

Pennsylvania Natural Hazards Legal Workshop for Mitigators April 1-2, 2013

**Pennsylvania Emergency Management Agency
Harrisburg, Pennsylvania**



pennsylvania
EMERGENCY MANAGEMENT AGENCY



Workshop Description

A special Pennsylvania Natural Hazards Legal Workshop for Mitigators will begin at 12:00 pm EST on April 1, 2013. This special workshop, sponsored by the Pennsylvania Emergency Management Agency and the Natural Hazard Mitigation Association will bring together Pennsylvania experts and national engineering, planning, architectural and legal experts in a session designed to promote a safer more resilient future for communities. This event is designed for everyone involved in making community development decisions: Legal experts, community officials, developers, architects, engineers, government leaders, and floodplain managers are strongly encouraged to attend. This course teaches Natural Hazards and how they affect all aspects of community development, using both Pennsylvania and nationally recognized experts in the fields of law, planning, architecture & low impact design and engineering.

This workshop will:

- a) explain the ancient legal roots of the National Flood Insurance Program and “No Adverse Impact”, or “Safe Development”;
- b) demonstrate how floodplain management and other forms of regulation designed to prevent harm can be structured to avoid much, if not all, of the uncertainty surrounding the “Takings” issue;
- c) explain how property rights principles support floodplain and other natural hazard regulations;
- d) demonstrate that local floodplain management designed upon the “Safe Development” or “No Adverse Impact” concept is not anti-development but rather protects everyone’s property rights,
- e) examine legal risks for areas protected from flooding by dams and levees;
- f) demonstrate how to successfully negotiate towards a safer community future; and
- g) explore opportunities for floodplain managers to work more closely with developers, architects, engineers and all others involved in community development to build a safer future for Pennsylvania and the entire Nation.

Agenda

Monday, April 1

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| 12:00 – 12:15 PM | Coffee Served, Welcome and Self-Introductions
<i>Director Glenn Cannon</i>
<i>Pennsylvania Emergency Management Agency</i> |
| 12:15 – 1:00 PM | Introduction to the Legal Issues
<i>Edward Thomas, Esq.</i>
<i>Natural Hazard Mitigation Association</i> |
| 1:00 -2:00 PM | Future Uncertainty and Flood Mapping: What If Future Rainfall Patterns Change?
<i>Michele Adams, P.E.</i>
<i>Meliora Environmental Design</i> |
| 2:00 – 2:15 PM | Break |
| 2:15 – 3:00 PM | Design for Hazard Mitigation
A) Regional watershed management and its components: what works
B) How watershed design of cities and communities can improve local livelihood, resources and resilience.
<i>Don Watson, FAIA</i>
<i>Natural Hazard Mitigation Association</i> |
| 3:00 – 5:00 PM | Property Rights and Floodplain Management
A) The Safe Sustainable Development or No Adverse Impact (NAI) Principle Concept
B) Legal Roots of the Safe Sustainable Development/Do No Harm (No Adverse Impact) Principle
C) National Flood Insurance Program Update (Biggert-Waters)
<i>Edward A. Thomas Esq.</i>
<i>Natural Hazard Mitigation Association</i> |
| 5:00 – 5:15 PM | Break |

5:15 – 6:00 PM

Optional Break Out Sessions

Making Use of the Community Ratings System <i>Tom Brett, CFM</i> <i>Insurance Services Office</i>	The Ins and Outs of BureauNet: What It Can Provide You <i>Mildred Hanks</i> <i>Pennsylvania Joint Field Office</i>
Legal Consideration for Dams and Levees <i>Edward A. Thomas, Esq.</i> <i>Natural Hazard Mitigation Association</i>	Making the Most of Hazard Mitigation Planning <i>Alessandra Jerolleman, CFM, MPA</i> <i>Natural Hazard Mitigation Association</i>

