

**ASSOCIATION OF
STATE FLOODPLAIN
MANAGERS**

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

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NEWS & VIEWS

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LiDAR Data of Florida Coastline Offers Extraordinary Resource

By: David Maurstad and Dennis Smith - PBS&J

Floodplain managers, planners, and decision makers in Florida now have new, highly detailed elevation data to help study, model, and map risk prone coastal areas with unprecedented accuracy. The digital data resource, collected using advanced LiDAR (Light Detection and Ranging) imaging techniques, was undertaken as part of the State of Florida, Division of Emergency Management's (FDEM) Florida Coastal Mapping project.

The overall Florida Coastal Mapping project involves three phases: the collection of LiDAR data for coastal counties, conducting model runs of the National Weather Service's "Sea, Lake and Overland Surges from Hurricanes" (SLOSH) models for the State's 11 coastal basins as well as the Okeechobee basin, and ultimately, the development of regional evacuation plans based on this new vulnerability data.

While the primary purpose of the LiDAR data is to support SLOSH models, the massive amount of new elevation data also provides floodplain managers and others with invaluable, informative, up-to-date information that can be used in many additional ways. The highly accurate data produced from LiDAR imaging may be used to help floodplain managers better understand and plan for hurricane-related coastal flood risks and with any endeavor involving public outreach, planning, modeling and mapping.

LiDAR in the Limelight

LiDAR is an optical remote sensing technology that captures elevation data to an extremely high level of accuracy. The technology uses light from lasers to measure the distance between a LiDAR sensor and features on the earth's surface.

LiDAR systems are typically mounted on either a helicopter or a fixed-wing aircraft. They use the near-infrared portion of the electro-magnetic light spectrum to collect data. Raw LiDAR data are processed to generate an accurate terrain model in which trees, vegetation, and manmade structures have been edited out.

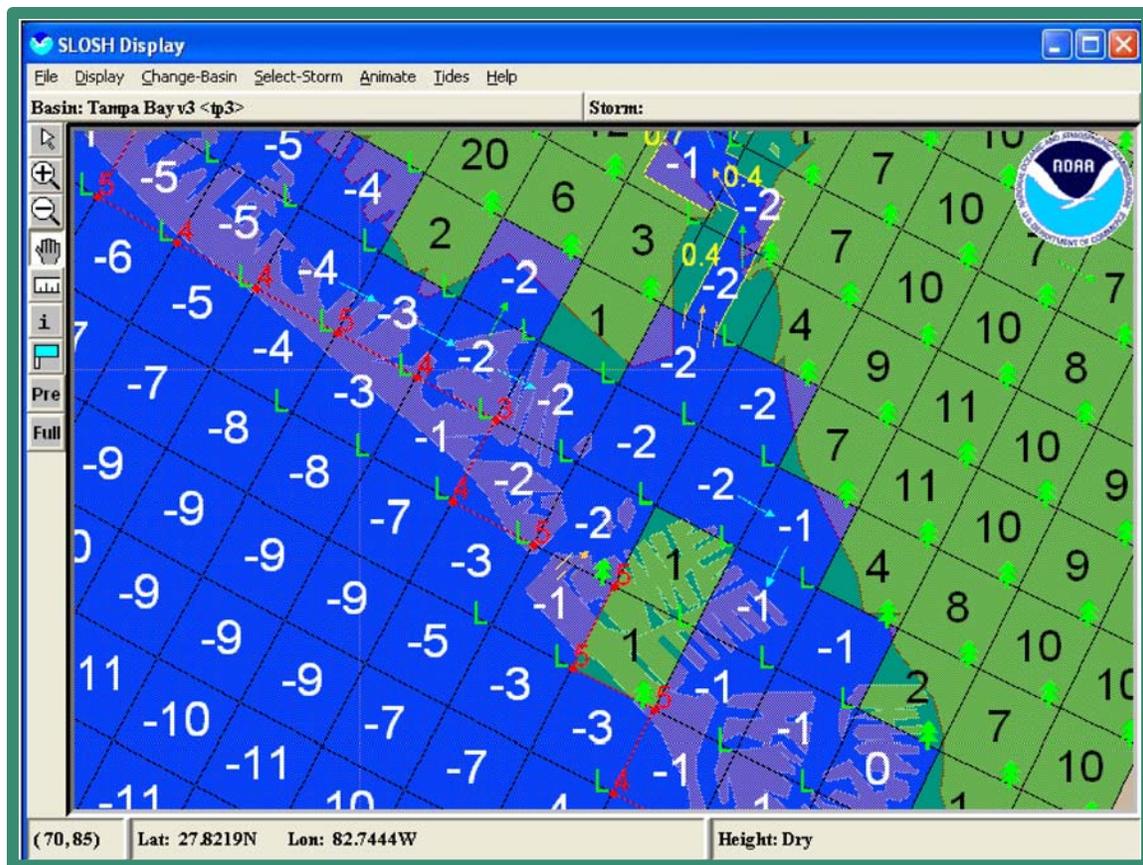
The state of Florida is about 54,250 square miles in size. In this unprecedented project, FDEM looked to map approximately 28,100 square miles using LiDAR techniques.

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LiDAR Data...(cont.)

The Program and Data Solutions (PDS) Joint Venture, which includes PBS&J, Dewberry, LLC, and the URS Corporation, was one of three groups contracted to manage the collection of LiDAR data and to support the SLOSH modeling effort. As a member of PDS, PBS&J led the ground control survey work – instrumental in the LiDAR data collection process. About half of the LiDAR mapping was completely new data, and the other half was either improved existing data or data from other programs or partnering agencies.

