

American Rivers · Atchafalaya Basinkeeper · Bluestem Communications · Center for a Sustainable Coast  
Committee on the Middle Fork of the Vermilion River · Friends of the Santa Clara River  
Great Egg Harbor Watershed Association · Greenway Network, Inc. · Gulf Restoration Network  
Hoosier Environmental Council · Iowa Environmental Council · Kentucky Waterways Alliance  
Missouri Coalition for the Environment · MnDak Upstream Coalition · Natural Resources Defense Council  
Ohio Environmental Council · Tennessee Clean Water Network · The Wetlands Initiative

December 27, 2016

The Honorable Julián Castro  
Secretary  
U.S. Department of Housing and Urban Development  
451 7th Street, S.W.  
Washington, D.C. 20410

(Submitted electronically via website [www.regulations.gov](http://www.regulations.gov))

**RE: HUD-2016-0124-0001**

Dear Secretary Castro,

On behalf of the eighteen undersigned conservation organizations, we are pleased to submit this letter of comment in support of the Department of Housing and Urban Development's ("HUD") proposed rule "Floodplain Management and Protection of Wetlands; Minimum Property Standards for Flood Hazard Exposure; Building to the Federal Flood Risk Management Standard" ("the Proposed Rule"). However, we recommend HUD, when funding the construction or rebuilding of critical infrastructure projects, account for climate impacts, such as sea level rise, over the lifetime of the project by using the Climate Informed Science Approach ("CISA") as described in Executive Order 13690.

Flooding — the most common and costly natural disaster in the United States — is projected to increase in frequency and severity in the coming decades.<sup>1</sup> Recognizing the negative economic, environmental, and social implications of this trend, we strongly believe action must be taken at the Federal level to improve the resilience of our communities, and to preserve and protect the nation's floodplains. As such, several of our organizations supported the Obama Administration's issuance of Executive Order 13690 and the Federal Flood Risk Management Standard ("flood protection standard").<sup>2</sup> The executive order and the flood protection standard directed Federal agencies to avoid, if possible, the long and short-term adverse impacts associated with floodplain development and to take action, informed by the best available science, to protect federally-funded infrastructure from an increasing risk of major flood events nationwide. The Proposed Rule would update HUD's floodplain management regulations to be consistent with these requirements.

As HUD contributes significantly to the development of Federally-funded infrastructure projects, like affordable housing, throughout the nation, how HUD chooses to implement the executive

---

<sup>1</sup> See generally AECOM, The Impact of Climate Change and Population Growth on the National Flood Insurance Program through 2100 (June 2013) (assessing the effects of climate change and population growth on floodplains throughout the United States).

<sup>2</sup> Letter from 60 Water Protection Network Members to Adrian Sevier, Chief Counsel, Federal Emergency Management Agency (May 5, 2015) (on file with author).

order and the flood protection standard will have long-lasting impacts on the resilience of our communities and the health of our environment. In general, we support HUD's Proposed Rule, but believe revisions must be made to truly attain the intentions of the executive order and the flood protection standard.

**I. HUD should use the Climate-Informed Science Approach for Critical infrastructure**

We believe HUD's proposal concerning the protection of critical, Federally-funded projects falls short. Given that critical projects, such as the funding of hospitals and nursing homes, are deemed projects for which even a slight chance of flooding would be too great, these projects must account for the impacts of climate change. This is especially true for coastal areas. Sea level rise must be accounted for in planning and designing of critical projects to fully account for future flood risk. Failure to evaluate sea level rise over the next several decades would be an egregious oversight when deciding what to build, where to build, and how to build in coastal environments. As such, the CISA should be the primary approach for determining the flood protection standard floodplain and the corresponding level of resilience to which critical infrastructure projects must be built. The Free Board Value Approach (FVA) should only be used if it provides a higher level of protection over the CISA. The 500-year floodplain approach should not be used in coastal areas as it does not account for wave action and storm surge.

