Honorable Harold Rogers
Chairman
Committee on Appropriations
U.S. House of Representatives
Washington D.C. 20515

Honorable Norm Dicks
Ranking Member
Committee on Appropriations
U.S. House of Representatives
Washington D.C. 20515

December 19, 2012

Dear Chairman Rogers and Ranking Member Dicks:

The Association of State Floodplain Managers would like to share our observations on the Fiscal Year 2013 Disaster Assistance Supplemental Appropriations text as released by the Senate Appropriations Committee. ASPFM supports much of the Supplemental Appropriations text, although we do have some significant concerns. In light of the economic tolls that flood disasters continue to exert, our observations focus on ways that the appropriations package can reduce future loss of property, jobs, and community economic vitality, and lessen disaster costs paid by taxpayers.

We are writing to highlight the following strengths and suggested improvements as the Disaster Supplemental moves toward enactment:

1. ASPFM supports appropriations to FEMA for disaster relief programs and the NFIP, but cautions against waiving reviews for public safety, environmental soundness, and cost-effectiveness.

2. HUD Community Development Block Grants provide effective and flexible means to support recovery, but need to incorporate hazard mitigation wherever possible and use the latest flood risk data and information available.

3. We applaud funding of the USDA / NRCS Emergency Watershed Protection Program that supports the voluntary acquisition of floodplain easements and enjoys strong local participation.

4. NOAA technical assistance and risk assessment programs support coastal resiliency and enable states and local governments to manage flood risk at the local level, and need to be included.

Dedicated to reducing flood risk and losses in the nation.
5. Corps technical assistance funds need to be explicitly targeted to build state and local capacity to manage flood risk, which will help reduce dependency on federal flood control and disaster assistance.

6. ASFPM supports funding for the Small Business Administration to help recovering small businesses resume business operations more quickly and get affected employees back to work.

7. Section 5606 allowing permanent levees on lands cleared at taxpayer expense should be stricken. This unwise use of federal funds would increase flood risk, expand federal flood control obligations, and unnecessarily burden taxpayers.

8. Funding to the Corps needs to assure that a federal interest has been identified and that state and local authorities have been leveraged to reduce flood losses. Until the National Principles and Guidelines have been modernized — as directed by Congress in 2007 — Corps projects will continue to require careful review and oversight to assure that the full range of nonstructural and nonfederal actions are implemented, reserving federal flood control participation as a last resort.

9. The study of the nation’s vulnerability to flood disasters called for after Hurricane Katrina should be funded, and include an assessment of the impacts of flood disasters on housing markets, jobs, and affected regional economies.

10. Flood hazard mitigation is one of the most cost-effective investments available to the federal government to support the immediate recovery and to assure the long-term vitality and prosperity of flood-damaged communities. Federal disaster appropriations across all federal programs need to ensure that recovery mitigates the damage and costs of future floods.

ASFPM appreciates the bill’s explicit focus on reducing flood risk and vulnerability and on increasing resilience and capacity to withstand future storms, which demonstrates federal fiscal responsibility and commitment to reducing disaster costs to taxpayers. Science-based projections indicate more severe and frequent storms as well as rising sea levels, which can be expected to increase storm surge and flooding. The cost of flood disasters continues to increase, destabilizing economic recovery, and resulting in loss of life, property, and jobs. Supplemental Appropriations to support disaster recovery will be more effective if they leverage state and local authorities to manage development and flood risk, and reduce dependency on federal flood control and disaster assistance in future flood disasters.

1. **FEMA Disaster Relief and the National Flood Insurance Program**
As floodplain managers whose mission is to reduce flood losses, we support elements of Section 5609 titled the Disaster Recovery Act of 2012, especially the provision for advancing 25% of estimated Hazard Mitigation Grant Fund costs. This provision enables state and local governments to integrate mitigation into the recovery process without delay—a terribly important action for building resiliency. We support the provision for a $9.7 billion increase in the borrowing authority for the National Flood Insurance Program and the increase in funds for the Disaster Relief Fund and the Disaster Direct Loan Program.

We urge caution about provisions to streamline the grant process review of environmental considerations, fulfillment of cost-share requirements, and cost-effectiveness. We do not believe these reviews are the major impediments to implementation of mitigation projects, but they do help assure that federally funded projects are locally supported, sustainable and cost-effective.
2. HUD Community Development Block Grants
We support the $17 billion for Community Development Block Grant funds and note the provision of $2 billion of that amount specifically for mitigation activities. However, we believe that mitigation of losses from future storms should be incorporated into all of the recovery activities. The CDBG program provides one of the most impactful and flexible opportunities for states and local governments to take the lead in reducing flood losses. We are concerned that current HUD CDBG regulations preclude the use of the best-available flood data, including the Advisory Base Flood Elevations being sent to the Sandy-affected region right now. We suggest the addition of language to require use of these ABFEs and inclusion of hazard mitigation in use of all the CDBG funds to the fullest extent practicable.

3. USDA / NRCS Floodplain Easements
We support funding of $125 million for the Emergency Watershed Protection Program, which restores critical flood storage areas through the voluntary acquisition of floodplain easements. When Congress included funds to this program through the American Recovery and Reinvestment Act of 2009, requests exceeded available funds by orders of magnitude, demonstrating the strong nonfederal support and interest in participation in this cost-effective program.

