

# Withdrawal/Redaction Sheet

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**COLLECTION:**

Clinton Presidential Records  
Domestic Policy Council  
Brian Burke  
OA/Box Number: 4430

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**FOLDER TITLE:**

Federal Levee Policy

2013-1074-S

sb40

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**RESTRICTION CODES****Presidential Records Act - [44 U.S.C. 2204(a)]**

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

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RR. Document will be reviewed upon request.

**Freedom of Information Act - [5 U.S.C. 552(b)]**

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
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- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

*Federal Open Valley*

**PHOTOCOPY  
PRESERVATION**

SUBJECT: Memorandum for General Distribution: Restatement of  
Federal Levee Policy

### Purpose

The Purpose of this memorandum is to clarify the Federal policy on repairing levees in the Midwest. The Army Corps of Engineers (Corps) and the Department of Agriculture Soil Conservation Service (SCS) are the principal Federal agencies responsible for repairing levees, the Corps under its Public Law 84-99 program and the SCS under its Emergency Watershed Protection (EWP) program. This memorandum provides background on why the current Corps policies were established, describes the process the two agencies are using to identify levees that are under their respective jurisdiction, addresses eligibility criteria and allowable exceptions for provision of levee rehabilitation funds, and establishes SCS criteria for prioritizing levee rehabilitation funding.

### Corps Policy

Existing Corps policy resulted in part from an internal Corps review of its practices prior to 1986. Among the principal findings in the review were:

- a lack of sponsor commitment in fulfilling operations and maintenance requirements subsequent to Federal investments in rehabilitation,
- recurring rehabilitation at Federal expense of levees not meeting minimal engineering standards,
- recognition of the difficulties associated with determining, after a flood event, the level and adequacy of levee design and maintenance that existed prior to the flood, and
- issues related to state and local government floodplain management prerogatives. As a result of the review in 1986, the Corps proposed rules to overcome identified shortcomings to bring discipline to the program and insure minimum benefits from Federal expenditure. The rules clearly established the Corps intent to develop a program that ensured levees accepted into the active inventory met minimal standards. A public sponsorship requirement addressed the need for a financially viable public sponsor so as to ensure proper stewardship of the Federal investment and proper consideration of state and local floodplain management prerogatives. Based on numerous comments received during the

comment period for the proposed rules, the Corps allowed a two-year grace period from the implementation date of the new rules for levees to obtain public sponsorship. This grace period ended July 15, 1988.

### Delineation

In 1986, the Corps and the SCS signed a Memorandum of Agreement (MOA) which outlined how the two agencies would delineate responsibility for repair of levees. The agencies agreed as a general principle that the Corps would be responsible for repairing levees with contributing drainage areas of 400 square miles or greater. The SCS would handle levees with drainage areas of less than 400 square miles. To ensure proper implementation of this part of the MOA, appropriate Corps and SCS officials in each state are identifying the geographic delineation of Corps and SCS areas of responsibility. The 400 square-mile criterion will be used as a guide, but will be adjusted where it is prudent to do so. Should the local Corps and SCS officials not agree on a delineation, the case will be forwarded to agency headquarters officials for resolution. The SCS will not fund the repair of any levee within the geographic areas under Corps jurisdiction.

### Levee Repair Policy in Corps of Engineers Geographic Areas.

Corps policy, as established in 1986, requires that levee sponsors be active participants in the Corps program at the time of a disaster event in order to be considered for eligibility for assistance to repair the levees. An active status means that the Corps has inspected the levee and has accepted the levee into its program, or, that the levee sponsor has requested an inspection prior to occurrence of the disaster event. Active status does not guarantee repair -- the Corps also requires that the benefits from the repair will exceed the costs and that repairs can be undertaken in full compliance with environmental laws. In addition, locally constructed levees must be cost-shared with a 20 percent non-federal share. These requirements are identified in the Corps Engineering Regulation 500-1-1.

In 1986, the Corps informed levee sponsors of its PL 84-99 program eligibility requirements and invited them to apply for participation in the program. Many sponsors responded to the Corps invitation and levees were placed in the active status based on field inspections conducted by Corps personnel. Many other sponsors did not respond. As a result of the Midwest Flood of 1993, many sponsors in this latter group have asked the Corps to repair their levees. These levees are not eligible for Corps assistance and they are ineligible for other Federal funding in accordance with current FEMA, Corps, and SCS policy with two exceptions:

- the first exception applies when the levee was constructed after 1986, the levee sponsor can demonstrate that the

levee has been properly maintained and the levee sponsor meets all other Corps eligibility requirements- in this case the levee would be given the same consideration as if it had been in active status before the flood;

- the second exception is when the levee protects critical public infrastructure (e.g., major roads , and water and wastewater treatment plants) that are at risk behind levees that were ineligible for the Corps program because of lack of public sponsorship provided that the levee would otherwise meet the requirements of the Corps' program: in this case, the levees will be repaired using funds made available from the Economic Development Administration (EDA) under its Emergency authority (details are covered below).

#### Levee Repair Policy in Soil Conservation Service Geographic Areas.

Levees will be eligible for SCS's EWP when there is a potential for loss of life or property without the repairs; the benefits associated with repairing the levee exceed the cost of levee repairs and other levee-dependent costs -- cropland restoration, facilities repairs, and structure repairs -- that should occur only if the levee is rebuilt; and, the levee owner agrees to meet SCS's eligibility requirements for engineering and maintenance. Eligibility for the EWP does not guarantee that the repairs will be funded.

Funds available to repair levees are not sufficient to repair all levees that are eligible for SCS assistance. Therefore, the SCS will use the following criteria to prioritize levees they will repair;

- type of property protected by the levee,
- past performance of sponsors,
- past record of operations and maintenance,
- environmental impact, and
- local rules and regulations.

In a small number of cases, levees in the SCS's geographical areas have been retained in the active status of the Corps PL 84-99 program. These levees will be treated as if they were in the

Corps areas. They will be rebuilt by the Corps if the benefit-cost and environmental compliance tests are met. If the Corps determines that they are not eligible for PL 84-99 assistance, they will not be repaired by any other agency.

EDA Funding and Repair Policy:

In some cases, levees within the Corps geographic area are ineligible to receive assistance because of lack of participation by a public sponsor prior to the 1993 Midwest flood. In those cases, if it is determined that the levee protects critical public infrastructure, it will be eligible for assistance from EDA, provided also that:

- a public sponsor is identified and can demonstrate sufficient financial capability to comply with the requirements of this section;
- the levee otherwise meets the requirements of the rehabilitation program established by the Corps for operation, maintenance, and design;
- the benefits derived from repair or reconstruction exceed the repair costs; and
- the public sponsor agrees to include its levee in the Corps program and enters into a written agreement acknowledging that future Federal assistance will be conditional upon complying with the terms of the Corps Levee Assistance Program and participation in the program. Future assistance would be provided through the Corps of Engineers PL 84-99 Emergency program).

In carrying out this program, EDA will coordinate with the Corps to assure that the levee meets all necessary Corps criteria and that future eligibility in the Corps program can be maintained. The final decision as to whether or not a levee will be repaired under this program will be solely that of EDA.

The non-Federal share of the cost of a levee rehabilitation project for which assistance is made available by EDA shall be:

- to provide all lands, easements, rights-of-way, borrow areas and dredged material disposal areas necessary for the project; and
- to provide 25 percent of the costs of construction of the project of which 5 percent of such costs shall be paid in cash, or cash equivalent (as opposed to in-kind services) from non-Federal sources.

Not more than \$18 million will be made available from funds provided to EDA under the Emergency Supplemental Appropriations (P.L. 103-75) for this purpose. In order to assure that all

interested applicants are given an equal chance to be considered, EDA will accept applications for assistance through December 20, 1993. If the total estimated cost of all applications exceeds \$18 million, it will be necessary to prioritize the work. Prioritization will be based on the nature of the public infrastructure protected and the degree to which the levee repair meets the economic objectives of EDA.



United States  
Department of  
Agriculture

Office of  
Public Affairs

Office of  
Intergovernmental Affairs

Washington, D.C.  
20250

NOV 24 1993

Honorable Jerry F. Costello  
U.S. House of Representatives  
Washington, D.C. 20515-1312

Dear Honorable Costello:

The Federal Emergency Management Agency (FEMA) under the authority of Section 403 of the Robert T. Stafford Disaster Assistance Act can provide funding for emergency repair of the breaches in the Len Small levee in Illinois. The state of Illinois must request a written request for reimbursement for repair of the levee breaches. The work will be cost shared at 90% Federal and 10% state in accordance with the current cost share arrangement. FEMA will fund an emergency repair only. This means repairing the levee to provide a 5-year level of protection. The state will be responsible for contracting for the work.

Sincerely,

OLETA GARRETT FITZGERALD  
Director, Office of Intergovernmental Affairs

JERRY F. COSTELLO  
12TH DISTRICT, ILLINOIS

COMMITTEES:  
BUDGET  
PUBLIC WORKS AND TRANSPORTATION  
SCIENCE, SPACE, AND TECHNOLOGY  
(ON LEAVE)

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OFFICE CHECKED BELOW:

Congress of the United States  
House of Representatives  
Washington, DC 20515-1312

FAX COVER SHEET

DATE: 11-24

TO: Oleth Fitzgerald  
FAX #: 720 8819  
FROM: Congressman Costello

*Brian Smith*

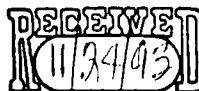
TOTAL PAGES SENT: \_\_\_\_\_

ADDITIONAL COMMENTS:

*More info!*

*JCS info. ↓*

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FAX: (202) 225-0285
- 327 W. MAIN ST.  
BELLEVILLE, IL 62220  
TEL: (618) 233-8028  
FAX: (618) 233-8785
- 1383 NIEDRINGHAUS AVE.  
GRANITE CITY, IL 62040  
TEL: (618) 451-7085  
FAX: (618) 451-2128
- 250 W. CHERRY ST.  
CARBONDALE, IL 62901  
TEL: (618) 529-3791  
FAX: (618) 549-3788
- 8787 STATE ST.  
EAST ST. LOUIS, IL 62203  
TEL: (618) 397-8833
- 1330 SWANWICK ST.  
CHESTER, IL 62233  
TEL: (618) 826-3043



## FLOOD DAMAGE ASSESSMENT FOR ALEXANDER COUNTY, ILLINOIS

156 homes (approximately 470 people) were directly affected by the levee break on July 15, 1993. Out of these 156 homes all had some degree of damage ranging from water, mildew, warped lumber, basement supports shoved up through main floor, duct work destroyed, basements filled with sand, foundations washed out, furnaces and appliances destroyed, rooms completely washed off homes, and one home completely washed away. Many other buildings such as garages and machine sheds were destroyed.

Out of the 156 families, 25 families (approximately 66 people) were immediately affected by the levee break. They had to move from their homes or boat in and out. The families that did not leave their homes were forced to boat in and out from July 16 - August 26, September 20 - 30, November 15 to present time. One family has not been able to get to their home even by boat since the levee break.

31 families (approximately 145 people) were affected because of damage to roads or property. These people had to boat in and out part of the time also.

Thirty businesses were affected due to high water. Some of these businesses were destroyed or temporarily out of business. Others moved from the area. Twenty of the thirty businesses are major revenue sources for Alexander County and the Horseshoe Lake area. Thousands of people travel to Horseshoe Lake for the annual goose hunting season, fishing, camping, and other recreational activities. The revenue from these activities is near zero for 1993, and will continue as long as the levee is not repaired.

The County Highway Dept. has spent approximately \$200,000 on road repair. 40 - 50% of this road work will have to be done over due to the reoccurrence of high water the last couple of weeks. This will continue to be a problem unless the levee is repaired.

All the major utilities in the area were affected. Electric Service was destroyed, power lines had to be re-routed, water lines were destroyed and had to be brought in from another town (this is a temporary measure and these lines will freeze in cold weather), propane tank floated away from some residents leaving them with no gas, phone lines were washed out, and sewage systems became non-functional.

There is approximately 26,240 acres of cropland impacted by the levee break. Of this approximately 4000 acres has at least 6" of sand covering it. This area will not be reclaimable if the levee is not repaired. The remaining

22,240 acres run a high risk of crop loss every year if the levee is not repaired.

