



Adrienne Duncan: [beeps indicate audience joining webinar] Joining us today, our environmental team, led by Doug Ganey and Doug Ongie, the team of Dougs, as well as Pat Roberts from our team. So, if you joined us two weeks ago for the procurement training, we will follow the same protocols. If you do have a question, we ask that you use the chat function to pose your question. And if it's a quick question that we can answer during the presentation, we will answer it. If not, we'll have some time at the end of the presentation so that we can address Q&A. So welcome to everyone. I know environmental review is a riveting topic [speaker says sarcastically], so appreciate your interest in joining us. And we will go through the presentation, open up for Q&A at the end.

Doug Ganey: Thanks, Adrienne. This is Doug Ganey, I am with the Civix grant management team, environmental scientist, working with the team, and for the past year I've had the privilege to be part of the team that's doing environmental review of this CDBG-DR, 2017 and 2018 funding. Also, I'll say in addition to Doug O [Doug Ongie], Tristyne Youngbluth is also part of the team and was essential in helping put together this training and she can step in in case I go down in the middle of the training [speaker says jokingly]. So, thanks to Tristyne. The environmental training is intended for and required for all the sub recipients of the infrastructure and multifamily housing or MHP programs, many of you have heard from me previously, on environmental kickoff meetings for MHP or as technical support for infrastructure programs. And I know that some of you are already well versed in the environmental review requirements for these programs. However, HCD has

decided to make this training, along with some other trainings, a requirement due to the high risk of losing, potentially losing funding for an insufficient environmental review. And we just want to put that out there, that that's a possibility that none of us want to see. We all want these very important projects to get funded and get built. And we don't want any funding lost on a technicality. And that could occur after project construction and all costs have already been incurred if a HUD audit reveals the environmental review was done incorrectly. So, again, apologies if any of this is redundant and dry, it's going to be relatively brief and painless. And for some of some of you folks with less experience doing environmental reviews, it could be highly beneficial and make a big difference for you. I believe we have Patrick Roberts to help with advancing the slides.



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Doug Ganey: If we could move to slide number two, please. Thanks, Pat. I'm here are the environmental context, oops, looks like we skipped ahead, but the contacts are Janice Waddell a Federal Programs Branch Chief. But if you really have a question, you want to get in touch with someone, why don't you bother me instead of Janice? Again, Doug Ganey with the Grants Management Consulting Team. And my email and phone number are here and will be in the presentation that's shared with you later.



TOPICS

- Environmental Review Requirements, Timing and Responsibility Entity (RE)
- NEPA and Associated Laws
- Environmental Review Process
 - Levels of Environmental Review
 - Environmental Review Record
- Resources for Technical Assistance

Doug Ganey: Slide number three, please. I am also going to stop my camera for now so you can hear my voice, but you don't have to look at my face the whole time. Today, we're going to talk about four general topics. First, will be environmental review requirements for this program. What's the timing of these requirements and what is the role of the responsible entity acting as HUD, which is basically all of you subrecipients? Then we'll talk about NEPA, the National Environmental Policy Act and associated laws that apply that we have to make sure we adhere to in our environmental review. Third, we will talk about the environmental review process. What are the various levels of environmental review that might apply to your project and the compilation of the environmental review record and the importance of that? And then last, we'll talk, we'll talk and provide some resources for technical assistance as you go through your environmental review. We may not get through every slide today and we might, but all the slides toward the end of the presentation in this fourth part contain links to sources of information that will help you complete HUD's NEPA review. So the information is all there. HUD has a great environmental website called the HUD Exchange, and this PowerPoint presentation with all of those links and resources will again be made available to you.



Environmental Review Requirements

The process of identifying, predicting, and evaluating the potential effects of a proposed project on the environment.

All HUD-assisted projects require environmental review to ensure that the project does not negatively impact the surrounding environment or have adverse impacts on end users.



Doug Ganey: Slide number four, please. OK, environmental review, as you probably know, is the process of identifying, predicting and evaluating the potential effects of a proposed project on the environment, all HUD assisted projects require environmental review to ensure that the project does not negatively impact the environment or have adverse impacts on end users. I'll be reading much of the presentation off the slides. I recognize this is not optimal form, but it's best for transcription, on a public facing webinar and that way you get all the information if you're following the transcript later.



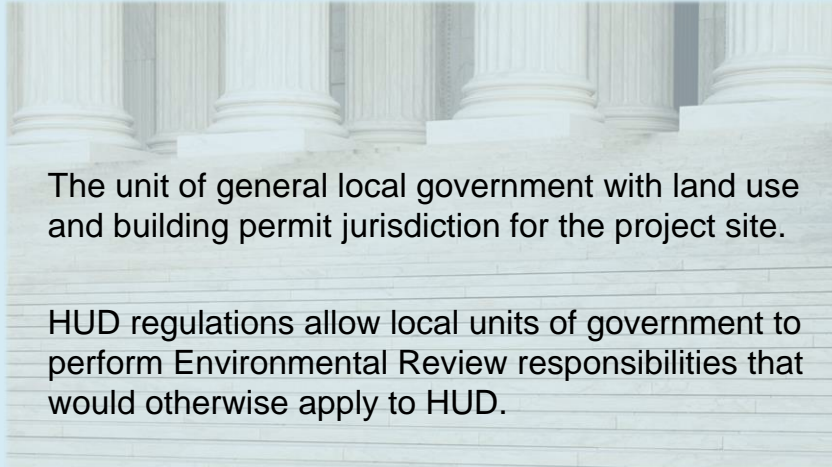
Why Environmental Review

- Protect health and safety, avoid or mitigate impacts that may harm housing residents, construction personnel, etc.
- Avoid or mitigate any harm to project site and the surrounding environment
- Avoid litigation that could stop project on environmental grounds
- **Avoid monitoring findings and/or loss of HUD financial assistance to your project**

Doug Ganey: Slide number five, please. Why do we need to do environmental review? Several reasons we want to protect health and safety, avoid or mitigate impacts that may harm housing residents, construction personnel, etc. So we're building housing and infrastructure. We don't want to build housing that puts residents in potential harm from environmental contaminants. We don't want construction workers building the projects to be exposed to environmental contaminants or to affect the environment during construction. We want to avoid and mitigate any potential harm and protect the site and the surrounding environment, so we don't want to harm the environment from our project. Three is a big one, we want to avoid litigation that could stop a project on environmental grounds and that can happen. We don't want to miss any of the environmental review requirements and then have someone sue us on a technicality that we didn't do a proper environmental review. Maybe because they don't like our project. They can use this to present litigation. Obviously, want to avoid that. And we and we want to avoid monitoring findings by HUD and the potential loss of financial assistance to your project. That's in bold. That's a big one. So that's why we need to do the environmental review.



Who: the Responsible Entity



The unit of general local government with land use and building permit jurisdiction for the project site.

HUD regulations allow local units of government to perform Environmental Review responsibilities that would otherwise apply to HUD.

Doug Ganey: Slide number six, Pat please. OK, and who is doing the environmental review? In theory, HUD is responsible for doing the environmental review. This is a federal government requirement, but HUD does not have the ability to review all housing and infrastructure projects nationwide. So, they delegate this government responsibility, this federal responsibility to the local entities known as the Responsible Entity, or R.E. [responsible entity], and that's a unit of local government with land use and building permit jurisdiction over a project site. And so that's most of you grant subrecipients on the line meet that definition. It's the counties, it's the tribes, it's the housing authority, the cities that end up becoming the responsible entity. And so, you are taking the role of the federal government and the responsibilities for performing the environmental review.



