



# **Environmental Review Training**

**November 5, 2019**



# HCD Environmental Contact

Janice Waddell

Section Chief, Grants Management

[Janice.waddell@hcd.ca.gov](mailto:Janice.waddell@hcd.ca.gov)

(916) 263-1466



# Topics of Discussion

- Overview of NEPA and related laws
- Role of the “Responsible Entity”
- Limitations Pending Clearance
- Levels of Review
- Environmental Review Process
- Tiered Reviews
- Documentation/ Recordkeeping



## **NEPA and Related Laws and Authorities**



# Why Environmental Review?

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



# National Environmental Policy Act of 1969

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



# Applicability of NEPA

- All proposals for Federal actions that have the potential to affect the quality of the human environment
- No “trigger level” - all levels of Federal funding and assistance are covered, including small grants and loans, loan guarantees, permitting...
- The implementation of NEPA is referred to as the “environmental review”.
- The HUD rules and regulations that govern the environmental review process can be found at 24 CFR Part 58.





## NEPA-Related Laws/Authorities

- National Historic Preservation Act (1966)
- Floodplain Management & Wetlands Protection: Executive Orders (1977)
- Coastal Zone Management Act of 1972
- Safe Drinking Water Act (1974)
- Endangered Species Act (1973)
- Wild & Scenic Rivers Act (1968)





## NEPA-Related Laws/Authorities

- Clean Air Act (1970)
- Farmland Protection Policy Act (1981)
- HUD Environmental Criteria & Standards
  - ✓ Noise Abatement and Control
  - ✓ Near Explosives or Flammable Sites
  - ✓ Near Airport Runway Protection Zones
  - ✓ Near Toxic Hazards
- Environmental Justice E.O. (1994)
- Noise Control Act (1972)



# CEQA

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



# HUD's Implementing Regulations

24 CFR Part 58 – Environmental Review Procedures for Entities  
Assuming HUD Environmental Responsibilities

**CDBG**

**HOME**

**CDBG – DR**

**ESG**

**HOPWA**

**NSP**

**HTF**



# Questions



# Duties of the Responsible Entity





# Environmental Review Regulations Responsible Entity

- Sec. 104 of the HCDA allows local units of government to perform NEPA responsibilities that would otherwise apply to HUD.
- Part 58 regulation, titled “Environmental Review Procedures for Entities Assuming HUD Environmental Responsibilities,” governs process





# Certifying Officer

- 24 CFR Part Section 58.2 (a) (2) Certifying Officer means the official who is authorized to execute the Request for Release of Funds and Certification and has the LEGAL CAPACITY TO CARRY OUT THE RESPONSIBILITIES OF 58.13.
- Section 58.13 - ... a responsible entity's certifying officer is the "responsible federal official" as that term is used in section 102 of NEPA, 40 CFR Part 1500-1508, and 24 CFR Part 58.
- The Certifying Officer accepts the jurisdiction of the Federal Courts for the responsible entity in environmental matters for this certification.
- Others may ASSIST, but local government CANNOT DELEGATE this responsibility to another entity or consultant

