

PROTOCOL

Grantees or their consultants are to complete the attached Format and provide the information for the environmental review. HUD encourages electronic submission of such information. The Format provides specific questions for the grantee to answer for each property proposed for the HUD project. Also, it provides resources related to each question. These questions should be applied to an entire neighborhood area if the grantee proposes to use the funds to benefit the neighborhood area. The grantee's information will help HUD to complete the environmental review processing required by 24 CFR Part 50 – Protection and Enhancement of Environmental Quality. **Grantees must not acquire, rehabilitate, convert, lease, repair or construct property, nor commit HUD or nonfederal funds for these program activities with respect to any eligible property, until the grantee receives HUD environmental approval of the property from the PIH Director in the field office in which the HUD project is located.** Where grantees propose more than one property for a project, grantees are to aggregate properties into a single group (or even a neighborhood area) to facilitate a single evaluation by the HUD field office.

Resources for Supporting Documentation

Grantees may wish to contact their local or county planning agency or local community development agency, and request the agency's help in developing the information or have the agency staff prepare a letter with their answers (i.e., findings) to the above questions. Instead or in addition, grantees may wish to use HUD project administrative funds to help pay for staff services or private consultants who would obtain and supply the information or support grantees in supplying information to the HUD Field Office. Most of the information necessary to prepare the response to these questions is readily available to grantees from their local or county planning agency, local community development agency or building permit official.

The grantee's written response should include a city or county map that shows the location of the property or project area as well as photos showing the north, east, south, and west perspectives from the property or the project area, and the dates the photos were taken. Because the most time consuming item is the letter (see below) from the State Historic Preservation Officer (SHPO), grantees are encouraged to contact the SHPO **as early as possible**.

Type of HUD Assisted Activity

The type of HUD assisted activity will determine which questions require information:

- (a) For leasing of existing structures: Complete questions #1 through 3 only.
- (b) For acquisition of existing structures: Complete questions #1 through 5 only.
- (c) For repair or minor rehabilitation of existing structures: Complete questions #1 through 6 only.
- (d) For acquisition of land for development of less than four one-to-four family dwellings or of five or more units of housing where the housing sites are 2,000 feet or more apart: Complete questions #1 through 15 only.

(e) Complete questions #1 through 16 for new construction, acquisition of undeveloped land, conversion from one land use to another, or major rehabilitation (unless otherwise noted below) of existing buildings.

FORMAT

THRESHOLD REVIEW FOR PROPOSED ACTIVITIES
(Recipients are to provide the following information to HUD.)

Grantee's Name: _____
Grant Number: _____
Format Preparer's Name: _____
Phone Number: _____
FAX Number: _____
E-mail Address: _____

A. Describe the project. Indicate the number of housing units to be assisted, and/or acreage to be developed. Include street address, if applicable.

B. Is a map attached identifying the location of the proposed project within the community?
Indicate: Yes____ or No_____.

Are photographs of the property and adjacent properties attached?
Indicate: Yes____ or No_____.

C. Describe the present and proposed use of the property:
Present: _____
Proposed: _____

- D. Which of the following activities are being proposed?
- (1) Lease existing structures_____
 - (2) Acquisition of existing structures_____
 - (3) Repair or minor rehabilitation of existing structures_____
 - (4) Major rehabilitation of existing structures_____
 - (5) New construction or conversion (including demolition)_____
 - (6) Infrastructure improvements_____
 - (7) Acquisition of undeveloped land for future development_____

E. Report the repair/rehabilitation costs and related property values, if conversion, repair, minor or major rehabilitation is being proposed.

- (1) Property value before repair/rehab \$ _____
- (2) Repair/rehab costs (estimate) \$ _____
- (3) Property value after repair/rehab \$ _____

F. Are there any physical or environmental conditions that are or may indicate a significant impact on the

human environment? Indicate: No____ Uncertain____ or Yes____.
If the answer is "uncertain" or "yes," describe the conditions and impacts.

