



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

**24 CFR PART 58
COMPLIANCE GUIDEBOOK**



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Section 1: Introduction

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

A. HUD Region VI Environmental Officer Contact Information

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

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

For up to date environmental compliance information for Region VI:

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

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

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

B. Roles and Responsibilities

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

1. Responsible Entities

- REs that receive assistance directly from HUD must assume responsibility for the environmental reviews, decision-making and action that would otherwise apply to HUD under NEPA and other provisions of law that further the purposes of NEPA, as specified in §58.5 and §58.6. REs assume this responsibility by the execution of a grant agreement with HUD and/or a legally binding document such as the certification contained on form HUD-7015.15, Request for Release of Funds (RROF), which certifies the RE's assumption of environmental responsibilities.
- **Recipients as Responsible Entities:** 58.2(a)(5) defines recipients for all programs listed under Section 58.1(b) as: 1) Units of General Local Government (UGLGs); and, 2) States and Indian tribes that do not distribute HUD assistance to a unit of general local government. 58.2(a)(7)(i) defines these recipients as the REs for the following programs:
 - Community Development Block Grants (CDBG) ,
 - Emergency Shelter Grant Program, Supportive Housing Program (and its predecessors, the Supportive Housing Demonstration Program (both Transitional Housing and Permanent Housing for Homeless Persons with Disabilities and Supplemental Assistance for Facilities to Assist the Homeless), Shelter Plus Care Program, Safe Havens for Homeless Individuals Demonstration Program, and Rural Homeless Housing Assistance,
 - HOME Investment Partnerships Program,
 - Lead-based paint and lead dust hazards programs
- **Non-Recipient Responsible Entities:** 58.2(a)(7) designates non-recipient responsible entities for the Supportive Housing Program and Shelter Plus Care Program, Public Housing Programs, HOPE VI, Section 8, Economic Development Initiative (EDI) grants, Self-Help Homeownership Opportunity Program (SHOP), Assistance provided under the Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA), Indian Housing Loan Guarantees authorized by section 184 of the Housing and Community Development Act of 1992, in accordance with section 184(k) and Housing Opportunities for Persons with AIDS (HOPWA). Non-recipient RE's for these programs are:
 - For qualified housing finance agencies, the State or a unit of general local government, Indian tribe or Alaska native village whose jurisdiction contains the project site;
 - For public housing agencies, the unit of general local government within which the project is located that exercises land use responsibility, or if HUD determines this infeasible, the county, or if HUD determines this infeasible, the State;
 - For non-profit organizations and other entities, the unit of general local government, Indian tribe or Alaska native village within which the project is

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

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

2. Certifying Officer

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

3. Recipients

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

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

4. States Assuming HUD Environmental Responsibilities under §58.18

States can elect to administer a HUD program, ensuring compliance with Part 58. In this role States receive public notices, certified RROFs, accept objections from the public, authorize the use of grant funds, and monitoring compliance. When States function in the role of an RE they must submit their certified RROFs to HUD.

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

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

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

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

Section 2: Environmental Review Records

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

RE SEAL

RE NAME AND ADDRESS

Environmental Review Record Summary Sheet

Project Number
(IDIS):

HUD Program:

Program Year:

Project Name:

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

Number of Dwelling Units

☐ New Construction ☐ Rehabilitation

Project site is in a location described as

☐ Central city

☐ Suburban

☐ Urban development

☐ Undeveloped area

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

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

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

The ERR (see §58.38) must contain all of the environmental review worksheets, checklists, documents, public notices and written determinations or environmental findings required by Part 58 as evidence of the review, decision making and actions pertaining to a particular project. Include additional information

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

such as, maps noting the project location in reference to an environmental impact source, studies, analyses and other documentation as appropriate.

Contents of an Environmental Review Record - §58.38

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

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

Section 3: Environmental Review Determinations

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

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

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

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

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

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

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

D. Determination of Environmental Assessments §58.36

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

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

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

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

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

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

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

RE SEAL

RE NAME AND ADDRESS

Exemption Determination for Activities Listed at 24 CFR §58.34

Grant Recipient: _____ Project Name: _____

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

Location: _____

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

Estimated Funding Amount: _____ Grant Number: _____

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

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

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

AUTHORIZED RESPONSIBLE ENTITY OFFICIAL:

Authorized Responsible Entity Signature

Date

Authorized Responsible Entity Name (printed)

Title (printed)

RE SEAL

RE NAME AND ADDRESS

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

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

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

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

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

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

AUTHORIZED RESPONSIBLE ENTITY OFFICIAL:

Authorized Responsible Entity Signature

Date

Authorized Responsible Entity Name (printed)

Title (printed)

RE SEAL

RE NAME AND ADDRESS

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

Grant Recipient: _____ Project Name: _____

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

Location: _____

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

Estimated Funding Amount: _____ Grant Number: _____

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

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

<input type="checkbox"/>	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.
<input type="checkbox"/>	58.35(a) (iii) Paragraphs (a) (4) (i) and (ii) of this section do not apply to rehabilitation of a building for residential use (with one to four units) (see paragraph (a) (3) (i) of this section).
<input type="checkbox"/>	58.35(a) (5). Acquisition (including leasing) or disposition of, or equity loans on an existing structure, or acquisition (including leasing) of vacant land provided that the structure or land acquired, financed, or disposed of will be retained for the same use.
<input type="checkbox"/>	58.35(a) (6). Combinations of the above activities.

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

AUTHORIZED RESPONSIBLE ENTITY OFFICIAL:

Authorized Responsible Entity Signature

Date

Authorized Responsible Entity Name (printed)

Title (printed)

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

A. Overview

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

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

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

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

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

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

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

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

Compliance Findings:

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

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

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

Source Documentation:

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

RE SEAL

RE NAME AND ADDRESS

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

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

Project Name: _____

ERR FILE # _____

Definitions: **A:** The project is in compliance.

B: The project requires an additional compliance step or action.

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

DETERMINATION:

- ☐ **Box "A" has been checked for all authorities.** For Categorically Excluded actions pursuant to §58.35(a) [Does not apply to EA or EIS level of review which can never convert to Exempt], the project can convert to Exempt, per §58.34(a) (12), since the project does not require any compliance measures (e.g., consultation, mitigation, permit or approval) with respect to any law or authority cited at §58.5. The project is now made Exempt and **funds may be drawn down; OR**
- ☐ **Box "B" has been checked for one or more authority.** For Categorically Excluded actions pursuant to §58.35(a), the project cannot convert to Exempt since one or more authority requires compliance, including but not limited to consultation with or approval from an oversight agency, performance of a study or analysis, completion of remediation or mitigation measure, or obtaining of license or permit. **Complete pertinent compliance requirement(s), publish NOI/RROF, request release of funds (HUD-7105.15), and obtain HUD's Authority to Use Grant Funds (HUD-7015.16) per §58.70 and §58.71 before committing funds; OR**
- ☐ This project is not a Categorically Excluded action pursuant to §58.35(a), or may result in a significant environmental impact to the environment, and requires preparation of an Environmental Assessment (EA). Prepare the EA according to 24 CFR Part 58 Subpart E.

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

PREPARER:

Preparer's Signature

Date

Preparer's Name (printed)

Title (printed)

AUTHORIZED RESPONSIBLE ENTITY OFFICIAL:

Authorized Responsible Entity Signature

Date

Authorized Responsible Entity Name (printed)

Title (printed)

Worksheet for Preparing 24 CFR §58.5 Statutory Checklist

[Attach to Statutory Checklist]

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

Historic Properties

- a. Does the project include the type of activity that would have the potential to affect historic properties such as acquisition, demolition, disposition, ground disturbance, new construction or rehabilitation?

☐ Yes ☐ No

If Yes, continue.

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

- b. Do the RE and State Historic Preservation Office (SHPO) have a Programmatic Agreement (PA) that does not require consultation for this type of activity?

☐ Yes ☐ No

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

If No, continue.

- c. Is the project located within or directly adjacent to a historic district?

☐ Yes ☐ No

- d. Is the structure or surrounding structures listed on or eligible for listing on the National Register of Historic Places (e.g. greater than 45 years old)?

☐ Yes ☐ No

- e. Were any properties of historical, architectural, religious or cultural significance identified in the project’s Area of Potential Effect (APE)?

☐ Yes ☐ No

If Yes any of the questions above, continue.

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

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

If Yes, continue.

If No, consultation with the SHPO is required.

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

If Yes, continue.

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

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

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

If No, continue with consultation until resolved.

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

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

If Yes, continue.

If No, tribal consultation is not required.

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

☐ Yes ☐ No

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

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

If Yes, continue.

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

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

If Yes, continue.

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

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

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

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

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

If Yes, continue with consultation until resolved.

If No, consultation is complete.

Comments:

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

Information Resources:

National Register of Historic Places:

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

National Conference of State Historic Preservation Officers:

<http://ncshpo.org/>

Map of Currently Recognized THPO's:

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

Section 106 Agreements Database:

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

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

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

☐ Yes ☐ No

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

If No, continue.

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

☐ Yes ☐ No

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

☐ Yes ☐ No

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

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

- d. Does the project involve a critical action in a coastal high hazard area or a floodway?

☐ Yes ☐ No

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

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

☐ Yes ☐ No

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

- f. Does the project involve a non-critical action which is not a functionally dependent use that is located in a coastal high hazard area?

☐ Yes ☐ No

If Yes, project is allowed **only** if it is designed for a location in a coastal high hazard areas **and** is processed under Section 55.20. Design requirements must be noted in Statutory Checklist and 8-Step decision-making process.

Comments:

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

For more information see:

FEMA Map Service Center:

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

3. §58.5(b) (2) Wetlands Protection (E.O. 11990)

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

☐ Yes ☐ No

If Yes, continue.

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

- b. Is the project within or adjacent to or will it affect wetlands, marshes, wet meadows, mud flats or natural ponds per field observation and maps issued by the US Fish & Wildlife Service (USFWS) or U.S. Army Corps of Engineers (Corps)?

☐ Yes ☐ No

- c. Are there drainage ways, streams, rivers, or coastlines on or near the site?
☐ Yes ☐ No
- d. Are there ponds, marshes, bogs, swamps or other wetlands on or near the site?
☐ Yes ☐ No
- e. Does the project involve new construction and/or filling located within a wetland designated on a USFWS National Wetlands Inventory map?
☐ Yes ☐ No

If Yes to any of the above, comply with wetlands decision-making process of 24 CFR §55.20. (Use proposed Part 55 published in the Federal Register January 2012 for wetland procedures). Continue.

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

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

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

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

Comments:

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

For more information see:

USFWS National Wetlands Inventory – Geospatial Wetlands Digital Data:

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

Recognizing wetlands:

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

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

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

If Yes, continue.

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

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

☐ Yes ☐ No

If Yes, the State CZM Agency must make a finding that the project is consistent with the approved State CZM Plan. Mark box “B” on the Statutory Checklist for this authority.

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

Comments:

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

For additional information see:

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

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

Texas Coastal Zone Management Program:

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

Texas Coastal Zone Boundary:

<http://www.glo.texas.gov/what-we-do/caring-for-the-coast/documents/landing-page-folder/CoastalBoundaryMap.pdf>

Louisiana Office of Coastal Management:

<http://dnr.louisiana.gov/index.cfm?md=pagebuilder&tmp=home&pid=85&ngid=5>

Louisiana Coastal Zone Boundary:

<http://dnr.louisiana.gov/index.cfm?md=pagebuilder&tmp=home&pid=88>

5. §58.5(d). Sole Source Aquifers [40 CFR Part 149]

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

☐ Yes ☐ No

If Yes, continue.

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

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

☐ Yes ☐ No

If Yes, consult with the Water Management Division of EPA to design mitigation measures to avoid contaminating the aquifer and implement

appropriate mitigation measures. Include mitigation measures in mitigation section of Statutory Checklist. Mark box “B” on the Statutory Checklist for this authority.

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

Comments:

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

For more information see:

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

6. §58.5(e) Endangered Species [50 CFR Part 402]

- a.** Does the project involve the type of activities that are likely to have “no effect on endangered species, such as:
- Demolition and construction or placement of a single family residence within a developed lot, and/or any loans or mortgages affiliated with such construction, demolition or placement provided they are not within 750 feet of habitat for federally-listed species or 300 feet of mapped wetlands, wildlife refuges, fish hatcheries, wildlife management areas, or related significant fish and wildlife resources?
☐ Yes ☐ No
 - Rehabilitation or renovation activities associated with existing structures (*e.g.*, houses, buildings), including additional structures attached to or associated with the primary structure, and/or any loans or mortgages affiliated with such rehabilitation or renovation?
☐ Yes ☐ No
 - Acquisition of existing structures (*e.g.*, houses, buildings), including additional structures attached to or associated with the primary structure, and/or any loans or mortgages affiliated with such acquisition.
☐ Yes ☐ No
 - Purchase and placement of playground equipment within existing parks?
☐ Yes ☐ No
 - Resurfacing, repairing, or maintaining existing streets, sidewalks, curbs, trails, parking lots and/or any other existing paved surfaces where additional ground disturbance, outside of the existing surface is not necessary?
☐ Yes ☐ No

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

Statutory Checklist for this authority.

If No to all of the above, continue.

- b.** Has the US Fish and Wildlife Service or the National Marine Fisheries Services identified listed species or designated critical habitat in the county where the project is located?

☐ Yes ☐ No

If Yes, continue.

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

- c.** Is the project located within 750 feet of habitat for federally-listed species or 300 feet of mapped wetlands, wildlife refuges, fish hatcheries, wildlife management areas, or related significant fish and wildlife resources?

☐ Yes ☐ No

If Yes, conduct special studies by a qualified professional to determine whether the project may affect the species or habitat to support a May Effect finding.

If No, continue below

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

☐ Yes ☐ No

If Yes, formal consultation with the Services is required in accordance with procedural regulations contained in 50 CFR Part 402. Mark box “B” on the Statutory Checklist for this authority.

If No, continue.

- e.** If federally protected species or critical habitat have been identified within the project area, has a special study been conducted by a qualified professional to determine the effects of the project on each species and critical habitat?

☐ Yes ☐ No

If Yes, continue.

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

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

If Yes, Service’s concurrence with findings is required. Mark box “B” on the Statutory Checklist for this authority.

If No, continue.

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

If Yes, formal consultation is required with the Services, in accordance with procedural regulations contained in 50 CFR Part 402, which mandates formal consultation in order to preserve the species. Mark box “B” on the Statutory Checklist for this authority.

If No, contact your FEO for assistance in determining impacts to federally protected species and critical habitat.

Comments:

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

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

USFWS ESA Species Search:

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

NMFS ESA Species Search:

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

USFWS Critical Habitat Maps:

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

NMFS Critical Habitat Maps:

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

Endangered Species Consultation Handbook:

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

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

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

☐ Yes ☐ No

If Yes, continue.

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

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

☐ Yes ☐ No

If Yes, determination from the National Park Service (NPS) must be obtained, with a finding that the project will not have a direct and adverse effect on the river nor invade or diminish values associated with such rivers. For NRI Rivers, consultation with NPS is recommended to identify and eliminate direct and adverse effects. Mark box “B” on the Statutory Checklist for this authority.

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

Comments:

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

For further information see:

National Park Service:

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

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

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

8. §58.5(g) Air Quality [40 CFR Parts 6, 51, 61 and 93]

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

☐ Yes ☐ No

If Yes, ensure the project is in compliance with EPA’s Asbestos regulations found at 40 CFR Part 61 (NESHAP) and all State and local regulations.

Continue below.

If No, continue.

- b.** Does the project require an environmental assessment or environmental impact statement?

☐ Yes ☐ No

If Yes, continue.

If No, compliance with CAA State Implementation Plan factor is complete.
Mark Box A on the Statutory checklist.

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

☐ Yes ☐ No

If Yes, continue.

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

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

☐ Yes ☐ No

If Yes, continue.

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

- e.** Is the project consistent with the air quality State Implementation Plan (SIP)?

☐ Yes ☐ No

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

If No, continue.

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

☐ Yes ☐ No

If Yes, continue.

If No, compliance is complete. Mark box "B" on the Statutory Checklist for this authority.

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

☐ Yes ☐ No

If Yes, continue.

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

- h.** Can project be brought into compliance through mitigation?
☐ Yes ☐ No

If Yes, list mitigation measures required to achieve conformance with SIP in the mitigation section of the Statutory Checklist. Mark box “B” on the Statutory Checklist for this authority.

If No, Federal assistance may not be used at this location.

Comments:

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

For further information see:

The Green Book Nonattainment Areas for Criteria Pollutants:

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

Region 6 Air State Implementation Plans:

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

9. §58.5(h) Farmlands Protection [7 CFR Part 658]

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

If Yes, continue.

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

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

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

If No, continue.

- c. Does the project site include prime or unique farmland, or other farmland of statewide or local importance as identified by the U.S. Department of Agriculture, Natural Resources Conservation Service (NRCS) (formerly the Soil Conservation Service)?

☐ Yes ☐ No

If Yes, request evaluation of land type from the NRCS using Form AD-1006, and consider the resulting rating in deciding whether to approve the proposal, as well as mitigation measures (including measures to prevent adverse effects on adjacent farmlands). Mark box “B” on the Statutory Checklist for this authority. Include mitigation measures in the mitigation section of the Statutory Checklist.

