

Floodplain Manager's Notebook – New Column Debuts

In this new Insider column we're going to address a wide range of topics of interest to floodplain managers. We'll take a look at some unusual questions and give you answers – or opinions – that will be thought provoking and informative. Submit your own items or suggestions for future columns to column editor Rebecca Quinn, CFM, RCQuinn Consulting, at rcquinn@earthlink.net. Comments welcomed!

Here's Something You Might Find Interesting . . .

We all know that flood openings in solid walls below the BFE are required to have flood openings (except in V Zones, where enclosure walls must be designed to breakaway). And we all know that the NFIP regulations specify that the bottom of each opening is to be "no higher than one-foot above grade." [44 CFR 60.3(c)(5)] The purpose of the requirement is to create flow into enclosed areas to prevent a difference of more than one-foot of water depth between the inside and the outside. A difference in water depth creates unequal hydrostatic loads that can damage walls and load-bearing foundations. Given that purpose, how do you answer the question . . . not higher than one-foot above which grade?

It's not unusual for the interior of a crawlspace or the slab in an attached garage (or crawlspace) to be higher than the exterior grade. In these cases, the answer to the question is that the bottom of the opening should be less than 12 inches above the interior grade (see NFIP Technical Bulletin 1, bottom of page 3). Of course, from the outside of the building the openings will appear too high, and thus look non-compliant. All the more reason for the local floodplain manager or code official to review final Elevation Certificates carefully to make sure the surveyor correctly notes the interior elevation and the details on the openings. And all the more reason that owners should be advised to keep ECs with important papers so that future buyers will have accurate documentation of compliance. By the way, a good practice is to put openings even lower, especially if the final backfill and landscaping might end up being lower than originally planned. [RCQ]

In My Opinion . . .

There are too many ways that people can convince themselves that flood risks aren't real. One of the latest comes courtesy of the Michigan State Senate, which recently passed a resolution urging FEMA to reject proposed revisions to Michigan's floodplain insurance rate maps. The justification offered has two parts. The first is because Michigan has been lucky enough not to have experienced many significant floods over the 40 year history of the NFIP. This supported by evidence that the State's NFIP flood insurance policyholders have paid in nearly five times more premium dollars than they've received in claims.

The second reason is the assumption that map revisions always expand the boundaries of Special Flood Hazard Areas. While that may occur in areas where upland development has increased runoff, it is not always the case when better topography is used to draw the SFHA boundaries or when approximate A zones are studied using detailed methods. The primary rationale behind Map Mod – improving the quality of flood hazard data – seems to be lost on the lawmakers.

Michigan is far from free of flood hazards. Indeed, the state has received 25 major disaster or emergency declarations since 1965, of which 12 included flooding. Perhaps the State Senate's memory is short: only three of the flood disasters have been in the last 10 years. (To search federal disaster and emergency declarations online, by state and type of event, go to <http://www.fema.gov/news/disasters.fema>).

In my opinion, the 40-year record of the NFIP is much too short for the Michigan State Senate to justify keeping out-of-date flood maps as the basis for protecting public safety and reducing property damage.

Rather, I suggest that Michigan lawmakers consider that their relatively few flood insurance claims is evidence of many years of sound decisions by communities to recognize flood hazards in development decisions. [RCQ]

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Washington Legislative Report

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Lots Happening – and Also Not Happening!

As the Congressional session lurches toward a delayed wrap-up, a number of bills are being introduced; some are being marked up in committees; some are moving to the full House and Senate, yet others are stalled. Among those stalled are all of the appropriations bills for Fiscal Year 2007, which began on October 1. This first session of the 110th Congress was slated to have adjourned at the end of October. Then the projected adjournment date became mid-November. Now the expectation is that the Congress will recess for the Thanksgiving holiday and return until finally adjourning in mid-December. At this point, the federal government is operating on a Continuing Resolution providing for ongoing funding at FY '07 levels until November 16.

Several bills have been introduced just in the past few weeks addressing various aspects of the flood insurance program. One has already been reported out of committee; another will be marked up on November 6. Major legislation to address issues related to climate change is being marked-up. The Water Resources Development Act (WRDA) was finally completed in October and sent to the President. He vetoed it on November 2, as promised, and the votes to override the veto are scheduled for November 6. Legislation to establish a federal backstop capacity for state catastrophe funds will be considered on the House floor on November 7.

The flood insurance reauthorization and reform bills seem to be temporarily on hold since the Senate Banking Committee marked up its version in October after holding a hearing on October 2. The bill was officially reported out of committee (ready for Floor action) on November 1. It looks less and less likely that the bill will come to the Senate floor during this session, but it is still possible.

When the Congress returns in January, it will begin the second session of the 110th Congress. Since it is not a new Congress, all bills introduced or in the process of being acted upon will remain active.

Flood Insurance Reform

The Senate bill, which had been marked up on October 17, was reported out of the Senate Banking Committee and given a bill number on November 1. The bill number is S. 2284 and the accompanying committee report is S. Rept. 110-214. The bill is largely similar to the bill reported out of the Senate Banking Committee during the last Congress. A Managers' Amendment during mark-up made some significant additions however. These include:

- extension through 2013 of the Severe Repetitive Loss Pilot Program,
- creation of an Office of the Advocate at FEMA with a network of “advocates” at regional offices and, following flood events, in states, to assist consumers with NFIP claims issues,
- reiteration of responsibilities under the 2004 Flood Insurance Reform Act particularly noting the training and education for the insurance industry, regulators and agents
- a requirement for a report on the overall implementation of the 2004 Act.