



**AMERICAN PUBLIC WORKS ASSOCIATION**

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## **Hearing on the Recommendations of the National Committee on Levee Safety**

**Statement of:**

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**American Public Works Association**

**To the House Subcommittee on  
Water Resources and the Environment**

**May 19, 2009**

**PRESIDENT**  
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Chairwoman Johnson, Ranking Member Boozman, members of the House Subcommittee on Water Resources and Environment, thank you for the opportunity to present testimony for this hearing on the report of the National Committee on Levee Safety (NCLS).

I am Andy Haney, and I am the Public Works Director for the City of Ottawa, Kansas which has a population of approximately 13,000 residents. The City of Ottawa is bisected by the Marais des Cygnes River, and is protected on both banks by levees totaling approximately 4.6 miles in length. This levee was constructed by the United States Army Corps of Engineers (USACE) following a significant flood in 1951. Recently, I served as a member of the Review Team for the National Committee on Levee Safety. I am also one of the founding members of the Small Cities & Rural Communities Forum of the American Public Works Association (APWA).

APWA is dedicated to providing public works infrastructure and services to millions of people in rural and urban communities. Flood control systems, which include levees, are among the infrastructure that APWA members plan, design, build, operate and maintain. I submit this statement today on behalf of the more than 29,000 public works professionals who are members of APWA. Our members are city engineers, public works directors, private consulting firms that provide infrastructure services to public agencies and professionals in all aspects of public works. Over half of our members work in the public sector in cities, counties and special districts at the local level.

## **NCLS REPORT**

The recent recommendation to Congress by the NCLS is to establish a “*National Levee Safety Program*” and to require “*mandatory risk-based flood insurance purchase in leveed areas.*”

The NCLS recommended a three-phased “strategic implementation:”

Phase I: Implement enabling legislation, inspect levees, and require affected property owners to buy flood insurance.

Phase II: Delegate the program to states and/or local governments with incentives.

Phase III: Transition into sustaining levee safety at state and local levels using disincentives, such as withholding funds.

The economic impact of these recommendations for the federal government has been under review by the Office of Management and Budget, but *the economic impact on local governments and our citizen taxpayers may not be receiving the attention that is necessary and warranted.*

## APWA PARTICIPATION WITH NCLS PROCESS

On two occasions, the NCLS Review Team was called in to review completed draft work and offer feedback. The working document was modified on each occasion in response to the feedback received.

I solicited and received input from a variety of APWA members, providing detailed feedback to the NCLS. While some of the issues brought forward by the public works community were addressed, a significant portion of our feedback seems to have been overridden by other interests, or by direction that had been given to the NCLS.

Some local experiences in small towns were cited, but the general feeling is that the impact of these recommendations is not limited to small towns. In general, we need to express significant concern about some elements of the recommendations. They include:

- **Schedule.** This issue has not been “on the radar” for public consumption. Only some professionals responsible for levees were aware of the issues. Many perceived the process may be an overreaction to recent catastrophic floods. The NCLS procedure was completed in less than four months (October 2008 through January 2009). There was a general feeling that this discussion needs to be more deliberate, and that governing bodies and public works professionals desired to be a part of the process.
- **Delegation can be a concern.** Details in the report indicate most levee systems may be excluded from funding unless states or local governments accept “delegation” of the program. Some expressed that many states are not staffed to accept such a delegation, which I believe to be true in the State of Kansas.
- **Funding issues.** Unless funding is concurrently “delegated” with the enacting legislation, implementation will be very slow and an expensive proposition for state and local governments, and affected citizens. It is not a surprise to this subcommittee that state and local government are facing extreme issues in these uncertain economic times. Limiting the federal funds to “high hazard” areas as defined in the NCLS report eliminates many municipal systems, and should be reconsidered.
- **Decentralization Equals Inefficiencies.** We believe this program may be significantly more efficient if it was not delegated to the states or local level of government, at least entirely. USACE would be a more effective entity to assume this responsibility, as they would have the ability to work across political boundaries with fewer entities (and contractual agreements) involved than if each local “sponsor” was required to initiate individual programs and be solely responsible for funding the assessment of individual levee systems. Consolidation of this effort to the maximum extent possible seems to be the most cost-effective manner of implementation.

- **Disincentives are discouraging.** Our belief is that disincentives are likely to have little merit. If a state has difficulty achieving an established standard, how is “ineligibility for National Levee Safety Program grants” going to help fix the problem?

## **APWA RECOMMENDATIONS**

- Place a moratorium on the “schedule” relating to Provisional Accreditation Letters that may have been (or will be) submitted by levee sponsors. This would provide for a reasonable period of time for elected and appointed officials of communities nationwide to discuss this issue in depth with appropriate federal agencies, their citizens, local businesses and other stakeholders before initiating efforts toward levee compliance determination. Additionally, this would allow a more thorough understanding of the needs of the federal government to institute the policy change and for local governments to assess and address the impacts that will result.
- Publicize the anticipated costs for insuring properties against flood damage. Include information related to what cost reduction for that coverage may result if a property is “protected by a compliant levee.” This listing can be reviewed, distributed and monitored by state Insurance Commissioners, if appropriate.
- We suggested to the NCLS that administration of the National Levee Safety Program should be retained by the USACE. The USACE could promulgate rules related to when and if a program could/should be delegated below the federal level based on reasonable criteria. The USACE should be augmented with an appropriate budget, staff and equipment to accomplish this routine function. To supplement the effort, the USACE could retain consultants to complete assessments and other work throughout the Districts. We believe the results would be far more standardized and significantly reduce overall costs than if the project is undertaken by individual communities.
- The report recommends establishing a “Certified Levee Professional Program.” While this could prove to be beneficial, there are no significant details provided. This will be more affordable for small communities if a program for federal financial assistance to complete this process was implemented.
- Modify the “threshold” of lives at risk as a determinant of federal financial aid availability. The focus on human safety is the highest priority stated in the report, and the report indicates that emphasis should be placed where there is a risk to 10,000 lives if a levee fails. That threshold of danger to human life will likely exclude smaller communities with respect to receiving any federal funding to improve levees. Even the larger cities may have difficulty attaining the 10,000 lives threshold. However, inundation of the levee protected area of our town, as

just one example, will possibly affect that number of jobs due to the “business centers” being within the levee protected area. The economic loss could be devastating. There should be some means to incorporate “economic” impact in addition to the number of lives at risk. “Percentage of community property value at risk” or the “percentage of population at risk” may be possible starting points for that discussion.

- Bring associations which have an interest into the discussion. In addition to those organizations that were represented on the NCLS or the Review Team, we recommend that stakeholders from local elected officials organizations such as the National League of Cities, National Association of Counties, US Conference of Mayors and others be brought to the table to share their perspective.

Chairwoman Johnson, Ranking Member Boozman and members of the House Subcommittee on Water Resources and Environment, thank you for conducting this hearing and for inviting us to present our concerns and our recommendations from the Public Works community. APWA stands ready to be your resource as we move forward to achieve levee safety.