



# **EO 11988, 13690 & The Federal Flood Risk Management Standard**

**FMA**  
**September 9, 2015**



# Executive Order (EO) 11988

- Issued May 24, 1977
- Requires federal agencies to avoid long term and short term impacts associated with development in floodplains and avoid direct and indirect support of floodplain development wherever there is a practicable alternative
- Contained the original flood risk management standard = NFIP minimum standard + consideration for critical actions
- Agency guidance identified 8-step decision making process



# Executive Order (EO) 13690

- Issued January 30, 2015
- Amends EO 11988 – Floodplain Management
  - Does not replace; rather makes adjustments (i.e., keeps the 8-step decision making process)
- Contains a new Federal Flood Risk Management Standard (FFRMS)
- Contains new considerations for agencies as they implement the 8-step process

***Why do we need a new flood standard?***



# Federal Standards are Lagging

- Over half of the population of the US lives in a community that has implemented a freeboard
- Over 20 states and territories have a statewide freeboard standard and several others recommend, as a matter of policy, a freeboard standard
- Over 350 communities and states have adopted freeboard standards that either equal or exceed the new FFRMS
- Current EO 11988 uses the base flood elevation (or the 100-year flood) as a standard for non-critical actions and consider the 500-year floodplain for critical actions.
  - Thus currently federal actions may not meet current state or local standards



# How Would the new EO Apply?

- Need to understand two definitions:
  - **Action:** Any Federal activity including (1) acquiring, managing, and disposing of Federal lands and facilities; (2) providing Federally undertaken, financed, or assisted construction and improvements; and (3) conducting Federal activities and programs affecting land use, including but not limited to water and related land resources planning, regulating and licensing activities”
  - **Critical Action:** Any activity for which even a slight chance of flooding would be too great.

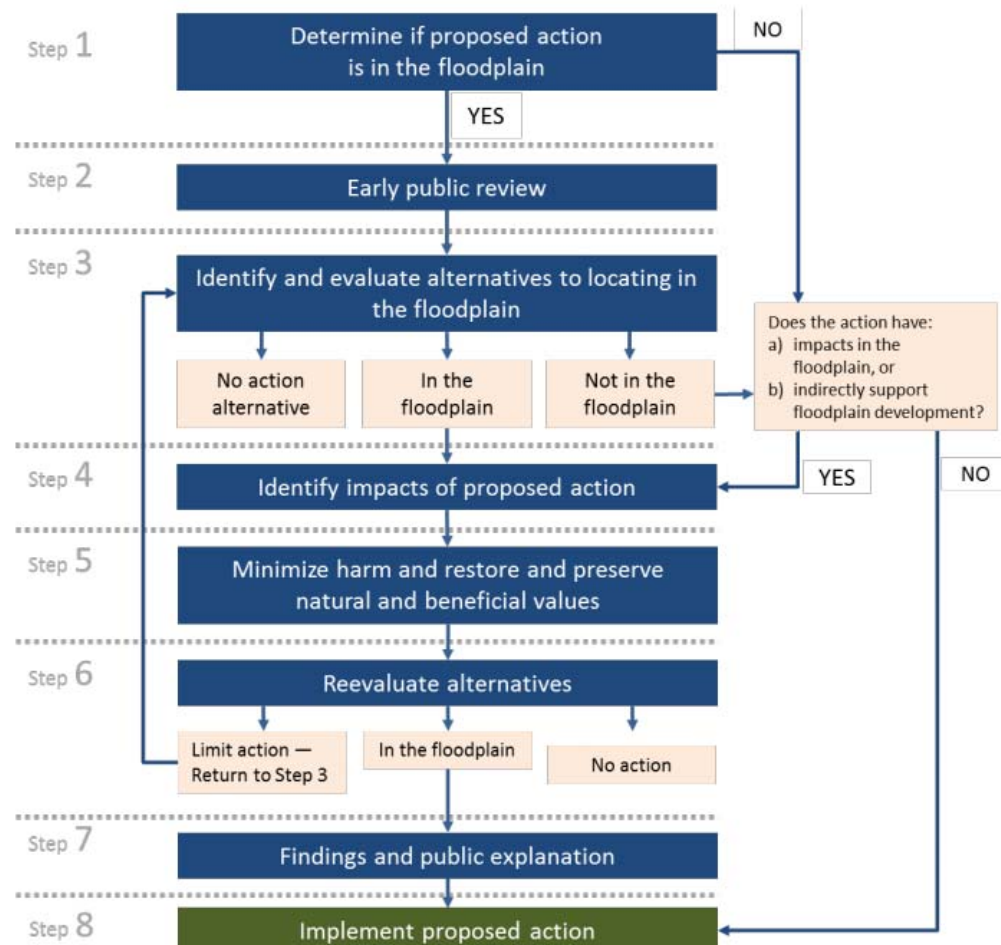
*Federal agencies already have to comply with EO 11988 and current flood risk management standards*



