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Statement of the
ASSOCIATION OF STATE DAM SAFETY OFFICIALS
On The Water Resources Development Act
United States Senate
Committee on Environment and Public Works
November 15, 2012

The Association of State Dam Safety Officials (ASDSO) is pleased to provide this statement to the Environment and Public Works Committee with our views on dam and levee safety proposals for the Water Resources Development Act (WRDA) of 2012. ASDSO commends the Committee for moving WRDA forward in the legislative process and for acknowledging the importance of dam and levee infrastructure in the United States and the critical role that the federal government has in assuring the safety and security of these structures.

ASDSO is a national non-profit organization of more than 3,000 state, federal and local dam safety professionals and private sector individuals dedicated to improving dam safety through research, education and communication. We represent the dam safety programs of the states, and our goal simply is to save lives, prevent damage to property and maintain the benefits of dams by preventing dam failures. The state dam safety programs regulate approximately 80 percent of the 84,000 dams in the United States.

ASDSO has also taken a leadership role in the safety of levees. The State Voting Members of ASDSO approved a resolution in 2006 supporting the establishment of a national levee safety program and reaffirmed that support in a subsequent resolution in 2012 (attached at the end of this statement).

Dam Safety (Title IX)

ASDSO commends the Committee for including the National Dam Safety Act of 2012 as Title IX in WRDA. The bipartisan language originally introduced by Senators Akaka, Boozman, Whitehouse, and Crapo will reauthorize the National Dam Safety Program through 2016 providing grants to improve state dam safety programs through training, technical assistance, inspection, and research.

The National Inventory of Dams counts more than 84,000 dams in the United States. These dams are a vital part of our nation's aging infrastructure and provide enormous benefits to the majority of Americans including drinking water, flood protection, renewable hydroelectric power, navigation, irrigation, and recreation. Yet these critical daily benefits provided by the nation's dams are inextricably linked to the potential consequences of a dam failure if the dam is not inspected or maintained.

Only about 11 percent of the nation's dams are owned, operated, or regulated by the federal government. State governments are responsible for ensuring the safety of most dams. Unfortunately, many state programs are underfunded and understaffed. This legislation recognizes that the federal government plays a vital role in supporting the maintenance and inspection of dams in the U.S. Under FEMA's leadership, the National Dam Safety Program is dedicated to protecting the lives and property of American citizens from the risks associated with dams.

Levee Safety (Title VI)

Congress must take action and enact federal legislation to protect the health and welfare of American citizens from the catastrophic effects of levee failures. Without a national approach that seeks coordination across federal agencies and cooperation among federal, state and local efforts, risks to human life and property are certain to increase, and catastrophic failures will be more likely.

As stated above, ASDSO supports the establishment of a National Levee Safety Program. The ASDSO Board of Directors in 2009 voted to support all of the January 2009 recommendations of the National Committee on Levee Safety (NCLS). Our goal is to protect public safety by repairing or removing existing deficient levees as soon as possible and, toward that end; we have identified the following priorities among the NCLS recommendations.

- Establish a National Levee Safety Program.
- Conduct an inventory and evaluation of the nation's levees.
- Develop national levee safety guidelines including tolerable risk guidelines and a hazard potential classification system.
- Delegate and give assistance for the National Levee Safety Program to States and Tribes.
- Establish a levee rehabilitation and assistance funding program.

ASDSO is pleased that the proposed National Levee Safety Act in Title VI meets all but one of these priorities (we believe that a funding program will also be vital to meet levee safety priorities and would like to work with the Committee to see it established in the future).

Before finalizing the bill, it is important that the committee clarify the definition of a levee in the exclusions section, Section 6003(7)(iv). It is our suggestion that this language have the meaning recommended by the NCLS.

Levees and canal structures should be exempt from regulation under the National Levee Safety Program if they meet the following conditions:

- *The levee or canal structure meets all of the following criteria:*
 - *Not part of a federal flood control project, and*
 - *Not an accredited levee by FEMA, and*
 - *Not greater than 3 feet high, and*
 - *Not protect a population greater than 50 people, and*
 - *Not protect an area greater than 1,000 acres.*

We are concerned that the wording of Section 6003 (7)(iv) could exclude all of the following:

- Levees that are not part of a federal flood damage reduction system.
- Levees that are not recognized by the National Flood Insurance Program (NFIP) as providing protection from the 1-percent-annual-chance or greater flood.
- Levees that are not greater than 3 feet high.
- Levees that protect less than 50 individuals.
- Levees that protect an area less than 1,000 acres.

If the Committee's intent is to exclude all of those levees, then we ask that you reconsider. This would be the vast majority of levees in the United States and leave thousands of citizens at unacceptable levels of risk. ASDSO strongly believes that all levees in the United States, federal, state and local, must be under the jurisdiction of a levee safety program and we ask that the wording be changed to reflect the exclusions as recommended by the NCLS.

If the Committee has the intent of the NCLS recommendation then we suggest that possibly the wording could be clarified to make that intent clear.

ASDSO would like to express our support of Section 6007 (b) requiring a report with recommendations regarding the advisability and feasibility of establishing a joint national dam and levee safety program. We believe that this study will be important to examine the potential to improve the protection of the general public health, safety, and welfare from dam and levee failures through a unified dam and levee safety program.

Summary

In summary, ASDSO greatly appreciates the Committee's consideration of the Dam Safety Act of 2012 and the creation of a National Levee Safety Program in WRDA 2012. Our nation's dams and levees are a vital resource and their failure can risk both lives and property. ASDSO looks forward to working with the Environment and Public Works Committee as you continue your work on this vital legislation.

Association of State Dam Safety Officials

Board of Directors and State Representatives

Resolution Number 1-2012

WHEREAS, ASDSO has advocated for and led efforts to improve the safety of dams and levees for the protection of life and property, and

WHEREAS, ASDSO has been a national leader in dam safety, and a large portion of the ASDSO membership are professional leaders and experts in both dam and levee safety, and

WHEREAS, inadequate levees continue to pose a significant public risk as experienced in national disasters following the devastation caused by Hurricane Katrina and the Missouri River flooding of 2011, and

WHEREAS, both levee safety and dam safety programs are critical to public safety and protection of the environment; and

WHEREAS, ASDSO has endorsed the establishment of a Nation Levee Safety Program (Resolution 1-2006), and

WHEREAS, The National Committee on Levee Safety completed a strategic Plan for implementing a National Levee Safety Program in January 2009 and the ASDSO Board of Directors voted to support the recommendations of that plan in March 2009,

NOW THEREFORE BE IT RESOLVED, by the Board of Directors and the State Representatives of the Association of State Dam Safety Officials, meeting on September 15, 2012, that the Association of State Dam Safety Officials continues to support the establishment of a National Levee Safety Program, which will enhance the efforts to improve the conditions of levees that protect lives and property.



Zahir Bolourchi

President

September 15, 2012