



**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:** Residential Rehabilitation Program (Minor Home Repair)

**Responsible Entity (RE):** City of Pembroke Pines, Florida

**State/Local Identifier:** B-20-MC-12-0040

**RE Preparer:** Peter J. Neiger, Civitas LLC – [pete.neiger@civitassc.com](mailto:pete.neiger@civitassc.com)

**Certifying Officer:** Charles F. Dodge, City Manager

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

**Point of Contact:**

Joseph Yaciuk, AICP  
Planning Administrator  
Planning and Economic Development Department  
601 City Center Way 3rd Floor  
Pembroke Pines, FL 33025

954-392-2100

**Consultant** (if applicable): Civitas, LLC

**Project Location:** Citywide

**Additional Location Information:** There are no geographic restrictions on participation in this program. Project activities will be determined based on need and funding availability.

**Description of the Proposed Project [24 CFR 50.12 & 58.32; 40 CFR 1508.25]:** The Pembroke Pines Residential Rehabilitation Program provides minor home repairs to low and moderate income households. These repairs correct conditions that pose a threat to the health, safety, and welfare of the household occupants. Properties located within 2,500 feet of an airport runway or within 600 feet of an eagle's nest are not eligible for this program. Applicants who are ineligible due to the vicinity of an airport runway or eagle's nest will be analyzed in a separate review.

**Approximate size of the project area:** Project area is limited to the property where the unit receiving rehabilitation is located. Estimates are not available for the Broad Level review but project area size will be included with each Site Specific review.

**Length of time covered by this review:** 5 Years

**Maximum number of dwelling units or lots addressed by this tiered review:** 125 units

**Level of Environmental Review Determination:**

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

*(3) Rehabilitation of buildings and improvements when the following conditions are met:*

*(i) In the case of a building for residential use (with one to four units), the density is not increased beyond four units, and the land use is not changed;*

**Funding Information**

Grant Number	HUD Program	Funding Amount
B-20-MC-12-0040	CDBG	\$272,455
	HOME	\$188,000

**Estimated Total HUD Funded Amount:**

CDBG: \$3,700,000

HOME: \$940,000

**Total: \$4,640,000**

**Estimated Total Project Cost (HUD and non-HUD funds) [24 CFR 58.32(d)]:** \$272,455

CDBG: \$3,700,000

HOME: \$940,000

SHIP: \$6,300,000

**Total: \$10,940,000**

**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>
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<b>STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR 50.4 &amp; 58.6</b>		
<p><b>Airport Hazards</b></p> <p>24 CFR Part 51 Subpart D</p>	<p>Yes No</p> <p><input checked="" type="checkbox"/> <input type="checkbox"/></p>	<p>Due to the nature of this project it is <b><u>in compliance</u></b> with this factor. The City of Pembroke Pines includes one airport within its jurisdiction, North Perry Airport. Locations within 2,500 feet of the airport's runway are not eligible for this program.</p> <p>Supporting Document:</p> <ul style="list-style-type: none"> <li>- Ineligible Area Map - Airport</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>Due to the location of this project it is <b><u>in compliance</u></b> with this factor. The City of Pembroke Pines does not include any Coastal Barrier Resources Units within the project area.</p> <p>Supporting Document:</p> <ul style="list-style-type: none"> <li>- CBRS Unit Map</li> </ul>
<p><b>Flood Insurance</b></p> <p>Flood Disaster Protection Act of 1973 and National Flood Insurance Reform Act of 1994 [42 USC 4001-4128 and 42 USC 5154a]</p>	<p>Yes No</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/></p>	<p>Due to the nature of this program <b><u>compliance cannot be determined</u></b> for this factor at the broad level. Flood insurance will be maintained for the life of the project for each location. The City of Pembroke Pines includes multiple Special Flood Hazard Areas. Compliance with this factor will be determined in the Tier II Site Specific Review.</p> <p>Supporting Document:</p> <ul style="list-style-type: none"> <li>- Tier II Strategy</li> <li>- Tier II Checklist</li> </ul>
<b>STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR §58.5</b>		
<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>Do to the location of this project it is <b><u>in compliance</u></b> with this factor. The City of Pembroke Pines is located within Broward County. Broward County is in attainment for all pollutants under the Clean Air Act.</p> <p>Supporting Document:</p> <ul style="list-style-type: none"> <li>- Broward County Clean Air Status Map</li> </ul>
<p><b>Coastal Zone Management</b></p>	<p>Yes No</p>	<p>Do to the nature of this project <b><u>compliance cannot be determined</u></b> for this factor at the</p>

<p>Coastal Zone Management Act, sections 307(c) &amp; (d)</p>	<p><input type="checkbox"/> <input checked="" type="checkbox"/></p>	<p>broad level. Consultation with the Florida State Clearinghouse will be conducted upon the identification of potential sites in the Tier II Site Specific Review.</p> <p>Supporting Document:</p> <ul style="list-style-type: none"> <li>- Tier II Strategy</li> <li>- Tier II Checklist</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 <input type="checkbox"/> <input checked="" type="checkbox"/></p>	<p>Do to the nature of this project <b><u>compliance cannot be determined</u></b> for this factor at the broad level. The potential impact of contaminants on the project can only be determined when the location of the activities is known. An analysis of potential contaminants and toxic substances will be completed during the Tier II Site Specific Review.</p> <p>Supporting Document:</p> <ul style="list-style-type: none"> <li>- Tier II Strategy</li> <li>- Tier II Checklist</li> </ul>
<p><b>Endangered Species</b></p> <p>Endangered Species Act of 1973, particularly section 7; 50 CFR Part 402</p>	<p>Yes No <input checked="" type="checkbox"/> <input type="checkbox"/></p>	<p>Do to the completion of an Endangered Species Analysis it has been determined that this project is <b><u>in compliance</u></b> with this factor. Consultation with the US Fish &amp; Wildlife through the iPac system determined that this project may move forward. Within Pembroke Pines is one bald eagle nest, BO002. Properties within 600 feet of this nest are ineligible for this program.</p> <p>Supporting Document:</p> <ul style="list-style-type: none"> <li>- US Fish and Wildlife Consistency Letter</li> <li>- US Fish and Wildlife Clearance to Proceed</li> <li>- Florida Fish and Wildlife Conservation Commission Eagle Nest Map</li> <li>- Ineligible Area Map – Bald Eagle</li> </ul>
<p><b>Explosive and Flammable Hazards</b></p> <p>24 CFR Part 51 Subpart C</p>	<p>Yes No <input checked="" type="checkbox"/> <input type="checkbox"/></p>	<p>Due to the nature of this project it is <b><u>in compliance</u></b> with this factor. Project activities do not include a hazardous facility, development, construction, rehabilitation that will increase residential density, or land type conversion.</p>

		Supporting Document: - HUD Explosive and Flammable Hazards Worksheet
<b>Farmlands Protection</b>  Farmland Protection Policy Act of 1981, particularly sections 1504(b) and 1541; 7 CFR Part 658	Yes No <input checked="" type="checkbox"/> <input type="checkbox"/>	Due to the nature of this project it is <b><u>in compliance</u></b> with this factor. Project activities do not include new construction, acquisition of undeveloped land or conversion that could convert agricultural land to non-agricultural land.  Supporting Document: - HUD Farmlands Protection Worksheet
<b>Floodplain Management</b>  Executive Order 11988, particularly section 2(a); 24 CFR Part 55	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	Do to the location of this project <b><u>compliance cannot be determined</u></b> for this factor at the broad level. The project area includes residential properties in 100-Year Special Flood Hazard Areas and compliance measures cannot be determined until project locations are known.  Supporting Document: - Tier II Strategy - Tier II Checklist
<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 checked="" type="checkbox"/>	Due to the nature of this project <b><u>compliance cannot be determined</u></b> for this factor during the Broad Level Review. Compliance with this factor will be determined during the Tier II Site Specific process.  Supporting Document: - Tier II Strategy - Tier II Checklist
<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 checked="" type="checkbox"/>	Due to the nature of this program <b><u>compliance cannot be determined</u></b> for this factor at the Broad Level. When project locations and specific rehab activities have been determined an analysis will be completed to ensure compliance with this factor. All documentation will be included in the Tier II Site Specific Review.  Supporting Document: - Tier II Strategy - Tier II Checklist

