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: Determine if proposed action is in the floodplain

Step 2: Early public review

Step 3: Identify and evaluate alternatives to locating in the floodplain
- No action alternative
- In the floodplain
- Not in the floodplain

Does the action have:
a) impacts in the floodplain, or
b) indirectly support floodplain development?

Step 4: Identify impacts of proposed action

Step 5: Minimize harm and restore and preserve natural and beneficial values

Step 6: Reevaluate alternatives
- Limit action — Return to Step 3
- In the floodplain
- No action

Step 7: Findings and public explanation

Step 8: Implement proposed action
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