

Floodplain Management (CEST and EA)

General Requirements	Legislation	Regulation
Executive Order 11988, Floodplain Management, requires Federal activities to avoid impacts to floodplains and to avoid direct and indirect support of floodplain development to the extent practicable.	Executive Order 11988	24 CFR 55
Reference		
https://www.hudexchange.info/environmental-review/floodplain-management		

1. Does [24 CFR 55.12\(c\)](#) exempt this project from compliance with HUD's floodplain management regulations in Part 55?

Yes

Provide the applicable citation at 24 CFR 55.12(c) here. If project is exempt under 55.12(c)(7) or (8), provide supporting documentation.

55.12(b)(2) Financial assistance for minor repairs or improvements on one- to four family properties that do not meet the thresholds for "substantial improvement" under § 55.2(b)(8);

→ *Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below.*

No → *Continue to Question 2.*

2. **Provide a FEMA/FIRM or ABFE map showing the site.**

The Federal Emergency Management Agency (FEMA) designates floodplains. The FEMA Map Service Center provides this information in the form of FEMA Flood Insurance Rate Maps (FIRMs) or Advisory Base Flood Elevations (ABFEs). For projects in areas not mapped by FEMA, use the best available information to determine floodplain information. Include documentation, including a discussion of why this is the best available information for the site.

Does your project occur in a floodplain?

No → *Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below.*

Yes

Select the applicable floodplain using the FEMA map or the best available information:

Floodway → *Continue to Question 3, Floodways*

- Coastal High Hazard Area (V Zone) → *Continue to Question 4, Coastal High Hazard Areas*
- 500-year floodplain (B Zone or shaded X Zone) → *Continue to Question 5, 500-year Floodplains*
- 100-year floodplain (A Zone) → *The 8-Step Process is required. Continue to Question 6, 8-Step Process*

3. **Floodways**

Is this a functionally dependent use?

- Yes

The 8-Step Process is required. Work with your HUD FEO to determine a way to satisfactorily continue with this project. Provide a completed 8-Step Process, including the early public notice and the final notice.

→ *Continue to Question 6, 8-Step Process*

- No

Federal assistance may not be used at this location unless a 55.12(c) exception applies. You must either choose an alternate site or cancel the project at this location.

4. **Coastal High Hazard Area**

Is this a critical action?

- Yes

Critical actions are prohibited in coastal high hazard areas. Federal assistance may not be used at this location. Unless the action is excepted at 24 CFR 55.12(c), you must either choose an alternate site or cancel the project.

- No

Does this action include construction that is not a functionally dependent use, existing construction (including improvements), or reconstruction following destruction caused by a disaster?

- Yes, there is new construction.

New construction is prohibited in V Zones ((24 CFR 55.1(c)(3)).

- No, this action concerns only a functionally dependent use, existing construction(including improvements), or reconstruction following destruction caused by a disaster.

This construction must have met FEMA elevation and construction standards for a coastal high hazard area or other standards applicable at the time of construction.

→ Continue to Question 6, 8-Step Process

5. 500-year Floodplain

Is this a critical action?

No → Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below.

Yes → Continue to Question 6, 8-Step Process

6. 8-Step Process.

Does the 8-Step Process apply? Select one of the following options:

8-Step Process applies.

Provide a completed 8-Step Process, including the early public notice and the final notice.

→ Continue to Question 7, Mitigation

5-Step Process is applicable per 55.12(a)(1-3).

Provide documentation of 5-Step Process.

Select the applicable citation:

55.12(a)(1) HUD actions involving the disposition of HUD-acquired multifamily housing projects or “bulk sales” of HUD-acquired one- to four-family properties in communities that are in the Regular Program of the National Flood Insurance Program (NFIP) and in good standing (i.e., not suspended from program eligibility or placed on probation under 44 CFR 59.24).

55.12(a)(2) HUD's actions under the National Housing Act (12 U.S.C. 1701) for the purchase or refinancing of existing multifamily housing projects, hospitals, nursing homes, assisted living facilities, board and care facilities, and intermediate care facilities, in communities that are in good standing under the NFIP.