During the project, PBS&J hosted a computer-modeling laboratory at its Tallahassee, Florida, office location that was used by the three partnering companies to execute the SLOSH data development process. Raw LiDAR data was processed according to each basin, elevations were scrutinized, coastal barriers identified, and multiple SLOSH model runs were performed on each basin. Each model run considered a hurricane of varying strength, speed, and direction to examine multiple landfall and inundation scenarios. The model results identify those areas prone to flooding and the circumstances under which such a flood might occur. These results allow for floodplain managers to plan for the best public safety and evacuation scenarios when faced with an actual storm of a particular intensity and point of landfall. PBS&J also played an active role in project management.



Enhanced Planning Possibilities

The results of the newly modeled SLOSH basins will help floodplain managers better understand and plan for hurricane-related coastal flood risks.

While of critical concern nationwide, evacuation planning is particularly important in a state like Florida where the vast majority of its estimated 18 million residents live near the coast and over 70 million tourists visit annually. The enhanced maps developed as the final product of the SLOSH modeling process should provide a more detailed representation of potential hurricane surge-related flooding risk.

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LiDAR Data...(cont.)

Using a central tenant of evacuation planning, “run from water, hide from wind,” the newly developed Storm Tide Atlases – the “surge maps” – may identify new areas subject to storm surge that should be evacuated. Alternatively, those areas where residents don’t need to evacuate could also be revealed, allowing evacuation planners to derive a more accurate estimate of potential evacuees in different storm scenarios.

Unprecedented Opportunities

While the newly modeled SLOSH basins will be valuable tools unto themselves, the new, highly accurate elevation data can help hazard planners and floodplain managers in a range of ways, including:

- Support for future floodplain modeling
- Development of more detailed elevation maps
- Better identification of specific flood-prone areas, including closed basins
- More accurate communication of areas of potential risk to residents

In addition to providing floodplain managers with a valuable resource set, the LiDAR data collected for FDEM has the potential to benefit any type of future planning effort that relies on or is supported by a better understanding of elevation data. The reach of this project is limited only by the creativity of planners to find uses for the data. Such areas could include future land development activities, hazard mitigation planning, disaster recovery planning, natural resource planning, wildlife management, transportation planning, and other disciplines.

The Florida Coastal Mapping project was completed in summer 2010, just ahead of the hurricane season, for use by emergency management and disaster planning officials in Florida and the Southeast. Information of the project, including how to obtain the LiDAR data, is available from the Florida Division of Emergency Management through their website at: <http://www.floridadisaster.org/gis/LiDAR/>

This article was reprinted, with permission, from the April 2010 issue of “Floodplain Management & Liability Report”

News & Views Editor Monday Retiring

After nearly two decades, **Jacquelyn Monday** is stepping down as editor of the *News & Views*. During those years, floodplain management in the United States grew in both stature and professionalism, and its relevance to many broader issues became more widely recognized – such as the economy, ecosystem protection, sustainability, levee safety, and flood risk. Under Monday’s technical and professional guidance, the newsletter grew at a great pace, becoming more comprehensive as it embraced increasingly sophisticated articles, columns, and invited informative and editorial pieces. We will miss her eye for issues, attention to detail, and professional editorial touch. ASFPM cannot thank Jacki enough for her dedicated years of service helping advance us as a major force in the FPM industry. *News & Views* will now be produced by Rebecca Head and Diane Brown in the ASFPM Executive Office. The deadline for submissions remains the 18th of odd-numbered months. Please send all future editorial matter to memberhelp@floods.org.

from the Chair

Greg Main, CFM

🏈 🏈 Hang in there my Fellow Floodplain Rudys 🏈 🏈

I hope you all are well and enjoying the change of season as summer ends and we move into fall. In my neck of the woods, it's football season and time to enjoy watching our local high school team do battle under the "Friday Night Lights." I recently watched our kids do their best to bring home another victory from the field, and I got to thinking about how my line of work in the floodplain arena is sort of like many of the aspects of a football game. In fact, it reminded me of one of my favorite sports movies, "Rudy." Now for those of you that have never seen this movie (a 1993 classic about the determination of an underdog), it is the story of the life of Daniel "Rudy" Ruettiger, who harbored dreams of playing football at the University of Notre Dame in the mid 70s. Rudy faced significant obstacles, like the fact that he lacked the grades and money to attend Notre Dame, not to mention talent and physical size. But never the less he tries out for the team, and through hard work and dogged determination, he makes it! At the end of the movie he achieves his dream of dressing for a game and gets to play on the final kickoff in the final home game his senior year. This little football movie teaches a big lesson about believing, never giving up, always giving it your all. To my mind, it is the classic example of keeping your goal in mind and having the dedication and will to achieve that goal, no matter what challenges you must overcome.

As I sat on that hard football stadium bleacher, I got to thinking about how maybe each of us who are players in the world of floodplain management are kind of like the story of Rudy. It does seem at times that we face some impossible odds when we look to advance wise and sustainable floodplain management principals and try to figure out how to communicate with the public about flood risk in a way that is both technically accurate and yet makes sense. And while at times we may feel that our efforts are getting "sacked" by short term agendas, stalling new mapping efforts, or denying the actual flood risk, like little Rudy we have to keep advancing to the goal.

So I again encourage each of you to continue to take up the challenge of promoting effective strategies for communicating flood risk to the public and to decision-makers about the actions that are needed to appropriately manage the nation's flood risk and its floodplain resources. When it seems we are fighting an uphill battle (or in football terms a tough defense), just remind yourself why we are in this game in the first place. It's to achieve our game plan of fulfilling our ASFPM mission statement to mitigate the losses, costs, and human suffering caused by flooding and to promote the wise use of the natural and beneficial functions of floodplains.

So to all my fellow floodplain Rudys, hang in there and keep moving the ball (message) forward. Let's see if we can put some more points on the board.....

Regards from the stands,
Coach Main



Iowa Supreme Court Rejects State's Immunity Claim

Iowa has specific rules governing the drainage of surface water. But, is the state subject to the same rules? That question was addressed in this case.