# Choice Limiting Acts



## Possibilities

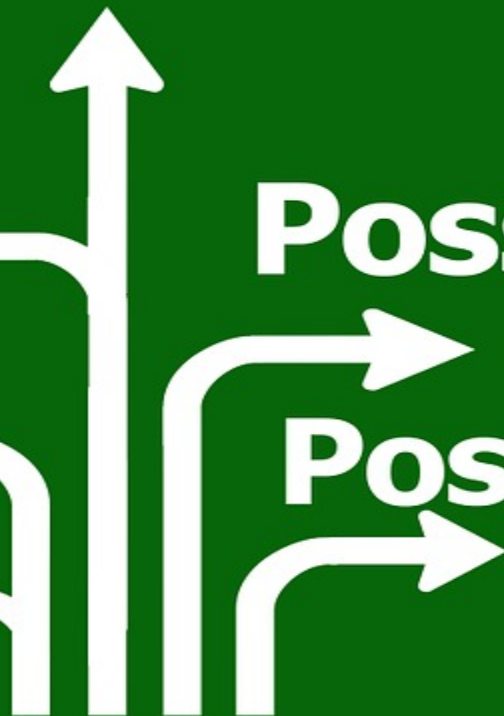
**Possibility**

**Possibility**

**Possibility**

**Possibility**

**Possibility**





# Choice-Limiting Actions!

- Cannot commit HUD or non-HUD funds to a proposed project prior to completing ER process and release of funds authorization from HCD
- Must oversee actions of sub-recipient, developers, and beneficiaries
- Choice-limiting actions will reduce or eliminate your opportunity to choose alternatives. Examples: property acquisition, leasing, demolition, rehabilitation, construction, and site improvements (including site clearance)



# Choice Limiting Actions! (cont.)

Examples:

- Acquisition of land & structures
- Demolition
- Construction Bidding
- New Construction
- Rehabilitation
- Leasing
- Site Improvements





# Questions



# Define the Project

- What is the scope?
- What Activities will be included?
- What is the location? Get maps!
  - ✓ Planning Area Map
  - ✓ Wetlands Map
  - ✓ Floodplain Map
  - ✓ USDA-SCS Soil Survey Map & Report
  - ✓ Farmland Conservation Map
  - ✓ Historical Districts Map – GIS
  - ✓ NEPAassist: <https://www.epa.gov/nepa/nepassist>





# Define the Project

**Evaluate as a single project** all individual activities that are related either on a geographical or functional basis or are logical parts of a composite of contemplated actions.

**Must** include both HUD and non-HUD funds.

In projects with multiple activities, the Environmental Review must be completed utilizing the **highest level of review** relative to the activities included in the project.





# Consider the Impacts of the Project

- Project on the **Environment**  
Endangered Species, wetlands, historic properties, air and water quality...
- **Environment** on the Project  
Toxic contamination, radon, explosive operations, noise impacts, flooding, airport hazards...

Adverse

No Effect

Beneficial



# Environmental Considerations

- Cumulative Impact
- Consideration of Alternatives
- No Action Alternative



# Consideration of Alternatives

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

# Levels of ER Review







# Identify the Level of Review

## Four levels of review:

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





# Exempt Activities

- Activities which are deemed not to affect the human and /or physical environment (i.e. environmental studies, planning, or administrative activities)
- No publication requirements
- Even Exempt activities require environmental review and documentation before proceeding
- Defined at §58.34(a); Ex: admin, planning, studies, inspections



## Exempt Activities (cont)

Exempt activities set forth at 24 CFR 58.34 deal mainly with actions that do not have a physical component. Generally planning activities and services and include:

- Environmental, planning & design costs
- Information & financial services
- Administrative & management activities
- Public services (no physical impact)
- Inspections
- Purchase of tools & insurance
- Technical assistance & training
- Payment of principal and interest
- Most types of temporary assistance for disaster or imminent threats
- Engineering or design costs





# Process for Exempt/CENST Activities

- Complete the “Environmental Review for Exempt/Categorically Excluded Not Subject To Activities” form (<https://files.hudexchange.info/resources/documents/Part-58-Exempt-CENST.docx>)
- Form includes short checklist for §58.6 criteria:
  - ✓ National Flood Insurance Program (CDBG exception)
  - ✓ Coastal Barrier Resources Act
  - ✓ Airport Runway Clear Zones
- CO must sign the certification and send to HCD.
- ER Complete – Commence Activities



<https://www.hudexchange.info/resource/3141/part-58-environmental-review-exempt-or-censt-format/>

**Environmental Review  
for Activity/Project that is Exempt or  
Categorically Excluded Not Subject to Section 58.5  
Pursuant to 24 CFR Part 58.34(a) and 58.35(b)**

**Project Information**

**Project Name:**

**Responsible Entity:**

**Grant Recipient** (if different than Responsible Entity):

**State/Local Identifier:**

**Preparer:**

**Certifying Officer Name and Title:**

**Consultant** (if applicable):

**Project Location:**

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



# Categorically Excluded

- Activities “excluded from NEPA requirements” but may be subject to other Federal laws and authorities outlined in Section 58.5
- 2 Classes:
  - ✓ Categorically Excluded NOT SUBJECT TO (CENST) §58.5 – See §58.35(b)
  - ✓ Categorically Excluded SUBJECT TO (CEST) §58.5 – See §58.35(a)