G. Respond to these questions:

- (1) For leasing of existing structures: Complete questions #1 through 3 only.
- (2) For acquisition of existing structures: Complete questions #1 through 5 only.
- (3) For repair or minor rehabilitation of existing structures: Complete questions #1 through 6 only.
- (4) For acquisition of land for development of less than four one-to-four family dwellings or of five or more units of housing where the housing sites are 2,000 feet or more apart: Complete questions #1 through 15 only.
- (5) Complete questions #1 through 16 for new construction, acquisition of undeveloped land, conversion from one land use to another, or major rehabilitation (unless otherwise noted below) of existing buildings.

Question #1: Is the property located within designated coastal barrier resources?

Threshold: Grantees are **prohibited** by federal laws (cited below) from using federal financial assistance for properties in their HUD project, if the properties are located within designated coastal barrier resources of the Atlantic Ocean, Gulf of Mexico, or the Great Lakes. The Coastal Barrier Resources Act (COBRA), as amended, 16 U.S.C. 3501, is cited in §50.4(c)(1) of HUD environmental regulations. [<http://www.fema.gov/nfip/cobra.htm>]

Documentation: Grantees are to select either **I** _____ or **II** _____ for the condition that best describes their project and document the source of the information.

I. The grantee states that its program operates in an area or community that does not contain any shores along the Atlantic Ocean, Gulf of Mexico, or the Great Lakes.

II. For a grantee whose program operates in an area or community that does contain shores along the Atlantic Ocean, Gulf of Mexico, or the Great Lakes, the grantee provides HUD with a finding made by a qualified source based upon the official maps issued by the Department of the Interior or the flood insurance rate maps (FIRM) issued by the Federal Emergency Management Agency (FEMA) stating that the grantee's proposed property or project is not located within designated coastal barrier resources. The map panel number must be cited. **Example:** The finding is that the coastal property is not located within designated coastal barrier resources as shown on FIRM map for Cameron County, TX, community-panel number 480101 0005 A, map revised March 18, 1991.

Source:

Question #2: Is the property contaminated by toxic chemicals and gases or radioactive materials?

Threshold: It is HUD policy, as described in §50.3(i), that "(1)... all property proposed for use in HUD programs be free of hazardous materials, contamination, toxic chemicals and gasses, and radioactive substances, where a hazard could affect the health and safety of occupants or conflict with the intended utilization of the property. (2) HUD environmental review of multifamily and non-residential properties shall include evaluation of previous uses of the site and other evidence of contamination on or near the site, to assure that occupants of proposed sites are not adversely affected by the hazards..." Sites known or suspected to be contaminated by toxic chemicals or radioactive materials include but are not limited to sites: (i) listed on an EPA Superfund National Priorities or CERCLA List, or equivalent State list; (ii) located within 3,000 feet of a toxic or solid waste landfill site; or (iii) with an underground storage tank (which is not a residential fuel tank).

Documentation: Grantees are to select either **I**_____ or **II**_____ for the condition that best describes their property and document the source of the information.

I. The grantee provides HUD with a letter of finding made by the local planning agency that the property:

(i) is not listed on an EPA Superfund National Priorities or CERCLA List, or equivalent State list; (ii) is not located within 3,000 feet of a toxic or solid waste landfill site; (iii) does not have an underground storage tank (which is not a residential fuel tank); and (iv) is not known or suspected to be contaminated by toxic chemicals or radioactive materials.

II. The grantee states the property: (i) is listed on an EPA Superfund National Priorities or CERCLA list or equivalent State list; (ii) is located within 3,000 feet of a toxic or solid waste landfill site; (iii) has an underground storage tank other than a residential fuel tank, or (iv) is known or suspected to be contaminated by toxic chemicals or radioactive materials. For any of these conditions, the grantee must provide an ASTM Phase I report.

Source:

Question #3: Is the property located within a flood hazard area or designated wetland?

