

ES&H RESPONSIBILITIES

DATE: 10/29/2008

SUBJECT: FLOODPLAIN AND WETLAND COMPLIANCE PROGRAM

1. PURPOSE. This document addresses responsibility and accountability for the Floodplain and Wetland Compliance Program to Oak Ridge Office (ORO).
2. APPLICABILITY. The provisions of this document apply to ORO Principal Staff.
3. RESPONSIBILITIES.
 - a. National Environmental Policy Act (NEPA) Compliance Officer (NCO).
 - (1) Approves Notices of Involvement (NOI) and Statements of Findings (SOF).
 - (2) Transmits NOI and SOF to DOE Headquarters for publication in the Federal Register if action is of national concern.
 - (3) Approves wetland/floodplain assessments, usually in conjunction with concurrence on a NEPA document.
 - b. NEPA Document Manager (NDM) or Contracting Officer's Representative.
 - (1) Interfaces with contractors to have the NOI, wetland/floodplain assessment, and SOF prepared.
 - (2) Reviews the NOI, wetland/floodplain assessment, and SOF for required information and interfaces with contractors to have any necessary revisions made.
 - (3) Transmits the NOI, wetland/floodplain assessment, and SOF to the NCO.
 - c. Office of Chief Counsel.
 - (1) Concurs on NOI and SOF for publication in the Federal Register or local media.
 - (2) Concurs on wetland/floodplain assessments usually in conjunction with a NEPA document.
4. REFERENCES.
 - a. National Environmental Policy Act of 1969 (PL 91-190). Requires Federal agencies to consider environmental effects in the decision-making process.
 - b. Executive Order 11988 (1977). Requires Federal agencies 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.
 - c. Executive Order 11990 (1977). Requires Federal agencies 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.

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- d. Memorandum, Carol M. Borgstrom, EH-25, to Distribution, subject: Procedures for Compliance with Floodplain/Wetlands Environmental Review Requirements (10 CFR Part 1022), dated October 16, 1992, (modified September 1994). Informs all DOE facilities and programs managers of recommended models of documents for use in implementing 10 CFR 1022.
 - e. Implementing Regulations. 10 CFR 1022, Compliance with Floodplain and Wetland Environmental Review Requirements, available online at the US Government Printing Office Web Site (<http://www.access.gpo.gov/nara/cfr/index.html>).
5. DEFINITIONS. See 10 CFR 1022, Section 1022.4, for definitions (see Web Site in paragraph 4e above).