

**WEST VIRGINIA HOUSING DEVELOPMENT FUND  
5710 MACCORKLE AVENUE, SE  
CHARLESTON, WV 25304  
304-391-8600**

**HOME DEPARTMENT  
24 CFR PART 58  
COMPLIANCE GUIDEBOOK**



**2018**

## Table of Contents

Restrictions on Obligating HUD Funds Prior to Completion of the Environmental Review Process	1
Environmental Review Records	1
Contents of an Environmental Review Record - §58.38	2
Project Descriptions	3
Environmental Review Determinations	3
A. Determination of Exemption for Activities Listed at 24 CFR §58.34	
B. Determination of Categorical Exclusion Not Subject to §58.5 (CENST) for Activities Listed at 24 CFR §58.35(b)	
C. Determination of Categorical Exclusion Subject to §58.5 (CEST) for Activities Listed at 24 CFR §58.35(a)	
D. Determination of Environmental Assessments §58.36	
E. Determination of Environmental Impact Statement (EIS) §58.37	
Exemption Determination for Activities Listed at 24 CFR §58.34	5
Categorical Exclusion Not subject to §58.5 Determination for Activities Listed at 24 CFR §58.35(b)	6
Categorical Exclusion Subject to §58.5 Determination for Activities Listed at 24 CFR §58.35(a)	7
Compliance with §58.5, Related Federal Laws and Authorities	9
Statutory Checklist for Compliance with 24 CFR §58.5 – NEPA Related Federal Laws and Authorities	11
Worksheet for Preparing 24 CFR §58.5 Statutory Checklist (Optional)	13
Compliance with §58.6, Other Requirements	36
Compliance Checklist for 24 CFR §58.6, Other Requirements	37
Flood Insurance Protection Requirements	39
Notice to Prospective Buyers of Properties Located in Runway Clear Zones and Clear Zones	40
Environmental Assessments	41
Environmental Assessment Determinations and Compliance Findings for HUD-assisted Projects 24 CFR Part 58	42
Environmental Assessment Worksheet (Optional Tool)	49
Public Notices and Comment Periods	59
Example 8-Step Decision Making Process for Projects in the Floodplain	60
Early Notice and Public Review of a Proposed Activity in a [100-Year/500-year Floodplain or Wetland]	65
Final Notice and Public Explanation of a Proposed Activity in a [100-Year/500-year Floodplain or Wetland]	66
Historic Preservation / WV Information Sheet for Section 106 Review (Suggested Format)	67
ASTM Phase I Environmental Site Assessment (E1527-05 / E1527-13) Guidance Checklist	69
ATTACHMENTS:	
Environmental Worksheets	
HUD Guide to Environmental Compliance: NEPA-Related Statutes, Authorities and Requirements	

## **Restrictions on Obligating HUD Funds Prior to Completion of the Environmental Review Process**

Commitment of 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 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).

### **Environmental Review Records**

The West Virginia Housing Development Fund (the Fund), who is the Responsible Entity (RE), 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.

## Contents of an Environmental Review Record - §58.38

This outline offers ideas for organizing the ERR for 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.

## Project Descriptions

Including a complete project description is essential for proper completion of HUD environmental reviews. Project descriptions should include the purpose and need for the project, exact geographic location of the project, and captures the maximum anticipated scope of the proposal. It should include all contemplated actions which logically are, either geographically or functionally, a composite part of the project, regardless of the source of funding. Describe all physical aspects of the project, such as plans for multiple phases of development, building size (building square footage and unit configuration of each building) and number of buildings, and activities to be undertaken. Include details of the physical impacts of the project, including whether there will be ground disturbance. The description should also include the total estimated project cost and the total estimated HUD funds and non-HUD funds to be used. If applicable, indicate whether the project site will require acquisition or if the sponsor already has ownership. If the project involves rehabilitation, the description must include the value of the property as-is and after rehabilitation, (using the cost approach and income approach) as evidenced by a professionally- prepared appraisal.

Inadequate project descriptions are one of the major causes of violations of Part 58 where activities are undertaken prior to environmental clearance. It can result in activities being overlooked which are not then later covered by the environmental review or project locations that are not specific are later found not be covered by an environmental review.

## 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 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 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, 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.
- 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.

## Exemption Determination for Activities Listed at 24 CFR §58.34

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

Location: \_\_\_\_\_

Funding Source: HOME

Estimated Funding Amount: \_\_\_\_\_

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

	58.34(a) (1). Environmental & other studies, resource identification & the development of plans & strategies;
	58.34(a) (2) Information and financial services;
	58.34(a) (3) Administrative and management activities;
	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;
	58.34(a) (5) Inspections and testing of properties for hazards or defects;
	58.34(a) (6) Purchase of insurance;
	58.34(a) (7) Purchase of tools;
	58.34(a) (8) Engineering or design costs;
	58.34(a) (9) Technical assistance and training;
	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;
	58.34(a) (11) Payment of principal and interest on loans made or obligations guaranteed by HUD;
	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)

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

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

Location: \_\_\_\_\_

Funding Source: HOME

Estimated Funding Amount: \_\_\_\_\_

I have reviewed and determined that the abovementioned project is a Categorically 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 Categorically 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)



**CATEGORICAL EXCLUSION SUBJECT TO §58.5 DETERMINATION FOR ACTIVITIES LISTED AT  
24 CFR §58.35(a)**

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

Location: \_\_\_\_\_  
 Funding Source: HOME  
 Estimated Funding Amount: \_\_\_\_\_

I have reviewed and determined that the above-mentioned project is a Categorically 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;
<input type="checkbox"/>	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; <b>AND</b> (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

	<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>
	<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>
	<p>58.35(a) (6). Combinations of the above activities.</p>

The responsible entity must also complete and attach a **§58.5 Statutory Checklist and 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 Categorical 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)

## 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 9.

### 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).
- **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.

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

(Must be completed for each individual address included under overall project description)

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

Project Name: \_\_\_\_\_

Project Address # \_\_\_\_\_

- 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
Historic Properties 58.5(a) [36 CFR 800]				
Floodplain Management 58.5(b)(1) [24 CFR 55, Executive Order 11988]				
Wetland Protection 58.5(b)(2) [24 CFR 55, Executive Order 11990]				
Coastal Zone Management 58.5(c) [Coastal Zone Management Act sections 307(c) & (d)]				
Sole Source Aquifers 58.5(d) [40 CFR 149]				
Endangered Species 58.5(e) [50 CFR 402]				
Wild and Scenic Rivers 58.5(f) [36 CFR 297]				
Air Quality 58.5(g) [40 CFR parts 6, 51,61, 93]				
Farmland Protection 58.5(h) [7 CFR 658]				
Noise Abatement and Control 58.5(i)(1) [24 CFR 51B]				
Explosive and Flammable Operations 58.5 (i)(1) [24 CFR 51C]				
Airport Hazards (Runway Clear Zones and Clear Zones/Accident Potential Zones) 58.5(i)(1) [24 CFR 51D]				
Contamination and Toxic Substances 58.5(i)(2)				
Environmental Justice 58.5(j) [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 [Optional Tool]

### 1. §58.5(a) Historic Properties [36 CFR Part 800] <https://www.ecfr.gov/cgi-bin/text-idx?SID=177c86793588a2c1f8060c33b30058e1&mc=true&node=pt36.3.800&rgn=div5>

#### 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 to 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>

Historic Preservation HUD Guidance:

<https://www.hudexchange.info/environmental-review/historic-preservation>

Historic Preservation Webinar:

[https://www.onecpd.info/learning-center/environmental-review-training/#Historic Preservation](https://www.onecpd.info/learning-center/environmental-review-training/#Historic%20Preservation)

[https://www.onecpd.info/learning-center/environmental-review-training/#Consulting with Indian Tribes](https://www.onecpd.info/learning-center/environmental-review-training/#Consulting%20with%20Indian%20Tribes)

Section 106 Agreements Database:

<https://www.onecpd.info/resource/3675/section-106-agreement-database/>

**2. §58.5(b)(1) Floodplain Management [24 CFR Part 55] [E.O. 11988]**

- 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

- b. Does the project involve the removal of material and architectural barriers that restrict the mobility of and accessibility to elderly and persons with disabilities?

Yes  No

**If Yes to a or b**, 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 have an impact on) a 100-year floodplain (Zone A) or Coastal High Hazard (Zone V) identified by FEMA maps?

Yes  No

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

Yes  No

**If Yes to (b) or (c)**, follow HUD’s Floodplain Management Regulations 8-Step/5-Step decision-making process of §55.20 to comply with 24 CFR Part 55. The 8-Step/5-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 2 for an example of the 8-Step decision-making process. The 8-step 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.

- e. 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.

- f. 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

- g.** 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 area **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:

Floodplain Management HUD Guidance:

<https://www.onecpd.info/environmental-review/floodplain-management/>

FEMA Map Service Center:

<http://www.msc.fema.gov>

### **3. §58.5(b)(2) Wetlands Protection [24 CFR Part 55] [E.O. 11990]**

- a.** Does the project involve new construction, land use conversion, or substantial improvements as defined in 24CFR Part 55?

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 National Wetlands Inventory (NWI) maps issued by the US Fish & Wildlife Service (USFWS) or, if not available, National Soil Surveys by National Resources Conservation Service (NRCS)?

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 b – e 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 b - e 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:

Wetlands Protection HUD Guidance:

<https://www.onecpd.info/environmental-review/wetlands-protection/>

USFWS National Wetlands Inventory – Geospatial Wetlands Digital Data:

<https://www.fws.gov/wetlands/data/Mapper.html>

Recognizing wetlands:

[http://www.usace.army.mil/Portals/2/docs/civilworks/regulatory/rw\\_bro.pdf](http://www.usace.army.mil/Portals/2/docs/civilworks/regulatory/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, 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:

Coastal Zone Management HUD Guidance:

<https://www.onecpd.info/environmental-review/coastal-zone-management/>

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

<https://coast.noaa.gov/czm/mystate/?redirect=301ocm>

## 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:

Sole Source Aquifer HUD Guidance:

<https://www.onecpd.info/environmental-review/sole-source-aquifers/>

EPA Sole Source Aquifers:

<https://epa.maps.arcgis.com/apps/webappviewer/index.html?id=9ebb047ba3ec41ada1877155fe31356b>

## 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 USFWS 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).

ESA HUD Guidance:

<https://www.onecpd.info/environmental-review/endangered-species/>

ESA HUD Webinar:

[https://www.onecpd.info/learning-center/environmental-review-training/#Protecting\\_our\\_Natural\\_Resources](https://www.onecpd.info/learning-center/environmental-review-training/#Protecting_our_Natural_Resources)

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

IPaC Information for Planning & Consultation:

<https://ecos.fws.gov/ipac/>

## 7. §58.5(f) Wild and Scenic Rivers [36 CFR Part 297]

- a. Does the project involve new construction, land use conversion, 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 or an inventory river?  
 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:

Wild and Scenic Rivers HUD Guidance:

<https://www.onecpd.info/environmental-review/wild-and-scenic-rivers/>

HUD Wild and Scenic Rivers Webinar:

[https://www.onecpd.info/learning-center/environmental-review-training/#Protecting\\_our Natural Resources](https://www.onecpd.info/learning-center/environmental-review-training/#Protecting_our_Natural_Resources)

Designated Rivers <http://www.rivers.gov/map.php>

Study Rivers <http://www.rivers.gov/study.php>

National River Inventory (NRI) listed rivers: <http://www.nps.gov/ncrc/programs/rtca/nri/index.html>

## 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 and environmental assessment or environmental impact statement?

Yes  No

If Yes, continue.



If No, compliance with 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. Has EPA or the State provided a written determination that the project will not 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 "A" on the Statutory Checklist for this authority.

- f. Did EPA or the State provide a Letter of Consistency with the 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 "A" on the Statutory Checklist for this authority.

**If No**, continue.

- g. 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.

- 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:

Air Quality HUD Guidance:

<https://www.onecpd.info/environmental-review/air-quality/>

HUD Air Quality Webinar:

[https://www.onecpd.info/learning-center/environmental-review-training/#Clean Air Act Compliance](https://www.onecpd.info/learning-center/environmental-review-training/#CleanAirActCompliance)

The Green Book Nonattainment Areas for Criteria Pollutants:

<https://www.epa.gov/green-book>

Approved Air Quality State Implementation Plans:

<https://www.epa.gov/air-quality-implementation-plans/approved-air-quality-implementation-plans>

## 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 zoned to urban and/or residential uses as mapped by the Census Bureau?

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

Farmland Protection HUD Guidance:

<https://www.onecpd.info/environmental-review/farmlands-protection/>

HUD FPPA Webinar:

[https://www.onecpd.info/learning-center/environmental-review-training/#Protecting\\_our\\_Natural\\_Resources](https://www.onecpd.info/learning-center/environmental-review-training/#Protecting_our_Natural_Resources)

Census Data Mapper:

<https://tigerweb.geo.census.gov/tigerweb/>

## 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 No**, compliance with this section is complete. Mark box "A" on the Statutory Checklist for this authority.

**If Yes**, continue.

- d. If the answer to "c" above is "yes," does the project involve rehabilitation?  
 Yes  No

If Yes, noise attenuation measures are strongly encouraged for rehabilitation and new construction to reduce noise levels to below 65dB. Mark box "B" on the Statutory Checklist for this authority. List all attenuation measures in the mitigation section of the Statutory Checklist.

**If No**, continue.

- e. If the answer to “c” is yes, does the project involve new construction?  
 Yes  No  
 If Yes, Special Environmental Clearance is required (an Environmental Assessment). Noise attenuation measures are required for new construction to reduce noise levels to below 65dB. Mark box “B” on the Statutory Checklist for this authority. List all attenuation measures in the mitigation section of the Statutory Checklist.  
**If No**, Continue.
- f. Do noise calculations or airport noise contour maps indicate outdoor noise levels above 75dB?  
 Yes  No  
**If Yes**, continue.  
**If No**, compliance is completed with respect to steps a-d above.
- g. If noise levels are above 75 dB, does the project involve new construction?  
 Yes  No  
**If Yes**, HUD assistance for the construction of new noise sensitive uses is generally prohibited for projects with unacceptable noise exposure (>75dB). An Environmental Impact Statement (EIS) is required. Compliance cannot be achieved without either completion of an EIS or processing of an EIS waiver.  
**If No**, compliance is complete with respect to steps a-e above.
- h. If outdoor noise levels are > 75 dB and the project involves new construction, was an EIS waiver processed?  
 Yes  No  
**If Yes**, compliance is complete. Attach the EIS waiver, signed by the Certifying Officer. Mark box “B” of the Statutory Checklist and list all outdoor and indoor attenuation measures to reduce outdoor noise levels to 65 dB and indoor noise levels to 45 dB in the mitigation section of the Statutory Checklist.  
**If No**, proceed with preparation of an EIS or deny the project.

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 Guidance:

<https://www.onecpd.info/environmental-review/noise-abatement-and-control/>

<https://www.hudexchange.info/programs/environmental-review/dnl-calculator/>

<https://www.hudexchange.info/resources/documents/Day-Night-Noise-Level-Assessment-Tool-User-Guide.pdf>

HUD Noise Webinar:

[https://www.onecpd.info/learning-center/environmental-review-training/#Noise Assessment Training](https://www.onecpd.info/learning-center/environmental-review-training/#Noise%20Assessment%20Training)

FAA: [http://www.faa.gov/airports/planning\\_capacity/npas/reports/](http://www.faa.gov/airports/planning_capacity/npas/reports/)

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

**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 professional which documents 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 b – d 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 b – d 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:

<https://www.onecpd.info/environmental-review/explosive-and-flammable-facilities/>

HUD Explosives Webinar:

[https://www.onecpd.info/learning-center/environmental-review-training/#Acceptable Separation Distance \(ASD\) Training](https://www.onecpd.info/learning-center/environmental-review-training/#Acceptable%20Separation%20Distance%20(ASD) Training)

Acceptable Separation Distance Guidebook: <https://www.onecpd.info/resource/2762/acceptable-separation-distance-guidebook/>

Barrier Design Guidance for HUD Assisted Project Near Hazardous Facilities:

<https://www.onecpd.info/resource/2763/barrier-design-guidance-for-hud-assisted-projects-near-hazardous-facil/>

## 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 5,000 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**, 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 5,000 feet of the end of a civilian airport runway, did the Airport Operator provide a written determination that the project is not now and will not be 10 years from now, located 2,500 feet from the end of the civilian runway in a runway clear zone?

Yes  No

If **Yes**, compliance is complete. Mark Box "A" on the Statutory Checklist and attach the Airport Operator's written determination.

If **No**, continue.

- e. If the project is within 15,000 feet of a military airfield did the airfield operator provide a written determination that the project is not currently located in a CZ/APZ and future expansion will not place the property in a CZ/APZ?

Yes  No

If **Yes**, compliance is complete. Mark Box "A" on the Statutory Checklist and attach the Airport Operator's written determination.

If **No**, continue.

- f. If the project is or will be 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.

- h. 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.

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/>

Airport Hazards HUD Guidance:

<https://www.hudexchange.info/environmental-review/airport-hazards/>

### 13. §58.5(i)(2) Contamination and Toxic Substances

#### Government Records Search

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

<b>Standard Environmental Record Sources</b>	<b>ASTM 1527-13 Recommended Minimum Search Distance (mi)</b>	<b>Yes</b>	<b>No</b>
Federal Delisted NPL Site List	0.5		
Federal Comprehensive Environmental Response, Compensation, and Liability Information System (CERCLIS) List	0.5		
Federal CERCLIS No Further Remedial Action Planned (NFRAP) Site List	0.5		
Federal RCRA Non-CORRACTS Treatment, Storage and Disposal (TSD) Facilities List	0.5		
State- and Tribal-Equivalent CERCLIS	0.5		
State and Tribal Landfill and/or Solid Waste Disposal Site Lists	0.5		
State and Tribal Leaking Storage Tank Lists	0.5		
State and Tribal Voluntary Cleanup Sites	0.5		
State and Tribal Brownfield Sites	0.5		
Federal National Priorities List (NPL)	1		
Federal RCRA Correction Action (CORRACTS) Facilities List	1		
State- and Tribal-Equivalent NPL	1		
Federal Institutional Control/Engineering Control Registries	Property Only		
State and Tribal Institutional Control/Engineering Control Registries	Property Only		
Federal Emergency Response and Notification System (ERNS) List	Property Only		
Federal RCRA Generators List	Property/Adjoining Properties		
State and Tribal Registered Storage Tank Lists	Property/Adjoining Properties		

If the project is located within any of the minimum search distances above, then the RE must further evaluate to determine if there has been a release or there is a threat of release to the subject property. Attach supporting documentation to the environmental review to support any conclusion that the site of concern is not a threat.



