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July 31, 2020

Lieutenant Governor Mandela Barnes  
Wisconsin Task Force on Climate Change  
Office of Sustainability and Clean Energy  
101 E. Wilson Street  
Madison, Wisconsin 53703

Lieutenant Governor Barnes,

These comments are submitted on behalf of The Pew Charitable Trusts' flood-prepared communities initiative regarding Governor Evers' Task Force on Climate Change. Pew's flood-prepared communities initiative works to reduce the impact of flood-related disasters by improving U.S. federal and state policy and programs. We applaud the Task Force for thoughtfully engaging with the public on the important issue of climate change and seeking both mitigation and adaptation solutions. We greatly appreciate the opportunity to share our comments as the Task Force considers recommendations for the Governor.

In observing the Task Force proceedings, it is clear Wisconsin faces many climate challenges and uncertainties such as alternating lake levels, erosion hazards, and chronically saturated soil levels, which result in flooding. In addition, the National Oceanic and Atmospheric Administration predicts an increase in annual spring and winter precipitation in Wisconsin, potentially increasing the frequency and intensity of flooding.<sup>1</sup> These events are not only costly to the state, but they damage infrastructure, close small businesses, and impact families and communities.

To meet these challenges, Pew recommends the Task Force propose the creation of a statewide resilience strategy to address flood risks and other climate hazards. This approach should assess current vulnerabilities of various assets, communities, and regions. It should also examine key drivers of increased risk and the outlook for how that risk will likely change under various climate scenarios, and identify state priorities and implementable actions to mitigate the risks.

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<sup>1</sup> NOAA National Centers for Environmental Information. State Climate Summaries: Wisconsin. Accessed July 30, 2020: <https://statesummaries.ncics.org/chapter/wi/>

A state flood strategy should be developed on a watershed basis. In many places around the country, floodplain management is a piecemeal and disjointed undertaking. Local governments are often left to develop their own plans, with minimal coordination among neighboring jurisdictions or clear priorities from state agencies or officials. Therefore, to develop a unified vision for floodplain management, the state should follow a model similar to one most recently employed by Texas. The Water Board is developing a statewide flood plan that will be based on regional plans developed for each major river basin within the state. While developing basin plans, communities are encouraged to work jointly and engage with a range of stakeholders to identify major risk factors, consider and compare flood protection options, and reach consensus on priority projects and protection policies. In addition to promoting collaboration between individual localities, this framework provides a forum in which socioeconomic vulnerabilities can be addressed, and supports prioritization of nature-based and other solutions that will yield multiple benefits above and beyond flood protection.

The potential benefits of watershed-based planning are myriad. Watershed-level analyses can bring to light land-use impacts across jurisdictions that might have been otherwise unrecognized. Understanding flood risk drivers on a watershed-scale can help identify key opportunities to enhance the health of natural systems, such as restoring degraded streams or wetlands and reconnecting floodplain lands. Looking across local planning and policy can also expose knowledge, data, and regulatory gaps in stormwater or floodplain management that can contribute to increased risk for citizens and assets.

State-led collaboration across jurisdictions can also help identify priority projects – which can stimulate jobs and reduce future losses – positioning the state to access and disperse federal resources more quickly. By empowering communities with tools and resources to collaborate within a watershed, the state can increase the scale, cost-effectiveness, and benefits of risk reduction projects, and better leverage local resources against federal dollars.

Such a plan should be developed and managed by a permanent office that coordinates across agencies to ensure that resilience becomes an integral part of all the important services and investments that the state makes in coming years – from water quality protection and conservation to housing assistance; from transportation planning and investment to support for the agricultural sector. By establishing and maintaining an office to facilitate interagency communication, information sharing, and collaboration, the state would be positioned to select and utilize the most cost-effective and equitable approaches to protect Wisconsin's people and resources from climate-related hazards, including flooding.

North Carolina has adopted this method to integrate resiliency across government programs and decision-making. Under Executive Order 80, Governor Roy Cooper tasked state officials with developing a statewide, interagency Climate Risk Assessment and Resilience Plan. Led by the NC Department of Environmental Quality (DEQ), the planning process featured extensive coordination with other cabinet-level state agencies, as well as seven Regional Resilience Workshops, with over 300 stakeholder, local government, and community leaders, to identify climate impacts and shape priorities for the state. DEQ released the Plan in June 2020 as a framework for policy and investment decisions.

The NC Office of Recovery and Resilience (NCORR), created by the legislature in 2018 to lead recovery efforts after Hurricane Florence, centralizes the use of state and federal resources toward the goals and priorities identified in the Plan. As the recipient agency of federal disaster resources and long-term recovery efforts, NCORR can streamline needs assessments and resilience strategies for a potentially time and resource saving process. NCORR will continue to build on the collaborative structure created by DEQ in the planning process to ensure that state decisions collectively work toward shared interests.

