

APPENDIX E
EO 11988 and EO 11990
Eight-Step Decision
Making Process

**Emergency Boat Ramp Construction
Burlington Bridge Commission
Palmyra, Burlington County, NJ
2009-PU-T9-K005IJ#2(01)**

**Executive Order 11988 – Floodplain Management & Executive Order 11990 Wetlands
Protection
Eight-Step Decision Making Process**

Executive Order 11988 (Floodplain Management) and Executive Order 11990 (Wetlands Protection) require federal agencies to avoid to the extent possible the long and short term adverse impacts associated with the occupancy and modification of the floodplain/wetland and to avoid direct or indirect support of floodplain development and wetland loss/disturbance wherever there is a practicable alternative. FEMA's implementing regulations are at 44 CFR Part 9, which includes an eight step decision making process for compliance with this part. This eight step process is applied to the proposed Emergency Boat Ramp Construction Project (hereinafter referred to as the Project). The existing project area is located within the 100-year floodplain and wetland of the Delaware River in proximity to the Tacony-Palmyra Bridge in Palmyra, Burlington County, NJ. The steps in the decision making process are as follows:

Step 1 Determine if the proposed action is located in the Base Floodplain and/or Wetland.

The proposed project is located within the 100-Year Floodplain and is designated as Zone AE, which is within the Special Flood Hazard Area (SFHA), as illustrated on the National Flood Insurance Program's Flood Insurance Rate Map #3401100001C effective date May 4, 1992 (*Figure 7*). The Base Flood Elevation (BFE) is 10 feet (NGVD 1929). The proposed project is also located within riverine wetlands, as shown on the National Wetlands Inventory Map (*Figure 8*), and could also adversely impact forested riparian buffer habitat. A nearby state-mapped freshwater wetland classified as a Managed Wetland in Maintained Lawn would not be impacted by the boat ramp project (*Figure 9*)

Step 2 Early public notice (Preliminary Notice)

A public notice concerning the proposed project will be published in the Courier Post newspaper. The notice will serve as Step 2 and also as Notice of Availability of the National Environmental Policy Act, Environmental Assessment (EA) document, for public review and comment. The EA will be made available for a 15-day public review and comment period.

Step 3 Identify and evaluate alternatives to locating in the base floodplain.

The project purpose and need would not be met with the No Action alternative. The No Action Alternative would not address the port security needs of the Burlington Bridge Commission.

There are no practicable alternatives to locating the proposed project outside the SFHA or wetlands to address floodplain management and wetlands protection compliance. The boat ramp is functionally dependent upon the riverbank and wetlands/waters location of the Delaware River for the project to fulfill its designed purpose and function. It is not practicable to floodproof or elevated to this facility to at/above the Base Flood Elevation.

Step 4 Identify impacts of proposed action associated with occupancy or modification of the floodplain and wetland.

The proposed project will adversely impact natural habitat values of the floodplain and wetland location. Riverine wetland area will be permanently displaced by the project footprint. The proposed activities is less than 1,000 square feet in size. Future activity in the area due to boat ramp use may disturb wildlife and fisheries resources in the project vicinity. Although the boat ramp will involve fill of the floodplain and in part, fill of navigable waterways, the project is not anticipated to induce flooding on any other developed downstream or upstream facilities or properties. The structure will be a very minor obstruction of localized flow within the Delaware River, predominantly in the intertidal zone.

The proposed project would invest federal and non-federal monies into construction of a new facility within the SFHA; and, therefore the facility would be at risk to flood damage.

The proposed project benefits the public good through enhanced safety of port operations.

Step 5 Design or modify the proposed action to minimize threats to life and property and preserve its natural and beneficial floodplain and wetland values and functions.

It is not practicable to elevate or floodproof the proposed structure.

Footprint of the project will be limited to the extent practicable to avoid and minimize adverse loss of riverine wetlands.

Best Management Practices will be used during construction for sedimentation and erosion control, turbidity control, and to handle any contaminated soil or groundwater in accordance with local, state and federal laws, regulations and executive orders.

Avoidance, minimization and mitigation measures have been identified in the NJDEP permits and USACE permits (*See Appendix D*). The conditions of those permits are adopted conditions of the DHS-FEMA grant to preserve natural floodplain and wetland values.

Step 6 Re-evaluate the proposed action.

The proposed project will not aggravate the current flood hazard, because the facilities would not substantially impede or redirect flood flows. The project will result in loss and adverse impact to floodplain and wetland habitat values and functions. Temporary construction and permanent facility impacts to wetland & floodplain habitat will be minimized, to the extent practicable, as described in Step 5.

Alternatives consisting of locating the project outside the floodplain or taking “no action” are not practicable. The facility must be located at the water’s edge.

The public good of the project’s purpose and function outweighs the risk of floodplain and wetland occupancy.

