

# Policy Matters!

Larry Larson, P.E., CFM

Director Emeritus – Senior Policy Advisor, ASFPM



What flood policy changes in 2018 will help the nation's communities, citizens and taxpayers reduce flood risk and associated damage? What did not happen in 2018 that will hinder future efforts to manage flood risk?

Let's start with the positive changes. While not extensive, there were a few important ones. First, changes to the Stafford Act (Disaster Relief Act) will now allow communities to use mutual aid under the Emergency Management Assistance Compact process for doing substantial damage assessments and floodplain permitting following a major flood. Community officials from the same or other states can come in and help and have their expenses covered under EMAC. This will greatly speed up and improve the community efforts to make thousands of these decisions post disaster, which is the first step in community recovery. Property owners should not have to wait six months to find out what they must do in their rebuilding efforts in order to get back into safe housing or businesses. ASFPM is working with our Florida chapter and others impacted by 2018 disaster events to ensure these provisions are applied retroactively to 2018 events.

Another positive change for taxpayers was part of the bill to fund the Department of Defense. In that bill, Congress mandates that expenditure by the DOD must consider future conditions of flooding and build or rebuild damaged facilities to account for those future conditions with some added safety factor. For ordinary facilities, they must include 1 foot of freeboard above the 1% chance flood level, and for critical facilities (ones that must be operational or accessible during major flood events) they must include 2 feet of freeboard. These measures will ensure taxpayers aren't paying to rebuild those facilities time and again, especially in light of sea level rise and increased storm intensity.

One other big issue is NFIP compliance with the Endangered Species Act. FEMA and the National Marine Fisheries agency were unable to reach agreement on how FEMA could programmatically handle ESA compliance, so FEMA is now poised to require all 22,000 communities in the NFIP to perform the procedures to comply with ESA on each permit the community issues. This does not seem to be a tenable process, so the ensuing outcry could lead to total exemption of the NFIP from ESA by Congress. ASFPM is working with the agencies to reach a compromise on how this can be handled programmatically, and is seeking member input.

Probably the biggest "did not happen" action was reauthorization and updates to the NFIP. While the House passed an NFIP bill, it had lots of problems and was not acceptable to the Senate. The Senate had about four decent bills introduced, but none passed by even the oversight committee. It now appears the NFIP (set to expire Dec. 21 at the time of this writing) will see another "kick the can" extension for six months into next spring. Since all bills not passed by end of December will die, this will allow the next Congress to start over on new bills, which should be productive. The issues have sorted out somewhat, which means some of the bad ideas may go away, and some better ideas may emerge.

If there are policy issues currently impacting your citizens, community or state, please let me know about at [larry@floods.org](mailto:larry@floods.org) it as we work to improve flood risk management nationwide.