Approximately 25 - 30 miles of drainage has been completely destroyed and restoration is impossible unless the levee is repaired.

Acres owned by Federal Government - 640

Acres owned by State - 8590

Cropland acres - 26,240

Woodland acres - 9740

Urban (includes Horseshoe Lake) - 610

The Len Small Levee District encompasses 22 miles of levee. The levee district receives \$15,000 annually for operation.

County Tax generated by this area is \$220,800. This assessment will be greatly reduced if the levee is not repaired.

When the river gets above 30', this area is affected by high water. Flood stage is 32'.

JERRY F. COSTELLO  
12TH DISTRICT, ILLINOIS

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SCIENCE, SPACE, AND TECHNOLOGY  
(ON LEAVE)

Congress of the United States  
House of Representatives  
Washington, DC 20515-1312

FAX COVER SHEET

DATE: 11/19

TO: Alita Fitzgerald  
FAX #: 720-48619  
FROM: Congressman Costello  
TOTAL PAGES SENT: 5

ADDITIONAL COMMENTS:

In reference to your conversation with  
the Congressman.

119 CANNON BUILDING  
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11/19/93

JERRY F. COSTELLO

12TH DISTRICT, ILLINOIS

PLEASE RESPOND TO THE  
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SCIENCE, SPACE, AND TECHNOLOGY  
(ON LEAVE)

**Congress of the United States**  
**House of Representatives**  
**Washington, DC 20515-1312**

November 20, 1993

Ms. Oleta Fitzgerald  
Fourteenth & Independence Ave., SW  
U.S. Department of Agriculture  
Washington, D.C. 20250

Dear Oleta:

I wanted to make you aware that I am sending out the attached news release today in regard to the Len Small Levee.

My staff assistant Mike Campbell is scheduled to meet with levee district commissioners at 3:30 p.m. today, to inform them that it is not a question of whether the levee will be fixed but when. He is to tell the levee commissioners that I was informed this morning that work on erosion control will also continue.

Mike is scheduled to join you at a meeting tomorrow at 5:00 p.m. in St. Louis about the schedule for levee repairs. I would appreciate it if you would call me at my office when you arrive in St. Louis tomorrow, so that I can inform Mike of the location and time of the meeting. In addition, I want to make you aware that the media is aware of the Secretary's visit to Monroe County on Monday and may well ask questions about the Len Small Levee at that time.

Oleta, I want to thank you again for your cooperation in working to resolve this issue. Please feel free to contact me if I can be of further assistance in this matter.

Sincerely,



JERRY F. COSTELLO  
Member of Congress

JFC/bhl

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TEL: (618) 397-8833

1330 SWANWICK ST.  
CHESTER, IL 62233  
TEL: (618) 828-3043

**News Release***Congressman*  
**Jerry Costello**

119 Cannon House Office Building

Washington, D.C.

(202) 225-5661

**MEDIA ADVISORY****MEDIA ADVISORY****MEDIA ADVISORY****COSTELLO AIDE TO TOUR LEN SMALL LEVEE  
WITH ANNOUNCEMENT TO LOCAL OFFICIALS ON REPAIR**

WASHINGTON -- An aide to U.S. Rep. Jerry Costello (D-IL) will tour the Len Small Levee this afternoon and have an announcement at 3:30 p.m. today on the levee's repair, Costello said.

Costello has worked constantly for three consecutive days to try and resolve the issue, talking late Friday evening with officials from the Army Corps of Engineers and Secretary of Agriculture Mike Espy.

Mike Campbell, who oversees special projects for Costello and is chairman of his Agriculture Advisory Board, will tour the levee with commissioners from the levee district and other local officials.

They will hold a news conference at 3:30 p.m. today, at Patton's, a hunting club on Miller City Road 5 miles west of Route 3 in Olive Branch.

Costello said he would have attended in person, but is unable due to votes this weekend and Monday in the U.S. House of Representatives in Washington, D.C. Congress is trying to complete its work for the year by Tuesday, November 23.

FOR MORE INFORMATION, CALL:

Brian Lott, 202/225-5661

###

Can not agree w/out

① cost share determination

② agreement on operation and maintenance

**LEN SMALL LEVEE DISTRICT**

P.O. Box 71  
Miller City, IL 62962 (3)

November 22, 1993

Secretary of Agriculture  
Mr. Mike Espy  
USDA  
Washington D.C.

Dear Secretary Espy:

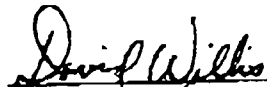
Because there may be some confusion in the terminology describing the Len Small Levee (some call it Len Small and others call it Fayville), we felt that the Levee Board should write a separate letter to clarify this apparent confusion.

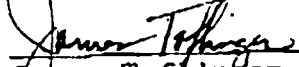
The proper name of the entire levee system is the Len Small Levee. This entire system is under the jurisdiction of the Len Small Levee and Drainage District. Because the north end of the levee is near the settlement of Fayville, many local residents refer to this north end as the Fayville levee. This description is a mere colloquialism and in no way infers that there are two levees or two levee districts.

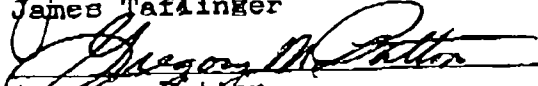
Again, we want to restate that any reference to the Fayville Levee is actually a reference to the north end of the Len Small Levee, and is all under the jurisdiction of the same Len Small Levee and Drainage Board.

We hope this letter will relieve any potential problems in believing that there are two separate levees or two separate levee boards.

Len Small Levee and Drainage Board

  
\_\_\_\_\_  
David Willis

  
\_\_\_\_\_  
James Taffinger

  
\_\_\_\_\_  
Gregory Patton

LEN SMALL LEVEE DISTRICT  
P.O. Box 71  
Miller City, IL 62962

November 22, 1993

U.S. Secretary of Agriculture  
Mike Espy  
United States Department of Agriculture  
Washington D.C. 20025

Dear Mr. Secretary:

On July 15, 1993, a portion of the Len Small levee was breached, flooding southwestern Alexander County and forcing hundreds of people from their homes. Approximately 37,000 acres of prime farmland were flooded and the livelihood of dozens of farmers and their families was lost. The damage has been conservatively estimated at \$15,000,000. Also affected by the flood waters was a portion of Olive Branch, IL forcing several more families from their homes and closing businesses. In addition, the 10,000 acre Horseshoe Lake Wildlife Management Area was inundated, destroying the crops used by the hundreds of thousands of Canada Geese that winter at that site. The area also serves as the home for many other species of wildlife and plant life, including some endangered plants that were affected.

To amplify the predicament, flood waters have severely damaged another section of the levee near Fayville, the northernmost and most hydrologically sensitive section of the levee.

Prior to the levee break, parts of the area were subject to flooding due to high water on the Ohio, but damage was usually minimal. Now, the entire area is susceptible to high water from both the Mississippi and the Ohio and the additional flooding potential that the commissioners of the Len Small Levee District feel it vital that the levee be restored to its original integrity. The complexity of the situation makes that task a very difficult one indeed.

As mentioned earlier, the area has to contend with floodwater from both the Mississippi and the Ohio which makes flood prevention a difficult issue. Other geographical considerations also play a part in framing a plan to protect the area. To compound matters, the flood waters which invaded the area have not only breached the levee but also damaged it in another area and have eroded the high river bank in several areas along the levee's length. Inside the levee, areas have been badly cut in some cases and in some instances, large deposits of mud, sand, and debris have been left behind.

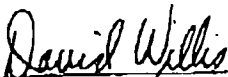
Unfortunately, the Len Small levee is not a Federal levee. An option to be included in the system was accompanied by a stipulation that the local district bring the levee up to Corps of Engineers standards, a

prerequisite made impossible by the meager \$15,000 annual budget within which the levee district must operate. That unfortunate fiscal fact is brought about, in great part, by the tax base which exists in the county. The county includes a National Forest and a State Wildlife Management Area which constitutes a major portion of the land usage of the county. Neither entity pays property tax on their land. Another major portion of land usage consists of agricultural land which is taxed at a lower rate. The remaining portion of the county is economically depressed with very little industry to shore up the sagging tax base. A major source of income in the area was the goose hunting industry. It has been estimated that sportsmen spent \$1.7 to \$1.8 million a year during the hunting season. Because of the damage to cropland and hunting fields, and the still present flood waters, that amount will be drastically reduced this season and in the future if the levee is not repaired.

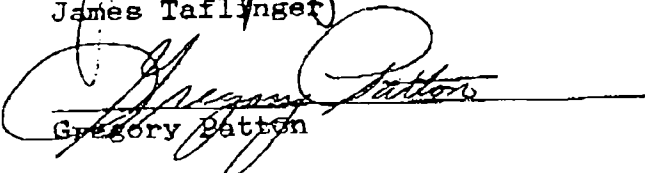
Failure to repair the levee will result in disastrous repercussions. As of this writing, the rivers have jumped up as a result of torrential rains in Illinois and Missouri. The roads providing access to at least 45 homes are inundated and are inaccessible to emergency services such as fire protection, ambulance and police protection. This interruption of essential services will continue to be a threat each time the Mississippi or the Ohio raise and the area remains unprotected. Without repair of the levee, crops will never again be grown on thousands of acres of farmland, further eroding the dismal tax base and bringing hardship upon tax dependent services. Both the Egyptian and the Cairo School Districts will be severely affected by this diminished tax base. In addition, the area is very dependent upon the income which is derived from agriculture. Failure to protect this land and restore the essential agricultural economy will result in the closing of related businesses, further eroding the tax base and devastating the area's economy.

Mr. Secretary, the repair of this levee is essential and the participation of the Department of Agriculture is essential to reach that goal. The potential of future flooding presents a risk to human life. If the levee is not repaired, essential services cannot be provided. The lives and livelihoods of hundreds of people will be directly affected and that of hundreds more indirectly affected. In addition, wildlife management on Horseshoe Lake Wildlife Management Area, a valuable resource, will be impossible. We need your help.

Len Small Levee District

  
 \_\_\_\_\_  
 David Willis

  
 \_\_\_\_\_  
 James Taflinger

  
 \_\_\_\_\_  
 Gregory Patton

COUNTY SUPERINTENDENT OF HIGHWAYS  
ALEXANDER COUNTY

P. O. Box 216

OLIVE BRANCH, ILLINOIS 62969

November 22, 1993

U.S. Secretary of Agriculture  
Mike Espy  
USDA  
Washington D.C. 20025

Dear Secretary Espy:

I am writing to emphasize, from the viewpoint of the Alexander County Highway Department, how critical the Len Small levee is.

As you are aware, the levee broke in the Miller City area last summer and has not yet been repaired. This levee is unique as compared to many levees because it is a part of an open (not closed) levee system. When a levee breaks in a closed system the water simply flows in, stabilizes, and then backs out when the river level drops again. It could be compared to letting water into a wash tub; once the tub is full, the water is pooled and therefore motionless. In our system, however, the water enters into our county at the break in the levee and exits back into the river five miles (cross country) downstream. The water flows across our county and destroys everything in its way.

This flowing water from the July 15 breach caused over \$5,000,000 damage to our road system. Although the levee broke on July 15, it was not until October 15 before the river dropped enough for the Highway Department to gain access to the roads to begin repairing them. We worked seven days a week, spending over \$200,000 to rebuild these roads. Then, on November 10, the river raised again enough to shut off all access to the same roads we had been working on. Although the river stage was 14 feet lower than the crest last summer, the results were basically the same: roads were destroyed, one bridge washed away, and over 45 families are either evacuated or isolated. We estimate at this time that approximately 1/2, or \$100,000 of the previous repairs are once again destroyed. And this situation, without a levee, will only continue several times a year. Our annual budget for all of our roads is only \$400,000 so we certainly won't be able to continue to afford these repairs every time the river decides to wash them out.

As I write this letter there is no emergency access to those families who are once again stranded in this area. Emergency medical service and fire protection service is impossible to provide. And of course there is no police protection from potential vandals because there is no road access. Without immediate restoration of the Len Small levee, the lives of the

people living in this area remain in peril. Our situation is grim and seemingly hopeless.

