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**Comments to the Mississippi River Commission
Given by Meagan Perry Kaiser on behalf of the
Upper Mississippi, Illinois, and Missouri Rivers Association (UMIMRA)
MV Mississippi
August 11, 2016**

Commissioners and guests, thank you for allowing me to join you today and testify on behalf of UMIMRA's more than 200 members including levee districts, farmers, landowners, businesses and industry spanning 3 states.

In the nine relatively short years that I have worked on river legislation and policy I continually am forced to ask: "Who's idea does it have to be to be a good one?" I can tell you that my members are beginning to feel that the answer is "Anybody but the stakeholders."

The people and businesses who live in these communities. The people willing to spend the dollars to protect themselves. The people striving to build a stronger American economy. They must be wrong.

They must want to hurt others, they must want to hurt the environment. It is somehow inconceivable that stakeholders just want to live in their community, provide for their family, and not fear the river that offers so much opportunity. But it really is that simple.

My members want a safer, more reliable river so that we can achieve biological diversity and protect human life while building a stronger economy. With that mission in mind, these are the challenges standing between us and that goal:

- 1) **Predictability:** The most critical issue facing the communities of the Upper Mississippi River Basin is levee overtopping and knowing where the water will go. Without a Systemic Flood Control Plan, districts have had to resort to a twisted game of levee roulette, we wait to see whose sandbags and levees won't hold and give a sigh relief when it isn't ours, and wonder how we will ever pay for the cleanup when it is our levee that overtops. Levee districts have to muddle through permitting processes to try and improve and it has established an environment of one side of the river vs. the other, neighbors v. neighbors.

What we are asking for is a framework that is agreed to by the states, and implemented by the USACE, that levee districts can ask for permission to participate in the systemic flood control and get an up or down answer quickly from the USACE.

Roger Sutter of the Fabius Drainage district in Taylor, MO sits on the UMIMRA board. Roger's district assesses themselves nearly \$40 an acre to provide flood control for their residents, and protect the businesses, highways, and railroads that the local economy depends on. They know that in times of budget constraints in both the state and federal governments they cannot wait on appropriations to improve their levees. They are willing to pay for improvements themselves, they are simply looking for an avenue that will let them. In this same district a study by the Center for Transportation Research at the University of Tennessee found that the total costs of detour, road damage, and highway damage due to a major flood event was \$1.027 billion. Additionally there is a missed opportunity cost. According to the Tennessee Valley Authority Study, improving our flood control system in the Upper Valley can return 5 dollars for every one dollar invested in Regional Economic Development. Also, employment could increase by more than 20,000 jobs annually in the five-state Upper Mississippi Valley Region resulting from upgraded levee protection provided by the full implementation of a comprehensive plan.

But flood control is more than just dollar signs. Our members know that there is a humanitarian imperative for flood control. One acre of corn with 150 bushel production provides enough kilocalories to feed 10 people for an entire year. Not a day, not a week, an entire year. The Upper Mississippi Comprehensive Plan Levees protect over 853,000 acres of prime farm land. Therefore, these levees protect the land that feeds more than 8.5 million people for an entire year.

And on a local and personal level, in 1993 47 people died, 72,000 homes were destroyed and cost \$15 Billion worth of damage. Havoc wreaked, the stress induced divorces and tore families apart. Simply put, The UMRCP is necessary to ensure the safety of human life and alleviate the stress of knowing where the water will go in a high water event. We know we will see another flood like 1993- we have seen many serious events in the last 22 years. We know that it is only a matter of time. We simply cannot afford inaction any longer.

- 2) Permitting: Without a Comprehensive Plan each district is required to apply to the Corps' through the Section 408 process in order to make improvements. Those districts then have to provide and pay for their own hydraulic and hydrologic modeling, costing hundreds of thousands of dollars, taking years, and to date in the Rock Island USACE district we have yet to see a levee improvement permitted.

