Legal No Adverse Impact Workshop
Wednesday, November 30, 2016
Tacoma Mall Plaza Second Floor Conference Room- Suite 210
2702 South 42nd Street, Tacoma, WA 98409

AGENDA

8:00 – 8:15 am  Registration and Continental Breakfast

8:15 am  Welcome and Overview of the Day
          Alan Lulloff, P.E., CFM, Assoc of State Floodplain Managers

8:30 am  Floodplain Management Legal Issues
          Public Trust Doctrine, Takings, Property Rights
          Alan Lulloff, P.E., CFM, Assoc of State Floodplain Managers

9:00 am  Floodplain Mgmt Regs in the State of Washington
          WA enabling legislation, WA Critical Areas Ordinance
          David Radabaugh, CFM, WA Dept of Ecology

9:30 am  Naturally Resilient Communities Concepts
          Floodplains by Design / ESA issues
          David Radabaugh, CFM, WA Dept of Ecology

10:00 am  Break

10:15 am  No Adverse Impact – How-to Guides
          French Wetmore, CFM, French & Associates, Ltd

10:45 am  NAI Regulations and Best Practices
          French Wetmore and Alan Lulloff

11:30 am  Interactive Exercise Introduction
          Terry Keenhan, CFM, Yakima County

12:00  Networking Lunch (onsite)

1:00 pm  Interactive Exercise
          Group Activity

1:30 pm  Interactive Exercise Report Out/Discussion
          Group Activity

2:00 pm  Solutions Implemented and Planned re: exercise
          Terry Keenhan, CFM, Yakima County

2:30 pm  Addressing Cumulative Impacts of Encroachments –
          Alan Lulloff, P.E., CFM, Assoc of State Floodplain Manager

3:15 pm  Break

3:30 pm  Debrief - Facilitated discussion based on follow-up questions

4:00  Closing Remarks, Additional Resources and Course Evaluation

4:30  Adjourn
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Overview

This day-long workshop focuses on applying the No Adverse Impact approach in the northwestern US with emphasis on naturally resilient strategies for flood risk management and legal issues practitioners face such as: liability, takings, and the Public Trust Doctrine. Other items of discussion include: watershed planning and community outreach using interactive mapping exercises.

Target audience: Certified Floodplain Managers, planners, attorneys, resource managers, health department staff, stormwater managers, local officials

6.5 CECs for CFMs  
1.75 Washington State Legal MCLE Credits  
pending approval for CMs for AICPs

No Adverse Impact Floodplain Management Defined, ASFPM

"No Adverse Impact Floodplain Management" is a managing principle that is easy to communicate and, from legal and policy perspectives, tough to challenge. In essence, No Adverse Impact floodplain management takes place when the actions of one property owner are not allowed to adversely affect the rights of other property owners. The adverse effects or impacts can be measured in terms of increased flood peaks, increased flood stages, higher flood velocities, increased erosion and sedimentation, or other impacts the community considers important. The No Adverse impact philosophy can shape the default management criteria: a community develops and adopts a comprehensive plan to manage development that identifies acceptable levels of impact, specifies appropriate measures to mitigate those adverse impacts, and establishes a plan for implementation.

Sponsors

Association of State Floodplain Managers  
Federal Emergency Management Agency  
Northwest Regional Floodplain Management Association