We need help! Specifically we need a levee system that will assure that we can provide roads that will stay there! There is no other solution. We in Alexander County are an independent people. We want to help ourselves in every way that we can. We have proven that throughout this ordeal. In this case, however, the levee is more than we can do by ourselves. We are therefore asking for help. You are our only hope.

We look forward eagerly to working with you to accomplish this objective. Please contact me if I can answer any questions pertaining to this letter.

Very truly yours,



Joe Plemon  
Alexander County Engineer

cc: file

OFFICE OF  
**BOARD OF COMMISSIONERS**

ALEXANDER COUNTY  
COURT HOUSE  
CAIRO, ILLINOIS 62914

November 22, 1993

Secretary of Agriculture  
Mike Epsy  
USDA  
Washington, D. C.

Dear Mr. Epsy:

As Chairman of the Board of Commissioners for Alexander County, I urge you to use your influence to help us get the Payeville Levee rebuilt.

The loss of this levee has cost this county economically in the millions of dollars. Farmland has been lost, crops unharvested, fishing camps closed, homes damaged (one completely lost), roads destroyed, and water lines washed out. The reason is simply the levee was eroded and destroyed because of the flooding of the Mississippi River.

We have tried very hard to fix roads where they would be passable for the local people who lived in this area, and we have used tons of rock for the levee and roads.

The livelihood of so many is dependent upon having a levee to hold back the flooding river.

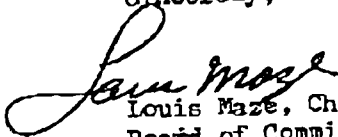
Because the river has flooded twice, much of the work already accomplished will have to be done over.

There are approximately 250 homes and businesses which have been adversely affected from the flood.

It is imperative that we get assistance to rebuild the levee, because without it our area which is already depressed economically, will be utterly chaotic.

I am thanking you in advance for your assistance.

Sincerely,

  
Louis Maze, Chairman  
Board of Commissioners

PHONE (618) 784-7011

OFFICE HOURS  
8:00 A.M.-4:00 P.M.

## DOROTHY J. MAYBERRY, C.I.A.O.

SUPERVISOR OF ASSESSMENTS  
ALEXANDER COUNTY COURT HOUSE  
P.O. BOX 466  
CAIRO, ILLINOIS 62914

November 22, 1993

Secretary of Agriculture  
Mike Espy  
USDA  
Washington, DC 20025

Dear Mr. Secretary:

On July 15, 1993 the Len Small Levee broke, spilling the Mississippi River across some of the most productive cropland in Alexander County causing major crop, land and building damage or complete loss. Destruction of the land itself is every where to be seen as a result of the breakage of the levee.

Assessments in this area that are still very much threatened if the levee isn't repaired by Spring is in the area of \$3,100,000 for the land and buildings. This represents about 7% of the total assessment for Alexander County. Farmland is assessed using the productivity index procedure set out by Illinois State Statutes.

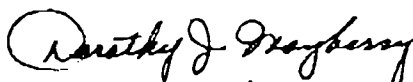
Market indicates that farmland of this type in this area sells for about \$800/acre. Using this bases for the approximately 25,000 acres affected, we are thinking in the area of \$20,000,000 market value being threatened if the levee isn't repaired for the land only.

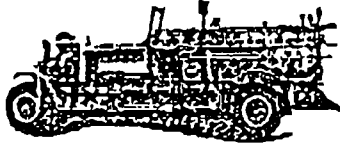
Using the economical loss that could occur, soybeans seem to be the crop most often planted. If a production of 40/bushels/acre for the 25,000 acres affected at \$5.00/bushel, this would result in \$5,000,000 loss in this county alone.

Please, I ask of you, help our farmers in this area. We need your help in securing the monies to repair the Len Small Levee. I believe it will be an investment in our future. The effects of the levee being repaired can only be compared to survival and non-survival.

Thank you for your help in this very important matter.

Yours truly,

  
Dorothy J. Mayberry



HORSESHOE LAKE FIRE DEPARTMENT  
POST OFFICE BOX 262  
OLIVE BRANCH, ILLINOIS 62459

November 23, 1993

Secretary of Agriculture  
Mike Espy  
USDA  
Washington D.C. 20025

Dear Mr. Secretary:

I am Rick Masterson, Fire Chief of Horseshoe Lake Fire Department of Olive Branch, IL. I am writing you for help on the Flood of 93 in Alexander County.

Presently, there are numerous families I can't get to in case of fire. Over 200 homes have been affected by the flood and levee break of July 15, 1993. There is no way they can receive help in case of fire. These people's lives are in danger.

Unless the Len Small levee is repaired, there is little help that can be effective by our Fire Department.

There are 7 different ways to get to these homes, but 27 miles of roads have all been repaired once and on November 10 the river, without levee protection, came back up and destroyed the roads again. There was also a bridge washout, and 2 more bridges unsafe.

There have been 31 small businesses affected and will stay affected until the levee is rebuilt.

As we are a seasonal tourism area, it's time for our businesses to get busy with goose hunting.

On behalf of all the Fire Department, we must have the roads and levee repaired so we can serve the people of Alexander County. I emphasize that now and until the Len Small levee is rebuilt, we have citizens in a life or death situation in case of a fire.

Sincerely,

A handwritten signature in cursive script that reads "Rick Masterson". The signature is written in dark ink and is positioned above the typed name.

Rick Masterson, Chief  
Horseshoe Lake Fire Department

Capt. W.C. Bowers

Warren "Buddy" Mitchell

Lt Rodney Lacy

Sheriff  
Alexander County  
CAIRO, ILLINOIS 62914

Phone (618) 734-2141



November 23, 1993

Secretary of Agriculture  
Mike Espy  
United States Department of Agriculture

Dear Secretary Espy,

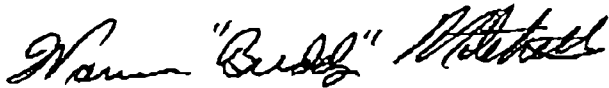
First I want to thank you for taking time out to visit and witness the devastation of the great flood of "93" in our humble county of Alexander. Your concern and inspiration helped us get through some rough times.

Second, I'm calling on your help again. As Sheriff of Alexander County I take my job seriously. I'm not quite sure I know what is going on because I keep doubly busy being a lawenforcement officer and the warden of the county jail. That's my expertise. What I do know is that the Len Small Levee is not fixed! That means we are flooded again around Willard and Miller City. The flooding is not because of the rains but because of the might Mississippi flowing through the levee break. The flood waters keep this department from providing law enforcement protection simply because we can't get to the people because of the roads being washed out and flood waters everywhere. There is one thing for sure the thieves and thugs will find a way to victimize the flood victims. A matter of fact, just last night a victim of the now flooded area had his car and two trucks parked at a friends house out of the flooded area. His car was stolen and both trucks broken into.

"In Service to the People of Alexander County"

You know I won't even guess to know why the government agencies haven't gotten together to fix the Len Small Levee. What I know is that alot of Alexander County people are hurting because we can't get the levee repaired. Please make every effort to help us get the levee repaired and restore some kind of stability to the people that need out governments help and have suffered so much.

Sincerely,



Warren "Buddy" Mitchell  
Sheriff of Alexander County



*Cairo Independent Ambulance Service, Inc.*

P.O. BOX 425  
CAIRO, IL 62914

November 23, 1993

Mr. Mike Espy  
Secretary of Agriculture  
Dept. of Agriculture  
Washington, D.C. 20005

Dear Secretary,

This letter is in support of the building of the levee system for Miller City and its surrounding area. Cairo Independent Ambulance Service services the entire county of Alexander county including the Miller City area. It is important that roads to and from this area be available, particularly in cases of medical emergencies.

Thank you.

Sincerely

David Westermann  
President

CENTRAL ALEXANDER COUNTY  
PUBLIC WATER DISTRICT  
1993  
OCTOBER 2 1993

November 22, 1993

SECRETARY OF AGRICULTURE  
Mike Espy  
USDA  
Washington, D. C. 20025

Dear Mr. Espy:

The Central Alexander County Public Water District is in desperate need of having the Fayeville Levee constructed.

We had to replace all the water lines to the Willard-Miller City Area and the river came up again and now we will have to replace these same lines again.

Because the levee broke we are having to supply three of our areas by buying water from Illinois America in Cairo, IL. This is at a considerable cost to us around \$3000.00 per month.

Several of our customers have not had water since July 15, 1993 because the levee broke and washed the roads out, and we are still unable to get to them.


If this levee is not constructed, we would be foolish to keep replacing lines, meters, and labor costs.

Our customers are desperate to receive water.

If the Len Small levee is not rebuilt immediately, we are in imminent danger of contaminating our water treatment facility and creating a direct health hazard to this community.

We certainly appreciate anything you can do for us. Your effort will not go unnoticed.

Sincerely,

  
Doris Maze, General Manager  
Central Alexander County  
Public Water District

# Ameritech

11-22-93

Ameritech, Illinois  
Mary Bender, External Relations Manager  
213 East Third Street  
Alton, Il. 62002

United States Department of Agriculture  
Secretary Mike Espy  
Washington, D.C.

Dear Secretary Espy,

Our company provides telephone service to the Olive Branch area in southern Illinois. We have gone to great expense to provide temporary repairs to the facilities serving the Willard and Miller city areas only to see the river once again removing the repaired road and possibly our temporary facilities once again.

We urge you to use all your efforts to hasten the repair work on the levee near Olive Branch, both at the break and at the north end near Fayeville which is in dire straights.

We support the community and agree with them that a speedy repair on the levee is of prime concern to all involved! We can not make any permanent restoration as long as the levee is open or about to open on the north end. The road repair work is in vain. And the residents are displaced.

We sincerely thank you for any help you can give in speeding up this project and thank you for your initial help in undertaking the project.

Respectfully,

*Mary Bender*

Mary Bender

# **Southern Illinois Electric Cooperative**

U. S. 51 NORTH • P.O. BOX 100 • DONGOLA, IL 62926

TELEPHONE: 618/827-3555 • FAX: 618/827-3585

November 22, 1993

Honorable Michael Espy  
U.S. Secretary of Agriculture  
12th and Independence Avenue, S.W.  
Washington, DC 20250

Dear Secretary Espy:

I am asking for your support in the rebuilding of the Len Small and Fayville levees located along the Mississippi River in Alexander County, Illinois. The breach in this levee has caused extensive damage to our electrical distribution system as well as damage to the homes and fertile farming ground of the surrounding area.

A few days after the breach occurred, parts of electrical lines serving 53 connections washed away. This left the residents who remained in the area during the flooding completely without electrical service for over eight weeks. At the first opportunity, Southern Illinois Electric Cooperative built a 1.4 mile temporary line to Cairo Public Utility's services to restore power to the isolated residents in the Miller City and Willard areas. The line was built because there was no conceivable way for the cooperative to restore service from its own facilities. The very next week after the temporary line was built, the river came up again and washed away part of the line. Fortunately, we were able to alter the line in order to keep service restored.

After a few weeks, we were able to reconnect the services back to our own facilities by building a .9 mile tie line. However, as of now, the river has again risen and this new line we built is in water. At this time, we are unsure if the current has caused any permanent damage. We cannot travel the road to check for damages.

To date, Southern Illinois Electric Cooperative has sustained a minimum of \$65,000 damage from the flooding. We still have electrical lines that need to be moved or rebuilt; but until the levee system is permanently reconstructed, we cannot estimate the costs.

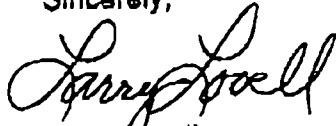
I ask for your support in helping the people in flood-ravaged Alexander

Honorable Michael Espy

November 22, 1993

County get on with their lives. Until the levee is rebuilt, the people, utilities, businesses, and governmental agencies cannot make permanent plans for the future.

Sincerely,



Larry Lovell  
General Manager



**United States  
Postal Service**

November 22, 1993

Mr. Mike Espy  
Secretary of Agriculture  
U. S. Department of Agriculture  
Washington, DC 20250

Dear Mr. Espy:

This letter is in support of the concerted effort to expedite the repair of the Len Small Levee at Miller City, Illinois. A large percentage of the patrons that we serve on our rural route reside in that area. Presently, as was the case a short time ago, most residents have had to evacuate. Many of the roads are under water, washed out or otherwise closed to traffic.

