

Managing Flood Risk in the United States

ASFPM Recommendations to Biden Administration

February 10, 2021

ASFPM and its members are committed to reducing the costs to the nation from flooding - in lives, property, dollars and human suffering. With the dramatically escalating costs due to flooding, exacerbated by impacts of climate change, our recommendations aimed at reducing those costs are fiscally, environmentally and socially responsible, and in many instances, would create meaningful, well-paying jobs. The management of disasters needs to change and requires strong collaboration between all the federal agencies that can make flood damages better or worse.

We are outlining several broad areas of focus, followed by a number of specific recommendations.

1. Repeal or revise Trump Administration decisions, Executive Orders, rules and rollbacks on water quality protections, and those that reduce public health and safety, and inhibit climate resilience.

- To protect taxpayer investments in infrastructure and hazard mitigation, EO 13690 (an Obama EO) should be immediately reinstated.
- Use the Congressional Review Act to roll back last minute changes to rules impacting ecosystem and community resilience, environmental quality and other regulations
- Rejoin the Paris Climate Agreement and other efforts to address climate change
- Ensure climate change information is posted and available on agency websites
- Ensure true science-based decision making is included in decisions at all levels of the federal government including rules, guidance and program implementation

2. Improve and promote climate and community resilience

- Implement new Principles, Requirements & Guidelines for the Army Corps of Engineers and all other federal water development agencies
- Restore and implement the federal flood risk management standard for any actions funded by the federal taxpayers. This would apply to all federal agencies e.g.: Army Corps, FEMA, DOT, HUD, NRCS, EPA, EDA, BuRec, SBA
- Focus natural hazard risk mitigation and infrastructure planning, design and construction to better support community and climate resilience
- Facilitate climate migration policies, especially in underserved communities, with an approach that accounts for community/neighborhood cohesion and resilience
- Promote more effective buyout and relocation assistance, especially for projects when eminent domain will be used.
- Proactively address social and environmental justice issues in climate, resilience, disaster and hazard mitigation programs.
- Revisit concept of a disaster deductible to promote mitigation activities in state, local, tribes and territories (SLTTs).
- Natural hazards risk assessment and mapping must consider future conditions when showing and assessing flood risk.

- Promote and incentivize stronger building codes and land use standards that anticipate future conditions for investments that reduce risk, including pre-disaster mitigation, and reduce disaster costs at all levels including FEMA, HUD, DOT, USACE, DOI, EPA

3. Support collection and public dissemination of better data and improved current and future conditions modelling with regard to: precipitation, storms and drought, flood risk mapping, stream and tidal gages and topography (LiDAR)

- Provide immediate funding for updating Atlas 14 extreme precipitation frequency data nationwide, incorporating future conditions, at least every five years. (NOAA)
- Develop and make publically available dam failure inundation mapping for high hazard dams and broaden mapping of levee failure inundation areas, to support community planning and risk management (FEMA, USACE)
- Ensure that future conditions flood mapping is produced as a part of all FEMA flood map updates and new mapping initiatives
- Facilitate access of SSLTs to flood insurance claims data (PIVOT) to assist with identification of repetitive loss, substantially damaged or substantially improved properties as well as providing data for emergency planning and response, compliance monitoring and mitigation grant applications and management.

4. Improve response to disasters and management of risk—with a focus on building State capability to assist communities manage and mitigate natural hazard risks

- Ensure use of future conditions in pre-disaster mitigation activities
- Improve PL 84-99 (Corps of Engineers disaster assistance) to reduce reliance on federal taxpayer funding and encourage consideration of nature based solutions
- Establish a dedicated, ongoing, federally funded and cost shared assistance program to build state capability in providing communities assistance to plan for and conduct mitigation projects (similar to the CAP SSSE program for floodplain management).
- Improve technical assistance from various agencies to help build capability and support for SLTTs
- Establish a National Disaster Safety Board to analyze disasters and recommend ways to lessen impacts and reduce costs for rebuilding time and again
- Ensure that disaster response and mitigation programs better serve economically disadvantaged and vulnerable communities
- Reevaluate use of B/C as a criteria or decision tool for risk mitigation. Saving lives and homes must become the focus, especially in underserved communities
- Consider the moral hazard of leaving economically disadvantaged and vulnerable people in high risk floodplains
- Increase appropriations for, and access to federal programs that fund flood risk mitigation activities, including those in FEMA, HUD, NRCS, DOT, DOD, SBA and USACE, with a focus on assuring that non-structural, nature based and green infrastructure solutions are competitive in the process.

