



# Environmental Review Manual



SOUTH CAROLINA STATE HOUSING  
FINANCE AND DEVELOPMENT AUTHORITY

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# HOME Environmental Reviews

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## 1. OVERVIEW

1.1 The HOME Rule requires that the environmental effects of each activity carried out with HOME funds comply with the provisions of the U.S. Dept. of Housing and Urban Development's (HUD) regulations implementing the National Environmental Policy Act of 1969 (NEPA) and the related authorities listed in HUD's implementing regulations at 24 CFR Parts 58 . An environmental review must be conducted considering federal laws, authorities, and regulations which address noise, air quality, historic properties, floodplains, wetlands, water quality, solid waste disposal, man-made hazards, farmlands protection, wild and scenic rivers, coastal areas, endangered species and others.

In accordance with 24 § 58.22, applicants, owners, developers, sponsors or any other third party partners **CAN NOT** take any physical actions on a site, begin construction, commit, expend, or enter into any legally binding agreements that constitute choice limiting actions (e.g. enter into a legal agreement authorizing a physical action) for any HUD or non-HUD funds before the environmental review process has been completed and the Authority has received a Release of Funds approval from the U.S. Department of Housing Urban Development. **Any violation of the prior commitment statute or regulation will result in the immediate termination of the HOME reservation.**

1.2 This manual will guide you through the environmental review process. As soon as a site is identified, the environmental review process should begin. A successful environmental review will conclude with a:

1.2.1 Determination of Exemption from all regulations, statutes, & authorities under NEPA; or

1.2.2 Categorically Excluded Subject to converted to Exempt; or

1.2.3 Determination that the project is Categorically Excluded Not Subject to ; or

1.2.4 Release of grant conditions by way of Form HUD-7015.16 Authority to Use Grant Funds or equivalent letter.

1.3 A helpful web address that may help resolve environmental questions can be located at: <https://www.hudexchange.info/environmental-review/>.

## 2. RESPONSIBILITY FOR THE ENVIRONMENTAL REVIEW

2.1 **Local Governments** - HOME's environmental review procedures require that units of local governments, such as cities and counties, assume responsibility for all environmental reviews. The local government must complete the entire process; from gathering all required information to the publication of any/all notices. Local governments double as the Responsible Entity (RE) and as such submit Form HUD - 7015.15 Request for Release of Funds (RROF) to the State PJ (state) along with a copy of their applicable environmental review. The state acts as HUD and determines whether or not to execute their Form HUD-7015.16 Authority to Use Grant Funds or whether to certify that the project is exempt or categorically excluded from NEPA.

2.2 **Other Entities (Non-Profits, For Profits, Community Development Housing Organizations [CHDOs], etc.; will be referred to throughout as "applicant")** - For other applicants, the state is always the RE and is responsible for verifying information submitted in each entities' environmental review. Only the state can certify that the environmental review requirements have been met and as such is responsible for submitting Form HUD - 7015.15 RROF to HUD on the entity's behalf, if required. If a RROF is not required, the state will determine if the project is exempt or categorically excluded not subject to.

### 3. EXEMPT ACTIVITIES

3.1 **What Can Be Done Prior To Completion Of Environmental Review** - The only tasks that may be undertaken prior to completing the environmental review are those activities that generally have no impact on the environment and are therefore considered **exempt** or not choice-limiting.

3.1.1 **Exempt** activities include:

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

3.1.2 **Conditional Commitment of Funds** - An option agreement on a proposed site or property is allowable prior to the completion of the environmental review **if and only if** the option agreement is conditional in nature so as not to provide legal claim to any amount of HOME funds to be used for the specific project or site until the environmental review process is satisfactorily completed.

Completion of the environmental review process, including HUD approval for use of HOME funds, is mandatory before taking action on a site, including the purchase of the site, or making a commitment or expenditure of HUD or non-HUD funds for property acquisition, rehabilitation, conversion, lease, repair or construction activities. In accordance with 24 CFR Part 58 participants, recipients, owners, developers, sponsors or any third party partners CAN NOT take any physical actions on a site, begin construction, commit, expend, or enter into any legally binding agreements that constitute choice limiting actions for any HUD or non-HUD funds before the environmental review process has been completed and an "Authority to Use Grant Funds" has been received from HUD. Any violation of the statutory regulation will result in the automatic de-obligation of a conditional commitment.

### 4. ENVIRONMENTAL REVIEW REQUIREMENTS

4.1 **Overview** - The environmental review process should be initiated as soon as all proposed activities are determined. Private citizens and organizations can object to the Release of Funds (ROF) for HOME projects on certain procedural grounds relating to the environmental review. Therefore, it is important that all procedural requirements be met.

4.2 **Environmental Review Record (ERR)** is the written record of an environmental review related to a HOME-assisted project. The ERR must contain a description of the project and all activities determined to be part of the project. It must contain all documents, public notices, and written determinations or environmental findings as evidence of review, decision making and actions pertaining to a particular project. The ERR must be available for public review.

4.2.1 **Local Governments** must maintain the original written documents which make up their own ERR. A complete copy must be sent to the Authority along with the appropriate form; a *RROF* should also be sent if applicable.

4.2.2 **Other Entities** must send the **original ERR** to the Authority and maintain a copy for their own files.

4.3 **Project Aggregation** - Local governments/applicants must group together and evaluate, as a single project, all individual activities that are related either geographically (site specific - "Fairlie Poplar Historic District) or functionally (activity specific - all single-family actions), are logical parts of a larger project, are funded by several HUD or non-HUD Federal programs (CDBG, HOME, RD, etc.), or are partly funded with non-Federal resources (e.g., State, local, nonprofit or private companies). The purpose of aggregation is to reduce the number of individual reviews by analyzing the impacts of the entire proposed project.

The environmental review must (a) state whether or not the proposed activity will receive multiple year funding, and (b) assess the impacts of activities funded from all other sources (Federal and non-Federal) which are used in HOME-assisted projects. The review should address all aspects of the project, not just those assisted with Federal funds. Additionally, the applicable public notice(s) shall identify the source of all other funds. Separate Request for Release of Funds and Certification forms (HUD-7015.15) should be completed for each source of HUD funds (e.g., HOME, CDBG, SNAPS).

In an effort to coordinate and improve the efficient preparation of environmental reviews, the Council on Environmental Quality (CEQ) has requested all Federal agencies to take further steps to implement the National Environmental Policy Act's (NEPA) mandate for preparing environmental assessments and environmental impact statements "in cooperation with State and local agencies," and other agencies with jurisdiction by law or with special expertise. The purpose of this policy is to engender a collaborative approach among relevant agencies so that the roles of each agency can be maximized as well as the overall effectiveness and efficiency of the assessment process itself. This approach requires written formalization of the process in a "Cooperating Agency Agreement" between the relevant agencies

4.4 **Level Of Review** - There are five levels of review: Exempt; Categorically Excluded **Not** Subject to 24 CFR 58.5; Categorically Excluded Subject to 24 CFR 58.5; Environmental Assessment (EA); and Environmental Impact Statement (EIS). Typically, HOME projects are categorically excluded or require an EA. If there is a question about a project's level of review, contact the Authority.

4.4.1. **Exempt Activities** - Refer to **Section 3.1.1** above for an explanation and list of exempt activities. The RE must document its determination that the activity is exempt, complete the *Determination of Exemption* form, place the form into the ERR, and provide the local government/applicant with a copy.

4.4.2. **Categorically Excluded Activities Not Subject To § 58.5 Authorities** - HUD has determined that certain categorically excluded activities would not alter any conditions that would require an environmental review or compliance determination under Federal laws and authorities. These activities are treated like exempt activities. The RE must document its determination that the activity is a categorical exclusion not subject to, complete the *Categorically Excluded Not Subject to* form, place the form into the ERR, and provide the local government/applicant with a copy. Examples of activities that are categorical exclusions not subject to include the following:

1. Tenant-based rental assistance (TBRA);
2. Supportive services including, but not limited to, health care, housing services, permanent housing placement, day care, nutritional services, short-term payments for rent/mortgage/utility costs, and assistance in gaining access to local, State, Federal government benefits and services;
3. Operating costs including maintenance, security, operation, utilities, furnishings, equipment, supplies, staff training and recruitment and other incidental costs;
4. Activities to assist homebuyers to purchase existing dwelling units or dwelling units under construction, including closing costs and down payment assistance, interest buy downs, and similar activities that result in the transfer of title. **Warning:** homebuyer assistance for units not already under construction must be treated as a categorical exclusion *requiring* compliance with the authorities cited in §58.5.
5. Affordable housing pre-development costs including legal, consulting, developer and other costs related to obtaining site options, project financing, administrative costs and fees for loan commitments, zoning approvals, and other related activities that do not have a physical impact.

4.4.3. **Categorical Exclusions Subject To §58.5 Authorities** - These are actions that do not individually

or cumulatively have a significant effect on the human environment, however, the completion of a “compliance determination” review using the Statutory Checklist is required. The checklist lists all applicable Federal environmental laws and authorities. If the proposed project does not comply with any one of those laws or authorities, mitigation must be sought and completed before the review can be considered finished. Categorically excluded subject to activities are listed below:

1. Special projects directed to the removal of material and architectural barriers that restrict the mobility of and accessibility to elderly and disabled persons;
  2. Rehabilitation of buildings and improvements when the following conditions are met:
    - a. In the case of a building for residential use containing one to four units:
      - Density is not increased beyond four (4) units;
      - Land use is not changed;
      - The footprint of the building is not increased in a floodplain or in a wetland;
    - b. In the case of multifamily residential buildings:
      - Unit density is not changed more than 20 percent;
      - The estimated cost of rehabilitation is less than 75% of the total estimated cost of replacement after rehabilitation;
      - The project does not involve changes in land use from residential to nonresidential;
- Note:** Provide the **Property Value Before Rehabilitation, Estimated Cost of Rehabilitation AND Total Estimated Cost of Replacement After Rehabilitation** if the intention is to meet criteria under 2.b. Submit those totals with the *Statutory Checklist*.
3. An individual action on up to four dwelling units where there is a maximum of four units on any one site. The units can be four one-unit buildings or one four-unit building or any combination in between;
  4. 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;
  5. Combinations of the above activities;

Local governments/applicants undertaking categorically excluded activities which trigger compliance with one of the laws or authorities may be required to publish notices related to the specific law or authority which was mitigated. Please note, **all activities which trigger compliance require:**

1. Publishing a Notice of Intent to Request Release of Funds (NOI/RROF) ; and
2. Submittal of the RROF to HUD or the state (in the case of a local government); and
3. Receipt of a Form HUD-7015.16 *Authority to Use Grant Funds* or equivalent letter from HUD or the state.

**Categorically Excluded Activities** described above may be **converted into Exempt activities** under the following conditions:

1. the local government/applicant completes a compliance determination for the proposed activity under the Federal laws and authorities using the *Statutory Checklist*; and
2. the local government/applicant submits all required *Source Documentation* with applicable forms to the Authority; and
3. the Authority concludes and documents that the activity did not trigger compliance with any laws and authorities; and
4. the Authority determines that the activity is exempt, completes the *Determination of Exemption* form, places the form into the ERR, and provides the local government/applicant with a copy.

- 4.4.4. **Environmental Assessments (EA)** - Activities which cannot be determined to be exempt or categorically excluded from NEPA require that a full EA be conducted. An EA is normally required for five (5) or more units only if the sites are 2,000 ft. apart or less and/or there are more than four (4) units on one site.

1. This includes:
  - a. new construction of five (5) or more residential units;
  - b. major rehabilitation and reconstruction of five (5) or more residential units;
  - c. conversion of non-residential land use to residential land use;
  - d. acquisition of vacant land for future development when five (5) or more units will be involved.
  
2. An EA addresses the same issues as those found on the *Statutory Checklist*, as well as the following analysis:
  1. determines existing conditions and describes the character, features, and resources of the project area and its surroundings; identifies the trends that are likely to continue in the absence of the project;
  2. identifies all potential environmental impacts, whether beneficial or adverse, and the conditions that would change as a result of the project;
  3. identifies, analyzes and evaluates all impacts to determine the significance of their effects on the human environment and whether the project will require further compliance under **related** laws and authorities;
  4. examines and recommends feasible ways in which the project or external factors relating to the project could be modified in order to eliminate or minimize adverse environmental impacts;
  5. examines alternatives to the project itself, if appropriate, including the alternative of no action;
  6. includes a compliance determination for all **related** laws and authorities;
  7. leads to an RE's Finding of No Significant Impact (FONSI) , or a Finding of Significant Impact (FOSI). In the event that a FOSI is made, an Environmental Impact Statement (EIS) must be executed.

4.4.5 **Environmental Impact Statement (EIS)** - An environmental impact statement is a complex analysis required for proposed activities that would have a significant impact on the human environment in accordance with NEPA. EIS thresholds stated at Section 58.37(a) and (b)(2) include:

1. projects determined by a previously written EA to have a potentially significant impact on the human environment; and/or
2. projects involving 2,500 or more units being removed, demolished, converted, rehabilitated, and/or constructed.

Should a local government/applicant determine it is necessary to prepare an EIS, the Authority should be contacted as soon as possible.

4.5 **Unspecified Site Strategy (Tiering)** - For some projects it is not possible or feasible to identify the exact physical location of the activity or housing units until the project is underway.

An unspecified site strategy can be used for scattered site projects involving rehabilitation or new construction. The environmental review should utilize target neighborhood information as a data base to complete most of the information required for a checklist. The environmental review would describe typical impacts regardless of the specific sites chosen within the target area at a later time.

A site specific strategy would be developed to include criteria or standards for judging impact and the need for mitigation measures at each site during the operation of the program. A checklist must be developed and completed on a site specific basis to document compliance with all of the remaining areas not cleared on a geographical basis. For example, Historic Properties and Noise could not be cleared until sites are identified, so these areas would be included on the site specific checklist.

Although funds may be released based upon the submittal of the ERR at the beginning of the project, individual site specific checklists must be submitted as soon as each site is identified.

The NOI/RROF notices relating to the use of an unspecified site strategy must contain a summary of the

assessment and identify the significant issues to be considered in site specific reviews. Subsequent site specific reviews will not require notices or a Request for Release of Funds unless the Certifying Officer determines that there are unanticipated impacts or impacts not adequately addressed in the prior review.

**4.6 Section 58.6 Other Requirements** - All HUD-Assisted activities - exempt, categorically excluded, an EA - **must** comply with the following requirements:

4.6.1. **Flood Insurance/ Flood Disaster Protection Act** - (Please do not confuse this requirement with the Floodplain Management compliance factor listed on the *Statutory Checklist* and explained in **Section 5.4.2, 2** below. These are two completely separate environmental factors!) For structures (walled and roofed buildings or manufactured homes) located in Zones designated as A(x) and/or V(x), (**Special Flood Hazard Areas**) on current effective Flood Insurance Rate Maps (FIRMS) National Flood Insurance Program flood insurance must be purchased or HOME and/or NNHTF dollars cannot be utilized. If the HOME and/or NNHTF dollars are provided in the form of a loan, the flood insurance must be maintained for the life of the loan. If the HOME and/or NNHTF dollars are provided in the form of a grant the flood insurance must be maintained for the life of the structure, regardless of ownership.

**Step 1** - Obtain the effective FEMA Federal Insurance Rate Map (FIRM) for the project. To do so:

1. Contact FEMA at 1 (877) 336- 2627; or
2. FIRMS specific to an individual site can be reviewed on-line and are available at <https://msc.fema.gov/portal/>, or;
3. If a FIRM is not available for a site, a site-specific determination may be obtained from the US Army Corps of Engineers by contacting Ms. Sara Brown at [Sara.A.Brown@usace.army.mil](mailto:Sara.A.Brown@usace.army.mil); or by calling the National Flood Insurance Call Center at 1-800-612-3362.
4. If FEMA information is unavailable or insufficiently detailed, other Federal, state, or local data may be used as "best available information." However, a base flood elevation from an interim or preliminary or non-FEMA source cannot be used if it is lower than the current FIRM and Flood Insurance Study (FIS).

**Step 2** - Include the FIRM, with the site clearly identified, as *Source Documentation*. If the project is located in a FEMA-identified Special Flood Hazard Area , go to **Step 3**.

**Step 3** - Require the applicant to provide a certification stating a copy of the flood insurance policy declaration for the site will be provided as soon as possible.

4.6.2 **Coastal Barrier Resources System (CBRS)**

**Step 1** - Attach a copy of an appropriate map showing the location of the project relative to Coastal Barrier Resource System (CBRS) areas. The following maps are acceptable a Flood Insurance Rate Map (FIRM) indicating if the project is or is not located in a Coastal Barrier Resource System (CBRS) area, or a US Fish and Wildlife Service CBRS map acquired at <https://www.fws.gov/CBRA/Maps/Mapper.html> .

**Step 2** - If a project is clearly located within a CBRS area, the site will be rejected. Federal expenditures are not allowed in those areas.

4.6.3 **Airport Hazards** – Is the project located within 2,500 feet of a civil airport, or 15,000 feet of a military airfield? If the answer is yes to either question, contact the airport to determine if the project is located within the Runway Clearzone or Protection Zone (civil and military airports) or Accident Potential Zone (military airports). Contact information for individual commercial airports may be found at <http://www.scaeronautics.com/airport.asp> . The civil airports covered under this authority are limited to Federal Aviation Administration designated National Plan of Integrate Airport Systems designated commercial service airports which are listed at [http://www.faa.gov/airports/planning\\_capacity/npas/reports/](http://www.faa.gov/airports/planning_capacity/npas/reports/) . HUD will not fund new construction or substantial rehabilitation activities in Runway Clearzones or Protection

Zones, or Accident Potential Zones. Other activities may receive funding provided the proposed project satisfies conditions outlined in 24 CFR § 51.303.

**Step 1** - Provide a map clearly identifying the site and nearby airports as *Source Documentation*. Make sure the map has a distance scale. Should the site be located within the distances stated above, contact the airport operator and go to **Step 2**.

**Step 2** - Include all communication with the airport operator, whether it be a telephone log of a conversation or formal letter, as additional *Source Documentation*. If the operator determines the property is in a “zone”, the site will be rejected.

This website may also be helpful in determining Clear Zone information:  
[www.scaeronautics.com/airport.asp](http://www.scaeronautics.com/airport.asp).

## 5. ENVIRONMENTAL REVIEW PROCESS -

5.1 **Determine Review Level** - Once a project has been identified and its activities defined, a determination must be made as to whether the project is exempt, categorically excluded or requires an EA.

5.1.1 Obtain, complete, and submit the appropriate level of review form along with ALL appropriate *Source Documentation*. Below is a list of forms:

1. Exempt Activities - (24 CFR 58.34(a))
2. Categorical Exclusion Activities NOT Subject to §58.5 - (§58.35(b))
3. Categorical Exclusion Activities Subject to §58.5 - (§58.35(a)), AND HOME Environmental *Statutory Checklist*
4. Environmental Assessment -
5. Environmental Impact Statement - no form; will be handled on a case-by-case basis.

### 5.2 Steps to Review an Exempt Activity

5.2.1 Refer to **Section 4.4.1** above.

5.2.2 Make sure that the *Other Requirements* questions are answered on the *Determination of Exemption* form and that the appropriate *Source Documentation* is provided.

5.2.3 If *Source Documentation* is not provided, the environmental review will not be considered complete and HOME funds will be withheld.

### 5.3 Steps to Review A Categorically Excluded Not Subject To Activity

5.3.1 Refer to **Section 4.4.2** above.

5.3.2 Make sure that the *Other Requirements* questions are answered on the *Categorically Excluded NOT Subject To* form and that the appropriate *Source Documentation* is provided.

5.3.3 If *Source Documentation* is not provided, the environmental review will not be considered complete and HOME funds will be withheld.

### 5.4 Steps To Review A Categorically Excluded Subject To Activity

5.4.1 **Complete the *Statutory Checklist*** - The *Statutory Checklist* includes a listing of applicable statutes, regulations, and authorities by area of compliance.

1. **Status** - Indicate an “NO” in the Mitigation Column when the proposal, by its scope and nature, does not affect the Compliance Factor under consideration; OR write “YES” if the project triggers

**formal compliance consultation procedures** with the oversight agency, or requires mitigation. A request for review letter sent to an oversight agency is not in and of itself considered a formal compliance consultation procedure.

2. **Compliance Determination & Source Documentation** - In the space provided on the *Statutory Checklist*, the specific source of information must be documented identifying when, and who or on what basis the determination or status was made.

5.4.2 **Compliance Factors** - Below is a list of each area of compliance as listed on the *Statutory Checklist*, a brief explanation of each, and descriptions of their acceptable *Source Documentation*:

1. **Historic Preservation** - The National Historic Preservation Act requires Federal agencies to consider affects on properties that are eligible for or listed on the National Register of Historic Places. Section 106 of the Act requires approved officials to examine all sites to determine if the property itself or a surrounding property is listed on or eligible for listing on the National Register of Historic Places.

**Step 1** - Begin the historic property identification process by seeking information through background research, consultation, oral history, sample field investigations, field survey, etc. National Register listings, historic property survey information, and non-local archaeological information is available to the public at <http://archsite.cas.sc.edu/ArchSite/>. Restricted National Register listings and archaeological site locations are available to vetted subscribers such as cultural resource professionals, environmental consultants, and planners. In accordance with the May 2009 HUD policy fact sheet "When to do Archeological Field Investigations", archeological survey requests should generally **not** be honored unless authoritative resources indicate at least one of the following conditions is present at the project site:

1. Previously yielded archeological resources; or
2. Is in an urban area and is adjacent to a site that has yielded archeological resources; or
3. Is in a rural area and within a reasonable distance of sites that have yielded archeological resources.

**Step 2** Based on information discovered in **Step 1**, make a finding of:

1. No Historic Properties Affected ; or
2. No Adverse Effect ; or
3. Adverse Effect

**Step 3** - Send a request for review letter to SC's State Historic Preservation Officer (SHPO), John Sylvest, Project Review Coordinator, SC Dept. of Archives & History, 8301 Parklane Road, Cola, SC 29223; (803) 896-6169; [syvest@scdah.state.sc.us](mailto:syvest@scdah.state.sc.us) To insure a timely review of the project, "adequately documented findings" must be included with the request for review letter. Below is a list of adequate documentation:

1. A copy of a completed Project Review Form (also available at <http://shpo.sc.gov/programs/revcomp/Documents/106Form.pdf>); and
2. A description of the project/undertaking that specifies:
  - a. Federal involvement (in this case, making application for federal HUD HOME funds is the "federal involvement."); and
  - b. Area of potential effects, including photographs, maps, and drawings as necessary; and
3. A portion of an **identified** 1:24,000 USGS topographic map section showing the location of the project clearly delineated; and
4. A description of the historic property identification process taken in **Step 1**; and
5. The basis for the finding in **Step 2**;
6. If historic properties are found, also include the following:
  - a. A description of the historic properties, including characteristics that qualify them for

- the National Register; and
- b. A description of the project's/undertaking's effects on historic properties; and
- c. Copies or summaries of any views provided by consulting parties and the public; and
- d. Finding of "No Adverse Effect" - An explanation of why the criteria of adverse affect (36 CFR § 800.5(a)(1) - were found inapplicable, including any future actions required to avoid, minimize or mitigate adverse effects.

**Step 4 – Tribal Consultation (THPOs)** Please see HUD's tribal consultation policy at: <https://www.hudexchange.info/resource/4484/hud-memo-section-106-tribal-consultation-in-projects-reviewed-under-24-cfr-part-50/>. In accordance with HUD policy tribal consultation must be initiated by responsible entities (Part 58) or HUD (Part 50). Tribes with interest in the county where the project is occurring are identified by utilizing the Tribal Directory Assessment Tool (TDAT), which is available at <https://egis.hud.gov/tdat/Tribal.aspx>, and complete consultation with each tribe. As of the date of this manual, tribes that have shown an interest in SC, with known consultation protocols, are as follows:

**The Alabama-Qassarte Tribal Town** is interested in all projects occurring in counties of interest. The Tribal Historic Preservation Officer (THPO) is Samantha Robinson Alabama-Qassarte Tribal Town THPO, P.O. Box 187. Wetumka, OK 74883 . (ph. 918-666-2435). Consultation requests should be submitted via email to AQhpo@mail.com.

**The Catawba Indian Nation** is only interested in projects involving ground disturbance in the counties of interest. The THPO is Caitlin Totherow, Catawba Indian Nation, THPO Archaeology Dept., 1536 Tom Steven Road, Rock Hill, SC 29730 (ph. 803-328-2427 ext. 226). Consultation requests must be submitted via letter.

**The Eastern Band of Cherokee Indians (EBCI)** is only interested in projects involving ground disturbance of new soil (see below) in counties of interest. The THPO contact is Stephen J. Yerka, Historic Preservation Specialist- - Eastern Band of Cherokee Indians, Qualla Boundary Reservation, P.O. Box 455, Cherokee, NC 28719 (ph. 828-359-6852 email: syerka@nc-chokeee.com). The EBCI, has only asked to be consulted for projecting involving disturbance of new soil, which is any ground that has not been classified as Urban Soil per the most recent Natural Resource Conservation Service (NRCS) County Soil Survey. (See <https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx> or contact the local NRCS office [<https://offices.sc.egov.usda.gov/locator/app>]). For projects involving Urban Soil disturbance the EBCI has asked to be informed of the Urban Soil impacts via email at syerka@nc-chokeee.com.

**The Eastern Shawnee Tribe of Oklahoma** is only interested in projects involving ground disturbance in the counties of interest. The THPO is Robin Dushane, HPO, Tribal Historic Preservation Office, Eastern Shawnee Tribe of Oklahoma, 70500 East 128 Road, Wyandotte, OK 74370 (ph. 918-666-2435 ext. 2010). Consultation requests submitted via email should be sent to RDushane@estoo.net.

**The Muscogee (Creek) Indian Nation** is only interested in projects involving ground disturbance in counties of interest. The THPO is Corain Lowe-Zepeda, Tribal Historic Preservation Officer, Cultural Preservation Department, Muscogee (Creek) Nation, P.O. Box 580, Okmulgee, OK 74447 (ph. 918-732-7835). Consultation requests submitted via email should be sent to section106@mcn-nsn.gov.