The aforementioned conditions make it impossible for us to deliver mail to our patrons. We manage to deliver through the rain, sleet, snow and gloom of night, but the floods have produced a different problem. We, nor the patrons, can access their mail receptacles. As a result, patrons must travel into town to the Post Office to retrieve their mail.

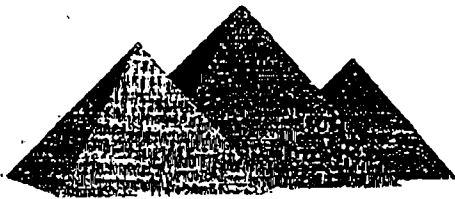
We realize that the lack of mail delivery is only a small part of the problems and inconveniences faced by flood victims. However, it can be a very important part since their requests for assistance, applications and checks are sent and received through the mail. We will greatly appreciate any and all assistance you can give in this matter.

Thank you for your consideration.

Sincerely

A handwritten signature in cursive script, appearing to read "Elbert S. Simon".

Elbert S. Simon  
Postmaster



**EGYPTIAN COMMUNITY UNIT  
SCHOOL DISTRICT NO. 5**

*"Building for the Future"*

R.R. #1, Tamms, IL 62988

(618) 776-5251  
FAX: (618) 776-5122

November 22, 1993

Mike Espy, Secretary of Agriculture

Dear Sir:

This is in regard to the question of replacement of the breached Len Small levee in Alexander County, Illinois, and the potential impact that the decision might have on Egyptian Community Unit School District No. 5.

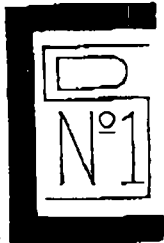
As you know our school building was utilized as a disaster emergency center when the levee breach occurred this past July. Fortunately, our students were on summer vacation at the time which allowed us to provide our facilities without major impact on the educational process.

Should, however, the breached levee not be replaced our school district faces an uncertain future with regard to consequences of subsequent flooding. Some of the potential detrimental effects include: continued erosion of our property tax base due to additional lost homes, businesses and farm land; loss of enrollment as families are forced to relocate; costs of re-routing buses during floods; loss of state aid and instructional time due to reduced attendance during floods; and increased stress on staff and students as a result of flooding.

Obviously, replacement of this levee is an expensive endeavor, but surely the cost must be weighed against the price to be paid by our communities in term of financial, physical and psychological suffering that will result from failure to do so.

Sincerely,

Michael Corzine  
Superintendent



# Cairo School District No. One

"MAKING A SIGNIFICANT DIFFERENCE!"

303 - 34th Street  
Cairo, Illinois 62914  
Telephone 1-618-734-4102  
Fax 1-618-734-4047

November 22, 1993

Mr. Mike Esby  
Secretary of Agricultural  
U.S.D.A. Room 3709  
South Agricultural Bldg.  
14th & Independence Avenue, Southwest  
Washington, D.C. 20250

Dear Secretary Esby:

I am requesting that you bring to bear the full powers of your office in support of the rebuilding of the levee systems that protect the farm land and real property in and about the Dog-Tooth bend area -- the communities of Willard, Miller City and Olive Branch in Alexander County, State of Illinois. Two-thirds of this land surface is in the Cairo School District #1, Alexander County, State of Illinois.

We have been informed by local county officials if immediate action is not taken to restore this flood damaged farm land to productivity, our school district will experience approximately a four million dollar decrease in assessed evaluation. Our present assessed evaluation is \$18,600,00 which will decrease to around \$14,500,000. This would in effect bankrupt the school district in the next few years.

Most sincerely yours,

Dr. Elton J. Crim  
Superintendent

jw



# Cairo School District No. One

"MAKING A SIGNIFICANT DIFFERENCE!"

303 - 34th Street  
Cairo, Illinois 62914  
Telephone 1-618-734-4102  
Fax 1-618-734-4047

**FILE  
COPY**

October 27, 1993

U.S. Department of Education  
Office of Impact Aid  
400 Maryland Avenue S.W.  
Washington, DC 20202

ATTENTION: Mr. Jack Owen

As per your request, I am sending the information requested. I am enclosing for your information a newspaper article from our local newspaper dated October 14, 1993, and a copy of our original letter which accompanied the application filed September 13, 1993.

The original assumptions stated in our application letter unfortunately are coming true. Itemized paragraphs #3, #4, #5, #6 and #7 are becoming fact. Reference: Newspaper Article.

Our school district administration cannot state at this time the full impact of loss of tax revenues. After reassessment of property is completed, which will affect the 1994 tax collection, we should be in a position to accurately assess our loss of revenue.

Question: Will the Cairo School District #1, Alexander County, State of Illinois be notified and provided forms to submit claim for assistance by your office or will this come from our State Education Office?

Also, will it be necessary for the District to request same or will the claim forms be mailed in a timely fashion by either Federal or State agencies?

Sincerely yours,

*Dr. Elton J. Crim*  
Dr. Elton J. Crim  
Superintendent

*R. Leo Verble*  
R. Leo Verble  
Assistant Superintendent

SW  
DEC-08  
Enclosure  
cc: Linda Larson, ISBE

*10/27/93*  
*E. Crim*



# Cairo School District No. One

"MAKING A SIGNIFICANT DIFFERENCE!"

303 - 34th Street  
Cairo, Illinois 62914  
Telephone 1-618-734-4102  
Fax 1-618-734-4047

September 1, 1993

COPY

This statement is offered in response to ISBE Memorandum Dated August 19, 1993.  
RE: Federal Disaster Assistance Programs: "LEAs unsure of the need for federal assistance or the extent of the need should file an application to protect their eligibility. Amended applications can be submitted at a later date." (Page 2 of memo.)

## To Whom It May Concern:

Cairo School District No. One of Alexander County, State of Illinois, wishes to be considered for both State and Federal Assistance for extraordinary expenses and loss of revenues the district expects to incur as the results of flooding over approximately two-thirds of the school district. Because of the deadline imposed for making request for assistance and the fact that the flood water still covers much of the land and road areas of our school district, it is next to impossible to know the full extent of damage and the impact of the flooding.

Based on our most recent survey of the situation, our findings are as follows.

- 1] The district has had no loss of facilities or equipment.
- 2] We expect transportation cost to increase because of extended student bus routes necessary to accommodate displaced students and damage to roads, normally part of our bus routes. It is a certainty that these alternate student bus routes will be required for several months if not for the entire school year.
- 3] We anticipate some loss of enrollment.
- 4] The school district covers 54 square miles of land surface. Approximately two-thirds of this area was damaged by the flood and is mainly agricultural land. We expect in the very near future a rather severe loss in assess evaluation. After a meeting with the County Assessor, we were informed that farm land may be devalued as much as thirty percent.

Should the federal government decide to purchase some or all of this land for the wet lands program, the loss will be even greater. No one knows at this point in time the actual loss in the tax revenue to this school district.

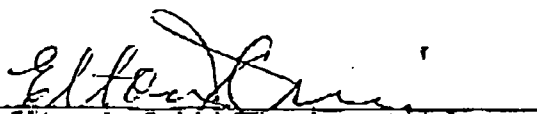
Due to our district's severe economic situation, any loss will have a serious impact on the ability to provide adequate educational programs for our students. If the levee system that has been protecting this farm land is not repaired, land values of \$800 to \$1200 per acre will plummet to anyone's guess; but obviously to one quarter or less in value.

- 5] Farm homes, grain storage facilities, utility buildings, equipment, and etc. will not be replaced and much of the areas will not be productive for several years to come. This will add to the devalue of the tax base for our school district.
- 6] Secondary roads will be unusable for school bus routes for an extended period of time.
- 7] The Alexander County Clerk's office cannot at this time predict the effect of the flooding on tax revenue for FY'93 of FY'92 rates. The residents of the flooded area have lost all expected farm revenues for this year. Over 30,000 acreages of farm land will not produce any revenue this year.

Until the flood water totally recedes and actual loss can be assessed and all related loss to school district and other governmental agencies are known, we feel that factual assistance required cannot be stated.

We are requesting that an opportunity be made available at a later date for making a request for assistance by the Cairo School District.

A map of the school district is enclosed with the flooded area highlighted as a graphic picture of the situation.

  
\_\_\_\_\_  
Dr. Elton J. Crim, Superintendent

JW

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11/23/83 16:33  
NOV 23 '83 13:52 FROM USDA TAMMS, IL

keep our young people" in the area-- and to do so, jobs must be available to keep them here.

Dozens of people present voiced their support for building the prison 11 Tamms during an open testimony session sponsored by SIPC. Those who testified represented a broad spectrum of the Southernmost Illinois community--young and old, students and retired people and many others.

Darrell Williams of Cairo, a student at Shawnee Community College, simply said, "We need the jobs."

Federal and state legislators urged Peters and the state to pick the Tamms site.

U.S. Rep. Glenn Poshard, D-Ill., spoke of the strengths of the Southernmost Illinois community, citing education, access to health care and the people. He also spoke of the need for jobs to keep young people at home.

"We need the jobs. The bottom line is that we need the jobs," Poshard said.

State Rep. David Phelps, D-Ill., spoke of what he called intangibles which made the Tamms

# Flood To Reduce County Tax Revenues

The Flood of '93 effects are still being felt throughout Alexander County but the crowning blows may not be delivered until next year and several years to come.

"Tax revenue from 1993 for Alexander County will be drastically reduced next year," Supervisor of Assessments Dorothy Mayberry told the county Board of Commissioners at a meeting last Tuesday at the Alexander County Courthouse.

Mayberry had met with state officials the previous Monday and she said they were considering an 85% reduction in assessments for land that had a total crop loss.

"That would kill us," commented Mayberry. "We were hoping for a 50% reduction but we will have to wait and see."

According to Mayberry there are more than 23,000 acres in Alexander County which had a total crop loss. She also stated that the following

years may be as bad or even worse. "Some of that land may never be productive again."

She also told the board that officials advised flood-stricken counties that they may have to apply for low-interest loans to get through the next couple years. Then if the evaluations don't come back up within three years the loans would become a grant.

This year's taxes are finally beginning to pour in and County Treasurer Francis Lee reported that the first tax distribution would be made in approximately three weeks.

In other business the board made the motion after a request by Lee to have the Victim's Advocate grant put into a separate account. The motion also stated that the health insurance for the program would come out of the grant money and not the general fund. It also requested that copies of all paperwork and transactions be turned over to the board and treasurer

so that they would know where the program stood financially.

Labor negotiations dominated the remainder of the meeting.

Doug Franklin of Laborers' International Union Local 773 represented courthouse office employees and presented the board with a three year contract. Board Chairman Louis Maze stated that they would look over the contract and would give the union a written response within 10 days.

The Board also rejected an arbitrator's decision on a union contract with the Fraternal Order of Police and the Sheriff's Department's employees.

Commissioner Gene Farris motioned for the board to reject the arbitration proposal because the board does not recognize the FOP as the bargaining agent for the Sheriff's Department. Maze and commissioner Rollie "Milt" Manlock also agreed to

reject the proposal.

State's Attorney Jeff Farris late told the board that they should reject the decision because the arbitrator failed to comply with the guideline as he did not pick one or the other proposal but instead "played Kin Solomon and split it down the middle."

In other business the board accepted the resignation of Edward Smith from Alexander County Housing Authority and appointed Dick Tatum to take his place on the board.

Chief Judge of the Circuit Court Stephen Spomer made a presentation to the commissioners on a proposal to combine all the circuit's nine probate offices.

The combination of offices will enable the court to provide better services to all counties while being more cost effective.

## Provides Comfort, Eases Pain



## Schools, City Share Financial Problems

Financial problems - those of Cairo's school system and its city government - were the primary topic of discussion at Tuesday's meeting of the Cairo City Council.

Dr. Elton J. Crim, superintendent of Cairo schools, appeared before the council to share with city leaders the budgetary crisis faced by Cairo District Number One.

