

**ASSOCIATION OF
STATE FLOODPLAIN
MANAGERS**

*Dedicated to
reducing flood losses
and protecting
floodplain resources . . .*

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NEWS & VIEWS

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Ground Broken for Memorial Father of Floodplain Management Honored

On July 11, dozens of colleagues, former students, friends, and family of Gilbert F. White gathered on the banks of Boulder Creek in Boulder, Colorado's Central Park for a ground-breaking ceremony to mark the beginning of construction of a memorial to honor the renowned geographer who has been called "the father of floodplain management."

The memorial, a flood marker designed by Gilbert's daughter Mary White, a noted glass artist, and Christian Mueller, who previously designed and constructed Boulder's Sister-City Plaza, will be a 12-foot column of jade glass resting on a 6-foot stone base. Layers of stainless steel will mark the 50-, 100-, and 500-year flood levels on the creek, as well as the level of water comparable to the 1976 flash flood on the Big Thompson River, which occurred 40 miles north of Boulder and killed over 140 people.

The speakers included Clancy Philipsborn, a former student of Gilbert's and chair of the memorial committee; Susan Osborne, the mayor of Boulder; Richard Jessor, a colleague of Gilbert's from the University of Colorado; David Butler, former editor at the university's Natural Hazards Center, which was founded by White; as well as Gilbert's children, Mary White, Frances Chapin, and Will White.

At the ceremony, Butler noted

The floodplain marker that will stand here and the accompanying plaque are, of course, fitting tributes to the man whose footsteps we all follow, in one way or another. Yet, at the same time, we should remember that the true measure of a great man lies not in the plaques, monuments, and writings that recall him, but in the changes that he has writ upon our lives—in the ways that we think, the ways that we live, the shape of the world in which we reside.

In that sense, Gilbert will always be with us. We hear his words spoken again and again—sometimes knowingly, but more and more often unknowingly—by everyone from local emergency managers to college professors to federal administrators. Again and again, they say, "We must learn to adapt. We must build more wisely. . . ." And if we hear Gilbert in their words we also see him right here in this Boulder Creek pathway—a place where houses have been removed, to be replaced by parks, baseball fields, wetlands—a place where people come to live with and enjoy the creek . . . not to defend against it.

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Memorial to Gilbert F. White (cont.)

Jessor's comments went to the very theory of science as Gilbert saw it:

There is a subtle aspect to Gilbert's impact, and that is the unique model he represented about the relation of an academic scholar/scientist to the problems of society. The history of science is replete with examples of competitive races for primacy of discovery, as if the true motivation for advancing knowledge were the glorification of the scientist. Other scientists have treated the scientific enterprise as just another "game," one that is played against Nature, where the thrill and challenge derive from uncovering the recondite laws and principles that govern the natural and social worlds. And for still others, their scientific work comprises what Thomas Kuhn called "puzzle solving," the continuing accumulation of new but fundamentally pedestrian bits of information that must await the second coming of a Newton or a Darwin or a Marx to make coherent sense of.

None of these images captures the vision of scientific work represented by Gilbert White's efforts across the decades. For Gilbert, the making of science was never to be an end in itself. Instead, it was his orientation that science has ultimately to be in the service of human betterment, that the scientist bears a deep responsibility to trace out and, indeed, to implement the application of new knowledge and understanding to improve the human condition. This "way of being" in the world of science threaded its way through all of Gilbert's scientific contributions. It is this model of doing science in the service of society and of societal betterment that represents an equally lasting legacy that Gilbert has left to academe, to the University of Colorado, and to our Institute of Behavioral Science.

And, the ASFPM adds, to floodplain management.

➤➤➤ Although construction of the flood marker is about to begin, the memorial committee is still very much seeking contributions. Donations are tax deductible, and persons wanting to help build this memorial should send their contributions to The Community Foundation, 1123 Spruce Street, Boulder, CO 80302. See http://www.colorado.edu/hazards/gfw/GFW_memorial.html.

— Thanks to David Butler for his prose and insights. —

National Committee on Levee Safety Holding Regional Stakeholder Meetings

The National Committee on Levee Safety is hosting a series of regional stakeholder meetings to discuss its January 2009 Report to Congress (available at <http://www.nfrmp.us/ncls/>) and associated legislative recommendations.

The ASFPM participates as a member of the National Committee on Levee Safety, working to broaden the focus of that group to include considerations of flood risk management and land use as related to levees. The ASFPM also participates on the NCLS Review Team, by commenting on NCLS reports and other publications. Most recently, the ASFPM prepared recommendations for the levee component of a national flood risk management program that is being discussed among congressional staff and relevant agencies.

The proposed calendar for the NCLS regional meetings is shown below. ASFPM members and leaders are encouraged to attend and provide expertise and insights regarding flood risk and

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Levee Safety Meetings (cont.)

levee issues, and the implications of various actions being considered. Please let Sam Reilly Medlock know if you would like an invitation to any of the meetings.

Stakeholder meetings have already been held in Binghamton, New York; Kansas City, Missouri; and Covington, Kentucky.

The next on the schedule are October 6 in Dallas, Texas; October 27 in Sacramento, California; November 10 in either Portland, Oregon, or Seattle, Washington; and December 9 in either Palm Beach, Florida, or Augusta, Georgia.

In addition, meetings are being considered for Fargo, North Dakota; Cedar Rapids, Iowa; and St. Louis, Missouri.

➤➤➤ Questions, suggestions for other meeting sites, and requests for invitations to meetings can be directed to Sam Reilly Medlock at sam@floods.org.

Input wanted on Revisions to Community Rating System Activities

Among the many projects being undertaken to pursue the objectives and strategies set out in the *Strategic Plan for the Community Rating System, 2008-2013*, the systematic evaluation of all CRS-credited activities is perhaps of most interest to the states and to CRS communities. At least one activity is being evaluated each year, and now the first batch of reports is ready.

Each report explains the original purpose of the activity, the methods used to evaluate it, what issues have arisen since the specifications and credits were last revised, and what changes (if any) are proposed to the prerequisites, elements, credit points, verification, and/or documentation. In addition to the activity evaluations, a review of some aspects of the procedures used to verify community credit points has been completed, in particular the ways in which items (such as buildings or elevation certificates) are selected from a larger pool to be checked for accuracy.

