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NAFSMA Position On Floodplain Management Issues

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I. Introduction

The National Association of Flood and Stormwater Management Agencies (NAFSMA), founded in 1978, is an organization of public agencies whose function is the protection of lives, property and economic activity from the adverse impacts of storm and flood waters. Most of the 105 member agencies either belong to the National Flood Insurance Program (NFIP) or represent agencies which belong to the NFIP. The total population represented by these agencies is in excess of 100 million citizens.

NAFSMA's mission is to advocate public policies which facilitate and enhance the achievement of the public service functions of its member agencies. NAFSMA is committed to working with all other groups, at any time, to resolve floodplain management issues.

II. Floodplain Management Committee Mission Statement

The Floodplain Management Committee tracks and influences federal legislation and regulations that affect NAFSMA member's floodplain management programs. This includes the National Flood Insurance Program (mapping issues, LOMRs, CLOMRs, insurance, national mitigation strategy, community rating system and levee policy), "all hazards" insurance and "takings" legislation. The Committee Acts as FEMA liaison and coordinates with the Association of State Floodplain Managers on issues of mutual interest.

III. National Flood Insurance Program and FEMA

NAFSMA has identified the following areas of concern with regard to the NFIP and how the Federal Emergency Management Agency (FEMA) is managing this program as it affects the public service functions of its member agencies. NAFSMA's positions regarding these areas of concern follow.

IV. Reauthorization of the National Flood Insurance Program

a. NAFSMA strongly supports the reauthorization of the National Flood Insurance Program (NFIP).

The NFIP has become an important part of every NAFSMA member's floodplain management efforts. Loss of the program would cause tremendous disruption in every member's ability to deal with the nation's flood risks, both current and future.

b. FEMA must retain a strong natural hazards component; including flood hazard mapping, map modernization, mitigation and disaster response. Therefore, FEMA should be returned to its previous status as an independent agency reporting to the President.

FEMA is now a part of the Department of Homeland Security (DHS). There is concern in the natural hazards mitigation community that FEMA's ability to respond to natural hazards has been compromised since the move to DHS.

c. NAFSMA supports legislation to create the effective equivalent of the Technical Mapping Advisory Council (TMAC). In the meantime, NAFSMA encourages FEMA to convene an annual meeting of floodplain management stakeholders as recommended by TMAC; and commits to actively participate in such meetings.

During its five-year existence the Technical Mapping Advisory Council (TMAC) provided a valuable forum for floodplain managers across the entire spectrum to come together and discuss floodplain management issues. In its final report the TMAC recommended that the Director of FEMA convene an annual forum of stakeholders to review the progress of the Map Modernization Program and discuss further improvements of FIRMs and related issues.

- d. **Changes in major aspects of the NFIP, such as subsidies for pre-FIRM structures and changes in areas where flood insurance purchase is mandatory, should only be accomplished after sufficient study to understand the short and long term implications of such changes.**

NAFSMA wants to insure that major changes to the existing structure of the NFIP are made only after the impacts of those changes are known to all stakeholders, and are deemed to be appropriate for the improvement of the program.

- e. **NAFSMA opposes adding other insurance, such as wind insurance, to the NFIP.**

Adding insurance for other hazards to the NFIP would unnecessarily complicate the floodplain management efforts of NAFSMA's members.

V. Mapping Issues

- a. **NAFSMA fully supports FEMA's completion of ongoing map modernization program studies.**

Funding for FEMA's map modernization program has ended but many studies are still in progress, which will convert the nation's Flood Insurance Rate Maps (FIRMs) to digital products (DFIRMs).

- b. **NAFSMA supports the new Risk MAP (Mapping, Analysis and Planning) initiative.**

It is very important for FEMA to insure the integrity of the map modernization products through frequent updates of the mapping products. It is also important for FEMA to map the communities missed during map modernization. Other positive aspects of Risk MAP include mapping and planning by watershed, analysis of community and national risk, assistance with mitigation planning, and new approaches to risk communication.

- c. **NAFSMA supports adequate funding of FEMA's new Risk MAP initiative in the Federal budget.**

Because the benefits of Risk MAP go beyond the sale of flood insurance, flood insurance policy holders should not be required to bear the full cost of the Risk MAP program; but rather the public as a whole should participate in the funding of the program.

- d. **NAFSMA encourages FEMA to continue its implementation of the CTP initiative, while utilizing NAFSMA member agencies to the fullest extent possible. This includes CTP participation in the Risk MAP program, technical review of LOMC applications, DFIRM maintenance, risk assessment and risk communication.**

FEMA's Cooperating Technical Partners (CTP) initiative is of particular interest to NAFSMA. Many NAFSMA member agencies have the expertise and financial capability to conduct the types of activities; such as hydrology, hydraulics, and topographic mapping; which are used to develop Flood Insurance Studies (FIS's), restudies DFIRMs and Letters of Map Change (LOMC). These agencies also often design and implement projects which reduce flood hazards and lead to the need to revise FIS's and DFIRMs. In some cases, these agencies are in the best position to certify the completion of these projects and complete the needed map revisions in a timely manner. These agencies also have the capability to maintain the DFIRM products to keep them current.

- e. **NAFSMA urges FEMA to utilize digital products as official documents as soon as possible for those communities willing and able to take advantage of them, while protecting the interests of those map users who do not yet have the digital capability.**

FEMA has implemented a "Use of Digital Flood Hazard Data" policy that allows the use of several digital products as official documents. Unfortunately, the production of paper FIRM panels is still required before any of the other digital products are made available.

