

Department of the Interior Departmental Manual

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Series: Environmental Quality Programs

Part 520: Protection of the Natural Environment

Chapter 1: Floodplain Management and Wetlands Protection Policy and Responsibilities

Originating Office: Office of Environmental Policy and Compliance

520 DM 1

1.1 **Purpose.** This Chapter provides Department of the Interior (Department) policy and responsibilities for floodplain management and wetlands protection. The program requirements are provided in Part 520 of the Departmental Manual in Chapter 2 (520 DM 2).

1.2 **Scope.** The policy in this Chapter applies to all Bureaus/offices when conducting the following actions:

- A. Acquiring, managing, and disposing of Federal lands and facilities.
- B. Providing Federally undertaken, financed, or assisted construction and improvements.
- C. Conducting Federal activities and programs affecting land use, including but not limited to, water and related land resources planning, regulating, and licensing activities.

1.3.1 **Authorities.**

- A. Executive Order (EO) 11988, Floodplain Management, issued May 24, 1977.
- B. EO 11990, Protection of Wetlands, issued May 24, 1977.

1.4 **Policy.** It is the policy of the Department to avoid, reduce adverse impacts on, and restore floodplains and wetlands, when practicable, while engaging the public in floodplain and wetland impact decisions in managing the Nation's natural and cultural resources, including its inland and coastal waterways and wetlands, and cultural resources therein. Bureaus/offices must:

- A. Adhere to the methods, standards, and definitions of terms as set forth in the Water Resource Council (WRC) Floodplain Management Guidelines for Implementing EO 11988 for reducing risks and hazards of flood loss; minimizing the impact on health, safety, and welfare; evaluating alternatives; and

B. To the extent permitted by law:

(1) Exercise leadership and take action to avoid, to the extent possible, the long- and short-term adverse impacts associated with the occupancy and modification of wetlands and floodplains.

(2) Avoid the direct or indirect support of wetland or floodplain development whenever there is a practicable alternative, including avoiding investments in real property occupying floodplains that would increase the likelihood of losses caused by flooding.

(3) Reduce the risk of flood loss and minimize the impact of floods on human health, safety, and welfare.

(4) Restore and preserve the natural and beneficial values and ecological services provided by floodplains and wetlands.

(5) Consider alternatives to avoid adverse effects and incompatible development in the floodplains and wetlands if an action in a floodplain or wetland is proposed, conducted, supported, or allowed.

(6) Develop a meaningful public involvement process in the floodplain management decision making process, including through integration with any applicable environmental review process.

(7) Incorporate the WRC Unified National Program for Floodplain Management into relevant Departmental programs.

1.5 **Responsibilities.**

A. Assistant Secretary – Policy, Management and Budget (AS–PMB).

(1) Ensuring that the Secretary's responsibilities under the Executive orders are carried out.

(2) Mediating conflicting interests between or among Assistant Secretaries and resolving differences between the parties or referring the conflicting views to the Secretary with a recommended course of action.

B. Director, Office of Environmental Policy and Compliance (OEPC). Assisting the AS–PMB in carrying out his/her responsibilities. This includes:

(1) Preparing program directives and other necessary guidance as required.

(2) Reviewing and concurring on Bureau/office procedures for compliance with the Executive orders.

(3) Preparing reports for submission to the WRC and/or the Council on Environmental Quality.

C. Program Assistant Secretaries.

(1) Ensuring their respective Bureaus/offices comply with the requirements in the Executive orders and the policy in this Chapter.

(2) Reviewing and concurring with the floodplain and wetland procedures of their Bureaus/offices prior to submission to the Director, OEPC, for review.

(3) Resolving any conflicts among their Bureaus/offices.

(4) Ensuring program plans and budget requests reflect consideration of flood hazards and floodplain and wetland management.

D. Heads of Bureaus/Offices. Reviewing their programs for compliance with the Executive orders and policies and requirements in 520 DM 1 and 2, including the following:

(1) Planning and designing new Federal facilities.

(2) Modifying existing Federal facilities or constructing new ones.

(3) Acquiring, managing, and disposing of Federal lands and facilities.

(4) Carrying out and influencing programs involving land use and water planning and development, including regulating and licensing activities.

(5) Administering construction, improvement, and land acquisition programs supported or assisted by Federal grants, loans or other forms of financial assistance.

(6) Assuring compliance with the public information and other procedural requirements of the Executive orders.

E. Heads of Regional, Field, or Area Offices, or Responsible Officials.

(1) Developing procedures for determinations for the activities listed above and any other covered activities, the degree of risk present, whether it is a critical action, and whether or not an alternative location or other course of action is practicable. If not practicable, the procedures will indicate what steps to take to minimize harm to facilities, floodplains, and wetland resources.

(2) Furnishing with all requests for new authorizations or appropriations (for proposals to be located in floodplains and wetlands) a statement that the proposal complies with the Executive orders.

(3) Informing private parties and State, Tribal, territorial, and local governments participating in regulatory, financial, and land transactions of the hazards and impacts of locating structures in floodplains and wetlands. Appropriate information should include the levels of expected flooding, location in a riverine or coastal high hazard area, existence of multiple flooding sources or combinations of hazards, and other important information for the safety of potential floodplain occupants and development.

(4) Being the responsible official for all statements of findings and public explanation (See 520 DM 2.6 B (7), 520 DM 2.7, and WRC Guidelines, Part II, Step 7).