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BUREAU OF INDIAN AFFAIRS

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IN REPLY REFER TO:

Environmental Services
Staff (204)

30 BIAM, Supplement 3, Release 1

August 18, 1980

Memorandum

To: Holders of 30 BIAM, Environmental Quality

From: Commissioner of Indian Affairs

Subject: Water and Related Land Resources

This transmits chapters 1 and 2 of 30 BIAM Supplement 3, Water and Related Land Resources. Other chapters of this Supplement will be issued later. Chapter 2 contains the Bureau's procedures for floodplain management and wetlands protection, which the Bureau is required to issue pursuant to Executive Order 11988 (Floodplain Management), Executive Order 11990 (Protection of Wetlands), and 520 DM 1.

These procedures are effective immediately. However, they are subject to revision. Comments should be provided to the Environmental Services Staff, Central Office Code 204, phone FTS 343-8248.

William Hallett
Commissioner of Indian Affairs

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WATER AND RELATED LAND RESOURCES
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WATER AND RELATED LAND RESOURCES
General

1.1 Purpose. The purpose of the Supplement is to provide guidance to Bureau personnel to insure that Bureau actions are in compliance with the environmental review and consultation requirements listed in 516 DM 4, Appendix 1.2, under the heading "Water and Related Land Resources." These requirements are also listed in section 1.2 below. This Supplement provides guidance on how to determine whether any of these requirements apply to a particular proposed Bureau action, and, if any do apply, what procedural steps must be followed to insure compliance. Documentation of compliance for any proposed action shall be incorporated into the environmental assessment (EA) or the environmental impact statement (EIS) if one is prepared. (See 30 BIAM Supplement 1, NEPA Handbook.)

1.2 Summary of Chapters. The approach which this Supplement takes in explaining these environmental review and consultation requirements is to group them according to subject matter and to devote a chapter to each grouping of closely related requirements. The grouping which is used is as follows:

A. Chapter 2, Floodplains Management and Wetlands Protection.

Executive Order 11988 (Floodplain Management)

Executive Order 11990 (Wetlands Protection)

Flood Disaster Protection Act of 1973 (12 U.S.C. § 24, 1701-1 Supp.;
42 U.S.C. § 4001 et seq.)

B. Chapter 3, Coastal Zone Protection.

Coastal Zone Management Act of 1972 (16 U.S.C. §§ 1451, 1456)

Marine Protection, Research and Sanctuaries Act of 1972 (§§ 102,
103, 301,; 16 U.S.C. § 1431 et seq.)

Estuary Protection Act (16 U.S.C. § 1221)

C. Chapter 4, Water Quality.

Clean Water Act (§§ 208, 303, 401, 402, 404, 405, 511; 33 U.S.C.
§§ 1288, 1314, 1341, 1342, 1344)

Safe Drinking Water Act of 1974 (42 U.S.C. § 300f)

Rivers and Harbors Act of 1899 (§§ 9, 10; 33 U.S.C. §§ 401 et seq.)

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D. Chapter 5, Wild and Scenic Rivers.

Wild and Scenic Rivers Act of 1968 (§ 7; 16 U.S.C. § 1274 et seq.)

E. Chapter 6, Federal Power Act.

Federal Power Act (16 U.S.C. § 797)

F. Chapter 7, Water Development Projects.

Water Resources Planning Act of 1965 (42 U.S.C. § 1962 et seq.)

Water Resources Council's Principles and Standards

Federal Water Project Recreation Act (§ 6(a); 16 U.S.C.
§ 4601-17)

WATER AND RELATED LAND RESOURCES
Floodplains and Wetlands

2.1 Purpose. This chapter sets forth the instructions to be followed in implementing Executive Order No. 11988 (Floodplain Management), Executive Order No. 11990 (Protection of Wetlands) and Department of the Interior Guidelines on Floodplain Management and Wetland Protection Procedures. (520 DM 1). (Guidance on the Flood Disaster Protection Act, for environmental review purposes, will be issued later.)

2.2 Policy. It is the policy of the Bureau of Indian Affairs to exercise leadership and take action to:

A. Avoid to the extent possible, the long and short-term adverse impacts associated with the occupancy and modification of wetlands and floodplains.

B. Avoid the direct or indirect support of wetland or floodplain development whenever there is a practicable alternative.

C. Reduce the risk of flood loss.

D. Minimize the impact of floods on human health, safety and welfare.

E. Restore and preserve the natural and beneficial values served by floodplains and wetlands.

F. Involve Indian tribal governments and the public in the decision making process regarding floodplains and wetlands by integrating the public notice requirements of the Executive Orders into the NEPA process.

G. Incorporate the Unified National Program for Floodplain Management.

H. Coordinate closely with the Safety of Dams Program, 55 BIAM Supp. 6, if existing or proposed dams will have a significant impact on the proposed floodplains/wetlands development.

2.3 Responsibilities. (See 30 BIAM 1.4.)

2.4 Applicability. The procedural requirements contained in this manual apply to any Bureau actions involving floodplains and wetlands, including, but not limited to:

A. Planning and design of new Federal facilities or facilities on trust lands.

B. Modifying existing Federal facilities or facilities on trust lands or constructing new ones. They do not apply to normal maintenance. However, rehabilitation projects require full consideration if they would:

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(1) result in an increase in the useful life of a structure or facility; or

(2) eliminate an opportunity to restore the natural and beneficial values served by floodplains and wetlands.

C. Acquiring, managing, and disposing of Federal lands and facilities.

D. Carrying out and influencing programs involving land uses and water planning and development, including regulating and licensing activities.

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

F. These procedures do not apply to:

(1) Agricultural development on trust lands in floodplains or wetland areas; or

(2) Activities in floodplains or wetlands in which the only Bureau action is the trusteeship approved of a lease, right-of-way, or other transaction involving trust lands; provided, that if an environmental impact statement (EIS) is prepared for such a transaction, then these procedures will apply.

(3) The approval, pursuant to 25 U.S.C. 81, of contracts between an Indian tribe and any person for services which would not be subject to Bureau approval if such services were performed by the tribe.

2.5 Definitions.

A. Action. Any Federal activity including: (1) acquiring, managing, and disposing of Federal lands and facilities; (2) providing federally undertaken, financed, or assisted construction and improvements; and (3) conducting Federal activities and programs affecting land use, including but not limited to water and related land resources planning, regulating and licensing activities.

B. Base Flood. That flood which has a one percent chance of occurrence in any given year (also known as a 100-year flood). This term is used in the National Flood Insurance Program to indicate the minimum level of flooding to be used by a community in its floodplain management regulations.

C. Base Floodplain. Those areas which have a one percent chance of flooding in any given year (also called 100-year floodplain). Also see definition of floodplain.

