

# Minimum Floodplain Management Standards Public Meeting #2 Transcript on November 15

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This document contains the transcript from the second Public Meeting held on Nov. 15, 2021, on FEMA's Request for Information (RFI) on the National Flood Insurance Program's (NFIP) Minimum Floodplain Standards. This transcript is also available in Spanish on FEMA's [website](#).

## Slide 1 - Title

**Jennifer Salerno:** Hello and thank you for joining us on the Request for Information (or RFI) on the National Flood Insurance Program, referred to as the NFIP, Minimum Floodplain Management Standards. My name is Jennifer Salerno, and I will be your moderator. This meeting is being recorded and transcripts of this meeting in both English and Spanish will become part of the public record and posted at a later date. Participation in this public meeting constitutes your consent that your name may appear on the official transcript for the public record.

## Slide 2 - Welcome

**Jennifer Salerno:** This is a public comment forum, rather than a discussion forum. We are hosting this public meeting to gather input on the [RFI] published in the Federal Register on October 12, 2021. The purpose of this meeting is to seek feedback on the National Flood Insurance Program's floodplain management standards for land management and use and gather input on the program's potential to better protect threatened and endangered species and critical habitat. Individuals cannot apply for assistance or receive information regarding a pending assistance request as part of this meeting. If you are an individual who has been impacted by a disaster and are seeking assistance from FEMA, please call the FEMA helpline listed here at 1-800-621-3362 to receive information on a pending request.

## Slide 3 - Technical Housekeeping

**Jennifer Salerno:** Before we get in the meeting, first some technical housekeeping information, followed by a preview of the agenda for today's meeting. Live captioning is available and can be accessed by navigating to the website above: [www.captionedtect.com](http://www.captionedtect.com) and entering the event ID: 4952975 in the upper right-hand corner of that website. On the bottom of your screen, you will find the meeting controls. Note that the chat box has been disabled. By default, participants are disabled from speaking during the presentation portion of this public meeting. We also ask that you turn off your videos, unless providing a verbal comment. The verbal comment portion of today's meeting will allow those who registered in advance an opportunity to provide comments on the RFI for a limited amount of time,



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up to 3 minutes. At the end of the meeting, as time allows, there'll be an open comment period for interested individuals to provide additional verbal comments.

#### Slide 4 - Agenda

**Jennifer Salerno:** Let's take a moment to review today's meeting agenda. First, we'll provide a brief history on the program which provides flood insurance to more than 22,500 communities across the country. Second, we will describe the background of this RFI and review its purpose. After the overview information, we will explain the instructions for providing your written comments on the RFI during the comment period. Note that comments can be submitted until December 13, 2021. The majority of the remaining time of today's meeting is reserved for verbal comments for the record on the minimum floodplain management standards. We'll review the details about how to provide verbal comments before we unmute microphones to receive your comments. And then we'll, we'll conclude with a few closing remarks FEMA's Floodplain Management Division leadership.

I'm going to hand things over to our presenter today, David Maurstad, FEMA Deputy Associate Administrator, Federal Insurance & Mitigation Administration.

#### Slide 5 - History of the NFIP

**David Maurstad:** Thank you, Jennifer. Thank you for joining this public meeting for the minimum floodplain management standards [RFI] which covers floodplain management standards for land use and management, and the opportunities to better protect, threatened and endangered species and critical habitat. My name is David Maurstad, and I am the Deputy Associate Administrator for the Federal Insurance & Mitigation Administration, and the Senior Executive of the National Flood Insurance Program.

Until 1978, actions related to flooding were primarily responses to significant flooding events, such as the Midwest major riverine flight disasters of the 1920s and 1930s. However, despite federal investments in federal flood control projects, losses to life and property continued. In recognition of continued flood loss, major steps were taken in the 1940s, 50s, and 60s to redefine the Federal Government's approach to providing flood disaster relief.

The National Flood Insurance Program (commonly referred to as the NFIP) and the Federal Insurance Administration were created in 1968 following devastating riverine floods in the 1950's and Hurricane Betsy in 1965. The National Flood Insurance Act of 1968, which created the NFIP within the Department of Housing and Urban Development, was developed to provide flood insurance in communities that voluntarily adopt and enforce floodplain management ordinances that meet minimum NFIP requirements. The purpose of the NFIP, as identified in the legislation, is to help minimize the long-term risks to persons, property, and protect the natural and beneficial functions of the floodplain from the effects of flooding.

#### Slide 6 - The NFIP Today

**David Maurstad:** Flooding is the costliest natural disaster in the United States, resulting in deaths and billions in property damage each year. In spite of this, people continue to live in the nation's floodplains. Flood and coastal storm events are also increasing in frequency and severity with billion-dollar events up 50% by the end of 2020, compared to the previous decade. And 70% of those costs were incurred in the last three years. By making flood insurance available in communities that adopt and enforce floodplain management ordinances, the NFIP is the

national foundation to protect lives and homes from flood disasters. Through its implementation, it is estimated that floodplain management efforts save the nation roughly \$1.9 billion annually through avoided flood losses. Currently, there are more than 22,500 communities across the country that participate in the NFIP.

### Slide 7 – Request for Information Background

**David Maurstad:** As identified in the RFI, FEMA received a rulemaking petition from the Association of State Floodplain Managers and the Natural Resources Defense Council requesting that FEMA revise the current floodplain management standards. Submitted in January 2021, the petition requested that FEMA consider adopting the higher minimum standards. These standards include the nationally applicable consensus model codes and standards from the International Codes Council (or I-Codes) and the American Society of Civil Engineers Flood Resistant Design and Construction standard. The petition also requested that FEMA develop standards that include future conditions related to construction and land use standards within flood-prone areas.

FEMA is seeking input on ways to improve the minimum floodplain management standards for land use and management which better aligns the NFIP with the current understanding of flood risk and risk reduction approaches. While FEMA provides updates to NFIP policy and technical guidance, the minimum floodplain management standards have not been revised since 1976. FEMA is thoroughly reviewing the floodplain management standards, along with prior published studies and reports, to determine how these standards can best meet FEMA and stakeholder needs.

### Slide 8 – Request for Information Background (cont.)

**David Maurstad:** Additionally, at the national level, FEMA is re-evaluating the implementation of the NFIP under the Endangered Species Act. As part of this effort, FEMA is working with the National Marine Fisheries Service and the U.S. Fish and Wildlife Service. Section 7(a)(1) of the ESA requires agencies to promote the protection of listed species and critical habitat. In 2020, FEMA launched a nationwide NFIP ESA Section 7(a)(1) Conservation Action Program, promoting the protection and conservation of listed species and critical habitat. FEMA developed an educational website, a new mapping tool, and two new Community Rating System (CRS) sub-elements.

FEMA is currently working with the National Marine Fisheries Service and the U.S. Fish and Wildlife Service on the implementation of the NFIP under section 7(a)(2) of the ESA. FEMA plans to complete a revised, national programmatic Biological Evaluation and will re-examine NFIP actions.

### Slide 9 – Request for Information Purpose

**David Maurstad:** In the last 45 years, we have learned a lot about the changing nature of flood risks, and now we have the opportunity to reevaluate the NFIP minimum standards. FEMA published this RFI to solicit input from the public on how to align the minimum floodplain management standards with the current understanding of flood risk and risk reduction approaches; potential improvements to the minimum floodplain management standards that would help communities become safer, stronger, and more resilient; and how the NFIP can better promote protection of and minimize any adverse impact to threatened and endangered species, and their critical habitat.

Through this RFI, FEMA will gather stakeholder input to inform potential revisions that make communities more resilient, protect species and habitat, and reduce disaster suffering.

## Slide 10 – Providing Comments

**David Maurstad:** FEMA is seeking useful information, data, and perspectives that you have on the benefits and burdens of the NFIP’s minimum floodplain management standards, flood hazard mapping, protection of threatened and endangered species, and other NFIP changes. You may submit written comments, identified by Docket ID: FEMA-2021-0024, through the Federal eRulemaking Portal at [www.regulations.gov](http://www.regulations.gov). All submissions must include the FEMA Docket ID for this notice. Visit the docket to review background documents or comments received, at <http://www.regulations.gov> and search the Docket ID. Written comments are requested on or before December 13, 2021. Late-filed comments will be considered to the extent practicable. By providing your input today or by submitting written comments, we have the opportunity to hear directly from you. Thank you in advance for your participation. I will invite our moderators to facilitate the verbal comment portion of this meeting.

