

INTERAGENCY AGREEMENT  
FOR  
NONSTRUCTURAL DAMAGE REDUCTION MEASURES  
AS APPLIED TO COMMON  
FLOOD DISASTER PLANNING  
AND  
POST-FLOOD RECOVERY PRACTICES

I. INTRODUCTION

Federal, State and local interests have expended over \$10 billion for structural measures to mitigate flood losses. Notwithstanding this effort, average annual flood losses have continued to increase. This experience has generated renewed interest in non-structural flood damage reduction measures which are usually complementary and, in some situations, necessary substitutes for structural approaches.

Since nonstructural measures frequently can be used in flood disaster recovery situations, the Director of the Office of Management and Budget (OMB), in a memorandum dated July 10, 1980, has directed that "All Federal programs that provide construction funds and long term recovery assistance must use common flood disaster planning and post-flood recovery practices." The objective of this policy is to coordinate flood disaster recovery efforts and to assure that these efforts give full consideration to nonstructural as well as structural measures to minimize flood losses to the extent practicable, and thereby reduce the flood vulnerability of riverine and coastal communities.

The Federal Emergency Management Agency (FEMA) is directed to coordinate and lead twelve key departments and agencies in the development of an interagency agreement that establishes a common policy statement and guidelines to implement the policy. The President has assigned to the Director of the Federal Emergency Management Agency the responsibility to establish Federal policies for and to coordinate all mitigation and assistance functions of Executive agencies. The Director shall represent the President in working with state and local governments and the private sector to stimulate vigorous participation in mitigation, response and recovery programs. All Executive agencies are to cooperate with and assist the Director in the performance of his functions (E.O. 12148, July 20, 1979).

The July 10, 1980 memorandum from OMB provides that:

The common flood disaster planning and post-flood recovery practices will ensure that Federal financial and technical assistance minimizes flood losses.

Flood disaster planning, as used in this agreement, occurs in response to an officially declared disaster. Pre-disaster planning, as used in this agreement, is a planning initiated hazard mitigation effort that addresses potential (prior to flood events) flood problems. These planning processes can proceed concurrently with agency studies that are being conducted to identify justified flood damage reduction measures.

Consistent with the President's July 1978 Water Policy Initiatives, nonstructural measures are to be used wherever practicable.

Structural measures affect the floodwaters. Nonstructural measures affect activities in the flood plain. Nonstructural measures will play an important role in flood hazard mitigation programs, and used alone, will often be the most acceptable and efficient approach. The degree of nonstructural as related to structural measures will vary with respective problems but will always be given full consideration in detailed as well as general studies. The post-disaster situation affords unique opportunities for hazard mitigation through the effective use of nonstructural measures. This agreement does not address emergency actions (work essential to save lives and protect property) in a post-disaster situation. It is concerned primarily with nonstructural measures for hazard mitigation which may be accomplished in the post-disaster recovery period. Such measures include, but are not limited to:

- flood plain regulations;
- relocation of structures and facilities out of the flood hazard area with attendant land acquisition and management;
- floodproofing of existing and new structures and facilities;
- forecasting, warning and evacuation plans; and
- vegetative measures to reduce runoff.

This policy is also designed to encourage wise use of the Nation's flood plains.

The concept of "wise use of the Nation's flood plains" is discussed in the Water Resources Council's "Unified National Program for Flood Plain Management." In the context of this agreement, wise use of flood plains includes minimizing flood losses to the extent practicable and restoring and preserving the natural and beneficial values served by flood plains. Flood plains generally provide excellent resources for agricultural, aquacultural, and forestry production, and these activities are included in the concept of "natural and beneficial values." This agreement focuses on urban, suburban and rural areas, and is not intended to cover land used in the production of primary agricultural products. The goal is to



achieve an absolute decline in communities' average annual flood losses due to unwise flood plain use. Activities and programs to accomplish this goal shall address both future and existing development. Emphasis shall be on reserving or clearing land to ensure open floodways and coastal high hazard areas.

