

F-37 - NHTF Environmental Provisions

Environmental Provision / Resource	Yes/No	Recordkeeping
<p>1. Historic Preservation (A) The proposed site is <u>not</u> listed OR eligible for listing in the National Register of Historic Places individually or as part of an historic district. https://www.nps.gov/nr/research/ http://www.scarchsite.org/V3.2/PublicView.aspx</p>		Attach document that the proposed site is not listed or eligible to be listed on the National Register of Historic Places. If funded, such documentation must be verified by a qualified professional.
<p>If yes, the project must meet the Secretary of Interior's Standards for Rehabilitation - this includes Standards related to new construction, prior to a commitment of NHTF funds. https://www.nps.gov/tps/standards/four-treatments/treatment-rehabilitation.htm</p>		
<p>(B) If archaeological resources or human remains are discovered during construction, consultation with affected tribes and/or descendant communities will be necessary to comply with National, State, and local laws.</p>		
<p>2. Farmland The project will <u>not</u> convert unique, prime, or significant (state or local) farmland to an urban use. https://websoilsurvey.nrcs.usda.gov/app/WebSoilSurvey.aspx</p>		Attach a map from the Web Soil Survey showing that the project site is not a unique, prime, or statewide or locally significant agricultural property.
<p>3. Airport Zones (A) The project is <u>not</u> located within a Runway Protection Zone (RPZ) of a civilian airport; or (B) The clear zone or Accident Potential Zone (APZ) of a military airfield. https://www.epa.gov/nepa/nepassist</p>		Attach a map showing the site is not: (A) within 2,500 feet of a civilian airport and (B) within 15,000 feet of a military Airport. If within those distances, a map showing the site is not within the designated RPZ and/or APZ; OR a letter(s) from the airport operator stating such.
<p>4. Coastal Barrier Resources System The project is <u>not</u> located within a Coastal Barrier Resources System unit. https://www.fema.gov/national-flood-insurance-program/coastal-barrier-resource-system-south-carolina https://www.fws.gov/CBRA/Maps/Mapper.html</p>		Attach a map showing that the project site is not located in a CBRS Unit.
<p>5. Coastal Zone Management The project is <u>not</u> located in a Coastal Zone (in SC - Beaufort, Berkeley, Charleston, Colleton, Dorchester, Georgetown, Horry and Jasper).</p>		Document that the project site is not located in one of the eight SC Coastal Zone counties.
<p>If yes, it must be determined 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. https://www.hudexchange.info/environmental-review/coastal-zone-management/</p>		

6.	Floodplains The project is <u>not</u> 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).	Attach a FEMA FIRM or other latest-available data from FEMA showing the project location is not within a floodplain.
	<i>If located in a 100-year floodplain</i> and there are no alternatives, the structure must be appropriately elevated, AND the project must not be a critical action. If given a NHTF conditional commitment, all documentation must be provided before receiving an official commitment.	Attach documentation of all practicable alternatives such as sites outside of the floodplain, if no alternatives, document the structure will be elevated at least to the Base Flood Elevation (BFE) or floodproofed to one foot above the BFE, adhere to the National Flood Insurance Program standards, and the project is not a critical action.
	<i>If located in a floodway</i> and the proposed project is a functionally dependent use (a land use that must necessarily be conducted in close proximity to water [e.g., a dam, marina, port facility, water-front park, and many types of bridges]).	Document that the structure is a functionally dependent use. NOT ALLOWABLE FOR PROJECTS APPLYING FOR NHTF FUNDING.
	<i>If located in a Coastal High Hazard Area</i> and the project is reconstruction 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, documentation showing such will be required.	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.
	<i>If located in a 500-year floodplain</i> and the project is not a critical action.	Attach documentation that the structure is not a critical action.
7.	Wetlands The project will not adversely impact a wetland. The project will NOT drain, dredge, channelize, fill, dike, impound, or perform grading activities in wetlands.	Attach a map showing the project is not located in a jurisdictional or non-jurisdictional wetland.
8.	Explosives and Hazards The project IS in compliance with the standards for acceptable separation distances, as set forth at 24 CFR part 51, subpart C. https://www.hudexchange.info/programs/environmental-review/explosive-and-flammable-facilities/	Attach documentation that the project meets the standards for acceptable separation distance. The Phase I ESA can help ascertain if the site is located near such hazards and, if so, how far apart the site and hazard must be.
9.	Contamination (A) 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.	Phase I ESA-ASTM is required. If the Phase I ESA identifies RECs, a Phase II ESA-ASTM will be required.

