HUD - OUP
Environmental Review Requirements
OUP Programs Applicable to Part 50

- AN/NHIAC
- HBCU
- HSIAC
- TCUP
Goals of Environmental Review

- 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?

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

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

- Categorical exclusion **not** subject to §50.4
- Categorical exclusion subject to §50.4
- Environmental Assessment
Categorical Exclusions not Subject to §50.4

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

- 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

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

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

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

- 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
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

- Time (3 to 6 months)
- Cost of special studies
- Procurement of consultants
- Compliance with required mitigation
Federal Laws and Authorities (§50.4)

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

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

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

Coastal Zone Management (CZMA of 1972)

Source document: Concurrence of CZM Commission that project will not impact resources
Related Federal Laws and Authorities

Sole Source Aquifers
(40 CFR part 149)

Source document:
Concurrence from EPA that project will not impact aquifer
Related Federal Laws and Authorities

Endangered Species

(Endangered Species Act of 1973 and 50 CFR 402)

Source document: Biological survey, if new construction
Related Federal Laws and Authorities

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

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

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

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

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

Toxic Chemicals and Radioactive Materials
(24 CFR 58.5(i)(2))

Source document: EPA database report and site inspection
Related Federal Laws and Authorities

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

Environmental Justice
(E.O. 12898)

Source document: Determination of no concentration of negative environmental impacts
NEPA Factors

Land Development
- Zoning
- Compatibility/impact
- Slope
- Erosion
- Soils suitability
- Hazards
- Energy Consumption
NEPA Factors

Socioeconomic

- Demographic changes
- Displacement
- Employment patterns
NEPA Factors
Community Facilities and Services

- 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

Natural Features

- Water Resources
- Surface Water
- Unique Features
- Agricultural Lands
- Vegetation
- Wildlife
HUD Contacts

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