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Rachel Sears
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Federal Insurance and Mitigation Administration
Federal Emergency Management Agency
500 C St SW
Washington, DC 20024

Re: Request for Information on the National Flood Insurance Program's Floodplain Management Standards for Land Management and Use, and an Assessment of the Program's Impact on Threatened and Endangered Species and Their Habitats (FEMA-2021-0024)

Dear Ms. Sears:

The Coastal States Organization (CSO) respectfully submits these comments to the Federal Emergency Management Agency (FEMA) in response to its Request for Information (RFI)[1] regarding the National Flood Insurance Program (NFIP) Floodplain Management Standards for land management and use and impacts on threatened and endangered Species and their habitats.

CSO's members, governor-appointed delegates representing thirty-six state and territory coastal management programs, coordinate with coastal communities, state agencies, federal government, tribal governments, industry, and non-profit organizations for the effective management, protection, beneficial use, and development of the coastal zone through the federal-state partnership established under the Coastal Zone Management Act (CZMA).[2] Coastal programs have close working relationships with coastal communities that give them a detailed understanding of the barriers and opportunities facing these communities in becoming flood resilient.

Many coastal communities rely on the NFIP both for economic resilience to flood impacts through the insurance program as well as for critical flood data and floodplain management information through Flood Insurance Rate Maps (FIRMs), non-regulatory mapping products, and FEMA resources and technical assistance.

To ensure that the NFIP remains effective and adapts to evolving flood risks as climate changes, CSO calls on FEMA to strengthen the NFIP to achieve its core purpose of mitigating risk, reducing the cost of hazard-related impacts and post-event response and recovery, and disincentivizing irresponsible development in high hazard areas, including by strengthening the program's construction, land-use, mapping, and mitigation components to account for current and future flood risk.

CSO recommends that FEMA focus on using the NFIP to improve the program to protect exposed communities and disincentivize non-essential development in flood-exposed areas by:

[1] Federal Emergency Mgmt. Agency, *Request for Information on the National Flood Insurance Program's Floodplain Management Standards for Land Management and Use, and an Assessment of the Program's Impact on Threatened and Endangered Species and Their Habitats* 86 Fed. Reg. 56,713 (Oct. 12, 2021).
[2] 16 U.S.C. §§ 1451 *et seq.*

1) Developing higher standards that considers risk from future conditions that includes impacts of climate change;
2) providing additional support to coastal communities to implement standards and improve participation; and
3) ensuring federal funding and resources are allocated and awarded equitably to the communities and populations with the greatest need, as determined by physical, environmental, and social vulnerability.

CSO offers these comments and recommendations based on the experience of coastal programs, to contribute to the continuing evolution and improvement of the NFIP as a component of FEMA's critical mission. For further information, please reach out to John Ryan-Henry (jryan-henry@coastalstates.org).

Sincerely,

Derek Brockbank
Executive Director

1) FEMA has addressed risk to existing or non-conforming construction (buildings not constructed to current minimum floodplain management standards) in the regulations through the "substantial improvement/substantial damage" requirements. These requirements have largely been tied to the definitions of "substantial improvement" and "substantial damage." Is "substantial improvement/substantial damage" the best way to address risk for non-conforming buildings? If so, should FEMA consider the use of cumulative "substantial improvement" and/or "substantial damage" requirements over a given time period as a requirement? Should "substantial improvement" and/or "substantial damage" use an assessment cost value or a replacement cost value, or are there other valuation methods that may be more appropriate? Should the regulations provide more detail on how the "substantial improvement" and/or "substantial damage" determinations should be made?

The substantial damage (SD) / substantial improvement (SI) threshold is a key policy tool for local communities to bring aging, noncompliant housing stock into compliance with up-to-date floodplain management standards. Some coastal communities have gone beyond NFIP minimum standards by lowering the SD/SI threshold from 50% to as low as 30%, using a cumulative SI and/or SD requirement, or implementing a minimum timeframe.

