September 9, 2008

Honorable Madeleine Z. Bordallo
Chairman
Subcommittee on Fisheries, Wildlife and Oceans
House Committee on Natural Resources
H2-187 Ford House Office Building
Washington D.C. 20515

Dear Madam Chairman:

The Association of State Floodplain Managers opposes Federal spending and financial assistance that encourage development of important coastal barriers, the mainland's first line of defense against damage from coastal storms and erosion. Representative Henry Brown recently introduced – and then withdrew – H.R. 6389, legislation that would remove an undeveloped sand spit off the coast of Kiawah, South Carolina, from the Coastal Barrier Resources System (CBRS), and enable future homeowners to qualify for Federal flood insurance. We are grateful that Representative Brown has chosen not to pursue committee action on the measure. Although this legislation no longer threatens to erode decades of successful market-based conservation, future similar efforts should be closely scrutinized and opposed to the extent that they subsidize development of coastal barrier resources.

As providers of important environmental services and protection from storms, coastal barriers are inherently unsuitable for development. Coastal barriers and adjacent submerged lands provide critical habitat for wildlife, including threatened and endangered species and economically important fisheries. Moreover, the movement of unstable sediments undermines man-made structures and makes coastal barriers highly unstable areas on which to build. They routinely experience – and protect populated inland areas from - long-term and storm-related erosion, surge flooding, and damaging waves. Lands adjacent to tidal inlets, such as the area proposed for removal from the CBRS in H.R. 6389, are particularly vulnerable to multi-year cycles of erosion and deposition.
Despite this threat, coastal areas that include coastal barriers are among the most rapidly growing and developed areas in the nation, accounting for 53 percent of the total population in the United States according to a 2004 report by the National Ocean Service of the National Oceanic and Atmospheric Administration. In the wake of recent devastating floods in the Midwest, and what is shaping up to be an active 2008 hurricane season, now is not the time to commit Federal resources to promote new development of the Nation’s vulnerable coasts.

Congress recognized the vulnerability of coastal barriers to development by passing the Coastal Barrier Resources Act in 1982 (CBRA). Areas designated within the Coastal Barrier Resources System were made ineligible for direct or indirect Federal financial assistance that might support development, including flood insurance, except for emergency life-saving activities. A forerunner to the Act was section 341 of the Omnibus Reconciliation Act of 1981 (P.L. 97-35), which terminated Federal flood insurance after October 1, 1983, for new construction or substantial improvement of structures located on undeveloped coastal barriers, as designated by the Secretary of the Interior.

By restricting Federal spending and financial assistance that have the effect of encouraging development of coastal barriers, Congress signaled its commitment to reduce the loss of human life, wasteful spending of Federal money, and damage to natural resources associated with coastal barriers along the Atlantic and Gulf of Mexico coasts. The CBRA, while not forbidding privately financed development, does not allow new Federal financial assistance, including flood insurance, within a designated Coastal Barrier Resources System. In 1990, Congress passed the Coastal Barrier Improvement Act (CBIA), which tripled the size of the Coastal Barrier Resources System established by the CBRA. The CBIA does not allow the issuance of new Federal flood insurance within “otherwise protected areas” for post-enactment construction, unless the building is used in a manner related to the reason the area is protected such as fish and wildlife research and refuges. The U.S. Fish and Wildlife Service describes the program as a “unique free-market approach” to conservation that so far has saved taxpayers more than $1.3 billion.

During the years since enactment of the CBRA, the nation has endured unprecedented tropical storm seasons in terms of property damage, economic disruption, and sheer human misery. Unfortunately, climate models provide no assurance that trends for increasingly severe and damaging hurricane seasons can be managed simply through improved construction standards and Federally-backed hazard insurance. Coastal barriers that defend, free of charge, the nation’s mainland against erosion and severe storms should be preserved to perform these natural and beneficial functions. Rather than providing developers with a blank check from the National Flood Insurance Program to entice future storm victims to build their dream homes in harm’s way, Congress can lead the way toward a national vision of wise retreat from the most vulnerable coastal areas, consistent with the intent of the CBRA.
ASFPM and its 27 State Chapters represent more than 13,000 state and local officials and other professionals who are engaged in all aspects of floodplain management and hazard mitigation. This includes floodplain management, mapping, engineering, planning, community development, hydrology, forecasting, emergency response, water resources management and insurance. Our members lead offices that are designated by their Governors to coordinate the National Flood Insurance Program (NFIP) within their states, and are involved in the administration of and participation in FEMA’s disaster mitigation programs, as well as programs of NOAA, USACE, USGS and others. For more information on ASFPM, please visit our website at http://www.floods.org.

The Association of State Floodplain Managers stands ready to work with you to reduce the loss of life and property due to floods. If you have additional questions, please do not hesitate to contact me or Larry Larson, Executive Director, at (608) 274-0123, and via email at larry@floods.org.

Sincerely,

Al Goodman, CFM
ASFPM Chair

Larry Larson, P.E., CFM
ASFPM Executive Director

Cc: Honorable Henry E. Brown, Jr., Ranking Member, Subcommittee on Fisheries, Wildlife and Oceans
    David Maurstad, Assistant Administrator for Mitigation, FEMA
    Michael Buckley, Deputy Director for Mitigation, FEMA