## Slide 11 – Verbal Comments

**Jennifer Salerno:** Thanks, David. Members of the public will now be given an opportunity to speak. Those who signed up during the registration as indicating an interest to provide their verbal comments today will speak first, and then we'll open the comments up to all attendees, depending on the time remaining. We will be using a timer to stay on track. Two names will be called at a time. The first will be the current speaker and the second will be the speaker on-deck.

When your name is called, please use the “Raise Hand” function, located to the right of your name in the Participants Panel, to indicate your readiness to speak. The hosts are using the “Raise Hand” function to identify speakers to be unmuted, so please leave your hand raised until you see the small lock icon on your microphone disappear. You will then be able to unmute. You'll be invited to unmute your microphone. Once you are unmuted, please state your name for the record and that you are ready to speak. Each speaker will have 3 minutes to speak, and the timer will begin after we state your name for the record. I will say “we hear you and your name, and your time for your comments begins now.” If time allows, we will invite other meeting participants who have not yet spoken to indicate an interest in speaking by clicking the same “Raise Hand” icon.

Unfortunately, as was stated on the registration page, anyone dialing in by phone for this event will be unable to provide verbal comments at this time. If you have dialed into this meeting by phone and wish to provide a comment, please submit a written comment online at the eRulemaking Portal at [www.regulations.gov](http://www.regulations.gov) and insert “FEMA-2021-0024” in the search function.

As a reminder, FEMA will not be responding to comments during this webinar. We request that you limit your comments to no more than 3 minutes given the number of speakers we have registered to speak. When you have 15 to 30 seconds remaining, I will return to the video screen as an indicator that your speaking time is coming to an end. Given the registered number of speakers, as I said, I will unfortunately need to interrupt you if your comments are over 3 minutes so we can proceed to the next speaker. Lindsey, can you share the names of our first two speakers?

**Lindsey Reiting:** Nina Saavedra, it is your turn to speak. Visaghan Bhaskaran, you will be up next. Nina, if you could please raise your hand so we can enable your microphone. Once enabled please unmute yourself to confirm your readiness to speak.

**Jennifer Salerno:** Nina are you here? I'm not seeing Nina on the participant list, so we will go to our next speaker. Visaghan Bhaskaran, if you are here please raise your hand. Lindsey, while we wait for the raised hand, can you please identify the next 2 speakers? [Visaghan Bhaskaran did not speak.]

**Lindsey Reiting:** Our next 2 speakers will be Christina Evans followed by David Conrad. If you could please raise your hands and leave them raised.

**Jennifer Salerno:** I'm not seeing Christina Evans. Ms. Evans, if you can raise your hand? Mr. Conrad, I see you're here. Before you begin, Lindsey can you give the names of the next 2 speakers? So we can have them on deck.

**Lindsey Reiting:** Absolutely. After Mr. Conrad, we have David Caicedo and Thomas Leatherbee.

**Jennifer Salerno:** Thank you. Mr. Conrad, are you here and ready to speak?

**David Conrad:** I am. Can you hear me?

**Jennifer Salerno:** Just barely, you are very faint. If you wouldn't mind speaking up, that'd be fantastic.

**David Conrad:** Okay, can you hear me?

**Jennifer Salerno:** Much better, thank you Sir. Your 3 minutes starts now.

**David Conrad:** All right. Hi, I am David Conrad. I serve professionally as Water Resources Policy Advisor for the Association of State Floodplain Managers, and I have more than 40 years of professional experience in water resources policy. And I'm a certified floodplain manager. Today, I provide these comments in my personal capacity.

I first want to thank the National Flood Insurance Program and FEMA for issuing this important Request for Information and for FEMA's interest in focusing a concerted effort on updating the NFIP in light of now decades of flooding and floodplain management experience. It is especially important to provide a broad level review of the NFIP's land use and buildings standards, which for the most part have not been updated since 1976 and how both these standards and flood risk mitigation generally can be improved. This is a critical opportunity to strengthen FEMA's and the Federal Government's contribution to reducing flood risk across the nation and to provide much needed assistance and information to states, communities, tribes, and territories, businesses, and the public in the face of increasing flooding prospects and ballooning flood damages and disaster costs.

Beginning with the current minimum 1% regulatory standard, I believe the current regulatory standards are in effect, encouraging increasingly risky development and redevelopment of the Nation's floodplains primarily because the standard provides an insufficient margin of safety. This in turn results in costly flood damages that are now on an unsustainable upward rise. I believe it would be important to consider regulation that protects buildings and infrastructure to the 0.2% standard or greater given the flood damages we are experiencing. Often, a combination of factors is responsible.

We are witnessing increasingly frequent and extreme precipitation events, fueled by changing climate and atmospheric and ocean warming. These factors are obscured by often out of date or nonexistent flood risk maps and precipitation data that fail to incorporate these likely future conditions, which should, um, take into account the

multiple decades for which buildings and critical infrastructure must be survivable to meet expectations for useful lives. In many areas, we are seeing substantial relative sea level rise from both ocean swelling, larger storm surges, and local or regional land subsidence, which again are often not accounted for in the current standards or flood maps. We are also witnessing more extreme storms and ongoing urbanization, including conversion of farms, open space and woodlands into developed areas and watersheds with much increased total impervious cover accompanied by greater and faster runoff patterns downstream. These have been shown to overwhelm current flood protection and stormwater management systems. The current NFIP –

**Jennifer Salerno:** Sorry, your 3 minutes are up. My sincere apologies. You can submit your comments as written so we can have all of them there but your 3 minutes are up.

**David Conrad:** I will, and I'm sure ASFPM in addition will provide other sets of comments in the weeks ahead. Thank you.

**Jennifer Salerno:** Thank you very much, Sir. Our next speaker is David Caicedo. I hope I pronounced that properly. Are you here David? I'm not seeing Mr. Caicedo. Thomas Leatherbee?

**Thomas Leatherbee:** Thank you very much.

**Jennifer Salerno:** Thank you, Sir. the floor is yours. You have 3 minutes.

**Thomas Leatherbee:** My name is Tom Leatherbee and I am the past Chair and current Insurance and Regulatory Affairs Chair for the Oklahoma Floodplain Managers Association. I'm a certified economic developer, a master code professional, and a certified floodplain manager and I offer these comments today on behalf of OFMA. OFMA welcomes the opportunity to comment on the floodplain management regulations contained within 44 CFR 60.3, recognizing that many of these regulations were the result of initial program design that was compromise in nature. OFMA encourages revisiting minimum standards that may not be adequate to reasonably protect from flooding, including those related to design flood elevation, manufactured homes, recreational vehicles, and development within approximate A zones.

But today I would like to highlight one particular potential regulatory change that could change the entire dynamic of dealing with repetitive losses in an equitable and resilient manner. A move toward a cumulative standard for substantial damage and substantial improvement would allow progress toward both equity and resilience. A cumulative standard would allow prior investment made by property owners to be amortized, according to the true localized risk while serving to break the cycle of repetitive loss. This model promotes both rec [sic], both equity and resilience. Thank you.

**Jennifer Salerno:** Thank you Mr. Leatherbee for your comments. I really appreciate them. Our next speaker is Chris Curb. Chris, if you are here, please raise your hand and we will unmute your microphone.

**Chris Curb:** How are you doing?

**Jennifer Salerno:** Hi Mr. Curb. I'm doing great, thank you very much. You have the floor and the timer starts now.

**Chris Curb:** I'm Chris Curb. I'm a graduate of Auburn University in civil engineering and, um, basically been the center of a stormwater management in Escambia County, Florida, this area of Pensacola in the panhandle. Um, our region gets about the highest annual rainfall, including Mobile, of the whole nation. And so we, we see a lot of flooding here. Um. I work as a subject matter expert with Flood Defenders now, I spent 25 years with the Escambia County though and, uh we're, we're seeing, I think some of the facts here is that we're seeing \$1 trillion dollars in U.S. taxpayer money are going, uh, have been spent out since 1980 and, uh, \$850 billion since 2001. Two-thirds of those costs are from natural disasters from flooding.