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

Comments:

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

For additional information see:

NRCS Soil Maps:

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

Form AD-1006 and instructions:

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

Farmland Protection Policy Act

http://www.nrcs.usda.gov/wps/portal/nrcs/detail/national/programs/alphabetical/fppa/?&cid=nr cs143_008275

10. §58.5(i) (1) Noise Abatement and Control [24 CFR Part 51B]

- a. Does the project involve a noise sensitive use such as a residential structure, school, hospital, nursing home, library, etc.?

☐ Yes ☐ No

If Yes, continue.

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

- b. Is the project located within:

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

☐ Yes ☐ No

- 1000 feet of a major highway or busy road;

☐ Yes ☐ No

- within 3000 feet of a railroad.
☐ Yes ☐ No

If Yes to any the above, complete a noise calculation assessment. Use adopted DNL contours if the noise source is an airport. Continue.

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

- c. Do noise calculations or airport noise contour maps indicate noise levels above 65dB (outside)?
☐ Yes ☐ No

If Yes, continue.

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

- d. Do noise calculations or airport noise contour maps indicate noise levels above 75dB (outside)?
☐ Yes ☐ No

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

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

Comments:

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

For more information see:

HUD noise guidebook:

http://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/environment/training/guidebooks/noise

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

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

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

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

FAA:

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

11. §58.5(i) (1) Explosive and Flammable Operations [24 CFR 51C]

- a. Does the project involve development, construction, rehabilitation, modernization or land use conversion of a property intended for residential, institutional, recreational, commercial, or industrial use?

☐ Yes ☐ No

If Yes, continue.

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

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

☐ Yes ☐ No

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

☐ Yes ☐ No

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

☐ Yes ☐ No

If Yes to any of the above, use HUD Hazards Guide to calculate an Acceptable Separation Distance to comply with 24 CFR Part 51, Subpart C. Continue.

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

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

☐ Yes ☐ No

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

If No, continue.

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

☐ Yes ☐ No

If Yes, Mark box “B” on the Statutory Checklist for this authority. List all mitigation measures in the mitigation section of the Statutory Checklist.

If No, HUD assistance cannot be used for this project.

Comments:

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

For additional information see:

HUD Guidance on Siting Projects near Explosive and Flammable Facilities:

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

Acceptable Separation Distance Guidebook :

<http://portal.hud.gov/hudportal/documents/huddoc?id=HUD-Guidebook.pdf>

Barrier Design Guidance for HUD Assisted Project Near Hazardous Facilities:

http://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/environment/training/guidebooks/hazfacilities

12. §58.5(i) (1) Airport Hazards [24 CFR 51D]

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

☐ Yes ☐ No

If Yes, continue.

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

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

☐ Yes ☐ No

- c. Is the project is within 15,000 feet of a military airfield, the Clear Zone (CZ) or Accident Potential Zone (APZ)?
☐ Yes ☐ No

If Yes to either of the above questions, request a written finding from the airport operator stating whether or not the project is located in a RCZ, CZ or APZ.
Continue.

If No to both of the above questions, compliance with this section is complete.
Mark box "A" on the Statutory Checklist for this authority.

- d. If the project is within 15,000 feet of a military airfield or within 2,500 feet of a civilian airport, did your written confirmation from the airport operator confirm that the project is located in a RCZ, CZ or APZ?
☐ Yes ☐ No

If Yes, continue.

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

- e. If the project is located in a military airfield APZ, is the project consistent with the Land Use Compatibility Guidelines for Accident Potential Zones (32 CFR Part 256, DOD Instruction 4165.57).
☐ Yes ☐ No

If Yes, attach copy of written assurance from airport operator. Mark box "B" on the Statutory Checklist for this authority.

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

- f. If the project is in a RCZ/CZ will the project be frequently used or occupied by people?
☐ Yes ☐ No

If Yes, HUD funds may not be used for this project.

If No, continue.

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

If Yes, attach copy of written assurance from airport operator. Mark box “B” on the Statutory Checklist for this authority.

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

Comments:

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

For further information see:

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

HUD Airport Hazards Q&A:

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

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

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

Standard Environmental Record Sources	Approximate Minimum Search Distance (mi)	Yes	No
Federal National Priorities List (NPL)	1	<input type="checkbox"/>	<input type="checkbox"/>
Federal Delisted NPL Site List	0.5	<input type="checkbox"/>	<input type="checkbox"/>
Federal Comprehensive Environmental Response, Compensation, and Liability Information System (CERCLIS) List	0.5	<input type="checkbox"/>	<input type="checkbox"/>
Federal CERCLIS No Further Remedial Action Planned (NFRAP) Site List	0.5	<input type="checkbox"/>	<input type="checkbox"/>
Federal RCRA Correction Action (CORRACTS) Facilities List	1	<input type="checkbox"/>	<input type="checkbox"/>
Federal RCRA Non-CORRACTS Treatment, Storage and Disposal (TSD) Facilities List	0.5	<input type="checkbox"/>	<input type="checkbox"/>
Federal RCRA Generators List	Property/Adjoining Properties	<input type="checkbox"/>	<input type="checkbox"/>
Federal Institutional Control/Engineering Control Registries	Property Only	<input type="checkbox"/>	<input type="checkbox"/>
Federal Emergency Response and Notification System (ERNS) List	Property Only	<input type="checkbox"/>	<input type="checkbox"/>
State- and Tribal-Equivalent NPL	1	<input type="checkbox"/>	<input type="checkbox"/>
State- and Tribal-Equivalent CERCLIS	0.5	<input type="checkbox"/>	<input type="checkbox"/>

Standard Environmental Record Sources	Approximate Minimum Search Distance (mi)	Yes	No
State and Tribal Landfill and/or Solid Waste Disposal Site Lists	0.5	<input type="checkbox"/>	<input type="checkbox"/>
State and Tribal Leaking Storage Tank Lists	0.5	<input type="checkbox"/>	<input type="checkbox"/>
State and Tribal Registered Storage Tank Lists	Property/Adjoining Properties	<input type="checkbox"/>	<input type="checkbox"/>
State and Tribal Institutional Control/Engineering Control Registries	Property Only	<input type="checkbox"/>	<input type="checkbox"/>
State and Tribal Voluntary Cleanup Sites	0.5	<input type="checkbox"/>	<input type="checkbox"/>
State and Tribal Brownfield Sites	0.5	<input type="checkbox"/>	<input type="checkbox"/>

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

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

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

	Yes	No		Yes	No
Gas Station	<input type="checkbox"/>	<input type="checkbox"/>	Vehicle Repair Shop	<input type="checkbox"/>	<input type="checkbox"/>
Car Dealership	<input type="checkbox"/>	<input type="checkbox"/>	Auto Garage	<input type="checkbox"/>	<input type="checkbox"/>
Depot	<input type="checkbox"/>	<input type="checkbox"/>	Commercial Printing Facility	<input type="checkbox"/>	<input type="checkbox"/>
Industrial or commercial warehouses	<input type="checkbox"/>	<input type="checkbox"/>	Dry Cleaners	<input type="checkbox"/>	<input type="checkbox"/>
Photo Developing Laboratory	<input type="checkbox"/>	<input type="checkbox"/>	Hospital	<input type="checkbox"/>	<input type="checkbox"/>
Junkyard or landfill	<input type="checkbox"/>	<input type="checkbox"/>	Agricultural/Farming Operations	<input type="checkbox"/>	<input type="checkbox"/>
Tannery			Live stock Operations		

	Yes	No		Yes	No
Gas Station	<input type="checkbox"/>	<input type="checkbox"/>	Vehicle Repair Shop	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>

- d. Does the project have an underground storage tank other than a residential fuel tank, or known or suspected to be contaminated by toxic chemicals or radioactive materials?

☐ Yes ☐ No

- e. Is the project site near an industry disposing of chemicals or hazardous wastes?

☐ Yes ☐ No

If Yes to any of the above, a qualified environmental professional must undertake investigations necessary to ensure that the project is free of hazardous materials, contamination, toxic chemicals and gases, and radioactive substances such that there is no hazard which could affect the health and safety of occupants or conflict with the intended utilization of the property. Continue.

If No to all of the above, compliance with this section is complete. Mark box "A" on the Statutory Checklist for this authority.

- f. Could nearby toxic, hazardous or radioactive substances affect the health and safety of project occupants or conflict with the intended use of the property?

☐ Yes or ☐ No

- g. Are there unresolved concerns that could lead to the RE being determined to be a Potentially Responsible Party (PRP)?

☐ Yes ☐ No

If Yes, continue.

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

- h. Was an ASTM Phase I Environmental Site Assessment (ESA) report completed for this project? (Note: HUD regulations do not require an ASTM Phase I ESA report for single family homes of 1-4 units. HUD requires an ASTM Phase I ESA for multifamily (5 or more units) and/or Non-residential properties for environmental review prepared under Part 50.)

☐ Yes ☐ No

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

☐ Yes ☐ No

If Yes, continue.

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

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

☐ Yes or ☐ No

If Yes, continue below.

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

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

☐ Yes ☐ No

If Yes, continue.

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

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

☐ Yes ☐ No

If Yes, compliance with this section is complete. List specific remedial actions or mitigations in the mitigation section of the Statutory Checklist, according to the requirements of the appropriate Federal, state, or local oversight agency. Mark box “B” on the Statutory Checklist for this authority.

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

Comments:

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

For additional information see:

HUD Information on Hazardous, Toxic or Radioactive Substances

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

NEPAssist: <http://134.67.99.123/nepassist/entry.aspx>

EPA Envirofacts Data:

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

EPA Toxic Release Inventory (TRI):

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

EPA Maps:

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

EPA CERCLIS/NPL – Superfund database:

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

ATSDR “ToxFAQs” summaries about hazardous substances:

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

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

14. §58.5(j) Environmental Justice (E.O. 12898)

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

If Yes, continue.

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

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

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

If Yes, perform an Environmental Justice (EJ) analysis using census, geographic and other data to determine if a low-income/minority population is disproportionately impacted. Continue.

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

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

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

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

If Yes, compliance with this section is complete. Include mitigation plan in the mitigation section of the Statutory Checklist. Mark box “B” on the Statutory Checklist for this authority.

If No, Project cannot move forward until EJ issue is mitigated to the satisfactory of the RE and impacted community.

Comments:

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

For additional information see:

EJ maps & analysis, by location:

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

EPA’s “EJ View” Tool provides information relevant to EJ assessments:

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

Census data and maps also avail-able at:

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

Tract-level data on race & income:

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

15. Summary of Mitigation Measures:

(Required for Incorporation into Project Design, included in Public Notices, and included as requirements of contracts, grants, loans, etc. Ensure final measures are included in Project Description Section of 7015.15.)

16. References:

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

17. List of Major Reports Obtained:

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

18. List of Preparers and Summary of Qualifications:

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Section 5: Compliance with §58.6, Other Requirements

Compliance with §58.6 is required for all HUD assisted projects. The form below provides questions which prompt determinations of compliance with provisions of §58.6 which relates to Flood Disaster Protection; restrictions on HUD assistance for projects located in Coastal Barrier Resource Areas; and, buyer notifications required if a HUD assisted project is located in a Runway Clear Zone or Clear Zone. Flood insurance requirements and a recommended notice template to prospective buyers of properties in Runway Clear Zones and Clear Zones are also provided for applicable projects.

RE SEAL

RE NAME AND ADDRESS

Compliance Checklist for 24 CFR §58.6, Other Requirements

Complete for all projects, including Exempt (§58.34), Categorically Excluded Subject to §58.5 [§58.35(a)], Categorically Excluded Not Subject to §58.5[§58.35(b)], and Projects Requiring Environmental Assessments (§58.36)

Project Name: _____

ERR FILE # _____

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

- a.** Does the project involve new construction, major rehabilitation, minor rehabilitation, improvements, acquisition, management, new loans, loan refinancing or mortgage insurance?
☐ Yes ☐ No
If No, compliance with this section is complete.
If Yes, continue.
- b.** Is the project located in a FEMA identified Special Flood Hazard Area?
☐ Yes ☐ No
If No, compliance with this section is complete.
If Yes, continue.
- c.** Is the community participating in the National Flood Insurance Program (or has less than one year passed since FEMA notification of Special Flood Hazards)?
☐ Yes ☐ No
If Yes, Flood Insurance under the National Flood Insurance Program must be obtained. If HUD assistance is provided as a grant, insurance must be maintained for the economic life of the project and in the amount of the total project cost (or up to the maximum allowable coverage, whichever is less). If HUD assistance is provided as a loan, insurance must be maintained for the term of the loan and in the amount of the loan (or up to maximum allowable coverage, whichever is less). A copy of the flood insurance policy declaration must be kept on file in the ERR.
If No, Federal assistance may not be used in the Special Flood Hazards Area.

Cite and attach source documentation: (Documentation should include a FEMA Flood Map showing project location in reference to flood zone designation. If flood map is not available, use best available information.)

For additional information see:

FEMA Map Service Center: <http://www.store.msc.fema.gov>

NFIP Community Status Book: www.fema.gov/fema/csb.shtm

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

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

☐ Yes ☐ No

If No, compliance with this section is complete.

If Yes, continue below.

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

☐ Yes ☐ No

If No, compliance with this section is complete.

If Yes, Federal assistance may not be used in such an area.

Cite and attach source documentation: (Documentation should include map (e.g. Google Earth) noting project distance from Coastal Barrier Resources.)

For more information see:

CBRS maps on US FWS and FEMA websites: <http://www.FWS.gov/CBRA/>
<http://www.FWS.gov/CBRA/Maps/index.html>

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

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

Yes ☐ No ☐

If No, compliance with this section is complete.

If yes, continue below.

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

Yes ☐ No ☐

If No, compliance with this section is complete.

If Yes, Notice must be provided to buyer. The notice must advise the buyer that the property is in a Runway Clear Zone or Clear Zone, what the implications of such a location are, and that there is a possibility that the property may, at a later date, be acquired by the airport operator. The buyer must sign a statement acknowledging receipt of this information, and a copy of the signed notice must be maintained in this ERR.

Cite and attach source document (Map indicating project site in proximity to end of runway):

For more information see:

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

HUD Airport Hazards Q&A:

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

AUTHORIZED RESPONSIBLE ENTITY OFFICIAL:

Authorized Responsible Entity Signature

Date

Authorized Responsible Entity Name (printed)

Title (printed)

Flood Insurance Protection Requirements

Duration of Flood Insurance Coverage. The statutory period for flood insurance coverage may extend beyond project completion. For loans, loan insurance or guaranty, flood insurance coverage must be continued for the term of the loan. For grants and other non-loan forms of assistance, coverage must be continued for the life of the property, regardless of transfer of ownership of such property. Section 582(c) of the Community Development and Regulatory Improvement Act of 1994 mandates that “The requirement of maintaining flood insurance shall apply during the life of the property, regardless of transfer of ownership of such property.” (42 U.S.C. 5154a)

Such anticipated economic or useful life of the property may vary with the nature of the assisted activity. For example, construction of a new or substantially improved building requires flood insurance coverage for the life of the building, while for minor rehabilitation such as repairing, weatherizing, or roofing of a building, the grantee may require flood insurance coverage ranging from five to fifteen years as deemed feasible. HUD will accept any period within that range that appears reasonable.

Dollar Amount of Flood Insurance Coverage. For loans, loan insurance or guaranty, the amount of flood insurance coverage need not exceed the outstanding principal balance of the loan. For grants and other forms of financial assistance, the amount of flood insurance coverage must be at least equal to the development or project cost (less estimated land cost) or to the maximum limit of coverage made available by the Act with respect to the particular type of building involved (SF-Single Family, OR-Other Residential, NR-Non Residential, or SB-Small Business), whichever is less. The development or project cost is the total cost for acquiring, constructing, reconstructing, repairing or improving the building. This cost covers both the federally assisted and the non-Federally assisted portion of the cost, including any machinery, equipment, fixtures, and furnishings. If the Federal assistance includes any portion of the cost of any machinery, equipment, fixtures or furnishings, the total cost of such items must also be covered by flood insurance.

Proof of Purchase. The standard documentation for compliance with Section 102 (a) is the Policy Declarations form issued by the National Flood Insurance Program or issued by any property insurance company offering coverage under the National Flood Insurance Program. The insured has its insurer automatically forward to the grantee in the same manner as to the insured, information copies of the Policy Declarations form for verification of compliance with the Act. Any financially assisted SFHA building lacking a current Policy Declarations form is in Noncompliance.

Grantee’s Evidence of Compliance under the Certification. The grantee must maintain a complete and up-to-date listing of its on-file and current Policy Declarations for all financially assisted SFHA buildings. As a part of the listing, the grantee should identify any such assisted building for which a current Policy Declarations form is lacking and attach a copy of the written request made by the grantee to the owner to obtain a current Policy Declarations form.