55.12(a)(3) HUD's or the recipient's actions under any HUD program involving the repair, rehabilitation, modernization, weatherization, or improvement of existing multifamily housing projects, hospitals, nursing homes, assisted living facilities, board and care facilities, intermediate care facilities, and one- to four-family properties, in communities that are in the Regular Program of the National Flood Insurance Program (NFIP) and are in good standing, provided that the number of units is not increased more than 20 percent, the action does not involve a conversion from nonresidential to residential land use, the action does not meet the thresholds for “substantial improvement” under § 55.2(b)(10), and the footprint of the structure and paved areas is not significantly increased.

55.12(a)(4) HUD's (or the recipient's) actions under any HUD program involving the repair, rehabilitation, modernization, weatherization, or improvement of existing nonresidential buildings and structures, in communities that are in the

Regular Program of the NFIP and are in good standing, provided that the action does not meet the thresholds for “substantial improvement” under § 55.2(b)(10) and that the footprint of the structure and paved areas is not significantly increased.

→ *Continue to Question 7, Mitigation*

- 8-Step Process is inapplicable per 55.12(b)(1-4).

Select the applicable citation:

- 55.12(b)(1) HUD's mortgage insurance actions and other financial assistance for the purchasing, mortgaging or refinancing of existing one- to four-family properties in communities that are in the Regular Program of the National Flood Insurance Program (NFIP) and in good standing (i.e., not suspended from program eligibility or placed on probation under 44 CFR 59.24), where the action is not a critical action and the property is not located in a floodway or coastal high hazard area.
- 55.12(b)(2) Financial assistance for minor repairs or improvements on one- to four-family properties that do not meet the thresholds for “substantial improvement” under § 55.2(b)(10)
- 55.12(b)(3) HUD actions involving the disposition of individual HUD-acquired, one- to four-family properties.
- 55.12(b)(4) HUD guarantees under the Loan Guarantee Recovery Fund Program (24 CFR part 573) of loans that refinance existing loans and mortgages, where any new construction or rehabilitation financed by the existing loan or mortgage has been completed prior to the filing of an application under the program, and the refinancing will not allow further construction or rehabilitation, nor result in any physical impacts or changes except for routine maintenance.
- 55.12(b)(5) The approval of financial assistance to lease an existing structure located within the floodplain, but only if—
- (i) The structure is located outside the floodway or Coastal High Hazard Area, and is in a community that is in the Regular Program of the NFIP and in good standing (i.e., not suspended from program eligibility or placed on probation under 44 CFR 59.24);
 - (ii) The project is not a critical action; and
 - (iii) The entire structure is or will be fully insured or insured to the maximum under the NFIP for at least the term of the lease.

→ *Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below.*

7. Mitigation

For the project to be brought into compliance with this section, all adverse impacts must be mitigated. Explain in detail the exact measures that must be implemented to mitigate for the impact or effect, including the timeline for implementation.

Which of the following mitigation/minimization measures have been identified for this project in the 8-Step or 5-Step Process? Select all that apply.

- Permeable surfaces
- Natural landscape enhancements that maintain or restore natural hydrology
- Planting or restoring native plant species
- Bioswales
- Evapotranspiration
- Stormwater capture and reuse
- Green or vegetative roofs with drainage provisions
- Natural Resources Conservation Service conservation easements or similar easements
- Floodproofing of structures
- Elevating structures including freeboarding above the required base flood elevations
- Other

→ *Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below.*

Worksheet Summary

Compliance Determination

Provide a clear description of your determination and a synopsis of the information that it was based on, such as:

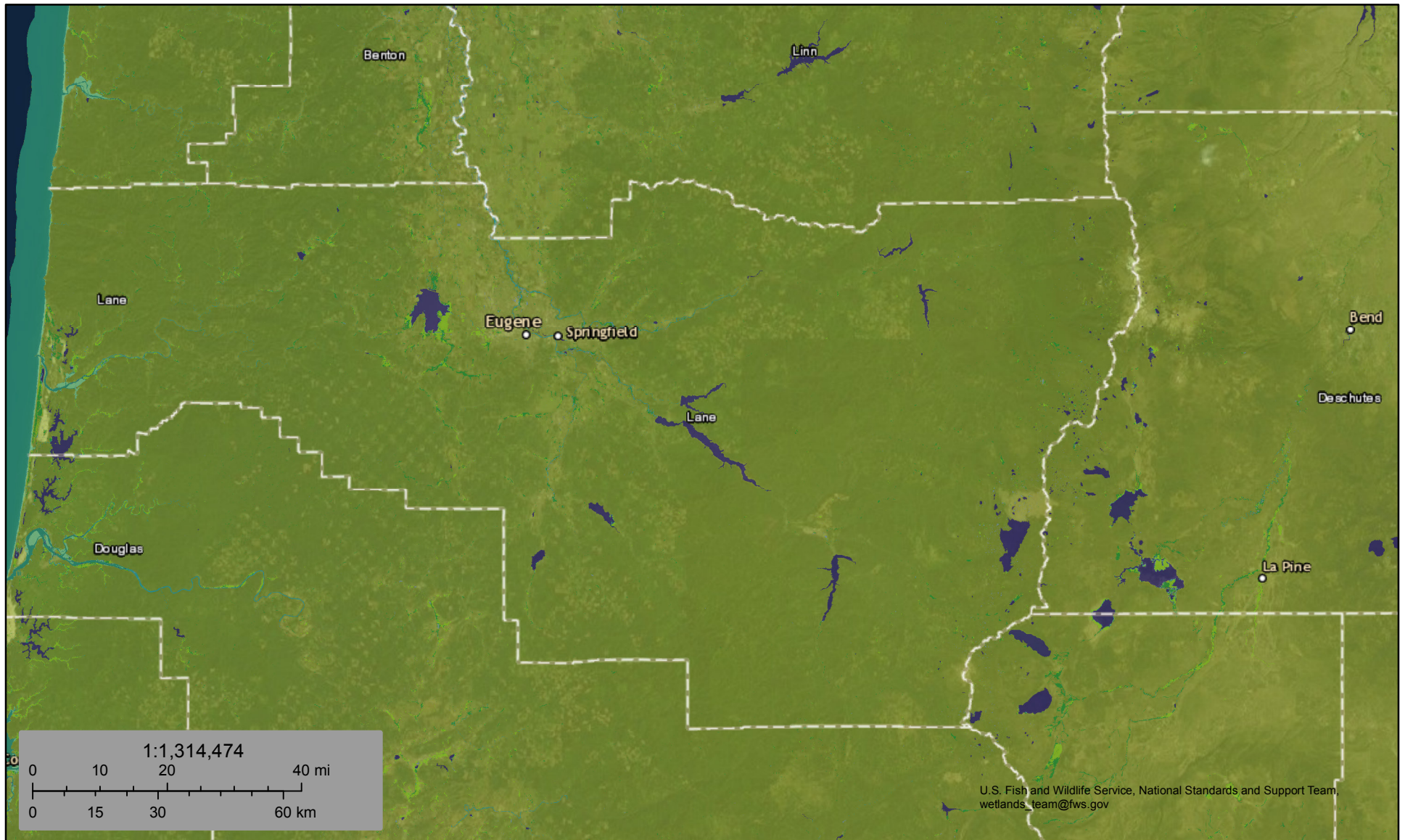
- Map panel numbers and dates
- Names of all consulted parties and relevant consultation dates
- Names of plans or reports and relevant page numbers
- Any additional requirements specific to your region

The rehabilitation program does not provide substantial, major rehabilitation (major rehabilitation, i.e. rehabilitation of single family units exceeding 50% of the market value of the structure before rehabilitation), therefore the program is exempt from the requirements and is in compliance on an area wide basis. See Program Description and Program Policies Section 2.1.1.






Are formal compliance steps or mitigation required?

