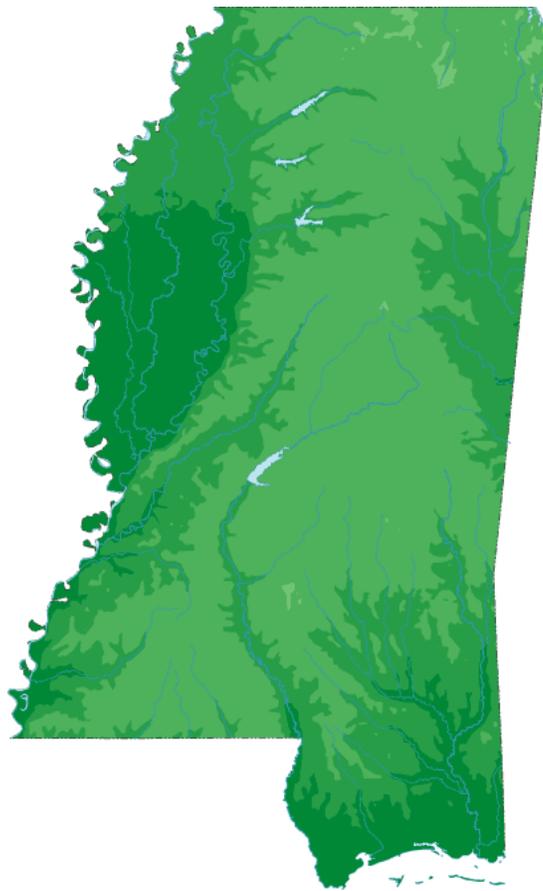


mississippi development authority

MISSISSIPPI



**Environmental Policy and Procedures
Community Services Division**

Table of Contents

Community Services Compliance Staff and Contact Information	3
Introduction	4
Glossary of Terms	5
Environmental Requirements	6
Environmental Overview	7
Environmental Responsibilities	8
The Environmental Review Record	10
Actions Triggering the Requirements at Part 58.....	11
Limitations Pending Environmental Clearance	12
Classifying the Activity	13
Tiered Environmental Review	18
Classification Table	21
Environmental Review Process Flow Chart	23
Conducting the Appropriate Leve of Review	24
Conducting the Appropriate Level of Review for Exempt and Categorically Excluded Not Subject To ..	25
Conducting the Appropriate Level of Review for Categorically Excluded Subject To.....	31
Categorical Excluded Subject to Public Notice Requirements	36
Conducting the Appropriate Level of Review for Environmental Assessment Projects	37
Environmental Impact Statement Projects	49
Compliance Guidance for 24 CFR 58.5 and 58.6 Laws and Authorities	50
Public Comment Periods Guidance	100
Re-Evaluation of Previously Cleared Projects.....	101
Environmental Monitoring and Enforcement	101
Technical Assistance and Environmental Guidance	102
Sample Notice of Intent to Request a Release of Funds	104
Sample Notice of Combined/Concurrent FONSI & NOI/RROF.....	106
Sample Notice of Intent to Request Release of Funds (Tiered Reviews)	108
Sample Notice of Flood Plains and Wetlands Early Public Notice	110
Sample Notice of Final Flood Plains and Wetlands Early Public Notice	111
Environmental Contact Listing	112
Request For Cultural Resources Assessment Form	114
Request for Release of Funds 7015.15 Rev Form	115
Environmental Review Procedures Regulations 24 CFR 58	A-1

Mississippi Development Authority

Community Services Division
Post Office Box 849
Jackson, Mississippi 39205-0849
www.mississippi.org/csd

Phone: 601-359-3179
Fax: 601-359-3108
Hearing Impaired: 601-359-3119 (TTY)

Compliance Bureau Staff

Ray Robinson, Jr. – Manager, Compliance Bureau.....601-359-9273

Antoine Dixon – Compliance Program Manager601-359-9336

Tammie Lawrence – Compliance Program Manager.....601-359-9339

Frednia Perkins- Compliance Program Manager.....601-359-9324

Angela Reed – Compliance Program Manager.....601-359-2351

The CSD Environmental Policy and Procedures, HUD Regulations 24 CFR Part 58, sample notices, letters and forms can be downloaded at www.mississippi.org/csd under Environmental Compliance.



INTRODUCTION

Every project undertaken with federal funds of Community Development Block Grant (CDBG) and Appalachian Regional Commission (ARC) and all activities related to that project is subject to the provisions of the National Environmental Policy Act of 1969 (NEPA), as well as the HUD environmental review regulations set forth at 24 CFR Part 58. The primary purpose of this Act is to protect and enhance the quality of our natural environment. The HUD environmental review process must be completed before any federal funds can be accessed for program-eligible activities. In addition, no work may start on a proposed project before the environmental review process is completed, even if that work is being done using non-HUD funds. In other words, environmental clearance must be obtained for each project prior to the firm commitment of federal or non-federal funds. A violation of this requirement may jeopardize federal funding to this project, and disallow all costs that were incurred before the completion of the Environmental Review.

The primary objectives of the HUD environmental review are to identify specific environmental factors that may be encountered at potential project sites, and to develop procedures to ensure compliance with regulations pertaining to these factors. The HUD environmental review is designed to produce program-specific environmental review procedures in a program that can vary greatly in terms of scope of work. Laws and regulations which contain environmental provisions with which must be complied with include:

1. Historic Preservation (36 CFR 800)
2. Floodplain Management (24 CFR 55, Executive Order 11988)
3. Wetlands Protection (Executive Order 11990)
4. Coastal Zone Management Act (Sections 307 (c), (d))
5. Sole Source Aquifers (40 CFR 149)
6. Endangered Species Act (50 CFR 402)
7. Wild and Scenic Rivers Act (Sections 7 (b) (c))
8. Air Quality (Clean Air Act, Sections 176 (c) and (d) and 40 CFR 6, 51, 93)
9. Farmland Protection Policy Act (7 CFR 658)
10. Environmental Justice (Executive Order 12898)
11. Noise Abatement and Control (24 CFR 51 b)
12. Toxic/Hazardous Materials (24 CFR 58.5(i)(2))
13. HUD Environmental Standards (24 CFR 51 c)
14. Airport Clear Zones and Accident Potential Zones (24 CFR 51 d)

All federally funded projects and activities must have documentation to show that they are in compliance with all NEPA Laws and all other environmental laws and authorities. The ERR serves as a tool to measure the environmental consequences of all federally funded projects and activities.

GLOSSARY OF KEY TERMS

There are a number of key terms that a recipient must familiarize themselves with in order to understand environmental review. A few main terms are noted below.

Project - An activity or group of activities regardless of funding source.

Environmental Review - NEPA Review of a project.

Environmental Review Record (ERR)— A well-organized written record overview, decision making and action as required by 24 CFR 58.38.

Responsible Entity (RE)—State, Indian Tribe, or Unit of General Local Government.

Certifying Officer—The RE is the official responsible for completing ERR

24 CFR 58—The Code of Federal Regulations Section that details the HUD regulations for the environmental review process.

Exempt—A project that is defined under 24 CFR 58.34

CENST—Categorical Exclusion Not Subject to the requirements of 24 CFR 58.5 as defined under 24 CFR 58.35(b)

CEST—Categorical Exclusion Subject to the requirements of 24 CFR 58.5 as defined under 24 CFR 58.35(a)

Environmental Assessment (EA) - The EA is a level of review that must be completed for a project that is not considered Exempt, CENST, or CEST as noted on the Determination of Level of Review.

NOI-RROF—Notice of Intent to Request Release of Funds—A public notice that is completed for projects that require a CEST or EA review.

RROF/Certification—Request for Release of Funds/Certification Form that is completed for projects that require a CEST or EA review. Also referred to as HUD Form 7015.15.

FONSI—Finding of No Significant Impact is a determination that must be made by the Responsible Entity for projects that require an EA review.

ENVIRONMENTAL REVIEW REQUIREMENTS

The purpose of the environmental review process is to analyze the effect the proposed project will have on the people and the natural environment within the project area. Environmental Review is the examination of a project relative to the National Environmental Policy Act of 1969 (NEPA) and its related laws. NEPA was established to ensure environmental protection for federally funded projects. Units of local government who are recipients of federal funds must complete an environmental review of all project activities.

This policy guide will provide recipients with the basic steps, applicable laws and the basic requirements of the National Environmental Policy Act of 1969 (NEPA) and other statutes, Executive Orders, and Federal regulations. (24 CFR Part 58.4).

Definitions, forms and step-by-step instructions on how to complete the environmental reviews are provided in this policy guide. The recipient and the Environmental Certifying Officer are responsible for referring to and complying with the specific citations listed herein.

Applicable Regulations

The rules and regulations that govern the environmental review process can be found at 24 CFR Part 58, Subparts A-H.

- ◆ Subpart A: Defines the purpose of an environmental review and the legalities associated with its completion.
- ◆ Subpart B: Specifies the roles and responsibilities of those performing the review and the State's oversight responsibilities.
- ◆ Subpart C: Identifies limitations on obligating project funds prior to completion of the environmental review process.
- ◆ Subpart D: Requires aggregation of related activities and classifies project activities into four levels of review.
- ◆ Subpart E: Explains the steps involved with the preparation of the environmental assessment and circumstances requiring re-evaluation of the original environmental findings.
- ◆ Subpart F: Deals with the use of existing environmental impact statements for a proposed action.
- ◆ Subpart G: Explains the process associated with the preparation of Environmental Impact Statements
- ◆ Subpart H: Explains the steps associated with securing a release of funds, and the oversight responsibilities of the State and recipients of HUD assistance.

ENVIRONMENTAL OVERVIEW

Recipients of federal funds are required to complete an environmental review prior to receiving environmental clearance from the Mississippi Development Authority (MDA) Community Services Division (CSD). The type of project a recipient is completing will determine the level of environmental review and the necessary documentation that will be required.

It is important that the grant recipient start the process as soon as possible since some of the environmental review processes may become lengthy and perhaps complex. For every environmental review, three basic steps must be followed in order to correctly complete the review. These steps include:

1. Project Aggregation

2. Determination of Level of Review

3. Documentation

PROJECT AGGREGATION -The recipient should evaluate the entire scope of the project and include all funding sources that may be used in conjunction with the project. Defining the project should include determining all integrally related activities designed to accomplish a specific objective. For CDBG projects could include public works, wastewater, planning, road paving, re-paving, and any other CDBG eligible activity as determined by CSD.

DETERMINATION OF LEVEL OF REVIEW -The recipient must determine which level of environmental review is appropriate for the project in order to correctly complete the necessary documentation for the project. A Determination of Level of Review Form must be completed which provides a complete description of the project and the level of environmental review that will be completed.

DOCUMENTATION - The recipient must fully document the environmental review. This information is referred to as the Environmental Review Record (ERR). The ERR will vary in size. The project aggregation and the determination of level of review will help determine the appropriate ERR documentation. The ERR will be discussed later in this policy guide.

ENVIRONMENTAL RESPONSIBILITIES

STATE RESPONSIBILITY AND POLICY

The Mississippi Development Authority will comply with 24 CFR Sec 58.18 "Responsibilities of States assuming HUD environmental responsibilities. States that elect to administer a HUD program shall ensure that the program complies with the provisions of this part. The state must:

1. Designate the state agency or agencies that will be responsible for carrying out the requirements and administrative responsibilities set forth in subpart H of this part and which will:
2. Develop a monitoring and enforcement program for post-review actions on environmental reviews and monitor compliance with any environmental conditions included in the award.
3. Receive public notices, RROFs, and certifications from recipients pursuant to Sec. 58.70 and 58.71; accept objections from the public and from other agencies (Sec. 58.73); and perform other related responsibilities regarding releases of funds.
4. Fulfill the state role in subpart H relative to the time period set for the receipt and disposition of comments, objections and appeals (if any) on particular projects.

The Mississippi Development Authority has five (5) primary responsibilities related to the environmental review process:

1. To ensure that no federal grant funds (except those that are admin or planning requests) are released until the grantee has fully and properly certified that all environmental review requirements have been satisfied;
2. To ensure that the release of funds occurs after the proper environmental certification has been submitted to the Compliance Bureau; the required comment period has expired without negative comment or objection; and other basic grant requirements have been satisfied.
NOTE: The release of funds does not constitute program approval but is an acceptance that all environmental requirements have been satisfied.
3. To ensure that if subsequent information results in a determination that the certification or procedures were improper, the Compliance Bureau will withhold further project funding until these findings are resolved. The additional information may require the grantee to redo its environmental review and conduct a second public comment period. This will require recertification to the Compliance Bureau and a revision to the ERR;
4. To ensure that monitoring requirements are met, including an examination of the grantee's environmental review process and ERR prior to a release of funds;
5. To ensure that the grantee is provided with guidance and technical assistance and guidance for its environmental review process and ERR.

THE RESPONSIBILITY ENTITY

The environmental review procedures as outlined in 24 CFR Part 58 require that units of general local governments such as cities and counties assume the responsibility for the environmental review, including the publications, and then later request that the funds be released by the State.

For Local Units of Government, the Mayor or County Board President must assume the role of the responsible Federal official under the provisions of NEPA. This person is the Environmental Certifying Officer and must sign all environmentally related material. This means that if someone brings suit against your project in Federal court on environmental grounds, the mayor or county board president, acting as the environmental certifying officer, will be named as the responsible party.

The funding recipient should designate an Environmental Officer. This person is in most cases the grant administrator or the consulting engineer. The Environmental Officer will be responsible for writing project narratives, obtaining maps of the project area, soliciting comments from appropriate local, state and federal agencies, and facilitating responses of comments received on the environmental findings.

However, the recipient is responsible for ensuring compliance with NEPA and the Federal laws and authorities, for issuing the public notification, submitting the request for release of funds, when required, and for ensuring the Environmental Review Record (ERR) is complete.

In terms of financial responsibility, you cannot obligate or expend federal funds until you have completed the environmental requirements and satisfied all contract conditions. (The only exceptions from the environmental requirements are listed later in this policy guide, as exempt activities.) After the environmental requirements have been completed, you will receive Environmental Clearance from the Compliance Bureau.

THE ENVIRONMENTAL REVIEW RECORD

In order to follow all the requirements, rules, and regulations, an Environmental Review Record (ERR) must be maintained by the local unit of government. The ERR describes the project and its environmentally related activities and contains all original documents, public notices, and written determinations issued during the environmental review process.

The ERR must be available at the city or county for public review, and containing all original signatures and publications. For extensive documentation the ERR should well organized, bound with tabbed sections or placed in a 3-ring notebook with tabbed sections. This same format should be submitted to CSD.

The ERR must contain the following documents and parts:

A full detailed description of the project and each of the activities comprising the project, regardless of individual activity funding source. To the extent feasible, grantees are encouraged to conduct environmental reviews for improvements to target areas and neighborhoods rather than limiting the environmental assessment to just the activity being proposed or to the streets being addressed within a neighborhood. The review should include all future potential activities and phases of investment plans.

The ERR must also contain written determinations and other review findings (e.g., exempt and categorically excluded determinations, findings of no significant impact), and public notices, when required. The ERR shall also contain documentation that verifies compliance with NEPA and the Federal laws and authorities cited in the compliance checklists, environmental assessments and environmental impact statements.

With regard to environmental assessments, complete the applicable sections of the Format II (the HUD recommended format). This checklist provides a format for funding recipients to record notices, project descriptions and public comments. The recipient should use this recommended format to record determinations and other review findings and for the following:

- Documentation of compliance with Federal laws and authorities;
- Documentation of compliance with the National Environmental Policy Act (NEPA), when applicable;
- Notices, when applicable; and
- Public comments received.
- Public comments, concerns and appropriate resolution by the recipient must be completed prior to requesting release of funds from the State, and must be fully documented in the ERR.

The ERR will vary in length and content depending upon the level of review required (based upon the types of project activities). Please keep in mind that on the average, an environmental assessment for a project usually takes at least 90 days to complete.

ACTIONS TRIGGERING THE REQUIREMENTS AT PART 58

Once a recipient has submitted an application for federal funds to the State, Part 58 requirements are applicable to the project. At this point the recipient (and any other project participants) must cease all project activity until the environmental review (ER) has been completed. Part 58 prohibits further project activities and actions from being undertaken prior to completion of the review and the determination of environmental clearance.

There are certain kinds of activities that may be undertaken without risking a violation of requirements of Part 58. For example, the act of either hiring a consultant to prepare a Phase I environmental site assessment or hiring a consultant to complete an engineering design study or plan, or a study of soil and geological conditions.

Activities that have physical impacts or which limit the choice of alternatives cannot be undertaken, even with the project participant's own funds, prior to obtaining environmental clearance to use federal funds. If prohibited activities are undertaken prior to receiving approval from the State, the applicant is at risk for the denial of the funded assistance.

The reason for this is, these actions interfere with the State's ability to comply with NEPA and Part 58. If prohibited actions are taken prior to environmental clearance, then environmental impacts may have occurred in violation of the Federal laws and authorities and the standard review procedures that ensure compliance.

LIMITATIONS PENDING ENVIRONMENTAL CLEARANCE

According to the NEPA (40 CFR 1500-1508) and Part 58, the State is required to ensure that environmental information is available before decisions are made and before actions are taken. Recipients may not commit or expend resources, either public or private funds, federal, or non-Federal funds, or execute a legally binding agreement for property acquisition, rehabilitation, conversion, repair or construction pertaining to a specific site until environmental clearance has been achieved. In other words, recipients must avoid any and all actions that would preclude the selection of alternative choices before a final decision is made.

These decisions being based upon an understanding of the environmental consequences, and actions that can protect, restore, and enhance the human environment (i.e., the natural, physical, social and economic environment). In order to achieve this objective, Part 58 prohibits the commitment of federal funds by the State or its recipients until the environmental review process has been completed and the submission of release of funds approval, when required, has been received.

Until the recipient has completed the environmental review process, neither the recipient nor project participant may commit non-HUD funds or undertake an activity if that action would have an adverse environmental impact or limit the choice of reasonable alternatives. For the purposes of the environmental review process, “**commitment of funds**” includes:

- Execution of a legally binding agreement (such as a property purchase or construction contract) or expenditure of federal funds;
- Use of non-federal funds on actions that would have an adverse impact--- e.g., demolition, dredging, filling and excavating.

Use of non-federal funds on actions that would be “choice limiting” such as, undertaking bids for construction or demolition, acquisition of real property; leasing property; rehabilitation, demolition, construction of buildings or structures; relocating buildings or structures, conversion of land or buildings/structures.

NO BIDDING FOR CONSTRUCTION PRIOR TO THE RELEASE OF FUNDS. UNTIL AFTER FULL ENVIRONMENTAL CLEARANCE HAS BEEN ISSUED.

CLASSIFYING THE ACTIVITY

To begin the environmental review process, the responsible entity must first determine the environmental classification of each activity in the project. This section will focus upon the five environmental classifications that are recognized under 24 CFR 58.

- Exempt
- Categorically Excluded Not Subject To Part 58.5
- Categorically Excluded Subject To Part 58.5
- Environmental Assessment (EA)
- Environmental Impact Statement (EIS)

The environmental regulations at 24 CFR Part 58.32 requires the responsible entity to “*group together and evaluate as a single project all individual activities which are related geographically or functionally.*” Once this has been done, the responsible entity must decide if the project is exempt, categorically excluded, or the project requires an environmental assessment or an environmental impact statement. If one activity in a project requires an assessment, then the entire project must be assessed.

The grantee must maintain a written record of the environmental review undertaken for each project. This document shall be designated the Environmental Review Record (ERR) and shall contain all original documents, public notices, and written determinations issued during the environmental review process. The ERR must be available for public review at the local municipalities office.

EXEMPT ACTIVITIES

The only tasks that may be undertaken prior to completing the environmental review are administrative activities, feasibility and engineering studies, outreach, and planning activities. These do not affect the human and physical environment and are exempted under Section 58.34 of 24 CFR Part 58. Written documentation of the decision made that an activity is exempt under Section 58.34, excluded under Section 58.35(b) and 58.6 must be included in the Environmental Review Record discussed below. Exempt activities include:

- Environmental and other studies, resource identification and development of plans and strategies;
- Information and financial services;
- Administrative and management services;
- Inspections and testing of properties for hazards or defects;
- 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 recreation needs;
- Purchase of insurance
- Purchase of tools;
- Engineering or design costs;
- Technical assistance and training;
- Assistance for temporary or permanent improvements that do not alter the 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;
- Payment of principal and interest on loans made or obligations guaranteed by HUD;
- 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 24 CFR 58.5.

