



National Association of Flood & Stormwater Management Agencies
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NAFSMA Position On Flood Management Issues *(Modified January 2005)*

Introduction

The National Association of Flood and Stormwater Management Agencies (NAFSMA), since its founding in 1978, has represented state and local public agencies nationwide. It is an association committed to improving and ensuring the continuation of water resource projects and programs of interest to flood and stormwater management agencies.

Flood Management Committee Mission Statement

The Flood Management Committee coordinates and resolves member issues related to federal flood control programs, regulations and funding. The committee maintains active liaison relationships with the Army Corps of Engineers and other federal agencies responsible for federal flood control programs, regulations and funds. Particular emphasis is on the Water Resources Development Act, the Clean Water Act, the PL 566 program and similar public safety programs.

Federal Authorization/Appropriation Issues

NAFSMA members utilize all available means (private, local, state, and federal programs and funding sources) in order to provide and maintain the flood protection projects and programs necessary to protect life and property in a cost effective and environmentally sensitive manner. Many projects are of the scope and magnitude that local and state programs do not have the resources to implement and the federal government is called upon to aid in the implementation. Typically, federal projects must pass the NED (National Economic Development) benefit test that demonstrates that the federal benefits exceed the costs of the project. However, NAFSMA members know there are projects that are multi-objective, promote river restoration and include environmental enhancements that don't fit the NED benefit test. NAFSMA members and the federal government realize that projects and programs that mitigate flood damages are beneficial. It is agreed by all that mitigating flood losses, either structurally or non-structurally, is a better posture for the government than responding to a flood disasters with local, state and federal programs. Members are only afforded certain opportunities to seek federal projects and federal funds. Further, projects and policies evolve over time to respond to local, state and federal needs. The federal authorization and appropriation bills are the mechanism to pursue policy changes, project language and funding of needed flood management and watershed projects.

NAFSMA supports the biennial Water Resources Development Act as a means to seek new projects, modify previously authorized projects, and to seek policy changes that support programs that mitigate flood losses and enhance watersheds.

NAFSMA encourages the federal government to make sufficient annual appropriations that support those projects and programs previously authorized and those to be authorized.

NAFSMA supports the current federal project cost sharing of sixty-five percent federal/thirty-five percent local and further supports the development of incentives, if implemented by the community, allowing the project cost sharing to be modified upwards to seventy-five percent federal/twenty-five percent local. NAFSMA accepts feasibility cost sharing of sixty-five percent federal/thirty-five percent local and supports that the local feasibility cost sharing requirements be allowed to be met in its entirety by local in-kind services.

NAFSMA encourages the use of all project alternatives ranging from structural to nonstructural flood management solutions and programs.

NAFSMA supports multi-objective efforts, to include flood management, river restoration, environmental preservation and enhancements, and recreation.

NAFSMA recommends the review and revision of current NED policies to encourage more environmentally sensitive, multi-objective flood management projects.

NAFSMA supports policies and programs that allow local implementation of federal projects where advantages and effectiveness can be demonstrated and agreements that allow for reimbursement of the project's federal share such as Section 211 of WRDA 1996.

NAFSMA supports partnerships that are formed amongst all parties, including the regulatory agencies, whose goal is to seek participant consensus on the recommended flood management and watershed enhancement projects.

NAFSMA supports review of all laws, regulations, policies, procedures, and guidance to determine what changes are required to expedite implementation of flood management and/or watershed enhancement projects.

NAFSMA encourages the Corps of Engineers to develop guidance and policies for deauthorizing all or portions of federally authorized projects that have exceeded their useful life or where other preferred alternatives (e.g. nonstructural) exist that can provide the same benefits.

NAFSMA supports and encourages the Corps of Engineers to make personnel available to participate with members early and throughout the planning, design and permitting phases of new civil works projects to address all environmental issues and regulations in order to obtain the necessary permitting in a timely and uncontested manner.

NAFSMA advocates the federal government to assure the true costs and benefits incurred by the local sponsor for LERRDs, construction, environmental mitigation, operation and maintenance is considered during the feasibility phase of the project. The true costs include those costs mandated by laws, rules, and regulations of local, state, and federal governments.

NAFSMA recommends the elimination of Preconstruction Engineering and Design cost sharing agreements.

NAFSMA supports non-federal sponsors receiving full credit for all legitimate project related expenses, similar to credit received by the Corps for project related expenses.

NAFSMA supports non-federal sponsors receiving credit for CERCLA activities necessary for project execution.

Operation, Maintenance, Repair, Replacement and Rehabilitation Issues

NAFSMA members have spent considerable resources in developing and maintaining flood management projects. Flood management projects are designed to allow for a certain amount of debris and/or sediment before the effectiveness of the project becomes impaired. It is essential to perform maintenance activities when the project is close to becoming impaired. The original design and the originally constructed conditions should become the benchmark conditions to which maintenance shall be performed. NAFSMA advocates normal operations and maintenance activities be allowed to be

performed so that the flood mitigating aspects and multi-objective aspects of the project can be met and the community can realize the project benefits. NAFSMA members are also seriously concerned about aging flood management infrastructure throughout the nation. Flood management projects constructed under PL 566 and other federal programs are nearing the end of their useful life (50-year design life). NAFSMA advocates the rehabilitation of the aging flood management infrastructure in order to address critical public health and safety issues throughout the nation.

NAFSMA advocates environmental permitting and mitigation requirements be completed and issued for long term operations and maintenance activities, when a new civil works project is being designed and implemented thereby avoiding any future issues that would restrict or prohibit the operations and maintenance activities due to new permitting requirements.

NAFSMA supports changes to the Project Cooperation Agreement that would limit the contractual liability of operation, maintenance, repair, replacement and rehabilitation (OMRR&R) requirements on the local sponsor to the design life of the project.

NAFSMA supports federal funding for rehabilitation and repair of infrastructure constructed with federal funds that has outlived its design life.

NAFSMA encourages the Corps of Engineers to conduct research and development on economical ways to perform operation, maintenance, repair, rehabilitation and replacement of flood management infrastructure that has outlived its design life.

NAFSMA advocates the Corps of Engineers, Natural Resource Conservation Service and the Federal Emergency Management Agency develop clear and concise rules and/or regulations to eliminate any conflicts as far as which agency is responsible to provide federal assistance for repair, rehabilitation, or replacement after a federal emergency declaration.

NAFSMA supports a review of all flood management projects that have been constructed in partnership with the federal government to determine what programs and funding are required to repair, replace, and/or rehabilitate the aging infrastructure.

Permitting

NAFSMA members understand that environmental issues must be addressed and/or mitigated to allow project construction. Of concern to NAFSMA members is the reasonable application of Section 404 permits nationwide.

NAFSMA supports the development of reasonable guidelines, standards and mitigation requirements that recognize regional differences.

NAFSMA supports the inclusion of federal permitting in operation and maintenance manual or a watershed or watercourse plan that allows the local agency to perform the required maintenance and/or construction without the need to obtain additional federal permits.

NAFSMA encourages the Corps of Engineers to better coordinate with all local, state and federal agencies to streamline the issuance of federal permits.

NAFSMA supports adequate funding of resources for regulatory permitting.