5. Provide strong White House leadership and oversight for federal agencies with a role in promoting risk management and climate resilience

- Effectively utilize current federal agency coordinating mechanisms focused on flood risk and mitigation – the Mitigation Framework Leadership Group (MITFLG) and the Federal Interagency Floodplain Management Task Force (FIFM-TF) are woefully underfunded and understaffed and currently underutilized
- Make effective use of Non-Government Organizations (NGOs), academia, professional organizations and volunteer organizations with the knowledge and resources to advise and provide technical expertise or project support for agency efforts in the area of natural hazards disaster response, climate change and management of risk
- Ensure federal agencies and programs coordinate with, provide technical assistance for, and support for SLTTS

6. Support green infrastructure, natural features and nature-based approaches across all federal agencies to managing flood risk and ecosystem health

- Reverse WOTUS, NEPA and Nation Wide Permit rule changes of 2020
- Protect the wetland/floodplain nexus
- Integrate mapping and identification of floodplain and wetland resources including USFWS, USACE, FEMA, and USGS

Executive Office

- Repeal or revise Trump Administration Executive Orders on water quality protections, and those that reduce public health and safety, and inhibit climate resilience.
- To protect taxpayer investments in infrastructure and hazard mitigation, EO 13690 (an Obama EO) should be immediately reinstated.
- Reverse the WOTUS, NEPA and Nation Wide Permit rule changes of 2020
- Rejoin the Paris Climate Agreement and other efforts to address climate change
- Ensure resiliency oversight at the White House to link climate initiatives and natural disaster response and recovery
- Ensure climate change information is posted and available on agency websites
- Ensure true science-based decision making is included in decisions at all level of the federal government including rules, guidance and program implementation
- Facilitate climate migration policies, especially in underserved communities, with an approach that accounts for community/neighborhood cohesion and resilience
- Establish an office to assist SLTTs mesh various federal and state programs and provide information about federal funding sources
- Task OMB to lead an interagency and inter-departmental review to consider appropriate adjustments to discount rate policies in benefit-cost analysis to support administrative efficiencies, to include consideration of changing future conditions, and to provide appropriate credit for environmental, social and public safety benefits of key activities and projects
- Strengthen federal agency coordinating mechanisms – MITFLG and FIFM-TF are woefully understaffed, underfunded and underutilized

- Make effective use of Non-Government Organizations (NGOs), academia, professional organizations and volunteer organizations with the knowledge and resources to advise and provide technical expertise or project support for agency efforts in the area of natural hazards disaster response, climate change and management of risk
- Promote programs which provide direct federal support, education and technical assistance to help SSLTs address flood risk and become more resilient, such as Digital Coast and Silver Jackets

Legislative Engagement and Support from the Administration

- Fund floodplain mapping at the fully authorized level, currently \$400 million
- Proactively engage with Congress on NFIP reauthorization and reform
- Increase appropriations for and access to programs that fund flood risk mitigation activities in FEMA, HUD, NRCS, USACE and other relevant agencies with a focus on assuring that non-structural, nature based and green infrastructure solutions are competitive in the process
- Support legislation to establish interagency coordination on water-related data and programs similar to that proposed in the FLOODS Act in 116th Congress, in addition to authorizing federal funding for NOAA to routinely update Atlas 14 precipitation data and also include updates for Probable Maximum Precipitation (PMP) methodology and calculations
- Support legislation to re-institute the Flood Risk Management Standard or something similar such as Price-Zeldin bill in the 116th Congress
- Establish a National Disaster Safety Board to analyze disasters and recommend ways to lessen impacts and reduce taxpayer costs for rebuilding time and again
- Establish more favorable tax treatment for hazard mitigation activities through use of exemptions, deductibles and/or credits
- Promote increased cooperative sponsor levee management efforts beyond the physical structure and funding for PL 84-99 activities

