

**ASSOCIATION OF  
STATE FLOODPLAIN  
MANAGERS**

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

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# NEWS & VIEWS

Vol. 23, No. 1

February 2011

## Federal Facilities Now Required to Pay Stormwater Fees

On January 4, 2011, President Obama signed into law S. 3481, requiring the federal government to pay their fair share of local stormwater management services. Prior to the bill's passage and enactment, some federal facilities such as post offices, federal buildings, and military installations refused to pay local stormwater fees, even though the fees were in response to federally mandated stormwater programs. The federal government claimed "sovereign immunity," claiming the charges were a tax rather than a fee, thus unconstitutional. The result of this stance was the loss of several millions of dollars in unpaid stormwater fees to multiple local governments across the nation.

The bill was sponsored by U.S. Senators Benjamin L. Cardin (D-MD) and Senator James Inhofe (R-OK), as well as Senators Patty Murray and Maria Cantwell (Both D-WA) and George Voinovich (R-OH). The bill amends the *Clean Water Act*, allowing for "reasonable service charges" to address stormwater management. The determination of reasonable charges must be nondiscriminatory "based on some fair approximation of the proportionate contributions of the property or facility to stormwater pollution (in terms of quantities or pollutants, or volume or rate or stormwater discharge or runoff from the property or facility)." The bill also states that the fees must be "used to pay or reimburse the costs associated with any stormwater management program (whether associated with a separate storm sewer system or a sewer system that manages a combination of stormwater and sanitary waste), including the full range of programmatic and structural costs attributable to collecting stormwater, reducing pollutants in stormwater, and reducing the volume and rate of stormwater discharge, regardless of whether that reasonable fee, charge, or assessment is denominated a tax."

The new law benefits many communities throughout the nation who have been engaged in billing disputes with various federal agencies. Some of these include: the City of Aurora, CO who has billed the Buckley Air Force base \$143,445 in outstanding stormwater fees as of May 2010; Gwinnet County, Atlanta is owed \$160,000; and Seattle has an outstanding stormwater fee bill of \$1.9 million from 2006-2010 for the following departments: NOAA, VA, ACOE, and the Navy. The largest amount owed for stormwater charges is in Washington, D.C., where the outstanding balance is \$2.4 million.

## ASFPM 2011 Conference Brochure is Now Available!

The brochure for the Annual Conference of the Association of State Floodplain Managers, May 15-20, 2011, including the registration forms, is now available. Get your registration in before April 2 to take advantage of discounted early bird registration rates! [View Registration](#)



Also, check the conference webpage at <http://www.floods.org> for more information on:

- The technical program
- Exhibits and sponsorship
- ASFPM Foundation's Silent Auction
- Accommodations
- Field trips
- Nominations for Floodplain Management Awards
- And much more!

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## ASFPM Provides Comments on NFIP Reform

ASFPM is pleased FEMA is undertaking a major review of the NFIP with the intent to present Congress with options for NFIP Reform. This effort will also inform FEMA leadership and staff what actions can be taken through rules or guidance by the agency to improve implementation of the NFIP. ASFPM understands this effort is long term, and while it has been underway for about a year now, will need to continue through the summer of 2011, when FEMA plans to present a report and some options to both the Administration and Congress. After that report is issued, we anticipate even further effort will be needed in order to provide Congress with more analysis and data before any reform of the NFIP can occur.

As part of this continuing effort, ASFPM recently provided comments to FEMA on the NFIP Reform. You can view a copy of our comments on our website: [ASFPM Comments on NFIP Reform](#)

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## NFIP Claims Closed Without Payment (CWOP)

News & Views has twice reported on an interesting summary of the NFIP claims data that are accessible online at <http://www.fema.gov/business/nfip/statistics/pcstat.shtm>. The NFIP reports the total number of claims filed, the number that have been closed (i.e., paid), the number that are open (in process), and the interesting number – the number of claims that were “closed without payment” (CWOP). Claims are closed without payment for a number of reasons, for example if the loss was less than the deductible, if the loss was for items not covered (such as basement contents), or if the event did not qualify under the insurance definition of a flood.

At the end of November 2011, the NFIP reported that nearly 1.77 million claims had been filed since January 1, 1978. Of that total, 77% were paid (or are being processed) and 23% were CWOP. The proportion of claims that are CWOP has stayed about the same over the past 10 years.

What's still interesting is the wide variation in the percent of CWOP, which varies considerably from state to

state. It ranges from a high of nearly 50% in Colorado to a low of about 14% in Mississippi and Missouri. The comparison below shows previously-reported data with current data. Exactly what accounts for that significant difference is unclear.

	<b>December 31, 2001</b>	<b>February 28, 2007</b>	<b>November 30, 2011</b>
Highest percent of claims that were CWOP	Guam (52%)	Colorado (47.5%)	Colorado (47.0%)
Lowest percent of claims that were CWOP	Missouri (14%)	Mississippi (14%)	Mississippi (14.2%) Missouri (14.2%)
States with more than 40% of claims that were CWOP	New Mexico, Virgin Islands, Wyoming, and Colorado	Washington, DC (42.9%) Virgin Islands (43%) Wyoming (43.8%)	New Mexico (40%) Virgin Islands (41%) Washington, DC (43%) Wyoming (45.6%)
States with less than 20% of claims that were CWOP	Arkansas, Texas, Mississippi, Oklahoma, North Dakota, West Virginia, Minnesota, Kentucky, and Louisiana	Missouri (14.5%) Kentucky (15.1%) West Virginia (15.4%) Minnesota (16.4%) Oklahoma (16.9%) North Dakota (17%) Pennsylvania (18%) Louisiana (18.8%) Texas (19.1%) Washington (19.9%)	Kentucky (14.8%) West Virginia (15.4%) Minnesota (16.2%) North Dakota (16.8%) Tennessee (17%) Oklahoma (17.2%) Washington (18.1%) Pennsylvania (18.2%) Iowa (18.8%) Louisiana (19.2%) Texas (19.7%) Alabama (19.8%) Virginia (19.8%) Idaho (19.9%)