<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</p> <p><input checked="" type="checkbox"/> <input type="checkbox"/></p>	<p>Due to a memorandum of understanding between HUD and the EPA, this project is <b><u>in compliance</u></b> with this factor. This project is located in the Biscayne Sole Source Aquifer but the activities have been determined to have no impact on the aquifer.</p> <p>Supporting Document:</p> <ul style="list-style-type: none"> <li>- Sole Source Aquifer Map</li> <li>- Memorandum of Understanding Between the EPA Region 4 and HUD Region 4</li> </ul>
<p><b>Wetlands Protection</b></p> <p>Executive Order 11990, particularly sections 2 and 5</p>	<p>Yes No</p> <p><input checked="" type="checkbox"/> <input type="checkbox"/></p>	<p>Due to the nature of this project it is <b><u>in compliance</u></b> with this factor. Project does not include any activities that meet the definition of “new construction” as defined in Executive Order 11990.</p> <p>Supporting Document:</p> <ul style="list-style-type: none"> <li>- HUD Wetlands Protection Worksheet</li> </ul>
<p><b>Wild and Scenic Rivers</b></p> <p>Wild and Scenic Rivers Act of 1968, particularly section 7(b) and (c)</p>	<p>Yes No</p> <p><input checked="" type="checkbox"/> <input type="checkbox"/></p>	<p>Due to the location of this project it is <b><u>in compliance</u></b> with this factor. The City of Pembroke Pines does not include any relevant rivers within the City.</p> <p>Supporting Document:</p> <ul style="list-style-type: none"> <li>- Wild and Scenic Rivers Map</li> <li>- Study Rivers List</li> <li>- National Rivers Inventory List</li> </ul>
<p><b>ENVIRONMENTAL JUSTICE</b></p>		
<p><b>Environmental Justice</b></p> <p>Executive Order 12898</p>	<p>Yes No</p> <p><input checked="" type="checkbox"/> <input type="checkbox"/></p>	<p>Due to the nature of this project it is <b><u>in compliance</u></b> with this factor. This project does not include any activities with the potential to negatively impact residents.</p> <p>Supporting Document:</p> <ul style="list-style-type: none"> <li>- HUD Environmental Justice Worksheet</li> </ul>

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: 3/20/2020

Name/Title/Organization: Peter J. Neiger, Environmental Review Specialist, Civitas LLC

Responsible Entity Agency Official Signature:

Date: 4/20/20

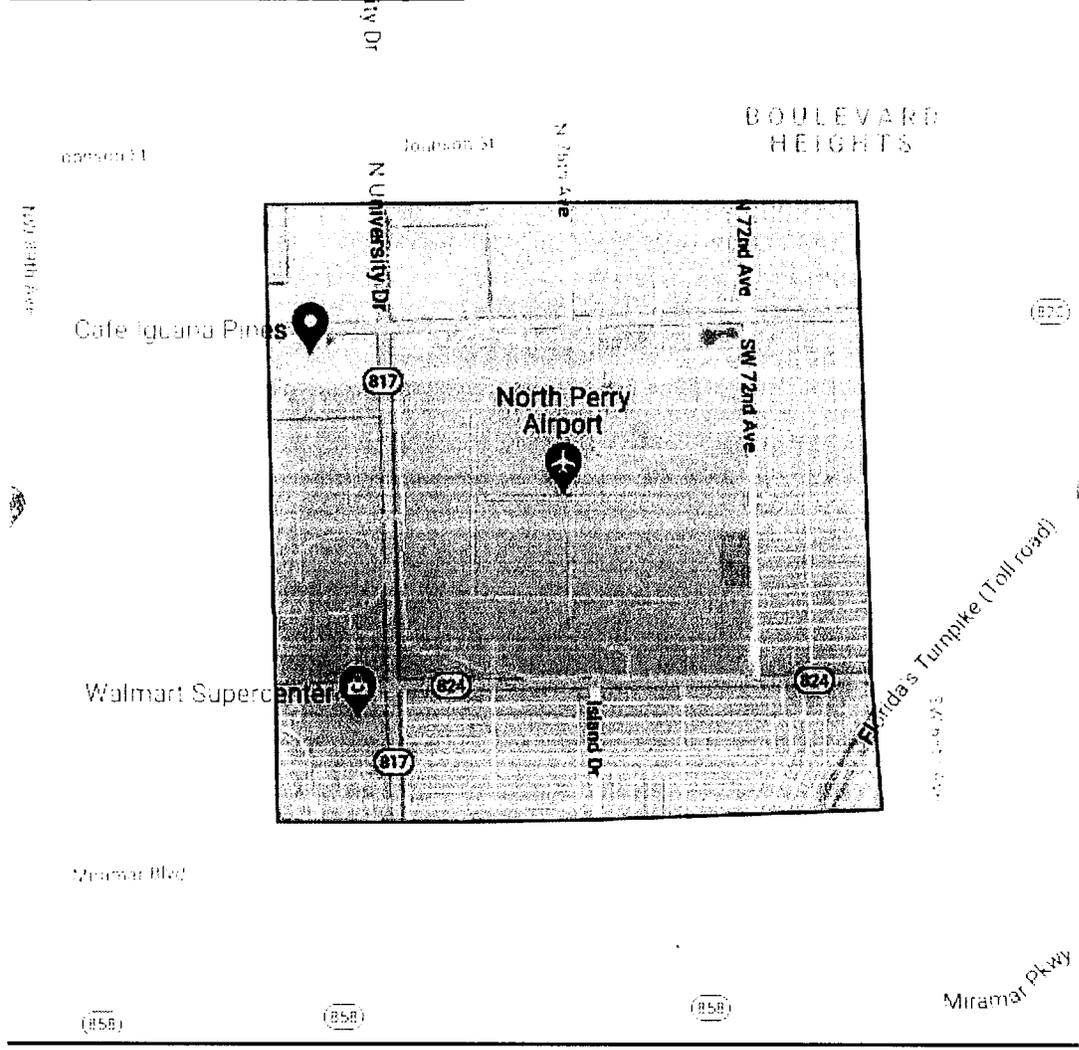
Name/Title: Charles J. Dodge

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.**



# Ineligible Area Map - Airport



# CBRS Unit Map

CBRS Mapper □ ×

**Coastal Barrier Resources System Mapper**  
U.S. Fish & Wildlife Service

BASEMAPS > + **Measure** -

MAP LAYERS >

CBRS Units ?  
[Click here to learn more about CBRS Units](#)