If a release or threat of release cannot be ruled out, then services of a qualified environmental professional is necessary to further evaluate potential for site contamination. Recommend an ASTM 1527-13 Phase I Environmental Site Assessment (Phase I).

**Prior Uses of the Property**

- b. Has the subject property, adjacent property, or adjoining property ever been used for any of the following types of uses?

	Yes	No		Yes	No
Gas Station			Vehicle Repair Shop		
Car Dealership			Auto Garage		
Depot			Commercial Printing Facility		
Industrial or commercial warehouses			Dry Cleaners		
Photo Developing Laboratory			Hospital		
Junkyard or landfill			Agricultural/Farming Operations		
Tannery			Livestock Operations		

If the evaluation of previous uses results in a yes answer to any of the above, the services of a qualified environmental professional is necessary to rule out site contamination. An ASTM 1527-13 Phase I is recommended.

If the evaluation of previous uses does not identify previous uses of concern, attach supporting documentation for the conclusion to the environmental review.

**Field Site Visit**

- c. Did a visual inspection of the site show the following?

	Yes	No
Distressed vegetation		
Vent or Fill Pipes		
Storage Oil Tanks or Questionable Containers		
Pits, Ponds or Lagoons		
Stained Soil or Pavement (other than water stains)		
Pungent, Foul or Noxious Odors		
Dumped Material or Soil, Mounds of Dirt, Rubble, Fill, etc.		

- 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 or commercial facility disposing of chemicals or hazardous wastes?  
 Yes  No

f. Could a nearby source of 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

**If the site visit identifies a “Yes” answer 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.

**Results of ASTM Site Contamination Reviews**

g. Was an ASTM Phase I Environmental Site Assessment (ESA) report completed for this project? (Strongly recommend an Phase I ESA for land acquisition, new construction, reconstruction or substantial rehabilitation).  
 Yes  No

h. Did a Phase I, or equivalent evaluation, identify the potential for site contamination? [The RE must independently evaluate the Phase I and not rely entirely on the conclusions of whether or not there is a Recognized Environmental Condition (REC). Phase I’s do not always appropriately identify RECs.]  
 Yes  No

i. If there is the potential for site contamination, was an ASTM Phase II Environmental Site Assessment Completed that documented contamination?  
 Yes or  No

j. Did results of the Phase I or Phase II 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

k. If the project site requires remediation, does the RE have the following documentation?

	Yes	No
Remediation Plan		
Regulatory Oversight Agency Approval of the Remediation Plan		
Firm Cost Estimate to Implement the Remediation Plan		
A Secured Source of Funding for Site Remediation		

A project condition that the project construction or rehabilitation cannot proceed until the RE received a No Further Action (NFA) Required or Site Closure Letter from the Regulatory Oversight Agency		
A project condition for Deed Restrictions related to any continuing obligations associated with the remediation plan or NFA or Site Closure Letters		

**If Yes**, then, compliance is complete. Attach supporting documentation to the environmental review. Ensure that all mitigation measures are identified in the environmental review and that there is a mechanism for conveying requirements in agreements and awards. Mark Box B on the Statutory Checklist for this Authority. Attach all supporting documentation.

**If No**, HUD cannot provide assistance for the project at this site.

- j. If the site requires remediation, and the property owner intends to complete the remediation prior to transferring the property to the HUD recipient, can the RE provide documentation of the following?

	Yes	No
Remediation Plan		
Regulatory Oversight Agency Approval of the Remediation Plan		
Purchase contract and closing document requirements for receipt of a No Further Action Required or Site Closure Letter from the Regulatory Oversight Agency prior to closing.		
Deed restrictions for any continuing obligations associated with the remediation plan or NFA or Site Closure Letters		

**If Yes**, then, compliance is complete. Attach supporting documentation to the environmental review. Ensure that all mitigation measures are identified in the environmental review and that there is a mechanism for conveying requirements in agreements and awards. Mark Box B on the Statutory Checklist for this Authority. Attach all supporting documentation.

**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 Site Contamination Webinar:

<https://www.onecpd.info/learning-center/environmental-review-training/#EvaluatingSiteContamination>

HUD Guidance on Site Contamination:

<https://www.onecpd.info/environmental-review/site-contamination/>

NEPAssist: <http://nepassisttool.epa.gov/nepassist/entry.aspx>

EPA Envirofacts Data: <http://www.epa.gov/enviro/>

EPA Toxic Release Inventory (TRI): <https://www.epa.gov/toxics-release-inventory-tri-program>

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>

#### 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 HUD Guidance:

<https://www.onecpd.info/environmental-review/environmental-justice/>

HUD EJ Webinar:

[https://www.onecpd.info/learning-center/environmental-review-training/#Environmental Justice at HUD](https://www.onecpd.info/learning-center/environmental-review-training/#Environmental%20Justice%20at%20HUD)

EJ maps & analysis, by location:

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

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

<https://www.epa.gov/ejscreen>

Census data and maps also available 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:**

## **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). Must be completed for each individual property address included within the project description.**

Project Name: \_\_\_\_\_

Project Address: \_\_\_\_\_

**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: Formula grants made to states, State-owned property, small loans (\$5,000 or less), assisted leasing that is not used for repairs, improvements, or acquisition?

Yes  No

**If Yes**, compliance with this section is complete.

**If No**, 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:

HUD Guidance on Flood Insurance: <https://www.onecpd.info/environmental-review/flood-insurance/>

FEMA Map Service Center: <https://msc.fema.gov/portal>

NFIP Community Status Book: <https://www.fema.gov/national-flood-insurance-program-community-status-book>

**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 HUD Guidance: <https://www.onecpd.info/environmental-review/coastal-barrier-resources/>

CBRA mapper: <http://wim.usgs.gov/cbramapper/cbramapper.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 Guidance: <https://www.onecpd.info/environmental-review/airport-hazards/>

Notice to Prospective Buyers: <https://www.onecpd.info/resource/2758/notice-prospective-buyers-properties-in-runway-clear-zones/>

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 Special Flood Hazard Area (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 airfields 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

## **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 9.

**Environmental Assessment  
Determinations and Compliance Findings for HUD-assisted Projects  
24 CFR Part 58**

**Project Name:** \_\_\_\_\_

**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:** \_\_\_\_\_

**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.

**Statement of Purpose and Need 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)]

**Estimated Total Project Cost (HUD and non-HUD funds) [24 CFR 58.32(d)]:**

## **Compliance with 24 CFR 50.4, 58.5, and 58.6 Laws and Authorities**

Record below the compliance or conformance determinations for each statute, executive order, or regulation. Provide credible, traceable, and supportive source documentation for each authority. Where applicable, complete the necessary reviews or consultations and obtain or note applicable permits of approvals. Clearly note citations, dates/names/titles of contacts, and page references. Attach additional documentation as appropriate.

<b>Compliance Factors:</b> Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5 and §58.6	Are formal compliance steps or mitigation required?	Compliance determinations
<b>STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR 50.4 and 58.6</b>		
<b>Airport Hazards</b>  24 CFR Part 51 Subpart D	Yes    No	
<b>Coastal Barrier Resources</b>  Coastal Barrier Resources Act, as amended by the Coastal Barrier Improvement Act of 1990 [16 USC 3501]	Yes    No	
<b>Flood Insurance</b>  Flood Disaster Protection Act of 1973 and National Flood Insurance Reform Act of 1994 [42 USC 4001-4128 and 42 USC 5154a]	Yes    No	
<b>STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR 50.4 &amp; 58.5</b>		
<b>Clean Air</b>  Clean Air Act, as amended, particularly section 176(c) & (d); 40 CFR Parts 6, 51, 93	Yes    No	
<b>Coastal Zone Management</b>  Coastal Zone Management Act, sections 307(c) & (d)	Yes    No	
<b>Contamination and Toxic Substances</b>  24 CFR Part 50.3(i) & 58.5(i)(2)	Yes    No	
<b>Endangered Species</b>  Endangered Species Act of 1973, particularly section 7; 50 CFR Part 402	Yes    No	

<b>Explosive and Flammable Hazards</b> 24 CFR Part 51 Subpart C	Yes No	
<b>Farmlands Protection</b> Farmland Protection Policy Act of 1981, particularly sections 1504(b) and 1541; 7 CFR Part 658	Yes No	
<b>Floodplain Management</b> Executive Order 11988, particularly section 2(a); 24 CFR Part 55	Yes No	
<b>Historic Preservation</b> National Historic Preservation Act of 1966, particularly sections 106 and 110; 36 CFR Part 800	Yes No	
<b>Noise Abatement and Control</b> Noise Control Act of 1972, as amended by the Quiet Communities Act of 1978; 24 CFR Part 51 Subpart B	Yes No	
<b>Sole Source Aquifers</b> Safe Drinking Water Act of 1974, as amended, particularly section 1424(e); 40 CFR Part 149	Yes No	
<b>Wetlands Protection</b> Executive Order 11990, particularly sections 2 and 5	Yes No	
<b>Wild and Scenic Rivers</b> Wild and Scenic Rivers Act of 1968, particularly section 7(b) and (c)	Yes No	
<b>ENVIRONMENTAL JUSTICE</b>		
<b>Environmental Justice</b> Executive Order 12898	Yes No	

**Environmental Assessment Factors** [24 CFR 58.40; Ref. 40 CFR 1508.8 &1508.27] Recorded below is the qualitative and quantitative significance of the effects of the proposal on the character, features and resources of the project area. Each factor has been evaluated and documented, as appropriate and in proportion to its relevance to the proposed action. Verifiable source documentation has been provided and described in support of each determination, as appropriate. Credible, traceable and supportive source documentation for each authority has been provided. Where applicable, the necessary reviews or consultations have been completed

and applicable permits of approvals have been obtained or noted. Citations, dates/names/titles of contacts, and page references are clear. Additional documentation is attached, as appropriate. **All conditions, attenuation or mitigation measures have been clearly identified.**

**Impact Codes:** Use an impact code from the following list to make the determination of impact for each factor.

- (1) Minor beneficial impact
- (2) No impact anticipated
- (3) Minor Adverse Impact – May require mitigation
- (4) Significant or potentially significant impact requiring avoidance or modification which may require an Environmental Impact Statement

Environmental Assessment Factor	Impact Code	Impact Evaluation
<b>LAND DEVELOPMENT</b>		
Conformance with Plans / Compatible Land Use and Zoning / Scale and Urban Design		
Soil Suitability/ Slope/ Erosion/ Drainage/ Storm Water Runoff		
Hazards and Nuisances including Site Safety and Noise		
Energy Consumption		

Environmental Assessment Factor	Impact Code	Impact Evaluation
<b>SOCIOECONOMIC</b>		
Employment and Income Patterns		
Demographic Character Changes, Displacement		

Environmental Assessment Factor	Impact Code	Impact Evaluation
<b>COMMUNITY FACILITIES AND SERVICES</b>		
Educational and Cultural Facilities		
Commercial Facilities		
Health Care and Social Services		

Solid Waste Disposal / Recycling		
Waste Water / Sanitary Sewers		
Water Supply		
Public Safety - Police, Fire and Emergency Medical		
Parks, Open Space and Recreation		
Transportation and Accessibility		

Environmental Assessment Factor	Impact Code	Impact Evaluation
<b>NATURAL FEATURES</b>		
Unique Natural Features, Water Resources		
Vegetation, Wildlife		
Other Factors		

**Additional Studies Performed:**

**Field Inspection** (Date and completed by):

**List of Sources, Agencies and Persons Consulted** [40 CFR 1508.9(b)]:

**List of Permits Obtained:**

**Public Outreach** [24 CFR 50.23 & 58.43]:



**Cumulative Impact Analysis** [24 CFR 58.32]:

**Alternatives** [24 CFR 58.40(e); 40 CFR 1508.9]

**No Action Alternative** [24 CFR 58.40(e)]:

**Summary of Findings and Conclusions:**

**Mitigation Measures and Conditions [40 CFR 1505.2(c)]**

Summarize below all mitigation measures adopted by the project owner and approved by the Responsible Entity to reduce, avoid, or eliminate adverse environmental impacts and to avoid non-compliance or non-conformance with the above-listed authorities and factors. These measures/conditions must be incorporated into project contracts, development agreements, and other relevant documents. The staff responsible for implementing and monitoring mitigation measures should be clearly identified in the mitigation plan.

Law, Authority, or Factor	Mitigation Measure

**Determination:**

- Finding of No Significant Impact** [24 CFR 58.40(g)(1); 40 CFR 1508.27]  
 The project will not result in a significant impact on the quality of the human environment.
- Finding of Significant Impact** [24 CFR 58.40(g)(2); 40 CFR 1508.27]  
 The project may significantly affect the quality of the human environment.

Preparer Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Name/Title/Organization: \_\_\_\_\_

\_\_\_\_\_

Certifying Officer Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Name/Title: \_\_\_\_\_

This original, signed document and related supporting material must be retained on file by the Responsible Entity in an Environmental Review Record (ERR) for the activity/project (ref: 24 CFR Part 58.38) and in accordance with recordkeeping requirements for the HUD program(s).

# Environmental Assessment Worksheet

(Optional Tool)

## 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 affects 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>b. Will the project be affected by built hazards and nuisances?</b>			
	Yes	No	
Hazardous street Dangerous intersection Through traffic Inadequate separation of pedestrian/vehicle traffic Children's play areas located next to freeway or other high traffic way Inadequate street lighting Quarries or other excavations Dumps/sanitary landfills or mining Railroad crossing			Inadequate screened drainage catchments Hazards in vacant lots Chemical tank-car terminals Other hazardous chemical storage High-pressure gas or liquid petroleum transmission lines on site Overhead transmission lines Hazardous cargo transportation routes Oil or gas wells Industrial operations
			Yes No
<b>c. Will the project be affected by nuisances?</b>			
	Yes	No	
Gas, smoke, fumes Odors Vibration Glare from parking area Vacant/boarded-up buildings			Unightly land uses Front-lawn parking Abandoned vehicle Vermin infestation Industrial nuisances 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:

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

<b>g. Is the project compatible with surrounding land uses in terms of?</b>			
Land Use Height, bulk, mass	Yes No	Building type (low/high-rise) Building Density	Yes No
<b>h. Will the project be unduly influenced by?</b>			
Building deterioration Postponed maintenance Obsolete public facilities	Yes No	Transition of land uses Incompatible land uses Inadequate off-street parking	Yes No
<b>i. Are there air pollution generators nearby which would adversely affect the site?</b>			
Heavy Industry Incinerators Power generating plants Cement plants	Yes No	Large parking facilities (1000 or more cars) Heavy travelled highway (6 or more lanes) Oil refineries Other	Yes No

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 of the project?  
 Yes  No
- b. Will the project either significantly increase or decrease employment opportunities?  
 Yes  No
- c. Will it create conditions favorable to commercial, industrial, or institutional operation or development?  
 Yes  No
- d. Will it create conditions 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 project 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 needs of proposed project residents?  
 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 proposed project residents?  
 Yes  No

Comments:

Cite and attach source documentation:

### **13. Social Services:**

- a.** Are social services currently located in close proximity to the proposed project 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 proposed project residents?  
 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 project?  
 Yes  No
- b. Will proposed 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 project?  
 Yes  No
- b. Will proposed 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 project?  
 Yes  No
- b. Will proposed 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 proposed 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 proposed project sufficient to meet the needs of the proposed 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 proposed project adequate to meet proposed 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 proposed project area?  
 Yes  No
- b. Is adequate public transportation available from the proposed project to these facilities?  
 Yes  No
- c. Will the proposed 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 proposed project’s residents?  
 Yes  No

- b. Is adequate parking available for the proposed project?  
 Yes  No
- c. Will the proposed project create a situation whereby transportation facilities and services are seriously under used?  
 Yes  No

Comments:

Cite and attach source documentation:

### **Natural Features**

#### **21. Water Resources:**

- a. Will the proposed 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 proposed 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 proposed project 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 proposed project site or in vicinity? Will any such resources be adversely affected, or will they adversely affect the proposed project?  
 Yes  No
- c. Will the unique natural feature pose safety hazards for the proposed project?  
 Yes  No

Comments:

Cite and attach source documentation:

#### **23. Vegetation and Wildlife:**

- a. Will the proposed project damage or destroy trees without replacement?  
 Yes  No
- b. Will the proposed 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 proposed project create conditions favorable to nuisance species?  
 Yes  No

Comments:

Cite and attach source documentation:

## Public Notices and Comment Periods

The RE 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. 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 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. 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 RE 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.***

## Example 8-Step Decision Making Process for Projects in the Floodplain

### Case Study Example - Anytown, USA

--Paul Peavler-Jensen Homes (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) or wetland.***

This action is located in a 100-year floodplain and a wetland. 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, 2008. The FIRM is attached to this document. The wetland was not originally mapped on the Fish and Wildlife Service- National Wetlands Inventory (NWI) but was observed during a site inspection. NWI staff delineated the wetland and found there to be an acre of wetlands that are not subject to Section 404 of the Clean Water but are wetlands for E.O. 11990 purposes. A site plan with the delineation of the wetlands and the NWI map are attached.

This project is (a) acquisition of property, (b) demolition, and (c) new construction of affordable multifamily housing of greater than four units and, for these reasons, E.O. 11988- Floodplain Management and E.O. 11990- Wetlands Protection apply. This project does not meet any of the exceptions at 24 CFR 55.12 and therefore requires an 8-step analysis of the direct and indirect impacts associated with the construction, occupancy, and modification of the floodplain and wetland.

The proposed project, Paul Peavler-Jensen Homes, includes acquisition of two parcels and construction of three buildings. Each building would consist of five units located between 3201 and 3401 Pipkin Street. The project will provide vital shelter for area homeless families. There has been an increase in homeless families in Anytown of 35% in the last three years. 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, 2013. The ad targeted local residents, including those in the floodplain. The notice was also sent to interested Federal, State, local agencies, and non-profit groups such as the state floodplain manager, environmental protection groups, neighbors, and a group of individuals known by Anytown to be interested in such notices. A list of specific agencies and individuals and a copy of the published notification is kept in the project's environmental review record and attached to this document. A copy was also posted on the Anytown website and at the local libraries. 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 and wetland acres involved, and the responsible entity contact for information (insert HUD official under Part 50) as well as a website and 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. Anytown agrees that additional affordable housing is necessary.