These Strategic Plan Evaluation reports are ready in draft form now:

- Activity 330–Outreach Projects
- Activity 350–Flood Protection Information
- Activity 610–Flood Warning Program
- Activity 630–Dam Safety Programs
- CRS Credit for Protecting Natural Floodplain Functions
- Repetitive Loss Strategy
- Sampling Committee Report to the CRS Task Force
- Verification Aids
- Best Local CRS Administration Practices
- Implementation Incentives.

Communities, states, and other floodplain management professionals are invited to examine these reports and make suggestions about their content and about the recommended changes in credit points included in some of the reports. Responses received by August 31, 2010, will be considered at the September CRS Task Force meeting, but ideas will be accepted any time this fall, as changes to the next *CRS Coordinator's Manual* are formulated.

➤➤➤ Get a digital (pdf) copy of any report by emailing NFI@CRS@iso.com.

from the Chair

Greg Main, CFM

Mapping Issues, Flood Insurance, and Levee Decertification: The New Flood Risk Jenga Game

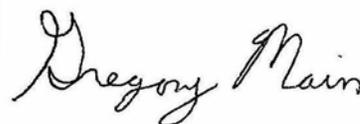
Have you ever played the game Jenga? First you stack small blocks to make a strong tower. Once the tower is built, players take turns removing a block at a time from the tower and balance the removed piece by adding to the top of the tower, creating a taller and increasingly unstable structure. The game ends when the tower finally falls. The loser is the person who makes the tower fall (which is usually me when I play with my kids).

Lately it seems to me that flood risk management and how the nation should define safety has turned into a game of “flood risk Jenga.” Floodplain managers have the task of trying to communicate the real need to better integrate the nation’s flood risk management policies and programs. In doing so, we have a chance to meet the challenges of flood hazard identification, aging flood “control” infrastructure, flood risk management approaches, flood insurance, and flood insurance affordability in a way that will better protect lives and property and reduce costs to taxpayers from flood disasters. Done properly, all these pieces help to make up the “Jenga flood risk tower” that can stand strong and weather the storm—so to speak.

The problem is that, as in the game, different players (in this case, Congress) seem determined to take individual pieces out of the tower, thereby making it less stable. Doing things like trying to delay flood mapping or resisting mandatory flood insurance behind levees are just a few examples of the short-term thinking that threatens to weaken the flood risk tower.

As much as we may wish that flood risk did not exist, the reality is that we need to continue work to identify our flood risks and plan accordingly. We need to act to reduce flood risk—requiring flood insurance for those who choose to live behind levees. We need to continue to educate in order to shape the way in which we affect the flood risk tower through our policies, programs, and most importantly, our actions. Otherwise, we will be weakening the tower continually and run the risk of losing the game. Unfortunately, this game is one we cannot afford to lose. I encourage each of you to consider who pays—in fact, we do. It is not just the poor flooded homeowner that we see on television. All of us have to pay for playing this game and until we all take steps to truly change, it will continue to cost all of us every time we have a flood disaster.

I challenge each of you to step up and take your turn to encourage the identification of flood risk, local planning to steer development away from risky areas, basing flood insurance on actual risk, vigorous promotion and support of hazard mitigation actions, and enabling citizens to recover from disasters more quickly and thoroughly by being insured to reduce their financial risk. The game is on and it’s your turn . . . What’s your move? ■





Larry A. Larson, CFM
Executive Director, ASFPM

What can we do to Move Policy in a Positive Direction?

I'm often asked, What significant changes have there been in flood policy in the last 30 years? What has changed after the devastating disasters we have experienced so far this century? The answers are not very encouraging. We are seeing this Administration and this Congress moving on policy change, with most of the positive changes in actions being worked on by the former and most of the backward-moving policy being proposed by the latter.

I reviewed the history of flood policy change in a talk at the ASFPM annual conference in Oklahoma City this past May. The notes and a video from that talk (along with videos of all the plenary talks) are posted on our conference website at <http://www.floods.org/index.asp?menuid=647>. Below I touch briefly on that topic, but mostly focus on a couple of simple things all of us can do to help direct current efforts at policy change in the right direction.

First, we must recognize those current approaches that have failed. We all must acknowledge that what we have been doing over the last century has neither reduced flood losses nor reduced the number of people and structures at risk of flooding. Unless we convince decision makers of this fact, it will be all but impossible to convince them to make the necessary big changes.

Second, we must promote positive policy change and oppose negative changes. There are two opportunities to do that right now. First, FEMA is undertaking a sweeping effort called "rethinking the NFIP." All of you should provide FEMA with your ideas of how you think the program can be improved, and pointing out what is not working. Also, let Congress know that bills that delay the issuance of new, more accurate flood maps, that delay the mandatory purchase of flood insurance for those identified at flood risk by those new maps, and efforts to have federal taxpayers subsidize more at-risk development are all bad ideas. They should not vote for them. Tell them you are tired of allowing those who benefit from developing in areas at high risk to externalize the cost of those actions to you—in the form of disaster relief or bailing out bankrupt programs.

Third, talk to the 90% of the nation's population whose taxes are helping subsidize the 10% of the people who either live at risk of flooding or propose to develop in areas subject to high flood risk. Most of us in this profession spend our entire careers talking to the 10% I just described, showing them where it will flood and trying to convince them they are at risk and should adjust their behavior. It is time for us to talk to the 90% of the population who are paying a good share of the tab, so they can help us convince decision makers to make long-term sustainable decisions on development and policy, instead of short-term decisions that benefit that 10%.

Although there are many other things we all do—or could do—our collective effort and messages on these two wide-screen issues can help lead to policy changes that are both sweeping (not just tweaks) and also lead to the long-term sustainability of our communities and our nation. ■

The Flood Insurance Committee's Corner

Even More on the PRP Extension

As we discussed in our April column, FEMA is busy putting together a two-year extension of the Preferred Risk Policy (PRP), which will benefit thousands of property owners who have been adjusting to some serious sticker shock when those new-and-improved FIRMs show up in their communities.