**The Tuscarora Nation of New York.** The Tuscarora Nation of New York does not have a THPO; therefore, if a reasonable, good-faith finding of "No Historic Properties Affected" is made for the project/activity once the SHPO and THPO(s) have concurred with the finding, the Section 106 Consultation process is considered complete. The Tuscarora Nation of New York contact is Chief Leo Henry, Tuscarora Nation of New York, Tuscarora Reservation, 2006 Mt. Hope Road, Lewiston, NY 14092 (phone: 716-264-6011). Consultation requests must be submitted via letter.

To ensure timely review of the project, the SHPO and THPOs must receive “adequately documented findings in accordance with 36 CFR § 800.11. In accordance with 36 CFR § 800.11 an “adequately documented finding” includes:

**Step 8 - Finding of “No Historic Properties Affected”:**

1. A description of the project (undertaking) that specifies – a.) federal involvement, b.) area of potential effects, including photographs, maps (to include a portion of an identified USGS quad sheet showing the location of the project) and drawings as necessary.
2. A description of the historic property identification process, including, as appropriate efforts to seek information (i.e., background research, consultation, oral history, sample field investigation and field survey).
3. The basis for determining that no historic properties are present or affected.

**When consulting with the SHPO a completed project review form (<http://shpo.sc.gov/programs/revcomp/Documents/106Form.pdf>) must be submitted with the documentation.**

*Finding of “No Adverse Effect or Adverse Effect”:*

1. A description of the project (undertaking) that specifies – a.) federal involvement, b.) area of potential effects, including photographs, maps (to include a portion of an identified USGS quad sheet showing the location of the project) and drawings as necessary.
2. A description of the historic property identification process, including, as appropriate efforts to seek information (i.e., background research, consultation, oral history, sample field investigation and field survey).
3. A description of the historic properties, including information on the characteristics that qualify them for the National Register.
4. A description of the project’s (undertaking’s) effects on historic properties.
5. Copies or summaries of any views provided by consulting parties and the public.
6. Finding of “No Adverse Effect” - An explanation of why the criteria of adverse effect (see 36 CFR § 800.5(a)) were found inapplicable, including any future actions to avoid, minimize or mitigate adverse effects.
7. Finding of “Adverse Effect” - If this finding is made, the consultation process will not end until the project is modified so as to have a finding of “No Adverse Effect” or a Memorandum of Agreement is developed for the purpose of mitigating adverse effects.

**When consulting with the SHPO a completed project review form (<http://shpo.sc.gov/programs/revcomp/Documents/106Form.pdf>) must be submitted with the documentation.**

For more information and to obtain a copy of the regulations at 36 CFR Part 800, see <https://www.achp.gov/protecting-historic-properties>.

National Register listings, historic property survey information, and non-locational archaeology information is available to the public at <http://archsite.cas.sc.edu/ArchSite/>. Restricted National Register listings and archaeological site locations are available to vetted subscribers such as cultural resource professionals, environmental consultants, and planners.

In accordance with the July 6, 2001 Advisory Council on Historic Preservation Memorandum “Fees in the Section 106 Review Process”, neither HUD, the applicant nor the grantee should pay fees to the tribe unless HUD, the applicant or grantee enters into a contract with the tribe (see the updated Memorandum at <https://www.achp.gov/digital-library-section-106-landing/fees-section-106-review-process> for further detail). To facilitate consultation, HUD, the applicant or grantee may agree to cover travel expenses for a site visit if that is deemed necessary.

Detailed “Guidance on Archeological Investigations in HUD Projects” is provided in HUD HP Fact Sheet #6 (<https://www.hudexchange.info/resource/287/hp-fact-sheet-6-guidance-on-archeological-investigations-in-hud-projects/>).

- i. **Local Governments acting as RE** - If an MOA must be developed, the local government must initiate a consultation with SHPO, THPO (if applicable), and the Advisory Council on Historic Preservation and complete the consultation process prior to completion of the environmental review.
- ii. **Other Entities** - If an MOA must be developed, the Authority will initiate and complete the consultation process (with the applicant acting as an invited signatory) prior to completing the environmental review.

#### **Step 9 - Source Documentation**

1. On the *Statutory Checklist* indicate the final determination and the date of the final determination; and
  2. Copies of all documentation submitted to SHPO; and
  3. Copies of all communications with SHPO or the Advisory Council, etc.
  4. SC Housing will provide all documentation and copies of communication related to THPO.
2. **Floodplain Management (24 CFR Part 55)** - The Floodplain Management authorities were created to reduce the risk of flood loss, to minimize the impact of floods on human safety, health and welfare, and to restore and preserve the natural and beneficial values served by floodplains. Attach a copy of the appropriate best available data source as defined by 24 CFR 55.2(b)(1). FEMA flood hazard information is available at <https://msc.fema.gov/portal>. If any development (including auxiliary features such as stormwater treatment facilities, roads, driveways, storage facilities, borrow or waste areas, etc.) is occurring in a 100-year floodplain (as defined at 24 CFR 55.2) for non-critical actions, or 500-year floodplain (as defined at 24 CFR 55.2) for critical actions (actions affecting mobility-impaired individuals, essential service or storage centers, or hazardous material storage) the eight-step process outlined in 24 CFR § 55.20 must be completed in writing, and a copy of both published (not posted) Floodplain Notices must be provided. NOTE: 24 CFR § 55.20(b)(1) requires copies of the notices be sent to interested federal, state and local agencies. FEMA has stated a desire to be notified when the 8-step process is completed; therefore, hard copies of each notice must be emailed to [FEMA-R4EHP@fema.dhs.gov](mailto:FEMA-R4EHP@fema.dhs.gov) with the subject line REVIEW REQUEST: 11988/NEPA. Hard copies may be also be mailed to Attn: 11988/NEPA Reviewer (EHP), DHS/FEMA RIV, 3003 Chamblee Tucker Road, Atlanta, GA 30341.

An abbreviated five-step process, which excludes steps 2, 3 and 7 of the full eight-step, must be completed for activities covered under 24 CFR § 55.12(a).

The eight-step process is not required for activities excluded under 24 CFR § 55.12(b) and (c) (These exclusions are not applicable to flood insurance requirements).

Pursuant to 24 CR § 55.12(c)(7) if an activity, which is not excluded under 24 CFR §§ 55.12(a),(b) or (c), occurs on a property that is partially located within a 100-year floodplain and there is no existing or proposed development in the 100-year floodplain, a covenant or comparable restriction must be placed on the property with intent to preserve the floodplain, or the 8-step decision making process must be completed.

Pursuant to 24 CFR §§ 55.1(c) & 55.11(c) non-critical actions are allowed in floodways only if functionally dependent (as defined at 24 CFR 55.2[b][5]) and processed under 24 CFR § 55.20. Pursuant to 24 CFR §§ 55.2(b)(2)(ii) & 55.11(c) critical actions are not allowed in floodways or coastal high hazard areas.

In addition to the 8-step process a permit must be obtained from the appropriate Local Floodplain Administrator prior to constructing any development within the 100-year floodplain pursuant to 44 CFR § 60.3. This applies to all communities that participate in the National Flood Insurance Program. Local floodplain administrators may be located by

visiting the SC Flood Mitigation Programs website at <http://www.dnr.sc.gov/water/flood/> and clicking on “Local NFIP Administrator Directory”. For more information on acquiring floodplain development permits in SC utilize the below link: [http://dnr.sc.gov/water/flood/documents/SCQG\\_FloodplainManagement.pdf](http://dnr.sc.gov/water/flood/documents/SCQG_FloodplainManagement.pdf).

Flood insurance must be purchased for structures (walled and roofed buildings or manufactured homes) located in the 100-year floodplain pursuant to 24 CFR § 50.4(b)(1). See Flood Insurance for further instructions.

**Step 1** - Determine if the project site is in a floodplain. To find out, go to **Section 4.6.1, Step 1**, for a step-by-step explanation. If no, go to **Step 7** below. If yes, go to **Step 2**.

**Step 2** - Determine if any activity (including auxiliary features such as roads, driveways, storage facilities, etc.) is occurring in a 100-year floodplain (Zones Ax or Vx) for non-critical actions, or 500-year floodplain (Zones B or shaded X) for critical actions (actions affecting mobility-impaired individuals or those features such as roadways providing sole egress from flood-prone areas). If no, continue to **Step 7** below. If yes, go to **Step 3**.

**Step 3** - Determine if the project is excluded under 24 CFR §55.12 *Inapplicability of 24 CFR part 55 to certain categories of proposed actions* (a). If yes, an abbreviated five-step process excluding steps 2, 3, and 7 of the full eight-step process outlined below must be completed.

**Step 4** - Determine if the project is excluded under 24 CFR §55.12 *Inapplicability of 24 CFR part 55 to certain categories of proposed actions* (b) and (c). Provided as If yes (Status A), go to **Step 7** below. If no, FEMA’s Eight Step Planning Process for Floodplain/Wetland Management must be completed (Status B). The eight steps are:

1. Determine if the project or activity is in the floodplain.
2. If the project is in the floodplain, publish a notice in a local newspaper with a 15-day comment period to make the public aware of the intent; and send a copy to:

Jesse Munoz  
Director, Mitigation Division  
Department of Homeland Security  
FEMA Regional Environmental Office  
3003 Chamblee Tucker Road  
Atlanta, GA 30341-4112  
[Jesse.munoz@fema.dhs.gov](mailto:Jesse.munoz@fema.dhs.gov)

[Stephanie.madson@fema.dhs.gov](mailto:Stephanie.madson@fema.dhs.gov), and

[Susan.wilson@fema.dhs.gov](mailto:Susan.wilson@fema.dhs.gov)

3. Determine if there is a practical alternative;
4. Identify Adverse Impacts;
5. Identify methods to be used to *minimize*, *restore* and *preserve* the floodplains;
6. Re-evaluate alternatives;
7. Announce and explain decision to the public. The applicant must publish a *Notice of Explanation* in the local newspaper if the only practical alternative is to locate the project or activity in the floodplain (This notice can be combined with the FONSI). The reason for this decision, the alternatives considered, and the mitigation measures to be taken to minimize, restore, and preserve must be included in this notice; and copies sent to the same officials listed in 2a, and 2b above.
8. Implement the project or activity with appropriate mitigation.

**Step 5** - In addition to the Eight-step or abbreviated Eight-step process a permit must be obtained from the appropriate Local Floodplain Administrator prior to constructing any development within the 100-year floodplain per 44 CFR § 60.3 (This permit can be obtained after an “Authority to Use Grant Funds” has been received). This applies to all communities that participate in the National Flood Insurance Program. Local floodplain administrators

may be located by visiting the SC Flood Mitigation Programs website at <http://www.dnr.sc.gov/water/flood/> and clicking on “Local NFIP Administrator Directory” located on the right-hand side of the page. For more information on acquiring floodplain development permits [http://dnr.sc.gov/water/flood/documents/SCQG\\_FloodplainManagement.pdf](http://dnr.sc.gov/water/flood/documents/SCQG_FloodplainManagement.pdf).

**Step 6** - Determine if any part of the site is partially located in a 100-year floodplain (Status B). Even if that part of the site will not be touched, a covenant or comparable restriction must be legally placed on the property with the intent to preserve the floodplain from any future development. Otherwise, the Eight-step process described above must be completed.

**Step 7 - Source Documentation:**

1. All applicants must include the appropriate FIRM, with the site clearly identified. Include the FIRM map panel number, effective date, and zone the site is located within on the *Statutory Checklist*.
2. Projects excluded under 24 CFR § 55.12 must also provide a narrative describing the circumstances supporting that determination.
3. Projects which required the Eight-step process must also provide copies of all notices, and a narrative explaining how the final determination was reached. For example, the narrative should contain a list of practical alternatives considered, adverse impacts identified, and methods discussed for mitigation. Please note, the Authority could reject a project if the 8-step process analysis is inadequate.
4. Sites requiring covenants or other comparable restrictions must provide sample copies of those documents before the environmental will be considered complete. Executed and legally recorded copies of those documents must be provided before the project is officially closed.
5. Flood insurance must be purchased for structures (walled and roofed buildings or manufactures homes) located in a 100-year floodplain pursuant to 24 CFR § 50.4(b)(1). Please see **4.6.1** above for more information.

The following website may help in completing the environmental review for Floodplain Management: <https://www.fema.gov/floodplain-management/floodplain-management>. For more information on acquiring floodplain development permits in SC: [www.dnr.sc.gov/water/flood/quickguide.html](http://www.dnr.sc.gov/water/flood/quickguide.html).

3. **Wetland Protection** - The Eight-step process is also applicable to activities in wetlands. Will the proposed activity result in the construction of new structures (including auxiliary features such as stormwater treatment facilities, roads, driveways, storage facilities, borrow or waste areas, etc.), grading and filling, or draining activities? If yes, determine the presence or absence of wetlands, including non-jurisdictional wetlands, in accordance with the 1989 Federal Manual for Identifying and Delineating Jurisdictional Wetlands (A copy of the 1989 Federal Manual is available at: <https://digitalmedia.fws.gov/cdm/ref/collection/document/id/1341> ). You may contact the USFWS -, South Carolina Ecological Services office for assistance. The Ecological Services Office is located at 176 Croghan Spur Road, Suite 200, Charleston, SC 29407. The regulatory phone number is 843-727-4707. The regulatory email address is [Charleston\\_regulatory@fws.gov](mailto:Charleston_regulatory@fws.gov). If USFWS staff are unavailable, you may contact the appropriate local Regulatory Filed Office of the USACE - Charleston District (see [https://www.sac.usace.army.mil/Portals/43/siteimages/regulatory/RD-%20New%20Office%20and%20Office%20Lines\\_Public%20Notice\\_Final-Correct.jpg?ver=2018-08-09-113526-050](https://www.sac.usace.army.mil/Portals/43/siteimages/regulatory/RD-%20New%20Office%20and%20Office%20Lines_Public%20Notice_Final-Correct.jpg?ver=2018-08-09-113526-050)) When consulting with the USACE you must make it clear that the assessment is being conducted to determine whether EO 11990 wetlands are present; therefore, all wetlands (jurisdictional and non-jurisdictional) are to be identified. **National Wetland Inventory Maps must be included in the documentation; however, they will not be accepted as stand-alone documentation for the presence or absence of wetlands.**

If any new construction (including drainage actions or construction of auxiliary features such

as stormwater treatment facilities, roads, driveways, storage facilities, borrow or waste areas, etc.) is occurring in a wetland, (jurisdictional or non-jurisdictional) the eight-step process outlined in 24 CFR § 55.20 must be completed in writing and a copy of both published (not posted) Wetland Impact Notices must be provided. In accordance with Section 5 of E.O. 11990 during completion of steps 3 to 6 the project's effect on the survival and quality of the wetlands must be considered with emphasis on the following factors; public health, safety and welfare (including water supply, quality, recharge and discharge); pollution; flood and storm hazards; sediment and erosion; natural system maintenance (including conservation and long term productivity of commercial and non-commercial species and their habitat); and uses of public interest (including recreational, scientific and cultural uses).

Pursuant to 24 CR § 55.12(c)(7) if an activity, which is not excluded under 24 CFR §§ 55.12(a), (b) and (c), occurs on a property a portion of which contains wetlands and the activity will not occur in the wetlands, a covenant or comparable restriction must be placed on the property with intent to preserve the wetlands, or the 8-step decision making process must be completed.

**Step 1** - Determine if the proposed project will result in the construction of new structures (including auxiliary features mentioned in **Step 2 of Floodplain Management** above) or grading and filling activities. If yes, go on to **Step 2**. If no, list all activities applicable to the project on the *Statutory Checklist* and go to **4. Coastal Zone Management Act** below.

**Step 2** - Determine the presence or absence of wetlands, including non-jurisdictional (e.g. not covered under the Clean Water Act) wetlands. If wetlands, including non-jurisdictional wetlands, are present, go on to **Step 3**. If not, go to **Step 6** below. For assistance in identifying wetlands:

1. Contact the USFWS, SC Ecological Services office for assistance: 176 Croghan Spur Road, Suite 200, Charleston, SC 29407; (843) 727-4707; [Charleston\\_regulatory@fws.gov](mailto:Charleston_regulatory@fws.gov). If USFWS staff are unavailable, you may contact the Regulatory Division of the US Army Corps of Engineers (USACE) at (843) 329-8044 or if outside of the Charleston area dial (866) 329-8187 toll-free. When consulting with USACE make it clear that the assessment is being conducted to determine whether EO 11990 wetlands are present.
2. Write a letter to the Corps of Engineers (U.S. Dept. of the Army, Corp of Engineers, Regulatory Division, 69-A Hagood Avenue, Charleston, SC 29407) requesting their determination. To insure a timely review of the project, provide a full description of the proposed project in your letter and attach a map clearly showing the site boundaries; or
3. Have a wetland professional (i.e., biologist, soil scientist, etc.) provide a scientifically defensible determination as to the absence or presence of wetlands. Wetland professionals must make a determination in accordance with the 1989 Federal Manual for Identifying and Delineating Wetlands. A copy of the manual is available at: <https://digitalmedia.fws.gov/cdm/ref/collection/document/id/1341>.

**Note:** You may consult the National Wetlands Inventory developed by the U.S. Fish and Wildlife Service or the Water Pollution Control Division of the Department of Environment and Conservation but those resources will not be accepted as stand alone Source Documentation.

**Step 3** - Refer to **2. Floodplain Management, Step 3** above with one exception; replace the word "floodplains" with "wetlands."

**Note:** During completion of steps 3 through 6 in the Eight-step process, the project's effect on the survival and quality of the wetlands must be considered with emphasis on the following factors; public health, safety and welfare (including water supply, quality, recharge and discharge); pollution; flood and storm hazards; sediment and erosion; natural system

maintenance (including conservation and long term productivity of commercial and non-commercial species and their habitat); and uses of public interest (including recreational, scientific and cultural uses).

**Step 4** – Should the Eight Step process include mitigation that causes the loss of any wetlands, streams, or open waters, authorization from SCDHEC’s Bureau of Water may be required along with authorization from USACE.

**Step 5** - Refer to **2. Floodplain Management, Step 5** above with one exception; replace the word “floodplains” with “wetlands.”

**Step 6** - *Source Documentation*:

1. All applicants must include the documentation used to determine wetlands were or were not present on the site and a USGS map clearly identifying the site. On the *Statutory Checklist*, include the final determination, such as “No Wetlands on Site,” the date of the determination and who made the determination.
2. Should a wetlands professional have made the determination, also include a copy of the surveyor’s qualifications.
3. Projects excluded under 24 CFR §55.12 must also provide a narrative describing the circumstances supporting that determination.
4. Projects which required the Eight-step process must also provide copies of all notices, and a narrative explaining how the final determination was reached. For example, the narrative should contain a list of practical alternatives considered, adverse impacts identified, and methods discussed for mitigation. Please note, the Authority could reject a project if the 8-step process analysis is inadequate.
5. Sites requiring covenants or other comparable restrictions must provide sample copies of those documents before the environmental will be considered complete. Executed and legally recorded copies of those documents must be provided before the project is officially closed.
6. The following website may also help: [www.sac.usace.army.mil](http://www.sac.usace.army.mil)  
<http://www.fws.gov/wetlands/data/index.html>.

**Note:** If a project will result in the impounding, diverting, deepening, channelizing or modification of a stream or other body of water, consultation with the USFWS and SC Department of Natural Resources is required to determine what effect the project may have on wildlife resources.

**Due to the use of HUD funds, compliance with Executive Order 11990 through completion of the 8-step process will be required for projects with wetland impacts regardless of whether the USACE requires or has authorized a general or regional Section 404 permit. An individual Section 404 permit may be used to comply with steps 1 through 6 of the 8-step process provided the following conditions are met:**

- a) the individual permit has been authorized;
- b) no construction will occur in the 100-year floodplain (or 500-year for critical actions); and
- c) all the affected wetlands (jurisdictional and non-jurisdictional) are covered by the individual permit.

Individual permits may be identified by visiting:

[http://corpsmapu.usace.army.mil/cm\\_apex/f?p=340:1:0::NO](http://corpsmapu.usace.army.mil/cm_apex/f?p=340:1:0::NO). Authorized permits not listed on this page are general or regional permits.

4. **Coastal Zone Management Act (CZMA)** - The Act, administered by the National Oceanic and Atmospheric Administration (NOAA), provides for management of the nation's coastal resources, including the Great Lakes, and balances economic development with environmental conservation. As a voluntary federal-state partnership, the CZMA is designed to encourage

state tailored coastal management programs. Due to the use of federal funds, a Consistency Determination must be secured from the S. C. Department of Health and Environmental Control-Office of Ocean and Coastal Resource Management (DHEC-OCRM) for projects with potential coastal effects, as defined at 15 CFR § 930.11[g], that occur within any of the 8 coastal counties - Beaufort, Berkeley, Charleston, Colleton, Dorchester, Georgetown, Horry, and Jasper County (<http://www.scdhec.gov/Environment/WaterQuality/Stormwater/ConstructionActivities/Overview/>). Projects with potential coastal effect are new construction, conversion of land use, major rehabilitation of existing structures (including substantial improvement) or the acquisition of undeveloped land. For detailed information on obtaining a Federal Consistency Determination see the Federal Consistency section at <http://www.scdhec.gov/Environment/WaterQuality/CoastalPermits/CoastalZoneConsistency/>. To insure compliance with the Act, follow these steps:

**Step 1** - Determine if the project is located in one of the eight coastal zone counties. SC's Coastal Zone counties are Beaufort, Berkeley, Charleston, Colleton, Dorchester, Georgetown, Horry and Jasper.

**Step 2** - Projects not located in one of these counties should simply indicate, "Project not located in a SC CZMA county" on the *Statutory Checklist* and go to **5. Sole Source Aquifers** below. If the project is located in one of the eight coastal counties, determine if it involves new construction, conversion of land use, major rehabilitation of existing structures (including substantial improvement) or the acquisition of undeveloped land. If yes, go to **Step 3**. If no, go to **5. Sole Source Aquifers** below.

**Step 3** - A request for a Determination of Consistency must be made to DHEC's Office of Ocean & Coastal Resource Management Control as soon as possible.

1. For projects located in Berkeley, Dorchester, Georgetown or Horry County without wetland impacts, contact William McGoldrick, Stormwater Permit Coordinator at (843) 953-0239 or [mcgoldwr@dhec.sc.gov](mailto:mcgoldwr@dhec.sc.gov).
2. For projects located in Beaufort, Charleston, Colleton or Jasper County without wetland impacts, contact Christine Koczera, Stormwater Permit Coordinator at (843) 953-0702 or [koczerc@dhec.sc.gov](mailto:koczerc@dhec.sc.gov).
3. For projects with wetland impacts contact Tess Rodgers, Wetland Section Coordinator, at (843) 953-0233 or [rodgermt@dhec.sc.gov](mailto:rodgermt@dhec.sc.gov).

**Step 4** - To insure a timely review of the project, SCDHEC-OCRM recommends sending a letter requesting a Consistency Determination (DHEC, Office of OCRM, 1362 McMillian Avenue, Suite 400, Charleston, SC 29405, [boltincr@dhec.s.gov](mailto:boltincr@dhec.s.gov)) with the following attachments and information:

1. A portion of an identified 1:24,000 scale USGS quad sheet with a delineated site boundary;
2. A site plan;
3. Preliminary stormwater management plans;
4. A wetland delineation completed in accordance with the 1987 USCOE Wetlands Delineation Manual;
5. A full project description; and
6. The reason for a finding of consistency (i.e. "We have reviewed the Coastal Management Plan and found our project to be consistent with the requirements, objectives, policies, and standards of the Plan").

#### **Step 5 - Source Documentation**

A copy of your letter and response received from DHEC-CORM must be included as source documentation. On the *Statutory Checklist* indicate the final determination and the date on OCRM's letter.

The following websites may also help:  
[www.scdhec.gov/Environment/WaterQuality/CoastalPermits/CoastalZoneConsistency/](http://www.scdhec.gov/Environment/WaterQuality/CoastalPermits/CoastalZoneConsistency/),  
[www.scdhec.gov/Environment/WaterQuality/Stormwater/ConstructionActivities/Overview/](http://www.scdhec.gov/Environment/WaterQuality/Stormwater/ConstructionActivities/Overview/).

5. **Sole Source Aquifers** - This is the sole or primary source for drinking water derived from ground water. There are no sole source aquifers in South Carolina according to the U.S Environmental Protection Agency (EPA). This compliance factor is already completed on the *Statutory Checklist*. Should you want additional information about this factor, the EPA website has more information at:  
<https://archive.epa.gov/pesticides/region4/water/groundwater/web/html/r4ssa.html>

6. **Endangered and Threatened Species** - For proposed projects that not cannot be cleared under the "HUD and USDA Rural Development Projects Clearance Letter | No Effect " (available at [https://www.fws.gov/charleston/pdf/Regulatory/20151008\\_DOC\\_HUD\\_and\\_USDA\\_Rural\\_Development\\_Projects\\_Clearance\\_Letter\\_No\\_Effect.pdf](https://www.fws.gov/charleston/pdf/Regulatory/20151008_DOC_HUD_and_USDA_Rural_Development_Projects_Clearance_Letter_No_Effect.pdf) ) a biological evaluation must be completed. The process for completing a biological evaluation involves first reviewing the project using the US Fish and Wildlife Service (FWS) Information for Planning and Consultation (IPaC) tool (<https://ecos.fws.gov/ipac/> ) to determine threatened or endangered species are known to occur in are may be affected by activities in your project site area. If no threatened or endangered species are known to occur in area may be affected by activities in your project site a listed species are known to occur in the county where the proposed project is occurring, then a finding of "no effect" may be made and no further action is required regarding compliance with the Endangered Species Act; however, if any threatened or endangered species are known to occur in are may be affected by activities in your project site area biological evaluation must be completed to support findings regarding potential impacts to the listed species. Detailed directions for completing a biological evaluation are found in Contents of a Biological Assessment/Biological Evaluation, which may be downloaded at [http://www.fws.gov/raleigh/es\\_consultation.html](http://www.fws.gov/raleigh/es_consultation.html) . If based upon the result of the biological evaluation a determination of "no effect" (no listed species habitat is present on or adjacent to the project site, the project site is not located within a listed species management zone, or the proposed project does not have the potential to affect water bodies or wetlands that may contain listed species [e.g., a determination of "no effect" may not be made for a construction project next to a stream located within the watershed of a listed aquatic species, such as mussels or fish, because runoff from the project during and after construction may affect the listed aquatic species by changing the water quality]) may be made then no further action is required. However, if based on the results of the biological evaluation listed species may be affected by the proposed project the US Fish and Wildlife Service (USFWS) must be contacted with a request for concurrence with a determination of "not likely to adversely affect" or entrance into formal consultation with a determination of "likely to adversely affect".

