



**U.S. Department of Housing and Urban Development
Office of Public and Indian Housing**

Special Attention of:

Notice: PIH-2015-01

ONAP Administrators and Staff,
Field Environmental Officers, and
Indian Housing Block Grant
(IHBG) Recipients

Issued: January 9, 2015

Expires: Effective until revoked,
superseded, or rescinded

Cross Reference: 24 CFR §1000.20(a), Notices PIH 1999-37(ONAP), PIH 2000-37(TDHE),
PIH 2001-31(TDHE) and PIH 2002-25(TDHE)

Subject: Indian Housing Block Grant (IHBG) Program: Guidance and Procedures for
Environmental Reviews under Part 50

I. Introduction

A. Purpose

This Public and Indian Housing (PIH) Notice rescinds Notice PIH 1999-37, issued August 19, 1999, and the three subsequent Notices that either extended or reinstated that Notice.

This Notice provides instructions on conducting environmental reviews under 24 CFR Part 50 for tribes that do not assume these responsibilities under 24 CFR Part 58. In addition, it also describes the responsibilities of the HUD Area Office of Native American Programs (AONAP) and defines the information to be provided by recipients to the AONAP Administrator to facilitate HUD's compliance with environmental review responsibilities under 24 CFR Part 50.

B. Authority

Section 105 of the Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA) (25 U.S.C. 4115) grants authority for tribes to assume environmental review responsibilities, which are set out in HUD's regulations at 24 CFR Part 58. The regulations at 24 CFR 58.4(c) contain specific responsibilities of Indian tribes.

IHBG program regulations at 24 CFR §1000.20(a) state that a HUD environmental review must be completed for any IHBG activities not excluded from review under 24 CFR §50.19(b) **before** a recipient may acquire, rehabilitate, convert, lease, repair or construct property, or commit HUD or non-HUD funds used in conjunction with such IHBG-assisted activities with respect to the property. Regulations at 24 CFR §1000.20(a) provide Indian tribes the option of having HUD carry out the environmental review responsibilities of a project under 24 CFR Part 50 or assuming the environmental responsibilities under 24 CFR Part 58. Under 24 CFR Part 50 the

recipient provides HUD with all available, relevant information necessary for HUD to perform the environmental review. By contrast, under 24 CFR Part 58 the tribe assumes all of the responsibilities for the environmental review, decision making, and actions as specified and required in the regulations.

If an Indian tribe declines to assume the environmental review responsibilities, HUD will perform the environmental review in accordance with 24 CFR Part 50. Tribes that select this option are to submit an Environmental Assurance that the applicant agrees to assist HUD to comply with 24 CFR Part 50 (see Attachment A).

This Notice uses the terms and thresholds in 24 CFR Part 50 to determine which environmental review procedures apply to particular types of activities. This Notice does not address the eligibility of any activity under the IHBG program. Affordable housing activities that are eligible for IHBG funding are set forth in Section 202 of NAHASDA.

C. Timing and Outcome

HUD's award of IHBG funds to a recipient does not constitute approval of any proposed sites. The results of the environmental review may require that proposed activities be modified or that proposed sites be rejected. **Recipients must not undertake or commit HUD or non-HUD funds for a project before HUD completes the environmental review.**

After funds are awarded, a tribe may choose to not assume environmental review responsibilities under 24 CFR Part 58. Instead, a recipient may request reviews pursuant to 24 CFR 50. If a part 50 review is requested, the tribe supplies HUD with all available relevant information necessary for HUD to perform the environmental review. HUD's ability to conduct expeditious and timely environmental reviews under 24 CFR Part 50 is dependent on the availability of resources; therefore, the tribe should notify HUD as soon as possible of its intent to have HUD conduct the environmental review. The tribe must submit the Environmental Assurance in Attachment A to HUD to decline accepting the environmental review responsibilities under 24 CFR Part 58; otherwise, the tribe will assume the environmental responsibilities under 24 CFR Part 58.

D. Definitions

1. HUD Approval - written approval by the AONAP Director in the AONAP jurisdiction in which the IHBG project is located. AONAP Directors handle all responsibilities related to the purpose of this Notice, including rejections of activities with significant adverse environmental impacts.
2. HUD Approving Official - the AONAP Administrator serves as the HUD approving official as defined in 24 CFR §50.2 for the IHBG program within the HUD field office jurisdiction.

3. Qualified Data Source - may include any Federal, State, local, or tribal agency with expertise or experience in environmental protection or any other source qualified to provide reliable information on the particular subject.

II. Responsibilities

A. Recipient's Environmental Responsibility

Recipients shall:

1. Notify HUD of the tribe's intention to have HUD perform the environmental review under 24 CFR Part 50 by submitting Attachment A – Environmental Assurance of Compliance with 24 CFR §50.3(h) with the grant agreement;
2. Supply HUD with all available, relevant information necessary for HUD to perform the environmental review required by 24 CFR Part 50 for each project as specified in Attachment B or Attachment C of this Notice;
3. Carry out mitigating measures required by HUD or select an alternate eligible property;
4. Not acquire, rehabilitate, convert, lease, repair, demolish, or construct property, nor commit or expend HUD or non-HUD funds for these program activities with respect to any eligible property, until HUD approval of the property is received. Ensure that any subrecipient, or any contractor of the recipient or subrecipient, also does not commit or expend HUD or non-HUD funds.

B. HUD AONAP Administrator and Staff Responsibilities

The AONAP Administrator and staff shall:

1. Communicate with the IHBG recipient on the environmental review responsibilities and provide adequate outreach on how to obtain the environmental information that the recipient must supply to HUD;
2. Ensure that the Environmental Assurance is returned to the Area ONAP with the Grant Agreement;
3. Ensure that the Grant Agreement contains or, as appropriate, has attached to it the following items:
 - a. An appendix containing a copy of this Notice;
 - b. The name, address, phone, and fax numbers of the AONAP Administrator to whom recipients must supply the environmental information, and from whom recipients obtain environmental approval of the project; and
 - c. A schedule for the recipient's required submission of environmental information to the AONAP Administrator as set forth in this Notice.

