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National Disaster Recovery Framework (NDRF) ASFPM Comments 26 Feb, 2010

The National Disaster Recovery Framework is an important step in developing the most effective pathway for federal agency coordination in helping communities and States recover from a devastating disaster. The Association of State Floodplain Managers (ASFPM) commends the National Disaster Recovery Framework Working Group in putting together a good and comprehensive Draft National Recovery Framework. In particular, the ASFPM is pleased to see the role of mitigation mentioned. However, we urge that the connections between recovery and local and State mitigation planning, long term resilience and sustainability be strengthened in the NDRF. Too often, even within FEMA disaster programs, mitigation is overlooked or seen as a barrier to the speediness of the recovery process when in fact; mitigation should be the cornerstone for all recovery efforts. Having mitigation considered for all recovery activities is an absolute must! In fact, each recovery project should be required to demonstrate how mitigation was somehow considered in that action.

Hastily-constructed development for the sake of returning a community to “normal” as soon as possible is too often the goal after a disaster. However, reckless disregard for the lessons the disaster taught will only lay the groundwork for the next disaster. After a disaster is the best time to right the wrongs of the existing development – it can allow communities a chance to start over with a more sustainable community as the goal. The goal should be to forge a better tomorrow where the survivors and future generations in this community will not have to experience a disaster from the same event that we know will occur in the future. This could include retreating from high hazard areas, ensuring the community has adequate zoning authority or building code and the resources to oversee and enforce them, or it could just be a case that a natural disaster exposed a new risk that had not been known prior to the event.

The ASFPM also likes the idea of a “recovery continuum.” Every community is different, and has to deal with different hurdles in the recovery process such as a lack of regulatory authority to do what needs to be done, a lack of vision for what needs to be done, a lack of financial or personnel resources to figure out what needs to be done, and so on. The idea of a continuum helps communities to gauge their own recovery progress against a standard which does not currently exist. In addition, a continuum does not define specific tasks along the line, but allows communities to work continuously toward their own recovery needs while not being burdened with pressure to perform according to a national checklist.

While the latest Draft National Recovery Framework shows good progress toward a workable document, the ASFPM offers the following comments on how we believe it could be improved:

- 1) One big issue is the need for the document to link the community recovery plan to its hazard mitigation plan. This shows up for example on pg 10, line 332 under immediate recovery activities. Here and in much of the document, it outlines the need for a recovery plan, priorities and planning process. Much of this should already be in the community’s Hazard

Mitigation Plan, which FEMA requires every community to have. The link to the Hazard Mitigation plan must be clearly stated in Section IX, page 42, esp. in the part on pre-disaster planning and the rest of the section and document. The mitigation plan identifies a list of projects that could be done before or after a disaster to reduce hazard risk, and after a disaster specific actions for recovery in that disaster are then identified in the Recovery Plan. It is important that the two align. While there may be more specific items listed in a recovery plan that may not be in a mitigation plan, the overall future vision of the community and how it will become resilient to disasters should carry through both. Recovery plans should not only be linked to mitigation plans, but to preparedness and response plans, as well as local all community plans.

- 2) Definition of “Mitigation”. We agree with almost all of the definition, but ASFPM is concerned with part of the last sentence added to this definition, which we not seen FEMA use before. It says “These activities or actions, **in most cases**, will have a long-term sustained effect.” We believe the phrase “in most cases” should be removed, since mitigation actions, as the rest of the definition says, must always have a sustained effect. We realize some actions in the recovery may not, but those actions are therefore not mitigation actions.
- 3) The NDRF should provide guidance that would be a reminder to all federal agencies that they must take all relevant Executive Orders into account in their efforts to assist communities and states in the recovery process. This would especially include Executive Order 11988 that is designed to ensure that federal funds and assistance are not used to promote recovery subject to flooding, or that will adversely impact flood damages on other properties. Similarly, EO 11990 provides the same kind of direction on natural resources and functions, and the recent EO 13514 signed Oct 5, 2009 on sustainability provides key guidance for all recovery activities.
- 4) The document is very heavy on “the feds do it”. While we realize this is a federal framework, it is important it repeatedly indicate that disaster recovery and community resilience is the role of the local government, with assistance from the state and federal government when local resources are overwhelmed. Our comments on this issue are expanded in the attached Appendix A, which responds to the 16 questions on the NDRF.
- 5) As a general comment, the ASFPM would like to see a thorough analysis of past long-term recovery initiatives. These are often recovery efforts led by FEMA, but other efforts should also be studied. The purpose of this study would be to examine what has or has not worked in these past long-term recovery efforts. Then, the understanding of long-term recovery can be improved, a best management practices document can be created, specific processes/conditions which made an effort succeed or fail can be identified and encouraged, and specific failures can be removed from future efforts. The ASFPM believes that the current understanding of long-term recovery is nebulous at best, and that a best management practices or success stories publication would help form a better understanding of its role in a post-disaster environment.
- 6) The ASFPM strongly believes that all recovery efforts should be primarily locally-led initiatives. The federal and state roles should be to support this local effort with any resources that the community is lacking. Often, this would mean some cost shared financial resources;

