

# WATERLOG

EXPERTS IN COASTAL RESILIENCY

November 4th, 2019

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## Merry Impeachmas

Democrats want to impeach Trump prior to Christmas. That's not very nice; but someone's been naughty. And then again, Trump does want more coal.

If Dems have their way, the Commander-in-Chief position then goes to a man who calls his wife 'mother'. What have we gotten ourselves into? But Thanksgiving comes first:

### What do we have to be thankful for this year?

- New resilience grants
- The House pushing to unlock the Harbor Maintenance Trust Fund
- An overturned solicitor's opinion on CBRA
- Talks in Congress about climate change

The Energy & Water bill likely won't get passed until 2020 unless some magic happens. So, let's not get ahead of ourselves. If it does, it'll be a nice surprise.

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**COASTAL STRATEGIES**  
EXPERTS IN COASTAL RESILIENCY

## Update on Federal Funding

Congress is making little headway on the two packages of funding bills (called “minibuses”). The last action was prior to Labor Day. Since then, efforts to get a final vote on it have been blocked because most Democrats in the Senate oppose the funding it contains for President Trump’s wall with Mexico. Since funding for all Federal agencies ended on September 30th, the government was operating on a temporary “Continuing Resolution” until Nov. 21st. The House has now passed another extension to December 20th, with Senate action expected shortly. Congressional leadership has indicated that it may move ahead with individual spending bills, rather than minibuses, and some members feel confident that less controversial bills, like Energy & Water, could be passed before 2020 – it’s up to you at this point whether you want to believe that or not.

## Congress Eyes Resilience

While party leaders try to break the funding impasse, the House Transportation & Infrastructure Committee is looking ahead to the planned 2020 Water Resources Development Act. At a November 19th public hearing, there was significant focus on how to include resilience into water resources projects. As pointed out by Congressman Westerman (R-AK), resilience cannot be included into projects that aren’t built. Of course, that’s caused by inadequate funding for authorized projects, often referred to as the Corps’ backlog (as it the funding lack was the Corps’ fault). Lawmakers are thinking ahead right now of what to include in WRDA 20. We’d like to know what you want to see. For example -

- Increasing use of the beneficial use of dredged material authority
- Resilience requirements for adaptation to climate change
- Incentives for including wetland enlargement and other nature-based features

One of the witnesses, Gerald Galloway, former Army Corps Chief of Engineers and head of the Disaster Resilience Center at the University of Maryland, focused on the problem of how the Corps conducts its benefit-cost analysis. “True resilience also requires consideration of the impact of a flood on all elements of the community as the interdependence of communities’ health, social welfare, environment, governance, and economy are all closely related to the total well-being of the community. He criticized the negative impact on poorer and rural communities on relying too heavily on economic analyses to justify water resource projects.

The way the Corps analyzes benefits was also attacked by Ann Phillips, Special Assistant for Coastal Adaptation and Protection to Virginia Governor Ralph Northam. “We need a fundamental reconsideration of BCA, including strong environmental review, quantification of green and NNBF infrastructure benefits, and consideration of environmental equity, given what we now know about costs and the long-term nature of climate change as a threat.”

## New Bill Could Slash State's Input on Clean Water Act

The Administration, in its attempt to streamline projects for the benefit of the economy, has placed states in a bind. Time windows for permitting and review processes have been shortened. With a huge backlog of projects for the Corps and non-federal agencies, it takes time and manpower to get people out to the field to review projects and make important decisions. Often times these delays are perceived as bureaucratic, but often times it's truly a delay because the time is needed to make decisions properly. A new bill, [S. 1087](#), would make matters worse by limiting what states can review in their determinations under the Clean Water Act.

### NFIP

Swept up in the government funding muddle, the National Flood Insurance Program will also be extended until December 20th.

For the NFIP, we turn to our flood insurance expert, Joe Rossi, Executive Director of the Massachusetts Coastal Coalition:

*As we near 2020, politicians and stakeholders have turned their attention to an issue bigger than legislative reform; Risk Rating 2.0. Risk Rating 2.0 is a redesign on how FEMA will rate structures. FEMA recently postponed Risk Rating 2.0, which was supposed to be introduced with new rates in April 2020, and implement the rates in October of 2020.*

*On November 1st, a letter was sent by a coalition of legislators to House leadership asking them to press FEMA to consider the consequences of perceived rate increases associated with Risk Rating 2.0's implementation. On November 7th, FEMA announced a postponement of Risk Rating 2.0. And while October's implementation was going to be a phase in of only single family residences, FEMA now plans a full implementation of all occupancies on October 1st, 2021. In FEMA's press release, dated November 7th, FEMA states, "some additional time is required to conduct a comprehensive analysis of the proposed rating structure so as to protect policyholders and minimize any unintentional negative effects of the transition."*

*There have been concerns by many that Risk Rating 2.0 will become Biggert-Waters 2.0. What Risk Rating 2.0 will actually do is, with new technology, communicate true risk. Rates will be modeled in advance in order to prevent the severe rating consequences seen in 2012. Questions remain about how Risk Rating 2.0 will affect premiums and discounts such as grandfathering. The rating structure is not finalized, but FEMA must stay within the current legislative framework for the flood program, which caps increases and provides other safeguards.*



However, in the letter, the coalition notes, “Since FEMA is designing a system to reflect individual property’s unique flood risk, we remain concerned that the 15 percent cap on rate classes and grandfathered properties protections are irrelevant... We know the negative consequences of hiking premiums after the Biggert-Waters Act of 2012 caused costs to skyrocket... with Risk Rating 2.0 on the horizon, we encourage you to do everything possible to prevent premium spikes for our constituents”.

There is still disconnect between Congress and FEMA, with some in various industries concerned that there has not been enough clear communication on what exactly Risk Rating 2.0 will look like or how FEMA plans implement it. With Risk Rating 2.0 postponement, there are questions on if the new rating structure will ever make it to full implementation. There will be more to come on Risk Rating 2.0 in 2020, as speculation will grow and more information should be released on how the new rating scheme could look.

## Bills, Grants & Miscellaneous

- House passes [HR 3541](#) which requires the Secretary of Commerce to establish a climate change adaption preparedness and response plan. Read the committee report [here](#).
- Also awaiting resolution in the funding impasse is the Land and Water Conservation Fund. The House and Senate bills are about \$55 million apart.
- The House recently passed [HR 3702](#), a bill that makes reforms in the government’s CDBG-DR program by requiring more stringent building standards in certain flood-prone areas and setting statutory timelines for the arrival of long-term money to counter complaints that it takes too long to reach victims.
- A just-released General Accountability Office report found that the EPA has failed to include climate change in its agency strategy and planning documents. If you don’t talk about it, it doesn’t exist, and we won’t be doing anything about it. The report focused on the threat posed by climate change to Superfund sites.
- [New Grant Opportunity for Coastal Habitat Restoration](#)

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