

Environmental Assessment

Determinations and Compliance Findings for HUD-assisted 24 CFR Part 58

Project Information

Project Name: Tier I Environmental Review Record
State of California
2017 and 2018 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 (HCD)

Grant Recipient (if different than Responsible Entity): Not Applicable

State/Local Identifier: 12 California counties (Butte, Lake, Los Angeles, Mendocino, Napa, Nevada, Orange, San Diego, Santa Barbara, Sonoma, Ventura, Yuba) under 2017 CDBG-DR and B-18-DP-06-0001, and 5 California Counties (Butte, Lake, Los Angeles, Shasta, and Ventura) under 2018 CDBG-DR and B-19-DP-06-0002

Preparer: Not Applicable

Certifying Officer Name: Jessica Hayes, CDBG-DR Section Chief

Grant Recipient (if different than Responsible Entity): Not Applicable

Consultant (if applicable): Hagerty Consulting and Civix

Point of Contact: Doug Ganey

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Project Location: 13 total California counties as listed above.

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 the affected counties in the 2017 and 2018 disasters as listed in previous environmental review documents, which included the following:

- Tier 1 Categorically Excluded, Subject to 24 CFR 58.5 (“CEST”) Environmental Review Reports for all of the 2017 impacted counties.
- Tier 1 CEST Environmental Review Reports for four of the 2018 impacted counties (Lake, Los Angeles, Shasta, and Ventura)
- Tier 1 Environmental Assessment (EA) for the 2018 disaster in Butte County.

These previous environmental review documents are hereafter collectively referred to as the “2017/2018 OOR ER documents.” These previous documents are incorporated by reference and the majority of the Tier 1 broad-level environmental review findings and environmental mitigation measures remain as described in those previous reports, which are available on the HCD website at:

For 2017 disasters <https://www.hcd.ca.gov/community-development/disaster-recovery-programs/cdbg-dr/cdbg-dr-2017/index.shtml>

For 2018 disasters <https://www.hcd.ca.gov/community-development/disaster-recovery-programs/cdbg-dr/cdbg-dr-2018/index.shtml>

For both pages, scroll to “Environmental Review Documents” to view and download these reports. Documents may also be requested by email from dr-enviro@hcd.ca.gov.

Those previous environmental review documents included extensive details on the disasters that affected each individual county and identified the most impacted areas eligible for funding. As a result of the declared federal disasters DR-4344, DR-4353, DR-4382, and DR-4407, the federal government appropriated Community Development Block Grant-Disaster Recovery (CDBG-DR) funds to support the unmet recovery needs. California HCD is the lead and responsible agency for administering the CDBG-DR funds allocated to the State of California.

The 2017 and 2018 CDBG-DR programs will provide grants to owner-occupied homeowners to rehabilitate or reconstruct homes damaged or destroyed in the afore-listed 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 disaster. 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 unit (MHUs).

The program will provide rehabilitation or reconstruction assistance to eligible applicants based on the extent of damage to their primary residences. Reconstruction is defined as the rebuilding of a structure on the same site in substantially the same 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.

Eligible program activities include the following, but not limited to:

- Single-family, owner-occupied rehabilitation and reconstruction on the same site in substantially the same manner. In order to allow for increased flexibility due to pre-designed home plans, housing reconstruction must be on the original property lot, but is not required to be within the same footprint
 - Permitting, design, and planning;
 - Relocation assistance;
 - Demolition;
 - Repairs to disaster damaged primary dwelling with standard grade materials;
 - Reconstruction of the disaster damaged primary dwelling with standard grade materials;
 - Replacement of fire damaged or destroyed necessary equipment, such as HVAC units or septic systems;
 - Upgrades required to meet current building code;
 - Handicap accessibility features;
 - Repair and replacement of manufactured housing units;
- Hazard mitigation;
 - Site work to meet Wildland-Urban Interface standards for homes in high risk areas;
 - Lead-based paint and asbestos abatement;
- Elevation of the primary structure;
- Other administrative activities associated with the recovery of impacted single-family housing stock.

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 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 mobile home.

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

Re-evaluation under NEPA

Following completion of the original County-level CEST Reports listed above, during construction planning for the OOR Program a slight change was made to the placement of OOR Program homes. Specifically, in order to allow for increased flexibility due to

the planned use of pre-designed home plans, the OOR Program requirements changed so that housing reconstruction must still be on the original property lot but is not required to be within the same footprint. Also, due to the use of pre-designed home plans, reconstruction of former homes will not necessarily be the same type of home that existed pre-disaster. The OOR Program is offering pre-designed home plans to maximize Program efficiency and to offer homeowners comfortable, modern homes that are built to wildland-urban interface (WUI) protection standards. The pre-designed homes will have footprints ranging from 1,109 to 2,400 square feet and will be 1- and 2-story houses. Under the revised Program, the maximum allowable ground disturbance on any property under the Program will be limited to one-half (0.5) acre.

Due to these OOR Program changes HCD's environmental consultant performed a re-evaluation of the Program under the National Environmental Policy Act (NEPA) in accordance with the U.S. Department of Housing and Urban Development (HUD) regulations at 24 CFR § 58.47. Previous NEPA review had been performed under a HUD NEPA categorical exclusion at 24 CFR § 58.35(a)(3)(i) and environmental review was performed for each of the 2017 and 2018 Program counties under the HUD CEST format. The only exception was for the 2018 Butte County program, for which an EA was prepared.

The NEPA re-evaluation consists of this Programmatic Tier 1 EA that incorporates by reference all the findings of the previous environmental review and includes updated review of environmental impacts under some categories where Program changes affected the original analysis. The previous CEST Reports also included detailed figures for each Program county showing the locations of environmental resources throughout the counties and those maps are also incorporated by reference into this Programmatic EA. The EA also includes additional review of the "EA Factors" covered under HUD's NEPA process.

Statement of Purpose and Need for the Proposal [40 CFR 1508.9(b)]:

The purpose of the Program is to assist in the rebuilding of homes destroyed by the 2017 and 2018 wildfire and mudslide disasters. This Program will take place under the conditions of a housing crisis already affecting California, with low vacancy rates and increasing costs of construction. Recognizing the requirement included in Federal Register Notice 85 FR 4681 to address housing needs first, HCD has determined that repairing and rebuilding owner-occupied and rental housing is the priority for CDBG-DR funding currently available to California.

The need for the proposed Program is directly related to the need for assistance from homeowners with little other means to rebuild their destroyed homes. To fully understand the impacts and to better develop a long-term recovery strategy, the State of California has completed a comprehensive needs assessment for the disaster impact areas. The assessment specifically identifies the effects, long-term unmet needs, and

priorities for the HUD allocated CDBG-DR funding intended to aid in recovery, resiliency, and future mitigation.

Federal Register Notice 85 FR 4681 outlines the methodology HUD used to determine serious unmet needs for the major disasters. HUD's methodology typically uses Individual Assistance funding through the Federal Emergency Management Agency (FEMA) and the U.S. Small Business Administration home loan registrations to calculate serious unmet needs. For its part, HCD recognizes the importance of using a more granular and locally informed unmet needs methodology to build the foundation for an equitable distribution of recovery funds. To accomplish this, HCD has elected to utilize more detailed information and alternative data sources, particularly damage assessments by the California Department of Forestry and Fire Protection, to qualify both the impacts and remaining unmet needs for disaster declared areas. HCD also takes very seriously a commitment to not just anti-discrimination of protected classes, but also to support for those individuals who may be disparately impacted. Therefore, HCD used demographic analyses to determine allocation methodologies and scoring priorities.

Existing Conditions and Trends [24 CFR 58.40(a)]: Describe the existing conditions of the project area and its surroundings, and the trends likely to continue in the absence of the project.

The 13-county project area was severely damaged by disasters in 2017 and 2018. Emergency response efforts, debris removal programs, and restoration projects have been continuing in the disaster areas since. The wildfire removed vegetation across the burn areas, and subsequent vegetation management programs have removed and continue to remove large quantities of trees and vegetation throughout these counties in an effort to reduce available fuel for wildfires. Varying degrees of rebuilding have started in the impacted areas, but many homes were not insured or were under insured and those owners lack the resources to rebuild. Many of these residents are very low-, low-, or moderate-income households and may not be able to rehabilitate/rebuild their homes without this program. The program will allow willing, qualified homeowners to rebuild on their existing properties, revitalizing neighborhoods damaged or destroyed by disaster and returning residents to their communities.

Approximate size of the project area:

The project area is within the limits of Butte, Lake, Los Angeles, Mendocino, Napa, Nevada, Orange, San Diego, Santa Barbara, Sonoma, Shasta, Ventura, and Yuba counties.

Length of time covered by this review:

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 1,700 units.

Level of Environmental Review Determination:

Environmental Assessment in compliance with the laws and authorities at 24 CFR §58.6 and §58.5.

Funding Information

Grant Number	HUD Program	Funding Amount
B-18-DP-06-0001	CDBG-DR 2017	\$47,627,648
B-19-DV-06-0001	CDBG-DR 2018	\$98,451,666
B-19-DV-06-0002	CDBG-DR 2018	\$106,655,972

Estimated Total HUD Funded Amount: \$252,735,286

Estimated Total Project Cost (HUD and non-HUD funds) [24 CFR 58.32(d)]:
\$252,735,286

Compliance with 24 CFR 50.4, 58.5, and 58.6 Laws and Authorities

Record below the compliance or conformance determinations for each statute, executive order, or regulation. Provide credible, traceable, and supportive source documentation for each authority. Where applicable, complete the necessary reviews or consultations and obtain or note applicable permits or approvals. Clearly note citations, dates/names/titles of contacts, and page references. Attach additional documentation as appropriate.

Compliance Factors: Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5 and §58.6	Are formal compliance steps or mitigation required?	Compliance determinations
STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR 50.4 & 58.6		
Airport Hazards 24 CFR Part 51 Subpart D	Yes	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. HUD regulations also include restrictions on construction and major rehabilitation in clear zones and accident potential zones associated with runways at military airfields. The 2017/2018 OOR CEST Reports reviewed the project by county for compliance with the Airport Hazards requirement. This project is in compliance with the Airport Hazards requirement for sites in Butte, Lake, Mendocino, Napa, and Nevada Counties. Compliance will be achieved at the site-specific level of environmental review for projects in Los Angeles, Orange, San Diego, Santa Barbara, Shasta, Sonoma, Ventura, and Yuba counties.
Coastal Barrier Resources Coastal Barrier Resources Act, as amended by the Coastal Barrier Improvement Act of 1990 [16 USC 3501]	No	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. This project is in compliance with the Coastal Barrier Resources Act.

Flood Insurance Flood Disaster Protection Act of 1973 and National Flood Insurance Reform Act of 1994 [42 USC 4001-4128 and 42 USC 5154a]	Yes	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 FEMA. If a property is located in a SFHA on a National Flood Insurance Program map, the homeowner is required to maintain flood insurance. All 13 counties participate in the NFIP and each county has several areas that have been designated within the 100-year floodplain. Floodplain maps for each county are provided in the 2017/2018 CEST Reports. Based on a review of the prospective applicants to the OOR Program there was potential intersection of Program homes with floodplains and/or wetlands in 11 of the 13 Program counties (excluding Nevada and San Diego Counties). Compliance will be achieved at the site-specific level of environmental review. Program applicants for home sites in the floodplain will be required to provide verification of flood insurance coverage before application approval. A Programmatic 8-step process was performed for floodplain impacts as described under the Floodplain Management section and provided as Attachment 1.
STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR 50.4 & 58.5		
Clean Air Clean Air Act, as amended, particularly section 176(c) & (d); 40 CFR Parts 6, 51, 93	No	The Clean Air Act is administered by the U.S. Environmental Protection Agency (USEPA) which sets National Ambient Air Quality Standards. Please see the 2017/2018 OOR CEST Reports for county-specific information on which areas meet or violate air quality standards. The CEST Reports also identify the specific Air Quality Management Districts which are responsible for enforcing the standards within the 13 counties. Projects will be completed on existing single-family home sites and do not include any new buildings or structures other than the replacement of disaster-damaged homes. No conversion of land use facilitating the development of public, commercial, or industrial facilities or five or more dwelling units is planned. Site-specific projects will comply with all local construction permit and/or code requirements. Agency consultation occurred during the 2017 CESTs, 2018 CESTs, 2018 Butte County EA and during the reevaluation of this EA. The most recent consultation information is included in Attachment 2, previous consultation information can be found in the 2017/2018 CEST Reports. This project is in compliance with the Clean Air Act.

Coastal Zone Management Coastal Zone Management Act, sections 307(c) & (d)	No	The Coastal Zone Management Act applies to areas of California's Coastal Zone, which is defined as the land and water area of California from the Oregon border to the border of Mexico. The 2017/2018 OOR CEST Reports reviewed the project by county for compliance with the Coastal Zone Management Act. See the respective county document for details on the review. Butte, Lake, Napa, Nevada and Yuba are inland counties and do not border the Pacific Ocean. Agency consultation occurred during the 2017 CESTs and 2018 CESTs and during the reevaluation of this EA (for counties near the coast). The most recent consultation information is included in Attachment 3, previous consultation information can be found in the 2017/2018 CEST Reports. This project is in compliance with the Coastal Zone Management Act for sites in Butte, Lake, Napa, Nevada, Shasta and Yuba Counties. Compliance will be achieved at the site-specific level of environmental review for projects in Los Angeles, Orange, San Diego, Santa Barbara, Sonoma, and Ventura.
Contamination and Toxic Substances 24 CFR Part 50.3(i) & 58.5(i)(2)	Yes	Proposed program activities will be completed on existing residential sites and potentially proximate to contaminated sites. 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. The 2017/2018 CEST Reports evaluated California's Department of Toxic Substances Control data regarding locations of hazardous waste sites and sites with known or suspected contamination issues. County-wide maps were developed which show locations of solid and hazardous waste disposal facilities, contaminated sites, and large quantity hazardous waste generators within each county. The Tier 2 reviews will look at site specific contamination data once the house addresses are known. Program locations may include lead-based paint and materials containing asbestos. Most of the Program houses have been destroyed and debris cleared from the home sites with confirmation soil sampling conducted by FEMA following debris removal, so it is not anticipated that asbestos and lead paint will be present at most Program sites. All activities must comply with applicable federal, state, and local laws and regulations regarding asbestos and lead-based paint. Compliance will be achieved at the site-specific level of environmental review.

Endangered Species Endangered Species Act of 1973, particularly section 7; 50 CFR Part 402	Yes	The Endangered Species Act, 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. Project locations 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). There are numerous threatened, endangered, candidate species and critical habitats managed or regulated by the FWS in the 13-county program area. In addition to these federally-listed species, the CDFW has identified additional 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 reconstruction on the same previously developed parcel, habitat disturbance is not expected, but will be addressed during the Tier 2 review. Endangered Species and Critical Habitats maps were provided for each county in the 2017/2018 OOR ER documents. Agency consultation occurred during the 2017 CESTs, 2018 CESTs, 2018 Butte County EA and during the reevaluation of this EA. The most recent consultation information is included in Attachment 4. Compliance will be achieved at the site-specific level of environmental review.
Explosive and Flammable Hazards 24 CFR Part 51 Subpart C	No	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. 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. This project is in compliance with 25 CFR Part 51, Subpart C.

Farmlands Protection Farmland Protection Policy Act of 1981, particularly sections 1504(b) and 1541; 7 CFR Part 658	No	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. This project is in compliance with the Farmland Protection Policy.
Floodplain Management Executive Order 11988, particularly section 2(a); 24 CFR Part 55	Yes	HUD regulations require compliance with Executive Order 11988, Floodplain Management. Executive Order 11988 requires federal activities to avoid impacts to floodplains 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. Activities will take place on 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 floodplain using FEMA issued Flood Insurance Rate Maps (FIRM) to evaluate flood risks and impacts. A programmatic 8-step wetland/floodplain decision-making analysis was performed for the project to determine whether there are practicable alternatives to providing CDBG-DR assistance in these areas. Based on a review of the prospective applicants to the OOR Program there was potential intersection of Program homes with floodplains and/or wetlands in 11 of the 13 Program counties (excluding Nevada and San Diego Counties). A Programmatic 8-step process was performed for potential floodplain and wetland impacts in the 11 other Program counties. This analysis is provided as Attachment 1 and contains a review of alternatives to the proposed project work in the floodplain. The selected alternative, Alternative 1, allows for reconstruction of homes previously located in the floodplain but destroyed by wildfire. Alternative 1 does not allow for project work in the regulatory floodway, since HUD will not fund projects in the floodway. Early and final notices of the 8-step analysis were published in newspapers in the Program counties as described in Attachment 1. No public comments were received on either notice. Compliance will be achieved at the site-specific level of environmental review for home sites in Nevada and San Diego Counties. Compliance with Executive Order 11988 has been attained for home sites in all 11 other Program counties.

Historic Preservation National Historic Preservation Act of 1966, particularly sections 106 and 110; 36 CFR Part 800	Yes	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 Program activities. Each subject property will be evaluated to determine the year-built date of structures to be rebuilt. 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. Native American tribes with potential cultural and traditional affiliations to the 13 Counties were contacted. See Attachment 5 for letters to California SHPO and associated tribal consultation information. The HCD OOR team has developed standard operating procedures (SOPs) for review of Program homes for potential cultural resources impacts during Tier 2. These SOPs are provided in Attachment 5 and have been agreed upon by the SHPO during a series of meetings between the SHPO and HUD and will be utilized for Tier 2 review of home sites until a potential programmatic agreement is established between HCD and the SHPO. Compliance will be achieved at the site-specific level of environmental review.
Noise Abatement and Control Noise Control Act of 1972, as amended by the Quiet Communities Act of 1978; 24 CFR Part 51 Subpart B	No	The previous CEST Reports had indicated that site-specific noise analysis would be required during Tier 2. That previously specified requirement is now removed in accordance with HUD regulations. The HUD Noise Abatement and Control requirements do not apply to any action or emergency assistance under disaster assistance provisions or appropriations which are provided to save lives, protect property, protect public health and safety, remove debris and wreckage, or assistance that has the effect of restoring facilities substantially as they existed prior to the disaster. This program provides grants to repair or replace disaster damaged or destroyed homes substantially as they existed prior to the disasters, therefore it is exempt from HUD Noise and Abatement Control requirements per 24 CFR Part 51.101(a)(3)). This project is in compliance with HUD Noise Abatement and Control requirements.

Sole Source Aquifers Safe Drinking Water Act of 1974, as amended, particularly section 1424(e); 40 CFR Part 149	Yes	According to the U.S. Environmental Protection Agency's Sole Source Aquifers Protection Program, there are no Sole Source Aquifers in Butte, Lake, Los Angeles, Mendocino, Napa, Nevada, Orange, Santa Barbara, Shasta, Sonoma, Ventura and Yuba Counties. Compliance with the Safe Drinking Water Act section 1424(e) will be achieved at the site-specific level of environmental review for San Diego County as described in the previous San Diego County CEST Report. The project is in compliance for all other counties.
Wetlands Protection Executive Order 11990, particularly sections 2 and 5	Yes	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. Wetlands within the 13-county program area were identified and mapped in the 2017/2018 OOR ER documents. 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 previously developed parcel and are not expected to result in any new permanent direct or indirect impacts to wetlands. Nevertheless, each subject property will be evaluated for its proximity to wetland resources. A programmatic 8-step decision making analysis was performed to determine whether there are practicable alternatives to providing CDBG-DR assistance in these areas. Best management practices (BMPs) for soil erosion and stormwater management will be applied as appropriate for protection of wetlands. Based on a review of the prospective applicants to the OOR Program there was potential intersection of Program homes with floodplains and/or wetlands in 11 of the 13 Program counties (excluding Nevada and San Diego Counties). A Programmatic 8-step process was performed for potential floodplain and wetland impacts in the 11 other Program counties. This analysis is provided as Attachment 1. The selected alternative, Alternative 1, allows for reconstruction of homes located adjacent to wetlands but specifies minimum construction BMPs for protection of water quality and wetlands ecology. Early and final notices of the 8-step analysis were published in newspapers in the Program counties as described in Attachment 1. No public comments were received on either notice. Compliance will be achieved at the site-specific level of environmental review for home sites in Nevada and San Diego Counties. Compliance with Executive Order 11990 has been attained for home sites in all 11 other Program counties.

Wild and Scenic Rivers Wild and Scenic Rivers Act of 1968, particularly section 7(b) and (c)	Yes	Rivers are designated as Wild and Scenic 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). These rivers have outstanding natural, cultural, and recreational values and the Act is intended to protect this river in a free-flowing condition for the enjoyment of present and future generations. 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. Each Wild and Scenic River and NRI river segment present within the 13-county program area was identified and mapped in the 2017/2018 OOR ER documents. Napa, Orange and San Diego Counties do not have any designated rivers within their boundaries. During the Tier 2 evaluation, each subject property will be evaluated for its proximity to these Wild and Scenic River and NRI river segments. Any properties within proximity will be evaluated to see if the project would pose an adverse effect on the natural, cultural, and/or recreational values of the river. See Attachment 6 for National Park Service consultation. This project is in compliance with the Wild and Scenic River Act for sites in Napa, Orange and San Diego Counties. Compliance will be achieved at the site-specific level of environmental review for projects in Butte, Lake, Los Angeles, Mendocino, Nevada, Santa Barbara, Shasta, Sonoma, Ventura, and Yuba counties.
ENVIRONMENTAL JUSTICE		
Environmental Justice Executive Order 12898	No	The proposed activities rehabilitate and rebuild single-family homes for low- to moderate- income individuals that were impacted during the 2017 and 2018 disasters. These activities are to 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. 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. This project is in compliance with Executive Order 12898.

Environmental Assessment Factors [24 CFR 58.40; Ref. 40 CFR 1508.8 &1508.27]

Recorded below is the qualitative and quantitative significance of the effects of the proposal on the character, features and resources of the Program area. Each factor has been evaluated and documented, as appropriate and in proportion to its relevance to the proposed action. Verifiable source documentation has been provided and described in support of each determination, as appropriate. Credible, traceable and supportive source documentation for each authority has been provided. Where applicable, the necessary reviews or consultations have been completed and applicable permits of approvals have been obtained or noted. Citations, dates/names/titles of contacts, and page references are clear. Additional documentation is attached, as appropriate. **All conditions, attenuation or mitigation measures have been clearly identified.**

Impact Codes: Use an impact code from the following list to make the determination of impact for each factor.

- (1) Minor beneficial impact
- (2) No impact anticipated
- (3) Minor Adverse Impact – May require mitigation
- (4) Significant or potentially significant impact requiring avoidance or modification which may require an Environmental Impact Statement

Environmental Assessment Factor	Impact Code	Impact Evaluation
Land Development		
Conformance with Plans / Compatible Land Use and Zoning / Scale and Urban Design	2	The Program's rehabilitation and reconstruction activities will be conducted on owner-occupied single-family homes on existing residential lots, consistent with local planning and zoning ordinances. Land use and housing density would not change and would therefore remain compatible with existing and surrounding land uses. The reconstructed homes would be built to a similar scale as the previously existing homes and would provide a benefit by revitalizing the appearance and residential activity in disaster-damaged areas. The Program would also provide funding for impacted homeowners to replace their damaged or destroyed MHUs. If a MHU homeowner is not able to replace their MHU on its original site location, the MHU homeowners would be allowed to relocate within the same county to a previously developed location already prepared for an MHU with existing utility connections. These previously developed locations would conform to local plans and would be zoned to accept new MHUs.

Environmental Assessment Factor	Impact Code	Impact Evaluation
Soil Suitability/ Slope/ Erosion/ Drainage/ Storm Water Runoff	3	The soil in the Program area is assumed to be suitable for its proposed use – home reconstruction – since it has previously supported the same use at the same location. For properties where houses are to be constructed outside of the original footprint, additional soil suitability analysis, may be required. Design and construction approval is to be coordinated with the local building and/or planning department. Slope is not expected to be altered due to the proposed Program and impacts from changes in slope drainage patterns and are not anticipated. Exposed soils will be protected from storm water runoff using erosion and sediment control measures sufficient to prevent soils from reaching onsite or offsite wetlands or waters. Relocation or replacement of MHUs within the disaster area is not expected to result in any soil disturbance as MHUs are required to be placed on previously developed locations. Therefore, no impacts to slope, erosion, or drainage are anticipated from MHU placement activities.

Environmental Assessment Factor	Impact Code	Impact Evaluation
Hazards and Nuisances including Site Safety and Noise	3	The natural hazards present in the Program area would be similar to those previous to house destruction from wildfire. Hazard mitigation programs are being implemented throughout high hazard areas of the state to reduce the risk from wildfire. Depending on location, these may include requirements for defensible space (e.g. 100-feet of vegetation clearance) around houses and home “hardening” or ignition-resistant construction requirements. Design and construction approval is to be coordinated with the local building and/or planning department. Hazards and nuisances and site safety during construction will be assessed on a site-by-site basis. Contractors will be required to provide health and safety plans and monitoring during construction. Implementation activities would result in ambient noise levels being temporarily elevated in the areas around each construction site. Temporary noise impacts would be mitigated to the extent feasible. The Program is not expected to have impacts on long-term ambient noise levels as future noise levels at the home sites are expected to be similar to levels before the disasters occurred.
Energy Consumption	1	Project activities would consume energy over the short-term implementing the Program, but significant changes in long-term energy consumption are not anticipated as the Program is replacing damaged or destroyed houses, not expanding the housing supply. Homes would be rehabilitated or reconstructed using current building codes which require the use of energy efficient building materials and systems and would likely result in a slight reduction in energy consumption. All proposed actions will comply with HUD standards and local building codes.

Environmental Assessment Factor	Impact Code	Impact Evaluation
Socioeconomic Factors		
Employment and Income Patterns	1	Employment and income patterns of the impacted Counties will be positively affected by the proposed Program. Repopulation of the disaster-impacted areas will return income base and employment as business activity returns to pre-disaster levels and schools increase their student population, providing corresponding employment.
Demographic Character Changes, Displacement	1	The proposed Program will support inclusive neighborhoods and not significantly alter the demographic characteristics of the community. The proposed Program will not cause direct or indirect displacement. The Program will instead allow for the return of residents who had been displaced by the disasters.
Community Facilities and Service		
Educational and Cultural Facilities	1	The Program would allow for redevelopment of the disaster-impacted areas and return student population to nearby educational facilities. The population return will bolster support for cultural facilities such as local museums and parks.
Commercial Facilities	1	The Program would allow previous residents to return to their homes in the disaster-impacted area which would increase demand for local goods and services and support local commercial facilities. Those businesses and commercial facilities that support the residential construction industry and its workforce could see a temporary increase in demand during implementation of the Program.

Environmental Assessment Factor	Impact Code	Impact Evaluation
Health Care and Social Services	2	The Program would return residents to impacted areas and would not create new demand for health care and social services that did not exist before the disasters occurred. It is expected that these facilities should be able to provide services at pre-disaster levels, after a period of adjustment. Therefore, no significant impacts to health care and social services are anticipated.
Solid Waste Disposal / Recycling	2	Program activities would result in generation of construction and demolition waste in the short-term. All solid waste would be properly handled and disposed of or recycled in accordance with applicable regulations. The proposed activities would return residents to impacted areas and would not create new demand for long-term solid waste/recycling collection and disposal services.
Waste Water / Sanitary Sewers	2	The Program would return residents to impacted areas and would not create new demand for wastewater collection and treatment services that did not exist before the disasters occurred. Reconstructed houses are expected to utilize existing (or restored) septic systems or existing sewer service. Any existing septic systems will be inspected to ensure they function properly after being damaged or simply sitting unused for many years. Systems will be repaired or replaced as needed to restore function and meet applicable local and county codes.

Environmental Assessment Factor	Impact Code	Impact Evaluation
Water Supply	3	The Program would return residents to impacted areas and would not create new demand for water supply services that did not exist before the disasters occurred. Reconstructed houses are expected to utilize the same source of water that supplied the home before the disaster. Any existing wells will be inspected and tested to ensure they function properly after being damaged or simply sitting unused for many years. Wells will be repaired or replaced as needed to restore function and meet applicable local and county codes.
Public Safety - Police, Fire and Emergency Medical	2	The Program would return residents to their homes in impacted areas and would not create new demand for public safety services including police, fire, and emergency medical that did not exist before the disasters occurred. It is expected that these facilities should be able to provide services at pre-disaster levels, after a period of adjustment. Therefore, no significant impacts to public safety services are anticipated.

Environmental Assessment Factor	Impact Code	Impact Evaluation
Parks, Open Space and Recreation	2	The Program would return residents to their homes and would not introduce new residents to the impacted counties, therefore there would be no change to the demand for parks, open space and recreation from pre-disaster levels. Construction activities would occur on previously zoned and developed lots and would not adversely impact open space.
Transportation and Accessibility	2	The proposed Program consists of the reconstruction of disaster damaged homes and will not result in changes to public transportation. Some slight increases to ridership may occur on public transportation, although levels are expected to remain below pre-disaster levels. Accessibility design requirements will not be applicable as the homes being reconstructed are private.
Natural Features		
Unique Natural Features, Water Resources	2	The proposed Program consists of the rehabilitation and reconstruction of disaster-damaged houses on previously developed lots and would not have impacts on unique natural features or water resources.
Vegetation and Wildlife	3	Construction activities would occur on previously developed lots that were damaged by wildfires and/or mudslides. Significant impacts to vegetation or wildlife due to reconstruction activities are not anticipated, although site-specific pre-construction biological surveys and/or monitoring during construction would be required if sensitive vegetation and wildlife species are observed during the Tier 2 onsite surveys.

Additional Studies Performed:

Aside from the previous 2017/2018 OOR CEST Reports, no additional studies were performed as part of this Tier 1 EA. Citations, including links to the individual 2017/2018 OOR CEST Reports, are provided in the reference section of this document.

Additional studies that may be required during Tier 2 could include wetlands delineations and phase I environmental site assessments depending on the findings of site-specific environmental reviews. Pre-construction biological and/or cultural resources surveys may also be required.

Field Inspection (Date and completed by):

Field inspections will be conducted as part of the Tier 2 environmental reviews once specific OOR program sites are identified. Tier 2 environmental review reports will be included as Attachment 6 and as part of the HUD Environmental Review Record.

List of Sources, Agencies and Persons Consulted [40 CFR 1508.9(b)]:

Sources, Agencies, Persons Consulted	Title
Jessica Hayes	Branch Chief, California Department of Housing and Community Development
Tina Bartlett	Regional Manager, California Department of Fish and Wildlife
Nancy Gonzalez-Lopez	Native American Heritage Commission
Steve Bowes	California Project Coordinator – Wild and Scenic Rivers
Julianne Polanco	State Historic Preservation Officer
Shannon Pries	State Historian II
Paul Sousa	Regional Director, U.S. Fish and Wildlife Service
Rosalie del Rosario	West Coast Region Endangered Species Act Section 7 Consultations Coordinator West, U.S. National Marine Fisheries Service
Native American Tribes (Copies of Tribal consultation letters attached to this Environmental Assessment)	
All additional agency consultation letters are provided in the EA attachments. Online sources and documents consulted listed under references section	

List of Permits Obtained:

Standard building permits and approvals will be obtained as required by each County and/or municipality. The potential need for State of California and Federal government environmental permits (e.g. Clean Water Act National Pollution Discharge Elimination System [NPDES]) will be obtained if necessary for site-specific work.

Public Outreach [24 CFR 50.23 & 58.43]:

The California HCD, as the responsible entity, prepared a Finding of No Significant Impact FONSI notice using the current HUD-recommended format to present a finding of no significant impact to the public. The FONSI notice is to be published concurrently with NOI/RROF required by § 58.70. The combined notice clearly indicates an intention to meet two separate procedural requirements and advises the public to specify which part of the Notice they are addressing. All comments will be considered, and any necessary modifications will be made prior to completion of the environmental

certification. Outreach will include email notification to known interested individuals and groups including the appropriate Tribal, local, State and Federal agencies. The Notice will be posted concurrently with the legal notices published in the LA Daily Journal, Ukiah Daily Journal, Lake County News, The Press Democrat, Redding Record Searchlight, Ventura County Star, The Appeal Democrat, Chico Enterprise-Record, Paradise Post, The Press Democrat, Napa Valley Register, Santa Barbara News-Press, and the Orange County Recorder, and on HCD's website:

For 2017: <https://www.hcd.ca.gov/community-development/disaster-recovery-programs/cdbg-dr/cdbg-dr-2017/index.shtml>

For 2018: <https://www.hcd.ca.gov/community-development/disaster-recovery-programs/cdbg-dr/cdbg-dr-2018/index.shtml>

Cumulative Impact Analysis [24 CFR 58.32]:

The emergency response, debris removal program, and ongoing reconstruction efforts following the 2017 and 2018 disasters have resulted in increased truck traffic across the disaster impacted areas. Hazard tree removal programs both public and private are planned for several of the wildfire areas. Hundreds of thousands of trees were severely damaged by the fires; they are still standing but expected to die and fall in the near future (estimated one year). Removal of this very large number of "hazard trees" will result in substantial additional truck trips and construction equipment working statewide but focused in the areas of heaviest impact (e.g. Town of Paradise, Butte County).

These multiple, simultaneous disaster recovery and rebuilding efforts located within the impacted areas have the potential to result in cumulative environmental impacts with respect to environmental impact categories including air quality, water quality, noise, biological resources, etc. Under NEPA, consideration of cumulative effects has generally been required; however, changes to NEPA effective in September 2020 indicated that analysis of cumulative effects is no longer required. The White House Council on Environmental Quality (CEQ) is now engaged in a comprehensive review of the 2020 rule pursuant to Executive Order 13990 (January 20, 2021). In its regulatory agenda, CEQ announced a phased approach to amending the NEPA regulations. Proposed changes will generally restore regulatory provisions that were in effect for decades before the 2020 rule modified them for the first time and will be fully implemented in 2023. It is difficult to perform an adequate environmental review without considering the cumulative effects of other related projects.

With the exception of the concentration of around 1,000 houses Program houses in and near the Town of Paradise, Butte County (which was analyzed as part of a separate EA) the remaining approximately 700 Program houses will be spread across the state. The small footprint of these home reconstructions and their widespread distribution across California means the OOR Program is not expected to have a significant cumulative environmental impact.

Alternatives [24 CFR 58.40(e); 40 CFR 1508.9]

There is no alternative to rebuilding destroyed homes that is considered viable for analysis. The proposed Program is intended to assist homeowners in rebuilding their fire-damaged homes. The results of this Tier 1 analysis as documented by sufficient evidence documented herein, indicates the proposed project merits a FONSI. Potential environmental impacts, both beneficial and adverse have been evaluated. Environmental mitigation measures will be implemented to eliminate or minimize potential adverse environmental impacts associated with construction

No Action Alternative [24 CFR 58.40(e)]:

Without the proposed Program, some or all of the destroyed houses would not be rebuilt, leaving randomly located former home sites vacant with varied potential effects. The No Action Alternative could have minimal ecological benefits, but it would have negative socioeconomic impacts on the 13 disaster-impacted counties. Reduced population and tax base in the impacted counties would likely result in reduced levels of government services, including schools, parks, and emergency services. This option would deny aid to willing very low-, low-, and moderate-income homeowners to receive repairs or reconstruction of their disaster impacted homes and deny opportunities to aid with actions that restore neighborhoods by preserving the quality and property value of homes. This option does not promote HCD's disaster funding goal which is to help communities and neighborhoods that otherwise might not recover due to limited resources. The CDBG-DR funds are available for rebuilding; therefore, the no action alternative is not considered viable.

Summary of Findings and Conclusions:

The project will contribute much needed assistance for disaster recovery by rebuilding homes in areas devastated by wildfire, mudflow and debris flow disasters. The Program will meet HUD standards upon mitigation, and no significant impact is foreseen.

Mitigation Measures and Conditions [40 CFR 1505.2(c)]

Summarize below all mitigation measures adopted by the Responsible Entity to reduce, avoid, or eliminate adverse environmental impacts and to avoid non-compliance or non-conformance with the above-listed authorities and factors. These measures/conditions must be incorporated into project contracts, development agreements, and other relevant documents. The staff responsible for implementing and monitoring mitigation measures should be clearly identified in the mitigation plan.

Site-specific environmental mitigation measures will be developed in detail contingent on the findings of site-specific Tier 2 environmental reviews. The following general Tier 1 mitigation measures will be required project-wide.

Law, Authority, or Factor	Mitigation Measure
Flood Insurance Flood Disaster Protection Act of 1973 and National Flood Insurance Reform Act of 1994 [42 USC 4001-4128 and 42 USC 5154a]	<u>Flood Insurance</u> The project area participates in the National Flood Insurance Program. 1. Include a copy of the FEMA Flood Insurance Rate Map (FIRM) for the proposed site. 2. If the proposed site is in a 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.
Floodplain Management	Identify if the proposed site is in a FEMA SFHA, based upon FEMA FIRM map. Project sites located within the SFHA (100-year floodplain) have been addressed in the attached Programmatic 8-Step Process document prepared according to 24 CFR Part 55.20 (Attachment 1). If the parcel is located within the 100-year floodplain rebuilding is permitted under the Program as described in the 8-Step analysis. The OOR Program houses were destroyed by wildfire, not flooding and the Program will not result in increased net development in the floodplain. Review the property locations to identify any within a FEMA- delineated regulatory floodway. Any located within a FEMA-delineated floodway are not eligible for the Program.
Wildfire Urban Interface Requirements California Fire Code Chapter 49 Requirements for WUI Fire Areas California Building Code Chapter 7A	<u>Wildfire Hazard Mitigation</u> House reconstruction will follow State and County requirements for construction in fire hazard areas.

Contamination and Toxic Substances

24 CFR Part 50.3(i) & 58.5(i)(2)

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 home was built after 1978, review complete.
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 contaminants. A Phase I environmental site assessment prepared in accordance with ASTM International, Inc. standards may be required.
3. For homes built prior to 1978:
 - a. All exposed surfaces where structures remain 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.
 - b. Home sites where structures remain will be tested for the presence of asbestos in areas needing repair, and more broadly, if demolition of the structure and waste management are required.

Endangered Species

Endangered Species Act of 1973, particularly section 7; 50 CFR Part 402

1. Determine if all proposed activities are occurring in the pre-existing disturbed area associated with the structure. Confirm the following:
 - a. The scope of work does not include any native tree removal.
 - b. The scope of work does not have the potential to affect any federally or state-listed species and/or designated critical habitat.
 - 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 (MBTA) of 1918 or adjacent to a stream.
 - d. If yes to all, review concluded.
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.

Consult State and Federal wildlife agencies if needed for determination.

Historic Preservation National Historic Preservation Act of 1966, particularly sections 106 and 110; 36 CFR Part 800	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: 1. HCD will request consultation under Section 106 from the SHPO if any of the following circumstances are encountered: a) A subject property will undergo exterior work and is older than 45 years old; 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, If any activities would be considered new construction, HCD will consult with SHPO on a case-by-case basis. Full SHPO consultation procedures are provided in Attachment 5.
Wetlands Protection Executive Order 11990, particularly sections 2 and 5	Verify if the project area is located adjacent to a designated wetland or within the wetland buffer zone identified on the NWI. If so, install minimum construction BMPs as stated in the 8 Step Process (Attachment 1). An Erosion Control Plan including the placement of BMPs for soil erosion prevention and water quality will be implemented in advance of construction. Any construction sites greater than 1 acre will require permitting under NPDES through the California Regional Water Quality Control Board; however, the maximum ground disturbance on any Program lot will be limited to one half acre.

Wild and Scenic Rivers Wild and Scenic Rivers Act of 1968, particularly section 7(b) and (c)	1. Determine if the site is within proximity (generally within a quarter of a mile) to a Wild and Scenic River or a NRI listed river segment. 2. Consult with the managing federal agency to determine if the proposed project may have an adverse effect on the natural, cultural, and/or recreational values of the river and, if so, to determine the appropriate avoidance or mitigation measures.
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REFERENCES

- State of California Department of Housing and Community Development. (2021). Tier 1 Categorically Excluded, Subject to 24 CFR 58.5 ("CEST") Environmental Review Reports for all of the 2017 impacted counties. Tier 1 CEST Environmental Review Reports for four of the 2018 impacted counties (Lake, Los Angeles, Shasta, and Ventura). Tier 1 Environmental Assessment for 2018 Butte County OOR Program. Documents for CDBG-DR 2017 Disasters located at: <https://www.hcd.ca.gov/community-development/disaster-recovery-programs/cdbq-dr/cdbq-dr-2017/index.shtml#disaster>
Documents for CDBG-DR 2018 Disasters located at: <https://www.hcd.ca.gov/community-development/disaster-recovery-programs/cdbq-dr/cdbq-dr-2018/index.shtml#2018disasters>
- 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
- 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.
- U.S. Environmental Protection Agency. (January 13, 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/home>.

Determination:

- ☐ **Finding of No Significant Impact** [24 CFR 58.40(g)(1); 40 CFR 1508.27]
The project will not result in a significant impact on the quality of the human environment.
- ☐ **Finding of Significant Impact** [24 CFR 58.40(g)(2); 40 CFR 1508.27] The project may significantly affect the quality of the human environment.

Preparer Signature: _____ Date: _____

Name/Title/Organization: _____

Certifying Officer 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).

Attachment 1: 8-Step Floodplain and Wetland Analysis

Eight-Step Decision-Making Process Programmatic Compliance with Executive Order 11988 Floodplain Management and 11990 Protection of Wetlands

2017 and 2018 Community Development Block Grant – Disaster Recovery (CDBG-DR)
Owner-Occupied Housing Rehabilitation and Reconstruction Grant Program

Project Description

The 2017 and 2018 CDBG-DR programs will provide grants to owner-occupied homeowners to rehabilitate or reconstruct disaster damaged or destroyed homes. 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 households and vulnerable populations are addressed to the greatest extent feasible. The program will also provide funding for impacted homeowners to replace their damaged or destroyed manufactured housing unit (“MHUs”).

The program will provide rehabilitation or reconstruction assistance to eligible applicants based on the extent of damage to their primary residences. Reconstruction is defined as the rebuilding of a structure on the same site in substantially the same 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.

Eligible program activities include rehabilitation and reconstruction of single-family, owner-occupied homes on the same site in substantially the same manner. In order to allow for increased flexibility due to pre-designed home plans, housing reconstruction must be on the original property lot, but is not required to be within the same footprint.

Step 1: DETERMINE IF PROPOSAL IS IN A FLOODPLAIN OR WETLAND

The action will occur on scattered sites, not fully identified yet, throughout the disaster-damaged areas of applicable Program counties listed in Table 1. Since the program area is County-wide, some selected sites may be in the 100-year floodplain (Federal Emergency Management Agency (FEMA) designated Special Flood Hazard Areas) and/or adjacent to a wetland. This action entails rehabilitation and reconstruction of single-family disaster damaged or destroyed homes and evaluation under Executive Order (E.O.) 11988 – Floodplain Management and E.O. 11990 – Wetlands Protection apply. This project does not meet the exceptions at 24 CFR 55.12 and therefore requires an 8-step analysis of the direct and indirect impacts associated with the construction, occupancy, and potential modification of floodplains and/or wetlands.

Table 1 shows the California counties being analyzed and the acres of land in the floodplain and wetlands:

Table 1 – Information by County

County	Acres of 100-year floodplain	Acres of NWI Wetlands	Public Notice Publication
Butte	200,100	94,000	Chico Enterprise-Record, Paradise Post
Lake	69,700	55,400	Record-Bee
Los Angeles	139,800	75,700	LA Daily Journal
Mendocino	65,100	38,900	Ukiah Daily Journal
Napa	50,200	41,300	Napa Valley Register
Orange	31,000	18,900	Orange County Recorder
Santa Barbara	69,900	46,400	Santa Barbara NewsPress
Shasta	75,600	102,900	Redding Record Searchlight
Sonoma	72,800	36,100	The Press Democrat
Ventura	68,000	36,200	Ventura County Star
Yuba	73,300	16,500	The Appeal Democrat

It is noted that all properties in the program will be previously developed, single-family residential properties. Floodplain and wetlands will be considered on a site-specific basis during the Tier 2 environmental review process and any work in floodplains and wetlands will be avoided to the maximum extent practical. Best management practices (BMPs) for soil erosion and stormwater management will be applied through minimum construction standards.

Step 2: INVOLVE PUBLIC IN DECISION-MAKING PROCESS (NOTICE)

The Early Floodplain/Wetland Public notice was published in newspapers in Program counties as listed in Table 1 on March 18, 2022. The required 15 days were allowed for early public review. *Copies of the advertisements and verification of publication are provided at the end of this 8-Step analysis. No public comments were received on the early notice.*

Step 3: DETERMINE IF THERE IS A PRACTICABLE ALTERNATIVE

The California Department of Housing and Community Development (HCD) considered several alternatives actions believed to satisfy these requirements:

Alternative 1: Perform home rehabilitation/reconstruction in the 100-year floodplain but not in the floodway.

This option appears to be the best option for selection since it allows the maximum number of homes to be selected under 24 CFR 55 possible. Homes that were previously built in a floodplain and destroyed by wildfire not flooding may be rebuilt on the same lot, but homes that were in the floodway may not be rebuilt under the OOR Program. A regulatory floodway comprises the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. This is the segment of the floodplain which presents the greatest risk to structures. Based on applications received to date, this option leaves out very few homes which were identified during the early application process as being in a floodway. This option aligns with the U.S. Department of Housing and Urban Development (HUD)'s directive not to provide financial assistance in floodways unless an exception in section 55.12(c) applies or the project is a functionally dependent use (e.g. dams, marinas, and port facilities) or a floodplain function restoration activity.

Alternative 2: All Program homes must be outside the 100-year floodplain.

This option, while it allows HCD to avoid any questions regarding the 100-year floodplain, does not allow the maximum number of homeowners to be served by the CDBG-DR OOR Program. To be eligible for the Program, each property must have been correctly permitted and permissible for the zoning area or local development standard. This option would deny aid to willing very low-, low-, and moderate-income homeowners to receive repairs or reconstruction of their disaster impacted homes and deny opportunities to aid with actions that restore neighborhoods by preserving the quality and property value of homes. This option does not promote HCD's disaster funding goal which is to help communities and neighborhoods that otherwise might not recover due to limited resources.

Alternative 3: Evaluate infrastructure action or other flood protection measures.

Historically, flood control measures have been used to protect housing in a floodplain using dikes, walls, levees, and other flood protection structures. These mitigation measures have proven to have mixed results in effectively protecting communities from flooding. These actions do not address the housing needs of the homeowners, and in general are not feasible based on the limited size of most properties and are far less effective when implemented on individual scattered sites. Flood protection structures are prohibitively expensive on a house-by-house, or small-scale basis. Furthermore, construction of these structures oftentimes redirects the flooding problem onto other properties downstream. For these reasons, this alternative is not practicable.

Alternative 4: "No Action"

The "No Action" alternative would not provide financial support for rehabilitation/reconstruction to very low-, low-, and moderate-income homeowners with homes located in the floodplain or adjacent to wetlands, substantially damaged by the 2017 or 2018 disasters. Without financial assistance, these property owners may not be able to recover and have safe, disaster resistant and affordable housing. Without financial assistance to rehabilitate/reconstruct these houses to meet local and/or county building codes, these

homes would not be habitable and there would be no improvements to the floodplain. The houses or remnants of houses could be left to deteriorate. Such an alternative would pass up an opportunity to serve homeowners, neighborhoods and community residents using disaster recovery funding and would run contrary to HUD and HCD's mission of providing housing to disaster recovery victims. This alternative would not fully contribute to the long-term recovery and economic revitalization of the County. Because of these reasons, the No Action alternative was not considered viable.

Step 4: IDENTIFY ADVERSE AND BENEFICIAL IMPACTS

The OOR Program will have no adverse impacts that cannot be mitigated. It will not result in the development of new housing sites, as work will be conducted on previously developed residential properties. This program will not introduce or support any new development adjacent to wetlands or in the floodplain.

The natural environments of the project sites will not change from their current use as single-family home sites. The topography and any existing habitats will not be altered, nor will this project introduce any new hazards.

The program will have a beneficial social impact by revitalizing neighborhoods damaged or destroyed by wildfires. This program will have no impact on land use patterns as the program will maintain existing land uses. The program will have beneficial economic impacts by bringing back residents to support the local economy. Many of these residents are very low-, low-, or moderate-income households that may not be able to afford to rehabilitate/rebuild their homes without this program. The program will not have any adverse impact on existing deeds or leases. Only owner-occupied single-family homeowners are eligible for the program and rehabilitation/reconstruction must occur on the same parcel where the original house was damaged or destroyed.

Step 5: MITIGATE ADVERSE IMPACTS

Where practicable, HCD will design and modify the proposed action to minimize the potential adverse impacts to lives and property and preserve the beneficial values provided by floodplains and wetlands. Construction adjacent to wetlands will require implementation of best management practices (BMPs) to prevent impacts to water quality and wetlands ecosystems. For work adjacent to wetlands, construction teams will install silt fencing and/or hay bales between the work site and wetland area to prevent impacts from soil erosion and stormwater runoff into wetland areas. Mitigation of impacts to potential wetland species will be conducted as part of the Tier 2 site-specific review of biological resources for each OOR site.

For substantial rehabilitation and reconstruction, design and construction will adhere to all applicable building codes and local floodplain ordinances including any limitations on placing fill in the floodplain, raising finished floor elevations, and using flood resistant design and materials where required.

The Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a) requires that projects receiving federal assistance and located in an area identified by FEMA as being within a Special Flood Hazard Areas, such as the 100-year floodplain, be covered by flood insurance under the National Flood Insurance Program. HCD will require proof of insurance as part of the OOR Program application process.

Step 6: RE-EVALUATE ALTERNATIVES

HCD has determined that the most practicable alternative on a programmatic level for the specified OOR program counties is **Alternative 1: Perform home rehabilitation/reconstruction in the 100-year floodplain but not in the floodway.** This alternative best meets the goal of the OOR Program, which includes providing safe housing for applicants while allowing the most applicants to remain in their communities, and mitigating, to the extent practicable, future hazards from flooding. This alternative also addresses the need for safe and affordable housing and provides protection of the regulatory floodway. Adverse impacts will be mitigated by performing no new development in the floodplain and allowing no Program funded work in the floodway. Design and construction will adhere to local building codes and floodplain ordinance requirements. BMPs for soil erosion, stormwater management and protection of wetlands will be applied through minimum construction standards.

Alternative 2: All homes to be selected will be outside the 100-year floodplain. Alternative 2 was not chosen because it does not allow the maximum number of homeowners to be served by the CDBG-DR OOR program. This option would deny aid to willing very low-, low-, and moderate-income homeowners to receive repairs or reconstruction of their disaster affected homes and deny opportunities to aid with actions that restore neighborhoods by preserving the quality and property value of homes. This option does not promote HUD and HCD's disaster funding objective which is to help communities and neighborhoods that otherwise might not recover due to limited resources.

Alternative 3: Evaluate infrastructure action or other flood protection measures.

Alternative 3 was not chosen because historically these mitigation measures have proven to have mixed results in effectively protecting communities from flooding. These actions do not address the housing needs of the homeowners, and in general are not feasible based on the limited size of most properties and are far less effective when implements on individual scattered sites. These structures are expensive to construct and require lifelong maintenance. Furthermore, construction of these structures oftentimes redirects the flooding problem onto other properties downstream.

Alternative 4: "No Action." Alternative 4 was not selected since a viable option (Alternative 1) is available. The No Action alternative does not fully promote HUD and HCD's objective to provide decent, safe, and sanitary housing in the areas affected by the disasters.

Step 7: ANNOUNCE AND EXPLAIN DECISION TO THE PUBLIC (NOTICE)

The Final Floodplain/Wetland Public notice was published in the same newspapers listed in Table 1 on May 6, 2022. The required 7 days were allowed for final public review. Copies of the advertisements and verification of publication are provided at the end of this 8-Step analysis.

Step 8: IMPLEMENT PROPOSAL WITH APPROPRIATE MITIGATION

HCD will ensure that this plan as described above is executed and necessary language will be included in all agreements with participating parties. HCD or their consultant will take an active role in monitoring the rehabilitation/reconstruction process to ensure no unnecessary impacts occur nor unnecessary risks are taken, as individual sites are selected.

Public Notice Documents

Attachment 3: Coastal Zone Management

Attachment 4: Endangered Species

Attachment 5: Historic Preservation

Standard Operating Procedures

Tier 2 Site-Specific Cultural Resources Review

2017 and 2018 Community Development Block Grant – Disaster Recovery (CDBG-DR)
Owner-Occupied Housing Rehabilitation and Reconstruction (OOR) Grant Program

The California Department of Housing and Community Development (HCD) has consulted with the State Historic Preservation Office (SHPO) on potential cultural resources impacts from the OOR Program through a series of meetings and consultation letters provided in the Environmental Assessment and previous “CEST” Reports and attached to this Tier 1 Programmatic EA. The HCD OOR team has developed these standard operating procedures (SOPs) for review of Program homes for potential cultural resources impacts during Tier 2. These SOPs have been agreed upon by the SHPO and will be utilized for Tier 2 review of home sites until a potential programmatic agreement is established between HCD and the SHPO.

NEPA Review and SHPO Consultation

Environmental review of the OOR Program is being conducted under the National Environmental Policy Act (NEPA) Guidelines of the U.S. Department of Housing and Urban Development (HUD). Specifically, a tiered environmental review is being conducted as defined under 40 Code of Federal Regulations (CFR) 1508.28. A broad level Tier 1 EA has been conducted by Hagerty Consulting and the Tier 2 site-specific reviews are being conducted by the construction management team of SLS and TetraTech. As part of both stages of review, consultation has been performed with the SHPO, including several conversations and email exchanges between HCD and Shannon Pries, State Historian II. The idea of developing a Programmatic Agreement (PA) between HCD and SHPO for disaster recovery projects has been discussed; and a PA is currently being drafted but has not been finalized. Instead, the SHPO has provided a “Letter of Understanding” (LOU) and has directed HCD to follow the requirements of the LOU for historic resources review under the OOR Program.

Letter of Understanding

The SHPO sent a letter to HCD dated October 30, 2020 and in response to HCD’s request for a LOU in a previous letter on October 28, 2020. The LOU and follow up conversations indicated that the SHPO considered the rebuild of single-family houses as rehabilitation projects, but the LOU requested that HCD consult with the SHPO if a rehabilitation project involves substantial earth moving, such as footing/foundation trenching, utility line excavation, or septic tanks, and the possibility exists that such earth disturbance may or will occur on or near an archeological site.

The attachment to the LOU under Threshold 1 specified that “if an application calls for work that is limited to the interior of a property (and the work will not be visible from the exterior at all) you do not need to consult the SHPO, regardless of the property’s age. (Your Section 106 consultation obligations are complete).”

The attachment to the LOU under Threshold 2 specified “If an application calls for work on the exterior of a property that is less than 45- 50 years old, you do not need to consult the SHPO. (Your Section 106 consultation obligations are complete.)”

Based on the contents of the LOUs and direction from the SHPO the following SOPs were established for Tier 2 site review:

California Owner-Occupied Housing Rehabilitation and Reconstruction Program Section 106 Review Procedures

This document outlines the procedures to be undertaken to comply with Section 106 of the National Historic Preservation Act for the 2017 and 2018 OOR Programs in California. These programs are receiving HUD Community Development Block Grant – Disaster Recovery (CDBG-DR) funding. HCD is the Responsible Entity and assumes the HUD federal lead agency responsibilities under 24 CFR Part 58 (Environmental Review Procedures for Entities Assuming HUD Environmental Responsibilities) for the required environmental reviews in accordance with HUD regulations and guidance. The procedures outlined in this document are required, in part, because no PA exists that covers the proposed program activities.

The actions to be implemented under these programs would occur at individual residential locations where the property owner owned and occupied the damaged home as their primary residence at the time of the qualifying disaster, the property is or was a single-family dwelling (such as stick built, modular, or mobile home), and the number of dwelling units on site would not increase (although the number of rooms may increase or decrease); there are other requirements, but these are the requirements most pertinent to the Section 106 process. The proposed project activities that would occur at the individual residential locations are 1) rehabilitation, 2) reconstruction within original dwelling footprint, 3) reconstruction outside original dwelling footprint, and 4) relocation of dwelling.

The program actions would occur in one of the following 13 counties that are addressed by the 2017 OOR Program, the 2018 OOR Program, or both: Butte, Lake, Los Angeles, Mendocino, Napa, Nevada, Orange, San Diego, Santa Barbara, Shasta, Sonoma, Ventura, and Yuba

This document addresses the procedures for architectural resources, archaeological resources, and Native American resources.

Architectural Resources

1. If a project activity involves only interior rehabilitation or involves a manufactured housing unit, no consultation with SHPO or other Section 106 activities are required.
2. If a project activity involves a structure that is less than 45 years old and is outside of a designated historic district, no consultation with SHPO or other Section 106 activities are required. The date of construction will be determined using public property records, such as those maintained by a county assessor’s office. The structure’s age will be determined from the time of Section 106 review.
3. If a project activity involves a structure that is 45 years old or older, consultation with SHPO is required. This step must be completed by an architectural historian who meets the appropriate qualifications established by the Secretary of the Interior (SOI). The SOI-qualified architectural

historian will consult with SHPO to further evaluate whether the existing structure is already listed in the National Register of Historic Places (National Register) (individually or as a contributor to a historic district) or is potentially eligible for listing in the National Register at the individual level. Consultation will include a transmittal letter and package with the following items:

- Clear photographs of exterior of the property (proposed to include all four sides of the structure, three-quarter views of the front of the structure, and streetscape)
- Information about the age of the property. If the date of construction is not publicly available, this can be a best guess/estimate based on style and type of property and development patterns in the area
- A description of the work associated with the program activities (typically, rehabilitation, reconstruction within original dwelling footprint, reconstruction outside original dwelling footprint, or relocation of dwelling)
- A California Department of Parks and Recreation (DPR) 523A Primary Record and DPR 523B Building, Structure, and Object Record for the property that includes only the information relevant to the undertaking
- A summary of historic information about the property obtained from sources like local historical societies, Native American tribes, interested parties, historic preservation boards or commissions, planning departments, etc.
- Information from historic resources surveys completed by, or for, HCD at an earlier date
- A statement determining whether or not HCD believes the property is eligible for the National Register

4. If SHPO agrees with the determination that a property is not eligible for the National Register, no further Section 106 activities are required.

5. If SHPO agrees with the determination that a property is eligible for the National Register, rehabilitation activities should be conducted in accordance with Secretary of the Interior's Standards for Rehabilitation, and project plans should be submitted for SHPO review.

6. If SHPO agrees with the determination that a property is eligible for the National Register, reconstruction and relocation activities would require further SHPO coordination regarding treatment and other mitigation measures.

Archaeological Resources

1. If the project activity is rehabilitation or reconstruction within original dwelling footprint, no consultation with SHPO or other Section 106 activities are required.

2. If the project activity is reconstruction outside original dwelling footprint, relocation of dwelling, or otherwise involves substantial subsurface ground disturbance (i.e., footing/foundation trenching, utility line excavation, sewer, water, gas, leach, septic tanks, etc.), and the possibility exists that ground disturbance may or will occur on or near an archaeological site, consultation with SHPO may be required. To determine if consultation is required, an SOI-qualified archaeologist would complete the following steps.

- Conduct a record search through the appropriate information center (IC) of the California Historical Resources Information System (CHRIS) for the disaster areas, grouping of parcels, or each of the 13 counties addressed by the OOR Programs and provide those results to SHPO.
- Parallel to the record searches, prepare a desktop study of the archaeological context for sensitivity for areas, such as the disaster areas, grouping of parcels, or each county that the program encompasses. Background research for the desktop study can include (but is not limited to) available online historic maps and aerial photography, county general plans regarding cultural resources, local historical societies, available archaeological and historic context, ethnographic, and environmental (i.e., watersheds, geological, soils, etc.) sources. This research will be used to determine the archaeological sensitivity of an area.
- If the project activity is reconstruction outside the original dwelling footprint, relocation of dwelling, or otherwise involves substantial subsurface ground disturbance, where the record search results and desktop review show no known archaeological sites within the subject parcel or within 100 feet of the parcel, no consultation with SHPO or other Section 106 activities are required. For the same project activities, where the record search results or desktop study shows known archaeological sites within the parcel or within 100 feet of the subject parcel, consultation with SHPO is required. Consultation will include a transmittal letter and package with the following items:
 - Property address and parcel map
 - Area of potential effect
 - Clear photographs of the reconstruction or relocation site
 - Summary of the record search results or desktop study and the presence or absence of archaeological resources
 - A description of the work associated with the program activities (typically, reconstruction outside original dwelling footprint, relocation of dwelling, or any substantial earth moving activities)
 - A statement of the level of effect determination

In consultation with the SHPO, and until a PA can be established between SHPO and HCD, archaeological sensitivity models will be developed by HCD's Tier 2 environmental consulting team. This approach was decided upon due in part to the CHRIS digital data not being readily available due to some access restrictions related to the ongoing COVID-19 pandemic. The OOR Program in total encompasses thousands of individual residential parcels spread across 13 counties. SHPO and HCD agreed this program is relatively unique as it only enables privately owned residential parcels to recover pre-existing housing lost from wildfire. The agencies recognize that the delays, particularly acute due to current COVID restrictions, in obtaining third-party CHRIS data from such widely distributed impacted areas would result in hardship to impacted California citizens simply trying to return to their homes. The use of archaeological sensitivity models and mapping was therefore deemed to be a reasonable alternative.

The archaeological sensitivity models therefore are focused solely on identifying landforms where significant (NRHP-eligible) undisturbed prehistoric Native American sites could potentially be located. Each individual application parcel will be submitted to SHPO under a consultation package where the factors identified in the archaeological models will be analyzed in relation to its site-specific characteristics. Archaeological model criteria to be applied in each

model will include soil type and drainage characteristics; distance from a water source and type of water source; distance from wetlands and type of wetlands; land slope; and aspect (facing direction).

Native American Resources

1. As part of the Tier 1 OOR Programmatic EA, a request was made of the California Native American Heritage Commission for a search of the Sacred Lands File and Native Americans Contact List.
2. For each of the interested or potentially interested, federally recognized Native American organizations from the Native Americans Contact Lists, consult for all of the areas or counties for which they have potential interest.
3. Provide Native American responses to SHPO and determine whether any further tribal consultation is required

Attachment 6: Wild and Scenic Rivers

Attachment 7: Site Specific or Tier 2 Reviews

Attachment 7: 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]