



ASSOCIATION OF STATE FLOODPLAIN MANAGERS, INC.

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September 21, 2020

The Honorable John Barrasso
Chairman
Senate Committee on Environment and Public
Works
410 Dirksen Senate Office Building
Washington, DC 20510

Honorable Peter DeFazio
Chairman
House Committee on Transportation and
Infrastructure
2165 Rayburn House Office Building
Washington, DC 20515

The Honorable Tom Carper
Ranking Member
Senate Committee on Environment and Public
Works
456 Dirksen Senate Office Building
Washington, DC 20510

The Honorable Sam Graves
Ranking Member
House Committee on Transportation and
Infrastructure
2165 Rayburn House Office Building
Washington, DC 20515

In Re: WRDA 2020

As you enter the final months of the 116th Congress and with considerable pressing matters before the House and Senate, we understand the Senate Environment and Public Works Committee, having reported S. 3591 (America's Water Infrastructure Act – the Senate's 2020 WRDA) in May, and the House Transportation and Infrastructure Committee, having recently completed House passage of H.R. 7575 (WRDA 2020), are now working on developing a possible joint proposal for a Water Resources Development Act to bring before your respective bodies before the years' end.

As the Committees proceed to develop a joint WRDA proposal, the ASFPM urges support for several provisions from the House and Senate bills that are intended to strengthen and enhance the Army Corps of Engineers' (Corps) efforts to assist communities. These efforts serve to avoid and better manage flood risks and improve communities' floodplain management and natural hazards resiliency in the face of increasing flood hazards and costs due to changing climate, sea-level rise, and the impacts of local and regional development.

Floods are – and continue to be – the nation's most frequent and costliest of disasters, and the costs to taxpayers continue to increase. While the Corps has often successfully engineered structural means of managing flood waters, it is becoming more and more apparent that 1) operation and maintenance costs are exceeding the ability of local sponsors (i.e. communities) to pay those costs, which is their obligation; 2) structural projects, while necessary in some instances, are expensive and often require considerable environmental and historic preservation review; 3) traditional structural projects can

Dedicated to reducing flood risk and losses in the nation.

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inadvertently increase flood hazards upstream, downstream, and across the river or along coasts; and 4) nonstructural and natural or nature-based approaches and projects can often offer a less expensive, more sustainable, and affordable means of reducing flood hazards and costs. To meet today's challenges of urban, riverine and coastal flooding in an era of more frequent and severe storms, sea-level rise, and skyrocketing disaster costs, it is important that the Corps take a broad, comprehensive, and watershed-based view of overall flood risk management.

We especially appreciate the efforts the Committees have made in these bills to improve resiliency and expand options for the Corps to help communities address flooding problems to protect lives and property, and to recognize the multiple beneficial functions of natural floodplains.

Accordingly, we urge the Committees to retain and include the following provisions in any joint or final version brought forth as a 2020 House-Senate WRDA proposal:

- Retain **Section 110** of the House bill ("Resiliency Planning Assistance"), which expands communities' opportunities to receive Corps of Engineers' expert planning and technical assistance through the Floodplain Management Services Program ("FPMS" - Sec. 206, Flood Control Act (1960)) to reduce problems with riverine and coastal flooding. The section adds opportunities to provide technical assistance to "avoid repetitive flooding impacts, to anticipate, prepare for, and adapt to changing climate conditions and extreme weather events, and to withstand, respond to, and recover rapidly from disruption due to the flood hazards." In addition, the provision directs the Army Secretary to prioritize assistance for economically-disadvantaged communities. The expanded use of the FPMS program would help to provide much needed Corps technical assistance to many often smaller and chronically-underserved communities to address longstanding and growing flood-related challenges, and where communities often cannot afford the substantial large up front and continuing costs of traditional Corps projects. Presently, only a handful of Corps Districts regularly provide such services. The ASFPM strongly urges Congress to assure the availability of such services to communities in all Corps Districts, with at least some dedicated staffing to help identify where such assistance would be valuable. In many cases, providing technical assistance will be far more effective, more affordable, and will come at far lower cost to communities, rather than waiting decades for traditional federal projects to materialize.
- Retain **Section 119** of the House bill that establishes a new pilot program to develop up to 10 feasibility studies at full federal expense to evaluate opportunities to address flood risk management and enhance hurricane and storm resiliency in economically-disadvantaged communities. Such a program would complement existing Corps technical assistance programs, and would expand opportunities for communities to benefit from Corps expertise in planning and designing flood risk management solutions, while providing options that incorporate natural and nature-based features to reduce flood risk and the costs of recovery from flood-related events.
- Retain **Section 113** of the House bill and **Section 1098** of the Senate bill ("**Small Flood Control Projects**"), which would extend the Corps present nonstructural project cost-sharing policy (waives a 5% up-front cash cost-share for non-Federal sponsors and caps LERRD costs at 35%) for "natural feature" and "nature-based feature" flood damage reduction projects that are constructed under the Section 205 Small Flood Control Projects continuing authority. ASFPM

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strongly supports this provision because, by their nature, such projects are usually designed to better utilize natural systems to reduce flooding, and often have the beneficial effects of avoiding or reducing increased at-risk development, lowering residual risk, and typically have far lower costs for long-term Operation, Maintenance, Repair, Rehabilitation, and Replacements (OMRR&R).