Certifying Officer

- Certifying Officer is the official authorized to execute the Request for Release of Funds and Certification and has the LEGAL CAPACITY TO CARRY OUT THE RESPONSIBILITIES OF 58.13
- "responsible federal official"
- Others may ASSIST, but local government CANNOT DELEGATE this responsibility to another entity or consultant

Doug Ganey: Slide seven, please. The certifying officer is the person who is authorized to sign off on the environmental review, and that means they execute the request for release of funds, and they certify that the environmental review has been completed. And that's important responsibility unless the certifying officer has to have the legal capacity to carry out the responsibilities listed in 24 CFR 58.13. This is basically your mayor, your city manager, or your governor, depending on the project that has the authority to certify your environmental review. And they work for the responsible entity. And so, others may assist, I say your planning manager or a consultant, but the local government RE can't delegate this responsibility to any other entity or consultant. So, the certifying officer has to have this strong authority.



National Environmental Policy Act (NEPA) of 1969

- Founding national charter for protection of the environment
- Requires that environmental values be given appropriate consideration in decision-making
- Ensures that environmental information is available to public officials and citizens BEFORE decisions are made and BEFORE actions are taken



Doug Ganey: Slide number eight, please. So, NEPA, National Environmental Policy Act of 1969. This is the Founding National Charter for Protection of the Environment, requires federal agencies to consider environmental values and give them appropriate consideration in making decisions such as to fund a housing project. NEPA ensures that environmental information is available to public officials and citizens before decisions are made and before actions are taken. So that means before spending any of this CDBG dollars, the environmental review has to be complete and that information publicly available.



Environmental Review Timing

HUD's regulations prohibit grant recipients from committing or spending HUD or non-HUD funds on any activity that could have an adverse impact or limit the choice of reasonable alternatives PRIOR TO COMPLETION OF AN ENVIRONMENT REVIEW.

Doug Ganey: Slide nine, please. This is very important, the environmental review timing, and in a nutshell, we can just say it needs to be completed prior to any actions that constitute a choice limiting activity. So, HUD's regulations prohibit grant recipients, which is all of you, from committing or spending HUD or any other non-HUD funds on your project activity that could have an adverse impact or limit the choice of reasonable project alternatives. So, you can't spend any of the money. Or spend other money on your proposed project before completing an environmental review that will disqualify your project. So, very important.



Choice-Limiting Actions

- Certifying officer/RE cannot commit HUD or non-HUD funds to a proposed project prior to completing ER process and release of funds authorization from HCD
- Must oversee actions of sub-recipient, developers, and beneficiaries
- Choice-limiting actions will reduce or eliminate your opportunity to choose alternatives. Examples on next slide

Doug Ganey: Slide ten, please. Choice limiting actions: don't make any choice limiting actions if you want this funding, the certifying officer and responsible entity can't commit HUD or not HUD funds to a proposed project prior to completing environmental review and receiving the release of funds authorization from, in this case, from HCD. And you, as responsible entities, are responsible for overseeing the actions of subrecipients, developers and project beneficiaries, so you can let the developers go out and do some work before completing your environmental review, either by choice, limiting actions will reduce or eliminate your opportunity to choose project alternatives. And some examples are shown on slide 11.



Choice-Limiting Actions

Actions that reduce or eliminate your opportunity to choose alternatives.



Examples:

- Property Acquisition
- Leasing
- Demolition
- Rehabilitation
- Construction Bidding
- Site Improvements
- Site Clearing

Doug Ganey: Next slide, please. Thanks, Pat. Things like purchasing property, leasing property, demolition, construction, bidding. Others say improvements or property clearing, some of these seem pretty harmless, but they to some extent, these actions reduce or eliminate your opportunity to choose project alternatives that might be better for the environment. So, until all the environmental review is done, and you can see what the alternatives are and make your choice based on that, we can't commit any of these choice limiting actions or that will disqualify your project.



Questions on Enviro. Review Requirements?

Doug Ganey: Slide 12, please. So, this is the end of the section on environmental review requirements to just the broad overview on why we're doing this. So, I have a pause here for questions, but I believe our team has decided to hold questions until the end.

Patrick Roberts: We can handle that however you'd like Doug.

Doug Ganey: OK, thanks, Pat. So, I can't see the chat where I'm sitting, so if there are questions, I'll be happy to take them now. And if you have questions on this material, you can still ask them at the end.

Tristyne Youngbluth: No questions at this time.

Adrienne Duncan: Yeah, correct. I don't see any quite yet.

Doug Ganey: Thanks, guys. Appreciate it. OK.

Patrick Roberts: There's a question.

Doug Ganey: Oh, go on. Could. Tristyne or Pat or someone.

Adrienne Duncan: So please clarify that a project could be put out to bid, but a contract can't be awarded until NEPA is complete.

Doug Ganey: Well, that is a question that we've discussed before, Doug O, I believe that that is true. And then you may have to rebid your project if something happens during the environmental review or put a change on the bid documents based on the environmental review. And anyone else who's on the HCD team wants to correct me can, but I believe that's correct.

Adrienne Duncan: So, I think, this is Adrienne, I'll jump in. I think that the conversation is that there is a risk of putting a project out to bid. If the NEPA is not complete because the NEPA could change the

scope of the project. And that would require the procurement to be rebid, so there is an inherent, what it can happen, that there is an inherent risk there, because your procurement, the scope may not be accurate, and you would have to bid if there is a change due to the NEPA.

Doug Ganey: Thanks, Adrienne. I appreciate the clarification. That makes sense.

Adrienne Duncan: Marie, does that answer your question?

Doug Ganey: [Yeah. OK.]

Doug Ganey: I'm just getting a side text on this. About... HUD has a specific section on this. This is coming from Kirsten. Kirsten, if you're on and you want to send a link to that section, if you have time, we can provide, Marie, the specific HUD discussion on this topic. Just so we're all clear contracting is not my forte, so I just want to make sure we're 100 percent correct here, so it looks like Kirsten taking a look now.

Adrienne Duncan: There's a couple other questions that are coming in from Lisa. Is there a requirement to use the HERO system? So, disaster recovery does not use the HERO system. It has not been activated here. It, as it's rolled out, has not [been utilized]. So, it will be not through the system, through the kind of the older process going through with each HCD as the response is the R.E. here.



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Adrienne Duncan: And then. Can an acquisition be taking place while NEPA is ongoing, can they conclude concurrently?

Doug Ganey: I believe so it says you can't acquire before you complete environmental review. So, I would just be very careful with that timing, make sure that the closing is contingent on finishing the environmental review. Maybe that's the next day. But it clearly says... OK, go ahead, Adrienne.

Adrienne Duncan: Yeah, agreed. The next day, I think we've seen HUD issue findings where the closing or contract execution was the same day as the NEPA, and they keep their finding was they couldn't say which one happened first. So, it has to be completed prior to that choice of the action.

Doug Ganey: Thanks, Adrienne. I see a couple more questions here now. From Patrick Carter, assuming that because HUD is national, the focus here is on NEPA. But in California, we also have to follow CEQA requirements as well. Yes, that is correct. And on both on both points, we're focused on NEPA here. This is a federal funding program and HCD is helping to review the NEPA requirements. CEQA is required for your projects as well, but that is the responsibility of the lead agency, which in many cases will be the same as the responsible entities. In some cases, it'll be different. A county might be funding a project through this program, but then the projects actually located within a city inside that county. And so, the city would become the CEQA lead agency. So, I do have one slide here where I talk briefly about CEQA, but that's not the focus of this program. But still, a project in California is a project, and CEQA applies whenever you've got the definition of a project.

Doug Ganey: Question from Gary Price. Hi, Gary. To what extent does the responsible entity have to respond to comments from agencies and to include their recommendations into the NEPA review? Yes, you do have to respond and address their comments. Those are typically appended in the NEPA review. Can't just ignore them. And Gary, I know you're working on a specific project that we can talk offline to about if you have anything specific you want to talk about on that.

