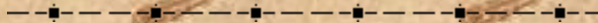
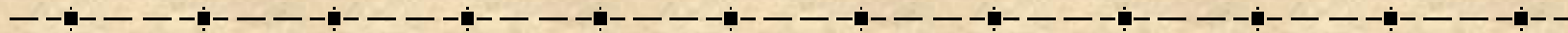


# **HUD - OUP Environmental Review Requirements**



# OUP Programs Applicable to Part 50



✧ AN/NHIAC

✧ HBCU

✧ HSIAC

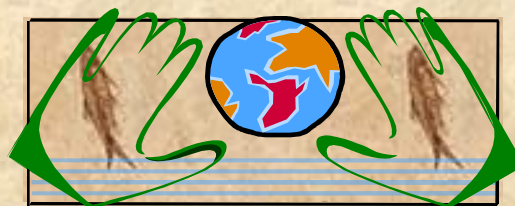
✧ TCUP



# Goals of Environmental Review

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- ✧ Ensure that environmental concerns are identified and addressed **before** a project is undertaken
- ✧ Promote the health and safety of residents, neighborhoods, and communities
- ✧ Protect land, air, and water





# What is NEPA?

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## National Environmental Policy Act of 1969

National charter for protection of environment





# **HUD –OUP Environmental Regulations**

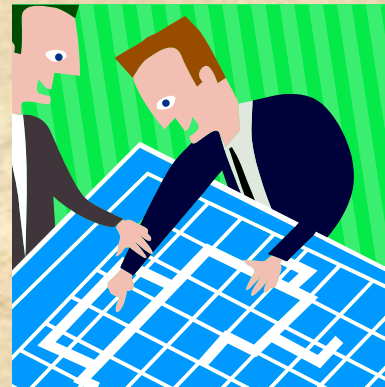
24 CFR parts 50, 51,  
and 55



# Project Aggregation

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✱ Environmental reviews must group together and evaluate as a single project all individual activities that are related either on a geographical or functional basis, or are logical parts of a composite of contemplated actions (§50.21)





# Levels of Environmental Review

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- ◆ Categorical exclusion not subject to §50.4
- ◆ Categorical exclusion subject to §50.4
- ◆ Environmental Assessment



# Categorical Exclusions not Subject to §50.4

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- ✦ Non-construction activities which by their nature are unlikely to have environmental effects
- ✦ See 24 CFR 50.19 for a complete list of activities in this category





# Categorical Exclusions not Subject to §50.4

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- ✦ Studies, planning documents
- ✦ Administrative, management activities
- ✦ Public service activities
- ✦ Engineering and design costs
- ✦ Technical assistance, training
- ✦ Rental assistance
- ✦ Down payment assistance



# Categorical Exclusions Subject to §50.4

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- ✱ Acquisition and rehabilitation activities which do not involve changes in land use
- ✱ See 24 CFR 50.20 for a complete list of activities in this category



# Categorical Exclusions Subject to §50.4

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- ✦ Acquisition of land and buildings
- ✦ Rehabilitation of public facilities/housing
- ✦ Removal of architectural barriers for disabled persons





# Environmental Assessment

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- ✧ Projects that generally involve new construction, substantial rehabilitation, or changes in land use
- ✧ EA results in either a Finding of No Significant Impact (FONSI) or a Finding of Significant Impact



# Environmental Assessment Examples

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- ✦ New housing construction
- ✦ Construction of public facilities
- ✦ Infrastructure development (include water and sewer lines)
- ✦ Activities that are normally categorically excluded but have *extraordinary circumstances* requiring further review



# Limits on Activities Prior to Clearance

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- ✱ Grantees may not commit or expend HUD or other project funds prior to HUD completing the environmental review and providing written notification to the grantee to proceed





# Environmental Review Issues to Consider

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- ✱ Time (3 to 6 months)
- ✱ Cost of special studies
- ✱ Procurement of consultants
- ✱ Compliance with required mitigation



# Federal Laws and Authorities (§50.4)

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## National Historic Preservation Act (36 CFR part 800)

### Source document:

Archeological survey or  
determination of no effect on  
historic properties



# Related Federal Laws and Authorities

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## Floodplain Management

(E.O. 11988 and 24  
CFR part 55)

### Source document:

FEMA map showing project  
is not in 100-year floodplain





# Related Federal Laws and Authorities

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## Wetlands Protection

(E.O. 11990 and 24  
CFR part 55)