Yes

No



February 8, 2020

- | | | | | | |
|---|--------------------------------|---|-----------------------------------|---|----------|
|  | Estuarine and Marine Deepwater |  | Freshwater Forested/Shrub Wetland |  | Other |
|  | Estuarine and Marine Wetland |  | Freshwater Pond |  | Riverine |
|  | Freshwater Emergent Wetland |  | Lake | | |

This map is for general reference only. The US Fish and Wildlife Service is not responsible for the accuracy or currentness of the base data shown on this map. All wetlands related data should be used in accordance with the layer metadata found on the Wetlands Mapper web site.

Floodplain/Wetland 8- step
Environmental Review Record
Florence Housing Rehabilitation Program
Grant H21009

Lane County, Oregon contains federally recognized floodplains and wetlands (See attached Wetland Map Tab F) According to the HUD definition substantial improvement are improvements that cost more than 50% of the value of the structure before improvement. Federal Floodplain regulations apply to construction projects where there is a “substantial improvement”; improvements that cost more than 50% of the value of the structure.

The program policies do not allow CDBG funds to be used for “substantial improvement” (See Section 2.1.1 – Housing Rehabilitation Loan Program Policies – Tab C) Since rehabilitation is restricted to minor home repairs for single family owner occupied housing units, the program can be found to be exempt from the flood plain requirement and compliance can be achieved.

In regards to Wetlands, the program policies do not allow the expansion of the existing footprint of the home being repaired, but do allow the removal of hazardous trees that could be located within a wetland or ground disturbance could occur for a septic system repair (See Program Description – project activities – Tab A) Therefore, the housing rehabilitation program is subject to a portion of the 8-Step process – Steps 1, 3, 4, 5 & 6. The HUD 8-Step Process refers to Floodplain and here we address wetlands under each step.

STEP #1: Determination whether proposed action is subject to the 8 step process, see notes above.

Conclusion: In regards to Floodplains, as stated above, policies do not allow substantial improvement therefore the program complies with floodplain requirements and in regards to Wetlands, as stated above, a modified 8-Step process is required.

STEP #3 - Identification and evaluation of practicable alternatives

Conclusion: The purpose of the program is to preserve existing housing stock by rectifying health and safety related deficiencies. Since the rehabilitation work will take place on scattered sites, for income eligible, single family owner occupied dwellings, it is impossible to determine whether any eligible projects will be located in a wetland. There are no alternatives to removing an identified hazardous tree that may be within a wetland or repairing septic system.

The RE finds that it is practicable to perform minor rehab on homes that are within the 100 year floodplain and minimize impacts for the following reasons: 1) the maximum amount allocated to each rehab project is \$25,000 and can reach \$35,000 in special circumstances. However project loan amounts and budgets, when necessary to comply with the program policy, will be restricted to not exceed 50% of the structural value which exempts the project from the floodplain requirements (not a substantial

improvement) 2) minor home repairs do not include increasing the square footage of a home and 3) in the event that rehab is performed on a home within a floodplain, St. Vincent de Paul will comply with the jurisdictions floodplain regulations.

STEP #4 - Identification of potential direct and indirect impacts associated with the occupancy or modification of the floodplain.

Conclusion: Minimal. No impacts to the floodplain are expected since no substantial improvements are allowed as stated above. All projects will have to comply with local land use regulations which regulate development and impacts to wetlands. The Oregon Department of State Lands (DSL) regulates wetlands and allows some ground disturbing activities with proper permits, when required. Hazardous tree removal or septic system repair activities may or may not require a permit from DSL depending on wetland type and amount of material to be removed, usually none. (See DSL Permit Brochure Tab F) All impacts, if any, will be mitigated according to state and local regulations. However, minimal impacts to wetlands are anticipated.

STEP #5 - Actions taken to minimize adverse impacts and preserve beneficial values of the floodplain.

Conclusion: As stated in #4, all local and state wetland regulations will be complied with for any septic system repair or hazardous tree removal activities and any impacts will be mitigated. The preservation and safety of housing is of high importance and removal of hazardous trees or septic repairs is essential when investing CDBG grant funds into housing rehabilitation projects.

