

Declaration of [Name]

1. My name is Archie P. Chaisson, III, I am over the age of 18 and am competent to make this declaration. The facts set forth in this declaration are based on my personal knowledge.
2. I am the president of the Lafourche Parish and have served in that role since January 1, 2020.
3. The Lafourche Parish is a local governmental subdivision of the State of Louisiana. La. Const. art. 6 § 44(1).
4. The Lafourche Parish is located in [location], measures 1,474 square miles, and border the Gulf of Mexico. The Parish has multiple lakes and reservoirs that surround it by various water bodies.
5. The Lafourche Parish is prone to flooding because [give specific details about why your parish is prone to flooding such as: Lafourche Parish is ground zero for the land loss we are seeing around our coast. The Barataria and Terrebonne Basins are retreating at a very rapid rate exposing Lafourche Parish to greater storm threats. About two thirds of Lafourche Parish is in a special flood hazard area and that number will likely grow as FEMA models put more and more of Lafourche into SFHAs.
6. Each year, the Lafourche Parish experiences at least one extreme weather event either in the springtime or during hurricane season that exposes the potential for flooding.
7. The average annual cost of flood damage in the Lafourche Parish is minimal due to the projects that the Parish has completed along with our partners at the North and South Lafourche Levee Districts.
8. The Lafourche Parish's has authority to mitigate its flood risk and remediate flood damage. Specifically, the Lafourche Parish, as a Home Rule Charter Parish since 1980, has authority to tax ourselves to build more effective drainage and levee projects. The Parish President and Council also have the right to effect any contract necessary, emergency or otherwise needed to construct or protect the residents of Lafourche Parish.
9. To promote flood recovery within its borders, the Lafourche Parish has two independent levee districts that construct and maintain a flood protection system for the Parish. In addition, the parish operates and maintains eighty-six drainage pump stations that remove water from the residential areas and mechanically pump water into the wetland parts of the parish.

10. The Lafourche Parish expends an average of one to two million dollars a year in flood recovery projects like the ones described above.
11. The amount that the Lafourche Parish spends on flood recovery projects has steadily decreased year after year because of the success of the Lafourche Parish's flood mitigation efforts.
12. Those efforts include updating ordinance to reflect better floodplain management techniques. Constantly working on improving our local drainage and pumping operations. Assisting our levee districts with their own projects and they continue to elevate levee segments among other projects.
13. The Lafourche Parish spends approximately three to four million dollars a year on flood mitigation projects like the ones discussed above.
14. Flood insurance is another important tool for protecting the Lafourche Parish residents and their most important financial assets—their home, business, and possessions. “Floods can happen anywhere,” and the Federal Emergency Management Agency (FEMA) estimates that “just one inch of floodwater can cause up to \$25,000 in damage.”¹
15. Because most homeowners’ insurance does not cover flood damage, homeowners need a separate flood insurance policy to cover the building, the contents of the building, or both.
16. The federal National Flood Insurance Program (NFIP) is the flood insurer of last resort. FEMA manages the NFIP. A network of more than 50 private insurance companies and the NFIP Direct deliver NFIP to the public.²
17. “The NFIP provides flood insurance to property owners, renters, and businesses” alike.³ FEMA acknowledges that having flood insurance coverage helps policyholders recover faster when floodwaters recede.⁴ The NFIP requires homes and businesses in high-risk flood areas with mortgages from government-backed lenders to have flood insurance.
18. NFIP insurance is available to anyone living in one of the 23,000 participating NFIP communities.⁵ “A community is a governmental body with the statutory authority to enact and enforce development regulations.”⁶ A parish can be a community.

¹ <https://www.fema.gov/flood-insurance>.

² <https://www.fema.gov/flood-insurance>.

³ <https://www.fema.gov/flood-insurance>.

⁴ <https://www.fema.gov/flood-insurance>.

⁵ <https://www.fema.gov/flood-insurance>.

⁶ <https://www.fema.gov/flood-insurance>.

