

FLOOD & STORMWATER MANAGEMENT UPDATE



Supreme Court to Continue Work on WOTUS

The Supreme Court announced on April 3 that it will continue hearing a case related to the Waters of the United States rule issued by the Obama Administration. President Trump signed an Executive Order last month calling for a review and possibly rescinding the rule. In making this decision, the nation's highest court rejected the U.S. Department of Justice's motion to halt the litigation.



The case before the Supreme Court questions whether the legal challenges to the WOTUS rule should most appropriately be considered in appeals courts or federal district courts. The U.S. Court of Appeals for the Sixth Circuit decided the appeals courts have jurisdiction and issued a stay over the rule last February. The case filed by the National Association of Manufacturers, which argued that the district courts were most appropriate to handle the issue and requested the Supreme Court to review the Sixth Circuit's decision, is the one that is currently before the high court.

The Justices put the case on the court's docket in January. The Trump Administration had requested the Supreme Court to halt consideration of the case following the release of its Executive Order addressing the controversial WOTUS rule.

The choice of the proper court will guide resources needed for litigation and help to determine whether challenges can be launched in later proceedings.

Infrastructure Package Could Be Ready Next Month



Transportation Secretary Elaine Chao on April 5 reportedly briefed a large group of Majority leaders on Capitol Hill on the Administration's plan to begin action on the promised trillion dollar Infrastructure package, which the Secretary indicated could be ready late next month. House Transportation and Infrastructure Chairman Bill Shuster (R-PA) followed up by talking with a number of organizations with an infrastructure focus the next day. During the discussion, he stressed that the President is behind an infrastructure package and that House Transportation

Committee staff are talking with the White House about infrastructure on a regular basis.

According to Mr. Shuster in comments during a Transportation hearing on April 5, Secretary Chao made it clear that this bill is important to the President, and he stated that "there's a federal component to it, obviously, and we've got to figure revenues out, how we get more revenues."

As with infrastructure bills in the past, the shovel-readiness of a project is expected to be a key factor in funding decisions. President Trump recently indicated that a startup period of 90 days would be needed to qualify.

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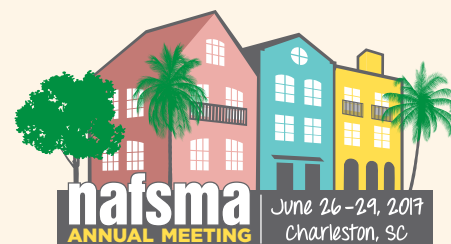
NAFSMA April 11 Membership Call to Focus on NFIP Reauthorization

NAFSMA has scheduled a membership call for 11 a.m. Eastern on Tuesday, April 11, to focus on National Flood Insurance Program legislation. Reauthorization of the NFIP is needed before September 30, 2017, to prevent a lapse in the program. Chad Berginnis, Executive Director of the Association of State Floodplain Managers (ASFPM), will start off the call by sharing issues that ASFPM has identified for consideration during reauthorization of the program.

NAFSMA Executive Director Susan Gilson will share an overview of other issues identified for consideration during legislative efforts on the program and NAFSMA's Floodplain Management Committee Co-Chairs Josh Stuckey, of Harris County, TX; Shea Thomas, of the Urban Drainage and Flood Control District; and Bob Turner of the Southeast Louisiana Flood Protection Authority East will lead the discussion on NAFSMA issues.

Make Your Plans Now To Attend NAFSMA's Annual Meeting in Charleston, SC

NAFSMA members are urged to register now and make their travel arrangements to participate in the association's upcoming Flood and Stormwater Management 2017. The meeting will be held at the wonderful Belmond Charleston Place in the heart of downtown Charleston with general sessions beginning early in the morning on Tuesday, June 27 and running through noon on Thursday, 29. Tours of flood and stormwater management projects in the Charleston area will be held on the afternoon of Thursday, June 29 and will conclude by 4 p.m.



NAFSMA is pleased to announce that joining us to provide this year's keynote on Wednesday, June 28, will be John Englander, world-renowned speaker on sea level rise and its impacts on communities. John's book, "High Tide on Main Street," presents the issues associated with sea level rise in an engaging, unique and understandable way.