The USFWS may be contacted at: *USFWS –, South Carolina Ecological Services, ATTN: Section 7 ESA Consultation 176 Croghan Spur Road, Suite 200, Charleston, SC 29407*. The regulatory phone number is 843-727-4707. However, the USFWS has asked that consultation be initiated electronically at [charleston\\_regulatory@fws.gov](mailto:charleston_regulatory@fws.gov) . Guidance on submitting project electronically is available at [https://www.fws.gov/charleston/pdf/Regulatory/20160126\\_Project\\_Submission\\_Guidance.pdf](https://www.fws.gov/charleston/pdf/Regulatory/20160126_Project_Submission_Guidance.pdf) .

7. **Wild And Scenic Rivers Act** – Determine if the project will affect a Wild and Scenic River or (WSR) Nationwide River Inventory (NRI) river. See table below, "Wild and Scenic Rivers in or near South Carolina" to determine if the project is located in a county that contains a WSR. See <https://www.nps.gov/subjects/rivers/nationwide-rivers-inventory.htm> to determine if the project is within 0.25 miles of located of a NRI river. If the project is located within 0.25 miles of WSR or NRI river(s) that will not be affected attach a map showing the location of the river relative to the affected river and explain why the project will not affect the river. If a WSR or NRI river may be affected, consult with the managing agency (National Park Service or USFWS) to resolve or mitigate possible adverse effects and attach documentation.

| River   | Drainage Basin | Designated Reach   | River County |
|---|----------------|--|--------------|
| Chattooga River   | Savannah       | The segment from 0.8 miles below Cashiers Lake in North Carolina to the Tugaloo Reservoir. The West Fork from its confluence with the main stem upstream 7.3 miles | Oconnee      |
| The official source of information for Wild and Scenic Rivers is found at <a href="https://www.nps.gov/orgs/1912/plan-your-visit.htm">https://www.nps.gov/orgs/1912/plan-your-visit.htm</a> |                |  |              |

8. **Air Quality**—Is the project located in a county in nonattainment or maintenance status for any criteria pollutants? To determine the county status, you must consult the EPA Green Book, which is available at <https://www.epa.gov/green-book> . If the answer is no, no further action is required. If the answer is yes, you must determine if the project is exempt from air quality permit requirements (See the Exemptions section at <https://www.scdhec.gov/environment/air-quality/air-quality-permits> ). If the answer is yes, the projects emissions are automatically considered de minimis (40 CFR § 93.153(c)(2)) and the project is considered compliant with the State Implementation Plan, regardless of the counties air quality status. If the answer is no, contact the SC Bureau of Air Quality at (803) 898-4123, or access the bureau web page at <https://www.scdhec.gov/Environment/AirQuality/> , for information regarding completion of the Consistency Review and Air Quality permitting procedures.

To assess the effect that emissions from monitored emission sources may have on the project please consult <http://www.epa.gov/air/data/index.htm> l.

Lead and asbestos removal are not covered under Section 176; however, this does not preclude compliance with the applicable local, state and federal laws for lead or asbestos removal. For more information about indoor air quality requirements, please contact the SCBAQ at 803-898-4123.

**Step 1** – Is the project located in a county in nonattainment or maintenance status for any criteria pollutants? To determine the county status, you must consult the EPA Green Book, which is available at <https://www.epa.gov/green-book>. If the answer is no, no further action is required. If the answer is yes, you must proceed to step 2 to determine if the project exempted from air quality permit requirements.  
(See <https://www.scdhec.gov/Environment/docs/NewExemptions.pdf>).

**Step 1** –If the answer is yes, the projects emissions are automatically considered de minimis (40 CFR § 93.153(c)(2)) and the project is considered compliant with the State Implementation Plan, regardless of the counties air quality status. If the answer is no, contact the *SC Bureau of Air Quality at (803) 898-4123*, or access the bureau web page for information regarding completion of the Consistency Review and Air Quality permitting procedures.  
<https://www.scdhec.gov/Environment/AirQuality/>

To assess the effect that emissions from monitored emission sources may have on the project please consult:  
<http://www.epa.gov/air/data/index.html>.

9. **Farmland Protection Policy Act -**

For proposed projects that will result in construction of utilities, roads or structures on land not entirely built upon, consideration of effects to important farmland may be required. If the proposed project involves construction on land not entirely built upon, effects to important farmland must not be considered if documentation is provided indicating that the project site is located within: a.) an “urbanized area” on the US Census Bureau Map ((These areas may be identified by downloading available urban area data into NEPAAssist, which is available at <https://www.epa.gov/nepa/nepassist> ); b.) an urban area on the USGS topographical map (as indicated by a “tint overprint”); or c.) an “urban built-up” area on the USDA Important Farmland Maps, or an area shown as white (not farmland) on USDA Important Farmland Maps (7 CFR § 658.2[a]) (**Zoning of the site for a non-agricultural use**

**cannot be used to exclude a project from consideration under the Farmland Protection Policy Act).** However, if the proposed project involves construction on vacant land and it is not located in one of the aforementioned areas you must identify the site on the most recent Natural Resource Conservation Service (NRCS) County Soil Survey (See <https://websoilsurvey.sc.egov.usda.gov/App/HomePage.htm> ) and determine if the site is underlain by soils classified as prime farmland, farmland of statewide importance, farmland of local importance, or unique farmland. Further action regarding consideration of effects to important farmland is not required the site does not contain any soils that are classified as prime farmland, farmland of statewide importance, farmland of local importance, or unique farmland. However, if any of the soils on the site are classified as prime farmland, farmland of statewide importance, farmland of local importance, or unique farmland. you must contact the local Natural Resource Conservation Service (NRCS) (See <https://offices.sc.egov.usda.gov/locator/app> to locate the local NRCS office) and complete a Farmland Conversion Impact Rating analysis using either Form AD-1006 or NRCS-CPA-106 for corridors, as appropriate (Both forms may be obtained from <http://www.nrcs.usda.gov/wps/portal/nrcs/main/national/landuse/fppa/> ) will be required for project sites that contain prime, unique, statewide or local important farmland. If based upon the results of the Farmland Conversion Impact Rating analysis the proposed project site receives a score of less than 160, potential effects to important farmland will not require further consideration (7 CFR § 685.4[c][2]); however, if the site receives a score of 160 or greater, analysis will have to be completed to determine the availability of alternatives for reducing potential adverse effects to important farmland.

Pursuant to 7 CFR § 658.3(c) the Farmland Protection Policy Act does not apply to the purchase, maintenance, renovation or replacement of existing structures and sites converted prior to application for HUD funding, including actions related to the construction of minor new ancillary structures, such as garages or sheds.

**Step 1** - Activities such as rehabilitation of existing structures are exempt .

**Step 2** - Consideration of this act is required for activities involving construction of roads or structures on vacant land, , UNLESS *Source Documentation* is provided that shows the site is located within an :

1. Download available urban area data into NEPAAssist
2. “Urbanized area” on a U.S. Census Bureau Map (see <https://data.census.gov/cedsci/> );
3. Urban area on the USGS topographical map (as indicated by a “tint overprint”);
4. “Urban built-up” area on the USDA Important Farmland Maps, or an area shown as white (not farmland) on USDA Important Farmland Maps;

**Step 3** - If the project is not located in one of the above mentioned “urban” areas, the Natural Resource Conservation Service (NRCS) must be contacted for assistance in determining if the project will remove prime, unique, statewide or local important farmland from production. To locate a local NRCS office in South Carolina, go to: <https://offices.sc.egov.usda.gov/locator/app>.

1. At a minimum a [Form AD-1006 Farmland Conversion Impact Rating](#) analysis will be required;
2. If the site is rated using [Form AD-1006](#) and receives a score of less than 160, no further action will be required (Status B);
3. If the score exceeds 160, appropriate further analysis will have to be done to determine the availability of alternatives and appropriate mitigation for adverse farmland effects .

**Step 4** - *Source Documentation*:

1. Projects for which **Step 1** above is applicable, provide a brief description of the activities on the *Statutory Checklist* and no further action will be required.
2. Projects described in **Step 2** above must provide at least one of the documents listed in 1. – 4. On the *Statutory Checklist* indicate which of the four documents identified has been included as *Source Documentation* and the effective date listed on the document.
3. **Step 3** projects must provide a completed Form AD-1006, if the site scores above 160,

and all communication with NRCS. NRCS' final determination, the date the determination was made, and the Form AD-1006 score should all be included on the *Statutory Checklist*.

10. **Environmental Justice** - Determine if you have any environmental conditions (i.e., toxic pollutants, hazardous industrial operations, landfills or dumps, foul odor producing operations, explosive or flammable operations, or high automobile or train traffic hazards) that may have disproportional effects on low income or minority populations. If you do not have environmental conditions that may have disproportional effects on low income or minority populations, you do not have an impact. If you have environmental conditions that may have disproportional effects on low income or minority populations, go to <https://www.epa.gov/environmentaljustice> to perform an environmental justice query for the area of concern. If the query indicates a potential environmental justice impact, reject the site or provide evidence to indicate mitigation of the hazard(s).

**Step 1** - Determine if there are any environmental conditions (i.e., toxic pollutants, hazardous industrial operations, landfills or dumps, foul odor producing operations, explosive or flammable operations, or high automobile or train traffic hazards) that may have a disproportional effect on low income or minority populations. If none exist, no further action is required .

**Step 2** - On the *Statutory Checklist*, indicate whether or not environmental justice has been triggered. *Source Documentation* is not required if there is no environmental justice impact. If there is a potential impact, include a copy of the environmental query. <https://www.epa.gov/environmentaljustice>. *Source Documentation* will be assessed on a case-by-case basis.

Another helpful website is: [www.epa.gov/compliance/environmentaljustice/index.html](http://www.epa.gov/compliance/environmentaljustice/index.html).

- 5.4.3 **HUD Environmental Standards** - Below is a list of each environmental standard as listed on the *Statutory Checklist*, a brief explanation of each, and descriptions of their acceptable *Source Documentation*:

1. **Noise Abatement and Control** - This refers to sources of noise that may affect the project. Determine if there are any major roadways (This is normally roads depicted as noise generators on the Bureau of Transportation Statistics map <https://maps.bts.dot.gov/arcgis/apps/webappviewer/index.html?id=a303ff5924c9474790464cc0e9d5c9fb> . However, local conditions, for example a manufacturing facility at the end of t local road, may require inclusion of roads not depicted on the subject map) within 1,000 feet, railroads within 3,000 feet, or military airports or FAA-regulated airfield that service jets within 15 miles of the project site. If any of the aforementioned conditions exist, a noise study must be conducted in accordance with "The Noise Guidebook" available at <https://www.hudexchange.info/resource/313/hud-noise-guidebook> . This analysis may be completed by using the Day/Night Noise Level Electronic Assessment Tool found at <https://www.hudexchange.info/programs/environmental-review/daynight-noise-level-electronic-assessment-tool/> .

Average Annual Daily Traffic (AADT) volumes and traffic mixes may be obtained for existing highways by visiting <https://www.scdot.org/travel/travel-trafficdata.aspx> .

Once it has been documented that traffic mixes are not available from the SCDOT or the local transportation department the following percentages may be used:

- Interstate Urban: Automobiles - 89%; Medium Trucks - 2%; Heavy Trucks - 9 %
- Interstate Rural: Automobiles - 80%; Medium Trucks - 3%; Heavy Trucks - 17 %
- Major Arterial Urban: Automobiles - 92%; Medium Trucks - 4%; Heavy Trucks - 4 %
- Major Arterial Rural: Automobiles - 87%; Medium Trucks - 4%; Heavy Trucks - 9 %

Information of proposed major highway project may be acquired by visiting <https://www.scdot.org/projects/ten-year-plan.aspx> .

**Traffic noise assessment must include, at a minimum, 10-year projections in accordance with 24 CFR § 51.106(e).** For information on future traffic projections contact: *Mark Pleasant Chief of Metropolitan Planning, SCDOT, 955 Park Street, Rm 516, Columbia, SC 29202 (email: [pleasantmd@scdot.org](mailto:pleasantmd@scdot.org)).* To ensure a timely review please provide the following information: 1.) your contact information (phone or email), 2.) the number of years for which projections are needed, 3.) the name of the highways for which projections are needed, 4.) a map showing portion of the highway in question.

For railways, The best source of information on average operations comes directly from the railway operators. The contacts for operators carrying freight in SC are as follows:

- Norfolk-Southern Railways - email requests to [ATLNOCsid@nscorp.com](mailto:ATLNOCsid@nscorp.com).
- CSX Railways – submit request using the form <https://www.csx.com/index.cfm/about-us/contact-us/contact-us-hud-forms/>
- Certain railway owners may also be willing to provide information. Railway owners may be identified via <http://safetydata.fra.dot.gov/OfficeofSafety/PublicSite/Crossing/Crossing.aspx>

To ensure a timely review please provide the relevant Crossing Identification (ID) Number or Numbers, the city and state where the crossing is located, and maps showing the location of the crossing and the name of the street being crossed. The Crossing ID Number may be found by visiting the railroad crossing and obtaining the number from the Crossing ID plate at the crossing or visiting <http://safetydata.fra.dot.gov/OfficeofSafety/default.aspxhttp> .

In the event railway operations are derived from the US DOT Crossing Inventory Form, Average Train Operations (ATO) are determined by adding Total Day Thru Trains (Field 1.A), Total Night Thru Trains (Field 1.B) and Total Switching Trains (Field 1.C).; and the Night Fraction of ATO is derived by the equation  $( [Field\ 1.B * 0.75] + [Field\ 1.C * 0.375] ) / ATO$ .

To determine the possible effect of airport noise, for commercial airports within 15-miles of the project, you must visit <https://www.gcr1.com/5010web/> to determine if the annual number of operations for air carriers #100, air taxis #102, military #105, or general aviation #103 plus #104 exceeds the below thresholds:

- Annual air carrier operations \_\_\_\_\_ 9,000 or more
- Annual air taxi operations \_\_\_\_\_ 18,000 or more
- Annual military operations \_\_\_\_\_ 18,000 or more
- Annual general aviation operations \_\_\_\_\_ 72,000 or more

If none of the above operation thresholds are exceeded, it is assumed that the noise attributed to the airplanes will not extend beyond the boundaries of the airport, and the potential effect of airport noise does not have to be considered. If any of the above thresholds are exceeded, you must contact the airport manager and request a map showing the current DNL or NEF (Noise Exposure Forecast) contours and include the potential effect of airport noise in the noise assessment. For military installations noise contours should be published as part of the Air Installation Compatible Use Zone report. If the airport does not have a DNL or NEF contour you must construct approximate DNL contours by using the guidance on pages 52 and 53 of “The Noise Guidebook” in order to include the potential effect of airport noise in the noise assessment. To construct contours the following information will have to be obtained from the airport: 1. the number of nighttime jet operations (10pm to 7 am); 2. the number of daytime jet operations (7 am to 10 pm); 3. the flight paths of the major runways; and 4. any available information about expected changes in airport traffic (e.g. will the number of operations increase or decrease in the next 10 to 15 years).

If the proposed project is new construction and the noise assessment indicates that noise sensitive uses, both interior and exterior, will be located in areas with Normally Unacceptable noise levels (> 65-75 DNL) modify the project to resolve or mitigate the Normally Unacceptable noise levels, or reject the project site. If the noise assessment that noise sensitive uses, both interior and exterior, will be placed in areas with Unacceptable noise levels (> 75 DNL) complete an Environmental Impact Statement (EIS), unless the EIS requirement is waived pursuant to 24 CFR § 51.104(b)(2), or reject the project site. Information for waiving the EIS requirement is available at

<https://www.hudexchange.info/resource/3305/recommended-err-documentation-to-support-an-eis-waiver/> .

For rehabilitation activities involving existing noise sensitive facilities exposed to Normally Unacceptable or Unacceptable, HUD encourages incorporation of noise attenuation measures given the extent and nature of the rehabilitation being undertaken and the level of exterior noise exposure.

#### *Source Documentation*

1. For sites that do not fall within the ranges listed above, a map clearly identifying the site and the closest major highway, railway, and airport must be submitted as *Source Documentation* .
2. If the noise assessment concludes the noise level is 65 dB or below, that is an acceptable range and no further action is required. Include the assessment in the ERR and indicate the dB level on the *Statutory Checklist* ;
1. Should a noise assessment conclude the noise level is 66 dB to 75 dB, that is a normally unacceptable range that will require mitigation. Include the assessment in the ERR, indicate the dB level on the *Statutory Checklist*, and the mitigation planned;
2. A dB level of 76 and above is unacceptable. The site will be rejected;
3. For rehabilitation activities, HUD encourages noise attenuation measures in "normally unacceptable" areas given the extent and nature or the rehab being undertaken and level of noise exposure and strongly encourages conversion to land uses compatible with unacceptable levels of noise.

2. **Explosive & Flammable Operations** : Is this a construction project, a rehabilitation/modernization project that will increase the number of people using the structure, or a rehabilitation/modernization project that will make a vacant building habitable If the answer is yes, then a study has to be conducted to determine if the project may be affected by the failure of 100+ gallon above ground storage tanks (ASTs) storing common liquid industrial fuels (as identified in Appendix I of 24 CFR Part 51 Subpart C) or any size ASTs storing hazardous liquids or gases that are not common liquid industrial fuels. In accordance with the "Acceptable Separation Distance Guidebook" (<https://www.hudexchange.info/resource/2762/acceptable-separation-distance-guidebook/>) the presence/absence of ASTs and other explosive facilities must be determined by conducting a site visit; reviewing current maps and photographs, and contacting the local Fire Marshall, Fire Department, Police Department, or emergency management agency regarding the presence of known or proposed ASTs or explosive storage facilities. The record of this review must be documented.

If ASTs or explosive storage facilities not excluded by 24 CFR Part 51 Subpart C of concern are within one-mile of the property, an analysis must be conducted, in accordance with the "Acceptable Separation Distance Guidebook", to determine if the project is at or beyond the Acceptable Separation Distance (ASD) from the AST(s). This analysis may be completed by using the Acceptable Separation Distance Electronic Assessment Tool found at <https://www.hudexchange.info/programs/environmental-review/asd-calculator> . If the project is within the ASD of any ASTs and mitigation is not available, you must reject the project.

The following ASTs are excluded from compliance with 24 CFR Part 51 Subpart C: stationary aboveground containers that store natural gas and have floating tops; mobile conveyances (tank trucks, barges, rail road tank cars); and ASTs of 1,000 gallons or less in volume that contain liquified petroleum gas ("LPG" or propane) and comply with the National Fire Protection Association Code 58 (2017 or later).

**Step 1** - Determine if the project includes construction, rehabilitation that will increase the number of people using the structure, or rehabilitation which will make a vacant building habitable. If no , go to **Step 6**.

**Step 2** – Conduct a site visit, review current maps and photographs, and contact the local Fire Marshall, Fire Department, Police Department, or emergency management agency regarding the presence of known ASTs or explosive storage facilities.

**Step 3** - If there are no ASTs within one mile of the site, go to **Step 6**. If ASTs or explosive storage facilities of concern are within one mile of the property, an analysis must be conducted per HUD's "Siting of HUD-Assisted Projects Near Hazardous Facilities" to determine if the project is at or beyond an Acceptable Separation Distance (ASD) from the AST(s). The entire guidebook is many pages so has not been included as an attachment in this manual, but can be found at: <http://www.hud.gov/offices/cpd/environment/training/guidebooks/hazfacilities/>. Appendix A of the guidebook is very informative. The ASD analysis may be completed by using the ASD Electronic Assessment Tool found at [www.hudexchange.info/programs/environmental-review/asd-calculator](http://www.hudexchange.info/programs/environmental-review/asd-calculator).

**Step 4** - If the separation distance is acceptable per HUD's analysis regulations, go to **Step 6**. If the project is within the ASD of any AST, call the Authority, mitigation must be sought immediately.

**Step 5** - If mitigation is not available, the project site will be rejected.

**Step 6** - *Source Documentation:*

1. All applicants meeting the project description in **Step 1** above must submit a map clearly identifying the site and a one mile radius. In addition, field notes or a report must be included and executed by the applicant. Indicate on the field notes or report the date of the site visit and whether ASTs are visible. Those not meeting the description must clearly describe all activities that will be undertaken for the project.
2. Any ASTs within a one (1) mile radius should be clearly identified on the map. Include all documentation used to determine if the AST is within an ASD.

**NOTE:** To determine ASDs for ASTs above 1,000,000 gallons you must contact the Authority for additional guidance.

3. **Contamination and Toxic Substances** - Pursuant to 24 CFR § 58.5(i)(2)(i) or 58.5(i)(2)(ii) project sites must be free of hazardous materials that could affect occupant health and safety, or restrict property usage. For projects involving single-family (housing with one to four units) documentation must be provided to show that the project site does not meet any of the following conditions: is on the Environmental Protection Agency Superfund National Priorities List, Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) List, or an equivalent state lists; is located within 3,000 feet of a toxic or solid waste landfill site; has a non-residential underground storage tank; or is known or suspected to be contaminated by toxic chemicals or radioactive materials. Reviews may consult <https://www.epa.gov/nepa/nepassist> or an equivalent to determine if there are any Brownfields or Superfund sites within 3,000 feet of the site. If any of the above conditions are met, appropriate documentation, which may include procurement of a Phase I Environmental Assessment in accordance with ASTM Standard E-1527-21 (see below), must be provided to show that the contaminants do not pose a threat to the health or safety of the site occupants, or restrict property usage.

In addition to the above screening, pursuant to 24 CFR § 50.3(i)(2) or 58.5(i)(2)(ii) the historic uses of the property and adjacent properties must be determined for projects involving multifamily housing with five or more dwelling units (including leasing), or non-residential properties. Procurement of a Phase I Environmental Assessments (ESA) in accordance with ASTM Standard E-1527-21 may be used to satisfy the historic use review requirement. Information on how to read and use a Phase I ESA is available at <https://www.hudexchange.info/resource/4829/using-a-phase-i-environmental-site-assessment-to-document-compliance-with-hud-environmental-standards-at-24-cfr-585i2-or-503i/>

Pursuant to 24 CFR § 50.3(i)(4) or 58.5(i)(2)(iv) a site investigation shall be conducted by a qualified environmental professional (or professionals) using current techniques to assess for contamination. Except for those programs that explicitly require usage of ASTM Standard E 1527-21 (the ASTM

Standards) to conduct Phase I ESAs an equivalent or better method may be used to assess for contamination. Programs that explicitly require a Phase I ESA using the ASTM Standard are:

- Section 202 projects
- Section 811 projects with site control
- All HUD/FHA multifamily projects.

If potential toxics or hazards are identified, or Recognized Environmental Concerns (RECs) are recorded in a Phase I ESA, further assessment including completion of a additional records reviews and sampling (See ASTM Standard E 1903-11) may be required to determine if toxics or hazards are actually present on the property. If toxics and hazards are present at harmful levels, then the property may be rejected, the contaminants removed (remediated), or, institutional/engineering controls, when allowed by the program, implemented to prevent site users from coming into contact with the contaminants.

**Step 1** - A Phase I Environmental Assessment per ASTM Standard E-1527-21 is required for all SC Housing projects awarded HOME and/or NNHTF dollars. The Phase I (180 day shelf life) must be conducted by a qualified Environmental Professional (EP). The EP must have sufficient specific education, training, and experience to exercise professional judgment to develop opinions and conclusions regarding the presence of releases or threatened releases of hazardous substances; AND one of the three following criteria:

1. Holds professional engineer or professional geologist license, or other state, federal, or tribal certification or environmental professional license and has 3 years of relevant full-time experience; OR
2. Has a degree in science or engineering and 5 years of relevant full-time experience; OR
3. Has 10 years of relevant full-time experience.

**Step 2** - If potential toxics or hazards are not identified, no further review is necessary. Go to **Step 5**.

**Step 3** - If potential toxics or hazards are identified, or Recognized Environmental Concerns (RECs) are recorded in a Phase I, further assessment including completion of an additional records review and sampling (ASTM Standard E 1903-11) may be required to determine if toxins or hazards are actually present on the property. Immediately contact the SCDHEC at (803) 896-8940 for assistance in determining if the contamination may affect the project.

**Step 4** - If toxics and/or hazards are present and at harmful levels then:

1. The property may be rejected;
2. The contaminants may have to be removed; and/or
3. Institutional/engineering controls may have to be implemented to prevent site users from coming into contact with the contaminants.

**Step 5** - *Source Documentation*:

1. On the *Statutory Checklist*, record the findings of the Phase I and the date of the determination. Be sure to include the entire Phase I as documentation.
2. If potential toxics or hazards were identified, include all documentation utilized to make that determination. Include the final determination and date of such on the *Statutory Checklist*.

Additional information regarding Phase I ESA's:

<https://www.hudexchange.info/resource/4829/using-a-phase-i-environmental-site-assessment-to-document-compliance-with-hud-environmental-standards-at-24-cfr-585i2-or-503i/>

## **Radon:**

As of April 10, 2024 HUD is requiring all projects that have not had an environmental assessment completed to comply with HUD's policy for Addressing Radon in the Environmental Review Process. Radon testing must be completed in accordance with the American National Standards Institute/American Association of Radon Scientist and Technologies (ANSI/AARST) radon testing standard for single and multi-family buildings. The test results must be provided with the 100% inspection request. If the test results determine radon levels are at or above 4 pCi/L a radon mitigation plan must be drafted and implemented for the project. **All projects buildings will require Radon Resistant New Construction Practices.** Rehabilitation projects must meet the Radon Mitigation Standards. The ANSI/AARST standards are available at <https://standards.aarst.org/> Check applicable federal, state, and local building codes to see if more stringent codes apply.

4. **Airport Clear Zones and Accident Potential Zones** - This compliance factor is similar to **Airport Hazards** above, but is more stringent in relation to military airports. Do not skip this! It is HUD's general policy to apply standards to prevent incompatible development around civil airports and military airfields. HUD policy is to discourage the provision of any assistance, subsidy or insurance for projects and actions in the Accident Potential Zones (only military airports have these zones).

**Step 1** - Follow guidance provided for **Airport Hazards** (above). Provide all required *Source Documentation* but in addition, complete the *Checklist* indicating dates and final determinations.