In regard to the comments of opponents, a preliminary analysis of services indicated that public services, such as police, fire protection, sanitation, and water, are adequate to handle 15 units of housing. Property values were considered in Step 3 during the consideration of economic factors, but were not significantly different nor impacted in a meaningful way among the various sites. 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:

- (a) The project cannot cause current residents to become displaced;
- (b) The project must be within city limits in order for bond proceeds to be used by the AHRA;
- (c) The project must contain at least twelve units in order to meet community needs;
- (d) The project must be within ½ mile of public transportation; and
- (e) Land costs less than \$500,000

Anytown considered several alternative sites and actions believed to satisfy these requirements:

#### **A. Locate the Project Within the Floodplain and/or Wetland**

1. Locate the project between 3201 and 3401 Pipkin Street

The project site has three abandoned homes that are considered blighted properties. 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 an 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. This plan fills .75 acres of wetland.

This site is convenient for metro bus and light rail service (less than ¼ mile), which is seen as an extremely attractive asset for the potential occupants. There are also elementary and high schools within walking distance.

2. Modify the project between 3201 and 3401 Pipkin Street and Alternative Method Avoiding New Construction in Wetlands

The proposal above 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. This site redesign serves the same purposes without expanding the development outside of the development footprint of the three houses that are to be demolished. Additionally, this alternative serves the same objective as the original proposal. 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. This site modification also avoids development in a wetland and preserves natural and beneficial functions while preserving habitat.

3. 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, so the site was not eligible.

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 and Wetland**

1. Locate the project at the North Poythress Avenue site

The city had considered an alternative site at 1500 North Poythress Avenue. An engineering report concluded that the site had unstable soils and slopes as well as a significant number 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. The amount of fill and soil stabilization required would nearly double development cost to \$XXXXXXXXXX.

2. Locate the project at 3405 Berman Road

The city proposed developing this site six years ago but met stiff resistance from the community because of the site's use as a park and greenspace. Another site was then chosen for development. Last year the site was again reviewed. Stiff opposition again resurfaced. These factors made the site more expensive to develop. These costs combined with the social cost in the form of aesthetics and community recreational use eliminated this option.

### 3. Other sites considered not meeting the initial site selection conditions

Other sites were also considered within the city limits. The sites are located at 456 Bien Street, 1249 Prybyla Lane, 4257 and 4261 Bennett Street, and 878 Groberg Road. All of the sites would have either displaced residents who were unwilling to sell within the acquisition budget or would have placed the project on sites encumbered by wetlands, steep slopes, soil contamination, or other more significant development costs. A market analysis was performed and concluded no other sites were feasible for development. The market analysis is attached to this document consistent with 24 CFR 55.27(a)(1).

### 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 Pipkin 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. No structures or improvements will be located in the floodway. The wetland impacts will also be avoided with this option.

The highest priority of this review is to prevent the loss of life. FEMA estimates that it would take a warning time of between five and seven hours to safely evacuate people from the area. The site will be elevated well above the BFE in order to protect life from potential flash floods. The additional elevation will also help to protect the financial investment.

The city of Anytown is a member of the National Flood Insurance Program and structures located in the flood zone must comply with the local flood ordinance. HUD requires projects located in the floodplain to maintain flood insurance for the life of the property. 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 beneficial 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. By avoiding the wetland, there will be reduced cost because fill and compensatory mitigation are no longer required.



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.**

(a) 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. The building will also be elevated to three feet above BFE to protect any flood survivors who may be stranded during a flood event.

(b) Preserving Property: In order to preserve property, flood insurance will also be acquired and maintained in order to mitigate possible flood damage. The structures will be elevated at three feet above the BFE to save on flood insurance cost and to enhance the structures ability to withstand floods. All construction will be elevated consistent with FEMA's Lowest Floor Guide (<http://www.fema.gov/pdf/nfip/manual200605/07lfg.pdf>) and use flood resistant materials consistent with FEMA bulletins (see <https://www.fema.gov/media-library/assets/documents/2655?id=1580>).

(c) Preserving Natural Values and Minimizing Impacts: The site design chosen as an alternative at Step 3 reduced floodplain impacts and prevented new construction from occurring in the floodplain. By elevating the buildings, constructing a green roof with provisions for draining and stormwater reuse, and using pervious surfaces throughout the site, the construction will have minimal effects on water resources. Impacts to the floodplain will also be limited due to construction occurring within the previously developed site. 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 in consultation with the U.S. Fish and Wildlife Service (FWS). The FWS will also advise Anytown on preservation of flora (plants) and fauna (animals). 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 though a restoration and compensatory mitigation program. All appliances and fixtures will be EPA Energy Star and WaterSense certified.

**Step 6: Reevaluate the Alternatives.**

Although the Pipkin 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 elevating the structure is \$XXXXX. The additional three feet of freeboard above the BFE will save \$XXXX annually on flood insurance compared to building at the BFE. This means the additional elevation cost will pay for itself in 4 years due to decreased mandatory flood insurance premiums. The city will help the developer with costs, while the developer, due to a contractual obligation with the city, 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 rejected Pipkin Street plan would result in increased costs from wetlands fill and compensatory mitigation as well as increased flood insurance costs for additional buildings in the floodplain. The additional building would result in estimated flood insurance cost \$XXXX annually and fill would cost \$XXXXXX.

The Berman Road site is problematic due to storm-water runoff and social concerns. The storm-water runoff costs here are worse than those of Pipkin Street. Additionally, there is a complete lack of public support to make this a feasible site for the project. The estimated value of the area as an open space is estimated to exceed the cost of minimization for the modified Pipkin Street site. The value to the public of the site in its current form is estimated to be \$XXXXX. When this value is added to the \$XXXXX in development costs, the Berman Road site is not practicable.

The city had considered an alternative site at 1500 North Poythress Avenue. An engineering report concluded that the site had unstable soils and slopes as well as a significant number 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. The amount of fill and soil stabilization required would nearly double development cost to \$XXXXXXXX, which greatly exceeds the cost of the Pipkin site.

As documented in the market analysis, construction outside of the floodplain at the 456 Bien Street, 1249 Prybyla Lane, 4257 and 4261 Bennett Street, and 878 Groberg Road sites is not viable because the sites do not meet one or more of the selection criteria:

- (a) The project cannot cause current residents to become displaced;
- (b) The project must be within city limits in order for bond proceeds to be used by the AHRA;
- (c) The project must contain at least twelve units in order to meet community needs;
- (d) The project must be within ½ mile of public transportation; and
- (e) Land costs less than \$500,000.

Due to contamination, slope, wetland, financial costs, and other concerns, as well as the requirement that the project be constructed within city limits due to bond issues, the Pipkin Street site is the only location that satisfies these needs and concerns without displacing residents. The savings on elevation and flood insurance costs also do not offset the benefits of public transportation and school access when compared to the Pipkin Street sites modified plan to minimize impacts.

The no action alternative is also impracticable because it will not satisfy the need to provide assistance to local homeless families.

### ***Step 7: Determination of No Practicable Alternative***

It is the City of Anytown's 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; 5) the site's access to public transportation and schools; and 6) the ability to mitigate and minimize impacts on human health, public property, and floodplain values.

A final notice was published and posted consistent with the prior notice. The notice explains the reasons why the modified project must be located in the floodplain, offers a list of alternatives considered at Steps 3 and 6, and describes all mitigation measures at Step 5 taken to minimize adverse impacts and preserve natural and beneficial floodplain values. The notice is attached to this document. 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 monitored by Anytown by listing the agency as an interested party on the 2<sup>nd</sup> mortgagee/other box of the flood insurance application and by placing a covenant on the property that lasts for the useful life of the structure.

## Early Notice and Public Review of a Proposed Activity in a [100-Year/500-year Floodplain or Wetland]

[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 [Name of Responsible Entity under Part 58] has determined that the following proposed action under [Program Name] and [HUD grant or contract number] is located in the [100-year/500-year floodplain/wetland], and [Responsible Entity] will be identifying and evaluating practicable alternatives to locating the action in the [floodplain/wetland] and the potential impacts on the [floodplain/wetland] from the proposed action, 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 and Protection of Wetlands. [Describe the activity, e.g. purpose, type of assistance, the size of the site, proposed number of units, size of footprint, type of floodplain/wetland, natural and beneficial values potentially adversely affected by the activity]. [State the total number of acres of floodplains/wetland]. 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/wetlands] 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. Commenters are encouraged to offer alternative sites outside of the [floodplain/wetland], alternative methods to serve the same project purpose, and methods to minimize and mitigate impacts. Second, an adequate public notice program can be an important public educational tool. The dissemination of information and request for public comment about [floodplains/wetlands] can facilitate and enhance Federal efforts to reduce the risks and impacts 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/wetlands], 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 16<sup>th</sup> day after the publication]: [HUD or Responsible Entity], [Address] and [phone number], Attention: [Name of Certifying Officer or designee], [Title]. A full description of the project may also be reviewed from [enter available office hours] at [address or state address is same as above] and [web address if available]. Comments may also be submitted via email at [email address].

Date:

## Final Notice and Public Explanation of a Proposed Activity in a [100-Year/500-year Floodplain or Wetland]

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 and Wetlands Protection. The activity is funded under the [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/wetland, natural values]. [State the total number of acres of floodplains/wetland 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: [List (i) ALL of the reasons why the action must take place in a floodplain/wetland, (ii) alternatives considered and reasons 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/wetland protection procedures]

[HUD or Responsible Entity] has reevaluated the alternatives to building in the [floodplain/wetland] 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.

There are three primary purposes for this notice. First, people who may be affected by activities in [floodplains/wetlands] 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 and request for public comment about [floodplains/wetlands] can facilitate and enhance Federal efforts to reduce the risks and impacts 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/wetlands], 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 8<sup>th</sup> day after the publication]: [Name of Administrator], [Address] and [phone number], Attention: [Name of Certifying Officer or designee], [Title]. A full description of the project may also be reviewed from [enter available office hours] at [address or state address is same as above] and [web address if available]. Comments may also be submitted via email at [email address].

Date:

# West Virginia SHPO

## Information Sheet for Section 106 Review Projects

<http://www.wvculture.org/shpo/Section106checklist2014.pdf>

The following information is needed for SHPO staff to be able to complete a review of a federal or state funded or permitted project (undertaking):

### I. General Information regarding all project submissions:

Is this project a new submission or supplemental information relating to a previously submitted project?

If this is supplemental information, please identify the project FR# (our project file number).

- a. Project Name
- b. Federal Agency, if applicable (agency providing funds, permit, license or assistance)
- c. Federal Agency Contact Person: Name, Street Address, Phone Number, email
- d. State Agency, if applicable
- e. State Agency Contact Person: Name, Street Address, Phone Number, email
- f. Project Contact Person: (individual(s) who are knowledgeable of project activities). Name, Street Address and Phone Number, email
- g. Project Street Address, City, County, Zip Code
- h. Project Location: Please attach the appropriate USGS Topographic Quadrangle Map indicating the location of the project. If applicable, attach a street map indicating the location(s) of specific addresses. If providing UTM coordinates, please specify whether the projection is NAD 27 or 83. For DEP projects, it is required that a 1"-500' scale (Engineering Map) be submitted in addition to the USGS Topographic Map. All maps must clearly depict the project boundaries.
- i. Project Description: Describe the activities proposed within the defined project area and provide any available information regarding past land use of the project area. Provide the project size, including acres or project right-of-way length and width. If applicable, describe proposed construction depths. If the project will involve building rehabilitation or renovation, please identify materials and provide any available drawings, plans and specifications. If demolition is proposed, please provide cost comparison of repair vs. demolition, explanation of alternatives considered or justification as to why structure cannot be rehabilitated. This may include copies of building inspection or engineering reports.
- j. Project Photographs: These should document the project area showing general views, known disturbances, any rock outcrops, and buildings and/or structures (50 years or older) within and adjacent to project area. All photographs should be clear, concise, clearly labeled and keyed to a project map.  
Photographs of buildings should incorporate the entire building. These may include photographs of the front, back and sides of the building. It is important that you provide photographs that show the entire building as well as photographs of any particular areas where any alterations will occur (e.g., a change in the windows, doors, lighting, etc.).
- k. Date of Construction for existing buildings that will be directly or indirectly impacted by the project.

## II. Identification of Cultural Resources

Please provide any information regarding the following within or adjacent to project area:

- a. Known archaeological sites
- b. Cemeteries
- c. Structures
- d. Historic Structures or Districts

If there are standing structures within or adjacent to the project area, please provide photographs. You may be asked to submit an WV Historic Property Inventory Form for any structure 50 years or older within the project area or if with the line of sight of the project. Forms and instructions can be found at <http://www.wvculture.org/shpo/forms.html>. Information regarding National Register listings may be found at <http://www.wvculture.org/shpo/nr.html>

**This information can be mailed to:**

**Review and Compliance Staff  
State Historic Preservation Office  
WV Division of Culture and History  
1900 Kanawha Boulevard East  
Charleston, WV 25305**

**The office has 30 days to review a project. Please insure that all information is provided; missing information may delay the completion of review.**

**36 CFR 800 outlines the steps of the review process.**

The activity that is the subject of this publication has been financed in part with Federal funds from the National Park Service, Department of the Interior. The Division of Culture and History receives Federal funds from the National Park Service. Regulations of the U.S. Department of the Interior strictly prohibit unlawful discrimination in the departmental Federally Assisted Programs on the basis of race, color, national origin, age, or handicap. Any person who believes he or she has been discriminated against in any program, activity, or facility operated by a recipient of Federal assistance should write to: Office of Equal Opportunity, National Park Service, 1849 C Street, NW, Washington, D.C. 20240.

## ASTM Phase I Environmental Site Assessment (E1527-05 / E1527-13) 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
<b>1.0 Summary</b>			
<b>2.0 Introduction</b>	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)	
<b>3.0 Site Description</b>	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)	
<b>4.0 User Provided Information</b>	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)	
<b>5.0 Records Review</b>	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)	

Sections	Sub-Sections	Reference: ASTM Standard	Completed Yes/No
<b>6.0 Site Reconnaissance</b>	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)	
<b>7.0 Interviews</b>	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		
<b>8.0 Findings</b>		(ref. 12.5) Findings are any item(s) identified as a recognized environmental concern.	
<b>9.0 Opinion</b>		(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.	
<b>10.0 Conclusions</b>		(ref. 12.8 – 12.8.2) The Phase I <u>must</u> include one of the statements located at 12.8.1 or 12.8.2.	
<b>11.0 Deviations</b>		(ref. 12.10)	
<b>12.0 Additional Services</b>		(ref. 12.9)	
<b>13.0 References</b>		(ref. 12.11)	
<b>14.0 Signature(s) of Environmental Professional(s)</b>		(ref. 12.12)	
<b>15.0 Qualification(s) of Environmental Professional(s)</b>		(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	
<b>16.0 Appendices (ref. 12.14, X4.16 – X4.16.8)</b>	16.1 Site (Vicinity) Map		



Sections	Sub-Sections	Reference: ASTM Standard	Completed Yes/No
	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)		

**WEST VIRGINIA  
HOUSING  
DEVELOPMENT FUND  
ENVIRONMENTAL  
WORKSHEETS**

# WEST VIRGINIA HOUSING DEVELOPMENT FUND

This Worksheet is designed to be used by those "Partners" (including Public Housing Authorities, consultants, contractors, and nonprofits) who assist Responsible Entities and HUD in preparing environmental reviews, but legally cannot take full responsibilities for these reviews themselves. This document should be submitted along with the Related Law and Authority worksheets documenting compliance with the environmental requirements listed at 24 CFR 50.4 and 58.5-6.

## Environmental Review Project Information

This format may be used by Partners to submit information for Part 50 or Part 58 reviews

### ***Project Information***

*\*Required fields are marked with an asterisk.*

**\*Project Name:**

**\*Applicant/HOME Recipient:**

**\*Point of Contact:**

**Consultant (if applicable):**

**Point of Contact (if applicable):**

**\*Estimated Total HUD Funded, Assisted, or Insured Amount:**

**\*Estimated Total Project Cost (HUD and non-HUD funds):**

### **\*Project Location:**

*Provide a street address or intersection for your project. Provide additional information on the project located beyond the address as necessary for the scope of the project in a narrative in the provided textbox. For example, any new construction and projects affecting a larger area may require more context than simply a street address.*

**\*Description of the Proposed Project** [24 CFR 50.12 & 58.32; 40 CFR 1508.25]:

*Provide a project description that captures the maximum anticipated scope of the proposal. It should include all contemplated actions which logically are, either geographically or functionally, a composite part of the project, regardless of the source of funding. Describe all physical aspects of the project, such as plans for multiple phases of development, size and number of buildings (square footage and unit configuration of each building) and activities to be undertaken. Include details of the physical impacts of the project, including whether there will be ground disturbance. If applicable, indicate whether the project site will require acquisition or if the sponsor already has ownership.*

**\*Does this project involve over 200 lots, dwelling units, or beds?**

Yes       No

***\*Compliance with 24 CFR 50.4, 58.5, and 58.6 Laws and Authorities***

Record the compliance or conformance determinations for each statute, executive order, or regulation using the Related Law and Authority Worksheets available at <https://www.hudexchange.info/resource/5119/environmental-review-record-related-federal-laws-and-authorities-partner-worksheets/>. Provide credible, traceable, and supportive source documentation for each authority. Attach all Partner worksheets as well as additional documentation as appropriate.

## Airport Hazards (CEST and EA)

General policy	Legislation	Regulation
It is HUD's policy to apply standards to prevent incompatible development around civil airports and military airfields.		24 CFR Part 51 Subpart D
<b>References</b>		
<a href="https://www.hudexchange.info/environmental-review/airport-hazards">https://www.hudexchange.info/environmental-review/airport-hazards</a>		

**1. To ensure compatible land use development, you must determine your site's proximity to civil and military airports. Is your project within 15,000 feet of a military airport or 2,500 feet of a civilian airport?**

- No → *Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below. Provide a map showing that the site is not within the applicable distances to a military or civilian airport.*
- Yes → *Continue to Question 2.*

**2. Is your project located within a Runway Potential Zone/Clear Zone (RPZ/CZ) or Accident Potential Zone (APZ)?**

- Yes, project is in an APZ → *Continue to Question 3.*
- Yes, project is an RPZ/CZ → *Project cannot proceed at this location.*
- No, project is not within an APZ or RPZ/CZ  
 → *Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below. Provide a map showing that the site is not within either zone.*

**3. Is the project in conformance with DOD guidelines for APZ?**

- Yes, project is consistent with DOD guidelines without further action.

**Explain how you determined that the project is consistent:**

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

- No, the project cannot be brought into conformance with DOD guidelines and has not been approved.  
 → *Project cannot proceed at this location.*

Project is not consistent with DOD guidelines, but it has been approved by Certifying Officer or HUD Approving Official.