Residents who sustained property damage in a northeast Iowa flood in 1999 can sue the state for highway construction that allegedly raised the water levels. The Iowa Supreme Court issued its opinion last month in *Schneider, et al. v. State of Iowa*, allowing the lawsuit filed by 26 business and property owners in the town of Denver, IA, to proceed in Bremer County District Court.

Background

In 1990, an FIS established a floodway on the reach of Quarter Section Run Creek that is the subject of the litigation. During 1993-94, the Iowa State DOT constructed a highway bypass and bridge designed to pass the 50-year flood requirements. The bridge spanned Section Run Creek, but the bridge embankment encroached on the floodway. In testimony, the expert for Iowa DOT acknowledged that a higher Q100 standard was typically used when sizing bridges in areas having an FIS and in areas of high damage potential for upstream structures, but claimed that the State did not know of the floodway established in 1990 until after the bridge was built.

In May 1999, the region experienced a flood that damaged structures. An NRCS study of the flood determined that the bridge embankment caused flooding to structures that otherwise would not have flooded. During 2004-2005, the State redesigned and extended the bridge to substantially comply with requirement to pass the 100-year flood requirements. Landowners sued the state in district court, alleging negligent design and construction of the original highway project in the floodway, and that the state's breach of common law and statutory duties caused the landowners' property to flood.

The State claimed immunity based on the discretionary nature of its work on bridge design, which the State claimed conformed to the engineering standards, criteria, or design theory prevailing at the time. The landowners countered that the standard at the time of design was for the project to be able to pass the 100-year flood requirements. The district court granted the State's motion for summary judgment, in part based on its reasoning that the State was immune from liability because the bypass design and construction were discretionary functions that entailed "considerable planning" and a "balancing of governmental priorities and competing governmental demands." The landowners appealed to the Iowa Supreme Court.

Analysis

The Iowa Supreme Court considered whether the State's immunity claim met the following two-pronged test: 1) whether an element of judgment or discretion was involved in the design or construction of the bypass project, and 2) if so, whether that judgment or discretion was the type the state legislature intended to shield from liability. The court agreed with the landowners that "the state had no discretion or choice in determining whether the bridge could be designed and built to encroach on the floodway."

Conclusion

The progress of this case to date has tracked established jurisprudence in Iowa and most other states, breaking little new ground so far. The District Court will have to determine at trial whether the original bridge design and construction violated prevailing engineering standards at the time of the original design and construction of the project.

What may be most important is the state supreme court's rejection of the state's immunity claim, affirming that the state's transportation department conformance with statutory requirements is nondiscretionary and not shielded from liability resulting from nonconformance. State and local floodplain managers may wish to refer to the Iowa case in discussions with your State DOTs. *Schneider, et al. v. State, No. 07-0887, 2010 Iowa Sup. LEXIS 90 (Iowa Sup. Ct. Sept. 3, 2010), vacating, Schneider v. State of Iowa, 759 N.W.2d 2 (Iowa Ct. App. 2008).*

NFIP Reform Continues in Congress

In September, both the House and Senate passed a bill (S.3814) extending the current National Flood Insurance Program through September 30, 2011. During this one year extension period, both FEMA and the Congress will continue their consideration of needed reforms to the NFIP.

As part of this process, Sally McConkey, ASFPM Vice-Chair, presented testimony on our behalf before the Senate Committee on Banking, Housing and Urban Affairs at a hearing titled “Reauthorization of the National Flood Insurance Program”. Others who testified included Senator Roger Wicker, Mississippi; Senator Richard Durbin, Illinois; Orice Williams Brown, U.S. Government Accountability Office (GAO); Nicholas D’Ambrosia, Long & Foster; and Stephen Ellis, Taxpayers for Common Sense. See ASFPM’s full written testimony on the web: [View ASFPM Testimony](#). You can also watch a recorded version of the hearing, and view testimony submitted by everyone who appeared at the hearing on the committee webpage at: [View Hearing Archive](#).

Besides ASFPM, the GAO testimony presented by Orice Brown provided key information on needed reforms to the NFIP. Ms. Brown’s testimony was pulled from the full report GAO recently completed on the NFIP, which was released at the hearing. The full report is titled, “National Flood Insurance Program: Continued Actions Needed to Address Financial and Operational Issues”. The GAO report gives an objective review of the NFIP and contains a series of recommendations to be considered by Congress and FEMA. You can view the full report on the GAO website at <http://www.gao.gov/products/GAO-10-1063T>, or you can view highlights of the report at: <http://www.gao.gov/highlights/d101063thigh.pdf>

FEMA and Businesses Team Up to Strengthen Resilience

As part of its ongoing partnership with businesses and private sector organizations, FEMA Administrator Craig Fugate recently participated in the “Business Roundtable”, the first podcast in a series focused specifically on how the private sector can help strengthen the nation’s disaster resilience. In August of 2010, FEMA began including private sector representatives in one-day, short-notice “Thunderbolt” exercises to test the agency’s ability to prepare and respond to disaster scenarios. By bringing in a broad spectrum of industry representatives and voluntary organizations, FEMA is able to examine a range of complex disaster response issues such as temporary housing and short- to long-term recovery. This new element is part of FEMA’s expanded outreach with the private sector, which includes placing staff in the ten regional offices to conduct more direct and widespread collaboration with the private sector, in close coordination with states and other levels of government. You can listen to the full podcast online or download it at www.respondtodisaster.org.

International Day for Disaster Reduction October 13th

October 13th marks the annual International Day for Disaster Reduction, coordinated by the United Nations Strategy for Disaster Reduction (UNISDR), to get cities to play a more active role in protecting themselves against disaster. As part of its “Making Cities Resilient: My City is getting ready!” campaign, UNISDR will encourage more mayors and local governments to join the 118 cities that have already signed up to the global campaign, using it to raise awareness on how to build resilience to disasters and to publicize the “ten essentials” check list for making cities resilient to disaster. See the check list and get ideas of what others are doing at www.unisdr.org/campaign.

