

## Section 7 Attachments

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Attachment T - SHPO Consultation Form

Attachment U - Authority to Use Grant Funds

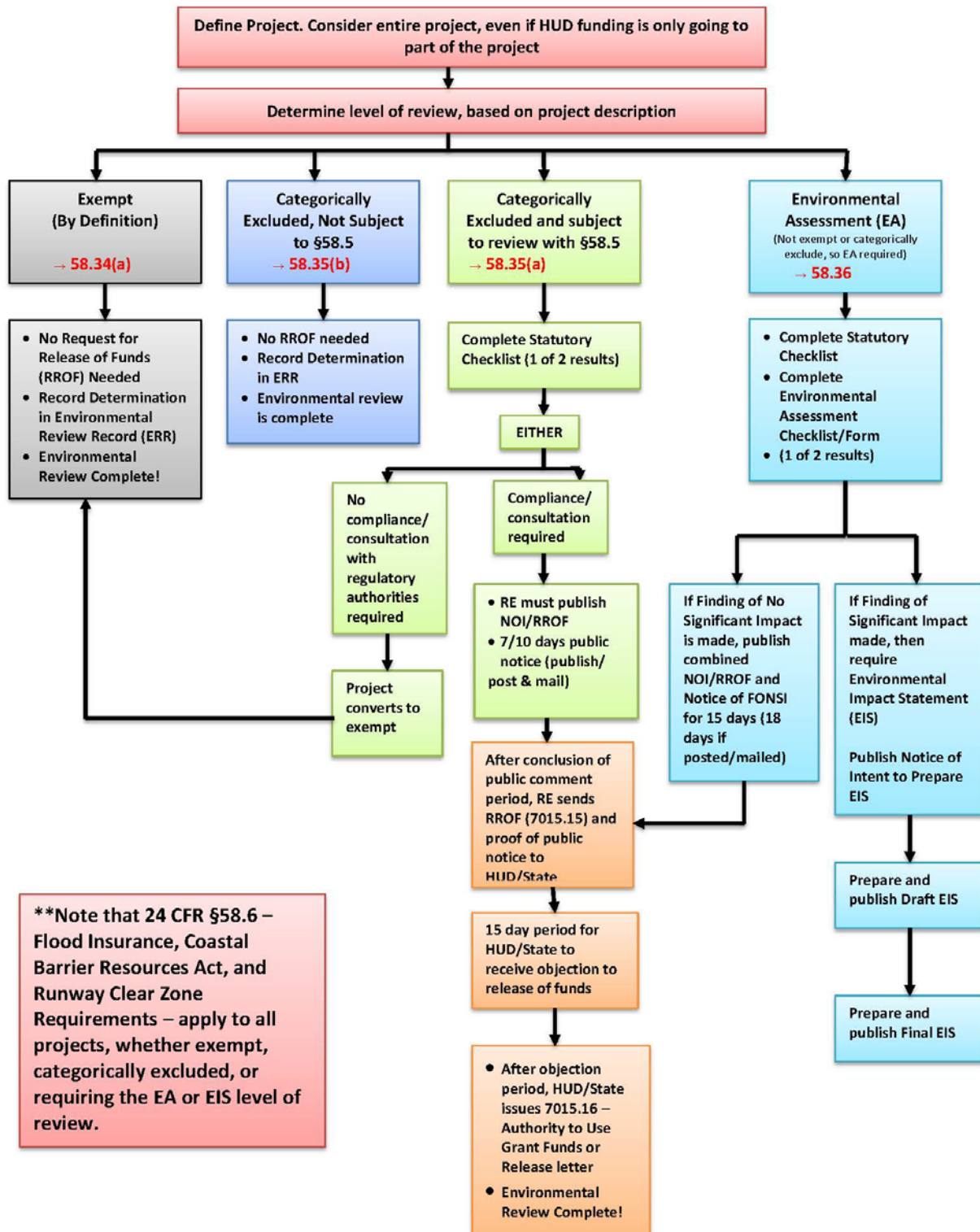
Attachment V - DCS ERR Review Form

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## **Attachment A**

### **Environmental Review Process**

## Environmental Review Process (To Be Conducted by Responsible Entity)



**Attachment B**

**Exemption Determination for Activities Listed at 24 CFR §58.34**

**Exemption Determination for Activities Listed at 24 CFR §58.34**

**Project Name:** \_\_\_\_\_

**Grant Recipient:** \_\_\_\_\_

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

**Project Location:** \_\_\_\_\_

**State/Local Identifier:** \_\_\_\_\_

**Preparer:** \_\_\_\_\_

**Certifying Officer Name and Title:** \_\_\_\_\_

**Consultant** (if applicable): \_\_\_\_\_

**Project Description** (Include all actions which are either geographically or functionally related):

\_\_\_\_\_  
\_\_\_\_\_

**Level of Environmental Determination:**

Activity/Project is Exempt per 24 CFR 58.34(a) \_\_\_\_\_

**Funding Source:** ☐ CDBG ☐ HOME ☐ ESG ☐ Other \_\_\_\_\_

**Estimated HUD Funding Amount:** \_\_\_\_\_ **Instrument Number:** \_\_\_\_\_

**Estimated Total Project Cost:** \_\_\_\_\_ **Other funding Sources:** \_\_\_\_\_

I have reviewed and determined that the abovementioned project is Exempt per 24 CFR §58.34 as follows:

<input type="checkbox"/>	58.34(a) (1). Environmental & other studies, resource identification & the development of plans & strategies;
<input type="checkbox"/>	58.34(a) (2) Information and financial services;
<input type="checkbox"/>	58.34(a) (3) Administrative and management activities;
<input type="checkbox"/>	58.34(a) (4) Public services that will not have a physical impact or result in any physical changes, including but not limited to services concerned with employment, crime prevention, child care, health, drug abuse, education, counseling, energy conservation and welfare or recreational needs;
<input type="checkbox"/>	58.34(a) (5) Inspections and testing of properties for hazards or defects;
<input type="checkbox"/>	58.34(a) (6) Purchase of insurance;
<input type="checkbox"/>	58.34(a) (7) Purchase of tools;
<input type="checkbox"/>	58.34(a) (8) Engineering or design costs;
<input type="checkbox"/>	58.34(a) (9) Technical assistance and training;

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<input type="checkbox"/>	58.34(a) (10) Assistance for temporary or permanent improvements that do not alter environmental conditions and are limited to protection, repair, or restoration activities necessary only to control or arrest the effects from disasters or imminent threats to public safety including those resulting from physical deterioration;
<input type="checkbox"/>	58.34(a) (11) Payment of principal and interest on loans made or obligations guaranteed by HUD;
<input type="checkbox"/>	58.34(a) (12) Any of the categorical exclusions listed in §58.35(a) provided that there are no circumstances that require compliance with any other Federal laws and authorities cited in §58.5.

**Compliance with 24 CFR §50.4 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 of approvals. Clearly note citations, dates/names/titles of contacts, and page references. Attach additional documentation as appropriate.

<b>Compliance Factors:</b> Statutes, Executive Orders, and Regulations listed at 24 CFR 50.4 and 58.6	Are formal compliance steps or mitigation required?	Compliance determinations
<b>STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR §58.6</b>		
<b>Airport Runway Clear Zones and Accident Poten- tial Zones</b>  24 CFR Part 51 Subpart D	Yes   No  <input type="checkbox"/> <input type="checkbox"/>	
<b>Coastal Barrier Resources</b>  Coastal Barrier Resources Act, as amended by the Coastal Barrier Improvement Act of 1990 [16 USC 3501]	Yes   No  <input type="checkbox"/> <input checked="" type="checkbox"/>	North Dakota has no Coastal Barriers therefore there is no impact to Coastal Barriers. <i>(Include map)</i>  <a href="https://www.fws.gov/cbra/maps/Mapper.html">https://www.fws.gov/cbra/maps/Mapper.html</a>
<b>Flood Insurance</b>  Flood Disaster Protection Act of 1973 and National Flood Insurance Reform Act of 1994 [42 USC 4001-4128 and 42 USC 5154a]	Yes   No  <input type="checkbox"/> <input type="checkbox"/>	

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By signing below the Responsible Entity officially determines in writing that all activities covered by this determination are Exempt and meets the conditions specified for such exemption under section 24 CFR §58.34. This document must be maintained in the ERR.

**PREPARER:**

\_\_\_\_\_  
Preparer Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Preparer Name

\_\_\_\_\_  
Preparer Title

**AUTHORIZED RESPONSIBLE ENTITY OFFICIAL:**

\_\_\_\_\_  
Authorized Responsible Entity Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Authorized Responsible Entity Name (printed)

\_\_\_\_\_  
Title (printed)

This original, signed document and related supporting material must be submitted to DCS for review. A copy of this form 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 C**

### **Categorically Excluded Not Subject to Section 58.5 Determination for Activities Listed at 24 CFR §58.35(b)**

**Categorically Excluded Not Subject to Section 58.5 Determination for Activities  
Listed at 24 CFR §58.35(b)**

**Project Name:** \_\_\_\_\_

**Grant Recipient:** \_\_\_\_\_

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

**Project Location:** \_\_\_\_\_

**State/Local Identifier:** \_\_\_\_\_

**Preparer:** \_\_\_\_\_

**Certifying Officer Name and Title:** \_\_\_\_\_

**Consultant (if applicable):** \_\_\_\_\_

**Project Description** (Include all actions which are either geographically or functionally related):  
\_\_\_\_\_  
\_\_\_\_\_

**Level of Environmental Determination:**

Activity/Project is Categorically Excluded Not Subject To 58.5 per 24 CFR 58.35(b): \_\_\_\_\_

**Funding Source:**    CDBG    HOME    ESG    Other \_\_\_\_\_

**Estimated HUD Funding Amount:** \_\_\_\_\_ **Instrument Number:** \_\_\_\_\_

**Estimated Total Project Cost:** \_\_\_\_\_ **Other funding Sources:** \_\_\_\_\_

I have reviewed and determined that the abovementioned project is Categorically Excluded not subject to 58.5 determination per 24 CFR §58.35(b) as follows:

<input type="checkbox"/>	24 CFR Part 58.35(b)(1): Tenant-based rental assistance
<input type="checkbox"/>	24 CFR Part 58.35(b)(2): Supportive services including, but not limited to: Health care Short-term payments for rent/mortgage/utility costs Housing services Permanent housing placement Assistance in gaining access to local, State, and federal government benefits and services Day care Nutritional services
<input type="checkbox"/>	24 CFR Part 58.35(b)(3): Operating costs, including: Maintenance                      Equipment Security                              Supplies Operation                           Staff training/recruitment Utilities                              Other incidental costs Furnishings

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<input type="checkbox"/>	24 CFR Part 58.35(b)(4): Economic development activities including but not limited to: Equipment purchase                      Operating expenses Inventory financing                      Similar costs not associated with the construction Interest subsidy                              or expansion of operations
<input type="checkbox"/>	24 CFR Part 58.35(b)(5): Activities to assist homebuyers to purchase existing dwelling units or dwelling units under construction, including: Closing costs Similar activities that result in the transfer of title Down payment assistance Interest buy down
<input type="checkbox"/>	24 CFR Part 58.35(b)(6): Affordable housing pre-development costs including: Legal, consulting, developer and other related costs related to obtaining site options, project financing, administrative costs and fees for loan commitments, zoning approvals, and other related activities which do not have a physical impact
<input type="checkbox"/>	24 CFR Part 58.35(b)(7): Approval of supplemental assistance (including insurance or guarantee) to a project previously approved under 24 CFR Part 58 if the approval is made by the same responsible entity that conducted the environmental review on the original.

**Compliance with 24 CFR §50.4 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 of approvals. Clearly note citations, dates/names/titles of contacts, and page references. Attach additional documentation as appropriate.

<b>Compliance Factors:</b> Statutes, Executive Orders, and Regulations listed at 24 CFR 50.4 and 58.6	Are formal compliance steps or mitigation required?	Compliance determinations
<b>STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR §58.6</b>		
<b>Airport Runway Clear Zones and Accident Potent- tial Zones</b> 24 CFR Part 51 Subpart D	Yes    No <input type="checkbox"/> <input type="checkbox"/>	
<b>Coastal Barrier Resources</b> Coastal Barrier Resources Act, as amended by the Coastal Barrier Improvement Act of 1990 [16 USC 3501]	Yes    No <input type="checkbox"/> <input checked="" type="checkbox"/>	North Dakota has no Coastal Barriers therefore there is no impact to Coastal Barriers. <i>(Include map)</i> <a href="https://www.fws.gov/cbra/maps/Mapper.html">https://www.fws.gov/cbra/maps/Mapper.html</a>

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<b>Flood Insurance</b> Flood Disaster Protection Act of 1973 and National Flood Insurance Reform Act of 1994 [42 USC 4001-4128 and 42 USC 5154a]	Yes    No  <input type="checkbox"/> <input type="checkbox"/>	
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By signing below the Responsible Entity officially determines in writing that all activities covered by this determination are Categorically Excluded not Subject to Section 58.5 and meets the conditions specified for such consideration under section 24 CFR §58.35(b). This document must be maintained in the ERR.

**PREPARER:**

\_\_\_\_\_  
Preparer Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Preparer Name

\_\_\_\_\_  
Preparer Title

**AUTHORIZED RESPONSIBLE ENTITY OFFICIAL:**

\_\_\_\_\_  
Authorized Responsible Entity Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Authorized Responsible Entity Name (printed)

\_\_\_\_\_  
Title (printed)

This original, signed document and related supporting material must be submitted to DCS for review. A copy of this form 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 D**

**Environmental Review for Activity/Project that is Categorically Excluded Subject to  
Section 58.5**

**Environmental Review for Activity/Project that is Categorically Excluded Subject to**

**Section 58.5**

**Pursuant to 24 CFR 58.35(a)**

**Project Name:** \_\_\_\_\_

**Grant Recipient:** \_\_\_\_\_

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

**State/Local Identifier:** \_\_\_\_\_

**Preparer:** \_\_\_\_\_

**Certifying Officer Name and Title:** \_\_\_\_\_

**Consultant** (if applicable): \_\_\_\_\_

**Direct Comments to:** \_\_\_\_\_

**Project Location:** \_\_\_\_\_

**Project Description** (Include all actions which are either geographically or functionally related):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Level of Environmental Determination:**

Categorically Excluded per 24 CFR 58.35(a), and subject to laws and authorities at 58.5: \_\_\_\_\_

\_\_\_\_\_

**Funding Source:** ☐ CDBG ☐ HOME ☐ ESG ☐ Other \_\_\_\_\_

**Estimated HUD Funding Amount:** \_\_\_\_\_ **Instrument Number:** \_\_\_\_\_

**Estimated Total Project Cost:** \_\_\_\_\_ **Other funding Sources:** \_\_\_\_\_

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**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 of approvals. Clearly note citations, dates/names/titles of contacts, and page references. Attach additional documentation as appropriate.

<b>Compliance Factors:</b> Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5 and §58.6	Are formal compliance steps or mitigation required?	Compliance determinations
<b>STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR 50.4 &amp; 58.6</b>		
<b>Airport Hazards</b> 24 CFR Part 51 Subpart D	Yes   No <input type="checkbox"/> <input type="checkbox"/>	
<b>Coastal Barrier Resources</b> Coastal Barrier Resources Act, as amended by the Coastal Barrier Improvement Act of 1990 [16 USC 3501]	Yes   No <input type="checkbox"/> <input checked="" type="checkbox"/>	North Dakota has no Coastal Barriers therefore there is no impact to Coastal Barriers. <i>(Include map)</i> <a href="https://www.fws.gov/cbra/maps/Mapper.html">https://www.fws.gov/cbra/maps/Mapper.html</a>
<b>Flood Insurance</b> Flood Disaster Protection Act of 1973 and National Flood Insurance Reform Act of 1994 [42 USC 4001-4128 and 42 USC 5154a]	Yes   No <input type="checkbox"/> <input type="checkbox"/>	
<b>STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR 50.4 &amp; 58.5</b>		
<b>Clean Air</b> Clean Air Act, as amended, particularly section 176(c) & (d); 40 CFR Parts 6, 51, 93	Yes   No <input type="checkbox"/> <input checked="" type="checkbox"/>	There are no non-attainment areas in North Dakota. <i>(Include map)</i> <a href="#">Nonattainment Areas for Criteria Pollutants (Green Book)   US EPA</a>
<b>Coastal Zone Management</b> Coastal Zone Management Act, sections 307(c) & (d)	Yes   No <input type="checkbox"/> <input checked="" type="checkbox"/>	North Dakota has no Coastal Zones therefore there is no impact to Coastal Zones. <i>(Include map)</i> <a href="https://www.coast.noaa.gov/czm/mystate/">https://www.coast.noaa.gov/czm/mystate/</a>
<b>Contamination and Toxic Substances</b> 24 CFR Part 50.3(i) & 58.5(i)(2)	Yes   No <input type="checkbox"/> <input type="checkbox"/>	
<b>Endangered Species</b> Endangered Species Act of 1973, particularly section 7; 50 CFR Part 402	Yes   No <input type="checkbox"/> <input type="checkbox"/>	
<b>Explosive and Flammable Hazards</b> 24 CFR Part 51 Subpart C	Yes   No <input type="checkbox"/> <input type="checkbox"/>	

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<b>Farmlands Protection</b> Farmland Protection Policy Act of 1981, particularly sections 1504(b) and 1541; 7 CFR Part 658	Yes    No <input type="checkbox"/> <input type="checkbox"/>	
<b>Floodplain Management</b> Executive Order 11988, particularly section 2(a); 24 CFR Part 55	Yes    No <input type="checkbox"/> <input type="checkbox"/>	
<b>Historic Preservation</b> National Historic Preservation Act of 1966, particularly sections 106 and 110; 36 CFR Part 800	Yes    No <input type="checkbox"/> <input type="checkbox"/>	
<b>Noise Abatement and Control</b> Noise Control Act of 1972, as amended by the Quiet Communities Act of 1978; 24 CFR Part 51 Subpart B	Yes    No <input type="checkbox"/> <input type="checkbox"/>	
<b>Sole Source Aquifers</b> Safe Drinking Water Act of 1974, as amended, particularly section 1424(e); 40 CFR Part 149	Yes    No <input type="checkbox"/> <input checked="" type="checkbox"/>	There are no Sole Source Aquifers recognized in the State of North Dakota therefore there will be no impacts to Sole Source Aquifers. Include map.  <a href="https://epa.maps.arcgis.com/apps/webappviewer/index.html?id=9ebb047ba3ec41ada1877155fe31356b">https://epa.maps.arcgis.com/apps/webappviewer/index.html?id=9ebb047ba3ec41ada1877155fe31356b</a>
<b>Wetlands Protection</b> Executive Order 11990, particularly sections 2 and 5	Yes    No <input type="checkbox"/> <input type="checkbox"/>	
<b>Wild and Scenic Rivers</b> Wild and Scenic Rivers Act of 1968, particularly section 7(b) and (c)	Yes    No <input type="checkbox"/> <input checked="" type="checkbox"/>	<a href="https://www.nps.gov/subjects/rivers/nri-map.htm">https://www.nps.gov/subjects/rivers/nri-map.htm</a> <a href="https://www.rivers.gov/north-dakota.php">https://www.rivers.gov/north-dakota.php</a>
<b>ENVIRONMENTAL JUSTICE</b>		
<b>Environmental Justice</b> Executive Order 12898	Yes    No <input type="checkbox"/> <input type="checkbox"/>	

**Site Visit** (Date and completed by): \_\_\_\_\_

**Summary of Findings and Conclusions:** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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**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.

Law, Authority, or Factor	Mitigation Measure

**Determination:**

- ☐ This categorically excluded activity/project converts to Exempt, per 58.34(a)(12) because there are no circumstances which require compliance with any of the federal laws and authorities cited at §58.5. **Funds may be committed and drawn down after certification of this part** for this (now) EXEMPT project; OR
- ☐ This categorically excluded activity/project cannot convert to Exempt because there are circumstances which require compliance with one or more federal laws and authorities cited at §58.5. Complete consultation/mitigation protocol requirements, **publish NOI/RROF and obtain “Authority to Use Grant Funds”** (HUD 7015.16) per Section 58.70 and 58.71 before committing or drawing down any funds; OR
- ☐ This project is now subject to a full Environmental Assessment according to Part 58 Subpart E due to extraordinary circumstances (Section 58.35(c)).

**PREPARER:**

\_\_\_\_\_  
Preparer Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Preparer Name

\_\_\_\_\_  
Preparers Title

**AUTHORIZED RESPONSIBLE ENTITY OFFICIAL:**

\_\_\_\_\_  
Authorized Responsible Entity Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Authorized Responsible Entity Name (printed)

\_\_\_\_\_  
Title (printed)

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This original, signed document and related supporting material must be submitted to DCS for review. A copy of this form 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 E**

### **Broad Level Tiered Environmental Review for Activity/Project that is Categorically Excluded Subject to Section 58.5**

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

**Project Name:** \_\_\_\_\_

**Grant Recipient:** \_\_\_\_\_

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

**State/Local Identifier:** \_\_\_\_\_

**Preparer:** \_\_\_\_\_

**Certifying Officer Name and Title:** \_\_\_\_\_

**Consultant** (if applicable): \_\_\_\_\_

**Direct Comments to:** \_\_\_\_\_

**Project Location:** \_\_\_\_\_

**Project Description** (Include all actions which are either geographically or functionally related):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Level of Environmental Determination:**

Categorically Excluded per 24 CFR 58.35(a), and subject to laws and authorities at 58.5: \_\_\_\_\_

\_\_\_\_\_

**Approximate size of the project area:** \_\_\_\_\_

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

**Maximum number of dwelling units or lots addressed by this tiered review:** \_\_\_\_\_

**Level of Environmental Review Determination:**

Categorically Excluded per 24 CFR 58.35(a), and subject to laws and authorities at §58.5: \_\_\_\_\_

\_\_\_\_\_

**Funding Source:** ☐ CDBG ☐ HOME ☐ ESG ☐ Other \_\_\_\_\_

**Estimated HUD Funding Amount:** \_\_\_\_\_ **Instrument Number:** \_\_\_\_\_

**Estimated Total Project Cost:** \_\_\_\_\_ **Other funding Sources:** \_\_\_\_\_

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**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 of approvals. Clearly note citations, dates/names/titles of contacts, and page references. Attach additional documentation as appropriate.

<b>Compliance Factors:</b> Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5 and §58.6	Are formal compliance steps or mitigation required?	Compliance determinations
<b>STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR 50.4 &amp; 58.6</b>		
<b>Airport Hazards</b> 24 CFR Part 51 Subpart D	Yes   No <input type="checkbox"/> <input type="checkbox"/>	
<b>Coastal Barrier Resources</b> Coastal Barrier Resources Act, as amended by the Coastal Barrier Improvement Act of 1990 [16 USC 3501]	Yes   No <input type="checkbox"/> <input checked="" type="checkbox"/>	North Dakota has no Coastal Barriers therefore there is no impact to Coastal Barriers. <i>(Include map)</i> <a href="https://www.fws.gov/cbra/maps/Mapper.html">https://www.fws.gov/cbra/maps/Mapper.html</a>
<b>Flood Insurance</b> Flood Disaster Protection Act of 1973 and National Flood Insurance Reform Act of 1994 [42 USC 4001-4128 and 42 USC 5154a]	Yes   No <input type="checkbox"/> <input type="checkbox"/>	
<b>STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR 50.4 &amp; 58.5</b>		
<b>Clean Air</b> Clean Air Act, as amended, particularly section 176(c) & (d); 40 CFR Parts 6, 51, 93	Yes   No <input type="checkbox"/> <input checked="" type="checkbox"/>	There are no non-attainment areas in North Dakota. <i>(Include map)</i> <a href="#">Nonattainment Areas for Criteria Pollutants (Green Book)   US EPA</a>
<b>Coastal Zone Management</b> Coastal Zone Management Act, sections 307(c) & (d)	Yes   No <input type="checkbox"/> <input checked="" type="checkbox"/>	North Dakota has no Coastal Zones therefore there is no impact to Coastal Zones. <i>(Include map)</i> <a href="https://www.coast.noaa.gov/czm/mystate/">https://www.coast.noaa.gov/czm/mystate/</a>
<b>Contamination and Toxic Substances</b> 24 CFR Part 50.3(i) & 58.5(i)(2)	Yes   No <input type="checkbox"/> <input type="checkbox"/>	
<b>Endangered Species</b> Endangered Species Act of 1973, particularly section 7; 50 CFR Part 402	Yes   No <input type="checkbox"/> <input type="checkbox"/>	
<b>Explosive and Flammable Hazards</b> 24 CFR Part 51 Subpart C	Yes   No <input type="checkbox"/> <input type="checkbox"/>	

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<b>Farmlands Protection</b> Farmland Protection Policy Act of 1981, particularly sections 1504(b) and 1541; 7 CFR Part 658	Yes    No <input type="checkbox"/> <input type="checkbox"/>	
<b>Floodplain Management</b> Executive Order 11988, particularly section 2(a); 24 CFR Part 55	Yes    No <input type="checkbox"/> <input type="checkbox"/>	
<b>Historic Preservation</b> National Historic Preservation Act of 1966, particularly sections 106 and 110; 36 CFR Part 800	Yes    No <input type="checkbox"/> <input type="checkbox"/>	
<b>Noise Abatement and Control</b> Noise Control Act of 1972, as amended by the Quiet Communities Act of 1978; 24 CFR Part 51 Subpart B	Yes    No <input type="checkbox"/> <input type="checkbox"/>	
<b>Sole Source Aquifers</b> Safe Drinking Water Act of 1974, as amended, particularly section 1424(e); 40 CFR Part 149	Yes    No <input type="checkbox"/> <input checked="" type="checkbox"/>	There are no Sole Source Aquifers recognized in the State of North Dakota therefore there will be no impacts to Sole Source Aquifers. Include map.  <a href="https://epa.maps.arcgis.com/apps/webappviewer/index.html?id=9ebb047ba3ec41ada1877155fe31356b">https://epa.maps.arcgis.com/apps/webappviewer/index.html?id=9ebb047ba3ec41ada1877155fe31356b</a>
<b>Wetlands Protection</b> Executive Order 11990, particularly sections 2 and 5	Yes    No <input type="checkbox"/> <input type="checkbox"/>	
<b>Wild and Scenic Rivers</b> Wild and Scenic Rivers Act of 1968, particularly section 7(b) and (c)	Yes    No <input type="checkbox"/> <input checked="" type="checkbox"/>	<a href="https://www.nps.gov/subjects/rivers/nri-map.htm">https://www.nps.gov/subjects/rivers/nri-map.htm</a> <a href="https://www.rivers.gov/north-dakota.php">https://www.rivers.gov/north-dakota.php</a>
<b>ENVIRONMENTAL JUSTICE</b>		
<b>Environmental Justice</b> Executive Order 12898	Yes    No <input type="checkbox"/> <input type="checkbox"/>	

**Site Visit** (Date and completed by): \_\_\_\_\_

**Summary of Findings and Conclusions:** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**NORTH DAKOTA DEPARTMENT OF COMMERCE  
DIVISION OF COMMUNITY SERVICES**

**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.

Law, Authority, or Factor	Mitigation Measure

**Determination:**

- ☐ This categorically excluded activity/project converts to Exempt, per 58.34(a)(12) because there are no circumstances which require compliance with any of the federal laws and authorities cited at §58.5. **Funds may be committed and drawn down after certification of this part** for this (now) EXEMPT project; OR
- ☐ This categorically excluded activity/project cannot convert to Exempt because there are circumstances which require compliance with one or more federal laws and authorities cited at §58.5 and this project remains CEST.
- ☐ This project is now subject to a full Environmental Assessment according to Part 58 Subpart E due to extraordinary circumstances (Section 58.35(c)).

**PREPARER:**

\_\_\_\_\_  
Preparer Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Preparers Name

\_\_\_\_\_  
Preparers Title

**AUTHORIZED RESPONSIBLE ENTITY OFFICIAL:**

\_\_\_\_\_  
Authorized Responsible Entity Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Authorized Responsible Entity Name (printed)

\_\_\_\_\_  
Title (printed)

**NORTH DAKOTA DEPARTMENT OF COMMERCE  
DIVISION OF COMMUNITY SERVICES**

This original, signed document and related supporting material must be submitted to DCS for review. A copy of this form 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 F**

**(GUIDE)**

**Environmental Review for Activity/Project that is Categorically Excluded Subject to  
Section 58.5**

**Environmental Review for Activity/Project that is Categorically Excluded Subject to  
Section 58.5**

**Pursuant to 24 CFR 58.35(a)**

**Project Name:** \_\_\_\_\_ *(Main Street Road Improvement Program)*

**Grant Recipient:** \_\_\_\_\_ *(UGLG)*

**Responsible Entity** (if different than Grant Recipient): \_\_\_\_\_ *(Same as Above)*

**State/Local Identifier:** \_\_\_\_\_ *(North Dakota)*

**Preparer:** \_\_\_\_\_ *(Regional Council Name)*

**Certifying Officer Name and Title:** *(Municipal Govt. CO Name and Title)*

**Consultant** (if applicable): \_\_\_\_\_ *(Consultant Name)*

**Direct Comments to:** \_\_\_\_\_ *(UGLG)*

**Project Location:** *Provide a street address or intersection for your project. If the project affects a large area, such as an infrastructure or community services project, select a representative address and describe the project location in a narrative below. If the project location is sensitive, you may provide an alternative address, such as the address of your city hall or nonprofit in lieu of the exact location of the project.*

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**Project Description:** (Include all actions which are either geographically or functionally related):  
*Provide a street address or intersection for your project. If the project affects a large area, such as an infrastructure or community services project, select a representative address and describe the project location in a narrative below. If the project location is sensitive, you may provide an alternative address, such as the address of your city hall or nonprofit in lieu of the exact location of the project.*

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**NORTH DAKOTA DEPARTMENT OF COMMERCE  
DIVISION OF COMMUNITY SERVICES**

**Funding Source:** ☐ CDBG ☐ HOME ☐ ESG ☐ Other \_\_\_\_\_

**Estimated HUD Funding Amount:** \_\_\_\_\_ **Contract Number:** \_\_\_\_\_

**Estimated Total Project Cost:** \_\_\_\_\_ **Other funding Sources:** \_\_\_\_\_

**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 of approvals. Clearly note citations, dates/names/titles of contacts, and page references. Attach additional documentation as appropriate.