**Explain approval process:**

**If mitigation measures have been or will be taken, explain in detail the proposed measures that must be implemented to mitigate for the impact or effect, including the timeline for implementation.**

*Summary below. Provide any documentation supporting this determination.*

**Worksheet Summary**

**Compliance Determination**

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

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

**Are formal compliance steps or mitigation required?**

Yes       No

## Airport Runway Clear Zones (CENST)

<https://www.hudexchange.info/environmental-review/airport-hazards>

### 1. Does the project involve the sale or acquisition of developed property?

- No → *If the RE/HUD agrees with this recommendation, the review is in compliance with this section. Continue to the Worksheet Summary below.*
- Yes → *Continue to Question 2.*

### 2. Is the project in the Runway Protection Zone/Clear Zone (RPZ/CZ)<sup>1</sup>?

- No → *If the RE/HUD agrees with this recommendation, the review is in compliance with this section. Continue to the Worksheet Summary below. Provide a map showing that the site is not within either zone.*
- Yes → *Written notice must be provided to prospective buyers to inform them of the potential hazards from airplane accidents as well as the potential for the property to be purchased as part of an airport expansion project. [A sample notice is available through the HUD Exchange.](#)*

*Provide a map showing that the site within RPZ/CZ. Work with the RE/HUD to provide written notice to the prospective buyers. Continue to the Worksheet Summary below.*

### Worksheet Summary

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

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

**Include all documentation supporting your findings in your submission to RE.**

<sup>1</sup> Runway Protection Zone/Clear Zones are defined as areas immediately beyond the ends of runways. The standards are established by FAA regulations. The term in 24 CFR Part 51, Runway Clear Zones, was redefined in FAA's Airport Design Advisory Circular (AC) 150/5300-13 to refer to Runway Protection Zones for civil airports. See link above for additional information.

## Air Quality (CEST and EA)

General Requirements	Legislation	Regulation
<p>The Clean Air Act is administered by the U.S. Environmental Protection Agency (EPA), which sets national standards on ambient pollutants. In addition, the Clean Air Act is administered by States, which must develop State Implementation Plans (SIPs) to regulate their state air quality. Projects funded by HUD must demonstrate that they conform to the appropriate SIP.</p>	<p>Clean Air Act (42 USC 7401 et seq.) as amended particularly Section 176(c) and (d) (42 USC 7506(c) and (d))</p>	<p>40 CFR Parts 6, 51 and 93</p>
<b>Reference</b>		
<p><a href="https://www.hudexchange.info/environmental-review/air-quality">https://www.hudexchange.info/environmental-review/air-quality</a></p>		

### Scope of Work

1. **Does your project include new construction or conversion of land use facilitating the development of public, commercial, or industrial facilities OR five or more dwelling units?**

Yes

→ *Continue to Question 2.*

No

*Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below. Provide any documents used to make your determination.*

### Air Quality Attainment Status of Project's County or Air Quality Management District

2. **Is your project's air quality management district or county in non-attainment or maintenance status for any criteria pollutants?**

Follow the link below to determine compliance status of project county or air quality management district:

<http://www.epa.gov/oaqps001/greenbk/>

No, project's county or air quality management district is in attainment status for all criteria pollutants

→ *Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below. Provide any documents used to make your determination.*

Yes, project's management district or county is in non-attainment or maintenance status for one or more criteria pollutants.

**Describe the findings:**



→ Continue to Question 3.

**3. Determine the estimated emissions levels of your project for each of those criteria pollutants that are in non-attainment or maintenance status on your project area. Will your project exceed any of the *de minimis* or *threshold* emissions levels of non-attainment and maintenance level pollutants or exceed the screening levels established by the state or air quality management district?**

No, the project will not exceed *de minimis* or threshold emissions levels or screening levels  
→ Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below. Explain how you determined that the project would not exceed *de minimis* or threshold emissions.

Yes, the project exceeds *de minimis* emissions levels or screening levels.  
→ Continue to Question 4. Explain how you determined that the project would not exceed *de minimis* or threshold emissions in the Worksheet Summary.

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

**Worksheet Summary**

**Compliance Determination**

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

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

**Are formal compliance steps or mitigation required?**

- Yes       No

## Coastal Barrier Resources (CEST and EA)

General requirements	Legislation	Regulation
<b>HUD financial assistance may not be used for most activities in units of the Coastal Barrier Resources System (CBRS). See 16 USC 3504 for limitations on federal expenditures affecting the CBRS.</b>	Coastal Barrier Resources Act (CBRA) of 1982, as amended by the Coastal Barrier Improvement Act of 1990 (16 USC 3501)	
References		
<a href="https://www.hudexchange.info/environmental-review/coastal-barrier-resources">https://www.hudexchange.info/environmental-review/coastal-barrier-resources</a>		

Projects located in the following states must complete this form.

Alabama	Georgia	Massachusetts	New Jersey	Puerto Rico	Virgin Islands
Connecticut	Louisiana	Michigan	New York	Rhode Island	Virginia
Delaware	Maine	Minnesota	North Carolina	South Carolina	Wisconsin
Florida	Maryland	Mississippi	Ohio	Texas	

### 1. Is the project located in a CBRS Unit?

- No → *Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below. Provide a map showing that the site is not within a CBRS Unit.*
- Yes → *Continue to Question 2.*

Federal assistance for most activities may not be used at this location. You must either choose an alternate site or cancel the project. In very rare cases, federal monies can be spent within CBRS units for certain exempted activities (e.g., a nature trail), after consultation with the Fish and Wildlife Service (FWS) (see [16 USC 3505](#) for exceptions to limitations on expenditures).

### 2. Indicate your selected course of action.

- After consultation with the FWS the project was given approval to continue  
 → *Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below. Provide a map and documentation of a FWS approval.*
- Project was not given approval  
Project cannot proceed at this location.

## **Worksheet Summary**

### **Compliance Determination**

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

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

**Are formal compliance steps or mitigation required?**

Yes

No

## Coastal Zone Management Act (CEST and EA)

General requirements	Legislation	Regulation
<b>Federal assistance to applicant agencies for activities affecting any coastal use or resource is granted only when such activities are consistent with federally approved State Coastal Zone Management Act Plans.</b>	Coastal Zone Management Act (16 USC 1451-1464), particularly section 307(c) and (d) (16 USC 1456(c) and (d))	15 CFR Part 930
References		
<a href="https://www.onecpd.info/environmental-review/coastal-zone-management">https://www.onecpd.info/environmental-review/coastal-zone-management</a>		

Projects located in the following states must complete this form.

Alabama	Florida	Louisiana	Mississippi	Ohio	Texas
Alaska	Georgia	Maine	New Hampshire	Oregon	Virgin Islands
American Samona	Guam	Maryland	New Jersey	Pennsylvania	Virginia
California	Hawaii	Massachusetts	New York	Puerto Rico	Washington
Connecticut	Illinois	Michigan	North Carolina	Rhode Island	Wisconsin
Delaware	Indiana	Minnesota	Northern Mariana Islands	South Carolina	

### 1. Is the project located in, or does it affect, a Coastal Zone as defined in your state Coastal Management Plan?

Yes → Continue to Question 2.

No → Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below. Provide a map showing that the site is not within a Coastal Zone.

### 2. Does this project include activities that are subject to state review?

Yes → Continue to Question 3.

No → Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below. Provide documentation used to make your determination.

### 3. Has this project been determined to be consistent with the State Coastal Management Program?

Yes, with mitigation. → Continue to Question 4.

Yes, without mitigation. → Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below. Provide documentation used to make your determination.

No, project must be canceled.

Project cannot proceed at this location.

**4. Explain in detail the proposed measures that must be implemented to mitigate for the impact or effect, including the timeline for implementation.**

→ *Continue to the Worksheet Summary below. Provide documentation of the consultation (including the State Coastal Management Program letter of consistency) and any other documentation used to make your determination.*

**Worksheet Summary**

**Compliance Determination**

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

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

**Are formal compliance steps or mitigation required?**

- Yes       No

## Endangered Species Act (CEST and EA)

General requirements	ESA Legislation	Regulations
Section 7 of the Endangered Species Act (ESA) mandates that federal agencies ensure that actions that they authorize, fund, or carry out shall not jeopardize the continued existence of federally listed plants and animals or result in the adverse modification or destruction of designated critical habitat. Where their actions may affect resources protected by the ESA, agencies must consult with the Fish and Wildlife Service and/or the National Marine Fisheries Service (“FWS” and “NMFS” or “the Services”).	The Endangered Species Act of 1973 (16 U.S.C. 1531 <i>et seq.</i> ); particularly section 7 (16 USC 1536).	50 CFR Part 402
<b>References</b>		
<a href="https://www.hudexchange.info/environmental-review/endangered-species">https://www.hudexchange.info/environmental-review/endangered-species</a>		

### 1. Does the project involve any activities that have the potential to affect species or habitats?

No, the project will have No Effect due to the nature of the activities involved in the project.

→ *Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below. Provide any documents used to make your determination.*

No, the project will have No Effect based on a letter of understanding, memorandum of agreement, programmatic agreement, or checklist provided by local HUD office.

Explain your determination:

→ *Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below. Provide any documents used to make your determination.*

Yes, the activities involved in the project have the potential to affect species and/or habitats. → *Continue to Question 2.*

### 2. Are federally listed species or designated critical habitats present in the action area?

Obtain a list of protected species from the Services. This information is available on the [FWS Website](#) or you may contact your [local FWS](#) and/or [NMFS](#) offices directly.

No, the project will have No Effect due to the absence of federally listed species and designated critical habitat.

→ *Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below. Provide any documents used to make your determination. Documentation may include letters from the Services, species lists from the Services’ websites, surveys or other documents and analysis showing that there are no species in the action area.*

Yes, there are federally listed species or designated critical habitats present in the action area. → *Continue to Question 3.*

**3. What effects, if any, will your project have on federally listed species or designated critical habitat?**

No Effect: Based on the specifics of both the project and any federally listed species in the action area, you have determined that the project will have absolutely no effect on listed species or critical habitat.  
→ *Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below. Provide any documents used to make your determination. Documentation should include a species list and explanation of your conclusion, and may require maps, photographs, and surveys as appropriate.*

May Affect, Not Likely to Adversely Affect: Any effects that the project may have on federally listed species or critical habitats would be beneficial, discountable, or insignificant.  
→ *Continue to Question 4, Informal Consultation.*

Likely to Adversely Affect: The project may have negative effects on one or more listed species or critical habitat.  
→ *Continue to Question 5, Formal Consultation.*

**4. Informal Consultation is required**

Section 7 of ESA (16 USC. 1536) mandates consultation to resolve potential impacts to endangered and threatened species and critical habitats. If a HUD-assisted project may affect any federally listed endangered or threatened species or critical habitat, then compliance is required with Section 7. See 50 CFR Part 402 Subpart B Consultation Procedures.

**Did the Service(s) concur with the finding that the project is Not Likely to Adversely Affect?**

Yes, the Service(s) concurred with the finding.  
→ *Based on the response, the review is in compliance with this section. Continue to Question 6 and provide the following:*

- (1) A biological evaluation or equivalent document*
- (2) Concurrence(s) from FWS and/or NMFS*
- (3) Any other documentation of informal consultation*

*Exception: If finding was made based on procedures provided by a letter of understanding, memorandum of agreement, programmatic agreement, or checklist provided by local HUD office, provide whatever documentation is mandated by that agreement.*

No, the Service(s) did not concur with the finding. → *Continue to Question 5.*

**5. Formal consultation is required**

Section 7 of ESA (16 USC 1536) mandates consultation to resolve potential impacts to federally listed endangered and threatened species and critical habitats. If a HUD assisted project may affect any endangered or threatened species or critical habitat, then compliance is required with Section 7. See 50 CFR Part 402 Subpart B Consultation Procedures.



→ Once consultation is complete, the review is in compliance with this section. Continue to Question 6 and provide the following:

- (1) A biological assessment, evaluation, or equivalent document
- (2) Biological opinion(s) issued by FWS and/or NMFS
- (3) Any other documentation of formal consultation

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

Mitigation as follows will be implemented:

No mitigation is necessary.

**Explain why mitigation will not be made here:**

### **Worksheet Summary**

#### **Compliance Determination**

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

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

**Are formal compliance steps or mitigation required?**

- Yes       No

## Explosive and Flammable Hazards (CEST and EA)

General requirements	Legislation	Regulation
HUD-assisted projects must meet Acceptable Separation Distance (ASD) requirements to protect them from explosive and flammable hazards.	N/A	24 CFR Part 51 Subpart C
Reference		
<a href="https://www.hudexchange.info/environmental-review/explosive-and-flammable-facilities">https://www.hudexchange.info/environmental-review/explosive-and-flammable-facilities</a>		

**1. Does the proposed HUD-assisted project include a hazardous facility (a facility that mainly stores, handles or processes flammable or combustible chemicals such as bulk fuel storage facilities and refineries)?**

No

→ Continue to Question 2.

Yes

**Explain:**

→ Continue to Question 5.

**2. Does this project include any of the following activities: development, construction, rehabilitation that will increase residential densities, or conversion?**

No

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

Yes

→ Continue to Question 3.

**3. Within 1 mile of the project site, are there any current *or planned* stationary aboveground storage containers:**

- Of more than 100 gallon capacity, containing common liquid industrial fuels OR
- Of any capacity, containing hazardous liquids or gases that are not common liquid industrial fuels?

No

→ Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below. Provide all documents used to make your determination.

Yes

→ Continue to Question 4.

**4. Is the Separation Distance from the project acceptable based on standards in the Regulation?**

Please visit [HUD's website](#) for information on calculating Acceptable Separation Distance.

Yes

→ *Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below. Provide map(s) showing the location of the project site relative to any tanks and your separation distance calculations. If the map identifies more than one tank, please identify the tank you have chosen as the "assessed tank."*

No

→ *Provide map(s) showing the location of the project site relative to any tanks and your separation distance calculations. If the map identifies more than one tank, please identify the tank you have chosen as the "assessed tank."  
Continue to Question 6.*

**5. Is the hazardous facility located at an acceptable separation distance from residences and any other facility or area where people may congregate or be present?**

Please visit [HUD's website](#) for information on calculating Acceptable Separation Distance.

Yes

→ *Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below. Provide map(s) showing the location of the project site relative to residences and any other facility or area where people congregate or are present and your separation distance calculations.*

No

→ *Provide map(s) showing the location of the project site relative to residences and any other facility or area where people congregate or are present and your separation distance calculations.  
Continue to Question 6.*

**6. For the project to be brought into compliance with this section, all adverse impacts must be mitigated. Explain in detail the exact measures that must be implemented to make the Separation Distance acceptable, including the timeline for implementation. If negative effects cannot be mitigated, cancel the project at this location.**

Note that only licensed professional engineers should design and implement blast barriers. If a barrier will be used or the project will be modified to compensate for an unacceptable separation distance, provide approval from a licensed professional engineer.

## **Worksheet Summary**

### **Compliance Determination**

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

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

**Are formal compliance steps or mitigation required?**

Yes

No

## Farmlands Protection (CEST and EA)

General requirements	Legislation	Regulation
<b>The Farmland Protection Policy Act (FPPA) discourages federal activities that would convert farmland to nonagricultural purposes.</b>	Farmland Protection Policy Act of 1981 (7 U.S.C. 4201 et seq.)	<a href="#">7 CFR Part 658</a>
Reference		
<a href="https://www.hudexchange.info/environmental-review/farmlands-protection">https://www.hudexchange.info/environmental-review/farmlands-protection</a>		

**1. Does your project include any activities, including new construction, acquisition of undeveloped land or conversion, that could convert agricultural land to a non-agricultural use?**

Yes → *Continue to Question 2.*

No

**Explain how you determined that agricultural land would not be converted:**

→ *Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below. Provide any documentation supporting your determination.*

**2. Does “important farmland,” including prime farmland, unique farmland, or farmland of statewide or local importance regulated under the Farmland Protection Policy Act, occur on the project site?**

You may use the links below to determine important farmland occurs on the project site:

- Utilize USDA Natural Resources Conservation Service’s (NRCS) Web Soil Survey <http://websoilsurvey.nrcs.usda.gov/app/HomePage.htm>
- Check with your city or county’s planning department and ask them to document if the project is on land regulated by the FPPA (zoning important farmland as non-agricultural does not exempt it from FPPA requirements)
- Contact NRCS at the local USDA service center <http://offices.sc.egov.usda.gov/locator/app?agency=nrcs> or your NRCS state soil scientist [http://soils.usda.gov/contact/state\\_offices/](http://soils.usda.gov/contact/state_offices/) for assistance

No → *Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below. Provide any documents used to make your determination.*

Yes → *Continue to Question 3.*

**3. Consider alternatives to completing the project on important farmland and means of avoiding impacts to important farmland.**

- Complete form **AD-1006**, "Farmland Conversion Impact Rating" [http://www.nrcs.usda.gov/Internet/FSE\\_DOCUMENTS/stelprdb1045394.pdf](http://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb1045394.pdf) and contact the state soil scientist before sending it to the local NRCS District Conservationist. (NOTE: for corridor type projects, use instead form **NRCS-CPA-106**, "Farmland Conversion Impact Rating for Corridor Type Projects: [http://www.nrcs.usda.gov/Internet/FSE\\_DOCUMENTS/stelprdb1045395.pdf](http://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb1045395.pdf).)
- Work with NRCS to minimize the impact of the project on the protected farmland. When you have finished with your analysis, return a copy of form AD-1006 (or form NRCS-CPA-106 if applicable) to the USDA-NRCS State Soil Scientist or his/her designee informing them of your determination.

**Document your conclusion:**

Project will proceed with mitigation.

**Explain in detail the proposed measures that must be implemented to mitigate for the impact or effect, including the timeline for implementation.**

→ *Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below. Provide form AD-1006 and all other documents used to make your determination.*

Project will proceed without mitigation.