Agency Specific

BuRec

- Restore and implement the federal flood risk management standard for any actions funded by the federal taxpayers
- Develop and make publically available dam failure inundation mapping for high hazard dams and broaden mapping of levee failure inundation areas, to support community planning and risk management
- Implement the new Principles, Requirements & Guidelines
- Proactively address future conditions as well as social and environmental justice issues in climate, resilience, disaster and hazard mitigation programs.
- Focus infrastructure design and construction to better support community and climate resilience
- Protect the wetland/floodplain nexus and support natural features and nature- based approaches to managing flood risk and ecosystem health

DHS

- Provide a robust, flood specific, natural hazards research and development agenda to assist FEMA and other agencies implement effective programs
- Balance the requirements of the Privacy Act with the need for timely access to flood insurance claims data (PIVOT) for SLTTs and other key players as they work to improve public safety and provide effective flood hazard mitigation. This information is key for FEMA partners to assist with identification of repetitive loss, substantially damaged or substantially improved properties as well as providing data for emergency planning and response, compliance monitoring and mitigation grant applications and management.

DOD

- Restore and implement the federal flood risk management standard for any actions funded by the federal taxpayers
- Increase appropriations for and access to programs that fund flood risk mitigation activities with a focus on assuring that non-structural, nature based and green infrastructure solutions are competitive in the process.

DOI

- Develop and make publically available dam failure inundation mapping for high hazard dams and broaden mapping of levee failure inundation areas, to support community planning and risk management (FWS, Bureau of Mines)
- Implement the new Principles, Requirements & Guidelines
- Proactively address future conditions as well as social and environmental justice issues in climate, resilience, disaster and hazard mitigation programs.
- Integrate mapping and identification of floodplain and wetland resources (FWS)
- Promote and incentivize stronger building codes and land use standards that anticipate future conditions for investments that reduce risk, including pre-disaster mitigation, and reduce disaster costs

DOT

- Restore and implement the federal flood risk management standard for any actions funded by the federal taxpayers.
- Focus infrastructure design and construction to better support community and climate resilience
- Protect the wetland/floodplain nexus and support natural features and nature- based approaches to managing flood risk and ecosystem health
- Proactively address future conditions as well as social and environmental justice issues in climate, resilience, disaster and hazard mitigation programs.
- Promote and incentivize stronger building codes and land use standards that anticipate future conditions for investments that reduce risk, including pre-disaster mitigation, and reduce disaster costs
- Increase appropriations for and access to programs that fund flood risk mitigation activities with a focus on assuring that non-structural, nature based and green infrastructure solutions are competitive in the process.

EDA

- Restore and implement the federal flood risk management standard for any actions funded by the federal taxpayers
- Focus natural hazard risk mitigation and infrastructure to better support community and climate resilience
- Promote and incentivize stronger building codes and land use standards that anticipate future conditions for investments that reduce risk, including pre-disaster mitigation, and reduce disaster costs
- Proactively address future conditions as well as social and environmental justice issues in climate, resilience, disaster and hazard mitigation programs.
- Better serve low income and vulnerable communities by assuring grant/loan programs recognize the moral hazard of leaving the most economically vulnerable people in floodplains

EPA

- Restore and implement the federal flood risk management standard for any actions funded by the federal taxpayers
- Reverse or revise the WOTUS and NEPA rules of 2020
- Protect the wetland/floodplain nexus and support natural features and nature- based approaches to managing flood risk and ecosystem health
- Promote and incentivize stronger building codes and land use standards that anticipate future conditions for investments that reduce risk, including pre-disaster mitigation, and reduce disaster costs

