

## **Suggested Format for Determining Compliance with Environmental Provisions**

### **24 CFR § 93.301(f)(1) New Construction**

(including new construction of manufactured housing or acquisition of existing housing that has been newly constructed or rehabilitated less than 12 months before the commitment of HTF funds)

Directions – The following can be used as a cover sheet for compliance with the Environmental Provisions for New Construction

- 1) Select from the options under each Environmental Provision
  - 2) Provide the appropriate documentation in the project file
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#### **Historic Preservation**

Select one of the following:

- ☐ The project is NOT listed or eligible for listing in the National Register of Historic Places individually or as part of an historic district.

<http://www.nps.gov/nr/research/>

➔ *Document that the project is not listed or eligible to be listed on the National Register of Historic Places by a qualified professional.*

- ☐ The project is listed or eligible to be listed on the National Register of Historic Places, individually or as part of an historic district, and work DOES NOT include demolition and MEETS the Secretary of Interior's Standards for Rehabilitation – including the Standards related to new construction. <https://www.nps.gov/tps/standards/four-treatments/treatment-rehabilitation.htm>

➔ *If the project is listed or eligible to be listed on the National Register of Historic Places, provide documentation on how the work meets the Secretary of Interior's Standards for Rehabilitation.*

- ☐ Project cannot be funded with HTF.

Note: If archaeological resources or human remains are discovered on the project site during construction, consult with affected tribes and/or descendant communities and comply with the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001–3013), State law and/or local ordinance (e.g., State unmarked burial law).

➔ *Document all consultation correspondence with the affected tribe and/or descendant communities, and how compliance with the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001–3013), State law and/or local ordinance (e.g., State unmarked burial law) has been met.*

#### **Farmlands**

Select one of the following:

- ☐ The project will NOT convert unique, prime or significant (state or local) farmland to an urban use. <http://websoilsurvey.nrcs.usda.gov/app/WebSoilSurvey.aspx> or <https://tigerweb.geo.census.gov/tigerweb/>

➔ *A map from the Web Soil Survey or TigerWeb showing that the project site is not a unique, prime or statewide or locally significant agricultural property, or a TigerWeb map showing*

*the project is in an urban area.*

- ☐ Project cannot be funded with HTF.

#### **Airport Zones**

Select one of the following:

- ☐ The project is NOT located within a Runway Protection Zone (RPZ) of a civilian airport or the clear zone or Accident Potential Zone (APZ) of a military airfield.

<https://www.epa.gov/nepa/nepassist>

➔ *A map showing the site is not within 15,000 feet of a military airport or within 2,500 feet of a civilian airport.*

*If within 15,000 feet of a military airport, a map showing the site is not within a designated APZ or a letter from the airport operator stating so.*

*If within 2,500 feet of a civilian airport, a map showing the site is not within a designated RPZ or a letter from the airport operator stating so.*

- ☐ Project cannot be funded with HTF.

#### **Coastal Barrier Resources**

Select one of the following:

- ☐ The project is NOT located within a Coastal Barrier Resources System (CBRS) unit.

<http://www.fws.gov/CBRA/Maps/Mapper.html>

➔ *A map showing that the project site is not located in a CBRS Unit or a statement that the state contains no CBRS units.*

- ☐ Project cannot be funded with HTF.

#### **Coastal Zone Management**

Select one of the following:

- ☐ The project is NOT located in a Coastal Zone, or it has been determined that the project IS CONSISTENT with the State Coastal Zone Management Plan.

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

➔ *Document that the project site is not located in a Coastal Zone. If a project is located within a Coastal Zone document that the project is consistent with the State Coastal Zone Management Plan, this may require contacting the state Coastal Zone Management Agency to obtain a letter of consistency for the project.*

- ☐ Project cannot be funded with HTF.

## **Floodplains**

Select one of the following:

- ☐ The project is NOT located in the Floodway, Coastal High Hazard Area or 100-year or 500-year floodplain on the latest FEMA floodmap (including preliminary maps and Advisory Base Flood Elevations). <https://msc.fema.gov/portal>

➔ *FEMA FIRM or other latest-available data from FEMA showing the project location is not within a floodplain.*

- ☐ 100-year floodplain -

If there are no practicable alternatives to new construction or substantial improvement the structure IS elevated at least to the base flood elevation (BFE) or floodproofed to one foot above the BFE and the project IS NOT a Critical Action.

➔ *Document whether there is a practicable alternative. If so, select a site outside the floodplain. If there is no practicable alternative, provide the FIRM or latest-available FEMA data and document that the structure has been elevated at least the BFE or floodproofed to one foot above the BFE, that elevated and floodproofed buildings adhere to National Flood Insurance Program standards, and that the project is a not a Critical Action.*

- ☐ Floodway -

The project IS a functionally dependent use.

➔ *Provide the FIRM or latest-available FEMA data and document that the structure is a functionally dependent use.*

- ☐ Coastal High Hazard Area -

The project IS reconstruction following destruction caused by a disaster and is designed for location in a coastal high hazard area consistent with the FEMA National Flood Insurance Program requirements for V Zones.

➔ *Provide the FIRM or latest-available FEMA data and document that the structure is reconstruction following destruction caused by a disaster and is designed for location in a coastal high hazard area consistent with the FEMA National Flood Insurance Program requirements for V Zones, and that the structure is not a Critical Action.*

- ☐ 500-year floodplain -

The project is NOT a Critical Action.

➔ *Provide the FIRM or latest-available FEMA data and document that the structure is not a Critical Action.*

- ☐ Project cannot be funded with HTF.

