

The Kaskaskian

Kaskaskia Group, Illinois Chapter, Sierra Club

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Proposed law puts state at risk for future floods

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On Aug. 28, Gov. Pat Quinn issued an Amendatory Veto (AV) of SB 1909, the STAR Bonds Financing Act that would subsidize private developers to develop in the 100-year floodplain by diverting sales tax from the state to STAR bonds projects. The Illinois Department of Revenue said STAR bond districts could cost the state \$15 million per project per year.

Floodplain professionals and experts, scientists, taxpayer and environmental groups as well as thousands of citizens contacted the governor opposing the bill and asked for a veto. (See excerpts from floodplain professional organizations and a link to an open letter from Illinois scientists on Page 3.)

In his letter to the Illinois Legislature explaining his action, the governor stated that the bill “represents a significant financial risk to the state, especially during this economic crisis, when the state has been forced to cut critical services and operations,” and cut in half the amount of sales tax such projects would divert from the state and only for 50 percent of the total project costs.

Unfortunately, Quinn made no changes to the bill’s central requirement that the project be at least 600 acres and located in the 100-year floodplain. He stated that the environmental impact of this initiative remains unresolved and he hoped to address outstanding issues during the fall veto session.

The Legislature will be meeting for the veto session Oct. 14-16 and Oct. 28-30. At that time, the Legislature could vote to support the amendatory veto, meaning that the projects could go forward with half funding,

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URGENT ACTION NEEDED NOW!

Please contact your state legislators and ask them not to support the STAR Bonds

Financing Act. Find your legislators here:

<http://www.elections.il.gov/DistrictLocator/SelectSearchType.aspx?NavLink=1>

Protect people, not developers

Our elected officials are calling it “an economic disaster” — the fact that the U.S. Army Corps of Engineers cannot certify that the levees in the Southwestern Illinois floodplain of the Mississippi River provide protection from a 100-year flood, and that FEMA, the Federal Emergency Management Agency, has revised the 1982 Flood Insurance Rate Maps (FIRMS) based on newer technology and data showing the lack of protection.

When the new maps go into effect, people living in the floodplain with a mortgage from a federally regulated or insured lender will be required to carry flood insurance. Buying flood insurance before the maps go into effect will be considered Preferred Risk policyholders and lower rates will be “grandfathered” in and thus be cheaper for property owners. (See FEMA facts here: <http://www.fema.gov/business/nfip/index.shtm>. Know the risks. Know what to do.)

Under the revised FEMA maps, new development will be strictly regulated and required to be raised out of the floodplain.

The Metro East levees are structurally unsound and have a number of problems, most notably underseepage. Sand boils have been present for years in various spots along the levees, putting at risk the thousands of people who live in the floodplain, as well as business and industries located there.

Rep. Jerry Costello has introduced a bill in Congress, HR 3415, to suspend flood insurance map updates in geographic areas in which levees are being repaired. Our elected officials are requesting that all municipalities pass resolutions supporting the Costello bill. Citizens are not being told about how buying flood insurance now could save them hundreds of dollars in flood insurance rates and provide much-needed protection.

The Metro East levees may not be repaired, according to the Corps of Engineers, for many years. Federal funding which will provide 65 percent of the cost of the levee repairs (which could run upwards of \$500-700 million) may not fully materialize until 2044.

Rep. Costello’s bill would allow new development in the floodplain to continue unabated (such as the 900-

*See **Levees** continued on Page 2*

Bill

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which could still cost taxpayers \$7.5 million per project per year. Or, the Legislature could override the amendatory veto with a 60 percent vote, meaning that all the state sales tax would be diverted to developers. If the AV is not supported and an override fails, the bill is dead for now.

Citizens can contact their legislators and ask them to stop this bill from going forward. This would protect those who live in the floodplain who would be subject to even more flooding, surrounding communities where business and sales tax could be lost to STAR bonds projects, and Illinois taxpayers, who would have funded private developers rather than critical state services and jobs.

Making the subsidy even more risky and unwise, is that a prominent STAR bonds proposal in Glen Carbon sits in the American Bottom floodplain along the Mississippi River in the Metro East, where the levees have been declared structurally deficient and which the U.S. Geological Survey says is at severe risk for liquefaction (a process where loose sand and silt that is saturated with water can behave like a liquid when shaken by an earthquake) in the event of an earthquake (see map <http://illinois.sierraclub.org/kgroup/images/map.pdf>). Scientists say an earthquake of six to seven magnitude from the New Madrid Fault is a virtual certainty within the next 50 years.

All of the above makes the STAR Bonds Financing Act a very risky investment for taxpayers as well as potential tenants of the Glen Carbon University Town Center STAR bonds project. Citizens should inform their legislators and local media of these facts. Time is short, so act now.

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Levees

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acre STAR bonds project in Glen Carbon, which, according to state floodplain officials would have to be raised some 16 feet at a cost to taxpayers estimated to be \$100-200 million).

The Costello bill would give a false sense of security to those living in the floodplain, who may see no need to buy flood insurance to protect their homes. Allowing development to continue would exacerbate interior flooding, impact existing development, and put extra pressure on our levees from the landward side from increased stormwater runoff.