4. Evaluate any information (in accordance with 24 CFR §50.32) supplied by the recipient or its contractor, be responsible for its accuracy, supplement the information as necessary, and make the environmental determinations and the environmental finding;
5. Establish, as necessary (in accordance with 24 CFR §50.22), commitments for environmental management and monitoring of the implementation of mitigation and other safeguards;
6. Complete the environmental review in accordance with 24 CFR Part 50 using the HUD Environmental Review Online System (HEROS);
 - upload the information provided by the recipient or other sources used for completing the environmental analysis and findings into HEROS;
 - obtain certification from the AONAP Administrator as the HUD Approving Official; and
 - allow the Regional Environmental Officer (REO) or Field Environmental Officer (FEO) to review environmental assessments for projects with 200 or more units prior to certification from the AONAP Administrator.
7. AONAP must maintain this environmental review record and make it available upon request.

III. Basic Environmental Requirements

A. Levels of Environmental Review

There are four levels of environmental review under 24 CFR Part 50, each with different documentation requirements:

1. Categorically Excluded from National Environmental Policy Act (NEPA), Not Subject to the Laws and Authorities;
2. Categorically Excluded from NEPA, Subject to the Laws and Authorities;
3. Environmental Assessment; and
4. Environmental Impact Statement

a. Categorically Excluded from NEPA, Not Subject to the Laws and Authorities

The regulation at 24 CFR §50.19(b) lists the activities that do not require environmental review under the other laws and authorities cited at 24 CFR §50.4 or under NEPA except in extraordinary circumstances (24 CFR §50.20(b)). Recipients

may commit and expend funds for the following activities after HUD documents the categorical exclusion and approves the project:

- 1.) Environmental and other studies, resource identification and the development of plans and strategies;
- 2.) Information and financial advisory services;
- 3.) Administrative and management expenses;
- 4.) Public services that will not have a physical impact or result in any physical changes;
- 5.) Inspections and testing of properties for hazards or defects;
- 6.) Purchase of insurance;
- 7.) Purchase of tools;
- 8.) Engineering or design costs;
- 9.) Technical assistance and training;
- 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;
- 11.) Tenant-based rental assistance;
- 12.) 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;
- 13.) Operating costs including maintenance, security, operation, utilities, furnishings, supplies, equipment*, staff training and recruitment and other incidental costs;
- 14.) Economic development activities, including but not limited to, equipment purchase*, inventory financing, interest subsidy, operating expenses and similar costs not associated with construction or physical expansion of existing facilities;
- 15.) Activities to assist homeownership of 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 to the property

referenced in 24 CFR §50.19(b)(15). These activities are subject to the requirements of: the Flood Disaster Protection Act of 1973 (42 U.S.C. 4001-4128) as amended by the National Flood Insurance Reform Act of 1994; the Coastal Barrier Resources Act, as amended by the Coastal Barrier Improvement Act of 1990 (16 U.S.C. 3501 et. seq.); and 24 CFR §51.303(a)(3) Airport Runway Clear Zones and Clear Zones; and

16.) Housing pre-development costs including legal, consulting, developer, and other costs related to site options, project financing, administrative costs and fees for loan commitments, zoning approvals, and other related activities which do not have a physical impact.

- * Equipment purchased as part of operating costs or economic development activities is subject to compliance with the requirements of the Flood Disaster Protection Act of 1973 as amended by the National Flood Insurance Reform Act of 1994 (24 CFR §§50.19(b)(13) and (14)). If equipment is federally assisted and located within the special flood hazard area, flood insurance is required.

Documentation

For “Categorically Excluded, Not Subject To the Laws and Authorities” activities, HUD will document the categorical exclusion in HEROS. The tribe or tribally designated housing entity (TDHE) shall submit to HUD a project description, including a list of activities to be undertaken, the estimated total project cost, the amount of HUD funding to be used towards the project, and categorically excluded activities. For activities that require additional compliance as discussed above, the tribe or TDHE must also submit qualified data sources to the ONAP Administrator using Attachment B as appropriate. The ONAP Administrator or his or her designee will make the appropriate determination using Attachment B.

If you have any questions about whether an activity identified in your Indian Housing Plan requires submission of documentation to HUD, contact the Area ONAP staff before you commit IHBG, local, or other funds to the activity.

b. Categorically Excluded from NEPA, Subject to Laws and Authorities

The regulation at 24 CFR §50.20(a) lists the following relevant categorically excluded activities subject to the Federal laws and authorities cited at 24 CFR §50.4:

- 1.) Special projects directed to the removal of material and architectural barriers that restrict the mobility of and accessibility to elderly and persons with disabilities;
- 2.) Rehabilitation of existing buildings and improvements when the following conditions are met:

- 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 the floodplain or a wetland;
- 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; and
- 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.

3.) Individual actions:

- 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
- ii. An individual action on a project of five or more units developed on scattered sites when the sites are more than 2,000 feet apart, and there are not more than four units on any one site.

Note: Paragraphs 3.i. and ii. do not apply to the rehabilitation of a building for residential use (with one to four units). That rehabilitation is categorically excluded if it meets the conditions in paragraph 2.i. above.

- 4.) 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.

Documentation

HUD will document the environmental review in HEROS. The recipient must provide information from Attachment C as appropriate.

c. Environmental Assessment

All other activities require an Environmental Assessment, unless the project is determined to have a significant impact on the human environment; would provide a site for hospitals or nursing homes containing a total of 2,500 or more beds; or would involve 2,500 or more

housing units, in which case HUD must prepare an environmental impact statement (24 CFR 50.42).

