

# THE INSIDER

A Publication for Members - Fall 2013

## The Association of State Floodplain Managers

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## Report Will Clarify Clean Water Act

Over the past decade, court decisions have created uncertainty about the Clean Water Act's jurisdiction over certain streams and wetlands, particularly those whose connectivity to downstream waters may be perennial, intermittent, or ephemeral.

EPA's Science Advisory Board has released for public comment a draft scientific report, "[Connectivity of Streams and Wetlands to Downstream Waters: A Review and Synthesis of the Scientific Evidence](#)." This draft report synthesizes more than 1,000 peer-reviewed pieces of scientific literature about how smaller, isolated water bodies are connected to larger ones and represents the state-of-the-science on the connectivity and isolation of waters in the United States. The draft report makes three main conclusions:

1. Streams, regardless of their size or how frequently they flow, are connected to and have important effects on downstream waters. These streams supply most of the water in rivers, transport sediment and organic matter, provide habitat for many species, and take up or change nutrients that could otherwise impair downstream waters.

2. Wetlands and open-waters in floodplains of streams and rivers and in riparian areas (transition areas between terrestrial and aquatic ecosystems) are integrated with streams and rivers. They strongly influence downstream waters by affecting the flow of water, introducing nonpoint source pollution, and exchanging biological species.

3. There is insufficient information to generalize about wetlands and open-waters located outside of riparian areas and floodplains and their connectivity to downstream waters.

The final version of this report will serve as a basis for a joint EPA and Army Corps of Engineers rulemaking aimed at clarifying the jurisdiction of the Clean Water Act. A draft of this rule was sent to the Office of Management and Budget for interagency review. The proposed joint rule will provide greater consistency, certainty, and predictability nationwide by providing clarity for determining where the Clean Water Act applies and where it does not.

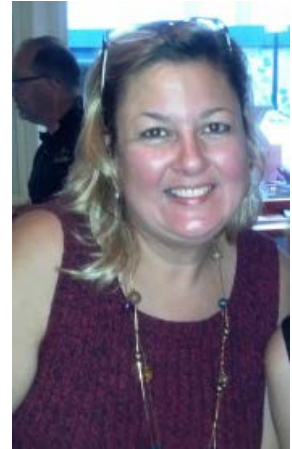
EPA is accepting public comments for 45 days on the study, which will also be reviewed by a panel of independent experts that comprise the Scientific Advisory Board. The advisory board will hold a public meeting on the study Dec. 16-18 in Washington, D.C. Comments are due to EPA by November 6, 2013. For more information, please visit the EPA Blog at: <http://blog.epa.gov/epaconnect/2013/09/watersoftheus/>.

**See implications of the government shut down in the Legislative Report on pages 7-9!**

## Associate Director - Operations Report - Ingrid Danler

“Leadership and learning are indispensable to each other.”  
*John F. Kennedy*

Floodplain Managers are the leaders in every community. And as many of the 387 Colorado CFM’s begin the post-disaster work to recover from their flood-of-record over the next few months, their learning investments and training will help reshape the future of mitigation and resilience for Colorado residents for years to come. We here in the Executive Office are doing what we can to build those bridges between floodplain managers in those areas and the congressional staff in Washington DC who are thirsty for the information, resources, and knowledge. Having just returned from Washington DC, we made a request to carry forward a simple but powerful message to their constituency who will be undergoing that task of evaluating their choices post-disaster. That message is simply “Stop, think, and rebuild wisely”.



Training is such a critical part of our ever changing and growing profession, that ASFPM committed both financial and staffing resources this fiscal year to a three-pronged approach to fill the gaps:

- The first of these is a new WEBINAR SERIES that will be available via our website. These will be 1-2 hour webinars done by national SMEs (subject matter experts) on a wide-variety of topics. ASFPM Members will receive substantial discounts that can be unlocked via their member portal. The first of these launched on Friday, October 4<sup>th</sup>, and they continue monthly through the end of this year. To see upcoming offerings, go to our [webpage](#).
- The second approach is strengthening our relationship with the Emergency Management Institute (EMI) and working collaboratively to provide the best training opportunities for floodplain management. EMI is the best-kept-secret, and you need to add them to your radar as the nation’s best training opportunity. Their program includes reimbursement for flights and lodging for state and local officials when attending on their Maryland campus. <http://www.training.fema.gov/EMI/>
- The third approach is continued investments in our current programs. These include evaluating all of our current training materials and refreshing them for a new audience and new regulations. The Training and Outreach Policy Committee will be helping in this task and if you have an interest here, you can [join this group](#). We have also signed memorandums of understanding with Universities such as University of Wisconsin- Madison to offer courses such as HEC-RAS at substantial discounts for ASFPM members. And, we continue to post national training opportunities on our [website](#). Click on the Training and Education tab on our website for more information.