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D. Critical Action. Any activity for which even a slight chance of flooding would be too great. For example, activities involving storage of volatile, toxic, or water-reactive materials; hospitals and schools, the occupants of which may not be sufficiently mobile to avoid loss of life and injury; and utilities and emergency services which would be inoperative if flooded. A floodplain/wetlands action which would be affected significantly by possible dam or levee failure will be classified as critical. See the Safety of Dams Program, 55 BIAM, Supp. 6 for the current safety classification of an existing dam. Proposed dams also come under 55 BIAM, Supp. 6.

E. Critical Action Floodplain. Those areas which have a 0.2 percent chance of flooding in any given year (also called a 500-year floodplain). Where dam or levee failure is a possibility, inundation maps will be prepared to determine the critical action floodplain if greater than the 500-year one. These maps should be prepared on the presumption of catastrophic failure of the structure. These maps will be filed with appropriate downstream public officials for their use in developing warning and evacuation procedures. (See 55, BIAM Supp. 6, 2.4G.)

F. Flood or Flooding. A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland and/or tidal waters, and/or the unusual and rapid accumulation or runoff of surface waters from any source.

G. Floodplain. The lowland and relatively flat areas adjoining inland and coastal waters including at a minimum that area subject to a one percent or greater chance of flooding in any given year.

H. Practicable. Capable of being done within existing constraints. The test of what is practicable depends upon the situation and includes consideration of the pertinent factors, such as environment, cost or technology.

I. Wetlands. Wetlands are those areas which are inundated or saturated by surface or ground water with a frequency sufficient to support, or that under normal hydrologic conditions does or would support, a prevalence of vegetation or aquatic life typically adapted for life in saturated soil conditions. Examples of wetlands include, but are not limited to, swamps, fresh and salt water marshes, estuaries, bogs, beaches, wet meadows, sloughs, potholes, mud flats, river overflows, and other similar areas. This definition includes those wetland areas separated from their natural supply of water as a result of activities such as the construction of structural flood protection methods or solid-filled roads beds and activities such as mineral extraction and navigation improvements. This definition is intended to be consistent with the definition utilized by the U.S. Fish and Wildlife Service in the publication entitled Classification of Wetlands and Deep Water Habitats of the United States (Cowardin, et. al., 1977).

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2.6 Procedures. Area Directors, Agency Superintendents and Project Engineers will ensure that the following procedural steps will be undertaken whenever their respective offices propose an action involving the activities discussed in section 2.4. All requests for new authorizations or appropriations for actions to be located in floodplains or wetlands must contain a statement that the proposal is in accord with these procedures. The analysis described in this section shall be incorporated into an environmental assessment (EA) or an environmental impact statement (EIS). See 30 BIAM Supplement 1, NEPA Handbook. A diagram of the decisionmaking process for E.O. 11988 and E.O. 11990 is provided in Appendix D to this chapter.

A. Determine whether or not the proposed action is in the floodplain wetland or whether it has the potential of affecting them. Normally, the floodplain of concern is the 100-year or base floodplain. However, if the proposal is deemed to be a "critical action" (see definition), then the floodplain of concern is the 500-year or critical action floodplain. The determination of whether or not the proposed action is in the floodplain may be accomplished by inspecting floodplain maps from the Federal Insurance Administration (FIA) of the Federal Emergency Management Agency (FEMA), if available. Detailed maps showing the elevations of the base floodplains and the critical action floodplains are known as "Flood Insurance Rate Maps" (FIRM). Many of the communities that have a FIRM also have a Flood Insurance Study Report (FIS) containing detailed flood information. If these are not available, the FIA may be able to provide "Flood Hazard Boundary Maps" (FHBM) which show the approximate areas of the base floodplain. If these maps are not available or if the maps do not delineate the flood hazard boundaries in the vicinity of the proposed site, assistance should be sought from the agencies listed in Appendix A.

A determination regarding wetlands should be made by inspecting the property and by applying the definition in section 2.4. However, if a determination cannot be made on the basis of the definitions and inspections, assistance should be solicited from the Fish and Wildlife Service, the Corps of Engineers, the Environmental Protection Agency, or from tribal, city, or county planning and zoning agencies.

B. Consult with the tribal governing body and any affected Indian landowners. The Bureau is required by E.O. 11988 and E.O. 11990 to provide an opportunity for early public review of any plans or proposals for actions in floodplains or wetlands. This requirement applies to all Federal agencies regardless of whether their actions affect public or private lands. The actions of the Bureau for the most part affect private lands in which the beneficial title is owned either by a tribe or an Indian individual(s). The Bureau recognizes tribes and Indian landowners are, for good reasons, sensitive about involving the general public in Bureau decisionmaking regarding their property. However, the Bureau also recognizes that activities in floodplains and wetlands can adversely affect the health and welfare of the

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local Indian public, e.g. by subjecting lives and property to flood hazards or by destroying wildlife habitat which is important for subsistence or commercial hunting and fishing.

The Bureau recognizes the authority and responsibility of tribal governments. The Bureau also has a mandate to encourage tribal governments to adopt procedures for informing the public concerning their activities affecting the quality of the environment (516 DM 1.6).

For actions which are proposed to be located in floodplains or wetlands, the first point of contact with the public will be the tribal government. At the discretion of the tribal government, the any or all of the steps in the analysis described in section 2.6 D, E, F, and G below may be undertaken by the Bureau in consultation with tribal officials prior to providing the public with notice as described in section 2.6 C below. In such cases, any landowner(s) whose property may be affected by the proposed action or alternatives shall also be involved in the consultation. If, as a result of this consultation, an alternative is chosen which will avoid impacts on floodplains and wetlands, a finding of no significant impact (FONSI) will provide sufficient notice to the public. If, following such consultation, an alternative to avoid impacts on floodplains and wetlands is not chosen, and the Bureau proposes to proceed with the action, the analysis described in section 2.6 D, E, F, and G below will be repeated and incorporated into the preparation of an environmental assessment (EA) or environmental impact statement (EIS).

C. Notify the public of the intent to locate in the floodplain or wetland. The objective of public involvement is to provide sufficient information early enough in the decisionmaking process so that affected members of the public can make their concerns known and so that decisionmakers can take account of these concerns. The Bureau's primary responsibility for seeking public involvement is to involve Indian communities in Bureau decisions which affect them. The Bureau recognizes that other persons, organizations, or governmental agencies may also have concerns which should be considered in decisionmaking.