Threshold: Projects located within a floodplain and new construction located within a designated wetland are subject to Executive Order 11988 (Floodplain Management) and Executive Order 11990 (Protection of Wetlands) respectively. HUD's implementing regulations at 24 CFR Part 55--Floodplain Management, prescribe measures for protecting floodplains and wetlands. For proposed financial assistance for such activities, including "substantial improvement" (see definition below) of existing single-family properties within a floodplain, HUD will require 30 to 60 days in most cases to perform the required processing.

Assisted new construction located within a **designated wetland** is subject to HUD's decisionmaking process under E.O. 11990.

Assisted property acquisition, repair, rehabilitation, conversion, new construction and project-based leasing located within a floodplain are subject to HUD's decisionmaking process under E.O. 11988. The decisionmaking process does not apply to existing single-family properties

proposed for lease or acquisition involving either non-substantial improvement or no improvement as long as the existing property is not located within a floodway or coastal high hazard area.

Under these executive orders, HUD must avoid financial support for covered activities, unless it can demonstrate that there are no practicable alternatives outside the floodplain or wetlands. Where flood-free and wetland-free sites are available within the community or housing market area, these are considered practicable.

Definition: "Substantial improvement" for flood hazard purposes is defined in 24 CFR 55.2(b)(8).

Documentation: Grantees are to select **I** _____ or **II** _____ for the condition that best describes their project and document the source of the information.

I. The grantee provides HUD with a letter of finding that the property is not located within the Special Flood Hazard Area or designated wetlands.

II. The grantee provides HUD with a finding that the property is located within the Special Flood Hazard Area and/or designated wetlands.

The response as to whether a property is located within a Special Flood Hazard Area or designated wetlands can be made as follows:

- To make a wetlands finding, the grantee would use maps issued by the Department of the Interior (DOI) for the National Inventory of Wetlands.
- To make a floodplain finding, the grantee would use maps issued by the Federal Emergency Management Agency (FEMA) for the National Flood Insurance Program.

These findings should cite the map panel number of the official maps issued by DOI and FEMA on the basis of which the findings were made. [<http://www.fema.gov/nfip/fmapinfo.htm>]

Source:

Question #4: Is the property within an area requiring flood insurance protection?

Threshold: The Flood Disaster Protection Act of 1973, as amended, requires that property owners purchase flood insurance for buildings located within Special Flood Hazard Areas (SFHA), when Federal financial assistance is used to acquire, repair, improve, or construct a building.

Duration of Flood Insurance Coverage. The statutory period for flood insurance coverage may extend beyond project completion. For loans, loan insurance or loan guarantees, flood insurance coverage must be continued for the term of the loan. For grants and other non-loan forms of financial assistance, flood insurance coverage must be continued for the life of the building irrespective of the transfer of ownership.

Dollar Amount of Flood Insurance Coverage. For loans, loan insurance or guarantees, the amount of flood insurance coverage need not exceed the outstanding principal balance of the loan. For grants and other non-loan forms of financial assistance, the amount of flood insurance coverage must be at least equal to the maximum limit of coverage made available by the Act with respect to the particular type of building involved (i.e., Single Family, Other Residential, Non-Residential, or Small Business), or the development or project cost, whichever is less. The development or project cost is the total cost for acquiring, constructing, repairing or improving the building. This cost covers both the Federally-assisted and the non-Federally assisted portion of the cost, including any machinery, equipment, fixtures, and furnishings. If the Federal assistance includes any portion of the cost of any machinery, equipment, fixtures, or furnishings, the **total** cost of that item must also be covered by flood insurance.

