

The City of San Antonio
Department of Planning and Community Development
Office of Grants Monitoring and Administration

**Environmental Review
Policy, Procedures, and Standards
24 CFR Part 58**



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Amended April 12, 2013 - v2
Amended November 21, 2013 - v3

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Environmental Review Summary

The City of San Antonio receives federal grant funds from the U.S. Department of Housing and Urban Development (HUD) to provide assistance to low- to moderate-income households, provide homeless services, and improve our community.

The primary objectives of the HUD environmental review are to identify specific environmental factors that may be encountered at potential project sites and to develop procedures to ensure compliance with regulations pertaining to these factors. Because the City of San Antonio programs vary in terms of applicant type, scope of program activities, and geography, a standard set of review documents and procedures have been designed to produce a consistent programmatic environmental review that provides for the greatest protection and accountability across all HUD related activities.

Environmental Policy

As the City of San Antonio assumes HUD environmental responsibilities for HUD grant funding under the requirements of HUD's environmental review regulations at 24 CFR Part 58, the City acts as the responsible entity to ensure all regulations are implemented under the National Environmental Policy Act (NEPA). The HUD environmental review process within the City's jurisdiction must be completed before federal funds can be utilized for the following programs:

- Community Development Block Grant (CDBG)
- Home Investment Partnership Program (HOME)
- Neighborhood Stabilization Program (NSP)
- Emergency Solutions Grant (ESG)
- Housing Opportunities for Persons with Aids (HOPWA)
- Homeless programs of Title IV McKinney-Vento Homeless Assistance Act
- Supportive Housing program
- Lead-based paint abatement programs
- HOPE VI
- Section 8 Voucher Program
- EDI
- Others grants require 24 CFR Part 58 compliance

Choice Limiting Action

Per the requirements of 58.22, no agency, developer, program or project is able to undertake a choice limiting action such as real property acquisition, leasing, disposition, demolition, rehabilitation, repair, construction, or site improvements until an environmental approval has been certified by the City of San Antonio's Grants Administrator and, if applicable, granted authority to use grant funds by HUD. This ensures that decision making does not occur until prior to completing the environmental review process. The grantee must ensure objectiveness in the consideration of alternatives and eliminates the opportunity for public-participation in the decision-making process.

Environmental Procedures

STEP 1: Determine the Level of Review

The Office of Grants Monitoring and Administration (GMA) will review the program/project scope of work and determine at what level of environmental review needs to be conducted. The NEPA Classifications that will be determined are listed below:

1. Exempt – Subject to Related Laws at 24 CFR 58.34

Activities that by their very nature will have no physical impact upon the environment are exempt from NEPA requirements as well as Part 58.5. In these cases, the City does not need to check for compliance with the requirements or perform an environmental review, consultation, or other action under NEPA. Some examples from NEPA requirements include:

- Environmental studies, plans & strategies
- Information & financial services
- Administrative & management expenses
- Public services without physical changes
- Inspections & testing properties
- Purchase of insurance
- Purchase of tools
- Engineering or design costs
- Technical assistance & training
- Payment of principal and interest on HUD loans
- Any of the CEST activities at §58.35(a) if Federal laws and authorities at §58.5 are not triggered

2. Categorically Excluded, not Subject to 58.5. (24 CFR 58.35)

Activities in this section are categorically excluded from the requirements at 58.5, due to HUD's determination that such activities will not alter any conditions that would require a NEPA review or a compliance determination under 58.5. When performing a categorically excluded activity not subject to 58.5, the City does not need to publish a Notice of Intent/Request for Release of Funds (NOI/RROF). Following the award of program funds, no further approval from HUD will be needed with respect to environmental requirements. Examples of categorically excluded, not subject to NEPA requirements are:

- Tenant-based rental assistance
- Supportive services
- Operating costs including maintenance, security, operation, utilities, furnishings, equipment, supplies, staff training and recruitment and other incidental costs
- Economic development activities not associated with construction or expansion of existing operations
- Activities to assist homebuyers

- Affordable housing pre-development costs
- Supplemental assistance of previously-approved project

3. Categorically Excluded Subject to 58.5

Any of the categorically excluded activities in 58.35 are exempt from NEPA, provided that there are no circumstances that require compliance with any other federal law and authorities cited in 58.5. Using the statutory checklist, and after consulting with applicable agencies and organizations, the City can designate an activity as exempt if it can show that none of the federal laws and authorities are triggered through funding this activity. The statutory checklist deals with non-NEPA regulation which grantees must adhere to such as historic and wildlife preservation, floodplain management, noise control, etc. Examples of categorically excluded, subject to NEPA requirements are:

- Acquisition, repair, improvement, reconstruction or rehabilitation of public facilities and improvements when:
 - Facilities and improvements are in place
 - No more than 20% change in size or capacity
 - No change in land use
- Removal of architectural barriers that restrict accessibility
- Rehabilitation of buildings and improvements:
 - Residential Structures of 1 – 4 units: no more than 4 units; no change in land use; cannot increase into floodplain or wetland
 - Multifamily Residential Structures: unit density does not change more than 20%; no change in land use; cost of rehab is less than 75% of replacement cost after rehabilitation
 - Commercial, Industrial and Public Buildings: size and capacity does not increase by more than 20%; no change in land use
- Individual action on up to four dwelling units (One 4-unit structure or four 1-unit structures or any combination in between):
- Individual action on a project of five or more housing units when sites are more than 2000 feet apart and no more than four units on any one site.
- Acquisition, disposition or finance of existing structure or vacant land if retained for same use.
- Combination of any of the above activities.

4. Subject to an Environmental Assessment (24 CFR 58.36)

If a project is not exempt or categorically excluded under the above sections, the City must prepare an Environmental Assessment (EA). An EA is a concise public document that includes all the evidence and analysis supporting the City’s decision as to whether an environmental impact statement is warranted or if an activity will result in no significant impact to the environment. Examples when environmental assessments are needed are:

- New Construction (more than five (5) units);
- Construction of Public Facilities;

- Infrastructure Development;
- New construction, demolition and/or reconstruction of five or more single family units on scattered sites that are less than 2,000 feet apart;
- Extending the footprint of a single family unit into the floodplain or wetland area or expanding the footprint of a structure that is already in a floodplain or wetland area;
- Major rehabilitation or reconstruction of multifamily residential units that increases or decreases the unit density more than 20 percent;
- Conversion of a non-residential structure to create a residential use;
- Acquisition of land for development of a housing subdivision;
- Activities that are normally exempt or categorically excluded but have an extraordinary circumstance that requires further review.

The City must file the completed checklist and a statement in the Environmental Review Record.

5. Subject to an environmental impact statement (24 CFR 58.37)

If a project is subject to a full EA and is determined to have a potentially significant impact on the human environment, then an Environmental Impact Statement (EIS) is required. An EIS is also required if the project fits at least one of the following criteria:

- It would provide a site or sites for or result in the construction of hospitals or nursing homes containing more than 2,500 or more beds;
- It would remove, demolish, convert or substantially rehabilitate 2,500 or more existing housing units or would result in the construction or installation of 2,500 or more housing units;
- It would provide enough additional water and sewer capacity to support 2,500 or more additional housing units.

STEP 2: Preparation of Environmental Review

Once the level of environmental review is determined, GMA staff will include the determination in the Eligibility and Compliance Plan document. GMA staff will either prepare internally or designate the recipient to prepare environmental records.

The estimated timeframe, depending on consultations require for completing Environmental Process is as follows:

Environmental Determination	Estimated Timeline for Preparation
Exempt	1 Day
Categorically Excluded not Subject to 58.5	1 Day
Categorically Excluded Subject to 58.5	30-75 Days
Environmental Assessment	45-100 Days
Environmental Impact Statement	1-2 Years

Tiered Environmental Review

Environmental Reviews may be tiered to avoid repetition. Tiered reviews are used to identify and evaluate issues ripe for decision, excluding issues not relevant to the program, policy or project. They are appropriate when:

- Evaluating a policy or proposal
- Early Stages of Development
- When site-specific analysis is not feasible and more narrowed and focused review is better done at a later date
- *Tiered environmental reviews are not appropriate for projects requiring an Environmental Assessment.*

The City will ensure tiered environmental reviews are prepared for single family housing programs at unspecified sites. This review is conducted to achieve both compliance and speed because it does not require upfront identification of assisted properties.

In short, a tiered review focuses on a specific geographical area to address and analyze environmental impacts related to the proposed activities that might occur on the typical project site within that area. The specific addresses/locations of the individual properties are not known at this time. However, once individual project sites are located, any remaining environmental compliance issues that could not be resolved until project locations became known are completed according to standards for approval previously established for the target area. The City's tiered review focuses on scattered sites located throughout a particular targeted area unless the housing program is considered city-wide.

The Tier 1 addresses all laws and authorities possible and establishes a plan (narrative) for the site-specific or subsequent review. GMA must publish a public notice of intent to request a release of funds (NOI/RROF) and submit RROF as described in Step 3.

The Tier 2 site-specific review does not require a public notice or RROF required unless there are unanticipated impacts or impacts that are not adequately addressed in the Tier 1 review.

8-Step Decision Making Process for Projects in the Floodplain

1. Determine whether the action is located in a 100-year floodplain (or a 500-year floodplain for critical actions).
2. Notify the public for early review of the proposal and involve the affected and interested public in the decision making process.
3. Identify and evaluate practicable alternatives. Identify the project site selection criteria and consider several alternative sites and actions:
 - A. Locate the project within the floodplain
 - B. Consider modifying the project
 - C. Obtain a Letter of Map Amendment (LOMA) or Letter of Map Revision (LOMR)or
 - A. Locate the Project Outside of the Floodplain
 - B. Consider other sites
 - C. Consider no action or alternative actions that serve the same purpose
4. Identify Potential Direct and Indirect Impacts of Associated with Floodplain Development.
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 to restore, and preserve the values of the floodplain.
6. Reevaluate the Alternatives.
7. Determination of No Practicable Alternative
8. Implement the Proposed Action

STEP 3: Publication of Notice of Intent (NOI) Request for Release of Funds (RROF) and Finding of No Significant Impact (FONSI)

Categorical Exclusions

GMA will publish a Notice of Intent to Request a Release of Funds (NOI/RROF) for projects that are Categorical Exclusions Subject to §58.5 and projects requiring EAs, using the HUD recommended format. At a minimum, GMA staff shall publish the NOI/RROF notice in a newspaper of general circulation and on the City’s GMA website. Additionally, the following shall be notified:

- | | |
|--|--|
| 1. Individuals and groups known to be interested in the activities | 4. HUD Field Office – Local HUD Representative |
| 2. Appropriate tribal, local, State and Federal agencies | CPD Representative |
| 3. Regional Offices of the Environmental Protection Agency | Department of Housing and Urban Development
615 East Houston Street,
Suite 347
San Antonio, Texas 78205 |

GMA must consider the comments and make modifications, if appropriate, in response to the comments, before it certifies and submits the RROF to HUD. The public comment period is 7 days when published, counting from the day after the publication.

Environmental Assessments (EA)

If the GMA makes a Finding of No Significant Impact from an EA, it must prepare a Finding of No Significant Impact (FONSI) notice, using the HUD recommended format. At a minimum, GMA staff shall publish the FONSI/NOI/RROF combined notice in a newspaper of general circulation and on the City’s GMA website. Additionally, the following shall be notified:

- | | |
|--|--|
| 1. Individuals and groups known to be interested in the activities | 4. HUD Field Office – Local HUD Representative |
| 2. Appropriate tribal, local, State and Federal agencies | Alberto J. Solórzano |
| 3. Regional Offices of the Environmental Protection Agency (Attachment IV) | CPD Representative
Department of Housing and Urban Development
615 East Houston Street,
Suite 347
San Antonio, Texas 78205 |

The FONSI public comment period is 15 days when published, counting from the day after the publication. GMA typically publishes a FONSI notice at the same time it publishes the NOI/RROF. If the notices are released as a combined notice, the combined notice shall clearly indicate that it is intended to meet two separate procedural requirements; and, advise the public to specify in their comments which "notice" their comments address. The public comment period is 15 days when published, counting from the day after the publication.

STEP 4: Preparation and Submission of the Request for Release of Funds (RROF)

If no comments are received or once the comments are addressed, a HUD-7015.15 Request for Release of Funds (RROF) will be prepared by GMA staff and signed by the Grants Administrator (Certifying Official). Once the signature is obtained, it will be submitted to the local HUD office. If comments are received GMA must consider the comments and make modifications, if appropriate, in response to the comments, before it completes its environmental certification and before the recipient submits its RROF. *The RE cannot sign the RROF until the day after the public comment period closes.*

The form must be printed on both sides and the original copy must be submitted to HUD. The RROF cannot be altered in any way. In preparing a RROF, GMA must ensure that all applicable sections are completed. This includes the following:

- HUD program for which funds are being requested is included
- The Name and Address of the RE
- Name and Address of the Recipient if it is not the RE
- Project description for which RE is requesting funds
- Indication of whether an EIS was or was not required
- Signature of the Certifying Officer
- Copy of Ordinance Delegating City Manager's authority as Certifying Officer to the Grants Administrator
- Certification Date after expiration of public notice comment period
- Signature of the authorized officer of the Recipient when the Recipient is not the RE
- Date of signature of the Recipient after expiration of the public notice comment period
- Attach a copy of the public notice
- Attach a copy of the citizen comments and responses

The most current RROF can be found in Attachment V or at the following website:

<http://www.hud.gov/offices/adm/hudclips/forms/hud7.cfm>

The receipt of which will begin the fifteen (15) day period for HUD to receive comments. The original RROF document and a copy of the publication will be mailed to the San Antonio HUD local office located at 615 East Houston Street, San Antonio, Texas 78205.

After HUD's fifteen (15) day comment period and no comments were received, HUD will send the City an Authority to Use Grant Funds (form HUD-7015.16). At this point the City is authorized to commit and use federal funds to undertake the various projects.

STEP 5: After Approval of the Environmental Review Record

1. GMA staff shall add (if applicable) all public notice affidavits, citizen comments and responses, RROF, and the ATUGF to the environmental review record.
2. GMA staff shall notify the agency or city department of approved environmental record.
3. GMA staff shall ensure all mitigation and environmental requirements are incorporated into any contractual agreements.

STEP 6: Environmental Review Recordkeeping

1. GMA staff shall ensure all Environmental Review Records are certified by the Grant Administrator (Certifying Officer).
2. GMA staff shall submit the certified Environmental Review Records including the Public Notice Affidavit, Request for Release of Funds (RROF) Form 7015.15, and the Authority to Use Grant Funds (ATUG) Form 7015.16 to the divisions Administrative Assistant for digital scanning and logging in the shared-access drive located in K:\Environmental\Scanned Environmentals.
3. The Administrative Assistant shall return the logged and recorded hard version of the Environmental Review Record to the GMA staff person for keeping in the appropriate project file.
4. GMA staff shall ensure the Environmental Review Records remain accessible in the centralized located shared-access drive for availability.

Standards

Environmental Professional

The proposed definition first and foremost required that, to qualify as an environmental professional, a person must “possess sufficient specific education, training, and experience necessary to exercise professional judgment to develop opinions and conclusions regarding the presence of releases or threatened releases to the surface or subsurface of a property, sufficient to meet the objectives and performance factors” that are provided in the proposed regulation. The proposed definition of an environmental professional includes individuals who possess the following combinations of education and experience.

1. Hold a current Professional Engineer’s (P.E.) or Professional Geologist’s (P.G.) license or registration from a state, tribe, or U.S. territory and have the equivalent of three (3) years of full-time relevant experience; or
2. Be licensed or certified by the federal government, a state, tribe, or U.S. territory to perform environmental inquiries as defined in § 312.21 and have the equivalent of three (3) years of full-time relevant experience; or
3. Have a Baccalaureate or higher degree from an accredited institution of higher education in a relevant discipline of engineering, environmental science, or earth science and the equivalent of five (5) years of full-time relevant experience; or
4. As of the date of the promulgation of the final rule, have a Baccalaureate or higher degree from an accredited institution of higher education and the equivalent of ten (10) years of full-time relevant experience.

Environmental Preparation

Environmental Determination	Responsible for Preparing Environmental Document			Consultant Required
	Department	Sub-Grantee	Developer	
Exempt	GMA	GMA	N/A	No
Categorically Excluded not Subject to 58.5	GMA	Sub-Grantee	N/A	No
Categorically Excluded Subject to 58.5	Department	Sub-Grantee	N/A	Recommended
Environmental Assessment	Department	Sub-Grantee	Developer	Yes
Environmental Impact Statement	Department	Sub-Grantee	Developer	Yes

Site Assessments

The Department of Planning and Community Development’s Division of Grants Monitoring and Administration has adopted the ATSM 1527-05 standard for Phase I, II, and III Environmental Site Assessments.

Phase I ESA

An ASTM Phase I ESA report is required for multi-family (5 or more units) and/or non-residential properties in accordance with HUD guidance.

Phase II ESA

Phase II Environmental Site Assessments shall be required if an area of concern or recognized environmental condition (REC) is identified in the Phase I ESA. HUD sites may require further

investigation and sampling to determine if an environmental liability exists. The area of concern shall be characterized, liabilities assessed, and conclusions drawn during the Phase II process. Accurate and precise analytical data and recommendations for remedial actions shall be determined as necessary.

Phase III ESA

A Phase III ESA may be recommended in the Phase II to design and implement a remediation plan for a contaminated site. All necessary reports demonstrating successful remediation must be included in the Environmental Review Record

Public Comment Periods

Minimum Public Comment Periods	
Notice Type	Public Comment Period Requirements
Notice of Finding of No Significant Impact (FONSI)	15 days when published.
FONSIs for projects that involve considerable interest, that are similar to other projects normally requiring an EIS, or projects that are unique and without precedent	30 days.
Notice of Intent to Request Release of Funds (NOI/RROF)	7 days when published.
Concurrent or Combined Notices	15 days when published.

Standards for Tribal Consultation

The City shall ensure its adherence to the HUD CPD Notice 12-006 (Attachment VII) in completing the process for Tribal Consultation. Attachment VII will also have a sample tribal letter.

The City requires consultation with federally recognized tribes if the project includes the types of activities that have the potential to affect historic properties of religious and cultural significance to tribes such as:

- Ground disturbance (digging);
- New construction in undeveloped natural areas
- Incongruent visual changes – impairment of the vista or view shed from an observation point in the natural landscape;
- Incongruent audible changes – increase in noise levels above an acceptable standard in areas known for their quiet,
- contemplative experience;
- Incongruent atmospheric changes – introduction of lights that create sky glow in an area with a dark night sky;
- Work on a building with significant tribal association;
- Transfer, lease or sale of a historic property of religious and cultural significance.

The Mescalero Apache Tribe of the Mescalero Reservation and the Comanche Nation are federally recognized tribes that may have an interest of religious and cultural significance in Bexar County. The City shall engage both tribes in the review of several projects that in the types of activities that may have the potential to affect religious and cultural significance.

Standards for Documenting Endangered Species

The City shall conduct an evaluation of the federally listed species during the Environmental Review process by attaching and reviewing the following:

Endangered Species Review	
Document Type	Regulatory Agency Contact
Current list of endangered and threatened species located in Bexar County	US Fish and Wildlife Service (USFWS) & Texas Wildlife Department (TPWD)
TPWD Natural Diversity Database (NDD) w/review of maps and Element Occurrence Records (EOR)	Texas Wildlife Department (TPWD)
U.S. Geological Survey (USGS) Map	U.S. Geological Services (USGS)
Karst Zone Maps	US Fish and Wildlife Service (USFWS)

GMA staff shall ensure that each project will provide a table providing the listing status of each threatened or endangered species, the species habitat description, acknowledgement regarding the presence or absence of suitable habitat, and project effect.

GMA staff shall review the course of action needed for the Endangered Species section of the Environmental Review Record and utilize the resources as outlined in the Environmental Review Policy.

In our evaluation, if it is determined that the project has “No Effect”, GMA staff shall issue a memo to the Environmental Record.

Standards for Endangered Species - Formal vs. Informal Consultation

Formal Consultation

In our evaluation, if it is determined that the project “may affect” one or more listed species in the project area, GMA shall immediately initiate formal consultation with the Service for verification of impact to ensure compliance with the Endangered Species Act.

Based upon professional findings, GMA staff shall notate the Statutory Checklist and make a final decision concerning the pursuit of the proposed activity. GMA staff will notify USFWS of its final decision to ensure that compliance efforts and regulatory requirements are maintained.

Informal Consultation

Informal consultation shall be requested with the USFWS in the early stages of project planning. If the Federal agency, after discussions with the USFWS, determines that the proposed action is not likely to affect any listed species in the action area, and the USFWS concurs, the informal consultation is complete and the City shall move ahead with the proposed project.

Standards for Noise

Methodology Review

GMA staff shall evaluate the noise environments for each proposed project against roadway, airport, and railway noise sources utilizing the U.S. Department of Housing and Urban Development (HUD) noise assessment guidelines. The following measures shall be considered in the noise methodology review of each proposed project.

1. Utilize Noise Assessment Locations (NALs) within each site, as prescribed in Section 51.103(c) to calculate distances to surrounding noise sources.
2. Examine the totality of sources for Roadway, Airport, and Railway categories along with noise sources contributing to noise at the NAL site location.
3. Utilize the HUD Noise Guidebook and Online DNL Calculator Tool to determine site noise levels.
4. Evaluate Major Airports within 15 miles of proposed project site containing a projected/calculated noise contour or flight path perpendicular to any NAL on the project side within three times the length of the airport's 65 dB contour to the flight path or runway.
5. Evaluate railroad lines within 3000' and/or within a line sight to any NAL on the project site.
6. Evaluate installations causing loud impulsive sounds near the project site (if applicable).

For City of San Antonio HUD assisted activities, roadway traffic projections between 15-20 years into the future are used to calculate the external noise environment. HUD Section 51.106(e) requires evaluation of conditions at least 10 years into the future, where possible.

Noise Attenuation Analysis

GMA staff shall conduct a noise attenuation analysis including the calculation of attenuation measures in the following order:

1. Noise Barriers
2. Site Design
3. Acoustical Construction

Noise Barrier Analysis shall utilize proposed and/or future site development plans, GIS-derived site measurements, and the HUD Barrier Performance Module to calculate noise attenuation. Once the noise barrier attenuation level is calculated for each project site, the values should be entered into the original HUD DNL Calculator. The resultant level shall determine the overall DNL level for each project site (the Noise Zone category) and guided the recommended noise attenuation measures.

If the barriers reduced exterior noise levels to 65 DNL or below, no additional attenuation measures or approvals shall be required.

Per HUD Noise Regulations Section 51.101(a)(3), HUD support for new construction, HUD considers site preparation for future construction. HUD assistance is prohibited for projects with Unacceptable noise exposures and is discouraged for projects with Normally Unacceptable noise exposure.

As indicated in Section 51.103, site acceptability can be gained for Unacceptable and Normally Unacceptable noise environments with special approval, proper environmental review, and proper attenuation.

Standards for Site Contamination

If a project site for HUD assistance is found to be contaminated, prior to reaching a FONSI and submitting a RROF, the RE must submit:

- a. Fully characterize site contamination based on accepted industry practice;
- b. Develop a remediation plan with a firm cost estimate;
- c. Obtain approval of the plan from the appropriate regulatory oversight agency; and
- d. Provide evidence of a secure source of funding for remediation plan implementation.

If the proposed site has been the subject of a contamination cleanup, a No Further Action Required letter from the appropriate regulatory oversight authority must be included in the ERR which confirms that the site has been remediated to appropriate levels for the intended use of the property.

If site contamination evaluation identifies an existing continuing obligation or identifies obligations as a remediation measure, these must be identified in an EA. The EA must require a deed restriction or an environmental lien as a project condition to ensure obligations are maintained throughout the life of the project.

Attachment I

Environmental Review Record

Environmental Review Record Summary Sheet

Agency/Developer/Owner/Department:	
Project Name:	
Contract/Number:	
HUD Program:	
Program Year:	
Project Location:	
Estimated Funding Amount:	
Number of Dwelling Units: ()	<input type="checkbox"/> New Construction <input type="checkbox"/> Rehabilitation <input type="checkbox"/> N/A
Project site is in a location described as:	<input type="checkbox"/> Central Business <input type="checkbox"/> Suburban <input type="checkbox"/> Urban Development <input type="checkbox"/> Undeveloped area

Project Description (*Attach additional descriptive information, as appropriate to the project, including narrative, maps, photographs, site plans, budgets and other information.*)

If not prepared by GMA Staff

Prepared By:	Print:	Sign:	Date:
Signature:	Print:	Sign:	Date:

Environmental Review Record Summary Sheet

The subject project has been reviewed pursuant to HUD regulations 24 CFR Part 58, “Environmental Review Procedures for Entities Assuming HUD Environmental Responsibilities,” and the following determination with respect to the project is made:

- Exempt from NEPA review requirements per 24 CFR
 - §58.34(a) Compliance Checklist for §58.6
- Categorically Excluded NOT Subject to §58.5 authorities per 24 CFR §58.35(b)
 - Compliance Checklist for §58.6
- Categorically Excluded SUBJECT to §58.5 authorities per 24 CFR §58.35(a)
 - Compliance Checklist for §58.6
 - Statutory Worksheet and Checklist for the §58.5 authorities
- Environmental Assessment (EA) is required to be performed.
 - Compliance Checklist for §58.6
 - Statutory Worksheet and Checklist for the §58.5 authorities
 - Environmental Assessment Worksheet and Checklist performed in accordance with subpart E of 24 CFR Part 58
- An Environmental Impact Statement (EIS) is required to be performed.

Checkmark if ERR is a Tier I Review

Checkmark if ERR is a Tier II Review

The ERR (see §58.38) must contain all of the environmental review worksheets, checklists, documents, public notices and written determinations or environmental findings required by Part 58 as evidence of the review, decision making and actions pertaining to a particular project. Include additional information such as, maps noting the project location in reference to an environmental impact source, studies, analyses and other documentation as appropriate.

GMA Staff Signature:	Print Name:	Date:
Reviewing Supervisor Signature:	Print Name:	Date:
Reviewing Manager Signature:	Print Name:	Date:
Certifying Entity Signature:	Print Name:	Date:
ERR Record Log Number:		

EXEMPT ACTIVITIES <i>Do not include in ERR if blank</i>	
<input type="checkbox"/>	58.34(1). Environmental & other studies, resource identification & the development of plans & strategies;
<input type="checkbox"/>	58.34(2) Information and financial services;
<input type="checkbox"/>	58.34 (3) Administrative and management activities;
<input type="checkbox"/>	58.34(4) Public services that will not have a physical impact or result in any physical changes, including but not limited to services concerned with employment, crime prevention, child care, health, drug abuse, education, counseling, energy conservation and welfare or recreational needs;
<input type="checkbox"/>	58.34(5) Inspections and testing of properties for hazards or defects;
<input type="checkbox"/>	58.34(6) Purchase of insurance;
<input type="checkbox"/>	58.34(7) Purchase of tools;
<input type="checkbox"/>	58.34 (8) Engineering or design costs;
<input type="checkbox"/>	58.34(9) Technical assistance and training;
<input type="checkbox"/>	58.34(10) Assistance for temporary or permanent improvements that do not alter environmental conditions and are limited to protection, repair, or restoration activities necessary only to control or arrest the effects from disasters or imminent threats to public safety including those resulting from physical deterioration;
<input type="checkbox"/>	58.34(11) Payment of principal and interest on loans made or obligations guaranteed by HUD;
<input type="checkbox"/>	58.34(12) Any of the categorical exclusions listed in §58.35(a) provided that there are no circumstances that require compliance with any other Federal laws and authorities cited in §58.5.

CATEGORICALLY EXCLUDED <u>NOT</u> SUBJECT TO 58.5 <i>Do not include in ERR if blank</i>	
<input type="checkbox"/>	58.35(b)(1). Tenant-based rental assistance;
<input type="checkbox"/>	58.35(2). Supportive services including, but not limited to, health care, housing services, permanent housing placement, day care, nutritional services, short-term payments for rent/mortgage/utility costs, and assistance in gaining access to local, State, and Federal government benefits and services;
<input type="checkbox"/>	58.35(3). Operating costs including maintenance, security, operation, utilities, furnishings, equipment, supplies, staff training and recruitment and other incidental costs;
<input type="checkbox"/>	58.35(4). Economic development activities, including but not limited to, equipment purchase, inventory financing, interest subsidy, operating expenses and similar costs not associated with construction or expansion of existing operations;
<input type="checkbox"/>	58.35(5). Activities to assist homebuyers to purchase existing dwelling units or dwelling units under construction, including closing costs and down payment assistance, interest buy-downs, and similar activities that result in the transfer of title.
<input type="checkbox"/>	58.35(6). Affordable housing pre-development costs including legal, consulting, developer and other costs related to obtaining site options, project financing, administrative costs and fees for loan commitments, zoning approvals, and other related activities which do not have a physical impact.
<input type="checkbox"/>	58.35(7). Approval of supplemental assistance (including insurance or guarantee) to a project previously approved under this part, if the approval is made by the same responsible entity that conducted the environmental review on the original project and re-evaluation of the environmental findings is not required under §58.47.

CATEGORICALLY EXCLUDED SUBJECT TO 58.5 <i>Do not include in ERR if blank</i>	
<input type="checkbox"/>	58.35(a)(1). Acquisition, repair, improvement, reconstruction, or rehabilitation of public facilities and improvements (other than buildings) when the facilities and improvements are in place and will be retained in the same use without change in size or capacity of more than 20 percent (e.g., replacement of water or sewer lines, reconstruction of curbs and sidewalks, repaving of streets);
<input type="checkbox"/>	58.35(a)(2). Special projects directed to the removal of material and architectural barriers that restrict the mobility of and accessibility to elderly and handicapped persons;
	58.35(a)(3). Rehabilitation of buildings and improvements when the <i>following</i> conditions are met:
<input type="checkbox"/>	<i>58.35(a)(3)(i). In the case of a building for residential use (with one to four units), the density is not increased beyond four units, the land use is not changed, and the footprint of the building is not increased in a floodplain or in a wetland;</i>
<input type="checkbox"/>	<i>58.35(a)(3)(ii). In the case of multifamily residential buildings: (A) Unit density is not changed more than 20 percent; (B) The project does not involve changes in land use from residential to non-residential; and (C) The estimated cost of rehabilitation is less than 75 percent of the total estimated cost of replacement after rehabilitation.</i>
<input type="checkbox"/>	<i>58.35(a)(3)(iii). In the case of non-residential structures, including commercial, industrial, and public buildings: (A) The facilities and improvements are in place and will not be changed in size or capacity by more than 20 percent; AND (B) The activity does not involve a change in land use, such as from non-residential to residential, commercial to industrial, or from one industrial use to another.</i>
<input type="checkbox"/>	58.35(a)(4)(i) An individual action on up to four dwelling units where there is a maximum of four units on any one site. The units can be four one-unit buildings or one four-unit building or any combination in between; or
<input type="checkbox"/>	58.35(a)(ii) An individual action on a project of five or more housing units developed on scattered sites when the sites are more than 2,000 feet apart and there are not more than four housing units on any one site. 58.35(a)(iii) Paragraphs (a)(4)(i) and (ii) of this section do not apply to rehabilitation of a building for residential use (with one to four units) (see paragraph (a)(3)(i) of this section).
<input type="checkbox"/>	58.35(a)(5). Acquisition (including leasing) or disposition of, or equity loans on an existing structure, or acquisition (including leasing) of vacant land provided that the structure or land acquired, financed, or disposed of will be retained for the same use.
<input type="checkbox"/>	58.35(a) (6). Combinations of the above activities.

Compliance Checklist for 24 CFR §58.6

Agency/Department:	
Project Name:	
Contract Number:	

1. §58.6(a) and (b) Flood Disaster Protection Act of 1973, as amended; National Flood Insurance Reform Act of 1994

a. Does the project involve new construction, major rehabilitation, minor rehabilitation, improvements, acquisition, management, new loans, loan refinancing or mortgage insurance?

Yes No

If No, compliance with this section is complete. **If Yes**, continue.

b. Is the project located in a FEMA identified Special Flood Hazard Area?

Yes No To be determined on Site Specific Tier II Review

If No or Tier II, compliance with this section is complete. **If Yes**, continue.

ATTACH - FEMA Flood Map showing project location in reference to flood zone designation.

c. Is the community participating in the National Flood Insurance Program (or has less than one year passed since FEMA notification of Special Flood Hazards)?

Yes No

If Yes, Flood Insurance under the National Flood Insurance Program must be obtained.

If HUD assistance is provided as a grant, insurance must be maintained for the economic life of the project and in the amount of the total project cost (or up to the maximum allowable coverage, whichever is less). If HUD assistance is provided as a loan, insurance must be maintained for the term of the loan and in the amount of the loan (or up to maximum allowable coverage, whichever is less). A copy of the flood insurance policy declaration must be kept on file in the ERR.

If No, Federal assistance may not be used in the Special Flood Hazards Area.

Compliance Checklist for 24 CFR §58.6

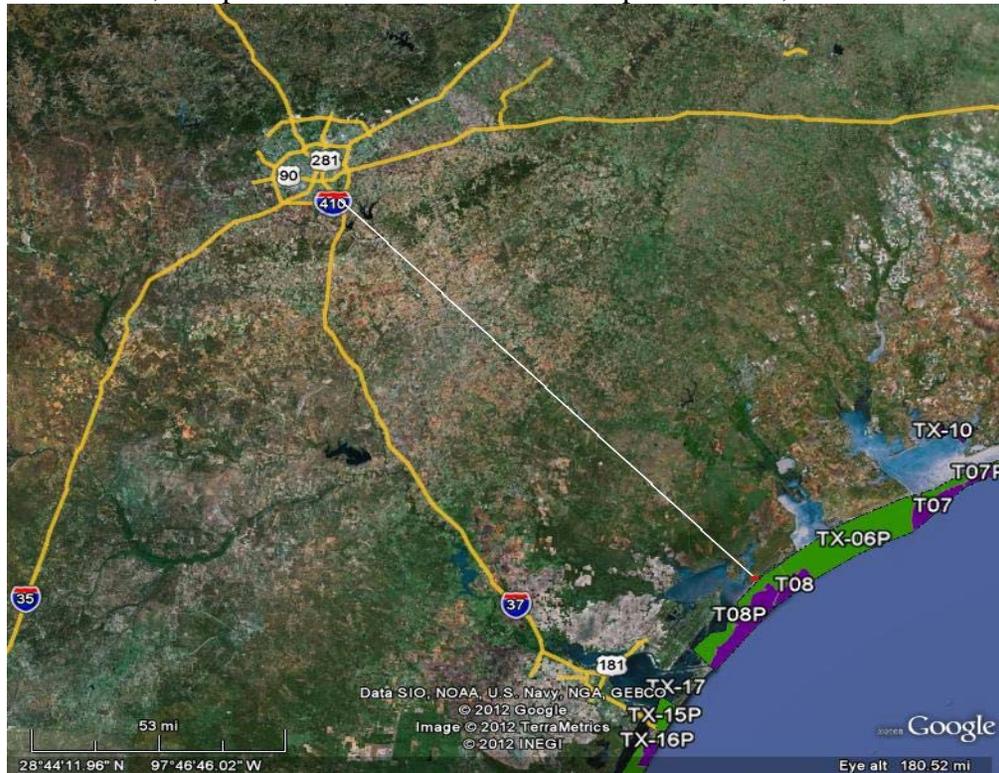
2. §58.6(c) Coastal Barrier Improvement Act, as amended by the Coastal Barriers Improvement Act of 1990 (16 U.S.C. 3501)

a. Does the project involve new construction, conversion of land uses, major rehabilitation of existing structure, or acquisition of undeveloped land?

Yes No **If No,** compliance with this section is complete. **If Yes,** continue below.

b. Is the project located in a coastal barrier resource area?

Yes No **If No,** compliance with this section is complete. **If Yes,** Federal assistance may not be used.



Map shows the distance from the nearest boarder of the City of San Antonio city limits to the John H. Chafee Coastal Barrier Resources System. The distance is approximately 120 miles. Any City of San Antonio projects will not be located in a coastal barrier resources area.

Office of Grants Monitoring and Administration
 Effective April 12, 2013

Compliance Checklist for 24 CFR §58.6

3. §58.6(d) Runway Clear Zones and Clear Zones [24 CFR §51.303(a) (3)]

a. Does the project involve the sale or purchase of existing property?

Yes No

If No, compliance with this section is complete. **If yes**, continue below.

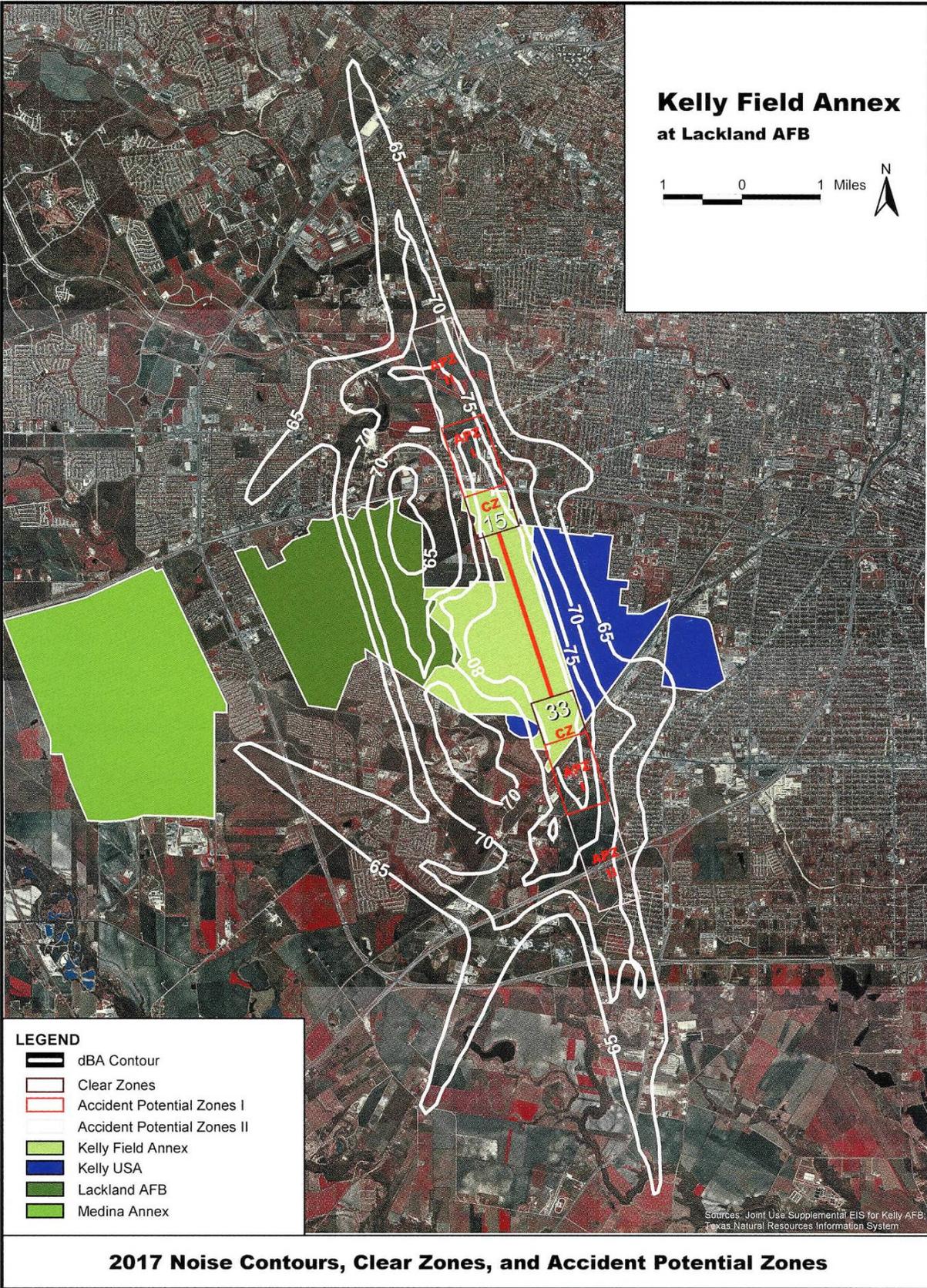
b. Is the project located within 2,500 feet of the end of a civil airport runway (Civil Airport's Runway Clear/Protection Zone) **or** within 15,000 feet of the end of a military runway (Military Airfield's Clear Zone)?

Yes No To be determined on Site Specific Tier II Review

If No or Tier II, compliance with this section is complete. **If Yes**, Notice must be provided to buyer. The notice must advise the buyer that the property is in a Runway Clear Zone or Clear Zone, what the implications of such a location are, and that there is a possibility that the property may, at a later date, be acquired by the airport operator. The buyer must sign a statement acknowledging receipt of this information, and a copy of the signed notice must be maintained in this ERR.

- ATTACH – Kelly AICUZ Map and Mark Location of Project
- ATTACH – San Antonio International Airport in Google Earth and mark location of project
- ATTACH – Stinson Field in Google Earth and mark location of project
- ATTACH – Randolph Airfield in Google Earth and mark location of project **if located in the City of Schertz or Universal City**

Site is located on map (Mark Location) Site is not located on map



Office

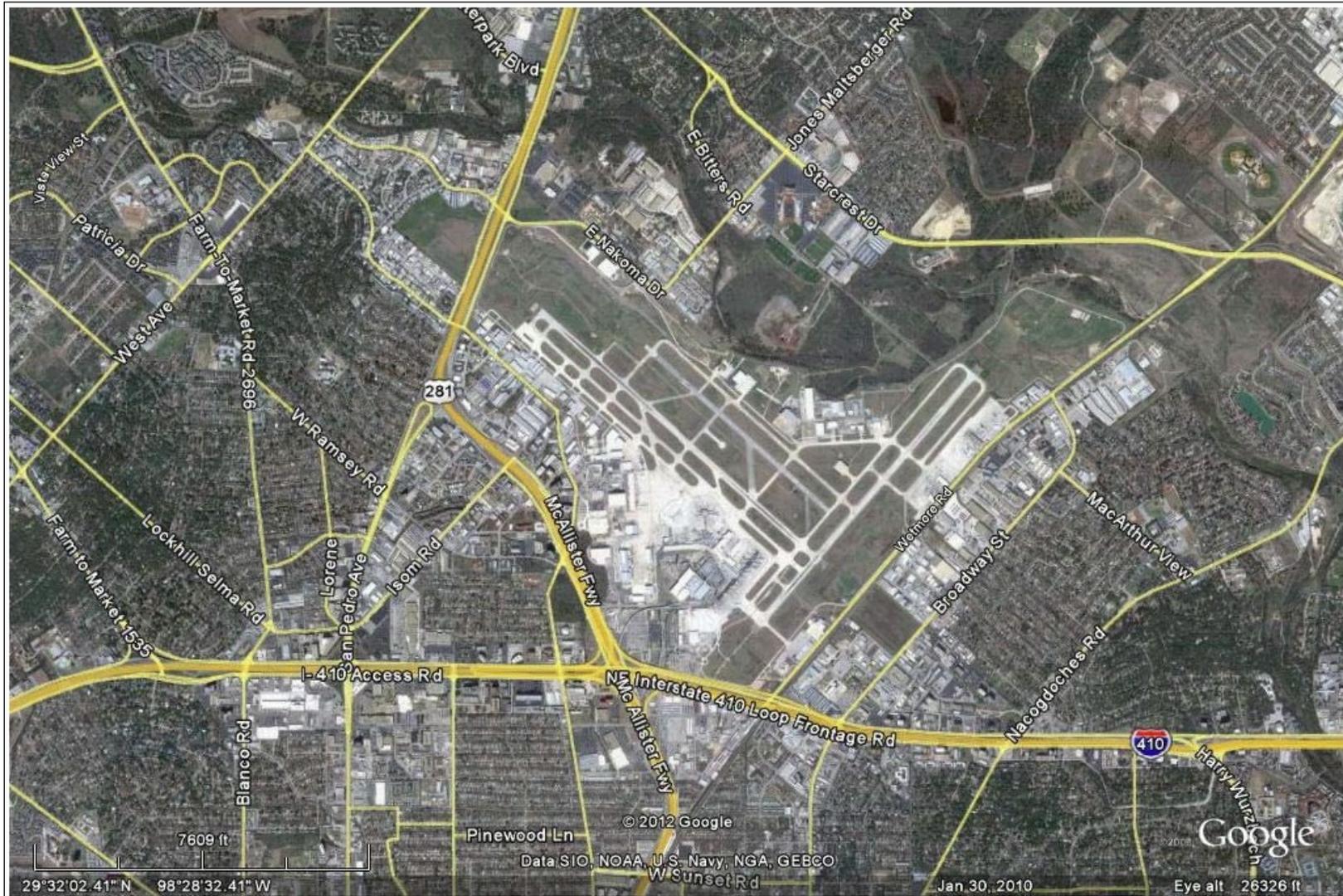
Effect

San Antonio International Airport

Is the project site located on this map near SA International?

YES NO

If Yes, mark the site location and provide documentation of the distance of the project from the end of the runway.