If there is a reasonable likelihood that a plan or proposed action or its alternatives will impact on a floodplain or wetlands, then it should be announced to the audience of potential impact as early as that is known, and not delayed until much more detailed information is developed. The announcement shall be accomplished through issuing a notice that an environmental assessment (EA) is being prepared on the proposed action. (See 30 BIAM Supplement 1, NEPA Handbook). The notice shall be published in local newspapers and other media in order to reach the audience of potential impact. The notice shall identify the Bureau official to contact to obtain, further information, to express concerns which should be addressed in the EA, and to otherwise contribute to the EA. If the responsible Bureau official determines that an environmental impact statement (EIS) should be prepared for the

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proposed action, notice to the public shall be provided through the notice of intent.

The responsible Bureau official shall consult with the tribal government to determine whether to hold a public meeting on the proposed action.

D. Identify and evaluate the practicable alternatives. Having determined that a proposed action is located in the base floodplain, or within a wetlands area, or that the proposed action will adversely impact floodplains or wetlands, the responsible official is required to identify and evaluate practicable alternatives. Alternatives cannot be fully evaluated until the impacts are determined pursuant to step E. Alternatives to be evaluated include the following:

(1) Alternative Sites. Alternative sites for carrying out the proposed action outside the floodplain or wetlands area must be identified and the practicability of such sites evaluated. If a practicable site exists outside the base floodplain or wetlands area, the proposed action should be located at the alternative site. Whenever a floodplain or wetlands site is the only practicable alternative, the analysis leading to this conclusion should be fully documented. In determining the practicability of a non-floodplain or non-wetlands site, the general concepts of site feasibility apply. As a minimum, site practicability shall be addressed in the light of the following:

(a) natural environment (topography, habitat, hazards, etc.)

(b) social concerns (aesthetics, historic and cultural values, land use patterns, etc.)

(c) economic aspects (cost of space, construction, services, relocation, etc.)

(d) legal constraints (deeds, leases, etc.)

(2) Alternative Actions. Alternative actions must be considered before a decision is made to carry out an action in the floodplain or in a wetlands area. These are actions that substitute for the proposed action in that they comprise new solutions or approaches which serve the same function or purpose as that proposal.

(3) No Action. No action is also an alternative, and assessment of this course is required.

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E. Determine impacts of the proposed alternative on the floodplain or wetland including any indirect support to other floodplain or wetland development.

(1) General. If it is determined that the only practicable alternative is to be located in the floodplain or in a wetlands area, the impacts of the proposed action must be identified. Similarly, where actions proposed to be located out of the floodplain or wetlands will affect the floodplain or wetlands, impacts resulting from these actions must be identified. In addition, some actions may support actions having impacts of their own and these subsequent impacts should be determined and evaluated, if possible. These actions may involve the direct support of floodplain or wetlands development (for example, the construction of an office building in a floodplain or wetlands which leads to other development such as parking lots, food service facilities, etc.) or the indirect support (for example, the construction of a road outside of the floodplain or wetlands that may encourage development within the floodplain or wetlands).

The concepts of impact assessment applicable to the National Environmental Policy Act (NEPA) and the NEPA Handbook (30 BIAM Supplement 1) are identical to those applicable to this directive. Basically, the impacts which must be addressed fall into three types:

(a) Positive and negative impacts. Example: Draining wetlands establishes an environment which is suitable for certain uses, but at the expense of the beneficial values of the wetland.

(b) Concentrated and dispersed impacts. A concentrated impact of constructing a building in a wooded area is the loss of vegetation at the site. A dispersed impact of the same action could be sedimentation downstream caused by erosion at the site.

(c) Short- and long-term impacts. Example: A short-term impact could be sedimentation at or below a construction site. A long-term impact could be the loss of valley floodwater storage resulting from the cumulative effects of floodplain management.

(2) Areas of Impact. The following describes the two areas of concern that are impacted by the occupancy and modification of floodplains and wetlands.

(a) Lives and property. After determining that a proposed action is in the floodplain; the risk to lives and property involved in using that site must be determined. The evaluator should be especially aware of high hazard or frequently flooded areas where there is the potential for great loss. Frequently, these are the areas of floodplains within which many of the most critical floodplain values are concentrated. In many cases, man's

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occupancy of these areas can increase flood heights and consequently the area subject to flooding. The procedures in this supplement must be vigorously applied to avoid these areas.

(b) Floodplain and wetlands values. Floodplains and wetlands in their natural or relatively undisturbed state have water resource values (natural moderation of floods, water quality maintenance and groundwater recharge), living resource values (fish, wildlife and plant resources), cultural resource values (open space, natural beauty, scientific study, outdoor education and recreation), and cultivated resource values (agriculture, aquaculture and forestry).

F. Determine ways to minimize the impacts and restore and preserve floodplain or wetland values. "Minimize" is a demanding standard and establishes a far more rigorous standard than other terms that are often used in similar contexts, such as alleviate (to lessen), mitigate (to moderate the severity of) and ameliorate (to improve). From the standpoint of lives and property, potential harm must be reduced to the smallest possible amount, both with respect to the proposed development and those who will use it and with respect to existing floodplain occupants and development. Similarly, from the standpoint of floodplain and wetlands values, minimization requires that harm to such values be reduced to the smallest possible amount.

"Restore" means to reestablish a setting or environment in which the natural and beneficial floodplain and wetlands values can again operate. Where floodplain and wetlands values have been degraded by past actions, measures must be identified, evaluated and implemented to restore the values deminished or lost.

"Preserve" means to prevent modification of the natural floodplain or wetlands environment, or to maintain it as closely as possible to its natural state. This term applies foremost to floodplains and wetlands showing little or no disruption by man. If an action will result in harm to or within the floodplain or wetlands area, the action must be designed or modified to assure that it will be carried out in a manner which preserves as much of the natural and beneficial floodplain and wetlands values as possible.

Although the preferred manner for meeting the intent of this manual is the avoidance of floodplain and wetlands areas, the following methods to minimize the impacts and restore and preserve floodplain or wetland values are provided:

(1) Natural Moderation of Floods.

(a) Minimize wetlands or floodplain fills and actions that require fills such as construction of dwellings, factories, highways, etc.

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(b) Require that structures and facilities on wetlands provide for adequate flow circulation.

(c) Use minimum grading requirements and save as much of the site from compaction as possible.

(d) Relocate nonconforming structures and facilities out of the floodplain.

(e) Return site to natural contours.

(f) Preserve free natural drainage when designing and constructing bridges, roads, fills, and large built-up centers.

(g) Prevent intrusion on and destruction of beach and estuarine ecosystems and restore damaged dunes and vegetation.

(2) Water Quality.

(a) Maintain wetland and floodplain vegetation buffers to reduce sedimentation and delivery of chemical pollutants to the water body.

(b) Control agricultural activities to minimize nutrient inflow.

(c) Control urban runoff, other storm water, and point and nonpoint discharges.

(d) Control methods used for grading, filling, soil removal and replacement, etc., to minimize erosion and sedimentation during construction.

