

United States Government

Department of Energy

memorandum

DATE: October 16, 1992 (modified September 1994)

REPLY TO
ATTN OF: EH-25

SUBJECT: Procedures for Compliance with Floodplain/Wetlands
Environmental Review Requirements (10 CFR Part 1022)

TO: Distribution

Attached are models of documents, developed in consultation with GC-11, that we recommend be used in implementing 10 CFR Part 1022. Use of these models should simplify and speed the preparation and approval of routine floodplain and/or wetland documents. The attachments include models of a Notice of Involvement and a Floodplain Statement of Findings which would be published in the Federal Register and a Finding of No Significant Impact (FONSI) with a Floodplain Statement of Findings incorporated. These models will be incorporated in the revised NEPA Compliance Guide.

We are also exploring options for revision to 10 CFR Part 1022 and would appreciate any suggestions you may have.

If you have any comments on the procedures, send them to the attention of John Pulliam in EH-25, (202) 586-4597.

Carol Borgstrom

Carol M. Borgstrom
Director
Officer of NEPA Oversight

Attachments

[6450.01]

DEPARTMENT OF ENERGY

Notice of [Floodplain][Wetlands][Floodplain and Wetlands]
Involvement for [insert project name]

AGENCY: Department of Energy (DOE)

ACTION: Notice of [Floodplain][Wetlands][Floodplain and Wetlands]
Involvement

SUMMARY: DOE proposes to [describe the proposed action briefly]
in [floodplain][wetlands][floodplain and wetlands] located in XYZ
County, XYZ State. In accordance with 10 CFR Part 1022, DOE will
prepare a [floodplain][wetlands][floodplain and wetlands]
assessment and will perform this proposed action in a manner so
as to avoid or minimize potential harm to or within the affected
[floodplain][wetlands][floodplain and wetlands].

DATE: Comments are due to the address below
no later than [insert 15 days after publication].

ADDRESS: Comments should be addressed to [address].

¹ [] Use the appropriate formulation depending upon
whether only floodplains, only wetlands, or both
floodplains and wetlands are involved in the
proposed action.

FOR FURTHER INFORMATION ON THIS PROPOSED ACTION, CONTACT:

[Program Contact]
[Address]
[Phone]
[FAX]

FOR FURTHER INFORMATION ON GENERAL DOE FLOODPLAIN/WETLANDS ENVIRONMENTAL REVIEW REQUIREMENTS, CONTACT:

Carol M. Borgstrom, Director
Office of NEPA Oversight, EH-25
U.S. Department of Energy
1000 Independence Avenue, SW
Washington, D.C. 20585
(202) 586-4600 or (800) 472-2756

SUPPLEMENTARY INFORMATION:

[Describe the proposed action and location with respect to the floodplain.]

In accordance with DOE regulations for compliance with floodplain and wetlands environmental review requirements (10 CFR Part 1022), DOE will prepare a [floodplain][wetlands][floodplain and wetlands] assessment for this proposed DOE action. [If a floodplain is involved, add one of the following three statements:

Alternative 1 (to be used if no environmental assessment (EA) or environmental impact statement (EIS) is being prepared)²

After DOE issues the assessment, a floodplain statement of findings will be published in the Federal Register.

Alternative 2 (to be used if an EA is being prepared)

The assessment will be included in the environmental assessment (EA) being prepared for the proposed project in accordance with the requirements of the National Environmental Policy Act. A floodplain statement of

² Note that the Federal Register Notice of Intent (NOI) to Prepare an EIS may be used as the vehicle for notifying the public of floodplain/wetlands involvement in lieu of publishing a separate Notice of Floodplain/Wetlands Involvement.

findings will be included in any finding of no significant impact that is issued following the completion of the EA or may be issued separately.

Alternative 3 (to be used if an EIS is being prepared)

The assessment and a floodplain statement of findings will be included in the environmental impact statement being prepared for the proposed project in accordance with the National Environmental Policy Act.

