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Agriculture

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April 30, 2021

INFORMATIONAL MEMORANDUM

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

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

SUBJECT: Actuarial Rates Resulting from Breached Levees in Missouri

**I. BACKGROUND**

Due to the 2019 flood event, levees along the Missouri and Mississippi Rivers and tributaries in Missouri were breached. The following is a 2021 crop year policy provision ("Breached Levee Statement") in the Special Provisions for spring planted crops with a 11/30 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 Missouri counties: Atchison, Buchanan, Callaway, Carroll, Chariton, Cole, Cooper, Holt, Howard, Lewis, Lincoln, Marion, Moniteau, Pike, Platte, Ray, Saline, and St. Charles.

**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

Note: For levee systems outside the jurisdiction of USACE (“private levees”), USDA Natural Resources Conservation Service (NRCS) in Missouri has offered engineering services to perform certification of repairs, as workload permits. Please contact your local USDA NRCS service center for more information and to make a request for certification services.

**IV. STATUS OF BREACHED LEVEES AS OF APRIL 29, 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](mailto: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**

Repaired As of	Levee Name	County
1/5/2021	Howard County Levee District No 4/1	Howard

Actuarial Rates Resulting from Breached Levees in Missouri  
 April 30, 2021

A. Certified Repaired to Prior Specifications (Continued)

Repaired As of	Levee Name	County	
1/8/2021	Brunswick Levee	Carroll	
1/11/2021	Saline County LD No. 2	Saline	
1/8/2021	Reveaux Drainage District	Callaway	
1/12/2021	Garden of Eden Section 1	Chariton	
3/2/2021	L-536	Atchison	Holt
11/6/2020	Mill Creek (Left Descending Bank)/1	Atchison	
3/22/2021	Jaeger Private Levee	Pike	
7/6/2020	Big Tarkio DD (right descending)/1	Holt	
4/14/2021	Corning Levee District/1	Holt	
4/26/2021	MRLS L-246/2	Chariton	

/1 The Mill Creek, Corning Levee District, Big Tarkio DD (right descending) protects the same acreage and repairs of the final breach were completed after the corn earliest planting date (4/5). The actuarial map will apply for corn and popcorn unless a producer plants corn or popcorn before April 14, 2021. For corn and popcorn planted on or after April 14, 2021 and for soybeans and grain sorghum, RMA has offered the 2019 high-risk classification through a “BL Offer - Updated Actuarial Offer for Repaired Levees” (BL Offer WA Number: 210458211) via the RMA ROE system. The BL Offer can be applied by the AIP without the insured requesting a written agreement. See Section V for more information on BL-Offers.

/2 The MRLS L-246 levee repairs were completed after all crops in the county earliest planting dates. The 2021 actuarial map will apply for all crops, unless a producer plants after the levee was repaired, in which case RMA will offer the 2019 high-risk classification through a “BL Offer - Updated Actuarial Offer for Repaired Levees” The BL Offer can be applied by the AIP without the insured requesting a written agreement. See Section V for more information on BL-Offers.

B. Not Repaired or Not Certified as Repaired

Levee Name	County	
Rushville-Sugar Lake, Platte County DD No. 1 Section 1	Buchanan	Platte
Herberger Levee	Carroll	
Private Levee #8	Carroll	
Prison Farm Levee	Cole	

Actuarial Rates Resulting from Breached Levees in Missouri  
April 30, 2021

B. Not Repaired or Not Certified as Repaired (continued)

Levee Name	County
Big Tarkio DD (left descend bank), Union Township, Holt County 10	Holt
Holt County Levee District No 9	Holt
Clarence Cannon Wildlife Refuge	Pike

