May 1, 2020

Honorable John Barrasso
Chairman
Committee on Environment and Public Works
United States Senate
410 Dirksen Senate Office Building
Washington DC 20510

Honorable Tom Carper
Ranking Member
Committee on Environment and Public Works
United States Senate
456 Dirksen Senate Office Building
Washington DC 20510

Dear Chairman Barrasso and Ranking Member Carper and Members of the Committee:

The Association of State Floodplain Managers (ASFPM) appreciates the opportunity to provide comments on the Discussion Draft recently published on the Committee’s website for the 2020 Water Resources Development Act (WRDA) and entitled “America’s Water Infrastructure Act of 2020.” We appreciate your commitment to continuing bipartisan effort to address the water resources needs of the nation, and to seek views and ideas for potential improvements in programs of the U.S. Army Corps of Engineers (Corps) that would help increase the resiliency and long-term health and productivity of our nation’s water resources infrastructure.

The 19,000 members of ASFPM and our Chapters are partners of the Corps, Federal Emergency Management Agency (FEMA), and many other federal agencies, along with those at the state and local levels in reducing loss of life and property due to flooding. Our 37 state chapters are active within their states and nationally as well. State and local floodplain managers and their private sector engineering and floodplain management colleagues interact regularly with the Corps at the Headquarters and District levels in developing and implementing solutions to flooding challenges.

Dedicated to reducing flood risk and losses in the nation.

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Recent experience continues to demonstrate that the increasing variability and frequency of intense weather events and conditions, along with intensifying watershed development and aging water infrastructure underscore the need for new thinking and approaches to reduce vulnerabilities and increase resilience. 2019 was the fifth consecutive year (2015-2019) in which 10 or more billion-dollar weather and climate disaster events have impacted the United States, according to the National Climatic Data Center of NOAA. The NCDC identifies some 254 such events having occurred since 1980 with a cost of more than $1.7 trillion. Floods are – and continue to be – the nation’s most frequent and costliest disasters and the costs to taxpayers continue to increase.

While the Corps has often successfully engineered structural means of controlling flood waters, it is becoming more and more apparent that 1) operation and maintenance costs are exceeding the ability of communities and local sponsors to pay those costs, which is their obligation; 2) structural projects, while necessary in some instances, are expensive; 3) traditional projects can inadvertently increase flood hazards upstream, downstream and across the river; and 4) nonstructural projects can often offer a less expensive, more sustainable and affordable means of reducing flood hazards and costs.

In the attachment to this letter we offer numerous specific comments, concerns, and suggestions below the section description (in “red”) on many of the individual sections of the Discussion Draft, keyed to the accompanying Section-by-Section Analysis. We would first like to identify several overarching themes for potential improvements in the bill as the bill progresses in the legislative process.

We would urge the Committee to:

1) Increase emphasis on growing and expanding Corps of Engineers Technical Assistance Programs – Floodplain Management Services (FPMS), Planning Assistance to States (PAS), and National Flood Risk Management/ Silver Jackets. These programs or strengthened and expanded versions could especially help small and disadvantaged communities with, otherwise, often unavailable technical assistance to develop flood hazard and other water resources solutions, often at far less costs than large Corps projects. These are programs that also can help communities better use their own resources to address flooding, flood risk management and other water resource management problems. We find often that Corps Districts are not availing themselves of these programs and are mostly unaware of these programs’ potential to serve much larger numbers of communities with much needed assistance at assessing risks and cost-effectively addressing those risks. At present, total funding levels are too small to get appropriate attention. We applaud recent efforts of Corps leaders to raise awareness among District managers, but we urge Congress to give much stronger encouragement with increased funding, additional authorization and direction to maximize potential and reach of technical assistance.

2) Strengthen direction in Corps planning and project alternative analysis to consider nonstructural and nature-based and natural infrastructure approaches. We strongly urge the Committee to provide greater support for these approaches, and to bring cost-sharing formulas for nonstructural and natural infrastructure and nature-based flood risk management solutions into sync to provide greater incentives for their use by communities. These approaches have potential to save much more taxpayer dollars through reduced disaster
costs, reduced infrastructure costs, and to save lives and property, often with important long-term environmental benefits to society.

3) Reform and modernize the Corps' emergency assistance authorities and the P.L. 84-99 program. Complete analysis is needed of past funds spent to repair levee failures and damage, especially to account for many repetitive levee and other infrastructure repairs, and to take into account changing and future conditions and climate change signals as we repair and rehabilitate flood-related infrastructure. This program needs to assure sponsors are meeting their commitments on operation and maintenance. Previous WRDA’s have directed such studies, but these have never been completed.

4) Reform and update benefit-cost analysis and project planning and evaluation procedures to modernize planning and incorporate natural floodplain values and functions, anticipate reasonably foreseeable future conditions. Appropriate studies and reports have been authorized in previous WRDA's, but have not been completed. We urge the Committee to reiterate, update and build on these.

5) Avoid piecemeal unravelling of long-fought for economic and environmental planning reforms – with provisions that too often are motivated as a means to promote pet projects, but may end up promoting projects that are far less effective and much costlier in the long run. The Discussion draft bill contains a substantial number of waivers or weakening of benefit-cost requirements, broad assumptions of non-federal responsibilities as new federal responsibilities, and increased pressures to rush environmental and planning reviews that are likely to undermine sound decision-making, and certain of which should be stricken or substantially modified.

6) Additionally, no flood control projects should be authorized unless non-federal sponsors can provide assurances of financial capability to fund not only the non-federal share of construction, but assurances they have the financial capability to operate and maintain the facility for its expected life. Many provisions that would have the Corps of Engineers assume responsibilities of non-federal sponsors are effectively absolving sponsors of operation or maintenance that was originally a nonfederal requirement. These have potential to mushroom into massive costs to the federal taxpayers and often skew wise decision-making away from prudent planning and approaches.

7) High Hazard Dam language. We also would strongly urge inclusion of language proposed by Sen. Feinstein for the High Hazard Dam Rehabilitations program. These changes would address problems identified during the first program grant cycle in 2019, where modification of the authorizing language would improve program implementation, including clarifying some grant eligibility requirements, better defining technical terms and clarifying the requirements for flood risk education, planning and response for communities impacted by a dam. This important program helps state dam safety programs achieve their important role in regulating approximately 70% of the dams in the nation.

Once again, we very much appreciate the opportunity to provide these comments, and we would be glad to respond to any questions you may have. Please contact me, Chad Berginnis, ASFPM Executive Director at with
questions or other needs. National headquarters of the Association of State Floodplain Managers is located at 8301 Excelsior Drive, Madison, WI, 53717, 608-828-3000.

Thank you,

Most sincerely,

Chad Berginnis, Executive Director ASFPM

Attachment – ASFPM Comments on Relevant Sections of AWIA 2020 Discussion Draft (in Red) – Section by Section