And, if you want to combine training, networking and building your national resources, the ASFPM 2014 National Conference continues to remain your best value for leadership, as well as your training dollars (and 12 CEC’s!). The Call for Presenters has been sent out with abstracts due on October 31. “Making Room for Floods & Fish” will be in Seattle Washington this year from June 1-6.

Floodplain Managers are leaders and learners. And you are needed.

Keep up the good work!

A handwritten signature in black ink that reads "Ingrid Danler". The signature is written in a cursive, flowing style.

## A New World, A New Realm: ASFPM's New WEBINAR Series

We have come a long way! Did you know that today, the nation's 8,000 Certified Floodplain Managers need a total of 64,000 Continuing Education Credit Hours annually to maintain their certifications? In today's fast paced work environment, it may be challenging to find time to fulfill the CEC requirements. While face-to-face, in person training is hard to beat, we are seeing an explosion in on-line opportunities, probably because the demand is there for them. That is why the ASFPM has joined the ranks of many of our partner organizations in making available cutting edge webinars on topics you want to hear about!

For ASFPM, our **mission** is to "to promote education, policies, and activities that mitigate current and future losses, costs, and human suffering caused by flooding." In today's online age, it is only natural that ASFPM should pursue educational opportunities where many of our members are – online. And, it gives ASFPM the ability to reach members and non-members alike in the far corners of the country and everywhere in between.

These webinars and other training oriented initiatives are vitally important to not only the profession of floodplain management but also to ASFPM's ongoing financial goals. The good work of your Association can only be accomplished by having a stable and diversified source of revenue. In creating a webinar series for which there is a modest cost, we are mindful of modest budgets but also in ensuring that there is a diversity of training available. In fact, the ASFPM training calendar is your number one resource to find all of these different opportunities. We want the following three items to be differentiators for ASFPM's webinars:

1. Quality of experience
2. Quality of presenters/content
3. Value

In the research that we have done, it was clear that there are webinars and there are webinars. The number one complaint we have heard is one of the webinar experience itself. ASFPM has the ability to identify national leaders and experts on a variety of topics that our members are interested in. Finally, we did research a lot of research on webinars that our members are already taking and I think that you will find ASFPM's webinars to be a very good value for the cost. In fact, your membership in ASFPM has just become more valuable! Individual ASFPM members receive up to a 50% discount on the webinar rates and chapter/corporate and agency members receive up to a 25% discount.

For 2014, we are looking at a variety of offerings for different membership segments. Also, we are exploring concepts like sponsored webinars, custom webinars developed for specific organizations, and options for registering and viewing previously recorded webinars. One feature we will soon have on our webpage is the ability to either submit your name as a potential webinar presenter, or submit a webinar topic that you would find interesting and useful.

We hope that you will take advantage of this new webinar series by using your member discounts. We hope that the national perspective, and the ASFPM expert perspective, will not only help you do your daily tasks more efficiently, but help you establish yourself in your career more effectively.

To find current webinar offerings, click [here](#) for ASFPM's webinar page. ASFPM's training calendar can be found at ASFPM's home page at [www.floods.org](http://www.floods.org). If you have ideas or questions, please contact Kait Laufenberg, ASFPM's Training Coordinator at [kait@floods.org](mailto:kait@floods.org).

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## National Flood Insurance Program (NFIP) BW-12 Page Updates

ASFPM now hosts the most comprehensive compilation of information about the Biggert-Waters 2012 National Flood Insurance Program Reform Act implementation. Our resources include training and outreach materials, FEMA/NFIP guidance, studies and reports, and references and links. Please go to our newly [updated BW-12 page](#) to see it all.



## Social Media for Techies: LinkedIn

For those that dislike some of the current social media options, or for those that do use them but want a little more in depth options, LinkedIn has become the social medial tool of choice for ASFPM. Tipping this morning's count at just over 1,907 approved members, the site has several active discussions happening simultaneously. Popularity of topics has expanded into three subgroups that participants can join in addition to or instead of the main group. To join any of these groups, you must be a LinkedIn member, and all join requests are reviewed by the EO before admittance to groups. Membership is open to all – you do not have to be an ASFPM member – however, requests out of our professional fields are not accepted. Flagged posts are warned by the EO and then blocked from the group. We hope that you consider joining and participating in some fascinating discussions. [Main group](#) [NFIP subgroup](#) [Mapping subgroup](#) [International subgroup](#)

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## CALL for PRESENTERS DEADLINE is October 31!