<b>Compliance Factors:</b> Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5 and §58.6	Are formal compliance steps or mitigation required?	Compliance determinations
<b>STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR 50.4 &amp; 58.6</b>		
<b>Airport Hazards</b> 24 CFR Part 51 Subpart D	Yes No <input type="checkbox"/> <input type="checkbox"/>	<i>Complete the HUD <b>Airport Hazard Compliance – Worksheet</b> (Attachment S1) and provide summary here. Include all correspondence, documentation, and maps.</i> <a href="https://www.hudexchange.info/programs/environmental-review/airport-hazards/">https://www.hudexchange.info/programs/environmental-review/airport-hazards/</a>
<b>Coastal Barrier Resources</b> Coastal Barrier Resources Act, as amended by the Coastal Barrier Improvement Act of 1990 [16 USC 3501]	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	North Dakota has no Coastal Barriers therefore there is no impact to Coastal Barriers. (Include map) <a href="https://www.fws.gov/cbra/maps/Mapper.html">https://www.fws.gov/cbra/maps/Mapper.html</a>
<b>Flood Insurance</b> Flood Disaster Protection Act of 1973 and National Flood Insurance Reform Act of 1994 [42 USC 4001-4128 and 42 USC 5154a]	Yes No <input type="checkbox"/> <input type="checkbox"/>	<i>Complete the HUD <b>Flood Insurance Compliance - Worksheet</b> (Attachment S3) and provide summary here. Include all correspondence, documentation, and maps.</i> <a href="https://www.hudexchange.info/programs/environmental-review/flood-insurance/">https://www.hudexchange.info/programs/environmental-review/flood-insurance/</a>
<b>STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR 50.4 &amp; 58.5</b>		
<b>Clean Air</b> Clean Air Act, as amended, particularly section 176€& (d); 40 CFR Parts 6, 51, 93	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	There are no non-attainment areas in North Dakota. (Include map) <a href="#">Nonattainment Areas for Criteria Pollutants (Green Book)   US EPA</a>
<b>Coastal Zone Management</b> Coastal Zone Management Act, sections 307€& (d)	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	North Dakota has no Coastal Zones therefore there is no impact to Coastal Zones. (Include map) <a href="https://www.coast.noaa.gov/czm/mystate/">https://www.coast.noaa.gov/czm/mystate/</a>

**NORTH DAKOTA DEPARTMENT OF COMMERCE  
DIVISION OF COMMUNITY SERVICES**

<b>Contamination and Toxic Substances</b>  24 CFR Part 50.3(i) & 58.5(i)(2)	Yes    No <input type="checkbox"/> <input type="checkbox"/>	Complete the HUD <b>Contamination and Toxic Substances Compliance - Worksheet</b> (Attachment S6/S7) and provide summary here. Include all correspondence, documentation, and maps.  <a href="https://www.hudexchange.info/environmental-review/site-contamination/">https://www.hudexchange.info/environmental-review/site-contamination/</a>
<b>Endangered Species</b>  Endangered Species Act of 1973, particularly section 7; 50 CFR Part 402	Yes    No <input type="checkbox"/> <input type="checkbox"/>	Complete the HUD <b>Endangered Species Compliance - Worksheet</b> (Attachment S8) and provide summary here. Include all correspondence, documentation, and maps.  <a href="https://www.hudexchange.info/environmental-review/endangered-species/">https://www.hudexchange.info/environmental-review/endangered-species/</a>
<b>Explosive and Flammable Hazards</b>  24 CFR Part 51 Subpart C	Yes    No <input type="checkbox"/> <input type="checkbox"/>	Complete the HUD <b>Explosive and Flammable Hazards Compliance - Worksheet</b> (Attachment S9) and provide summary here. Include all correspondence, documentation, and maps.  <a href="https://www.hudexchange.info/environmental-review/explosive-and-flammable-facilities/">https://www.hudexchange.info/environmental-review/explosive-and-flammable-facilities/</a>
<b>Farmlands Protection</b>  Farmland Protection Policy Act of 1981, particularly sections 1504(b) and 1541; 7 CFR Part 658	Yes    No <input type="checkbox"/> <input type="checkbox"/>	Complete the HUD <b>Farmland Protection Compliance - Worksheet</b> (Attachment S10) and provide summary here. Include all correspondence, documentation, and maps.  <a href="https://www.hudexchange.info/environmental-review/farmlands-protection/">https://www.hudexchange.info/environmental-review/farmlands-protection/</a>
<b>Floodplain Management</b>  Executive Order 11988, particularly section 2(a); 24 CFR Part 55	Yes    No <input type="checkbox"/> <input type="checkbox"/>	Complete the HUD <b>Floodplain Management Compliance - Worksheet</b> (Attachment S11) and provide summary here. Include all correspondence, documentation, and maps.  <a href="https://www.hudexchange.info/environmental-review/floodplain-management/">https://www.hudexchange.info/environmental-review/floodplain-management/</a>
<b>Historic Preservation</b>  National Historic Preservation Act of 1966, particularly sections 106 and 110; 36 CFR Part 800	Yes    No <input type="checkbox"/> <input type="checkbox"/>	Complete the HUD <b>Historic Preservation Compliance - Worksheet</b> (Attachment S12) and provide summary here. Include all correspondence, documentation, and maps.  <a href="https://www.hudexchange.info/environmental-review/historic-preservation/">https://www.hudexchange.info/environmental-review/historic-preservation/</a>
<b>Noise Abatement and Control</b>  Noise Control Act of 1972, as amended by the Quiet Communities Act of 1978; 24 CFR Part 51 Subpart B	Yes    No <input type="checkbox"/> <input type="checkbox"/>	Complete the HUD <b>Noise Abatement and Control Compliance - Worksheet (CEST &amp; EA)</b> (Attachment S13/S14) and provide summary here. Include all correspondence, documentation, and maps.  <a href="https://www.hudexchange.info/programs/environmental-review/noise-abatement-and-control/">https://www.hudexchange.info/programs/environmental-review/noise-abatement-and-control/</a>
<b>Sole Source Aquifers</b>  Safe Drinking Water Act of 1974, as amended, particularly section 1424; 40 CFR Part 149	Yes    No <input type="checkbox"/> <input checked="" type="checkbox"/>	There are no Sole Source Aquifers recognized in the State of North Dakota therefore there will be no impacts to Sole Source Aquifers. Include map.  <a href="https://epa.maps.arcgis.com/apps/webappviewer/index.html?id=9ebb047ba3ec41ada1877155fe31356b">https://epa.maps.arcgis.com/apps/webappviewer/index.html?id=9ebb047ba3ec41ada1877155fe31356b</a>

**NORTH DAKOTA DEPARTMENT OF COMMERCE  
DIVISION OF COMMUNITY SERVICES**

<b>Wetlands Protection</b> Executive Order 11990, particularly sections 2 and 5	Yes    No <input type="checkbox"/> <input type="checkbox"/>	Complete the HUD <b>Wetlands Protection Compliance - Worksheet</b> (Attachment S16) and provide summary here. Include all correspondence, documentation, and maps. <a href="https://www.hudexchange.info/environmental-review/wetlands-protection/">https://www.hudexchange.info/environmental-review/wetlands-protection/</a>
<b>Wild and Scenic Rivers</b> Wild and Scenic Rivers Act of 1968, particularly section 7(b) and (c)	Yes    No <input type="checkbox"/> <input checked="" type="checkbox"/>	Although there are no Wild and Scenic Rivers recognized in ND, there are NRI segments. Complete the HUD Wild and Scenic Rivers Compliance-Worksheet (Attachment S17) and provide summary here. Include all correspondence, documentation, and maps. <a href="https://www.nps.gov/subjects/rivers/nri-map.htm">https://www.nps.gov/subjects/rivers/nri-map.htm</a> <a href="https://www.rivers.gov/north-dakota.php">https://www.rivers.gov/north-dakota.php</a>
<b>ENVIRONMENTAL JUSTICE</b>		
<b>Environmental Justice</b> Executive Order 12898	Yes    No <input type="checkbox"/> <input type="checkbox"/>	Complete the HUD <b>Environmental Justice Compliance - Worksheet</b> (Attachment S18) and provide summary here. Include all correspondence, documentation, and maps. <a href="https://www.hudexchange.info/environmental-review/environmental-justice/">https://www.hudexchange.info/environmental-review/environmental-justice/</a>

**Site Visit** (Date and completed by): \_\_\_\_\_

**Summary of Findings and Conclusions:** \_\_\_\_\_

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**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.

Law, Authority, or Factor	Mitigation Measure

**NORTH DAKOTA DEPARTMENT OF COMMERCE  
DIVISION OF COMMUNITY SERVICES**

**Determination:**

- ☐ This categorically excluded activity/project converts to Exempt, per 58.34(a)(12) because there are no circumstances which require compliance with any of the federal laws and authorities cited at §58.5. **Funds may be committed and drawn down after certification of this part** for this (now) EXEMPT project; OR
- ☐ This categorically excluded activity/project cannot convert to Exempt because there are circumstances which require compliance with one or more federal laws and authorities cited at §58.5. Complete consultation/mitigation protocol requirements, **publish NOI/RROF and obtain “Authority to Use Grant Funds”** (HUD 7015.16) per Section 58.70 and 58.71 before committing or drawing down any funds; OR
- ☐ This project is now subject to a full Environmental Assessment according to Part 58 Subpart E due to extraordinary circumstances (Section 58.35(c)).

**PREPARER:**

(Regional Council Representative)  
Preparer Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Preparers Name

\_\_\_\_\_  
Preparers Title

**AUTHORIZED RESPONSIBLE ENTITY OFFICIAL:**

(UGLG. Representative)  
Authorized Responsible Entity Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Authorized Responsible Entity Name (printed)

\_\_\_\_\_  
Title (printed)

This original, signed document and related supporting material must be submitted to DCS for review. A copy of this form 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 G**  
**Environmental Assessment**

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

**Project Name:** \_\_\_\_\_

**Grant Recipient:** \_\_\_\_\_

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

**State/Local Identifier:** \_\_\_\_\_

**Preparer:** \_\_\_\_\_

**Certifying Officer Name and Title:** \_\_\_\_\_

**Consultant** (if applicable): \_\_\_\_\_

**Direct Comments to:** \_\_\_\_\_

**Project Location:** \_\_\_\_\_

**Project Description** (Include all actions which are either geographically or functionally related):

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Statement of Purpose and Need for the Proposal:** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Existing Conditions and Trends:** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**NORTH DAKOTA DEPARTMENT OF COMMERCE  
DIVISION OF COMMUNITY SERVICES**

**Funding Source:** ☐ CDBG ☐ HOME ☐ ESG ☐ Other \_\_\_\_\_

**Estimated HUD Funding Amount:** \_\_\_\_\_ **Contract Number:** \_\_\_\_\_

**Estimated Total Project Cost:** \_\_\_\_\_ **Other funding Sources:** \_\_\_\_\_

**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 of approvals. Clearly note citations, dates/names/titles of contacts, and page references. Attach additional documentation as appropriate.

<b>Compliance Factors:</b> Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5 and §58.6	Are formal compliance steps or mitigation required?	Compliance determinations
<b>STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR 50.4 &amp; 58.6</b>		
<b>Airport Hazards</b> 24 CFR Part 51 Subpart D	Yes No <input type="checkbox"/> <input type="checkbox"/>	
<b>Coastal Barrier Resources</b> Coastal Barrier Resources Act, as amended by the Coastal Barrier Improvement Act of 1990 [16 USC 3501]	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	North Dakota has no Coastal Barriers therefore there is no impact to Coastal Barriers. <i>(Include map)</i> <a href="https://www.fws.gov/cbra/maps/Mapper.html">https://www.fws.gov/cbra/maps/Mapper.html</a>
<b>Flood Insurance</b> Flood Disaster Protection Act of 1973 and National Flood Insurance Reform Act of 1994 [42 USC 4001-4128 and 42 USC 5154a]	Yes No <input type="checkbox"/> <input type="checkbox"/>	
<b>STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR 50.4 &amp; 58.5</b>		
<b>Clean Air</b> Clean Air Act, as amended, particularly section 176€& (d); 40 CFR Parts 6, 51, 93	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	There are no non-attainment areas in North Dakota. <i>(Include map)</i> <a href="#">Nonattainment Areas for Criteria Pollutants (Green Book)   US EPA</a>
<b>Coastal Zone Management</b> Coastal Zone Management Act, sections 307€& (d)	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	North Dakota has no Coastal Zones therefore there is no impact to Coastal Zones. <i>(Include map)</i> <a href="https://www.coast.noaa.gov/czm/mystate/">https://www.coast.noaa.gov/czm/mystate/</a>
<b>Contamination and Toxic Substances</b> 24 CFR Part 50.3(i) & 58.5(i)(2)	Yes No <input type="checkbox"/> <input type="checkbox"/>	

**NORTH DAKOTA DEPARTMENT OF COMMERCE  
DIVISION OF COMMUNITY SERVICES**

<b>Endangered Species</b> Endangered Species Act of 1973, particularly section 7; 50 CFR Part 402	Yes    No <input type="checkbox"/> <input type="checkbox"/>	
<b>Explosive and Flammable Hazards</b> 24 CFR Part 51 Subpart C	Yes    No <input type="checkbox"/> <input type="checkbox"/>	
<b>Farmlands Protection</b> Farmland Protection Policy Act of 1981, particularly sections 1504(b) and 1541; 7 CFR Part 658	Yes    No <input type="checkbox"/> <input type="checkbox"/>	
<b>Floodplain Management</b> Executive Order 11988, particularly section 2(a); 24 CFR Part 55	Yes    No <input type="checkbox"/> <input type="checkbox"/>	
<b>Historic Preservation</b> National Historic Preservation Act of 1966, particularly sections 106 and 110; 36 CFR Part 800	Yes    No <input type="checkbox"/> <input type="checkbox"/>	
<b>Noise Abatement and Control</b> Noise Control Act of 1972, as amended by the Quiet Communities Act of 1978; 24 CFR Part 51 Subpart B	Yes    No <input type="checkbox"/> <input type="checkbox"/>	
<b>Sole Source Aquifers</b> Safe Drinking Water Act of 1974, as amended, particularly section 1424; 40 CFR Part 149	Yes    No <input type="checkbox"/> <input checked="" type="checkbox"/>	There are no Sole Source Aquifers recognized in the State of North Dakota therefore there will be no impacts to Sole Source Aquifers. Include map.  <a href="https://epa.maps.arcgis.com/apps/webappviewer/index.html?id=9ebb047ba3ec41ada1877155fe31356b">https://epa.maps.arcgis.com/apps/webappviewer/index.html?id=9ebb047ba3ec41ada1877155fe31356b</a>
<b>Wetlands Protection</b> Executive Order 11990, particularly sections 2 and 5	Yes    No <input type="checkbox"/> <input type="checkbox"/>	
<b>Wild and Scenic Rivers</b> Wild and Scenic Rivers Act of 1968, particularly section 7(b) and (c)	Yes    No <input type="checkbox"/> <input checked="" type="checkbox"/>	<a href="https://www.nps.gov/subjects/rivers/nri-map.htm">https://www.nps.gov/subjects/rivers/nri-map.htm</a> <a href="https://www.rivers.gov/north-dakota.php">https://www.rivers.gov/north-dakota.php</a>
<b>ENVIRONMENTAL JUSTICE</b>		
<b>Environmental Justice</b> Executive Order 12898	Yes    No <input type="checkbox"/> <input type="checkbox"/>	

**NORTH DAKOTA DEPARTMENT OF COMMERCE  
DIVISION OF COMMUNITY SERVICES**

**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 project 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
<b>LAND DEVELOPMENT</b>		
Conformance with Plans / Compatible Land Use and Zoning / Scale and Urban Design		
Soil Suitability/ Slope/ Erosion/ Drainage/ Storm Water Runoff		
Hazards and Nuisances including Site Safety and Noise		
Energy Consumption		

Environmental Assessment Factor	Impact Code	Impact Evaluation
<b>SOCIOECONOMIC</b>		
Employment and Income Patterns		
Demographic Character Changes, Displacement		

Environmental Assessment Factor	Impact Code	Impact Evaluation
<b>COMMUNITY FACILITIES AND SERVICES</b>		
Educational and Cultural Facilities		
Commercial Facilities		

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Health Care and Social Services		
Solid Waste Disposal / Recycling		
Waste Water / Sanitary Sewers		
Water Supply		
Public Safety - Police, Fire and Emergency Medical		
Parks, Open Space and Recreation		
Transportation and Accessibility		

Environmental Assessment Factor	Impact Code	Impact Evaluation
<b>NATURAL FEATURES</b>		
Unique Natural Features, Water Resources		
Vegetation, Wildlife		
Other Factors		

**Additional Studies Performed:** \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

**Site Visit** (Date and completed by): \_\_\_\_\_

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**List of Permits Obtained:** \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**NORTH DAKOTA DEPARTMENT OF COMMERCE  
DIVISION OF COMMUNITY SERVICES**

**Public Outreach** [24 CFR 50.23 & 58.43]: \_\_\_\_\_  
\_\_\_\_\_

**Cumulative Impact Analysis** [24 CFR 58.32]: \_\_\_\_\_  
\_\_\_\_\_

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

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

**Summary of Findings and Conclusions:** \_\_\_\_\_  
\_\_\_\_\_

**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.

Law, Authority, or Factor	Mitigation Measure

**NORTH DAKOTA DEPARTMENT OF COMMERCE  
DIVISION OF COMMUNITY SERVICES**

**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:**

\_\_\_\_\_  
Preparer Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Preparer Name

\_\_\_\_\_  
Preparers Title

**AUTHORIZED RESPONSIBLE ENTITY OFFICIAL:**

\_\_\_\_\_  
Authorized Responsible Entity Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Authorized Responsible Entity Name (printed)

\_\_\_\_\_  
Title (printed)

This original, signed document and related supporting material must be submitted to DCS for review. A copy of this form 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 H**  
**(GUIDE)**  
**Environmental Assessment**

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

**Project Name:** \_\_\_\_\_

**Grant Recipient:** \_\_\_\_\_ (UGLG)

**Responsible Entity** (if different than Grant Recipient): \_\_\_\_\_ (Same as Above)

**Project Location:** *Provide a street address or intersection for your project. If the project affects a large area, such as an infrastructure or community services project, select a representative address and describe the project location in a narrative below. If the project location is sensitive, you may provide an alternative address, such as the address of your city hall or nonprofit in lieu of the exact location of the project.*

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**Project Description:** (Include all actions which are either geographically or functionally related):  
*Provide a street address or intersection for your project. If the project affects a large area, such as an infrastructure or community services project, select a representative address and describe the project location below. If the project location is sensitive, you may provide an alternative address, such as the address of your city hall or nonprofit in lieu of the exact location of the project.*

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**Statement of Purpose and Need for the Proposal:**

*The underlying purpose and need to which the agency is responding in proposing the action and its alternatives. Describe how the proposed action is intended to address housing and/or community development needs.*

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**Existing Conditions and Trends:** *Determine existing conditions and describe the character, features, and resources of the project area and its surroundings; identify the trends that are likely to continue in the absence of the project.*

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**Does this project involve over 200 lots, dwelling units, or beds?**

☐ Yes ☐ No

**Funding Source:** ☐ CDBG ☐ HOME ☐ ESG ☐ Other \_\_\_\_\_

**Estimated HUD Funding Amount:** \_\_\_\_\_ **Instrument Number:** \_\_\_\_\_

**Estimated Total Project Cost:** \_\_\_\_\_ **Other funding Sources:** \_\_\_\_\_

**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 of approvals. Clearly note citations, dates/names/titles of contacts, and page references. Attach additional documentation as appropriate.

<b>Compliance Factors:</b> Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5 and §58.6	Are formal compliance steps or mitigation required?	Compliance determinations
<b>STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR 50.4 &amp; 58.6</b>		
<b>Airport Hazards</b> 24 CFR Part 51 Subpart D	Yes <input type="checkbox"/> No <input type="checkbox"/>	<b>Complete the HUD <u>Airport Hazard Compliance – Worksheet</u> (Attachment S1) and provide summary here. Include all correspondence, documentation, and maps.</b> <a href="https://www.hudexchange.info/programs/environmental-review/airport-hazards/">https://www.hudexchange.info/programs/environmental-review/airport-hazards/</a>
<b>Coastal Barrier Resources</b> Coastal Barrier Resources Act, as amended by the Coastal Barrier Improvement Act of 1990 [16 USC 3501]	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	<b>North Dakota has no Coastal Barriers therefore there is no impact to Coastal Barriers. (Include map)</b> <a href="https://www.fws.gov/cbra/maps/Mapper.html">https://www.fws.gov/cbra/maps/Mapper.html</a>
<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 <input type="checkbox"/> No <input type="checkbox"/>	<b>Complete the HUD <u>Flood Insurance Compliance - Worksheet</u> (Attachment S3) and provide summary here. Include all correspondence, documentation, and maps.</b> <a href="https://www.hudexchange.info/programs/environmental-review/flood-insurance/">https://www.hudexchange.info/programs/environmental-review/flood-insurance/</a>

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<b>STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR 50.4 &amp; 58.5</b>		
<b>Clean Air</b> Clean Air Act, as amended, particularly section 176€& (d); 40 CFR Parts 6, 51, 93	Yes    No <input type="checkbox"/> <input checked="" type="checkbox"/>	There are no non-attainment areas in North Dakota. <i>(Include map)</i> <a href="#">Nonattainment Areas for Criteria Pollutants (Green Book)   US EPA</a>
<b>Coastal Zone Management</b> Coastal Zone Management Act, sections 307€& (d)	Yes    No <input type="checkbox"/> <input checked="" type="checkbox"/>	North Dakota has no Coastal Zones therefore there is no impact to Coastal Zones. <i>(Include map)</i> <a href="https://www.coast.noaa.gov/czm/mystate/">https://www.coast.noaa.gov/czm/mystate/</a>
<b>Contamination and Toxic Substances</b> 24 CFR Part 50.3(i) & 58.5(i)(2)	Yes    No <input type="checkbox"/> <input type="checkbox"/>	Complete the HUD <b>Contamination and Toxic Substances Compliance - Worksheet</b> (Attachment S6/S7) and provide summary here. Include all correspondence, documentation, and maps. <a href="https://www.hudexchange.info/environmental-review/site-contamination/">https://www.hudexchange.info/environmental-review/site-contamination/</a>
<b>Endangered Species</b> Endangered Species Act of 1973, particularly section 7; 50 CFR Part 402	Yes    No <input type="checkbox"/> <input type="checkbox"/>	Complete the HUD <b>Endangered Species Compliance - Worksheet</b> (Attachment S8) and provide summary here. Include all correspondence, documentation, and maps. <a href="https://www.hudexchange.info/environmental-review/endangered-species/">https://www.hudexchange.info/environmental-review/endangered-species/</a>
<b>Explosive and Flammable Hazards</b> 24 CFR Part 51 Subpart C	Yes    No <input type="checkbox"/> <input type="checkbox"/>	Complete the HUD <b>Explosive and Flammable Hazards Compliance - Worksheet</b> (Attachment S9) and provide summary here. Include all correspondence, documentation, and maps. <a href="https://www.hudexchange.info/environmental-review/explosive-and-flammable-facilities/">https://www.hudexchange.info/environmental-review/explosive-and-flammable-facilities/</a>
<b>Farmlands Protection</b> Farmland Protection Policy Act of 1981, particularly sections 1504(b) and 1541; 7 CFR Part 658	Yes    No <input type="checkbox"/> <input type="checkbox"/>	Complete the HUD <b>Farmland Protection Compliance - Worksheet</b> (Attachment S10) and provide summary here. Include all correspondence, documentation, and maps. <a href="https://www.hudexchange.info/environmental-review/farmlands-protection/">https://www.hudexchange.info/environmental-review/farmlands-protection/</a>
<b>Floodplain Management</b> Executive Order 11988, particularly section 2(a); 24 CFR Part 55	Yes    No <input type="checkbox"/> <input type="checkbox"/>	Complete the HUD <b>Floodplain Management Compliance - Worksheet</b> (Attachment S11) and provide summary here. Include all correspondence, documentation, and maps. <a href="https://www.hudexchange.info/environmental-review/floodplain-management/">https://www.hudexchange.info/environmental-review/floodplain-management/</a>
<b>Historic Preservation</b> National Historic Preservation Act of 1966, particularly sections 106 and 110; 36 CFR Part 800	Yes    No <input type="checkbox"/> <input type="checkbox"/>	Complete the HUD <b>Historic Preservation Compliance - Worksheet</b> (Attachment S12) and provide summary here. Include all correspondence, documentation, and maps. <a href="https://www.hudexchange.info/environmental-review/historic-preservation/">https://www.hudexchange.info/environmental-review/historic-preservation/</a>
<b>Noise Abatement and Control</b> Noise Control Act of 1972, as amended by the Quiet Communities Act of 1978; 24 CFR Part 51 Subpart B	Yes    No <input type="checkbox"/> <input type="checkbox"/>	Complete the HUD <b>Noise Abatement and Control Compliance - Worksheet (CEST &amp; EA)</b> (Attachment S13/S14) and provide summary here. Include all correspondence, documentation, and maps. <a href="https://www.hudexchange.info/programs/environmental-review/noise-abatement-and-control/">https://www.hudexchange.info/programs/environmental-review/noise-abatement-and-control/</a>

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<b>Sole Source Aquifers</b>  Safe Drinking Water Act of 1974, as amended, particularly section 1424€ 40 CFR Part 149	Yes    No  <input type="checkbox"/> <input checked="" type="checkbox"/>	There are no Sole Source Aquifers recognized in the State of North Dakota therefore there will be no impacts to Sole Source Aquifers. Include map.  <a href="https://epa.maps.arcgis.com/apps/webappviewer/index.html?id=9ebb047ba3ec41ada1877155fe31356b">https://epa.maps.arcgis.com/apps/webappviewer/index.html?id=9ebb047ba3ec41ada1877155fe31356b</a>
<b>Wetlands Protection</b>  Executive Order 11990, particularly sections 2 and 5	Yes    No  <input type="checkbox"/> <input type="checkbox"/>	Complete the HUD <b>Wetlands Protection Compliance - Worksheet</b> (Attachment S16) and provide summary here. Include all correspondence, documentation, and maps.  <a href="https://www.hudexchange.info/environmental-review/wetlands-protection/">https://www.hudexchange.info/environmental-review/wetlands-protection/</a>
<b>Wild and Scenic Rivers</b>  Wild and Scenic Rivers Act of 1968, particularly section 7(b) and (c)	Yes    No  <input type="checkbox"/> <input checked="" type="checkbox"/>	Although there are no Wild and Scenic Rivers recognized in ND, there are NRI segments. Complete the HUD Wild and Scenic Rivers Compliance-Worksheet (Attachment S17) and provide summary here. Include all correspondence, documentation, and maps. <a href="https://www.nps.gov/subjects/rivers/nri-map.htm">https://www.nps.gov/subjects/rivers/nri-map.htm</a> <a href="https://www.rivers.gov/north-dakota.php">https://www.rivers.gov/north-dakota.php</a>
<b>ENVIRONMENTAL JUSTICE</b>		
<b>Environmental Justice</b>  Executive Order 12898	Yes    No  <input type="checkbox"/> <input type="checkbox"/>	Complete the HUD <b>Environmental Justice Compliance - Worksheet</b> (Attachment S18) and provide summary here. Include all correspondence, documentation, and maps.  <a href="https://www.hudexchange.info/environmental-review/environmental-justice/">https://www.hudexchange.info/environmental-review/environmental-justice/</a>

**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 project 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

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Environmental Assessment Factor	Impact Code	Impact Evaluation
<b>LAND DEVELOPMENT</b>		
Conformance with Plans / Compatible Land Use and Zoning / Scale and Urban Design		<p><i>Is the project in conformance with established local government Comprehensive planning and zoning practices?</i></p> <p><i>Is the project compatible with the surrounding area?</i></p>
Soil Suitability/ Slope/ Erosion/ Drainage/ Storm Water Runoff		<p><i>Is there evidence of erosion, subsidence, unstable slope conditions?</i></p> <p><i>Is there evidence of fill on the site?</i></p>
Hazards and Nuisances including Site Safety and Noise		<i>Note any hazards or safety concerns regarding orientation of the site, location of the site, geography of the site, materials on the site, proximity to hazards or incompatible uses, general site concerns.</i>
Energy Consumption		<p><i>Does the project/site have adequate access to utilities or on-site energy services?</i></p> <p><i>Will the project adversely impact utilities in the area?</i></p>

Environmental Assessment Factor	Impact Code	Impact Evaluation
<b>SOCIOECONOMIC</b>		
Employment and Income Patterns		<i>Will the project adversely impact employment and income patterns?</i>
Demographic Character Changes, Displacement		<i>Will the project adversely impact demographic character in the area?</i>

Environmental Assessment Factor	Impact Code	Impact Evaluation
<b>COMMUNITY FACILITIES AND SERVICES</b>		
Educational and Cultural Facilities		<p><i>Are adequate educational and cultural facilities available to the project's users?</i></p> <p><i>Will the project adversely impact available education or cultural service providers in the area?</i></p>
Commercial Facilities		<i>Are there adequate commercial facilities to serve the needs of the project's users?</i>
Health Care and Social Services		<p><i>Are adequate general health care services available to the project?</i></p> <p><i>Will the project adversely impact available general health care service providers in the area?</i></p>
Solid Waste Disposal / Recycling		<p><i>Is adequate solid waste service available to the project?</i></p> <p><i>Will the project adversely impact available solid waste service providers in the area?</i></p>
Waste Water / Sanitary Sewers		<p><i>Is adequate sanitary sewer service available to the project?</i></p> <p><i>Will the project adversely impact available sanitary sewer service providers in the area?</i></p>

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Water Supply		<p><i>Is adequate potable and irrigation water service available to the project?</i></p> <p><i>Will the project adversely impact available water service providers in the area?</i></p>
Public Safety - Police, Fire and Emergency Medical		<p><i>Are adequate police and fire protection services available to the project?</i></p> <p><i>Will the project adversely impact available police protection and fire service providers in the area?</i></p> <p><i>Are adequate emergency medical services available to the project?</i></p> <p><i>Will the project adversely impact available emergency medical service providers in the area?</i></p>
Parks, Open Space and Recreation		<p><i>Is adequate open space available to the project's users?</i></p> <p><i>Will the project adversely affect open space in the area?</i></p>
Transportation and Accessibility		<p><i>Is the project accessible to employment, services, recreation and employment?</i></p> <p><i>Is there adequate transportation access for the project?</i></p> <p><i>Will the project adversely affect transportation infrastructure in the area?</i></p>

Environmental Assessment Factor	Impact Code	Impact Evaluation
<b>NATURAL FEATURES</b>		
Unique Natural Features, Water Resources		<p><i>Is the project compatible with unique natural features in the area?</i></p> <p><i>Will the project adversely impact water resources or surface water in the area?</i></p>
Vegetation, Wildlife		<p><i>Is the project near wildlife or wildlife habitat?</i></p> <p><i>Will the project adversely impact wildlife or wildlife habitat in the area?</i></p>
Other Factors		

**Additional Studies Performed:** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**NORTH DAKOTA DEPARTMENT OF COMMERCE  
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**Field Inspection** (Date and completed by): \_\_\_\_\_  
\_\_\_\_\_

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

**List of Permits Obtained:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Public Outreach** [24 CFR 50.23 & 58.43]: \_\_\_\_\_  
\_\_\_\_\_  
*(Include and public notifications including floodplain notifications)*  
\_\_\_\_\_

**Cumulative Impact Analysis** [24 CFR 58.32]: \_\_\_\_\_  
\_\_\_\_\_  
*(Note any cumulative impacts taking all site specific projects into consideration  
when this is being used for Tier II site specific reviews)*  
\_\_\_\_\_

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

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

**Summary of Findings and Conclusions:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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**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.

