

October 19, 2016

Submitted via www.regulations.gov

Adrian Sevier
Regulatory Affairs Division
Office of Chief Counsel
Federal Emergency Management Agency
8NE-1604, 500 C Street SW
Washington, DC 20472-3100

RE: Seeking Public Comment on FEMA's Proposed Implementation of the FFRMS;
Docket ID: FEMA-2015-0006

Dear Mr. Sevier:

SmarterSafer- a coalition of environmental organizations, taxpayer advocates, insurance representatives, housing organizations and mitigation experts-that advocates for environmentally-responsible, fiscally-sound approaches to natural catastrophe policy is pleased to submit this letter of comment on the Federal Emergency Management Agency's (FEMA) proposed rule (81 Fed. 57402) to implement Executive Order 13690 and the Federal Flood Risk Management Standard (FFRMS).

Recognizing the increasing flood damages the nation is experiencing, the Administration issued the FFRMS, via Executive Order 13690, to improve the resilience of communities and Federal assets against the impacts of flooding. The FFRMS will better protect people and property, will more effectively guide the federal government away from making risky investments in the nation's floodplains, and will save taxpayer dollars by reducing post-disaster recovery costs.

SmarterSafer, in general, supports FEMA's proposal implementing the FFRMS. We support requiring investments be built at higher elevations so that property will be better protected; we support the move away from labelling floods as '100' or '500' year floods; and we are pleased to see reference to using natural features for mitigation.

FEMA uses the Freeboard Value Approach (FVA) to delineate the FFRMS floodplain for non-critical federally-funded projects; Freeboard is an effective and widely accepted means by which to mitigate flood risk. Multiple states and local communities have already implemented flood protection standards that either meet or exceed the elevation requirements under the FVA. SmarterSafer applauds FEMA's decision to ensure state, tribal, territorial, or local government flood risk standards are adhered to when those standards are more protective than the FEMA standard.

SmarterSafer is also supportive of changing the references to the "100-year flood" and "500-year flood" to the "1 percent annual chance flood" and "0.2 percent annual chance flood." SmarterSafer agrees that use of the terms "100-year flood" and "500-year flood" can cause confusion, and an underestimating of the true flood risk. SmarterSafer also supports ensuring that natural features including natural systems, grasslands, wetlands, berms and dunes are

included as cost effective measures to protect against flooding. However, we remain concerned that the proposal does not provide adequate guidance on the requirement to consider natural systems, ecosystem processes, and nature-based approaches. We urge FEMA to define how to consider natural systems, ecosystem processes, and nature-based approaches specifically for riverine systems.

SmarterSafer, however, is concerned that FEMA only proposes the use of the Climate Informed Science Approach (CISA) as a secondary option for determining the FFRMS floodplain and corresponding level of resiliency to which critical projects must be built. Critical projects include public facilities or projects where the loss or inability to operate in a flood would seriously degrade public safety (e.g. a police station), public health (e.g. a hospital or water treatment plant), or cause environmental degradation (e.g. a sewage treatment plant). The use of the CISA is especially important in coastal areas and CISA should be the primary approach. For critical projects, the FVA should only be used if it provides a higher level of protection than the CISA.

Lastly, while SmarterSafer understands the provision in EO 13690 that exempts “emergency actions” from application of the FFRMS, we urge the agency to narrowly define what constitutes an “emergency action.” The purpose of the executive order is to create flood-resilient communities, which necessitates that it be broadly applied. While rebuilding quickly post-disaster is vital to community well-being, it should not come at the expense of making that community more resilient to the next disaster.

FEMA’s prompt implementation of the FFRMS is critical because FEMA is one of the lead federal agencies when it comes to disaster management, preparedness, and response. Implementation of the new standards for all federal funds not yet obligated will significantly improve the resilience of and protect federal investments. The agency has provided \$48.6 billion through its Public Assistance Grant Program between 1988 and 2014, to assist post-flood disaster response efforts, including the repair of public facilities, buildings, and infrastructure. FEMA also provides funds to states and local communities to pursue projects that are designed to proactively reduce vulnerability to future flood disasters through various disaster mitigation grants programs. Prompt implementation of FEMA’s proposed regulations for implementing the FFRMS will ensure any future investments are done more safely, protecting people, property and federal investments.

The frequency and severity of floods is increasing in many regions of the United States, and with it, so are the costs to repair, rebuild, or replace our federally-funded infrastructure. FEMA, as a significant funder of pre- and post-disaster infrastructure projects nation-wide, is in a position to better protect people and property by incentivizing resilience. Over the long-term, Executive Order 13690 and the FFRMS, will significantly reduce the costs of post-flood recovery and promote sound investment of taxpayer dollars.

We look forward to working with you on this important matter. For any further information, please contact Jenn Fogel-Bublick at Capitol Counsel at (202) 861-3200.

Sincerely,

SmarterSafer
(member list attached)

MEMBERS

Environmental Organizations

American Rivers
Center for Climate and Energy Solutions (C2ES)
Ceres
ConservAmerica
Defenders of Wildlife
Natural Resources Defense Council
National Wildlife Federation
Sierra Club

Consumer and Taxpayer Advocates

Coalition to Reduce Spending
R Street
Taxpayers for Common Sense
Taxpayers Protection Alliance

Insurer Interests

Allianz of America
Association of Bermuda Insurers and Reinsurers
The Chubb Corporation
Liberty Mutual Group
National Association of Mutual Insurance Companies (NAMIC)
National Flood Determination Association
Reinsurance Association of America
SwissRe
USAA

Mitigation Interests

Natural Hazard Mitigation Association
National Fire Protection Association

Housing

National Housing Conference
National Leased Housing Association

ALLIED ORGANIZATIONS

American Consumer Institute
Association of State Floodplain Managers
Center for Clean Air Policy
Friends of the Earth
Institute for Liberty
Property Casualty Insurers Association of America
Union of Concerned Scientists
Zurich