

# HUD Environmental Review

Florida Community Development  
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# What is an Environmental Review?

- ▶ An Environmental Review Record (ERR) is an analysis of the impact of the project on the surrounding environment.
- ▶ It also takes into consideration the impacts of the surrounding environment on your project and those who may inhabit your project.
- ▶ The objective: Document that our HUD funded projects are not harming the natural environment and that the environment is not impacting our projects.



# National Environmental Policy Act (NEPA) of 1969

Requires agencies to consider the environmental impact of proposed actions early in the planning and decision-making process

A process designed to encourage public participation

Requires that documents be available to the public

# HUD Site Specific ERR

- ▶ This presentation provides guidance on site specific ERR's that would be conducted for homeowner rehabilitation or construction of single-family scattered site units.
- ▶ HUD Exchange: <https://www.hudexchange.info/resource/3139/part-58-environmental-review-cest-format/>

# Compliance Factors

Airport Hazards 24 CFR Part 51 Subpart D

Coastal Barrier Resources Act, as amended by the Coastal Barrier Improvement Act of 1990 [16 USC 3501]

Flood Insurance Flood Disaster Protection Act of 1973 and National Flood Insurance Reform Act of 1994 [42 USC 4001-4128 and 42 USC 5154a]

Clean Air Clean Air Act, as amended, particularly section 176(c) & (d); 40 CFR Parts 6, 51, 93

Coastal Zone Management Act, sections 307(c) & (d)

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

Explosive and Flammable Hazards 24 CFR Part 51 Subpart C

Farmlands Protection Farmland Protection Policy Act of 1981, particularly sections 1504(b) and 1541; 7 CFR Part 658

Floodplain Management Executive Order 11988, particularly section 2(a); 24 CFR Part 55

Historic Preservation National Historic Preservation Act of 1966, particularly sections 106 and 110; 36 CFR Part 800

Noise Abatement and Control Noise Control Act of 1972, as amended by the Quiet Communities Act of 1978; 24 CFR Part 51 Subpart B

Sole Source Aquifers Safe Drinking Water Act of 1974, as amended, particularly section 1424(e); 40 CFR Part 149

Wetlands Protection Executive Order 11990, particularly sections 2 and 5

Wild and Scenic Rivers Wild and Scenic Rivers Act of 1968, particularly section 7(b) and ©

Environmental Justice Executive Order 12898

**It is not enough to state that there are no impacts. You must document your findings.**

# Airport Hazards 24 CFR Part 51 Subpart D

- Considerations:
  - ❑ Is the project within 2500 feet of a civilian airport that is regulated by the Federal Aviation Administration or 15,000 feet of a military airport?
  - ❑ Is the project located within a designated Airport Clear Zone (ACZ) or Runway Clear Zone (RCZ).

## Tools:

- [Google Earth Pro](#)
- Contact the airport and request maps that depict the Airport Clear Zone or Runway Protection Zone. Ask your GIS team to add a map overlay so you can plot your project in relation to the ACZ and RCZ.

# Coastal Barrier Resources Coastal Barrier Resources Act, as amended by the Coastal Barrier Improvement Act of 1990 [16 USC 3501]

## Considerations:

- Is the project within a Coastal Barrier Resource Area?

## Tools:

- <https://www.fws.gov/cbra/maps/mapper.html>
- [Sample Map](#)

**Flood Insurance  
Flood Disaster Protection  
Act of 1973 and National  
Flood Insurance Reform  
Act of 1994 [42 USC 4001-  
4128 and 42 USC 5154a]**

**Floodplain Management  
Executive Order  
11988, particularly  
section 2(a); 24 CFR Part  
55**

- ▶ **Considerations:**
  - ▶ Is the project in a 100-year flood zone (Zones A or V) mapped by FEMA?
  - ▶ Is the project in a located in a 500-year flood zone (Zone B) mapped by FEMA?
  - ▶ Is the project in a coastal high hazard area mapped by FEMA?
  - ▶ Is the project affected by local flooding?

Tools:

<https://msc.fema.gov/portal/home>

[Sample Map](#)



## Historic Preservation

National Historic Preservation Act of 1966, particularly sections 106 and 110; 36 CFR Part 800

### Considerations:

- Is the structure located on the project site or structures adjacent to the project more than 50 years old?
- Is the project located in a historic district?
- Will the project site have the potential to contain archeological properties?

### Tools:

- Property Record Card to document age of structure.
- State Historic Preservation Office (SHPO) <https://dos.myflorida.com/historical/preservation/compliance-and-review/>
- Tribal Consultation
  - <https://www.hudexchange.info/programs/environmental-review/historic-preservation/tribal-consultation/>
  - [Letter Template](#)

Clean Air  
Clean Air Act,  
as amended,  
particularly  
section 176(c)  
& (d); 40 CFR  
Parts 6, 51, 93

## Considerations:

- Is the project located in a geographic area in attainment or non-attainment with the National Ambient Air Quality Standard?
- If in a non-attainment area, does the project conform to the EPA approved state implementation plan?

## Tools:

- Sample Map
- <https://www.epa.gov/sips-fl>

# Wetlands

## Executive Order 11990 and 24 CFR Part 55

### Considerations:

- Is the project located in a wetland?

### Tools:

- <https://www.fws.gov/wetlands/data/mapper.html>
- [Sample Map](#)

# Noise (24 CFR part 51)

## Considerations:

- Is a Highway within 1,000 feet of the project?
- Is a Railroad within 3,000 feet of the project?
- Is a civilian airport within 5 miles of the project?
- Is a Military airport within 15 miles of the project?

