

Region 9 Federal Emergency Management Agency (FEMA) Floodplains and Wetlands Quick Guide

Executive Order (EO) 11988: Floodplain Management and Executive Order (EO) 11990: Protection of Wetlands

PURPOSE:

The purpose of these EOs is to reduce the risk of flooding on communities and reduce the impacts of federal investment on the natural functions of floodplains and wetlands. Federal regulations set forth the policy, procedures and responsibilities for FEMA to implement and enforce EO 11998, Floodplain Management, and EO 11990, Protection of Wetlands. Based on these Executive Orders, FEMA is required to integrate the goals of the Orders to the greatest possible degree for FEMA-funded actions, (44 CFR Part 9.1).

REQUIREMENTS:

Any modifications or construction in or adjacent to a floodplain or wetland shall be reviewed by FEMA Environmental Planning and Historic Preservation (EHP) staff, and may require an 8-step decision-making process, which includes, but is not limited to, public notice and evaluation of practicable alternatives for the proposed action. Floodplain identification is determined through use of best available data. For projects in or near a floodplain, coordination may be required with the U.S. Army Corps of Engineers (USACE) as well as local, county, or state agencies (e.g., local Floodplain Administrator, local NFIP Coordinator) per their requirements.

The Public Assistance (PA) Federal Flood Risk Management Standard (FFRMS) partial implementation policy is effective for all major disasters declared on or after June 3, 2022. The policy applies to PA projects in the 100-year floodplain (also known as the 1% annual chance floodplain), and the 1% and 0.2% annual chance floodplain (also known as the 500-year floodplain) for critical actions involving new construction of structures, structures with a substantial damage determination, or structures requiring substantial improvement. The policy applies regardless of the cause of damage. For all FEMA programs and project types, if a state, local, tribal, or territorial government has its own higher elevation standard, FEMA requires use of the higher standard. FEMA program policies also reference additional consensus codes and standards, such as ASCE-24-14, which incorporates additional elevation requirements beyond the base flood elevation.

8-STEP DECISION-MAKING PROCESS:

The 8-step decision-making process applies to projects in or affecting the 1% annual chance (100-year) floodplain, or Critical Actions in or affecting the 0.2% annual chance (500-year) floodplain. Critical Actions include hospitals, fire stations, police stations, sewer services, wastewater treatment, utilities, nursing homes, and storage of critical records. Part of the process involves identifying and evaluating practicable alternatives to locating the proposed action in the floodplain or to mitigate impacts if functionally dependent (including alternative sites, actions, or the “no action” option). If a practicable alternative exists outside the floodplain, the Applicant must locate the action at the alternative site. The goal of this process is to minimize the potential for adverse impacts to the community or floodplains and wetlands.

REMARKS

FEMA funding may be jeopardized if an action is initiated or completed prior to completion of EHP review even if the project is back to pre-disaster condition. This may apply to Critical Actions, actions in a regulatory Floodway, or actions located in the Coastal High Hazard Zone (also known as the V Zone).