CATEGORICALLY EXCLUDED NOT SUBJECT TO 58.5

When a project consists solely of activities listed in this section, the recipient does not have to publish the Notice of Intent to Request Release of Funds (NOI/RROF) or execute the certification that is a part of that document. The recipient must however, complete the Categorical Exclusion not subject to 58.5 (included in the attachments to this policy guide) and submit a copy to CSD Compliance Bureau for review and approval. The following activities listed at 24 CFR Part 58.35(b), have been determined to be Categorically Excluded from NEPA requirements and not subject to Section 58.5 compliance determinations.

- Tenant based rental assistance;
- Supportive services including but not limited to health care, housing services, permanent housing placement, short term payments for rent/mortgage/utility costs, and assistance in gaining access to local, state and Federal government services and services;
- Operating costs including maintenance, security, operation, utilities, furnishings, equipment, supplies, staff training, recruitment, and other incidental costs; *Although these activities are not subject to 58.5, the recipient must demonstrate that the activities will not be located in a runway clear zone or coastal barrier island, as required by 58.6.*
- 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;
- Activities to assist homeownership of existing dwelling units or dwelling units under construction, including closing costs and down payment assistance to home buyers, interest buy downs, and similar activities that result in the transfer of title to a property; and
- Affordable housing predevelopment 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.
- Approval of supplemental assistance (including insurance or guarantee) to a project previously approved, if the approval is made by the same responsible entity that conducted the environmental review on the original project and reevaluation of the environmental findings is not required under Sec. 58.47.

To prepare the environmental review for categorically excluded activities NOT subject to 58.5, the funding recipient must demonstrate compliance with 24 CFR 58.6 airport runway clear zone and clear zone disclosures, coastal barrier resource act and flood disaster protection act.

CATEGORICALLY EXCLUDED SUBJECT TO 58.5

The list of Categorically Excluded activities is found at 24 CFR Part 58.35 of the environmental regulations. While the activities listed in 58.35(a) are categorically excluded from National Environmental Protection Act (NEPA) requirements, the recipient must determine whether or not compliance with the Federal laws, authorities and Executive Orders listed in Sec. 58.5 are invoked by project activities. These determinations should be based upon written documentation from the consulting agency.

The following are Categorically Excluded activities subject to 58.5:

- 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.
- Special projects directed toward the removal of material and architectural barriers that restrict the mobility of and accessibility to elderly and disabled persons.
- Rehabilitation of buildings and improvements when the following conditions are met:
 - For single family (one to four units) residential buildings:
 - ✓ Unit 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 multi-family residential structures:
 - ✓ Unit density is not changed more than 20 percent;
 - ✓ The project does not involve changes in land use from residential to non-residential; and
 - ✓ The estimated costs of rehabilitation is less than 75 percent of the total estimated replacement cost after rehabilitation.
 - For 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, e.g. from commercial to industrial, from non-residential to residential, or from one industrial use to another.
- An individual action (e.g., acquisition, demolition, construction, disposition, refinancing, development) on up to four dwelling units where there is a maximum four units on any one site. The units can be four one-unit buildings or one four-unit building or any combination in between;

- 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;
- 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.
- Combinations of the above activities

The Environmental Officer must list all of the activities associated with the project, review the information contained within this policy guide and match each activity to the appropriate classification. Occasionally projects funded under the CDBG program entail more than one activity, an example is listed below.

***For example:** a new wastewater treatment plant project would have both administrative and construction related activities. The administrative activities would be considered exempt whereas the construction related activities would require an environmental assessment, or possibly an environmental impact statement.*

Regardless of the number of activities associated with a project, a single environmental review is required. Aggregating related activities ensures the recipient adequately addresses and analyzes the separate and combined impacts of a proposed project.

ENVIRONMENTAL ASSESSMENT 58.36

Activities which are neither exempt nor categorically excluded (under either category) will require an environmental assessment documenting compliance with NEPA and with the environmental requirements of other Federal laws.

The responsible entity must be aware that if a project consists of several activities that by themselves would fall under various levels as outlined above, the responsible entity must conduct an environmental assessment on the entire project.

ENVIRONMENTAL IMPACT STATEMENT ASSESSMENT 58.36

An Environmental Impact Statement (EIS) is required when a project is determined to have a potentially significant impact on the environment. Consult with the Compliance Bureau if an EIS is anticipated.

TIERED ENVIRONMENTAL REVIEWS

Purpose

The purpose of this guidance is to advise HUD staff and Responsible Entities (REs) on the appropriate use of tiering in environmental reviews. Tiering is a common source of confusion and noncompliance in HUD environmental reviews, as HUD and Responsible Entities' broad-level tiered reviews are frequently insufficient to comply with the National Environmental Policy Act (NEPA) and HUD's regulations at 24 CFR Part 50 and 24 CFR Part 58. Further, this confusion hinders the public's ability to understand and participate in the environmental review process. This document provides guidance on when and how to complete tiered environmental reviews to encourage a more consistent approach and greater compliance with NEPA and HUD's implementing regulations.

What is Tiering

When used appropriately, tiering, as defined in 40 CFR 1508.28, is a means of making the environmental review process more efficient by allowing parties to "eliminate repetitive discussions of the same issues and to focus on the actual issues ripe for decision at each level of environmental review" (40 CFR 1502.20). A tiered review consists of two stages: a broad-level review and subsequent site-specific reviews. The broad-level review should identify and evaluate the issues that can be fully addressed and resolved, notwithstanding possible limited knowledge of the project. In addition, it must establish the standards, constraints, and processes to be followed in the site-specific reviews. As individual sites are selected for review, the site-specific reviews evaluate the remaining issues based on the policies established in the broad-level review. Together, the broad-level review and all site-specific reviews will collectively comprise a complete environmental review addressing all required elements. Funds cannot be spent or committed on a specific site or activity until both the broad-level review and the site-specific review have been completed for the site.

When to Use Tiering

Tiering is a specialized form of conducting environmental reviews and is not appropriate for all activities, funding sources, or grantees. However, using tiering may increase efficiency when at the planning level HUD or the RE does not yet fully know the specific timing, location, or environmental impacts. For HUD environmental reviews, tiering may be appropriate when HUD or the RE is evaluating a collection of projects that would fund the same or very similar activities repeatedly within a defined local geographic area and timeframe (e.g., rehabilitating many single family homes within a city district or neighborhood over the course of 1 to 5 years) but where the specific sites and activities are not yet known.

When Not to Use Tiering

There are many situations in which environmental reviews should not be tiered. Tiering should not be used to review an entire funding source or HUD program unless all tiered activities are sufficiently alike to make a tiered review meaningful and effective. Tiering is also not appropriate for projects where specific locations have been identified, and for which the development of site-specific reviews is feasible.³ Finally, the RE must have the capacity to perform and maintain a complete environmental review record over a prolonged period before attempting to perform a tiered review.

Defining the Project

As with every environmental review, a tiered review must open with a complete and clear project description that defines the maximum anticipated scope of the project as specifically as possible. The broad-level review must start with a project description that communicates the scale of the project, including the type of activities, all proposed funding sources, maximum number of units (where applicable), average cost per unit, clearly defined geographic range (e.g. neighborhood or block group), and length of time considered by the review. Without a sufficient project description, environmental conditions and impacts cannot be accurately evaluated.

Broad-Level Reviews

The purpose of the broad-level review is to address those issues that are ripe for decision and define the procedures to be used at the site-specific level for those that are not. A good broad-level review addresses general concerns and issues and provides the basis for decisions to be made at the site-specific level (e.g., areas where activities can and cannot be conducted and mitigation measures that will be required).

At the broad level, HUD or the RE must consider each of the environmental laws and authorities that require compliance, depending on the level of review. If the full scope of the project including all potential activities can be determined to comply with an environmental law, authority or factor, then that particular compliance topic can be resolved at the broad level. For example, if the entire project area considered by the review is outside of the floodplain and in a county without a coastline, then the broad-level review may find that the project complies with the Coastal Barrier Resources Act, the Coastal Zone Management Act, the Flood Disaster Protection Act, and Executive Order 11988 on Floodplain Management (EO 11988).

Where compliance cannot be determined, the broad-level review must define a protocol for how compliance will be achieved at the site-specific level. This protocol should not merely state that the factor will be addressed in the site-specific review; rather, the broad review must define a strategy including procedures to be followed to determine compliance, mitigate impacts where possible, and dismiss sites that cannot be made compliant. For example, if a broad-level review covers an area that is partially in the Coastal Zone and considers activities that could impact the Coastal Zone, a determination cannot be made at the broad level that the project is in compliance with the Coastal Zone Management Act. In that case, the broad-level review would establish the procedures to be followed to determine whether each specific site is in the Coastal Zone and, if so, how determinations of compliance and any necessary consultation with the State Coastal Management Agency will proceed.

Alternatively, it could define a policy that the broad-level review will not apply to projects in the Coastal Zone; in this case, any sites identified in the Coastal Zone would require a separate environmental review.

The requirements depend on the level of review. Tiered reviews that are Categorically Excluded Subject to Section 58.5 (CEST) must include an analysis of all of the related laws and authorities listed in 24 CFR 58.5 and 58.6. Environmental Assessments (EAs) must also consider the full range of factors and analysis that would normally go into an EA.⁴ It is especially important to have a clearly defined protocol to be followed at the site-specific level when completing EAs, as tiered EAs must contain detail and limitations sufficient to reach a Finding of No Significant Impact (FONSI). A FONSI cannot be made unless there are procedures in place to ensure that no activities covered by the tiered review will have significant impacts.

Clear public notice is crucial for tiered reviews, as the public must understand the nature and scope of anticipated projects in order to understand the potential impacts. Public notification requirements are often left unmet for tiered reviews because public notices are not sufficiently clear about the scope, magnitude or location of the proposal. Therefore, the public notice must provide a plain language project description that communicates the scope of the proposal.

Site-Specific Reviews

When the site of an individual project is identified, HUD or the RE must complete the site-specific review. A site-specific review must be completed prior to committing HUD funds to the project. This review should not repeat the completed analysis and decisions, but should concentrate on the issues that were not resolved in the broad-level review (see 40 CFR 1508.28). Using the protocols established at the broad level, the site-specific review must determine and document the project's adherence to all established protocols and remaining requirements as defined in the broad-level review.

In cases where a particular site-specific activity does not conform to the limits established in the broad-level review, the broad-level review cannot be employed for that site. For example, sites that are outside the defined geographic boundaries, do not fit within the defined protocols for a particular law or authority, or involve activities that are not part of the project description for the broad-level review will require a new environmental review, separate from the tiered review.

Environmental Review Record for Tiered Reviews

Maintaining an organized environmental review record is especially important with regard to tiered reviews, as tiered environmental review records are not complete without both the broad-level and site-specific tiered reviews. All site-specific reviews must identify the corresponding broad-level review and should be filed together. Failure to maintain documentation of both a broad-level and a site-specific review for each project is a major cause of HUD non-compliance findings that often results in penalties and sanctions, including the repayment of funds.

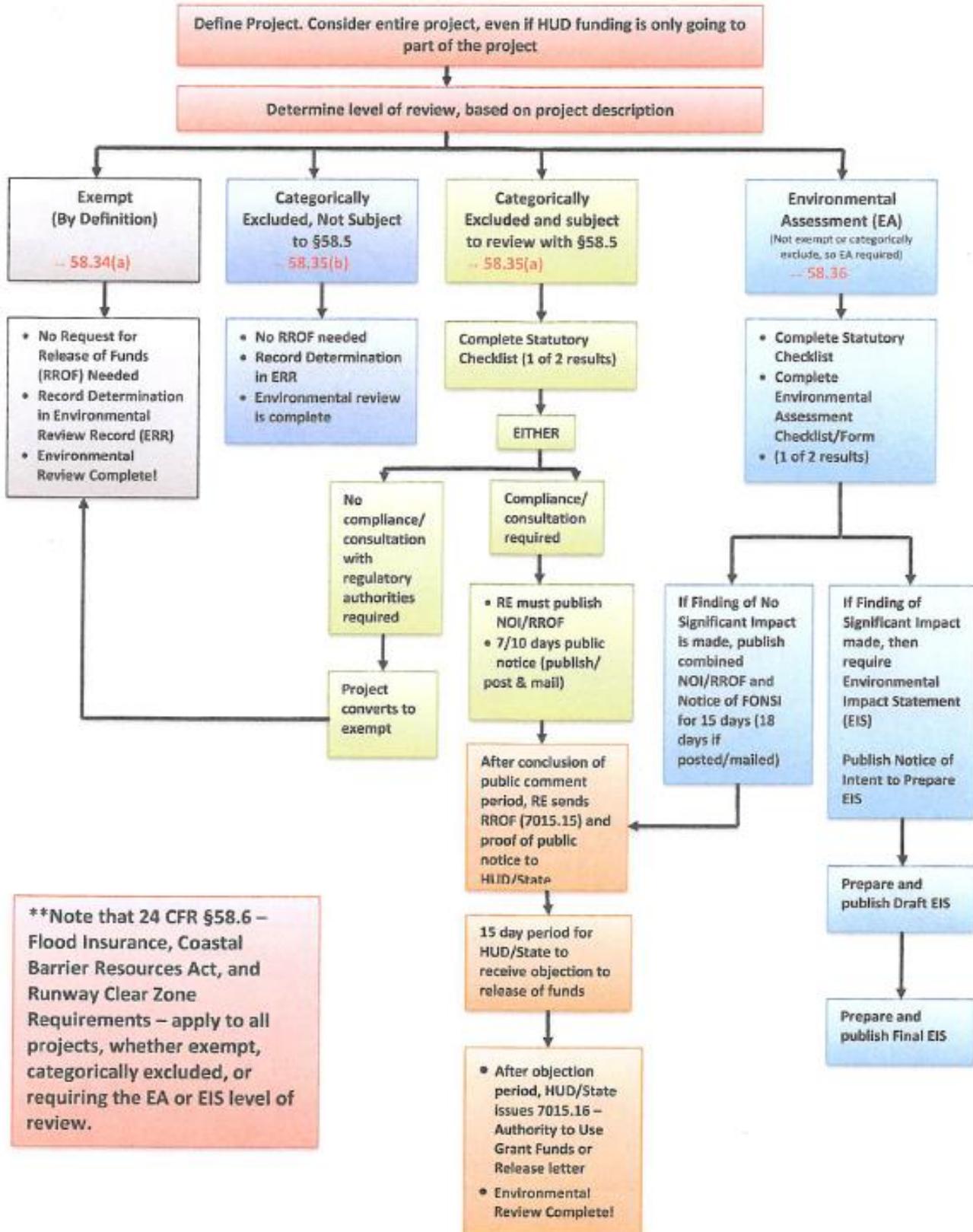
CLASSIFICATION OF ACTIVITIES TABLE

The following table has been developed to assist with the classification of activities. However, the funding recipient is advised to read the regulations listed under the exempt, categorically excluded (“subject to” or “not subject to” Sec. 58.5) 58.6 and environmental assessment (EA) activity sections of this notice for more detail.

Acquisition/Disposition	Categorically Excluded Subject to Sec. 58.5
Clearance (Demolition)	Categorically Excluded Subject to Sec. 58.5 or Environmental Assessment
Water and Sewer Improvements	Categorically Excluded Subject to Sec. 58.5 or Environmental Assessment
Supplemental Assistance to a previously approved project	Categorical Excluded Not Subject to Sec. 58.5
Flood and Drainage Facilities Improvements	Categorically Excluded Subject to Sec. 58.5 or Environmental Assessment
Street Improvements	Categorically Excluded Subject to Sec. 58.5 or Environmental Assessment
Community Center/Facility: Rehabilitation Construction	Categorically Excluded Subject to Sec. 58.5 or Environmental Assessment Environmental Assessment
Parks, playground and other Recreational facilities – Improvements	Categorically Excluded Subject to Sec. 58.5 or Environmental Assessment
Neighborhood facilities: Rehabilitation Construction	Categorically Excluded Subject to Sec. 58.5 or Environmental Assessment Environmental Assessment
Fire protection Facilities: Rehabilitation	Categorically Excluded Subject to Sec. 58.5 or Environmental Assessment

Construction	Environmental Assessment
Public utilities, other than Water or Sewer Facilities--Improvements	Environmental Assessment
Parking Facilities: Rehabilitation	Categorically Excluded Subject to Sec. 58.5 or Environmental Assessment
Construction	Environmental Assessment
Rehabilitation – Residential	Categorically Excluded Subject to Sec. 58.5 or Environmental Assessment
Rehabilitation – Commercial	Categorically Excluded Subject to Sec. 58.5 or Environmental Assessment
Planning and Technical Assistance	Exempt
General Administration	Exempt
Economic Development Assistance to For-Profit Entities (activities not associated with construction or expansion)	Categorically Excluded Not Subject to Sec. 58.5

Environmental Review Process (To Be Conducted by Responsible Entity)



CONDUCTING THE APPROPRIATE LEVEL OF REVIEW

To begin the Environmental Review Process, funding recipients must first determine the appropriate level of review for each project. The term “project” can be defined as an activity or group of activities geographically, functionally, or integrally related, regardless of funding source, to be undertaken by the recipient, sub recipient, or a public or private entity in whole or in part to accomplish a specific objective.

All Environmental Review Partners who assist with the environmental review process but may not legally take responsibility for completing an environmental review must use the Partner Worksheets below to submit information on a project’s compliance with federal environmental laws and authorities. **The partner worksheets are designed to assist the Certifying Officer and the Environmental Officer in determining the correct level of review for the federal funded projects.**

The worksheets included in the manual are required and should be submitted with all supporting documentation for all environmental reviews where the **Categorically Excluded Subject to (CEST) or Environmental Assessment (EA)** level of review has been determined by the Certifying Official. This section will focus upon the four levels of reviews that are recognized under the 24 CFR 58 and provide the following steps for the Environmental Process. The four levels of reviews are as follows:

- Exempt Activities
- Categorically Exclude Activities
- Environmental Assessment (EA) Activities
- Environmental Impact Statement (EIS) Activities

EXEMPT PROJECTS

To complete the level of review for exempt projects, if a project is determined to be exempt the responsible entity is required to document in writing that the project is exempt and meets the conditions for exemption. The Certifying Official should:

1. **Complete the Project Information Worksheet and the Environmental Review for Activity/Project that is Exempt or Categorically Excluded Not Subject to Section 58.5 Partner Worksheet.**
2. The forms must be signed by the certifying official were noted.
3. This document should be included in the Environmental Review Recorded File to document all exempt activities.

CATEGORICALLY EXCLUDED PROJECTS NOT SUBJECT TO PART 58.5

To complete the level of review for Categorically Excluded projects not Subject to 24 CFR Part 58.5, the responsible entity is required to document in writing that the project is Categorically Excluded Not Subject to Part 58.5. The Certifying Official should:

1. **Complete the Project Information Worksheet and the Environmental Review for Activity/Project that is Exempt or Categorically Excluded Not Subject to Section 58.5 Partner Worksheet**
2. The form must be signed by the certifying official and a copy sent to the CSD for review
3. This document should be included in the Environmental Review Recorded File to document all Categorically Excluded Not Subject To Activities.

Environmental Review Project Information

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

Project Information

**Required fields are marked with an asterisk.*

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

***Applicant/Grant Recipient:** [Click here to enter text.](#)

***Point of Contact:** [Click here to enter text.](#)

Consultant (if applicable): [Click here to enter text.](#)

Point of Contact (if applicable): [Click here to enter text.](#)

****HUD Program Information***

Add as many rows as necessary to include all sources of HUD assistance.