Doug Ganey: A question from Korina O'Brien, can we remove a tree that is encroaching on a neighbor's property and causing damage to their utility?

Adrienne Duncan: Ok, I can take this one. Korina, we would need to know what program this is referring to. We typically don't and do work on private property unless it's through an owner-occupied program. So, I think we would likely need a bit more detail on this project and how it relates to the CBDG-DR funded project. So that we could provide a correct answer here.

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Doug Ganey: So the bids may not occur. But I'm not 100 percent clear that it doesn't mean you can't put out bid documents, you just can't finalize the bidding process.

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Doug Ganey: Got it. Thanks, Adrienne. Gary, we can discuss this offline. Does the city have the authority to make the environmental call if an agency has a particular opinion that the city does not agree with? So, I'm not sure exactly what we're talking about if, let's say, Fish and Wildlife Service has an opinion on endangered species and the city acting as the R.E. doesn't agree on that. I think I'm not sure we can just ignore that, Gary. I think we have to have a discussion and figure out a way to because the resource agencies have responsibility for protecting resources. So, let's address that one offline.

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NEPA Environmental Review Process “Part 58”

HUD regulations at 24 CFR Part 58 allow a Responsible Entity (RE) to assume authority to perform environmental reviews. The RE is responsible for the scope and content of the review and all findings.

The RE’s Certifying Officer, usually the mayor or governor signs and takes legal responsibility for the review.

Others may ASSIST, but local government CANNOT DELEGATE responsibility to another entity or consultant.

Doug Ganey: [Slide 13] OK, so the NEPA environmental review process is known as part 58 of the HUD regulations contained at 24 [CFR] code of federal regulations part 58. Which allow a responsible entity to assume the authority and perform environmental reviews. The R.E. becomes responsible for the scope and content of the review and all findings. We covered some of this already, R.Es, certifying officers, is usually the mayor or governor or similar and they sign and take legal responsibility for the review. Again, others may assist, consultants may assist, but they can't take on this responsibility.



NEPA-Related Laws/Authorities

- National Historic Preservation Act (1966)
- Floodplain Management & Wetlands Protection: Executive Orders (1977)
- Coastal Zone Management Act of 1972
- Safe Drinking Water Act (1974)
- Endangered Species Act (1973)
- Wild & Scenic Rivers Act (1968)
- Clean Air Act (1970)
- Farmland Protection Policy Act (1981)
- Environmental Justice Executive Order (1994)

Doug Ganey: Next slide, please, slide 14. This is a list of NEPA related laws and authorities that must be adhered to as part of the HUD NEPA process. And just as a side note, if you're familiar with doing NEPA review under another federal agency. Just a reminder that all federal agencies have their own distinct NEPA guidelines and laws and they cover a lot of the same areas, but they're also a little bit different. So, we are covering what HUD requires us to be covered under this CDBG-DR program. And so we'll list the laws here they are the National Historic Preservation Act of 1966, your floodplain management and wetland wetlands protection are covered under two executive orders, presidential executive orders from 1977. The Coastal Zone Management Act of 1972 Safe Drinking Water Act of 1974, Endangered Species Act of 1973, and I will just pause here to remind you that although we're talking about federal laws; here in California, there's a separate state endangered species act with separate state listed species that have some overlap with the federal species. But even though we are doing NEPA federal review, it doesn't mean that we don't have to consider state listed species and state environmental laws. And that goes back to the question that was asked about CEQA. All California laws for California projects need to be adhered to, as well.

Doug Ganey: The Wild and Scenic Rivers Act of 1968, The Clean Air Act of 1970.

Farmland Protection Policy Act of 1981. Another executive order pertaining to environmental justice that came out in 1994.



NEPA-Related Laws/Authorities

- HUD Environmental Criteria & Standards
 - Noise Abatement and Control
 - Near Explosives or Flammable Sites
 - Proximity to Airport Runway Protection Zones
 - Proximity to Toxic Hazards



Doug Ganey: Slide 15, please, has more environmental laws. And these are these are HUD environmental criteria and standards that are important for HUD projects, including noise abatement and control, explosive and flammable sites, proximity to airport runway protection zones and proximity to toxic hazards. And you can see that these are features where you don't want to locate houses with children and families near these dangerous and toxic environments. And that's why HUD puts special emphasis on these.



California Environmental Quality Act (CEQA)

- CEQA statute requires state and local agencies to identify the significant environmental impacts of their actions and to avoid or mitigate those impacts, if feasible
- Applies to activities defined by CEQA as projects and undertaken by a public agency or a private activity which must receive some discretionary approval
- **HCD reviews NEPA and verifies completion of CEQA**

Doug Ganey: Slide 16, please. OK, here's the CEQA slides, California Environmental Quality Act CEQA statute requires state and local agencies to identify significant environmental impacts of their actions and to avoid and mitigate those impacts if feasible. It applies to activities defined by CEQA as projects and undertaken by a public agency or a private activity which needs public agency discretionary approval. So, most of the projects under this program meet the definition of a CEQA project and will require CEQA review. Some projects may be exempt, but you have to document that exemption. And what HCD does under this program is we review the NEPA documents and then we verify that you've completed sequence equal as your lead agency responsibility and not directly related to this funding source.



Before NEPA - Define the Project

- Purpose and scope of the proposed project
- Exact location
- Existing conditions
- Size of the parcel and buildings
- Changes to structures/land
 - Area of ground disturbance, number of units, parking, linear feet of pipeline, number of service connections, etc.
- Beneficiaries (numbers, types), impact to the community
- Funding sources

Doug Ganey: Slide 17, please. Before you do your NEPA review, you need to define what the project is, you need a well written project description which should contain the purpose of the proposed project and the scope of the project a Well, described scope of what your project is, that would include the specific exact location, what the existing conditions are, pre-construction, the size of the parcel. And the buildings you intend to construct and then any demolition of existing buildings should be covered. Changes to structures including demolition, changes to land, what are the areas of ground disturbance? What's the size, number of units, parking, linear feet of utility pipelines, number of service connections, et cetera? Those might not seem directly related to environmental review, but they constitute ground disturbance digging, which could disturb archaeological features, paleontological features could stir up ground contaminants, et cetera. Also, in your project description, you should list the beneficiaries of the project. Who is this helping? What is the impact to the community? And then you need to clearly define all of the funding sources, including this CDBG-DR funding stream.



Define the Project (cont.)

- The RE must group together and evaluate as a single project all individual activities which are related geographically or functionally or are logical parts of the proposed action.
- Inadequate project descriptions are one of the major causes of violations of Part 58. It can result in activities being overlooked which are not then covered by the environmental review.

Doug Ganey: Slide 18, please. The responsible entity must group together and value evaluate all individual activities related geographically or functionally, or are logical parts of the proposed actions. What this is saying is you need to include everything related to the project, everything that's necessary for the project. So, for example, if you've got a couple of staging areas where you're going to be placing lots of construction equipment, but they're located far from where you're actually going to be building the site, those still need to be covered under your project description. Anything linked to this project needs to be revealed in the project description. And [the] second bullet on the slide shows, inadequate project descriptions are one of the major causes of violations of part fifty-eight. So, we want to be just totally transparent about everything that's needed, all other funding sources as well. Because if we don't, it can result in activities being overlooked, which aren't covered by the environmental review, but can cause environmental damage, either site specific or cumulative.



Consideration of Alternatives

- Commitment of HUD or non-HUD funds prior to approval of the environmental review inherently diminishes and biases objective consideration of alternative locations for the proposed project (including a no action alternative).
- HUD believes that the consideration of alternatives is fundamental to the environmental review process. Consideration of alternatives is the “heart of NEPA.”