Proof of Purchase of Flood Insurance Protection. Once HUD has approved a specific SFHA property, the grantee's file for any SFHA property shall contain "proof of purchase" of flood insurance protection. The standard documentation for compliance is the Policy Declarations form issued by the National Flood Insurance Program (NFIP) or by any property insurance company offering coverage under NFIP. The insured should have its insurer automatically forward to the grantee, in the same manner as to the insured, an information copy of the Policy Declarations form, which is used to verify compliance. [<http://www.fema.gov/nfip/info.htm>]

Documentation: Grantees are to estimate the amount and period of flood insurance coverage that is to be made a condition of approval of the SFHA building:

—Estimate coverage amount of flood insurance \$ _____

Indicate coverage period:

Year in which flood insurance policy is to start: _____

Year in which flood insurance policy is to end: _____

Source:

Question #5: Is the property located within an airport runway clear zone at a civil airport or, within a clear zone or accident potential zone at a military airfield?

Threshold: HUD policy as described in 24 CFR 51, Subpart D, is that assistance for construction or major rehabilitation of any real property located on a clear zone site is prohibited for a project to be frequently used or occupied by people. For properties located within 2,500 feet of the end of a civil airport runway or 8,000 feet of the end of a military airfield runway, the airport operator should make a finding stating whether or not the property is located within a runway clear zone for civil airports or a clear zone or accident potential zone at a military airfield.

For a project not to be frequently used or occupied by people, HUD assistance may be approved only when written assurances are provided to HUD by the airport operator to the effect that there are no plans to purchase the land involved with such facilities as part of a Runway Clear Zone or Clear Zone acquisition program.

Definition: Rehabilitation (including conversion) is "major" or "substantial" when the estimated cost of the work is 75 percent or more of the property value after rehabilitation or, in the case of property in an Accident

Potential Zone, when the work changes the use of the facility to a use that is not generally consistent with the recommendations in the Department of Defense "Land Use Compatibility Guidelines for Accident Potential Zones," significantly increases the density or number of people at the site, or introduces explosive, flammable or toxic materials to the area (24 CFR 51.302(b)(1), (2), and (3)).

HUD financial assistance in a clear zone is allowed for existing properties proposed for acquisition or lease (24 CFR 51.302(c)) with or without minor rehabilitation or repair. Upon HUD approval for acquisition of a property in a clear zone, (a) HUD will give advance written notice to the prospective property buyer in accord with 24 CFR 51.303(a)(3); and (b) a copy of the HUD notice signed by the prospective property buyer will be placed in the property file (for a sample notice, see **Appendix D**). The written notice informs the prospective property buyer of: (i) the potential hazards from airplane accidents which studies have shown more likely to occur within clear zones than in other areas around the airport/airfield; and (ii) the potential acquisition by airport or airfield operators, who may wish to purchase the property at some point in the future as part of a clear zone acquisition program.

For properties located within the accident potential zone (APZ), HUD shall determine whether the use of the property is generally consistent with Department of Defense "Land Use Compatibility Guidelines for Accident Potential Zones."

Documentation: Grantees are to select **I** _____ or **II** _____ for the condition that best describes their project and document the source of the information.

I. The grantee states that the property is not located within 2,500 feet of the end of a civil airport runway or 8,000 feet of the end of a military airfield runway.

II. For properties located within 2,500 feet of the end of a civil airport runway or 8,000 feet of the end of a military airfield runway, the grantee provides HUD with a finding from the airport operator stating whether or not the property is located within a runway clear zone at a civil airport, or a clear zone or accident potential zone at a military airfield. For properties that are located within a runway clear zone or a clear zone or accident potential zone, grantees who propose to rehabilitate such a property provide HUD with estimates of: (i) the cost of the proposed rehabilitation, and (ii) the property value after completion of the rehabilitation.

Source:

Question #6: Is the property: listed on or eligible for listing on the National Register of Historic Places; located within or adjacent to a historic district; or a property whose area of potential effect includes a historic district or property?