Documentation

HUD will document the environmental review in HEROS. The recipient must provide information to HUD on all questions in Attachment C.

d. Environmental Impact Statement

HUD will prepare an environmental impact statement for projects deemed to have a significant impact on the human environment and for projects that involve 2,500 or more housing units or beds. It is the policy of the Department to reject proposals that have significant adverse environmental impacts, and to encourage the modification of projects to enhance environmental quality and minimize environmental harm (24 CFR §50.3(a)).

B. Qualified Data Sources

Recipients are encouraged to obtain information at the earliest possible stage. The guidance in Attachment C should be followed to provide HUD with information pertaining to compliance with the Federal environmental laws and authorities for projects that are categorically excluded from NEPA, but are subject to laws and authorities at 24 CFR §50.4, and for environmental assessments. Attachment B should be used for homebuyer assistance activities for existing units or units already under construction or equipment purchase. Information provided by recipients must be from a qualified data source. A single letter from a qualified source could possibly provide threshold information for several of the applicable Federal environmental laws and authorities.

IV. Conclusion

If a tribe chooses not to assume environmental review responsibility under 24 CFR Part 58, a recipient shall supply HUD with all available relevant information necessary for HUD to perform the environmental review under 24 CFR Part 50. HUD retains all decision-making authority, but relies on the tribe or TDHE to provide information required to complete the environmental review. Tribes that select this option are to submit an Environmental Assurance that the applicant agrees to assist HUD to comply with 24 CFR Part 50. **Recipients are strongly cautioned not to undertake or commit funds for acquisition, demolition, or development of proposed properties before HUD's approval of specific properties or areas.**

/s/

Jemine A. Bryon, Acting Assistant Secretary for
Public and Indian Housing

Attachment A

ENVIRONMENTAL ASSURANCE OF COMPLIANCE WITH 24 CFR §50.3 (h)

Complete only if your tribe is not assuming environmental responsibilities under 24 CFR Part 58.

The undersigned agrees to assist the Department of Housing and Urban Development (HUD) in complying with the requirements of 24 CFR Part 50 – Protection and Enhancement of Environmental Quality with respect to the projects or activities included in Program Number _____ . As part of this assistance, the Indian tribe, or Tribally Designated Housing Entity on its behalf, shall:

- (1) Supply HUD with all available relevant information necessary for HUD to perform the environmental review required by 24 CFR Part 50 for each project;
- (2) Carry out mitigating measures required by HUD or select an alternative property; and,
- (3) Not acquire, rehabilitate, convert, lease, repair or construct property, nor commit any funds, HUD or non-HUD, for these program activities with respect to any eligible property, until HUD approval of the property is received.

NAME & TITLE: _____
(type or print)

SIGNATURE & DATE: _____

Attachment B

ENVIRONMENTAL REVIEW INFORMATION: Homebuyer Assistance Program (section 1) and Equipment Purchase (section 2) under the Indian Housing Block Grant Program

Section 1: Homebuyer Assistance Program (existing housing units without rehabilitation)

Provide documentation as identified in “type of documentation” for **each housing unit**. HUD may request additional information or clarification when conducting the environmental review.

Project Address: _____

Use of funds (e.g., down payment, gap financing) _____ Amount: _____

Documentation Attached:	Law or Authority	Type of Documentation
<input type="checkbox"/> Yes	Coastal Barrier Resources Act	- Coastal Barrier Resources Act (CBRA) Map with project site identified; or - Statement that the project is not in a state with Coastal Barrier Resources ¹
<input type="checkbox"/> Yes	Flood Insurance	- Flood Insurance Rate Map with project site identified. - Documentation of flood insurance if the unit is in a 100 year floodplain
<input type="checkbox"/> Yes	Airport Clear Zones	- Map showing the site relative to any airports and the Accident Potential Zone (APZ) or Runway Protection Zone/Clear Zone (RPZ/CZ) or documentation from a qualified data source - A copy of the disclosure statement signed by the purchaser if unit is in a RPZ/CZ

¹ Only Alabama, Connecticut, Delaware, Florida, Georgia, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, New Jersey, New York, North Carolina, Ohio, Puerto Rico, Rhode Island, South Carolina, Texas, the Virgin Islands, Virginia, and Wisconsin have Coastal Barrier Resources System units. See <http://www.fws.gov/cbra/Maps/index.html> for maps.

Section 2: Equipment Purchase

Provide documentation as identified in “type of documentation” for equipment to be purchased. HUD may request additional information or clarification when we conduct the environmental review.

Project Address: _____

Project description _____ Amount: _____

Documentation Attached:	Law or Authority	Type of Documentation
<input type="checkbox"/> Yes	Floodplain	- Flood Insurance Rate Map with project site identified. - Documentation of flood insurance if the unit is in a 100 year floodplain

Attachment C

SUGGESTED FORMAT¹

THRESHOLD REVIEW FOR PROPOSED ACTIVITIES INDIAN HOUSING BLOCK GRANT (IHBG) PROGRAM

(Recipients are to provide the following information to HUD)

IHBG Recipient's Name:

IHBG Grant Number:

Preparer's Name:

Phone Number:

FAX Number:

E-mail Address:

Recipient Street Address:

A. Provide a project description that captures the maximum anticipated scope of the proposal. It should include all contemplated actions which logically are, either geographically or functionally, a composite part of the project, regardless of the source of funding. Describe all physical aspects of the project, such as plans for multiple phases of development, size and number of buildings, and activities to be undertaken. Indicate the number of housing units to be assisted and/or acreage to be developed. Include, to the extent known, all actions within the entire project scope, including any known reuse. The entire project, including the reuse will be considered in the environmental review. Factors that indicate that the future site reuse can reasonably be considered to be known include the following:

(a) Private, Federal, state, or local funding for the site reuse has been committed;

(b) A grant application involving the site has been filed with the Federal government or a state or local unit of government;

(c) The Federal government or a state or unit of local government has made a commitment to take an action, including a physical action, that will facilitate a particular reuse of the site;

(d) Architectural, engineering, or design plans or other planning documents for the reuse exist that go beyond preliminary stages;

(e) The proposed reuse of the property is part of or consistent with a larger development, master plan, or revitalization strategy, along with other projects or activities that accomplishes common goals.

