

Executive Order (EO) 11988

- In 1966, the President issued E.O. 11926, Evaluation of Flood Hazards in Locating Federally Owned or Financed Buildings, Roads, and Other Facilities
- Purpose: To set a policy for Federal responsibility and leadership in reducing economic losses caused by flooding.
- A GAO evaluation of E.O. 11926 in 1975 reported that
 - 1) Federal agencies did not adequately evaluate flood hazards; and
 - 2) Cited need for technical assistance and monitoring.



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EO 11988 – Floodplain Management was signed by the President on May 24, 1977

EO 11988 – Floodplain Management was established in furtherance of the:

- 1) National Environmental Policy Act of 1969**
- 2) National Flood Insurance Program of 1968**
- 3) Flood Disaster Protection Act of 1973**



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Each Federal agency shall provide leadership in carrying out Federal activities in a way that:

- 1) Minimizes the impact on human safety, health and welfare;
- 2) Minimizes and reduces the risk of loss of property; and
- 3) Restores and preserves the natural and beneficial floodplain values.



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The strategy of EO 11988 is for agencies to:

- 1) Avoid, to the extent possible, the long and short-term adverse impacts associated with the occupancy and modification of floodplains; and
- 2) Avoid the direct and indirect support of floodplain development whenever there is a practicable alternative



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EO 11988 covers:

- **All agencies; and**
- **All actions:**
 - 1) Acquiring, managing, and disposing of Federal lands**
 - 2) Providing Federally undertaken, financed or assisted construction and improvements**
 - 3) Conducting Federal activities and programs affecting land use, including but not limited to water and related land resources planning, regulating and licensing activities.**



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- When EO 11988 was signed, Agencies were required to develop implementing procedures.
- Agencies were required to consult with the Water Resources Council, CEQ, and the Federal Insurance Administration in preparing their procedures.
- 1978 Floodplain Management Guidelines for Implementing EO 11988
- 55 agencies developed implementing procedures in some form or fashion.
- Since early 1980's, several Agencies have updated their procedures in consultation with FEMA.



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- Established the 100-year base flood for all Federal agencies as the *minimum*;
- EO 11988 guidance stipulates that “critical actions” should not be undertaken in any area subject to the 500-year flood;
- The EO’s intent is that the Federal government will require itself no less than it requires of NFIP communities;
- The EO’s intent is that the Federal action does not undermine the NFIP
- Recognizes the limited scope of the NFIP which focuses on property protection; Must protect life and floodplain values



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The E.O. establishes an 8-step decision-making process for agencies to avoid long- and short-term adverse impacts when Agencies propose actions in or affect a floodplain:

1. Determine if action is in the floodplain or will adversely affect the floodplain.
 - Use best available information
 - Use FEMA's maps as minimum standard
 - 100 year standard and 500 year standard for critical actions
 - If no data exists, the agency may need to do further investigation to determine if flood hazards exist.



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2. Provide for early public review.

- Objective: public may have impact on decision
- Notice and the vehicle for providing the notice
- Other notices along the way

3. Identify and evaluate practicable alternatives to locating in the floodplain.

- Avoid the floodplain or impacts on the floodplain
- Alternative actions
- No action



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4. Identify impacts of the proposed action, if there are no practicable alternative
 - Impacts will vary depending on the Federal action
 - Impacts on lives, property, and floodplain values
 - Positive and negative; concentrated and dispersed; and short and long term
5. Minimize/restore/preserve if proposed action will results in harm to or within floodplain.
 - Minimize harm to life, property, and floodplain values



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Critical Actions

- Any action for which even a slight chance of flooding is too great
- Requires a higher level of protection – 500 year flood.
- Guide for determining if a proposed Federal Action is critical:
 - ✓ Will it create an added dimension to the disaster?
 - ✓ Given available flood warning, would certain occupants be able to avoid loss of life and injury
 - ✓ Would essential documents and services be lost or become inoperable



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New Construction or Substantial Improvements/Damage of Federal structures and facilities

- Meet the standards and criteria of the NFIP
- Elevate residential and non-residential buildings
- Dry floodproof non-residential buildings
- Use flood resistant materials below the 100 yr. flood elevation
- Elevate or otherwise protect mechanical/electrical equipment
- Adequately anchor the building to resist flotation, collapse or lateral movement



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Existing Federal structures and facilities

- Evaluate the vulnerability of structures and facilities to the 100 yr flood and 500 yr flood if it is a critical facility
- When repairing, improving, or rehabilitating Federal facilities in the floodplain that are not substantial improvements or repair of substantial damage, consider undertaking mitigation measures to minimize the flood risk to the facility.
- Based on the vulnerability assessment, determine whether mitigation measures could be incorporated into the facility, such as relocating valuable contents and utilities above the flood level, or moving critical operations outside the floodplain.
- Substantial Damage and Substantial Improvements



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Disposing Interest in Federal Property

- List in the document transferring the property, those uses that are restricted under Federal, State, Tribal, or local regulations
- Make uses of legal authorities to attach restrictions to the property.
- Consider retaining the property in Federal ownership



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6. Reevaluate the alternatives.
 - Why is this important?
 - Is it still the only practicable alternative?
7. Provide a statement of findings and public explanation of the proposed decision.
 - Requires a full explanation
8. Implement proposed action.
 - Insure Federal action is carried out in accordance with the Order & measures to minimize, restore, and preserve



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National Environmental Policy Act

- E.O. 11988 was based on and in furtherance of NEPA's decision-making process (i.e. public involvement, identification of alternatives, evaluation of impacts, development of minimization measures, and transparency).
- To the extent possible, agencies can use the existing process established under NEPA.
- Documentation prepared for EO 11988 can be used by the agency to comply with NEPA.
- **If NEPA review is not required, agencies must still comply with EO 11988**



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Floodplain Management Guidelines for Implementing E.O. 11988, by the Water Resources Council, February 10, 1978

Further Advice on Executive Order 11988 Floodplain Management, by the Interagency Floodplain Management Task Force, 1987



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Questions?



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