Threshold: Historic properties and districts are subject by law to special protection and historic preservation processing that HUD must perform to comply with the regulations of the Advisory Council on Historic Preservation (36 CFR part 800). Grantees seeking information from the State Historic Preservation Officer (SHPO) need to allow sufficient time to obtain the information from the SHPO. Grantees may wish to make special arrangements with the SHPO for rapid review of the proposed property, where practicable. For

properties determined to be historic properties or for actions impacting a historic property, HUD will require

30 to 90 days in most cases to perform the required processing. If the action will have adverse effects on historic properties, HUD will request the grantee to select another property

Documentation: Grantees are to select one of the following options that best describes the condition of their project either **I**____ or **II**____ or **III**____, and document the source of the information.

I. The grantee proposes financial assistance for rehabilitation, conversion, or construction of the property and provides HUD with a SHPO's finding that the proposed rehabilitation, conversion, or construction:

1. Will have no effect on historic properties; **or**
2. Will have an effect on historic properties not considered adverse.

II. The grantee proposes financial assistance for rehabilitation, conversion, or construction of the property and provides HUD with a SHPO's finding that the proposed rehabilitation, conversion, or construction will have an adverse effect on historic properties.

III. The grantee provides HUD with a copy of a letter from the SHPO stating any reasons for not being able to provide the grantee with the requested information and finding.

The grantee should inform HUD if it gets no response at all from the SHPO.

Source:

Question #7: Is the property located near hazardous operations handling conventional fuels or chemicals of an explosive or flammable nature?

Threshold: Properties that are located near hazardous industrial operations handling fuels or chemicals of an explosive or flammable nature are subject to HUD safety standards (24 CFR 51, Subpart C). However, these standards would apply **only** if the grantees propose: (i) construction of a building; (ii) conversion of a non-residential land use to a residential land use including making an uninhabitable building habitable; or (iii) rehabilitation that increases the density of a residential structure by increasing the number of dwelling or rooming units (See 24 CFR 51.201). In the case of tanks containing common liquid fuels, the requirement for an acceptable separation distance (ASD) calculation only applies to storage tanks that have a capacity of more than 100 gallons.

Documentation: Grantees are to select the condition that best describes the project either **I**____ or **II**____ or **III**____, and document the source of the information.

I. The proposed project does **not** include: (i) construction of a building; (ii) conversion of a non-residential land use to a residential land use including making an uninhabitable building

habitable; or (iii) rehabilitation that increases the density of a residential structure by increasing the number of dwelling or rooming units.

II. The proposed project includes: (i) construction of a building; (ii) conversion of a nonresidential land use to a residential land use including making an uninhabitable building habitable; or (iii) rehabilitation that increases the density of a residential structure by increasing the number of dwelling or rooming units; and the grantee provides HUD a finding by a qualified data source that the grantee's proposed property is not located within the immediate vicinity of hazardous industrial operations handling fuel or chemicals of an explosive or flammable nature by citing data used and the maps used.

III. The grantee proposes: (i) construction of a building; (ii) conversion of a non-residential land use to a residential land use including making an uninhabitable building habitable; **or** (iii) rehabilitation that increases the density of a residential structure by increasing the number of dwelling or rooming units; and the grantee provides HUD a finding by a qualified data source stating: (1) that the grantee's proposed property is located within the immediate vicinity of hazardous industrial operations handling fuel or chemicals of an explosive or flammable nature; (2) the type and scale of such hazardous operations; (3) the distance of such operations from the proposed property; (4) a preliminary calculation of the acceptable separation distance (ASD) between such operations and the proposed property; and (5) a recommendation as to whether it is safe to use the property in accord with 24 CFR Part 51, Subpart C.

Source:

Question #8: Is the site noise-impacted?

Threshold: For new construction that is to occur in high noise areas (i.e. exceeding 65 decibels), grantees shall incorporate noise attenuation features to the extent required by HUD environmental criteria and standards contained in Subpart B (Noise Abatement and Control) of 24 CFR part 51. Approvals in a "Normally Unacceptable" noise zone require a minimum of 5 decibels additional sound attenuation for buildings having noise-sensitive uses if the day-night average sound level is greater than 65 decibels but does not exceed 70 decibels, or a minimum of 10 decibels of additional sound attenuation if the day-night average sound level is greater than 70 decibels but does not exceed 75 decibels.