Grant or Project Number	HUD Program (e.g. CDBG, 223(f) Refinance, Public Housing Capital Fund, RAD)

***Estimated Total HUD Funded, Assisted, or Insured Amount:** [Click here to enter text.](#)

***Estimated Total Project Cost** (HUD and non-HUD funds): [Click here to enter text.](#)

***Project Location:**

Provide a street address or intersection for your project. Provide additional information on the project located beyond the address as necessary for the scope of the project in a narrative in the provided textbox. For example, any new construction and projects affecting a larger area may require more context than simply a street address. If the project affects a large area, such as an infrastructure or community services project, select a representative address and describe the project location.

[Click here to enter text.](#)

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

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

[Click here to enter text.](#)

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

- Yes
- No

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

Record the compliance or conformance determinations for each statute, executive order, or regulation using the Related Law and Authority Worksheets Provide credible, traceable, and supportive source documentation for each authority. Attach all Partner worksheets as well as additional documentation as appropriate.

**ENVIRONMENTAL REVIEW FOR ACTIVITY/PROJECT THAT IS EXEMPT OR
CATEGORICALLY EXCLUDED NOT SUBJECT TO SECTION 58.5 PURSUANT TO
24 CFR PART 58.34(A) AND 58.35(B)**

Project Information

Project Name:

Responsible Entity:

Grant Recipient (if different than Responsible Entity):

State/Local Identifier:

Preparer:

Certifying Officer Name and Title:

Consultant (if applicable):

Project Location:

Description of the Proposed Project [24 CFR 58.32; 40 CFR 1508.25]:

Level of Environmental Review Determination:

Activity/Project is Exempt per 24 CFR 58.34(a): _____

Activity/Project is Categorically Excluded Not Subject To §58.5 per 24 CFR 58.35(b):

Funding Information

Grant Number	HUD Program	Funding Amount

Estimated Total HUD Funded Amount:

This project anticipates the use of funds or assistance from another Federal agency in addition to HUD in the form of (if applicable):

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

Compliance with 24 CFR §50.4 and §58.6 Laws and Authorities

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

Compliance Factors: Statutes, Executive Orders, and Regulations listed at 24 CFR 50.4 and 58.6	Are formal compliance steps or mitigation required?	Compliance determinations
STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR §58.6		
Airport Runway Clear Zones and Accident Potential Zones 24 CFR Part 51 Subpart D	Yes No <input type="checkbox"/> <input type="checkbox"/>	
Coastal Barrier Resources Coastal Barrier Resources Act, as amended by the Coastal Barrier Improvement Act of 1990 [16 USC 3501]	Yes No <input type="checkbox"/> <input type="checkbox"/>	
Flood Insurance Flood Disaster Protection Act of 1973 and National Flood Insurance Reform Act of 1994 [42 USC 4001-4128 and 42 USC 5154a]	Yes No <input type="checkbox"/> <input type="checkbox"/>	

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

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

Law, Authority, or Factor	Mitigation Measure

Preparer Signature: _____ Date: _____

Name/Title/Organization: _____

Responsible Entity Agency Official Signature:

_____ Date: _____

Name/Title: _____

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

CATEGORICALLY EXCLUDED PROJECTS SUBJECT TO 24 CFR PART 58.5

To complete the level of review for Categorically Excluded Projects Subject to (CEST) 24 CFR Part 58.5, the responsible entity is required to document in writing that the project is (CEST). The Certifying Official should:

1. Complete the **Project Information Worksheet and the Environmental Review for Activity/Project that is Categorically Excluded Subject to Section 58.5 Partner Worksheet**
2. The form must be completed and signed by the certifying official were noted and a copy sent to the CSD for review as part of the Environmental Review Record File.
3. If the CEST project converts to Exempt, per 58.34(a)(12) because there are no circumstances which require compliance with any of the federal laws and authorities cited at §58.5. **Funds may be committed and drawn down after certification of this part** for this (now) EXEMPT project.
4. If the CEST activity/project cannot convert to Exempt because there are circumstances which require compliance with one or more federal laws and authorities cited at §58.5. Complete consultation/mitigation protocol requirements, **publish** a Notice of Intent to Request a Release of Funds (NOI/RROF) and obtain **“Request for Release of Funds (HUD 7015.16) per Section 58.70 and 58.71 before committing or drawing down any funds.**
5. If the determination is made that the project is now subject to a full Environmental Assessment according to Part 58 Subpart E due to extraordinary circumstances (Section 58.35(c)), the Certifying Official must complete the EA requirements.

**Environmental Review For Activity/Project That Is Categorically Excluded Subject To
Section 58.5 Pursuant To 24 CFR 58.35(A)**

Project Information

Project Name:

Responsible Entity:

Grant Recipient (if different than Responsible Entity):

State/Local Identifier:

Preparer:

Certifying Officer Name and Title:

Grant Recipient (if different than Responsible Entity):

Consultant (if applicable):

Direct Comments to:

Project Location:

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

Level of Environmental Review Determination:

Categorically Excluded per 24 CFR 58.35(a), and subject to laws and authorities at §58.5: _____

Funding Information

Grant Number	HUD Program	Funding Amount

Estimated Total HUD Funded Amount:

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

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

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

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

Endangered Species Endangered Species Act of 1973, particularly section 7; 50 CFR Part 402	Yes No <input type="checkbox"/> <input type="checkbox"/>	
Explosive and Flammable Hazards 24 CFR Part 51 Subpart C	Yes No <input type="checkbox"/> <input type="checkbox"/>	
Farmlands Protection Farmland Protection Policy Act of 1981, particularly sections 1504(b) and 1541; 7 CFR Part 658	Yes No <input type="checkbox"/> <input type="checkbox"/>	
Floodplain Management Executive Order 11988, particularly section 2(a); 24 CFR Part 55	Yes No <input type="checkbox"/> <input type="checkbox"/>	
Historic Preservation National Historic Preservation Act of 1966, particularly sections 106 and 110; 36 CFR Part 800	Yes No <input type="checkbox"/> <input type="checkbox"/>	
Noise Abatement and Control Noise Control Act of 1972, as amended by the Quiet Communities Act of 1978; 24 CFR Part 51 Subpart B	Yes No <input type="checkbox"/> <input type="checkbox"/>	
Sole Source Aquifers Safe Drinking Water Act of 1974, as amended, particularly section 1424(e); 40 CFR Part 149	Yes No <input type="checkbox"/> <input type="checkbox"/>	
Wetlands Protection Executive Order 11990, particularly sections 2 and 5	Yes No <input type="checkbox"/> <input type="checkbox"/>	
Wild and Scenic Rivers Wild and Scenic Rivers Act of 1968, particularly section 7(b) and (c)	Yes No <input type="checkbox"/> <input type="checkbox"/>	
ENVIRONMENTAL JUSTICE		
Environmental Justice Executive Order 12898	Yes No <input type="checkbox"/> <input type="checkbox"/>	

Field Inspection (Date and completed by):

Summary of Findings and Conclusions:

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

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

Law, Authority, or Factor	Mitigation Measure

Determination:

- This categorically excluded activity/project converts to Exempt, per 58.34(a)(12) because there are no circumstances which require compliance with any of the federal laws and authorities cited at §58.5. **Funds may be committed and drawn down after certification of this part** for this (now) EXEMPT project; OR
- This categorically excluded activity/project cannot convert to Exempt because there are circumstances which require compliance with one or more federal laws and authorities cited at §58.5. Complete consultation/mitigation protocol requirements, **publish NOI/RROF and obtain “Authority to Use Grant Funds”** (HUD 7015.16) per Section 58.70 and 58.71 before committing or drawing down any funds; OR
- This project is now subject to a full Environmental Assessment according to Part 58 Subpart E due to extraordinary circumstances (Section 58.35(c)).

Preparer Signature: _____ Date: _____

Name/Title/Organization: _____

Responsible Entity Agency Official Signature: _____ Date: _____

Name/Title: _____

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

CATEGORICAL EXCLUDED SUBJECT TO (CEST)
PUBLIC NOTICE REQUIREMENTS

The **CEST** level of review requires a Public Notice and after all required public and agency comment periods have expired and all environmental issues are resolved, the Certifying Officer must provide a notice of its intent to request MDA to release their funds.

The notice informs the public of the intention to request release of funds at least seven days after the date of publication. The notice also says that the funding agency will receive objections for at least 15 days following receipt of the request. In an effort to ensure compliance with the CEST public notice Requirement, the Certify Official must adhere to the following:

1. **The NOI/RROF must be published in a newspaper of general circulation.** The grantee must retain the “tear sheet” from the newspaper evidencing that the notice was published and on what date along with the newspaper’s affidavit certification.
2. The grantee must also send a copy of the notice (NOI/RROF) to interested parties (i.e., persons and entities that have commented on the environmental process or that have requested to be notified of environmental activities), local news media, appropriate local, state and Federal agencies, the regional Environmental Protection Agency (EPA) and to CSD.

TIP: All time periods for notices shall be counted in calendar days. The first day of a time period begins at 12:01 a.m. local time on the day following the publication of the notice.

3. After the seven (7) day comment period has elapsed, the responsible entity must prepare and submit the actual Request for Release of Funds and Environmental Certification and attachments to MDA. The Environmental Certification certifies that the RE is compliance with all the environmental review requirements.
4. At the completion of the review, check the ERR to ensure that it contains the following documents although not inclusive:
 - Finding of Categorical Exclusion (and Finding of Exemption, if applicable) worksheets and supporting documents;
 - Correspondence with the SHPO (and documentation of mitigating measures, if applicable);
 - Floodplain notices and documentation of alternatives considered, if applicable;
 - Full tear sheet from newspaper with Notice of Intent to Request Release of Funds; and
 - Request for approval of evidentiary materials and release of funds, environmental certification and related correspondence.

ENVIRONMENTAL ASSESSMENT PROJECTS

If a project is not Exempt (24 CFR Part 58.34) or Categorically Excluded (24 CFR Part 58.35), the responsible entity must prepare a full Environmental Assessment Review in accordance with subpart E of this part. Therefore, the Environmental Assessment Factors and Analysis must be conducted to determine if a full Environmental Assessment is should be conducted.

It should also be noted that if a project consists of several activities, some of which are categorically excluded and some which require an environmental assessment, the recipient must aggregate the related activities and conduct an environmental assessment on the entire project. The responsible entity must take the following steps to complete environmental requirements for projects requiring an environmental assessment:

1. **Complete the Environmental Assessment Factors and Analysis Worksheet.** If determined that an Environmental Assessment is to be conducted; If an EA is required;
2. **Complete the Project Information Worksheet** and Follow the instructions for **Environmental Assessment Determinations and Compliance Findings for HUD - assisted Projects 24 CFR Part 58 Worksheet** (**This worksheet replaces the HUD Format II**)
3. Prepare a project map showing the **specific** location of proposed activities in relation to major landmarks in the area.
4. Send a detailed description and maps to the agencies indicated on the Agency Contact List (found in this policy guide). Describe how the activity will be carried out (e.g., stream crossing, road bores, new construction, slip line existing pipes, etc.). Provide topographical, USGS, National Wetlands Inventory, Aerial photos, road map, or other maps which precisely locate the project in relation to environmental features.
5. Provide a copy of any source documentation related to their applicable environmental concern. **Advise the agency of your preliminary findings** and request the agency to provide a written determination of any potential project impacts. Allow approximately at least four business weeks for a response.
6. Reach a level of clearance finding indicating that the project is or is not an action likely to have a significant impact on the environment.
7. The Certifying Officer (see 24 CFR Part 58.13 of the regulations) should execute the Environmental Assessment Factors and Analysis Worksheet and Environmental Assessment Determinations and Compliance Findings for HUD -assisted Projects 24 CFR Part 58 prior to the recipient issuing the Notice of Finding of No Significant Impact (FONSI) published in the newspaper.

8. Prepare the Combined Notice of Finding of No Significant Impact (FONSI), Intent to Request Release of Funds (NOI/RROF) for publication in a newspaper of general circulation serving the jurisdiction. Remember to correctly state the significant dates that will occur. The FONSI/NOI-RROF Combined Notice has a fifteen-day comment period if published. The date of publication is NEVER counted when computing time periods.
9. Once the comment period has expired, the recipient may submit the ERR a Request for Release of Funds and Certification to the CSD Compliance Bureau for review. CSD Compliance Bureau then has fifteen days from the time of receipt of the Request or from the time specified in the Notice, whichever is later to receive objections to release of funds.
10. Place the original documents, as well as printer's affidavits of newspaper notices in the ERR.

Environmental Assessment Factors and Analysis

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

Complete this form only if an Environmental Assessment¹ is anticipated.

**Environmental Assessment Factors* [Ref. 40 CFR 1508.8 &1508.27]

In the table below, describe the effects of the proposal on the character, features and resources of the project area. Evaluate and document each factor as appropriate and in proportion to its relevance to the proposed action. Provide credible, traceable, and supportive source documentation as appropriate. Identify any conditions, attenuation, or mitigation measures.

Environmental Assessment Factor	Impact Evaluation
LAND DEVELOPMENT	
Conformance with Plans / Compatible Land Use and Zoning / Scale and Urban Design	
Soil Suitability/ Slope/ Erosion/ Drainage/ Storm Water Runoff	
Hazards and Nuisances including Site Safety and Noise	
Energy Consumption	
SOCIOECONOMIC	
Employment and Income Patterns	
Demographic Character Changes, Displacement	
COMMUNITY FACILITIES AND SERVICES	
Educational and Cultural Facilities	
Commercial Facilities	
Health Care and Social Services	
Solid Waste Disposal / Recycling	

¹ Environmental Assessments are required for projects that are not categorically excluded under 24 CFR 50.19-50.20 or 24 CFR 58.34-58.35. These are typically required for larger projects including new construction, major rehabilitation, or conversion. The responsible entity (for Part 58 reviews) or HUD (for Part 50 reviews) will determine the level of review for the proposed project. Projects that are categorically excluded or exempt from the National Environmental Policy Act need not complete any of this form from Environmental Assessment Factors on.

Waste Water / Sanitary Sewers	
Water Supply	
Public Safety - Police, Fire and Emergency Medical	
Parks, Open Space and Recreation	
Transportation and Accessibility	
NATURAL FEATURES	
Unique Natural Features, Water Resources	
Vegetation, Wildlife	
Other Factors	

***Statement of Purpose and Need for the Proposal [40 CFR 1508.9(b)]:**

The underlying purpose and need to which the agency is responding in proposing the action and its alternatives. Describe how the proposed action is intended to address housing and/or community development needs.

Click here to enter text.

***Existing Conditions and Trends:**

Determine existing conditions and describe the character, features, and resources of the project area and its surroundings; identify the trends that are likely to continue in the absence of the project.

Click here to enter text.

***Cumulative Impact Analysis:**

Identify below the cumulative impact on the environment that will result from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (federal or non-federal) or person undertakes such actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over time.

Click here to enter text.

Alternatives:

Identify below other reasonable courses of action that were considered and not selected, such as other sites, design modifications, or other uses of the subject site. Include the benefits and adverse impacts to the environment of each alternative, and the reasons (e.g., economic, engineering, or others) for rejecting it.

Click here to enter text.

***No Action Alternative:**

Identify below the "no action" alternative, describing the most likely conditions expected to exist in the future in the absence of the implementation of any action.

Click here to enter text.

Additional Studies Performed:

Click here to enter text.

Field Inspection (Date and completed by):

Click here to enter text.

List of Sources, Agencies and Persons Consulted:

Click here to enter text.

List of Permits Obtained:

Provide a list of permits, reviews, and approvals that are required for project construction.

Click here to enter text.

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

Project Information

Project Name:

Responsible Entity:

Grant Recipient (if different than Responsible Entity):

State/Local Identifier:

Preparer:

Certifying Officer Name and Title:

Grant Recipient (if different than Responsible Entity):

Consultant (if applicable):

Direct Comments to:

Project Location:

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

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

Existing Conditions and Trends [24 CFR 58.40(a)]:

Funding Information

Grant Number	HUD Program	Funding Amount

Estimated Total HUD Funded Amount:

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

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

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

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

<p>Contamination and Toxic Substances</p> <p>24 CFR Part 50.3(i) & 58.5(i)(2)</p>	<p>Yes No</p> <p><input type="checkbox"/> <input type="checkbox"/></p>	
<p>Endangered Species</p> <p>Endangered Species Act of 1973, particularly section 7; 50 CFR Part 402</p>	<p>Yes No</p> <p><input type="checkbox"/> <input type="checkbox"/></p>	
<p>Explosive and Flammable Hazards</p> <p>24 CFR Part 51 Subpart C</p>	<p>Yes No</p> <p><input type="checkbox"/> <input type="checkbox"/></p>	
<p>Farmlands Protection</p> <p>Farmland Protection Policy Act of 1981, particularly sections 1504(b) and 1541; 7 CFR Part 658</p>	<p>Yes No</p> <p><input type="checkbox"/> <input type="checkbox"/></p>	
<p>Floodplain Management</p> <p>Executive Order 11988, particularly section 2(a); 24 CFR Part 55</p>	<p>Yes No</p> <p><input type="checkbox"/> <input type="checkbox"/></p>	
<p>Historic Preservation</p> <p>National Historic Preservation Act of 1966, particularly sections 106 and 110; 36 CFR Part 800</p>	<p>Yes No</p> <p><input type="checkbox"/> <input type="checkbox"/></p>	
<p>Noise Abatement and Control</p> <p>Noise Control Act of 1972, as amended by the Quiet Communities Act of 1978; 24 CFR Part 51 Subpart B</p>	<p>Yes No</p> <p><input type="checkbox"/> <input type="checkbox"/></p>	
<p>Sole Source Aquifers</p> <p>Safe Drinking Water Act of 1974, as amended, particularly section 1424(e); 40 CFR Part 149</p>	<p>Yes No</p> <p><input type="checkbox"/> <input type="checkbox"/></p>	

Wetlands Protection Executive Order 11990, particularly sections 2 and 5	Yes No <input type="checkbox"/> <input type="checkbox"/>	
Wild and Scenic Rivers Wild and Scenic Rivers Act of 1968, particularly section 7(b) and (c)	Yes No <input type="checkbox"/> <input type="checkbox"/>	
ENVIRONMENTAL JUSTICE		
Environmental Justice Executive Order 12898	Yes No <input type="checkbox"/> <input type="checkbox"/>	

Environmental Assessment Factors [24 CFR 58.40; Ref. 40 CFR 1508.8 &1508.27] Recorded below is the qualitative and quantitative significance of the effects of the proposal on the character, features and resources of the project area. Each factor has been evaluated and documented, as appropriate and in proportion to its relevance to the proposed action. Verifiable source documentation has been provided and described in support of each determination, as appropriate. Credible, traceable and supportive source documentation for each authority has been provided. Where applicable, the necessary reviews or consultations have been completed and applicable permits of approvals have been obtained or noted. Citations, dates/names/titles of contacts, and page references are clear. Additional documentation is attached, as appropriate. **All conditions, attenuation or mitigation measures have been clearly identified.**

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

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

Environmental Assessment Factor	Impact Code	Impact Evaluation
LAND DEVELOPMENT		
Conformance with Plans / Compatible Land Use and Zoning / Scale and Urban Design		

Soil Suitability/ Slope/ Erosion/ Drainage/ Storm Water Runoff		
Hazards and Nuisances including Site Safety and Noise		
Energy Consumption		

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

Environmental Assessment Factor	Impact Code	Impact Evaluation
COMMUNITY FACILITIES AND SERVICES		
Educational and Cultural Facilities		
Commercial Facilities		
Health Care and Social Services		
Solid Waste Disposal / Recycling		
Waste Water / Sanitary Sewers		
Water Supply		

Public Safety - Police, Fire and Emergency Medical		
Parks, Open Space and Recreation		
Transportation and Accessibility		

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

Additional Studies Performed:

Field Inspection (Date and completed by):

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

List of Permits Obtained:

Public Outreach [24 CFR 50.23 & 58.43]:

Cumulative Impact Analysis [24 CFR 58.32]:

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

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

Summary of Findings and Conclusions:



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

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

Law, Authority, or Factor	Mitigation Measure

Determination:

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

Finding of Significant Impact [24 CFR 58.40(g)(2); 40 CFR 1508.27]
The project may significantly affect the quality of the human environment.

