DEPARTMENT OF THE ARMY
OFFICE OF THE ASSISTANT SECRETARY
CIVIL WORKS
108 ARMY PENTAGON
WASHINGTON DC 20310-0108

SEP 16 2008

MEMORANDUM FOR DIRECTOR OF CIVIL WORKS

SUBJECT: Implementation of Section 9003, Committee on Levee Safety, of the Water Resources Development Act of 2007

1. The purpose of this memorandum is to provide implementation guidance for Section 9003, titled Committee on Levee Safety, of the Water Resources Development Act (WRDA) of 2007.

2. Section 9003 provides authority to establish a sixteen member "Committee on Levee Safety," with the Chairperson named as the Secretary of the Army. The Committee on Levee Safety (Committee) is to develop recommendations for a national levee safety program, including a strategic implementation plan. Recommendations shall address the nine program goals named in Section 9003. The final report shall be submitted to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate not later than 15 January 2009.

3. I have delegated the Chairmanship of the Committee to the U.S. Army Corps of Engineers (USACE) Director of Civil Works, currently Mr. Steven L. Stockton. Remaining membership include the Administrator of the Federal Emergency Management Agency (FEMA) or the Administrator's designee; eight State representatives, one from each USACE division's area of responsibility; two private sector representatives; two local or regional representatives; and two Indian tribe representatives. Recommended Committee members shall be solicited and selected based on criteria established by the Committee Chairperson. I will review these recommendations and appoint the final Committee members.

4. Concomitant with this implementation guidance, I approve the attached charter thereby establishing the Committee on Levee Safety.

John Paul Woodley, Jr.

Encl

John Paul Woodley, Jr.
Assistant Secretary of the Army
(Civil Works)

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COMMITTEE ON LEVEE SAFETY

CHARTER

Purpose:

To develop recommendations for a national levee safety program, including a strategic plan for implementation of the program, within 180 days from the date of the initial appropriations for the Committee on Levee Safety (Committee) meeting. Since the technical correction to Title IX, the National Levee Safety Act of 2007 (Act), dated 15 July 2008 permits use of existing appropriations where available, the submission date to Congress is 15 January 2008. Recommendations shall address the nine program goals named in Section 9003 of the Water Resources Development Act (WRDA) of 2007.

Convening Authority:

The Committee is convened under the authority of Section 9003 of WRDA 2007.

Section 9003 Goals:

1. Ensuring the protection of human life and property by levees through the development of technologically, economically, socially, and environmentally feasible programs and procedures for hazard reduction and mitigation relating to levees.

2. Encouraging use of the best available engineering policies and procedures for levee site investigation, design, construction, operation and maintenance, and emergency preparedness.

3. Encouraging the establishment and implementation of an effective national levee safety program that may be delegated to qualified States for implementation, including identification of incentives and disincentives for State levee safety programs.

4. Ensuring that levees are operated and maintained in accordance with appropriate and protective standards by conducting an inventory and inspection of levees.

5. Developing and supporting public education and awareness projects to increase public acceptance and support of State and national levee safety programs.

6. Building public awareness of the residual risks associated with living in levee protected areas.

7. Developing technical assistance materials for State and national levee safety programs.

8. Developing methods to provide technical assistance relating to levee safety to non-Federal entities.

9. Developing technical assistance materials, seminars, and guidelines relating to the physical integrity of levees in the United States.

Definitions:

1. Levee: The term "levee" is defined as "an embankment, including floodwalls" in which,

   - the primary purpose is to provide hurricane, storm, or flood damage reduction relating to seasonal high water, storm surges, precipitation, and other weather events;
   - normally is subject to water loading for only a few days or weeks during a year; and,
   - does not constitute a barrier across a watercourse, such as a dam.

2. Regulatory Authority over Levee Safety: The regulatory authority refers to the ability to promulgate and enforce regulations for the,

   - design and construction of levees or;
   - inspection of levees or;
   - operation and maintenance of levees or;
   - emergency response associated with levees or;
   - management/analysis of the risk and consequences associated with levees or;
   - repair and rehabilitation of levees or;
   - planning and policy development for flood damage reduction projects.

3. Expertise in Levee Safety: Demonstrates experience in the,

   - design and construction of levees or;
   - inspection of levees or;
   - operation and maintenance of levees or;
   - emergency response associated with levees or;
   - management/analysis of the risk and consequences associated with levees or;
   - repair and rehabilitation of levees or;
   - planning and policy development for flood damage reduction projects.

4. State Representative:

- Employee of a State agency with regulatory authority over the safety of any non-Federal levee in the State.
- Has experience with and responsibility for levee safety public policy development.
- Has expertise in levee safety as described in this Charter.

5. Private Sector Representative: Defined as a person who is not an employee of a Federal, State, local, regional government or Indian tribe, with experience in levee safety.

6. Local or Regional Government Representative: Local or regional government is defined as any local or regional entity that can collect taxes or assessments. This could be a city, county, reclamation district, water district, levee district, etc. that has responsibility for levees.

