Federal Mitigation Investment Strategy (FMIS)

Stakeholder Input Template

MitFLG Seeks Comments on the Federal Mitigation Investment Strategy

The federal government began a 30-day National Engagement Period to receive stakeholder input on designing and implementing a new Federal Mitigation Investment Strategy (FMIS). The purpose of FMIS is to identify, prioritize, and guide federal investments in disaster resilience and hazard mitigation-related activities and make recommendations to the President and Congress on how the nation should prioritize future disaster resilience investments. The national engagement period will conclude on **June 7, 2016 at 5:00 pm EDT.**

In response to Hurricane Sandy, the federal government found that no coordinated federal investment strategy exists for resilience and mitigation. FMIS provides an opportunity to be more intentional about setting resilience and mitigation investment priorities, and will increase the ability of Federal Departments and Agencies to plan and justify budgets and resources. FMIS is a priority of the Mitigation Framework Leadership Group (MitFLG), which integrates Federal efforts to deliver mitigation core capabilities identified in the National Mitigation Framework and the National Preparedness Goal.

Learn more about the FMIS effort, the MitFLG and the National Mitigation Framework by visiting http://www.fema.gov/national-mitigation-framework/. To provide input and influence FMIS design and implementation, please complete the FMIS Stakeholder Input Template and submit to FEMA-FMIS@fema.dhs.gov by June 7, 2016.

Instructions

Please fill out the Background section below to help us understand your perspective on the Federal Mitigation Investment Strategy (FMIS). Then provide a one-page response that addresses one or more of the following seven questions. After completing this Stakeholder Input Template, please submit it as an attachment in an email to FEMA-FMIS@fema.dhs.gov. All submissions should be received by June 7, 2016.

Background

Organization

Name: Association of State Floodplain Managers

Type of Organization

*Please **bold** your type of organization.*

Federal Government
State Government Local
Government Tribal
Government Territorial
Government
Association/Non-Profit
Private
Other:

Date of Submission

06/07/2016:

Point of Contact (optional)

If you are available to answer follow-up questions from our team if we have them, please provide your contact information below.

Name: Larry Larson
Position: Director Emeritus-Senior Policy Advisor
Email: larry@floods.org
Phone: 608-828-3000

Questions

Question 1: What ideas do you have about how to build and implement a Federal Mitigation Investment Strategy (FMIS)? For example, what should it include and/or not include? How could it be structured? What do you see as the appropriate scope of an FMIS?

ASFPM supports the federal governments focus on enhancing the nation's disaster resilience. In addition to the Executive Orders and presidential policy directives issued in recent years, ASFPM acknowledges a comprehensive Federal Mitigation Investment Strategy is important to advancing flood mitigation in our nation.

ASFPM strongly supports the four guiding principles for mitigation identified in the FMIS as (1) Resilience and Sustainability, (2) Leadership and Locally Focused Implementation,(3) Engaged Partnerships and Inclusiveness, and (4) Risk-conscious Culture. We agree these principles lay the foundation for the Mitigation mission and the execution of its core capabilities. The focus on local implementation is absolutely essential to success. Building that local capability is key and state capability must be built to support local efforts.

ASFPM is especially pleased to see mitigation is placed as a co-equal partner with preparedness, response and recovery in the National Mitigation Framework. Some previous documents from DHS/FEMA purported that mitigation is a subset of Preparedness, which is not correct. Mitigation must be viewed as a separate and critical function in the pre and post disaster setting. Ensuring taxpayer funds are only used in ways that reduce future damage from flooding is also a critical part of any mitigation framework. What should not be included are those activities that do not result in long-term risk reduction such as maintaining flood control works or activities that require long-term, repeated federal investments such as beach nourishment. These activities are not mitigation. Mitigation investments should strive to be "one and done" from the federal government perspective.

The FMIS should be developed with strong input from state and locals who will be the key to successful implementation. The FMIS should focus most actions around local-state-Federal coordination and building state and local capacity for implementation. States and locals either have, or need to be further incentivized to create, tangible mitigation actions to reduce existing and future vulnerabilities to flood and other natural hazards.

Question 2: What do you see as the right balance of federal and nonfederal investment in mitigation?

All levels of government, Federal, state, local should make some investment in both pre-disaster and post-disaster mitigation. The federal investment should incentivize state and locals. In no case should the federal investment be 100%.local mitigation actions. The right balance should ultimately reward states and locals that are planning and funding mitigation, including those that have higher regulatory standards to prevent future losses.

As we know, mitigation of future development is effective if communities and states have strong land use requirements and building codes. For example over 62% of the population in the US lives in a community where state or local freeboard standards require new development to be elevated 1,2,3, or 4 feet above the BFE (1% chance flood level)

The FMIS should also identify ways to leverage any federal investment to incentivize public-private partnerships and private mitigation, especially critical infrastructure like utilities, communication systems, etc

For example, we know of large investments that would be willing to help communities repair/maintain mitigation projects if adequate national standards existed to protect their investme

Question 3: What should be done to better align incentives within various statutes, regulations, and program policies to encourage the right balance between federal and nonfederal investments in mitigation?

*The FMIS should look specifically at providing incentives and dis-incentives state and local mitigation programs and policies that provide for long term reductions in disaster costs and human suffering. Sliding cost shares and disaster deductibles are incentive based solutions that should continue to be explored as part of any FMIS. Some possible actions might include--*Higher federal cost share for going beyond the IBC and NFIP regulations, higher federal cost share for freeboard, higher floodway standards, prohibitions on filling, etc., or only provide the base level or lower federal cost share for states and communities that have not demonstrated some level of sustained mitigation capacity/funding over the preceding five-year period.