### Source document:

National Wetlands Inventory  
map and site inspection  
showing no wetlands



# Related Federal Laws and Authorities

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## Coastal Zone Management (CZMA of 1972)

### Source document:

Concurrence of CZM  
Commission that project will  
not impact resources





# Related Federal Laws and Authorities

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## Sole Source Aquifers (40 CFR part 149)

### Source document:

Concurrence from EPA that  
project will not impact  
aquifer





# Related Federal Laws and Authorities

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## Endangered Species



(Endangered Species  
Act of 1973 and  
50 CFR 402)

Source document: Biological  
survey, if new construction



# Related Federal Laws and Authorities

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## Wild and Scenic Rivers

(Wild and Scenic  
Rivers Act of  
1968)



If new construction, project  
cannot be within 1 mile of a designated river





# Related Federal Laws and Authorities

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## Air Quality (Clean Air Act of 1970)

### Source document:

If within a non-attainment  
area, concurrence of Air  
Quality Management Board  
that project complies with  
SIP





# Related Federal Laws and Authorities

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## Farmlands Protection

(7 CFR part 658)

**Source document:** If new construction, determination by NRCS that site is not prime and unique farmland



# Related Federal Laws and Authorities

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## Noise Abatement and Control



(24 CFR part  
51, Subpart B)

**Source document:**

Noise study if site is near  
major roadways, airports,  
or railroads,



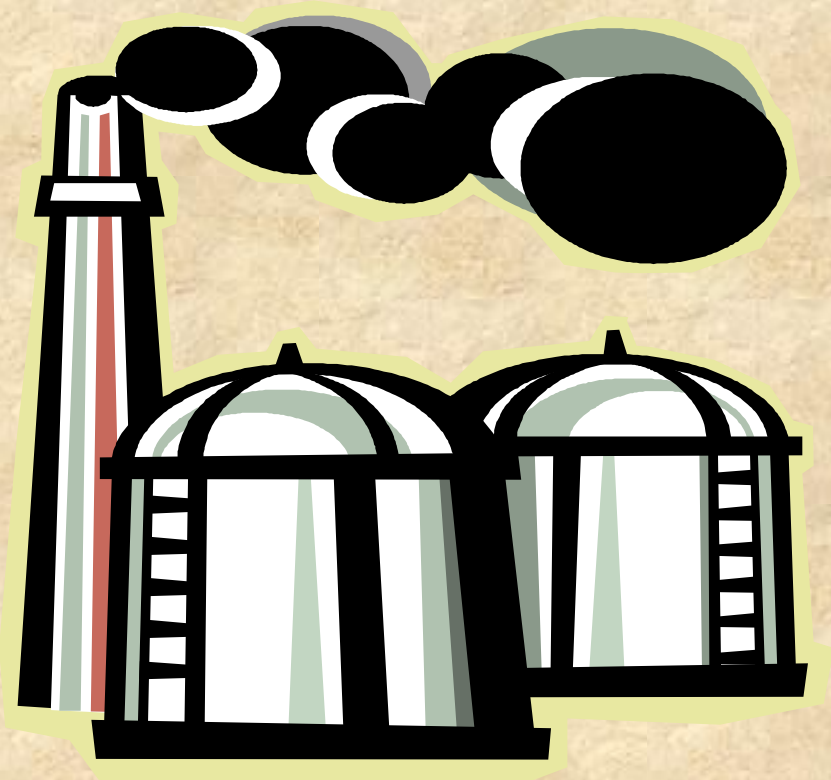
# Related Federal Laws and Authorities

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## Explosive or Flammable Operations

(24 CFR part 51,  
Subpart C)

