

ASFPM REGION 10 DIRECTOR ANNUAL REPORT

Annual Conference-Atlanta, Georgia



Dave Carlton, Regional Director

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To: Association of State Floodplain Managers
From: Dave Carlton CFM, ASFPM Region Director
Subject: Region 10 Report 2015
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Please accept our Region 10 report.

The following report is the product of several stages. The 2014 directors report was sent to selected ASFPM Region 10 members for comment. Comments were incorporated into this final product.

This final composite report will be sent to all association members.

Key Issues affecting several states:

1. Biggert – Waters 2012/ Homeowner Flood Insurance Affordability Act of 2014: There's continuing concern and some confusion among communities about the original act and the 2014 modifications. There is still great concern with not only the increase in insurance premiums, but also the new fees on all properties. There is concern that many individuals will drop their policies due to the new fees.
2. NORFMA Chapter: The Northwest Region Floodplain Managers Association became an ASFPM chapter in 2013 and recently hosted the 2014 ASFPM conference in Seattle. They are busy organizing their annual conference for September in Post Falls, Idaho. Many communities in Washington state have observed a reduction in the level of flood protection provided by existing flood-control facilities due to the accumulation of sediment in some river systems. Sediment deposition documented in recent decades and the reduction in flood conveyance in some rivers has been linked to several factors: a change in the hydrologic regime (due to climate change and historical flow regulation), exposure of erodible material by glacial retreat throughout the Cascade Range, channel and floodplain modifications, increased sediment yields from historical land use changes, the cessation of the previous practice of gravel removal in some rivers, and natural aggradation consistent with long-term geomorphic processes. NORFMA has created a Sediment Management Issues Group composed of river managers, scientists, engineers and other interested parties of diverse disciplines to better understand the technical

issues regarding sediment and flooding, to share information and experiences, and to consider potential sediment management approaches.

3. Floodplains by Design: This is an initiative currently focused on Puget Sound watersheds and coordinated by The Nature Conservancy to advance discussions between landowners, communities, environmental groups and regulators to advance cooperative management of floodplain lands to achieve long-term and sustainable objectives:
<http://www.floodplainsbydesign.org/>. Working with those who know the land and waters best, the **Floodplains by Design** partnership is carrying out integrated projects that improve flood protection for towns and farms, restore salmon habitats, improve water quality and enhance outdoor recreation. In 2013 they were successful in obtaining \$33 million in the state's two-year budget to implement several projects that included buyouts of floodprone property, construction of setback levees and provide an increase in habitat. The money from the Legislature was matched by more than \$40 million in local, federal and tribal funds.
4. The National Wildlife Federation filed a suit Sept. 23, 2011 against FEMA for failing to comply with the BO and RPA. NWF, as part of their suit, sought a preliminary injunction banning FEMA from selling flood insurance for new construction.

A decision in April 2012 by Seattle district court Judge Ricardo Martinez ruled that NWF failed to show that recent insurance policies approved by the Federal Emergency Management Agency are causing irreparable damage to the fish by altering their habitat in floodplains. This ruling denied NWF's request for a preliminary injunction prohibiting the sale of insurance to new floodplain development within communities having rivers that drain into Puget Sound.

NWF then filed a Motion for Summary Judgment to which FEMA has responded. The plaintiff's reply in support of its motion must be filed no later than Aug. 30, 2013. For further information on the model Ordinance see:

http://www.fema.gov/pdf/about/regions/regionx/draft_nfip_ea_ordinance.pdf.

FEMA says Washington communities surrounding the Puget Sound have been successfully implementing the provisions of the Biological Opinion and Reasonable and Prudent Alternative since September 2011, and with a few exceptions, are considered to be in compliance with the Endangered Species Act. This has been a long and difficult "hill" to climb, but the communities are generally demonstrating they are up to the challenge. During 2014 the court issued its opinion agreeing with FEMA that there

has been adequate progress implementing the BO and dismissed the suit by NWF.