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

Repaired As of	Levee Name	Gage Hght (ft)	Gage Name	HR Classification	County
1/28/2020	Union Township Levee/1	24.0	Gregory Landing	ZZZ	Lewis
2/3/2020	Elm Point/2	Pre-flood LOP	Grafton	2021 AIB Subcounty Map	St Charles
3/4/2020	Marion County DD/2	Pre-flood LOP	Quincy Lock & Dam 21	2021 AIB Subcounty Map	Marion
3/4/2020	L575/2	Pre-flood LOP	Neb City	2021 AIB Subcounty Map	Atchison
3/4/2020	L550/2	Pre-flood LOP	Brownville	2021 AIB Subcounty Map	Atchison
3/4/2020	Vandiver-Oldham Levee/2	Pre-flood LOP	Leavenworth	2021 AIB Subcounty Map	Platte
3/11/2020	Tri-County of Ray, Clay, and Jackson/2	Pre-flood LOP	Sibley	2021 AIB Subcounty Map	Ray
3/11/2020	Dewitt D&L/2	Pre-flood LOP	Miami	2021 AIB Subcounty Map	Carroll
3/12/2020	Wakenda Levee/2	Pre-flood LOP	Waverly	2021 AIB Subcounty Map	Carroll
3/20/2020	Ted Shanks Conservation Area/2	Pre-flood LOP	Louisiana	2021 AIB Subcounty Map	Pike
3/27/2020	Elsberry / Kings Lake/2	Pre-flood LOP	Winfield Lock & Dam 25 (lower)	2021 AIB Subcounty Map	Lincoln
3/27/2020	Elsberry / Kings Lake/2	Pre-flood LOP	Winfield Lock & Dam 25 (lower)	2021 AIB Subcounty Map	Pike
6/30/2020	Levee District No. 1 of Cooper County/2	Pre-flood LOP	Boonville	2021 AIB Subcounty Map	Cooper
6/30/2020	Levee District No. 1 of Cooper County/2	Pre-flood LOP	Boonville	2021 AIB Subcounty Map	Moniteau

Actuarial Rates Resulting from Breached Levees in Missouri  
April 30, 2021

/1 For levee systems temporarily or permanently repaired but to less than pre-flood level of protection, the High Risk acreage will have a map classification of ZZZ and the subcounty high-risk rate based on the level of protection in the above table. RMA will issue the ZZZ rate through a “*BL Offer - Updated Actuarial Offer for Repaired Levees*” via the RMA Regional Office Exceptions system. See Section V for more information.

/2 Based on the certification from the USACE and private engineering firms, the levees were temporarily repaired to the Level of Protection (LOP) it was prior to the levee breach. Therefore, for the 2021 crop year, the acreage behind the levee will carry the same map classification and subcounty rate it had prior to the levee breach. Please see the 2021 Actuarial Information Browser (AIB) for the applicable map classification and subcounty rate.

**V. BL OFFER - UPDATED ACTUARIAL OFFERS FOR REPAIRED LEVEES**

For situations footnoted in Section IV which will be a “BL Offer - Updated Actuarial Offer for Repaired Levees,” producers do not need to submit a Request for Actuarial Change for a Written Agreement to RMA. For acreage in these situations, RMA can adjust the high-risk rate for all the acreage behind a repaired and certified levee system without insured’s submitting a written agreement request. Once RMA has received the necessary certification, RMA will be able to calculate the appropriate high-risk rate and apply it to all the acreage behind the levee system. RMA will notify your Approved Insurance Provider (AIP) of the acreage where the adjusted rate applies.

**VI. 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](http://www.rma.usda.gov/News-Room/Frequently-Asked-Questions/Breached-Levee-Statement).

The Actuarial Information Browser (AIB), was updated on **April 30, 2021** to reflect 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/](http://webapp.rma.usda.gov/apps/actuarialinformationbrowser/).

Actuarial Rates Resulting from Breached Levees in Missouri  
April 30, 2021

The information in this AIB update reflects status of certifications received on breached levee repairs as of **April 29, 2021**

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/](ftp://ftp.rma.usda.gov/pub/Miscellaneous_Files/Breached_Levees/)

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