§ 9.18 Responsibilities.

(a) Regional Administrators' responsibilities. Regional Administrators shall, for all actions falling within their respective jurisdictions:

(1) Implement the requirements of the Orders and this regulation. Anywhere in §§9.2, 9.6 through 9.13, and 9.15 where a direction is given to the Agency, it is the responsibility of the Regional Administrator.

(2) Consult with the Chief Counsel regarding any question of interpretation concerning this regulation or the Orders.

(b) The Heads of the Offices, Directorates and Administrations of FEMA shall:

(1) Implement the requirements of the Orders and this regulation. When a decision of a Regional Administrator relating to disaster assistance is appealed, the Assistant Administrator for Mitigation may make determinations under these regulations on behalf of the Agency.

(2) Prepare and submit to the Office of Chief Counsel reports to the Office of Management and Budget in accordance with section 2(b) of E.O. 11988 and section 3 of E.O. 11990. If a proposed action is to be located in a floodplain or wetland, any requests to the Office of Management and Budget for new authorizations or appropriations shall be accompanied by a report indicating whether the proposed action is in accord with the Orders and these regulations.


APPENDIX A TO PART 9—DECISION-MAKING PROCESS FOR E.O. 11988

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**STEPS**

1. **DETERMINE IF PROPOSED ACTION IS IN THE BASE FLOODPLAIN**
   - YES: \[**\]
   - NO: \[NO\]

2. **EARLY PUBLIC REVIEW**
   - \[NO ACTION\]

3. **IDENTIFY & EVALUATE ALTERNATIVES TO LOCATING IN THE BASE FLOODPLAIN**
   - \[NO ACTION\]
   - IN THE BASE FLOODPLAIN
   - NOT IN BASE FLOODPLAIN

4. **IDENTIFY IMPACTS OF PROPOSED ACTION**
   - \[DOES THE ACTION HAVE IMPACTS IN THE BASE FLOODPLAIN?\]
   - \[YES\]
   - \[NO\]

5. **MINIMIZE, RESTORE AND PRESERVE**
   - \[NO ACTION\]

6. **RE_EVALUATE ALTERNATIVES**
   - \[NO ACTION\]
   - IN THE BASE FLOODPLAIN

7. **FINDINGS AND PUBLIC EXPLANATION**
   - \[IMPLEMENT ACTION\]

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* FOR CRITICAL ACTIONS SUBSTITUTE "500 YEAR" FOR "BASE" AND FOR WETLANDS DELETE "BASE FLOODPLAIN" AND SUBSTITUTE "WETLANDS".

** FOR WETLANDS "ACTION" INCLUDES "NEW CONSTRUCTION" ONLY.
PART 10—ENVIRONMENTAL CONSIDERATIONS

Subpart A—General

Sec.

10.1 Background and purpose.

10.2 Applicability and scope.

10.3 Definitions.

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Subpart B—Agency Implementing Procedures

10.5 Responsibilities.

10.6 Making or amending policy.

10.7 Planning.

10.8 Determination of requirement for environmental review.

10.9 Preparation of environmental assessments.

10.10 Preparation of environmental impact statements.

10.11 Environmental information.

10.12 Pre-implementation actions.

10.13 Emergencies.

10.14 Flood plains and wetlands.


SOURCE: 45 FR 41142, June 18, 1980, unless otherwise noted.

Subpart A—General

§ 10.1 Background and purpose.

(a) This part implements the Council on Environmental Quality (CEQ) regulations (National Environmental Policy Act Regulations, 43 FR 55978 (1978)) and provides policy and procedures to enable Federal Emergency Management Agency (FEMA) officials to be informed of and take into account environmental considerations when authorizing or approving major FEMA actions that significantly affect the environment in the United States. The Council on Environmental Quality Regulations implement the procedural provisions, section 102(2), of the National Environmental Policy Act of 1969, as amended (hereinafter NEPA) (Pub. L. 91–190, 42 U.S.C. 4321 et seq.), and Executive Order 11991, 42 FR 26967 (1977).

(b) Section 1507.3, Council on Environmental Quality Regulations (National Environmental Policy Act Regulations, 43 FR 55978 (1978)) directs that Federal agencies shall adopt procedures to supplement the CEQ regulations. This regulation provides detailed FEMA implementing procedures to supplement the CEQ regulations.

(c) The provisions of this part must be read together with those of the CEQ regulations and NEPA as a whole when applying the NEPA process.

§ 10.2 Applicability and scope.

The provisions of this part apply to the Federal Emergency Management Agency, (hereinafter referred to as FEMA) including any office or administration of FEMA, and the FEMA regional offices.

§ 10.3 Definitions.

(a) Regional Administrator means the Regional Administrator of the Federal Emergency Management Agency for the region in which FEMA is acting.

(b) The other terms used in this part are defined in the CEQ regulations (40 CFR part 1508).

(c) Environmental Officer means the Director, Office of Environmental Planning and Historic Preservation, Mitigation Directorate, or his or her designee.

§ 10.4 Policy.

(a) FEMA shall act with care to assure that, in carrying out its responsibilities, including disaster planning, response and recovery and hazard mitigation and flood insurance, it does so in a manner consistent with national environmental policies. Care shall be taken to assure, consistent with other considerations of national policy, that all practical means and measures are used to protect, restore, and enhance the quality of the environment, to avoid or minimize adverse environmental consequences, and to attain the objectives of:

(1) Achieving use of the environment without degradation, or undesirable and unintended consequences;