Many cities have been disrupted this year by disasters: earthquakes in Haiti, Chile and New Zealand; floods and heavy rainfalls in Pakistan, Eastern Europe, Mozambique and other parts of Africa; forest fires in Russia; and volcanic eruptions in Indonesia and Iceland. All have caused huge human suffering and economic damage. Cities have never been so at risk, and no city is immune. And more action is needed to anticipate the negative impacts of such disasters. Please send your plans how YOUR community, town, city or province is advancing in getting ready to isdr-campaign@un.org. UNISDR will post your plans and experience reports on its website.

the Director's Desk

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



National Flood Policy Changes Needed

What changes have occurred in national flood policy over the past decade that might actually reduce either the flood damages we experience or the flood risk we face in this nation? Considering the unprecedented flood disasters the first decade of this Century has seen, one would expect some significant changes. Unfortunately, this has not been the case. There are still many national policies and programs that encourage the wrong behavior, and that in fact allow property owners and communities to ignore flood risk, and in particular, to pass the cost of their flood risk (externalize) to others – usually the federal taxpayers.

This is not news to most of you. However, this month I want to report on some positive developments that may well lead to positive changes in national policy. First, the federal agencies are getting together to discuss how they can better integrate their programs to reduce flood damages and risks. The Federal Interagency Floodplain Management Task Force has been re-invigorated by the Corps of Engineers and FEMA, pulling together 13 key federal agencies to begin working on these issues, including the U.S. Army Corps of Engineers, Environmental Protection Agency, General Services Administration, Tennessee Valley Authority, and the Departments of Homeland Security (FEMA), Agriculture, Interior (Fish and Wildlife Service, etc), Housing and Urban Development, Defense, Commerce (NOAA, etc), Energy, Transportation, and Health and Human Services. One of their first tasks is to look at the various federal programs or policies that either result in an increase or decrease in flood risks and costs. That effort may uncover changes that will improve the nation's ability to avoid increasing flood risk, and/or to better share the responsibility for flood risk among all levels of government and those who build or live at risk of flooding. The Task Force is also working to better quantify the economic value of natural systems that can reduce flood risks if allowed to function as nature intended.

A second positive effort is the "Rethinking the NFIP" that FEMA is undertaking. FEMA Administrator Craig Fugate tasked his Mitigation Staff with analyzing all aspects and ideas on the NFIP, and with developing a range of options that can be considered by the Agency, Congress, and others. Some of these options will require changes in the law, but many of them can likely be addressed by FEMA itself through changes in regulations or guidance regarding mapping, insurance, regulations, and mitigation. We would hope that it will include incentives for States and local governments to step up and more vigorously undertake measures that will result in long term reduction of flood risk, since the real tools to manage flood risk – such as land use and building codes – are the purview of States and local governments, not the federal government. Many already do, but instead of being rewarded, many end up paying the disaster costs of those communities who do the least to reduce costs and risks. The extension of the NFIP authorization until September 2011 should allow for some of these "rethinking" ideas to be considered by Congress in their next session.

The ASFPM is heavily engaged in these efforts, and continues to encourage members to provide your ideas to us so we can share them with key decision makers. Please contact the Executive Office staff, your Officers, or your Board representative ([View Board Info](#)). ■



CALL FOR ABSTRACTS DEADLINE OCTOBER 31st

The ASFPM is seeking presentations and technical papers from a broad range of professionals to address the many issues and problems associated with reducing flood damages, making communities more sustainable, and managing floodplain and fragile natural resources.

The Call for Abstracts and other conference information can be found at: www.floods.org.

The Flood Insurance Committee's Corner

Flood Insurance and Community Recovery

The one-year anniversary of the devastating Atlanta floods has just passed; the Tennessee floods of last spring are still fresh on the minds of many in the Volunteer State; hurricanes have brushed the East Coast and Midwest flooding just doesn't seem to stop! Consequently, it's an opportune time for community officials to promote the advantages of flood insurance and examine what industry professionals and other stakeholders can do to increase local awareness of flood risk and how flood insurance can lessen the burden for those property owners who have suffered from flooding.

When reviewing the history of flooding and flood recovery in this country, three important conclusions stand out from the rest:

- Flooding doesn't just happen in floodplains.
- Not enough people have flood insurance.
- Even if you're "lucky" enough to get it, disaster assistance will not make you whole after a flood.

People without the needed financial resources may not be able to make full repairs to their home and may move back into an unsafe or unsanitary structure, if at all. Neighborhoods deteriorate over time if homes are not brought up to standard, resulting in social problems and reductions in the tax base. We have seen this far too many times.

Businesses with the proper coverage can repair, reopen, and put their employees back to work faster, generating much-needed revenue and providing a sense of "normalcy" in the heart of the community which can be difficult to restore after a devastating flood. The Institute of Business and Home Safety (IBHS) reports that one of out every four businesses do not open after a disaster, as they are not properly financially prepared.

Most flood events never result in a federal disaster declaration. No declaration means no disaster assistance to repair the damage caused by the flooding. No disaster assistance means no grants, loans, or temporary housing – no nothing! Even if there is a declaration, most federal assistance is limited to either limited grants or disaster loans. While the interest rate is generally lower, it is still a loan that has to be repaid along with any existing mortgages, thus imposing further financial hardship on people who are struggling to recover.

The simple truth is that residents and business owners with adequate flood insurance rebuild and recover faster and return to normal faster than people without. This means faster and more complete community recovery. Unfortunately, many local officials do not consider it their responsibility to promote flood insurance.

- Experience has shown that an insured community is a better prepared community. As a local official, you can help prepare your community for the next flood. Here are some ideas: Check the amount of coverage in your community. You can ask your FEMA Regional Office for a list of insurance policies (CRS communities get this list once each year). Are certain areas underinsured? Do people outside the mapped floodplain have policies? How many repeatedly damaged (repetitive loss) structures are in the community?
- Promote the advantages of flood insurance in town newsletter articles, public service announcements, town events, and other outreach projects;

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Insurance Committee's Corner (cont.)

