

# THE INSIDER



An exclusive publication for ASFPM members

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## ASFP Florida Chapter Having a Say on Flood Policy in D.C.

*Written by Claire Jubb, AICP, CFM, FFMA Associate Legislative Director and Policy Champion*



From left to right: Claire Jubb, FFMA Associate Legislative Director; Katie Weissert, Senior Policy Advisor with Sen. Rick Scott's office; and Del Schwalls, FFMA Chair and ASFP Region 4 Director. Photo by Del Schwalls.

Education, policy and advocacy are primary focus areas of the [Florida Floodplain Managers Association's](#) 2016 Strategic Plan. Focus area champions, FFMA Board of Directors and members have been working hard to move the strategic goals forward. To this end, FFMA Chair and ASFP Region 4 Director **Del Schwalls** and I took the mission to Washington, D.C. in late July.

ASFP, our parent organization, has a very active presence in D.C. and encourages chapters to join them in their efforts to advocate

for sound floodplain management and flood insurance legislation. They maintain an apartment in Alexandria, just outside D.C., which is available for visitors from the chapters to use, free of charge, and has staff to guide visitors through this experience.

As soon as flights were confirmed, ASFPM Washington Liaison **Merrie Inderfurth** and ASFPM Water Resources Specialist **David Conrad** went to work setting up appointments with members of the Florida delegation. Focusing on senators and representatives who are engaged in the various aspects of floodplain management and flood insurance, Merrie and David quickly put together a packed schedule.

After spending our first evening strategizing, studying proposed legislation and exploring Alexandria a little, we headed out to meet Merrie and David at the Dirksen Senate building in the heart of D.C. Although it wasn't the first time for either of us in the nation's capital, (Del lived and worked there for almost four years early in his career), it was our first time doing something like this. We were excited to make a good impression and represent our profession, FFMA and ASFPM!

After meeting Merrie and David, we quickly realized how much we needed their experience and guidance. They have spent many years working in D.C. and we couldn't have hoped for better mentors. They set up meetings with staff members of Sen. **Marco Rubio** (R-FL) and Sen. **Rick Scott** (R-FL), along with staff of various Florida representatives.

Going in for our first meeting with Rubio's Legislative Aide **Harry Kumar** was a little nerve-wracking. Merrie and David helped us by guiding the conversation, prompting us when we needed help, and making sure we remembered to mention all of the points we wanted to make.

It only took one meeting to realize we were in our element. We could speak with people who can really make a difference. We also helped them realize that the policies developed in D.C. impact people who work daily with the results of these policies.

If you know either of us, you know we are self-proclaimed flood geeks and are quick to talk floodplain management to anyone, at any time. Something we discovered through this is we have very different skill sets. One of us is a planner who works in local government and gets to deal with residents and elected officials daily, while the other is an engineer in the private sector who handles more of the technical aspects of floodplain management. We found that our skills complimented each other well, and together we were able to give balanced and wide-ranging perspectives on proposed legislation.

As our meetings progressed, we became more and more comfortable in this new arena and were able to focus our discussions on aspects that would be of the greatest importance to the people we were meeting with. Not only was it the first time FFMA had visited D.C. for this purpose, but it was the first time congressional staffers had heard of us! We took the opportunity to educate them on the fantastic work FFMA and ASFPM members do, and how we advocate for our profession. We offered our 1,000 FFMA members as a resource for anything related to floodplain management and flood insurance in Florida, and really highlighted the importance of our work. During the entire experience, we felt welcomed and that we were really being heard. The staff members were eager for our thoughts and input.

We also got into the details of two bills moving through the House and Senate, and expressed our opinions on the positives and negatives of each bill. Being able to bring a Florida perspective on proposed

legislation to the staff of our Florida delegation really helped them understand the impact of their decisions on Floridians.

In addition to those meetings, we took the opportunity to connect with two groups FFMA has been working with for some time. We were lucky enough to meet with **Velma Smith** and **Evan Chapman** from [The Pew Charitable Trusts](#), to discuss their [Flood-Prepared Communities](#) initiative. FFMA started collaborating with Pew in 2018 to advocate for legislation to improve floodplain management. Our meeting focused on strengthening this partnership and identifying areas where we could work together in the future.



Celebrating Del Schwalls' birthday at the W Hotel in D.C. From left: Mick Sears, Sam Medlock, Del Schwalls, Velma Smith, Merrie Inderfurth, Nick Shufro, David Conrad, Rhonda Montgomery, Claire Jubb and Rachel Sears. Photo by Del Schwalls.

Our last meeting, held at the end of a busy two days and just before heading to happy hour to celebrate Del's birthday, was a visit to the [Office of the Flood Insurance Advocate](#). We were honored to meet with Deputy Advocate **Rhonda Montgomery**. We learned more about the fantastic work OFIA is doing to help policyholders navigate the National Flood Insurance Program. We also learned more about how floodplain professionals can help promote OFIA's services and what its function and mission are.

During our entire visit, we kept FFMA's Strategic Plan front and center. We advocated for our profession and members, we educated the Florida delegation about how floodplain management legislation impacts Floridians, and we worked with our legislators to develop policy that makes sense for Florida.

This visit will not be the last. FFMA has a strong voice, a huge amount of experience, expertise and a passion for improving the lives of Floridians. We hope we made ASFPM and FFMA proud, and were honored to represent such a talented and dedicated group of professionals. We would highly recommend this experience to all of ASFPM's chapters. You will not regret it!

If your ASFPM chapter is interested in this opportunity in D.C., and possibly having an impact on national flood policy, please contact ASFPM Chapter Coordinator Gigi Trebatoski at (608) 828-6325 or [gigi@floods.org](mailto:gigi@floods.org).

## Nearly \$50 Million Available from Emergency Coastal Resilience Fund



Was your community impacted by last year's Hurricanes Michael and Florence, the western wildfires or Typhoon Yutu? Do you have shovel-ready projects to improve community resilience and recovery in and around impacted areas? There is about [\\$50 million in funding available](#). Deadline is Nov. 12.

