Informational Webinar for Tribes: Summary

Recommendations for a National Levee Safety Program
Hosted by the National Committee on Levee Safety

11 March 2011

I. Introduction and Update on NCLS Activities

Eric Halpin, (Vice-Chair, NCLS) welcomed participants and provided an overview of the history of levees. Some key points from his presentation are included below. The full presentation can be found at the NCLS web site at www.leveesafety.org:

- The nation has a long history of wanting to be near water but suffering the effects.
- Flood events in the 1920s highlighted the federal interest in controlling flooding. This interest culminated in the 1928 Flood Control Act.
- Many levees were constructed between the 1930s and 1960s to create a system of levees to protect people from flood effects. Unfortunately, the construction of levees also channels water in a way that may actually increase the flood level in certain parts of a river system.
- These levees were constructed to various levels of protection – some protect against the 100-year event, while others might provide a higher level of protection (e.g., 300-year event).
- The existence of a levee may provide individuals with a sense of safety, but levees do not eliminate flood risk – they only minimize it.
- The lack of a national approach to levee construction has resulted in an unknown number of levees, some levees that are over 50 years old, many that are un-tested and not built to modern standards. As a result, there is not a good picture of risk.
- Flooding that resulted from levee failures during Hurricane Katrina in 2005 provided a wakeup call about the magnitude of loss that can result from the failure of some levees.
- Flooding events associated with hurricanes Gustav and Ike in 2008 had specific impacts on some Native American communities. Some of this flooding resulted from subsidence – communities that started above sea level but over time sank below sea level.

Mr. Halpin also provided an overview of the National Committee on Levee Safety (NCLS) and its recommendations. Congress established the Committee through the Levee Safety Act, which was developed primarily in response to Hurricane Katrina.

- The Committee was given a broad mandate to assess and provide recommendations for a national levee safety program. Although Congress was explicit in its desire to have 2 tribal representatives on the Committee, there were no tribal representatives that were available that could commit to the group's aggressive schedule for developing the recommendations. Tribal representatives were involved in the technical review committees and did provide input to the process. Otherwise, the group has diverse geographic representation and includes representatives from state and local governments, industry, and associations.
- The Committee is focused on existing levees, not the construction of new levees.
- For risk to be managed, many parties need to work together to address risks across the system.

- Some of the key recommendations of the Committee regarding a National Levee Safety Program are:
    - Have national, independent leadership
    - Provide assistance for states and tribes to set up programs
    - Have strong programs in all states and in tribal areas
    - Align federal activities
- The Program is unlikely to be run out of a new federal agency in this current economic climate, so there has been a strong focus on building capacity at the state and tribal level and maintaining a small federal footprint.

Mr. Halpin also highlighted some of the feedback received to date from tribes at meeting the NCLS hosted in Sacramento in Fall 2010. This feedback included:

- There are a range of different types of Native American communities with different concerns, different resources, and different legal status that will require flexible approaches.
- Tribes may have significant cultural interests and impacts related to activities on and around leveed areas.
- Tribes may want to identify general areas of interest or concern in the National Levee Database (NLD).
- Levees often serve to separate tribes from important cultural/natural resources.
- Tribes follow geographic lines, not county lines, so there is a need for a "national program."
- There is a strong connection between dams and levees – both control water flows and have similar impacts.
- Those most at risk are often least able to pay for insurance and levee safety measures, so costs should be shared across communities in a levee system.
- The Committee should move forward with developing standards so that projects that were getting started could have the benefit of building to these new standards.
- There were concerns about pesticide use on the water side of levees, because runoff goes directly into rivers and waterways.
- Participants recommended that the Committee look closely at whether or not levees are needed and where they are placed.

Mr. Halpin highlighted some maps that were generated from data that is currently in the National Levee Database. These maps showed tribal lands in relation to Army Corps levees and potential impact areas that could be flooded if the levees failed. Mr. Halpin emphasized that the maps do not include all levees and do not include all tribal areas that may be of concern.

II. Comments, Questions and Suggestions Related to the Recommendations for a National Levee Safety Program

Webinar participants were invited to ask questions or provide their thoughts about the information that was shared. These questions and comments included:

- Although the Committee mentioned the need to address environmental concerns related to levee safety efforts, it seems to be omitting the cultural concerns, especially related to sacred sites that may also be impacted by levee safety activities.