# Categorically Excluded Not Subject

Activities listed at 58.35(b) as Categorically Excluded from NEPA and Not Subject to Related Laws and Authorities

- Tenant-based rental assistance
- Supportive services (healthcare, housing placement)
- Operating costs (utilities, supplies)
- Economic development costs (not associated with construction or expansion)
- Some types of homebuyer assistance
- Affordable housing pre-development costs
- Maintenance





<https://www.hudexchange.info/resource/3141/part-58-environmental-review-exempt-or-censt-format/>

**Environmental Review  
for Activity/Project that is Exempt or  
Categorically Excluded Not Subject to Section 58.5  
Pursuant to 24 CFR Part 58.34(a) and 58.35(b)**

**Project Information**

**Project Name:**

**Responsible Entity:**

**Grant Recipient** (if different than Responsible Entity):

**State/Local Identifier:**

**Preparer:**

**Certifying Officer Name and Title:**

**Consultant** (if applicable):

**Project Location:**

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





# Categorically Excluded Subject To

Activities listed at 58.35(a) as Categorically Excluded from NEPA but Subject to Related Laws and Authorities

- Acquisition, leasing, or disposition of vacant land or existing buildings with no change in land use and includes project based rental assistance
- Acquisition or leasing of public facilities with no change in land use
- Removal of barriers that restrict mobility and accessibility to elderly and handicapped
- Rehabilitation, repair, and improvement of buildings as described at 24 CFR Part 58.35(a)3)(i)-iii
- Individual actions on single family or scattered sites





<https://www.hudexchange.info/resource/3139/part-58-environmental-review-cest-format/>

**Environmental Review for Activity/Project that is Categorically  
Excluded Subject to Section 58.5**  
Pursuant to 24 CFR 58.35(a)

**Project Information**

**Project Name:**

**Responsible Entity:**

**Grant Recipient (if different than Responsible Entity):**

**State/Local Identifier:**

**Preparer:**

**Certifying Officer Name and Title:**

**Grant Recipient (if different than Responsible Entity):**

**Consultant (if applicable):**

**Direct Comments to:**

**Project Location:**



# Process for Categorically Excluded Subject to (CEST)

- Complete “Environmental Review for Categorically Excluded Subject to §58.5” form  
(<https://files.hudexchange.info/resources/documents/Part-58-CEST-Format.docx>)
- Form includes:
  - ✓ Detailed Project Description
  - ✓ Checklist for §58.6 criteria
  - ✓ Checklist for §58.5 criteria



## Process for CEST (cont.)

- If activities occur in floodplain or wetlands, conduct 8-step decision making process.
- Determine whether activities can Convert to Exempt status. If able to convert:
  - ✓ CO must sign the CEST certification and send to HCD
  - ✓ ER Complete for Converted CEST – Commence Activities
- Publish NOI/RROF and respond to public comments
  - Published = 7 day public comment
  - Posted = 10 day public comment



## Process for CEST (cont.)

- Address all comments within 30 days
- CO must sign the CEST certification and send to HCD
- Submit the Request for Release of Funds
- WAIT for HCD 15-day comment period and return of Authority to Use Grant Funds (HUD Form 7015.16)
- ER Complete for CEST – Commence Activities



# Questions



# Tiered Reviews

- Appropriate when evaluating a proposal at the early stages of development or when site-specific analysis is not yet feasible.
- Generally, used for housing rehab programs only
- Tier 1 – Broad Review: Address all laws and authorities possible and establish a plan (narrative) for the site-specific or subsequent review. Publish public notice (NOI/RROF) and submit RROF
- Tier 2 – Site-specific Review: No public notice or RROF required unless unanticipated impacts or impacts not adequately addressed in prior review. (Use CEST form)





# Tiered Reviews

U.S. Department of Housing and Urban  
Development  
451 Seventh Street, SW  
Washington, DC 20410  
www.hud.gov  
cspanol.hud.gov

