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Times-Picayune: Editorial Staff

Don't regress on levees: an editorial

Forcing the state and local levee districts to compensate property owners for no-tree zones, which allow inspection and maintenance of levees and access in case of emergency, is a bad idea that state lawmakers should reject.



Donald Vernon Stout/The Times-Picayune archive

These properties on the west side of the 17th Street Canal were photographed in January 2009.

The cost, according to levee officials, could reach \$1 billion, hurting flood protection efforts statewide and forcing levee districts to raise property tax rates to the highest level. Rep. Cedric Richmond, **who authored House Bill 1324**, dismissed concerns about the cost: "if the cost is a billion dollars, then that billion dollars is coming straight off the back of the property owners," he said.

But that's a skewed view. Property owners aren't losing money, and this is a huge amount to pay to mollify people who are unhappy about the loss of trees and shrubs on servitudes. The state law that requires the first 6 feet of property adjacent to a levee to be undeveloped and unfenced is reasonable. While everyone benefits from keeping those structures in good repair and accessible in case of an emergency, that's even more true for people whose property backs up to a levee or floodwall.

The House sent the measure to conference committee Wednesday, and Rep. Richmond has said he will remove amendments by Sen. Edwin Murray that would have required payments to be made. It's hard to imagine what effect the bill would have without that requirement. But the Legislature shouldn't pass anything that would hamper flood protection or add to the state's financial crisis, and if lawmakers do so, Gov. Jindal should veto it.

Another pair of bills aimed at establishing local control for New Orleans Lakefront Airport and other non-flood assets of the Orleans Levee Board are also problematic and should be rejected.

Following Hurricane Katrina, local levee boards underwent critical reforms, aimed at focusing on flood protection and making the new consolidated board less political and more professional. That needed to happen, and removing the airport, marinas, shopping centers and other Orleans Levee Board assets that had nothing to do with flood control from the levee board's oversight was part of that.

The state Division of Administration has been temporarily overseeing those assets, and Sen. J.P. Morrell authored two bills to return them to local control. One, **Senate Bill 772**, would create the New Orleans Lakefront Airport Authority. The other, **Senate Bill 804**, would create the Non-Flood Protection Assets Management Authority for the marinas, shopping centers and green spaces.

But these measures are premature. Gov. Bobby Jindal appointed a citizen's committee in January -- at the request of Sen. Morrell -- to determine how these assets should be managed. That committee hasn't finished its work, and the Legislature shouldn't usurp the committee by setting up a management structure now.

The appointment process laid out in Sen. Morrell's bills is also worrisome. Half of the members of the airport's board would be appointed by senators and representatives from the area. And one member would be appointed by the airport's director of aviation, which seems odd since that person reports to the board.

A majority of the non-flood assets board would be appointed by senators and representatives.

That's a step back toward a more political approach to appointments. Given the history of the Orleans Levee Board, in which these non-flood assets were the most desirable plums, it would make sense to follow a more reform-minded model.

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