CSO supports a cumulative SD/SI requirement calculated over the lifetime of the structure, or in the alternative, providing a minimum timeframe for SD/SI calculations. However, such a change would create considerable new compliance burdens, as communities will need to track the value of improvements over the life of a building. This will be especially difficult in communities recovering from a disaster, where there may be dozens or hundreds of substantially damaged buildings to track and limited operational capacity. To manage the additional implementation burden for communities, FEMA should provide tracking data, guidance, technical assistance, and easy-to-use tools for implementing the cumulative SI and SD threshold, including providing NFIP claims data to code enforcers and technical guidance on handling tracking challenges such as phased projects.

After major flood events, communities are faced with considerable burden to document SD structures. FEMA should utilize networks within or outside of the agency to conduct damage evaluations, such as partnering with private insurance adjusters and FEMA's Individual Assistance Program to combine SD assessments with damage calculations for financial assistance.

FEMA should consider providing an exemption to SI requirements for property owners seeking to proactively elevate, relocate, or floodproof the structure prior to flood damage occurring.

(2) The elevation of structures above expected base flood levels, called "freeboard," is an important precept of floodplain management. "Freeboard" is usually expressed in feet above a base flood elevation for purposes of floodplain management. NFIP communities must require new, "substantially improved," or "substantially damaged" structures in the SFHA to be elevated to the height of the one percent annual chance flood level, also referred to as the Base Flood Elevation or BFE. Some States and communities require newly constructed buildings to be built higher than the base flood elevation to further reduce the risk of flood damage with freeboard requirements set to a specific height to provide the additional margin of risk reduction above the BFE. The NFIP has strongly encouraged but not required higher elevation standards, such as those included in the I-Codes and ASCE 24. Should FEMA update flood elevation requirements for SFHAs by setting higher freeboard levels? If so, what should FEMA consider for the higher elevation levels for freeboard? What data exists to support higher elevation levels for freeboard or methods that provide a more consistent level of protection? Will freeboard elevation generally raise the market value of properties in SFHAs and if so, how would the increase in market value compare to the cost of elevation? Are there other technology advancements or

building standards in design and construction that should be considered beyond freeboard levels? If so, do they address other floodplain management criteria (e.g., reasonably safe from flooding; adequately anchored; methods and practices that minimize or are resistant to flood damage; water load values; wind load values; substantially impermeable)?

Incorporating freeboard requirements into building codes helps accommodate future conditions from both intensified flood events and sea level rise (SLR). SLR is not happening uniformly across the United States, with some coastal states experiencing faster rising than others. Coastal communities are on the frontline for dealing with the impacts of sea level rise, which in turn exacerbates other coastal hazards such as tidal flooding, storm surge, and severity of storms. Increased development pressure on the coasts and aging, inadequate stormwater, and flood protection infrastructure magnify the impacts of these hazards on risk-exposed properties.

CSO recommends that FEMA require freeboard following the standards set in ASCE 24-14: Flood Resistant Design and Construction,[3] which sets a minimum design elevation based on structure type and location. FEMA may also consider the science-based design standards for resilience set out in the ReLi program.[4]

FEMA should include minimum elevation requirements on digital FIRM products to assist communities with enforcement and help property owners access and understand the requirements that apply to their structures.

(3) FEMA has not developed higher minimum floodplain management standards for structures and facilities that perform critical actions as defined in 44 CFR 9.4. These structures and facilities must currently comply with the same minimum requirements as non-critical structures and facilities except for structures and facilities that are covered by Executive Order (E.O.) 11988, Floodplain Management. Should FEMA develop higher standards for these structures and facilities? If so, why? Should FEMA consider differences between certain structures and facilities, such as use, occupancy, operational size, or public and private operators in developing higher standards? Should FEMA consider differences such as use, occupancy, operational size, or public and private operators in developing higher standards for structures and facilities performing critical actions?

Structures and facilities that perform critical actions, such as hospitals, fire stations, shelters, water treatment plants, etc., provide needed resources before, during, and after a disaster in coastal communities. When critical facilities are impacted by flood events and become nonoperational or inaccessible, community damages are exacerbated and citizens suffer more.

