



Association of State Floodplain Managers, Inc.

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This report summarizes some of the policy changes, challenges and efforts ASFPM has been involved in during Fiscal Year 2019—Larry Larson: ASFPM Senior Policy Advisor.

The backdrop of many of the national policy discussions in FY19 were, once again, the large number of major natural disasters that happened during 2017, 2018 and so far in 2019. In addition to Hurricanes Harvey, Irma and Maria, Florence and Michael, there has been major flooding in the Midwest, atmospheric rivers causing mudslides and flooding in California, and wildfires followed by flooding. Disasters in FY18 cost the federal taxpayers over \$300 billion. In FY19, Hurricanes Michael and Florence and the spate of Western wildfires that occurred in 2018 collectively cost the taxpayers about \$73 billion. In the weeks following major disasters, ASFPM's policy team is contacted by national and local media on technical and policy issues. Another dynamic was the federal budget – President Trump's budget blueprints contained massive cuts to programs important to the nation's efforts to manage flood risk. Fortunately, Congress balked and provided an increase in domestic spending for FY18, which carried over to FY19. In fact, Congress has been a bright spot – with bipartisan interest in hazard resilience and mitigation growing. New and changing leadership at most federal agencies providing opportunities and challenges.

Congressional (legislative) actions:

ASFPM supports important programs across several agencies like the USGS's 3-DEP program to produce LiDAR for the nation and USGS stream gauging program, USACE technical assistance programs like Silver Jackets, FPMS and PAS, and other programs in NOAA, NRCS, HUD, EPA and others. ASFPM works independently and builds coalitions to create support. Some of the legislation we engaged with:

- **NFIP Reauthorization** – The NFIP expired on Sept. 30, 2017. Since then Congress has extended the program 10 times and it will now expire May 31, 2019, when we expect another short-term extension to Sept. 30. The House held a hearing in March on NFIP with four draft bills. We were asked by the House to testify, so [Chair Maria Cox Lamm testified on behalf of ASFPM](#). The Senate has not yet acted but last session considered three different bills, (ASFPM supported all three Senate bills). Flood insurance affordability continues to be an issue, because the march to full risk rates continues. ASFPM expressed our concern that the reauthorization needs to address affordability, full flood map funding, increased mitigation assistance, ICC reform, and ensure that any efforts to incentivize the private flood market (which is already rapidly expanding) does not destabilize the NFIP. In addition, ASFPM supports mitigation loans and a national disclosure requirement. [See ASFPM's Detailed Priorities for the 2019 NFIP Reauthorization and Reform](#). ASFPM's Chad Berginnis also participated in a congressional briefing on NFIP reform as part of a panel hosted by the Environmental and Energy Study Institute May 7.
- **Federal budgets and flood mapping** - FY19 budgets essentially carried forth the FY18 numbers under a continuing resolution where Congress provided record funding for flood mapping (\$262.5 million from appropriations in addition to the policy fees). Pre-disaster mitigation has \$250 million in transition for FY19 funding while the new 6% formula (6% of total disaster costs) kicks in next year. We are working with FEMA on the rules to implement the new program (called BRIC). Congress also supported EPA, NOAA, NRCS, USACE and other programs that support flood loss reduction and protecting natural floodplain functions.

At the time of this writing, it is unclear how agency budgets will fare in 2020. Continuously throughout the year, but especially at budget time, ASFPM conducts efforts to educate Congress on the importance of flood mapping through joint letters with other organization partners. ASFPM and the National Association of Realtors (NAR) re-engaged the flood mapping coalition this winter with approximately 25 different organizations participating—FEMA briefs the group at our meetings, especially on Risk Rating 2.0. This is a new NFIP approach to mapping more detail in order to refine the flood insurance rates for individual buildings to better reflect true risk. However, Congress realizes there will be winners and losers in this process and have cautioned the NFIP to provide full information before this is rolled out.