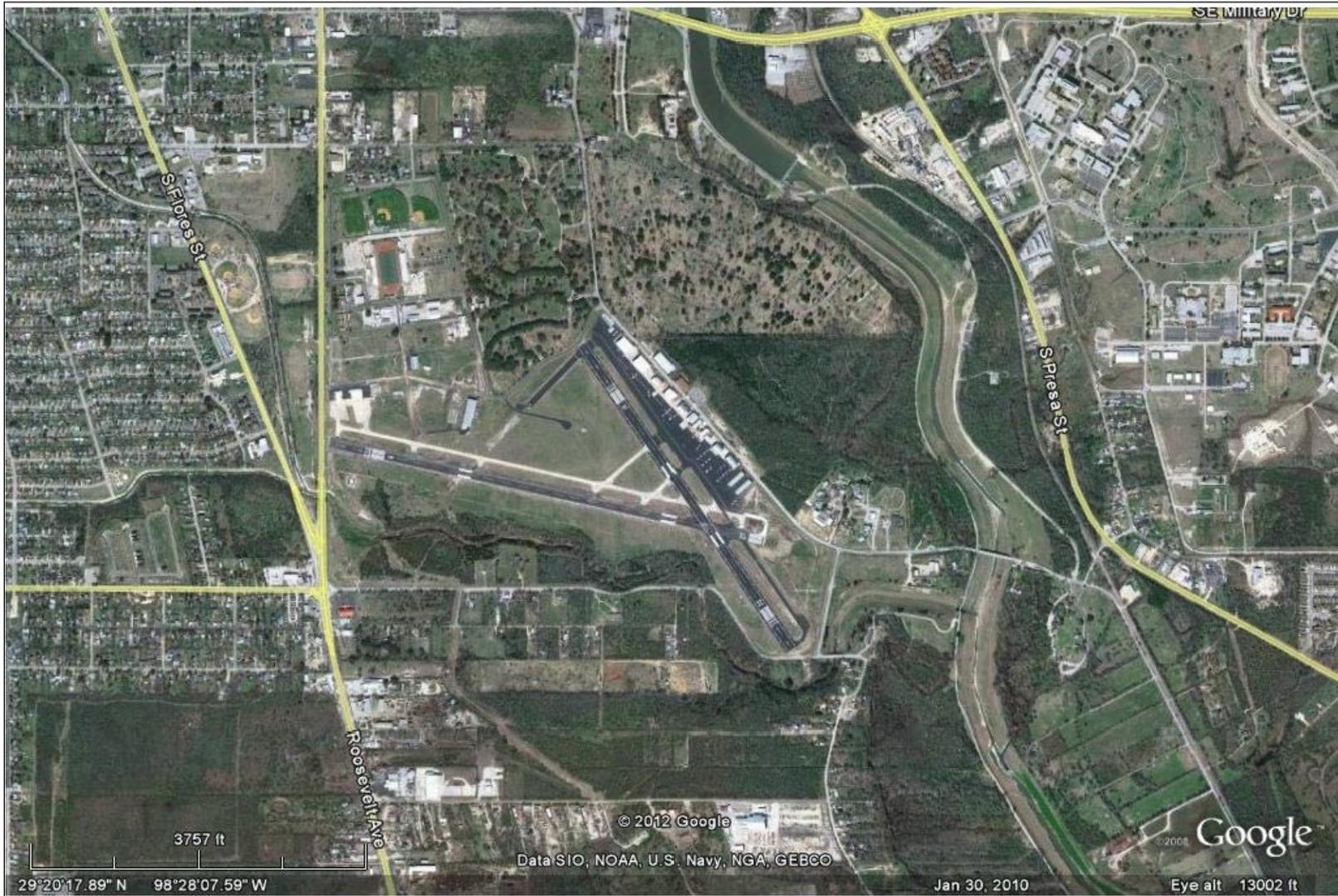


Stinson Field

Is the project site located on this map near Stinson Field?

YES NO

If Yes, mark the site location and provide documentation of the distance of the project from the end of the rml way.



Statutory Checklist – §58.5 Compliance (DIRECTIONS)

After completion of the Statutory Worksheet, document the summarized information in the Statutory Checklist. From the answers to the questions of the Statutory Worksheet, for each law/authority, check either the “A box” or “B box.”

“**A box**” The project is in compliance, either because:

- (1) the nature of the project does not implicate the authority under consideration, or
- (2) supporting information documents that project compliance has been achieved. In either case, information must be provided as to **WHY the authority is not implicated, or HOW compliance is met**; OR

“**B box**” The project requires an additional compliance step or action, including but not limited to consultation with or approval from an oversight agency, performance of a study or analysis, completion of remediation or mitigation measure, or obtaining of license or permit.

Compliance Findings: Choose the appropriate compliance finding listed below for each law/authority. State the appropriate finding(s) in the Compliance Finding column of the Statutory Checklist. **Compliance Findings for each law and authority can include one or more of the following:**

Not Applicable to this Project – when it is known that the project is located in an area where the environmental condition or resource is nonexistent (e.g., project is not located near a coastal zone or near a wild & scenic river).

Consultation/Review Procedures required – when there has been coordination with the appropriate individuals at Federal or federally authorized agencies and those interactions are documented through attached notes and correspondence (e.g., Section 106 concurrence memo).

Determination of Consistency, Approvals and Permits Obtained – In areas requiring consistency or where projects required Federal permits, licenses, or other forms of approval (e.g., consistency with state coastal zone management plan).

Conditions or Mitigation Actions Required – when project is conditioned or mitigation is required. These should be listed in the mitigation section of the Statutory Checklist. Attach any correspondence from reviewing agencies and a designation of responsibility for implementation.

Source Documentation: Source documentation must consist of verifiable documents and/or relevant base data. Cite the appropriate documentation in the Source Documentation column for each law/authority and attach the documentation to Statutory Checklist. Also attach a separate sheet if not enough space is provided in the text boxes. Documents may be incorporated into the ERR provided that each source is identified and available for inspection by interested parties. Proprietary material and studies that are not otherwise generally available for public review shall be included in the ERR. If a Tier I Review is being conducted, cite that a determination will be made on the Site Specific Tier II Review.

Statutory Checklist – §58.5 Compliance

Definitions: **A:** The project is in compliance.
B: The project requires an additional compliance step or action.

Statute, Authority, Executive Order per 24 CFR §58.5	A	B	COMPLIANCE FINDING	SOURCE DOCUMENTATION
58.5(a) Historic Properties [36 CFR 800]	<input type="checkbox"/>	<input type="checkbox"/>		
58.5(b)(1) Floodplain Management [24 CFR 55, Executive Order 11988]	<input type="checkbox"/>	<input type="checkbox"/>		
58.35(b)(2) Wetland Protection [24 CFR 55, Executive Order 11990]	<input type="checkbox"/>	<input type="checkbox"/>		
58.35(c) Coastal Zone Management [Coastal Zone Management Act sections 307(c) &	<input type="checkbox"/>	<input type="checkbox"/>		
58.35(d) Sole Source Aquifers [40 CFR 149]	<input type="checkbox"/>	<input type="checkbox"/>		
58.35(e) Endangered Species [50 CFR 402]	<input type="checkbox"/>	<input type="checkbox"/>		
58.35(f) Wild and Scenic Rivers [36 CFR 297]	<input type="checkbox"/>	<input type="checkbox"/>		
58.35(g) Air Quality [CFR parts 6, 51,93]				

Statute, Authority, Executive Order per 24 CFR §58.5	A	B	COMPLIANCE FINDING	SOURCE DOCUMENTATION
58.35(h) Farmland Protection [7 CFR 658]	<input type="checkbox"/>	<input type="checkbox"/>		
58.35(i)(1) Noise Control and Abatement [24 CFR 51B]	<input type="checkbox"/>	<input type="checkbox"/>		
58.35 (i) (1) Explosive and Flammable Operations [24 CFR 51C]	<input type="checkbox"/>	<input type="checkbox"/>		
58.5(i)(1) Airport Hazards (Runway Clear Zones and Clear Zones/Accident Potential Zones) [24 CFR 51D]	<input type="checkbox"/>	<input type="checkbox"/>		
58.5(i)(2)(i) Contamination and Toxic Substances [24 CFR 58.5(i)(2)]	<input type="checkbox"/>	<input type="checkbox"/>		
58.5(j) Environmental Justice [Executive Order 12898]	<input type="checkbox"/>	<input type="checkbox"/>		

DETERMINATION:

- Box "A" has been checked for all authorities.** If Categorically Excluded pursuant to §58.35(a), the project can convert to Exempt, per §58.34(a) (12), since the project does not require any compliance measure (e.g., consultation, mitigation, permit or approval) with respect to any law or authority cited at §58.5. The project is now made Exempt and **funds may be drawn down; OR**
- Box "B" has been checked for one or more authority.** The project cannot convert to exempt since one or more authority requires compliance, including but not limited to consultation with or approval from an oversight agency, performance of a study or analysis, completion of remediation or mitigation measure, or obtaining of license or permit. **Complete pertinent compliance requirement(s), publish NOI/RROF, request release of funds (HUD-7105.15), and obtain HUD's Authority to Use Grant Funds (HUD-7015.16) per §58.70 and §58.71 before committing funds; OR**
- This project may result in a significant environmental impact to the environment and requires preparation of an Environmental Assessment (EA). Prepare the EA according to 24 CFR Part 58 Subpart E.

MITIGATION MEASURES AND CONDITIONS FOR PROJECT APPROVAL: *(If Box B is checked, provide details regarding further consultation, mitigation, permit requirements or approvals required to be incorporated into public notices and project requirements such as contracts, grants, loan conditions, etc as described in the Statutory Worksheet).*

Worksheet for Preparing 24 CFR §58.5 Statutory Checklist [Attach to Statutory Checklist]

§58.5(a) Historical Properties [36 CFR Part 800]

a. Does the project include the type of activity that would have the potential to affect historic properties such as acquisition, demolition, disposition, ground disturbance, new construction or rehabilitation?
 Yes No

If Yes, continue. **If No**, the project is not the type of activity that has the potential to affect historic properties. Compliance with this section is complete. Mark box “A” on the Statutory Checklist for this authority.

b. Does the RE and State Historic Preservation Office (SHPO) have a Programmatic Agreement (PA) that does not require consultation for this type of activity?
 Yes No

If Yes, document compliance with the PA. Compliance with this section is complete. Mark box “A” on the Statutory Checklist for this authority. **If No**, continue.

c. Is the project located within or directly adjacent to a historic district?
 Yes No

d. Is the structure or surrounding structures listed on or eligible for listing on the National Register of Historic Places (e.g. greater than 45 years old)?
 Yes No

e. Were any properties of historical, architectural, religious or cultural significance identified in the project’s Area of Potential Effect (APE)?
 Yes No

If Yes any of the questions above, continue. **If No to all of the questions above**, the project will not affect historic properties. A concurrence from the SHPO that “no historic properties will be affected” is required. Compliance with this section is complete. Mark box “A” on the Statutory Checklist for this authority.

f. Have you consulted with the SHPO to determine whether the project will have “No Adverse Effect on Historic Properties?”
 Yes No

If Yes, continue. **If No**, consultation with the SHPO is required.

g. Does the SHPO concurrence letter received for this project require mitigation or have conditions?
 Yes No

If Yes, continue. **If No**, compliance with this section is complete. Mark box “A” on the Statutory Checklist for this authority.

h. Have the SHPO and RE agreed on required mitigation or conditions?
 Yes No

If Yes, include mitigation requirements and/or conditions from the SHPO in the mitigation section of the Statutory Checklist. Mark box “B” on the Statutory Checklist for this authority. **If No**, continue with consultation until resolved.

Historic properties of religious and cultural significance to tribes and Native Hawaiian organizations

i. Does the project include the types of activities such as those listed below that have the potential to affect historic properties of religious and cultural significance to tribes?

- Ground disturbance (digging);
- New construction in undeveloped natural areas
- Incongruent visual changes – impairment of the vista or view shed from an observation point in the natural landscape;
- Incongruent audible changes – increase in noise levels above an acceptable standard in areas known for their quiet, contemplative experience;
- Incongruent atmospheric changes – introduction of lights that create sky glow in an area with a dark night sky;
- Work on a building with significant tribal association;
- Transfer, lease or sale of a historic property of religious and cultural significance.

Yes No

If Yes, continue. **If No**, tribal consultation is not required.

j. Does HUD’s Tribal Directory Assessment Tool indicate that tribes have an interest in the location where the project is sited?
(http://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/environment/tribal)

Yes No

If Yes, contact federally recognized tribe(s) and invite consultation. Continue. **If No**, document the result in the ERR. Tribal consultation is not required.

k. Did the tribe(s) respond that they want to be a consulting party?

Yes No

If Yes, continue. **If No**, (no response within 30 days or responded that they do not wish to consult), document response or lack of response in ERR. Further consultation is not required.

l. After consulting with the tribe(s) and discussing the project, were any properties of religious or cultural significance to the tribe(s) identified in the project’s APE?

Yes No

If Yes, continue. **If No**, notify tribe(s) and other consulting parties of your finding of “No Historic Properties Affected.” Tribe(s) has 30 days to object to a finding.

m. After consulting with the tribe(s), will the project have an adverse effect on properties of religious or cultural significance to the tribe(s)?

Yes No

If Yes, consult with tribe(s) and other consulting parties to resolve adverse effects, including considering alternatives and mitigation measures that would avoid or minimize adverse effects. **If No**, notify tribe(s) and other consulting parties of your finding of “No Adverse Effects.” Tribe(s) has 30 days to object to a finding.

n. Were any objections to a finding received from a consulting tribe?

Yes No **If Yes**, continue with consultation until resolved. **If No**, consultation is complete.

Comments: Cite and attach source documentation: (Correspondence with SHPO/THPO. How determination of “no potential to cause effects” to historic properties was made.)

Information Resources:

National Register of Historic Places:

<http://nrhp.focus.nps.gov/natreghome.do?searchtype=natreghome>

National Conference of State Historic Preservation Officers:

<http://ncshpo.org/>

Map of Currently Recognized THPO's:

<http://www.nathpo.org/map.html>

HUD Tribal Directory Assessment Tool (TDAT):

http://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/environment/tribal

Section 106 Agreements Database:

http://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/environment/section106

City of San Antonio Local Historic Preservation Office

<http://www.sanantonio.gov/historic/>

Phone: (210) 215-9274

Kay Hindes, City Archaeologist (Archaeology & Master Development Plan and Plat Reviews)

(210) 207-7306

kay.hindes@sanantonio.gov

Elizabeth Porterfield, Senior Management Analyst (Architectural Historian)

(210) 207-3327

elizabeth.porterfield@sanantonio.gov

§58.5(b) (1) Floodplain Management [24 CFR Part 55]

a. Does the project include minor repairs or improvements on up to four dwelling units that do not meet the thresholds for “substantial improvement” under §55.2(b)(8), i.e., the cost does not equal or exceed 50% of the market value of the structure before improvement or repair started, before damage occurred.

Yes No

If Yes, compliance with this section is complete. Mark box “A” on the Statutory Checklist for this authority. **If No**, continue.

b. Is the project located within (or have an impact on) a 100 year floodplain (Zones A or V) identified by FEMA maps?

Yes No

c. Does the project involve a “critical action,” per §55.2(b)(2)(i), located within a 500 year floodplain (Zone B) identified by FEMA maps?

Yes No

If Yes to (b) or (c), follow HUD’s Floodplain Management Regulations 8-Step decision-making process of §55.20 to comply with 24 CFR Part 55. The 8-Step decision-making process must show that there are no practicable alternatives to locating the project in the floodplain, and if there are no alternatives, define measures to mitigate impacts to floodplains and location of the project in the floodplain. Completion of the 8-Step decision-making process must be completed before the completion of an EA per §55.10(a). See Attachment 1 for an example of the 8-Step decision-making process. The findings of the decision-making process must be included in the ERR and summarized in Part 55 and Part 58 public notices. Mark box “B” on the Statutory Checklist for this authority.

If No to (b) and (c), compliance with this section is complete. Mark box “A” the Statutory Checklist for this authority.

d. Does the project involve a non-critical action which is not a functionally dependent use that is located in a floodway?

Yes No

If Yes, HUD assistance may not be used for this project

Comments:

Cite and attach source documentation: (FEMA flood map used to make this finding with the project location marked on the map. Include the community name, map panel number and date of map. As applicable, §55.20 8-Step decision-making process analysis. If FEMA has not published the appropriate flood map, the RE must make a finding based on best available data.)

For more information see the FEMA Map Service Center: <http://www.store.msc.fema.gov>

§58.5(b) (2) Wetlands Protection (E.O. 11990)

a. Does the project involve new construction, land use conversion, major rehabilitation, or substantial improvements?
 Yes No

If Yes, continue.

If No, compliance with this section is complete. Mark box “A” on the Statutory Checklist for this authority.

b. Is the project within or adjacent to or will it affect wetlands, marshes, wet meadows, mud flats or natural ponds per field observation and maps issued by the US Fish & Wildlife Service (USFWS) or U.S. Army Corps of Engineers (Corps)?
 Yes No

c. Are there drainage ways, streams, rivers, or coastlines on or near the site?
 Yes No

d. Are there ponds, marshes, bogs, swamps or other wetlands on or near the site?
 Yes No

e. Does the project involve new construction and/or filling located within a wetland designated on a USFWS National Wetlands Inventory map?
 Yes No

If Yes to (b), (c), (d), or (e), comply with wetlands decision-making process of 24 CFR §55.20. (Use proposed Part 55 published in the Federal Register January 2012 for wetland procedures). Continue. **If No to (b), (c), (d), or (e)**, compliance with this section is complete. Mark box “A” on the Statutory Checklist for this authority.

f. Will the project require a permit from the Corps under Section 404 of the Clean Water Act and/or will USFWS require wetland mitigation?
 Yes No

If Yes, ensure this is noted in Part 55 and Part 58 public notices. Include all mitigation measures and permit requirements in the mitigation section of the Statutory Checklist. Compliance with this section is complete. Mark box “B” on the Statutory Checklist for this authority.

If No, compliance with this section is complete. Mark box “B” on the Statutory Checklist for this authority.

Comments:

Cite and attach source documentation: (NWI Map with project location noted in reference to wetlands. §55.20 8/5-Step decision-making process analysis for new construction and/or filling, and any permits received.)

For more information see:

USFWS National Wetlands Inventory – Geospatial Wetlands Digital Data:

<http://www.FWS.gov/wetlands/data/index.html>

Recognizing wetlands:

http://www.usace.army.mil/Portals/2/docs/civilworks/regulatory/techbio/rw_bro.pdf

4. §58.5(c) Coastal Zone Management [Coastal Zone Management Act of 1972, Sections 307(c) & (d)]

a. Does the project involve new construction, land use conversion, major rehabilitation, or substantial improvements?

Yes No

If Yes, continue. **If No**, compliance with this section is complete. Mark box “A” on the Statutory Checklist for this authority.

b. Is the project located within a Coastal Zone as defined in your state Coastal Zone Management (CZM) Plan?

Yes No

If Yes, the State CZM Agency must make a finding that the project is consistent with the approved State CZM Plan. Mark box “B” on the Statutory Checklist for this authority. **If No**, compliance with this section is complete. Mark box “A” on the Statutory Checklist for this authority.

Comments:

Cite and attach source documentation: (Map showing project in relation to the nearest Coastal Zone Management area. If applicable, State’s findings.)

For additional information see:

States and Territories Working with NOAA on Ocean and Coastal Zone Management:

<http://coastalmanagement.noaa.gov/mystate/welcome.html>

Texas Coastal Zone Management Program:

<http://www.glo.texas.gov/what-we-do/caring-for-the-coast/grants-funding/cmp/index.html>

Texas Coastal Zone Boundary:

http://www.glo.texas.gov/what-we-do/caring-for-the-coast/_documents/landing-pagefolder/CoastalBoundaryMap.pdf

§58.5(d). Sole Source Aquifers [40 CFR Part 149]

a. Does the project involve new construction or land use conversion?

Yes No

If Yes, continue. **If No**, compliance with this section is complete. Mark box “A” on the Statutory Checklist for this authority.

b. Is the project located within a U.S. Environmental Protection Agency (EPA)-designated sole source aquifer watershed area per EPA Ground Water Office?

Yes No

If Yes, consult with the Water Management Division of EPA to design mitigation measures to avoid contaminating the aquifer and implement appropriate mitigation measures. Include mitigation measures in mitigation section of Statutory Checklist. Mark box “B” on the Statutory Checklist for this authority. **If No**, compliance with this section is complete. Mark box “A” on the Statutory Checklist for this authority.

Comments:

Cite and attach source documentation: (Map showing project in relation to the nearest Sole Source Aquifer.)

For more information see:

Region 6 Sole Source Aquifers: <http://www.epa.gov/region6/water/swp/ssa/maps.htm>

§58.5(e) Endangered Species [50 CFR Part 402]

a. Does the project involve the type of activities that are likely to have “no effect on endangered species, such as:

• Demolition and construction or placement of a single family residence within a developed lot, and/or any loans or mortgages affiliated with such construction, demolition or placement provided they are not within 750 feet of habitat for federally-listed species or 300 feet of mapped wetlands, wildlife refuges, fish hatcheries, wildlife management areas, or related significant fish and wildlife resources?

Yes No

• Rehabilitation or renovation activities associated with existing structures (*e.g.*, houses, buildings), including additional structures attached to or associated with the primary structure, and/or any loans or mortgages affiliated with such rehabilitation or renovation?

Yes No

• Acquisition of existing structures (*e.g.*, houses, buildings), including additional structures attached to or associated with the primary structure, and/or any loans or mortgages affiliated with such acquisition.

Yes No

• Purchase and placement of playground equipment within existing parks?

Yes No

• Resurfacing, repairing, or maintaining existing streets, sidewalks, curbs, trails, parking lots and/or any other existing paved surfaces where additional ground disturbance, outside of the existing surface is not necessary?

Yes No

If Yes to any of the above, the project is likely to have “No Effect” on federally protected species and critical habitat. Informal consultation with the US Fish and Wildlife Service or the National Marine Fisheries Service (Services) is not necessary. The RE is required to make this finding and include a memorandum to the file supporting the finding (note that this finding should be made by the RE, and not by third party contractors and non-RE grant recipients). Compliance with this section is complete. Mark box “A” on the Statutory Checklist for this authority. **If No to all of the above**, continue.

b. Does the project constitute a major construction activity (a major Federal action that modifies the physical environment and would normally require the preparation of an EIS)?

Yes No

If Yes, formal consultation with the Services is required in accordance with procedural regulations contained in 50 CFR Part 402. Mark box “B” on the Statutory Checklist for this authority. **If No**, continue.

c. Have the Services identified federally protected species or critical habitat within the project area?
 Yes No

If Yes, continue. **If No**, the project is likely to have “No Effect” on federally protected species and critical habitat. Informal consultation with the Services is not necessary. The RE is required to make this finding and include a memorandum to the file supporting the finding (note that this finding should be made by the RE, and not by third party contractors). Compliance with this section is complete. Mark box “A” on the Statutory Checklist for this authority.

d. If federally protected species or critical habitat have been identified within the project area, has a special study been conducted by a qualified professional to determine the effects of the project on each species and critical habitat?
 Yes No

If Yes, continue. **If No**, a special study should be conducted to determine the effects of the project on federally protected species and critical habitat. Continue.

e. Has the RE made a determination based on professional findings that the project is “Not Likely to Adversely Affect” any federally protected (listed or proposed) threatened or endangered species (i.e., plants or animals, fish, or invertebrates), nor adversely modify critical habitats?
 Yes No

If Yes, Service’s concurrence with findings is required. Mark box “B” on the Statutory Checklist for this authority. **If No**, continue.

f. Has the RE determined based on professional findings that the project “May Affect” federally protected (listed or proposed) threatened or endangered species (i.e., plants or animals, fish, or invertebrates), or adversely modify critical habitats?
 Yes No

If Yes, formal consultation is required with the Services, in accordance with procedural regulations contained in 50 CFR Part 402, which mandates formal consultation in order to preserve the species. Mark box “B” on the Statutory Checklist for this authority. **If No**, contact your FEO for assistance in determining impacts to federally protected species

and critical habitat.

Comments:

Cite and attach source documentation: (Memorandum to the file by the RE supporting the finding of “No Effect.” Concurrence memo from one or both of the Services for a finding of “Not Likely to Adversely Affect.” Biological Opinion from one or both of the services for a finding of “May Affect.”)

For additional information see: (The Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.* as amended: particularly Section 7 (b) and (c). 50 CFR 402).

USFWS ESA Species Search:

<http://www.FWS.gov/endangered/species/index.html>

NMFS ESA Species Search:

<http://www.nmfs.noaa.gov/pr/species/esa/>

USFWS Critical Habitat Maps:

<http://crithab.FWS.gov/>

NMFS Critical Habitat Maps:

<http://www.nmfs.noaa.gov/pr/species/criticalhabitat.htm>

Endangered Species Consultation Handbook:

http://www.nmfs.noaa.gov/pr/pdfs/laws/esa_section7_handbook.pdf

§58.5(f) Wild and Scenic Rivers [36 CFR Part 297]

a. Does the project involve new construction, land use conversion, major rehabilitation, or substantial improvements?

Yes No

If Yes, continue. **If No**, compliance with this section is complete. Mark box “A” on the Statutory Checklist for this authority.

b. Is the project is located within one (1) mile of a designated Wild & Scenic River, or river being studied as a potential component of the Wild & Scenic River system?

Yes No

If Yes, determination from the National Park Service (NPS) must be obtained, with a finding that the project will not have a direct and adverse effect on the river nor invade or diminish values associated with such rivers. For NRI Rivers, consultation with NPS is recommended to identify and eliminate direct and adverse effects. Mark box “B” on the Statutory Checklist for this authority. **If No**, compliance with this section is complete. Mark box “A” on the Statutory Checklist for this authority.

Comments:

Cite and attach source documentation: (Maps noting project location and showing proximity to protected rivers. Relevant determinations or results of consultation.) For further information see:

National Park Service

<http://www.rivers.gov/wildriverslist.html>

<http://www.rivers.gov/study.html>

National River Inventory (NRI) listed rivers

<http://www.nps.gov/ncrc/programs/rtca/nri/>

§58.5(g) Air Quality [40 CFR Parts 6, 51, 61 and 93]

a. Does the project involve demolition or renovation of buildings likely to contain asbestos containing materials?

Yes No

If Yes, ensure the project is in compliance with EPA’s Asbestos regulations found at 40 CFR Part 61 (NESHAP) and all State and local regulations. Continue. **If No**, continue.

b. Does the project involve, for five or more dwelling units, acquisition of undeveloped land, a change of land use, demolition, major rehabilitation, or new construction?

Yes No

If Yes, continue. **If No**, compliance with this section is complete. Mark box “A” on the Statutory Checklist for this authority.

c. Is the project located in a Non-Attainment area?

Yes No

If Yes, continue. **If No**, compliance with this section is complete. Mark box “A” on the Statutory Checklist for this authority.

d. Is the project consistent with the air quality State Implementation Plan (SIP)?

Yes No

If Yes, obtain letter of consistency showing that the project is consistent with the SIP. Compliance is complete. Mark box “B” on the Statutory Checklist for this authority.

If No, continue.

e. Has EPA determined that the proposed activity is one that requires a permit under the SIP?

Yes No

If Yes, continue. **If No**, compliance is complete. Mark box “B” on the Statutory Checklist for this authority.

f. Will project exceed any of the *de minimis* emissions levels of all non-attainment and maintenance level pollutants or exceed the screening level established by the state or air quality management district?

Yes No

If Yes, continue. **If No**, compliance with this section is complete. Mark box “B” on the Statutory Checklist for this authority. Attach all documents used to make your determination (See Conformity determination thresholds at 40 CFR 93.153(b) Include engineering/construction assessments of emissions during construction and operating phases).

g. Can project be brought into compliance through mitigation?

Yes No

If Yes, list mitigation measures required to achieve conformance with SIP in the mitigation section of the Statutory Checklist. Mark box “B” on the Statutory Checklist for this authority. **If No**, Federal assistance may not be used at this location.

Comments:

Cite and attach source documentation: (Letter of consistency with SIP, assessment of emissions, air permits received, mitigation measures taken, etc.) For further information see:

The Green Book Nonattainment Areas for Criteria Pollutants:

<http://www.epa.gov/oar/oaqps/greenbk/>

Region 6 Air State Implementation Plans:

<http://www.epa.gov/region6/6pd/air/pd-l/sip.htm>

§58.5(h) Farmlands Protection [7 CFR Part 658]

a. Does the project involve acquisition of undeveloped land, conversion of undeveloped land, new construction or site clearance?
 Yes No

If Yes, continue. **If No**, compliance with this section is complete. Mark box “A” on the Statutory Checklist for this authority.

b. Is project located in an area committed (zoned) to urban uses?
 Yes No

If Yes, compliance with this section is complete. Mark box “A” on the Statutory Checklist for this authority. **If No**, continue.

c. Does the project site include prime or unique farmland, or other farmland of statewide or local importance as identified by the U.S. Department of Agriculture, Natural Resources Conservation Service (NRCS) (formerly the Soil Conservation Service)?
 Yes No

If Yes, request evaluation of land type from the NRCS using Form AD-1006, and consider the resulting rating in deciding whether to approve the proposal, as well as mitigation measures (including measures to prevent adverse effects on adjacent farmlands). Mark box “B” on the Statutory Checklist for this authority. Include mitigation measures in the mitigation section of the Statutory Checklist. **If No**, compliance with this section is complete. Mark box “A” on the Statutory Checklist for this authority.

Comments:

Cite and attach source documentation: (Zoning map with project location noted. Form AD-1006 from NRCS.) For additional information see:

NRCS Soil Maps

<http://websoilsurvey.nrcs.usda.gov/app/>

Form AD-1006 and instructions

http://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb1045394.pdf

Farmland Protection Policy Act

http://www.nrcs.usda.gov/wps/portal/nrcs/detail/national/programs/alphabetical/fppa/?&cid=nrcs143_008275

§58.5(i) (1) Noise Abatement and Control [24 CFR Part 51B]

a. Does the project involve a noise sensitive use such as a residential structure (not including minor repair), school, hospital, nursing home, library, etc.?

Yes No

If Yes, continue. **If No**, compliance with this section is complete. Mark box “A” on the Statutory Checklist for this authority.

b. Is the project located within:

15 miles of a civilian or military airfield with more than 9,000 carrier operations annually;

Yes No

1000 feet of a major highway or busy road;

Yes No

Within 3000 feet of a railroad.

Yes No

If Yes to any the above, complete a noise calculation assessment. Use adopted DNL contours if the noise source is an airport. Continue. **If No**, compliance with this section is complete. Mark box “A” on the Statutory Checklist for this authority.

c. Do noise calculations or airport noise contour maps indicate noise levels above 65dB (outside)?

Yes No

If Yes, continue. **If No**, compliance with this section is complete. Mark box “A” on the Statutory Checklist for this authority.

d. Do noise calculations or airport noise contour maps indicate noise levels above 75dB (outside)?

Yes No

If No, for projects in the normally unacceptable zone (65dB – 75dB), noise attenuation measures are strongly encouraged for rehabilitation and required for new construction to reduce noise levels to below 65dB (outside). Mark box “B” on the Statutory

Checklist for this authority. List all attenuation measures in the mitigation section of the Statutory Checklist. **If Yes**, HUD assistance for the construction of new noise sensitive uses is generally prohibited for projects with unacceptable noise exposure (>75dB). Noise attenuation measures are strongly encouraged for rehabilitation projects with unacceptable noise exposure to reduce noise levels to below 65dB (outside). Mark box “B” on the Statutory Checklist for this authority. List all attenuation measures in the mitigation section of the Statutory Checklist.

Comments:

Cite and attach source documentation: (Maps with project location indicating distance from noise sources. DNL calculations and/or NAG worksheets.) For more information see:

HUD noise guidebook:

<http://www.hud.gov/offices/cpd/environment/review/noise.cfm>

<http://www.hud.gov/offices/cpd/environment/dnlcalculator.cfm>

<http://www.hud.gov/offices/cpd/environment/mitigation.cfm>

<http://portal.hud.gov/hudstracat/noiseCalcEntry.jsp>

FAA:

http://www.faa.gov/airports/planning_capacity/npas/reports/

§58.5(i) (1) Explosive and Flammable Operations [24 CFR 51C]

a. Does the project involve development, construction, rehabilitation, modernization or land use conversion of a property intended for residential, institutional, recreational, commercial, or industrial use? (The terms “rehabilitation” and “modernization” refer only to such repairs and renovation of a building or buildings as will result in an increased number of people being exposed to hazardous operations by increasing residential densities, converting the type of use of a building to habitation, or making a vacant building habitable)

Yes No

If Yes, continue. **If No**, compliance with this section is complete. Mark box “A” on the Statutory Checklist for this authority.

b. Was a field observation performed by a qualified environmental professional which documents that there are above ground storage tanks within line of site of the project?

Yes No

Field observation report attached

c. Is the project site within 1 mile of current or planned stationary aboveground storage tanks of more than 100 gallon capacity, containing common liquid industrial fuels OR of any capacity, containing hazardous liquids or gases, that are not liquid industrial fuels?

Yes No

d. Are industrial facilities handling explosive or fire-prone materials such as liquid propane, gasoline or other storage tanks adjacent to or visible from the project site?

Yes No

If Yes to any of the above, use HUD Hazards Guide to calculate an Acceptable Separation Distance to comply with 24 CFR Part 51, Subpart C. Continue. **If No to all of the above**, compliance with this section is complete. Mark box “A” on the Statutory Checklist for this authority.

e. Is the project located at an Acceptable Separation Distance from any aboveground explosive or flammable fuels or chemicals containers as calculated above?

Yes No

If Yes, compliance with this section is complete. Mark box “A” on the Statutory Checklist for this authority. **If No**, continue.

f. Can mitigation measures, such as construction of a barrier of adequate size and strength, reduce the blast overpressure or thermal radiation hazard to protect the project (per 24 CFR §51.205)?

Yes No

If Yes, Mark box “B” on the Statutory Checklist for this authority. List all mitigation measures in the mitigation section of the Statutory Checklist. **If No**, HUD assistance cannot be used for this project.

Comments:

Cite and attach source documentation: (Maps with project location noted showing distance from explosives and flammable operations. ASD calculations/worksheet.) For additional information see:

HUD Guidance on Siting Projects near Explosive and Flammable Facilities:

http://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/environment/review/explosive

§58.5(i) (1) Airport Hazards [24 CFR 51D]

a. Will the project use HUD assistance, subsidy or insurance for construction; land development; community development or redevelopment; substantial modernization and rehabilitation which prolongs the physical or economic life of existing facilities; provide facilities and services which make land available for construction; change the use of a facility; increase the density or number of people at the site?

Yes No

If **Yes**, continue. If **No**, compliance with this section is complete. Mark box “A” on the Statutory Checklist for this authority.

b. Is the property within 2,500 feet of a civilian airport, the Runway Clear Zone (RCZ) or Runway Protection Zone (RPZ)?

Yes No

c. Is the project is within 15,000 feet of a military airfield, the Clear Zone (CZ) or Accident Potential Zone (APZ)?

Yes No

If **Yes** to either of the above questions, request a written finding from the airport operator stating whether or not the project is located in a RCZ, CZ or APZ. Continue. If **No** to both of the above questions, compliance with this section is complete. Mark box “A” on the Statutory Checklist for this authority.

d. If the project is within 15,000 feet of a military airfield or within 2,500 feet of a civilian airport, did your written confirmation from the airport operator confirm that the project is located in a RCZ, CZ or APZ?

Yes No

If **Yes**, continue. If **No**, compliance with this section is complete. Mark box “A” on the Statutory Checklist for this authority.

e. If the project is located in a military airfield APZ, is the project consistent with the Land Use Compatibility Guidelines for Accident Potential Zones (32 CFR Part 256, DOD Instruction 4165.57).

Yes No

If **Yes**, attach copy of written assurance from airport operator. Mark box “B” on the Statutory Checklist for this authority. If **No**, HUD funds may not be used for this project.

f. If the project is in a RCZ/CZ will the project be frequently used or occupied by people?

Yes No

If Yes, HUD funds may not be used for this project. **If No**, continue.

g. If the project will not frequently be used by people, has the airport operator provided a written statement that there are no plans to purchase the land involved with such facilities as part of an RCZ/CZ acquisition program?

Yes No

If Yes, attach copy of written assurance from airport operator. Mark box “B” on the Statutory Checklist for this authority. **If No**, HUD funds may not be used for this project.

Comments:

Cite and attach source documentation: (Map with project location noted showing the distance from civilian airports and/or military airfields. Written confirmation from airport operating stating whether or not project is located in a RCZ, CZ or APZ. Written assurance from airport operator on purchase of property.)

For further information see:

Airport Information: <http://www.airnav.com/airports/>

HUD Airport Hazards Q&A:

http://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/environment/review/qa/airport

EPA Maps:

<http://www.epa.gov/emefdata/em4ef.home>

EPA CERCLIS/NPL – Superfund database:

<http://www.epa.gov/superfund/sites/query/basic.htm>

ATSDR “ToxFAQs” summaries about hazardous substances:

<http://www.atsdr.cdc.gov/toxfaqs/index.asp>

Right-To-Know Network: <http://www.rtknet.org/>

§58.5(i)(2) Contamination and Toxic Substances

a. Is the property located within the search distances of any of the types of environmental contamination sources?

Standard Environmental Record Sources	Approximate Minimum Search Distance (mi)	Yes	No
Federal NPL Site List	1	<input type="checkbox"/>	<input type="checkbox"/>
Federal Delisted NPL Site List	.5	<input type="checkbox"/>	<input type="checkbox"/>
Federal CERCLIS List	.5	<input type="checkbox"/>	<input type="checkbox"/>
Federal CERCLIS NFRAP Site List	.5	<input type="checkbox"/>	<input type="checkbox"/>
Federal RCRA CORRACTS Facilities List	1	<input type="checkbox"/>	<input type="checkbox"/>
Federal RCRA Non-CORRACTS TSD Facilities List	.5	<input type="checkbox"/>	<input type="checkbox"/>
Federal RCRA Generators List	Property/Adjoining Properties	<input type="checkbox"/>	<input type="checkbox"/>
Federal Institutional Control/Engineering Control Registries	Property Only	<input type="checkbox"/>	<input type="checkbox"/>
Federal ERNS List	Property Only	<input type="checkbox"/>	<input type="checkbox"/>
State- and Tribal-Equivalent NPL	1	<input type="checkbox"/>	<input type="checkbox"/>
State- and Tribal-Equivalent CERCLIS	.5	<input type="checkbox"/>	<input type="checkbox"/>
State and Tribal Landfill and/or Solid Waste Disposal Site Lists	.5	<input type="checkbox"/>	<input type="checkbox"/>
State and Tribal Leaking Storage Tank Lists	.5	<input type="checkbox"/>	<input type="checkbox"/>
State and Tribal Registered Storage Tank Lists	Property/Adjoining Properties	<input type="checkbox"/>	<input type="checkbox"/>
State and Tribal Institutional Control/Engineering Control Registries	Property Only	<input type="checkbox"/>	<input type="checkbox"/>
State and Tribal Voluntary Cleanup Sites	.5	<input type="checkbox"/>	<input type="checkbox"/>
State and Trial Brownfield Sites	.5	<input type="checkbox"/>	<input type="checkbox"/>

Attach EPA Map or Radius Report

b. Did a visual inspection of the site show the following?

Visual Inspection Results	Yes	No
Distressed vegetation	<input type="checkbox"/>	<input type="checkbox"/>
Vent or Fill Pipes	<input type="checkbox"/>	<input type="checkbox"/>
Storage Oil Tanks or Questionable Containers	<input type="checkbox"/>	<input type="checkbox"/>
Pits, Ponds or Lagoons	<input type="checkbox"/>	<input type="checkbox"/>
Stained Soil or Pavement (other than water stains)	<input type="checkbox"/>	<input type="checkbox"/>
Pungent, Foul or Noxious Odors	<input type="checkbox"/>	<input type="checkbox"/>
Dumped Material or Soil, Mounds of Dirt, Rubble, Fill, etc.	<input type="checkbox"/>	<input type="checkbox"/>

Visual Inspection Attached

c. Has the property ever been used for any of the following types of uses?

Previous Uses	Yes	No
Gas Station	<input type="checkbox"/>	<input type="checkbox"/>
Vehicle Repair Shop	<input type="checkbox"/>	<input type="checkbox"/>
Car Dealership	<input type="checkbox"/>	<input type="checkbox"/>
Auto Garage	<input type="checkbox"/>	<input type="checkbox"/>
Depot	<input type="checkbox"/>	<input type="checkbox"/>
Commercial Printing Facility	<input type="checkbox"/>	<input type="checkbox"/>
Industrial or commercial warehouses	<input type="checkbox"/>	<input type="checkbox"/>
Dry Cleaners	<input type="checkbox"/>	<input type="checkbox"/>

Photo Developing Laboratory	<input type="checkbox"/>	<input type="checkbox"/>
Hospital	<input type="checkbox"/>	<input type="checkbox"/>
Junkyard or landfill	<input type="checkbox"/>	<input type="checkbox"/>
Agricultural/Farming Operations	<input type="checkbox"/>	<input type="checkbox"/>
Tannery	<input type="checkbox"/>	<input type="checkbox"/>
Live stock Operations	<input type="checkbox"/>	<input type="checkbox"/>

Historic Sanborn Map, Historical City Directory Search, or Owner Interviews Attached

d. Does the project have an underground storage tank other than a residential fuel tank, or known or suspected to be contaminated by toxic chemicals or radioactive materials?
 Yes No

e. Is the project site near an industry disposing of chemicals or hazardous wastes?
 Yes No

If No to all of the above, compliance with this section is complete. Mark box “A” on the Statutory Checklist for this authority. **If Yes to any of the above,** a qualified environmental professional must undertake investigations necessary to ensure the project is free of hazardous materials, contamination, toxic chemicals and gases, and radioactive substances such that there is no hazard which could affect the health and safety of occupants or conflict with the intended use of the property. Continue.

f. Could nearby toxic, hazardous or radioactive substances affect the health and safety of project occupants or conflict with the intended use of the property?
 Yes No

g. Are there unresolved concerns that could lead to the RE being determined to be a Potentially Responsible Party (PRP)?
 Yes No

If Yes, continue. **If No,** provide written documentation from a qualified environmental professional which documents that identified potential sources of contamination does not pose a hazard which would restrict the intended uses of the property or to the occupants.

h. Was an ASTM Phase I Environmental Site Assessment (ESA) report completed for this project? (Note: HUD regulations do not require an ASTM Phase I ESA report for single family homes of 1-4 units. An ASTM Phase I ESA report is required for multifamily (5 or more units) and/or Non-residential properties.)

Yes No

i. Did the ASTM Phase I ESA or other documentation uncover any Recognized Environmental Conditions (RECs) or recommend a Phase II, special/specific Phase II, or recommend Phase III environmental site assessments?

Yes No

If Yes, continue. **If No**, compliance with this section is complete. Mark box “A” on the Statutory Checklist for this authority.

j. Do ESAs or other documentation conclude that nearby toxic, hazardous or radioactive substances could affect the health and safety of project occupants or conflict with the intended use of the property?

Yes No

If Yes, continue below. **If No**, compliance with this section is complete. Mark box “A” on the Statutory Checklist for this authority.

k. Did any of the ESA reports or other documentation identify the need to mitigate the environmental condition by removing, stabilizing or encapsulating the toxic substances in accordance with the requirements of the appropriate Federal, state or local oversight agency?

Yes No

If Yes, continue. **If No**, compliance with this section is complete. Mark box “A” on the Statutory Checklist for this authority.

l. Can all adverse environmental conditions identified in any of the ESAs or other documentation be mitigated?

Yes No

If Yes, compliance with this section is complete. List specific remedial actions or mitigations in the mitigation section of the Statutory Checklist, according to the requirements of the appropriate Federal, state, or local oversight agency. Mark box “B” on the Statutory Checklist for this authority. **If No**, HUD cannot provide assistance for the project at this site.

Comments:

Cite and attach source documentation: (Maps showing project distance to contaminated sites. Phase I (ASTM) Report. All ESAs and mitigation plans performed for this project.) For additional information see:

HUD Information on Hazardous, Toxic or Radioactive Substances

http://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/environment/review/hazardous

EPA Envirofacts Data:

<http://www.epa.gov/enviro/>

EPA Toxic Release Inventory (TRI):

http://www.epa.gov/enviro/html/toxic_releases.html

EPA Maps:

<http://www.epa.gov/emefdata/em4ef.home>

EPA CERCLIS/NPL – Superfund database:

<http://www.epa.gov/superfund/sites/query/basic.htm>

ATSDR “ToxFAQs” summaries about hazardous substances:

<http://www.atsdr.cdc.gov/toxfaqs/index.asp>

Right-To-Know Network: <http://www.rtknet.org/>

§58.5(j) Environmental Justice (E.O. 12898)

a. Is the project located in or designed to serve a predominantly minority and low income neighborhood?
 Yes No

If No, compliance with this section is complete. Mark box “A” on the Statutory Checklist for this authority.
If Yes, continue.

b. Would there be an adverse environmental impact caused by the proposed action, or would the proposed action be subject to an existing adverse environmental impact?
 Yes No

If No, compliance with this section is complete. Mark box “A” on the Statutory Checklist for this authority. **If Yes**, perform an Environmental Justice (EJ) analysis using census, geographic and other data to determine if a low-income/minority population is disproportionately impacted. Continue.

c. Will the adverse environmental impact of the proposed action disproportionately impact minority and low-income populations relative to the community-at-large?
 Yes No

If No, compliance with this section is complete. Document the determination of no disproportionate impacts. Mark box “A” on the Statutory Checklist for this authority.