The 100-year floodplains that are on your flood insurance rate maps do not reflect the reality of flooding. We're seeing 50% of the flooding that is occurring is outside of the 100-year floodplain uh, on the flood insurance rate maps. Right now, Escambia County is going through an adoption period of the, I think, the 2017 maps; our current maps for 2006. There was an input period that, uh, the Florida Water Management District set up and I had several conversations with the Water Management District on how their maps were being done and not reflecting the actual reality of flooding. I think some real attention needs to be given to this.

The, uh, rainfall data that's being used – the state of Florida publishes some 1960s rainfall intensity curves when NOAA Atlas 14 already has more current data that reflects climate change, um, more accurate data. I think that that, uh, stormwater rainfall data, current rainfall data, should be utilized in designs and in fact, in the, the FIRM models. So, I think that would be a good idea to make that as a standard nationally to, to use current rainfall data. Your HMGP buyout program in floodplains takes forever. I believe I applied for \$16 million dollars after the 2014 storm event. It took 3 years before we were able to buy the first home through the buyout program. 3 years.

**Jennifer Salerno:** Mr. Curb, I'm sorry to interrupt you, but your 3 minutes are up so I would encourage you to put your comments in writing and submit for the record please.

**Chris Curb:** I will.

**Jennifer Salerno:** Thank you, Sir. You have a fantastic day. Our next speaker is Katharine Burgess. If you could please raise your hand and while we're waiting to set you up, Lindsey, if you wouldn't mind reading the next 2 speakers names?

**Lindsey Reiting:** After Ms. Burgess, we have Harriet Fasting and Aaron Davis.

**Jennifer Salerno:** Thank you. Ms. Burgess, are you available? Excellent, we can hear you Katharine. The floor is yours. You have 3 minutes.

**Katharine Burgess:** Thank you. My name is Katharine Burgess and I'm the Vice President for Land Use and Development at Smart Growth America. Smart Growth America is a national nonprofit organization committed to advancing sustainable, equitable development. We envision a future in which every person no matter who you are, or where you live, can enjoy living in a neighborhood, which is affordable, convenient, beautiful, and safe. I also represent LOCUS today, which is the nation's leading coalition of triple bottom line, real estate developers and investors committed to sustainable, walkable development.

I'm currently in the process of gathering input from our LOCUS membership regarding the NFIP call um, call for information, and this membership includes developers and investors across the country, many of which operate in

markets which are flood-prone and which are anticipating increasingly frequent and severe flooding on account of climate change. Today in advance of a written submission, which includes the perspectives from our LOCUS members, I'll provide a few quick high-level comments from the perspective of Smart Growth America.

As Smart Growth America and LOCUS advocate to advance a future in which all neighborhoods are affordable, convenient, beautiful, and safe, preparation for flooding is a critical aspect of safety. Discriminatory land use and lending policies have put far too many historically marginalized communities, including low-income communities and communities of color, at risk from climate hazards, especially flooding. It's critical that all federal, state, and local policies facilitate future development to be more prepared for the climate impacts that we will all face as well as, as well as develop equitable strategies to protect households and businesses which are already at increased risk today.

NFIP's land use and building standards have not been updated since 1976. It's critical that these standards are updated to align with the best available climate science and help, and these current standards do not provide a sufficient preparation for safety from flooding, given our understanding of climate impacts today, and especially our understanding of the inequitable development and land use considerations, which have arisen from development in the floodplain. I look forward to providing additional comments during the written period. I'd also like to, I'd like to thank FEMA for hosting this event as well as other events around equitable development and resilience, including the recent Alliances for Climate Action Programming. Thank you for providing the opportunity for verbal comments today.

**Jennifer Salerno:** Thank you Ms. Burgess, we appreciate your comments as well. Our next speaker is Harriet Festing. Harriet, if you are on, please raise your hand and we will work to have you unmuted.

**Harriet Festing:** Yes, thank you. Can you hear me?

**Jennifer Salerno:** We can hear you. The floor is yours. You have 3 minutes.

**Harriet Festing:** Wonderful thank you. So, I'm so grateful to FEMA for this opportunity, and thank you also for responding to our request for Spanish translation. That's very much appreciated. My name is Harriet Festing, and I'm Executive Director of Anthropocene Alliance, which is the nation's largest coalition of frontline communities fighting for climate and environmental justice. We represent around 107, well actually, 107 members in 35 U.S states [sic] and territories.

That's around 1 million people. 75%, I'm guessing, of our members are directly impacted by flooding, 75% represent historically marginalized communities and 78% of the groups we work with are led by women, and that's so important because what we've learned, what we know from research and what we've learned from our experience, is that it is Black, indigenous, Latinx, and low-income communities that bear the brunt of the worst flooding. They're more likely to be located in the floodplain. They're less likely to get disaster relief. And it's the women we have realized that are really dealing with the burden of the flooding. So the communities that we work with, and most significantly these communities, and many of my colleagues are actually doing clapping signs right now on this call, so they will be able to get the chance to comment directly, but they tend to have much less access to FEMA in order to actually try and shape FEMA's policies. So, thank you for this opportunity.

Just a couple of examples. Lemon Valley, Nevada. Residents there suffer horrific flooding and actually had to take the county to court in order to get meager compensation for their flooded home, because the county was developing



the floodplain. They won that case, but development continues in the floodplain. Miami, Oklahoma is the home for several indigenous tribes where development in the floodplain combined with runoff from one of the largest Superfund sites in the country continues to spread lead and arsenic into the homes of residents. Port Arthur, Texas. Um, one of the noted as Extreme Risk by Flood Factor. Um, and that risk is made worse because it is also the home of one of the largest petrochemical companies in the country, and thus spreading petrochemical contamination into homes. Yet, residents have been able to get less, uh little compensation to raise their homes or to move. I have many, and we will be writing many recommendations to FEMA in response, and we'll be writing them in, but perhaps the two most important are prohibit all construction within the 100-year floodplain and prohibit use of fill in the 500-year floodplain. And most importantly, ban the citing of industry, petrochemical industry, mining, factory farming, logging in the 500-year floodplain. It's just too perilous.

**Jennifer Salerno:** Thank you, Harriet. I appreciate your comments and we encourage you to put them in writing for the record as well. So thank you very much. Our next speaker is Aaron Davis. Aaron Davis if you're on the line, please raise your hand. Lindsey, can you please read the next 2 names after Mr. Davis? So they may be ready.

**Lindsey Reitinger:** After Mr. Davis, we'll have Wayne Spivak and Cameron Craig.

**Jennifer Salerno:** Excellent. Mr. Davis, are you on the line? I'm not seeing Mr. Davis so we'll move on to Wayne Spivak. Mr. Spivak, if you're on? Before I move on to the next in the list, can you continue with the next 2 names, Lindsey? So we can have them have their hands raised. [Wayne Spivak did not speak.]

**Lindsey Reitinger:** Absolutely, so after Cameron Craig, we have Terri Jean and Eugene Kelly.

**Jennifer Salerno:** Thank you. Mr. Cameron Craig, are you on, please raise your hand? I'm not seeing Mr. Craig so we'll move on to Terri Jean. Terri Jean if you are on, please raise your hand. While we check on Terri Jean, Lindsey can you give us a few more names? I feel like we have a few no shows here.

**Lindsey Reitinger:** All right, so following Terry Jean and Eugene Kelly, we have Scott Davis, and after Scott Davis will be Susan Wiley.

**Jennifer Salerno:** Thank you. I'm not seeing Ms. Jean. Eugene Kelly, are you on the call? If you are, please unmute your line or raise your hand, I should say. I'm not seeing Eugene Kelly, so we'll move on to Scott Davis. Scott Davis, if you're on the line, please raise your hand. Lindsey, while we wait for Mr. Davis, can you review the next few names?

**Lindsey Reitinger:** Sure. After Mr. Davis, we have Susan Wiley and then Eileen Shader.

**Jennifer Salerno:** Thank you. I'm not seeing Mr. Davis on the participant list. Susan, are you on the line? If so, please raise your hand. Susan, I see you on the participant list. If you are interested in speaking, please raise your hand. Are you there, Susan?