This temporary relief could save property owners over \$1,000 per year for two years as they adjust to paying for needed flood insurance and explore such full-risk premium options as grandfathering, elevation rating, etc. For communities facing expensive levee repairs, the extension provides an incentive for finishing the work before the extension period expires.

Buildings that meet the loss history requirements and are newly designated as lying within the Special Flood Hazard Area because of a map revision on or after October 1, 2008 are eligible for coverage under the PRP for a period of up to two years after the later of these two dates:

- The effective date of the map revision, or
- January 1, 2011.

Although FEMA did explore other options for lessening the financial burden on property owners, the agency has no authority to waive the mandatory purchase requirement or to expand subsidies. It did research the concept of offering standard-rated policies with discounts phased out over time in an actuarially sound manner, but it was deemed to be too complex. Finally, doing nothing was not considered a viable option.

Frequently Asked Questions about the PRP

Is there a waiting period for new coverage if converting a standard-rated policy to the PRP at renewal? No.

Is there a waiting period for a PRP issued under the extension due to a lender requirement? No.

Are PRPs purchased under the extension eligible for standard X-Zone rating under the “continuous coverage” grandfathering rule? In most cases, yes.

Does the PRP extension change the grandfathering requirements for pre-FIRM or post-FIRM structures? No, the PRP is separate from the grandfathering process.

Which properties are eligible?

- Buildings covered by policies effective on or after January 1, 2011.
- Buildings that were newly designated from a non-SFHA, including D-Zone, to an SFHA due to a map revision that was effective on or after October 1, 2008.
- Buildings that meet the PRP loss history requirements.
- Buildings that would otherwise be eligible for the PRP if actually located in Zones B, C, or X on the current FIRM.

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Insurance Committee's Corner (cont.)

How are the two years determined?

- The extension period begins on either January 1, 2011, or the map revision effective date, whichever is later.
- If the effective date of the map revision is between October 1, 2008 and December 31, 2010, the extension period is available for policy terms that are effective between January 1, 2011 and December 31, 2012.
- If the effective date of the map revision is on or after January 1, 2011, the extension period is available for policy terms that are effective within two years of the map revision effective date.
- A new policy effective during the second year of the extension period will receive only one year of PRP eligibility.

The following properties cannot be insured under the PRP:

- Properties located in an Emergency Program community;
- Properties newly designated within an SFHA by the initial FIRM, where the initial FIRM is the current FIRM;
- Properties constructed in an SFHA after the effective date of the most recent FIRM;
- Repetitive loss policies, including those with a disqualifying loss during the eligibility period;
- Properties insured in the name of a residential condominium association eligible under the Residential Condominium Building Association Policy;
- Lender-placed flood insurance properties;
- Non-residential condominium units are not eligible for building coverage under the PRP; and
- Residential units in a non-residential condominium building are ineligible for building coverage under the PRP.

PRP eligibility is transferable to a new owner and lapses in coverage do not extend the eligibility period. Potentially eligible policyholders will be notified at least 90 days before policy expiration. The notification will advise property owners and the agent of the appropriate procedures and documentation required to change policy types.

According to FEMA, there are approximately 17,000 standard X-Zone rated policies located on a map panel that has been revised since October 1, 2008 and 90,000 standard SFHA-rated policies that are located on a map panel that has been revised after October 1, 2008.

Acceptable forms of documentation (for both current and prior flood maps) to establish eligibility include a LOMA, LOMR, or LODR, a copy of the flood map with the property clearly marked, a community letter indicating the address and appropriate map information, an elevation certificate, or a guaranteed flood zone determination certification.

FloodSmart will be providing community outreach materials, including a form letter for community officials and links to the Map Service Center (<http://www.msc.fema.gov>) and the toll-free number (1-877-336-2627) for the map specialists. The policy holder notices will provide similar information and the National Flood Determination Association (<http://www.nfdaiflood.com>) has been briefed on the process. ■

—Your Humble Insurance Committee Co-Chairs
Gary Heinrichs & Bruce Bender

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

Community Rating System Task Force

Summary of June 2010 Meeting

Al W. Goodman, Jr., CFM
ASFPM representative to the CRSTF

The Community Rating System Task Force reconvened in Milwaukee, Wisconsin, the week of June 21, 2010. Task Force members, consultants, and guests totaled 30 people around the table at some point during the three days of work. Task Force member Barry Thomas (representing State Farm) bid his farewell at the meeting's conclusion; he will be missed by all. Just as a problem can be best solved by an optimistic approach, the heavy workload was lightened by Mr. Dave Fowler (aka "the Sewer Guy"), who led an excellent field trip to several natural function restoration projects undertaken by the Milwaukee Metropolitan Sewerage District.

Committees and Working Groups

The CRSTF now encompasses nine committees and two working groups: the Repetitive Loss, Coastal, Natural Functions, Succession Planning, 510 Planning, 320-360 Public Information, 450/540 Stormwater, 600 Flood Preparedness, and Prerequisites committees, and the Weighting Forum preparation and CRS promotion groups.



The Task Masters at work. From left to right, French Wetmore, Tom Powell, Bill Lesser, and Bill Trakimas.

Highlights

- All committees and work groups presented final reports or status reports.
- The new Regional Handbook has been delivered to the ten FEMA regional CRS Coordinators.
- FEMA Regional CRS Coordinators, State CRS User Groups, and ASFPM Chapters will begin talks soon to increase CRS education and outreach to the member CRS chapters and communities.
- Issues related to provisionally accredited levees (PALs), flood insurance, DFIRM delivery, and the Gulf Coast oil spill were discussed in relation to their impacts or perceived impact on the CRS.
- \$600 million was recently repaid by the NFIP to the U.S. Treasury, reducing the current debt to \$18.75 billion. No bills to reform the NFIP currently include debt forgiveness.
- RiskMAP will soon be in the forefront of FEMA and state outreach initiatives, with the Great Lakes coasts leading the way. Congress has become more aware of flood mapping (which may or may not be a good thing).
- The process is in place to extend the current *CRS Coordinator's Manual* for another three years. It is intended to revise the manual during this three-year period

If you have any CRS concerns or comments, please drop me a note at agoodman@mema.ms.gov and I will present them to the Task Force. ■

The Case for Sustainability— A Richmond County Perspective

Terri Turner, AICP, CFM
Co-Chair, No Adverse Impact Committee
Assistant Zoning & Development
Administrator & Floodplain Manager
Augusta, Georgia

As we compile figures for the 2010 census, one has to wonder if Richmond County, Georgia, will see an overall population increase or a less-desirable (and often-dreaded) population decrease. For the sake of schools and public services, which rely on a population increase for their much-needed funding, obviously everyone is hoping for an increase in the census data figures. I doubt, however, that anyone has taken the time to look at the big picture—namely, sprawl that is occurring throughout our county.

