



Association of State Floodplain Managers, Inc.

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FEMA-FIMA

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To Whom it May Concern:

Thank you for the opportunity to submit comments on the draft Federal Flood Risk Management Standard (FFRMS) framework. As you may be aware the FFRMS is among ASFPM's highest policy priorities and to ensure a breadth of comments to consider, ASFPM encouraged its individual members as well as chapters to provide comments in addition to our consolidated comments that are being submitted herein. We are providing some comments on the framework as published and look forward to working with FEMA as you actually implement the standard in your programs and actions.

1. EO 11988 and its guidance required all critical facilities to be protected to the 500 year flood, or to the flood of record, whichever is greater. The proposed framework indicates critical facilities will use a flood elevation determined by the Freeboard approach where 3 feet will be added to the BFE. In some cases, the 500 year flood or the flood of record will be higher than that, and thus should use either 500 year of flood of record as this is the standard in EO 11988. The new EO simply amends EO 11988 and the standards for Critical facilities should reflect that any chance of flooding would be too great, and therefore use the 500 year or flood of record, whichever is greater. Please see the attached flood profiles from three big flood areas from this year - Columbia, SC; Houston, TX; and San Marcos, TX and compared the 500-year to the 100-year flood. If FEMA proceeds with the proposed approach, it will actually be watering down its current standards for disaster Public Assistance which pumps billions of taxpayer dollars into infrastructure (including critical facilities) repair.
2. In the case of non-critical or critical actions, the freeboard selected should at least match any state or local standards that are in place when that state or local freeboard is higher than that in the proposed framework. During the comment period for the FFRMS guidelines ASFPM raised this issue and were told federal agencies would have the option to match state and local freeboard in their implementation of the guidelines. FEMA administers the National Flood Insurance Program (NFIP), which requires States and communities to adopt maps and regulations in order to join the NFIP. In many cases communities use legally adopted and enforceable standards that exceed minimum NFIP standards which are actually encouraged by the NFIP itself. By not requiring the use of these higher standards for its projects, FEMA is undermining the very recommendations for better flood risk management under the program which is under its authority (the NFIP). FEMA should be exercising leadership in this instance.

Dedicated to reducing flood risk and losses in the nation.

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3. We support using climate informed science where data is adequate to accurately calculate the FFRMS flood level and floodplain. However, we do not support the statement that was found in an earlier 11/17 version of the framework in the critical action section indicating FEMA will only use climate informed science if the applicant agrees to it. FEMA has an obligation to protect taxpayer dollars and thus to use climate informed science when its experts determine the data is adequate to accurately calculate the FFRMS flood level and floodplain.
4. FEMA policy needs to be set up for climate informed sciences to be included for critical and non-critical actions alike as the preferred approach while allowing for the freeboard or 500-year approach to be used when climate informed science data is not available (see comment #1 above). The proposed FEMA framework interpretation departs from the EO and may well create an unintended consequence of eliminating the desire to update maps. Per the framework the only time FEMA will consider climate informed science is when there is a critical action and when the estimated elevation is higher than the freeboard approach. The freeboard provision is a positive, protective step, however, it should not become a default standard to replace updated flood mapping. The concern here is that this approach may create a sense that flood map updates and associated funding are less critical because of the safety standard provided by freeboard. Any policy that impacts flood map update efforts and required funding is a serious concern and does not reflect the rapidly changing conditions of the nation's floodplains.

Independent of the freeboard standard, we need to have comprehensive mapping that reflects actual flood elevations to guide funding, design and construction decisions within the floodplain, otherwise we will perpetuate the problem of inadequate elevation standards, particularly as future conditions change in response to sea level rise and extreme weather. The result of this policy will be continued escalation of flood damages and recovery costs, and associated taxpayer liability.

Additionally this will remove the ability to forecast to some future condition. What we are looking at now is a static shot of what we know today (or at the time of study) plus two feet. This approach, while an adequate backstop, inherently introduces the potential to dramatically over or under estimate conditions with a resulting under or over investment in the true risk. Over the next decades (using standard techniques) the BFEs in theory will inch up or down and should be closing in on the new reality. What is being proposed supports a perpetual freeboard (in an altruistic way not in of itself necessarily a bad idea) that will not stand the test of time of being in place to keep up with new science.

5. On occasion, FEMA has issued Advisory Base Flood Elevations (ABFEs) following a major flooding event, when it has been determined that the effective BFEs significantly underestimate the base flood. Prime examples of this practice include Hurricane Katrina, where ABFEs in MS were several feet above the effective BFEs, and Superstorm Sandy. The ABFEs are based on an abbreviated analysis using data from the most recent events not considered in the effective FIRM/FIS, and are estimates of what a new detailed analysis would show as the BFEs. Following Hurricane Katrina, FEMA did not require communities to adopt the ABFEs (although many did adopt standards higher than the effective BFEs), but did require that the ABFEs be utilized for federally funded grants for rebuilding purposes. A similar practice was followed by FEMA in the areas impacted by Superstorm Sandy. What will FEMA consider to be the advisory "BFE" when adding freeboard under EO 13690?
6. The Background states that "Federal agencies have the flexibility to select from the approaches of the FFRMS to establish the floodplain for a given action." While flexibility may be warranted, the interagency coordination provision must come into play in establishing the "floodplain" by various agencies. The

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Framework language needs to be revised from “...should coordinate early...” to “...shall coordinate early.” This needs to be a required action whereby the most protective, conservative delineation of the floodplain is achieved and applied by all federal agencies for all purposes. Quite often these agencies have overlapping responsibilities and requirements (FEMA & CZM for example), so it is important that differences in selection criteria be reconciled early on so that the ultimate floodplain determinations maintain consistency for the benefit of states and communities that implement the various federal programs and requirements. If not carefully prescribed as a process, this could lead to much confusion, delay and extreme frustration – it needs to be addressed at the outset.

Thank you for the opportunity to submit comments. Please do not hesitate to contact me at cberginnis@floods.org or at 608-828-6338.

Respectfully,



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