TO: Federal Emergency Management Agency (FEMA)  
Technical Mapping Advisory Council (TMAC)  
FROM: No Adverse Impact Committee of the Association of State Floodplain Managers  
SUBJECT: Docket ID FEMA-2014-0022  
DATE: July 21, 2020

On behalf of the No Adverse Impact (NAI) Committee of the Association of State Floodplain Managers, please accept the following comments on Docket ID FEMA-2014-0022:

The No Adverse Impact (NAI) approach to floodplain management is to guide development in such a way as to avoid losses from floods and/or mitigate adverse impacts. One of the ways that communities have implemented No Adverse Impact principles is to identify the highest risk areas within their floodplains and then implement policies that prevent or restrict development in those areas. A variety of approaches have been used to identify and map areas that are unsafe, not only for occupants of those properties/structures, but also for first responders who may be called on to assist during a flood event. Areas with significant safety concerns have been delineated by several communities based on flood depth/velocity criteria or mapping of erosion hazard areas. Other communities use floodways shown on Flood Insurance Rate Maps (FIRMs) as a proxy for the highest risk areas. Some communities simply require structure setbacks from identified waterbodies. The Coastal Barrier Resources Act (COBRA) is a program that strives to minimize development in sensitive coastal areas. These examples have demonstrated the improved safety, reduced flood damage, and taxpayer savings that can be achieved by delineating high hazard or sensitive areas and then enforcing development restrictions and/or limiting taxpayer expenditures in these extremely hazardous areas. In addition, the preservation of natural floodplain features helps to mitigate the severity of flooding in other areas, while promoting the natural and beneficial functions of floodplains in their unaltered states.

In order to promote expanded implementation of this NAI strategy, communities need maps that delineate the highest risk areas of their floodplains. We propose the establishment of a new highest hazard flood zone and development of safety criteria for riverine, lake, and coastal floodplains that could be used to delineate this zone on flood maps. Criteria for delineating this zone could include flood velocities, flood depths, wave height / wave action, flood frequency, mean higher high-water line, documented erosion / erosion potential, historical high-water line, or other factors applicable within the specified community.
Mapping of highest hazard flood zones should go hand in hand with updating of 10CFR60.3 to establish minimum development standards for this new flood zone. We suggest that most development be restricted, except for infrastructure that must cross or encroach into the SFHA and minor structures, such as pavilions, that support recreational uses. Any development should follow a no-adverse impact approach. The no-rise floodway standard should be applied to the limited development that may be permitted in this highest hazard flood zone. Existing development within the highest hazard flood zones could be targeted for buyouts (before they sustain repetitive losses or incur substantial damage). Restrictions should be placed on expenditures of federal funding in the highest hazard flood zone areas, such as not funding in-place mitigation of existing structures and denial of flood insurance and existing/future disaster assistance for new structures built after mapping of this highest hazard flood zone. If federal funds were to be spent in these areas, then it would be for the restoration of natural floodplain features. Existing floodways could also be regulated as highest hazard flood zones until updated maps are available depicting this new zone.

The time has come for floodplain management programs to expand beyond the objective of keeping development “reasonably safe from flood damage” and the focus on “how to build” in the floodplain. Floodplain management policies should do more to promote public safety within our nation’s floodplains. The first step toward achieving this is for FEMA mapping products to delineate the highest flood risk areas within which development is prohibited, or, at best, ill advised. The second step would then be to develop new guidance in 44CFR60.3 to strongly regulate those areas against encroachment, while promoting a “back to nature” approach for re-establishing the natural and beneficial functions of floodplains, wetlands, and their associated ecosystems. Thank you for considering this suggestion.