## 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:**

**Responsible Entity (RE):**

**State/Local Identifier:**

**RE Preparer:**

**Certifying Officer:**

**Grant Recipient** (if different than Responsible Entity):

**Point of Contact:**

**Consultant** (if applicable):

**Point of Contact:**

**Project Location:**

**Additional Location Information:**

**Direct Comments to:**

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



- **Tiered Environmental Reviews Resources**
- <https://www.hudexchange.info/programs/environmental-review/tiered-environmental-reviews/>
- **Tiered Review Form**
- <https://www.hudexchange.info/resource/3292/part-58-environmental-review--tiered-cest-format/>
- **Sample Notice of Intent to Request Release of Funds (Tiered Reviews)**
- <https://www.hudexchange.info/resource/5160/sample-notice-of-intent-to-request-release-of-funds-for-tiered-reviews/>
- **Tiered Environmental Review Webinar Slides**
- <https://files.hudexchange.info/course-content/heros-tiered-environmental-review-webinar/Tiering-Environmental-Reviews-Slides-2017-05-11.pdf>
- **YouTube Webinar “HEROS Tiered Environmental Reviews Webinar”**
- <https://www.bing.com/videos/search?q=hud+tiered+environmental+review+you+tube&view=detail&mid=3D344FF2E5C97415E2AB3D344FF2E5C97415E2AB&FORM=VIRE>



## Environmental Review Tips

- Complete and Clear Project Description including information shown below :
  - The broad-level review must define a protocol for how compliance will be achieved at the site-specific level. This protocol should not merely state that the factor will be addressed in the site-specific review; rather, the broad review must define a strategy including procedures to be followed to determine compliance, mitigate impacts where possible, and dismiss sites that cannot be made compliant.
  - Project Description
    - \_\_\_\_\_ Types of Activities
    - \_\_\_\_\_ All proposed funding sources
    - \_\_\_\_\_ Maximum number of units
    - \_\_\_\_\_ Average cost per unit
    - \_\_\_\_\_ Clearly defined geographic area (e.g. neighborhood or block group)
    - \_\_\_\_\_ Length of time considered by the review (Cannot exceed 5 years)
  - Factors to be evaluated in Site-Specific Reviews (use CEST form)
- Both the Broad-level Tiered Review and the Site-Specific Reviews need to be filed in the Environmental Review Record.



# Questions



# Environmental Assessment

An Environmental Assessment is required if the project activities are not determined Exempt or Categorically Excluded – 24 CFR 58.36





<https://www.hudexchange.info/resource/3140/part-58-environmental-assessment-form/>

**Environmental Assessment  
Determinations and Compliance Findings for HUD-assisted Projects  
24 CFR Part 58**

**Project Information**

**Project Name:**

**Responsible Entity:**

**Grant Recipient (if different than Responsible Entity):**

**State/Local Identifier:**

**Preparer:**

**Certifying Officer Name and Title:**

**Grant Recipient (if different than Responsible Entity):**

**Consultant (if applicable):**

**Direct Comments to:**



# Process for Environmental Assessment (EA)

- Complete “Determination of Environmental Assessment” form <https://files.hudexchange.info/resources/documents/Part-58-EA-Format.docx>
- Form includes:
  - ✓ Detailed Project Description
  - ✓ Checklist for §58.6 criteria
  - ✓ Statutory Checklist
  - ✓ EA Checklist





## Process for EA (cont.)

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



## Process for EA (cont.)

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



# Environmental Impact Statement

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

**STOP!** Call HCD before going any further if you determine you might have an EIS.



# Process for Environmental Impact Statement (EIS)

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



# Re-evaluation of ERR (§ 58.47)

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



# Environmental Review Record

- Written record of review
- Must be available for public inspection
- May contain the following:
  - ✓ description of project and each activity
  - ✓ maps
  - ✓ photographs
  - ✓ site plans
  - ✓ correspondence
  - ✓ studies



# Environmental Review Record (cont.)

- ✓ public notices
- ✓ written determinations or findings as evidence of review, decision making and action
- ✓ RROF/Certification, Release of Funds
- ✓ copies of comments and RE's responses

