



ASSOCIATION OF STATE FLOODPLAIN MANAGERS, INC.

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Honorable Bill Shuster
Chairman
House Committee on Transportation and Infrastructure
Washington D.C. 20515

Honorable Peter DeFazio
Ranking Minority Member
House Committee on Transportation and Infrastructure
Washington D.C. 20515

Dear Chairman Shuster and Ranking Member DeFazio,

It is well recognized that since its establishment in the late 1960's, the NFIP has made major contributions to the nation's approaches to identifying, managing and reducing the risks of flood hazards, to encouraging active floodplain management and helping to moderate the often devastating impacts floods have on the nation's people and their communities. For example, the minimum land use and building standards of the NFIP now result in over \$1.7 billion in avoided flood losses annually.

But despite these efforts, flood damages have continued to increase and it has been widely recognized for years that much more could and should be done to avoid or reduce these and future damages. One area that has lagged is that of strengthening and better integrating the NFIP with a broad range of efforts to protect and restore the natural and beneficial functions and values of our rich heritage of floodplain ecosystems and resources. Floodplains represent some of our most important water resources, constitute basic natural resource infrastructure, and contribute in a myriad of ways to the health and vitality of our communities and our future.

ASFPM strongly urges re-initiation of the effort started in 2012 to prepare a programmatic Environmental Impact Statement (EIS) of the NFIP and completion of rulemaking to address, on a nationwide and programmatic level, impacts to endangered species as well as other impacts on the environment.

On May 16, 2012, FEMA published a Notice of Intent to prepare an EIS. The notice indicated that the EIS was being prepared to consider new information relating to the environmental impacts of the NFIP, to update the 1976 EIS on the NFIP, and to consider potential changes to the program's implementation. It also identified a Purpose and Need statement for evaluating the NFIP proposed action and alternatives. It further identified a proposed action and alternatives for consideration with the proposed action being: *"to modify the NFIP based on changes identified through the evaluation process to enhance floodplain management standards including provisions to address endangered species and habitat concerns."* At that time, ASFPM provided comments applauding FEMA's effort but encouraged a more open process, wider consideration of alternatives, and a more robust Purpose and Need reflective of recent NFIP reforms by Congress than was being proposed. In theory, if the programmatic EIS effort had been

completed and updated rules issued, it would have precluded the need for such comprehensive state-by-state consultations such as what has transpired with the Oregon Biological Opinion.

Our 2012 comments are still very much relevant today and are more important than ever. Since that time Congress has enacted further reforms of the NFIP in 2014 (between the 2012 and 2014 reforms, Congress created nearly 80 sections of new law). Further, the Council on Environmental Quality (CEQ) updated the guidance for completing programmatic EISs in 2014. ASFPM ultimately believes that a unified national approach to changing the NFIP through the EIS process is a preferable alternative to state-by-state or regional determinations. Through the programmatic EIS process, FEMA has an extraordinary opportunity to take a hard look at the current dangerous, unsustainable pattern of expanding flood risks and damages, and seek alternatives that improve floodplain management, and increase the protection and restoration of critical environmental resources to better protect people, communities, wildlife, and the safety and security of present and future generations. Further, ASFPM believes that climate change considerations must be a major input into the programmatic EIS effort.

While we are under no illusion that this will be an easy task for FEMA and the appropriate agencies with whom FEMA will consult, it is nonetheless necessary for FEMA and the appropriate agencies to put forward a good faith effort. We believe that a good many of the environmental (including endangered species) issues can be addressed through this programmatic EIS effort and consultation and if there are issues to be resolved, there are tiered approaches so more site specific issues can be handled at a later time. Due to changes in the NFIP as well as updated guidance for the programmatic EIS process, ASFPM recommends:

- A re-initiation of the programmatic EIS process to include an update Purpose and Needs statement that is more broad than what was initially proposed in 2012 to also include critical issues such as climate change, integration of disaster relief programs, community participation/eligibility, hazard mitigation efforts and the identification and mapping of floodplains in addition to impacts on the environment and wildlife,
- A proposed new and more robust set of alternatives to broadly reflect programmatic changes and direction since 2012,
- A robust public scoping effort, and
- Revised draft rules for the NFIP upon completion of the programmatic EIS.

Thank you for considering our thoughts, concerns and recommendations.

Respectfully,



Chad Berginnis
Executive Director

Association of State Floodplain Managers