



City of La Crosse

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# Floodplain Advisory Committee

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June 2, 2022



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# **FEMA Violations**

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# FEMA 90 Day Update

No response from FEMA yet on my last update and 7 requests for removal.

Since that update, 4 more deed restrictions have been recorded which will constitute 4 more removals.

# FEMA Violations

What remains?

- 8 Deed Restrictions
- 22 Vents/Flood resistant materials
- 4 Basement Infill
- 4 Elevations



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# **Association of State Floodplain Managers (ASFPM) Conference**

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# Key Takeaways

- Climate Change – future conditions
- Equity
- Nature-based solutions

# Climate Change

- There was discussion of FEMA raising the regulatory BFE from the 1% to the .2% chance
- Any future flood mapping should accommodate for future conditions and factored into master planning
- NAI – No Adverse Impact

# No Adverse Impact - <https://www.floods.org/resource-center/nai-no-adverse-impact-floodplain-management/>

As a nation, we continue to build at-risk structures in or near floodplains, yet we don't spend as much time or effort considering the adverse impacts of these developments on adjacent properties or elsewhere in the watershed. The minimum standards we follow today – if, indeed, there are standards being utilized at all – are resulting in increasingly difficult flood issues and higher flood risk to our nation's communities and its citizens.

Some of these persistent flood risk issues are historical. Towns and cities were settled near watercourses for transportation, while others, especially in the arid west, were settled where precious water was available as a resource. However, today, poorly designed and



constructed development and redevelopment, and a changing climate, are increasing flood risk to these communities. Many communities are dealing with persistent flood problems. Some of those same communities have residents and business owners attending board meetings after a heavy rain, complaining of flooding and demanding that the flood problems be fixed.

Communities can get ahead of these flooding issues, avoid causing problems for themselves and others, and

ultimately lessen their flood risk, by embracing a new approach to managing their flood problems – the No Adverse Impact approach. In essence, NAI floodplain management takes place when the actions of one property owner are not allowed to adversely affect the rights of other property owners.



# Equity

Problem	Recommended Solution/Change
<p>FEMA uses a Benefit/Cost ratio of at least 1:1 in order to meet federal requirements. A wealthy coastal community's damages may be 10s of millions of dollars, but assist relatively few structures, while similar at-risk coastal communities of color or low-income families may have much less costly structural damage even though repair, replacement or relocation costs can far exceed the value of the damaged properties. Thus, they cannot recover what they lost, and lose invested wealth with every disaster. They are never made whole again. It is difficult to calculate a favorable BCA for mitigation actions for low-income properties because the value of the home is too low compared with the cost of the mitigation measure.</p>	<p>Mitigation grant programs need a factor which recognizes the moral hazard of leaving the most economically vulnerable people in flood prone areas. FEMA should not rely solely on dollars to reflect benefits or losses, but consider using indexes that reflect real loss and the people impacted. FEMA should find ways to fairly compensate minority or low-income property owners so that their original invested wealth is not lost. For example, the World Bank has one focusing on wellbeing. It is also possible to standardize asset values (e.g. homes receive a standard "shelter" value) which will result in an outcome is more equitable and inclusive.</p>

# Equity

Problem	Recommended Solution/Change
<p>Increased costs to relocate outside of the floodplain are typically not considered when buy-out is offered, thus owner cannot take advantage of the buy-out due to insufficient resources to purchase another comprable home outside of the floodplain.</p>	<p>Using the Uniform Relocation Act standards for all FEMA mitigation buyout programs would increase the ability of these homeowners to move to adequate (decent, safe, sanitary) housing outside high flood risk areas.</p>

# Equity

Problem	Recommended Solution/Change
<p>Many states and communities enthusiastically prepared project applications for the new BRIC program. Most were uniformly disappointed when the selections for the competitive portion of the grants were announced and only 4% of the competitive projects were funded. The limited number of grants to a minority of the states left them wondering if they could ever write a successful application to this program. Several states commented on the hope they had for applications of small and impoverished communities only to find out that only 2 of those projects were funded nationally. It was also noted that the majority of the projects selected were large infrastructure projects. The more traditional acquisition, relocation or elevation projects, were typically only funded through the state allocation process with is underfunded considering what states are expected to do with these funds. The BRIC program placed a cap on the amount of funding that states could spend on mitigation planning.</p>	<p>Since states are most closely tied into the mitigation and planning needs of their communities, significantly more of the annual BRIC funding should be put into the State Allocation which will allow them to operate a block grant type program and select projects based on state and local needs and priorities, and assure that more of the available BRIC funding is distributed across the nation as opposed to concentrated on a few large projects.</p>
Problem	Recommended Solution/Change
<p>Mitigation measures designed on past floods will not provide adequate protection from future floods. This is especially true in underserved communities that are least able to weather the impacts of climate change.</p>	<p>Mitigation design needs to be based on the life span and use of the development, and the anticipated future conditions. For flooding, the future condition selected should be based on the use and/or anticipate life of the structure.</p>

# Nature-based Solutions





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# **Wisconsin Floodplain Ordinance – Act 175**

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# Act 175

AN ACT *to create* 87.30 (1d) (d) of the statutes; **relating to:** the regulation of nonconforming buildings in a floodplain.

***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

**SECTION 1.** 87.30 (1d) (d) of the statutes is created to read:

**87.30 (1d)** (d) If the department regulates or prohibits repair, reconstruction, or improvement of a nonconforming building, the department may not do so based on cost if, as a result of repair, reconstruction, or improvement authorized under county, city, village, or town regulations, all of the following apply:

1. The entire nonconforming building is or will be permanently changed to comply with the applicable requirements under 42 USC 4001 to 4129 or the regulations promulgated under those provisions.
2. Any living quarters in the nonconforming building are or will be at or above the flood protection elevation, as established by the department.

# Act 175

## Pros

- Non-residential structures would only have to elevate to BFE.

## Cons

- No benefit to residential structures
- The city would have 3 classifications of structures in the floodplain.
- We would have to amend the ordinance in order to improve our CRS rating – freeboard

# Act 175

**Should Act 175 be included in our  
floodplain ordinance?**