## Catawba River in Charlotte-Mecklenburg County, North Carolina: Encouraging Flood Proofing after a Flood through Educational Workshops

*Written by Randall Behm, ASFPM Nonstructural Flood Proofing Committee Co-chair, USACE rehired annuitant, and Behm Hazard Mitigation, LLC*

As I stood on the bank of the Catawba River this August in Mecklenburg County, North Carolina and watched the tranquil waters flowing gently downstream, it was difficult to imagine the torrent of floodwaters that devastated dozens of homes during the June 9-10 flood event.



Catawba River. Photo by Randall (Randy) Behm.

During those two days, rainfall runoff cascaded into the Catawba River Watershed exceeding the channel's capacity and flowing through the surrounding neighborhoods. Depending on the terrain, the flood depth varied from 1 foot to more than 8 feet. One house after another fell victim to the river. Emergency



High water mark on home near Catawba River that flooded in June. Photo by Randall (Randy) Behm.

personnel conducted water rescues to evacuate residents trapped by the floodwater. After the event passed, homes were filled with muck, debris and other unsavory reminders of the flood. Homeowners highlighted the high water with yellow fluorescent tape, illustrating the severity of flooding. Damage to houses varied throughout the impacted area. Some structures escaped with minimal damage while others suffered extensive damage.

In an effort to provide information on potential measures for mitigating future flood damage, **Tim Trautman** (flood mitigation program manager at Mecklenburg County and ASFPM's Mitigation Pod facilitator) asked me to help with an educational outreach program that would benefit homeowners affected by the flood. After several discussions, it was decided that **Roderick Scott** with L&R Resources and I would conduct two workshops. One would be for Charlotte-Mecklenburg Storm Water Services personnel and the other for homeowners. We wanted both workshops to present information on nonstructural measures (with a primary focus on structure elevation), and then follow up with site visits to homes of individuals who wanted to discuss potential opportunities specific to their structure.

The Charlotte-Mecklenburg Storm Water Services workshop was conducted in-house for personnel involved with flood recovery activities. The workshop focused on flood risk and nonstructural mitigation techniques available to reduce flood damage and increase resiliency.

The homeowners' workshop, which was very well attended, was conducted within a community room of a local church located adjacent to the flood area. Roderick and I presented information starting with the





Roderick Scott speaking about elevation at the workshop. Photo by Randall (Randy) Behm.

big picture of flood risk across the United States. Then we narrowed down the focus to fundamental preparation measures and processes for elevating the first floor to be above a specified design water surface elevation. The WSE could be the Base Flood Elevation plus an additional amount of freeboard to reduce flood risk even more, or elevated to a specific flood frequency (i.e. 0.2% annual chance exceedance [500-year] etc.). Both presentations employed numerous illustrations regarding the changes in frequency and intensity of flooding for certain regions of the country, to a step-by-step depiction of the equipment and construction activities associated with elevating individual structures. We had in-depth discussions with attendees to make sure they understood the basic premises and concepts for mitigating flood damage through elevation. We really wanted to provide homeowners with information so they could make informed decisions regarding their specific mitigation needs. The workshop lasted approximately three hours, but the two of us stuck around for post-workshop conversations in an effort to respond to all of the homeowners' questions and concerns.

With the June flood event being one of the most devastating in terms of damage occurring along this reach of the river, it was important to meet with willing homeowners and address their specific concerns. We worked with members of Tim's team to visit many of the individual homes and describe how these structures could be assessed to determine their vulnerability to existing and future flood risk. These site visits proved to be informative for witnessing the destructive force of the floodwaters, why certain damage occurred, and allow the team to provide additional insight regarding potential techniques for reducing future flood risk. The site visits were well received and appeared to be beneficial to the homeowners who allowed us to enter their homes. Most of them have lived in the area for years, where they enjoy the esthetic and recreational benefits provided by the river and were unwilling to move. With proper planning, these homeowners can move beyond the typical removal and replacement of flood-damaged materials and implement nonstructural flood-risk reduction measures such as elevation, which will support reduced flood risk while also enabling them to enjoy the benefits of living near a river.



Randall Behm (right) speaking to a flood survivor. Photo provided by Charlotte-Mecklenburg Storm Water Services.

The desired outcome of this flood-risk outreach and similar outreach activities across the country is to inform homeowners of the potential for implementing nonstructural mitigation measures. For this outreach, elevating the house can result in reduced future flood damage, increased resiliency to flooding, and possibly reduced flood insurance premiums when designed and implemented in accordance with local, state and federal ordinances and regulations. In all cases, evacuation prior to a flood event is recommended, as well as purchasing flood insurance, no matter how high the structure is elevated. As the frequency of flooding appears to be on the rise across the country, it is important to remember that while it is natural for flooding to occur, flooded buildings can be avoided.



Two examples of elevated homes. Photos by Randy Behm.

# ASFPM in Action...

**We have a new senior policy advisor. Meg Galloway** is now part of the ASFPM policy team working with our members, chapters and partner organizations. Her job will be to ensure national flood policy and legislation makes sense and works at the local level to reduce damage and taxpayer costs. She will also work with states and chapters to proactively help with state-level policy issues. Adding her to our staff will provide us with the ability to respond quickly to member and state requests.



Meg has a degree in Civil and Environmental Engineering from the University of Wisconsin-Madison. She worked for the water resources group at Donohue & Associates for the first eight years of her career before changing paths and moving to the Wisconsin Department of Natural Resources. During her 29 years at the DNR, she has been an assistant dam safety engineer, managed the dam safety program and supervised the dam and floodplain section. Due to extreme flood events over the last decade, she has also become very involved in emergency response and incident management activities.

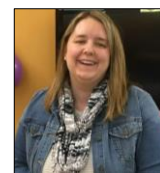
When not out chasing floods, Meg spends most of her time on the water, kayaking, stand up paddling, dragon boating with Team Survivor Madison and playing hockey. Reading and gardening are also passions. Meg will be phasing out her DNR responsibilities over the next three months, and should be full time with ASFPM in January.

