

DAVID VITTER, LOUISIANA, CHAIRMAN
BENJAMIN L. CARDIN, MARYLAND, RANKING MEMBER

JAMES E. RISCH, IDAHO
MARCO RUBIO, FLORIDA
RAND PAUL, KENTUCKY
TIM SCOTT, SOUTH CAROLINA
DEB FISCHER, NEBRASKA
CORY GARDNER, COLORADO
JONI ERNST, IOWA
KELLY AYOTTE, NEW HAMPSHIRE
MICHAEL B. ENZI, WYOMING

MARIA CANTWELL, WASHINGTON
JEANNE SHAHEEN, NEW HAMPSHIRE
HEIDI HEITKAMP, NORTH DAKOTA
EDWARD J. MARKEY, MASSACHUSETTS
CORY A. BOOKER, NEW JERSEY
CHRISTOPHER A. COONS, DELAWARE
MAZIE HIRONO, HAWAII
GARY C. PETERS, MICHIGAN

ZAK BAIG, REPUBLICAN STAFF DIRECTOR
ANN JACOBS, DEMOCRATIC STAFF DIRECTOR

United States Senate

COMMITTEE ON SMALL BUSINESS & ENTREPRENEURSHIP

WASHINGTON, DC 20510-6350

TELEPHONE: (202) 224-5175 FAX: (202) 224-5619

January 26, 2015

The Honorable Barack Obama
President of the United States of America
The White House
1600 Pennsylvania Avenue, NW
Washington, DC 20500

Dear President Obama:

I write concerning your multi-agency taskforce efforts to develop expansive new federal floodplain management standards. Unfortunately, the closed-door development of regulatory efforts has become typical of your Administration with broad impacts on not only our economy but also the small businesses and families that would bear the brunt of another ill-advised, expensive White House venture into climate issues. Our current flood control policy and infrastructure are a viable result of our constantly improving management and response to extreme weather events—for some of which the intensity has decreased even as atmospheric CO₂ has increased. It is wholly inappropriate to use the process of imposing potentially costly flood policy standards on families and communities as a long-term PR stunt for your far-left base, especially considering that the vast majority of the worst incidents of flooding predate significant burning of fossil fuels. Before your administration meddles in floodplain standards, it would be prudent to consider important background on flood insurance from the perspective of someone representing an impacted state.

During my tenure in Congress, I have worked to ensure my constituents have access to affordable flood insurance. As I am sure you are aware, the Federal Emergency Management Agency (FEMA) recently attempted to drastically raise the price of flood insurance across the country, including Louisiana. These rate increases would have made flood insurance simply unaffordable for small businesses and middle class families. Thankfully, after leading a bipartisan effort to reform the NFIP, Congress passed and you signed the Homeowner Flood Insurance Affordability Act. This huge victory prevents families across the country from losing their homes. The fact that rates were going to skyrocket for homeowners who had played by the rules was the biggest problem that led to my successful reform efforts. It seems obvious that your secret closed-door policy change is going to have the same effect.

I understand your efforts to provide these standards are another “give” to your far-left environmental base, which views your climate policy efforts as a way to scare the public into expanding the federal government’s role in the lives of all Americans. However, as a matter of situational awareness, it is important that you keep in mind historical flooding trends and our efforts to mitigate them, all of which have led to our current federal standards for floodplain management. As you are aware, the U.S. Army Corps of Engineers (Corps) has a primary and important role in preparing for and responding to flooding. The Corps became not only a major provider of hydroelectric energy in the 20th century but also the lead federal flood control

agency. Despite the strong insinuation from your Administration that flooding is a result of man-made climate change caused by burning fossil fuels, flooding predates both our federal control agency and coal fired power plants as well as the internal combustion engine.

In reality, all of recorded history's most dangerous floods, in terms of human loss of life, predate significant burning of fossil fuels by humans. China experienced a flood in 1931 that killed an estimated 2.5 to 3.5 million people. China also experienced the second worst flood in 1887, which killed between 900,000 and 2 million people. In fact, of the top 20 worst floods in recorded history, none of them happened after 1975. However, we can anticipate that as any society becomes wealthier and more developed, they are inevitably subject to increased infrastructure and personal property damages from extreme weather events. The fact that people in the United States own far more assets than we did 100, 50, or even 25 years ago means that the cost of extreme weather event impacts increases as a natural consequence of our successes and society's progression. Preparing and setting floodplain standards should be based on empirical evidence that coincides with our long-understood flood risks across the United States. Speculation for the purposes of appeasing a far-left environmental base should have a limited role in allocating resources.

To provide some additional perspective, it is important to keep in mind that the Mississippi Valley floods of 1912, 1913, and 1916 led to the first Flood Control Act passed in 1917, which applied only to the Mississippi and Sacramento rivers. Consequently, the levee system now in place protects thousands of families and is a testament to our efforts to combat flooding. In 1927, the flooding of the Mississippi River's drainage area resulting from high waters that inundated the lower Mississippi Valley was one of the worst natural disasters in the nation's history.^{1,2} According to the Corps' website, "between 250 and 500 people were killed, over 16 million acres were flooded, and over 500,000 people were forced from their homes to refugee camps."³ Consequently, Congress moved expeditiously in passing the 1928 Flood Control Act. The Act was implemented by the Corps and launched the Mississippi River and Tributaries Project which created a system for dispersing water through controlled outlets and floodways, as well as between levees.⁴ It is estimated that this project has prevented \$100 billion worth of damages since 1928.⁵ These efforts are vitally significant beyond the cost of damages because flood control has melded with additional infrastructure, agricultural and recreational concerns, leading to some of our most innovative and effective multipurpose engineering and policy:

¹ *Multipurpose Waterway Development*, THE U.S. ARMY CORPS OF ENGINEERS: A BRIEF HISTORY, <http://www.usace.army.mil/About/History/BriefHistoryoftheCorps/MultipurposeWaterwayDevelopment.aspx> (last visited Dec. 10, 2014).