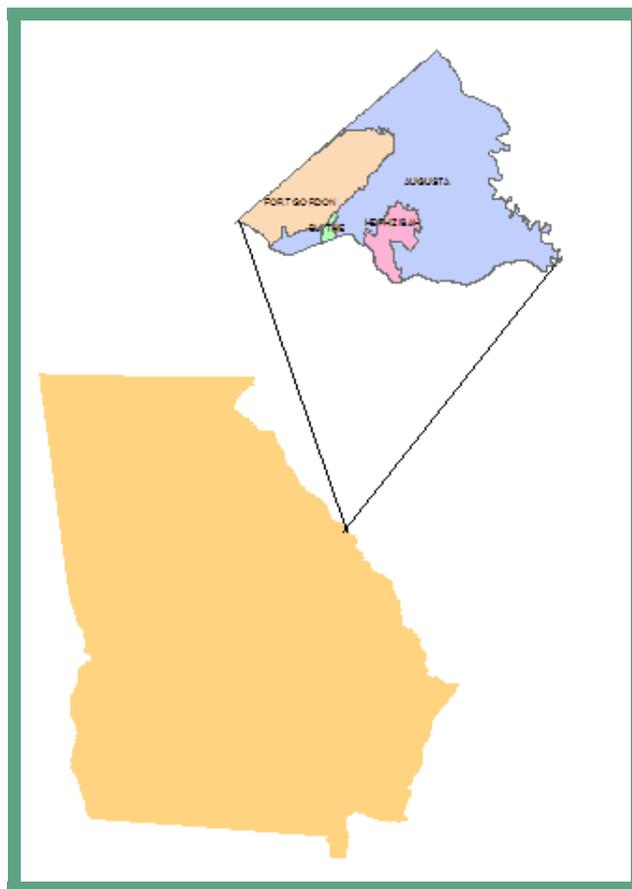
The 1990 census put Richmond County at a population of 189,719 with the total housing units listed as 77,288. The 2000 census recorded Richmond County's population at 199,775 with total housing units at 82,312 (<http://www.census.gov>). Ten years of "growth" in Richmond County saw a population change of 10,056 residents with 5,024 new housing units.

The last ten years have been a different story, however. Population estimates from the Census Bureau (covering a period of April 1, 2000 to July 1, 2009), predict the population of Richmond County to be 199,768 (<http://www.census.gov>) for 2010, a decrease of seven residents countywide. During that same time period, some 1,220 new housing units were built in Richmond County, according to the Augusta License & Inspections Department. Obviously, housing units are outpacing population growth—a much too common indicator of sprawl, not just in Richmond County or in Georgia, but all over the United States.

Neither Richmond County nor any other municipality, county, or state can afford a pattern of sprawl in the absence of population growth. Sprawl generally includes a move away from the city center, includes the costly extension of precious water and sewer services, the building of new roads and/or the widening of and improvement to existing roads to handle new development, and soaring operation and maintenance costs associated with that infrastructure. Sprawl generally puts the population farther away from much-needed resources like local government offices, hospitals, and often shopping sources. That phenomenon generally dictates that we build more to accommodate that distant population, creating . . . you guessed it . . . more sprawl.

This problematic land use scenario creates a staggering financial burden on local government where, in many areas, these new housing starts are "demanding more in services than they create in tax

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The Case for Sustainability (cont.)

revenue” (Fleischer, 2010). It is to be hoped that the mindset of the American people is slowly changing, dispelling the notion that development is in their best interest and that development is directly proportional to new jobs and a community’s overall success and well being.

There is also the ecological impact on the community as a result of “growth.” Acres upon acres of wetlands and floodplain are gobbled up each year—acreage that should be providing stormwater storage and natural flood control areas. “Development in wetlands degrades the ecosystem and its ability to shield surrounding areas from flood and storm hazards” (Fleischer, 2010). The loss of floodplains has been proportionate to the increase in flood damage to homes and businesses being currently experienced across the United States. These critically sensitive areas, both floodplains and wetlands, need to be protected from development so that they can serve as permanent green spaces and wildlife conservation areas.

What is needed is a change in public perception. Not all development is good. Not all development is beneficial to the community. Our money needs to be spent wisely and efficiently. We need to focus on development that enhances the long-term sustainability of our community and that includes re-using the resources (roads, water, sewer and other critical infrastructure) that we already have. We need to employ the principles of Smart Growth—“development that is environmentally, fiscally and economically ‘smart’ and includes land use planning, mixed use development and transportation efficiency” (<http://www.smartgrowth.org>). and the principles of No Adverse Impact (NAI) the “do no harm” principle of development, wherein impacts from development are mitigated on a watershed-wide basis so that development does not affect others. In short, “development is done in a manner that does not pass the cost of flooding on to other properties, other communities or to future generations” (http://www.floods.org/NoAdverseImpact/NAI_Toolkit_2003.pdf).

As we approach the second decade of this century, I hope that as a community, and as a nation, we vow to improve our situation and to inevitably leave things better off than we originally found them. It will take us all—not just the politicians and planners, not just the environmentalists and floodplain managers, not just the conservationists and “tree huggers”—it will take each and every citizen of this county, of this state, and of this nation to be firmly dedicated to wanting a better condition for the places that we all live. Only then will we see much needed change, valuable improvement in our surroundings, and communities dedicated to becoming sustainable not only for our generation, but for generations to come. ■

References

Fleischer, Peter, 2010. “Decay and Sprawl, Side by Side, Must Stop.” *Spotlight* 9 (11). <http://www.rpa.org/2010/05/spotlight-vol-9-no-11-decay-and-sprawl-side-by-side-must-stop.html>.