**Explain why mitigation will not be made here:**

→ *Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below. Provide form AD-1006 and all other documents used to make your determination.*

## **Worksheet Summary**

### **Compliance Determination**

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

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

**Are formal compliance steps or mitigation required?**

Yes

No

## Flood Insurance (CEST and EA)

General requirements	Legislation	Regulation
<b>Certain types of federal financial assistance may not be used in floodplains unless the community participates in National Flood Insurance Program and flood insurance is both obtained and maintained.</b>	Flood Disaster Protection Act of 1973 as amended (42 USC 4001-4128)	24 CFR 50.4(b)(1) and 24 CFR 58.6(a) and (b); 24 CFR 55.1(b).
Reference		
<a href="https://www.hudexchange.info/environmental-review/flood-insurance">https://www.hudexchange.info/environmental-review/flood-insurance</a>		

**1. Does this project involve financial assistance for construction, rehabilitation, or acquisition of a mobile home, building, or insurable personal property?**

No. This project does not require flood insurance or is excepted from flood insurance. → *Continue to the Worksheet Summary.*

Yes → *Continue to Question 2.*

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

The Federal Emergency Management Agency (FEMA) designates floodplains. The [FEMA Map Service Center](#) provides this information in the form of FEMA Flood Insurance Rate Maps (FIRMs). For projects in areas not mapped by FEMA, use the best available information to determine floodplain information. Include documentation, including a discussion of why this is the best available information for the site. Provide FEMA/FIRM floodplain zone designation, panel number, and date within your documentation.

**Is the structure, part of the structure, or insurable property located in a FEMA-designated Special Flood Hazard Area?**

No → *Continue to the Worksheet Summary.*

Yes → *Continue to Question 3.*

**3. 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, the community is participating in the National Flood Insurance Program.

For loans, loan insurance or loan guarantees, flood insurance coverage must be continued for the term of the loan. For grants and other non-loan forms of financial assistance, flood insurance coverage must be continued for the life of the building irrespective of the transfer of ownership. The amount of coverage must equal the total project cost or the maximum coverage limit of the National Flood Insurance Program, whichever is less

Provide a copy of the flood insurance policy declaration or a paid receipt for the current annual flood insurance premium and a copy of the application for flood insurance.

→ *Continue to the Worksheet Summary.*

Yes, less than one year has passed since FEMA notification of Special Flood Hazards.

If less than one year has passed since notification of Special Flood Hazards, no flood



Insurance is required.

→ *Continue to the Worksheet Summary.*

No. The community is not participating, or its participation has been suspended.

Federal assistance may not be used at this location. Cancel the project at this location.

**Worksheet Summary**

**Compliance Determination**

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

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

**Are formal compliance steps or mitigation required?**

Yes

No

## Floodplain Management (CEST and EA)

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

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

Yes

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

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

No → Continue to Question 2.

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

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

### Does your project occur in a floodplain?

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

Yes

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

Floodway → Continue to Question 3, Floodways

Coastal High Hazard Area (V Zone) → Continue to Question 4, Coastal High Hazard Areas

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

### 3. **Floodways**

**Is this a functionally dependent use?**

- Yes

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

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

- No

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

### 4. **Coastal High Hazard Area**

**Is this a critical action?**

- Yes

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

- No

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

- Yes, there is new construction.

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

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

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

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

**5. 500-year Floodplain**

**Is this a critical action?**

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

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

**6. 8-Step Process.**

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

8-Step Process applies.

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

→ *Continue to Question 7, Mitigation*

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

Provide documentation of 5-Step Process.

Select the applicable citation:

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

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

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

*55.12(a)(4)* HUD's (or the recipient's) actions under any HUD program involving the repair, rehabilitation, modernization, weatherization, or improvement of existing nonresidential buildings and structures, in communities that are in the Regular Program of the NFIP and are in good standing, provided that the action does not meet the thresholds for “substantial improvement” under § 55.2(b)(10) and that the footprint of the structure and paved areas is not significantly increased.

→ *Continue to Question 7, Mitigation*

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

Select the applicable citation:

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

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

**7. Mitigation**

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

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

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

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

**Worksheet Summary**

**Compliance Determination**

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

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

**Are formal compliance steps or mitigation required?**

- Yes       No

## Historic Preservation (CEST and EA)

General requirements	Legislation	Regulation
<b>Regulations under Section 106 of the National Historic Preservation Act (NHPA) require a consultative process to identify historic properties, assess project impacts on them, and avoid, minimize, or mitigate adverse effects</b>	Section 106 of the National Historic Preservation Act (16 U.S.C. 470f)	<a href="#">36 CFR 800 "Protection of Historic Properties"</a>
<b>References</b>		
<a href="https://www.hudexchange.info/environmental-review/historic-preservation">https://www.hudexchange.info/environmental-review/historic-preservation</a>		

### Threshold

#### Is Section 106 review required for your EA project?

- No, because the project consists solely of activities listed as exempt in a Programmatic Agreement (PA). (See the [PA Database](#) to find applicable PAs.)  
**Either provide the PA itself or a link to it here. Mark the applicable exemptions or include the text here:**

→ *Continue to the Worksheet Summary.*

- No, because the project consists solely of activities included in a No Potential to Cause Effects memo or other determination [36 CFR 800.3(a)(1)].  
**Either provide the memo itself or a link to it here. Explain and justify the other determination here:**

→ *Continue to the Worksheet Summary.*

- Yes, because the project includes activities with potential to cause effects (direct or indirect). → *Continue to Step 1.*

**The Section 106 Process**

After determining the need to do a Section 106 review, initiate consultation with regulatory and other interested parties, identify and evaluate historic properties, assess effects of the project on properties listed on or eligible for the National Register of Historic Places, and resolve any adverse effects through project design modifications or mitigation.

Note that consultation continues through all phases of the review.

Step 1: Initiate consultation

Step 2: Identify and evaluate historic properties

Step 3: Assess effects of the project on historic properties

Step 4: Resolve any adverse effects

**Step 1 - Initiate Consultation**

The following parties are entitled to participate in Section 106 reviews: Advisory Council on Historic Preservation; State Historic Preservation Officers (SHPOs); federally recognized Indian tribes/Tribal Historic Preservation Officers (THPOs); Native Hawaiian Organizations (NHOs); local governments; and project grantees. The general public and individuals and organizations with a demonstrated interest in a project may participate as consulting parties at the discretion of the RE or HUD official. Participation varies with the nature and scope of a project. Refer to HUD’s website for guidance on consultation, including the required timeframes for response. Consultation should begin early to enable full consideration of preservation options.

Use the [When To Consult With Tribes checklist](#) within [Notice CPD-12-006: Process for Tribal Consultation](#) to determine if you should invite tribes to consult on a particular project. Use the [Tribal Directory Assessment Tool \(TDAT\)](#) to identify tribes that may have an interest in the area where the project is located. Note that consultants may not initiate consultation with Tribes.

**Select all consulting parties below (check all that apply):**

- State Historic Preservation Officer (SHPO)
- Advisory Council on Historic Preservation
- Indian Tribes, including Tribal Historic Preservation Officers (THPOs) or
- Native Hawaiian Organizations (NHOs)

**List all tribes that were consulted here and their status of consultation:**

- Other Consulting Parties

**List all consulting parties that were consulted here and their status of consultation:**



**Describe the process of selecting consulting parties and initiating consultation here:**

*Provide all correspondence, notices, and notes (including comments and objections received) and continue to Step 2.*

**Step 2 - Identify and Evaluate Historic Properties**

**Define the Area of Potential Effect (APE), either by entering the address(es) or providing a map depicting the APE. Attach an additional page if necessary.**

Gather information about known historic properties in the APE. Historic buildings, districts and archeological sites may have been identified in local, state, and national surveys and registers, local historic districts, municipal plans, town and county histories, and local history websites. If not already listed on the National Register of Historic Places, identified properties are then evaluated to see if they are eligible for the National Register. Refer to HUD’s website for guidance on identifying and evaluating historic properties.

**In the space below, list historic properties identified and evaluated in the APE.**

Every historic property that may be affected by the project should be listed. For each historic property or district, include the National Register status, whether the SHPO has concurred with the finding, and whether information on the site is sensitive. Attach an additional page if necessary.

Provide the documentation (survey forms, Register nominations, concurrence(s) and/or objection(s), notes, and photos) that justify your National Register Status determination.

**Was a survey of historic buildings and/or archeological sites done as part of the project?**

If the APE contains previously unsurveyed buildings or structures over 50 years old, or there is a likely presence of previously unsurveyed archeological sites, a survey may be necessary. For Archeological surveys, refer to HP Fact Sheet #6, [Guidance on Archeological Investigations in HUD Projects](#).

- Yes → *Provide survey(s) and report(s) and continue to Step 3.*  
Additional notes:

- No → *Continue to Step 3.*

**Step 3 - Assess Effects of the Project on Historic Properties**

Only properties that are listed on or eligible for the National Register of Historic Places receive further consideration under Section 106. Assess the effect(s) of the project by applying the Criteria of Adverse Effect. ([36 CFR 800.5](#)) Consider direct and indirect effects as applicable as per HUD guidance.

**Choose one of the findings below - No Historic Properties Affected, No Adverse Effect, or Adverse Effect; and seek concurrence from consulting parties.**

- No Historic Properties Affected

**Document reason for finding:**

- No historic properties present. → *Provide concurrence(s) or objection(s) and continue to the Worksheet Summary.*
- Historic properties present, but project will have no effect upon them. → *Provide concurrence(s) or objection(s) and continue to the Worksheet Summary.*

If consulting parties concur or fail to respond to user’s request for concurrence, project is in compliance with this section. No further review is required. If consulting parties object, refer to ([36 CFR 800.4\(d\)\(1\)](#)) and consult further to try to resolve objection(s).

- No Adverse Effect

**Document reason for finding:**

**Does the No Adverse Effect finding contain conditions?**

Yes

**Check all that apply:** (check all that apply)

- Avoidance
- Modification of project
- Other

**Describe conditions here:**

→ *Monitor satisfactory implementation of conditions. Provide concurrence(s) or objection(s) and continue to the Worksheet Summary.*

No → *Provide concurrence(s) or objection(s) and continue to the Worksheet Summary.*

If consulting parties concur or fail to respond to user’s request for concurrence, project is in compliance with this section. No further review is required. If consulting parties object, refer to [\(36 CFR 800.5\(c\)\(2\)\)](#) and consult further to try to resolve objection(s).

Adverse Effect

**Document reason for finding:**

Copy and paste applicable Criteria into text box with summary and justification.

Criteria of Adverse Effect: [36 CFR 800.5](#)]

Notify the Advisory Council on Historic Preservation of the Adverse Effect and provide the documentation outlined in [36 CFR 800.11\(e\)](#). The Council has 15 days to decide whether to enter the consultation (Not required for projects covered by a Programmatic Agreement).

→ *Continue to Step 4.*

**Step 4 - Resolve Adverse Effects**

Work with consulting parties to try to avoid, minimize or mitigate adverse effects. Refer to HUD guidance and [36 CFR 800.6 and 800.7](#).

**Were the Adverse Effects resolved?**

Yes

**Describe the resolution of Adverse Effects, including consultation efforts and participation by the Advisory Council on Historic Preservation:**

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

*→ Provide signed Memorandum of Agreement (MOA) or Standard Mitigation Measures Agreement (SMMA). Continue to the Worksheet Summary.*

No

The project must be cancelled unless the “Head of Agency” approves it. Either provide approval from the “Head of Agency” or cancel the project at this location.

**Describe the failure to resolve Adverse Effects, including consultation efforts and participation by the Advisory Council on Historic Preservation and “Head of the Agency”:**

**Explain in detail the exact conditions or measures that must be implemented to mitigate for the impact or effect, including the timeline for implementation.**

*→ Provide correspondence, comments, documentation of decision, and “Head of Agency” approval. Continue to the Worksheet Summary.*

**Worksheet Summary**

**Compliance Determination**

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

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

**Are formal compliance steps or mitigation required?**

Yes

No

## Noise (CEST Level Reviews)

General requirements	Legislation	Regulation
<b>HUD’s noise regulations protect residential properties from excessive noise exposure. HUD encourages mitigation as appropriate.</b>	Noise Control Act of 1972  General Services Administration Federal Management Circular 75-2: “Compatible Land Uses at Federal Airfields”	Title 24 CFR 51 Subpart B
References		
<a href="https://www.hudexchange.info/programs/environmental-review/noise-abatement-and-control">https://www.hudexchange.info/programs/environmental-review/noise-abatement-and-control</a>		

### 1. What activities does your project involve? Check all that apply:

- New construction for residential use

NOTE: HUD assistance to new construction projects is generally prohibited if they are located in an Unacceptable zone, and HUD discourages assistance for new construction projects in Normally Unacceptable zones. See 24 CFR 51.101(a)(3) for further details.

→ *Continue to Question 4.*

- Rehabilitation of an existing residential property

NOTE: For modernization projects in all noise zones, HUD encourages mitigation to reduce levels to acceptable compliance standards. See 24 CFR 51 Subpart B for further details.

→ *Continue to Question 2.*

- A research demonstration project which does not result in new construction or reconstruction, interstate, land sales registration, or any timely emergency assistance under disaster assistance provisions or appropriations which are provided to save lives, protect property, protect public health and safety, remove debris and wreckage, or assistance that has the effect of restoring facilities substantially as they existed prior to the disaster

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

- None of the above

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

### 2. Do you have standardized noise attenuation measures that apply to all modernization and/or minor rehabilitation projects, such as the use of double glazed windows or extra insulation?

- Yes

**Indicate the type of measures that will apply (check all that apply):**

- Improved building envelope components (better windows and doors, strengthened sheathing, insulation, sealed gaps, etc.)

- Redesigned building envelope (more durable or substantial materials, increased air gap, resilient channels, staggered wall studs, etc.)
- Other

**Explain:**

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

- No

→ *Continue to Question 3.*

**3. Complete the Preliminary Screening to identify potential noise generators in the vicinity (1000' from a major road, 3000' from a railroad, or 15 miles from an airport).**

**Describe findings of the Preliminary Screening:**

→ *Continue to Question 6.*

**4. Complete the Preliminary Screening to identify potential noise generators in the vicinity (1000' from a major road, 3000' from a railroad, or 15 miles from an airport).**

**Indicate the findings of the Preliminary Screening below:**

- There are no noise generators found within the threshold distances above.

→ *Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below. Provide a map showing the location of the project relative to any noise generators.*

- Noise generators were found within the threshold distances.

→ *Continue to Question 5.*

**5. Complete the Noise Assessment Guidelines to quantify the noise exposure. Indicate the findings of the Noise Assessment below:**

Acceptable: (65 decibels or less; the ceiling may be shifted to 70 decibels in circumstances described in §24 CFR 51.105(a))

Indicate noise level here:

→ *Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below. Provide noise analysis, including noise level and data used to complete the analysis.*

Normally Unacceptable: (Above 65 decibels but not exceeding 75 decibels; the floor may be shifted to 70 decibels in circumstances described in 24 CFR 51.105(a))

Indicate noise level here:

**Is the project in a largely undeveloped area<sup>2</sup>?**

No

→ *Your project requires completion of an Environmental Assessment (EA) pursuant to 51.104(b)(1)(i). Elevate this review to an EA-level review. Provide noise analysis, including noise level and data used to complete the analysis. Continue to Question 6.*

Yes

→ *Your project requires completion of an Environmental Impact Statement (EIS) pursuant to 51.104(b)(1)(i). Elevate this review to an EIS-level review. Provide noise analysis, including noise level and data used to complete the analysis. Continue to Question 6.*

Unacceptable: (Above 75 decibels)

Indicate noise level here:

***Your project requires completion of an Environmental Impact Statement (EIS) pursuant to 51.104(b)(1)(i). You may either complete an EIS or provide a waiver signed by the appropriate authority. Indicate your choice:***

Convert to an EIS

→ *Provide noise analysis, including noise level and data used to complete the analysis. Continue to Question 6.*

Provide waiver

→ *Provide an Environmental Impact Statement waiver from the Certifying Officer or the Assistant Secretary for Community Planning and Development per 24 CFR 51.104(b)(2) and noise analysis, including noise level and data used to complete the analysis. Continue to Question 6.*

<sup>2</sup> A largely undeveloped area means the area within 2 miles of the project site is less than 50 percent developed with urban uses and does not have water and sewer capacity to serve the project.



6. HUD strongly encourages mitigation be used to eliminate adverse noise impacts. Explain in detail the exact measures that must be implemented to mitigate for the impact or effect, including the timeline for implementation. This information will be automatically included in the Mitigation summary for the environmental review.

Mitigation as follows will be implemented:

*→ Provide drawings, specifications, and other materials as needed to describe the project's noise mitigation measures.  
Continue to the Worksheet Summary.*

No mitigation is necessary.

**Explain why mitigation will not be made here:**

*→ Continue to the Worksheet Summary.*

## **Worksheet Summary**

### **Compliance Determination**

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

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

**Are formal compliance steps or mitigation required?**

Yes

No

## Contamination and Toxic Substances (Multifamily and Non-Residential Properties)

General requirements	Legislation	Regulations
It is HUD policy that all properties that are being proposed for use in HUD programs be free of hazardous materials, contamination, toxic chemicals and gases, and radioactive substances, where a hazard could affect the health and safety of the occupants or conflict with the intended utilization of the property.		24 CFR 58.5(i)(2) 24 CFR 50.3(i)
Reference		
<a href="https://www.hudexchange.info/programs/environmental-review/site-contamination">https://www.hudexchange.info/programs/environmental-review/site-contamination</a>		

**1. How was site contamination evaluated? <sup>3</sup> Select all that apply.**

- ASTM Phase I ESA
- ASTM Phase II ESA
- Remediation or clean-up plan
- ASTM Vapor Encroachment Screening
- None of the above

→ Provide documentation and reports and include an explanation of how site contamination was evaluated in the Worksheet Summary.

Continue to Question 2.

**2. Were any on-site or nearby toxic, hazardous, or radioactive substances found that could affect the health and safety of project occupants or conflict with the intended use of the property? (Were any recognized environmental conditions or RECs identified in a Phase I ESA and confirmed in a Phase II ESA?)**

- No

**Explain:**

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

- Yes.

→ Describe the findings, including any recognized environmental conditions (RECs), in Worksheet Summary below. Continue to Question 3.

<sup>3</sup> HUD regulations at 24 CFR § 58.5(i)(2)(ii) require that the environmental review for multifamily housing with five or more dwelling units or non-residential property include the evaluation of previous uses of the site or other evidence of contamination on or near the site. For acquisition and new construction of multifamily and nonresidential properties HUD strongly advises the review include an ASTM Phase I Environmental Site Assessment (ESA) to meet real estate transaction standards of due diligence and to help ensure compliance with HUD's toxic policy at 24 CFR §58.5(i) and 24 CFR §50.3(i). Also note that some HUD programs require an ASTM Phase I ESA.

### 3. Mitigation

Document the mitigation needed according to the requirements of the appropriate federal, state, tribal, or local oversight agency. If the adverse environmental effects cannot be mitigated, then HUD assistance may not be used for the project at this site.

#### Can adverse environmental impacts be mitigated?

Adverse environmental impacts cannot feasibly be mitigated

→ Project cannot proceed at this location.

Yes, adverse environmental impacts can be eliminated through mitigation.