It would be far better to help low-income families buy flood insurance, with either subsidies or tax credits, and allow the new FEMA maps to go into effect. They reflect actual risk to communities and homes and property. People living in a floodplain are at risk and their homes are unprotected without flood insurance. Flood insurance is even more important given the new information from the U.S. Geological Survey about the potential for earthquake damage to our levees (see story on STAR bonds on Page 1.) While it may be an economic disaster for future developers, it well could be a human disaster for those living in the floodplain.

Contact Sen. Dick Durbin and Senator Roland Burris and ask them to protect people not developers and refuse to support an effort to freeze FEMA maps.

Sen. Dick Durbin

Website: durbin.senate.gov/contact.cfm

Phone: (202) 224-2152

Sen. Roland Burris

Website: burris.senate.gov/contact/contact.cfm

Phone: (202) 224-2854

Contact Rep. Costello (618) 233-8026 and ask him to protect people not developers and withdraw the bill. And, call Rep. John Shimkus (618) 532-9676 (Centralia) or (618) 344-3065 (Collinsville) with the same message.

(Excerpts from SB1909 floodplain experts' letters)

Association of State Floodplain Managers, Inc.

Floods are the number one natural disaster in the United States, costing an astounding SIX BILLION DOLLARS per year. Illinois taxpayers paid millions of dollars for disaster relief from flooding in the last year alone. Senate Bill 1909 incentivizes development in Illinois floodplains, and even refers to floodplains as "unique development obstacles". By definition, floodplains and their bordering lands are nature's designed flood storage areas and, as such, are subject to periodic inundation. Purely and simply – inappropriate development in floodplains places property in harm's way and directly puts the property owner, the public, and taxpayers at risk. Senate Bill 1909 will exacerbate these problems for Illinois. Please consider whether the benefit that would accrue to developers is worth this risk to the safety of your citizens.

As the premier national organization for flood risk management, ASFPM's 28 State Chapters and 14,000 members throughout the U.S. and abroad work to protect people and property from the ravages of floods while enhancing floodplain resources that reduce flood losses naturally. We share the concerns of our Illinois State Chapter because we are both deeply committed to limiting exposure to the risks of flooding, hence reducing the loss of life and property damages that result from floods.

Illinois Association for Floodplain and Stormwater Management

The Illinois Association for Floodplain and Stormwater Management (IAFSM) represents over 600 floodplain managers, engineers, local officials, insurance agents, and state and federal agency staff. IAFSM was founded in 1986 and has grown to be one of the largest state floodplain associations in the nation. We are the day-to-day practitioners of sound floodplain management in Illinois. IAFSM is the voice of professionals in Illinois who have experience in floodplain management, mitigation, engineering, floodplain mapping, insurance, planning, and public outreach.

Senate Bill 1909 is specifically directed toward encouraging development in the floodplains of Illinois. The bill refers to floodplains as "unique development obstacles." Illinois has long worked to reduce the consequences of flooding to our citizens through participation in the National Flood Insurance Program, floodplain management ordinances, Governor's Executive Order 2006-05 Construction Activities

in Special Flood Hazard Areas, and mitigation investments to buy and remove structures in the floodplain. Floodplains have been defined not to obstruct development, but to reduce the risk of loss of life, economic loss, and real property loss. Inappropriate development in floodplains puts the public at risk.

Flood Insurance Rate Maps depict the areas that have a 1% chance of flooding in any given year, the special flood hazard areas specifically targeted for the STAR bonds. Further, the lands bordering the 1% floodplain are also flood risk areas, with only a slightly lower chance of flooding. Senate Bill 1909 by encouraging development in these areas is putting more Illinoisans at risk of the consequences of flooding and trading a short term gain for developers for long term exposure for all of us.

We acknowledge the need and desire to pursue economically rewarding developments in the State of Illinois. In fact, our members are engineers and floodplain managers who are actively engaged in identifying floodplains and defining flood risk to allow for the design and construction of developments that will have limited exposure to the risks of flooding. It is our strong belief that legislation that incentivizes the development of floodplains does not serve the best interest of the people of Illinois. The bill should remove the requirement for an "eligible area" to be located within the 100-year floodplain. The bill should also not refer to floodplain as development obstacles, it should instead reinforce that any eligible area must be developed in accordance with all applicable Illinois floodplain and stormwater management regulations. We ask that you not sign the bill as passed.

Please read an open letter to Gov. Pat Quinn from Illinois scientists here:

<http://illinois.sierraclub.org/kgroupp/images/letter.pdf>

Help make your city a "Cool City"

The Sierra Club's Cool Cities initiative focuses on getting local communities to make commitments to curb global warming by putting smart energy solutions to work, such as greening municipal vehicle fleets, making buildings energy efficient and investing in safe renewable energy.

To encourage local municipalities to become Cool Cities, we need to build community support. If you belong to a church or other organizations that might be receptive to learning more about this initiative, please let us know. Let's work together at the local level to effectively meet the challenges of climate change. Call Amy Funk at 215-2011 or E-mail amymkfunk@yahoo.com. More information can be found at <http://www.coolcities.us>.