Law, Authority, or Factor	Mitigation Measure

**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:**

\_\_\_\_\_  
(Regional Council Representative)  
Preparer Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Preparer Name

\_\_\_\_\_  
Preparer Title

**AUTHORIZED RESPONSIBLE ENTITY OFFICIAL:**

\_\_\_\_\_  
UGLG Representative  
Authorized Responsible Entity Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Authorized Responsible Entity Name (printed)

\_\_\_\_\_  
Title (printed)

## **Attachment I**

### **Broad Level Tiered Environmental Review for Environmental Assessment**

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

**Project Name:** \_\_\_\_\_

**Grant Recipient:** \_\_\_\_\_

**Responsible Entity** (if different from Grant Recipient): \_\_\_\_\_

**Location:** \_\_\_\_\_

**State/Local Identifier:** \_\_\_\_\_

**Preparer:** \_\_\_\_\_

**Certifying Officer Name and Title:** \_\_\_\_\_

**Consultant** (if applicable): \_\_\_\_\_

**Direct Comments to:** \_\_\_\_\_

**Project Location:** \_\_\_\_\_

**Project Description** (Include all actions which are either geographically or functionally related):

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Statement of Purpose and Need for the Proposal:** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Existing Conditions and Trends:** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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**Approximate size of the project area:** \_\_\_\_\_

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

**Maximum number of dwelling units or lots addressed by this tiered review:** \_\_\_\_\_

**Funding Source:** ☐ CDBG ☐ HOME ☐ ESG ☐ Other \_\_\_\_\_

**Estimated HUD Funding Amount:** \_\_\_\_\_ **Contract Number:** \_\_\_\_\_

**Estimated Total Project Cost:** \_\_\_\_\_ **Other funding Sources:** \_\_\_\_\_

**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 of approvals. Clearly note citations, dates/names/titles of contacts, and page references. Attach additional documentation as appropriate.

<b>Compliance Factors:</b> Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5 and §58.6	Are formal compliance steps or mitigation required?	Compliance determinations
<b>STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR 50.4 &amp; 58.6</b>		
<b>Airport Hazards</b> 24 CFR Part 51 Subpart D	Yes No <input type="checkbox"/> <input type="checkbox"/>	
<b>Coastal Barrier Resources</b> Coastal Barrier Resources Act, as amended by the Coastal Barrier Improvement Act of 1990 [16 USC 3501]	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	North Dakota has no Coastal Barriers therefore there is no impact to Coastal Barriers. <i>(Include map)</i> <a href="https://www.fws.gov/cbra/maps/Mapper.html">https://www.fws.gov/cbra/maps/Mapper.html</a>
<b>Flood Insurance</b> Flood Disaster Protection Act of 1973 and National Flood Insurance Reform Act of 1994 [42 USC 4001-4128 and 42 USC 5154a]	Yes No <input type="checkbox"/> <input type="checkbox"/>	
<b>STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR 50.4 &amp; 58.5</b>		
<b>Clean Air</b> Clean Air Act, as amended, particularly section 176€& (d); 40 CFR Parts 6, 51, 93	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	There are no non-attainment areas in North Dakota. <i>(Include map)</i> <a href="#">Nonattainment Areas for Criteria Pollutants (Green Book)   US EPA</a>

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<b>Coastal Zone Management</b> Coastal Zone Management Act, sections 307€& (d)	Yes    No <input type="checkbox"/> <input checked="" type="checkbox"/>	North Dakota has no Coastal Zones therefore there is no impact to Coastal Zones. <i>(Include map)</i> <a href="https://www.coast.noaa.gov/czm/mystate/">https://www.coast.noaa.gov/czm/mystate/</a>
<b>Contamination and Toxic Substances</b> 24 CFR Part 50.3(i) & 58.5(i)(2)	Yes    No <input type="checkbox"/> <input type="checkbox"/>	
<b>Endangered Species</b> Endangered Species Act of 1973, particularly section 7; 50 CFR Part 402	Yes    No <input type="checkbox"/> <input type="checkbox"/>	
<b>Explosive and Flammable Hazards</b> 24 CFR Part 51 Subpart C	Yes    No <input type="checkbox"/> <input type="checkbox"/>	
<b>Farmlands Protection</b> Farmland Protection Policy Act of 1981, particularly sections 1504(b) and 1541; 7 CFR Part 658	Yes    No <input type="checkbox"/> <input type="checkbox"/>	
<b>Floodplain Management</b> Executive Order 11988, particularly section 2(a); 24 CFR Part 55	Yes    No <input type="checkbox"/> <input type="checkbox"/>	
<b>Historic Preservation</b> National Historic Preservation Act of 1966, particularly sections 106 and 110; 36 CFR Part 800	Yes    No <input type="checkbox"/> <input type="checkbox"/>	
<b>Noise Abatement and Control</b> Noise Control Act of 1972, as amended by the Quiet Communities Act of 1978; 24 CFR Part 51 Subpart B	Yes    No <input type="checkbox"/> <input type="checkbox"/>	
<b>Sole Source Aquifers</b> Safe Drinking Water Act of 1974, as amended, particularly section 1424€ 40 CFR Part 149	Yes    No <input type="checkbox"/> <input checked="" type="checkbox"/>	There are no Sole Source Aquifers recognized in the State of North Dakota therefore there will be no impacts to Sole Source Aquifers. Include map. <a href="https://epa.maps.arcgis.com/apps/webappviewer/index.html?id=9ebb047ba3ec41ada1877155fe31356b">https://epa.maps.arcgis.com/apps/webappviewer/index.html?id=9ebb047ba3ec41ada1877155fe31356b</a>
<b>Wetlands Protection</b> Executive Order 11990, particularly sections 2 and 5	Yes    No <input type="checkbox"/> <input type="checkbox"/>	
<b>Wild and Scenic Rivers</b> Wild and Scenic Rivers Act of 1968, particularly section 7(b) and (c)	Yes    No <input type="checkbox"/> <input checked="" type="checkbox"/>	<a href="https://www.nps.gov/subjects/rivers/nri-map.htm">https://www.nps.gov/subjects/rivers/nri-map.htm</a> <a href="https://www.rivers.gov/north-dakota.php">https://www.rivers.gov/north-dakota.php</a>
<b>ENVIRONMENTAL JUSTICE</b>		
<b>Environmental Justice</b> Executive Order 12898	Yes    No <input type="checkbox"/> <input type="checkbox"/>	

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**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 project 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
<b>LAND DEVELOPMENT</b>		
Conformance with Plans / Compatible Land Use and Zoning / Scale and Urban Design		
Soil Suitability/ Slope/ Erosion/ Drainage/ Storm Water Runoff		
Hazards and Nuisances including Site Safety and Noise		
Energy Consumption		

Environmental Assessment Factor	Impact Code	Impact Evaluation
<b>SOCIOECONOMIC</b>		
Employment and Income Patterns		
Demographic Character Changes, Displacement		

Environmental Assessment Factor	Impact Code	Impact Evaluation
<b>COMMUNITY FACILITIES AND SERVICES</b>		
Educational and Cultural Facilities		

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Commercial Facilities		
Health Care and Social Services		
Solid Waste Disposal / Recycling		
Waste Water / Sanitary Sewers		
Water Supply		
Public Safety - Police, Fire and Emergency Medical		
Parks, Open Space and Recreation		
Transportation and Accessibility		

Environmental Assessment Factor	Impact Code	Impact Evaluation
<b>NATURAL FEATURES</b>		
Unique Natural Features, Water Resources		
Vegetation, Wildlife		
Other Factors		

**Additional Studies Performed:** \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

**Field Inspection** (Date and completed by): \_\_\_\_\_

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

\_\_\_\_\_  
\_\_\_\_\_

**List of Permits Obtained:** \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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**Public Outreach** [24 CFR 50.23 & 58.43]: \_\_\_\_\_  
\_\_\_\_\_

**Cumulative Impact Analysis** [24 CFR 58.32]: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

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

**Summary of Findings and Conclusions:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**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.

Law, Authority, or Factor	Mitigation Measure

**NORTH DAKOTA DEPARTMENT OF COMMERCE  
DIVISION OF COMMUNITY SERVICES**

**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:**

\_\_\_\_\_  
Preparer Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Preparer Name

\_\_\_\_\_  
Preparer Title

**AUTHORIZED RESPONSIBLE ENTITY OFFICIAL:**

\_\_\_\_\_  
Authorized Responsible Entity Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Authorized Responsible Entity Name (printed)

\_\_\_\_\_  
Title (printed)

## **Attachment J**

### **Tier II Site Specific Environmental Review CEST and Assessed** (assume Tier I has been completed)

**Tier II - Environmental Review**  
**Determinations and Compliance Findings for HUD-assisted Projects**  
**24 CFR Part 58**

**Project Name:** \_\_\_\_\_

**Grant Recipient:** \_\_\_\_\_

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

**Project Location:**  
\_\_\_\_\_  
\_\_\_\_\_

**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 of approvals. Clearly note citations, dates/names/titles of contacts, and page references. Attach additional documentation as appropriate.

<b>Compliance Factors:</b> Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5 and §58.6	Are formal compliance steps or mitigation required?	Compliance determinations
<b>STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR 50.4 and 58.6</b>		
<b>Airport Hazards</b>  24 CFR Part 51 Subpart D	Yes    No  <input type="checkbox"/> <input type="checkbox"/>	
<b>Coastal Barrier Resources</b>  Coastal Barrier Resources Act, as amended by the Coastal Barrier Improvement Act of 1990 [16 USC 3501]	Yes    No  <input type="checkbox"/> <input checked="" type="checkbox"/>	North Dakota has no Coastal Barriers therefore there is no impact to Coastal Barriers. <i>(Include map)</i>  <a href="https://www.fws.gov/cbra/maps/Mapper.html">https://www.fws.gov/cbra/maps/Mapper.html</a>
<b>Flood Insurance</b>  Flood Disaster Protection Act of 1973 and National Flood Insurance Reform Act of 1994 [42 USC 4001- 4128 and 42 USC 5154a]	Yes    No  <input type="checkbox"/> <input type="checkbox"/>	

**NORTH DAKOTA DEPARTMENT OF COMMERCE  
DIVISION OF COMMUNITY SERVICES**

<b>STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR 50.4 &amp; 58.5</b>		
<b>Clean Air</b>  Clean Air Act, as amended, particularly section 176(c) & (d); 40 CFR Parts 6, 51, 93	Yes    No <input type="checkbox"/> <input checked="" type="checkbox"/>	There are no non-attainment areas in North Dakota. <i>(Include map)</i>  <a href="#">Nonattainment Areas for Criteria Pollutants (Green Book)   US EPA</a>
<b>Coastal Zone Management</b>  Coastal Zone Management Act, sections 307(c) & (d)	Yes    No <input type="checkbox"/> <input checked="" type="checkbox"/>	North Dakota has no Coastal Zones therefore there is no impact to Coastal Zones. <i>(Include map)</i>  <a href="https://www.coast.noaa.gov/czm/mystate/">https://www.coast.noaa.gov/czm/mystate/</a>
<b>Contamination and Toxic Substances</b>  24 CFR Part 50.3(i) & 58.5(i)(2)	Yes    No <input type="checkbox"/> <input type="checkbox"/>	
<b>Endangered Species</b>  Endangered Species Act of 1973, particularly section 7; 50 CFR Part 402	Yes    No <input type="checkbox"/> <input type="checkbox"/>	
<b>Explosive and Flammable Hazards</b>  24 CFR Part 51 Subpart C	Yes    No <input type="checkbox"/> <input type="checkbox"/>	
<b>Farmlands Protection</b>  Farmland Protection Policy Act of 1981, particularly sections 1504(b) and 1541; 7 CFR Part 658	Yes    No <input type="checkbox"/> <input type="checkbox"/>	
<b>Floodplain Management</b>  Executive Order 11988, particularly section 2(a); 24 CFR Part 55	Yes    No <input type="checkbox"/> <input type="checkbox"/>	
<b>Historic Preservation</b>  National Historic Preservation Act of 1966, particularly sections 106 and 110; 36 CFR Part 800	Yes    No <input type="checkbox"/> <input type="checkbox"/>	
<b>Noise Abatement and Control</b>  Noise Control Act of 1972, as amended by the Quiet Communities Act of 1978; 24 CFR Part 51 Subpart B	Yes    No <input type="checkbox"/> <input type="checkbox"/>	
<b>Sole Source Aquifers</b>  Safe Drinking Water Act of 1974, as amended, particularly section 1424(e); 40 CFR Part 149	Yes    No <input type="checkbox"/> <input checked="" type="checkbox"/>	There are no Sole Source Aquifers recognized in the State of North Dakota therefore there will be no impacts to Sole Source Aquifers. Include map.  <a href="https://epa.maps.arcgis.com/apps/webappviewer/index.html?id=9ebb047ba3ec41ada1877155fe31356b">https://epa.maps.arcgis.com/apps/webappviewer/index.html?id=9ebb047ba3ec41ada1877155fe31356b</a>
<b>Wetlands Protection</b>  Executive Order 11990, particularly sections 2 and 5	Yes    No <input type="checkbox"/> <input type="checkbox"/>	

**NORTH DAKOTA DEPARTMENT OF COMMERCE  
DIVISION OF COMMUNITY SERVICES**

<b>Wild and Scenic Rivers</b> Wild and Scenic Rivers Act of 1968, particularly section 7(b) and (c)	Yes    No <input type="checkbox"/> <input checked="" type="checkbox"/>	<a href="https://www.nps.gov/subjects/rivers/nri-map.htm">https://www.nps.gov/subjects/rivers/nri-map.htm</a> <a href="https://www.rivers.gov/north-dakota.php">https://www.rivers.gov/north-dakota.php</a>
<b>ENVIRONMENTAL JUSTICE</b>		
<b>Environmental Justice</b> Executive Order 12898	Yes    No <input type="checkbox"/> <input type="checkbox"/>	

**Environmental Assessment Factors** [24 CFR 58.40; Ref. 40 CFR 1508.8 & 1508.27]  
**These items were addressed in the Tier 1 review available on file with the Grantee.**

**Additional Studies Performed:** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Field Inspection** (Date and completed by): \_\_\_\_\_

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

\_\_\_\_\_

\_\_\_\_\_

**List of Permits Obtained:** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Public Outreach** [24 CFR 50.23 & 58.43]: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Cumulative Impact Analysis** [24 CFR 58.32]: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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

\_\_\_\_\_

\_\_\_\_\_

**NORTH DAKOTA DEPARTMENT OF COMMERCE  
DIVISION OF COMMUNITY SERVICES**

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

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**Summary of Findings and Conclusions:** \_\_\_\_\_

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**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.

Law, Authority, or Factor	Mitigation Measure

**NORTH DAKOTA DEPARTMENT OF COMMERCE  
DIVISION OF COMMUNITY SERVICES**

**Determination CEST Projects (Project must have been determined to be CEST during Tier I Broad Level Review):**

- ☐ There are no extraordinary circumstances (Section 58.35(c)) effecting this activity/project and this project remains CEST.
- ☐ This project is now subject to a full Environmental Assessment according to Part 58 Subpart E due to extraordinary circumstances (Section 58.35(c)) documented in the site specific review.

**Determination Assessed Projects (Project must have been determined to be Assessed during Tier I Broad Level Review):**

- ☐ The activity/project complies with the original **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.
- ☐ The activity/project complies with the original **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.
- ☐ The activity/project **DOES NOT** comply with the original **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 and a separate and requires a compliance with a **Finding of Significant Impact** [24 CFR 58.40(g)(2); 40 CFR 1508.27].

**PREPARER:**

\_\_\_\_\_  
Preparer Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Preparer Name

\_\_\_\_\_  
Preparer Title

**AUTHORIZED RESPONSIBLE ENTITY OFFICIAL:**

\_\_\_\_\_  
Authorized Responsible Entity Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Authorized Responsible Entity Name (printed)

\_\_\_\_\_  
Title (printed)

## **Attachment K**

### **Notice of Intent to Request a Release of Funds - Sample**

## NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS

*Date of Notice*

*Name of Grantee*

*Address (e.g., Street No. or P.O. Box)*

*City, State, Zip Code*

*Telephone Number*

**On or about** *(at least one day after the end of the comment period)* **the** *(name of Grantee)* **will submit a request to the North Dakota Division of Community Services (DCS) for the release of Community Development Block Grant funds under Title I of the Housing and Community Development Act of 1974 (P.L. 93-383), to undertake the following project:**

Project Title: \_\_\_\_\_

Project Description and Nature of Project: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Project Location: \_\_\_\_\_

Project Cost: \_\_\_\_\_

*(Total project cost, CDBG amount if different)*

**The activities proposed** *(alternative #1: are categorically excluded under HUD regulations at 24 CFR Part 58 from National Environmental Policy Act (NEPA) requirements or alternative #2: comprise a project for which a Finding of No Significant Impact on the environment was [published/posted] on [date of Finding publication/posting]). An Environmental Review Record (ERR) that documents the environmental determinations for this project is on file at (name and address of Grantee office where ERR can be examined and name and address of other locations where the record is available for review) and may be examined or copied weekdays \_\_A.M to \_\_P.M.*

### PUBLIC COMMENTS

**Any individual, group, or agency may submit written comments on the ERR to the** *(Grantee office responsible for receiving and responding to comments.) All comments received by (if notice is published: notice date plus seven days; if notice is mailed and posted: mailing and posting date plus ten days) will be considered by the (name of Grantee) prior to authorizing submission of a request for release of funds.*

## ENVIRONMENTAL CERTIFICATION

The *(name of Grantee)* certifies to North Dakota DCS that *(name of Certifying Officer)* in his/her capacity as *(Official Title)* consents to accept the jurisdiction of the Federal Courts if an action is brought to enforce responsibilities in relation to the environmental review process and that these responsibilities have been satisfied. North Dakota DCS's approval of the certification satisfies its responsibilities under NEPA and related laws and authorities and allows the *(name of Grantee)* to use Program funds.

## OBJECTIONS TO RELEASE OF FUNDS

North Dakota DCS will accept objections to its release of fund and the *(name of Grantee)* certification for a period of fifteen days following the anticipated submission date or its actual receipt of the request (whichever is later) only if they are on one of the following bases: (a) the certification was not executed by the Certifying Officer of the *(name of Grantee)*; (b) the *(name of Grantee)* has omitted a step or failed to make a decision or finding required by HUD regulations at 24 CFR part 58; (c) the grant recipient or other participants in the development process have committed funds, incurred costs or undertaken activities not authorized by 24 CFR Part 58 before approval of a release of funds by North Dakota DCS; or (d) another Federal agency acting pursuant to 40 CFR Part 1504 has submitted a written finding that the project is unsatisfactory from the standpoint of environmental quality. Objections must be prepared and submitted in accordance with the required procedures (24 CFR Part 58, Sec. 58.76) and shall be addressed to North Dakota DCS at 1600 East Century Avenue, Suite 6, PO Box 2057, Bismarck, ND 58502-2057. Potential objectors should contact North Dakota DCS to verify the actual last day of the objection period.

---

*Name and Title of RE Certifying Officer*

**Attachment L**

**Notice of Finding of No Significant Impact and**  
**Notice of Intent to Request a Release of Funds (Combined Notice) - Sample**

**NOTICE OF FINDING OF NO SIGNIFICANT IMPACT AND  
NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS**

*Date of Notice*

*Name of Grantee*

*Address (e.g., Street No. or P.O. Box)*

*City, State, Zip Code*

*Telephone Number of RE*

**These notices shall satisfy two separate but related procedural requirements for activities to be undertaken by the (name of Grantee).**

**On or about (at least one day after the end of the comment period) the (name of Grantee) will submit a request to the North Dakota Division of Community Services (DCS) for the release of Community Development Block Grant funds under Title I of the Housing and Community Development Act of 1974 (P.L. 93-383), to undertake the following project:**

Project Title: \_\_\_\_\_

Project Description and Nature of Project: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Project Location: \_\_\_\_\_

Project Cost: \_\_\_\_\_

*(Total project cost, CDBG amount if different)*

**FINDING OF NO SIGNIFICANT IMPACT**

**The (name of Grantee) has determined that the project will have no significant impact on the human environment. Therefore, an Environmental Impact Statement under the National Environmental Policy Act of 1969 (NEPA) is not required. Additional project information is contained in the Environmental Review Record (ERR) on file at (name and address of Grantee office where ERR can be examined and name and address of other locations where the record is available for review) and may be examined or copied weekdays \_\_A.M to \_\_P.M.**

## PUBLIC COMMENTS

**Any individual, group, or agency may submit written comments on the ERR to the (Grantee office responsible for receiving and responding to comments.) All comments received by (if notice is published: notice date plus seven days; if notice is mailed and posted: mailing and posting date plus ten days) will be considered by the (name of Grantee) prior to authorizing submission of a request for release of funds. Comments should specify which Notice they are addressing.**

## ENVIRONMENTAL CERTIFICATION

**The (name of Grantee) certifies to North Dakota DCS that (name of Certifying Officer) in his/her capacity as (Official Title) consents to accept the jurisdiction of the Federal Courts if an action is brought to enforce responsibilities in relation to the environmental review process and that these responsibilities have been satisfied. North Dakota DCS's approval of the certification satisfies its responsibilities under NEPA and related laws and authorities and allows the (name of Grantee) to use Program funds.**

## OBJECTIONS TO RELEASE OF FUNDS

**North Dakota DCS will accept objections to its release of fund and the (name of Grantee) certification for a period of fifteen days following the anticipated submission date or its actual receipt of the request (whichever is later) only if they are on one of the following bases: (a) the certification was not executed by the Certifying Officer of the (name of Grantee); (b) the (name of Grantee) has omitted a step or failed to make a decision or finding required by HUD regulations at 24 CFR part 58; (c) the grant recipient or other participants in the development process have committed funds, incurred costs or undertaken activities not authorized by 24 CFR Part 58 before approval of a release of funds by North Dakota DCS; or (d) another Federal agency acting pursuant to 40 CFR Part 1504 has submitted a written finding that the project is unsatisfactory from the standpoint of environmental quality. Objections must be prepared and submitted in accordance with the required procedures (24 CFR Part 58, Sec. 58.76) and shall be addressed to North Dakota DCS at 1600 East Century Avenue, Suite 6, PO Box 2057, Bismarck, ND 58502-2057. Potential objectors should contact North Dakota DCS to verify the actual last day of the objection period.**

---

*Name and Title of RE Certifying Officer*

**Attachment M**

**Request for Release Funds and Certification**

# Request for Release of Funds and Certification

U.S. Department of Housing  
and Urban Development  
Office of Community Planning  
and Development

OMB No. 2506-0087  
(exp. 08/31/2023)

This form is to be used by Responsible Entities and Recipients (as defined in 24 CFR 58.2) when requesting the release of funds, and requesting the authority to use such funds, for HUD programs identified by statutes that provide for the assumption of the environmental review responsibility by units of general local government and States. Public reporting burden for this collection of information is estimated to average 36 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. This agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless that collection displays a valid OMB control number.

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

1. Program Title(s)	2. HUD/State Identification Number	3. Recipient Identification Number (optional)
4. OMB Catalog Number(s)	5. Name and address of responsible entity	
6. For information about this request, contact (name & phone number)		
8. HUD or State Agency and office unit to receive request	7. Name and address of recipient (if different than responsible entity)	

**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**

9. Program Activity(ies)/Project Name(s)	10. Location (Street address, city, county, State)
--	--

11. Program Activity/Project Description

---

**Part 2. Environmental Certification** (to be completed by responsible entity)

---

**With reference to the above Program Activity(ies)/Project(s), I, the undersigned officer of the responsible entity, certify that:**

1. The responsible entity has fully carried out its responsibilities for environmental review, decision-making and action pertaining to the project(s) named above.
2. The responsible entity has assumed responsibility for and complied with and will continue to comply with, the National Environmental Policy Act of 1969, as amended, and the environmental procedures, permit requirements and statutory obligations of the laws cited in 24 CFR 58.5; and also agrees to comply with the authorities in 24 CFR 58.6 and applicable State and local laws.
3. The responsible entity has assumed responsibility for and complied with and will continue to comply with Section 106 of the National Historic Preservation Act, and its implementing regulations 36 CFR 800, including consultation with the State Historic Preservation Officer, Indian tribes and Native Hawaiian organizations, and the public.
4. After considering the type and degree of environmental effects identified by the environmental review completed for the proposed project described in Part 1 of this request, I have found that the proposal did ☐ did not ☐ require the preparation and dissemination of an environmental impact statement.
5. The responsible entity has disseminated and/or published in the manner prescribed by 24 CFR 58.43 and 58.55 a notice to the public in accordance with 24 CFR 58.70 and as evidenced by the attached copy (copies) or evidence of posting and mailing procedure.
6. The dates for all statutory and regulatory time periods for review, comment or other action are in compliance with procedures and requirements of 24 CFR Part 58.
7. In accordance with 24 CFR 58.71(b), the responsible entity will advise the recipient (if different from the responsible entity) of any special environmental conditions that must be adhered to in carrying out the project.

As the duly designated certifying official of the responsible entity, I also certify that:

8. I am authorized to and do consent to assume the status of Federal official under the National Environmental Policy Act of 1969 and each provision of law designated in the 24 CFR 58.5 list of NEPA-related authorities insofar as the provisions of these laws apply to the HUD responsibilities for environmental review, decision-making and action that have been assumed by the responsible entity.
9. I am authorized to and do accept, on behalf of the recipient personally, the jurisdiction of the Federal courts for the enforcement of all these responsibilities, in my capacity as certifying officer of the responsible entity.

