

EIGHT-STEP DECISION-MAKING PROCESS

1. DETERMINE IF PROPOSAL IS IN A FLOODPLAIN OR WETLAND: by using Flood hazard Boundary Maps, Community Profiles, Army Corps of Engineers Flood Hazard Inventory (annual), coastal zone maps, and any other relevant information.
2. INVOLVE PUBLIC IN DECISION-MAKING PROCESS (NOTICE): Using the notice forms attached, notify the public by publishing in a newspaper in communities which have local newspapers. In all other communities, post the notice on the post office bulletin board for 15 days including postmarks on the notice to document the date it was posted and the date it was removed.
3. DETERMINE IF THERE IS A PRACTICABLE ALTERNATIVE: Identify and evaluate at least three alternatives, including when possible, alternative sites outside the floodplain or wetland, alternative actions, and the “no action” option.
4. IDENTIFY ADVERSE AND BENEFICIAL IMPACTS: including direct and indirect support of other floodplain and wetland development that might result from the project. Analyze the following factors: (1) Natural environment (topography, habitat, hazards); (2) Social concerns (aesthetics, historic and cultural values, land use patterns); (3) Economic aspects (costs of construction, transportation and relocation); and (4) Legal considerations (deeds, leases).
5. MITIGATE ADVERSE IMPACTS: Minimize the impacts identified and restore and preserve the beneficial values served by floodplains and wetlands.
6. RE-EVALUATE ALTERNATIVES: in light of the information gained to determine if the proposed action is still practicable. If new construction is to be located in a floodplain or wetland, apply accepted floodproofing and other measures. To achieve flood protection, wherever practicable elevate the structures above the flood level rather than fill in land.
7. ANNOUNCE AND EXPLAIN DECISION TO THE PUBLIC (NOTICE): Using the attached form, again notify the public by publishing in the local newspaper when possible or posting on the bulletin board for seven days, postmarking the notice at posting and at removal.
8. IMPLEMENT PROPOSAL WITH APPROPRIATE MITIGATION: Review during site visits to ensure that mitigation measures are fully implemented.

**DOCUMENT EACH OF THE ABOVE STEPS AND
INCLUDE IN THE
ENVIRONMENTAL REVIEW FILE FOR THE PROJECT!**

Step 2 of the 8-Step Process Sample Notice for Early Public Review

Step 2 of the 8 - Step Process

Sample

Early Notice and Public Review of a Proposed Activity in a 100-Year Floodplain

[Note: May also be combined with other notices such as state floodplain or wetland notices so long as it contains the required information]

To: All interested Agencies **[include all Federal, State, and Local]**, Groups and Individuals

This is to give notice that **[HUD under part 50 or Responsible Entity under Part 58]** has conducted an evaluation as required by **[Executive Order 11988 and/or 11990]**, in accordance with HUD regulations at 24 CFR 55.20 Subpart C Procedures for Making Determinations on Floodplain Management, to determine the potential affect that its activity in the floodplain and wetland will have on the human environment for **[Program Name]** under **[HUD grant or contract number]**. **[Describe the activity, e.g. purpose, type of assistance, the size of the site, proposed number of units, size of footprint, type of floodplain, natural values]**. **[State the total number of acres of floodplains]**. The proposed project(s) is located **[at addresses]** in **[Name of City]**, **[Name of County]**.

There are three primary purposes for this notice. First, people who may be affected by activities in floodplains and those who have an interest in the protection of the natural environment should be given an opportunity to express their concerns and provide information about these areas. Second, an adequate public notice program can be an important public educational tool. The dissemination of information about floodplains can facilitate and enhance Federal efforts to reduce the risks associated with the occupancy and modification of these special areas. Third, as a matter of fairness, when the Federal government determines it will participate in actions taking place in floodplains, it must inform those who may be put at greater or continued risk.

