



**National Association of Flood & Stormwater Management Agencies**  
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## **NAFSMA Position On Flood Management Issues**

*(Modified and Approved April 2008)*

### ***I. 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.

Earlier position papers focused on the Army Corps of Engineers water resource programs and projects. However, with the collaboration of the Army Corps of Engineers and the Federal Emergency Management Agency (FEMA) on levees and the availability of FEMA funding for flood risk reduction, this position paper now includes references to FEMA and their flood damage reduction programs. For a complete description of NAFSMA's position on FEMA programs, see "NAFSMA Position on Floodplain Issues" located on the NAFSMA website, [www.nafisma.org](http://www.nafisma.org).

### ***II. 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 involved with federal flood control programs, regulations and funding. Particular emphasis is on the Water Resources Development Act, Clean Water Act, Watershed Protection and Flood Prevention Act, National Dam Safety Program and other acts, programs, implementation and/or policy guidance originating in the federal government.

### ***III. General Statement***

- a. NAFSMA encourages coordination among the federal agencies involved in flood risk management and related activities so that federal policy is developed and implemented in an integrated fashion.**

For example, the Corps of Engineers and FEMA have worked work closely together in recent years on levee and other flood risk management project issues. NAFSMA encourages continued coordination especially in the levee certification, planning, risk communication, operation, and maintenance areas.

- b. NAFSMA strongly encourages the recognition of regional diversity and local responsibility in the development of new, and implementation of existing, policies and programs; and to include local, regional, and state entities in the development of policies, programs, regulations, and guidance.**

NAFSMA understands the need for national policies and programs. However, NAFSMA also encourages recognition of the regional diversity in the United States, the difficulty of a "one size fits all" approach, and that local and regional entities have a role and responsibility in local land use decision making.

- c. NAFSMA is concerned about emerging policies, procedures, programs and/or laws that have been, and continue to be, promulgated after the Gulf Coast Hurricanes of 2005.**

For example, NAFSMA supports development and implementation of quality projects; however, the additional internal and external reviews now required will increase the time and costs, but are not likely

to improve project quality. Also, NAFSMA supports the risk based analysis method being developed for evaluation of alternatives for new projects, but recommends that non-federal sponsors be included in the development of guidelines for such analysis and reporting of results.

- d. NAFSMA understands the need for certain changes to Federal policy and laws and is willing and able to assist in the deliberations in a timely manner.**

For example, NAFSMA and the Association of State Floodplain Managers jointly developed recommendations addressing levee issues with valuable input from the Corps of Engineers, FEMA, and other federal agencies. Some of the recommendations from the report are incorporated in this paper, however, the complete report titled “Joint Recommendations on Levee Policy”, dated April 29, 2007 is located on the NAFSMA website, [www.nafsma.org](http://www.nafsma.org).

- e. NAFSMA supports the Department of Homeland Security efforts to study and deploy security measures to help protect levees and other flood risk reduction facilities.**
- f. NAFSMA recommends a federally-led unified, targeted climate change research effort to establish public policy based on sound scientific research, and estimate future climate change conditions for each hydrological region. NAFSMA encourages strong and deliberate interagency cooperation and coordination among federal agencies, and the inclusion state and local officials in the research and policy development.**

#### ***IV. 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 reduce the risk of loss of life and property damage in a cost effective and environmentally sensitive manner. Many projects are of such a scope and magnitude that local and state programs do not have the resources to implement them and the federal government is called upon to aid in their realization. NAFSMA members and the federal government realize that projects and programs that reduce flood risks are beneficial and that minimizing flood losses, either structurally or non-structurally, is a better posture for the government than responding to a flood disaster with local, state and federal recovery 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 risk management and watershed projects.

- a. NAFSMA supports biennial Water Resources Development Acts as a means to seek new projects, modify previously authorized projects, and to seek policy changes that support programs that reduce flood risks, restores ecosystems, provides quality recreation, and improves the environment in our communities.**
- b. NAFSMA recommends that NAFSMA representatives be included in the development of the Policy Guidance for applicable sections of WRDA 2007.**

This recommendation supports positions III. b, c, and d. above.

- c. **NAFSMA encourages the federal government to make sufficient annual appropriations and to provide total funding for individual studies that support flood risk reduction projects, programs, and studies.**

Specifically, increase the total amount of funding for water resource projects, rather than reallocate current appropriations. And, total funding will reduce the time and costs to complete studies by reducing the numerous slow downs and restarts that currently occurs due to lack of funding or funding uncertainty.

- d. **NAFSMA recommends developing a process for establishing flood risk reduction study and project priorities in the U.S.**

With increasing budget limitations and increasing needs for flood risk reduction, it is time to develop a process to establish national priorities that is both realistic and fair. The priority recommendations would be provided to the Congress and the President who make the ultimate decisions.