Notice to Prospective Buyers of Properties Located in Runway Clear Zones and Clear Zones

In accordance with 24 CFR §51.303(a)(3), this Notice must be given to anyone interested in using HUD assistance, subsidy or insurance to buy an existing property which is located in either a Runway Clear Zone at a civil airport or a Clear Zone at a military installation. The original signed copy of the Notice to Prospective Buyers must be maintained as part of the project file on this action. [Instruction: fill out the area shown in parentheses below.]

The property that you are interested in purchasing at (Insert: street address, city, state, zip code) is located in the Runway Clear Zone/Clear Zone for (Insert: the name of the airport/airfield, city, state).

Studies have shown that if an aircraft accident were to occur, it is more likely to occur within the Runway Clear Zone/Clear Zone than in other areas around the airport /airfield. Please note that we are not discussing the chances that an accident will occur, only where one is most likely to occur.

You should also be aware that the airport/airfield operator may wish to purchase the property at some point in the future as part of a clear zone acquisition program. Such programs have been underway for many years at airports and airfield across the country. We cannot predict if or when this might happen since it is a function of many factors, particularly the availability of funds but it is a possibility.

We want to bring this information to your attention. Your signature on the space below indicates that you are now aware that the property you are interested in purchasing is located in a Runway Clear Zone/Clear Zone.

Signature of prospective buyer

Date

Typed or printed name of prospective buyer

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Section 6: Environmental Assessments

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

Projects requiring preparation of an EA must also comply with §58.5 and §58.6 as discussed in the previous sections. The worksheets and checklists prepared for these authorities must be incorporated into the EA.

The following Sample EA template includes sections for including the §58.6 Compliance Checklist, the §58.5 Statutory Checklist and associated worksheets in the EA. A Checklist for EA factors and an associated worksheet is also included to help guide EA preparers in addressing all of the issues necessary to meet HUD requirements for EAs. Findings from the EA Worksheet will be summarized in the EA Checklist. The EA Checklist helps to organize an early consideration of numerous environmental issues. Together the Compliance Checklist, the Statutory Checklist and the Environmental Assessment Checklist, associated worksheets and associated documentation and studies, become the environmental review for the project that records anticipated impacts and supports the findings. These must all be included in the ERR.

Preparation of an EA requires publication of a FONSI and a NOI/RROF and incorporation of comments received prior to certification of the RROF. Public notice requirements are covered in Section 7.

RE SEAL

RE NAME AND ADDRESS

Environmental Assessment

Project Name: _____

ERR File #: _____

Project Location (give address and map coordinates): _____

RE Contact Name and Phone Number: _____

Recipient Name and Phone Number: _____

Estimated Total Project Cost (all sources): _____

Amount of HUD Assistance: _____ **HUD Grant Program:** _____

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

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

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

FINDING: [58.40(g)]

☐ **Finding of No Significant Impact (FONSI)**

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

☐ **Finding of Significant Impact**

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

Preparer's Signature: _____

Date: _____

Preparer's Name and Title: _____

Preparer's Agency (If different from RE) _____

Authorized RE Official Signature: _____

Date: _____

Authorized RE Official Name and Title: _____

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

Compliance with 24 CFR §58.5, Related Federal Laws and Authorities

Instructions: Incorporate Statutory Worksheet, Statutory Checklist and source documentation here. Attach all documentation to EA.

Compliance 24 CFR §58.6, Other Requirements

Instructions: Incorporate Compliance Checklist and source documentation here. Attach all documentation to EA.

Environmental Assessment Checklist

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

Resource	Determination	Source Documentation
Land Development		
1. Conformance with Comprehensive Plans and Zoning	Choose from list.	
2. Land Use Compatibility and Urban Impact	Choose from list.	
3. Slope and Erosion	Choose from list.	
4. Soil Suitability	Choose from list.	
5. Hazards and Nuisances and Site Safety	Choose from list.	
6. Energy Consumption	Choose from list.	
Socioeconomic Factors		
7. Demographic Character Changes	Choose from list.	
8. Displacement	Choose from list.	
9. Employment and Income Patterns	Choose from list.	
Community Facilities and Service		
10. Educational Facilities	Choose from list.	

Resource	Determination	Source Documentation
11. Commercial Facilities	Choose from list.	
12. Health Care	Choose from list.	
13. Social Services	Choose from list.	
14. Solid Waste	Choose from list.	
15. Waste Water	Choose from list.	
16. Storm Water	Choose from list.	
17. Water Supply	Choose from list.	
18. Public Safety	Choose from list.	
• Police		
• Fire	Choose from list.	
• Emergency Medical	Choose from list.	
19. Open Space and Recreation	Choose from list.	
• Open Space		
• Recreation	Choose from list.	
• Cultural Facilities	Choose from list.	
20. Transportation	Choose from list.	
Natural Features		
21. Water Resources	Choose from list.	
22. Unique Natural Features and Agricultural Lands	Choose from list.	
23. Vegetation and Wildlife	Choose from list.	

Table 1. Drop Down Menu Options for Environmental Assessment Checklist Summary Determination Choices (This table is not intended to become part of the EA-delete if using drop down menu of checklist)

Resource	Drop Down Menu Options
Land Development	
1. Conformance with Comprehensive Plans and Zoning	Not Applicable (State Why)
	In Conformance
	Zoning Permit Required
	Project Modification Required
2. Land Use Compatibility and Urban Impact	Not Applicable (State Why)
	Compatible
	Land Use Change Required
	Project Modification Required
3. Slope and Erosion	Not Applicable (State Why)
	Slight Slope – No Impact
	Moderate to Steep Slope – Considered in Project Design
	Project Modification Required
4. Soil Suitability	Not Applicable (State Why)
	No Evidence of Soil Issues
	Project Design Includes Soil Mitigation
	Project Modification Required
5. Hazards and Nuisances and Site Safety	Not Applicable (State Why)
	No Impact
	Hazards and Nuisances Considered in Project Design
	Project Modification Required
6. Energy Consumption	Not Applicable (State Why)
	Energy Conservation Measures in Project Design
	Project Modification Required
Socioeconomic Factors	
Resource	Determination Choices
7. Demographic Character Changes	Not Applicable (State Why)
	No Impact
	Project Modification Required
	No Displacement
8. Displacement	Displacement and Payment covered by Uniform Relocation Act
	Project Modification Required
	Other (Describe)
	No Impact
9. Employment and Income Patterns	Beneficial
	Adverse
Community Facilities and Services	
Resource	Determination Choices
10. Educational Facilities	Not Applicable (State Why)
	Existing/Planned Facilities are Adequate
	Project Modification Required
11. Commercial Facilities	Not Applicable (State Why)
	Existing/Planned Facilities are Adequate
	Project Modification Required
12. Health Care	Not Applicable (State Why)
	Existing/Planned Facilities are Adequate
	Project Modification Required
13. Social Services	Not Applicable (State Why)
	Existing/Planned Facilities are Adequate
	Project Modification Required
14. Solid Waste	Not Applicable (State Why)
	Existing/Planned Facilities are Adequate
	Project Modification Required
15. Waste Water	Not Applicable (State Why)
	Existing/Planned Facilities are Adequate
	Project Modification Required
16. Storm Water	Not Applicable (State Why)
	Existing/Planned Facilities are Adequate
	Project Modification Required
17. Water Supply	Not Applicable (State Why)
	Existing/Planned Facilities are Adequate
	Project Modification Required

Table 1. Drop Down Menu Options for Environmental Assessment Checklist Summary Determination Choices (This table is not intended to become part of the EA-delete if using drop down menu of checklist)

18. Public Safety	Not Applicable (State Why)
• Police	Existing/Planned Facilities are Adequate
	Project Modification Required
	Not Applicable (State Why)
• Fire	Existing/Planned Facilities are Adequate
	Project Modification Required
	Not Applicable (State Why)
• Emergency Medical	Existing/Planned Facilities are Adequate
	Project Modification Required
19. Open Space and Recreation	Not Applicable (State Why)
• Open Space	Existing/Planned Facilities are Adequate
	Project Modification Required
	Not Applicable (State Why)
• Recreation	Existing/Planned Facilities are Adequate
	Project Modification Required
	Not Applicable (State Why)
• Cultural Facilities	Existing/Planned Facilities are Adequate
	Project Modification Required
	Not Applicable (State Why)
20. Transportation	Existing/Planned Facilities are Adequate
	Project Modification Required
Natural Features	
Resource	Determination Choices
	Not Applicable (State Why)
21. Water Resources	No Impact
	Permit Required
	Project Modification Required
	Not Applicable (State Why)
	No Impact to or from Unique Natural Features
22. Unique Natural Features and Agricultural Lands	Unique Natural Features Considered in Project Design
	Project Modification Required
	No Impact
	Beneficial
23. Vegetation and Wildlife	Adverse

Environmental Assessment Worksheet

Land Development

1. Conformance with Comprehensive Plans and Zoning:

- a. Is project in conformance with existing zoning or consistent with community's general development plans?
☐ Yes ☐ No
- b. Will a special permit or change in zoning be required? Will the project need to be modified to conform to zoning requirements (e.g. reduce the density or height)?
☐ Yes ☐ No

Comments:

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

2. Land Use Compatibility and Urban Impact:

- a. Will the project be compatible with surrounding land uses?
☐ Yes ☐ No
- b. Will there be a change in land use?
☐ Yes ☐ No
- c. Will the project contribute to urban sprawl?
☐ Yes ☐ No

Comments:

Cite and attach source documentation:

3. Slope and Erosion

- a. Slopes: ☐ Not Applicable; ☐ Steep; ☐ Moderate; ☐ Slight.
- b. If moderate to steep slope, does the design plan include measures to overcome potential erosion, slope stability and runoff problems?
☐ Yes ☐ No
- c. Is there evidence of slope erosion or unstable slope conditions on or near the site?
☐ Yes ☐ No
- d. Is there evidence of ground subsidence, high water table or other unusual conditions on the site?
☐ Yes ☐ No
- e. Will the project significantly affect or be affected by the slope conditions?
☐ Yes ☐ No

Comments:

Cite and attach source documentation:

4. Soil Suitability

- a. Is there any visible evidence of soil problems (foundations cracking or settling, basement flooding, etc.) in the neighborhood of the site?
☐ Yes ☐ No
- b. Have soil studies or borings been made for the project site or the area?
☐ Yes ☐ No
- c. Do the soil studies or borings indicate marginal or unsatisfactory soil conditions?
☐ Yes ☐ No
- d. Is there indication of cross-lot runoff, swales, or drainage flows on the property?
☐ Yes ☐ No
- e. Are there visual indications of filled ground?
☐ Yes ☐ No
- f. Are there active rills and gullies on site?
☐ Yes ☐ No
- g. If the site is not to be served by a municipal waste water disposal system, has a report of the soil conditions suitable for on-site septic systems been submitted?
☐ Yes ☐ No
- h. Is a soils report (other than structural) needed?
☐ Yes ☐ No
- i. Are structural borings or a dynamic soil analysis/geological study needed?
☐ Yes ☐ No

Comments:

Cite and attach source documentation:

5. Hazards, Nuisances and Site Safety:

a. Will the project be affected by natural hazards?					
	Yes	No		Yes	No
Faults, fracture	<input type="checkbox"/>	<input type="checkbox"/>	Fire hazard materials	<input type="checkbox"/>	<input type="checkbox"/>
Cliffs, bluffs, crevices	<input type="checkbox"/>	<input type="checkbox"/>	Wind/sand storm concerns	<input type="checkbox"/>	<input type="checkbox"/>
Slope-failures from rains	<input type="checkbox"/>	<input type="checkbox"/>	Poisonous plants, insects, animals	<input type="checkbox"/>	<input type="checkbox"/>
Unprotected water bodies	<input type="checkbox"/>	<input type="checkbox"/>	Hazardous terrain features	<input type="checkbox"/>	<input type="checkbox"/>

b. Will the project be affected by built hazards and nuisances?					
	Yes	No		Yes	No
Hazardous street	<input type="checkbox"/>	<input type="checkbox"/>	Inadequate screened drainage catchments	<input type="checkbox"/>	<input type="checkbox"/>
Dangerous intersection	<input type="checkbox"/>	<input type="checkbox"/>	Hazards in vacant lots	<input type="checkbox"/>	<input type="checkbox"/>
Through traffic	<input type="checkbox"/>	<input type="checkbox"/>	Chemical tank-car terminals	<input type="checkbox"/>	<input type="checkbox"/>
Inadequate separation of pedestrian/vehicle traffic	<input type="checkbox"/>	<input type="checkbox"/>	Other hazardous chemical storage	<input type="checkbox"/>	<input type="checkbox"/>
Children's play areas located next to freeway or other high traffic way	<input type="checkbox"/>	<input type="checkbox"/>	High-pressure gas or liquid petroleum transmission lines on site	<input type="checkbox"/>	<input type="checkbox"/>
Inadequate street lighting	<input type="checkbox"/>	<input type="checkbox"/>	Overhead transmission lines	<input type="checkbox"/>	<input type="checkbox"/>
Quarries or other excavations	<input type="checkbox"/>	<input type="checkbox"/>	Hazardous cargo transportation routes	<input type="checkbox"/>	<input type="checkbox"/>
Dumps/sanitary landfills or mining	<input type="checkbox"/>	<input type="checkbox"/>	Oil or gas wells	<input type="checkbox"/>	<input type="checkbox"/>
Railroad crossing	<input type="checkbox"/>	<input type="checkbox"/>	Industrial operations	<input type="checkbox"/>	<input type="checkbox"/>

c. Will the project be affected by nuisances?					
	Yes	No		Yes	No
Gas, smoke, fumes	<input type="checkbox"/>	<input type="checkbox"/>	Unightly land uses	<input type="checkbox"/>	<input type="checkbox"/>
Odors	<input type="checkbox"/>	<input type="checkbox"/>	Front-lawn parking	<input type="checkbox"/>	<input type="checkbox"/>
Vibration	<input type="checkbox"/>	<input type="checkbox"/>	Abandoned vehicle	<input type="checkbox"/>	<input type="checkbox"/>
Glare from parking area	<input type="checkbox"/>	<input type="checkbox"/>	Vermine infestation	<input type="checkbox"/>	<input type="checkbox"/>
Vacant/boarded-up buildings	<input type="checkbox"/>	<input type="checkbox"/>	Industrial nuisances	<input type="checkbox"/>	<input type="checkbox"/>
			Other (specify)	<input type="checkbox"/>	<input type="checkbox"/>

d. Are there other unusual conditions on the site?

☐ Yes ☐ No

e. Has the site been used as a dump, sanitary landfill or mine waste disposal area?

☐ Yes ☐ No

f. Is there indication of:

	Yes	No		Yes	No
Distressed Vegetation	<input type="checkbox"/>	<input type="checkbox"/>	oil/chemical spills	<input type="checkbox"/>	<input type="checkbox"/>
Waste material/containers	<input type="checkbox"/>	<input type="checkbox"/>	abandoned machinery, cars, refrigerators, etc	<input type="checkbox"/>	<input type="checkbox"/>
Soil staining, pools of liquid	<input type="checkbox"/>	<input type="checkbox"/>	transformers, fill/vent pipes, pipelines, drainage structures	<input type="checkbox"/>	<input type="checkbox"/>
Loose/empty drums, barrels	<input type="checkbox"/>	<input type="checkbox"/>			

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

Comments:

Cite and attach source documentation:

6. Energy Consumption:

- a.** Has the project design taken full advantage of potential energy saving measures such as insulation, solar panels, window design and placement, lighting, heating, cooling and hot water systems?
☐ Yes ☐ No
- b.** Are they in conformance with HUD Minimum Property Standards and other applicable energy saving codes?
☐ Yes ☐ No
- c.** Is the project location in close proximity to transit, shopping, services and employment locations?
☐ Yes ☐ No

Comments:

Cite and attach source documentation:

Socioeconomic Factors

7. Demographic/Community Character Changes:

- a.** Will the proposed project significantly alter the demographic characteristics of the community?
☐ Yes ☐ No

- b.** Will the proposed project severely alter residential, commercial or industrial uses?
☐ Yes ☐ No
- c.** Will the proposed project destroy or harm any community institution, such as a neighborhood church?
☐ Yes ☐ No

Comments:

Cite and attach source documentation:

8. Displacement:

- a.** Will the project directly displace individuals or families?
☐ Yes ☐ No
- b.** Will the project destroy or relocate existing jobs, community facilities or any business establishment?
☐ Yes ☐ No
- c.** Is the displacement covered by the Uniform Relocation Act and are funds available for payment?
☐ Yes ☐ No

Comments:

Cite and attach source documentation:

9. Employment and Income Patterns:

- a.** Will changes occur in employment and income patterns as a result from the project?
☐ Yes ☐ No
- b.** Will the project either significantly increase or decrease employment opportunities?
☐ Yes ☐ No
- c.** Will it create conditions favorable or unfavorable to commercial, industrial, or institutional operation or development?
☐ Yes ☐ No

Comments:

Cite and attach source documentation:

Community Facilities and Services

10. Educational Facilities:

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

- b.** Do the potentially affected schools have adequate safe access facilities given the projected population increase?

☐ Yes ☐ No

- c.** Will additional or alternative facilities need to be provided to ensure safe suitable access?

☐ Yes ☐ No

Comments:

Cite and attach source documentation:

11. Commercial Facilities:

- a.** Is there adequate and convenient access to retail services? Do local retail services meet the need of project occupants/users?