CSO recommends that FEMA establish a clear definition of "Critical Facility" at 44 C.F.R. § 59.1. Existing critical facilities should be held to a higher elevation or floodproofing standard than regular structures. CSO recommends that FEMA implement the higher standards for critical facilities and structures set forth by ASCE 24-14 for Flood Design Class 4. The standard requires structures be built with 2 feet of freeboard above the 100-year flood elevation or to the 500-year flood elevation, whichever is higher. Setting this higher standard would help adapt structures to future sea level rise and lake level changes, and would align with the requirements that FEMA sets for facilities to receive mitigation assistance.[5] FEMA should ensure that there is intra-agency coordination to reduce complexities in the

[3] Am. Soc. Civil Engineers, *ASCE 24, Flood Resistant Design and Construction* (2014).
[4] U.S. Green Bldg. Council, RELi 2.0 Rating Guidelines for Resilient Design and Construction (2021).
[5] Fed. Emergency Mgmt. Agency, *Partial Implementation of the Federal Flood Risk Management Standards for Hazard Mitigation Assistance Programs*, FP-206-21-0003 (Aug. 26, 2021).

process, and continuously work to ensure that the standards follow a climate science approach and are updated as appropriate.

(4) Recurring flooding events provide evidence that areas adjacent to the SFHA experience significant flooding and unacceptable levels of disaster suffering, yet the NFIP minimum floodplain management standards do not extend to these locations. How can the NFIP take a more risk-informed approach to defining flood hazard? Is there a need for FEMA's NFIP minimum floodplain management standards to be extended by establishing specific requirements for the areas immediately adjacent to the SFHA? If so, what specific floodplain management standards could be successful to reduce losses and hardship? What approaches would be effective for identifying these areas for communities to regulate? Would new zones or overlays depicted with the SFHA via the National Flood Hazard Layer (NFHL) serve this need or are there other tools that could be more effective? Should FEMA expand the SFHA generally from the 1 percent annual chance flood area to a 0.2 percent or a 0.1 percent area, and what decision rule should FEMA use to choose the appropriate area? Should the SFHA be expanded from a certain percent annual chance area to the flood of record (or whichever is higher)? Similarly, what standards or restrictions should be considered for high risk flood areas that are within the SFHA (e.g., flash flood, mudslide, erosion prone, high velocity)? Alternatively, should FEMA be aware of and/or use a different metric to identify flood risk?

FIRMs are developed based on historical flood data and do not take into account future conditions based on climate change, sea level rise and lake level change, or development patterns. Communities that rely on FIRMs to understand their flood risk, plan mitigation options, and implement floodplain management regulations need better access to actionable information on future flood risk. FEMA should work to incorporate future condition information on FIRMs and help communities to utilize that information in their floodplain management and mitigation planning. State coastal programs provide funding and technical assistance to coastal communities to develop data and mapping products that fill flood risk data gaps, plan and implement mitigation projects, and improve floodplain management standards. FEMA should work closely with coastal states to ensure that NFIP flood mapping products:

- Are reliably and frequently updated for all communities, so that communities are not left to rely on outdated information for floodplain management and hazard mitigation planning;
- Accurately reflect flood risks using the best available data;
- Provide data about future climate conditions based on the best available sea level rise, lake level change, and other climate modeling and reflecting scenarios chosen in coordination with coastal state adaptation and mitigation planning efforts; and
- Support coastal states and communities to develop data and mapping products that fill flood risk data gaps.

FEMA should increase mapping funding and partnerships with state coastal partners and agencies to update maps more frequently and to utilize newer technology. FIRMs are developed using data from stream, coastal, and tide gages when available. FEMA should work with NOAA, USGS, and other federal agencies to fill data gaps in coastal communities such as hydrodynamic at a finer resolution (community level), a long term, sustained gage program in coastal areas, and high resolution historic and projected geomorphic and shoreline change data.

(5) In the past 30 years, 1 of every 6 dollars paid out in NFIP claims has gone to a building with a history of multiple floods. What steps should FEMA take to reduce the disproportionate financial impact

the multiple loss properties have on the NFIP? Should FEMA consider regulatory changes for properties that have repetitive losses? If so, what should the minimum NFIP floodplain management standards be for those properties? Should these properties be targeted for managed retreat? How should the NFIP consider issues of equity when deciding how to address these properties?

FEMA should partner with coastal management programs to ensure that coastal states and communities have reliable access to the flood data they need to understand risk and prioritize mitigation actions by providing aggregate claims data, repetitive loss data, and severe repetitive loss data directly to states annually, and allowing states to share that information with communities. FEMA should work with coastal communities to determine which strategy would be best suited for their situation.