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## NAS Study on Sea Level Rise on the West Coast

A new project announced by the National Academy of Sciences will address sea level rise on the West Coast of the U.S. This project relates to the general problem of global change, which has important implications for water resources that go far beyond sea level changes. Thinking about the project description given below, it is not hard to see impacts on precipitation, surface, and ground water at least for this region, and potentially for the entire world. With the present high level of interest in this subject, most federal agencies that have related missions include global change in their appropriation requests, in some form.

A committee will provide an evaluation of sea level rise for California, Oregon, and Washington for the years 2030, 2050 and 2100. The evaluation will cover both global and local sea level rise. In particular, the committee will evaluate each of the major contributors to global sea level rise (e.g., ocean thermal expansion, melting of glaciers and ice sheets) and combine the contributions to provide values or a range of values of global sea level rise for the years 2030, 2050, and 2100. They will also characterize and, where possible, provide specific values for the regional and local contributions to sea level rise (e.g., atmospheric changes influencing ocean winds, ENSO [El Nino-Southern Oscillation] effects on ocean surface height, coastal upwelling and currents, storminess, coastal land motion caused by tectonics, sediment loading, or aquifer withdrawal) for the years 2030, 2050 and 2100. Different types of coastal settings will be examined, taking into account factors such as landform (e.g., estuaries, wetlands, beaches, lagoons, cliffs), geologic substrate (e.g., unconsolidated sediments, bedrock), and rates of geologic deformation. For inputs that can be quantified, the study will also provide related uncertainties.

Government Web Site, <http://acwi.gov/swrr/>

Archive Web Site, <http://sites.google.com/site/sustainablewaterresources/>

## General Signup Period for the Conservation Reserve Program

Agriculture Secretary Tom Vilsack announced that the next general signup for the Conservation Reserve Program (CRP) will begin on March 14, 2011, and continue through April 15, 2011. This is the second consecutive year that USDA has offered a general CRP signup.

"Over the past 25 years, support for CRP has grown thanks to strong backing from farmers, ranchers, conservationists, hunters, fishermen and other outdoor sports enthusiasts," said Vilsack. "Not only has CRP contributed to the national effort to improve water and air quality, it has preserved habitat for wildlife, and prevented soil erosion by protecting the most sensitive areas including those prone to flash flooding and runoff. Today's announcement continues the Obama Administration's effort to conserve sensitive areas and improve wildlife habitat."

Through CRP, eligible landowners receive annual rental payments and cost-share assistance to establish long-term, resource conserving covers on eligible farmland. Land can be enrolled for a period of up to 15 years. During the general signup period, farmers and ranchers may offer eligible land at their county Farm Service Agency (FSA) office. Land currently not enrolled in CRP may be offered in this signup provided all eligibility requirements are met. Additionally, current CRP participants with contracts expiring this fall may make new contract offers. Contracts awarded under this signup are scheduled to become effective Oct. 1, 2011. The general sign-up for CRP will not affect cropped acres for this growing season. Acres will be enrolled in the program in the fall.

For more information, visit <http://www.fsa.usda.gov/crp>.

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## Third Webinar Scheduled to Discuss Levee Safety Program

USACE is developing an Engineer Circular (EC) that will provide policy and guidance for the USACE Levee Safety Program. The third of the series of webinars to discuss the U.S. Army Corps of Engineers (USACE) Levee Safety Program EC development and non-routine activities is scheduled for March 9-10, 2011. Topics will include additional information on Portfolio Management processes, tolerability of risk concepts, and future risk management studies/options. To learn more about the USACE Levee Safety Program, please visit their website at: <http://www.usace.army.mil/LeveeSafety>. In the event you do not get an opportunity to participate on this webinar, the materials will be posted at this website following the webinars.

## National FPM Awards Submittal Deadline

– March 1, 2011 –

The national awards for excellence in flood loss reduction are announced and presented at the annual floodplain managers' conference each spring. We need your help in showcasing what works, as we commemorate those who reduce flood damages in the nation and make flood risk management an achievable reality. Therefore, YOU are invited to feature your outstanding local or state program or person! The 2011 ceremony will be held at the annual ASFPM Awards luncheon, noon Thursday May 19, at the Galt House Hotel in Louisville, Kentucky. Please see the Award categories and submittal instructions at

<http://www.floods.org/awardsform.asp>. Make sure you complete this online submission by the March 1 deadline; it will not be extended since the conference is in May this year. It is highly recommended that you attach applicable letters of support for your nomination. You may direct any questions to Diane Brown in the ASFPM office at [diane@floods.org](mailto:diane@floods.org) or call her at 608-441-3003. Winners will be notified in early April to allow time to make travel arrangements. Congratulations to those who received national awards in 2010 – you can see them at: [View Past Recipients](#)

## from the Chair

*Greg Main, CFM*

Greetings from the Hoosier Heartland - or maybe I should I say the Hoosier Iceland! I hope all are fairing the winter season well. Here in my neck of the woods, we are just digging out from a recent winter storm event (mostly ice) that reminded me just how much I appreciate things like heat and a good pair of ice skates. And while my sons love all the “snow days,” I am already looking forward to some warmer weather and greener scenery.