## II. COMMON FEDERAL POLICY

In order to ensure that Federal financial and technical assistance minimizes flood losses and that future Federal expenditures for flood disaster recovery and relief will be minimized, the parties to this agreement agree to the following elements of a common Federal policy in response to flood disasters:

- A. All Federal programs that provide construction funds and long-term recovery assistance shall use common flood disaster planning and post-flood recovery practices.
- B. Wise use of the Nation's flood plain shall be an objective of this agreement and shall be encouraged.
- C. These common practices shall ensure that responses to flood disasters are prompt and effective to the fullest extent practicable and are based on evaluation and delineation of the flood and related hazards.
- D. These common practices for pre-disaster planning and post-flood recovery, including nonstructural flood damage reduction measures and flood disaster recovery activities, shall be based on and implemented in accordance with the Unified National Program for Flood Plain Management, Executive Orders 11988 and 11990, and the President's July 1978 Water Policy Initiatives, and shall be guided by the Water Resources Council's Guidelines for Implementing E.O. 11988.
- E. As provided in E.O. 11988, having determined that a proposed action is located in the base flood plain, an agency is required to identify and evaluate practicable alternatives to locating in the flood plain.
  1. Relocation of existing structures and facilities from flood hazard areas may well be an appropriate action. In either a planning initiated activity prior to a disaster (see V.A.2 and V.C.3) or as part of post-flood disaster recovery activities, structures and facilities that may be or have been adversely affected by floods shall be considered for relocation out of the flood plain in the following situations:

- a. the structure or facility is located in a designated or approximate floodway;
  - b. the structure or facility is located in a designated or approximate coastal high hazard area;
  - c. the structure or facility was substantially damaged.
  - d. State or local legislation, regulations, and/or restrictions have designated the structure or facility as a non-conforming use and discourage its continuation or prohibit the repair of the structure or facility when affected by a flood disaster; or
  - e. the structure or facility has experienced repetitive flooding.
2. In a flood hazard area where it has been determined that relocation of existing flood damaged structures and facilities is not practicable, floodproofing may be an appropriate response in the following situations:
    - a. Where evaluations have shown that the floodproofed structures and facilities will not affect adversely lives and property or the natural and beneficial values served by flood plains.
    - b. Where new water dependent structures and facilities, after proper evaluation, are deemed necessary.
  3. In a flood hazard area where it has been determined that neither relocation nor floodproofing are practicable, alternative actions, including the no action option, must be considered.
- G. The parties to this agreement will support coordinated post-flood recovery efforts by:
1. Striving toward coordinated hazard mitigation in the post-flood recovery effort. To achieve that result, the parties shall work to develop actions necessary to reduce the threat to lives and property posed by future floods and to encourage all other levels of government and private interests to do likewise.



2. Agreeing to have representatives participate in hazard mitigation teams to be established by the FEMA Regional Director in each of the ten Federal regions, as appropriate, to implement this agreement. These teams will involve appropriate state and local participation.

### III. INTERAGENCY TASK FORCE

An Interagency Task Force for Nonstructural Flood Damage Reduction Measures and Flood Disaster Recovery is hereby established by and comprised of the parties to this agreement. This interagency task force, which operates at the Washington level, will be chaired by the FEMA representative designated to coordinate the development of the Interagency Agreement and the Handbook of Procedures for Flood Disaster Mitigation Planning as called for by the OMB Directive.

### IV. RESPONSIBILITIES OF THE INTERAGENCY TASK FORCE

The task force has the following responsibilities:

#### A. Pre-Disaster Planning

Develop procedures in cooperation with State and local representatives, when appropriate, for pre-disaster planning to avoid future flood losses. Those procedures include:

- coordinating Federal technical assistance and other program resources;
- packaging of Federal program elements to promote the use of nonstructural measures for flood damage reduction;
- developing and disseminating information on the packages of Federal program assistance available;
- encouraging the preparation of pre-disaster plans for reducing future flood losses and encouraging wise use of flood plains;
- encouraging the development of flood forecasting and warning systems;
- providing guidance for preparation and review of post-disaster plans; and
- avoiding redundant or competitive expenditures.

The Parties and each FEMA Regional Director will encourage all levels of government and all private interests to use the procedures developed. Agencies required to follow the Water Resources Council's Principles and Standards for Planning Water and Related Land Resources will implement measures by actions consistent with the Principles and Standards.