19. The Lafourche Parish is an NFIP community.
20. To become an NFIP community, the Lafourche Parish had to enact and implement floodplain management regulations aimed at mitigating the effects of flooding and has to enforce those regulations.⁷ The Parishes Flood Plain Management Ordinances can be found in Chapter 10, Article IV of the Parish Code of Ordinances.
21. The Lafourche Parish Floodplain management regulations must satisfy state law as well as NFIP requirements.
22. As an NFIP community, the Lafourche Parish has committed: (a) to issue or deny permits to build or develop in the floodplain; (b) to inspect all development to assure it complies with the floodplain management regulations the Lafourche Parish was required to pass to become an NFIP community; (c) to maintain records of floodplain development; (d) to work with FEMA to prepare and revise floodplain maps; and (e) to help residents obtain information about flood hazards, flood insurance, and proper methods of construction.
23. FEMA reports that the quid pro quo arrangement between communities like the Lafourche Parish that participate in NFIP floodplain management, a prerequisite for the Parish to be eligible to participate in the NFIP, has saved the nation over \$100 billion dollars in avoided floods over the last 40 years.
24. One tried-and-true method for reducing floods in Lafourche Parish and across Louisiana is elevating homes and businesses, which FEMA used to take into account when setting NFIP insurance rates.
25. Prior to Risk Rating 2.0, FEMA used the 1% Annual Exceedance Probability (AEP) flood as the basis for the National Flood Insurance Program. The 1% AEP flood is a flood that has a 1 in 100 chance of being equaled or exceeded in any given year and an average recurrence interval of 100 years—often referred to as the “100-year flood.”
26. Before Risk Rating 2.0, FEMA used Flood Insurance Rate Maps to set rates and, in those maps, determined the AEP flood for each flood zone—called the Base Flood Elevation (BFE).
27. For each flood zone, FEMA advised elevating homes at least 1 foot above the BFE because FEMA expected its exposure to flood claims at or above that level to be very infrequent, and so FEMA lowered insurance rates accordingly. The higher a structure was elevated above the BFE level, the lower FEMA’s risk for having to pay claims and, therefore, the lower the insurance rate.

⁷ <https://www.fema.gov/flood-insurance>.

28. In 2008 FEMA presented a set of updated Flood Insurance Rate Maps (FIRMs) to Lafourche Parish. After multiple meetings outlining the issues with the maps, including not recognizing our levee systems, the Parish filed legal action against FEMA over the FIRMs. During that process the LAMP process was conceived and Lafourche along with five other Parishes were included in that process. In August 2021 Lafourche Parish was presented with a “new” set of FIRMs which still included fatal issues. Lafourche Parish is still currently working with FEMA Region 6 to correct those issues so that a set of maps that reflects our true risk is available even though the FIRMs now play no role in the risk as it is rated as part of Risk Rating 2.0.
29. FEMA, the Department of Housing and Urban Development (HUD), and the State offer grants for elevating homes and businesses. We have had at least 30 homes since 2008 take advantage of Hazard Mitigation funding to acquire, elevate or reconstruct their homes.
30. The Lafourche Parish administers those grant programs. We assist the homeowners with gaining all the required documentation to help them qualify for the program, obtain a qualified contractor and make sure that the project remains compliant with the grant funding requirements.
31. In my estimation, five percent of home and business owners in the Lafourche Parish have received elevation grants.
32. Since Risk Rating 2.0 went into effect, the number of grant applications that the Lafourche Parish has received has decreased by about a large percentage. The decision not to elevate leaves parish residents and their property in harm’s way and increases the amount the Parish will have to spend on flood recovery. The decision not to elevate a home or business also harms the flood mitigation industry in the Lafourche Parish.
33. In my estimation, the Lafourche Parish spends thousands of dollars each year to educate parish residents about those grant programs, process grant applications, distribute grant funds, and monitor and enforce grantees’ compliance with the requirements of those programs.
34. If a recipient of a federal home elevation grant fails to comply with the program’s requirements, the Parish must repay the value of that grant to the granting agency. If a recipient of a state elevation grant fails to comply with the requirements of the State’s grant program, the Parish must repay the value of that grant to the State. It is then the requirement of the Parish to find the resident and recoup the funding.
35. Despite the grant programs, the Lafourche Parish’s reliance on FEMA’s Rate Maps and grandfathering policy, and the Lafourche Parish’s success in flood reduction from elevating structures, under Risk Rating 2.0, elevating a

structure above the BFE appears to have only a negligible effect on the insurance rate charged for elevated homes and businesses.