2014 ASFPM National Conference

June 1-6, 2014

Seattle, Washington

*Making Room for Floods & Fish!*



Please note the following Key Dates:

- September – “Call for Presenters” is issued
- October 31, 2014 – “Call for Presenters” deadline
- January – Program unfolds on the conference web page
- March – Conference Registration opens



The [CALL FOR PRESENTERS is now available!](#) Submittals are due October 31, 2013. Once you have reviewed the Call for Presenters, the preview forms above, and the Speaker Tips, and are ready to submit your presentation for consideration, [please visit our Survey Monkey Presentation Submission collector here.](#) ASFPM annual national conferences are recognized as the most important floodplain conference in the United States year after year. With more than 100 speakers, 80 exhibitors, and over 1200 participants, they are the national conferences all community, state and federal floodplain managers plan to attend. And because of that, many of the most

important consulting firms and product vendors associated with floodplain management attend. Attendance generally has about an equal number of private, local, state, and federal participants from all over the US and several foreign countries.



## CFM® Corner



Please direct your certification questions to [cfm@floods.org](mailto:cfm@floods.org). For suggestions on specific topics or questions to be covered in the column, please send an email to [Anita Larson](mailto:Anita.Larson).

**Keep ASFPM Posted** - Please remember to notify Anita or Nancy when you move. CFM renewals and other certification related mailed material is sent to your **HOME ADDRESS**. Additionally, it is important for you to be sure ASFPM always has your current employment information and correct email address.

### CFMs - View your submitted CECs online

As a reminder for active ASFPM members, ASFPM CFMs can log on to the members site and view their certification file for continuing education credits (CECs). This site shows how many CECs the person has earned, in what year the CECs were earned, and the type of CECs (Core or Parallel). If you have problems logging on or have questions about your CECs, email [cfm@floods.org](mailto:cfm@floods.org)

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## Flood Warning Systems Save Lives during Colorado Floods

*By NHCW President David Curtis*

Nearly 40 years ago, more than 140 people lost their lives and 150 more were injured in a devastating flash flood in the Big Thompson Canyon during Colorado's Centennial Weekend. In mid-September, epic flooding returned to Colorado's Front Range, striking a 200-mile stretch of mountain canyons and communities from Colorado Springs to Fort Collins. Boulder and nearby communities were the hardest hit. Sadly, officials report seven confirmed fatalities. Three more people are missing and presumed dead. Damages to homes, businesses, and infrastructure are severe. But while these losses are tragic, history has proven that they could have been far worse.

What was different this time?

Fundamentally, the region simply committed to a different outcome. Since 1976, Front Range communities have improved floodplain management policy and invested in flood control structures, public education, emergency preparedness, and flood warning system technologies; the latter providing up-to-the-minute information needed to trigger effective flood response.

Today, more than 230 rainfall and water level gages stand sentinel along the Front Range; instantly reporting changing storm conditions to emergency managers.

From September 9-16, 2013, the region's rain and stream gages were up to the task; automatically reporting on the developing storm. These gages with other tools, such as National Weather Service's Doppler radar and satellite imagery, helped officials precisely track the most dangerous conditions. Emergency managers used the information to warn threatened neighborhoods and initiate life-saving evacuations.

Early warnings and evacuations are now credited for saving hundreds of lives last week in Colorado — all because local communities invested in a different result. Today hundreds of communities across the country have local flood warning systems. Many more are needed.



The National Hydrologic Warning Council is a non-profit organization dedicated to assisting emergency and environmental management officials. Our members provide expert advice on the use of real-time, high quality hydrologic information from automated remote data systems. Protecting lives, property and the environment is our goal.



Submit your own items or suggestions for future topics to column editor Rebecca Quinn, CFM, at [rcquinn@earthlink.net](mailto:rcquinn@earthlink.net). Comments welcomed!