It was interesting to note that in this last “ice” event I found myself doing a lot of the same things that flood survivors do as an event unfolds. It went along the lines of something like this:

Stage one **Denial** - It will never snow here, not snowed in over a hundred years, after all the weather forecaster is never right!

Stage two **Concern** - Getting kind of cloudy outside? Maybe I should get some bread and milk. What did I do with my snow shovel?

Stage three **Panic** - Oh heck it is snowing, wait it’s ICE! Hope the power stays on! Store is out of everything! Why didn’t I buy that back up heat source? Trapped and no videos! I should have listened to the weather forecaster.

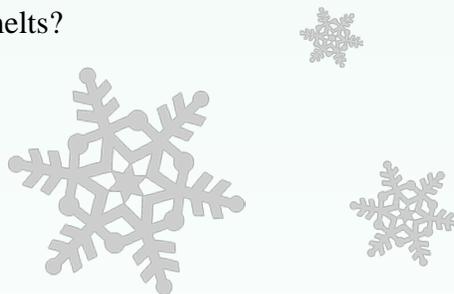
Stage four **Hindsight** - Boy that was close. I got lucky this time! I sure won’t let that happen again. Guess I will go out and buy some ice insurance! (Kind of like getting folks to want to buy flood insurance right?)

In some ways my reactions to my snow/ice event are similar to many of the public’s reactions to realizing their risks in regard to flooding and to get them to take proper actions to mitigate their risks. It is a mindset that we must try to change. Again, I want to encourage each of you to continue to take up the challenge this year of promoting effective strategies for communicating flood risk to the public as well as to decision makers about the actions that are needed to appropriately manage the nation’s flood risk and its floodplain resources. At present, we are not getting through to the public on getting them to “buy in” regarding the risk from flooding. It is up to us to work to break that cycle and come up with new and innovative ways to foster a better understanding about flood risks.

After all, what happens when ice melts?

Regards,

Greg  
AKA Frosty The Ice Pick



## Dealing with the Deluge – Urban Water Management in a Changing Climate

A new report from WWF and RSA argues that natural flood defenses are a cost effective way of managing water and reducing the risk of flooding in our towns, while also benefiting wildlife.

<http://www.wwfpartners.com/publications/dealing-deluge/>

*Dealing with the deluge: Urban water management in a changing climate* demonstrates how sustainable drainage systems (SuDS) can form part of an economical, integrated approach to flood and water management. Drawing on examples from the UK and overseas, the report shows how towns and cities can protect themselves against flooding and improve the urban environment for people and wildlife.

Climate change is putting existing drainage systems under increasing pressure. The report highlights the cost of inaction for the insurance industry and society if new approaches are not adopted. One in six properties in England are at risk of flooding and the cost of protecting them is expected to swell to £1bn a year by 2035, according to the Environment Agency. It estimates that the annual cost of flooding, associated damage to property, infrastructure and loss of business, could rise from £2.5bn to £4bn by 2035 unless funding for flood defenses is increased.

The report identifies huge opportunities for SuDS in existing buildings and developments. However, significant social, cultural and political barriers prevent widespread SuDS implementation. The report calls on government, regulators, sewage and insurance companies, local authorities and NGOs to work together to tackle these barriers. Recommendations include better awareness of natural surface water management and changes to the current regulatory and legislative framework that currently favors more costly traditional solutions.

Download a copy of *Dealing with the Deluge: Urban water management in a changing climate*

<http://www.reportalert.info/ra/profiles/RSA/2011/?ID=35805>.

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## Another Round in the Fight for Clean Water: Court decision leaves wetlands vulnerable to development

Last month another sideways step was taken in the long struggle to clarify **which waters receive Clean Water Act protections** in light of recent confusing and controversial Supreme Court decisions. The 4th Circuit Court of Appeals in Virginia issued a decision requiring the Army Corps of Engineers to revisit its determination that the Clean Water Act applies to a 4.8-acre tract of wetlands in Chesapeake, Virginia, and that the Act's protections preclude the destruction of those wetlands for the proposed residential development.

Although this decision still preserves broad legal latitude for EPA and the Corps to protect waters, it demonstrates the agencies' on-going struggle to determine the Clean Water Act's reach through a confusing and often inconsistent case-by-case approach. Protecting many wetlands and small streams now requires a protracted struggle, with little clarity as to what is required to establish a "significant nexus" between wetlands and downstream traditionally navigable waters.

If the agencies had clearer guidance to determine the "waters of the United States" covered by the Clean Water Act, it's very possible that this permit application process would have been streamlined, rather than taking more than 3 years, two court decisions, and significant expenditures of time and money by all parties involved. The Fourth Circuit decision itself suggests the agencies would benefit from agency rulemaking toward this end.

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## the Director's Desk

**Larry A. Larson, P.E., CFM**  
**Executive Director, ASFPM**



We are at an interesting point in time when it comes to national water and flood policy. The combination of a major recession and the inability of parties in Congress to work together led to angst among the voters. This resulted in a very large turnover of members of Congress, either because they left or because the voters did not re-elect them. If those elected do what they promised, federal programs and budgets will be reduced, as will federal subsidies for various sectors of the public. There seems to be a growing concern about both the deficit and the national debt.