STEP #6 - Reevaluation of the proposed action to determine whether it is still practicable.

Conclusion: After reevaluation, the proposed action, noted in #5 above is still practicable.



ASSISTANCE AND ADDITIONAL INFORMATION

DSL resource coordinators are available to answer questions about permit requirements and refer you to other resources that may help you design your project to avoid or reduce impacts to state waters. A list of the coordinators and their county assignments is available on the DSL Web site.

OREGON DEPARTMENT OF STATE LANDS

Western Region Office – Salem
 (Serving Oregon west of the Cascades)
 775 Summer St. NE, Suite 100
 Salem, OR 97301-1279
Phone: 503-986-5200

Eastern Region Office – Bend
 (Serving Oregon east of the Cascades)
 1645 NE Forbes Rd., Suite 112
 Bend, OR 97701
Phone: 541-388-6112

www.oregonstatelands.us

U.S. Army Corps of Engineers
 333 SW First Ave.
 Portland, OR 97204
Phone: 503-808-4373

www.nwp.usace.army.mil



Planning to Work in Wetlands or Waterways?

YOU MAY NEED A PERMIT



OREGON DEPARTMENT OF STATE LANDS

DSL's Removal-Fill Permit Program

This brochure provides an overview of state removal-fill permit requirements. It is intended for general guidance only and does not include all the requirements contained in the regulations.

The Department of State Lands (DSL) administers Oregon's removal-fill law to protect, conserve and make best use of Oregon's water resources for navigation, fisheries and public recreation.

When is a Permit Required?

A permit is required to do earthwork - removing, filling or altering (moving) materials - in "waters of the state." These waters include:

- The Pacific Ocean (within three miles of shore)
- Tidal bays and estuaries
- Rivers, streams, creeks and lakes, including some intermittent streams and certain "ditches"
- Natural and some artificially created wetlands and ponds

The volume of material being removed, filled or altered is also considered when determining if a permit is required. Any amount of removal, fill or alteration requires a permit in streams designated as **essential salmon habitat (ESH)**, and within ¼ mile of a **state scenic waterway**.

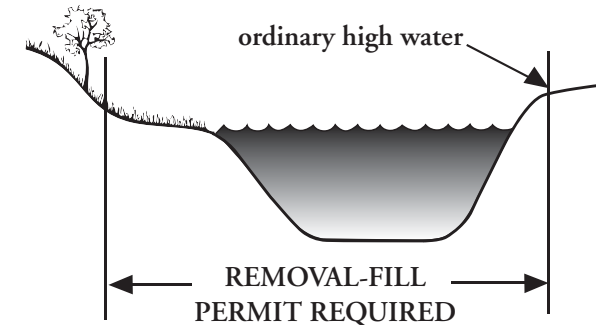
In other wetlands and waterways, a combined volume of 50 cubic yards or more of removal, fill or alteration of material requires a permit.

Visit www.oregonstatelands.us for:

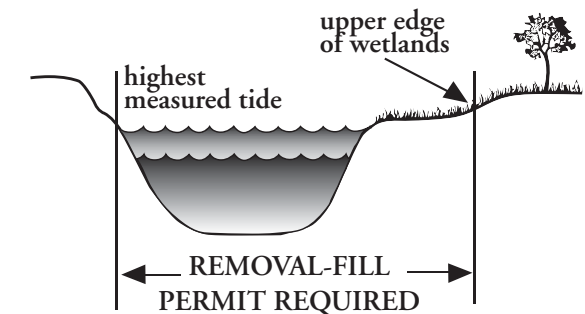
- Permit applications and fee structure
- Status of permits
- Maps
- Wetland fact sheets
- Mitigation information
- Staff contact list

Areas Where Permits Are Required

NON-TIDAL WATERS (Rivers, Creeks, Lakes)



TIDAL WATERS (Bays, Estuaries, Tidal Rivers)



WETLANDS



GETTING STARTED:

Identifying Wetlands and Other Waters of the State:

The first step in determining if a removal-fill permit is required is to identify all waters of the state, including wetlands, on the project site. This identification – called a **jurisdictional determination** – may be requested from DSL using forms available on the DSL Web site, or you may call the agency for additional information. There is no fee for this service.

