

FLOOD & STORMWATER MANAGEMENT UPDATE



Federal Agencies Funded Through Current Fiscal Year



With President Trump signing the Consolidated Appropriations Act (HR 244) on May 5, 2017, the federal government is now officially in business through September 30, 2017—the end of the current fiscal year. The House approved the omnibus funding bill by a vote of 309-118 on May 3, 2017, and the Senate followed with its approval on May 4, 2017, by a vote of 79-18.

The trillion dollar funding package, which comes in at 1,665 pages, provides funding for the 11 agencies without approved spending bills. The Military Construction, Veterans Affairs appropriations bill was signed into law last September.

Congressional consideration of the major changes in federal spending priorities proposed by the Trump Administration will be part of the FY 2018 appropriations debate. The next fiscal year begins on October 1, 2017.

The U.S. Army Corps of Engineers was funded at \$6.04 billion in the bill, representing an increase of \$49 million over the funding levels provided for FY 2016 and \$1.4 billion above President Obama's budget request. The bill provides \$121 million for the Corps General Investigations and \$1.867 billion for Construction, with \$200 million provided for the regulatory program. Construction funding in the bill for flood control projects is set at \$150 million and \$190 million is provided for flood and storm damage reduction. Environmental restoration construction funding was set at \$25 million and the pot for environmental infrastructure received \$55 million.

With the bill's enactment into law on May 5, the clock starts ticking for the Corps to develop its work plan for programmatic funding which is due within 45 days of enactment.

The Bureau of Reclamation is funded at \$1.3 billion under the bill—\$42 billion above the FY 2016 enacted level.

Also included in the bill is a total of \$8.2 billion in emergency and disaster funding for the current fiscal year for needs resulting from floods, fires, and other extreme weather events. Also under Department of Homeland Security funding, FEMA's flood hazard mapping program would receive \$177.5 million.

National Association
of Flood & Stormwater
Management Agencies

P.O. Box 56764
Washington, D.C. 20040

T 202.289.8625

www.nafsma.org

EPA Funded At \$8.06 Billion

Funding provided for the U.S. Environmental Protection Agency in the omnibus bill, comes in at about \$81.4 million below the FY 2016 enacted funding level. The bill rejects the Obama Administration's proposed increase in staffing and holds the agency at its current \$15,000 staffing position capacity. In addition, the agency is directed to submit an operating plan for the current fiscal year with 30 days of enactment and to stay under a \$1 million limit for reprogramming of funds. About \$2.6 billion is provided in the bill for environmental programs and management, while science and technology programs would receive \$706 million.

A total of \$2.3 billion is provided in the bill for Clean Water and Drinking Water State Revolving Funds (SRFs)—the same amount enacted for the programs in FY 2016.

NAFSMA Levee Group Drafts New White Paper

NAFSMA's Levee Subcommittee will hold a luncheon meeting during the Annual Flood and Stormwater Management Conference on Tuesday, June 27 at the Belmond Charleston Place. In preparation for the meeting, NAFSMA is drafting a brief white paper on levee issues.

NAFSMA is looking for members to help draft the white paper. Please let us know as soon as possible if you are interested and able to help the drafting group. The white paper will be reviewed by the NAFSMA Leadership at the group's meeting on Monday, June 26 and then again by the Levee Subcommittee on Tuesday with the goal of having the paper approved by the membership as part of the business meeting on Thursday morning, June 29.

Also the Subcommittee leadership is looking on input for agenda items for the committee discussion on June 27. So please send your recommendations in on agenda items as well.

Please email dustyw2015@gmail.com and ssimpkins@mcdd.org if you can help on the drafting team and/or if you have recommendations for agenda items. Please respond to this email by Friday, May 12 so that we make sure to include your input as we move forward on these items.

President Nominates Administrator for FEMA



FEMA

The White House has nominated Brock Long as Administrator for the Federal Emergency Management Agency. Mr. Long has more than 16 years of experience assisting and supporting local, state, and federal governments with building robust emergency management and public health preparedness programs. Since 2011, he has worked as Executive Vice President at Hagerty Consulting, an emergency management consulting firm based in Illinois.

From 2008-2011, Mr. Long served as Director of Alabama's Emergency Management Agency (AEMA). As Director, he served as the State Coordinating Officer for 14 disasters, including eight presidentially-declared events. Mr. Long also served as an on-scene State Incident Commander for the Alabama Unified Command during the Deepwater Horizon oil spill. Prior to his position as Director at AEMA,

Mr. Long was a FEMA Regional Hurricane Program Manager, FEMA Hurricane and Evacuation Liaison Team Leader, and statewide school safety coordinator for the Georgia Emergency Management Agency. His areas of expertise include strategic emergency operations planning, exercise, evacuation, school safety, recovery management, and response logistics.