Managed retreat is a complex option for reducing the impacts of flood hazard and risk on communities with repetitive loss and severe repetitive loss properties. When considering managed retreat, FEMA should ensure that they are well versed in distributive, procedural, and interactional justice issues embedded in voluntary property buyout programs. FEMA should review the literature[6] to promote equity in all buyout programs, not just those targeting repetitive loss properties. FEMA, with coordination with coastal communities and other federal partners, should consider acquiring homes to add to current national parks and seashore, or creating new national parks or seashore.

While managed retreat is explored as a viable option, FEMA should increase awareness, usage, and the amount of the Increased Cost of Compliance to assist flood insurance policy owners with mitigating after a flood event.

(*6) FEMA must ensure that the implementation of the NFIP does not jeopardize T&E species and does not result in the destruction or adverse modification of their designated critical habitats. FEMA must also ensure the NFIP is effective in meeting its goals of providing flood insurance, mitigating flood loss, reducing flood risk, and encouraging responsible development. What additional considerations should FEMA incorporate into the NFIP minimum floodplain management standards to promote the protection and conservation of T&E species and their designated habitat? In what ways could the NFIP minimum floodplain management standards be amended to more explicitly or comprehensively protect the natural and beneficial functions of floodplains to recognize their intrinsic value and benefits to floodplain management, T&E species, and the environment generally? How do current Federal environmental requirements and standards work within NFIP participating State, local, Tribal, and territories to identify and address impacts to T&E species and their habitats? If there are State-specific environmental requirements and/or standards, how could changes to the NFIP support or interfere with the current State regulatory environment?*

CSO has no additional recommendations for local community minimum standards addressing T&E protections. FEMA should work with coastal programs through the CZMA federal consistency review process to ensure that federal activities are consistent with state species and habitat protections.

(7) How could one or more of the following specific changes to the NFIP minimum floodplain management standards benefit T&E species and their habitats while furthering the goal of improving resilience to flooding? What would the potential impact be on the NFIP participating communities:

[6] *See, e.g.* Kraan, C.M. et al., *Promoting equity in retreat through voluntary property buyout programs*, 11 J. Envt'l Studies and Sci. 481, 486 (2021) (summarizing the literature on multiple managed retreat strategies and issues).

(a) Limiting construction in any identified riparian buffer zone;
(b) Requiring compensatory storage to have no net increase in projected flooding levels for all development in the SFHA;
(c) Requiring a more restrictive regulatory floodway standard;
(d) Requiring compensatory conservation credits/areas for all development in portions of the SFHA that provide natural and beneficial functions;
(e) Requiring low impact development standards and/or permeable surfaces that may benefit T&E species and habitat; and/or
(f) Prohibiting or limiting construction in any portion of the SFHA.
How should the suggested changes listed above be prioritized to best benefit T&E species while also furthering the goals of the NFIP? Are there additional changes that should be considered and if so, what are they and what is their prioritization in comparison to the changes listed?

FEMA should consider developing a programmatic environmental assessment examining the impacts of NFIP minimum standard revisions implementing the above-proposed mitigation efforts, which would provide the relevant impact data to understand their effectiveness and provide a platform for coordination with local partners and regulatory commissions. FEMA's recently released Programmatic Environmental Assessment for Great Lakes Shoreline Stabilization Projects[7] provides a model that could be emulated elsewhere.

(*8) NFIP participating communities can also improve protection of T&E species and their critical habitats through their floodplain management activities. In what ways can NFIP participating communities demonstrate to FEMA that permitted floodplain development does not adversely impact T&E species and their habitats? What changes are required to existing NFIP minimum floodplain management standards to allow NFIP participating communities to better demonstrate no adverse impact? What ways, such as technical assistance or other means, could FEMA assist NFIP participating communities to help protect T&E species and their habitats?*

CSO has no additional recommendations for demonstrating adverse impacts to T&E species.