---

Signature of Certifying Officer of the Responsible Entity	<table border="1" style="width: 100%; border-collapse: collapse;"><tr><td style="padding: 2px 5px;">Title of Certifying Officer</td></tr><tr><td style="height: 30px;"></td></tr><tr><td style="padding: 2px 5px;">Date signed</td></tr><tr><td style="height: 30px;"></td></tr></table>	Title of Certifying Officer		Date signed	
Title of Certifying Officer					
Date signed					

**X**

---

Address of Certifying Officer
-------------------------------

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---

**Part 3. To be completed when the Recipient is not the Responsible Entity**

---

The recipient requests the release of funds for the programs and activities identified in Part 1 and agrees to abide by the special conditions, procedures and requirements of the environmental review and to advise the responsible entity of any proposed change in the scope of the project or any change in environmental conditions in accordance with 24 CFR 58.71(b).

---

Signature of Authorized Officer of the Recipient	<table border="1" style="width: 100%; border-collapse: collapse;"><tr><td style="padding: 2px 5px;">Title of Authorized Officer</td></tr><tr><td style="height: 30px;"></td></tr><tr><td style="padding: 2px 5px;">Date signed</td></tr><tr><td style="height: 30px;"></td></tr></table>	Title of Authorized Officer		Date signed	
Title of Authorized Officer					
Date signed					

**X**

**Warning:** HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)

## **Attachment N**

### **Agencies with Environmental Jurisdiction**

<b>ADDRESSES OF AGENCIES WITH ENVIRONMENTAL JURISDICTION</b>	
<b>Environmental Area</b>	<b>Agency</b>
Historic Preservation	State Historic Preservation Office 612 E. Boulevard Ave. Bismarck, ND 58505 Phone: 328-2666 / Fax: 328-3710
Tribal Historic Preservation See Appendix H for Guidance	Tribal Historic Preservation Office (THPO) Tribal Directory Assessment Tool (TDAT) <a href="https://egis.hud.gov/tdat/">egis.hud.gov/tdat/</a>
Flood Hazard Protection	State Engineer ND Department of Water Resources 1200 Memorial Highway Bismarck, ND 58504-5262 Phone: 328-2750 / Fax: 328-3696
Wetlands Protection	Conservation Division ND Game & Fish Department 100 N Bismarck Expressway Bismarck, ND 58501 Phone: 328.6300 / Fax: 328-6352
Endangered Species	US Fish & Wildlife 3425 Miriam Avenue Bismarck, ND 58501-7926 Phone: 250-4481 / Fax: 355-8513
Air Quality	ND Department of Environmental Quality 4201 Normandy St Bismarck, ND 58503-1324 Phone: 328-5150 / Fax: 328-5200
Farmlands Protection	State Conservationist Natural Resources Conservation Service PO Box 1458 Bismarck, ND 58502-1458 Phone: 530-2000 / Fax: 855.813.7556
	ND Department of Transportation 608 East Boulevard Avenue Bismarck, ND 58505-0700 Phone: 328-2500 / Fax: 328-0310
	ND Parks & Recreation Department 1600 East Century Avenue, Suite 3 Bismarck, ND 58506 Phone: 328-5357 / Fax: 328-5363
FONSI NOI/RROF	EPA Region 8 NEPA Email: <a href="mailto:EPA-R8-NEPA@epa.gov">EPA-R8-NEPA@epa.gov</a>

## **Attachment O**

### **8-Step Decision Making Process (Executive Order 11988)**

**U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT:**  
**8-STEP PROCESS EXAMPLE**

**STEP 1 - DETERMINE IF PROPOSAL IS IN A FLOODPLAIN OR WETLAND:** by using Flood hazard Boundary Maps, Community Profiles, Army Corps of Engineers Flood Hazard Inventory (annual), coastal zone maps, and any other relevant information.

**STEP 2 - INVOLVE PUBLIC IN DECISION-MAKING PROCESS (NOTICE):** Using the notice forms attached, notify the public by publishing in a newspaper in communities which have local newspapers. In all other communities, post the notice on the post office bulletin board for 15 days including postmarks on the notice to document the date it was posted and the date it was removed.

**STEP 3 - DETERMINE IF THERE IS A PRACTICABLE ALTERNATIVE:** Identify and evaluate at least three alternatives, including when possible, alternative sites outside the floodplain or wetland, alternative actions, and the “no action” option.

**STEP 4 - IDENTIFY ADVERSE AND BENEFICIAL IMPACTS:** including direct and indirect support of other floodplain and wetland development that might result from the project. Analyze the following factors:

- a. Natural environment (topography, habitat, hazards);
- b. Social concerns (aesthetics, historic and cultural values, land use patterns);
- c. Economic aspects (costs of construction, transportation and relocation); and
- d. Legal considerations (deeds, leases).

**STEP 5 - MITIGATE ADVERSE IMPACTS:** Minimize the impacts identified and restore and preserve the beneficial values served by floodplains and wetlands.

**STEP 6 - RE-EVALUATE ALTERNATIVES:** in light of the information gained to determine if the proposed action is still practicable. If new construction is to be located in a floodplain or wetland, apply accepted floodproofing and other measures. To achieve flood protection, wherever practicable elevate the structures above the flood level rather than fill in land.

**STEP 7 - ANNOUNCE AND EXPLAIN DECISION TO THE PUBLIC (NOTICE):** Using the attached form, again notify the public by publishing in the local newspaper when possible or posting on the bulletin board for seven days, postmarking the notice at posting and at removal.

**STEP 8 - IMPLEMENT PROPOSAL WITH APPROPRIATE MITIGATION:** Review during site visits to ensure that mitigation measures are fully implemented.

## **Attachment P**

### **Sample Notice for Early Public Review of a Proposed Activity in Floodplain/ Wetlands**

## **Early Notice and Public Review of a Proposed Activity in a [100-Year/500-year Floodplain or Wetland]**

[Note: May also be combined with other notices such as state floodplain or wetland notices so long as it contains the required information]

**To: All interested Agencies [include all Federal, State, and Local], Groups and Individuals**

**This is to give notice that [Grantee] has determined that the following proposed action under the Community Development Block Grant Program and [contract number] is located in the [100-year/500-year floodplain/wetland], and [Grantee] will be identifying and evaluating practicable alternatives to locating the action in the [floodplain/wetland] and the potential impacts on the [floodplain/wetland] from the proposed action, as required by Executive Order 11990, in accordance with HUD regulations at 24 CFR 55.20 Subpart C Procedures for Making Determinations on Floodplain Management and Protection of Wetlands.**

*[Describe the activity, e.g. purpose, type of assistance, the size of the site, proposed number of units, size of footprint, type of floodplain, natural values].*

*[State the total number of acres of floodplains].*

**The proposed project(s) is located [at addresses] in [Name of City], [Name of County]. There are three primary purposes for this notice;**

**First, people who may be affected by activities in [floodplain/wetland] and those who have an interest in the protection of the natural environment should be given an opportunity to express their concerns and provide information about these areas. Commenters are encouraged to offer alternative sites outside of the [floodplain/wetland], alternative methods to serve the same project purpose, and methods to minimize and mitigate impacts.**

**Second, an adequate public notice program can be an important public educational tool. The dissemination of information about [floodplain/wetland] can facilitate and enhance Federal efforts to reduce the risks associated with the occupancy and modification of these special areas.**

**Third, as a matter of fairness, when the Federal government determines it will participate in actions taking place in [floodplain/wetland], it must inform those who may be put at greater or continued risk.**

**Written comments must be received by [Grantee] at the following address on or before [month, day, year] [a minimum 15 calendar day comment period will begin the day after the publication and end on the 16th day after the publication]: [Grantee], [Address] and [phone number], Attention: [Name of Certifying Officer], [Title], during the hours of 9:00 AM to 5:00 PM. Comments may also be submitted via email at [email address].**

**DATE:**

NOTE: According to 24 CRR 55, section 55.2(b)(1), the notice must be bilingual if the affected public is largely non-English speaking. In addition, the notice must be dispersed to federal, state and local public agencies, organizations, and individuals known to be interested in the proposed project.

## **Attachment Q**

### **Sample Final Notice & Public Explanation of a Proposed Activity in Floodplain/ Wetlands**

## **Final Notice and Public Explanation of a Proposed Activity in a /100-Year/500-year Floodplain or Wetland/**

[Note: May also be combined with other notices such as state floodplain or wetland notices so long as it contains the required information]

**To: All interested Agencies** *[include all Federal, State, and Local]*, **Groups and Individuals**

**This is to give notice that** *[Grantee]* **has conducted an evaluation as required by Executive Order 11988 and 11990, in accordance with HUD regulations at 24 CFR 55.20 Subpart C Procedures for Making Determinations on Floodplain Management, to determine the potential affect that its activity in the floodplain and wetland will have on the human environment for the Community Development Block Grant Program under** *[contract number]*.

**The proposed project(s) is located** *[at addresses]* **in** *[Name of City], [Name of County]. \*

*[Describe the activity, e.g. purpose, type of assistance, the size of the site, proposed number of units, size of footprint, type of floodplain/wetland, natural values].*

*[State the total number of acres of floodplains/wetland].*

**[Grantee] has considered the following alternatives and mitigation measures to be taken to minimize adverse impacts and to restore and preserve natural and beneficial values:** *[List (i) ALL of the reasons why the action must take place in a floodplain/wetland, (ii) alternatives considered and reasons for non-selection, (iii) all mitigation measures to be taken to minimize adverse impacts and to restore and preserve natural and beneficial functions (e.g. floodwater storage and conveyance, groundwater discharge or recharge, erosion control, water quality maintenance, and habitat for flora and fauna) and values (e.g. recreational, educational, scientific, historic, and cultural) of the floodplain/wetland].*

*[Cite the date of any final or conditional LOMR's or LOMA's from FEMA where applicable] [Acknowledge compliance with state and local floodplain protection procedures]*

**[Grantee] has reevaluated the alternatives to building in the** *[floodplains/wetland]* **and has determined that it has no practicable alternative. Environmental files that document compliance with steps 3 through 6 of Executive Order 11990, are available for public inspection, review and copying upon request at the times and location delineated in the last paragraph of this notice for receipt of comments.**

**There are three primary purposes for this notice;**

**First, people who may be affected by activities in** *[floodplain/wetland]* **and those who have an interest in the protection of the natural environment should be given an opportunity to express their concerns and provide information about these areas. Commenters are encouraged to offer alternative sites outside of the** *[floodplain/wetland]*, **alternative methods to serve the same project purpose, and methods to minimize and mitigate impacts.**

**Second, an adequate public notice program can be an important public educational tool. The dissemination of information about** *[floodplain/wetland]* **can facilitate and enhance Federal efforts to reduce the risks associated with the occupancy and modification of these special areas.**

**Third, as a matter of fairness, when the Federal government determines it will participate in actions taking place in** *[floodplain/wetland]*, **it must inform those who may be put at greater or continued risk.**

**Written comments must be received by** *[Grantee]* **at the following address on or before** *[month, day, year]* **[a minimum 7 calendar day comment period will begin the day after the publication and end on the**

8th day after the publication]: [Grantee], [Address] and [phone number], **Attention:** [Name of Certifying Officer], [Title], **during the hours of 9:00 AM to 5:00 PM. Comments may also be submitted via email at [email address].**

**DATE:**

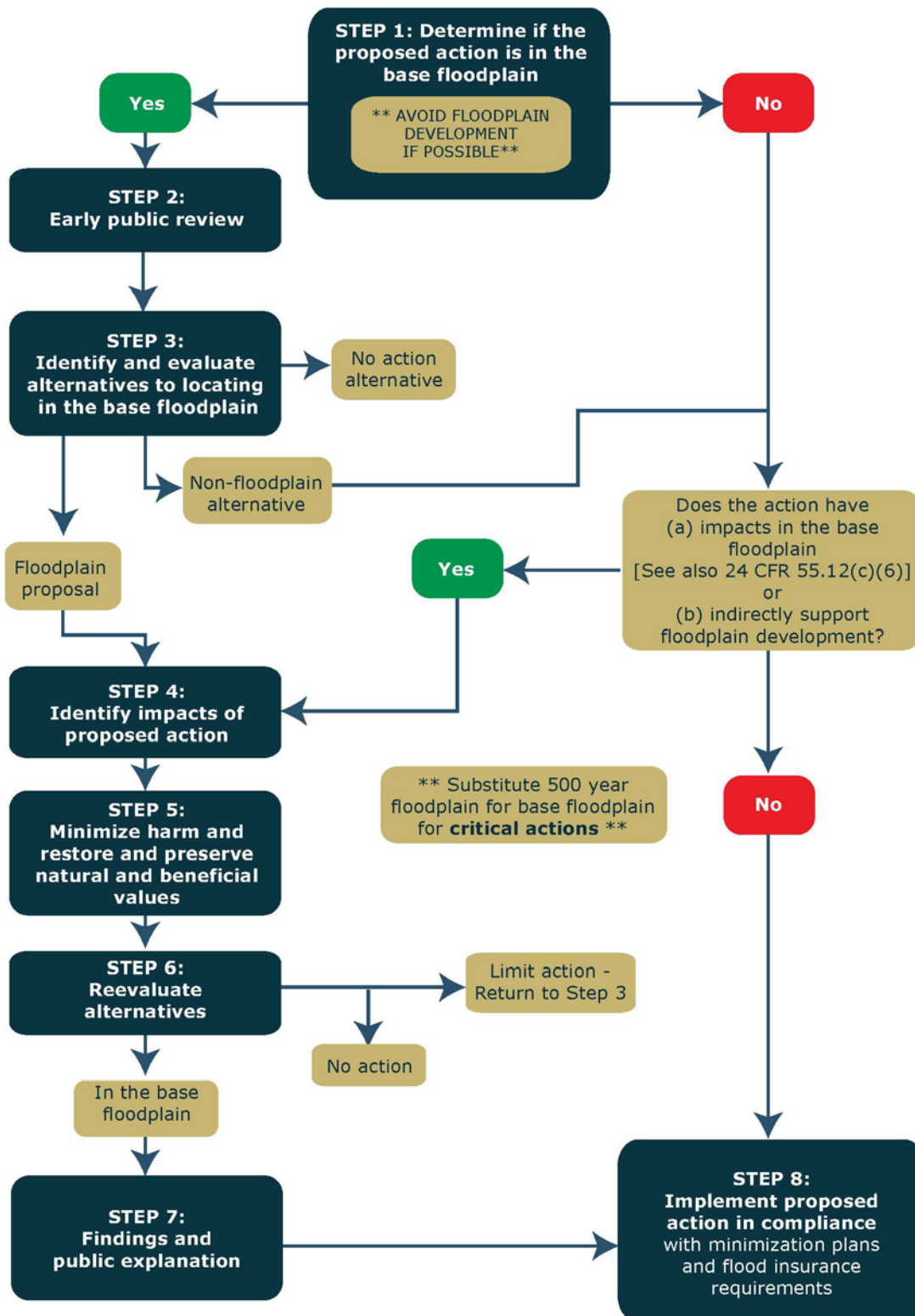
NOTE: According to 24 CRR 55, section 55.2(b)(1), the notice must be bilingual if the affected public is largely non-English speaking. In addition, the notice must be dispersed to federal, state and local public agencies, organizations, and individuals known to be interested in the proposed project.

SAMPLE

## **Attachment R**

### **Floodplain 8-Step Decision Making Process Flow Chart**

## 8- Step Decision-Making Process for Executive Order 11988



## **Attachment S**

### **HUD Environmental Review Compliance Forms**

## **Attachment S1**

### **Airport Hazard Compliance - Worksheet**



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## Airport Hazards (CEST and EA)

General policy	Legislation	Regulation
It is HUD's policy to apply standards to prevent incompatible development around civil airports and military air-fields.		24 CFR Part 51 Subpart D
References		
<a href="https://www.hudexchange.info/environmental-review/airport-hazards">https://www.hudexchange.info/environmental-review/airport-hazards</a>		

**1. To ensure compatible land use development, you must determine your site's proximity to civil and military airports. Is your project within 15,000 feet of a military airport or 2,500 feet of a civilian airport?**

☐ No → *Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below. Provide a map showing that the site is not within the applicable distances to a military or civilian airport.*

☐ Yes → *Continue to Question 2.*

**2. Is your project located within a Runway Potential Zone/Clear Zone (RPZ/CZ) or Accident Potential Zone (APZ)?**

☐ Yes, project is in an APZ → *Continue to Question 3.*

☐ Yes, project is an RPZ/CZ → *Project cannot proceed at this location.*

☐ No, project is not within an APZ or RPZ/CZ

→ *Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below. Provide a map showing that the site is not within either zone.*

**3. Is the project in conformance with DOD guidelines for APZ?**

☐ Yes, project is consistent with DOD guidelines without further action.

**Explain how you determined that the project is consistent:**

→ *Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below. Provide any documentation supporting this determination.*



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☐ No, the project cannot be brought into conformance with DOD guidelines and has not been approved. → *Project cannot proceed at this location.*

☐ Project is not consistent with DOD guidelines, but it has been approved by Certifying Officer or HUD Approving Official.

**Explain approval process:**

**If mitigation measures have been or will be taken, explain in detail the proposed measures that must be implemented to mitigate for the impact or effect, including the timeline for implementation.**

*Worksheet Summary below. Provide any documentation supporting this determination.*

**Worksheet Summary**

**Compliance Determination**

Provide a clear description of your determination and a synopsis of the information that it was based on, such as:

- Map panel numbers and dates
- Names of all consulted parties and relevant consultation dates
- Names of plans or reports and relevant page numbers
- Any additional requirements specific to your region

**Are formal compliance steps or mitigation required?**

- ☐ Yes  
☐ No

## **Attachment S2**

### **Coastal Barrier Resources Compliance - Worksheet**



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## Coastal Barrier Resources (CEST and EA)

General requirements	Legislation	Regulation
HUD financial assistance may not be used for most activities in units of the Coastal Barrier Resources System (CBRS). See 16 USC 3504 for limitations on federal expenditures affecting the CBRS.	Coastal Barrier Resources Act (CBRA) of 1982, as amended by the Coastal Barrier Improvement Act of 1990 (16 USC 3501)	
References		
<a href="https://www.hudexchange.info/environmental-review/coastal-barrier-resources">https://www.hudexchange.info/environmental-review/coastal-barrier-resources</a>		

Projects located in the following states must complete this form.

Alabama	Georgia	Massachusetts	New Jersey	Puerto Rico	Virgin Islands
Connecticut	Louisiana	Michigan	New York	Rhode Island	Virginia
Delaware	Maine	Minnesota	North Carolina	South Carolina	Wisconsin
Florida	Maryland	Mississippi	Ohio	Texas	

### 1. Is the project located in a CBRS Unit?

- ☐ No → *Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below. Provide a map showing that the site is not within a CBRS Unit.*
- ☐ Yes → *Continue to Question 2.*

Federal assistance for most activities may not be used at this location. You must either choose an alternate site or cancel the project. In very rare cases, federal monies can be spent within CBRS units for certain exempted activities (e.g., a nature trail), after consultation with the Fish and Wildlife Service (FWS) (see [16 USC 3505](#) for exceptions to limitations on expenditures).

### 2. Indicate your selected course of action.

- ☐ After consultation with the FWS the project was given approval to continue  
→ *Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below. Provide a map and documentation of a FWS approval.*
- ☐ Project was not given approval  
Project cannot proceed at this location.



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**Worksheet Summary**

**Compliance Determination**

Provide a clear description of your determination and a synopsis of the information that it was based on, such as:

- Map panel numbers and dates
- Names of all consulted parties and relevant consultation dates
- Names of plans or reports and relevant page numbers
- Any additional requirements specific to your region

**Are formal compliance steps or mitigation required?**

- ☐ Yes  
☐ No

**Attachment S3**

**Flood Insurance Compliance - Worksheet**



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## Flood Insurance (CEST and EA)

General requirements	Legislation	Regulation
Certain types of federal financial assistance may not be used in floodplains unless the community participates in National Flood Insurance Program and flood insurance is both obtained and maintained.	Flood Disaster Protection Act of 1973 as amended (42 USC 4001-4128)	24 CFR 50.4(b)(1) and 24 CFR 58.6(a) and (b); 24 CFR 55.1(b).
Reference		
<a href="https://www.hudexchange.info/environmental-review/flood-insurance">https://www.hudexchange.info/environmental-review/flood-insurance</a>		

**1. Does this project involve financial assistance for construction, rehabilitation, or acquisition of a mobile home, building, or insurable personal property?**

☐ No. This project does not require flood insurance or is excepted from flood insurance. → *Continue to the Worksheet Summary.*

☐ Yes → *Continue to Question 2.*

**2. Provide a FEMA/FIRM map showing the site.**

The Federal Emergency Management Agency (FEMA) designates floodplains. The [FEMA Map Service Center](#) provides this information in the form of FEMA Flood Insurance Rate Maps (FIRMs). For projects in areas not mapped by FEMA, use the best available information to determine floodplain information. Include documentation, including a discussion of why this is the best available information for the site. Provide FEMA/FIRM floodplain zone designation, panel number, and date within your documentation.

**Is the structure, part of the structure, or insurable property located in a FEMA-designated Special Flood Hazard Area?**

☐ No → *Continue to the Worksheet Summary.*

☐ Yes → *Continue to Question 3.*

**3. Is the community participating in the National Flood Insurance Program or has less than one year passed since FEMA notification of Special Flood Hazards?**

☐ Yes, the community is participating in the National Flood Insurance Program.

For loans, loan insurance or loan guarantees, flood insurance coverage must be continued for the term of the loan. For grants and other non-loan forms of financial assistance, flood insurance coverage must be continued for the life of the building irrespective of the transfer of ownership. The amount of coverage must equal the total project cost or the maximum coverage limit of the National Flood Insurance Program, whichever is less.



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Provide a copy of the flood insurance policy declaration or a paid receipt for the current annual flood insurance premium and a copy of the application for flood insurance.

→ *Continue to the Worksheet Summary.*

☐ Yes, less than one year has passed since FEMA notification of Special Flood Hazards.

If less than one year has passed since notification of Special Flood Hazards, no flood Insurance is required.

→ *Continue to the Worksheet Summary.*

☐ No. The community is not participating, or its participation has been suspended.

Federal assistance may not be used at this location. Cancel the project at this location.

### **Worksheet Summary**

#### **Compliance Determination**

Provide a clear description of your determination and a synopsis of the information that it was based on, such as:

- Map panel numbers and dates
- Names of all consulted parties and relevant consultation dates
- Names of plans or reports and relevant page numbers
- Any additional requirements specific to your region

#### **Are formal compliance steps or mitigation required?**

☐ Yes

☐ No

**Attachment S4**

**Clean Air Compliance - Worksheet**



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## Air Quality (CEST and EA)

General Requirements	Legislation	Regulation
The Clean Air Act is administered by the U.S. Environmental Protection Agency (EPA), which sets national standards on ambient pollutants. In addition, the Clean Air Act is administered by States, which must develop State Implementation Plans (SIPs) to regulate their state air quality. Projects funded by HUD must demonstrate that they conform to the appropriate SIP.	Clean Air Act (42 USC 7401 et seq.) as amended particularly Section 176(c) and (d) (42 USC 7506(c) and (d))	40 CFR Parts 6, 51 and 93
Reference		
<a href="https://www.hudexchange.info/environmental-review/air-quality">https://www.hudexchange.info/environmental-review/air-quality</a>		

1. Does your project include new construction or conversion of land use facilitating the development of public, commercial, or industrial facilities OR five or more dwelling units?

☐ Yes

→ Continue to Question 2.

☐ No

Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below. Provide any documents used to make your determination.

## Air Quality Attainment Status of Project's County or Air Quality Management District

2. Is your project's air quality management district or county in non-attainment or maintenance status for any criteria pollutants?

Follow the link below to determine compliance status of project county or air quality management district:

<http://www.epa.gov/green-book>

☐ No, project's county or air quality management district is in attainment status for all criteria pollutants

→ Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below. Provide any documents used to make your determination.

☐ Yes, project's management district or county is in non-attainment or maintenance status for one or more criteria pollutants.



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Describe the findings:

→ Continue to Question 3.

3. Determine the estimated emissions levels of your project for each of those criteria pollutants that are in non-attainment or maintenance status on your project area. Will your project exceed any of the *de minimis* or *threshold* emissions levels of non-attainment and maintenance level pollutants or exceed the screening levels established by the state or air quality management district?

☐ No, the project will not exceed *de minimis* or threshold emissions levels or screening levels

→ Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below. Explain how you determined that the project would not exceed *de minimis* or threshold emissions.

☐ Yes, the project exceeds *de minimis* emissions levels or screening levels.

→ Continue to Question 4. Explain how you determined that the project would not exceed *de minimis* or threshold emissions in the Worksheet Summary.

4. For the project to be brought into compliance with this section, all adverse impacts must be mitigated. Explain in detail the exact measures that must be implemented to mitigate for the impact or effect, including the timeline for implementation.



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**Worksheet Summary**

**Compliance Determination**

Provide a clear description of your determination and a synopsis of the information that it was based on, such as:

- Map panel numbers and dates
- Names of all consulted parties and relevant consultation dates
- Names of plans or reports and relevant page numbers
- Any additional requirements specific to your region

**Are formal compliance steps or mitigation required?**

- ☐ Yes  
☐ No

**Attachment S5**

**Coastal Zone Management Compliance - Worksheet**



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## Coastal Zone Management Act (CEST and EA)

General requirements	Legislation	Regulation
Federal assistance to applicant agencies for activities affecting any coastal use or resource is granted only when such activities are consistent with federally approved State Coastal Zone Management Act Plans.	Coastal Zone Management Act (16 USC 1451-1464), particularly section 307(c) and (d) (16 USC 1456(c) and (d))	15 CFR Part 930
References		
<a href="https://www.onecpd.info/environmental-review/coastal-zone-management">https://www.onecpd.info/environmental-review/coastal-zone-management</a>		

Projects located in the following states must complete this form.

Alabama	Florida	Louisiana	Mississippi	Ohio	Texas
Alaska	Georgia	Maine	New Hampshire	Oregon	Virgin Islands
American Samoa	Guam	Maryland	New Jersey	Pennsylvania	Virginia
California	Hawaii	Massachusetts	New York	Puerto Rico	Washington
Connecticut	Illinois	Michigan	North Carolina	Rhode Island	Wisconsin
Delaware	Indiana	Minnesota	Northern Mariana Islands	South Carolina	

**1. Is the project located in, or does it affect, a Coastal Zone as defined in your state Coastal Management Plan?**

☐ Yes → *Continue to Question 2.*

☐ No → *Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below. Provide a map showing that the site is not within a Coastal Zone.*

**2. Does this project include activities that are subject to state review?**

☐ Yes → *Continue to Question 3.*

☐ No → *Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below. Provide documentation used to make your determination.*

**3. Has this project been determined to be consistent with the State Coastal Management Program?**

☐ Yes, with mitigation. → *Continue to Question 4.*

☐ Yes, without mitigation. → *Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below. Provide documentation used to make your determination.*



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☐ No, project must be canceled.

Project cannot proceed at this location.

**4. Explain in detail the proposed measures that must be implemented to mitigate for the impact or effect, including the timeline for implementation.**

→ *Continue to the Worksheet Summary below. Provide documentation of the consultation (including the State Coastal Management Program letter of consistency) and any other documentation used to make your determination.*

**Worksheet Summary**

**Compliance Determination**

Provide a clear description of your determination and a synopsis of the information that it was based on, such as:

- Map panel numbers and dates
- Names of all consulted parties and relevant consultation dates
- Names of plans or reports and relevant page numbers
- Any additional requirements specific to your region

**Are formal compliance steps or mitigation required?**

☐ Yes

☐ No

**Attachment S6**

**Contamination and Toxic Substances Compliance - Worksheet**  
**Single Family Property**



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## Contamination and Toxic Substances (Single Family Properties)

General requirements	Legislation	Regulations
It is HUD policy that all properties that are being proposed for use in HUD programs be free of hazardous materials, contamination, toxic chemicals and gases, and radioactive substances, where a hazard could affect the health and safety of the occupants or conflict with the intended utilization of the property.		24 CFR 58.5(i)(2) 24 CFR 50.3(i)
Reference		
<a href="https://www.hudexchange.info/programs/environmental-review/site-contamination">https://www.hudexchange.info/programs/environmental-review/site-contamination</a>		

**1. Evaluate the site for contamination. Were any on-site or nearby toxic, hazardous, or radioactive substances found that could affect the health and safety of project occupants or conflict with the intended use of the property?**

Provide a map or other documentation of absence or presence of contamination<sup>1</sup> and explain evaluation of site contamination in the Worksheet below.

☐ No

**Explain:**

→ Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below.

☐ Yes

→ Describe the findings, including any recognized environmental conditions (RECs), in Worksheet Summary below. Continue to Question 2.

Check here if an ASTM Phase I Environmental Site Assessment (ESA) report was utilized.

[Note: HUD regulations does not require an ASTM Phase I ESA report for single family homes]

## 2. Mitigation

<sup>1</sup> Utilize EPA's Enviromapper and state/tribal databases to identify nearby dumps, junk yards, landfills, hazardous waste sites, and industrial sites, including EPA National Priorities List Sites (Superfund sites), CERCLA or state-equivalent sites, RCRA Corrective Action sites with release(s) or suspected release(s) requiring clean-up action and/or further investigation. Additional supporting documentation may include other inspections and reports.



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Document the mitigation needed according to the requirements of the appropriate federal, state, tribal, or local oversight agency. If the adverse environmental mitigation cannot be mitigated, then HUD assistance may not be used for the project at this site.