	<p>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.</p>		
	<p>(B) The project is <u>not</u> 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.</p>		Phase I ESA-ASTM is required to document this requirement.
	<p>If yes, 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 is required.</p>		
10.	<p>Noise External noise level at the proposed site is LESS THAN 65 dB. https://www.hudexchange.info/programs/environmental-review/noise-abatement-and-control/</p>		Attach documentation showing an external noise level that is less than 65 dB.
	<p>External noise level at the proposed site is between 65 dB and LESS THAN 75 dB. Mitigation measures must result in an interior standard of 45 dB.</p>		
	<p>External noise level is 75 dB or greater. There can be NO noise sensitive outdoor uses at the proposed site (e.g., picnic areas, playgrounds, balconies, or patios). NOT ALLOWABLE FOR PROJECTS APPLYING FOR NHTF FUNDING.</p>		
11.	<p>Endangered Species The project <u>will not impact</u> endangered or threatened species or their habitat. https://www.hudexchange.info/programs/environmental-review/endangered-species/</p>		Attach documentation that there are no endangered, threatened species, or critical habitat on the project site. https://www.fws.gov/endangered/?ref=topbar
	<p>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>		
12.	<p>Wild and Scenic Rivers The project is not located near a Wild and Scenic River (Oconee County sites only).</p>		If the site is in Oconee County, attach documentation that the project is not located near a Wild and Scenic River

	The project is in Oconee County and is located near a Wild and Scenic River. If given a NHTF conditional commitment, all documentation must be provided before receiving an official commitment.		Document the project is consistent with the River's Management Plan. https://www.hudexchange.info/programs/environmental-review/wild-and-scenic-rivers/
13.	Sole Source Aquifers The project will <u>not</u> impact a Sole Source Aquifer.		No documentation needed; there are no Sole Source Aquifers in South Carolina.
14.	Safe Drinking Water The project is constructed with lead-free pipes, solder, and flux. If given a NHTF conditional commitment, all documentation must be provided before receiving an official commitment.		Document lead-free pipes, solder, and flux using either the architectural plans, building specifications, and/or certification by qualified professional.

Environmental Provisions Guidance:

1. Historic Preservation

(A) Standards. Project activities (including demolition) are not allowed on properties that are either listed in or determined eligible for listing in the National Register of Historic Places (NRHP).

- a. Document that the project is not listed in the NRHP by searching here: <http://www.scarchsite.org/V3.2/Default.aspx> and providing a map. If given a NHTF conditional commitment, the site will have to be cleared/verified by a qualified professional before receiving an official commitment.
- b. If the site is listed in the NRHP, document how all project activities meet the Secretary of the Interior's Standards for Rehabilitation - including the Standards related to new construction - 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 (photos, architectural plans, and certification by a qualified professional). If given a NHTF conditional commitment, how the project meets the Secretary's Standards will have to be certified by a qualified professional before receiving an official commitment.

(B) Archeological Resources. If archaeological resources or human remains are discovered on the project site during construction, consultation with affected tribes and/or descendant communities will be necessary to 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).

- a. Document all consultation correspondence with affected tribes and/or descendant communities and how the project complies with all applicable National, State, and/or local laws. All applicants must certify to this.

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

(A) 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; USDA Web Soil Survey: <https://websoilsurvey.nrcs.usda.gov/app/WebSoilSurvey.aspx>.

3. **Airport Zones** - Projects are not permitted within the clear zones or accident potential zones (APZ) of military airfields, or the runway protection zones (RPZ) of civilian airports.

(A) Provide a map(s) showing the site is not within 15,000 feet of a military airport or within 2,500 feet of a civilian airport. This is a list of airports within SC but may not be all inclusive:

- a. Military Airports:
 - 1) Joint Base Charleston, Charleston, - (843) 963-5608, <http://www.charleston.af.mil>;
 - 2) Shaw AFB, Sumter, <http://www.shaw.af.mil>;
 - 3) McEntire Joint National Guard Base, Eastover, <http://www.169fw.ang.af.mil>;
 - 4) Marine Corps Air Station Beaufort, Beaufort, <https://www.beaufort.marines.mil>.

b. Civilian Airports

- 1) Charleston International Airport, www.chs-airport.com;
- 2) Columbia Metropolitan Airport, www.columbiaairport.com;
- 3) Florence Regional Airport, www.florencesairport.com;
- 4) Greenville-Spartanburg, www.gspairport.com;
- 5) Hilton Head Airport, www.hiltonheadairport.com;
- 6) Myrtle Beach International, www.flymyrtlebeach.com.

(B) If the project is located within the disallowed distances, maps must be provided showing the proposed site is not within an APZ or RPZ, OR a letter from the airport operator stating such must be provided.