Turner wins Mary Fran Myers Scholarship

Terri Turner, AICP, CFM, was a recipient this year of the Mary Fran Myers Scholarship, which funds travel expenses for one or more deserving hazards managers to the Natural Hazards Center’s annual invitational workshop in Colorado, and thereby furthers their research, community work, or careers.

The scholarship is supported by contributions from the ASFPM and others, and is awarded in memory of Myers, a dedicated floodplain manager and former Co-Director of the Natural Hazards Center.

Turner, an active member of the ASFPM and past chair of the Georgia Association of Floodplain Management, attended the workshop in July. She noted that, “for five glorious days I had the privilege of being among the brightest and best hazards researchers, practitioners, and policymakers from around the world . . . the experience immensely furthered my professional skills as a floodplain manager.”

Congratulations to Terri, and many thanks for being an exceptional representative for floodplain management.

Washington Report

✕ All referenced legislation and committee reports can be found at <http://thomas.loc.gov>. Type in the bill number, or go directly to the committee's website to read testimony. ✕

Legislative Report—After a Busy July, it's August Recess!

The House of Representatives recessed on Friday, July 30th, for the annual August Recess, which this year will extend until September 14th except for a quick return on August 9th and 10th to vote on a bill providing funds to states for teacher pay and Medicaid. The Senate had passed that measure just before it recessed, but the House had already gone into its recess. The Senate recessed on August 5th and will return September 13th.

July was quite a breathless month, however. With the House in session for only three weeks, it managed to finalize action on the War Supplemental Appropriations bill, which included \$5.1 billion to replenish the Disaster Relief Fund. The House considered and passed a Flood Insurance Reform Priorities Act and came very close to considering legislation to add wind coverage to the National Flood Insurance Program (NFIP). A Water Resources Development Act of 2010 (WRDA 2010) was marked up and reported out of committee. Two subcommittees of the Senate Homeland Security and Governmental Affairs Committee held a hearing on levee and flood map issues at which the ASFPM testified. Senate committees are working on separate draft legislation for flood insurance reform and WRDA. The Senate Appropriations Committee reported out its versions of Homeland Security and Energy and Water Appropriations for FY 2011, along with seven other appropriations bills during July. Although the House Appropriations Committee has not acted at the full committee level, it has reported out the Homeland Security and Energy and Water Appropriations bills at the subcommittee level and two bills were reported out of full committee in July and passed by the House.

Not surprisingly, appropriations bills are expected to dominate the legislative schedule when Congress returns in mid-September, since the new fiscal year begins October 1st. At this point, it is projected that the Congress will recess again on October 8th for election campaigning and that there will be a lame duck session after the early November elections.

Flood Insurance Reauthorization

Although Congress acted in June to reauthorize the NFIP until September 30th (retroactive to May 31st), that new expiration date will come up soon after the mid-September resumption of legislative activity. When the Senate Appropriations Committee reported out its version of the Homeland Security Appropriations bill for FY 2011, it included a one-year reauthorization of the NFIP. The House Subcommittee draft contains no similar provision. If Congress passes a Homeland Security Appropriations bill in September, it likely would include the NFIP reauthorization. If not, then any number of scenarios could unfold. The program could lapse again. Another short-term reauthorization could be passed, presumably until the lame duck session could take further action. An authorization of undetermined length could be attached to some other legislative vehicle expected to readily pass both houses. The Senate could introduce and act on its version of flood insurance reform legislation, which would likely include a longer reauthorization. Obviously, the future is foggy.

Flood Insurance Reform

The House passed H.R. 5114, Flood Insurance Reform Priorities Act, on July 15th by a vote of 329 to 90. Because the bill came to the floor with little warning, there were only a few days to file

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Washington Report (cont.)

amendments. More than 60 were filed and the Rules Committee did rule on 12 of them in order for consideration on the House floor. An amendment filed by Gene Taylor (D-MS) to add wind coverage to the NFIP was determined not to be germane and ruled not in order. During floor debate, Taylor expressed his frustration that his amendment could not be considered and won agreement from the House leadership that his stand-alone bill adding wind coverage, H.R. 1264, could be considered the following week by the full House.

Indications are that the Senate Banking Committee is unlikely to take up the House-passed bill. Committee staff are engaged in developing a separate Senate bill that would probably have considerable similarity to the Senate-passed version of H.R. 3121 in the previous (110th) Congress. Whether a Senate version could be introduced and acted on during the remainder of this session is unclear.

H.R. 5114 (the House Bill) would reauthorize the NFIP for five years and would also reauthorize the Severe Repetitive Loss program for five years. The bill would delay for five years the implementation of the mandatory purchase requirement for areas newly mapped as floodplain. After that, actuarial rates would be phased in over another five-year period. The limit on annual premium increases would become 20% rather than the current 10%. It increases maximum coverage limits and requires phase-in of actuarial rates for commercial and non-primary residential pre-FIRM properties. The phase-in also applies to principal residences sold after enactment of the bill, but would not apply to multifamily rental properties or rentals that are primary residences. The measure adds optional coverage for additional living expenses and business interruption and increases the minimum annual deductibles for both pre-FIRM and post-FIRM properties.

The measure would establish an installment payment plan for low-income households and would direct FEMA to require landlords to inform tenants that they are located in a flood risk area and that flood insurance for contents is available.

The bill requires that state or locally funded flood control structures be treated the same as federally funded structures on flood maps when considering eligibility for the A99 zone. FEMA is directed not to implement the mandatory purchase requirement if the flood control system had met accreditation requirements, relying on information provided by a federal agency, but has since been determined not to meet FEMA's accreditation standards.

A competitive grant program for outreach and education efforts to encourage purchase of flood insurance would be established and an extensive office of the Flood Insurance Advocate would be created in FEMA.

Floor Amendments to H.R. 5114

Several provisions were adopted when the bill was considered on the House floor. All except two passed by voice vote.