**Step 2** - Determine if the project is located in an Accident Potential Zone (military airports only). Accident Potential Zone-I (APZ I) is the area beyond the "Clearzone" which possesses a significant potential for accidents. Accident Potential Zone-II (APZ II) is an area beyond APZ-I having a measurable potential for accidents. Please note, there are instances in which single-family units could be allowed in APZ-II. In those cases, suggested maximum density should be 1-2 dwelling units per acre, possibly increased under a planned unit development where maximum lot covered would be less than 20 percent. Should placement be sought, the airport operator and buyer must sign certifications. Should this be the case, please contact the Authority to discuss such certifications.

**Step 3** - Provide a map with a distance scale, clearly identifying the site and any nearby military airports as *Source Documentation*. In addition, complete the *Statutory Checklist*. If in an Accident Potential Zone, the site will almost certainly be rejected.

**Note:** Use the military airports listed in **Section 4.7.3, 1.**

- 5.4.4 **Other Federal Authorities** - Below is a list of other federal authorities as listed on the *Statutory Checklist*, a brief explanation of each, and descriptions of their acceptable *Source Documentation*:

1. **Clean Water Act** - Pursuant to Section 404 of the Clean Water Act (CWA) prior authorization from the USACE may be required for activities that cause the loss of any jurisdictional wetlands, streams (including modified streams and wet weather channels), or open waters. Authorization requirements are contingent upon the activity and the authorizing permit. In addition to acquiring authorization from the USACE, authorization may also be required from the SCDHEC-BOW regional field office (<http://www.scdhec.gov/HomeAndEnvironment/Water/>) for guidance.

Pursuant to Section 402 of the CWA, all construction activities that disturb one or more acres of land must be covered under a National Pollutant Discharge Elimination System (NPDES) General Permit. To obtain coverage for the NPDES General Permit (SCR 100000) an appropriate stormwater management and sediment control plan shall be submitted to SCDHEC-BOW or OCRM (if the activity lies within one of the 8-coastal counties). For additional guidance see

<http://www.scdhec.gov/HomeAndEnvironment/Water/Stormwater/>.

**Step 1** - Will any of the project's activities cause the loss of any jurisdictional wetlands, streams (including modified streams and wet weather channels), or open waters? If no, go to **2. Resource Conservation and Recovery Act**. If yes, provide appropriate *Source Documentation* showing authorization from USACE and/or SCDHEC-ORCM.

**Step 2** - For projects requiring USACE or SCDHEC-BOW authorization, authorization must be obtained prior to beginning construction of the project, but may be obtained after completion of the environmental review process. Indicate status on *Statutory Checklist*.

2. **The Resource Conservation and Recovery Act** - Is the project creating hazardous waste? This Federal authority should not be applicable to HOME projects as household waste is not considered as regulated hazardous waste under the Resource Conservation Recovery Act.

#### 4 **Fish and Wildlife Coordination Act**

**Step 1** - Is the activity going to result in the impounding, diverting, deepening, channelizing or modification of a stream or other body of water? If no, skip to **5.4.5.1 Stormwater and Sedimentation**. If yes, consultation with the USFWS and SC Department of Natural Resources is required to determine what affect the proposed project may have on wildlife resources.

**Step 2** - For projects requiring USFWS or SCDNR consultation, that consultation must be done prior to completing the environmental review. Indicate status on *Statutory Checklist*.

#### 5.4.5 **State and Local Statutes** (This is not an exhaustive list)

1. **Stormwater and Sedimentation** (Stormwater Management and Sediment Reduction Act of 1991) - Throughout South Carolina, land disturbances of greater than two-acres (note the exception below for activities occurring in the 8-coastal counties) require submittal of a stormwater management and sediment control plan for approval from the appropriate SCDHEC district office (see [www.scdhec.gov/environment/envserv/regions.htm](http://www.scdhec.gov/environment/envserv/regions.htm)).

Within the 8-coastal counties, disturbances of two-acres or less within ½ mile of a receiving waterbody require submittal of a stormwater management and sediment control plan for approval from the appropriate SCDHEC district office (see [www.scdhec.gov/environment/envserv/regions.htm](http://www.scdhec.gov/environment/envserv/regions.htm)).

**Step 1** - Provide copy of approved stormwater management and sediment control plan as *Source Documentation*.

2. **Ground Water Use Permitting** - Permits for groundwater withdrawals that occur in designated Capacity Use areas and exceed three million gallons during any one-month. We do not anticipate any HOME projects to meet this minimum for groundwater withdrawal. To obtain additional information regarding the Ground Water Use and Reporting Act see [www.scdhec.gov/environment/water/capuse.htm](http://www.scdhec.gov/environment/water/capuse.htm).

3. **Drinking Water Protection** - Prior to constructing an on-site distribution system connecting multiple buildings to an existing public water system, a permit must be obtained from SCDHEC. To obtain additional information see [www.scdhec.gov/environment/water/dwpermit.htm](http://www.scdhec.gov/environment/water/dwpermit.htm).

**NOTE:** For more detailed information on general permitting requirements in S.C., a copy of "A General guide to Environmental Permitting in South Carolina" may be obtained at [www.scdhec.gov/administration/library/CR-003631.pdf](http://www.scdhec.gov/administration/library/CR-003631.pdf).

5.4.6 **Publication Of Notices** - If compliance is triggered by any of the regulations, executive orders, or authorities listed above, a NOI/RROF is to be posted in a public building or published in the local newspaper AFTER the triggered compliance factor has been satisfactorily mitigated.

1. **Local Governments** are responsible for publishing/posting their own Notice of FONSI and NOI/RROF, or one combined notice, for seven (7) days if published... 10 days if posted.
2. **Other Entities** - The Authority takes the responsibility of posting or publishing this notice.
3. **Unspecified Site Strategy** - If using an Unspecified Site Strategy, the following language must be inserted prior to the last paragraph of the NOI/RROF. "Because the (grant award year) Project will involve activities at several scattered sites for which the exact location will not be known for sometime, an environmental review strategy has been developed including Site-Specific Checklists, to assure that the required environmental review is completed for each site. If environmental factors are identified as having an impact on the project or any of the specific project sites, they will be addressed on a case-by-case basis."
4. A seven (7) day (published) or ten (10) day (posted) local comment period must be allowed and indicated in the notice. The seven (published) or ten (posted) days will begin on the day after the notice is to be published.

#### 5.4.4 **Request For Release Of Funds And Certification (RROF)**

1. **Local Governments** - After allowing seven days for public comment and taking into account any comments received, local governments complete the RROF and submit the RROF and ERR to the Authority.
2. **Other Entities** - The Authority will complete the RROF and submit it to the HUD/Columbia Office.

#### 5.4.5 **Release of Funds**

1. **Local Governments** - After the ERR is submitted to the Authority and reviewed, the Authority will typically approve the RROF 15 -20 days after the receipt of the ERR unless there is a basis for disapproval. The Authority will send Form HUD-7015.16 *Authority to Use Grant Funds* or equivalent letter once the 15 days have passed.
2. **Other Entities** - HUD will wait 15 days after receiving the RROF from the State before it issues a release of funds unless there is a basis for disapproval. Once received, the Authority will fax and send a copy of the Form HUD-7015.16 or equivalent letter to applicants.

## 6. STEPS TO COMPLETE AN ENVIRONMENTAL ASSESSMENT

6.1 The *HOME Environmental Statutory Checklist*, as described in detail in Section 5 above, is a part of the *EA*.

6.2 **Modified EA-** The items listed on the *EA Checklist*, also known as "impact areas", must be reviewed to facilitate consideration of the overall effects of the project on the environment and the effects of the environment on the project users. The presence/absence and effects to/from these items is identified via site observations and consultation with local agencies to determine if local services are available and, if available, how the local services will be affected by the project. .

The degree to which the project must be evaluated relative to these factors ranges from "No Impact Anticipated" to "Requires Project Modification." The EA Checklist calls for sources which have contributed to the decision to be identified. Record both the potential beneficial and adverse effects to or from the environment as a result of the project. If potential adverse effects to or from the environment are identified, provide information regarding actions that may be taken to mitigate the adverse effects.

*Source Documentation* must be provided for all impact areas. HUD's 1390.2 Handbook may be helpful along with the following websites: [www.statelibrary.sc.gov/sc-cities](http://www.statelibrary.sc.gov/sc-cities) and [www.sccounties.org/counties/counties.htm](http://www.sccounties.org/counties/counties.htm). A copy of "A General Guide to Environmental Permitting in South Carolina" may be obtained at [www.scdhec.gov/administration//library/CR-003631.pdf](http://www.scdhec.gov/administration//library/CR-003631.pdf) and prove to be very helpful. Phone logs may be used to document agency comments and analyses. If used, make sure

the following information is provided as part of the log: name of agency; name, title, and phone number of agency official contacted; date and time of communication; and summary of discussion.

6.2.1 **Land Development** - The factors included in this section enable the evaluator to make a judgment on the use of the selected project site and area and arrive at a decision regarding the feasibility of using it for housing. The majority of these factors will require a site visit and/or contact with a Local Planning Board.

1. Conformance with Comprehensive Plans and Zoning - Generally the community's zoning land use controls, which carry out its Master Plan, are sufficient to ensure land use compatibility; contact the Local Planning Board.
2. Compatibility and Urban Impact - Compatibility with surrounding development is an important consideration. This means avoiding the harmful effects of industry and commercial operations such as heavy traffic, noise, air pollution and other hazards in residential areas. Desirable conditions would be suitable access, the presence of parks, schools, churches, recreational facilities, libraries, pleasant views, permanent open space as well as existing residential development which is properly maintained and not overcrowded. It is not necessary that density or housing types be uniform if the land planning is done with care.
3. Slope - Some localities have established slope construction regulations. These usually deal with a combination of factors: hillside management in relation to land use, lot size, drainage, foundation design, and sewage disposal.
4. Erosion - Erosion, transport and sedimentation are the processes by which the land surface is worn away (by the action of wind and water), moved to and deposited in another location. Erosion can cause structural damage in buildings by undermining foundation support. It can pollute surface waters with sediment and increase the possibility of flooding by filling river or stream channels and urban storm drains. Some soils are less stable than others and are consequently more susceptible to erosion. Loosely consolidated soils (e.g., sands) and those of small particle size (e.g., fine silts) are more susceptible to erosion. By contrast, soils with high moisture and clay content are more resistant to erosion. Refer to the Natural Resource Conservation Service (NCRS) County Soil Survey to determine if engineering restraints are indicated. See <http://offices.sc.egov.usda.gov/locator/app?service=page/CountyMap&state=SC&stateName=South%20Carolina&stateCode=45> to locate the local NRCS office. Provide comments from the site engineer or local development department if engineering restraints are indicated based on the Soil Survey. The website [www.dnr.sc.gov/geology/index.htm](http://www.dnr.sc.gov/geology/index.htm) may also help.
5. Soil Suitability - To be suitable for a building, a soil must be capable of adequately supporting its foundation without settling or cracking. The soil should be well drained so that basements remain dry, and so that septic systems can be installed in localities not served by sewers. Soil depth is an important factor and must be adequate for the excavation of basements, sewers and underground utility trenches. How well a soil is able to support development is a function of several factors including its composition, texture, density, moisture content, depth, drainage and slope.

*Subsidence* causes a sinking or settlement of land areas which may result from various situations such as: the pumping of ground water from the earth, "drying out" of boggy or waterladen soils, or underground mining. The settlement caused by subsidence is not consistent but is instead shaped like an inverted cone. It is helpful to note that the low point of this cone continually shifts over the span of several years. Finally, it is important to consider this natural hazard because it has the ability to impact a site by altering drainage patterns or even reversing the direction of the flow of drainage water.

6. Hazards and Nuisances including Site Safety - *Site hazards*: inadequate street lighting, uncontrolled access to lakes and streams, improperly screened drains or catchment areas, drilling operations, pipelines, steep stairs or walks, overgrown brush, lack of access for emergency vehicles. *Traffic*: circulation conflicts, heavy traffic, hazardous cargo transportation routes and road safety. *Neighborhood hazards/nuisances*: vibration, glare from parking lots, odors and

proximity of the project to aerial transmission lines, power plants, transformers, drainage canals, junk yards, and industrial activities. *Natural hazards*: landslides, earthquakes, bluffs, unprotected water bodies, radon, and forest fire prone areas.

7. Energy Consumption - Energy is a scarce resource. It has become increasingly important to design and locate new facilities which minimize energy usage. Energy consumption should be viewed in a two-fold manner; energy consumed directly by the project for heating, cooling, and for hot water systems, and indirectly by the transportation of people and goods to and from the project.
  - a. For rehab and renovation activities, information should be provided regarding the installation of energy saving features such as EnergyStar qualified windows or insulation appropriate for the regions climate. Additional information on techniques for increasing energy efficiency may be obtained by visiting <http://rehabadvisor.pathnet.org/index.asp> or [www.hud.gov/energy](http://www.hud.gov/energy).
  - b. For new construction, information should be provided regarding the project site location relative to utilities and services (e.g., to promote walking to services an access trail is being constructed between the apartment complex and adjacent grocery-store anchored shopping center); site planning techniques for addressing wind and sun direction; and provision of structure shelter (e.g., the existing forest area located on the west side of the property will not be disturbed so that it may serve as windbreak during the winter months); building design/construction techniques, etc. Additional information on techniques for minimizing energy consumption due to new construction may be obtained by visiting [www.hud.gov/energy](http://www.hud.gov/energy), [www.energysavers.gov](http://www.energysavers.gov), [www.energystar.gov](http://www.energystar.gov), [www.pathnet.org](http://www.pathnet.org) and [www.epa.gov/chp](http://www.epa.gov/chp).
  - c. Provide a narrative to discuss methods for minimizing or reducing energy consumption.
8. Contribution to Community Noise Levels - Will the project itself contribute significantly to community noise levels during and/ or after construction?
9. Effects of Ambient Air Quality on Project and Contribution to Community Pollution Levels - The effect of air pollution on human health can vary from irritating the eyes and throat to contributing to three often fatal diseases--heart disease, lung disease and cancer. Air pollution can also damage plant growth, reduce visibility, dirty outdoor equipment, and erode buildings and monuments. Some groups--the sick, the elderly, pregnant women, and children--are more susceptible to air pollution than are others. They suffer adverse effects at lower pollution levels than the general public. This fact should be remembered in considering the location and/or design of schools and parks, hospitals and housing.
10. Visual Quality: Coherence, Diversity, Compatible Use and Scale - Visual impact can be defined as the impact of the project on the visual quality of its surroundings. The visual quality of an area is made up of the way elements of the natural and built environment relate to each other to create a sense of harmony.

#### 6.2.2 **Socioeconomic** - The study of the relationship between economic activity and social life.

1. Demographic Character Changes - The concept of the neighborhood is complex and "neighborhood" is a descriptor usually used to define specific geographic areas within a city. The physical characteristics include the quality and type of housing units, commercial, public and social services, its size, location and boundaries. The social dimension or demographic character of a neighborhood is determined by household and population size, density, age, ethnic and minority composition, as well as income, education, and employment profiles. Finally, there is the psychological and social interaction. This refers to the residents' sense of neighborhood, their perceived relationship with their surroundings and others within the neighborhood boundaries, and the strength of their various organizational ties and support systems (formal and informal). Determining neighborhood boundaries is also complex. The boundaries can be natural or built. Natural boundaries might include one or more of the following, topography, streams or open space; whereas built boundaries can be railroads, freeways or major streets (thoroughfares). Demography, such as the type of housing, may also be a factor in defining the neighborhood.

2. Displacement - Displacement refers to the dislocation of people, businesses, institutions or community facilities as a result of a project action. Direct displacement is the dislocation of a person, business or other activity occupying property that is acquired for a project or that must be vacated to comply with code or zoning enforcement. People and businesses directly displaced usually have no alternatives to that action.
3. Employment and Income Patterns - Find out if there are employment opportunities near the proposed project site(s).

6.2.3 **Community Facilities and Services** - The development of community services by private and public agencies has been a necessary component of urban development. The basic factors which influence the demand for community services are human necessity, economic level, demography of the population, and availability of services. Each of these factors relates to the level and quality of the various services. If the community services are located at unreasonable distances from a neighborhood, they will be of little benefit to residents. Scattered centers for services, such as health care and education, increase the availability of services but do not necessarily improve the quality of service. The various community services are similar in that they provide services necessary to the health, education, safety, and well-being of the population. The major necessities for the population of any urban community include an adequate water supply; provisions for sewage, waste water and storm water disposal, and a system of solid waste collection and disposal. The services may be provided by the public or private sector, but the local jurisdiction maintains some form of control. Project evaluation is based upon the adequacy of these facilities to serve the project and the impact of the project on the capacity of these facilities. Because of the variance in types of projects as well as site conditions, it is important that these items be addressed on an individual case basis and that the assessment documentation clearly indicate the sources from which information was gathered.

1. Educational Facilities - Schools include the traditional elementary and high school systems and may include centers of higher education and adult education. Need for educational facilities is related to the age structure of the population, and may be influenced by the economic structure of the community. Contact the local school board or visit <http://ed.sc.gov/schools>.
2. Commercial Facilities - Commercial/retail facilities, such as neighborhood shops, community shopping districts and regional shopping centers provide a source of goods and personal services to maintain the population. These facilities are established privately and the number and quality of these facilities therefore depends upon the economic conditions and demand of the serviced population.
3. Health Care - As a part of conducting an Environmental Assessment, one must consider a number of community and neighborhood services as factors, which could potentially affect the HUD assisted project. Such services may include but are not limited to health care. Find out if health care services are nearby.
4. Social Services - Social Services include transportation for handicapped and elderly, alcoholism and drug programs, and halfway houses. The need for such services will be a function of the age, income and educational level of potential project residents. See the local Social Services Dept.
5. Solid Waste - Solid waste disposal is an essential service in urban areas. Solid wastes are usually managed by a local government's Public Works Department which, or through their contractor, collects and disposes of waste. States now exercise authority over disposal of municipal solid wastes. Solid waste materials are generally transported by trucks to a common, usually remote site for either recycling (rarely), incineration (where allowed), or disposal in a sanitary landfill.
6. Waste Water - All new development must have a wastewater disposal system. Most new projects will be connected to an existing system. If, however, the existing system is at capacity or if the project is located too far away for connections to be feasible, some form of on-site disposal system will have to be employed. If the soil and other conditions are suitable, individual septic systems could be built. Or a developer may build some form of package treatment plant. Whatever system is used, it must be built and operated so that the effluent (treated water) does not cause pollution

- problems.
7. Storm Water
    - a. In SC, land disturbances of greater than two acres requires submittal of a stormwater management and sediment control plan for approval. Please note that within the eight (8) coastal counties, disturbances of two acres or less located within ½ mile of a receiving waterbody require submittal of a stormwater management and sediment control plan for approval. Approval must be obtained from the appropriate SCDHEC district office (see [www.scdhec.net/eqc/admin/pubs/permit01.pdf](http://www.scdhec.net/eqc/admin/pubs/permit01.pdf)).
    - b. Storm water disposal is an essential service in urban areas, and the complexity of the system design is in direct proportion to the intensity of land use. A central business district where maximum land coverage is allowed will need a storm sewer system designed to remove most of the rainfall within a short time after the end of the storm and mostly in a closed system. At the other extreme, a low density area where homes are built on very large lots, will carry nearly all its surface run-off in its natural waterways. The only drainage structures needed will be bridges and culverts to carry water under roads. It is also important, and in many cases critical, that adequate provision be made to allow as much rainfall as possible to enter the soil to recharge the water table which supplies well water for domestic and other uses. Sending too much storm water into natural drainage channels can cause the start of erosion where the streambed formerly was stabilized. Storm water in cities washes over streets and picks up considerable amounts of surface pollution which is not biologically degradable, e.g. grease, rubber, metal, glass and dangerous metals such as lead and cadmium which pollute ground and surface waters.
  8. Water Supply - Adequate water supply refers to the delivery to a housing project site of a sufficient amount of potable water at all times, with adequate pressure for fire protection and at affordable rates. In terms of quantity, a rule of thumb estimates 100 gallons per person per day for domestic consumption. Most places where HUD does business are urban areas with water distribution systems already in place. The water system is usually owned and operated by governmental agencies' Public Works Department although there are some privately owned water companies. Many proposed housing sites, however, are located at the edge of the urban or service area and it is often necessary to extend mains to serve them. These extensions will ultimately become part of the municipal water system and consequently will be required to be Constructed not just to serve the project, but to meet local and fire underwriters standards. Depending on local policy and requirements, the project may have to pay all or part of the costs.
  9. Public Safety – County Emergency Management Agency information is available at [www.scemd.org/who/county\\_orgs.html](http://www.scemd.org/who/county_orgs.html).
    - a. Police - Like fire protection services, access and response time are important planning considerations for assuring adequate police protection. Organization and staff may vary widely among communities.
    - b. Fire - Adequate access for fire equipment and vehicles to the project area is critical, as is the consideration of water supply, water flow and the placement of fire hydrants for assuring good fire protection. Insurance industry standards often dictate the organization and location of facilities and equipment.
    - c. Emergency Medical - Emergency Health Care consists of those emergency medical care and ambulance services. The latter are usually provided by local fire departments and area hospitals.
  10. Open Space and Recreation - As a part of conducting an Environmental Assessment, one must consider a number of community and neighborhood services as factors which could potentially affect the HUD-assisted project.
    - a. Open Space - See the Local Planning Department.
    - b. Recreation - Parks and Recreation include active sports and passive areas, parks and gardens, trails and facilities for spectator and participatory sports. See the local Parks & Recreation Dept.

- c. Cultural Facilities (Executive Order 11593) - The Federal Government shall provide leadership in preserving, restoring and maintaining the historic and cultural (cultural - knowledge, customs, and arts of a group of people) environment of the Nation. Agencies of the executive branch of the Government (hereinafter referred to as "Federal agencies") shall administer the cultural properties under their control in a spirit of stewardship and trusteeship for future generations.
11. Transportation - Transportation should incorporate private and public transportation. It is recognized that some minimal number of users is required to make public transportation feasible, and without this, prospective residents will have to provide for their own transportation. In outlying areas, particularly with subdivisions, personally owned vehicles (POV) is the standard transportation mode.
- 6.2.4 **Natural Features** - Undeveloped areas often represent valuable natural resources which must be conserved and protected. They are ecological reservations for animals, fish and wildlife. Water resources and any impounded supply represent sources of drinking water and recreational opportunities for large numbers of people. When evaluating a project involving natural features and resource areas the major consideration should be the impact the project will impose on them. [www.dnr.sc.gov/managed/heritage.html](http://www.dnr.sc.gov/managed/heritage.html)
1. Water Resources - There are two principal aspects of water resources: the quantity of water that is available, and its quality. Water resources can be divided into two subcategories: (a) groundwater and (b) surface water. Groundwater refers to all of the water found below the ground's surface. While most groundwater comes directly from rainwater, some results from seepage from the sides and bottoms of lakes and streams. The area in which the groundwater is stored is called an aquifer. The supply of groundwater depends upon a balance between the amount of water entering the ground and the amount being withdrawn. Excessive well pumping can induce infiltration from streams and ponds, causing surface water levels to drop. If these surface waters are polluted, groundwater quality will be degraded.
  2. Surface Water - Surface waters range from very large rivers and lakes to small ponds and streams. Urban development can have a serious negative impact on water quality, specifically from the effects of pollution generated by factories, urban sewerage systems, power plants and runoff from paved areas. Degraded surface water quality can have short-term and long-term human health implications, can affect aquatic habitats and species and can have aesthetic and other consequences.
  3. Unique Natural Features - This factor includes two separate but related natural environmental conditions - unique geological features and mineral resources. Unique natural features are produced by normal geological processes. Their uniqueness stems from their infrequent occurrence, their aesthetic value, or their information content. Examples of such features include exposures of fossil-bearing, mineralogical, unusual or interesting rock formations, cliffs, waterfalls, or special formations such as glacial drumlines and eskers, and such aesthetically pleasing features as coastal dunes and bluffs. Mineral resources are usually divided into three categories: fossil fuels, metals, and non-metals. The categories reflect more how they are used rather than how they were formed. Mineral resources are extracted from the earth by various methods. Each technique has certain kinds of effects on the ground above and around it which sometimes affects nearby development; thus, there may be a potential conflict between mineral resource production and the well-being of nearby communities. If the feature does indeed pose any type of hazard, it should be fenced as a mitigative measure. Conversely, the presence of these communities can prevent the development of some valuable mineral resources. The following website may be useful: [www.dnr.sc.gov/managed/heritage.html](http://www.dnr.sc.gov/managed/heritage.html) as well as Julie Holling, Data Manager, SCDNR, Heritage Trust Selection, P.O. Box 167, Columbia, SC 29202; (803)734-3917..
  4. Agricultural Lands - U.S. farmland is a unique natural resource which provides food and fiber. These agricultural lands include lands currently used to produce agricultural commodities or lands that have the potential for such production. These lands have the favorable combination of soil quality, growing season, moisture supply and accessibility. Highly productive or potentially productive agricultural lands are important due to their relatively limited occurrence and their long-

term value for efficient production of food and fiber. Each year large amounts of farmland are converted from actual or potential agricultural use to non-agricultural use. As urban expansion moves outward from cities into surrounding agricultural regions, highly productive lands are often converted to or adversely affected by urban development. Farmlands are limited. Due to the importance of agriculture to the national economy and the importance to agricultural of maintaining the very best farmlands in production, many local and State governments are adopting policies and regulations to preserve farmlands in the face of urban development pressures. The term farmlands or agricultural lands for this assessment factor refers to three specific categories: prime farmland, unique farmland, and farmland of statewide or local importance.

5. **Vegetation and Wildlife** - The dying out of plant and animal species is certainly not a new or even an unnatural phenomenon. It is however a phenomenon that occurs with much greater frequency today than in the past. As man's influence and activities cover more and more of the globe, the natural habitats of thousands of species are destroyed or irrevocably altered. It has been estimated that half the species of plants and animals (including birds, fish and insects) alive today could be extinct by the year 2000. One of the scientists' major concerns is that there is so much we don't know about most of the world's plants and animals. Through ignorance alone, we may be causing or allowing the extinction of species that could have enormous value to us. Most of the projects HUD is involved with probably do not pose any threat to existing species since most projects are located in urbanized areas where development will have already had its effect. If, however, a project is located in a less developed area where there are lands that are still mostly in their natural state, endangered species or their habitats may be encountered.

