



U.S. Department of Housing and Urban  
Development  
451 Seventh Street, SW  
Washington, DC 20410  
[www.hud.gov](http://www.hud.gov) / [www.hud.gov/espanol](http://www.hud.gov/espanol)

## **Broad-Level Tiered Environmental Review for Activity/Project that is Categorically Excluded Subject to Section 58.5 Pursuant to 24 CFR Part 58.35(a)**

### **Project Information**

**Project Name:** Tier I Environmental Review Record  
State of California  
2017 Community Development Block Grant – Disaster  
Recovery, Owner-Occupied Housing Rehabilitation and  
Reconstruction Grant Program

**Responsible Entity (RE):** State of California, Department of Housing and Community  
Development

**State/Local Identifier:** Orange County, California under B-18-DP-06-0001

**RE Preparer:** Not Applicable

**Certifying Officer:** Janice L. Waddell, Branch Chief, Federal Programs

**Grant Recipient** (if different than Responsible Entity): Not Applicable  
**Point of Contact:**

**Consultant** (if applicable): Hagerty Consulting and Civix  
**Point of Contact:** Amanda Tamburro

**Project Location:** Orange County, California

**Additional Location Information:**

**Direct Comments to:** Joseph Helo at [dr-enviro@hcd.ca.gov](mailto:dr-enviro@hcd.ca.gov)

### **Description of the Proposed Project [24 CFR 50.12 & 58.32; 40 CFR 1508.25]:**

The proposed projects under this Broad-Level Tiered Environmental Review will be limited to Orange County, California. The October 2017 wildfires (federally-declared disaster DR-4344) burned over 200,000 acres and destroyed buildings on an estimated 7,050 parcels including 8,922 structures. The Canyon fire was responsible for damage in Orange County. As a result of DR-4344, the federal government appropriated Community Development Block Grant-Disaster Recovery (CDBG-DR) funds to support

the unmet recovery needs. The California Department of Housing and Community Development (HCD) is the lead and responsible agency for administering the CDBG-DR funds allocated to the State of California.

The 2017 CDBG-DR program will provide grants to owner-occupied homeowners to rehabilitate or reconstruct homes damaged or destroyed during the 2017 disasters. The Owner-Occupied Housing Rehabilitation and Reconstruction Program (“OOR” or “Program”) objective is to provide decent, safe, and sanitary housing in the areas affected by the disasters. The program is designed to ensure that the housing needs of very-low, low- and moderate-income (LMI) households and vulnerable populations, including individuals that were made homeless as a result of the disaster, are addressed to the greatest extent feasible. The 2017 CDBG-DR program will also provide funding for impacted homeowners to replace their damaged or destroyed manufactured housing units (“MHUs”).

Reconstruction is defined as the rebuilding of a structure on the same site in substantially the same footprint and manner. A reconstructed property must not increase the number of dwellings on site, although the number of rooms may increase or decrease. If a MHU homeowner is not able to replace their MHU on its original site location, the MHU homeowner will be allowed to relocate within the county to a previously developed location already prepared for an MHU with existing utility connections.

Program grant recipients must meet the following criteria:

- Owned and occupied the damaged home as their primary residence at the time of the qualifying disaster;
- The home or MHU must have been damaged as a result of the qualifying disaster and located in an impacted county or zip code;
- Must be current on property taxes or have an approved payment plan or tax exemption;
- Must have been correctly permitted and permissible for the zoning area or local development standard; and
- The property must be a single-family dwelling, such as stick built, modular, or MHU.

The program will provide rehabilitation or reconstruction assistance to eligible applicants based on the extent of damage to their primary residences. Program activities may include the following, but not limited to:

- Environmental remediation;
- Permitting, design, and planning;
- Construction, including materials and labor;
- Site preparation for replacement housing; and,
- Lead-based paint and asbestos abatement.

Prioritization criteria for participation in the Program will ensure that sufficient housing recovery programming will be directed toward LMI beneficiaries.

**Approximate size of the project area:**

The project area is within the limits of Orange County, see Figure 1.

**Length of time covered by this review:**

The Program activities are being evaluated through a tiered environmental review. This Tier 1 Review will be valid for five (5) program years after the issuance of the Authority to Use Grant Funds, barring any major changes in the program and/or in environmental conditions.

**Maximum number of dwelling units or lots addressed by this tiered review:** Up to 400 units, including units in other counties being analyzed separately.

**Level of Environmental Review Determination:**

Categorically Excluded per 24 CFR 58.35(a)(3)(i), and subject to laws and authorities at §58.5.

**Funding Information**

<b>Grant Number</b>	<b>HUD Program</b>	<b>Program Name</b>	<b>Funding Amount</b>
B-18-DP-06-0001	CDBG-DR	OOR	\$47,627,648

**Estimated Total HUD Funded Amount:**           **\$47,627,648**

**Estimated Total Project Cost (HUD and non-HUD funds) [24 CFR 58.32(d)]:**  
**\$47,627,648**

## **Compliance with 24 CFR 50.4, 58.5, and 58.6 Laws and Authorities and Written Strategies**

<b>Compliance Factors:</b> Statutes, Executive Orders, and Regulations listed at 24 CFR 50.4, 58.5, and 58.6	Was compliance achieved at the broad level of review?	<b>If Yes:</b> Describe compliance determinations made at the broad level.  <b>If No:</b> Describe the policy, standard, or process to be followed in the site-specific review.
<b>STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR 50.4 &amp; 58.6</b>		
<b>Airport Hazards</b>  24 CFR Part 51 Subpart D	<div> <div>Yes    No</div> <div> <input type="checkbox"/> <input checked="" type="checkbox"/> </div> </div>	<p>The purpose of 24 CFR Part 51D is to promote compatible land uses around civil airports and military airfields. It is HUD policy to not provide any assistance to projects and actions in Runway Protection, Accident Potential, or Clear Zones if the project is frequently used or occupied by people. To ensure compatible land use development, the site's proximity to civil and military airports must be determined.</p> <p>In accordance with 24 CFR 51.301(c), civil airports are defined as commercial service airports designated by the Federal Aviation Administration's National Plan of Integrated Airport Systems (NPIAS). In Orange County, the NPIAS identified one commercial service airport, the John Wayne Airport, located at 18601 Airport Way in Santa Ana (U.S. Department of Transportation, 2018).</p> <p>HUD regulations also include restrictions on construction and major rehabilitation in clear zones and accident potential zones associated with runways at military airfields. There is one active military airfield in Orange County, the Los Alamitos Joint Forces Training Base located in Los Alamitos, CA. All known military clear zones or accident potential</p>



<b>Compliance Factors:</b> Statutes, Executive Orders, and Regulations listed at 24 CFR 50.4, 58.5, and 58.6	Was compliance achieved at the broad level of review?	<b>If Yes:</b> Describe compliance determinations made at the broad level. <b>If No:</b> Describe the policy, standard, or process to be followed in the site-specific review.
		<p>zones surrounding this airport must be avoided.</p> <p>The location of John Wayne Airport and its associated 2,500-foot radius is presented as Figure 2. Figure 3 shows the location of Los Alamitos Joint Forces Training Base runways with a 15,000-foot radius. The radii shown are generally from the runway ends; site-specific projects will need to be evaluated for distance from Runway Protection, Accident Potential, and Clear Zones.</p> <p><b>Compliance will be achieved at the site-specific level of environmental review.</b></p>
<b>Coastal Barrier Resources</b>  Coastal Barrier Resources Act, as amended by the Coastal Barrier Improvement Act of 1990 [16 USC 3501]	Yes      No <input checked="" type="checkbox"/> <input type="checkbox"/>	The Coastal Barrier Resources Act applies to coastal barriers along the Atlantic Ocean, the Gulf of Mexico, the Great Lakes, U.S. Virgin Islands, and Puerto Rico coasts. This project is located in a state outside of the Coastal Barrier Resource System.  <b>This project is in compliance with the Coastal Barrier Resources Act.</b>
<b>Flood Insurance</b>  Flood Disaster Protection Act of 1973 and National Flood Insurance Reform Act of 1994 [42 USC 4001-4128 and 42 USC 5154a]	Yes      No <input type="checkbox"/> <input checked="" type="checkbox"/>	The Flood Disaster Protection Act of 1973 requires that projects receiving federal assistance be covered by flood insurance if they are located in a Special Flood Hazard Area (SFHA) as designated by the Federal Emergency Management Agency (FEMA). If a property is located in a SFHA on a National Flood Insurance Program map, the homeowner is required to maintain flood insurance. Orange County participates in the NFIP (See Attachment 1) and has several areas that have been designated within the 100-year floodplain provided on Figure 4 (FEMA, 2019).

