

Chapter 1

INTRODUCTION

1. Purpose and Scope

This Guide is intended to assist HUD meet its responsibilities under the National Environmental Policy Act, related Council on Environmental Quality regulations (40 CFR Parts 1500-1508), and HUD's environmental policy and procedures (24 CFR Part 50). The Guide has a twofold purpose: (a) to provide technical assistance to HUD staff in assessing environmental impacts for housing projects; and (b) to inform applicants of the minimum requirements that HUD has for environmental assessments and conformity with related environmental laws.

If the environmental assessment process is to result in better projects, the process must be based on the best available information, consider all relevant issues and provide for a consistent evaluation methodology. Equally important, the process must avoid unnecessary, expensive and time consuming analysis so that worthy projects are not unduly delayed.

Development of this Guide has been coordinated with the preparation of an environmental review guide for CDBG activities. In the case of the Community Development Block Grant Program, the CDBG recipients have assumed the responsibility for conducting environmental review and decisionmaking by HUD regulations as permitted under Section 104(f) of the Housing and Community Development Act of 1974, as amended. Since many CDBG activities are intended to provide sites for housing, often with HUD subsidy or loan guarantee being contemplated, a consistent environmental review process can avoid duplication and speed the later HUD review. With that objective in mind, this Guide draws heavily on the CDBG Guide, only changing, where necessary, the assessment categories and emphasis to take into account the range of housing activities HUD is involved in and the different environments in which these housing developments may take place (e.g., urban, suburban or rural).

It is the intent of this Guide to simplify documentation and expedite the environmental review process for housing developments by providing the user with a brief presentation on major concerns, methods of analysis, and data resources. The Guide provides the approach to environmental assessments by defining the substantive issues, setting forth the critical assessment questions, providing methods for analysis and determining impacts, recommending mitigation measures, and providing sources of information both in terms of written materials and resource individuals.

*Environmental Review Guide for Community Development Block Grant Programs, published by HUD, January 1985 (HUD-CPD-782).

It must be kept in mind that the importance of individual environmental factors may vary substantially with the type of housing

and its location. The Guide, therefore, attempts to accommodate analysis of all types of housing projects in various locations. (Appendix B is a chart which indicates likely relevance of each assessment factor to various HUD programs and locations.)

A finding of major impact or deficiency for any factor in the environmental assessment, by itself, does not automatically indicate that the project will "have a significant impact on the human environment" and, consequently, require an Environmental Impact Statement (EIS). There are no precise criteria to indicate which factor or number of factors will trigger an EIS. For each project, the reviewer must: (a) consider the importance of an individual factor to the type and location of the project and whether the impact is short-term or long-term; (b) determine if the factor is the subject of specific environmental law or requirement and the nature of the conditions imposed; and (c) the extent to which mitigation measures will reduce the severity of the impact.

It is important to recognize that the fulfillment of program goals and objectives cannot always be achieved without some adverse environmental impacts. Much of the strength of an effective environmental policy, therefore, comes in the recognition of the need to reduce those adverse impacts as much as possible. In extreme circumstances, this will require that projects are rejected; most often it will only require modifications to projects. In addition, it is generally desirable, from a policy standpoint, to encourage any changes or modifications that would enhance the environmental quality of a project above what is considered minimally acceptable. Measures specifically designed to reduce adverse environmental impacts and enhance environmental quality, therefore, should be given special attention in environmental assessments.

The Guide is NOT a regulation--the basic environmental assessment process is governed by 24 CFR Part 50. The Part 50 "Procedures for Protection and Enhancement of Environmental Quality" covers the environmental review requirements for all HUD programs.

2. The Environmental Assessment Process

The environmental assessment is a concise public document that:

- a. contains the evidence and analysis used to determine whether to prepare an EIS or a Finding of No Significant Impact (FONSI);
- b. provides documentation of HUD's compliance with NEPA when an EIS is not required; and
- c. facilitates preparation of an EIS (when required) since it should contain the data necessary to determine the critical issues which the EIS must analyze.

There are some general rules to follow in preparing environmental assessments. The most important of these are:

- a. use relevant sources of information--do not rely on "field observation" when it is clear that the environmental factor being considered cannot be observed (e.g., capacity of infrastructure);
- b. document findings--the assessment should be sufficiently detailed to enable someone reviewing the document to arrive at the same general conclusion as the preparer;
- c. maintain a resource file (documents, data and persons) that can be quickly called upon during the assessment process; and
- d. group related housing projects so that repetitious assessments can be avoided.