I took a short walk down memory lane recently, prompted by a long talk with the City of Baltimore's floodplain manager. Some of you know that for many years I was Maryland's NFIP State Coordinator. But fewer know that Maryland administers a state nontidal floodplain permit program and I started my government career as an engineer in that section. It didn't take much to get me talking about a number of interesting projects in Baltimore City from those years. [One of the more memorable that we didn't get around to talking about was having the swim coach who would go on to take Michael Phelps to the Olympics stand in my office – stating in no uncertain terms that “you WILL issue a permit” (his emphasis!) for an air-inflated bubble over a swimming pool located in an area with a fair amount of existing development in the floodplain.]

I originally called to ask how Baltimore's emergency services and fire department handle some apartment and condominium buildings that were built on piers over water in Baltimore's harbor. It turns out the deliberations surrounding those projects occurred before the current floodplain manager came on board, but that didn't stop us from talking about the whole concept of buildings over water. That's what I want to review with you now.

First, let's consider what's in the NFIP regulations and building codes, and then we'll take a look at NFIP flood insurance coverage for buildings over water:

- **Zone A, flood hazard areas identified with the letter “A,” including A, AE, A1-A30, AO, and AH:**
  - NFIP regulations 44 CFR 60.3(c) have no explicit provision that deals with buildings over water, which means buildings over water are permitted in Zone A provided they meet all of the requirements for Zone A.
  - International Residential Code and International Building Code (and ASCE 24, a standard referenced by the IBC), like the NFIP regs, have nothing about buildings over water in Zone A. Thus, like the NFIP, this means such buildings are permitted, again provided they meet the code requirements.
- **Zone V, coastal high hazard areas identified by the letter “V,” including V, VE, and V1-V30:**
  - NFIP regulations 44 CFR 60.3(e)(3) explicitly requires that communities “Provide that all new construction within Zones V1-30, VE, and V on the community's FIRM is located landward of the reach of mean high tide.” What really jumps out at me is that this is the ONLY place in the NFIP rules that the term “new construction” is not paired with “substantial improvement.” The effect is that under the NFIP rules, while construction of new buildings over water in Zone V clearly are not permitted, existing (pre-FIRM) buildings could be substantially improved provided they are brought into compliance with all of the requirements for buildings in Zone V (including being supported on pilings or columns and being elevated with the bottom of the lowest horizontal structural member at or above the base flood elevation).
  - IRC and IBC (by reference to ASCE 24), like the NFIP regs, require new construction to be landward of the reach of mean high tide. Unlike the NFIP, however, the building codes also apply the limitation to substantial improvements.

Now, let's look at what the NFIP Flood Insurance Manual says about buildings over water. Given the complexity of the Manual, this is something I do with considerable caution – so I'll summarize what I learned and provide some quotations from the Manual in the box below. What's really interesting is that whether a building over water is – or isn't – eligible for flood insurance has nothing to do with which flood zone it is located in:

- The NFIP will not insure new buildings over water or buildings over water that are substantially improved after October 1, 1987.

- The NFIP will insure buildings that were constructed or substantially improved before October 1, 1982 – and regular pre-FIRM rates apply. There’s an exception with conditions that apply to buildings that become entirely over water because of erosion.
- The NFIP will insure buildings that are partially over water, but procedures referred to as “submit-for-rate” will be used. As I understand it, that means coverage is available only with specific approval and after underwriters establish the risk premium rate.

**The rest of the story.** I’m guessing most of you want to know the outcome of the bubble over the swimming pool story. To be honest, I don’t recall if the project actually moved forward. But I do recall our discussions about what we’d ask for in order to approve the proposal. We were particularly concerned about the fabric structure getting loose during floods. The area, with quite a few buildings across the stream as well as downstream, had experienced flooding several times in the 1970s. Also, there was an undersized culvert about 1000 ft downstream that, if I recall correctly, had been blocked by debris during the September 1979 flood, which of course exacerbated flooding in the vicinity of the swimming pool. It was easy to imagine what might happen if a huge, Olympic-pool sized fabric covering was added to the debris. Thus, we decided the applicant would need to provide assurance that the fabric would be anchored to remain on site during conditions of the base flood.

Now, fast-forward more than 20 years, and check out the International Building Code, Section 3102 Membrane Structures, which has a specific provision for engineering design of such structures. They are required to be “designed and constructed to sustain ... live loads including wind, snow or flood and seismic loads”. I think you know what I’d say if someone asks me how they should interpret that provision!

