



**POSITION
of the
WESTERN STATES WATER COUNCIL
regarding
THE NATIONAL LEVEE SAFETY ACT OF 2007
LEVEES AND CANAL STRUCTURES**

**Nebraska City, Nebraska
April 14, 2017**

WHEREAS, Congress enacted the National Levee Safety Act of 2007 (the Act) in the aftermath of Hurricane Katrina and the failure of the levees and flood water conveyance canals in New Orleans, Louisiana;¹ and

WHEREAS, the Act created the “National Committee on Levee Safety” (NCLS) to develop recommendations for a national levee safety program, including a strategic plan for implementation of the program; and

WHEREAS, one objective of the National Levee Safety Act of 2007 was to promote sound technical practices in levee design, construction, operation, maintenance, inspection, assessment, and security; and

WHEREAS, in January 2009, the NCLS released, “Recommendations for a National Levee Safety Program – A Report to Congress;” and

WHEREAS, the report’s core recommendation calls for the creation of an independent National Levee Safety Commission to: (1) develop national safety standards for levees for common, uniform use by all federal, state, and local agencies; (2) inventory and inspect all levees on a periodic basis; and (3) develop national tolerable risk guidelines for levees; and

WHEREAS, the Water Resources Reform and Development Act (WRRDA) of 2014 subsequently redefined the term “levee” as an embankment or flood wall (i) “the primary purpose of which is to provide hurricane, storm, and flood protection...;” and (ii) “that normally is subject to water loading for only a few days or weeks during a year;” and further defined “canal structures” to mean an embankment, wall or structure along a canal or manmade watercourse that (i) constrains water flows; (ii) is subject to frequent water loading; and (iii) “is an integral part of a flood risk reduction system that protects the leveed area from flood waters” associated with weather-related events; and

WHEREAS, water supply canals that are part of an irrigation or municipal or industrial water supply system should appropriately be excluded from the National Levee Safety Program; and

WHEREAS, the water loadings of water supply canals are controlled and therefore do not pose the same risk as levees; and

¹ 121 Stat. 1288, P.L. 110-114.

WHEREAS, the Bureau of Reclamation already has authority under the Aging Water Infrastructure and Maintenance Act, which Congress enacted as Subtitle G of the Omnibus Public Lands Management Act of 2009,² to address the canals it owns, and inspects those embankment sections of canals located in urban areas; and

WHEREAS, all 50 states confront levee safety issues, but the issues associated with water supply canals are essentially confined to the 17 western states; and

WHEREAS, potential public safety problems involving water supply canals do not often involve a lack of engineering expertise or design standards, but the ability to finance necessary improvements; and

WHEREAS, Reclamation and the States are in the best position to address the public safety issues presented by water supply canals because such issues are localized and minor in comparison to the risks associated with inadequately designed and maintained levees; and

WHEREAS, the U.S. Government Accountability Office (GAO) released a June 2016 report that found that WRRDA directed the U.S. Army Corps of Engineers and Federal Emergency Management Agency (FEMA) to: (1) reconvene the National Committee on Levee Safety; (2) develop a national levee inventory; (3) implement a multifaceted levee safety initiative; (4) report to Congress by June 10, 2015; (4) report on the feasibility of a joint dam and levee-safety program by June 10, 2017; and (5) submit a report with recommendations identifying and addressing legal liabilities of engineering levee projects; and

WHEREAS, GAO found that with the exception of continuing to develop a national levee inventory that the Corps and FEMA have made little progress in implementing key WRRDA requirements, given resource constraints; and recommended that they develop a plan with milestones for implementing the required activities using existing resources or request additional resources as needed.

NOW, THEREFORE, BE IT RESOLVED, that the Western States Water Council supports the development of a national program of safety standards for levees, flood walls and flood water conveyance canals; and

BE IT FURTHER RESOLVED, that such a program should not apply to federal or non-federal water supply canals; and

BE IT FURTHER RESOLVED, that the Western States Water Council encourages the Administration and Congress to work together and determine the level of adequate funding for implementing the related requirements of the National Levee Safety Act of 2007, WRRDA 2014, and the Aging Water Infrastructure and Maintenance Act (Subtitle G of the Omnibus Public Lands Management Act of 2009).

² 123 Stat. 991, P.L. 111-11.