A true test of the political rhetoric could be how the NFIP issues are handled. Will the new Congress pass bills that will dictate that those who live at risk should pay for the cost of that risk, so the federal taxpayers are not subsidizing that risk? Or, on the other hand, will we see continued legislative push to delay the mandatory purchase of flood insurance for 5 years or more, or a delay in issuing flood maps, or exemptions from the NFIP requirements for certain classes of properties? An even larger issue: will the NFIP and other programs which guide development to be safer, or away from high risk or sensitive areas be painted as “job killers”, and impediments to economic development? Many of you have already seen some of this knee jerk, negative action by your State legislators, governors, etc. How do we successfully juxtapose these reactions with consideration of long-term sustainability and cost-effectiveness?

What about earmarks—those “bring home the bacon” projects that have become pervasive in most of the agency and program budgets? While many are saying there will be no more earmarks, will that really happen, or will the definition of earmarks be tweaked so those in Congress can show their constituents they can still bring federal money home to their district? It remains to be seen how this will impact the development of a new Water Resources Development Act (WRDA) bill or the recent earmarking of FEMA’s Pre-Disaster Mitigation Program.

I suggest that we all carefully watch this dynamic play out. Will things really change? Will they change for the better? Who will win and who will lose in this new paradigm? If the past is at all prologue, those of us interested in long-term community sustainability may have reason to be concerned. But keep an open mind, and allow your expertise to inform the dialogue. Floodplain managers have a unique view of the many aspects that feed into this discussion, and we see the good, bad and ugly results.

You might also look at this in historical terms. The vitriolic dialogue we see today is not unique to our time in history. It may be more personal in some ways, but it has been around for some time. That doesn’t mean we should embrace or tolerate it. It would seem to serve the nation better if our politicians could debate issues openly and civilly. Again, as floodplain managers, many of you have likely witnessed this in your own professional experience, whether it be a public meeting to discuss new maps, after a flood event where you are discussing substantial damage, or when you are trying to promote better floodplain management standards.

As this year unfolds, uncertainty continues about national policy, including national water and flood policy. Your Association leadership will be part of that dialogue, and we encourage all members to engage to the extent you can. We need to reframe arguments for effective floodplain management to emphasize long term economies and sustainability – we all know that these have always been good reasons for effective floodplain management. Getting involved is essential to not losing traction in many of these policy areas, and if possible, to moving the nation forward so hazards and managing the hazard risk are part of what the nation and our citizens understand is necessary to our long-term sustainability. Helping them understand how this influences the quality of their lives, and especially the lives of future generations, is of the utmost importance.

# The Flood Insurance Committee's Corner

## Flood Zone Webinar Helps Bring Clarity

With the increase in the number of new flood maps since the start of Map Mod, the number of flood zone determination disputes as well as misinformation has also increased. The misinformation is not only at the homeowner and lender level but also at the community official level as well.

In December, ASFPM, with support from the Insurance Committee, co-sponsored a 2-hour webinar presented by the National Flood Determination Association (NFDA) to help dispel myths and provide facts about how flood zone determinations are performed, what happens when discrepancies arise, and finally, issues NFDA member companies face when there are discrepancies or issues with the FIRMs themselves. More than fifty people from twenty-six states participated in the webinar, with the main audience being NFIP State Coordinators, State Hazard Mitigation Officers, and their staff.

While there was a tremendous amount of important information (the presentation is on the [ASFPM website](#)), a couple of nuggets gleaned from the presentation include:

- If a homeowner has a dispute with the lender, they should try to resolve it first with the lender and NOT go directly to the determination company.
- While processes may vary some from company to company, flood determination companies do NOT arbitrarily place a building into the SFHA if it is close; they manually research it.
- Mistakes will occur, but we need to put that into perspective. NFDA members performed over 20 MILLION new determinations in 2009!
- Not all mapping issues are due to errors by the determination companies. While the quality control of the FIRMs and the process has increased and improved significantly, there are still occasional differences between paper and digital FIRMs, their timing, as well as timing of when the final SOMA is sent out (e.g., a property is mapped in because the SOMA went out late).

If you missed this webinar, do not despair - we hope to jointly do another. NFDA will also be presenting a workshop at this year's national ASFPM conference, which they have presented at state conferences and FEMA Regional meetings. If you would like them to speak at your state's conference, please contact NFDA President Cheryl Small; [chsmall@corelogic.com](mailto:chsmall@corelogic.com), or Outreach Chair Leila Taha; [leila.taha@lpsvcs.com](mailto:leila.taha@lpsvcs.com). You can also learn more by attending the [NFDA Conference](#) April 3-5, 2011 in Scottsdale, AZ...and receive CE credits too!

P.S. If you have a topic or two you would like us to discuss on our next Insurance Committee call, please email us at [InsuranceCorner@floods.org](mailto:InsuranceCorner@floods.org).

—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](mailto:InsuranceCorner@floods.org)  
and they will be addressed in future issues of the newsletter.*

# Community Rating System Task Force

## Summary of September 2010 Meeting

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

### General Information:

The FEMA Community Rating System Task Force met in Ft. Lauderdale, FL during the week of January 10<sup>th</sup>, 2011, under a warm sun and in a snowless landscape. There were 22 Task Force members and support staff in attendance. I am pleased to announce that two new members have joined our ranks: Mr. Mike Gambino (City of Miami Gardens) and Mrs. Corise Morrison (USAA).