In the handout I have provided, we have outlined 9 issues with the Section 408 process that are troublesome to those who want to protect themselves. The biggest issue with the 408 permitting is that it is not being applied in a transparent, predictable fashion, and

landowners feel as though we are no longer partners with the Corps, but instead if we say too much we may be the next persecuted.

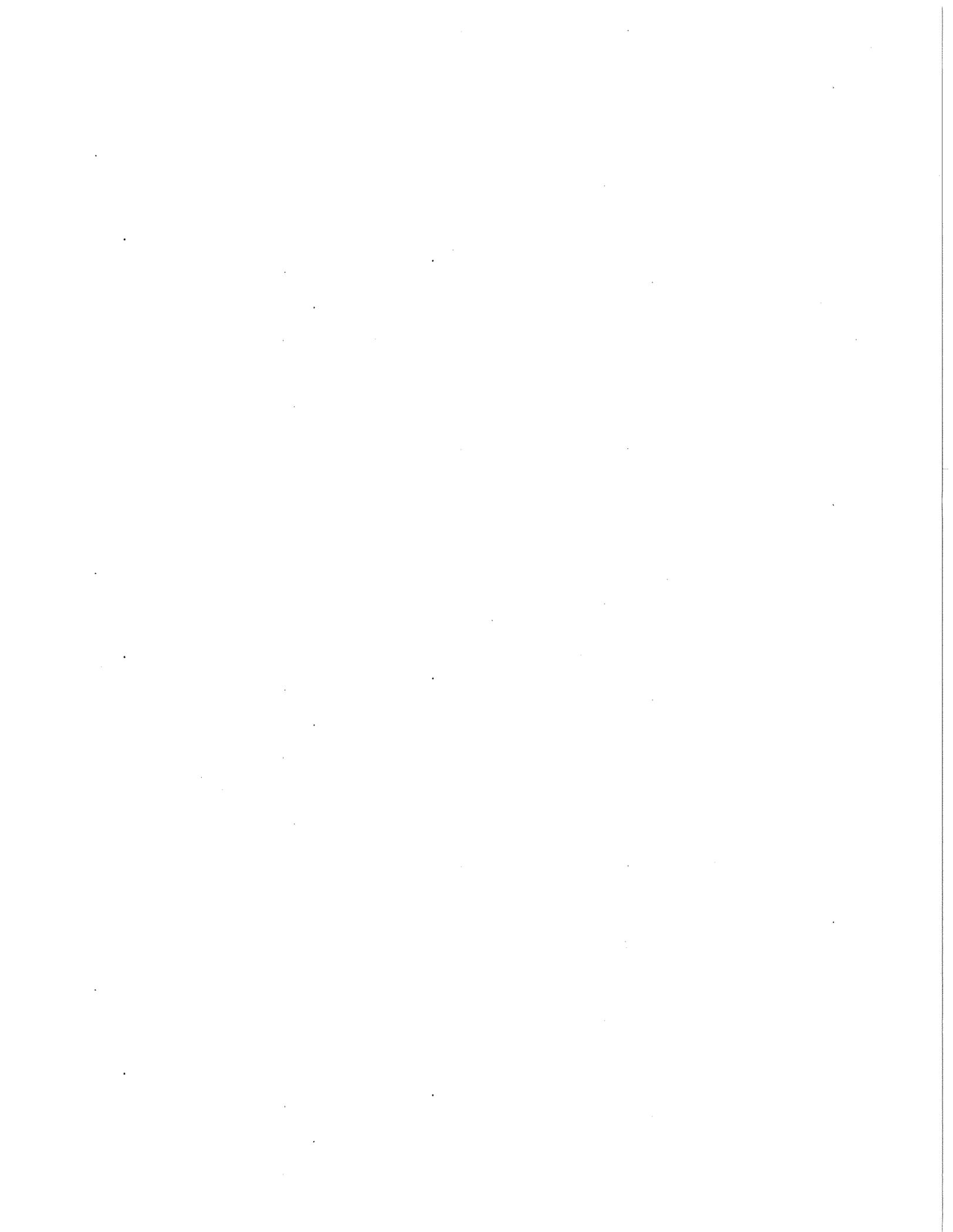
Permitting has become so complicated and so costly, what used to take a few months is taking years to get through the process, with numerous changes in criteria and rules throughout the process. This is bureaucracy at its worst, leading in many cases of stakeholders giving up hope and abandoning much needed improvement projects.

