



**U.S. Department of Housing and Urban  
Development**

451 Seventh Street, SW  
Washington, DC 20410  
www.hud.gov

espanol.hud.gov

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

### **Project Information**

**Project Name: Single Family Rehabilitation Loan and Grant Programs**

**Responsible Entity (RE): City of Huntington Beach**

**State/Local Identifier: California**

**RE Preparer: Lorraine Mendez, Lorraine Mendez & Associates**

**Certifying Officer: Oliver Chi, City Manager**

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

**Point of Contact: Ursula Luna-Reynosa, Community Development Director**

**Consultant (if applicable):**

**Point of Contact: Lorraine Mendez, Lorraine Mendez & Associates**

**Project Location:** CDBG funds will be carried out on various locations throughout the City of Huntington Beach as part of an overall strategy to reduce deterioration and enhance housing conditions.

**Additional Location Information:**

**Direct Comments to: Ursula Luna-Reynosa, Community Development Director**

**Description of the Proposed Project [24 CFR 50.12 & 58.32; 40 CFR 1508.25]:**

The City of Huntington Beach operates two single-family rehabilitation programs:

**Owner-Occupied Single-Family, Condo, and Mobile Home Grant Program**

The City offers a one-time grant not to exceed \$10,000 to low-income homeowners for deferred maintenance and health and safety-related household repairs. Deferred maintenance can include paint, siding replacement, window and door replacement, roof repair, or removal of any condition of blight. Household repairs may include restoration or replacement of inoperable or severely deteriorated plumbing, heating, and electrical systems, structural and appliance replacement.

**Owner-Occupied Single-Family Rehabilitation Loan Program**

The Single-Family Rehabilitation Loan Program offers low-income homeowners up to \$75,000 in deferred payment loans for repairs to single-family, duplex, triplex or four-plex units. Individual loans may be increased by up to \$10,000 if deemed necessary to meet HUD HQS requirements and rehabilitation standards and would require the approval by the Director of Community Development. Payment of the principal and accrued interest is deferred until the property is sold, transferred, or refinanced.

**Approximate size of the project area:** N/A

**Length of time covered by this review:** Fiscal Years 2020/21, 2021/22, 2022/23, 2023/24, and 2024/25

**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:

58.35 (3) (ii) as follows:

(A) Unit density is not changed more than 20 percent;

(B) The project does not involve changes in land use from residential to non-residential; and

(C) The estimated cost of rehabilitation is less than 75 percent of the total estimated cost of replacement after rehabilitation.

**Funding Information**

<b>Grant Number</b>	<b>HUD Program</b>	<b>Program Name</b>	<b>Funding Amount</b>
B-20-MC-06-0506	CPD	Community Development Block Grant (CDBG)	\$190,000
B-21-MC-06-0506	CPD	Community Development Block Grant (CDBG)	\$200,000
B-22-MC-06-0506	CPD	Community Development Block Grant (CDBG)	\$200,000
B-23-MC-06-0506	CPD	Community Development Block Grant (CDBG)	\$200,000
B-24-MC-06-0506	CPD	Community Development Block Grant (CDBG)	\$200,000

**Estimated Total HUD Funded Amount: \$990,000 from FY 2020/21 – FY 2024/25**

**Estimated Total Project Cost (HUD and non-HUD funds) [24 CFR 58.32(d)]: \$990,000 from FY 2020/21 – FY 2024/25**

**Compliance with 24 CFR 50.4, 58.5, and 58.6 Laws and Authorities and Written Strategies**

<p><b>Compliance Factors:</b> Statutes, Executive Orders, and Regulations listed at 24 CFR 50.4, 58.5, and 58.6</p>	<p>Was compliance achieved at the broad level of review?</p>	<p><b>If Yes:</b> Describe compliance determinations made at the broad level. <b>If No:</b> Describe the policy, standard, or process to be followed in the site-specific review.</p>
<p><b>STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR 50.4 &amp; 58.6</b></p>		
<p><b>Airport Hazards</b>  24 CFR Part 51 Subpart D</p>	<p>Yes    No <input checked="" type="checkbox"/>    <input type="checkbox"/></p>	<p>Compliance steps are not invoked based upon the project description. The Project involves minor residential rehabilitation to single family homes including mobile homes and condominiums. Consequently, the Program does not include any of the following activities: construction or major rehabilitation of any real property located on a clear zone site nor the sale or acquisition of undeveloped land or activities that would significantly prolong the physical or economic life of existing facilities, change the use of the facility to a use that would significantly increase the density or number of people at the site or activities that would introduce explosive, flammable, or toxic materials to the area.</p> <p>Compliance steps are also not invoked because based on the location of Huntington Beach. Huntington Beach is not within 15,000 feet of a military airport or 2,500 feet of a civilian airport. The City’s General Plan Element states that there are no operating airports located in Huntington Beach (see page V-N-2 of Noise Element). A search of airports nearest Huntington Beach identifies the John Wayne Airport that is approximately 10 miles away from the center of Huntington Beach. Further a review of John Wayne Airport Land Use Plan (amended April 17, 2008) shows city’s that are located within the Accident Potential Zone or the Runway</p>

		<p>Protection Zone/Clear Zone are: Tustin, Irvine, Santa Ana, Costa Mesa, and Newport Beach (see <b>Attachment A – John Wayne Airport Impact Zone Maps</b>). There are no military airfields in proximity. Thus, the project is not located within 2,500 feet of the end of a civil airport runway or 15,000 feet of the end of a military airfield runway.</p> <p>Source Documentation includes:</p> <ul style="list-style-type: none"> <li>• <a href="https://www.onecpd.info/environmental-review/airport-hazards">https://www.onecpd.info/environmental-review/airport-hazards</a></li> <li>• <a href="http://www.airnav.com/airports/">http://www.airnav.com/airports/</a></li> <li>• <a href="#">Land Use Plan for John Wayne Airport</a></li> </ul>
<p><b>Coastal Barrier Resources</b></p> <p>Coastal Barrier Resources Act, as amended by the Coastal Barrier Improvement Act of 1990 [16 USC 3501]</p>	<p>Yes    No</p> <p><input checked="" type="checkbox"/>    <input type="checkbox"/></p>	<p>The Coastal Barrier Resources Act (CBRA) established the John H. Chafee Coastal Barrier Resources System (CBRS) in 1982, which consists of the undeveloped coastal barriers and other areas located on the coasts of the United States. The Coastal Barrier Improvement Act (CBIA) of 1990 reauthorized the CBRA; expanded the CBRS to include undeveloped coastal barriers along the Florida Keys, Great Lakes, Puerto Rico, and U.S. Virgin Islands and added a new category of coastal barriers to the CBRS called "otherwise protected areas" (OPAs). OPAs are undeveloped coastal barriers that are within the boundaries of an area established under Federal, State, or local law, or held by a qualified organization, primarily for wildlife refuge, sanctuary, recreational, or natural resource conservation purposes.</p> <p>Compliance steps are not invoked. There are no Coastal Barrier Resources on the U.S. West Coast, as indicated at <a href="https://www.fws.gov/cbra/Maps/index.html">https://www.fws.gov/cbra/Maps/index.html</a>.</p>
<p><b>Flood Insurance</b></p> <p>Flood Disaster Protection Act of 1973 and National Flood Insurance Reform Act of 1994</p>	<p>Yes    No</p> <p><input type="checkbox"/>    <input type="checkbox"/></p>	<p><b>Site specific determinations will be made when addresses are known.</b></p> <p>Huntington Beach’s protocol for how compliance with Flood Insurance regulations</p>