CBRS Prohibitions

Otherwise Protected Area

System Unit

LEGEND

FL-20

Dania E

Pembroke Pines

West Park

Miramar

Lake Lucerne

Norland

Carol City

Miami Gardens

Miami Lakes

Opa Locka

North Miami

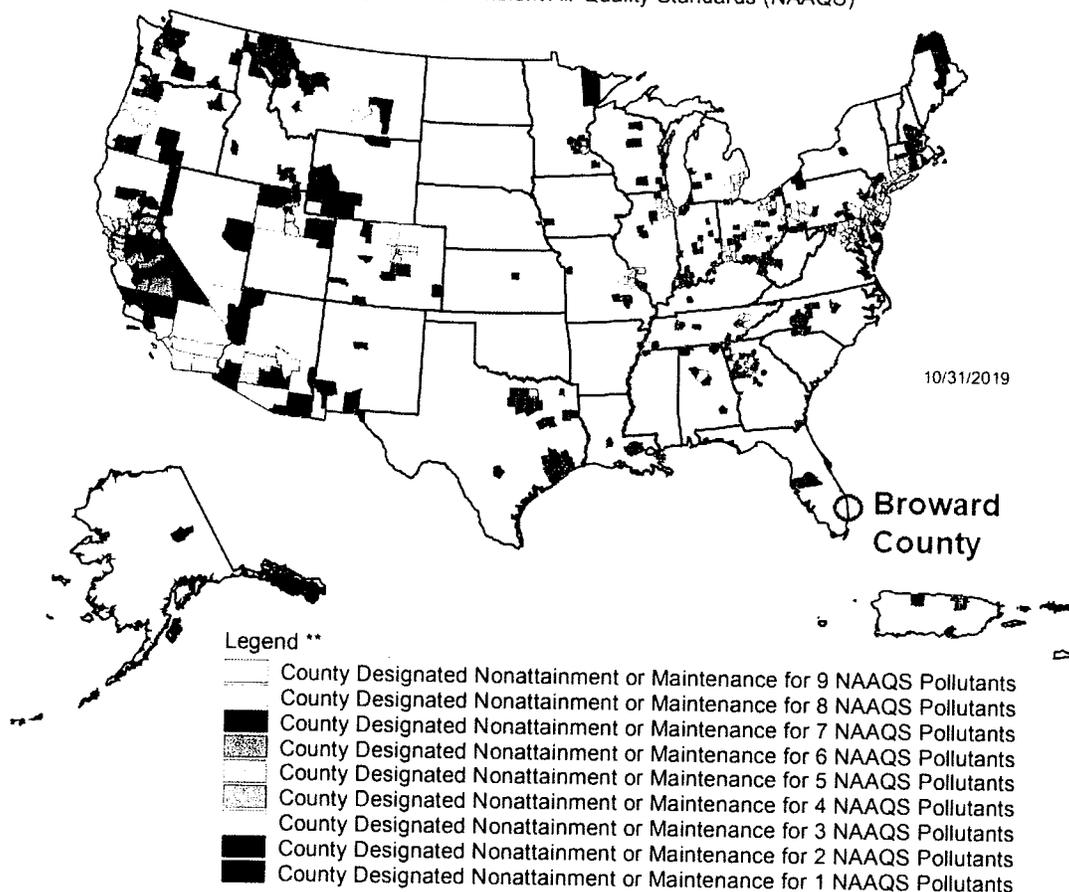
Sunny Isles Beach

FL-21P

Bay Harbor Islands

## Broward County Clean Air Status Map

### Counties Designated "Nonattainment" or "Maintenance" for Clean Air Act's National Ambient Air Quality Standards (NAAQS) \*



Guam - Piti and Tanguisson power stations are designated nonattainment for the SO<sub>2</sub> (1971) NAAQS  
 Piti and Cabras power stations are designated nonattainment for the SO<sub>2</sub> (2010) NAAQS

\* The National Ambient Air Quality Standards (NAAQS) are health standards for Carbon Monoxide, Lead (1978 and 2008), Nitrogen Dioxide, 8-hour Ozone (2008), Particulate Matter (PM-10 and PM-2.5 (1997, 2006 and 2012), and Sulfur Dioxide. (1971 and 2010)

\*\* Included in the counts are counties designated for NAAQS and revised NAAQS pollutants. Revoked 1-hour (1979) and 8-hour Ozone (1997) are excluded. Partial counties, those with part of the county designated nonattainment and part attainment, are shown as full counties on the map.

# US Fish and Wildlife Consistency Letter



## United States Department of the Interior

FISH AND WILDLIFE SERVICE  
South Florida Ecological Services Field Office  
1339 20th Street  
Vero Beach, FL 32960-3559  
Phone: (772) 562-3909 Fax: (772) 562-4288  
<http://fws.gov/verobeach>



IPaC Record Locator: 969-20870082

March 19, 2020

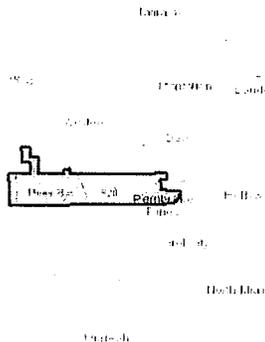
***Please provide this document to the Federal agency or their designee with your loan/grant application.***

Subject: Consistency letter for the project named 'Pembroke Pines Minor Rehabilitation Program' for specified threatened and endangered species that may occur in your proposed project location, pursuant to the IPaC determination key titled 'Clearance to Proceed with Federally-Insured Loan and Grant Project Requests'.

To whom it may concern:

On March 19, 2020, Pete Neiger used the IPaC determination key 'Clearance to Proceed with Federally-Insured Loan and Grant Project Requests'; dated December 01, 2016, in the U.S. Fish and Wildlife Service's online [IPaC tool](#) to evaluate potential impacts to listed species from a project named 'Pembroke Pines Minor Rehabilitation Program' in Broward County, Florida (shown below):

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/place/26.02716406293219N80.3376074350163W>



The following description was provided for the project 'Pembroke Pines Minor Rehabilitation Program':

The Pembroke Pines Residential Rehabilitation Program provides minor home repairs to low and moderate income households. These repairs correct conditions that pose a threat to the health, safety, and welfare of the household occupants.

Based on your answers provided, the proposed project is unlikely to have any detrimental effects to federally-listed species or critical habitat. Therefore, per this guidance, Pete Neiger has determined that Pembroke Pines Minor Rehabilitation Program will have No Effect on the species listed below.

This letter serves as documentation of your consideration of endangered species, bald eagles, and migratory birds. No further coordination with the Service is necessary.

Please be advised that, if later modifications are made to the project that do not meet the criteria described above, if additional information involving potential effects to listed species becomes available, or if a new species is listed, reinitiation of consultation may be necessary.

#### **Mammals**

- Florida Bonneted Bat, *Eumops floridanus* (Endangered)
- Florida Panther, *Puma (=Felis) concolor coryi* (Endangered)
- Puma (=mountain Lion), *Puma (=Felis) concolor (all subsp. except coryi)* (Similarity of Appearance (Threatened))
- Southeastern Beach Mouse, *Peromyscus polionotus niveiventris* (Threatened)

#### **Birds**

- Audubon's Crested Caracara, *Polyborus plancus audubonii* (Threatened)
- Everglade Snail Kite, *Rostrhamus sociabilis plumbeus* (Endangered)
- Ivory-billed Woodpecker, *Campephilus principalis* (Endangered)
- Red Knot, *Calidris canutus rufa* (Threatened)
- Wood Stork, *Mycteria americana* (Threatened)

#### **Reptiles**

- American Alligator, *Alligator mississippiensis* (Similarity of Appearance (Threatened))
- Eastern Indigo Snake, *Drymarchon corais couperi* (Threatened)
- Hawksbill Sea Turtle, *Eretmochelys imbricata* (Endangered)
- Leatherback Sea Turtle, *Dermochelys coriacea* (Endangered)
- Loggerhead Sea Turtle, *Caretta caretta* (Threatened)

**Insects**

- Bartram's Hairstreak Butterfly, *Strymon acis bartrami* (Endangered)
- Florida Leafwing Butterfly, *Anaea troglodyta floridalis* (Endangered)
- Miami Blue Butterfly, *Cyclargus (=Hemiargus) thomasi bethunebakeri* (Endangered)