(9) Local floodplain managers are often tasked with enforcement of NFIP minimum floodplain management standards. In what ways can FEMA strengthen the NFIP participation and increase enforcement of NFIP minimum floodplain management standards to build community resilience? How can FEMA better assist communities to mitigate flood loss and reduce risk? In what ways could FEMA better support local floodplain managers to effectively enforce the NFIP minimum floodplain management standards?

Community-led, state supported communities of practice provide information-sharing, guidance, and increased capacity for local officials to manage workload and achieve mitigation objectives through networking and collaboration. CSO recommends that FEMA provide sustained support at the state, regional, and local level to communities of practice and working groups that support NFIP participation and standards enforcement. Coastal programs are key partners in this mission, providing top-down and bottom-up knowledge and resource sharing, connect communities with resources and trainings and including them in statewide hazard mitigation planning.

[7] Federal Emergency Mgmt. Agency, *Final Programmatic Environmental Assessment for Great Lakes Shoreline Stabilization Projects* (Jun. 2021).

CSO further recommends that FEMA partner with coastal states to provide sustained support for community resilience and mitigation project implementation to address neighborhoods with high-hazard properties comprehensively and equitably rather than on a property-by-property basis. As discussed in the response to Question 5, FEMA should partner with coastal states to ensure NFIP flood mapping products incorporate future conditions and support coastal communities to develop data and mapping products to fill data gaps. FEMA should ensure that community-collected flooding data and traditional ecological knowledge sources are included as applicable data sources when identifying a community's risk.

FEMA should provide more frequent Community Assistance Visits (CAVs) to help communities evaluate and improve upon their specific floodplain management processes, including the construction permit reviews and compliance. CAVs should focus on process-specific actions accompanied with implementation support that is tailored to the specific community to improve NFIP compliance. This effort could be supported by increasing funding for state staff through the CAP-SSSE grant and allocating more funding for FEMA regional staff who assist state staff and community officials with enforcement activities.

(*10) While the NFIP minimum floodplain management standards are broadly applicable nationwide and provide a sound basis from which communities can improve their floodplain management programs, there may be floodplain uses, occupancies, and flooding characteristics that call for more specific regulatory initiatives. Are there any NFIP minimum floodplain management standards that currently cause hardship, conflict, confusion or create an economic or financial burden? If so, what are they and how can they be modified to reduce the burdens while still meeting the objectives of mitigating flood loss and reducing risk? Some structures in a community may be exempted from the NFIP minimum floodplain management standards through a variance. Are there changes that can be made to variance requirements to help reduce the burdens while still meeting the objectives of mitigating flood loss and reducing risk? Are there specific types of development or uses that should be considered for exemption from NFIP minimum floodplain management standards or should different standards apply? If so, what are they, why should specific types of development or uses be considered for exemption, and what different standards should be applicable?*

CSO has no additional recommendations on this issue.

(*11) There have been recent proposals regarding disclosure of flood risk, recommending development of an affirmative obligation on the part of sellers or lessors of residential properties to disclose information about flood risk to prospective buyers or lessees. These proposals would require States and communities to establish flood risk reporting requirements for sellers and lessors as a condition of participation in the NFIP. Should States and/or local governments be required to establish minimum flood risk reporting requirements for sellers and lessors as a condition for participation in the NFIP? Should there be an affirmative obligation on the part of sellers and/or lessors of residential properties to disclose information about flood risk to prospective buyers or lessees? If so, what is the most effective way to require this disclosure? Should the process be modeled on requirements for sellers to disclose details on environmental hazards, such as lead-based paint hazards? What details should be included in the disclosure, such as knowledge of past floods and/or flood damage, a requirement to maintain flood insurance, knowledge the property is located in a SFHA at the time of offering, and the cost of existing flood insurance?*

Flood risk awareness is crucial to protect homeowners and renters both physically and economically. Because past NFIP claim information is not available unless disclosed by previous owners, subsequent

buyers or renters can be caught unaware by drastic recovery costs after flood events. Likewise, without sufficient risk disclosure, real estate markets cannot adequately price flood risks into the prices of coastal properties. Several coastal states have enacted real estate disclosure laws at the state level covering flood and erosion risks, and more are considering such disclosures through new legislation.[8] Some states, such as Rhode Island, California, and Oregon, additionally work with municipalities to implement disclosure requirements and provide flood risk information at the local level. Nevertheless, more than one-third of states have no requirement for sellers to disclose flood risks or past flood damages to potential buyers.[9]

A national-level standard disclosure requirement implemented through the NFIP would provide greater consistency and clarity to individual buyers and renters as well as a clearer price signal to the broader real estate market. FEMA should consider implementing a minimum NFIP standard requiring disclosure to potential buyers of a property's past history of flood insurance coverage, damage claims paid, any legal requirement to purchase flood insurance based on past federal disaster aid benefiting the property.

