

United States Senate

WASHINGTON, DC 20510-2602

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April 10, 2012

Mr. William Craig Fugate
Administrator
Federal Emergency Management Agency
500 C Street SW
Washington, DC 20472

Dear Administrator Fugate:

On February 3, 2011, I wrote you to express my concern about the modeling techniques used by the Federal Emergency Management Agency (FEMA) for the Map Modernization Program. As you know, FEMA had been using a "without levees" analysis during the development of new Digital Flood Insurance Rate Maps (DFIRMs) in cases where a levee or other flood control structure was not certified. "Without levees" modeling methods assume an existing levee, flood control structure, or any other manmade topographical feature provides zero protection for the purposes of the model if it lacks certification in accordance with FEMA's requirements for levee accreditation in 44 C.F.R. Section 65.10. As a result, levees in need of minor repairs, manmade topographical features such as railroads or highways that clearly provide some level of flood protection, or levees simply lacking a professional engineer's endorsement or certification, were not portrayed as providing any flood protection. However, in cases where those structures exacerbate flood risk, that increased flood risk was reflected in the model. This methodology fails the commonsense test.

I was pleased that at my urging, and the urging of 27 other Senators, your agency ended the use of the "without levees" methodology and began working with Congress and other stakeholders to revise FEMA's process for mapping flood risk in an effort to develop an improved approach that will enable FEMA to provide maps that more precisely reflect the flood risk reflected by new DFIRMs. I understand that FEMA is considering new "levee-inclusive" tools to aid in compiling more precise technical data in order to more effectively assess flood risk. I also understand that FEMA has requested public comment on the proposed new mapping methodology. These efforts seem to represent a good faith effort by FEMA to inject some commonsense into the flood mapping process.

As you prepare the new mapping methodology, I strongly urge you to see that going forward, flood maps reflect protection provided by manmade structures that clearly provide some degree of protection from flooding, but are not or cannot be certified in accordance with the data requirements for levee accreditation in 44 C.F.R. Section 65.10. I also urge you to implement new procedures to allow small communities to challenge FEMA's proposed flood map revisions without paying the expense of hiring a private engineering firm to produce an alternative map.

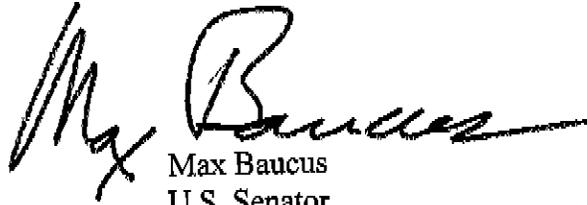
The City of Livingston's experience with the Map Modernization is a good example of why the Map Modernization system needs to be fixed. During flooding in 1996 and 1997, the city reinforced a flood wall along the Yellowstone River by Sacajawea Park to provide increased protection from high flood waters. However, during a recent flood map update, FEMA refused to certify that the wall provided any flood protection. The City of Livingston then hired a private engineering firm to remap the entire city. The firm found that the ground behind the levee was a higher elevation than FEMA's map had estimated. FEMA's inaccurate measurement had placed most of the City of Livingston into the floodplain. Ultimately, after the great expense of hiring an engineer, all but a tiny portion of Livingston was removed from the floodplain as the data did not support the hydrological assumptions FEMA had concluded in its own study. It is deeply concerning that small communities across Montana may face the same dilemma of choosing between higher flood insurance rates triggered by flawed flood mapping and the expense of hiring an engineering firm to get the estimate right.

I am also concerned that it could be over a year before FEMA adopts a new flood mapping methodology. Communities across Montana are waiting for the new methodology, and as they wait, some are paying higher insurance premiums than would otherwise be required under a revised mapping methodology. I urge you to see that a new, commonsense methodology is adopted without delay and that inaccuracies of previously implemented flood maps are corrected immediately.

For example, the Miles City was remapped under FEMA's "without levees" methodology in 2008. The 2008 DFIRM now shows 80% of structures in the floodplain and 5% in the floodway, a vast increase from the previous 1983 map, which showed 15-20% of structures in the floodplain. Most of the map's changes stemmed from FEMA's decision not to recognize that the existing dike, which runs along the Yellowstone and Tongue rivers, provides any flood protection whatsoever. Surprisingly, FEMA's new map did determine that two railroad crossings on the Tongue River made flooding risk worse than if the manmade structures did not exist. The floodplain administrator has not received a plan from FEMA, which was requested prior to initiation of the DFIRM process, to certify the dike for the purpose of the new flood map. Residents of Miles City are now facing years of costly insurance premiums that may be due to maps that inaccurately reflect the flood risk they face as homeowners and business owners. Miles City is requesting bids from engineering firms to see if they should spend some of the city's tight budget to improve FEMA's flood map. FEMA should quickly adopt a new flood mapping methodology and work with Miles City to fix their maps.

Thank you for your attention to this matter. Please do not hesitate to contact me if you have any questions about this request.

Sincerely,

A handwritten signature in black ink, appearing to read "Max Baucus". The signature is fluid and cursive, with a long horizontal stroke at the end.

Max Baucus
U.S. Senator