# How Would the new EO Apply?

- The 8-step decision making process in existing EO 11988 is still used
- Adjustments in the new EO such as use of the FFRMS apply to specific steps in the process

Figure 1: Eight-step Decision-making Process for E.O. 11988





# How Would the new EO Apply?

- Applies to federal “actions” in the floodplain, or narrowed down to federal projects? What is a project?
- New Element: Establishes the FFRMS. Floodplain and protection standard is defined both vertically and horizontally by one of three approaches:
  1. Freeboard value approach - Base Flood Elevation (100-year) +2 feet freeboard for non-critical actions and +3 feet for critical actions
  2. 500-year elevation approach
  3. Climate informed science approach

*Applies to Steps 1 and 8*



# How Would the new EO Apply?

- New Element: The head of an agency may exempt an agency action from the FFRMS:
  1. In the interest of national security
  2. Where the agency action is an emergency action

When an action is exempted, the agency head shall rely on the area of land subject to the base flood



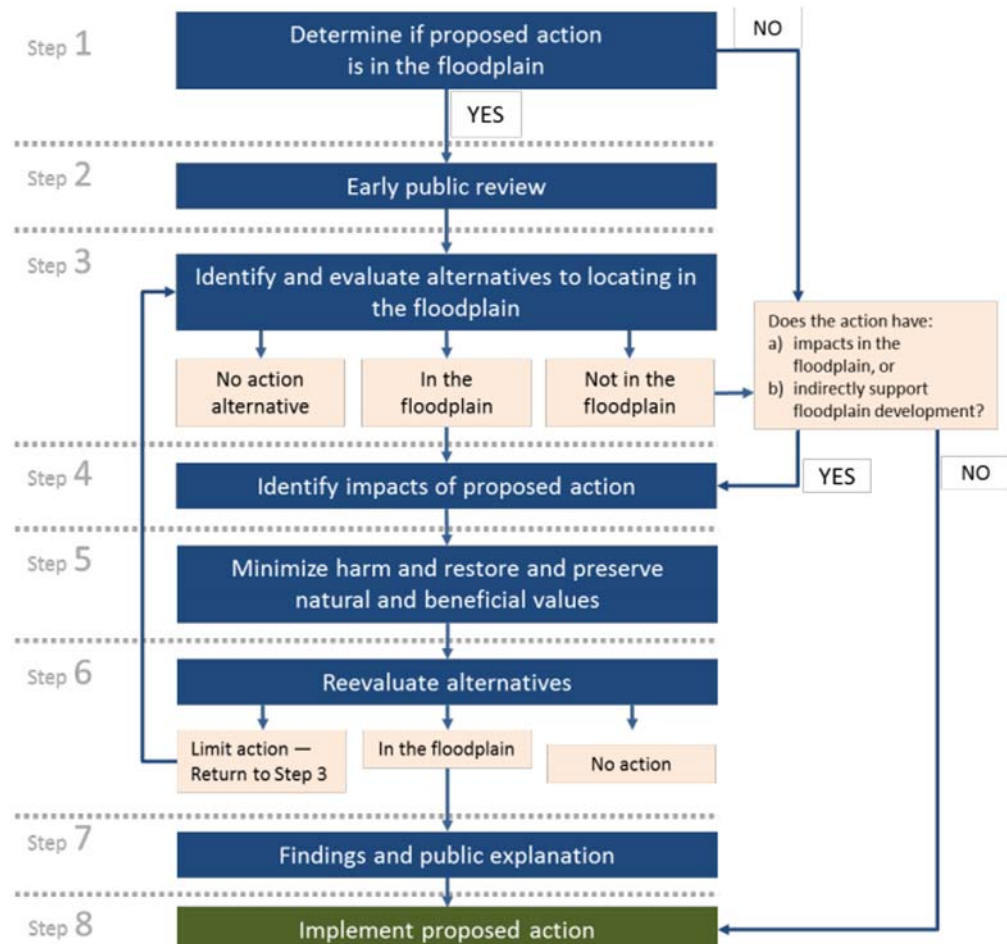


# How Would the new EO Apply?

- New Element: When possible the agency shall use natural systems, ecosystem processes, and nature based approaches when developing alternatives for consideration.

*Could apply to Steps 3-7*

Figure 1: Eight-step Decision-making Process for E.O. 11988





# How Would the new EO Apply?

- **FEMA Fact Sheet**
  - FFRMS will not affect floodplain management standards, flood mapping standards or rates of the NFIP
  - Mandatory purchase will not be required outside of the mapped SFHA
- **HUD Statement**
  - FFRMS will not apply to single-family home mortgages for acquisition or refinancing existing homes
  - FFRMS will apply to funds used to new construction or substantial improvement in and around floodplains
- **Corps of Engineers Fact Sheet**
  - 404 and Section 10 regulatory program permits specifically exempted from 3 alternatives approach. Will use base flood as defined by under EO 11988



# EO Considerations for Floodplain Managers

- Development by a federal agency comes to your community
