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## **SHUTDOWN AVOIDED – CONGRESS PARALYZED!**

As the clock neared midnight on October 1<sup>st</sup>, the House and Senate reached agreement on a deal to keep the government funded until November 17<sup>th</sup>. In the House, that required then-Speaker McCarthy to pass the funding measure using Democratic votes after an attempt to pass a Republican-only version failed to pass by 21 votes. "It's alright if Republicans and Democrats join together to do what is right," McCarthy said. His crossing the aisle that literally separates Democrats from Republicans in the House didn't sit well with some of his colleagues who forced what amounted to a Vote of No Confidence.

McCarthy lost his job, a first in American history. As we write, the Republicans are making their second effort to find a replacement with the party split badly. Anywhere from 8 to about 20 GOP House members are trying to force their Republican colleagues to accept a Speaker committed to a more right-wing agenda for the party. We will leave what those issues are to whatever your sources of news are. What's important is that the House can literally do nothing while it has no Speaker. Prior to this crisis, the House had passed a couple of appropriations bills and was ready to take up the bill funding the Corps and the Energy Department.

On the Senate side, California Senator Diane Feinstein died on September 29<sup>th</sup>. She chaired the Senate appropriations subcommittee that had jurisdiction over the Corps. Her replacement, Laphonza Butler, was appointed several days later by California's governor, Gavin Newsome. She will serve until elections are held in 2024. So far, no replacement for her as chair of the Senate Energy & Water Appropriations Subcommittee has been named. Meanwhile, Senate floor debate on the 12 appropriations bills is stalled by a procedural squabble that is blocking debate on the first 3 of the dozen bills which were to be combined into a "minibus." In addition, for the past few months, one Senator has blocked over 640 nominations of generals over an objection related to the federal government's abortion policies for members of the military.

## **FEMA OFFERS STATES ALMOST \$2 BILLION TO INCREASE CLIMATE RESILIENCE**

The Bipartisan Infrastructure Law keeps on giving! President Biden announced a week ago that the Building Resilient Infrastructure and Communities (or BRIC) grant program would receive an additional \$1 billion to fund projects that protect people and infrastructure from natural hazards, while the Flood Mitigation Grant Program would get an additional \$800 million for projects that mitigate flood risks facing homes and communities. In addition, FEMA is increasing the federal cost share for Flood Mitigation Assistance grants up to 90% and BRIC grants to those in Community Disaster Resilience Zones can also see an increase of Uncle Sam's share to 90%. For more on Community Disaster Resilience Zones, see the [September](#) issue of *WaterLog*. Finally, FEMA is providing an additional \$112 million (up to \$2 million to each state and territory) to accelerate the adoption of the latest building codes. For more on building codes, see the next article, below.

## **FEMA MOVES TO TOUGHEN FLOOD STANDARDS FOR REBUILT HOMES**

In May 2021, President Biden issued an executive order requiring all federal agencies to adopt a new set of Federal Flood Risk Management Standards (FFRMS). Strengthening building codes are, and continue to be, one of the most cost-effective means of reducing losses during disasters. According to research from the National Institute for Building Sciences, every \$1 dollar invested in mitigation saves \$11 dollars in disaster recovery. This [rule](#) requires that any federally funded project incorporate the FFRMS to ensure those projects last as long as intended. FEMA's rule does not apply to homes with coverage under the NFIP, but certain states, like New Jersey, are increasing their elevation requirements.

### ***FOLLOWING THE TREND***

Much like insurance where better coverage is reflected by higher premiums, stronger building codes come with higher costs of implementation for homeowners. Regulators assure us these costs are worthwhile in the long run, and they aren't wrong. But in coastal areas, the increased cost of compliance can be steep. If sea level rise trends are any indication of how elevation standards will change, we can predict that home elevation standards will continue to increase and expect that the cost of compliance to increase accordingly.

Flooding affects both inland and coastal areas, but in coastal areas sea level rise has drastically worsened storm surge and coastal flooding, causing states like New Jersey to increase their home elevation standards beyond FEMA's. While the National Institute for Building Sciences determined in 2019 that modern building codes add on average only 2% to the total construction cost, the average cost of elevating a coastal home to meet FEMA's standards is roughly \$200,000 – a prohibitive cost for a significant number of property owners. Coastal areas are disproportionately impacted by these new standards.

## **FEDERAL SCIENTISTS ARE CONCERNED ABOUT OFFSHORE WIND'S IMPACT ON WHALES**

Researchers for the National Marine Fisheries Service have called for implementing a buffer area around the Nantucket Shoals area to protect endangered North Atlantic Right Whales. Scientists say more study is needed to determine the impact of offshore wind development on a feeding ground frequented by the

critically endangered North Atlantic Right Whale. The most pressing concern is offshore wind's potential to drastically alter plankton distribution, which is critical to the whales feeding and survival. Studies from Rutgers University in New Jersey have raised [concerns](#) about offshore wind's potential to disrupt the mid-Atlantic Cold Pool, affecting zooplankton as well as the thermoclines that are relied on by a wide variety of fish and other sea creatures (and fishermen.)

A [study](#) of offshore wind farms in the North Sea has shown that installations have resulted in deoxygenation of waters not only at offshore wind clusters but distributed over a wide region, increased sedimented carbon, reduced current velocities. The results provide evidence that the ongoing offshore wind farm developments can have a substantial impact on the structuring of coastal marine ecosystems on basin scales.

Earlier this year, federal fishing regulators from NOAA Fisheries requested that the Bureau of Ocean Energy Management include a 20-kilometer buffer around the Nantucket Shoals area to protect a key feeding area for the critically endangered North Atlantic right whale. BOEM declined to include the proposal in its draft review of SouthCoast Wind, saying it make the project *economically infeasible*.

Somebody remind us, what was the purpose of the Endangered Species Act?

Contact Information:

**Howard Marlowe | President**

Warwick Group Consultants, LLC

[Howard.Marlowe@WarwickConsultants.Net](mailto:Howard.Marlowe@WarwickConsultants.Net)

1717 K Street, NW, Suite 900

Washington, DC 20002

(202) 787-5770

**Dan Ginolfi | Senior Public Policy Advisor**

Warwick Group Consultants, LLC

[Dan.Ginolfi@WarwickConsultants.Net](mailto:Dan.Ginolfi@WarwickConsultants.Net)

1717 K Street, NW, Suite 900

Washington, DC 20002

(202) 787-5770