### **Wetlands**

Select one of the following:

- ☐ The project will NOT adversely impact a wetland. The project will NOT drain, dredge, channelize, fill, dike, impound, or perform grading activities in wetlands.  
<http://www.fws.gov/wetlands/Data/Mapper.html>

→ *A map showing the project is not located in a jurisdictional or non-jurisdictional wetland.*

- ☐ Project cannot be funded with HTF.

### **Explosives and Hazards**

Select one of the following:

- ☐ The project IS in compliance with the standards for acceptable separation distances, as set forth at 24 CFR part 51, subpart C. <https://www.hudexchange.info/programs/environmental-review/explosive-and-flammable-facilities/>

→ *Document that the project meets the standards for acceptable separation distance.*

- ☐ Project cannot be funded with HTF.

### **Contamination**

Select one of the following:

- ☐ The project is FREE of hazardous materials, contamination, toxic chemicals and gases, and radioactive substances, where a hazard could affect the health and safety of occupants or conflict with the intended use of the property.

AND

The project IS NOT located within 0.25 miles of a Superfund or CERCLIS (Comprehensive Environmental Response, Compensation, and Liability Information System) site or other contaminated site reported to Federal, State, or local authorities without a statement in writing from the U.S. Environmental Protection Agency (EPA) or the appropriate State agency that there is no hazard that could affect the health and safety of the occupants or conflict with the intended use of the property.

Note: The CERCLIS Public Access Database has been retired. The EPA is transitioning to the Superfund Enterprise Management System, or SEMS. SEMS includes the same data fields and content as CERCLIS.

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

→ *Document that the project is free of hazardous materials, contamination, toxic chemicals and gases, and radioactive substances, where a hazard could affect the health and safety of occupants or conflict with the intended use of the property. Document that the project is not located within 0.25 miles of a Superfund or CERCLIS site or other contaminated site reported to Federal, State, or local authorities without a statement in writing from the EPA or the appropriate State agency that there is no hazard that could affect the health and safety of the occupants or conflict with the intended use of the property.*

**Multifamily properties (more than 4 units)** - a Phase I ESA-ASTM is required. If the Phase I ESA identifies RECs, a Phase II ESA-ASTM will be required. If the Phase II indicates the presence of hazardous substances or petroleum products above applicable local, state, tribal or federal (LSTF) screening levels, coordination with the relevant LSTF oversight agency will be required to complete the remediation process and obtain a determination that no further action is required. Development of more than four single family structures in the same location, such as subdivision development, should be evaluated as multifamily

**Single family properties** - projects must avoid sites located within 0.25 miles of a Superfund or CERCLIS site or other contaminated site reported to Federal, State, or local authorities without a statement in writing from the EPA or the appropriate State agency that there is no hazard that could affect the health and safety of the occupants or conflict with the intended use of the property. In addition to the government records search, the screening process for single family does include a site visit. When the screening process raises concerns related to site contamination, it may be appropriate to contract with an environmental professional for preparation of a Phase I, testing and sampling, or other investigation.

- ☐ Project cannot be funded with HTF.

#### **Noise**

Select one of the following:

- ☐ External noise level is LESS THAN 65 dB.

➔ *Document the external noise level.*

- ☐ External noise level is between 65 dB and less than 75 dB. Mitigation measures result in an interior standard of 45 dB.

➔ *Document the external noise level, and the mitigation measures taken to meet the interior noise level standard of no more than 45 dB.*

- ☐ External noise level is 75 dB or greater. There are NO noise sensitive outdoor uses (e.g., picnic areas, tot lots, balconies, or patios) and mitigation measures to the building shell achieve the 45 dB interior standard.

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

➔ *Document the exterior noise level, and the mitigation measures taken to meet the interior noise level standard of no more than 45 dB. Also document that there are no outside noise sensitive uses involved in the project.*

- ☐ Project cannot be funded with HTF.

### **Endangered Species**

Select one of the following:

- ☐ The project will NOT impact endangered or threatened species or their habitat.  
<https://www.hudexchange.info/programs/environmental-review/endangered-species/>

➔ *Provide documentation that there are no endangered, threatened species, or critical habitat on the project site. If there are endangered, threatened species or critical habitat on the project site, document that the project will not jeopardize an endangered or threatened species, and will not adversely modify critical habitat. This may require informal consultation with FWS and/or NMFS.*

- ☐ Project cannot be funded with HTF.

### **Wild and Scenic Rivers**

Select one of the following:

- ☐ The project is NOT located near a Wild and Scenic River.

➔ *Document that the project is not located near a Wild and Scenic River.*

- ☐ The project is located near a Wild and Scenic River and IS CONSISTENT with the River's Management Plan.

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

➔ *Document that the project is located near a Wild and Scenic River and the project is consistent with the River's Management Plan.*

- ☐ Project cannot be funded with HTF.

### **Sole Source Aquifers**

Select one of the following:

- ☐ The project will NOT impact a Sole Source Aquifer.  
<https://www.hudexchange.info/programs/environmental-review/sole-source-aquifers/>

➔ *Document that the project site is not located on a SSA. If the project site located on a SSA provide documentation from EPA that the project will not impact the SSA (including regional MOUs).*

- ☐ Project cannot be funded with HTF.

**Safe Drinking Water**

Select one of the following:

- ☐ The project is CONSTRUCTED WITH lead-free pipes, solder, and flux.

<https://www.epa.gov/dwreginfo>

➔ *Document that the project only uses lead-free pipes, solder, and flux (architectural plans, building specifications, and certification by qualified professional).*

- ☐ Project cannot be funded with HTF.