

A GUIDE TO FLOODING IN PUGET SOUND

In Washington's Puget Sound area, flood disasters have cost the region more than a billion dollars since 1990 and far too many lives.

National Wildlife Federation and attorneys at Earthjustice, are working to press the federal government to ensure that FEMA's National Flood Insurance Program protects public safety, prevents property damage and no longer harms endangered species.



Highway 20, 2003. Seattle Municipal. Archive

FAQ: WHAT YOU NEED TO KNOW

Q. Why did the National Wildlife Federation (NWF) sue FEMA?

A. In 2008, experts with the National Marine Fisheries Service determined that FEMA's National Flood Insurance Program is encouraging dangerous and harmful development in floodplains adjacent to rivers. These are areas where rivers naturally periodically overflow their banks and flood. Not only are these areas important to keep from developing in order to protect people, but they are important habitat for endangered species like salmon. Although federal law requires FEMA to update its program to avoid offering flood insurance in high risk areas, FEMA continues to encourage risky development in flood-prone areas of Puget Sound. This increases the risks to property and the costs to clean them up for all of us. NMFS found that FEMA's program also threatens the survival of salmon and other species that are protected under the Endangered Species Act.

FEMA's flood insurance program significantly influences whether and how development occurs in floodplains. In flood plain areas where FEMA offers flood insurance, homes are built and often flooded. All too often, damaged structures are rebuilt in the same flood-prone location and then damaged again in future floods at recurring costs to taxpayers.

NMFS gave FEMA three years to update its insurance program so that it would not continue to harm salmon and other protected species. On September 22, 2011 the deadline passed and FEMA failed to make the required changes, leading to NWF's lawsuit

Taxpayers should know that FEMA is a major underwriter of flood insurance policies in the U.S. There are about 42,000 policies in force in the Puget Sound area.

Q. How big is the flooding problem in Washington?

A. The costs of flooding in Western Washington have been severe. Since 1990--

- Puget Sound has experienced 16 federally declared flood disasters
- 58 lives have been lost.ⁱ
- More than \$1.4 billion in flood damages have been paid by taxpayers.
- Levees were overtopped, damaged or failed in 10 of the 16 floods, costing \$125 million in repairs to over 200 sites.
- 833 homes in the Puget Sound Area have flooded repeatedly (three times or more), and cost taxpayers \$71 million in insurance claims.ⁱⁱ
- Interstate 5 has been closed four times, costing an estimated \$181 million.ⁱⁱⁱ

Q. What have the plaintiffs asked the court to do?

A. NWF has asked the court to find that FEMA’s actions violate federal law and issue a “preliminary injunction” to temporarily halt federal flood insurance policies for new floodplain developments in the most important salmon habitat areas of Puget Sound. This essentially means a temporary “time out” on new flood insurance until this issue can be resolved.

Q. Will this block all development in Puget Sound floodplains?

A. No. The injunction applies to FEMA, not individual communities or developers. What would be temporarily blocked is new federal flood insurance in risky places which studies show acts as an incentive to development in dangerous and sensitive areas. Developers are allowed to build without flood insurance if they choose and communities can choose to withdraw from the federal flood insurance program, although new floodplain development would likely be reduced in either case. NWF has also asked the judge to apply the injunction only in the most sensitive areas and authorize projects that have undergone adequate environmental review.



Q. What happens next?

Louisiana Ave., Chehalis, Dec. 2007 WSDOT

A. A hearing on the motion could be scheduled as early as February, 2012. The case will be heard by Judge Ricardo Martinez in Seattle. NWF is represented by attorneys Jan Hasselman and Todd True of the non-profit law firm Earthjustice.

Q. Does flooding affect all Washington residents?

A. The costs of flooding touch everyone, from federal, state and local governments to businesses, builders, farmers, homeowners and taxpayers. Taxpayers typically pay to clean flooded properties and restore homes and property. Flood disasters have affected every county in the state and have cost taxpayers more than \$1.4 billion since 1990. These costs include emergency response, disaster relief, clean up, levee repair, and rebuilding. Many of the flood-related deaths occur when people attempt to drive their car through flooded roadways. And flood-damaged roads prevent commerce and access to work, causing millions in economic losses for businesses and workers.

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i FEMA: "Washington State Disaster History." FEMA | Federal Emergency Management Agency. Web. 09 May 2011. Available online at: http://www.fema.gov/news/disasters_state.fema?id=53

ii National Wildlife Federation. Washington State Flood Damage Data. 9 June 2011. Raw data. National Wildlife Federation, Pacific Regional Center, Seattle.

iii National Wildlife Federation. Washington State Flood Damage Data. 9 June 2011. Raw Data. National Wildlife Federation, Pacific Regional Center, Seattle.