- 6.2.5 **Climate and Energy**- The Climate and Energy impact category considers the two-way relationship between HUD-assisted projects and the surrounding environment. This section will help responsible entities, recipients, applicants, and partners determine the extent to which their project will contribute to issues like greenhouse gas emissions and energy consumption, as well as how projects may be in turn affected by these factors. Please see [Environmental Assessment Guide: Climate and Energy - HUD Exchange](#)

**Climate Change Impacts** - A proposed project must consider the likely impacts of climate change on the project's short- and long-term suitability and resilience. Many natural systems are expected to be affected by climate change, so these considerations will be wide-ranging. In fact, climate change's interactions with natural disasters have already affected residents of HUD-assisted housing. Historic storms like hurricanes Katrina and Sandy have demonstrated the disproportionate impact these events have on residents of low-income housing. Therefore, HUD-assisted projects need to consider the potential future impacts of climate change on occupants. This applies to both new and existing structures; though climate impacts may not have been considered during a project's initial environmental review, subsequent Environmental Assessment (EA)-level reviews (e.g., for major rehabilitations) should consider potential climate impacts on residents' safety, wellbeing, and property.

**Energy Efficiency**- Lowering energy use (and related carbon emissions) has become increasingly important in both the design and the location and siting of new facilities. Maximizing opportunities for energy efficiency can be incorporated in nearly all phases of project planning, location selection, site development, and building design

#### 6.2.6 **Publication Of Notices**

1. **Local Governments** - The FONSI and NOI/RROF may be combined and must be published in the local newspaper or posted in a public place that is accessible to effected individuals by the city or county. A 15-day local comment period, beginning the day AFTER the notice is published, must be allowed and indicated in the notice if published... 18 days if posted.
2. **Other Entities** - The Authority takes the responsibility of posting or publishing this notice. A 15-day local comment period, beginning the day AFTER the notice is published, must be allowed and indicated in the notice. An 18-day comment period must be allowed if the notice is posted.

3. **Unspecified Site Strategy** - If using an Unspecified Site Strategy, the following language must be inserted prior to the last paragraph of the Concurrent Notice: "Because the (*grant award year*) Project will involve activities at several scattered sites for which the exact location will not be known for some time, an environmental review strategy has been developed, including Site Specific Checklists, to assure that the required environmental review is completed for each site. If environmental factors are identified as having an impact on the project or any of the specific project sites, they will be addressed on a case-by-case basis."

#### 6.2.7 Request For Release Of Funds And Certification

1. **Local Governments** - After allowing 15 days (published) or 18 days (posted) for public comment and taking into account any comments received, local governments complete the Form HUD-7015.15 and submit it along with the ERR to the Authority.
2. **Other Entities** - After allowing 15 days for public comment and taking into account any comments received, the Authority will complete the Form HUD-7015.15 and submit it directly to the HUD/Columbia Office.

#### 6.2.8 Release Of Funds

1. **Local Governments** - The Authority will not approve the RROF for at least 15 days after the receipt of the ERR. Once the 15 days have passed, the Authority will send a copy of the *Authority to Use Grant Funds* and keep the original in the ERR.
2. **Other Entities** - HUD/Columbia Office will wait 15 days after receiving the RROF from the Authority before it issues a ROF. The Authority will send the *Authority to Use Grant Funds* form to the recipient immediately after it is received from HUD.

### 7. RE-EVALUATIONS

- 7.1 After completion of the original environmental review process, circumstances may require that the original review be reevaluated. This will occur when:
  - 7.1.1 Substantial changes to the nature, magnitude, or extent of the project are proposed;
  - 7.1.2 New activities not anticipated in the original review are proposed;
  - 7.1.3 New circumstances and environmental conditions that may affect the project or have a bearing on its impact are discovered during the implementation of the project; or
  - 7.1.4 The selection of an alternative not in the original finding is proposed.
- 7.2 If the original findings are still valid, the applicant must affirm the original findings and update the ERR with its re-evaluation. A statement addressing the above four points will suffice as documentation that a reevaluation has been conducted. A new FONSI notice is not required.
- 7.3 If the applicant determines that the original findings are no longer valid, it must prepare a new EA (or an EIS if its evaluation indicates potentially significant impacts). A new FONSI notice must be published/disseminated and be submitted to HUD (or the State) or disseminated in accordance with §58.43.

### 8. EMERGENCIES

When an emergency, disaster or imminent threat to health and safety is declared by the President or the chief elected official of the responsible entity, the combined Notice of FONSI and the NOI/RROF may be disseminated and/or published simultaneously with the submission of the RROF and Certification form to HUD (or the state). The combined FONSI Notice and NOI/RROF shall state that the funds are needed on an emergency basis due to a declared disaster and that the comment periods have been combined. Any comments made by the public, other organizations or agencies are to be sent to HUD (or the State) and the applicant.

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# National Housing Trust Fund Environmental Reviews

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## 9. OVERVIEW

The purpose of this section of the manual is to describe the Environmental Provisions for new construction and rehabilitation that are required for National Housing Trust Fund (NHTF) projects under the Property Standards at 24 CFR § 93.301(f)(1) and (2). These NHTF Environmental Provisions are similar to the Environmental Review Requirements under 24 CFR Part 50 and Part 58, but they are not the same and in some cases are more restrictive.

### **NEPA and NNHTF**

Under the NHTF HUD has no discretion over the State's selection or rejection of individual projects. HUD's Office of General Counsel (OGC) determined that individual project selection is not a federal action to which the NEPA environmental assessment requirements, or consultation requirements under other Federal authorities such as the National Historic Preservation Act or the Endangered Species Act, would apply. Unlike some other HUD statutes, the NHTF statute does not include a provision for Environmental Review.

HUD is committed to the principles of NEPA and ensuring decent, safe, sanitary, and affordable housing for extremely low and very low income families. Consequently, HUD has developed NHTF Environmental Provisions under the NHTF Property Standards at 24 CFR § 93.301(f) for new construction and rehabilitation. The state, state-designated entity, or subgrantee administering NHTF is responsible for ensuring that projects funded by NHTF meet the property standards.

### **NNHTF Environmental Provisions**

The NHTF regulations establish specific property standards for housing that receives NHTF funds. These standards include Environmental Provisions for projects involving new construction and rehabilitation. The NHTF Environmental Provisions for new construction and rehabilitation under the Property Standards at 24 CFR § 93.301(f)(1) and (2) are similar to HUD's Environmental Regulations at 24 CFR Parts 50 and 58. NHTF projects are subject to the same environmental concerns that HUD-assisted projects are subject to. **The main difference is that the NHTF Environmental Provisions are outcome based, and exclude consultation procedures that would be applicable if NHTF project selection was a federal action.** Parts 50 and 58 are process based, and include consultation procedures for several laws and authorities where there may be environmental impacts. Due to the outcome based nature of the NHTF Environmental Provisions and lack of a federal action, compliance with some environmental property standards is streamlined because consultation is not required.

### **Timing**

NHTF housing projects must meet the applicable Property Standards, including the NHTF Environmental Provisions at 24 CFR § 93.301(f)(1) or (2) at project completion [§ 93.407(a)(2)(iv)]. Project completion as defined at 24 CFR § 93.2 requires, among other things, that the project complies with the requirements of Part 93 (including the property standards under 24 CFR § 93.301). However, it should be determined prior to construction if a project will meet the NHTF Environmental Provisions. If a project cannot meet the NHTF Environmental Provisions, the project cannot be funded by NHTF. For example, if a project will impact a wetland, it cannot be funded by NHTF.

### **Recordkeeping and Resources**

The state, state-designated entity, or subgrantee administering NHTF must maintain documentation demonstrating that each project meets the NHTF Environmental Provisions at project completion [§ 93.407(a)(2)(iv)]. Sections 10-13 of this manual layout the NHTF Environmental Provisions for new construction and rehabilitation, and provide resources for each of the environmental requirements and how to document compliance.

Due to the streamlined NHTF Environmental Provisions, the HUD Environmental Review Online System (HEROS) may not be used to document the Environmental Provisions for projects funded by NHTF.

Sections 10-13 of this manual include the required formats to document compliance with the NHTF Environmental Provisions.

**Combining NNHTF with Other HUD Funding Sources**

Other HUD funding sources include, but are not limited to, HOME Investment Partnerships (HOME), Rental Assistance Demonstration (RAD), or Public Housing Capital Funds that are subject to environmental review under 24 CFR Part 50 or Part 58.

When combining NHTF with these funding sources a Part 50 or Part 58 environmental review must be done, and the review must meet the NHTF Environmental Provisions. Depending on the type of HUD funding that is being used for the project an environmental review will be completed by HUD staff under Part 50, or a Responsible Entity under Part 58.

**Part 58 - Public comment and Request for Release of Funds Requirements**

Public comment and Request for Release of Funds requirements for Categorical Exclusion Subject to 24 CFR § 58.5 reviews and Environmental Assessments under 24 CFR § 58.45 are still applicable when combining HUD funds with NHTF. The Request for Release of Funds and Certification shall be sent to the appropriate HUD Field Office (or the State, if applicable).

Under 24 CFR Part 50 and Part 58 HUD funds cannot be committed to a project until the environmental review is complete. The Part 50 or Part 58 environmental review that will meet the NHTF Environmental Provisions at project completion must be completed prior to commitment of other HUD funding. If a project cannot meet the NHTF Environmental Provisions, the project cannot be funded by NHTF. For example, if a project will impact a wetland, it cannot be funded by NHTF.

## 10. NEW CONSTRUCTION PROJECTS FUNDED WITH NNHTF (without HOME Funds)

(including new construction of manufactured housing or acquisition of existing housing that has been newly constructed or rehabilitated less than 12 months before the commitment of NHTF funds)

### New construction projects environmental requirements— 24 CFR § 93.301(f)(1)

(i) **Historic preservation**—(A) Standards. The project activities (including demolition) must not be performed on properties that are either listed in or determined eligible for listing in the National Register of Historic Places, unless the project activities meet the Secretary of the Interior's Standards for Rehabilitation, either as certified through the Federal and/or State historic rehabilitation tax credit programs or as verified by someone that meets the relevant Secretary of the Interior's Professional Qualification Standards; (B) Archaeological resources. If archaeological resources or human remains are discovered on the project site during construction, the grantee must consult with affected tribes and/or descendant communities and comply with the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001–3013), State law and/or local ordinance (e.g., State unmarked burial law).

#### Resources:

Check to see if the property is listed or eligible for listing in the National Register of Historic Places or located within a historic district - <https://www.nps.gov/nr/research/>  
Secretary of the Interior's Standards for Rehabilitation - including the Standards related to new construction - <https://www.nps.gov/tps/standards/four-treatments/treatment-rehabilitation.htm>

#### Documentation:

- Document if the project is not listed or eligible to be listed on the National Register of Historic Places (certification by a qualified professional).
- If the project is listed or eligible to be listed on the National Register of Historic Places, provide documentation on how the work meets the Secretary of Interior's Standards for Rehabilitation (photos, architectural plans, and certification by a qualified professional).

If archaeological resources or human remains are discovered on the project site during construction, document all consultation correspondence with affected tribes and/or descendant communities and how the project complies with the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001–3013), State law and/or local ordinance (e.g., State unmarked burial law).

(ii) **Farmland**. Project activities must not result in the conversion of unique, prime, or statewide or locally significant agricultural properties to urban uses.

#### Resources:

USDA Web Soil Survey - <http://websoilsurvey.nrcs.usda.gov/app/WebSoilSurvey.aspx>

#### Documentation:

A map from the Web Soil Survey showing that the project site is not a unique, prime or statewide or locally significant agricultural property.

Project site 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.

(iii) **Airport zones**. Projects are not permitted within the Runway Protection Zones (RPZ) of civilian airports, or the clear zones or Accident Potential Zones (APZ) of military airfields.

#### Resources:

NEPAssist - <https://www.epa.gov/nepa/nepassist> (Airport polygons under Transportation)

#### Documentation:

- 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 or a letter from the airport operator stating so.

(iv) **Coastal Barrier Resource System.** No projects may be assisted in Coastal Barrier Resource System (CBRS) units. CBRS units are mapped and available from the U.S. Fish and Wildlife Service (FWS).

Resources:

FWS Coastal Barrier Resources System Mapper - <http://www.fws.gov/ecological-services/habitat-conservation/cbra/maps/mapper.html>

Documentation:

A map showing that the project site is not located in a CBRS unit or a statement that the state contains no CBRS unit.

(v) **Coastal zone management.** Development must be consistent with the appropriate State coastal zone management plan. Plans are available from the local coastal zone management agency.

Resources:

HUD's Environmental Review Page – Coastal Zone Management - <https://www.hudexchange.info/environmental-review/coastal-zone-management/>

Documentation:

- Document that the project site is not located in a Coastal Zone.
- If a project is located within a Coastal Zone document that the project is consistent with the State Coastal Zone Management Plan, this may require contacting the state Coastal Zone Management Agency to obtain a letter of consistency for the project.

(vi) **Floodplains.** Except as modified below, definitions for terms used below can be found at 24 CFR part 55. (A) Construction and other activities in the 100-year floodplain are to be avoided when practicable. If there are no practicable alternatives to new construction or substantial improvement in the 100-year floodplain, the structure must be elevated at least the base flood elevation (BFE) or floodproofed to one foot above the BFE. Elevated and floodproofed buildings must adhere to National Flood Insurance Program standards. The primary sources of floodplain data are Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRMs). When FEMA provides interim flood hazard data, such as Advisory Base Flood Elevations (ABFE) or preliminary maps or studies, the latest of these sources shall be used. (B) No NHTF assistance may be approved with respect to: (1) Any action, other than a functionally dependent use, located in a floodway; (2) Any new construction critical action located in a coastal high hazard area, 100- or 500-year floodplain; or (3) Any non-critical new construction action in a coastal high hazard area, unless the action is reconstruction following destruction caused by a disaster and is designed for location in a coastal high hazard area consistent with the FEMA National Flood Insurance Program requirements for VZones.

Resources:

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

Documentation:

- FEMA FIRM or other latest-available FEMA data showing the project location is not within a floodplain.
- If the project site is within the 100-year floodplain, document whether there is a practicable alternative. If so, select a site outside the floodplain. If there is no practicable alternative, provide the FIRM or later FEMA data and document that the structure has been elevated to at least the BFE or floodproofed to one foot above the BFE, that elevated and floodproofed buildings adhere to National Flood Insurance Program standards, and that the project is not a Critical Action.
- If the project site is within a Floodway, provide the FIRM or latest-available FEMA data and document that the structure is a functionally dependent use.
- If the project site is within a Coastal High Hazard area, provide the FIRM or latest-available FEMA data and document that the structure is reconstruction following destruction caused by a disaster and is

designed for location in a coastal high hazard area consistent with the FEMA National Flood Insurance Program requirements for V Zones, and that the structure is not a Critical Action.

- If the project site is within the 500-year floodplain provide the FIRM or later FEMA data and document that the structure is not a Critical Action.

(vii) **Wetlands.** (A) No draining, dredging, channelizing, filling, diking, impounding, or related grading activities are to be performed in wetlands. No activities, structures, or facilities funded under this program are to adversely impact a wetland. (B) A wetland 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. This definition includes those wetland areas separated from their natural supply of water as a result of activities, such as the construction of structural flood protection methods or solid-fill road beds, or mineral extraction and navigation improvements. This definition is independent of the definition of jurisdictional wetland used by the U. S. Army Corps of Engineers under section 404 of the Clean Water Act (33 U.S.C. 1251 et seq.).

Resources:

FWS National Wetlands Inventory - <http://www.fws.gov/wetlands/Data/Mapper.html>

Documentation:

A map showing the project is not located in jurisdictional or non-jurisdictional wetland.

(viii) **Explosives and hazards.** Projects must be in compliance with the standards for acceptable separation distance, as set forth at 24 CFR part 51, subpart C.

Resources:

HUD's Environmental Review Page – Explosives and Flammable Facilities -

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

Documentation:

Document that the project meets the standards for acceptable separation distance.

(ix) **Contamination.** All properties assisted with NHTF funds must be free of hazardous materials, contamination, toxic chemicals and gases, and radioactive substances, where a hazard could affect the health and safety of occupants or conflict with the intended use of the property. (A) All proposed multifamily (more than four housing units) NHTF projects require a Phase I Environmental Site Assessment (ESA–ASTM). If the Phase I ESA identifies recognized environmental conditions (RECs), a Phase II (ESA–ASTM) will be required. ASTM reports shall be prepared in accordance with the most current ASTM standard. Single family housing does not require a Phase I ESA. (B) NHTF projects must avoid sites located within 0.25 miles of a Superfund or CERCLIS (Comprehensive Environmental Response, Compensation, and Liability Information System) site or other contaminated site reported to Federal, State, or local authorities without a statement in writing from the U.S. Environmental Protection Agency (EPA) or the appropriate State agency that there is no hazard that could affect the health and safety of the occupants or conflict with the intended use of the property.

Resources:

HUD's Environmental Review Page – Site Contamination - <https://www.hudexchange.info/environmental-review/site-contamination/>

Documentation:

- Document that the project is free of hazardous materials, contamination, toxic chemicals and gases, and radioactive substances, where a hazard could affect the health and safety of occupants or conflict with the intended use of the property.
- Document that the project is not located within 0.25 miles of a Superfund or CERCLIS site or other contaminated site reported to Federal, State, or local authorities without a statement in writing from the EPA or the appropriate State agency that there is no hazard that could affect the health and safety of the occupants or conflict with the intended use of the property.
- Multifamily properties (4 or more units) - a Phase I ESA–ASTM is required. If the Phase I ESA identifies RECs, a Phase II ESA–ASTM will be required. If the Phase II indicates the presence of hazardous

substances or petroleum products above applicable local, state, tribal or federal (LSTF) screening levels, coordination with the relevant LSTF oversight agency will be required to complete the remediation process and obtain a determination that no further action is required. Development of more than four single family structures in the same location, such as subdivision development, should be evaluated as multifamily.

- Single family properties - projects must avoid sites located within 0.25 miles of a Superfund or CERCLIS site or other contaminated site reported to Federal, State, or local authorities without a statement in writing from the EPA or the appropriate State agency that there is no hazard that could affect the health and safety of the occupants or conflict with the intended use of the property. In addition to the government records search, the screening process for single family does include a site visit. When the screening process raises concerns related to site contamination, it may be appropriate to contract with an environmental professional for preparation of a Phase I, testing and sampling, or other investigation.

Note: The CERCLIS Public Access Database has been retired. The EPA is transitioning to the Superfund Enterprise Management System, or SEMS. SEMS includes the same data fields and content as CERCLIS.

(x) **Noise.** (A) Internal noise levels: All activities will be developed to ensure an interior noise level of no more than 45 decibels (dB). (B) External noise levels: (1) Project sites exposed to less than or equal to 65 dB of environmental noise are acceptable. (2) Sites between 65 dB and less than 75 dB are acceptable with mitigation (e.g., noise walls, careful site planning) that result in an interior standard of 45 dB. (3) Locations with environmental noise levels of 75 dB or greater may not have noise sensitive outdoor uses (e.g., picnic areas, tot lots, balconies, or patios) and require sound attenuation in the building shell to achieve the 45 dB interior standard.

Resources:

HUD's Environmental Review Page – Noise Abatement and Control -

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

Documentation:

- Document the external noise level.
- If the exterior noise level is between 65 dB and less than 75 dB, document the mitigation measures taken to meet the interior noise level standard of no more than 45 dB.
- If there are exterior noise levels of 75 dB or greater, document the mitigation measures taken to meet the interior noise level standard of no more than 45 dB. Also document that there are no outside noise sensitive uses involved in the project.

(xi) **Endangered species.** The grantee must avoid all actions which could jeopardize the continued existence of any endangered or threatened species, as designated by the U.S. Fish and Wildlife Service (FWS) or National Marine Fisheries Service (NMFS), or would result in the destruction or adversely modify the designated critical habitat of such species.

Resources:

HUD's Environmental Review Page – Endangered Species - <https://www.hudexchange.info/environmental-review/endangered-species/>

FWS – IPAC Information for Planning and Conservation - <https://ecos.fws.gov/ipac/>

NMFS - Endangered and Threatened Marine Species under NMFS' Jurisdiction - <http://www.nmfs.noaa.gov/pr/species/esa/listed.htm>

Documentation:

- Provide documentation that there are no endangered, threatened species, or critical habitat on the project site.
- If there are endangered, threatened species or critical habitat on the project site, document that the project will not jeopardize an endangered or threatened species, and will not adversely modify critical habitat. This may require informal consultation with FWS and/or NMFS.

(xii) **Wild and scenic rivers.** The grantee must avoid activities that are inconsistent with conservation easements, land-use protections, and restrictions adjacent to wild and scenic rivers, as designated/listed by

the Department of Interior. Maps for the National Wild and Scenic Rivers System are available at the governing departments.

Resources:

HUD's Environmental Review Page – Wild and Scenic Rivers - Guidance  
<https://www.hudexchange.info/environmental-review/wild-and-scenic-rivers/>

Documentation:

- Document that the project is not located near a Wild and Scenic River.
- If the project site is located near a Wild and Scenic river document that the project is consistent with the River's Management Plan.

**(xiii) Safe drinking water.** Projects with a potable water system must use only lead-free pipes, solder, and flux.

Resources:

EPA's Drinking Water Requirements for States and Public Water Systems - <https://www.epa.gov/dwreginfo>

Documentation:

Document that the project only uses lead-free pipes, solder, and flux. This may include architectural plans, building specifications, and certification by qualified professional.

**(xiv) Sole-source aquifers.** Project activities should avoid sites and activities that have the potential to contaminate sole source aquifer areas (SSAs). EPA defines a sole or principal source aquifer as an aquifer that supplies at least 50 percent of the drinking water consumed in the area overlying the aquifer. If the project overlies an SSA, EPA must review the project. EPA review is designed to reduce the risk of ground water contamination that could pose a health hazard to those who use it.

Resources:

HUD's Environmental Review Page – Sole Source Aquifers - Guidance  
<https://www.hudexchange.info/environmental-review/sole-source-aquifers/>

Documentation:

- Document that the project site is not located on a SSA.
- If the project site located on a SSA provide documentation from EPA that the project will not impact the SSA (including regional MOUs).

**Format for Determining Compliance with Environmental Provisions  
24 CFR § 93.301(f)(1) New Construction Projects funded with NNHTF (without HOME funds)**

(including new construction of manufactured housing or acquisition of existing housing that has been newly constructed or rehabilitated less than 12 months before the commitment of NHTF funds)

| Environmental Provision and Resource  | Yes/No | Recordkeeping  |
|---|--------|--|
| <p><b><u>Historic Preservation</u></b><br/>The project is NOT listed or eligible for listing in the National Register of Historic Places individually or as part of an historic district.<br/><a href="http://www.nps.gov/nr/research/">http://www.nps.gov/nr/research/</a></p> <p>OR</p> <p>The project is listed or eligible to be listed on the National Register of Historic Places, individually or as part of an historic district, and MEETS the Secretary of Interior's Standards for Rehabilitation – including the Standards related to new construction.<br/><a href="https://www.nps.gov/tps/standards/four-treatments/treatment-rehabilitation.htm">https://www.nps.gov/tps/standards/four-treatments/treatment-rehabilitation.htm</a></p> <p>AND</p> <p>If archaeological resources or human remains are discovered on the project site during construction, consult with affected tribes and/or descendant communities and comply with the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001–3013), State law and/or local ordinance (e.g., State unmarked burial law).</p> |        | <p>Document that the project is not listed or eligible to be listed on the National Register of Historic Places by a qualified professional.</p> <p>OR</p> <p>If the project is listed or eligible to be listed on the National Register of Historic Places, provide documentation on how the work meets the Secretary of Interior's Standards for Rehabilitation</p> <p>AND</p> <p>Document all consultation correspondence with the affected tribe and/or descendant communities, and how compliance with the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001–3013), State law and/or local ordinance (e.g., State unmarked burial law) has been met.</p> |
| <p><b><u>Farmlands</u></b><br/>The project will NOT convert unique, prime or significant (state or local) farmland to an urban use.<br/><a href="http://websoilsurvey.nrcs.usda.gov/app/WebSoilSurvey.aspx">http://websoilsurvey.nrcs.usda.gov/app/WebSoilSurvey.aspx</a></p>   |        | <p>A map from the Web Soil Survey showing that the project site is not a unique, prime or statewide or locally significant agricultural property.<br/>Project site 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.</p>  |

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| <p><b><u>Airport Zones</u></b><br/> The project is NOT located within a Runway Protection Zone (RPZ) of a civilian airport or the clear zone or Accident Potential Zone (APZ) of a military airfield.<br/> <a href="https://www.epa.gov/nepa/nepassist">https://www.epa.gov/nepa/nepassist</a></p>   |  | <p>A map showing the site is not within 15,000 feet of a military airport or within 2,500 feet of a civilian airport.</p> <p>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.</p> <p>If within 2,500 feet of a civilian airport, a map showing the site is not within a designated RPZ or a letter from the airport operator stating so.</p>   |
| <p><b><u>Coastal Barrier Resources</u></b><br/> The project is NOT located within a Coastal Barrier Resources System unit.<br/> <a href="http://www.fws.gov/CBRA/Maps/Mapper.html">http://www.fws.gov/CBRA/Maps/Mapper.html</a></p>  |  | <p>A map showing that the project site is not located in a CBRS Unit or a statement that the state contains no CBRS units.</p>   |
| <p><b><u>Coastal Zone Management</u></b><br/> The project is NOT located in a Coastal Zone, or it has been determined that the project IS CONSISTENT with the State Coastal Zone Management Plan.<br/> <a href="https://www.hudexchange.info/environmental-review/coastal-zone-management/">https://www.hudexchange.info/environmental-review/coastal-zone-management/</a></p>   |  | <p>Document that the project site is not located in a Coastal Zone. If a project is located within a Coastal Zone document that the project is consistent with the State Coastal Zone Management Plan, this may require contacting the state Coastal Zone Management Agency to obtain a letter of consistency for the project.</p>   |
| <p><b><u>Floodplains</u></b><br/> The project is NOT located in the Floodway, Coastal High Hazard Area or 100-year or 500-year floodplain on the latest FEMA floodmap (including preliminary maps and Advisory Base Flood Elevations).<br/> <a href="https://msc.fema.gov/portal">https://msc.fema.gov/portal</a></p> <p>OR</p> <p>100-year floodplain -<br/> If there are no practicable alternatives to new construction or substantial improvement the structure IS elevated at least to the base flood elevation (BFE) or floodproofed to one foot above the BFE and the project IS NOT a Critical Action.</p> |  | <p>FEMA FIRM or other latest-available data from FEMA showing the project location is not within a floodplain.</p> <p>OR</p> <p>If the project site is within the 100-year floodplain, document whether there is a practicable alternative. If so, select a site outside the floodplain. If there is no practicable alternative, provide the FIRM or latest-available FEMA data and document that the structure has been elevated at least the BFE or floodproofed to one foot above the BFE, that elevated and floodproofed buildings adhere to National Flood Insurance Program standards, and that the project is a</p> |

