U.S. Department of Homeland Security
500 C Street, SW
Washington, DC 20472

FEMA

March 10, 2011

The Honorable Charles Schumer
United States Senate
Washington, DC 20510

Dear Senator Schumer:

Thank you for your letter dated February 3, 2011, to the Department of Homeland Security, Federal Emergency Management Agency (FEMA). On behalf of your constituents, you joined a number of other Senators in asking that FEMA discontinue the National Flood Insurance Program (NFIP) use of "without levee" analyses when the levee structure does not meet the regulatory requirements for accreditation and an affected community objects to such analysis in favor of more precise methods of flood modeling. You expressed concern that this type of modeling does not consider the impacts of a levee or flood control structure on the 1-percent-annual-chance flood, and erodes public confidence in FEMA's mapping process.

As you are aware, over the past year FEMA has been engaged in a comprehensive review of the NFIP to identify reforms designed to enable FEMA to better address the flood risks faced by the American public. We recognize that our approach to mapping the flood risk associated with levees that do not meet Federal accreditation requirements has been a concern for many. As such, we have included this subject as an important consideration in our ongoing NFIP reform efforts, while also exploring short-term resolutions.

Some changes in the program must take place in the near term. In order to increase the credibility of our Flood Insurance Rate Maps in areas where levees are not accredited, I have directed my staff to replace the "without levee" modeling approach with a suite of methodologies that are technically-sound, credible, and cost-effective. The approach will better meet the needs of our citizens while providing more precise results that better reflect the flood risk in areas impacted by levees. This will not replace the need for levee owners or the associated communities to remain engaged in flood risk management activities or change the existing requirements for them to provide levee accreditation information as outlined in the Code of Federal Regulations (44 CFR 65.10).

The details of this new approach will take some time to finalize. Acknowledging that there are ongoing flood hazard analysis studies where the "without levee" approach has been used, FEMA will temporarily withhold issuing Final Determinations for those communities whose levees do not meet accreditation requirements and would clearly benefit from this new approach. This temporary delay will allow us to properly evaluate affected levees under the new procedures.

While our new procedures are being developed, the risk of flooding remains in many of your communities – whether caused by unforeseen levee failure or heavy rainfall events causing flooding inside the levee system. We trust that you and the other Senators concerned about this issue will help to ensure the public does not develop a false sense of security regarding flood risk as we work through and implement these changes. I am requesting your continued assistance to promote flood insurance in these neighborhoods. The Preferred Risk Policies that are available to many individuals currently not shown in Special Flood Hazard Areas are cost-effective means to buy down their risk.

Thank you for your continued interest in this matter and your diligence in helping us find an appropriate resolution. We would be happy to hold a briefing to provide further details on our draft proposal, if that would be helpful. If you need additional information or assistance, please have a member of your staff contact the FEMA Legislative Affairs Division by telephone at (202) 646-4500.

Sincerely,

W. Craig Fugate
Administrator