FACT SHEET – Federal Flood Risk Management Standard
February 2015

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What is it?


- EO 13690 replaces the 100-year BFE standard used to determine the existence of a “floodplain” and whether federal avoidance requirements apply with three options for establishing the new, expanded FFRMS elevation and flood hazard area:
  - Climate-informed Science Approach – using best-available data and methods that integrate current and future flooding;
  - Freeboard Value Approach – adding an additional 2 or 3 feet of freeboard to the BFE of the 100-year flood; or
  - 500-year Elevation Approach – using the area subject to flooding by the 0.2%-annual-chance flood.

- The FFRMS will apply to all federal actions in or affecting a floodplain, including (1) acquiring, managing, and disposing of Federal lands and facilities; (2) providing Federally undertaken, financed or assisted construction and improvements; and (3) conducting Federal activities and programs affecting land use, including but not limited to, water and related land use resource planning, regulating and licensing activities. Agencies are directed to individually determine which of the three options best suits missions, authorities and programs. National security and emergency action exceptions may be made by agency heads.

Implementation

Simultaneous with the issuance of EO 13690, the Federal Emergency Management Agency (FEMA) issued draft Revised Guidelines for Implementing Executive Order 11988, Floodplain Management, and is soliciting comments on implementation of the new standard, but not on the standard itself, until April 6. In addition, FEMA will hold a series of listening sessions around the country to provide the opportunity to listen, ask questions, and provide feedback on how federal agencies should implement the standard. The listening sessions are not intended to provide a forum to discuss the merits of the three alternatives set forth in the standard. Thereafter, final amended guidelines, which agencies would be required to follow in implementing the new standard, will be issued by the Water Resources Council.
Why are we concerned?

- **Lack of transparency.** The standard was issued without providing an opportunity for transparent and meaningful public input to consider whether the standard provides an effective basis by which to achieve the stated goals of improving the Nation’s preparedness and resilience against flooding. Assertions of flexibility offered in the implementation of the standard do not provide for an in-depth analysis of the standard itself.

- **Absence of cost-benefit analysis.** The standard was issued with neither consideration of a complete understanding of the widespread impact of such changes, nor an assessment on the impact on local communities who will bear the burden of the standard.

- **Uncertainty and inconsistency.** Federal department and agencies will have the option of implementing one of the alternatives set forth in the FFRMS, creating uncertainty, confusion and regulatory disparity across the government. Moreover, the BFE+1 standard applicable to rebuilding after Superstorm Sandy will continue to apply to that region, calling into question the merits of the FFRMS.

- **Breadth of coverage and impacts.** FFRMS applies to a broad range of federal activities beyond simple facilities construction or improvements, including: the issuance of Federal permits, licenses and approvals, including Clean Water Act permits, the requirement for which would be expanded under the currently pending “Waters of the United States” rulemaking; disaster preparedness assistance, and emergency repair and rehabilitation assistance pursuant to PL84-99; USDA agricultural subsidies; federal highway aid and U.S. DOT TIGER grants; housing programs and loans administered by HUD, VA and FHA; consultation requirements under section 7 of the Endangered Species Act, and numerous others.

- **Water Resources Council.** EO 13690 calls for the Water Resources Council to issue amended Guidelines to implement the FFRMS, even though the Council has not received any federal funding since 1982. Equally troubling, the Council’s implementing regulations, including its rules of practice and procedure and the requirement to conduct its activities in compliance with the public notice and meeting requirements of the Government in the Sunshine Act, 5 USC 552b, have not been complied with, calling into question both the integrity and the legality of the FFRMS.

What do we want?

- A halt to all efforts to implement the FFRMS until there has been a meaningful, public, inclusive opportunity for full consideration of the methods by which to delineate the floodplain, including a thorough analysis of whether the new alternatives are feasible, implementable, and whether imposition of them would achieve the purported goals.

- Public release of all documents and background materials relied upon to develop the 3 alternative approaches set forth in EO 13690, including the technical, scientific and economic data underpinning FFRMS, as well as analyses of practicable compliance actions that are expected at the local level.

- A careful, peer-reviewed scientific assessment of how climate change could impact flood risk at local levels, prior to development and implementation of any new requirements.

- A thorough cost-benefit analysis of the alternatives provided for in the FFRMS.