Doug Ganey: Slide 19, please. Consideration of project alternatives is a critical part of NEPA. You may have in your mind what you want to do, where this project's going to be, and that's what you want to do. But regardless of what the environmental impacts are, NEPA requires that we look at other possibilities, other locations, other types of construction, what are the alternatives? And they also want you to look at the no action alternative. What will happen? What will be the pros and cons socially, economically, And environmentally if we don't build this project? HUD believes that consideration of alternatives is fundamental to the environmental review process and is essentially the heart of NEPA. We're looking at the potential environmental harm and how to avoid it and considering different project alternatives, even if you just go back to your original plan, is essential part of your NEPA review.



Determine Level of Review

Four levels of review:

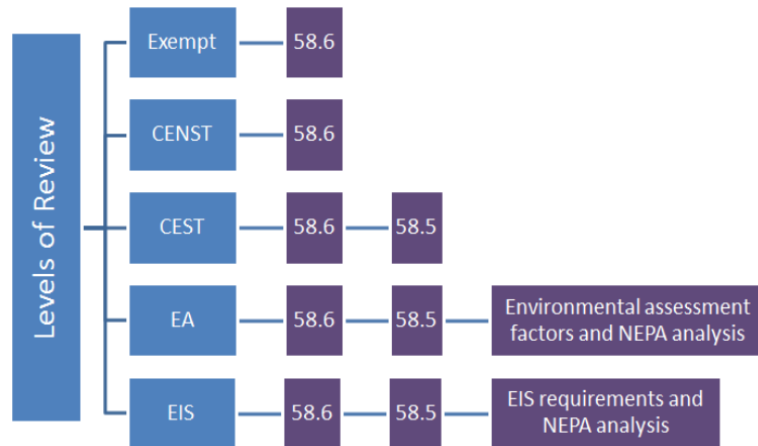
1. Exempt: 24 CFR Part 58.34(a)
2. Categorically Excluded: 24 CFR Part 58.35
 - Categorical exclusions NOT SUBJECT to (CENST) Section 58.5
 - Categorical exclusions SUBJECT to (CEST) Section 58.5
3. Environmental Assessment (EA): 24 CFR Part 58.36
4. Environmental Impact Statement (EIS): 24 CFR Part 58.37

Doug Ganey: Slide 20, please. Determining the level of review: Under HUD's NEPA guidelines, there are four distinct levels of review, and I'll say that for most of the projects we're talking about, that you subrecipients are bringing to us. The number three environmental assessment is the most likely level of review that you're looking at. The other review levels are projects that are exempt, as described in 24 CFR part 58.34 (a) and I will show some examples of exempt projects shortly. Number two are projects that are categorically excluded from NEPA review, as described under 24 CFR part 58.35. There's two types of categorical excluded projects, and those include projects not subject to section 58.5, which is a listing of several environmental laws, and then their categorical exclusions that are still subject to those laws in section 58.5. And we abbreviate these types of exclusions and the related documents for them as CENST and CEST. And again, I'll give some examples of those coming up shortly.

Environmental assessment is required for projects that are not exempt or categorically excluded. And then if your project is likely to have significant environmental impacts that cannot be mitigated to levels below significance, and you're required to do an environmental impact statement as described under 24 CFR 58.37.



Determine Level of Review



Doug Ganey: Next slide, slide 21, please. This is a flow chart from HUD's Exchange website that shows the various levels of review, they have a much more detailed flow chart on the HUD exchange where you can kind of walk your project through the process and determine where you should be. We can assist with that if you're confused about what level of review is appropriate.



Questions on NEPA?

Doug Ganey: Next slide, please. 22. OK, that's the beginning of the NEPA process, we'll go into some more details coming up, but I thought we'd pause here and look at any new questions.

Adrienne Duncan: I think very few I don't think, Doug, if you want to jump in on anything, starting with... It's a multi-family project for MHP and we [cross-talk] got that one.

Doug Ganey: Ok, I see it. Yeah. And I see a message from Patrick saying I'm a little behind on pace, which is expected. And just again, for Pat and everyone else, the slides at the end, we'll try to cover them. But those are all resource, sources for your technical review so that there's information in there on where to find what you need for sole source, aquifer's for wild and scenic rivers, et cetera. So, again, if we don't get through everything, we'll stop at the time limit and we will provide those resources to you separately and be available for questions.

Doug Ganey: So back to this question. If it's a multifamily housing project. Um, can we make the developer responsible for completing CEQA/NEPA? The answer is yes. However, the developer can't be the responsible entity, so I'm assuming the developers either skilled in doing environmental review or they would add someone to their team that's a consultant with expertise in that area. They can do all of these steps that we're talking about. You all on the call don't have to do all the work, but there has to be a responsible entity signature where you're agreeing that the review is adequate and signing off on it. And we as a HCD team

are here to assist with that process as well, to help review and get your project on the right path under NEPA.

Doug Ganey: Our next question is from Lisa Welsh. Do potential utility conduits need to be specifically described, PG&E utility relocation as a result of the project? Yeah, I would describe that because that's a construction activity. That's going to require excavation and there are potential impacts related to excavation, environmental impacts. So, I would definitely describe that. And if you're unsure on the exact location, you can fill that detail in when it becomes available. But, yeah, I definitely want to talk about anything excavation related.



Enviro Review Process - Exempt Activities

24 CFR Part 58.34(a) – (no publication requirements)

- Administration of the CDBG grant;
- Environmental studies or assessments;
- Project planning and management;
- Public services;
- Purchase of insurance;
- Technical assistance and training;
- Engineering design

In general – no physical component, planning & admin

Doug Ganey: OK. There are no other questions, we will move on to slide 23. OK. These are the details of the environmental review process; we're going to walk through these processes. First, we're going to look at the project types that are exempt from NEPA, as described under 24 CFR part 58.34(a). For these activities, there are no public notice or publication requirements and they include the list you see here. Administration of the grant. The environmental studies themselves don't have to have an environmental review, project planning and management. Public services, purchase of insurance, training, engineering design. In general, these are all tasks that have no physical construction component. This is planning and administration. It makes sense that they would be exempt from NEPA review.



Categorically Excluded Activities Not Subject to 58.5

24 CFR Part 58.35 – CENST Form

- Tenant-based rental assistance;
- Supportive services, (e.g. health care, child care);
- Operating costs, including maintenance, security, etc.;
- Economic development activities;
- Activities to assist homebuyers to purchase existing dwelling units;
- Affordable housing pre-development costs;
- Approval of supplemental assistance to a project previously approved under Part 58

Doug Ganey: Slide 24, please. There are some activities that are categorically excluded from NEPA and not subject to the laws in section 58.5. And for these activities, the responsible entity will complete the CENST form, which is available on the exchange website. We can provide links to that. These types of activities include rental assistance to tenants, supportive services like childcare and health care, operating costs for your project, including security, maintenance for your housing location, economic development activities, homebuyer assistance to purchase dwelling units that already exist and don't require construction. Pre-development costs for affordable housing projects and approval of supplemental assistance to a project that was previously approved under this section 58. So, if we're doing the CENST form, we don't have to adhere to the laws at 58.5. There are a couple of laws at 58.6 that we do have to adhere to, and I'll cover those briefly.