Preparer Signature: _____ Date: _____

Name/Title/Organization: _____

Certifying Officer Signature: _____ Date: _____

Name/Title: _____

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

ENVIRONMENTAL IMPACT STATEMENT PROJECTS

An Environmental Impact Statement (EIS) details the recipient's final analyses and conclusions, according to NEPA, related to potential significant environmental impact of the project. The Responsible Entity must follow prescribed steps in the course of preparation, filing and review of an Environmental Impact Statement (See 24 CFR 58, Subpart G, and 40 CFR 1500-1508). An EIS may be required when:

1. The project is so large that it triggers density thresholds, and commonsense suggests it may have a substantial environmental impact.
2. A Finding of Significant Impact (FOSI) is found as a result of completing an environmental assessment for the project.

Preparation of an EIS is mandatory if the project meets any of these requirements below:

- Any project to provide a site or sites for hospitals and nursing homes with a total of at least 2,500 beds.
- Any project to remove, destroy, convert, or substantially rehabilitate at least 2,500 existing housing units.
- Any project to construct, install or provide sites for at least 2,500 housing units.
- Any project to provide water and sewer capacity for at least 2,500 housing units.
- Any project that exceeds the 2,500-unit threshold for nonresidential housing construction.

If the sole reason for preparing an EIS is that a project will exceed one or more of the thresholds listed above, the recipient may prepare an environmental assessment (EA). In such cases, if the recipient makes a Finding of No Significant Impact (FONSI), the FONSI must be made available for public review for at least 30 days before the recipient makes a final determination about whether to prepare an EIS.

PLEASE CONTACT THE COMPLIANCE BUREAU IF YOU BELIEVE AN EIS IS REQUIRED FOR THE FUNDED PROJECT.

COMPLIANCE WITH 24 CFR 58.5 AND 58.6 LAWS AND AUTHORITIES

The responsible entity must certify that it has complied with the requirements that would apply to HUD under these laws and authorities and must consider the criteria, standards policies and regulation of these laws and authorities. The following information is designed to provide the necessary guidance to assist the responsibility entity with the compliance and documentation with the additional Laws and Authorities per 24 CFR 58.5 and 58.6.

Air Quality

Introduction

The Clean Air Act was implemented to remedy the damaging effects that bad air quality can have on human health and the environment. Although it is a federal act applied nationally, much of the work and planning is done at the state and local level to tailor air quality requirements to local needs. The Act was most recently revised in 1990, when major changes were enacted.

The Clean Air Act is administered by the U.S. Environmental Protection Agency (EPA), which sets National Ambient Air Quality Standards (NAAQS). These are limits on certain “criteria” air pollutants, including limits on how much of these pollutants can be in the air anywhere in the United States. Geographic areas that are in compliance with standards are called “attainment areas,” while areas that do not meet standards are called “nonattainment” areas. The location of areas designated by U.S. EPA as polluted under the Clean Air Act is documented in the U.S. EPA’s [**Green Book on Nonattainment Areas for Criteria Pollutants**](#)

In addition to the EPA, the Clean Air Act is administered by state, tribal, and local agencies, which are responsible for developing local solutions to air quality problems. States must develop State Implementation Plans (SIPs) to regulate their state air quality.

In order to show compliance with the NAAQS, projects funded by HUD must demonstrate that they conform to the appropriate SIP.

HUD Guidance

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

Federal projects must conform to Clean Air Act requirements if they may constitute a significant new source of air pollution. If your project does not involve new construction or conversion of land use as indicated above, it can be assumed that its emissions are below de minimis levels and the project is in compliance with the Act.

If so, is your project's county or air quality management district in nonattainment or maintenance status for any criteria pollutants?

Refer to the EPA's [Green Book on Nonattainment Areas for Criteria Pollutants](#) to determine the compliance status of the county or air quality management district where your project is located for each criteria pollutant.

If your project's county or air quality management district is in attainment status for all criteria pollutants, the project is in compliance with the Clean Air Act. Otherwise, determine which criteria pollutants are in nonattainment or maintenance status and proceed to step 3.

If so, do estimated emissions levels for your project exceed *de minimis* emissions levels for the nonattainment or maintenance level pollutants?

In a nonattainment or maintenance area, a conformity determination is required for each pollutant where the project's total direct and indirect emissions exceed *de minimis* levels. You can contact your Air Quality District for help with making this determination and to obtain documentation, or you may make the determination yourself by locating the applicable *de minimis* levels and estimating the levels of your project.

Refer to EPA's Conformity determination thresholds at [40 CFR 93.153](#) to determine the *de minimis* level for each nonattainment or maintenance level pollutant. Emissions modeling sites, such as www.caleemod.com, as well as EPA Conformity determination thresholds at [40 CFR 93.153](#) may assist with determining estimated emissions levels of your project. Again, you may also contact your Air Quality District for assistance. Correspondence from the Air Quality District may serve as documentation for purposes of this question.

If the project's estimated emissions levels are below *de minimis* levels for all nonattainment or maintenance pollutants, the project is in compliance with the Clean Air Act and no further action is required. Record all estimated emissions levels as well as all documents used to make your determination in the Environmental Review Record.

If the estimated emissions levels exceed *de minimis* levels, determine whether the project can be brought into compliance with the SIP through modification or mitigation.

If the project cannot be brought into compliance with the SIP, it cannot proceed as designed. **The Air Quality Partner Worksheet can assist the Certifying Official in determining Air Quality Compliance.**

Compliance and Documentation

The environmental review record should contain **one** of the following:

- A determination that the project does not include new construction or conversion of land use facilitating the development of public, commercial, or industrial facilities OR five or more dwelling units
- Documentation that the project's county or air quality management district is not in nonattainment or maintenance status for any criteria pollutants

- Evidence that estimated emissions levels for the project do not exceed *de minimis* emissions levels for the nonattainment or maintenance level pollutants
- A determination that the project can be brought into compliance with the State Implementation Plan (SIP) through modification or mitigation, including documentation on how the project can be brought into compliance.

Air Quality (CEST and EA) – PARTNER WORKSHEET
<https://www.hudexchange.info/environmental-review/air-quality>

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

Yes → *Continue to Question 2.*

No → *If the RE/HUD agrees with this recommendation, the review is in compliance with this section. Provide any documents used to make your determination.*

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

Follow the link below to determine compliance status of project county or air quality management district: <http://www.epa.gov/oaqps001/greenbk/>

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

→ *If the RE/HUD agrees with this recommendation, the review is in compliance with this section. Continue to the Worksheet Summary below. Provide any documents used to make your determination.*

Yes, project's management district or county is in non-attainment or maintenance status for one or more criteria pollutants. → *Continue to Question 3.*

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

No, the project will not exceed *de minimis* or threshold emissions levels or screening levels

→ *If the RE/HUD agrees with this recommendation, the review is in compliance with this section. Explain how you determined that the project would not exceed de minimis or threshold emissions.*

Yes, the project exceeds *de minimis* emissions levels or screening levels.

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

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

[Click here to enter text.](#)

Worksheet Summary

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

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

Include all documentation supporting your findings in your submission to HUD .

[Click here to enter text.](#)

Airport Hazards

Introduction

Some types of development are incompatible for locations in the immediate vicinity of airports and airfields. Potential aircraft accident problems pose a hazard to end users of these development projects. If the proposed project is located near an airport or in the immediate area of the landing and approach zones, additional information is necessary to determine whether this issue is a concern and if so, how to mitigate it.

It is HUD's policy to apply standards to prevent incompatible development around civil airports and military airfields. See **24 CFR 51, Subpart D**. The policies do not apply to research or demonstration projects which do not result in new construction or reconstruction, to interstate land sales registration, or to any action or emergency assistance which is provided to save lives, protect property, protect public health and safety, or remove debris and wreckage.

HUD Guidance

1. To ensure compatible land use development, you must determine your site's proximity to civil and military airports. **Is your project within 15,000 feet of a military airport or 2,500 feet of a civilian airport?**
2. **If so, is your project located within an Accident Potential Zone (APZ) or Runway Protection Zone/Clear Zone (RPZ/CZ)?**

- **Accident Potential Zone (APZ) - Does your project involve any of the following:** new construction; substantial rehabilitation; acquisition of undeveloped land; activities that would significantly prolong the physical or economic life of existing facilities or change the use of the facility to a use that is not consistent with the recommendations of the Department of Defense (DOD)'s Land Use Compatibility Guidelines; activities that would significantly increase the density or number of people at the site; or activities that would introduce explosive, flammable, or toxic materials to the area?

If so, is the project in conformance with [DOD guidelines](#)?

- **Runway Protection Zone/Clear Zone (RPZ/CZ) - Will this project involve any facilities that will be frequently used or occupied by people? If so, were written assurances from the airport operator obtained?**

If this project involves the acquisition or sale of an existing property that will be frequently used or occupied by people, you must provide written notice to the prospective buyer to inform them of the potential hazards from airplane accidents as well as the potential for the property to be purchased as part of an airport expansion project in accordance with 24 CFR 51.303(a)(3). (See [Sample Notice to Prospective Buyers](#).)

The written notice should inform the prospective property buyer of: (i) the potential hazards from airplane accidents, which are more likely to occur within clear zones than in other areas around the airport/airfield; and (ii) the potential acquisition by airport or airfield operators, who may wish to purchase the property at some point in the future as part of a clear zone acquisition program.

HUD assistance may not be used at this location if project involves new construction, substantial rehabilitation, acquisition of undeveloped land, or activities that would significantly prolong the physical or economic life of existing facilities that will be frequently used or occupied by people.

Compliance and Documentation

The environmental review record should contain **one** of the following:

- Documentation that the rule is not applicable to the proposed project (i.e., acquisition of an existing building, “minor” rehabilitation, or emergency action)
- A map showing the site is not within 15,000 feet of a military airport or within 2,500 feet of a civilian airport
- If within 15,000 feet of a military airport, a map showing the site is not within a designated APZ or a letter from the airport operator stating so
- If within 2,500 feet of a civilian airport, a map showing the site is not within a designated RPZ/CZ or a letter from the airport operator stating so
- If the site is in a designated APZ, documentation of consistency with DOD Land Use Compatibility Guidelines
- If the site is in a designated RPZ/CZ and the project does not involve any facilities that will be frequently used or occupied by people, and a determination of such and a written assurance from the airport operator that there are no plans to purchase the land as part of a RPZ/CZ program
- If the site is in a designated RPZ/CZ and the project involves the acquisition or sale of an existing property that will be frequently used or occupied by people, a copy of the notice to prospective buyers signed by the prospective buyer.

Airport Hazards (CEST and EA) – PARTNER

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

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

No → *If the RE/HUD agrees with this recommendation, the review is in compliance with this section. Continue to the Worksheet Summary below. Provide a map showing that the site is not within the applicable distances to a military or civilian airport.*

Yes → *Continue to Question 2.*

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

- Yes, project is in an APZ → *Continue to Question 3.*
- Yes, project is an RPZ/CZ → *Project cannot proceed at this location.*
- No, project is not within an APZ or RPZ/CZ

→ *If the RE/HUD agrees with this recommendation, the review is in compliance with this section. Continue to the Worksheet Summary below. Continue to the Worksheet Summary below. Provide a map showing that the site is not within either zone.*

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

- Yes, project is consistent with DOD guidelines without further action.
- *If the RE/HUD agrees with this recommendation, the review is in compliance with this section. Continue to the Worksheet Summary below. Provide any documentation supporting this determination.*

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

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

Click here to enter text.

→ *Work with the RE/HUD to develop mitigation measures. Continue to the Worksheet Summary below. Provide any documentation supporting this determination.*

Worksheet Summary

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

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

Include all documentation supporting your findings in your submission to HUD .

Click here to enter text.

Airport Runway Clear Zones (CENST) – PARTNER
<https://www.hudexchange.info/environmental-review/airport-hazards>

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

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

Yes → *Continue to Question 2.*

2. Is the project in the Runway Protection Zone/Clear Zone (RPZ/CZ)²?

No → *If the RE/HUD agrees with this recommendation, the review is in compliance with this section. Continue to the Worksheet Summary below. Provide a map showing that the site is not within either zone.*

Yes → *Written notice must be provided to prospective buyers to inform them of the potential hazards from airplane accidents as well as the potential for the property to be purchased as part of an airport expansion project. [A sample notice is available through the HUD Exchange.](#)*

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

Worksheet Summary

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

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

Include all documentation supporting your findings in your submission to HUD .

² Runway Protection Zone/Clear Zones are defined as areas immediately beyond the ends of runways. The standards are established by FAA regulations. The term in 24 CFR Part 51, Runway Clear Zones, was redefined in FAA's Airport Design Advisory Circular (AC) 150/5300-13 to refer to Runway Protection Zones for civil airports. See link above for additional information.

Coastal Barrier Resources

Introduction

The Coastal Barrier Resources Act (CBRA) of 1982 designated relatively undeveloped coastal barriers along the Atlantic and Gulf coasts as part of the John H. Chafee Coastal Barrier Resources System (CBRS) and made these areas ineligible for most new Federal expenditures and financial assistance. The Coastal Barrier Improvement Act (CBIA) of 1990 reauthorized the CBRA and expanded the CBRS to include undeveloped coastal barriers along the Florida Keys, Great Lakes, Puerto Rico, and U.S. Virgin Islands.

There are a total of 584 system units, encompassing approximately 1.3 million acres of land and associated aquatic habitat. The system units are generally comprised of private lands that were relatively undeveloped at the time of their designation within the CBRS. The boundaries of these units are generally intended to follow geomorphic, development, or cultural features.

The law encourages the conservation of hurricane-prone, biologically rich coastal barriers by restricting Federal expenditures that encourage development. HUD financial assistance may not be used for most activities in CBRS units.

HUD Guidance

Is the project located in a Coastal Barrier Resource System (CBRS) unit? With very limited exceptions, federal assistance is not allowed for projects in a CBRS unit. Federal monies can be spent within CBRS units only for certain exempted activities (e.g., a nature trail) after consultation with the FWS (see 16 USC 3505 for exceptions to limitations on expenditures).

Compliance and Documentation

The environmental review record should contain **one** 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 FWS or 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
- Approval of the project from the FWS, including all prior correspondence

Coastal Barrier Resources (CEST and EA) – PARTNER

<https://www.hudexchange.info/environmental-review/coastal-barrier-resources>

Projects located in the following states must complete this form.

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

1. Is the project located in a CBRS Unit?

- No → *If the RE/HUD agrees with this recommendation, the review is in compliance with this section. Continue to the Worksheet Summary below. Provide a map showing that the site is not within a CBRS Unit.*
- Yes → *Continue to 2.*

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

2. Indicate your recommended course of action for the RE/HUD

- Consultation with the FWS
- Cancel the project

Worksheet Summary

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

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

Include all documentation supporting your findings in your submission to HUD .

Coastal Zone Management

Introduction

Coastal resources and ecosystems are particularly vulnerable to the effects of urbanization. They encompass sensitive soils and vegetation as well as unique land forms like barrier reefs and wetlands that play an important part in the health and protection of upland areas.

The Coastal Zone Management Program (CZMP) is authorized by the Coastal Zone Management Act (CZMA) of 1972 (16 U.S.C. 1451 et seq) and administered at the federal level by the Coastal Programs Division within the National Oceanic and Atmospheric Administration's Office of Ocean and Coastal Resource Management (NOAA-OCRM). NOAA's Coastal Programs Division is responsible for advancing national coastal management objectives and maintaining and strengthening state and territorial coastal management capabilities. It supports states through financial assistance, mediation, technical services and information, and participation in priority state, regional, and local forums.

Federal assistance to applicant agencies for activities affecting any coastal use or resource is granted only when such activities are consistent with Federally approved state coastal zone management plans. Projects that can affect the coastal zone must be carried out in a manner consistent with the state coastal zone management program under Section 307(c) and (d) of the Act, as amended. For HUD policy, see [24 CFR 58.5\(c\)](#) or [24 CFR 50.4\(c\)\(2\)](#).

HUD Guidance

Does your state have a designated coastal zone? If so, is the project located in, or does it affect, a coastal zone as defined in the state's coastal management plan?

If so, does the project include activities that are subject to state review? Refer to your state Coastal Management Program (CMP) website for listed activities.

If so, is the project consistent with the State's coastal zone management program? Work with the state coastal commission to obtain a consistency determination.

Compliance and Documentation

The environmental review record should contain **one** of the following:

- A general location map establishing the project is located in a state where there are no coastal zones or documentation showing the State is not participating in the CZM program
- If the project is in a state with a coastal zone, a statement or map from the local planning department, state coastal commission, or district as evidence the project is not in the CZMA.
- A determination that the project activities are not subject to state review
- A Federal consistency determination from the state coastal commission, including a description of any necessary mitigation

Coastal Zone Management Act (CEST and EA) – PARTNER

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

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

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

Yes → *Continue to Question 2.*

No → *If the RE/HUD agrees with this recommendation, the review is in compliance with this section. Continue to the Worksheet Summary below. Provide a map showing that the site is not within a Coastal Zone.*

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

Yes → *Continue to Question 3.*

No → *If the RE/HUD agrees with this recommendation, the review is in compliance with this section. Continue to the Worksheet Summary below. Provide documentation used to make your determination.*

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

Yes, with mitigation. → *The RE/HUD must work with the State Coastal Management Program to develop mitigation measures to mitigate the impact or effect of the project.*

Yes, without mitigation. → *If the RE/HUD agrees with this recommendation, the review is in compliance with this section. Continue to the Worksheet Summary below. Provide documentation used to make your determination.*

No → Project cannot proceed at this location.

Worksheet Summary

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

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

Include all documentation supporting your findings in your submission to HUD .

Environmental Justice

Introduction

Environmental justice means ensuring that the environment and human health are protected fairly for all people regardless of race, color, national origin, or income. Executive Order 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-income Populations" (2/94) requires certain federal agencies, including HUD, to consider how federally assisted projects may have disproportionately high and adverse human health or environmental effects on minority and low-income populations.

Environmental justice is an integral part of HUD's mission. The Department works with multiple stakeholders and other federal agencies in its efforts to assure environmental justice concerns are addressed.

HUD Guidance

Does the project create adverse environmental impacts? If so, are these adverse environmental impacts disproportionately high for low-income and/or minority communities?

Can the adverse impacts be mitigated? Engage the affected community in meaningful participation about mitigating the impacts or move the project to another community.

Compliance and Documentation

- Review land use plans, census information and the U.S. EPA Environmental Justice webpage (EJ View). Consider local government sources such as the health department or school district that may be more current or focused on the neighborhood as their unit of analysis. The environmental review record should contain one of the following:
- Evidence that the site or surrounding neighborhood does not suffer from adverse environmental conditions and evidence that the proposed action will not create an adverse and disproportionate environmental impact or aggravate an existing impact. (Describe how the proposed action will not have a disproportionate adverse impact on minority or low-income populations.)
- Evidence that the project is not in an environmental justice community of concern (demographics, income, etc.) or evidence that the project does not disproportionately affect a low-income or minority population
- If there are adverse effects on low-income or minority populations, documentation that that the affected community residents have been meaningfully informed and involved in a participatory planning process to address (remove, minimize, or mitigate) the adverse effect from the project and the resulting changes

Environmental Justice (CEST and EA) – PARTNER

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

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

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

Yes → *Continue to Question 2.*

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

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

Yes

Explain:

Click here to enter text.

→ *The RE/HUD must work with the affected low-income or minority community to decide what mitigation actions, if any, will be taken. Provide any supporting documentation.*

No

Explain:

Click here to enter text.

→ *If the RE/HUD agrees with this recommendation, the review is in compliance with this section. Continue to the Worksheet Summary below.*

Worksheet Summary

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

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

Include all documentation supporting your findings in your submission to HUD .

Click here to enter text.

Endangered Species

Introduction

The Endangered Species Act (ESA) of 1973, as amended, and its implementing regulations were designed to protect and recover species in danger of extinction and the ecosystems that they depend upon. When passed, the ESA spoke specifically to the value - tangible and intangible - of conserving species for future generations. In passing the Act, Congress recognized another key fact that subsequent scientific understanding has only confirmed: the best way to protect species is to conserve their habitat.