- f. **NAFSMA encourages FEMA to consider showing other hazard layers on the National Flood Hazard Layer when requested by the local governments.**

In the past, NAFSMA has encouraged, and FEMA has allowed, the inclusion of future hydrologic conditions on the FIRMs, at the request of the local governments, for advisory or regulatory purposes (but not for purposes of flood insurance). FEMA should allow other hazards to be shown at the request of local governments.

g. NAFSMA agrees with the Technical Mapping Advisory Council that maintenance activities should be exempt from 404 permit requirements.

FEMA requires local governments to assure the maintenance of flood carrying capacity of flood management projects, such as enlarged channels, as a condition of revising FIRMs to reflect the effects of the projects. At the same time the Corps of Engineers, under its 404 permit process, makes it more difficult and expensive for local governments to perform the required, and necessary, maintenance. The Technical Mapping Advisory Council, in its 1998 annual report, encouraged FEMA to work with the Corps of Engineers to develop 404 permit regulations which exempt maintenance of FEMA credited flood management projects.

h. FEMA should revise its procedures to require map determination companies to accept credible technical evidence from local government officials regarding the determination of flood insurance purchase requirements. Further, FEMA should periodically evaluate and report the accuracy of the determinations made by the various companies.

A number of NAFSMA member agencies have had experiences with map determination companies where obviously incorrect determinations have been made, resulting in erroneous flood insurance purchase requirements which have cost citizens insurance premiums that they should have not have had to pay. These companies generally refuse to accept more detailed and/or more current information from the local governments, no matter how knowledgeable these agencies are about the flood hazards in their own communities.

VI. Flood Management Projects

a. FEMA should work with affected local governments to select and support the mitigation alternatives most appropriate for each situation.

There are a tremendous number of existing structures within identified floodplains in this country; most of which were constructed before floodplains were mapped, or modern floodplain management techniques were widely used. The protection of these existing structures, and the physical and economic well-being of their occupants, is a matter of great importance to the member agencies of NAFSMA. In many instances the best way to mitigate the flood hazard in these areas (measured in terms of costs, time involved and social disruption) is with remedial projects utilizing structural flood management methods.

There are certainly differences between remedial projects and preventive projects. Non-structural methods, such as floodplain regulations, subdivision regulations, land acquisition, and other activities that preserve the natural and beneficial functions of the drainageways, are most appropriate and cost effective in preventive situations dealing with new development. In many instances, non-structural methods are not cost effective or timely in providing remedial solutions to existing flood hazards. It is infeasible to think that all of these existing structures are going to someday be removed and the land returned to open uses compatible with the flood hazard; and yet that seems to be the focus of FEMA's mitigation philosophy. Structural solutions can include elements that enhance the natural and beneficial functions of the projects, and these should be considered acceptable in many instances.

Levees can present difficult problems for local governments, including those enrolled in the National Flood Insurance Program (NFIP). When levees fail, or are overtopped, the results can be catastrophic. There are millions of lives and billions of dollars of property already at risk behind levees. Therefore, FEMA requires a never-ending commitment from NFIP participants to assure adequate operation and maintenance of any levee accredited by FEMA on a Flood Insurance Rate Map (FIRM) communicating the flood risk to property owners behind a levee is also a problem. In light of these problems it would be prudent to limit the increase in people and property at risk behind levees.

b. FEMA should modify its grant conditions to allow consideration of the use of these acquired properties for cost effective flood management projects which reduce flood hazards and are compatible with the overall objectives of the particular grant program.

FEMA has structure buyout/relocation grant programs which generally impose conditions on the acquired property which prohibit the use of the property for any structural flood management measures. While it is recognized that

FEMA's emphasis is on non-structural solutions, a blanket prohibition on structural solutions can be counterproductive. For example, an excavated floodway could reduce flood hazards while still preserving the open space intent of the original grant programs.

VII. Mitigation Grant Programs

NAFSMA strongly believes in both pre- and post-disaster mitigation activities and urges full funding of both programs.

Recent budgets have reduced the post-disaster Hazard Mitigation Grant Program (HMGP) and also established a competitive pre-disaster mitigation grant program.

VIII. Community Rating System

- a. FEMA should continue past efforts to reduce paperwork associated with the CRS, including coordination of required information between neighboring jurisdictions, state and regional agencies, and Federal programs with similar information requirements. NAFSMA is willing to assist FEMA in the identification of common information required by different Federal programs and to try to streamline submittal requirements. Further, NAFSMA member agencies would appreciate a CRS evaluation process which demonstrated more trust in the local agencies.**

The Community Rating System (CRS) was adopted by FEMA, and later codified by Congress, to encourage participants in the National Flood Insurance Program (NFIP) to do more than the minimum required by the NFIP in return for reduced flood insurance premiums within the communities. Points are awarded for activities undertaken by the local governments, and the amount of the premium reduction is based on the number of points the community receives.

The current amount of paperwork required to apply to and remain in the CRS has been reduced from the time it was first initiated, but NAFSMA member agencies believe that there is still room for more improvement. In addition, member agencies continue to be dismayed with the lack of trust FEMA shows in local governments with regard to the accuracy of their paperwork.

Many urban areas are fragmented among many local jurisdictions, each of which are individual participants of the NFIP and CRS. As such, each jurisdiction must submit its own paperwork, resulting in duplicate work for regional efforts, such as flood warning plans and stormwater management efforts. Other Federal programs also require submission of essentially duplicate information from time to time.

- b. NAFSMA fully supports continued participation in the Community Rating System Task Force.**

VIII. Conclusion

The member agencies of NAFSMA want to work with FEMA on the common goal of protecting the lives and property of American citizens. However, they want their commitment, their expertise and their unique circumstances to be recognized by FEMA, and they want their work products to be more readily accepted by FEMA. We have to work together. To do otherwise is to waste precious resources.