

# **SNY ISLAND LEVEE DRAINAGE DISTRICT**

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TO: Major General Mike Wehr, Commander – Mississippi Valley Division  
President – Mississippi River Commission

FROM: Mike Reed, Superintendent – Sny Island Levee Drainage District



SUBJECT: 2015 MRC High Water Inspection Trip Testimony

DATE: March 23, 2015

General Wehr, Commission members and Corps staff: On behalf of the Sny, thank you for the invitation to attend today's hearing. And even more than that, **THANK YOU FOR YOUR SERVICE TO THIS COUNTRY.** At this time in our history, our country cries out for the type of leadership that this Commission offers. I consider it an honor to be able to attend such a forum to provide commentary on the many issues before us today. Now I speak from the perspective of flood control and navigation. And even though my views on these specific topics may differ from yours, I appreciate the opportunity to be here and voice my concerns. Also, General, thank you for facilitating and attending a meeting with Colonel Deschenes, Commander of the Rock Island District, my Commissioners, legal counsel and me a little more than a month ago in the Sny. We have yet to resolve the issues discussed at that meeting, but we appreciate the chance to give you a "first-hand" look at our flood control system and its resulting impact on the region.

We face many challenges in this great valley today. At my home in the upper valley, our most fundamental challenge is the lack of a comprehensive plan (similar to the M.R. & T.) for flood control that protects us from the devastation of flooding such as what we saw in 1993. Also, I emphasize flood control, not flood damage reduction. In the lower valley, we face the challenge of a lack of sufficient funding to not only maintain the M.R. & T., but to actually finish it. I can assure you that the overwhelming majority of stakeholders in the upper valley support the comprehensive plan for flood control and are committed to bring it to fruition. I can also speak with confidence that stakeholders in the lower valley are committed to providing the Corps with the funding necessary to complete and properly maintain the M.R. & T. I question whether or not the Administration shares that same commitment. The success of the M.R. & T. withstanding the 2011 flood is ample proof that a well thought-out, funded and executed flood control plan can be successful against even a flood of record. That same success can also be realized in the upper valley. Unfortunately, the commitment shared by local citizenry necessary to bring about such a plan is not shared by the Administration. I fear yet another catastrophic flood event that is preventable will no doubt occur again in the future because of that lack of commitment.

It's not only that lack of commitment that is troubling, it's the Administration's never ending onslaught of regulations that is crippling efforts by local stakeholders to just maintain what they have, let alone make improvements. Waters of the United States (WOTUS), Federal Flood Risk Management Standards (FFRMS), the National Flood Insurance Program, the Section 408 process and the Advanced Notice of Proposed Rulemaking regarding the PL84-99 program are working in unison to create conditions not only in this great valley but throughout the nation that will set back flood control and navigation for generations to come. This in turn will have a devastating effect on our economy. Determining the local impacts these programs will have on us is difficult to determine since in some cases federal officials charged with implementation and enforcement don't have information necessary to properly explain their application. In yet other instances, the programs are not uniformly applied due to a different interpretation of the guidelines. For example, I attended the Ames, Iowa meeting sponsored by FEMA to address the implementation of the new Federal Flood Risk Management Standards. The meeting ran from 3:00 - 5:30 P.M. Much of that time was used by FEMA to provide background on why the FFRMS came about. Given the impact that the FFRMS will have on this nation, very few attended. Those of us who did attend were limited to sitting in on two of the four listening sessions offered. And even the two we were able to sit through weren't of much help because the officials presiding at the sessions couldn't respond to issues that were raised. At the end of the meeting, if you wanted to comment, you had about a minute and a half to express your opinion. Written comments were accepted by officials, but they asked that they be submitted at the meeting. I found it hard to comment since the issue is so confusing that even officials presiding did not know how to respond to concerns. All in all, it was a waste of time.

Now, even if local sponsors wanted to implement projects necessary to meet the new standards, whatever they are, in our area you couldn't because we've been told that the Rock Island Corps District would not grant the necessary 408 permit to make the improvement. We are currently in a disagreement with the Corps over our levee certification because of that 408 process. Beginning in the year 2000, our system went through three engineering reviews, one of which was completed and approved by the Corps, to secure 100-year flood protection accreditation. We indeed were recognized by FEMA in 2003 as having 100-year flood protection status. It was not until five years later in the fall of 2008 that we were informed by the Corps that they did not recognize our 100-year level of flood protection relative to the PL84-99 program because we had not gone through the 408 process. What we found was the St. Louis and Rock Island Districts did not follow the 408 process in the year 2000 when our accreditation review started nor was it followed in 2003 when FEMA recognized our current flood protection status. The Corps, at least in Rock Island, utilized a 208 levee modification process. As it turned out, we fulfilled all the requirements outlined in that process. In other words, we met all the standards applicable to our levee accreditation process at that time. Now, we're being told we have to go back and fulfill all the requirements in a process not utilized for five years (the 408) after our approval in order for the Corps to recognize our 100-year status. The cost to do this is \$200,000.00 - \$400,000.00. However, even if we did agree to do this, the Corps has already told us they would not grant any 408 permits. So you see, even if local sponsors wanted to make improvements and could afford to do so without federal dollars to meet new FFRMS standards, you can't get a permit to do it. Doesn't make a lot of sense.

Many of us at this hearing have been in Washington recently to discuss these issues with our elected representatives as well as officials at Corps headquarters. We asked that this freight train known as WOTUS and FFRMS be stopped in its tracks. We implored our Congressional representatives to fund the M.R. & T. at

the \$500,000,000.00 level. We asked for continued funding for hydrologic and hydraulic modeling on the Comprehensive Plan. We need to fully fund the Navigation and Ecosystem Restoration Program so that our system of locks & dams can be modernized to meet the needs of the future. Dredge material resulting from the Corps' channel maintenance program on the upper Mississippi needs to be placed in spoil sites outside the floodway so it can be used for levee maintenance and flood fighting efforts. We need to address new construction projects north of St. Louis such as the U.S. 54 Highway Bridge at Louisiana, Missouri with long-range comprehensive flood control in mind.

The United States of America is a maritime nation. The world depends on goods and products shipped not only from ports on the east and west coasts, but also from those on the middle coast, the Mississippi River. We continue to hear about the virtues of the expansion of the Panama Canal and its positive impact on the shipping industry of the United States. It will do no good if we don't re-commit ourselves to at least maintaining, if not improving, the flood control and navigation system that is the envy of the world. After all, isn't this what our forefathers did for us when this great river's navigation and flood control systems were first constructed and turned over to us for safe-keeping? A partnership between the Corps of Engineers and its local sponsors/stakeholders existed at that time that allowed this to happen. I am now concerned that partnership today is at best strained and at worse adversarial. It's now leading us down a path of neglect that is resulting in a system of disrepair. The stakeholders that were with me this past week in Washington are committed to providing an even better system of flood control and navigation and will do whatever is necessary to bring it about. From what I've seen, I question the commitment of the Administration to do the same.