Under Section 7 of the ESA, the federal government and each of its agencies have a statutory mandate to use their powers for the conservation of species. Each agency must ensure that any action it authorizes, funds, or carries out is not likely to jeopardize the continued existence of a listed species in the wild or destroy or adversely modify its critical habitat.

The ESA is jointly administered by the Secretaries of the Interior and Commerce. The U.S. Fish and Wildlife Service (FWS) is responsible for terrestrial and freshwater species and the National Marine Fisheries Service (NMFS) is responsible for marine species and anadromous fish, such as salmon. Collectively referred to as the Services, these offices are responsible for listing species under their authority as threatened or endangered as appropriate. If an agency determines that a proposed action may affect one or more listed species, it must formally consult with the Service office or offices responsible for the affected species.

The environmental review must consider potential impacts of the HUD-assisted project to endangered and threatened species and critical habitats. The review must evaluate potential impacts not only to any listed but also to any proposed endangered or threatened species and critical habitats. This responsibility is cited in environmental procedures at 24 CFR 58.5(e) and 24 CFR 50.4 (e).

HUD Guidance

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

The first step in complying with section 7 of the ESA is to determine whether the project includes any activities with the potential to affect any species or habitats. A No Effect determination can be made if none of the activities involved in the project have potential to affect species or habitats. Examples of actions without potential to affect listed species may include: rental assistance, purchasing existing buildings, completing interior renovations to existing buildings, and replacing exterior paint or siding on existing buildings.

Additionally, you may be able to determine that the project will have No Effect on listed species or designated critical habitats based on an applicable letter of understanding, memorandum of agreement, programmatic agreement, or local checklist. Consult your Field Environmental Officer or local HUD office's environmental guidance website to determine if this option is available in your area.

If you are able to determine based on the types of activities involved in your project that it will have No Effect on listed species or designated critical habitats, the project is in compliance with the ESA. Describe your analysis and conclusions in the environmental review record (ERR), including references to local agreements and checklists if applicable.

If so, are federally listed species or designated critical habitats present in the action area?

To determine whether there are federally listed species or designated critical habitats in the action area, first define the action area. For purposes of the ESA, the “action area” includes all areas that your project will affect either directly, indirectly, and/or cumulatively, and is not merely the immediate area involved in the project. (50 CFR 402.02) Next, obtain a list of protected species from the Services. This information is available through FWS’s online tool, [IPaC](#), on the [FWS Website](#), or you may contact your [local FWS](#) and/or [NMFS](#) offices directly.

If there are no federally listed species or designated critical habitats in the action area, you may make a determination that the project will have No Effect and is in compliance with the ESA. This finding is appropriate if the species list indicates that there are no listed species in the project area, or if there is no potential habitat in the project area (i.e. the project is urban infill). The ERR should include all documents used to make this determination, including letters from the Services, species lists from the Services’ websites, surveys and/or other documents and analysis showing that there are no species in the action area.

What effects, if any, will the project have on federally listed species or designated critical habitat?

There are three possible determinations: **No Effect**; **May Affect, Not Likely to Adversely Affect**; and **May Affect, Likely to Adversely Affect**.

A **No Effect** determination can be made if the project has no potential to have any effect on any listed species or designated critical habitats. This finding is appropriate if the project has no potential to affect any species or habitats (see first question) or if there are no federally listed species or designated critical habitats in the action area (see second question). Finally, you may also make a finding of **No Effect** if you determine, based on any listed species in the area and the specifics of your project, that there are no potential impacts. However, this finding must be based on technically valid information. For example, if there are species present, and a habitat assessment shows that there is no suitable habitat in the project area, then an **No Effect** finding can be made based on habitat assessment. **No Effect** projects do not require consultation, but the ERR should include thorough analysis and documentation supporting the determination.

A project **May Affect**, but is **Not Likely to Adversely Affect** listed species and/or critical habitats if all potential effects will be beneficial, discountable, or insignificant. A project whose impacts on listed species and/or critical habitats may be greater than beneficial, discountable, or insignificant is considered **Likely to Adversely Affect**.

Consult with the Services as necessary.

The federal funding agency is responsible for interacting with the Fish and Wildlife Services or the National Marine Fisheries Service (the Services). This may be either HUD itself or a representative of the Responsible Entity's organization if the review is prepared under 24 CFR Part 58. It is the responsibility of the federal funding agency to make the determination and conduct all consultation. It is not appropriate for a consultant or other non-federal entity to consult directly with the Services, although they may provide information to the federal agency for it to make its determination.

If the project will have **No Effect** on listed species or critical habitats, there is no need to consult with the Services. The ERR should contain evidence the habitat will not be altered or species be affected (e.g. species list; habitat assessment conducted by a qualified expert; letter from local planning or natural resource departments; contracted study).

If the project **May Affect** listed species and/or critical habitats, consultation is required. Initiate consultation by preparing a biological evaluation or assessment and sending it to the appropriate Service office or offices with a request for consultation.

Informal consultation is required if the project is found **Not Likely to Adversely Affect**. The Services may either concur with the finding or find that formal consultation is required. If the Services concur with the finding that the project is **Not Likely to Adversely Affect**, consultation is complete. The ERR should contain all documentation, including the biological evaluation and concurrence(s).

Formal consultation is required if the project is found **Likely to Adversely Affect**. Work with the Services to ensure that the project is not likely to jeopardize listed species or destroy or adversely modify critical habitat. Incorporate all appropriate mitigation measures into project plans, and include in the ERR all documentation, including the biological evaluation or assessment and biological option(s) issued by the Services.

Compliance and Documentation

- The environmental review record should contain **one** of the following determinations and supporting documentation:
- No Effect, including a determination that the project does not involve any activities that have a potential to affect species or habitats, evidence that there are no federally listed species in the area, or other analysis supporting a No Effect finding.
- May Affect, Unlikely to Adverse Affect, including all correspondence with the Fish and Wildlife Service or the National Marine Fisheries Service
- Likely to Adversely Affect, including all correspondence with the Fish and Wildlife Service or the National Marine Fisheries Service

Endangered Species Act (CEST and EA) – PARTNER

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

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

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

→ *If the RE/HUD agrees with this recommendation, the review is in compliance with this section. Continue to the Worksheet Summary below. Provide any documents used to make your determination.*

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

Explain your determination:

[Click here to enter text.](#)

→ *If the RE/HUD agrees with this recommendation, the review is in compliance with this section. Continue to the Worksheet Summary below. Provide any documents used to make your determination.*

Yes, the activities involved in the project have the potential to affect species and/or habitats.

→ *Continue to Question 2.*

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

Obtain a list of protected species from the Services. This information is available on the [FWS Website](#).

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

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

Yes, there are federally listed species or designated critical habitats present in the action area.

→ *Continue to Question 3.*

3. Recommend one of the following effects that the project will have on federally listed species or designated critical habitat:

No Effect: Based on the specifics of both the project and any federally listed species in the action area, you have determined that the project will have absolutely no effect on listed species or critical habitat.

→ *If the RE/HUD agrees with this recommendation, the review is in compliance with this section. Continue to the Worksheet Summary below. Provide any documents used to make your determination. Documentation should include a species list and explanation of your conclusion, and may require maps, photographs, and surveys as appropriate.*

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

→ **Partner entities should not contact the Services directly.** *If the RE/HUD agrees with this recommendation, they will have to complete Informal Consultation. Provide the RE/HUD with a biological evaluation or equivalent document. They may request additional information, including surveys and professional analysis, to complete their consultation.*

Likely to Adversely Affect: The project may have negative effects on one or more listed species or critical habitat.

→ **Partner entities should not contact the Services directly.** *If the RE/HUD agrees with this recommendation, they will have to complete Formal Consultation. Provide the RE/HUD with a biological evaluation or equivalent document. They may request additional information, including surveys and professional analysis, to complete their consultation.*

Worksheet Summary

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

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

Include all documentation supporting your findings in your submission to HUD .

Click here to enter text.

Explosive and Flammable Facilities

Introduction

There are inherent potential dangers associated with locating HUD-assisted projects near hazardous facilities which store, handle, or process hazardous substances of a flammable or explosive nature. Project sites located too close to facilities handling, storing or processing conventional fuels, hazardous gases or chemicals of an explosive or flammable nature may expose occupants or end-users of a project to the risk of injury in the event of an explosion.

Blast overpressure and thermal radiation standards are used as a basis for calculating acceptable separation distances (ASDs) for HUD-assisted projects from specific, stationary hazardous operations which store, handle, or process substances of fire or explosive prone nature. HUD-assisted projects must meet ASDs or else mitigation measures must be undertaken.

HUD Guidance

When considering explosive and flammable facilities in the context of HUD-assisted projects, two lines of inquiry are appropriate:

1. Aboveground stationary storage tanks near the project

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

If so, within 1 mile of the project site, are there any current or *planned* stationary aboveground storage containers:

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

For a list of common industrial fuels, consult Appendix I of the Regulation and HUD's guidebook "Acceptable Separation Distance." Stationary aboveground containers that store natural gas and have floating tops are excluded from 24 CFR 51, Subpart C as well as underground storage containers, mobile conveyances (tank trucks, barges, rail road tank cars), and pipelines, such as high pressure natural gas transmission pipelines or liquid petroleum pipelines.

If your project is a single family (1-4 unit) FHA-insured property, do not include/identify tanks that are ancillary to the operation of your project (e.g., comfort heating, cooking, water heating) because they are excluded from 24 CFR 51, Subpart C.

Is the Separation Distance from the project acceptable based on standards in the regulation?

The Acceptable Separation Distance (ASD) can be calculated based on the volume of the container, the contents, and whether or not the container is diked. A diked container is not the same as a double walled container. A doubled-walled container, for ASD calculations, is a container without a dike, and it shall be evaluated as a single-walled container.

The regulation only considers storage tank contents that are products classified as flammable or combustible. This information can be found in the Material Safety Data Sheet. Once the volume of the container (gallons), dike dimensions, and phase of state of the product (liquid or gas) are known, the ASD can be calculated by either using the [electronic calculator](#).

The ASD is measured from the center of the assessed container to the perimeter of the proposed HUD–assisted project site. If the ASD is not met, mitigation is required, or another site must be considered. Options to mitigation are discussed in the HUD guidebook [Acceptable Separation Distance](#).

If the separation distance is not acceptable, a barrier is required to mitigate the project. Otherwise, the project should be moved to a different location. Work with a licensed engineer to determine whether an existing barrier (natural or man-made) is sufficient mitigation or to design a barrier. For more guidance on barriers and mitigation, contact Nelson Rivera, a licensed engineer at HUD, at nelson.a.rivera@hud.gov or 202-402-4455.

2. Hazardous facilities included in the project

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

If so, is the hazardous facility located at an acceptable separation distance from residences and any other facility or area where people may congregate or be present? See guidance above on calculating the ASD.

Compliance and Documentation

The environmental review record should include:

One of the following on aboveground storage tanks:

- A determination that the project does not include development, construction, rehabilitation that will increase residential densities, or conversion
- Evidence that within one mile of the project site there are no current or planned stationary aboveground storage containers of more than 100-gallon capacity containing common liquid industrial fuels or of any capacity containing hazardous liquids or gases that are not common liquid industrial fuels
- A determination along with all supporting documentation that the separation distance of such containers from the project is acceptable
- Documentation of the existing or planned barrier that would serve as sufficient mitigation, including correspondence with a licensed engineer

AND one of the following on hazardous facilities:

- A determination that the project does not include a hazardous facility

- A determination along with all supporting documentation that the hazardous facility is located at an acceptable separation distance from residences and any other facility or area where people may congregate or be present
- Documentation of the existing or planned barrier that would serve as sufficient mitigation, including correspondence with a licensed engineer

Explosive and Flammable Hazards (CEST and EA) – PARTNER

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

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

No

→ *Continue to Question 2.*

Yes

Explain:

[Click here to enter text.](#)

→ *Continue to Question 5.*

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

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

Yes → *Continue to Question 3.*

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

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

No → *If the RE/HUD agrees with this recommendation, the review is in compliance with this section. Continue to the Worksheet Summary below. Provide all documents used to make your determination.*

Yes → *Continue to Question 4.*

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

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

Yes

→ *If the RE/HUD agrees with this recommendation, the review is in compliance with this section. Continue to the Worksheet Summary below.*

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

No

→ *Continue to Question 6.*

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

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

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

Yes

→ *If the RE/HUD agrees with this recommendation, the review is in compliance with this section. Continue to the Worksheet Summary below.*

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

No

→ *Continue to Question 6.*

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

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

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

Click here to enter text.

Worksheet Summary

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

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

Include all documentation supporting your findings in your submission to HUD .

[Click here to enter text.](#)

Farmlands Protection

Introduction

The importance of farmlands to the national and local economy requires the consideration of the impact of activities on land adjacent to prime or unique farmlands. The purpose of the Farmland Protection Policy Act (7 U.S.C. 4201 et seq, implementing regulations 7 CFR Part 658, of the Agriculture and Food Act of 1981, as amended) is to minimize the effect of Federal programs on the unnecessary and irreversible conversion of farmland to nonagricultural uses.

The Act does not apply to projects already in or committed to urban development or those that could otherwise not convert farmland to non-agricultural uses. However, land that meets the definition of prime or unique farmlands or is determined to be of statewide or local significance (with concurrence by the U.S. Secretary of Agriculture) is subject to the Act. In some states agricultural lands are protected from development by agricultural districting, zoning provisions, or special tax districts.

HUD Guidance

Does your project include any activities, including new construction, acquisition of undeveloped land, or conversion, that could potentially convert one land use to another? Federal projects are subject to FPPA requirements if they may irreversibly convert farmland to a non-agricultural use. A finding of compliance with the requirements of the Farmland Protection Policy Act of 1981 (7 U.S.C. 4201 et seq.) must be made for assisted new construction activities, the acquisition of undeveloped land, and conversion projects.

If so, does your project meet 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\(a\)](#)) Farmland subject to FPPA requirements does not have to be currently used for cropland. USDA/NRCS regulations contained at 7 CFR Part 658.2 define “committed to urban development” as land with a density of 30 structures per 40-acre area; lands identified as “urbanized area” (UA) on the Census Bureau Map or as urban area mapped with a “tint overprint” on USGS topographical maps; or as “urban-built-up” on the USDA Important Farmland Maps.

Note that land “zoned” for development, i.e. non-agricultural use, does not exempt a project from compliance with the FPPA. **If not, does “Important Farmland,” including prime farmland, unique farmland, or farmland of statewide or local importance regulated under the FPPA occur on the project site?**

Important Farmland includes prime farmland, unique farmland, and/or land of statewide or local importance. ([7 CFR 658.2\(a\)](#)).

- “Prime farmland” is land that has the best combination of physical and chemical characteristics for producing food, feed, fiber, forage, oilseed, and other agricultural crops with minimum inputs of fuel, fertilizer, pesticides, and labor, and without intolerable soil erosion, as determined by the Secretary of Agriculture. Prime farmland includes land that possesses the above characteristics but is being used currently to produce livestock and timber. It does not include land already in or committed to urban development or water storage.
- “Unique farmland” is land other than prime farmland that is used for production of specific high-value food and fiber crops, as determined by the Secretary. It has the special combination of soil quality, location, growing season, and moisture supply needed to economically produce sustained high quality or high yields of specific crops when treated and managed according to acceptable farming methods. Examples of such crops include citrus, tree nuts, olives, cranberries, fruits, and vegetables.
- Farmland of statewide or local importance has been determined by the appropriate State or unit of local government agency or agencies to be significant.

Use the following resources to determine whether Important Farmland is present:

- [USDA Natural Resources Conservation Service’s \(NRCS\) Web Soil Survey](#)
- Check with your city or county’s planning department and ask them to document if the project is on land regulated by the FPPA (note that zoning important farmland as non-agricultural does not exempt it from FPPA requirements)
- Contact NRCS at the [local USDA service center](#) or your [NRCS state soil scientist](#) for assistance

If so, consider alternatives to completing the project on important farmland and means of avoiding impacts to Important Farmland.

Complete form **AD-1006, “Farmland Conversion Impact Rating”** and contact the state soil scientist before sending it to the local NRCS District Conservationist. Preparers of HUD environmental review records must complete Parts I, III, V, VI, and VII of form AD-1006. NRCS will complete Parts II and IV of the form. Part VII combined scores over 160 points require the evaluation of at least one alternative project site.

NRCS has 45 days to make a determination. NRCS will return form AD-1006 to you. Corridor projects that go over several tracts, such as railroads, utility lines, highways, etc, require completion of **form NRCS-CPA-106**.

Work with NRCS to minimize the impact of the project on the protected farmland. When you have finished with your analysis, return a copy of Form 1006 to the USDA-NRCS State Soil Scientist or his/her designee informing them of your determination.

Compliance and Documentation

The environmental review record should contain **one** of the following:

- A determination that the project does not include any activities, including new construction, acquisition of undeveloped land, or conversion, that could potentially convert one land use to another
- Evidence that the exemption applies, including all applicable maps
- Evidence supporting the determination that “Important Farmland,” including prime farmland, unique farmland, or farmland of statewide or local importance regulated under the FPPA does not occur on the project site
- Documentation of all correspondence with NRCS, including the completed AD-1006 and a description of the consideration of alternatives and means to avoid impacts to Important Farmland

Farmlands Protection (CEST and EA) - PARTNER

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

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

Yes → *Continue to Question 2.*

No

→ *If the RE/HUD agrees with this recommendation, the review is in compliance with this section. Continue to the Worksheet Summary below.*

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

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

- Utilize USDA Natural Resources Conservation Service’s (NRCS) Web Soil Survey <http://websoilsurvey.nrcs.usda.gov/app/HomePage.htm>
 - Check with your city or county’s planning department and ask them to document if the project is on land regulated by the FPPA (zoning important farmland as non-agricultural does not exempt it from FPPA requirements)
 - Contact NRCS at the local USDA service center <http://offices.sc.egov.usda.gov/locator/app?agency=nrcs> or your NRCS state soil scientist http://soils.usda.gov/contact/state_offices/ for assistance
- No → *If the RE/HUD agrees with this recommendation, the review is in compliance with this section. Continue to the Worksheet Summary below. Provide any documents used to make your determination.*
- Yes → *Continue to Question 3.*

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

- Complete form [AD-1006, “Farmland Conversion Impact Rating”](#) and contact the state soil scientist before sending it to the local NRCS District Conservationist.
- Work with NRCS to minimize the impact of the project on the protected farmland.
- When you have finished with your analysis, return a copy of form AD-1006 to the USDA-NRCS State Soil Scientist or his/her designee informing them of your determination.

Work with the RE/HUD to determine how the project will proceed. Document the conclusion:

- Project will proceed with mitigation.

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

Click here to enter text.

→ *If the RE/HUD agrees with this recommendation, the review is in compliance with this section. Continue to the Worksheet Summary below. Provide form AD-1006 and all other documents used to make your determination.*

- Project will proceed without mitigation.

Explain why mitigation will not be made here:

Click here to enter text.

→ *If the RE/HUD agrees with this recommendation, the review is in compliance with this section. Continue to the Worksheet Summary below. Provide form AD-1006 and all other documents used to make your determination.*

Worksheet Summary

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

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

Include all documentation supporting your findings in your submission to HUD .

[Click here to enter text.](#)

FLOOD INSURANCE

Introduction

The Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a) requires that projects receiving federal assistance and located in an area identified by the Federal Emergency Management Agency (FEMA) as being within a Special Flood Hazard Areas (SFHA) be covered by flood insurance under the **National Flood Insurance Program (NFIP)**. In order to be able to purchase flood insurance, the community must be participating in the NFIP. If the community is not participating in the NFIP, federal assistance cannot be used in those areas.

HUD Guidance

Does this project involve mortgage insurance, refinance, acquisition, repairs, rehabilitation, or construction of a structure, mobile home, or insurable personal property?

If so, is the project excepted from flood insurance? There are four exceptions:

1. Formula grants made to states
2. Self-insured state-owned property within states approved by the Federal Insurance Administrator consistent with 44 CFR 75.11
3. Small loans (\$5,000 or less)
4. Assisted leasing that is not used for repairs, improvements, or acquisition

If not, is the structure, part of the structure, or insurable property located in a FEMA-designated Special Flood Hazard Area? Use **FEMA's Map Service Center** to make the determination.

