

New Haven Missouri River levee issue

- The levee was constructed in 1954-55 by the United States Army Corps of Engineers through an agreement with the City of New Haven. The City maintains the levee under the direction of USACE. The controlling authority is Public Law 84-99.
- The New Haven levee was one of the very few that held against the Flood of 1993. Two years later the levee again held against the highest river level ever recorded in New Haven. **The levee has never been breached!**
- Section 65.10 of the NFIP regulations requires levees meet certain standards to gain accreditation and thus to ensure protection against flooding. Surely many levees are in poor repair and do need improvement. The New Haven Levee however has had an excellent maintenance record with USACE and has demonstrated its effectiveness against the two worst floods in Missouri River history. **Meeting the standards of 65.10 thus is an unnecessary and burdensome mandate for this levee and our community.**
- Public Law 84-99 provides USACE funding for repair of levees damaged during floods. If in fact our levee had been damaged in the past funding likely would have been available to repair it and, if necessary, improve it. However when improvements are mandated now, the Corps apparently has no funding authority and recognizes no responsibility for it.
- FEMA's own Hazard Mitigation Program provides funding for levee improvements to protect against flooding. However, the New Haven Levee is not eligible because it is a federal (USACE) unit. The FEMA programs also provide funding for buyouts; however the cost of a buyout in our instance would likely be double or even triple the cost of improving the levee. The controlling federal programs while possibly well-intentioned simply do not make sense when applied to our unique circumstance.
- **Our circumstance is in fact unique.** FEMA has granted the levee "Provisionally Accredited" status under an agreement executed by the City in 2009. Only 12 levees in Missouri have this status and none to our knowledge is under a mandate to make improvements such as ours.
- The cost of improvements is estimated at up to \$1 million. A half-cent sales tax generates roughly \$90,000 per year in the City, which is approximately the amount required to fund a \$1 million debt issue over 20 years. The total assessed valuation of taxable properties (2010) protected by the levee is approximately \$388,000. The total valuation of City-owned properties behind the levee is estimated at roughly half the taxable figure. While the voters would decide any tax issue, it is difficult to justify an expenditure of that magnitude to improve a levee that has never been breached or seriously damaged!
- The same argument can be made if the cost of improvements would fall to property owners in the protected area behind the levee. The cost would be a special assessment or tax that would afford only marginally improved levee protection, at a cost at literally ten times that of the typical City property tax bill for that property. The City as a major property owner in the protected area would have to ask voters to fund its share of the assessment, which again would be an expense that would be difficult to justify.
- **The City's Historic Downtown area meanwhile is a treasure that has largely been preserved.** An historic Missouri River community, a large section of downtown has been

listed on the National Register of Historic Places. Significant public and private investment in recent years has made our downtown one of the best-kept and best-preserved historic areas in Missouri. The area remains a center of commerce and is maturing as a top Missouri wine-country destination.

- The public investment in downtown in recent years has been huge: A federal grant paid for a pedestrian walkway and decorative lighting atop the levee in 2000. This is perhaps downtown's greatest public amenity and its character is seriously threatened by the federal levee mandate. Other investments include: a state grant to fund wastewater treatment facility improvements; a federal grant to pay for wastewater collection system improvements; the Missouri River boat ramp and public access; the John Colter Memorial funded by a National Park Service grant; the City Hall façade renovation project; and two federal transportation grants to improve both routes into downtown New Haven.
- **DREAM. One result of all this investment has been the 2009 designation of New Haven as a Missouri DREAM community.** This is perhaps the most significant public investment yet and recognizes New Haven's great historic value to the region and state, as well as its potential for further development as a destination for the local community and visitors alike.
- **Funding opportunities.** The Missouri Department of Economic Development working in conjunction with local and state DREAM initiative partners have identified up to \$400,000 in funding that may be available through the Community Development Block Grant program. This funding would need to be matched with other funding sources. CDBG is one federal program that can be matched by other federal dollars. USACE and FEMA meanwhile both have large pots of money dedicated for levees and flood mitigation that perhaps could be authorized if an exception or waiver could be made for New Haven's situation.

Summary

- New Haven for more than 50 years has successfully partnered with the Corps of Engineers on maintenance of our Missouri River levee. Thanks to the levee and to the efforts of countless volunteers in 1993 and again in 1995, our levee held against the worst Missouri River floods on record. We clearly have an excellent levee! Today historic downtown New Haven is a special place that has been awarded numerous grants and special designations and has attracted huge public and private investment.
- **The federally imposed levee accreditation mandate however threatens to change the character of downtown New Haven forever.** The cost to the local community is extreme and would take resources from much needed street, utility and buildings and facilities projects. For example, the City currently is planning for a much needed expansion to the police station facility. About one-third of that project budget is currently in place, but that money is now in jeopardy of being diverted to the levee project.
- Ultimately any tax increase has to be submitted to the voters, and if the voters do not approve funding, the restrictions on development together with financing and insurance implications from a decertified levee would effectively kill downtown.

The City of New Haven greatly appreciates your leadership and attention to this issue. Please feel free to contact Steve Roth, City Administrator, at 573-237-2349 or by email at steve.roth@newhavenmo.org, if you have any questions at all.

The people of New Haven THANK YOU for your consideration!