8-Step Decisioning Making Process (8-Step) Guidance

The 8-Step is required by both EO 11988 (Floodplain Management) & EO 11990 (Wetlands Protection). 24 CFR Part 55 are HUD’s regulations developed to establish standards to ensure compliance with both of these Executive Orders.

Guidance included here is summarized from HUD’s WISER Webinar
For more detailed guidance see Guidelines for Implementing Executive Order (EO) 11988 and EO 13690 (Please Note: EO 13690 has since been revoked, but the above link still has a lot of helpful information and guidance for compliance with EO 11988)

Step 1: Determine whether the action is located in a 100-year floodplain (or 500-year floodplain for critical actions) and/or a wetland.

- Proposed project location/address
- Flood zone determination
- FIRMette, map #, panel # and effective date
- Does the project qualify as a critical action? Critical action means any activity for which even a slight chance of flooding would be too great. Examples include:
  - Where occupants may not be sufficiently mobile or have sufficient transportation (ex. hospitals, nursing homes, prisons and schools)
  - Facilities producing and/or storing highly volatile, toxic or water-reactive materials
  - Facilities that store/provide essential and irreplaceable records, utilities, national laboratories, items of cultural significance or equipment
  - Facilities where flooding would lead to beyond local catastrophic impacts
  - Facilities that provide emergency services (ex. police and fire stations)
  - Important public facilities
- For wetlands: Wetland type identified by the National Wetlands Inventory (NWI) Map at the project location and/or classification of federally unmapped wetland that has been identified.

Step 2: Notify the public for early review of the proposal and involve the affected and interested public in the decision-making process.

- When (date) and where (publication title) the early notice was published
- Mailing list (if mailed to interested parties in addition to publication)
- Timeframe in which the notice was published on the municipality’s and/or organizations website
- If any comments were received
- Summary of response to comments (if applicable)
- In the actual notice (contact the Environmental Officer for notice template, also available in GEARS)
  - Project description
  - Location
  - Type and size of the Special Flood Hazard Area
  - For wetlands: Type/classification and size of wetland identified
  - Natural and beneficial functions and values that may be adversely affected
  - Contact information
  - Office address and hours
Step 3: Identify and evaluate practicable alternatives.

- Alternatives to locating outside of the floodplain and/or wetland
  - Select a new site (alternative sites)
  - Redesign the proposal so that construction is not located in the floodplain and/or wetland (alternative actions)
  - Consider the no action alternative: a determination not to approve any action involving the occupancy or modification of the floodplain and/or wetland

Step 4: Identifying potential direct and indirect impacts of associated with floodplain and/or wetland development.

- Lives and property
  - How many residents/workers are being introduced into the development area?
  - What is the cost/value of the proposed development?
- Beneficial floodplain and/or wetland values
  - Water resources: flood moderation, water quality maintenance, groundwater recharge
  - Climate resources: effects of changes in landcover
  - Living resources: flora and fauna
  - Cultural and community resources: archaeological, historic, and recreational
  - Agricultural, aqua cultural, and forestry resources

Step 5: Where practicable, design or modify the proposed action to minimize the potential adverse impacts to lives, property, and natural values within the floodplain and/or wetland and to restore, and preserve the values of the floodplain and/or wetland.

- Minimize
  - Mitigation techniques may include measures such as use of permeable surfaces, storm water capture/reuse and green roofs
  - New construction and substantial improvement projects must be elevated at or above the 100-year floodplain (Please Note: local floodplain management regulations may be more restrictive than federal requirements)
  - Critical actions must be modified to include early warning systems and emergency evacuation plans
- Restore and preserve
  - Restore: reestablish a setting or environment in which the natural and beneficial values of floodplain and/or wetland could again function
  - Preserve: prevent modification to the natural floodplain and/or wetland environment, or to maintain it as closely as possible to its natural state

Step 6: Reevaluate the alternatives.

- Is the proposed project still practicable in light of exposure to flood hazards?
- Discuss whether alternatives preliminary rejected at Step 3 are now practicable in light of information gained in steps 4 and 5
- Consider impacts with a view to protecting human life, real property, and the natural and beneficial functions and values served by the floodplain and/or wetland
- Reevaluation should also include a review of economic costs associated with each alternative
Step 7: Determination of no practicable alternative.

- When (date) and where (publication title) the early notice was published
- Mailing list (if mailed to interested parties in addition to publication)
- If any comments were received
- Summary of response to comments (if applicable)
- In the actual notice (contact the Environmental Officer for notice template, also available in GEARS)
  - Justify why the development must be located on this site
  - Include a list of alternative site(s) considered under Step 3
  - Cite all mitigation measures to be taken to minimize adverse impact and to restore and preserve the natural beneficial functions and values of the floodplain and/or wetland

Step 8: Implement the proposed action.

- After taking public comments into consideration, the project can be implemented
- Mitigation measures should be conveyed to the sponsor in writing
- The responsible entity will be required to monitor to ensure mitigation measures are implemented

See 8-Step Process Case Study Example and Flow Chart here.