- General Rules, III. Building Property Eligibility, A. Eligible Buildings, 5. Buildings Entirely Over Water – Constructed or Substantially Improved before October 1, 1987. “Follow Submit-for-Rate procedures in the Rating section for insurance on Post-FIRM buildings located entirely in, on, or over water or seaward of mean high tide. Pre-FIRM buildings constructed before October 1, 1982, are eligible for normal Pre-FIRM rates. If the building was constructed or substantially improved on or after October 1, 1982, the building is ineligible for coverage. Exception: If a building was originally constructed on land or partially over water, and later becomes entirely over water because of erosion, it is eligible for coverage only if the building has had continuous coverage: •from the period beginning at least 1 year prior to the building being located entirely over water, regardless of any changes in the ownership of the building; or •from the date of construction if less than 1 year.”
- General Rules, III. Building Property Eligibility, A. Eligible Buildings, 6. Buildings Partially Water. “Follow Submit-for-Rate procedures in the Rating section for buildings partially over water. However, Pre-FIRM buildings are eligible for normal Pre- FIRM rates.”
- General Rules, VI. Ineligible Property, C. Buildings Entirely Over Water. “Buildings newly constructed or substantially improved on or after October 1, 1982, and located entirely in, on, or over water or seaward of mean high tide are ineligible for coverage.”

*Source: NFIP Flood Insurance Manual, May 2013*

I’d appreciate your comments, suggestions for additions and priorities. And what do you think should be on the follow-on reading list for folks with more experience?

[RCQ]

## Washington Legislative Report

By: Meredith R. Inderfurth, ASFPM Washington Liaison  
& Sam Medlock, ASFPM Policy and Partnerships Manager



### Everything Stalled; Many Postponed Hearings and Meetings

Almost nothing is happening in Washington so far in October due to the government shutdown resulting from inaction on appropriations for FY 2014, which began on October 1. Not only most federal agency staff, but most Congressional staff have been furloughed too. When furloughed, they are not allowed to conduct government business. Their email does not function and even their government-issued smartphones do not operate. So, not only can current business not be conducted, but it is also impossible to plan for rescheduling events. Even many activities and meetings planned by NGOs and private sector interests have been cancelled because agency and Congressional participants are not available.

In terms of ASFPM interests and plans, a hearing in House Financial Services on the NFIP and rate increases was postponed. ASFPM Executive Director Chad Berginnis had been scheduled to testify. A two day meeting of the NOAA Digital Coast Partnership, of which ASFPM is an active member, was also postponed. A hearing on the effects of climate change on weather was also postponed.

Importantly, there has been little substantive activity in moving legislation. House and Senate floor schedules have been almost entirely focused on actions related to the appropriations and debt ceiling impasse. Plans had called for House floor consideration of the Water Resources Reform and Development Act during the week of October 7, but that will not occur until the government reopens. There does however, appear to be movement toward appointing conferees to work out differences between House and Senate versions of the Farm bill.

### Flood Insurance Reform – Biggert-Waters Implementation

As elements of Section 205 of the Biggert-Waters flood insurance reform legislation enacted in July 2012 are implemented, there has been a significant outcry about the potential size of premium rate increases. Phased removal of pre-FIRM subsidies for secondary residences and for business or commercial properties began January 1, but other changes such as the removal of subsidies immediately upon sale of a property, including primary residences, upon issuance of new policies or upon renewal of lapsed policies were scheduled to take effect on October 1.

Although FEMA has indicated it will not be ready to implement provisions of Section 207 removing grandfathering and making rate changes related to map changes until late in calendar 2014, there have been many pieces of legislation introduced in both the House and Senate to delay implementation. Early legislative delay attempts focused on both Sections 205 and 207, but the Congressional Budget Office (CBO) indicated that delaying Section 205 would result in a “score”, which would require an offset for lost revenues. Delay efforts have since focused on Section 207 since that would apparently not “score”. All of the many bills are pending in the House Financial Services Committee and the Senate Banking Committee. No action on the bills has been scheduled as of yet.

Many Members of the House and Senate have written individual and joint letters to FEMA Administrator Fugate asking for his assistance in delaying implementation. Most recently (Oct. 10), 24 Senators wrote to the Democratic and Republican Senate leadership expressing concern about rate increases and asking that language delaying implementation be attached to any available legislative vehicle. The letter notes that the study of affordability called for in BW is only just being initiated.

Both House and Senate versions of the Homeland Security Appropriations bills, however, do contain language prohibiting FEMA from using funds to implement Section 207 for one year. The House has passed its bill (H.R. 2217). The Senate bill (S. Rept. 113-77) has been reported out of committee but not yet considered on the Senate floor.