If so, the community participating in the National Flood Insurance Program *or* has less than one year passed since FEMA notification of Special Flood Hazards? For loans, loan insurance or guarantees, the amount of flood insurance coverage must at least equal the outstanding principal balance of the loan or the maximum limit of coverage made available under the National Flood Insurance Program, whichever is less. For grants and other non-loan forms of financial assistance, flood insurance coverage must be continued for the life of the building irrespective of the transfer of ownership. The amount of coverage must at least equal the total project cost or the maximum coverage limit of the National Flood Insurance Program, whichever is less. If the community is not participating, or if its participation has been suspended, federal assistance may not be used for projects in the Special Flood Hazard Area.

Compliance and Documentation

The environmental review record should contain one of the following:

- Documentation supporting the determination that the project does not require flood insurance or is excepted from flood insurance
- A FEMA Flood Insurance Rate Map (FIRM) showing that the project is not located in a Special Flood Hazard Area
- A FEMA Flood Insurance Rate Map (FIRM) showing that the project is located in a Special Flood Hazard Area along with a copy of the flood insurance policy declaration or a paid receipt for the current annual flood insurance premium and a copy of the application for flood insurance in the review

Flood Insurance (CEST and EA) – PARTNER

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

1. Does this project involve mortgage insurance, refinance, acquisition, repairs, rehabilitation, or construction of a structure, mobile home, or insurable personal property?

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

Yes → *Continue to Question 2.*

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

The Federal Emergency Management Agency (FEMA) designates floodplains. The [FEMA Map Service Center](#) provides this information in the form of FEMA Flood Insurance Rate Maps (FIRMs).

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

No → *Continue to the Worksheet Summary.*

- Yes → *Continue to Question 3.*
- 3. Is the community participating in the National Flood Insurance Program or has less than one year passed since FEMA notification of Special Flood Hazards?**
- Yes, the community is participating in the National Flood Insurance Program. Flood insurance is required. Provide a copy of the flood insurance policy declaration or a paid receipt for the current annual flood insurance premium and a copy of the application for flood insurance.
→ *Continue to the Worksheet Summary.*
- Yes, less than one year has passed since FEMA notification of Special Flood Hazards. If less than one year has passed since notification of Special Flood Hazards, no flood Insurance is required.
→ *Continue to the Worksheet Summary.*
- No. The community is not participating, or its participation has been suspended. Federal assistance may not be used at this location. Cancel the project at this location.

Worksheet Summary

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

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

Include all documentation supporting your findings in your submission to HUD.

[Click here to enter text.](#)

Floodplain Management

Introduction

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. The Federal Emergency Management Agency (FEMA) designates floodplains as geographic zones subject to varying levels of flood risk. Each zone reflects the severity or type of potential flooding in the area. The [FEMA Map Service Center](#) provides this information in the form of FEMA Flood Insurance Rate Maps (FIRMs) or Flood Hazard Boundary Map.

HUD's regulations in 24 CFR Part 55 outline HUD's procedures for complying with EO 11988. Part 55 applies to all HUD actions that could be harmed or cause harm if located in a floodplain, including but not limited to proposed acquisition, construction, demolition, improvement, disposition, and financing actions under any HUD program.

The purpose of Part 55 is not in most cases to prohibit actions in a floodplain, but to provide the method for HUD projects to comply with EO 11988 and avoid unnecessary impacts.

Terminology and Basic Requirements

Special Flood Hazard Areas (SFHAs) are areas designated by FEMA as having a heightened risk of flooding.

100-Year Floodplains (or 1 Percent Annual Chance Floodplains) are areas near lakes, rivers, streams, or other bodies of water with at least a 1% chance of flood occurrence in any given year. HUD projects within a 100-Year Floodplain must complete the **8-Step Decision-making Process** to determine whether there are practicable alternatives to locating the project in the floodplain, unless an exception in section 55.12 applies.

A Regulatory Floodway comprises the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. This is the segment of the floodplain that will generally carry flow of flood waters during a flood and is typically the area of greatest risk to structures in the floodplain. HUD financial assistance is prohibited in floodways unless an exception in section 55.12(c) applies or the project is a functionally dependent use (e.g. dams, marinas, and port facilities) or a floodplain function restoration activity.

Coastal High Hazard Areas (or V Zones) are areas along the coasts subject to inundation by the 1% annual chance flood event with additional hazards associated with storm or tidal induced waves... Because of the increased risks associated with V Zones, Part 55 prohibits critical actions and new construction in these areas unless an exception in section 55.12(c) applies or the project is a functionally dependent use, and otherwise requires the action to be designed for location in a Coastal High Hazard Area.

Non-Special Flood Hazard Areas are areas with moderate-to-low risk of flooding; however, it is important to remember that floods still occur frequently in these areas. One in four NFIP claims occur outside of SFHAs.

500-Year Floodplains (or .2 Percent Annual Chance Floodplains) are areas with at least a .2% chance of flood occurrence in any given year. HUD requires critical actions (e.g. hospitals, nursing homes, police stations, fire stations, and roadways providing sole egress from flood-prone areas) to comply with Part 55 when they are located in the 500-year floodplain. For more information on basic responsibilities and definitions, refer to 24 CFR 55.1 and 55.2. For more detailed information on the different types of floodplains, see **FEMA Flood Zones**.

Complying with 24 CFR Part 55

HUD has prepared flow charts illustrating how to comply with Part 55 for **non-critical actions** and **critical actions**.

Step 1: Determine whether any of the exceptions at 55.12(c) apply.

Under 55.12(c), certain projects are exempt from Part 55. The projects are not required to complete the 8-Step Process, and they may be able to proceed despite the presence of a floodway or coastal high hazard area.

Activities listed in 55.12(c) include floodplain restoration, minor amendments to previously approved actions, sites where FEMA has issued a final Letter of Map Revision or final Letter of Map Amendment, actions that are Categorically Excluded Not Subject to 50.4 or 58.5, and sites where the “incidental floodplain exception” applies.

The incidental floodplain exception may exempt a project from Part 55 where only a small portion of the project site contains a floodplain. It is important to note that the *entire* floodplain must be incidental, meaning that this exception does not apply if any buildings or improvements exist within the SFHA. Projects may be exempted under the incidental floodplain exception if:

- No new or existing buildings or improvements occupy or modify the 100-year floodplain, floodway, coastal high hazard area, or – for critical actions – the 500-year floodplain
- Provisions are made for site drainage that will not adversely affect any wetland, AND
- A permanent covenant is placed on the property's continued use to preserve the floodplain.

For a visual representation of the incidental floodplain exception, see [Incidental Floodplain Exception, Illustrated](#).

Step 2: Determine whether the project site contains a floodplain.

If the project is not exempt under section 55.12(c), use a FEMA Flood Insurance Rate Map (FIRM) to determine whether the project is in or near a floodplain. In most areas, Flood Insurance Rate Maps (FIRMs) are available online through the [FEMA Map Service Center](#). When FEMA provides Advisory Base Flood Elevations (ABFE) or preliminary FIRMs and studies, HUD or the responsible entity must use the latest of these sources unless the ABFE or preliminary FIRM allow a lower Base Flood Elevation (BFE) than the current FIRM and FIS.

Where available, FEMA maps indicate floodplains as follows:

- *100-year floodplains* are designated as Zone A1–30, AE, A, AH, AO, AR, or A99.
- *500-year floodplains* are designated as Zone B or a shaded Zone X.
- *Floodways* are designated as Zone AE hatched.
- *Coastal high hazard areas* are designated on a Flood Insurance Rate Map (FIRM) under FEMA regulations as Zone V1–30, VE, or V.

For projects in areas not mapped by the FEMA, use the **best available information** to determine floodplain information. Include in your documentation a discussion of why this is the best available information for the site. Sources which merit investigation include the files and/or studies of other federal agencies, such as the U. S. Army Corps of Engineers, the Tennessee Valley Authority, the Soil Conservation Service and the U. S. Geological Survey.

These agencies have prepared flood hazard studies for several thousand localities and, through their technical assistance programs, hydrologic studies, soil surveys, and other investigations have collected or developed other floodplain information for numerous sites and areas.

Step 3: Determine if the 8-Step Process is required.

Under section 55.12, certain actions must comply with Part 55 but are not required to complete the full 8-Step Process.

- Section 55.12(a) lists activities that must complete the modified 5-Step Process: these actions are not required to provide public notice or consider alternatives, but must complete the other steps in the 8-Step Process. These include disposition of properties, purchase and refinance of existing multifamily housing or healthcare facilities, and minor improvements to multifamily housing and nonresidential structures.
- Section 55.12(b) lists project types that must comply with the basic restrictions in Part 55 (i.e. the prohibitions on projects in floodways and critical actions in coastal high hazard areas) but which are not required to complete the 5- or 8-Step Processes. These include acquisition and refinance of existing single family properties, minor improvements to single family properties, and leasing.

If the project occurs in a 100-year floodplain (A Zone), an 8-Step Process is required unless it is inapplicable per 55.12(b) or the **5-Step Process** is applicable per 55.12(a).

If the project occurs in a 500-year floodplain (B Zone or shaded X Zone), the 8-Step Process is required for critical actions unless it is inapplicable per 55.12(b) or the **5-Step Process** is applicable per 55.12(a).

If the project occurs in a floodway, federal assistance may not be used at this location unless the project is a functionally dependent use or floodplain function restoration activity or a 55.12(c) exception applies. If it is a functionally dependent use or restoration activity, the 8-Step Process is required.

If the project occurs in a Coastal High Hazard Area (V Zone), federal assistance may not be used at this location if the project is a critical action. For all other actions, financial assistance is prohibited unless the activity is an existing structure, an improvement of an existing structure or reconstruction following a disaster in accordance with 24 CFR 55.1(c)(3)(i). Refer to 55.1(c)(3)(i) and (ii) for construction requirements for projects permitted in coastal high hazard areas. An 8 Step Process must be performed unless an exception applies.

Step 4: Complete the 8-Step Process and identify mitigation requirements.

Review Section 55.20 and the resources on this page for information on completing the 8-Step Process. Note that although Part 55 does not contain elevation requirements for non-critical actions, projects involving new construction and substantial improvements (as defined in 55.2(b)(10)) must be elevated or, for nonresidential structures, floodproofed to the base flood elevation of the floodplain in order to get flood insurance from FEMA.

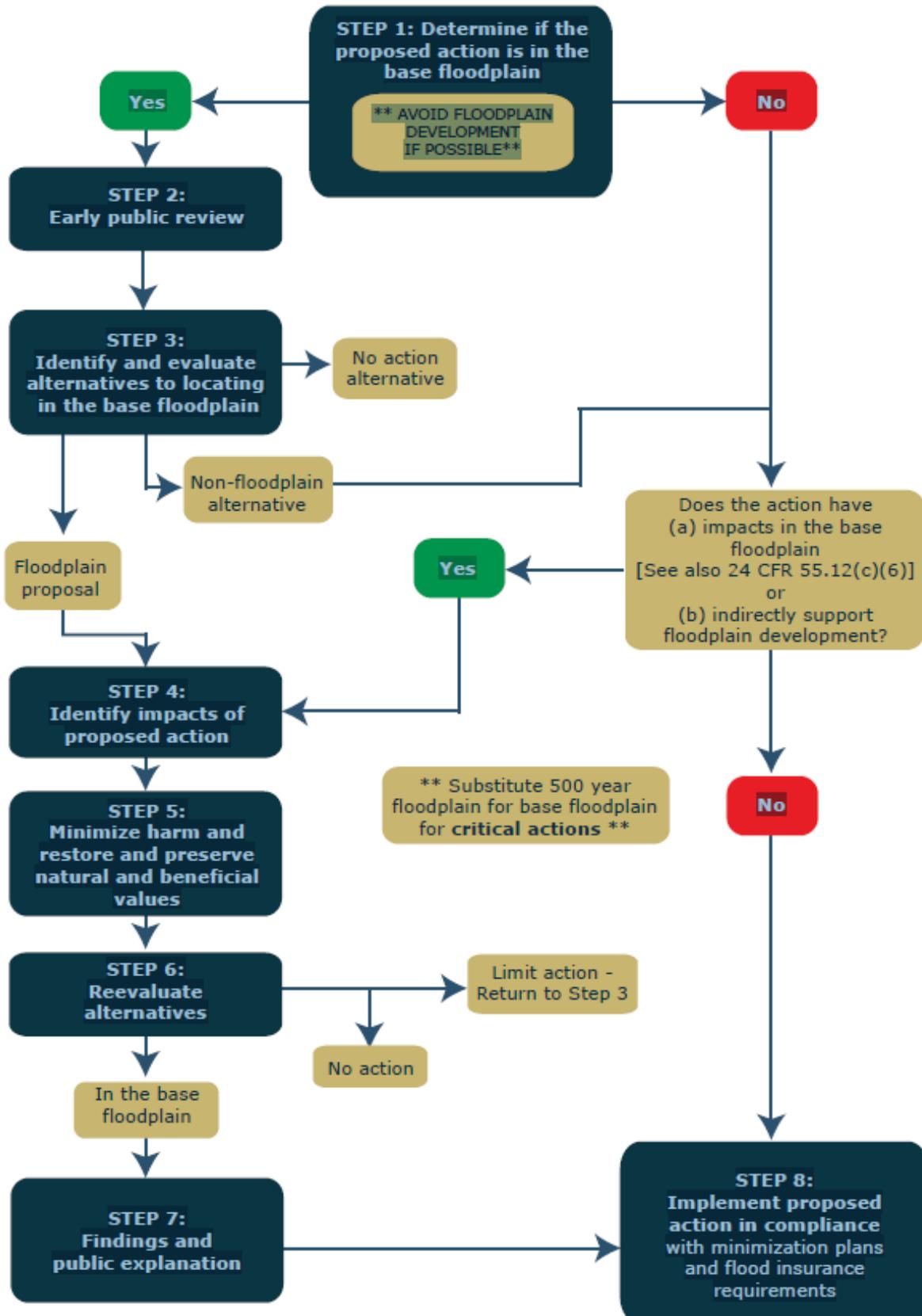
If the project involves new construction or substantial improvement (as defined in 24 CFR 55.2(b)(10), NFIP regulations require that the affected structure(s) be elevated to the base flood elevation. State or local law or program policy may require additional elevation (or “freeboard”) beyond the minimum elevation requirements set by FEMA.

Compliance and Documentation

The environmental review record should contain **one** of the following:

- Documentation supporting the determination that an exception at 55.12(c) applies.
- A FEMA map showing the project is not located in a Special Flood Hazard Area.
- A FEMA map showing the project is located in a Special Flood Hazard Area and an applicable citation to 55.12(b) demonstrating that the 8-Step Process is not required.
- A FEMA map showing the project is located in a Special Flood Hazard Area, documentation that the 5-Step Process was completed, and the applicable citation to 55.12(a).
- A FEMA map showing the project is located in a Special Flood Hazard Area along with documentation of the 8-Step Process and required notices.

8- Step Decision-Making Process for Executive Order 11988



HISTORIC PRESERVATION

Introduction

HUD programs support and facilitate the use of historic properties for affordable housing, economic development, and community revitalization. HUD encourages the rehabilitation of historic buildings and the preservation of irreplaceable resources like archeological sites that convey centuries of human cultural activity. The National Historic Preservation Act (**NHPA**), 16 U.S.C. 470 et seq., directs each Federal agency, and those Tribal, State, and Local governments that assume Federal agency responsibilities, to protect historic properties and to avoid, minimize, or mitigate possible harm that may result from agency actions.

The review process, known as Section 106 review, is detailed in 36 CFR Part 800. Early consideration of historic places in project planning and full consultation with interested parties are key to effective compliance with Section 106. The State Historic Preservation Officer (SHPO) and/or Tribal Historic Preservation Officer (THPO) are primary consulting parties in the process. A qualified historic preservation consultant may assist with the technical components of the Section 106 review process.

Historic properties are those that are listed in or eligible for listing in the **National Register of Historic Places (NR)**. The National Register is a list of districts, sites, buildings, structures, and objects that have been determined by the National Park Service to be significant in American history, architecture, archeology, engineering, and culture, at the local, state or national level. Generally, a property must be at least 50 years old to qualify, but there are exceptions. The grantee should consult the National Register database, existing state and local inventories, local historical and preservation organizations, and local planning departments to identify properties that are listed in or eligible for the National Register.

All assisted activities require Section 106 review except projects that are exempt or ‘categorically excluded not subject to’ under HUD regulations (24 CFR Parts 50 and 58) or that are determined by HUD to have “No potential to Affect Historic Properties” as defined at 36 CFR 800.3.

HUD Guidance

Compliance with Section 106 is achieved by following the procedures that the Advisory Council on Historic Preservation has outlined in 36 CFR Part 800.

The Section 106 Process consists of four basic steps. After determining the need to do a Section 106 review, the HUD official or Responsible Entity initiates consultation with statutory and other interested parties

(Step 1), identifies and evaluates historic properties

(Step 2), assesses effects of the project on properties listed on or eligible for the National Register of Historic Places

(Step 3), and resolves any adverse effects through project design modifications or mitigation

(Step 4). Note that consultation continues through all phases of the review.

Step 1. Initiate Consultation

The following parties are entitled to participate in Section 106 reviews: Advisory Council on Historic Preservation; State Historic Preservation Officers (SHPOs); federally recognized Indian tribes/Tribal Historic Preservation Officers (THPOs); Native Hawaiian Organizations; local governments; and project grantees. The general public and individuals and organizations with a demonstrated interest in a project may also participate as consulting parties.

Participation varies with the nature and scope of a project. Refer to resources on this site for guidance on consultation, including the required timeframes for response. Consultation should begin early to enable full consideration of preservation options. See the SHPO website for state-specific guidance for consulting with them.

Use the *When To Consult With Tribes* checklist found in the manual to determine if tribes should be invited to consult on a particular project. Use the [Tribal Directory Assessment Tool \(TDAT\)](#) to identify tribes that may have an interest in the area where the project is located.

Step 2. Identify and Evaluate Historic Properties

Define the Area of Potential Effect (APE). Gather information about known historic properties in the APE. Historic buildings, districts and archeological sites may have been identified in local, state, and national surveys and registers, local historic districts, municipal plans, town and county histories, and local history websites. Tribes may identify historic properties of religious and cultural significance to them. If not already listed on the National Register of Historic Places, identified properties are then evaluated to see if they are eligible for the National Register.

Step 3. Assess Effects on Historic Properties

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

Step 4. Resolve Adverse Effects

Work with consulting parties to try to avoid, minimize or mitigate adverse effects. The Advisory Council on Historic Preservation must be notified and given an opportunity to participate in the consultation. Refer to 36 CFR 800.6 and 800.7. Resolution of adverse effects generally results in a Memorandum of Agreement that spells out how the adverse effects will be minimized and/or mitigated. If adverse effects cannot be satisfactorily mitigated, the HUD official or Responsible Entity may disapprove a project.