**Can adverse environmental impacts be mitigated?**

☐ Adverse environmental impacts cannot feasibly be mitigated

→ Project cannot proceed at this location.

☐ Yes, adverse environmental impacts can be eliminated through mitigation.

→ *Provide all mitigation requirements<sup>2</sup> and documents. Continue to Question 3.*

**3. Describe how compliance was achieved. Include any of the following that apply: State Voluntary Clean-up Program, a No Further Action letter, use of engineering controls<sup>3</sup>, or use of institutional controls<sup>4</sup>.**

**If a remediation plan or clean-up program was necessary, which standard does it follow?**

☐ Complete removal

☐ Risk-based corrective action (RBCA)

☐ Other

→ *Continue to the Worksheet Summary.*

**Worksheet Summary**

**Compliance Determination**

Provide a clear description of your determination and a synopsis of the information that it was based on, such as:

---

<sup>2</sup> Mitigation requirements include all clean-up actions required by applicable federal, state, tribal, or local law. Additionally, provide, as applicable, the long-term operations and maintenance plan, Remedial Action Work Plan, and other equivalent documents.

<sup>3</sup> Engineering controls are any physical mechanism used to contain or stabilize contamination or ensure the effectiveness of a remedial action. Engineering controls may include, without limitation, caps, covers, dikes, trenches, leachate collection systems, signs, fences, physical access controls, ground water monitoring systems and ground water containment systems including, without limitation, slurry walls and ground water pumping systems.

<sup>4</sup> Institutional controls are mechanisms used to limit human activities at or near a contaminated site, or to ensure the effectiveness of the remedial action over time, when contaminants remain at a site at levels above the applicable remediation standard which would allow for unrestricted use of the property. Institutional controls may include structure, land, and natural resource use restrictions, well restriction areas, classification exception areas, deed notices, and declarations of environmental restrictions.



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- Map panel numbers and dates
- Names of all consulted parties and relevant consultation dates
- Names of plans or reports and relevant page numbers
- Any additional requirements specific to your region

**Are formal compliance steps or mitigation required?**

☐ Yes

☐ No

**Attachment S7**

**Contamination and Toxic Substances Compliance - Worksheet**  
**Multi Family Property**



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## Contamination and Toxic Substances (Multifamily and Non-Residential Properties)

General requirements	Legislation	Regulations
It is HUD policy that all properties that are being proposed for use in HUD programs be free of hazardous materials, contamination, toxic chemicals and gases, and radioactive substances, where a hazard could affect the health and safety of the occupants or conflict with the intended utilization of the property.		24 CFR 58.5(i)(2) 24 CFR 50.3(i)
Reference		
<a href="https://www.hudexchange.info/programs/environmental-review/site-contamination">https://www.hudexchange.info/programs/environmental-review/site-contamination</a>		

**1. How was site contamination evaluated? <sup>5</sup> Select all that apply.**

- ☐ ASTM Phase I ESA
- ☐ ASTM Phase II ESA
- ☐ Remediation or clean-up plan
- ☐ ASTM Vapor Encroachment Screening
- ☐ None of the above

→ Provide documentation and reports and include an explanation of how site contamination was evaluated in the Worksheet Summary.

Continue to Question 2.

---

<sup>5</sup> HUD regulations at 24 CFR § 58.5(i)(2)(ii) require that the environmental review for multifamily housing with five or more dwelling units or non-residential property include the evaluation of previous uses of the site or other evidence of contamination on or near the site. For acquisition and new construction of multifamily and nonresidential properties HUD strongly advises the review include an ASTM Phase I Environmental Site Assessment (ESA) to meet real estate transaction standards of due diligence and to help ensure compliance with HUD's toxic policy at 24 CFR §58.5(i) and 24 CFR §50.3(i). Also note that some HUD programs require an ASTM Phase I ESA.



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- 2. Were any on-site or nearby toxic, hazardous, or radioactive substances found that could affect the health and safety of project occupants or conflict with the intended use of the property? (Were any recognized environmental conditions or RECs identified in a Phase I ESA and confirmed in a Phase II ESA?)**

☐ No

**Explain:**

→ *Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below.*

☐ Yes.

→ *Describe the findings, including any recognized environmental conditions (RECs), in Worksheet Summary below. Continue to Question 3.*

**3. Mitigation**

Document the mitigation needed according to the requirements of the appropriate federal, state, tribal, or local oversight agency. If the adverse environmental effects cannot be mitigated, then HUD assistance may not be used for the project at this site.

**Can adverse environmental impacts be mitigated?**

☐ Adverse environmental impacts cannot feasibly be mitigated

→ Project cannot proceed at this location.

☐ Yes, adverse environmental impacts can be eliminated through mitigation.

→ *Provide all mitigation requirements<sup>6</sup> and documents. Continue to Question 4.*

- 4. Describe how compliance was achieved. Include any of the following that apply: State Voluntary Clean-up Program, a No Further Action letter, use of engineering controls<sup>7</sup>, or use of institutional controls<sup>8</sup>.**

---

<sup>6</sup> Mitigation requirements include all clean-up actions required by applicable federal, state, tribal, or local law. Additionally, provide, as applicable, the long-term operations and maintenance plan, Remedial Action Work Plan, and other equivalent documents.

<sup>7</sup> Engineering controls are any physical mechanism used to contain or stabilize contamination or ensure the effectiveness of a remedial action. Engineering controls may include, without limitation, caps, covers, dikes, trenches, leachate collection systems, signs, fences, physical access controls, ground water monitoring systems and ground water containment systems including, without limitation, slurry walls and ground water pumping systems.

<sup>8</sup> Institutional controls are mechanisms used to limit human activities at or near a contaminated site, or to ensure the effectiveness of the remedial action over time, when contaminants remain at a site at levels above the applicable remediation standard which would allow for unrestricted use of the property. Institutional controls may include structure, land, and natural resource



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5. Describe how compliance was achieved. Include any of the following that apply: State Voluntary Clean-up Program, a No Further Action letter, use of engineering controls<sup>9</sup>, or use of institutional controls<sup>10</sup>.

If a remediation plan or clean-up program was necessary, which standard does it follow?

- ☐ Complete removal  
→ *Continue to the Worksheet Summary.*
- ☐ Risk-based corrective action (RBCA)  
→ *Continue to the Worksheet Summary.*

---

use restrictions, well restriction areas, classification exception areas, deed notices, and declarations of environmental restrictions.

<sup>9</sup> Engineering controls are any physical mechanism used to contain or stabilize contamination or ensure the effectiveness of a remedial action. Engineering controls may include, without limitation, caps, covers, dikes, trenches, leachate collection systems, signs, fences, physical access controls, ground water monitoring systems and ground water containment systems including, without limitation, slurry walls and ground water pumping systems.

<sup>10</sup> Institutional controls are mechanisms used to limit human activities at or near a contaminated site, or to ensure the effectiveness of the remedial action over time, when contaminants remain at a site at levels above the applicable remediation standard which would allow for unrestricted use of the property. Institutional controls may include structure, land, and natural resource use restrictions, well restriction areas, classification exception areas, deed notices, and declarations of environmental restrictions.



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**Worksheet Summary**

**Compliance Determination**

Provide a clear description of your determination and a synopsis of the information that it was based on, such as:

- Map panel numbers and dates
- Names of all consulted parties and relevant consultation dates
- Names of plans or reports and relevant page numbers
- Any additional requirements specific to your region

**Are formal compliance steps or mitigation required?**

☐ Yes

☐ No

**Attachment S8**

**Endangered Species Compliance - Worksheet**



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## Endangered Species Act (CEST and EA)

General requirements	ESA Legislation	Regulations
Section 7 of the Endangered Species Act (ESA) mandates that federal agencies ensure that actions that they authorize, fund, or carry out shall not jeopardize the continued existence of federally listed plants and animals or result in the adverse modification or destruction of designated critical habitat. Where their actions may affect resources protected by the ESA, agencies must consult with the Fish and Wildlife Service and/or the National Marine Fisheries Service ("FWS" and "NMFS" or "the Services").	The Endangered Species Act of 1973 (16 U.S.C. 1531 <i>et seq.</i> ); particularly section 7 (16 USC 1536).	50 CFR Part 402
References		
<a href="https://www.hudexchange.info/environmental-review/endangered-species">https://www.hudexchange.info/environmental-review/endangered-species</a>		

### 1. Does the project involve any activities that have the potential to affect species or habitats?

☐ No, the project will have No Effect due to the nature of the activities involved in the project.

→ Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below. Provide any documents used to make your determination.

☐ No, the project will have No Effect based on a letter of understanding, memorandum of agreement, programmatic agreement, or checklist provided by local HUD office.

Explain your determination:

→ Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below. Provide any documents used to make your determination.

☐ Yes, the activities involved in the project have the potential to affect species and/or habitats. → Continue to Question 2.

### 2. Are federally listed species or designated critical habitats present in the action area?

Obtain a list of protected species from the Services. This information is available on the [FWS Web-site](#) or you may contact your [local FWS](#) and/or [NMFS](#) offices directly.

☐ No, the project will have No Effect due to the absence of federally listed species and designated critical habitat.

→ Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below. Provide any documents used to make your determination.



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*Summary below. Provide any documents used to make your determination. Documentation may include letters from the Services, species lists from the Services' websites, surveys or other documents and analysis showing that there are no species in the action area.*

☐ Yes, there are federally listed species or designated critical habitats present in the action area. →  
*Continue to Question 3.*

**3. What effects, if any, will your project have on federally listed species or designated critical habitat?**

☐ No Effect: Based on the specifics of both the project and any federally listed species in the action area, you have determined that the project will have absolutely no effect on listed species or critical habitat.

→ *Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below. Provide any documents used to make your determination. Documentation should include a species list and explanation of your conclusion, and may require maps, photographs, and surveys as appropriate.*

☐ May Affect, Not Likely to Adversely Affect: Any effects that the project may have on federally listed species or critical habitats would be beneficial, discountable, or insignificant.

→ *Continue to Question 4, Informal Consultation.*

☐ Likely to Adversely Affect: The project may have negative effects on one or more listed species or critical habitat.

→ *Continue to Question 5, Formal Consultation.*

**4. Informal Consultation is required**

Section 7 of ESA (16 USC. 1536) mandates consultation to resolve potential impacts to endangered and threatened species and critical habitats. If a HUD-assisted project may affect any federally listed endangered or threatened species or critical habitat, then compliance is required with Section 7. See 50 CFR Part 402 Subpart B Consultation Procedures.

**Did the Service(s) concur with the finding that the project is Not Likely to Adversely Affect?**

☐ Yes, the Service(s) concurred with the finding.

→ *Based on the response, the review is in compliance with this section. Continue to Question 6 and provide the following:*

- (1) A biological evaluation or equivalent document*
- (2) Concurrence(s) from FWS and/or NMFS*
- (3) Any other documentation of informal consultation*

*Exception: If finding was made based on procedures provided by a letter of understanding, memorandum of agreement, programmatic agreement, or checklist provided by local HUD office, provide whatever documentation is mandated by that agreement.*



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☐ No, the Service(s) did not concur with the finding. → *Continue to Question 5.*

**5. Formal consultation is required**

Section 7 of ESA (16 USC 1536) mandates consultation to resolve potential impacts to federally listed endangered and threatened species and critical habitats. If a HUD assisted project may affect any endangered or threatened species or critical habitat, then compliance is required with Section 7. See 50 CFR Part 402 Subpart B Consultation Procedures.

→ *Once consultation is complete, the review is in compliance with this section. Continue to Question 6 and provide the following:*

- (1) *A biological assessment, evaluation, or equivalent document*
- (2) *Biological opinion(s) issued by FWS and/or NMFS*
- (3) *Any other documentation of formal consultation*

**6. For the project to be brought into compliance with this section, all adverse impacts must be mitigated. Explain in detail the proposed measures that will be implemented to mitigate for the impact or effect, including the timeline for implementation.**

☐ Mitigation as follows will be implemented:

☐ No mitigation is necessary.

**Explain why mitigation will not be made here:**

**Worksheet Summary**

**Compliance Determination**

Provide a clear description of your determination and a synopsis of the information that it was based on, such as:

- Map panel numbers and dates



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- Names of all consulted parties and relevant consultation dates
- Names of plans or reports and relevant page numbers
- Any additional requirements specific to your region

**Are formal compliance steps or mitigation required?**

- ☐ Yes  
☐ No

## **Attachment S9**

### **Explosive and Flammable Hazards Compliance - Worksheet**



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## Explosive and Flammable Hazards (CEST and EA)

General requirements	Legislation	Regulation
HUD-assisted projects must meet Acceptable Separation Distance (ASD) requirements to protect them from explosive and flammable hazards.	N/A	24 CFR Part 51 Sub-part C
Reference		
<a href="https://www.hudexchange.info/environmental-review/explosive-and-flammable-facilities">https://www.hudexchange.info/environmental-review/explosive-and-flammable-facilities</a>		

1. Is the proposed HUD-assisted project itself the development of a hazardous facility (a facility that mainly stores, handles or processes flammable or combustible chemicals such as bulk fuel storage facilities and refineries)?

☐ No

→ Continue to Question 2.

☐ Yes

Explain:

→ Go directly to Question 5.

2. Does this project include any of the following activities: development, construction, rehabilitation that will increase residential densities, or conversion?

☐ No

→ Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below.

☐ Yes

→ Continue to Question 3.

3. Within 1 mile of the project site, are there any current *or planned* stationary aboveground storage containers that are covered by 24 CFR 51C? Containers that are NOT covered under the regulation include:

- Containers 100 gallons or less in capacity, containing common liquid industrial fuels OR
- Containers of liquified petroleum gas (LPG) or propane with a water volume capacity of 1,000 gallons or less that meet the requirements of the 2017 version of National Fire Protection Association (NFPA) Code 58.



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**If all containers within the search area fit the above criteria, answer “no.” For any other type of aboveground storage container within the search area that holds one of the flammable or explosive materials listed in Appendix I of 24 CFR part 51 subpart C, answer “yes.”**

☐ No

→ *Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below. Provide all documents used to make your determination.*

☐ Yes

→ *Continue to Question 4.*

**4. Visit HUD’s website to identify the appropriate tank or tanks to assess and to calculate the required separation distance using the [electronic assessment tool](#). To document this step in the analysis, please attach the following supporting documents to this screen:**

- Map identifying the tank selected for assessment, and showing the distance from the tank to the proposed HUD-assisted project site; and
- Electronic assessment tool calculation of the required separation distance.

**Based on the analysis, is the proposed HUD-assisted project site located at or beyond the required separation distance from all covered tanks?**

☐ Yes

→ *Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below.*

☐ No

→ *Go directly to Question 6.*

**5. Is the hazardous facility located at an acceptable separation distance from residences and any other facility or area where people may congregate or be present?**

Please visit HUD’s website for information on calculating Acceptable Separation Distance.

☐ Yes

→ *Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below. Provide map(s) showing the location of the project site relative to residences and any other facility or area where people congregate or are present and your separation distance calculations.*

☐ No

→ *Provide map(s) showing the location of the project site relative to residences and any other facility or area where people congregate or are present and your separation distance calculations.*

*Continue to Question 6.*



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- 6. For the project to be brought into compliance with this section, all adverse impacts must be mitigated. Mitigation measures may include both natural and manmade barriers, modification of the project design, burial or removal of the hazard, or other engineered solutions. Describe selected mitigation measures, including the timeline for implementation, and attach an implementation plan. If negative effects cannot be mitigated, cancel the project at this location.**
- Note that only licensed professional engineers should design and implement blast barriers. If a barrier will be used or the project will be modified to compensate for an unacceptable separation distance, provide approval from a licensed professional engineer.



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**Worksheet Summary**

**Compliance Determination**

Provide a clear description of your determination and a synopsis of the information that it was based on, such as:

- Map panel numbers and dates
- Names of all consulted parties and relevant consultation dates
- Names of plans or reports and relevant page numbers
- Any additional requirements specific to your region

**Are formal compliance steps or mitigation required?**

- ☐ Yes  
☐ No

**Attachment S10**

**Farmland Protection Compliance - Worksheet**



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## Farmlands Protection (CEST and EA)

General requirements	Legislation	Regulation
The Farmland Protection Policy Act (FPPA) discourages federal activities that would convert farmland to nonagricultural purposes.	Farmland Protection Policy Act of 1981 (7 U.S.C. 4201 et seq.)	<a href="#">7 CFR Part 658</a>
Reference		
<a href="https://www.hudexchange.info/environmental-review/farmlands-protection">https://www.hudexchange.info/environmental-review/farmlands-protection</a>		

1. Does your project include any activities, including new construction, acquisition of undeveloped land or conversion, that could convert agricultural land to a non-agricultural use?

☐ Yes → Continue to Question 2.

☐ No

Explain how you determined that agricultural land would not be converted:

→ Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below. Provide any documentation supporting your determination.

2. Does “important farmland,” including prime farmland, unique farmland, or farmland of statewide or local importance regulated under the Farmland Protection Policy Act, occur on the project site?

You may use the links below to determine important farmland occurs on the project site:

- Utilize USDA Natural Resources Conservation Service’s (NRCS) Web Soil Survey <http://web-soilsurvey.nrcs.usda.gov/app/HomePage.htm>
- Check with your city or county’s planning department and ask them to document if the project is on land regulated by the FPPA (zoning important farmland as non-agricultural does not exempt it from FPPA requirements)
- Contact NRCS at the local USDA service center <http://offices.sc.egov.usda.gov/locator/app?agency=nrcs> or your NRCS state soil scientist <http://soils.usda.gov/contact/state-offices/> for assistance

☐ No → Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below. Provide any documents used to make your determination.

☐ Yes → Continue to Question 3.



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**3. Consider alternatives to completing the project on important farmland and means of avoiding impacts to important farmland.**

- Complete form **AD-1006**, "Farmland Conversion Impact Rating" [http://www.nrcs.usda.gov/Internet/FSE\\_DOCUMENTS/stelprdb1045394.pdf](http://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb1045394.pdf) and contact the state soil scientist before sending it to the local NRCS District Conservationist.  
(NOTE: for corridor type projects, use instead form **NRCS-CPA-106**, "Farmland Conversion Impact Rating for Corridor Type Projects: [http://www.nrcs.usda.gov/Internet/FSE\\_DOCUMENTS/stelprdb1045395.pdf](http://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb1045395.pdf).)
- Work with NRCS to minimize the impact of the project on the protected farmland. When you have finished with your analysis, return a copy of form AD-1006 (or form NRCS-CPA-106 if applicable) to the USDA-NRCS State Soil Scientist or his/her designee informing them of your determination.

**Document your conclusion:**

☐ Project will proceed with mitigation.

**Explain in detail the proposed measures that must be implemented to mitigate for the impact or effect, including the timeline for implementation.**

→ *Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below. Provide form AD-1006 and all other documents used to make your determination.*

☐ Project will proceed without mitigation.

**Explain why mitigation will not be made here:**

→ *Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below. Provide form AD-1006 and all other documents used to make your determination.*



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**Worksheet Summary**

**Compliance Determination**

Provide a clear description of your determination and a synopsis of the information that it was based on, such as:

- Map panel numbers and dates
- Names of all consulted parties and relevant consultation dates
- Names of plans or reports and relevant page numbers
- Any additional requirements specific to your region

**Are formal compliance steps or mitigation required?**

- ☐ Yes  
☐ No

**Attachment S11**

**Floodplain Management Compliance - Worksheet**



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## Floodplain Management (CEST and EA)

General Requirements	Legislation	Regulation
Executive Order 11988, Floodplain Management, requires Federal activities to avoid impacts to floodplains and to avoid direct and indirect support of floodplain development to the extent practicable.	Executive Order 11988	24 CFR 55
<b>Reference</b>		
<a href="https://www.hudexchange.info/environmental-review/floodplain-management">https://www.hudexchange.info/environmental-review/floodplain-management</a>		

1. Does [24 CFR 55.12\(c\)](#) exempt this project from compliance with HUD's floodplain management regulations in Part 55?

☐ Yes

Provide the applicable citation at 24 CFR 55.12(c) here. If project is exempt under 55.12(c)(7) or (8), provide supporting documentation.

→ Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below.

☐ No → Continue to Question 2.

2. Provide a FEMA/FIRM or ABFE map showing the site.

The Federal Emergency Management Agency (FEMA) designates floodplains. The FEMA Map Service Center provides this information in the form of FEMA Flood Insurance Rate Maps (FIRMs) or Advisory Base Flood Elevations (ABFEs). For projects in areas not mapped by FEMA, use the best available information to determine floodplain information. Include documentation, including a discussion of why this is the best available information for the site.

### Does your project occur in a floodplain?

☐ No → Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below.

☐ Yes

### Select the applicable floodplain using the FEMA map or the best available information:

☐ Floodway → Continue to Question 3, Floodways



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- ☐ Coastal High Hazard Area (V Zone) → *Continue to Question 4, Coastal High Hazard Areas*
- ☐ 500-year floodplain (B Zone or shaded X Zone) → *Continue to Question 5, 500-year Floodplains*
- ☐ 100-year floodplain (A Zone) → *The 8-Step Process is required. Continue to Question 6, 8-Step Process*

**3. Floodways**

**Is this a functionally dependent use?**

- ☐ Yes

The 8-Step Process is required. Work with your HUD FEO to determine a way to satisfactorily continue with this project. Provide a completed 8-Step Process, including the early public notice and the final notice.

→ *Continue to Question 6, 8-Step Process*

- ☐ No

Federal assistance may not be used at this location unless a 55.12(c) exception applies. You must either choose an alternate site or cancel the project at this location.

**4. Coastal High Hazard Area**

**Is this a critical action?**

- ☐ Yes

Critical actions are prohibited in coastal high hazard areas. Federal assistance may not be used at this location. Unless the action is excepted at 24 CFR 55.12(c), you must either choose an alternate site or cancel the project.

- ☐ No

**Does this action include construction that is not a functionally dependent use, existing construction (including improvements), or reconstruction following destruction caused by a disaster?**

- ☐ Yes, there is new construction.

New construction is prohibited in V Zones ((24 CFR 55.1(c)(3)).

- ☐ No, this action concerns only a functionally dependent use, existing construction (including improvements), or reconstruction following destruction caused by a disaster.

This construction must have met FEMA elevation and construction standards for a coastal high hazard area or other standards applicable at the time of construction.

→ *Continue to Question 6, 8-Step Process*



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**5. 500-year Floodplain**

**Is this a critical action?**

☐ No → *Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below.*

☐ Yes → *Continue to Question 6, 8-Step Process*

**6. 8-Step Process.**

**Does the 8-Step Process apply? Select one of the following options:**

☐ 8-Step Process applies.

Provide a completed 8-Step Process, including the early public notice and the final notice.

→ *Continue to Question 7, Mitigation*

☐ 5-Step Process is applicable per 55.12(a)(1-3).

Provide documentation of 5-Step Process.

Select the applicable citation:

☐ 55.12(a)(1) HUD actions involving the disposition of HUD-acquired multifamily housing projects or “bulk sales” of HUD-acquired one- to four-family properties in communities that are in the Regular Program of the National Flood Insurance Program (NFIP) and in good standing (i.e., not suspended from program eligibility or placed on probation under 44 CFR 59.24).

☐ 55.12(a)(2) HUD's actions under the National Housing Act (12 U.S.C. 1701) for the purchase or refinancing of existing multifamily housing projects, hospitals, nursing homes, assisted living facilities, board and care facilities, and intermediate care facilities, in communities that are in good standing under the NFIP.

☐ 55.12(a)(3) HUD's or the recipient's actions under any HUD program involving the repair, rehabilitation, modernization, weatherization, or improvement of existing multifamily housing projects, hospitals, nursing homes, assisted living facilities, board and care facilities, intermediate care facilities, and one- to four-family properties, in communities that are in the Regular Program of the National Flood Insurance Program (NFIP) and are in good standing, provided that the number of units is not increased more than 20 percent, the action does not involve a conversion from nonresidential to residential land use, the action does not meet the thresholds for “substantial improvement” under § 55.2(b)(10), and the footprint of the structure and paved areas is not significantly increased.

☐ 55.12(a)(4) HUD's (or the recipient's) actions under any HUD program involving the repair, rehabilitation, modernization, weatherization, or improvement of existing nonresidential buildings and structures, in communities that are in the Regular Program of the NFIP and are in good standing, provided that the action does not meet the thresholds for “substantial improvement” under § 55.2(b)(10) and that the footprint of the structure and paved areas is not significantly increased.

→ *Continue to Question 7, Mitigation*



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☐ 8-Step Process is inapplicable per 55.12(b)(1-4).

Select the applicable citation:

- ☐ 55.12(b)(1) HUD's mortgage insurance actions and other financial assistance for the purchasing, mortgaging or refinancing of existing one- to four-family properties in communities that are in the Regular Program of the National Flood Insurance Program (NFIP) and in good standing (i.e., not suspended from program eligibility or placed on probation under 44 CFR 59.24), where the action is not a critical action and the property is not located in a floodway or coastal high hazard area.
- ☐ 55.12(b)(2) Financial assistance for minor repairs or improvements on one- to four-family properties that do not meet the thresholds for "substantial improvement" under § 55.2(b)(10)
- ☐ 55.12(b)(3) HUD actions involving the disposition of individual HUD-acquired, one- to four-family properties.
- ☐ 55.12(b)(4) HUD guarantees under the Loan Guarantee Recovery Fund Program (24 CFR part 573) of loans that refinance existing loans and mortgages, where any new construction or rehabilitation financed by the existing loan or mortgage has been completed prior to the filing of an application under the program, and the refinancing will not allow further construction or rehabilitation, nor result in any physical impacts or changes except for routine maintenance.
- ☐ 55.12(b)(5) The approval of financial assistance to lease an existing structure located within the floodplain, but only if—
  - (i) The structure is located outside the floodway or Coastal High Hazard Area, and is in a community that is in the Regular Program of the NFIP and in good standing (i.e., not suspended from program eligibility or placed on probation under 44 CFR 59.24);
  - (ii) The project is not a critical action; and
  - (iii) The entire structure is or will be fully insured or insured to the maximum under the NFIP for at least the term of the lease.

→ *Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below.*

## 7. **Mitigation**

**For the project to be brought into compliance with this section, all adverse impacts must be mitigated. Explain in detail the exact measures that must be implemented to mitigate for the impact or effect, including the timeline for implementation.**



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**Which of the following mitigation/minimization measures have been identified for this project in the 8-Step or 5-Step Process? Select all that apply.**

- ☐ Permeable surfaces
- ☐ Natural landscape enhancements that maintain or restore natural hydrology
- ☐ Planting or restoring native plant species
- ☐ Bioswales
- ☐ Evapotranspiration
- ☐ Stormwater capture and reuse
- ☐ Green or vegetative roofs with drainage provisions
- ☐ Natural Resources Conservation Service conservation easements or similar easements
- ☐ Floodproofing of structures
- ☐ Elevating structures including freeboarding above the required base flood elevations
- ☐ Other

→ *Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below.*

**Worksheet Summary**

**Compliance Determination**

Provide a clear description of your determination and a synopsis of the information that it was based on, such as:

- Map panel numbers and dates
- Names of all consulted parties and relevant consultation dates
- Names of plans or reports and relevant page numbers
- Any additional requirements specific to your region



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**Are formal compliance steps or mitigation required?**

- ☐ Yes
- ☐ No

**Attachment S12**

**Historic Preservation Compliance - Worksheet**



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## Historic Preservation (CEST and EA)

General requirements	Legislation	Regulation
Regulations under Section 106 of the National Historic Preservation Act (NHPA) require a consultative process to identify historic properties, assess project impacts on them, and avoid, minimize, or mitigate adverse effects	Section 106 of the National Historic Preservation Act (16 U.S.C. 470f)	<a href="#">36 CFR 800 "Protection of Historic Properties"</a>
References		
<a href="https://www.hudexchange.info/environmental-review/historic-preservation">https://www.hudexchange.info/environmental-review/historic-preservation</a>		

### Threshold

#### Is Section 106 review required for your project?

- ☐ No, because a Programmatic Agreement states that all activities included in this project are exempt. (See the [PA Database](#) to find applicable PAs.)

**Either provide the PA itself or a link to it here. Mark the applicable exemptions or include the text here:**

→ *Continue to the Worksheet Summary.*

- ☐ No, because the project consists solely of activities included in a No Potential to Cause Effects memo or other determination [36 CFR 800.3(a)(1)].

**Either provide the memo itself or a link to it here. Explain and justify the other determination here:**

→ *Continue to the Worksheet Summary.*

- ☐ Yes, because the project includes activities with potential to cause effects (direct or indirect). → *Continue to Step 1.*



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### **The Section 106 Process**

After determining the need to do a Section 106 review, HUD or the RE will initiate consultation with regulatory and other interested parties, identify and evaluate historic properties, assess effects of the project on properties listed on or eligible for the National Register of Historic Places, and resolve any adverse effects through project design modifications or mitigation.

Step 1: Initiate consultation

Step 2: Identify and evaluate historic properties

Step 3: Assess effects of the project on historic properties

Step 4: Resolve any adverse effects

### **Step 1 - Initiate Consultation**

The following parties are entitled to participate in Section 106 reviews: Advisory Council on Historic Preservation; State Historic Preservation Officers (SHPOs); federally recognized Indian tribes/Tribal Historic Preservation Officers (THPOs); Native Hawaiian Organizations (NHOs); local governments; and project grantees. The general public and individuals and organizations with a demonstrated interest in a project may participate as consulting parties at the discretion of the RE or HUD official. Participation varies with the nature and scope of a project. Refer to HUD's website for guidance on consultation, including the required timeframes for response. Consultation should begin early to enable full consideration of preservation options.