B. Post Flood Recovery

Assist in efforts to coordinate activities and facilitate commitment of funds to help implement the report recommendations of the hazard mitigation team.

C. Preparation of Handbook of Procedures

Prepare a handbook of procedures for flood hazard mitigation planning. This handbook should be suitable for use by members of the hazard mitigation teams, and if appropriate, by State and local agencies in carrying out their responsibilities. The handbook will be prepared prior to October 1, 1981.

D. Quarterly Reports

Submit to the Office of Management and Budget through October 1, 1982, quarterly progress reports on the development of a common post-flood response policy, flood hazard mitigation teams, and future flood disaster planning procedures. To expedite the preparation of these quarterly reports, copies of hazard mitigation reports will be forwarded to the Task Force by the FEMA Regional Directors. Staff support for preparation of these reports shall be provided by FEMA.

V. HAZARD MITIGATION TEAMS

The parties agree to the following elements pertaining to hazard mitigation teams.

A. General

1. Within 90 days from the date of this Agreement, these teams shall be operational in each of the 10 Federal Regions.
2. The teams shall be mobilized by the FEMA Regional Director in response to a Presidentially declared flood disaster or emergency. The teams may also be mobilized by the FEMA Regional Director in response to



a planning initiated hazard mitigation effort. An agency, in response to a request to participate in a hazard mitigation team effort in other than a Presidentially declared disaster or emergency, may reply that other program commitments preclude any involvement.

#### B. Composition

1. Composition of the teams shall be interagency, interdisciplinary, and intergovernmental with representation from all appropriate agencies which are party to this agreement. Appropriate State and local participation will be arranged by the team leader. Federal and State team members shall be familiar with their agency programs and will have either had experience or will receive training in flood plain management and hazard mitigation. The Federal Emergency Management Agency shall conduct a training program to assure that the teams are prepared to deal with both future disaster planning and post-flood recovery efforts.
2. Each party shall designate a representative and two alternates in each Federal region, as appropriate, to participate on hazard mitigation teams.
3. The hazard mitigation team leader in each of the ten Federal regions will be designated by the FEMA Regional Director and will be familiar with flood plain management and hazard mitigation.

#### C. Tasks

1. In a post-flood recovery effort, the hazard mitigation team shall prepare recommendations for actions to be taken by each agency and each non-federal level of government. Such recommendations shall be in accordance with the following principles of E.O. 11988: avoidance of flood plain unless it is the only practicable alternative; and minimization of harm to and within flood plains.
  - a. Hazard Mitigation Report - due within 15 days from the date of the disaster. This report will provide an overall framework for the hazard mitigation and disaster recovery activities conducted by the parties to this agreement including those conducted by FEMA in implementing Section 406, P.L. 93-288. The 406 surveys are to be

complimentary to and a part of the implementation of the hazard mitigation report. The report shall be submitted concurrent with implementation to the FEMA Regional Director for comment and coordination and shall include the following elements:

- Assessment of the nature, cause and extent of flood damage to structures and facilities, by watershed where practical.
- Identification, based upon best available data, of: high hazard flood areas, areas likely to be in a floodway; and coastal high hazard areas.
- Identification of areas in which Federal investment to repair or replace structures and facilities should be avoided and the relocation of people and structures out of these areas should be encouraged.
- Identification of emergency actions (work essential to save lives and protect property) when it is necessary to separate restoration activities from these emergency actions which are to proceed while the Hazard Mitigation Report is being prepared.
- Identification of areas in which Federal assistance should seek to mitigate hazards through the floodproofing of structures.
- Identification of those immediate actions and alternatives that are required to minimize recurring flood damage within those identified areas.
- Delineation of areas subject to specific nonstructural policies and measures.
- Specific recommendations which when taken will leave the community less vulnerable to future flood hazards.
- An implementation program initiating a package of Federal and State programs to address hazard mitigation opportunities with emphasis on non-structural measures.
- Identification of priorities and a schedule for implementation of the report recommendations.