If Yes, Mitigation or avoidance of adverse impacts must be considered to the extent practicable; and, public participation processes must involve the affected population(s) in the decision-making process. Continue.

d. Has the mitigation plan been approved by the RE and the impacted community?
 Yes No

If Yes, compliance with this section is complete. Include mitigation plan in the mitigation section of the Statutory Checklist. Mark box “B” on the Statutory Checklist for this authority. **If No**, Project cannot move forward until EJ issue is mitigated to the satisfactory of the RE and impacted community.

Comments:

Cite and attach source documentation: (Mapping of low-income and minority populations in the vicinity of the project site. EJ analysis. Mitigation Plan.) For additional information see:

EJ maps & analysis, by location:

<http://www.scorecard.org/community/ej-index.tcl>

EPA's "EJ View" Tool provides information relevant to EJ assessments:

<http://epamap14.epa.gov/ejmap/entry.html>

Census data and maps also avail-able at:

<http://factfinder2.census.gov/faces/nav/jsf/pages/index.xhtml>

Tract-level data on race & income:

<http://www.ffiec.gov/geocode>

Summary of Mitigation Measures:

Required for Incorporation into Project Design, included in Public Notices, and included as requirements of contracts, grants, loans, etc...

References:

List the Federal, State, or local agencies contacted to obtain their existing environmental reports and other data used for the environmental review of the proposed project.

List of Major Reports Obtained:

Attach report(s), such as wetlands delineation studies, biological evaluations or habitat assessments, Phase I and II environmental site assessments.

STOP HERE

If ERR is Categorically Excluded Subject to 58.5 and there are no circumstances requiring an Environmental Assessment.

ENVIRONMENTAL ASSESSMENT

If a project is not Exempt or Categorically Excluded as listed in §58.34 and §58.35, then an Environmental Assessment (EA) must be prepared.

Projects requiring preparation of an EA must also comply with §58.5 and §58.6 as discussed in the previous sections.

A Checklist for EA factors and an associated worksheet is also included to help guide EA preparers in addressing all of the issues necessary to meet HUD requirements for EA's. Findings from the EA Worksheet will be summarized in the EA Checklist. The EA Checklist helps to organize an early consideration of numerous environmental issues.

Compliance Checklist, the Statutory Checklist and the Environmental Assessment Checklist, associated worksheets and associated documentation and studies, become the environmental review for the project that records anticipated impacts and supports the findings. These must all be included in the ERR.

Preparation of an EA requires publication of a Finding of No Significant Impact (FONSI), a Notice of Intent (NOI) to submit the Request for Release of Funds (RROF), and incorporation of comments received prior to certification of the RROF.

Description of the Project: Include all contemplated actions that are logically either geographically or functionally a composite part of the project, regardless of the source of funding. [24 CFR 58.32, 40 CFR 1508.25] As appropriate, attach maps, site plans, renderings, photographs, budgets and other descriptive information on a separate sheet if necessary.

Purpose of the Project: [“Statement of Purpose and Need for the Proposal” - 40 CFR 1508.9(b)]

Existing Conditions and Trends: Describe the existing conditions of the project area and its surroundings, and the trends likely to continue in the absence of the project. [24 CFR 58.40(a)]

FINDING

Finding of No Significant Impact (FONSI)

(The project will not result in a significant impact on the quality of the human environment.)

- ATTACH – Public Notice Affidavit**
- ATTACH – Request for Release of Funds**
- ATTACH – Authority to Use Grant Funds**

Finding of Significant Impact

(The project may significantly affect the quality of the human environment.)

Conditions for Approval: (List all mitigation and project modification measures adopted by the responsible entity to eliminate or minimize adverse environmental impacts. These conditions must be included in project contracts and other relevant documents as requirements.) [24 CFR 58.40(d), 40 CFR 1505.2(c)]

Environmental Assessment Checklist

Instructions: Summarize the findings from the EA Worksheet here by choosing the appropriate determination from the drop-down box in the determination column for each resource (Drop down menu summaries are included in Table 1 below). Then, cite the source document in the appropriate column.

Resource	Determination	Source Documentation
Land Development		
Conformance with Comprehensive Plans and Zoning	<input type="checkbox"/> Not Applicable (State Why) <input type="checkbox"/> In Conformance <input type="checkbox"/> Zoning Permit Required	
Land Use Compatibility and Urban Impact	<input type="checkbox"/> Not Applicable (State Why) <input type="checkbox"/> Compatible <input type="checkbox"/> Land Use Change Required	
Slope and Erosion	<input type="checkbox"/> Not Applicable (State Why) <input type="checkbox"/> Slight Slope – No Impact <input type="checkbox"/> Moderate to Steep Slope Considered in Project Design <input type="checkbox"/> Project Modification Required	

Resource	Determination	Source Documentation
Soil Suitability	<input type="checkbox"/> Not Applicable (State Why) <input type="checkbox"/> No Evidence of Soil Issues <input type="checkbox"/> Project Design Includes Soil Mitigation <input type="checkbox"/> Project Modification Required	
Hazards and Nuisances and Site Safety	<input type="checkbox"/> Not Applicable (State Why) <input type="checkbox"/> No Impact <input type="checkbox"/> Hazards and Nuisances Considered in Project Design <input type="checkbox"/> Project Modification Required	
Energy Consumption	<input type="checkbox"/> Not Applicable (State Why) <input type="checkbox"/> Energy Conservation Measures in Project Design <input type="checkbox"/> Project Modification Required	
Socioeconomic Factors		

Resource	Determination	Source Documentation
Demographic Character Changes	<input type="checkbox"/> Not Applicable (State Why) <input type="checkbox"/> No Impact <input type="checkbox"/> Project Modification Required	
Displacement	<input type="checkbox"/> No Displacement <input type="checkbox"/> Displacement and Payment covered by URA <input type="checkbox"/> Project Modification Required <input type="checkbox"/> Other	
Employment and Income Patterns	<input type="checkbox"/> No Impact <input type="checkbox"/> Beneficial <input type="checkbox"/> Adverse	
Community Facilities and Service		

Resource	Determination	Source Documentation
Educational Facilities	<input type="checkbox"/> Not Applicable (State Why) <input type="checkbox"/> Existing/Planned Facilities are Adequate <input type="checkbox"/> Project Modification Required	
Commercial Facilities	<input type="checkbox"/> Not Applicable (State Why) <input type="checkbox"/> Existing/Planned Facilities are Adequate <input type="checkbox"/> Project Modification Required	
Health Care	<input type="checkbox"/> Not Applicable (State Why) <input type="checkbox"/> Existing/Planned Facilities are Adequate <input type="checkbox"/> Project Modification Required	

Resource	Determination	Source Documentation
Social Services	<input type="checkbox"/> Not Applicable (State Why) <input type="checkbox"/> Existing/Planned Facilities are Adequate <input type="checkbox"/> Project Modification Required	
Solid Waste	<input type="checkbox"/> Not Applicable (State Why) <input type="checkbox"/> Existing/Planned Facilities are Adequate <input type="checkbox"/> Project Modification Required	
Waste Water	<input type="checkbox"/> Not Applicable (State Why) <input type="checkbox"/> Existing/Planned Facilities are Adequate <input type="checkbox"/> Project Modification Required	

Resource	Determination	Source Documentation
Storm Water	<input type="checkbox"/> Not Applicable (State Why) <input type="checkbox"/> Existing/Planned Facilities are Adequate <input type="checkbox"/> Project Modification Required	
Water Supply	<input type="checkbox"/> Not Applicable (State Why) <input type="checkbox"/> Existing/Planned Facilities are Adequate <input type="checkbox"/> Project Modification Required	
Public Safety		
Police	<input type="checkbox"/> Not Applicable (State Why) <input type="checkbox"/> Existing/Planned Facilities are Adequate <input type="checkbox"/> Project Modification Required	

Resource	Determination	Source Documentation
Fire	<input type="checkbox"/> Not Applicable (State Why) <input type="checkbox"/> Existing/Planned Facilities are Adequate <input type="checkbox"/> Project Modification Required	
Emergency Medical	<input type="checkbox"/> Not Applicable (State Why) <input type="checkbox"/> Existing/Planned Facilities are Adequate <input type="checkbox"/> Project Modification Required	
Open Space and Recreation		

Resource	Determination	Source Documentation
Open Space and Recreation	<input type="checkbox"/> Not Applicable (State Why) <input type="checkbox"/> Existing/Planned Facilities are Adequate <input type="checkbox"/> Project Modification Required	
Open Space	<input type="checkbox"/> Not Applicable (State Why) <input type="checkbox"/> Existing/Planned Facilities are Adequate <input type="checkbox"/> Project Modification Required	
Recreation	<input type="checkbox"/> Not Applicable (State Why) <input type="checkbox"/> Existing/Planned Facilities are Adequate <input type="checkbox"/> Project Modification Required	

Resource	Determination	Source Documentation
Cultural Facilities	<input type="checkbox"/> Not Applicable (State Why) <input type="checkbox"/> Existing/Planned Facilities are Adequate <input type="checkbox"/> Project Modification Required	
Transportation	<input type="checkbox"/> Not Applicable (State Why) <input type="checkbox"/> Existing/Planned Facilities are Adequate <input type="checkbox"/> Project Modification Required	
Natural Features		
Water Resources	<input type="checkbox"/> Not Applicable (State Why) <input type="checkbox"/> No Impact Permit <input type="checkbox"/> Required <input type="checkbox"/> Project Modification Required	

Resource	Determination	Source Documentation
<p>Unique Natural Features and Agricultural Lands</p>	<p><input type="checkbox"/> Not Applicable (State Why)</p> <p><input type="checkbox"/> No Impact to or from Unique Natural Features</p> <p><input type="checkbox"/> Unique Natural Features Considered in Project Design</p> <p><input type="checkbox"/> Project Modification Required</p>	
<p>Vegetation and Wildlife</p>	<p><input type="checkbox"/> No Impact</p> <p><input type="checkbox"/> Beneficial</p> <p><input type="checkbox"/> Adverse</p>	

Environmental Assessment Worksheet Land Development

LAND DEVELOPMENT

Conformance with Comprehensive Plans and Zoning:

a. Is project in conformance with existing zoning or consistent with community’s general development plans?
 Yes No

b. Will a special permit or change in zoning be required? Will the project need to be modified to conform to zoning requirements (e.g. reduce the density or height)?
 Yes No

Comments:

Cite and attach source of documentation (e.g. Zoning Map):

Land Use Compatibility and Urban Impact:

a. Will the project be compatible with surrounding land uses?
 Yes No

b. Will there be a change in land use?
 Yes No

c. Will the project contribute to urban sprawl?
 Yes No

Comments:

Cite and attach source documentation:

Slope and Erosion

a. Slopes: Not Applicable; Steep; Moderate; Slight.

b. If moderate to steep slope, does the design plan include measures to overcome potential erosion, slope stability and runoff

problems?

Yes No

c. Is there evidence of slope erosion or unstable slope conditions on or near the site?

Yes No

d. Is there evidence of ground subsidence, high water table or other unusual conditions on the site?

Yes No

e. Will the project significantly affect or be affected by the slope conditions?

Yes No

Comments:

Cite and attach source documentation:

Soil Suitability

a. Is there any visible evidence of soil problems (foundations cracking or settling, basement flooding, etc.) in the neighborhood of the site?

Yes No

b. Have soil studies or borings been made for the project site or the area?

Yes No

c. Do the soil studies or borings indicate marginal or unsatisfactory soil conditions?

Yes No

d. Is there indication of cross-lot runoff, swales, or drainage flows on the property?

Yes No

e. Are there visual indications of filled ground?

Yes No

f. Are there active rills and gullies on site?

Yes No

g. If the site is not to be served by a municipal waste water disposal system, has a report of the soil conditions suitable for on-site septic systems been submitted?

Yes No

h. Is a soils report (other than structural) needed?

Yes No

i. Are structural borings or a dynamic soil analysis/geological study needed?

Yes No

Comments:

Cite and attach source documentation:

Hazards, Nuisances and Site Safety:

a. Will the project be affected by natural hazards?

Faults, fracture	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Cliffs, bluffs, crevices	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Slope-failures from rains	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Unprotected water bodies	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Fire hazard materials	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Wind/sand storm concerns	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Poisonous plants, insects, animals	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Hazardous terrain features	<input type="checkbox"/> Yes	<input type="checkbox"/> No

b. Will the project be affected by built hazards and nuisances?

- Hazardous street Yes No
- Dangerous intersection Yes No
- Through traffic Yes No
- Inadequate separation of pedestrian/vehicle traffic Yes No
- Children’s play areas located next to freeway or other high traffic way Yes No
- Inadequate street lighting Yes No
- Quarries or other excavations Yes No
- Dumps/sanitary landfills or mining Yes No
- Railroad crossing Yes No
- Inadequate screened drainage catchments Yes No
- Hazards in vacant lots Yes No
- Chemical tank-car terminals Yes No
- Other hazardous chemical storage Yes No
- High-pressure gas or liquid petroleum transmission lines on site Yes No
- Overhead transmission lines Yes No
- Hazardous cargo transportation routes Yes No
- Oil or gas wells Yes No
- Industrial operations Yes No

c. Will the project be affected by nuisances?

- Gas, smoke, fumes Yes No
- Odors Yes No
- Vibration Yes No
- Glare from parking area Yes No
- Vacant/boarded-up buildings Yes No

- Unightly land uses Yes No
- Front-lawn parking Yes No
- Abandoned vehicle Yes No
- Vermin infestation Yes No
- Industrial nuisances Yes No
- Other (specify) Yes No

d. Are there other unusual conditions on the site?
 Yes No

e. Has the site been used as a dump, sanitary landfill or mine waste disposal area?
 Yes No

- f.** Is there indication of:
- Distressed Vegetation Yes No
 - Waste material/containers Yes No
 - Soil staining, pools of liquid Yes No
 - Loose/empty drums, barrels Yes No
 - Oil/chemical spills Yes No
 - Abandoned machinery, cars, refrigerators, etc Yes No
 - Transformers, fill/vent pipes, pipelines, drainage structures Yes No

g. Is the project compatible with surrounding land uses in terms of:

- Land Use Yes No
- Height, bulk, mass Yes No

Building type (low/high-rise)
Building Density

Yes No
 Yes No

h. Will the project be unduly influenced by:

Building deterioration
Postponed maintenance
Obsolete public facilities
Transition of land uses
Incompatible land uses
Inadequate off-street parking

Yes No
 Yes No
 Yes No
 Yes No
 Yes No
 Yes No

i. Are there air pollution generators nearby which would adversely affect the site?

Heavy Industry
Incinerators
Power generating plants
Cement plants
Large parking facilities (1000 or more cars)
Heavy travelled highway (6 or more lanes)
Oil refineries
Other

Yes No
 Yes No

Comments:

Cite and attach source documentation:

Energy Consumption:

a. Has the project design taken full advantage of potential energy saving measures such as insulation, solar panels, window design and placement, lighting, heating, cooling and hot water systems?

Yes No

b. Are they in conformance with HUD Minimum Property Standards and other applicable energy saving codes?

Yes No

c. Is the project location in close proximity to transit, shopping, services and employment locations?

Yes No

Comments:

Cite and attach source documentation:

SOCIOECONOMIC FACTORS

Demographic/Community Character Changes:

a. Will the proposed project significantly alter the demographic characteristics of the community?

Yes No

b. Will the proposed project severely alter residential, commercial or industrial uses?

Yes No

c. Will the proposed project destroy or harm any community institution, such as a neighborhood church?

Yes No

Comments:

Cite and attach source documentation:

Displacement:

a. Will the project directly displace individuals or families?

Yes No

b. Will the project destroy or relocate existing jobs, community facilities or any business establishment?

Yes No

c. Is the displacement covered by the Uniform Relocation Act and are funds available for payment?

Yes No

Comments:

Cite and attach source documentation:

Employment and Income Patterns:

a. Will changes occur in employment and income patterns as a result from the project?

Yes No

b. Will the project either significantly increase or decrease employment opportunities?

Yes No

c. Will it create conditions favorable or unfavorable to commercial, industrial, or institutional operation or development?

Yes No

Comments:

Cite and attach source documentation:

COMMUNITY FACILITIES AND SERVICES

Educational Facilities:

- a. Will the additional school age children in the proposed development exceed the capacity of existing or planned school facilities?
 Yes No

- b. Do the potentially affected schools have adequate safe access facilities given the projected population increase?
 Yes No

- c. Will additional or alternative facilities need to be provided to ensure safe suitable access?
 Yes No

Comments:

Cite and attach source documentation:

Commercial Facilities:

- a. Is there adequate and convenient access to retail services? Do local retail services meet the need of project occupants/users?
 Yes No

- b. Will existing retail and commercial services be adversely impacted by the proposed project?
 Yes No

Comments:

Cite and attach source documentation:

Health Care:

- a. Is emergency health service available within approximately three to five minutes?
 Yes No

- b. Are non-emergency health care services located within a reasonable proximity to the proposed project?
 Yes No

- c. Is the number of doctors, dentists, nurses and other trained medical staff in realistic proportion to any increase in residents/users?
 Yes No

Comments:

Cite and attach source documentation:

Social Services:

- a. Are social services currently located in close proximity to the prospective users/residents?
 Yes No

- b. Is the number of trained staff including social workers, counselors, psychologists, psychiatrist and related administrative and managerial personnel in realistic proportion to the anticipated increase in residents/users?
 Yes No

Comments:

Cite and attach source documentation:

Solid Waste:

- a. Will the existing or planned solid waste disposal system adequately service the proposed development?
 Yes No

- b. Will project overload the design capacity of these facilities?
 Yes No

- c. Trash collection and solid waste disposal
 Municipal Private

Comments:

Cite and attach source documentation:

Waste Water

a. Will the existing or planned waste water systems adequately service the proposed development?

Yes No

b. Will project overload the design capacity of these facilities?

Yes No

c. Will the proposed project be adversely affected by proximity to these facilities?

Yes No

d. Sanitary sewers and waste water disposal systems

Municipal Private

Comments:

Cite and attach source documentation:

Storm Water:

a. Will existing or planned storm water disposal and treatment systems adequately service the proposed development?

Yes No

b. Will project overload the design capacity of these facilities?

Yes No

Comments:

Cite and attach source documentation:

Water Supply:

a. Will either the municipal water utility or on-site water supply system be adequate to serve the proposed project?

Yes No

b. Is the water supply quality safe from a chemical and bacteriological standpoint?

Yes No

c. If the water supply is non-municipal, has an acceptable “system” been approved by appropriate authorities?

Yes No

d. If the sanitary sewers and waste water disposal systems are non-municipal, has an acceptable “system” been approved by appropriate authorities and agencies?

Yes No

Comments:

Cite and attach source documentation:

Public Safety:

a. Does the project location provide adequate access to police, fire and emergency medical services?

Yes No

b. Is the average response time for police, fire and emergency medical services in the area of the project sufficient to meet the needs of the project?

Yes No

c. Does the area have a particularly high crime rate?

Yes No

d. Is the quality of the police, fire protection and emergency medical services available to the project adequate to meet project needs?

Yes No

Comments:

Cite and attach source documentation:

Open Space, Recreational and Cultural Facilities:

a. Are open spaces, recreational and cultural facilities within reasonable proximity to the project area?

Yes No

b. Is adequate public transportation available from the project to these facilities?

Yes No

c. Will the project cause any overloading of these facilities?

Yes No

Comments:

Cite and attach source documentation:

Transportation:

a. Will transportation facilities and services be adequate to meet the needs of the project's users?

Yes No

b. Is adequate parking available for the project? Will the project overload existing or proposed transportation services?

Yes No

c. Will the project create a situation whereby facilities are seriously under used?

Yes No

Comments:

Cite and attach source documentation:

NATURAL FEATURES

Water Resources:

a. Will the project use groundwater for its water supply?

Yes No

b. Are there large numbers of wells or wells that pump large quantities of water from the water table near the proposed project site?

Yes No

c. Are there visual or other indications of water quality problems on or near the site?

Yes No

d. Will the project involve discharge of sewage effluent into surface water bodies?

Yes No

Comments:

Cite and attach source documentation:

Unique Natural Features and Agricultural Land:

a. Is the site near natural features (i.e., bluffs or cliffs) or near public or private scenic areas?

Yes No

b. Are other natural resources visible on site or in vicinity? Will any such resources be adversely affected or will they adversely affect the project?

Yes No

c. Will the unique natural feature pose safety hazards for a proposed development?

Yes No

Comments:

Cite and attach source documentation:

Vegetation and Wildlife:

a. Will the project damage or destroy trees without replacement?

Yes No

b. Will the project create an environmental condition that might threaten the survival of existing vegetation, particularly changes in the native plant community habitats?

Yes No

c. Will the project create conditions favorable to nuisance species?

Yes No

Comments:

Cite and attach source documentation:

Summary of Findings and Conclusions

Project Alternatives Considered [24 CFR 58.40(e)] Identify other reasonable courses of action that were considered and not selected, such as other sites, design modifications, or other uses of the subject site. Describe the benefits and adverse impacts to the human environment of each alternative and the reasons for rejecting it. Include consideration of the No Action Alternative. Attach separate sheet if necessary.

Mitigation and Project Modification Measures Recommended

24 CFR 58.40(d) - Recommend feasible ways in which the proposal or its external factors should be modified in order to minimize adverse environmental impacts and restore or enhance environmental quality. Attach separate sheet if necessary.

Additional Studies Performed

List the reports, studies or analyses performed for this assessment, and attach studies or summaries. Attach separate sheet if necessary.

List of Agencies and Persons Consulted [40 CFR 1508.9(b)]

List agencies and persons consulted for this assessment. Attach separate sheet if necessary.

Attachment II

Example 8 Step Public Notices and Documentation Template

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 *[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 involved]*. 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]*.

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 *[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]*.

[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]*

[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 *[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]*.

8 Step Decision Making Process for Projects in the Floodplain

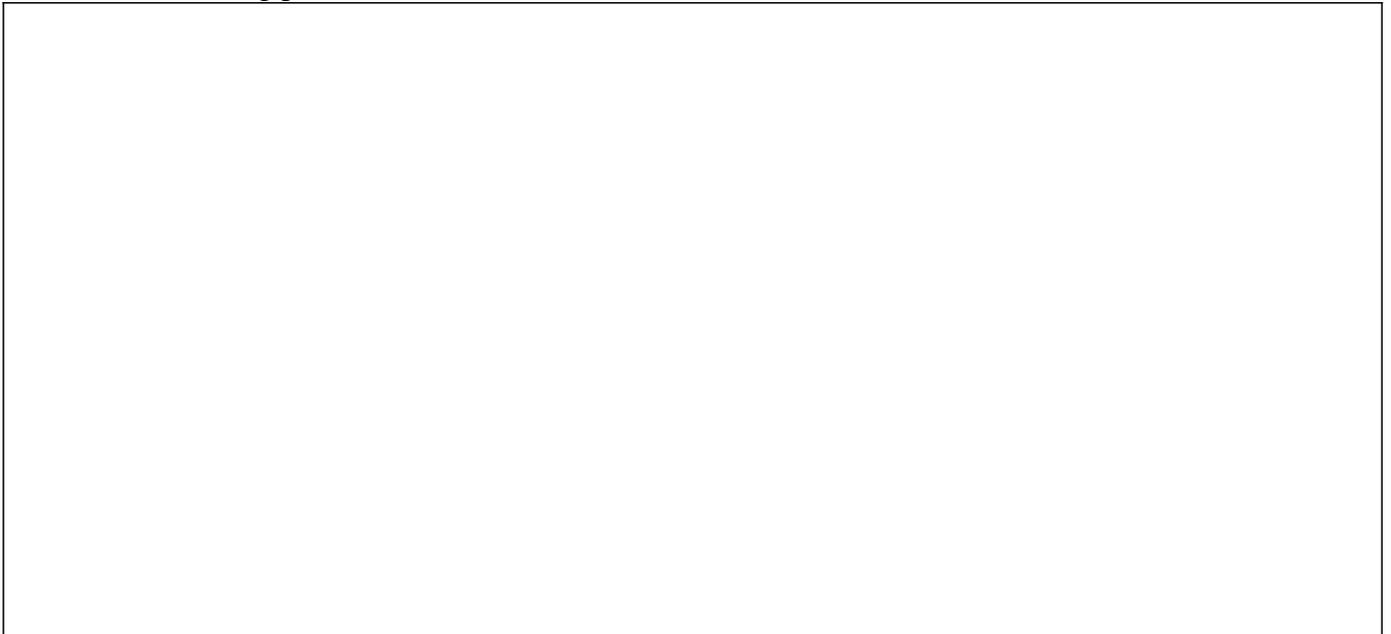
Attach to Environmental Review Record (if applicable)

Public Notices Attached

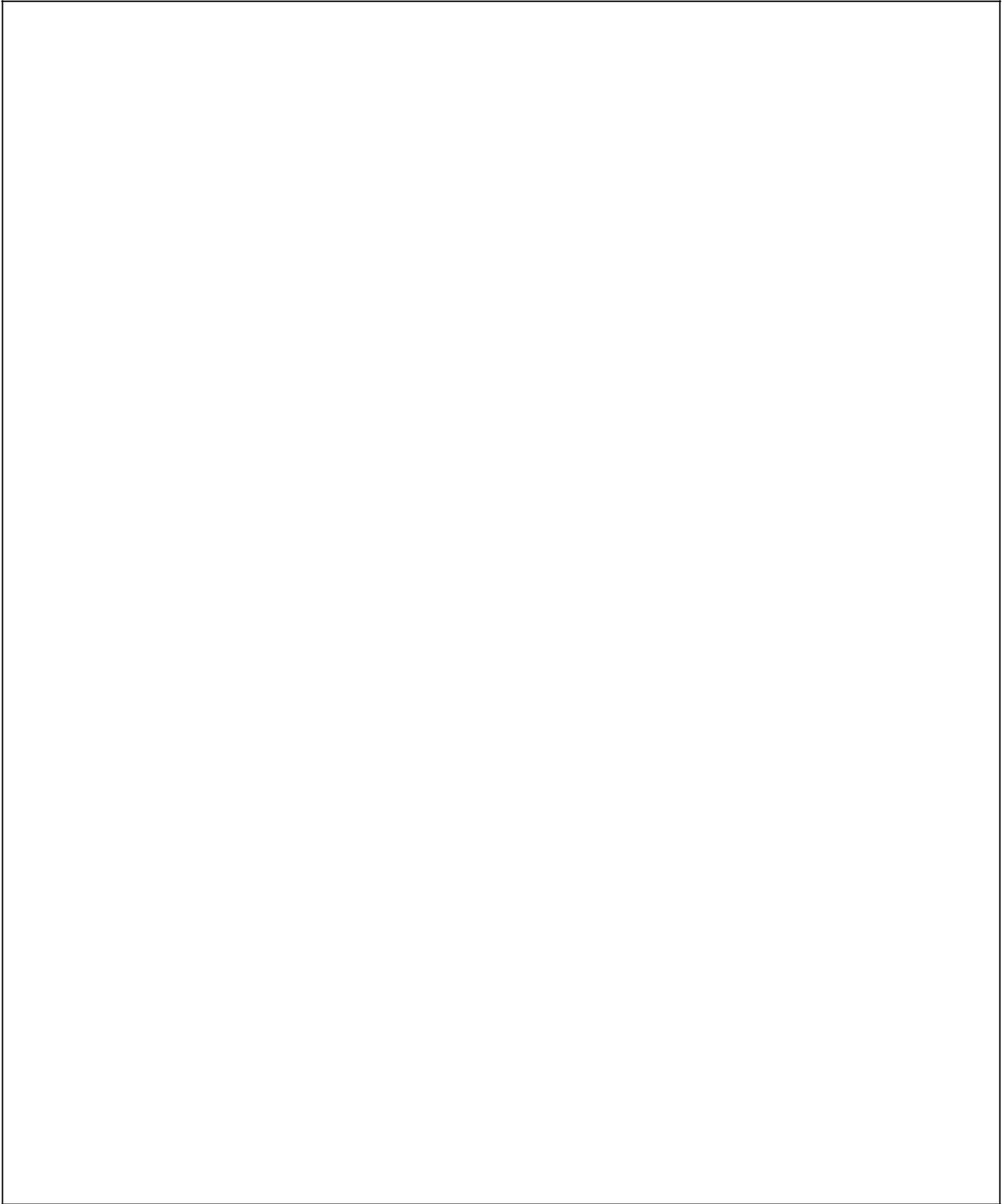
Step 1: Determine whether the action is located in a 100-year floodplain (or a 500-year floodplain for critical actions).

A large, empty rectangular box with a thin black border, intended for providing details for Step 1 of the decision-making process.

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

A large, empty rectangular box with a thin black border, intended for providing details for Step 2 of the decision-making process.

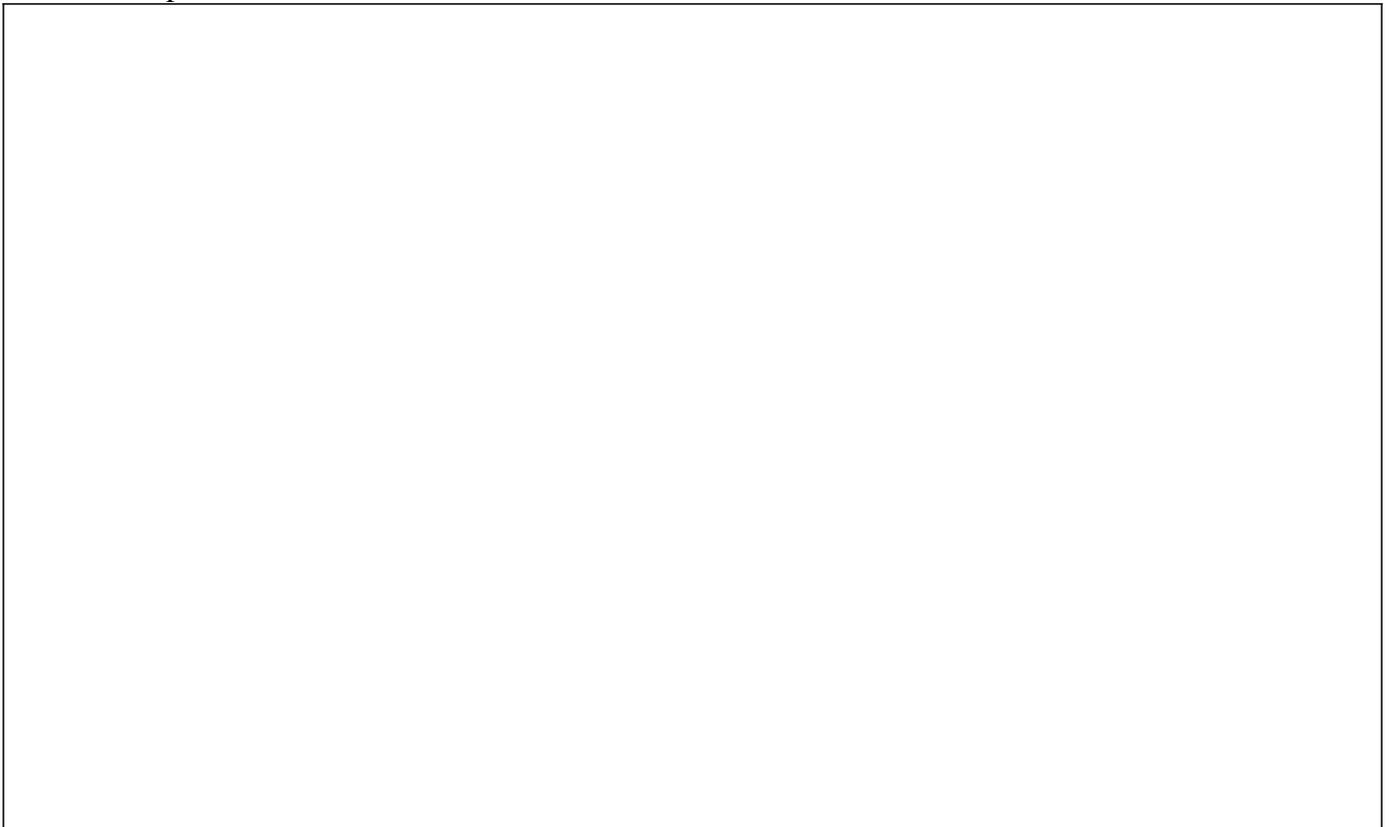
Step 3: Identify and evaluate practicable alternatives.

A large, empty rectangular box with a thin black border, occupying most of the page. It is intended for the user to identify and evaluate practicable alternatives as part of Step 3.

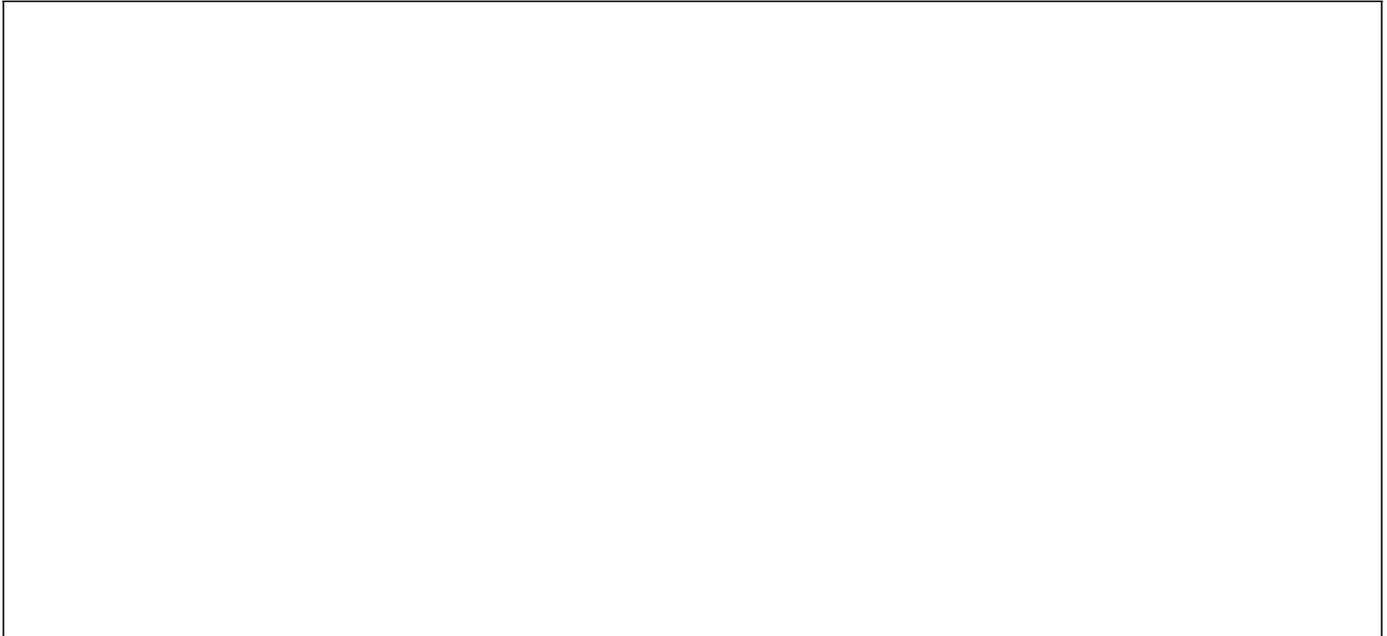
Step 4: Identify Potential Direct and Indirect Impacts of Associated with Floodplain Development.

A large, empty rectangular box with a thin black border, intended for the user to provide details for Step 4: Identify Potential Direct and Indirect Impacts of Associated with Floodplain Development.

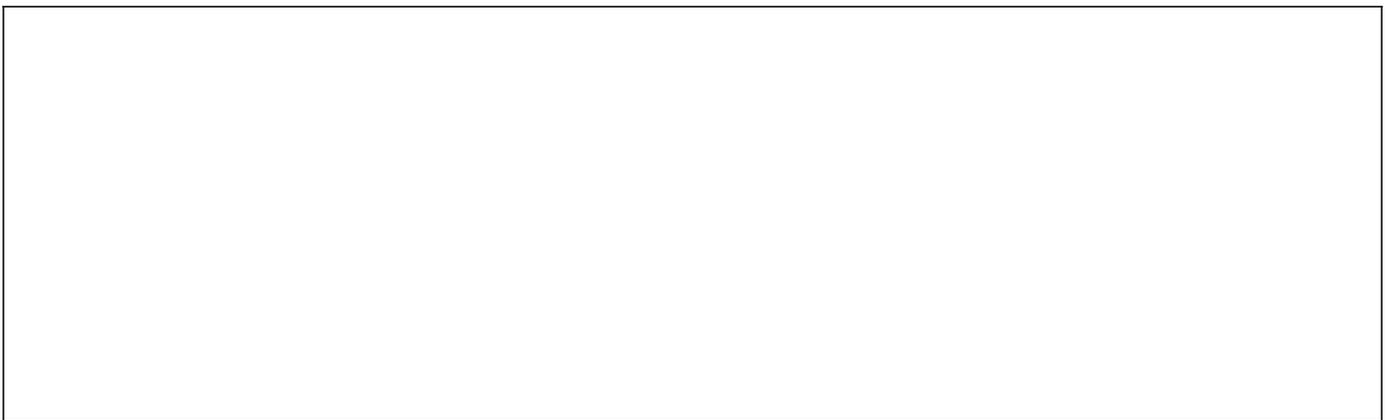
Step 5: Where practicable, design or modify the proposed action to minimize the potential adverse impacts to lives, property, and natural values within the floodplain and to restore, and preserve the values of the floodplain.

A large, empty rectangular box with a thin black border, intended for the user to provide details for 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 to restore, and preserve the values of the floodplain.

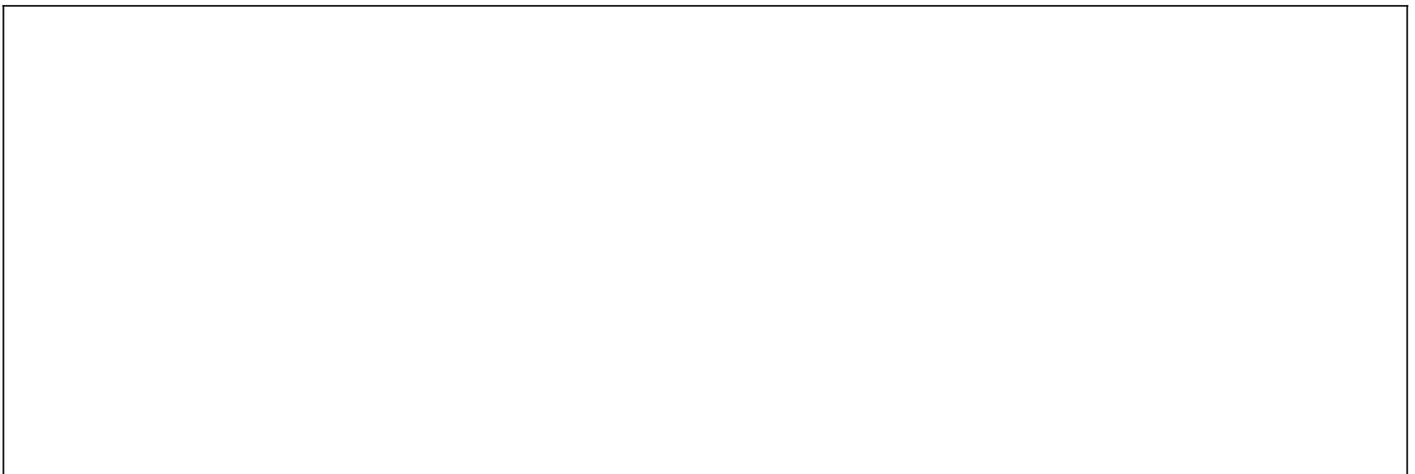
Step 6: Re-evaluate the Alternatives.



Step 7: Determination of No Practicable Alternative



Step 8: Implement the Proposed Action



Attachment III

Example NOI/RROF/FONSI related notices

Notice of Intent to Request Release of Funds

The language below is HUD's recommended wording of the Notice of Intent to Request Release of Funds. This Notice is used to request the environmental release of funds for Categorically Excluded projects (24 CFR Part 58, §58.35(a)) or for projects for which a Notice of Finding of No Significant Impact was previously issued. Words in **bold type** are required language. Words in *italics* are to be replaced by language appropriate to the particular project and Responsible Entity.

NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS

Date of Publication: *[date published]*

*Name of Responsible Entity (RE)
Address (e.g., Street No. or P.O. Box)
City, State, Zip Code
Telephone Number of RE*

On or after *at least one day after the end of the comment period* **the name of RE will** *if the RE is not also the grant recipient, insert the following language here: "authorize the [name of grant recipient] to"* **submit a request to the HUD/State administering agency for the release of name of grant program funds under Title/Section [xx] of the name of the appropriation Act of [year], as amended, to undertake the following project:**

Project Title: *project name*

Purpose: *Summarize purpose and need for the project*

Location: *Provide address, map identification and map coordinates (Note: ensure there is enough information about the location for the public to either use Google Earth or to physically locate the project; i.e. if a street address is not available provide map coordinates)*

Project Description: *Describe what the project is, the surrounding environment, what is going to be done and how.*

Project Issues: *Describe all project issues that require mitigation, consultation, permits or project to be conditioned*

Mitigation Measures/Conditions/Permits (if any): *Describe mitigation measures, conditions on project or required permits for above project issues*

Estimated Project Cost: *Include HUD funding & total estimated project cost*

The activities proposed project *[language option #1]: is categorically excluded under HUD regulations at 24 CFR Part 58 from National Environmental Policy Act (NEPA) requirements. OR [language option #2]: A Finding of No Significant Impact on the environment for this project was [published/posted] on [date of Finding publication/posting]. **An Environmental Review Record (ERR) that documents the environmental determinations for this project is on file at name and address of RE office where ERR can be examined and name and address of other locations where the record is available for review and may be examined or copied weekdays __A.M to __P.M.***

PUBLIC COMMENTS

Any individual, group, or agency may submit written comments on the ERR to the RE designated office responsible for receiving and responding to comments. All comments received by if notice is published: notice date plus seven days; if notice is mailed and posted: mailing and posting date plus ten days will be considered by the name of RE prior to authorizing submission of a request for release of funds.

RELEASE OF FUNDS

The name of RE certifies to HUD/State that name of Certifying Officer in his/her capacity as Official Title consents to accept the jurisdiction of the Federal Courts if an action is brought to enforce responsibilities in relation to the environmental review process and that these responsibilities have been satisfied. HUD's/State's approval of the certification satisfies its responsibilities under NEPA and related laws and authorities and allows the name of grant recipient to use HUD program funds.

OBJECTIONS TO RELEASE OF FUNDS

HUD/State will accept objections to its release of fund and the RE's certification for a period of fifteen days following the anticipated submission date or its actual receipt of the request (whichever is later) only if they are on one of the following bases: (a) the certification was not executed by the Certifying Officer of the name of RE; (b) the RE has omitted a step or failed to make a decision or finding required by HUD regulations at 24 CFR part 58; (c) the grant recipient or other participants in the development process have committed funds, incurred costs or undertaken activities not authorized by 24 CFR Part 58 before approval of a release of funds by HUD/State; or (d) another Federal agency acting pursuant to 40 CFR Part 1504 has submitted a written finding that the project is unsatisfactory from the standpoint of environmental quality. Objections must be prepared and submitted in accordance with the required procedures (24 CFR Part 58, Sec. 58.76) and shall be addressed to HUD/State administration office at address of that office. Potential objectors should contact HUD/State to verify the actual last day of the objection period.

Name and Title of RE Certifying Officer

Combined Notice of Finding of No Significant Impact and Notice of Intent to Request Release of Funds

The language below is HUD's recommended wording of the combined Notice of Finding of No Significant Impact and Notice of Intent to Request Release of Funds. This Notice is used for projects requiring an Environmental Assessment (24 CFR Part 58, §58.36). Words in bold type are required language. Words in italics are to be replaced by language appropriate to the particular project and Responsible Entity.

NOTICE OF FINDING OF NO SIGNIFICANT IMPACT AND NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS

Date of Publication: *[date published]*
Name of Responsible Entity (RE)
Address (e.g., Street No. or P.O. Box)
City, State, Zip Code
Telephone Number of RE

These notices shall satisfy two separate but related procedural requirements for activities to be undertaken by the name of RE or grant recipient.