The meeting's agenda resulted in only three consecutive 8-hour days of discussion. For your reading pleasure, the topics consisted of: 1) minutes from previous meeting, 2) CRS Strategic Plan Update, 3) Strategic Plan Implementation, 4) Developments in Washington Affecting the CRS, 5) Verification and Documentation Issues, 6) 2012 Coordinator's Manual, 7) Program Reports, 8) Task Force Activities, 9) Regional, State, and Local Participation, 10) Action Items from the September 2010 Meeting, 11) Future Meeting Dates, and 12) Action Items from this Meeting. *[I did manage to ask Mr. Google (on the internet machine) a few questions from time to time. These folks use big words.]*



This fiscal year's work will culminate in the June 2011 Weighting Review, the third such review to ever take place since the CRS's inception in 1990. The last weighting forum was conducted in 1997. The June review of the current weights of importance assigned to the various CRS activities will focus on any adjustments and/or modifications needed to more properly align with the program's goals and purposes. A natural product of this review could be a reduction in rating for some CRS communities and an increase for others.

### Highlights:

- New activities or elements are being considered to be added or modified.
  - Activity 370-Flood Insurance Promotion, which will relate to the community promotion of flood insurance.
  - Activity 420-Open Space incentives and development limitations.
  - Activity 430-Administration Procedures.
  - Activity 620- (dropping the protection level requirement) to possibly lead to more applications for this credit.
- Several activities and elements are being scrutinized for reduction in points. In order to regain the lost points, the communities to have to do new things that will increase their overall resilience and their program effectiveness.
- Discussion concerning the 'scoping meetings' or 'discovery meetings' of Risk MAP as a venue to promote the CRS program. Informing the elected officials of the opportunity to reduce flood insurance premiums within their communities during the Flood Risk Open Houses of DFIRM adoption was also highlighted.
- CRS User Groups within the states and ASFPM Chapters are seen as valuable vehicles to promote the program and to obtain reduced ratings within the User Groups members' programs. Chapters will continue to be encouraged to have a CRS presentation or workshop at each conference.
- Verification procedure changes by the ISO field staff were discussed. A determination of what happens when problems are found at recertification is driving this discussion.

- The Task Force Internal Committees gave reports concerning:
  - Activity 320 – 360 Public Information Activities
  - Activity 450/540 Stormwater Management / Drainage System Maintenance
  - Activity 510 Floodplain Management Planning
  - 600 Series: Flood Preparedness
  - Coastal Committee
  - Natural Functions
  - 310 Elevation Certificate
  - 410/440 Flood Data
  - 420/430 Open Space / Higher Regulatory Standards
  - 520/530 Acquisition, Relocation and Flood Protection
  - Special Hazards (non-coastal)
  - Verification Procedures
  - Prerequisites
  - Losses Avoided data
  - Repetitive Loss
  - Self Assessment process

If you have any concerns with or ideas for improvement of the CRS program please drop me a note at [agoodman@mema.ms.gov](mailto:agoodman@mema.ms.gov) and I will present them to the task force.

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## 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.* ✎

### Getting Organized and Gearing Up

After more delay than originally anticipated, the Congress is getting itself organized for legislative business.

Since the opening of the 112<sup>th</sup> Congress in early January, the House of Representatives was unexpectedly delayed by a full week when legislative business was cancelled following the shooting of Rep. Gabrielle Giffords and others in Tucson, Arizona. After returning for a week, which largely involved committee organizational meetings and settling committee and subcommittee memberships, the House recessed for a previously scheduled District Work Period. The House will be back in session on February 8. A new kind of schedule for the House advocated by new Speaker John Boehner will essentially involve three weeks of work in Washington followed by a week of work in the home districts.

The Senate, on the other hand, found itself at least temporarily stymied over adoption of the rules to govern Senate procedure and recessed for a period of weeks to attempt to develop a compromise. That now appears to have been resolved with restrictions on the practice of Senators placing secret “holds” on legislation and streamlined arrangements for moving some Presidential appointees into their jobs without going through the full, often lengthy and politically complicated, Senate confirmation process. The Senate returned on February 1 and has voted to repeal certain burdensome paperwork aspects of the health care legislation, but against repeal of the new program itself.

The House has largely settled questions of the ratio of Republicans to Democrats on committees and subcommittees and on chairmanships and ranking minority member positions. Speaker Boehner has directed a 5% cutback in expenses of the House, which affects not only individual Member offices, but committee staffs as  
*[continued on next page]*

## Washington Report (cont.)

well. As a result of the change in majority party and the reduction in committee sizes, there has been considerable staff dislocation as well as loss of staff – often knowledgeable staff with long-term perspective and awareness of the legislative history of given programs and issues.

Following are the Chairs and Ranking Minority Members of some of the committees and subcommittees that handle issues of interest to floodplain managers.

