



# Status of the Recommendations for a National Levee Safety Program

## Overview & Context

The National Committee on Levee Safety (NCLS) issued *Recommendations for a National Levee Safety Program: A Report to Congress from the National Committee on Levee Safety* on January 15, 2009. In their Report to Congress, this diverse group of professionals from federal, state, local/regional governments, and the private sector outlined the critical components of a National Levee Safety Program and a high-level time frame and steps for its creation.

Since completing the Report to Congress, the members of the NCLS have been working to further refine their recommendations, better understand the opportunities and challenges associated with the implementation of a National Levee Safety Program, and gather additional stakeholder feedback.

Ultimately, progress on the NCLS recommendations hinges on the creation of a National Levee Safety Program and the authorities necessary to implement a program fostering national leadership, strong state levee safety programs, and aligned federal programs and processes.

This summary of the status of the recommendations for a National Levee Safety Program includes actions by the U.S. Army Corps of Engineers (USACE) and Federal Emergency Management Agency (FEMA) that advance certain elements of NCLS recommendations, and notes where the activities of the NCLS have contributed refinements to the recommendations, improved understanding of challenges, and better articulated recommendation rationales.

### The National Committee on Levee Safety

Congress created the National Committee on Levee Safety to develop recommendations for a national levee safety program, including a strategic plan for implementation of the program. The NCLS adopted the vision of an involved public and reliable levee systems working as part of an integrated approach to protect people and property from floods, and has been working toward this goal since October 2008.

The NCLS recommendations for a National Levee Safety Program are based on three central concepts:

- Leadership via a National Levee Safety Commission that provides for participating state levee programs, national technical standards, risk communication, and coordination of environmental and safety concerns;
- Strong levee safety programs in and within all states that, in turn, provide oversight and critical levee safety processes; and
- A foundation of well-aligned federal agency programs and processes.

For more information on the NCLS and its recommendations for a National Levee Safety Program, please visit: [www.leveesafety.org](http://www.leveesafety.org)

## Status of the Recommendations for a National Levee Safety Program

Recommendations that Support Development of Comprehensive and Consistent National Leadership	
<p><b>Establish a National Levee Safety Commission (Recommendation 1)</b></p>	<ul style="list-style-type: none"> <li>❖ Establishment of a National Levee Safety Commission will require Congressional action.</li> <li>❖ Nonfederal members of the NCLS delivered to Congress a proposed legislative framework outlining recommendations in the <i>Report to Congress</i> that require legislation (February 2010). Copies of this legislative framework and an alternative that would create the National Levee Safety Program within USACE via a Water Resources Development Act (WRDA) are available on the NCLS website, <a href="http://www.leveesafety.org">www.leveesafety.org</a>.</li> <li>❖ USACE is working with the Administration to develop a WRDA proposal that would implement some recommendations for a National Levee Safety Program.</li> <li>❖ NCLS is conducting research to explore best practices related to governance of a National Levee Safety Program.</li> </ul>
<p><b>Expand and Maintain the National Levee Database (Recommendation 2)</b></p>	<ul style="list-style-type: none"> <li>❖ Authority and appropriation for USACE to conduct a one-time, federally-funded inventory and assessment of <i>all levees</i> in the United States would require Congressional action.</li> <li>❖ USACE continues to populate the National Levee Database with data about the location and condition of the levees participating in its programs, approximately 2,000 levee systems, or 14,000 miles of levees.</li> <li>❖ USACE and the Federal Emergency Management Agency (FEMA) are coordinating the full integration of FEMA’s Mid-Term Levee Database and the National Levee Database.</li> <li>❖ USACE rollout of National Levee Database for federal agencies is underway (Summer 2011). Nonfederal rollout will be Fall 2011 to incorporate information voluntarily provided by state and local governments into the National Levee Database, as authorized in the Water Resources Development Act of 2007 (33 USC 3303. SEC 9004).</li> <li>❖ National Levee Database Steering Committee is operational, with participation of members from the National Committee on Levee Safety.</li> </ul>
<p><b>Adopt a Hazard Potential Classification System (Recommendation 3)</b></p> <p><b>Develop and Adopt National Levee Safety Standards (Recommendation 4)</b></p>	<ul style="list-style-type: none"> <li>❖ The NCLS has recommended a recognized standards developing organization, such as the International Code Council, be funded to develop national levee safety guidelines and standards via a consensus-based stakeholder process.</li> <li>❖ NCLS members are participating with USACE and other countries in the development of an international levee handbook as a mechanism to increase understanding and develop foundational concepts and approaches for the anticipated eventual development of national levee safety standards, a hazard potential classification system, and other technical aspects recommended for a National Levee Safety Program.</li> <li>❖ USACE is developing a Levee Safety Action Classification system to prioritize activities and funding for the levees in its portfolio. A standard Hazard Potential Classification System applied to all levees will assist communities, states, and the federal government in identifying and prioritizing hazard in leveed areas.</li> </ul>