  - Eric Halpin mentioned that the Committee has included cultural concerns under the broad umbrella of environmental issues it needs to address and understands that this is of particular interest to tribes.
- The definitions of dam, levee, and other earthen embankments can be confusing and have impacts on the construction of structural controls. The definition of a levee needs to be specific.
  - Mr. Halpin noted that the Committee struggled with the definition for some time but developed a definition based on the definition provided in the Levee Safety Act that was prepared by Congress. The Committee developed a fact sheet about the definition, which is posted on the Committee's website at www.leveesafety.org
- Is the protection of human life the main mission of the Levee Safety Program?
  - The goal of a National Levee Safety Program is to protect people and property from floods.
- When do you anticipate the National Levee Database will be completed?
  - The National Levee Database is currently being expanded to include all federal levee information. This should be complete by the end of the summer. The Corps will reach out to states to incorporate their database information and reach out to tribes to collect additional information later this year.
- In New Mexico, the biggest problem associated with levees is the maintenance of the levee system. One weak point is that this type of activity is not eligible for funding under FEMA's Pre-Disaster Mitigation program. Will the Committee push to change this to help address levee maintenance?
  - This is not necessarily within the Committee's control, but FEMA is a member of the Committee, and we can pass along these types of suggestions.
- Will USACE or other federal agencies fund the construction or repair of levees on tribal lands?
  - This type of work would typically be done by USACE, but it typically requires an act of Congress and appropriation of funds.
- What are non-structural controls that were mentioned in the presentation?
  - Non-structural controls include things such as wetlands and floodplains that naturally manage flood waters. Levees are considered structural controls.
- The Committee needs to make sure they include people from Alaska in their outreach processes. They have unique issues that will need to be addressed.
- The Committee should consider tribal set-asides to fund levee operations and maintenance in tribal areas. However, these set-asides can often be smaller percentages of other available money and can make tribes compete against each other. Another approach might be to allow tribes to compete with states directly in a broader funding pool where allocations are based on greatest need.
- Many tribal lands are checker-boarded – integrated in with land owned by non-Indians, local governments, etc. Because levees are part of systems, tribes need to know how to work with other jurisdictions to ensure levees that may impact them are maintained. The Committee needs to address this in the program they develop.
- Tribal Historic Preservation Offices could play an integral role in assessing the impact of levee operation and maintenance activities. They will be aware of culturally significant sites for a particular tribe. The Committee needs to consider both on-reservation and off-reservation rights and interests.
- Identifying areas of interest in the National Levee Database needs to be handled carefully and should be general references to avoid revealing any information that the tribe might consider sensitive.

- Maps of tribal areas impacted by levees/floods would help convey the message that this is an important issue.
- The Committee needs to recognize that because activities will be carried out by federal agencies, these federal agencies have trust responsibilities to tribes and must work on a government-to-government basis with tribes as sovereign nations.
- The NCLS may want to consider a process similar to the "National Priorities List" for Superfund sites where tribes would be able to put a levee on the list automatically if they feel it is in need of assistance.

The group also shared their ideas for other groups that may be interested in levee safety issues and other avenues for outreach. They suggested reaching out to the following:

- Tribal Assistance Coordination Group (TAC-G) that is managed by Bureau of Indian Affairs (Contact Patrick Vacha).
- The pueblos along the Rio Grande have an interest in this topic.
- State and federal tribal liaisons have extensive communication resources.
- Some of the Silver Jackets programs have tribal connections.
- The State of New Mexico has developed a Tribal Flood Risk Workgroup.

Eric Halpin thanked participants for joining the webinar and agreed to keep them informed as the program develops.

Participants

Ali Satar Ali, US Public Health Service, Many Farms OEHE/DSFC
Sophia Behm, New Mexico Department of Homeland Security & Emergency Management (DHSEM)
Frank Brown, Flood Control District of Maricopa County
Michael Bishop, Michael Baker Corp.
Diana Coho, FEMA Headquarters
Tyler Davis, Ponca Tribe of Nebraska
David Edmunds, Pinoleville Pomo Nation
Sandra Espinoza, Tohono O'odham Nation
Monte Fronk, Mille Lacs Reservation
Daniel Hartley, Tohono O'odham Nation
Mark Hill, Gila River Indian Community
David Hunkup, Reno-Sparks Indian Colony
Jim Murphy, URS Corporation
Lynda Pilgrim, DHS/FEMA
Cliff Puckett , Salt River Indian Community
Sandra Raskell, Coeur d'AleneTribe
Andrew Rogers, Washoe Tribe of Nevada and California
Kathleen Sloan, Yurok Tribe
Shandi Teltschik, FEMA Region VIII - Mitigation Division
Craig Tepper, Seminole Tribe of Florida
Roger Tungovia, Hopi Tribe
Mark Vieira, DHS/FEMA Region IV

NCLS Members

Eric Halpin, NCLS Vice Chair
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