

FLOOD & STORMWATER MANAGEMENT UPDATE



Comment Period on Phase One of Administration Effort on WOTUS Extended By 30 Days

EPA Acting Assistant Administrator for Water Michael Shapiro and Senior Official Performing the duties of the Assistant Secretary of the Army (Civil Works) Doug Lamont on August 16 signed the document to extend the comment period on the proposed rule to begin the process to review and revise the Waters of the U.S. Regulation. The comment period will now end on September 27, instead of August 28.

In other WOTUS-related news, 102 Democratic lawmakers led by the members of the House Sustainable Energy and Environment Coalition, recently sent a letter to EPA Administrator Scott Pruitt expressing their concerns over the Administration's plans to repeal the 2015 regulation and write a new rulemaking. In addition, it is important to note that the U.S. Supreme Court still has the case pending on proper court jurisdiction for WOTUS litigation (with a decision expected in early Fall) and that appropriations language that would allow the Administration to move forward with repealing the earlier regulations is also pending at this point.

Comment Period on USACE Water Supply Rule Extended Until November 16, 2017



[U.S. Army Corps of Engineers Extends Comment Period on the Proposed Water Supply Rule](#)

The U.S. Army Corps of Engineers (USACE) has extended the comment period for the notice of proposed rulemaking on the use of USACE reservoir projects for domestic, municipal, and industrial water supply that was originally published in the Federal Register on December 16, 2016. USACE has extended the comment period from August 18, 2017, to November

16, 2017. USACE will publish a notice of the extension in the Federal Register early in the week beginning August 21.

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President Signs Executive Order on Infrastructure Project Permitting – Includes Repeal of FFRMS

Following a meeting with Administration officials in New York City on August 18, including Transportation Secretary Elaine Chao and Director of the National Economic Council Gary Cohn, President Trump signed an Executive Order (EO) designed to streamline the permitting process for major infrastructure projects by establishing “one federal decision” for major projects and setting a two-year goal for permits. The approach will designate one leading agency for permitting on a project.

In his statement last week, the President described this effort as one of reforming the nation’s “badly broken process permitting process for infrastructure.” He noted that it took 11 months to build the Empire State Building and compared that with a permitting process flow chart that shows it could take up to 20 years to get a highway project approved these days. He further added that if a project doesn’t meet environmental safeguards, we are not going to approve it.

In a August 18 statement from Secretary Chao, she said, “For far too long, critical projects have been delayed by duplicative permitting and environmental requirements which added time and unnecessary expenses to much needed projects.”



Included in last week’s executive action was the revocation of President Obama’s January 2015 Floodplain Management EO that created the Federal Flood Risk Management Standard (FFRMS). NAFSMA has commented to the Federal Emergency Management Agency (FEMA), the U.S. Department of Housing and Urban Development (HUD) and the U.S. Army Corps of Engineers on draft guidance and regulations developed by those agencies to implement the FFRMS. The President did not refer to the repeal of the FFRMS in his comments on today’s EO.

Congressman Duncan Announces Plans to Retire



Rep. John Duncan, Republican Congressman from Tennessee and former chair of the House Water Resources Committee and co-chair of the full Transportation and Infrastructure Committee, has announced that he will not seek re-election next year. Rep. Duncan has served in the House since 1988 in a seat formerly held by his father.

Rep. Duncan is a co-sponsor of legislation introduced on June 22 with Rep. Bill Pascrell (D-NJ) that would allow local governments to more easily access private funds for water infrastructure projects. Titled the Sustainable Water Infrastructure Investment Act, H.R. 3009 removes water and wastewater projects from the Private Activity Bond (PAB) volume cap. PABs allow state and municipal governments to issue tax-exempt bonds to private investors to fund costly infrastructure projects. The bill has been referred to the House Ways and Means Committee for consideration.

FEMA NFIP and Hazard Mitigation Updates

FEMA Seeks Comments on Draft Floodplain Development Policy

FEMA prepared a draft policy for FEMA staff and communities participating in the National Flood Insurance Program (NFIP) to update guidance for participating communities on satisfying NFIP floodplain development permit requirements, and to address questions about floodplain permitting of development activities occurring in the FEMA designated Special Flood Hazard Areas (SFHA). Through this policy, a community can ensure compliance with NFIP and local floodplain management regulations, while potentially reducing the administrative burden associated with permitting certain types of low-to-no impact development in the floodplain.

This guidance does not intend to address other permits associated with building codes, or other federal, state, local, tribal, or territorial permits, and only applies to floodplain development permitting requirements to enroll in, and maintain eligibility for, the NFIP. The draft policy is available for review on FEMA's website at: www.fema.gov/media-library/assets/documents/131010, and the public is invited to provide comment and input via FEMA-Floodplain-Management-Division@fema.dhs.gov until **August 23, 2017**.