Tuesday, April 2

- 8:00 – 9:00 AM **Coffee Served, Morning Speaker – Integration with Local Planning Efforts:
Linkages with Community Planning**
Deepa Srinivasan
Vision Planning & Consulting
- 9:00 – 9:30 AM **SITES & BUILDINGS**
**A) Flood/drought/fire risk mitigation at the local community, project site, and
building scale: what works.**
**B) Site and building design that improves life quality, performance and
productivity.**
C) How design for resilience can define the desired future.
Don Watson, FAIA
Natural Hazard Mitigation Association
- 9:30 – 10:00 AM **Involving the Whole Community: Best Practices from the Resilient Neighbors
Network**
Alessandra Jerolleman, MPA, CFM
Natural Hazard Mitigation Association
- 10:00 – 11:15 AM **Negotiations for Floodplain Management**
Edward A. Thomas, Esq.
Natural Hazard Mitigation Association
- 11:15 – 11:45 AM **Closing Discussion**
Dan Fitzpatrick, CFM
NFIP Coordinator

Speaker Biographies

Michele Adams

Ms. Michele Adams is a Water Resources Engineer and founder of Meliora Environmental Design. For more than 28 years, her work has encompassed environmentally sensitive site design, with special focus on “water as a resource” and the integration of stormwater, wastewater, water supply needs as part of a single water resource. Her work includes Green Infrastructure and Low Impact Development projects, Master Planning and Design, and Environmental Advocacy. She has extensive built project experience in virtually every type of stormwater “best practice”, from green roofs and porous pavements to landscape restoration and water reuse, as well as small scale alternative wastewater systems. She was one of the authors of the Pennsylvania Stormwater Manual as well as the 21st Century Parks for NYC Guidelines High Performance Landscapes. Ms. Adams served for six years as a member of the U.S. Green Building Council Sustainable Sites Technical Advisory Committee (SS TAG), and currently serves on the American Rivers Science and Technical Advisory Committee. She is a frequent lecturer on the topics of water and sustainability.

Thomas Brett, CFM

Tom is employed by ISO as a Senior Field Representative. His role as an ISO/CRS Specialist with the NFIP / CRS program is as a technician responsible for reviewing community applications and verifying implementation of activities credited by the program. His employer is a property/casualty insurance industry supplier of statistical, actuarial, underwriting, claims data, and other technical services. Tom resides near Pittsburgh, PA. While with ISO he has also worked with various insurance analysis tools that classify fire protection (fire alarm and communication systems, fire departments, water systems), and property and casualty insurance underwriting.

Dan Fitzpatrick, CFM

Mr. Fitzpatrick came to work for the Governor’s Center for Local Government Services within the Pennsylvania Department of Community & Economic Development (DCED) in 2003 after a private sector career in the real estate and franchising industries. In his current position as State Coordinator for the National Flood Insurance Program (NFIP), he provides technical assistance, training and outreach to over 2450 Pennsylvania municipalities who participate in the NFIP on wide variety of topics related to floodplain management, ordinance adoption, administration and enforcement, hazard mitigation, interpretation of regulations, The Community Rating System and FEMA’s Map Modernization Program.

He is a participant in the Susquehanna River Basin Commission’s Flood Forecast and Warning Committee, Delaware River Basin Commission Flood Mitigation Task Force and PEMA’s Hazard Mitigation Grant Program Project Review Panel among others and is co-chair of the Training and Outreach Subcommittee for the PA Association of Flood Plain Managers. He is a Certified Flood Plain Manager by the Association of State Flood Plain Managers and also is DCED’s Lead Emergency Preparedness Liaison Officer to the State Emergency Management Council.

Mildred Hanks

Millie is from Huntingdon, PA. She has been an licensed insurance agent in PA for 27 years and is currently a FEMA reservist deployed as an Insurance Specialist. She is working with the FEMA and PEMA HMGP in the Harrisburg office in support of the mitigation projects in process.