When a Continuing Resolution (CR) re-opening the government is put together, it is likely that this language will be included. (Senator Landrieu, D-LA, is Chairman of the Appropriations Homeland Security Subcommittee and can be expected to work hard to make certain this provision is included.)

### **Hearings on flood insurance reform implementation**

The Senate Banking Committee held a hearing on the NFIP and affordability concerns on September 18<sup>th</sup>. The House Financial Services Committee had scheduled a hearing on the NFIP rate increases and BW implementation on October 9<sup>th</sup>, but that hearing has been postponed. ASFPM will testify when that hearing is rescheduled. Testimony will likely note that the increased rates are problematic in many situations, but also are driving great interest in mitigation actions to “buy down” premiums. Further, the ASFPM testimony will point to various proposals to address affordability such as means-tested vouchers, low interest loans for mitigation and group flood insurance policies.

In addition to hearing testimony from Senators Landrieu (D-LA) and Vitter (R-LA) and from FEMA Administrator Craig Fugate, the Senate Banking Committee also heard from the General Accounting Office (GAO), Taxpayers for Common Sense, the Center for Economic Justice and from Christine Shirley, Oregon State NFIP Coordinator. In addition to noting the concerns and fears associated with increasing premium rates, Ms. Shirley focused on the significant problem in risk communication and in training and education for insurance agents, real estate agents and surveyors. She explained the importance of their education in mitigation options and of credit for partial mitigation steps.

### **Water Resources Reform and Development Act**

Chairman Bill Shuster (R-PA) of the House Committee on Transportation and Infrastructure has been announcing his intent to move the House version of the Water Resources Reform and Development Act (WRRDA) to the House floor and then to Conference Committee with the Senate during October. Unfortunately, the schedule has slipped due to the government shutdown and the dominance on the House floor of bills related to the budget situation. (The House has passed a number of bills providing for funding specific programs, but the Senate has not taken them up.) The WRRDA bill, H.R. 3080, had been expected to be on the House floor for consideration during the week of October 7. It was introduced in the House on September 11 and reported out of committee on September 19.

The Senate passed its Water Resources Development Act (WRDA) on May 15 by a vote of 83-14. The accompanying committee report is: S. Rept. 113-13.

ASFPM is carefully evaluating both bills, noting several important differences of interest to floodplain management professionals. The Senate WRDA increases authorizations to USACE Technical Assistance programs - Floodplain Management Services (FPMS) to \$50 million and Planning Assistance to States (PAS) to \$45 million. The Senate WRDA also provides for a new National Levee Safety Program, which:

- Expands the National Levee Inventory to include nonfederal structures;
- Creates National Levee Safety Board to develop safety guidelines and guide the development of State Levee Safety Programs through the nation;
- Provides for Technical assistance and support for levee repair, rehab, reconfiguration, modification, and removal among the options to address flood risks associated with levees;
- Aligns of state and local Hazard Mitigation Planning with levee safety activities; and
- Requires that states, tribes, and local governments who receive federal financial assistance to address flood risks associated with levees receive technical assistance, and adopt and implement floodplain management plans to reduce future flood impacts in leveed areas.

The House T&I WRRDA contains no comparable provisions. Instead, it amends the PAS program to include State levee safety programs as an eligible activity but with no additional authorization for appropriations.

### **FEMA Reauthorization**

The House Transportation and Infrastructure also has jurisdiction over Stafford Act and related FEMA programs. The Subcommittee on Economic Development, Public Buildings and Emergency Management is drafting legislation to reauthorize a number of FEMA programs including IPAWS, USAR and EMAC. The bill is expected to look very much like legislation considered in the previous (112<sup>th</sup>) Congress, H.R 2903.

Committee staff are interested in other elements to include in their bill that could be helpful, such as amendments to encourage mitigation under the Stafford Act. The Majority and Minority Subcommittee staff directors met with the Stafford Coalition, a group of associations interested in the Stafford Act, on October 8<sup>th</sup> to discuss the legislation and to solicit views and recommendations. The ASFPM Executive Office is interested in thoughts from the Mitigation Policy Committee and the Board (or any members). The time frame may be quite short as the Subcommittee is interested in introducing draft legislation very soon and in marking it up soon after the government reopens.

## **Coalitions**

### Hazards Caucus Alliance

Although this Alliance has been less active for the past year, it has been rejuvenated and is considering an active schedule of briefings on Capitol Hill on hazards related issues.