FEMA

- Proactively engage with Congress on NFIP reauthorization and reform
- NFIP reform should include measures to disincentivize development in the floodplains.
- Ensure effective implementation of the newly restored Federal Flood Risk Management Standard for any actions funded by the federal taxpayers through applying appropriate guidance to all agency programs and providing technical assistance for other agencies' efforts
- Respond to the NRDC/ASFPM petition to update NFIP minimum standards for construction and land-use in floodplains, and to develop maps that project future flood risks.
- BRIC—ensure non-structural & natural and nature based systems are adequately funded
- Ensure BRIC funding includes traditional FEMA non-structural mitigation activities.
- Increase appropriations for and access to programs that fund flood risk mitigation activities with a focus on assuring that non-structural, nature based and green infrastructure solutions are competitive in the process
- Focus natural hazard risk mitigation and infrastructure planning, design and construction to better support community and climate resilience
- Proactively address future conditions as well as social and environmental justice issues in climate, resilience, disaster and hazard mitigation programs.
- Revisit concept of a disaster deductible to promote mitigation activities in SLTTs.
- Reevaluate the use of benefit-cost as a criteria or decision tool for risk mitigation

- Consider use of eminent domain; recognizing it must be combined with comprehensive relocation assistance
- Apply the Uniform Relocation Act in all hazard mitigation programs using the most expansive interpretation possible to facilitate removing people and structures from high risk areas
- Update floodplain management requirements, providing for increased construction standards, reducing development in high risk flood areas and assurance that future conditions and other high potential flood risk areas are available on floodplain maps and in development standards
- Promote and incentivize stronger building codes and land use standards that anticipate future conditions for investments that reduce risk, including pre-disaster mitigation, and reduce disaster costs
- Push for full implementation of the BW-12 mapping requirements as well as prioritize new mapping for areas of potential development that have not yet been mapped
- Ensure that natural hazards risk assessment and mapping consider future conditions when showing and assessing flood risk
- Integrate mapping and identification of floodplain and wetland resources
- Develop and make publically available dam failure inundation mapping for high hazard dams and broaden mapping of levee failure inundation areas, to support community planning and risk management
- Support collection and dissemination of better data and improved current and future conditions modelling with regard to: precipitation, storms and drought, flood risk mapping, stream and tidal gages and topography (LiDAR)
- Establish a dedicated, ongoing, federally funded and cost shared assistance program to build state capability in providing communities assistance to plan for and conduct mitigation projects (similar to the CAP SSSE-program).
- Provide adequate, dedicated funding for the CAP-SSSE program
- Build capability and support for SLTTs to improve response to disasters and management of flood risk
- Ensure use of future conditions in pre-disaster mitigation activities
- Better serve economically disadvantaged and vulnerable communities by assuring grant/loan programs recognize the moral hazard of leaving the most economically vulnerable people in floodplains
- Facilitate timely access for SSLTs and other key players in the effort to improve public safety and provide effective flood hazard mitigation. This includes flood insurance claims data (PIVOT) to assist with identification of repetitive loss, substantially damaged or substantially improved properties as well as providing data for emergency planning and response, compliance monitoring and mitigation grant applications and management.
- Support a smooth transition to RR 2.0 by ensuring that the basic tools, systems, education and outreach are in place so that all insurance sectors can effectively implement this significant change

- Complete some example community flood insurance premium rates under the proposed Risk Rating 2.0 (RR 2.0) and make that information available to Congress, private flood insurers and the public

FERC

- Develop and make publically available dam failure inundation mapping for high hazard dams and broaden mapping of levee failure inundation areas, to support community planning and risk management

HUD

- Restore and implement the federal flood risk management standard for any actions funded by the federal taxpayers
- Permanently authorize the CDBR_DR program
- Increase appropriations for and access to programs that fund flood risk mitigation activities with a focus on assuring that non-structural, nature based and green infrastructure solutions are competitive in the process
- Promote and incentivize stronger building codes and land use standards that anticipate future conditions for investments that reduce risk, including pre-disaster mitigation, and reduce disaster costs
- Proactively address future conditions as well as social and environmental justice issues in climate, resilience, disaster and hazard mitigation programs.
- Better serve low income and vulnerable communities by assuring grant/loan programs recognize the moral hazard of leaving the most economically vulnerable people in floodplains
- Consider use of eminent domain, combined with comprehensive relocation assistance