¹ The information collection requirements contained in this document have been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 – 3520) and assigned OMB control number 2506 – 0177. In accordance with the Paperwork Reduction Act, HUD may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection displays a currently valid OMB control number.

If any of the above is true, explain or describe and provide the relevant documentation for review. In addition, explain if (a) other projects or activities are necessary for implementing the proposed reuse of the property, (b) completion of the reuse will result in redevelopment of or have significant impacts upon other areas, or (c) the reuse is linked to other actions.

B. Attach a map identifying the location of the proposed project within the community

Map attached

Attach photographs of the property and adjacent properties if appropriate.

Photographs attached

C. Describe the present and proposed use of the property. In describing the current condition of the property, make note of factors such as whether the land is or had been improved, where there has been previous ground disturbance, and if any brownfields are involved.

Present:

Proposed:

D. Report the repair/rehabilitation costs and related property values, if conversion, repair, minor or major rehabilitation is being proposed.

(1) Property value before repair/rehab \$

(2) Repair/rehab costs (estimate) \$

(3) Property value after repair/rehab \$

E. Are there any physical or environmental conditions that have or may have a significant impact on the human environment?

Yes

No

Uncertain

If the answer is "uncertain" or "yes," describe the conditions and impacts.

F. Complete the appropriate sections based on the activities involved in the project:

For project-based rental assistance and leasing of existing structures: Complete Sections #1 and 2 in Part I only.

For acquisition of existing structures with no rehabilitation or construction: Complete Section #1-4 in Part I only.

For repair or minor rehabilitation² of existing structures: Complete Sections #1-9 in Part I only.

² "Minor rehabilitation" is defined as when --

- 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 wetland.

- For individual actions (can include acquisition, disposition, demolition, construction and conversion) on land acquisition or new construction for up to four housing units **or** for five or more units of housing on scattered sites where the housing sites are more than 2000 feet apart and there are not more than four units on one site: Complete all items in Part I.
- For major rehabilitation (major rehabilitation is anything that does not fall in the maintenance or minor rehabilitation definition): Complete all items in Part I and Part II.
- For other actions: Complete all items in Part I and Part II. These projects include new construction, reconstruction, demolition, and acquisition of undeveloped land, (other than individual action), conversion from one land use to another, and infrastructure development.

Part I: Related Laws and Authorities

1. Contamination and Toxic Substances

Requirements: It is HUD policy that all property proposed for use in HUD programs be free of hazardous materials, contamination, toxic chemicals and gases, and radioactive substances, where a hazard could affect the health and safety of occupants or conflict with the intended utilization of the property. The environmental review of multifamily housing with 5 or more dwelling units and nonresidential property must include a review of previous uses of the site and other evidence of contamination on or near the site to assure the proposed occupants are not impacted by any of these hazards.

Authority: 24 CFR 50.3(i)

Provide the following:

For single family residential properties provide

- A report of toxic sites and releases within 3,000 feet of the project site (particular attention should be made to dumps, landfills, and industrial sites). The report can be developed using Environmental Protection Agency’s (EPA) EnviroMapper, a similar services or by a qualified person. At a minimum the report will have:
 - A map showing each potential toxic site
 - A map showing the topography of the site (if appropriate)
-
- In the case of a multifamily residential building: the unit density is not changed more than 20 percent, the project does not involve a change in land use from residential to non-residential, and the estimated cost of rehabilitation is less than 75% of the total estimated cost of replacement after rehabilitation.
 - In the case of non-residential structures, including commercial, industrial and public buildings: the facilities and improvements are in place and will not be changed in size or capacity by more than 20 percent, and the activity does not involve a change in land use, such as from nonresidential to residential, commercial to industrial, or from one industrial use to another.

- The distance between the toxic and the proposed project site
- Identification of the toxic of concern and evaluation of its potential impact on the potential project
- Any proposed mitigation to address the toxic

For multifamily residential assistance (assistance to 5 or more units in one building) or non-residential properties provide:

- A Phase I Environmental Assessment or documentation showing past uses of the site and any evidence of toxic contamination within 3000 feet of the project site (provide the report information listed above).

A Phase I Environmental Assessment is not usually necessary for documenting toxics for minor rehabilitation of existing buildings. Supporting documentation of past uses may include historic aerial photographs of the site showing the status/use of the site through time, Sanborn Fire Insurance Rate maps, historical property tax records/cards, street directories and/or other historical mapping data, and documented oral history.

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

Yes

No

If yes, describe the toxic, hazardous, or radioactive material and the proposed mitigation plan.

HUD reviews the information, request additional information if necessary and potentially request that you document a site visit and advise whether there are any contaminants that could impact the health or safety of occupants or impact the utilization of the property. If contamination may impact occupants of the project or the project, HUD may request additional information, deny assistance, or require mitigation.

2. Coastal Barrier Resources Act (CBRA)

Requirements: CBRA prohibits most Federal assistance within designated barrier islands that are subject to frequent damage by hurricanes and storm surges. Islands, sand barriers, and sand pits that are part of the Coastal Barrier Resources System are located along the Atlantic Ocean, Gulf of Mexico, and the Great Lakes.

The following states have Coastal Barrier Resources: Alabama, Connecticut, Delaware, Florida, Georgia, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, Minnesota, New Jersey, New York, North Carolina, Ohio, Puerto Rico, Rhode Island, South Carolina, Texas, U.S. Virgin Islands, Virginia, and Wisconsin.

Authority: Coastal Barrier Resources Act (CBRA), as amended by the Coastal Barrier Improvement Act of 1990 (16 USC 3501).

Is the project located in a state with Coastal Barrier Resources?

Yes No

If yes, is the project located in a Coastal Barrier Resources System (CBRS) Unit?