Even basic eligibility for disaster assistance should be reviewed to determine if disincentives can be removed. For example, To be eligible for flood mitigation and associated flood disaster assistance communities and states should participate in NFIP and be enforcing minimum regulations. Or, if a community's hazard mitigation plan has identified major hazards to which the community or state is vulnerable, they should be required to participate in any program that reduces risk (for flood it might be the NFIP and/or CRS, for wildfire it might be Firewise) before any disaster assistance would be available.

The current system of disaster relief tends to reward those states and communities who do the least to mitigate/prevent future flood losses and costs—this must be reversed. One small example is that communities who refuse to join the NFIP are still eligible for Public Assistance funding after a disaster. They should not be eligible for PA.

There should never be 100% federal funding after a disaster. Unless communities and states have some skin in the game, they have no incentive to mitigate to reduce disaster costs.

Develop mitigation metrics that are used to measure the success of a post-disaster recovery.

Question 4: Given the current balance between pre- and post-disaster resource allocation, should the nation seek to take a more proactive position in funding and encouraging pre-disaster mitigation activities?

More funding is needed for pre-disaster mitigation. Post-disaster efforts are too often focused on expedited recovery and rebuilding to same or similar standards.

We believe the Disaster Deductible concept proposed recently by FEMA is an excellent mechanism to drive more pre-disaster mitigation. States can use those mitigation actions to buy down and even eliminate that deductible

ASFPM realizes that political realities will likely continue to invest substantially more funding in post-disaster recovery. Therefore mitigation must be strongly linked to and integrated into every phase of emergency management, especially in recovery funding. This is consistent with one of the DHS recommendations. In order to make this a reality, the FMIS needs to strongly incentivize and identify funding mechanisms for states and locals to develop or expand upon pre-disaster mitigation planning for recovery. In addition, some post disaster mitigation actions like acquisitions need to happen in months, instead of years after repairs have been made. There is a window of opportunity where people will accept cost sharing and mitigate their home or business. However, if the timeframe stretches into many months or even years, they will move on with their life and the opportunity for mitigation is lost.

Question 5: What are you currently doing, and/or what have you seen work well, that brings organizations together to make coordinated mitigation and resilience investments?

Accounting for future conditions in mitigation actions creates highly effective long term resilience. If mitigation actions provide greater cost sharing or incentives for "one and done" solutions, more of that will happen. For example, buyouts with open space deed restrictions means the federal taxpayer will never again have to pay disaster costs on that piece of property; whereas elevating a building to just the 1% flood level leaves considerable residual risk as flood levels increase due to more severe storms and sea level rise. For these same reasons, in many areas, focusing on non-structural solutions is more effective because when structural projects like levees overtop or fail, damages are catastrophic.

Strong Cooperating Technical Partners and states can result in more effective mitigation investments more effective. When states and communities have capability they tend to think about and perform mitigation all the time, which results in greatly reduced taxpayer costs

The Corps of Engineers Silver Jackets program is an excellent model for convening federal and state agencies and do state level planning that addresses mitigation

Question 6: What inhibitors will we need to address in order to build and implement a successful FMIS? What ideas to you have to address those challenges?

We must break the notion that the federal government will make individuals, communities, and states whole after a disaster. That perception continues to leave families, businesses and communities in danger of social, economic and environmental chaos. It also unfairly burdens Federal taxpayers with bailing out risky behaviors. If local decision makers think the federal taxpayers will bail them out no matter where they allow development, they will focus only on gaining local real estate tax dollars, and forget about potential future disaster costs.

One of the biggest impediments to enhancing pre-disaster resilience will be continuing to bail out states and locals that have done little to invest in mitigation after large events. To be successful, the FMIS will need to figure out ways to support/reward communities who are becoming more resilient.

As an example, a major issue that continues to arise is that the "deck is stacked" against implementation of nonstructural approaches to flood risk reduction. It is substantially easier and more politically palatable in many locations for communities to push for federal funding and maintenance of structural solutions, such as levees. These have been shown to increase long term risk and put the federal taxpayer on the hook for large future maintenance/repair costs and damages. The FMIS can seek to appropriately square the regulatory and funding playing field between structural and nonstructural approaches. In truth, nonstructural measures have far less O&M costs and are often one and done for the federal taxpayer. It can also incentivize and support all flood protection measures that can be implemented by states, locals, and property owners.

Collaboration between federal agencies is paramount to effective mitigation. For example, HUD, EDA, DOT, NRCS and other agencies have programs that can complement FEMA efforts in mitigation. The MitFLG is the vehicle that federal agencies are using, and must continue to use to coordinate federal mitigation actions, and to seek opportunities to build that shared responsibility with states and communities to mitigate costs and human suffering from natural hazards

Question 7: Do you have any other ideas, comments or concerns that you would like to share?

The Association of State Floodplain Managers supports most the ideas and concepts that would currently be contained in the Comprehensive Federal Investment Strategy. Implementation should strongly focus on building state and local capacity as well as strong federal collaboration. Strong pre-disaster planning and mitigation will allow for mitigation to be incorporated into post-disaster recovery. Mitigation actions should be forward looking and focus on future conditions when appropriate.

Here is the link to ASFPM's "National Flood Programs and Policies in review—2015". It has 400 key recommendations. We especially urge that look at Section 2—Flood loss reduction approaches, and Subsections D, F,G, J.

Thank you for allowing ASFPM to provide comments and ideas on this important effort.