Appendix D: Executive Order/8 Step Decision Making

1. FEMA 8 Step Decision Making Form

EXECUTIVE ORDER 11988/11990
FLOODPLAIN MANAGEMENT & WETLANDS PROTECTION *(44 CFR Part 9)*

TITLE: Absecon Creek Waterfront Shore Protection Improvements, Faunce Landing Road, Absecon, NJ

Step 1: Project Location in a Floodplain/Wetland – Will the action be located in a wetland and/or the 100-year floodplain or will it have the potential to affect a wetland or floodplain?	Project Analysis: According to the National Flood Insurance Program's Flood Insurance Rate Map (Community Panel Number 3400010001C dated August 23, 1989), the proposed project area is located in the Special Flood Hazard Area (SFHA), the 100-year floodplain designated as Zone AE with a base flood elevation of 8 feet NGVD29. The Best Available Data Floodmap (BADF) (post Sandy) for the proposed location is SFHA Zone V with a base flood elevation of 12 feet NAVD88 (dated June 2013). The project is located within an estuarine and marine as well as an estuarine and marine deepwater wetland area. Areas either side of Absecon Creek are also mapped as freshwater emergent and freshwater forested-shrub wetland on the USFWS National Wetland Inventory Map. The wetland habitat area north and south of the road is mapped as state regulated wetland on NJGeo-Web. The surrounding area is residential, farmland or open space wetland and upland habitat. Although the wetlands immediately adjacent to the existing culvert have been disturbed in past due to storm damage and bulkhead repair, the wetland of this flowing portion of the waterway provides habitat for reptiles, amphibians and potentially fish species. A site biological assessment was not conducted to determine species assemblage.
Step 2: Encourage Public Involvement – A public notice must be published at the earliest possible time to provide information about the proposed project (1st Notice).	The Public Notice requirements under Executive Order 11988 will be fulfilled through the NEPA Environmental Assessment Public Notice process. A Public Notice will be published in the Press of Atlantic City, to be followed by a 30-day public comment period.
Step 3: Evaluate the Alternative – Is there any reasonable alternative to locating the project in a floodplain or wetland?	Project Analysis: The proposed would stabilize approximately 1,000 feet of the west bank of Absecon Creek using a Living Shoreline design. The proposed project would install about 250 feet of rock sill below the ordinary high water mark and plant native grasses behind the rock sill to allow for fish habitat, then plant the balance of the shoreline with native grasses and shrubs to allow for fish and wildlife habitat leaving a pedestrian walkway where the old sand road exists. The staging area would be on what is currently a sand parking area. Alternatives considered were no action and installation of steel sheet piling around the perimeter of the parking area to alleviated flooding and erosion, the construction of a paved parking area, the construction of a pedestrian path with vegetative slope stabilization to alleviate erosion and the installation of stormwater management facilities. The no action alternative was not chosen as it would not alleviate loss of use or potential damage due to flooding. The steel sheet piling, etc. was not chosen as the impact of construction would

	result in a larger impact to wetlands.
Step 4: Identify the full range of potential direct or indirect impacts associated with the occupancy or modification of floodplains and wetlands and the potential direct and indirect support of floodplain and wetland development that could result from the Proposed Action.	Direct Impacts include impact to less than eight acres of existing disturbed wetlands. Short term direct impacts include minor sedimentation during construction with BMPs per permit conditions. In addition, vegetation will be impacted during construction. Indirect Impacts would be potential bank erosion and impacts to surface water and floodplains. With this, additional flooding would be a potential long-term indirect impact.
Step 5: Minimize the potential adverse impacts to work within floodplains and wetlands to be identified under Step 4, restore and preserve the natural and beneficial values served by floodplains and wetlands.	Project Analysis: The proposed project is within a FEMA identified floodplain and USFWS identified wetlands. The project would impact less than eight acres of existing disturbed wetlands. Short-term adverse water quality impacts from sedimentation during construction would be minor, as implementing BMPs per permit conditions, such as silt fencing and other erosion and sediment control devices, would minimize release of sediments into Absecon Creek. The project would require permits and approvals from NJDEP, NOAA, USFWS and USACE. Staging areas for construction equipment and supplies would be located approximately 20 feet away from the creek on the flat area that is currently used for parking. The City of Absecon is required to ensure no net increase in the base flood elevation as a result of placing fill in the floodway, as part of its floodplain permitting. Native trees and vegetation would be planted along the bank to provide greater long-term stability and reduce sedimentation from flood-related erosion. Long-term adverse impacts to surface water and floodplains would be minor to negligible, so long as the County complies with the No-Rise provisions, a required project condition. The proposed project may be subject to USACE, USFWS, NOAA and NJDEP permitting and approval which would require minimization of impacts to existing resources including floodplain and wetlands.
Step 6: Re-evaluate the Proposed Action to determine 1) if it is still practicable in light of its exposure to flood hazards; 2) the extent to which it will aggravate the hazards to others; and 3) its potential to disrupt floodplain and wetland values.	Project Analysis: There are no practicable alternatives to floodplain and wetland location of the proposed project. The project will minimize the risk of future flood damage to the roadway and shoreline due to armoring with living shoreline techniques. The project is not anticipated to induce flooding on downstream or upstream improved property/structures. Wetlands are not expected to be affected by construction and should be enhanced with further plantings.
Step 7: – A final public notice must be published to provide information about the proposed project (2nd Notice).	Project Analysis: It is our determination that there is no practicable alternative location. This is due to the need to construct an economically feasible project and the need to mitigate and minimize impacts on human health, public property, and floodplain values.

	The Public Notice requirements under Executive Order 11988 will be fulfilled through the NEPA Environmental Assessment Public Notice process.
Step 8: Comply with Executive Orders – Review the implementation and post implementation phases of the proposed action to ensure that the requirements of the EOs are fully implemented. Oversight responsibility shall be integrated into existing processes.	Project Analysis: The proposed work is conditioned that the applicant is responsible for any USACE, NJDEP or other local government permits that may apply to the proposed action. Standard Conditions 1. Any change to the approved scope of work will require re-evaluation for compliance with NEPA and other Laws and Executive Orders. 2. This review does not address all federal, state and local requirements. Acceptance of federal funding requires recipient to comply with all federal, state and local laws. Failure to obtain all appropriate federal, state and local environmental permits and clearances may jeopardize federal funding.