☐ Yes ☐ No

- b.** Will existing retail and commercial services be adversely impacted by the proposed project?

☐ Yes ☐ No

Comments:

Cite and attach source documentation:

12. Health Care:

- a.** Is emergency health service available within approximately three to five minutes?

☐ Yes ☐ No

- b.** Are non-emergency health care services located within a reasonable proximity to the proposed project?

☐ Yes ☐ No

- c.** Is the number of doctors, dentists, nurses and other trained medical staff in realistic proportion to any increase in residents/users?

☐ Yes ☐ No

Comments:

Cite and attach source documentation:

13. Social Services:

- a.** Are social services currently located in close proximity to the prospective users/residents?

☐ Yes ☐ No

- b.** Is the number of trained staff including social workers, counselors, psychologists, psychiatrist and related administrative and managerial personnel in realistic proportion to the anticipated increase in residents/users?

☐ Yes ☐ No

Comments:

Cite and attach source documentation:

14. Solid Waste:

- a.** Will the existing or planned solid waste disposal system adequately service the proposed development?

☐ Yes ☐ No

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

☐ Yes ☐ No

- c.** Trash collection and solid waste disposal

☐ Municipal ☐ Private

Comments:

Cite and attach source documentation:

15. Waste Water

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

☐ Yes ☐ No

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

☐ Yes ☐ No

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

☐ Yes ☐ No

- d.** Sanitary sewers and waste water disposal systems

☐ Municipal ☐ Private

Comments:

Cite and attach source documentation:

16. Storm Water:

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

☐ Yes ☐ No

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

☐ Yes ☐ No

Comments:

Cite and attach source documentation:

17. Water Supply:

- a. Will either the municipal water utility or on-site water supply system be adequate to serve the proposed project?
☐ Yes ☐ No
- b. Is the water supply quality safe from a chemical and bacteriological standpoint?
☐ Yes ☐ No
- c. If the water supply is non-municipal, has an acceptable “system” been approved by appropriate authorities?
☐ Yes ☐ No
- d. If the sanitary sewers and waste water disposal systems are non-municipal, has an acceptable “system” been approved by appropriate authorities and agencies?
☐ Yes ☐ No

Comments:

Cite and attach source documentation:

18. Public Safety:

- a. Does the project location provide adequate access to police, fire and emergency medical services?
☐ Yes ☐ No
- b. Is the average response time for police, fire and emergency medical services in the area of the project sufficient to meet the needs of the project?
☐ Yes ☐ No
- c. Does the area have a particularly high crime rate?
☐ Yes ☐ No
- d. Is the quality of the police, fire protection and emergency medical services available to the project adequate to meet project needs?
☐ Yes ☐ No

Comments:

Cite and attach source documentation:

19. Open Space, Recreational and Cultural Facilities:

- a. Are open spaces, recreational and cultural facilities within reasonable proximity to the project area?
☐ Yes ☐ No
- b. Is adequate public transportation available from the project to these facilities?
☐ Yes ☐ No

- c. Will the project cause any overloading of these facilities?
☐ Yes ☐ No

Comments:

Cite and attach source documentation:

20. Transportation:

- a. Will transportation facilities and services be adequate to meet the needs of the project's users?
☐ Yes ☐ No
- b. Is adequate parking available for the project? Will the project overload existing or proposed transportation services?
☐ Yes ☐ No
- c. Will the project create a situation whereby facilities are seriously under used?
☐ Yes ☐ No

Comments:

Cite and attach source documentation:

Natural Features

21. Water Resources:

- a. Will the project use groundwater for its water supply?
☐ Yes ☐ No
- b. Are there large numbers of wells or wells that pump large quantities of water from the water table near the proposed project site?
☐ Yes ☐ No
- c. Are there visual or other indications of water quality problems on or near the site?
☐ Yes ☐ No
- d. Will the project involve discharge of sewage effluent into surface water bodies?
☐ Yes ☐ No

Comments:

Cite and attach source documentation:

22. Unique Natural Features and Agricultural Land:

- a. Is the site near natural features (i.e., bluffs or cliffs) or near public or private scenic areas?
☐ Yes ☐ No

- b.** Are other natural resources visible on site or in vicinity? Will any such resources be adversely affected or will they adversely affect the project?
☐ Yes ☐ No
- c.** Will the unique natural feature pose safety hazards for a proposed development?
☐ Yes ☐ No

Comments:

Cite and attach source documentation:

23. Vegetation and Wildlife:

- a.** Will the project damage or destroy trees without replacement?
☐ Yes ☐ No
- b.** Will the project create an environmental condition that might threaten the survival of existing vegetation, particularly changes in the native plant community habitats?
☐ Yes ☐ No
- c.** Will the project create conditions favorable to nuisance species?
☐ Yes ☐ No

Comments:

Cite and attach source documentation:

Summary of Findings and Conclusions

Project Alternatives Considered [24 CFR 58.40(e), Ref. 40 CFR 1508.9] (As appropriate, identify other reasonable courses of action that were considered and not selected, such as other sites, design modifications, or other uses of the subject site. Describe the benefits and adverse impacts to the human environment of each alternative and the reasons for rejecting it. Include consideration of the No Action Alternative, that is, not implementing the preferred alternative).

Mitigation and Project Modification Measures Recommended

[24 CFR 58.40(d), 40 CFR 1508.20]

(Recommend feasible ways in which the proposal or its external factors should be modified in order to minimize adverse environmental impacts and restore or enhance environmental quality.)

Additional Studies Performed

(List the reports, studies or analyses performed for this assessment, and attach studies or summaries.)

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

(List agencies and persons consulted for this assessment.)

List of Preparers and Summary of Qualifications:

Section 7: Public Notices and Comment Periods

The REs must publish a Notice of Intent to Request a Release of Funds (NOI/RROF) for projects that are Categorically Excluded Subject to §58.5 and projects requiring EAs, using the current HUD-recommended format or an equivalent format. At a minimum, the RE must send the NOI/RROF notice to individuals and groups known to be interested in the activities, to the local news media, to the appropriate tribal, local, State and Federal agencies; to the Regional Offices of the Environmental Protection Agency having jurisdiction and to the HUD Field Office (or the State where applicable). The RE may also publish the NOI/RROF notice in a newspaper of general circulation in the affected community. If the notice is not published, it must also be prominently displayed in public buildings, such as the local Post Office and within the project area or in accordance with procedures established as part of the citizen participation process. The RE must consider the comments and make modifications, if appropriate, in response to the comments, before it certifies and submits the RROF to HUD. If funds will be used in Presidentially declared disaster areas, modifications resulting from public comment, if appropriate, must be made before proceeding with the expenditure of funds. The public comment period is 7 days when published or 10 days when mailed or posted, counting from the day after the publication, mailing or posting date.

If the RE makes a Finding of No Significant Impact from an EA, it must prepare a FONSI notice, using the current HUD-recommended format or an equivalent format. At a minimum, the RE must send the FONSI notice to individuals and groups known to be interested in the activities, to the local news media, to the appropriate tribal, local, State and Federal agencies; to the Regional Offices of the Environmental Protection Agency having jurisdiction and to the HUD Field Office (or the State where applicable). The RE may also publish the FONSI notice in a newspaper of general circulation in the affected community. If the notice is not published, it must also be prominently displayed in public buildings, such as the local Post Office and within the project area or in accordance with procedures established as part of the citizen participation process. The FONSI public comment period is 15 days when published or 18 days when mailed or posted, counting from the day after the publication, mailing or posting date.

The responsible entity may disseminate or publish a FONSI notice at the same time it disseminates or publishes the NOI/RROF. If the notices are released as a combined notice, the combined notice shall clearly indicate that it is intended to meet two separate procedural requirements; and, advise the public to specify in their comments which "notice" their comments address. The public comment period is 15 days when published or 18 days when mailed and posted, counting from the day after the publication, mailing or posting date.

Minimum Public Comment Periods	
Notice Type	Public Comment Period Requirements
Notice of Finding of No Significant Impact (FONSI)	15 days when published. 18 days when mailed or posted, but not published.
FONSIs for projects that involve considerable interest or controversy, that are similar to other projects normally requiring an EIS, or projects that are unique and without precedent	30 days.
Notice of Intent to Request Release of Funds (NOI/RROF)	7 days when published. 10 days when mailed and posted, but not published.
Concurrent or Combined Notices	15 days when published. 18 days when mailed and posted, but not published.

The responsible entity must consider the comments and make modifications, if appropriate, in response to the comments, before it completes its environmental certification and before the recipient submits its RROF. The RE cannot sign the RROF until the day after the public comment period closes.

Notice of Intent to Request Release of Funds

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

----- NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS

Date of Publication: *[date published]*

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

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

Project Title: *project name*

Purpose: *Summarize purpose and need for the project*

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

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

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

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

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

The activities proposed project *[language option #1]: is categorically excluded under HUD regulations at 24 CFR Part 58 from National Environmental Policy Act (NEPA) requirements.*

OR *[language option #2]: A Finding of No Significant Impact on the environment for this project was [published/posted] on [date of Finding publication/posting]. An Environmental Review Record (ERR) that documents the environmental determinations for this project is on file at name and address of RE office where ERR can be examined and name and address of other locations where the record is available for review and may be examined or copied weekdays __A.M to __P.M.*

PUBLIC COMMENTS

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

RELEASE OF FUNDS

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

OBJECTIONS TO RELEASE OF FUNDS

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

Name and Title of RE Certifying Officer

Note: The seven or ten-day public comment periods are the minimum time periods required by regulation prior to submission of a Request for Release of funds and Certification (form HUD-7015.15 to HUD/State. The Responsible Entity may choose to allow a longer comment period. The fifteen-day objection period is a statutory requirement. The objection period follows the submission date specified in the Notice or the actual date of receipt by HUD/State, whichever is later.

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

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

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

Date of Publication: *[date published]*

Name of Responsible Entity (RE)

Address (e.g., Street No. or P.O. Box)

City, State, Zip Code

Telephone Number of RE

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

REQUEST FOR RELEASE OF FUNDS

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

Project Title: *project name*

Purpose: *Summarize purpose and need for the project*

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

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

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

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

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

FINDING OF NO SIGNIFICANT IMPACT

The name of RE has determined that the project will have no significant impact on the human environment. Therefore, an Environmental Impact Statement under the National

Environmental Policy Act of 1969 (NEPA) is not required. Additional project information is contained in the Environmental Review Record (ERR) on file at name and address of RE office where ERR can be examined and name and address of other locations where the record is available for review and may be examined or copied weekdays __A.M to __P.M.

PUBLIC COMMENTS

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

RELEASE OF FUNDS

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

OBJECTIONS TO RELEASE OF FUNDS

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

Name and Title of RE Certifying Officer

Note: The fifteen or eighteen-day public comment periods are the minimum time periods required by regulation prior to submission of a Request for Release of Funds and Certification (form HUD-7015.15) to HUD/State. The Responsible Entity may choose to allow a longer comment period. 24 CFR Part 58 requires, at Section 58.46, "Time delays for exceptional circumstances," a 30-day comment period for controversial or unique projects or those similar to projects normally requiring preparation of an environmental Impact Statement. The fifteen-day

objection period is a statutory requirement. The objection period follows the submission date specified in the Notice or the actual date of receipt by HUD/State, whichever is later.

Section 8: Certification and Request for Release of Funds

The form HUD-7015.15 Request for Release of Funds (RROF), must be printed on both sides and the original copy must be submitted to HUD or the State. The RROF is a federal form and must not be altered in any way. In preparing a RROF, the REs must ensure that all applicable sections are completed. This includes the following:

- HUD program for which funds are being requested is included
- The Name and Address of the RE
- Name and Address of the Recipient if it is not the RE
- Project description for which RE is requesting funds
- Indication of whether an EIS was or was not required
- Signature of the Certifying Officer
- Certification Date after expiration of public notice comment period
- Signature of the authorized officer of the Recipient when the Recipient is not the RE
- Date of signature of the Recipient after expiration of the public notice comment period.

If the RROF does not contain all of the information listed above, it will be returned to the RE. The objection time period will not start until the RROF is completed as required. The certified RROF shall be sent to the appropriate HUD Field Office (or the State, if applicable). The most current RROF can be found at the following website:

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



**U.S. Department of Housing and Urban
Development**
Fort Worth Regional Office , HUD Region VI

**Instructions for Completing the
Request for Release of Funds and Certification [form HUD-7015.15]**

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

Block 1. Program Title(s): Enter the HUD program name - e.g., Community Development Block Grant, HOME, Supportive Housing, Shelter Plus Care, Section 8 Moderate Rehabilitation Single Room Occupancy, Housing Opportunities for Persons with AIDS, etc.

Block 2. HUD/State Identification Number: Enter the HUD grant number under which the proposed activity will be funded, e.g., B-10-MC-20-0100.

Block 3. Recipient Identification Number: No entry required; the Responsible Entity may use this for internal filing purposes, like a number that corresponds to the activity's Environmental Review Record.

Block 4. OMB Catalog Number(s): Enter the designated OMB number from the Catalog of Federal Domestic Assistance that corresponds to the HUD program. Examples include:

CFDA No. 14.218,	Community Development Block Grant (CDBG)
CFDA No. 14.228,	Community Development Block Grant (CDBG) State/Small Cities
CFDA No. 14.235,	Supportive Housing Program (SHP)
CDFA No. 14.239,	HOME
CFDA No. 14.247,	Self-Help Homeownership Opportunity Program (SHOP)
CDFA No. 14.251,	Economic Development Initiative (EDI)-Special Projects

The OMB Catalog is available on line at <http://www.cfda.gov> (Click "By Agency," then "Housing and Urban Development" to obtain HUD Programs listing).

Block 5. Name and Address of Responsible Entity: Enter the name and address of the unit of local government or State agency/department responsible for the environmental review under Part 58.

Block 6. For Information about this request, Contact (name & phone number): Enter the name of person to contact concerning completion of this form, HUD-7015.15, and/or the environmental review.

Block 7. Name and Address of Recipient (if different than Responsible Entity): If applicable, enter the name of the organization (e.g., non-profit, for-profit, housing authority) directly receiving HUD grant funds.

Block 8. HUD or State Agency and Office Unit to Receive Request: Enter the name and address of the HUD Program or State Agency to whom form HUD-7015.15 will be submitted. Addresses for HUD Field Offices in Region VI are:

- **Fort Worth Regional Office:**
801 Cherry Street
Unit#45-Suite 2500
Ft. Worth, TX 76102
- **San Antonio Field Office:**
Hipolito Garcia Federal Building
615 East Houston Street, Suite 347
San Antonio, TX 78205-2001
- **Houston Field Office:**
1301 Fannin Street, Suite 2200
Houston, TX 77002
- **Albuquerque Field Office**
500 Gold Avenue SW, 7th Floor, Suite 7301
Mailing address: P.O. Box 906
Albuquerque, NM 87103-0906
- **New Orleans Field Office**
Hale Boggs Federal Building
500 Poydras Street, 9th Floor
New Orleans, LA 70130
- **Little Rock Field Office**
425 West Capitol Avenue, Suite 1000
Little Rock, AR 72201
- **Oklahoma City Field Office**
301 NW 6th Street, Suite 200
Oklahoma City, OK 73102

Block 9. Program Activity/Project Name: Enter the name of the activity/project for which the request for release of funds is being submitted. Examples: Activities in the 2010 Action Plan; Construction of Maple Woods Apartments; Renovation of XYZ Community Center.

Block 10. Location (Street address, City, County, and State): Enter the location of the activity/project. If an address is not available, describe using common language directions, e.g., NW corner of intersection of Main Street and Elm Avenue, Polk City, Missouri, Jackson County.

Block 11. Program Activity/Project Description: Enter a clear, complete and concise description of the activity/project to which this form pertains. Include all project activities, including non-HUD funded actions. Example: Acquisition of 10-acre parcel and construction of a 2-story residential building, to provide (10) 3-bedroom and (20) 2-bedroom apartments, for a total of 30 residential units for the elderly plus related parking, walking path and outdoor recreational area.

Part 2. Environmental Certification (to be completed by Responsible Entity)

Item 3: Check either the first or second box. The second box is usually checked.

Signature of Certifying Officer of the Responsible Entity:

After the end of the required public comment period, the Certifying Officer signs his/her name, title, and the date. The Certifying Official is the chief elected official of the government (local, tribal, or state). The chief elected official or legislative body of the responsible entity may authorize the Certifying Officer's legal responsibility to reside with another official of the RE if the other official is acceptable. For purposes of being authorized to carry out this responsibility, HUD requires that the substituted official provide evidence, in the form of a formal delegation by the chief elected official or resolution by the legislative body of the RE, that the substituted official has the authority to consent on behalf of the chief elected official to federal court jurisdiction and to bind the RE to satisfy any judgment entered in federal court relating to the RE's performance of environmental responsibilities under 24 CFR Part 58 and as set forth in Items 1 through 8 in Part 2 of the RROF.

If the Responsible Entity is also the grant Recipient, the completed form HUD-7015.15, and a copy of all posted or published environmental Notice(s), including floodplain management notices, as applicable, is then submitted to the appropriate HUD (or State, if applicable) Office Division Director.

