



OFFICE OF COMMUNITY PLANNING
AND DEVELOPMENT

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
WASHINGTON, DC 20410-7000

August 18, 2021

SUBJECT: Draft Floodplain Management and Wetlands Protection Regulations for Comment

Dear Tribal Leader:

The U.S. Department of Housing and Urban Development (HUD) is in the process of updating its floodplain management and wetlands protection regulations. In accordance with HUD's Tribal Consultation Policy, HUD is reaching out to Tribal leaders to solicit feedback. Specifically, HUD is seeking comments regarding the attached draft revisions to its floodplain management and wetlands protection regulations at 24 CFR Part 55.

HUD's "Dear Tribal Leader" letter, dated June 10, 2021, initiated tribal consultation on this rulemaking. That letter as well as a recording, transcript, and slides from the webinar and conference call announced in the letter are available on the HUD Office of Native American Programs (ONAP) Codetalk [Tribal Consultation website](#).

With this letter, HUD invites tribal leaders to participate in a 60-day comment period on HUD's draft revisions to 24 CFR Part 55, attached. HUD has prepared these draft revisions with several goals in mind:

1. Implement EO 13690 by redefining the floodplain of concern as the FFRMS floodplain
2. Revise floodway policies to replace strict and sometimes arbitrary prohibitions with reasonable flexibilities where appropriate
3. Update instructions regarding the 8-Step Decisionmaking Process to foster better analysis and improve overall climate resilience in HUD-assisted projects
4. Edit wetlands protection requirements to eliminate confusing and unnecessary procedures
5. Reorganize Part 55 to establish a more logical order and clarify compliance requirements

Additionally, HUD considered comments received in response to early consultation. In June, HUD received feedback on wetlands protection and wetlands identification requirements in the current Part 55 regulation. One commenter noted that options for initial screening of wetlands are very limited and this can create challenges during the identification process. HUD reviewed proposed changes to wetlands identification to ensure that they address this feedback.

This 60-day comment period is prior to, and in addition to, the standard public comment periods associated with publishing rules in the Federal Register. There will be further opportunities to review and comment on the proposed rule when it is published in the *Federal Register*. Due to the ongoing COVID-19 National Emergency, HUD will host a virtual Tribal consultation via webinar on **August 31, 2021**. The webinar begins at **3:00 p.m. Eastern Daylight Time** (you

may join the conference 10 minutes prior). To join the consultation session please follow the steps below:

Step 1: Dial into the conference.

Dial-in: 888-251-2949 or 215-861-0694

Access Code: 9990439#

Step 2: Join the conference on your computer.

Entry Link: <https://ems8.intellor.com/login/840480>

When you access the entry link above, you will be provided a choice - to install the WebEx plug-in for your preferred browser or to join the web conference using a temporary path. Either option is acceptable.

Need technical assistance?

Technical Assistance for Audio Connection: 1-888-796-6118

Technical Assistance for WebEx Connection: 1-888-793-6118

(We understand that some people may have difficulty logging into Webex. We recommend that you use the Google Chrome web browser to log in to the meeting.)

We appreciate your expertise and insight, and we strive to provide different ways for you to share your ideas with HUD. If you have any recommendations or comments, please submit your feedback electronically to: EnvironmentalPlanningDivision@hud.gov. We ask that you provide your feedback by **October 18, 2021**.

Thank you for your continued partnership and collaboration in the effective delivery of HUD's programs in Indian Country.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Moriel-Elorm Tchaou', written in a cursive style.

Moriel-Elorm Tchaou
Acting Director for
Office of Environment and Energy