- Help insurance agents, real estate agents, and property owners with flood map information;
- Provide insurance agents, real estate agents, and property owners with Elevation Certificates from your building permit files;
- Flood insurance training for agents in your community is available through FEMA. Are your local agents aware of this training? Are you?
- Advise permit applicants for projects in the floodplain about the advantages of flood insurance and building higher than minimum standards; and
- Buy flood insurance for community-owned buildings to set a good example and to be prepared for the next flood (disaster assistance for flooded public properties will be reduced by the amount of insurance the community should have).

For communities, the lesson is clear: preparing for flooding and pursuing flood mitigation strategies are important, however it is equally critical to prepare for the financial burdens which will be placed on the community and its residents and businesses when the next flood occurs. Don't count on federal disaster assistance to make your community whole again. Self-reliant communities know that flood insurance is the only guaranteed vehicle to assure a smooth and complete recovery for everyone affected. ■

—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.*

USACE to Re-Evaluate Red River Flood Control Proposal

Last month the US Army Corps of Engineers announced it will further evaluate the downstream impacts of a \$1.4 billion, 36-mile long, 100-300 ft. wide diversion canal it had proposed to alleviate flooding in Fargo, ND and Moorhead, MN. They will now investigate other alternatives to utilize upper-basin watershed storage and wetlands restoration as a solution to Red River Basin flooding issues. This is very exciting in terms of moving forward with flood risk management and mitigation options for flood loss reduction.

In the last two decades, floods have become more frequent and severe in the Red River Basin. Local conservation organizations and downstream communities have voiced serious concerns about a diversion canal as a solution because it would alter sedimentation flows in the five rivers it would cross, adversely affecting fish spawning and impacting hundreds of acres of wetlands. Furthermore, it would not adequately protect Fargo and Moorhead and would worsen impacts to downstream communities.

Fortunately other options exist to reduce flooding that do not threaten public safety or the environment, such as a raised road network to create small-scale distributive storage (Waffle) combined with wetlands restoration to increase storage and reduce flood heights. According to David Conrad, Senior Water Resource Specialist with the National Wildlife Federation, "The Corps now has the opportunity to be a leader in innovative flood control techniques that provide protection, are economically feasible, and restore lost wildlife habit." You can see the Corps' Fargo-Moorhead Reassessment Flood Plan here: [View Plan](#)

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 (CRSTF) met in Seattle, WA, during the week of September 13th, 2010, under cloudy skies and a steady drizzle. More than 40 Task Force members, consultants, and guests cycled through the three day agenda.

Besides the usual discussions, four presentations were made, the first by Mark Crowell of FEMA via teleconference concerning climate change. (*I have a hard time keeping up with the official title; first it was global warming, then climate change, and I just heard a new one... global weather disruption. It sounds like the "Death Star" might be behind it all.*) John Schelling of Washington DNR and Tim Walsh of the Washington Emergency Management Division talked about tsunami threats to our Pacific shorelines. Zach Usher of FEMA HQ also called in to discuss the NFIP Reform Work Group action being undertaken by FEMA. And the city of Kent provided a summary of its excellent efforts to educate its citizens concerning recent FIRM changes and a leaking high hazard dam on the Green River, which resulted in several thousand new flood insurance policies being purchased.



Highlights:

- The Strategic Plan Activity Crosswalk was discussed and team members were identified to evaluate each activity and CRS issue.
- 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
 - Prerequisites
 - 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)
- The idea of developing NFIP Community Identification numbers for states is still being pursued.
- The host for the CRS website will be changed in the near future.
- CRS User Groups are being established in many states and within many ASFPM State Chapters.
- The Endangered Species Act (ESA) was discussed again, as it impacts the NFIP. Guidance has been developed, along with model ordinance language in FEMA Region X.
- The Uniform Minimum Credits (state) has been vetted by the FEMA Regions and will soon be sent to the NFIP State FPM Coordinators for their review.
- The CRS Coordinator's Manual (expires 9/30/10) is expected to be extended by OMB for several months, if not longer.

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

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. ✧

Congress Left Town with Much to Be Done in Lame Duck Session

After ensuring that the government could continue to operate in the new fiscal year and that the National Flood Insurance Program (NFIP) could continue to operate, the Congress adjourned on September 30, a week earlier than planned. This recess provides time for Members of Congress and those Senators up for re-election to return home to campaign.

A lame-duck Congressional session will begin on November 15 with a heavy legislative agenda anticipated. Certainly the Congress will have to deal with appropriations for the FY 2011 budgets of the federal departments and agencies as the Continuing Resolution passed just before adjournment funds the government only until December 3. Indications at present are that the House and Senate Appropriations Committees will develop a very large omnibus appropriations bill to fund all of the government for the full fiscal year. Consideration of an omnibus appropriations bill as well as the number and nature of bills to be considered during the lame-duck session will be very much related to the outcome of elections and whether or not the majority party will change in either the House or Senate or both.

It is widely assumed that both House and Senate, in addition to an omnibus appropriations bill, will take up the issue of extending earlier tax cuts, which are set to expire on December 31. The Senate has other major issues such as passage of the new START arms control treaty and energy legislation. There is a line-up of other bills to be considered if time allows, including the Livable Communities Act. On the House side, some of the bills that could possibly come to the floor include reauthorization of the Pre-Disaster Mitigation Program (PDM), the Water Resources Development Act (WRDA) and the bill to provide a federal reinsurance backstop for state catastrophe funds. During a lame-duck session, as the business wraps up and particularly if the leadership will change parties in the next session, there can be significant pressure to move bills. There can easily be surprises.

Appropriations

Continuing Resolution (CR) H.R. 3081, passed on September 29 and the very early hours of September 30th, extends funding for the federal government through December 3 at FY 2010 levels. While the bill was almost a clean bill, it did include some extensions of authorities. Notably, it included extension through December 3 of authority for the Pre-Disaster Mitigation Program, which otherwise would have terminated on October 1 due to a sunset provision in its authorizing legislation.