Yes No

If no, provide either of the following:

- A general location map establishing there are no Coastal Barrier Resource System units in the city or county;
- A map issued by the Fish and Wildlife Services (FWS) or Federal Emergency Management Agency (FEMA) (or from their website) showing that the proposed project is not located within a designated Coastal Barrier Resource System Unit. The FEMA map panel number must be cited within the Environmental Review Record.

HUD will reject any project located in the Coastal Barrier Resources System.

3. Floodplain Management and Flood Insurance

Requirements: Executive Order 11988, Floodplain Management, requires Federal activities to avoid impacts to floodplains and to avoid direct and indirect support of floodplain development to the extent practicable. For most types of actions, the process to determine if there are practicable alternatives is extensive and requires two publications. HUD will usually require 45 to 60 days to make a determination.

The Flood Disaster Protection Act of 1973 requires that property owners purchase flood insurance for projects involving construction, rehabilitation, or acquisition of mobile homes, buildings, or insurable personal property (including equipment, fixtures, and furnishings) located within Special Flood Hazard Areas. Information concerning the duration, dollar amount, and documentation to verify flood insurance is included on HUD's [website on flood insurance](#)³.

Federal assistance may not be used in a floodplain if the community has been mapped for a year or more and is not currently participating in the National Flood Insurance Program.

Authority: Executive Order 11988 and 24 CFR part 55. Flood Disaster Protection Act of 1973 as amended (42 USC 4001-4128) and 24 CFR 55.1(b).

³ <https://www.hudexchange.info/environmental-review/flood-insurance>

Provide the following for all actions:

- FEMA/Flood Insurance Rate Map (FIRM) map with the project site marked. If the project is in an area not mapped by FEMA, provide the best information available and a discussion outlining how it was determined this is the best available information. Floodplain maps from other sources, such as local Geographic Information Systems (GIS), are acceptable if evidence is provided that they are linked to FEMA maps. If the tribe is not mapped by FEMA, make a note of this with your submission. HUD encourages the tribe to maintain flood insurance on the project if the area is prone to flooding.

Is the site in a 100-year floodplain (or 500-year floodplain for critical actions⁴)?

Yes No

If the site is in the 100-year floodplain (or 500-year floodplain for critical actions), ONAP staff may follow up with a request that you provide a discussion of alternative sites outside the floodplain and their practicability, identification of impacts of the proposed project on the floodplain, appropriate mitigation to minimize risk, and a rationale for not selecting a non-floodplain site. The recipient is also responsible for any publication costs when public notices are required.

Is the building or insurable property in a 100-year floodplain mapped by FEMA?

Yes No

If the building is in a 100-year floodplain, HUD will determine if the community is currently participating in the National Flood Insurance Program (NFIP). If the community has been mapped for a year or more and is not participating in the NFIP federal assistance will not be provided. If the community is participating in the NFIP, the project will be conditioned on the grantee obtaining flood insurance if the project is approved.

⁴ *Critical action* means any activity for which even a slight chance of flooding would be too great, because such flooding might result in loss of life, injury to persons, or damage to property. Critical actions cannot be approved in floodways or coastal high hazard areas. Critical actions include activities that create, maintain or extend the useful life of those structures or facilities that:

(A) Produce, use or store highly volatile, flammable, explosive, toxic or water-reactive materials;

(B) Provide essential and irreplaceable records or utility or emergency services that may become lost or inoperative during flood and storm events (e.g., data storage centers, generating plants, principal utility lines, emergency operations centers including fire and police stations, and roadways providing sole egress from flood-prone areas); or

(C) Are likely to contain occupants who may not be sufficiently mobile to avoid loss of life or injury during flood or storm events, e.g., persons who reside in hospitals, nursing homes, convalescent homes, intermediate care facilities, board and care facilities, and retirement service centers. Housing for independent living for the elderly is not considered a critical action.

HUD discourages development in a floodplain and will go through the process as defined at 24 CFR 55.20 to determine if there are practicable alternatives to the project. HUD will deny funding if there are practicable alternatives.

4. Airport Hazards

Requirements: It is HUD policy to apply standards to prevent incompatible development around civil airports and military airfields. Projects within 15,000 feet of a military airport or 2,500 feet of a civilian airport should be evaluated for the potential for airport hazards. Special restrictions apply to projects located within Runway Protection Zones/Clear Zones (RPZ/CZ), which are areas immediately beyond the ends of runways as defined by FAA regulations, and Accident Potential Zones (APZ), which are areas at military airfields beyond the Clear Zones as defined by the Department of Defense.

Authority: 24 CFR Part 51 Subpart D

Provide the following:

- A map showing the site relative to any airports
- If site is within 15,000 feet of a military airport: Map showing the site relative to designated APZs or finding from the airfield operator stating if the property is in the APZ
- If site is within 2,500 feet of a civilian airport: Map showing the site relative to designated RPZ/CZs or a finding from the airfield operator stating if the property is in the RPZ/CZ

Is the project site within range of an airport hazard?

- Project is not within 15,000 feet of a military airport or 2,500 feet of a civilian airport.
- Project is within 15,000 feet of a military airport or 2,500 feet of a civilian airport but not in an RPZ/CZ or APZ.
- Project is in an APZ.
- Project is in a RPZ/CZ.

HUD assistance may be approved for existing properties proposed for acquisition or lease with or without minor rehabilitation or repair that does not significantly prolong the physical or economic life of the property in the RPZ/CZ; however, prior to approval, the prospective buyers must sign the Notice to Prospective Buyers indicating they are aware of the potential hazards of purchasing in the RPZ/CZ.

HUD will deny assistance to a project in a RPZ/CZ if it involves substantial rehabilitation or activities that would significantly prolong the physical or economic life of existing facilities that will be frequently used or occupied by people.

HUD will deny assistance to a project in the APZ if the project is not consistent with the DOD Land Use Compatibility guidelines.