**ASFPM joined 33 other groups** in a letter to the White House, urging the Administration to develop a flood-ready standard to protect federal infrastructure investments from the devastating impacts and costs of flood-related disasters. The Federal Flood Risk Management Standard, an executive order meant to protect taxpayer dollars spent in flood-prone areas, was repealed two years ago. Ten days later, Hurricane Harvey brought historic rainfall and catastrophic flooding throughout southeast Texas and parts of Louisiana. In the aftermath of Harvey, the Administration stated its intent to put in place new standards that would ensure we rebuild smarter and stronger following disasters. Unfortunately, a replacement has yet to be announced or put in place. [Read the full letter, which was sent to John Bolton, Mick Mulvaney and their respective staff.](#)

**ASFPM Mapping & Engineering Standards Committee** [submitted comments on Risk MAP](#) Guidelines and Standards 2019 Annual Maintenance Cycle.

**ASFPM and its** [Flood Mitigation Committee sent comments](#) on the Building Resilient Infrastructure and Communities, or BRIC, program.

**We have new Nominations and Elections Co-chairs. Martin Koch** and **Joanna Rohlf** replace **Molly O'Toole** and **Scott Bighinatti**. Joanna is a floodplain mapping specialist with the Kansas Department of Agriculture and Martin is an NFIP specialist, also with the Kansas Department of Agriculture. The co-chairs accept and vet nominations, review background information and announce elections, as well as submit the final review and vote tallies to ASFPM HQ. Having them in the same space is going to be very useful! We want to thank Molly and Scott for their time serving as the Nominations and Elections Committee co-chairs for several years. Our volunteers really are the backbone of ASFPM!



Joanna Rohlf



Martin Koch



# The 2019 Committee Co-chair Retreat at ASFPM HQ



Jason Schneeberger, ASFPM's IT and facilities manager and proprietor of [JD's Porkasaurus BBQ](#), arrived bright and early to start smoking pork for committee co-chairs, ASFPM staff and our families.



The tent where ASFPM hosted two picnics for our committee co-chairs.

Each year our Policy Committee co-chairs visit Madison to participate in an annual retreat. The purpose is to work on their goals and/or tasks for the year (what ASFPM calls a work plan). It's also a time to catch up on what each committee is doing, report out on what's happening nationally regarding flood policy and how ASFPM is meeting those challenges. ASFPM staff also give presentations. This year, a lot of time was spent on our Flood Science Center projects to create opportunities for direct input from committees. Staff also provided updates on our annual national conference, communications strategy and ways to engage and attract new committee members. The retreat, held Sept. 17-19, was the first time we hosted a picnic in our very own backyard (one of the perks of owning our own building).



Seated at the table from left to right: Tim Trautman, Jeff Sparrow, Chad Berginnis, Shannon Riess, Larry Larson and Ricardo Pineda. Back row left to right: Manny Perotin, Steve Samuelson, Bob Davies, Stacey Ricks, Jeff Sickles, Jamelyn Austin Trucks, Dave Knipe, Bill Nechamen, Randall Behm, Anna Serra-Llobet, David Powers, Jeanne Ruefer, Jerry Murphy, Eileen Shader, Dave Carlton, Jessica Ludy, Ingrid Wadsworth, Meg Galloway, Janet Thigpen, Terri Turner, Merrie Inderfurth and David Conrad. [Click here for contact information](#). If you're an ASFPM member and haven't yet signed up for a committee to get involved with, go to your member portal and click the committee or committees you are interested in.

# Flood Insurance Committee Corner



## Why Some Farmers Dislike the National Flood Insurance Program

Insurance Committee Co-chair **Steve Samuelson** was working with a livestock veterinarian with a corral and cowshed behind his business. The cow shed was in the floodplain and had a value of about \$500. **Chuck Chase** from Nebraska was working with a property owner this year who had a grain bin in the floodplain valued at \$1,500. About two years ago, Steve worked with a stable owner who had pens with small pony sheds valued at \$400 dollars each. These cases all bring to light an issue with small, low-value agricultural structures and flood insurance.

Take the case of the stable owner as example. There were six paddocks with run-in sheds in each one (right). A three-sided shed just big enough for a couple of horses to run inside when it is raining. The sheds were appraised at approximately \$400 each. These are wet flood-proofed sheds that comply with the requirements of FEMA Technical Bulletin 7 and were permitted by the local community.



The premium for each pony shed was \$19. The Increased Cost of Compliance coverage for the same structure was \$70. The Community Rating System discount was \$4 off. The reserve fund fee was \$13. The Homeowner Flood Insurance Affordability Act surcharge was \$250. The federal policy fee was \$45, with a grand total of \$393 in fees—on a building worth \$400! Remember, he had six of these buildings. The minimum deductible on a flood insurance policy is \$1,000, making the deductible greater than the building value.

Imagine for a moment, if your homeowner policy for fire insurance required a payment that was equal to the value of your home and the deductible was greater than the value of the home. In that situation, if you had a fire and your home was destroyed, you couldn't meet the deductible to receive any sort of a claim payment. How would you feel about that insurance?

A provision in HFIAA makes accessory structures on the same lot as the primary residence exempt from flood insurance. A \$10,000 garage for a home in town would be completely exempt from flood insurance. The \$400 pony shed on a farm is not. It upsets some agriculture producers that they have to pay as much for their flood insurance as their building is worth.

There is at least one NFIP reform bill that would take into account HFIAA surcharges for multiple structures on the same property. They would get an umbrella policy and just pay the HFIAA surcharge one time. There has not been an NFIP reform bill proposed yet that addresses low-value buildings.

Before you ask, the owner of the stable hired a surveyor and applied for Letters of Map Amendment and cancelled the flood insurance on every building he could get removed from the floodplain. The veterinarian sold the cow shed, removed it from his property then renegotiated his loan with the lender. Neither of these gentlemen became advocates for flood insurance.



**Footnote:** To address issues related to floodplain management requirements for agriculture structures and accessory structures, FEMA solicited input from a wide range of stakeholders, including insurance professionals, farmers and floodplain managers. Your Flood Insurance Committee hosted several meetings for FEMA to share their thoughts and received feedback. In late 2018, FEMA issued the draft policy, [Floodplain Management Requirements for Agricultural Structures and Accessory Structures](#), for comment. This committee and others reached out to members and ASFPM provided a [response](#). We are still waiting for FEMA to issue a final policy as well as any guidelines. Unfortunately, the insurance issues described above are not addressed. Maybe with Risk Rating 2.0 and the NFIP Transformation?

