at least the same crop yield potential as before the flood, the land will be restored to the classification designated prior to the breach. If the levee has been temporarily or permanently repaired, but not to prior design specifications, by the latter of the sales closing date or earliest planting date, and the soil has at least the same crop yield potential as before the flood, then RMA may adjust the rate to an amount consistent with the level of flood risk by written agreement, if applicable. For RMA to consider any levee repair, RMA must be provided a certification from the U.S. Army Corps of Engineers or signed and sealed certification from a professional engineer who is currently licensed and registered in the state where the levee is located. For soils to be considered restored to the same crop yield potential as before the flood, you must sign a statement that damaged soil (if any) has been restored to at least the same crop yield potential as prior to the flood event."

II. COUNTIES AFFECTED

The breached levee statement was placed in the Special Provisions in the following Nebraska counties: Nemaha, Otoe.

III. CERTIFICATION REQUIREMENTS

The breached levee statement requires breached levee system repairs to be certified. For levee systems within the U.S. Army Corps of Engineers (USACE) jurisdiction, the Topeka Regional Office (TRO) should be able to obtain the necessary certification of repairs from USACE. For all other breached levee system, the TRO must be provided a signed and sealed certification from a professional engineer who is currently licensed and registered in the state where the levee is located. Failure to provide the Topeka Regional Office with the necessary certification will mean the breached levee statement will be applicable to the acreage flooded by a breach in that levee system.

The certification of levee system repair is only to address the breaches of the levee system. “Levee system repairs” means all the breaches in the levee system have been repaired. The certification should include the following information:

- i. The levee system name and location
- ii. The levee system has been repaired to prior specification (Y/N)
- iii. The levee system has been repaired to a temporary/permanent level of protection, but not to prior specifications (Y/N)
- iv. The date the levee system was repaired
- v. If temporary/permanent level of protection, but not to prior specifications, please provide the minimum overtopping height (in feet based on river gage station) of the repaired levee system. Please provide Gage Height (in feet) of minimum overtopping height and Gage Name

IV. STATUS OF BREACHED LEVEES AS OF SEPTEMBER 2, 2021

The following levees listed in subsection A, B, C is not a comprehensive listing of breached levees. The breach levee statement applies to all breached levees in the affected counties. There may be additional levees in the affected counties identified in Section II that may have breached. You may contact the Topeka Regional Office at rsoks@usda.gov, or 785-228-5512, to report a breached levee not identified in Section IV A, B, or C.

A. Certified Repaired to Prior Specifications

As of	Levee Name	County
	<i>None</i>	

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B. Not Repaired or Not Certified as Repaired

Levee Name	County

C. Certified Temporarily or Permanently Repaired, but not to Prior Specifications

Repaired As of	Levee Name	Gage Hght (ft)	Gage Name	HR Classification	County

V. **ACTION**

For crop land affected by a breached levee, the Approved Insurance Provider (AIP) is responsible for ensuring the stipulations in the breached levee statement are followed accordingly.

As noted, TRO should be able to obtain the necessary certification of repairs from USACE. For all other breached levee system, the TRO must be provided a signed and sealed certification from a professional engineer who is currently licensed and registered in the state where the levee is located. Insureds, agents or AIPs can provide this information directly by contacting TRO. *Note: TRO only needs to receive one certification that a levee system is repaired to be able to consider that levee system as repaired.*

For more information on the breached levee statement, including “prior specifications,” “damaged soil,” and requesting written agreements, please visit our Frequently Asked Questions document at www.rma.usda.gov/News-Room/Frequently-Asked-Questions/Breached-Levee-Statement.

The Actuarial Information Browser (AIB) reflects the appropriate map classification and subcounty areas of the land flooded by the breached levee(s). The AIB can be found at webapp.rma.usda.gov/apps/actuarialinformationbrowser/.

To assist AIPs and provide the most up-to-date information, TRO will continue to issue maps of land flooded by the breached levees with the Informational Memos. We anticipate weekly update of these memos and maps. This information can be downloaded from the following: ftp://ftp.rma.usda.gov/pub/Miscellaneous_Files/Breached_Levees/

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Disposal: Effective until otherwise superseded or the Special Provisions statement is removed from the counties' actuarial documents.