The CR passed the Senate by a vote of 69-30 and, a few hours later, passed the House by a vote of 228-194. Republican efforts to reduce the overall spending level and to extend the CR until February 4, 2011, did not succeed. To quote an article in the "Congressional Quarterly", "The two parties, however, are operating on different political calendars: Democrats are intent on getting fiscal 2011 appropriations settled in the lame-duck session, while they still have control of both chambers. Betting on wins in November, Republicans want to delay these decisions into the next Congress, when they might control one or both chambers."

Flood Insurance Reauthorization

A clean bill reauthorizing the NFIP for one year through September 30, 2011, passed the Senate on September 22 and the House on September 24. The bill (S. 3814) was signed by the President late in the afternoon of September 30, just in time to avert another hiatus in the program's authority to write new policies and renew existing policies.

Flood Insurance Reform

Passage of flood insurance reform legislation during this Congressional session is not at all likely. Since the NFIP has been reauthorized through September of next year, some further action will have to be taken in the first session of the 112th Congress and it remains to be seen whether or not that will involve substantial reform.

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Washington Report (cont.)

The House of Representatives passed H.R. 5114, the Flood Insurance Reform Priorities Act, in July. The measure would extend the authority of the NFIP for 5 years. It includes a number of provisions of earlier flood insurance reform legislation passed by the House but never enacted. The bill makes updates and changes to aspects of insurance coverage among its provisions, but does not represent a true reform bill. A summary of that bill's provisions is included in the August 2010 issue of News and Views.

The Senate has not yet introduced its own version of flood insurance reform legislation. Indications are that a draft is being developed and that it may look quite a bit like the bill passed by the Senate in the last Congress. It appears unlikely that the Senate will take up the House-passed version. At this point, it is unclear whether or not a bill will be introduced during the lame-duck session, but in any event, it is very unlikely that there could be any final action on any flood insurance reform legislation during this Congress.

FEMA's Effort at "Re-thinking the NFIP"

The Federal Emergency Management Agency (FEMA) is engaged in its major effort, "Re-Thinking the NFIP", which involves review of many reports, analyses and evaluations concerning the NFIP during the past decade, consideration of many ideas and proposals for reform and development of recommendations for the future form and direction of the program. ASFPM has urged both the House and Senate Committees to await FEMA's recommendations before acting on reform legislation.

Senate Hearing

The Senate Banking Committee held a hearing on NFIP reform on September 22 at which ASFPM was asked to present testimony. ASFPM Vice-Chair Sally McConkey testified for the Association. Her testimony can be found on the ASFPM website.

In her oral testimony, she noted the original purposes of the NFIP, the current problems presented by the convergence of new flood map accuracy, levee de-certification and flood insurance affordability concerns, and the opportunity to address these challenges constructively. She said, "While the spotlight is on our nation's flood risk, it is an opportunity to examine our national flood risk management policy and take action to reduce our flood risk. Flood risk policy should be based on solid science and engineering. The results of these technical evaluations are showing areas that will flood and levees that may fail or be overtopped. We need to pay attention." She stated that ASFPM supports:

- A 2-3 year time frame for reauthorization to provide time for FEMA to complete its assessment and recommendations and for thorough consideration by stakeholders
- Development of more effective incentives for flood loss reduction in communities to support consideration of a range of options including strategic retreat from flood prone areas as well as utilizing the natural and beneficial functions of the floodplain
- Clear communication of flood risk through improved outreach and communication and support of FEMA's new RiskMAP outreach and mitigation efforts
- No delay in delivery of updated floodplain maps that inform citizenry of hazards
- Development of creative solutions for the problem of flood insurance affordability through appropriate mechanisms such as means tested vouchers for low income at-risk citizens, community based flood policies or levee district flood insurance policies
- No addition of wind coverage to the NFIP
- Forgiveness of the NFIP debt

Senator Durbin (D-IL) and Senator Wicker (R-MS) testified. Senator Wicker's testimony referenced a recent communication from Mississippi State Floodplain Manager (and immediate past Chair of ASFPM), Al Goodman.

Other testimony was presented by Taxpayers for Common Sense and the National Association of Realtors. The archived hearing can be viewed or testimony read by going to the Committee's website.

[continued on next page]

Washington Report (cont.)

Wicker bill

Senator Roger Wicker (R-MS) has introduced a bill, S. 3672, which offers a new proposal for addressing issues highlighted in the aftermath of Hurricane Katrina involving resolution of insurance coverage issues between wind coverage under homeowners' insurance and flood coverage under the NFIP. His bill would provide that in cases of dispute, each form of insurance would pay 50% of the damage initially. Negotiations and resolution of the issues would follow, but the homeowner would receive settlement promptly without having to wait for full resolution of the issues. His testimony at the Senate NFIP reauthorization and reform hearing included an explanation of his bill.

Pre-Disaster Mitigation Program Reauthorization

Legislation to reauthorize the PDM program has passed both the House and Senate in different forms, but differences have not yet been resolved. In the interim, since the program was scheduled to "sunset" on September 30, 2010, it has been extended until December 3 in the Continuing Resolution as noted earlier in this report.

The House passed a reauthorization bill, H.R. 1746, in April 2009. In an effort to address concerns about earmarks in bills making appropriations for PDM, the bill included language specifying that financial assistance under PDM must be made available on a competitive basis. Another bill, H.R. 3377, which makes amendments to the Stafford Act, includes similar language and also reauthorizes PDM. That bill was reported out of the House Transportation and Infrastructure Committee on July 22, 2010, but has not yet been considered on the House floor.

Meanwhile, on June 28, 2010, the Senate passed S. 3249 which reauthorizes PDM, includes the House language codifying the program as competitive grants and also includes language specifically prohibiting Congressionally directed spending (earmarks).

