

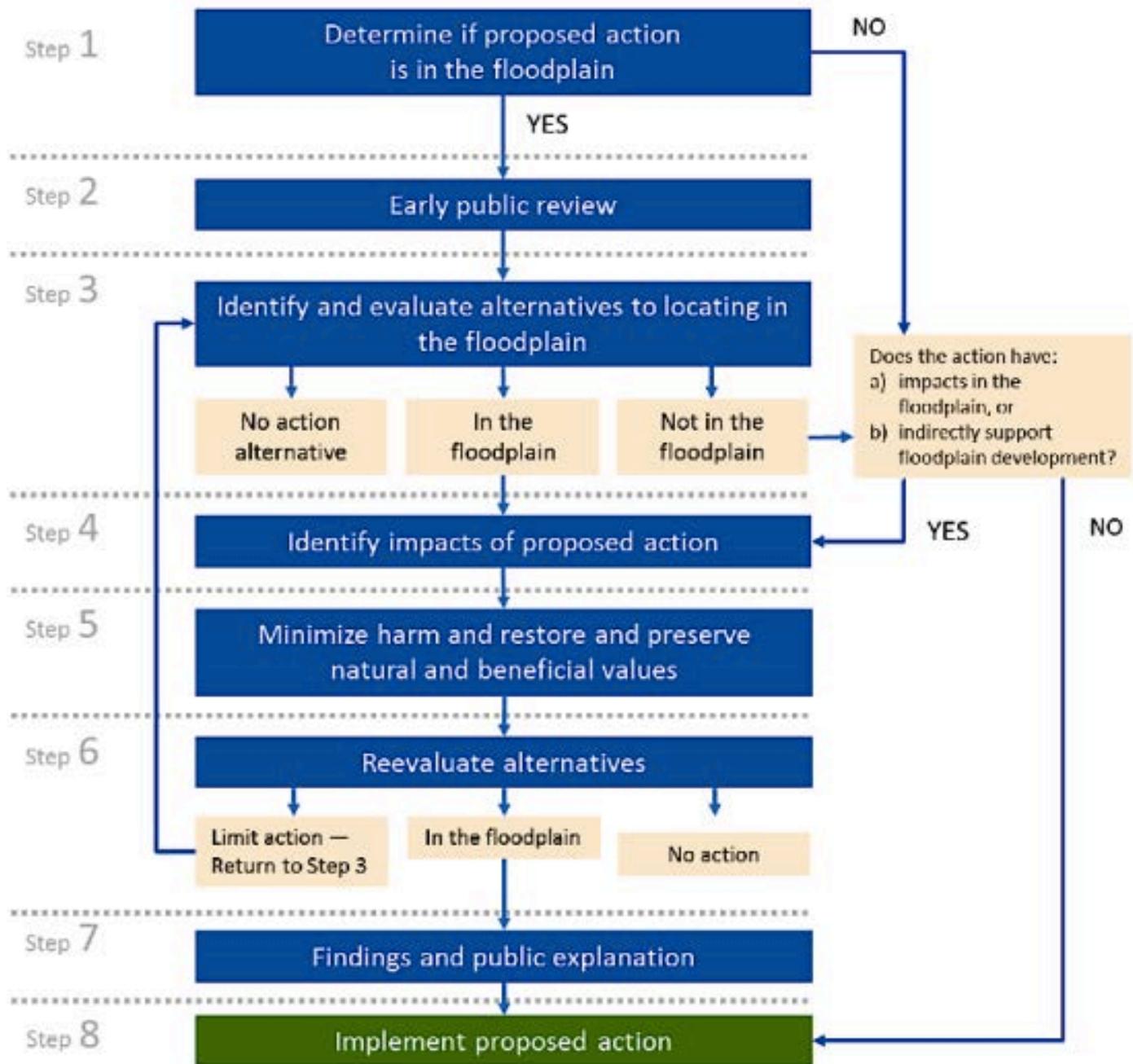


# Draft Revised Guidelines for Implementing Executive Order 11988, Floodplain Management

Maryland Coast Smart Council  
March 17, 2015

# Overview of New EO 13690

- EO 13690 updates EO 11988 (established in 1977)
- EO 11988 is a federal policy against siting federal actions in the floodplain
- EO 13690 expands the scope of the floodplain to include future climate change assessments
- Sets up a review process for proposed actions sited in or near the floodplain



[ Step 1: Is the action in the floodplain under the new EO? ]

---

- Approach 1: Climate Informed Science Approach
  - Preferred method in the Guidelines
  
- Approach 2: Freeboard Value
  
- Approach 3: 0.2 Annual Percent Chance Flood

# Approach 1: Climate Informed Science

- Guidelines state that the agency determines the location of the floodplain “in a manner appropriate to agency policies, practices, criticality, and consequences”
  - May or may not correspond to the projected 1-percent-annual-chance flood
- FEMA maps serve as a guide for this approach
  - May result in a higher floodplain than FEMA’s FIRMs and FIS
- Critical or non-critical action taken into account

# Approach 2: Freeboard Value

- Non-Critical Actions: freeboard determined by adding 2 feet to BFE
- Critical Actions: freeboard determined by adding 3 feet to BFE
- Base flood elevation can be determined using FEMA's FIRMs and FIS, which use a 1-percent-annual-chance flood elevation
- Guidelines go into very little explanation of this approach

# Approach 3: 0.2 Annual Percent Chance Flood

- Guidelines state that agencies may use FEMA maps, agency calculations, or other calculations to determine 500-year flood
- Used for both critical and non critical actions
- Guidelines go into very little explanation of this approach

# [ Critical v. Non-Critical Actions ]

- Agency discretion
- EO definition: “Critical actions include any activity for which even a slight chance of flooding is too great.”
- Guidelines definition: “The concept of critical action reflects a concern that the impacts of flooding on human safety, health, and welfare for many activities could not be minimized unless a higher degree of resilience was provided.”
- Guidelines provide some examples of categorizing an action as critical, but the list is not comprehensive

# [ Step 5: Minimize Harm ]

- If the agency head determines that there are no practicable alternatives to locating the action in the floodplain, the agency **MUST** modify or design the action to “minimize harm” by using all practicable means and measures determined by the agency
  - Guidelines state that “practicable” alternatives depend on the situation, including pertinent factors such as environment, cost or technology
- “Minimize harm”
  - Not defined in the EO
  - Guidelines state that it requires the agency to reduce harm to the smallest possible degree, thus establishing a far more rigorous standard than other terms, such as alleviate or mitigate

# [ Exceptions ]

---

- Work essential to save lives and protect public property, health, and safety
- National Security
  - Military defense or foreign relations
- Emergency Action
- If not siting in the floodplain would be demonstrably inappropriate

# [ Wrap Up ]

---

- EO 11988
- EO 13690
- Revised Guidelines for Implementing Executive Order 11988
- Comments on Guidelines must be received by April 6, 2015
- FEMA Webinar – March 25, 2015