Second Nominee for Secretary of the Army Withdraws from Consideration



Mark E. Green, the most recent nominee to be put forward for the position of Secretary of the Army, withdrew his name from consideration for the position on May 5, 2017. In a statement provided to NBC News and reported by the Washington Post, Mr. Green cited “false

and misleading attacks against him,” as the reason for his pulling out of consideration for the Army post.

Mark Green was a veteran of the Iraq War and served as a Republican State Legislator in Tennessee.

The President’s first nominee for Army Secretary, Vincent Viola, had withdrawn his name from consideration in February.

GAO Report on Nation Flood Insurance Program Released

The Government Accountability Office (GAO) on April 27 released a new report titled “Flood Insurance—Comprehensive Reform Could Improve Solvency and Enhance Resilience.” A copy of the 58-page report can be found at <http://www.gao.gov/assets/690/684354.pdf>.

In its opening statement in the report, GAO stated that based on discussions with stakeholders and the agency past work in this area, reducing federal flooding exposure and improving resilience to flooding will require comprehensive reform of the NFIP that will need to include potential actions that address the following six areas:

- Outstanding debt
- Premium Rates
- Affordability
- Consumer Participation
- Other Barriers to Private-Sector Involvement
- NFIP Flood Resilience Efforts

All six of the areas identified above are discussed in the GAO report.

Senate Banking Committee Holds Second Hearing on NFIP Reform

The Senate Banking, Housing and Urban Affairs Committee on May 4, held a second hearing to discuss critical issues related to NFIP reauthorization. In his opening comments for the hearing, Committee Chairman Michael Crapo (R-ID) raised FEMA’s testimony presented at its first hearing on the NFIP by Roy Wright, the agency’s deputy associate administrator for insurance and mitigation, and encouraged FEMA to continue the implementation of the many changes required under the law. The chairman noted that he wants to authorize the NFIP by September 30 and to help consumers and protect taxpayers.

Ranking Member Sherrod Brown (D-OH) discussed the nation’s growing population and changing climate, noting that they both will increase the impacts of flooding and noted that he is also interested in FEMA’s implementation of changes required by law.

Testifying before the Senate Banking Committee on May 4 were Larry Larson, director emeritus and senior policy advisor for the Association of State Floodplain Managers; Steve Ellis, vice president of Taxpayers for Common Sense (testifying on behalf of the SmarterSafer Coalition); and Michael Hecht, president and chief executive officer of Greater New Orleans, Inc. (on behalf of the Coalition for Sustainable Flood Insurance).

Mr. Larson indicated in his testimony that he likes some of the concepts in the Cassidy-Gillibrand draft but feels that a 10-year authorization is too long. His testimony also stressed the importance of FEMA’s mitigation programs to property owners and communities and indicated that the country needs to complete mapping the nation and get the program out ahead of development.

Steve Ellis’s testimony stressed the need to reform the NFIP so that it is sustainable, raising the issue of the program’s enormous (\$23.6 billion) debt, and noted that rates must be tied to risk with premium subsidization for lower income individuals.

All of the witnesses touched on the importance of accurate flood maps to the NFIP.

For copies of written testimony presented by the witnesses and background on the NFIP hearing, go to <https://www.banking.senate.gov/public/index.cfm/2017/5/reauthorization-of-the-national-flood-insurance-program-part-ii>.

Draft Flood Insurance Bill Released in Senate for Discussion



Sens. Kristen Gillibrand (D-NY) and Bill Cassidy (R-LA) have recently released a discussion draft for consideration as the process to reauthorize the National Flood Insurance Program moves forward. The program needs to be authorized by September 30, 2017, in order to avoid any lapse in the program. Neither sponsor of the bipartisan draft is currently a member of the Senate Banking, Finance and Urban Affairs Committee, which has jurisdiction over authorizing legislation for the NFIP, but both represent states with a keen interest in the flood insurance program.

The draft legislation calls for a 10-year reauthorization of the program to provide stability for the insurance and housing markets and calls for FEMA to annually cede a portion of the NFIP's risk to the private reinsurance or capital markets.

A number of provisions of interest to NAFSMA members are included in the package as well, some of which are listed below:

- FEMA will be required to reallocate existing surcharges under PL 113-89 to better finance the Pre-Disaster Mitigation and Flood Mitigation Assistance Programs

- Provide a \$500 credit in premiums to offset the cost of obtaining an elevation certificate
- FEMA to develop premium credits to offset flood mitigation activities undertaken on properties in all zones
- Calls for alignment of NFIP premiums with private sector by using replacement value of a structure when calculating premiums
- Would establish vouchers to aid with affordability issues for some policy holders
- Increases available coverage limits from \$250,000 to \$500,000 for residential structures and from \$500,000 to \$1,000,000 for multifamily and business structures
- While including provisions for increasing private market access to coverage, the draft would preserve funding for NFIP flood mapping and mitigation programs by ensuring that certain NFIP surcharges and fees carry over to the private market as well
- Authorization of the National Flood Mapping Program at \$500 million annually for the 10-year period covered by the bill
- Authorization of the Technical Mapping Advisory Council (TMAC) to develop map standards for FEMA and non-government entities to give communities additional avenues to streamline the mapping process and develop maps that use updated community data and technology
- Calls for the improvement of mapping in leveed areas to provide to appropriately recognize the level of protection that the flood mitigation feature provides

NAFSMA leadership will be meeting with staff on Capitol Hill and others to discuss the importance of NFIP Reauthorization and issues of importance to the membership.