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| <p>OR</p> <p>Floodway –<br/>The project IS a functionally dependent use.</p> <p>OR</p> <p>Coastal High Hazard Area –<br/>The project IS reconstruction following destruction caused by a disaster and is designed for location in a coastal high hazard area consistent with the FEMA National Flood Insurance Program requirements for V Zones.</p> <p>OR</p> <p>500-year floodplain –<br/>The project is NOT a Critical Action.</p> |  | <p>not a Critical Action.</p> <p>OR</p> <p>If the project site is within a Floodway, provide the FIRM or latest-available FEMA data and document that the structure is a functionally dependent use.</p> <p>OR</p> <p>If the project site is within a Coastal High Hazard Area, provide the FIRM or latest-available FEMA data and document that the structure is reconstruction following destruction caused by a disaster and is designed for location in a coastal high hazard area consistent with the FEMA National Flood Insurance Program requirements for V Zones, and that the structure is not a Critical Action.</p> <p>OR</p> <p>If the project site is within the 500-year floodplain provide the FIRM or later FEMA data and document that the structure is not a Critical Action.</p> |
| <p><b><u>Wetlands</u></b><br/>The project will NOT adversely impact a wetland. The project will NOT drain, dredge, channelize, fill, dike, impound, or perform grading activities in wetlands.<br/><a href="http://www.fws.gov/wetlands/Data/Mapper.html">http://www.fws.gov/wetlands/Data/Mapper.html</a></p>  |  | <p>A map showing the project is not located in a jurisdictional or non-jurisdictional wetland.</p>   |
| <p><b><u>Explosives and Hazards</u></b><br/>The project IS in compliance with the standards for acceptable separation distances, as set forth at 24 CFR part 51, subpart C.<br/><a href="https://www.hudexchange.info/programs/environmental-review/explosive-and-flammable-facilities/">https://www.hudexchange.info/programs/environmental-review/explosive-and-flammable-facilities/</a></p>                                       |  | <p>Document that the project meets the standards for acceptable separation distance.</p>   |
| <p><b><u>Contamination</u></b><br/>The project is FREE of hazardous materials, contamination, toxic chemicals and gases, and radioactive substances, where a hazard could affect the health and safety of occupants or conflict with the intended use of the property.</p> <p>AND</p> <p>The project IS NOT located within 0.25 miles of a</p>  |  | <p>Document that the project is free of hazardous materials, contamination, toxic chemicals and gases, and radioactive substances, where a hazard could affect the health and safety of occupants or conflict with the intended use of the property. Document that the project is not located within 0.25 miles of a Superfund or CERCLIS site or other contaminated site reported to</p>  |

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| <p>Superfund or CERCLIS (Comprehensive Environmental Response, Compensation, and Liability Information System) site or other contaminated site reported to Federal, State, or local authorities without a statement in writing from the U.S. Environmental Protection Agency (EPA) or the appropriate State agency that there is no hazard that could affect the health and safety of the occupants or conflict with the intended use of the property.</p> <p>Note: The CERCLIS Public Access Database has been retired. The EPA is transitioning to the Superfund Enterprise Management System, or SEMS. SEMS includes the same data fields and content as CERCLIS.<br/> <a href="https://www.hudexchange.info/environmental-review/site-contamination/">https://www.hudexchange.info/environmental-review/site-contamination/</a></p> |  | <p>Federal, State, or local authorities without a statement in writing from the EPA or the appropriate State agency that there is no hazard that could affect the health and safety of the occupants or conflict with the intended use of the property.</p> <p><u>Multifamily properties</u> (4 or more units) - a Phase I ESA-ASTM is required. If the Phase I ESA identifies RECs, a Phase II ESA-ASTM will be required. If the Phase II indicates the presence of hazardous substances or petroleum products above applicable local, state, tribal or federal (LSTF) screening levels, coordination with the relevant LSTF oversight agency will be required to complete the remediation process and obtain a determination that no further action is required. Development of more than four single family structures in the same location, such as subdivision development, should be evaluated as multifamily.</p> <p><u>Single family properties</u> - projects must avoid sites located within 0.25 miles of a Superfund or CERCLIS site or other contaminated site reported to Federal, State, or local authorities without a statement in writing from the EPA or the appropriate State agency that there is no hazard that could affect the health and safety of the occupants or conflict with the intended use of the property. In addition to the government records search, the screening process for single family does include a site visit. When the screening process raises concerns related to site contamination, it may be appropriate to contract with an environmental professional for preparation of a Phase I, testing and sampling, or other investigation.</p> |
| <p><b>Noise</b></p> <p>External noise level is LESS THAN 65 dB.</p> <p>OR</p>   |  | <p>Document the external noise level.</p> <p>OR</p>  |

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| <p>External noise level is between 65 dB and less than 75 dB. Mitigation measures result in an interior standard of 45 dB.</p> <p>OR</p> <p>External noise level is 75 dB or greater. There are NO noise sensitive outdoor uses (e.g., picnic areas, tot lots, balconies, or patios) and mitigation measures to the building shell achieve the 45 dB interior standard.<br/> <a href="https://www.hudexchange.info/programs/environmental-review/noise-abatement-and-control/">https://www.hudexchange.info/programs/environmental-review/noise-abatement-and-control/</a></p> |  | <p>Document the external noise level, and the mitigation measures taken to meet the interior noise level standard of no more than 45 dB.</p> <p>OR</p> <p>Document the exterior noise level, and the mitigation measures taken to meet the interior noise level standard of no more than 45 dB. Also document that there are no outside noise sensitive uses involved in the project.</p>                    |
| <p><b><u>Endangered Species</u></b><br/> The project will NOT impact endangered or threatened species or their habitat.<br/> <a href="https://www.hudexchange.info/programs/environmental-review/endangered-species/">https://www.hudexchange.info/programs/environmental-review/endangered-species/</a></p>   |  | <p>Provide documentation that there are no endangered, threatened species, or critical habitat on the project site. If there are endangered, threatened species or critical habitat on the project site, document that the project will not jeopardize an endangered or threatened species, and will not adversely modify critical habitat. This may require informal consultation with FWS and/or NMFS.</p> |
| <p><b><u>Wild and Scenic Rivers</u></b><br/> The project is NOT located near a Wild and Scenic River.</p> <p>OR</p> <p>The project is located near a Wild and Scenic River and IS CONSISTENT with the River's Management Plan.<br/> <a href="https://www.hudexchange.info/programs/environmental-review/wild-and-scenic-rivers/">https://www.hudexchange.info/programs/environmental-review/wild-and-scenic-rivers/</a></p>  |  | <p>Document that the project is not located near a Wild and Scenic River.</p> <p>OR</p> <p>Document that the project is located near a Wild and Scenic River and the project is consistent with the River's Management Plan.</p>   |
| <p><b><u>Sole Source Aquifers</u></b><br/> The project will NOT impact a Sole Source Aquifer.<br/> <a href="https://www.hudexchange.info/programs/environmental-review/sole-source-aquifers/">https://www.hudexchange.info/programs/environmental-review/sole-source-aquifers/</a></p>   |  | <p>Document that the project site is not located on a SSA. If the project site located on a SSA provide documentation from EPA that the project will not impact the SSA (including regional MOUs).</p>   |
| <p><b><u>Safe Drinking Water</u></b><br/> The project is CONSTRUCTED WITH lead-free pipes, solder, and flux.<br/> <a href="https://www.epa.gov/dwreginfo">https://www.epa.gov/dwreginfo</a></p>  |  | <p>Document that the project only uses lead-free pipes, solder, and flux (architectural plans, building specifications, and certification by qualified professional).</p>  |
| <p><b>If any of the answers to the worksheet above are "No" the project cannot be funded through the National Housing Trust Fund.</b></p>  |  |  |

## 11. REHABILITATION PROJECTS FUNDED WITH NHTF (without HOME Funds)

(including rehabilitation of manufactured housing or acquisition of existing housing that has not been newly constructed or rehabilitated less than 12 months before the commitment of NHTF funds)

### Rehabilitation projects environmental requirements— 24 CFR § 93.301(f)(2)

(i) **Historic preservation.** (A) The project activities (including demolition) must not be performed on properties that are either listed in or determined eligible for listing in the National Register of Historic Places, unless the project activities meet the Secretary of the Interior's Standards for Rehabilitation, either as certified through the Federal and/or State historic rehabilitation tax credit programs or as verified by someone that meets the relevant Secretary of the Interior's Professional Qualification Standards; (B) Archaeological resources. If archaeological resources or human remains are discovered on the project site during construction or rehabilitation, the grantee must consult with affected tribes and/or descendant communities and comply with the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001–3013), State law, and/or local ordinance (e.g., State unmarked burial law).

#### Resources:

Check to see if the property is listed or eligible for listing in the National Register of Historic Places or located within a historic district - <https://www.nps.gov/nr/research/>  
Secretary of the Interior's Standards for Rehabilitation - including the Standards related to new construction - <https://www.nps.gov/tps/standards/four-treatments/treatment-rehabilitation.htm>

#### Documentation:

- Document if the project is not listed or eligible to be listed on the National Register of Historic Places (certification by a qualified professional).
- If the project is listed or eligible to be listed on the National Register of Historic Places, provide documentation on how the work meets the Secretary of Interior's Standards for Rehabilitation (photos, architectural plans, and certification by a qualified professional).
- If archaeological resources or human remains are discovered on the project site during construction, document all consultation correspondence with affected tribes and/or descendant communities and how the project complies with the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001–3013), State law and/or local ordinance (e.g., State unmarked burial law).

(ii) **Farmland.** Project activities must not result in the conversion of unique, prime, or locally significant agricultural properties to urban uses.

#### Resources:

USDA Web Soil Survey - <http://websoilsurvey.nrcs.usda.gov/app/WebSoilSurvey.aspx>

#### Documentation:

- If the project activities consist solely of rehabilitation, then the project will not result in the conversion of unique, prime, or locally significant agricultural properties to urban uses. Document a summary of rehabilitation activities that are part of the project.
- If project activities are not solely rehabilitation provide a map from the Web Soil Survey showing that the project site is not a unique, prime or statewide or locally significant agricultural property.
- Project site 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.

(iii) **Airport zones.** Projects are not permitted within the Runway Protection Zones (RPZ) of civilian airports, or the clear zones or Accident Potential Zones (APZ) of military airfields.

#### Resources:

NEPAssist - <https://www.epa.gov/nepa/nepassist> (Airport polygons under Transportation)

Documentation:

- 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 or a letter from the airport operator stating so.

(iv) **Coastal Barrier Resource System.** No projects may be assisted in Coastal Barrier Resource System (CBRS) units. CBRS units are mapped and available from the U.S. Fish and Wildlife Service.

Resources:

FWS Coastal Barrier Resources System Mapper - <http://www.fws.gov/ecological-services/habitat-conservation/cbra/maps/mapper.html>

Documentation:

A map showing that the project site is not located in a CBRS unit or a statement that the state contains no CBRS units.

(v) **Coastal zone management.** Development must be consistent with the appropriate State coastal zone management plan. Plans are available from the local coastal zone management agency.

Resources:

HUD's Environmental Review Page – Coastal Zone Management - <https://www.hudexchange.info/environmental-review/coastal-zone-management/>

Documentation:

- Document that the project site is not located in a Coastal Zone.
- If a project is located within a Coastal Zone document that the project is consistent with the State Coastal Zone Management Plan, this may require contacting the state Coastal Zone Management Agency to obtain a letter of consistency for the project.

(vi) **Floodplains.** Except as modified below, definitions for terms used below can be found at 24 CFR part 55. (A) Construction and other activities in the 100-year floodplain are to be avoided when practicable. If there are no practicable alternatives to new construction or substantial improvement in the 100-year floodplain, the structure must be elevated at least to the base flood elevation (BFE) or floodproofed to one foot above the BFE. Elevated and floodproofed buildings must adhere to National Flood Insurance Program standards. The primary sources of floodplain data are Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRMS). When FEMA provides interim flood hazard data, such as Advisory Base Flood Elevations (ABFE) or preliminary maps or studies, the latest of these sources shall be used. (B) No NHTF assistance may be approved with respect to: (1) Any action, other than functionally dependent uses, located in a floodway; (2) Any critical action located in a coastal high hazard area, 100- or 500- year floodplain; or (3) Any non-critical action in a coastal high hazard area, unless the action is designed for location in a coastal high hazard area consistent with the FEMA National Flood Insurance Program requirements for V-Zones.

Resources:

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

Documentation:

- FEMA FIRM or other latest-available data from FEMA showing the project location is not within a floodplain.
- If the project site is within the 100-year floodplain, document whether there is a practicable alternative. If so, select a site outside the floodplain. If there is no practicable alternative, provide the FIRM or later FEMA data. In addition, if the project is a substantial improvement, document that the structure has been elevated

at least the BFE or floodproofed to one foot above the BFE., that elevated and floodproofed buildings adhere to National Flood Insurance Program standards, and that the project is a not a Critical Action.

- If the project site is within a Floodway, provide the FIRM or latest-available FEMA data and document that the structure is a functionally dependent use.
- If the project site is within a Coastal High Hazard area, provide the FIRM or latest-available FEMA data and document that the structure is reconstruction following destruction caused by a disaster and is designed for location in a coastal high hazard area consistent with the FEMA National Flood Insurance Program requirements for V Zones, and that the structure is not a Critical Action.
- If the project site is within the 500-year floodplain provide the FIRM or latest-available FEMA data and document that the structure is not a Critical Action.

(vii) **Wetlands.** No rehabilitation of existing properties that expands the footprint into a wetland is allowed. A wetland 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. This definition includes those wetland areas separated from their natural supply of water as a result of activities such as the construction of structural flood protection methods or solid-fill road beds and activities such as mineral extraction and navigation improvements. This definition is independent of the definition of jurisdictional wetland used by the U.S. Army Corps of Engineers under section 404 of the Clean Water Act (33 U.S.C. 1251 et seq.).

Resources:

FWS National Wetlands Inventory - <http://www.fws.gov/wetlands/Data/Mapper.html>

Documentation:

A map showing the project is not located in a jurisdictional or non-jurisdictional wetland.

(viii) **Explosives and hazards.** If the rehabilitation of the building increases the number of dwelling units, then the project must be in compliance with the standards for acceptable separation distance as set forth at 24 CFR part 51, subpart C.

Resources:

HUD's Environmental Review Page – Explosives and Flammable Facilities -

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

Documentation:

- If the project will not increase residential densities, then the project is in compliance with 24 CFR part 51, subpart C. Document that the rehabilitation will not increase the number of dwelling units in the building.
- If the project will increase residential densities, document that the project meets the standards for acceptable separation distance.

(ix) **Contamination.** All properties assisted with NHTF funds must be free of hazardous materials, contamination, toxic chemicals and gases, and radioactive substances, where a hazard could affect the health and safety of occupants or conflict with the intended use of the property: (A) All proposed multifamily (more than four housing units) NHTF project activities require a Phase I Environmental Site Assessment (ESA— ASTM). If the Phase I ESA identifies recognized environmental conditions (RECs), a Phase II (ESA—ASTM) will be required. ASTM reports shall be prepared in accordance with the most current ASTM standard. Single family housing does not require a Phase I ESA. (B) NHTF projects must avoid sites located within 0.25 miles of a Superfund or CERCLIS (Comprehensive Environmental Response, Compensation, and Liability Information System) site or other contaminated site reported to Federal, State, or local authorities without a statement in writing from EPA or the appropriate State agency that there is no hazard that could affect the health and safety of the occupants or conflict with the intended utilization of the property.

Resources:

HUD's Environmental Review Page – Site Contamination - <https://www.hudexchange.info/environmental->

[review/site-contamination/](#)

Documentation:

- Document that the project is free of hazardous materials, contamination, toxic chemicals and gases, and radioactive substances, where a hazard could affect the health and safety of occupants or conflict with the intended use of the property.
- Document that the project is not located within 0.25 miles of a Superfund or CERCLIS site or other contaminated site reported to Federal, State, or local authorities without a statement in writing from the EPA or the appropriate State agency that there is no hazard that could affect the health and safety of the occupants or conflict with the intended use of the property.
- Multifamily properties (4 or more units) - a Phase I ESA–ASTM is required. If the Phase I ESA identifies RECs, a Phase II ESA–ASTM will be required. If the Phase II indicates the presence of hazardous substances or petroleum products above applicable local, state, tribal or federal (LSTF) screening levels, coordination with the relevant LSTF oversight agency will be required to complete the remediation process and obtain a determination that no further action is required. Development of more than four single family structures in the same location, such as subdivision development, should be evaluated as multifamily.
- Single family properties - projects must avoid sites located within 0.25 miles of a Superfund or CERCLIS site or other contaminated site reported to Federal, State, or local authorities without a statement in writing from the EPA or the appropriate State agency that there is no hazard that could affect the health and safety of the occupants or conflict with the intended use of the property. In addition to the government records search, the screening process for single family does include a site visit. When the screening process raises concerns related to site contamination, it may be appropriate to contract with an environmental professional for preparation of a Phase I, testing and sampling, or other investigation.

Note: The CERCLIS Public Access Database has been retired. The EPA is transitioning to the Superfund Enterprise Management System, or SEMS. SEMS includes the same data fields and content as CERCLIS.

(x) **Noise.** (A) Internal noise levels. All activities will be developed to ensure an interior noise level of no more than 45 decibels (dB).

Resources:

HUD's Environmental Review Page – Noise Abatement and Control -

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

Documentation:

Document that interior noise levels will be no more than 45 dB.

Note: There is an exception for rehabilitation of manufactured housing or acquisition of existing housing that has not been newly constructed or rehabilitated less than 12 months before the commitment of NHTF funds

(xi) **Endangered species.** (A) The grantee must avoid all actions that could jeopardize the continued existence of any species designated by the U.S. Fish and Wildlife Service or National Marine Fisheries Service as endangered or threatened. (B) The grantee must avoid all actions that adversely modify the critical habitat of such species.

Resources:

HUD's Environmental Review Page – Endangered Species - <https://www.hudexchange.info/environmental-review/endangered-species/>

FWS – IPAC Information for Planning and Conservation - <https://ecos.fws.gov/ipac/>

NMFS - Endangered and Threatened Marine Species under NMFS' Jurisdiction - <http://www.nmfs.noaa.gov/pr/species/esa/listed.htm>

Documentation:

- Provide documentation that there are no endangered, threatened species, or critical habitat on the project site.
- If there are endangered, threatened species or critical habitat on the project site, document that the project will not jeopardize an endangered or threatened species, and will not adversely modify critical habitat. This may require informal consultation with FWS and/or NMFS.

(xii) **Wild and scenic rivers.** The grantee must avoid activities that are inconsistent with conservation easements, land-use protections, and restrictions adjacent to wild and scenic rivers, as designated/listed by the Department of Interior. Maps for the National Wild and Scenic Rivers System are available at the governing departments.

Resources:

HUD's Environmental Review Page – Wild and Scenic Rivers - <https://www.hudexchange.info/environmental-review/wild-and-scenic-rivers/>

Documentation:

- Document that the project is not located near a Wild and Scenic River
- If the project site is located near a Wild and Scenic river document that the project is consistent with the River's Management Plan.

(xiii) **Safe drinking water.** Projects with a potable water system must use only lead-free pipes, solder, and flux.

Resources:

EPA's Drinking Water Requirements for States and Public Water Systems - <https://www.epa.gov/dwreginfo>

Documentation:

Document that the project only uses lead-free pipes, solder, and flux. This may include architectural plans, building specifications, and certification by qualified professional.

(xiv) **Sole-source aquifers.** Project activities should avoid sites and activities that have the potential to contaminate sole source aquifer areas (SSAs). The EPA defines a sole or principal source aquifer as an aquifer that supplies at least 50 percent of the drinking water consumed in the area overlying the aquifer. If the project overlies an SSA, the EPA must review the project. The EPA review is designed to reduce the risk of ground water contamination, which could pose a health hazard to those who use it.

Resources:

HUD's Environmental Review Page – Sole Source Aquifers - <https://www.hudexchange.info/environmental-review/sole-source-aquifers/>

Documentation:

- Document that the project site is not located on a SSA.
- If the project site located on a SSA provide documentation from EPA that the project will not impact the SSA (including regional MOUs).

**Format for Determining Compliance with Environmental Provisions 24 CFR  
93.301(f)(2) Rehabilitation Projects funded with NNHTF (without HOME Funds)**  
(including rehabilitation of manufactured housing or acquisition of existing housing that has not been newly  
constructed or rehabilitated less than 12 months before the commitment of NHTF funds)

| <b>Environmental Provision and Resource</b>  | <b>Yes/No</b> | <b>Recordkeeping</b>   |
|--|---------------|--|
| <p><b><u>Historic Preservation</u></b><br/>The project is NOT listed or eligible for listing in the National Register of Historic Places individually or as part of an historic district.<br/><a href="http://www.nps.gov/nr/research/">http://www.nps.gov/nr/research/</a></p> <p>OR</p> <p>The project is listed or eligible to be listed on the National Register of Historic Places, individually or as part of an historic district, and the work MEETS the Secretary of Interior’s Standards for Rehabilitation.<br/><a href="https://www.nps.gov/tps/standards/four-treatments/treatment-rehabilitation.htm">https://www.nps.gov/tps/standards/four-treatments/treatment-rehabilitation.htm</a></p> <p>AND</p> <p>If archaeological resources or human remains are discovered on the project site during construction, consult with affected tribes and/or descendant communities and comply with the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001–3013), State law and/or local ordinance (e.g., State unmarked burial law).</p> |               | <p>Document that the project is not listed or eligible to be listed on the National Register of Historic Places by a qualified professional.</p> <p>OR</p> <p>If the project is listed or eligible to be listed on the National Register of Historic Places, provide documentation on how the work meets the Secretary of Interior’s Standards for Rehabilitation (photos, architectural plans, and certification by the qualified professional).</p> <p>AND</p> <p>Document all consultation correspondence with the affected tribe and/or descendant communities, and how compliance with the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001–3013), State law and/or local ordinance (e.g., State unmarked burial law) has been met.</p> |
| <p><b><u>Farmlands</u></b><br/>The project activity IS solely rehabilitation.</p> <p>OR</p> <p>The project will NOT convert unique, prime or significant (state or local) farmland to an urban use -<br/><a href="http://websoilsurvey.nrcs.usda.gov/app/HomePage.htm">http://websoilsurvey.nrcs.usda.gov/app/HomePage.htm</a></p>   |               | <p>Document a summary of rehabilitation activities that are part of the project.</p> <p>OR</p> <p>A map from the Web Soil Survey showing that the project site is not a unique, prime or statewide or locally significant agricultural property.<br/>Project site identified as “urbanized area” (UA) on the</p>   |

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|  |  | 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.  |
| <p><b><u>Airport Zones</u></b><br/> The project is NOT located within a Runway Protection Zone (RPZ) of a civilian airport or the clear zone or Accident Potential Zone (APZ) of a military airfield.<br/> <a href="https://www.epa.gov/nepa/nepassist">https://www.epa.gov/nepa/nepassist</a></p>   |  | 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 or a letter from the airport operator stating so.    |
| <p><b><u>Coastal Barrier Resources</u></b><br/> The project is NOT located within a Coastal Barrier Resources System unit.<br/> <a href="http://www.fws.gov/CBRA/Maps/Mapper.html">http://www.fws.gov/CBRA/Maps/Mapper.html</a></p>  |  | A map showing that the project site is not located in a CBRS Unit OR a statement that the state contains no CBRS units.  |
| <p><b><u>Coastal Zone Management</u></b><br/> The project is NOT located in a Coastal Zone, or it has been determined that the project IS CONSISTENT with the State Coastal Zone Management Plan.<br/> <a href="https://www.hudexchange.info/environmental-review/coastal-zone-management/">https://www.hudexchange.info/environmental-review/coastal-zone-management/</a></p>   |  | Document that the project site is not located in a Coastal Zone. If a project is located within a Coastal Zone document that the project is consistent with the State Coastal Zone Management Plan, this may require contacting the state Coastal Zone Management Agency to obtain a letter of consistency for the project.  |
| <p><b><u>Floodplains</u></b><br/> The project is NOT located in the Floodway, Coastal High Hazard Area or 100-year or 500-year floodplain on the latest FEMA floodmap (including preliminary maps and Advisory Base Flood Elevations).<br/> <a href="https://msc.fema.gov/portal">https://msc.fema.gov/portal</a></p> <p>OR</p> <p>100-year floodplain -<br/> If there are no practicable alternatives to substantial improvement the structure IS elevated at least to the base flood elevation (BFE) or floodproofed to one foot above the BFE and the project IS NOT a Critical Action.</p> |  | <p>FEMA FIRM or other latest-available data from FEMA showing the project location is not within a floodplain.</p> <p>OR</p> <p>If the project site is within the 100-year floodplain, document whether there is a practicable alternative. If so, select a site outside the floodplain. If there is no practicable alternative, provide the FIRM or latest-available FEMA data and if the structure will be substantially</p> |

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| <p>OR</p> <p>Floodway –<br/>The project IS a functionally dependent use.</p> <p>OR</p> <p>Coastal High Hazard Area –<br/>The project IS designed for location in a coastal high hazard area consistent with the FEMA National Flood Insurance Program requirements for V Zones.</p> <p>OR</p> <p>500-year floodplain –<br/>The project is NOT a Critical Action.</p> |  | <p>improved, document that the structure has been elevated at least the BFE or floodproofed to one foot above the BFE that elevated and floodproofed buildings must adhere to National Flood Insurance Program standards, and that the project is not a Critical Action.</p> <p>OR</p> <p>If the project site is within a Floodway, provide the FIRM or latest-available FEMA data and document that the structure is a functionally dependent use.</p> <p>OR</p> <p>If the project site is within a Coastal High Hazard Area, provide the FIRM or latest-available FEMA data and document that the structure is designed for location in a coastal high hazard area consistent with the FEMA National Flood Insurance Program requirements for V Zones, and that the structure is not a Critical Action.</p> <p>OR</p> <p>If the project site is within the 500-year floodplain provide the FIRM or later FEMA data and document that the structure is not a Critical Action.</p> |
| <p><b>Wetlands</b><br/>The project will NOT adversely impact a wetland. The project will NOT drain, dredge, channelize, fill, dike, impound, or perform grading activities in wetlands.<br/><a href="http://www.fws.gov/wetlands/Data/Mapper.html">http://www.fws.gov/wetlands/Data/Mapper.html</a></p>  |  | <p>A map showing the project is not located in a jurisdictional or non-jurisdictional wetland.</p>   |
| <p><b>Explosives and Hazards</b><br/>The rehabilitation of the building will NOT increase residential densities in the building.</p> <p>OR</p>   |  | <p>Document that the rehabilitation will not increase the number of dwelling units in the building.</p> <p>OR</p>  |