(e) Prohibit the location of potential pathogenic and toxic sources on floodplains and wetlands, such as sanitary land fills and septic tanks, etc.

(3) Groundwater Recharge.

(a) Require the use of pervious surfaces where practicable.

(b) Design construction projects for runoff detention.

(c) Dispose of spoils and waste materials so as not to contaminate ground or surface water or change land contours.

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(4) Living Resources.

- (a) Identify and protect wildlife habitat and other vital ecologically sensitive areas from disruption.
- (b) Require topsoil protection programs during construction.
- (c) Control wetland drainage, channelizations, and water withdrawal.
- (d) Reestablish damaged floodplain ecosystems.
- (e) Minimize tree cutting and other vegetation removal.
- (f) Design floodgates and seawalls to allow natural tidal activity and estuarine flow.

(5) Cultural Resources.

- (a) Where appropriate provide public access to and along the waterfront for recreation, scientific study, educational instruction, etc.
- (b) Locate and preserve from harm historical and cultural resources; consult with appropriate governmental agencies or private groups. (See 30 BIAM Supplement 2, Cultural Resources).

(6) Agricultural Resources.

- (a) Minimize soil erosion on cropped areas within the floodplain.
- (b) Control use of pesticides, herbicides, and fertilizer.
- (c) Limit the size of fields, promote fence rows, shelter belts and stripcropping.
- (d) Strengthen water bank and soil bank type programs to be consistent with alternate demands for the use of agricultural land.
- (e) Minimize irrigation return flows and excessive applications of water.

(7) Aquacultural Resources.

- (a) Construct impoundments to minimize any alteration in natural drainage and flood flow. Existing natural impoundments such as oxbow lakes and sloughs could be utilized under proper management.

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(b) Limit the use of exotic species, both plant and animal, to those organisms already common to the area or those known not to compete unfavorably with existing natural populations.

(c) Discourage mechanized operations. Machinery such as dredges, weeders, and large-scale harvesting equipment may lead to environmental problems such as sediment loading to adjacent watercourses.

(8) Forestry Resources.

(a) Control the practice of clear-cutting, depending upon the species harvested, topography, and location.

(b) Complement tribal laws and any applicable state laws governing other aspects of harvest operations; proximity to watercourses, limits on road building, equipment intrusions, etc.

(c) Include fire management in any overall management plans. Selective fire use may reduce the probability of major destructive fires.

(d) Require erosion control plans on all timber allotments, roads, and skidways.

G. Reevaluate the Proposed Alternatives. For proposed actions in floodplains or wetlands, the reevaluation should consider if the action is still feasible and can satisfy the following four requirements at the proposed site:

(1) Avoid direct or indirect support of floodplain or wetlands development wherever there is a practicable alternative.

(2) Reduce the risk of flood loss.

(3) Minimize the impact of floods on human safety, health and welfare.

(4) Restore and preserve the natural and beneficial floodplain and wetlands values.

If the action is not feasible or cannot satisfy the above four requirements, consideration should be given to limiting the action to make non-floodplain or non-wetlands sites practicable. If this is not acceptable, the alternative of no action shall be considered, and should normally be chosen. If the proposed action is outside the floodplain or wetlands but has impacts which cannot be minimized, consider whether the action can be modified or relocated to eliminate or reduce the identified impacts, or if the no action alternative should be chosen. If the proposed actions is limited or modified, repeat the analysis in steps 2.6 D through G as may be appropriate. The reevaluation

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should also compare relative adverse impacts associated with alternatives located out of the floodplain or wetlands. The comparison should emphasize floodplain and wetlands values. However, a site out of the floodplain or wetlands should not be chosen if the overall harm is significantly greater than that associated with the floodplain or wetlands site.

H. Statement of Findings - Floodplains. If reevaluation results in the determination that there is no practicable alternative to locating in the floodplain, a statement of findings and public explanation must be provided for the proposed action. This explanation should clarify how any tradeoff analysis was conducted in arriving at the findings. If the environmental assessment (EA) leads to a finding of no significant impact (FONSI), the statement of findings shall be attached to the FONSI. If an EIS is prepared, the statement of findings shall be included in both the draft and final EIS.

The Commissioner of Indian Affairs is the official responsible for all statements of findings and this responsibility cannot be delegated (520 DM 1.6C(6)). Field offices will prepare statements of findings for the Commissioner's signature and will transmit them to the Environmental Services Officer, Central Office (Code 204). The written statement of findings and public explanation must include the following:

(1) A description of why the proposed action must be located in the floodplain.

(2) A description of all significant facts considered in making the determination including alternative sites and actions.

(3) A statement indicating whether the actions conform to applicable tribal, State, or local floodplain protection standards.

In addition, the statement of findings should also include:

(4) A statement indicating why the National Flood Insurance Program criteria are demonstrably inappropriate for the proposed action (Example: Marinas, piers and docks must be at the water level.)

(5) A description of how the activity will be designed or modified to minimize harm to or within the floodplain.

(6) A statement indicating how the action affects natural or beneficial floodplain values.

(7) A statement listing other involved agencies and individuals.

Notice of the decision shall be provided to the public through the NEPA process (See 30 BIAM Supplement 1, NEPA Handbook). This requires publication in

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APPENDIX A

FLOODPLAIN SERVICES AVAILABLE FROM LISTED AGENCIES
DEPARTMENT OF AGRICULTURE
Soil Conservation Service

As part of the SCS's Floodplain Management Assistance Program each State Conservationist carries out cooperative Flood Hazard Analyses upon request of local governments, in accordance with a Joint Coordination Agreement with the responsible State agency. SCS flood hazard reports contain floodplain delineations on aerial photomaps, flood profiles, and discharge and floodway data. In addition, SCS provides continuing technical assistance to local governments, after completion of a flood hazard or insurance study, to help them implement their local floodplain management program. Each SCS State Office has additional flood elevation and related floodplain data on file from Watershed Project and Resource and Conservation Development Project investigations, River Basin Surveys and detailed soil surveys. If the State or field office address is not known contact: Chief, Floodplain Management and Special Project Branch, River Basins Division, SCS; P.O. Box 2890, Washington, D. C. 20013. Telephone 202-447-7697.

DEPARTMENT OF THE ARMY
Corps of Engineers

The Corps' separately funded Floodplain Management Services Program has units in 47 District and Division offices located throughout the country which provide information and assistance in flood-related matters. They maintain a file of floodplain hydrographs. Each office provides interpretations as to flood depths, velocities and durations from existing data, develops new data through field and hydrologic studies and provides guidance on adjustments to minimize the adverse effects of floods and floodplain development. If the nearest District office address is not known, contact Chief, Floodplain Management Services (FMPS), U.S. Army Corps of Engineers, HQDA (DAEN-CWP-F), Washington, D. C. 20314, telephone 202-693-1691, or the nearest Division Office.

