MITIGATION POLICY, FEMA Policy-203-074-1
ASFPM Comments  July 2013

The Association of State Floodplain Managers (ASFPM) believes the FEMA mitigation programs are essential to reducing the costs of future disasters in the nation. In that context, we provide these comments with the objective of assisting to make these programs as effective as possible, while ensuring citizens living at risk, as well as the taxpayers are protected from future damages and costs.

1. This policy appears to be an attempt to streamline the HMA application review and approval process and strengthens minimum standards. ASFPM supports those efforts as long as they are truly effective and consistent with other FEMA policies. Our largest global concerns with this policy are twofold. 1) It will likely increase costs, time and complexity of projects, and 2) it further increases the differences in standards/requirements between mitigation through HMA programs, and mitigation by homeowners through ICC or new compliant construction through the NFIP regulations. ASFPM is concerned that FEMA has substantially different standards for NFIP compliant construction and mitigation under HMA grant programs. If these concerns are not addressed by FEMA, the HMA programs will not achieve its potential of effective mitigation throughout the nation.

FEMA should empower the state and locals officials (grantees and subgrantees), who successfully implement NFIP regulations and building codes for new construction, to implement HMA projects. Those entities have demonstrated they are fully capable of ensuring mitigation is implemented properly. This policy does standardize process, but does little to empower grant applicants to ensure compliance.

FEMA should also figure out ways to simplify the HMA requirements so mitigation can be done as effectively under HMA grants, as homeowners do through ICC. Currently homeowners can mitigate substantially faster, at a lower cost, with less FEMA reviews that slow the process, and with fewer paperwork requirements through the ICC program. HMA policies, such as this one, should look to assimilate requirements of ICC and NFIP regulations.

2. ASFPM hopes this reduces effort for the grant applicant and FEMA reviewer by using the standards. Grant applicants should be able to certify that the project is/will be designed to meet ASCE 24-05 in lieu of extensive documentation to demonstrate that projects will perform as designed. ASFPM supports this attempt to standardize that demonstration and to remove subjectivity for a non-engineer reviewer.
3. ASCE 24-05 is a version of the standards document developed and adopted in 2005. A 2013 update of the document is under review and should be adopted by the Society by the end of this year. Please ensure future revisions of ASCE 24 are automatically incorporated into the policy.

4. ASCE 24 is designed to guide new construction vs. repairs/alterations to existing buildings. Therefore it includes provisions that would be impractical to apply to certain mitigation elevation and other retrofit-type projects. Example, ASCE-24 includes standards for geotechnical investigation (soil bearing capacity tests) prior to construction. In the case of an elevation project, old footings are generally removed and soil tests are performed prior to pouring of new footings, but on occasion, new stem walls are built on old footings, thus making it impossible to test the bearing capacity of the underlying soil. Enforcing other ASCE 24 standards pertaining to portions of a building NOT impacted by a mitigation project (windows and doors, for example) can increase the cost of completing a project to the point where it is not cost effective by applying standards to a structure that has already been tested over the time of its existence. We recommend that the policy allow certain exceptions to ASCE 24 provisions when shown to be impractical for an existing structure and a Professional Engineer will approve the substitution.

5. High Risk Flood Areas - Does ASCE 24 apply to alluvial fan flooding characteristics, regardless of whether the area is mapped or not? Please clarify in the policy.

The Association of State Floodplain Managers is a professional, non-profit, national organization with 15,000 members and 35 Chapters in the United States. Our mission is to work with 22,000 flood prone communities in the nation to reduce flood losses using various mitigation approaches, with an emphasis on non-structural and natural floodplain systems, all done in a way that does not impact flooding or damages on other properties or communities. Questions on this statement may be directed to ASFPM Executive Director Chad Berginnis at cberginnis@floods.org or at 608 828-3000.