

**Environmental Review Self-Monitoring for Program Year \_\_\_\_\_**

**INSTRUCTIONS:**

The purpose of this monitoring review is to determine if projects receiving IHBG and ICDBG funds (as well as Section 184 and Title VI loan guarantees if applicable) have the appropriate environmental review record (ERR) on file; and that HUD’s environmental review and clearance requirements as outlined at 24 CFR Part 58 were achieved prior to funds being committed or spent.

The current Indian Housing Plan (Date: \_\_\_\_\_) and Annual Performance Report (Date: \_\_\_\_\_) were used to select activities/projects for this review.

NOTE: Use the column “Recommendations/Notes” to explain responses of “No” or “N/A” (not applicable). “No” would generally indicate compliance was not achieved and the tribe is in violation of Part 58. “N/A” might be used to indicate that, at the time of the self-monitoring review, it was too early in the environmental review process to complete a particular step. In this situation, the self-monitoring review may be used to alert the tribe about remaining steps to be completed in the process. “N/A” might also be used to explain that comments were not received as a result of the tribe issuing the public notice, or that mitigation measures were not required.

<b>Tribes Assuming Environmental Review Responsibilities</b>	<b>Yes</b>	<b>No</b>	<b>N/A</b>	<b>Recommendations/ Notes</b>
<p><b>SECTION 1 - EXEMPT ACTIVITIES (§ 58.34)</b> Following is a list of all exempt activities reviewed:</p>				
<p>1. Was an environmental review completed for these projects? Was the current HUD-recommended (or an equivalent) format used for the ERR? If the answer is “No” to either question, explain why not.</p>				
<p>2. Does the ERR for each activity contain the following information (If the answer is “No”, explain why not)?</p>				
<p>a) A project name and description of the exempt activities.</p>				

Tribes Assuming Environmental Review Responsibilities	Yes	No	N/A	Recommendations/ Notes
b) A citation of § 58.34 that establishes the activity is exempt.				
c) Documentation establishing whether or not the “Other Requirements” cited in § 58.6 are applicable.				
d) The signature of the preparer of the review, as well as the signature and date of approval by the RE approving official for the tribe.				
<b>SECTION 2 – CATEGORICALLY EXCLUDED <u>NOT</u> SUBJECT TO § 58.5 [§ 58.35(b)]</b> Following is the list of all activities reviewed that were identified as categorically excluded NOT subject to § 58.5:				
1. Was an environmental review completed for the projects and was the current HUD-recommended (or an equivalent) format used for the ERR? If “No”, explain why not.				
2) Does the ERR for each activity contain the following information (If the answer is “No”, explain why not.)?				
a) A project name, location (if applicable) and description of the categorically excluded activities.				
b) A citation of § 58.35(b) that establishes the activity is categorically excluded NOT subject to § 58.5.				
c) Documentation establishing whether or not the “Other Requirements” cited in §58.6 are applicable.				
d) The signature of the preparer of the review, as well as the signature and date of approval by the RE approving official for the tribe.				

Tribes Assuming Environmental Review Responsibilities	Yes	No	N/A	Recommendations/ Notes
<b>SECTION 3 – CATEGORICALLY EXCLUDED SUBJECT TO § 58.5 [§ 58.5(a)]</b> Following is the list of all projects reviewed that were identified as categorically excluded subject to § 58.5				
1) Was a Statutory Worksheet (or an equivalent format) completed for the projects? If “No”, explain why not.				
2) Does the ERR for each activity contain the following information (If the answer is “No”, explain why not.)?				
a) A project name, location, and description of the related activities (Aggregation of related actions funded with both HUD and non-HUD assistance.)				
b) A citation of § 58.35(a) establishing the activity is categorically excluded subject to § 58.5.				
c) Written documentation providing evidence compliance with the Federal laws and authorities was addressed (See Appendix A for the appropriate documentation and findings).				
d) Written determination the project converted to exempt [§ 58.34(b)], or did not convert to exempt.				
e) The signature of the preparer of the review, as well as the signature and date of approval by the RE approving official for the tribe.				
3) If the project did not convert to exempt, does the ERR for each activity contain the following information (If the answer is “No”, explain why not)?				
a) A copy of the <i>Notice of Intent to Request Release of Funds</i> either published (Proof of Publication or copy of newspaper notice and date) or posted/mailed.				