"The school district is broke," he said. "The district has spent \$500,000 a year more than it is getting. We've done all the fancy borrowing we can do; now we're getting into exotic

for a better future.

"There are going to be some desperate people here and desperate people aren't nice to be around. If we don't have a better school district than we better get a bigger police department."

"I'm not here to bury Cairo - I want us all to work together for a better place for all."

Cairo Mayor James Wilson responded, "the city is following all some financial crisis, dollar for dollar and we're exploring all avenues."



College Road • Ulin, Illinois 62992 • (618) 634-2242

November 22, 1993

Honorable Michael Espy  
US Department of Agriculture  
Washington, DC

Dear Secretary Espy:

I am writing requesting your support in allocating the necessary funds to reconstruct the Len-Small Levee District in Union and Alexander counties in southernmost Illinois.

As you are well aware, the breach of this levee during the summer of 1993 had a devastating effect upon hundreds of residents of Union and Alexander counties.

Failure to repair the Len-Small Levee District will take approximately 26,000 acres of farmland out of production. The removal of this farmland from production will cause a decrease in property value therefore reducing our tax base.

It is my belief that without the reconstruction of this levee, several families will relocate from our community college district. This will reduce the number of potential students who would otherwise attend our institution.

There is also a concern for the number of individuals who have become unemployed due to this disaster. These individuals will not be able to regain employment status until this matter has been resolved.

The several hundred families that were effected by the flood and I would greatly appreciate any support you give to this matter.

Sincerely,

J. D. Hill  
President

"Where the Community really Counts!"



**Horseshoe Lake Chamber of Commerce**  
P.O. Box 243 Olive Branch, Illinois 62969 Phone: 618-776-5198

November 22, 1993

Secretary of Agriculture  
Mike Epsy  
Washington D. D.

Dear Secretary:

We are writing in regards to the Fayeville Levee in Alexander County.  
This levee was destroyed in the 1993 Mississippi River flood this year.  
The economic loss because of this is astronomical. Many residents had to move out, roads were washed out, the water system destroyed, and businesses came to a standstill.

There are still many who have been unable to return to their homes because of no water.

All crops in the flooded area were lost. The bait shops closed because there was no business. Two motels were hurt because of flood waters in their business, one motel was closed because flood waters over the road would not permit their customers access to motel.

There are more than 270 residences, businesses, hunting clubs, churches and camping sites affected.

We realize the stress of financial difficulty in Washington, but need your support to help get the levee system reconstructed. Our county is desperate for this to be done as it is affecting many people's jobs and we are already in a depressed state.

We would be so appreciative of anything you can do for us, and trust the Soil Conservation Service will be permitted to rebuild this levee.

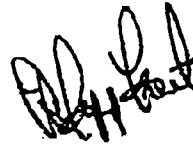
Sincerely,  
*Doris Maze*  
Doris Maze, President  
Horseshoe Chamber of Commerce



## **Tamms State Bank**

Second & Russell Ave. • Tamms, Illinois 62988  
Facility: 2801 Sycamore • Cairo, Illinois 62914

**TO: MIKE ESPY, SECRETARY OF AGRICULTURE**

**FROM: R. KIPP KREITZER,**  
**EXECUTIVE VICE PRESIDENT** 

**DATE: NOVEMBER 22, 1993**

**RE: IMPACT OF THE FLOOD OF 1993**

May this short note serve as our response to the question of the replacement of the Len Small levee in Alexander County, Illinois.

As the primary agricultural lender in Alexander County, we have first hand knowledge of the impact of the flood, not only on our agricultural borrowers, but also on the bank itself.

Many farm customers were unable to harvest their crops due to the damage of the flood; consequently, they were unable to repay their operating loans. Farmers are accustomed to the inconsistency of weather and the resulting changes in crop yield from year to year. Very seldom, however, are they accustomed to having all their crops destroyed and be unable to receive any income for their hard work. The economic impact of being unable to plant and harvest crops for a two year period would be devastating; and, this very well may happen, unless the breached levees are replaced and/or repaired.

The inability to replace the levee would also have an adverse impact on the bank. Obviously, certain loans would be in default and the bank may be forced to foreclose. If the cropland is permanently non-farmable as a result, the bank could be in a position of loss as well. Being located in a rural community, Tamms State Bank takes responsibility, under the Community Reinvestment Act, to make loans within our defined market area. Since our market area is primarily agricultural, and our bank is one of the largest originators of FmHA guaranteed loans in the State of Illinois, we would be at a disadvantage in funding the legitimate credit needs of our market and helping to provide the credit that creates the income on which our borrowers pay taxes.



**ENTERPRISES, INC.**

POST OFFICE BOX 249 / MANDEVILLE, LA 70470-0249 / (504) 887-3800

November 23, 1993

Mr. Mike Espy  
Secretary of Agriculture  
U.S.D.A.  
Washington, DC

Dear Mr. Espy:

It has come to my attention that there is a strong possibility the Fayville levee in Alexander County, Illinois will not be rebuilt following the flooding this summer that destroyed it. I further understand that the fate of approximately 37,000 acres of highly productive farmland ordinarily protected by the Fayville levee rests on the decision to rebuild.

I would like to take this opportunity to express our concern on behalf of land owners who have been so devastated by the flooding of 1993 and whose livelihood is affected by the future of this levee decision. Many of these people have lost a lot of what they own and cling to hopes of rebuilding only if they can regain protection and production of their land.

Consolidated Grain & Barge Co. owns an elevator river terminal located in Mound City, Illinois. We represent one of the major market places for the crops grown on this approximately 37,000 acres of highly productive farmland. Production from this area is very important to our business. Loss of production from this area, because of the number of acres involved and because of the high productivity of the land compared to other land in the area, would have a strong adverse affect on our business and the local economy. We presently employ 43 workers, however, a cut in our business volume would surely mean layoffs. We respectfully submit a voice in favor of rebuilding the Fayville levee.

Thank you for your time and consideration. Your attention to this pressing issue is greatly appreciated.

Regards,  
CGB Enterprises, Inc.

Richard K. Wilcox  
President and CEO

RKW/bc

**ADM  
GROWMARK**

P.O. Box 138 • 100 COMMERCIAL • MOUND CITY, ILLINOIS 62963  
(618) 748-9208 • (800) 527-5281

November 22, 1993

Mike Epsy  
Secretary of Agriculture  
Washington, D. C.

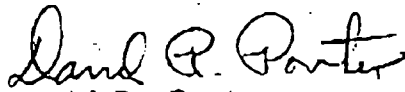
Dear Sir:

Our business was greatly effected this year by the loss of crops due to the extreme flooding in our area. In particular, as a result of the levee break in the Miller City area, many acres of prime farmland was inundated and a large volume of grain was lost.

We urge that some branch of government assist these farmers by rebuilding the levee as soon as possible. We are concerned about future crops for this area if the repairs are not made immediately. With each slight rise in the Mississippi River, more damage is done to property, and if the repairs are not made before time for spring planting, next year will be another bad one for an area of the state which is already hard pressed economically.

Alexander County desperately needs the money these farmers put into our economy, and they need assistance urgently to get this levee back. Your influence in this matter would be greatly appreciated.

Sincerely,



David R. Porter  
Manager

DP/bw

WORTHINGTON FARMS  
Olive Branch, Illinois

November 22, 1993

U.S. Secretary of Agriculture  
Mike Espy  
USDA  
Washington D.C. 20025

Dear Secretary Espy:

Our family has farmed and had a hunting club and lodging for thirty years. Our roots are here in Alexander County. We desperately need levee repair for the economy of all in this area.

We will greatly appreciate any help from any organization.

Sincerely,

*Ruth & C.J. Worthington*

Ruth & C.J. Worthington

MELTON'S FISHING CAMP  
BOATS - 1200  
500  
RFD, CACHE, ILL. 62913

November 22, 1993

Secretary of Agriculture, USDA  
Mike Epsy  
Washington, D. C. 20025

Dear Mr. Epsy:

I am writing in reference to the two levee systems in Alexander County. They are the Lynn Small and Fayeville Levees.

This year the Fayeville Levee broke and it costed me between \$15000 - \$20000 not counting the loss of income. I have had to move out twice, and it appears I may have to move out again.

When the levee system was in place the river got up to 45 feet but it did not get in my place. Since the levee broke and is gone the river is at 35 feet and almost in my place again.

I rent cabins to Fishermen and Goose Hunters, and since the river has flooded this year I have no income.

Businesses in this area will not be able to exist without the levees in place.

Please use your expertise in getting our levees rebuilt.

Yours truly,

Jim Melton  
Rt 1 Box 211  
Cache, Il. 62913

cc: Paul Simon  
Jerry Costello  
Jim Rea  
David Phelps

*J. H. Melton*  
*Melton's Fishing Camp*

November 22, 1993

Mike Espy, USDA Secretary  
Washington, D. C.

Dear Mr. Espy:

As a business owner of Jones Service Station and Kozy Korner Restaurant in Olive Branch, IL. I urge you to use your influence to get the Fayeville Levee rebuild in Alexander County.

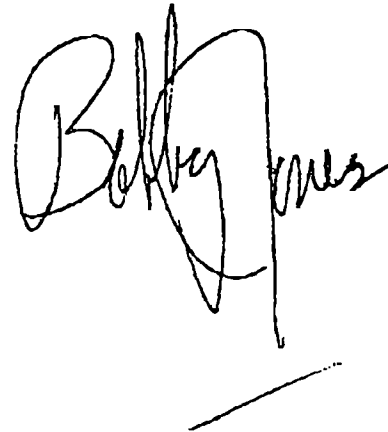
The loss of income here has been drastic because of the flood, and the loss of jobs due to the flood.

We are a small county, and this levee breakage has been a great disaster economically for our area.

Any consideration you can give us will be greatly appreciated.

Yours,

Bobby Jones.  
Box 398  
Olive Branch, IL. 62969

A handwritten signature in black ink, appearing to read "Bobby Jones". The signature is written in a cursive style with a large, stylized initial "B". Below the signature is a horizontal line.

**PATTON FARMS AND HUNTING CLUB**

Rte 1, Miller City 62962

November 23, 1993

U.S. Secretary of Agriculture  
Mike Espy  
USDA  
Washington D.C. 20025

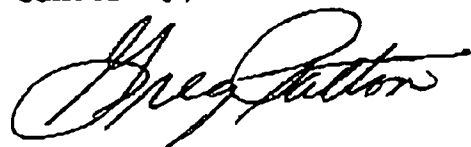
Dear Mr. Secretary:

Our family has lived in Alexander County for 3 generations. We have farmed the land this entire time and we have also run a hunting club since 1953. I personally have lost my home and roughly 75% of my farm land to date. However, I still want to remain in the area but have mixed emotions about this until a levee can be rebuilt.

Having lived here since birth and my family before me, I can personally attest that if the Len Small levee is not rebuilt, this entire community is in jeopardy of survival.

Thank you for your attention on this matter.

Sincerely,



Greg Patton



November 22, 1993

Secretary of Agriculture  
Mike Espy, USDA  
Washington DC 20025

Dear Secretary:

I wish to convey to you my wish that the Fayetteville Levee be rebuilt in Alexander County, Illinois.

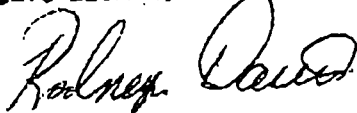
This levee is greatly needed in our area to protect the homes of around 200 people, plus two churches, camping area, and farmers.

As the general manager of the Food Town Grocery Store in Olive Branch, I can tell you the flood this year has been a hindrance to our economy.

The Fayetteville Levee is needed, and I am trusting you to be able to forego the bureaucracy to get this job done.

Very truly yours,

Rodney Davis, General Manager  
Food Town  
Olive Branch, IL. 62969



*Ogborn Bookkeeping & Tax Service*

GARY L. OGBORN  
PUBLIC ACCOUNTANT

1843 CAROLINA LANE  
CAPE GIRARDEAU, MISSOURI 63701  
(314) 334-1053

ROUTE 3, NORTH  
P. O. BOX 238  
OLIVE BRANCH, ILLINOIS 62969  
(618) 776-5312

NOVEMBER 22, 1993

MR. MIKE EPSY  
SECRETARY OF AGRICULTURE  
UNITED STATES DEPARTMENT OF AGRICULTURE  
WASHINGTON, D.C.