[42 USC 4001-4128 and 42 USC 5154a]		<p>at 42 USC 4001-4128 and 42 USC 5154a be achieved will include:</p> <ul style="list-style-type: none"> <li>• Completion of the Flood Insurance (CEST and EA) Worksheet found in <b>Attachment C</b>.</li> <li>• Utilization of the United States Environmental Protection Agency's NEPAAssist tool which facilitates the environmental review process and project planning in relation to environmental considerations.</li> <li>• Utilization of FEMA's Flood Map Service Center mapping tool to determine if site specific properties are located in a FEMA-designated Special Flood Hazard Area.</li> <li>• If the project is located in a Special Flood Hazard Area, 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 will be included in the environmental review record.</li> </ul>
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**STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR §58.5**

<p><b>Clean Air</b></p> <p>Clean Air Act, as amended, particularly section 176(c) &amp; (d); 40 CFR Parts 6, 51, 93</p>	<p>Yes    No</p> <p><input checked="" type="checkbox"/>    <input type="checkbox"/></p>	<p>Compliance steps are not invoked because the project does not involve new construction or conversion of a land use facilitating the development of public, commercial, or industrial facilities OR 5 or more dwelling units. It can be assumed, therefore, that project's emissions are below de minimis levels and the project is in compliance with the Clean Air Act, as amended, at 176(c) &amp; (d); 40 CFR Parts 6, 51, and 93.</p> <p>Involving rehabilitation of existing properties only, this project does not include activities that would require further evaluation under the Clean Air Act.</p> <p>According to the website maintained by the California Air Resources Board (CARB) (web address</p>
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		<p><a href="http://www.arb.ca.gov/desig/adm/adm.htm">http://www.arb.ca.gov/desig/adm/adm.htm</a>), the project is within a State or federal non-attainment area for ozone, carbon monoxide, nitrogen dioxide and small particulate matter (PM10). However, the project will not produce pollution that would degrade or change the existing community pollution levels, impede goals of the State implementation Plan for Air Quality per the SCAMD Handbook nor significantly impact the City's air quality as Program activities will not increase density or pollution levels.</p>
<p><b>Coastal Zone Management</b></p> <p>Coastal Zone Management Act, sections 307(c) &amp; (d)</p>	<p>Yes    No</p> <p><input checked="" type="checkbox"/>    <input type="checkbox"/></p>	<p>The City of Huntington Beach Single Family Rehabilitation Loan and Grant Program does not trigger compliance steps pursuant to the Coastal Zone Management Act, sections 307 (c) &amp; (d).</p> <p>While site-specific project sites are yet to be determined, the proposed Program will not fund or include activities that are subject to review by the California Coastal Commission. The Single-Family Rehabilitation Loan and Grant Program does not include:</p> <ul style="list-style-type: none"> <li>• Demolition, construction, replacement, or changes to the size of a structure.</li> <li>• Grading, removal of, or placement of rock, soil, or other materials.</li> <li>• Clearing of vegetation in, or that provides, sensitive habitat.</li> <li>• Impeding access to the beach or public recreational trails.</li> <li>• Altering property lines, such as through a lot line adjustment or subdivision.</li> <li>• Changing the intensity of use of land.</li> <li>• Repair or maintenance activities that could result in environmental impacts.</li> </ul> <p><u>Source Documentation:</u></p> <ul style="list-style-type: none"> <li>• California Coastal Act (2019)</li> <li>• California Coastal Commissions' <i>When Do You Need a Coastal Development Permit?</i> pamphlet</li> </ul>

<p><b>Contamination and Toxic Substances</b></p> <p>24 CFR Part 50.3(i) &amp; 58.5(i)(2)]</p>	<p>Yes    No</p> <p><input type="checkbox"/>    <input type="checkbox"/></p>	<p><b>Site specific determinations will be made when addresses are known.</b></p> <p>Huntington Beach’s protocol for how compliance with Contamination and Toxic Substances regulations at 24 CFR Part 50.3(i) and 58.5(i)(2) will be achieved will include:</p> <ul style="list-style-type: none"> <li>• Completion of the Contamination and Toxic Substances (Multifamily and non-Residential Properties) Worksheet found in <b>Attachment C</b>.</li> <li>• Utilization of the United States Environmental Protection Agency’s NEPAassist tool which facilitates the environmental review process and project planning in relation to environmental considerations.</li> <li>• Review databases maintained by U.S. EPA and state, local, and tribal environmental quality departments or agencies to screen for potential on-site and off-site facilities that could pose health and safety problems and toxic clean-up sites that are presently under analysis or remediation.</li> <li>• Investigate previous uses of the site. Site inspections and building and use permit records as well as Sanborn Co. maps show previous land uses which could have left toxic residues.</li> <li>• Other methods of evaluation include performing a site walk, interviewing property owners or managers and local officials, and analyzing local land use records, permits, and violations.</li> <li>• When site conditions indicate that the subject property is contaminated or likely contaminated by toxic substances, hazardous materials or petroleum products, one shall provide an ASTM certified Phase I ESA report, or other studies where applicable. Any hazards that are identified will be evaluated for the potential to affect the health and safety of the occupants and end-users.</li> </ul>
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<p><b>Endangered Species</b></p> <p>Endangered Species Act of 1973, particularly section 7; 50 CFR Part 402</p>	<p>Yes No</p> <p><input checked="" type="checkbox"/> <input type="checkbox"/></p>	<p>Compliance steps with the procedure of Section 7 of the Endangered Species Act (ESA) of 1973 are not invoked based upon a finding that the Project will have No Effect. The program entails minor repairs to owner and renter occupied dwellings, involving no new ground disturbance that would adversely impact rare or endangered species. Rehabilitation funding will assist residential units located within a fully developed and urbanized area. The project is considered urban infill, which, is considered to have no critical habitats.</p>
<p><b>Explosive and Flammable Hazards</b></p> <p>24 CFR Part 51 Subpart C</p>	<p>Yes No</p> <p><input checked="" type="checkbox"/> <input type="checkbox"/></p>	<p>Based on the project description there are no activities that would require further evaluation under this section. Compliance steps are not invoked because minor rehabilitation does not trigger 24 CFR 51 Subpart C separation requirements. The determination is made that the Huntington Beach Single-Family Rehabilitation Loan and Grant Program does not include development, construction, or rehabilitation that will increase residential densities, or conversion. The Program will not increase the number of people exposed to hazardous conditions as the result of increasing residential densities, converting building or making a vacant building habitable. The Program will not include a use resulting in a hazardous facility that mainly stores, handles or processes flammable or combustible chemicals such as bulk fuel storage facilities and refineries.</p>
<p><b>Farmlands Protection</b></p> <p>Farmland Protection Policy Act of 1981, particularly sections 1504(b) and 1541; 7 CFR Part 658</p>	<p>Yes No</p> <p><input checked="" type="checkbox"/> <input type="checkbox"/></p>	<p>This project does not include any activities that could potentially convert agricultural land to a non-agricultural use. Based upon the project description, compliance steps are not invoked, for the project does not include new construction, acquisition of undeveloped land, or conversion activities that could potentially convert one land use to another. Thus, the project complies with the Farmland Protection Policy Act that states: “‘Farmland’ does not include land already in or committed</p>