Tribes Assuming Environmental Review Responsibilities	Yes	No	N/A	Recommendations/ Notes
b) Written public comments received, and letters of response from the tribe.				
c) A copy of the <i>Request for Release of Funds and Certification</i> (form 7015.15) submitted to HUD.				
d) A copy of the <i>Authority to Use Grant Funds</i> (form 7015.16) was received from HUD giving approval to commit and expend funds.				
e) Documentation that a copy for the notice was disseminated to known interested persons and agencies (§ 58.43).				
4) Documentation establishing whether or not the “Other Requirements” cited in § 58.6 are applicable.				
<p>5) Were project funds (HUD and non-HUD) committed or spent prior to completion of the environmental review process?</p> <p>Date Statutory Worksheet was completed. _____</p> <p>Date tribe received HUD approval (form 7015.16) _____</p> <p>Date contracts/agreements were signed by tribe and/or TDHE. _____</p> <p>Date project funds (HUD and non-HUD) were first spent _____</p>				
6) Were the mitigation measure and conditions for approval <i>identified</i> in the review?				
7) Were the mitigation measures and conditions for approval <i>implemented</i> ?				

Tribes Assuming Environmental Review Responsibilities	Yes	No	N/A	Recommendations/ Notes
<p><b>SECTION 4 – ENVIRONMENTAL ASSESSMENT (§ 58.36)</b>            Following is the list of all activities reviewed that required preparation of an environmental assessment (EA).</p>				
1) Was a HUD-recommended Environmental Assessment form (or an equivalent format) completed for the projects? If “No”, explain why not.				
2) Does the ERR for each activity contain the following information (If the answer is “No”, explain why not.)?				
a) A project name and description of the related activities (Aggregation of related actions funded with both HUD and non-HUD assistance.)				
b) Written documentation providing evidence compliance with the Federal laws and authorities was addressed (See Appendix A for the appropriate documentation and findings).				
c) Written documentation providing evidence compliance with NEPA was achieved (See Appendix B for the appropriate documentation).				
d) Written discussion of alternatives to the preferred action (including no action and other alternatives and project modifications considered).				
e) Signature of the person that prepared the EA.				
f) A finding of no significant impact (FONSI), and signature and date of approval by the RE approving official for the tribe.				
3) Does the ERR for each activity contain the following information regarding release for funds (If the answer is “No”, explain why not)?				
a) A copy of the combined <i>Finding of No Significant Impact and Notice of Intent to Request Release of Funds</i> (FONSI/NOI-RROF) either published (Proof of Publication or copy of newspaper notice and date) or posted/mailed.				
b) Written public comments received, and letters of response from the tribe.				

Tribes Assuming Environmental Review Responsibilities	Yes	No	N/A	Recommendations/ Notes
c) A copy of the <i>Request for Release of Funds and Certification</i> (form 7015.15) submitted to HUD				
d) A copy of the <i>Authority to Use Grant Funds</i> (form 7015.16) received from HUD giving approval to commit and expend funds.				
4) Documentation that a copy of the notice was disseminated to known interested persons and agencies (§ 58.43).				
5) Documentation establishing whether or not the “Other Requirements” cited in §58.6 are applicable.				
6) Were project funds (HUD and non-HUD) committed or spent prior to completion of the environmental review process?  Date Statutory Worksheet was completed _____  Date received HUD Approval (form 7015.16) _____  Date contracts/agreements were signed by tribe and/or THDE _____  Date project funds (HUD and non-HUD) were first spent _____				
7) Were there mitigation measures and conditions for approval <i>identified</i> in the EA?				
8) Were the mitigation measures and conditions for approval <i>implemented</i> ?				