An important component of Oregon’s removal-fill law is to minimize or avoid adverse impacts to state waters. If wetlands or other jurisdictional waters are present in the project area, a **wetland delineation** (mapping of the boundaries) is required to determine the extent of wetlands and other waters. Wetland delineation reports are prepared by consultants and submitted to DSL for review and concurrence. Review of wetland delineation reports takes up to 120 days and requires a fee. Information about hiring a wetland consultant is available on the DSL Web site.



Types of Permits

An **Individual Permit** is used for projects that do not qualify for an expedited permit and for projects with potentially significant impacts. DSL is allowed up to 120 calendar days, from receipt of a complete application, to process an Individual Permit.

A **General Authorization (GA)** provides an expedited review process for certain categories of projects, including stream bank stabilization, minor impacts to wetlands (less than 0.1 acre) in urban areas, fish habitat and wetland enhancement projects, and certain transportation projects. DSL is allowed up to 40 calendar days to process a GA application.

For some activities, an even quicker permit process may be used – the **Expedited General Authorization**. In most cases the authorization is granted within 15 days. Examples of these authorizations include minimal disturbance (less than four cubic yards) in essential salmon habitat, and the placement of unanchored large wood for habitat restoration.

During flooding or other instances where an emergency situation arises, DSL has the ability to issue an **Emergency Authorization** to prevent irreparable harm, injury or damage to persons or property.

Recreation and small-scale placer mining: Non-motorized recreational prospecting that affects less than one cubic yard per site, and cumulatively not more than five cubic yards in any ESH stream or state scenic waterway, does not require a permit. Motorized recreational placer mining activities involving less than 25 cubic yards of material annually in essential salmon habitat may be eligible for an Expedited General Authorization (GA). Eligibility for this GA depends on where you will conduct the activity and what you intend to do. Applications are processed online: www.statelandsonline.com. Use of a suction dredge is not allowed in state scenic waterways.

Note: Permit fees vary and are adjusted annually; check the DSL Web site, www.oregonstatelands.us, for details.

Corps of Engineers Permit

Many projects that require a DSL removal-fill permit also require a separate federal permit from the U.S. Army Corps of Engineers. DSL and the Corps use a joint application form that you will need to submit to both agencies.

Wetland Mitigation

When DSL issues a permit to impact wetlands, the permittee is required to replace, or mitigate, the impact by enhancing, creating or restoring a wetland on- or off-site. Mitigation can be accomplished by constructing a mitigation site, buying credits in a mitigation bank, if available, or using the “payment-in-lieu-of-mitigation” program administered by DSL.

Mitigation Banks

A mitigation bank is a business venture in which a large wetland is restored to generate wetland credits for sale to offset wetland impacts. Each bank has a service area in which it may sell credits. Information about establishing a mitigation bank, as well as bank service areas, is posted on the DSL Web site; or call the wetland mitigation banking specialist.

Wetland Grants Program

Monies paid into the mitigation fund are used for grants to restore, enhance and create wetlands statewide. Information about the grant program is available on the DSL Web site, or call the payment-in-lieu specialist.

Working Without a Permit

Working in waterways or wetlands without a permit, or contrary to the conditions of a permit, is a criminal misdemeanor punishable by a fine of up to \$6,250 and one year in jail. Violators also may be subject to a civil penalty of up to \$10,000 per day of violation.

Reporting a Possible Violation

If you suspect that someone is placing fill or excavating in waters of the state without a removal-fill permit, contact DSL. Persons reporting violations may do so without giving their name.

Ocean Shore Projects

Activities involving earthwork on the beach are regulated by the Oregon Parks and Recreation Department. For information and forms, go to www.oregon.gov/OPRD or call 503-986-0733.