The first briefing was requested by Caucus Co-Chair Senator Mary Landrieu (D-LA) on the science underlying floodplain mapping. That briefing will take place on October 22<sup>nd</sup>, assuming the government has reopened by then. The roster of speakers includes Gerry Galloway (University of Maryland Engineering School) as speaker and moderator, Mike Buckley (formerly FEMA, representing ASFPM), David Maune (Dewberry and MAPPS) and John Dorman (State of North Carolina).

### Stafford Coalition

As mentioned above, the Stafford Coalition had a very well attended meeting on October 8<sup>th</sup> with House T & I staff to discuss upcoming draft legislation to reauthorize some FEMA programs. ASFPM also provided a briefing on Biggert-Waters and its implementation at the meeting which led to expressions of interest by some Coalition member associations in webinars or other materials to assist their members in better understanding Biggert-Waters.

### USGS Coalition

The USGS Coalition held its annual Congressional reception on September 18<sup>th</sup>. ASFPM helped to sponsor the reception highlighting USGS science and programs and honoring Members of Congress who have helped to support USGS data collection and activities.

### Flood Map Coalition

The most recent meeting of the Flood Map Coalition was held in July and was a call-in meeting/webinar accompanied by online briefing materials. This was a briefing on the new Levee Assessment and Mapping Program (LAMP)

*All referenced legislation can be found by going to: <http://thomas.loc.gov> and typing in the bill number or title.*

This report appears regularly as a Member benefit in the INSIDER, ASFPM's member newsletter produced in the odd months. Please see [ASFPM 2013 Legislative and Policy Priorities](#) on ASFPM's website. This and other documents are also available at [National Policy and Programs > Working with Congress](#).

## Flood Insurance Committee Corner

### ARE YOU ACKNOWLEDGING YOUR OWN VIOLATION?

Sounds like an odd title for a Flood Insurance Corner article, but read on! Floodplain Administrators or other community officials that sign the MT-1 Form 3 Community Acknowledgement Form for LOMR-F's may unknowingly be endorsing a violation of the NFIP and their local ordinance.

The MT-1 defines a LOMR-F as: *A letter from DHS-FEMA stating that an **existing** structure or parcel of land that has been **elevated by fill** would not be inundated by the base flood.*

Most would assume, for building construction, this means the fill is placed on the lot and the structure is placed on top of the fill. This is not always the case. In many communities a concerning practice is taking place that may be inadvertently creating a basement situation.

In a typical scenario, in areas of relatively shallow flooding, property owners place mounded fill around the perimeter of the structure to raise the lowest adjacent grade to an elevation above the BFE and then apply for a LOMR-F. The LOMR-F application approval would remove the structure from the SFHA based on the mounded fill, and allow the property to be removed from designation as Special Flood Hazard Area. With the LOMR-F removing the structure from the SFHA, the property owner may petition their lender to be allowed to waive the requirements to purchase flood insurance. The obvious concern with this practice is that it creates a basement situation which is prohibited by the NFIP. FEMA defines a basement as: *any area of the building having its floor subgrade (below ground level on all sides).*

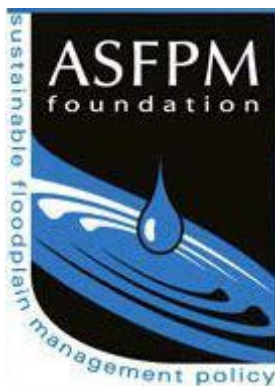
Although the FEMA Map Assistance Center processes these types of requests and will even advise individuals calling the 1-877-FEMA-MAP hotline to utilize this practice, the responsibility lies with the local official signing the community acknowledgement form which states: *Based upon the community's review, we find the completed or proposed project meets or is designed to **meet all of the community floodplain management requirements**, including the requirement that no fill be placed in the regulatory floodway, and that all necessary Federal, State, and local permits have been, or in the case of a Conditional LOMR-F, will be obtained.*

Why is this not caught by the reviewer? The LOMR-F application does not include the interior elevation to determine if the outside grade is higher than the interior grade and thus creating a basement. The reviewer assumes the community official reviewed the project and no basement exists. The exception being, when an Elevation Certificate (EC) accompanies and supports the LOMR-F, the reviewer may note on it that C-2(a) is below the LAG and identify the submittal as a potential violation. However, EC's are not required to process a LOMR-F and as a result no other checks and balances exist.