**Susan Wiley:** Yes, I'm here.

**Jennifer Salerno:** Oh, perfect, thank you so much. Susan. Your time starts now you have the floor for 3 minutes.

**Susan Wiley:** I am Susan Wiley, with Citizens for Flood Relief into Desoto, Missouri. I'm not on a coastal area, which everybody thinks it's just the coast that's flooding. We flood from a tiny creek called the Joachim. We flash flood and every time we have over a 4 inch rain, we either evacuate, or we have somebody who washes away in a car. In 2003, we had somebody who washed away, a young father in a small car, right in the center of town through a drainage tube.

Where has FEMA been? We hear FEMA, but we don't see FEMA. Um, we are a poor town, there's not very many, um, building codes so we can't apply for um, grants or anything. The Community Rating System is null and void here, it doesn't work. Our poor people can't even afford the national flood insurance. We have house after house after house that is either bought up and fixed by a landlord, and then people are subject to that again. The flooding just doesn't, it just doesn't stop, and so our town is dying.

We had a flood study designated by the Corps of Engineers, and there were 229 homes out of a population of 6,400. We're seeing the county still build right on our line which floods our city. Um, there are, is some building going right on in the flood zone. Um, it's just, it's just terrible. One of the big things that I see is the EPA. It's in here removing yards because of lead and arsenic. But the homes are still there. The old community shoe factory is still there. You're not fixing the original problems. You're just remediating things that, that don't help. You've got to stop the fill and build, because if you fill and build, you've still got the mess. You still got the lead and arsenic; you've got to remove the buildings, and you've got to remove the people. That's what the Corps of Engineers says. The only way that we can get people out is by removing the homes, and so these people need help! So many of the people don't have flood insurance, and they have no way of selling this house now, that they bought, sometimes have been in generations of family.

Our small community is historical, we've got a historical main street. And the Corps of Engineers is begging some of the businesses to leave. We don't want to lose our businesses. Our historical theater is there. If we move some of the other people away from this, we might, can save town, but without your help, and without us hearing the word "FEMA" and people really stepping in to help, it's not going to do any good. And you need to listen to the residents, not all the potential people know what they're talking about if they've been doing it for 40 or 50 years. We have to have help.

**Jennifer Salerno:** Thank you Ms. Wiley. I'm sorry to interrupt you Ms. Wiley, but your 3 minutes has passed. My apologies. I encourage you to please provide your comments in writing.

**Susan Wiley:** Thank you.

**Jennifer Salerno:** Thank you very much for your time. Lindsey before we move on to the next - I believe it was Eileen Shader, Eileen if you are here, please hover over your name on the participant list, and you will see a raised hand icon that you can raise - Lindsey, who are our next speakers in line?

**Lindsey Reiting:** Up next, you'll have Tim Beymer followed by Gustavo Ramos.

**Jennifer Salerno:** Thank you. Eileen Shader, are you available? I'm not seeing Eileen Shader on the participant list. We will move on to our next register speaker. Mr. Beymer, if you are available, please raise your hand.

**Tim Beymer:** Did that work?

**Jennifer Salerno:** Are you there, Tim?

**Tim Beymer:** I'm here.

**Jennifer Salerno:** Perfect, we can hear you. You may proceed, you have 3 minutes sir.

**Tim Beymer:** Perfect, I'm Tim Beymer from Valleywide Cooperative. I work in the propane industry, and we're having, uh, FEMA's dictating a lot of, uh, strapping down tanks but they don't have any guidelines to go by on what's required to strap down a tank, especially an underground tank. And the feedback I'm getting is that they're wanting to place an underground tank in concrete, which is not feasible, because you have to have that in contact with the ground and that will keep that tank from rusting inside a concrete incasement. That will not work. Like, FEMA needs to be educated on what they're trying to do and enforce before they try to enforce it.

Um, strapping down tanks is also covered in NFPA 58. If an underground tank is installed in a floodplain area, it may be necessary to anchor the tank to a flotation. Mobile home tie-downs and straps can be used for this purpose, especially for underground tanks of 2000 gallons or smaller. And that's mainly what we install. If the tank is larger, it may be more effective to place a concrete slab in a hole and anchor the tank to the slab, and that's another way of doing it for underground buried tanks. I think FEMA needs to do some research and find out exactly what needs to be done to rectify this and, uh, give better guidelines in that matter. Thank you for your time.

**Jennifer Salerno:** Thank you very much for your comments, Tim. All right. We will move on to our next speaker. Gustavo Ramos, if you are available, please raise your hand. Before Mr. Ramos will speak, Lindsey can you give us the names of our next 2 speakers? So we can have them ready.

**Lindsey Reitingner:** After Mr. Ramos, we'll have Philip Dustin and Lorena Venegas.

**Jennifer Salerno:** Excellent. Thank you. Mr. Ramos, are you available to speak?

**Gustavo Ramos:** Can you hear me?

**Jennifer Salerno:** I can Mr. Ramos. The floor is yours. You have 3 minutes.

**Gustavo Ramos:** Yes, hi. Good afternoon. My name is Gustavo Ramos, I'm an architect here in Miami, Florida, and my question is pretty specific. I thought this was going to be kind of like a question-and-answer format where I could ask a question, and somebody could respond.

My question basically is in construction and development we're doing some projects in Bay Harbor Islands and, um, typically in Miami, and in a lot of places in Florida, you are allowed to put parking below grade when you do a building, if you waterproof the area where you're putting the parking. So, it's, uh, the parking would be below grade. And then you waterproof that area and then you can do it. There's a couple of cities right now that are applying the Technical Bulletin by the National Flood Insurance Program, which is a Technical Bulletin 6-93, and this is a Technical Bulletin basically, that's from 1993 that is saying that you are not allowed to put parking below grade in the areas that we're doing the construction and this is affecting a lot of people as far as, you know, the investors and, you know, the projects that we're doing.

We're trying to find out, or if somebody can respond or direct me to who I can talk to, to find out if this Technical Bulletin 6-93, which in itself, when you go through it, it says that it's not meant, the bulletin itself is not meant to create regulations rather to provide specific guidance for complying with minimal requirements of the NFIP regulations. And my question is, uh, if FEMA can answer those questions I can, we can figure out in Bay Harbor Islands if we're allowed to build the parking below grade and do it in a in, in a [sic] way that can be waterproof. Now, the Florida building code has a section for, that applies to uh waterproofing, uh, that is actually in reserves, so the Florida building code does not give you guidance in that respect. So my question would be if anybody listening or anybody here can actually direct me to, to who I can speak to at FEMA, if somebody is not going to answer a question, because it seems like this is basically just like a, a communication format not a question-and-answer.

**Jennifer Salerno:** Yeah thanks, Mr. Ramos. It is a, it is more of a, you provide comments to FEMA, but we did receive your email so hopefully we can get you a response.

**Gustavo Ramos:** Okay perfect, thank you.

**Jennifer Salerno:** Thank you. Before I move on to our next speakers, Lindsey can you remind us who our next 2 speakers are? I believe Phil Dustin is next, but who was after Mr. Dustin?

**Lindsey Reitinger:** After Mr. Dustin, we have Lorena Venegas and Cory Spaulding.

**Jennifer Salerno:** Perfect, Mr. Dustin I believe I saw you on the line. Are you able to unmute?

**Phil Dustin:** Yes, I am. Yes, I raised my hand. Can you hear me now?

**Jennifer Salerno:** We can hear you perfectly, Sir, the floor is yours. You have 3 minutes.

**Phil Dustin:** Oh, great. Thank you very much. I live in Charleston, South Carolina and I, I'm actually a PhD ecologist. I'm a professor at the local university, the College of Charleston. And I've been studying flooding and the relationships of, of essentially the low country to the ocean and water for about 25-30 years. But flooding has become epidemic in Charleston, South Carolina. And in 2018, myself and two of my colleagues, wrote a letter to FEMA pointing out problems with the CRS rating of the city of Charleston, for downtown, which is sort of the past, James Island, which is the present, and John's Island, which is the future and, um, you know, we never got a response to that letter. I've actually submitted it as a written comment as well. But all we got was condemned by the city of Charleston for not talking to them first when in fact we had.

