



## LEVEE & FLOOD CONTROL PRACTICE GROUP

Since 1929, we have represented public entities in the planning, financing and construction of public infrastructure and flood control systems. We have a unique understanding of the legal and legislative issues surrounding levee and drainage facilities and the entities that build and manage them. Through numerous critical projects, we have consistently and successfully partnered with clients, engineers, financial advisors, the USACE, FEMA and other state and local governments to develop legal strategies and solve complex legal matters in a cost-effective manner.

### OUR CLIENTS

Our levee and drainage district clients, as well as our municipal clients, provide various levels of flood protection for hundreds of thousands of acres of urban and agricultural property and manage hundreds of miles of levees. These clients also manage hundreds of miles of storm-water drainage channels. The value of land and other property protected by our clients' flood protection improvements exceeds \$50 billion. In addition to clients throughout the Midwest and South, we have also handled FEMA regulatory issues in Florida, California and South Carolina.

### OUR EXPERIENCE AND POLITICAL INVOLVEMENT

Our history in levee and drainage law expands our practice beyond traditional legal matters. Our attorneys are familiar with the unique engineering issues of levee and drainage districts, which allows us to add value by working closely with project engineers. In addition, we recognize the important role of legislators and regulatory department officials in providing access to federal programs and managing flood protection systems. We strive to foster positive working relationships between these officials and our clients.

### TRANSACTIONS AND LITIGATION

Attorneys in our group assist our public and private clients in all aspects of flood protection management. We routinely assist them in compliance with local, state and federal laws and regulations. We represent our clients in transactional and litigation matters, including trial and appellate practice.

## SCOPE OF SERVICES

- Finding federal funding sources using legislative and administrative means
- Federal projects, working closely with the USACE on funding, design and construction
- Building consensus to support projects through communication with community leaders and residents
- Intergovernmental agreements with other public entities for development of flood control infrastructure
- Contract procurement through public bidding and negotiation
- Reducing right-of-way acquisition costs; for example, we worked closely with the USACE to develop standards to allow parking lots on seepage berms, saving our clients millions of dollars in right-of-way costs
- Reducing construction costs; for example, we recognized significant over-design in a levee project and worked with our client, the USACE, and the project engineer to modify the design, saving our client millions of dollars in project costs
- Creating new sources of revenue for construction and maintenance through the benefit assessment process
- Obtaining state and federal wetlands permits
- Structuring and procuring numerous tax-exempt bond issuances and other types of financing for flood control improvement
- Challenging FEMA deaccreditation decisions
- Assisting public and private companies with federal flood plain management regulations
- Coordinating successful levee certification programs and participation in PL 84-99
- Assuring accuracy of proposed updated flood maps
- Emergency assistance claims and appeals for extraordinary costs and rehabilitation

## FEMA ASSISTANCE AND CERTIFICATION

Because we have represented levee districts for over 80 years, we have successfully represented our clients through history-making flood events and have guided them in obtaining FEMA emergency assistance, rehabilitation assistance and re-certification. Through experience and knowledge of federal law, we assist our clients and landowners in flood protected areas to comply with FEMA regulations. This is critical to utilize federal programs available to maintain flood protection, obtain flood insurance and secure property values, which is especially valuable in urban areas. We currently represent over 30 clients who are working with FEMA and the USACE with respect to FEMA's current remapping efforts.

Through many years of hands-on legal experience working on behalf of numerous levee and drainage districts, we are uniquely qualified to handle any legal issue in this practice area.

## ASSESSMENT OF BENEFITS

Since the flood of 1993, we have represented levee and drainage districts in reassessing the benefits (tax base) on nearly 50 occasions. We have developed a unique expertise in recognizing under-assessed properties and in assessing non-typical property that should be assessed. Through these benefit assessments, we have been able to generate substantial new sources of revenue for the districts which have been used to finance flood control projects.

## REPRESENTATIVE EXPERIENCE

We have represented and are currently representing clients in more than 35 existing and completed flood protection construction projects valued in excess of \$1 billion. For these matters, we have been and continue to be involved in every facet of the projects. We work with all federal and state regulatory agencies, and we work with engineering firms on value engineering. We also have handled project cost estimates.

- Represented clients in numerous financings for design and construction of flood protection systems, including 16 tax-exempt bond issuance transactions (since 1993)
- Created alternative financing opportunities using various forms of tax-based incentives in combination with public and private sector funding
- Won numerous cases benefiting flood protection interests, including *In the Matter of Fabius River Drainage District*, 35 S.W.3d 473 (Mo.App.E.D.2000) and *In the Matter of Tri-County Levee District*, 42 S.W.3d 779 (Mo.App.E.D.2001). These cases upheld special assessments for flood protection against the Missouri Highways and Transportation Commission.
- Provided legislative support by drafting, monitoring and commenting on new laws that affect our clients. We work directly with lobbyists who have been retained for this purpose, and our firm's lobbyists work at the state and federal level in Washington, D.C.
- Successfully brought suit against FEMA to invalidate its proposed maps decertifying one of the major levee systems in the country.
- Assisted numerous clients through the new Section 408 Regulatory Process Guidelines

## MEMBERSHIPS

- National Coalition of Federal Flood Protection Partners
- Upper Mississippi, Illinois and Missouri Rivers Association (UMIMRA)
- Missouri Levee and Drainage District Association

## ADDITIONAL INFORMATION

For additional information, please contact David Human at 314.480.1710.

## OUR TEAM



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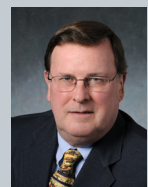
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