

Revise Levee Accreditation to Reduce Flood Risks

The Problem:

Since the aftermath of Hurricane Katrina there has been more focus on levees, and appropriately so. However, much of that effort is not aimed at increasing safety and reducing flood risk. An early step in improving levee safety should be to expeditiously complete and make public results from a thorough inventory and inspection of the nation's levees that leads to a better understanding of the risks to people and property, followed by development and implementation of strategies that can help manage those risks.

Rather than being used to craft solutions to better manage risk, the inventory and inspections currently being conducted are seemingly being used as the basis for a series of actions that indicate a distancing from and disinvestment in essential levee infrastructure by the federal government.

Nationwide, levee inventories and inspections are being conducted. Over the last four years alone, the US Army Corps of Engineers (Corps) has released a list of 236 of its own federal program levee projects that it rated as "Unacceptable for Operations and Maintenance" - meaning that it may have one or more deficiencies that prevent it from functioning as designed, intended, or required. In many cases, it is the local communities who are impacted. Projects have already been designated as inactive in the USACE Rehabilitation and Inspection Program (RIP), and therefore no longer eligible for federal flood disaster assistance under PL 84-99.

Critically, the Federal Emergency Management Agency (FEMA) has used these or other factors to deaccredit levee systems and their flood protection capacity from revised Flood Insurance Rate Maps (FIRMs).

These federal government actions being taken by USACE and FEMA trigger a number of potentially disruptive and costly impacts for affected communities, including:

- Designation as a Special Flood Hazard Area;
- Payment of mandatory flood insurance at rates that do not reflect any level of flood protection, which diverts limited local funds away from flood protection improvements;
- New floodplain management requirements in already developed areas (building elevation/flood-proofing and area development and construction prohibitions); and
- Property value, employer recruitment and retention, and local tax base diminution.



Request

Federal efforts should apply best available policies and procedures for levee investigation, design, rehabilitation, construction, operation and maintenance, and emergency preparedness; and improve and increase flood risk characterization, communication, avoidance, and flood insurance coverage availability and affordability. These and other advancements should be achieved without devaluing viable federal program levees and the critical hazard reduction that they provide to nearly half of the U.S. population. Balanced and cost-effective flood risk reduction approaches should be employed that retain well-conceived structural solutions among the various necessary options to reduce hazard levels for people, property, and commerce in developed lowland areas.

1. Enact federal policy which incentivizes rapid levee rehabilitation and minimizes economic hardship by providing additional compliance time for verifiable levee rehabilitation work, particularly in the absence of federal funding for Corps-designed and built infrastructure.
2. Modernize FEMA zones (AR and A99) to allow these zones to be used in communities moving forward with levee improvements to achieve accreditation.
3. **Support HR 764** to ensure the fair treatment of existing levees and flood control structures under the national flood insurance program by discontinuing FEMA's use of "without levees."
4. Modify authorities and responsibilities to balance the emerging culture of risk aversion that transfers risks from federal agencies to states and local levee owners and operators, in part because levee failure consequences will be borne by the nation's taxpayers at great cost.
5. Pursue FEMA programmatic funding for Reimbursement authority provided by 42USC§4104. *The 1973 Flood Disaster Protection Act authorized FEMA reimbursement to building owners or communities for expenses incurred for surveying, engineering, or similar services, in the effecting of a successful federal flood mapping appeal.*

Federal policymakers should coordinate and collaborate with states and local communities in developing a process and strategy for addressing these issues with the efforts focused on reducing flood risk to people and property through policies and programs that promote action at all levels of government targeted at more effectively managing levee associated risks while minimizing adverse economic impacts.



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