5. **FEMA Hiring:** The Mitigation Division for RX is short-handed. As of April, the division has three vacancies:
 - a. FMI Floodplain Management Specialist
 - b. FMI Senior Specialist
 - c. HMA Branch Chief
6. **Levee Assessment Mapping Process:** This issue continues to hold mapping updates in communities with levee systems. Washington state has the highest concentration of urban areas protected by levees and hence the most mapping revisions on hold. The issue is not as great of a concern in Oregon, which has few levees protecting high-density populations. This past year the region has restarted many projects that have been on hold, including areas impacted by levees. Pierce County, Washington, a study started prior to Map Mod, now has draft FIRMS and is holding a series of public meetings to present them to the public.
7. **FMA changes to the award process:** There is concern about the change in FMA to a competitive process. States that do not have repetitive catastrophic flooding are pushed out of the competitions for mitigation funding. FEMA Region X has nearly 25 percent of the land area per square mile of the United States, yet received less than 1 percent of the available FMA funding in 2014.

Some state specific issues.

Alaska.

1. **Climate change.** The state's Legislature is currently hearing House Bill 1, "Declaring the Arctic Policy of the State." With the United States taking the chair of the of the Arctic Council from April 2015 to May 2017, Alaska reminds the world that what makes the United States an Arctic Nation is Alaska. The Alaska Arctic Policy Commission completed their report with an implementation plan Jan. 30, 2015: <http://www.akarctic.com/>. This report and implementation plan is the guidance supporting House Bill 1.
2. **L273 Floodplain Management Course –** Alaska state, along with FEMA and ASFPM, sponsored the L273 course in Anchorage, Alaska March 2–5, 2015. State of Alaska staff coordinated travel and instructed the four-day floodplain management course. This is the primary course for communities to learn their responsibilities as members in the National Flood Insurance Program. FEMA supported the instruction with funding

to support travel of local officials into Anchorage, the state managed and supported the travel grant, logistics and instruction, and the Association of State Floodplain Managers supported with materials and an additional instructor. The class was well attended, with 32 class participants representing 17 municipalities, two agencies and two private firms learning what the minimum standards for floodplain development and permitting are for their communities and customers, and how to make better decisions for a more resilient community.

3. Advance Floodplain Management Module - State of Alaska staff coordinated and assisted with a one-day advanced floodplain management module course. This is the first time an advanced course has been offered in Alaska. This course focused on common compliance problems and disconnects between the flood insurance and the regulations. The course was attended by 12 people representing eight municipal jurisdictions, one state agency and two private firms. The advanced floodplain management courses are taught in Emmitsburg, MD and there is a total of three, week-long offerings in the series.
4. Certified Floodplain Managers exam – Alaska’s NFIP coordinator proctored the CFM exam following the L273 course, resulting in nine new CFMs. Congratulations to our new CFMs.
5. FFRMS and EO 13690: Comments were provided during the listening session in Seattle. Primarily focused on ensuring the tools are available to comply with the new standards, i.e. data repository for easy query on past projects and historical flood facts and ensure the standards do not inadvertently create a flooding situation, such as road embankments creating levees like structures.

Washington

1. Response to the Biological Opinion and Reasonable and Prudent Alternative for Puget Sound continues to be a concern. This issue is of concern to Washington currently, and will soon influence Oregon and potentially other states through the CRS program through and RPA specific to Oregon. The original opinion affirmed that FEMA implementation of the NFIP in Puget Sound threatened ESA listed Puget Sound Salmon species. FEMA was given three years, until Sept. 22, 2011, to comply. In response, FEMA developed compliance guidance and has given workshops on this guidance. The guidance offers three approaches ranging from communities accepting a FEMA model floodplain ordinance, demonstrating that their current body of regulations, policies and procedures meet the performance standards of the Biological Opinion, or a

community agreeing to require consultation with NMFS on each individual development request as received if the proposed development would have an adverse effect on salmonids or their habitat. Most communities have adopted the latter approach.

Many communities have found that administration to show compliance with the FEMA BiOp requires a lot of reporting on development activity that is erroneously identified as in the floodplain because the older FEMA floodplain maps are inaccurate.

Oregon

1. FEMA R10 is in formal consultation with NMFS in Oregon. FEMA and NMFS are negotiating a final Biological Opinion that will include actions Oregon communities will need to implement in order to remain in good standing in the NFIP. The Oregon Department of Land Conservation and Development formed a working group with representatives of Oregon communities to provide input to FEMA in the consultation process.