Hazard Mitigation Assistance Grant Application Period Now Open



The Federal Emergency Management Agency (FEMA) announced yesterday that \$250 million in funding is available through two [Hazard Mitigation Assistance \(HMA\)](#) grant programs: Flood Mitigation Assistance (FMA) and Pre-Disaster Mitigation

(PDM). These competitive grant programs assist state, local, tribal, and territorial governments in strengthening our nation's ability to reduce disaster losses and protect life and property from future disaster damages.

Flood Mitigation Assistance

The Flood Mitigation Assistance (FMA) grant program provides funds available to implement measures to reduce or eliminate risk of flood damage to structures insured by the [National Flood Insurance Program \(NFIP\)](#). FMA grants are

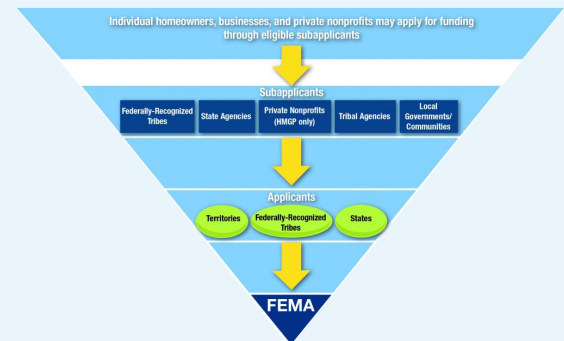
For FY 2017, \$160 million is available, including \$70 million for community flood mitigation activities that address flooding on a neighborhood level, such as floodwater diversion and localized flood-control measures as well as advance assistance for mitigation design and development of community flood mitigation projects. The remainder of funds will be used for mitigation planning, technical assistance and mitigating Severe Repetitive Loss and Repetitive Loss structures, which include elevation, acquisition, and relocation projects.



FEMA NFIP and Hazard Mitigation Updates (cont'd)

Pre-Disaster Mitigation

The Pre-Disaster Mitigation (PDM) grant program provides funds are awarded for all-hazard mitigation planning and projects, such as the construction of community and residential safe rooms for tornadoes, and wind retrofits, which are enhancements made to strengthen the roof, walls and doors of structures to minimize damage caused by high winds. This year, \$90 million is available, including \$10 million for federally-recognized tribes. States, territories and the District of Columbia may apply for the statutory allocation of up to \$575,000 federal share. The remainder of funds will be awarded on a competitive basis with an emphasis on mitigation activities that complement the post-disaster funding available under the Hazard Mitigation Grant Program and the flood mitigation funding from the FMA program.

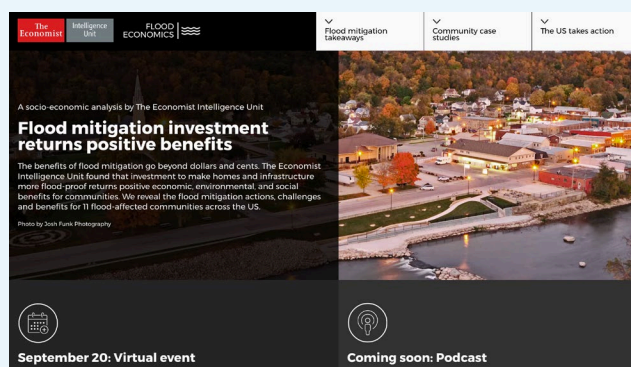


As required in the [Stafford Disaster Relief and Emergency Assistance Act \(Stafford Act\)](#), FEMA will provide the remainder of grant funding allocations to states and territories. These funds will be awarded on a competitive basis. FEMA's highest priority for competitive sub-applications is multi-state/tribal mitigation initiatives. In addition, FEMA's funding priorities are intended to avoid duplication of programs by providing pre-disaster funding to areas without post-disaster funding available through the Hazard Mitigation Grant Program (HMGP); and funding mitigation activities that cannot be funded by the FMA grant program.

The NOFO for FMA and PDM is available online at www.grants.gov and additional information is available at FEMA.gov. The FY2017 HMA application period opened on August 14, 2017. Eligible applicants must apply for funding through the Mitigation eGrants system on the FEMA Grants Portal accessible at <https://portal.fema.gov>. All applications must be submitted no later than 3 p.m. Eastern Daylight Time (EDT) on Nov. 14, 2017.

Further information on these grant programs is available at www.fema.gov/hazard-mitigation-assistance.

Flood Economics: Virtual Event and Podcast to be held September 20th



At the Resilient Nation Partnership Network (RNPN) Annual Forum in October 2016, FEMA launched [Flood Economics](#), a website created out of Resilience Action Partners' partnership with the Economist Intelligence Unit (EIU) to highlight the financial and business benefits of mitigation action.

The Partnership Network is continuing outreach efforts throughout 2017 and will be releasing a **podcast the week of September 11-15, but also hosting a Virtual Event on September 20, 1:00-2:00 p.m. ET.**

Both activities will feature speakers, including industry experts and decision makers from the case study communities, discussing their personal stories about flood mitigation, the current state of the nation, and what's next. For more information and to register, visit the Flood Economics website at www.floodeconomics.com.