→ *Provide all mitigation requirements<sup>4</sup> and documents. Continue to Question 4.*

### 4. Describe how compliance was achieved. Include any of the following that apply: State Voluntary Clean-up Program, a No Further Action letter, use of engineering controls<sup>5</sup>, or use of institutional controls<sup>6</sup>.

#### If a remediation plan or clean-up program was necessary, which standard does it follow?

Complete removal

→ *Continue to the Worksheet Summary.*

Risk-based corrective action (RBCA)

→ *Continue to the Worksheet Summary.*

## Worksheet Summary

### Compliance Determination

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

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

<sup>4</sup> Mitigation requirements include all clean-up actions required by applicable federal, state, tribal, or local law. Additionally, provide, as applicable, the long-term operations and maintenance plan, Remedial Action Work Plan, and other equivalent documents.

<sup>5</sup> Engineering controls are any physical mechanism used to contain or stabilize contamination or ensure the effectiveness of a remedial action. Engineering controls may include, without limitation, caps, covers, dikes, trenches, leachate collection systems, signs, fences, physical access controls, ground water monitoring systems and ground water containment systems including, without limitation, slurry walls and ground water pumping systems.

<sup>6</sup> Institutional controls are mechanisms used to limit human activities at or near a contaminated site, or to ensure the effectiveness of the remedial action over time, when contaminants remain at a site at levels above the applicable remediation standard which would allow for unrestricted use of the property. Institutional controls may include structure, land, and natural resource use restrictions, well restriction areas, classification exception areas, deed notices, and declarations of environmental restrictions.

**Are formal compliance steps or mitigation required?**

Yes

No

## Contamination and Toxic Substances (Single Family Properties)

General requirements	Legislation	Regulations
It is HUD policy that all properties that are being proposed for use in HUD programs be free of hazardous materials, contamination, toxic chemicals and gases, and radioactive substances, where a hazard could affect the health and safety of the occupants or conflict with the intended utilization of the property.		24 CFR 58.5(i)(2) 24 CFR 50.3(i)
Reference		
<a href="https://www.hudexchange.info/programs/environmental-review/site-contamination">https://www.hudexchange.info/programs/environmental-review/site-contamination</a>		

1. Evaluate the site for contamination. Were any on-site or nearby toxic, hazardous, or radioactive substances found that could affect the health and safety of project occupants or conflict with the intended use of the property?

Provide a map or other documentation of absence or presence of contamination<sup>7</sup> and explain evaluation of site contamination in the Worksheet below.

No

**Explain:**

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

Yes

→ Describe the findings, including any recognized environmental conditions (RECs), in Worksheet Summary below. Continue to Question 2.

Check here if an ASTM Phase I Environmental Site Assessment (ESA) report was utilized. [Note: HUD regulations does not require an ASTM Phase I ESA report for single family homes]

<sup>7</sup> Utilize EPA's EnviroMapper and state/tribal databases to identify nearby dumps, junk yards, landfills, hazardous waste sites, and industrial sites, including EPA National Priorities List Sites (Superfund sites), CERCLA or state-equivalent sites, RCRA Corrective Action sites with release(s) or suspected release(s) requiring clean-up action and/or further investigation. Additional supporting documentation may include other inspections and reports.

## 2. Mitigation

Document the mitigation needed according to the requirements of the appropriate federal, state, tribal, or local oversight agency. If the adverse environmental mitigation cannot be mitigated, then HUD assistance may not be used for the project at this site.

### Can adverse environmental impacts be mitigated?

Adverse environmental impacts cannot feasibly be mitigated

→ Project cannot proceed at this location.

Yes, adverse environmental impacts can be eliminated through mitigation.

→ *Provide all mitigation requirements<sup>8</sup> and documents. Continue to Question 3.*

## 3. Describe how compliance was achieved. Include any of the following that apply: State Voluntary Clean-up Program, a No Further Action letter, use of engineering controls<sup>9</sup>, or use of institutional controls<sup>10</sup>.

### If a remediation plan or clean-up program was necessary, which standard does it follow?

Complete removal

Risk-based corrective action (RBCA)

Other

→ *Continue to the Worksheet Summary.*

## Worksheet Summary

### Compliance Determination

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

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

<sup>8</sup> Mitigation requirements include all clean-up actions required by applicable federal, state, tribal, or local law. Additionally, provide, as applicable, the long-term operations and maintenance plan, Remedial Action Work Plan, and other equivalent documents.

<sup>9</sup> Engineering controls are any physical mechanism used to contain or stabilize contamination or ensure the effectiveness of a remedial action. Engineering controls may include, without limitation, caps, covers, dikes, trenches, leachate collection systems, signs, fences, physical access controls, ground water monitoring systems and ground water containment systems including, without limitation, slurry walls and ground water pumping systems.

<sup>10</sup> Institutional controls are mechanisms used to limit human activities at or near a contaminated site, or to ensure the effectiveness of the remedial action over time, when contaminants remain at a site at levels above the applicable remediation standard which would allow for unrestricted use of the property. Institutional controls may include structure, land, and natural resource use restrictions, well restriction areas, classification exception areas, deed notices, and declarations of environmental restrictions.

**Are formal compliance steps or mitigation required?**

- Yes
- No



## Sole Source Aquifers (CEST and EA)

General requirements	Legislation	Regulation
<b>The Safe Drinking Water Act of 1974 protects drinking water systems which are the sole or principal drinking water source for an area and which, if contaminated, would create a significant hazard to public health.</b>	Safe Drinking Water Act of 1974 (42 U.S.C. 201, 300f et seq., and 21 U.S.C. 349)	40 CFR Part 149
Reference		
<a href="https://www.hudexchange.info/environmental-review/sole-source-aquifers">https://www.hudexchange.info/environmental-review/sole-source-aquifers</a>		

### 1. Is the project located on a sole source aquifer (SSA)<sup>11</sup>?

- No → *Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below. Provide documentation used to make your determination, such as a map of your project (or jurisdiction, if appropriate) in relation to the nearest SSA and its source area.*
- Yes → *Continue to Question 2.*

### 2. Does your project consist solely of acquisition, leasing, or rehabilitation of an existing building(s)?

- Yes → *Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below.*
- No → *Continue to Question 3.*

### 3. Does your region have a memorandum of understanding (MOU) or other working agreement with EPA for HUD projects impacting a sole source aquifer?

Contact your Field or Regional Environmental Officer or visit the HUD webpage at the link above to determine if an MOU or agreement exists in your area.

- Yes → *Provide the MOU or agreement as part of your supporting documentation. Continue to Question 4.*
- No → *Continue to Question 5.*

### 4. Does your MOU or working agreement exclude your project from further review?

- Yes → *Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below. Provide documentation used to make your determination and document where your project fits within the MOU or agreement.*
- No → *Continue to Question 5.*

<sup>11</sup> A sole source aquifer is defined as an aquifer that supplies at least 50 percent of the drinking water consumed in the area overlying the aquifer. This includes streamflow source areas, which are upstream areas of losing streams that flow into the recharge area.

**5. Will the proposed project contaminate the aquifer and create a significant hazard to public health?**

Consult with your Regional EPA Office. Your consultation request should include detailed information about your proposed project and its relationship to the aquifer and associated streamflow source area. EPA will also want to know about water, storm water and waste water at the proposed project. Follow your MOU or working agreement or contact your Regional EPA office for specific information you may need to provide. EPA may request additional information if impacts to the aquifer are questionable after this information is submitted for review.

No → *Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below. Provide your correspondence with the EPA and all documents used to make your determination.*

Yes → *Work with EPA to develop mitigation measures. If mitigation measures are approved, attach correspondence with EPA and include the mitigation measures in your environmental review documents and project contracts. If EPA determines that the project continues to pose a significant risk to the aquifer, federal financial assistance must be denied. Continue to Question 6.*

**6. In order to continue with the project, any threat must be mitigated, and all mitigation must be approved by the EPA. Explain in detail the proposed measures that can be implemented to mitigate for the impact or effect, including the timeline for implementation.**

→ *Continue to the Worksheet Summary below. Provide documentation of the consultation (including the Managing Agency's concurrence) and any other documentation used to make your determination.*

## **Worksheet Summary**

### **Compliance Determination**

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

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

**Are formal compliance steps or mitigation required?**

Yes

No

## Wetlands (CEST and EA)

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

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

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

- No → *Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below.*
- Yes → *Continue to Question 2.*

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

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

- No, a wetland will not be impacted in terms of E.O. 11990’s definition of new construction.  
→ *Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below. Provide a map or any other relevant documentation to explain your determination.*
- Yes, there is a wetland that be impacted in terms of E.O. 11990’s definition of new construction.  
→ *You must determine that there are no practicable alternatives to wetlands development by completing the 8-Step Process. Provide a completed 8-Step Process as well as all documents used to make your determination, including a map. Be sure to include the early public notice and the final notice with your documentation. Continue to Question 3.*

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

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

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

**Worksheet Summary**

**Compliance Determination**

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

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

**Are formal compliance steps or mitigation required?**

- Yes       No

## Wild and Scenic Rivers (CEST and EA)

General requirements	Legislation	Regulation
<b>The Wild and Scenic Rivers Act provides federal protection for certain free-flowing, wild, scenic and recreational rivers designated as components or potential components of the National Wild and Scenic Rivers System (NWSRS) from the effects of construction or development.</b>	The Wild and Scenic Rivers Act (16 U.S.C. 1271-1287), particularly section 7(b) and (c) (16 U.S.C. 1278(b) and (c))	36 CFR Part 297
References		
<a href="https://www.hudexchange.info/environmental-review/wild-and-scenic-rivers">https://www.hudexchange.info/environmental-review/wild-and-scenic-rivers</a>		

### 1. Is your project within proximity of a NWSRS river as defined below?

**Wild & Scenic Rivers:** These rivers or river segments have been designated by Congress or by states (with the concurrence of the Secretary of the Interior) as wild, scenic, or recreational

Study Rivers: These rivers or river segments are being studied as a potential component of the Wild & Scenic River system.

Nationwide Rivers Inventory (NRI): The National Park Service has compiled and maintains the NRI, a register of river segments that potentially qualify as national wild, scenic, or recreational river areas

No

→ *Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below. Provide documentation used to make your determination, such as a map identifying the project site and its surrounding area or a list of rivers in your region in the Screen Summary at the conclusion of this screen.*

Yes, the project is in proximity of a Nationwide Rivers Inventory (NRI) River. →

*Continue to Question 2.*

### 2. Could the project do *any* of the following?

- Have a direct and adverse effect within Wild and Scenic River Boundaries,
- Invade the area or unreasonably diminish the river outside Wild and Scenic River Boundaries, or
- Have an adverse effect on the natural, cultural, and/or recreational values of a NRI segment.

Consultation with the appropriate federal/state/local/tribal Managing Agency(s) is required, pursuant to Section 7 of the Act, to determine if the proposed project may have an adverse effect on a Wild & Scenic River or a Study River and, if so, to determine the appropriate avoidance or mitigation measures.

Note: Concurrence may be assumed if the Managing Agency does not respond within 30 days; however, you are still obligated to avoid or mitigate adverse effects on the rivers identified in the NWSRS

No, the Managing Agency has concurred that the proposed project will not alter, directly, or indirectly, any of the characteristics that qualifies or potentially qualifies the river for inclusion in the NWSRS.  
→ *Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below. Provide documentation of the consultation (including the Managing Agency's concurrence) and any other documentation used to make your determination.*

Yes, the Managing Agency was consulted, and the proposed project may alter, directly, or indirectly, any of the characteristics that qualifies or potentially qualifies the river for inclusion in the NWSRS.  
→ *Continue to Question 3.*

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

→ *Continue to the Worksheet Summary below. Provide documentation of the consultation (including the Managing Agency's concurrence) and any other documentation used to make your determination.*

**Worksheet Summary**

**Compliance Determination**

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

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

**Are formal compliance steps or mitigation required?**

- Yes       No

## Environmental Justice (CEST and EA)

General requirements	Legislation	Regulation
Determine if the project creates adverse environmental impacts upon a low-income or minority community. If it does, engage the community in meaningful participation about mitigating the impacts or move the project.	Executive Order 12898	
References		
<a href="https://www.hudexchange.info/environmental-review/environmental-justice">https://www.hudexchange.info/environmental-review/environmental-justice</a>		

**HUD strongly encourages starting the Environmental Justice analysis only after all other laws and authorities, including Environmental Assessment factors if necessary, have been completed.**

**1. Were any adverse environmental impacts identified in any other compliance review portion of this project's total environmental review?**

Yes → *Continue to Question 2.*

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

**2. Were these adverse environmental impacts disproportionately high for low-income and/or minority communities?**

Yes

**Explain:**

→ *Continue to Question 3. Provide any supporting documentation.*

No

**Explain:**

→ *Continue to the Worksheet Summary and provide any supporting documentation.*



**3. All adverse impacts should be mitigated. Explain in detail the proposed measures that must be implemented to mitigate for the impact or effect, including the timeline for implementation.**

Mitigation as follows will be implemented:

→ Continue to Question 4.

No mitigation is necessary.

**Explain why mitigation will not be made here:**

→ Continue to Question 4.

**4. Describe how the affected low-income or minority community was engaged or meaningfully involved in the decision on what mitigation actions, if any, will be taken.**

→ Continue to the Worksheet Summary and provide any supporting documentation.

## **Worksheet Summary**

### **Compliance Determination**

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

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

**Are formal compliance steps or mitigation required?**

Yes

No

HUD Guide to  
Environmental  
Compliance:  
NEPA-Related  
Statutes, Authorities  
and Requirements

## HUD Guide to Environmental Compliance: NEPA-Related Statutes, Authorities and Requirements

### 24 CFR Part 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><b>1. Air Quality</b></p> <p>Clean Air Act of 1970, as amended (42 U.S.C. 7401 <i>et seq.</i>), particularly 7506 (c) &amp; (d).</p> <p>40 CFR parts 6, 51, and 93 (EPA)</p> <p>CAA of 1990, Sec. 112; 40 CFR Part 61 (NESHAP)</p>	<ul style="list-style-type: none"> <li>▪ Acquisition of undeveloped land</li> <li>▪ Change of land use</li> <li>▪ Demolition</li> <li>▪ Major rehabilitation</li> <li>▪ New construction</li> </ul>	<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):  <a href="http://www.epa.gov/air/criteria.html">http://www.epa.gov/air/criteria.html</a></p>	<p>Designated non-attainment and maintenance areas are listed on EPA web site:  <a href="http://www.epa.gov/air/oaqps/greenbk/">http://www.epa.gov/air/oaqps/greenbk/</a></p> <p>EPA Regional SIP pages  <a href="http://www.epa.gov/airquality/urbanair/sipstatus/regionalpqgs.html">http://www.epa.gov/airquality/urbanair/sipstatus/regionalpqgs.html</a></p> <p>EPA “Air Data” – to map non-attainment areas  <a href="http://www.epa.gov/airdata/">http://www.epa.gov/airdata/</a></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:</p> <ul style="list-style-type: none"> <li>▪ Regional or Metropolitan Planning Organization (MPO); or</li> <li>▪ EPA Regional Office.</li> </ul> <p>Status of non-attainment areas and EPA policy questions are addressed by EPA Regional Office.</p> <p>EPA Region 3 SIPs:  <a href="http://yosemite.epa.gov/r3/r3sips.nsf/MidAtlanticSIPs?openform">http://yosemite.epa.gov/r3/r3sips.nsf/MidAtlanticSIPs?openform</a></p> <p>State and local AQ contacts:  <a href="http://www.epa.gov/reg3atd/statelcl/statelcl.htm">http://www.epa.gov/reg3atd/statelcl/statelcl.htm</a></p> <p>HUD Exchange:  <a href="https://www.hudexchange.info/environmental-review/air-quality/">https://www.hudexchange.info/environmental-review/air-quality/</a></p>

**Important:** (1) Information contained herein is for general guidance only. Applicable authorities and regulations take precedence over guidance material and should be consulted as necessary to achieve full compliance. (2) HUD cannot attest to the accuracy of information provided by web sites external to HUD, and access to these sites does not constitute an endorsement by HUD, or any of its employees, of the sponsors of the site or the products presented on the site. (3) Contact the HUD Environmental Officer in your area [[www.hud.gov/offices/cpd/environment/contact/localcontacts/index.cfm](http://www.hud.gov/offices/cpd/environment/contact/localcontacts/index.cfm)] for information or assistance related to compliance with HUD environmental requirements.



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><b>2. Airport Hazards (Clear Zones &amp; APZ)</b></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>	<ul style="list-style-type: none"> <li>▪ Acquisition for construction</li> <li>▪ Change in land use</li> <li>▪ Increase in density</li> <li>▪ Major (“substantial”) rehabilitation</li> <li>▪ New construction</li> </ul> <p>Where airport is:</p> <ul style="list-style-type: none"> <li>▪ Civil airport designated in Nat’l Plan of Integrated Airport System (NPIAS): <a href="http://www.faa.gov/airports/planning_capacity/npias/reports/">http://www.faa.gov/airports/planning_capacity/npias/reports/</a></li> <li>▪ All military air installations</li> </ul> <p>(Note: See also Clear Zone notification requirement) <a href="https://www.hudexchange.info/resource/2758/notice-prospective-buyers-properties-in-runway-clear-zones/">https://www.hudexchange.info/resource/2758/notice-prospective-buyers-properties-in-runway-clear-zones/</a></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> <ul style="list-style-type: none"> <li>▪ Civil airport: The Airport Layout Plan shows the Runway Clear Zone (RCZ), [a.k.a. Runway Protection Zone].</li> <li>▪ Military airfield: The AICUZ Study shows the CZ and APZ.</li> </ul>	<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 <a href="http://www.faa.gov/airports/planning_capacity/npias/reports/">http://www.faa.gov/airports/planning_capacity/npias/reports/</a> and <a href="http://www.airnav.com/airports/">http://www.airnav.com/airports/</a></p> <p>Military Bases: <a href="http://www.globalsecurity.org/military/facility/conus.htm">http://www.globalsecurity.org/military/facility/conus.htm</a> and <a href="http://www.globemaster.de/bases.html">http://www.globemaster.de/bases.html</a></p> <p>HUD Exchange: <a href="https://www.hudexchange.info/environmental-review/airport-hazards/">https://www.hudexchange.info/environmental-review/airport-hazards/</a></p>
<p><b>3. Coastal Zone Management</b></p> <p>Coastal Zone Management Act of 1972, as amended (16 U.S.C. 1451 et. seq., particularly section 1424(e)).</p>	<ul style="list-style-type: none"> <li>▪ Acquisition of undeveloped land</li> <li>▪ Change of land use</li> <li>▪ Major rehabilitation</li> <li>▪ New construction</li> </ul>	<p>Project is located in a state having a Coastal Zone Management (CZM) Program.</p>	<p>CZMP maps are on NOAA (Nat’l Oceanic &amp; Atmospheric Administration) web site: <a href="http://coastalmanagement.noaa.gov/mystate/welcome.html">http://coastalmanagement.noaa.gov/mystate/welcome.html</a></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>NOAA: <a href="http://coastalmanagement.noaa.gov/mystate/welcome.html">http://coastalmanagement.noaa.gov/mystate/welcome.html</a></p> <p>HUD Exchange: <a href="https://www.hudexchange.info/programs/environmental-review/coastal-zone-management/">https://www.hudexchange.info/programs/environmental-review/coastal-zone-management/</a></p>

**Important:** (1) Information contained herein is for general guidance only. Applicable authorities and regulations take precedence over guidance material and should be consulted as necessary to achieve full compliance. (2) HUD cannot attest to the accuracy of information provided by web sites external to HUD, and access to these sites does not constitute an endorsement by HUD, or any of its employees, of the sponsors of the site or the products presented on the site. (3) Contact the HUD Environmental Officer in your area [[www.hud.gov/offices/cpd/environment/contact/localcontacts/index.cfm](http://www.hud.gov/offices/cpd/environment/contact/localcontacts/index.cfm)] for information or assistance related to compliance with HUD environmental requirements.