Issued in _____ on _____.

Program Office Official

Reminder to users of this example: With respect to wetlands actions (not located in a Floodplain), DOE shall take no action prior to fifteen days after publication of this notice.

[6450.01]

DEPARTMENT OF ENERGY

Floodplain Statement of Findings for [insert project name]

AGENCY: Department of Energy (DOE)

ACTION: Floodplain Statement of Findings

SUMMARY: This is a Floodplain Statement of Findings for [insert project name] prepared in accordance with 10 CFR Part 1022. DOE proposes to [describe the proposed action briefly] in a floodplain located in XYZ County, XYZ State. DOE prepared a [floodplain][floodplain and wetlands] assessment describing the effects, alternatives, and measures designed to avoid or minimize potential harm to or within the affected floodplain. DOE will endeavor^{*} to allow 15 days of public review after publication of the statement of findings before implementing the proposed action.

FOR FURTHER INFORMATION, CONTACT:

[Program Contact]
[Address]
[Phone]
[Fax]

* If DOE has the flexibility to allow the 15-day review period, this sentence should read: "DOE will allow 15 days of public review. . ."

FOR FURTHER INFORMATION ON GENERAL DOE FLOODPLAIN/WETLANDS ENVIRONMENTAL REVIEW REQUIREMENTS, CONTACT:

Carol M. Borgstrom, Director
Office of NEPA Oversight, EH-25
U.S. Department of Energy
1000 Independence Avenue, SW
Washington, D.C. 20585
(202) 586-4600 or (800) 472-2756

SUPPLEMENTARY INFORMATION:

This is a Floodplain Statement of Findings for [insert project name] prepared in accordance with 10 CFR Part 1022. A Notice of [Floodplain][Floodplain and Wetlands] Involvement was published in the Federal Register on [insert date of publication and Federal Register citation] and a [floodplain][floodplain and wetlands] assessment was incorporated in the [Environmental Assessment][Draft Environmental Impact Statement]. DOE is proposing to [describe the proposed action briefly] in the [identify the floodplain](see the map). The action is proposed to be located in the floodplain because [explain why].

Alternatives to the proposed action are [list alternatives considered]. The proposed action [does][does not] conform to applicable State or local floodplain protection standards.

[Explain if action does not conform to standards.]

[Describe the steps to be taken to avoid or minimize potential harm to or within the affected floodplain.]

DOE will endeavor^{*} to allow 15 days of public review after publication of the statement of findings prior to implementing the proposed action.

Issued in _____ on _____.

Program Office Official

* If DOE has the flexibility to allow the 15-day review period, this sentence should read: "DOE will allow 15 days of public review. . ."

DEPARTMENT OF ENERGY

Finding of No Significant Impact and Floodplain Statement of Findings for [insert project name]

AGENCY: Department of Energy (DOE)

ACTION: Finding of No Significant Impact and Floodplain Statement of Findings

[Add the following to the FONSI.]

FLOODPLAIN STATEMENT OF FINDINGS

This is a Floodplain Statement of Findings prepared in accordance with 10 CFR Part 1022. A Notice of [Floodplain][Floodplain and Wetlands] Involvement was published in the Federal Register on [insert date of publication] and a [floodplain][floodplain and wetlands] assessment was incorporated in the Environmental Assessment. DOE is proposing to [describe the proposed action briefly] in the [identify the floodplain](see the map). The proposed action is to be located in the floodplain because [explain why]. Alternatives to the proposed action are [list alternatives considered]. The proposed action [conforms] [does not conform] to applicable State or local floodplain protection standards. [Explain if action does not conform to standards.]

[Describe the steps to be taken to avoid or minimize potential harm to or within the affected floodplain.]

DOE will endeavor^{*} to allow 15 days of public review after publication of the statement of findings before implementing the proposed action.

* If DOE has the flexibility to allow the 15-day review period, this sentence should read: "DOE will allow 15 days of public review. . ."