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| <p>The project will increase residential densities, and IS in compliance with the standards for acceptable separation distances, as set forth at 24 CFR part 51, subpart C.<br/> <a href="https://www.hudexchange.info/programs/environmental-review/explosive-and-flammable-facilities/">https://www.hudexchange.info/programs/environmental-review/explosive-and-flammable-facilities/</a></p>   |  | <p>Document that the project meets the standards for acceptable separation distance.</p>  |
| <p><b><u>Contamination</u></b><br/> The project is FREE of hazardous materials, contamination, toxic chemicals and gases, and radioactive substances, where a hazard could affect the health and safety of occupants or conflict with the intended use of the property.</p> <p>AND</p> <p>The project IS NOT located within 0.25 miles of a Superfund or CERCLIS (Comprehensive Environmental Response, Compensation, and Liability Information System) site or other contaminated site reported to Federal, State, or local authorities without a statement in writing from the U.S. Environmental Protection Agency (EPA) or the appropriate State agency that there is no hazard that could affect the health and safety of the occupants or conflict with the intended use of the property.</p> <p>Note: The CERCLIS Public Access Database has been retired. The EPA is transitioning to the Superfund Enterprise Management System, or SEMS. SEMS includes the same data fields and content as CERCLIS.<br/> <a href="https://www.hudexchange.info/environmental-review/site-contamination/">https://www.hudexchange.info/environmental-review/site-contamination/</a></p> |  | <p>Document that the project is free of hazardous materials, contamination, toxic chemicals and gases, and radioactive substances, where a hazard could affect the health and safety of occupants or conflict with the intended use of the property. Document that the project is not located within 0.25 miles of a Superfund or CERCLIS site or other contaminated site reported to Federal, State, or local authorities without a statement in writing from the EPA or the appropriate State agency that there is no hazard that could affect the health and safety of the occupants or conflict with the intended use of the property.</p> <p><u>Multifamily properties</u> (4 or more units) a Phase I ESA–ASTM is required. If the Phase I ESA identifies RECs, a Phase II ESA–ASTM will be required. If the Phase II indicates the presence of hazardous substances or petroleum products above applicable local, state, tribal or federal (LSTF) screening levels, coordination with the relevant LSTF oversight agency will be required to complete the remediation process and obtain a determination that no further action is required. Development of more than four single family structures in the same location, such as subdivision development, should be evaluated as multifamily.</p> <p><u>Single family properties</u> - projects must avoid sites located within 0.25 miles of a Superfund or CERCLIS site or other contaminated site reported to Federal, State, or local authorities without a statement</p> |

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|  |  | in writing from the EPA or the appropriate State agency that there is no hazard that could affect the health and safety of the occupants or conflict with the intended use of the property. In addition to the government records search, the screening process for single family does include a site visit. When the screening process raises concerns related to site contamination, it may be appropriate to contract with an environmental professional for preparation of a Phase I, testing and sampling, or other investigation. |
| <p><b>Noise</b><br/>The internal noise level will be 45 decibels or less (mitigation may be required).<br/><a href="https://www.hudexchange.info/programs/environmental-review/noise-abatement-and-control/">https://www.hudexchange.info/programs/environmental-review/noise-abatement-and-control/</a></p>   |  | Document that that interior noise levels will be no more than 45 dB.  |
| <p><b>Endangered Species</b><br/>The project will NOT impact endangered or threatened species or their habitat.<br/><a href="https://www.hudexchange.info/programs/environmental-review/endangered-species/">https://www.hudexchange.info/programs/environmental-review/endangered-species/</a></p>  |  | Provide documentation that there are no endangered, threatened species, or critical habitat on the project site. If there are endangered, threatened species or critical habitat on the project site, document that the project will not jeopardize an endangered or threatened species, and will not adversely modify critical habitat. This may require informal consultation with FWS and/or NMFS.   |
| <p><b>Wild and Scenic Rivers</b><br/>The project is not located near a Wild and Scenic River.<br/><br/>OR<br/><br/>The project is located near a Wild and Scenic River and IS CONSISTENT with the River's Management Plan.<br/><a href="https://www.hudexchange.info/programs/environmental-review/wild-and-scenic-rivers/">https://www.hudexchange.info/programs/environmental-review/wild-and-scenic-rivers/</a></p> |  | Document that the project is not located near a Wild and Scenic River.<br><br>OR<br><br>Document that the project is located near a Wild and Scenic River, and the project is consistent with the River's Management Plan.  |
| <p><b>Sole Source Aquifers</b><br/>The project will NOT impact a Sole Source Aquifer.<br/><a href="https://www.hudexchange.info/programs/environmental-review/sole-source-aquifers/">https://www.hudexchange.info/programs/environmental-review/sole-source-aquifers/</a></p>  |  | Document that the project site is not located on a SSA. If the project site located on a SSA provide documentation from EPA that the project will not impact the SSA (including regional MOUs).   |

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| <p><b>Safe Drinking Water</b><br/> The project CONTAINS lead-free pipes, solder, and flux.<br/> <a href="https://www.epa.gov/dwreginfo">https://www.epa.gov/dwreginfo</a></p> |  | <p>Document that the project only uses lead-free pipes, solder, and flux (architectural plans, building specifications, and certification by qualified professional).</p> |
| <p><b>If any of the answers to the worksheet above are “No” the project cannot be funded through the National Housing Trust Fund.</b></p>                                     |  |   |

## 12. NEW CONSTRUCTION PROJECTS FUNDED WITH NHTF & HOME

### HUD Part 50/58 Environmental Review with NHTF Environmental Provisions - 24 CFR § 93.301(f)(1)

(including new construction of manufactured housing or acquisition of existing housing that has been newly constructed or rehabilitated less than 12 months before the commitment of NHTF funds)

The following procedures must be used when combining NHTF and other HUD funds, including HUD funding from another HUD grantee, that require an environmental review under 24 CFR Part 50 or Part 58.

NHTF housing projects must meet the applicable Property Standards, including the NHTF Environmental Provisions at 24 CFR § 93.301(f)(1) or (2). Under 24 CFR Part 50 and Part 58 HUD funds cannot be committed to a project until the environmental review is complete. The Part 50 or Part 58 environmental review that will meet the NHTF Environmental Provisions at project completion [24 CFR § 93.407(a)(2)(iv)] must be completed prior to commitment of other HUD funding. If a project cannot meet the NHTF Environmental Provisions, the project cannot be funded with NHTF funds. However, it is possible that the project can be funded using other HUD funds.

Due to the NHTF Environmental Provisions streamlined approach, the HUD Environmental Review Online System (HEROS) may not be used to document environmental provisions for projects funded by NHTF. Appendices D and E include suggested formats to document compliance with the NHTF Environmental Provisions. The Responsible Entity or HUD must maintain the Environmental Review Record, and provide a copy to the agency administering NHTF.

#### Part 58 - Public comment and Request for Release of Funds Requirements

Public comment and Request for Release of Funds requirements for Categorical Exclusion Subject to §58.5 reviews and Environmental Assessments under § 58.45 are still required when combining HUD funds with NHTF. The Request for Release of Funds and Certification shall be sent to the appropriate HUD Field Office (or the State, if applicable).

When combining NHTF with other HUD funds, Part 50 and 58 compliance procedures must be used when they meet the NHTF Environmental Provisions under 24 CFR § 93.301(f)(1). When Part 50 and 58 compliance procedures do not meet the NHTF Environmental Provisions, Part 50 or 58 compliance procedures are not sufficient. When combining a Part 50/58 review and NHTF Environmental Provisions, Environmental Justice must be analyzed as part of the environmental review.

Part 50 and 58 compliance with the following Laws and Authorities meet the NHTF Environmental Provisions; therefore Part 50 or 58 compliance procedures must be followed –

- Coastal Barrier Resources
- Coastal Zone Management
- Sole Source Aquifers
- Endangered Species
- Wild and Scenic Rivers
- Explosives and Hazards
- Environmental Justice

Part 50 and 58 compliance with the following Laws and Authorities **DOES NOT MEET** the NHTF Environmental Provisions under 24 CFR § 93.301(f)(1); therefore, Part 50 or 58 compliance procedures are not sufficient. More specific information on how to meet the NHTF Environmental Provisions is provided in the section below.

- Historic Preservation
- Farmlands
- Airport Zones
- Floodplains
- Wetlands
- Contamination
- Noise

- Safe Drinking Water

## **Environmental Provisions for New Construction when Part 50 and 58 Compliance DOES NOT MEET NHTF Requirements**

**Historic preservation**—(A) Standards. The project activities (including demolition) must not be performed on properties that are either listed in or determined eligible for listing in the National Register of Historic Places, unless the project activities meet the Secretary of the Interior’s Standards for Rehabilitation, either as certified through the Federal and/or State historic rehabilitation tax credit programs or as verified by someone that meets the relevant Secretary of the Interior’s Professional Qualification Standards; (B) Archaeological resources. If archaeological resources or human remains are discovered on the project site during construction, the grantee must consult with affected tribes and/or descendant communities and comply with the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001–3013), State law and/or local ordinance (e.g., State unmarked burial law).

### Resources:

Check to see if the property is listed or eligible for listing in the National Register of Historic Places or located within a historic district - <https://www.nps.gov/nr/research/>  
Secretary of the Interior’s Standards for Rehabilitation - including the Standards related to new construction - <https://www.nps.gov/tps/standards/four-treatments/treatment-rehabilitation.htm>

### NHTF - Part 50/58 Process:

Compliance with Section 106 is achieved by following the procedures that the Advisory Council on Historic Preservation has outlined in 36 CFR Part 800, including consultation with interested parties such as the State Historic Preservation Officers, federally recognized Indian tribes/Tribal Historic Preservation Officers (THPOs), and Native Hawaiian Organizations.

- If the project is listed or eligible to be listed on the National Register of Historic Places, there must be No Adverse Effect. Provide documentation on how the work meets the Secretary of Interior’s Standards for Rehabilitation (photos, architectural plans, and certification by a qualified professional). Also, document if the project is not listed or eligible to be listed.
- If archaeological resources or human remains are discovered on the project site during construction, document all consultation correspondence with affected tribes and/or descendant communities and how the project complies with the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001–3013), State law and/or local ordinance (e.g., State unmarked burial law).

**Farmland.** Project activities must not result in the conversion of unique, prime, or statewide or locally significant agricultural properties to urban uses.

### Resources:

USDA Web Soil Survey - <http://websoilsurvey.nrcs.usda.gov/app/WebSoilSurvey.aspx>

### NHTF - Part 50/58 Process:

A map from the Web Soil Survey showing that the project site is not a unique, prime or statewide or locally significant agricultural property.

Project site 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.

**Airport zones.** Projects are not permitted within the Runway Protection Zones (RPZ) of civilian airports, or the clear zones or Accident Potential Zones (APZ) of military airfields.

### Resources:

NEPAssist - <https://www.epa.gov/nepa/nepassist> (Airport polygons under Transportation)

NHTF - Part 50/58 Process:

- 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 or a letter from the airport operator stating so.

**Floodplains.** Except as modified below, definitions for terms used below can be found at 24 CFR part 55. (A) Construction and other activities in the 100-year floodplain are to be avoided when practicable. If there are no practicable alternatives to new construction or substantial improvement in the 100-year floodplain, the structure must be elevated to at least the base flood elevation (BFE) or floodproofed to one foot above the BFE. Elevated and floodproofed buildings must adhere to National Flood Insurance Program standards. The primary sources of floodplain data are Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRMs). When FEMA provides interim flood hazard data, such as Advisory Base Flood Elevations (ABFE) or preliminary maps or studies, the latest of these sources shall be used. (B) No NHTF assistance may be approved with respect to: (1) Any action, other than a functionally dependent use, located in a floodway; (2) Any new construction critical action located in a coastal high hazard area, 100- or 500-year floodplain; or (3) Any non-critical new construction action in a coastal high hazard area, unless the action is reconstruction following destruction caused by a disaster and is designed for location in a coastal high hazard area consistent with the FEMA National Flood Insurance Program requirements for V Zones.

Resources:

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

NHTF - Part 50/58 Process:

- FEMA FIRM or other latest-available data from FEMA showing the project location is not within a floodplain.
- If the project site is within the 100-year floodplain, an 8-step Process including notifications is required. Any structure located within the 100-year floodplain must be elevated to at least the BFE or floodproofed to one foot above the BFE. Elevated and floodproofed buildings must adhere to National Flood Insurance Program standards, Critical Actions are not allowed.
- If the project site is within a Floodway, the structure must be a functionally dependent use.
- If the project site is within a Coastal High Hazard area, the structure must be a non-critical reconstruction following destruction caused by a disaster and be designed for location in a coastal high hazard area consistent with the FEMA National Flood Insurance Program requirements for V Zones.
- If the project site is within the 500-year floodplain the structure must not be a Critical Action.

**Wetlands.** (A) No draining, dredging, channelizing, filling, diking, impounding, or related grading activities are to be performed in wetlands. No activities, structures, or facilities funded under this program are to adversely impact a wetland. (B) A wetland 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. This definition includes those wetland areas separated from their natural supply of water as a result of activities, such as the construction of structural flood protection methods or solid-fill road beds, or mineral extraction and navigation improvements. This definition is independent of the definition of jurisdictional wetland used by the U. S. Army Corps of Engineers under section 404 of the Clean Water Act (33 U.S.C. 1251 et seq.).

Resources:

FWS National Wetlands Inventory - <http://www.fws.gov/wetlands/Data/Mapper.html>

NHTF - Part 50/58 Process:

A map showing the project is not located in a jurisdictional or non-jurisdictional wetland.

**Contamination.** All properties assisted with NHTF funds must be free of hazardous materials, contamination, toxic chemicals and gases, and radioactive substances, where a hazard could affect the health and safety of occupants or conflict with the intended use of the property. (A) All proposed multifamily (more than four housing units) NHTF projects require a Phase I Environmental Site Assessment (ESA–ASTM). If the Phase I ESA identifies recognized environmental conditions (RECs), a Phase II (ESA–ASTM) will be required. ASTM reports shall be prepared in accordance with the most current ASTM standard. Single family housing does not require a Phase I ESA. (B) NHTF projects must avoid sites located within 0.25 miles of a Superfund or CERCLIS (Comprehensive Environmental Response, Compensation, and Liability Information System) site or other contaminated site reported to Federal, State, or local authorities without a statement in writing from the U.S. Environmental Protection Agency (EPA) or the appropriate State agency that there is no hazard that could affect the health and safety of the occupants or conflict with the intended use of the property.

Resources:

HUD's Environmental Review Page – Site Contamination - <https://www.hudexchange.info/environmental-review/site-contamination/>

NHTF - Part 50/58 Process:

- Document that the project is free of hazardous materials, contamination, toxic chemicals and gases, and radioactive substances, where a hazard could affect the health and safety of occupants or conflict with the intended use of the property.
- Document that the project is not located within 0.25 miles of a Superfund or CERCLIS site or other contaminated site reported to Federal, State, or local authorities without a statement in writing from the EPA or the appropriate State agency that there is no hazard that could affect the health and safety of the occupants or conflict with the intended use of the property.
- Multifamily properties (4 or more units) - a Phase I ESA–ASTM is required. If the Phase I ESA identifies RECs, a Phase II ESA–ASTM will be required. If the Phase II indicates the presence of hazardous substances or petroleum products above applicable local, state, tribal or federal (LSTF) screening levels, coordination with the relevant LSTF oversight agency will be required to complete the remediation process and obtain a determination that no further action is required. Development of more than four single family structures in the same location, such as subdivision development, should be evaluated as multifamily.
- Single family properties - projects must avoid sites located within 0.25 miles of a Superfund or CERCLIS site or other contaminated site reported to Federal, State, or local authorities without a statement in writing from the EPA or the appropriate State agency that there is no hazard that could affect the health and safety of the occupants or conflict with the intended use of the property. In addition to the government records search, the screening process for single family does include a site visit. When the screening process raises concerns related to site contamination, it may be appropriate to contract with an environmental professional for preparation of a Phase I, testing and sampling, or other investigation.

Note: The CERCLIS Public Access Database has been retired. The EPA is transitioning to the Superfund Enterprise Management System, or SEMS. SEMS includes the same data fields and content as CERCLIS.

**Noise.** (A) Internal noise levels: All activities will be developed to ensure an interior noise level of no more than 45 decibels (dB). (B) External noise levels: (1) Project sites exposed to less than or equal to 65 dB of environmental noise are acceptable. (2) Sites between 65 dB and less than 75 dB are acceptable with mitigation (e.g., noise walls, careful site planning) that result in an interior standard of 45 dB. (3) Locations with environmental noise levels of 75 dB or greater may not have noise sensitive outdoor uses (e.g., picnic areas, tot lots, balconies, or patios) and require sound attenuation in the building shell to achieve the 45 dB interior standard.

Resources:

HUD's Environmental Review Page – Noise Abatement and Control - <https://www.hudexchange.info/programs/environmental-review/noise-abatement-and-control/>

NHTF - Part 50/58 Process:

- Document the external noise level.
- If the exterior noise level is between 65 dB and less than 75 dB, document the mitigation measures taken to meet the interior noise level standard of no more than 45 dB.

- If there are exterior noise levels of 75 dB or greater, document the mitigation measures taken to meet the interior noise level standard of no more than 45 dB. Also document that there are no outside noise sensitive uses involved in the project.

**Safe drinking water.** Projects with a potable water system must use only lead-free pipes, solder, and flux.

Resources:

EPA's Drinking Water Requirements for States and Public Water Systems - <https://www.epa.gov/dwreginfo>

NHTF - Part 50/58 Process:

Document that the project only uses lead-free pipes, solder, and flux. This may include architectural plans, building specifications, and certification by qualified professional.

## **Format - HUD Part 50/58 Environmental Review with NHTF Environmental Provisions - 24 CFR § 93.301(f)(1) – New Construction Projects funded with NHTF & HOME**

(including new construction of manufactured housing or acquisition of existing housing that has been newly constructed or rehabilitated less than 12 months before the commitment of NHTF funds)

When combining NHTF with other HUD funds, Part 50 and 58 compliance procedures must be used when they meet the NHTF Environmental Provisions under 24 CFR § 93.301(f)(1). When Part 50 and 58 compliance procedures do not meet the NHTF Environmental Provisions, Part 50 or 58 compliance procedures are not sufficient. When combining a Part 50/58 review and NHTF Environmental Provisions, Environmental Justice must be analyzed as part of the environmental review.

Document compliance with the following Laws and Authorities in the Part 50 or Part 58 Environmental Review Record. Part 50 and 58 compliance with the following Laws and Authorities meet the NHTF Environmental Provisions; therefore Part 50 or 58 compliance procedures must be followed-

- Coastal Barrier Resources
- Coastal Zone Management
- Sole Source Aquifers
- Endangered Species
- Wild and Scenic Rivers
- Explosives and Hazards
- Environmental Justice

Part 50 and 58 compliance with the following Laws and Authorities DOES NOT MEET the NHTF Environmental Provisions under 24 CFR § 93.301(f)(1); therefore, Part 50 or 58 compliance procedures are not sufficient. More specific information on how to meet the NHTF Environmental Provisions is provided in the section below.

- Historic Preservation
- Farmlands
- Airport Zones
- Floodplains
- Wetlands
- Contamination
- Noise
- Safe Drinking Water

**Format for Determining Compliance - HUD Part 50/58 Environmental Review with  
NHTF Environmental Provisions - 24 CFR § 93.301(f)(1) – New Construction  
Projects funded with NNHTF & HOME**

| Environmental Provision and Resource  | Yes/No | Environmental Review Record  |
|---|--------|--|
| <p><b><u>Historic Preservation</u></b><br/>           Consultation with interested parties such as the State Historic Preservation Officers, federally recognized Indian tribes/Tribal Historic Preservation Officers (THPOs); and Native Hawaiian Organizations.</p> <p>AND</p> <p>If the project is NOT listed or eligible for listing in the National Register of Historic Places individually or as part of an historic district.<br/> <a href="http://www.nps.gov/nr/research/">http://www.nps.gov/nr/research/</a></p> <p>OR</p> <p>If the project IS listed or eligible to be listed on the National Register of Historic Places, individually or as part of an historic district, and work DOES NOT include demolition and MEETS the Secretary of Interior’s Standards for Rehabilitation – including the Standards related to new construction. <a href="https://www.nps.gov/tps/standards/four-treatments/treatment-rehabilitation.htm">https://www.nps.gov/tps/standards/four-treatments/treatment-rehabilitation.htm</a></p> <p><b><u>Archaeological Resources</u></b><br/>           If archaeological resources or human remains are discovered on the project site during construction, consult with affected tribes and/or descendant communities and comply with the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001–3013), State law and/or local ordinance (e.g., State unmarked burial law).</p> |        | <p>Document the consultation process.</p> <p>AND</p> <p>Document that the project is not listed or eligible to be listed on the National Register of Historic Places.</p> <p>OR</p> <p>Document how the work meets the Secretary of Interior’s Standards for Rehabilitation.</p> <p>Document all consultation correspondence with the affected tribe and/or descendant communities, and how compliance with the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001–3013), State law and/or local ordinance (e.g., State unmarked burial law) has been met.</p> |
| <p><b><u>Farmlands</u></b><br/>           The project will NOT convert unique, prime or significant (state or local) farmland to an urban use -<br/> <a href="http://websoilsurvey.nrcs.usda.gov/app/WebSoilSurvey.aspx">http://websoilsurvey.nrcs.usda.gov/app/WebSoilSurvey.aspx</a></p>  |        | <p>A map from the Web Soil Survey showing that the project site is not a unique, prime or statewide or locally significant agricultural property.<br/>           Project site 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.</p>   |
| <p><b><u>Airport Zones</u></b><br/>           The project is NOT located within a Runway Protection Zone (RPZ) of a civilian airport or the clear zone or Accident</p>  |        | <p>A map showing the site is not within 15,000 feet of a military airport or within 2,500 feet of a civilian airport.<br/>           If within 15,000 feet of a military</p>   |

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| <p>Potential Zone (APZ) of a military airfield.<br/> <a href="https://www.epa.gov/nepa/nepassist">https://www.epa.gov/nepa/nepassist</a></p>  |  | <p>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 or a letter from the airport operator stating so.</p>   |
| <p><b>Floodplains</b><br/> The project is NOT located in the Floodway, Coastal High Hazard Area or 100-year or 500-year floodplain on the latest FEMA floodmap (including preliminary maps and Advisory Base Flood Elevations).<br/> <a href="https://msc.fema.gov/portal">https://msc.fema.gov/portal</a></p> <p>OR</p> <p>100-year floodplain -<br/> If the project site is within the 100-year floodplain, an 8-step Process and required notifications are required. Any structure located within the 100-year floodplain WILL BE elevated to at least the BFE or floodproofed to one foot above the BFE. Elevated and floodproofed buildings must adhere to National Flood Insurance Program standards, and the project MUST NOT BE a Critical Action.</p> <p>OR</p> <p>Floodway –<br/> The project IS a functionally dependent use.</p> <p>OR</p> <p>Coastal High Hazard Area –<br/> The project IS reconstruction following destruction caused by a disaster and is designed for location in a coastal high hazard area consistent with the FEMA National Flood Insurance Program requirements for V Zones</p> <p>OR</p> |  | <p>FEMA FIRM or other latest-available data from FEMA showing the project location is not within a floodplain.</p> <p>OR</p> <p>Document the 8-step Process and required notifications. Provide the FIRM or latest-available FEMA data and document that the structure will be elevated at least the BFE or floodproofed to one foot above the BFE, that elevated and floodproofed buildings adhere to National Flood Insurance Program standards, and that the project is a not a Critical Action.</p> <p>OR</p> <p>If the project site is within a Floodway, provide the FIRM or latest-available FEMA data and document that the structure is a functionally dependent use.</p> <p>OR</p> <p>If the project site is within a Coastal High Hazard Area, provide the FIRM or latest-available FEMA data and document that the structure is reconstruction following destruction caused by a disaster and is designed for location in a coastal high hazard area consistent with the FEMA National Flood Insurance Program requirements for V Zones, and that the structure is not a Critical Action.</p> <p>OR</p> |

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| <p>500-year floodplain –<br/>The project is NOT a Critical Action.</p>  |  | <p>If the project site is within the 500-year floodplain provide the FIRM or latest-available FEMA data and document that the structure is not a Critical Action.</p>   |
| <p><b>Wetlands</b><br/>The project will NOT adversely impact a wetland. The project will NOT drain, dredge, channelize, fill, dike, impound, or perform grading activities in wetlands.<br/><a href="http://www.fws.gov/wetlands/Data/Mapper.html">http://www.fws.gov/wetlands/Data/Mapper.html</a></p>   |  | <p>A map showing the project is not located in a jurisdictional or non-jurisdictional wetland.</p>  |
| <p><b>Contamination</b><br/>The project is FREE of hazardous materials, contamination, toxic chemicals and gases, and radioactive substances, where a hazard could affect the health and safety of occupants or conflict with the intended use of the property.</p> <p>AND</p> <p>The project IS NOT located within 0.25 miles of a Superfund or CERCLIS (Comprehensive Environmental Response, Compensation, and Liability Information System) site or other contaminated site reported to Federal, State, or local authorities without a statement in writing from the U.S. Environmental Protection Agency (EPA) or the appropriate State agency that there is no hazard that could affect the health and safety of the occupants or conflict with the intended use of the property.</p> <p>Note: The CERCLIS Public Access Database has been retired. The EPA is transitioning to the Superfund Enterprise Management System, or SEMS. SEMS includes the same data fields and content as CERCLIS.<br/><a href="https://www.hudexchange.info/environmental-review/site-contamination/">https://www.hudexchange.info/environmental-review/site-contamination/</a></p> |  | <p>Document that the project is free of hazardous materials, contamination, toxic chemicals and gases, and radioactive substances, where a hazard could affect the health and safety of occupants or conflict with the intended use of the property. Document that the project is not located within 0.25 miles of a Superfund or CERCLIS site or other contaminated site reported to Federal, State, or local authorities without a statement in writing from the EPA or the appropriate State agency that there is no hazard that could affect the health and safety of the occupants or conflict with the intended use of the property.</p> <p>Multifamily properties (4 or more units) - a Phase I ESA–ASTM is required. If the Phase I ESA identifies RECs, a Phase II ESA–ASTM will be required. If the Phase II indicates the presence of hazardous substances or petroleum products above applicable local, state, tribal or federal (LSTF) screening levels, coordination with the relevant LSTF oversight agency will be required to complete the remediation process and obtain a determination that no further action is required. Development of more than four single family structures in the same location, such as subdivision development, should be evaluated as multifamily.</p> <p>Single family properties - projects must avoid sites located within 0.25 miles of a Superfund or CERCLIS site or other contaminated site reported to Federal, State, or local</p> |

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|  |  | <p>authorities without a statement in writing from the EPA or the appropriate State agency that there is no hazard that could affect the health and safety of the occupants or conflict with the intended use of the property. In addition to the government records search, the screening process for single family does include a site visit. When the screening process raises concerns related to site contamination, it may be appropriate to contract with an environmental professional for preparation of a Phase I, testing and sampling, or other investigation.</p> |
| <p><b>Noise</b><br/>External noise level is LESS THAN 65 dB.</p> <p>OR</p> <p>External noise level is between 65 dB and less than 75 dB. Mitigation measures result in an interior standard of 45 dB.</p> <p>OR</p> <p>External noise level is 75 dB or greater. There are NO noise sensitive outdoor uses (e.g., picnic areas, tot lots, balconies, or patios) and mitigation measures to the building shell achieve the 45 dB interior standard.<br/><a href="https://www.hudexchange.info/programs/environmental-review/noise-abatement-and-control/">https://www.hudexchange.info/programs/environmental-review/noise-abatement-and-control/</a></p> |  | <p>Document the external noise level.</p> <p>OR</p> <p>Document the external noise level, and the mitigation measures taken to meet the interior noise level standard of no more than 45 dB.</p> <p>OR</p> <p>Document the exterior noise level, and the mitigation measures taken to meet the interior noise level standard of no more than 45 dB. Also document that there are no outside noise sensitive uses involved in the project.</p>  |
| <p><b>Safe Drinking Water</b><br/>The project is CONSTRUCTED WITH lead-free pipes, solder, and flux.<br/><a href="https://www.epa.gov/dwreginfo">https://www.epa.gov/dwreginfo</a></p>   |  | <p>Document that the project only uses lead-free pipes, solder, and flux (architectural plans, building specifications, and certification by qualified professional).</p>  |
| <p><b>If any of the answers to the worksheet above are “No” the project cannot be funded through the National Housing Trust Fund.</b></p>  |  |  |

### **13. REHABILITATION PROJECTS FUNDED WITH NHTF & HOME**

#### **HUD Part 50/58 Environmental Review with NHTF Environmental Provisions - 24 CFR § 93.301(f)(2) – Rehabilitation**

(including rehabilitation of manufactured housing or acquisition of existing housing that is acquired with NHTF funds, and has not been newly constructed or rehabilitated less than 12 months before the commitment of NHTF funds)

The following procedures must be used when combining NHTF and other HUD funds, including HUD funding from another HUD grantee, that require an environmental review under 24 CFR Part 50 or Part 58.