Categorically Excluded Activities Subject to 58.5

24 CFR Part 58.35 – CEST Form

- Acquisition, leasing, or disposition of vacant land or existing buildings with no change in land use;
- Acquisition or leasing of public facilities with no change in land use;
- Removal of barriers that restrict mobility and accessibility to elderly and handicapped;
- Rehabilitation, repair, and improvement of buildings;
- Individual actions on single family or scattered sites

Doug Ganey: Slide 25, please. There are some activities that are categorically excluded from NEPA and still subject to the environmental laws in section 58.5. And so this is CEST categorically excluded, subject to 58.5. This you can think of this as sort of a mini environmental assessment, basically your activities excluded from full NEPA review, but you still have to comply with multiple environmental laws that we'll list briefly. The activities that are covered under this type of review include acquisition, leasing, selling of vacant land or existing buildings with no change in land use. And that's the important part. There's no change in land use. As an example, under the owner-occupied rehabilitation and reconstruction, part of the CDBG-DR funds. These are single family housing reconstructions for the most part. Those are being reviewed under this format, CEST subject to 58.5. Removal of barriers that restrict mobility and accessibility get it reviewed under this type of review. Again, rehabilitation, repair and improvement of buildings and then individual actions on single family or scattered sites can be reviewed under this process.



Enviro Review Process – Impact Categories for All Levels of NEPA Review

All environmental reviews, including Exempt and Categorically Excluded Not Subject to 58.5, must comply with the laws and authorities of 24 CFR Part 58.6:

- 1- Airport Hazards
- 2- Coastal Barrier Resources (none in CA)
- 3- Flood Insurance (Where no other reasonable alt exists – as EO 11988 requires that Federal agencies avoid direct and indirect support of floodplain development.)



Doug Ganey: [Slide] 26, please. OK, for all of these environmental reviews, including projects that are exempt and the CENST not subject to 58.5, all of these reviews must comply with the laws and authorities described in 24 CFR part 58.6. And so this seems like an obscure requirement. It applies to everything, including your planning and administration. You have to do a quick summary of how your activity affects these three areas. Again, they're listed in 24 CFR part 58.6 and they are airport hazards, coastal barrier resources and flood insurance requirements. Again, that seems a little roundabout when you think about it. It's not because these are high risk areas that HUD is strongly concerned about that they don't want to put housing in these locations if they can avoid it at all. And so they want to start thinking about it under all of our environmental reviews. And that's airport hazards. Again, safety noise. We try to minimize the location of projects near airports. Coastal barrier resources are not an issue in California. We don't have barrier islands in California. Those are notoriously unstable places to build. And that's why HUD makes us constantly consider them. And then flood insurance, obviously, HUD is concerned about building in flood areas. And so where there's no other reasonable alternative. To building in a flood area, executive order 11988 requires that federal agencies avoid support of floodplain development. So no matter what we're doing, no matter what our project status is, we have to look at these three areas.



Impact Categories for Higher Levels of Review

Higher level reviews (i.e. CEST 58.5, EAs, and EISs) must comply with the laws and authorities of 24 CFR Part 58.5:

- 4- Air Quality
- 5- Coastal Zone Management Act
- 6- Contaminated and Toxic Substances
- 7- Endangered Species Act
- 8- Explosive and Flammable Hazards
- 9- Farmland Protection



Doug Ganey: Slide 27, please. So in addition to those three categories, for all of the higher level reviews, the mini E.A., which is CEST 58.5 environmental assessment, or E.A. and environmental impact statements, all of those types of studies have to comply with these additional laws and they extend onto the next slide list, these ones here. Well, air quality, is there more environmental categories than the exact laws as we've listed them here. But the laws are available in the exchange and the descriptions of how to do these environmental reviews. And there's resources for all of those on HUD's site. Air Quality Coastal Zone Management Act requires special consideration for developments in the coastal zone contaminating toxic substances. The Endangered Species Act, obviously, again, explosive and flammable hazards is something HUD wants us to consider before we cite housing, farmland protection.



Requirements for Higher Levels of Review

Higher level reviews (i.e. CEST Part 58.5, EAs, and EISs) must comply with 24 CFR Part 58.5:

- 10- Floodplain Management
- 11- Historic Preservation
- 12- Noise and Abatement
- 13- Sole Source Aquifers
- 14- Wetlands Protection
- 15- Wild and Scenic Rivers
- 16- Environmental Justice



Doug Ganey: Next slide, please, slide 28. Also, floodplain management, slightly different type of review than the flood insurance category. Historic preservation, noise and noise abatement, sole source aquifer's a couple of those in California. We have to be careful of building around. Wetlands protection, wild and scenic rivers, there are several of those in California that we also need to consider for building in close proximity. And then environmental justice is an important category for our projects. It's also covered under your CEQA Review. So all of our environmental reviews under this program, for the most part, need to cover these environmental categories.



Environmental Assessment

If a project cannot be categorized as exempt or categorically excluded, then an Environmental Assessment must be prepared.

EA

In addition to compliance with the laws and authorities at 24 CFR 58.5 and 58.6, EAs must consider additional direct, indirect and cumulative impacts on land development, socioeconomic factors, community facilities, and natural features known as the Environmental Assessment Factors.

Doug Ganey: Slide 29, please. I would just go into a little more detail on the environmental assessment process, since many of our projects are going to go through this process if your project can't be categorized as exempt or categorically excluded, then an E.A. must be prepared. So, in addition to the laws and authorities that cover those environmental topics, I just listed at 58.5 and 6, E.As also have to consider additional direct, indirect and cumulative impacts on or from land development, socioeconomic factors, community facilities and services and then natural features. And these are described in the instructions on completing an environmental assessment as the environmental assessment factors.



Environmental Assessment Process

- Complete “Determination of Environmental Assessment” form (HUD Exchange)
- Form includes:
 - Detailed Project Description;
 - Checklist for §58.6 criteria;
 - Statutory Checklist;
 - EA Checklist

Doug Ganey: Next slide, please. Or slide 30. So, there's a form for this, HUD has a lot of excellent resources on their HUD exchange sites, including formats that you can use for your reports and instructions on how to complete those formats and do a report correctly. And so there's a determination of environmental assessment form that you can use, and that's where you can input your detailed project description that we talked about. And then a checklist for the 58.6 laws and criteria's and the 58.5 statutory checklist. And then more detail in the checklist.



EA Process

- If activities occur in floodplain or wetlands, conduct 8-step decision making process and publish required notices.
- Publish Combined Notice (FONSI and NOI/RROF) and allow 15-day or 18-day comment period. Consider and respond to comments. Can publish Combined Notice and Final Floodplain concurrently.
- Certifying Officer must sign the EA certification
- Submit the Request for Release of Funds along with copy of the Notices to HCD

Doug Ganey: Next slide, 31, please. Activities are occurring and floodplains or wetlands, there is a decision-making process known as the eight-step process, which also requires public notice steps. So, that's something to make sure we consider doing our E.A. And then when the EA is completed, another publication, Public Notice Requirement, is putting a notice of finding of no significant impact (FONSI) that can be combined with the notice of intent and then a request for release of funds. And those notices have requirements. For a comment period, a public comment period that extends, say, 15 or 18 days, depending on the type of project.

Doug Ganey: And then as was asked in a question. Any public comments or comments from regulatory agencies, part of the NEPA process is to consider those comments and respond to them, and the most common way to do that is to actually put them as an appendix into your document. You can also combine the final floodplain notice if you're doing the eight-step process with these other notifications. Again, the certifying officer must sign the certification that's common to all these types of reviews. And you'll submit the request for release of funds along with a copy of all these notices to HCD when the time comes.



EA Process

- WAIT for HCD 15-day comment period and return of Authority to Use Grant Funds (HUD Form 7015.16).
- Environmental Review Complete for EA –Commence Activities.



EA Factors

If a project cannot be categorized as exempt or categorically excluded, then an Environmental Assessment must be prepared.

In addition to compliance with the laws and authorities at 24 CFR 58.5 and 58.6, EAs must consider additional direct, indirect and cumulative impacts on land development, socioeconomic factors, community facilities, and natural features known as the Environmental Assessment Factors.