NAFSMA members and colleagues also won't want to miss this year's special evening event at the Riviera Theater, which this year will include a performance of Washington's own "Capital Steps" just for NAFSMA attendees and their guests!

Online registration and the link for hotel reservations are available on the top of the home page at www.nafsma.org.

EPA Announces April 27 Webinar on Innovative State Water Resources Programs To Build Resilience

State agencies are developing innovative practices to build resilience into the water resource programs they administer. This webinar will highlight three innovative state initiatives that address novel stressors and improve the resilience of program operations. These examples are drawn from the Innovative State Water Agency Practices database, which includes additional practices and is a collaborative effort between the Association of Clean Water Administrators, Association of State Drinking Water Administrators, Association of State Wetland Managers, and the EPA's Office of Water.

The webinar will be held from 1–3 p.m. Eastern on April 27, 2017. To register, visit: <https://attendee.gotowebinar.com/register/7126072679312246531>

For more information on the U.S. Environmental Protection Agency's (EPA) Innovative State Water Agency Practices, please visit the online [database](#).

WEF Stormwater Institute Extends Stormwater Program Award Submission to Friday, April 14

The WEF Stormwater Institute has extended its submission deadline to recognize high-performing regulated Phase I and Phase II municipal separate storm sewer system (MS4) programs until Friday, April 14. Award winners meet and exceed regulatory requirements in innovative ways that are effective and cost efficient.

Submissions will undergo an expert committee review and selection process. Winners will be designated a bronze, silver, or gold community within the categories of both program management and innovation.

WEF also will identify high-performers in program management and innovation. The Phase I and Phase II communities with the overall highest score will be recognized this fall at WEFTEC 2017.

Download the fillable application at <http://www.wef.org/globalassets/assets-wef/2---membership/awards-and-recognition/awards/wef-awards/application-for-municipal-separate-storm-sewer-system-ms4-awards.pdf>. Once completed, return it to Kelsey Hurst at khurst@wef.org.

New Survey Results Released on Flood Reform



The PEW Charitable Trusts on April 5 released the results of a poll of registered voters across party lines carried out in March 2017 that indicate that almost three-quarters of those surveyed support policies to that would enable communities to better prepare for and respond to floods. The survey was carried out by the research firm Public Opinion for the Foundation.

Participants were asked questions about the National Flood Insurance Program. According to PEW, respondents overwhelmingly support proposals to require property sellers to disclose flood risk and that communities take steps to lessen flood impacts and thus reduce cost of rebuilding.

According to the findings, which can be accessed at <http://www.pewtrusts.org/en/research-and-analysis/blogs/compass-points/2017/04/05/poll-nearly-75-percent-of-voters-back-flood-reforms>, 81 percent of those registered voters polled support a single, national standard to disclose property flood risk. Other questions that yielded support from voters covered such issues as support local action to reduce flood risk in communities (for example by improving drainage, protecting wetlands or helping homeowners to safeguard their properties); requiring that all federally funded infrastructure in flood-prone areas to be constructed to better withstand the impacts of flooding; and buyouts for repeatedly flooded homes in environmentally sensitive areas.

To read more about the PEW Charitable Trusts work on Flood-Prepared Communities, including a link to an interview with the Hon. Joe Riley, the former Mayor of Charleston, SC, on the city's sea level rise strategy (which will be discussed at NAFSMA's 2017 Flood and Stormwater Management Annual Conference in Charleston in June), go to <http://www.pewtrusts.org/en/projects/flood-prepared-communities>.



Join
**NAFSMA in
Charleston, SC
June 26-29, 2017**

**Online Registration
and Hotel
Reservations at
www.nafsma.org**

FEMA Updates on NFIP and Mitigation Activities

FEMA Launches Comment Period on Draft Environmental Impact Statement on NFIP

The Federal Emergency Management Agency (FEMA) on March 31, 2017, announced the availability of the draft National Flood Insurance Program's (NFIP) Nationwide Programmatic Environmental Impact Statement (NPEIS). The NFIP draft NPEIS includes an evaluation of the potential impacts to the natural and human environment associated with the NFIP at a programmatic level, as well as an evaluation of impacts of alternative proposals to modify the NFIP. The purpose for making program modifications to the NFIP is to:

- (a) implement the legislative requirements of the Biggert-Waters Flood Insurance Reform Act of 2012 and the Homeowner Flood Insurance Affordability Act of 2014; and
- (b) demonstrate compliance with the Endangered Species Act (ESA).