Use the [When To Consult With Tribes checklist](#) within [Notice CPD-12-006: Process for Tribal Consultation](#) to determine if you should invite tribes to consult on a particular project. Use the [Tribal Directory Assessment Tool \(TDAT\)](#) to identify tribes that may have an interest in the area where the project is located. Note that consultants may not initiate consultation with Tribes.

### **Select all consulting parties below (check all that apply):**

- ☐ State Historic Preservation Officer (SHPO)
- ☐ Advisory Council on Historic Preservation
- ☐ Indian Tribes, including Tribal Historic Preservation Officers (THPOs) or Native
- ☐ Hawaiian Organizations (NHOs)

**List all tribes that were consulted here and their status of consultation:**

--

- ☐ Other Consulting Parties

**List all consulting parties that were consulted here and their status of consultation:**



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**Describe the process of selecting consulting parties and initiating consultation here:**

*Provide all correspondence, notices, and notes (including comments and objections received) and continue to Step 2.*

**Step 2 - Identify and Evaluate Historic Properties**

**Define the Area of Potential Effect (APE), either by entering the address(es) or providing a map depicting the APE.** Attach an additional page if necessary.

Gather information about known historic properties in the APE. Historic buildings, districts and archeological sites may have been identified in local, state, and national surveys and registers, local historic districts, municipal plans, town and county histories, and local history websites. If not already listed on the National Register of Historic Places, identified properties are then evaluated to see if they are eligible for the National Register.

Refer to HUD's website for guidance on identifying and evaluating historic properties.

**In the space below, list historic properties identified and evaluated in the APE.**

Every historic property that may be affected by the project should be listed. For each historic property or district, include the National Register status, whether the SHPO has concurred with the finding, and whether information on the site is sensitive. Attach an additional page if necessary.

Provide the documentation (survey forms, Register nominations, concurrence(s) and/or objection(s), notes, and photos) that justify your National Register Status determination.



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**Was a survey of historic buildings and/or archeological sites done as part of the project?**

If the APE contains previously unsurveyed buildings or structures over 50 years old, or there is a likely presence of previously unsurveyed archeological sites, a survey may be necessary. For Archeological surveys, refer to HP Fact Sheet #6, [Guidance on Archeological Investigations in HUD Projects](#).

- ☐ Yes → *Provide survey(s) and report(s) and continue to Step 3.*

Additional notes:

- ☐ No → *Continue to Step 3.*

**Step 3 - Assess Effects of the Project on Historic Properties**

Only properties that are listed on or eligible for the National Register of Historic Places receive further consideration under Section 106. Assess the effect(s) of the project by applying the Criteria of Adverse Effect. ([36 CFR 800.5](#)) Consider direct and indirect effects as applicable as per HUD guidance.

**Choose one of the findings below - No Historic Properties Affected, No Adverse Effect, or Adverse Effect; and seek concurrence from consulting parties.**

- ☐ No Historic Properties Affected

**Document reason for finding:**

- ☐ No historic properties present. → *Provide concurrence(s) or objection(s) and continue to the Worksheet Summary.*
- ☐ Historic properties present, but project will have no effect upon them. → *Provide concurrence(s) or objection(s) and continue to the Worksheet Summary.*

If consulting parties concur or fail to respond to user's request for concurrence, project is in compliance with this section. No further review is required. If consulting parties object, refer to ([36 CFR 800.4\(d\)\(1\)](#)) and consult further to try to resolve objection(s).

- ☐ No Adverse Effect

**Document reason for finding:**



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**Does the No Adverse Effect finding contain conditions?**

☐ Yes

**Check all that apply:** (check all that apply)

- ☐ Avoidance
- ☐ Modification of project
- ☐ Other

**Describe conditions here:**

→ *Monitor satisfactory implementation of conditions. Provide concurrence(s) or objection(s) and continue to the Worksheet Summary.*

☐ No → *Provide concurrence(s) or objection(s) and continue to the Worksheet Summary.*

If consulting parties concur or fail to respond to user's request for concurrence, project is in compliance with this section. No further review is required. If consulting parties object, refer to ([36 CFR 800.5\(c\)\(2\)](#)) and consult further to try to resolve objection(s).

☐ Adverse Effect

**Document reason for finding:**

Copy and paste applicable Criteria into text box with summary and justification.

Criteria of Adverse Effect: [36 CFR 800.5](#)]

Notify the Advisory Council on Historic Preservation of the Adverse Effect and provide the documentation outlined in [36 CFR 800.11\(e\)](#). The Council has 15 days to decide whether to enter the consultation (Not required for projects covered by a Programmatic Agreement).

→ *Continue to Step 4.*

**Step 4 - Resolve Adverse Effects**

Work with consulting parties to try to avoid, minimize or mitigate adverse effects. Refer to HUD guidance and [36 CFR 800.6 and 800.7](#).



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**Were the Adverse Effects resolved?**

☐ Yes

**Describe the resolution of Adverse Effects, including consultation efforts and participation by the Advisory Council on Historic Preservation:**

**For the project to be brought into compliance with this section, all adverse impacts must be mitigated. Explain in detail the exact measures that must be implemented to mitigate for the impact or effect, including the timeline for implementation.**

→ *Provide signed Memorandum of Agreement (MOA) or Standard Mitigation Measures Agreement (SMMA). Continue to the Worksheet Summary.*

☐ No

The project must be cancelled unless the “Head of Agency” approves it. Either provide approval from the “Head of Agency” or cancel the project at this location.

**Describe the failure to resolve Adverse Effects, including consultation efforts and participation by the Advisory Council on Historic Preservation and “Head of the Agency”:**

**Explain in detail the exact conditions or measures that must be implemented to mitigate for the impact or effect, including the timeline for implementation.**



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→ *Provide correspondence, comments, documentation of decision, and “Head of Agency” approval. Continue to the Worksheet Summary.*

**Worksheet Summary**

**Compliance Determination**

Provide a clear description of your determination and a synopsis of the information that it was based on, such as:

- Map panel numbers and dates
- Names of all consulted parties and relevant consultation dates
- Names of plans or reports and relevant page numbers
- Any additional requirements specific to your region

**Are formal compliance steps or mitigation required?**

- ☐ Yes  
☐ No

**Attachment S13**

**Noise Abatement and Control Compliance - Worksheet (CEST)**



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## Noise (CEST Level Reviews)

General requirements	Legislation	Regulation
HUD's noise regulations protect residential properties from excessive noise exposure. HUD encourages mitigation as appropriate.	Noise Control Act of 1972  General Services Administration Federal Management Circular 75-2: "Compatible Land Uses at Federal Airfields"	Title 24 CFR 51 Subpart B
References		
<a href="https://www.hudexchange.info/programs/environmental-review/noise-abatement-and-control">https://www.hudexchange.info/programs/environmental-review/noise-abatement-and-control</a>		

### 1. What activities does your project involve? Check all that apply:

☐ New construction for residential use

NOTE: HUD assistance to new construction projects is generally prohibited if they are located in an Unacceptable zone, and HUD discourages assistance for new construction projects in Normally Unacceptable zones. See 24 CFR 51.101(a)(3) for further details.

→ *Continue to Question 4.*

☐ Rehabilitation of an existing residential property

NOTE: For modernization projects in all noise zones, HUD encourages mitigation to reduce levels to acceptable compliance standards. See 24 CFR 51 Subpart B for further details.

→ *Continue to Question 2.*

☐ A research demonstration project which does not result in new construction or reconstruction, interstate, land sales registration, or any timely 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

→ *Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below.*

☐ None of the above

→ *Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below.*

### 2. Do you have standardized noise attenuation measures that apply to all modernization and/or minor rehabilitation projects, such as the use of double glazed windows or extra insulation?

☐ Yes

Indicate the type of measures that will apply (check all that apply):



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- ☐ Improved building envelope components (better windows and doors, strengthened sheathing, insulation, sealed gaps, etc.)
- ☐ Redesigned building envelope (more durable or substantial materials, increased air gap, resilient channels, staggered wall studs, etc.)
- ☐ Other

**Explain:**

→ *Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below and provide any supporting documentation.*

☐ No

→ *Continue to Question 3.*

**3. Complete the Preliminary Screening to identify potential noise generators in the vicinity (1000' from a major road, 3000' from a railroad, or 15 miles from an airport).**

**Describe findings of the Preliminary Screening:**

→ *Continue to Question 6.*



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**4. Complete the Preliminary Screening to identify potential noise generators in the vicinity (1000' from a major road, 3000' from a railroad, or 15 miles from an airport).**

**Indicate the findings of the Preliminary Screening below:**

☐ There are no noise generators found within the threshold distances above.

→ *Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below. Provide a map showing the location of the project relative to any noise generators.*

☐ Noise generators were found within the threshold distances.

→ *Continue to Question 5.*

**5. Complete the Noise Assessment Guidelines to quantify the noise exposure. Indicate the findings of the Noise Assessment below:**

☐ Acceptable: (65 decibels or less; the ceiling may be shifted to 70 decibels in circumstances described in §24 CFR 51.105(a))

**Indicate noise level here:**

→ *Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below. Provide noise analysis, including noise level and data used to complete the analysis.*

☐ Normally Unacceptable: (Above 65 decibels but not exceeding 75 decibels; the floor may be shifted to 70 decibels in circumstances described in 24 CFR 51.105(a))

**Indicate noise level here:**



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**Is the project in a largely undeveloped area<sup>11</sup>?**

☐ No

→Your project requires completion of an Environmental Assessment (EA) pursuant to 51.104(b)(1)(i). Elevate this review to an EA-level review.  
Provide noise analysis, including noise level and data used to complete the analysis.  
Continue to Question 6.

☐ Yes

→Your project requires completion of an Environmental Impact Statement (EIS) pursuant to 51.104(b)(1)(i). Elevate this review to an EIS-level review.  
Provide noise analysis, including noise level and data used to complete the analysis.  
Continue to Question 6.

☐ Unacceptable: (Above 75 decibels)

Indicate noise level here:

**Your project requires completion of an Environmental Impact Statement (EIS) pursuant to 51.104(b)(1)(i). You may either complete an EIS or provide a waiver signed by the appropriate authority. Indicate your choice:**

☐ Convert to an EIS

→ Provide noise analysis, including noise level and data used to complete the analysis.  
Continue to Question 6.

☐ Provide waiver

→ Provide an Environmental Impact Statement waiver from the Certifying Officer or the Assistant Secretary for Community Planning and Development per 24 CFR 51.104(b)(2) and noise analysis, including noise level and data used to complete the analysis.  
Continue to Question 6.

---

<sup>11</sup> A largely undeveloped area means the area within 2 miles of the project site is less than 50 percent developed with urban uses or does not have water and sewer capacity to serve the project.



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- 6. HUD strongly encourages mitigation be used to eliminate adverse noise impacts. Explain in detail the exact measures that must be implemented to mitigate for the impact or effect, including the timeline for implementation. This information will be automatically included in the Mitigation summary for the environmental review.**

☐ Mitigation as follows will be implemented:

→ *Provide drawings, specifications, and other materials as needed to describe the project's noise mitigation measures.*  
*Continue to the Worksheet Summary.*

☐ No mitigation is necessary.

**Explain why mitigation will not be made here:**

→ *Continue to the Worksheet Summary.*



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**Worksheet Summary**

**Compliance Determination**

Provide a clear description of your determination and a synopsis of the information that it was based on, such as:

- Map panel numbers and dates
- Names of all consulted parties and relevant consultation dates
- Names of plans or reports and relevant page numbers
- Any additional requirements specific to your region

**Are formal compliance steps or mitigation required?**

- ☐ Yes  
☐ No

**Attachment S14**

**Noise Abatement and Control Compliance - Worksheet (EA)**



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## Noise (EA Level Reviews)

General requirements	Legislation	Regulation
HUD's noise regulations protect residential properties from excessive noise exposure. HUD encourages mitigation as appropriate.	Noise Control Act of 1972  General Services Administration Federal Management Circular 75-2: "Compatible Land Uses at Federal Airfields"	Title 24 CFR 51 Subpart B
References		
<a href="https://www.hudexchange.info/programs/environmental-review/noise-abatement-and-control">https://www.hudexchange.info/programs/environmental-review/noise-abatement-and-control</a>		

### 1. What activities does your project involve? Check all that apply:

- ☐ New construction for residential use

NOTE: HUD assistance to new construction projects is generally prohibited if they are located in an Unacceptable zone, and HUD discourages assistance for new construction projects in Normally Unacceptable zones. See 24 CFR 51.101(a)(3) for further details.

→ *Continue to Question 2.*

- ☐ Rehabilitation of an existing residential property

NOTE: For major or substantial rehabilitation in Normally Unacceptable zones, HUD encourages mitigation to reduce levels to acceptable compliance standards. For major rehabilitation in Unacceptable zones, HUD strongly encourages mitigation to reduce levels to acceptable compliance standards. See 24 CFR 51 Subpart B for further details.

→ *Continue to Question 2.*

- ☐ A research demonstration project which does not result in new construction or reconstruction, interstate, land sales registration, or any timely 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
- *Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below.*

- ☐ None of the above

→ *Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below.*

### 2. Complete the Preliminary Screening to identify potential noise generators in the vicinity (1000' from a major road, 3000' from a railroad, or 15 miles from an airport).

Indicate the findings of the Preliminary Screening below:



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☐ There are no noise generators found within the threshold distances above.  
→ *Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below. Provide a map showing the location of the project relative to any noise generators.*

☐ Noise generators were found within the threshold distances.  
→ *Continue to Question 3.*

**3. Complete the Noise Assessment Guidelines to quantify the noise exposure. Indicate the findings of the Noise Assessment below:**

☐ Acceptable: (65 decibels or less; the ceiling may be shifted to 70 decibels in circumstances described in §24 CFR 51.105(a))

Indicate noise level here:

→ *Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below. Provide noise analysis, including noise level and data used to complete the analysis.*

☐ Normally Unacceptable: (Above 65 decibels but not exceeding 75 decibels; the floor may be shifted to 70 decibels in circumstances described in 24 CFR 51.105(a))

Indicate noise level here:

If project is rehabilitation:

→ *Continue to Question 4. Provide noise analysis, including noise level and data used to complete the analysis.*

If project is new construction:

**Is the project in a largely undeveloped area<sup>12</sup>?**

☐ No

→ *Continue to Question 4. Provide noise analysis, including noise level and data used to complete the analysis, and any other relevant information.*

☐ Yes

→ *Your project requires completion of an Environmental Impact Statement (EIS) pursuant to 51.104(b)(1)(i). Elevate this review to an EIS-level review.*

☐ Unacceptable: (Above 75 decibels)

---

<sup>12</sup> A largely undeveloped area means the area within 2 miles of the project site is less than 50 percent developed with urban uses or does not have water and sewer capacity to serve the project.



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Indicate noise level here:

If project is rehabilitation:

*HUD strongly encourages conversion of noise-exposed sites to land uses compatible with high noise levels. Consider converting this property to a non-residential use compatible with high noise levels.*

*→ Continue to Question 4. Provide noise analysis, including noise level and data used to complete the analysis, and any other relevant information.*

If project is new construction:

***Your project requires completion of an Environmental Impact Statement (EIS) pursuant to 51.104(b)(1)(i). You may either complete an EIS or provide a waiver signed by the appropriate authority. Indicate your choice:***

☐ Convert to an EIS

*→ Provide noise analysis, including noise level and data used to complete the analysis.*

*Continue to Question 4.*

☐ Provide waiver

*→ Provide an Environmental Impact Statement waiver from the Certifying Officer or the Assistant Secretary for Community Planning and Development per 24 CFR 51.104(b)(2) and noise analysis, including noise level and data used to complete the analysis.*

*Continue to Question 4.*

- 4. HUD strongly encourages mitigation be used to eliminate adverse noise impacts. Explain in detail the exact measures that must be implemented to mitigate for the impact or effect, including the timeline for implementation. This information will be automatically included in the Mitigation summary for the environmental review.**

☐ Mitigation as follows will be implemented:



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A large, empty rectangular box with a black border, intended for providing drawings, specifications, and other materials to describe the project's noise mitigation measures.

→ Provide drawings, specifications, and other materials as needed to describe the project's noise mitigation measures. Continue to the Worksheet Summary.

☐ No mitigation is necessary.

**Explain why mitigation will not be made here:**

A large, empty rectangular box with a black border, intended for explaining why mitigation will not be made here.

→ Continue to the Worksheet Summary.

### **Worksheet Summary**

#### **Compliance Determination**

Provide a clear description of your determination and a synopsis of the information that it was based on, such as:

- Map panel numbers and dates
- Names of all consulted parties and relevant consultation dates
- Names of plans or reports and relevant page numbers
- Any additional requirements specific to your region



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**Are formal compliance steps or mitigation required?**

☐ Yes

☐ No

**Attachment S15**

**Sole Source Aquifers Compliance – Worksheet**



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## Sole Source Aquifers (CEST and EA)

General requirements	Legislation	Regulation
The Safe Drinking Water Act of 1974 protects drinking water systems which are the sole or principal drinking water source for an area and which, if contaminated, would create a significant hazard to public health.	Safe Drinking Water Act of 1974 (42 U.S.C. 201, 300f et seq., and 21 U.S.C. 349)	40 CFR Part 149
Reference		
<a href="https://www.hudexchange.info/environmental-review/sole-source-aquifers">https://www.hudexchange.info/environmental-review/sole-source-aquifers</a>		

**1. Does your project consist solely of acquisition, leasing, or rehabilitation of an existing building(s)?**

☐ Yes → *Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below.*

☐ No → *Continue to Question 2.*

**2. Is the project located on a sole source aquifer (SSA)<sup>13</sup>?**

☐ No → *Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below. Provide documentation used to make your determination, such as a map of your project (or jurisdiction, if appropriate) in relation to the nearest SSA and its source area.*

☐ Yes → *Continue to Question 3.*

**3. Does your region have a memorandum of understanding (MOU) or other working agreement with EPA for HUD projects impacting a sole source aquifer?**

Contact your Field or Regional Environmental Officer or visit the HUD webpage at the link above to determine if an MOU or agreement exists in your area.

☐ Yes → *Provide the MOU or agreement as part of your supporting documentation. Continue to Question 4.*

☐ No → *Continue to Question 5.*

**4. Does your MOU or working agreement exclude your project from further review?**

☐ Yes → *Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below. Provide documentation used to make your determination and document where your project fits within the MOU or agreement.*

<sup>13</sup> A sole source aquifer is defined as an aquifer that supplies at least 50 percent of the drinking water consumed in the area overlying the aquifer. This includes streamflow source areas, which are upstream areas of losing streams that flow into the recharge area.



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☐ No → *Continue to Question 5.*

**5. Will the proposed project contaminate the aquifer and create a significant hazard to public health?**

Consult with your Regional EPA Office. Your consultation request should include detailed information about your proposed project and its relationship to the aquifer and associated streamflow source area. EPA will also want to know about water, storm water and waste water at the proposed project. Follow your MOU or working agreement or contact your Regional EPA office for specific information you may need to provide. EPA may request additional information if impacts to the aquifer are questionable after this information is submitted for review.

☐ No → *Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below. Provide your correspondence with the EPA and all documents used to make your determination.*

☐ Yes → *Work with EPA to develop mitigation measures. If mitigation measures are approved, attach correspondence with EPA and include the mitigation measures in your environmental review documents and project contracts. If EPA determines that the project continues to pose a significant risk to the aquifer, federal financial assistance must be denied. Continue to Question 6.*

**6. In order to continue with the project, any threat must be mitigated, and all mitigation must be approved by the EPA. Explain in detail the proposed measures that can be implemented to mitigate for the impact or effect, including the timeline for implementation.**

→ *Continue to the Worksheet Summary below. Provide documentation of the consultation (including the Managing Agency's concurrence) and any other documentation used to make your determination.*

**Worksheet Summary**

**Compliance Determination**

Provide a clear description of your determination and a synopsis of the information that it was based on, such as:

- Map panel numbers and dates
- Names of all consulted parties and relevant consultation dates
- Names of plans or reports and relevant page numbers
- Any additional requirements specific to your region



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**Are formal compliance steps or mitigation required?**

☐ Yes

☐ No

**Attachment S16**

**Wetlands Protection Compliance - Worksheet**



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## Wetlands (CEST and EA)

General requirements	Legislation	Regulation
Executive Order 11990 discourages that direct or indirect support of new construction impacting wetlands wherever there is a practicable alternative. The Fish and Wildlife Service's National Wetlands Inventory can be used as a primary screening tool, but observed or known wetlands not indicated on NWI maps must also be processed. Off-site impacts that result in draining, impounding, or destroying wetlands must also be processed.	Executive Order 11990	24 CFR 55.20 can be used for general guidance regarding the 8 Step Process.
References		
<a href="https://www.hudexchange.info/environmental-review/wetlands-protection">https://www.hudexchange.info/environmental-review/wetlands-protection</a>		

**1. Does this project involve new construction as defined in Executive Order 11990, expansion of a building's footprint, or ground disturbance?**

The term "new construction" includes draining, dredging, channelizing, filling, diking, impounding, and related activities and construction of any structures or facilities begun or authorized after the effective date of the Order.

☒ No → *Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below.*

☐ Yes → *Continue to Question 2.*

**2. Will the new construction or other ground disturbance impact an on- or off-site wetland?**

The term "wetlands" means those areas that are inundated by surface or ground water with a frequency sufficient to support, and under normal circumstances does or would support, a prevalence of vegetative or aquatic life that requires saturated or seasonally saturated soil conditions for growth and reproduction. Wetlands generally include swamps, marshes, bogs, and similar areas such as sloughs, potholes, wet meadows, river overflows, mud flats, and natural ponds. Wetlands under E.O. 11990 include isolated and non-jurisdictional wetlands.

☐ No, a wetland will not be impacted in terms of E.O. 11990's definition of new construction.  
→ *Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below. Provide a map or any other relevant documentation to explain your determination.*

☐ Yes → there is a wetland that be impacted in terms of E.O. 11990's definition of new construction.  
→ *You must determine that there are no practicable alternatives to wetlands development by completing the 8-Step Process.*



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*Provide a completed 8-Step Process as well as all documents used to make your determination, including a map. Be sure to include the early public notice and the final notice with your documentation.*

*Continue to Question 3.*

- 3. For the project to be brought into compliance with this section, all adverse impacts must be mitigated. Explain in detail the exact measures that must be implemented to mitigate for the impact or effect, including the timeline for implementation.**

**Which of the following mitigation actions have been or will be taken? Select all that apply:**

- ☐ Permeable surfaces
- ☐ Natural landscape enhancements that maintain or restore natural hydrology through infiltration
- ☐ Native plant species
- ☐ Bioswales
- ☐ Evapotranspiration
- ☐ Stormwater capture and reuse
- ☐ Green or vegetative roofs with drainage provisions
- ☐ Natural Resources Conservation Service conservation easements
- ☐ Compensatory mitigation



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**Worksheet Summary**

**Compliance Determination**

Provide a clear description of your determination and a synopsis of the information that it was based on, such as:

- Map panel numbers and dates
- Names of all consulted parties and relevant consultation dates
- Names of plans or reports and relevant page numbers
- Any additional requirements specific to your region

**Are formal compliance steps or mitigation required?**

- ☐ Yes  
☐ No

**Attachment S17**

**Wild and Scenic Rivers Compliance - Worksheet**



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## Wild and Scenic Rivers (CEST and EA)

General requirements	Legislation	Regulation
The Wild and Scenic Rivers Act provides federal protection for certain free-flowing, wild, scenic and recreational rivers designated as components or potential components of the National Wild and Scenic Rivers System (NWSRS) from the effects of construction or development.	The Wild and Scenic Rivers Act (16 U.S.C. 1271-1287), particularly section 7(b) and (c) (16 U.S.C. 1278(b) and (c))	36 CFR Part 297
References		
<a href="https://www.hudexchange.info/environmental-review/wild-and-scenic-rivers">https://www.hudexchange.info/environmental-review/wild-and-scenic-rivers</a>		

### 1. Is your project within proximity of a NWSRS river as defined below?

**Wild & Scenic Rivers:** These rivers or river segments have been designated by Congress or by states (with the concurrence of the Secretary of the Interior) as wild, scenic, or recreational

**Study Rivers:** These rivers or river segments are being studied as a potential component of the Wild & Scenic River system.

**Nationwide Rivers Inventory (NRI):** The National Park Service has compiled and maintains the NRI, a register of river segments that potentially qualify as national wild, scenic, or recreational river areas

☐ No

→ *Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below. Provide documentation used to make your determination, such as a map identifying the project site and its surrounding area or a list of rivers in your region in the Screen Summary at the conclusion of this screen.*

☐ Yes, the project is in proximity of a Nationwide Rivers Inventory (NRI) River.

→

*Continue to Question 2.*

### 2. Could the project do *any* of the following?

- Have a direct and adverse effect within Wild and Scenic River Boundaries,
- Invade the area or unreasonably diminish the river outside Wild and Scenic River Boundaries, or
- Have an adverse effect on the natural, cultural, and/or recreational values of a NRI segment.

Consultation with the appropriate federal/state/local/tribal Managing Agency(s) is required, pursuant to Section 7 of the Act, to determine if the proposed project may have an adverse effect on a Wild & Scenic River or a Study River and, if so, to determine the appropriate avoidance or mitigation measures. \_



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**Note:** Concurrence may be assumed if the Managing Agency does not respond within 30 days; however, you are still obligated to avoid or mitigate adverse effects on the rivers identified in the NWSRS

☐ No, the Managing Agency has concurred that the proposed project will not alter, directly, or indirectly, any of the characteristics that qualifies or potentially qualifies the river for inclusion in the NWSRS.

→ *Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below. Provide documentation of the consultation (including the Managing Agency's concurrence) and any other documentation used to make your determination.*

☐ Yes, the Managing Agency was consulted and the proposed project may alter, directly, or indirectly, any of the characteristics that qualifies or potentially qualifies the river for inclusion in the NWSRS.

→ *Continue to Question 3.*

**3. For the project to be brought into compliance with this section, all adverse impacts must be mitigated. Explain in detail the proposed measures that must be implemented to mitigate for the impact or effect, including the timeline for implementation.**

→ *Continue to the Worksheet Summary below. Provide documentation of the consultation (including the Managing Agency's concurrence) and any other documentation used to make your determination.*

### **Worksheet Summary**

#### **Compliance Determination**

Provide a clear description of your determination and a synopsis of the information that it was based on, such as:

- Map panel numbers and dates
- Names of all consulted parties and relevant consultation dates
- Names of plans or reports and relevant page numbers
- Any additional requirements specific to your region



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**Are formal compliance steps or mitigation required?**

- ☐ Yes
- ☐ No

**Attachment S18**

**Environmental Justice Compliance - Worksheet**

## Environmental Justice (CEST and EA)

General requirements	Legislation	Regulation
Determine if the project creates adverse environmental impacts upon a low-income or minority community. If it does, engage the community in meaningful participation about mitigating the impacts or move the project.	Executive Order 12898	
References		
<a href="https://www.hudexchange.info/environmental-review/environmental-justice">https://www.hudexchange.info/environmental-review/environmental-justice</a>		

**HUD strongly encourages starting the Environmental Justice analysis only after all other laws and authorities, including Environmental Assessment factors if necessary, have been completed.**

1. Were any adverse environmental impacts identified in any other compliance review portion of this project's total environmental review?

☐ Yes → Continue to Question 2.

☐ No → Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below.

2. Were these adverse environmental impacts disproportionately high for low-income and/or minority communities?

☐ Yes

Explain:

→ Continue to Question 3. Provide any supporting documentation.

☐ No

Explain:

→ Continue to the Worksheet Summary and provide any supporting documentation.

3. All adverse impacts should be mitigated. Explain in detail the proposed measures that must be implemented to mitigate for the impact or effect, including the timeline for implementation.

☐ Mitigation as follows will be implemented:

→ Continue to Question 4.

4. Describe how the affected low-income or minority community was engaged or meaningfully involved in the decision on what mitigation actions, if any, will be taken.

→ Continue to the Worksheet Summary and provide any supporting documentation.

### **Worksheet Summary**

Provide a full description of your determination and a synopsis of the information that it was based on, such as:

- Map panel numbers and dates
- Names of all consulted parties and relevant consultation dates
- Names of plans or reports and relevant page numbers
- Any additional requirements specific to your program or region

**Are formal compliance steps or mitigation required?**

☐ Yes

☐ No

**Attachment T**

**SHPO Consultation Form**

**CDBG/HOME SECTION 106 CLEARANCE**  
**NORTH DAKOTA DEPARTMENT OF COMMERCE/DCS**  
[SFN 52654](#) (12/14)

**THIS FORM MUST BE SUBMITTED TO THE SHPO FOR SECTION 106 DETERMINATIONS**

Identify funding source for project(s): \_\_\_\_\_

**Project Description:** (use attachment if necessary)

**Location:** Rural Areas: Township \_\_\_\_\_, Range \_\_\_\_\_, Section \_\_\_\_\_, ¼ Section \_\_\_\_\_

Cities - Street Address \_\_\_\_\_  
 (Only if there is no street system, use lot, block and addition (never USPS Box #, Route #, etc.))