REQUEST FOR RELEASE OF FUNDS

On or after at least one day after the end of the comment period the name of RE will if the RE is not also the grant recipient, insert the following language here: "authorize the [name of grant recipient] to" submit a request to the HUD/State administering agency for the release of name of grant program funds under Title/Section [xx] of the name of the appropriation Act of [year], as amended, to undertake the following project:

Project Title: *project name*

Purpose: *Summarize purpose and need for the project*

Location: *Provide address, map identification and map coordinates (Note: ensure there is enough information about the location for the public to either use Google Earth or to physically locate the project; i.e. if a street address is not available provide map coordinates)*

Project Description: *Describe what the project is, the surrounding environment, what is going to be done and how.*

Project Issues: *Describe all project issues that require mitigation, consultation, permits or project to be conditioned*

Mitigation Measures/Conditions/Permits (if any): *Describe mitigation measures, conditions on project or required permits for above project issues*

Estimated Project Cost: *Include HUD funding & total estimated project cost*

FINDING OF NO SIGNIFICANT IMPACT

The name of RE has determined that the project will have no significant impact on the human environment. Therefore, an Environmental Impact Statement under the National Environmental Policy Act of 1969 (NEPA) is not required. Additional project information is contained in the Environmental Review Record (ERR) on file at name and address of RE office where ERR can be examined and name and address of other locations where the record is available for review and may be examined or copied weekdays __A.M to __P.M.

PUBLIC COMMENTS

Any individual, group, or agency may submit written comments on the ERR to the RE designated office responsible for receiving and responding to comments. All comments received by if notice is published: publication date plus fifteen days; if notice is mailed and posted: mailing and posting date plus eighteen days will be considered by the name of RE prior to authorizing submission of a request for release of funds. Comments should specify which Notice they are addressing.

RELEASE OF FUNDS

The name of RE certifies to HUD/State that name of Certifying Officer in his/her capacity as Official Title consents to accept the jurisdiction of the Federal Courts if an action is brought to enforce responsibilities in relation to the environmental review process and that these responsibilities have been satisfied. HUD's/State's approval of the certification satisfies its responsibilities under NEPA and related laws and authorities and allows the name of grant recipient to use HUD program funds.

OBJECTIONS TO RELEASE OF FUNDS

HUD/State will accept objections to its release of fund and the RE's certification for a period of fifteen days following the anticipated submission date or its actual receipt of the request (whichever is later) only if they are on one of the following bases: (a) the certification was not executed by the Certifying Officer of the name of RE; (b) the RE has omitted a step or failed to make a decision or finding required by HUD regulations at 24 CFR part 58; (c) the grant recipient or other participants in the development process have committed funds, incurred costs or undertaken activities not authorized by 24 CFR Part 58 before approval of a release of funds by HUD/State; or (d) another Federal agency acting pursuant to 40 CFR Part 1504 has submitted a written finding that the project is unsatisfactory from the standpoint of environmental quality. Objections must be prepared and submitted in accordance with the required procedures (24 CFR Part 58, Sec. 58.76) and shall be addressed to HUD/State administration office at address of that office. Potential objectors should contact HUD/State to verify the actual last day of the objection period.

Name and Title of RE Certifying Officer

Attachment IV

Example EPA Cover Notification

Date

Rhonda Smith
US EPA Region 6
1445 Ross Avenue, Suite 1200
Mail Code 6EN
Dallas, TX 75202-2733

RE: NEPA Environmental Assessment FONSI Notification – Project Name

Ms. Smith:

The City of San Antonio, in accordance with the U.S Department of Housing and Urban Development (HUD) Region 6 Environmental Compliance Guidebook (December 2012), is providing notification to the Environmental Protection Agency (EPA) that the City has issued a Finding of No Significant Impact for the **PROJECT NAME/Provide description of the project.**

Upon receipt of the HUD Authority to Use Grant Funds, the city intends to **State Action**. The project is funded with \$**X** in **Grant** funds, as approved by the San Antonio City Council. In addition, as required by HUD regulations at 24 CFR Part 58, the city is publishing **the combined Notice of Finding of No Significant Impact and Notice of Intent to Request a Release of Funds** in the San Antonio Express News, a newspaper of general circulation, on **Date**. A copy of the notice has also been provided.

If the City of San Antonio does not receive a written response within 15 days of the date of this notice, the City will assume there are no issues and will proceed with issuing the Request for Release of Funds to HUD. The EPA may submit comments or objections directly to HUD within 15 days after the Request for Release of Funds is received by HUD.

Please contact **staff name, staff title** at 210-207-**XXXX**, if you have any questions or concerns.

Sincerely

Name

Grants Administrator

Attachment V

HUD Form 7015.15

Request for Release of Funds and Certification

U.S. Department of Housing
and Urban Development
Office of Community Planning
and Development

OMB No. 2506-0087
(exp. 10/31/2014)

This form is to be used by Responsible Entities and Recipients (as defined in 24 CFR 58.2) when requesting the release of funds, and requesting the authority to use such funds, for HUD programs identified by statutes that provide for the assumption of the environmental review responsibility by units of general local government and States. Public reporting burden for this collection of information is estimated to average 36 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. This agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless that collection displays a valid OMB control number.

Part 1. Program Description and Request for Release of Funds (to be completed by Responsible Entity)

1. Program Title(s)	2. HUD/State Identification Number	3. Recipient Identification Number (optional)
4. OMB Catalog Number(s)	5. Name and address of responsible entity	
6. For information about this request, contact (name & phone number)		
8. HUD or State Agency and office unit to receive request	7. Name and address of recipient (if different than responsible entity)	

The recipient(s) of assistance under the program(s) listed above requests the release of funds and removal of environmental grant conditions governing the use of the assistance for the following

9. Program Activity(ies)/Project Name(s)	10. Location (Street address, city, county, State)
--	--

11. Program Activity/Project Description

Part 2. Environmental Certification (to be completed by responsible entity)

With reference to the above Program Activity(ies)/Project(s), I, the undersigned officer of the responsible entity, certify that:

1. The responsible entity has fully carried out its responsibilities for environmental review, decision-making and action pertaining to the project(s) named above.
2. The responsible entity has assumed responsibility for and complied with and will continue to comply with, the National Environmental Policy Act of 1969, as amended, and the environmental procedures, permit requirements and statutory obligations of the laws cited in 24 CFR 58.5; and also agrees to comply with the authorities in 24 CFR 58.6 and applicable State and local laws.
3. The responsible entity has assumed responsibility for and complied with and will continue to comply with Section 106 of the National Historic Preservation Act, and its implementing regulations 36 CFR 800, including consultation with the State Historic Preservation Officer, Indian tribes and Native Hawaiian organizations, and the public.
4. After considering the type and degree of environmental effects identified by the environmental review completed for the proposed project described in Part 1 of this request, I have found that the proposal did did not require the preparation and dissemination of an environmental impact statement.
5. The responsible entity has disseminated and/or published in the manner prescribed by 24 CFR 58.43 and 58.55 a notice to the public in accordance with 24 CFR 58.70 and as evidenced by the attached copy (copies) or evidence of posting and mailing procedure.
6. The dates for all statutory and regulatory time periods for review, comment or other action are in compliance with procedures and requirements of 24 CFR Part 58.
7. In accordance with 24 CFR 58.71(b), the responsible entity will advise the recipient (if different from the responsible entity) of any special environmental conditions that must be adhered to in carrying out the project.

As the duly designated certifying official of the responsible entity, I also certify that:

8. I am authorized to and do consent to assume the status of Federal official under the National Environmental Policy Act of 1969 and each provision of law designated in the 24 CFR 58.5 list of NEPA-related authorities insofar as the provisions of these laws apply to the HUD responsibilities for environmental review, decision-making and action that have been assumed by the responsible entity.
9. I am authorized to and do accept, on behalf of the recipient personally, the jurisdiction of the Federal courts for the enforcement of all these responsibilities, in my capacity as certifying officer of the responsible entity.

Signature of Certifying Officer of the Responsible Entity

Title of Certifying Officer

Date signed

X

Address of Certifying Officer

Part 3. To be completed when the Recipient is not the Responsible Entity

The recipient requests the release of funds for the programs and activities identified in Part 1 and agrees to abide by the special conditions, procedures and requirements of the environmental review and to advise the responsible entity of any proposed change in the scope of the project or any change in environmental conditions in accordance with 24 CFR 58.71(b).

Signature of Authorized Officer of the Recipient

Title of Authorized Officer

Date signed

X

Warning: HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)

Attachment VI

HUD CPD Notice 12-006



City of San Antonio
Department of Planning & Community Development
Division of Grants Monitoring and Administration

[Click here to enter a date.](#)

[Enter name of contact, Enter contact's title](#)

[Enter name of tribe](#)

[Enter mailing address](#)

[Enter City, State Zip](#)

Re: [Click here to enter Project Name.](#)

[Click here to enter Funding Source.](#)

Dear [Choose an item Click here to enter name of contact,](#)

The City of San Antonio is considering funding the project listed above with federal funds from the U.S. Department of Housing and Urban Development (HUD). Under HUD regulation 24 CFR 58.4, the City of San Antonio has assumed HUD's environmental review responsibilities for the project, including tribal consultation related to historic properties. Historic properties include archeological sites, burial grounds, sacred landscapes or features, ceremonial areas, traditional cultural places and landscapes, plant and animal communities, and buildings and structures with significant tribal association.

The City of San Antonio is conducting a review of this project to comply with Section 106 of the National Historic Preservation Act and its implementing regulations 36 CFR Part 800. The City would respectfully invite the tribe to be a consulting party in this review to help identify historic properties in the project area that may have religious and cultural significance to the tribe, and if such properties exist, to help assess how the project might affect them. If the project might have an adverse effect, we would like to discuss possible ways to avoid, minimize or mitigate potential adverse effects.

If the tribe would like to be a consulting party on this project, to meet project timeframes, please let us know of the tribe's interest within 30 days. If there are initial concerns with impacts of the project on religious or cultural properties, please note them in your response.

The project consists of the following: [Click here to enter project description](#) Enclosed is a map that shows the project area.

[Click here to enter Scope of Work](#)

HUD's process for tribal consultation under Section 106 is described in HUD Notice CPD-12-006. HUD Notice CPD-12-006 can be viewed at this web address:

http://portal.hud.gov/hudportal/documents/huddoc?id=env_notice_tribe_con.pdf

For more information on the Section 106 review process the following link is available:

<https://www.onecpd.info/resource/2813/historic-preservation-basics/>

If the tribe does not wish to consult on this project, please feel free to contact my office by email, fax, or letter. If the tribe does wish to consult, the City respectfully requests including in a written response the name and contact information for the tribe's principal representative for the consultation.

The City of San Antonio values the tribe's assistance and looks forward to consulting further if there are historic properties of religious and cultural significance that may be affected by this project.

Sincerely,

Thomas Morgan
Grants Administrator
San Antonio Certifying Officer

cc:



U.S. Department of Housing and Urban Development
Community Planning and Development

Special Attention of:

All Regional Directors
 All Field Office Directors
 All CPD Division Directors
 All Regional Environmental Officers
 All Responsible Entities
 All Housing Directors
 All PIH Division Directors
 All Program Environmental Clearance Officers

Notice: CPD 12-006

Issued: June 15, 2012

Expires: This Notice is effective until amended, superseded, or rescinded.

Cross References:

**SUBJECT: Process for Tribal Consultation in Projects That Are Reviewed
 Under 24 CFR Part 58**

I. Purpose

The “Environmental Review Procedures for Entities Assuming HUD Environmental Responsibilities,” 24 CFR Part 58, outlines the review process for many projects assisted with HUD programs, including those funded through CDBG, HOME, HOPE VI, HOPWA, Emergency Shelter Grants, certain Indian Housing programs, Public Housing Capital Fund, and Economic Development Initiative grants, and certain loans guaranteed by HUD. Part 58 covers many environmental areas, including historic resources. It references the “Section 106” review process for historic resources, which requires federal agencies to consult with federally-recognized Indian tribes on projects that may affect historic properties of religious and cultural significance to tribes. Under Part 58, local, state, or tribal governments become Responsible Entities (REs) and assume the federal agency’s environmental review authority and responsibility for projects within their jurisdiction, including those for which they are grantees. The RE must consult with tribes to determine whether a proposed project may adversely affect historic properties of religious and cultural significance, and if so, how the adverse effect could be avoided, minimized or mitigated. This applies to projects on and off tribal lands. This Notice clarifies the steps that REs should follow in the tribal consultation process. Following this protocol ensures compliance with the requirement for certification of tribal consultation on the Request for Release of Funds and Certification (form HUD 7015.15).

II. Background

Section 106 of the National Historic Preservation Act (*16 U.S.C. 470f*) and its implementing regulations (36 CFR Part 800) direct federal agencies to undertake an open, consultative process to consider the impact of their projects on historic and archeological resources. The review must be completed before an agency approves and/or commits funds to a project. In projects that are reviewed under 24 CFR Part 58, the Responsible Entity (RE), acting as HUD, consults with the State Historic Preservation Officer (SHPO), local government, individuals and organizations with demonstrated interest, the public, and representatives of federally-recognized Indian tribes and Native Hawaiian Organizations, including Tribal Historic Preservation Officers (THPOs). This Notice focuses on tribal consultation and project impacts to historic properties of religious and cultural significance to tribes. If a project includes activities that may affect such properties, the RE must consult with tribes to identify the property(ies) and consider ways to avoid, minimize or mitigate possible adverse effects to them. For guidance on consulting with Native Hawaiian Organizations, see "[Consultation with Native Hawaiian Organizations in the Section 106 Review Process: A Handbook](#)" published by the Advisory Council on Historic Preservation in June 2011.

Effective tribal consultation begins at the earliest possible stages of a project and is carried out to meet project timeframes. It fosters meaningful dialogue that strives to protect historic properties of religious and cultural significance to tribes. As noted in 36 CFR 800.2(c)(2)(ii)(B): "Consultation with Indian tribes should be conducted in a sensitive manner respectful of tribal sovereignty. Nothing in this part alters, amends, repeals, interprets, or modifies tribal sovereignty, any treaty rights, or other rights of an Indian tribe, or preempts, modifies, or limits the exercise of any such rights." [Additional guidance](#) on working with tribal representatives is available. REs may engage cultural resource specialists to assist in the process as needed, but REs remain ultimately responsible for initiating consultation with tribes.

Further details on the Statutory and Regulatory Requirements for tribal consultation are included in Section VI. Definitions are included in Section VII.

III. Required Actions by Responsible Entities

A. Determine if Section 106 Review is Required

Not all projects require Section 106 review. Some are exempted through regulation or Programmatic Agreements between the RE and the SHPO. If Section 106 review is not required, tribal consultation is not required.

1. Exempt Activities

If project activities are limited to those listed in [24 CFR 58.34 \(a\) \(1-11\)](#) as Exempt Activities and those listed in [24 CFR 58.35 \(b\)](#), as Categorical Exclusions not subject to §58.5, no further review and no consultation are required. The listed Activities and Exclusions have "No Potential to Cause Effects." Examples include: maintenance activities, tenant-based rental assistance, operating costs, affordable housing pre-development costs, studies and plans.

2. Programmatic Agreement

If the funded activity is covered by an existing Programmatic Agreement (PA), the PA may contain more Exempt activities in addition to the ones above. [\[Link to PA database\]](#) Follow the review process in the PA, including appropriate tribal consultation. If the PA does not contain a section on tribal consultation, and the activity is not Exempt, follow the process in III. C., below.

3. Projects Involving Multiple Federal Agencies

If the project involves multiple federal agencies, the RE may defer to another federal agency as the lead agency to undertake the Section 106 review. Generally, the agency with the largest stake in the project acts as the lead agency. Document the lead agency agreement in writing and retain it in the Environmental Review Record (ERR). The agreement must contain provisions for appropriate tribal consultation. If adverse effects are involved, the RE must sign the Memorandum of Agreement that resolves the adverse effect(s). Contact the HUD Federal Preservation Officer to discuss questions about a specific case.

B. Determine if Tribal Consultation is Required

Not all projects that require Section 106 review require consultation with Indian tribes. Consultation with federally-recognized tribes is required when a project includes activities that have the potential to affect historic properties of religious and cultural significance to tribes. These types of activities include: ground disturbance (digging), new construction in undeveloped natural areas, introduction of incongruent visual, audible, or atmospheric changes, work on a building or structure with significant tribal association, or transfer, lease or sale of historic properties of religious and cultural significance.

1. Checklist on When to Consult With Tribes

Use the When to Consult With Tribes Under Section 106 checklist (Appendix A) to determine if the project includes types of activities that have the potential to affect historic properties of religious and cultural significance. [\[Link to checklist\]](#) If not, tribal consultation is not required. Keep a copy of the checklist in the Environmental Review Record (ERR). If needed, you may seek technical assistance from the HUD Field Environmental Officer (FEO). If consultation is required, follow the steps below.

Through written agreement with a tribe, an RE may modify the process outlined below. [\[See 36 CFR 800.2\(c\)\(2\)\(ii\)\(E\)\]](#) An RE may also choose to incorporate into their consultation effort any relevant provisions in existing agreements between SHPOs and tribes and in other SHPO and THPO written guidance regarding tribal consultation.

C. Consult With Tribes

If a project includes the types of activities that may affect historic properties of religious and cultural significance, the RE must consult with the relevant tribe(s) to identify any such properties in the project's Area of Potential Effect (APE). If they are present, consultation continues with evaluation of the eligibility of the properties for the National Register of Historic

Places and assessment of the possible effects of the project on Register-eligible properties. The goal is to avoid adverse effects if possible.

Steps 1-4 below correspond to the steps commonly used to describe the Section 106 process in other guidance: Initiate Consultation (Step 1); Identify and Evaluate Historic Properties (Step 2); Assess Effects (Step 3); and Resolve Adverse Effects (Step 4). For the sake of efficiency, Steps

2, 3 and 4 may be treated together in consultation discussions and comments. [[See 36 CFR 800.3\(g\) Expediting consultation](#)]

Step1. Identify federally-recognized tribes with an interest in the project area and initiate consultation

The RE can use the [Tribal Directory Assessment Tool \(TDAT\)](#) to identify tribes with a current or ancestral interest in the county where the project is located. TDAT is a web-based directory of federally-recognized tribes and their geographic areas of interest.

Tribes

may have an interest in counties far from their current location, counties where the tribe lived centuries or millennia ago.

a. Tribal Directory Assessment Tool (TDAT)

Type the project address into the locator box in TDAT and it will return a list of tribes with interest in the area, with contact names, addresses, e-mail addresses, fax numbers and phone numbers. You can export the list as an Excel spreadsheet for mail merge in g. below. If TDAT shows no federally-recognized tribes with an interest in the area, document the result in the ERR; consultation is complete unless a previously unidentified, federally-recognized tribe expresses a desire to consult.

b. Tribe as Grant Recipient

If a tribe is a grant recipient in a HUD project and assumes the role of RE and conducts the Section 106 review, that tribe is responsible for inviting other tribes to consult if other tribes also have a religious or cultural interest in the project area. [Additional guidance](#) is available.

c. Non-federally Recognized Tribes

Although REs are only required to consult with federally-recognized tribes, the RE may invite non-federally recognized tribes with a demonstrated interest in the project to consult as additional consulting parties. They may also participate as members of the public. [See pages 9-11 of [Consultation with Indian Tribes in the Section 106 Review Process: A Handbook](#)]

d. Contact federally-recognized tribe(s) and invite consultation

Once the RE has identified tribes with a potential interest in the project area, the RE mails a letter to each tribe to invite consultation. The letter(s), on RE

letterhead, may be transmitted by email. Keep a copy of the letter(s) in the Environmental Review Record (ERR) for monitoring purposes.

e. Historic Properties of Religious and Cultural Significance

The letter that invites consultation should contain a request for assistance in identifying historic properties of religious and cultural significance in the project area - archeological sites, burial grounds, sacred landscapes or features, ceremonial areas, traditional cultural places, traditional cultural landscapes, plant and animal communities, and buildings and structures with significant tribal association - and any initial concerns with impacts of the project on those resources.

f. Tribal Historic Preservation Officer (THPO)

Some tribes have both a tribal leader and a Tribal Historic Preservation Officer (THPO) listed in TDAT. Send letters to both and ask that the tribe's response indicate a single point of contact if possible. On tribal lands, a THPO may have assumed authority for Section 106 review in lieu of the State Historic Preservation Officer (SHPO). On non-tribal lands, the THPO may have been delegated by the tribe to represent them in Section 106 reviews, but their participation does not take the place of consultation with the SHPO. [See page 6 of [Consultation with Indian Tribes in the Section 106 Review Process: A Handbook](#)]

g. Template Letter

Send a letter to the tribe(s) using TDAT contact info mail merged with the template letter. The RE may customize the template letter if desired. [[Link to template letter](#)]

You must add a description of the project into the letter by editing the template. The description should include, as applicable: the location and size of the property; type of project; type and scale of new building(s) or structures; construction materials; number of housing units; depth and area of ground disturbance; introduction of visual, audible or atmospheric changes; or transfer, lease or sale of property. [[Link to sample project descriptions](#)]

The RE -- not a contractor, lender, sponsor, sub-recipient or other grantee -- must sign the letter to the tribe(s). The RE is required to conduct government-to-government consultation.

h. Map

Enclose a map showing the location of the project and the Area of Potential Effect (APE), which may be larger than the project property. For urban sites, a map generated from a site like Google Earth is preferred. [[Link to Google Earth](#)] For rural sites, a USGS topographic map is preferred. [[Link to topo map site](#)]

i. Timeframes

HUD's policy is to request a response to the invitation to consult within 30 days from the date the tribe receives the letter. For gauging the beginning and end of the 30 day period, an RE may assume that an emailed letter is received on the date it is sent. For a hard copy letter, an RE may send the letter certified mail, or, if mail delivery is predictable and reliable, the RE may assume a 5-day delivery period, and assume that the period ends 35 days after the letter is mailed.

If a tribe wishes to be a consulting party, the tribe must provide within 30 days an indication of their desire to consult. The tribe does not need to actually provide information about historic properties of religious and cultural significance within 30 days; that may take longer. If a tribe responds that they do not want to consult, document the response in the ERR. If a tribe does not respond to the invitation to consult within 30 days, the RE should document the invitation and lack of response in the ERR; further consultation is not required.

j. Tiered Review

If a project is utilizing a Tiered review, consultation should usually begin in the Tier 1 broad level review. If a tribe expresses interest in further consultation on specific sites, the Tier 1 review should include a written strategy for continuing consultation on site specific reviews in Tier 2. [See [24 CFR 58.15](#)]

Step 2. Consult with the tribe(s) to identify and evaluate historic properties of religious and cultural significance

Theoretically, the consultation process first identifies potential historic properties, then evaluates which ones are eligible for the National Register of Historic Places, and then assesses the impact(s) of the project on those resources. In practice, those efforts often occur simultaneously. It is important to remember though, that only historic properties of religious and cultural significance that are eligible for or listed on the National Register are protected under Section 106. If no such properties are present, refer to the "No Historic Properties Affected" finding in Step 3 below.

a. Consultation Meeting(s)

After receiving a response that a tribe wants to consult, contact the tribe(s) to arrange further consultation which may take place by phone, web meeting, or face-to-face meeting. Try to accommodate a tribe's preferences as to meeting location and method of communication. If needed, a site visit is an eligible project expense. If more than one tribe wants to consult, consult jointly if possible. Integrate tribal consultation with consultation with other non-tribal parties, including the SHPO, as possible and appropriate. Recognize that some tribes may not want to consult jointly, particularly where there are concerns for confidentiality of information.

b. Evaluation of Historic Properties for the National Register of Historic Places

Gather information on known historic properties from the tribe, SHPO, consultants, and other repositories. Discuss with the tribe whether known properties appear eligible for the National Register of Historic Places. HUD acknowledges that tribes possess special expertise in evaluating the eligibility of religious and cultural properties for the National Register. Generally, if the RE disagrees with a tribe's opinion, the RE or the tribe may ask the Advisory Council on Historic Preservation to enter the consultation. The tribe may also ask the Council to request the RE to obtain a formal determination of eligibility from the Keeper of the National Register.

c. Surveys to Identify Additional Historic Properties

If a convincing case is made by the tribe(s) and/or SHPO that National Register eligible historic properties potentially exist on the site, and that they may be affected by the project, the grantee may approve funding for an archeological survey as part of the project. Consult HUD's HP Fact Sheet #6, [Guidance on Archeological Investigations in HUD Projects](#). [Link to HP Fact Sheet #6]

Sometimes, consultation results in modification of project plans to avoid potential effects on historic properties of religious and cultural significance. If effects are avoided, e.g. by designating a sensitive area as undisturbed green space, it is generally not necessary to fully identify and document resources with an archeological survey.

An RE is not required to pay for consultation. However, an RE may choose to negotiate payment to a tribe for detailed survey documentation on historic properties of religious and cultural significance to the tribe, similar to payment to a consultant. If agreed upon ahead of time, this payment may be an eligible project expense.

d. Confidentiality of Information

Tribes may be hesitant to share information on the location, character, and use of historic properties of special religious and cultural significance. Discuss with the tribe(s) ways to protect confidentiality of such information. The RE should strive to ensure confidentiality when requested. [36 CFR 800.11\(c\)](#) outlines a formal process for obtaining federal authority to withhold sensitive information, in the event that practical means or state authority are not available.

Step 3. Consult with the tribe(s) to evaluate the effects of the project on identified and potential historic resources

After discussing the possible effects of the project on historic properties of religious and cultural significance to tribes, the RE determines the appropriate finding: "No Historic Properties Affected"; "No Adverse Effect"; or "Adverse Effect". The RE will also be consulting with other parties, like the SHPO, to determine effects of the project on these and other types of resources, like historic buildings with no tribal association. It is desirable to consolidate findings of effect for all types of historic properties in one letter.

Ultimately, a project has one overall finding of effect. Tribes have 30 days to object to a finding of effect.

a. Criteria of Adverse Effect

Consult with the tribe(s) and other consulting parties to apply the [Criteria of Adverse Effect](#), and determine if the project may have an adverse effect.

b. “No Historic Properties Affected” Finding

If there are no known or potential historic properties in the project area that are listed on or eligible for the National Register of Historic Places, or if such properties exist but there will be no effect on them, notify the tribe(s) and other consulting parties of your determination of “No Historic Properties Affected.” Describe which of the above circumstances applies. It is not necessary to fully identify and document resources if they will not be affected by the project.

c. “No Adverse Effect” Finding

If the project will have an effect, but it will not be adverse, notify the tribe(s) and other consulting parties of your determination of “No Adverse Effect.” They have 30 days to object. If a tribe objects, the RE should consult to resolve the objection. The tribe or the RE may also ask the Advisory Council on Historic Preservation to review the determination. The request must be made within the 30-day period and must include the documentation listed in [36 CFR 800.11 \(e\)](#).

d. “Adverse Effect” Finding

If the project will affect National Register listed or eligible historic properties in any of the ways outlined in the Criteria of Adverse Effect, notify the tribe(s) and other consulting parties of your determination of “Adverse Effect” and consult to resolve the adverse effects. Typical activities that could adversely affect historic properties of religious and cultural significance include: ground disturbance (digging), new construction in undeveloped natural areas, introduction of incongruent visual, audible, or atmospheric changes, work on a building or structure with significant tribal association, or transfer, lease or sale of historic properties of religious and cultural significance.

Step 4. Consult to resolve adverse effects

If there are possible “Adverse Effects”, consult with the tribe(s) and other consulting parties to consider alternatives that would avoid or minimize adverse effects, including possible mitigation measures.

a. Notification of Advisory Council

The RE must notify the Advisory Council on Historic Preservation (ACHP) about the adverse effect and give them an opportunity to enter the consultation. The Council will decide whether to enter the consultation based on established [criteria](#) that include whether a project “Presents issues of concern to Indian tribes or Native Hawaiian organizations.” The Advisory Council must respond

within 15 days of receipt of the request. [See link to on-line ACHP notification system – pending]

b. Consideration of Alternatives

Consult with the tribe(s) and other consulting parties about possible ways to modify a project to avoid adverse effects. If initial discussion does not resolve the issue(s), a site visit with consulting parties and project developers is often helpful. An agreed upon alternative may be stipulated with “conditions” in a revised “No Adverse Effect” finding for the project.

c. Consideration of Mitigation Measures

If adverse effects cannot be fully resolved, and there is a compelling need for the project to proceed despite the adverse effect(s), consider ways to mitigate or compensate for the harm to the historic property(ies). Mitigation measures may include data recovery, documentation, research, publication, education, interpretation, curation, off-site preservation, and/or monitoring and may relate to the specific resource that is being affected, or other historic properties in a similar location or of a similar type.

d. If needed, prepare and execute a Memorandum of Agreement (MOA)

An MOA stipulates the agreed upon measures to minimize and/or mitigate adverse effects. It is a legally binding document that obligates all named parties to the agreement. The RE is responsible for ensuring that the measures required by the MOA are satisfactorily carried out. Model language is available. At the discretion of the RE, where deemed necessary, an MOA may also be used to codify agreed upon measures to avoid an adverse effect, in conjunction with a conditional “No Adverse Effect” finding.

e. Execution of the MOA

The MOA must be executed prior to the decision point for the project -- as applicable, prior to the dissemination or publication of public notices required by 24 CFR Part 58 (e.g., notice of finding of no significant impact (§58.43), and notice of intent to request the release of funds (§58.70)). The RE should send a digital copy of the MOA to the HUD Field Environmental Officer (FEO) who will file it in the MOA file in the central HUD shared drive. A copy must also be provided to the Advisory Council on Historic Preservation and the consulting tribe(s).

f. Signatories to the MOA

The Responsible Entity may invite the tribe(s) to sign the MOA as a consulting party. The tribal leader and the THPO may sign the MOA. For projects on tribal lands, if the tribe has a THPO who has assumed Section 106 responsibilities for the tribe, the THPO must be a signatory.

HUD does not sign Section 106 agreement documents covered by 24 CFR Part 58. HUD does sign agreements covered by 24 CFR Part 50. If a project is subject to both, HUD may sign as long as the agreement states the appropriate program reference. [See CPD [Memo on HUD Environmental Regulations and Section 106 Agreement Documents](#)]

g. Completion of MOA requirements

The RE must ensure that the stipulations and mitigation measures in the MOA are carried out and inform the tribe(s) of completion. Document completion in the Environmental Review Record (ERR).

h. Termination of Consultation

If consulting about properties on tribal lands, a THPO may determine that further consultation will not be productive and terminate consultation. Likewise, an RE, SHPO, or, if participating, the Advisory Council on Historic Preservation, may terminate consultation. Termination of consultation is detailed at [36 CFR 800.7](#). A tribe that is consulting about properties off tribal lands may decline an invitation to sign an MOA, but does not have a right to terminate consultation under 36 CFR 800.7.

IV. Record of Compliance

Include evidence of compliance with this protocol in the Environmental Review Record (ERR), including notes, letters, e-mails, reports, etc.

Failure to consult with tribes per this protocol may lead to HUD issuing a finding of non-compliance with 36 CFR Part 800, the regulations that implement Section 106. If HUD makes a finding, HUD may initiate sanctions, corrective actions, or other remedies specified in program regulations or agreements or contracts with the RE which may include terminating grants where appropriate and repayment of funds expended with non-federal funds. (See [24 CFR 58.77](#))

A. Request for Release of Funds (RROF) (Form 7015.15)

REs and grantees must certify on the Request for Release of Funds and Certification (form HUD 7015.15) that they have consulted with federally-recognized tribes per this protocol. [See Part 2, #3 of [form](#)]

V. Discoveries During Construction

Whenever previously unknown below ground historic properties of religious and cultural significance are discovered during construction, excavation in the area of the resources must immediately stop until tribal consultation can occur. The RE must notify tribes (including the THPOs), the Advisory Council on Historic Preservation, and the SHPO within 48 hours of the

discovery. [See [36 CFR 800.13\(b\)](#)] Contact the tribes identified in Step 1 and reenter consultation which should take place under an accelerated timeframe. A site visit with the RE, tribe(s), and SHPO (as appropriate) is recommended to resolve any potential adverse effect(s) to the historic property(ies) of religious and cultural significance.

A. Human Remains

If the discovery includes human remains, they should be respectfully covered over and secured, and the RE should contact law enforcement authorities as well as tribes and other consulting parties. If the human remains are determined to be Indian burials, the RE should follow the guidance in the “[Advisory Council on Historic Preservation Policy Statement Regarding Treatment of Burial Sites, Human Remains and Funerary Objects.](#)”

B. Native American Graves Protection and Repatriation Act (NAGPRA)

In undertakings on federal or tribal lands, the Native American Graves Protection and Repatriation Act (NAGPRA) (*25 U.S.C. 3001 et seq*) requires that cultural items excavated or inadvertently discovered be returned to their respective peoples. Cultural items include human remains, funerary objects, sacred objects, and objects of cultural patrimony. [More information](#) is available.

VI. Statutory and Regulatory Requirements

Federal law directs federal agencies to consult with tribes when there is a potential for a federally-funded project to affect a historic property of religious and cultural significance to tribes.

Section 106 of the National Historic Preservation Act ([16 U.S.C. 470f](#)) requires that prior to approving the expenditure of funds for a project, a federal agency must take into account the effect of the undertaking on historic resources.

Section 101 (d)(6)(A) and (B) of the National Historic Preservation Act identifies the types of properties to be considered and the obligation to consult. The Act provides that properties of traditional religious and cultural importance to an Indian tribe or Native Hawaiian organization may be determined to be eligible for inclusion in the National Register of Historic Places. In carrying out its responsibilities under Section 106 of the Act, a Federal agency is required to consult with any Indian tribe or Native Hawaiian organization that attaches religious and cultural significance to such properties. In projects that are reviewed under 24 CFR Part 58, the Responsible Entity (RE) assumes the role of the Federal agency, including tribal consultation. [\[See 24 CFR 58.4\]](#)

The regulations that implement Section 106 of the Act, [36 CFR Part 800](#) – “Protection of Historic Properties,” define “Indian tribe” as federally-recognized tribes, and limit the need to consult to

projects that have the potential to affect historic properties of religious and cultural significance to tribes.

36 CFR 800.2 (c)(2)(ii)

Consultation on historic properties of significance to Indian tribes and Native Hawaiian organizations.

Section 101(d)(6)(B) of the act requires the agency official to consult with any Indian tribe or Native Hawaiian organization that attaches religious and cultural significance to historic properties that may be affected by an undertaking...

36 CFR 800.3

(a) *Establish undertaking.* The agency official shall determine whether the proposed Federal action is an undertaking as defined in § 800.16(y) and, if so, whether it is a type of activity that has the potential to cause effects on historic properties.

(1) *No potential to cause effects.* If the undertaking is a type of activity that does not have the potential to cause effects on historic properties, assuming such historic properties were present, the agency official has no further obligations under section 106 or this part.

Therefore, the consultation process outlined in this Notice starts by first establishing whether the project includes a type of activity that has the potential to affect historic properties of religious and cultural significance to tribes. If it does, it outlines the steps to consult with tribes to identify and evaluate resources, and to assess the effects of the project on the resources.

VII. Definitions

Definitions of some of the terms used in this Notice may be found in 24 CFR Part 58 and 36 CFR Part 800, "Protection of Historic Properties", and are repeated here for convenience.

The definition of **Responsible Entity** is found in 24 CFR 58.2(a)(7).

Responsible Entity. Responsible Entity means:

(i) With respect to environmental responsibilities under programs listed in §58.1(b)(1), (2), (3)(i), (4), and (5), a recipient under the program.

(ii) With respect to environmental responsibilities under the programs listed in §58.1(b)(3)(ii) and (6) through (12), a state, unit of general local government, Indian tribe or Alaska Native Village, or the Department of Hawaiian Home Lands, when it is the recipient under the program. Under the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 *et seq.*) listed in §58.1(b)(10)(i), the Indian tribe is the responsible entity whether or not a Tribally Designated Housing Entity is authorized to receive grant amounts on behalf of the tribe. The Indian tribe is also the responsible entity under the Section 184 Indian Housing Loan Guarantee program listed

in §58.1(b)(11). Regional Corporations in Alaska are considered Indian tribes in this part. Non-recipient responsible entities are designated as follows:

(A) For qualified housing finance agencies, the State or a unit of general local government, Indian tribe or Alaska native village whose jurisdiction contains the project site;

(B) For public housing agencies, the unit of general local government within which the project is located that exercises land use responsibility, or if HUD determines this infeasible, the county, or if HUD determines this infeasible, the State;

(C) For non-profit organizations and other entities, the unit of general local government, Indian tribe or Alaska native village within which the project is located that exercises land use responsibility, or if HUD determines this infeasible, the county, or if HUD determines this infeasible, the State;

Definitions of some other parties in the Section 106 process are found in 36 CFR 800.16.

Council means the Advisory Council on Historic Preservation or a Council member or employee designated to act for the Council.

Indian tribe means an Indian tribe, band, nation, or other organized group or community, including a native village, regional corporation, or village corporation, as those terms are defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602), which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

Native Hawaiian organization means any organization which serves and represents the interests of Native Hawaiians; has as a primary and stated purpose the provision of services to Native Hawaiians; and has demonstrated expertise in aspects of historic preservation that are significant to Native Hawaiians.

Native Hawaiian means any individual who is a descendant of the aboriginal people who, prior to 1778, occupied and exercised sovereignty in the area that now constitutes the State of Hawaii.

State Historic Preservation Officer (SHPO) means the official appointed or designated pursuant to section 101(b)(1) of the act to administer the State historic preservation program or a representative designated to act for the State historic preservation officer.

Tribal Historic Preservation Officer (THPO) means the tribal official appointed by the tribe's chief governing authority or designated by a tribal ordinance or preservation program who has assumed the responsibilities of the SHPO for purposes of section 106 compliance on tribal lands in accordance with section 101(d)(2) of the act.

Other relevant definitions found in 36 CFR 800.16 include:

Area of potential effects means the geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if any such properties exist. The area of potential effects is influenced by the scale and nature of an undertaking and may be different for different kinds of effects caused by the undertaking.

Consultation means the process of seeking, discussing, and considering the views of other participants, and, where feasible, seeking agreement with them regarding matters arising in the section 106 process. The Secretary's "Standards and Guidelines for Federal Agency Preservation Programs pursuant to the National Historic Preservation Act" provide further guidance on consultation.

Effect means alteration to the characteristics of a historic property qualifying it for inclusion in or eligibility for the National Register.

Eligible for inclusion in the National Register includes both properties formally determined as such in accordance with regulations of the Secretary of the Interior and all other properties that meet the National Register criteria.

Historic property means any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in, the National Register of Historic Places maintained by the Secretary of the Interior. This term includes artifacts, records, and remains that are related to and located within such properties. The term includes properties of traditional religious and cultural importance to an Indian tribe or Native Hawaiian organization and that meet the National Register criteria.

Memorandum of agreement means the document that records the terms and conditions agreed upon to resolve the adverse effects of an undertaking upon historic properties.

National Register means the National Register of Historic Places maintained by the Secretary of the Interior.

Programmatic agreement means a document that records the terms and conditions agreed upon to resolve the potential adverse effects of a Federal agency program, complex undertaking or other situations in accordance with §800.14(b).

Tribal lands means all lands within the exterior boundaries of any Indian reservation and all dependent Indian communities.

Undertaking means a project, activity, or program funded in whole or in part under the direct or indirect jurisdiction of a Federal agency, including those carried out by or on behalf of a Federal agency; those carried out with Federal financial assistance; and those requiring a Federal permit, license or approval.

Acronyms Used in This Notice

ACHP	Advisory Council on Historic Preservation (federal)
APE	Area of Potential Effect
CPD	Community Planning and Development Office
ERR	Environmental Review Record
FEO	Field Environmental Officer
HUD	U.S. Department of Housing and Urban Development
MOA	Memorandum of Agreement
NAGPRA	Native American Graves Protection and Repatriation Act
PA	Programmatic Agreement
RE	Responsible Entity
REO	Regional Environmental Officer
RROF	Request for Release of Funds and Certification
SHPO	State Historic Preservation Officer
TDAT	Tribal Directory Assessment Tool
THPO	Tribal Historic Preservation Officer

Appendix A

When To Consult With Tribes Under Section 106 Checklist

Yolanda Chávez
Deputy Assistant Secretary for Grant
Programs

Appendix A

When To Consult With Tribes Under Section 106

Section 106 requires consultation with federally-recognized Indian tribes when a project may affect a historic property of religious and cultural significance to the tribe. Historic properties of religious and cultural significance include: archeological sites, burial grounds, sacred landscapes or features, ceremonial areas, traditional cultural places, traditional cultural landscapes, plant and animal communities, and buildings and structures with significant tribal association. The types of activities that may affect historic properties of religious and cultural significance include: ground disturbance (digging), new construction in undeveloped natural areas, introduction of incongruent visual, audible, or atmospheric changes, work on a building with significant tribal association, and transfer, lease or sale of properties of the types listed above.

If a project includes any of the types of activities below, invite tribes to consult:

- significant ground disturbance (digging)**
Examples: new sewer lines, utility lines (above and below ground), foundations, footings, grading, access roads
- new construction in undeveloped natural areas**
Examples: industrial-scale energy facilities, transmission lines, pipelines, or new recreational facilities, in undeveloped natural areas like mountaintops, canyons, islands, forests, native grasslands, etc., and housing, commercial, and industrial facilities in such areas
- incongruent visual changes**
Examples: construction of a focal point that is out of character with the surrounding natural area, impairment of the vista or viewshed from an observation point in the natural landscape, or impairment of the recognized historic scenic qualities of an area
- incongruent audible changes**
Examples: increase in noise levels above an acceptable standard in areas known for their quiet, contemplative experience
- incongruent atmospheric changes**
Examples: introduction of lights that create skyglow in an area with a dark night sky
- work on a building with significant tribal association**
Examples: rehabilitation, demolition or removal of a surviving ancient tribal structure or village, or a building or structure that there is reason to believe was the location of a significant tribal event, home of an important person, or that served as a tribal school or community hall
- transfer, lease or sale of a historic property of religious and cultural significance**
Example: transfer, lease or sale of properties that contain archeological sites, burial grounds, sacred landscapes or features, ceremonial areas, plant and animal communities, or buildings and structures with significant tribal association
- None of the above apply**

Project

Reviewed By

Date

Attachment VII

Edwards Aquifer EPA Consultation

Attachment VIII

HUD Environmental Guide (December 2012)



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**U.S. Department of Housing and Urban Development
Region VI – Fort Worth Regional Office
801 Cherry Street, Unit #45, Suite 2500
Fort Worth, TX 76102**

**24 CFR PART 58
COMPLIANCE GUIDEBOOK**



December 2012



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Section 1: Introduction

The U. S. Department of Housing and Urban Development (HUD) Region VI has developed this guidebook to assist users in the preparation of environmental reviews prepared under HUD's National Environmental Policy Act (NEPA) implementing regulations of 24 CFR Part 58, and aid users in achieving HUD's goal of providing a safe, suitable living environment. It is intended to guide the reader through the environmental review process. It explains factors that must be considered, documentation that must be provided, public notice and comment requirements, and the process for obtaining environmental clearances. The guidebook includes HUD recommended templates, worksheets for completing forms, and other guidance, which may be adopted for incorporation into the environmental review record (ERR). This guidebook is not a substitute for the 24 CFR Part 58 regulations. Applicable authorities and regulations take precedence over the information in this guidebook and should be consulted as necessary to achieve full compliance. Additionally, HUD cannot attest to the accuracy of information provided by websites external to HUD. Access to these websites does not constitute an endorsement by HUD, or any of its employees, of the sponsors of the websites or products presented on the websites.

A. HUD Region VI Environmental Officer Contact Information

Contact the HUD Region VI Field Environmental Officer assigned to your area for information or assistance related to compliance with HUD environmental requirements.

http://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/environment/contact/localcontacts#RegionVI.

For up to date environmental compliance information for Region VI:

<http://portal.hud.gov/hudportal/HUD?src=/states/shared/working/r6/environment/environmental>.

HUD environmental guidebooks can be downloaded at the links below or ordered at 800-767-7468 or 202-708-3151:

- [Region VI Environmental Guidebook](#)
- [Region VI Regulations Handbook](#)
- [Environmental Review Guide for CDBG Program](#)
- [Noise Assessment Guide Book](#)
- [Acceptable Separation Distance Guidebook](#)
- [Barrier Design Guidance for HUD Assisted Project Near Hazardous Facilities](#)
- [Choosing an Environmental Safe Site](#)

B. Roles and Responsibilities

This section explains the roles and responsibilities of Responsible Entities (REs), Certifying Officers, Recipients and States administering HUD programs.

1. Responsible Entities

- REs that receive assistance directly from HUD must assume responsibility for the environmental reviews, decision-making and action that would otherwise apply to HUD under NEPA and other provisions of law that further the purposes of NEPA, as specified in §58.5 and §58.6. REs assume this responsibility by the execution of a grant agreement with HUD and/or a legally binding document such as the certification contained on form HUD-7015.15, Request for Release of Funds (RROF), which certifies the RE's assumption of environmental responsibilities.