<b>Compliance Factors:</b> Statutes, Executive Orders, and Regulations listed at 24 CFR 50.4, 58.5, and 58.6	Was compliance achieved at the broad level of review?	<b>If Yes:</b> Describe compliance determinations made at the broad level. <b>If No:</b> Describe the policy, standard, or process to be followed in the site-specific review.
		<b>Compliance will be achieved at the site-specific level of environmental review.</b>
<b>Clean Air</b>  Clean Air Act, as amended, particularly section 176(c) & (d); 40 CFR Parts 6, 51, 93	<div> <div>Yes</div> <div>No</div> <div><input checked="" type="checkbox"/></div> <div><input type="checkbox"/></div> </div>	<p>The Clean Air Act is administered by the U.S. Environmental Protection Agency (USEPA) which sets National Ambient Air Quality Standards.</p> <p>Orange County is considered a non-attainment area as viewed on the USEPA's "Counties Designated Nonattainment" map (Attachment 2). The California Air Resources Board administers and enforces air quality in accordance with the State Implementation Plan per the Clean Air Act.</p> <p>According to the USEPA Greenbook, Orange County was in nonattainment in 2019 for 8-hour ozone (2008 &amp; 2015 standards) and fine particulate matter ("PM-2.5") (1997, 2006 and 2012 standards) (USEPA, 2019). The USEPA predicted the average indoor radon screening level for Orange County as less than 2 picocuries per liter (pCi/L) or Zone 3.</p> <p>The South Coast Air Pollution Control District is the agency responsible for enforcement of all State and Federal Air Quality Laws and Local Air Quality Regulations in Orange County. Agency feedback is provided in Attachment 2.</p> <p>Projects will be completed on existing single-family home sites and do not include any new buildings or structures other than the replacement of damaged homes or conversion of land use</p>

<b>Compliance Factors:</b> Statutes, Executive Orders, and Regulations listed at 24 CFR 50.4, 58.5, and 58.6	Was compliance achieved at the broad level of review?	<b>If Yes:</b> Describe compliance determinations made at the broad level. <b>If No:</b> Describe the policy, standard, or process to be followed in the site-specific review.
		<p>facilitating the development of public, commercial, or industrial facilities or five or more dwelling units.</p> <p>Site-specific projects will comply with any local construction permit and/or code requirements.</p> <p><b>This project is in compliance with the Clean Air Act.</b></p>
<b>Coastal Zone Management</b>  Coastal Zone Management Act, sections 307(c) & (d)	Yes      No <input type="checkbox"/> <input checked="" type="checkbox"/>	<p>The coastal zone in Orange County includes areas adjacent to the Pacific Ocean and Newport Bay.</p> <p>The coastal zone in Orange County adjacent to the Pacific Ocean extends inland generally 1,000-yards from the mean tide line. In significant coastal estuarine habitat and recreational areas it extends inland to the first major ridgeline paralleling the sea or five-miles from the mean high tide boundary as presented on Figure 5. The coastal zone for Orange County is governed by the South Coast District of the California Coastal Commission and Local Coastal Programs managed by Orange County and the following cities: Aliso Viejo, Costa Mesa, Dana Point, Huntington Beach, Irvine, Laguna Beach, Laguna Niguel, Newport Beach, San Clemente, and Seal Beach.</p> <p>California Public Resources Code, Division 20, California Coastal Act, Section 30610(g)(1) authorizes the replacement of any structure, other than a public works facility, destroyed by a disaster. The replacement structure shall conform to applicable existing zoning requirements, shall be for the same use as the destroyed</p>

<b>Compliance Factors:</b> Statutes, Executive Orders, and Regulations listed at 24 CFR 50.4, 58.5, and 58.6	Was compliance achieved at the broad level of review?	<b>If Yes:</b> Describe compliance determinations made at the broad level. <b>If No:</b> Describe the policy, standard, or process to be followed in the site-specific review.
		<p>structure, shall not exceed either the floor area, height, or bulk of the destroyed structure by more than 10 percent, and shall be sited in the same location on the affected property as the destroyed structure. Site-specific projects impacted by the disaster located within the coastal zone will comply with applicable local regulations, but will be subject to local coastal agency approval.</p> <p>Agency feedback is provided as Attachment 3.</p> <p><b>Compliance will be achieved at the site-specific level of environmental review.</b></p>
<b>Contamination and Toxic Substances</b>  24 CFR Part 50.3(i) & 58.5(i)(2)	Yes      No <input type="checkbox"/> <input checked="" type="checkbox"/>	<p>Proposed program activities will be completed on existing residential sites and potentially proximate to contaminated sites.</p> <p>It is HUD's policy, as described in 24 CFR Part 50.3(i) and 24 CFR 58.5(i)(2), that all properties proposed for use in HUD programs be free of hazardous materials, contamination, toxic chemicals and gases, and radioactive substances, if a hazard could affect the health and safety of occupants or conflict with the intended utilization of the property. Attention should be given to any proposed program site in the general proximity of areas such as dumps, landfills, industrial sites, or other locations that contain or may have contained hazardous wastes.</p> <p>California's Department of Toxic Substances Control (DTSC) maintains EnviroStor, an online data management system for hazardous waste sites and</p>

<b>Compliance Factors:</b> Statutes, Executive Orders, and Regulations listed at 24 CFR 50.4, 58.5, and 58.6	Was compliance achieved at the broad level of review?	<b>If Yes:</b> Describe compliance determinations made at the broad level. <b>If No:</b> Describe the policy, standard, or process to be followed in the site-specific review.
		<p>sites with known or suspected contamination issues. In Orange County, EnviroStor returned 809 unique locations, of which 72 were identified as no action required and 139 required no further action (CA DTSC, 2020).</p> <p>According to CA DTSC there are three permitted hazardous waste disposal facilities or current pending hazardous waste disposal facility permits for Orange County.</p> <p>In Orange County there are three listed “Superfund”/ National Priorities List (NPL) sites under the federal Comprehensive Environmental Response, Compensation and Liability Act. The Superfund sites in Orange County include (1) the former Marine Corps Air Station El Toro in El Toro; (2) McColl petroleum waste disposal site at the corner of Rosecrans Avenue and Sunny Ridge Drive in Fullerton; and (3) Orange County North Basin in Fullerton. The Orange County North Basin site is a contaminated groundwater plume which covers an area over 5 square miles in an industrial section of the city of Fullerton in the vicinity of W. Orangethorpe Avenue between Euclid Street and past State College Boulevard and has been proposed for listing on the NPL. A fourth site, Ralph Gray Trucking Company, was deleted from the NPL in 2004 (USEPA, 2020).</p> <p>A map of solid and hazardous waste disposal facilities, contaminated sites, and large quantity hazardous waste generator</p>

