I. Your testimony highlights a number of recommendations for next steps to help with flood risk management.

A. What would you prioritize as the top three steps that need to be taken in the near term?
   1. Avoid further development in high flood risk areas and gradually retreat existing development back from high flood risk areas.
   2. Require flood insurance in residual risk areas associated with flood control structures, such as levees and dams.
   3. Remove federal incentives for development in high flood risk areas on our rivers and coasts. This includes tax write offs for disaster damages from natural hazards in high risk areas, repeated disaster relief in high hazard areas that have not performed mitigation, programs that incentivize development behind levees, such as PL 84-99 that provides federal taxpayer funds to rebuild levees that are damaged or fail during flood events, etc.

B. Which of these steps will require Congressional action?
   Steps 2 and 3 will require Congressional action; and Congressional appropriations are required for some buyout and relocation programs to support gradual retreat from high flood risk areas.

II. Your testimony discusses the need for a comprehensive levee inventory, including non-federal levees, that expands on the inventory the Corps is already completing for federal levees.

A. Who do you think is best suited to complete a full survey of all the non-federal levees?
   A combination of Federal, State and local entities should complete the inventory. The USACE can be the keeper of a National Levee Database. FEMA and other federal agencies can contribute to it, as can States and Levee owners. Ultimately, some funding will be needed for someone to complete the inventory, whether the USACE, or States. The USACE should also identify levees that have requested repeated P.L. 84-99 funding histories and add the information as a layer in National Levee Database.
B. How can this effort best be coordinated with the work the Corps has already undertaken related to Federal levees?

*Should not be a problem. The USACE and FEMA are already working together on it, and the Corps has invited other entities to input whatever levee data they have. Some state and local hazard mitigation plans (required under the Disaster Mitigation Act of 2000) include levee information. Requiring appropriate levee and dam data in these plans could assist both FEMA and the Corps in collecting data for the levee inventory.*

III. The National Committee on Levee Safety released its draft report in 2009, but the final report has not been forwarded to Congress yet.

A. What are the most important items in the report that you think need to be authorized by Congress in the near term to begin development of a national levee safety program?

1. Congress should name and design the program to be “Levee Risk Management”, not “levee safety”. The latter implies that a well built and maintained levee makes everything safe, which is not the case. If the land use and development associated with lands behind the levee are not controlled, the consequences/risk go up. Levee risk management addresses all those issues, not just the levee, thus reducing future disasters.

2. A process to complete the levee inventory so we know the scope of issue

3. Flood insurance must be required in levee residual areas.

4. Establishing State programs for levee risk management, and building that capability.

5. A Federal oversight body that is not one-agency specific, even if it is housed in one federal agency—decisions must be made jointly. The work of the body must be informed by experts beyond engineering; those who know and understand future flood risk management, land use and development, and environmental management approaches that can reduce future risk. Most flood risk is created by land use and development decisions that increase the consequences when the levee overtops or fails. Engineering addresses the probability of flooding, but does nothing to reduce consequences.

6. Requirements that a process be developed to determine which levees have a federal interest, and would thus be eligible for federally backed loans or technical assistance. Due to fiscal constraints, not all levees can be “fixed” to comply with adequate standards, so choices will have to be made.

7. Standards for urban levees must be established and should require a minimum level of protection of 500-year or standard project flood in order to qualify for any federal assistance or programs.

8. No federal funds or grants for any purpose should be provided in residual risk areas behind levees unless the state and community of jurisdiction provides assurance that the consequences behind the levee will not increase.
Questions for Larry Larson—Association of State Floodplain Managers

Senator James Inhofe

I. In your opinion, were the mechanisms and procedures that Corps had in place to communicate with local and state governments and other stakeholders during the flood events adequate?

A. If not, please explain and include any recommendations for improvement.
   
   Overall, the Corps did communicate fairly well during the event. Would suggest the Corps ensures it sends yearly reminders to all property owners in floodways and bypasses reminding property owners their land has flowage easements (e.g. Birds Point, etc.)

II. With limited time before the next potential flood event, what actions would you recommend the Corps and Congress take in order to prepare? Please also include any recommendations that are better suited for the long term.

A. How would you prioritize these recommendations?

   1. The Corps has a triage system for levee repair to set priorities—good system. But there are too many levees currently eligible to be in the PL 84-99 system, which then allows federal taxpayer funds will be used to repair them after a flood. To be consistent with other federal programs and standards, it is reasonable to only allow levees providing 100-year protection into the PL 84-99 program. Small levees with as little as 5 year protection are now eligible for federal funding, yet they get repeatedly damaged or destroyed and have limited federal interest at best.

   2. Acknowledging that it is quite likely several levees and/or systems will not be repaired for the next flood season, there should be a significant campaign focusing on the need to obtain flood insurance, even if one’s structure is behind one of these levees not damaged this year.

B. How can we maximize the use of federal funds?

   Cost sharing that rewards those who properly maintained their levee. Determine if there is really a federal interest in a levee before spending federal funds on repair. There is simply not enough federal taxpayer funding to upgrade all inadequate levees in the nation. Upgrading them is largely a community choice; if the community decides it is their best long term option for flood mitigation.
III. What actions are needed to lessen the likelihood and limit the damages of another flood of this magnitude in the future?

1. New levees should never be built to protect undeveloped land. While that is supposedly a USACE policy now, it can be overturned by the NED alternative (Natomas)

2. Avoid further development in high flood risk areas and gradually retreat existing development back from high flood risk areas

3. Require flood insurance in residual risk areas associated with flood control structures, such as levees and dams.

4. Remove federal incentives for development in high flood risk areas on our rivers and coasts. This includes tax write offs for disaster damages from natural hazards in high risk areas, repeated disaster relief in high hazard areas that have not performed mitigation, programs that incentivize development behind levees, such as PL 84-99 that provides federal taxpayer funds to rebuild levees that are damaged or fail during flood events, etc