But what I want to talk about is, is essentially what they're doing is they're promoting the urbanization of Charleston, the fill-and-build community, the so called PUD [planned use development], which just leads to more flooding and more flooding and so we have the 4 Fs: flooding, flipping, forgetting, and more flooding. The flooding has become a new form of urban renewal or gentrification. Because we are seeing these PUD communities built next to poor communities, and then the poor communities get flooded out. The developer comes in, loads up that area with fill-and-build, and then just moves on and so it's become a very pernicious form of gentrification that needs to stop.

And I'll, I'll continue with a few of my other comments. Another section I've gotten is that when we look at flood guidelines, I know FEMA asked, you guys are federal and we have all of our local building codes that are state. And so there has to be some sort of rationalization there. There has to be some sort of ability for FEMA to interact other

than the CRS. Because what we're having now is an individual fill-and-build community might pass its floodplain, but when you aggregate them together, you create a type of flooding that's like a super flood. And we're, we're realizing with our studies, and I submitted this as well with our comments, that the aggregate of all of these fill-and-build communities leads to more flooding. And so as we go into global warming, and we see a warmer atmosphere that holds more moisture, we get bigger rainfalls, we get rain bombs, we've already had a 1000-year flood in South Carolina, we need to do something to help the common people. Either that or just abandon the whole idea and, and move somewhere else. Thank you.

**Jennifer Salerno:** Thank you. Mr. Dustin, we appreciate your comments. Our next speaker – I'll check the list – the next speaker we have is Lorena Venegas. Lorena, if you are here, please have your hand raised. Okay I see you there. We'll have you unmuted in a second. Lindsey, as we're waiting for her to get unmuted, can you read the names of our next 2 speakers please?

**Lindsey Reiting:** Sure, following Lorena, we'll have Cory Spaulding and then Michelle Smith.

**Jennifer Salerno:** Perfect. Lorena, are you there?

**Lorena Venegas:** Yeah, can you hear me?

**Jennifer Salerno:** We can Lorena! You have 3 minutes.

**Lorena Venegas:** Thanks I appreciate it. I'm living climate change here in East Haven, Connecticut. I'm a member of various environmental organizations, including Yale Citizen Climate Lobby, Anthropocene, 10,000 Hawks, and Save the Sound. And what I'm living here is that Tropical Storms Irene, Sandy, Elsa have all devastated my town. I have, no matter how much rainfall we get, we have a flooded airport, which is right here in my backyard. We have an airport that's filling in wetlands as I speak. It's endangering the species of both bird migration, plants and fauna in our area. And the stormwater management policies that we have in town, there's no enforcement for what's happening. So, I really am looking forward to FEMA, making sure that we #1 prohibit fill and build in the 500-year floodplain.

#2. I need protection of my wetlands. I need protection of the endangered species. Right here where I live, I'm surrounded by salt marshes and tidal marshes and Long Island Sound, and according to the Army Corps of Engineers' map, that shoreline is going to be – it's 2 blocks from me now – it's going to be, it's going to be right here at my porch by the year 2050, and we have to do the mitigation. We have to do the green-proofing that are, that my town needs. Right now, there's a zone, a short beach road, Hemingway Avenue, that floods all the time. It's a main artery for over 2,000 people in one part of our town and with the recent storms that we've had, all the water runoff that's coming from North Sound going into our tributaries, our brooks, it can't be handled by our tidal basins that we have now because of ancient technology.

We're right now living in a situation where we have competing industries of oil and port authorities and airports, they're trying to expand, and what they're doing is, they're doing water displacement. And when we have water displacement, what that means for me is more floods and only rich people in my town can really put their house on stilts. Poor people can't.

And I know that one family in my immediate area, they had to wait for one whole year just to go back into their house that was stilted and that's because, because of the insurance they were limited to what kind of contractors that could use. So, even though we live in a town, that's full of talent they couldn't hire the contractors that they needed on a timely basis in order to get back to their house. And that presented more inconvenience and having their kids go to a different school system and having moved to a different home until their house was done. I really want to make sure that FEMA touches on flooding, endangered species, protecting our wetlands, and more enforcement. Because in my town, no one's paying attention and the water just keeps rising. Thank you so much.

**Jennifer Salerno:** Thank you so much for your comments, Lorena. I appreciate them. Next up, I believe we have Cory Spaulding. Cory, while we get you set up, please raise your hand so we may unmute you. Lindsey, can you please read the next names so we can have folks ready?

**Lindsey Reiting:** Following Cory Spaulding, we have Michelle Smith and then we have Kerri McLean.

**Jennifer Salerno:** Excellent, thank you. Cory Spaulding, are you there?

**Cory Spaulding:** Yes, I am.

**Jennifer Salerno:** Excellent, Cory. Nice to hear you. You have 3 minutes; the floor is yours.

**Cory Spaulding:** Good afternoon, I wish to speak to you about what I believe is a double standard that FEMA has recently set and that standard being one for FEMA, a set of rules for FEMA to follow, and the other is a set of rules for everybody else to follow. In the Federal Register and many other documents, including the Water Resources Council guidance documents on implementing EO 11988, it talks about how FEMA is supposed to be the role model and take the lead in a NFIP compliance and floodplain management and development. I don't necessarily believe FEMA is taking that role. I wish to give you two specific instances of what I believe is this double standard.

In North Carolina as a result of Hurricane Florence, the FEMA Public Assistance program ruled that the cost of complying with the FEMA NFIP substantial damage, substantial improvement rule was an unreasonable cost. FEMA supported and agreed with a local floodplain administrator that the building in question was substantially damaged from the Florence event, but ruled that the cost of bringing the building into elevation and code compliance was not reasonable. FEMA then funded costs to repair the building only, in direct violation of the substantial damage rule, 44 CFR part 9 and EO 11988. FEMA in a memo stated that they had no obligation to fund compliance with the NFIP rules, yet the NFIP would suspend the community from the program for not following the same rules.

My question is, how is it within your agency that one section of FEMA, the NFIP, creates the substantial damage rules, and then you have a different section of FEMA, the Public Assistance program, saying the cost of complying with the substantial damage rule is unreasonable? And that FEMA is not going to fund it. This is the same agency talking out of both sides of their mouth. My second example is in Texas from Hurricane Harvey. A school district has an elementary school that was flooded with 2 feet of water. The FEMA Public Assistance program approved their replacement school and approved \$11 million of taxpayer funded dollars to build a new school back at the existing location at the exact same height as the building was previously that had flooded. Later on, at the request of the school district, FEMA approved \$2 million dollars to elevate the new school, which I applaud them for doing. At the same time, about the same time, FEMA changed the FIRM map and designated this area as a Special Flood Hazard Area, which this, which makes this flooded school now a substantially damaged building. The district submitted the

plans for the new elevated school for FEMA to approve. And FEMA's response was to tell the district that they had funded the \$2 million elevation mitigation money in error, took back the \$2 million dollars and told the district they could build it back at the newly enacted, below the newly enacted base flood elevation. Again, putting federal dollars in jeopardy of flooding again. The FEMA program –

**Jennifer Salerno:** Mr. Spaulding, I don't mean to interrupt you, but your 3 minutes are up. I would encourage you to provide your comments in writing so they can be for the record and reviewed.

**Cory Spaulding:** Thank you.

**Jennifer Salerno:** Thank you so much for your comments. Our next speaker is Michelle Smith. Michelle, I see your hand is raised; we'll work to unmute you. Before you speak, Lindsey, can you remind me of the next 2 names who are on our list please?

**Lindsey Reiting:** Following Ms. Smith, we have Kerri McLean and Gabriella Velardi-Ward.

**Jennifer Salerno:** Perfect. Ms. Smith, Michelle Smith are you there?

**Michelle Smith:** Can you hear me?

**Jennifer Salerno:** I can hear you Michelle. The floor is yours. You have 3 minutes.

**Michelle Smith:** Thank you so much. Um, my name is Michelle Smith. I'm the Marketing Director for the Community Empower and Development Association. We're a nonprofit environmental justice community organization located in Port Arthur, Texas. Port Arthur is home to around 54,000 people and has a poverty rate of 27%. We're located in the Gulf of Mexico, or along the Gulf of Mexico, and we're surrounded by oil and petrochemical industry. Since 2005, we have seen an increase in severe hurricanes, tropical storms, and severe rain events.