- Definition of agency actions including the appropriate Federal agency to lead in the implementation of the report recommendations.
  - b. In extraordinary circumstances involving large scale, major disasters, the FEMA Regional Director may determine that a preliminary Hazard Mitigation Report will be submitted within 15 days. A more detailed report would be presented by the Team within 30 days from the date of the disaster.
  - c. Post-Flood Recovery Progress Report - due 90 days from the date of the receipt of the Hazard Mitigation Report. This report shall be submitted to the FEMA Regional Director for comment and coordination by the designated lead agency and shall include:
    - Identification of progress made in implementing the hazard mitigation report.
    - Description of problems or issues that have developed after completion of the report.
    - Recommendations for further actions.
2. The FEMA Regional Director shall bring any difficulties in the implementation of the report recommendations to the immediate attention of the Task Force Leader. The Regional Director and the Task Force Leader shall, in consultation with the appropriate agencies, together decide on the proper course of action.
  3. In a pre-disaster hazard mitigation planning effort, the hazard mitigation team shall review and evaluate existing local and State plans for flood hazard mitigation and shall report its findings and recommendations concerning specific needs to:
    - Assess the nature and causes of the flood risk.
    - Identify, based upon best available data: high hazard flood areas; areas within a floodway; and coastal high hazard areas.
    - Prepare a Hazard Mitigation Report to include:  
Conceptual Plan.

Specific recommendations which, when taken by the community, will leave them less vulnerable to future flood losses.

Efforts to be taken to avoid harmful land uses in flood areas and evaluation of alternatives.

Package of Federal and State programs available to assist community nonstructural measures.

Suggested legislative or code amendments required.

Suggested priorities action list and implementation schedule.

- Review and comment by public.

## VI. COMPLIANCE

The Parties agree to the following compliance measures.

- A. Federal agencies shall conform their recovery actions to the recommendations of the hazard mitigation report to the fullest extent practicable.
- B. When a proposed action does not follow the recommendations of the Hazard Mitigation Report, the initiating department or agency shall report the proposed action to the FEMA Regional Director along with the reasons therefore prior to the initiation of the action.
- C. When appropriate, unresolved differences between FEMA and a Federal department or agency may be referred to the CEQ, pursuant to 40 CFR 1504.
- D. FEMA's Regional Director shall require states to identify a State agency and a local agency to provide on-going local leadership in implementing the Hazard Mitigation Report. Federal agencies working with other State and local agencies will encourage their cooperation with the designated non-Federal lead agency.
- E. Within manpower and funding limitations, Federal agencies shall give due consideration to providing financial and technical assistance, as needed, in furtherance of the hazard mitigation recommendations.

## VII. OVERSIGHT RESPONSIBILITY

The Parties acknowledge that the Office of Management and Budget, the Council on Environmental Quality, and the Water Resources Council shall jointly oversee the compliance to this agreement.



VIII. ANNEXES TO AGREEMENT

Annexes to this agreement may be developed among the signing parties to:

1. Clarify the basic agreement's provisions and their relation to specific programs and authorities.
2. Identify the parties' procedures for carrying out the common Federal policy.
3. Set forth common program areas for effectuating flood hazard mitigation.
4. Provide further details for coordinating respective agencies' activities.

The executed agreement and the annexes will be included in the Handbook of Procedures for Flood Hazard Mitigation.

John W. Macy Jr  
Director  
Federal Emergency Management Agency

December 16, 1980  
Date

Sam Williams Acting  
Secretary of Agriculture

12-16-80  
Date

for Edward Lee Beyer OASA (CW)  
Secretary of the Army

December 16, 1980  
Date

Robert Trippe Jr  
Secretary of Commerce

December 16, 1980  
Date

for Edward M. Dodson ASMB, OS  
Secretary of Health & Human Services

Dec 16 1980  
Date

for Norman R. Goltry, Dep'y Asst Sec  
Secretary of Education

12/16/80  
Date

for Francis J. Harris  
Secretary of Housing & Urban Development

16 Dec 1980  
Date

Daniel Beaulieu  
Secretary of Interior

12/16/80  
Date

Lee C. Goodenough  
Secretary of Transportation

Dec. 24, 1980  
Date

Richard L. Costello  
Administrator  
Environmental Protection Agency

12/16/80  
Date

Lita M. McCoy, Assoc. Adm  
Administrator  
Small Business Administration

12/16/80  
Date

DA Churchill for S. David Frisman  
Chairman  
Tennessee Valley Authority

12-16-80  
Date