- **Recipients as Responsible Entities:** 58.2(a)(5) defines recipients for all programs listed under Section 58.1(b) as: 1) Units of General Local Government (UGLGs); and, 2) States and Indian tribes that do not distribute HUD assistance to a unit of general local government. 58.2(a)(7)(i) defines these recipients as the REs for the following programs:
 - Community Development Block Grants (CDBG) ,
 - Emergency Shelter Grant Program, Supportive Housing Program (and its predecessors, the Supportive Housing Demonstration Program (both Transitional Housing and Permanent Housing for Homeless Persons with Disabilities and Supplemental Assistance for Facilities to Assist the Homeless), Shelter Plus Care Program, Safe Havens for Homeless Individuals Demonstration Program, and Rural Homeless Housing Assistance,
 - HOME Investment Partnerships Program,
 - Lead-based paint and lead dust hazards programs

- **Non-Recipient Responsible Entities:** 58.2(a)(7) designates non-recipient responsible entities for the Supportive Housing Program and Shelter Plus Care Program, Public Housing Programs, HOPE VI, Section 8, Economic Development Initiative (EDI) grants, Self-Help Homeownership Opportunity Program (SHOP), Assistance provided under the Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA), Indian Housing Loan Guarantees authorized by section 184 of the Housing and Community Development Act of 1992, in accordance with section 184(k) and Housing Opportunities for Persons with AIDS (HOPWA). Non-recipient RE's for these programs are:
 - For qualified housing finance agencies, the State or a unit of general local government, Indian tribe or Alaska native village whose jurisdiction contains the project site;

 - For public housing agencies, the unit of general local government within which the project is located that exercises land use responsibility, or if HUD determines this infeasible, the county, or if HUD determines this infeasible, the State;

 - For non-profit organizations and other entities, the unit of general local government, Indian tribe or Alaska native village within which the project is

located that exercises land use responsibility, or if HUD determines this infeasible, the county, or if HUD determines this infeasible, the State;

- For Indian housing authorities (outside of Alaska), the Indian tribe in whose jurisdiction the project is located, or if the project is located outside of a reservation, the Indian tribe that established the authority; and
- For Indian housing authorities in Alaska, the Alaska native village in whose community the project is located, or if HUD determines this infeasible, a unit of general local government or the State, as designated by HUD.

2. Certifying Officer

- The Certifying Officer represents the RE, and serves as the “responsible Federal official,” who has the legal capacity to carry out the responsibilities of §58.13, and is authorized to certify RROFs and represent the RE in federal court.
- The Certifying Officer for a State is the Governor. The Certifying Officer for a city is the Mayor or City Manager. The Certifying Officer for a county (or equivalent) is the highest elected official.
- A formal written delegation is required to transfer Certifying Officer responsibility from Governor, Mayor, City Manager, or elected county judge to another individual. This written documentation must be included as part of the ERR.
- The Certifying Officer ensures all project mitigation and conditions are included in awards, contracts and other agreements pertaining to the project.
- Although the Certifying Officer must sign the RROF, s/he does NOT need to approve or sign environmental review forms. A manager within the RE’s agency may be authorized to approve and sign environmental review forms on the RE’s behalf.

3. Recipients

- a. HUD Recipients that Function as REs include:
 - States directly undertaking a State project
 - UGLGs
 - Counties
 - Indian Tribes
- b. HUD Recipients that Cannot Function as REs include:
 - Public Housing Authorities
 - Qualified Housing Finance Agencies
 - Non-profit organizations
 - Regional Planning Agencies
 - Council of Governments (COGs)

The RE for these recipients is the UGLG or county that exercises land use responsibilities where the project is located, unless HUD determines that this is infeasible. In such cases the State may serve as the RE per §58.2(a)(7).

4. States Assuming HUD Environmental Responsibilities under §58.18

States can elect to administer a HUD program, ensuring compliance with Part 58. In this role States receive public notices, certified RROFs, accept objections from the public, authorize the

use of grant funds, and monitoring compliance. When States function in the role of an RE they must submit their certified RROFs to HUD.

C. Restrictions on Obligating HUD and Non-HUD Funds Prior to Completion of the Environmental Review Process

Commitment of HUD or Non-HUD funds must not be made until the Part 58 environmental review process is completed. HUD regulations at §58.22 place limitations on activities pending environmental clearance. Neither a recipient nor any participant, including public or private nonprofit or for-profit entities, or any of their contractors, can commit HUD or non-HUD funds on an activity or project until HUD or the state has approved the recipient's certified RROF. This ensures actions are not taken that would have an adverse environmental impact or limit the choice of reasonable alternatives.

Remedies and sanctions can be imposed when §58.22 is violated and when the environmental review process is not properly completed. This can mean the recipient may be required to repay HUD funds or finance mitigation measures from their own funds. In cases in which HUD has approved a certified RROF but subsequently learns (e.g., through monitoring) that the recipient violated §58.22 or otherwise failed to comply with a clearly applicable environmental authority, HUD shall impose appropriate remedies and sanctions in accordance with the laws and regulations for the program under which the violation was found, §58.72(c).

A statutory violation occurs when, for example, a recipient has filed an application for a HUD funded project and subsequently commits HUD funds to the project for an activity that is not exempt under §58.34 or categorically excluded under §58.35(b), prior to submission of a certified RROF. This is a statutory violation of Section 104 (g)(2) of the Housing and Community Development Act of 1974 (HCDA), and the recipient will be precluded from using program funds subject to the provisions of Section 104 (g)(2) of HCDA of 1974. An example of a regulatory violation would be when a recipient has filed an application for a HUD funded project and subsequently commits non-HUD funds to begin construction on the project (a choice-limiting action) prior to the receipt of an approved certified RROF. This is a regulatory violation of §58.22(a).

Section 2: Environmental Review Records

REs must maintain a written record of the environmental review undertaken for each project, which is termed the Environmental Review Record (ERR) (§58.38). The ERR shall be available for public review. REs must use HUD recommended formats or equivalent formats for their environmental reviews. The ERR must contain all of the environmental review documents, public notices, written determinations, environmental findings pertaining to decision-making and actions related to individual projects. Recommended HUD templates are provided below.

RE SEAL

RE NAME AND ADDRESS

Environmental Review Record Summary Sheet

Project Number (IDIS):	HUD Program:	Program Year:
------------------------	--------------	---------------

Project Name:
 Project Location (street, city, county/State, & zip code):

Number of Dwelling Units	Project site is in a location described as	
<input type="checkbox"/> New Construction <input type="checkbox"/> Rehabilitation	<input type="checkbox"/> Central city	<input type="checkbox"/> Suburban
	<input type="checkbox"/> Urban development	<input type="checkbox"/> Undeveloped area

Project Description (*Attach additional descriptive information, as appropriate to the project, including narrative, maps, photographs, site plans, budgets and other information.*)¹:

The subject project has been reviewed pursuant to HUD regulations 24 CFR Part 58, “Environmental Review Procedures for Entities Assuming HUD Environmental Responsibilities,” and the following determination with respect to the project is made:

- Exempt from NEPA review requirements per 24 CFR §58.34(a) (_____) (Compliance Checklist for §58.6 is attached.)
- Categorically Excluded NOT Subject to §58.5 authorities per 24 CFR §58.35(b) (___) (Compliance Checklist for §58.6 is attached.)
- Categorically Excluded SUBJECT to §58.5 authorities per 24 CFR §58.35(a) (___) (Compliance Checklist for §58.6, and Statutory Worksheet and Checklist for the §58.5 authorities are attached.)
- An Environmental Assessment (EA) is required to be performed. (An Environmental Assessment Worksheet and Checklist performed in accordance with subpart E of 24 CFR Part 58, Compliance Checklist for §58.6, and Statutory Worksheet and Checklist for the §58.5 authorities are attached.)
- An Environmental Impact Statement (EIS) is required to be performed.

The ERR (see §58.38) must contain all of the environmental review worksheets, checklists, documents, public notices and written determinations or environmental findings required by Part 58 as evidence of the review, decision making and actions pertaining to a particular project. Include additional information such as, maps noting the project location in reference to an environmental impact source, studies, analyses and other documentation as appropriate.

¹ Source documentation consists of verifiable source documents and/or relevant base data. Appropriate documentation must be provided for each authority and resource analyzed. Documents may be incorporated by reference into the ERR provided that each source document is identified and available for inspection by interested parties. Proprietary material and studies that are not otherwise generally available for public review shall be included in the ERR.

Contents of an Environmental Review Record - §58.38

This outline offers ideas for organizing the ERR of a medium to large CDBG Entitlement Community that engages in multiple HUD-assisted activities, projects and programs.

- I. ERR Master File – maintained by Program Year
 - A. Summary listing of projects/activities, grouped according to the determination of the level of environmental review.
 1. Exempt [§58.34(a)];
 2. Categorical Exclusion ‘Not subject to’ (CENST) [§58.35(b)];
 3. Categorical Exclusion ‘Subject to’ (CEST) [§58.35(a)];
 4. Environmental Assessment (EA) [§58.36];
 5. Environmental Impact Statement (EIS) [§58.37].
 - B. Public Notice(s)
 - C. Request for Release of Funds (form HUD-7015.15)
 - D. Authority to Use Grant Funds (form HUD-7015.16)
 - E. Correspondence with HUD and public comments.
- II. Central Data File – for source documentation
 - A. A central data file is useful for managing statutory and environmental issues that are common to many projects and programs. Source documentation is the documentation and reference material that supports determinations made for the statutory authorities (§58.5) and other requirements (§58.6).
 - B. Locating source documentation in a central file allows the responsible entity to:
 1. Collect in one place material that is common to a wide-range of activities or recurs among more than one activity; and,
 2. Easily update information on an annual, periodic or as-needed basis.
 - C. Example: An airport layout plan (showing clear zones) can be maintained in the central file and updated as needed. Statutory Checklists in individual ERRs can refer to the layout plan in the central file rather than providing copies of the plan in each ERR for individual projects or programs. The central data files may likewise include maps, letters or documents relating to endangered species, sole source aquifers, wetlands, wild and scenic rivers, comprehensive plans, etc.
- III. ERR for Individual Projects/Programs
 - A. ERR Summary Sheet
 - B. Determination as to level of environmental review (Determination Form).
 - C. Description of activity, project or program. Include maps.
 - D. Depending on the level of environmental review, the contents of the balance of the ERR will vary:
 1. Compliance Checklist (For §58.6 compliance).
 2. Statutory Worksheet and Statutory Checklist (For §58.5 compliance).
 3. EA Worksheet and EA Checklist (For §58.40 compliance).
 - E. Depending on the activity/project, additional descriptive information may include:
 1. Program: Description of tiering process to be followed, if utilized.
 2. Projects: Design and site plans, photographs, renderings, elevations, timelines, budgets, etc.
 - F. Site-specific or “second-tier” environmental review records – for programs that utilize tiering, these are the records that account for statutory issues that were identified in the “first-tier” or broad review.

Section 3: Environmental Review Determinations

This section provides an overview of environmental review requirements associated with each environmental review determination and provides example formats for documenting determinations.

A. Determination of Exemption for Activities Listed at 24 CFR §58.34

- A determination of exemption applies to the list of activities at §58.34 in which NEPA environmental review, consultation or other actions are not required.
- RE must comply with the requirements of §58.6 (Compliance Checklist) related to Flood Disaster Protection; restriction on HUD assistance for a project located in Coastal Barrier Resource Areas; and, buyer notifications required if a HUD assisted project is located in a Runway Clear Zone or Clear Zone.
- Compliance with statutory laws and authorities cited in §58.5 (Statutory Worksheet and Statutory Checklist) is not required.
- Publication of a Notice of Intent to Request Release of Funds (NOI/RROF) is not required.
- Submission of a certified RROF to HUD/State is not required.
- RE must document the determination in writing (Determination Form) and the documentation must be maintained in the ERR.

B. Determination of Categorical Exclusion Not Subject to §58.5 (CENST) for Activities Listed at 24 CFR §58.35(b)

- A determination of CENST applies to the list of activities at §58.35(b) which would not alter any conditions that would require a review or compliance determination under federal laws and authorities cited in §58.5.
- RE must comply with the requirements of §58.6 (Compliance Checklist) related to Flood Disaster Protection; restriction on HUD assistance for a project located in Coastal Barrier Resource Areas; and, buyer notifications required if a HUD assisted project is located in a Runway Clear Zone or Clear Zone.
- NEPA environmental review, consultation or other action is not required, except under extraordinary circumstances.
- Compliance with statutory laws and authorities cited in §58.5 (Statutory Worksheet and Statutory Checklist) is not required.
- Publication of NOI/RROF is not required.
- Submission of a certified RROF to HUD/State is not required.
- RE must document the determination in writing (Determination Form) and the documentation must be maintained in the ERR.

C. Determination of Categorical Exclusion Subject to §58.5 (CEST) for Activities Listed at 24 CFR §58.35(a)

- A determination of CEST applies to the list of activities at §58.35(a) that HUD believes, except in extraordinary circumstances, no environmental assessment or environmental impact statement is required.
- RE must comply with statutory laws and authorities cited in §58.5 (Statutory Worksheet and Statutory Checklist).
- If activities are found not to require compliance with any authority under §58.5 (such as mitigation measures, additional studies, conditions or further consultation) then the project can convert to exempt pursuant to §58.34(a)(12).
- RE must comply with the requirements of §58.6 (Compliance Checklist) related to Flood Disaster Protection; restriction on HUD assistance for a project located in Coastal Barrier Resource Areas; and, buyer notifications required if a HUD assisted project is located in a Runway Clear Zone or Clear Zone.
- RE must publish a NOI/RROF and submit the certified RROF to HUD (or the State), unless the project can convert to exempt, then a NOI/RROF and certified RROF are not required.
- RE must document the determination in writing (Determination Form) and the documentation must be maintained in the ERR.

D. Determination of Environmental Assessments §58.36

If a project is not exempt or categorically excluded as listed at §58.34 and §58.35 then an Environmental Assessment (EA) must be prepared.

- RE must comply with statutory laws and authorities cited in §58.5 (Statutory Worksheet and Statutory Checklist).
- RE must comply with the requirements of §58.6 (Compliance Checklist) related to Flood Disaster Protection; restriction on HUD assistance for a project located in Coastal Barrier Resource Areas; and, buyer notifications required if a HUD assisted project is located in a Runway Clear Zone or Clear Zone.
- RE must prepare an EA (EA Worksheet and EA Checklist) which reaches a Finding of No Significant Impact (FONSI) or a conclusion that an Environmental Impact Statement must be prepared under §58.37.
- RE must publish notice of the FONSI (§58.43)
- RE must publish a NOI/RROF and submit the certified RROF to HUD (or the State).
- RE must document the determination in writing (Determination Form) and the documentation must be maintained in the ERR.

E. Determination of Environmental Impact Statement (EIS) §58.37

An EIS is required when a project has been determined to have a significant impact on the human environment or under any of the circumstances described in §58.37(b). The EIS must

meet the minimum qualifications for an EIS format of the Council on Environmental Quality's NEPA regulations found at 40 CFR §1502.10.

- RE must comply with statutory laws and authorities cited in §58.5 (Statutory Worksheet and Statutory Checklist).
- RE must comply with the requirements of §58.6 (Compliance Checklist) related to Flood Disaster Protection; restriction on HUD assistance for a project located in Coastal Barrier Resource Areas; and, buyer notifications required if a HUD assisted project is located in a Runway Clear Zone or Clear Zone.

Sample environmental review determination forms are provided in the following pages.

RE SEAL

RE NAME AND ADDRESS

Exemption Determination for Activities Listed at 24 CFR §58.34

Grant Recipient: _____ Project Name: _____

Project Description (Include all actions which are either geographically or functionally related): _____

Location: _____

Funding Source: CDBG HOME ESG HOPWA EDI Capital Fund Operating Subsidy Hope VI Other

Estimated Funding Amount: _____ Grant Number: _____

I have reviewed and determined that the abovementioned project is Exempt per 24 CFR §58.34 as follows:

<input type="checkbox"/>	58.349(a)(1). Environmental & other studies, resource identification & the development of plans & strategies;
<input type="checkbox"/>	58.34(a) (2) Information and financial services;
<input type="checkbox"/>	58.34(a) (3) Administrative and management activities;
<input type="checkbox"/>	58.34(a) (4) Public services that will not have a physical impact or result in any physical changes, including but not limited to services concerned with employment, crime prevention, child care, health, drug abuse, education, counseling, energy conservation and welfare or recreational needs;
<input type="checkbox"/>	58.34(a) (5) Inspections and testing of properties for hazards or defects;
<input type="checkbox"/>	58.34(a) (6) Purchase of insurance;
<input type="checkbox"/>	58.34(a) (7) Purchase of tools;
<input type="checkbox"/>	58.34(a) (8) Engineering or design costs;
<input type="checkbox"/>	58.34(a) (9) Technical assistance and training;
<input type="checkbox"/>	58.34(a) (10) Assistance for temporary or permanent improvements that do not alter environmental conditions and are limited to protection, repair, or restoration activities necessary only to control or arrest the effects from disasters or imminent threats to public safety including those resulting from physical deterioration;
<input type="checkbox"/>	58.34(a) (11) Payment of principal and interest on loans made or obligations guaranteed by HUD;
<input type="checkbox"/>	58.34(a) (12) Any of the categorical exclusions listed in §58.35(a) provided that there are no circumstances that require compliance with any other Federal laws and authorities cited in §58.5.

The responsible entity must also complete and attach the **58.6 Compliance Checklist**. By signing below the Responsible Entity officially determines in writing that all activities covered by this determination are Exempt and meets the conditions specified for such exemption under section 24 CFR §58.34. This document must be maintained in the ERR.

AUTHORIZED RESPONSIBLE ENTITY OFFICIAL:

Authorized Responsible Entity Signature

Date

Authorized Responsible Entity Name (printed)

Title (printed)

RE SEAL

RE NAME AND ADDRESS

Categorical Exclusion Not subject to §58.5 Determination for Activities Listed at 24 CFR §58.35(b)

Grant Recipient: _____ Project Name: _____
Project Description (Include all actions which are either geographically or functionally related):

Location: _____
Funding Source: CDBG HOME ESG HOPWA EDI Capital Fund Operating Subsidy Hope VI Other
Estimated Funding Amount: _____ Grant Number: _____

I have reviewed and determined that the abovementioned project is a Categorical Excluded activity (not subject to §58.5) per 24 CFR §58.35(b) as follows:

<input type="checkbox"/>	58.35(b).1. Tenant-based rental assistance;
<input type="checkbox"/>	58.35(b) 2. Supportive services including, but not limited to, health care, housing services, permanent housing placement, day care, nutritional services, short-term payments for rent/mortgage/utility costs, and assistance in gaining access to local, State, and Federal government benefits and services;
<input type="checkbox"/>	58.35(b) 3. Operating costs including maintenance, security, operation, utilities, furnishings, equipment, supplies, staff training and recruitment and other incidental costs;
<input type="checkbox"/>	58.35(b) 4. Economic development activities, including but not limited to, equipment purchase, inventory financing, interest subsidy, operating expenses and similar costs not associated with construction or expansion of existing operations;
<input type="checkbox"/>	58.35(b) 5. Activities to assist homebuyers to purchase existing dwelling units or dwelling units under construction, including closing costs and down payment assistance, interest buy-downs, and similar activities that result in the transfer of title.
<input type="checkbox"/>	58.35(b). 6. Affordable housing pre-development costs including legal, consulting, developer and other costs related to obtaining site options, project financing, administrative costs and fees for loan commitments, zoning approvals, and other related activities which do not have a physical impact.
<input type="checkbox"/>	58.35(b). 7. Approval of supplemental assistance (including insurance or guarantee) to a project previously approved under this part, if the approval is made by the same responsible entity that conducted the environmental review on the original project and re-evaluation of the environmental findings is not required under §58.47.

The responsible entity must also complete and attach the **§58.6 Compliance Checklist**. By signing below the Responsible Entity officially determines in writing that each activity or project is Categorical Excluded (not subject to §58.5) and meets the conditions specified for such exclusion under section 24 CFR §58.35(b). This document must be maintained in the ERR.

AUTHORIZED RESPONSIBLE ENTITY OFFICIAL:

Authorized Responsible Entity Signature

Date

Authorized Responsible Entity Name (printed)

Title (printed)

RE SEAL

RE NAME AND ADDRESS

Categorical Exclusion Subject to §58.5 Determination for Activities Listed at 24 CFR §58.35(a)

Grant Recipient: _____ Project Name: _____
Project Description (Include all actions which are either geographically or functionally related):

Location: _____
Funding Source: CDBG HOME ESG HOPWA EDI Capital Fund Operating Subsidy Hope VI Other
Estimated Funding Amount: _____ Grant Number: _____

I have reviewed and determined that the above mentioned project is a Categorical Excluded activity (subject to §58.5) per 24 CFR §58.35(a) as follows:

<input type="checkbox"/>	58.35(a) (1). Acquisition, repair, improvement, reconstruction, or rehabilitation of public facilities and improvements (other than buildings) when the facilities and improvements are in place and will be retained in the same use without change in size or capacity of more than 20 percent (e.g., replacement of water or sewer lines, reconstruction of curbs and sidewalks, repaving of streets);
<input type="checkbox"/>	58.35(a) (2). Special projects directed to the removal of material and architectural barriers that restrict the mobility of and accessibility to elderly and handicapped persons;
	58.35(a) (3). Rehabilitation of buildings and improvements when the following conditions are met:
<input type="checkbox"/>	58.35(a) (3) (i). In the case of a building for residential use (with one to four units), the density is not increased beyond four units, the land use is not changed, and the footprint of the building is not increased in a floodplain or in a wetland;
<input type="checkbox"/>	58.35(a) (3) (ii). In the case of multifamily residential buildings: (A) Unit density is not changed more than 20 percent; (B) The project does not involve changes in land use from residential to non-residential; and (C) The estimated cost of rehabilitation is less than 75 percent of the total estimated cost of replacement after rehabilitation.
<input type="checkbox"/>	58.35(a) (3) (iii). In the case of non-residential structures, including commercial, industrial, and public buildings: (A) The facilities and improvements are in place and will not be changed in size or capacity by more than 20 percent; AND (B) The activity does not involve a change in land use, such as from non-residential to residential, commercial to industrial, or from one industrial use to another.
<input type="checkbox"/>	58.35(a) (4) (i) An individual action on up to four dwelling units where there is a maximum of four units on any one site. The units can be four one-unit buildings or one four-unit building or any combination in between; or

<input type="checkbox"/>	<p>58.35(a) (ii) An individual action on a project of five or more housing units developed on scattered sites when the sites are more than 2,000 feet apart and there are not more than four housing units on any one site.</p> <p>58.35(a) (iii) Paragraphs (a) (4) (i) and (ii) of this section do not apply to rehabilitation of a building for residential use (with one to four units) (see paragraph (a) (3) (i) of this section).</p>
<input type="checkbox"/>	<p>58.35(a) (5). Acquisition (including leasing) or disposition of, or equity loans on an existing structure, or acquisition (including leasing) of vacant land provided that the structure or land acquired, financed, or disposed of will be retained for the same use.</p>
<input type="checkbox"/>	<p>58.35(a) (6). Combinations of the above activities.</p>

The responsible entity must also complete and attach a **§58.5 Statutory Worksheet and a §58.6 Compliance Checklist**. By signing below the Responsible Entity officially determines in writing that all activities covered by this determination are Categorically Excluded (subject to §58.5) and meets the conditions specified for such exclusion under section 24 CFR §58.35(a). This document must be maintained in the ERR.

AUTHORIZED RESPONSIBLE ENTITY OFFICIAL:

Authorized Responsible Entity Signature

Date

Authorized Responsible Entity Name (printed)

Title (printed)

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Section 4: Compliance with §58.5, Related Federal Laws and Authorities

A. Overview

The Federal laws and authorities listed under §58.5 are applicable to CEST activities listed at §58.35(a), and activities associated with the preparation of an Environmental Assessment and Environmental Impact Statement. The Statutory Checklist and Statutory Worksheet should be completed to ensure compliance with §58.5, Related Federal laws and authorities. The Statutory Checklist and Statutory Worksheet cover statutes, regulations and Executive Orders, other than NEPA, listed at §58.5. The Statutory Worksheet provides a step by step guide for evaluating individual projects with respect to §58.5. The results from this worksheet can be summarized in the Statutory Checklist below.

CEST activities listed at §58.35(a) require publication of NOI/RROF, unless the project can convert to Exempt pursuant to §58.34(a)(12). Public notice requirements are covered in Section 7.

B. Instructions for Completing the Statutory Checklist – §58.5 Compliance

A Determination Form should be provided as a cover to this checklist. This checklist is a component of the ERR per §58.38. Supplement the ERR, as appropriate, with photographs, site plans, maps, narrative and other information that describe the project.

DIRECTIONS – After completion of the Statutory Worksheet, document the summarized information in the Statutory Checklist.

From the answers to the questions of the Statutory Worksheet, for each law/authority, check either the “A box” or “B box.”

“**A box**” The project is in compliance, either because: (1) the nature of the project does not implicate the authority under consideration, or (2) supporting information documents that project compliance has been achieved. In either case, information must be provided as to **WHY the authority is not implicated, or HOW compliance is met**; OR

“**B box**” The project requires an additional compliance step or action, including but not limited to consultation with or approval from an oversight agency, performance of a study or analysis, completion of remediation or mitigation measure, or obtaining of license or permit.

Compliance Findings:

Choose the appropriate compliance finding listed below for each law/authority. State the appropriate finding(s) in the Compliance Finding column of the Statutory Checklist. **Compliance Findings for each law and authority can include one or more of the following:**

- **Not Applicable to this Project** – when it is known that the project is located in an area where the environmental condition or resource is nonexistent (e.g., project is not located near a coastal zone or near a wild & scenic river).

- **Consultation/Review Procedures Required** – when there has been coordination with the appropriate individuals at Federal or federally authorized agencies and those interactions are documented through attached notes and correspondence (e.g., Section 106 concurrence memo).
- **Determination of Consistency, Approvals and Permits Obtained** – In areas requiring consistency or where projects required Federal permits, licenses, or other forms of approval (e.g., consistency with state coastal zone management plan).
- **Conditions or Mitigation Actions Required** – when project is conditioned or mitigation is required. These should be listed in the mitigation section of the Statutory Checklist. Attach any correspondence from reviewing agencies and a designation of responsibility for implementation.

Source Documentation:

Source documentation must consist of verifiable documents and/or relevant base data. Cite the appropriate documentation in the Source Documentation column for each law/authority and attach the documentation to Statutory Checklist. Documents may be incorporated by reference into the ERR provided that each source is identified and available for inspection by interested parties. Proprietary material and studies that are not otherwise generally available for public review shall be included in the ERR.

RE SEAL

RE NAME AND ADDRESS

Statutory Checklist for Compliance with 24 CFR §58.5 – NEPA Related Federal Laws and Authorities

Use this worksheet for projects that are Categorical Excluded Subject to 24 CFR §58.5 listed at 24 CFR §58.35(a) and for projects that require an Environmental Assessment.

Project Name: _____

ERR FILE # _____

Definitions: **A:** The project is in compliance.
 B: The project requires an additional compliance step or action.

Statute, Authority, Executive Order Cited at 24 CFR §58.5	A	B	COMPLIANCE FINDING	SOURCE DOCUMENTATION
1. 58.5(a) Historic Properties [36 CFR 800]				
2. 58.5(b)(1) Floodplain Management [24 CFR 55, Executive Order 11988]				
3. 58.5(b)(2) Wetland Protection [24 CFR 55, Executive Order 11990]				
4. 58.5(c) Coastal Zone Management [Coastal Zone Management Act sections 307(c) & (d)]				
5. 58.5(d) Sole Source Aquifers [40 CFR 149]				
6. 58.5(e) Endangered Species [50 CFR 402]				
7. 58.5(f) Wild and Scenic Rivers [36 CFR 297]				
8. 58.5(g) Air Quality [40 CFR parts 6, 51, 61, 93]				
9. 58.5(h) Farmland Protection [7 CFR 658]				
10. 58.5(i)(1) Noise Control and Abatement [24 CFR 51B]				
11. 58.5 (i) (1) Explosive and Flammable Operations [24 CFR 51C]				
12. 58.5(i)(1) Airport Hazards (Runway Clear Zones and Clear Zones/Accident Potential Zones) [24 CFR 51D]				
13. 58.5(i)(2)(i-iv) Contamination and Toxic Substances [24 CFR 58.5(i)(2)]				
14. 58.5(j) Environmental Justice [Executive Order 12898]				

DETERMINATION:

- Box "A" has been checked for all authorities.** For Categorically Excluded actions pursuant to §58.35(a) [Does not apply to EA or EIS level of review which can never convert to Exempt], the project can convert to Exempt, per §58.34(a) (12), since the project does not require any compliance measures (e.g., consultation, mitigation, permit or approval) with respect to any law or authority cited at §58.5. The project is now made Exempt and **funds may be drawn down;** OR

- Box "B" has been checked for one or more authority.** For Categorically Excluded actions pursuant to §58.35(a), the project cannot convert to Exempt since one or more authority requires compliance, including but not limited to consultation with or approval from an oversight agency, performance of a study or analysis, completion of remediation or mitigation measure, or obtaining of license or permit. **Complete pertinent compliance requirement(s), publish NOI/RROF, request release of funds (HUD-7105.15), and obtain HUD's Authority to Use Grant Funds (HUD-7015.16) per §58.70 and §58.71 before committing funds;** OR

- This project is not a Categorically Excluded action pursuant to §58.35(a), or may result in a significant environmental impact to the environment, and requires preparation of an Environmental Assessment (EA). Prepare the EA according to 24 CFR Part 58 Subpart E.

MITIGATION MEASURES AND CONDITIONS FOR PROJECT APPROVAL: *(If Box B is checked, provide details regarding further consultation, mitigation, permit requirements or approvals required to be incorporated into public notices and project requirements such as contracts, grants, loan conditions, etc as described in the Statutory Worksheet). Ensure required measures are included in 7015.15 Project Description Section.*

PREPARER:

Preparer's Signature

Date

Preparer's Name (printed)

Title (printed)

AUTHORIZED RESPONSIBLE ENTITY OFFICIAL:

Authorized Responsible Entity Signature

Date

Authorized Responsible Entity Name (printed)

Title (printed)

Worksheet for Preparing 24 CFR §58.5 Statutory Checklist

[Attach to Statutory Checklist]

1. §58.5(a) Historical Properties [36 CFR Part 800]

Historic Properties

- a. Does the project include the type of activity that would have the potential to affect historic properties such as acquisition, demolition, disposition, ground disturbance, new construction or rehabilitation?
 Yes No

If Yes, continue.

If No, the project is not the type of activity that has the potential to affect historic properties. Compliance with this section is complete. Mark box “A” on the Statutory Checklist for this authority.

- b. Do the RE and State Historic Preservation Office (SHPO) have a Programmatic Agreement (PA) that does not require consultation for this type of activity?
 Yes No

If Yes, document compliance with the PA. Compliance with this section is complete. Mark box “A” on the Statutory Checklist for this authority.

If No, continue.

- c. Is the project located within or directly adjacent to a historic district?
 Yes No
- d. Is the structure or surrounding structures listed on or eligible for listing on the National Register of Historic Places (e.g. greater than 45 years old)?
 Yes No
- e. Were any properties of historical, architectural, religious or cultural significance identified in the project’s Area of Potential Effect (APE)?
 Yes No

If Yes any of the questions above, continue.

If No to all of the questions above, the project will not affect historic properties. A concurrence from the SHPO that “no historic properties will be affected” is required. Compliance with this section is complete. Mark box “A” on the Statutory Checklist for this authority.

- f. Have you consulted with the SHPO to determine whether the project will have “No Adverse Effect on Historic Properties?”
 Yes No

If Yes, continue.

If No, consultation with the SHPO is required.

- g. Does the SHPO concurrence letter received for this project require mitigation or have conditions?
 Yes No

If Yes, continue.

If No, compliance with this section is complete. Mark box “A” on the Statutory Checklist for this authority.

- h. Have the SHPO and RE agreed on required mitigation or conditions?
 Yes No

If Yes, include mitigation requirements and/or conditions from the SHPO in the mitigation section of the Statutory Checklist. Mark box “B” on the Statutory Checklist for this authority.

If No, continue with consultation until resolved.

Historic properties of religious and cultural significance to tribes and Native Hawaiian organizations

- i. Does the project include the types of activities such as those listed below that have the potential to affect historic properties of religious and cultural significance to tribes?
- Ground disturbance (digging);
 - New construction in undeveloped natural areas;
 - Incongruent visual changes – impairment of the vista or viewshed from an observation point in the natural landscape;
 - Incongruent audible changes – increase in noise levels above an acceptable standard in areas known for their quiet, contemplative experience;
 - Incongruent atmospheric changes – introduction of lights that create skyglow in an area with a dark night sky;
 - Work on a building with significant tribal association;
 - Transfer, lease or sale of a historic property of religious and cultural significance.
- Yes No

If Yes, continue.

If No, tribal consultation is not required.

- j. Does HUD's Tribal Directory Assessment Tool indicate that tribes have an interest in the location where the project is sited?
(<http://egis.hud.gov/tdat/Tribal.aspx>)

Yes No

If Yes, contact federally recognized tribe(s) and invite consultation. Continue.
If No, document the result in the ERR. Tribal consultation is not required.

- k. Did the tribe(s) respond that they want to be a consulting party?
 Yes No

If Yes, continue.

If No, (no response within 30 days or responded that they do not wish to consult), document response or lack of response in ERR. Further consultation is not required.

- l. After consulting with the tribe(s) and discussing the project, were any properties of religious or cultural significance to the tribe(s) identified in the project's APE?
 Yes No

If Yes, continue.

If No, notify tribe(s) and other consulting parties of your finding of "No Historic Properties Affected." Tribe(s) has 30 days to object to a finding.

- m. After consulting with the tribe(s), will the project have an adverse effect on properties of religious or cultural significance to the tribe(s)?
 Yes No

If Yes, consult with tribe(s) and other consulting parties to resolve adverse effects, including considering alternatives and mitigation measures that would avoid or minimize adverse effects.

If No, notify tribe(s) and other consulting parties of your finding of "No Adverse Effects." Tribe(s) has 30 days to object to a finding.

- n. Were any objections to a finding received from a consulting tribe?
 Yes No

If Yes, continue with consultation until resolved.

If No, consultation is complete.

Comments:

Cite and attach source documentation: (Correspondence with SHPO/THPO. How determination of "no potential to cause effects" to historic properties was made.)

Information Resources:

National Register of Historic Places:

<http://nrhp.focus.nps.gov/natreghome.do?searchtype=natreghome>

National Conference of State Historic Preservation Officers:

<http://ncshpo.org/>

Map of Currently Recognized THPO's:

<http://www.nathpo.org/map.html>

Section 106 Agreements Database:

http://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/environment/section106

2. §58.5(b) (1) Floodplain Management [24 CFR Part 55]

- a. Does the project involved minor repairs or improvements on one to four family properties that do not meet the threshold for “substantial improvement” of §55.2(b)(8), i.e., the cost does not equal or exceed 50% of the market value of the structure before improvement or repair started, before damage occurred.

Yes No

If Yes, compliance with this section is complete. Mark box “A” on the Statutory Checklist for this authority.

If No, continue.

- b. Is the project located within (or have an impact on) a 100 year floodplain (Zone A) or Coastal High Hazard (Zone V) identified by FEMA maps?

Yes No

- c. Does the project involve a “critical action,” per §55.2(b)(2)(i), located within a 500 year floodplain (Zone B) identified by FEMA maps?

Yes No

If Yes to (b) or (c), follow HUD’s Floodplain Management Regulations 8-Step decision-making process of §55.20 to comply with 24 CFR Part 55. The 8-Step decision-making process must show that there are no practicable alternatives to locating the project in the floodplain, and if there are no alternatives, define measures to mitigate impacts to floodplains and location of the project in the floodplain. Completion of the 8-Step decision-making process must be completed before the completion of an EA per §55.10(a). See Attachment 1 for an example of the 8-Step decision-making process. The findings of the decision-making process must be included in the ERR and summarized in Part 55 and Part 58 public notices, as well as NOI/RROF and FONSI notices. Mark box “B” on the Statutory Checklist for this authority.

If No to (b) and (c), compliance with this section is complete. Mark box “A” on the Statutory Checklist for this authority.

- d. Does the project involve a critical action in a coastal high hazard area or a floodway?

Yes No

If, Yes, HUD assistance may not be used for this project.

- e. Does the project involve a non-critical action which is not a functionally dependent use that is located in a floodway?

Yes No

If Yes, HUD assistance may not be used for this project

- f. Does the project involve a non-critical action which is not a functionally dependent use that is located in a coastal high hazard area?

Yes No

If Yes, project is allowed **only** if it is designed for a location in a coastal high hazard areas **and** is processed under Section 55.20. Design requirements must be noted in Statutory Checklist and 8-Step decision-making process.

Comments:

Cite and attach source documentation: (FEMA flood map used to make this finding with the project location marked on the map. Include the community name, map panel number and date of map. As applicable, §55.20 8-Step decision-making process analysis. If FEMA has not published the appropriate flood map, the RE must make a finding based on best available data.)

For more information see:

FEMA Map Service Center:

<http://www.store.msc.fema.gov>

3. §58.5(b) (2) Wetlands Protection (E.O. 11990)

- a. Does the project involve new construction, land use conversion, major rehabilitation, or substantial improvements?

Yes No

If Yes, continue.

If No, compliance with this section is complete. Mark box "A" on the Statutory Checklist for this authority.

- b. Is the project within or adjacent to or will it affect wetlands, marshes, wet meadows, mud flats or natural ponds per field observation and maps issued by the US Fish & Wildlife Service (USFWS) or U.S. Army Corps of Engineers (Corps)?

Yes No

- c. Are there drainage ways, streams, rivers, or coastlines on or near the site?
 Yes No
- d. Are there ponds, marshes, bogs, swamps or other wetlands on or near the site?
 Yes No
- e. Does the project involve new construction and/or filling located within a wetland designated on a USFWS National Wetlands Inventory map?
 Yes No

If Yes to any of the above, comply with wetlands decision-making process of 24 CFR §55.20. (Use proposed Part 55 published in the Federal Register January 2012 for wetland procedures). Continue.

If No to all of the above, compliance with this section is complete. Mark box “A” on the Statutory Checklist for this authority.

- f. Will the project require a permit from the Corps under Section 404 of the Clean Water Act and/or will USFWS require wetland mitigation?
 Yes No

If Yes, ensure this is noted in Part 55 and Part 58 public notices. Include all mitigation measures and permit requirements in the mitigation section of the Statutory Checklist. Compliance with this section is complete. Mark box “B” on the Statutory Checklist for this authority.

If No, compliance with this section is complete. Mark box “B” on the Statutory Checklist for this authority.

Comments:

Cite and attach source documentation: (NWI Map with project location noted in reference to wetlands. §55.20 8/5-Step decision-making process analysis for new construction and/or filling, and any permits received.)

For more information see:

USFWS National Wetlands Inventory – Geospatial Wetlands Digital Data:

<http://www.FWS.gov/wetlands/data/index.html>

Recognizing wetlands:

http://www.usace.army.mil/Portals/2/docs/civilworks/regulatory/techbio/rw_bro.pdf

4. §58.5(c) Coastal Zone Management [Coastal Zone Management Act of 1972, Sections 307(c) & (d)]

- a. Does the project involve new construction, land use conversion, major rehabilitation, or substantial improvements?
 Yes No

If Yes, continue.

If No, compliance with this section is complete. Mark box “A” on the Statutory Checklist for this authority.

- b.** Is the project located within a Coastal Zone as defined in your state Coastal Zone Management (CZM) Plan?

Yes No

If Yes, the State CZM Agency must make a finding that the project is consistent with the approved State CZM Plan. Mark box “B” on the Statutory Checklist for this authority.

If No, compliance with this section is complete. Mark box “A” on the Statutory Checklist for this authority.

Comments:

Cite and attach source documentation: (Map showing project in relation to the nearest Coastal Zone Management area. If applicable, State’s findings.)

For additional information see:

States and Territories Working with NOAA on Ocean and Coastal Zone Management:

<http://coastalmanagement.noaa.gov/mystate/welcome.html>

Texas Coastal Zone Management Program:

<http://www.glo.texas.gov/what-we-do/caring-for-the-coast/grants-funding/cmp/index.html>

Texas Coastal Zone Boundary:

<http://www.glo.texas.gov/what-we-do/caring-for-the-coast/documents/landing-page-folder/CoastalBoundaryMap.pdf>

Louisiana Office of Coastal Management:

<http://dnr.louisiana.gov/index.cfm?md=pagebuilder&tmp=home&pid=85&ngid=5>

Louisiana Coastal Zone Boundary:

<http://dnr.louisiana.gov/index.cfm?md=pagebuilder&tmp=home&pid=88>

5. §58.5(d). Sole Source Aquifers [40 CFR Part 149]

- a.** Does the project involve new construction or land use conversion?

Yes No

If Yes, continue.

If No, compliance with this section is complete. Mark box “A” on the Statutory Checklist for this authority.

- b.** Is the project located within a U.S. Environmental Protection Agency (EPA)-designated sole source aquifer watershed area per EPA Ground Water Office?

Yes No

If Yes, consult with the Water Management Division of EPA to design mitigation measures to avoid contaminating the aquifer and implement

appropriate mitigation measures. Include mitigation measures in mitigation section of Statutory Checklist. Mark box “B” on the Statutory Checklist for this authority.

If No, compliance with this section is complete. Mark box “A” on the Statutory Checklist for this authority.

Comments:

Cite and attach source documentation: (Map showing project in relation to the nearest Sole Source Aquifer.)

For more information see:

Region 6 Sole Source Aquifers: <http://www.epa.gov/region6/water/swp/ssa/maps.htm>

6. §58.5(e) Endangered Species [50 CFR Part 402]

- a.** Does the project involve the type of activities that are likely to have “no effect on endangered species, such as:
- Demolition and construction or placement of a single family residence within a developed lot, and/or any loans or mortgages affiliated with such construction, demolition or placement provided they are not within 750 feet of habitat for federally-listed species or 300 feet of mapped wetlands, wildlife refuges, fish hatcheries, wildlife management areas, or related significant fish and wildlife resources?
 Yes No
 - Rehabilitation or renovation activities associated with existing structures (*e.g.*, houses, buildings), including additional structures attached to or associated with the primary structure, and/or any loans or mortgages affiliated with such rehabilitation or renovation?
 Yes No
 - Acquisition of existing structures (*e.g.*, houses, buildings), including additional structures attached to or associated with the primary structure, and/or any loans or mortgages affiliated with such acquisition.
 Yes No
 - Purchase and placement of playground equipment within existing parks?
 Yes No
 - Resurfacing, repairing, or maintaining existing streets, sidewalks, curbs, trails, parking lots and/or any other existing paved surfaces where additional ground disturbance, outside of the existing surface is not necessary?
 Yes No

If Yes to any of the above, the project is likely to have “No Effect” on federally protected species and critical habitat. Informal consultation with the US Fish and Wildlife Service or the National Marine Fisheries Service (Services) is not necessary. The RE is required to make this finding and include a memorandum to the file supporting the finding (note that this finding should be made by the RE, and not by third party contractors and non-RE grant recipients). Compliance with this section is complete. Mark box “A” on the

Statutory Checklist for this authority.
If No to all of the above, continue.

- b.** Has the US Fish and Wildlife Service or the National Marine Fisheries Services identified listed species or designated critical habitat in the county where the project is located?

Yes No

If Yes, continue.

If No, the project is likely to have “No Effect” on federally protected species and critical habitat. Informal consultation with the Services is not necessary. The RE is required to make this finding and include a memorandum to the file supporting the finding (note that this finding should be made by the RE, and not by third party contractors). Compliance with this section is complete. Mark box “A” on the Statutory Checklist for this authority.

- c.** Is the project located within 750 feet of habitat for federally-listed species or 300 feet of mapped wetlands, wildlife refuges, fish hatcheries, wildlife management areas, or related significant fish and wildlife resources?

Yes No

If Yes, conduct special studies by a qualified professional to determine whether the project may affect the species or habitat to support a May Effect finding.
If No, continue below

- d.** Does the project constitute a major construction activity (a major Federal action that modifies the physical environment and would normally require the preparation of an EIS)?

Yes No

If Yes, formal consultation with the Services is required in accordance with procedural regulations contained in 50 CFR Part 402. Mark box “B” on the Statutory Checklist for this authority.

If No, continue.

- e.** If federally protected species or critical habitat have been identified within the project area, has a special study been conducted by a qualified professional to determine the effects of the project on each species and critical habitat?

Yes No

If Yes, continue.

If No, a special study should be conducted to determine the effects of the project on federally protected species and critical habitat. Continue.

- f. Has the RE made a determination based on professional findings that the project is “Not Likely to Adversely Affect” any federally protected (listed or proposed) threatened or endangered species (i.e., plants or animals, fish, or invertebrates), nor adversely modify critical habitats?

Yes No

If Yes, Service’s concurrence with findings is required. Mark box “B” on the Statutory Checklist for this authority.

If No, continue.

- g. Has the RE determined based on professional findings that the project “May Affect” federally protected (listed or proposed) threatened or endangered species (i.e., plants or animals, fish, or invertebrates), or adversely modify critical habitats?

Yes No

If Yes, formal consultation is required with the Services, in accordance with procedural regulations contained in 50 CFR Part 402, which mandates formal consultation in order to preserve the species. Mark box “B” on the Statutory Checklist for this authority.