Do you have comments about this? Send them and any other insurance questions or topics to [InsuranceCorner@floods.org](mailto:InsuranceCorner@floods.org).

Humbly yours,

**Bruce Bender** and **Steve Samuelson**

—[Your Flood Insurance Committee Co-chairs](#)



## Call for Abstracts Now Open! Deadline to Submit is Oct. 31, 2019.

It's time to start pulling together the #ASFPM2020 program and we need your help! Submit an abstract, or two, to share your flood resiliency story, tool or resource. Go to the "[Call for Abstracts](#)" page of our conference website and follow instructions for the online submission. The Call for Abstracts seeks a broad range of professionals to submit for 30-minute concurrent sessions and/or 2- to 4-hour workshops. The theme in Fort Worth is "Resiliency Where the West Begins." New information is constantly being posted to our [conference website](#), so check it often!

## From the Chair

**Ricardo Pineda, P.E., CFM**



Hello ASFPM colleagues. I have been “on the job” as your chair since the beginning of June and it has been busy. I’m discerning my role as ASFPM chair, and reviewing and commenting on business operations. I also worked with Executive Director **Chad Berginnis** and others on [testimony for a House subcommittee hearing in D.C.](#), completed a two-day orientation in Madison, presided over my first board meeting (did not need to use my new gavel), engaged with the ASFPM Foundation Board, and participated in a teleconference with the Certification Board of Regents. After I returned from a weeklong backpacking trip in late August, I began reviewing the activities of each of ASFPM’s 14 policy committees. Vice Chair **Shannon Riess** and the Madison team are getting ready for the Committee Co-chairs’ Retreat Sept. 16-19. I will also attend the retreat and look forward to spending some extra time meeting with ASFPM’s Flood Science Center Director **Drew Whitehair**.

In addition to the news above, I would also like to ramble a bit about the importance of dam safety. There are approximately 84,000 dams in the United States generally classified as federal or non-federal dams. Federal dams are mostly owned and operated by the U.S. Army Corps of Engineers, U.S. Bureau of Reclamation or Tennessee Valley Authority. These federal agencies have robust and well-funded dam safety programs. Non-federal dams are regulated by states and in some cases, additionally by the Federal Energy Regulatory Commission if the dam contains hydropower generating capability.

The robustness of [State Dam Safety Programs](#) varies from state to state, similar to that of state floodplain management programs. With our nation’s aging infrastructure we are hearing, and in some cases observing, dam emergencies and problems with secondary dam facilities. Problems with dams are also occurring around the world. In August, erosion of the concrete spillway on the U.K. Whaley Bridge Dam forced the evacuation of the downstream community. In January 2019, a mine tailings dam in Brazil failed, killing more than 100 people. In November 2015, a different mine tailings dam also failed in Brazil, killing 19 people. In September 2017, after being devastated by Hurricane Maria, Puerto Rico’s Guajataca Dam experienced a problem with its emergency spillway, which resulted in evacuation warnings and emergency repairs by USACE.

My fascination with dams began December 1963 in South Los Angeles. When I was 5, my mother, newborn sister, two siblings and I were almost caught in the floodwaters of the Baldwin Hills Dam failure. We’d been Christmas shopping in the Crenshaw area downstream of the dam and returned home before the dam failed that afternoon. In July 1995, a Tainter spillway gate on the USBR Folsom Dam upstream of Sacramento failed when it was opened during normal operation. The gate remained stuck in a partial “open position” and nearly 40% of the lake was emptied. In February 2017, during an “atmospheric river” storm, Oroville Dam in northern California experienced extensive damage to the primary gated spillway and the separate emergency spillway. Approximately 200,000 downstream residents were ordered to evacuate until reservoir levels stabilized. Luckily, in both recent California incidents, there were no injuries or loss of life.

The internet allows us to easily read the stories and sometimes the detailed forensics of dam failures and dam incidents in the USA. Recent events are teaching us the importance of proactive dam operations and maintenance, the O&M of secondary dam facilities, the need for independent inspections, independent review boards, review of original design and construction documents, updating dam-related hydrologic and hydraulic studies, the need to prepare dam inundation maps for multiple failure scenarios, the preparation of dam Emergency Action Plans and the great importance of State Dam Safety Programs to ensure dam safety through inspections and regulations of non-federal dams.

Community floodplain managers need to understand the role their local and upstream dams play in flood protection, regulated and non-regulated dam flow releases, community impacts if the dam were to fail, community dam emergency response plans (CRS credits available) and the importance of coordination and collaboration with dam owners. I could write more, but space is limited and I hope I have sparked your interest on this critical public safety issue.

I recommend you read the book "The Johnstown Flood" by **David McCullough**, ASFPM's report "[A Strategy to Reduce the Risks and Impacts of Dams on Floodplains](#)," ASFPM's "[NAI How-to Guide for Emergency Services](#)," and the National Academies Report "[Dam and Levee Safety and Community Resilience: A Vision for Future Practice](#)."

Please feel free to email me at [ricardo.pineda@water.ca.gov](mailto:ricardo.pineda@water.ca.gov) if I can be of service to you as ASFPM's chair.

## **CFM Corner—Where your Career and Practice Meet**

Preparing, studying and passing the CFM exam is a big deal and many companies, government departments and ASFPM chapters are starting to regularly celebrate that.



For example, the [Kansas Association for Floodplain Management](#) recognizes new CFMs at its annual conference. Not only does that give individuals positive reinforcement for joining the ranks of the CFM community, but it is also a great reflection on KAFM to celebrate their colleagues.

We also noticed quite a few companies and government departments are posting about staff members who pass the CFM exam. Posting on Facebook, Twitter, LinkedIn and other social media sites is an excellent way to recognize this huge accomplishment (and to encourage others to get the CFM designation).

At the Cleveland conference, the Certification Board of Regents recognized a handful of original CFMs while celebrating the 20<sup>th</sup> anniversary of the CFM program. That was such a success that CBOR is considering other ways to celebrate CFMs at the Fort Worth conference next June. What are things you think would make celebrating your CFM at conference fun and worthwhile? Should we create some swag for CFMs to wear such as buttons or ribbons, or would having an offsite social or activity be something you would participate in? Outside of conference, what makes you feel appreciated for having earned your certification? Send ideas to [cfmhelp@floods.org](mailto:cfmhelp@floods.org).