		to urban development or water storage. (7 CFR 658.2(a)). According to this definition, the program only assists already developed properties and does not include farmland.
<p><b>Floodplain Management</b></p> <p>Executive Order 11988, particularly section 2(a); 24 CFR Part 55</p>	<p>Yes    No</p> <p><input type="checkbox"/>   <input type="checkbox"/></p>	<p><b>Site specific determinations will be made when addresses are known.</b></p> <p>Huntington Beach’s protocol for how compliance with Floodplain Management requirements in Executive Order 11988, particularly section 2(a); 24 CFR Part 55 will be achieved will include:</p> <ul style="list-style-type: none"> <li>• Completion of the Floodplain Management (CEST and EA) Worksheet found in <b>Attachment C</b>.</li> <li>• Utilization of the United States Environmental Protection Agency’s NEPAassist tool which facilitates the environmental review process and project planning in relation to environmental considerations.</li> <li>• Utilization of FEMA’s Flood Map Service Center mapping tool to determine if site specific properties are located in a FEMA-designated Special Flood Hazard Area.</li> <li>• A FEMA map showing the project is located in a Special Flood Hazard Area and an applicable citation to 55.12(b) demonstrating that the 8-Step Process is not required.</li> <li>• A FEMA map showing the project is located in a Special Flood Hazard Area, documentation that the 5-Step Process was completed, and the applicable citation to 55.12(a).</li> <li>• A FEMA map showing the project is located in a Special Flood Hazard Area along with documentation of the 8-Step Process and required notices.</li> </ul>
<p><b>Historic Preservation</b></p>	<p>Yes    No</p> <p><input type="checkbox"/>   <input type="checkbox"/></p>	<p><b>Site specific determinations will be made when addresses are known.</b></p>

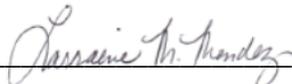
<p>National Historic Preservation Act of 1966, particularly sections 106 and 110; 36 CFR Part 800</p>		<p>Huntington Beach’s protocol for how compliance with Historic Preservation requirements at National Historic Preservation Act of 1966, particularly sections 106 and 110; 36 CFR Part 800 will be achieved will include:</p> <ul style="list-style-type: none"> <li>• Completion of the Historic Preservation (CEST and EA) Worksheet found in <b>Attachment C</b>.</li> <li>• Utilization of the United States Environmental Protection Agency’s NEPAssist tool to determine if historic properties on or near the project site are on the National Register of Historic Places.</li> <li>• Follow the Section 106 4-step consultation process.</li> </ul>
<p><b>Noise Abatement and Control</b></p> <p>Noise Control Act of 1972, as amended by the Quiet Communities Act of 1978; 24 CFR Part 51 Subpart B</p>	<p>Yes No  <input checked="" type="checkbox"/> <input type="checkbox"/></p>	<p>Compliance steps are not invoked. The Program entails minor rehabilitation of existing residential properties. A Preliminary Screening was performed and found the following: The City does not consider the related activities to be "major or substantial" as defined by (24 CFR 51.101(a)(5)). The Program is in compliance with HUD's Noise regulation without mitigation.</p>
<p><b>Sole Source Aquifers</b></p> <p>Safe Drinking Water Act of 1974, as amended, particularly section 1424(e); 40 CFR Part 149</p>	<p>Yes No  <input checked="" type="checkbox"/> <input type="checkbox"/></p>	<p>Compliance steps are not invoked for two reasons. First, the Program does not entail new construction or conversion activities; thus, the sole source aquifer (SSA) authority does not apply. Second, the project is not on a sole source aquifer. Sole-source aquifers in California are designated by the Office of Water of the U.S. Environmental Protection Agency (EPA) Region IX. The four areas in California designated as sole-source aquifers are Fresno County Aquifer, Santa Margarita Aquifer (Scoots Valley), Campos/Cottonwood Creek and the Ocotillo-Coyote Wells Aquifer. The Project is not located within one of the aforementioned areas designated as being supported by a sole source aquifer, as shown on <b>Attachment B – Pacific Southwest, Region 9 Sole Source</b></p>

		<b>Aquifers</b> obtained from the EPA website at <a href="https://archive.epa.gov/region9/water/archive/web/html/ssa.html">https://archive.epa.gov/region9/water/archive/web/html/ssa.html</a> .
<b>Wetlands Protection</b>  Executive Order 11990, particularly sections 2 and 5	Yes No <input checked="" type="checkbox"/> <input type="checkbox"/>	Compliance steps under Wetlands Protection Executive Order 11990 are not invoked. This Program does not involve new construction (as defined in Executive Order 11990), expansion of building footprints or any ground disturbance activity. The Program involves minor rehabilitation of existing single-family residences, condominiums, and mobile homes.
<b>Wild and Scenic Rivers</b>  Wild and Scenic Rivers Act of 1968, particularly section 7(b) and (c)	Yes No <input checked="" type="checkbox"/> <input type="checkbox"/>	The project poses no potential impact on any listed Wild and Scenic River. There are no listed wild and scenic rivers located within Orange County and thus not within one mile of Huntington Beach. This finding is based on a review on July 30, 2020 of the Nationwide Rivers Inventory (NRI) website: <a href="http://www.nps.gov/ncrc/programs/rtca/nri/states/ca.html">http://www.nps.gov/ncrc/programs/rtca/nri/states/ca.html</a> and the National Wild and Scenic Rivers System website <a href="http://www.rivers.gov/california.php">http://www.rivers.gov/california.php</a> .
<b>ENVIRONMENTAL JUSTICE</b>		
<b>Environmental Justice</b>  Executive Order 12898	Yes No <input checked="" type="checkbox"/> <input type="checkbox"/>	Compliance steps are not invoked; the Single-family Residential Rehabilitation Loan and grant Program will not create an adverse environmental impact. The proposed rehabilitation action will not create an adverse and disproportionate environmental impact or aggravate an existing impact on minority or low-income populations.

