

LEEVE ACCREDITATION PROCESS BRIEFINGS

1. Accreditation Definition

- Accreditation of the levee system affects FEMA flood-mapping. Without accreditation, the area behind the levee is considered a “significant flood hazard” area, which will severely inhibit development in the area.
- Documentation is required by FEMA (“Certification by Engineer”) that the levee is protective of 100-year flood.
- Corps of Engineers is not providing that Certification, so the district is contracting with a private engineering firm with successful experience in certifying levee systems, Cornforth Consultants.
- Certification is of *actual* (in place and operating – not planned or under construction) infrastructure system

2. Accreditation Process

- Current lack of certification in Pen 1 and Pen 2 does not automatically bring de-accreditation. De-accreditation is an affirmative action by FEMA, most often tied to re-mapping of the area.
- Clock hasn’t started yet, but FEMA could initiate at any time (unlikely in next year)
- Officially, 90-days to submit required documentation, including certification of levee
- Unofficially, up to 5 years before significant consequences, i.e. de-accreditation of levee by FEMA and re-mapping of area to show significant flood hazard.
- The 5-year timeline could begin at any time, but FEMA has indicated it would be unlikely in the next year. Events that might trigger a re-mapping effort by FEMA would be:
 - Reaction to lack of certification, and no effort in place to re-certify
 - Landowner requests a map revision (because of error or dispute)
 - Flooding in the Columbia River Basin, or an area in another part of the country but similar to Portland (i.e. large urban area on a river)
- The accreditation process, while most often initiated through a FEMA re-mapping effort, *can* be started by the City, and documentation (including certification) submitted prior to FEMA requesting documentation.

3. Certification Process

- Initial Engineering Review
 - What needs to be done to bring levee up to 100-year flood performance standard
 - Cost of necessary changes
 - Generally 1 year

- Securing funds and permits to do necessary work
 - Best scenario - 3-4 years
 - Intermediate scenario - 7-10 years
- Complete construction, on-the-ground changes
 - Best scenario - 2-4 years
 - Intermediate scenario - 3-5 years
- Final Engineer's certification - 1 year
- **Total Certification Timeline - 6-16 years**

4. Governance Issues

- We've entered "new territory" in Post-Katrina world, not just for Pen 1 and Pen 2, but nationally. Many districts and jurisdictions nationally are struggling with the same issues, including governance questions.
- Pen 1 and Pen 2 were set up under Oregon law to be responsible for levee maintenance and system operation. However, their regulatory authority to deal with encroachments on the levee (a land-use issue) is quite limited. The majority of that authority lies with the City of Portland.
- Besides issues of actual legal authority and responsibility, the scale of the likely actions may well exceed the capacity of the individual drainage districts. One example is the funding of the engineering analysis itself, and we are developing a multi-jurisdictional agreement for how to ensure completion of the engineering work.
- Attorneys for the drainage districts and for the Cities along the Columbia in Multnomah County have begun meeting to review the legal responsibilities. However, because there appear to be multiple authorities involved, the likely next step is some sort of Intergovernmental Agreement that lays out how the various jurisdictions will work together on this issue. (i.e. who will take the lead in what activities)