Scenic Waterway Projects

The Oregon Parks and Recreation Department must be notified of certain activities proposed within ¼ mile of the bank of Oregon’s designated scenic waterways. Such activities include cutting trees; mining; and constructing roads, railroads, utilities, buildings or other structures. The proposed uses or activities may not be started until the written notification is approved, or until one year after the notice is accepted. Activities impacting wetlands and waterways also require a DSL permit. For additional information, go to www.oregon.gov/OPRD or call 503-986-0733.

Wetlands (CEST and EA)

General requirements	Legislation	Regulation
Executive Order 11990 discourages that direct or indirect support of new construction impacting wetlands wherever there is a practicable alternative. The Fish and Wildlife Service's National Wetlands Inventory can be used as a primary screening tool, but observed or known wetlands not indicated on NWI maps must also be processed. Off-site impacts that result in draining, impounding, or destroying wetlands must also be processed.	Executive Order 11990	24 CFR 55.20 can be used for general guidance regarding the 8 Step Process.
References		
https://www.hudexchange.info/environmental-review/wetlands-protection		

1. Does this project involve new construction as defined in Executive Order 11990, expansion of a building's footprint, or ground disturbance?

The term "new construction" shall include draining, dredging, channelizing, filling, diking, impounding, and related activities and any structures or facilities begun or authorized after the effective date of the Order.

No → *Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below.*

Yes → *Continue to Question 2.*

2. Will the new construction or other ground disturbance impact an on- or off-site wetland?

The term "wetlands" means those areas that are inundated by surface or ground water with a frequency sufficient to support, and under normal circumstances does or would support, a prevalence of vegetative or aquatic life that requires saturated or seasonally saturated soil conditions for growth and reproduction. Wetlands generally include swamps, marshes, bogs, and similar areas such as sloughs, potholes, wet meadows, river overflows, mud flats, and natural ponds. Wetlands under E.O. 11990 include isolated and non-jurisdictional wetlands.

No, a wetland will not be impacted in terms of E.O. 11990's definition of new construction.
→ *Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below. Provide a map or any other relevant documentation to explain your determination.*

Yes, there is a wetland that be impacted in terms of E.O. 11990's definition of new construction.

→ You must determine that there are no practicable alternatives to wetlands development by completing the 8-Step Process.

Provide a completed 8-Step Process as well as all documents used to make your determination, including a map. Be sure to include the early public notice and the final notice with your documentation.

Continue to Question 3.

- 3. For the project to be brought into compliance with this section, all adverse impacts must be mitigated. Explain in detail the exact measures that must be implemented to mitigate for the impact or effect, including the timeline for implementation.**

If and when ground disturbance or hazardous tree removal occurs on a project, natural vegetation will be replanted as necessary.

Which of the following mitigation actions have been or will be taken? Select all that apply:

- Permeable surfaces
- Natural landscape enhancements that maintain or restore natural hydrology through infiltration
- Native plant species
- Bioswales
- Evapotranspiration
- Stormwater capture and reuse
- Green or vegetative roofs with drainage provisions
- Natural Resources Conservation Service conservation easements
- Compensatory mitigation

Worksheet Summary

Compliance Determination

Provide a clear description of your determination and a synopsis of the information that it was based on, such as:

- Map panel numbers and dates
- Names of all consulted parties and relevant consultation dates
- Names of plans or reports and relevant page numbers
- Any additional requirements specific to your region

A map for wetlands located with the area wide service area of Lane County was found through this link <https://www.fws.gov/wetlands/data/Mapper.html> and the Map is attached with the environmental review record (Tab F) There are numerous wetlands located within Lane County but the program does not allow new construction as defined here nor does it allow for the expansion of an existing building foot print. However the program does allow for septic system repairs and hazardous tree removal and it has been determined per a partial 8 step process that it there is no practical alternative to this activity as it is essential to the preservation and safety of the dwelling and occupants.

Are formal compliance steps or mitigation required?

Yes

No