**Flowering Plants**

- Beach Jacquemontia, *Jacquemontia reclinata* (Endangered)
- Tiny Polygala, *Polygala smallii* (Endangered)

**Additional considerations for non-federally listed species**

- **Bald Eagle Nest Issues.** If any of the above-referenced activities (rehabilitation, demolition, or rebuilding) are proposed to occur **within 660 feet** of an active or alternate bald eagle (*Haliaeetus leucocephalus*) nest during the nesting season (October 1 through May 15), we recommend the applicant or their designated agent coordinate with the Florida Fish and Wildlife Conservation Commission (FWC) at <http://rnvfwc.com/license/wildlife/protected-wildlife/eagle-permits/>. Guidance will be provided by the FWC regarding monitoring options or other suggestions regarding construction timing relative to the distance the project is located to the bald eagle's nest and according to any vegetative buffers that may be present between the nest and the construction activities.
- **Migratory Bird Issues.** If any native birds are using the structures for nesting then actions should be taken so as not to disturb the adults, nests, eggs, or chicks as this could lead to a potential violation of the Migratory Bird Treaty Act. If nests are present or any birds are using the structures regularly for roosting purposes, we recommend the applicant or their designated agent coordinate with the appropriate Service office and FWC (<http://rnvfwc.com/license/wildlife/protected-wildlife/contacts/>) so that impacts can be avoided and minimized.

Pete Neiger answered the determination key questions for this project as follows:

1. Is the project entirely within the State of Florida, but **not** within Monroe County?  
**Automatically answered**  
Yes
2. Is the project exclusively a Federal loan transfer, where the original lending or mortgage institutions for existing project are no longer holding the loan and the property is being transferred via a federally-backed loan?  
*No, this is **not** a Federal loan transfer as described above, or includes activities in addition to a Federal loan transfer.*

3. Does the project include a federally-insured loan or federal grant funding?  
*Yes, the project includes a federally-insured loan or federal grant funding.*
4. Is the entire site currently developed/hard-surfaced (i.e., the site consists entirely of existing roads, sidewalks, buildings, driveways, etc., and does not contain any undeveloped and/or vegetated areas)?  
*Yes, the entire site is already developed/hard-surfaced.*
5. Is the federally-insured loan or federal grant funding being used for demolition, rehabilitation, renovation, and/or rebuilding of one or more existing facilities (e.g., residential, commercial and industrial sites, or utilities)?  
*Yes, the project includes Federal funding for work on existing facilities.*
6. Will the project significantly alter the present capacity of an existing structure?  
*No, this project will not alter the present capacity of any existing structure.*
7. Does your project involve structures that are being used by any federally endangered or threatened species (e.g., roosting bonneted bats, denning indigo snakes, etc.) or are there known reports of species using the site?  
*No, the site and/or structure(s) are **not** being used by any federally listed species.*

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**Attachments:**

- Project questionnaire
- Standard manatee construction conditions
- Determination key description: Clearance to Proceed with Federally-Insured Loan and Grant Project Requests
- U.S. Fish & Wildlife Service contact list

## Project Informational Questionnaire

As part of completing the determination key, Pete Neiger provided the following information about their project:

1. Please describe the loan/grant program you are using  
*CDBG*
2. Which Federal Agency is the lead agency providing the funding?  
*U.S. Department of Housing and Urban development (HUD)*
3. Which types of activities you will be conducting:  
*Rehabilitation*
4. Which types of structures this funding will address:  
*Residential – single family*
5. Please describe the activity you will be conducting:  
*The Pembroke Pines Residential Rehabilitation Program provides minor home repairs to low and moderate income households. These repairs correct conditions that pose a threat to the health, safety, and welfare of the household occupants.*
6. How many square feet of facilities will be affected by this project?  
*10000*
7. Are there bald eagles within 660 feet of the site, or migratory birds or bats using structures on the site?  
*None of the above*

## **Determination Key Description: Clearance To Proceed With Federally-Insured Loan And Grant Project Requests**

This key was last updated in IPaC on December 01, 2016. Keys are subject to periodic revision.

This determination key is for all Federally-insured loans, loan transfers, or grant requests for projects that may be completed without requiring additional clearing of undisturbed habitat beyond the original footprint of the existing project. For the purposes of this key, Federal loan transfers are those transfers where the original lending or mortgage institutions for existing projects are no longer holding the loans and the properties are being transferred via federally backed loans. Projects may include demolition, rehabilitation, renovations, and/or rebuilding of existing structures (*e.g.*, commercial buildings, multi-family housing, single-family housing), and various utilities projects such as water and wastewater treatment facilities, sewer or power line repair, etc.

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The U.S. Fish and Wildlife Service is the lead Federal agency charged with the protection and conservation of Federal Trust Resources, such as threatened and endangered species and migratory birds, in accordance with section 7 of the Endangered Species Act of 1973, as amended (Act) (87 Stat. 884; 16 U.S.C. 1531 et seq.), the Bald and Golden Eagle Protection Act, (16 U.S.C. 668-668d) (Eagle Act), and the Migratory Bird Treaty Act (40 Stat. 755; 16 U.S.C. 701 et seq.).

Recently, many Federal agencies have activated programs that have resulted in an increased consumer demand to initiate projects through federally-backed loans and grants, all of which require those same Federal agencies to comply with Section 7 of the Act. Consequently, we have experienced an increase in the number of requests for review of these government-backed loan and grant projects. These include, but are not limited to:

1. U.S. Department of Housing and Urban Development's (HUD) Neighborhood Stabilization and Community Development Block Grant programs, which may be managed by Florida's Department of Economic Opportunity;
2. U.S. Department of Energy's (DOE) Energy Efficiency and Renewable Energy program;
3. U.S. Department of Agriculture's (USDA) Housing Assistance and Rural Development Loan and Grant Assistance programs;
4. U.S. Federal Aviation Administration (FAA) regulatory airport and runway modifications;
5. U.S. Federal Emergency Management Agency's (FEMA) Hazard Mitigation Assistance program; and

6. U.S. Environmental Protection Agency's (EPA) Clean Water State Revolving Fund, managed by Florida Department of Environmental Protection.

In order to fulfill the Act's statutory obligations in a timely and consistent manner, and to assist Federal agencies, State and local governments, and consultants in addressing Section 7 and National Environmental Policy Act (NEPA) environmental impact review requirements, we provide the following guidance and clearance relative to the criteria stated below for Federally-insured loan and grant project requests in all cities and unincorporated areas throughout Florida, with the exception of Monroe County.

This guidance is based on the signed letter U.S. Fish and Wildlife Service Clearance to Proceed with Federally-Insured Loan and Grant Project Requests.

## **U.S. Fish & Wildlife Service Contact List**

### **Determination key office contact information**

**South Florida Ecological Services Field Office**  
1339 20th Street  
Vero Beach, FL 32960-3559  
(772) 562-3909

### **Offices with jurisdiction over project area**

**South Florida Ecological Services Field Office**  
1339 20th Street  
Vero Beach, FL 32960-3559  
(772) 562-3909

## US Fish and Wildlife Clearance to Proceed



### United States Department of the Interior

FISH AND WILDLIFE SERVICE  
South Florida Ecological Services Office  
1339 26<sup>th</sup> Street  
Vero Beach, Florida 32969



### U.S. Fish and Wildlife Service Clearance to Proceed with Federally-Insured Loan and Grant Project Requests

October 25, 2016

#### Background

The U.S. Fish and Wildlife Service (Service) is the lead Federal agency charged with the protection and conservation of Federal Trust Resources, including threatened and endangered species and migratory birds, in accordance with section 7 of the Endangered Species Act of 1973, as amended (Act) (87 Stat. 884; 16 U.S.C. 1531 et seq.), the Bald and Golden Eagle Protection Act, (16 U.S.C. 668-668d) (Eagle Act), and the Migratory Bird Treaty Act (40 Stat. 755; 16 U.S.C. 701 et seq.).