Some further action to reauthorize PDM will be important during the lame-duck session, since the program is now set to "sunset" on December 3.

Stafford Act Reform

As mentioned above, legislation making some changes to the Stafford Act is ready for House floor consideration. Legislation making substantial reforms of the Stafford Act is under active development in the Disaster Recovery Subcommittee of the Senate Homeland Security and Governmental Affairs Committee. It is possible that Subcommittee Chair Mary Landrieu (D-LA) will introduce that bill during the lame-duck session. Largely due to time and schedule constraints, any final action on Stafford amendments is not likely during this Congressional session.

WRDA

Although no direct action on a new Water Resources Development Act (WRDA) has taken place since the House Transportation and Infrastructure Committee reported out its bill on July 29, 2010, work on WRDA legislation has actively continued in both the House and Senate.

House

As reported out of committee, the House bill did not include a levee program. According to staff, the elements of a levee title were not ready for inclusion since they had only just received the legislative recommendations of the National Committee on Levee Safety (NCLS). ASFPM representatives have met with both Majority and Minority Subcommittee staff to discuss ideas for inclusion of a broad flood risk management component. At this point, it is not clear whether or not WRDA will be brought up on the House floor during the lame-duck session. If it is, a Chairman's amendment could include the levee program. Otherwise, it is also possible that a stand-alone levee program bill could be introduced. Work is also continuing to develop a bill to encourage and support water resources planning.

[continued on next page]

Washington Report (cont.)

Senate

The Senate Environment and Public Works Committee staff has been holding meetings and working on a draft bill. A WRDA hearing scheduled last spring was postponed until September 30 and then postponed again until November 17. ASFPM representatives have met with both Majority and Minority committee staff to discuss policy aspects of a new WRDA bill, particularly inclusion of recommendations for a levee risk management program and associated flood risk management.

Liveable Communities Act

Similar bills are actively underway in both the House and Senate. Both would promote sustainable housing and communities and would establish a program of community sustainability planning grants. At present, neither bill includes hazard risk reduction as a component of sustainability, but ASFPM has, at the request of staff, made suggestions as to inclusion of this element. The Senate bill, S. 1619, was introduced and is strongly supported by Banking Committee Chairman Christopher Dodd (D-CT). Since the Chairman is retiring at the end of this Congress, it is likely that this bill could come to the Senate floor during the lame-duck session. The House version was introduced by Rep. Ed Perlmutter (D-CO), and a hearing was held by the full Financial Services Committee on the bill on September 23. It is possible that the bill could be marked up in committee and considered on the House floor during the lame-duck session.

Digital Coast Act

The “Digital Coast Act”, H.R. 6215, was introduced in the House on September 23 by Rep. Dutch Ruppersberger (D-MD) and referred to the House Committee on Natural Resources. The bill would authorize the Secretary of Commerce to establish a program to develop a coordinated and comprehensive federal coastal mapping effort. It would also authorize establishment of coastal service centers to assist with regional, state and local coastal management.

Safe Treatment of Polluted Stormwater Runoff Act

This bill, known as STOPS Runoff Act, (S. 3602) was introduced by Senator Ben Cardin (D-MD), Chairman of the Subcommittee on Water and Wildlife on July 15, 2010, and referred to the Senate Committee on Environment and Public Works. American Rivers and a number of other organizations noted in a letter to Committee leadership, “Incorporating smart stormwater mitigation strategies – such as vegetated swales and permeable pavement – into road and highway designs are cost effective, reduce stormwater runoff and flooding, and can significantly extend the lifespan and capacity of sewers and treatment plants by reducing flows into these systems.”

Other Hearings of Interest

A hearing entitled “Where We Are and What We Have Learned for Future Disasters Five Years after Hurricane Katrina” was held by a subcommittee on the House Transportation and Infrastructure Committee (T & I) on September 22.

A hearing entitled “Five Years Later: Lessons Learned, Progress Made and Work Remaining from Hurricane Katrina” was held by a subcommittee of the Senate Homeland Security and Governmental Affairs Committee on August 26 in Chalmette, Louisiana.

A hearing entitled, “Impact of Green Infrastructure and Low Impact Development on the Nation’s Water Quality” was held by a subcommittee of the House T & I Committee on September 30.

More information on these hearings and testimony presented can be found by going to the committees’ websites: <http://transportation.house.gov/> and <http://hsgac.senate.gov/>.

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Washington Report (cont.)

Other Developments of Interest

FEMA, the USACE and the Office of Management and Budget (OMB) are working on a draft proposal for a Task Force on FEMA/USACE nexus issues. The 2010 Supplemental Disaster Relief and Summer Jobs Appropriations bill required establishment of such a task force “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.”

Coalitions

The **USGS Coalition** has been setting up meetings with Congressional offices to encourage support for the critical science and data collection work of the U.S. Geological Survey. When ASFPM participates in such meetings, Association representatives call attention to the water resources programs and to the need for long-term streamgage data for floodplain mapping and management.

The **Flood Map Coalition**, which was originally organized to point out the need for updating and modernizing the nation’s flood maps, is now seen by FEMA as an important stakeholder group. FEMA staff meet at regular intervals to brief the Coalition on progress and issues with mapping and on development of the new Risk MAP. The next meeting is scheduled for October 21.

The **Congressional Hazards Caucus Alliance** primarily sponsors briefings on Capitol Hill on various hazards-related subjects. A meeting to plan upcoming briefings is scheduled for October 5.

Another group, the **SmarterSafer Coalition**, meets regularly to exchange information and support legislative efforts to improve mitigation. The coalition has opposed the effort to add wind coverage to the NFIP (H.R. 1264) and the effort to establish a federal reinsurance backstop for state catastrophe pools (H.R. 2555). Either of those bills could come to the House floor in the lame-duck session. ASFPM is not a member of this coalition, but maintains an affiliated status.