RE: ALEXANDER CTY FLOOD DISASTER

DEAR SECRETARY EPSY:

THE PEOPLE OF ALEXANDER COUNTY ARE DESEPARATE TO HAVE THE FAYEVILLE LEVEE REPAIRED. THE WHOLE COMMUNITY IS SUFFERING FROM THE FLOOD OF 1993. WE CANNOT REBUILD AND RECOVER FROM THIS DISASTER UNLESS THE LEVEE IS REPAIRED AND REPLACED. THE ROADS AND WATER SYSTEM JUST CONTINUE TO WASH AWAY AS FAST AS THEY ARE REPAIRED EVERY TIME THE RIVER RISES, AND THE PEOPLE JUST CONTINUE TO HAVE TO MOVE FROM THEIR HOMES ABOUT THE TIME THEY HAVE CLEANED UP AND REPAIRED FROM THE FLOOD. THE WHOLE ECONOMY IS STILL SUFFERING FROM THE FLOOD UNTIL THE LEVEE IS REPAIRED AND REPLACED.

SINCERELY YOURS,

*Gary L. Ogborn*

GARY L OGBORN  
PUBLIC ACCOUNTANT

November 22, 1993

Mike Espy, Secretary of USDA  
Washington, DC.

Dear Mr. Espy:

I am writing to you concerning the Fayeville Levee that was destroyed in the 1993 Mississippi River flood.

I own a service station in Olive Branch and my income has been greatly reduced because of the levee breakage, and loss of jobs.

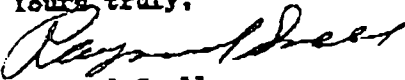
Many farmers lost their crops, and therefore are unable to pay their bills, which leaves businesses in this area in a poor condition.

Should this levee not be rebuilt, this area will be restricted to what it can accomplish.

Please do whatever is necessary to get this levee rebuilt, and know that we are in your corner.

Thanks.

Yours truly,



Raymond Snell  
Olive Branch, Il. 62969

SUBJECT: Memorandum for General Distribution: Restatement of  
Federal Levee Policy

### Purpose

The Purpose of this memorandum is to clarify the Federal policy on repairing levees in the Midwest. The Army Corps of Engineers (Corps) and the Department of Agriculture Soil Conservation Service (SCS) are the principal Federal agencies responsible for repairing levees, the Corps under its Public Law 84-99 program and the SCS under its Emergency Watershed Protection (EWP) program. This memorandum provides background on why the current Corps policies were established, describes the process the two agencies are using to identify levees that are under their respective jurisdiction, addresses eligibility criteria and allowable exceptions for provision of levee rehabilitation funds, and establishes SCS criteria for prioritizing levee rehabilitation funding.

### Corps Policy

Existing Corps policy resulted in part from an internal Corps review of its practices prior to 1986. Among the principal findings in the review were:

- a lack of sponsor commitment in fulfilling operations and maintenance requirements subsequent to Federal investments in rehabilitation,
- recurring rehabilitation at Federal expense of levees not meeting minimal engineering standards,
- recognition of the difficulties associated with determining, after a flood event, the level and adequacy of levee design and maintenance that existed prior to the flood, and
- issues related to state and local government floodplain management prerogatives. As a result of the review in 1986, the Corps proposed rules to overcome identified shortcomings to bring discipline to the program and insure maximum benefits from Federal expenditures. The rules clearly established the Corps intent to develop a program that ensured levees accepted into the active inventory met minimal standards. A public sponsorship requirement addressed the need for a financially viable public sponsor so as to ensure proper stewardship of the Federal investment and proper consideration of state and local floodplain management prerogatives. Based on numerous comments received during the

comment period for the proposed rules, the Corps allowed a two-year grace period from the implementation date of the new rules for levees to obtain public sponsorship. This grace period ended July 15, 1988.

### Delineation

In 1986, the Corps and the SCS signed a Memorandum of Agreement (MOA) which outlined how the two agencies would delineate responsibility for repair of levees. The agencies agreed as a general principle that the Corps would be responsible for repairing levees with contributing drainage areas of 400 square miles or greater. The SCS would handle levees with drainage areas of less than 400 square miles. To ensure proper implementation of this part of the MOA, appropriate Corps and SCS officials in each state are identifying the geographic delineation of Corps and SCS areas of responsibility. The 400 square-mile criterion will be used as a guide, but will be adjusted where it is prudent to do so. Should the local Corps and SCS officials not agree on a delineation, the case will be forwarded to agency headquarters officials for resolution. The SCS will not fund the repair of any levee within the geographic areas under Corps jurisdiction.

### Levee Repair Policy in Corps of Engineers Geographic Areas.

Corps policy, as established in 1986, requires that levee sponsors be active participants in the Corps program at the time of a disaster event in order to be considered for eligibility for assistance to repair the levees. An active status means that the Corps has inspected the levee and has accepted the levee into its program, or, that the levee sponsor has requested an inspection prior to occurrence of the disaster event. Active status does not guarantee repair -- the Corps also requires that the benefits from the repair will exceed the costs and that repairs can be undertaken in full compliance with environmental laws. In addition, locally constructed levees must be cost-shared with a 20 percent non-federal share. These requirements are identified in the Corps Engineering Regulation 500-1-1.

In 1986, the Corps informed levee sponsors of its PL 84-99 program eligibility requirements and invited them to apply for participation in the program. Many sponsors responded to the Corps invitation and levees were placed in the active status based on field inspections conducted by Corps personnel. Many other sponsors did not respond. As a result of the Midwest Flood of 1993, many sponsors in this latter group have asked the Corps to repair their levees. These levees are not eligible for Corps assistance and they are ineligible for other Federal funding in accordance with current FEMA, Corps, and SCS policy with two exceptions:

- the first exception applies when the levee was constructed after 1986, the levee sponsor can demonstrate that the

levee has been properly maintained and the levee sponsor meets all other Corps eligibility requirements- in this case the levee would be given the same consideration as if it had been in active status before the flood;

- the second exception is when the levee protects critical public infrastructure (e.g., major roads , and water and wastewater treatment plants) that are at risk behind levees that were ineligible for the Corps program because of lack of public sponsorship provided that the levee would otherwise meet the requirements of the Corps' program: in this case, the levees will be repaired using funds made available from the Economic Development Administration (EDA) under its Emergency authority (details are covered below).

#### Levee Repair Policy in Soil Conservation Service Geographic Areas.

Levees will be eligible for SCS's EWP when there is a potential for loss of life or property without the repairs; the benefits associated with repairing the levee exceed the cost of levee repairs and other levee-dependent costs -- cropland restoration, facilities repairs, and structure repairs -- that should occur only if the levee is rebuilt; and, the levee owner agrees to meet SCS's eligibility requirements for engineering and maintenance. Eligibility for the EWP does not guarantee that the repairs will be funded.

Funds available to repair levees are not sufficient to repair all levees that are eligible for SCS assistance. Therefore, the SCS will use the following criteria to prioritize levees they will repair;

- type of property protected by the levee,
- past performance of sponsors,
- past record of operations and maintenance,
- environmental impact, and
- local rules and regulations.

In a small number of cases, levees in the SCS's geographical areas have been retained in the active status of the Corps PL 84-99 program. These levees will be treated as if they were in the

Corps areas. They will be rebuilt by the Corps if the benefit-cost and environmental compliance tests are met. If the Corps determines that they are not eligible for PL 84-99 assistance, they will not be repaired by any other agency.

EDA Funding and Repair Policy:

In some cases, levees within the Corps geographic area are ineligible to receive assistance because of lack of participation by a public sponsor prior to the 1993 Midwest flood. In those cases, if it is determined that the levee protects critical public infrastructure, it will be eligible for assistance from EDA, provided also that:

- a public sponsor is identified and can demonstrate sufficient financial capability to comply with the requirements of this section;
- the levee otherwise meets the requirements of the rehabilitation program established by the Corps for operation, maintenance, and design;
- the benefits derived from repair or reconstruction exceed the repair costs; and
- the public sponsor agrees to include its levee in the Corps program and enters into a written agreement acknowledging that future Federal assistance will be conditional upon complying with the terms of the Corps Levee Assistance Program and participation in the program. Future assistance would be provided through the Corps of Engineers PL 84-99 Emergency program).

In carrying out this program, EDA will coordinate with the Corps to assure that the levee meets all necessary Corps criteria and that future eligibility in the Corps program can be maintained. The final decision as to whether or not a levee will be repaired under this program will be solely that of EDA.

The non-Federal share of the cost of a levee rehabilitation project for which assistance is made available by EDA shall be:

- to provide all lands, easements, rights-of-way, borrow areas and dredged material disposal areas necessary for the project; and
- to provide 25 percent of the costs of construction of the project of which 5 percent of such costs shall be paid in cash, or cash equivalent (as opposed to in-kind services) from non-Federal sources.

Not more than \$18 million will be made available from funds provided to EDA under the Emergency Supplemental Appropriations (P.L. 103-75) for this purpose. In order to assure that all

interested applicants are given an equal chance to be considered, EDA will accept applications for assistance through December 20, 1993. If the total estimated cost of all applications exceeds \$18 million, it will be necessary to prioritize the work. Prioritization will be based on the nature of the public infrastructure protected and the degree to which the levee repair meets the economic objectives of EDA.

November 16, 1993

MEMORANDUM FOR Mike Espy, Secretary, Department of Agriculture  
Leon Panetta, Director, OMB  
Carol Rasco, Assistant to the President for  
Domestic Policy  
Dr. Ed Dickey, Acting Assisting Secretary of the  
Army for Civil Works

FROM: Kathi Way, Special Assistant to the President

SUBJECT: Federal Levee Policy for the Army Corps of  
Engineers, Soil Conservation Service for Federal  
Emergency Management Agency

In recent weeks there has been some misunderstanding on Capitol Hill and in the midwest concerning the federal policy administered by the Army Corps of Engineers (the Corps), and the Soil Conservation Service (SCS) principal federal agencies responsible for repairing levees. Specifically, questions have been raised regarding (1) the eligibility requirements for levee reconstruction funding, and (2) the respective levee reconstruction jurisdictions for the Corps, and SCS. To clarify the federal levee policy we have prepared the attached policy statement which explains, in one single document, each agency's eligibility requirements and jurisdiction.

Unless comments are received by 8:00 a.m., November 17, 1993, I will assume the attached policy is ready for release.

SUBJECT: Memorandum for General Distribution Restatement of  
Federal Levee Policy

The Purpose of this memorandum is to clarify the Federal policy on repairing levees in the Midwest. The Corps of Engineers and the Soil Conservation Services (SCS) are the principal Federal agencies responsible for repairing levees, the Corps under its Public Law 84-99 program and the SCS under its Emergency Watershed Protection (EWP) program. This memorandum provides background on why the current Corps policies were established, describes the process the two agencies are using to identify levees that are under their respective jurisdiction, addresses eligibility criteria and allowable exceptions for provision of levee rehabilitation funds, and establishes SCS criteria for prioritizing levee rehabilitation funding.

Existing Corps policy resulted in part from an internal Corps review of its practices prior to 1986 in order to bring discipline to the program and to realize the maximum benefits from Federal expenditures. Among the principal findings in the review were (1) a lack of sponsor commitment in fulfilling operations and maintenance requirements subsequent to Federal investments in rehabilitation, (2) recurring rehabilitation at Federal expense of levees not meeting minimal engineering standards, (3) recognition of the difficulties associated with

determining, after a flood event, the level and adequacy of levee maintenance that existed prior to the flood, and (4) issues related to state and local government floodplain management prerogatives. As a result of the review in 1986, the Corps proposed rules to overcome identified shortcomings in the program. The rules clearly established the Corps' intent to develop a program that ensured levees accepted into the active inventory met minimal standards. A public sponsored requirement addressed the need for a financially viable public sponsor so as to ensure proper stewardship of the Federal investment and proper consideration of state and local floodplain management prerogatives. Based on numerous comments received during the comment period for the proposed rules, the Corps allowed a two-year grace period from the implementation date of the new rules for levees to obtain public sponsorship. This grace period ended July 15, 1988.