Recently, many Federal agencies have activated programs that have resulted in an increased consumer demand to initiate projects through federally-backed loans and grants, all of which require those same Federal agencies to comply with Section 7 of the Act. Consequently, we have experienced an increase in the number of requests for review of these government-backed loan and grant projects. These include, but are not limited to:

1. U.S. Department of Housing and Urban Development's (HUD) Neighborhood Stabilization and Community Development Block Grant programs, which may be managed by Florida's Department of Economic Opportunity;
2. U.S. Department of Energy's (DOE) Energy Efficiency and Renewable Energy program;
3. U.S. Department of Agriculture's (USDA) Housing Assistance and Rural Development Loan and Grant Assistance programs;
4. U.S. Federal Aviation Administration (FAA) regulatory airport and runway modifications;
5. U.S. Federal Emergency Management Agency's (FEMA) Hazard Mitigation Assistance program; and
6. U.S. Environmental Protection Agency's (EPA) Clean Water State Revolving Fund, managed by Florida Department of Environmental Protection.

In order to fulfill the Act's statutory obligations in a timely and consistent manner, and to assist Federal agencies, State and local governments, and consultants in addressing Section 7 and National Environmental Policy Act (NEPA) environmental impact review requirements, we provide the following guidance and clearance relative to the criteria stated below for federally-insured loan and grant project requests in all cities and unincorporated areas throughout Florida, with the exception of Monroe County.

**Species Lists:**

To acquire a species list for the area where the project is proposed, access the Information for Planning and Conservation (IPaC) website (<https://ecos.fws.gov/ipac/>). The "Review Species and Resources" report contains a list of federally listed threatened and endangered species, critical habitats, migratory birds, wildlife refuges, fish hatcheries, and/or wetlands located in the project footprint, and can help identify trust resources in the general area of the subject property.

**Description of Projects Covered:**

1. Any federally-insured loan or grant request for **existing** commercial, industrial, and residential structures (including multi-family and single-family housing), and various utilities projects (including, but not limited to, demolition, rehabilitation, renovations, and/or rebuilding of water and wastewater treatment facilities, water lines, sewer lines), provided:
  - a. The proposed project can be completed **without** requiring additional clearing of **undeveloped areas** (e.g., native habitat, agricultural areas, pasture, etc.) beyond the original footprint of the existing project in order to complete the action request;
  - b. The proposed project will not significantly alter the present capacity of an existing structure;
  - c. There are no federally endangered or threatened species using the existing structures or within the project area; and
  - d. The project is not within designated critical habitat for any federally listed species (by rule, designated critical habitat does not include already developed parcels).
2. Any Federal loan transfer where the original lending or mortgage institutions for existing projects are no longer holding the loans and the properties are being transferred via federally-backed loans.

**Clearance to Proceed** - We believe these sorts of activities will generally not affect species protected under the Act, based on the criteria referenced above. Therefore, for ALL projects that meet the criteria described above, NO further coordination with the Service is necessary. Use this letter to document your consideration of endangered species and bald eagles.

**Additional Considerations for non-federally listed species:**

- **Bald Eagle Nest Issues.** If any of the above-referenced activities (rehabilitation, demolition, or rebuilding) are proposed to occur **within 660 feet** of an active or alternate bald eagle (*Haliaeetus leucocephalus*) nest **during** the nesting season (October 1 through May 15), we recommend the applicant or their designated agent coordinate with **the** Florida Fish and Wildlife Conservation Commission (FWC) at <http://myfwc.com/license/wildlife/protected-wildlife/eagle-permits/>. Guidance will be provided by the FWC regarding monitoring options or other suggestions regarding construction timing relative to the distance the project is located to the bald eagle's nest and

according to any vegetative buffers that may be present between the nest and the construction activities.

- **Migratory Bird Issues.** If any native birds are using the structures for nesting then actions should be taken so as not to disturb the adults, nests, eggs, or chicks as this could lead to a potential violation of the Migratory Bird Treaty Act. If nests are present or any birds are using the structures regularly for roosting purposes, we recommend the applicant or their designated agent coordinate with the appropriate Service office and FWC ([http://myfwc.com/license/wildlife/protected\\_wildlife\\_contacts](http://myfwc.com/license/wildlife/protected_wildlife_contacts)) so that impacts can be avoided and minimized.

**For projects that do not meet the criteria specified above, and/or meet any of the following:**

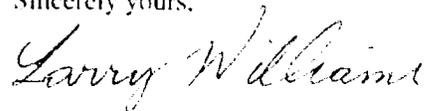
1. The project occurs within designated critical habitat;
2. The project involves new construction;
3. The project requires disturbance of undeveloped areas; and
4. The project is in close proximity to federally listed species, bald eagle nests, and/or migratory bird roosts.

please contact the appropriate Service office for additional assistance (see Service Area map at: <http://www.fws.gov/verobeach/AboutUs.html>).

If later modifications are made to the project that do not meet the criteria described above, if additional information involving potential effects to listed species becomes available, or if a new species is listed, reinitiation of consultation may be necessary.

If you have any questions, please contact us at 772-562-3909. Our agency appreciates your cooperation in the protection of federally-listed species in Florida.

Sincerely yours,



Larry Williams  
State Supervisor for Ecological Services

**Florida Fish and Wildlife Conservation Commission Eagle Nest Map**





## HUD Explosive and Flammable Hazards Worksheet

Portions of this worksheet were removed that were not applicable to this Environmental Review for clarity and conciseness.

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 Subpart 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. Does the proposed HUD-assisted project include 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:**

→ Continue 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.

### 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

Project does not include activities applicable to this factor.

Are formal compliance steps or mitigation required?

Yes

No

## **HUD Farmland Protection Worksheet**

*Portions of this worksheet were removed that were not applicable to this Environmental Review for clarity and conciseness.*

<b>General requirements</b>	<b>Legislation</b>	<b>Regulation</b>
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.)	<u>7 CFR Part 658</u>
<b>Reference</b>		
<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:**

Activities are limited to minor rehabilitation of residential properties in an urban area. There is no potential to impact farmlands.

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

Project does not include activities applicable to this factor.

