

CDBG-DR 2-11 Procedures for Making Determinations on Floodplain and Wetland Management

Floodplain and Wetland Management: Executive Order 11988 & Executive Order 11990 (24 CFR Part 55):

Recipients are required to protect the values and benefits of floodplains and wetlands. Recipients should reduce flood losses and wetlands destruction by not conducting, supporting or allowing projects to be located in floodplains or wetlands unless it is the only practicable alternative.

The HUD "8-step" decision-making process is utilized to determine if flood-free alternatives are available to meet the purpose and need of the project. If, through the 8-step process, it is determined that the proposed project must be located in the floodplain or wetland, then certain measures must be undertaken. These measures, identified in step 5 of the process, should minimize potential harm to beneficial floodplain and wetland values, reduce the hazard and the risk of flood loss; and minimize the impact of floods on human safety, health and welfare.

Prior to proceeding with a project in or effecting a floodplain or wetland a recipient must comply with the requirements of Executive Order 11988 and 11990. The recipient must complete an 8-step decision making process outlined in 24 CFR Part 55, Subpart C, Section 55.20. A summary of the 8-step process is:

1. Determine if the proposed action is in a wetland or the 100-year floodplain (or in the 500-year floodplain for a critical action i.e., actions for which even a slight chance of flooding would be too great). If the proposed action would not be conducted in these areas, then no further compliance with this part is required.
2. Notify the public of the intent to locate the proposed action in the floodplain or wetland. The notice must be published at least once in a local newspaper of general circulation (in cities where there is no newspaper of general circulation, notices must be displayed in the local post office and its substations). The public must be given at least fifteen days to comment. The notice is titled *Notice of Proposed Project to be Located in a Floodplain or Wetland*. This Notice is form 2-11. The recipient must use this form, or its equivalent, to meet federal requirements.
3. Identify and evaluate practicable alternatives to locating in the floodplain. This determination requires the recipient to consider whether the floodplain or wetland can be avoided either through selecting alternative sites, choosing alternative actions to serve the identical project objective, or taking no action. Note that specific, actual alternative site must be identified and evaluated.

4. Identify indirect or direct impacts associated with the occupancy or modification of the floodplain or wetland.

5. Identify methods to minimize the potential adverse impacts within the floodplain or wetland and to restore and preserve its natural and beneficial values.

6. Reevaluate the alternatives, taking into account the identified impacts, the steps necessary to minimize these impacts and the opportunities to restore and preserve floodplain values.

7. If the recipient determines the only practicable alternative is locating in the floodplain or wetland, a final public notice shall be published. A sample notice that is titled *Notice of a Decision Regarding Project to be Located in a Floodplain or Wetland* can be found on the following pages. The notice will include the reason for locating the project in a floodplain or wetland, the alternatives that were considered, and any mitigation measures that are planned.
8. The proposed action can be implemented after steps 1 through 7 have been completed and all other requirements are met.

8- Step Decision-Making Process for Executive Order 11988

