

Testimony Of

**Congressman John Boozman
Arkansas, 3rd Congressional District**

Before The

**Subcommittee on Economic Development, Public Buildings and
Emergency Management,
Committee on Transportation and Infrastructure,
House of Representatives**

On

National Flood Plain Remapping: The Practical Impact

April 2, 2008



**Madame Chairwoman (Eleanor Holmes Norton),
Ranking Member Graves, Members of the
Subcommittee:**

Thank you for holding this important hearing on the National Flood Plain Remapping process. I believe as strongly as anyone that FEMA Flood Maps should be modernized and accurate. However, communities in my District have been exposed to a confusing and unclear process that has failed to address their questions and concerns in a clear and consistent manner. Also, they have been subjected to a time table for compliance that seems both arbitrary and unrealistic, given the circumstances. These failures are not for a lack of effort or communications from the dedicated folks at the relevant federal agencies. Rather the process is problematic because our communities are traveling through uncharted territory

as they navigate this process. While there are several aspects of this process that are challenging for our communities, I will focus my brief remarks on just one relevant issue: the assessment of flood protection provided by levees, and how levees are certified for inclusion on modernized FEMA flood maps.

Let me provide one example of such a challenge from my Congressional District. Crawford County and the city of Van Buren own and maintain a 23 mile-long levee on the Arkansas River.

When the Map Modernization process began for Crawford County, the County and the City of Van Buren were told by FEMA that one of their options was to work with the Corps of Engineers to have their levee certified. As a result,

Crawford County and the City of Van Buren have been proactive in formally enlisting the assistance of the Corps of Engineers. However, challenges and barriers have been encountered that were not anticipated when FEMA advised the County and the City to work with the Corps of Engineers. Specifically, as the Corps has looked for legal authorization to perform levee certification work, they have encountered several hurdles that will most likely delay assistance, and possibly prevent assistance. For example, in 2000, Congress enacted the Thomas Amendment, which permits the Corps to provide commercially available engineering services only if these are “not reasonably and quickly available through ordinary business channels” and if the Corps is “uniquely equipped to perform such services.” As a strong proponent of the private sector, I support the Thomas Amendment, but I believe the Corps

should take into consideration, in this specific instance, whether the private sector is willing and able to take on the liability that could be involved in levee certification at a cost that levee owners, such as my constituent communities, can afford.

Now the City of Van Buren and Crawford County are facing an April 2009, FEMA-imposed deadline to complete their levee certification work, or else citizens and businesses (including in the local industrial park) will face mandatory increased flood insurance costs. Even if the Corps can find legal justification do the certification work, the evaluation would take 5 to 6 months. Also, any deficiencies with the levee would have to be addressed before certification. Deficiencies could result in the need to generate significant revenue to pay for levee modification,

including engineering, design and construction costs. In short, it is highly unlikely that the April 2009 FEMA deadline will be achievable, despite the best efforts of my communities to work with our federal agencies in a good-faith manner. As a result, without a change, much of Van Buren's industrial zone is likely to be reclassified as a high-risk flood zone and the cost of doing business there will dramatically increase next spring.

In conclusion, as the Ranking Member on the Subcommittee on Water Resources and the Environment, I hope our Subcommittee and this Subcommittee can work together with both the Corps of Engineers and FEMA to produce a solution that will provide reasonable accommodation for levee owners who are making their best effort to get their levees certified as quickly as possible. As

an initial step, I would suggest that we engage in a dialogue with FEMA to see whether an extension of the deadline for provisionally accredited levees, such as those in Crawford County, Arkansas, would be possible.

Madame Chairwoman, thank you for your time, and thank you for holding this very important hearing.