Tom Hughes

Tom Hughes has been the State Hazard Mitigation Officer at the Pennsylvania Emergency Management Agency since March 2009 but has been with the agency as a Watch Officer, Urban Search and Rescue Program Coordinator, State Radiological Officer and State Training Officer since 1993.

As the SHMO, he is responsible for the oversight/revision of 65 county plan, 14 state University plans, and the tri-annual update of the Commonwealth of Pennsylvania's state plan.

Currently, Tom is managing 5 open disasters – DR-1898 (Snowstorm), DR-4003 (Flooding Event), DR-4025 (Hurricane Irene) and DR-4030 (Tropical Storm Lee) and DR-4099 (Superstorm Sandy) to include about \$73 million for hazard mitigation activities. PEMA will acquire about 560 homes in the next several months to add to the 1400 structures statewide that have been mitigated from previous disasters.

Tom is the co-chair of the two-year old Pennsylvania Silver Jackets state team consisting of local, state, federal agencies and floodplain management and emergency management associations.

Tom has a A.A. in Financial Management from the Community College of the Air Force and a B.A. in Business of Administration from Lycoming College, Williamsport. He has received his Certified Emergency Managers (CEM) accreditation from the former National Coordinating Council on Emergency Management (NCCEM) and the current International Association of Emergency Managers (IAEM). He has been a member of the Keystone Emergency Management Association of 13 years. He is currently working on his CFM.

Tom recently retired from the US Air Force Reserve as a CMSgt as the 514th Mission Support Group Superintendent, McGuire AFB, NJ, after serving in the Emergency Management career field for 18 years at the Willow Grove ARS, PA and various deployed locations.

Alessandra Jerolleman, MPA, CFM

Alessandra Jerolleman is the founder and Executive Director of the Natural Hazard Mitigation Association (NHMA). She is also the owner of Alessandra Jerolleman, LLC, a hazard mitigation and resilience consulting firm which does training and workshops across the United States. She currently serves as one of the Tri-Chairs for the National Hazard Mitigation Collaborative Alliance, sits on the board of the Greater New Orleans Disaster Recovery Partnership, and sits on the Executive Committee of the American Society of Public Administration's Section on Emergency and Crisis Management. She is the co-author of a textbook, "Natural Hazard Mitigation," published by CRC Press in 2012. She is currently a doctoral candidate at the University of New Orleans, graduating in April of 2013. Ms. Jerolleman has acquired wide-ranging experience in the private, non-profit, and academic sectors.

Ms. Jerolleman's experience includes the following: serving as a Program Specialist in the Gulf Coast with Save the Children USA, working on a resilience initiative around children's needs in emergencies; hazard mitigation planning at the local, state and campus level; community education and outreach regarding mitigation measures and preparedness; development of collaborative networks and information sharing avenues among practitioners; and, delivery of training and education to various stakeholders. She is involved in various aspects of planning and policy and the national and local level, including participation in several workshops each year. Ms. Jerolleman speaks on many topics including: hazard mitigation and climate change; campus planning; threat, hazard and vulnerability assessments; hazard mitigation planning; protecting children in disasters; and, public/private partnerships.

Deepa Srinivasan, AICP, CFM

Deepa Srinivasan is the President and Founder of Vision Planning and Consulting, LLC (VPC) a small, woman and minority owned, 8(a) firm located near Columbia, MD. Ms. Srinivasan has over 19 years of experience working with communities of varying sizes in developing plans in the areas of community planning, hazard mitigation, grant writing, and public outreach. She is involved in a variety of planning and policy efforts at the national, state, and local levels. In her recent planning efforts, Ms. Srinivasan has been involved in creating synergies between various levels of government – Federal, state, local, and tribal as well as developing strategies that result in safe and sustainable communities to prepare them to meet short and long term challenges and become better prepared to face natural disasters. Ms. Srinivasan has been a speaker on community planning and hazard mitigation efforts at planning and hazard mitigation conferences with a focus on integration land use plans with mitigation efforts. Ms. Srinivasan is a certified Planner and certified Floodplain Manager and has a Master's in City and Regional Planning from Tennessee.

