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Regulations Division
Office of General Counsel
Department of Housing and Urban Development
451 7th Street SW, Room 10276
Washington, DC 20410-0500

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Docket No. FR-6272-P-01

Proposed Rule: Floodplain Management and Protection of Wetlands; Minimum Property Standards for Flood Hazard Exposure; Building to the Federal Flood Risk Management Standard

The American Society of Civil Engineers (ASCE) is pleased to offer the following comments on the U.S. Department of Housing and Urban Development (HUD) on its proposed rule to revise HUD's regulations governing floodplain management and the protection of wetlands to implement the Federal Flood Risk Management Standard (FFRMS), in accordance with the Executive order, "Establishing a Federal Flood Risk Management Standard and a Process for Further Soliciting and Considering Stakeholder Input,"

The proposed rule was published in the Federal Register for comment on March 24, 2023, with the comment period closing on May 23, 2023.

Background

Founded in 1852, ASCE is the country's oldest civil engineering organization. Representing more than 150,000 civil engineers from private practice, government, industry, and academia, it is ASCE's objective to advance the science and profession of engineering to enhance the welfare of humanity. ASCE members are actively involved in the planning, design, and operation of infrastructure facilities that face the risk of flooding as well as the planning, designing, and operating of floor control systems to mitigate the threat of floods.

ASCE Policy Statement 421 "Floodplain Management" makes the following general recommendations on the adoption of proactive floodplain management policies. Such policies should:

- Hold paramount the public's safety, health, and welfare.
- Protect and restore natural floodplains.

- Regulate land use and discourage development in floodplains.
- Inform residents and community planners of the risk associated with development in both floodplains and develop flood disaster mitigation plans.
- Support creative partnering between all levels of government to adopt floodplain management policies.
- Fund the design and implementation of floodplain management policies and flood mitigation projects, both structural and non-structural.
- Incorporate the concept of building disaster resistant communities consistent with sustainable development.
- Encourage risk appropriate, multiple uses of flood prone areas.
- Pursue nonstructural flood mitigation facilities, including river restoration, and wetland restoration that include improvements in habitat, ecosystems, recreation, and open space use.
- Consider relocation as a strategy for communities that cannot be protected.
- Encourage the use of social equity for disadvantaged communities and at-risk areas in floodplain management decisions.

ASCE Comments on the Proposed Rule

ASCE is in support of the U.S. Department of Housing and Urban Development (HUD) proposed rule to revise HUD's regulations governing floodplain management and the protection of wetlands to implement the Federal Flood Risk Management Standard (FFRMS). This is very important to advance national resilience of the built environment, especially structures in response to flood hazards.

ASCE supports adoption of up-to-date modern building codes and standards. To that end, ASCE's premier national standard for determining design loads on structures, *ASCE 7 Minimum Design Loads and Associated Criteria for Buildings and Other Structures* has just published a supplement #2 to the 2022 edition that is a substantial revision to Chapter 5 Flood Loads. The new provisions include several technical changes including the following:

- The Flood Hazard Area is increased from the 100-year flood plain to the 500-year flood plain for Risk Categories II, III, and IV structures to improve the performance of structures subjected to flood events and to meet the target reliabilities of the Standard.
- The design flood loads are now aligned with Risk Categories I, II, III, IV as the rest of the environmental hazards within ASCE 7 including wind, earthquake, snow, ice, rain, and tsunami.
- For the first time, the provisions require inclusion of relative sea level rise when designing for flood loads for sites where flooding comes from coastal sources.
- This change in approach, along with revised loading equations, is a significant departure from previous versions of ASCE 7.

ASCE urges HUD to adopt both the current 2022 edition of ASCE 7 as well as Supplement #1 and Supplement #2 for the Flood Chapter.

Conclusion

ASCE is pleased to have the opportunity to provide comments on the proposed HUD rulemaking and is eager to work with HUD to make sure that the final regulations achieve the goal of protecting the public health, safety, welfare, and the environment.

Thank you for your consideration of our view, if we can be of further service, please do not hesitate to contact Martin Hight, ASCE Senior Manager for Government Relations at mhight@asce.org or 202-789-7843.