

Flood Protection Law

Downey Brand stands at the center of efforts to reduce flood risk in California's Central Valley and throughout the Western United States.

Our attorneys play key roles in advising public agencies and landowners in formulating and constructing flood protection projects, guiding them through all regulatory, permitting, and funding challenges under state and federal law. All flood protection projects are both legally and technically complex. Our flood protection lawyers are expert in each of these dimensions, as well as in managing the integration of them necessary for projects to succeed.

We work as skilled partners with the United States Army Corps of Engineers to obtain permission to build locally-driven projects under 33 U.S.C. section 408, and also in representing local sponsors working with the Corps on Federally-driven projects. We are expert advocates, as well. When the Federal Emergency Management Agency (FEMA) maps communities under the National Flood Insurance Program (NFIP) we speak the unique language and can effectively prosecute appeals of flood insurance rate maps (FIRMs).

Our attorneys also zealously represent clients after a flood occurs. We have defended numerous cases against public agencies, both at trial and in appellate courts. We have also successfully represented those damaged by floods, analyzing technical and scientific evidence, sorting out complex insurance and damages issues, and obtaining the recoveries needed to make our clients whole.

Selected Experience

- Acting as General Counsel for the Sutter Butte Flood Control Agency and Three Rivers Levee Improvement Authority, advancing over \$700 million in flood protection projects.
- Representing a non-Federal sponsor during a U.S. Army Corps of Engineers Civil Works Review Board, including development of presentation and discussion of residual risk management.
- Defending twelve separate actions filed by over 800 claimants affected by the 1986 floods, with continuing representation in the Courts of Appeals.
- Representing the Cities of Burlington and Mt. Vernon (Washington State) in an appeal of a Flood Insurance Study (FIS) under the National Flood Insurance Program (NFIP).
- Representing large landowner against the State and local flood district following 1997 floods, resulting in significant settlement resolving all issues.

Trade Groups

- California Central Valley Flood Control Association

- Floodplain Management Association
- National Association of Flood and Stormwater Management Agencies