FEMA should ensure it provide adequate, reliable, and accessible information for states and localities to comply with any new disclosure requirement. For instance, if FEMA implements a new requirement to disclose past NFIP claim information, it should make that information accessible to enforcing agencies. FEMA should partner with states and communities to integrate FEMA mapping and flood risk information services into state and local risk communication efforts.

Information about location in a SFHA, past damage, and claims data are necessary but not on their own sufficient for potential buyers and renters to understand the risk exposure of a property. More information is needed by potential buyers about the exposure of coastal properties and areas to future conditions, including worsening precipitation and sea level rise driven inundation and erosion. For instance, Rhode Island offers the Coastal Environmental Risk Damage Assessment App to provide access to flood and wind risk and associated damages for user selected structures.[10] Several private groups have worked in recent years to provide similar services, such as First Street Foundation's Flood Factor tool.[11] In addition to any new disclosure requirement, the NFIP should focus on supporting states and communities to develop and communicate future flood risk information at sufficient resolution for individual homeowner decision-making. This includes including information about future conditions in FIRMs as well as providing more non-regulatory mapping products to assist community planning and risk communication.

(12) The United States is experiencing increased flooding and flood risk from climate change. Climate change may exacerbate the risk of flooding to homeowners. Should FEMA base any NFIP minimum floodplain management standard changes on future risk and specifically on projections of climate change and associated impacts, such as sea level rise? What equity considerations should be factored into such decisions if climate change disproportionately harms underserved and vulnerable areas? What other considerations should be factored into an analysis involving climate change? Should the NFIP better distinguish NFIP minimum floodplain management standards between riverine and coastal communities? Should the NFIP minimum floodplain management standards incorporate pluvial (surface/urban) flooding concerns? Are there specific measures and standards that should be taken to

[8] Nat'l Assoc. of Realtors, *State Flood Hazard Disclosures Survey* (2019).
[9] Nat'l Res. Defense Council, *How States Stack Up on Flood Disclosure* (https://www.nrdc.org/flood-disclosure-map).
[10] *Available at* http://www.beachsamp.org/wp-content/uploads/2016/09/Abstract.STORMTOOLS-Risk-and-Damage-App-FINAL.pdf.
[11] *Available at* https://www.floodfactor.com/about.

ensure structures can withstand the greater intensity, duration, frequency and geographic distribution of flooding events? If so, what are they and how can those measures and standards ensure structures and communities can readily adapt and increase resilience to the impacts of climate change?

As mentioned in the responses to Questions 2 & 4 above, climate change and sea level rise impact coastal communities and exacerbate other threats to flood prone areas. Coastal communities experience compounded flooding from coastal, riverine, tidal, groundwater and pluvial flooding. FEMA should ensure that NFIP minimum standards account for future conditions and empower communities with the tools they need to become resilient. All types of flooding, including urban and groundwater, should be evaluated and included in minimum floodplain management standards.

FEMA should use NFIP standards to disincentivize irresponsible development in flood-exposed areas. It should support households seeking to leave high-risk areas by partnering with coastal states to leverage all available federal hazard mitigation funding programs (e.g. Hazard Mitigation Assistance, Community Development Block Grant Mitigation Program, STORM Act resilience revolving loan fund) to buy-out or lease-back highly-exposed structures at equitable rates. It should further partner with coastal programs to provide sustained support for climate adaptation planning and mitigation project implementation to address neighborhoods with high-hazard properties comprehensively and equitably rather than on a property-by-property basis.