however, it is also likely that a community would not know where to start, how to shape and plan for the recovery effort as a whole, and many other components necessary for creating a community more resilient and capable of surviving the next disaster. Having a local team in charge of the recovery is important so that local constituents see it as their own recovery which, in turn, can bolster support for making risk-reduction a goal of additional and long term local activities that lead to a resilient, sustainable community.

- 7) One of the objectives of the National Recovery Framework is to better coordinate functions between federal agencies involved with long-term recovery. This is a definite need illustrated by the example where a number of states have experienced problems applying for Community Development Block Grant Disaster allocation funding for projects identified in a FEMA-approved hazard mitigation plan. HUD says that HUD funding is passed by Congress specifically for 'recovery' activities and that a project identified in a FEMA mitigation plan automatically means it is not recovery, but mitigation. It is important to recognize that projects identified in a mitigation plan are those which could be done when and if funding becomes available, and the post disaster period is often that time. A project which is identified in a hazard mitigation plan can be seen as mitigation AND recovery when that project is critical to the long-term health and resiliency of that community. Stove-piping of federal programs must be minimized – or even eliminated – for the benefit of the communities, citizens and taxpayers who all stand to benefit. With the Recovery Support Functions identified starting on page 37 (line 1035), ASFPM is concerned that the agencies identified will see the Recovery Framework as an excuse for continued stove-piping of programs. The ASFPM encourages additional dialogue on this issue between the federal agencies involved with the ultimate goal being a Memorandum of Understanding between HUD, FEMA, DOT, USACE and other federal agencies detailing the responsibilities and types of projects each agency is authorized to support in terms of long-term recovery. Communities now struggle to patchwork the various federal and state technical and other resources together to implement viable long term actions. This makes it critical to have a mechanism for coordinating the federal efforts, and also the state actions.
- 8) Overall the concept of the RSFs is a good one as it will provide significantly more focus on post disaster recovery efforts. All too often, with only the national response framework and ESF-14, long term recovery needs, especially complex issues such as hazard mitigation implementation, fall by the wayside as the FCOs are primarily concerned with ending JFO operations as soon as possible. ASFPM hopes that in addition to this framework, the Federal Government will appropriate the necessary resources to ensure that the RSFs are operational for most of the recovery period, including, if necessary, extending JFO operations or replacing them with a functional equivalent for RSF implementation. A typical hazard mitigation project may take over a year to be funded and another two to three years to implement, and too often the JFO has been long closed during this long term recovery period.
- 9) The NDRF should promote and describe incentives which induce local governments to develop pre-disaster recovery plans, and particularly those which link those plans to the local hazard mitigation and other local plans that will guide the community to a more resilient and sustainable future. Incentives such as better cost share for these comprehensive efforts will save far more money for future disaster costs the taxpayer will not have to pay.

10) The following are comments directed at specific portions of the Draft Recovery Framework:

- Reconfiguring the community—Page 11, line 368. Some very good goals listed here, but it does not mention these changed needs and opportunities for “smart planning” must also result in reducing future risk of hazards.
- Achieving Disaster Recovery – Page 28, Line 701. The ASFPM believes that specifically mentioning risk reduction and sustainability is important in the definition starting on line 708. Therefore, on line 711, we recommend inserting the underlined phrases into the existing language: “...rebuilds the community to reduce risks and to be more resilient and sustainable from future disasters.”
- Organizational Flexibility – page 30, Line 790. The ASFPM does not support the third bullet starting on line 796 which offers the potential to change laws, regulations, and policies to enable a community to speed up their recovery effort. It is the ASFPM’s experience that cutting corners in a post-disaster environment does nothing to reduce risk from that disaster happening again, and can even increase the likelihood of that disaster happening again. Long-term recovery, sustainability, and resilience will only be achieved when risks are addressed and reduced instead of allowing risk to be perpetuated or worse, increased. Changing watershed development, storm intensity and sea level rise must be accounted for in both recovery and mitigation. While we understand why a previous goal in recovery was to get a community back to its pre-disaster condition, we must never return to that concept, which simply sets up the next generation of citizens and taxpayers to suffer the same disaster consequences they are trying to recover from. With our past experiences as a guide, the ASFPM cannot support including this bullet in the Draft Recovery Framework.
- Page 21 – The first three checkbox items for “local government pre-disaster check lists” should include mitigation in addition to preparedness. Also, add checkbox on post disaster to evaluate, update and implement local hazard mitigation plan.
- Page 23 – Post disaster checkbox for state agencies – Add checkbox, “Review state mitigation plan and develop and implement disaster specific statewide mitigation strategy for the disaster event.”
- The concept of return on Federal investment is important, too (lines 689-696). However, in practice this is not always followed. Assistance programs are not as tied to mitigation programs as needed. For example, FEMA’s Public Assistance Mitigation funds and flood insurance funds are often given without needing to show substantial damage (SD) determinations, thereby missing the opportunity for mitigation.
- Page 26 – add “mitigation” to second and eighth check boxes (Fed Government Pre-Disaster Checklist) and seventh checkbox (Fed Government Post-Disaster).
- Achieving Pre-Disaster Recovery, page 28, establishes a clear, very good vision that incorporates hazard mitigation.
- Page 29 – Line 756 – include “hazard mitigation plans”
- Page 30 – add metric that tracks the overall incorporation of mitigation and resilience measures into all recovery activities.
- The RSF concept seems thoughtful and comprehensive. Of course, successful implementation depends on the details. How will it be operational in a post-disaster environment? In JFO settings, FCOs rarely pay attention to long term recovery beyond the time that it takes to close down the JFO. FCOs must have metrics tied to longer term recovery and resilience from day one so that JFOs serve the mission of long term recovery well.

- Page 43 – under individual and families – “Become knowledgeable about hazards and hazard locations in and around your home, work and community.
- Page 44 – under “Local Government,” add the word “hazards” to first bullet: “Understanding key hazards, risks, and vulnerabilities . . . “. Add bullet: “Pre-identifying hazard mitigation goals, objectives and actions and incorporate them into ongoing pre-disaster recovery planning.
- Page 45 - under state government, add bullet “coordinating and implementing statewide hazard mitigation planning and project programs including updating state hazard mitigation plans, coordinating with recovery officials, disseminating hazard mitigation information, and providing technical assistance for local mitigation efforts.
- Page 45, line 1397, add mitigation to the following phrase: “Providing pre-disaster recovery *and mitigation* planning training . . .”

Appendix A - Responses of the Association of State Floodplain Managers to Questions FEMA Asked about the National Disaster Recovery Framework

1. How would you define a successful disaster recovery?

A successful recovery should be defined by the lack of federal and state assistance required by both the local government and the local citizenry for future disasters. This would indicate a disaster resilient community and population who have taken the appropriate mitigation steps to avoid predictable “disasters.” The ‘destruction-rebuild-destruction’ cycle is self defeating and is actually encouraged by our present national policies. Success can also be measured by change. That Change should be from whatever community choices caused a natural event to be a disaster, to a situation where foreseeable natural events will not cause disasters.

Successful recovery could also be measured at a certain time after the event (5-10) years, that flood risk to the existing built environment that was damaged has been reduced by at least X% (say 50%), that the appropriate long term preventative measures (such as hazards codes) are all above minimum required standards, and where flooding was a result of loss of natural functions of floodplains, at least X% (say 25%) of those functions in the affected area have been restored.

2. Are there clear phases in the disaster recovery process that are useful milestones?

After all recovery actions have been completed, establishment of local security, restoration of basic utilities, debris clean-up, reestablishment of basic community services, identification of damaged structures and utilities that require appropriate mitigation action/enforcement of local ordinances, closing the AFO, the JFO, and the TRO. Some milestones we might suggest: 100% restoration of utilities and infrastructure; 100% placement of displaced individuals in long term housing; 100% of hazard mitigation projects completed from funds resulting from the disaster event from any variety of funding sources.

3. What features of Federal disaster recovery assistance are most important to you?

The initial response must include the provision of damage assessment teams for each community, in order to identify substantially damaged structures and allow the implementation of local ordinance provisions which will result in mitigated structures.

We are most concerned with the relief of human suffering and damage to the environment and the built environment through pre and post disaster hazard mitigation through land use, building codes, emergency management and community decision-making that does not make disasters worse, and even reduces our potential for unnecessary suffering. This should ensure that hazard mitigation funds and rental/housing assistance funds through the point of mitigation project implementation for those wishing to participate in such projects.

