



ASFPM comments on EDA Federal Flood Risk Management Standard Framework

March 2016

The Association of State Floodplain Managers (ASFPM) is pleased to submit the following comments on EDA's proposed framework for implementing Executive Order 13690 (EO 13690) and the Federal Flood Risk Management Standard (FFRMS).

ASFPM and its 36 Chapters represent over 17,000 state and local officials and other professionals engaged in all aspects of managing and mitigating flood risk, to address the loss of life and property from natural hazards. These aspects include land management, hazard mitigation, mapping, engineering, planning, building codes and permits, community development, hydrology, forecasting, emergency response, water resources and insurance. Most of our members work with the Nation's 22,000 flood prone communities struggling to reduce their losses and suffering from all flood related hazards.

In the face of increased flood risk due to climate change, the FFRMS is a crucial and necessary update to federal flood risk mitigation practices. The FFRMS will protect federal taxpayer investment by more effectively guiding the federal government away from making risky investments in the nation's flood hazard areas. EDA is a significant funder and influencer of public infrastructure projects, so how the agency chooses to implement the FFRMS will greatly influence the cost and long term sustainability of our Nation's public works.

EDA's Role in Funding/Financing Development

EDA contributes significantly to the development of public infrastructure throughout the Nation. Through the Public Works Program and others, such as the Economic Adjustment Assistance Program, EDA provides a wide range of infrastructure – and *critical* infrastructure - assistance to help distressed communities and regions. Additionally, EDA has Planning and Technical Assistance programs that focus on long term economic development problems and programs – building and expanding local organizational capacity in economically distressed areas.

Under the Public Works Program, investments have included traditional public works projects, such as water and sewer systems improvements, industrial parks, business incubator facilities, expansion of port and harbor facilities, skill-training facilities, and brownfields redevelopment. EDA has also funded public infrastructure such as technology-based facilities; research and development commercialization centers; facilities for workforce development; wet labs; multi-tenant manufacturing facilities; research, business and science parks with fiber optic cable; and telecommunications facilities. The Economic Adjustment Assistance program provides funding to be used for hard and soft infrastructure, as well.

In the Fiscal Year 2017 Congressional Budget Request, EDA has requested \$85 million for the Public Works Program and \$50 million for the Economic Adjustment Assistance Program for a total of \$135 million that could potentially be spent on public infrastructure projects. This funding must be subject

to Executive Order 13690 and the FFRMS. To do otherwise, would contradict the intentions of the executive order.

ASFPM comments

The EDA framework indicates the agency is selecting the 0.2-percent annual-chance flood elevation (also known as the 500-year flood elevation) approach to define the vertical and horizontal extent of the floodplain for both critical and non-critical actions. Overall, ASFPM supports this approach with an added suggestion to deal with the efficacy of the 500 year flood data. The 500-year flood elevation provides a known and tested approach to flood risk management and mitigation, and its adoption will make EDA a leader in increasing our Nation's resilience to the growing risk of flooding. ASFPM recommends:

1. In coastal areas, ASFPM recommends the agency use the Climate-Informed Science Approach (CISA) to delineate the floodplain as sea level rise will drastically in the coming decades. The FEMA 500-year flood elevations for coastal areas do not include wave effects like wave heights, runup, and overtopping (ironically the 100-year elevations on FIRMs do show wave impacts). Use of the 500 year flood for vertical and horizontal extent of the floodplain is an excellent transition approach until climate informed science can be determined; however, EDA will need to ensure that a proper assessment and addition of wave heights be included.
2. In the case of any EDA project, state or local flood protection standards (such as local freeboard) should be identified and the higher standard be used. During the comment period for the FFRMS guidelines ASFPM raised this issue and were told federal agencies would have the option to match state and local freeboard in their implementation of the guidelines. FEMA administers the National Flood Insurance Program (NFIP), which requires States and communities to adopt maps and regulations in order to join the NFIP. In many cases communities use legally adopted and enforceable standards that exceed minimum NFIP standards which are actually encouraged by the NFIP itself.

We appreciate the statement that EDA will coordinate closely with other agencies. This will be especially important in determining the floodplain using the CISA. The methodology and data must be consistent among all agencies.

Additionally, ASFPM recommends the following actions be taken by EDA moving forward:

3. While EDA has already developed and implemented procedures for ensuring projects are compliant with EO 11988, EDA should ensure that the new EO 13690 requirement for evaluating nature based alternatives be promoted and prioritized. For example, EDA provides grants for stormwater management at industrial parks. Today techniques for stormwater management include the use of Green Infrastructure (GI) in addition to traditional gray infrastructure. Grant programs funding such activities could add guidelines that promote and prioritize projects that significantly incorporate GI and other nature based alternatives.

4. Emergency actions are exempt under the EO, but emergency actions must be narrowly interpreted as those that occur just prior to or during and event. We note that EDA's Disaster Mitigation and Economic Recovery Program has resulted in a partnership with FEMA to coordinate hazard mitigation programs and disaster preparedness activities designed to help communities be more resilient. Additionally we note that EDA has the statutory authority to assist communities in long-term economic recovery efforts. It stands to logically assume, then, that EDA's actions in this space would not be emergency actions; rather they are for long term recovery. Hence, such actions should not ever be considered exempt, especially if there is time to plan and consider long term savings of taxpayer funds. If the emergency action exemption is applied improperly, it can lead to repairing the same infrastructure over and over with communities becoming unsustainable.
5. EDA may well be funding development or redevelopment behind levees, flood walls or other structural flood structures (such as downstream of dams). In those cases EDA must still evaluate the flood risks since structural measures reduce risk in some events but are subject to failure or overtopping.
6. Planning and technical assistance programs should be enhanced to enable applicants to better understand and incorporate flood risks into planning and land use development associated with economically distressed areas. In many places, areas of economic distress are coincident with floodplains. While this may not be as prevalent in more desirable coastal areas, it is especially relevant in many inland, riverine floodplains. It is at the planning stage where new infrastructure is being considered, or investments in maintaining existing at-risk infrastructure are weighed, that some of the most impactful and effective decisions can be made about reducing the overall flood risk to individuals and communities. Inasmuch as EDA has planning and technical assistance programs available to communities, the programs should be enhanced to consider and evaluate flood risk reduction alternatives – even before specific projects are identified.
7. Incorporate the FFRMS into agency regulations and operating procedures before the end of the calendar year. Over the long-term, Executive Order 13690 and the FFRMS will significantly reduce the federal taxpayer costs of post-flood recovery and promote sound investment of taxpayer dollars. Thus, it is extremely important that EDA incorporate the FFRMS and all aspects of EO 13690 and EO 11988 into its regulations and operating procedures as quickly as possible.

ASFPM is encouraged by the EDA approach to delineate the FFRMS floodplain to achieve the goals of protecting taxpayer investment. Over the long-term, the Executive Order 13690 and the FFRMS, if implemented faithfully by EDA, will significantly reduce the costs of post-flood recovery and promote sound investment of taxpayer dollars. We appreciate the opportunity to offer these comments and request EDA take the attached questions into consideration as the agency moves forward with implementing the executive order. ASFPM looks forward to working with EDA as you move forward to fully implement FFRMS into your agency actions.