RE: WRDA conference—comments from ASFPM

Dear Chairmen Inhofe and Shuster and Ranking Members Boxer and DeFazio,

As you begin to negotiate a final version of a Water Resources Development Act 2016, the Association of State Floodplain Managers would like to pass along some reactions to policy elements of the House and Senate bills. First, however, we compliment you on your commitment to returning to a two-year cycle for passage of WRDA bills.

ASFPM, its 17,000 members and 36 chapters are most of the nation’s experts on flood risk management. They are state and local officials responsible for planning, permitting, building code enforcement, regulation of land use, floodplain mapping, implementation of the National Flood Insurance Program, structural and nonstructural flood control measures and other flood hazard mitigation activities. Our membership also includes private sector experts who assist states and communities with these activities to reduce flood-related losses, reduce taxpayer funded disaster costs and protect lives and property.

In the Senate WRDA, S. 2848, we are pleased to express our strong support for two sections in particular: Section 3004, Rehabilitation of High hazard Potential Dams and Section 4017, Consideration of Full Array of Measures for Coastal Risk Reduction.

Section 3004 as written provides for important integration with existing risk management and mitigation programs. We are pleased that it provides for repair and removal, depending on circumstances. (3) (10) (B) indicates a non-profit organization can get a grant—we cannot support that. Progressive states

Dedicated to reducing flood risk and losses in the nation.

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require the owner of a dam to have taxing authority; for obvious reasons related to ensuring the
availability of resources for Operation and Maintenance. The exception to this: When the non-profit is
applying for a grant to remove a dam. That is OK because there is no future O&M required after
removal. There is no comparable House provision, so we recommend inclusion of Section 3004 in the
final bill. Section 4017 provides for important consideration of nature-based and nonstructural
alternatives. We strongly support the provision, but suggest it be expanded to include inland areas.

We also support Section 1023 Wetlands Mitigation. The House has a similar provision, but it seems
unnecessarily complicated.

We support Section 1029 Prioritization of Projects. We like the focus on projects to not only restore but
prevent loss of wetlands. There is no comparable House provision.

We support the concept of alternative site selection in Section 2017 Dredged Material, but have
corns about full federal funding. We would prefer the direct beneficiaries contribute to a cost-shared
plan.

Additionally, we support Section 4013 Coastal Resiliency and Section 4014 Regional Collaboration on
Coastal Resiliency. There are no comparable House provisions.

There are a few sections in S. 2848 we must oppose: Section 3001 Rehabilitation Assistance for Non-
federal Flood Control Projects and Section 3002 Subsiding Coastal Levees.

Regarding Section 3001, while ASFPM supports the concept of increasing the level of protection for
levees in urban areas to the 500 year or Probable Maximum Flood level using the comprehensive project
process, the section is not sufficiently narrow to exclude practices that increase flood risk. ASFPM would
want to see requirements including explicit language stating the level of protection would not have any
adverse impacts on other properties or communities or creating flooding downstream or upstream. The
assistance should be limited to levees that already have full development behind them so as not to
inadvertently encourage development by providing additional protection. Further, we recommend that
the language require consideration of nonstructural options, not simply suggest such consideration.

We are concerned that the wording of Section 3001 could encourage increasing use of expensive
structural approaches and would substantially increase federal taxpayer costs under P.L. 84-99,
depending on how it is ultimately implemented.

Under existing law, the restoration “target” pursuant to P.L. 84-99 is appropriately to repair damaged
flood control works to the condition that existed immediately prior to the disaster (Engineering
Regulation 500-1-1, Paragraph 5-20, Pgs. 5-24). Any project sponsor that seeks “betterment” of the
project beyond rehabilitation to the immediate pre-disaster condition is required to provide 100 percent
of the betterment cost (E.R. 500-1-1, Paragraph 5-11(c)(3)). In the alternative, the nonfederal sponsor
may go through the basic Corps of Engineers planning process and seek congressional project
authorization, and if Congress authorizes such a project betterment it would be subject to standard
Corps project cost-sharing and other project process requirements.

In Section 3002, ASFPM opposes striking the language in WRRDA 2014 requiring the Corps to
demonstrate project feasibility.

In the House WRDA, H.R. 5303, we are pleased to express support for several sections.
We support Section 116 Operation and Maintenance of Environmental Protection and Restoration and Aquatic Ecosystem Restoration Projects. While the Senate bill has a comparable provision, the House version is more specific on completion criteria.

We support Section 129 Regional Participation Assurance for Levee Safety Activities.

We support Section 144 Integrated Water Resource Planning.

We agree with the intent of Section 115 Nonstructural Alternatives, but have concerns that the “if requested” language is not sufficient to make certain that nonfederal project sponsors understand that they may request the Corps to consider other alternatives including nonstructural.

On Section 142 Use of Natural and Nature-based Features, we also support the concept, but prefer the Senate language in Section 4017. The House language is limited to a report, while the Senate language requires consideration of nature-based and nonstructural measures plus a report.

Thank you very much for consideration of these comments and observations from ASFPM. We hope they are helpful as you analyze and make decisions about the final contents of WRDA 2016. Should you have questions or wish to discuss any of our comments, please contact ASFPM Executive Director Chad Berginnis (cberginnis@floods.org) or Senior Policy Advisor Larry Larson (larry@floods.org). We can also be reached at (608) 828-3000.

Very Sincerely,

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