However, we were not prepared for what was to come during Harvey in 2017. An estimated 80% of all of the homes in Port Arthur were severely damaged due to the flooding. The floodwaters came in during the night and surprised people in their beds. More than half of the properties flooded during Harvey were not in the 100-year floodplain. And neighborhoods Montrose received about 8 feet of water in their community. Many of our residents had to make a choice between things such as paying for their medicine, or paying for flood insurance. Since then, we've seen repeated flooding in our neighborhoods and with a median household income of under \$37,000 dollars a year, many of our residents cannot afford to repair their homes after flooding, much less elevate their homes or purchase a home in a safer location, which is leaving them stuck in dangerous situations.

So, my ask of FEMA is, um, to target financial support for buyouts and home elevations for low-income residents whose homes have flooded repeatedly. I'd also like for you to use a realistic evaluation method of substantial damage that would make people whole and be transparent about how these determinations are made. I would also like to ask that the NFIP funds are increased for flood mitigation implementation by using increased cost of compliance. What we need is for buyouts to be feasible for homeowners and to cover the cost to move to safer areas, far away from flooding and pollution and, um, other hazards.

We also need to remove the cost share requirements for low income communities because they are simply not able to meet them. And naturally, we want to prohibit all construction within the 100-year floodplain, especially industry, and prohibit the use of fill and build in 500-year floodplains.

We've seen in Port Arthur, Texas, that flood mapping is severely outdated and we need to make sure that flood mapping in all communities is up-to-date and take into consideration climate change. We need to take into account future development and land use changes when we create and update these maps and we also need to make sure that the mapping is easily accessible and available to the public. Thank you very much for this opportunity to provide my comments.

**Jennifer Salerno:** Thank you very much Ms. Smith. Our next speaker is Gabriella Velardi-Ward. Gabriella, I see your hand is raised. We'll work to unmute you and before we have you speak, Lindsey, can you give us the names of our next 2 speakers?

**Lindsey Reiting:** Yep, absolutely, and we actually have Kerri McLean before we have Gabriella. Then following her we have Kevin Shockey.

**Jennifer Salerno:** Perfect; my apologies. Kerri McLean, I believe you're here as well. And your hand is raised I think, can you hear us? Can you speak?

**Kerri McLean:** Yes. Yes. Can you hear me?

**Jennifer Salerno:** I can, thanks Kerri. The floor is yours. You have 3 minutes.

**Kerri McLean:** Okay, thank you. I'm a volunteer with Anthropocene Alliance, the nation's largest coalition of frontline communities fighting for environmental and climate justice. As well, I'm a flood survivor. On October 24, 2005, Hurricane Wilma delivered two different storm surges, at different times of the day, to my island home in the Florida Keys. One came on the leading edge of the storm and the second surge on the trailing side as it passed, leaving five feet of sea water in my home. We lost our car, appliances, treasured mementos, but those are all just things.

We were very lucky. Our main living area was the second floor. Yet that wasn't the case for many Keys residents. A close friend—handicapped, bedridden, and unable to evacuate—was saved from drowning by a neighbor as the water surged into his home. Another friend's home filled with raw sewage and salt water as the surge inundated her small children's rooms and soaked their beds. Every family in the lower Keys and Key West was adversely affected. I could obviously go on, but you know well the ravages of flooding.

So, what I ask you today is to target FEMA financial support for buyouts and elevation to residents whose homes flood repetitively, and be flexible in determining cumulative, substantial damage. As well, I ask that these processes be more streamlined, more expeditious and more transparent, because the last thing flood survivors need is the stress of navigating red tape and bureaucracy, when they don't even have a safe place to live. In large part due to climate change and the constant trauma of hurricanes, I was able to move to Central Florida where currently the storms and flooding are not as intense. Yet others don't have the means to do so.

I ask that you make buyouts more attractive to homeowners by recognizing the cost of moving to desirable areas far from flooding, pollution, and other hazards. Remove the cost share requirement for low-income communities and



increase NFIP funds to \$100,000 dollars for mitigation measures through the increased cost of compliance. And finally, please ensure that new homeowners can find out about flood risks by requiring all states to pass disclosure laws. Florida currently has no such laws and for a state practically surrounded by water that seems incomprehensible.

**Jennifer Salerno:** Thank you for your comments, Ms. McLean. Our next speaker is Gabriella Velardi-Ward, who I believe is here, so we will work to unmute you. I believe the next names are Kevin Shockey and Cedar Bushue.

**Lindsey Reitingner:** That's correct.

**Jennifer Salerno:** Gabriella, are you there?

**Gabriella Velardi-Ward:** Yes, I'm here. Can you hear me?

**Jennifer Salerno:** Yes, we can hear you Gabriella. The floor is yours. You have 3 minutes.

**Gabriella Velardi-Ward:** All right thank you. And thank you for the opportunity to address these issues. My name is Gabrielle Velardi-Ward and I'm the leader of the Coalition for Wetlands and Forests, and we're also a member of the Anthropocene Alliance. I live in Staten Island, New York City. Um, and Staten Island is a very small island. Part of the island in 2012 was inundated with a storm surge by Hurricane Sandy. 24 people died during that storm. On the other side of the island, that's where we are in Graniteville. Graniteville is an environmental justice community and part of it is also, um, occupied by elderly, disabled and low-income people.

So we are an EJ community. We've been fighting for the last 4 years to keep our freshwater wetland and forested wetland and tidal wetland from being developed by, um, by developers that want to put a BJs [store] there, a parking lot for 835 cars, a gas station and gas storage tank, and two additional buildings. For these 4 years, we told politicians and agencies if we lose this wetland we'll be flooded. And no one listened. Even though we're still in court, we developed, um, the developer, uh, had workers go into the wetland and began, begun cutting the 1,800 mature trees that saved us during Hurricane Sandy – this area of Staten Island was not flooded – and they began compacting the soil. By August 31, 80% of the trees were down and the soil was compacted. On September 1 we were, in Graniteville, we were flooded for the first time. We were never flooded before, and so many of us do not have flood insurance because we never needed it before, but it's going to get worse because this area of the Staten island, of Staten Island is surrounded by water. And with climate change and sea level rise, we are going to get flooded more and more, and more serious. Um, so we're very concerned about that.

Uh, there are many changes that are needed in policy, especially since climate change can no longer be denied and we were talking about 4 years ago. The two most important to us are accounting for climate change. Uh, the maps have to be up, up-to-date, um, the current with the current conditions. New York City has 2,200, I'm sorry, New York City has 520 miles of shoreline and, uh, I understand that it's one of the fastest rising sea levels on the East Coast. So, we're really, really in trouble and no one here is really addressing it in New York City.

Um, we must prohibit the destruction of the wetlands, marshes, forests, and other natural green resources that protect the community from flooding and, and do so much more. Uh, and especially to fight climate change. Um, so we recently lost the, the wetland and now we were flooded and our politicians are not paying attention. In fact, they're making us invisible. They don't want to address it because we warned them.

**Jennifer Salerno:** Thank you for your comments. My apologies that your time is up, but thank you for your comments. We encourage you to put those in writing as well for the record.

**Gabriella Velardi-Ward:** Yes, thank you. And I will add to that.

**Jennifer Salerno:** Thank you very much. Our next speaker is Kevin Shockey. Kevin, I believe you were on the line.

**Kevin Shockey:** Can you hear me?

**Jennifer Salerno:** Yes, but before I give you the floor, Lindsey, can you remind us of our next two speakers please?

**Lindsey Reiting:** Following Mr. Shockey, we have Cedar Bushue and Mike Graham.

**Jennifer Salerno:** Perfect, thank you. Mr. Shockey the floor is yours. You have 3 minutes.

**Kevin Shockey:** Hello. Yes, I'm Kevin Shockey and I'm the chairperson and owner of Ahora Inc. We are a company supporting social justice in Puerto Rico through the implementation of the United Nations Sustainable Development Goals. I'm also a survivor of multiple hurricanes here in Puerto Rico, including Hurricane Georges, Irma, and Maria. I've lived in Puerto Rico for 25 years, and I've seen the effects of catastrophic flooding, not only during hurricanes, but recently it is just likely to come from intense, tropical showers and king tides. I've also seen the same sectors flooded time and time again, the same cities, the same neighborhoods, even the same houses.

