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Congress of the United States**House of Representatives****Washington, DC 20515-1321**COMMITTEE:
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Ms. Kathryn Way
Special Assistant
Office of Domestic Policy
OEOP, Room 218
Washington, D.C. 20500

Dear Ms. Way:

I am writing in regard to a recent decision to stop repair work on the Len Small Levee in Southern Illinois beset by rising flood waters of the Mississippi River which are currently threatening thousands of acres of property in my Congressional District.

Last month at a meeting organized by my office, the Soil Conservation Service met with the Corps of Engineers and the local levee district to determine what could be done immediately to repair the levee. The intent of the meeting was to cut through bureaucratic red tape and come to a final decision on the levee repairs. Because the Len Small Levee is non-federal, the Corps of Engineers maintains they do not have the authority to repair or rebuild. At this meeting, the Soil Conservation Service agreed to repair and rebuild the damage to the Len Small Levee breach and the Fayville Levee erosion under authority of the Emergency Conservation Program.

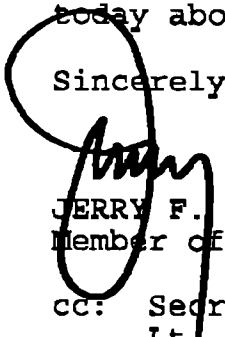
The Soil Conservation Service proceeded on an erosion control project as the first phase of the reconstruction project. However, yesterday I was informed that the Soil Conservation Service can no longer rebuild the Len Small Levee due to a federal policy clarifying Corps of Engineers jurisdiction. The policy dictates that any levee, federal or non-federal, that protects more than 400 square miles of land is under the Corps' jurisdiction. In following this federal directive, the Soil Conservation Service decided the contract for erosion control would be completed but that no other repair work could begin.

My office has contacted the St. Louis District Office of the Corps of Engineers, the Springfield, Illinois office of the Soil Conservation Service, the Corps of Engineers in Washington, and the Soil Conservation Service in Washington, the Department of Agriculture and the Office of Legislative Affairs at the White House to try to get an explanation for this situation. The Corps maintains the decision to repair is up to the Soil Conservation Service. The Soil Conservation Service claims the jurisdiction is in federal statute.

Secretary Mike Espy and FEMA Director James Lee Witt have visited my Congressional District and promised my constituents that they would not be subjected to bureaucratic red tape. My constituents are looking to me to resolve this situation today. I am available to attend any meeting necessary today to accomplish an immediate resolution.

It is absolutely imperative to the residents of Alexander County, Illinois that this levee be repaired. The flood waters are rising, people are out of their homes, the water supply to some homes has been cut off, and new roads repairs and sewer lines are in danger of washing away. My consitutents need a response today about the repair of this levee.

Sincerely,


JERRY F. COSTELLO
Member of Congress

cc: Secretary Mike Espy
Lt General Arthur Williams
Director James Lee Witt

*Your immediate attention to this
would be greatly appreciated.*

Jerry

Left high and dry?

Responsibility for Fayville Levee at center of bureaucratic battle

By Elizabeth A. Green
Of The Southern Illinoisian

Floodwaters have returned across southern Alexander County, and the levee that once protected the area might never be replaced.

The Soil Conservation Service has been ordered to stop all levee repair work along the Mississippi River, leaving the task in the hands of the U.S. Army Corps of Engineers. The corps repeatedly has refused to fix the ruptured agricultural levee because it does not meet federal standards.

Just as the river rose toward a new crest Thursday, barges stopped dumping rock into the channel carved after it broke through the levee near Miller City in July. The rock was intended to seal off the flow of floodwater and serve as a base for a permanent replacement levee about three quarters of a mile inland from the original levee.

See FAYVILLE, 4A

‘I’m still not going to take a drink out of my shotgun, but people in this community aren’t very happy right now.’

Greg Patton,
Len Small
Levee District
vice president,
who has lost
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farm to floodwaters

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But the rock fills only the middle of the scour channel, leaving the sides open to high water. As the river rises, it flows around the rock and continues its course across the thumb of land known as Dogtooth Bend. Recently repaired roads are flooded again, threatening a waterline that has only just been replaced and stranding residents in their homes once more.

"By noon today water was coming over the Miller City Blacktop again in one of the areas where we had filled it in, so I'm very concerned it might just wash out a lot of what we've accomplished," said Alexander County engineer Joe Plemon. "When SCS confirmed they're not going to build any levees for us, that changed the whole scenario. We've been thinking we were doing permanent work, but now if we think there may never be a levee there, we have to question everything we do."

SCS state conservation engineer Harry Means said his agency was directed by the federal Office of Management and Budget Wednesday to discontinue all repair work along the Mississippi. The directive prohibits the SCS from working on any levees that border drainages of more than 400 square miles. The Upper Mississippi River Basin drains 700,000 square miles.

The guideline is not new. Under normal circumstances, the corps of engineers oversees any levees protecting drainage areas greater than 400 square miles. The corps repaired the Fayville Levee 20 years ago after the Mississippi broke through it about two miles south of the current breach.

But with the widespread damage to levees wrought by the Mississippi and its tributaries this year, the corps limited its repair activities. Requests for corps help on the Fayville Levee were rejected.

State and levee district officials turned to the SCS for help, according to Donald Vonnahme, director of

the Illinois Division of Water Resources. Fager to assist the farmers, the SCS searched for ways it could make needed repairs. Means said SCS received approval from corps officials in St. Louis.

"The problem isn't with the St. Louis district," he said. "It's 100 times greater than that."

Vonnahme says the order to stop SCS repair projects along the Mississippi came from a White House interagency task force formed to deal with flood issues.

"I think the White House task force played the SCS decision right back to them," he said. "The national budget was being strained just to take care of the levees that were in the (corps) program."

Just who decided to issue the directive stopping SCS levee repair projects is unclear, officials say. Brian Lott, spokesman for U.S. Rep. Jerry Costello, D-Bellville, said repeated calls Thursday revealed only "bureaucratic confusion."

Means said he's convinced the decision did not come from SCS or the Department of Agriculture.

Len Small Levee District vice president Greg Patton said Alexander County residents suspect it is the result of a "power struggle in Washington." The idea is particularly distressing to Patton, who has lost his house and most of his 900-acre farm to the flood.

"I'm still not going to take a drink out of my shotgun, but people in this community aren't very happy right now," he said.

Plemon said what is particularly discouraging is that the river is 14 feet lower than its crest during the summer flood, a level it could reach "several times a year."

"If we're not going to get the levee, it will be tough to decide where we can put our efforts," he said. "This little rise in the river is opening our eyes. It's like the river telling us, 'I'm not doing much at all, but you're vulnerable.' That's how we feel, vulnerable."

S.I. Cont.

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