



THE UNITED STATES CONFERENCE OF MAYORS

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To: The Mayor
From: Tom Cochran, CEO and Executive Director
Re: White House Drafting an Executive Order on Flood Plain Management

The White House and the Council on Environmental Quality (CEQ) have been developing an upgrade to the 1977 Executive Order on Flood Plain Management. The new policy will broaden the scope of the Executive Order to include the 500-year flood plain for critical actions (actions relating to hospitals, electric, water and other utilities, data storage centers, facilities that manage hazardous materials, etc.). It will also increase the scope of federal authority in the 100-year flood plain. The proposed policy change in this Executive Order may have far-reaching implications for local land use decisions and you and your staff should carefully review this draft executive order which is attached.

Who does it affect?

The new policy will affect activities conducted in the 100-year and 500-year flood plain. This includes all federal lands, facilities and resources; and any land use or waterway activities that either directly or indirectly receive federal financial assistance or require permits from a federal agency or a state agency with delegated authority to issue permits based on federal law. Examples: any water or wastewater facility that receives an SRF loan or grant, or requires a state permit under the Clean Water Act or Safe Drinking Water Act; any highway or road/rail project that receives federal financial assistance or is subject to federal permit review, such as dams, levees, reservoirs, etc.

What changes are proposed?

The new policy prohibits adverse impacts on natural resources in the flood plain if there are practicable alternatives. It eliminates the normal review of project benefits and consideration of local preferences when making decisions about flood plain impacts.

It expands review of projects to the 500-year floodplain, specifically in relation to critical actions (see definition above).

It will likely lengthen project review schedules by requiring additional evaluation, consideration of alternatives sites, restoration and mitigation requirements and other existing requirements under NEPA and section 404 of the Clean Water Act.

Status: A final draft has been developed and forwarded to an Interagency workgroup comprised of key federal agencies for approval

What should your city do?

Be knowledgeable of this pending change. Attached you will find the draft executive order. It is also posted on our website at http://www.usmayors.org/environment/uploads/DOC_20090923141043_000.PDF

Review the proposed changes to determine if activities in your city will be affected. Consider contacting the CEQ to make comments on the proposed changes.

Please let Judy Sheahan (jsheahan@usmayors.org) or Rich Anderson (randerson@usmayors.org) of my staff know how this may impact your city. We will be gathering information to help us as we proceed forward. Thank you for your attention to this matter.