In 1996, the Corps and the SCS signed a Memorandum of Agreement (MOA) which outlined how the two agencies would delineate responsibility for repair of levees. The agencies agreed as a general principle that the Corps would be responsible for repairing levees with contributing drainage areas of 400 square miles or greater. The SCS would handle levees with drainage areas of less than 400 square miles. To ensure proper implementation of this part of the MOA, appropriate Corps and SCS officials in each state are identifying the geographic delineation of Corps and SCS areas of responsibility. The 400

square-mile criterion will be used as a guide, but will be adjusted where it is prudent to do so. Should the local Corps and SCS officials not agree on a delineation, the case will be forwarded to agency headquarters officials for resolution. In a few cases, this delineation will result in levees classified by the Corps as "active" in its P.L. 84-99 program being located in an area of SCS responsibility.

#### Levee Repair Policy in Corps of Engineers Geographic Areas.

Corps policy, as established in 1986, requires that levee sponsors be active participants in the Corps program at the time of a disaster event in order to be considered for eligibility for assistance to repair the levees. An active status means that the Corps has inspected the levee and has accepted the levee into its program, or, that the levee sponsor has requested an inspection prior to occurrence of the disaster event. Active status does not guarantee repair -- the Corps also requires that the benefits from the repair will exceed the costs and that repairs can be undertaken in full compliance with environmental laws. In addition, locally constructed levees must be cost-shared with a 20 percent non-federal share. The SCS will not fund the repair of any levee within the geographic areas under Corps jurisdiction.

In 1986, the Corps informed levee sponsors of its PL 84-99 program eligibility requirements and invited them to apply for

participation in the program. Many sponsors responded to the Corps' invitation and levees were placed in the active status based on field inspections conducted by Corps personnel. Many other sponsors did not respond. As a result of the Midwest Flood of 1993, many sponsors in this latter group have asked the Corps to repair their levees. These levees are not eligible for Corps assistance and they are ineligible for other Federal funding in accordance with current FEMA, Corps, and SCS policy.

Levee Repair Policy in Soil Conservation Service Geographic Areas.

Levees will be eligible for SCS's EWP when there is a potential for loss of life or property without the repairs; the benefits associated with repairing the levee exceed the cost of levee repairs and other levee-dependent cost -- cropland restoration, facilities repairs, and structure repairs -- that should occur only if the levee is rebuilt; and, the levee owner agrees to meet SCS's eligibility for the EWP does not guarantee that the repairs will be funded.

Funds available to repair levees are not sufficient to repair all levees that are eligible for SCS assistance. Therefore, the SCS will use the following criteria to prioritize levees they will repair; (1) type of property protected by the levee, (2) past performance of sponsors, (3) past record of operations and maintenance, (4) environmental impact, and (5) local rules and

regulations. FEMA may fund levees within SCS's geographic area of jurisdiction only in cases that meet the requirements of the first exception mentioned above (i.e., the levee protects critical public infrastructure and is ineligible for SCS assistance).

In a small number of cases, levees in the SCS's geographical areas have been retained in the active status of the Corps' PL 84-99 program. These levees will be treated as if they were in the Corps' areas. They will be rebuilt by the Corps if the benefit-cost and environmental compliance tests are met. If the Corps determines that they are not eligible for PL 84-99 assistance, they will not be repaired by any other agency, unless they meet the requirements of the first exception.

THE WHITE HOUSE  
WASHINGTON  
November 16, 1993

MEMORANDUM FOR Mike Espy, Secretary, Department of Agriculture  
Leon Panetta, Director, OMB  
Carol Rasco, Assistant to the President for  
Domestic Policy  
Dr. Ed Dickey, Acting Assisting Secretary of the  
Army for Civil Works

FROM: Kathi Way, Special Assistant to the President

SUBJECT: Federal Levee Policy for the Army Corps of  
Engineers, Soil Conservation Service for Federal  
Emergency Management Agency

In recent weeks there has been some misunderstanding on Capitol Hill and in the midwest concerning the federal policy administered by the Army Corps of Engineers (the Corps), and the Soil Conservation Service (SCS) principal federal agencies responsible for repairing levees. Specifically, questions have been raised regarding (1) the eligibility requirements for levee reconstruction funding, and (2) the respective levee reconstruction jurisdictions for the Corps, and SCS. To clarify the federal levee policy we have prepared the attached policy statement which explains, in one single document, each agency's eligibility requirements and jurisdiction.

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EXECUTIVE OFFICE OF THE PRESIDENT

26-Oct-1993 09:49am

TO:

FROM: Kevin F. Neyland  
Office of Mgmt and Budget, NRSS

SUBJECT: Federal Levee Policy Memo

A draft memo was distributed at yesterday's meeting at FEMA, which has the stated purpose of clarifying Federal policy on repairing levees in the Mid-West. FEMA (James Walk) is drafting the memo with input from the Corps (Bob Stearns) and SCS (Tom Wehri). The draft is a good start, but, in my opinion, needs further clarification.

The need for the "clarification" in the first place is because the SCS was rebuilding levees along the Grand River in Missouri where adjacent levees in the Corps program were not being rebuilt. I have the following concerns:

1) Geographic Demarkation

Originally, the memo was supposed to clarify the geographic demarkation between the two agencies' responsibilities (e.g., Route 36 along the Grand River). As drafted, the memo does not say anything about Route 36, only briefly mentions a 1986 MOU that split responsibilities according at a 400 square mile drainage area, and then says that the demarkation will be adjusted. This is anything but clear.

2) Corps Rebuild Criteria

The memo includes a rationale for the Corps policies which is to bring discipline to the program and to realize the maximum benefits from Federal expenditures. This leads into a discussion that levees must have public sponsorship and be maintained to minimal standards. However, what is missing is a direct statement that, to be rebuilt, the levee must have public sponsorship and pass economic and environmental tests. This should be explicitly stated so that there is no misunderstanding.

3) SCS Rebuild Criteria

The SCS criteria are too soft. The memo implies that all SCS levees will be rebuilt as time and money permit because all that they have is a priority system. The conclusion a reader would reach is that the only thing slowing the SCS down is the lack of appropriations. To be clear, the memo needs to explicitly state

that the SCS would require economic and environmental tests that are similar to the Corps (in addition to the criteria that SCS would not rebuild a levee rejected by the Corps) so that levee rebuilding is not seen as an entitlement.

#### 4) FEMA Rebuild Criteria

The memo describes an exception (i.e., protects public infrastructure) under which FEMA could rebuild a levee. The memo states this as "(i)n this case, FEMA may fund the levee repair." Unfortunately, use of the word "may" does not clearly state what FEMA would do. I would suggest that FEMA should explicitly state what it would base its rebuild decision on using language along the following lines: FEMA would consider making a public assistance grant to repair the levee based on the following considerations, \_\_\_\_\_, \_\_\_\_\_, and \_\_\_\_\_. (Hopefully, economic and environmental considerations would be in the list).

DRAFT

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DRAFT

SUBJECT: Federal Levee Policy

The purpose of this memorandum is to clarify the Federal policy on repairing levees in the Midwest. The Corps of Engineers and Soil Conservation Service (SCS) are the principal Federal agencies responsible for repairing levees, the Corps under its Public Law 84-99 program and the SCS under its Emergency Watershed Protection Program. This memorandum provides background on why the current Corps policies were established, describes the process the two agencies are using to identify levees that are under their respective jurisdictions, addresses eligibility criteria and allowable exceptions for provision of levee rehabilitation funds, and establishes SCS criteria for prioritizing levee rehabilitation funding.

Existing Corps policy resulted in part from an internal Corps review of its practices prior to 1986 in order to bring discipline to the program and to realize the maximum benefits from Federal expenditures. Among the principal findings in the review were (1) a lack of sponsor commitment in fulfilling operations and maintenance requirements subsequent to Federal investments in rehabilitation, (2) recurring rehabilitation at Federal expense of levees not meeting minimal engineering standards, (3) recognition of the difficulties associated with determining, after a flood event, the level and adequacy of levee

maintenance that existed prior to the food, and (4) issues related to State and local government floodplain management prerogatives. As a result of the review in 1986, the Corps proposed rules to overcome identified shortcomings in the program. The rules clearly established the Corps intent to develop a program that ensured levees accepted into the active inventory met minimal standards. The public sponsorship requirement addressed the need for a financially viable public sponsor so as to ensure proper stewardship of the Federal investment and proper consideration of State and local floodplain management prerogatives. Based on numerous comments received during the comment period for the proposed rules, the Corps allowed a two-year grace period from the implementation date of the new rules for levees to obtain public sponsorship. This grace period ended July 15, 1988.

In 1986, the Corps and SCS signed a memorandum of understanding (MOU) which outlined how the two agencies would delineate responsibility for repair of levees. The agencies agreed that the Corps would be responsible for repairing levees with contributing drainage areas of 400 square miles or greater. The SCS would handle levees with drainage areas of less than 400 square miles. To ensure proper implementation of this part of the MOU, appropriate Corps and SCS officials in each State are identifying the geographic areas of Corps and SCS responsibility. The 400 square-mile criterion will be used as a guide, but will

be adjusted where it is prudent to do so. Should the local Corps and SCS officials not agree on a delineation, the case will be forwarded to Agency Headquarters officials for resolution.

Corps policy, as established in 1986, requires that levee sponsors be active participants in the Corps program at the time of a disaster event in order to be eligible for assistance to repair the levees. An active status means that the Corps has inspected the levee and has accepted the levee into its program, or, that the levee sponsor has requested an inspection prior to occurrence of the disaster event. The SCS will not fund the repair of any levee that would be eligible to participate in the Corps program, but which is not in an active status in the Corps program.

In 1986, the Corps informed levee sponsors of its PL 84-99 program eligibility requirements and invited them to apply for participation in the program. Many levee sponsors responded to the Corps invitation and were accepted into the PL 84-99 program based on field inspections conducted by Corps personnel. Many other sponsors did not respond. As a result of the Midwest Flood of 1993, many sponsors in this latter group have asked the Corps to repair their levees. The Corps has determined that these levees are not eligible for Corps assistance. Further, they are ineligible for other Federal funding in accordance with current FEMA, Corps, and SCS policy, with two exceptions.

- The first exception to current policy is when the levee protects critical public infrastructure, e.g., roads, water or wastewater treatment plants, etc., that are at risk behind ineligible levees. In this case, FEMA may fund the levee repair.

- The second exception applies when the levee was constructed after 1986, the Corps has no record of official notification to the levee sponsor of the Corps eligibility requirements, the levee sponsor can demonstrate that the levee has been properly maintained, and the levee sponsor meets all other Corps eligibility requirements. In this case, the levee would be eligible for Corps assistance.

Funds available to repair levees are not sufficient to repair all levees that are eligible for SCS assistance. Therefore, the SCS will use the following criteria to prioritize levees they will repair: (1) type of property protected by the levee, (2) past performance of sponsors, (3) past record of operations and maintenance, (4) environmental impact, and (5) local rules and regulations. FEMA may fund levees within SCS's geographic area of jurisdiction only in cases in which SCS funding is not available and the levee meets the requirements of the first exception (i.e., the levee protects critical public infrastructure, etc.).

**SUBJECT: Memorandum for General Distribution Restatement of  
Federal Levee Policy**

The Purpose of this memorandum is to clarify the Federal policy on repairing levees in the Midwest. The Corps of Engineers and the Soil Conservation Services (SC) are the principal Federal agencies responsible for repairing levees, the Corps under its Public Law 84-99 program and the SCS under its Emergency Watershed Protection (EWP) program. This memorandum provides background on why the current Corps policies were established, describes the process the two agencies are using to identify levees that are under their respective jurisdiction, addresses eligibility criteria and allowable exceptions for provision of levee rehabilitation funds, and establishes SCS criteria for prioritizing levee rehabilitation funding.