For new construction and major rehabilitation, locations with day-night average noise levels above 75 decibels have unacceptable noise exposure. Noise attenuation measures in these locations require the approval of the Assistant Secretary for Community Planning and Development, and acceptance of such locations normally requires an Environmental Impact Statement.

For major rehabilitation projects in the "Normally Unacceptable" and "Unacceptable" noise zones, HUD actively seeks to have project sponsors incorporate noise attenuation features, given the extent and nature of the rehabilitation being undertaken and the level of exterior noise exposure. In "Unacceptable" noise zones, HUD strongly encourages conversion of noise-exposed sites to land uses compatible with the high noise levels.

Documentation: Grantees are to select **I**_____ **or** **II**_____ for the condition that best describes their project and document the source of the information.

I. The grantee provides HUD with a finding made by a qualified data source stating that the property proposed by the grantee for new construction, major rehabilitation, or conversion activity in its HUD project is not located within: (i) 1,000 feet of a major noise source, road, or highway; (ii) 3,000 feet of a railroad; or (iii) 1 mile of a civil airport or 5 miles of a military airfield.

II. The grantee provides HUD with a finding made by a qualified data source stating whether the property is located within a "Normally Unacceptable" or "Unacceptable" noise zone, and if so: (i) stating that the plans for the property proposed by the grantee for new construction or conversion activity in its HUD project incorporate noise attenuation features in accord with HUD environmental criteria and standards contained in Subpart B (Noise Abatement and Control) of 24 CFR part 51; and (ii) providing HUD with plans and a statement of the anticipated interior noise levels.

Source:

Question #9: Is the project consistent with the State's coastal zone management program?

Threshold: Only for new construction, conversion, major rehabilitation, and substantial improvement activities does the Coastal Zone Management (CZM) authority apply. Projects that can affect the coastal zone must be carried out in a manner consistent with the approved State coastal zone management program under Sec. 307 of the Coastal Zone Management Act of 1972, as amended.

Documentation: Grantees are to select either **I** _____ or **II** _____ for the condition that best describes their project and document the source of the information.

I. The grantee states that its project is not located within a coastal zone as defined by the State's Coastal Zone Management Program.

II. For a grantee whose project is located within a coastal zone, the grantee provides HUD with a finding made by the State CZM agency that the project proposed by the grantee is consistent with the approved State coastal zone management program.

Source:

Question #10: Does the project affect a sole source aquifer?

Threshold: The Safe Drinking Water Act of 1974 requires protection of drinking water systems which are the sole or principal drinking water source for an area and which, if contaminated, would create a significant hazard to public health. Development, which can affect aquifers designated by the Environmental Protection Agency (EPA), must be reviewed for impact on such designated aquifer sources. Only for new construction and conversion activities does the sole

source aquifer (SSA) authority apply. SSA information is available from the local planning agency, but is also listed on the homepage of the EPA Office of Ground Water and Drinking Water at (<http://www.epa.gov/OGWDW/ssanp.html>).

Documentation: Grantees are to select **I_____ or II_____** for the condition that best describes their property and document the source of the information.

I. The grantee provides HUD with a finding stating that the grantee's proposed property is not located on nor does it affect a sole source aquifer designated by EPA.

II. For the grantee who proposes new construction or conversion activities that are located on or may affect any sole source aquifer designated by the EPA, the grantee identifies the aquifer and provides HUD with an explanation of the effect on the aquifer from a qualified data source, and/or a copy of any comments on the proposed property that the grantee has received from the EPA Regional Office as well as from any State or local agency with jurisdiction for protecting the drinking water system.

Source:

Question #11: Does the property affect endangered species?