## Status on the Recommendations for a National Levee Safety Program

<p><b>Develop Tolerable Risk Guidelines (Recommendation 5)</b></p>	<ul style="list-style-type: none"> <li>❖ The establishment of national tolerable risk guidelines would be conducted by the National Levee Safety Commission after its creation by Congress.</li> <li>❖ NCLS members are participating in a USACE-led effort to explore the development and application of tolerable risk guidelines for USACE operated and maintained levees. TRG Workshop Report has been published.</li> </ul>
<p><b>Change “Certification” to “Compliance Determination” for Accreditation in the National Flood Insurance Program (Recommendation 6)</b></p>	<ul style="list-style-type: none"> <li>❖ USACE has adopted the term “levee system evaluation for the National Flood Insurance Program” (NFIP) to replace “certification” to describe the evaluation of levees for accreditation in the NFIP.</li> <li>❖ FEMA continues to clarify its communications with stakeholders to reinforce that “certification” refers only to the certification of the data being submitted as part of the NFIP accreditation package, and that no warrantee or guarantee of the levee’s condition is made or implied.</li> </ul>
<p><b>Require Independent Peer Review of Levee Accreditation Determinations for the NFIP (Recommendation 7)</b></p>	<ul style="list-style-type: none"> <li>❖ FEMA is investigating the cost and workload impact of requiring independent technical review of packages submitted for accreditation in the NFIP, including consideration of who would be responsible for the review (e.g., the levee owner/operator submitting the accreditation package or FEMA).</li> </ul>
<p><b>Swiftly Address Emerging Levee Liability Issues (Recommendation 8)</b></p>	<ul style="list-style-type: none"> <li>❖ The NCLS has recommended that Congress require the National Levee Safety Commission, once established, to submit a report to Congress with recommendations to identify and address legal liability associated with levee engineering work that prevents levee owners from being able to obtain needed levee engineering services, or that prevents development and implementation of a nonfederal levee safety program</li> <li>❖ The NCLS is investigating options for research in collaboration with stakeholders to identify the current state of the law as it applies to liability in a variety of contexts in the public and private sectors, as well as explore the public policy implications of various measures to manage liability for state and local levee management programs.</li> </ul>
<p><b>Develop and Implement a Public Involvement and Education/Awareness Campaign (Recommendation 9)</b></p>	<ul style="list-style-type: none"> <li>❖ The recommended National Public Involvement and Education Plan would be created and executed by the National Levee Safety Commission after its creation by Congress.</li> <li>❖ NCLS members are implementing a Communication and Stakeholder Involvement Plan to inform and involve stakeholders concerned with, and impacted by, levee safety issues of the recommendations for a National Levee Safety Program.</li> <li>❖ NCLS has established a quarterly newsletter, <i>Levee Safety Connections</i>, available on its website (<a href="http://www.leveesafety.org">www.leveesafety.org</a>) and to nearly 500 subscribers to the NCLS electronic mailing list.</li> <li>❖ NCLS has developed and distributed 17 Issue Papers to more than 600 attendees at 9 regional workshops and others via their website. More than 2000 copies of the <i>Recommendations for a National Levee Safety Program</i> Report to Congress have been distributed since January 2009.</li> <li>❖ NCLS website, <a href="http://www.leveesafety.org">www.leveesafety.org</a>, has been redesigned and will be launched in August 2011.</li> <li>❖ NCLS members have made presentations about the recommendations for a National Levee Safety Program to more than 30 national and regional organizations engaged in levee safety issues, annual meetings, etc.</li> </ul>

