

**Senate Committee on Economic Development, Housing & General Affairs
Testimony on Flood Hazards and Climate Resilience
October 19, 2023**

Good Afternoon Chair Ram Hinsdale and Committee Members,

(slide 1) As stated, I am Rebecca Pfeiffer, Vermont National Flood Insurance Program (NFIP) Coordinator and State Floodplain Manager. I manage our team of Regional Floodplain Managers that make up the River Corridor & Floodplain Protection Program. We are part of the VT Rivers Program, which is located within the DEC's Watershed Management Division, in the Agency of Natural Resources.

Today, I am here to provide you with a very narrow scope of how the flood impacted my program at the Agency, the work our Program is doing in recovery, and to answer any background questions you may have. I can also speak a bit to the use of FEMA's flood hazard mapping data, and the timing for new map updates from FEMA. However, the Agency of Natural Resources is one of several state agencies that coordinates and participates in the larger state climate resilience effort. These larger climate resilience efforts are intended to both prepare the State for future climate events, as well as help the State better understand how to efficiently use the State's collective resources to recover more quickly and in a more resilient way. While flood resilience is only one lens to view our State's climate actions, I am sure you will hear a more comprehensive Statewide vision during the upcoming legislative session.

I am not going to walk through an extensive presentation today, as I want to leave ample time for Committee questions. I have provided my testimony and slide deck for the Committee to review, as well.

I have been in my current position as the VT NFIP Coordinator since 2019 and have worked in the Vermont Floodplain Management Program since 2006. As Regional Floodplain Managers, one of our primary duties is to support Vermont communities with their floodplain management activities.

(slide 2) Most floodplain management, nationwide and in Vermont, is done at a local level and in accordance with FEMA's National Flood Insurance Program (NFIP). This is a voluntary Federal program that communities join in order to make federally-backed flood insurance available to all residents of their community.

(slide 3) In exchange for the availability of flood insurance, communities agree to regulate all development that occurs within federally mapped flood hazard areas on FEMA's Flood Insurance Rate Maps (FIRMs). The Flood Insurance Rate Maps depict areas that will be inundated during a large flood – the flood having a 1% chance of occurring in any given year (often referred to as the 100-year flood).

(slide 4) This is the basis of the NFIP – 92% of Vermont communities are enrolled in the program. The flood hazard area depicts where towns must issue permits for development and where mandatory flood

insurance purchase requirements apply for federally backed loans and mortgages. Communities that participate in the NFIP are also able to access FEMA mitigation grants to help permanently reduce hazard exposure in their community. For the most part in Vermont, floodplain management and land use decisions in floodplains are made at the local level. Every community has its own set of flood hazard area regulations that may differ from one community to another.

(Slide 5) Because of the complexity of the minimum FEMA requirements for development in floodplains, our team acts as a liaison between Vermont communities and FEMA's NFIP staff. Because every community has its own flood hazard area regulations and there is a varying degree of local capacity, our staff provides floodplain management technical assistance for Vermont communities and residents including assisting communities with:

- floodplain development permitting (blue sky and post-flood),
- the interpretation and application of their local floodplain management regulations
- planning and understanding their unique flood hazards. We encourage and support municipalities with the protection of river corridors as well as consider the adoption of enhanced flood inundation hazard standards, and
- the use of their FEMA Flood Insurance Rate Maps

(Slide 6) After a flood event, our office is working with communities to help them understand what they're required to do as participants in the NFIP. For flooded communities, they are required to issue permits for repair work that occurs within the mapped floodplain, as well as conduct **substantial damage** assessments. These assessments determine if the building owner is required to mitigate their building to reduce the chance of future flood damage.

The other role that our staff has is with the permitting and enforcement of our limited state authority under the DEC Flood Hazard Area and River Corridor (FHARC) Rule. Adopted on the heels of Tropical Storm Irene, the FHARC rule regulates development located in FEMA-mapped inundation floodplains and ANR-mapped river corridors that are exempt from municipal regulation; namely the regulation of State-owned buildings and facilities, Required Agricultural and Silvicultural Practices, and power generation/transmission facilities subject to the Public Utility Commission - Section 248 Process.

Through this authority, we implement a strong set of No Adverse impact standards in consideration of both flood inundation and erosion, while making reasonable accommodations and provision for flood resilient infill development and redevelopment in designated centers and existing settlements.

In addition to River Corridor protection, the higher flood inundation standards are worth highlighting. The base NFIP requirements are only concerned with reducing risk to the new development by way of elevation and floodproofing. Our No Adverse Impact (NAI) standards ensure that new development will not increase hazards for pre-existing development. Specifically, requirements to ensure that development will not increase flood depths or velocities, and require new or mitigated structures to be elevated at least 2' above the FEMA flood elevation.

(slide 7) Questions that I have heard explored in the media are how Vermonters and Vermont communities are informed of their flood risk. To date, one of the primary ways that communities and individuals are notified of flood risk is with FEMA's Flood Insurance Rate Maps. Since the NFIP is, primarily, an insurance program, notification typically occurs at the time that flood insurance may be required by federal law – during the purchase of a home where a mortgage is required, or if a homeowner is taking out a home equity loan. Vermont does not have any additional state requirements for specific notification of flood hazards, such as during real estate transactions. An additional barrier to hazard notification is that about 1/3 of Vermont counties still have paper maps for their effective FEMA maps, with the statewide average age of flood maps more than 25 years old, and in some parts of the state, the average age of maps is often times more like 30-40 years old.

(slide 8) FEMA is currently in the midst of updating Flood Insurance Rate Maps across Vermont, although that timeline for new effective maps is still, at a minimum, 2-3 years out. The quality of the flood mapping will be vastly improved from the current effective flood maps; however, FEMA still does not map flood hazards accounting for climate change – they are depicting current flood risks based on historic flood events.

(slide 9) FEMA maps also do not depict flood-related erosion hazards. The ANR has taken on the task of providing river corridor maps across the state to help provide a more comprehensive understanding of flood risk in Vermont.

(slide 10) In closing, our office supports flood hazard management in many different roles – from community support and technical assistance, as a liaison between FEMA and the communities, through our Vermont FHARC rule, and in collaboration with partners like the ANR Climate Office, Vermont Emergency Management and others. We look forward to the discussion on how Vermonters may continue to take action on improving our future flood resilience. Thank you for this opportunity to speak to you and I am available for any questions.