Threshold: The Endangered Species Act (ESA) of 1973 requires protection of listed or proposed endangered or threatened species or critical habitats. Projects that can affect listed endangered or threatened species or critical habitats require consultation with the Department of Interior in compliance with the procedure of Section 7 of the ESA. Only for new construction and conversion activities does the ESA authority apply.

Documentation: Grantees are to select **I_____ or II_____** for the condition that best describes their project and document the source of the information.

I. If the grantee proposes new construction or conversion activities, the grantee provides HUD with a finding made by a qualified data source that the project is not likely to affect any listed or proposed endangered or threatened species or critical habitat. The finding shall indicate whether the project is located within a critical habitat, and if so, explain why the project is not likely to affect the species or habitat.

II. If grantee proposes new construction or conversion activities that are likely to affect listed or proposed endangered or threatened species or critical habitat, the grantee provides HUD with a statement from a qualified data source explaining the likely effect, and/or a finding made by the Fish and Wildlife Service of the Department of the Interior that states as acceptable, the proposed mitigation that the grantee must provide to protect any affected endangered species or critical habitat.

Source:

Question #12: Does the project affect listed wild and scenic rivers?

Threshold: HUD assisted activities are subject to the requirements of the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.). New construction and the acquisition of undeveloped land for water resources projects

(i.e., water and sewer lines, water retention ponds, etc.), which are proposed in areas within one mile of a listed wild and scenic river, have the potential for impacting this natural resource.

<http://www.nps.gov/rivers/>

Documentation: Grantees should select **I_____ or II_____** for the condition that best describes their project and document the source of the information.

I. The grantee provides HUD with a finding made by a qualified data source which states that the project is not located within one mile of a listed wild and scenic river or the project will not have an effect upon the natural, free flowing or scenic qualities of such a river.

<http://www.nps.gov/rivers/>

II. The project is located within one mile of a listed wild and scenic river and the Department of the Interior, National Park Service, indicates that the project, as proposed, will have an effect upon the natural, free flowing or scenic qualities of the river.

Source:

Question #13: Does the project affect prime and unique farmland, or other farmland of statewide or local importance?

Threshold: A finding of compliance with the requirements of the Farmland Protection Policy Act of 1981 (7 U.S.C. 4201 et seq.) must be made for assisted new construction activities and the acquisition of undeveloped land.

Documentation: Grantees are to select either **I_____ or II_____** for the condition that best describes their project and document the source of the information.

I. The grantee provides HUD with a finding from the local planning agency which states that the proposed project site does not include prime or unique farmland, or other farmland of statewide or local importance as identified by the Department of Agriculture, Natural Resources Conservation Service (NRCS), or the project site includes prime farmland but is located in an area committed to urban development or water storage.

II. The proposed project site includes farmland and the grantee has requested an evaluation of land type from NRCS using form AD 1006 and has provided the resultant rating to HUD.

Source:

Question #14: Is the project within a "non-attainment" or "maintenance" area identified in the air quality State Implementation Plan (SIP)?

Threshold: The Clean Air Act (42 U.S.C. 7401 et seq.) prohibits federal assistance to projects that are not in conformance with the SIP. New construction and conversion, which are located in "non-attainment" or "maintenance" areas as determined by the EPA may need to be modified or mitigation measures developed and implemented to conform to the SIP.

Documentation: Grantees should select **I_____ or II_____** for the condition that best describes the project and document the source of the information.

I. The grantee provides HUD with a finding which states that the project is not located in a non-attainment" or "maintenance" area of the SIP.

II. The proposed project is located in a "non-attainment" or "maintenance" area and a written determination by HUD will be made whether the project is in conformance with the SIP.

Source:

Question #15: Is the project located in a neighborhood or community where the proposed action is likely to raise environmental justice issues?