36. Moreover, Risk Rating 2.0 eliminated FEMA's grandfathering policy. Although FEMA's Community Rating System discounts are still in place for the Lafourche Parish, residents of the Lafourche Parish still wind up paying much higher rates because, unlike the grandfathering policy, the community rating system discounts do not stop the rates themselves from increasing. So even with the community rating system discounts, members of the Lafourche Parish pay higher rates under Risk Rating 2.0.
37. Lafourche Parish's flood mitigation efforts have successfully reduced flooding. For example, [give as many specific examples as possible of reductions in the number of houses/buildings that were flooded in your parish from one hurricane to another or from one flooding event to another. Specific numbers like the ones from Terrebonne and Lafourche Parishes would be very helpful—those parishes reduced flooding by 1000% between Hurricane Rita in 2005 and Hurricane Barry in 2019. Each hurricane brought a 9.5-foot storm surge to those parishes. Hurricane Rita's storm surge flooded 11,000 homes, but Hurricane Barry's storm surge flooded only 11 homes. Give as many examples like this as possible—one possible example for your parish might be the difference in flooding between Katrina and Ida, etc.]
38. [Tailor to fit your parish] Despite the [Parish's] dramatic reduction in flooding and flood damage, Risk Rating 2.0 has increased the cost of flood insurance for all properties in the Parish—both residential and commercial—that are in Special Flood Hazard Areas and are backed by federally insured mortgages.
39. I estimate those properties to make up approximately [percentage] of all properties in Lafourche Parish. Risk Rating 2.0 either has already increased the flood insurance rates for those properties or will increase their rates when their NFIP policies renew, regardless of whether the properties are protected by levees or have been elevated—or both.
40. Those rate increases not only affect owners of property in Special Flood Hazard Areas but also those who rent properties in Special Flood Hazard Areas. The NFIP rate increases will likely be passed on to renters in the form of rent increases.
41. These rate increases harm all property owners, but they of course pose a particular hardship to low and moderate income property owners and their families, many of whom have lived in these areas for generations, and many of whom are racial minorities. Doubtless, many of these low and moderate income property owners and their families will struggle to pay for their mandatory insurance at its increased price. Indeed, these rate increases are likely to force

many of these property owners and their families out of their homes in these areas, and perhaps out of our Parish altogether, thereby threatening the unique communities and cultures that have developed here over the course of generations. This is profoundly unjust, especially considering that it was FEMA's promise of lower insurance rates that convinced many of these vulnerable property owners and their families to make significant investments in elevation and other flood mitigation measures. But apparently FEMA considers this to be "Equity in Action."

42. As rates increase, many homeowners, business owners, and renters in Lafourche Parish are likely to be priced out of their properties and forced to move to out of the Parish, which will decrease the Parish's tax base and therefore its financial ability to protect its residents and their property from flooding and flood damage.
43. And by creating a surplus of available property, this exodus from Lafourche Parish will negatively impact the property values of those who remain, further decreasing the Parish's tax revenues.
44. Moreover, even if no one were to leave Lafourche Parish, Risk Rating 2.0 is still likely to negatively affect property values in the Parish by increasing the cost of purchasing mandatory flood insurance that runs with the property, thereby decreasing the Parish's tax revenues.
45. This reduction in tax revenue will inhibit Lafourche Parish's ability to protect its residents and their property. This would be tragic given the proven efficacy of Lafourche Parish's flood mitigation efforts, especially when one contrasts the immense damage inflicted by Hurricane Ida discussed above with the relatively minimal damage caused by Hurricane Ida after those flood mitigation efforts were made.
46. Risk Rating 2.0 apparently fails to account for all of Lafourche Parish's flood reduction successes. By failing to do so, Risk Rating 2.0 will likely decrease Lafourche Parish's tax revenues and inhibit the Parish's ability to protect its residents and their property.
47. The only logical explanation for why Risk Rating 2.0 is increasing rates for Lafourche Parish levee-protected areas and elevated properties is that the methodology used in setting rates must be flawed.
48. But FEMA's refusal to reveal Risk Rating 2.0's methodology as required by federal law, despite numerous requests from all levels of state government, including parishes, and Louisiana's federal legislators, makes it impossible for Lafourche Parish and its floodplain manager to determine where the flaws in FEMA's methodology lie. Lafourche Parish is willing to work to mitigate the

risk that is shown in the Risk Rating 2.0 toolbox if FEMA would allow us to see what that risk is.

49. That lack of transparency harms Lafourche Parish's ability to work with FEMA, as required by the Parish's commitment as an NFIP community to work with FEMA to prepare and revise floodplain maps.