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

If the Responsible Entity is not the grant Recipient, form HUD-7015.15 must be transmitted by the Responsible Entity to the Recipient, with a copy of the completed, signed and dated Environmental Review Record and the posted or published environmental Notices.

Signature of Authorized Officer of the Recipient:

The "Authorized Officer" of the Recipient signs and dates the HUD-7015.15, then submits the completed form HUD-7015.15 along with a copy of the posted or published public Notice(s) to the appropriate HUD (or State, if applicable) Office Division Director. The Recipient retains the copy of the Environmental Review Record for its official project file.

NOTE: The Recipient, by signing form HUD-7015.15, agrees to implement any special environmental conditions resulting from the environmental review prepared by the Responsible Entity and to notify the Responsible Entity of any proposed change in scope of the project or any change in environmental conditions.

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Section 9: Authorization to Use Grant Funds

A. Objection Period

HUD (or the State) must not approve an RROF for any project before 15 calendar days have elapsed from the time of receipt of the certified RROF or from the time specified in the notice published pursuant to §58.70, whichever is later. Any person or agency may object to a certified RROF. However, the objections must meet the conditions and procedures set forth in Part 58 Subpart H. HUD (or the State) can refuse the certified RROF on any grounds set forth below:

- a. The certification was not in fact executed by the responsible entity's Certifying Officer.
- b. The responsible entity has failed to make one of the two findings pursuant to §58.40 or to make the written determination required by §58.35, §58.47 or §58.53 for the project, as applicable.
- c. The responsible entity has omitted one or more of the steps set forth at Part 58 Subpart E for the preparation, publication and completion of an EA.
- d. The responsible entity has omitted one or more of the steps set forth at Part 58 Subparts F and G for the conduct, preparation, publication and completion of an EIS.
- e. The recipient or other participants in the development process have committed funds, incurred costs or undertaken activities not authorized by Part 58 before release of funds and approval of the environmental certification by HUD (or the state).
- f. Another Federal agency acting pursuant to 40 CFR part 1504 has submitted a written finding that the project is unsatisfactory from the standpoint of environmental quality.

All decisions by HUD (or the State) regarding the certified RROF shall be final.

B. Authorization to Use Grant Funds

If there are no objections received, HUD or the State will provide an Authorization to Use Grant Funds, form HUD-7015.16 (AUGF). REs and recipients should not obligate HUD or non-HUD funds until they receive a fully executed copy of this form.

Processing Requests for Release of Funds: Example RROF Review Checklist

PART I. COMPLETENESS of Certified RROF (form HUD-7015.15)			
Does the RROF?	YES	NO	Update
1. Is the RROF an original printed on both sides?			
2. Include HUD Program for which funds are being requested?			
3. What program are the funds from? CPD Programs: HOME, CDBG, SHP, SHOP, EDI, etc. Public Housing Programs: HOPE VI, Section 8, etc.			
4. Include Name & address of Responsible Entity?			
5. Include Name & address of Recipient (if other than RE)?			
6. Include description of the project(s) for which the RE is requesting release of funds, including location?			
7. Indicate whether an EIS was/was not required?			
8. Include signature of designated Certifying Officer?			
9. Date of signature by Certifying Officer <i>after</i> expiration of public notice comment period?			
10. Include signature of authorized officer of the Recipient, where required (i.e., Recipient is not the RE)?			
11. Include date of signature by Recipient <i>after</i> expiration of public notice comment period?			
12. Is the document an original, printed on both sides?			

PART II: COMPLETENESS of PUBLIC NOTICES			
Does the FONSI NOTICE?	YES	NO	Update
13. State that the RE has made a FONSI and that the comment period is at least 15 days (or 30 days if project is controversial)?			
14. If a "combined notice" of FONSI & NOI-RROF is used (as is typical), does the combined notice indicate it is intended to meet two separate procedural requirements? (§58.43)			
15. Advise those submitting comments to indicate which "notice" their comments address?			
16. Is proof of the date of publication, mailing, posting (e.g. publisher's affidavit, return receipts, etc.) attached?			

Does the NOI/RROF NOTICE?	YES	NO	Update
17. Provide & observe a timeframe “on or about” when the certified RROF will be submitted to HUD which is <i>at least 8 days</i> after the notice publication date (or 11 days, if posted)?			
18. If Combined with a FONSI, provide & observe a timeframe “on or about” when the FONSI/NOI-RROF will be submitted to HUD, which is <i>at least 16 days</i> after the notice publication date (or 19 days, if posted)?			
19. List HUD program for which RROF is requested?			
20. Is proof of the date of publishing/mailing/notifying included?			
21. List Name of project?			
22. List Description of project?			
23. List Location of project?			
24. List Amount of HUD funds and Total project cost?			
25. State that RE has made an ERR (Environmental Review Record) for the project, including place and time where ERR may be examined and copied?			
26. Give Address & Phone number of the RE (<i>not</i> Recipient) where comments can be submitted?			
27. Provide date or timeframe until which objections to the RROF can be submitted to HUD? (NOI/RROF will list either an actual date or make a general statement about “15 days to comment” from the date of HUD’s receipt of the RROF. HUD’s effective release date is calculated by adding the “Date Received by HUD” + 16 days, i.e., 1 day after end of the 15-day comment period.)			
28. List all the bases for objections to the release and provide the name & address of the HUD office to which objections may be sent?			

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Attachment 1: Environmental Review Status Form

ENVIRONMENTAL REVIEW RECORD		Grantee: _____				Program: _____					
STATUS FORM		Grant #: _____				Program Year: _____					
File #	Project/Program	Date of Determination - Level of Review				Environmental Assessment	Tiering Employed (Y/N)	FONSI Publication Date	NOI/RROF Publication Date	RROF Signature Date	RROF Approval Date (AUGF)
		Exempt	Categorical Exclusion								
			CENST, Under 58.35(b)	CEST, Under 58.35(a)	Converted to Exempt 58.34(a)(12)						

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Attachment 2: Example 8-Step Decision Making Process for Projects in the Floodplain

Case Study Example - Anytown, USA

Transitional Housing Program (Project No. WA90-T00-1287)

Decision Process for E.O. 11988 as Provided by 24 CFR §55.20

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

This action is located in a 100-year floodplain. One building on the proposed project site is located within AE Zone (area of special flood hazard with water surface elevations determined) and the other two buildings are partially located in an A Zone (area of special flood hazard without water surface elevations determined), as indicated on Flood Insurance Rate Map (FIRM) Panel 16 of 70 no. 5301260026R, revised September 27, 1998. This project is (a) new construction and (b) a multifamily housing project of greater than four units and, for both of these reasons, E.O. 19988 applies. An evaluation of direct and indirect impacts associated with construction, occupancy, and modification of the floodplain is required.

The proposed project, Transitional Housing Program, includes acquisition of two parcels and construction of three buildings. Each building would consist of five units located between 3201 and 3401 W Street. The Upper American River system has been a natural floodplain for many years. Therefore, this analysis will consider impacts to the floodway along with concerns for loss of life and property.

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

A public notice describing the project was published in the Anytown Tribune, the local and regional paper, on September 22, 2008. The ad targeted local residents, including those in the floodplain. A copy of the published notification was kept in the project's environmental review records and attached to this document. The required 15 calendar days were allowed for public comment. As required by regulation, the notice also included the name, proposed location and description of the activity, total number of floodplain acres involved, and the HUD official or responsible entity contact for information as well as the location and hours of the office at which a full description of the proposed action can be viewed.

Comments from the public stated both support and opposition to the project. Supporters said the housing was necessary while opponents were concerned with property values and public services. A preliminary analysis performed by the city indicated that property values will not be affected and public services are adequate enough to handle 15 units of housing. One commenter also worried about debris coming from the buildings in the event of a flood. This concern will be addressed through engineering and site planning to minimize any such risk.

FEMA and city engineers were contacted concerning mitigation requirements of the National Flood Insurance Program (NFIP) as well as local ordinances that must be implemented as part of NFIP.

Step 3: Identify and evaluate practicable alternatives.

The Anytown Housing and Redevelopment Agency (AHRA) project site selection criteria are:

- The project can not cause current residents to become displaced;
- The project must be within city limits in order for bond proceeds to be used by the AHRA;
- The project must contain at least twelve units in order to meet community needs.

Anytown considered several alternative sites and actions:

A. Locate the Project Within the Floodplain

1. Locate the project between 3201 and 3401 W Street

This site meets the requirements of the city's bond and does not displace residents. The project also meets the community's needs of 12 units. However, the project as originally proposed would cause damage to the floodplain and its natural functions by paving areas and obstructing flood zones. Additionally, constructing in a AE Zone would present challenges in building at a foot above the base flood elevation (BFE) and would endanger human life as well as local and federal investment. The cost of elevation and maintaining flood insurance for the building in AE Zone are impracticable.

2. Modify the project between 3201 and 3401 W Street

The proposal can be modified to include two, seven-unit buildings with one building moved completely out of special flood hazard areas and a second building partially in the A Zone but elevated in order to minimize adverse impacts to the floodplain, public safety, and public investment. Any development in the unmarked A Zone requires that an expert, using FEMA approved standards, makes a determination and acquires an elevation certificate which states the necessary base flood elevation.

3. Locate the project at 3405 Dunder Road

The city proposed developing this site six years ago but met stiff resistance from the community. Another site was then chosen for development. Last year the site was again reviewed. Stiff opposition again resurfaced. The review also showed a storm-water runoff problem and a significant amount of special flood hazard areas. These factors made the site prohibitively expensive for development.

4. Obtain a Letter of Map Amendment (LOMA) or Letter of Map Revision (LOMR)

The city also considered applying for a LOMA but the elevation information certified by a Licensed Land Surveyor/Registered Professional Engineer indicated that the lowest adjacent grade (the lowest ground touching the structure) was not at or above the BFE.

A LOMR-F request was also considered but rejected due to a local policy forbidding fill in the floodplain due to the impact it may have on other property owners.

B. Locate the Project Outside of the Floodplain

1. Locate the project at the Mount Vernon Avenue site

The city had considered an alternative site at 1500 North Mount Vernon Avenue. An engineering report concluded that the site had unstable soils and slopes as well as a significant amount of wetlands. The cost of the mitigating measures for these environmental impacts, as well as endangered species habitat, made the site prohibitively expensive to develop.

2. Other sites considered

Other sites were also considered within the city limits. All of the sites would have either displaced residents who were unwilling to sell or would have placed the project on sites encumbered by wetlands, steep slopes, soil contamination, or other more significant development constraints. A market analysis was performed and concluded no other sites were feasible for development.

C. No Action or Alternative Actions that Serve the Same Purpose

A no action alternative was considered and rejected because of a recent city study that found the area in dire need of affordable housing. It showed an increase in homeless families of 35% over the past three years with a concurrent increase in the number of families using homeless shelters more than once a year. The current level of services and facilities in Anytown does not equip the city to help the homeless seeking assistance.

The emergency shelters currently housing families are for emergency use and not designed to meet the needs of homeless families with children. They are intended only for overnight use and do not provide the stability required for a family to function or the specialized services to help bring about independent family living.

The proposed project would provide the housing needed along with space for supportive services with the goal of enabling the families to become independent within a 24 month period.

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

Locating the project at W Street per the modified proposal will have minimum impacts to the floodplain because the structures will be elevated a minimum of three feet above the BFE and have a footprint designed to minimize these impacts. The design will also minimize potential damage to the property as a result of the flooding. The area has experienced some flooding in the past but never above the proposed elevation.

Loss of life as a result of flooding is the highest priority. FEMA estimates that it would take a warning time of between five and seven hours to safely evacuate people from the area. FEMA also estimates at a flood level of four feet carpeting, curtains, and furnishings would be damaged in the building partially in the floodplain. At five feet above the BFE, the structure will sustain 20-30% damage. At six feet above the BFE, the structure will sustain substantial damage at 50% or more.

The city of Anytown is a member of the National Flood Insurance Program and, therefore, any structure owned by the city that is located in the flood zone must be covered by flood insurance.

Even though only one of the buildings is required to have flood insurance, the city will maintain flood insurance for both buildings in order to mitigate any effects of flooding.

In addition to concerns for life and property, the city considered the natural and values of the floodplain. The natural resources of the floodplain include water, biological, and societal resources.

By elevating the buildings and disallowing impervious surfaces in and around the floodplain, the construction will have minimal effects on water resources. Hydrologists and engineers were consulted in order to design the building and the site plan in such a way that natural flood and erosion control, water quality, and groundwater recharge are preserved. In addition to the prohibition on impervious surfaces in and directly around the floodplain, the floodplain was preserved through elevation and positioning of the building.

The Fish and Wildlife Service has determined that the construction of the buildings will have no quantifiable impact on plant and animal life. Only native plants are to be used in the floodplain and on the site.

Societal resources were also considered during the design process. The designs are meant to complement the natural features of the area and to offer an aesthetically pleasing structure. The site will not have an effect on agricultural lands and efforts have been made to preserve existing trees on the site. The site will also maintain an open space for recreational opportunities. An easement will be made to the city to allow for construction of a bike path that will serve transportation purposes. The city will also allow the site to be accessible for archaeological, historic, environmental, biological, and other scientific studies should an individual or an organization express interest.

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

Preserving Lives: In order to preserve lives, local law enforcement and the emergency broadcast system will implement an early warning system should flooding conditions arise. In addition to the warning system, law enforcement has an emergency evacuation and relocation plan. The new structures will also be marked with identification marks of past and estimated flooding and the interior common areas will display an evacuation plan. All residents will also be briefed on the location of the flood hazard area and evacuation plans upon placement.

Preserving Property: In order to preserve property, flood insurance will also be acquired and maintained in order to mitigate possible flood damage. The building will be floodproofed in compliance with FEMA Coastal Standards and the International Residential Code. This includes the use of breakaway walls on the first floor.

Preserving Natural Values and Minimizing Impacts: By elevating the buildings and disallowing impervious surfaces in and around the floodplain, the construction will have minimal effects on water resources. In addition to the prohibition on impervious surfaces in and directly around the floodplain, the floodplain was preserved through elevation and positioning of the building. Swales will be introduced using native vegetation to address drainage impacts and will be placed by biologists and hydrologists with consultation with the U.S. Fish and Wildlife Service. Conservation easement agreements through the United States Department of Agriculture's Natural Resource Conservation Service will also be entered for nearby wetlands owned by the city. These actions

will serve to both restore habitat off and on site while also preserving non-impacted areas to minimize effects. Additionally, the city has implemented a policy of “no net loss” for all wetlands impacts through a restoration and compensatory mitigation program.

Step 6: Reevaluate the Alternatives.

Although the W Street site is in a floodplain, the project has been adapted in order to minimize effects on floodplain values. Additionally, steps were taken in order to minimize risks to human life and property via evacuation plans, construction methods, flood insurance, etc. The estimated annual cost of flood insurance is \$XXXXXX and the costs of flood-proofing is \$XXXXX. The city will help the developer with flood-proofing costs, while the developer alone will bear the costs of maintaining the statutorily required flood insurance premiums for the life of the structure in accordance with the Flood Disaster Protection Act of 1973.

The Dunder Road site is even more problematic due to storm-water runoff and floodplain concerns. The floodplain concerns here are worse than those of W Street. Additionally, there is a complete lack of public support to make this a feasible site for the project.

Construction outside of the floodplain at the Mount Vernon site or others is not viable as well. Due to contamination, slope, and other concerns, as well as the requirement that the project be constructed within city limits due to bond issues, the W Street site is the only location that satisfies these needs and concerns without displacing residents.

The no action alternative is also impracticable because it will not satisfy the need to provide assistance to local homeless families and provide them with opportunities for independent living.

Step 7: Determination of No Practicable Alternative

It is our determination that there is no practicable alternative for partially locating the project in the flood zone. This is due to: 1) the need to provide housing and services to homeless families; 2) the bond requirements to construct within city limits; 3) the desire to not displace residents; 4) the need to construct an economically feasible project; and 5) the ability to mitigate and minimize impacts on human health, public property, and floodplain values.

A final notice was published detailing the reasons why the modified project must be located in the floodplain, a list of alternatives considered, and all mitigation measures taken to minimize adverse impacts and preserve natural and beneficial floodplain values. No concerns were expressed by the public concerning this notice.

Step 8: Implement the Proposed Action

The city will assure that this plan, as modified and described above, is executed and necessary language will be included in all agreements with participating parties. The city will also take an active role in monitoring the construction process to ensure no unnecessary impacts occur nor unnecessary risks are taken. The flood insurance requirement for the life of the property will be realized through the use of a covenant on the property title.

Sample Early Notice and Public Review of a Proposed Activity in a 100-Year Floodplain

Note: May also be combined with other notices such as state floodplain or wetland notices so long as it contains the required information.

To: All interested Agencies *[include all Federal, State, and Local]*, Groups and Individuals

This is to give notice *that [HUD under part 50 or Responsible Entity under Part 58]* has conducted an evaluation as required by *[Executive Order 11988 and/or 11990]*, in accordance with HUD regulations at 24 CFR 55.20 Subpart C Procedures for Making Determinations on Floodplain Management, to determine the potential affect that its activity in the floodplain and wetland will have on the human environment for *[Program Name]* under *[HUD grant or contract number]*. *[Describe the activity, e.g. purpose, type of assistance, the size of the site, proposed number of units, size of footprint, type of floodplain, natural values]*. *[State the total number of acres of floodplains involved]*. The proposed project(s) is located *[at addresses]* in *[Name of City]*, *[Name of County]*.