**Attach Map:** Plot APE on map (city map or USGS topographic map for rural areas): Attached: \_\_\_\_\_ (check)

**Areas Indirectly Affected:** Attached location and maps for affected areas outside APE, (i.e., borrow sources, disposal areas, relocation sites, facilities to be abandoned, etc.)

**Year Built:** \_\_\_\_\_ (use the oldest part of the building, do not give age as 50+)

**Requirements for buildings/structures 50+ years or if age unknown:**

**Digital or 35mm photos:** Take obliquely (showing front & side) of each building/structure. If rehabilitation is involved, send photo close-ups of affected areas such as windows or doors. Send actual photos, not photocopies. \_\_\_\_\_ (check)

**Historic Associations:** Describe associations between the property and any persons/events of historic significance.  
 List references (local historian, centennial book, etc.)

**Based on the information collected, the type of SHPO concurrence you are requesting (check one only):**

- ☐ No Historic Properties Affected
- ☐ No Adverse Effect (If rehab of historic properties will occur, review the Secretary of Interiors Standards for Rehabilitation of Historic Properties prior to developing a work plan. Note - For Historic Properties, a No Adverse Effect determination requires conforming with the Secretary of Interiors Standards.)
- ☐ Adverse determination Effect (A MOA will be prepared)

**FOR SHPO USE ONLY:**

**No Historic Properties Affected**

The described undertaking will not affect any historic properties, per 36CFR800.4(d). If the project description changes, this recommendation is void.

Review and Compliance Coordinator \_\_\_\_\_, ND SHPO

Date \_\_\_\_\_ In Response Please Reference: SHPO# \_\_\_\_\_

**Additional Information:** Send additional information relevant to the Section 106 determination. If the project involves properties listed on, or eligible for the National Register, additional information may be required.

Send form with all attachments to:

Attn: Review and Compliance  
 ND State Historic Preservation Office  
 612 E. Boulevard Ave.  
 Bismarck, ND 58505-0830

**Form should be returned to:**

\_\_\_\_\_  
 Name

\_\_\_\_\_  
 Agency & Phone Number

\_\_\_\_\_  
 Address

\_\_\_\_\_  
 City, State, Zip

\_\_\_\_\_  
 Signature

\_\_\_\_\_  
 Date

## **Attachment U**

### **Authority to Use Grant Funds**

# Authority to Use Grant Funds

U.S. Department of  
Housing and Urban De-  
velopment Office of  
Community Planning and  
Development

**To:** (name & address of Grant Recipient & name & title of Chief Executive Officer)

**Copy To:** (name & address of Subrecipient)

We received your Request for Release of Funds and Certification, form HUD-7015.15 on

Your Request was for HUD/State Identification Number

All objections, if received, have been considered, and the minimum waiting period has transpired.

You are hereby authorized to use funds provided to you under the above HUD/State Identification Number. File this form for proper record keeping, audit, and inspection purposes.

Typed Name of Authorizing Officer

Signature of Authorizing Officer

Date (mm/dd/yyyy)

Title of Authorizing Officer

X

form **HUD-7015.16** (2/94)  
ref. Handbook 6513.01

Previous editions are obsolete.

**Attachment V**  
**DCS ERR Review Form**

<b>North Dakota DCS ERR Review Form</b>	
Regional Council:	
Subrecipient Name:	
Project Name:	
Project Description: (use attachment if necessary)	
Project Location: City/County: _____ Does the project have a single identifiable address? <input type="checkbox"/> Yes <input type="checkbox"/> No If No above, please provide geographic description:  Street Address or Nearest Road Location: (If there is no street system, use lot, block and addition) Block: _____, Lot: _____.	
Category of Environmental Review: <input type="checkbox"/> Exempt <input type="checkbox"/> Categorically Excluded not Subject to 58.5 <input type="checkbox"/> Categorically Excluded Subject to 58.5 <input type="checkbox"/> Assessment <input type="checkbox"/> Environmental Impact Statement (EIS)	Was the ERR Submitted in the DCS Approved Format? <input type="checkbox"/> Yes <input type="checkbox"/> No (If No, the ERR will be returned to the preparer for completion and resubmittal in the correct format.)
<b>1. Is the Correct ER Level of Review Identified for the Project?</b> <input type="checkbox"/> Yes (If Yes, proceed to #2) <input type="checkbox"/> No  If No, Explain:  If No, Is Corrective Action Needed? <input type="checkbox"/> Yes <input type="checkbox"/> No If Corrective Action is Required, Describe:	

**2. If project was CENST or Exempt, was the Proper ER form Submitted?**

- ☐ Yes(If Yes, proceed to #3) ☐ No  
☐ Project was neither CENST or Exempt (proceed to #4)

If No, Is Corrective Action Needed? ☐ Yes ☐ No

If Corrective Action is Required, Describe:

**3. Were the Forms Signed by the Proper Authorities?**

- ☐ Yes(If Yes, proceed to #4) ☐ No

If No, Is Corrective Action Needed? ☐ Yes ☐ No

If Corrective Action is Required, Describe:

**4. Does the Project Utilize a Tiered ER Process?** ☐ Yes ☐ No (If No, proceed to #5)

If Yes, Is Broad Level Review (Tier I) Documentation Provided? ☐ Yes ☐ No

If Yes, Are Site Specific Review (Tier II) Documents Provided? ☐ Yes ☐ No

Is Corrective Action Needed to Address Issues with Tiering? ☐ Yes ☐ No

If Corrective Action is Required, Describe:

**5. If Project is CEST were the Proper ER Forms Submitted?**

- ☐ Yes(If Yes, proceed to #6) ☐ No ☐ Project is not CEST (proceed to #7))

If No, Is Corrective Action Needed? ☐ Yes ☐ No

If Corrective Action is Required, Describe:

**6. Were the Forms Signed by the Proper Authorities?** ☐ Yes(If Yes, proceed to #7) ☐ No

If No, Is Corrective Action Needed? ☐ Yes ☐ No

If Corrective Action is Required, Describe:

**7. If Project is Assessed were the Proper ER Forms Submitted?**

- ☐ Yes(If Yes, proceed to #8) ☐ No ☐ Project was not Assessed (proceed to #9)

If No, Is Corrective Action Needed? ☐ Yes ☐ No

If Corrective Action is Required, Describe:

**8.** Were the Forms Signed by the Proper Authorities? ☐ Yes (If Yes, proceed to #9) ☐ No

If No, Is Corrective Action Needed? ☐ Yes ☐ No

If Corrective Action is Required, Describe:

**9.** If Project is CEST or Assessed, were the Proper Notifications Published (NOI/RROF, FONSI, Floodplain Notices, 8-Step Decision Making Process)?

☐ Yes (If Yes, proceed to #10) ☐ No ☐ Project is neither CEST or Assessed (proceed to #10)

If No, Is Corrective Action Needed? ☐ Yes ☐ No

If Corrective Action is Required, Describe:

**10.** Did the Project Require Submittal of an RROF? ☐ Yes ☐ No

If Yes, What was the Date RROF was Received by DCS? \_\_\_\_\_.

If Yes, Were the Proper Forms Submitted to DCS? ☐ Yes (If Yes, proceed to #11) ☐ No

If Proper Forms Were Not Submitted is Corrective Action Needed? ☐ Yes ☐ No

If Corrective Action is Required, Describe:

**11.** Does DCS Require Additional Documents, Explanation or Information from the Regional Council to Complete Review of the Project? ☐ Yes ☐ No

If Yes, Describe:

DCS Reviewer

Name: \_\_\_\_\_ Title: \_\_\_\_\_  
*Print*

Name: \_\_\_\_\_ Date: \_\_\_\_\_  
*Signature*

DRAFT

## **Attachment W**

### **Environmental Assessment Factor Guidance**

## **Environmental Factors**

The following are questions to take into consideration when evaluating whether the following environmental assessment factors have an environmental impact under NEPA. Do not limit the review to only the questions provided and address each question as applicable. Please provide details and documentation where necessary.

### **Land Development:**

#### **Conformance with Plans / Compatible Land Use and Zoning / Scale & Urban Design**

##### **Conformance with Plans**

###### **Overview**

It is important that a proposed project be consistent with a community's long-range goals and policies as articulated in its comprehensive plans. Most cities and communities, and even some neighborhoods, have medium (5-year) to long-range (25-year) plans that express the community's vision for development.

Comprehensive or land use plans are intended to encompass plans and goals relating to a wide variety of areas including, but not limited to, transportation, housing improvement, recreation, adequate capacity in schools, sufficient emergency service levels, coastal zone restrictions, health, economic development, and utilities; and serve as a basis for rezoning or special use requests. These plans are prepared by a variety of agencies and boards, including municipal and county government, special districts, area-wide planning agencies and state agencies. These and potentially other municipal interests may have overlapping land use requirements; meaning, the need to comply with all appropriate land use reviews may entail approvals from more than just a single unit of government. An assessment of the degree of conflict or consistency with local and regional plans must take into account the decentralized preparation and implementation of plans, both on a geographic and an administrative or governmental basis. Some communities require that local zoning be consistent with adopted plans.

###### **Experts to Contact**

- Local and Regional Planning Agency
- Zoning Review Officer or Administrator
- Planning Commission/Director

###### **Questions to Consider**

1. Consider how the proposed project is consistent with the community's comprehensive plan. Where appropriate, provide the plan's name, date of approval, and upload the relevant page(s).
2. Will the project be unduly influenced by a planned transition of land uses?

## **Compatible Land Use and Zoning**

### **Overview**

The man-made environment consists of differing types of land use: commercial, industrial, residential, recreation, and open space. It also takes place in areas of differing land use density. Central city areas contain higher densities of development than rural areas, small towns or newer western communities. In terms of residential uses, density is measured by number of dwelling units or people per unit per land area (people/unit/acre). In most communities density is governed by the local zoning ordinance. Issues to consider under this category are:

- Urban impact—certain types of federally assisted activities can have an adverse impact on the economic viability of a city's central business district. For example, situating a HUD-assisted shopping center at the fringe of a city could undermine the financial stability of downtown commercial establishments. Similarly, HUD-funded infrastructure improvements made at the edge of an urbanized area (e.g. sewer and water lines) could induce sprawled development in undeveloped portions of a community resulting in environmental and social costs. The impacts of induced development to achieve managed growth through the efficient use of available and publicly-funded infrastructure are consistent with federal sustainability objectives. HUD-funded infrastructure improvements made in the inner city may stimulate private investment and thereby help revitalize a lagging section of a community.
- Land use compatibility—certain types of land uses may be incompatible with one another. For example, it may be incompatible to locate a new housing development in a newly industrialized area.

A community's zoning ordinance is the principal legal tool available for the implementation of its comprehensive plan and for the definition of the community's land use policies. Zoning regulates development patterns including construction, alteration, and use of buildings, structures, or land.

Land uses are single-family (1-4 unit) residential, multi-family residential, office, commercial, light industrial, heavy industrial, institutional (e.g., hospital, city hall), recreational, agricultural, or open space. Existing land uses do not always conform to the current zoning classification and may indicate the need to obtain local approval. For example, a vacant gas station (commercial use) may be currently zoned for residential use; a proposed commercial use may not be currently compatible with the existing land use.

A proposed project may not be in conformance with existing zoning but may be consistent with the community's general development plans and policies. Such projects may require either a change in the zoning or a special permit through an appeals process. The need for a change in the zoning should not, by itself, be interpreted as an adverse environmental effect. However, failure to thoroughly secure appropriate land use approval by municipal interests will prevent development from proceeding.

Certain land uses are inherently incompatible and, in some circumstances and when co-located without adequate buffering and mitigation, could cause a significant impact. HUD-funded projects must consider how the project will be adversely impacted by ill-suited land uses or, alternatively, how the project itself could impose or create adverse impacts. An example of this is - if the proposed project is an industrial use, locating it near residential uses could impose noise, odors, and other adverse impacts upon the residential uses.

## **Experts to Contact**

- Local and Regional Planning Agency
- Zoning Review Officer or Administrator
- Planning Commission/Director

## **Questions to Consider**

1. What is the current zoning classification of the project location?
2. What is the existing land use at the project location?
3. How does the project relate to the existing land uses of the adjacent and surrounding properties?

## **Scale & Urban Design**

### **Overview**

Visual quality can be defined as the impact of the project on the visual character of its surroundings and ultimately, on the residents, users and/or visitors of the project. Visual quality derives from the way elements of the natural and built environment relate to each other to create a sense of harmony. Ideally, the overall effect of these elements is to give the viewer a sense of orientation and comprehension, and to enable the viewer to orient himself in the area. Visual impact should be examined in terms of the surrounding area of the project. Examine the project in view of how it fits in with its man-made and natural surroundings. Will the project add to the attractiveness of the area or detract from it? Where changes are required, beneficial effects should be designed into the project (e.g., landscaping).

Elements that comprise the natural environment include the natural contours of the land, bodies of water, vistas of the sky, and trees and plants. These provide contrast to the built environment and create visual interest.

Any kind of physical construction related to the project will affect the natural elements. Construction which is not adapted to the contours of the land is out of character with the site. Buildings that block views or cast shadows, cut and fill operations that ignore natural contours, the filling of wetlands, removal of trees and vegetation are other examples of site use insensitivity.

Elements of the built environment include the surrounding buildings and streets. The different styles and types of buildings and their materials, colors, shapes, sizes, facades, details and density all add to the character of the area. Their placement in relation to the street and to each other can help provide a sense of harmony or create interesting skylines and views.

Streets and streetscapes are another major component of the built environment. Variables here are the size, width, paving and curb materials, lighting fixtures, signs and street furniture such as benches. The vitality of activity strongly affects the character of an area. Projects that are closed, windowless or undifferentiated at the sidewalk level may seriously mar the public perception of safety and livability of the surrounding area.

A number of factors should be examined in determining the compatibility of a new building with the existing area. Buildings which open up views or block or degrade them or which become themselves focal points will affect the visual quality. Other factors include the size, design, materials, and siting of the building or buildings. However, buildings which do not copy their neighbors in materials or design are not necessarily incompatible.

## **Experts to Contact**

- City Architect, Urban Design staff
- Local American Institute of Architects, American Society of Landscape Architects or American Planning Association
- Local Conservation and Historic Commissions

## **Questions to Consider**

1. How will the project alter the land form? Will the project demonstrably destroy or alter the natural or man-made environment? For example, will there be clearance of trees or buildings or alteration of the geomorphic form of the land?
2. How does the project “fit” or conform within the surrounding and established built environment, in terms of overall scale, density, size, and mass?
3. Will there be intrusion of elements out of character or scale with the existing physical environment?
4. Does the proposed building represent a significant change in size, scale, placement, or height in relation to neighboring structures in an inappropriate manner?
5. Does the project affect building density in the community?
6. Are the changes resulting from any induced development regarded by the community as beneficial or negative?
7. How does the project’s design relate to the context of its surroundings?
8. Are levels of activity reduced or detrimentally increased? Does the project enhance street-level activity and community interaction?
9. Is signage and street furniture in character with existing architectural styles? Does it differ in materials, color, or style from its neighbors in an inappropriate manner?
10. Does the project conform to locally adopted design guidelines?

## **Soil Suitability/ Slope/ Erosion/ Drainage/ Storm Water Runoff:**

### **Soil Suitability**

#### **Overview**

Soil suitability is the physical capacity of a soil to support a particular land use. To be suitable for a building, for example, the soil must be capable of adequately supporting its foundation without settling or cracking. The soil should be well drained so that basements remain dry and septic systems can be installed in localities not served by sewers. Soil depth is an important factor and must be adequate for the excavation of basements, sewers, and underground utility trenches. Surface soils need to be capable of supporting plantings. How well a soil is able to support development is a function of several factors including its composition, texture, density, moisture content, depth, drainage, and slope. Surface and bedrock geological conditions also affect site suitability for development.

Development Issues: Some soils have poor drainage or poor permeability qualities. Some soils have high shrink-swell, frost action, or side seepage potential. Each of these characteristics may cause problems for development if appropriate mitigation measures are not included in project design. Problems for development can also arise with soil characteristics combined with other features of the site including height of the water table, slope stability, and potential of subsidence or settling of soils due to the extraction of mineral and geological deposits beneath the surface.

Soil conditions which are adverse to development can be overcome by installation of drainage, replacement with structural fill, or use of special foundations; however, these measures can significantly add to project costs or conflict with resource management goals such as preservation of floodplains or farmlands. In certain urban areas the high cost of available land may justify the high cost and potential resource impacts associated with these measures. In suburban and rural localities these factors may justify the selection of an alternative development site.

#### **Resources to Reference/Experts to Contact**

- USDA Soil Survey available at the county/parish USDA service center or online at <http://web-soilsurvey.nrcs.usda.gov/app/HomePage.htm>
- Architect/engineer - local building department, HUD field office
- Soil conservationist - Soil Conservation Service county office
- Highway department soils engineer
- Geologist-Soils specialist

#### **Questions to Consider**

1. Is there evidence of ground subsidence, seismic activity, a high water table, or other unusual conditions on the site?
2. Is there any visible evidence of soil problems (foundation cracking or settling, basement flooding, etc.) in the neighborhood of the project site?
3. Were structural borings or a dynamic soil analysis / geotechnical study needed and conducted? If so, please discuss the findings of the report.
4. Are there visual indications of filled ground? If your answer is yes, was a 79(g) report / analysis submitted?
5. Will the project site significantly affect or be affected by unsuitable soil conditions?
6. Will the project significantly affect soils that may be better suited for natural resource management activities such as farming, forestry, unique natural area preservation, etc.?

### **Slope**

#### **Overview**

Slope refers to changes in the physical features of the land: elevation, orientation, and topography. Such alteration is associated with construction on hillsides where changes in the visual character of the site may occur and where slope instability, erosion, and/or drainage problems may result. In some localities, hillsides are likely to house native plant communities which could be lost as a result of topographic alteration.

Improper grading will often alter the surface water flow and may cause flooding for the site and the surrounding property owners.

Excessive grading will often alter the groundwater level, which may cause the slow death of trees and ground cover and in turn destroy wildlife habitat.

Since erosion, slope stability, and drainage characteristics depend not only on the steepness of the slope but also on the material composition, soil suitability needs to be considered in any analysis of slope conditions.

#### **Resources to Reference/Experts to Contact**

- USDA Soil Survey available at the county/parish USDA service center or online at <http://websoilsurvey.nrcs.usda.gov/app/HomePage.htm>
- USGS topographic maps available through various map providers
- Civil engineer
- Geologist
- Soils scientist

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#### **Slope Suitability for Urban Development Slopes Suitable for Development by Land Use Type**

<b>Limitations</b>	<b>Suitability Rating</b>	<b>Residential</b>	<b>Commercial</b>	<b>Industrial Park</b>
Slight	Optimum	0-6%	0-6%	0-2%
Moderate	Satisfactory	6-12%	6-12%	2-6%
Severe	Marginal	12-18%	12-18%	6-12%
Very Severe	Unsatisfactory	18 + %	18 + %	12 + %

Adapted from: Kiefer, Ralph W. "Terrain Analysis for Metropolitan Fringe Area Planning," Journal of the Urban Planning Division, Proceedings of the American Society of Civil Engineers, December 1967.

Moechnig, Howard, Inventory and Evaluation of Soils for Urban Development (St. Paul HRA C.P. District 6 -North End), Ramsey Soil and Water Conservation District.

#### **Questions to Consider**

1. Is the site on a slope? If so please define: slight, moderate, severe, or very severe (see chart above).
2. Is there a history of slope failure in the project area?
3. Is there visual indication of previous slides or slumps in the project area, such as cracked walls, tilted trees, or fences?
4. Will the project site significantly affect or be affected by slope conditions? If so, does its design plan include measures to overcome potential slope stability problems?
5. Will slope modification activities remove micro-climatic conditions that facilitate the growth of unique natural habitats (e.g., northwest facing slopes occupied by plant communities from cooler regions)?
6. Will the slope modification activities affect social and cultural resources?

## **Erosion**

### **Overview**

Erosion, transport, and sedimentation are the processes by which the land surface is worn away (by the action of wind and water), moved, and deposited in another location. While commonly considered an agricultural problem, erosion in the urban context resulting from land clearance and construction can be equally serious. In urbanized areas, erosion can cause structural damage in buildings by undermining foundation support. It can pollute surface waters with sediment and increase the possibility of flooding by filling river or stream channels and urban storm drains.

Erosion results from the interaction of physical characteristics (topography, soil type, and groundcover), wind and water action, and human use at any one site. Some soils are less stable than others and are consequently more susceptible to erosion. Loosely consolidated soils (e.g., sands) and those of small particle size (e.g., fine silts) are more susceptible to erosion. By contrast, soils with high moisture and clay content are more resistant to erosion. Wind erosion is most likely to occur in arid or semi-arid regions where the low moisture content reduces the cohesiveness of indigenous soils.

A key factor in erosion is the land cover. Undisturbed vegetated areas are less susceptible to erosion than surfaces which have been exposed. Steep slopes (often defined as 123/4 +) increase the velocity of runoff, so erosion is more likely with greater slope.

### **Resources to Reference/ Experts to Contact**

- USDA Soil Survey available at the county/parish USDA service center or online at <http://web-soilsurvey.nrcs.usda.gov/app/HomePage.htm>
- City or county engineer
- Soil conservationist—Soil conservation service county office
- Landscape architect
- Soils engineer—State or local highway department

### **Questions to Consider**

1. Is there evidence of erosion or sedimentation?
2. If site clearance is required, explain if it includes removal of vegetation, its effects, and how erosion will be managed and controlled.
3. Is an erosion control plan included as part of construction and the construction contract?
4. Will the project site significantly affect or be affected by erosion or sedimentation conditions? If so, does the design plan include measures to overcome potential erosion problems?

## **Drainage/ Storm Water Runoff**

### **Overview**

Stormwater management and its relationship to a proposed new development can be an essential determinant of whether a project is to be constructed. Stormwater is usually removed from an impermeable surface (e.g., pavement and buildings) by natural flow, storm sewers, or combined (storm and sanitary) sewers. It is discharged into a surface water body, a permeable recharge area, or temporary storage areas. In assessing impacts to stormwater service facilities, two factors must be considered: 1) the proximity of the system to the site and 2) the capacity of the system to accommodate the project.

### **Resources to Reference/ Experts to Contact**

- USDA Soil Survey available at the county/parish USDA service center or online at <http://web-soilsurvey.nrcs.usda.gov/app/HomePage.htm>
- USGS topographic maps available through various map providers.
- Engineer—City/county public works or engineering department or local/district stormwater management/disposal agency
- Engineer/planner—HUD field office or local planning department
- State and regional natural resource management agencies

### **Questions to Consider**

1. Is there indication of cross-lot runoff, swales, or drainage flows on the property?
2. Are there visual indications of filled ground, active rills, or gullies on site?
3. Will existing or planned storm water disposal and treatment systems adequately service the proposed development? Will the proposed project be adversely affected by proximity to these facilities?
4. If the public storm sewer is not available, how will storm water drainage be handled?
5. Is state/regional/local permitting required to control stormwater run-off, e.g., a National Pollution Discharge Elimination System (NPDES) permit? If so, what conditions will be required by the permit?
6. Will the project itself cause or substantially contribute to off-site pollution by stormwater run-off, leaching of chemicals, or other pollutants?
7. Will the project site significantly affect or be affected by drainage and stormwater conditions? If so, does its design plan include measures to overcome potential runoff problems?

## **Hazards and Nuisances/ Including Site Safety and Noise:**

### **Overview**

This category is concerned with ensuring that a project is located and designed in a manner which reduces any potential risk to the public or project users from both natural and man-made risks to people or property damage. Accordingly, a number of possible hazards to health and safety have been identified below. Many of these hazards may be subject to municipal regulation. For example, standards for adequate light and air, building density, construction materials, structural integrity, maintenance, and cleanliness are contained in local zoning, building, and health codes. Their enforcement is often independent of environmental assessment procedures. The environmental assessment should particularly include those areas which are not covered by code requirements. Many can be corrected through proper siting, sound planning, and good project design.

### **Experts to Contact**

- Seismologist
- District officers of the Army Corps of Engineers or Federal Emergency Management Agency (FEMA)
- Local fire departments

## Questions to Consider

1. Will the project be affected by any of the following hazards? Natural hazards, including, but not limited to:

- Earthquakes - faults, fracture
- Volcanoes
- Landslides
- Fire-prone areas
- Droughts
- Floods
- Cliffs, bluffs, crevices
- Wind / sand storm concerns
- Hazardous terrain
- Poisonous plants, insects, animals

Man-made site hazards, including, but not limited to:

- Recreational areas located next to freeway or other high traffic way
- Dangerous intersection
- Inadequate separation of pedestrian / vehicle traffic
- Hazardous cargo transportation routes
- Unfenced railroads or highways
- Unfenced water bodies
- Unfenced construction sites
- Shadows
- Inadequate street lighting
- Uncontrolled access to lakes and streams
- Improperly screened drains or catchment areas
- Quarries or other excavations
- Dumps/sanitary landfills or mining
- Reclaimed phosphate land (radioactive)
- Hazards in vacant lots
- Chemical tank-car terminals
- Other hazardous chemical storage
- High-pressure gas or liquid petroleum transmission lines on site
- Overhead transmission lines
- Oil or gas wells
- Industrial operations
- Gas, smoke, or fumes

Air pollution generators, including but not limited to:

- Heavy industry
- Incinerators
- Power generating plants
- Rendering plants
- Fugitive dust
- Cement plants
- Large parking facilities (1000 or more cars)
- Heavy travelled highway (6 or more lanes)

- Oil refineries
2. Will the project be affected by any of the following nuisances?
    - Gas, smoke, fumes
    - Odors
    - Vibration
    - Glare from lighting from industrial or commercial uses or parking lots
    - Vacant / boarded-up buildings
    - Unsightly land uses
    - Front lawn parking
    - Abandoned vehicles
    - Vermin infestation
  3. Is the project itself a noise-generating facility in a noise-sensitive area, such as a site in close proximity to schools and housing?

## **Energy Consumption:**

### **Overview**

Energy is a scarce and valuable resource. It has become increasingly important to both design and to locate new facilities in a way which minimizes energy usage.

Maximizing opportunities for energy efficiency can be incorporated in nearly all phases of project planning, location selection, site planning, and building design. The location of new facilities in central areas with close proximity to mass transportation, employment, shops, schools and services can reduce energy consumed for transportation. The reuse of existing buildings can both cost less and save more energy than new construction. Site planning should take into account the role which trees and topography can play in sheltering a structure from climatic extremes (wind, heat, and cold). Southward-facing sites receive maximum solar input, an important consideration in northern climates during the colder months. The final consideration is the incorporation of energy saving measures in building design, such as the usage of extra insulation, use of efficient heating, cooling, and hot water systems (possibly solar), use of double-glazed windows which open and close, and use of fluorescent rather than incandescent lights. Other measures include the reduction in the number of parking spaces provided to encourage carpooling and/or transit usage.

### **Experts to Contact**

It may be necessary to consult with an engineer, architect and/or energy auditor/rater to determine if the design fully exploits potential energy saving measures. Qualified energy efficiency consultants may include those certified under the Home Energy Rating System (HERS) training and certification program. Direct contact with utility companies is suggested to determine the availability of rebates and incentives. Local utility companies and, in some cases, public works staff can assist in determining adequacy of available power service to meet the need of the proposal.

### **Questions to Consider**

1. If the project entails residential new construction or substantial rehabilitation of single-family housing or multi-family buildings up to three-stories, is the project being designed and constructed to meet the current version of the Energy Star performance standard?

2. Have the architectural plans and building orientation taken full advantage of potential energy saving measures related to climate, sun and wind? Are Energy Star appliances, lighting heating, cooling and hot water systems to be installed? Does the project include programmable thermostats, occupancy sensors in common areas, water filters, insulated hot water pipes, and/or point-of-use/tankless hot water heaters?
3. Is the proposal being rated under LEED, Enterprise Green Communities, or other green standard or sustainability program?
4. Is the location of the project in close proximity to transit, shopping, services and employment locations?
5. Are state and federal rebates, tax incentives for energy efficiency strategies, and renewable energy components being considered?
6. For multi-family projects, is there individual metering for utilities or a tenant energy efficiency education program?
7. Is there an opportunity to enter into an energy performance contract?
8. What is the estimated energy consumption of the proposal, and are the energy resources of the utility provider sufficient to support the proposal?
9. Are renewable energy strategies being implemented in this project? If this is a rural project, was on-site energy generation considered (wind, fuel cell, or solar) in lieu of or in addition to a grid connection?
10. What are the projected greenhouse gas (GHG) emissions of the project upon full occupancy? Are they significant?
11. Does the estimated energy consumption of the proposal require a significant increase in energy production for the energy provider?

## **Socioeconomic:**

### **Employment and Income Patterns**

#### **Overview**

Employment-related impacts of a project can be grouped into three broad categories: temporary jobs created in construction, permanent jobs created and the job requirements of new residents.

Employment and income patterns can be measured by identifying the occupations and income levels characteristic of an area's resident population or by identifying major employers within the area. Some of the measures commonly used include resident income, resident occupational distribution, unemployment levels, and job types of major employers.