- **Stafford Act (disaster relief) changes**—Congress passed the Disaster Relief Recovery Act, which has many good and a few not so good provisions. On the plus side, it creates a new formula based (6%) pre-disaster mitigation program (BRIC) at FEMA and increases management costs. Based on an intense effort by ASFPM, it also included a section to overturn a 1998 FEMA policy that prohibits Public Assistance from being used to reimburse mutual aid requests for doing substantial damage, building inspections and floodplain permitting support. However, problematic sections would allow HMGP funds from FEMA to be used for Corps projects and allow governors to request waivers of duplication of benefits. We are working with FEMA, which is now writing rules on who and how the new BRIC program can be used.
- **WRDA 2018** - A new WRDA passed Congress in December 2018 for USACE projects and policies. ASFPM promoted nonstructural and nature-based approaches in flood-risk reduction. We are concerned how funds are spent on PL 84-99 (often 100% federal) to repair damaged levees. The 2014 WRDA included a levee safety program and grant cost-share program. We joined ASCE in informing Congress this program needs funding to build state capability in dam safety programs to repair/remove dams and manage dam risk, including sharing dam failure maps so citizens living below high hazard dams know they are at risk. We oppose efforts to remove USACE oversight of non-federal levees—it would lead to levee wars between states and communities.
- **Digital Coast Act** – this act was re-introduced by Senators Baldwin (WI) and Murkowski (AK). ASFPM has been working with several coalitions to support the Digital Coast Act, which ensures that our coastal communities have the resources and tools they need to adapt to changing environmental conditions, maintain healthy shores, and make smart planning decisions to support their local economies.
- **LAWCON** – Congress just passed a bill to permanently authorize Land and Water Conservation funding, which uses fees from offshore oil and gas to invest in urban parks, wildlife habitat, trails, parks and open spaces. ASFPM has long supported this program to help preserve natural ecosystems and reduce flooding.

Working with federal agencies and national partners to implement current programs/policies:

- ASFPM officially provided comments on more than a dozen proposed federal activities, usually in response to proposed federal rule making. A few of these include: Clean Water Act (Waters of the US) changes that would reduce protection of the nation's waters and wetlands, Elevation Certificate guidance, Coastal Barrier Resource System mapping updates, proposed ag structure guidance from FEMA, and Endangered Species Act guidance. ASFPM worked closely with FEMA and the Fish and Wildlife Service to ensure the action to remove CBRS lines from FIRM maps and show them only on FWS CBRS maps would be done in a manner that would make that information readily available to floodplain and coastal managers, realtors, insurance agents and others who need that information in decision making.
- HUD implemented a Federal Rebuilding Standard to protect federal taxpayer investments in federal actions for the disaster supplemental funding (HUD got tens of billions for CDBG disaster funding) for the 2017 and 2018 hurricanes, flooding and wildfires. In addition, Congress directed the Dept. of Defense to rebuild any of its damaged facilities to either 2 feet (normal facilities) or 3 feet (critical facilities) above future expected flood elevation to protect taxpayer investments.

- ASFPM staff and leaders continue to participate on a number of advisory groups and committees including the National Academies of Science; National Research Council Canada; FEMA's Technical Mapping Advisory Council and Operating Partners; the Community Rating System Task Force; Advisory Committee on Water Information; Flood Insurance Producers National Council, Natural Hazards Center Advisory Board, DHS Flood Apex Research Review Board; and the DHS Dam/Levee Sector Advisory Council.
- ASFPM participates in NOAA's Digital Coast Partnership (partners include American Planning Association, Coastal States Organization, National Association of Counties, NERRA, NSGIC, The Nature Conservancy and the Urban Land Institute) to provide communities tools for managing coasts and flood risk.
- ASFPM works with numerous partners on flood risk policy, including groups from the insurance, disaster, mitigation, environmental, taxpayers, resilience, state and local governments and others to promote good public policy that will support strong social, economic and environmentally-sound communities and states. Some of the active partnerships this past year have included the Union of Concerned Scientists, The Nature Conservancy, Pew Charitable Trusts, Consumers Mortgage Coalition, Community Enterprise Institute, American Rivers, National Wildlife Federation, American Planning Association, National Association of Counties, Coastal States Organization, and Western Governors Association as well as the Federal Alliance for Safe Homes (an informal flood coalition of about a dozen national organizations). This year ASFPM will have executed three Memoranda of Agreements – our most formal level of partnership: last fall with the Association of State Wetlands Managers and at the 2019 annual conference with Floodplain Management Australia and the International Code Council.