North Atlantic Division, New York, NY, 212 264-7483
South Atlantic Division, Atlanta, GA, 404 221-6702
Southwestern Division, Dallas, TX, 214 767-2310
South Pacific Division, San Francisco, CA, 415 556-5660
Lower Mississippi Valley Division, Vicksburg, MS., 601
636-1311 Ext. 385
Missouri River Division, Omaha, NB, 402-221-7270
Ohio River Division, Cincinnati, OH 513 684-3012
North Pacific Division Portland, OR, 503 221-3823

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New England Division, Waltham, MA, 617 894-2400 Ext. 545
Pacific Ocean Division, APO San Francisco, CA 808 438-2883
North Central Division, Chicago, Ill, 312 353-6531

DEPARTMENT OF COMMERCE
NOAA-National Weather Service

Floodplain information and interpretative assistance for specific points on larger rivers of the United States can be obtained from the National Weather Service. Information available consists of the flood stage for selected communities (the stage above which flood damage occurs), and historical flood information for that location. An annual publication entitled "River Forecasts Provided by the National Weather Service" lists the points for which data are compiled and includes the flood stage at each point and the current year's maximum stage as well as the maximum stage of record. This publication is for sale by the National Climatic Center of NOAA, Asheville, North Carolina 28801. The National Weather Service provides flood forecasts and warnings on larger rivers and provides flash flood warnings on smaller streams.

For information and assistance contact the following National Weather Service Regional Offices:

Eastern Region, Garden City, NY, 212 995-8639
Southern Region, Ft. Worth, TX, 817 334-2674
Central Region, Kansas City, MO, 816 374-3229
Western Region, Salt Lake City, UT, 801 524-5137
Alaskan Region, Anchorage, AK, 907 265-4716
Pacific Region, Honolulu, HA, 808 546-5680

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
Federal Housing Administration

The civil engineer at the 78 local or regional offices has specific knowledge of flood elevations for many urban locations and can provide knowledge of material available to assist in making a determination of floodplain location. The location of the nearest office may be obtained from one of HUD's 10 regional offices or by contacting: Federal Housing Administration, 451 7th Street, S. W., Washington, D. C. 20410. Telephone 202 755-5111.

WATER AND RELATED LAND RESOURCES
Floodplains and Wetlands

local newspapers that a decision has been made based on a FONSI or final EIS. Following publication of notice, no action shall be taken (i.e. the decision shall not be implemented) for a minimum of 15 days in the case of a FONSI and 30 days in the case of the final EIS.

I. Statement of Findings - Wetlands Not In Floodplains. If re-evaluation results in the determination that there is no practicable alternative to locating or assisting new construction in wetlands which are not in a floodplain, a similar, though less detailed, statement of findings is required. This statement shall be attached to the FONSI or included in the record of decision based on a final EIS. This statement shall also be signed by the Commissioner. Field offices will prepared this statement and transmit it to the Environmental Services Officer, Central Office (Code 204). This statement shall state that (1) there is no practicable alternative to such construction, and (2) that the proposed action includes all practicable measures to minimize harm to wetlands which may result from such use. The statement shall also briefly describe these measures.

J. Implementation. With the conclusion of the decision making process described in steps A-H, the proposed action can be implemented. However, there is a continuing responsibility for ensuring that the action is carried out in compliance with this directive. This is especially important for projects with long-term operation, maintenance and repair programs, such as reservoirs and irrigation systems.

2.7 Floodplain Posting. The conspicuous delineation of past and probable flood heights is required on property which has been or could be subjected to flooding and is used by the general public. This responsibility to post warnings applies to all types of property. This requirement will be most effective in areas experiencing rapid rates of new construction. Probable flood heights refer to the 100-year flood level and, when critical actions are involved, the 500-year flood level.

2.8 Documentation and Reporting. Area, Agency and Project offices will maintain records of specific actions under this directive for reporting purposes under Executive Order No. 11988. The Environmental Services Officer will provide reports to the Office of Environmental Project Review regarding statements of finding under section 2.6 H and I.

WATER AND RELATED LAND RESOURCES

Floodplains and Wetlands

FEDERAL EMERGENCY MANAGEMENT AGENCY
Federal Insurance Administration

Requests for insurance maps or studies should be addressed as follows:

1. FIA Mailing List. Copies of new or reviews FHBMs, FIRMS, and FIS reports are distributed upon publication to organizations on the FIA mailing list. In requesting to be added to the mailing lists, the agency should specify the number and distribution of maps required (for example, two copies of each map for Maine and New Hampshire communities to Boston regional office). Mailing list inquiries should be sent to: Engineering Division, Federal Insurance Administration, Room 5150 HUD building, 451 7th Street, S. W., Washington, D. C. 20514. Telephone: 202 755-7510.

2. Requests for a Single Map. Request(s) for a previously published FHBM or FIRM may be made by calling FIA's toll free number 800 424-8872 from outside of the Washington, D. C. area, or 755-9096 from within the Washington, D. C. area.

3. Flood Insurance Study Reports. These detailed engineering reports are distributed to those on the mailing list when a FIRM is initially published. However, because there has not been a recurring demand for this information, FIA does not have a system for supplying copies to interested organizations at a later date. Copies are available at: (1) FIA's Engineering Division (address above); (2) FIA Regional Offices (see list below) and (3) Chief Executive Officer of the local community within which the action is proposed to be carried out.

Region I - Boston, 617 223-2616
Region II - New York City 212 264-4734
Region III - Philadelphia, 215 597-9581
Region IV - Atlanta, 404 257-2391
Region V - Chicago, 312 353-0757
Region VI - Dallas, 214 749-7412
Region VII - Kansas City, 816 374-2161
Region VIII - Denver, 303 837-5041
Region IX - San Francisco, 415 556-3543
Region X - Seattle, 206 442-1026

Requests for floodplain management services, and a list of experienced consulting engineers may be obtained from the Director, Floodplain Management Division, Federal Insurance Administration, 415 7th Street, S. W., Washington, D. C. 20410. Telephone: 202 426-1891

WATER AND RELATED LAND RESOURCES
Floodplains and Wetlands

DEPARTMENT OF THE INTERIOR
Geological Survey

User Assistance Centers at 48 locations can provide (a) factual information on flood peaks and discharges, flood depths and velocities, profiles of the water surface during major floods, areas inundated during major floods, time-of-travel of flood wave, and sediment transport data; (b) interpretive information regarding flood-frequency relations, estimates of 10-, 50-, 100-, and 500 years flood discharges, computed water surface profiles, and flood-prone areas delineated on topographic maps, in most communities in the United States with known flood problems; and (c) assistance in minimizing flood losses by quickly identifying areas of potential flood hazards. If the User Assistance Center address is not known contact: Chief, Surface Water Branch, Water Resources Division, U. S. Geological Survey, National Center, Reston, VA 22092. Telephone: 703 860-6837