#### **Experts to Contact**

- Local industrial development authority
- Economist at state employment service
- Planner/administrator at local planning or employment agency
- Chamber of Commerce

## **Questions to Consider**

1. Will the project either significantly increase or decrease temporary and/or permanent employment opportunities?
2. What is the profile of new jobs created by the project? What is the distribution across the skills and income scale? How do these relate to the skills and income profile of project area residents?
3. Will the new jobs likely go to area residents, low-income, unemployed, and minority group members?
4. If the jobs don't go to area residents, where are the new employees likely to come from (i.e., inner city, suburbs)?

## **Demographic Character Changes, Displacement:**

### **Demographic Character Changes**

#### **Overview**

Community is a term which commonly refers to people living within a defined geographic area such as a neighborhood or a small town. Communities can be highly diverse or highly homogeneous places, they can be strictly residential or characterized by mixed land uses. HUD programs are primarily intended to benefit low- and moderate-income households with the objective of increasing housing opportunities for low-income/minority households.

Central to the definition of community is both the presence of a residential population and a sense of common bond and collective identity which defines the community as distinct from other neighborhoods or communities. Community is often a difficult term to define because it carries a physical, social, and a psychological dimension. The physical dimensions are the quality and type of housing units and commercial, public, and social services. The social dimensions include demographic characteristics such as the population size, density, age, ethnic and minority composition, household size and composition, and income and employment characteristics. Much of this data is found in the U.S. Census.

Another dimension of community is the residents' sense of community—their perceived relationship with their surroundings. It can be measured from resident attitudes, and the strength of organizational ties, both formal and informal. It should be observed, however, that change per se is not a negative or positive thing. In doing this assessment, it is important to be aware of the social networks and institutions which characterize a neighborhood. In many cities neighborhoods exist where residents have strong ties to the area, each other, local stores, and institutions. Often these are ethnic areas where residents share a common cultural and religious heritage. It is important that HUD activities not destroy the social networks and institutional ties in these areas.

#### **Experts to Contact**

- Neighborhood planner at local planning department
- Director of local neighborhood organizations
- Housing code compliance office/local health or building department
- Local community action agencies
- Local advocacy groups and/or organizations

## **Questions to Consider**

1. What is/are the identifiable community(ies) within the sphere of likely impact of the proposed project? What are the factors which contribute to the character of the community(ies)?
2. Does the proposed project contribute to reducing or significantly altering the racial, ethnic, or income segregation of the area's housing?
3. Will the proposed project result in physical barriers or difficult access which will isolate a particular neighborhood or population group, making access to local services, facilities, and institutions or other parts of the city more difficult?
4. Does the proposed project at this site create a concentration of low income or disadvantaged people, in violation of HUD site and neighborhood standards and HUD Environmental Justice policies?

## **Displacement**

### **Overview**

Displacement refers to the dislocation of people, businesses, institutions, or community facilities as a result of a project. Direct displacement is involuntary displacement of a person who occupies property that is acquired, rehabilitated, or demolished for a HUD-funded activity, vacated to comply with HUD-assisted code enforcement, or specifically identified in a grant application as the site of a leveraged activity. Only displacement as a result of acquisition by a public agency is covered by the Uniform Relocation Act. Indirect displacement is involuntary displacement caused by an activity or event that is not HUD-assisted but which is supported by concentrated HUD activities. For example, this would include displacement caused by rapidly increasing rents made possible by revitalization of an area in which HUD-funded rehabilitation or street improvements are taking place.

### **Experts to Contact**

- Relocation specialist at local community development agency
- Relocation specialist at HUD Field Office

## **Questions to Consider**

1. Will the project directly displace individuals or families? How many persons? Is the displacement covered by the Uniform Relocation Act and are funds available for payment?
2. Will the project destroy or relocate existing jobs, community facilities, or any business establishments? Is the displacement covered by the Uniform Relocation Act, and are funds available for payments?
3. Are replacement facilities or housing units available within the community or in a nearby neighborhood? What will be the effect of the relocation on these neighborhoods?
4. Will the project result in probable indirect displacement? If so, have measures been planned to alleviate the hardship on those affected whose displacement is not covered under the Act?

## **Community Facilities and Services:**

### **Educational and Cultural Facilities**

#### **Overview**

There are two fundamental considerations regarding a HUD activity's relationship to and/or impact on elementary, junior, and senior high schools: adequate capacity for children in the school(s) and safe access.

In order to accurately establish the extent to which these two criteria should apply, an initial calculation must be made detailing the projected increase in student population to be created by the proposed development. This calculation can be accomplished by contacting the developer or sponsor for mix of unit types (i.e., 1-bedroom, 2-bedroom dwellings), and contacting the school administrator or superintendent for an estimated average number of school-age children per unit type.

If the proposed project will overcrowd the schools consider such alternative options as:

- Building additions to existing schools
- Locating classroom space in nearby buildings (i.e., community centers or other commercial facilities, possibly owned by the developer)
- Providing transportation to other schools

Safe access takes into account the possible need for transportation to school and attention to potential traffic hazards. Specific issues include:

- Existence of all-weather walking paths and proximity to bus stop(s), schools, and crosswalks
- Crossing guards (especially for elementary school children)
- Clearly marked intersections near school or bus stop(s)

#### **Experts to Contact**

- School superintendent
- Developer or sponsor of proposed HUD project
- Traffic department

#### **Questions to Consider**

1. What is the projected increase in student population to be created by the proposed development?
2. Will the additional school age children exceed the capacity of the existing or planned school facilities? If so, what measures will be taken to resolve potential problems/conflicts?
3. Does the potentially affected school(s) have adequate and safe access facilities (i.e. walking paths, bus routes, crosswalks and guards) given any calculations done for projected population increase? Are these adequate both in terms of safety and access?
4. Will additional or alternative facilities have to be provided to ensure safety and suitable access?

### **Commercial Facilities**

#### **Overview**

There are two key considerations in assessing commercial facilities. The first is an evaluation of the

adequacy of existing commercial facilities to service the development. Are these facilities located conveniently to the proposed development? Are the available retail goods within the income capacity of the proposed project users or residents? Are there serious gaps in range of available goods and services?

The second analysis involves the impact which a proposed development will likely have on surrounding commercial establishments. For example, a new commercial development might displace existing small scale retail establishments which become uncompetitive when compared to new and larger enterprises.

There are generally three types of retail areas which are recognized by type and function. Any of these might be affected by the proposed project.

Neighborhood—consists of small businesses usually within 5-10 minutes travel time which include food, drug, cleaners, and convenience stores. The neighborhood shopping site is usually organized around a supermarket.

Community (or central business district)—contains multi-functional economic and service enterprises (banks, specialty stores, etc.) with access provided either by auto or public transit. In larger metropolitan areas, a food store is often not included.

Regional—may be either the central business district of a metropolitan area or may be a regional shopping center, usually with two or more department stores and various specialty stores.

#### **Experts to Contact**

- Local chamber of commerce
- Commercial realtor
- Commercial development specialist
- Local planning agency

#### **Questions to Consider**

1. Do local retail services meet the needs of project occupants/users? Are they affordable, and is the range of services adequate?
2. Is there adequate and convenient access to retail services? In the case of elderly, this means that shopping for essential items as food and medicine is within three blocks and banks and other convenience shopping are within walking distance.
3. In areas not readily serviced by retail services, is public transportation that can carry commuters to retail services within one-half hour available? If public transportation is not available will readily available transportation services be provided?
4. Will existing retail and commercial services be adversely impacted or displaced by the proposed project?

### **Health Care and Social Services:**

#### **Health Care**

##### **Overview**

Relevant issues to be considered regarding a proposed project's impact on health care services are:

- Adequate access to hospitals, emergency facilities, clinics, and physician services

- Potential effect of the proposed development on existing health care services' capacity and ability to accommodate an increase in use
- Adequate health services to accommodate the special needs of a potentially diverse population, i.e., families, elderly, and handicapped.

Health care services can be defined as those regular and emergency dental and medical care services provided for by private doctors, dentists, and other trained medical staff at a hospital, outpatient clinic, public, private or community health facility, home-care medical programs, or an emergency treatment facility (trauma unit, special cardiac pulmonary resuscitation [CPR] unit).

### **Experts to Contact**

- Area health systems agency—can provide the area-wide health system plan which is an inventory of institutional health services and projected demand within the area.
- Local public health department—can provide information on local demand for, and quality of healthcare.
- Council on aging—can provide information on size and location of the local elderly population.
- Local Red Cross—can be valuable resource for medical needs of the area.

### **Questions to Consider**

1. Will the increase in population from the proposed development increase the need for area health care services beyond current capacities?
2. Are non-emergency health care services located within a reasonable proximity to the proposed project (less than a half-hour drive or commute away)?
3. Are emergency health services available within approximately three to five minutes? Such services can often be provided by police and fire personnel as well as by ambulance staff.
4. Is the number of doctors, dentist, nurses, and other trained medical staff realistic in proportion to an increase in residents/users? If not, can provisions be made for additional skilled staff?
5. Will project residents/users require special medical services or skills such as geriatric clinics?

## **Social Services**

### **Overview**

Social services can be defined as those services provided by governmental social service agencies or public or private groups, including but not limited to programs for drug addiction, alcoholism, and mental disorders; halfway houses and drop-in centers, family counseling centers, day care centers; services for senior citizens and the handicapped; nutrition centers, Meals on Wheels; income maintenance, and manpower programs, etc.

Social services, by definition must, cater to, and be easily accessible to, those who need them. Therefore, access and adequacy are important considerations. Factors to consider regarding a proposed project's impact on an area's social services include:

- Availability and accessibility of day care, elderly centers, and neighborhood centers to accommodate existing and future residents.
- If appropriate social services centers are not located within a reasonable proximity to the proposed development, alternate space and services may need to be developed to accommodate new residents/users.

**Experts to Contact**

- Planner—local planning department
- Administrator/planner—social services department
- Administrator/planner—public welfare office
- Administrator/planner—council on aging
- Administrator/planner—Social Security Office
- Administrator/planner—half-way house(s) in area
- Administrator/planner—drop-in center(s) in area
- Administrator—child care or daycare center
- Administrator/planner—Local Council of Voluntary Human Service Agencies

**Questions to Consider**

1. Are the social services located onsite or within a convenient and reasonable distance to residents of the proposed project? Or, is adequate public transportation available from the project to these services?
2. Will social services be overtaxed or negatively impacted by the proposed project?
3. Will the provision of additional social services at this site create a concentration of the disadvantaged in violation of HUD site and neighborhood standards?

**Solid Waste Disposal/Recycling:****Overview**

Solid waste disposal is regarded as an essential service in urban areas. Its availability for supporting a newly proposed development can be an essential determinant of whether a project can be constructed. Solid waste materials are generally transported by trucks to a common, usually remote site for either recycling, incineration (where allowed), or burial/disposal in a sanitary landfill.

For proposed demolition projects, the ability of the solid waste centers to contain the demolition material should be considered. In some cases the material from the demolition activity may overwhelm the existing solid waste capacity and the need to obtain additional solid waste capacity may justify the cost of rehabilitating the structure, particularly if the structure serves as an important historic or cultural resources.

For all projects, proper disposal of hazardous material should be considered. This may include solid porous materials, such as cement, that may have absorbed hazardous materials.

**Experts to Contact**

- Engineer—Local solid waste disposal agency, or city/county engineering department
- Engineer/planner—HUD field office or local planning department
- Engineer, planner/environmental specialist—Regional EPA office

**Questions to Consider****Construction Period**

1. What types and amounts of waste are to be generated as construction debris?
2. What solid waste disposal system or company will handle the construction debris? Does it have the capacity to handle the amount of debris?

## **Solid Waste Disposal/Recycling**

3. What types of solid waste (including hazardous waste, if any) will be generated by the completed project?
4. What is the name of the solid waste servicing company or landfill and what is the distance from the proposed project site?
5. Is solid waste permitting required for the project, and/or will the completed project require solid waste permitting and when?
6. If hazardous waste, does the servicing company/landfill accept hazardous waste? If yes, attach documentation.
7. What organization will handle garbage collection, composting, and recycling?
8. Does this organization have the capacity to handle the garbage, composting and recycling, and is the service affordable?
9. Will the waste from the proposal exceed the capacity of the waste system or landfill?

## **Waste Water/Sanitary Sewers:**

### **Overview**

Wastewater treatment and disposal is an essential service for all new development. The availability of adequate wastewater disposal service can be a determinant of whether or not a project is constructed. Wastewater is usually collected in urban areas through a system of sanitary sewers which convey the waste to a treatment facility located "downstream" from the city. After treatment the effluent is either recycled (rarely) or is discharged into surface water or a permeable recharge area for an underground aquifer. In less developed areas, on-site septic systems or package treatment plants are used. Generally, 80 gallons of sewage is generated per capita per day.

### **Resources to Reference/ Experts to Contact**

- For areas where septic systems may be required the USDA Soil Survey available at the county/parish USDA service center or online at <http://websoilsurvey.nrcs.usda.gov/app/HomePage.htm> can be used to identify areas that are likely to be unsuited for septic systems.
- Engineer—local sanitary district/agency, city/county engineering department, 208 planning agency
- Engineer/planner—local planning department
- Soils scientist—U.S. Soil Conservation Service
- Engineer—state health and/or environmental quality agency

### **Questions to Consider**

1. What kind of wastewater/sewer system will provide satisfactory service to the proposal?
2. Does the existing or proposed sewer system have the capacity to adequately service the proposed development?

## **On-site septic systems**

3. If the sanitary sewers and wastewater disposal systems are non-municipal, has an acceptable system been approved or permitted by appropriate authorities and agencies?
4. Has a report of the soil conditions suitable for on-site septic systems been submitted?
5. Are soil conditions suitable for on-site septic systems? Is there a large variance in the water table elevation? (A high seasonal water table can prevent proper functioning of septic tanks drain fields).
6. Have septic disposal systems been properly designed, installed, and maintained, as appropriate, to prevent effluent from contaminating soil or groundwater, including sole source aquifers?

## **Water Supply:**

### **Overview**

Adequate water supply refers to the delivery to a project site of sufficient quantities of potable water under adequate pressure at affordable cost. Approximately 100 gallons per day is the average urban domestic per capita water consumption rate.

### **Experts to Contact**

- Municipal or private utility water supply planners and engineers
- Local public health agency staff

### **Questions to Consider**

1. What private company or public organization or system will provide sufficient quantity of clean water needed for the proposal?
2. Will either the municipal or private water utility or on-site water supply be adequate to serve the proposed project?
3. Is the water supply quality safe from a chemical and bacteriological standpoint?
4. If the water supply is non-municipal, has an acceptable system been approved by appropriate authorities and agencies?
5. Will the project water requirements of the proposal result in a significant consumption of the community's available water supply or result in a significant deterioration of water quality?

## **Public Safety - Police, Fire and Emergency Medical:**

### **Overview**

Fire, police, and ambulance services are concerns that should be considered in terms of the adequacy of existing services for the project site. Although many communities have sophisticated protective services, the consistency of adequate service is different from place to place. Within communities, one site may be better served than another.

Factors in the variability of protective services include the availability of funds for additional coverage and the degree to which building and growth are coordinated with provision of new municipal services. Key variables within each city are emergency equipment, emergency service personnel, response time, and access. These factors influence the availability and adequacy of emergency services that may be required at a proposed project.

#### **Experts to Contact**

- Chief of local fire department
- Local chapter or national Office of the National Fire Protection Association (NFPA)
- Chief of local police department
- Administrator of local emergency medical agency such as the ambulance corps in the Department of Health or the local rescue squad
- Local medical society

#### **Questions to Consider**

1. What police services are located within reasonable proximity to the proposed project?  
What is the approximate response time?
2. What fire fighting protection located within reasonable proximity to the proposed project?  
What is the approximate response time?
3. Is the fire fighting protection service adequate and equipped to service the project?
4. What emergency health care providers are located within reasonable proximity to the proposed project?  
What is the approximate response time?
5. Will the project create a significant burden on police, fire or health care providers in terms of manpower and/or equipment?

### **Parks, Open Space and Recreation:**

#### **Overview**

The development of community services such as open space and recreational and cultural resources has become a necessary component of community development. These facilities can be operated by government, such as public parks and libraries, or they can be operated by private entities such as YMCAs and privately owned museums.

Recreation and open space resources include active recreation such as ballfields, passive recreation such as nature trails, and gardens.

Cultural resources include art galleries, libraries, dance facilities, museums, theatres, community centers and other facilities for artistic and cultural purposes. These usually receive both public and private support.

Demand and supply for both specific recreation and cultural facilities is a function of factors which include the size of the community, density of development, income, and demography. Wealthier communities have these services and facilities more often than poorer communities. Communities with a large percentage of children have greater needs for active recreational facilities than communities with a large number of elderly or handicapped persons who may prefer passive recreation. High density communities with little

private open space have a greater need for access to public parks and recreation areas than small towns with ample open spaces or suburban areas where the homes have large yards.

### **Experts to Contact**

- Planner at local parks and recreation department
- Administrator of social services agency
- Administrator of local cultural commission
- Local American Society of Landscape Architects
- State arts office or association
- Administrators of agencies such as YMCAs, YWCAs, museums, libraries, etc.
- State liaison officer
- Heritage Conservation & Recreation Service
- Department of Interior
- National Park Service
- Bureau of Land Management

### **Questions to Consider**

1. Are open space and recreational and cultural facilities within reasonable walking distance to the project area, or is adequate public transportation available from the project to these facilities?
2. Are there special recreational/cultural needs of certain population groups to be satisfied, such as small children, the elderly, or the handicapped?
3. If the development is family housing, has space for informal play for children been included on-site? Have areas for recreation for adults and elderly been provided including places for passive recreation?
4. Will the proposed project overload existing open space, recreational or cultural facilities?

## **Transportation and Accessibility:**

### **Overview**

Assessing transportation impacts involves analyzing four sub-elements of transportation. These are:

*Access*—The user must be able to reach a destination within reasonable limits of time, cost and convenience.

*Balance*—A balanced transportation system offers and encourages choice of travel mode, namely, by automobile, bicycle, walking, public transit or combination thereof.

*Safety*—System design plays a strong role in safety, particularly elements such as traffic signals, turning lanes, bicycle lanes and signage, and railroad grade crossings.

*Level of Service*—LOS measures operational factors including speed, travel delay, freedom to maneuver, safety, and frequency/hours of operation.

### **Experts to Contact**

- Planner at the regional transportation planning agency
- Planner at regional transportation authority
- Planner at the state highway department
- Local transit authority

- Local traffic department
- Local parking authority
- Federal Highway Administration Division Office in each state
- Urban Mass Transportation Administration Regional Office

### **Questions to Consider**

1. Does the project require a traffic study? Has one already been performed? Are there any actions identified in the study that need to be taken?
2. Is the project served by safe and adequate public transportation services?
3. Is the project safely accessible to vehicles and is vehicle parking adequate, including parking for moving vans/trucks?
4. Does the project facilitate pedestrian movement (e.g., sidewalks, pavement markings, landscaping, pedestrian-activated signal lights or pedestrian overpasses)?
5. Is the project area served by bicycle lanes or trails and does the project provide parking for bicycles, including covered, secure parking for employees and residents?
6. Overall, will the existing and reasonably foreseeable transportation facilities and services be adequate to meet the needs of the project?
7. Will the project itself cause a significant adverse impact on the local or regional transportation system (e.g., by reducing the level of service of roadways)?
8. Are there any barriers to emergency vehicle access?
9. Is the project accessible to the elderly and disabled (e.g., wheelchair ramps, traffic light timing, handicapped parking, shuttle services)?
10. Are there special transportation issues (e.g., bridge clearances for trucks) which have not been adequately addressed?

## **Unique Natural Features, Water Resources:**

### **Unique Natural Features**

#### **Overview**

Unique natural features are primarily geological features which are unique in the sense that their occurrence is infrequent or they are of special social/cultural, economic, educational, aesthetic, or scientific value. Development on or near them may render them inaccessible to investigators or visitors or otherwise limit potential future use and appreciation of these resources.

Examples of unique natural features include: sand dunes, waterfalls, unique rock outcroppings, caves with limestone or gypsum deposits, canyons, and petrified forests. Also included are unique stands of trees, such as redwoods, or unique colonies of animals, such as a prairie dog town.

The key criterion in defining a unique natural feature is the comparative rareness of the feature, a characteristic often recognized by local landmarks. Another characteristic is information content. Some unique natural features contain a great deal of information concerning natural history, such as geologic evolution.

### **Experts to Contact**

- State and federal park service, naturalists and/or geologists
- State natural heritage programs
- State wildlife resource management agencies
- Local university natural scientists, geologists, and Sierra Club or Audubon Society Representatives
- State resource conservationist
- Natural Resources Conservation Service (NRCS) - USDA
- District conservationist, NRCS
- County planner, county planning department or conservation district

### **Questions to Consider**

1. Will the project location, construction, or its users adversely impact unique or locally important natural features on or near the site (e.g., caves, cliffs, vistas/viewsheds, canyons, waterfalls, sand dunes, or tree stands)?
2. Will the project destroy or isolate from public or scientific access the unique natural feature?

## **Water Resources**

### **Overview**

Water resources can be divided into two subcategories: ground water and surface water.

**Groundwater** refers to all of the water found below the ground's surface. While most groundwater comes directly from rainwater, some results from seepage from the sides and bottoms of lakes and streams. The water usually passes down through a layer of partially saturated material to a zone of saturation in which all of the pore spaces between the soil or rock particles are filled with water. The water table is the upper level at which this saturation occurs. The area in which the groundwater is stored is called an aquifer. Aquifers vary widely in size and depth, some cover hundreds of miles and are used extensively for drinking water and irrigation, such as the Ogallala Aquifer in the Great Plains.

The supply of groundwater depends upon a balance between the amount of water entering the ground and the amount being withdrawn. Urban land development reduces recharge to aquifers by precipitation. Excessive pumping can cause wells to run dry, increased concentration of dissolved minerals, salt water intrusion if near the ocean, and land subsidence. The depth of the water table can vary tremendously from year to year and seasonally depending on the amount of rainfall. High water tables can result in basement flooding and surface puddles. Discharge from poorly designed, installed, or maintained septic systems to drinking water wells can cause health hazards.

Some areas have experienced ground subsidence due to the pumping of ground water and the dewatering of the underground strata including aquifers. In Gulf Coast communities such as New Orleans excessive pumping has lowered the ground level and has made the area more prone to coastal flooding.

In many types of surficial geological formations, groundwater quantity and quality is related to the quality and presence of surface waters. Excessive well pumping can induce infiltration from streams and ponds, causing surface water levels to drop. If these surface waters are polluted, groundwater quality will be degraded. Often, groundwater flows discharge to streams. Polluted groundwater can thus degrade the

quality of otherwise unaffected surface waters.

**Surface water** plays an important role in nearly every community, as a source of drinking water, as a means of transportation, as a recreational resource, as a source of water for irrigation, and as a fishery.

Surface waters can range from very large rivers and lakes to small ponds and streams. Urban development can, however, have a serious negative impact on water quality. Surface waters, chiefly rivers and large lakes, frequently suffer from the effects of pollution generated by factories, urban sewerage systems, power plants, and agricultural runoff. Degraded surface water quality can have short-term and long-term human health implications, affect aquatic habitats and species, and have aesthetic and olfactory consequences.

While most water quality problems are due to effluents from sewerage treatment plants, sewer system overflows, and industrial waste outfalls, new commercial and residential developments can also have an adverse effect on surface water quality. The chief source of such pollution is from urban runoff, chiefly from impervious surfaces such as streets, parking lots, and sidewalks from which oil and gasoline are carried by rain into surface water. Landscaped areas treated with insecticides and fertilizer can also introduce polluted runoff into surface water. Also, failing septic systems and other sources of polluted groundwater (landfills and waste disposal areas) can seep untreated sewage and other wastes to surface waters.

### **Experts to Contact**

- Planner and/or engineer—"Section 208" area-wide planning agency
- Water Quality Scientist – "Section 401" water quality agency
- Hydrologist—USGS Geological Survey or State Geological Survey
- Soil scientist—U.S. Soil Conservation Service
- State wildlife resource management agency
- State natural heritage program
- Engineer—city and/or county engineering department

### **Questions to Consider**

1. Is the site subject to rapid water withdrawal problems that change the depth or character of the water table or aquifer? Are there a large number of wells or wells that pump large quantities of water from the water table near the proposed project site?
2. Will the project use groundwater for its water supply? If so, is the groundwater safe for use for the intended purposes?
3. Will the project use a septic system? If so, is the system in proximity to sensitive natural receptors (e.g., wetlands) that could be adversely impacted by the design or location? Is there a large variance in the water table? (A high seasonal water table can prevent proper functioning of septic tank drain fields.)
4. Are there visual or other indications of water quality problems on or near the site (e.g., algae blooms or state listing as an impaired stream/waterway)? Will the riparian buffer (i.e., natural wooded buffer adjacent to a stream) be maintained in a conservation easement or, conversely, diminished, damaged or destroyed?
5. Will the project involve a substantial increase in impervious surface area? Have runoff control measures and/or permeable surfaces been included in the design?
6. Will the project substantially reduce groundwater recharge due to increase in impervious surface area? If so, are sensitive groundwater dependent features (e.g., rare wetlands) present that

could be affected? If yes, have appropriate measures been included in the design to promote groundwater recharge.

7. Is the project located in a state or locally designated sensitive watershed area? If so, have appropriate run-off control measures been included in the design (e.g., the storm-year design is increased from 10-years to 25-years, buffers are placed along surface waters, etc.)
8. Is the project located in the watershed of a particularly sensitive natural area (e.g., a unique wetland). If so, have additional run-off control measures been included in the design (e.g., the storm-year design is increased from 10-years to 50-years, buffers are placed along surface waters, etc.)

## **Vegetation and Wildlife:**

### **Vegetation**

#### **Overview**

The abundance and survival of both plant and animal species is dependent upon the existence of a favorable environment and their ability to adjust to conditions created by man. Urbanization has seriously altered natural ecosystems. In and near heavily urbanized areas, much of the native plant and animal species have been destroyed and have been replaced by species which are more successful in the urban environment, to the extent that it is often inappropriate to talk of native species in urban environments.

The impact of man on the environment through urbanization often results in water, air, and land pollution endangering many natural plant and animal species. Development which changes a sensitive ecosystem may adversely affect the diversity of species present, the productivity of the system, or the rate of nutrient recycling.

#### **Experts to Contact**

It is often best to consult an expert such as a biologist/ecologist from either a university or a state natural resources agency, or state natural heritage program. In more rural areas representatives of the state forestry department or the USDA Soil Conservation Service may also provide useful expert judgment.

#### **Questions to Consider**

1. Will the project create problems by introducing nuisance or non-indigenous species of vegetation that may be ecologically disruptive, be invasive, threaten survival of indigenous plant habitats, or disrupt agricultural or silvicultural activities
2. Will the project damage or destroy existing remnant or endemic plant communities, especially those containing nationally, regionally or locally rare species (e.g., prairie grasslands, ice-age disjuncts, local soil-type endemics, etc.)?
3. Will the project damage or destroy plant species that are legally protected by state or local ordinances?
4. Will the project damage or destroy trees without replacement and landscaping?

## **Wildlife**

### **Overview**

An animal's habitat is the environment in which it normally lives and the one which meets its basic need for food, water, cover, breeding space, and group territory. Urbanization has generally been at odds with the maintenance of natural habitats. Urban habitats are often found in neglected and unused areas such as along riverbanks and railroad alignments, in parks, institutional grounds, and in vacant tracts of land. The protection of wildlife habitats can be at odds with urban development. However, certain actions can be taken to avoid undue disruption and to protect species, particularly those of concern to local, state, tribal or the federal government. Please note that species listed as proposed, threatened or endangered by the federal government must be considered under the Endangered Species Act. However, compliance with certain federal statutes should be considered under this factor, including, for example, the Migratory Bird Treaty Act and the Bald Eagle Protection Act.

### **Experts to Contact**

Technical studies can be supplemented with field observation of the site for signs of the likely presence of particular species. Consultation with biologists/ecologists with either local, tribal, state or Federal agencies may be helpful. The Fish & Wildlife Service of the Department of Interior can also be contacted for information.

### **Questions to Consider**

The questions on animal life encompass the five following topics: disruption, habitat alteration or removal, rare species (including those that are considered threatened or endangered), pest species, and game species.

1. Will the project create special hazards for animal life? What types and numbers of animals will be affected and how?
2. Will the project impact migratory birds? (Most birds protected by the federal Migratory Bird Treaty Act are not included in the Endangered Species Act, yet are protected by similar protections against a "taking" of bird nest or eggs. Consultation with the U.S. Fish and Wildlife Service may be required. Construction activities should occur outside the migratory bird nesting season; alternatively, the site should be surveyed for migratory bird nest prior to construction.)
3. Does the project site host any species that are monitored or listed by local, state, tribal or the federal government?
4. Will the project damage or destroy existing wildlife habitats (e.g., removal or blockage of wildlife corridors, such as a riparian buffer?)
5. Will excessive grading alter the groundwater level and thus cause death of trees and ground cover which in turn diminishes animal habitat?
6. Will the project damage game fish habitat or spawning grounds? When answering this question off-site damage resulting from erosion and stormwater run-off should be considered.
7. Will the project create conditions favorable to the proliferation of pest species?
8. Will the project create conditions (e.g., generate excessive noise, introduce pesticide usage) that could harm or harass wildlife species that are nationally, regionally or locally rare or protected by state or local ordinance?