

DECISION OR PROCRASTINATION IN FLOODPLAIN MANAGEMENT

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Notwithstanding a natural disaster of unprecedented severity in the heart of the country, and at a time when analysis of the underlying evidence and issues is more detailed and comprehensive than ever before, there is doubt that the nation will make fundamental changes necessary to prevent a recurrence of the tragic flood losses of 1993. The Federal government has been struggling for at least 25 years to put into action a coherent policy for floodplain management. It has never before had as solid a scientific basis for shaping effective measures at federal, state, and local levels. The magnitude of the Midwest floods - albeit now fading in public memory - still makes dramatic the opportunity for improvements. A few positive steps have been taken. The landmark report of the Interagency Floodplain Management Review Committee pointed the way to coherent reform, but the temptation to procrastinate is large, and it is not clear that essential changes will be made.

In order to avoid a repetition of the 1993 tragedy in the Mississippi Basin or in other regions the nation will have to act positively on at least five major issues that have been touched upon in the preceding papers. First, the activities and operating policies of more than ten Federal agencies must be coordinated with each other and with the integrating role on the ground of appropriate state agencies. Second, the present policies of providing Federal disaster relief will need to be revised in a fashion consistent with the over-arching but as yet inchoate aim of mitigation. Third, government and private insurance against flood losses must be offered in an even more coherent fashion than authorized in the 1994 reform in the Federal insurance legislation. Fourth, the prosecution of Federal and cooperative programs for management of the floodplains and associated watersheds of the nation must be planned upon the basis of integrated criteria and studies that take full account of the natural values of wetlands and floodplains. And last, none of these four improvements can be achieved over time without a more discerning and continuing executive and legislative audit of how well policy directives are translated into action.

The Midwest Floods of 1993

Sharing the Challenge reports in detail of the consequences of the large 1993 rainfall and subsequent overflows of rivers in the Missouri and Upper Mississippi basins.

At the time of the 1993 flood the prevailing floodplain management policy, as it was practiced by Federal, state, and local governments, represented an evolution of legislation and procedures over 120 years. Heavy investments had been made in control works and in plans for further water development. A flood insurance program was available. A variety of assessments had been conducted, and showed that the unified national program for floodplain management was neither national nor unified. The nation's vulnerability to floods had continued to climb.

The flood experience generated three important sets of documents that proposed alterations in current government procedures and policies. Together, they marshalled a body of critical analysis upon and around which the public debates on policy improvements have been taking place.

First, the various environmental groups including American Rivers, the National Wildlife Federation, and the Association of State Wetlands Managers, contributed an array of analyses and proposals that linked water control, land use, soil, vegetation, wildlife, and water quality.

Second, during this period the Federal agencies moved ahead with revision of their unified national program. In so doing they were acutely aware of the emergency action in 1993, and the proposals of the Special Administration Floodplain Management Task Force, and published their document after those recommendations had been released.

Third, was the comprehensive examination of experience and opportunities presented by the Interagency Floodplain Management Review Committee.

Resistance to Change

Although *Sharing the Challenge* and the other analytical studies were greeted with approval by some constituencies, they are drawing severe criticism from other quarters. Certain agricultural levee districts that had suffered breaching were distressed at the prospect that dependent on further studies, the levees might not be rebuilt at the previous height or, preferably, to higher elevations. Others applauded the Corps of Engineers floodplain management assessment that would postpone any action until its completion next year, thereby leaving open an opportunity to bring in different

recommendations. Measures that would make it more difficult to obtain disaster relief grants or loans to rebuild damaged structures were opposed. Communities that felt they had been encouraged by past Federal protective works to continue in vulnerable locations were reluctant to consider relocation or readjustment in land use. Other communities interested in possible relocation were discouraged by the cumbersome and tedious process of consulting with numerous, separate federal agencies in order to take advantage of available advice and funding. These views were reflected in Congressional caution at enacting any new legislation beyond authorization of the assessment and insurance reform.