Community officials are encouraged to verify the conditions on site before completing the Community Acknowledgement Form for any LOMR-F that involves a structure. And if it is a valid LOMR-F, provide them with a copy of FEMA's Preferred Risk Policy [brochure](#) and remind them that Mother Nature does not recognize LOMR-Fs! They still are at risk for flooding, though it may just be reduced.

--Your Humble [Insurance Committee Co-Chairs](#)  
Bruce Bender & John Gerber  
Liaison Gary Heinrichs

*This column is produced by the ASFPM Insurance Committee. Send your questions about flood insurance issues to [InsuranceCorner@floods.org](mailto:InsuranceCorner@floods.org) and they will be addressed in future issues of the newsletter.*



ASFPM Foundation information is available on the website:  
<http://www.asfpmfoundation.org/>

### **Nick Winter Memorial Scholarship Fund Award Competition for Undergraduate and Graduate Students**

Remembering Nick Winter

**Deadline: April 1, 2014**



The Association of State Floodplain Managers (ASFPM) and the ASFPM Foundation, will grant a \$2,500 scholarship for the 2014-2015 academic year to a full-time college junior or senior currently enrolled in an undergraduate program related to floodplain/ stormwater management, or a student enrolled in a graduate program in a field related to floodplain/ stormwater management. Eligible applicants include current undergraduates in a four-year college program, applicants to a graduate program, or current graduate students. Applicants must be enrolled in an accredited university or college in the United States and be a citizen of the United States. Eligible fields of discipline include civil or environmental engineering, planning, emergency management, environmental sciences or other disciplines with a demonstrable link to floodplain and stormwater management.

Applicants must complete a [Scholarship Application Form](#). Selection preference will be given to those applicants who demonstrate a history of civic or volunteer service, as well as a financial need (i.e. full-time students responsible for their own tuition), in addition to meeting the basic qualifications. In order to be considered, the Scholarship Review Committee must receive the Scholarship Application Form and a separate reference letter by April 1, 2014. Scholarship funds will be paid directly to the recipient's university.

Applications and reference letter should be sent electronically to [diane@floods.org](mailto:diane@floods.org). For further questions, please contact Diane Brown at 608-828-6324.

#### **Past Scholarship Recipients**

- ❖ 2013-2014 Lynsey Johnson – Loyola University New Orleans
  - ❖ 2012-2013 H. E. "Gene" Longenecker, III – University of Colorado at Boulder
  - ❖ 2011-2012 Chelsea Lane-Miller – Vermont Law School
  - ❖ 2010-2011 Steven Mee – University of Southern Mississippi
  - ❖ 2009-2010 Colin C. Smalley – Creighton University
  - ❖ 2008-2009 Tim Fulks – Tri-State University - Ohio
  - ❖ 2007-2008 Aaron Wallace, CFM – Western Kentucky Univ.
  - ❖ 2006-2007 Sam Riley Medlock, CFM – Vermont Law School
  - ❖ 2005-2006 Margaret Weirich – Wellesley College
  - ❖ 2004-2005 Joshua Briggs – University of New Hampshire
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## Job Corner

For more info and to see the most up-to-date job listings, please visit the online [ASFPM Job Corner](#).

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## Floodplain Management Training Calendar

For a full nationwide listing of Chapter, State, and Partner training opportunities, please take a moment to visit the [ASFPM Online Calendar](#).

Are you looking for training opportunities to earn CECs for your CFM? If so, be sure to check out our web calendar, which already has LOTS of training opportunities listed! You can search the calendar by state using the directions below. Or you can use the category drop down menu to search by category.



Go to the calendar and click on the search feature icon at the top of the calendar. Type your state's initials in parenthesis (for example "(WI)") into the search field and it will pull all the events (training, conferences, etc.) that are currently listed on the calendar for your state. What a great way to find upcoming training for CECs! The only events without a state listed in the event title are EMI courses which are all held in Emmitsburg, MD.

### Upcoming ASFPM Events – Mark your Calendar!

- 2014 June 1-6 – ASFPM 38<sup>th</sup> Annual National Conference – Seattle WA
- 2015 May 31-June 5 – ASFPM 39<sup>th</sup> Annual National Conference – Atlanta GA
- 2016 May 15-20 – ASFPM 40<sup>th</sup> Annual Conference – Grand Rapids MI
- 2017 May 21-26 – ASFPM 40<sup>th</sup> Annual Conference – Kansas City MO

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