

Hicks-Ray Associates

Implementing Strategies, Achieving Success



May 8, 2015

TO: WESTCAS Membership

FROM: Hicks-Ray Associates

SUBJECT: Updates on the Federal Flood Risk Management Standards [FFRMS]

Executive Order 13690 issued on January 30 represents a major extension of the federal definition of what constitutes a flood plain. In much of the Arid West, this will expand the areas that will have to comply with what is now considered a “flood plain” despite the fact that they may rarely if ever be subject to floods. For WESTCAS members this could involve major new permitting requirements as local agencies seek Federal approval for water infrastructure projects. Many fear that EO 13690 and the pending WOTUS standards may create a perfect storm of regulatory overreach.

Executive Order 13690 was developed by the Obama administration without being vetted by either the Congress or stakeholder groups and has become increasingly controversial. The initial public comment period closed on April 5 and was extended for an additional 30 days, until Wednesday of this week, May 6. There had been indications that FEMA might again extend the comment period for at least another 30 days, to June 6. But in the end they chose not to do so.

WESTCAS, joined by the Association of California Agencies and the Texas Water Conservation Association submitted comments on May 6. [See attached]. In another development, the House of Representatives adopted the FY16 Energy and Water Appropriations bill on May 2 by a vote of 240 to 177. The bill includes the following amendment, adopted by a voice vote, that applies to Corps of Engineers funding:

“None of the funds made available by this Act may be used to implement, administer, carry out, modify, revise, or enforce Executive Order 13690 (entitled “Establishing a Federal Flood Risk Management Standard and a process for Further Soliciting and Considering Stakeholder Input.)”

Issues such as Executive Order 13690 and WOTUS will be prominently addressed during the WESTCAS annual conference in San Diego, June 17-19. We hope to see you so that you can be part of the discussion.

Fred Hicks - 703.866.4290
P.O. Box 2115
Springfield, VA 22152-0115
fred@hicks-ray.com

Tom Ray - 254.855.0880
P.O. Box 955
Waco, TX 76703-0955
tom@hicks-ray.com

Hicks-Ray Associates

Implementing Strategies, Achieving Success



Fred Hicks - 703.866.4290
P.O. Box 2115
Springfield, VA 22152-0115
fred@hicks-ray.com

Tom Ray - 254.855.0880
P.O. Box 955
Waco, TX 76703-0955
tom@hicks-ray.com