Thank you again for being part of the CFM community!





## Floodplain Manager's Notebook

**Rebecca Quinn, CFM**

### Why are so Many Flood Insurance Claims not Paid?

Every four or years I write about something that puzzles me—why are so many NFIP flood insurance claims filed by policyholders not paid? And why does the percentage of unpaid claims vary so significantly from state to state?

Several times in the past 15 years I've written about [NFIP claims data available online](#). If you check that link today, you may not find what you're looking for because, as the NFIP migrates to a new system, I've noticed the reports are no longer in an easily usable form and sometimes the wrong reports are posted (presumably these are wrinkles they'll straighten out eventually).

Usually the report of claims paid since 1978 shows data for each state and territory, including the total number of claims filed, the number that have been closed (i.e., paid), the number that are open (in process), and the really interesting number—the number of claims “closed without payment” (CWOP). Claims are CWOP for a number of reasons, such as if a loss was less than the deductible, if a loss was for items not covered (such as basement contents), or if an event did not qualify under the insurance definition of a flood (see sidebar). I expect there are other reasons for nonpayment.

At the end of April 2019, the NFIP reported just over 2.4 million claims had been filed since Jan. 1, 1978 (see table on the next page). Of that total, 77.25% were paid (closed), 0.25% are being processed (open), and 22.5% were CWOP. Interestingly, on a nationwide basis the proportion of all claims that are CWOP has stayed about the same for at least 15 years.

#### NFIP Insurance “Flood” Defined

Some floodplain managers may be surprised to discover a qualifying flood for insurance purposes isn't the same as water rising above normal levels. To qualify, a flood must be a “general and temporary condition of partial or complete inundation of two or more acres of normally dry land area or of two or more properties (at least one of which is the policyholder's property)” from specified sources. Flood Insurance Manual (April 2019).

Even more interesting is how the percent of claims CWOP varies considerably from state to state (you'll have to wait until the NFIP straightens out the posted reports to see your state). The percentages of CWOP also vary over time:

- April 2019 - Washington D.C., Wyoming and New Mexico still have the highest percentage of CWOP, now joined by Utah and Maryland in the 40% or more class. Missouri still has the lowest percentage of CWOP (15.4%). Others with less than 17% CWOP include Mississippi, New Jersey, West Virginia and Kentucky.
- April 2015 - the difference ranged from a high of nearly 45% in Wyoming to a low of about 14.5% in Missouri and Mississippi.
- 2011 - Colorado topped the list at 47%, with New Mexico, U.S. Virgin Islands, D.C. and Wyoming all having more than 40%. Missouri, Mississippi and Kentucky each had fewer than 15% CWOP.

We can speculate why the variation in CWOP is so large. I know I'd be doubly curious if I was in a state or community with a much higher than average percentage of unpaid claims. Do the Write Your Own companies in those states have overly conservative adjusters who more aggressively close (deny) claims without payments? What other factors contribute to the wide discrepancy?

Let's look at the data another way. It might be reasonable to assume states with a lot of flooding and claims activity, say more than 100,000 claims since 1978, should fall somewhere close to the national average of CWOPs. After all, don't the Write Your Own companies and FEMA pull adjusters from all across the country when big floods result in thousands of claims to adjust in a short period of time? Doing that might smooth out regional differences between companies. Well, looking at the data, that assumption seems reasonable, except for Florida (table below). Four of the states with the most claims have CWOP rates **lower** than the national average (as much as 6 points lower), while Florida, with 36.5% CWOP, is about 14 points **higher** than the average. How do you explain that?

<b>NFIP Claims from 1978 - April 30, 2019 for the Five States with the Most Total Losses</b>					
	<b>Total Losses</b>	<b>Closed</b>	<b>Open</b>	<b>CWOP</b>	<b>% CWOP</b>
<b>U.S. TOTAL</b>	2,418,635	1,867,997	6,064	544,574	22.5%
<b>Louisiana</b>	456,011	366,316	658	89,037	19.5%
<b>Texas</b>	368,617	295,282	699	72,636	19.7%
<b>Florida</b>	294,978	186,986	568	107,424	36.5%
<b>New Jersey</b>	192,313	160,228	745	31,340	16.3%
<b>New York</b>	169,251	139,669	341	29,241	17.3%

## Outdoor Sculptures in Flood Zones

Last November I wrote about non-building structures in flood hazard areas, specifically salt domes and solar panels. I listed examples of other non-building structures I've been asked about, including outdoor sculptures. When communities, neighborhood associations, office complexes and college campuses preserve land along bodies of water for open space, parks and outdoor recreation, sometimes they install art.

A few years ago, a building official in Florida posted to an online discussion board asking if anyone had experience with applying wind and flood requirements to outdoor sculptures. One reader suggested that because the building code doesn't explicitly cover outdoor sculpture, perhaps there are no requirements, and "if it's not covered under NFIP insurance, I wouldn't permit it at all." He also said he could not "find a definition of structure or development to include sculptures/works of art/etc. in any FEMA or NFIP guidance. Tanks, dams, bridges and such are all mentioned for structure, accessory structure, appurtenant structure, but nothing on sculptures."

Well, of course I weighed in to point out that, to satisfy NFIP requirements, local floodplain management regulations govern development, not just buildings. Outdoor sculptures fall within the broad definition of

“development,” which includes the phrase “any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures...” I also noted that regulated development is not limited to what is or isn’t covered by flood insurance. By that logic, we wouldn’t regulate fill in floodways or basements in buildings!



Philanthropists Jacob Dekker and John Padgett join Liz Young of the Florida Keys Council of the Arts for a recent sculpture unveiling at Key West International Airport. Source: [Miami New Times article](#).



Waco sculptor Robbie Barber found a new artistic challenge in wrangling and welding stainless steel tubing into a 19-foot giraffe for the Waco Sculpture Zoo. Image from [this Waco Tribune story](#).

FEMA rules require them — sculptural ones, at least — to be firmly anchored to the ground and not add to the possibility of flooding, as determined by a certified engineer.”

