

Executive Order 11988 Floodplain Management

What is the Executive Order 11988 on Floodplain Management?

Executive Order 11988 requires Federal agencies to avoid, to the extent possible, the short- and long-term adverse impacts associated with the occupancy and modification of floodplains. Federal agencies are to avoid direct and indirect support of floodplain development wherever there is a practicable alternative. In accomplishing this objective, "each agency shall provide leadership and shall take action to reduce the risk of flood loss, to minimize the impact of floods on human safety, health, and welfare, and to restore and preserve the natural and beneficial values served by floodplains in carrying out its responsibilities." This includes actions that include Federally assisted or financed construction and improvements.



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What are floodplains?

Floodplains are low-lying areas that are periodically flooded by adjacent stream, rivers, lakes, or oceans. With their associated waters, floodplains form a complex and dynamic system that supports a multitude of economic, biological and societal resources. They provide natural flood and erosion control, water filtering processes, a wide variety of habitats, and are also the locus of a variety of human activities.



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What grant projects are subject to Executive Order 11988?

Executive Order 11988 applies to Federally funded projects and requires the Federal government to consider alternatives to siting in a floodplain. The Federal government cannot authorize the expenditure of funds for actions occurring within the 100-year floodplain or critical actions within the 500-year floodplain. Critical actions are defined as activities for which even a slight chance of flooding is too great a risk. Construction of health centers is considered to be a critical activity because of several factors, including serving patients with limited mobility, housing critical records, and contain potentially hazardous medical materials.

Therefore, HRSA grantees constructing new facilities or making alterations to existing facilities are required to have their project reviewed under the Executive Order. HRSA grant projects to acquire moveable equipment with no related facility alterations are exempt from Executive Order 11988 requirements.

When should the Executive Order 11988 review process take place?

The determination of whether the project is located in a flood hazard area should take place *early in the design phase* of the project. As with any site limitations (steep grades, presence of wetlands, contamination, etc.), the issue of flood hazards should be identified as part of site selection.



How do grantees conduct the Executive Order 11988 review?

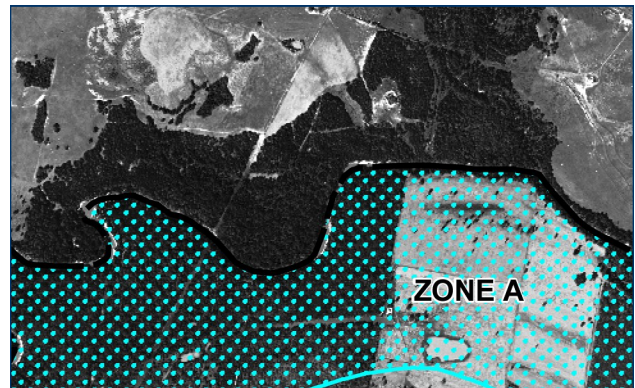
The eight steps listed here reflect the decision-making process required in Section 2(a) of the Executive Order. If a National Environmental Policy Act (NEPA) Environmental Assessment (EA) is required, grantees should ensure that the steps described below are integrated in that document to reduce duplication of effort and consolidate public notice requirements.

Step 1 - Determine if a proposed action (project) is in the floodplain. The first step is to determine if the project is located in or will affect a floodplain. The FEMA Flood Insurance Rate Map (FIRM) that identifies flood hazard areas is an easy way to make this determination. Electronic versions of FIRMs are available online at the FEMA Map Service Center: www.msc.fema.gov. This site allows searches for flood maps by county or street address.



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After finding the flood map that shows the project location, grantees need to determine if their project is located within the special flood hazard area designated as the 100-year floodplain or 500-year floodplain for critical actions. Floodplains are designated by the frequency of the flood that can be conveyed. These areas are designated by a Zone beginning with an “A” (such as A, AE, AR). For coastal areas, high-risk Zones begin with the letter “V”, which indicates the wave velocity hazard associated with coastal flooding.



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There are two possible outcomes of the location evaluation:

1. The action (project) is **not** located within any of these high-risk flood hazard areas. The review is complete and there is no need to continue with the remaining seven steps.
2. The action (project) **is** located within any of these high-risk flood hazard areas. Grantees must continue the review.

In either case, the outcome of the location evaluation must be noted on the Environmental Information Documentation (EID) form. A copy of the FIRM with the approximate location of the project clearly marked must be provided with the EID form as supporting documentation.

Step 2 - Conduct early public review, including public notice. If the project is located in the floodplain, grantees must publish a notice that allows the public input into the decision to locate there. Please contact HRSA for a sample public notice. *NEPA EA Note: This step may be satisfied through the scoping process.*

Step 3 - Identify and evaluate practicable alternatives to locating in the floodplain. Grantees are required to evaluate alternatives to locating a project within a floodplain. If an alternative site for the project can be found outside the floodplain, grantees must select that location if it is practicable. If it is not practicable, then grantees should consider other sites within the floodplain that have less risk associated with them. *NEPA EA Note: The range of alternatives that grantees evaluate should be described in the alternatives section of the NEPA document.*

Step 4 - Identify impacts of the proposed action (project). Compliance with the Executive Order does not mean the project will not have an impact. If there is no practicable alternative to locating in the floodplain, the project will still impact the floodplain and these impacts need to be identified. *NEPA EA Note: The EA must address the potential impacts to the floodplain or explain how the project will not impact the floodplain. For example, will the project impact flood storage and/or will it create an obstruction?*

Step 5 - Minimize threats to life, property and to natural and beneficial floodplain values, and restore and preserve natural and beneficial floodplain values. If grantees determine that impacts cannot be avoided, the project must take place in a flood hazard area, and there are no practicable alternative sites, then grantees must develop measures to minimize the adverse impacts and restore and preserve the floodplain, as appropriate. Potential reasons for grantees initially locating a project within a floodplain include no appropriate land outside the floodplain is available, existing facilities are on site or adjacent, or access for customers is limited. Mitigation may include a floodproof design and/or locating structures that are not dependent on the floodplain to other locations. *NEPA EA Note: This would be addressed in the mitigation section of the NEPA document.*

Step 6 - Reevaluate alternatives. Grantees must reevaluate actions (projects) to determine if it is still practicable in light of:

- the exposure to flood hazards,
- the extent to which it will aggravate the hazards of others, or
- the potential to disrupt floodplain values

A recommendation should then be made to proceed with the proposed action (project), a limitation or portions of any of the proposed actions, or taking no action. *NEPA EA Note: The range of alternatives that grantees evaluate should be described in the alternatives section of the NEPA document.*

Step 7 - Present the findings and a public explanation.

Grantees must publish a public notice in a local newspaper for public comment. HRSA will provide a sample public notice. The public has 15 days to provide written comments regarding construction in a floodplain. Proof of publication of the Public Notice and any public comments must be provided to HRSA. *NEPA EA Note: This can also be accomplished as part of the public review.*

Step 8 - Implement the action (project).

HRSA can provide technical assistance to grantee for compliance with Federal laws and regulations affecting their projects when and as applicable. However, grantees are fully responsible for providing complete, accurate and timely documentation to satisfy all such compliance obligations, and to closely coordinate their activities and receive authorization from HRSA before undertaking their projects.