NHTF housing projects must meet the applicable Property Standards, including the NHTF Environmental Provisions at 24 CFR § 93.301(f)(1) or (2). Under 24 CFR Part 50 and Part 58 HUD funds cannot be committed to a project until the environmental review is complete. The Part 50 or Part 58 environmental review that will meet the NHTF Environmental Provisions at project completion [24 CFR § 93.407(a)(2)(iv)] must be completed prior to commitment of other HUD funding. If a project cannot meet the Environmental Provisions, the project cannot be funded with NHTF funds. However, it is possible that the project can be funded using other HUD funds.

Due to the NHTF Environmental Provisions streamlined approach, the HUD Environmental Review Online System (HEROS) may not be used to document environmental provisions for projects funded by NHTF. Appendices D and E include suggested formats to document compliance with the NHTF Environmental Provisions. The Responsible Entity or HUD must maintain the Environmental Review Record, and provide a copy to the agency administering NHTF.

#### Part 58 - Public Comment and Request for Release of Funds Requirements

Public comment and Request for Release of Funds requirements for Categorical Exclusion Subject to 58.5 reviews and Environmental Assessments under § 58.45 are still required when combining HUD funds with NHTF. The Request for Release of Funds and Certification shall be sent to the appropriate HUD Field Office (or the State, if applicable).

When combining NHTF with other HUD funds, Part 50 and 58 compliance procedures must be used when they meet the NHTF Environmental Provisions under 24 CFR § 93.301(f)(2). When Part 50 and 58 compliance procedures do not meet the NHTF Environmental Provisions, Part 50 or 58 compliance procedures are not sufficient. When combining a Part 50/58 review and NHTF Environmental Provisions, Environmental Justice must be analyzed as part of the environmental review.

Part 50 and 58 compliance with the following Laws and Authorities meet the NHTF Environmental Provisions; therefore Part 50 or 58 compliance procedures must be followed –

- Coastal Barrier Resources
- Coastal Zone Management
- Sole Source Aquifers
- Endangered Species
- Wild and Scenic Rivers
- Explosives and Hazards
- Environmental Justice

Part 50 and 58 compliance with the following Laws and Authorities DOES NOT MEET the NHTF Environmental Provisions under 24 CFR § 93.301(f)(2); therefore, Part 50 or 58 compliance procedures are not sufficient. More specific information on how to meet the NHTF Environmental Provisions is provided in the section below.

- Historic Preservation
- Farmlands
- Airport Zones
- Floodplains
- Wetlands
- Contamination
- Noise
- Safe Drinking Water

## **Environmental Provisions for Rehabilitation when Part 50 and 58 Compliance DOES NOT MEET NHTF Requirements**

**Historic preservation.** (A) The project activities (including demolition) must not be performed on properties that are either listed in or determined eligible for listing in the National Register of Historic Places, unless the project activities meet the Secretary of the Interior's Standards for Rehabilitation, either as certified through the Federal and/or State historic rehabilitation tax credit programs or as verified by someone that meets the relevant Secretary of the Interior's Professional Qualification Standards; (B) Archaeological resources. If archaeological resources or human remains are discovered on the project site during construction or rehabilitation, the grantee must consult with affected tribes and/or descendant communities and comply with the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001–3013), State law, and/or local ordinance (e.g., State unmarked burial law).

### Resources:

Check to see if the property is listed or eligible for listing in the National Register of Historic Places or located within a historic district - <https://www.nps.gov/nr/research/>  
Secretary of the Interior's Standards for Rehabilitation - including the Standards related to new construction - <https://www.nps.gov/tps/standards/four-treatments/treatment-rehabilitation.htm>

### NHTF - Part 50/58 Process:

Compliance with Section 106 is achieved by following the procedures that the Advisory Council on Historic Preservation has outlined in 36 CFR Part 800, including consultation with interested parties such as the State Historic Preservation Officers, federally recognized Indian tribes/Tribal Historic Preservation Officers (THPOs), and Native Hawaiian Organizations.

- If the project is listed or eligible to be listed on the National Register of Historic Places, there must be No Adverse Effect. Provide documentation on how the work meets the Secretary of Interior's Standards for Rehabilitation (photos, architectural plans, and certification by a qualified professional). Also, document if the project is not listed or eligible to be listed.
- If archaeological resources or human remains are discovered on the project site during construction, document all consultation correspondence with affected tribes and/or descendant communities and how the project complies with the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001–3013), State law and/or local ordinance (e.g., State unmarked burial law).

**Farmland.** Project activities must not result in the conversion of unique, prime, or locally significant agricultural properties to urban uses.

### Resources:

USDA Web Soil Survey - <http://websoilsurvey.nrcs.usda.gov/app/WebSoilSurvey.aspx>

### NHTF - Part 50/58 Process:

- If the project activities consist solely of rehabilitation, then the project will not result in the conversion of unique, prime, or locally significant agricultural properties to urban uses. Document a summary of rehabilitation activities that are part of the project.
- If project activities are not solely rehabilitation provide a map from the Web Soil Survey showing that the project site is not a unique, prime or statewide or locally significant agricultural property.
- Project site 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.

**Airport zones.** Projects are not permitted within the Runway Protection Zones (RPZ) of civilian airports, or the clear zones or Accident Potential Zones (APZ) of military airfields.

### Resources:

NEPAssist - <https://www.epa.gov/nepa/nepassist> (Airport polygons under Transportation)

### NHTF - Part 50/58 Process:

- 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 or a letter from the airport operator stating so.

**Floodplains.** Except as modified below, definitions for terms used below can be found at 24 CFR part 55. (A) Construction and other activities in the 100-year floodplain are to be avoided when practicable. If there are no practicable alternatives to new construction or substantial improvement in the 100-year floodplain, the structure must be elevated at least to the base flood elevation (BFE) or floodproofed to one foot above the BFE. Elevated and floodproofed buildings must adhere to National Flood Insurance Program standards. The primary sources of floodplain data are Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRMS). When FEMA provides interim flood hazard data, such as Advisory Base Flood Elevations (ABFE) or preliminary maps or studies, the latest of these sources shall be used. (B) No NHTF assistance may be approved with respect to: (1) Any action, other than functionally dependent uses, located in a floodway; (2) Any critical action located in a coastal high hazard area, 100- or 500- year floodplain; or (3) Any non-critical action in a coastal high hazard area, unless the action is designed for location in a coastal high hazard area consistent with the FEMA National Flood Insurance Program requirements for V-Zones.

**Resources:**

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

**NHTF - Part 50/58 Process:**

- FEMA FIRM or other latest-available data from FEMA showing the project location is not within a floodplain.
- If the project site is within the 100-year floodplain, an 8-step Process and required notifications is required. Any structure that will be substantially improved and is located within the 100-year floodplain must be elevated to at least the BFE or floodproofed to one foot above the BFE. Elevated and floodproofed buildings must adhere to National Flood Insurance Program standards, Critical Actions are not allowed.
- If the project site is within a Floodway, the structure must be a functionally dependent use.
- If the project site is within a Coastal High Hazard area, the structure must be a non-critical action designed for location in a coastal high hazard area consistent with the FEMA National Flood Insurance Program requirements for V Zones.
- If the project site is within the 500-year floodplain the structure must not be a Critical Action.

**Wetlands.** No rehabilitation of existing properties that expands the footprint into a wetland is allowed. A wetland 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. This definition includes those wetland areas separated from their natural supply of water as a result of activities such as the construction of structural flood protection methods or solid-fill road beds and activities such as mineral extraction and navigation improvements. This definition is independent of the definition of jurisdictional wetland used by the U.S. Army Corps of Engineers under section 404 of the Clean Water Act (33 U.S.C. 1251 et seq.).

**Resources:**

FWS National Wetlands Inventory - <http://www.fws.gov/wetlands/Data/Mapper.html>

**NHTF - Part 50/58 Process:**

A map showing the project is not located in a jurisdictional or non-jurisdictional wetland.

**Contamination.** All properties assisted with NHTF funds must be free of hazardous materials, contamination, toxic chemicals and gases, and radioactive substances, where a hazard could affect the health and safety of occupants or conflict with the intended use of the property: (A) All proposed multifamily

(more than four housing units) NHTF project activities require a Phase I Environmental Site Assessment (ESA— ASTM). If the Phase I ESA identifies recognized environmental concerns (RECs), a Phase II (ESA—ASTM) will be required. ASTM reports shall be prepared in accordance with the most current ASTM standard. Single family housing does not require a Phase I ESA. (B) NHTF projects must avoid sites located within 0.25 miles of a Superfund or CERCLIS (Comprehensive Environmental Response, Compensation, and Liability Information System) site or other contaminated site reported to Federal, State, or local authorities without a statement in writing from EPA or the appropriate State agency that there is no hazard that could affect the health and safety of the occupants or conflict with the intended utilization of the property.

Resources:

HUD's Environmental Review Page – Site Contamination - <https://www.hudexchange.info/environmental-review/site-contamination/>

NHTF - Part 50/58 Process:

- Document that the project is free of hazardous materials, contamination, toxic chemicals and gases, and radioactive substances, where a hazard could affect the health and safety of occupants or conflict with the intended use of the property.
- Document that the project is not located within 0.25 miles of a Superfund or CERCLIS (Comprehensive Environmental Response, Compensation, and Liability Information System) site or other contaminated site reported to Federal, State, or local authorities without a statement in writing from the U.S. Environmental Protection Agency (EPA) or the appropriate State agency that there is no hazard that could affect the health and safety of the occupants or conflict with the intended use of the property.
- Multifamily properties (4 or more units) - a Phase I Environmental Site Assessment (ESA—ASTM) is required. If the Phase I ESA identifies recognized environmental conditions (RECs), a Phase II (ESA—ASTM) will be required. If the Phase II indicates the presence of hazardous substances or petroleum products above applicable local, state, tribal or federal (LSTF) screening levels, coordination with the relevant LSTF oversight agency will be required to complete the remediation process and obtain a determination that no further action is required. Development of more than four single family structures in the same location, such as subdivision development, should be evaluated as multifamily.
- Single family properties - projects must avoid sites located within 0.25 miles of a Superfund or CERCLIS site or other contaminated site reported to Federal, State, or local authorities without a statement in writing from the EPA or the appropriate State agency that there is no hazard that could affect the health and safety of the occupants or conflict with the intended use of the property. In addition to the government records search, the screening process for single family does include a site visit. When the screening process raises concerns related to site contamination, it may be appropriate to contract with an environmental professional for preparation of a Phase I, testing and sampling, or other investigation.

Note: The CERCLIS Public Access Database has been retired. The EPA is transitioning to the Superfund Enterprise Management System, or SEMS. SEMS includes the same data fields and content as CERCLIS.

**Noise.** (A) Internal noise levels. All activities will be developed to ensure an interior noise level of no more than 45 decibels (dB).

Resources:

HUD's Environmental Review Page – Noise Abatement and Control - <https://www.hudexchange.info/programs/environmental-review/noise-abatement-and-control/>

NHTF - Part 50/58 Process:

Document that interior noise levels will be no more than 45 dB.

**Safe drinking water.** Projects with a potable water system must use only lead-free pipes, solder, and flux.

Resources:

EPA's Drinking Water Requirements for States and Public Water Systems - <https://www.epa.gov/dwreginfo>

NHTF - Part 50/58 Process:

Document that the project only uses lead-free pipes, solder, and flux. This may include architectural plans,

building specifications, and certification by qualified professional.

## **Format - HUD Part 50/58 Environmental Review with NHTF Environmental Provisions - 24 CFR § 93.301(f)(2) – Rehabilitation Projects funded with NNHTF & HOME**

(including rehabilitation of manufactured housing and existing housing that is acquired with NHTF funds, and has not been newly constructed or rehabilitated less than 12 months before the commitment of NHTF funds)

When combining NHTF with other HUD funds, Part 50 and 58 compliance procedures must be used when they meet the NHTF Environmental Provisions under 24 CFR § 93.301(f)(2). When Part 50 and 58 compliance procedures do not meet the NHTF Environmental Provisions, Part 50 or 58 compliance procedures are not sufficient. When combining a Part 50/58 review and NHTF Environmental Provisions, Environmental Justice must be analyzed as part of the environmental review.

Document compliance with the following Laws and Authorities in the Part 50 or Part 58 Environmental Review Record. Part 50 and 58 compliance with the following Laws and Authorities meet the NHTF Environmental Provisions; therefore Part 50 or 58 compliance procedures must be followed-

- Coastal Barrier Resources
- Coastal Zone Management
- Sole Source Aquifers
- Endangered Species
- Wild and Scenic Rivers
- Explosives and Hazards
- Environmental Justice

Part 50 and 58 compliance with the following Laws and Authorities DOES NOT MEET the NHTF Environmental Provisions under 24 CFR § 93.301(f)(2); therefore, Part 50 or 58 compliance procedures are not sufficient. More specific information on how to meet the NHTF Environmental Provisions is provided in the section below.

- Historic Preservation
- Farmlands
- Airport Zones
- Floodplains
- Wetlands
- Contamination
- Noise
- Safe Drinking Water

**Format for Determining Compliance - HUD Part 50/58 Environmental Review with NHTF  
Environmental Provisions - 24 CFR § 93.301(f)(2) – Rehabilitation Projects funded with  
NHTF & HOME**

| Environmental Provision and Resource  | Yes/No | Environmental Review Record  |
|---|--------|--|
| <p><b><u>Historic Preservation</u></b><br/>           Consultation with interested parties such as the State Historic Preservation Officers, federally recognized Indian tribes/Tribal Historic Preservation Officers (THPOs); and Native Hawaiian Organizations.</p> <p>AND</p> <p>If the project is NOT listed or eligible for listing in the National Register of Historic Places individually or as part of an historic district.<br/> <a href="http://www.nps.gov/nr/research/">http://www.nps.gov/nr/research/</a></p> <p>OR</p> <p>The project is listed or eligible to be listed on the National Register of Historic Places, individually or as part of an historic district, and the work MEETS the Secretary of Interior’s Standards for Rehabilitation.<br/> <a href="https://www.nps.gov/tps/standards/four-treatments/treatment-rehabilitation.htm">https://www.nps.gov/tps/standards/four-treatments/treatment-rehabilitation.htm</a></p> <p><b><u>Archaeological Resources</u></b><br/>           If archaeological resources or human remains are discovered on the project site during construction, consult with affected tribes and/or descendant communities and comply with the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001–3013), State law and/or local ordinance (e.g., State unmarked burial law).</p> |        | <p>Document the consultation process.</p> <p>AND</p> <p>Document that the project is not listed or eligible to be listed on the National Register of Historic Places.</p> <p>OR</p> <p>Document how the work meets the Secretary of Interior’s Standards for Rehabilitation.</p> <p>Document all consultation correspondence with the affected tribe and/or descendant communities, and how compliance with the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001–3013), State law and/or local ordinance (e.g., State unmarked burial law) has been met.</p> |
| <p><b><u>Farmlands</u></b><br/>           The project activity is strictly rehabilitation.</p> <p>OR</p> <p>The project will NOT convert unique, prime or significant (state or local) farmland to an urban use -<br/> <a href="http://websoilsurvey.nrcs.usda.gov/app/HomePage.htm">http://websoilsurvey.nrcs.usda.gov/app/HomePage.htm</a></p>  |        | <p>Document a summary of rehabilitation activities that are part of the project.</p> <p>OR</p> <p>A map from the Web Soil Survey showing that the project site is not a unique, prime or statewide or locally significant agricultural property.<br/>           Project site identified as “urbanized area” (UA) on the Census Bureau Map or as urban area mapped with a “tint overprint” on USGS topographical</p>  |

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|   |  | maps; or as “urban-built-up” on the USDA Important Farmland Maps.   |
| <p><b><u>Airport Zones</u></b><br/> The project is NOT located within a Runway Protection Zone (RPZ) of a civilian airport or the clear zone or Accident Potential Zone (APZ) of a military airfield.<br/> <a href="https://www.epa.gov/nepa/nepassist">https://www.epa.gov/nepa/nepassist</a></p>  |  | 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 or a letter from the airport operator stating so.   |
| <p><b><u>Floodplains</u></b><br/> The project is NOT located in the Floodway, Coastal High Hazard Area or 100-year or 500-year floodplain on the latest FEMA floodmap (including preliminary maps and Advisory Base Flood Elevations).<br/> <a href="https://msc.fema.gov/portal">https://msc.fema.gov/portal</a></p> <p>OR</p> <p><u>100-year floodplain -</u><br/> If the project site is within the 100-year floodplain, an 8-step Process including notifications is required. Any substantially improved structure located within the 100-year floodplain WILL BE elevated to at least the BFE or floodproofed to one foot above the BFE. Elevated and floodproofed buildings must adhere to National Flood Insurance Program standards, and the project MUST NOT BE a Critical Action.</p> <p>OR</p> <p><u>Floodway –</u><br/> The project IS a functionally dependent use.</p> <p>OR</p> <p><u>Coastal High Hazard Area –</u><br/> The project IS designed for location in a coastal high hazard area consistent with the FEMA National Flood Insurance Program requirements for V Zones</p> <p>OR</p> |  | <p>FEMA FIRM or other latest-available data from FEMA showing the project location is not within a floodplain.</p> <p>OR</p> <p>Document the 8-step Process and required notifications. Provide the FIRM or latest-available FEMA data and, if the structure will be substantially improved, document that the structure will be elevated at least the BFE or floodproofed to one foot above the BFE, that elevated and floodproofed buildings adhere to National Flood Insurance Program standards, and that the project is not a Critical Action.</p> <p>OR</p> <p>If the project site is within a Floodway, provide the FIRM or latest-available FEMA data and document that the structure is a functionally dependent use.</p> <p>OR</p> <p>If the project site is within a Coastal High Hazard Area, provide the FIRM or later FEMA data and document that the structure is designed for location in a coastal high hazard area consistent with the FEMA National Flood Insurance Program requirements for V Zones, and that the structure is not a Critical Action.</p> <p>OR</p> |

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| <p><u>500-year floodplain</u> –<br/>The project is NOT a Critical Action.</p>  |  | <p>If the project site is within the 500-year floodplain provide the FIRM or latest-available FEMA data and document that the structure is not a Critical Action.</p>   |
| <p><b><u>Wetlands</u></b><br/>The project will NOT adversely impact a wetland. The project will NOT drain, dredge, channelize, fill, dike, impound, or perform grading activities in wetlands.<br/><a href="http://www.fws.gov/wetlands/Data/Mapper.html">http://www.fws.gov/wetlands/Data/Mapper.html</a></p>   |  | <p>A map showing the project is not located in a jurisdictional or non-jurisdictional wetland.</p>  |
| <p><b><u>Contamination</u></b><br/>The project is FREE of hazardous materials, contamination, toxic chemicals and gases, and radioactive substances, where a hazard could affect the health and safety of occupants or conflict with the intended use of the property.</p> <p>AND</p> <p>The project IS NOT located within 0.25 miles of a Superfund or CERCLIS (Comprehensive Environmental Response, Compensation, and Liability Information System) site or other contaminated site reported to Federal, State, or local authorities without a statement in writing from the U.S. Environmental Protection Agency (EPA) or the appropriate State agency that there is no hazard that could affect the health and safety of the occupants or conflict with the intended use of the property.</p> <p>Note: The CERCLIS Public Access Database has been retired. The EPA is transitioning to the Superfund Enterprise Management System, or SEMS. SEMS includes the same data fields and content as CERCLIS.<br/><a href="https://www.hudexchange.info/environmental-review/site-contamination/">https://www.hudexchange.info/environmental-review/site-contamination/</a></p> |  | <p>Document that the project is free of hazardous materials, contamination, toxic chemicals and gases, and radioactive substances, where a hazard could affect the health and safety of occupants or conflict with the intended use of the property. Document that the project is not located within 0.25 miles of a Superfund or CERCLIS site or other contaminated site reported to Federal, State, or local authorities without a statement in writing from the EPA or the appropriate State agency that there is no hazard that could affect the health and safety of the occupants or conflict with the intended use of the property.</p> <p><u>Multifamily properties</u> (4 or more units) a Phase I ESA–ASTM is required. If the Phase I ESA identifies RECs, a Phase II ESA–ASTM will be required. If the Phase II indicates the presence of hazardous substances or petroleum products above applicable local, state, tribal or federal (LSTF) screening levels, coordination with the relevant LSTF oversight agency will be required to complete the remediation process and obtain a determination that no further action is required. Development of more than four single family structures in the same location, such as subdivision development, should be evaluated as multifamily.</p> <p><u>Single family properties</u> - projects must avoid sites located within 0.25 miles of a Superfund or CERCLIS site or other contaminated site reported to Federal, State, or local authorities without a statement in writing from the EPA or the appropriate State agency that there is no hazard that could affect the health and safety of the occupants or conflict with the intended use of the property. In addition to the government records</p> |

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|  |  | search, the screening process for single family does include a site visit. When the screening process raises concerns related to site contamination, it may be appropriate to contract with an environmental professional for preparation of a Phase I, testing and sampling, or other investigation. |
| <p><b>Noise</b><br/> The internal noise level will be 45 decibels or less (mitigation may be required).<br/> <a href="https://www.hudexchange.info/programs/environmental-review/noise-abatement-and-control/">https://www.hudexchange.info/programs/environmental-review/noise-abatement-and-control/</a></p> |  | Document that that interior noise levels will be no more than 45 dB.  |
| <p><b>Safe Drinking Water</b><br/> The project CONTAINS lead-free pipes, solder, and flux.<br/> <a href="https://www.epa.gov/dwreginfo">https://www.epa.gov/dwreginfo</a></p>  |  | Document that the project only uses lead-free pipes, solder, and flux (architectural plans, building specifications, and certification by qualified professional).  |
| <p><b>If any of the answers to the worksheet above are “No” the project cannot be funded through the National Housing Trust Fund.</b></p>  |  |   |

## 14. INSTRUCTIONS FOR SUBMITTING ENVIRONMENTAL REVIEWS TO SC HOUSING

Environmental reviews must be submitted to SC Housing electronically on a flash drive. SC Housing may request hard copies if needed. The environmental review documentation must be organized so that the documentation for each compliance factor is submitted as a separate pdf. document. Each compliance factor must have an appropriately titled file name, such as Coastal Barrier Resources.pdf, Air Quality.pdf, Contamination and Toxic Substances.pdf, etc.

Each compliance factor must also include the appropriate corresponding completed partner worksheet. Partner worksheets can be accessed at the below link:

<https://www.hudexchange.info/resource/5119/environmental-review-record-related-federal-laws-and-authorities-partner-worksheets/>

Environmental consultants are required to fill out the Modified Environmental Assessment checklist for all projects that contain HOME funds. This will be provided to you by SC Housing staff.

In addition, projects that contain National Housing Trust Funds, the environmental consultant is required to fill out the appropriate National Housing Trust Fund checklist on HUD Exchange, under suggested formats.

[HTF Environmental Provisions - HUD Exchange](#)