Threshold: Executive Order 12898 – “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations,” applies in low-income or minority neighborhoods where the grantee proposes the acquisition of housing, the acquisition of land for development, and new construction. Environmental justice issues may include, but are not limited to new, continued or historically disproportionate potential for high and adverse human health and environmental effects on minority or low-income populations. The grantee will need to determine if the site or neighborhood suffers from disproportionate adverse health and environmental effects relative to the community at large. [<http://es.epa.gov/oeca/oejbut.htm>]

Documentation: Grantees should select **I_____ or II_____** for the condition that best describes their project and document the source of the information.

I. The grantee provides HUD with a finding that the project is not likely to raise environmental justice issues.

II. The project is likely to raise environmental justice issues and has the potential for new or continued disproportionately high and adverse human health and environmental effects on minority or low-income populations. The grantee must consider mitigation or avoidance of adverse impacts from the project to the extent practicable.

Source:

Question #16: Does the recipient propose any of the following activities that require an environmental assessment under §50.31:

(i) acquisition of land for development of five or more units of housing where the housing sites are 2,000 feet or less apart or there are more than four units on any one site;

(ii) infrastructure;

(iii) new construction other than for residential activities excluded under §50.20(a)(3)(i) and (ii);

(iv) major rehabilitation of existing structures either multifamily residential buildings or non-residential buildings in accordance with §50.20(a)(2)(ii) and (iii) that involves any of the following conditions:

(a) in the case of multifamily residential buildings, an increase in the unit density of more than 20 percent or in the case of nonresidential structures a change in size or capacity of the facilities and improvements of more than 20 percent;

(b) changes in land use (from non-residential to residential or from residential to non-residential); or

(c) estimated cost of rehabilitation that is 75 percent or more of the total estimated cost of replacement after rehabilitation;

(v) rehabilitation of a building for residential use (with one to four units) where the density is increased beyond 4 units, or the land use is changed, or the footprint of the building is increased in a floodplain or wetland (§50.20 (a)(2)(i)); or

(vi) any other activity not categorically excluded under §50.20(a)?

Threshold: For the above activities, an environmental assessment is required for compliance with the National Environmental Policy Act (NEPA) and the related laws and the implementing regulations of the Council on Environmental Quality. It is the policy of the Department to reject proposals that have significant adverse environmental impacts and to encourage the modification of projects in order to enhance environmental quality.

Documentation: If the answer to question #16 is "Yes," grantees are to provide information on any adverse environmental impacts that affect the project or that the project would create. Grantees are to identify any adverse impacts in terms of. (i) impact on unique natural features or areas; (ii) site suitability, access, and compatibility with surrounding development; (iii) soil stability, erosion, and drainage; (iv) nuisances and hazards (natural and built); (v) availability of water supply and sanitary sewers; (vi) availability of solid waste disposal; (vii) availability of schools, parks, recreation, and social services; (viii) availability of emergency health care, fire and police services; and (ix) availability of commercial/retail and public transportation serving such proposed development. Grantees are to identify any significant impacts to the human environment. Report data and findings below and document the source of the information:

Indicate: Yes____ or No____. If the answer is "yes," indicate which of the above activities (i), (ii), (iii), (iv) and/or (v) is proposed: _____.

For compliance with the National Environmental Policy Act, report data needed for the HUD's preparation of the environmental assessment. Submit data on separate sheets with this Format.

Indicate any potential impacts of the proposed project on the surrounding area as well as the potential impact of the surrounding area on the proposed project. Identify any adverse and beneficial impacts in terms of:

- (1) Unique natural features and areas
- (2) Site suitability, access, and compatibility with surrounding development
- (3) Soil stability, erosion, and drainage
- (4) Nuisances and hazards (both natural and built)
- (5) Water supply/sanitary sewers
- (6) Solid waste disposal
- (7) Schools, parks, recreation, and social services
- (8) Emergency health care, fire and police services
- (9) Commercial/retail and transportation
- (10) Other: (i) project's conformance with the locality's comprehensive plans and zoning; (ii) proposed displacement of residents or structures by the project; and (iii) energy conservation measures proposed for the project.

Source: