

Levee Certification, Dam Safety, and Floodplain Management

Texas relies on flood protection from riverine and coastal hurricane levees, but FEMA certification requirements must be flexible to account for important hydraulic differences between the two. Additionally, coastal levee certification is being made more difficult, time-consuming and costly because the hurricane surge height calculations, unlike riverine base flood elevations, are still being evaluated by modeling experts. Coastal levee sponsors are making efforts to initiate certification in compliance with updated federal standards, but the target elevations are unknown.

Levee systems all across the US have received increased scrutiny as a consequence of the tragic flooding associated with hurricanes Katrina and Rita, and the 2008 Midwest Flood. Additionally, FEMA has received more than \$1.6 billion from Congress since FY 2003 to modernize flood maps nationwide under the National Flood Insurance Program. Significant levee failures and FEMA map modernization funding have together propelled active FEMA enforcement of levee certification requirements that were first issued in 1986 (44 CFR 65.10). Both FEMA and the Corps have initiated revised processes to better estimate actual flood risks for citizens living behind levees, and the practices of grandfathering and granting partial levee system certifications have been prohibited under revised agency rules.

Since 2007, as many as 240 levee systems across the country have received an unacceptable Corps rating after undergoing an inspection. This means a project is believed to have one or more deficiencies and now faces the threat of being changed to inactive status in the Corps Rehabilitation and Inspection Program (RIP), and therefore are no longer eligible for federal rehabilitation funding under PL 84-99 (i.e., not eligible for federal funding as a result of flood damage).

Additionally, FEMA levee decertification, which occurs after failure by the non-federal sponsor to demonstrate a base flood protection level (1% chance event), can trigger a number of potentially disruptive and costly impacts for affected communities, including: mandatory flood insurance purchase requirements; floodplain management requirements (building elevation/ flood-proofing and area development and construction delays); property value and tax base declines; business relocation and job loss.

APPROACH:

TWCA is currently working with affected local levee owners along the Gulf Coast, in Fort Worth, Dallas, Irving, and elsewhere to develop and advance consensus policy recommendations that will instill appropriate flexibility and cost effectiveness while ensuring local sponsor compliance with national flood protection and public safety requirements. The approach we will soon propose and advocate is summarized briefly as follows:

- ◆ Achieve reasonable and risk-based application of FEMA certification and the Corps' periodic inspection criteria;
- ◆ Ameliorate or delay implementation of the adverse effects of levee decertification; and
- ◆ Identify resources and methodologies to assist local sponsors in expediting correction of levee deficiencies.



Velasco Memorial Tidal Gate, Old Brazos River

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LEEVE CERTIFICATION AND RATING SYSTEM

- ◆ **SUPPORT:** The approach taken under HR 3415, which delays FEMA floodplain remapping for up to seven years, providing a reasonable period of time for Texas levee managers to address confirmed deficiencies while giving non-Federal sponsors an incentive to address them as well.
- ◆ **SUPPORT:** The approach taken under HR 3415, which delays FEMA floodplain remapping for up to seven years, providing a reasonable period of time for Texas levee managers to address confirmed deficiencies.
- ◆ **SUPPORT:** Adequate funding for review and inspection of existing Federal levees in Texas under the Inspection of Completed Works line item of the USACOE FY2011 O&M Budget.
- ◆ **SUPPORT:** Full funding in FY 2011 budget for implementation of Title IX in WRDA 2007, and establish certification assistance program for local levee owners.

DAM SAFETY

Dams bring water, power, flood control, recreation, economic possibilities and many other advantages to people. But safe operation and maintenance is critical to sustaining these advantages and avoiding potential disaster.

While federally owned dams are in good condition, the number of non-federal dams identified as unsafe is increasing. Of the 2000 dams in Texas, 269 sites require design and construction, 120 sites need repair, 209 sites need rehabilitation, and 112 dams no longer meet current safety standards.

- ◆ **SUPPORT:** Texas endorses passage of H.R. 3224 to create a federally administered dam rehabilitation funding program. This federally sponsored program would provide funds to be cost-shared at 65 percent federal to 35 percent state/local for non-federal publicly owned dams. The legislation would provide funds to states based on the number of high hazard dams in each of the participating states.
- ◆ **SUPPORT:** Grant assistance for non-federal dams under HR 1770 and S732 that will assist Texas with the more than 100 dam sites that no longer meet dam safety standards.

FLOODPLAIN MANAGEMENT

Effectively identifying, managing, and mitigating floodplains effectively reduces flood disaster costs. FEMA's Map Modernization Initiative successfully converted national flood data to a common digital platform and has been a tremendous benefit for many Texas' communities. However, many Texas communities have not been studied, have outdated information, or did not get new maps.

- ◆ **SUPPORT:** Continued appropriations in FEMA's FY2011 budget for the ongoing Risk Map and Cooperating Technical Partner Program (Floodplain Management)
- ◆ **REQUEST:** Texas strongly supports reauthorization of the National Flood Insurance Program, passage of FEMA's 2011 budget with the continuing Risk Map, and its Cooperating Technical Partner Program.