Within Federal agencies, as well as some state agencies, there is tacit or overt opposition to altering administrative procedures as proposed under the unified, national plan. In most instances an agency exercises its basic statutory responsibilities whose execution has to be modified in certain degrees to take into account the reduction of vulnerability to flood. For example, the location and design of public structures always has other primary purposes.

The disturbing prospect is that another year or two will pass without achieving fundamental improvements in process and policy toward floodplain management. Without such alterations, the studies, review, and public discussion of recent years will turn out to be largely fruitless. To avoid that outcome, change must be achieved in five, inter-related, directions. All should contribute to nourishing wise use of floodplains for the foreseeable future. This will not mean the same protection or the same land use of all floodplains. It will come from a process that promotes careful judgment for each sector of a floodplain of what may be its more productive social use in the long run. In some sectors the use will be highly intensive and highly protected. At the other extreme, in some sectors it will be leaving the soil and vegetation and water in their natural condition. Most lands will be in gradations between those extremes, and local communities will need to work out the suitable combinations.

Long-term Policy Issues

1. Federal-State Coordination

The record of performance as shown in the 1992 Assessment suggests at least two major conditions for achieving an enlightened coordination. First, to be effective, the collaboration among Federal agencies must be mandated by the Congress and vigorously enforced by the Executive Office. Second, the states or some other agent must be in a position to assist positively if the Federal policies are to be interpreted and used constructively at the scale of counties and municipalities.

Each one of the interested Federal agencies has its

basic authorizations and operating procedures most of which are initially independent of floodplain matters. This is the case, for example, with transportation improvements. Unless the Congress in statutes clearly directs the agencies to conform their future activities to a well-defined national floodplain policy they will find it difficult to pursue the programs specified by the Review Committee or by the unified national plan. The effect of such hortatory declarations may be modest at best unless the Executive Office supervision is sustained and unless the Congress supports them with authorizations for appropriate agency activity and funding.

At the same time, it is naive to expect that the federal agencies with the best of intentions and under some central guidance will be able to make their information, advice, and funding suitably available at the local level unless there is coordination in the field by an appropriate state agency. Even if a local community were completely unified in wanting to move out of the floodplain to a safer location or in desiring to convert cultivated fields into wetland reserves it would have great difficulty in doing so unless it understands all possibly helpful Federal programs and how to deal suitably with each of them. It became evident during 1993 that for many local communities with such intentions the assistance of a well-informed and well-staffed state agency was crucial. The strength of such agencies differs greatly from state to state, and means must be found to assure their adequate support.

2. Coherent Disaster Relief and Mitigation Policy

It was demonstrated once again in 1993 that if the policy for granting relief or for making recovery loans does not directly encourage mitigation by the disaster victims there is no assurance that the next extreme event will not provoke a repetition of similar distress. While it does not yet have a coherent program to complement its program for emergency response, FEMA currently is revising its basic national policy so as to emphasize mitigation. Previously, the owner of damaged property receiving assistance may lack incentive to repair or rebuild so as to reduce vulnerability. In 1994 FEMA has held a series of "town meetings" in each of its regions to explore how the people affected may be encouraged and assisted to use land, design buildings, and schedule activities so as to minimize losses when the next extreme event occurs. At present, only a part of the emergency assistance or planning has the effect of reducing loss vulnerability in the long term. Relocation and retrofitting are principal tools, and studies are needed to determine how they may be better promoted. Political bodies find it difficult to design preventive measures at times when the human suffering is most acute and immediate, and they need not only to take mitigating steps in advance of a disaster, but be prepared to move effectively in its wake.

3. Revised Flood Insurance Criteria and Premiums

A few of the sobering facts about the role of Federal flood insurance in the 1993 floods indicate the complexity of putting into effect an improved program. Only about 10 percent of the damaged households carried flood insurance, with the proportion differing from 5 to 50 percent among flooded areas. Many buildings for which mortgages are provided by federally supervised, regulated or insured lenders did not carry flood insurance although it is federal policy to require such coverage. Many of the properties paying for insurance were in areas suffering chiefly from high ground water and sewer back-ups. A substantial proportion of properties covered were those located outside of zones where land-use and building regulations are enforced. Many property owners behind levees that cannot protect against major floods do not carry insurance or, if they are insured, do not pay actuarial rates. The premium schedules do not encourage purchasers to adopt mitigation measures. In 1993 a large number of floodplain dwellers waited until a few days after flooding was forecast before purchasing flood insurance, and thus did not pay premiums for other years. The operation of the Community Rating System to determine the suitability of a community to qualify for purchase of federal insurance by its citizens has addressed local conformity to some land use and structured regulations but has not addressed some of these problems adequately.