CSO also recognizes that that systematic racism, discrimination of populations based on race, gender, income, and other factors and institutional barriers in accessing federal funding are strongly determinative of a community's environmental health and resilience, and that these barriers to access will become more severe as climate change disproportionately impacts underserved communities with less capacity to adapt and become resilient. CSO recommends that FEMA confront the inequitable impacts of the changing climate by:

1. Ensuring that federal hazard mitigation and climate adaptation resources are allocated and awarded equitably to the communities and populations with the greatest need, as determined by physical, environmental and social vulnerability;
2. Providing match waivers for federal mitigation funding programs, as well as flexibility around which funding and in-kind sources are eligible to meet match requirements;
3. Expanding the decision criteria for federal funding opportunities to include DEIJ considerations (e.g., by considering and prioritizing direct and indirect benefits to underserved communities in the development of requests for grant applications and in making grant award decisions); and
4. Ensuring that coastal resilience planning efforts integrate local knowledge, including but not limited to traditional ecological knowledge and cultural history, held by affected communities and increase opportunities to communities to shape the decision-making based on needs.
5. Incorporating sea level rise in minimum flood design elevation standards and in FEMA mitigation grant programs.

(13) The current NFIP minimum floodplain management standards can be found at 44 CFR part 60 subpart A—Requirements for Floodplain Management Regulations. As part of this Request for Information seeking input on new and even transformative reforms to the NFIP minimum floodplain management standards, FEMA also is exploring potential revisions to current regulatory provisions that are unnecessarily complicated, create unintended inequities or could be streamlined. Are there current regulatory provisions that create duplication, overlap, complexity, or inconsistent requirements or unintended inequities with other FEMA or other Federal programs? Are there current regulatory

provisions that present recurring difficulties for local and State officials implementing NFIP minimum floodplain management standards and if so, what improvements should be made?

CSO has no additional recommendations on this issue.

(14) Are there technological advances, building standards, or standards of practice that could help FEMA to modify, streamline, or improve existing NFIP minimum floodplain management standards? If so, what are they and how can FEMA leverage those technologies and standards to achieve the agency's statutory and regulatory objectives?

As addressed in the response to Question 2 above, CSO recommends that FEMA adopt science-based standards such as those set out in ASCE-24.

(15) FEMA recognizes the vital role that State, local, Tribal, and territorial governments play in floodplain management and that they may have innovative solutions to complex floodplain management challenges. What successful mitigation policies, building design standards, building construction standards, T&E species protections, and/or other floodplain management approaches to mitigate flood loss and reduce risk have been taken by State, local, Tribal, and territorial governments? In what ways do the current NFIP minimum floodplain management standards present barriers or opportunities to the successful implementation of those approaches? What capabilities and capacity impacts should FEMA address as it considers changes to the NFIP minimum floodplain management standards and to strengthen NFIP protection of T&E species and their habitats?

Coastal programs work across state agencies, in partnership with federal agencies local communities, and industry, NGO, and academic partners, to implement adaptive floodplain management and hazard mitigation policies on the coasts.

Some examples of efforts through or in partnership with state coastal programs include:

Connecticut: The Connecticut Flood Management Program requires certification, or an exemption, for all state actions within floodplains. Any state agency proposing an activity within or affecting a floodplain or that impacts natural or man-made storm drainage facilities must submit a flood management certification. The certification process determines whether the activity is consistent with state standards and criteria for preventing flood hazards to human life, health, or property and with the provisions of the NFIP and community floodplain regulations; does not adversely affect fish populations or fish passage; and does not promote intensive use and development of flood prone areas.

Florida: Florida Coastal Management Program has developed the Coastal Adaptation and Resilience Tools initiative and meets directly with smaller coastal communities with less capacity to provide risk and vulnerability data, mapping and planning tools to coastal communities to help them plan and make decisions to address coastal hazards and flooding risks.

Hawaii: The Hawaii Coastal Zone Management Program has collaborated with emergency managers on the development of high-resolution, probabilistic tsunami design zone maps compatible with the American Society of Civil Engineers. The work has been a multi-year process to deliver more accurate mapping and modeling, which will also help lead to changes to county building codes for the safety and resilience of Hawaii.