Bureau of Land Management

The Bureau of Land Management (BLM) has District Offices located in the Western States and Alaska involved in land use planning for public lands. Floodplain protection and flood prevention is a significant element in the BLM planning system, and each District Office maintains a file of existing floodplain maps which are available for public inspection. If the location of the District Office is not known, contact: Bureau of Land Management, U. S. Department of the Interior, 18th & C Street, N. W., Washington, D. C. 20240. Telephone: 202 343-5717

Water and Power Resources Service
(former Bureau of Reclamation)

The flood hydrologist at the seven regional offices has knowledge of flooding and flood elevation for related locations associated with Service projects and can provide interpretive assistance for existing data. For information contact one of the seven regional or nearby project offices or the Flood Hydrology Section, U. S. Water and Power Resources Service, P. O. Box 25007, Denver Federal Center, Denver, CO. 80225. Telephone: 303 234-2035

Fish and Wildlife Service

The Fish and Wildlife Service provides expertise on questions relating to fish, wildlife, and habitat resource, preservation, and maintenance. It functions through six regional, area and field offices. For information contact any of these offices, or the Fish and Wildlife Service, U. S. Department of the Interior, 18th & C Street, N. W., Washington, D. C. 20240. Telephone: 202 343-5715

WATER AND RELATED LAND RESOURCES
Floodplains and Wetlands

TRIBAL AGENCIES

Tribal agencies, especially planning agencies, may have acquired information on floodplains and wetlands in connection with assistance provided by other Federal agencies.

STATES

Many (but not all) States have active floodplain management programs. They have on file or access to most floodplain information generated by Federal and State agencies, regional organizations, special districts and private consultants. State agencies are usually staffed and funded to: (1) coordinate floodplain management activities; (2) develop minimum standards for floodplain regulations; (3) assist local units of government (counties, cities, etc.) in developing floodplain management programs; and (4) interpret available floodplain information. For most States, the appropriate contact is the Department of Natural Resources or the Water Resources Division. At the substate level, regional agencies such as conservancy districts and multi-county planning agencies may be a source of floodplain data and interpretation.

WATER AND RELATED LAND RESOURCES

Floodplains and Wetlands

Executive Order 11988

May 24, 1977

Floodplain Management

By virtue of the authority vested in me by the Constitution and statutes of the United States of America, and as President of the United States of America, in furtherance of the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321 *et seq.*), the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4001 *et seq.*), and the Flood Disaster Protection Act of 1973 (Public Law 93-234, 87 Stat. 975), in order to avoid to the extent possible the long and short term adverse impacts associated with the occupancy and modification of floodplains and to avoid direct or indirect support of floodplain development wherever there is a practicable alternative, it is hereby ordered as follows:

SECTION 1. Each agency shall provide leadership and shall take action to reduce the risk of flood loss, to minimize the impact of floods on human safety, health and welfare, and to restore and preserve the natural and beneficial values served by floodplains in carrying out its responsibilities for (1) acquiring, managing, and disposing of Federal lands and facilities; (2) providing Federally undertaken, financed, or assisted construction and improvements; and (3) conducting Federal activities and programs affecting land use, including but not limited to water and related land resources planning, regulating, and licensing activities.

SEC. 2. In carrying out the activities described in Section 1 of this Order, each agency has a responsibility to evaluate the potential effects of any actions it may take in a floodplain; to ensure that its planning programs and budget requests reflect consideration of flood hazards and floodplain management; and to prescribe procedures to implement the policies and requirements of this Order, as follows:

(a)(1) Before taking an action, each agency shall determine whether the proposed action will occur in a floodplain—for major Federal actions significantly affecting the quality of the human environment, the evaluation required below will be included in any statement prepared under Section 102(2)(C) of the National Environmental Policy Act. This determination shall be made according to a Department of Housing and Urban Development (HUD) floodplain map or a more detailed map of an area, if available. If such maps are not available, the agency shall make a determination of the location of the floodplain based on the best available information. The Water Resources Council shall issue guidance on this information not later than October 1, 1977.

(2) If an agency has determined to, or proposes to, conduct, support, or allow an action to be located in a floodplain, the agency shall consider alternatives to avoid adverse effects and incompatible development in the floodplains. If the head of the agency finds that the only practicable alternative consistent with the law and with the policy set forth in this Order requires siting in a floodplain, the agency shall, prior to taking action, (i) design or modify its action in order to minimize potential harm to or within the floodplain, consistent with regulations issued in accord with Section 2(d) of this Order, and (ii) prepare and circulate a notice containing an explanation of why the action is proposed to be located in the floodplain.

(3) For programs subject to the Office of Management and Budget Circular A-95, the agency shall send the notice, not to exceed three pages in length including a location map, to the state and area-wide A-95 clearinghouses for the geographic areas affected. The notice shall include: (i) the reasons why the action is proposed to be located in a floodplain; (ii) a statement indicating whether the action conforms to applicable state or local floodplain protection standards and (iii) a list of the alternatives considered. Agencies shall endeavor to allow a brief comment period prior to taking any action.

WATER AND RELATED LAND RESOURCES
Floodplains and Wetlands

(4) Each agency shall also provide opportunity for early public review of any plans or proposals for actions in floodplains, in accordance with Section 2(b) of Executive Order No. 11514, as amended, including the development of procedures to accomplish this objective for Federal actions whose impact is not significant enough to require the preparation of an environmental impact statement under Section 102(2)(C) of the National Environmental Policy Act of 1969, as amended.

(b) Any requests for new authorizations or appropriations transmitted to the Office of Management and Budget shall indicate, if an action to be proposed will be located in a floodplain, whether the proposed action is in accord with this Order.

(c) Each agency shall take floodplain management into account when formulating or evaluating any water and land use plans and shall require land and water resources use appropriate to the degree of hazard involved. Agencies shall include adequate provision for the evaluation and consideration of flood hazards in the regulations and operating procedures for the licenses, permits, loan or grants-in-aid programs that they administer. Agencies shall also encourage and provide appropriate guidance to applicants to evaluate the effects of their proposals in floodplains prior to submitting applications for Federal licenses, permits, loans or grants.

(d) As allowed by law, each agency shall issue or amend existing regulations and procedures within one year to comply with this Order. These procedures shall incorporate the Unified National Program for Floodplain Management of the Water Resources Council, and shall explain the means that the agency will employ to pursue the nonhazardous use of riverine, coastal and other floodplains in connection with the activities under its authority. To the extent possible, existing processes, such as those of the Council on Environmental Quality and the Water Resources Council, shall be utilized to fulfill the requirements of this Order. Agencies shall prepare their procedures in consultation with the Water Resources Council, the Federal Insurance Administration, and the Council on Environmental Quality, and shall update such procedures as necessary.

