

### **33. RIVERS, LEVEES AND FLOODPLAINS**

#### **Rivers**

We support:

1. The ability of Congress to earmark discretionary funds for specific projects in a transparent way that identifies the purpose and intended beneficiaries.
2. Pursuing actions in Congress and appropriate federal and state agencies to ensure that we have an efficient and competitive transportation system through which we can effectively move agricultural and commercial products.
3. Working with other interested groups to improve the lock and dam systems on the Mississippi and Illinois Rivers. As a part of that effort, we support construction of 1,200- foot locks on the Mississippi River at least at Keokuk and below and on the Illinois River at least at Peoria and below.
4. A Midwestern, multi-state effort to review results of existing river and related studies and identify impacts of associated state and federal regulations. Based on these studies, we will promote a multiple-use strategy for the Upper Mississippi River and its navigable tributaries to serve agriculture, industry, recreation, transportation, and the environment. A comprehensive plan must be fair, clear, and equitable for all counties adjacent to or affected by river flooding. Money appropriated for projects should be used by that project if at all possible.
5. The development of a balanced and comprehensive river management plan by the U.S. Army Corps of Engineers (Corps) under the auspices of the Mississippi River Commission (MRC).
6. Encouraging the MRC to use its authority to promote improvements to navigation, economic development, flood control, recreation, and environment within the Upper Mississippi River basin.
7. Seeking representation on the MRC to include at least one member from the Upper Mississippi River area.
8. Encouraging members of Congress to become actively involved in the Mississippi River Congressional Caucus.
9. Efforts to increase the Operations and Maintenance budget to maintain navigation, recreation, and flood control systems.
10. Encouraging the consideration of Public Private Partnerships (P3) as a way to capitalize Corps of Engineers' infrastructure projects.
11. An analysis of the effects of changing the hours of operations of any lock and dam. This analysis should look at the effect on the Corps, local communities, and the businesses who use or are affected by the lock and dam. Public input should be sought.
12. Appropriations for the maintenance and operation of the Kaskaskia River lock and dam.
13. Requiring government agencies to send notification about new streambank initiatives to landowners whose property is adjacent to and may be impacted by those initiatives.

#### **Levees**

Illinois has greatly benefited from the construction of flood control levees and their associated systems along its rivers. Many have now exceeded their life expectancy and flooding poses a significant threat to surrounding property.

We believe federal and state government agencies should be committed to assisting with the timely repair and maintenance of levees on the main rivers and their tributaries. After a disaster occurs, repairs should be made in "emergency" mode. We believe adequate funds should be made available to the Corps, Natural Resources Conservation Service, and other appropriate agencies to assist in the repair of levees on the main rivers and their tributaries.

The Corps of Engineers should be the lead agency for setting standards used to certify levees as protecting against certain levels of flooding. These standards should include provisions to allow reasonable flexibility in administration of the rules such as:

1. If the capacity of the levee is found deficient, adequate time should be allowed for repairs before decertification.
2. Rules should account for acceptable levels of permeability in sand levees and the capability to bolster levees during flood fights.

We support:

1. Efforts to remove silt from rivers and to promote the use of that material behind the levee for strengthening the levee system.
2. Efforts to secure federal and state funds for constructing certified levees and associated systems on major rivers. To evaluate the appropriateness of that funding, we support the concept of using Risk Informed Decision Framework (RIDF) that would address four evaluation areas: national economic development, environmental quality, regional economic development, and other social effects. The RIDF approach should recognize the potential for future economic development.
3. The use of regional economic development benefit:cost ratios in addition to other considerations in determining support for waterway and flood control projects.
4. Equitable treatment of intangible benefits in calculating the benefits of levee construction projects. We encourage the Corps to fully restore damaged levees to no less than pre-existing conditions in a timely fashion. Those levees that are purposely destroyed by the Corps should be fully restored prior to the next normal high water season.
5. Efforts to allow drainage and levee districts to restore a levee to its highest approved flood frequency design and/or profile without being limited by water level mitigation requirements.
6. A uniform federal floodplain standard (also adopted by the states) allowing a one-foot rise in floodwater height for flood protection projects on major rivers and other bodies of water bordering two or more adjoining states.
7. Streamlining the process of permitting the repair and/or construction of levees and other flood control devices while maintaining the strict adherence to that section within the Illinois Rivers, Lakes and Streams Act that requires permitting prior to repair and/or construction.
8. Using hydrology studies and other pertinent information developed within the Comprehensive Plan to expedite the permitting process for flood control projects within the scope of the plan. A timeline should be developed to establish target beginning and completion dates for each project within the Comprehensive Plan to help move those projects along in a more efficient and timely manner.
9. Legislation that provides the Corps the authority and funding to develop and construct streambank and shoreline protection projects to prevent erosion damages to infrastructure.
10. Adoption of Base Flood Elevation impact mitigation standards for construction within the floodway in Illinois similar to those in Iowa or Missouri so that the same level of activity can occur on the Illinois side of the Mississippi River as does in those adjoining states.
11. The Corps' Comprehensive Plan with the following conditions:
  - A. The Plan must include reconstruction of existing levees and ancillary flood reduction system components to ensure they function at their approved design capacity.
  - B. Existing levees within the reach of the Plan that are of sufficient height but lack other necessary features (such as seepage wells and proper slope) should be allowed to be improved to qualify for Federal Emergency Management Agency (FEMA) certifiable 100-year flood frequency protection.
  - C. The Len Small Levee and Drainage District should be incorporated as part of the Plan. It should enjoy the same right to pursue improvement and rehabilitation as is afforded other levee districts not eligible for 500-year flood frequency protection.
  - D. All acres currently protected by levees should maintain at least their current level of protection.
12. Federal funding for improvement to levees to maintain the existing level of flood frequency protection when induced increases in floodwaters occur due to the adoption of a Comprehensive Plan for Flood Control.
13. Urging the Corps to adopt water flow management policies that avoid the flooding of farmland situated below any reservoir, dam, or behind any levee system managed or controlled by the Corps.
14. Urging state and federal agencies to provide timely assistance to local levees during a crisis.
15. Eliminating the duplication of levee inspections with resulting cost savings to be used for levee improvements.

## **Floodplains**

The National Flood Insurance Program (NFIP) should be designed to provide insurance, not regulate land use. It should not be designed to revert the floodplain to its (historic, former) undeveloped state. Furthermore, rules and regulations regarding floodplain management should not supersede private property rights.

Agriculture in a floodplain should be given recognition as providing positive benefits to the environment and the public good. These intangible benefits should receive the same consideration in benefit: cost analysis as do other environmental benefits.

A one-size-fits-all approach to floodplain regulations does not accommodate the unique physical differences among floodplains. Regulations, including NFIP, should recognize those differences, which range from the expansive floodplains of major rivers to narrow riverines to non-riverine depressions.

We will seek revisions in FEMA regulations to:

1. Fund and allow the Army Corps of Engineers to coordinate all flood fighting efforts.
2. Increase efforts to improve the coordination and cooperation of FEMA and other government agencies in order to streamline the process to deliver emergency assistance in a timely manner during a disaster and the disaster recovery process.
3. Allow the limited issuance of certain construction permits by units of local government where the applicant has assumed all risk for flood damage to the structure without jeopardizing the receipt of NFIP funds and other federal monies for those who wish to participate in federal insurance, disaster, and loan programs.
4. Provide NFIP and disaster payment eligibility for production agriculture facilities and farm residences protected by a levee, including levees that provide protection from less than 100-year floods. The insurance offered for such structures should be at a rate which reflects the degree of protection provided by the levee.
5. Allow structures located in a floodplain that are “substantially damaged” by means other than a flood to be rebuilt without regard to NFIP regulations and to maintain flood insurance eligibility.

We support:

1. Amendments to federal regulations and policy that would require dewatering of agricultural land as part of flood recovery efforts.
2. FEMA interim guidelines for wet flood-proofing of agricultural structures and efforts to make them permanent.
3. Allowing the replacement construction costs of a structure to be used instead of market value to measure the damage to a structure for purposes of determining whether “substantial damage” has been done.
4. Revising NFIP regulations to allow counties and municipalities, at the local unit’s discretion, to sell to private owners those properties bought out by FEMA. In such cases, the property should include an easement restricting surface development rights but allowing normal agricultural practices.
5. Continuation of NFIP exemption of property behind properly designed, built, and maintained 100-year certified levees, dams, and other flood control infrastructure.
6. Efforts to educate and inform legislators, regulators, media, farmers, environmental leaders, and the public about the economic and societal benefits and issues associated with the agricultural and commercial use of expansive floodplains.
7. Working to preserve statewide permits authorized by the Illinois Department of Natural Resources-Office of Water Resources for certain construction, transportation, and infrastructure maintenance projects in floodplains at no cost to individuals, businesses, or units of government.

If a levee’s flood level protection certification would be lowered due to a revised flow frequency study, structures that existed behind the levee prior to the re-certification should be grandfathered and managed under the NFIP as though the higher flood protection certification still applies. Structures built after the levee’s re-certification should be managed under the rules that apply with the then current certified flood protection level.