**SUMMARY OF FINDINGS AND CONCLUSIONS:**

**RECOMMENDED CORRECTIVE ACTIONS:**

**Reviewer's signature** \_\_\_\_\_ **Date of Review** \_\_\_\_\_

**Reviewer's Name/Title/Agency:** \_\_\_\_\_

## APPENDIX A

### Compliance Documentation Required For Federal Laws and Authorities at § 58.5

#### Historic Preservation

- Letter from SHPO/THPO\* that *no historic properties* will be affected, **OR**
- Responsible entity (RE) adequately documents its finding of *no historic properties affected* and SHPO/THPO does not object within 30 days, **OR**
- The RE documents the project meets stipulations of a *Programmatic Agreement* executed between the tribe and the SHPO/THPO, **OR**
- *Memorandum of Agreement* has been executed between the tribe and SHPO/THPO regarding mitigation measures that will be implemented to resolve adverse effects.

\*State Historic Preservation Officer (SHPO); Tribal Historic Preservation Officer (THPO). Refer to the Advisory Council on Historic Preservation web site for a complete list of SHPO's and THPO's.

#### Floodplain Management

- Evidence the proposed action is not within the 100 year floodplain (or 500 year floodplain for critical actions), **OR**
- There's documentation the decision making process is not applicable (sec. 55.12), **OR**
- There is *no practicable alternative*, according to the completed 8-step decision making process.

#### Wetlands

- Documentation that the proposed action does not include new construction or expanding the footprint of a building, **OR**
- Evidence the new construction will not occur in a designated wetland or expand the footprint of a building into a wetland, **OR**
- There is *no practicable alternative*, according to the completed 8-step decision making process. (U.S. Army Corps of Engineers issues a permit where they have wetland jurisdiction.)

#### Endangered Species (Federally listed or proposed species/habitat)

- Evidence that habitat will not be altered, or species affected---e.g., resource expert; biological assessment; existing documents and plans that include the project site, such as local land management plans, environmental reviews, special studies, **OR**
- If the proposed action may affect species or their habitat, there is evidence USFWS\* or NMFS\*\* has reviewed the biological assessment and agrees with the findings of *no effect*, **OR**



## APPENDIX A

- If the proposed action will likely adversely affect species or their habitat, the USFWS or NMFS has issued either a “no jeopardy” or “jeopardy” biological opinion.
- \* *U.S. Fish and Wildlife Service has jurisdiction for most Federally listed and proposed species*
- \*\* *U.S. National Marine Fisheries Service have jurisdiction for Federally listed and proposed anadromous fish---i.e., ascend rivers from the sea to breed---or ocean species.*

### Site Contamination

- Evidence the site is not contaminated, **OR**
- Evidence supporting a determination the hazard will not affect health and safety of the occupants, or conflict with the intended use of the site.

### Explosive/Flammable Operations (Aboveground Storage Tanks)

- Documentation the proposed action meets the definition of a “HUD assisted project” (sec. 51.201), **OR**
- Documentation the field observations (or aerial photos) show no aboveground tanks within *one mile*, **OR**
- If tanks are within one mile, document:
  - there’s an effective barrier, *or*
  - there’s an *acceptable separation distance* for people and buildings, *or*
  - that people and buildings can be protected with mitigation measures.

### Noise Abatement and Control

- Documentation the proposed action is not:
  - a noise sensitive land use, *or*
  - within 1,000 feet of a major roadway, 3,000 feet of a railroad, or 15 miles of an airport, **OR**
- If within those distances, documentation shows there’s an effective noise barrier, **OR**
- If within those distances, documentation shows the noise level is *Acceptable* (at or below 65 DNL), **OR**
- Documentation shows the noise generated by the noise source(s) is *Normally Unacceptable*, and noise attenuation requirements (i.e., mitigation measures, including mechanical ventilation) are identified that will bring the interior noise level to 45 DNL and/or exterior noise level to 65 DNL (Acceptable).

**Runway Clear Zones, Clear Zones, Accident Potential (Protection) Zones**

- Documentation there are no FAA regulated airports (includes dual purpose airfields) within 2500 feet and/or Dept. of Defense airfields within 15,000 feet (about 2.8 miles) of the proposed action, **OR**
- There's documentation the rule is not applicable to the proposed action (i.e. acquisition of an existing structure, "minor" rehabilitation, emergency action), **OR**
- The project is within the specified distances, but the map of the civil airport and/or military airfield show the proposed action is not located within a Runway Clear Zone, Clear Zone, or Accident Potential Zone.