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

Publications, Software, the Web

■ *NOS Releases Coastal Climate Change Adaptation Guide.* The National Ocean Service Office of Ocean and Coastal Resource Management (OCRM) has released a coastal climate adaptation guide to help state and territory coastal managers develop and implement adaptation plans to reduce risks of possible climate change impacts. The guide compiles information from a number of sources and includes techniques being used successfully by coastal managers to plan for other coastal hazards such as hurricanes. The guide includes science-based information on climate change and outlines steps for setting up a planning process, assessing vulnerability, devising a strategy, and implementing the plan. States can use selected steps or chapters or the entire guide, depending on their needs. The guide is intended to be an aid, not a prescriptive directive, for developing and implementing adaptation plans. The goal of the guide is to help coastal states and communities get organized to take action in the face of a changing climate, have the tools to take action, and take action to plan for and adapt to the impacts of climate change.

http://oceanservice.noaa.gov/news/weeklynews/sept10/adapt_guide.html

■ *ALERT flood warning system data communications gets first upgrade in 30 years.* The National Hydrologic Warning Council (NHWC), in association with the ALERT Users Group, has released ALERT2™, a new standard for transmitting data designed to significantly improve accuracy and performance in systems and software used for early detection of floods and other water hazards around the world. ALERT, which stands for Automated Local Evaluation in Real Time, uses remote sensors to transmit environmental data via radio to receiving base station computers. The National Weather Service developed this standard in California in the 1970s. Communities now rely upon ALERT systems extensively across the U.S. and around the world as an affordable way to enhance local flood warnings. The United Nations-recognized ALERT standard is also used in automated systems for stormwater quality monitoring, energy production, reservoir operations and dam safety. The ALERT2™ Final Draft Version 1.0 standard documentation is available for public comment on the NHWC website at <http://www.hydrologicwarning.org/>. Feedback is requested and needed. The comment period will remain open until Feb. 28, 2011.

■ *Updated Version of APPENDIX I: Discovery is Available for Review.* The Federal Emergency Management Agency (FEMA) has developed a revised draft for Appendix I: Discovery of FEMA's **Guidelines and Specifications for Flood Hazard Mapping Partners**. This Appendix will replace the previously-issued Appendix I that contained the Project Scoping Toolbox and the guidance for Scoping and Pre-Scoping activities. Discovery describes the process to be applied by FEMA Regions, Cooperating Technical Partners, and other Mapping Partners in performing Discovery activities in a watershed of interest that may lead to a flood risk project being initiated. The revised document will be available for public review and comment through November 26, 2010. The revised document can be obtained via this link: <http://www.fema.gov/library/viewRecord.do?id=4340>. Written comments and suggestions via track changes or document comments may be submitted to FEMA electronically by sending an e-mail message to guidancecomments@starr-team.com. Alternatively, comments and suggestions may be mailed or transmitted by facsimile to the attention of Jen Marcy at: PBS&J, 12101 Indian Creek Court, Beltsville, MD 20705, Fax: 301.210.5156.

■ *Engineer Circular 1110-2-6067.* The United States Army Corps of Engineers (USACE) recently finalized and posted Engineer Circular 1110-2-6067. This publication is USACE's Process for the National Flood Insurance Program (NFIP) Levee System Evaluation. The Engineer Circular provides a consolidated policy for levee systems' evaluations performed by USACE for accreditation under the NFIP administered by the Federal Emergency Management Agency (FEMA). The Engineer Circular is consistent and founded on the principles of 44CFR 65.10 (FEMA's requirements for mapping areas behind levees) while updating methods and references to current USACE practices and criteria. An accredited levee system is a levee system that FEMA has shown on the Flood Insurance Rate Map as excluding the 1% annual chance exceedance flood (or base flood) from the levee area. The content of the Engineer Circular 1110-2-6067 has been coordinated with and are supported by FEMA. This guidance does not change FEMA's process for mapping or other requirements for the NFIP. The Engineer Circular is posted at: <http://140.194.76.129/publications/eng-circulars/ec1110-2-6067>.

In addition to Circular 1110-2-6067, USACE also published a fact sheet and list of FAQs: www.floods.org/ace-files/documentlibrary/Levee_System_Evaluation_Fact_Sheet_082010.pdf
www.floods.org/ace-files/documentlibrary/USACE/FAQ_for_EC_1110-2-6067-3.pdf

■ *National Report: Responding to National Water Resources Challenges.* The United States Corps of Engineers (USACE) recently released the "National Report: Responding to National Water Resources Challenges." This report presents the results of a two-year long "Building Strong Collaborative Relationships for a Sustainable Water Resources Future" project. The findings under the first phase of this initiative will serve as the building block for a continued collaborative journey to achieve a more sustainable water resources future. The eight overarching themes represented in the report, along with the recommendations, literally cover the full spectrum of water resources management. They represent key water resource domains and success factors that will drive the Nation to focus on several programmatic areas that need national attention. The report and other project documents, including state water plans, proceeding reports, and regional trend reports are posted at: <http://building-collaboration-for-water.org>.

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

October 13, 2010: EPA'S HEALTHY WATERSHED INITIATIVE: PROTECTING OUR HIGH QUALITY WATERS AND WATERSHEDS WEBCAST. See www.epa.gov/watershedwebcasts

October 26, 2010: DISASTERS ROUNDTABLE: DISASTER RESILIENT DESIGN, Washington, DC, Contact (202) 334-3812 or see <http://dels-old.nas.edu/dr/f30.shtml>

November 10–11, 2010: NEW DIRECTIONS IN STORMWATER MANAGEMENT AND WATERSHED PLANNING IN YOUR COMMUNITY, Chicago, Illinois, Call (202) 349-1013 or see <http://www.planning.org/pts/2010/fall/stormwatermanagement.htm>

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: 35TH 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. 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>

July 21–22, 2011: ONATI INTERNATIONAL INSTITUTE FOR THE SOCIOLOGY OF LAW: 2 DAY WORKSHOP, Onati, Spain. See <http://www.ijjs.net/>

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>

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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