So what would I look for if I was reviewing a proposal to install sculpture in a floodplain? In a broad sense, we regulate proposed floodplain development to protect the development itself, but also to minimize the potential for increasing damage to other properties. So, to accomplish that for an outdoor sculpture, I’d want to know whether the installation will be stable under base flood conditions. I’d look for two things: first, is the pedestal or foundation anchored to resist flotation, collapse or lateral movement (accounting for scour); and second, is the sculpture itself anchored to the pedestal to resist flood loads (including wave loads if the site is a Zone V or Coastal A Zone).

I don’t know for sure if my advice made a difference, but I was happy to hear that after Hurricane Irma in 2017, a representative of the organization that helped bring several sculptures to the Florida Keys observed, “It was an accomplishment that the art withstood the storm. We had 300 telephone lines that came down, but our sculptures stood. It was a point of hope and positivity for quite a few of us.”

The same issues are at play in Waco, Texas, where a proposal to install the Waco Sculpture Zoo in the floodplain of the Brazos River near Cameron Park Zoo was delayed when planners realized engineering work would be necessary.

And [according to this newspaper article](#), “Noah may have built a flood-proof ark for his animals, but

Submit your own items or suggestions for future topics to column editor Rebecca Quinn, CFM, at [rcquinn@earthlink.net](mailto:rcquinn@earthlink.net). Comments welcomed! Explore back issues of the [Floodplain Manager's Notebook](#).





## FEMA News You Can Use

### Ahead of the Game—The Stormwater Report

New visualization tool mixes FEMA data with video-game technology to model flood damage before it occurs. [Read the article here.](#)



### Updated Information on Risk Rating 2.0

FEMA just released a one-page update on RR 2.0. It answers: "Why Risk Rating 2.0?" "What is Changing?" and "What are the benefits of Risk Rating 2.0?" [See the flyer here.](#)



## HUD News You Can Use

### Trump Administration Releases Billions in Disaster Resilience Funding

"Rather than simply rebuilding, the \$7.65 billion is intended to reduce communities' vulnerabilities to storms, floods and fires." [Read the article here.](#)



## Job Corner

Looking for a job? Looking for someone to fill a position at your company or agency? Please check out available career opportunities on ASFPM's website. **It's free**, whether you're looking at [job postings](#), or an employer wanting to [post an opening](#)!

## ASFPM Upcoming Webinar Opportunities

[Check the ASFPM Webinars Schedule Regularly for Upcoming Events.](#)

## Floodplain Management Training Calendar

**For a nationwide listing of floodplain management-related training opportunities, visit [ASFPM Online Event Calendar](#).**

Looking for training opportunities to earn CECs for your CFM? Check out our event calendar with LOTS of training opportunities listed for 2019! Search the calendar by state, or use the category drop-down menu to search by event category. The only events without a state listed in the event title are EMI courses, which are listed with their FEMA course number and are all held in Emmitsburg, MD.

# What's Happening Around the Nation?

A collection of the most viewed stories on our [Facebook](#) page.

**Louisiana**—This illustration depicts the planned Mirabeau Water Garden in New Orleans after a "10-year" flood. The Sisters of St. Joseph are the catalysts of this planned garden, a landmark stormwater management and flood mitigation project in New Orleans. [Read the article here.](#)



**The Nation**—"While there are local governments that have been leaders in incorporating resilience into development decisions, many do very little," says Carolyn Kousky with Wharton Risk Center. Read "[Rewarding Communities that Build for the Future.](#)"



NRDC reviewed nearly 30 years of FEMA data on buyout funding and found that it takes a median of more than five years between a flood and the completion of a FEMA-funded buyout project. Read "[Going Under.](#)"



**Indonesia**—Indonesian President Joko Widodo announced a plan to move the country's capital from Jakarta to a new location in Borneo. The reason? Jakarta is bursting at the seams—and sinking. [Read the article here.](#)



**Texas**—Starting Sept. 1, Texas will require homeowners to disclose more information about flood risks and flood history before they sell their property. The new bill expands disclosure to include whether the home is located in a 500-year floodplain, a flood pool, in or near a reservoir, and whether the home has flooded before. [Read the article here.](#)



**Virginia**—Virginia Beach officials are considering a program to buy out residents who want to move out of homes that have flooded or face a risk of flooding. The land would be converted into parks, planted with trees or used as a flood-control project. [Read the article here.](#)



**Alabama**—"Dauphin Island, and especially the west end, is a poster child for all of our failed public policies, local, state and federal," Crozier said. "Really, it is a case study of schizophrenia..." Read "[On the Alabama Coast, the Unluckiest Island in America.](#)"



**Missouri**—West Plains residents found their properties on maps representing buyout zones. They were given green and red stickers and instructed to place a green sticker on the relevant map if they were interested in selling and a red sticker if they were not interested. As the night progressed it became apparent from the number of green stickers that many residents were interested in selling or getting more information about buyouts. [Read the article here.](#)



# Washington Legislative Report

Meredith R. Inderfurth,  
ASFPM Washington Liaison



## Back in Session and On a Roll? Not quite.

After an especially long August recess, Congress is back in session as of Sept. 9.

It was expected the three weeks in session during September would see lots of appropriations activity, especially in the Senate, which had passed exactly zero appropriations bills. The new fiscal year starts Oct. 1. Not so fast. A variety of hurdles in the form of divisive issues and funding for “The Wall” have arisen to short-circuit the appropriations process in the Senate. So they will buy more time by passing a Continuing Resolution, funding the government at Fiscal Year 2019 levels until Nov. 21. The House of Representatives passed the CR Sept. 19 by a vote of 301-123. The Senate is expected to pass it during the week of Sept. 23. The White House has signaled that the President will sign it. So a new fiscal year funding crisis will be temporarily averted, but kicked forward to just before Thanksgiving.

The CR includes extension of authorization for the National Flood Insurance Program until Nov. 21. The House Financial Services Committee has reported out its 5-year reauthorization and reform bill, but the measure has not yet been brought to the full House for a vote. The Senate Banking Committee has taken no action yet on a full reauthorization and reform bill, although a bipartisan group of senators led by Senators Menendez (D-NJ), Cassidy (R-LA) and Kennedy (R-LA) have introduced a comprehensive bill known as the SAFE Act. Agreement on the short-term extension has, at least temporarily, eased pressure for action on full reauthorization and reform.