Sec. 3. In addition to the requirements of Section 2, agencies with responsibilities for Federal real property and facilities shall take the following measures:

(a) The regulations and procedures established under Section 2(d) of this Order shall, at a minimum, require the construction of Federal structures and facilities to be in accordance with the standards and criteria and to be consistent with the intent of those promulgated under the National Flood Insurance Program. They shall deviate only to the extent that the standards of the Flood Insurance Program are demonstrably inappropriate for a given type of structure or facility.

(b) If, after compliance with the requirements of this Order, new construction of structures or facilities are to be located in a floodplain, accepted floodproofing and other flood protection measures shall be applied to new construction or rehabilitation. To achieve flood protection, agencies shall, wherever practicable, elevate structures above the base flood level rather than filling in land.

(c) If property used by the general public has suffered flood damage or is located in an identified flood hazard area, the responsible agency shall provide on structures, and other places where appropriate, conspicuous delineation of past and probable flood height in order to enhance public awareness of and knowledge about flood hazards.

(d) When property in floodplains is proposed for lease, easement, right-of-way, or disposal to non-Federal public or private parties, the Federal agency shall (1) reference in the conveyance those uses that are restricted under identified Federal, State or local floodplain regulations; and (2) attach other appropriate restrictions to the uses of properties by the grantee or purchaser and any successors, except where prohibited by law; or (3) withhold such properties from conveyance.

WATER AND RELATED LAND RESOURCES
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SEC. 4. In addition to any responsibilities under this Order and Sections 202 and 205 of the Flood Disaster Protection Act of 1973, as amended (42 U.S.C. 4106 and 4128), agencies which guarantee, approve, regulate, or insure any financial transaction which is related to an area located in a floodplain shall, prior to completing action on such transaction, inform any private parties participating in the transaction of the hazards of locating structures in the floodplain.

SEC. 5. The head of each agency shall submit a report to the Council on Environmental Quality and to the Water Resources Council on June 30, 1978, regarding the status of their procedures and the impact of this Order on the agency's operations. Thereafter, the Water Resources Council shall periodically evaluate agency procedures and their effectiveness.

SEC. 6. As used in this Order:

(a) The term "agency" shall have the same meaning as the term "Executive agency" in Section 105 of Title 5 of the United States Code and shall include the military departments; the directives contained in this Order, however, are meant to apply only to those agencies which perform the activities described in Section 1 which are located in or affecting floodplains.

(b) The term "base flood" shall mean that flood which has a one percent or greater chance of occurrence in any given year.

(c) The term "floodplain" shall mean the lowland and relatively flat areas adjoining inland and coastal waters including floodprone areas of offshore islands, including at a minimum, that area subject to a one percent or greater chance of flooding in any given year.

SEC. 7. Executive Order No. 11296 of August 10, 1966, is hereby revoked. All actions, procedures, and issuances taken under that Order and still in effect shall remain in effect until modified by appropriate authority under the terms of this Order.

SEC. 8. Nothing in this Order shall apply to assistance provided for emergency work essential to save lives and protect property and public health and safety, performed pursuant to Sections 305 and 306 of the Disaster Relief Act of 1974 (88 Stat. 148, 42 U.S.C. 5145 and 5146).

SEC. 9. To the extent the provisions of Section 2(a) of this Order are applicable to projects covered by Section 104(h) of the Housing and Community Development Act of 1974, as amended (88 Stat. 640, 42 U.S.C. 5304(h)), the responsibilities under those provisions may be assumed by the appropriate applicant, if the applicant has also assumed, with respect to such projects, all of the responsibilities for environmental review, decisionmaking, and action pursuant to the National Environmental Policy Act of 1969, as amended.

JIMMY CARTER

THE WHITE HOUSE,
May 24, 1977.

WATER AND RELATED LAND RESOURCES
Floodplains and Wetlands

Executive Order 11990

May 24, 1977

Protection of Wetlands

By virtue of the authority vested in me by the Constitution and statutes of the United States of America, and as President of the United States of America, in furtherance of the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321 *et seq.*), in order to avoid to the extent possible the long and short term adverse impacts associated with the destruction or modification of wetlands and to avoid direct or indirect support of new construction in wetlands wherever there is a practicable alternative, it is hereby ordered as follows:

SECTION 1. (a) Each agency shall provide leadership and shall take action to minimize the destruction, loss or degradation of wetlands, and to preserve and enhance the natural and beneficial values of wetlands in carrying out the agency's responsibilities for (1) acquiring, managing, and disposing of Federal lands and facilities; and (2) providing Federally undertaken, financed, or assisted construction and improvements; and (3) conducting Federal activities and programs affecting land use, including but not limited to water and related land resources planning, regulating, and licensing activities.

(b) This Order does not apply to the issuance by Federal agencies of permits, licenses, or allocations to private parties for activities involving wetlands on non-Federal property.

SEC. 2. (a) In furtherance of Section 101(b)(3) of the National Environmental Policy Act of 1969 (42 U.S.C. 4331(b)(3)) to improve and coordinate Federal plans, functions, programs and resources to the end that the Nation may attain the widest range of beneficial uses of the environment without degradation and risk to health or safety, each agency, to the extent permitted by law, shall avoid undertaking or providing assistance for new construction located in wetlands unless the head of the agency finds (1) that there is no practicable alternative to such construction, and (2) that the proposed action includes all practicable measures to minimize harm to wetlands which may result from such use. In making this finding the head of the agency may take into account economic, environmental and other pertinent factors.

(b) Each agency shall also provide opportunity for early public review of any plans or proposals for new construction in wetlands, in accordance with Section 2(b) of Executive Order No. 11514, as amended, including the development of procedures to accomplish this objective for Federal actions whose impact is not significant enough to require the preparation of an environmental impact statement under Section 102(2)(C) of the National Environmental Policy Act of 1969, as amended.

SEC. 3. Any requests for new authorizations or appropriations transmitted to the Office of Management and Budget shall indicate, if an action to be proposed will be located in wetlands, whether the proposed action is in accord with this Order.

SEC. 4. When Federally-owned wetlands or portions of wetlands are proposed for lease, easement, right-of-way or disposal to non-Federal public or private parties, the Federal agency shall (a) reference in the conveyance those uses that are restricted under identified Federal, State or local wetlands regulations; and (b) attach other appropriate restrictions to the uses of properties by the grantee or purchaser and any successor, except where prohibited by law; or (c) withhold such properties from disposal.