5. **Historic Preservation**

Requirements: Regulations under Section 106 of the National Historic Preservation Act (NHPA) require a consultative process to identify historic properties, assess project impacts on them, and avoid, minimize, or mitigate adverse effects. Historic properties and districts are subject by law to special protection and historic preservation processing that HUD must perform to comply with the regulations of the Advisory Council on Historic Preservation (36 CFR part 800). Grantees seeking information from the State Historic Preservation Officer (SHPO) and a Tribal Historic Preservation Officer (THPO) need to allow sufficient time to obtain the information from the SHPO and THPO. Grantees may wish to make special arrangements with the SHPO for rapid review of the proposed property, where practicable.

Authority: Section 106 of the National Historic Preservation Act (NHPA) (16 U.S.C. 470f). 36 CFR 800 "[Protection of Historic Properties.](#)"

Address the following for repair, rehabilitation, demolition, conversion, new construction, or the acquisition of undeveloped land (Consult the following website for additional information: <https://www.hudexchange.info/environmental-review/historic-preservation>):

Is the project covered by a Programmatic Agreement (PA) or other agreement between HUD and the THPO or SHPO?

Yes

No

If yes, highlight the applicable section in the PA and provide any backup documentation required to show how the project meets the criteria in the PA. If you marked "no," provide:

- All correspondence and notes (including comments and objections received) relative to historic preservation, including any letters to and from the THPO or SHPO or any other interested parties
- Information on any historic properties and districts in the vicinity of the project
- Any surveys of historic buildings and/or archaeological sites conducted as part of the project's review. Any proposed mitigation if the project will impact a historic property.

Does this section and/or the attached documentation contain any confidential information⁵ that should not be released?

Yes

No

HUD will review the information, request additional information as needed, consult as appropriate with the SHPO or THPO and tribes or other interested parties, and make one of the following determinations:

- **Project is exempted from Section 106 requirements by a PA**
- **Project has No Potential to Cause Effects due to the nature of the activities involved**
- **No Historic Properties Affected**
 - No historic properties present**
 - Historic properties present but not affected**
- **No Adverse Effect**
- **Adverse Effect (if there is an adverse effect there is an intense consultation process to avoid or mitigate affects)**

6. Endangered Species Act

Requirements: Section 7 of the Endangered Species Act (ESA) mandates that actions that are authorized, funded, or carried out by Federal agencies be not likely to jeopardize the continued existence of federally listed plants and animals or result in the adverse modification or destruction of designated critical habitat. Where their actions may affect resources protected by the ESA, agencies must consult with the FWS and/or the National Marine Fisheries Service (“NMFS” or “the Services”).

Authority: The Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.*); particularly section 7 (16 USC 1536). 50 CFR part 402.

Provide the following for repair, rehabilitation, demolition, conversion, new construction or the acquisition of undeveloped land:

Is the project covered by a Programmatic Agreement (PA) or other agreement between HUD and FWS and/or NMFS?

Yes

No

- If yes, highlight the section in the PA or agreement and provide any backup documentation required to show how the project meets criteria in the PA. If the project is

⁵ Examples of sensitive information may include the locations of archeological sites, the locations, character, and use of traditional religious and cultural properties of significance to Indian tribes, and the locations of victim services facilities.

not covered by a PA or other agreement, provide: A list of threatened and endangered species in the project area

- Explanation of the project’s potential effects on listed species, if any. It may be helpful to work with the Tribe’s Natural Resource Officer, if any, for assistance in developing this explanation.
- Any proposed mitigation if the project may affect endangered species

Does this section and/or the attached documentation contain any confidential information that should not be released?

Yes

No

HUD will review the information, if appropriate request additional information, and make one of the following determinations:

- **No Effect**
- **May Affect, Not Likely to Adversely Affect**
- **May Affect, Likely to Adversely Affect**

If the determination is made that the proposed action will not have an effect on federally listed species or designated critical habitat, consultation is not required. However if HUD determines the proposed action *may affect*, HUD must consult with the FWS and/or NMFS. This can take several months.

7. Noise Abatement and Control

Requirements: HUD assistance for the construction of new noise sensitive uses⁶, including acquisition of undeveloped land is prohibited generally for projects with a noise level above 75 decibels and is discouraged for projects over 65 decibels. For rehabilitation projects in noise exposed areas, HUD encourages noise attenuation features in alterations. In unacceptable noise zones, HUD strongly encourages conversion of noise-exposed sites to land uses compatible with the high noise levels.

Authority: Title 24 CFR Part 51 Subpart B.

Provide the following:

⁶ Noise sensitive uses are facilities and residential uses that depend on low levels of sound to promote the well-being of the occupants. They include but limited to: schools, hospitals, rest homes, long term care facilities, mental care facilities, residential uses, places of worship, libraries and passive recreation areas.

For minor rehabilitation, identify efforts the Tribe will employ to encourage noise mitigation in noise impacted areas or evidence that the entire area where applications will be accepted is not noise impacted.

For new construction, acquisition of undeveloped land, major rehabilitation or conversion, provide:

- A map identifying potential noise generators in the vicinity (1000 feet from a major road, 3000 feet from a railroad, or 15 miles from an airport)

Is the project site within 1000 feet from a major road, 3000 feet from a railroad or 15 miles from an airport?

Yes No

If yes, provide:

The airport noise contours if the noise source is the airport. If there are no noise contours contact the airport operator and provide the number of Annual air carrier, air taxi, military, and general aviation operations. A noise analysis using HUD's noise calculator tool if there is a major road or railroad within the screening distances;

- All data used to complete the analysis
- Proposed mitigation if the project is noise is above 65 decibels

Indicate the noise level of the project site:

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

Normally Unacceptable (Above 65 decibels but not exceeding 75 decibels)

Unacceptable (Above 75 decibels)

HUD will require noise mitigation to reduce noise levels to acceptable compliance standards or deny funding.

8. Coastal Zone Management Act (CZMA)

Requirements: Projects that may affect a coastal zone must be carried out in a manner consistent with the approved State coastal zone management program under Sec. 307 of the CZMA.