The Manager's (or Chairman's) amendment included a number of provisions that would

- Phase out subsidized premiums for severe repetitive loss properties and properties where flood insurance was allowed to lapse;
- Phase in actuarial rates for pre-FIRM properties sold after enactment of the bill;
- Make flood insurance available at the Preferred Risk Policy rate for those participating in the 5-year delay in mandatory purchase for areas newly mapped as floodplain;
- Provide access to the installment payment option for all policy holders;
- Clarify that the FEMA Administrator may work directly with repetitive loss property owners to make mitigation offers if the local government is unable or unwilling to do so;
- Allow swimming pools on commercial properties below the base flood elevation to be enclosed with breakaway walls;

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Washington Report (cont.)

- Require review of zone designation for surrounding properties after a successful appeal of flood hazard of a property in newly mapped areas;
- Clarify that demolish and rebuild is an eligible mitigation option; and
- Add several studies and technical improvements.

Other amendments were adopted that included these provisions:

- Requiring FEMA to submit a report to Congress annually on the effectiveness of grants awarded to local government agencies, the activities conducted, and the effect on retention or acquisition of flood insurance—Adam Putnam (R-FL);
- Requiring that FEMA reimburse property owners who have successfully obtained a Letter of Map Amendment (LOMA) for costs incurred in pursuing the LOMA—Steve Driehaus (D-OH);
- Prohibiting use of grant funds for earmarks—Jeff Flake (R-AZ);
- Preventing Write Your Own insurance companies from excluding wind damage coverage from their own regular homeowners' policies only because of concurrent flood damage (anti-concurrent causation)—Gene Taylor (D-MS);
- Requiring the U.S. Government Accounting Office to study how the private insurance market can contribute to coverage of flood damage, what the effect would be on communities if they opt out of participation in the NFIP, and the feasibility of regionalizing the NFIP to avoid cross-subsidization—Candice Miller (R-MI);
- Attempting to ensure that occupants have relevant information on evacuation routes and to ensure that outreach efforts include information on how to obtain flood insurance—Leonard Boswell (D-IA);
- Adding to the functions of the Office of the Flood Insurance Advocate “identifying ways to assist communities in efforts to fund the accreditation of flood protection systems”—Baron Hill (D-IN);
- Requiring that notification of proposed flood elevation determinations be provided to local television and radio stations in addition to the current notification of local newspapers—David Loeb sack (D-IA);
- Providing federal grants for education of local real estate agents about the NFIP and availability of coverage and establish coordination with Realtors® to facilitate purchase of flood insurance and increased awareness of the need for flood risk reduction—Michael E. McMahon (D-NY); and
- Requiring that all funds authorized by the legislation be expended in a manner consistent with the manual on Standards of Ethical Conduct for Employees of the Executive Branch.

Adding Wind Coverage to the NFIP

H.R. 1264, the Multi-Peril Insurance Act, was scheduled for floor action on July 22nd. No amendments were ruled in order by the Rules Committee. Meanwhile, many organizations and interests had sent letters and held meetings with Congressional offices to express opposition. These included a number of major insurance associations, re-insurance interests, several important environmental groups, consumer groups, taxpayer protection groups, and even the U.S. Chamber of Commerce. The National Association of Realtors®, the National Association of Home Builders, and the American Bankers Association expressed support for the measure.

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Washington Report (cont.)

The ASFPM sent a letter to all House offices expressing strong concern about any addition of wind coverage to the NFIP. The letter said in part, “We are very concerned about the impact of the new exposure to wind losses on the future viability of the flood insurance program itself. Too many questions have not been addressed or answered. The ASFPM is firmly opposed to this bill because it would undermine the integrity of the NFIP, duplicate service already provided by the private insurance sector, and would only require that the FEMA Administrator ‘encourage’ mitigation of wind hazards.” The full text of the letter is posted on the ASFPM website.

At the last minute, after debate had begun on the bill, House leadership pulled the bill from further consideration. Speculation (unconfirmed) was that a vote count indicated the bill would not pass. Interestingly, when the floor schedule was announced for the following week (week of July 26th), it listed H.R. 1264 as “possible” for consideration.

The House recessed for the August break at the end of the week without taking up the bill. However, since the Rules Committee has already granted a rule for floor consideration, the measure could come up again at any time.

Homeowners’ Defense Act

This bill (H.R. 2555), which would provide a federal catastrophic loss backstop for state reinsurance funds, could also come to the House floor for consideration during the remainder of this Congressional session. Although it has not yet been scheduled for the floor and has not yet been considered by the Rules Committee, it has been favorably reported out of the House Financial Services Committee.

The measure is strongly opposed by the SmarterSafer Coalition, a group of reinsurance, insurance, and environmental associations and interests. It is supported by ProtectingAmerica.org and by a couple of major insurance companies. The ASFPM has expressed concern about the bill, primarily because of the likelihood that it would facilitate unwise development and has only very weak provision for mitigation, and thus can lead to massive financial exposure to federal taxpayers. Further, the private reinsurance industry has asserted its capability to provide the necessary reinsurance and its commitment to incentives for hazard mitigation. The ASFPM letter on H.R. 2555 is posted on the website.

Disaster Relief Fund Replenishment

After delays and bounces between the House and Senate, the so-called “War Supplemental” was finally passed and signed by the President on July 29th. The bill included a \$5.1 billion replenishment of the Disaster Relief Fund (DRF), to cover costs of disasters already occurred. Because of the precariously low status of the DRF, most mitigation activities have been on “hold.” Among other items, the bill also included \$49 million for the Economic Development Administration for expenses for disaster relief, long-term recovery, and restoration of infrastructure damaged during the storms and floods from March to May, 2010. The U.S. Army Corps of Engineers received \$5.4 million for studies in states affected by severe storms and floods and \$20 million for Flood Control and Coastal Emergencies. The measure is now Public Law 111-212.

Hearing on Levee Status and Relationship to Flood Maps

The ASFPM was asked to present testimony at a joint hearing of two Senate Homeland Security and Governmental Affairs subcommittees on July 28th. Mary Landrieu (D-LA), Chair of the Disaster Recovery Subcommittee and Mark Pryor (D-AR), Chair of the State, Local, and Private

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Washington Report (cont.)