Attach supporting documentation as necessary, including a site-specific checklist.

**Determination:**

- Extraordinary circumstances exist and this project may result in significant environmental impact. This project requires preparation of an Environmental Assessment (EA); OR
- There are no extraordinary circumstances which would require completion of an EA, and this project may remain CEST.

Preparer Signature:  Date: 7/31/20

Name/Title/Organization: Lorraine Mendez / Principal / Lorraine Mendez & Associates, LLC.

Responsible Entity Agency Official Signature:

Date: \_\_\_\_\_

Name/Title: \_\_\_\_\_

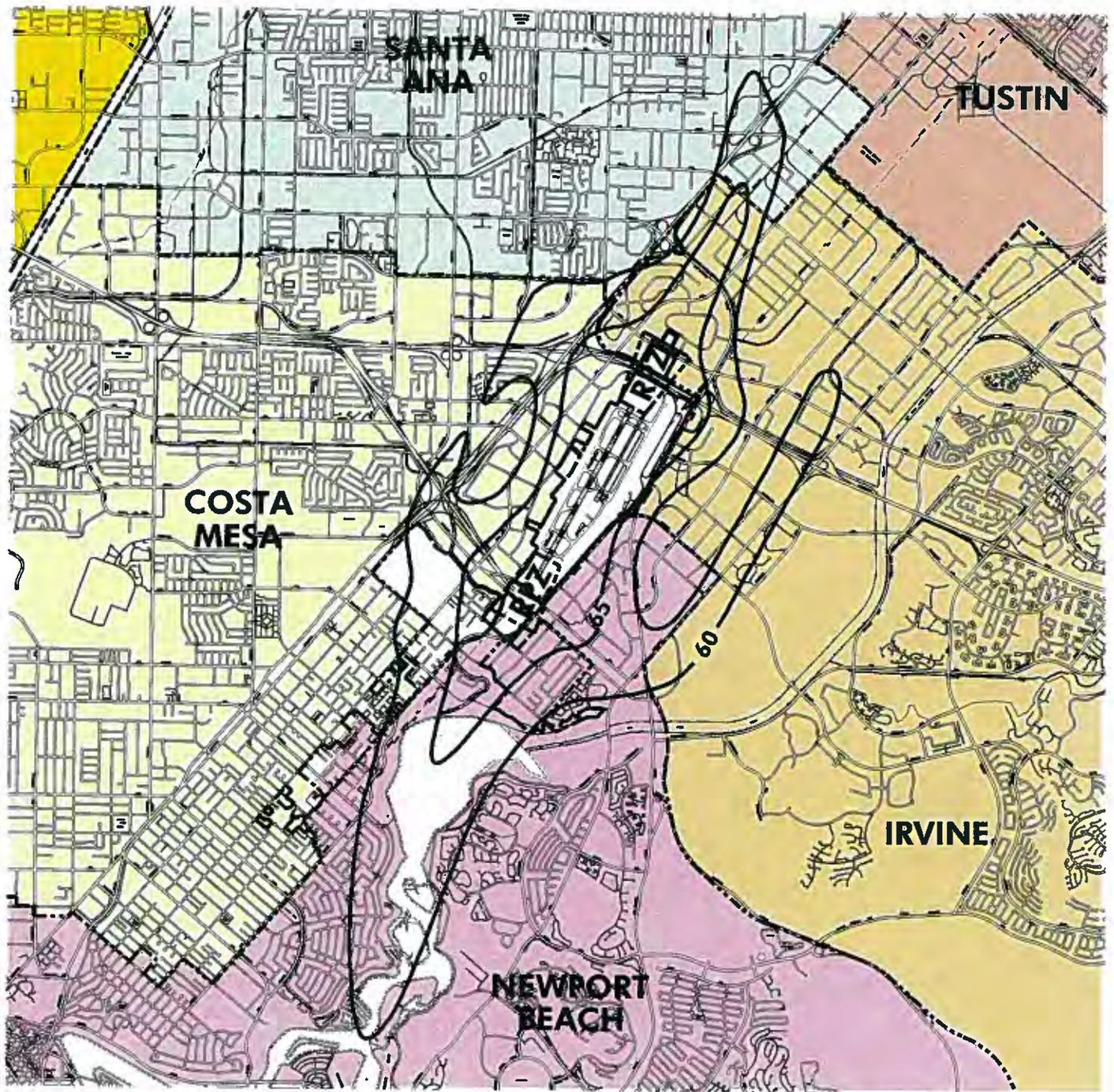
This original, signed document and related supporting material must be retained on file by the Responsible Entity in an Environmental Review Record (ERR) for the activity/project (ref: 24 CFR Part 58.38) and in accordance with recordkeeping requirements for the HUD program(s).

**This document represents the Tier 1 or Broad-Level review *only*. As individual sites are selected, this review must be supplemented by individual Tier 2 or Site-Specific reviews for each site. All laws and authorities requiring site-specific analysis will be addressed in these individual reviews.**



**ATTACHMENT A**

**JOHN WAYNE AIRPORT IMPACT ZONE MAPS**



Note: County Unincorporated areas are shown in white.