Other Policy Initiatives

Assisting states/communities to improve their flood risk management efforts: While ASFPM chapters are well positioned to provide support to states and communities, ASFPM also provides states support to enact and maintain effective programs and regulations that reduce flood risk. The ASFPM Foundation holds state symposia in conjunction with our chapter/state members to identify which policies, laws or programs can be updated in that state in order to better manage flood risk. This April a symposium was held in California, and last fall in Connecticut. The state/chapter write up their findings and recommendations and then work with state decision makers to foster change. ASFPM also provides technical assistance to organizations like the National Conference of State Legislatures on floodplain management issues in proposed state laws and other national organizations like Pew Charitable Trusts that have field organizers supporting effective state level policies. In recent years ASFPM commented on an Illinois proposal to change state standards to allow levees to be raised (and to legalize levees already raised without permit) without consideration of the adverse impacts such actions will have on other communities and property owners who will be impacted by those changes. ASFPM also weighed in on the Louisiana Code Council's proposal to remove the freeboard as the state was considering the adoption of the 2015 International Residential Code. ASFPM provided input into the Rebuild Texas Today initiative and recently provided assistance to New York City on improved flood risk real estate disclosure requirements.

Carrying the message to Washington: ASFPM members have traveled to D.C. to help their representatives understand how federal programs are working or not working at the local and state level. Members of Congress are especially interested in hearing from their direct constituents, so those visits can have great impact. Letters from those constituents are another effective means of helping inform them on which programs and actions are especially effective at the local/state level and which need modification. ASFPM has staff and an apartment in D.C. if an ASFPM chapter wishes to send a group to meet their representatives. In 2019, ASFPM will be adding a new advocacy tool on its website that will allow members and chapters to more easily weigh in on federal and state issues.

Disaster assistance programs: We must break the American myth that the federal taxpayer will make you whole after a disaster (especially if you refused to buy flood insurance). We support former FEMA Director

Long's statement that disaster response and recovery should be "federally supported, state managed and locally executed." Communities and citizens must carefully plan where and how they build or buy. Perhaps working to implement that vision is what keeps us coming to work each day.

Find ASFPM positions on 400 national flood policies at [National Flood Programs and Policies 2015](#).

FY 2020 Policy Focus Areas for ASFPM (our FY20 runs July 1, 2019 to June 30, 2020)

While there will be many policy items addressed over the next year, these items will deserve special attention:

1. Build state and local capability to better manage flood risk and incentivize strong local and state actions and utilization of natural floodplain functions
2. Monthly webinar briefings for ASFPM members on active national policy actions
3. NFIP reauthorization with meaningful measures to reward stronger local and state actions to reduce flood risk and to complete flood mapping in all communities in nation, including updating old maps and LiDAR.
4. Effective rules to implement the 6% formula generated PDM in Disaster Relief Act (called BRIC) as well as other flood hazard mitigation related provisions of the DRRA
5. Passage of the Digital Coast Act to protect coastal resources and manage increasing coastal flood risk
6. Effective rules for FPM plans for high hazard dams/levees that get fed taxpayer dollars to fix or remove dams; require plan identifies inundation areas in the event of failure and is publically available.
7. Ensure FEMA opens EMAC to mutual aid after disasters for substantial damage assessments and FP permitting.
8. Ensure the WOTUS rules to not lose protection of valuable water resources.
9. Strengthen the USACE nonstructural programs and emphasis.
10. Ensure disaster funds are spent in ways to increase community resilience and protect taxpayer investment, with full consideration of future flood risk