If No, contact your FEO for assistance in determining impacts to federally protected species and critical habitat.

Comments:

Cite and attach source documentation: (Memorandum to the file by the RE supporting the finding of “No Effect.” Concurrence memo from one or both of the Services for a finding of “Not Likely to Adversely Affect.” Biological Opinion from one or both of the Services for a finding of “May Affect.”)

For additional information see: (The Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.* as amended: particularly Section 7 (b) and (c). 50 CFR 402).

USFWS ESA Species Search:

<http://www.FWS.gov/endangered/species/index.html>

NMFS ESA Species Search:

<http://www.nmfs.noaa.gov/pr/species/esa/>

USFWS Critical Habitat Maps:

<http://crithab.FWS.gov/>

NMFS Critical Habitat Maps:

<http://www.nmfs.noaa.gov/pr/species/criticalhabitat.htm>

Endangered Species Consultation Handbook:

http://www.nmfs.noaa.gov/pr/pdfs/laws/esa_section7_handbook.pdf

7. §58.5(f) Wild and Scenic Rivers [36 CFR Part 297]

- a. Does the project involve new construction, land use conversion, major rehabilitation, or substantial improvements?
 Yes No

If Yes, continue.

If No, compliance with this section is complete. Mark box “A” on the Statutory Checklist for this authority.

- b. Is the project is located within one (1) mile of a designated Wild & Scenic River, or river being studied as a potential component of the Wild & Scenic River system?
 Yes No

If Yes, determination from the National Park Service (NPS) must be obtained, with a finding that the project will not have a direct and adverse effect on the river nor invade or diminish values associated with such rivers. For NRI Rivers, consultation with NPS is recommended to identify and eliminate direct and adverse effects. Mark box “B” on the Statutory Checklist for this authority.

If No, compliance with this section is complete. Mark box “A” on the Statutory Checklist for this authority.

Comments:

Cite and attach source documentation: (Maps noting project location and showing proximity to protected rivers. Relevant determinations or results of consultation.)

For further information see:

National Park Service:

Designated Rivers <http://www.rivers.gov/rivers/map.php>

Study Rivers <http://www.rivers.gov/rivers/study.php>

National River Inventory (NRI) listed rivers: <http://www.nps.gov/ncrc/programs/rtca/nri/>

8. §58.5(g) Air Quality [40 CFR Parts 6, 51, 61 and 93]

- a. Does the project involve demolition or renovation of buildings likely to contain asbestos containing materials?
 Yes No

If Yes, ensure the project is in compliance with EPA’s Asbestos regulations found at 40 CFR Part 61 (NESHAP) and all State and local regulations.

Continue below.

If No, continue.

- b.** Does the project require an environmental assessment or environmental impact statement?

Yes No

If Yes, continue.

If No, compliance with CAA State Implementation Plan factor is complete. Mark Box A on the Statutory checklist.

- c.** Does the project involve five or more dwelling units, acquisition of undeveloped land, a change of land use, demolition, major rehabilitation, or new construction?

Yes No

If Yes, continue.

If No, compliance with this section is complete. Mark box “A” on the Statutory Checklist for this authority.

- d.** Is the project located in a Non-Attainment area?

Yes No

If Yes, continue.

If No, compliance with this section is complete. Mark box “A” on the Statutory Checklist for this authority.

- e.** Is the project consistent with the air quality State Implementation Plan (SIP)?

Yes No

If **Yes,** obtain letter of consistency showing that the project is consistent with the SIP. Compliance is complete. Mark box “B” on the Statutory Checklist for this authority.

If No, continue.

- f.** Has EPA determined that the proposed activity is one that requires a permit under the SIP?

Yes No

If Yes, continue.

If No, compliance is complete. Mark box “B” on the Statutory Checklist for this authority.

- g.** Will project exceed any of the *de minimis* emissions levels of all non-attainment and maintenance level pollutants or exceed the screening level established by the state or air quality management district?

Yes No

If Yes, continue.

If No, compliance with this section is complete. Mark box “B” on the Statutory Checklist for this authority. Attach all documents used to make your determination (See Conformity determination thresholds at 40 CFR 93.153(b) Include engineering/construction assessments of emissions during construction and operating phases).

- h.** Can project be brought into compliance through mitigation?

Yes No

If Yes, list mitigation measures required to achieve conformance with SIP in the mitigation section of the Statutory Checklist. Mark box “B” on the Statutory Checklist for this authority.

If No, Federal assistance may not be used at this location.

Comments:

Cite and attach source documentation: (Letter of consistency with SIP, assessment of emissions, air permits received, mitigation measures taken, etc.)

For further information see:

The Green Book Nonattainment Areas for Criteria Pollutants:

<http://www.epa.gov/oar/oaqps/greenbk/>

Region 6 Air State Implementation Plans:

<http://www.epa.gov/region6/6pd/air/pd-1/sip.htm>

9. §58.5(h) Farmlands Protection [7 CFR Part 658]

- a.** Does the project involve acquisition of undeveloped land, conversion of undeveloped land, new construction or site clearance?

Yes No

If Yes, continue.

If No, compliance with this section is complete. Mark box “A” on the Statutory Checklist for this authority.

- b.** Is project located in an area committed (zoned) to urban uses?

Yes No

If Yes, compliance with this section is complete. Mark box “A” on the Statutory Checklist for this authority.

If No, continue.

- c. Does the project site include prime or unique farmland, or other farmland of statewide or local importance as identified by the U.S. Department of Agriculture, Natural Resources Conservation Service (NRCS) (formerly the Soil Conservation Service)?
- Yes No

If Yes, request evaluation of land type from the NRCS using Form AD-1006, and consider the resulting rating in deciding whether to approve the proposal, as well as mitigation measures (including measures to prevent adverse effects on adjacent farmlands). Mark box “B” on the Statutory Checklist for this authority. Include mitigation measures in the mitigation section of the Statutory Checklist. **If No**, compliance with this section is complete. Mark box “A” on the Statutory Checklist for this authority.

Comments:

Cite and attach source documentation: (Zoning map with project location noted. Form AD-1006 from NRCS.)

For additional information see:

NRCS Soil Maps:

<http://websoilsurvey.nrcs.usda.gov/app/>

Form AD-1006 and instructions:

http://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb1045394.pdf

Farmland Protection Policy Act

http://www.nrcs.usda.gov/wps/portal/nrcs/detail/national/programs/alphabetical/fppa/?&cid=nr cs143_008275

10. §58.5(i) (1) Noise Abatement and Control [24 CFR Part 51B]

- a. Does the project involve a noise sensitive use such as a residential structure, school, hospital, nursing home, library, etc.?
- Yes No

If Yes, continue.

If No, compliance with this section is complete. Mark box “A” on the Statutory Checklist for this authority.

- b. Is the project located within:
- 15 miles of a civilian or military airfield with more than 9,000 carrier operations annually;
 Yes No
 - 1000 feet of a major highway or busy road;
 Yes No

- within 3000 feet of a railroad.
 Yes No

If Yes to any the above, complete a noise calculation assessment. Use adopted DNL contours if the noise source is an airport. Continue.

If No, compliance with this section is complete. Mark box “A” on the Statutory Checklist for this authority.

- c. Do noise calculations or airport noise contour maps indicate noise levels above 65dB (outside)?
 Yes No

If Yes, continue.

If No, compliance with this section is complete. Mark box “A” on the Statutory Checklist for this authority.

- d. Do noise calculations or airport noise contour maps indicate noise levels above 75dB (outside)?
 Yes No

If No, for projects in the normally unacceptable zone (65dB – 75dB), noise attenuation measures are strongly encouraged for rehabilitation and required for new construction to reduce noise levels to below 65dB (outside). Mark box “B” on the Statutory Checklist for this authority. List all attenuation measures in the mitigation section of the Statutory Checklist.

If Yes, HUD assistance for the construction of new noise sensitive uses is generally prohibited for projects with unacceptable noise exposure (>75dB). Noise attenuation measures are strongly encouraged for rehabilitation projects with unacceptable noise exposure to reduce noise levels to below 65dB (outside). Mark box “B” on the Statutory Checklist for this authority. List all attenuation measures in the mitigation section of the Statutory Checklist.

Comments:

Cite and attach source documentation: (Maps with project location indicating distance from noise sources. DNL calculations and/or NAG worksheets.)

For more information see:

HUD noise guidebook:

http://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/environment/training/guidebooks/noise

http://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/environment/review/noise

<http://www.hud.gov/offices/cpd/environment/dnlcalculator.cfm>

<http://www.hud.gov/offices/cpd/environment/mitigation.cfm>

<http://portal.hud.gov/hudstracat/noiseCalcEntry.jsp>

FAA:

http://www.faa.gov/airports/planning_capacity/npias/reports/

11. §58.5(i) (1) Explosive and Flammable Operations [24 CFR 51C]

- a.** Does the project involve development, construction, rehabilitation, modernization or land use conversion of a property intended for residential, institutional, recreational, commercial, or industrial use?
 Yes No

If Yes, continue.

If No, compliance with this section is complete. Mark box “A” on the Statutory Checklist for this authority.

- b.** Was a field observation performed by a qualified environmental professional which documents that there are above ground storage tanks within line of site of the project?
 Yes No

- c.** Is the project site within 1 mile of current or planned stationary aboveground storage tanks of more than 100 gallon capacity, containing common liquid industrial fuels OR of any capacity, containing hazardous liquids or gases, that are not liquid industrial fuels?
 Yes No

- d.** Are industrial facilities handling explosive or fire-prone materials such as liquid propane, gasoline or other storage tanks adjacent to or visible from the project site?
 Yes No

If Yes to any of the above, use HUD Hazards Guide to calculate an Acceptable Separation Distance to comply with 24 CFR Part 51, Subpart C. Continue.

If No to all of the above, compliance with this section is complete. Mark box “A” on the Statutory Checklist for this authority.

- e.** Is the project located at an Acceptable Separation Distance from any above-ground explosive or flammable fuels or chemicals containers as calculated above?
 Yes No

If Yes, compliance with this section is complete. Mark box “A” on the Statutory Checklist for this authority.

If No, continue.

- f. Can mitigation measures, such as construction of a barrier of adequate size and strength, reduce the blast overpressure or thermal radiation hazard to protect the project (per 24 CFR §51.205)?

Yes No

If Yes, Mark box “B” on the Statutory Checklist for this authority. List all mitigation measures in the mitigation section of the Statutory Checklist.

If No, HUD assistance cannot be used for this project.

Comments:

Cite and attach source documentation: (Maps with project location noted showing distance from explosives and flammable operations. ASD calculations/worksheet.)

For additional information see:

HUD Guidance on Siting Projects near Explosive and Flammable Facilities:

http://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/environment/review/explosive

Acceptable Separation Distance Guidebook :

<http://portal.hud.gov/hudportal/documents/huddoc?id=HUD-Guidebook.pdf>

Barrier Design Guidance for HUD Assisted Project Near Hazardous Facilities:

http://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/environment/training/guidebooks/hazfacilities

12. §58.5(i) (1) Airport Hazards [24 CFR 51D]

- a. Will the project use HUD assistance, subsidy or insurance for construction; land development; community development or redevelopment; substantial modernization and rehabilitation which prolongs the physical or economic life of existing facilities; provide facilities and services which make land available for construction; change the use of a facility; increase the unit density or number of people at the site?

Yes No

If **Yes**, continue.

If **No**, compliance with this section is complete. Mark box “A” on the Statutory Checklist for this authority.

- b. Is the property within 2,500 feet of a civilian airport, the Runway Clear Zone (RCZ)?

Yes No

- c. Is the project is within 15,000 feet of a military airfield, the Clear Zone (CZ) or Accident Potential Zone (APZ)?
 Yes No

If Yes to either of the above questions, request a written finding from the airport operator stating whether or not the project is located in a RCZ, CZ or APZ. Continue.

If No to both of the above questions, compliance with this section is complete. Mark box “A” on the Statutory Checklist for this authority.

- d. If the project is within 15,000 feet of a military airfield or within 2,500 feet of a civilian airport, did your written confirmation from the airport operator confirm that the project is located in a RCZ, CZ or APZ?
 Yes No

If Yes, continue.

If No, compliance with this section is complete. Mark box “A” on the Statutory Checklist for this authority.

- e. If the project is located in a military airfield APZ, is the project consistent with the Land Use Compatibility Guidelines for Accident Potential Zones (32 CFR Part 256, DOD Instruction 4165.57).
 Yes No

If Yes, attach copy of written assurance from airport operator. Mark box “B” on the Statutory Checklist for this authority.

If No, HUD funds may not be used for this project.

- f. If the project is in a RCZ/CZ will the project be frequently used or occupied by people?
 Yes No

If Yes, HUD funds may not be used for this project.

If No, continue.

- g. If the project will not frequently be used by people, has the airport operator provided a written statement that there are no plans to purchase the land involved with such facilities as part of an RCZ/CZ acquisition program?
 Yes No

If Yes, attach copy of written assurance from airport operator. Mark box “B” on the Statutory Checklist for this authority.

If No, HUD funds may not be used for this project.

Comments:

Cite and attach source documentation: (Map with project location noted showing the distance from civilian airports and/or military airfields. Written confirmation from airport operating stating whether or not project is located in a RCZ, CZ or APZ. Written assurance from airport operator on purchase of property.)

For further information see:

Airport Information: <http://www.airnav.com/airports/>

HUD Airport Hazards Q&A:

http://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/environment/revie/w/qa/airport

13. §58.5(i) (2) Contamination and Toxic Substances

- a. Is the property located within the search distances of any of the types of environmental contamination sources?

Standard Environmental Record Sources	Approximate Minimum Search Distance (mi)	Yes	No
Federal National Priorities List (NPL)	1	<input type="checkbox"/>	<input type="checkbox"/>
Federal Delisted NPL Site List	0.5	<input type="checkbox"/>	<input type="checkbox"/>
Federal Comprehensive Environmental Response, Compensation, and Liability Information System (CERCLIS) List	0.5	<input type="checkbox"/>	<input type="checkbox"/>
Federal CERCLIS No Further Remedial Action Planned (NFRAP) Site List	0.5	<input type="checkbox"/>	<input type="checkbox"/>
Federal RCRA Correction Action (CORRACTS) Facilities List	1	<input type="checkbox"/>	<input type="checkbox"/>
Federal RCRA Non-CORRACTS Treatment, Storage and Disposal (TSD) Facilities List	0.5	<input type="checkbox"/>	<input type="checkbox"/>
Federal RCRA Generators List	Property/Adjoining Properties	<input type="checkbox"/>	<input type="checkbox"/>
Federal Institutional Control/Engineering Control Registries	Property Only	<input type="checkbox"/>	<input type="checkbox"/>
Federal Emergency Response and Notification System (ERNS) List	Property Only	<input type="checkbox"/>	<input type="checkbox"/>
State- and Tribal-Equivalent NPL	1	<input type="checkbox"/>	<input type="checkbox"/>
State- and Tribal-Equivalent CERCLIS	0.5	<input type="checkbox"/>	<input type="checkbox"/>

Standard Environmental Record Sources	Approximate Minimum Search Distance (mi)	Yes	No
State and Tribal Landfill and/or Solid Waste Disposal Site Lists	0.5	<input type="checkbox"/>	<input type="checkbox"/>
State and Tribal Leaking Storage Tank Lists	0.5	<input type="checkbox"/>	<input type="checkbox"/>
State and Tribal Registered Storage Tank Lists	Property/Adjoining Properties	<input type="checkbox"/>	<input type="checkbox"/>
State and Tribal Institutional Control/Engineering Control Registries	Property Only	<input type="checkbox"/>	<input type="checkbox"/>
State and Tribal Voluntary Cleanup Sites	0.5	<input type="checkbox"/>	<input type="checkbox"/>
State and Tribal Brownfield Sites	0.5	<input type="checkbox"/>	<input type="checkbox"/>

b. Did a visual inspection of the site show the following?

	Yes	No
Distressed vegetation	<input type="checkbox"/>	<input type="checkbox"/>
Vent or Fill Pipes	<input type="checkbox"/>	<input type="checkbox"/>
Storage Oil Tanks or Questionable Containers	<input type="checkbox"/>	<input type="checkbox"/>
Pits, Ponds or Lagoons	<input type="checkbox"/>	<input type="checkbox"/>
Stained Soil or Pavement (other than water stains)	<input type="checkbox"/>	<input type="checkbox"/>
Pungent, Foul or Noxious Odors	<input type="checkbox"/>	<input type="checkbox"/>
Dumped Material or Soil, Mounds of Dirt, Rubble, Fill, etc.	<input type="checkbox"/>	<input type="checkbox"/>

c. Has the property ever been used for any of the following types of uses?

	Yes	No		Yes	No
Gas Station	<input type="checkbox"/>	<input type="checkbox"/>	Vehicle Repair Shop	<input type="checkbox"/>	<input type="checkbox"/>
Car Dealership	<input type="checkbox"/>	<input type="checkbox"/>	Auto Garage	<input type="checkbox"/>	<input type="checkbox"/>
Depot	<input type="checkbox"/>	<input type="checkbox"/>	Commercial Printing Facility	<input type="checkbox"/>	<input type="checkbox"/>
Industrial or commercial warehouses	<input type="checkbox"/>	<input type="checkbox"/>	Dry Cleaners	<input type="checkbox"/>	<input type="checkbox"/>
Photo Developing Laboratory	<input type="checkbox"/>	<input type="checkbox"/>	Hospital	<input type="checkbox"/>	<input type="checkbox"/>
Junkyard or landfill	<input type="checkbox"/>	<input type="checkbox"/>	Agricultural/Farming Operations	<input type="checkbox"/>	<input type="checkbox"/>
Tannery			Live stock Operations		

	Yes	No		Yes	No
Gas Station	<input type="checkbox"/>	<input type="checkbox"/>	Vehicle Repair Shop	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>

- d.** Does the project have an underground storage tank other than a residential fuel tank, or known or suspected to be contaminated by toxic chemicals or radioactive materials?

Yes No

- e.** Is the project site near an industry disposing of chemicals or hazardous wastes?

Yes No

If Yes to any of the above, a qualified environmental professional must undertake investigations necessary to ensure that the project is free of hazardous materials, contamination, toxic chemicals and gases, and radioactive substances such that there is no hazard which could affect the health and safety of occupants or conflict with the intended utilization of the property. Continue.

If No to all of the above, compliance with this section is complete. Mark box "A" on the Statutory Checklist for this authority.

- f.** Could nearby toxic, hazardous or radioactive substances affect the health and safety of project occupants or conflict with the intended use of the property?

Yes or No

- g.** Are there unresolved concerns that could lead to the RE being determined to be a Potentially Responsible Party (PRP)?

Yes No

If Yes, continue.

If No, provide written documentation from a qualified environmental professional which documents that identified potential sources of contamination does not pose a hazard which would restrict the intended uses of the property or to the occupants.

- h.** Was an ASTM Phase I Environmental Site Assessment (ESA) report completed for this project? (Note: HUD regulations do not require an ASTM Phase I ESA report for single family homes of 1-4 units. HUD requires an ASTM Phase I ESA for multifamily (5 or more units) and/or Non-residential properties for environmental review prepared under Part 50.)

Yes No

- i. Did the ASTM Phase I ESA or other documentation uncover any Recognized Environmental Conditions (RECs) or recommend a Phase II, special/specific Phase II, or recommend Phase III environmental site assessments?

Yes No

If Yes, continue.

If No, compliance with this section is complete. Mark box “A” on the Statutory Checklist for this authority.

- j. Do ESAs or other documentation conclude that nearby toxic, hazardous or radioactive substances could affect the health and safety of project occupants or conflict with the intended use of the property?

Yes or No

If Yes, continue below.

If No, compliance with this section is complete. Mark box “A” on the Statutory Checklist for this authority.

- k. Did any of the ESA reports or other documentation identify the need to mitigate the environmental condition by removing, stabilizing or encapsulating the toxic substances in accordance with the requirements of the appropriate Federal, state or local oversight agency?

Yes No

If Yes, continue.

If No, compliance with this section is complete. Mark box “A” on the Statutory Checklist for this authority.

- l. Can all adverse environmental conditions identified in any of the ESAs or other documentation be mitigated?

Yes No

If Yes, compliance with this section is complete. List specific remedial actions or mitigations in the mitigation section of the Statutory Checklist, according to the requirements of the appropriate Federal, state, or local oversight agency. Mark box “B” on the Statutory Checklist for this authority.

If No, HUD cannot provide assistance for the project at this site.

Comments:

Cite and attach source documentation: (Maps showing project distance to contaminated sites. Phase I (ASTM) Report. All ESAs and mitigation plans performed for this project.)

For additional information see:

HUD Information on Hazardous, Toxic or Radioactive Substances

http://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/environment/review/hazardous

NEPAssist: <http://134.67.99.123/nepassist/entry.aspx>

EPA Envirofacts Data:

<http://www.epa.gov/enviro/>

EPA Toxic Release Inventory (TRI):

http://www.epa.gov/enviro/html/toxic_releases.html

EPA Maps:

<http://www.epa.gov/emefdata/em4ef.home>

EPA CERCLIS/NPL – Superfund database:

<http://www.epa.gov/superfund/sites/query/basic.htm>

ATSDR “ToxFAQs” summaries about hazardous substances:

<http://www.atsdr.cdc.gov/toxfaqs/index.asp>

Right-To-Know Network: <http://www.rtknet.org/>

14. §58.5(j) Environmental Justice (E.O. 12898)

- a. Is the project located in or designed to serve a predominantly minority and low-income neighborhood?
 Yes No

If Yes, continue.

If No, compliance with this section is complete. Mark box “A” on the Statutory Checklist for this authority.

- b. Would there be an adverse environmental impact caused by the proposed action, or would the proposed action be subject to an existing adverse environmental impact?
 Yes No

If No, compliance with this section is complete. Mark box “A” on the Statutory Checklist for this authority.

If Yes, perform an Environmental Justice (EJ) analysis using census, geographic and other data to determine if a low-income/minority population is disproportionately impacted. Continue.

- c. Will the adverse environmental impact of the proposed action disproportionately impact minority and low-income populations relative to the community-at-large?
 Yes No

If Yes, Mitigation or avoidance of adverse impacts must be considered to the extent practicable; and, public participation processes must involve the affected population(s) in the decision-making process. Continue.

If No, compliance with this section is complete. Document the determination of no disproportionate impacts. Mark box “A” on the Statutory Checklist for this authority.

- d. Has the mitigation plan been approved by the RE and the impacted community?
 Yes No

If Yes, compliance with this section is complete. Include mitigation plan in the mitigation section of the Statutory Checklist. Mark box “B” on the Statutory Checklist for this authority.

If No, Project cannot move forward until EJ issue is mitigated to the satisfactory of the RE and impacted community.

Comments:

Cite and attach source documentation: (Mapping of low-income and minority populations in the vicinity of the project site. EJ analysis. Mitigation Plan.)

For additional information see:

EJ maps & analysis, by location:

<http://www.scorecard.org/community/ej-index.tcl>

EPA’s “EJ View” Tool provides information relevant to EJ assessments:

<http://epamap14.epa.gov/ejmap/entry.html>

Census data and maps also avail-able at:

<http://factfinder2.census.gov/faces/nav/jsf/pages/index.xhtml>

Tract-level data on race & income:

<http://www.ffiec.gov/geocode>

15. Summary of Mitigation Measures:

(Required for Incorporation into Project Design, included in Public Notices, and included as requirements of contracts, grants, loans, etc. Ensure final measures are included in Project Description Section of 7015.15.)

16. References:

(List the Federal, State, or local agencies contacted to obtain their existing environmental reports and other data used for the environmental review of the proposed project.)

17. List of Major Reports Obtained:

(Attach report(s), such as wetlands delineation studies, biological evaluations or habitat assessments, Phase I and II environmental site assessments.)

18. List of Preparers and Summary of Qualifications:

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Section 5: Compliance with §58.6, Other Requirements

Compliance with §58.6 is required for all HUD assisted projects. The form below provides questions which prompt determinations of compliance with provisions of §58.6 which relates to Flood Disaster Protection; restrictions on HUD assistance for projects located in Coastal Barrier Resource Areas; and, buyer notifications required if a HUD assisted project is located in a Runway Clear Zone or Clear Zone. Flood insurance requirements and a recommended notice template to prospective buyers of properties in Runway Clear Zones and Clear Zones are also provided for applicable projects.

Compliance Checklist for 24 CFR §58.6, Other Requirements

Complete for all projects, including Exempt (§58.34), Categorically Excluded Subject to §58.5 [§58.35(a)], Categorically Excluded Not Subject to §58.5[§58.35(b)], and Projects Requiring Environmental Assessments (§58.36)

Project Name: _____

ERR FILE # _____

1. §58.6(a) and (b) Flood Disaster Protection Act of 1973, as amended; National Flood Insurance Reform Act of 1994

- a. Does the project involve new construction, major rehabilitation, minor rehabilitation, improvements, acquisition, management, new loans, loan refinancing or mortgage insurance?

Yes No

If No, compliance with this section is complete.

If Yes, continue.

- b. Is the project located in a FEMA identified Special Flood Hazard Area?

Yes No

If No, compliance with this section is complete.

If Yes, continue.

- c. Is the community participating in the National Flood Insurance Program (or has less than one year passed since FEMA notification of Special Flood Hazards)?

Yes No

If Yes, Flood Insurance under the National Flood Insurance Program must be obtained.

If HUD assistance is provided as a grant, insurance must be maintained for the economic life of the project and in the amount of the total project cost (or up to the maximum allowable coverage, whichever is less). If HUD assistance is provided as a loan, insurance must be maintained for the term of the loan and in the amount of the loan (or up to maximum allowable coverage, whichever is less). A copy of the flood insurance policy declaration must be kept on file in the ERR.

If No, Federal assistance may not be used in the Special Flood Hazards Area.

Cite and attach source documentation: (Documentation should include a FEMA Flood Map showing project location in reference to flood zone designation. If flood map is not available, use best available information.)

For additional information see:

FEMA Map Service Center: <http://www.store.msc.fema.gov>

NFIP Community Status Book: www.fema.gov/fema/csb.shtm

2. §58.6(c) Coastal Barrier Improvement Act, as amended by the Coastal Barriers Improvement Act of 1990 (16 U.S.C. 3501)

- a. Does the project involve new construction, conversion of land uses, major rehabilitation of existing structure, or acquisition of undeveloped land?

Yes No

If No, compliance with this section is complete.

If Yes, continue below.

- b. Is the project located in a coastal barrier resource area?

Yes No

If No, compliance with this section is complete.

If Yes, Federal assistance may not be used in such an area.

Cite and attach source documentation: (Documentation should include map (e.g. Google Earth) noting project distance from Coastal Barrier Resources.)

For more information see:

CBRS maps on US FWS and FEMA websites: <http://www.FWS.gov/CBRA/>
<http://www.FWS.gov/CBRA/Maps/index.html>

3. §58.6(d) Runway Clear Zones and Clear Zones [24 CFR §51.303(a) (3)]

- a. Does the project involve the sale or purchase of existing property?

Yes No

If No, compliance with this section is complete.

If yes, continue below.

- b. Is the project located within 2,500 feet of the end of a civil airport runway (Civil Airport's Runway Clear Zone) or within 15,000 feet of the end of a military runway (Military Airfield's Clear Zone)?

Yes No

If No, compliance with this section is complete.

If Yes, Notice must be provided to buyer. The notice must advise the buyer that the property is in a Runway Clear Zone or Clear Zone, what the implications of such a location are, and that there is a possibility that the property may, at a later date, be acquired by the airport operator. The buyer must sign a statement acknowledging receipt of this information, and a copy of the signed notice must be maintained in this ERR.

Cite and attach source document (Map indicating project site in proximity to end of runway):

For more information see:

Airport Information: <http://www.airnav.com/airports/>

HUD Airport Hazards Q&A:

http://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/environment/review/qa/airport

AUTHORIZED RESPONSIBLE ENTITY OFFICIAL:

Authorized Responsible Entity Signature

Date

Authorized Responsible Entity Name (printed)

Title (printed)

Flood Insurance Protection Requirements

Duration of Flood Insurance Coverage. The statutory period for flood insurance coverage may extend beyond project completion. For loans, loan insurance or guaranty, flood insurance coverage must be continued for the term of the loan. For grants and other non-loan forms of assistance, coverage must be continued for the life of the property, regardless of transfer of ownership of such property. Section 582(c) of the Community Development and Regulatory Improvement Act of 1994 mandates that “The requirement of maintaining flood insurance shall apply during the life of the property, regardless of transfer of ownership of such property.” (42 U.S.C. 5154a)

Such anticipated economic or useful life of the property may vary with the nature of the assisted activity. For example, construction of a new or substantially improved building requires flood insurance coverage for the life of the building, while for minor rehabilitation such as repairing, weatherizing, or roofing of a building, the grantee may require flood insurance coverage ranging from five to fifteen years as deemed feasible. HUD will accept any period within that range that appears reasonable.

Dollar Amount of Flood Insurance Coverage. For loans, loan insurance or guaranty, the amount of flood insurance coverage need not exceed the outstanding principal balance of the loan. For grants and other forms of financial assistance, the amount of flood insurance coverage must be at least equal to the development or project cost (less estimated land cost) or to the maximum limit of coverage made available by the Act with respect to the particular type of building involved (SF-Single Family, OR-Other Residential, NR-Non Residential, or SB-Small Business), whichever is less. The development or project cost is the total cost for acquiring, constructing, reconstructing, repairing or improving the building. This cost covers both the federally assisted and the non-Federally assisted portion of the cost, including any machinery, equipment, fixtures, and furnishings. If the Federal assistance includes any portion of the cost of any machinery, equipment, fixtures or furnishings, the total cost of such items must also be covered by flood insurance.

Proof of Purchase. The standard documentation for compliance with Section 102 (a) is the Policy Declarations form issued by the National Flood Insurance Program or issued by any property insurance company offering coverage under the National Flood Insurance Program. The insured has its insurer automatically forward to the grantee in the same manner as to the insured, information copies of the Policy Declarations form for verification of compliance with the Act. Any financially assisted SFHA building lacking a current Policy Declarations form is in Noncompliance.

Grantee’s Evidence of Compliance under the Certification. The grantee must maintain a complete and up-to-date listing of its on-file and current Policy Declarations for all financially assisted SFHA buildings. As a part of the listing, the grantee should identify any such assisted building for which a current Policy Declarations form is lacking and attach a copy of the written request made by the grantee to the owner to obtain a current Policy Declarations form.

Notice to Prospective Buyers of Properties Located in Runway Clear Zones and Clear Zones

In accordance with 24 CFR §51.303(a)(3), this Notice must be given to anyone interested in using HUD assistance, subsidy or insurance to buy an existing property which is located in either a Runway Clear Zone at a civil airport or a Clear Zone at a military installation. The original signed copy of the Notice to Prospective Buyers must be maintained as part of the project file on this action. [Instruction: fill out the area shown in parentheses below.]

The property that you are interested in purchasing at (Insert: street address, city, state, zip code) is located in the Runway Clear Zone/Clear Zone for (Insert: the name of the airport/airfield, city, state).

Studies have shown that if an aircraft accident were to occur, it is more likely to occur within the Runway Clear Zone/Clear Zone than in other areas around the airport /airfield. Please note that we are not discussing the chances that an accident will occur, only where one is most likely to occur.

You should also be aware that the airport/airfield operator may wish to purchase the property at some point in the future as part of a clear zone acquisition program. Such programs have been underway for many years at airports and airfield across the country. We cannot predict if or when this might happen since it is a function of many factors, particularly the availability of funds but it is a possibility.

We want to bring this information to your attention. Your signature on the space below indicates that you are now aware that the property you are interested in purchasing is located in a Runway Clear Zone/Clear Zone.

Signature of prospective buyer

Date

Typed or printed name of prospective buyer

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Section 6: Environmental Assessments

If a project is not Exempt or Categorically Excluded as listed in §58.34 and §58.35, then an Environmental Assessment (EA) must be prepared.

Projects requiring preparation of an EA must also comply with §58.5 and §58.6 as discussed in the previous sections. The worksheets and checklists prepared for these authorities must be incorporated into the EA.

The following Sample EA template includes sections for including the §58.6 Compliance Checklist, the §58.5 Statutory Checklist and associated worksheets in the EA. A Checklist for EA factors and an associated worksheet is also included to help guide EA preparers in addressing all of the issues necessary to meet HUD requirements for EAs. Findings from the EA Worksheet will be summarized in the EA Checklist. The EA Checklist helps to organize an early consideration of numerous environmental issues. Together the Compliance Checklist, the Statutory Checklist and the Environmental Assessment Checklist, associated worksheets and associated documentation and studies, become the environmental review for the project that records anticipated impacts and supports the findings. These must all be included in the ERR.

Preparation of an EA requires publication of a FONSI and a NOI/RROF and incorporation of comments received prior to certification of the RROF. Public notice requirements are covered in Section 7.

RE SEAL

RE NAME AND ADDRESS

Environmental Assessment

Project Name: _____

ERR File #: _____

Project Location (give address and map coordinates): _____

RE Contact Name and Phone Number: _____

Recipient Name and Phone Number: _____

Estimated Total Project Cost (all sources): _____

Amount of HUD Assistance: _____ **HUD Grant Program:** _____

Description of the Project: Include all contemplated actions that are logically either geographically or functionally a composite part of the project, regardless of the source of funding. [24 CFR 58.32, 40 CFR 1508.25] As appropriate, attach maps, site plans, renderings, photographs, budgets and other descriptive information.

Purpose of the Project: [“Statement of Purpose and Need for the Proposal” - 40 CFR 1508.9(b)]

Existing Conditions and Trends: Describe the existing conditions of the project area and its surroundings, and the trends likely to continue in the absence of the project. [24 CFR 58.40(a)]

FINDING: [58.40(g)]

Finding of No Significant Impact (FONSI)

(The project will not result in a significant impact on the quality of the human environment.)

Finding of Significant Impact

(The project may significantly affect the quality of the human environment.)

Preparer's Signature: _____

Date: _____

Preparer's Name and Title: _____

Preparer's Agency (If different from RE) _____

Authorized RE Official Signature: _____

Date: _____

Authorized RE Official Name and Title: _____

Conditions for Approval: (List all mitigation and project modification measures adopted by the responsible entity to eliminate or minimize adverse environmental impacts. These conditions must be included in project contracts and other relevant documents as requirements.) [24 CFR 58.40(d), 40 CFR 1505.2(c)]

Compliance with 24 CFR §58.5, Related Federal Laws and Authorities

Instructions: Incorporate Statutory Worksheet, Statutory Checklist and source documentation here. Attach all documentation to EA.

Compliance 24 CFR §58.6, Other Requirements

Instructions: Incorporate Compliance Checklist and source documentation here. Attach all documentation to EA.

Environmental Assessment Checklist

Instructions: Summarize the findings from the EA Worksheet here by choosing the appropriate determination from the drop-down box in the determination column for each resource (Drop down menu summaries are included in Table 1 below). Then, cite the source document in the appropriate column.

Resource	Determination	Source Documentation
Land Development		
1. Conformance with Comprehensive Plans and Zoning	Choose from list.	
2. Land Use Compatibility and Urban Impact	Choose from list.	
3. Slope and Erosion	Choose from list.	
4. Soil Suitability	Choose from list.	
5. Hazards and Nuisances and Site Safety	Choose from list.	
6. Energy Consumption	Choose from list.	
Socioeconomic Factors		
7. Demographic Character Changes	Choose from list.	
8. Displacement	Choose from list.	
9. Employment and Income Patterns	Choose from list.	
Community Facilities and Service		
10. Educational Facilities	Choose from list.	

Resource	Determination	Source Documentation
11. Commercial Facilities	Choose from list.	
12. Health Care	Choose from list.	
13. Social Services	Choose from list.	
14. Solid Waste	Choose from list.	
15. Waste Water	Choose from list.	
16. Storm Water	Choose from list.	
17. Water Supply	Choose from list.	
18. Public Safety	Choose from list.	
• Police		
• Fire	Choose from list.	
• Emergency Medical	Choose from list.	
19. Open Space and Recreation	Choose from list.	
• Open Space		
• Recreation	Choose from list.	
• Cultural Facilities	Choose from list.	
20. Transportation	Choose from list.	
Natural Features		
21. Water Resources	Choose from list.	
22. Unique Natural Features and Agricultural Lands	Choose from list.	
23. Vegetation and Wildlife	Choose from list.	

Table 1. Drop Down Menu Options for Environmental Assessment Checklist Summary Determination Choices (This table is not intended to become part of the EA-delete if using drop down menu of checklist)

Resource	Drop Down Menu Options
Land Development	
1. Conformance with Comprehensive Plans and Zoning	Not Applicable (State Why)
	In Conformance
	Zoning Permit Required
	Project Modification Required
2. Land Use Compatibility and Urban Impact	Not Applicable (State Why)
	Compatible
	Land Use Change Required
	Project Modification Required
3. Slope and Erosion	Not Applicable (State Why)
	Slight Slope – No Impact
	Moderate to Steep Slope – Considered in Project Design
	Project Modification Required
4. Soil Suitability	Not Applicable (State Why)
	No Evidence of Soil Issues
	Project Design Includes Soil Mitigation
	Project Modification Required
5. Hazards and Nuisances and Site Safety	Not Applicable (State Why)
	No Impact
	Hazards and Nuisances Considered in Project Design
	Project Modification Required
6. Energy Consumption	Not Applicable (State Why)
	Energy Conservation Measures in Project Design
	Project Modification Required
Socioeconomic Factors	
Resource	Determination Choices
7. Demographic Character Changes	Not Applicable (State Why)
	No Impact
	Project Modification Required
8. Displacement	No Displacement
	Displacement and Payment covered by Uniform Relocation Act
	Project Modification Required
	Other (Describe)
9. Employment and Income Patterns	No Impact
	Beneficial
	Adverse
Community Facilities and Services	
Resource	Determination Choices
10. Educational Facilities	Not Applicable (State Why)
	Existing/Planned Facilities are Adequate
11. Commercial Facilities	Project Modification Required
	Not Applicable (State Why)
	Existing/Planned Facilities are Adequate
12. Health Care	Project Modification Required
	Not Applicable (State Why)
13. Social Services	Existing/Planned Facilities are Adequate
	Project Modification Required
14. Solid Waste	Not Applicable (State Why)
	Existing/Planned Facilities are Adequate
	Project Modification Required
15. Waste Water	Not Applicable (State Why)
	Existing/Planned Facilities are Adequate
16. Storm Water	Project Modification Required
	Not Applicable (State Why)
	Existing/Planned Facilities are Adequate
17. Water Supply	Project Modification Required
	Not Applicable (State Why)

Table 1. Drop Down Menu Options for Environmental Assessment Checklist Summary Determination Choices (This table is not intended to become part of the EA-delete if using drop down menu of checklist)

18. Public Safety	Not Applicable (State Why)
• Police	Existing/Planned Facilities are Adequate Project Modification Required
	Not Applicable (State Why)
• Fire	Existing/Planned Facilities are Adequate Project Modification Required
	Not Applicable (State Why)
• Emergency Medical	Existing/Planned Facilities are Adequate Project Modification Required
19. Open Space and Recreation	Not Applicable (State Why)
• Open Space	Existing/Planned Facilities are Adequate Project Modification Required
	Not Applicable (State Why)
• Recreation	Existing/Planned Facilities are Adequate Project Modification Required
	Not Applicable (State Why)
• Cultural Facilities	Existing/Planned Facilities are Adequate Project Modification Required
	Not Applicable (State Why)
20. Transportation	Existing/Planned Facilities are Adequate Project Modification Required
Natural Features	
Resource	Determination Choices
	Not Applicable (State Why)
21. Water Resources	No Impact Permit Required Project Modification Required
	Not Applicable (State Why)
	No Impact to or from Unique Natural Features Unique Natural Features Considered in Project Design Project Modification Required
22. Unique Natural Features and Agricultural Lands	Project Modification Required
	No Impact
	Beneficial
23. Vegetation and Wildlife	Adverse

Environmental Assessment Worksheet

Land Development

1. Conformance with Comprehensive Plans and Zoning:

- a. Is project in conformance with existing zoning or consistent with community's general development plans?
 Yes No

- b. Will a special permit or change in zoning be required? Will the project need to be modified to conform to zoning requirements (e.g. reduce the density or height)?
 Yes No

Comments:

Cite and attach source of documentation (e.g. Zoning Map):

2. Land Use Compatibility and Urban Impact:

- a. Will the project be compatible with surrounding land uses?
 Yes No

- b. Will there be a change in land use?
 Yes No

- c. Will the project contribute to urban sprawl?
 Yes No

Comments:

Cite and attach source documentation:

3. Slope and Erosion

- a. Slopes: Not Applicable; Steep; Moderate; Slight.

- b. If moderate to steep slope, does the design plan include measures to overcome potential erosion, slope stability and runoff problems?
 Yes No

- c. Is there evidence of slope erosion or unstable slope conditions on or near the site?
 Yes No

- d. Is there evidence of ground subsidence, high water table or other unusual conditions on the site?
 Yes No

- e. Will the project significantly affect or be affected by the slope conditions?
 Yes No

Comments:

Cite and attach source documentation:

4. Soil Suitability

- a. Is there any visible evidence of soil problems (foundations cracking or settling, basement flooding, etc.) in the neighborhood of the site?
 Yes No
- b. Have soil studies or borings been made for the project site or the area?
 Yes No
- c. Do the soil studies or borings indicate marginal or unsatisfactory soil conditions?
 Yes No
- d. Is there indication of cross-lot runoff, swales, or drainage flows on the property?
 Yes No
- e. Are there visual indications of filled ground?
 Yes No
- f. Are there active rills and gullies on site?
 Yes No
- g. If the site is not to be served by a municipal waste water disposal system, has a report of the soil conditions suitable for on-site septic systems been submitted?
 Yes No
- h. Is a soils report (other than structural) needed?
 Yes No
- i. Are structural borings or a dynamic soil analysis/geological study needed?
 Yes No

Comments:

Cite and attach source documentation:

5. Hazards, Nuisances and Site Safety:

a. Will the project be affected by natural hazards?					
	Yes	No		Yes	No
Faults, fracture	<input type="checkbox"/>	<input type="checkbox"/>	Fire hazard materials	<input type="checkbox"/>	<input type="checkbox"/>
Cliffs, bluffs, crevices	<input type="checkbox"/>	<input type="checkbox"/>	Wind/sand storm concerns	<input type="checkbox"/>	<input type="checkbox"/>
Slope-failures from rains	<input type="checkbox"/>	<input type="checkbox"/>	Poisonous plants, insects, animals	<input type="checkbox"/>	<input type="checkbox"/>
Unprotected water bodies	<input type="checkbox"/>	<input type="checkbox"/>	Hazardous terrain features	<input type="checkbox"/>	<input type="checkbox"/>

b. Will the project be affected by built hazards and nuisances?					
	Yes	No		Yes	No
Hazardous street	<input type="checkbox"/>	<input type="checkbox"/>	Inadequate screened drainage catchments	<input type="checkbox"/>	<input type="checkbox"/>
Dangerous intersection	<input type="checkbox"/>	<input type="checkbox"/>	Hazards in vacant lots	<input type="checkbox"/>	<input type="checkbox"/>
Through traffic	<input type="checkbox"/>	<input type="checkbox"/>	Chemical tank-car terminals	<input type="checkbox"/>	<input type="checkbox"/>
Inadequate separation of pedestrian/vehicle traffic	<input type="checkbox"/>	<input type="checkbox"/>	Other hazardous chemical storage	<input type="checkbox"/>	<input type="checkbox"/>
Children's play areas located next to freeway or other high traffic way	<input type="checkbox"/>	<input type="checkbox"/>	High-pressure gas or liquid petroleum transmission lines on site	<input type="checkbox"/>	<input type="checkbox"/>
Inadequate street lighting	<input type="checkbox"/>	<input type="checkbox"/>	Overhead transmission lines	<input type="checkbox"/>	<input type="checkbox"/>
Quarries or other excavations	<input type="checkbox"/>	<input type="checkbox"/>	Hazardous cargo transportation routes	<input type="checkbox"/>	<input type="checkbox"/>
Dumps/sanitary landfills or mining	<input type="checkbox"/>	<input type="checkbox"/>	Oil or gas wells	<input type="checkbox"/>	<input type="checkbox"/>
Railroad crossing	<input type="checkbox"/>	<input type="checkbox"/>	Industrial operations	<input type="checkbox"/>	<input type="checkbox"/>

c. Will the project be affected by nuisances?					
	Yes	No		Yes	No
Gas, smoke, fumes	<input type="checkbox"/>	<input type="checkbox"/>	Unsightly land uses	<input type="checkbox"/>	<input type="checkbox"/>
Odors	<input type="checkbox"/>	<input type="checkbox"/>	Front-lawn parking	<input type="checkbox"/>	<input type="checkbox"/>
Vibration	<input type="checkbox"/>	<input type="checkbox"/>	Abandoned vehicle	<input type="checkbox"/>	<input type="checkbox"/>
Glare from parking area	<input type="checkbox"/>	<input type="checkbox"/>	Vermin infestation	<input type="checkbox"/>	<input type="checkbox"/>
Vacant/boarded-up buildings	<input type="checkbox"/>	<input type="checkbox"/>	Industrial nuisances	<input type="checkbox"/>	<input type="checkbox"/>
			Other (specify)	<input type="checkbox"/>	<input type="checkbox"/>

d. Are there other unusual conditions on the site?