Sector Preparedness and Integration Subcommittee, presided. Susan Collins (R-ME), Ranking Minority Member of the full Committee, participated throughout the hearing as did Jon Tester (D-MT).

Sam Riley Medlock testified for the ASFPM. Her testimony made a strong statement about the importance of identifying and acknowledging risk. She also noted that the problems associated with levee decertification, new flood maps that update floodplain delineations, and affordability of flood insurance all present an opportunity to develop wise and integrated policies to reduce flood losses. The ASFPM testimony, which was, as usual, reflective of contributions from a number of members, is posted on the website. Permission was given to submit additional material for the hearing record, and the ASFPM staff and others developed further comments.

Water Resources Development Act Markup

The full House Transportation and Infrastructure Committee marked up and reported favorably the Water Resources Development Act of 2010 on July 29th (H.R. 5892). Interestingly and somewhat surprisingly, the bill did not include a levee safety program component. According to Committee staff, the elements of a levee safety title were not ready for inclusion. It is expected that, when the measure comes to the House floor, a Chairman's amendment will include a levee safety component.

The bill authorizes several new projects, including three relating to hurricane and storm damage reduction and ecosystem restoration. It includes provisions to increase the transparency of independent reviews and improve the effectiveness of mitigation that addresses impacts from Corps' projects on the natural environment. Further, it authorizes the Corps to work with local communities in the assessment and evaluation of local flood control structures, including levees.

The ASFPM will continue to work with Committee staff to provide comments and any assistance requested as such language is developed. The ASFPM likely will recommend that, at the very least, the bill include language directing the Corps to extend its levee inventory to levees other than those built, operated, and maintained by the Corps so the nation knows the number of miles of levees and has a general knowledge about the extent of the levee problems and risk. The ASFPM recommends that levee-related activities be part of a broader flood risk management approach in the nation. The ASFPM is likely also to urge a significant increase in authorized funding for the Section 22 Planning Assistance to States program and Flood Plain Management Services program as a key element of expanding Corps technical assistance to communities in developing solutions (both structural and non-structural) to their flooding challenges.

Progress on Appropriations for Fiscal Year 2011

During July, there was considerable movement on appropriations bills for FY 2011. The House passed 2 of the 12 regular appropriations bills. While most of the subcommittees have marked up their bills, only 2 have been reported out of the full committee. Full committee consideration of the Homeland Security bill was scheduled and then postponed. The Senate has not passed any of its bills, but the full Appropriations Committee has reported out 9 of the 12 regular bills. Given the short time between the return of the Congress in mid-September and the end of the fiscal year on September 30th, it is likely that there will be a Continuing Resolution to cover funding for much of the government. How long a Continuing Resolution and other further steps remain to be determined.

Because the full House Appropriations Committee has not acted on most bills, the subcommittee bills and accompanying reports have not been released. A summary released by the Subcommittee on Homeland Security provides some information. The mapping program is provided \$194 million, which is the same as the Administration budget request, but less than the \$220 million appropriated for

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Washington Report (cont.)

FY 2010. Pre-Disaster Mitigation (PDM) would receive \$100 million, the same as the budget request and as FY 2010. About \$25 million of that amount is earmarked for designated activities. Emergency Management Preparedness Grants (EMPG) would receive \$345 million, which is the same as the budget request and \$5 million more than FY 2010.

Nine Senate bills and reports (available online) have been reported out of full committee:

- Agriculture (S. 3606; S. Rept 111-221);
- Commerce, Justice, Science (S. 3636; S. Rept 111-229);
- Energy and Water (S. 3635; S. Rept 111-228); and
- Homeland Security (S. 3907; S. Rept 111-222).

The Senate Homeland Security bill would reauthorize the NFIP for one year, until September 30, 2011. It also provides \$194 million for mapping and \$345 million for EMPG (the budget request), but only \$75 million for PDM, \$25 million below the request. The committee report indicates that this is due to concern about the pace of allocating funds and notes that \$230 million of previously appropriated funds were unobligated as of April 30, 2010. The report also notes that the Administration budget request had not included funds for the Severe Repetitive Loss Program. Rather than eliminate funding, the Senate report directs FEMA to streamline the process and eligibility requirements “to ensure its most effective use.” Further, the Homeland Security report contains language similar to that in the report accompanying the War and Disaster Relief Supplemental Appropriations bill, directing FEMA to establish an interagency task force to include the Corps and the Office of Management and Budget “to track, address, and where possible, resolve concerns stemming from FEMA mapping in communities with issues related to flood control infrastructure protection, such as levees, drainage or dams.”

The Senate Energy and Water Appropriations bill increased funds for Flood Plain Management Services from the budget request of \$8 million to \$11 million. Of that amount, \$4.3 million is earmarked. Funds were also increased for Planning Assistance to States from the budget request of \$7 million to \$9 million, of which \$2.5 million is earmarked.

The Senate Commerce, Justice, Science Appropriations bill increases funds for the National Oceanic and Atmospheric Administration by \$805 million over FY 2010, but is consistent with the Administration’s budget request. Most of the increase will fund new satellites to observe weather, climate variations, and changes in sea levels.

Other Legislation—the Liveable Communities Act

Senate Banking Committee Chairman Christopher Dodd (D-CT) introduced a bill (S. 1619) to establish an Office of Sustainable Housing and Communities at the Department of Housing and Urban Development, to establish the Interagency Council on Sustainable Communities, to establish a comprehensive planning grant program, and to establish a sustainability challenge grant program. Having completed the Banking Committee’s commitment to major financial regulatory reform legislation, the Chairman announced that this legislation would be his next priority. The Committee held a hearing on June 9th and marked up and favorably reported the bill on August 3rd. Chairman Dodd said “There is great demand for the kind of integrated planning and location-efficient investments that the bill makes possible.” The Committee did adopt an amendment by David Vitter (R-LA), but softened by a substitute offered by Robert Menendez (D-NJ) making those in the country illegally ineligible for housing programs in the legislation.

A companion bill, H.R. 4690, has been introduced in the House by Ed Perlmutter (D-CO) but no action has been scheduled yet.