(*16) As FEMA undertakes an analysis of potential effects of the NFIP on T&E species, the agency must consider the NFIP's effect on floodplain development and the extent to which NFIP actions influence land development decisions. "Development" means any man-made change to improved or unimproved*

real estate, including but not limited to buildings or other structures; mining; dredging; filling; grading; paving; excavation, or drilling operations; or storage of equipment or materials. Is information available on the NFIP's influence on floodplain development? If so, provide or identify any data or materials identifying the NFIP's influence. How can FEMA measure the NFIP's effect on floodplain development? Are there specific NFIP regulations, policies and/or development standards that currently influence State, local, Tribal, and/or territorial governments in their development decisions that may have a positive or negative impact on T&E species and their habitats? If so, what are they and how do they influence development decisions that impact T&E species and their habitats? Are there changes to those regulations, policies and/or standards that, if made, would have a positive impact on T&E species and their habitats? If so, what are those changes?

CSO recommends that FEMA work with communities to track pre-FIRM buildings, density of dwelling units, and the ratio of dwelling units per acre of area. Coastal communities would be able to use this data to determine if development in floodplains have increased the number of people living in flood prone areas thus going against the intent of reducing loss of life.

(17) FEMA is developing a national programmatic framework for nationwide compliance with the ESA and is re-examining the extent to which NFIP actions may have adverse effects on T&E species and their habitats. Should FEMA reconsider its mapping practices, including the issuance of Letters of Map Revision based on Fill (LOMR-Fs)? Should the placement of fill material, defined as material used to raise a portion of a property to or above the Base Flood Elevation within the SFHA, be prohibited by NFIP minimum floodplain management standards? What would the impact of this change be on T&E species and NFIP participating communities?

The placement of fill is not solely used to raise portions of properties. In coastal communities, fill is also used for the creation or restoration of dams, berms, flood control projects, road construction, and habitat restoration. Fill prohibitions, which can be a useful tool, must be calibrated to local geomorphologies, ecosystems, and usage patterns, and so are better set at the state and local level rather than through a national NFIP minimum standard, CSO recommends that FEMA provide data and technical assistance to help communities assess the floodplain impacts of proposed fill projects.

(18) Hazard mitigation planning reduces loss of life and property by minimizing the impact of disasters, including floods. It begins with State, local, and Tribal governments identifying natural disaster risks and vulnerabilities that are common in the area and then developing long-term strategies for protecting people and property from similar events. Mitigation plans are key to breaking the cycle of disaster damage and reconstruction. How should FEMA consider integrating mitigation planning with other Federal, State, or local mitigation planning such as community planning, economic planning, coastal zone planning, and other types of planning activities to improve the overall effectiveness of mitigation planning and floodplain management activities? Are there planning best practices, processes, or data that could better inform planning decision-making and the development and implementation of floodplain management standards?

In addition to other key partners in state floodplain management and hazard mitigation planning, coastal programs are well positioned to partner with FEMA to support comprehensive, integrated planning efforts. Coastal communities need long-term, sustained technical assistance that can carry momentum across the multi-year iterative planning process necessary to develop and implement effective mitigation strategies. Coastal programs work on the ground with coastal communities to sustain the momentum and end-to-end support needed throughout the project development pipeline from risk assessment to planning to implementation. Through coastal programs, coastal states provide planning support,

technical assistance, data, funding, and interagency coordination. Coastal programs can help FEMA, state hazard mitigation offices, and coastal communities work together on plan alignment efforts to reduce complexities and align coastal hazard and mitigation opportunities. There are different decision criteria determined in the various plans, but ultimately the plans work towards mitigating infrastructure, adapting to climate change, and achieving resilience.

Multiple agencies provide tools and data to help states and communities develop the underlying risk information needed to comply with their planning requirements, but they are not aligned across the board. FEMA should partner with agencies including NOAA, EPA, HUD, USGS, USFWS, EDA, and others to alignment existing data sources and tools to generate outputs in a format that is useable for multiple plans.

FEMA-funded collaborations with states and academic partners to perform mapping based on best available science has led to the development of better and more locally relevant products. CSO recommends that FEMA continue and expand these partnerships as it embarks on efforts to collect new data. For instance, Illinois's Coordinated Hazard Assessment and Mapping Program (CHAMP) program has been a successful example of FEMA working with state scientists and regulatory agencies to update mapping products for coastal communities and review map revision applications.