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

Yes

No

# Sole Source Aquifer Map

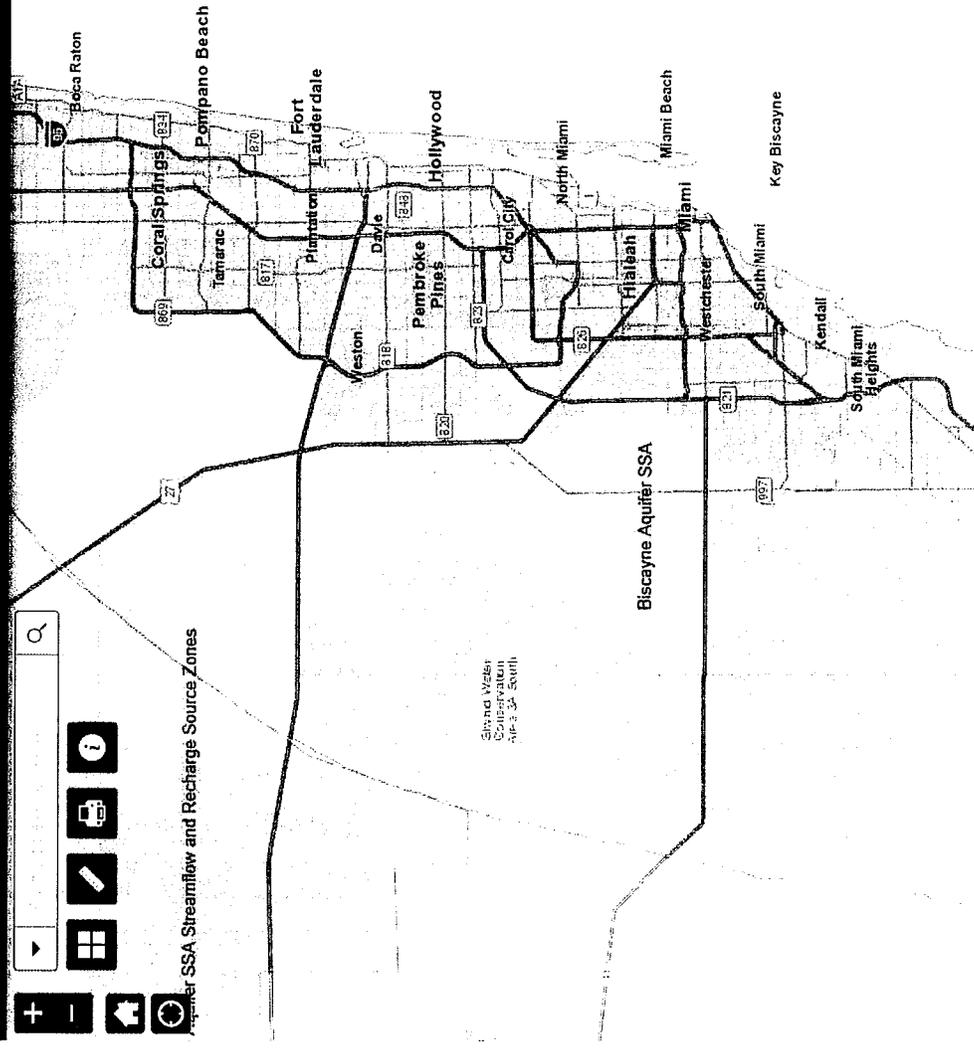
Sole Source Aquifers

Map navigation controls: zoom in (+), zoom out (-), home, refresh, search (Q), and information (i).

Map interaction icons: pan, print, and information.

## Legend

Sole\_Source\_Aquifers



# **Memorandum of Understanding Between the EPA Region 4 & HUD Region 4**

**Memorandum of Understanding Between  
The U.S. Environmental Protection Agency Region 4 and  
The U.S. Department of Housing and Urban Development Region 4  
Regarding the EPA Review of HUD Financial-Assisted Projects Within Sole Source Aquifers**

## **Introduction**

This memorandum of understanding (MOU) is intended to memorialize an understanding between the U.S. Environmental Protection Agency Region 4 (EPA) and the U.S. Department of Housing and Urban Development Region 4 (HUD) concerning the review of proposed Federal financially-assisted projects located in whole or in part in the designated sole source aquifers ("SSAs") in the EPA Region 4 (Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee), which include any recharge zone, streamflow source area, or artesian zone of such SSAs. The most current delineations of these SSAs and their recharge zones are described and depicted on the Region 4 Sole Source Aquifer Webpage, included in **Attachment A** (attached hereto and incorporated herein), and demonstrative maps current as of the signing of this MOU are also included in **Attachment A**.

This MOU is a voluntary agreement that expresses the good-faith intentions of the EPA and HUD, is not intended to be legally binding, does not create any contractual obligations, and is not enforceable by any party. This MOU does not obligate and will not result in an exchange of funds, personnel, property, services, or any kind of financial commitment. This MOU outlines procedures to be followed by HUD in determining which projects should be forwarded to the EPA for review. It also outlines the procedures to be followed and the general criteria the EPA will use in such review.

This MOU does not create any claim, remedy, right, or benefit, substantive or procedural, enforceable by law or equity, by persons who are not a party to this agreement, against HUD or the EPA, their officers or employees, or any other person. This MOU does not apply to any person outside of the EPA and HUD, except that when the environmental review is performed by a Responsible Entity (RE) pursuant to 24 C.F.R. Part 58, HUD will instruct the RE to follow the procedures under this MOU (and any modification thereof by EPA and HUD) during the term of the MOU, unless otherwise instructed by the EPA.

## **Background**

Pursuant to Section 1424(e) of the Safe Drinking Water Act (SDWA), 42 U.S.C. § 300h-3(e), the EPA designated several aquifers located within Region 4 as SSAs because they are the sole or principal drinking water source for their areas and contamination of any of them would create a significant hazard to public health. As such, no commitment for Federal financial assistance may be entered into for any project which the EPA determines may contaminate any of these SSAs so as to create a significant hazard to public health. "Federal financial assistance" includes any financial benefits provided directly as aid to a project by a department, agency, or instrumentality of the Federal government in any form including contracts, grants, and loan guarantees.

HUD administers financial assistance under programs subject to its National Environmental Policy Act (NEPA) implementing regulations in 24 C.F.R. Part 50 (Part 50), Protection and Enhancement of Environmental Quality. HUD is the responsible federal agency for NEPA purposes for these regulations. 24 C.F.R. § 50.4(d) of these regulations requires compliance with Section 1424(e) of the SDWA.

HUD regulations at 24 C.F.R. Part 58 (Part 58), Environmental Review Procedures for Entities Assuming HUD Environmental Responsibilities, set out environmental review procedures that apply when HUD program legislation authorizes the assumption of authority to perform the environmental reviews by REs, which are units of general local government, such as a town, city, or county, or a tribe or state (see 24 C.F.R. 58.1(b) for a list of programs authorized under Part 58). The RE is responsible for the scope and content of the review and making the environmental finding. The certifying officer of the RE, usually the mayor, signs the review and takes legal responsibility for the review. Local governments must assume environmental review responsibility for grants made directly to the local government when legislation permits. They are encouraged to be responsible for the environmental review in cases where the grants are made to other entities, such as nonprofit organizations and public housing authorities; however, HUD will perform the environmental review under 24 C.F.R. Part 50 in such situations if the local government refuses to do so. As in Part 50, 24 C.F.R. § 58.5(d) requires compliance with Section 1424(e) of the SDWA.

### **Goals**

The goals of this MOU are to ensure that each project receiving Federal financial assistance is designed and constructed in a manner that will not contaminate a SSA so as to create a significant hazard to public health, and to formalize the process by which review of Federal financially-assisted projects for impacts to the SSAs is to be coordinated between the EPA and HUD.

### **HUD Responsibilities for Projects Subject to Part 50**

HUD will review projects requesting Federal financial assistance that are subject to the Part 50 regulation to assure that each project located in whole or in part in the SSAs, as depicted on the Region 4 Sole Source Aquifer Webpage, is referred to the EPA Ground Water/UIC GIS Section for review, as follows:

The EPA and HUD agree that projects of the type listed in **Attachment B**, except those that are also of the type listed in **Attachment C** (attached hereto and incorporated herein), would not normally pose a significant hazard to public health through contamination of a SSA, and generally need not be referred to the EPA for review prior to funding or other HUD assistance.

HUD agrees to refer to the EPA for review the types of projects listed in **Attachment C**, which are located in whole or in part within a SSA and or its recharge zone. For any of the proposed projects which are of the types listed in **Attachment C**, HUD will ensure that the following information is submitted to the EPA:

1. A copy of appropriate project application documents, such as plans and specifications. Financial documents such as underwriting and credit check should only be included if requested.
2. Project location and its relationship to the SSAs.
3. Description and objective of project or activity, including project design, materials to be used, and any alteration of natural topography.
4. The contact information, including name, address, email address, and telephone number, of the project lead, for any city or county, state, other federal agency involved in the project.
5. Responses to the “Sole Source Aquifer Project Review Information” questions found in **Attachment D** (attached hereto and incorporated herein).