What I have not seen much is any sense of a plan to move or raise those houses that flood on a regular basis. On the contrary, I've seen continued development of flood-prone lands, continued development of our beaches, and encroachments upon wetlands and mangroves. I'm asking FEMA to help us in the struggle with frequent flooding. I'm also asking FEMA that when, we only hear about FEMA when disaster strikes. I had never known up until now how much you're involved in flooding and floodplains and coastal management. So, it seems surprising to me that the lack of your presence, um.

Continuing, that typically the first families that we see go into the shelters during the hurricanes, are the families that are in those houses that flood time and time again. So I'm here standing up for my neighbors and demanding better service for Puerto Rico. I'm also asking as a father of three beautiful daughters. I want their lives in Puerto Rico to be 1) free of flooding, safe from nonstop development and secure that, wherever they choose to settle that, their new community is also free from flooding.

Specifically, I ask, in reference to critical infrastructure that you prohibit all construction within the 100-year floodplain. In addition, I ask that you require that all critical infrastructure, including schools, hospitals, et cetera in the 500-year floodplain be elevated. Furthermore, I ask that you ban all industry, including steel manufacturing, factory, pharmacy, mining, oil, refineries and chemical plants in the 500-year floodplain. In addition with continued and ongoing development, I ask that you protect our endangered species by prohibiting all construction in flood-prone areas, thus giving greater protection to our wetlands. I also asked for your –

**Jennifer Salerno:** Thank you Mr. Shockey for your comments. Your 3 minutes are up. Thank you very much. I encourage you to provide those as written comments for the record please. Thank you for your time.

Our next speaker is Cedar Bushue, I'm probably not pronouncing the name properly. If you are here, please raise your hand. Cedar is here. We'll work to have you unmuted. Lindsey can you give us the names of the next two speakers?

**Lindsey Reiting**: Up next we'll have Mike Graham followed by Joel Scott.

**Jennifer Salerno**: Thank you.

**Cedar Bushue**: Thank you. Hi, my name is Cedar Bushue. Can you guys hear me?

**Jennifer Salerno**: I can hear you Cedar. The floor is yours. You have 3 minutes.

**Cedar Bushue**: Um, I am a resident uh, I am in Seattle. In Seattle, being so close the ocean, uh, the poor and minority parts of the Seattle have a lot of well, the chance for flooding is higher, because you also are next to the Duwamish River, which, us living on the river have a big chance of flooding because, because there's a few companies in the area, but the worst one well, there's - we are right next to couple industrial companies, RAM Mounts, Boeing, and the industrial shipyard.

And, uh, RAM Mounts has been demolishing trees and affordable homes when they're not supposed to have been, and that is taking more and more of our flood protection away cause they're doing it right on the river and they are also, um, I imagine - I haven't looked it up - but I imagine there are also well - they are destroying the habitat for many species around here and the toxins are affecting the fish in the River, the Duwamish River, so we're no longer able to eat the fish that come from the river and the EPA won't help us with cleaning the river they were supposed to, but ah, the chemicals in the river, they don't want to clean them up. Um. And so, uh.

Going back to an earlier presenter that presented two before me, talking on Hurricane Sandy. I actually did two years in AmeriCorps, and I did help with the disaster relief for Hurricane Sandy. Don't know who that was, but, um. Anyways.

So, yeah, our neighborhood in South Park, we have a life expectancy of 10 years less than the rest of King County. It's because of the air quality from the industrial companies, they're heavy, toxic industrial. There's one operating in a residential neighborhood. They have a couple of these buildings and I mean, the air is very bad around here. And, I mean, the flooding, uh, our house has gotten some flooding in the past because being right on the river and, um it's just the lack of flood protection because of all the trees that are being knocked out for when they are doing playgrounds and, um, when the county's doing playgrounds and when, uh, the demolition of these homes and trees that should not be happening are. Because the county and our local politicians refuse to do anything to help. So does the, so does Seattle, I mean, they're refusing to do anything to help so.

**Jennifer Salerno**: Thank you so much for your comments today.

**Cedar Bushue**: You're welcome.

**Jennifer Salerno**: Excellent. So our next speaker on the list is Mike Graham. Mike, if you are here, please raise your hand. Lindsey, while we check to see if Mr. Graham is here, can you please read the names of our next 2 speakers?

**Lindsey Reiting**: Our next two speakers will be Joel Scata and Traci Sears.

**Jennifer Salerno**: Excellent. Thank you. Mr. Graham, if you're on please raise your hand. I'm not seeing Mr. Graham on our participant list. We will move on to Joel Scata. Joel if you are on, please raise your hand. We will have you unmuted. Are you there, Joel?

**Joel Scata**: Hi, how are you?

**Jennifer Salerno**: We can hear your Mr. Scata. The floor is yours; you have 3 minutes.

**Joel Scata**: Thank you, good afternoon. My name is Joel Scata, and I'm an attorney with the Natural Resources Defense Council. We thank FEMA for granting NRDC'S and the Association of State Floodplain Managers' petition to update the NFIP's rules for building and land use in our nation's floodplains, and to develop maps that project future flood risks, and for beginning the process to transform the NFIP into the type of future-oriented, climate-informed program the nation needs.

Ongoing and future changes to the climate such as sea level rise and extreme rainstorms combined with growing population density in coastal areas are increasing the likelihood of damage and human suffering caused by floods. Rising sea levels are exacerbating several threats to our communities, the projected increases in sea level, average tropical storm intensity and tropical cyclone rainfall rates will act to further elevate future storm surge risk. The NFIP is the nation's primary mechanism for addressing the flood-related impacts of climate change and must be capable of addressing this increasing threat of flooding. Smart policy, and the law, both mandate that FEMA revise the NFIP implementing regulations to adequately account for the increasing risk of flooding. Safe, fresh water, construction and land use standards and adequately mapping future conditions provide communities the opportunity to anticipate and reduce flood risk. NRDC requests FEMA adopt the following, but not exclusive list of changes.

FEMA is required by law to, um, develop flood maps that reflect current and future flood risks. Most of the flood hazard maps that are used nationwide to determine minimum building design and other floodplain development standards are at best a reflection of the current flood risk, and usually other flood risk of years in the past. We can no longer use historical risk alone to predict current risk, and we cannot use current risk to make decisions that will put people at risk decades into the future. To meet its duty concerning floodplain mapping, FEMA must incorporate the best available science regarding sea level rise, precipitation, and intensity of hurricanes to any revision or update to NFIP flood maps. FEMA must also include the multiple future conditions of flood elevations as advisory layers on those flood insurance rate maps.

A second recommendation would be to, uh, improve disclosure. Uh. There are very little, um, nationwide standards for disclosure in the country, and many states have different varying requirements and most of them fail to actually provide sound information to sellers or to buyers or renters of homes. As a condition of participation in the FEMA [NFIP] should require all states and communities that participate in the NFIP to have adequate disclosure laws, such as whether that home has ever been damaged by a flood, and the extent of the damage, whether the home is located in the floodplain and whether insurance is mandated on the property.

Lastly, I'd like to recommend that FEMA adopt a different standard for critical infrastructure in the nation's floodplains. Currently critical infrastructure is treated similarly to just a residential structure. Um, in terms of FEMA building standards and codes, but unlike other FEMA programs, um, the critical infrastructure, uh, sorry, unlike other

FEMA programs, the NFIP treats the standards exactly the same. So for critical infrastructure, FEMA should prohibit new critical infrastructure where it's feasible from the 500-year floodplain. If the infrastructure must be located in a 500-year floodplain, then it must be elevated above that height by several feet.

**Jennifer Salerno:** Mr. Scata, I don't mean to interrupt – my apologies, but your 3 minutes are up.

**Joel Scata:** Okay, thank you.

**Jennifer Salerno:** I encourage you to put your written comments and submit them for the record please.

**Joel Scata:** Thank you.

**Jennifer Salerno:** You're welcome. Our next registered speaker is Traci Sears, and if you had registered, but were not called on to speak, we request that you raise your hand, as we're getting to the end of the registered speakers list.

So, if you had registered to speak and your name was not called, please raise your hand. Again, the registration list that we're looking at was from 5 minutes before the meeting started.