### House Committee Leadership

<b>Committee</b> (Subcommittee)	<b>Chair</b> (Republican)	<b>Ranking Minority Member</b> (Democrat)
<b>House Appropriations Committee</b>	<b>Harold Rogers (R-KY)</b>	<b>Norman Dicks (D-WA)</b>
Subcommittee on Commerce, Justice, Science	Frank Wolf, (F-VA)	Chaka Fattah, (D-PA)
Subcommittee on Energy and Water	Rodney Frelinghuysen (R-NJ)	Pete Visclosky (D-IN)
Subcommittee on Homeland Security	Robert Aderholt (R-AL)	David Price (D-NC)
Subcommittee on Interior	Mike Simpson (R-ID)	Jim Moran (D-VA)
<b>House Committee on Financial Services</b>	<b>Spencer Bachus (R-AL)</b>	<b>Barney Frank (D-MA)</b>
Subcommittee on Insurance, Housing & Community Opp.	Judy Biggert (R-IL)	Luis Gutierrez (D-IL)
<b>House Committee on Homeland Security</b>	<b>Peter King (R-NY)</b>	<b>Bennie Thompson (D-MS)</b>
<b>House Committee on Natural Resources</b>	<b>Doc Hastings (R-WA)</b>	<b>Edward Markey (D-MA)</b>
Subcommittee on Fisheries, Wildlife, Oceans & Insular Aff.	Doug Lamborn (R-CO)	Rush Holt (D-NJ)
Subcommittee on National Parks, Forests and Public Lands	Rob Bishop (R-UT)	Raul Grijalva (D-AZ)
Subcommittee on Water and Power	Tom McClintock (R-CA)	Grace Napolitano (D-CA)
<b>House Committee on Science and Technology</b>	<b>Ralph Hall, (R-TX)</b>	<b>Eddie Bernice Johnson (D-TX)</b>
<b>House Committee on Transportation and Infrastructure</b>	<b>Dan Mica (R-FL)</b>	<b>Nick Rahall, II (D-WV)</b>
Subcommittee on Econ. Devel., Public Bldgs & Emerg. Mgmt.	Jeff Denham (R-CA)	Eleanor Holmes Norton (D-DC)
Subcommittee on Water Resources	Bob Gibbs (R-OH)	Timothy Bishop (D-NY)

There is less change on Senate Committees because there was no change in the majority party. The Chairman, Chris Dodd, (D-CT) of the Senate Banking Committee, which has jurisdiction over the National Flood Insurance Program, did not run for re-election.

*[continued on next page]*

## Washington Report (cont.)

In general, the Senate committees have been much slower to settle on subcommittee chairs and ranking minority members than the House committees. Committees on the Senate side have not held organizational meetings, so their action plans are unclear.

### Senate Committee Leadership

Committee (Subcommittee)	Chair (Democrat)	Ranking Minority Member (Republican)
Senate Appropriations Committee	Daniel Inouye (D-HI)	Thad Cochran (R-MS)
Senate Banking Committee	Tim Johnson (D-SD)	Richard Shelby (R-AL)
Senate Energy and Natural Resources Committee	Jeff Bingaman (D-NM)	Lisa Murkowski (R-AK)
Senate Environment and Public Works Committee	Barbara Boxer (D-CA)	James Inhofe (R-OK)
Senate Homeland Security and Governmental Affairs Committee	Joe Lieberman (I-CT)	Susan Collins (R-ME)

### Budget and Appropriations

Because the Congress never passed any of the regular 12 appropriations bills for Fiscal Year 2011 in the last Congressional session, the entire federal government is functioning under a Continuing Resolution which has funded most programs at FY 2010 levels until March 4, but with some language preventing new grant programs, which seems to also be interfering with some of the existing programs like the CAP-SSSE program involving FEMA and the States. Republicans had planned to reduce FY 2011 expenditures by \$100 billion, but because half of the fiscal year will have elapsed by March 4 and because the government has been functioning at FY 2010 levels which were lower than the President's FY 2011 request, the projected cuts will now amount to approximately \$32 billion. Because no Budget Resolution was adopted to guide FY 2011 appropriations, the new Chairman of the House Budget Committee, Paul Ryan (R-WI) was given unprecedented authority to set the budget ceiling for the current fiscal year.

On February 3 the House Appropriations Committee Chairman announced how those cuts will be apportioned among the subcommittee jurisdictions. As a result, it appears that most reductions will affect transportation, housing, agriculture, commerce, justice, science and financial services. Significantly lesser reductions will affect health and human services, education, state and foreign aid. Defense, homeland security and veterans will actually see slight increases, according to the plan. It is likely that a new Continuing Resolution would extend for the entire remainder of the fiscal year. The size of cuts expected to be passed in the House may encounter resistance in the Senate, so there is some concern about the possibility of a government shutdown if differences cannot be resolved by March 4.

The President's Budget Request for FY 2012 will be released on February 14. Departments and agencies will begin to provide briefings on their proposed budgets. Normally, appropriations subcommittees would immediately begin to hold hearings on the budget requests, but this year, the Appropriations Committee will still be working on the Continuing Resolution for the rest of FY 2011, so the hearings on the FY 2010 budget may be delayed.

### Other Legislative Prospects

#### Flood Insurance

Last December, the National Flood Insurance Program was reauthorized through September, 2011, so some action will be necessary this year to extend its authority. At this early stage, there are indications that both the House Financial Services Committee and the Senate Banking Committee will want to actively look at flood

*[continued on next page]*

## Washington Report (cont.)

insurance reform this year. Whether or not substantive legislation is considered or simply another short-term reauthorization remains to be seen.

Meanwhile, FEMA is in the midst of its ambitious effort, “Re-Thinking the NFIP” and is hoping to have recommendations to share with Congressional committees by early summer. At this point, the project has moved along well and 4 “straw men” sets of policy options have been developed to generate public discussion and comment. ASFPM has submitted comments which are posted on the website. [View ASFPM Comments](#)

It may be challenging to mesh the timing of the Congressional need to act before September 30, the Administration’s readiness to present recommendations, and the time available for Congress to consider major program changes. As such, we expect Congress will either do a simple extension or pass some minor adjustments to the NFIP in the session this summer. Major changes may take a year or two. No doubt, issues involving levee accreditation and new flood maps will complicate action on flood insurance legislation.