The congressional reform of the national flood insurance authorizations in August 1994 sought to correct certain of these deficiencies, such as lender compliance, but much more needs to be done in setting rates and in encouraging mitigation if insurance is to truly promote loss mitigation and wise use, rather than be solely a means of sharing the burden of property losses.

4. Recognition of Natural Floodplain and Watershed Values

While much has been said about the importance of preserving natural values in floodplain management, there have been few concrete demonstrations of how this can be accomplished on the ground. Over the years the concept of sound use of floodplains has been expanded and specified to recognize that it is not in the sustained public interest to use a valley area so that its natural resources are depleted or to cause degradation of the resource in other areas downstream or upstream. The criteria for judging the costs and benefits of floodplain use need to take accurate account of these resource effects as well as conventional property damages. By that view the social judgment of floodplain management goes beyond estimating prospective benefits from and costs of using the land. It embraces the range of values for soil, vegetation, water, wildlife, and recreation in that landscape and in affected landscapes elsewhere in the same drainage area.

Notwithstanding earnest activities of the Soil Conservation Service and a variety of farm, soil, wildlife, and recreational agencies at federal, state, and local levels, means by which the general goals can be reached are in a formative stage in some drainage areas and river reaches. Programs for wetlands preservation and restoration, for example, are not well integrated with agricultural support programs or with emerging ecosystem management efforts. The challenge is to assure that the importance of the search is recognized without on one hand being so general or so complicated and time consuming that little is accomplished, or on the other hand settling on a few simple techniques, and discouraging further experimentation.

5. Incisive Post-audits

One of the sad features of the history of floodplain management since 1968 is that while thoughtful and probably positive proposals were made for improvement, a number of them were carried out only in part, and that there was pitifully little effort at either the Congressional or executive level to keep track of what actually happened as a consequence on the nation's floodplains and why there was miscarriage of good intentions. The record already noted of the insurance coverage for the 1993 flood damages is an example. The response to the proclamation of the Executive Orders of 1966 and 1977, directing Federal agencies to take account of flood hazard in their activities, such as in locating new buildings, is another. The unwillingness of the Executive Office at that time to give serious consideration to the recommendations of the Interagency Task Force's 1992 assessment report is a further instance of failure to find out why the weaknesses noted in that report were not being remedied.

A Critical Choice

As the situation appears to stand more than a year after the great flood of 1993 subsided, the nation responded to relief needs with alacrity and with a limited willingness to innovate in the path of destruction. In addition, the Congress authorized a few changes in flood insurance procedures, and the executive branch has completed major appraisal of the situation and possible remedies, and has an engineering assessment under way. The opportunities to carry out fundamental improvements in executive administration and in basic water and land management policy have been presented. As a minimum, they would require basic changes in Federal and state executive management, and in policies guiding disaster relief, flood insurance, the natural values of wetlands and floodplains, and the use of post audits.

If those or similar measures are not taken, the country can go on substantially as it has in recent decades in responding to flood whenever that occurs, and in doing very little to prevent the magnitude of the next flood disaster in

the Midwest or in other parts of the country from being larger than before for similar floods. As memory of the 1993 event dims and as government agencies resist major changes in procedures, there will be short-term rewards from procrastination. Agencies will avoid the trouble of making radical changes in their operations. Recipients of subsidized assistance will expect a continuation of that support without being obliged to consider mitigation aims. There may be adopted a variety of partial measures yielding some long-term benefits, but until major steps are taken to face up to all of the five outstanding issues of policy, the next great flood seems likely to cause as much distress as did last year's, and there will be further delay in attaining socially and environmentally sound use of the nation's floodplains.

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