



October 21, 2016

Mr. Craig Fugate  
Administrator  
Federal Emergency Management Agency  
Docket ID FEMA-2015-0006

**Re: AMWA comments on 44 CFR Part 9, Regulations to Implement Executive Order 13690 and the Federal Flood Risk Management Standard (FFRMS), and Guidance for Implementing the FFRMS**

Dear Mr. Fugate:

The Association of Metropolitan Water Agencies (AMWA) welcomes the opportunity to comment on the **Regulations to Implement Executive Order 13690 and the Federal Flood Risk Management Standard (FFRMS)** (81 FR 57402) and **Guidance for Implementing the FFRMS** (81 FR 56558). AMWA is an organization of the largest publicly owned drinking water systems in the United States and collectively its membership serves more than 130 million Americans. Executive Order 13690 – the Federal Flood Risk Management Standard (FFRMS) – could potentially impact drinking water utilities in one of two ways: 1) if a utility is seeking federal funding for an infrastructure project that is sited in a floodplain or 2) if a federally owned infrastructure project located in a floodplain is a key component of a utility’s operations.

AMWA commented on the guidelines for implementation of the FFRMS in 2015. AMWA supports FEMA’s decision to define floods as the 1 percent annual chance flood and 0.2 percent annual chance flood, rather than the 100-year flood and 500-year flood. Using this more precise language will, over time, improve understanding about these events. FEMA will need to update its language in guidance and other policy documents in addition to the language 4 CFR Part 9 to reflect this change.

AMWA applauds FEMA’s proposed policy to encourage early coordination between multiple federal agencies when they are jointly engaged in an action to ensure consistency. AMWA members know first-hand that it is possible that a FEMA Federally Funded Project might also receive funding from other federal agencies. Therefore it is important for FEMA to work with other federal agencies to ensure that the implementation of the FFRMS is consistent across all agencies involved in the same project. For example, these agencies should consider ways to streamline policies and permitting requirements, particularly when incorporating climate change

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Diane VanDe Hei

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resilience is a component of a water infrastructure or water resources project.

In addition, AMWA recommends that FEMA make it clear in the final rule how interpretation of the FFRMS will proceed if there is more than one agency involved in a project and there is disagreement as to how to proceed with determining the elevation and FFRMS floodplain. For example, does FEMA's approach for applying the FFRMS take precedence over other agency approaches for a FEMA Federally Funded Project? If a municipal water utility is seeking funding from more than one federal agency (e.g., FEMA and EPA's Drinking Water State Revolving Fund) for an infrastructure project that is located in a floodplain according to one agency's interpretation of the Climate Informed Science Approach, but not the other's, what is the process for ensuring that the standard will be consistently applied?

Providing a consistent and coordinated approach for the implementation of the FFRMS should ensure that different government agencies, whether federal, state or local – that may all be providing funding for one municipality's project – will arrive at the same answer for identifying projects that may be vulnerable to flooding. A consistent, community-wide implementation approach to the FFRMS will help decision makers prioritize projects for funding to support community resilience.

Thank you for the opportunity to comment. Please contact Erica Brown, AMWA's Director of Sustainability and Climate Programs, at 202-331-2820 or [brown@amwa.net](mailto:brown@amwa.net) if there are any questions about our comments.

Sincerely,

A handwritten signature in blue ink that reads "Diane VanDe Hei".

Diane VanDe Hei, CEO