As North Carolina is modeling, a centralized resilience office – with the appropriate authorities and resources – coupled with a comprehensive strategy would empower agencies to integrate resilience components in projects and take advantage of multi-benefit opportunities across the state. At a metropolitan-level, Milwaukee has made a concerted effort to optimize water quality and flood reduction co-benefits in city projects.<sup>2</sup> For example, when the city builds or improves its roadways, the Milwaukee Metropolitan Sewage District includes porous pavers and retention basins which absorb and filter stormwater, reducing runoff and improving water quality. The result is that residents experience more green space along streets, stormwater systems are less overwhelmed, and roadways are less likely to experience flooding.

The Task Force’s recommendation for a statewide resilience office and watershed-based plan should include:

- Engaging residents, local businesses, and stakeholders to identify community-based needs and priorities
- Assessing flood risks on a watershed level and incorporating future climate projections, in coordination with research from the Wisconsin Initiative on Climate Change Impacts
- Facilitating collaboration across jurisdictions and providing technical assistance to localities for planning and hazard mitigation projects
- Coordinating the integration of state resilience goals into agency decision-making
- Developing a decision-making framework to prioritize investments of state and federal resources
- Monitoring and measuring the implementation of risk reduction investments and regulatory polices

### **Other flood risk reduction actions for the Task Force to consider**

#### *Strengthen Flood Risk Management Review Process*

Through leadership at the Department of Natural Resources and cooperation with other agencies, Wisconsin has largely avoided major development of state buildings in the one percent annual

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<sup>2</sup> The Pew Charitable Trusts. Mitigation Matters: Policy Solutions to Reduce Local Flood Risk. Accessed July 30, 2020: <https://www.pewtrusts.org/en/research-and-analysis/issue-briefs/2019/11/milwaukee-uses-regulations-to-support-nature-based-solutions-to-reduce-flooding>

chance floodplain. The legislature recognized the importance of floodplain zoning and requires municipalities to adopt reasonable and effective floodplain zoning ordinances within their jurisdiction and directs all state agencies to obtain permits required by these ordinances.<sup>3</sup> In addition, Wisconsin's floodplain management program<sup>4</sup> prohibits development in the floodway and restricts the use of the "flood fringe," and authorizes state enforcement of floodplain rules. These are smart and effective policies.

However, frequent storms and flooding across the state have shown that evaluating flood risk based solely on location in the 100-year or one-percent-annual-chance floodplain is insufficient. It assumes that any future storms will follow the events of the past, and it fails to adequately project and account for changing risks, climate change and precipitation trends, and additional future conditions. Thus, when it comes to proposed state actions, investments, or projects, we recommend that the state exercise an additional level of caution, carefully evaluating whether the area in question might be subject to future flood risk during the lifetime of the project. Where it is not reasonable to avoid locating state activities in a flood vulnerable area, the state should call for thoughtful mitigation solutions, including those that rely on or incorporate natural features.

#### *State-Mandated Disclosure of Flood Hazards*

An understanding of flood risk is fundamental to preparedness and protection, but individuals frequently underestimate their own risk of flooding, the extent of the damage that flooding can cause, or both. Many do not realize that for those living in the one-percent-annual-chance or 100-year floodplain, the chances of a flood occurring during the lifetime of a 30-year mortgage are roughly one in four, far greater than for fire. Others mistakenly believe that if they reside outside of a FEMA-designated floodplain, their chances of experiencing a flood fall to zero. This lack of awareness or understanding can have devastating consequences for families that experience flooding, contributes to the increasing cost of federal disaster aid, and unintentionally incentivizes continued building in at-risk areas, including those areas which are likely to see greater flooding in the future.

Current federal policy requires lenders, not sellers, to notify borrowers if they are required to have flood insurance. These notifications often come too late when the purchase is nearly final and do not include enough information about a property's flood history. As a result, many consumers make major financial commitments without knowing a property's risk of flooding. Wisconsin could remedy this federal policy gap and protect its citizens by strengthening the state real estate and landlord and tenant laws to include requirements for disclosure of flood risk and history to protect buyers and renters.

#### **Conclusion**

The threat of climate-change driven natural disasters is real and increasing in Wisconsin. To best prepare its citizens and assets, the state must take the lead and dedicate resources to develop and

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<sup>3</sup> Wisconsin State Legislature. Chapter 87: Flood Control. Accessed July 30, 2020: <https://docs.legis.wisconsin.gov/statutes/statutes/87/30/1>

<sup>4</sup> Wisconsin State Legislature. Chapter NR 116: Wisconsin's Floodplain Management Program. Accessed July 30, 2020: [https://docs.legis.wisconsin.gov/code/admin\\_code/nr/100/116/Title?up=1](https://docs.legis.wisconsin.gov/code/admin_code/nr/100/116/Title?up=1)

implement resilience strategies and policies that limit exposure to and increase awareness of flood risk.

Again, we thank you for this opportunity and for your consideration of these comments. We look forward to working with the Task Force as it drafts recommendations for Governor Evers. Please reach out to me or Zach Bartscherer (zbartscherer@pewtrusts.org) to discuss these ideas or provide additional information as you proceed.

Sincerely,

A handwritten signature in blue ink, appearing to read "Laura Lightbody". The signature is fluid and cursive, with the first name "Laura" and last name "Lightbody" clearly distinguishable.

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