- Retain both the House (**Sec. 114 – “Conforming Amendment”**) provision, which extends the existing favorable non-federal cost-sharing treatment for nonstructural projects described above to other Corps flood risk management projects that utilize natural or nature-based features, and the Senate bill’s provision (**Sec. 1104, “Flood Protection Benefits”**) that strengthens encouragement for consideration of nonstructural alternatives, such as floodproofing, floodplain regulation or acquisitions, to prevent or reduce flood damages, while enhancing other public benefits.
- Retain the House bill provisions in **Sec. 115 (“Feasibility Studies; Review of Natural and Nature-based Features”)**, which clarifies consideration of such alternatives in project planning, calling for a summary of alternatives evaluated in feasibility studies, and an explanation of why natural features were not recommended, if not included a recommended plan; **Sec. 122**, which directs GAO to report on the Corps of Engineers guidance, costs, benefits, barriers to, and recommendations to improve the use of natural and nature-based features in flood risk reduction projects; and, **Section 123**, which directs the Corps to assess constructed projects where the Secretary retains financial or operational responsibilities, to assess projects or project portions that are not needed for current Corps missions, or to identify where modifications could improve sustainable operation of projects or reduce O&M costs, including assessing modifications that employ natural or nature-based features.
- Retain a requirement, such as that included in **Section 120(b)** of the House bill in any provision intended to assist communities with repetitive flood losses and histories of emergency flood fighting assistance under the P.L. 84-99 program, to consider modifications of existing flood control works, including modifications such as realignments or levee setbacks, and considering the incorporation of nonstructural or natural or nature-based features to the maximum practical extent among the alternatives or combinations of alternatives that would substantially avoid or reduce future flood damages.
- Retain the House bill’s **Sec. 109** directing the Secretary to implement the Principles and Requirements (Principles, Requirements, and Guidelines) developed pursuant to Section 2031 of WRDA 2007. Many other federal water resources agencies have already adopted these updated requirements, which broaden the range of public benefits that are assessed and considered in project planning in water resources development -- with substantial success. The Corps was deeply involved in developing these guidelines, and ASFPM believes the Corps planning process will substantially benefit through their formal adoption. The provision includes direction for review and revision, with public involvement, every five years.
- Retain **Section 112** of the House bill directing a review and update of Corps guidance and regulations related to sea-level rise, and consideration of these concerns in project feasibility studies for flood risk and hurricane and storm damage reduction and ecosystem restoration projects. The Secretary shall, additionally, review whether a project will likely be impacted by sea-level rise conditions and document potential effects and benefit impacts of sea-level rise on a project over a 50-year period after completion.

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- ASFPM also supports the focus reflected in both **Sec. 212 of the House bill (“Lower Missouri River Basin Flood Risk and Resiliency Study”)** and **Sec. 1001 of the Senate bill (Upper and Lower Missouri River Comprehensive Flood Protection Studies”)**, responding to needed repairs and rehabilitations and studies of potential project modifications to address changing flood risks and improving resiliency after recent major flooding on the Missouri River. Additionally, ASFPM supports bills’ encouragement to examine and consider both structural and nonstructural approaches, including the potential use of levee setbacks and removal of repetitively threatened and damaged structures, and the utilization of natural feature and nature-based features as flood risk management tools. Such studies will be crucial to make progress in reducing future losses in the context of the Missouri basin’s changing hydrology and climate. In particular, ASFPM also especially urges retention of House bill’s **Section 212(a) paragraphs (5) and (8)** and the Senate bill’s provision of adequate federal funding for completing the authorized Missouri River studies.

Again, ASFPM appreciates the opportunities to be involved in development of both the House and Senate WRDA legislation in the 116th Congress, and we look forward to providing further comments regarding the Committees’ work as you proceed toward developing a final House-Senate joint WRDA proposal.

ASFPM and its 37 chapters represent more than 20,000 local and state officials, private sector, academia, and other professionals engaged in all aspects of flood risk management and flood hazard mitigation, including management of local floodplain ordinances, flood risk mapping, engineering, planning, community development, hydrology, forecasting, emergency response, water resources development, protection of valuable floodplain functions, and flood insurance. All ASFPM members are concerned with reducing our nation’s flood-related losses. For more information on the Association, visit our website at www.floods.org. Please contact ASFPM Executive Director, Chad Berginnis, with any questions.

Sincerely,



Chad Berginnis

ASFPM Executive Director



Carey Johnson

ASFPM Chair