Yes No

e. Has the site been used as a dump, sanitary landfill or mine waste disposal area?

Yes No

f. Is there indication of:

	Yes	No		Yes	No
Distressed Vegetation	<input type="checkbox"/>	<input type="checkbox"/>	oil/chemical spills	<input type="checkbox"/>	<input type="checkbox"/>
Waste material/containers	<input type="checkbox"/>	<input type="checkbox"/>	abandoned machinery, cars, refrigerators, etc	<input type="checkbox"/>	<input type="checkbox"/>
Soil staining, pools of liquid	<input type="checkbox"/>	<input type="checkbox"/>	transformers, fill/vent pipes, pipelines, drainage structures	<input type="checkbox"/>	<input type="checkbox"/>
Loose/empty drums, barrels	<input type="checkbox"/>	<input type="checkbox"/>			

g. Is the project compatible with surrounding land uses in terms of:					
Land Use	Yes	No	Building type (low/high-rise) Building Density	Yes	No
Height, bulk, mass	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
h. Will the project be unduly influenced by:					
Building deterioration	Yes	No	Transition of land uses Incompatible land uses Inadequate off-street parking	Yes	No
Postponed maintenance	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
Obsolete public facilities	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
i. Are there air pollution generators nearby which would adversely affect the site?					
Heavy Industry	Yes	No	Large parking facilities (1000 or more cars) Heavy travelled highway (6 or more lanes) Oil refineries Other	Yes	No
Incinerators	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
Power generating plants	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
Cement plants	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>

Comments:

Cite and attach source documentation:

6. Energy Consumption:

- a. Has the project design taken full advantage of potential energy saving measures such as insulation, solar panels, window design and placement, lighting, heating, cooling and hot water systems?
 Yes No
- b. Are they in conformance with HUD Minimum Property Standards and other applicable energy saving codes?
 Yes No
- c. Is the project location in close proximity to transit, shopping, services and employment locations?
 Yes No

Comments:

Cite and attach source documentation:

Socioeconomic Factors

7. Demographic/Community Character Changes:

- a. Will the proposed project significantly alter the demographic characteristics of the community?
 Yes No

b. Will the proposed project severely alter residential, commercial or industrial uses?

Yes No

c. Will the proposed project destroy or harm any community institution, such as a neighborhood church?

Yes No

Comments:

Cite and attach source documentation:

8. Displacement:

a. Will the project directly displace individuals or families?

Yes No

b. Will the project destroy or relocate existing jobs, community facilities or any business establishment?

Yes No

c. Is the displacement covered by the Uniform Relocation Act and are funds available for payment?

Yes No

Comments:

Cite and attach source documentation:

9. Employment and Income Patterns:

a. Will changes occur in employment and income patterns as a result from the project?

Yes No

b. Will the project either significantly increase or decrease employment opportunities?

Yes No

c. Will it create conditions favorable or unfavorable to commercial, industrial, or institutional operation or development?

Yes No

Comments:

Cite and attach source documentation:

Community Facilities and Services

10. Educational Facilities:

a. Will the additional school age children in the proposed development exceed the capacity of existing or planned school facilities?

Yes No

- b.** Do the potentially affected schools have adequate safe access facilities given the projected population increase?

Yes No

- c.** Will additional or alternative facilities need to be provided to ensure safe suitable access?

Yes No

Comments:

Cite and attach source documentation:

11. Commercial Facilities:

- a.** Is there adequate and convenient access to retail services? Do local retail services meet the need of project occupants/users?

Yes No

- b.** Will existing retail and commercial services be adversely impacted by the proposed project?

Yes No

Comments:

Cite and attach source documentation:

12. Health Care:

- a.** Is emergency health service available within approximately three to five minutes?

Yes No

- b.** Are non-emergency health care services located within a reasonable proximity to the proposed project?

Yes No

- c.** Is the number of doctors, dentists, nurses and other trained medical staff in realistic proportion to any increase in residents/users?

Yes No

Comments:

Cite and attach source documentation:

13. Social Services:

- a.** Are social services currently located in close proximity to the prospective users/residents?

Yes No

- b.** Is the number of trained staff including social workers, counselors, psychologists, psychiatrist and related administrative and managerial personnel in realistic proportion to the anticipated increase in residents/users?

Yes No

Comments:

Cite and attach source documentation:

14. Solid Waste:

- a.** Will the existing or planned solid waste disposal system adequately service the proposed development?

Yes No

- b.** Will project overload the design capacity of these facilities?

Yes No

- c.** Trash collection and solid waste disposal

Municipal Private

Comments:

Cite and attach source documentation:

15. Waste Water

- a.** Will the existing or planned waste water systems adequately service the proposed development?

Yes No

- b.** Will project overload the design capacity of these facilities?

Yes No

- c.** Will the proposed project be adversely affected by proximity to these facilities?

Yes No

- d.** Sanitary sewers and waste water disposal systems

Municipal Private

Comments:

Cite and attach source documentation:

16. Storm Water:

- a.** Will existing or planned storm water disposal and treatment systems adequately service the proposed development?

Yes No

- b.** Will project overload the design capacity of these facilities?

Yes No

Comments:

Cite and attach source documentation:

17. Water Supply:

- a. Will either the municipal water utility or on-site water supply system be adequate to serve the proposed project?
 Yes No
- b. Is the water supply quality safe from a chemical and bacteriological standpoint?
 Yes No
- c. If the water supply is non-municipal, has an acceptable “system” been approved by appropriate authorities?
 Yes No
- d. If the sanitary sewers and waste water disposal systems are non-municipal, has an acceptable “system” been approved by appropriate authorities and agencies?
 Yes No

Comments:

Cite and attach source documentation:

18. Public Safety:

- a. Does the project location provide adequate access to police, fire and emergency medical services?
 Yes No
- b. Is the average response time for police, fire and emergency medical services in the area of the project sufficient to meet the needs of the project?
 Yes No
- c. Does the area have a particularly high crime rate?
 Yes No
- d. Is the quality of the police, fire protection and emergency medical services available to the project adequate to meet project needs?
 Yes No

Comments:

Cite and attach source documentation:

19. Open Space, Recreational and Cultural Facilities:

- a. Are open spaces, recreational and cultural facilities within reasonable proximity to the project area?
 Yes No

- b. Is adequate public transportation available from the project to these facilities?
 Yes No
- c. Will the project cause any overloading of these facilities?
 Yes No

Comments:

Cite and attach source documentation:

20. Transportation:

- a. Will transportation facilities and services be adequate to meet the needs of the project's users?
 Yes No
- b. Is adequate parking available for the project? Will the project overload existing or proposed transportation services?
 Yes No
- c. Will the project create a situation whereby facilities are seriously under used?
 Yes No

Comments:

Cite and attach source documentation:

Natural Features

21. Water Resources:

- a. Will the project use groundwater for its water supply?
 Yes No
- b. Are there large numbers of wells or wells that pump large quantities of water from the water table near the proposed project site?
 Yes No
- c. Are there visual or other indications of water quality problems on or near the site?
 Yes No
- d. Will the project involve discharge of sewage effluent into surface water bodies?
 Yes No

Comments:

Cite and attach source documentation:

22. Unique Natural Features and Agricultural Land:

- a. Is the site near natural features (i.e., bluffs or cliffs) or near public or private scenic areas?
 Yes No
- b. Are other natural resources visible on site or in vicinity? Will any such resources be adversely affected or will they adversely affect the project?
 Yes No
- c. Will the unique natural feature pose safety hazards for a proposed development?
 Yes No

Comments:

Cite and attach source documentation:

23. Vegetation and Wildlife:

- a. Will the project damage or destroy trees without replacement?
 Yes No
- b. Will the project create an environmental condition that might threaten the survival of existing vegetation, particularly changes in the native plant community habitats?
 Yes No
- c. Will the project create conditions favorable to nuisance species?
 Yes No

Comments:

Cite and attach source documentation:

Summary of Findings and Conclusions

Project Alternatives Considered [24 CFR 58.40(e), Ref. 40 CFR 1508.9] (As appropriate, identify other reasonable courses of action that were considered and not selected, such as other sites, design modifications, or other uses of the subject site. Describe the benefits and adverse impacts to the human environment of each alternative and the reasons for rejecting it. Include consideration of the No Action Alternative, that is, not implementing the preferred alternative).

Mitigation and Project Modification Measures Recommended

[24 CFR 58.40(d), 40 CFR 1508.20]

(Recommend feasible ways in which the proposal or its external factors should be modified in order to minimize adverse environmental impacts and restore or enhance environmental quality.)

Additional Studies Performed

(List the reports, studies or analyses performed for this assessment, and attach studies or summaries.)

List of Agencies and Persons Consulted [40 CFR 1508.9(b)]

(List agencies and persons consulted for this assessment.)

List of Preparers and Summary of Qualifications:

Section 7: Public Notices and Comment Periods

The REs must publish a Notice of Intent to Request a Release of Funds (NOI/RROF) for projects that are Categorically Excluded Subject to §58.5 and projects requiring EAs, using the current HUD-recommended format or an equivalent format. At a minimum, the RE must send the NOI/RROF notice to individuals and groups known to be interested in the activities, to the local news media, to the appropriate tribal, local, State and Federal agencies; to the Regional Offices of the Environmental Protection Agency having jurisdiction and to the HUD Field Office (or the State where applicable). The RE may also publish the NOI/RROF notice in a newspaper of general circulation in the affected community. If the notice is not published, it must also be prominently displayed in public buildings, such as the local Post Office and within the project area or in accordance with procedures established as part of the citizen participation process. The RE must consider the comments and make modifications, if appropriate, in response to the comments, before it certifies and submits the RROF to HUD. If funds will be used in Presidentially declared disaster areas, modifications resulting from public comment, if appropriate, must be made before proceeding with the expenditure of funds. The public comment period is 7 days when published or 10 days when mailed or posted, counting from the day after the publication, mailing or posting date.

If the RE makes a Finding of No Significant Impact from an EA, it must prepare a FONSI notice, using the current HUD-recommended format or an equivalent format. At a minimum, the RE must send the FONSI notice to individuals and groups known to be interested in the activities, to the local news media, to the appropriate tribal, local, State and Federal agencies; to the Regional Offices of the Environmental Protection Agency having jurisdiction and to the HUD Field Office (or the State where applicable). The RE may also publish the FONSI notice in a newspaper of general circulation in the affected community. If the notice is not published, it must also be prominently displayed in public buildings, such as the local Post Office and within the project area or in accordance with procedures established as part of the citizen participation process. The FONSI public comment period is 15 days when published or 18 days when mailed or posted, counting from the day after the publication, mailing or posting date.

The responsible entity may disseminate or publish a FONSI notice at the same time it disseminates or publishes the NOI/RROF. If the notices are released as a combined notice, the combined notice shall clearly indicate that it is intended to meet two separate procedural requirements; and, advise the public to specify in their comments which "notice" their comments address. The public comment period is 15 days when published or 18 days when mailed and posted, counting from the day after the publication, mailing or posting date.

Minimum Public Comment Periods	
Notice Type	Public Comment Period Requirements
Notice of Finding of No Significant Impact (FONSI)	15 days when published. 18 days when mailed or posted, but not published.
FONSIs for projects that involve considerable interest or controversy, that are similar to other projects normally requiring an EIS, or projects that are unique and without precedent	30 days.
Notice of Intent to Request Release of Funds (NOI/RROF)	7 days when published. 10 days when mailed and posted, but not published.
Concurrent or Combined Notices	15 days when published. 18 days when mailed and posted, but not published.

The responsible entity must consider the comments and make modifications, if appropriate, in response to the comments, before it completes its environmental certification and before the recipient submits its RROF. The RE cannot sign the RROF until the day after the public comment period closes.

Notice of Intent to Request Release of Funds

The language below is HUD's recommended wording of the Notice of Intent to Request Release of Funds. This Notice is used to request the environmental release of funds for Categorically Excluded projects (24 CFR Part 58, §58.35(a)) or for projects for which a Notice of Finding of No Significant Impact was previously issued. Words in **bold type** are required language. Words in *italics* are to be replaced by language appropriate to the particular project and Responsible Entity.

NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS

Date of Publication: *[date published]*

*Name of Responsible Entity (RE)
Address (e.g., Street No. or P.O. Box)
City, State, Zip Code
Telephone Number of RE*

On or after *at least one day after the end of the comment period* **the name of RE will** *if the RE is not also the grant recipient, insert the following language here: "authorize the [name of grant recipient] to"* **submit a request to the HUD/State administering agency for the release of name of grant program funds under Title/Section [xx] of the name of the appropriation Act of [year], as amended, to undertake the following project:**

Project Title: *project name*

Purpose: *Summarize purpose and need for the project*

Location: *Provide address, map identification and map coordinates (Note: ensure there is enough information about the location for the public to either use Google Earth or to physically locate the project; i.e. if a street address is not available provide map coordinates)*

Project Description: *Describe what the project is, the surrounding environment, what is going to be done and how.*

Project Issues: *Describe all project issues that require mitigation, consultation, permits or project to be conditioned*

Mitigation Measures/Conditions/Permits (if any): *Describe mitigation measures, conditions on project or required permits for above project issues*

Estimated Project Cost: *Include HUD funding & total estimated project cost*

The activities proposed project *[language option #1]: is categorically excluded under HUD regulations at 24 CFR Part 58 from National Environmental Policy Act (NEPA) requirements.*

OR *[language option #2]: A Finding of No Significant Impact on the environment for this project was [published/posted] on [date of Finding publication/posting]. An Environmental Review Record (ERR) that documents the environmental determinations for this project is on file at name and address of RE office where ERR can be examined and name and address of other locations where the record is available for review and may be examined or copied weekdays __A.M to __P.M.*

PUBLIC COMMENTS

Any individual, group, or agency may submit written comments on the ERR to the RE designated office responsible for receiving and responding to comments. All comments received by if notice is published: notice date plus seven days; if notice is mailed and posted: mailing and posting date plus ten days will be considered by the name of RE prior to authorizing submission of a request for release of funds.

RELEASE OF FUNDS

The name of RE certifies to HUD/State that name of Certifying Officer in his/her capacity as Official Title consents to accept the jurisdiction of the Federal Courts if an action is brought to enforce responsibilities in relation to the environmental review process and that these responsibilities have been satisfied. HUD's/State's approval of the certification satisfies its responsibilities under NEPA and related laws and authorities and allows the name of grant recipient to use HUD program funds.

OBJECTIONS TO RELEASE OF FUNDS

HUD/State will accept objections to its release of fund and the RE's certification for a period of fifteen days following the anticipated submission date or its actual receipt of the request (whichever is later) only if they are on one of the following bases: (a) the certification was not executed by the Certifying Officer of the name of RE; (b) the RE has omitted a step or failed to make a decision or finding required by HUD regulations at 24 CFR part 58; (c) the grant recipient or other participants in the development process have committed funds, incurred costs or undertaken activities not authorized by 24 CFR Part 58 before approval of a release of funds by HUD/State; or (d) another Federal agency acting pursuant to 40 CFR Part 1504 has submitted a written finding that the project is unsatisfactory from the standpoint of environmental quality. Objections must be prepared and submitted in accordance with the required procedures (24 CFR Part 58, Sec. 58.76) and shall be addressed to HUD/State administration office at address of that office. Potential objectors should contact HUD/State to verify the actual last day of the objection period.

Name and Title of RE Certifying Officer

Note: The seven or ten-day public comment periods are the minimum time periods required by regulation prior to submission of a Request for Release of funds and Certification (form HUD-7015.15 to HUD/State. The Responsible Entity may choose to allow a longer comment period. The fifteen-day objection period is a statutory requirement. The objection period follows the submission date specified in the Notice or the actual date of receipt by HUD/State, whichever is later.

Combined Notice of Finding of No Significant Impact and Notice of Intent to Request Release of Funds

The language below is HUD's recommended wording of the combined Notice of Finding of No Significant Impact and Notice of Intent to Request Release of Funds. This Notice is used for projects requiring an Environmental Assessment (24 CFR Part 58, §58.36). Words in **bold type** are required language. Words in *italics* are to be replaced by language appropriate to the particular project and Responsible Entity.

NOTICE OF FINDING OF NO SIGNIFICANT IMPACT AND NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS

Date of Publication: *[date published]*
Name of Responsible Entity (RE)
Address (e.g., Street No. or P.O. Box)
City, State, Zip Code
Telephone Number of RE

These notices shall satisfy two separate but related procedural requirements for activities to be undertaken by the name of RE or grant recipient.

REQUEST FOR RELEASE OF FUNDS

On or after at least one day after the end of the comment period the name of RE will if the RE is not also the grant recipient, insert the following language here: "authorize the [name of grant recipient] to" submit a request to the HUD/State administering agency for the release of name of grant program funds under Title/Section [xx] of the name of the appropriation Act of [year], as amended, to undertake the following project:

Project Title: *project name*

Purpose: *Summarize purpose and need for the project*

Location: *Provide address, map identification and map coordinates (Note: ensure there is enough information about the location for the public to either use Google Earth or to physically locate the project; i.e. if a street address is not available provide map coordinates)*

Project Description: *Describe what the project is, the surrounding environment, what is going to be done and how.*

Project Issues: *Describe all project issues that require mitigation, consultation, permits or project to be conditioned*

Mitigation Measures/Conditions/Permits (if any): *Describe mitigation measures, conditions on project or required permits for above project issues*

Estimated Project Cost: *Include HUD funding & total estimated project cost*

FINDING OF NO SIGNIFICANT IMPACT

The name of RE has determined that the project will have no significant impact on the human environment. Therefore, an Environmental Impact Statement under the National Environmental Policy Act of 1969 (NEPA) is not required. Additional project

information is contained in the Environmental Review Record (ERR) on file at *name and address of RE office where ERR can be examined and name and address of other locations where the record is available for review and may be examined or copied weekdays __A.M to __P.M.*

PUBLIC COMMENTS

Any individual, group, or agency may submit written comments on the ERR to the RE designated office responsible for receiving and responding to comments. All comments received by if notice is published: publication date plus fifteen days; if notice is mailed and posted: mailing and posting date plus eighteen days will be considered by the name of RE prior to authorizing submission of a request for release of funds. Comments should specify which Notice they are addressing.

RELEASE OF FUNDS

The name of RE certifies to HUD/State that name of Certifying Officer in his/her capacity as Official Title consents to accept the jurisdiction of the Federal Courts if an action is brought to enforce responsibilities in relation to the environmental review process and that these responsibilities have been satisfied. HUD's/State's approval of the certification satisfies its responsibilities under NEPA and related laws and authorities and allows the name of grant recipient to use HUD program funds.

OBJECTIONS TO RELEASE OF FUNDS

HUD/State will accept objections to its release of fund and the RE's certification for a period of fifteen days following the anticipated submission date or its actual receipt of the request (whichever is later) only if they are on one of the following bases: (a) the certification was not executed by the Certifying Officer of the name of RE; (b) the RE has omitted a step or failed to make a decision or finding required by HUD regulations at 24 CFR part 58; (c) the grant recipient or other participants in the development process have committed funds, incurred costs or undertaken activities not authorized by 24 CFR Part 58 before approval of a release of funds by HUD/State; or (d) another Federal agency acting pursuant to 40 CFR Part 1504 has submitted a written finding that the project is unsatisfactory from the standpoint of environmental quality. Objections must be prepared and submitted in accordance with the required procedures (24 CFR Part 58, Sec. 58.76) and shall be addressed to HUD/State administration office at address of that office. Potential objectors should contact HUD/State to verify the actual last day of the objection period.

Name and Title of RE Certifying Officer

Note: The fifteen or eighteen-day public comment periods are the minimum time periods required by regulation prior to submission of a Request for Release of Funds and Certification (form HUD-7015.15) to HUD/State. The Responsible Entity may choose to allow a longer comment period. 24 CFR Part 58 requires, at Section 58.46, "Time delays for exceptional circumstances," a 30-day comment period for controversial or unique projects or those similar to projects normally requiring preparation of an environmental Impact Statement. The fifteen-day objection period is a statutory requirement. The objection period follows the submission date specified in the Notice or the actual date of receipt by HUD/State, whichever is later.

Section 8: Certification and Request for Release of Funds

The form HUD-7015.15 Request for Release of Funds (RROF), must be printed on both sides and the original copy must be submitted to HUD or the State. The RROF is a federal form and must not be altered in any way. In preparing a RROF, the REs must ensure that all applicable sections are completed. This includes the following:

- HUD program for which funds are being requested is included
- The Name and Address of the RE
- Name and Address of the Recipient if it is not the RE
- Project description for which RE is requesting funds
- Indication of whether an EIS was or was not required
- Signature of the Certifying Officer
- Certification Date after expiration of public notice comment period
- Signature of the authorized officer of the Recipient when the Recipient is not the RE
- Date of signature of the Recipient after expiration of the public notice comment period.

If the RROF does not contain all of the information listed above, it will be returned to the RE. The objection time period will not start until the RROF is completed as required. The certified RROF shall be sent to the appropriate HUD Field Office (or the State, if applicable). The most current RROF can be found at the following website:

<http://www.hud.gov/offices/adm/hudclips/forms/hud7.cfm>



**U.S. Department of Housing and Urban
Development**
Fort Worth Regional Office , HUD Region VI

**Instructions for Completing the
Request for Release of Funds and Certification [form HUD-7015.15]**

Part 1. Program Description and Request for Release of Funds (completed by Responsible Entity)

Block 1. Program Title(s): Enter the HUD program name - e.g., Community Development Block Grant, HOME, Supportive Housing, Shelter Plus Care, Section 8 Moderate Rehabilitation Single Room Occupancy, Housing Opportunities for Persons with AIDS, etc.

Block 2. HUD/State Identification Number: Enter the HUD grant number under which the proposed activity will be funded, e.g., B-10-MC-20-0100.

Block 3. Recipient Identification Number: No entry required; the Responsible Entity may use this for internal filing purposes, like a number that corresponds to the activity's Environmental Review Record.

Block 4. OMB Catalog Number(s): Enter the designated OMB number from the Catalog of Federal Domestic Assistance that corresponds to the HUD program. Examples include:

CFDA No. 14.218,	Community Development Block Grant (CDBG)
CFDA No. 14.228,	Community Development Block Grant (CDBG) State/Small Cities
CFDA No. 14.235,	Supportive Housing Program (SHP)
CDFA No. 14.239,	HOME
CFDA No. 14.247,	Self-Help Homeownership Opportunity Program (SHOP)
CDFA No. 14.251,	Economic Development Initiative (EDI)-Special Projects

The OMB Catalog is available on line at <http://www.cfda.gov> (Click "By Agency," then "Housing and Urban Development" to obtain HUD Programs listing).

Block 5. Name and Address of Responsible Entity: Enter the name and address of the unit of local government or State agency/department responsible for the environmental review under Part 58.

Block 6. For Information about this request, Contact (name & phone number): Enter the name of person to contact concerning completion of this form, HUD-7015.15, and/or the environmental review.

Block 7. Name and Address of Recipient (if different than Responsible Entity): If applicable, enter the name of the organization (e.g., non-profit, for-profit, housing authority) directly receiving HUD grant funds.

Block 8. HUD or State Agency and Office Unit to Receive Request: Enter the name and address of the HUD Program or State Agency to whom form HUD-7015.15 will be submitted. Addresses for HUD Field Offices in Region VI are:

- **Fort Worth Regional Office:**
801 Cherry Street
Unit#45-Suite 2500
Ft. Worth, TX 76102
- **San Antonio Field Office:**
Hipolito Garcia Federal Building
615 East Houston Street, Suite 347
San Antonio, TX 78205-2001
- **Houston Field Office:**
1301 Fannin Street, Suite 2200
Houston, TX 77002
- **Albuquerque Field Office**
500 Gold Avenue SW, 7th Floor, Suite 7301
Mailing address: P.O. Box 906
Albuquerque, NM 87103-0906
- **New Orleans Field Office**
Hale Boggs Federal Building
500 Poydras Street, 9th Floor
New Orleans, LA 70130
- **Little Rock Field Office**
425 West Capitol Avenue, Suite 1000
Little Rock, AR 72201
- **Oklahoma City Field Office**
301 NW 6th Street, Suite 200
Oklahoma City, OK 73102

Block 9. Program Activity/Project Name: Enter the name of the activity/project for which the request for release of funds is being submitted. Examples: Activities in the 2010 Action Plan; Construction of Maple Woods Apartments; Renovation of XYZ Community Center.

Block 10. Location (Street address, City, County, and State): Enter the location of the activity/project. If an address is not available, describe using common language directions, e.g., NW corner of intersection of Main Street and Elm Avenue, Polk City, Missouri, Jackson County.

Block 11. Program Activity/Project Description: Enter a clear, complete and concise description of the activity/project to which this form pertains. Include all project activities, including non-HUD funded actions. Example: Acquisition of 10-acre parcel and construction of a 2-story residential building, to provide (10) 3-bedroom and (20) 2-bedroom apartments, for a total of 30 residential units for the elderly plus related parking, walking path and outdoor recreational area.

Part 2. Environmental Certification (to be completed by Responsible Entity)

Item 3: Check either the first or second box. The second box is usually checked.

Signature of Certifying Officer of the Responsible Entity:

After the end of the required public comment period, the Certifying Officer signs his/her name, title, and the date. The Certifying Official is the chief elected official of the government (local, tribal, or state). The chief elected official or legislative body of the responsible entity may authorize the Certifying Officer's legal responsibility to reside with another official of the RE if the other official is acceptable. For purposes of being authorized to carry out this responsibility, HUD requires that the substituted official provide evidence, in the form of a formal delegation by the chief elected official or resolution by the legislative body of the RE, that the substituted official has the authority to consent on behalf of the chief elected official to federal court jurisdiction and to bind the RE to satisfy any judgment entered in federal court relating to the RE's performance of environmental responsibilities under 24 CFR Part 58 and as set forth in Items 1 through 8 in Part 2 of the RROF.

If the Responsible Entity is also the grant Recipient, the completed form HUD-7015.15, and a copy of all posted or published environmental Notice(s), including floodplain management notices, as applicable, is then submitted to the appropriate HUD (or State, if applicable) Office Division Director.

Part 3. To be completed when the Recipient is not the Responsible Entity

If the Responsible Entity is not the grant Recipient, form HUD-7015.15 must be transmitted by the Responsible Entity to the Recipient, with a copy of the completed, signed and dated Environmental Review Record and the posted or published environmental Notices.

Signature of Authorized Officer of the Recipient:

The "Authorized Officer" of the Recipient signs and dates the HUD-7015.15, then submits the completed form HUD-7015.15 along with a copy of the posted or published public Notice(s) to the appropriate HUD (or State, if applicable) Office Division Director. The Recipient retains the copy of the Environmental Review Record for its official project file.

NOTE: The Recipient, by signing form HUD-7015.15, agrees to implement any special environmental conditions resulting from the environmental review prepared by the Responsible Entity and to notify the Responsible Entity of any proposed change in scope of the project or any change in environmental conditions.

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Section 9: Authorization to Use Grant Funds

A. Objection Period

HUD (or the State) must not approve an RROF for any project before 15 calendar days have elapsed from the time of receipt of the certified RROF or from the time specified in the notice published pursuant to §58.70, whichever is later. Any person or agency may object to a certified RROF. However, the objections must meet the conditions and procedures set forth in Part 58 Subpart H. HUD (or the State) can refuse the certified RROF on any grounds set forth below:

- a. The certification was not in fact executed by the responsible entity's Certifying Officer.
- b. The responsible entity has failed to make one of the two findings pursuant to §58.40 or to make the written determination required by §58.35, §58.47 or §58.53 for the project, as applicable.
- c. The responsible entity has omitted one or more of the steps set forth at Part 58 Subpart E for the preparation, publication and completion of an EA.
- d. The responsible entity has omitted one or more of the steps set forth at Part 58 Subparts F and G for the conduct, preparation, publication and completion of an EIS.
- e. The recipient or other participants in the development process have committed funds, incurred costs or undertaken activities not authorized by Part 58 before release of funds and approval of the environmental certification by HUD (or the state).
- f. Another Federal agency acting pursuant to 40 CFR part 1504 has submitted a written finding that the project is unsatisfactory from the standpoint of environmental quality.

All decisions by HUD (or the State) regarding the certified RROF shall be final.

B. Authorization to Use Grant Funds

If there are no objections received, HUD or the State will provide an Authorization to Use Grant Funds, form HUD-7015.16 (AUGF). REs and recipients should not obligate HUD or non-HUD funds until they receive a fully executed copy of this form.

Processing Requests for Release of Funds: Example RROF Review Checklist

PART I. COMPLETENESS of Certified RROF (form HUD-7015.15)			
Does the RROF?	YES	NO	Update
1. Is the RROF an original printed on both sides?			
2. Include HUD Program for which funds are being requested?			
3. What program are the funds from? CPD Programs: HOME, CDBG, SHP, SHOP, EDI, etc. Public Housing Programs: HOPE VI, Section 8, etc.			
4. Include Name & address of Responsible Entity?			
5. Include Name & address of Recipient (if other than RE)?			
6. Include description of the project(s) for which the RE is requesting release of funds, including location?			
7. Indicate whether an EIS was/was not required?			
8. Include signature of designated Certifying Officer?			
9. Date of signature by Certifying Officer <i>after</i> expiration of public notice comment period?			
10. Include signature of authorized officer of the Recipient, where required (i.e., Recipient is not the RE)?			
11. Include date of signature by Recipient <i>after</i> expiration of public notice comment period?			
12. Is the document an original, printed on both sides?			

PART II: COMPLETENESS of PUBLIC NOTICES			
Does the FONSI NOTICE?	YES	NO	Update
13. State that the RE has made a FONSI and that the comment period is at least 15 days (or 30 days if project is controversial)?			
14. If a “combined notice” of FONSI & NOI-RROF is used (as is typical), does the combined notice indicate it is intended to meet two separate procedural requirements? (§58.43)			
15. Advise those submitting comments to indicate which "notice" their comments address?			
16. Is proof of the date of publication, mailing, posting (e.g. publisher’s affidavit, return receipts, etc.) attached?			

Does the NOI/RROF NOTICE?	YES	NO	Update
17. Provide & observe a timeframe “on or about” when the certified RROF will be submitted to HUD which is <i>at least 8 days</i> after the notice publication date (or 11 days, if posted)?			
18. If Combined with a FONSI, provide & observe a timeframe “on or about” when the FONSI/NOI-RROF will be submitted to HUD, which is <i>at least 16 days</i> after the notice publication date (or 19 days, if posted)?			
19. List HUD program for which RROF is requested?			
20. Is proof of the date of publishing/mailing/notifying included?			
21. List Name of project?			
22. List Description of project?			
23. List Location of project?			
24. List Amount of HUD funds and Total project cost?			
25. State that RE has made an ERR (Environmental Review Record) for the project, including place and time where ERR may be examined and copied?			
26. Give Address & Phone number of the RE (<i>not</i> Recipient) where comments can be submitted?			
27. Provide date or timeframe until which objections to the RROF can be submitted to HUD? (NOI/RROF will list either an actual date or make a general statement about “15 days to comment” from the date of HUD’s receipt of the RROF. HUD’s effective release date is calculated by adding the “Date Received by HUD” + 16 days, i.e., 1 day after end of the 15-day comment period.)			
28. List all the bases for objections to the release and provide the name & address of the HUD office to which objections may be sent?			

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Attachment 2: Example 8-Step Decision Making Process for Projects in the Floodplain

Case Study Example - Anytown, USA
Transitional Housing Program (Project No. WA90-T00-1287)
Decision Process for E.O. 11988 as Provided by 24 CFR §55.20

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

This action is located in a 100-year floodplain. One building on the proposed project site is located within AE Zone (area of special flood hazard with water surface elevations determined) and the other two buildings are partially located in an A Zone (area of special flood hazard without water surface elevations determined), as indicated on Flood Insurance Rate Map (FIRM) Panel 16 of 70 no. 5301260026R, revised September 27, 1998. This project is (a) new construction and (b) a multifamily housing project of greater than four units and, for both of these reasons, E.O. 19988 applies. An evaluation of direct and indirect impacts associated with construction, occupancy, and modification of the floodplain is required.

The proposed project, Transitional Housing Program, includes acquisition of two parcels and construction of three buildings. Each building would consist of five units located between 3201 and 3401 W Street. The Upper American River system has been a natural floodplain for many years. Therefore, this analysis will consider impacts to the floodway along with concerns for loss of life and property.

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

A public notice describing the project was published in the Anytown Tribune, the local and regional paper, on September 22, 2008. The ad targeted local residents, including those in the floodplain. A copy of the published notification was kept in the project's environmental review records and attached to this document. The required 15 calendar days were allowed for public comment. As required by regulation, the notice also included the name, proposed location and description of the activity, total number of floodplain acres involved, and the HUD official or responsible entity contact for information as well as the location and hours of the office at which a full description of the proposed action can be viewed.

Comments from the public stated both support and opposition to the project. Supporters said the housing was necessary while opponents were concerned with property values and public services. A preliminary analysis performed by the city indicated that property values will not be affected and public services are adequate enough to handle 15 units of housing. One commenter also worried about debris coming from the buildings in the event of a flood. This concern will be addressed through engineering and site planning to minimize any such risk.

FEMA and city engineers were contacted concerning mitigation requirements of the National Flood Insurance Program (NFIP) as well as local ordinances that must be implemented as part of NFIP.

Step 3: Identify and evaluate practicable alternatives.

The Anytown Housing and Redevelopment Agency (AHRA) project site selection criteria are:

- The project can not cause current residents to become displaced;
- The project must be within city limits in order for bond proceeds to be used by the AHRA;
- The project must contain at least twelve units in order to meet community needs.

Anytown considered several alternative sites and actions:

A. Locate the Project Within the Floodplain

1. Locate the project between 3201 and 3401 W Street

This site meets the requirements of the city's bond and does not displace residents. The project also meets the community's needs of 12 units. However, the project as originally proposed would cause damage to the floodplain and its natural functions by paving areas and obstructing flood zones. Additionally, constructing in a AE Zone would present challenges in building at a foot above the base flood elevation (BFE) and would endanger human life as well as local and federal investment. The cost of elevation and maintaining flood insurance for the building in AE Zone are impracticable.

2. Modify the project between 3201 and 3401 W Street

The proposal can be modified to include two, seven-unit buildings with one building moved completely out of special flood hazard areas and a second building partially in the A Zone but elevated in order to minimize adverse impacts to the floodplain, public safety, and public investment. Any development in the unmarked A Zone requires that an expert, using FEMA approved standards, makes a determination and acquires an elevation certificate which states the necessary base flood elevation.

3. Locate the project at 3405 Dunder Road

The city proposed developing this site six years ago but met stiff resistance from the community. Another site was then chosen for development. Last year the site was again reviewed. Stiff opposition again resurfaced. The review also showed a storm-water runoff problem and a significant amount of special flood hazard areas. These factors made the site prohibitively expensive for development.

4. Obtain a Letter of Map Amendment (LOMA) or Letter of Map Revision (LOMR)

The city also considered applying for a LOMA but the elevation information certified by a Licensed Land Surveyor/Registered Professional Engineer indicated that the lowest adjacent grade (the lowest ground touching the structure) was not at or above the BFE.

A LOMR-F request was also considered but rejected due to a local policy forbidding fill in the floodplain due to the impact it may have on other property owners.

B. Locate the Project Outside of the Floodplain

1. Locate the project at the Mount Vernon Avenue site

The city had considered an alternative site at 1500 North Mount Vernon Avenue. An engineering report concluded that the site had unstable soils and slopes as well as a significant amount of wetlands. The cost of the mitigating measures for these environmental impacts, as well as endangered species habitat, made the site prohibitively expensive to develop.

2. Other sites considered

Other sites were also considered within the city limits. All of the sites would have either displaced residents who were unwilling to sell or would have placed the project on sites encumbered by wetlands, steep slopes, soil contamination, or other more significant development constraints. A market analysis was performed and concluded no other sites were feasible for development.

C. No Action or Alternative Actions that Serve the Same Purpose

A no action alternative was considered and rejected because of a recent city study that found the area in dire need of affordable housing. It showed an increase in homeless families of 35% over the past three years with a concurrent increase in the number of families using homeless shelters more than once a year. The current level of services and facilities in Anytown does not equip the city to help the homeless seeking assistance.

The emergency shelters currently housing families are for emergency use and not designed to meet the needs of homeless families with children. They are intended only for overnight use and do not provide the stability required for a family to function or the specialized services to help bring about independent family living.

The proposed project would provide the housing needed along with space for supportive services with the goal of enabling the families to become independent within a 24 month period.

Step 4: Identify Potential Direct and Indirect Impacts of Associated with Floodplain Development.

Locating the project at W Street per the modified proposal will have minimum impacts to the floodplain because the structures will be elevated a minimum of three feet above the BFE and have a footprint designed to minimize these impacts. The design will also minimize potential damage to the property as a result of the flooding. The area has experienced some flooding in the past but never above the proposed elevation.

Loss of life as a result of flooding is the highest priority. FEMA estimates that it would take a warning time of between five and seven hours to safely evacuate people from the area. FEMA also estimates at a flood level of four feet carpeting, curtains, and furnishings would be damaged in the building partially in the floodplain. At five feet above the BFE, the structure will sustain 20-30% damage. At six feet above the BFE, the structure will sustain substantial damage at 50% or more.

The city of Anytown is a member of the National Flood Insurance Program and, therefore, any structure owned by the city that is located in the flood zone must be covered by flood insurance.

Even though only one of the buildings is required to have flood insurance, the city will maintain flood insurance for both buildings in order to mitigate any effects of flooding.

In addition to concerns for life and property, the city considered the natural and values of the floodplain. The natural resources of the floodplain include water, biological, and societal resources.

By elevating the buildings and disallowing impervious surfaces in and around the floodplain, the construction will have minimal effects on water resources. Hydrologists and engineers were consulted in order to design the building and the site plan in such a way that natural flood and erosion control, water quality, and groundwater recharge are preserved. In addition to the prohibition on impervious surfaces in and directly around the floodplain, the floodplain was preserved through elevation and positioning of the building.

The Fish and Wildlife Service has determined that the construction of the buildings will have no quantifiable impact on plant and animal life. Only native plants are to be used in the floodplain and on the site.

Societal resources were also considered during the design process. The designs are meant to complement the natural features of the area and to offer an aesthetically pleasing structure. The site will not have an effect on agricultural lands and efforts have been made to preserve existing trees on the site. The site will also maintain an open space for recreational opportunities. An easement will be made to the city to allow for construction of a bike path that will serve transportation purposes. The city will also allow the site to be accessible for archaeological, historic, environmental, biological, and other scientific studies should an individual or an organization express interest.

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 to restore, and preserve the values of the floodplain.

Preserving Lives: In order to preserve lives, local law enforcement and the emergency broadcast system will implement an early warning system should flooding conditions arise. In addition to the warning system, law enforcement has an emergency evacuation and relocation plan. The new structures will also be marked with identification marks of past and estimated flooding and the interior common areas will display an evacuation plan. All residents will also be briefed on the location of the flood hazard area and evacuation plans upon placement.

Preserving Property: In order to preserve property, flood insurance will also be acquired and maintained in order to mitigate possible flood damage. The building will be floodproofed in compliance with FEMA Coastal Standards and the International Residential Code. This includes the use of breakaway walls on the first floor.

Preserving Natural Values and Minimizing Impacts: By elevating the buildings and disallowing impervious surfaces in and around the floodplain, the construction will have minimal effects on water resources. In addition to the prohibition on impervious surfaces in and directly around the floodplain, the floodplain was preserved through elevation and positioning of the building. Swales will be introduced using native vegetation to address drainage impacts and will be placed by biologists and hydrologists with consultation with the U.S. Fish and Wildlife Service. Conservation easement agreements through the United States Department of Agriculture's Natural Resource Conservation Service will also be entered for nearby wetlands owned by the city. These actions

will serve to both restore habitat off and on site while also preserving non-impacted areas to minimize effects. Additionally, the city has implemented a policy of “no net loss” for all wetlands impacts through a restoration and compensatory mitigation program.

Step 6: Reevaluate the Alternatives.

Although the W Street site is in a floodplain, the project has been adapted in order to minimize effects on floodplain values. Additionally, steps were taken in order to minimize risks to human life and property via evacuation plans, construction methods, flood insurance, etc. The estimated annual cost of flood insurance is \$XXXXXX and the costs of flood-proofing is \$XXXXX. The city will help the developer with flood-proofing costs, while the developer alone will bear the costs of maintaining the statutorily required flood insurance premiums for the life of the structure in accordance with the Flood Disaster Protection Act of 1973.

The Dunder Road site is even more problematic due to storm-water runoff and floodplain concerns. The floodplain concerns here are worse than those of W Street. Additionally, there is a complete lack of public support to make this a feasible site for the project.

Construction outside of the floodplain at the Mount Vernon site or others is not viable as well. Due to contamination, slope, and other concerns, as well as the requirement that the project be constructed within city limits due to bond issues, the W Street site is the only location that satisfies these needs and concerns without displacing residents.

The no action alternative is also impracticable because it will not satisfy the need to provide assistance to local homeless families and provide them with opportunities for independent living.

Step 7: Determination of No Practicable Alternative

It is our determination that there is no practicable alternative for partially locating the project in the flood zone. This is due to: 1) the need to provide housing and services to homeless families; 2) the bond requirements to construct within city limits; 3) the desire to not displace residents; 4) the need to construct an economically feasible project; and 5) the ability to mitigate and minimize impacts on human health, public property, and floodplain values.

A final notice was published detailing the reasons why the modified project must be located in the floodplain, a list of alternatives considered, and all mitigation measures taken to minimize adverse impacts and preserve natural and beneficial floodplain values. No concerns were expressed by the public concerning this notice.

Step 8: Implement the Proposed Action

The city will assure that this plan, as modified and described above, is executed and necessary language will be included in all agreements with participating parties. The city will also take an active role in monitoring the construction process to ensure no unnecessary impacts occur nor unnecessary risks are taken. The flood insurance requirement for the life of the property will be realized through the use of a covenant on the property title.

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 involved]*. 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:

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:

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Attachment 3: Example Section 7 Endangered Species Act --Species Evaluation Conclusions Table²

Project Name:

Species/Resource Name	Conclusion	ESA/Eagle Act Determination	Notes/Documentation
Interior Least Tern	Potential habitat present, species not present	May affect, not likely to adversely affect	Construction will take place in February, outside of nesting/migration season (mid-May to late August) for the interior least tern
Whooping Crane	Species not present, no potential habitat present	No effect	Habitat assessment indicated no potential habitat present
Arkansas River Shiner	Species not present, no potential habitat present	No effect	Project area in Red River drainage which does not contain Arkansas River shiners
Piping Plover	Potential habitat present, species not present	May affect, not likely to adversely affect	Construction will take place in February outside of migration season (March-May and July-September) for the piping plover
Critical Habitat	No critical habitat present	No effect	
Lesser Prairie chicken (a candidate species)	Species present	Coordination with USFWS necessary	
American burying beetle	Species present	May affect, not likely to adversely affect	Recent surveys by qualified surveyors found this species within project area; avoidance measures planned
Interior least tern	No potential habitat present	No effect	Habitat assessment by qualified surveyor indicated no potential habitat present
Scaleshell mussel	No potential habitat present	No effect	Project area outside of inhabited drainages, per species fact sheet

² <http://www.fws.gov/southwest/es/oklahoma.com>

Attachment 3: Example Section 7 Endangered Species Act --Species Evaluation Conclusions Table²

Project Name:

Species/Resource Name	Conclusion	ESA/Eagle Act Determination	Notes/Documentation
Winged mapleleaf mussel	Potential habitat present	Possible may affect, additional assessment and coordination under way	Project area within historical drainage; no recent surveys; suitable habitat may be present
Eastern prairie fringed orchid	Species not present, no potential habitat present	No effect	Habitat assessment by qualified surveyor indicated no potential habitat present

Attachment 4: Historic Preservation/Section 106 Consultation Check list (Suggested Format)

Project Name: _____

Address: _____

The Section 106 process, as described in 36 CFR Part 800, consists of four basic steps, with each step having a series of tasks to complete. You may use this checklist to track the progress of your review.