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><b>4. Contamination and Toxic Substances</b></p> <p>24 CFR Part 58.5 (i) (2) (HUD).</p>	<ul style="list-style-type: none"> <li>▪ Acquisition</li> <li>▪ Conversion from non-residential to residential.</li> <li>▪ Demolition</li> <li>▪ Leasing</li> <li>▪ New construction</li> <li>▪ Rehabilitation</li> </ul>	<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>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 consist of Phase I environmental site assessment* (ASTM standard E1527-05, as amended) and, if applicable, Phase II assessment.</p> <p>Additional/alternative documentation may include:</p> <ul style="list-style-type: none"> <li>▪ Site inspection(s) by knowledgeable professional(s).</li> <li>▪ Search of EPA and other databases for sites and facilities posing real or potential contamination concerns (including NPL (Superfund), TRI, RCRA sites and facilities).</li> <li>▪ Analysis of past uses of the site and adjacent properties as documented by Sanborn Fire Insurance Rate Maps (or equivalent historic maps).</li> </ul> <p>ASTM Phase I and Phase II protocols are available at (\$\$): <a href="http://www.astm.org/cgi-bin/SoftCart.exe/index.shtml?E+mystore">http://www.astm.org/cgi-bin/SoftCart.exe/index.shtml?E+mystore</a></p> <p>Current ASTM Phase I standard (E1527-13) (\$\$): <a href="http://www.astm.org/cgi-bin/SoftCart.exe/DATABASE.CART/PAGES/E1527.htm?L+mystore+iweh6695+1022889987">http://www.astm.org/cgi-bin/SoftCart.exe/DATABASE.CART/PAGES/E1527.htm?L+mystore+iweh6695+1022889987</a></p> <p>NOTE: A person may purchase property with the</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 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 Envirofacts Data: <a href="http://www.epa.gov/enviro/">http://www.epa.gov/enviro/</a></p> <p>EPA Maps: <a href="http://www.epa.gov/enviro/html/en/">http://www.epa.gov/enviro/html/en/</a></p> <p>HUD Maps (select "Map Your Community"): <a href="http://egis.hud.gov/egis/">http://egis.hud.gov/egis/</a></p> <p>EPA CERCLIS/NPL database Text - <a href="http://www.epa.gov/superfund/sites/query/basic.htm">http://www.epa.gov/superfund/sites/query/basic.htm</a></p> <p>Map - <a href="http://www.epa.gov/superfund/sites/">http://www.epa.gov/superfund/sites/</a></p> <p>ATSDR "ToxFAQs" summaries about hazardous substances: <a href="http://www.atsdr.cdc.gov/toxfaqs/index.asp">http://www.atsdr.cdc.gov/toxfaqs/index.asp</a></p> <p>Right-To-Know Network:</p> <ul style="list-style-type: none"> <li>▪ access to government-held information on the environment, health, and safety: <a href="http://www.rtknet.org/">http://www.rtknet.org/</a></li> </ul> <p>Scorecard.Org:</p> <ul style="list-style-type: none"> <li>▪ Releases of toxic chemicals</li> <li>▪ Cancer risks from hazardous air pollutants</li> <li>▪ Superfund sites</li> <li>▪ Facilities emitting</li> </ul>

**Important:** (1) Information contained herein is for general guidance only. Applicable authorities and regulations take precedence over guidance material and should be consulted as necessary to achieve full compliance. (2) HUD cannot attest to the accuracy of information provided by web sites external to HUD, and access to these sites does not constitute an endorsement by HUD, or any of its employees, of the sponsors of the site or the products presented on the site. (3) Contact the HUD Environmental Officer in your area [[www.hud.gov/offices/cpd/environment/contact/localcontacts/index.cfm](http://www.hud.gov/offices/cpd/environment/contact/localcontacts/index.cfm)] for information or assistance related to compliance with HUD environmental requirements.

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>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 is effective 11/01/06. The AAI final rule is found at 40 CFR 312.  <a href="http://www.epa.gov/swerosps/bf/aaai/index.htm">http://www.epa.gov/swerosps/bf/aaai/index.htm</a></p> <p>The ASTM E1527-05 Phase I standard is consistent and compliant with EPA’s final rule for AAI and may be used to comply with the provisions of AAI.</p>		<p>criteria air pollutants  <a href="http://www.scorecard.org/community/ei-index.tcl">http://www.scorecard.org/community/ei-index.tcl</a></p> <p>State voluntary cleanup programs:</p> <ul style="list-style-type: none"> <li>▪ PA DEP Land Recycling Program:  <a href="http://www.portal.state.pa.us/portal/server.pt/community/land_recycling_program/10307">http://www.portal.state.pa.us/portal/server.pt/community/land_recycling_program/10307</a></li> </ul> <p>DNREC Site Investigation &amp; Restoration Branch (SIRB):  <a href="http://www.awm.delaware.gov/SIRB/Pages/Voluntary_Cleanup_Program.aspx">http://www.awm.delaware.gov/SIRB/Pages/Voluntary_Cleanup_Program.aspx</a></p> <p>HUD Exchange:  <a href="https://www.hudexchange.info/programs/environmental-review/site-contamination/">https://www.hudexchange.info/programs/environmental-review/site-contamination/</a></p>
<p><b>5. Endangered Species</b></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 &amp; Commerce)</p>	<ul style="list-style-type: none"> <li>▪ Acquisition of undeveloped land</li> <li>▪ Conversion of land use</li> <li>▪ Demolition</li> <li>▪ Major rehabilitation</li> <li>▪ New construction</li> </ul>	<p>Project is likely to affect, or may affect, any Federally listed endangered or threatened species or habitat.</p>	<p>Contact the US Fish and Wildlife Service (FWS) office to determine if a listed species or habitat is present in the project action area or may be affected by the project.</p> <p>General information on listed species and habitats:  <a href="http://www.fws.gov/endangered/species/us-species.html">http://www.fws.gov/endangered/species/us-species.html</a></p> <p>Pennsylvania Natural Diversity Inventory:</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>Additionally, a biological assessment must be prepared by a qualified professional (e.g., biologist or botanist) explaining the likely effect on the species or habitat.</p>	<p>Section 7 consultation process described at:  <a href="http://www.fws.gov/endangered/what-we-do/consultations-overview.html">http://www.fws.gov/endangered/what-we-do/consultations-overview.html</a></p> <p>U.S. Fish &amp; Wildlife Ecological Services Field offices:  <b>Pennsylvania</b>  315 South Allen Street, Suite 322  State College, PA  16801-4850  814-234-4090</p>

**Important:** (1) Information contained herein is for general guidance only. Applicable authorities and regulations take precedence over guidance material and should be consulted as necessary to achieve full compliance. (2) HUD cannot attest to the accuracy of information provided by web sites external to HUD, and access to these sites does not constitute an endorsement by HUD, or any of its employees, of the sponsors of the site or the products presented on the site. (3) Contact the HUD Environmental Officer in your area [[www.hud.gov/offices/cpd/environment/contact/localcontacts/index.cfm](http://www.hud.gov/offices/cpd/environment/contact/localcontacts/index.cfm)] for information or assistance related to compliance with HUD environmental requirements.

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
			<a href="http://www.naturalheritage.state.pa.us/">http://www.naturalheritage.state.pa.us/</a>  DE DNREC Natural Heritage and Endangered Species Program <a href="http://www.dnrec.state.de.us/nhp/">http://www.dnrec.state.de.us/nhp/</a>		DE, MD, DC 177 Admiral Cochrane Drive Annapolis, MD 21401 410-573-4500  HUD Exchange: <a href="https://www.hudexchange.info/programs/environmental-review/endangered-species/">https://www.hudexchange.info/programs/environmental-review/endangered-species/</a>
<b>6. Environmental Justice</b>  E.O. 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations"	Applies when an adverse impact or condition occurs with respect to an environmental issue;  <i>and,</i>  When the activity is: <ul style="list-style-type: none"> <li>▪ Acquisition</li> <li>▪ Change of land use</li> <li>▪ Demolition</li> <li>▪ Major rehabilitation</li> <li>▪ New construction</li> </ul>	Project entails adverse health or environmental effects which <b>disproportionately</b> impact a minority or low-income population relative to the community at large.  The potential for new or continued adverse health or environmental effects must be considered.	EPA's Geographic Assessment Tool provides information relevant to EJ assessments: <a href="http://epamap14.epa.gov/eimap/entry.html">http://epamap14.epa.gov/eimap/entry.html</a>  Census and geospatial data from local and regional planning agencies. Census data and maps also available at: <a href="http://factfinder.census.gov/home/saf/main.html">http://factfinder.census.gov/home/saf/main.html</a>  and: <a href="http://www.census.gov/">http://www.census.gov/</a>  Tract-level data on race & income: <a href="http://www.ffiec.gov/geocode/default.htm">http://www.ffiec.gov/geocode/default.htm</a>	Perform an EJ analysis using census, geographic and other data to determine if a low-income/minority population is disproportionately impacted.  If susceptible populations are impacted: <ul style="list-style-type: none"> <li>• Mitigation or avoidance of adverse impacts must be considered to the extent practicable; and,</li> <li>• Public participation processes must involve the affected population(s) in the decision-making process.</li> </ul>	EJ maps & analysis, by location: <a href="http://www.scorecard.org/communitv/ej-index.tcl">http://www.scorecard.org/communitv/ej-index.tcl</a>  EPA Maps: <a href="http://www.epa.gov/environmentaljustice/mapping.html">http://www.epa.gov/environmentaljustice/mapping.html</a>  CEQ guide to NEPA & EJ: <a href="http://www.epa.gov/compliance/environmentaljustice/resources/policy/index.html">http://www.epa.gov/compliance/environmentaljustice/resources/policy/index.html</a>  Human Health & Toxicology: <ul style="list-style-type: none"> <li>• CDC (NIOSH)  <a href="http://www.cdc.gov/niosh/topics/chemical.html">http://www.cdc.gov/niosh/topics/chemical.html</a></li> <li>• ATSDR  <a href="http://www.atsdr.cdc.gov/">http://www.atsdr.cdc.gov/</a></li> <li>• EPA (IRIS)  <a href="http://cfpub.epa.gov/ncea/iris/index.cfm">http://cfpub.epa.gov/ncea/iris/index.cfm</a></li> </ul> HUD Exchange: <a href="https://www.hudexchange.info/programs/environmental-review/environmental-justice/">https://www.hudexchange.info/programs/environmental-review/environmental-justice/</a>

**Important:** (1) Information contained herein is for general guidance only. Applicable authorities and regulations take precedence over guidance material and should be consulted as necessary to achieve full compliance. (2) HUD cannot attest to the accuracy of information provided by web sites external to HUD, and access to these sites does not constitute an endorsement by HUD, or any of its employees, of the sponsors of the site or the products presented on the site. (3) Contact the HUD Environmental Officer in your area [www.hud.gov/offices/cpd/environment/contact/localcontacts/index.cfm] for information or assistance related to compliance with HUD environmental requirements.



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><b>7. Explosive and Flammable Operations</b></p> <p>Housing and Community Development Act of 1974, as amended.</p> <p>24 CFR Part 51 Subpart C “Siting of HUD-Assisted Projects Near Hazardous Operations Handling Petroleum Products or Chemicals of an Explosive or Flammable Nature” (HUD)</p>	<p>Residential project when the activity is:</p> <ul style="list-style-type: none"> <li>▪ Conversion of land use from non-residential to residential use</li> <li>▪ New construction</li> <li>▪ Rehabilitation, where unit density increased</li> <li>▪ Vacant building made habitable</li> </ul> <p>or,</p> <p>Any project for industrial, commercial, institutional, or recreational use where people may congregate or be present.</p>	<p>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.</p> <p>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.</p>	<p>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.</p> <p>Contact local operator of such facility to determine the type and volume of fuels and chemicals of an explosive or flammable nature.</p>	<p>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.</p> <p>Mitigation may include construction of a barrier of adequate size and strength to protect the building and occupants.</p>	<p>Contact HUD Field Environmental Officer for tanks having over 1 million-gallon capacity.</p> <p>HUD explosive/ flammable hazard guidebook:  <a href="https://www.onecpd.info/resource/2762/acceptable-separation-distance-guidebook/">https://www.onecpd.info/resource/2762/acceptable-separation-distance-guidebook/</a></p> <p>HUD Exchange:  <a href="https://www.hudexchange.info/programs/environmental-review/explosive-and-flammable-facilities/">https://www.hudexchange.info/programs/environmental-review/explosive-and-flammable-facilities/</a></p>
<p><b>8. Farmland Protection</b></p> <p>Farmland Protection Policy Act of 1981 (7 U.S.C. 4201 <i>et seq.</i>), particularly sections 1504(b) &amp; 1541</p> <p>7 CFR Part 658, “Farmland Protection Policy” (USDA)</p>	<ul style="list-style-type: none"> <li>▪ Acquisition of undeveloped land</li> <li>▪ Conversion of undeveloped land</li> <li>▪ New construction</li> <li>▪ Site clearance</li> </ul>	<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 685.2(a).</p>	<p>Important farmlands - limited online coverage (USDA):  <a href="http://www.ncqc.nrcs.usda.gov/products/cartographic/farmland/">http://www.ncqc.nrcs.usda.gov/products/cartographic/farmland/</a></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>County offices for Natural Resources Conservation Services (NRCS) listed at:  <a href="http://offices.sc.egov.usda.gov/locator/app">http://offices.sc.egov.usda.gov/locator/app</a></p> <p>HUD Exchange:  <a href="https://www.hudexchange.info/programs/environmental-review/explosive-and-flammable-facilities/">https://www.hudexchange.info/programs/environmental-review/explosive-and-flammable-facilities/</a></p>

**Important:** (1) Information contained herein is for general guidance only. Applicable authorities and regulations take precedence over guidance material and should be consulted as necessary to achieve full compliance. (2) HUD cannot attest to the accuracy of information provided by web sites external to HUD, and access to these sites does not constitute an endorsement by HUD, or any of its employees, of the sponsors of the site or the products presented on the site. (3) Contact the HUD Environmental Officer in your area [[www.hud.gov/offices/cpd/environment/contact/localcontacts/index.cfm](http://www.hud.gov/offices/cpd/environment/contact/localcontacts/index.cfm)] for information or assistance related to compliance with HUD environmental requirements.

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><b>9. Floodplain Management</b></p> <p>E.O. 11988, "Floodplain Management", particularly section 2(a).</p> <p>24 CFR Part 55 "Floodplain Management" (HUD)</p>	<ul style="list-style-type: none"> <li>▪ Acquisition for construction or for existing bldg &gt;4 units</li> <li>▪ Disposition &gt;4 units</li> <li>▪ Financing &gt;4 units</li> <li>▪ Leasing &gt;4 units</li> <li>▪ New construction</li> <li>▪ Substantial Rehabilitation &gt;4 units housing (rehab cost &gt;50% pre-rehab value or &gt;20% density increase)</li> </ul>	<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:  <a href="https://msc.fema.gov/webapp/wcs/stores/servlet/FemaWelcomeView?storeId=10001&amp;catalogId=10001&amp;langId=-1">https://msc.fema.gov/webapp/wcs/stores/servlet/FemaWelcomeView?storeId=10001&amp;catalogId=10001&amp;langId=-1</a>  <a href="https://msc.fema.gov/webapp/wcs/stores/servlet/FemaWelcomeView?storeId=10001&amp;catalogId=10001&amp;langId=-1">https://msc.fema.gov/webapp/wcs/stores/servlet/FemaWelcomeView?storeId=10001&amp;catalogId=10001&amp;langId=-1</a></p>	<p>Avoid direct or indirect support of floodplain development wherever there is a <u>practicable alternative</u>.</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; else project must apply appropriate mitigation.</p>	<p>FEMA:  <a href="http://www.fema.gov/business/nfip/fmapinfo.shtm">http://www.fema.gov/business/nfip/fmapinfo.shtm</a></p> <p>State Floodplain Managers:  <a href="http://www.floods.org/StatePOCs/map.asp">http://www.floods.org/StatePOCs/map.asp</a></p> <p>HUD Exchange:  <a href="https://www.hudexchange.info/programs/environmental-review/floodplain-management/">https://www.hudexchange.info/programs/environmental-review/floodplain-management/</a></p>
<p><b>10. Historic Preservation</b></p> <p>National Historic Preservation Act of 1966 (16 U.S.C. 470 et seq.), particularly sections 106 &amp; 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> <ul style="list-style-type: none"> <li>▪ Acquisition</li> <li>▪ Demolition</li> <li>▪ Disposition</li> <li>▪ Ground disturbance</li> <li>▪ New construction</li> <li>▪ Rehabilitation</li> </ul>	<p>Project's area of potential effects [see §800.16(d)] contains:</p> <ul style="list-style-type: none"> <li>▪ A property listed in, or eligible for listing in, the National Register of Historic Places; or,</li> <li>▪ An historic district listed in, or eligible for listing in, the National Register of Historic Places; or,</li> <li>▪ Compelling evidence of the high probability of archeological resources eligible for listing in the National Register of Historic Places.</li> </ul> <p>National Register Eligibility Criteria:  <a href="http://www.achp.gov/nrcriteria.html">http://www.achp.gov/nrcriteria.html</a></p>	<p>Information on the presence of historic resources:</p> <ul style="list-style-type: none"> <li>▪ National Register  <a href="http://www.nationalregisterofhistoricplaces.com/">http://www.nationalregisterofhistoricplaces.com/</a></li> </ul> <p>and local historic registers;</p> <ul style="list-style-type: none"> <li>▪ State Historic Preservation Office (SHPO) and/or Tribal Historic Preservation Office (THPO);</li> <li>▪ Certified Local Government (CLG) preservation staff.</li> </ul>	<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</p>	<p>Advisory Council:  <a href="http://www.achp.gov">http://www.achp.gov</a></p> <p>State Historic Preservation Officers (SHPOs):  <a href="http://www.ncshpo.org">http://www.ncshpo.org</a></p> <p>Tribal Historic Preservation Officers (THPOs):  <a href="http://www.nathpo.org">http://www.nathpo.org</a></p> <p>HUD Tribal Directory Assessment Tool (TDAT):  <a href="http://egis.hud.gov/tdat/Tribal.aspx">http://egis.hud.gov/tdat/Tribal.aspx</a></p> <p>National Register:  <a href="http://www.cr.nps.gov/nr/index.htm">http://www.cr.nps.gov/nr/index.htm</a></p>

**Important:** (1) Information contained herein is for general guidance only. Applicable authorities and regulations take precedence over guidance material and should be consulted as necessary to achieve full compliance. (2) HUD cannot attest to the accuracy of information provided by web sites external to HUD, and access to these sites does not constitute an endorsement by HUD, or any of its employees, of the sponsors of the site or the products presented on the site. (3) Contact the HUD Environmental Officer in your area [[www.hud.gov/offices/cpd/environment/contact/localcontacts/index.cfm](http://www.hud.gov/offices/cpd/environment/contact/localcontacts/index.cfm)] for information or assistance related to compliance with HUD environmental requirements.