Written comments must be received by **[HUD or Responsible Entity]** at the following address on or before **[month, day, year]** **[a minimum 15 calendar day comment period will begin the day after the publication and end on the 16th day after the publication]**: **[HUD or Responsible Entity]**, **[Address]** and **[phone number]**, Attention: **[Name of Certifying Officer]**, **[Title]**, during the hours of 9:00 AM to 5:00 PM. Comments may also be submitted via email at **[email address]**.

Date:

NOTE: According to 24 CRR 55, section 55.2(b)(1), the notice must be bilingual if the affected public is largely non-English speaking. In addition, the notice must be dispersed to federal, state and local public agencies, organizations, and individuals know to be interested in the proposed project.

Step 7 of the 8-Step Process Sample Notice & Public Explanation

Step 7 of the 8 - Step Process

Sample

Final Notice and Public Explanation of a Proposed Activity in a 100-Year Floodplain

To: All interested Agencies **[include all Federal, State, and Local]**, Groups and Individuals

This is to give notice that the **[HUD under part 50 or Responsible Entity under Part 58]** has conducted an evaluation as required by **[Executive Order 11988 and/or 11990]**, in accordance with HUD regulations at 24 CFR 55.20 Subpart C Procedures for Making Determinations on Floodplain Management, to determine the potential affect that its activity in the floodplain and wetland will have on the human environment for **[Program Name]** under **[HUD grant or contract number]**. The proposed project(s) is located **[at addresses]** in **[Name of City]**, **[Name of County]**. **[Describe the activity, e.g. purpose, type of assistance, the size of the site, proposed number of units, size of footprint, type of floodplain, natural values]**. **[State the total number of acres of floodplains involved]**.

[HUD or Responsible Entity] has considered the following alternatives and mitigation measures to be taken to minimize adverse impacts and to restore and preserve natural and beneficial values: **[and reasons (quantitatively based if possible) for non-selection, (iii) all mitigation measures to be taken to minimize adverse impacts and to restore and preserve natural and beneficial values]** **[Cite the date of any final or conditional LOMR's or LOMA's from FEMA where applicable]** **[Acknowledge compliance with state and local floodplain protection procedures]**

[HUD or Responsible Entity] has reevaluated the alternatives to building in the floodplain and has determined that it has no practicable alternative. Environmental files that document compliance with steps 3 through 6 of **[Executive Order 11988 and/or 11990]**, are available for public inspection, review and copying upon request at the times and location delineated in the last paragraph of this notice for receipt of comments. This activity will have no significant impact on the environment for the following reasons:

[Give reasons why there is no significant impact]

There are three primary purposes for this notice. First, people who may be affected by activities in floodplains and those who have an interest in the protection of the natural environment should be given an opportunity to express their concerns and provide information about these areas. Second, an adequate public notice program can be an important public educational tool. The dissemination of information about floodplains can facilitate and enhance Federal efforts to reduce the risks associated with the occupancy and modification of these special areas. Third, as a matter of fairness, when the Federal government determines it will participate in actions taking place in floodplains, it must inform those who may be put at greater or continued risk.

Written comments must be received by the **[HUD or Responsible Entity]** at the following address on or before **[month, day, year]** **[a minimum 7 calendar day comment period will begin the day after the publication and end on the 8th day after the publication]**: **[Name of Administrator]**, **[Address]** and **[phone number]**, Attention: **[Name of Certifying Officer]**, **[Title]**, during the hours of 9:00 AM to 5:00 PM. Comments may also be submitted via email at **[email address]**.

Date:

NOTE: According to 24 CRR 55, section 55.2(b)(1), the notice must be bilingual if the affected public is largely non-English speaking. In addition, the notice must be dispersed to federal, state and local public agencies, organizations, and individuals known to be interested in the proposed project. *Wetland Protection (executive Order 11990_- Section 2(b) of the Executive Order, implemented by 24 CFR 55.20(b), requires similar notification when construction is proposed in designated wetland areas.