3. Content of this Guide

The Guide is a tool to help HUD field staff implement the environmental assessment process for subdivisions, public housing and multifamily housing projects. As such, the environmental compliance factors, and the assessment terminology are the same as those found on the Environmental Assessment Format included as Appendix A to 24 CFR Part 50 (Form HUD-4128), and is also included as Appendix A to this Handbook.

The environmental review is expected to make two types of determinations: (1) does the project have an impact upon the environment as defined under the National Environmental Policy Act (NEPA) as implemented by HUD regulations (24 CFR Part 50), and (2) does the project comply with other environmental laws, regulations and Executive Orders referred to in 24 CFR Part 50. These compliance requirements may be as simple as ensuring that the applicants have the necessary permits or making a finding of consistency or conformity with adopted plans, on the other hand, they may dictate a complex review process which includes interagency and public involvement. Some of the requirements are much more specific than others, and some of the areas have created more problems for HUD reviewers than others. The Guide emphasizes certain factors for which there are specific laws, Executive Orders or regulations, which are site specific, have detailed compliance tests and have a high likelihood of occurrence for HUD projects. These are included in a separate section called Compliance Factors and cover noise, historic preservation, floodplain management, wetlands protection and hazards.

Thus, where there are legal or regulatory compliance requirements, the Guide divides them into three groups: (a) those where the requirements are for conformance or consistency findings with specific plans, (b) those that have specific compliance and coordination requirements and where the environmental factor is usually well defined; and (c) those where there are less specific coordination requirements covering broad and less defined areas. The latter are included as part of the general NEPA environmental review requirements (Chapter 5) since, in practice, the reviewer usually does not have to perform a separate analysis.

The five parts of the Guide cover the following:

Chapter 1--INTRODUCTION--covers the general criteria, terms and approaches for environmental assessments

Chapter 2--PLANNING CONSIDERATIONS AND REQUIREMENTS--discusses conformity with State and areawide plans

Chapter 3--CONFORMANCE FACTORS--includes subjects covered by other laws, regulations and Executive Orders which are especially important to HUD projects

Chapter 4--UNDERWRITING/ENVIRONMENTAL FACTORS--includes factors of public and private services and social amenities for which review under NEPA is required but for which there are no specific laws, standards or requirements and, therefore, no additional laws apply

Chapter 5--ENVIRONMENTAL FACTORS--includes physical aspects of the site, water and waste aspects and natural features and areas some of which are to be reviewed for NEPA and others which also must be considered under various related laws or regulations.

4. Project Screening and Analysis

The key to conducting the environmental assessment efficiently is to know when an initial screening technique is sufficient to make an environmental finding or when further and more detailed analysis will be required. For each of the environmental factors, the user is provided with an indication of what resources are appropriate and what type of documentation is needed.

There are five general sources of information which can be used in the analysis. The Guide indicates when it is most appropriate to use each source and what types of supporting documentation should be provided. Appropriate sources and documentation will vary given the region of the country, the importance of the environmental factor, the size and potentially controversial nature of the project, and whether it is single or multifamily housing--assisted or insured. The sources of information are:

- a. FIELD OBSERVATION (Abbreviated in the Guide as FIELD). A site visit that does not usually involve any testing or measurements. Supporting documentation, in the form of a worksheet, report or memo, or notes on plot or site plan must include the date of the site visit, conditions observed, and tests if any. Field is an important method for initial screening but for some of the categories it is inadequate for final evaluation.
- b. PERSONAL CONTACT. (Abbreviated in the Guide as CONTACT). Personal contacts are useful only when the individual contacted is an accepted authority on the subject(s). Supporting documentation should include the name and title of the person contacted, the date of the

conversation and brief notes of key points. Whenever the contact cites reports, records, etc., the title, date and source of the report should be noted. Contacts can include other HUD staff, such as an engineer, who are experienced in a particular area. It also can include previous contacts on similar problems.