   - Employee of a local or regional agency, which can collect taxes or assessments, such as, a city, county, reclamation district, water district, or levee district.
   - Has expertise in levee safety as described in this Charter.

7. Indian Tribe Representative:

   - Member or employee of an Indian tribe.
   - Has expertise in levee safety as described in this Charter.

Committee Implementation Groups:

Implementation of Committee work will involve the following groups,

1. Committee Voting Membership is to be to be comprised of the 16 Committee members specified in Section 9003 and appointed by ASA(CW):

   - Chairperson: Secretary of the Army or the Secretary's designee (pursuant to 10 USC 3016(b)(3), the Assistant Secretary of the Army for Civil Works (ASA(CW)) shall act for the Secretary of the Army for the purposes of Section 9003)
   - FEMA Representative: Administrator of FEMA or the Administrator's designee
   - Eight State Representatives (one from each USACE Division's Area of Responsibility)
   - Two Private Sector Representatives
   - Two Local/Regional Representatives
   - Two Indian Tribe Representatives

2. Committee Nonvoting Membership to be comprised of subject matter experts selected by the Chairperson.

3. USACE Support Team to be provided by USACE and will be comprised of a project manager, a facilitator, administrative assistants, and other staff deemed necessary by the Chairperson.

4. Review Team to be comprised of members selected from nominees not selected to be a voting or nonvoting member and other organizations. Final review team members shall be selected by the Chairperson.

Roles and Responsibilities:

1. Chairperson: Presides over the Committee and ensures purpose and goals of the Committee are accomplished. Has the ability to appoint a vice chair of his/her choosing to assume the duties of Chairperson in his/her absence.

2. Voting Member: Attend and participate in all Committee meetings. Is responsible for representing the interests and concerns of the organizations or institutions they represent. If a voting member cannot attend a Committee meeting, that member may send an alternate member in their place; however, the alternate member cannot vote. Voting members and alternates are free to abstain from a determination of consensus for whatever reasons and shall adhere to the Committee's charter and operating procedures.

3. Nonvoting Member: Attend and participate in all Committee meetings as subject matter experts. Provide input into Committee and/or work group products. May not send an alternate member in their place during Committee meetings. Nonvoting members shall adhere to the Committee's charter and operating procedures.

4. Review Team Member: Review and provide comments on Committee products when requested and within the timeframe established by the Chairperson.

5. Project Manager: Member of USACE Support Team to serve as lead project manager for the Committee. Responsible for coordinating all activities related to accomplishing the final strategic implementation plan, such as serving as USACE point-of-contact for Committee members, coordinating with others (internal and external to USACE) as needed to support Committee work, managing the facilitation contract, creating communication process to include central location of strategic plan documents, coordinating the review team, attending all Committee meetings, managing project funding and participating in the formulation of the final strategic plan.

6. Facilitator: Member of USACE Support Team to provide meeting planning, facilitation, and note taking services to ensure productive and useful meetings, which successfully engage Committee members and other attendees to accomplish meeting objectives. In addition, provide technical writing services to capture work completed by the Committee in the format of a quality document

presenting the final recommended strategic plan for a national levee safety program.

7. Administrative Support: Member of USACE Support Team to provide administrative support associated with the Committee, which may include processing travel reimbursement, coordinating logistics, and other duties.

Operating Procedures and Guidelines

1. Procedures: The Committee will develop a set of operating procedures and guidelines to set forth in detail how it shall conduct meetings and accomplish the requirements of this charter. These procedures shall also include a communication plan, both internal and external to the Committee.

2. Initial Meeting: The first Committee meeting will be convened in October 2008.

3. Work Groups and Subcommittees: The Committee may create special work groups or subcommittees as necessary to accomplish its purpose. These may include voting and nonvoting members.

4. Meeting Guests: Additional subject matter experts may be invited to attend certain Committee meetings. All guests shall be approved prior to the meeting by the Chairperson.

5. Decision-making: To all extent possible, the Committee's goal is to reach consensus on all substantive issues. Final recommendations of the Committee may be arrived at through consensus among Committee voting members present at a meeting. In cases in which consensus cannot be reached, the Chairperson retains the right to render the recommendations of the Committee at any time. The Chairperson may, at his/her discretion, choose to take a vote from the voting members to inform his/her decision.

6. Charter Amendment: The Committee may propose amendments to the Charter for approval by the ASA(CW).

7. Funding: Voting and nonvoting members will be reimbursed for travel and per diem expenses at rates authorized for an employee of a Federal agency under subchapter I of chapter 57 of title 5, United States Code to accomplish Committee work. USACE will provide resources for the USACE Support Team. The Chairperson can at any time decide to reimburse travel expenses of other participants based on the availability of funds.

8. Term of Appointment: Voting and nonvoting members shall serve an appointment not to exceed two years beginning 1 October 2008. If a voting member notifies the Chairperson he or she is no longer able to serve, the Chairperson may make a recommendation for a replacement in-kind to the

ASA(CW) for approval. If a nonvoting member notifies the Chairperson he or she is no longer able to serve, the Chairperson may replace the nonvoting member.