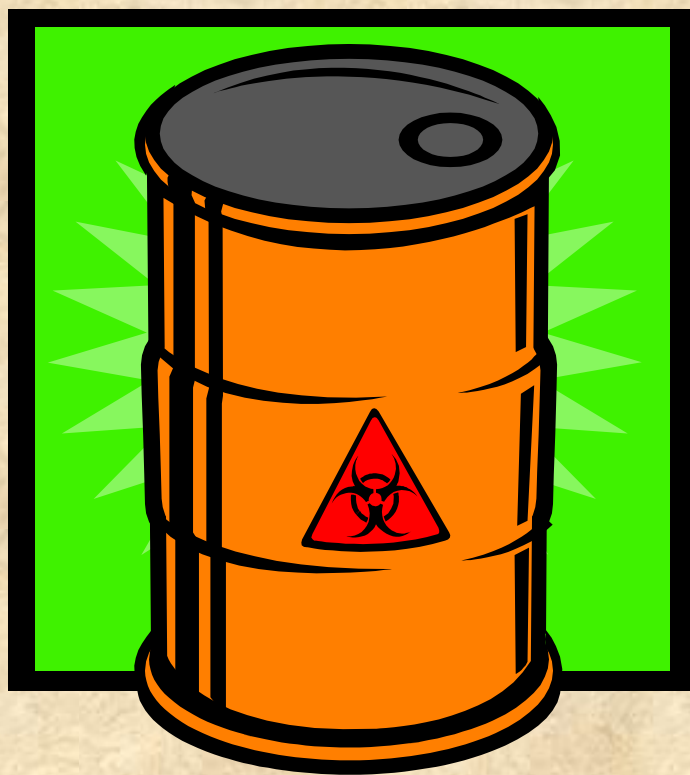
Source document: ASD  
calculation if near above-  
ground storage tanks





# Related Federal Laws and Authorities

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## Toxic Chemicals and Radioactive Materials

(24 CFR 58.5(i)(2))

Source document: EPA  
database report and site  
inspection



# Related Federal Laws and Authorities

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## Airport and Runway Clear Zones

(24 CFR part 51  
Subpart D)

Source document: Airport  
map showing project is not  
within a runway clear zone



# Related Federal Laws and Authorities

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## Environmental Justice (E.O. 12898)

### Source document:

Determination of no  
concentration of negative  
environmental impacts





# NEPA Factors

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## Land Development

- ✧ Zoning
- ✧ Compatibility/impact
- ✧ Slope
- ✧ Erosion
- ✧ Soils suitability
- ✧ Hazards
- ✧ Energy Consumption



# NEPA Factors

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## Socioeconomic



- ✧ Demographic changes
- ✧ Displacement
- ✧ Employment patterns



# NEPA Factors

## Community Facilities and Services

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- ✧ Police Protection
- ✧ Fire Protection
- ✧ Emergency Medical
- ✧ Social Services
- ✧ Recreation
- ✧ Cultural Facilities
- ✧ Transportation
- ✧ Schools
- ✧ Businesses
- ✧ Health Care
- ✧ Solid Waste
- ✧ Waste Water
- ✧ Storm Water
- ✧ Water Supply



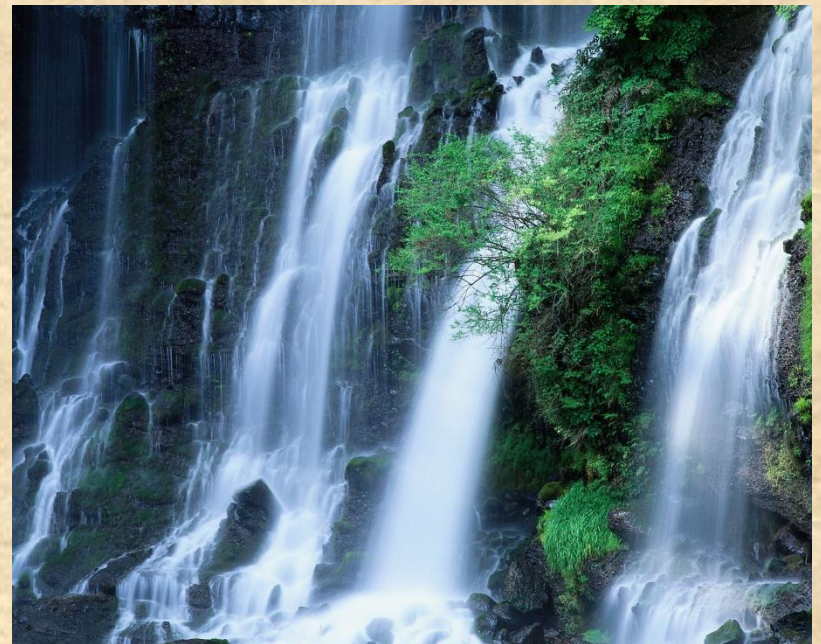


# NEPA Factors

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## Natural Features

- ✧ Water Resources
- ✧ Surface Water
- ✧ Unique Features
- ✧ Agricultural Lands
- ✧ Vegetation
- ✧ Wildlife



# HUD Contacts

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✧ HUD regional environmental officer