—Meredith R. Inderfurth, *Washington Liaison*
Rebecca Quinn, *CFM, Legislative Officer*

Publications, Software, the Web

■ “Community Hurricane Preparedness: 2nd Edition” is 6-hour distance-learning module for emergency managers in communities that deal with hurricane and tropical cyclone threats. It discusses the science behind hurricanes, their formation and their hazards, and overviews forecast products and tools that can be used to help prepare communities for these threats. The module culminates in a decision-making exercise, based on an actual hurricane, in which learners make decisions at various stages as a hurricane threatens. This second edition gives updated information on hurricane science and National Weather Service forecast products. A new section on emergency management discusses decision-making tools that can help in response and evacuation issues during hurricane threats. Produced by the Cooperative Program for Operational Meteorology, Education and Training, part of the University Corporation for Atmospheric Research. 2010. To start the module, go to <http://www.meted.ucar.edu/hurrican/chp/>. A Spanish version can be found at http://www.meted.ucar.edu/hurrican/chp_es/.

■ *Hazard Mitigation: Integrating Best Practices into Planning* seeks to close the gap that often exists between hazard mitigation planning and other local planning and regulatory land use processes. It introduces hazard mitigation as a vital area of practice for planners; provides guidance on how to integrate hazard mitigation strategies into comprehensive, area, and functional plans; and shows where hazard mitigation can fit into zoning and subdivision codes. Best practices in incorporating hazards into other local planning processes are provided for different hazards and demographics, and a Safe Growth Audit is included in the report to show how planners can evaluate their communities’ plans and regulations to show a community how any locality—large or small—can successfully address these issues. The publication was supported through a contract with FEMA and includes contributions from many FEMA staff at headquarters and the regional offices. American Planning Association. 2010. 156 pp. Planning Advisory Service (PAS) No. 560. The report may be downloaded from the FEMA Library at <http://www.fema.gov/library/viewRecord.do?id=4267&fromSearch=fromsearch>. Printed copies will not be available from the FEMA warehouse, but may be purchased for \$60 (\$30 for APA members) from the APA Bookstore at <http://www.planning.org>.

■ *Final Recommendations of the Interagency Ocean Policy Task Force* establishes the nation’s first comprehensive policy for the stewardship of the oceans, coasts, and the Great Lakes. This policy will set the United States on a new path toward comprehensive planning for the conservation and sustainable use of the ocean. President Obama established the Task Force in 2009. Composed of 24 senior-level officials from executive departments, agencies, and offices across the federal government, it is led by the Chair of the Council on Environmental Quality. Besides the statement of a policy of stewardship, the report recommends a strengthened governance structure to provide sustained, high-level, and coordinated attention to ocean, coastal, and Great Lakes issues; a targeted implementation strategy that identifies and prioritizes nine categories for action that the United States should pursue; and a framework for effective coastal and marine spatial planning that establishes a comprehensive, integrated, ecosystem-based approach to address conservation, economic activity, user conflict, and sustainable use of ocean, coastal, and Great Lakes resources. White House Council on Environmental Quality. 2010. 90 pp. Available at http://www.whitehouse.gov/files/documents/OPTF_FinalRecs.pdf.

Calendar

The events listed below are only the highlights of events of interest to floodplain managers. A complete list of flood-related training, conferences, and other meetings, including ALL the workshops and conferences of State Chapters and associations is always posted at <http://www.floods.org/n-calendar/calendar.asp?>

September 19–23, 2010: DAM SAFETY 2010, Seattle, Washington.

Association of State Dam Safety Officials. See <http://www.damsafety.org>.

September 26–29, 2010: FALL CONFERENCE OF THE ARKANSAS FLOODPLAIN MANAGEMENT ASSOCIATION, Eureka Springs, Arkansas.

See <http://www.arkansasfloods.org/afma/?src=com>.

October 21, 2010: NEW MAPS, NEW REGS—REDUCING FLOOD AND STORMWATER IMPACTS IN MARYLAND, Linthicum Heights, Maryland. 6th Annual Conference of the Maryland Association of Floodplain and Stormwater Managers. Also CFM training, CFM exam, and half-day field tour. Contact nmacceroni@mbakercorp.com or see <http://www.mafsm.org/>

November 13–17, 2010: PREPARING FOR CLIMATE CHANGE: SCIENCE, PRACTICE AND POLICY, 5th National Conference on Coastal and Estuarine Habitat Restoration, Galveston, Texas. Restore America's Estuaries. See <http://program.estuaries.org>.

May 15–20, 2011: THIRTY-FIFTH ANNUAL CONFERENCE OF THE ASSOCIATION OF STATE FLOODPLAIN MANAGERS, Louisville, Kentucky. Contact (608) 274-0123 or see <http://www.floods.org>.

March 21–24, 2011: COASTAL GEO-TOOLS 2011, Myrtle Beach, South Carolina. Sponsored by the Coastal Services Center, National Oceanic and Atmospheric Administration. Abstracts are due October 1, 2010. Call (843) 740-1192 or see <http://geotools.csc.noaa.gov>.

July 17–21, 2011: WINDS OF CHANGE: GREAT LAKES, GREAT OCEANS, GREAT COMMUNITIES: COASTAL ZONE 2011, Chicago, Illinois. See <http://www.doi.gov/initiatives/CZ11/index.htm>.

May 20–25, 2012: THIRTY-SIXTH ANNUAL CONFERENCE OF THE ASSOCIATION OF STATE FLOODPLAIN MANAGERS, San Antonio, Texas. Contact (608) 274-0123 or see <http://www.floods.org>.

June 9–14, 2013: THIRTY-SEVENTH ANNUAL CONFERENCE OF THE ASSOCIATION OF STATE FLOODPLAIN MANAGERS, Hartford, Connecticut. Contact (608) 274-0123 or see <http://www.floods.org>.

June 1–6, 2014: THIRTY-EIGHTH ANNUAL CONFERENCE OF THE ASSOCIATION OF STATE FLOODPLAIN MANAGERS, Seattle, Washington. Contact (608) 274-0123 or see <http://www.floods.org>

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