To download a copy of the NFIP draft NPEIS prior to the announcement in the Federal Register, visit: <https://filetransfer.bah.com/fcweb/jsp/downloadFiles.jsp?0398=1490964290398>.

Tracking Number: P5MMQXUX137SCG9B
PIN: 238289

You can also download a copy via the federal e-rulemaking portal (<https://www.regulations.gov>; Docket ID FEMA-2012-0012) on April 7, 2017.

FEMA will hold public meetings to allow the public an opportunity to learn more about the project and to provide comments on the draft NFIP NPEIS at the following locations:

April 2017

Brooklyn, New York

New York Headquarters Fire Department
9 MetroTech Center, Brooklyn, NY 11201
Thursday, April 20, 2017
3:30-5:30 p.m. EDT

New Orleans, Louisiana

New Orleans Public Library
219 Loyola Avenue, New Orleans, LA 70112
Tuesday, April 25, 2017
5:30-7:30 p.m. Central Time (CT)

Ft. Lauderdale, Florida

United Way of Broward County Ansin Building
1300 South Andrews Avenue, Ft Lauderdale, FL 33316
Thursday, April 27, 2017
5:00-7:00 p.m. EDT

May 2017

Portland, Oregon

Multnomah County Library Midland Branch
805 SE 122nd Avenue, Portland, OR 97233
Wednesday, May 10, 2017
5:00-7:00 p.m. Pacific Time (PT)

Kansas City, Missouri

Kansas City Public Library
14 West Tenth Street, Kansas City, MO 64105
Wednesday, May 17, 2017
5:00-7:00 p.m. CT

Washington, DC

FEMA Headquarters
400 C Street SW, Conference Center Room A
Washington, DC 20472
Friday, May 19, 2017
3:00-5:00 p.m. EDT

FEMA Updates on NFIP and Mitigation Activities (cont'd)

In addition to the public meetings, FEMA has organized a series of webinars. Similar to the in-person public meetings, FEMA will present information during the webinars about the draft NPEIS and accept comments on the document. Webinars are scheduled for the following dates:

- Tuesday, April 18, 2017 from 2:00-4:00 p.m. EDT
- Wednesday, April 26, 2017 from 5:00-7:00 p.m. EDT
- Tuesday, May 9, 2017 from 5:00-7:00 p.m. PT

To register for a webinar or for more information, visit <https://www.fema.gov/programmatic-environmental-impact-statement>.

Comments may be submitted by one of the following methods and must be identified by Docket ID FEMA-2012-0012:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Search for Docket ID FEMA-2012-0012 and follow the instructions for submitting comments.
- *Mail/Hand Delivery/Courier:* Regulatory Affairs Legal Division, Office of Chief Counsel, Federal Emergency Management Agency, Room 8NE, 500 C Street SW, Washington, DC 20472

The public comment period on the NFIP draft NPEIS starts with a concurrent publication in the Federal Register and will end on June 6, 2017. FEMA will consider all comments recorded at the public meetings and webinars and electronic and written comments on the NFIP draft NPEIS received or postmarked by June 6, 2017. Agencies, interested parties, and the public are invited to submit comments on this Draft NPEIS at any time during the public comment period.

FEMA Seeks Comments on a Public Assistance Deductible Concept

In response to calls from members of Congress, the Government Accountability Office, and the DHS Office of Inspector General over the last several years, FEMA is working to reform the way the federal government supports states following disasters. The agency continues to actively explore the concept of a deductible, specifically leveraging the Public Assistance Program. Individual Assistance programs, such as direct aid to households after a disaster, would remain unchanged.