## John Wayne Airport Impact Zones

### LEGEND

- 60- CNEL CONTOUR
- RUNWAY PROTECTION ZONE
- CITY BOUNDARIES
- AIRPORT BOUNDARIES



Composite contour from  
John Wayne Airport Project  
Case-1990 and 2005  
(see section 2.2.1)

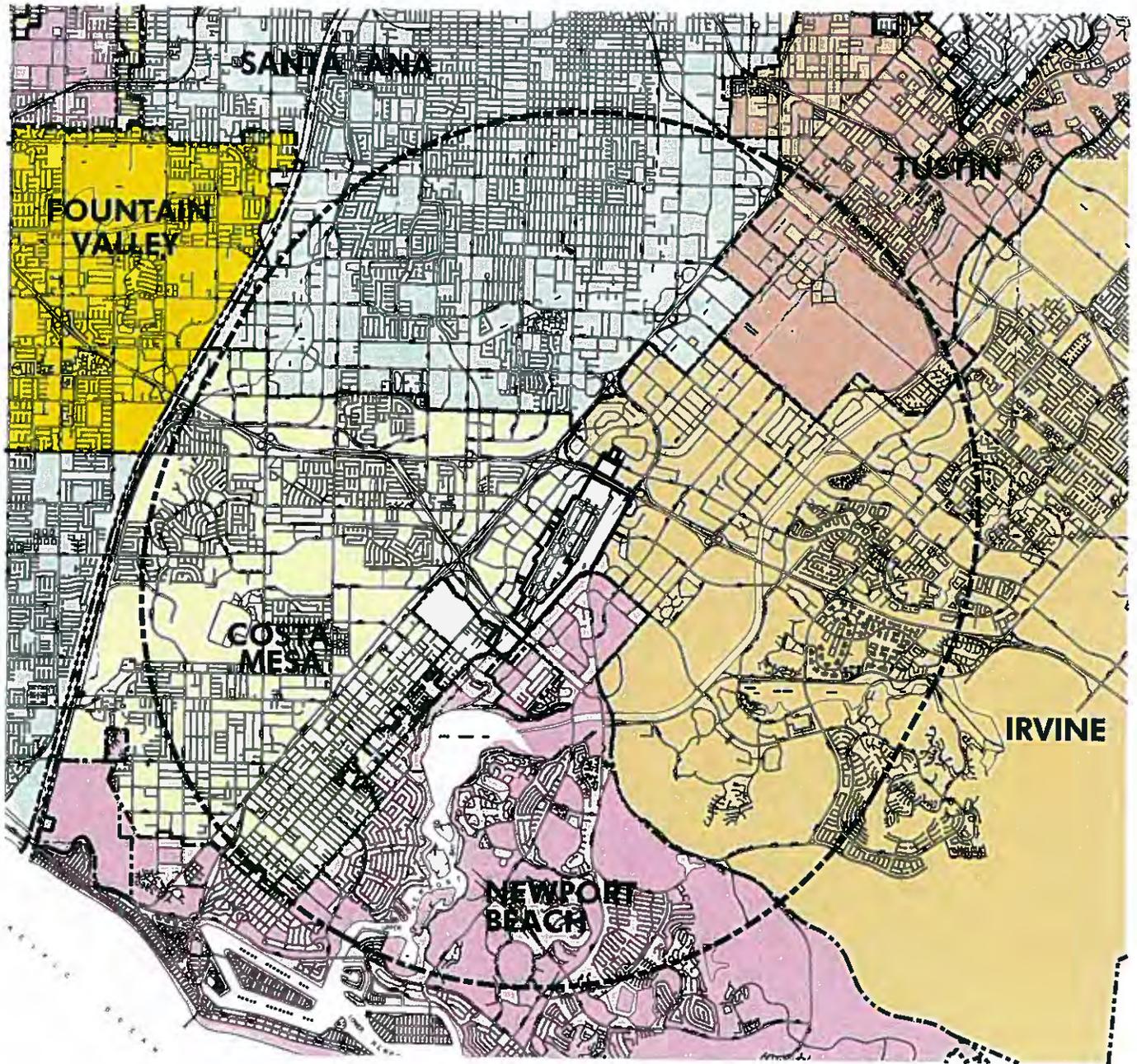
### CERTIFICATION

Adopted by the Airport Land Use Commission for Orange County

*Kari A. Rigi*  
Kari A. Rigi, Executive Officer

*April 17, 2008*  
Date

# AELUP Notification Area for JWA



Note: County Unincorporated areas are shown in white.

