the widest range of beneficial uses of
the environment without degradation
or risk to health and safety.

§ 725.3 Applicability.

These regulations apply to all Coun-
cil actions which have the potential to
affect floodplains or wetlands or which
would be subject to potential harm if
they were located in floodplains or wet-
lands. The basic test of the potential of
an action to affect floodplains or wet-
lands is the action’s potential to result
in the long- or short-term adverse im-
pacts associated with:
(a) The occupancy or modification of
floodplains, or the direct and indirect
support of floodplain development; or
(b) The destruction or modification
of wetlands or the direct or indirect
support of new construction in wet-
lands.

These procedures apply to Level A and
B regional or river basin planning ac-
tivities carried out by regional plan-
ning sponsors including consideration
of inclusion of site specific projects in
Level A or B regional or river basin
plans. These procedures do not apply to
site specific Level C planning carried
out by individual Federal agencies.
Each Federal agency shall use its own
procedures promulgated pursuant to
these Orders for such Level C planning.

§ 725.4 Definitions.

The following definitions shall apply
throughout this regulation:
(a) All definitions from section 6 of
E.O. 11988 (42 FR 26951); all definitions
from section 7 of E.O. 11990 (42 FR
26951); and all definitions listed in the
Glossary of the Council’s Floodplain
Management Guidelines for Imple-
menting E.O. 11988 (43 FR 6030) from
the term base flood through the term
structures.

(b) Action means all Council activi-
ties including but not limited to plan
review, study preparation, preparation
and modifications to the Council’s
Principles, Standards and Procedures
(P,S,&P), provision of financial assist-
ance for State, regional, and river
basin planning and reviews of compli-
ance.
(c) Council means the U.S. Water Re-

§ 725.7

(d) Enhance means to increase,
heighten, or improve the natural and
beneficial values associated with wet-
lands.

(e) Regional planning sponsors means
Federal agencies, states, groups of
States, river basin commissions, inter-
state compact commissions and inter-
agency committees.

Subpart B—Responsibilities

§ 725.5 Council studies.

All studies and appraisals performed
by the Council pursuant to section 102
of Pub. L. 89–80 and any recommenda-
tions based on these activities shall in-
clude specific analyses for reflection of
and opportunities to meet the objec-
tives of E.O. 11988 and E.O. 11990. The
Council’s Floodplain Management
Guidelines (43 FR 6030), E.O. 11988 and
E.O. 11990 provide the basic evaluation
tools for these analyses.

§ 725.6 Principles, standards and pro-
cedures.

The Principles, Standards and Proce-
dures established by the Council pursu-
ant to section 103 of Pub. L. 89–80 shall
reflect the provisions of the Executive
Orders. These Principles, Standards
and Procedures are found in 18 CFR
parts 710 through 717.

§ 725.7 Regional or river basin plan-
ning.

(a) In agreements between river basin
commissions or other regional planning
sponsors and the Council for the
preparation and revision of regional
and river basin Level B Studies and re-

dional water resource management
plans, the responsible official rep-
resenting the river basin commission
or regional planning sponsor shall cer-
tify to the Council that the following
criteria have been or will be utilized as
part of the planning process:
(1) Determination of whether pro-
posed activities would be located in
floodplains or wetlands, or, even if lo-
cated outside of them, would have the
potential to affect floodplains or wet-
lands;
(2) Avoidance of performing activi-
ties within floodplains or wetlands
wherever there is a practicable alter-
native;