FEMA is committed to a transparent stakeholder engagement effort to explore how the program might move forward. In 2016, FEMA sought public comments on the basic concept of a deductible through www.Regulations.gov under docket ID FEMA-2016-0003. After considering the 150 comments received, FEMA developed a conceptual model framework that is now available for public comment until **April 12, 2017**. This Supplemental Advance Notice of Proposed Rulemaking, or SANPRM, is available for 90-days on www.Regulations.gov under docket ID FEMA-2016-0003 at this link: [FEMA FRDOC 0001](https://www.fema.gov/frdoc/0001).

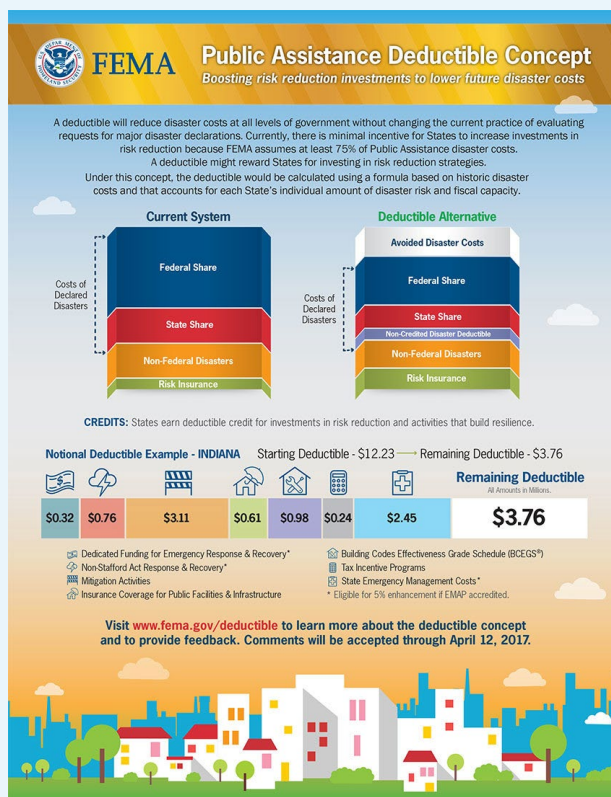


Image: www.fema.gov

FEMA Updates on NFIP and Mitigation Activities (cont'd)

EMI Offers Table Top Training on Community Flooding Events



FEMA's Emergency Management Institute (EMI) Virtual Tabletop Exercise (VTTX) program will offer a flood scenario **May 24-25, 2017**. The VTTX is designed to help emergency management professionals exercise their response to the impact of major flooding on their community. The VTTX involves key personnel discussing simulated scenarios in an informal setting, and can be used to assess plans, policies, training, and procedures during a flood and inundation challenge.

Each month, EMI conducts a VTTX series using a Video Teleconference (VTC) platform to reach community-based training audiences around the country by providing a virtual forum for interactive disaster training. The VTTX is designed for a group of ten or more representatives from state, local, tribal, and territorial emergency management communities of practice. It provides a unique opportunity for responders across the nation to simultaneously participate in a hazard-specific, facilitated discussion. Participants will need to connect via a site equipped with the appropriate VTC capability (not Adobe Connect or Face Time-based), but alternate ways to participate are also available upon request.

The VTTX occurs 12-4 p.m. ET. To participate, send an email to douglas.kahn@fema.dhs.gov or call 301-447-7645. Also, send a courtesy copy email to fema-emi-iemb@fema.dhs.gov or call 301-447-1381. **The application deadline is May 1, 2017.** Additional information is available at <https://training.fema.gov/programs/emivttx.aspx>.

National Emergency Management Advanced Academy Applications

EMI is accepting applications for the [National Emergency Management Advanced Academy](#). This program addresses program management and oversight, effective communication, integrated collaboration, and strategic thinking skills. The target audience is mid-level managers who have a minimum of three years of experience in an emergency management position to include government, non-profit, voluntary organization, and private sector leaders who are responsible for emergency management or homeland security.

The Advanced Academy Program consists of four resident courses and is five days in length. Classes begin in October, November, or December 2017 and are ideally taken sequentially through September 2018. [Applications](#) will be accepted until **May 31, 2017**, with selections in June and announcements in July.

For more information, contact fema-empp-advanced-academy@fema.dhs.gov