There are three primary purposes for this notice. First, people who may be affected by activities in floodplains and those who have an interest in the protection of the natural environment should be given an opportunity to express their concerns and provide information about these areas. Second, an adequate public notice program can be an important public educational tool. The dissemination of information about floodplains can facilitate and enhance Federal efforts to reduce the risks associated with the occupancy and modification of these special areas. Third, as a matter of fairness, when the Federal government determines it will participate in actions taking place in floodplains, it must inform those who may be put at greater or continued risk.

Written comments must be received by *[HUD or Responsible Entity]* at the following address on or before *[month, day, year]* *[a minimum 15 calendar day comment period will begin the day after the publication and end on the 16th day after the publication]*: *[HUD or Responsible Entity]*, *[Address]* and *[phone number]*, Attention: *[Name of Certifying Officer]*, *[Title]*, during the hours of 9:00 AM to 5:00 PM. Comments may also be submitted via email at *[email address]*.

Date:

Sample Final Notice and Public Explanation of a Proposed Activity in a 100-Year Floodplain

To: All interested Agencies *[include all Federal, State, and Local]*, Groups and Individuals

This is to give notice that the *[HUD under part 50 or Responsible Entity under Part 58]* has conducted an evaluation as required by *[Executive Order 11988 and/or 11990]*, in accordance with HUD regulations at 24 CFR 55.20 Subpart C Procedures for Making Determinations on Floodplain Management, to determine the potential affect that its activity in the floodplain and wetland will have on the human environment for *[Program Name]* under *[HUD grant or contract number]*. The proposed project(s) is located *[at addresses]* in *[Name of City]*, *[Name of County]*. *[Describe the activity, e.g. purpose, type of assistance, the size of the site, proposed number of units, size of footprint, type of floodplain, natural values]*. *[State the total number of acres of floodplains involved]*.

[HUD or Responsible Entity] has considered the following alternatives and mitigation measures to be taken to minimize adverse impacts and to restore and preserve natural and beneficial values: *[and reasons (quantitatively based if possible) for non-selection, (iii) all mitigation measures to be taken to minimize adverse impacts and to restore and preserve natural and beneficial values]* *[Cite the date of any final or conditional LOMR's or LOMA's from FEMA where applicable]* *[Acknowledge compliance with state and local floodplain protection procedures]*

[HUD or Responsible Entity] has reevaluated the alternatives to building in the floodplain and has determined that it has no practicable alternative. Environmental files that document compliance with steps 3 through 6 of *[Executive Order 11988 and/or 11990]*, are available for public inspection, review and copying upon request at the times and location delineated in the last paragraph of this notice for receipt of comments. This activity will have no significant impact on the environment for the following reasons:

[Give reasons why there is no significant impact]

There are three primary purposes for this notice. First, people who may be affected by activities in floodplains and those who have an interest in the protection of the natural environment should be given an opportunity to express their concerns and provide information about these areas. Second, an adequate public notice program can be an important public educational tool. The dissemination of information about floodplains can facilitate and enhance Federal efforts to reduce the risks associated with the occupancy and modification of these special areas. Third, as a matter of fairness, when the Federal government determines it will participate in actions taking place in floodplains, it must inform those who may be put at greater or continued risk.

Written comments must be received by the *[HUD or Responsible Entity]* at the following address on or before *[month, day, year]* *[a minimum 7 calendar day comment period will begin the day after the publication and end on the 8th day after the publication]*: *[Name of Administrator]*, *[Address]* and *[phone number]*, Attention: *[Name of Certifying Officer]*, *[Title]*, during the hours of 9:00 AM to 5:00 PM. Comments may also be submitted via email at *[email address]*.

Date:

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Attachment 3: Example Section 7 Endangered Species Act --Species Evaluation Conclusions Table²

Project Name:

Species/Resource Name	Conclusion	ESA/Eagle Act Determination	Notes/Documentation
Interior Least Tern	Potential habitat present, species not present	May affect, not likely to adversely affect	Construction will take place in February, outside of nesting/migration season (mid-May to late August) for the interior least tern
Whooping Crane	Species not present, no potential habitat present	No effect	Habitat assessment indicated no potential habitat present
Arkansas River Shiner	Species not present, no potential habitat present	No effect	Project area in Red River drainage which does not contain Arkansas River shiners
Piping Plover	Potential habitat present, species not present	May affect, not likely to adversely affect	Construction will take place in February outside of migration season (March-May and July-September) for the piping plover
Critical Habitat	No critical habitat present	No effect	
Lesser Prairie chicken (a candidate species)	Species present	Coordination with USFWS necessary	
American burying beetle	Species present	May affect, not likely to adversely affect	Recent surveys by qualified surveyors found this species within project area; avoidance measures planned
Interior least tern	No potential habitat present	No effect	Habitat assessment by qualified surveyor indicated no potential habitat present
Scaleshell mussel	No potential habitat present	No effect	Project area outside of inhabited drainages, per species fact sheet

² <http://www.fws.gov/southwest/es/oklahoma.com>

Attachment 3: Example Section 7 Endangered Species Act --Species Evaluation Conclusions Table²**Project Name:**

Species/Resource Name	Conclusion	ESA/Eagle Act Determination	Notes/Documentation
Winged mapleleaf mussel	Potential habitat present	Possible may affect, additional assessment and coordination under way	Project area within historical drainage; no recent surveys; suitable habitat may be present
Eastern prairie fringed orchid	Species not present, no potential habitat present	No effect	Habitat assessment by qualified surveyor indicated no potential habitat present

Attachment 4: Historic Preservation/Section 106 Consultation Check list (Suggested Format)

Project Name: _____

Address: _____

The Section 106 process, as described in 36 CFR Part 800, consists of four basic steps, with each step having a series of tasks to complete. You may use this checklist to track the progress of your review.

Remember that Section 106 needs to be completed “prior to the approval of the expenditure of any Federal funds”

Step 1: Initiate Consultation (§ 800.3)

- ☐ Yes/No - Project meets the definition of an “undertaking”¹
- ☐ Yes/No - “Undertaking” has no potential to cause effects to historic properties”¹
- ☐ Yes/No - Review of “undertaking” is subject to an existing Programmatic Agreement (PA)
- ☐ Identify appropriate State/Tribal Historic Preservation Office (SHPO/THPO) and federally-recognized Indian tribes/Native Hawaiian organizations, as appropriate
- ☐ Plan to involve the public (may use existing agency public participation procedures)
- ☐ Consider if, what, and how some project information may need to remain confidential
- ☐ Identify other consulting parties (e.g., developers, interested parties, local government); proceed to Step 2

¹If no, then you have completed Section 106 review and are in compliance. These first two Step 1 tasks do not require consultation with SHPO/THPO. Refer to the lists of “exempt activities” and/or “categorical exclusions not subject to related laws” in Part 50 or 58.

²If yes, once you record how the project complies with the terms of the PA, Section 106 review is complete and you are in compliance. To remain in compliance, you must implement the project in accordance with the PA.

Step 2: Identify and Evaluate Historic Properties (§ 800.4)

- ☐ Define the Area of Potential Effects (APE)
- ☐ Review existing information regarding the APE (e.g., previous historic surveys, land use records, maps, SHPO information)
- ☐ Seek information from consulting parties to identify issues related to the undertaking’s potential effects
- ☐ Gather information from federally-recognized Indian tribes, as appropriate
- ☐ Identify any known National Register (NR)-eligible or -listed properties
- ☐ Evaluate all other properties in APE for NR eligibility, regardless of age
- ☐ Submit finding and supporting documentation of “no historic properties affected” or “historic properties affected” to SHPO/THPO for 30-day review
- ☐ Notify all consulting parties of finding and provide supporting documentation
- ☐ If SHPO/THPO does not object to a “no historic properties affected” finding, make the finding/documentation available for public review before approving the undertaking (e.g., through the appropriate NOI/RROF process) ³
- ☐ If historic properties are affected, proceed to Step 3

³ If there are no objections to a “no historic properties affected” finding, then you have completed Section

106 review and are in compliance. Per § 58.34(a)(12), if there are no other environmental circumstances which require compliance, you may at this point convert the project to an exempt activity and forego the EA/FONSI and NOI/RROF process. If SHPO/THPO does objection, you must consult with them to resolve the matter. For further assistance, contact your HUD Field Environmental Officer.

Step 3: Assess Effects (§ 800.5)

- ___ Apply criteria of adverse effect, in consultation with SHPO/THPO and consulting parties
- ___ Submit finding and supporting documentation of “no adverse effect” or “adverse effect” to all consulting parties for 30-day review
- ___ If adverse effect, consider modifications to the project or agree to conditions that avoid adverse effects
- ___ Notify all consulting parties of finding and provide supporting documentation
- ___ If SHPO/THPO and/or consulting parties do not object to a “no adverse effect” finding, make the finding/documentation available for public review before approving the undertaking (e.g., through the appropriate NOI/RROF process)⁴
- ___ If there are still adverse effects, proceed to Step 4

⁴If there are no objections to a “no adverse effect” finding, then you have completed Section 106 review and are in compliance. If there are objections, you must consult with each objecting party to resolve the matter. For further assistance, contact your HUD Field Environmental Officer.

Step 4: Resolve Adverse Effects (§ 800.6)

- ___ Notify the Advisory Council on Historic Preservation (ACHP) of the adverse effect finding and provide documentation outlined in § 800.11(e)
- ___ Invite ACHP to participate 1) if you want to, 2) if the project directly and adversely affects a National Historic Landmark, or 3) if you will develop a PA
- ___ Continue consultation with consulting parties to consider ways to avoid, minimize, or mitigate adverse effects
- ___ Negotiate and draft agreed upon terms in an agreement document (Memorandum of Agreement or Programmatic Agreement (MOA/PA))⁵
- ___ Have signatories and concurring parties sign the MOA/PA, as appropriate, and distribute copies to all consulting parties
- ___ File a copy of the signed MOA/PA with ACHP and make it available for public review before approving the undertaking (e.g., through the appropriate NOI/RROF process)⁶
- ___ Implement the undertaking in accordance with the signed MOA/PA

⁵If consultation does not produce an agreement, you must seek ACHP participation. Should ACHP participation not result in agreement, the “Head of the Agency” may consider terminating consultation. For further assistance, contact your HUD Field Environmental Officer. ⁶At this point, you have completed Section 106 review and are in compliance.

- YOU MAY NEED TO RECONCILE THE PROCESS DESCRIBED HEREIN WITH SPECIFIC REQUIREMENTS ESTABLISHED BY THE VARIOUS SHPO/THPOs.
- IF PROJECT PLANS CHANGE AFTER COMPLETION OF THE ENVIRONMENTAL/SECTION 106 REVIEW, YOU MUST NOTIFY THE CONSULTING PARTIES AND REEVALUATE YOUR FINDINGS (SEE 24 CFR § 50.36 OR § 58.47).

Source: Environmental Planning Division, Office of Environment & Energy, CPD, July 2009

Attachment 5: ASTM Phase I Environmental Site Assessment (E1527-05) Guidance Checklist

Applicant/Grantee:

Project number, if funded:

Type of Project:

Date of Phase I ESA:

Phase I Completed By:

RECOMMENDED TABLE OF CONTENTS AND REPORT FORMAT [ASTM Appendix X4]

DATE OF REVIEW: _____

Sections	Sub-Sections	Reference: ASTM Standard	Completed : Yes/No
1.0 Summary			
2.0 Introduction	2.1 Purpose	(ref. 1.1.1; 6.7)	
	2.2 Detailed Scope of Services	(ref. 12.4)	
	2.3 Significant Assumptions	(ref. 7.5.2; 7.5.2.1)	
	2.4 Limitations and Exceptions	(ref. 9.2.4)	
	2.5 Special Terms and Conditions: Are there any Special Terms and Conditions placed on the Environmental Professional by those requesting their services?		
	2.6 User Reliance	(ref. 7.5.2.1)	
3.0 Site Description	3.1 Location and Legal Description of Property	(ref. 9.0)	
	3.2 Site and Vicinity General Characteristics		
	3.3 Current Use of the Property	(ref. 9.4.1.1; 9.4.2.1)	
	3.4 Description of Structures, Roads, Other Improvements on the Site (including heating/cooling system, sewage disposal, source of potable water)	(ref. 9.4.1.7 - 9.4.1.10; 9.4.3.1; 9.4.4.1; 9.4.4.5 - 9.4.4.7)	
	3.5 Current Uses of Adjoining Properties	(ref. 9.4.1.3)	
4.0 User Provided Information	4.1 Title Records	(ref. 6.2; 8.3.4.4)	
	4.2 Environmental Liens or Activity and Use Limitations	(ref. 6.2)	
	4.3 Specialized Knowledge	(ref. 6.3)	
	4.4 Commonly Known or Reasonably Ascertainable Information	(ref. 6.6)	
	4.5 Valuation Reduction for Environmental Issues	(ref. 6.5)	
	4.6 Owner, Property Manager, and Occupant Information	(ref. 10.0)	
	4.7 Reason for Performing Phase I	(ref. 6.7; 7.3.2)	
	4.8 Other	(ref. 6.7)	

Sections	Sub-Sections	Reference: ASTM Standard	Completed : Yes/No
5.0 Records Review	5.1 Standard Environmental Record Sources	(ref. 8.0)	
	5.2 Additional Environmental Record Sources	(ref. 8.2.2)	
	5.3 Physical Setting Source(s)	(ref. 8.2.3)	
	5.4 Historical Use Information on the Property	(ref. 8.3 – 8.4)	
	5.5 Historical Use Information on Adjoining Properties	(ref. 8.3.3)	
6.0 Site Reconnaissance	6.1 Methodology and Limiting Conditions	(ref. 9.2.3, 9.2.4)	
	6.2 General Site Setting	(ref. 9.4.1.1 – 9.4.1.10)	
	6.3 Exterior Observations	(ref. 9.4.2 – 9.4.4.7)	
	6.4 Interior Observations	(ref. 9.4.2 – 9.4.4.7)	
7.0 Interviews	7.1 Interview with Owner	(ref. 10.0 – 10.9)	
	7.2 Interview with Site Manager	(ref. 10.5.1)	
	7.3 Interviews with Occupants	(ref. 10.5.2.1 – 10.5.2.4) Multi-family residential properties, residential occupants do not need to be interviewed (ref. 10.5.2.1) If the property has non-residential uses, interviews should be held with non-residential occupants based on criteria at 10.5.2.2. (ref. 10.5.2.1)	
	7.4 Interviews with Local Government Officials	(ref. 11.1 – 11.8)	
	7.5 Interviews with Others		
8.0 Findings		(ref. 12.5) Findings are any item(s) identified as a recognized environmental concern.	
9.0 Opinion		(ref. 12.6) The opinion shall specifically include the environmental professional's rationale for concluding that a condition is or is not currently a recognized environmental condition.	
10.0 Conclusions		(ref. 12.8 – 12.8.2) The Phase I <u>must</u>	

Sections	Sub-Sections	Reference: ASTM Standard	Completed : Yes/No
		include one of the statements located at 12.8.1 or 12.8.2.	
11.0 Deviations		(ref. 12.10)	
12.0 Additional Services		(ref. 12.9)	
13.0 References		(ref. 12.11)	
14.0 Signature(s) of Environmental Professional(s)		(ref. 12.12)	
15.0 Qualification(s) of Environmental Professional(s)		(ref. 4.3, 12.13 – 12.13.2, X2.1) The Phase I <u>must</u> include both of the phrases found at sections 12.13.1 and 12.13.2	
16.0 Appendices (ref. 12.14, X4.16 – X4.16.8)	16.1 Site (Vicinity) Map		
	16.2 Site Plan		
	16.3 Site Photographs		
	16.4 Historical Research Documentation (aerial photographs, fire insurance maps, historical topographical maps, etc.)	(ref. 8.3.4 – 8.3.4.9)	
	16.5 Regulatory Records Documentation	(ref. 8.2.1 – 8.2.2)	
	16.6 Interview Documentation		
	16.7 Special Contractual Conditions between User & Environmental Professional		
	16.8 Qualification(s) of the Environmental Professional(s)		

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Attachment 6: HUD Guide to Laws and Authorities and Other Requirements