4. How would you measure progress and what specific metrics should be considered for a successful disaster recovery?

The only thing to really measure, from the standpoint of resiliency and future sustainability are metrics related to hazard mitigation.

5. What are best practices in managing recovery from disasters?

Expedited mitigation programs to take advantage of the short window of opportunity that exists after a disaster event to make the community more resilient to future disasters.

Ensuring that damage assessments are completed in short order (during the response period) and not delayed into the “recovery” phase of a disaster response. Ensuring that FEMA Public Assistance work orders take into account mitigation actions and floodplain management principles before approving or beginning work on any project. Support of the local mitigation staffs in enforcement of local hazard mitigation plans and flood damage prevention ordinances.

6. What are the appropriate state, local, and tribal roles in leading disaster recovery efforts?

The level of government closest to land use decisions should be encouraged and facilitated to lead a proper recovery process. Outside help must be supplementary, and designed to ensure that such a foreseeable event does not take place again. The establishment, by the Governor at the state level, the appropriate CEO at the local level, of goals and objectives for the incident. The state and local EOCs coordinate all actions.

7. How can the nonprofit and private sectors be better integrated into recovery?

ESF-14 and Long term recovery cannot just focus merely on housing and human needs as it currently does now. Different segments of the non-profit and private sectors could be engaged in activities like environmental restoration, etc. ICS has “slots” for them in the ESF framework. If this is used properly, they are valuable assets.

8. What are best practices for community recovery planning that incorporates public input?

Actually doing it – our members, who have managed a number of federal disaster declarations, have seldom done it. It must be mandated as a condition of receipt of recovery funds and then technical expertise must be made available to assist. During the development of the local hazard mitigation plans (pre-disaster), the public is provided opportunities for their input.

9. How can federal, state, and local disaster planning and recovery processes and programs be best coordinated?

The best coordination is accomplished through the successful development and adoption of a plan prior to an event. They can be well coordinated now provided key positions at the federal and state level have experience and conduct routine exercises.

10. As disaster recovery is primarily a state and local leadership issue, what are best practices for the timing (including start and end) and form of federal assistance and coordination?

Disbursement of ICC funds is contingent on declarations by the local floodplain administrator, and the community building officials knowing about them; however normal flood insurance premiums are not. Flood insurance premiums are distributed too quickly and with no ability for floodplain managers to have input into the process. Every effort should be made to expedite the distribution of hazard mitigation funds, and housing assistance funds for mitigation program participants should be allowed until the point they accept an offer of mitigation.

11. What are the greatest capacity challenges that local and state governments face in disaster recovery and what are the best practices for increasing that capacity?

It depends on the amount of damage and the total area of impact. Proper planning, training, and joint exercises decrease foreseen challenges in disaster recovery and provide a comfortable level of personal working relationships that are critical in any joint response and recovery actions. Restoration of water, food, electric power, sewage, etc. is of course vital. Reestablishment of public services and institutions must be accomplished in the least amount of time possible but with full consideration of mitigation in every aspect of the recovery. The implementation of both the state plan and the local plan (already in place) results in quicker and smarter recovery operations. Locals must have both a hazard mitigation and recovery plan in place before the disaster.

12. What are best practices for marshaling Federal assistance -- both financial and professional support - to support state and local efforts to recover from a disaster, and how can we work together to better leverage existing Federal grant dollars?

The use of EMAC and volunteer/faith based assets results in much quicker immediate response to the citizen and local government, much quicker than the federal assistance mechanism can move. It is imperative that FEMA is not hampered by DHS bureaucracy after the President declares a disaster. An excellent example of bringing together the various players in any action is the "Silver Jackets" concept, pioneered by the USACE. This is an all team effort that utilizes the various federal, state, and local agency assets without involving the usual red tape. Some may know this as a "patchwork quilt" concept.

A much more concentrated effort must be made to apply for, develop, submit and process hazard mitigation grants in a faster way. State hazard mitigation programs are often overwhelmed after a disaster if they have to do this quickly after the disaster and FEMA often will or can not provide the staff resources, especially technical experts to assist.

13. What unmet needs are common to most disasters that do not seem to be adequately addressed under the current systems and programs?

Unmet needs often relate to hazard mitigation projects. Demand for HMGP funds minimally tripled the available amount of funds. Also, there is a need for long term, comprehensive recovery planning and federal resources to support it. A JFO opens and closes in most disasters long before the long term recovery is even underway. All resources, save those for processing PA claims are gone within months of an event.

