

'Certifying' local levees could be costly endeavor

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Because of Mount St. Helens, the Cowlitz River is among the most studied waterways in the nation. And, with one possible exception, the U.S. Army Corps of Engineers determined just last year that levees along the river still protect lower Cowlitz communities from 100-year floods.

Nevertheless, a federal requirement that dikes across the nation be “certified” could cost local taxpayers hundreds of dollars each next year. Willow Grove property owners may face costs in the thousands.

There’s yet one more irony about the situation:

The corps has most of the information needed to certify all of Cowlitz County’s levees, including those in Woodland and Willow Grove, and says it could do so for \$250,000. But a provision Congress adopted nine years ago during a drive to “privatize” Corps work is prohibiting the agency from doing so.

Diking and county officials are seeking a loophole, but if they don’t find one they’ll have to hire a private consultant — at a cost of nearly \$6.8 million.

County and congressional officials are baffled.

“Since the Corps has built all these levees and does all the inspections, it makes perfect sense for them to (certify) them,” said Ken Stone, a Cowlitz County public works official working on the issue. “This does not make a lot of sense.”

If dikes are not certified, new federal flood plain maps will show these communities as vulnerable to flooding. Flood insurance rates would zoom up, and mortgage companies likely would require homeowners to buy it, Stone said. By designating securely diked communities as flood plains, the maps could scare away business and residential development — even though the flood “threat” largely would be on paper.

“Local communities are in real jeopardy now because of an artificially imposed mandate,” said U.S. Rep. Brian Baird, D-Wash.

Mapping flood risk

That mandate arises from a 2003 initiative by the Federal Emergency Management Agency.

FEMA wants to update the nation’s flood plain maps, said Dave Ratte, the agency’s regional flood engineer, based in Bothell, Wash. Among their uses, the maps are guides for development and help set flood insurance rates.

Part of that remapping project involves requiring dike owners to prove their levees protect against 100-year floods, those with a 1 percent chance of occurring annually.

“It was quite clear that there are a lot of levees around the country showing protection on maps but don’t have documentation that they should be certified,” Ratte said.

Although the effort began before Hurricane Katrina blasted through New Orleans’ dikes, that 2005 disaster gave further impetus to the mapping project.

“It can only be a good thing. This is a prudent thing to do. The public wants to understand what their flood risk is,” said FEMA spokesman Mike Howard.

FEMA set individual deadlines for diking districts and owners around the nation to submit evidence needed to certify the levees. For all of Cowlitz County diking districts — Longview, Kelso, Woodland, Lexington, Willow Grove and the city of Castle Rock — the deadline is approaching on or about Sept. 19.

None of these entities will meet the deadline. However, Ratte stressed, missing the deadline does not mean all those areas will be mapped into the flood plain — at least immediately — despite some local residents’ fears that will happen.

The agency has established an “open window” — a grace period of sorts — of up to a year to submit documentation needed to certify dikes, Ratte said. If diking districts make a good-faith effort over the next year, residents have no fear of further flood insurance mandates.

“The only thing that would change is if levees are decertified” if diking districts fail to act, Ratte said.

A California congressman

Diking officials are not against certification in principal. They are mystified that the job can’t be left to the Corps of Engineers, which had certified the area’s dikes in the past and has offered to do the job for a fraction of what a consultant will cost.

For decades, the Corps has been a target of budget hawks, who complain that it is a major instrument of congressional pork barrelling. In addition, conservative groups such as the Cato Institute argue that its civil functions — such as harbor dredging, dike and dam building and flood control — would cost less if handled by the private sector.

The privatization movement had a powerful ally in U.S. Rep. Bill Thomas, a California Republican who was chairman of the House Ways and Means Committee. Thomas, who retired in 2007, was lauded for his intellect and work ethic but also his hot temper, and a congressional colleague once said of him, “He’s revered, but he’s also reviled to some degree.”

In December 2000, Thomas pushed through an amendment to a budget bill that bars the Corps from providing engineering assistance if the work can “reasonably and quickly” be provided by private firms, said Scott Clemans, a Corps spokesman in Portland.

The Corps is allowed to step in “if it is uniquely equipped to perform such services,” said Clemans, quoting the Thomas amendment.

Strangely, Portland Corps officials only learned last year that the Thomas amendment limited their authority to do levee certifications. In fact, the Corps even signed agreements with several local diking districts to do the work. When the Corps bowed out of the picture last year, Cowlitz diking officials went scurrying to find a private consultant. They found one, Portland geotechnical firm Cornforth Consultants Inc., which estimated earlier late this spring it would do the job for just under \$6.8 million.

Exploiting a loophole

It's was not clear why Cornforth needs to charge so much, but it perhaps speaks partly to the size of the job. Many local dikes are particularly lengthy. Longview's, for example, spans 12 miles; Woodland's is nearly as long.

Dividing the \$6.8 million cost based on the lengths of each dike, Stone calculated that the consultants' study would cost homeowners in those districts hundreds of dollars in extra diking taxes (see table) if paid all in one year.

In Longview, where there is a lot of property, next year's diking tax assessment would more than double, rising by about \$80 to the owner of a \$150,000 home. The hardest-hit area, though, would be Willow Grove, where the one-year cost to the owner of a \$150,000 home would be \$14,200.

"It would be impossible to do that," Stone said, noting that Willow Grove's diking taxes already are the county's highest.

Shocked by the cost of hiring a consultant, officials have been looking for alternatives.

Regarding Castle Rock, they received some good news recently. The Corps will certify that dike for FEMA as part of a project it started last week to shore up that levy to withstand a 100-year flood.

For other diked areas, Stone said, officials are seeking to exploit a loophole: Despite the 2000 Thomas amendment, the Corps still can certify levees if another federal agency contributes a share of the cost.

In such cases, the work becomes "intergovernmental cooperation" rather than a project that completes with the private sector, Clemans said, admitting, though, that "I don't fully understand it myself."

As a result, Stone and other diking officials are scrambling to find some federal agency willing to contribute toward the certification studies. Only about \$30,000 is needed, but it's needed in the next few months to make sure certification work can be completed within the FEMA grace period.

"I don't think anyone should be panicking," Stone said.

Congressional action

Baird, a Southwest Washington Democrat, said he will seek a so-called "suspension bill" to extend the FEMA deadline.

Such a move requires a two-thirds majority. But it might get support because other diking districts nationally are facing the same kind of pressure to comply with FEMA's demand, Baird said, calling

the certification project “another unfunded mandate.”

“If we can extend the deadline, we’ll get some breathing room, and in the long term we’ll revisit the legislation that got us here in the first place,” Baird said, criticizing Thomas for blind belief “that the private sector can always do better than the government. ... We mandate having to use private contractors without attention to what they would actually cost.”

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