

WHITE PAPER FLOODPLAIN MANAGEMENT IN TEXAS

The Texas Floodplain Management Association (TFMA) initially developed this paper in 1999 to assist the Texas Senate Natural Resource Committee to examine floodplain management and disaster response in Texas. TFMA has submitted the Floodplain Management White Paper to the Texas Commission on Environmental Quality (TCEQ - the State Agency that coordinates the National Flood Insurance Program -NFIP), the Federal Emergency Management Agency (FEMA) Region VI and to Governor Rick Perry's Chief of Staff as recommendations for improving floodplain management in Texas.

TFMA is an association dedicated to improving floodplain management in Texas. TFMA's membership includes over 900 members from cities, counties, State and Federal agencies, private industry, and citizens. TFMA supports the continual efforts of the Texas Senate Natural Resources Committee and its Blue Ribbon Committee (authorized by Concurrent Resolution 68 -1999) for its efforts in drafting, introducing and passing important legislation such as Senate Bill 936 that amended the Texas Water Code to authorize all political subdivisions to adopt more comprehensive floodplain management regulations which the political subdivision determines are necessary for planning, and appropriate to protect public health and safety, participate in the National Flood Insurance Program's Community Rating System and other initiatives, and to collect reasonable fees to cover administrative costs.

The Texas Floodplain Management Association (TFMA) recommends immediate action on the following "Texas Floodplain Management Issues" out of many issues currently being researched by the TFMA Membership and Board of Directors.

Recommended Improvements for Floodplain Management in Texas:

1. Strengthen the State NFIP Coordinator's Role

PROBLEM: The TCEQ is the National Flood Insurance Program State Coordinator and currently understaffed and under budgeted. The current staffing for the TCEQ NFIP Office is only two (2) persons (one full-time employee and one contract employee) with an annual budget of approximately \$350,000 as compared to the NFIP coordinator roles in other states that have staffing up to 46 full-time employees (FTE's) and annual budgets as high as \$54,000,000 [Reference: *Floodplain Management 2003 State and Local Programs*, ASFPM]. Texas currently has 1,289 communities that have been mapped by FEMA and designated as flood prone communities. Of the 1,289 communities, 1,115 participate in the NFIP and 174 face Federal sanctions of the Flood Protection Act where federal financial assistance, flood insurance and disaster assistance is prohibited.

The typical role of the State NFIP coordinator in other states is:

- enforcement of water regulations
- training of community flood plain administrators (FPAs)
- technical assistance to communities and citizens
- mitigation planning
- disaster response
- floodplain studies and mapping
- establish and enforce higher regulatory standards

RECOMMENDATION:

- (1) Transfer a portion of the approximately \$3.5 million per year of flood insurance policy fees currently deposited in the General Fund to the TCEQ NFIP Coordinators Office
- (2) TCEQ become a Cooperative Technical Partner (CTP) with FEMA and become directly involved in the effort to update floodplain mapping in Texas
- (3) Increase TCEQ NFIP Coordinator staffing to a minimum of 4 FTE
- (4) Establish NFIP State Coordinator training goals for local FPAs
- (5) Establish NFIP State Coordinators Role in Disaster Response and technical assistance to communities
- (6) Establish a NFIP State Coordinator Role in community Mitigation Planning
- (7) Increase funding for floodplain management activities including technical studies and training
- (8) Contract functions beyond staffing capability to private companies

2. Require Mandatory Training for Local Floodplain Administrators

PROBLEM: The local community FPA is often an individual that is new to the job, has received minimal training in floodplain management and therefore may not qualified to administer and enforce the local community's flood damage prevention ordinance.

RECOMMENDATION: Follow the example legislation by the states of New Mexico, Arkansas, and Oklahoma that require the community floodplain administrator to become a Certified Floodplain Manager (CFM) and/or require that the community floodplain administrator comply with the minimal annual CFM training requirements of the state floodplain management association. The TFMA recognizes that certain counties and communities with small populations and with minimal development should not be required to meet this requirement. We therefore recommend State of Texas legislation that will require a minimum of one floodplain administrator in Class "1" communities to become a Certified Floodplain Manager (CFM) and to maintain the CFM certification by receiving annual training to meet the CFM continuing education credits requirements. TFMA recommends that a Class "1" community be defined as a Texas County or incorporated community with a population in excess of 20,000. Therefore, floodplain administrators for Texas Counties and incorporated communities with a population less than 20,000 would be

recommended, but not required, to become a CFM and maintain the minimal CFM annual training requirements.

3. Support HR 4650, National Levee Safety Act of 2005 and increase levee safety in Texas

PROBLEM: Levee systems throughout Texas and the Nation create a false sense of security and do not adequately protect lives and property. The Texas Floodplain Management Association (TFMA) supports HR 4650 and creation of a National Levee Safety Program. TFMA supports the recommendations as presented to Congress by the Association of State Floodplain Managers (ASFPM).

The responsibilities of the National Levee Safety Program should be assigned to the Texas Commission on Environmental Quality, the state agency responsible for coordination of the National Flood Insurance Program in Texas.

TFMA is prepared to support efforts by the State of Texas to implement the National Levee Safety Program on a state level.

4. Simplify Coordination between Local Community Floodplain Administrators with State and Federal Agencies

PROBLEM: Most Texas counties and smaller communities have minimal staff and when a disaster occurs, this small staff must conduct normal community functions in addition to the disaster response and recovery effort that requires a major coordination effort with numerous State and Federal agencies.

RECOMMENDATION: Increase TCEQ NFIP Coordinator staffing to a minimum of 4 FTE as described in Recommendation No. 1 above and establish a State Floodplain Management Team of reservists to assist State Agencies and local communities with disaster recovery. This team should include individuals that are Certified Floodplain Managers, have floodplain management experience, and trained in state and Federal programs.

The Texas Floodplain Management Association (TFMA) currently has a “Mutual Aid Floodplain Management Team”, consisting of a small volunteer force of city and county employees that are Local Floodplain Administrators, retired floodplain management professionals, members of TFMA, and others, that volunteer their time to assist communities to recover from disaster events. The TFMA “Mutual Aid Floodplain Management Team” can easily be incorporated into the State Floodplain Management Team thereby greatly reducing the State’s recovery costs. However, State funding should be provided to allow State disaster response agencies (TxDEM and TCEQ) to pay travel and per diem expenses for volunteers such as the TFMA “Mutual Aid Floodplain Management Team “ and to compensate individuals that are retired and other highly trained individuals that are not employed by a municipality or county.

This White Paper was prepared by the Texas Floodplain Management Association (TFMA) for submittal to the Texas Senate Natural Resources Committee, the Texas Commission on Environmental Quality, the Governor's Division of Emergency Management, the Texas Water Development Board, the Texas General Land Office, the Texas Department of Insurance and the Federal Emergency Management Agency.

This White Paper has been updated annually by the TFMA Legislative Committee and presented to the membership at annual conferences in 2004, 2005 and 2006. This White Paper reflects the recommendations of the TFMA Membership and Board of Directors.