- 3) Leadership: While our members support state involvement, in fact we have asked for it repeatedly, systemic flood control for multiple states is innately a federal issue. We need leadership. To say that it is controversial, should be a statement of the obvious, rather than an excuse for not getting it done. The Waters of the United States rulemaking was controversial, and yet the USACE has forged ahead. The Federal Flood Risk Management Standard has been controversial, and yet the USACE has forged ahead. Why is it that only when it might be beneficial to the people who reside in these areas, to the communities who depend on the river and need protection from it, is something too controversial to forge ahead? It is NOT impossible to find a solution that would appease stakeholders, but kicking the can down the road by deferring a federal responsibility of flood risk reduction to the states for a watershed study only defers risk to the people who are asking for help. We can do both. But a watershed study does not solve the problem and should be viewed as supplemental information.

Conditions have changed from the 1940s and 50s regarding flood control needs. The Lower Mississippi has updated their flood profile over a dozen times due to changing conditions. Stakeholders in the Upper Mississippi have pleaded for a self-funded systemic flood control system for more than 20 years and told "no" over and over again. What we truly need is the Corps on our side, to push themselves to find solutions. We need the Corps to provide the science that we can make decisions, and not fear that there is an ulterior motive to keep us from improving. We need recognition that we reside on the greatest inland waterway in the world and we have a responsibility to balance the environment and economic capabilities while protecting the people who live here. We need the Corps to be our partners again.

Thank you for allowing me to speak and I look forward to your questions.

A handwritten signature in black ink, reading "Meyer Kamin". The signature is written in a cursive, flowing style.



Sec. 408 Permit Review Process

Suggestions to U.S. Army Corps of Engineers

UMIMRA Recommends the following changes for the Sec. 408 Permit review in St. Louis and Rock Island Districts. These changes in process will aid in a transparent and efficient review for local sponsors while ensuring a science-based approval process and ensuring a systemic flood control system to the benefit of public health and safety.

Section 408 permits should not be required of improvement projects conducted before July 31, 2014.

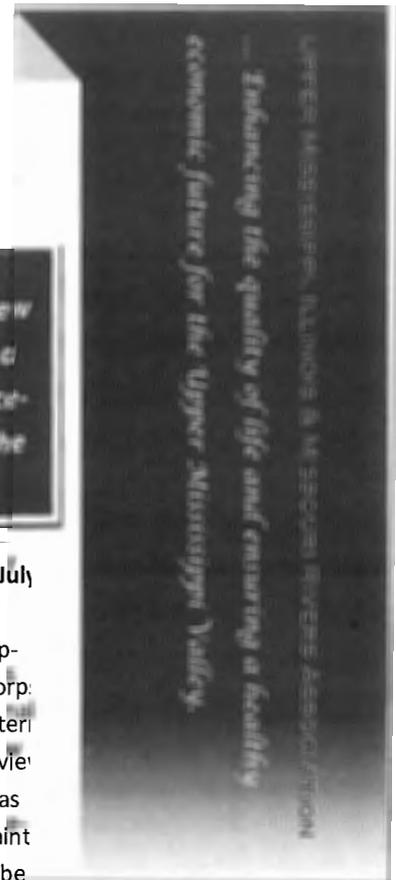
All modifications reviewed/accepted by USACE prior to July 31, 2014 should not require approval under 33 U.S.C. 408. Guidance for the review of modifications and alterations to Corp. of Engineers Projects did not exist prior to 2006 and was under refinement with USACE inter training and clarification between 2006 to July 2014. Therefore, the ability of USACE to review proposed modifications and alterations would have been limited to other approvals such as Section 404 of the Clean Water Act and 33 CFR 208.10—Local flood Protection Works; Maintenance and Operation of Structures and Facilities. Considering the inability for a review to be performed and no formal notification and information to local sponsors for a 408 submittal prior to July 31, 2014, it should not be acceptable for USACE to request after the fact 408 approvals.