## FAR PART 77

Notification Area for John Wayne Airport: 20,000' Radius at 100:1 Slope

### LEGEND

- 20,000' Radius
- - - - CITY BOUNDARIES
- AIRPORT BOUNDARIES

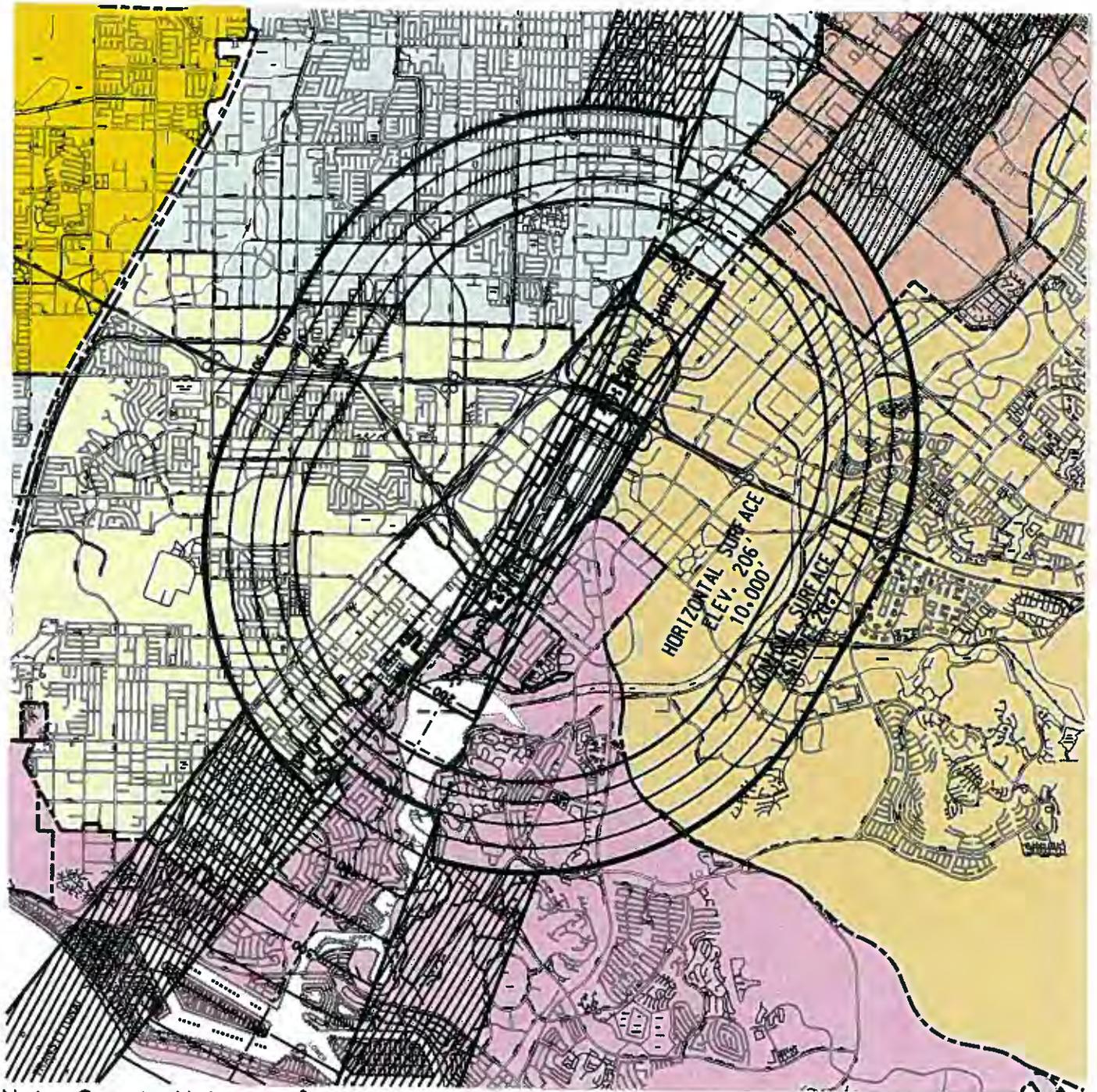


Scale in Feet

### CERTIFICATION

Adopted by the Airport Land Use Commission for Orange County

*Kari A. Rigoni* April 17, 2008  
Kari A. Rigoni, Executive Officer Date



Note: County Unincorporated areas are shown in white.

## FAR PART 77

### John Wayne Airport Obstruction Imaginary Surfaces

**LEGEND**

- CITY BOUNDARIES
- AIRPORT BOUNDARIES

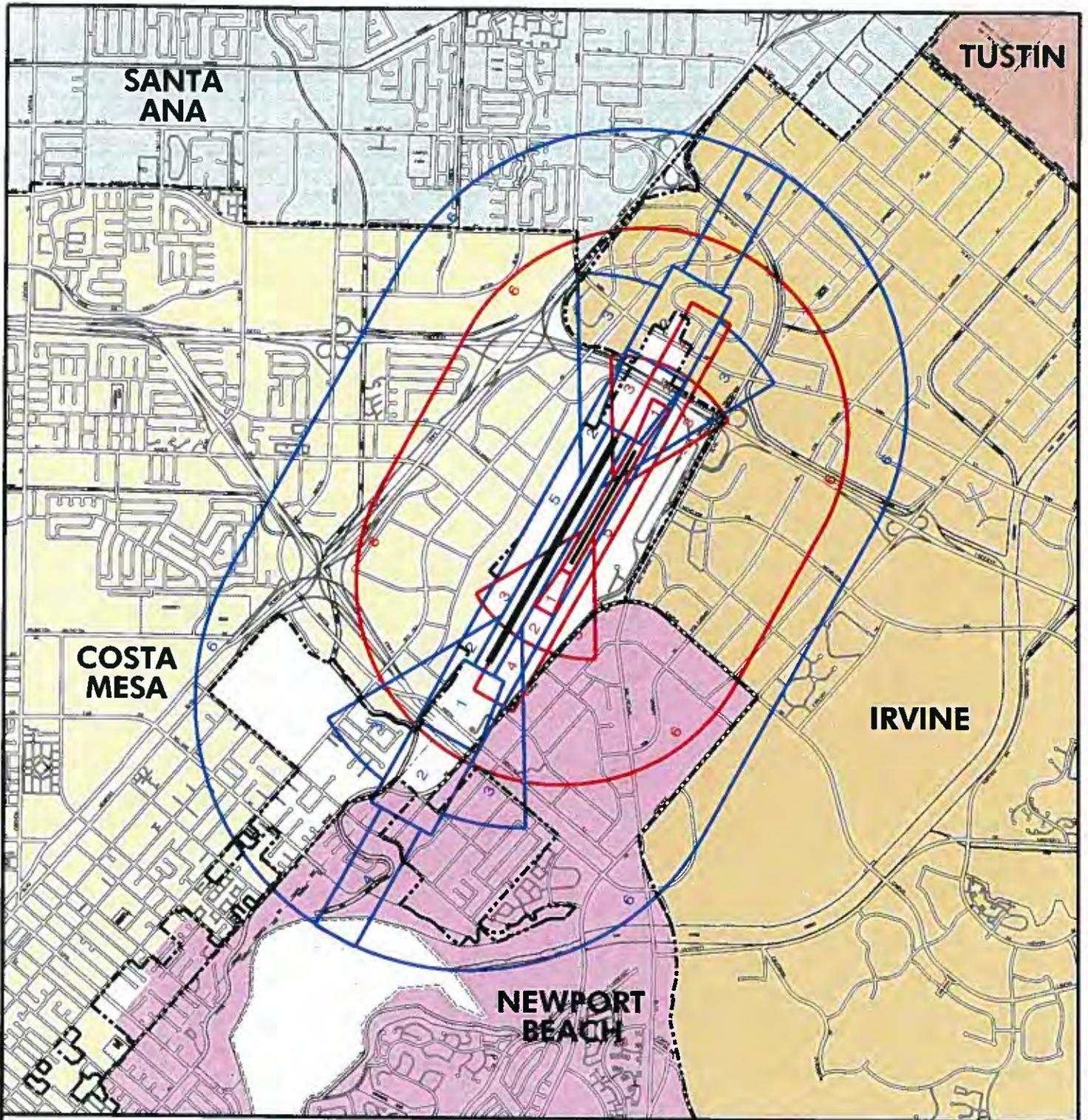


**CERTIFICATION**

Adopted by the Airport Land Use Commission for Orange County

*Kari A. Rigoni* April 17, 2008  
 Kari A. Rigoni, Executive Officer Date





## John Wayne Airport Safety Zone Reference Map

### LEGEND

- 1 RUNWAY PROTECTION ZONE
- 2 INNER APPROACH /DEPARTURE ZONE
- 3 INNER TURNING ZONE
- 4 OUTER APPROACH /DEPARTURE ZONE
- 5 SIDELINE ZONE
- 6 TRAFFIC PATTERN ZONE



SAFETY COMPATIBILITY ZONES FOR RUNWAY 1L & 19R (A MEDIUM GENERAL AVIATION RUNWAY AS DESCRIBED IN THE CALIFORNIA AIRPORT LAND USE PLANNING HANDBOOK, JANUARY 2002 EDITION)