Ms. Srinivasan was one of ten planners invited to participate as a subject matter expert in FEMA/APA's November 2007's scoping symposium on Integrating Hazard Mitigation into Local Planning. The purpose of the symposium was to explore essential issues in guiding the Integration of Hazard Mitigation into Local Planning. The symposium: 1) defined the appropriate audiences and scales of activity for the resulting PAS Report; 2) identified the guiding principles concerning the integration of hazard mitigation into local planning; and 3) identified criteria for best practices and actual examples for study.

Edward A. Thomas, Esq.

Ed Thomas is the President of the Natural Hazard Mitigation Association; and an elected member of the Council of the State and Local Government Section of the American Bar Association. He is also the Chair of the Hazards Sub-Committee of the Land Use Planning and Zoning Committee, of the ABA. In addition, Ed serves on the Advisory Committee of the Natural Hazards Center of the University of Colorado; and is an active member of both the American Planning Association and the American Geophysical Union.

He is a former board Member of the Association of State Floodplain Managers; and now serves as the Senior Liaison for that organization's on the No Adverse Impact Committee.

Ed retired from the Department of Homeland Security-Federal Emergency Management Agency after nearly thirty-five years of Public Service. During his time in government, he worked primarily in Disaster Mitigation, Preparedness and Response. He also was extensively involved in Community Development, during his nearly 10 years with the Department of Housing and Urban Development.

Ed worked on about two hundred disasters and emergencies, serving as the President's on scene representative, the Federal Coordinating Officer, dozens of times.

Ed is an Attorney, is a frequent lecturer on Emergency Management issues, especially the Constitutional and Legal Aspects of Floodplain Regulations. He has authored dozens of publications and articles on various Disaster related issues and regularly participates as a member of National Task Forces and other boards in developing National disaster-related and floodplain management policies.

Ed has received numerous national and international awards including the nation's highest award for Floodplain Management: The Goddard-White Award from the Association of State Floodplain Managers. In addition, he received the Gulf of Maine Visionary Award from the International Gulf of Maine Council, for his efforts in helping develop the NOAA StormSmart Coasts Program; and their first lifetime achievement award from the Georgia Association of Floodplain Management.

He manages a private practice of Law, Edward A. Thomas Esq., LLC and lives with his wife in the floodplain of beautiful Marina Bay in Quincy, Massachusetts.

Donald Watson, FAIA, NCARB

Donald Watson is an architect and author of professional publications in planning and architecture.

Now retired from a career in architectural education, he was Professor at Yale University and Dean of Architecture, Rensselaer Polytechnic Institute. He is 2002 recipient of the Collegiate Schools of Architecture Distinguished Professor Award.

Since the early 1970s, Watson has an advocate of solar and environmental design of buildings and cities. In 1984, he was lead designer of the Johnson Controls Office Building in Salt Lake, which received U.S. Dept of Energy innovation award as the most energy-efficient office building in North America and prototype of many energy conserving measures now part of standard construction practices.

He is recipient of the 2008 U.S. Green Building Council Leadership Award and an AIA Presidential Citation for his role as a founding member of the green building movement in the United States.

He is editor-in-chief of the Time-Saver Standards Series, a professional reference library for architects and planners, including the current editions on Architecture and on Urban Design. He is author most recently of Design for Flooding, co-authored with Michele Adams, P.E.

Now in his fiftieth year as a practicing architect, Watson maintains a consulting practice to public and private clients, both in the U.S. and abroad, focusing on design for resilience. He has been consultant on disaster mitigation planning for projects in over 30 countries, most recently in Saudi Arabia and in Haiti.

In his hometown of Trumbull, CT, he serves as a public member of the Conservation Commission and the Greater Bridgeport Regional Planning Council, both of which are addressing issues of water resources, flooding, disaster preparedness and coastal zone resilience.

