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April 17, 2015

Submitted via website www.regulations.gov

Mr. Roy Wright
Deputy Associate Administrator for Mitigation
Federal Emergency Management Agency
8 NE, 500 C Street NW
Washington, DC 20472-3100

RE: Guidelines for Implementing Executive Order 11988, Floodplain Management as Revised by Executive Order 13690 (Docket ID FEMA-2015-0006).

Dear Mr. Wright,

On behalf of the National Association of Professional Insurance Agents (PIA)¹, I hereby submit comments on the proposed “Revised Guidelines for Implementing Executive Order 11988, Floodplain Management” (Guidelines), as published in the Federal Register on February 5, 2015. Many PIA members live and sell flood insurance in the communities that will be impacted by this proposal.

PIA appreciates and supports the intention of this proposal, as our members are focused on the adoption of quality community building and land-use codes addressing flood, as well as other threats, for safer, more resilient communities. Our members support wiser land-use measures and sounder building codes. In flood areas, this must begin with rational, realistic base-flood-elevation (BFE) determinations. From there, communities can develop and codify standards that work for their community. These standards should not adversely impact surrounding communities and should complement the statewide codes. Please see our questions and comments on the proposed changes below:

- Executive Order 13690 states that the Guidelines are to apply to all “federally funded projects.” However, what constitutes “federally funded projects” is not defined, directly or by reference, in the Guidelines. Almost all funds provided to or accessed by individuals, businesses, and state and local governments involve a federal component, from disaster relief to federally-backed mortgages. PIA believes what constitutes “federally funded projects” must be defined in order to properly understand the scope and application of the Guidelines.

¹ PIA is a national trade association founded in 1931 which represents member insurance agents in all 50 states, Puerto Rico, Guam and the District of Columbia. PIA members are insurance professionals who can be found across America. Since the National Flood Insurance Program’s (NFIP) inception in 1968, PIA members have been actively engaged on flood insurance issues and many of PIA member agents and agencies sell flood insurance. PIA is also an active member of the Flood Insurance Producers National Committee (FIPNC).



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- Inter-governmental cooperation can be challenging, but is necessary for producing successful outcomes to regions with varying topography and flood risk profiles. PIA is concerned that the Guidelines will result in exclusive federal authority for determining what constitutes a “critical action,” what freeboard value will be applied to projects, and what formula/basis will be used to determine the +BFE. PIA urges against the adoption of a federal one-size-fits-all approach to determinations, which are uniquely local in nature. For example, Line 834 of the Guidelines notes that, “Federal agencies continue to be responsible for determining whether an action is critical,” but no mention of coordination with other state and local governments is noted on Lines 835 to 862, which outlines the considerations federal agencies should make when determining if an action is critical. PIA believes that “in consultation with local communities” or similar language should be added after “Federal agencies” to Line 834 and throughout the Guidelines as needed.
- Communities participating in the NFIP program, especially those that also participate in the CRS program, are required to comply with flood zone and BFE map changes. This process is also coordinated with the ISO to better harmonize what is already a dual set of standards for the communities under these two programs. Achieving agreement between all involved parties on maps, zones, BFEs, and if necessary revised building and land-use codes is essential, but also complex and time consuming. PIA is concerned that the proposed changes do not appear to take into consideration this process. Specifically, will the revised building code decisions made by local authorities already including +BFE standards be the standard used by the federal agencies or will individual federal agencies make and impose separate determinations?
- Executive Order 13690 amends Section 2(a)(2) of the Guidelines to consider the Administration’s 2014 Climate Action Plan, which the Administration is coordinating through the National Security Council. These reports suggest that new approaches are needed to developing coastal set-backs and BFE determinations. PIA is concerned that, to our knowledge, the new approaches are being incorporated into the Guidelines but have not been yet been drafted or vetted for public comment.

It is our hope that these comments are helpful to FEMA as it works to implement the recent Executive Order. PIA is grateful for the opportunity to provide the independent insurance agent perspective. Please do not hesitate to contact me at richiec@clementsins.com or (504) 279-0171; or PIA’s Counsel & Director of Regulatory Affairs Jennifer M. Webb at jennwe@pianet.org or (703) 518-1344 if you have any questions or concerns.

Kind Regards,

Richard A. Clements (LA)
PIA President / FIPNC Chair