The following states and territories have coastal zones: Alabama, Alaska, California, Connecticut, Delaware, Florida, Georgia, Hawaii, Illinois, Indiana, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oregon, Pennsylvania, Rhode Island, South Carolina, Texas, Virginia, Washington, Wisconsin, American Samoa, Guam, Northern Mariana Islands, Puerto Rico, and U.S. Virgin Islands.

Authority: Coastal Zone Management Act (16 USC 1451-1464), particularly section 307(c) and (d) (16 USC 1456(c) and (d)). 15 CFR part 930.

Is your project in a state with a coastal zone?

Yes No

(If your project is in Alaska check the Region X environmental website to determine if the State is participating in the Coastal Zone Management Program. If the state is not participating in the program, check “no” above).

If yes, provide the following:

- Map or other documentation showing project site relative to coastal zone as defined by the State Coastal Management Plan. If the site is located in the coastal zone as defined by the state plan, provide documentation indicating whether the project is consistent with the state plan and identify any mitigation required.

HUD will determine if the project is consistent with the State Coastal Management Plan. If the project is not consistent, funding will be denied.

9. Explosive and Flammable Hazards

Requirements: Blast overpressure and thermal radiation standards are used as a basis for calculating acceptable separation distances for HUD-assisted projects from specific, stationary hazardous operations which store, handle, or process substances of fire- or explosive-prone nature.

Authority: 24 CFR Part 51 Subpart C

If your project includes construction or conversion, or rehabilitation or modernization that increases residential densities, converts a building for habitation, or makes a vacant building habitable, answer the following:

Are there any aboveground storage tanks, within 1 mile of the project?

Yes No

If no, provide a description of efforts to locate aboveground storage tanks.

If yes, provide:

- A description of all aboveground storage containers within 1 mile of the project site, including:

- A map showing location of the project site relative to the tank,
- Contents of the tank(s),
- Size of the tank(s),
- Whether the tanks are diked or not, and
- Identification of contacts used to determine required information.
- A preliminary calculation of acceptable separation distance from above ground storage using HUD’s electronic assessment tool:
<http://www.hud.gov/offices/cpd/environment/asdcalculator.cfm>
- Proposed mitigation if required.

Is the proposed project a hazardous facility?

Yes No

HUD will utilize the information to determine if the project meets Acceptable Separation Distance requirements. Projects that cannot be mitigated will not be funded.

10. Environmental Justice

Requirements: Under Executive Order 12898, “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations,” adverse environmental impacts upon low income or minority communities should be mitigated to avoid disproportionate effects to those communities.

Authority: Executive Order 12898

Will this project have adverse environmental or health impacts that are disproportionately high for low-income and/or minority communities?

Yes No

If yes describe the negative environmental impacts and any proposals to mitigate the impacts.

Will this project have adverse impacts in areas of particular social, cultural, or religious significance to Native American, Alaskan Native, Native Hawaiian, or other minority communities? (Tribal cultural and religious sites may also be considered historic properties under 6 Historic Preservation).

Yes No

HUD will review all of the information in the environmental review, paying particular attention to the proximity of the site to environmental hazards such as aboveground storage tanks, toxics, noise pollution, floodplains and airport hazards and will determine if

there is a disproportionate impact to the low and moderate income and minority persons that would utilize the facility.

11. Sole Source Aquifers

Requirements: Development that may affect aquifers designated by the EPA must be reviewed for impact on such designated aquifer sources. Consultation with the EPA may be required to determine whether a proposed project may impact a sole source aquifer.

The [National EPA Sole Source Aquifer Website](#)⁷ has links to each EPA region. Most regions provide sole source aquifer maps online. For others, you may need to contact the regional EPA for a map.

Authority: Safe Drinking Water Act of 1974 (42 U.S.C. 201, 300f et seq., and 21 U.S.C. 349). 40 CFR part 149.

Provide the following:

Is the project site on a sole source aquifer designated by EPA or in the recharge area?

Yes No

If yes, provide:

- Any applicable Agreement with EPA governing HUD projects impacting SSAs in the project area (Mark relevant sections(s) and show how the proposed project addresses any conditions in the agreement)
- All documentation of consultation with the EPA, if applicable.

If no, provide:

- Documentation of the project site's location relative to sole source aquifers (SSA), such as a map with the project site noted and its relation to the nearest SSA and its recharge area or a finding made by a qualified data source stating if the proposed property is on a SSA or its recharge area.

HUD will review the information to determine if the project could impact the SSA or recharge area. If the project will impact a SSA, mitigation based on consultation with EPA will be required.

⁷ <http://water.epa.gov/infrastructure/drinkingwater/sourcewater/protection/solesourceaquifer.cfm>

12. Wild and Scenic Rivers Act

Requirements: The Wild and Scenic Rivers Act provides Federal protection for certain free-flowing, wild, scenic and recreational rivers designated as components or potential components of the National Wild and Scenic Rivers System (NWSRS) from the effects of construction or development.

Authority: The Wild and Scenic Rivers Act (16 U.S.C. 1271-1287), particularly section 7(b) and (c) (16 U.S.C. 1278(b) and (c)). 36 CFR part 297, “Wild and Scenic Rivers” (United States Department of Agriculture (USDA)).

Provide the following:

- Documentation of the project site’s location relative to NWSRS river(s), such as a map identifying the project site and its surrounding area or a list of rivers in the region,

Is the project located near a wild and scenic river listed in the NWSRS?

Yes

No

HUD will review the information to determine if the project will impact a river protected under the Wild and Scenic Rivers Act. HUD will coordinate with the National Park Service or other managing agency to determine any mitigation required.

13. Clean Air Act

Requirements: The Clean Air Act prohibits federal assistance to projects that are not in conformance with the State Implementation Plan (SIP). New construction or conversion projects, when located in “non-attainment” or “maintenance” areas as defined by the EPA, may need to be modified or mitigated to conform to the SIP.