- c. PRINTED MATERIALS. (Abbreviated in the Guide as PRINTED). Printed materials such as comprehensive land use plans, maps, statistical surveys, and studies are useful sources of detailed information. The material must be current and reflect accepted methodologies. Complete citations for all material must be included.
- d. REVIEWER'S EXPERIENCE. (Abbreviated in the Guide as EXPERIENCE). The professional judgment of the HUD personnel making the review can be useful provided their expertise is relevant. For example, the reviewer may have knowledge from reviewing previous projects in the same area. Another type of relevant experience is the professional finding of the reviewer in subjects where he or she has the background to make judgments about a specific factor. Some reviewers have the expertise to evaluate soil conditions, while others will need to consult an engineer or other specialist.
- e. SPECIAL STUDY. (Abbreviated in the Guide as STUDY). This is a study conducted for a particular project performed by qualified personnel using accepted methodologies. Some tests are relatively simple to perform but others may require elaborate equipment or personnel with additional expertise. The reviewer is responsible for obtaining assistance from others in order to have the appropriate tests or studies conducted.

For each factor to be reviewed, the Guide makes recommendations about sources which might be used and whether they should be used always, used sometimes and whether or not they can be relied upon as the sole basis of judgment. In some cases, such as Historic Preservation, procedures other than field observation are required by law or regulation although field observation may be a very useful initial indicator.

In the Guide, the term "Always Use" means that this source is either required or necessary in order to make a judgment. In some cases, the sources suggested are different for an initial screening than for a more detailed analysis. However, in most cases, the sources identified are for both initial screening and for further analysis. "Sometimes Use" means that the source may or may not be useful depending upon local conditions, whether it is available and up-to-date for an area or particular problem. In many instances, a number of State or local agencies are listed which might have relevant information.

An indication of FIELD, EXPERIENCE, etc. in the documentation column of the environmental assessment or compliance finding format (Form HUD 4128 and 4128.1 respectively) is not adequate documentation to support a finding (see page 1-4, Project Screening and Analysis).

5. Resources

There are several areas where the use of the proper resources (people or data) can save considerable time in preparing environmental assessments. For example, use of other HUD staff with expertise in a given subject should expedite the process since the specialist will know how to deal with specific requirements more quickly than the preparer. Consequently, the preparer will not need to spend time to learn all of the detailed requirements imposed for the factor. Other areas of efficiency is the use of data resources in the assessment process. Some examples of the use of resources are:

- a. HUD STAFF. Program staff can request environmental data, advice and assistance from the Environmental Officer and other technical staff as needed. For compliance with environmental laws, Executive Orders, and HUD standards, the Environmental Officers should be requested to complete the necessary procedures. Compliance with the historic preservation requirements is an example where the Environmental Officer as a specialist can complete the procedures much more efficiently than the environmental assessment preparer.
- b. FIELD NOTES CHECKLIST. Included as Appendix C is a "Sample Field Notes Checklist." The checklist is intended to indicate an easy method for documenting the results from a visit to the project site. The sample checklist is illustrative in that it can be modified as experience is gained in its use. It can also be tailored to different situations.
- c. PROJECT SITE PLAN. One of the major resources that the reviewer has is the site plan for the project. Many of the conditions observed during the site visit should be recorded directly on this map. Distances to certain services, description of the surrounding built and natural resources, compatibility/incompatibility issues and many features can be located directly on the map. The site plan can then become "source/documentation" for many of the factors on the assessment form for which a determination is made on the basis of a field visit.
- d. MAPPED DATA. There are specialized maps required for completion of the assessment. The use of some of these maps for compliance determination are required (e.g. airport runway clear zone maps or floodplain maps). The Environmental Officer has been assigned to provide some of this data and should be the principal staff resource in the development of a data base. There are several other kinds of general information maps prepared by Federal and local agencies which are very useful in preparing the environmental assessment. Probably the major mapped resource readily available is the topographic map, which is prepared by the U.S. Geological Survey (USGS). A USGS topographic map, at a scale of 1:24,000 (1 inch equals 2000 feet) and known as the "7.5 minute quadrangle series" show terrain and elevations using contour lines. The topographic map also shows freeways, primary and secondary highways, light duty roads, railroads, bridges, industrial sites, tank farms, power transmission lines, wooded areas,

streams, lakes, marshes, urban areas and cultural features, such as schools and parks. In addition, the USGS prepares many thematic maps covering geology, forestry and other resources. The USGS maps are probably the most useful map resource that the preparer of environmental assessments can use.