Compliance and Documentation

It is important to remember that the environmental review record (ERR) must show that Section 106 review was completed before approval is given to proceed with HUD assisted projects. The environmental review record should contain documentation on **one** of these types of findings:

1. No Historic Properties Affected

- Letter from SHPO (or THPO on tribal lands*) that concurs with HUD’s or the Responsible Entity’s determination of “no historic properties affected”
- With documentation on 1) the undertaking and the APE (including photographs, maps, and drawings, as necessary), 2) steps taken to identify historic properties, 3) the basis for determining that no historic properties are present or affected, 4) evidence of tribal consultation if required; and 5) copies or summaries of any views provided by consulting parties and the public
- If the SHPO has not responded to a properly documented request for concurrence within 30 days of receipt of the request, document the request and lack of response as part of the record

2. No Adverse Effect

- Letter from SHPO (or THPO on tribal lands*) that concurs with HUD’S or the Responsible Entity’s finding of “no adverse effect”
- With documentation on 1) the undertaking and the APE (including photographs, maps, and drawings, as necessary), 2) steps taken to identify historic properties, 3) affected historic properties (including characteristics qualifying them for the NR), 4) the undertaking’s effects on historic properties, 5) why the criteria of adverse effect were not applicable (§800.5), 6) evidence of tribal consultation if required, and 7) copies or summaries of any views provided by consulting parties and the public
- If the SHPO has not responded to a properly documented request for concurrence within 30 days of receipt of the request, document the request and lack of response as part of the record

3. Adverse Effect

- Notification of adverse effect sent to Advisory Council on Historic Preservation
- Letter from SHPO (or THPO on tribal lands*) that concurs with a finding of “adverse effect”

With documentation on 1) the undertaking and the APE (including photographs, maps, and drawings, as necessary), 2) steps taken to identify historic properties, 3) affected historic properties (including characteristics qualifying them for the NR), 4) the undertaking’s effects on historic

properties, 5) why the criteria of adverse effect are applicable (§ 800.5), 6) evidence of tribal consultation if required, and 7) copies or summaries of any views provided by consulting parties and the public

A Memorandum of Agreement (MOA) or a Programmatic Agreement (PA) signed by the HUD official or Responsible Entity, SHPO/THPO, the Advisory Council on Historic Preservation if participating, and other signatory and concurring parties

If resolution is not reached in an MOA or PA, provide correspondence and comments between the Advisory Council on Historic Preservation and HUD Secretary (for Part 50 projects) or Responsible Entity's chief elected local official (for Part 58 projects)

Section 106 - Historical Preservation (Tribal Consultation) - Federally funded development projects undergo an extensive environmental review to ensure compliance with a wide range of federal standards and regulations. This includes a review of potential impacts to historic and archeological resources commonly known as the Section 106 review process, named after the relevant section of the National Historical Preservation Act (NHPA). It requires consultation about historic properties of religious and cultural significance to tribal communities.

To comply with Section 106 and Tribal Consultation, the Certifying Officer must ensure the following;

1. Use the HUD Tribal Directory Assessment Tool (TDAT) <https://egis.hud.gov/tdat/> to determine if the project triggers tribal consultation. *Using the TDAT will assist the certifying official
2. Where Tribal consultation is triggered, all correspondences to the Tribal Historic Preservation Officer (THPO) must be submitted on the Local Unit of Governments Letterhead signed by the Certifying Officer (Chief Elected Official).
3. Letters and/or emails from project administrators and/or consultants to tribal nations are prohibited. ***This applies to Tribal consultation only.*** However, having letters from the Certifying Officer is recommended as a best practice for consultation with other governmental authorities.
4. Print the results of the tribal search and include as part of the Environmental Review Record for Section 106 - Historic Preservation.

Export To Excel

Print the Current Page

Contact Information for Tribes with Interests in Leflore County, Mississippi

Tribal Name	County Name
+ Choctaw Nation of Oklahoma	Leflore
+ Coushatta Tribe of Louisiana	Leflore
+ Mississippi Band of Choctaw Indians	Leflore
+ Quapaw Tribe of Indians	Leflore

1 - 4 of 4 results

Export To Excel

Print the Current Page

When To Consult With Tribes Under Section 106

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

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

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

Project

Reviewed by

Date

Tribal Consultation Letter Template – Part 58

[Letterhead of the Responsible Entity]

Date

[Name], [Title]
[Name of Tribe]
[Address]

Re: Name and address of project - HUD Program

Dear [Title] [Last Name],

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

[Name of HUD grantee] will conduct a review of this project to comply with Section 106 of the National Historic Preservation Act and its implementing regulations 36 CFR Part 800. We would like to invite you to be a consulting party in this review to help identify historic properties in the project area that may have religious and cultural significance to your tribe, and if such properties exist, to help assess how the project might affect them. If the project might have an adverse effect, we would like to discuss possible ways to avoid, minimize or mitigate potential adverse effects.

[Summarize and include known info from SHPO and other sources including non-confidential information from other tribes]

To meet project timeframes, if you would like to be a consulting party on this project, can you please let us know of your interest within 30 days? If you have any initial concerns with impacts of the project on religious or cultural properties, can you please note them in your response? Enclosed is a map that shows the project area and, if applicable, an additional area of potential indirect effects. The project consists of [insert project description].

If you do not wish to consult on this project, can you please inform us? If you do wish to consult, can you please include in your reply the name and contact information for the tribe's principal representative in the consultation? Thank you very much. We value your assistance and look forward to consulting further if there are historic properties of religious and cultural significance to your tribe that may be affected by this project.

Sincerely,

Name

Title
cc: [THPO]

Noise Abatement and Control

Introduction

HUD's noise standards may be found in 24 CFR Part 51, Subpart B. For proposed new construction in high noise areas, the project must incorporate noise mitigation features. Consideration of noise applies to the acquisition of undeveloped land and existing development as well.

All sites whose environmental or community noise exposure exceeds the day night average sound level (DNL) of 65 decibels (dB) are considered noise-impacted areas. For new construction that is proposed in high noise areas, grantees shall incorporate noise attenuation features to the extent required by HUD environmental criteria and standards contained in Subpart B (Noise Abatement and Control) of 24 CFR Part 51. The interior standard is 45dB.

The "Normally Unacceptable" noise zone includes community noise levels from above 65 decibels to 75 decibels. Approvals in this noise zone require a minimum of 5 dB additional sound attenuation for buildings having noise-sensitive uses if the day-night average sound level is greater than 65 dB but does not exceed 70 dB, or a minimum of 10 decibels of additional sound attenuation if the day-night average sound level is greater than 70 dB but does not exceed 75 dB.

Locations with day-night average noise levels above 75 dB have "Unacceptable" noise exposure. For new construction, noise attenuation measures in these locations require the approval of the Assistant Secretary for Community Planning and Development (for projects reviewed under Part 50) or the Responsible Entity's Certifying Officer (for projects reviewed under Part 58). The acceptance of such locations normally requires an environmental impact statement.

In "Unacceptable" noise zones, HUD strongly encourages conversion of noise-exposed sites to land uses compatible with the high noise levels.

HUD Guidance

Are there potential noise generators in the vicinity of the project? Review general location maps and/or conduct a field review to screen for major roadways (within 1,000 feet), railroads (within 3,000 feet), and military or FAA-regulated airfields (with 15 miles) in the vicinity of the project.

If a noise assessment was performed, was the noise found to be Acceptable, Normally Unacceptable, or Unacceptable?

Site Acceptability Standards

Noise Zone	Day-night average sound level (in decibels)	Special approvals and requirements
Acceptable	Not exceeding 65 dB	None
Normally Unacceptable	Above 65 dB but not exceeding 75 dB	<ul style="list-style-type: none"> • Environmental assessment and attenuation required for new construction • Attenuation strongly encouraged for major rehabilitation <p>Note: An environmental impact statement is required if the project site is largely undeveloped or will encourage incompatible development.</p>
Unacceptable	Above 75 dB	<ul style="list-style-type: none"> • Environmental impact statement required • Attenuation required for new construction with approval by the Assistant Secretary of CPD or Certifying Officer

Compliance and Documentation

The environmental review record should contain **one** of the following:

- Documentation the proposed action is not within 1000 feet of a major roadway, 3,000 feet of a railroad, or 15 miles of a military or FAA-regulated civil airfield
- If within those distances, documentation showing the noise level is Acceptable (at or below 65 DNL)
- If within those distances, documentation showing that there's an effective noise barrier (i.e., that provides sufficient protection)
- Documentation showing the noise generated by the noise source(s) is Normally Unacceptable (66 – 75 DNL) and identifying noise attenuation requirements that will bring the interior noise level to 45 DNL and/or exterior noise level to 65 DNL

SITE CONTAMINATION

Introduction

It is HUD policy, as described in 24 CFR Part 50.3(i) and 24 CFR 58.5(i)(2), that:

1. 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.
2. Environmental review of multifamily and non-residential properties shall include evaluation of previous uses of the site and other evidence of contamination on or near the site, to assure that occupants of proposed sites are not adversely affected by the hazards.
3. Particular attention should be given to any proposed site on or in the general proximity of such areas as dumps, landfills, industrial sites, or other locations that contain, or may have contained, hazardous wastes.
4. The responsible entity shall use current techniques by qualified professionals to undertake investigations determined necessary

It is therefore essential that responsible entities, potential grant applicants, and other HUD program participants become familiar with the potential environmental issues involving property before leasing, optioning, and/or acquiring the property. Unknowing individuals or parties that acquire contaminated property with good intentions could face liability for clean-up costs under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), third party lawsuits, and costly delays in implementing the project.

HUD Guidance

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?

Sites known or suspected to be contaminated by toxic chemicals or radioactive materials include but are not limited to sites: (i) listed on an EPA Superfund National Priorities or CERCLA List, or equivalent State list; (ii) located within 3,000 feet of a toxic or solid waste landfill site; or (iii) with an underground storage tank. For any of these conditions, the grantee must provide an ASTM Phase I report.

FHA-insured projects should refer to program guidance and to Chapter 9 of the MAP (Multifamily Accelerated Processing) Guide to comply with toxics and site contamination. Non-FHA projects should identify the potential for hazardous substances or materials that may affect the health and safety of the users of the property as follows:

- Review databases maintained by U.S. EPA and state, local, and tribal environmental quality departments or agencies to screen for potential *on-site* and *off-site* facilities that could pose health and safety problems and toxic clean-up sites that are presently under analysis or remediation.
- Investigate previous uses of the site. Site inspections and building and use permit records as well as Sanborn Co. maps show previous land uses which could have left toxic residues. Other methods of evaluation include performing a site walk, interviewing property owners or managers and local officials, and analyzing local land use records, permits, and violations.
- When site conditions indicate that the subject property is contaminated or likely contaminated by toxic substances, hazardous materials or petroleum products, one shall provide an ASTM certified Phase I ESA report, or other studies where applicable. Any hazards that are identified should be evaluated for the potential to affect the health and safety of the occupants and end-users. Contact your local HUD field environmental officer for further technical assistance in this regard.

Can adverse environmental impacts be mitigated?

Use mitigation to prevent the hazard from affecting the health and safety or project occupants, or remediate the contaminated property and work with the appropriate state agency.

Compliance and Documentation

For non-FHA-insured programs, the environmental review record should contain **one** of the following:

- Evidence the site is not contaminated (for multifamily housing projects this includes on site and off site contamination and previous uses of the site); a Phase I Environmental Site Assessment is strongly encouraged for multifamily and non-residential projects
- Evidence supporting a determination the hazard will not affect health and safety of the occupants or conflict with the intended use of the site, including any mitigation measures used
- Documentation the site has been cleaned up according to EPA or state standards for residential properties, which requires a letter of “No Further Action” (NFA) required from the appropriate state department/agency, or a RAO letter from the LSRP

Sole Source Aquifers

Introduction

Aquifers and surface water are drinking water systems that may be impacted by development. The Safe Drinking Water Act of 1974 requires protection of drinking water systems that are the sole or principal drinking water source for an area and which, if contaminated, would create a significant hazard to public health.

Sole Source Aquifer designations are one tool to protect drinking water supplies in areas where alternatives to the groundwater resource are few, cost-prohibitive, or nonexistent. The designation protects an area's ground water resource by requiring U.S Environmental Protection Agency (EPA) review of any proposed projects within the designated area that are receiving federal financial assistance. All proposed projects receiving federal funds are subject to review to ensure they do not endanger the water source.

Resources to contact for further information include the local water department or authority, Regional or State EPA Offices, and the local or state department of natural resources.

Only for new construction and conversion activities does the sole source aquifer (SSA) authority apply. SSA information is available from the local planning agency, but is also listed on the homepage of the EPA Office of Ground Water and Drinking Water.

HUD Guidance

Does the project include any activities beyond acquisition, leasing, or rehabilitation of existing buildings?

If so, is the project located on a sole source aquifer? Review the EPA regional Sole Source Aquifer (SSA) maps to determine whether the project is within the boundaries of a designated SSA.

If so, do you have a memorandum of understanding (MOU) or working agreement with the EPA that excludes your project from further review?

If not, will the proposed project contaminate the aquifer and create a significant hazard to public health? Consult with your Regional EPA Office. Your consultation request should include detailed information about your proposed project and its relationship to the aquifer and associated streamflow source area. EPA will also want to know about water, storm water and waste water at the proposed project. Follow your MOU or working agreement or contact your Regional EPA office for specific information you may need to provide. EPA may request additional information if impacts to the aquifer are questionable after this information is submitted for review.

If so, work with the EPA to develop mitigation measures.

Compliance and Documentation

The environmental review record should contain **one** of the following:

- Documentation, including a map, showing that the project site is not on a sole source aquifer
- A determination that the project consists solely of acquisition, leasing, or rehabilitation of existing buildings
- Documentation showing that a memorandum of understanding (MOU) or agreement with the EPA excludes your project from further review
- Documentation that EPA has reviewed and commented on the proposed action within an SSA and a description of any mitigation measures, if necessary

Wetlands Protection

Introduction

Executive Order 11990: Protection of Wetlands requires Federal activities to avoid adverse impacts to wetlands where practicable. As primary screening, HUD or grantees must verify whether the project is located within wetlands identified on the National Wetlands Inventory (NWI) or else consult directly with the Department of Interior- Fish and Wildlife Service (FWS) staff. If FWS staff is unavailable, HUD or grantees are to consult with the USDA/NRCS National Soils Survey or the U.S. Army Corp of Engineers (ACE). Consult a [HUD Environmental Officer](#) for details.

HUD Guidance

Does an exception apply? HUD's regulation on floodplains and wetlands was amended in November 2013 to include the following [exceptions](#) that would exclude a project from wetlands review: 55.12(a)(3), 55.12(a)(4), 55.12(c)(3), 55.12(c)(7), and 55.12(c)(10).

Does this project involve new construction as defined in Executive Order 11990, expansion of a building's footprint, or ground disturbance? The term "new construction" shall include draining, dredging, channelizing, filling, diking, impounding, and related activities and any structures or facilities begun or authorized after the effective date of the Order.

If so, will the new construction or other ground disturbance impact an on- or off-site wetland? The term "wetlands" means those areas that are inundated by surface or ground water with a frequency sufficient to support, and under normal circumstances does or would support, a prevalence of vegetative or aquatic life that requires saturated or seasonally saturated soil conditions for growth and reproduction. Wetlands generally include swamps, marshes, bogs, and similar areas such as sloughs, potholes, wet meadows, river overflows, mud flats, and natural ponds.

If so, an 8-Step Process must be completed to determine that there are no practicable alternatives to wetlands development.

Compliance and Documentation

The environmental review record should contain **one** of the following:

- Documentation supporting the determination that an exception at 55.12(a)(3), 55.12(a)(4), 55.12(c)(3), 55.12(c)(7), or 55.12(c)(10) applies.
- Documentation supporting the determination that the project does not involve new construction (as defined in Executive Order 11990), expansion of a building's footprint, or ground disturbance.
- A map or other relevant documentation supporting the determination that the project does not impact an on- or off-site wetland.
- A completed 8-Step Process, including a map and the early and final public notices

Wild and Scenic Rivers

Introduction

The Wild and Scenic Rivers Act (16 U.S.C. 1271-1287) 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). The National Wild and Scenic Rivers System (NWSRS) was created by Congress in 1968 (Public Law 90-542; 16 U.S.C. 1271 et seq., as amended) to preserve certain rivers with outstanding natural, cultural, and recreational values in a free-flowing condition for the enjoyment of present and future generations. The Act is notable for safeguarding the special character of these rivers, while also recognizing the potential for their appropriate use and development. It encourages river management that crosses political boundaries and promotes public participation in developing goals for river protection.

Each river or river segment in the National Wild and Scenic Rivers System is administered with the goal of protecting and enhancing the values that caused it to be eligible for inclusion in the system. Designated rivers need not include the entire river and may include tributaries.

Four primary federal agencies are charged with protection and managing our wild and scenic rivers: the National Park Service, Bureau of Land Management, U.S. Forest Service and U.S. Fish and Wildlife Service. Each river segment is administered by generally one of these federal agencies and/or a state agency and, in some cases, a tribe or in coordination with local government. Boundaries for protected rivers generally extend one-quarter mile from either bank in the lower 48 states and one-half mile on rivers outside national parks in Alaska in order to protect river-related values.

HUD-assisted activities are subject to the requirements of the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.). The environmental review must evaluate the potential to impact any listed Wild and Scenic River when the assisted project is within proximity to a listed natural resource ([24 CFR 58.5\(f\)](#) or [24 CFR 50.4\(f\)](#)).

HUD Guidance

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

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

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

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

If so, is your project a water resources project? A water resources project is a federally assisted project that could affect the free-flowing condition of a wild and scenic river. Examples include dams, water diversion projects, bridges, roadway construction or reconstruction, boat ramps, and activities that require a Section 404 permit from the Army Corps of Engineers.

If so, could the project do any of the following?

- Have a direct and adverse effect within wild and scenic river boundaries
- Invade the area or unreasonably diminish the river outside wild and scenic river boundaries
- Have an adverse effect on the natural, cultural, and/or recreational values of an NRI segment

Consultation with the appropriate federal, state, local, and/or tribal Managing Agency is required, pursuant to Section 7 of the Act, to determine if the proposed project may have an adverse effect on a wild and scenic river or a study river and, if so, to determine the appropriate avoidance or mitigation measures. The Managing Agency for a particular river segment generally is the National Park Service, the Bureau of Land Management, U.S. Forest Service, or U.S. Fish and Wildlife Service; for some river segments, a state agency, tribe, or a local government may also be a Managing Agency. For rivers listed in the NRI, the National Park Service (NPS) is the point of contact. Under Section 5 of the Act, the NPS can provide recommendations that the Responsible Entity must take into account in protecting the listed river segment.

Compliance and Documentation

The environmental review record should contain **one** of the following:

- Evidence the proposed action is not within proximity to a designated Wild, Scenic, or Recreational River
- Documentation that contact was made with the Federal (or state) agency that has administrative responsibility for management of the river and that the proposed action will not affect river designation or is not inconsistent with the management and land use plan for the designated river area

Wild and Scenic Rivers (CEST and EA) – PARTNER

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

1. Is your project within proximity of a Wild and Scenic River, Study River, or Nationwide Rivers Inventory River?

No → *If the RE/HUD agrees with this recommendation, the review is in compliance with this section. Provide documentation used to make your determination.*

Yes → *Continue to Question 2.*

2. Could the project do any of the following?

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

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

Select one:

The Managing Agency has concurred that the proposed project will not alter, directly, or indirectly, any of the characteristics that qualifies or potentially qualifies the river for inclusion in the NWSRS.

→ *If the RE/HUD agrees with this recommendation, the review is in compliance with this section. Provide documentation of the consultation (including the Managing Agency's concurrence) and any other documentation used to make your determination.*

The Managing Agency was consulted and the proposed project may alter, directly, or indirectly, any of the characteristics that qualifies or potentially qualifies the river for inclusion in the NWSRS.

→ *The RE/HUD must work with the Managing Agency to identify mitigation measures to mitigate the impact or effect of the project on the river.*

Worksheet Summary

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

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

Include all documentation supporting your findings in your submission to HUD.

Click here to enter text.

PUBLIC COMMENT PERIODS

Below is a chart showing the different time periods and requirements for publishing relevant documents required for environmental reviews. Note: The date a notice appears in the newspaper cannot be counted when calculating time periods. Time periods identified below are in calendar days.

Recipients may provide longer comment periods on the FONSI and/or NOI/RROF, if desired, but these are the minimum number of days required. *Environmental Public Comment Calculator is located at www.mississippi.org/csd. Go to the Federal Funded Project Compliance Guidance and Forms link and select Environmental Forms.

Document	Method	Time	Period Comments
FONSI	Published	15 days	
NOI/RROF	Published	7 days 15 days for State to receive objection	Published for a project that is categorically excluded subject to Sec. 58.5 and does not convert to exempt; or after the FONSI comment period ends for an EA.
FONSI and NOI/RROF	Published	15 days 15 days for State to receive objection	Published as a combined notice
Notice of Early Public Review	Published	15 days	Floodplains EO 11988 and Wetlands EO 11990
Notice of Statement of Findings and Public Explanation	Published	15 days	Floodplains EO 11988 and Wetlands EO 11990

RE-EVALUATION OF PREVIOUSLY CLEARED PROJECTS

Sometimes projects are revised, delayed or otherwise changed such that a re-evaluation of the Environmental Review is necessary. The purpose of the re-evaluation is to determine whether or not the original findings are still valid. If the original findings are still valid, but the data and conditions upon which they were based have changed, the Recipient must update their ERR by including this re-evaluation and its determination based on the changed circumstances.