  - Understand how to apply the FFRMS
  - Assist the agency in determining whether action is in the floodplain, ensure that an appropriate alternatives analysis is done
  - Ensure consideration of state and local standards, although draft implementing guidelines unclear whether state/local standards must be followed. This has been a long-standing issue with EO11988
- Community/state participates in a federal program that is subject to the new EO and FFRMS:
  - Understand how to apply the FFRMS
  - Ensure that project budgets/planning considers FFRMS
  - Act as local expert in identifying alternatives including those incorporating natural systems



# EO Considerations for Floodplain Managers

- Impact on NFIP
  - New EO will not trigger need to update local floodplain management ordinances
  - New EO and FFRMS will not increase flood insurance rates; in fact, it will likely decrease them by 50% or more for buildings subject to the EO
- Impact on levees:
  - Corps of Engineers levee standards already incorporate up to a 3 foot freeboard for design and construction purposes
  - Corps of Engineers already using future conditions and climate change factors for levee design and construction
  - Should have little to no impact on levees and Corps programs overall



# When will the EO take Effect?

- Publication in the Federal Register kicked off a 60 day comment period on Implementing Guidelines for public input (May 2015)
- FEMA held 8 public listening sessions and one webinar for public input across the nation
- Implementing Guidelines are being finalized considering public input. May come out in Sept/Oct 2015
- Agencies will then begin amending/issuing regulations and program procedures (another opportunity for public input)

**FFRMS implementation does not happen until after public input has been obtained!**



## For More Information

- ASFPM has developed a webpage where all information related to the EO and FFRMS will be posted including dates/locations of public meetings. Go to ASFPM homepage at [www.floods.org](http://www.floods.org) and scroll down to link at bottom of page “Federal Flood Risk Management Standard Information Page”
- FEMA also maintains a FFRMS webpage