



DEPARTMENT OF THE ARMY

U.S. Army Corps of Engineers
WASHINGTON, D.C. 20314-1000

REPLY TO
ATTENTION OF:

CECW-PD

02 MAR 2001

MEMORANDUM FOR MAJOR SUBORDINATE COMMANDS AND DISTRICT
COMMANDS

SUBJECT: Implementation of Section 209, Floodplain Management Requirements, of
the Water Resources Development Act of 2000 (WRDA 2000)

1. Section 209, Floodplain Management Plans, of the Water Resources Development Act of 2000, amends Section 402(c) of WRDA 1986. This provision adds a requirement to address, as part of the floodplain management plan, those measures to be undertaken by non-Federal interests to preserve the level of flood protection provided by the project. A copy of the law, as amended, is included in Enclosure 1.
2. The requirement to include measures to preserve the level of flood protection provided by the project is consistent with our existing policy found in Policy Guidance Letter (PGL) No. 52, Flood Plain Management Plans, 8 December 1997. Thus, this PGL remains in effect. However, to insure that the non-Federal interests are aware of this specific requirement, the model Project Cooperation Agreement will be modified to reflect this change. A copy of that language is provided in Enclosure 2 for your information.
3. In addition, and in keeping with PGL 52, you should encourage non-Federal interests to develop the floodplain management plan as part of the cost-shared feasibility study. This should ensure that the requirement for preparation of a floodplain management plan is met, and that the plan contains the necessary measures to ensure that the level of protection of the project is preserved.

FOR THE COMMANDER:

Encls

JAMES F. JOHNSON
Chief, Planning and Policy Division
Directorate of Civil Works

DISTRIBUTION: See next page.

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SUBJECT: Implementation of Section 209, Floodplain Management Requirements, of the Water Resources Development Act of 2000 (WRDA 2000)

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*69407 33 U.S.C.A. § 701b-12

UNITED STATES CODE
ANNOTATED
TITLE 33. NAVIGATION AND
NAVIGABLE WATERS
CHAPTER 15—FLOOD CONTROL

*Current through p.l. 106-541, APPROVED
12-11-2000*

§ 701b-12. Floodplain management
requirements

(a) Compliance with floodplain
management and insurance programs

Before construction of any project for local flood protection, or any project for hurricane or storm damage reduction, that involves Federal assistance from the Secretary, the non-federal interest shall agree to participate in and comply with applicable Federal floodplain management and flood insurance programs.

(b) Floodplain management plans

Within 1 year after the date of signing a project cooperation agreement for construction of a project to which subsection (a) of this section applies, the non-Federal interest shall prepare a floodplain management plan designed to reduce the impacts of future flood events in the project area. Such plan shall be implemented by the non-federal interest not later than 1 year after completion of construction of the project.

(c) Guidelines

(1) In general

The Secretary shall develop guidelines for preparation of floodplain management plans by non-Federal interest under subsection (b) of this section.

(2) Required Elements

The guidelines developed under paragraph (1) shall (A) address potential measures, practices, and policies to be undertaken by non-Federal interests to reduce loss of life, injuries, damages to property and facilities, public expenditures, and other adverse impacts associated with flooding and to preserve and enhance natural floodplain values; and (B) address those measures to be undertaken by non-Federal interests to preserve the level of flood protection provided by a project to which subsection (a) applies.

(3) Limitation on statutory
construction

Nothing in this subsection shall be construed to confer any regulatory authority upon the Secretary or the Director of the Federal Emergency Management agency.

(d) Technical support

The Secretary may provide technical support to a non-Federal interest for a project to which subsection (a) of this section applies for the development and implementation of plans prepared under subsection (b) of this section.

CREDIT (S)

2000 Electronic Update

(pub.L. 99-662, title IV, § 402, Nov. 17, 1986, 100 Stat. 4133; Pub. L. 100-676, § 14, Nov. 17, 1988, 102 Stat. 4026; Pub. L. 104-303, title II, § 202(e)(1), Oct. 12, 1996, 110 Stat. 3674.)

[FN1] So in original. Probably should be "floodplain".

, General Materials (GM) – References,
Annotations, or Tables>

*69408

HISTORICAL NOTES

HISTORICAL AND STATUTORY NOTES

Legislative History

For Legislative history and purpose of Pub.L. 99-663,
see 1986 U.S. Code and Adm. News, P. 6639

1996 Amendments

Subsec. (a). Pub.L. 104-303, § 202(c)(1), designated
existing provisions subsec. (a) and as designated
inserted "that involves Federal assistance from
Secretary," preceding "the non-Federal interest..

Subsecs. (b) to (d). Pub.L. 104-303, § 202(c) (1),
added subsecs. (b) to (d).

MODEL PROJECT COOPERATION AGREEMENT

Language to be added, to implement Section 209 of WRDA 2000:

"The Non-Federal Sponsor shall comply with Section 402 of the Water Resources Development Act of 1986, as amended (33 U.S.C. 701b-12), which requires a Non-Federal interest to have prepared within one year after the date of signing this Agreement, a floodplain management plan. The plan shall be designed to reduce the impacts of future flood events in the project area, including but not limited to, addressing those measures to be undertaken by Non-Federal interests to preserve the level of flood protection provided by this Project. As required by Section 402, as amended, the Non-Federal sponsor shall implement such plan not later than one year after completion of construction of the Project. The Non-Federal Sponsor shall provide an information copy of the plan to the Government upon its preparation."

ENCLOSURE 2