EA Factor – Land Development

- Conformance with existing City Plans/Compatible Land Use & Zoning/Scale & Urban Design



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

Doug Ganey: [Slide 34] OK, thanks, Pat. And so, again, these are these are areas we need to look at in more detail when doing an environmental assessment. We want to make sure we conform with existing land use and zoning rules on the local level. So the general plans. We need to do a full examination of soil suitability, typically be a geotechnical study. Look at the slope erosion, drainage, drainage, stormwater runoff. And again, I'll say HUD publishes instructions for all of these steps and what specific they ask specific questions that they want you to address in an E.A. Whether you need to do a technical study to address them or not can be determined as you're answering those questions, but the resources for doing an E.A. with detailed instructions are all provided by HUD and they include an examination of hazards and nuisances, including safety and noise. And then they want a detailed description of energy consumption on your project.



EA Factor – Socioeconomic Impacts

- Employment and Income Patterns
- Demographic Character Change
- Displacement



Doug Ganey: Slide 35, please. Socioeconomic impacts are important for environmental assessment, many of your projects will have a positive socioeconomic impact, a benefit, we want to definitely document that as well. We need a discussion of employment and income patterns in the project area and how those might be affected by the project, the demographics, how those might change. That's an important consideration for environmental justice discussion and whether your projects going to cause any type of displacement is something that HUD wants you to document and consider.



EA Factor – Community Facilities

- Education and Cultural Facilities
- Commercial Facilities
- Health Care and Social Services
- Solid Waste Disposal/Recycling
- Water Supply
- Sanitary Sewers
- Public Safety – Police, Fire, Emergency Medical
- Parks/Open Space/Recreation
- Transportation and Accessibility



Doug Ganey: Slide, 36, please. HUD also wants your E.A. to consider community facilities in the area. These are resources that should be available if we're constructing. Again, these are these are mostly considering housing projects. Some of your infrastructure projects might be a little different, but for housing, we're going to put a house location somewhere. We it want to have access to resources in the community for schools, commercial businesses that are commonly used, such as grocery stores, hardware stores, et cetera, access to health care and social services, access to basic utilities, including solid waste disposal, water supply source. Proximity to public safety services; police, fire, emergency medical. And proximity to parks and open space is important. And the last transportation, public transportation accessibility, these are all important community facility factors you should include in your E.A.



EA Factor – Natural Features



- Unique Natural Features
- Water Resources
- Vegetation
- Wildlife
- Other Factors

Doug Ganey: Slide 37, please. Natural features, we're already looking at things like endangered species and wetlands, but HUD's description for an E.A asks you to look at other things, such as unique natural features that might not have been covered previously. Water resources, vegetation and ecosystem types, wildlife on and says other factors that are described in the instructions.



Compliance Requirements

- Complete compliance with 58.5 and 58.6
- Determine Impact of each EA Factor
- Perform an Impact Analysis
- Make a determination of Finding of No Significant Impact/Finding of Significant Impact
- Publish FONSI notice and Notice of Intent to Request Release of Funds

Doug Ganey: Slide 38, please. Compliance requirements, much of what we've described already are steps doing these environmental review is your compliance with sections 58.5 and 58.6, and then you'll determine the impact of each environmental assessment fact or whether there's no impact or no significant impact or a beneficial impact on those need to be specified in your E.A. That's your impact analysis and then for any areas where you may have a significant impact, what are your mitigation measures for mitigating those impacts to levels below significance? And that's an especially important thing to include, because if you can't mitigate them to below significant levels, if there's going to definitely be a significant impact from your project to the environment, then you need to take the next step and move up to an environmental impact statement. And then for compliance, again, we need to do the step of publishing a FONSI and a notice of intent to request a release of funds under this program.



Environmental Impact Statement

- An Environmental Impact Statement (EIS) is required when the RE determines that the project will have a potentially significant impact on the physical/human environment
- This determination often results during the scoping process or environmental responses collected from the applicable contacting agencies as well as interested and affected parties

Doug Ganey: Slide 39, please. OK, environmental impact statement is something, again, we're hoping to not have to do for any of our projects. It's something that will require a higher level of discussion with HCD. Because, again, your project is definitely going to have a potentially significant impact on the physical or human environment. So that's a serious thing to consider. And so, in most cases, we're going to want to do projects that avoid this report and review type altogether. And this determination of the need for EIS [environmental impact statement] often comes during the scoping process or during the environmental review, we find something unexpected, or we get responses from the regulatory agencies we've contacted and the general public that lead us to believe there's going to be a significant impact that we can't mitigate.



EIS Process

- In the event the environmental assessment reveals that an EIS may be required, contact HCD Compliance Officer to discuss possible means of mitigation and/or project modifications
- Regulatory provisions governing an EIS are found at:
 - Council on Environmental Quality (40 CFR Parts 1500-1508)
 - HUD (24 CFR § 58 Subpart G)

Doug Ganey: Next slide, 40, please. And so if you've determined that an EIS may be required, we're just asking that you contact the project manager at HCD to discuss possible means of mitigation or those impacts, and maybe we can come up with something or project modifications to avoid those impacts. And then regulatory provisions governing environmental impact statements are found under the Council on Environmental Quality. Federal Regulations, 40 CFR 1500 to 1508. And in the HUD regulations at 24 CFR section 58 subpart G.



Questions on Environmental Review Process?

Doug Ganey: Slide 41. OK, we've come to another pause to ask questions we're close to done about 20 minutes left to go. I will check the questions I have gotten a couple of private messages right to me and I'll just say I will address those as soon as possible after the presentation. Because I am a bad multitasker and so. Some of those I need to think about. A question from Lisa Welsh are CDBG-DR NEPA requirements different CDBG-MIT NEPA requirements? No, the NEPA requirements are...these are both HUD programs. So, any HUD funded project goes under the HUD NEPA requirements. So, you're following the same process. Oops, already answered thanks Doug [O]. Also from Lisa, can the NEPA document be a joint document with the CEQA document? Answer to that is yes. If you, do it right, that can be done. Just has to cover all the requirements of both laws.

Doug Ganey: Also, can a single NEPA document cover multiple CDBG funding grants? Yes. Answer to that is also yes. And I will talk briefly if time allows about using existing documents and combining documents. And also, Doug answered that question already, thanks Doug [O].

Doug Ganey: Patrick Carter, my understanding, of CDBG-MIT is they are largely planning project and don't necessarily involve a physical change to the environment and likely would be exempt. Implementation may impact the physical environment and therefore may not be exempt. Is that generally true? I would say yes, as far as the planning aspects would be exempt. But the actual mitigation project would not be in most cases, depends, again, always on the project's specifics. But for example, if your mitigation is a home hardening project and you're dealing with a home that is on the National Register of Historic Places, well, then there's definitely potential environmental impacts that need to be considered.

Doug Ganey: Let's see if there's any other questions that Doug Ongie has an answer, yes, from Jacqueline Pollino. Is cultural review, tribal consultation, ship clearance required for NEPA? Yes, definitely, yes. If there's more specific questions on that, you can contact us separately, but that's definitely one of the categories that we look at under NEPA.