References

CNT (2010)

The Value of Green Infrastructure: Guide to Economic, Environmental and Social Benefits
 Chicago IL: Center for Neighborhood Technology. 2010
www.americanrivers.org/library

CCAP (2011)

Kooshian, Chuck and Steve Winkelman
Growing Wealthier: Smart Growth, Climate Change and Prosperity
 Washington, DC Center for Clean Air Policy (CCAP). 2011

EPA Green Infrastructure Library

EPA Municipal Handbook Series – Green Infrastructure
<http://cfpub.epa.gov/npeds/green> infrastructure

Lam, William M. C. (1986)

Sunlighting as Formgiver for Architecture
 New York: Van Nostrand Reinhold

NFIP F-002

Myths and Facts about the NFIP – FEMA
 NFIP Publication F-002
www.mmrs.fema.gov/rebuild/recover/nfip.shtm

Schwab, James, with Kenneth C. Topping, Charles D. Eadie, Robert E. Deyle, and Richard A. Smith. 1998.
Planning for Post-Disaster Recovery and Reconstruction. Planning Advisory Service Report No. 483/484.
 Chicago: American Planning Association.

Schwab, James, Editor. 2010. *Hazard Mitigation: Integrating Best Practices into Planning*. Planning
 Advisory Service Report No. 560. Chicago: American Planning Association.

Topping, Kenneth. 2011. "Strengthening Resilience Through Mitigation Planning. *Natural Hazards
 Observer*, XXXVL [November 2011]: 1:18

Trout Unlimited (2012)

Williams, Jack E., Michael P. Dombeck, Christopher A. Wood
My Healthy Stream
 Arlington, Virginia: Trout Unlimited and Aldo Leopold Foundation. 2012

Watson, Donald and Michele Adams (2011)

Design for Flooding Architecture, Landscape, and Urban Design for Resilience to Climate Change
 New York: John Wiley and Sons

Selected Hazard Mitigation & Floodplain Management Legal Publications

- A) Planning and Building Livable, Safe & Sustainable Communities: The Patchwork Quilt Approach**
Authors: Edward A Thomas Alessandra Jerolleman, Terri Turner, Darrin Punchard, and Sarah Bowen,
Natural Hazard Mitigation Association, 2011.
Located at: http://stormsmart.org/uploads/patchwork-quilt/patchwork_quilt.pdf

A PowerPoint Presentation of the Patchwork Quilt Workshop as presented at the National Floodproofing Conference in New Orleans in November 2008 is located at:
http://www.floods.org/PDF/Patchwork_Quilt/Patchwork_Quilt_Floodproofing_Conference_10908.pdf

- B) Climate Change and Emergency Management: Adaptation Planning**, Authors: Edward A Thomas and Terri Turner, American Bar Association, Section of State and Local Government, State and Local Law and News, Vol. 34, No. 3, Spring 2011
Located at:
http://www.americanbar.org/content/dam/aba/publications/state_and_local_law_news/sl_34_3_tomas_turner.authcheckdam.pdf

A similar presentation on climate change and emergency management was delivered at the 2012 Hawai'i Water Law Conference. An expanded version was delivered at a national webinar sponsored by the Georgia Association of Floodplain Management and the Natural Hazard Mitigation Association. The webinar is available on line at: http://www.gafoods.org/nai_committee1.html

- C) Preventing Human Caused Disasters**. Authors: Edward A Thomas and Sarah Bowen, In the *Natural Hazards Observer*, November 2009, Volume XXXIV, Number 2, International Journal Article, explaining the concept of Patchwork Quilt as well as advocating the idea of the advantage of Hazard Mitigation preventing disasters from taking place.
Located at: http://www.colorado.edu/hazards/o/archives/2009/nov_observerweb.pdf

D) Mitigating Misery: Land Use and Protection of Property Rights Before the Next Big Flood.