Step 7 Findings and Public Explanation (Final Notification)

After evaluating alternatives, including impacts and minimization opportunities, FEMA and the grantee/sub-grantee determined that the proposed project is the preferred alternative. It is our determination that there is no practicable alternative to locating the proposed project outside the 100-Year Floodplain and the riverine/floodplain habitats of the Delaware River because:

1. The proposed facility must be located at the water's edge to function.
2. A "no action" plan would not resolve security vulnerabilities.

After Step 2 and the early 15-day public review and comment period, it is anticipated that FEMA will issue a Finding of No Significant Impact (FONSI). The public will have a second opportunity to comment on the FONSI and proposed action to be located in the floodplain. A second 15-day public review and comment period will be accommodated prior to construction implementation. If any substantive comments are received from the public, FEMA and the grantee will address in either a Final Environmental Assessment or other supplemental documentation.

Step 8 Implement the action

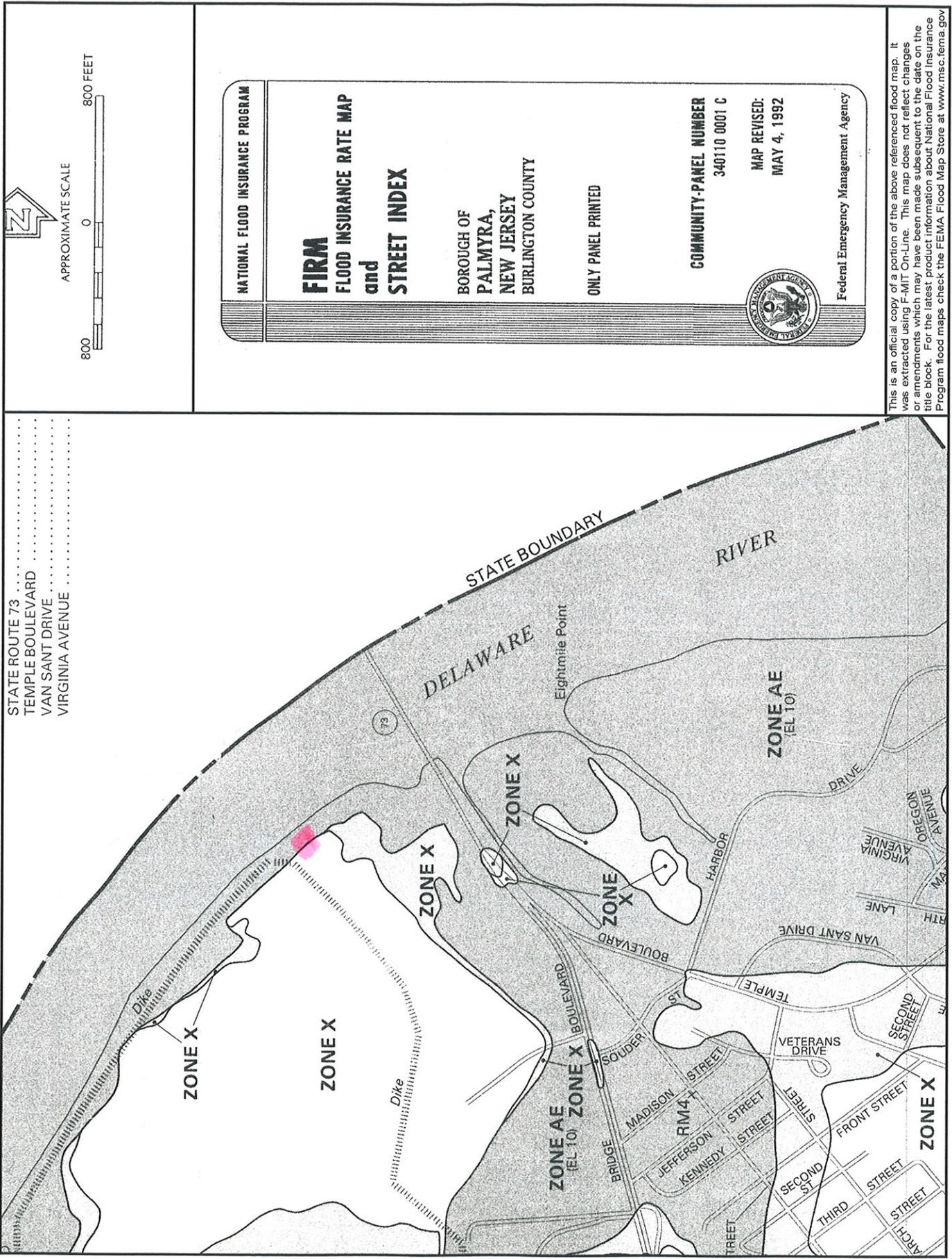
The proposed project will be constructed in accordance with applicable local permit requirements. The following special conditions will be requirements for the grant project:

- 1) The grantee shall adhere to all USACE & NJDEP permit conditions.
- 2) Any scope of work change shall be coordinated with DHS-FEMA, USACE and NJDEP prior to construction implementation.
- 3) Applicant shall be responsible to obtain any applicable certifications or permits in accordance with the Soil Erosion and Sediment Control Act (N.J.S.A. 4:24 -39 et seq.) and Stormwater Management Rules (N.J.A.C. 7:8) prior to start of construction.