**II. HUD's use of the Freeboard Value Approach for non-critical projects is an effective mitigation approach**

We support HUD's choice of the FVA, which requires a higher vertical elevation and larger horizontal extent, to delineate the flood protection standard floodplain for non-critical infrastructure projects. First, elevating or floodproofing a structure above the 100-year floodplain is an effective and proven means to mitigate flood risk. Multiple states and local communities have already implemented elevation requirements for both public and private development that either meet or exceed the elevation requirements required under the flood protection standard. Thus, HUD's approach is not novel, but a common practice across the United States for mitigating flood risk and reducing post-disaster flood damages.

Second, the expanded horizontal extent will better protect people and property located on the fringes of the 100-year floodplain as flood losses do not end at this increasingly arbitrary boundary. Currently, 20 percent of flood insurance claims occur and one-third of Federal disaster assistance for flooding is directed to areas outside of this zone. An expanded floodplain footprint will capture these flood fringe areas for protection, reducing the amount of post-disaster assistance expended, and thus saving taxpayer dollars.

In addition, the effects of climate change are increasingly altering what constitutes the 100-year floodplain. Currently, the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps, which depict the 100-year floodplain and are used as a guide for development, are only based on historical flood events. The maps do not account for future flood risk, which is increasing in severity and frequency, and projected to increase flood prone areas along the

nation's rivers, on average, by 45 percent.<sup>3</sup> The FVA's expanded horizontal extent will help account for this expansion of the nation's floodplains.

Also, we are pleased HUD will comply with higher state, tribal, territorial, or local government flood risk standards when such standards are more protective than those indicated in the Proposed Rule. Complying with higher state and local elevation requirements helps to encourage and support communities to adopt higher floodplain protection standards.

### **III. HUD Must Provide More Guidance on the Use of Nature-Based Approaches**

We strongly support the use of nature-based approaches, including green infrastructure, as practicable alternatives for preserving floodplains and floodplain function. However, we are concerned that the proposal does not provide adequate direction on how to incorporate nature-based approaches into the analysis. We urge HUD to provide guidance for applicants on how to consider natural systems, ecosystem processes and nature-based approaches, as required at 24 C.F.R. § 55.20(c).

We look forward to working with you on this important matter. For any further information, please contact Marisa Escudero at Water Protection Network at [EscuderoM@nwf.org](mailto:EscuderoM@nwf.org).

Sincerely

(18 Organizations and their Representative)

**American Rivers**

Meghan Boian  
Associate Director, Policy &  
Government Relations

**Atchafalaya Basinkeeper**

Dean A. Wilson  
Atchafalaya Basinkeeper &  
Executive Director

**Bluestem Communications**

Jennifer Browning  
Executive Director

**Center for a Sustainable  
Coast**

David C. Kyler  
Executive Director

**Committee on the Middle  
Fork of the Vermilion River**

Clark Bullard  
Director

**Friends of the Santa Clara  
River**

Ron Bottorff  
Chairman

**Great Egg Harbor  
Watershed Association**

Fred Akers  
Administrator

**Greenway Network, Inc**

Charlene Waggoner  
President

**Gulf Restoration Network**

Cynthia Sarthou  
Executive Director

---

<sup>3</sup> See AECOM, [The Impact of Climate Change and Population Growth on the National Flood Insurance Program Through 2100](#) ES-6 (June 2013) (assessing climate change and population growth impacts on floodplains throughout the United States).

**Hoosier Environmental Council**

Indra Frank  
Environmental Health and  
Water Policy Director

**Iowa Environmental Council**

Ralph Rosenberg  
Executive Director

**Kentucky Waterways Alliance**

Judy Petersen  
Executive Director

**Missouri Coalition for the Environment**

Heather Navarro  
Executive Director

**MnDak Upstream Coalition**

Trana Rogne  
Steering Committee Chair

**Natural Resources Defense Council**

Joel Scata  
Project Attorney, Water  
Program

**Ohio Environmental Council**

Kristy Meyer  
Managing Director, Natural  
Resources

**Tennessee Clean Water Network**

Dana Wright  
Water Policy Director

**The Wetlands Initiative**

Paul Botts  
President and Executive  
Director