For any projects receiving Federal financial assistance that are located in whole or in part in a SSA and/or its recharge zone and are of a type not listed in either **Attachment B** or **Attachment C**, HUD agrees to contact the Region 4 Sole Source Aquifer Program Coordinator to allow EPA to determine whether a review is required.

#### **Projects Subject to Part 58**

For projects located in whole or in part within a SSA and/or its recharge zone, as depicted on the Region 4 Sole Source Aquifer Webpage, it is agreed that projects of the types listed in **Attachment B**, except those that are also of the type listed in **Attachment C**, would not normally pose a significant hazard to public health through contamination of a SSA, and generally need not be referred by REs to the EPA for review prior to receiving funding or other HUD financial assistance.

HUD will inform its Part 58 REs in SSA areas of the exclusions in **Attachment B** and the requirement to seek the EPA’s review for the projects of the types listed in **Attachment C** that are located in whole or in part within a SSA or its recharge zone. For projects listed in **Attachment C**, REs will submit the same materials to the EPA that are listed in the section entitled HUD Responsibilities for Projects Subject to Part 50. HUD will also inform its Part 58 REs of the requirement to contact the EPA Region 4 Sole Source Aquifer Program Coordinator to allow the EPA to determine whether a review is required for any projects receiving Federal financial assistance that are located in whole or in part in a SSA and/or its recharge zone and are of a type not listed in either **Attachment B** or **Attachment C**.

**EPA Responsibilities**

The EPA intends to respond to all projects submitted by HUD or REs for review purposes within 30 calendar days. The EPA reserves the right to seek additional information during the review period, and may request, in writing and orally, additional information and/or additional time for completing its review. If the EPA requests additional information, it intends to review and respond to the project within thirty (30) calendar days of receiving the requested information.

If HUD or the RE does not receive a response within thirty (30) calendar days of submitting the project or the additional information to the EPA, HUD or the RE may send written notice to the designated EPA liaison officer (or its successor) explaining that HUD or the RE has not received a response. If HUD does not receive a written request for additional time or information from the EPA within fourteen (14) calendar days of sending such written notice, HUD may elect to proceed with funding and/or approval of the project. HUD will not commit funds to a project before notifying the EPA that the initial thirty (30) day review period has concluded.

The EPA will notify the HUD liaison officer within thirty (30) days of designating any additional SSAs.

**General Procedural Matters**

Materials submitted to the EPA under this MOU will be furnished through the EPA Sole Source Aquifer project review website. If unavailable, materials should be furnished either by mail to: ATTN: Region 4 Sole Source Aquifer Program Coordinator, U.S. Environmental Protection Agency Region 4, Water Division, Ground Water, UIC & GIS Section, 61 Forsyth St. SW, Atlanta, Georgia 30303-8960, or by any other means directed by the EPA.

The EPA and HUD will each assign a liaison officer to serve as a central contact point and to be responsible for maintaining communications as to procedures and activities of their respective agency. The liaison officers are:

HUD: Regional Environmental Officer, U.S. Department of Housing and Urban Development, Office of Energy and Environment, 40 Marietta Street, Atlanta, Georgia 30303-2806

EPA: Sole Source Aquifer Program Coordinator, U.S. Environmental Protection Agency Region 4, Water Division, Ground Water, UIC & GIS Section, 61 Forsyth St. SW, Atlanta, Georgia 30303-8960

The liaison officers, accompanied by appropriate staff, will hold meetings as needed to discuss matters of concern related to the SSAs and this MOU. Liaison officers will work together to prioritize and expeditiously resolve outstanding questions and conduct reviews.

**Expenses and No Financial Commitment**

The EPA and HUD will each bear its own expenses in connection with the preparation, negotiation, and execution of this MOU, and neither party shall be liable to the other party for such expenses. This MOU does not obligate funds, personnel, services, or other resources of any party. Each party acts as an independent party with respect to the performance of duties under this MOU and is not an employee or agent of another party to the MOU.

**Publicity**

The parties will coordinate all press releases, websites, or other public facing documents with regard to this MOU. Neither party may engage in any such publicity regarding the MOU unless the parties consult in advance on the form, timing, and contents of the publicity.

**Modification and Duration**

This MOU is to take effect upon signature and remain in effect for a period of five (5) years and may be extended or modified at any time through the mutual written consent of the EPA and HUD. Additionally, either party may terminate its participation in this MOU at any time by providing written notice to the other, at least thirty (30) days in advance of the desired termination date.

**Compliance with Applicable Laws**

It is understood and agreed by the EPA and HUD, that changes in local, state, and federal rules, regulations or laws applicable hereto, may occur during the term of this MOU and that any such changes are automatically incorporated as of the effective date of the rule, regulation, or law into this MOU without written amendment hereto. The EPA and HUD expressly agree to comply with all applicable federal, state, and local laws.

**Confidential Business Information**

To carry out the joint activities described in the MOU, HUD, and Part 58 REs may need to disclose proprietary information to the EPA. Proprietary information is defined as information that an affected business claims to be confidential and is not otherwise available to the public. HUD agrees to clearly identify confidential business information disclosed to the EPA in writing, and to clearly memorialize in writing, within a reasonable time, any confidential information initially disclosed orally. The EPA agrees not to disclose, copy, reproduce, or otherwise make available in any form whatsoever to any other person, firm, corporation, partnership association, or other entity information designated as proprietary or confidential information without proper consent, except as such information may be subject to disclosure under the Freedom of Information Act, 5 U.S.C. § 552, and the EPA's regulations at 40 C.F.R. Part 2, or as otherwise authorized by law.

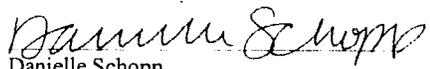
**Counterparts and Facsimile Signatures**

This MOU may be executed in two or more counterparts, which together shall constitute a single agreement. This MOU may be executed and transmitted to any other party by facsimile, which facsimile shall be deemed to be, and utilized in all respects as, an original executed document.

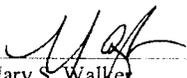
**Entire MOU**

This MOU constitutes the complete and entire MOU between the EPA Region 4 and HUD Region 4 regarding EPA review of HUD's proposed Federal financially assisted projects located in whole or in part in the SSAs in the EPA Region 4 and replaces all prior agreements or understandings between the EPA and HUD regarding this subject. The EPA and HUD are not bound by any statement, promise, condition, or stipulation not specifically set forth in this MOU. No representative of HUD or the EPA has the authority to make any oral statements that modify or change the terms and conditions of this MOU.