SAFETY COMPATIBILITY ZONES FOR RUNWAY 1R & 19L (A SHORT GENERAL AVIATION RUNWAY AS DESCRIBED IN THE CALIFORNIA AIRPORT LAND USE PLANNING HANDBOOK, JANUARY 2002 EDITION)



Scale in Feet  
0 100 200 300

### CERTIFICATION

Adopted by the Airport Land Use Commission for Orange County

*Kari A. Rigoni* April 17, 2008  
Kari A. Rigoni, Executive Officer Date

<p><b>Zone 1: Runway Protection Zone</b></p>	
<p><i>Risk Factors / Runway Proximity</i></p> <ul style="list-style-type: none"> <li>➤ Very high risk</li> <li>➤ Runway protection zone as defined by FAA criteria</li> <li>➤ For military airports, clear zones as defined by AICUZ criteria</li> </ul>	<p><i>Basic Compatibility Qualities</i></p> <ul style="list-style-type: none"> <li>➤ Airport ownership of property encouraged</li> <li>➤ Prohibit all new structures</li> <li>➤ Prohibit residential land uses</li> <li>➤ Avoid nonresidential uses except if very low intensity in character and confined to the sides and outer end of the area</li> </ul>
<p><b>Zone 2: Inner Approach/Departure Zone</b></p>	
<p><i>Risk Factors / Runway Proximity</i></p> <ul style="list-style-type: none"> <li>➤ Substantial risk: RPZs together with inner safety zones encompass 30% to 50% of near-airport aircraft accident sites (air carrier and general aviation)</li> <li>➤ Zone extends beyond and, if RPZ is narrow, along sides of RPZ</li> <li>➤ Encompasses areas overflown at low altitudes — typically only 200 to 400 feet above runway elevation</li> </ul>	<p><i>Basic Compatibility Qualities</i></p> <ul style="list-style-type: none"> <li>➤ Prohibit residential uses except on large, agricultural parcels</li> <li>➤ Limit nonresidential uses to activities which attract few people (uses such as shopping centers, most eating establishments, theaters, meeting halls, multi-story office buildings, and labor-intensive manufacturing plants unacceptable)</li> <li>➤ Prohibit children's schools, day care centers, hospitals, nursing homes</li> <li>➤ Prohibit hazardous uses (e.g. aboveground bulk fuel storage)</li> </ul>
<p><b>Zone 3: Inner Turning Zone</b></p>	
<p><i>Risk Factors / Runway Proximity</i></p> <ul style="list-style-type: none"> <li>➤ Zone primarily applicable to general aviation airports</li> <li>➤ Encompasses locations where aircraft are typically turning from the base to final approach legs of the standard traffic pattern and are descending from traffic pattern altitude</li> <li>➤ Zone also includes the area where departing aircraft normally complete the transition from takeoff power and flap settings to a climb mode and have begun to turn to their en route heading</li> </ul>	<p><i>Basic Compatibility Qualities</i></p> <ul style="list-style-type: none"> <li>➤ Limit residential uses to very low densities (if not deemed unacceptable because of noise)</li> <li>➤ Avoid nonresidential uses having moderate or higher usage intensities (e.g., major shopping centers, fast food restaurants, theaters, meeting halls, buildings with more than three aboveground habitable floors are generally unacceptable)</li> <li>➤ Prohibit children's schools, large day care centers, hospitals, nursing homes</li> <li>➤ Avoid hazardous uses (e.g. aboveground bulk fuel storage)</li> </ul>

TABLE 9B

## Basic Safety Compatibility Qualities

**Zone 4: Outer Approach/Departure Zone**

*Risk Factors / Runway Proximity*

- Situated along extended runway centerline beyond Zone 3
- Approaching aircraft usually at less than traffic pattern altitude
- Particularly applicable for busy general aviation runways (because of elongated traffic pattern), runways with straight-in instrument approach procedures, and other runways where straight-in or straight-out flight paths are common
- Zone can be reduced in size or eliminated for runways with very-low activity levels

*Basic Compatibility Qualities*

- In undeveloped areas, limit residential uses to very low densities (if not deemed unacceptable because of noise); if alternative uses are impractical, allow higher densities as infill in urban areas
- Limit nonresidential uses as in Zone 3
- Prohibit children's schools, large day care centers, hospitals, nursing homes

**Zone 5: Sideline Zone**

*Risk Factors / Runway Proximity*

- Encompasses close-in area lateral to runways
- Area not normally overflowed; primary risk is with aircraft (especially twins) losing directional control on takeoff
- Area is on airport property at most airports

*Basic Compatibility Qualities*

- Avoid residential uses unless airport related (noise usually also a factor)
- Allow all common aviation-related activities provided that height-limit criteria are met
- Limit other nonresidential uses similarly to Zone 3, but with slightly higher usage intensities
- Prohibit children's schools, large day care centers, hospitals, nursing homes

**Zone 6: Traffic Pattern Zone**

*Risk Factors / Runway Proximity*

- Generally low likelihood of accident occurrence at most airports; risk concern primarily is with uses for which potential consequences are severe
- Zone includes all other portions of regular traffic patterns and pattern entry routes

*Basic Compatibility Qualities*

- Allow residential uses
- Allow most nonresidential uses; prohibit outdoor stadiums and similar uses with very high intensities
- Avoid children's schools, large day care centers, hospitals, nursing homes

**Definitions**

As used in this table, the follow meanings are intended:

- *Allow*: Use is acceptable
- *Limit*: Use is acceptable only if density/intensity restrictions are met
- *Avoid*: Use generally should not be permitted unless no feasible alternative is available
- *Prohibit*: Use should not be permitted under any circumstances
- *Children's Schools*: Through grade 12
- *Large Day Care Centers*: Commercial facilities as defined in accordance with state law; for the purposes here, family day care homes and noncommercial facilities ancillary to a place of business are generally allowed.
- *Aboveground Bulk Storage of Fuel*: Tank size greater than 6,000 gallons (this suggested criterion is based on Uniform Fire Code criteria which are more stringent for larger tank sizes)

**TABLE 9B** CONTINUED

**ATTACHMENT B**

**PACIFIC SOUTHWEST, REGION 9 SOLE SOURCE AQUIFERS**



**Pacific Southwest, Region 9**

Serving: Arizona, California, Hawaii, Nevada, Pacific Islands, Tribal Nations

**Ground Water**

Ground Water Quick Finder

[Ground Water Home](#)  
[Class V Wells](#)  
[Cesspools in Hawaii](#)

[Onsite Sewage Treatment Permits](#)

[Sole Source Aquifer Source Water Protection](#)

[Tribal Water Protection Underground Injection Wells](#)

