



613 FW 1, Floodplain Management (EO 11988)

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1.1 Purpose. This chapter provides general policy and procedural guidance for all Fish and Wildlife Service (Service) personnel concerning compliance with Executive Order 11988, Floodplain Management.

1.2 Scope.

A. This chapter applies to all Service actions, including technical assistance and grants, that may result in the construction, maintenance, rehabilitation or installation of structures and facilities and all real estate transactions, that are in or could potentially affect flood plains.

B. This chapter also applies to the Service's responsibility in consulting and commenting on other agencies' actions affecting floodplain habitats pursuant to the Fish and Wildlife Coordination Act and the National Environmental Policy Act.

1.3 Authorities.

A. Executive Order 11988, as amended, Floodplain Management, May 24, 1977.

B. A Unified National Program for Floodplain Management, Federal Emergency Management Agency, 1994 (in publication).

C. Floodplain Management Guidelines for Implementing E.O. 11988, Water Resources Council, February 10, 1978 (43 FR 6030).

D. Floodplain Management and Wetlands Protection Procedures, June 11, 1979 (520 DM 1).

1.4 Requirement.

A. The basic requirement of EO 11988 is that a Federal agency avoid construction or management practices that would adversely affect floodplains unless that agency finds that (1) there is no practical alternative, and (2) the proposed action has been designed or modified to minimize harm to or within the floodplain.

B. Executive Order 11988 directs all Federal agencies to reduce the risk of flood loss; minimize the impact of floods on human safety, health and welfare; and restore and preserve the natural and beneficial values served by floodplains in carrying out the agency's responsibilities for:

(1) Acquiring, managing, and disposing of Federal lands and facilities;

(2) Providing Federally undertaken, financed, or assisted construction and improvements; and

(3) Conducting Federal activities and programs affecting land use, including but not limited to water and related land resources planning, regulating, and licensing activities.

C. To demonstrate compliance with the Executive Order, the agency must address the two provisos in [paragraph A](#) above, provide opportunity for early public review by those who may be affected (see [1.3C](#) and [1.3D](#)), and include its findings in its environmental or other appropriate decision documents.

1.5 Technical Terms.

A. Action. Any Federal activity including:

(1) Acquiring, managing, and disposing of Federal lands and facilities,

(2) Providing federally undertaken, financed, or assisted construction and improvements, and

(3) Conducting Federal activities and programs affecting land use, including but not limited to water and related land resources planning, regulating, and licensing activities.

B. Base Flood. That flood which has a one percent chance of occurrence in any given year (also known as a 100-year flood). This term is used in the National Flood Insurance Program to indicate the minimum level of flooding to be used by a community in its floodplain management regulations.

C. Base Floodplain. The 100-year floodplain (one percent chance).

D. Channel. A natural or artificial watercourse of perceptible extent, with a definite bed and banks to confine and conduct continuously or periodically flowing water.

E. Critical Action. Any activity for which even a slight chance of flooding would be too great. The critical action floodplain is defined as the 500-year floodplain (0.2 percent chance floodplain).

F. Construction. The draining, dredging, channelizing, filling, diking, impounding, and related activities and any structures or facilities.

G. Facility. Any human-made or human-placed item other than a structure.

H. Flood or Flooding. A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters, or the unusual and rapid accumulation or runoff of surface waters from any source.

I. Floodplain. The lowland and relatively flat areas adjoining inland and coastal waters including flood prone areas of offshore islands, including at a minimum, that area subject to a one percent or greater chance of flooding in any given year. The base floodplain shall be used to designate the 100-year floodplain (one percent chance floodplain).

J. Flood-proofing. The modification of individual structures and facilities, their sites, and their contents to protect against structural failure, to keep water out or to reduce effects of water entry.

K. Natural and Beneficial Values. Floodplains and wetlands in their natural or relatively undisturbed state serve water resources values (e.g., natural moderation of floods, water quality maintenance, and groundwater recharge), living resources values (e.g., fish, wildlife, and plant species), and cultural resources values (e.g., open space, archaeological, historical natural beauty, scientific study, outdoor education, and recreation).

L. One Percent Chance Flood. The flood having one chance in 100 of being exceeded in any one-year period (a large flood). The likelihood of exceeding this magnitude increases in a time period longer than one year. For example, there are two chances in three of a larger flood exceeding the one percent chance flood in a 100-year period.

M. Structures. Walled or roofed buildings, including mobile homes and gas or liquid storage tanks that are primarily above ground (as set by the National Flood Insurance Program).

1.6 Policy. The Service will comply with E.O. 11988 and its implementing guidance in the management of floodplains, and will advise Federal agencies of their responsibility to evaluate the potential effects of any actions they may conduct or authorize in a floodplain. In compliance, the Service will:

A. Avoid the long and short term adverse effects caused by the human occupancy and modification of floodplains.

B. Avoid the direct or indirect support of floodplain development whenever there is a practicable alternative.

C. Reduce the risk of flood loss and minimize the impacts of floods on human health, safety and welfare.

D. Restore, preserve, and enhance the natural and beneficial values served by floodplains.

E. Inform the public of flood hazards on Service property; and include any appropriate floodplain references or restrictions in conveyances of property proposed for lease, easement, right-of-way, or disposal to non-Federal public or private parties.

F. Incorporate the concepts, strategies, and management tools of the Unified National Program for Floodplains Management into the Service's programs and actions.

G. Use an integrated process to involve the public in the planning of all actions and decisions.

H. Monitor Federal actions undertaken, funded, or permitted to ensure that they are carried out in accordance with the Executive Order. The Service, in its review of other Federal agency proposals, will address the basic requirements of the Executive Order when the protection of floodplains may affect aquatic and terrestrial invertebrates, anadromous fish, migratory birds, threatened and endangered species, candidate species, and other fish, wildlife, and plant species and their habitats that come under the jurisdiction of the Service.

I. Ensure all Service personnel, when working with other agencies and the public, advocate compliance with the spirit and intent of the Executive Order.

1.7 Responsibility.

A. Field Offices. Field Supervisors are responsible for assuring that all actions under their purview are planned, approved and implemented in full compliance with the Executive Order and this chapter.

B. Regional Offices. Regional Directors are responsible for assuring that all actions under their purview are planned, approved and implemented in full compliance with the Executive Order and this chapter.

C. Headquarters. The Director is responsible for overall Service compliance with the Executive Order and this chapter. Each Assistant Director is responsible for general guidance and compliance in their respective areas of responsibility.

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