A. 24 CFR §58.5 – NEPA-Related Federal laws and authorities

Environmental Issue/Impact (Statute, Authority &/or Regulation)	Applicable Activities	Threshold for Action (Analysis/Evaluation/ Consultation)	Source Documentation (Map/On-line Listing/ Agency Contacts)	Action Required	Further Information
<p>1. 58.5(a) Historic Properties</p> <p>National Historic Preservation Act of 1966 (16 U.S.C. 470 <i>et seq.</i>), particularly sections 106 & 110.</p> <p>36 CFR Part 800 "Protection of Historic Properties" (ACHP)</p>	<p>Any undertaking having the potential to cause effect, such as:</p> <p>Acquisition Demolition Disposition Ground disturbance New construction Rehabilitation</p>	<p>Project's area of potential effects [see §800.16(d)] contains: A property listed in, or eligible for listing in, the National Register of Historic Places; or, An historic district listed in, or eligible for listing in, the National Register of Historic Places; or, Compelling evidence of the high probability of archeological resources eligible for listing in the National Register of Historic Places.</p> <p>National Register Eligibility Criteria: http://www.achp.gov/nrcriteria.html</p> <p>HUD tribal database: http://egis.hud.gov/tdat/Tribal.aspx</p>	<p>Information on historic resources available from National, State, Tribal and local registers/sources: National Register http://nrhp.focus.nps.gov/natreghome.do?searchtype=natreghome State Historic Preservation Office (SHPO) http://ncshpo.org Tribal Historic Preservation Office (THPO) http://www.nathpo.org/map.html Certified Local Government (CLG) preservation staff.</p>	<p>Afford the Advisory Council on Historic Preservation a reasonable opportunity to comment, consistent with the procedures of 36 CFR Part 800 implementing the Section 106 process. Consultation with the SHPO is required. Consultation with THPO and interested parties and public participation may be required.</p> <p>The Section 106 process includes initiation of the process [§800.3], identification of historic properties [§800.4], assessment of adverse effects [§800.5], and resolution of adverse effects [§800.6].</p> <p>A Memorandum of Agreement (MOA) stipulates how adverse effects will be resolved. Guidance on writing MOAs: http://www.npi.org/tools.html</p> <p>HUD database of Section 106 agreements (MOA & PA): http://www.hud.gov/offices/cpd/environment/section106/index.cfm</p>	<p>Advisory Council: http://www.achp.gov State Historic Preservation Officers (SHPOs): http://www.ncshpo.org Tribal Historic Preservation Officers (THPOs): http://www.nathpo.org Federally-recognized Indian tribes: http://www.nps.gov/nacd/ and http://www.bia.gov/WhoWeAre/BIA/OIS/TribalGovernmentServices/TribalDirectory/index.htm National Register: http://nrhp.focus.nps.gov/natreghome.do?searchtype=natreghome Preservation staff of a CLG (Certified Local Govern't) – contact the local government.</p> <p>NPS technical info: http://www.cr.nps.gov/hps/tps/index.htm Other resource links: http://www.nal.usda.gov/ric/pubs/preserve.html Notice on Tribal Consultation: http://portal.hud.gov/hudportal/documents/huddoc?id=env_notice_tribe_con.pdf</p>

Environmental Issue/Impact (Statute, Authority &/or Regulation)	Applicable Activities	Threshold for Action (Analysis/Evaluation/ Consultation)	Source Documentation (Map/On-line Listing/ Agency Contacts)	Action Required	Further Information
<p>2. 58.5(b)(1) Floodplain Management</p> <p>E.O. 11988, "Floodplain Management", particularly section 2(a).</p> <p>24 CFR Part 55 "Floodplain Management" (HUD)</p>	<p>Acquisition for construction or for existing bldg >4 units Disposition >4 units Financing >4 units Leasing >4 units New construction Substantial Rehabilitation >4 units housing (total rehab cost >50% pre-rehab value or >20% density increase)</p>	<p>Project is located within a Special Flood Hazard Area (100-year floodplain), or, if a critical action (e.g., nursing home; hospital; fire station) is located in a 500-year floodplain.</p>	<p>FEMA Flood Insurance Rate Maps (FIRM) or Flood Hazard Boundary Map (FHBM).</p> <p>FIRMETTE maps, which cover small areas (approx. 1 sq. mile), can be obtained at no charge on-line: http://www.store.msc.fema.gov</p> <p>For unmapped areas, FEMA Community Status Book can provide information on flood hazards: www.fema.gov/fema/csb.shtm</p>	<p>Avoid direct or indirect support of floodplain development wherever there is a practicable alternative.</p> <p>Approval of project requires compliance with the decision-making provisions of §55.20, i.e., the "eight-step" process.</p> <p>Project may be approved only if there is no practicable alternative outside the floodplain. Project must apply appropriate mitigation.</p>	<p>FEMA: http://www.fema.gov</p> <p>State Floodplain Managers: http://www.floods.org/StatePOCs/map.asp</p> <p>HUD Q&A: http://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/environment/review/floodplain</p>
<p>3. 58.5(b)(2) Wetland Protection</p> <p>E.O. 11990, "Protection of Wetlands," particularly sections 2 & 5.</p> <p>Draft 24 CFR Part 55 "Floodplain Management" (42 FR 26961 – 5/25/97)</p>	<p>Acquisition of undeveloped land Change of land use New construction Expansion of bldg footprint</p>	<p>Project is located within, or has impact upon, a wetland.</p>	<p>National Wetlands Inventory maps are listed on FWS site: http://www.fws.gov/wetlands/data/index.html</p> <p>NWI maps are useful as a preliminary screen. Where site inspection or other information indicates potential for a wetland, delineation of a wetland by a qualified professional should occur.</p> <p>For wetlands delineations, contact USACOE, USFWS, USDA- NRCS, USEPA and/or private consultants.</p>	<p>Avoid adverse impacts upon wetlands and direct or indirect support of new construction in wetlands wherever there is practicable alternative.</p> <p>Approval of project requires compliance with the decision-making provisions of §55.20, i.e., the "eight-step" process. Project may be approved only if there is no practicable alternative outside the wetland.</p>	<p>U.S. Army Corp of Engineers: http://www.usace.army.mil/Missions/CivilWorks/RegulatoryProgramandPermits/FrequentlyAskedQuestions.aspx</p> <p>Recognizing Wetlands http://www.usace.army.mil/Portals/2/docs/civilworks/regulatory/techbio/rw_br_o.pdf and http://www.usace.army.mil/Missions/CivilWorks/RegulatoryProgramandPermits.aspx</p> <p>U.S. Fish and Wildlife Service: http://wetlands.fws.gov/</p> <p>EPA: http://www.epa.gov/owow/wetlands/</p> <p>HUD Q&A: http://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/e</p>

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
					nvironment/review/wetland
<p>4. 58.5(c) Coastal Zone Management</p> <p>Coastal Zone Management Act of 1972, as amended (16 U.S.C. 1451 et. seq., particularly section 1424(e)).</p>	<p>Acquisition of undeveloped land</p> <p>Change of land use</p> <p>Major rehabilitation</p> <p>New construction</p>	<p>Project is located in a state having a Coastal Zone Management (CZM) Program.</p>	<p>CZM maps are on NOAA (Nat'l Oceanic & Atmospheric Administration) web site: http://coastalmanagement.noaa.gov/mystate/welcome.html</p>	<p>State CZM agency (or its approved local designee) must concur with a finding (or issue permit) in evidence that project is consistent with approved State CZM plan.</p>	<p>NOAA: http://coastalmanagement.noaa.gov/welcome.html</p> <p>HUD Q&A: http://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/environment/review/coastal</p> <p>Texas Coastal Program: http://www.glo.texas.gov/what-we-do/caring-for-the-coast/grants-funding/cmp/index.html</p> <p>Texas Coastal Boundary: http://www.glo.texas.gov/what-we-do/caring-for-the-coast/documents/landin-g-page-folder/CoastalBoundaryMap.pdf</p> <p>Louisiana Coastal Program: http://dnr.louisiana.gov/index.cfm?md=pagebuilder&tmp=home&pid=85&ngid=5</p> <p>Louisiana Coastal Boundary: http://dnr.louisiana.gov/index.cfm?md=pagebuilder&tmp=home&pid=88</p>
<p>5. 58.5(d) Sole Source Aquifers</p>	<p>Acquisition of undeveloped land</p> <p>Change of land use</p>	<p>Project is located within area of an EPA-designated sole source aquifer, unless project</p>	<p>Designated sole source aquifers are listed on EPA web site for Region 6:</p>	<p>Review of project by Regional EPA Office of Ground Water is required if activity is of a type and</p>	<p>EPA – ground water & drinking water: http://www.epa.gov/safew</p>

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>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>	New construction	utilizes municipal water and sewer and has appropriate local drainage.	http://www.epa.gov/region6/water/swp/ssa/maps.htm	<p>size specified in an agreement between EPA and HUD.</p> <p>Project may require memorandum of understanding (MOU) with EPA describing compliance to be followed.</p>	<p>ater/ssanp.html</p> <p>EPA – source water protection: http://water.epa.gov/infrastucture/drinkingwater/sourcewater/protection/index.cfm</p> <p>EPA – TMDL maps: http://www.epa.gov/OWOW/tmdl/index.html</p> <p>EPA – Septic Systems: http://water.epa.gov/infrastucture/drinkingwater/sourcewater/protection/septicssystem.cfm</p> <p>HUD Q&A: http://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/environment/review/aquifers</p>
<p>6. 58.5(e) Endangered Species</p> <p>Endangered Species Act of 1973 (16 U.S.C. 1531 <i>et seq.</i>), particularly section 7 (16 U.S.C. 1536)</p> <p>50 CFR Part 402 "Endangered Species Act" (DOI & Commerce)</p>	<p>Acquisition of undeveloped land</p> <p>Conversion of land use</p> <p>Demolition</p> <p>Major rehabilitation</p> <p>New construction</p>	Project is likely to affect, or may affect, any Federally listed endangered or threatened species or habitat.	<p>The US Fish and Wildlife Service (FWS) and NOAA's National Marine Fisheries Service (NMFS) share responsibility for implementing ESA.</p> <p>Contact the FWS for land and fresh water species and to determine if a listed species or habitat is present in the project action area or may be affected by the project. http://www.fws.gov/endangered/species/index.html</p> <p>Prepare for your project: http://ecos.fws.gov/ipac/wizard/chooseLocation!prepare.action</p>	<p>If a listed species or habitat is present, consultation is required under Section 7 of the Endangered Species Act to determine if the proposed activity will adversely affect the subject species or habitat.</p> <p>Step-by-step consultation: http://www.fws.gov/southwest/es/arlingontexas/Sec7_consultation.htm</p> <p>When required, a biological assessment must be prepared by a qualified professional (e.g., biologist or botanist) explaining the likely effect on the species or</p>	<p>Section 7 consultation: http://www.fws.gov/endangered/what-we-do/consultations-overview.html http://www.nmfs.noaa.gov/pr/consultation/</p> <p>U.S. Fish & Wildlife Ecological Services Field offices:</p> <p>Texas Field Office Areas of Responsibility http://www.fws.gov/southwest/es/TexasOffices.html</p>

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			<p>Contact the NMFS for marine and anadromous species and to determine if a listed species or habitat is present in the project action area or may be affected by the project: http://www.nmfs.noaa.gov/pr/species/esa/</p> <p>USFWS Critical Habitat online mapper: http://crithab.fws.gov/ NMFS Critical Habitat Mapping: http://www.nmfs.noaa.gov/pr/species/criticalhabitat.htm Southwest listed species: http://www.fws.gov/southwest/es/EndangeredSpecies/EndangeredSpecies_Lists/EndangeredSpecies_Lists_Main.cfm Arkansas listed species, by county: http://www.fws.gov/arkansas-es/te_cty_list.html Louisiana Section 7: http://www.fws.gov/lafayette/section7/</p>	habitat.	<p>New Mexico Eco Services Field Office http://www.fws.gov/southwest/es/NewMexico/about_address_phone.cfm. Oklahoma Eco Services Field Office http://www.fws.gov/southwest/es/Oklahoma/endsp-fedact.htm</p> <p>Arkansas Eco Services Field Office http://www.fws.gov/arkansas-es/contact.html</p> <p>Lafayette Eco Services Field Office http://www.fws.gov/lafayette/</p> <p>HUD Q&A: http://portal.hud.gov/hudportal/HUD?src=/program/offices/comm_planning/environment/review/endoredspecies</p>
<p>7. 58.5(f) Wild & Scenic Rivers</p> <p>Wild and Scenic Rivers Act of 1968 (16 U.S.C. 1271 <i>et seq.</i>), particularly sections 5(d), 7(a), 7(b) & (c).</p> <p>36 CFR Part 297 "Wild and Scenic Rivers" (USDA)</p>	<p>Acquisition of undeveloped land Change of land use Major rehabilitation New construction</p>	<p>Project is located within one (1) mile of a designated Wild & Scenic River, or river being studied as a potential component of the Wild & Scenic River system.</p> <p>Project is located upstream, downstream, or on a tributary of river that is designated, studied or has potential for listing on the system.</p>	<p>Designated wild and scenic rivers are listed on the National Park Service: http://www.rivers.gov/wildriverslist.html</p> <p>GIS shape files (maps) can also be downloaded from this site.</p> <p>Study Rivers (potential wild and scenic rivers): http://www.rivers.gov/study.html</p>	<p>For a Designated River or Study River, determination from the National Park Service (NPS) must be obtained, with finding that the project will not have a direct and adverse effect on the river nor invade or diminish values associated with such rivers.</p> <p>For NRI rivers, consultation with NPS is recommended to identify and eliminate direct and adverse</p>	<p>National Park Service: http://www.nps.gov/rivers/ and http://www.nps.gov/nrcr/programs/rtca/nri/auth.html NEPA /CEQ Guidance: http://www.nps.gov/nrcr/programs/rtca/nri/hist.html</p> <p>Publications: http://www.rivers.gov</p>

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
		Protected rivers are: Designated, Study and National River Inventory (NRI) rivers. NRI rivers may be eligible for listing as a Wild & Scenic River.	National River Inventory (NRI) listed rivers: http://www.nps.gov/nrcr/programs/rtca/nri/	effects.	v/rivers/publications.php
<p>8. 58.5(g) Air Quality</p> <p><i>Clean Air Act of 1970, as amended (42 U.S.C. 7401 et seq.), particularly 7506 (c) & (d).</i></p> <p>40 CFR parts 6, 51, and 93 (EPA)</p> <p>CAA of 1990, Sec. 112; 40 CFR Part 61 (NESHAP)</p> <p>http://www.epa.gov/air/caa/title1.html</p>	<p>Acquisition of undeveloped land</p> <p>Change of land use</p> <p>Demolition</p> <p>Major rehabilitation</p> <p>New construction</p>	<p>Project is located in an EPA-designated non-attainment area or maintenance area for one or more of six "criteria pollutants," called National Ambient Air Quality Standards (NAAQS).</p> <p>Criteria pollutants (NAAQS): http://www.epa.gov/air/criteria.html</p>	<p>Designated non-attainment and maintenance areas are listed on EPA web site:</p> <p>http://www.epa.gov/oar/oaqps/greenbk/</p> <p>County-level air quality data: http://www.epa.gov/oar/oaqps/greenbk/multipol.html</p> <p>Maps of non-attainment areas: http://www.epa.gov/airdata/</p>	<p>A determination of conformity with the State Implementation Plan (SIP) is required with respect to the proposed activity and the specific pollutant for which the area was designated a non-attainment or maintenance area.</p> <p>Document that the activity does/does not require SIP compliance. Contact the MPO or EPA to determine if the proposed activity is one that requires a permit under the SIP. If yes, obtain letter of consistency showing that the project is consistent with the SIP.</p>	<p>Conformity to SIP is made by: Regional or Metropolitan Planning Organization (MPO); or EPA Regional Office.</p> <p>Status of non-attainment areas and EPA policy questions are addressed by EPA Regional Office.</p> <p>EPA Region 6 SIPs, State and local AQ contacts: http://www.epa.gov/region06/air/index.htm</p> <p>HUD Q&A: http://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/environment/review/cleanair</p>
<p>9. 58.5(h) Farmlands Protection</p> <p>Farmland Protection Policy Act of 1981 (7 U.S.C. 4201 et seq.), particularly sections 1504(b) & 1541</p> <p>7 CFR Part 658, "Farmland Protection Policy" (USDA)</p>	<p>Acquisition of undeveloped land</p> <p>Conversion of undeveloped land</p> <p>New construction</p> <p>Site clearance</p>	<p>Project is located in area that includes prime farmland, unique farmland, or land of statewide or local importance. Can include forest land, pastureland or cropland, but not water or urbanized land. Urban land is exempt if the land is "already in" or "committed" to urban development per 7 CFR 658.2(a).</p>	<p>NRCS soil maps (95% of nation's counties): http://websoilsurvey.nrcs.usda.gov/app/</p> <p>Alternatively, contact local Natural Resources Conservation Service (NRCS) office to determine the potential presence of protected farmland.</p>	<p>Site assessment by NRCS is required to determine impact of the farmland conversion. Form #AD-1006 rates 12 criteria. Sponsor must submit form to NRCS, which has 45 days to make a determination.</p> <p>Form AD-1006 and instructions: http://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb1045394.pdf</p> <p>http://www.nrcs.usda.gov/wps/po</p>	<p>County offices for Natural Resources Conservation Services (NRCS) listed at: http://offices.sc.egov.usda.gov/locator/app</p> <p>NRCS and FPPA: http://www.nrcs.usda.gov/programs/fppa/</p> <p>HUD Q&A: http://portal.hud.gov/hudportal/HUD?src=/program</p>