Doug Ganey: OK, let's see how many more slides we can get to slide 42 please. So re-evaluation of the environmental review record. [Moved on to another slide]



Re-evaluation of ERR (§58.47)

- Required when new activities are added, unexpected conditions arise, additional years funding is added, or substantial changes are made to nature, magnitude or extent of project
- If original finding is still valid:
 - Re-evaluation submitted to HCD for approval.
- Original finding is no longer valid or project has significantly changed:
 - RE must prepare a new review and proceed with approval process (RROF)

Doug Ganey: OK, slide 44 [presenter means slide 42] describes the environmental review record, so I'll get to what that is specifically. But let's just call this re-evaluation of a previous environmental review. Say you did an environmental review for your project a couple of years ago. What do you need to do now? And so reevaluation is described in 24 CFR 58.47. It's required when new activities are added to your project, when unexpected conditions have arisen. And then additional funding is added or substantial changes are made to the nature, magnitude or extent of your project. And so if you look at your project after two years, for example, and the original finding of your environmental review, whether it's FONSI, no significant impact, et cetera, that that original finding is still valid, in your opinion, as the R.E, then you submit that to HCD for approval. If you find that the original finding is no longer valid because the project itself has changed substantially or the site conditions have changed, such as a new presence of endangered species or similar, then the responsible entity must prepare a new review or an updated review and proceed with the approval process for a new request for release of funds. So in some cases, you're going to need to do some type of update and depending on how the conditions have changed.



Use of Previous Environmental Review Documents

- 24 CFR 58.47 Re-evaluation of environmental assessments
- Previous HUD NEPA documents prepared by same RE
- Previous HUD NEPA document prepared by different RE
- Previous NEPA document prepared under different federal agency (permissible under 40 CFR 1506.3)
- Use of CEQA documents toward NEPA compliance

Doug Ganey: Slide 43, please. This is something that's come to us a lot it is the use of previous environmental review documents and. Previous environmental review documents are always going to be useful, but the conditions in which they can be used vary depending on who prepare them when they were prepared, quality of the documents, etc.. And so this is again covered in 24 CFR, 58.47. There are several again, types of documents that can be put forward for this program. One would be a HUD, a previous NEPA document done under HUD's guidelines, prepared by the same responsible entity. That's sort of a good situation for you because you're not having to sign off on somebody else's work. You're signing off on work already done by the responsible entity. So those documents can definitely be used. They just still may need an update depending on whether the project has changed, how much time has passed and whether the documents are a good quality, so definitely we can use previous HUD NEPA documents.

Doug Ganey: Same with if they were done by a different responsible entity. And I will say we're separately preparing a standard operating procedure for these adoptions and what you need to do from an administrative standpoint to adopt a previous document, and that's close to finalization now. If the review is done by a different responsible entity, you can use that for your project. You have to notify the other previous R.E. that you're doing that. And then again, you have to make any updates related to changes in project scope, timing, et cetera.

Doug Ganey: Previous NEPA documents prepared under a different federal agency, that is a permissible activity as described in 40 CFR 1506.3. Just keep in mind that every federal agency has its own NEPA guidelines and requirements. So if you've reviewed a project under FEMA's environmental review

requirements or the US Army Corps of Engineers, it probably covers a lot of what you need to look at for your project. But there may be a few missing pieces that you need to update for your project.

Doug Ganey: And then we've been asked about the use of CEQA documents toward NEPA compliance. You can definitely use. All of your CEQA technical studies, the data from that towards your NEPA compliance, as long as it's fair, current up to date, good quality, and then there are some again differences to NEPA that you need to make sure you cover, but in general, everyone smiles on using previous studies and not having to start from ground zero when you've already done the work.



Environmental Review Record

The Environmental Review process is a series of actions documented in an Environmental Review Record (ERR).



- Define the Project
- Determine Level of Review
- Perform Review & Document Compliance
- Finalize Review
- Build the Project
- Post Construction – Confirm Mitigation

Doug Ganey: Slide 44, please. Environmental review records weren't towards the end, I might have wanted to put this one closer to the beginning of the presentation to emphasize its importance. This this just the environmental review record is your documentation that you've done all the correct environmental review steps and it's includes your project description, your determination of the level of review, all the stuff we've been talking about, your mitigation measures during construction and after construction need to be document. This is basically your files showing the whole process of your environmental review. It can be hard copy or digital, but these need to be retained in the event of a HUD audit. So, it's good to start this at the beginning of your project, creating an environmental review record to document everything.



Environmental Review Record

The Environmental Review Record (ERR) must be available for public inspection. May contain the following:

- Description of the Project and Activities
- Maps
- Photographs
- Site Plans
- Correspondence
- Technical Studies
- Public Notices/RROFs

Doug Ganey: Slide 45, please. And these are some of the items that you should include in your environmental review record, again, project description and activities, maps are always good maps and drawings like plans, photos before and after and during construction photos. Very helpful. Any pertinent correspondence, especially related to agency approvals of your project, should be kept in the ERR. All technical studies, Geotech studies, wetlands studies, biological or cultural resources studies, and then all of your public notices should be contained in the environmental review record.



Environmental Review Record

DO NOT APPROACH ARBITRARILY

- Documentation of the environmental review should be maintained in the ERR file for each activity
- The ERR files are part of the entire grant file and must be maintained for the life of the grant and until HCD informs the grantee that the grant files may be destroyed
- This record must be available for public review
- Tabbed Binder or organized digital record

Doug Ganey: Slide 46, please. We have bold text and red text here, that means this is important. Don't just arbitrarily, randomly create your environmental review record. Documentation of the environmental review should be maintained in the file for each project activity. The ERR files are part of the entire grant file and must be maintained for the life of the grant and until HCD informs the grantee that the grant files may be destroyed. This record must be made available for public review upon request. And it can be either in a binder file or an organized digital record.



Environmental Review Record

Common Issues in Environmental Reviews

- Publication Dates too short
- Project Description lacks detail
- Inconclusive Compliance/Mitigation Documentation
- Mitigation Measures not included in FONSI

Doug Ganey: Next slide, please slide. Where are we? 47? Here are some common issues in your environment, environmental reviews you want to avoid. Publication dates to short. That means you didn't allow enough review time for public review. Lack of detail in your project description. That's something we've emphasized several times, you want a detailed, well described project. Inconclusive compliance or mitigation documentation, if you say for mitigation, you're going to do air monitoring during construction or put down stormwater, Waddle's or BMPs, as they call them, you need to document that with field sheets and photographs and show that you actually did what you said you're going to do, biological monitoring, cultural resources, monitoring during construction. All that needs to be documented and put in the environmental review record. And so this is after you've received your funds and finish your construction, you still need to continue the environmental documentation. And then if there's other mitigation measures not previously included in your FONSI, those need to be documented too.



Environmental Review Resources

HUD has been helping grant recipients complete environmental reviews for decades. They have developed extensive training materials and resources to help recipients work through the process.

Start here:

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

Doug Ganey: Slide 48, please. HUD has great online resources for doing NEPA review. They've been assisting for decades on this type of thing and they have developed extensive training materials and resources to help you through the process. And so this link is the place to start the HUD exchange website. And so this will be available to all of you on the shared PowerPoint.



Environmental Review Resources

HUD Exchange - Environmental Review

- HUD forms and preferred formats
- Sample documents
- FAQs
- Step by step Guidance
- Web-Based Instructional System for Environmental Review (WISER)
 - Self-guided online training by topic
 - Recipient needs to set up username and password to access
 - Well-designed trainings that are very easy to navigate

Doug Ganey: Next slide, please. 49. The HUD exchange for environmental review contains forms and preferred format, strongly recommend you use those. There's sample documents you can use as templates, frequently asked questions, step by step guidance for each environmental category. And then there's a whole training system that they have online called the Web based Instructional System for Environmental Review or WISER or so in each topic, you can go in there and take a training, figure out how you're supposed to do it. They actually have call-in numbers. You can talk to people and then you can talk to us on the HCD team as well. lots of resources for you.



WISER Training Modules

Training Modules available in Web-Based Instructional System for Environmental Review ([WISER](#)):

- Getting Started Part 58 (more detailed version of this training)
- Tools and Resources (how to conduct an Env. Site Visit)
- Separate Module on each Environmental Category (e.g. Airport Hazards, Flammable and Explosive Materials, etc.) except water related categories, these are grouped together in one module
 - Water Elements (Floodplain Mgmt, Flood Insurance, Wetlands, Coastal Zone Mgmt, Sole Source Aquifer)

Doug Ganey: Slide 50, please. Some more information here on the WISER training modules. I won't read through this in detail.