United States Representative Candice Miller from Michigan is introducing a bill (HR 435) to terminate the NFIP by the end of FY 2013. You can read her logic for it in her press release [View Press Release](#) (You will likely observe that some facts are not quite right). While this bill in its current form will not likely move quickly, ASFPM is following this very closely. We anticipate there being several bills introduced over the next few months—bills that address specific concerns with the program, or those opposing new maps and flood insurance mandatory purchase, etc. As ASFPM monitors these bills, status reports and updates will be provided in the Insider and News and Views and on the web site.

A quick read indicates the bill HR 435 does the following (We are working to clarify any ambiguities):

1. Preserves the authority for FEMA to identify flood hazard areas (who pays for maps not yet clear to us?)
2. Eliminates requirement to participate in the NFIP and therefore the quid pro quo for adoption and enforcement of local floodplain management regulations
3. Eliminates mandatory purchase requirement
4. Eliminates all provisions related to maintaining flood insurance as a condition for Fed financial assistance
5. Eliminates all hazard mitigation assistance programs and national flood mitigation fund
6. Eliminates national flood insurance fund

ASFPM members are encouraged to submit your comments and concerns on this issue to [asfpm@floods.org](mailto:asfpm@floods.org).

### Stafford Act Reform

During the last Congress the House Transportation and Infrastructure Committee reported out a bill making revisions to the Stafford Act, some of which ASFPM members would find helpful. That bill was never taken up on the House floor. Senator Mary Landrieu (D-LA) worked to develop a Stafford Act reform bill, but had not yet introduced it.

Early indications are that the House committee could move an abbreviated version of the Stafford revisions bill from the previous Congress (111<sup>th</sup> Congress; H.R. 3377). Senator Landrieu will no longer chair the Disaster Recovery Subcommittee of the Senate Homeland Security and Governmental Affairs Committee, but is likely to introduce the Stafford reform bill anyway.

### Levee Program and Water Resources Development Act

Both the House Committee on Transportation and Infrastructure and the Senate Environment and Public Works Committee staffs indicate interest in taking some action to establish a national levee risk management program which would build in some way on the recommendations of the National Committee on Levee Safety (NCLS). ASFPM has been represented on the NCLS by Sam Riley Medlock, but also has developed recommendations to

*[continued on next page]*

## Washington Report (cont.)

go beyond the NCLS recommendations to establish a levee program in the context of overall flood risk management.

The manner in which the committees would consider a levee program could take a variety of forms including stand-alone legislation or inclusion in a Water Resources Development Act (WRDA). Complexities present themselves for taking up (an overdue) WRDA this year. Traditionally, WRDAs have included long lists of Congressionally authorized projects and studies. Given pledges by leaders in both the House and Senate and by the President to not approve inclusion of “earmarks” in legislation this year, questions arise as to whether or not the named projects in a WRDA bill constitute earmarks.

### Climate, Energy, Climate Adaptation

One of the first issues to gain attention and whip up conflicting views already in this Congress is that of climate change, clean energy and regulation of emissions. Chairman Fred Upton of the House Energy and Commerce Committee and Chairman James Inhofe of the Senate Environment and Public Works Committee are introducing identical bills to limit the authority of the Environmental Protection Agency (EPA) to regulate greenhouse gas emissions under the Clean Air Act. Variants on this measure have been introduced by Senator John Barrasso (R-WY)(S. 228) and by Senator Jay Rockefeller (D-WV)(S.231). The Ranking Member of the House Energy and Commerce Committee, Rep. Ed Markey (D-MA) and the committee’s former Chairman, Rep. Henry Waxman (D-CA) both strongly criticized the bills.

It is likely that the House Committee will act first on the matter. The Senate Energy and Natural Resources Committee lost a number of veteran members this Congress and has acquired 8 new members. This makes it difficult even for Chairman Jeff Bingaman (D-NM) to predict whether or not the committee’s previous ability to achieve some bipartisan consensus will remain viable.

### Other bills introduced:

H.R. 433: Rep. Doris Matsui (D-CA) The Natomas Basin Flood Protection Improvement Act was introduced on January 25 and referred to the House Transportation and Infrastructure Committee.

S. 1: Senator Harry Reid (D-NV) The American Competitiveness Act was introduced on January 25 and referred to the Finance Committee. It is a Sense of the Senate Resolution which lists a number of recommended initiatives. An example item in the list is: “modernize and upgrade U.S. rail, levees, dams and ports”.

### Coalitions:

#### Congressional Hazards Caucus Alliance

The Alliance met on February 3 to discuss briefings to develop and sponsor issue briefings for Congressional staff during the year.

#### Mitigation Alliance

The National Emergency Management Association (NEMA) is leading an effort to establish a Mitigation Alliance to collaborate and share information to enhance the ability of member groups to encourage hazard mitigation. Chad Berginnis, ASFPM Associate Director, Deborah Mills, ASFPM Mitigation Policy Committee Co-Chair and Merrie Inderfurth, ASFPM Washington Liaison participated in a meeting on January 13. The Alliance is being developed pursuant to a Mitigation White Paper produced under NEMA’s leadership last year in an agreement with FEMA.