**Sole Source Aquifer**

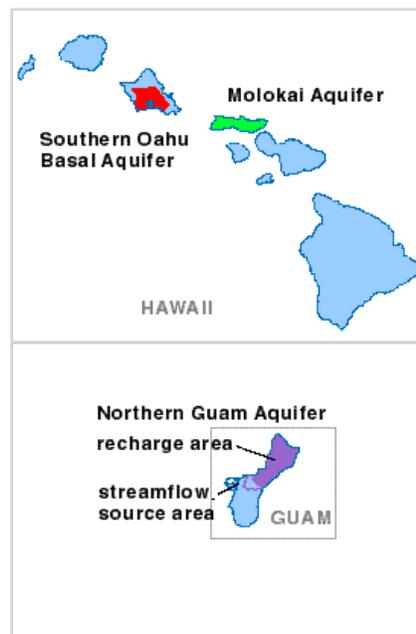
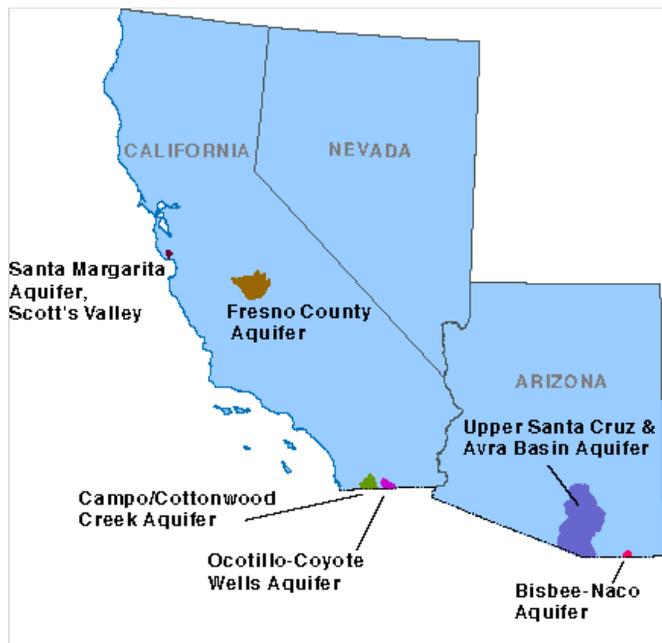
The EPA's Sole Source Aquifer (SSA) Program was established under Section 1424(e) of the Safe Drinking Water Act (SDWA.) Since 1977, it has been used by communities to help prevent contamination of groundwater from federally-funded projects. It has increased public awareness of the vulnerability of groundwater resources. The SSA program allows for [EPA environmental review \(PDE\)](#) (1pg, 34K) of any project which is financially assisted by federal grants or federal loan guarantees. These projects are evaluated to determine whether they have the potential to contaminate a sole source aquifer.

National Links

[EPA Ground Water & Drinking Water Home](#)

You will need Adobe Reader to view some of the files on this page. See [EPA's PDF page](#) to learn more about PDF, and for a link to the free Adobe Reader.

In Region 9, nine sole source aquifers have been designated:



**Maps**

Click [here for a national layer](#) including all available coverage for [Sole Source Aquifers \(SSA\)](#) that can be used in Geographic Information Systems (GIS)

State	Sole Source Aquifer Name	Federal Reg. Cit	Publ. Date	Map
AZ	Upper Santa Cruz & Avra Basin Aquifer	49 FR 2948	01/24/84	<a href="#">KMZ</a> <a href="#">PDE</a> (1 pg, 1.3M)
AZ	Bisbee-Naco Aquifer	53 FR 38337	09/30/88	<a href="#">KMZ</a> <a href="#">PDE</a> (1 pg, 175K)
CA	Fresno County Aquifer	44 FR 52751	09/10/79	<a href="#">KMZ</a> <a href="#">PDE</a> (1 pg, 1.3M)
CA	Santa Margarita Aquifer, Scotts Valley	50 FR 2023	01/14/85	<a href="#">KMZ</a> <a href="#">PDE</a> (1 pg, 434K)
CA	Campo/Cottonwood Creek	58 FR 31024	05/28/93	<a href="#">KMZ</a> <a href="#">PDE</a> (1 pg, 321K)
CA	Ocotillo-Coyote Wells Aquifer	61 FR 47752	09/10/96	<a href="#">KMZ</a> <a href="#">PDE</a> (1 pg, 337K)
GU	Northern Guam Aquifer System	43 FR 17867	04/26/78	<a href="#">KMZ</a> <a href="#">PDE</a> (1 pg, 400K)

State	Sole Source Aquifer Name	Federal Reg. Cit	Publ. Date	Map
HI	Southern Oahu Basal Aquifer	52 FR 45496	11/30/87	<a href="#">KMZ</a> <a href="#">PDE</a> (1 pg, 716K)
HI	Molokai Aquifer	59 FR 23063	04/20/93	<a href="#">KMZ</a> <a href="#">PDE</a> (1 pg, 146K)

A map of all nationally designated SSAs is also [available on the Source Water Protection Publications Database](#).

For more information, please contact the Ground Water Office at 415-972-3971 or visit the national [EPA Sole Source Aquifer Program](#) site.

### Outreach Documents

[Sole Source Aquifer Fact Sheet \(PDF\)](#) (1pg, 34K)

For Project Planners: [What to submit for EPA review of proposed projects \(PDF\)](#) (1pg, 34K)

### Contact Information

See the [Sole Source Aquifer section](#) of the Ground Water contacts page.

Last updated on 9/19/2015

**ATTACHMENT C**

**FLOOD INSURANCE (CEST & EA) WORKSHEET**

**CONTAMINATION AND TOXIC SUBSTANCES  
(MULTIFAMILY AND NON-RESIDENTIAL PROPERTIES)  
WORKSHEET**

**FLOODPLAIN MANAGEMENT (CEST & EA) WORKSHEET**

**HISTORIC PRESERVATION (CEST & EA) WORKSHEET**

## 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

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

## 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)
<b>Reference</b>		
<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>1</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.

**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:**

<sup>1</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.

→ 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>2</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>3</sup>, or use of institutional controls<sup>4</sup>.

---

<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.

**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.*

### **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

## 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

- 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

**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*

- 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.**

**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

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

Yes

No

## 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>
<b>References</b>		
<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 the project consists solely of activities listed as exempt in a Programmatic Agreement (PA). (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.

### **The Section 106 Process**

After determining the need to do a Section 106 review, 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.

Note that consultation continues through all phases of the review.

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:**

**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.

**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:**

**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](#).

#### 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.**

→ *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