Existing Corps policy resulted in part from an internal Corps review of its practices prior to 1986 in order to bring discipline to the program and to realize the maximum benefits from Federal expenditures. Among the principal findings in the review were (1) a lack of sponsor commitment in fulfilling operations and maintenance requirements subsequent to Federal investments in rehabilitation, (2) recurring rehabilitation at Federal expense of levees not meeting minimal engineering standards, (3) recognition of the difficulties associated with determining, after a flood event, the level and adequacy of levee maintenance that existed prior to the flood, and (4) issues related to state and local government floodplain management prerogatives. As a result of the review in 1986, the Corps proposed rules to overcome identified shortcomings in the program. The rules clearly established the Corps' intent to develop a program that ensured levees accepted into the active inventory met minimal standards. A public sponsored requirement addressed the need for a financially viable public sponsor so as to ensure proper stewardship of the Federal investment and proper consideration of state and local floodplain management prerogatives. Based on numerous comments received during the comment period for the proposed rules, the Corps allowed a two-year grace period from the implementation date of the new rules for levees to obtain public sponsorship. This grace period ended July 15, 1988.

In 1996, the Corps and the SCS signed a Memorandum of Agreement (MOA) which outlined how the two agencies would delineate responsibility for repair of levees. The agencies agreed as a general principle that the Corps would be responsible for repairing levees with contributing drainage areas of 400 square miles or greater. The SCS would handle levees with drainage areas of less than 400 square miles. To ensure proper implementation of this part of the MOA, appropriate Corps and SCS officials in each state are identifying the geographic delineation of Corps and SCS areas of responsibility. The 400

square-mile criterion will be used as a guide, but will be adjusted where it is prudent to do so. Should the local Corps and SCS officials not agree on a delineation, the case will be forwarded to agency headquarters officials for resolution. In a few cases, this delineation will result in levees classified by the Corps as "active" in its P.L. 84-99 program being located in an area of SCS responsibility.

#### Levee Repair Policy in Corps of Engineers Geographic Areas.

Corps policy, as established in 1986, requires that levee sponsors be active participants in the Corps program at the time of a disaster event in order to be considered for eligibility for assistance to repair the levees. An active status means that the Corps has inspected the levee and has accepted the levee into its program, or, that the levee sponsor has requested an inspection prior to occurrence of the disaster event. Active status does not guarantee repair -- the Corps also requires that the benefits from the repair will exceed the costs and that repairs can be undertaken in full compliance with environmental laws. In addition, locally constructed levees must be cost-shared with a 20 percent non-federal share. The SCS will not fund the repair of any levee within the geographic areas under Corps jurisdiction.

In 1986, the Corps informed levee sponsors of its PL 84-99 program eligibility requirements and invited them to apply for participation in the program. Many sponsors responded <sup>to</sup> the Corps' invitation and levees were placed in the active status based on field inspections conducted by Corps personnel. Many other sponsors did not respond. As a result of the Midwest Flood of 1993, many sponsors in this latter group have asked the Corps to repair their levees. These levees are not eligible for Corps assistance and they are ineligible for other Federal funding in accordance with current FEMA, Corps, and SCS policy.

#### Levee Repair Policy in Soil Conservation Service Geographic Areas.

Levees will be eligible for SCS's EWP when there is a potential for loss of life or property without the repairs; the benefits associated with repairing the levee exceed the cost of levee repairs and other levee-dependent cost -- cropland restoration, facilities repairs, and structure repairs -- that should occur only if the levee is rebuilt; and, the levee owner agrees to meet SCS's eligibility for the EWP does not guarantee that the repairs will be funded.

Funds available to repair levees are not sufficient to repair all levees that are eligible for SCS assistance. Therefore, the SCS will use the following criteria to prioritize levees they will repair; (1) type of property protected by the levee, (2) past performance of sponsors, (3) past record of operations and maintenance, (4) environmental impact, and (5) local rules and

regulations. FEMA may fund levees within SCS's geographic area of jurisdiction only in cases that meet the requirements of the first exception mentioned above (i.e., the levee protects critical public infrastructure and is ineligible for SCS assistance).

In a small number of cases, levees in the SCS's geographical areas have been retained in the active status of the Corps' PL 84-99 program. These levees will be treated as if they were in the Corps' areas. They will be rebuilt by the Corps if the benefit-cost and environmental compliance tests are met. If the Corps determines that they are not eligible for PL 84-99 assistance, they will not be repaired by any other agency, unless they meet the requirements of the first exception.

The White House  
Washington

**FAX COVER SHEET**

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*Special Assistant to the President*

*Cookie Walden*  
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TO:           ~~Katie McGinty~~ Will Stelle          

FAX No.           2710          

FROM:           ~~Kathi Way~~ Brian Burke          

DATE:           October <sup>28</sup> 28, 1993          

NUMBER OF PAGES (Including cover sheet)           8          

COMMENTS:

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FAX No. 703-697-3366

FROM: Kathi Way

DATE: October 26, 1993

NUMBER OF PAGES (Including cover sheet) 8

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TO: Mike Espy, Secretary, Department of Agriculture

FAX No. 720-5437

FROM: Kathi Way

DATE: October 26, 1993

NUMBER OF PAGES (Including cover sheet) 2

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TO: Leon Panetta, Director, OMB

FAX No. 1005

FROM: Kathi Way

DATE: October 26, 1993

NUMBER OF PAGES (Including cover sheet) 8

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TO: James Lee Witt, Director, FEMA

FAX No. 646 - 3930

FROM: Kathi Way

DATE: October 26, 1993

NUMBER OF PAGES (Including cover sheet) 8

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FROM: Kathi Way

DATE: October 26, 1993

NUMBER OF PAGES (Including cover sheet) 8

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DATE: October 26, 1993

NUMBER OF PAGES (Including cover sheet) 8

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TO: T. J. Glauthier

FAX No. # 4639

FROM: Kathi Way

DATE: October 26, 1993

NUMBER OF PAGES (Including cover sheet) 8

COMMENTS:



# Federal Emergency Management Agency

Washington, D.C. 20472

FACSIMILE REPORT FROM FAX (202) 646-3304

*KATHI WATZ  
Bryan BURKE*

TO: *Cling Montante*

DATE: *10/22*

AGENCY/DIVISION: \_\_\_\_\_

FAX NUMBER: \_\_\_\_\_

NO. OF PAGES *7 incl cover*

\*\*\*\*\*

FROM: *JAMES A. WATKE 646-2751*

AGENCY/DIVISION: *PA*

COMMENTS: *Draft LEVEE Policy*

\_\_\_\_\_  
\_\_\_\_\_

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TO: *Bob Stearns*

FAX No. *504-4389*

FROM: *Cookie Walden*

DATE: *10-27-93*

NUMBER OF PAGES (Including cover sheet) *8*

COMMENTS:

## Pat Danner's

### 1<sup>ST</sup> Changes -

- Before '86 you could get repairs for anything - didn't work well.
- after '86 - public hearings, public campaign to provide information - if you want to be active levy. You need public sponsorship and you had to maintain levees to CORP standards.

∴ Some levees were dropped from program.

AT THAT TIME THERE WERE A number of levees that didn't have public sponsor. They were given 2 years to get sponsor.

- In 1989 - Corp management sent another guidance informing people of new regs.
- Then when flood occurred there was a deadline for application for Relief from this event

T. J. Gauthier

# Withdrawal/Redaction Marker

## Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. note	The White House [partial] (1 page)	nd	P6/b(6)

### COLLECTION:

Clinton Presidential Records  
Domestic Policy Council  
Brian Burke  
OA/Box Number: 4430

### FOLDER TITLE:

Federal Levee Policy

2013-1074-S  
sb40

### RESTRICTION CODES

#### Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

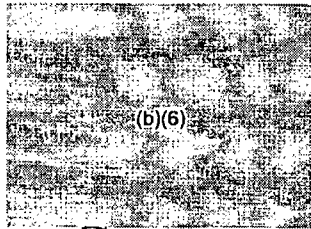
PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

#### Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

THE WHITE HOUSE  
WASHINGTON



*Frank Young*

A rectangular area of the document is redacted with a heavy black stippled pattern. The text "(b)(6)" is printed in the center of this redacted area.

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OFFICE OF THE  
ASSISTANT SECRETARY OF THE ARMY  
(CIVIL WORKS)  
Room 7126, Pulaski Bldg.  
20 Massachusetts Ave., N.W.  
Washington, D. C. 20314-1000

FAX TO: Kathryn Way                      DATE: October 13, 1993  
OFFICE: Domestic Policy Council              Phone: (202) 456-2334  
Fax: -7028

SUBJECT: Levee Rehabilitation

Pages to follow: 3

FROM: DR. ROBERT N. STEARNS  
DEPUTY ASSISTANT SECRETARY  
PROJECT MANAGEMENT

Phone: (202) 272-0126      Fax: (202) 504-4389

COMMENTS: Draft letter to Senator Bond --  
for your review and comments.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Dear Senator Bond,

Thank you for your letter of October 8, 1993 concerning policies of the Army Corps Engineers regarding assistance for rehabilitation of levees. This Administration fully supports quick and effective responses to the needs of the midwestern citizens whose lives have been so deeply affected by the flooding events of the past summer.

In the case of the Corps of Engineers program, there has been a serious misunderstanding of Corps policies and how they apply in this case. Since 1986, the Corps has required local sponsorship and a record of adequate maintenance before a flood event for any levee to be considered eligible for assistance under the Corps emergency authority (Public Law 84-99). This policy was communicated to the local citizens in every way possible-- through the formal process of public hearings and publication in the Federal Register, through notices in local newspapers, and through direct communication with levee districts and other owners.

In their response to numerous questions, some Corps employees did not correctly convey this policy during public meetings held after this summer's flood. Unfortunately, the impression was given that applications for assistance might be favorably reviewed even for levees that had not previously qualified for participation in the program. Clarifying letters to Corps Division and District offices from headquarters were intended to prevent any further misunderstanding, they did not change any of the existing policies.

The policy is designed to provide positive incentives to levee owners to assure that levees are adequately maintained and, through the levee districts, that they serve a commonality of interests. These requirements promote the development of a sound system of flood control structures. While they may appear to be unfair to those who do not qualify, especially after a particularly severe event, the qualification criteria are not significantly difficult to meet.

If we relax the qualification criteria for this flood, we will destroy the incentives to fully maintain the levees, thereby creating a greater potential for damage in the future-- leading to greater dangers for citizens in the flooding areas as well as higher probable Federal expenditures in future years.

**CHRISTOPHER S. BOND**

MISSOURI

COMMITTEE

APPROPRIATIONS  
BANKING, HOUSING AND  
URBAN AFFAIRS  
SMALL BUSINESS  
BUDGET**United States Senate**

WASHINGTON, DC 20510-2503

October 8, 1993

The President  
The White House  
Washington, D.C. 20500

Dear Mr. President:

We are writing to express our concern with and opposition to a recent reversal of policy by the Corps of Engineers regarding assistance for rehabilitation of levees. The new policy will prevent many levee districts from rebuilding high quality, high standard levees and we ask you to reverse the decision of the Corps.

Several weeks ago, the Corps informed levee districts that levees which met the Corps requirements could participate in the federal levee program and would be eligible for rehabilitation assistance. In fact, some levee districts had obtained damage and cost estimates from the Corps and were prepared to begin rehabilitation construction within days. However, last week the Corps reversed the policy under a directive from the Washington office. Under this directive, only levees enrolled in the program before the flood are eligible for assistance.

We support the federal program which requires that levees meet high standards and ensure strong flood protection. Levee districts which want to meet the higher standards should be allowed to participate in the Corps levee program, regardless of their standing before the flooding.


Unfortunately, the recent policy will prevent many levee districts from entering the program and will prevent the rebuilding of a high standard levee system. Rather, levees who are not eligible for assistance will be forced to construct levees which do not meet federal standards. A haphazard approach to flood protection will be the result.

The President  
October 8, 1993  
Page 2

Until this 500-year flood, the levees along the rivers repeatedly protected families, homes and communities from devastation. As the nation saw, it is impossible to stop a 500-year flood. However, we should continue to improve on our flood protection system so that flooding is prevented in years without record-high rainfall. To prevent levee districts from receiving Corps assistance will not allow for the construction of a high quality levee system.

For the future of families, the children and communities along rivers, we urge you to allow all interested levee districts into the Corps program.

Sincerely,



Christopher S. Bond



John C. Danforth



Pat Danner



Bill Emerson



Harold L. Volkmer



Ike Skelton



Alan Wheat