



**NEW YORK STATE
FLOODPLAIN AND STORMWATER MANAGERS ASSOCIATION**

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Honorable Charles E. Schumer
313 Hart Senate Office Building
Washington, DC 20510
Sent by Facsimile: 202-228-3027

SUBJECT: Flood control levees and the National Flood Insurance Program (NFIP)

Dear Senator Schumer:

The New York State Floodplain and Stormwater Managers Association is a statewide professional organization dedicated to reducing loss of life and property damage resulting from floods. As such, we recognize both the effectiveness and limitations of the flood protection provided by levee systems in many New York communities. Because levees cannot eliminate all flood risks, additional strategies are needed to manage residual risks in areas with levee protection. The Federal Emergency Management Agency (FEMA) re-mapping of flood hazards in New York has demonstrated the inadequacy of current federal policies for identifying and managing the residual flood risks associated with levees. Shortcomings of the current approaches have resulted in public out lash against both the mapping program and flood insurance requirements. In order to improve the nation's policies for managing flood risks, we propose the following revisions to the National Flood Insurance Program (NFIP) mapping procedures and insurance ratings in areas with levee protection.

Mapping flood hazards in areas with levee protection

The FEMA flood hazard maps (Flood Insurance Rate Maps) are a valuable tool for communicating information about flood hazards to property owners, local officials, and other decision-makers. However, to be effective they must provide a credible assessment of the flood hazard. In areas with levee protection, the black-and-white approach of distinguishing between zones that are either in or out of the area subject to the 1% probability (100-year) flood event is clearly insufficient. A procedure is needed to present the varying residual hazards associated with varying levels of levee protection so that insurance costs can be correlated more closely with the actual risk.

In addition, the requirements for certifying and accrediting levees need to be aligned more closely with the levee assessment criteria of the US Army Corps of Engineers (USACE), which has more experience and expertise with levees than FEMA. In response to the very real concern about levee performance, the USACE has significantly upgraded its levee inspection requirements. Under these requirements, considerable federal, state and local expenditures are being made to make certain that our existing levees meet performance standards and to repair levees that do not. These detailed inspections should be sufficient to determine whether a levee meets FEMA standards for mapping the risk. For levees in the federal system, the elevation, or freeboard, of a levee should be the only criteria used to determine the level of protection on a FEMA map, provided that the levee is not rated as

“unacceptable” in a recent Corps inspection. Levees that are not rated as unacceptable based on an evaluation and inspection by the Corps of Engineers should require no additional expenditure of federal, state, or local resources to be certified for the level of protection that they provide. Public resources should instead be directed toward those levee systems that pose a higher risk of failure.

Flood insurance requirements and costs in areas protected by levees

The flood risks in areas with levee protection vary considerably and are not adequately represented by current procedures for rating flood insurance policies. We suggest that a more equitable system would expand the purchase requirement, but reduce the cost of flood insurance in levee-protected areas. Although levees reduce the risk of flood damage, no levee system can eliminate all flood risk. To provide financial protection in the event of a levee failure, we recommend that the flood insurance purchase requirement (for structures that secure federally backed loans) be expanded to include all areas behind levees that would be inundated if the levee failed during a 1% probability flood (100-year flood). If the level of levee protection is sufficient to support mapping as a moderate flood hazard zone (shaded Zone X), then the cost of flood insurance would be relatively low (for Preferred Risk and Zone X policies). In areas, such as Binghamton and other NY communities, where levees provide flood protection but do not have sufficient height to contain the 1% probability (100-year) flood, a more sophisticated pricing scheme is needed to account for the level of flood protection provided by a given levee system. We suggest that the price of flood insurance policies should be reduced based on the event frequency that would inundate the site. For example, if a levee system provides protection from a 2% probability (50-year) flood, the protected area would be mapped as a high hazard flood zone (Zone A) based on the likelihood of inundation during a 1% probability (100-year) flood. However, the cost of insurance would be lower than the current rates for Zone A because the levee reduces the risk of flooding. A levee that provides a higher level of protection would result in lower insurance premiums. The current means of rating policies is simply not fair – It makes no sense for flood insurance costs to be the same for structures with levee protection as they are in unprotected areas. We believe that public acceptance of new flood hazard maps would improve significantly if the cost of flood insurance is revised to correspond more appropriately with the risk of flood damage.

Thank you for considering these suggestions and working to improve the federal programs for managing flood risks. Our Association is in the process of developing a white paper about the broader issues associated with flood insurance rating and affordability. Please feel free to contact me to discuss these important issues (518-234-3751, shanenickle@co.schoharie.ny.us).

Sincerely,



Shane Nickle, AICP
Chair

Cc: US Senate Committee on Homeland Security and Governmental Affairs
US Senate Committee on Banking, Housing, and Urban Affairs
US Senate Committee on Environment and Public Works
US Senate Appropriations Subcommittee on Homeland Security
US Senate Appropriations Subcommittee on Energy and Water Development
Doug Bellomo, FEMA
Lynn Gillmore Canton, FEMA
Larry Larson, Association of State Floodplain Managers