

## § 236.6

the intensive management program (ER 1105-2-10). The appropriateness for including such measures will be based upon a consideration of factors which may include, but are not limited to:

- (i) Level of significance of the EQ resource.
- (ii) Proximity to the proposed water resource development.
- (iii) Acceptability and support for Corps implementation.
- (iv) Certainty of the pending loss or significant degradation of the EQ resource in the absence of implementing the proposed EQ measure.
- (v) Relationship of the EQ measures to implementing the proposed water resources development.
- (vi) Relationship of the EQ measures to assigned missions of other agencies and the capability for timely implementation by these agencies.
- (vii) Cost effectiveness.

### § 236.6 Other agencies EQ measures.

The selected plan may include EQ measures not proposed for Corps implementation, but to be accomplished through other Federal programs or by local interests. Planning reports including such measures will discuss how they would impact on the recommended plan, and how they may be implemented by the appropriate Federal agency or the local interests. However, implementation of such measures will not be required as local cooperation for the works proposed for Corps implementation.

## PART 238—WATER RESOURCES POLICIES AND AUTHORITIES: FLOOD DAMAGE REDUCTION MEASURES IN URBAN AREAS

- Sec.
- 238.1 Purpose.
  - 238.2 Applicability.
  - 238.3 References.
  - 238.4 Definitions.
  - 238.5 Comprehensive planning.
  - 238.6 General policy.
  - 238.7 Decision criteria for participation.
  - 238.8 Other participation.
  - 238.9 Local cooperation.
  - 238.10 Coordination with other Federal agencies.

AUTHORITY: Pub. L. 738, 74th Congress, 33 U.S.C. 701a.

## 33 CFR Ch. II (7-1-06 Edition)

SOURCE: 45 FR 71801, Oct. 30, 1980, unless otherwise noted.

### § 238.1 Purpose.

This regulation provides policies and guidance for Corps of Engineers participation in urban flood damage reduction projects and establishes criteria to distinguish between improvements to be accomplished by the Corps under its flood control authorities and storm sewer systems to be accomplished by local interests.

### § 238.2 Applicability.

This regulation is applicable to all OCE elements and all field operating activities having Civil Works responsibilities.

### § 238.3 References.

- (a) Executive Order 11988—Floodplain Management, dated 24 May 1977.
- (b) U.S. Water Resources Council, Floodplain Management Guidelines, (43 FR 6030), to February 1978.
- (c) ER 1105-2-811.
- (d) ER 1140-2-302.
- (e) ER 1140-2-303.
- (f) EP 1165-2-2.

### § 238.4 Definitions.

For purposes of this regulation the following definitions apply:

- (a) *Urban areas* are cities, towns, or other incorporated or unincorporated political subdivisions of States that:
  - (1) Provide general local government for specific population concentrations, and,
  - (2) Occupy an essentially continuous area of developed land, containing such structures as residences, public and commercial buildings, and industrial sites.
- (b) *Flood damage reduction works in urban areas* are the adjustments in land use and the facilities (structural and non-structural) designed to reduce flood damages in urban areas from overflow or backwater due to major storms and snowmelt. They include structural and other engineering modifications to natural streams or to previously modified natural waterways. Flood damage reduction works are designed to modify flood behavior typified by temporary conditions of inundation of normally dry land from the