Authors: Edward A. Thomas Esq. and Sam Riley Medlock JD. *Vermont Journal of Environmental Law*, Vol. 9, 2008.

Law Review Article on the National Flood Insurance Program and the concept of No Adverse Impact Floodplain Management.

Located at: http://www.floods.org/PDF/Mitigation/ASFPM_Thomas&Medlock_FINAL.pdf

E) No Adverse Impact and The Courts: Protecting the Property Rights of All,

Authors: Dr. John Kusler Esq. and Edward A. Thomas Esq. ,Edition of November 2007

Located at: http://www.floods.org/PDF/ASFPM_NAI_Legal_Paper_1107.pdf

F) A Perfect Storm of Opportunities to Establish and Fund a Program to Reduce Misery and Protect Water Resources

Author: Edward A. Thomas Esq., in *Louisiana Coastal Law*, Vol. 89, April 2008.

Article for the Louisiana State University, Sea Grant Law and Policy Program, which discusses why we should develop a unified program to treat water as a precious resource.

Located at: http://www.lsu.edu/sglegal/pdfs/lcl_89.pdf

G) “Significant Nexus” and Clean Water Act Jurisdiction.

Authors: Jon Kusler Esq., PhD, Patrick Parenteau, Esq., and Edward A. Thomas Esq. Discussion paper for the Association of State Wetland Managers, March 2007.

Located at: http://www.aswm.org/pdf_lib/significant_nexus_paper_030507.pdf

H) A California Challenge Flooding in the Central Valley: A Report From An Independent Review Panel to the Department of Water Resources, State of California

Authors: Gerald Galloway, Edward A. Thomas, *et al.*

Located at: <http://www.water.ca.gov/news/newsreleases/2008/101507challenge.pdf>

I) Liability for Water Control Structure Failure Due to Flooding

Author: Edward A. Thomas, Association of State Floodplain Managers, 2006.

Located at: http://www.floods.org/PDF/NAI_Liability_Failure_Facilities_0906.pdf

J) Failed Dams and Levees: Examining Engineering Liability.

PowerPoint for a Web-Cast for American Council of Engineering Companies May 2007.

Located at: http://www.acec.org/advocacy/pdf/may07_thomas_presentation.pdf

K) Brochure Titled: Property Rights and Community Development: A Legal Framework for Managing Watershed Development, an ASFPM staff developed document based on materials developed by Wes Shaw and Edward A. Thomas Esq., and others for the Massachusetts Coastal Zone Management Agency’s StormSmart Coasts Program.

Available at:

http://www.floods.org/NoAdverseImpact/NAI_Legal_Framework_Watershed_Development_2007.pdf

L) Massachusetts Coastal Zone Management Agency Storm Smart Coasts Materials, a series of brochures developed based on materials developed by Wes Shaw and Edward A. Thomas Esq., and many others:

1.) StormSmart Coasts Fact Sheet 1, Introduction to No Adverse Impact (NAI) Land Management in the Coastal Zone, available at:

http://www.mass.gov/czm/stormsmart/resources/stormsmart_nai.pdf

2.) StormSmart Coasts Fact Sheet 2, No Adverse Impact and the Legal Framework of Coastal Management, available at:

http://www.mass.gov/czm/stormsmart/resources/stormsmart_legal.pdf

3.) StormSmart Coasts Fact Sheet 3, A Cape Cod Community Prevents New Residences in Floodplains available at:

http://www.mass.gov/czm/stormsmart/resources/stormsmart_chatham.pdf

M) *Smart Growth in Dumb Places: Sustainability, Disaster, and the Future of the American City*, author: Lisa Grow Sun, Brigham Young University Law Review, 2011 B.Y.U.L. Rev. 2157(2011)

N) *Disaster Mythology and the Law*, author: Lisa Grow Sun, Cornell Law Review, 96 Cornell L. Rev. 1131(2011)