NRCS

- Restore and implement the federal flood risk management standard for any actions funded by the federal taxpayers
- Develop and make publically available dam failure inundation mapping for high hazard dams and broaden mapping of levee failure inundation areas, to support community planning and risk management
- Implement the new Principles, Requirements & Guidelines
- Focus natural hazard risk mitigation and infrastructure to better support community and climate resilience
- Proactively address future conditions as well as social and environmental justice issues in climate, resilience, disaster and hazard mitigation programs.
- Assure grant/loan programs consider recognize the moral hazard of leaving low income and the most economically vulnerable people in floodplains
- Increase appropriations for and access to programs that fund flood risk mitigation activities with a focus on assuring that non-structural, nature based and green infrastructure solutions are competitive in the process
- Protect the wetland/floodplain nexus and support natural features and nature- based approaches to managing flood risk and ecosystem health

NOAA

- Support collection and dissemination of better data and improved current and future conditions modelling with regard to: precipitation, storms and drought.
- Provide timely updates to precipitation data and update methodology as appropriate (Atlas 14, PMP)
- Ensure future conditions mapping in all NOAA planning efforts; include nature based options in all plans
- Support addition of 250,000 acres to CBRS
- Monitor and support Digital Coast Act implementation

SBA

- Restore and implement the federal flood risk management standard for any actions funded by the federal taxpayers
- Proactively address future conditions as well as social and environmental justice issues in climate, resilience, disaster and hazard mitigation programs.
- Better serve low income and vulnerable communities by assuring grant/loan programs recognize the moral hazard of leaving the most economically vulnerable people in floodplains
- Increase appropriations for and access to programs that fund flood risk mitigation activities with a focus on assuring that non-structural, nature based and green infrastructure solutions are competitive in the process
- Raise or eliminate the cap on limiting the amount spent on mitigation activities to 20% of the loan amount

USACE

- Restore and implement the federal flood risk management standard for any actions funded by the federal taxpayers
- Reverse or revise the Nation Wide Permit rule changes of 2020
- Implement the new Principles, Requirements & Guidelines
- Reform PL 84-99 (Corps of Engineers disaster assistance) to reduce reliance on federal taxpayer funding and to support levee setback options in every use of PL 84-99
- Focus natural hazard risk mitigation and infrastructure to better support community and climate resilience
- Enhance technical assistance to local communities, tribes and territories by promoting use of FPMS, PAS, Silver Jackets and developing capacity to provide technical assistance without having to bill the work to specific projects
- Increase appropriations for and access to programs that fund flood risk mitigation activities with a focus on assuring that non-structural, nature based and green infrastructure solutions are competitive in the process
- Implement nature based options in all project considerations
- Proactively address future conditions as well as social and environmental justice issues in climate, resilience, disaster and hazard mitigation programs
- Better serve low income and vulnerable communities by assuring grant/loan programs recognize the moral hazard of leaving the most economically vulnerable people in floodplains

- Integrate mapping and identification of floodplain and wetland resources
- Develop and make publically available dam failure inundation mapping for high hazard dams and broaden mapping of levee failure inundation areas, to support community planning and risk management
- Promote and incentivize stronger building codes and land use standards that anticipate future conditions for investments that reduce risk, including pre-disaster mitigation, and reduce disaster costs
- Advocate for consistency between the Corps and OMB in the benefit-cost analysis processes.
- Reevaluate the use of B/C as a criteria or decision tool for risk mitigation projects. Loss of life and homes must become the focus of benefit-cost analysis criteria
- Protect the wetland/floodplain nexus and support natural features and nature- based approaches to managing flood risk and ecosystem health
- Identify and encourage broader participation on Silver Jacket teams by non-profit and other appropriate entities that can help in project planning and implementation

USDA

- Develop and make publically available dam failure inundation mapping for high hazard dams and broaden mapping of levee failure inundation areas, to support community planning and risk management
- Proactively address future conditions as well as social and environmental justice issues in climate, resilience, disaster and hazard mitigation programs.
- Better serve low income and vulnerable communities by assuring grant/loan programs recognize the moral hazard of leaving the most economically vulnerable people in floodplains
- Implement nature based options in all project considerations

USGS

- Support collection and dissemination of better data and improved current and future conditions modelling with regard to stream gages and topography (LiDAR). Support strong funding for streamgage network and 3DEP
- Integrate mapping and identification of floodplain and wetland resources
- Provide robust support for all water monitoring programs at USGS