During September, there has been action on other natural disaster-related legislation, but that has been primarily at the committee level and in the House. Senate floor activity has been dominated by consideration of nominations for judgeships and some for Executive Branch positions. After Sept. 27, the House and Senate will again be in recess until Oct. 15 after Columbus Day weekend.

## NFIP Reauthorization and Reform

As discussed above, it is almost a certainty that the NFIP’s authority will be extended for the term of the CR, which will be until Nov. 21.

Although the House Financial Services Committee in July unanimously reported out its bill, H.R. 3167, complications have developed, which have delayed a vote on the House floor. The Congressional Budget Office has not yet finished scoring the bill as to what it will cost. And several House members have introduced a companion bill to the Senate’s SAFE Act. Discussions are ongoing between supporters of the SAFE Act and supporters of the committee bill in an effort to arrive at agreement and the possibility of a manager’s amendment when the bill does get to the floor. Beyond that, there are some technical changes that likely will also need to be approved in a manager’s amendment. A separate bill, H.R. 3111, dealing specifically with claims and appeals issues, has also been held up since it may be folded into the primary bill.



Anticipating how and when the Senate Banking Committee will act on flood insurance is difficult. It appears they are waiting to see what transpires on the House side. The comprehensive bill introduced earlier (S. 2187), is co-sponsored by a bipartisan, influential group of senators. There is some discussion about similarities and differences with the House committee bill in the July issue of "Insider." Given the extension until Nov. 21, there are no immediate plans for Senate action.

## **Appropriations**

The House has passed 10 of the 12 regular appropriations bills. Homeland Security and Legislative Branch are the two remaining bills, both being held up due to controversial elements. The problem for the Homeland Security bill (H.R. 3931), which funds FEMA and the Disaster Relief Fund, is about funding for "The Wall" along the southern border and about funding for detention centers for prospective immigrants.

Until this month, the Senate had taken no action to mark up its bills. Senate leadership wanted to wait until an overall budget agreement had been reached. That happened just before the House and Senate left for the August recess. Now the Senate Appropriations Committee has been able to assign ceiling amounts for each subcommittee (302B allocations), so subcommittee mark-ups can progress. So far, the Energy and Water (U.S. Army Corps of Engineers and Bureau of Reclamation) and Defense bills are ready for the Senate floor. A number of others, including Homeland Security and Interior and Environment, are being marked up in subcommittee and then full committee during the week of Sept. 23.

Apparently, the Senate version of the Homeland Security appropriations bill includes the full \$5 billion sought by the White House for the U.S./Mexico border wall and detention centers. The House bill does not. Due to such ongoing discrepancies and congressional concern about funds being shifted from the Disaster Relief Fund, Pre-Disaster Mitigation and Military Construction, there is increasing speculation that at least some federal agencies could operate under a CR (H.R. 4378) for the entire FY20.

## **Other Active Bills and Issues**

### **H.R. 3702 and S. 2301**

Legislation to codify the CDBG-DR program at HUD.

ASFPM and our informal flood alliance sent a letter to the sponsors asking for language comparable to FEMA's deed restrictions on buyout land.

### **H.R. 2189 and S. 1069**

Legislation to codify NOAA's Digital Coast project.

ASFPM is an active member of the Digital Coast Partnership.

### **H.R. 4347 PREPARE Act**

Legislation to establish a new inter-agency body to promote consideration of extreme weather in all federal programs.

### **H.R. 3779 Resilience Revolving Loan Fund Act**

Legislation would establish an option for state revolving loan funds for hazard mitigation projects.

**H.R. 3462 and S. 1958 The Shelter Act**

Legislation would authorize a tax credit for 25% of qualifying mitigation expenses up to an annual limit of \$5,000.

**H.R. 3541 Coastal Climate Change Adaptation Preparedness and Response Act**

Bill would amend the Coastal Zone Management Act to establish a coastal climate change adaptation preparedness and response program at the Department of Commerce.

**H.R. 3623 Climate Risk Disclosure Act**

Bill would require companies to disclose greenhouse gas emissions, fossil fuel assets and their risk from climate-related changes.

**Climate Issues**

Many House committees are holding hearings on aspects of climate change, its impacts and adaptation measures.

**Endangered Species Act**

House Natural Resources Committee is considering legislation to repeal Trump Administration changes that weaken the ESA. Meanwhile, the Republican Western Caucus is drafting legislation to overhaul the ESA, which they say has become a major problem for ranchers and farmers (but does not effectively protect wildlife).

**Water Resources Development Act**

Hearings and meetings are taking place in preparation for the next WRDA bill in 2020. Congress is committed to maintaining the schedule of a WRDA bill every two years.

All bills referenced [can be found here](#) and typing in the bill number or title.

**Have a story you'd like to share with ASFPM newsletter readers? Email ASFPM PIO Michele Mihalovich at [michele@floods.org](mailto:michele@floods.org).**