² The Great Flood of 1927 is argued to be the most devastating natural disaster in American history. At its peak during the summer of 1927, the Mississippi river spanned 50 to 100 miles wide, stretched 1,000 miles long, from the Ohio River to the Gulf of Mexico. The river flooded nearly 13 million acres of land, as deep as 30 feet in some areas. 246 people died (or 500 according to some estimates) and over 700,000 people were left homeless. An estimated 137,000 buildings and homes were damaged or destroyed resulting in \$236 million in property damages. The event united the country and brought national attention to flood control, which had previously been a regional issue. James M. Wright, *The Nation's Responses to Flood Disasters: A Historical Account*, ASSOCIATION OF STATE FLOODPLAIN MANAGERS 9 (2000), available at http://www.floods.org/PDF/hist_fpm.pdf.

³ Army Corps of Engineers, *supra* note 1.

⁴ *Id.*

⁵ *Id.*

Floods continued elsewhere, especially on the Ohio River. Additionally, during the 1930s, there was the misery caused by the Great Depression. Responding to the twin needs for flood protection and work relief, Congress passed the 1936 Flood Control Act, one of the most important events in the history of the Corps of Engineers. For the first time, Congress declared that flood control was a proper activity of the federal government. The act put the Corps firmly into the reservoir construction business, despite earlier Corps' reservations about the effectiveness of reservoirs. It also established that a potential project's economic benefits must exceed its costs. Furthermore, the act specified the obligations that would have to be assumed by local interests before the Corps could begin certain projects.

The 1944 Flood Control Act signaled the victory of the multipurpose approach. It empowered the Secretary of the Interior to sell power produced at Corps and other federal projects. The act also authorized the gigantic multipurpose civil works project for the Missouri Basin commonly called the Pick-Sloan Plan. It amalgamated the plans for developing the Missouri Basin proposed by Major General Lewis Pick, formerly Missouri River Division engineer, and W. Glenn Sloan, the assistant regional director for the Bureau of Reclamation. In the ensuing years, the Corps built several huge dams on the main stem of the Missouri River. These dams were all multipurpose. They provided flood control, irrigation, navigation, water supply, hydropower, and recreation.⁶

I hope this background will better inform your understanding of the history of flooding and the importance of critical infrastructure, in addition to the fact that we have been adapting to extreme weather events and our ever-changing climate for quite some time. It is also important to note that our management and response to these events have improved, while at the same time certain extreme weather events, such as hurricane frequency and intensity, have been decreasing while CO₂ emissions and atmospheric accumulation have increased.⁷ This has been contrary to the numerous claims and predictions of your left-wing base.

Consequently, the closed-door, multi-agency efforts to develop new federal flood risk management standards involve multiple scientific matters of serious concern, and so the practical considerations and ultimate potential impacts are serious enough to bring to your attention. I appreciate your consideration of these concerns and ask that the appropriate agency staff provide thorough and complete responses to the following inquiries:

1. What potential restrictions on federal investments have been reviewed as a potential impact of expanding floodplain area designations?
2. How would new standards impact permit issuance, emergency preparation response and recovery programs administered by the Corps; USDA agricultural assistance programs; Federal highway aid and USDOT TIGER grants; HUD CDBG grants; Federal loan guarantees; FEMA flood insurance; and floodplain management and disaster response programs?

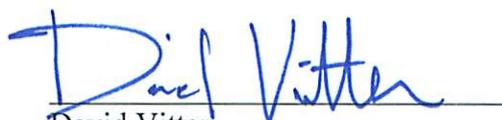
⁶ *Id.*

⁷ *Climate Change: It's Happening Now: Hearing Before the S. Comm. on Environment and Public Works*, 113th Cong. 1-9 (2013) (testimony of Dr. Roger Pielke, Jr., Professor, University of Colorado and Fellow, Cooperative Institute for Research in Environmental Sciences).

3. What considerations have been given to federally funded activities, and how would those impact specific regions of the country where the expansion is proposed?
4. What cost-benefit analysis has been completed in promulgating the flood risk management standards, and how can the public obtain access to that analysis? Where can discussion documents be found on alternatives that have been considered, including alternatives for restructuring or improving floodplain use and occupancy?
5. Who was involved in developing the science and technical knowledge upon which the standard is based?
6. If agencies have refused to give the appropriate consideration of alternatives as required under the National Environmental Policy Act, please explain why there was no consideration of alternatives.
7. Why has the Administration chosen to forego any public participation in developing the standard? In particular, why have regions of the country with known floodplain risks been excluded from the development process?
8. In developing the increased flood base elevation requirements what processes were used to develop those requirements? What cost-benefit analysis was performed, and in particular what scientific research are you using as a baseline from which to develop the flood risk associated with climate change?
9. Has the Administration reviewed what infrastructure projects that would otherwise protect against extreme weather events such as flooding are currently or have been challenged by litigation from your environmental base? What infrastructure is currently in place to protect against flooding and provide water deliveries that are targeted for removal by environmental NGOs? And what infrastructure projects are the environmental NGOs currently supporting for expansion and are they willing to support expedition of the review process so projects can be more quickly built?

According to the National Flood Insurance Program (NFIB), nearly 40% of small businesses remain closed following a flooding disaster. Preparing for flooding and other extreme weather events has been a priority and should continue to be in the future. It is even more important to temper our actions with the best available scientific and economic analysis. Given the importance of these considerations, I appreciate a response by no later than February 10, 2015.

Thank you,



David Vitter

Chairman

Small Business and Entrepreneurship Committee