If it is determined that the original findings are no longer valid, and a reevaluation indicates potentially significant impacts, the Grantee must prepare an EA or EIS that Includes:

- A written statement that explains how this re-evaluation was conducted and includes documentation the results.
- References the previous Environmental Review record.
- Describes both the old and new project activities, and provides maps outlining both the old and new project areas.
- Determines if FONSI is still valid
- Is signed and dated by the Certifying Officer.
- The written statement is placed in the ERR and a copy to CSD for clearance.

ENVIRONMENTAL MONITORING AND ENFORCEMENT FOR COMPLIANCE

All Sub-recipients are to be reminded that the state must ensure post-review actions on environmental reviews and monitor compliance with any environmental conditions included in the award. All Certifying Officers and their project administrators should review and be mindful of all adverse impacts and mitigation factors that may affect the federally awarded project at pre-construction, during construction and post construction of phase of the project. These activities will be monitored and forwarded to the Sub-recipients and should be included and acknowledge in all construction contracts.

TECHNICAL ASSISTANCE AND ENVIRONMENTAL GUIDANCE

The office of Housing and Urban and Development (HUD) has developed The Web-Based Instructional System for Environmental Review (WISER) environmental modules. These modules are designed to teach grantees how to understand and address all aspects of the environmental review process required for all HUD-assisted projects. The modules can be access at <https://www.hudexchange.info/trainings/wiser/>

This set of self-paced online learning modules can be completed in any order. Each module includes its own learning assessment and opportunity for obtaining a certificate of completion. Topics include:

- Understanding the overall requirements for assessing the environmental impacts of any HUD-assisted project.
- Understanding how to conduct particular components of an environmental review process, including concerns related to: endangered species; environmental justice; airport hazards; noise abatement and control; water elements; explosive and flammable materials; farmland; wild and scenic rivers; air quality; historical preservation; site contamination; and environmental assessment factors.

CSD encourages all Certifying Officials and those who serve as environmental offices to sign up and review all of the available Wisser Training Modules. The modules are outlined as follows:

Getting Started: Part 58 This module describes the Part 58 environmental review process; defines a project; and explains the different levels of review and the requirements associated with each one.

Getting Started: Tools and Resources This module guides you through the environmental review process, and describes where to look for resources for the environmental review; identifies who to contact for specific laws and authorities; and describes how to prepare for and conduct an Environmental Site Visit.

Environmental Assessment Factors This module demonstrates the benefits of site planning in the environmental review process; explains the elements that should be considered in defining a neighborhood; explains how to make a determination as to the impact of the project on the community and make a determination as to the impact of the community on the project; and clarifies the terms "Minor beneficial impact," "No impact anticipated," "Minor adverse impact," and "Significant or potentially significant impact."

Site Contamination This module explains the process of evaluating site contamination in the context of HUD projects, including why, when, and how to do so; describes the key components of Phase I and Phase II Environmental Site Assessments; and explains the screening process for evaluating project sites, including how to determine when professional environmental site assessments are necessary.

Water Elements This module presents the laws and authorities governing water elements; demonstrates how to effectively use existing resources to identify water elements; and shows how to make a determination as to the impact and mitigation requirements.

Historic Preservation This module describes the regulations and processes, including Section 106, that promote the preservation of historic properties, including a detailed discussion of the steps within the Section 106 process. In addition, the module reviews how to identify historic properties, and how to make a determination as to impact and mitigation requirements for a project affecting an historic property.

Explosive and Flammable Materials This module explains the requirement for analyzing explosive, combustible, and flammable hazards; how to calculate Acceptable Separation Distance (ASD); and how to identify project alternatives to mitigate impact.

Noise Abatement and Control This module reviews the goals for regulating noise; identifies the major sources of noise and how to calculate their noise levels; explores the impacts of noise; and helps to identify options to attenuate and mitigate noise.

Environmental Justice This module reviews the importance of Environmental Justice within the overall environmental review process; explains how to determine if a proposed project is in an environmental justice community; and what data needs and analysis is required to determine if a violation of Executive Order 12898, Federal Action to Address Environmental Justice in Minority Populations, exists.

Air Quality This module describes the laws and authorities governing air quality; describes how to use existing resources to identify attainment and nonattainment areas; and explains how to make a determination as to impact and mitigation requirements.

Endangered Species This module reviews the Endangered Species Act of 1973, and the agencies responsible for carrying it out; explains how to determine the types of effects a project may have on federally listed species or critical habitats; and illustrates the consultation process, including when and how to conduct formal and informal consultation.

Airport Hazards This module explains HUD's policy on Airport Hazards for both civil and military airports; and summarizes the steps to apply and tools to use if a project is located within an Airport Hazard Zone.

Farmlands This module identifies the purpose of the Farmland Protection Policy Act (FPPA); the types of farmland it covers; and describes next steps if a HUD project involves land that might fall under the FPPA.

Wild and Scenic Rivers This module describes how wild and scenic rivers are classified; summarizes the key points of the Wild and Scenic Rivers Act; reviews the Act's screening and analysis procedures; and discusses how to protect a river's values through management plan review and agency consultation.

SAMPLE NOI/RROF

The language below is HUD's recommended wording of the Notice of Intent to Request a Release of Funds. This Notice is used to request environmental clearance for a project that is classified as a CEST (Categorical Exclusion Subject To) 24 CFR 58.5 as defined at 24 CFR Part 58.35(a) or for projects for which a Notice of Finding of No Significant Impact (FONSI) 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): (local unit of government or county)

Address:

City, State, Zip Code:

Contact: (Name and Phone Number of RE Certifying Officer)

On or after *at least one day after the end of the comment period* **the name of the RE will submit a request to the Mississippi Development Authority for the release of Community Development Block Grant funds under Title I of the Housing and Community Development Act of 1974, as amended, to undertake the following project:**

Project Title: *project name*

Purpose: *nature/scope of project*

Location: *project location*

Estimated Cost: *both estimated HUD funding & total project cost, as applicable*

The activities proposed *alternative #1: are categorically excluded under HUD regulations at 24 CFR Part 58 from National Environmental Policy Act (NEPA) requirements or alternative #2: comprise a project for which a Finding of No Significant Impact on the environment was [published/posted] on [date of Finding publication].* **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; will be considered by the name of RE prior to submission of a request for release of funds.

RELEASE OF FUNDS

The name of RE certifies to Mississippi Development Authority that name of Certifying Officer in his/her capacity as Official Title for Communities 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. The Mississippi Development Authority'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

The Mississippi Development Authority will accept objections to its release of fund and the Name of 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 Mississippi Development Authority; 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 Attention: Mr. Antoine Dixon at Mississippi Development Authority, Community Services Division, Post Office Box 849, Jackson, Mississippi 39205-0849. Potential objectors should contact The Mississippi Development Authority to verify the actual last day of the objection period.

Typed 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 the submission of a RROF/Certification Form. The RE 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 MDA, whichever is later. A copy of the Public Notice (NOI/RROF), an affidavit of publication, and the RROF/Certification Form may be emailed or faxed to MDA in order to start the 15 day HUD Objection Period, but the original signed documents must be received by MDA before environmental clearance will be issued.

SAMPLE COMBINED FONSI & NOI/RROF

The language below is HUD's recommended wording of the combined Notice of Finding of No Significant Impact and Notice of Intent to Request a Release of Funds. This Notice is used for projects requiring an Environmental Assessment (24 CFR Part 58, Section 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): (local unit of government or county)

Address:

City, State, Zip Code:

Contact: (Name and Phone Number of RE Certifying Officer)

On or after *at least one day after the end of the comment period* **the name of the RE will submit a request to the Mississippi Development Authority for the release of Community Development Block Grant funds under Title I of the Housing and Community Development Act of 1974, as amended, to undertake the following project:**

Project Title: *project name*

Purpose: *nature/scope of project*

Location: *project location*

Estimated Cost: *both estimated HUD funding & total project cost, as applicable*

The activities proposed *alternative #1: are categorically excluded under HUD regulations at 24 CFR Part 58 from National Environmental Policy Act (NEPA) requirements or alternative #2: comprise a project for which a Finding of No Significant Impact on the environment 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.**

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: notice date plus seven days; will be considered by the name of RE prior to submission of a request for release of funds.

RELEASE OF FUNDS

The name of RE certifies to Mississippi Development Authority that name of Certifying Officer in his/her capacity as Official Title for Communities 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. The Mississippi Development Authority'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

The Mississippi Development Authority will accept objections to its release of fund and the Name of 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 Mississippi Development Authority; 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 Attention: Mr. Antoine Dixon at Mississippi Development Authority, Community Services Division, Post Office Box 849, Jackson, Mississippi, 39205-0849. Potential objectors should contact The Mississippi Development Authority to verify the actual last day of the objection period.

Typed Name and Title of RE Certifying Officer

NOTE: The fifteen or eighteen-day 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 MDA. 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 MDA, whichever is later.

Notice of Intent to Request Release of Funds [Tiered Reviews]

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 FOR TIERED PROJECTS AND PROGRAMS

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** *Mississippi Development Authority* **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:**

Tier 1 Broad Review Project/Program Title: *State the project/program name.*

Purpose: *Summarize purpose and need for the project/program.*

Location: *Give the general idea of the location and state specific addresses will be assessed in the site specific reviews.*

Project/Program Description: *Describe what the project/program does, what is going to be done and how.* **Tier 2 site specific reviews will be completed for those laws and authorities not addressed in the tier 1 broad review for each address under this program when addresses become known.**

Level of Environmental Review Citation: *Give the specific categorical exclusion citation under which the program falls. For example, for a Rehabilitation Program of home-owner occupied single family homes, state: "24 CFR Part 58.5(a)(3)(i)"*

Tier 2 Site Specific Review: **The site specific reviews will cover the following laws and authorities not addressed in the Tier 1 broad review:** *List the laws and authorities that were not addressed in the tier 1 broad review and will be addressed in the tier 2 site specific review.*

Mitigation Measures/Conditions/Permits (if any): *For each of the laws and authorities listed in the tier 2 site specific review, describe how issues will be addressed, and how mitigation measures, conditions or permits required will be implemented.*

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

The activity/activities proposed are categorically excluded under HUD regulations at 24 CFR Part 58 from National Environmental Policy Act (NEPA) requirements per give citation listed above. 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.

ENVIRONMENTAL CERTIFICATION

The name of RE certifies to the Mississippi Development Authority that name of Certifying Officer, 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. The Mississippi Development Authority'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

Mississippi Development Authority 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 Mississippi Development Authority ; 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 the Mississippi Development Authority at Attention: Mr. Antoine Dixon, Mississippi Development Authority, Community Services Division, Post Office Box 849, Jackson, Mississippi, 39205-0849. **Potential objectors should contact the Mississippi Development Authority to verify the actual last day of the objection period.**

Name and Title of RE Certifying Officer, 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.

**Sample Notice for Early Public Review of a Proposal to Support
Activity in the 100-Year Floodplain or Wetland**

To: All Interested Agencies, Groups, and Individuals

This is to give notice that (*Name of Grantee*) is proposing to expend federal funds in a 100-Year Floodplain (*or wetland, if applicable*). The subject funds are (*Community Development Block Grant administered by the Mississippi Development Authority*) [*mention other federal funds involved, if applicable*].

This notice is required by Section 2(a)(4) of Executive Order 11988 for Floodplain Management, and by Section 2(b) of Executive Order 11990 for the Protection of Wetlands, and is implemented by HUD Regulations found at 24 CFR 55.20(b) for the HUD action that is within and/or affects a floodplain or wetland.

The (*Name of Grantee*) is proposing to undertake the following activities in the area.

Describe the project, being specific as to location of proposed activities, and total number of acres of floodplain/wetland involved.

The purpose of this notice is to give an early opportunity for interested agencies, persons or groups to comment on the proposed action(s). The (*Name of Grantee*) will consider any feasible alternatives or adjustments to the anticipated project which might minimize any potential adverse effects upon the floodplain/wetland as a result of the project.

This notice with a request for comment was mailed to: (*Name of agencies, and other organizations notice sent to*)

Additional information concerning this project is available for public review and copying, upon request, at: (*location*). Any comments relative to this proposed expenditure of federal funds in an area identified as a flood hazard/wetland area should be submitted in writing to (*name and address*) on or before (*month, day, year*) [*allow minimum of 15 after publication date, not counting day of publication as required by 24 CFR 55.20(b)(2)*].

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

To: All interested Agencies, Groups and Individuals

This is to give notice that the *(Name of Grantee)* has conducted an evaluation as required by Executive Order *(11988 or 11990)* in accordance with HUD regulations at 24 CFR 55.20 to determine the potential affect that its activity in the *(floodplain or wetland)* will have on the environment. The proposed project *(Description of project and project activities)*.

The *(Name of Grantee)* has determined that it has no practicable alternative other than locating the proposed (Community Development Block Grant *mention other federal if applicable*) project in a (floodplain/wetland). This activity will have no significant impact on the environment for the following reasons: *(List and describe the reasons why the activity will have no significant impact and state reason(s) why the project must be located in the floodplain; including other alternatives that were considered and mitigation measures to be taken to minimize adverse effects)*

Written comments must be received by *(Name of Grantee)* at the following address on or before *(month, day, year)* [24 CFR 55.20(g)(2) allows 7 days at a minimum]: *(Address of Grantee)*

Environmental Contact Listing

STATUTES, EXECUTIVE ORDERS AND REGULATIONS LISTED AT 24 CFR 58.5	CONTACTS AND ADDRESS
HISTORIC PRESERVATION 36 CFR PART 800	MISSISSIPPI DEPARTMENT OF ARCHIVES AND HISTORY Attention: Review and Compliance Officer P.O. Box 571 Jackson, Mississippi 39205 601-576-6850
TRIBAL HISTORIC PRESERVATION 36 CFR Part 800.3(c)(3) Executive Order 13175	HUD Tribal Directory Assessment Tool (TDAT) https://egis.hud.gov/tdat/
FLOODPLAIN MANAGEMENT 24 CFR 55 & EXECUTIVE ORDER 11988	MISSISSIPPI EMERGENCY MANAGEMENT AGENCY P.O. Box 5644 Pearl, MS 39288-5644 601-933-6362 Include Readable Floodplain Map
WETLAND PROTECTION EXECUTIVE ORDER 11990	Department of the Army, or Vicksburg District Corps of Engineer 4155 Clay Street Vicksburg, MS 39183-3435 Department of the Army, US Army Engineer District Mobile District Corps of Engineer 218 Summit Parkway, Suite 222 Homewood, AL 35209
COASTAL ZONE MANAGEMENT ACT SECTIONS 307 [c] & [d]	MISSISSIPPI DEPARTMENT OF MARINE RESOURCES 1141 Bayview Avenue Biloxi, Mississippi 39530 228-374-5000
SOLE SOURCE AQUIFERS 40 CFR 149	U.S. ENVIRONMENTAL PROTECTION AGENCY 61 Forsyth Street Atlanta, Georgia 30303-8960 404-562-9443
<u>ENDANGERED SPECIES ACT</u> 50 CFR 402	FISH AND WILDLIFE SERVICE MISSISSIPPI FIELD OFFICE 6578 Dogwood View Parkway, Suite A Jackson, MS 39213 601-965-4900
WILD AND SCENIC RIVERS ACT SECTIONS 7 [b] & [c]	DESOTO NATIONAL FOREST 654 West Frontage Road Wiggins, MS 39577 The Black Creek is designated as a scenic stream for the State of Mississippi. Include a map detailing project location as it relates to the scenic stream or river.
CLEAN AIR ACT SECTIONS 176[c][d] & 40 CFR 6, 51, 93	MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY Office of Pollution Control P.O. Box 2261 Jackson, MS 3922 601-961-5171

<p>FARMLAND PROTECTION POLICY ACT 7 CFR 658</p>	<p>U.S. DEPARTMENT OF AGRICULTURE NATURAL RESOURCES CONSERVATION SERVICE Suite 1321, Federal Building 100 West Capitol Street Jackson, MS 39269 601-965-5209</p>
<p>ENVIRONMENTAL JUSTICE EXECUTIVE ORDER 12898</p>	<p>LETTER FROM THE CERTIFYING OFFICIAL</p>
<p>NOISE ABATEMENT & CONTROL 24 CFR 51B</p>	<p>LOCAL OR COUNTY ENGINEER OR CERTIFYING OFFICIAL</p>
<p>EXPLOSIVE & FLAMMABLE OPERATIONS 24 CFR 51C</p>	<p>LOCAL OR COUNTY FIRE DEPT. CIVIL DEFENSE DEPARTMENT ENGINEER OR CERTIFYING OFFICIAL</p>
<p>HAZARDOUS, TOXIC OR RADIOACTIVE MATERIALS & SUBSTANCES 24 CFR 58.5[I][2]</p>	<p>STATE OF MISSISSIPPI MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY OFFICE OF POLLUTION CONTROL P.O Box 2261 Jackson, MS 39225-2261 601-961-5220</p> <p>LOCAL OR COUNTY ENGINEER OR CERTIFYING OFFICIAL</p>
<p>AIRPORT CLEAR ZONES & ACCIDENT POTENTIAL ZONES 24 CFR 51D</p>	<p>FEDERAL AVIATION ADMINISTRATION Jackson Airports District Office – (Alabama and Mississippi) 100 West Cross Street, Suite B Jackson, MS 39208-2307 601-664-9900</p>

The CSD Environmental Policy and Procedures, HUD Regulations 24 CFR Part 58, sample notices, letters and forms can be downloaded at www.mississippi.org/csd under Environmental Compliance.

2. Buildings and Structures

- Will the project involve an addition to, destruction, alteration, or renovation of any structure? If *NO*, proceed to Section 3. YES NO
- Is affected structure 50 years old or older? If *NO*, proceed to Section 3. YES NO
- What is the approximate date of construction of the existing structure, if known?
- Have plans and specifications for the renovation, alteration, or addition been completed? YES NO

If *YES*, attach plans and specifications (plans for a new structure to replace a demolished one need not be attached). Please include photos of front and rear elevations, as well as the location of any proposed additions/alterations.

- Will construction take place adjacent to any structure which is approximately fifty years old or older? If *YES*, give address of structure(s), and date(s) of construction, if known. YES NO

If the building(s) or structure(s) is located in a National Register and/or local historic district, if known, name the district.

Please include photos of structure(s) and indicate on the project map the location(s) in relation to the project. Use of printed digital images are acceptable.

3. Ground Disturbing Activities

- Has the ground at the project location been previously developed, graded, or disturbed? If *YES*, describe the nature of the disturbed/developed portion (graded, farmed, etc.). YES NO
- Will this project necessitate the acquisition of fill material? If *YES*, approximately how many cubic yards of material will be acquired? Cu. Yds. YES NO
- Has the site from which fill material will be acquired been selected? YES NO

Clearly indicate borrow area(s) on project map and give approximate size in acres of each borrow site.

- Has material been taken from the borrow area(s) for other projects? YES NO
- Does this project involve road/street construction? If *YES*, does the project involve any of the following? YES NO

New right-of-way New road construction Repaving Widening/change of alignment

Mail completed form to:

**Mississippi Department of Archives and History
Review and Compliance Officer
P.O. Box 571
Jackson, Mississippi 39205**

MDAH 6/01/2009

Phone: (601) 576-6940

Request for Release of Funds and Certification

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

OMB No. 2506-0087
(exp. 03/31/2020)

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

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

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

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

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

11. Program Activity/Project Description

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

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

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

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

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

Signature of Certifying Officer of the Responsible Entity	Title of Certifying Officer
	Date signed
X	

Address of Certifying Officer

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

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

Signature of Authorized Officer of the Recipient	Title of Authorized Officer
	Date signed
X	

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

A-1

**Environmental
Review Procedures for
Entities Assuming
HUD Environmental
Responsibilities 24
CFR Part 58
Regulations**