## A Hearty Welcome to Individuals who Joined ASFPM in August 2019!



Abigail Benenati, AECOM, Greenwood Village, CO  
Amanda D. Crose, Harrison County, MS  
Andrea Lyn Manha, Cardno, Incline Village, NV  
Andrew J. Reeter, Fehr Graham Assoc., Freeport, IL  
Andrew W. Boughan, City of Missoula, MT  
Angelica M. Makuch, HDR Engineering, Denver, CO  
Anna I. Vandermeer, Atkins North America, Everett, WA  
Annette C. Padgett, Greenville County, SC  
Annika M. Sullivan, Environmental Science Assoc., Berkeley, CA  
Anthony D. Heddlesten, USACE, Rock Island, IL  
Anthony M. Cotts, Rick Engineering Company, San Diego, CA  
Austin L. LaViolette, City of Great Bend, KS  
Benjamin E. Sheets, City of Fountain, CO  
Benjamin J. Bass, Woodard & Curran, Los Angeles, CA  
Blake W. Johnson, Harris & Assoc., Sacramento, CA  
Brandy Sanders, SAFEbuilt, Beech Island, SC  
Brennan J. Middleton, HDR, Denver, CO  
Charlie A. Pajares, Jacobs Engineering Group Inc., Aurora, CO  
Christian B. Thompson, City & County of Broomfield, CO  
Christina M. Lillemon, Township of Middle, NJ  
Christopher M. Jain, Murraysmith, Louisville, CO  
Christopher S O'Brien, AECOM, Rockville, MD  
Christy A. Foster, Custer County, ID  
Colleen Koenig, HDR, Denver, CO  
Crystal A. Hughes, Berkeley County, SC  
Dale H. Meck, Yakima County, WA  
Damian J. Cote, City of Holyoke, MA  
Danielle M. Boudreau, GHD, San Diego, CA  
Darwin C. Stubbs, Isiminger & Stubbs Engineering, North Palm Beach, FL  
Deanna Ward, Manatee County, FL  
Doug W. Mahan, Colorado Water Conservation Board, Denver, CO  
Douglas Powers, Elkhart County, IN  
Elizabeth R. Rockwell, Flood Control Dist. Maricopa County, AZ  
Emily Greer, AECOM, Germantown, MD  
Eric W. Treadwell, Town of Crested Butte, CO  
Erin B. Dalius, A.D. Marble, King of Prussia, PA  
Ernesto A. Sedano, City of Hialeah, FL  
Franklin D. Gover, III, Town of China Grove, NC  
George A. Deussen, Muscle Wall, North Salt Lake, UT  
Grace A. Levy, Wright National Flood Insurance, St. Petersburg, FL  
James P. Suing, City of Salem, OR  
Jarrod S. Whelan, City of Grand Junction, CO  
Jeffrey D. Guy, Borough of Roselle, NJ  
Jessica Remkiewicz, Manatee County, FL  
Joanna C. Dixon, Marin County, CA  
John W. Palumbo, Carneys Point Township, NJ  
Joseph A. Miller, Applied Ecological Services, Brodhead, WI  
Joseph J. LaRocca, Moorestown Township, NJ  
Julie E. Schenck-Brown, City of Huntsville, AL  
Justin R. Morris, Rain River Inspections and Consulting, Palatka, FL  
Kayla L. Kaplan, Borough of Florham Park, NJ  
Ken R. Granata, City of Charleston, SC  
Kevin Thomas Boyd, Augusta Planning & Development, GA



Kurt G. Jones, Seward Cnty., KS  
 Lara Lee Pangburn, Monterey County, CA  
 Leylin N. Marroquin, AECOM, Greenwood Village, CO  
 Luis A. Moreno, City of Hialeah, FL  
 Madeline Baker, Harris & Assoc., Sacramento, CA  
 Mairede K. Kratzer, Elkhart County, IN  
 Margaret M. Monson, Charles Abbott Assoc., Canyon Lake, CA  
 Maria M. Hopkins, Wight National Flood Insurance, St. Petersburg, FL  
 Marissa A. McCorkel, Township of Lower, NJ  
 Mark A. Bentley, Wood Environment & Infrastructure, Gilbert, AZ  
 Mark C. Boland, York County, SC  
 Mary Elizabeth Burgess, City of Augusta, GA  
 Matthew C. Deaver, City & County Of Broomfield, CO  
 Matthew C. Puz, Jr., Millcreek Township, PA  
 Matthew F. Shipp, Cottonwood Heights, UT  
 Melinda S. Cronenberger, York County, SC  
 Michael Halter, St. Lucie County, FL  
 Michael S. Grabczyk, Town of Parker, CO  
 Michelle L. Alwine, Atkins North America, Seattle, WA  
 Millicent Cowley-Crawford, West Yost Assoc., Pleasanton, CA  
 Mingi Sohn, City and County of Denver, CO  
 Pamela E. Acre, City of Northglenn, CO  
 Patrick Anthony Renaldi, Borough of Manville, NJ  
 Rachel A. Mares, Wood Environmental & Infrastructure, Salt Lake City, UT  
 Raymond S. Joseph, City of Eugene, OR  
 Reza Afshar, City of Orange, CA  
 Richard G. Simonitch, Town of Ross, CA  
 Robert M. Green, WSP USA, York, SC  
 Robert M. Roux, City of Greer, SC  
 Robyn C. Brown, City of Arvada, CO,  
 Ryan C. Hvitlok, City of Hutchinson, KS  
 Samantha K. Estabrook, City of Manhattan, KS  
 Samuel M. Hodges, Torrent Technologies, Kalispell, MT  
 Samuel T. Clark, Hamilton County, IN  
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 Scott G. Becker, Hodge & Assoc., Moscow, ID  
 Sean R. Dove, Charleston County, SC  
 Shane A. Walter, Sioux County Planning and Zoning, IA  
 Simon Wiley, City of Great Bend, KS  
 Sofie M. Black, JVA, Inc., Boulder, CO  
 Stephen G. Kolaga, Hillsborough County, FL  
 Steven G. Woods, City of Mauldin, SC  
 Steven T. Cash, Hamilton County, IN  
 Stuart H. Jones, City of Cayce, SC  
 Teri S. Camery, City & Borough of Juneau, AK  
 Terry Frelot, Calcasieu Parish, LA  
 Tevin S. Dial, Kiewit, Denver, CO  
 Theodore R. Bender, City of Fort Collins, CO  
 Thomas E. Mendenhall, City of Sumner, WA  
 Thomas W. Young, Lumos & Assoc., Reno, NV  
 Timothy M. Webb, Miami Dade County, FL  
 Timothy R. Thielka, Lawson-Fisher Assoc., Mishawaka, IN  
 Todd C. Wolma, SBSA, Golden, CO  
 Todd D. Beattie, La Plata County, CO  
 Tracy A. Campbell, SAFEbuilt, St. Petersburg, FL  
 Troy W. Tarbox, Tarbox Consulting & Design, Jacksonville, FL  
 Vince Lo Medico, Borough of Manville, NJ

Virginia Batts, Boulder County, CO  
 Vivian B. Tom, City of San Jose, CA  
 Wilfredo Mangual Gonzalez, FEMA, Guaynabo, PR  
 Zach M. Kirk, Ada County, ID  
 Zachary Dunn, Comm. & Devel't Services, Hopkinsville, KY

If you have any questions  
 about your membership,  
 please contact ASFPM  
 Membership Engagement  
 Coordinator Cate Schally at  
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