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>how adverse effects will be resolved. Guidance on writing MOAs:  <a href="http://www.npi.org/tools.html">http://www.npi.org/tools.html</a></p>	<p>Preservation staff of a CLG (Certified Local Govern't) – local contact.</p> <p>NPS technical info:  <a href="http://www.nps.gov/dsc/technicalinfocenter.htm">http://www.nps.gov/dsc/technicalinfocenter.htm</a></p> <p>Other resource links:  <a href="http://www.nal.usda.gov/ric/pubs/preserve.html">http://www.nal.usda.gov/ric/pubs/preserve.html</a></p> <p>HUD Exchange:  <a href="https://www.hudexchange.info/programs/environmental-review/historic-preservation/">https://www.hudexchange.info/programs/environmental-review/historic-preservation/</a></p>

**Important:** (1) Information contained herein is for general guidance only. Applicable authorities and regulations take precedence over guidance material and should be consulted as necessary to achieve full compliance. (2) HUD cannot attest to the accuracy of information provided by web sites external to HUD, and access to these sites does not constitute an endorsement by HUD, or any of its employees, of the sponsors of the site or the products presented on the site. (3) Contact the HUD Environmental Officer in your area [www.hud.gov/offices/cpd/environment/contact/localcontacts/index.cfm] for information or assistance related to compliance with HUD environmental requirements.

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><b>11. Noise Control</b></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>Residential and other noise-sensitive developments (e.g., hospitals, nursing homes, day care, community center, etc.)</p> <p>Required:</p> <ul style="list-style-type: none"> <li>▪ Acquisition for residential or noise-sensitive use</li> <li>▪ Conversion of land use from non-residential to residential</li> <li>▪ New construction</li> </ul> <p>Encouraged:</p> <ul style="list-style-type: none"> <li>▪ Rehabilitation</li> </ul>	<p>Project is located within:</p> <ul style="list-style-type: none"> <li>▪ 1,000 feet of major/busy road,</li> <li>▪ 3,000 feet of railway,</li> <li>▪ 15 miles of airport (civil or military).</li> </ul> <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>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>Projected noise levels:</p> <ul style="list-style-type: none"> <li>▪ 65-75 DNL – "Normally Unacceptable," requires mitigation or attenuation.</li> <li>▪ &gt;75 DNL "Unacceptable;" requires rejection in most cases.</li> </ul>	<p>Traffic volumes - Road:</p> <p><b>Pennsylvania</b>  <a href="http://www.dot.state.pa.us/Internet/Bureaus/pdPlanRes.nsf/infoBPRTTrafficVolumeMap">http://www.dot.state.pa.us/Internet/Bureaus/pdPlanRes.nsf/infoBPRTTrafficVolumeMap</a></p> <p><b>Delaware</b>  <a href="http://www.deldot.gov/information/pubs_forms/manuals/traffic_counts/index.shtml">http://www.deldot.gov/information/pubs_forms/manuals/traffic_counts/index.shtml</a></p> <p>Rail information:  <b>Pennsylvania (Map):</b>  <a href="ftp://ftp.dot.state.pa.us/public/Bureaus/railfreight/parainewmajhws.pdf">ftp://ftp.dot.state.pa.us/public/Bureaus/railfreight/parainewmajhws.pdf</a></p> <p><b>(List/Contact Info)</b>  <a href="http://www.puc.state.pa.us/transport/railsafe/railsafe_railroadop.aspx">http://www.puc.state.pa.us/transport/railsafe/railsafe_railroadop.aspx</a></p> <p><b>Delaware:</b>  No information at present</p> <p>Barrier guidance (FHWA):  <a href="http://www.fhwa.dot.gov/environment/keepdown.htm">http://www.fhwa.dot.gov/environment/keepdown.htm</a></p> <p>HUD Exchange:  <a href="https://www.hudexchange.info/programs/environmental-review/noise-abatement-and-control/">https://www.hudexchange.info/programs/environmental-review/noise-abatement-and-control/</a>  HUD noise guidebook:  <a href="https://www.hudexchange.info/resource/313/hud-noise-guidebook/">https://www.hudexchange.info/resource/313/hud-noise-guidebook/</a></p>

**Important:** (1) Information contained herein is for general guidance only. Applicable authorities and regulations take precedence over guidance material and should be consulted as necessary to achieve full compliance. (2) HUD cannot attest to the accuracy of information provided by web sites external to HUD, and access to these sites does not constitute an endorsement by HUD, or any of its employees, of the sponsors of the site or the products presented on the site. (3) Contact the HUD Environmental Officer in your area [www.hud.gov/offices/cpd/environment/contact/localcontacts/index.cfm] for information or assistance related to compliance with HUD environmental requirements.

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><b>12. Water Quality (Sole Source Aquifers)</b></p> <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>	<ul style="list-style-type: none"> <li>▪ Acquisition of undeveloped land</li> <li>▪ Change of land use</li> <li>▪ New construction</li> </ul>	<p>Project is located within area of an EPA-designated sole source aquifer, unless project utilizes municipal water and sewer and has appropriate local drainage.</p>	<p>Designated sole source aquifers are listed on EPA web site:  <a href="http://www.epa.gov/reg3wapd/presentations/ssa/index.htm">http://www.epa.gov/reg3wapd/presentations/ssa/index.htm</a></p>	<p>Review of project by Regional EPA Office of Ground Water is required if activity is of a type and 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>EPA:  <a href="http://water.epa.gov/drink/index.cfm">http://water.epa.gov/drink/index.cfm</a></p> <p>EPA &amp; state - source water protection contacts:  <a href="http://water.epa.gov/infrastructure/drinkingwater/sourcewater/protection/index.cfm">http://water.epa.gov/infrastructure/drinkingwater/sourcewater/protection/index.cfm</a></p> <p>EPA – TDML maps:  <a href="http://water.epa.gov/lawsregs/lawsguidance/cwa/tmdl/index.cfm">http://water.epa.gov/lawsregs/lawsguidance/cwa/tmdl/index.cfm</a></p> <p>EPA – Septic Systems:  <a href="http://water.epa.gov/infrastructure/drinkingwater/sourcewater/upload/2006_08_28_sourcewater_fs_swpp_septic.pdf">http://water.epa.gov/infrastructure/drinkingwater/sourcewater/upload/2006_08_28_sourcewater_fs_swpp_septic.pdf</a></p> <p>HUD Exchange:  <a href="https://www.hudexchange.info/programs/environmental-review/sole-source-aquifers/">https://www.hudexchange.info/programs/environmental-review/sole-source-aquifers/</a></p>
<p><b>13. Wetland Protection</b></p> <p>E.O. 11990, "Protection of Wetlands," particularly sections 2 &amp; 5.</p> <p>Draft 24 CFR Part 55 "Floodplain Management" (42 FR 26961 – 5/25/97)</p>	<ul style="list-style-type: none"> <li>▪ Acquisition of undeveloped land</li> <li>▪ Change of land use</li> <li>▪ New construction</li> <li>▪ Expansion of bldg footprint</li> </ul>	<p>Project is located within, or has impact upon, a wetland.</p>	<p>National Wetlands Inventory maps are listed on FWS site:  <a href="http://www.fws.gov/wetlands/data/index.html">http://www.fws.gov/wetlands/data/index.html</a></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>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 district offices:  <a href="http://www.usace.army.mil/Locations.aspx">http://www.usace.army.mil/Locations.aspx</a></p> <p>U.S. Fish and Wildlife Service:  <a href="http://wetlands.fws.gov/">http://wetlands.fws.gov/</a></p> <p>EPA:  <a href="http://www.epa.gov/owow/wetlands/">http://www.epa.gov/owow/wetlands/</a></p> <p>HUD Exchange:  <a href="https://www.hudexchange.info/programs/environmental-review/sole-source-aquifers/">https://www.hudexchange.info/programs/environmental-review/sole-source-aquifers/</a></p>

**Important:** (1) Information contained herein is for general guidance only. Applicable authorities and regulations take precedence over guidance material and should be consulted as necessary to achieve full compliance. (2) HUD cannot attest to the accuracy of information provided by web sites external to HUD, and access to these sites does not constitute an endorsement by HUD, or any of its employees, of the sponsors of the site or the products presented on the site. (3) Contact the HUD Environmental Officer in your area [[www.hud.gov/offices/cpd/environment/contact/localcontacts/index.cfm](http://www.hud.gov/offices/cpd/environment/contact/localcontacts/index.cfm)] for information or assistance related to compliance with HUD environmental requirements.

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
			For wetlands delineations, contact USACOE, USFWS, USDA- NRCS, USEPA and/or private consultants.		<a href="#">review/wetlands-protection/</a>
<p><b>14. Wild &amp; Scenic Rivers</b></p> <p>Wild and Scenic Rivers Act of 1968 (16 U.S.C. 1271 <i>et seq.</i>), particularly section 7(b) &amp; (c).</p> <p>36 CFR Part 297 "Wild and Scenic Rivers" (USDA)</p>	<ul style="list-style-type: none"> <li>▪ Acquisition of undeveloped land</li> <li>▪ Change of land use</li> <li>▪ Major rehabilitation</li> <li>▪ New construction</li> </ul>	<p>Project is located within one (1) mile of a designated Wild &amp; Scenic River, or river being studied as a potential component of the Wild &amp; Scenic River system.</p> <p>Project is located upstream, downstream, or on a tributary of river that is designated, studied or potential for listing on the system.</p> <p>Protected rivers are designated, study and NRI rivers.</p>	<p>Designated wild and scenic rivers are listed on the National Park Service: <a href="http://www.rivers.gov/map.php">http://www.rivers.gov/map.php</a> <a href="http://www.rivers.gov/map.php">http://www.rivers.gov/map.php</a></p> <p>GIS shape files (maps) can also be downloaded from this site.</p> <p>Study Rivers (potential wild and scenic rivers): <a href="http://www.rivers.gov/study.php">http://www.rivers.gov/study.php</a></p> <p>National River Inventory (NRI) listed rivers: <a href="http://www.nps.gov/ncrc/programs/rca/nri/">http://www.nps.gov/ncrc/programs/rca/nri/</a></p>	<p>Determination from the Forest Service must be obtained finding that the project will not have a direct and adverse effect on a designated river, nor invade or diminish values associated with such a river.</p> <p>Consultation with Forest Service is recommended to identify and eliminate direct and adverse effects.</p>	<p>National Park Service: <a href="http://www.nps.gov/rivers/">http://www.nps.gov/rivers/</a> and <a href="http://www.nps.gov/ncrc/programs/rca/nri/auth.html">http://www.nps.gov/ncrc/programs/rca/nri/auth.html</a></p> <p>NEPA Guidance: <a href="http://www.nps.gov/ncrc/programs/rca/nri/hist.html">http://www.nps.gov/ncrc/programs/rca/nri/hist.html</a></p> <p>Publications: <a href="http://www.rivers.gov/publications.html#guidelines">http://www.rivers.gov/publications.html#guidelines</a></p> <p>HUD Exchange: <a href="https://www.hudexchange.info/programs/environmental-review/wild-and-scenic-rivers/">https://www.hudexchange.info/programs/environmental-review/wild-and-scenic-rivers/</a></p>

## 24 CFR Part 58.6 – Other Requirements

<p><b>1. Airport Hazards (Clear Zones)</b></p> <p>24 CFR Part 51 Subpart D "Siting of HUD-Assisted Projects in Clear Zones and Accident Potential Zones" (HUD)</p>	<ul style="list-style-type: none"> <li>▪ Purchase or sale of property</li> </ul>	<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>HUD Exchange: <a href="https://www.hudexchange.info/programs/environmental-review/airport-hazards/">https://www.hudexchange.info/programs/environmental-review/airport-hazards/</a></p>
--	--	---	---	--	--

**Important:** (1) Information contained herein is for general guidance only. Applicable authorities and regulations take precedence over guidance material and should be consulted as necessary to achieve full compliance. (2) HUD cannot attest to the accuracy of information provided by web sites external to HUD, and access to these sites does not constitute an endorsement by HUD, or any of its employees, of the sponsors of the site or the products presented on the site. (3) Contact the HUD Environmental Officer in your area [[www.hud.gov/offices/cpd/environment/contact/localcontacts/index.cfm](http://www.hud.gov/offices/cpd/environment/contact/localcontacts/index.cfm)] for information or assistance related to compliance with HUD environmental requirements.

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><b>2. Coastal Barriers</b></p> <p>Coastal Barrier Resources Act, as amended (16 U.S.C. 3501)</p>	<ul style="list-style-type: none"> <li>All activities having a physical impact</li> </ul>	<p>Project is located in a community listed in the Coastal Barrier Resources System (CBRS).</p>	<p>CBRS maps on FEMA web site:  <a href="http://www.fema.gov/national-flood-insurance-program-2/coastal-barrier-resources-system">http://www.fema.gov/national-flood-insurance-program-2/coastal-barrier-resources-system</a></p> <p>Coastal barriers also displayed on FEMA Flood Insurance Rate Maps (FIRM).</p>	<p>Federal funding is prohibited for projects located within a designated coastal barrier.</p>	<p>FEMA:  <a href="http://www.fema.gov/pdf/nfi/manual200505/18cbrs.pdf">http://www.fema.gov/pdf/nfi/manual200505/18cbrs.pdf</a></p> <p>HUD Exchange:  <a href="https://www.hudexchange.info/programs/environmental-review/coastal-barrier-resources/">https://www.hudexchange.info/programs/environmental-review/coastal-barrier-resources/</a></p> <p>Fish and Wildlife:  <a href="http://www.fws.gov/cbra/CBRS-Mapper.html">http://www.fws.gov/cbra/CBRS-Mapper.html</a>  <a href="http://www.fws.gov/cbra/Maps/index.html">http://www.fws.gov/cbra/Maps/index.html</a></p>
<p><b>3. Flood Insurance</b></p> <p>Federal Disaster Protection Act of 1973, as amended. National 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></p> <ul style="list-style-type: none"> <li>Leasing without rehab, acquisition or improvements</li> <li>Loans &lt; \$5,000 repaid within 1 year</li> <li>Maintenance</li> <li>State-administered formula grants (i.e., CDBG, HOME &amp; ESG programs)</li> </ul> <p><u>Inapplicable:</u></p> <ul style="list-style-type: none"> <li>Improvements or repairs costing less than the deductible of a standard flood insurance policy on a building (current FEMA deductible is \$500)</li> </ul>	<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:  <a href="https://msc.fema.gov/webapp/wcs/stores/servlet/FemaWelcomeView?storeId=10001&amp;catalogId=10001&amp;langId=-1">https://msc.fema.gov/webapp/wcs/stores/servlet/FemaWelcomeView?storeId=10001&amp;catalogId=10001&amp;langId=-1</a></p> <p>FEMA CBRS Flood Insurance Rating:  <a href="http://www.fema.gov/pdf/nfi/manual200505/18cbrs.pdf">http://www.fema.gov/pdf/nfi/manual200505/18cbrs.pdf</a></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> <ul style="list-style-type: none"> <li>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).</li> <li>Loans – Term equal to that of the loan; coverage amount equal to that of the loan (up to maximum coverage limit).</li> </ul>	<p>FEMA Mandatory Flood Insurance Guidelines:  <a href="http://www.fema.gov/library/viewRecord.do?id=2954">http://www.fema.gov/library/viewRecord.do?id=2954</a></p> <p>FEMA Nat'l Flood Insurance Program:  <a href="http://www.fema.gov/business/nfi/index.shtml">http://www.fema.gov/business/nfi/index.shtml</a></p> <p>FEMA "FloodSmart":  <a href="http://www.floodsmart.gov/floodsmart/pages/index.jsp">http://www.floodsmart.gov/floodsmart/pages/index.jsp</a></p> <p>Community Status Book:  <a href="http://www.fema.gov/national-flood-insurance-program/national-flood-insurance-program-community-status-book">http://www.fema.gov/national-flood-insurance-program/national-flood-insurance-program-community-status-book</a></p> <p>HUD Exchange:  <a href="https://www.hudexchange.info/programs/environmental-review/flood-insurance/">https://www.hudexchange.info/programs/environmental-review/flood-insurance/</a></p>

**Important:** (1) Information contained herein is for general guidance only. Applicable authorities and regulations take precedence over guidance material and should be consulted as necessary to achieve full compliance. (2) HUD cannot attest to the accuracy of information provided by web sites external to HUD, and access to these sites does not constitute an endorsement by HUD, or any of its employees, of the sponsors of the site or the products presented on the site. (3) Contact the HUD Environmental Officer in your area [[www.hud.gov/offices/cpd/environment/contact/localcontacts/index.cfm](http://www.hud.gov/offices/cpd/environment/contact/localcontacts/index.cfm)] for information or assistance related to compliance with HUD environmental requirements.