Environmental Review Resources

Screen shot of [HUD Laws and Authorities](#) Webpage

Find by Topic



Air Quality



Airport Hazards



Coastal Barrier Resources



Coastal Zone Management



Endangered Species



Environmental Justice

Doug Ganey: Slide 51, please. And then again, for each of the HUD laws and authorities that I discussed before, there's information by topic on how to do a review for each of those. And so the next several slides, I'll go through these topics and they contain the specific Web links for information on each of those topics. So those are all available for you. To look at on your own as you work through your environmental review, so I'm not going to go through those details because we only have four minutes left.



Environmental Review Resources

Under the [HUD Laws and Authorities link](#), each topic contains:

- Intro to the topic including the specific statutes and regulations that apply
- HUD specific guidance for that law/authority
- Links to federal environmental websites and databases for conducting research
- Worksheets with step-by-step instructions to follow to document compliance



Environmental Review Resources

The following slides have information and links to specific HUD resources for each of the 16 Laws and Authorities that must be evaluated during the Environmental Review.

Resources and assistance to support HUD's community partners



HUD EXCHANGE



1. Airport Hazards

To ensure compatible land use development, you must determine your site's proximity to civil and military airports.

- Is your project within 15,000 feet of a military airport or 2,500 feet of a civilian airport?
- If so, see HUD guidance to determine if your project located within an Accident Potential Zone (APZ) or Runway Protection Zone/Clear Zone (RPZ/CZ).
- HUD guidance and worksheets:
<https://www.hudexchange.info/programs/environmental-review/airport-hazards/>



2. Coastal Barrier Resources

Skip – Not applicable to projects in CA



3. Flood Insurance

The Flood Disaster Protection Act of 1973 requires that projects receiving federal assistance and located in an area identified by FEMA as being within a Special Flood Hazard Area be covered by flood insurance under the **National Flood Insurance Program (NFIP)**

Applicable where no other reasonable alternative exists – as EO 11988 requires that Federal agencies avoid direct and indirect support of floodplain development.

- HUD guidance and worksheets:
<https://www.hudexchange.info/programs/environmental-review/flood-insurance/>



4. Air Quality

Federal projects must conform to Clean Air Act requirements if they may constitute a significant new source of air pollution.

See HUD guidance for how to achieve compliance.

- HUD guidance and worksheets:
<https://www.hudexchange.info/programs/environmental-review/air-quality/>



5. Coastal Zone Management

Projects that can affect the coastal zone must be carried out in a manner consistent with the state coastal zone management program under Section 307(c) and (d) of the Coastal Zone Management Act.

See HUD guidance for coastal zone requirements.

HUD guidance and worksheets:

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



6. Contamination and Toxic Substances

All property proposed for use in HUD-funded programs must be free of hazardous materials, contamination, toxic chemicals and gasses, and radioactive substances, where a hazard could affect the health and safety of occupants.

See HUD guidance for steps to assess potential site contamination.

- HUD guidance and worksheets:
<https://www.hudexchange.info/programs/environmental-review/site-contamination/>



7. Endangered Species Act

The RE must consider potential impacts to Federal (and State) listed and proposed endangered and threatened species and critical habitats.

See HUD guidance for steps to assess potential existence of protected species or habitats.

- HUD guidance and worksheets:
<https://www.hudexchange.info/programs/environmental-review/endangered-species/>



8. Explosives and Flammable Hazards

Project sites located too close to facilities handling, storing or processing fuels, hazardous gases or chemicals of an explosive or flammable nature may expose occupants to the risk of injury in the event of a fire or an explosion.

See HUD guidance for steps to assess this potential risk.

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



9. Farmland Protection

The Farmland Protection Policy Act is intended to prevent the unnecessary and irreversible conversion of farmland to nonagricultural uses by Federal programs.

See HUD guidance if your project includes new construction, acquisition of undeveloped land, or change of land use.

- HUD guidance and worksheets:
<https://www.hudexchange.info/programs/environmental-review/farmlands-protection/>



10. Floodplain Management

FEMA designates floodplains as geographic zones subject to varying levels of flood risk. Floodplain information can be found at the [FEMA Map Service Center](#) .

HUD projects within a 100-Year Floodplain must complete the [8-Step Decisionmaking Process](#) to determine whether there are practicable alternatives to locating the project in the floodplain.

- HUD guidance and worksheets:
<https://www.hudexchange.info/programs/environmental-review/floodplain-management/>



11. Historic Preservation

HUD encourages the rehabilitation of historic buildings and the preservation of archeological sites. The National Historic Preservation Act directs agencies to protect historic properties and to avoid, minimize, or mitigate possible harm that may result from agency actions.

See HUD guidance to determine how to comply with Historic Preservation requirements.

- HUD guidance and worksheets:
<https://www.hudexchange.info/programs/environmental-review/floodplain-management/>



12. Noise and Abatement

Noise is generally defined as unwanted sound. HUD views excessive noise as a serious hazard to public health and welfare.

See HUD guidance for how to perform a noise assessment for the proposed project.

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



13. Sole Source Aquifers

Aquifers and surface water are drinking water systems that may be impacted by development. The Safe Drinking Water Act requires protection of drinking water systems that are the sole or principal drinking water source for an area.

See HUD guidance to determine if your project site is near a sole source aquifer.

- HUD guidance and worksheets:
<https://www.hudexchange.info/programs/environmental-review/sole-source-aquifers/>



14. Wetlands

HUD is required to minimize the destruction, loss or degradation of wetlands, and to preserve and enhance the natural and beneficial values of wetlands in carrying out agency-funded activities.

See HUD guidance to assess the potential presence of wetlands on the project site.

- HUD guidance and worksheets:
<https://www.hudexchange.info/programs/environmental-review/wetlands-protection/>



15. Wild and Scenic Rivers

The Wild and Scenic Rivers Act provides federal protection for certain free-flowing, wild, scenic, and recreational rivers designated as components or potential components of the National Wild and Scenic Rivers System.

See HUD guidance to determine if your project is located near a Wild and Scenic River.

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



16. Environmental Justice

Environmental justice means ensuring that the environment and human health are protected fairly for all people regardless of race, color, national origin, or income. HUD is required to consider how projects could have a disproportionately adverse human health or environmental effects on minority and low-income populations.

See HUD guidance for more information on how to comply with Environmental Justice requirements.

- HUD guidance and worksheets:
<https://www.hudexchange.info/programs/environmental-review/floodplain-management/>

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Doug Ganey: I think in the time available, if there's any other questions. Now I say that and I'm looking at a chat and it's empty, but I'll still ask, are there any remaining questions? It doesn't sound like it. So, I guess I will stop at this point and kick it back to you, Adrienne, if you have any thing or two that you want to say in conclusion.

Doug Ongie: This is the other, Doug, I wanted to let you know that Sue, Adrienne, and Amanda had to drop off. So, she asked that we wrap things up and to let everyone know that the slides will be available to everyone next week. And we understand that, of course, environmental review is a very complicated subject and we're available for questions or just basic technical assistance that is needed with the environmental review process. So, the contacts with the HCD reach out to them with any questions. We can follow up with a meeting if needed. And she [Adrienne] also wanted us to say thank you for everyone attending this meeting. It's a very important subject and we'll continue to provide webinars on topics such as this.

Doug Ganey: Yeah, thank you, Doug O. Appreciate it. Yeah, thanks, everyone, for joining. Have a good day and get back in touch if you have questions. A couple questions I see at the end about the slides being emailed. Doug says they're available next week, so you'll be receiving those.