## **DO NOT APPROACH ARBITRARILY**

- **Be thorough**
- **Be responsible**
- **Be thoughtful**





# Recordkeeping

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



# Supporting Documentation

- Field Observations (include photographs)
- Interviews (must include name/title/date)
- Printed Materials
  - Letters, emails, phone log
  - Plans, maps
  - Aerial photos
  - Reports, studies, analyses
  - Web-based materials (not just the URL)
  - Photographs



## Common Issues in Environmental Reviews

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



## Timing & Counting Days

- Counting starts the day **AFTER** publication
- Last day of comment period falls on a Saturday, Sunday or Holiday, RE must accept comment through the following business day
- RE may extend comment period at their discretion
- RROF may be signed and submitted the day **AFTER** last day of comment period



# Timing & Counting Days (cont.)

## September 2019

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1	2	3	4	5	6	7
8	9	10 Publication Date	11	12	13	14
15	16	17 NOI/RROF Comment Over	18 RE Signs/Submits RROF to DCED	19	20	21
22	23	24	25 COMBINED NOTICE Comment Over	26 RE Signs/Submits RROF to DCED	27	28
29	30	1	2	3	4	5



# Project Descriptions

Part 1. Program Description and Request for Release of Funds (to be completed by Responsible Entity)		
1. Program Title(s) <b>Stormwater Improvements</b>	2. HUD/State Identification Number	3. Recipient Identification Number (optional)
4. DMB Catalog Number(s)	5. Name and address of responsible entity <b>Town of Anytown 100 Main Street Anytown, CA 90001</b>	
6. For information about this request, contact (name & phone number) <b>John Doe (916)233-5000</b>	7. Name and address of recipient (if different than responsible entity)	
8. HUD or State Agency and office unit to receive request <b>HCD 2020 West El Camino Sacramento, CA 90001</b>	<p><b>The recipient(s) of assistance under the program(s) listed above requests the release of funds and removal of environmental grant conditions governing the use of the assistance for the following</b></p>	
9. Program Activity(ies)/Project Name(s) <b>Stormwater Improvements</b>	10. Location (Street address, city, county, State) <b>Anytown, CA</b>	
11. Program Activity/Project Description <b>Stormwater Improvements</b>		

**BAD**





# Project Descriptions

## Part 1. Program Description and Request for Release of Funds (to be completed by Responsible Entity)

1. Program Title(s) <b>State and Small Cities CDBG</b>	2. HUD/State Identification Number	3. Recipient Identification Number (optional)
4. DMB Catalog Number(s)	5. Name and address of responsible entity <b>Town of Anytown 100 Main Street Anytown, CA 90001</b>	
6. For information about this request, contact (name & phone number) <b>John Doe (916)233-5000</b>	7. Name and address of recipient (if different than responsible entity)	
8. HUD or State Agency and office unit to receive request <b>HCD 2020 West El Camino Sacramento, CA 90001</b>	<p><b>The recipient(s) of assistance under the program(s) listed above requests the release of funds and removal of environmental grant conditions governing the use of the assistance for the following</b></p>	
9. Program Activity(ies)/Project Name(s) <b>Stormwater Improvements Project</b>	10. Location (Street address, city, county, State) <b>Anytown, CA</b>	

**GOOD**



### 11. Program Activity/Project Description

The project will consist of the repair/resurfacing of the existing asphalt roadway and the installation of a storm water control system. The storm water system will include excavation of the existing road surface to prepare for the installation of 640 lf. of 15" storm sewer pipe along with 6 catch basins. The captured storm water will be directed to a rock energy dissipater and level spreader system. The water directed to these structures will be collected by a storm drainpipe at the lower end of the street. The drainpipe will be supported by a new concrete end wall. After completion of the storm water control system, the existing street's surface will be milled 2" to 3.5" in depth. The "soft areas" will be repaired with compacted street milling material. The street will then be repaved with a 2" binder course and a 1.5" wearing course. Wedge curbs will also be constructed along the length of the roadway.



