

MT Rep. Robert Melhoff

District 26

Montana House of Representatives

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Homeland Security and Government Reform

Ad Hoc Subcommittee on Disaster Recovery

My name is Robert Melhoff and I am the State Representative from District 26 in Montana. I represent the West Great Falls flood Control & Drainage District and the Vaughn Small Drainage District. For the sake of time I will quote statistics from the Great Falls Levee only. The Vaughn levee is smaller but has proportionally fewer properties.

The Great Falls levee system is a **7.65 mile project**. It was designed, engineered, and constructed by the Corps of Engineers and was completed in 1987 at a cost of just over 10 million federal dollars and over 2 million local dollars. The levee has been inspected annually by the Army Corps and has passed every annual inspection. The periodic (5 year) inspection was just completed but we have received no results yet. We anticipate no serious problems.

Now the flood district has been told that in addition to the Army Corps inspections, there will be a new and costly requirement from FEMA for levee accreditation for the National Flood Insurance Program. At about the same time Great Falls learned that FEMA will require accreditation of the levees, we also learned that the Army Corps no longer performs these accreditations. Without the Corps, the community alone will have to bear the cost of a private engineering firm to conduct this expensive study.

Since the levees were built the Corps of Engineers has accepted responsibility to ensure levee safety. In fact, other levees in Montana have been certified by the Seattle district of the Army Corps relatively recently. But the Corps and FEMA cooperation that had worked for decades, no longer exists, and the losers are levee districts that will be forced to pay for these additional requirements.

The levee districts in Great Falls and Vaughn are in small, sparsely populated, and low income areas. Altogether, there are approximately a thousand properties behind the nearly eight miles of levees. Great Falls and Vaughn simply do not have the population or the tax base to pay for these increased FEMA requirements without the help of the Corps. As if that were not enough, we are also told we may have to redo these expensive studies every 5-10 years to update the certification.

FEMA has asked Great Falls, the Flood District, and Cascade County to enter into a Provisionally Accredited Levee Agreement (PAL) agreement with FEMA. The PAL would obligate the community to accept full responsibility for levee certification and the costs that come with it, and would set a deadline of two years for the completion of a certification study. If we do not sign the PAL agreement our levee will be de-accredited as soon as FEMA's new maps go into effect, and flood insurance will become prohibitively expensive for my low to moderate income constituents. We cannot afford the cost to pay a

private engineer to certify the levee and we cannot afford the flood insurance if we do not complete the certification process. This dilemma is having a devastating effect on our area.

I appreciate the fact that FEMA and the Army Corps have at least come to Great Falls to do some community outreach, and we are grateful to Senator Tester for his work to help bring representatives from these agencies to hear first-hand from the community. But the indisputable fact remains – for Great Falls and many other small cities and towns in this country, we do not have the resources to fund on our own the levee accreditation required by FEMA. And it should not take the personal intervention of a U.S. Senator for FEMA and the Army Corps to work together and to hear from the folks who will be most impacted by their decisions. Because of the economy, folks in my district are having a difficult time making ends meet. Many families could lose their homes if large unanticipated costs are added to their monthly expenses. People who want to sell their home are finding fewer prospective buyers willing to take a chance to purchase a home in the affected area. We had over 800 people show up, many in a Montana blizzard with a chill factor well below zero, to sign a request to our congressional delegation to find a solution. That is the degree of concern that is out there.

What is the solution to this problem?

1. The Corp. of Engineers again needs to take over responsibility for levee certification. The Corps has data all the way back to the construction of our two levees in Cascade County plus data from annual (every year) and periodic (every five year) inspections.
2. When annual and Periodic inspections are completed, the Army Corps should require their contractors to collect enough data to meet FEMA's certification requirements. That would result in a great cost savings to the tax payer.
3. The local levee district elected officials need to be given back their original responsibility of overseeing levee maintenance only.
4. The Corps of Engineers should do a risk assessment on all Corps sponsored levees and FEMA should exempt levee systems designed to withstand a 100-year (or more) flood that the Corps deems to be of low risk.

We have had many meetings and conference calls with the Army Corps and FEMA. We feel that the buck keeps getting passed back and forth and we are not getting definitive answers on what Corps data could be used for certification purposes. The decision on what data can be used is essential to determining what the FEMA certification will cost. We need the Army Corps and FEMA to sit down, go through our data and determine if there is sufficient data for the two agencies to certify our levees. The Army Corps of Engineers needs to represent our interests in this process. After all, the Army Corps engineered, oversaw the construction, and determined required maintenance of these levees.

We live in an area that has seen minimal development since the levees were built. Our levees have never had a flood since construction. We understand there is always a risk with a levee system, but the Corps has stated from the time of construction through the present that our levees built to withstand a 500 year flood, will be effective. Essentially, our levees exist today as they did the day they were built. We cannot understand why the Army Corps of Engineers will not – or is not allowed to -- stand by their work

I would be happy to take questions and would also be happy to send you any written information you would like.