Bridge and Levee improvements must be held to the same 408 Hydrology & Hydraulic standards.

The applicable state regulations on levees and bridge regulations should govern what is deemed “substantial adverse changes in water surface profiles”. This procedure should be in place until such time that USACE can determine what, if any, additional measures may be required in sensitive areas above St. Louis or above the Mississippi River & Tributaries Levee System (MR&T) (Lock & Dam #24, River Mile 273.4 to Cairo, IL River Mile 0)

A systemic Hydrologic Engineering Centers River Analysis System (HEC-RAS) model should be made available by the USACE- hydrologic model calibration should not be at the cost of the local sponsor.

The USACE should produce base models for locations of proposed modifications. It shall not be tasked upon the Sponsor to fund the collection of modeling data being requested by USACE. One model benefits all stakeholders by creating systemic, rather than piecemeal, flood risk management. The development of these base models, if not already completed, should be accomplished as a part of the federal funding to update the Flow Frequency Profiles, as being requested by UMIMRA and other NGOs. Until the federal funding is available, the local sponsor retains the option to fund the requested impacted model area.



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Sec. 408 Permit Review Process Suggestions to U.S. Army Corps of Engineers (Continued)

Local Sponsors have the right to accept additional levels of risk on their freeboard.

A Local Sponsor, as a political subdivision of its respective State, is comprised of a Board of Commissioners or Supervisors that retain the legal right to accept additional levels of risk on behalf of their landowners. This is already the case when a pipeline requests access to the levee, it should be the same when a neighboring district makes the same request in the name of flood control.

Local Sponsors must be allowed to maintain flood protection based on up-to-date science.

As flow frequency profiles are updated, local sponsors should be allowed, under general operation and maintenance responsibilities, to make changes in order to maintain their current frequency-based level of protection and/or Federal Emergency Management Agency (FEMA) certifications. This simply would allow the local sponsor to stay up to date with the latest information that changes due to climate, land use, river channel changes or improved modeling technology. Local Sponsors should not be held hostage to outdated science when improvements are in the interest of public health and safety, and helps reduce State and Federal flood damage recovery costs.

Levees should be evaluated for the top of the levee height as they stand today when calculating impacts during modeling.

It is improper for the USACE to focus on levee heights as they were authorized while the USACE is fully aware that those levees were originally overbuilt and in some cases have been permitted to improved over the last 60 years. Using outdated levee heights is a disservice to the public and a waste of time and energy.

The USACE should not calculate flood storage areas if there is no flood easement in place.

Modeling directly tied to the calculation of water surface profile changes resulting from loss of storage are unjustifiable in the Upper Mississippi River Basin unless some type of formal agreement or easement has been consented to by the Local Sponsor to take on flood waters.

Mitigation calculations should be based on modeling impacts measured at worst case 500 year events and using the FEMA allowance of one-foot increased water profile.

UMIMRA advocates that mitigation calculations should be consistent with the Upper Mississippi River Comprehensive Plan design criteria, as originally developed by all three U.S. Army Corps of Engineer Districts (St. Paul, Rock Island and St. Louis) which used the FEMA 1.0 foot induced head allowance for systemic planning and implementation.

Permit review should be conducted in months, not years.

UMIMRA recommends that Section 408 Review time be limited to a maximum of 90 days at the District level, maximum 60 days at the Division level, and maximum 30 days at the Headquarters level. This would ensure that review time is limited to 6 months, rather than the multi-year review that districts are currently experiencing.

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