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July 16, 2012

Speaker John A. Boehner  
H-232  
U.S. Capitol  
Washington, DC 20515

Minority Leader Nancy Pelosi  
H-204  
U.S. Capitol  
Washington, DC 20515

Dear Speaker Boehner and Minority Leader Pelosi:

It has come to our attention that S. 2039, "A bill to allow a State or local government to construct levees on certain properties otherwise designated as open space lands" is due to be brought up on the House floor tomorrow to be considered Under Suspension of the Rules.

We ask that you oppose this bill as it would set a bad federal policy precedent on a number of fronts. The bill would allow expenditure of federal funds to build a levee on lands where federal funds have been previously expended under the Hazard Mitigation Grant Program (HMGP). Funds under the HMGP have been used to buyout and remove properties that were subjected to high flood risk. The land is then returned to its natural state and acts more effectively to mitigate future floods. The land is permanently deed restricted to ensure that no future development can be built and subjected to flood risk and diminish the floodplain function of absorbing and dispersing flood waters.

If a levee was allowed to be built, federal taxpayers would be unnecessarily paying twice to reduce flood risk. In addition, a levee does not guarantee protection from future flood risk, especially if the flooding event is greater than a 100 year flood (which are occurring at greater frequency due to an increase in extreme precipitation events). In addition, any development occurring in the area would remain at risk to future flooding events.

While we understand that this legislation addresses a specific location, we are concerned about the precedent that this bill would establish for all other areas in the nation where buyouts have occurred under the HMGP program. Such buyouts typically have taken place in areas of repetitive loss under the National Flood Insurance program and thus represent high flood hazard areas. Voluntary buyout and removal of properties is the best way to ensure the future safety of residents and minimize federal expenditures from future flood damage. Allowing levees or other barriers such as sea walls to be built would be extremely costly, undermine the integrity of the natural flood protection provided by existing open space, and provide a false sense of security to the property owners behind such structures.

Thank you for your attention to this matter and again we ask that you oppose this bill.

Sincerely,

Robert Bendick  
Director, U.S. Government Relations