O) Thomas, Edward. (2012) *Natural Hazards and the Law*, in Jerolleman, Alessandra & Kiefer, John (eds.) Natural Hazard Mitigation. CRC Press

P) Conrad, David & Thomas, Edward. (2013). *Reforming Federal Support for Risky Development*.
http://www.hamiltonproject.org/papers/reforming_federal_support_for_risky_development/

The following is reprinted, with permission from the August 2007 edition of the ASFPM publication News & Views

Oklahoma Teaches Us All A Few Tricks for Enforcing Substantial Damage

In the Arid West one of the more vexing problems Floodplain Managers face is the need to enforce flood program regulations in the midst of a drought, which can often be followed by abrupt and catastrophic rainfall. Oklahoma faced such a problem recently and has developed an interesting approach to local officials to encourage enforcement of required safe building regulations.

In early July, Oklahoma and Texas were absolutely hammered by floods. One of the worst hit areas was the City of Miami in Ottawa County, Oklahoma. Some seven hundred homes have been damaged in this small county, many of which suffered substantial damage with several being hit by over 88 inches of floodwater.

Unfortunately, several of these structures have flooded as many as 21 times over the past 50 years, and historically, local officials in the City of Miami and Ottawa County have allowed devastated flood victims to rebuild as soon as possible, disregarding all locally adopted National Flood Insurance requirements for safe and proper rebuilding of substantially damaged buildings.

This time, however, the new slate of officials in place had a different view about rebuilding after a flood, but they wanted to make sure that they were on solid ground to take strong action and break the cycle once and for all. The primary power was City Attorney Erik Johnson. He was very concerned about inverse condemnation and the taking issue if the city did not allow folks to rebuild and go back into their flooded homes. General Counsel for the Oklahoma Water Resources Board, Dean Couch, consulted with ASFPM legal experts and contacted Mr. Johnson early on in this process, explaining the role of the floodplain administrator and the justification for performing the substantial damage determinations.

The State NFIP Coordinator's Office sent OWRB employees Gavin Brady, State Coordinator, and long time floodplain manager, Ken Morris, to provide technical support and guidance to local officials. Brady and Morris immediately called FEMA Region 6 for support and help in obtaining trailers to house the disaster survivors while a safe rebuilding process takes place. Brady and Morris also appealed to ASFPM Headquarters in Madison to provide legal and technical support to bolster the State efforts to ensure proper and safe rebuilding. ASFPM asked Ed Thomas, an Attorney, and Floodplain Manager, currently employed by Michael Baker Inc., to help with some quick talking points for state officials to use.

Ed replied with the following suggestions:

A) Give people a simplified summary of the situation, explaining how the municipality will be at legal and Flood Program risk for failing to fully enforce their regulations unless proper and safe rebuilding is enforced.

B) Instead of helping folks, ignoring regulations and allowing them to rebuild in the same old flood-prone way would facilitate a time bomb of misery for the residents and multiple future generations.

C) Each and every municipality and individual who does not enforce regulations is putting themselves at individual and even personal risk for liability from future damages.

D) Failure to enforce floodplain regulations puts the entire community at risk for probation and/or suspension from the NFIP, thus endangering the entire recovery process.

E) A “Patchwork Quilt Approach” to funding would be an appropriate and beneficial way to rebuild this area safely and properly without undue hardship on the residents. (More information on the “Patchwork Quilt Approach” is available on the ASFPM web site at: http://www.floods.org/PDF/Post_Disaster_Reconstruction_Patchwork_Quilt_ET.pdf.)

Morris and Brady presented these materials to the City at a large Public Meeting, and the City was convinced to continue to enforce their existing floodplain regulations. Morris summed up this ongoing success story up by indicating that success was due to the leadership of local officials with the help of the OWRB. **“I also believe the Patchwork Quilt document and Ed's words were overwhelmingly convincing,” says Morris.**