The Stafford Act does not allow, or is interpreted by FEMA as not allowing, the deployment of inspectors to local communities to conduct damage assessments within the Special Flood Hazard Areas. This action is required by the local flood damage prevention ordinances (based on 44 CFR requirements) and it is essential that damage assessments occur immediately after an event. Without these assessments, the homeowner or business owner cannot begin any repairs or actions to recover.

14. What are best practices for integrating economic and environmental sustainability into recovery?

First, all agencies must be coordinating after an event (you should see the parade of talking feds during council meetings in a community after an event). Every person speaks about his or her little program and NOBODY is the point or has the expertise to integrate, either at the local or state level. This is one area during the long term recovery that makes no sense. There are almost too many people at a JFO in the immediate aftermath of a disaster and too few during the long term recovery.

There must be recognition that the foundation of economic and environmental sustainability is resiliency and hazard mitigation. We must face the fact that all too often, community development as currently practiced in our nation is regularly counterproductive to resiliency and real sustainability.

15. What are best practices for integrating mitigation and resilience into recovery?

Ensure that FEMA Public Assistance Project Worksheets (PWs) are fully integrated with the FEMA Mitigation and state Mitigation staffs. Far too often, the second action to adversely affect a community's mitigation plan is the arrival of FEMA PA.

Long term, comprehensive recovery planning, developing and encouraging local champions, case studies of communities that have done the heavy lifting.

Post disaster mitigation needs to start with dramatically improved land use practices and building codes long before natural processes interact with human activities in such a way that a disaster takes place. Long before the disaster we need to strive for better emergency management including workable systems for warning and evacuation. We must never or nearly never resort to the former federal requirement: "Restore to pre-disaster conditions", which was the condition that made a natural process into this disaster.

16. What else would you like us to know?

There is an immense amount of resources from FEMA that are provided in the short term recovery

yet these resources dwindle to near zero within six months of an event, yet the long term recovery has just barely or not even begun. This must change or we are not doing enough to break the cycle of damage, recovery and damage. This can be done at no net additional costs; we just need to reallocate the resources that FEMA provides after an event. There are excessive numbers of FEMA people at a JFO immediately after a disaster in the wrong positions.

Unfortunately, after reviewing the 41 years of the NFIP's existence, it can be said that it has not met its authors' goals and objectives in regard to its intended role in floodplain management. It has proven to be a very difficult program to implement. Its very nature demands a long term mitigation commitment by a community and the political backing (at all levels) that is needed to stay the course. Much of the opposition to good floodplain management comes from various development interest groups or individuals, and those who oppose floodplain restrictions for purely political reasons or for personal economic gain.

There are at least 13 federal agencies involved in the various aspects of floodplain management and disaster assistance including, the Federal Emergency Management Agency, Small Business Administration, Department of Housing and Urban Development, Corps of Engineers, Department of Transportation, and the Internal Revenue Service. The alarming aspect of this situation is that there is no comprehensive or consistent federal policy that dictates their individual roles and responsibilities in post-disaster scenarios or in regard to pre-disaster mitigation. This provides incentives for; continuing development in high risk areas, few mitigation efforts by the population or local government, and for an externalization of future losses to the taxpayers as a whole.

A federal effort should be undertaken to identify all public policies that directly or indirectly encourage development that increases our nation's vulnerability to an already identified natural hazard. The demise of any federal agency coordination system long ago is "symptomatic of the challenges the federal government faces in developing and implementing broad, well coordinated programs."¹ The establishment of a federal coordinating body by the Administration would address this lack.

We understand the White House is currently considering revamping the 1977 Executive Order 11988 that has been a dim guiding light for federal agencies in their compliance with floodplain management concepts. All indications are that the revision may contain more protection for floodplains when considering facilities and structures and will direct agencies to use the non-structural approach (such as building codes, planning laws, and education/outreach programs) to protect public safety and investments. This will strengthen the "lead by example" idea behind the current executive order. The most notable concern is with critical facilities and their locations within the community, barring them from the 1% chance floodplain and requiring protection, operability and access during the 0.2% chance (500-year) event. Hurricane Katrina's destruction of the majority of our coastal communities' critical facilities drove this point home.

Natural disasters, which harm people and places, are largely human caused disasters. Floods, fires and tornadoes will happen naturally. Loss of life and property does not need to happen from most natural events. Poor planning, poor response all contribute to human caused and exacerbated disasters.

¹ ASFPM, *National Flood Programs and Policies in Review 2007*, page 3.