

FEMA Publishes a Proposed Rule for Public Comment on the Federal Flood Risk Management Standard

Release Date: ?? 29, 2023

WASHINGTON -- On Monday, Oct. 2, FEMA is publishing a Notice of Proposed Rulemaking (NPRM) in the [Federal Register](#) for revisions to its floodplain management regulations at [Title 44 Part 9 of the Code of Federal Regulations \(CFR\): Floodplain Management and Protection of Wetlands](#). As of this morning, the proposed rule is available in a [Public Inspection view](#) until the comment period opens.

This is a 60-day public comment period that closes on Dec. 1, 2023. The proposed revisions fully implement the Federal Flood Risk Management Standard (FFRMS). The FFRMS increases federally funded projects' resiliency by incorporating anticipated changes in future flood risk into certain federally funded projects, ensuring those projects last as long as intended.

Flood risk has increased across much of the United States due to sea level rise, changing precipitation patterns and development. As a result, the FFRMS directs federal agencies to consider the effects of future flooding for federally funded actions to further reduce risk of flooding. Applying the FFRMS will allow FEMA to consider best available and actionable climate science in making projects and communities more resilient to increases in flood conditions.

The FFRMS applies only to federally funded actions involving new construction, substantial improvement or repairs to substantial damage. FFRMS also applies to hazard mitigation projects involving structure elevation, dry floodproofing and mitigation reconstruction.

The [National Environmental Policy Act](#) and [Executive Order \(EO\) 11988 on Floodplain Management](#) mandate that federal agencies evaluate their actions to avoid adverse impacts to floodplains and to avoid supporting development in areas at risk of flooding. The FFRMS updates the requirements of EO 11988,



FEMA

Page 1 of 2

directing agencies to use more rigorous criteria for determining acceptable levels of flood risk for federally funded projects and to incorporate natural features or nature-based solutions into project design that reduce local flood risk and increase resilience against flooding.

Since August 2021, FEMA has partially implemented the FFRMS. Partial implementation relies on existing regulations to reduce flood risk, increasing minimum flood elevation requirements for structures in areas already subject to flood risk minimization requirements, but not horizontally expanding those areas.

Timeline of Presidential Actions Around the Federal Flood Risk Management Standard

- On Jan. 30, 2015, President Barack Obama issued [EO 13690](#), which created the Federal Flood Risk Management Standard. Many federal agencies, including FEMA, took steps to implement these actions.
- On Sept. 20, 2016, FEMA published a Notice of Proposed Rulemaking to [revise its regulations](#), in order to implement the Federal Flood Risk Management Standard.
- On Aug. 15, 2017, President Donald Trump issued [EO 13807](#), which revoked EO 13690. Accordingly, the notice of proposed rulemaking was withdrawn.
- On May 20, 2021, President Joseph Biden issued [EO 14030](#), which reinstated EO 13690. As a result, FEMA re-initiated its efforts to implement EO 13690 and the FFRMS.

