

ADM 1095.5 Consideration of Wetlands in Decisionmaking

Date: 01/12/2001
Status: Validated
Expires: 01/12/2011

GENERAL SERVICES Administration
Washington, DC 20405

ADM 1095.5
January 12, 2001

GSA ORDER

SUBJECT: Consideration of Wetlands in Decisionmaking

1. Purpose. This order establishes policy and assigns responsibility within the General Service Administration (GSA) for implementing the laws and Executive Orders concerning all GSA actions that affect wetlands, consistent with the basic statutory responsibilities governing GSA program operations.

2. Cancellation. ADM 1095.2, dated July 23, 1979, as amended by ADM 1095.2 Chge I, dated October 31, 1983, is canceled as it pertains to the consideration of wetlands in decisionmaking.

3. Definitions.

a. Action. An "action" is any GSA activity which involves: (1) acquiring, managing, and disposing of Federal lands and public buildings; (2) providing federally undertaken, financed, or assisted construction and improvements; and (3) conducting Federal activities and programs affecting land use.

b. Wetlands. "Wetlands" are land areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands are covered by water or have waterlogged soils for significant periods during the growing season--that is, the average period between the last killing frost in the spring and the first killing frost in the fall. Wetland plants are capable of living in soils lacking oxygen for at least part of their growing seasons. Types of wetlands include, but are not limited to, bottom land forests, swamps, pine savannas, sloughs, mud flats, bogs, marshes, wet meadows, potholes and wet tundra. Wetlands may develop in low areas created by human activity, such as collapsed cellar holes and ditches.

4. Background

a. The laws, Executive Orders, and programs which are the basis for this order include the National Environmental Policy Act (42 U.S.C. 4321, et seq.), hereinafter referred to as N EPA; Section 404 of the Clean Water Act (33 U.S.C. 1344), hereinafter referred to as Section 404; and Executive Order 11990, "Protection of Wetlands."

b. The authorities cited above require agencies to evaluate the potential effects of their actions on wetlands, to avoid construction in a wetland unless there is no practicable alternative and all possible measures to avoid, minimize or compensate for harm to the wetland have been included, and to obtain authorization from the United States (U.S.) Army Corps of Engineers (COE) before discharging dredged or fill material into waters of the U.S. (i.e. wetlands). Discharge of dredged or fill material into waters of the U.S without authorization from the COE may result in issuance of compliance orders, civil actions, and criminal prosecution of GSA employees, contractors, and others involved

5. Policy. GSA will not carry out or sanction any discharge of dredged or fill material into a wetland unless

authorized by the COE in accordance with the COE's application regulations.

6. Responsibilities.

a. The Head of the Service or Staff Office or Regional Administrator under whose jurisdiction an action is being planned, hereinafter referred to as the responsible official, is responsible for the implementation of this order.

b. The responsible official shall take no action involving the discharge of dredged or fill material into a wetland unless the responsible official has obtained authorization from the COE in accordance with Section 404 of the Clean Water Act and its permitting regulations (33 CFR 320-330).

c. The Commissioner, Public Buildings Service (PBS), who acts for the Administrator on environmental matters, shall provide further direction and guidance regarding implementation of this order. The responsible official shall ensure that the procedures set forth in this Order and the Wetlands Desk Guide are followed in meeting GSA's responsibilities regarding wetlands.

7. Applicability. This order applies to all GSA program actions, including but not limited to:

a. Real property acquisition through Federal construction, purchase, or lease, including lease extensions,

b. Public buildings design and construction,

c. Public buildings alteration

d. Public buildings operation,

e. National strategic and critical materials stockpile management and operation, and

f. Disposal of any interest in surplus real property to non-Federal public or private parties.

8. Wetland Impact Management Desk Guide. All Heads of Services, Business Lines, and Regional Offices will employ the Wetland Impact Management Desk Guide issued and periodically updated by the PXSC as guidance in carrying out this order.

9. Effective date. Every effort shall be made to implement the provisions of this order immediately.

Thurman M. Davis Sr.
Acting Administrator