ASFPM Comments to FEMA Proposed Policy on
Rehabilitation Assistance for Levees & Other Flood Control Works
DAP 9524.3 [Docket ID FEMA-2010-0068]

ASFPM appreciates the opportunity to comment on this policy document. We are concerned that this policy will not only expose federal taxpayer monies to situations of continued flood risk, but has the potential to produce unintended consequences. It also has the potential to continue to fund what are essentially local projects with federal monies. The document indicates this financial assistance from FEMA will be available in ALL declared disasters, and is eligible for all emergency and permanent work! Many are concerned with processes that essentially provide an open federal checkbook, only to set up those subject to the flood disaster to the same damages and disaster in the next event. This becomes even more problematic if these funds are spent for levees that do not meet the NFIP minimum standard of 100 year protection.

Revisions to the current (February 2009) generally clarify eligibility: 1) Assistance from FEMA for emergency & permanent repairs only available for works that are ineligible for USACE or NRCS assistance; and 2) Debris removal only available if ineligible for NRCS EWP. Other criteria are largely unchanged. ASFPM recommends that the following additional eligibility criteria be explicitly included in the Policy:

- All repairs funded under this policy must demonstrate they will not result in adverse impacts on other properties or communities, including emergency works for flood fighting. It is inappropriate to use federal monies to protect one set of people at the expense of others.
- All levee repairs funded under this policy must demonstrate compliance with Executive Order 11988 and Principles & Standards for federal Water and Related Land Planning and Projects (P&G).
- To ensure FEMA is not funding projects inconsistent with minimum NFIP standards, limit the funding to those levees meeting the 100 year flood standard of the NFIP.
- For a levee repair project to be eligible, communities with all or a portion of their jurisdiction subject to inundation when the levee fails must:
  - Participate in the National Flood Insurance Program;
  - Demonstrate through adoption of long-range plans that consequences (density of vulnerable lives, property, and infrastructure) will not increase post-repair; and
  - Prohibit construction of new critical facilities in areas subject to inundation or inoperability in the 500-year event.
- Prior to selecting levee repair, nonstructural options must be considered and incorporated into the repair / recovery action to the fullest extent practicable;
- Repair must be evaluated on a levee system scale, and ensure that repairs to restore the structure to the pre-disaster condition and level of protection is appropriate and cost effective;
- Levee repair or rehabilitation projects must incorporate resiliency measures, for example a planned overflow section to prevent massive levee failure;

ASFPM comments on FEMA PA levee policy  1   3-10-11
• Levee owner, or owners where multiple parties own various components of the levee system, must enter binding agreement and demonstrate capacity and financial assurances for long-term operations and maintenance of the levee; and
• Levee owner, or owners where multiple parties own various components of the levee system, must provide data to populate the National Levee Database.