- e. **NAFSMA supports periodic review of all laws, regulations, policies, procedures, and guidance to determine what changes are required to expedite implementation of flood risk management and water resource projects.**

For example, the Corps of Engineers efforts to reduce the time to identify projects and reduce redundancies and unnecessary steps by utilizing the Lean Six Sigma Process and the issuance of Engineering Circular 1105-2-409, "Planning in a Collaborative Environment" requiring feasibility studies be completed in 3 years.

- f. **NAFSMA supports the National Levee Inventory program initiated in 2005 and recommends that it be adequately funded until it is completed.**

- g. **NAFSMA supports creation of the National Levee Safety Program as provided in Sections 9001-9005 in the 2007 WRDA bill to share responsibility in a coordinated and systematic approach with regional, state, and local governments to ensure levees meet and maintain adequate safety standards. Also, it is recommended that a NAFSMA representative be included on the Levee Safety Committee defined in the proposed bill.**

- h. **NAFSMA supports the current federal project cost sharing of sixty-five percent federal/thirty-five percent local. NAFSMA further supports the development of incentives that, if implemented by the community, would allow the project cost sharing to be modified upwards to seventy-five percent federal/twenty-five percent local.**

- i. **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.**

- j. **NAFSMA supports full funding of the U.S. Geological Survey's streamgaging programs – the Cooperative Water Program and National Streamflow Information Program. Stream gage data is the backbone of our national and local water resources projects, programs, and everyday operations.**

- k. **NAFSMA encourages the Corps of Engineers to develop guidance and policies for deauthorizing all or portions of federally authorized and constructed projects that have exceeded their useful**

**life or where other preferred alternatives (e.g. nonstructural) exist that can provide the same benefits.**

## ***V. Planning and Feasibility Study Issues***

NAFSMA members and the federal government work together on Feasibility Studies to identify projects that qualify for federal involvement and are acceptable to local communities. To improve the quality of the projects, reduce the time to complete the study, and improve the federal/local partnerships, specific issues are presented below.

- a. NAFSMA supports the evaluation of all reasonable project alternatives ranging from structural to nonstructural flood risk management solutions and programs.**
- b. NAFSMA supports multi-objective efforts within an entire watershed, also known as integrated water resources planning and management, that includes flood risk management, water quality, ecosystem restoration, environmental preservation and enhancements, aesthetics, and/or recreation.**
- c. NAFSMA supports procedures that require evaluating more than economics which encourages environmentally sensitive, multi-objective flood risk management projects.**

For example, the Corps of Engineers issued Engineering Circular 1105-2-409, "Planning in a Collaborative Environment" in 2005 requiring the inclusion of other factors besides economics in evaluating alternatives.

Also, Section 2031 in the 2007 WRDA bill requires revising and updating the Principles and Guidelines issued in 1983 for evaluating and identifying water resource projects.

- d. NAFSMA supports collaborative planning and partnerships that are formed amongst all parties, including the regulatory agencies, with the goal being to seek participant consensus on recommended flood risk management and water resource projects.**
- e. NAFSMA advocates the federal government use of true costs and benefits incurred by the local sponsor for LERRDs, construction, environmental mitigation, operation and maintenance 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.**
- f. NAFSMA recommends the elimination of Preconstruction Engineering and Design cost sharing agreements.**
- g. NAFSMA supports non-federal sponsors receiving full credit for all legitimate project related expanses, similar to credit received by the Corps for project related expenses.**
- h. NAFSMA supports non-federal sponsors receiving credit (include in LERRD costs) for CERCLA activities necessary for project execution.**

## ***VI. Operation, Maintenance, Repair, Replacement and Rehabilitation Issues***

It is essential to perform maintenance activities before a project becomes functionally impaired or failures

begin. NAFSMA advocates normal operations and maintenance activities be allowed to be performed so that the flood mitigating aspects and multi-objective aspects of a project can be met and the community can realize the project benefits. NAFSMA members are also seriously concerned about aging flood risk management infrastructure throughout the nation. Flood risk management projects constructed under Public Law 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 risk management infrastructure in order to address critical public health and safety issues throughout the nation.

- a. NAFSMA recommends federal assistance with federal environmental permitting from the Corps of Engineers and other federal agencies which prevent timely and needed operations and maintenance activities for federal flood damage reduction projects and other non-federal projects.**
- b. 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.**
- c. NAFSMA encourages federal support and financial assistance with research and development of economical ways to perform operation, maintenance, repair, rehabilitation and replacement of flood risk management infrastructure that has outlived its useful life.**
- d. NAFSMA supports a review of all flood risk management projects that have been constructed in partner-ship with the federal government to determine what programs and funding are required to repair, replace, and/or rehabilitate the aging infrastructure.**
- e. 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.**
- f. 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.**

## ***VII. 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.

- a. NAFSMA supports the development of reasonable guidelines, standards and mitigation requirements that recognize regional differences.**
- b. NAFSMA advocates environmental permits be issued and mitigation requirements be completed 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.**