STATEMENT

Max L. Hearn, Executive Director, Orleans Levee District
New Orleans, Louisiana

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I. Introduction

Senator Collins, Senator Lieberman, Committee Members, thank you for inviting me to participate in these hearings.

I am Max Hearn, the Executive Director for the Orleans Levee District. I am a resident of Jefferson Parish, just outside of the City of New Orleans, and live there with my family. My home is within the area protected by the flood control structures, and we were impacted, along with our neighbors, by Hurricane Katrina and the aftermath. Consequently, both in my capacity as the Director of the Levee District, and as a husband and home-owner, I welcome this Senate investigation. We citizens of Louisiana and residents of New Orleans share your concerns regarding the integrity of the flood control structures that protect our City, our homes and families. We also share your goal to determine what went wrong and to take preventative measures to ensure that the loss of life and devastation to property never recurs in New Orleans or in any other community protected by the Lake Pontchartrain and Vicinity Hurricane Protection system.

I served in the United States Air Force from 1959 until my retirement from active duty in 1989, after attaining the rank of Colonel. Beginning in 1989, I was employed as the Director of Operations and Maintenance for the Orleans Levee District. I became the Executive Director of the Levee District in 1997 and serve in that capacity today. In these capacities, I am very familiar with the relationships among the various governmental entities involved with the flood control systems and the operation and maintenance of these systems.

II. Responsibilities of Federal, State and Local Governmental Entities

New Orleans lies an average of six feet below sea level. The City is surrounded by water, wetlands and marsh, and is threatened by the Mississippi River, Lake Pontchartrain, and the Gulf of Mexico. Consequently, flood protection is essential for the City.

As I appreciate the Flood Control Act of 1928, the federal government, through the United States Army Corps of Engineers, assumed primary responsibility for national flood control systems. As such, the Corps determined where levees or other flood control structures were needed, established the criteria for the design and construction of the levees, then assigned the operation and maintenance responsibilities for the levees over to local governmental bodies, like the Levee District.

The Levee District was created by the Louisiana Legislature as the state governmental entity charged to coordinate and cooperate with the federal government with respect to flood control structures built under the National Flood Control Act. The District's jurisdiction includes 73 miles of front-line levees, 28 miles of inner levees and flood walls, 28 miles of Mississippi River levees, 203 floodgates, 102 valves and two flood control structures.

Following Hurricane Betsy in 1965 which caused extensive flooding in New Orleans, the Corps of Engineers has worked with the Levee Districts in the region to design and build upgrades to the flood protection system. The flood walls for the New Orleans outfall canals which are the focus of this Committee's attention, are part of the Corps of Engineer's Lake Pontchartrain and Vicinity Hurricane Protection Plan. The designs for these flood walls were approved by the Corps and construction was commenced in the late 1980's. As sections of the project were completed, the flood walls and levees were then turned over to the Orleans Levee District for operation and maintenance.

The Levee District's operation and maintenance procedures are conducted in accordance with federal regulations and under the oversight of the Corps. In fact, the Levee District was required to enter into contracts with the federal government assuring that the operation and maintenance of the levees constructed under the federal Flood Control Act would comply with federal regulations and Corps of Engineer guidelines. These regulations and guidelines set forth specific inspection, operation and maintenance procedures.

III. Orleans Levee District Inspection, Operation, and Maintenance

The Levee District maintenance supervisors conduct major inspections prior to the beginning of the hurricane flood season and during high water events. Additionally, at regular intervals of at least a monthly basis, District work crews and supervisors, in conjunction with regularly scheduled maintenance, observe the levee system and flood control structures within the District's jurisdiction.

During any inspection of the levees and flood walls, the District employees check for any levee problems including unusual subsidence, encroachments by trees, shrubs, or private structures, animal burrows, seepage, sand boils, leaks, caving, erosion, slides or sloughs, and for flood wall problems including accumulated trash or debris, and cracked, unstable, or mis-aligned flood walls. Levee District employees are trained to report any problems observed during their routine maintenance activities to their supervisors for corrective action.

The Corps conducts annual inspections of the flood control structures within the Orleans Levee District's jurisdiction and grades the Levee District on compliance. During my tenure as the Executive Director of the Levee District, the Corps has always evaluated the District's compliance level as "Outstanding."

The District operate the gates, valves and other flood control structures as appropriate for various high water and storm events.

IV. Pre-Hurricane Preparedness

In preparation for the approach of Hurricane Katrina, the Levee District instituted its emergency operations plan. This included activation of the Emergency Operations Center, located at the Lakefront Airport Administration Building, and mustering of the Emergency Maintenance Crews. Additionally, the District assured that sufficient food, water, fuel, sand bags, trucks and equipment were on hand for emergency response.

Prior to Katrina's impact, Levee District employees closed all of the hurricane protection floodgates and valves along with thirteen floodgates on the

Mississippi River. As the Hurricane approached, and as water levels began to rise, District employees monitored the water levels and patrolled the flood control system. As weather conditions deteriorated and became unsafe, the District's employees were pulled into sheltered areas to ride out the storm.

V. Post-Hurricane Response

During the storm, 60 Levee District employees were staged at the Franklin facility, and 19 were at the Emergency Operation Center. Additionally, 43 Levee District Police officers were stationed at various locations. At the height of the storm, one of the walls of the Airport Administration Building blew out and the lower floor eventually flooded to a depth of about four feet. Additionally, one of the buildings used as a staging facility for the Emergency Maintenance Crews was damaged during the storm.

On the morning of August 30th conditions had abated such that field inspections were possible. District employees immediately inspected the flood control structures that were accessible, and coordinated with the Corps of Engineers, the Louisiana Department of Transportation and Development, and the East and West Jefferson Levee Districts to respond to the 17th Street Canal breach.

The 17th Street Canal breach was inaccessible to our land-based equipment due to flooding. Beginning August 30th, and using sand bags and equipment staged by the Orleans Levee District, United States Army personnel began airlifting sandbags to close the breach. On August 31st, the Department of Transportation and Development began construction of a road to the breach so that land-based, repair operations could be conducted.

The Levee district was requested by the Corps to close the London Avenue Canal mouth. The closure was completed on September 2, 2005.

This concludes my formal statement, and I'll entertain questions at this time.

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Max Hearn
December 13, 2005