4. NOAA Programs Support State and Local Leadership
ASFPM applauds the funding for restoration of coastal science facilities, ecosystems, fisheries, and weather forecasting capabilities at the National Oceanic and Atmospheric Administration, as well as for mapping and damage assessment work. The Administration’s supplemental request included $460 million funding for NOAA technical assistance and risk assessment to improve preparedness and resiliency in coastal communities, improve forecast and modeling capabilities to support mitigation efforts, and stabilize and restore ecosystems. This also provides resources to support acquisition of land to build coastal resiliency where rebuilding physical infrastructure is not feasible or desirable. This funding will be key to developing long-term resilience strategies to rebuild and protect sustainable coastal communities. ASFPM has been NOAA’s partner on efforts such as Digital Coast, which is providing valuable technical information for coastal communities to make informed land use decisions and enable states and local governments to manage flood risk at the local level. We ask that these funds be included to support state and local leadership and capacity.

5. Corps of Engineers Technical Assistance to States and Local Governments
States and local governments are best placed to reduce flood risk through their authority over development and building codes. Federal investments need to leverage these authorities to reduce future flood losses and dependency on federal appropriations. We support the inclusion of funds to support important technical assistance programs through the Corps that help states and local governments take the lead in identifying and reducing flood risk. We encourage you to consider explicitly identifying funds for technical assistance, and to incentivize those effective local and state mitigation activities that will reduce long-term costs to federal taxpayers.

6. Resilient Recovery for Small Businesses
In addition to physical impacts, flood disasters disrupt economic activity and destabilize bases of employment and tax revenue. We support the inclusion of funds for the Small Business Administration to support development of public-private partnerships and technical assistance to recovering small businesses on disaster recovery and long-term resilience. This assistance will help assure that employers affected by Hurricane Sandy are better prepared to weather future flood disasters, resume business operations more quickly, and get affected employees back to work sooner.
7. Levees on Deed-Restricted Lands
ASFPM urges that you strike Section 5606, which provides for the construction of permanent levees on flood-prone lands that were previously purchased with federal taxpayer dollars to remove unsafe buildings and require that lands remain as open space for the safe storage and conveyance of floodwaters. Buy-out lands are usually highly flood-prone and located close to waterways; levees on these lands would reduce room for the river to use its natural floodplain for flood storage and conveyance. Section 5606 would set an extremely dangerous precedent by allowing new development on flood-prone land behind the levee and increase risk up- and down-stream of the levee. These levees would also result in new costs to the federal taxpayer where none exist now, and new responsibilities to the federal government for maintaining the levees through the Corps of Engineers P.L. 84-99 program. Section 5606 is an unwise use of floodplains and of federal funds.

8. Corps of Engineers Projects Need to Ensure Local Leadership in Flood Risk Management
We are pleased to see the requirement that construction of previously authorized projects must incorporate current science and engineering standards. However, Supplemental Appropriations to the Corps need to assure that a federal interest has been identified and that state and local authorities have been leveraged to manage flood risk. Of the $3.461 billion for the Corps Construction account, $2.9 billion is intended to reduce risk and promote sustainability of coastal ecosystems and communities—it will be critical to ensure that truly happens.

ASFPM is concerned about language providing broad authority for “any project that is under study by the Corps for reducing flooding and storm damage risks and that the Corps studies demonstrate will cost-effectively reduce those risks.” Until the National Principles and Guidelines have been modernized – as directed by Congress in 2007 – Corps projects will continue to require careful review and oversight to assure that the full range of nonstructural and nonfederal actions are fully evaluated. Projects should not be federally funded without consideration of environmental impacts, compliance with other federal laws and regulations, and the impact of those projects on other property owners and communities.

We are also concerned about the change in the cost share to 90% federal and 10% non-federal. We cannot approve of such a major cost-share change for projects not subject to normal review processes. The current law sets appropriate cost shares for the various Corps activities, and should continue to guide cost-shares for Corps projects. We are aware of language that could be proposed to assure the Secretary will set the cost share in accordance with current law under the Water Resources Development Act.

9. Study of Vulnerability and the Economic Impacts of Flood Disasters
The Administration’s supplemental request included funding for an important study of the nation’s vulnerability to floods, as authorized in Section 2032 of the 2007 Water Resources Development Act. Congress called for this study following the devastating 2005 hurricane season to identify the scope of the nation’s vulnerability to flooding and to identify adjustments in federal programs that would reduce the economic and social impacts of future floods. We urge you to include funds for this study with an emphasis on the economic impacts of flood disasters on housing, jobs, and regional economies to ensure fiscal responsibility at all levels of government and to reduce federal taxpayer costs for disasters.

10. Flood Hazard Mitigation Across All Federal Programs
Independent studies confirm that every dollar invested in flood hazard mitigation saves $5 in future flood losses and costs to taxpayers. This Supplemental Appropriations package presents the opportunity to break the cycle of disasters by mitigating against future losses. Supplemental funds that
do not mitigate against future floods may provide short-term relief for those affected by Hurricane Sandy, but will be washed away by a future flood. Hazard mitigation provides significant return on investment, which should be a prerequisite of what will likely be a massive outlay of scarce taxpayer dollars. To do anything less sets up our children and grandchildren to foot the bill for the next disaster.

ASFPM and its 34 State Chapters represent more than 15,000 state and local officials and other professionals who are engaged in all aspects of watershed management and flood loss reduction. Our state and local officials are the federal government’s partners in implementing programs and working to achieve effectiveness in meeting our shared objectives.

We hope that our comments, observations, and recommendations concerning the Senate Supplemental Disaster Assistance Appropriations text are useful. We would be pleased to provide specific case studies and other data to help refine the Disaster Supplemental Appropriations package to ensure that it provides needed assistance without setting the stage for the next costly disaster. Thank you for your consideration of our views.

Sincerely,

Sally McConkey, P.E., D.WRE, CFM
ASFPM Chair

Chad Berginnis, CFM
ASFPM Executive Director

CC: Nancy Sutley, White House Counsel on Environmental Quality
Members of the Federal Interagency Floodplain Management Task Force
Secretary Shaun Donovan, Department of Housing and Urban Development
Secretary Janet Napolitano, Department of Homeland Security