Remember that Section 106 needs to be completed “prior to the approval of the expenditure of any Federal funds”

Step 1: Initiate Consultation (§ 800.3)

- Yes/No - Project meets the definition of an “undertaking”¹
- Yes/No - “Undertaking” has no potential to cause effects to historic properties”¹
- Yes/No - Review of “undertaking” is subject to an existing Programmatic Agreement (PA)
- Identify appropriate State/Tribal Historic Preservation Office (SHPO/THPO) and federally-recognized Indian tribes/Native Hawaiian organizations, as appropriate
- Plan to involve the public (may use existing agency public participation procedures)
- Consider if, what, and how some project information may need to remain confidential
- Identify other consulting parties (e.g., developers, interested parties, local government); proceed to Step 2

¹*If no, then you have completed Section 106 review and are in compliance. These first two Step 1 tasks do not require consultation with SHPO/THPO. Refer to the lists of “exempt activities” and/or “categorical exclusions not subject to related laws” in Part 50 or 58.*

²*If yes, once you record how the project complies with the terms of the PA, Section 106 review is complete and you are in compliance. To remain in compliance, you must implement the project in accordance with the PA.*

Step 2: Identify and Evaluate Historic Properties (§ 800.4)

- Define the Area of Potential Effects (APE)
- Review existing information regarding the APE (e.g., previous historic surveys, land use records, maps, SHPO information)
- Seek information from consulting parties to identify issues related to the undertaking’s potential effects
- Gather information from federally-recognized Indian tribes, as appropriate
- Identify any known National Register (NR)-eligible or -listed properties
- Evaluate all other properties in APE for NR eligibility, regardless of age
- Submit finding and supporting documentation of “no historic properties affected” or “historic properties affected” to SHPO/THPO for 30-day review
- Notify all consulting parties of finding and provide supporting documentation
- If SHPO/THPO does not object to a “no historic properties affected” finding, make the finding/documentation available for public review before approving the undertaking (e.g., through the appropriate NOI/RROF process) ³
- If historic properties are affected, proceed to Step 3

³*If there are no objections to a “no historic properties affected” finding, then you have completed Section*

106 review and are in compliance. Per § 58.34(a)(12), if there are no other environmental circumstances which require compliance, you may at this point convert the project to an exempt activity and forego the EA/FONSI and NOI/RROF process. If SHPO/THPO does objection, you must consult with them to resolve the matter. For further assistance, contact your HUD Field Environmental Officer.

Step 3: Assess Effects (§ 800.5)

- ___ Apply criteria of adverse effect, in consultation with SHPO/THPO and consulting parties
- ___ Submit finding and supporting documentation of “no adverse effect” or “adverse effect” to all consulting parties for 30-day review
- ___ If adverse effect, consider modifications to the project or agree to conditions that avoid adverse effects
- ___ Notify all consulting parties of finding and provide supporting documentation
- ___ If SHPO/THPO and/or consulting parties do not object to a “no adverse effect” finding, make the finding/documentation available for public review before approving the undertaking (e.g., through the appropriate NOI/RROF process)⁴
- ___ If there are still adverse effects, proceed to Step 4

⁴If there are no objections to a “no adverse effect” finding, then you have completed Section 106 review and are in compliance. If there are objections, you must consult with each objecting party to resolve the matter. For further assistance, contact your HUD Field Environmental Officer.

Step 4: Resolve Adverse Effects (§ 800.6)

- ___ Notify the Advisory Council on Historic Preservation (ACHP) of the adverse effect finding and provide documentation outlined in § 800.11(e)
- ___ Invite ACHP to participate 1) if you want to, 2) if the project directly and adversely affects a National Historic Landmark, or 3) if you will develop a PA
- ___ Continue consultation with consulting parties to consider ways to avoid, minimize, or mitigate adverse effects
- ___ Negotiate and draft agreed upon terms in an agreement document (Memorandum of Agreement or Programmatic Agreement (MOA/PA))⁵
- ___ Have signatories and concurring parties sign the MOA/PA, as appropriate, and distribute copies to all consulting parties
- ___ File a copy of the signed MOA/PA with ACHP and make it available for public review before approving the undertaking (e.g., through the appropriate NOI/RROF process)⁶
- ___ Implement the undertaking in accordance with the signed MOA/PA

⁵If consultation does not produce an agreement, you must seek ACHP participation. Should ACHP participation not result in agreement, the “Head of the Agency” may consider terminating consultation. For further assistance, contact your HUD Field Environmental Officer. ⁶At this point, you have completed Section 106 review and are in compliance.

- YOU MAY NEED TO RECONCILE THE PROCESS DESCRIBED HEREIN WITH SPECIFIC REQUIREMENTS ESTABLISHED BY THE VARIOUS SHPO/THPOs.
- IF PROJECT PLANS CHANGE AFTER COMPLETION OF THE ENVIRONMENTAL/SECTION 106 REVIEW, YOU MUST NOTIFY THE CONSULTING PARTIES AND REEVALUATE YOUR FINDINGS (SEE 24 CFR § 50.36 OR § 58.47).

Source: Environmental Planning Division, Office of Environment & Energy, CPD, July 2009

Attachment 5: ASTM Phase I Environmental Site Assessment (E1527-05) Guidance Checklist

Applicant/Grantee:
Project number, if funded:
Type of Project:
Date of Phase I ESA:
Phase I Completed By:

RECOMMENDED TABLE OF CONTENTS AND REPORT FORMAT [ASTM Appendix X4]
DATE OF REVIEW: _____

Sections	Sub-Sections	Reference: ASTM Standard	Completed : Yes/No
1.0 Summary			
2.0 Introduction	2.1 Purpose	(ref. 1.1.1; 6.7)	
	2.2 Detailed Scope of Services	(ref. 12.4)	
	2.3 Significant Assumptions	(ref. 7.5.2; 7.5.2.1)	
	2.4 Limitations and Exceptions	(ref. 9.2.4)	
	2.5 Special Terms and Conditions: Are there any Special Terms and Conditions placed on the Environmental Professional by those requesting their services?		
	2.6 User Reliance	(ref. 7.5.2.1)	
3.0 Site Description	3.1 Location and Legal Description of Property	(ref. 9.0)	
	3.2 Site and Vicinity General Characteristics		
	3.3 Current Use of the Property	(ref. 9.4.1.1; 9.4.2.1)	
	3.4 Description of Structures, Roads, Other Improvements on the Site (including heating/cooling system, sewage disposal, source of potable water)	(ref. 9.4.1.7 - 9.4.1.10; 9.4.3.1; 9.4.4.1; 9.4.4.5 - 9.4.4.7)	
	3.5 Current Uses of Adjoining Properties	(ref. 9.4.1.3)	
4.0 User Provided Information	4.1 Title Records	(ref. 6.2; 8.3.4.4)	
	4.2 Environmental Liens or Activity and Use Limitations	(ref. 6.2)	
	4.3 Specialized Knowledge	(ref. 6.3)	
	4.4 Commonly Known or Reasonably Ascertainable Information	(ref. 6.6)	
	4.5 Valuation Reduction for Environmental Issues	(ref. 6.5)	
	4.6 Owner, Property Manager, and Occupant Information	(ref. 10.0)	
	4.7 Reason for Performing Phase I	(ref. 6.7; 7.3.2)	
	4.8 Other	(ref. 6.7)	

Sections	Sub-Sections	Reference: ASTM Standard	Completed : Yes/No
5.0 Records Review	5.1 Standard Environmental Record Sources	(ref. 8.0)	
	5.2 Additional Environmental Record Sources	(ref 8.2.2)	
	5.3 Physical Setting Source(s)	(ref. 8.2.3)	
	5.4 Historical Use Information on the Property	(ref. 8.3 – 8.4)	
	5.5 Historical Use Information on Adjoining Properties	(ref. 8.3.3)	
6.0 Site Reconnaissance	6.1 Methodology and Limiting Conditions	(ref. 9.2.3, 9.2.4)	
	6.2 General Site Setting	(ref. 9.4.1.1 – 9.4.1.10)	
	6.3 Exterior Observations	(ref. 9.4.2 – 9.4.4.7)	
	6.4 Interior Observations	(ref. 9.4.2 – 9.4.4.7)	
7.0 Interviews	7.1 Interview with Owner	(ref. 10.0 – 10.9)	
	7.2 Interview with Site Manager	(ref. 10.5.1)	
	7.3 Interviews with Occupants	(ref. 10.5.2.1 – 10.5.2.4) Multi-family residential properties, residential occupants do not need to be interviewed (ref. 10.5.2.1) If the property has non-residential uses, interviews should be held with non-residential occupants based on criteria at 10.5.2.2. (ref. 10.5.2.1)	
	7.4 Interviews with Local Government Officials	(ref. 11.1 – 11.8)	
	7.5 Interviews with Others		
8.0 Findings		(ref. 12.5) Findings are any item(s) identified as a recognized environmental concern.	
9.0 Opinion		(ref. 12.6) The opinion shall specifically include the environmental professional's rationale for concluding that a condition is or is not currently a recognized environmental condition.	
10.0 Conclusions		(ref. 12.8 – 12.8.2) The Phase I <u>must</u>	

Sections	Sub-Sections	Reference: ASTM Standard	Completed : Yes/No
		include one of the statements located at 12.8.1 or 12.8.2.	
11.0 Deviations		(ref. 12.10)	
12.0 Additional Services		(ref. 12.9)	
13.0 References		(ref. 12.11)	
14.0 Signature(s) of Environmental Professional(s)		(ref. 12.12)	
15.0 Qualification(s) of Environmental Professional(s)		(ref. 4.3, 12.13 – 12.13.2, X2.1) The Phase I <u>must</u> include both of the phrases found at sections 12.13.1 and 12.13.2	
16.0 Appendices (ref. 12.14, X4.16 – X4.16.8)	16.1 Site (Vicinity) Map		
	16.2 Site Plan		
	16.3 Site Photographs		
	16.4 Historical Research Documentation (aerial photographs, fire insurance maps, historical topographical maps, etc.)	(ref. 8.3.4 – 8.3.4.9)	
	16.5 Regulatory Records Documentation	(ref. 8.2.1 – 8.2.2)	
	16.6 Interview Documentation		
	16.7 Special Contractual Conditions between User & Environmental Professional		
	16.8 Qualification(s) of the Environmental Professional(s)		

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Attachment 6: HUD Guide to Laws and Authorities and Other Requirements

A. 24 CFR §58.5 – NEPA-Related Federal laws and authorities

Environmental Issue/Impact (Statute, Authority &/or Regulation)	Applicable Activities	Threshold for Action (Analysis/Evaluation/ Consultation)	Source Documentation (Map/On-line Listing/ Agency Contacts)	Action Required	Further Information
<p>1. 58.5(a) Historic Properties</p> <p>National Historic Preservation Act of 1966 (16 U.S.C. 470 <i>et seq.</i>), particularly sections 106 & 110.</p> <p>36 CFR Part 800 "Protection of Historic Properties" (ACHP)</p>	<p>Any undertaking having the potential to cause effect, such as:</p> <p>Acquisition Demolition Disposition Ground disturbance New construction Rehabilitation</p>	<p>Project's area of potential effects [see §800.16(d)] contains: A property listed in, or eligible for listing in, the National Register of Historic Places; or, An historic district listed in, or eligible for listing in, the National Register of Historic Places; or, Compelling evidence of the high probability of archeological resources eligible for listing in the National Register of Historic Places.</p> <p>National Register Eligibility Criteria: http://www.achp.gov/nrcriteria.html</p> <p>HUD tribal database: http://eqis.hud.gov/tdata/Tribal.aspx</p>	<p>Information on historic resources available from National, State, Tribal and local registers/sources: National Register http://nrhp.focus.nps.gov/natreghome.do?searchtype=natreghome State Historic Preservation Office (SHPO) http://ncshpo.org Tribal Historic Preservation Office (THPO) http://www.nathpo.org/map.html Certified Local Government (CLG) preservation staff.</p>	<p>Afford the Advisory Council on Historic Preservation a reasonable opportunity to comment, consistent with the procedures of 36 CFR Part 800 implementing the Section 106 process. Consultation with the SHPO is required. Consultation with THPO and interested parties and public participation may be required.</p> <p>The Section 106 process includes initiation of the process [§800.3], identification of historic properties [§800.4], assessment of adverse effects [§800.5], and resolution of adverse effects [§800.6].</p> <p>A Memorandum of Agreement (MOA) stipulates how adverse effects will be resolved. Guidance on writing MOAs: http://www.npi.org/tools.html</p> <p>HUD database of Section 106 agreements (MOA & PA): http://www.hud.gov/offices/cpd/environment/section106/index.cfm</p>	<p>Advisory Council: http://www.achp.gov State Historic Preservation Officers (SHPOs): http://www.ncshpo.org Tribal Historic Preservation Officers (THPOs): http://www.nathpo.org Federally-recognized Indian tribes: http://www.nps.gov/nacd/ and http://www.bia.gov/WhoWeAre/BIA/OIS/TribalGovernmentServices/TribalDirectory/index.htm National Register: http://nrhp.focus.nps.gov/natreghome.do?searchtype=natreghome Preservation staff of a CLG (Certified Local Govern't) – contact the local government.</p> <p>NPS technical info: http://www.cr.nps.gov/hps/tps/index.htm Other resource links: http://www.nal.usda.gov/ri/ricpubs/preserve.html Notice on Tribal Consultation: http://portal.hud.gov/portal/documents/huddoc?id=env_notice_tribe_con.pdf</p>

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<p>2. 58.5(b)(1) Floodplain Management</p> <p>E.O. 11988, "Floodplain Management", particularly section 2(a).</p> <p>24 CFR Part 55 "Floodplain Management" (HUD)</p>	<p>Acquisition for construction or for existing bldg >4 units Disposition >4 units Financing >4 units Leasing >4 units New construction Substantial Rehabilitation >4 units housing (total rehab cost >50% pre-rehab value or >20% density increase)</p>	<p>Project is located within a Special Flood Hazard Area (100-year floodplain), or, if a critical action (e.g., nursing home; hospital; fire station) is located in a 500-year floodplain.</p>	<p>FEMA Flood Insurance Rate Maps (FIRM) or Flood Hazard Boundary Map (FHBM).</p> <p>FIRMETTE maps, which cover small areas (approx. 1 sq. mile), can be obtained at no charge on-line: http://www.store.msc.fema.gov</p> <p>For unmapped areas, FEMA Community Status Book can provide information on flood hazards: www.fema.gov/fema/csb.shtm</p>	<p>Avoid direct or indirect support of floodplain development wherever there is a practicable alternative.</p> <p>Approval of project requires compliance with the decision-making provisions of §55.20, i.e., the "eight-step" process.</p> <p>Project may be approved only if there is no practicable alternative outside the floodplain. Project must apply appropriate mitigation.</p>	<p>FEMA: http://www.fema.gov</p> <p>State Floodplain Managers: http://www.floods.org/StatePOCs/map.asp</p> <p>HUD Q&A: http://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/environment/review/floodplain</p>
<p>3. 58.5(b)(2) Wetland Protection</p> <p>E.O. 11990, "Protection of Wetlands," particularly sections 2 & 5.</p> <p>Draft 24 CFR Part 55 "Floodplain Management" (42 FR 26961 – 5/25/97)</p>	<p>Acquisition of undeveloped land Change of land use New construction Expansion of bldg footprint</p>	<p>Project is located within, or has impact upon, a wetland.</p>	<p>National Wetlands Inventory maps are listed on FWS site: http://www.fws.gov/wetlands/data/index.html</p> <p>NWI maps are useful as a preliminary screen. Where site inspection or other information indicates potential for a wetland, delineation of a wetland by a qualified professional should occur.</p> <p>For wetlands delineations, contact USACOE, USFWS, USDA- NRCS, USEPA and/or private consultants.</p>	<p>Avoid adverse impacts upon wetlands and direct or indirect support of new construction in wetlands wherever there is practicable alternative.</p> <p>Approval of project requires compliance with the decision-making provisions of §55.20, i.e., the "eight-step" process. Project may be approved only if there is no practicable alternative outside the wetland.</p>	<p>U.S. Army Corp of Engineers: http://www.usace.army.mil/Missions/CivilWorks/RegulatoryProgramandPermits/FrequentlyAskedQuestions.aspx</p> <p>Recognizing Wetlands http://www.usace.army.mil/Portals/2/docs/civilworks/regulatory/techbio/rw_br_o.pdf and http://www.usace.army.mil/Missions/CivilWorks/RegulatoryProgramandPermits.aspx</p> <p>U.S. Fish and Wildlife Service: http://wetlands.fws.gov/</p> <p>EPA: http://www.epa.gov/owow/wetlands/</p> <p>HUD Q&A: http://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/e</p>

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<p>4. 58.5(c) Coastal Zone Management</p> <p>Coastal Zone Management Act of 1972, as amended (16 U.S.C. 1451 et. seq., particularly section 1424(e)).</p>	<p>Acquisition of undeveloped land Change of land use Major rehabilitation New construction</p>	<p>Project is located in a state having a Coastal Zone Management (CZM) Program.</p>	<p>CZM maps are on NOAA (Nat'l Oceanic & Atmospheric Administration) web site: http://coastalmanagement.noaa.gov/mystate/welcome.html</p>	<p>State CZM agency (or its approved local designee) must concur with a finding (or issue permit) in evidence that project is consistent with approved State CZM plan.</p>	<p>nvironment/review/wetland</p> <p>NOAA: http://coastalmanagement.noaa.gov/welcome.html</p> <p>HUD Q&A: http://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/environment/review/coastal</p> <p>Texas Coastal Program: http://www.glo.texas.gov/what-we-do/caring-for-the-coast/grants-funding/cmp/index.html</p> <p>Texas Coastal Boundary: http://www.glo.texas.gov/what-we-do/caring-for-the-coast/documents/landing-page-folder/CoastalBoundaryMap.pdf</p> <p>Louisiana Coastal Program: http://dnr.louisiana.gov/index.cfm?md=pagebuilder&tmp=home&pid=85&ngid=5</p> <p>Louisiana Coastal Boundary: http://dnr.louisiana.gov/index.cfm?md=pagebuilder&tmp=home&pid=88</p>
<p>5. 58.5(d) Sole Source Aquifers</p>	<p>Acquisition of undeveloped land Change of land use</p>	<p>Project is located within area of an EPA-designated sole source aquifer, unless project</p>	<p>Designated sole source aquifers are listed on EPA web site for Region 6:</p>	<p>Review of project by Regional EPA Office of Ground Water is required if activity is of a type and</p>	<p>EPA – ground water & drinking water: http://www.epa.gov/safew</p>

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<p>Safe Drinking Water Act of 1974 (42 U.S.C. 201, 300(f) <i>et seq.</i>, and 21 U.S.C. 349), particularly section 1424(e)</p> <p>40 CFR Part 149 "Sole Source Aquifers" (EPA)</p>	<p>New construction</p>	<p>utilizes municipal water and sewer and has appropriate local drainage.</p>	<p>http://www.epa.gov/region6/water/swp/ssa/maps.htm</p>	<p>size specified in an agreement between EPA and HUD.</p> <p>Project may require memorandum of understanding (MOU) with EPA describing compliance to be followed.</p>	<p>ater/ssanp.html</p> <p>EPA – source water protection: http://water.epa.gov/infrastucture/drinkingwater/sourcewater/protection/index.cfm</p> <p>EPA – TMDL maps: http://www.epa.gov/OWOW/tmdl/index.html</p> <p>EPA – Septic Systems: http://water.epa.gov/infrastucture/drinkingwater/sourcewater/protection/septicwaterprotection_septicssystem.cfm</p> <p>HUD Q&A: http://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/environment/review/aquifers</p>
<p>6. 58.5(e) Endangered Species</p> <p>Endangered Species Act of 1973 (16 U.S.C. 1531 <i>et seq.</i>), particularly section 7 (16 U.S.C. 1536)</p> <p>50 CFR Part 402 "Endangered Species Act" (DOI & Commerce)</p>	<p>Acquisition of undeveloped land Conversion of land use Demolition Major rehabilitation New construction</p>	<p>Project is likely to affect, or may affect, any Federally listed endangered or threatened species or habitat.</p>	<p>The US Fish and Wildlife Service (FWS) and NOAA's National Marine Fisheries Service (NMFS) share responsibility for implementing ESA.</p> <p>Contact the FWS for land and fresh water species and to determine if a listed species or habitat is present in the project action area or may be affected by the project. http://www.fws.gov/endangered/species/index.html Prepare for your project: http://ecos.fws.gov/ipac/wizard/chooseLocation prepare.action</p>	<p>If a listed species or habitat is present, consultation is required under Section 7 of the Endangered Species Act to determine if the proposed activity will adversely affect the subject species or habitat.</p> <p>Step-by-step consultation: http://www.fws.gov/southwest/es/arlingontexas/Sec7_consultation.htm</p> <p>When required, a biological assessment must be prepared by a qualified professional (e.g., biologist or botanist) explaining the likely effect on the species or</p>	<p>Section 7 consultation: http://www.fws.gov/endangered/what-we-do/consultations-overview.html http://www.nmfs.noaa.gov/pr/consultation/</p> <p>U.S. Fish & Wildlife Ecological Services Field offices:</p> <p>Texas Field Office Areas of Responsibility http://www.fws.gov/southwest/es/TexasOffices.html</p>

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			<p>Contact the NMFS for marine and anadromous species and to determine if a listed species or habitat is present in the project action area or may be affected by the project: http://www.nmfs.noaa.gov/pr/species/esa/</p> <p>USFWS Critical Habitat online mapper: http://crithab.fws.gov/ NMFS Critical Habitat Mapping: http://www.nmfs.noaa.gov/pr/species/criticalhabitat.htm Southwest listed species: http://www.fws.gov/southwest/es/EndangeredSpecies/EndangeredSpecies_Lists/EndangeredSpecies_Lists_Main.cfm Arkansas listed species, by county: http://www.fws.gov/arkansas-es/te_cty_list.html Louisiana Section 7: http://www.fws.gov/lafayette/section7/</p>	habitat.	<p>New Mexico Eco Services Field Office http://www.fws.gov/southwest/es/NewMexico/about_address_phone.cfm Oklahoma Eco Services Field Office http://www.fws.gov/southwest/es/Oklahoma/endsp-fedact.htm</p> <p>Arkansas Eco Services Field Office http://www.fws.gov/arkansas-es/contact.html</p> <p>Lafayette Eco Services Field Office http://www.fws.gov/lafayette/</p> <p>HUD Q&A: http://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/environment/review/endoredspecies</p>
<p>7. 58.5(f) Wild & Scenic Rivers</p> <p>Wild and Scenic Rivers Act of 1968 (16 U.S.C. 1271 <i>et seq.</i>), particularly sections 5(d), 7(a), 7(b) & (c).</p> <p>36 CFR Part 297 "Wild and Scenic Rivers" (USDA)</p>	<p>Acquisition of undeveloped land Change of land use Major rehabilitation New construction</p>	<p>Project is located within one (1) mile of a designated Wild & Scenic River, or river being studied as a potential component of the Wild & Scenic River system.</p> <p>Project is located upstream, downstream, or on a tributary of river that is designated, studied or has potential for listing on the system.</p>	<p>Designated wild and scenic rivers are listed on the National Park Service: http://www.rivers.gov/wildriverslist.html</p> <p>GIS shape files (maps) can also be downloaded from this site.</p> <p>Study Rivers (potential wild and scenic rivers): http://www.rivers.gov/study.html</p>	<p>For a Designated River or Study River, determination from the National Park Service (NPS) must be obtained, with finding that the project will not have a direct and adverse effect on the river nor invade or diminish values associated with such rivers.</p> <p>For NRI rivers, consultation with NPS is recommended to identify and eliminate direct and adverse</p>	<p>National Park Service: http://www.nps.gov/rivers/ and http://www.nps.gov/nrcr/programs/rtca/nri/auth.html NEPA /CEQ Guidance: http://www.nps.gov/nrcr/programs/rtca/nri/hist.html</p> <p>Publications: http://www.rivers.gov</p>

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		Protected rivers are: Designated, Study and National River Inventory (NRI) rivers. NRI rivers may be eligible for listing as a Wild & Scenic River.	National River Inventory (NRI) listed rivers: http://www.nps.gov/nrc/programs/rtca/nri/	effects.	v/rivers/publications.php
<p>8. 58.5(g) Air Quality</p> <p><i>Clean Air Act of 1970, as amended (42 U.S.C. 7401 et seq.), particularly 7506 (c) & (d).</i></p> <p>40 CFR parts 6, 51, and 93 (EPA)</p> <p>CAA of 1990, Sec. 112; 40 CFR Part 61 (NESHAP)</p> <p>http://www.epa.gov/air/caa/title1.html</p>	<p>Acquisition of undeveloped land Change of land use Demolition Major rehabilitation New construction</p>	<p>Project is located in an EPA-designated non-attainment area or maintenance area for one or more of six "criteria pollutants," called National Ambient Air Quality Standards (NAAQS).</p> <p>Criteria pollutants (NAAQS): http://www.epa.gov/air/criteria.html</p>	<p>Designated non-attainment and maintenance areas are listed on EPA web site: http://www.epa.gov/oar/oaqps/greenbk/</p> <p>County-level air quality data: http://www.epa.gov/oar/oaqps/greenbk/multipol.html</p> <p>Maps of non-attainment areas: http://www.epa.gov/airdata/</p>	<p>A determination of conformity with the State Implementation Plan (SIP) is required with respect to the proposed activity and the specific pollutant for which the area was designated a non-attainment or maintenance area.</p> <p>Document that the activity does/does not require SIP compliance. Contact the MPO or EPA to determine if the proposed activity is one that requires a permit under the SIP. If yes, obtain letter of consistency showing that the project is consistent with the SIP.</p>	<p>Conformity to SIP is made by: Regional or Metropolitan Planning Organization (MPO); or EPA Regional Office.</p> <p>Status of non-attainment areas and EPA policy questions are addressed by EPA Regional Office.</p> <p>EPA Region 6 SIPs, State and local AQ contacts: http://www.epa.gov/region06/air/index.htm</p> <p>HUD Q&A: http://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/environment/review/cleanair</p>
<p>9. 58.5(h) Farmlands Protection</p> <p>Farmland Protection Policy Act of 1981 (7 U.S.C. 4201 et seq.), particularly sections 1504(b) & 1541</p> <p>7 CFR Part 658, "Farmland Protection Policy" (USDA)</p>	<p>Acquisition of undeveloped land Conversion of undeveloped land New construction Site clearance</p>	<p>Project is located in area that includes prime farmland, unique farmland, or land of statewide or local importance. Can include forest land, pastureland or cropland, but not water or urbanized land. Urban land is exempt if the land is "already in" or "committed" to urban development per 7 CFR 658.2(a).</p>	<p>NRCS soil maps (95% of nation's counties): http://websoilsurvey.nrcs.usda.gov/app/</p> <p>Alternatively, contact local Natural Resources Conservation Service (NRCS) office to determine the potential presence of protected farmland.</p>	<p>Site assessment by NRCS is required to determine impact of the farmland conversion. Form #AD-1006 rates 12 criteria. Sponsor must submit form to NRCS, which has 45 days to make a determination.</p> <p>Form AD-1006 and instructions: http://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb1045394.pdf</p> <p>http://www.nrcs.usda.gov/wps/po</p>	<p>County offices for Natural Resources Conservation Services (NRCS) listed at: http://offices.sc.egov.usda.gov/locator/app</p> <p>NRCS and FPPA: http://www.nrcs.usda.gov/programs/fppa/</p> <p>HUD Q&A: http://portal.hud.gov/hudportal/HUD?src=/program</p>

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				tal/nrcs/detail/national/programs/alphabetical/fppa/?&cid=nrcs143_008275	offices/comm_planning/environment/review/farmlands
<p>10. 58.5(i) Noise Abatement & Control</p> <p>Noise Control Act of 1972, as amended by the Quiet Communities Act of 1978.</p> <p>24 CFR Part 51 Subpart B "Noise Abatement and Control" (HUD)</p>	<p><i>Residential and other noise-sensitive developments (e.g., hospitals, nursing homes, day care, community center, etc.)</i></p> <p>Required: Acquisition for residential or noise-sensitive use Conversion of land use from non-residential to residential New construction</p> <p>Encouraged: Rehabilitation</p>	<p>Project is located within: 1,000 feet of major/busy road, 3,000 feet of railway, 15 miles of airport (civil or military).</p> <p>HUD interior noise goal is 45 decibels (DNL) or lower.</p> <p>HUD exterior noise goal is 55 decibels (DNL) or lower, although 65 DNL is considered acceptable.</p>	<p>Noise assessment data sources include: local or state highway departments; local or regional planning departments; public works departments; railroad dispatch offices; and airport operators.</p> <p>Airport noise contour maps are shown on Airport Layout Plan (civil airport) or AICUZ Study (military airfield).</p> <p>Civil airports subject to HUD noise requirements are those designated in the FAA's "National Plan of Integrated Airport System" (NPIAS): http://www.faa.gov/airports/planning_capacity/npias/reports/ Both Commercial Service (CS) and Primary (P) airports have noise contours maps available General Aviation (GA) airports with less than 9000 enplanements may be assumed to not present a community noise concern; otherwise, consult airport operator</p>	<p>Perform noise assessment in accordance with the Noise Assessment Guidelines (NAG) in guidebook HUD-953-CPD(1). For airports, use the airport's noise contour maps to determine noise levels (the contour lines are expressed in DNL noise levels).</p> <p>Noise level calculator: http://www.hud.gov/offices/cpd/environment/dnicalculator.cfm</p> <p>Projected noise levels: 65-75 DNL "Normally Unacceptable;" requires mitigation or attenuation. >75 DNL "Unacceptable;" requires rejection in most cases unless mitigated.</p> <p>Noise barrier calculator: http://www.hud.gov/offices/cpd/environment/mitigation.cfm</p> <p>Building wall mitigation calculator - Sound Transmission Classification Assessment Tool (STraCAT): http://portal.hud.gov/hudstracat/noiseCalcEntry.jsp</p>	<p>Traffic volumes - Road: Texas http://www.dot.state.tx.us/travel/traffic_maps/default.htm New Mexico http://dot.state.nm.us/content/nmdot/en/Infrastructure/Engineering_Support.html#f Oklahoma http://www.okladot.state.ok.us/maps/index.htm Arkansas http://www.arkansashighways.com/planning_research/technical_services/traffic_map.aspx Louisiana http://www.dotd.la.gov/dolist.asp?ID=17</p> <p>Rail information: http://www.railamerica.com/home.aspx http://safetydata.fra.dot.gov/OfficeofSafety/publicsite/crossing/xingqryloc.aspx Texas http://ftp.dot.state.tx.us/pub/txdot-info/rail/railroad_map.pdf New Mexico http://newmexico.org/map/ Oklahoma http://www.okladot.state.ok</p>

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					k.us/hqdiv/p-r-div/maps/railroad/index.htm http://www.okladot.state.ok.us/rail/rail-plan/pdfs/open_house_borders.pdf Arkansas http://www.arkansashighways.com/maps.aspx Louisiana http://www.dotd.la.gov/intemodal/LA_Rail_Plan.pdf Barrier guidance (FHWA): http://www.fhwa.dot.gov/environment/keepdown.htm HUD noise guidebook: http://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/environment/training/guidebooks/noise
11. 58.5(i) Explosive and Flammable Operations Housing and Community Development Act of 1974, as amended. 24 CFR Part 51 Subpart C "Siting of HUD-Assisted Projects Near Hazardous Operations Handling Petroleum Products or Chemicals of an	Residential project when the activity is: New construction Rehabilitation, where unit density increased Conversion of land use from non-residential to residential use <i>Vacant building made habitable</i> or <i>Any project for industrial, commercial, institutional, or recreational use when the activity is:</i> New construction Conversion of land use	Project is located within sight of or in proximity to a stationary hazardous facility that stores, handles or processes chemicals or petrochemicals of an explosive or flammable nature, such as liquid propane, gasoline or other above-ground storage tanks. Mobile tanks (including railroad cars), buried tanks, residential tanks for 1-4 unit housing, and tanks with less than 100-gallon capacity and having common fuels are excluded.	Site inspection, aerial photo analysis and/or contact local fire protection or emergency management agencies as to presence of hazardous industrial operations in vicinity of project. Contact local operator of such facility to determine the type and volume of fuels and chemicals of an explosive or flammable nature.	Calculate the acceptable separation distance (ASD) per guidebook HUD-1060-CPD (1996), "Siting of HUD-Assisted Projects Near Hazardous Facilities," and apply appropriate mitigation measures or reject the site. Electronic calculator of ASD: http://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/environment/asdcalculator Mitigation may include construction of a barrier of adequate size and strength to protect the building and	Contact HUD Field Environmental Officer for tanks having over 1 million-gallon capacity. HUD explosive/flammable hazard guidebook: http://portal.hud.gov/hudportal/documents/huddoc?id=HUD-Guidebook.pdf http://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/environment/training/guidebooks/hazfacilities

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Explosive or Flammable Nature" (HUD)				occupants.	HUD Q&A: http://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/environment/review/explosive
<p>12. 58.5(i) Airport Hazards</p> <p>24 CFR Part 51-D "Siting of HUD-Assisted Projects in Runway Clear Zones at Civil Airports and Clear Zones and Accident Potential Zones at Military Airfields" (HUD)</p>	<p>Acquisition for construction Change in land use Increase in density Major ('substantial') rehabilitation New construction</p> <p>Where airport is: Civil airport designated in Nat'l Plan of Integrated Airport System (NPIAS): http://www.faa.gov/airports/planning_capacity/npias/reports/</p> <p>All military air installations (Note: See also Clear Zone notification).</p>	<p>Project is located within 2,500 feet of the end of a civil airport runway or 15,000 feet of the end of a military airfield runway.</p> <p>HUD policy is to promote compatible land uses in RCZ/CZ/APZ.</p>	<p>Airport clear zone and accident potential zone (APZ) maps are available from airport operations authority.</p> <p>Civil airport: The Airport Layout Plan shows the Runway Clear Zone (RCZ), [a.k.a. Runway Protection Zone].</p> <p>Military airfield: The AICUZ Study shows the CZ and APZ.</p>	<p>RCZ/CZ: New construction, major rehabilitation, and activities that significantly prolong physical or economic life of the property are prohibited.</p> <p>APZ: HUD assistance in APZ is discouraged, and project must be compatible with DOD land use guidelines for APZs.</p>	<p>Contact airport operator or nearest FAA District office.</p> <p>Airport locations: Civil NPIAS http://www.faa.gov/airports/planning_capacity/npias/reports/ and http://www.airnav.com/airports/</p> <p>Military Bases: http://www.globalsecurity.org/military/facility/conus.htm and http://www.globemaster.doe/bases.html</p> <p>HUD Q&A: http://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/environment/review/explosive</p>
<p>13. 58.5(i) Contamination and Toxic Substances</p> <p>24 CFR Part 58.5 (i) (2) (HUD).</p>	<p>Acquisition Conversion from non-residential to residential. Demolition Leasing New construction Rehabilitation</p>	<p>Project is located on or near site that contains hazardous materials or contaminants that could affect the health and safety of occupants or that conflict with the intended utilization of the property.</p>	<p>Documentation may consist of Phase I environmental site assessment (ASTM standard E1527-05, as amended) and, if applicable, Phase II assessment.</p> <p>Additional/alternative</p>	<p>Due diligence must be exercised to ascertain the presence of contamination.</p> <p>In many cases, a Phase I environmental site assessment (ASTM standard E1527-05, as amended) must be performed. If</p>	<p>NEPAassist: http://134.67.99.123/nepassist/entry.aspx</p> <p>EPA Envirofacts Data: http://www.epa.gov/enviro/</p>

Environmental Issue/Impact (Statute, Authority &/or Regulation)	Applicable Activities	Threshold for Action (Analysis/Evaluation/ Consultation)	Source Documentation (Map/On-line Listing/ Agency Contacts)	Action Required	Further Information
	Multifamily Residential Industrial and non-residential properties	<p>Particular attention to be given to any site located on or in general proximity to landfills, dumps, industrial sites, gas stations or other locations that contain hazardous wastes or materials.</p> <p>HUD policy is to ensure that all property proposed for use in HUD programs be free of hazardous materials, contamination, toxic chemicals and gasses, and radioactive substances, where a hazard could affect the health and safety of occupants or conflict with the intended utilization of the property.</p>	<p>documentation may include: Site inspection(s) by knowledgeable professional(s). Search of EPA and other databases for sites and facilities posing real or potential contamination concerns (including NPL (Superfund), TRI, RCRA sites and facilities). Analysis of past uses of the site and adjacent properties as documented by Sanborn Fire Insurance Rate Maps (or equivalent historic maps).</p> <p>ASTM Phase I and Phase II protocols are available at: http://www.astm.org/cgi-bin/SoftCart.exe/index.shtml?E+mystore</p> <p>Current ASTM Phase I standard (E1527-05): http://www.astm.org/cgi-bin/SoftCart.exe/DATABASE.CART/PAGES/E1527.htm?L+mystore+iweh6695+1022889987</p> <p>NOTE: A person may purchase property with the knowledge that the property is contaminated without being held potentially liable for the cleanup of the contamination. Conducting "all appropriate inquiries" (AAI) into the previous ownership and uses of a property is one of the requirements for claiming CERCLA liability protection.</p> <p>The federal (USEPA) standard for performing AAI was effective 11/01/06. The AAI final rule is found at 40 CFR 312.</p>	<p>the Phase I assessment identifies recognized environmental conditions or if the results are inconclusive, a Phase II environmental site assessment will be required.</p> <p>Based upon the Phase II results, remediation, mitigation and monitoring measures may be required.</p> <p>Such measures must be consistent with Federal, State and local laws and regulations, and must be implemented by qualified professionals.</p> <p>Specific forms of remediation are not prescribed by HUD and may vary depending on the nature of the hazard.</p>	<p>EPA Toxic Release Inventory (TRI): http://www.epa.gov/enviro/html/toxic_releases.html</p> <p>EPA Maps: http://www.epa.gov/emef/data/em4ef.home</p> <p>EPA CERCLIS/NPL – Superfund database http://www.epa.gov/superfund/sites/query/basic.htm</p> <p>ATSDR "ToxFAQs" summaries about hazardous substances: http://www.atsdr.cdc.gov/toxfaq/index.asp</p> <p>Right-To-Know Network: EPA databases, including TRI (Toxic Release Inventory); NPL & CERCLIS; RCRA: http://www.rtknet.org/</p> <p>Scorecard.Org: Releases of toxic chemicals Cancer risks from hazardous air pollutants Superfund sites Facilities emitting criteria air pollutants http://www.scorecard.org/community/ei-index.tcl</p> <p>State voluntary cleanup programs: Texas Commission on Environmental Quality (TCEQ) http://www.tceq.state.tx.u</p>

Environmental Issue/Impact (Statute, Authority &/or Regulation)	Applicable Activities	Threshold for Action (Analysis/Evaluation/ Consultation)	Source Documentation (Map/On-line Listing/ Agency Contacts)	Action Required	Further Information
			<p>http://www.epa.gov/swerosps/bf/aai/index.htm</p> <p>The ASTM E1527-05 Phase I standard is consistent and complaint with EPA's final rule for AAI and may be used to comply with the provisions of AAI.</p>		<p>s/remediation/vcp/vcp.html</p> <p>Oklahoma Dept of Environmental Quality (ODEQ) http://www.deg.state.ok.us/lpdnew/VCPIndex.htm</p> <p>Louisiana Dept of Environmental Quality (LDEQ) http://www.deg.louisiana.gov/portal/Default.aspx?tabid=1667</p> <p>Arkansas Dept of Environmental Quality (ADEQ) http://www.adeg.state.ar.us/hazwaste/bf/default.htm</p> <p>New Mexico Environmental Dept (NMED) http://www.nmenv.state.nm.us/gwb/NMED-GWQB-VoluntaryRemediationProgram.htm</p> <p>FAQs about USTs: http://www.epa.gov/swerst1/faqs/index.htm</p> <p>EPA Cleanup Guidance: http://clu-in.org/</p> <p>HUD Guidelines on hazardous, toxic or radioactive substances. http://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/environment/review/hazardous</p>

Environmental Issue/Impact (Statute, Authority &/or Regulation)	Applicable Activities	Threshold for Action (Analysis/Evaluation/ Consultation)	Source Documentation (Map/On-line Listing/ Agency Contacts)	Action Required	Further Information
<p>14. 58.5(j) Environmental Justice</p> <p>E.O. 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations"</p>	<p>Applies when an adverse impact or condition occurs with respect to an environmental issue;</p> <p><i>and,</i></p> <p>When the activity is: Acquisition Change of land use Demolition Major rehabilitation New construction</p>	<p>Project site or neighborhood suffers from adverse health or environmental effects which disproportionately impact a minority or low-income population relative to the community at large.</p> <p>The potential for new or continued adverse health or environmental effects must be considered.</p>	<p>EPA's "EJ View" Tool provides information relevant to EJ assessments: http://epamap14.epa.gov/ejmap/entry.html</p> <p>Census and geospatial data from local and regional planning agencies. Census data and maps also avail-able at: http://factfinder.census.gov/home/saff/main.html</p> <p>and: http://www.census.gov/</p> <p>Tract-level data on race & income: http://www.ffiec.gov/geocode</p>	<p>Perform an EJ analysis using census, geographic and other data to determine if a low-income/minority population is disproportionately impacted.</p> <p>If susceptible populations are impacted: Mitigation or avoidance of adverse impacts must be considered to the extent practicable; and, Public participation processes must involve the affected population(s) in the decision-making process.</p>	<p>EJ maps & analysis, by location: http://www.scorecard.org/community/ej-index.tcl</p> <p>EPA Maps: http://epamap14.epa.gov/ejmap/entry.html</p> <p>CEQ guide to NEPA & EJ http://ceq.hss.doe.gov/nea/regs/ej/justice.pdf</p> <p>Human Health & Toxicology: CDC (NIOSH) http://www.cdc.gov/niosh/topics/chemical.html</p> <p>ATSDR http://www.atsdr.cdc.gov/</p> <p>EPA (IRIS) http://cfpub.epa.gov/ncea/iris/index.cfm</p> <p>HUD Q&A: http://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/environment/review/justice</p>

B. 24 CFR §58.6 – Other Requirements

<p>1. 58.6(a) Flood Disaster Protection Act of 1973 & 58.6(b) Nation Flood Insurance Reform Act of 1994 (42 U.S.C. sec 4001f)</p> <p>44 CFR Parts 59-77 "Regulations of the National Flood Insurance Program" (FEMA)</p>	<p>All HUD programs that provide assistance to buildings.</p> <p><u>Exceptions:</u> Leasing without rehab, acquisition or improvements Loans < \$5,000 repaid within 1 year Maintenance State-administered formula grants (i.e., CDBG, HOME & ESG programs)</p> <p><u>Inapplicable:</u> Improvements or repairs costing less than the deductible of a standard flood insurance policy on a building (current FEMA deductible is \$500).</p>	<p>Project is located within Special Flood Hazard Area (SFHA is the 100-year floodplain).</p>	<p>FEMA Flood Insurance Rate Maps (FIRM) or Flood Hazard Boundary Maps (FHBM).</p> <p>FIRMETTE maps, which cover small areas (approx. 1 sq. mile), can be obtained at no charge on-line: http://www.store.msc.fema.gov</p>	<p>Property owner must purchase and maintain flood insurance protection.</p> <p>Coverage is limited to the building and improvements only. No coverage is available for land.</p> <p>Coverage requirements:</p> <p>Grants – Term is for life of the building, regardless of transfer of ownership; and coverage amount is equal to total project cost (up to maximum coverage limit).</p> <p>Loans – Term equal to that of the loan; coverage amount equal to that of the loan (up to maximum coverage limit).</p>	<p>FEMA "Mandatory Purchase of Flood Insurance" Guidelines: http://www.fema.gov/library/viewRecord.do?id=2954</p> <p>FEMA Nat'l Flood Insurance Program (NFIP): http://www.fema.gov/business/nfip/index.shtml and FEMA "FloodSmart": http://www.floodsmart.gov/floodsmart/pages/index.jsp</p> <p>Community status of participation in National Flood Insurance Program: www.fema.gov/fema/csb.shtml</p> <p>HUD Q&A: http://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/environment/review/floodinsurance</p>
<p>2. 58.6 (c) Coastal Barrier Resources Act, as amended by Coastal Barrier Improvement Act of 1990 (16 U.S.C. 3501)</p>	<p>All activities having a physical impact</p>	<p>Project is located in a community listed in the Coastal Barrier Resources System (CBRS).</p>	<p>CBRS maps on USFWS and FEMA websites: http://www.fws.gov/CBRA/ http://coastalmanagement.noaa.gov/mystate/welcome.html</p> <p>Coastal barriers also displayed on FEMA Flood Insurance Rate Map (FIRM)</p>	<p>Federal funding is prohibited for projects located within a designated coastal barrier.</p>	<p>FEMA: http://www.fema.gov/pdf/nfip/manual200505/18cbrs.pdf</p> <p>HUD Q&A: http://portal.hud.gov/hudportal/documents/huddoc?id=DOC_12983.pdf</p>

<p>3. 58.6(d) Runway Clear Zones and Clear Zones</p> <p>24 CFR Part 51 Subpart D "Siting of HUD-Assisted Projects in Clear Zones and Accident Potential Zones" (HUD)</p>	<p>Purchase or sale of real property</p>	<p>Project is located within 2,500 feet of the end of a civil airport runway or 15,000 feet of the end of a military airfield runway.</p>	<p>Airport clear zone maps available from airport operations authority.</p>	<p>Purchase or sale of a property in a CZ requires notification to buyer per 24 CFR Part 58.6(d).</p> <p>The notice informs the prospective buyer of potential hazards from airplane accidents and the potential by airport or airfield operators who may wish to purchase the property at some point in the future.</p>	<p>Contact airport operator or nearest FAA District office.</p> <p>Sample notice and HUD Q&A: http://portal.hud.gov/hudportal/documents/huddoc?id=DOC_14226.pdf</p>
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