WATER AND RELATED LAND RESOURCES
Floodplains and Wetlands

SEC. 5. In carrying out the activities described in Section 1 of this Order, each agency shall consider factors relevant to a proposal's effect on the survival and quality of the wetlands. Among these factors are:

- (a) public health, safety, and welfare, including water supply, quality, recharge and discharge; pollution; flood and storm hazards; and sediment and erosion;
- (b) maintenance of natural systems, including conservation and long term productivity of existing flora and fauna, species and habitat diversity and stability, hydrologic utility, fish, wildlife, timber, and food and fiber resources; and
- (c) other uses of wetlands in the public interest, including recreational, scientific, and cultural uses.

SEC. 6. As allowed by law, agencies shall issue or amend their existing procedures in order to comply with this Order. To the extent possible, existing processes, such as those of the Council on Environmental Quality and the Water Resources Council, shall be utilized to fulfill the requirements of this Order.

SEC. 7. As used in this Order:

(a) The term "agency" shall have the same meaning as the term "Executive agency" in Section 105 of Title 5 of the United States Code and shall include the military departments; the directives contained in this Order, however, are meant to apply only to those agencies which perform the activities described in Section 1 which are located in or affecting wetlands.

(b) The term "new construction" shall include draining, dredging, channelizing, filling, diking, impounding, and related activities and any structures or facilities begun or authorized after the effective date of this Order.

(c) The term "wetlands" means those areas that are inundated by surface or ground water with a frequency sufficient to support and under normal circumstances does or would support a prevalence of vegetative or aquatic life that requires saturated or seasonally saturated soil conditions for growth and reproduction. Wetlands generally include swamps, marshes, bogs, and similar areas such as sloughs, potholes, wet meadows, river overflows, mud flats, and natural ponds.

SEC. 8. This Order does not apply to projects presently under construction, or to projects for which all of the funds have been appropriated through Fiscal Year 1977, or to projects and programs for which a draft or final environmental impact statement will be filed prior to October 1, 1977. The provisions of Section 2 of this Order shall be implemented by each agency not later than October 1, 1977.

SEC. 9. Nothing in this Order shall apply to assistance provided for emergency work, essential to save lives and protect property and public health and safety, performed pursuant to Sections 305 and 306 of the Disaster Relief Act of 1974 (88 Stat. 148, 42 U.S.C. 5145 and 5146).

SEC. 10. To the extent the provisions of Sections 2 and 5 of this Order are applicable to projects covered by Section 104(h) of the Housing and Community Development Act of 1974, as amended (88 Stat. 640, 42 U.S.C. 5304(h)), the responsibilities under those provisions may be assumed by the appropriate applicant, if the applicant has also assumed, with respect to such projects, all of the responsibilities for environmental review, decisionmaking, and action pursuant to the National Environmental Policy Act of 1969, as amended.

JIMMY CARTER

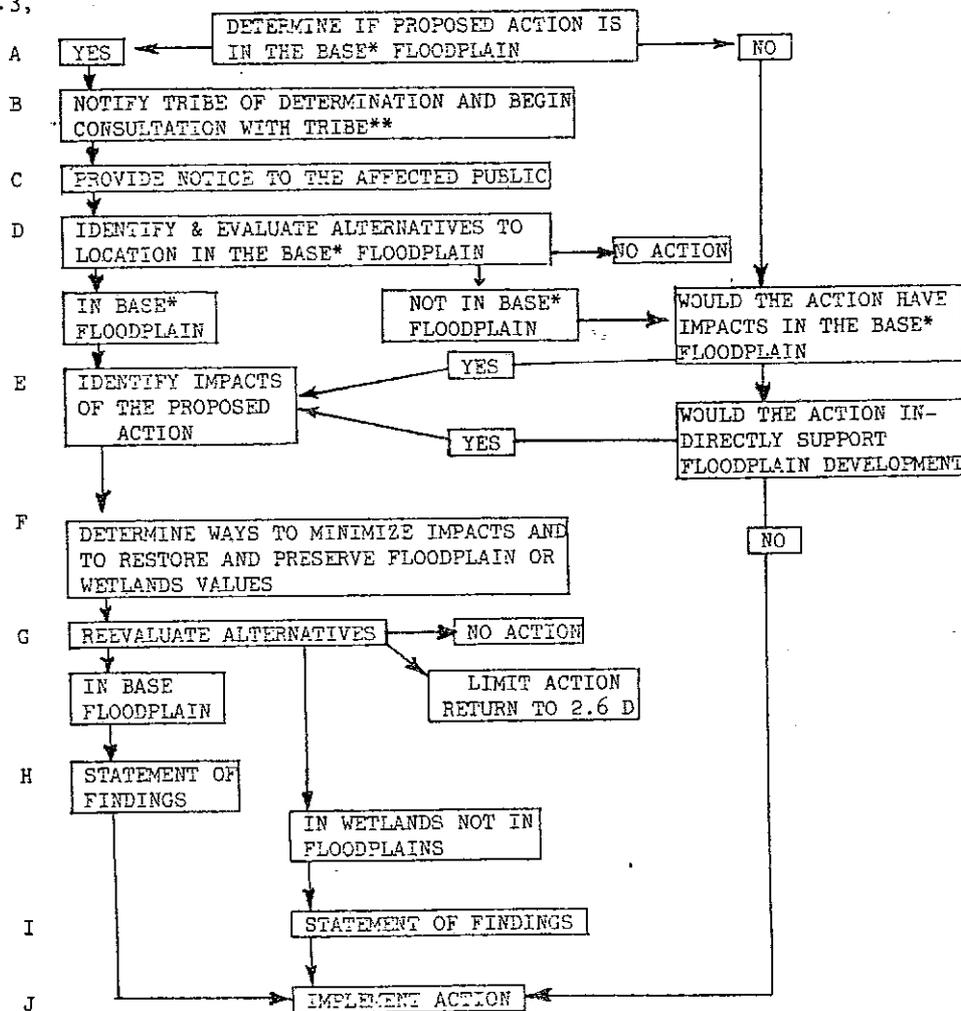
THE WHITE HOUSE,
May 24, 1977.

WATER AND RELATED LAND RESOURCES
Floodplains and Wetlands

Bureau of Indian Affairs

Decisionmaking Process for Floodplain Management
and Wetlands Protection

Citation
30 EIAM, Supp.3,
section 2.6:



* FOR CRITICAL ACTIONS SUBSTITUTE "500 YEAR" FOR "BASE".

** AT OPTION OF TRIBE, CONSULTATION MAY PROCEED THROUGH STEP 2.6G PRIOR TO PROVIDING NOTICE PURSUANT TO 2.6C. IF THIS IS DONE, ANALYSIS IN STEPS 2.6D THROUGH G MUST BE REPEATED WITH OPPORTUNITIES FOR PUBLIC INPUT.

