



ASSOCIATION OF STATE FLOODPLAIN MANAGERS, INC.

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Federal Flood Risk Management Standard & EO 13690—Analysis

Introduction

- On Jan. 30, President issued a new Executive Order establishing a new flood risk management standard for federal investments and programs.
- The new standard amends the previous floodplain management Executive Order (EO 11988) issued by President Carter in 1977.
- DRAFT guidelines for implementation of the EO were issued soon after and published in the Federal Register on February 4. The guidelines are open for public comment until May 6.
- Once those are processed and the guidelines are finalized, each federal agency will develop rules for its own programs or update its policies. Either way, another stage of public input will be available.

Purpose

- to increase public safety, to reduce flood-related losses of life, property and public infrastructure and to preserve and utilize natural floodplain functions
- to address the problem of dramatically increasing costs of flood disasters for the federal taxpayers (Between 1980 and 2013, flood-related damages totaled more than \$260 billion. Losses exceed \$10 billion a year.)
- to protect taxpayers investment in actions in flood prone areas by helping ensure that federal projects withstand increasingly challenging weather and rising sea level conditions
- to support the many states and thousands of communities that have already strengthened their local floodplain management codes and standards

What the federal standard does:

- It is not a mandate or regulate private development; it is only for those actions using federal money
- It requires all Federal investments in and affecting floodplains to meet higher flood risk standards
- It gives agencies the flexibility to use one of three standards for establishing the flood elevation and flood hazard areas to be used in siting, design and construction.
- Agencies can use one of these 3 standards:

1. Use data and methods informed by best-available, actionable climate science, and if data is not available to determine that, options 2 or 3 can be used:

2. Build 2 feet above the 100 year (1% annual chance) flood elevation for standard projects and 3 feet above for critical actions – such as water supply, key police and fire facilities, hospitals and evacuation centers, etc;

3. Build to the 500 year (0.2% annual chance) flood elevation

--**Freeboard** is an additional height above the national minimum standard which represents a safety factor. States and communities that encompass more than half of the US population have already adopted some form of freeboard. Others have developed ordinances which recommend freeboard. This standard:

- applies when Federal funds are used to build, significantly retrofit or repair structures in and around floodplains
- does NOT affect the development standards or rates of the National Flood Insurance Program. Actually, for properties built or rebuilt to the new standard, flood insurance premiums could be significantly reduced.
- use of higher standards for critical facilities was already in the guidance for the 1977 Executive Order
- EO says that the standard should be reviewed annually and a 4th option for calculating the floodplain for federal actions indicates that clarifications can be added in the future, if needed.
- Agencies will have flexibility in implementing the new standard and will incorporate input from the public and stakeholders on their specific programs and policies.
- Many communities and local jurisdictions already have higher standards, so this is not intended to be a federal CAP, but to work with communities

What Led to Development of New Standard?

- Two previous standards applied to use of federal funds in flood prone areas: EO 11988 and the 1 foot freeboard standard in the areas affected by Hurricane Sandy. Much has been learned through decades of disaster experience since 1977 in terms of science, technology and building codes and standards. The freeboard standard applied to the Hurricane Sandy affected areas is widely acknowledged to have promoted safer, smarter recovery without causing significant state/local costs or concern over its application.
- Disaster costs continue to rise; significant flood losses are occurring in areas outside the identified floodplains and the federal share of disaster costs is higher than it has ever been.
- The Congress recognized the need to better identify changing areas of risk on flood risk maps – as reflected in requirements that flood maps provide information based on future conditions and best available data. (Biggert-Waters Flood Insurance Reform Act of 2012).
- Response and recovery after Hurricanes Katrina and Rita as well as Sandy led to use of Advisory Flood Risk Maps to facilitate smarter rebuilding and led to the Army Corps of Engineers incorporating greater resiliency for its projects.
- National application of a flood risk management standard for federal investments was called for by the President’s State, Local and Tribal Task Force on Climate Preparedness and Resilience. *“Projects that receive Federal funding should be sited and designed with the best available climate data and include margins of safety such as freeboard and setbacks, to account for uncertainties and reduce costs and disruptions from future hazards.”*
- The Hurricane Sandy Rebuilding Task Force made a similar recommendation.
- Collaboration, drafting and consideration of perspectives of many federal agencies and their perspectives was led by the Mitigation Framework Leadership Group (MITFLG) and the Federal Interagency Task Force on Floodplain Management (FIFM-TF). Deliberations, drafting and re-drafting took place during at least a year and a half.

Many States and Localities are Way Ahead of Federal Government in Managing Flood Risk

- Research indicates that well over 60% of the US population lives in communities/states which have adopted some amount of freeboard.
- 22 states have adopted at least a 1 foot freeboard standard and at least 5 have more than that
- A number of cities, towns and counties have adopted a standard of 3 feet of freeboard (at least 42 according to verifiable research)
- Many more cities, towns and counties have adopted a 2 foot freeboard standard (at least 190 – also according to verifiable research)
- About 300 cities, towns and counties have adopted a freeboard standard consistent with the FFRMS. Another 350 have at least a 1 foot freeboard standard.

Areas Not Yet Well Defined in Draft Guidelines

- Guidelines are draft; The Administration is requesting thoughtful input from states, counties and communities as well as other stakeholders.
- Use of the best available climate science option is not clarified. How would that be calculated and documented? Who would decide whether or not to accept the documentation? What standards or data should be relied upon?
- Clarify how might the standard apply to projects at some stage of development and implementation?

Importance of Engagement with Guidelines and Implementation

- -The state and local perspectives on the guidelines and specific implementation is an essential part of making the standard work. Observations on the anticipated impacts and effects as well as constructive recommendations are important at this critical stage.
- -FEMA, joined by other federal agencies, will host a series of Listening Sessions around the country. These have been announced so far:
 - Ames, Iowa March 3
 - Biloxi, Mississippi March 5
 - Mather, California March 11
 - Norfolk, Virginia March 11
 - Fairfax, Virginia March 24
 - Webinar March 25
 - New York, NY March 27
 - Dallas, Texas April 7
 - Seattle, WA April 14