<b>Compliance Factors:</b> Statutes, Executive Orders, and Regulations listed at 24 CFR 50.4, 58.5, and 58.6	Was compliance achieved at the broad level of review?	<b>If Yes:</b> Describe compliance determinations made at the broad level. <b>If No:</b> Describe the policy, standard, or process to be followed in the site-specific review.
		<p>locations in Orange County is provided as Figure 6.</p> <p>Program locations may include lead-based paint and materials containing asbestos. These are hazardous materials that could affect the health of residents. All activities must comply with applicable federal, state, and local laws and regulations regarding asbestos and lead-based paint.</p> <p><b>Compliance will be achieved at the site-specific level of environmental review.</b></p>
<b>Endangered Species</b>  Endangered Species Act of 1973, particularly section 7; 50 CFR Part 402	Yes      No <input type="checkbox"/> <input checked="" type="checkbox"/>	<p>The Endangered Species Act (ESA), as amended, is intended to protect and recover species in danger of extinction and the ecosystems they depend upon. HUD must ensure that any action it authorizes, funds, or carries out is not likely to jeopardize the continued existence of a listed species in the wild or destroy or adversely modify its critical habitat.</p> <p>Program locations in Orange County could potentially impact resources managed or regulated by the U.S. Fish and Wildlife Service (FWS) and/or the California Department of Fish and Wildlife (CDFW). In Orange County there are 30 threatened, endangered, or candidate species and 9 critical habitats managed or regulated by the FWS. In addition to these federally-listed species, the CDFW has identified 22 species classified as endangered, threatened, or official candidate under the California Endangered Species Act. Since the program consists of existing single-family owner-occupied rehabilitation or</p>

<b>Compliance Factors:</b> Statutes, Executive Orders, and Regulations listed at 24 CFR 50.4, 58.5, and 58.6	Was compliance achieved at the broad level of review?	<p><b>If Yes:</b> Describe compliance determinations made at the broad level.</p> <p><b>If No:</b> Describe the policy, standard, or process to be followed in the site-specific review.</p>
		<p>reconstruction generally within the previously disturbed footprint, no habitat disturbance is expected.</p> <p>Figure 7 shows threatened and endangered species and critical habitats found in Orange County.</p> <p>See Attachment 4 for the Orange County federal and state official species list and agency coordination.</p> <p><b>Compliance will be achieved at the site-specific level of environmental review.</b></p>
<b>Explosive and Flammable Hazards</b>  24 CFR Part 51 Subpart C	<div> <div>Yes</div> <div>No</div> <div><input checked="" type="checkbox"/></div> <div><input type="checkbox"/></div> </div>	<p>The purpose of the explosive and flammable hazards category is to establish safety standards to keep HUD-assisted projects acceptable distances from specific, stationary, hazardous operations which store, handle, or process hazardous substances.</p> <p>The proposed projects do not increase residential densities as they are single-family owner-occupied rehabilitation and reconstruction activities. Because the proposed projects do not increase the number of people being exposed to hazardous operations by increasing residential densities, the proposed project does not meet the definition of a HUD-assisted project per 24 CFR 51.201. The proposed projects will not include hazardous facilities, a facility that mainly stores, handles or processes flammable or combustible chemicals such as bulk fuel storage facilities and refineries.</p>

<b>Compliance Factors:</b> Statutes, Executive Orders, and Regulations listed at 24 CFR 50.4, 58.5, and 58.6	Was compliance achieved at the broad level of review?	<b>If Yes:</b> Describe compliance determinations made at the broad level. <b>If No:</b> Describe the policy, standard, or process to be followed in the site-specific review.
		<b>This project is in compliance with 25 CFR Part 51, Subpart C.</b>
<b>Farmlands Protection</b>  Farmland Protection Policy Act of 1981, particularly sections 1504(b) and 1541; 7 CFR Part 658	Yes      No <input checked="" type="checkbox"/> <input type="checkbox"/>	The purpose of the Farmland Protection Policy Act is to minimize the effect of Federal programs on the unnecessary and irreversible conversion of farmland to nonagricultural uses. This program will provide grants to eligible homeowners to rehabilitate or reconstruct homes damaged or destroyed in federally declared disaster areas. Reconstruction is defined as the rebuilding of a structure on the same site in substantially the same manner.  Project activities do not involve farmland conversion and take place on land that was already committed to urban development.  <b>This project is in compliance with the Farmland Protection Policy.</b>
<b>Floodplain Management</b>  Executive Order 11988, particularly section 2(a); 24 CFR Part 55	Yes      No <input type="checkbox"/> <input checked="" type="checkbox"/>	HUD regulations require compliance with Executive Order 11988, Floodplain Management. Executive Order 11988 requires federal activities to avoid impacts to flood plains and to avoid direct and indirect support of floodplain development to the extent practicable.  The purpose of this program is for owner-occupied homes to be rehabilitated or rebuilt on existing lots following a disaster. Any activities will take place in the disturbed area of the previously developed parcel and are not expected to result in any permanent direct or indirect impacts to the floodplain.  Nevertheless, each subject property will be evaluated for its proximity to the



Compliance Factors: Statutes, Executive Orders, and Regulations listed at 24 CFR 50.4, 58.5, and 58.6	Was compliance achieved at the broad level of review?	<b>If Yes:</b> Describe compliance determinations made at the broad level. <b>If No:</b> Describe the policy, standard, or process to be followed in the site-specific review.
		<p>floodplain using FEMA issued Flood Insurance Rate Maps (FIRM) to evaluate flood risks and impacts. The evaluation of program activities in a floodplain are included with the 8-step process for Floodplain Management (see written strategies at the end of this document). Orange County 100-year floodplains are shown in the attached Figure 4.</p> <p><b>Compliance will be achieved at the site-specific level of environmental review.</b></p>
<b>Historic Preservation</b>  National Historic Preservation Act of 1966, particularly sections 106 and 110; 36 CFR Part 800	Yes      No <input type="checkbox"/> <input checked="" type="checkbox"/>	<p>The National Historic Preservation Act of 1966, particularly Sections 106 and 110, protects historic properties from possible harm by federal agency programs. Section 106 review is detailed in 36 CFR Part 800 and will be followed during Tier 1 and Tier 2 activities. Each subject property will be evaluated to determine the year-built date of structures to be rebuilt.</p> <p>Properties over 45 years may be considered a historic property. For potentially historic properties and buildings, consultation with the California State Historic Preservation Officer (SHPO) will be necessary to determine if the site is historic and if the undertaking will have adverse effects. Reconstruction of destroyed historic features or mitigation for loss of such features may be required.</p> <p>Native American tribes with potential cultural and traditional affiliations to Orange County were contacted.</p>

<b>Compliance Factors:</b> Statutes, Executive Orders, and Regulations listed at 24 CFR 50.4, 58.5, and 58.6	Was compliance achieved at the broad level of review?	<b>If Yes:</b> Describe compliance determinations made at the broad level. <b>If No:</b> Describe the policy, standard, or process to be followed in the site-specific review.
		See Attachment 5 for letters to California SHPO and associated tribal consultation information.  <b>Compliance will be achieved at the site-specific level of environmental review.</b>
<b>Noise Abatement and Control</b>  Noise Control Act of 1972, as amended by the Quiet Communities Act of 1978; 24 CFR Part 51 Subpart B	Yes      No <input type="checkbox"/> <input checked="" type="checkbox"/>	It is HUD's general policy to provide minimum national standards applicable to HUD programs to protect citizens against excessive noise in their communities and places of residence. For modernization projects in noise zones, HUD encourages mitigation to reduce levels to acceptable compliance standards.  Each subject property will be evaluated to determine if it is within 1,000-feet of a major roadway; 3,000-feet of a railroad; or 15-miles of a military or FAA regulated civil airfield.  If any proposed sites are within these distances, a HUD Noise Abatement and Control checklist will be followed to determine if the noise is at an acceptable level.  All owner-occupied reconstruction and rebuilding projects will comply with applicable local, state, and federal (HUD) regulations governing noise during home construction.  <b>Compliance will be achieved at the site-specific level of environmental review.</b>
<b>Sole Source Aquifers</b>  Safe Drinking Water Act of 1974, as	Yes      No <input checked="" type="checkbox"/> <input type="checkbox"/>	According to the U.S. Environmental Protection Agency's Sole Source Aquifers Protection Program, there are no Sole Source Aquifers in Orange County.

<b>Compliance Factors:</b> Statutes, Executive Orders, and Regulations listed at 24 CFR 50.4, 58.5, and 58.6	Was compliance achieved at the broad level of review?	<b>If Yes:</b> Describe compliance determinations made at the broad level. <b>If No:</b> Describe the policy, standard, or process to be followed in the site-specific review.
amended, particularly section 1424(e); 40 CFR Part 149		<b>This project is in compliance with the Safe Drinking Water Act section 1424(e).</b>
<b>Wetlands Protection</b>  Executive Order 11990, particularly sections 2 and 5	Yes      No <input type="checkbox"/> <input checked="" type="checkbox"/>	<p>Executive Order 11990 protects wetlands and requires federal activities to avoid adverse impacts to wetlands. Jurisdictional wetlands are visible through the National Wetlands Inventory Map. Orange County wetlands are shown in Figure 7, National Wetlands Inventory Map.</p> <p>The purpose of this project is for owner-occupied homes to be rehabilitated or reconstructed on existing lots following a disaster. Any activities will take place in the disturbed area of the previously developed parcel and are not expected to result in any new permanent direct or indirect impacts to wetlands.</p> <p>Nevertheless, each subject property will be evaluated for its proximity to wetland resources. If a proposed activity is within a wetland or could potentially impact a wetland, a site-specific eight-step analysis of the long- and short-term adverse impacts must be performed to determine if there are any practicable alternatives to providing CDBG-DR assistance in the wetland. The evaluation of proposed project activities on wetland resources are included with the 8-step process for Floodplain Management.</p> <p>Best management practices for soil erosion and stormwater management will</p>

<b>Compliance Factors:</b> Statutes, Executive Orders, and Regulations listed at 24 CFR 50.4, 58.5, and 58.6	Was compliance achieved at the broad level of review?	<b>If Yes:</b> Describe compliance determinations made at the broad level. <b>If No:</b> Describe the policy, standard, or process to be followed in the site-specific review.
		be applied as appropriate for protection of wetlands.  <b>Compliance will be achieved at the site-specific level of environmental review.</b>
<b>Wild and Scenic Rivers</b>  Wild and Scenic Rivers Act of 1968, particularly section 7(b) and (c)	Yes      No <input checked="" type="checkbox"/> <input type="checkbox"/>	There are no designated Wild and Scenic Rivers in Orange County according to the Wild and Scenic River Systems Designations Map, compiled by the U.S. Department of Agriculture (USDA) Forest Service (USDA Forest Service, 2016). There are also no river segments currently being studied as a potential component of the Wild & Scenic River System in Orange County.  The Nationwide Rivers Inventory (NRI) is a listing of free-flowing river segments that are potential candidates for future inclusion in the National Wild and Scenic River System. Under the Wild and Scenic Rivers Act section 5(d)(1) and related guidance, all federal agencies must seek to avoid or mitigate actions that would adversely affect an NRI segment. There are no NRI river segments located in Orange County (NPS, 2018).  <b>This project is in compliance with the Wild and Scenic Rivers Act.</b>
<b>ENVIRONMENTAL JUSTICE</b>		
<b>Environmental Justice</b>  Executive Order 12898	Yes      No <input checked="" type="checkbox"/> <input type="checkbox"/>	The proposed activities for Orange County are to rehabilitate and rebuild single-family homes for low- to moderate- income individuals that were impacted during the 2017 disasters. These activities are to

<b>Compliance Factors:</b> Statutes, Executive Orders, and Regulations listed at 24 CFR 50.4, 58.5, and 58.6	Was compliance achieved at the broad level of review?	<b>If Yes:</b> Describe compliance determinations made at the broad level. <b>If No:</b> Describe the policy, standard, or process to be followed in the site-specific review.
		<p>return individuals to their homes, essentially rebuilding the impacted neighborhoods. The rebuilding activities will improve the condition of the housing, making it more durable, energy-efficient, and safe from mold, asbestos, and lead-based paint.</p> <p>Low to moderate income households will receive significant benefits from this program. This program does not create any adverse environmental impacts disproportionate for the low-income and/or minority community.</p> <p><b>This project is in compliance with Executive Order 12898.</b></p>

Attach supporting documentation as necessary, including a site-specific checklist.

### **Supporting Documentation**

**Figure 1** – Orange County, CA Location Map

**Figure 2** – Orange County, CA Civil Airport

**Figure 3** – Orange County, CA Military Airfield

**Figure 4** – Orange County, CA 100-Year Floodplain

**Figure 5** – Orange County, CA Coastal Zone Boundary

**Figure 6** – Orange County, CA Hazardous Waste Sites

**Figure 7** – Orange County, CA Sensitive Species and Critical Habitat

**Figure 8** – Orange County, CA National Wetlands Inventory Map

**Attachment 1** – Orange County, CA National Flood Insurance Program

**Attachment 2** – Clean Air Act

**Attachment 3** – Coastal Zone Management

**Attachment 4** – Endangered Species

**Attachment 5** – Historic Preservation

**Attachment 6** – Site Specific or Tier 2 Reviews

**Determination:**

- ☐ Extraordinary circumstances exist and this project may result in significant environmental impact. This project requires preparation of an Environmental Assessment (EA); OR
- ☐ There are no extraordinary circumstances which would require completion of an EA, and this project may remain Categorically Excluded Subject to Section 58.5.

Preparer Signature:

\_\_\_\_\_ Date: \_\_\_\_\_

Name/Title/Organization: \_\_\_\_\_

Responsible Entity Agency Official Signature:

\_\_\_\_\_ Date: \_\_\_\_\_

Name/Title:

\_\_\_\_\_

This original, signed document and related supporting material must be retained on file by the Responsible Entity in an Environmental Review Record (ERR) for the activity/project (ref: 24 CFR Part 58.38) and in accordance with recordkeeping requirements for the HUD program(s).

**This document represents the Tier 1 or Broad-Level review *only*. As individual sites are selected, this review must be supplemented by individual Tier 2 or Site-Specific reviews for each site. All laws and authorities requiring site-specific analysis will be addressed in these individual reviews.**

### Written Strategies

The following strategies provide the policy, standard, or process to be followed in the site-specific review for each law, authority, and factor that will require completion of a site-specific review.

Law, Authority, or Factor	Written Strategy
<b>Airport Hazards</b>	<ol style="list-style-type: none"><li>1. Determine if the site is within 2,500-feet of John Wayne Airport in Santa Ana or within 15,000-feet of Los Alamitos Joint Forces Training Base located in Los Alamitos. If no, review concluded.</li><li>2. If the proposed site is within these distances, determine if it is located within the runway potential zone/clear zone or the accident potential zone. If no, review concluded.</li><li>3. If the site is within the runway potential zone/clear zone or the accident potential zone, HUD assistance may not be used at this location for facilities that will be frequently used or occupied by people, unless the project otherwise meets the Department of Defense's Land Use Compatibility Guidelines.</li></ol>
<b>Flood Insurance</b>	<p>Orange County participates in the National Flood Insurance Program.</p> <ol style="list-style-type: none"><li>1. Include a copy of the FEMA Flood Insurance Rate Map (FIRM) for the proposed site.</li><li>2. If the proposed site is in a special flood hazard area (SFHA), a copy of the flood insurance policy declaration or paid receipt should be obtained. Homeowners are required to maintain flood insurance if the program activity is within a SFHA.</li></ol>
<b>Coastal Zone Management</b>	<ol style="list-style-type: none"><li>1. Determine if the site is within the California Coastal Zone. If no, review complete.</li><li>2. If yes, the California Coastal Commission will be contacted to determine the appropriate coastal development permit (CDP) process.</li></ol>
<b>Contamination and Toxic Substances</b>	<ol style="list-style-type: none"><li>1. Identify any facilities near the proposed project location that contained hazardous materials, contamination, toxic chemicals, etc., using California's EnviroStor database. This includes sites within 3,000-feet of a solid waste landfill; a proposed location with an underground storage tank; or a hazardous waste site. If none, and the home was built after 1978, review complete.</li><li>2. If yes, work with HCD to identify the mitigation needed according to applicable regulations to ensure the homeowner will not incur exposure to any toxic chemicals or</li></ol>



<b>Law, Authority, or Factor</b>	<b>Written Strategy</b>
	<p>contaminants. A Phase I environmental site assessment prepared in accordance with ASTM International, Inc. standards may be required.</p> <p>3. For homes built prior to 1978:</p> <ul style="list-style-type: none"> <li>a. All exposed surfaces shall be inspected for lead-based paint and defective surfaces will be tested for lead based paint. If any lead-based paint is found, coverage, removal, or other corrective action will be taken to comply with applicable regulations.</li> <li>b. Homes are tested for the presence of asbestos in areas needing repair, and more broadly, if the home is demolished for reconstruction.</li> </ul>
<b>Endangered Species</b>	<ol style="list-style-type: none"> <li>1. Determine if all proposed activities are occurring in the pre-existing disturbed area associated with the structure. Confirm the following: <ul style="list-style-type: none"> <li>a. The scope of work does not include any native tree removal.</li> <li>b. The scope of work does not have the potential to affect any federally or state-listed species and/or designated critical habitat.</li> <li>c. The pre-construction survey of the property/project location does not identify any nesting birds that may be protected under the Migratory Bird Treaty Act of 1918 or adjacent to a stream.</li> <li>d. If yes to all, review concluded.</li> </ul> </li> <li>2. If proposed activities involve construction outside of pre-existing disturbed area, evaluate if any of the federally or state listed species or critical habitats are present or potentially present? Are they potentially subject to disturbance from project activities? If yes, prepare a Biological Assessment to assess if proposed activities “may affect” proposed species and designated and proposed critical habitat.</li> <li>3. Consult State and Federal wildlife agencies if needed for determination (e.g. property is adjacent to a stream).</li> </ol>
<b>Floodplain Management</b>	<p>Identify if the proposed site is located in a FEMA SFHA, based upon FEMA FIRM map. If a site is located within a regulatory floodway, construction is prohibited by HUD. If site is within a</p>

Law, Authority, or Factor	Written Strategy
	<p>100-year floodplain or wetland, the site-specific project must undergo the 8-Step Decision Making Process.</p> <p><u>8-Step Decision Making Process (reference 24 CFR 55.20 for full procedure)</u></p> <ol style="list-style-type: none"> <li>1. Determine whether the proposed action is located in a 100-year floodplain (or a 500-year floodplain for critical actions) or results in new construction in a wetland. If the action does not occur in a floodplain or result in new construction in a wetland, then no further compliance action is required.</li> <li>2. Notify the public and agencies responsible for floodplain management or wetlands protection of a proposal and involve the affected and interested public and agencies in the decision making process.</li> <li>3. Identify and evaluate practicable alternatives to locating the proposed action in a 100-year floodplain or wetland.</li> <li>4. Identify and evaluate the potential direct and indirect impacts associated with floodplain or wetland development.</li> <li>5. Where practicable, design or modify the proposed action to minimize the potential adverse impacts to and from the floodplain or wetland and preserve its natural and beneficial functions and values.</li> <li>6. Re-evaluate the alternatives.</li> <li>7. If the re-evaluation results in a determination that there is no practicable alternative to locating the proposal in the floodplain or wetland, publish a final notice that includes the reasons why the proposal must be located in the floodplain, a list of alternatives considered, all mitigation measures to be taken to minimize the adverse impacts and give the public a minimum of 7 days for comment.</li> <li>8. Implement the proposed action and ensure that the mitigating measures identified in Step 7 are implemented.</li> </ol>
<b>Historic Preservation</b>	<p>For potentially historic properties and buildings (45 years old or greater), consultation with the SHPO will be necessary to determine if site is historic and if the undertaking will have adverse effects. The following process will be followed:</p>

<b>Law, Authority, or Factor</b>	<b>Written Strategy</b>
	<ol style="list-style-type: none"> <li>1. HCD will request consultation under Section 106 from the SHPO if any of the following circumstances are encountered:               <ol style="list-style-type: none"> <li>a) A subject property will undergo exterior work and is older than 45 years old;</li> <li>b) A rehabilitation project involves substantial earth moving, such as footing/foundation trenching, utility line excavation, septic tank excavation, or if the possibility exists that such earth disturbance may or will occur on or near an archeological site; or,</li> <li>c) If any activities would be considered new construction, HCD will consult with SHPO on a case by case basis.</li> </ol> </li> </ol> <p>Consult with the Rincon Band of Luiseño Indians for all project locations that involve ground disturbing activities or historic structures.</p>
<b>Noise Abatement and Control</b>	<ol style="list-style-type: none"> <li>1. Determine if the site is within 1,000-feet of a major roadway, 3,000-feet from a railroad, or 15 miles from a military or FAA-regulated civil airfield. If no, review concluded.</li> <li>2. If the proposed site is within those distances, documentation is required showing the noise level is Acceptable (at or below 65 day-night average sound level [DNL]); or</li> <li>3. If within those distances, documentation showing that there is an effective noise barrier; or</li> <li>4. If within those distances, documentation showing the noise generated by the noise source(s) is Normally Unacceptable (66 – 75 DNL) and identifying noise attenuation requirements that will bring the interior noise level to 45 DNL and/or exterior noise level to 65 DNL.</li> </ol>
<b>Wetlands Protection</b>	<p>Verify if the project area is located in a designated wetland or within the wetland buffer zone identified on the National Wetland Inventory. If so, follow the 8 Step Decision Making Process above (see Floodplain Management).</p>

## REFERENCES

- State of California Department of Toxic Substances. (2020). *Envirostor database*.  
<https://www.envirostor.dtsc.ca.gov/public/search>.
- U.S. Department of Agriculture, Forest Service. (November 2016). *National Wild and Scenic Rivers Systems*. <https://www.rivers.gov/california.php>
- U.S. Department of the Interior, National Park Service. (2018). *Nationwide Rivers Inventory*. <https://irma.nps.gov/Datastore/Reference/Profile/2237082>
- U.S. Department of Transportation, Federal Aviation Administration. (2018). *Report to Congress, National Plan of Integrated Airport Systems (NPIAS), 2019-2023*.  
[https://www.faa.gov/airports/planning\\_capacity/npias/current/historical/media/2019/NPIAS-Report-2019-2023-Narrative.pdf](https://www.faa.gov/airports/planning_capacity/npias/current/historical/media/2019/NPIAS-Report-2019-2023-Narrative.pdf)
- U.S. Environmental Protection Agency. (December 31, 2019). *California Nonattainment/Maintenance Status for Each County by Year for All Criteria Pollutants*. Green Book.  
[https://www3.epa.gov/airquality/greenbook/anayo\\_ca.html](https://www3.epa.gov/airquality/greenbook/anayo_ca.html).
- U.S. Environmental Protection Agency. (February 27, 2020). *RCRA Info Search*.  
<https://enviro.epa.gov/facts/rcrainfo/search.html>.
- U.S. Federal Emergency Management Agency. (2019). *FEMA Flood Map Service Center: Search By Address*.  
<https://msc.fema.gov/portal/search?AddressQuery=orange%20county>.