House Approves Three Bills Aimed At FEMA's Disaster Response and Recovery Programs

The House last week approved three bipartisan bills designed to strengthen federal disaster response and recovery. The three bills listed below with descriptions from the House Economic Development, Public Buildings and Emergency Management Subcommittee press release, have now been sent to the Senate for consideration.

H.R. 1665 – Directs FEMA to appropriately weigh and consider severe local impact when evaluating whether to recommend a major disaster declaration. This bill ensures a more level playing field for smaller communities when impacted by severe disasters.

H.R. 1678 – Implements a statute of limitations on FEMA's ability to recover grant assistance from recipients after a disaster, in cases where there is no evidence of fraud, waste or abuse.

H.R. 1679 – The FEMA Accountability, Modernization and Transparency Act of 2017 modernizes FEMA's management of grant programs to improve applicant accessibility and transparency. This bill was approved unanimously in the House.

NAFSMA will keep members apprised of the bills' progress in the Senate.

Senate Panels Hold Key Hearings on Water Resources and Endangered Species Act

The Senate Environment and Public Works Committee's Transportation and Infrastructure Subcommittee, under the leadership of Chairman Jim Inhofe (R-OK) held a hearing on May 9 titled "Water Resources: The Role of Public and Private Sectors."

Witnesses at this hearing included Lt. Gen. Todd T. Semonite, commanding general and chief of engineers, USACE; James K. Lyons, director and chief executive officer of the Alabama Port Authority; Gran Humphreys, town founder, Carlton Landing, OK; Pete K. Rahn, Maryland's secretary of transportation; and Rick Goche, commissioner, Port of Bandon, OR.

The following day, the full Environment and Public Works Committee, chaired by Sen. John Barasso (R-WY) held a hearing to solicit state views on the need to modernize the Endangered Species Act (ESA). Testifying before the committee on ESA issues were Executive Director Nick Way, of the Florida Fish and Game Commission; Director Larry Voyles, with the Arizona Game and Fish Department and former president of the Association of Fish & Wildlife Agencies, and Director Janet Colt, of Rhode Island's Department of Environmental Management.

Testimony from both hearings is available at <https://www.epw.senate.gov/public/index.cfm/hearings>.

ESA Reform Bills Introduced In Senate and House

Sens. Rand Paul (R-KY) and Dean Heller (R-NV) on April 25, 2017, jointly introduced a comprehensive bill to reform the Endangered Species Act (ESA). Titled the "Endangered Species Management Self-Determination Act," S. 935 has been referred to the Senate Environment and Public Works Committee. A hearing on ESA reform to solicit state testimony was held this week (see story above). Under S. 935, the U.S. Secretary of Interior would be required to obtain the consent of governors before making decisions that affect species within their states.

Details on S. 935 are available at <https://www.congress.gov/bill/115th-congress/senate-bill/935/related-bills>.

A companion bill (H.R. 2134) was introduced in the House by Rep. Blaine Luetkemeyer (R-MO) also on April 25. Similar bills have been offered by these sponsors in both chambers in the past. To read the text of H.R. 2134 go to <https://www.congress.gov/bill/115th-congress/house-bill/2134/text>.

NAFSMA Submits Comments on Corps EC to Implement Floodplain Management EO 13690

In advance of the May 1 deadline for comments, NAFSMA submitted comments to the U.S. Army Corps of Engineers (USACE) on the draft engineering circular (EC) released for review in December 2016. Comments had originally been due on January 30th, however, the comment period was extended to May 1, 2017.

Key to the approach proposed by USACE to implement the new Federal Flood Risk Management Standard (FFRMS) established by the Obama Administration's Executive Order 13690 was the use of Climate Informed Science as the first option of choice. Copies of NAFSMA's comments submitted on April 28th, are available at www.nafsma.org with a link provided under Latest News.

NAFSMA has also commented on FEMA's guidance for implementation of the FFRMS as well as the approach proposed by the Department of Housing and Urban Development.



Register Now for NAFSMA Flood and Stormwater Management 2017

The link to hotel reservations at the Belmond Charleston Place and online registration can be found at www.nafsma.org.