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(i) Implemented on lands required for the water resource development;

(ii) Required to complete or more fully develop proposed EQ measures partly on lands, including mitigation lands, required for the water resource development;

(iii) More cost effective to implement or manage when directly integrated with the implementation or management of the water resource development.

(2) *With advance approval.* Other separable EQ measures may be recommended with advance approval of the Director of Civil Works through 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.

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

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 acitivities 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,