# Strong Project Description

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

The Beaumont Apartments project ("the Project") consists of the gut rehabilitation of the historic Beaumont Telephone Exchange Building into 73 residential units encompassing a gross building area of approximately 98,000 square feet. Currently the subject property located at 2650 Locust Street has a usable land area of 33,675 SF in a roughly rectangular shape located on a corner. The proposed redevelopment of the building will consist of 73 residential units with an average unit size of 886 square feet, of which 13 residential units will be live/work units, 5,032 square feet of commercial space, 2,100 square feet of shared common area between the live/work tenants and commercial tenants, and 5,162 square feet of co-working artist/maker space comprised of eight artist/maker cubicles and a gallery. There is a total of 12,294 square feet of commercial space, which represents 15.97% of the total rentable area. The units will feature a full kitchen appliance package, an in-unit washer/dryer, and above average finishes. Complex amenities will include an on-site leasing office and staff, security cameras, and a resident lounge. Also, there will be a courtyard off of the lobby with a walking path and an outdoor sitting area available to the tenants as well as an urban roof garden with tenant access and seating. Additional amenities include a game room, additional storage, a rooftop terrace with a shipping container pool and gardens, three guest rooms for visitors, and limited office amenities for the live/work and artist/maker space. In addition to the 57-space adjacent two-story parking garage, residents will also have access to 16 leased parking spaces in a surface lot approximately one block to the west. Currently the subject has a site area of 0.8 acres, or 33,675 square feet, but the property will be expanded an additional 10 feet eastwardly upon demolition of the enclosed walkway and tunnel connecting the subject to the adjacent building to the south. The site area is estimated to be 0.80 acres, or 35,023 square feet, at completion of the renovation.





# Documenting Compliance

STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR 50.4 and 58.6		
<b>Airport Hazards</b> 24 CFR Part 51 Subpart D	Yes No	
<b>Coastal Barrier Resources</b> Coastal Barrier Resources Act, as amended by the Coastal Barrier Improvement Act of 1990 [16 USC 3501]	Yes No	<i>N/A =            Not Acceptable...            Not Allowed...            Not Appropriate</i>
<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	
STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR 50.4 & 58.5		
<b>Clean Air</b> Clean Air Act, as amended, particularly section 176(c) & (d); 40 CFR Parts 6, 51, 93	Yes No	
<b>Coastal Zone Management</b> Coastal Zone Management Act, sections 307(c) & (d)	Yes No	



# Compliance Documentation

<p><b>Airport Hazards</b> Clear Zones and Accident Potential Zones; 24 CFR Part 51 Subpart D</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>The project site is not within 15,000 feet of a military airport or 2,500 feet of a civilian airport. The project is in compliance with Airport Hazards requirements. The subject site is located over 5 miles from the nearest civilian airport (St. Louis Downtown Airport) and approximately 20 miles to the nearest military airport (Scott Air Force Base). Maps showing the subject site and nearest airports are attached.</p>
<p><b>Coastal Barrier Resources Act</b> Coastal Barrier Resources Act, as amended by the Coastal Barrier Improvement Act of 1990 [16 USC 3501]</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>This project is located in a state that does not contain CBRS units. Therefore, this project is in compliance with the Coastal Barrier Resources Act.</p>



# Endangered Species

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

Yes  No

ECS conducted a search of the Virginia Department of Game and Inland Fisheries Fish and Wildlife Information Service (VAFWIS) threatened and endangered species database to evaluate documented occurrences of Federal and/or state listed species within a two-mile radius of the project site. However, since the subject property is developed with a structure and parking lot, the redevelopment of the subject property is not expected to have any effect on endangered species. The VAFWIS map and report is attached in Appendix IV. This project will have No Effect on listed species because there are no listed species or designated critical habitats in the action area. This project is in compliance with the Endangered Species Act.



# Important Tips

- Change of scope in project might change review required.
  - ✓ Re-evaluation may be required if ERR was completed.
- Other Federal Agencies' ER cannot replace HUD process!
- **DON'T SPEND A DIME** – until ER is complete and approved.
- Even \$.01 of CDBG money subjects the entire project to ER regulations. Can't separate out activities, even if paid for with other funding, to avoid a more detailed review.
- **When in doubt – contact HCD staff!**



# Questions