For more information contact the: BURLINGTON SOIL CONSERVATION DISTRICT at 1971 Jacksonville-Jobstown Road, Columbus 08022; (609) 267-7410; (609) 267-3347(fax); admin@bscd.org.

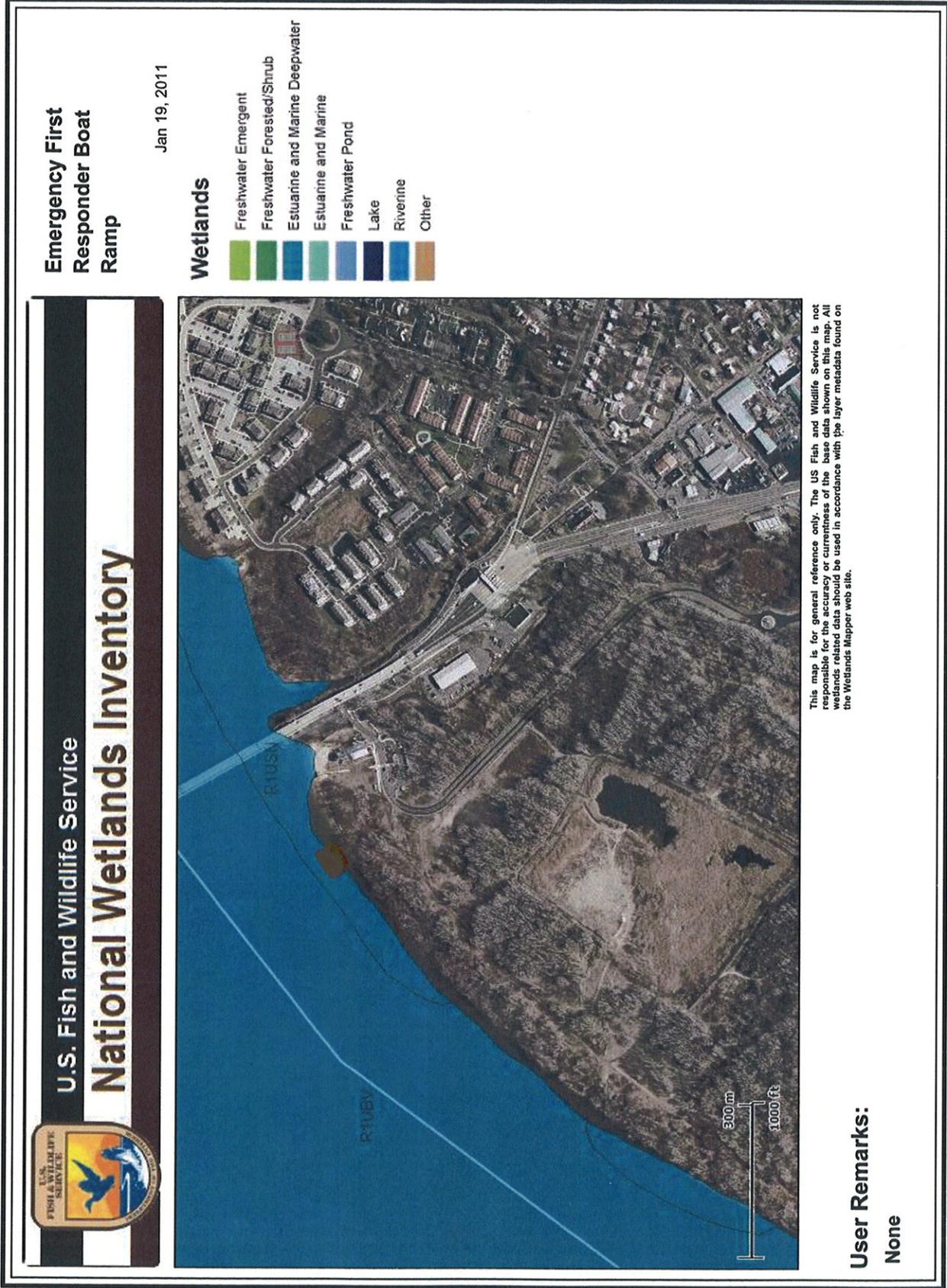
The following websites has general information about Soil Erosion & Sediment Control Plan requirements, as well as Stormwater Permits for new site construction: <http://www.nj.gov/agriculture/divisions/anr/nrc/njdep.html> and <http://www.nj.gov/agriculture/divisions/anr/nrc/conservdistricts.html>.

FIGURE 7



- Proposed Emergency First Responder Boat Ramp

FIGURE 8



- Proposed Emergency First Responder Boat Ramp

FIGURE 9

