



**DEPARTMENT OF THE ARMY**  
DETROIT DISTRICT, CORPS OF ENGINEERS  
477 Michigan Ave.  
DETROIT, MICHIGAN 48226-2550

IN REPLY REFER TO  
Engineering & Construction Office

11 June 2012

Greg Stewart  
City of Luna Pier  
4357 Buckeye St.  
P.O. Box 375  
Luna Pier, MI 48157

Dear Mr. Stewart,

This letter is in regards to the Luna Pier Advanced Measures project that was completed under the Public Law 84-99 Advanced Measures Program in 1987.

The eligibility of the project in the Rehabilitation and Inspection Program was initially a term of 25 years from the summer of 1987 and was conditional to the project maintaining an active status, which requires an "acceptable" or "minimally acceptable" rating. The last inspection of the project was recorded on July 5, 2011 receiving a rating of "unacceptable".

Based upon this information, the Luna Pier Advanced Measures project is not eligible for the Rehabilitation and Inspection Program and is in inactive status. Therefore, we will no longer be participating in joint inspections.

To be reconsidered for an active status, you can request the Luna Pier project to be incorporated into the Rehabilitation and Inspection Program as a non-federal project. This would necessitate an initial eligibility inspection; with certification that the project meets all USACE criteria for a permanent flood risk reduction project, including all necessary easements and rights of entry, before the project could be incorporated into the program. Additionally, once active again in the program, any repairs to a non-federal project would be cost shared at 80 percent Federal and 20 percent from the public sponsor.

An easement is required for all projects to be reconsidered and allows for continuous operation and maintenance of the flood control feature (levee) to ensure continued participation in the program. This will be a permanent easement, with the following language:

**Flood Protection Levee Easement:**

A perpetual and assignable right and easement in the land described in Schedule A to construct, maintain, repair, operate, patrol and replace a flood protection structure including all appurtenances thereto; reserving, however, to the owners, their heirs and

assigns, all such rights and privileges in the land as may be used without interfering with or abridging the rights and easement hereby acquired; subject, however, to existing easements for public roads and highways, public utilities, railroads and pipelines.

The determination that your project is no longer eligible for continuing inspections and inclusion in the Rehabilitation Inspection Program does not preclude you from receiving flood fighting assistance prior to and during flood events. This flood emergency assistance may be requested and is still available under Public Law 84-99. Additional information and how to request assistance is available online at

<https://eportal.usace.army.mil/sites/ENGLink/FCCE/default.aspx>.

We also highly encourage you to continue maintenance and inspections of the project. A poorly maintained levee system can pose a greater risk than not having a levee system by instilling a false sense of security to local residence. A great resource to aid you in inspections of levees, the Levee Owner's Manual, is available online at

<https://eportal.usace.army.mil/sites/ENGLink/FCCE/Shared%20Documents/LeveeOwnersManual.pdf>.

We understand that this guidance may have a significant impact on your projects. We encourage you to contact us with any questions or concerns you may have. I can be reached at (313) 226-4761.

Sincerely,



Phillip C. Ross  
Levee Safety Officer  
Chief, Geotech & Structures Branch  
US Army Corps of Engineers, Detroit District

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- Melvin E. Briskey, President, Luna Pier Harbour Club
- Joseph Jarvis, Chief, Emergency Operations, Detroit District
- Tina Kowitz, Levee Safety Program Manager, Detroit District