<p><b>Provide Technical Materials and Technical Assistance (Recommendation 10)</b></p> <p><b>Develop a National Levee Safety Training Program (Recommendation 11)</b></p>	<ul style="list-style-type: none"> <li>❖ Full implementation of these recommendations will follow development of national levee safety standards and program guidelines as developed by the National Levee Safety Program, once created by Congress.</li> </ul>
<p><b>Harmonize Safety and Environmental Concerns (Recommendation 12)</b></p>	<ul style="list-style-type: none"> <li>❖ NCLS has recommended a Standing Committee on Environment and Safety as part of the overall governance of the National Levee Safety Program, once established, to continue ongoing dialogue related to environmental concerns and levee safety.</li> <li>❖ NCLS is working through stakeholder efforts to better understand and frame environmental concerns and issues as they relate to endangered species, environmental permitting, ecological valuation, and other topics, as well as exploring factors contributing to successful collaboration around environmental concerns and levee safety.</li> </ul>
<p><b>Conduct a Research and Development Program (Recommendation 13)</b></p>	<ul style="list-style-type: none"> <li>❖ A federally funded research and development program under the auspices of the National Levee Safety Program would follow establishment of the National Levee Safety Program, as well as Congressional appropriations for implementation. In the meantime, the NCLS encourages ongoing efforts to advance levee safety research and development.</li> </ul>
<p><b>Recommendations to Support the Building and Sustaining Levee Safety Programs in All States</b></p>	
<p><b>Design and Engage State Levee Safety Programs (Recommendation 14)</b></p> <p><b>Establish a Levee Safety Grant Program (Recommendation 15)</b></p>	<ul style="list-style-type: none"> <li>❖ The creation of a model state levee safety program would follow the establishment of the National Levee Safety Program, as well as Congressional authorization and appropriation of funding to implement. The recommended Levee Safety Grant Program is a critical incentive for states to develop voluntary state levee safety programs, providing funding for levee safety activities and capacity building. The NCLS encourages and supports those states that already have, or are developing, levee safety programs.</li> <li>❖ NCLS, as part of its Communication and Stakeholder Involvement Plan, will reach out to states to discuss their needs, concerns, and ideas in order to incorporate them back into program design for eventual use by Congress and the National Levee Safety Commission.</li> </ul>
<p><b>Establish the National Levee Rehabilitation, Improvement, and Flood Mitigation Fund (Recommendation 16)</b></p>	<ul style="list-style-type: none"> <li>❖ The recommended National Levee Rehabilitation, Improvement, and Flood Mitigation Fund would follow the establishment of the National Levee Safety Program and the inventory and assessment of the nation's levees. Information about the location and condition of the nation's levees and their hazard potential would prioritize the funding and activities of the Fund. Congressional authorization and appropriations for implementation will be required.</li> <li>❖ NCLS will explore, through a literature review, options for the Fund structure and alternative approaches to a 65-35 cost-shared fund commonly administered by USACE (e.g., the proposed national infrastructure bank, low or no-interest loans, bonding alternatives, public-private partnerships, etc.).</li> </ul>

Recommendations to Support the Aligning of Existing Federal Programs	
<b>Explore Potential Incentives and Disincentives for Good Levee Behavior (Recommendation 17)</b>	<ul style="list-style-type: none"> <li>❖ The NCLS continues to reach out to federal agencies and work with the Federal Interagency Floodplain Management Task Force to identify the programs and policies that encourage reduced risk associated with levees.</li> </ul>
<b>Require Purchase of Risk-Based Flood Insurance in Leveed Areas (Recommendation 18)</b>	<ul style="list-style-type: none"> <li>❖ Requiring the purchase of flood insurance and making the premiums risk-based would require new legislation or major rulemaking by FEMA. The NCLS continues to explain the rationale for its recommendation, gather feedback, and share information with FEMA during the NFIP Reform process.</li> </ul>
<b>Augment FEMA’s Mapping Program (Recommendation 19)</b>	<ul style="list-style-type: none"> <li>❖ NCLS has requested FEMA develop a resource estimate for fulfilling the recommendation to display information of consequence zones on existing maps and/or updated flood insurance rate maps. Creating XL and AL zones, as recommended by the NCLS, will require a significant mapping effort by FEMA as well as changes to NFIP regulations.</li> </ul>
<b>Align FEMA’s Community Rating System to Reward Safety Programs that Exceed Requirements (Recommendation 20)</b>	<ul style="list-style-type: none"> <li>❖ FEMA will work through its Community Rating System (CRS) Committee to consider adjustments to the CRS rating system and CRS Coordinator’s Manual once the National Levee Safety Program is established and requirements are finalized.</li> </ul>