April 18, 2008

Senate and House Committees on Appropriations
Senator Robert C. Byrd, Chair
Honorable David Price, Chair and Honorable Harold Rogers, Ranking Member:

Sent by Facsimile:

Re: KAMM Opposes Earmarking Mitigation Funds

Dear Senator Byrd and Congressmen Price and Rogers:

The Kentucky Association of Mitigation Managers (KAMM) is a four-year-old organization dedicated to reducing loss of life and property damage resulting from 13 of the natural hazards inherent to Kentucky. KAMM is one of 26 chapters of the national Association of State Floodplain Managers (ASFPM), comprising 11,000 individual and chapter members.

Last week, we held our annual conference at General Butler State Resort Park where over 100 members discussed mitigating hazards, code enforcement, planning and zoning, and utilizing Kentucky’s State Hazard Mitigation Plan and the local Hazard Mitigation Plans. As a result of the discussion, our membership voted to approve a letter from our KAMM Chair on behalf of our Board of Directors to inform FEMA and our congressional liaisons of our concerns that the credibility of the local Hazard Mitigation Plans is being undermined by congressional earmarks. We believe it is important to let Congress and FEMA know how damaging this practice is to the development of true mitigation awareness and commitment at the local level.

Hazard mitigation planning is mandatory due to the Disaster Mitigation Act of 2000 and Kentucky is in compliance with the mandate. All of Kentucky’s Area Development Districts (ADDs) have developed a comprehensive mitigation plan to address our natural hazards. In addition, Louisville Metro and Lexington-Fayette have a FEMA-approved local hazard mitigation plan. Further, Kentucky has been recognized by FEMA Region IV as a superior example of planning for other states. Through planning, stakeholder involvement, and mitigation strategies each ADD and respective city developed an action plan of activities that when implemented will mitigate the devastating effects for all hazards.

The carrot to the planning mandate is the federal funding available via the competitive grant program titled the Pre-Disaster Mitigation Program (PDM). The PDM program encourages local communities to mitigate our natural hazards through planning, collaboration, resource building, and prioritization of projects to make their communities safer and sustainable.

KAMM is expressing our concern about the recently identified projects in the Joint Explanatory Statement specified for the PDM program included in the recently passed Consolidated Appropriations Act of 2008. As an association, we believe the earmark projects are scarcely thought out, largely ineligible, and would not rank very high in the national competition if they fell under the same scrutiny of viable projects. Moreover, we fear that the funding of these earmark projects will negatively impact the number of practical, carefully planned and community supported projects.

Annually, the Kentucky Division of Emergency Management Agency (KyEM) requests local communities to submit a letter of intent for PDM grant funding to mitigate our natural hazards. And, every year, there are many more qualified applications for eligible projects than can be funded. Therefore, we believe earmarking PDM funds penalizes communities that have developed the required community hazard mitigation plans. Further, the intent of the program is negated by funding projects that do not fall under the PDM required provisions.
KAMM is concerned about the unprecedented scope of project specific set-asides (earmarks and Congressional directives) in competitive grant programs like PDM. Project specific set-asides of mitigation programs has been minimal in the past and FEMA internal project evaluation mechanisms are widely considered to be strong and well grounded in sound public policy. Because there is nearly always more demand than there are funds allocated for hazard mitigation, these programs are either apportioned to all states based on specific formulas or triggers, or are nationally competitive based on set criteria that every applicant must follow. This is a simple measure of fairness. Actions like project specific set-asides hurt every state, even those that are the recipients of such earmarks. As you know, Kentucky did receive earmarks which are well-deserved, but we believe that the projects are inconsistent with the intent of PDM and in some cases would never be approved for funding due to ineligibility. Attached is a list of the 2008 earmarks for your review.

We are strongly stating that KAMM opposes project specific set-asides. We insist that these earmark projects funded with the PDM Fund comply with the criteria in Section 203(g) of the Robert T. Stafford Disaster Relief and Emergency Act (Stafford Act) where language requires compliance with program rules. The FY 2008 Omnibus Appropriations bill included a list of 94 earmarked communities or projects to be funded. Most were entirely outside of the competitive grant process which supports local planning and mitigation awareness. The earmarks take more than 40% of the funds out of competition for communities who have followed the rules.

Further, due to the FY 2008 earmarking, we believe there will be efforts by Members of Congress to earmark FY 2009 PDM funds. We strongly oppose any efforts to continue this practice in 2009 due to its negative impacts on the program.

We are expressing our firm support for any and all efforts to adhere to PDM program rules and regulations as set forth in the Disaster Mitigation act of 2000. With your seats on the Appropriations Committee, we are requesting that you do all you can to ensure project specific set-asides do not continue.

We thank you for your consideration of our above comments and the KAMM Board and/or our members would be pleased to discuss with your staff any issues involving natural hazards and especially mitigation. A list of the KAMM Board members is attached. On behalf of our growing organization, we are most thankful for your service and we share your commitment to protecting lives and property by making Kentucky more disaster-resistant.

Respectfully Yours,

Taylor Duncan, KAMM Chair

CC: Senator Jim Bunning  
    Congressman Ed Whitfield  
    Congressman John Yarmuth  
    Congressman Ben Chandler  
    R. David Paulison, FEMA Administrator  
    Brad Loar, FEMA Region IV Mitigation Director  
    Larry Larson, P.E., CFM, ASFPM Executive Director  
    Meredith Inderfurth, ASFPM Washington Liaison  
    KAMM Board and Members, by email

Enclosures (2)
KAMM Board of Directors

Taylor Duncan, CFM – Chair
Email: cartercoflood@alltel.net
Phone: 606-831-5775

Camille Crain – Vice-Chair
Email: camilleky@yahoo.com
Phone: 859-749-8966

Eric W. Larson, PE, CFM, AICP – Treasurer
Email: eric.larson@georgetownky.gov
Phone: 502-863-9855

Pamela Moore, – Secretary
Email: p382@bellsouth.net
Phone: 502-479-8118

Carey Johnson – At-large Representative
Email: carey.johnson@ky.gov
Phone: 502-564-3410

Josh Human – At-large Representative
Email: josh.human@louisville.edu
Phone: 502-852-8922

Region I Representative
VACANT

Paul Freibert – Region II Representative
Email: Paul.Freibert@louisvilleky.gov
Phone: 502-574-4430

Shawn Moore – Region III Representative
Email: smoore@mercerky.com
Phone: 859-734-6066

Steve Sturgill – Region IV Representative
Email: ssturgill@windstream.net
Phone: 606-928-5272