**Coastal Zone (CZ) Management**

- General location map or Coastal Zone Management Map establishes the project is not in the CZ, **OR**
- The State Coastal Commission verifies the proposed action is *consistent*\* with the Coastal Zone Management Plan.

\* Federal assistance must be denied if the action is found *inconsistent*.

**Wild & Scenic Rivers**

- Evidence the proposed action is not within *one mile* of a designated Wild, Scenic, or Recreation River, **OR**
- Contact with the Federal agency that has administrative responsibilities for the river's management shows the proposed action will have no effect.

**Farmland Protection Policy Act**

- Evidence the current zoning classification is not for farmland use (i.e., residential, commercial, etc.), **OR**
- Information from NRCS\* shows the site is not prime or unique farmland, **OR**
- Evidence from NRCS shows the site is classified *prime* or *unique* agricultural land, and the RE completed and submitted form AD-1006 to the NRCS for comment.

\* U.S. Natural Resource Conservation Service (NRCS)

**Clean Air Act**

- Project is in an attainment area, **OR**.
- Project is in a non-attainment and in conformance with the State Implementation Plan (SIP), **OR**.
- For projects on tribal lands, the U.S. EPA Regional Office was consulted and their comments/determination were received.

**Sole Source Aquifer Protection**

- Documented the proposed action is not within the boundaries of an EPA designated aquifer, **OR**.
- Documented the action is not a regulated activity, **OR**.
- Documented that EPA has reviewed and commented on the proposed action

**Environmental Justice**

- Evidence that:
  - the proposed action is compatible with surrounding land use; **AND**
  - the site or surrounding neighborhood does not suffer from adverse environmental conditions; **AND**
  - the proposed action would not create a negative environmental impact or aggravate an existing impact.

## APPENDIX B

### National Environmental Policy Act (NEPA)

For each one of the environmental factors identified on the HUD Environmental Checklist form, the documentation provided should be credible, traceable and supportive of the environmental finding. Simply stating “not applicable” is not acceptable. Such determinations must be substantiated by documentation that makes this evident. There are five sources that should be used to document environmental findings and determinations (refer to HUD Handbook 1390.2). These are:

1. FIELD OBSERVATION – A visit to the project site to make observations of the general site conditions. There should be written documentation of the conditions observed. Also include the name and title of the observer and the date of the site visit.
2. PERSONAL CONTACT – Personal contacts are useful only when the individual contacted is an accepted authority on the subject or subjects. Documentation should include the name and title of the person contacted, the date of the conversation, and brief notes of the key points. Whenever the person that was contacted cites reports, records, or other document, the title, date and source of the report should be noted. Contacts can include staff experienced in a particular area (e.g., engineer, planner, historian, biologist, etc.).
3. PRINTED MATERIALS – Printed materials such as comprehensive land use plans, maps, statistical surveys, and studies are useful sources of detailed information. The material must be current and reflect accepted methodologies. Environmental reviews that were completed by another governmental entity may also be used if the information is relevant. Complete citations for all material must be included.
4. REVIEWER'S EXPERIENCE – Professional judgment by staff is acceptable if their expertise is relevant to the compliance issue. For example, the reviewer may have knowledge from reviewing previous projects in the same area. Another type of relevant experience is the professional finding of the reviewer in subjects where he or she has the background to make judgments about a specific factor. Some reviewers have the expertise to evaluate soil conditions, while others will need to consult an engineer or other specialist.
5. SPECIAL STUDY – This is a study conducted for a particular project performed by qualified personnel using accepted methodologies. Some tests are relatively simple to perform but others may require elaborate equipment or personnel with additional expertise. The reviewer is responsible for obtaining assistance from others in order to have the appropriate tests or studies conducted. Examples include archeological reconnaissance surveys, biological assessment concerning threatened and endangered species, or Phase I Site Assessments to determine site contamination.