## Tools:

- Google Earth Pro
- <https://tdaappsprod.dot.state.fl.us/fto/>
- If yes to any on the questions above, use the Day/Night Noise Calculator <https://www.hudexchange.info/programs/environmental-review/dnl-calculator/>
- Rehabilitation with noise above 65 dB: Completion of the Sound Transmission Classification Assessment Tool at: <https://www.hudexchange.info/stracat/>.
- New construction with noise above 65 dB. Mitigation is required for projects exceeding the average day night noise level of 65 dB. Complete the Barrier Performance Module at: <https://www.hudexchange.info/programs/environmentalreview/bpm-calculator/>.

# Explosive & Flammable Operations: (per 24 CFR Part 51, Subpart C)

## Considerations:

- For housing rehabilitation projects, will the number of individuals increase?
- Is the project “new” housing construction?
- Are there stationary **above ground** storage tanks (AGST) in excess of 100 gallons within a 1-mile radius of the project site that contains explosive or flammable liquids?

## Tools:

- Find Longitude & Latitude <https://www.latlong.net/convert-address-to-lat-long.html>
- [https://prodlamp.dep.state.fl.us/www\\_stcm/reports/Pct\\_latlong](https://prodlamp.dep.state.fl.us/www_stcm/reports/Pct_latlong)
- <https://prodlamp.dep.state.fl.us/firstreports/reports/CoverPage>
- <https://www.hudexchange.info/programs/environmental-review/asd-calculator/>

# Hazards and Toxics

## 24 CFR Part 51 Subpart C

### Considerations:

- Are there EPA facilities within 3,000 feet of the site?
- If Yes, are there Brownfields or Superfund facilities?
  - Attach a photocopy of the NEPAssist report and associated ECHO reports for all EPA facilities located within 3000 feet of the project site.

### Tools:

- <https://nepassisttool.epa.gov/nepassist/nepamap.aspx>
  - [Sample NEPAssist Report](#)
  - [Sample ECHO Report](#)

# Lead Based Paint (LBP)/Asbestos

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

### Considerations:

- ▶ Was the structure built prior to 1978?
  - ▶ If no, no further review is necessary. Use property record card to document age of structure.
  - ▶ If yes, conduct an LBP test and provide homeowner a copy of the Notice of Evaluation. Homeowner is to be notified of test results within 15 calendar days.
  - ▶ The LBP report, homeowner notification, and inspector certificates should be included in your ERR.
  - ▶ Scope of Work should include abatement of LBP. Clearance report to be obtained.
- ▶ Tools:
  - ▶ [Sample Lead Hazard Notice](#)

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

## Bald Eagle Nest Locator

- Use the Florida Fish and Wildlife Conservation Commission (FFWCC) Eagle Nest Locator website <http://myfwc.com/wildlifehabitats/managed/bald-eagle/> to check for Bald Eagles nest within a one-mile radius of the project location.
- Include a copy of the Bald Eagle nest data search results, clearance documentation and permit(s) as required.

## FWS-Information for Planning and Consultation (IPaC) Website

- Use the U.S. Fish and Wildlife Service (FWS) Information for Planning and Consultation (IPaC) website <https://ecos.fws.gov/ipac/>
- [Sample IPaC Determination Letter](#)

## Notes:

- Rehabilitation-Likely no impacts
- New Construction-The IPaC determination will result in you needing further consultation.
- Recommendation-Consult your environmental resources department. Can they do a site inspection and provide a report as to whether endangered species are present>



Farmland  
Protection  
Farmland  
Protection Policy  
Act of 1981,  
particularly  
sections 1504(b)  
and 1541; 7 CFR  
Part 658

Considerations:

- Will land be developed because of the project?
- Has the land been determined to be prime or unique farmland by the USDA Natural Resources Conservation Service?
- Has the state or local government identified the project area as prime or unique farmland?

Tools:

- Property Record Card or other document that shows zoning.
- Google Earth Pro-Ariel Map
- <https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx>
- [Sample Soil Survey Map](#)

# Sole Source Aquifers

## Considerations:

- Is the project included within the boundaries of a sole source or principal source aquifer designated by the EPA?
- Does the project have the potential to contaminate the designated sole source aquifer?

## Tools:

- <https://epa.maps.arcgis.com/apps/webappviewer/index.html?id=9ebb047ba3ec41ada1877155fe31356b>



Tip: The Snipping Tool is your best friend!

# Wild and Scenic Rivers

## Considerations:

- Does the project include development activities?
- Is the project located near a river or river segment that is listed on or designatated for inclusion by the National Wild or Scenic Rivers System?

## Tools:

- <https://www.rivers.gov/map.php>

# Other Resources

## HUD Exchange

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

## Web-Based Instructional System for Environmental Review (WISER)

- <https://www.hudexchange.info/trainings/wiser/>

## HEROS - HUD Environmental Review Online System

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

## Florida Department of Economic Opportunity

- <https://floridajobs.org/community-planning-and-development/assistance-for-governments-and-organizations/florida-small-cities-community-development-block-grant-program/environmental-review-process>
- [\*\*Environmental Review for Activity/Project that is Categorically Excluded Subject to Section 58.5\*\*](#)
- [\*\*Site Specific Review Checklist\*\*](#)

# Questions?

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