#### SmarterSafer Coalition

This group has formed two subgroups – on flood insurance and on mitigation to develop legislative proposals to promote improvements in the flood insurance program and hazard mitigation. ASFPM is not a member of the

*[continued on next page]*

## Washington Report (cont.)

group, but does participate in some of the discussions. Under active consideration is a proposal for a tax credit to encourage property owners to take steps to mitigate their risk of loss in a natural disaster. Another measure under development is one to address perceived mapping needs. A FEMA representative recently briefed the group on RiskMAP. The subgroups have met this year and the full coalition has bi-weekly call-in meetings.

### Streamgauge Coalition

The Coalition sent letters to appropriate Congressional Committee leaders signed by a large number of participating organizations. The letters reiterated the need to support the nation's streamgages because of the importance of the data developed for water resources planning, flood warning and floodplain management, recreational safety and many other applications.

### USGS Coalition

The Coalition met on January 25 to discuss budget and appropriations considerations for USGS programs in both fiscal years 2011 and 2012. There was also discussion of meetings with Interior Department and USGS officials as well as briefings to request from Congressional staff. Once the President's budget request is available later this month, the Coalition will plan issue briefings for Congressional staff in response to their requests

-Meredith R. Inderfurth, Washington Liaison

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## Publications, Software, the Web

■ *USGS Study Shows Many Coastal Wetlands Likely to Disappear this Century* According to the U.S. Geological Survey (USGS), many coastal wetlands worldwide, including several on the U.S. Atlantic coast, may be more sensitive to climate change and sea level rise projections than previously thought. In "Limits on the Adaptability of Coastal Marshes to Rising Sea Level" ("Geophysical Research Letters" Vol. 37, L23401, 5 pp.), researchers suggest that under a rapid sea level rise scenario, most coastal wetlands will disappear near the end of the this century. Under a slow sea level rise scenario, wetlands with low sediment availability and low tidal ranges are vulnerable and may drown, but wetlands with higher sediment availability would be more likely to survive. The article also identifies sediment levels and tidal ranges necessary for marshes to survive sea level rise. The USGS press release and link to the study are available online at:

<http://www.usgs.gov/newsroom/article.asp?ID=2649>

■ *Rising to the Urgent Challenge: Strategic Plan for Responding to Accelerating Climate Change.* The U.S. Fish and Wildlife Service (FWS) recently released this report, which outlines plans to form 21 landscape conservation cooperatives to develop a better knowledge base about local impacts of climate change through partnerships with other government agencies and nongovernmental organizations, according service officials. The partnerships will inform federal and state regulatory decisions and promote the best management of land and other resources as part of the FWS's strategic plan for addressing climate change. The report is available at:

<http://www.fws.gov/home/climatechange/pdf/CCStrategicPlan.pdf>

■ *Climate Change Adaptation: What Federal Agencies are Doing.* Federal agencies are stepping forward to meet this challenge and are beginning mainstream consideration of climate change adaptation across their programs and policies. Some agencies are also taking a leadership role in enabling state, local and tribal governments, businesses, and communities in their adaptation planning and projects. These federal actions are still diffuse and as such, this report attempts to capture and highlight these efforts to facilitate communication and collaboration across federal agencies as well as with numerous non-federal stakeholders focused on domestic adaptation policy. Not all federal projects addressing climate change impacts or adaptations are included in this report. The report is available at:

<http://www.pewclimate.org/publications/report/climate-change-adaptation-what-federal-agencies-are-doing>

# 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](http://www.floods.org/n_calendar/calendar.asp)*

**February 24–25, 2011:** INTERNATIONAL CONFERENCE ON STORMWATER AND URBAN WATER SYSTEMS MODELING, Toronto, Ontario, See <http://chiwater.com/Training/Conferences/conferencetoronto.asp>

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

**March 22–24, 2011:** ASSOCIATION OF STATE WETLAND MANAGERS, STATE/TRIBAL/FEDERAL COORDINATION MEETING, Shepherdstown, West Virginia, <http://aswm.org/calendar/index.htm#symp>

**April 3–5, 2011:** NATIONAL FLOOD DETERMINATION ASSOCIATION ANNUAL CONFERENCE, Scottsdale, Arizona, <http://www.nfdaflood.com/>

**April 9–12, 2011:** AMERICAN PLANNING ASSOCIATION (APA) NATIONAL PLANNING CONFERENCE, Boston, Massachusetts, <http://www.planning.org/conference/>

**May 15–20, 2011:** 35TH ANNUAL CONFERENCE OF THE ASSOCIATION OF STATE FLOODPLAIN MANAGERS, Louisville, Kentucky. Contact (608) 274-0123 or see <http://www.floods.org>

**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:** 36TH 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:** 37TH 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:** 38TH ANNUAL CONFERENCE OF THE ASSOCIATION OF STATE FLOODPLAIN MANAGERS, Seattle, Washington. Contact (608) 274-0123 or see <http://www.floods.org>

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 for 2011! You can search the calendar by state using the directions below. Or you can use the category drop down menu to search by category.

<http://www.floods.org/n-calendar/calendar.asp>

- 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.

# NEWS & VIEWS

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*News & Views* is published six times each year by the Association of State Floodplain Managers, Inc., and is paid for by member dues.

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Information and opinions contained herein do not necessarily reflect the views of the Board of Directors.

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Deadline is the 18th day of odd-numbered months.

For address changes and member services, contact the

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