Traci Sears, if you are here, please raise your hand and we will unmute your line. Traci Sears are you interested in speaking? There's Traci Sears; her hand is raised. We'll work to unmute you. Traci, are you there?

**Traci Sears:** Thank you, Jennifer. Thank you for this opportunity to comment on this important issue again. My name is Traci Sears, and I'm the current National Flood Insurance Program Coordinator for the state of Montana. The following is my professional opinion; it does not necessarily reflect the official policy or position of the state of Montana. After experiencing the impact and rollout of Risk Rating 2.0 and BRIC I am concerned how these proposed regulatory changes will be conducted and how they will impact local communities to enforce their local floodplain programs. I offered the following general comments.

I hope you will consider extending public comment time period for this event, and hold a public event for local communities, including their elected officials and local attorneys. The local communities tasked with administering the local floodplain program, they need the tools and defensible information to adequately administer their programs. I stress the importance of extensive coordination with local communities and state partners. Incentivize compliance for communities and local property owners.

When it comes to endangered species regulations, U.S. Fish and Wildlife should have a simple permitting process for endangered species since they have the expertise to adequately evaluate endangered species information. U.S. Fish and Wildlife should also have maps, tools, and resources for local officials and the public. U.S. Fish and Wildlife should have biologists available to assist local communities with questions and reviews on endangered species-specific information.

I hope that as you're looking at updating these regulations that you are strongly considering how these local communities are going to be able to administer this program, please provide them with the tools and regulations that they can actually enforce and defend. And with that, I'll give back my time, thank you.

**Jennifer Salerno:** Forgot to unmute myself. Thank you, Traci. We appreciate your comments. We're going to quickly make sure that no one else who registered has joined after the call.

Additional speakers, Troy Tillotson your hand was raised first; I believe we have you slated to speak next. Mr. Tillotson, if you are interested, we will unmute your line. And with that, we probably only have time for additionally one, maybe two speakers after this. So, we'll see how we can do it. Mr. Tillotson.

**Troy Tillotson:** Hi, yeah, this is Troy Tillotson. Can you hear me?

**Jennifer Salerno:** We can hear you. Mr. Tillotson, the floor is yours. You have 3 minutes.

**Troy Tillotson:** All right. I'll try to be brief. Thank you for the time to speak. I think I would echo the previous speaker's comments. I am the Stormwater Utility Division Manager for the city of Wichita. Wichita, like, all other communities, has unique needs and opportunities in terms of development and floodplain management issues.

In order to provide real and meaningful feedback, Wichita needs additional time for proper stakeholder engagement. Given the fact that these regulations have not been updated since 1976, Wichita sees this window as too narrow to provide the type of meaningful feedback we would like to provide and would like to see it extended by at least 60 days. The stakeholders that we were talking about working with would include local boards, and, you know, public groups, stormwater advisory boards for the city as well as the county, local development interest groups, uh, and others. With that, uh, the city of Wichita does intend to provide more technical comments, uh, in writing, before the closure of the comment period. So thank you for this time.

**Jennifer Salerno:** Thank you, Mr. Tillotson, we appreciate the comments. Lindsey, if you wouldn't mind, please share the names of the folks you saw jump on and we'll see if we can squeeze in at least one, maybe two people, depending on the amount of time we have left before the closure of the meeting.

**Lindsey Reiting:** The next hand that was raised was Rebecca Pfeiffer – if we could unmute Rebecca?

**Jennifer Salerno:** Rebecca Pfeiffer, let us know when you are ready.

**Rebecca Pfeiffer:** Yeah, can you hear me?

**Jennifer Salerno:** I can Ms. Pfeiffer. The floor is yours; you have 3 minutes.

**Rebecca Pfeiffer:** Thank you very much. And I apologize if my dog barks in the middle of this. My name is Rebecca Pfeiffer, and I am the Vermont State NFIP Coordinator and a certified floodplain manager. I'm also the co-chair of the ASFPM Natural and Beneficial Functions policy committee. Today I speak based on my professional experience, working in the state of Vermont's NFIP Coordinator's office for 15 years. I'm not representing any of those other affiliations. Thank you for the opportunity to speak, and we will be submitting comments in writing.

The primary focus for our comments is around better acknowledgment of river, lake, and coastal areas as dynamic systems that change and adjust over time, a better acknowledgment of floodplain functions and values that help to support protection of endangered and threatened species, and better accounting for climate change in the regulations, mapping, and modeling. Many others have spoken about the need to better identify and account for

climate change and we strongly agree for the addition of this perspective. Some of these points could include strengthening the protection standards to at least the 0.2% chance floodplain, incorporating the most current science regarding climate change projections – this would include incorporating changes to hydraulic modeling methods to better account for climate change or the incorporation of sea level rise models – and the consideration of our riparian river corridors and future conditions floodplain.

We also support strategies that avoid adverse impacts to floodplains, not accommodate those impacts. This is not just for adverse impact to pre-existing development, but to the floodplain functions and riparian and coastal habitats. This is essential for the program in order to avoid additional habitat impacts for endangered and threatened species and to help protect the vast biodiversity of riparian floodplain areas and functions. We strongly support the reconsideration of impacts of the regulations to flood storage. Um. Like, such as impervious cover, land use conversion and fill within the entire Special Flood Hazard Area not just the standards that generally apply to the floodway.

We also support better connection to map wetlands and federal wetland standards, based on functions and values. Floodplains would, could be mapped in a way similar to wetlands with different functional classes, which would have different standards for development. This would help to avoid the complex proposed system where individuals and local communities would need to consult with U.S. Fish and Wildlife and National Marine Fisheries Service for endangered and threatened species.

In addition to acknowledge to avoiding adverse impacts, we strongly encourage FEMA to revisit the regulations to better acknowledge the dynamic nature of floodplain areas. The regulations must better allow for avoidance of new impacts to dynamic areas, not just a hydraulic conveyance channel then as the floodway today. This would start with the recognition that floodplain habitats are dynamic systems that change over time. This may include river channel migration and adjustments, coastal migration and lateral adjustments and changes. The regulations must better allow for, not hinder, stream and coastal restoration projects where better floodplain storage is being created and expanded, considering a way, trying to consider a way to allow rise or restoration promotes floodplain reconnection as long as it's not affecting buildings and infrastructure.

Um, we also support the recognition of state-identified flood hazard areas, addressing the consequences of NFIP policy on socially vulnerable populations, or BIPOC [black, indigenous, and people of color] populations, and trying to mitigate the inequities that are created from the program on disadvantaged communities. And we encourage better coordination with the Floodplain Management Regulatory Branch with the Mitigation Branch, and support the revisioning of the CRS program that could be developed in conjunction with these changes to the regulations.

**Jennifer Salerno:** Thank you, thank you, Ms. Pfeiffer. I don't mean to interrupt you, but your 3 minutes are up. Thank you, thank you. I please encourage you to provide your written comments for the record.

And with that I'm looking at the time and realize I need to leave some time for closing comments. So, I'd like to encourage anyone who had raised their hand, but hadn't registered to speak prior to the meeting online, to please submit your written comments to the regulations.gov so they can be reviewed by FEMA for the record.

With that, since we are at the end of our verbal comment period, I'm going to pass it on to Mr. Maurstad for some closing remarks.

## Slide 12 – Closing Remarks

**David Maurstad:** Thank you again for joining today’s public meeting and for those who provided their verbal comments. The comments FEMA received today will be helpful in shaping NFIP program changes and improvements.

If you have not already done so, please remember to provide written comments via the eRulemaking Portal at [www.regulations.gov](http://www.regulations.gov) using [Docket ID FEMA-2021-0024](#). The public comment period will end on December 13, 2021. FEMA will carefully consider all relevant comments received during this meeting, and during the remainder of the comment period.

As mentioned earlier, a transcript of this meeting will be available and posted to the eRulemaking portal at a later date. Thank you again; this concludes today’s public meeting for the FEMA Minimum Floodplain Management Standards Request for Information.

**Note:** On Nov. 21, FEMA published a [revised Federal Register Notice](#) to extend the public comment period to Jan. 27, 2022. In addition, FEMA also announced a [third virtual public meeting](#) is scheduled for Dec. 15, 2021 from 3-4:30 p.m. Eastern Time.