## Figures

---



**LEGEND**

 County Boundary



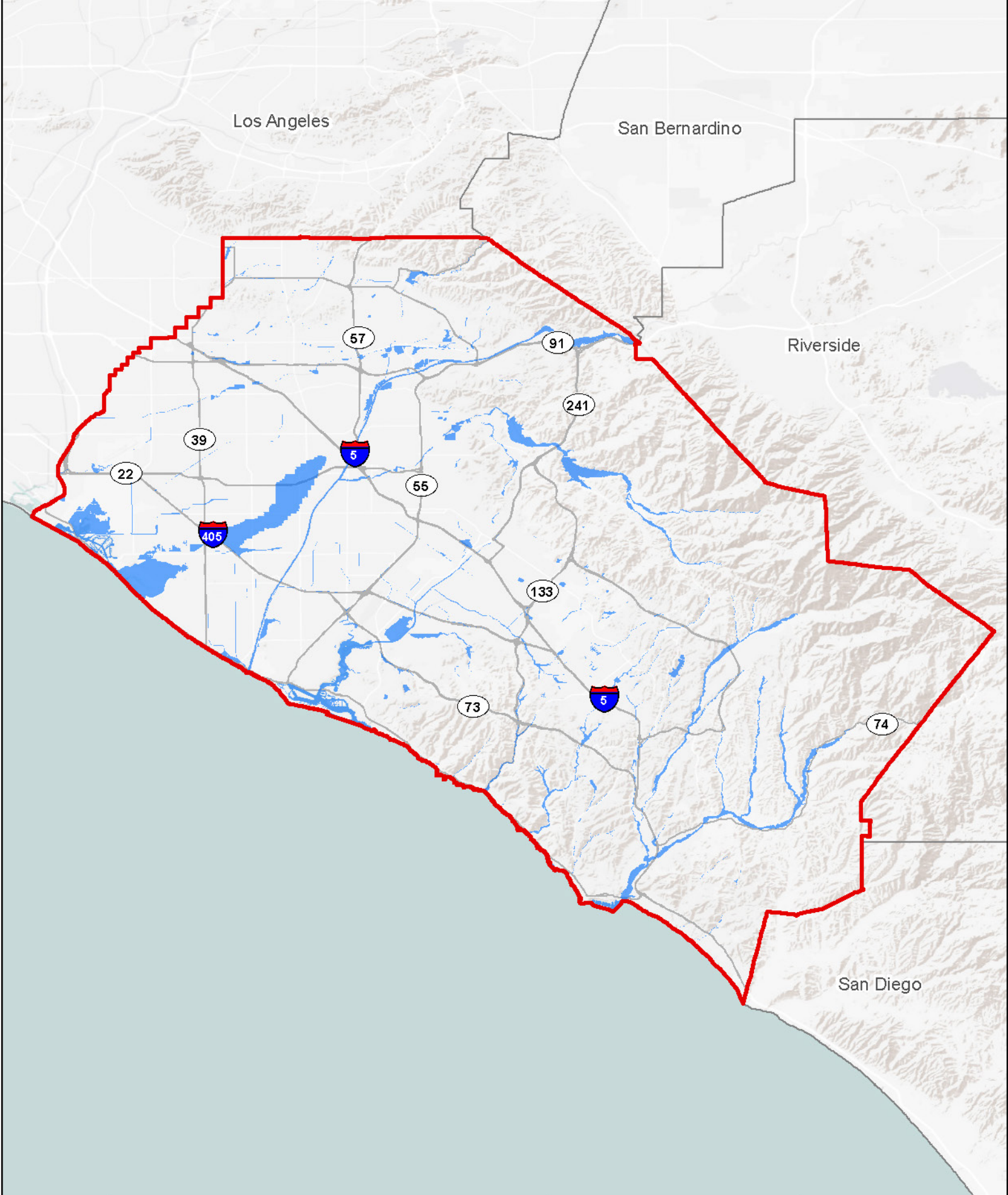


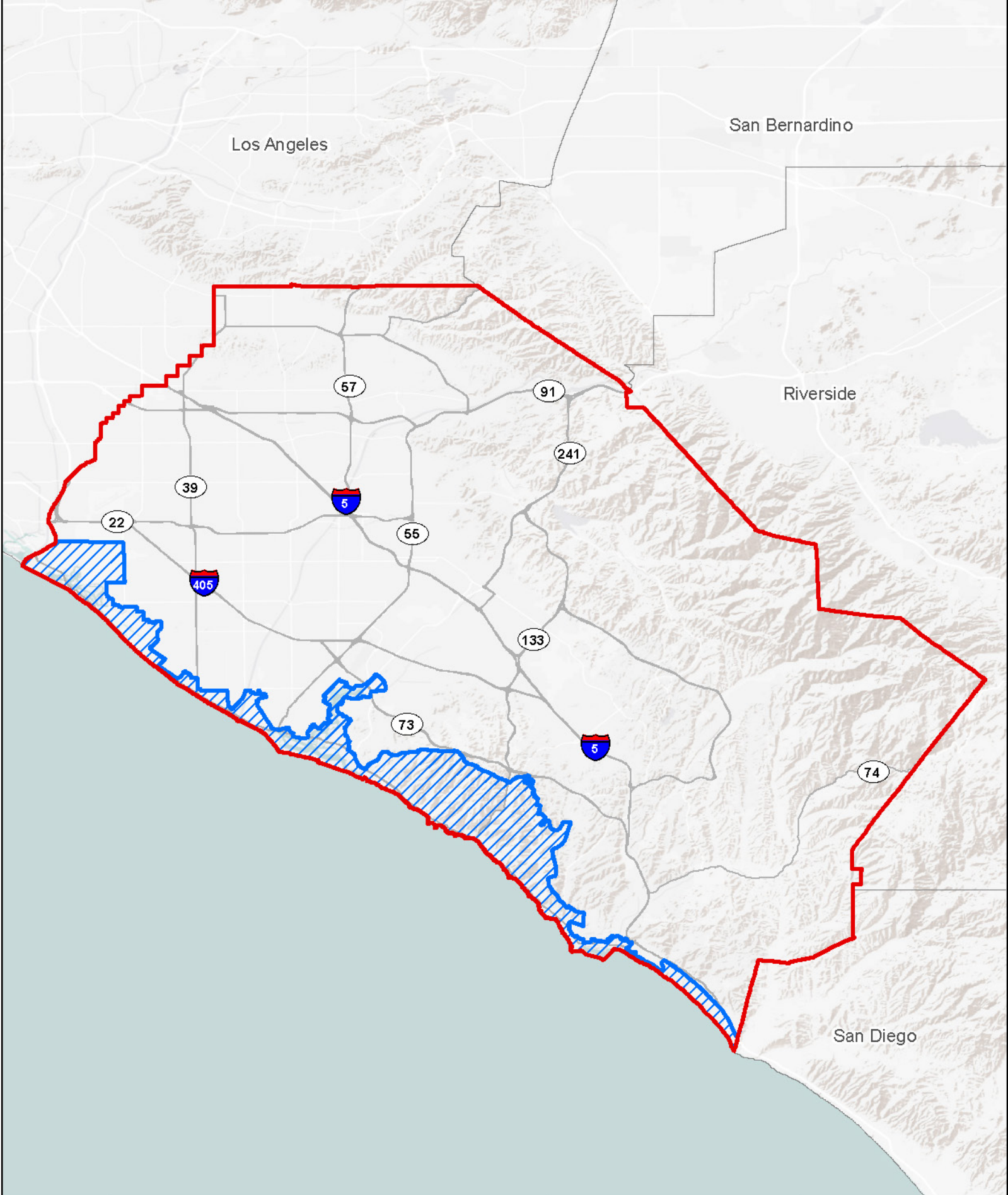








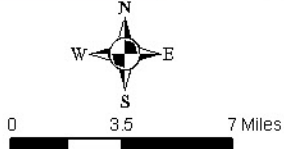




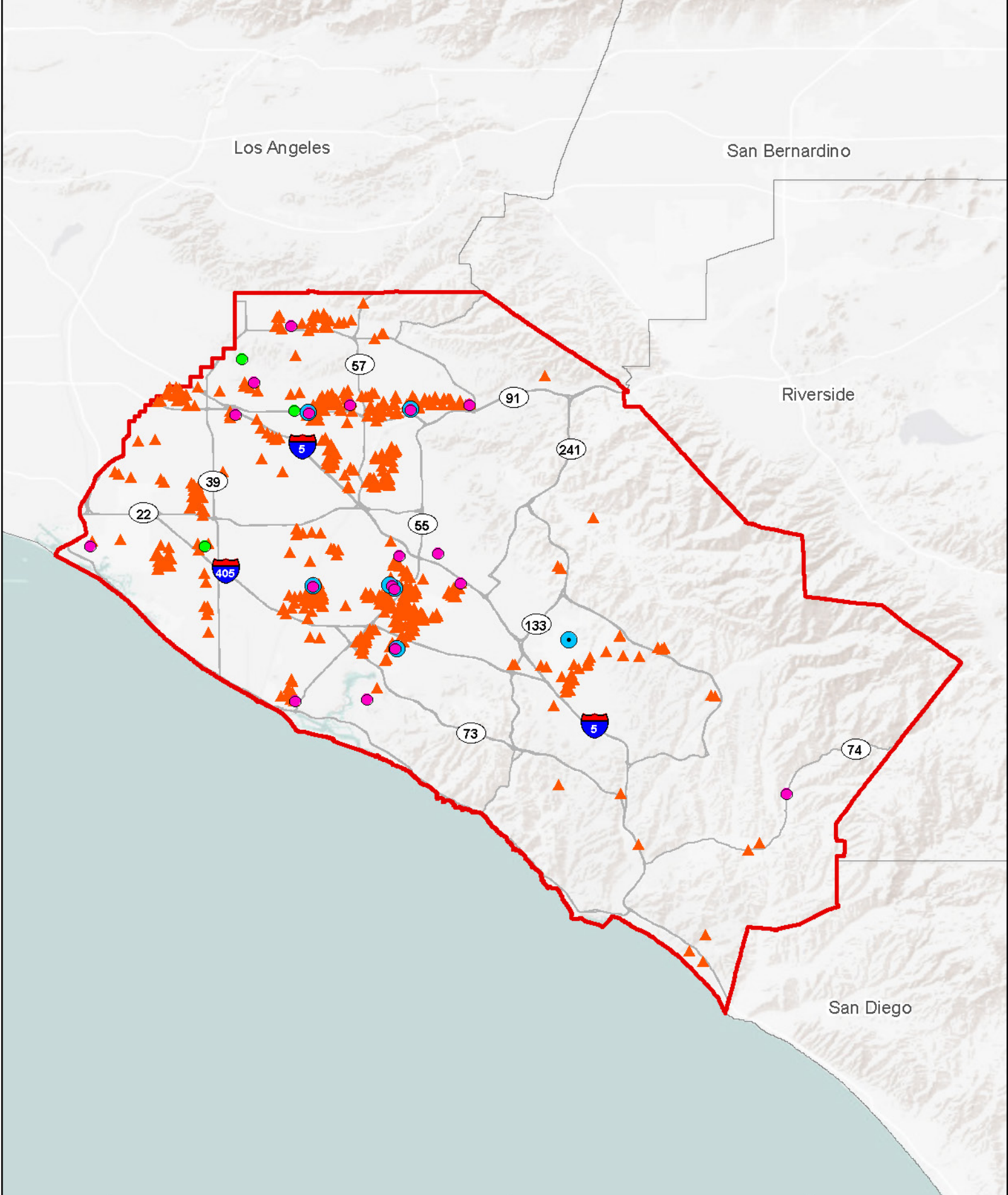


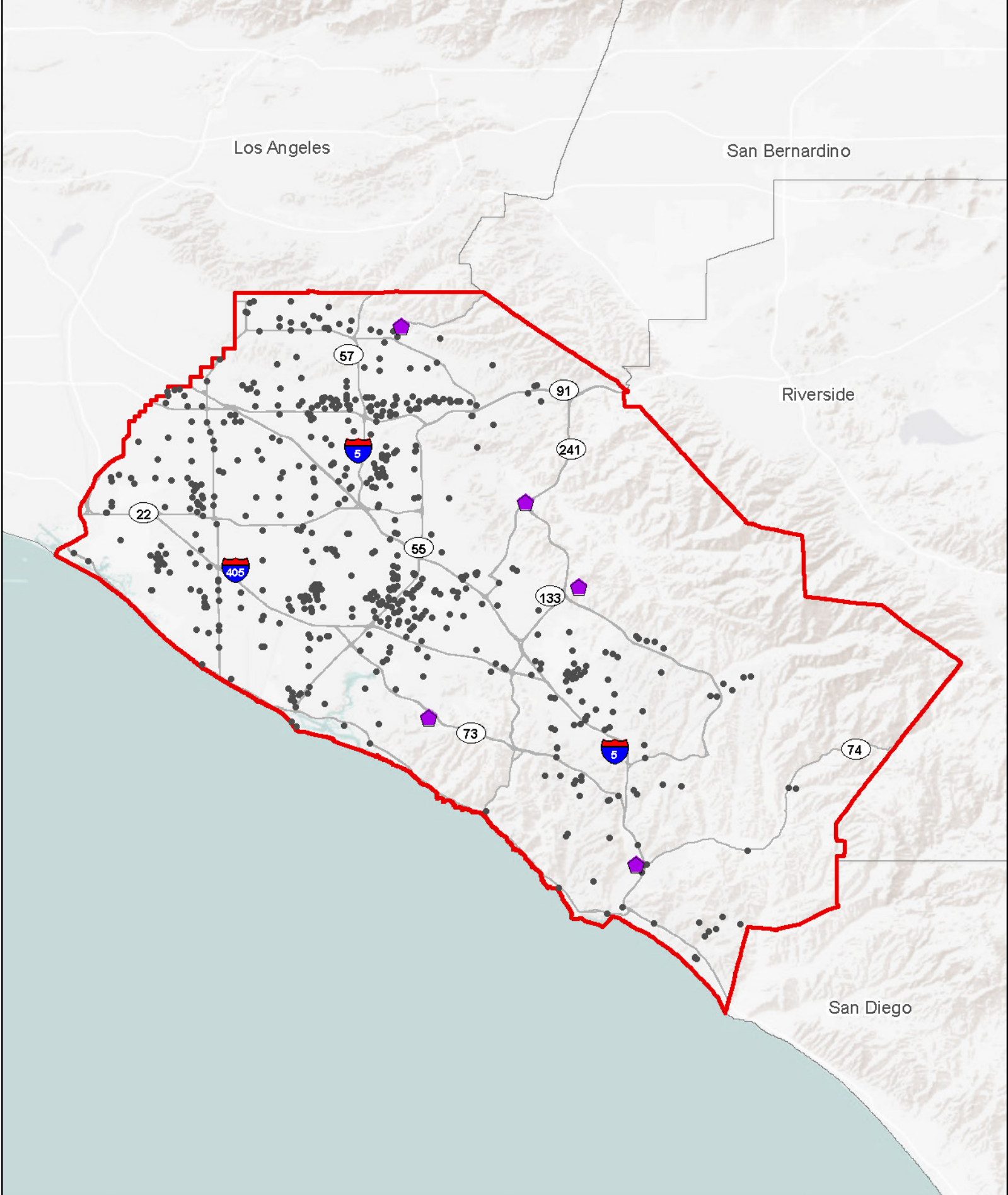
**LEGEND**

-  Coastal Zone Boundary
-  Orange County

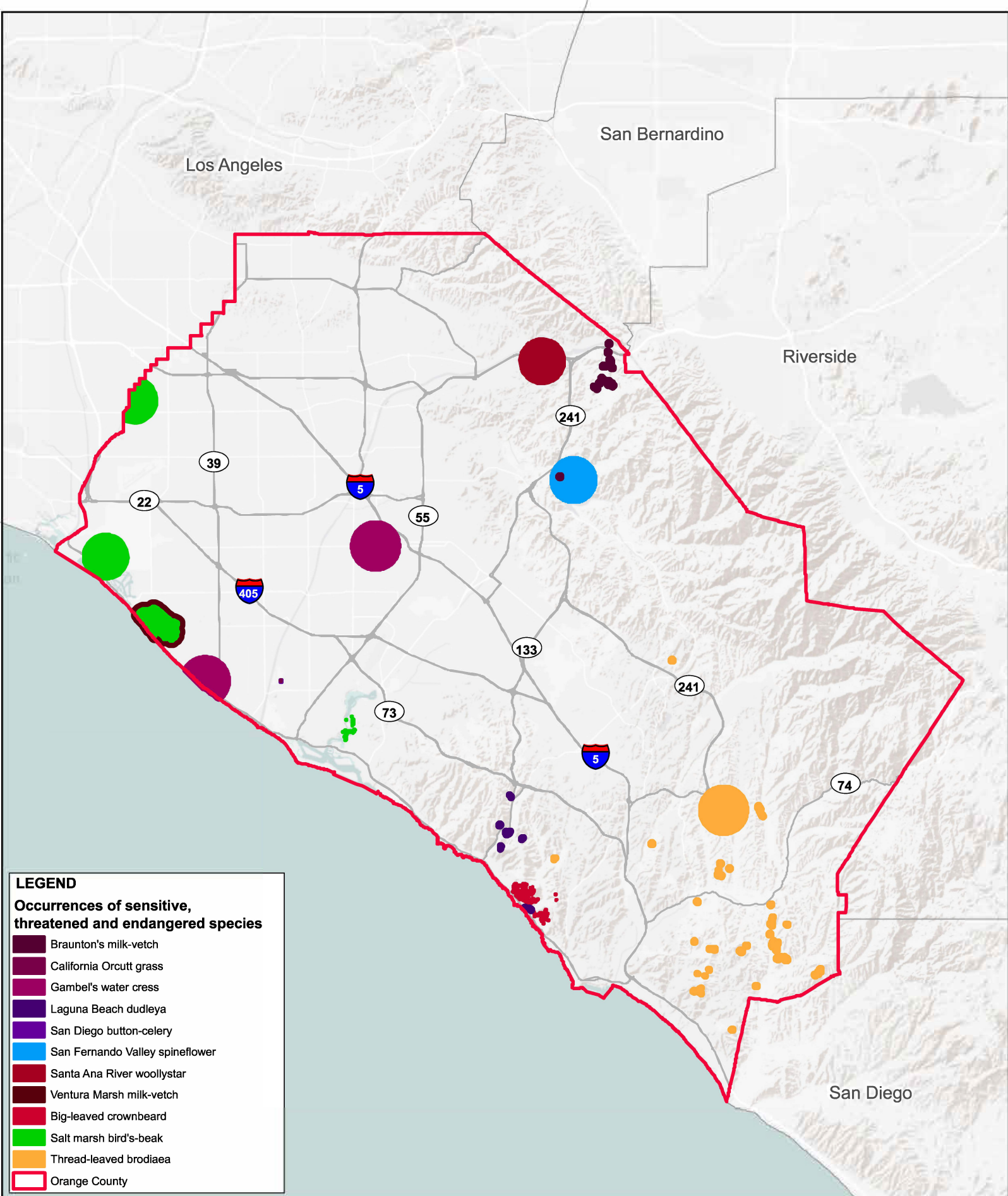












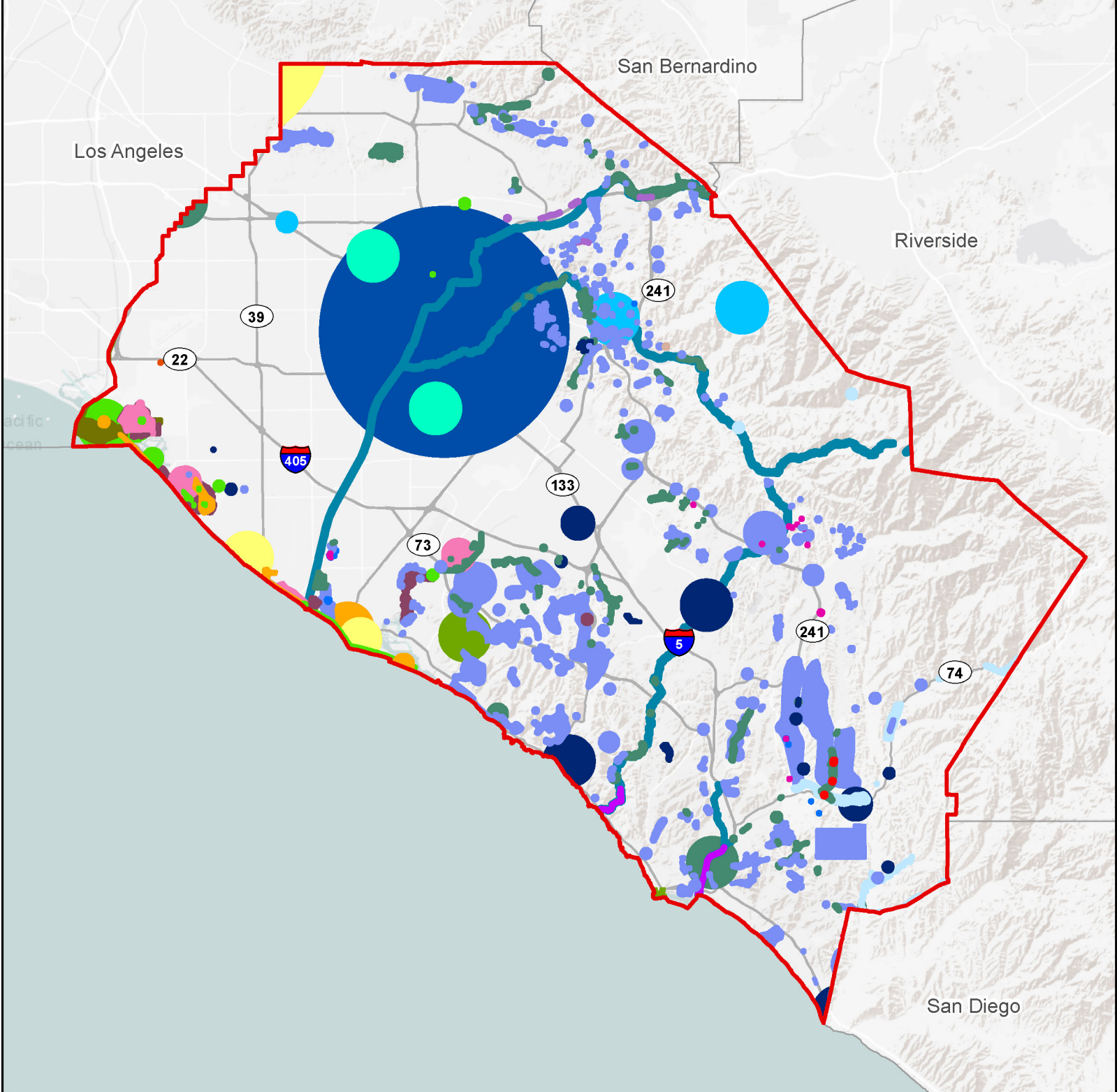
Tier I Environmental Review Record Orange County

**FIGURE 7A: SENSITIVE FLORAL SPECIES AND CRITICAL HABITAT**



0 3.5 7 Miles

Source: California Department of Fish and Wildlife. CNDDb version 04/2020. Please note: The occurrences shown on this map represent the known locations of the species listed here as of the date of this version. There may be additional occurrences or additional species within this area which have not yet been surveyed and/or mapped. Lack of information in the CNDDb about a species or an area can never be used as proof that no special status species occur in an area.



LEGEND: Occurrences of sensitive, threatened and endangered species			
Belding's savannah sparrow	Santa Ana sucker	Green turtle	Tidewater goby
California black rail	Swainson's hawk	Least Bell's vireo	Tricolored blackbird
California least tern	Arroyo toad	Light-footed Ridgway's rail	Western snowy plover
Pacific pocket mouse	Bald eagle	Quino checkerspot butterfly	Western yellow-billed cuckoo
Riverside fairy shrimp	Bank swallow	Southwestern willow flycatcher	Orange County
San Diego fairy shrimp	Coastal California gnatcatcher	Steelhead - southern California DPS	





## Attachment 6: Site Specific or Tier 2 Reviews

---



## **Attachment 6: Site-Specific or Tier 2 Reviews**

Update this document as site-specific reviews are completed. Complete each site-specific review according to the written strategies outlined in the broad-level review and attach it in the environmental review record.

[illegible]