4. **Coastal Barrier Resource System** - No projects may be assisted in Coastal Barrier Resource System (CBRS) units. CBRS units are mapped and available from a website provided by the U.S. Fish and Wildlife Service. A map must be provided showing a proposed project is not located in a CBRS unit: <https://www.fema.gov/national-flood-insurance-program/coastal-barrier-resource-system-south-carolina>. Following is a list of CBRS communities in SC:

Beaufort County - Unincorporated Areas (Daufuskie Island, Harbor Island, Hunting Island, St. Phillips Island)
Briarcliff Acres - Town
Charleston - City
Charleston County - Unincorporated Areas
Colleton County - Unincorporated Areas (Otter Island)
Folly Beach - Town
Georgetown County - Unincorporated Areas
Horry County - Unincorporated Areas
Kiawah Island – Town (Captain Sams Inlet)
Mount Pleasant - Town
North Myrtle Beach - Town
Pawleys Island - Town
Seabrook Island - Town

5. **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. If located in one of the eight (8) coastal zone counties in SC - Beaufort, Berkeley, Charleston, Colleton, Dorchester, Georgetown, Horry and Jasper - a letter of consistency must be provided from the appropriate state Coastal Zone Management Agency. If given a NHTF conditional commitment, the letter must be provided before receiving an official commitment.
- (A) For projects located in Berkeley, Dorchester, Georgetown or Horry County, contact William McGoldrick, Stormwater Permit Coordinator at (843) 953-0239 or mcgoldwr@dhec.sc.gov.
- (B) For projects located in Beaufort, Charleston, Colleton or Jasper County, contact Christine Koczera, Stormwater Permit Coordinator at (843) 953-0702 or koczerc@dhec.sc.gov.
6. **Floodplains** - Except as modified in the following paragraph, definitions for terms used 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. If given a NHTF conditional commitment, documentation satisfying the BFE elevations and NFIP standards must be provided before receiving an official commitment. 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. <https://msc.fema.gov/portal>;

(B) No NHTF assistance may be approved with respect to:

- (1) Any action, other than a functionally dependent use (a land use that must necessarily be conducted in close proximity to water [e.g., a dam, marina, port facility, water-front park, and many types of bridges]), located in a floodway (**not applicable to this NHTF program**);
- (2) Any new construction critical action (actions affecting mobility-impaired individuals or those features such as roadways providing sole egress from flood-prone areas) 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.

7. **Wetlands** - 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. A map must be provided showing the project is not located in a jurisdictional or non-jurisdictional wetland. FWS National Wetlands Inventory: <https://www.fws.gov/wetlands/Data/Mapper.html>.
8. **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](#). Document that the project meets the standards for acceptable separation distance. <https://www.hudexchange.info/programs/environmental-review/explosive-and-flammable-facilities/>. The required Phase I ESA report should help make this determination.
9. **Contamination** - All properties assisted with HTF 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 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.
 - a. 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. If given a NHTF conditional commitment, the determination must be provided before receiving an official commitment.
 - (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.
 - a. If within disallowed distances, 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 must be provided. If given a NHTF conditional commitment, the statement must be provided before receiving an official commitment.
10. **Noise** - All sites must provide the external noise level. HUD does have a noise calculator online: <https://www.hudexchange.info/programs/environmental-review/noise-abatement-and-control/>
 - (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. As such, noise levels of 75 dB or greater ARE NOT ALLOWED.

11. **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; <https://www.hudexchange.info/environmental-review/endangered-species/>.
- (A) Provide documentation that there are no endangered, threatened species, or critical habitat on the project site; <https://www.fws.gov/endangered/?ref=topbar>, <https://ecos.fws.gov/ipac/>
- (B) 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.
12. **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. In SC, the only such river is in Oconee County.
- (A) If the site is in Oconee County, document that the project is not located near a Wild and Scenic River.
- (B) The project is in Oconee County and is located near a Wild and Scenic River; document the project is consistent with the River's Management Plan. <https://www.rivers.gov/south-carolina.php>.
13. **Sole-Source Aquifers** - Not applicable in SC.
14. **Safe Drinking Water** - Projects with a potable water system must use only lead-free pipes, solder, and flux. Document that the project only uses lead-free pipes, solder, and flux. This may include architectural plans, building specifications, and certification by qualified professional. If given a NHTF conditional commitment, the determination must be provided before receiving an official commitment.

IMPORTANT

If combining NHTF with other HUD funding, such as PJ HOME funds, Part 50 and 58 compliance with the following Laws and Authorities DOES NOT MEET the HTF Environmental Provisions under 24 CFR § 93.301(f)(1); therefore, Part 50 or 58 compliance procedures are not sufficient. The standards listed on this F-37 Environmental Provisions must be followed for:

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