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				http://nrcs/detail/national/programs/alphabetical/fppa/?&cid=nrcs143_008275	offices/comm_planning/environment/review/farmlands
<p>10. 58.5(i) Noise Abatement & Control</p> <p>Noise Control Act of 1972, as amended by the Quiet Communities Act of 1978.</p> <p>24 CFR Part 51 Subpart B "Noise Abatement and Control" (HUD)</p>	<p><i>Residential and other noise-sensitive developments (e.g., hospitals, nursing homes, day care, community center, etc.)</i></p> <p>Required: Acquisition for residential or noise-sensitive use Conversion of land use from non-residential to residential New construction</p> <p>Encouraged: Rehabilitation</p>	<p>Project is located within: 1,000 feet of major/busy road, 3,000 feet of railway, 15 miles of airport (civil or military).</p> <p>HUD interior noise goal is 45 decibels (DNL) or lower.</p> <p>HUD exterior noise goal is 55 decibels (DNL) or lower, although 65 DNL is considered acceptable.</p>	<p>Noise assessment data sources include: local or state highway departments; local or regional planning departments; public works departments; railroad dispatch offices; and airport operators.</p> <p>Airport noise contour maps are shown on Airport Layout Plan (civil airport) or AICUZ Study (military airfield).</p> <p>Civil airports subject to HUD noise requirements are those designated in the FAA's "National Plan of Integrated Airport System" (NPIAS): http://www.faa.gov/airports/planning_capacity/npias/reports/ Both Commercial Service (CS) and Primary (P) airports have noise contours maps available General Aviation (GA) airports with less than 9000 enplanements may be assumed to not present a community noise concern; otherwise, consult airport operator</p>	<p>Perform noise assessment in accordance with the Noise Assessment Guidelines (NAG) in guidebook HUD-953-CPD(1). For airports, use the airport's noise contour maps to determine noise levels (the contour lines are expressed in DNL noise levels).</p> <p>Noise level calculator: http://www.hud.gov/offices/cpd/environment/dnlcalculator.cfm</p> <p>Projected noise levels: 65-75 DNL "Normally Unacceptable;" requires mitigation or attenuation. >75 DNL "Unacceptable;" requires rejection in most cases unless mitigated.</p> <p>Noise barrier calculator: http://www.hud.gov/offices/cpd/environment/mitigation.cfm</p> <p>Building wall mitigation calculator - Sound Transmission Classification Assessment Tool (STraCAT): http://portal.hud.gov/hudstracat/noiseCalcEntry.jsp</p>	<p>Traffic volumes - Road:</p> <p>Texas http://www.dot.state.tx.us/travel/traffic_maps/default.htm</p> <p>New Mexico http://dot.state.nm.us/content/nmdot/en/Infrastructure/Engineering_Support.html#f</p> <p>Oklahoma http://www.okladot.state.ok.us/maps/index.htm</p> <p>Arkansas http://www.arkansashighways.com/planning_research/technical_services/traffic_map.aspx</p> <p>Louisiana http://www.dotd.la.gov/dolist.asp?ID=17</p> <p>Rail information: http://www.railamerica.com/home.aspx</p> <p>http://safetydata.fra.dot.gov/OfficeofSafety/publicsite/crossing/xingqryloc.aspx</p> <p>Texas http://ftp.dot.state.tx.us/pub/txdot-info/rail/railroad_map.pdf</p> <p>New Mexico http://newmexico.org/map/</p> <p>Oklahoma http://www.okladot.state.ok</p>

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					k.us/hqdiv/p-r-div/maps/railroad/index.htm http://www.okladot.state.ok.us/rail/rail-plan/pdfs/open_house_boards.pdf Arkansas http://www.arkansashighways.com/maps.aspx Louisiana http://www.dotd.la.gov/intermodal/LA_Rail_Plan.pdf Barrier guidance (FHWA): http://www.fhwa.dot.gov/environment/keepdown.htm HUD noise guidebook: http://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/environment/training/guidebooks/noise
11. 58.5(i) Explosive and Flammable Operations Housing and Community Development Act of 1974, as amended. 24 CFR Part 51 Subpart C "Siting of HUD-Assisted Projects Near Hazardous Operations Handling Petroleum Products or Chemicals of an	Residential project when the activity is: New construction Rehabilitation, where unit density increased Conversion of land use from non-residential to residential use <i>Vacant building made habitable or</i> <i>Any project for industrial, commercial, institutional, or recreational use when the activity is:</i> New construction Conversion of land use	Project is located within sight of or in proximity to a stationary hazardous facility that stores, handles or processes chemicals or petrochemicals of an explosive or flammable nature, such as liquid propane, gasoline or other above-ground storage tanks. Mobile tanks (including railroad cars), buried tanks, residential tanks for 1-4 unit housing, and tanks with less than 100-gallon capacity and having common fuels are excluded.	Site inspection, aerial photo analysis and/or contact local fire protection or emergency management agencies as to presence of hazardous industrial operations in vicinity of project. Contact local operator of such facility to determine the type and volume of fuels and chemicals of an explosive or flammable nature.	Calculate the acceptable separation distance (ASD) per guidebook HUD-1060-CPD (1996), "Siting of HUD-Assisted Projects Near Hazardous Facilities," and apply appropriate mitigation measures or reject the site. Electronic calculator of ASD: http://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/environment/asdcalculator Mitigation may include construction of a barrier of adequate size and strength to protect the building and	Contact HUD Field Environmental Officer for tanks having over 1 million-gallon capacity. HUD explosive/flammable hazard guidebook: http://portal.hud.gov/hudportal/documents/huddoc?id=HUD-Guidebook.pdf http://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/environment/training/guidebooks/hazfacilities

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Explosive or Flammable Nature" (HUD)				occupants.	HUD Q&A: http://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/environment/review/explosive
12. 58.5(i) Airport Hazards 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)	Acquisition for construction Change in land use Increase in density Major ('substantial') rehabilitation New construction Where airport is: Civil airport designated in Nat'l Plan of Integrated Airport System (NPIAS): http://www.faa.gov/airports/planning_capacity/npias/reports/ All military air installations (Note: See also Clear Zone notification).	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. HUD policy is to promote compatible land uses in RCZ/CZ/APZ.	Airport clear zone and accident potential zone (APZ) maps are available from airport operations authority. Civil airport: The Airport Layout Plan shows the Runway Clear Zone (RCZ), [a.k.a. Runway Protection Zone]. Military airfield: The AICUZ Study shows the CZ and APZ.	RCZ/CZ: New construction, major rehabilitation, and activities that significantly prolong physical or economic life of the property are prohibited. APZ: HUD assistance in APZ is discouraged, and project must be compatible with DOD land use guidelines for APZs.	Contact airport operator or nearest FAA District office. Airport locations: Civil NPIAS http://www.faa.gov/airport/planning_capacity/npias/reports/ and http://www.airnav.com/airports/ Military Bases: http://www.globalsecurity.org/military/facility/conus.htm and http://www.globemaster.doe/bases.html HUD Q&A: http://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/environment/review/explosive
13. 58.5(i) Contamination and Toxic Substances 24 CFR Part 58.5 (i) (2) (HUD).	Acquisition Conversion from non-residential to residential. Demolition Leasing New construction Rehabilitation	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.	Documentation may consist of Phase I environmental site assessment (ASTM standard E1527-05, as amended) and, if applicable, Phase II assessment. Additional/alternative	Due diligence must be exercised to ascertain the presence of contamination. In many cases, a Phase I environmental site assessment (ASTM standard E1527-05, as amended) must be performed. If	NEPAssist: http://134.67.99.123/nepaassist/entry.aspx EPA Envirofacts Data: http://www.epa.gov/enviro/

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	Multifamily Residential Industrial and non-residential properties	<p>Particular attention to be given to any site located on or in general proximity to landfills, dumps, industrial sites, gas stations or other locations that contain hazardous wastes or materials.</p> <p>HUD policy is to ensure that all property proposed for use in HUD programs be free of hazardous materials, contamination, toxic chemicals and gasses, and radioactive substances, where a hazard could affect the health and safety of occupants or conflict with the intended utilization of the property.</p>	<p>documentation may include: Site inspection(s) by knowledgeable professional(s). Search of EPA and other databases for sites and facilities posing real or potential contamination concerns (including NPL (Superfund), TRI, RCRA sites and facilities). Analysis of past uses of the site and adjacent properties as documented by Sanborn Fire Insurance Rate Maps (or equivalent historic maps).</p> <p>ASTM Phase I and Phase II protocols are available at: http://www.astm.org/cgi-bin/SoftCart.exe/index.shtml?E+mystore</p> <p>Current ASTM Phase I standard (E1527-05): http://www.astm.org/cgi-bin/SoftCart.exe/DATABASE.CART/PAGES/E1527.htm?L+mystore+iweh6695+1022889987</p> <p>NOTE: A person may purchase property with the knowledge that the property is contaminated without being held potentially liable for the cleanup of the contamination. Conducting "all appropriate inquiries" (AAI) into the previous ownership and uses of a property is one of the requirements for claiming CERCLA liability protection.</p> <p>The federal (USEPA) standard for performing AAI was effective 11/01/06. The AAI final rule is found at 40 CFR 312.</p>	<p>the Phase I assessment identifies recognized environmental conditions or if the results are inconclusive, a Phase II environmental site assessment will be required.</p> <p>Based upon the Phase II results, remediation, mitigation and monitoring measures may be required.</p> <p>Such measures must be consistent with Federal, State and local laws and regulations, and must be implemented by qualified professionals.</p> <p>Specific forms of remediation are not prescribed by HUD and may vary depending on the nature of the hazard.</p>	<p>EPA Toxic Release Inventory (TRI): http://www.epa.gov/enviro/html/toxic_releases.html</p> <p>EPA Maps: http://www.epa.gov/emef/data/em4ef.home</p> <p>EPA CERCLIS/NPL – Superfund database http://www.epa.gov/superfund/sites/query/basic.htm</p> <p>ATSDR "ToxFAQs" summaries about hazardous substances: http://www.atsdr.cdc.gov/toxfaq/index.asp</p> <p>Right-To-Know Network: EPA databases, including TRI (Toxic Release Inventory); NPL & CERCLIS; RCRA: http://www.rtknet.org/</p> <p>Scorecard.Org: Releases of toxic chemicals Cancer risks from hazardous air pollutants Superfund sites Facilities emitting criteria air pollutants http://www.scorecard.org/community/ei-index.tcl</p> <p>State voluntary cleanup programs: Texas Commission on Environmental Quality (TCEQ) http://www.tceq.state.tx.u</p>

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			http://www.epa.gov/swerosps/bf/aai/index.htm The ASTM E1527-05 Phase I standard is consistent and complaint with EPA's final rule for AAI and may be used to comply with the provisions of AAI.		s/remediation/vcp/vcp.html Oklahoma Dept of Environmental Quality (ODEQ) http://www.deg.state.ok.us/lpdnew/VCPIIndex.htm Louisiana Dept of Environmental Quality (LDEQ) http://www.deg.louisiana.gov/portal/Default.aspx?tabid=1667 Arkansas Dept of Environmental Quality (ADEQ) http://www.adeg.state.ar.us/hazwaste/bf/default.htm New Mexico Environmental Dept (NMED) http://www.nmenv.state.nm.us/gwb/NMED-GWQB-VoluntaryRemediationProgram.htm FAQs about USTs: http://www.epa.gov/swerst1/faqs/index.htm EPA Cleanup Guidance: http://clu-in.org/ HUD Guidelines on hazardous, toxic or radioactive substances. http://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/environment/review/hazardous

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<p>14. 58.5(j) Environmental Justice</p> <p>E.O. 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations"</p>	<p>Applies when an adverse impact or condition occurs with respect to an environmental issue;</p> <p><i>and,</i></p> <p>When the activity is: Acquisition Change of land use Demolition Major rehabilitation New construction</p>	<p>Project site or neighborhood suffers from adverse health or environmental effects which disproportionately impact a minority or low-income population relative to the community at large.</p> <p>The potential for new or continued adverse health or environmental effects must be considered.</p>	<p>EPA's "EJ View" Tool provides information relevant to EJ assessments: http://epamap14.epa.gov/ejmap/entry.html</p> <p>Census and geospatial data from local and regional planning agencies. Census data and maps also avail-able at: http://factfinder.census.gov/home/saff/main.html</p> <p>and: http://www.census.gov/</p> <p>Tract-level data on race & income: http://www.ffiec.gov/geocode</p>	<p>Perform an EJ analysis using census, geographic and other data to determine if a low-income/minority population is disproportionately impacted.</p> <p>If susceptible populations are impacted: Mitigation or avoidance of adverse impacts must be considered to the extent practicable; and, Public participation processes must involve the affected population(s) in the decision-making process.</p>	<p>EJ maps & analysis, by location: http://www.scorecard.org/community/ej-index.tcl</p> <p>EPA Maps: http://epamap14.epa.gov/ejmap/entry.html</p> <p>CEQ guide to NEPA & EJ http://ceq.hss.doe.gov/nepa/regs/ej/justice.pdf</p> <p>Human Health & Toxicology: CDC (NIOSH) http://www.cdc.gov/niosh/topics/chemical.html</p> <p>ATSDR http://www.atsdr.cdc.gov/</p> <p>EPA (IRIS) http://cfpub.epa.gov/ncea/iris/index.cfm</p> <p>HUD Q&A: http://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/environment/review/justice</p>

B. 24 CFR §58.6 – Other Requirements

<p>1. 58.6(a) Flood Disaster Protection Act of 1973 & 58.6(b) Nation Flood Insurance Reform Act of 1994 (42 U.S.C. sec 4001f)</p> <p>44 CFR Parts 59-77 "Regulations of the National Flood Insurance Program" (FEMA)</p>	<p>All HUD programs that provide assistance to buildings.</p> <p><u>Exceptions:</u> Leasing without rehab, acquisition or improvements Loans < \$5,000 repaid within 1 year Maintenance State-administered formula grants (i.e., CDBG, HOME & ESG programs)</p> <p><u>Inapplicable:</u> Improvements or repairs costing less than the deductible of a standard flood insurance policy on a building (current FEMA deductible is \$500).</p>	<p>Project is located within Special Flood Hazard Area (SFHA is the 100-year floodplain).</p>	<p>FEMA Flood Insurance Rate Maps (FIRM) or Flood Hazard Boundary Maps (FHBM).</p> <p>FIRMETTE maps, which cover small areas (approx. 1 sq. mile), can be obtained at no charge on-line: http://www.store.msc.fema.gov</p>	<p>Property owner must purchase and maintain flood insurance protection.</p> <p>Coverage is limited to the building and improvements only. No coverage is available for land.</p> <p>Coverage requirements:</p> <p>Grants – Term is for life of the building, regardless of transfer of ownership; and coverage amount is equal to total project cost (up to maximum coverage limit).</p> <p>Loans – Term equal to that of the loan; coverage amount equal to that of the loan (up to maximum coverage limit).</p>	<p>FEMA "Mandatory Purchase of Flood Insurance" Guidelines: http://www.fema.gov/library/viewRecord.do?id=2954</p> <p>FEMA Nat'l Flood Insurance Program (NFIP): http://www.fema.gov/business/nfip/index.shtml and FEMA "FloodSmart": http://www.floodsmart.gov/floodsmart/pages/index.jsp</p> <p>Community status of participation in National Flood Insurance Program: www.fema.gov/fema/csb.shtml</p> <p>HUD Q&A: http://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/environment/review/floodinsurance</p>
<p>2. 58.6 (c) Coastal Barrier Resources Act, as amended by Coastal Barrier Improvement Act of 1990 (16 U.S.C. 3501)</p>	<p>All activities having a physical impact</p>	<p>Project is located in a community listed in the Coastal Barrier Resources System (CBRS).</p>	<p>CBRS maps on USFWS and FEMA websites: http://www.fws.gov/CBRA/ http://coastalmanagement.noaa.gov/mystate/welcome.html</p> <p>Coastal barriers also displayed on FEMA Flood Insurance Rate Map (FIRM)</p>	<p>Federal funding is prohibited for projects located within a designated coastal barrier.</p>	<p>FEMA: http://www.fema.gov/pdf/nfip/manual200505/18cbrs.pdf</p> <p>HUD Q&A: http://portal.hud.gov/hudportal/documents/huddoc?id=DOC_12983.pdf</p>

<p>3. 58.6(d) Runway Clear Zones and Clear Zones</p> <p>24 CFR Part 51 Subpart D "Siting of HUD-Assisted Projects in Clear Zones and Accident Potential Zones" (HUD)</p>	<p>Purchase or sale of real property</p>	<p>Project is located within 2,500 feet of the end of a civil airport runway or 15,000 feet of the end of a military airfield runway.</p>	<p>Airport clear zone maps available from airport operations authority.</p>	<p>Purchase or sale of a property in a CZ requires notification to buyer per 24 CFR Part 58.6(d).</p> <p>The notice informs the prospective buyer of potential hazards from airplane accidents and the potential by airport or airfield operators who may wish to purchase the property at some point in the future.</p>	<p>Contact airport operator or nearest FAA District office.</p> <p>Sample notice and HUD Q&A: http://portal.hud.gov/hudportal/documents/huddoc?id=DOC_14226.pdf</p>
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