



May 6, 2015

Mr. Roy Wright
Deputy Associate Administrator for Mitigation
Federal Emergency Management Agency
Docket ID FEMA-2015-0006

Re: AMWA comments on Revised Guidelines for Implementing Executive Order 11988, Floodplain Management (Guidelines)/Draft Guidelines for Implementing the Federal Flood Risk Management Standard

Dear Mr. Wright:

The Association of Metropolitan Water Agencies (AMWA) welcomes the opportunity to comment on the *Revised Guidelines for Implementing Executive Order 11988, Floodplain Management* (80 FR 6530). 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.

Our six comments can be categorized by many of the same themes that were identified by stakeholders at the Federal Emergency Management Agency (FEMA) listening sessions, such as: the clarity of roles and consistency across agencies, impact on permitting, the impact on federal funding and the importance of leveraging existing programs and resources.

1. AMWA recommends that FEMA refer to the guidelines as “*Guidelines for Implementing the Federal Flood Risk Management Standard*” (FFRMS).” This is the title used on FEMA’s webpage about the effort. The longer title in the *Federal Register (Revised Guidelines for Implementing Executive Order 11988)* is confusing, particularly since the new guidelines are more of a rewrite than a revision, including a new 8-step approach to implementing the FFRMS that has little in common with the 40-year old guidelines for Executive Order 11998.
2. AMWA members are often applicants for or involved in projects that require NEPA reviews, such as projects for water supply and delivery. Members are also often applicants for funding from agencies that will have their own interpretative guidelines for the FFRMS, such as FEMA and the Environmental Protection Agency. The policies, regulations, permitting requirements, funding applications and other considerations for a project that may be impacted by the FFRMS cut across many federal processes. Permitting agencies with jurisdiction over drinking water and wastewater utilities often do not coordinate on ways to holistically support multiple outcomes or cross-sector solutions to resilience. This can often hinder rather than support resilient investment.

BOARD OF DIRECTORS

PRESIDENT
Charles M. Murray
Fairfax Water

VICE PRESIDENT
Scott Potter
Nashville Metro Water
Services

TREASURER
Michael Wallis
East Bay Municipal
Utility District

SECRETARY
Mac Underwood
Birmingham Water
Works Board

John P. Sullivan
Boston Water & Sewer
Commission

Chuck Clarke
Cascade Water Alliance

David Modeer
Central Arizona Project

Irene Caminer
Chicago Department
of Water Management

James S. Lochhead
Denver Water Department

William Stowe
Des Moines Water Works

Sue McCormick
Detroit Water &
Sewerage Department

Jun Chang
Houston Public Utilities
Division

Douglas Yoder
Miami-Dade Water
& Sewer Department

Carrie Lewis
Milwaukee Water Works

Angela Licata
New York City DEP

Ron Lovan
Northern Kentucky Water
District

John Carman
Raleigh Public Utilities
Department

Steve Schneider
Saint Paul Regional
Water Services

John Entsminger
Southern Nevada Water
Authority

Julia J. Hunt
Trinity River Authority
of Texas

EXECUTIVE DIRECTOR
Diane VanDe Hei

AMWA encourages the White House to work with FEMA and other federal agencies involved in the many aspects of project review and funding to consider ways to streamline policies and permitting requirements, particularly when incorporating climate change resilience is a component of a water infrastructure or water resources project.

3. With regard to best available science, AMWA encourages FEMA to work with CEQ and the White House to ensure that the way “best-available” information is defined and discussed in the final FFRMS guidelines is aligned with how this recommendation is discussed in the forthcoming final *Guidance for Federal Departments and Agencies on Consideration of Greenhouse Gas Emissions and the Effects of Climate Change in NEPA Reviews* (79 FR 77802).

AMWA recommends that the final FFRMS guidance reinforce the importance for agencies to discuss and document the analysis for determination of the floodplain (Section 1.B and 1.B.1 of the draft guidance) by articulating what hydrologic and hydraulic data and methods were used and which assumptions and judgments were made based on the available science.

4. The final guidelines should make clear how interpretation of the FFRMS will proceed if there is more than one agency involved in a project. For example, 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, and the agencies have slightly different interpretations of the standard, what is the process for ensuring that the standard will be consistently applied? The final guidelines should enable improved collaboration among federal agencies to consider holistic, consistent, cross-sector approaches to, as noted in the FFRMS, improve resilience of communities and protect federal assets against the impacts of flooding.

Where multiple agencies are involved to promote resilient investment, these agencies should work together to consider innovative ways to support resilient infrastructure in light of the policy frameworks that are in place.

5. FEMA, or the appropriate federal agency should make clear how the application and administration of disaster relief funding will be executed in light of the FFRMS guidelines.
6. The draft guidelines note that federal agencies should apply state, tribal, territorial or local laws and standards that may exceed the FFRMS – if the agency determines the application of the standards is reasonable. AMWA recommends that the guidelines support a consistent, government-wide approach (across all federal agencies and state and local governments) to ensure a consistent and coordinated approach. This is particularly important if state or local governments have stricter standards than the FFRMS.
7. Ensuring 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.

Mr. Roy Wright
May 6, 2015
Page 3

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 if there are any questions about our comments.

Sincerely,

A handwritten signature in black ink that reads "Diane VanDe Hei". The signature is written in a cursive, flowing style.

Diane VanDe Hei, Executive Director