

November 12, 1998

Re: Call-in Technical Inquiry 0392 – Blanket Floodplain Waivers

Dear NEPA User:

This letter is in response to your August 25, 1998, inquiry asking if the Regional Administrator (RA) has the authority to sign a blanket floodplain waiver in your region.

SUMMARY OF FINDINGS

Blanket floodplain waivers can no longer be used by GSA and so the signatory would be a moot point. Each GSA action involving floodplains must now be reviewed on a case-by-case basis. The proper review process is outlined in the NEPA Call-In Factsheet, 'When Siting in a Floodplain is the Only Practicable Alternative.' NEPA Call-In's detailed findings are provided below.

DETAILED FINDINGS

NEPA Call-In has previously fielded Technical Inquiries (TI)-007A, January 29, 1997, and TIs-0096/0096B, September 8, 1997 pertaining to the subject of blanket floodplain waivers. NEPA Call-In found the memoranda 'Procedures for Blanket Floodplain Waivers, ' and 'Floodplain Waivers: Proper Documentation and Processing Procedures and GSA Policy on Blanket Waivers' are no longer valid, and have not been incorporated into official GSA guidance.

These memoranda were originally approved by the Federal Emergency Management Agency (FEMA), but expired in 1992 and were not renewed by FEMA, therefore, blanket floodplain waivers can no longer be used by GSA. FEMA concluded that blanket floodplain waivers are in violation of Executive Order (EO) 11988 and GSA's Office of General Counsel concurred. However, GSA may site activities in floodplains provided it follows the procedures given in GSA ADM 1095.2, 'Consideration of floodplains and wetlands in decisionmaking,' and EO 11988.

Each GSA action involving floodplains must be reviewed on a case-by-case basis. The proper review process is outlined in the NEPA Call-In Factsheet, 'When Siting in a Floodplain is the Only Practicable Alternative.' You stated you have a copy of this factsheet.

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Sincerely,

(Original Signed)

NEPA Call-In Researcher