Authority: Clean Air Act (42 USC 7401 et seq.) as amended particularly Section 176(c) and (d) (42 USC 7506(c) and (d)). 40 CFR parts 51 and 93.

Provide the following for new construction or conversion of land use facilitating the development of public, commercial, or industrial facilities OR five or more dwelling units:

- Documentation from the [EPA website](#), or from a qualified data source that indicates if the project is located in an attainment area for all criteria pollutants.

Is your project’s air quality management district or county in non-attainment or maintenance status for one or more criteria pollutants?

Yes

No

If yes, provide documentation showing that the project conforms with the EPA-approved State Implementation Plan.

HUD will determine if the project is consistent with the State Implementation Plan.

14. Farmlands Protection

Requirements: The Farmland Protection Policy Act (FPPA) discourages Federal activities that would convert farmland to nonagricultural purposes. The FPPA protects “important farmland” including prime farmland, unique farmland, and/or land of statewide or local importance. 7 CFR 658.2(a).

Authority: Farmland Protection Policy Act (FPPA) of 1981 (7 U.S.C. 4201 et seq.). 7 CFR part 658.

Provide one of the following for new construction, acquisition of undeveloped land, or conversion that could potentially convert one land use to another:

- A finding that the project meets one of the following exemptions:
 - Construction limited to on-farm structures needed for farm operations
 - Construction limited to new minor secondary (accessory) structures such as a garage or storage shed
 - Project on land used for water storage
 - Project on land already in or committed to urban development (7 CFR 658.2(a))
- A finding from a qualified data source (e.g. USDA, or your Tribal Planning Department) stating if the project is on “important farmland” or
- A USDA soil survey map with the project site mapped

Does “important farmland” regulated under the FPPA occur on the project site?

Yes

No

If “important farmland” regulated under the FPPA occurs on the project site, work with the Natural Resources Conservation Service (NRCS) to complete form AD-1006 and consider if there are alternatives to avoid completing the project on important farmland or minimize potential impacts. HUD will evaluate form AD-1006 and determine whether the project should proceed at the location.

15. Wetlands

Requirements: [Executive Order 11990—Protection of Wetlands](#) requires Federal activities to avoid adverse impacts to wetlands where practicable. As primary screening, HUD must verify whether the project area is located in proximity to wetlands identified on the National Wetlands

Inventory (NWI); if so, HUD will make a reasonable attempt to consult directly with the Department of Interior—Fish and Wildlife Service (FWS) staff. See 24 CFR 55.2(b)(11) for further details on identifying wetlands.

Authority: Executive Order 11990—Protection of Wetlands. 24 CFR Part 55.

Provide one the following:

- Documentation supporting the determination that the project does not involve new construction (as defined in 24 CFR 55.2(b)(8)), expansion of a building’s footprint, or ground disturbance.
- A map or other relevant documentation showing the project site in relation to wetlands identified on the National Wetlands Inventory.

Will the project have the potential to impact an on- or off-site wetland?

Yes

No

If the site may impact a wetland, provide a discussion of alternative sites and their practicability, identification of impacts of the proposed project on the wetland, appropriate mitigation to minimize risk, and a rationale for not selecting a site away from a wetland. The recipient is also responsible for any publication costs for the required notices.

Part II: Environmental Assessment Factors

Requirements:

An Environmental Assessment (EA) is required for a project that is not categorically excluded under 24 CFR 50.20(a) to determine its environmental impacts in compliance with NEPA and the implementing regulations of the Council on Environmental Quality, and to comply with the related environmental laws and authorities. If your project includes activities – such as new construction, conversions, and some major rehabilitation – which are not categorically excluded, identify any potential impacts of the proposed project on the surrounding area as well as the potential impact of the surrounding area on the proposed project. For questions to take into consideration when evaluating whether the following environmental factors have an environmental impact under NEPA, consult this web site:

<https://www.onecpd.info/resources/documents/Environmental-Assessment-Factors-Guidance.pdf>

It is HUD policy to reject proposals that have significant adverse environmental impacts and to encourage the modification of projects in order to enhance environmental quality.

Authority: The National Environmental Policy Act (NEPA) of 1969 (42 U.S.C. 4321 et seq.). 40 CFR Parts 1500-1508.

Identify any adverse and beneficial impacts in terms of:

- (1) Conformance with Plans / Compatible Land Use and Zoning / Scale & Urban Design:
 - a. Conformance with plans - proposed land development project is consistent with long-range goals and policies.
 - b. Compatible land use & zoning – proposed project is consistent with land use and zoning, and
 - c. Scale & Urban Design – impact of the project on the visual character of its surroundings.
- (2) Site suitability, access, and compatibility with surrounding development
- (3) Soil stability, slope, erosion, drainage, and stormwater runoff
- (4) Hazards and nuisances including site safety and site-generated noise
- (5) Energy consumption and energy efficiency
- (6) Employment and income patterns
- (7) Demographic character changes and displacement
- (8) Educational and cultural facilities (access and capacity)
- (9) Commercial facilities (access and proximity)
- (10) Healthcare and social services (access and capacity)
- (11) Solid waste disposal and recycling
- (12) Waste water and sanitary sewers (feasibility and capacity)
- (13) Water supply (feasibility and capacity)
- (14) Public safety – police, fire, and emergency medical
- (15) Parks, open space, and recreation (access and capacity)
- (16) Transportation and accessibility (access and capacity)
- (17) Unique natural features and water resources
- (18) Vegetation and wildlife (introduction, modification, removal, disruption, etc.)
- (19) Other factors.

Provide each of the following as a part of the NEPA analysis:

- An analysis of cumulative impacts, which are the total effects on a resource, ecosystem, or human community of the project and all other activities affecting that resource.
- An analysis of any alternatives to the project site that were considered
- A discussion of the no action alternative (what would happen if the project did not occur).
- A narrative of any public outreach conducted.
- A list of sources, agencies, and persons contacted and any permits obtained.