**Signature Page for:**  
**Memorandum of Understanding Between**  
**The U.S. Environmental Protection Agency Region 4 and**  
**The U.S. Department of Housing and Urban Development Region 4**  
**Regarding the EPA Review of HUD Financed Projects Within Sole Source Aquifers**

  
Danielle Schopp  
Departmental Environmental Clearance Officer  
U.S. Department of Housing and Urban Development

7/13/19  
Date

  
Mary S. Walker  
Regional Administrator  
U.S. Environmental Protection Agency Region 4

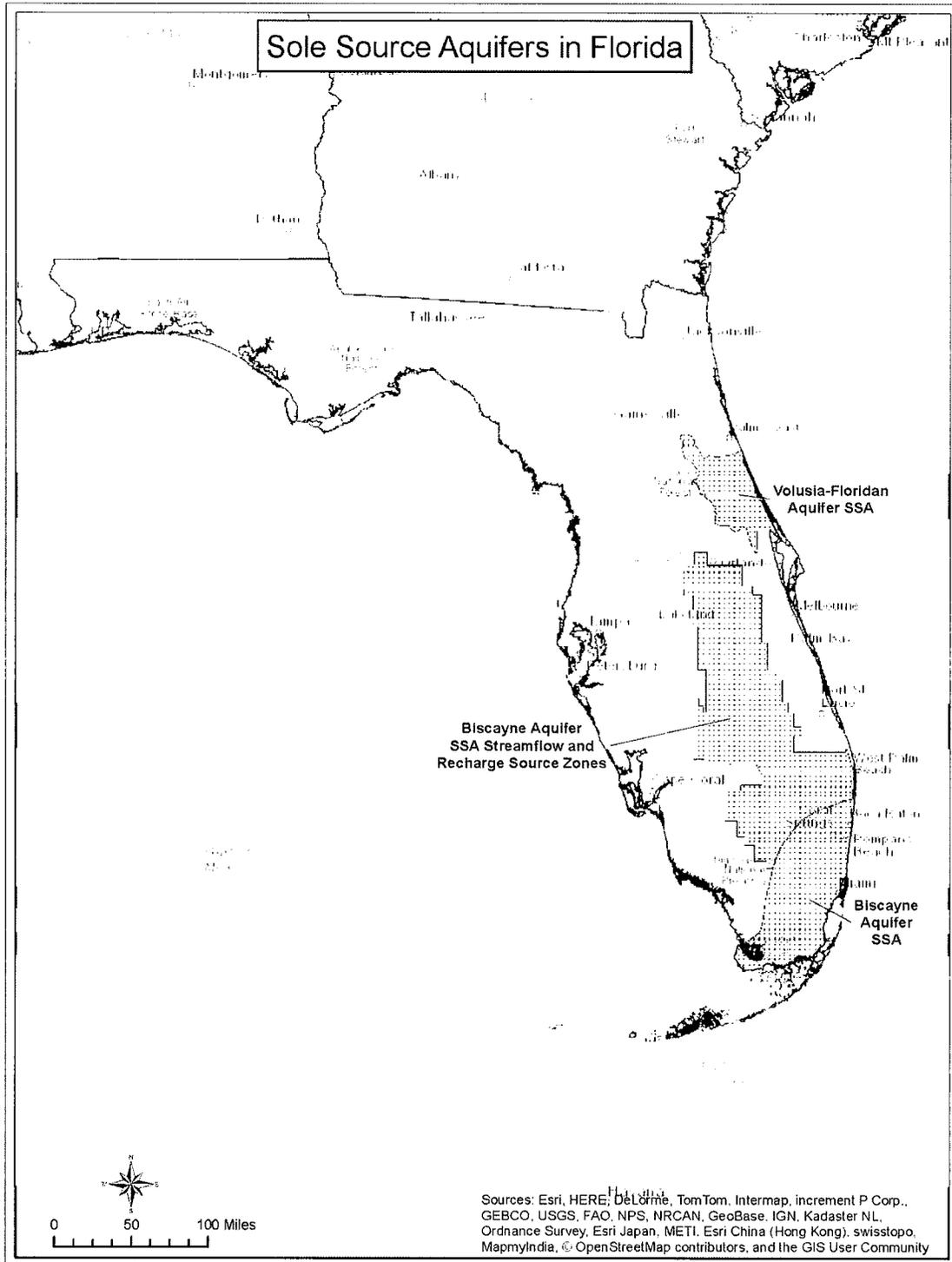
6/26/19  
Date

**ATTACHMENT A**

**DESIGNATED SOLE SOURCE AQUIFERS IN EPA REGION 4**

<b><u>ALABAMA:</u></b>	NONE
<b><u>FLORIDA:</u></b>	1. Biscayne Aquifer 2. Volusia-Floridan Aquifer
<b><u>GEORGIA:</u></b>	NONE
<b><u>KENTUCKY:</u></b>	NONE
<b><u>MISSISSIPPI:</u></b>	1. Southern Hills Regional Aquifer System
<b><u>NORTH CAROLINA:</u></b>	NONE
<b><u>SOUTH CAROLINA:</u></b>	NONE
<b><u>TENNESSEE:</u></b>	NONE

The following maps are for demonstrative purposes only and may not reflect the most updated delineation of the Sole Source Aquifers and their recharge zones. For current maps, please see the EPA Sole Source Aquifer Webpage, located at <https://www.epa.gov/dwssa>



## ATTACHMENT B

### **PROJECTS GENERALLY ASSUMED NOT TO POSE A SIGNIFICANT HAZARD TO PUBLIC HEALTH WHICH DO NOT REQUIRE REFERRAL TO THE EPA FOR REVIEW**

Listed below are the types of projects which are assumed not to pose a significant hazard to public health through contamination of a SSA, and which will NOT be referred to the EPA for review, unless such projects involve activities listed in **Attachment C** and are not specifically excluded in **Attachment C** from referral to the EPA for review. Notwithstanding the below list, the EPA may determine that any project for which it makes a written request requires review.

1. All projects whose legal boundaries of the subject property are located wholly outside the SSAs and their recharge zones.
2. New construction, acquisition, or rehabilitation of residential housing that involves no more than four dwelling units.
3. Construction, rehabilitation, or modernization of, or additions to, residential, commercial, or industrial projects, public facilities, or land developments that are or will be served by a municipally or publicly owned and/or operated sanitary sewage treatment plant which is operating in compliance with all applicable permits, is within the capacity for which it was designed and is not subject to any local, state, or EPA imposed moratorium.
4. Acquisition of, or financial assistance, including refinancing and providing mortgage insurance and rental assistance for, existing projects, properties, buildings or developments where no alterations, additions, or expansions are to take place, and all expenses listed as operating costs in 24 C.F.R. §§ 50.19(b)(13) and 58.35(b)(3).
5. Funding of public services, planning activities, technical assistance, or training, or payment, repayment, or reimbursement of loans or interest.
6. Sites for which consultation with US Fish & Wildlife Service under the Endangered Species Act, Section 7, has yielded mitigation measures to avoid impacts to karst-dwelling species.

## ATTACHMENT C

### PROJECTS REQUIRING REFERRAL TO THE EPA FOR REVIEW

- A. The following projects located in whole or in part within the SSAs and/or their discharge zones will be referred to the EPA for review comment prior to any commitment of Federal financial assistance:
1. Construction or rehabilitation of residential (with the exception of single one-to-four family structures excluded under Attachment B), commercial, or industrial projects, public facilities, or land developments whose sanitation facilities will consist of individual disposal systems such as cesspools, septic tanks with leach fields or seepage areas, pit toilets, or privately-owned sewerage systems including, those owned by a homeowners' association.
  2. Any project or activity for an existing or proposed industrial or recreational facility that manufactures, stores, transports, spreads, or disposes of toxic, noxious, or hazardous chemicals or radioactive materials, including insecticides, fungicides, and fertilizers.
  3. Acquisition, disposition, rehabilitation, or new construction of a site intended as a landfill or other waste storage, transfer, disposal, or treatment facility.
  4. Acquisition, disposition, rehabilitation, or new construction of any facility or operation which disposes of its waste water into dry wells, retention ponds, or methods other than a treatment plant.
  5. Acquisition, disposition, rehabilitation, or new construction of storm water drainage facilities that might contaminate a SSA, significant modifications to existing wetlands, or significant modifications or new construction of shallow injection wells (i.e., dry wells, french drains, sumps, and drain fields).
  6. Any project or activity involved in agricultural activities or related operations employed in the production, raising, processing, and marketing of crops or livestock.
  7. Projects that involve the storage or handling of hazardous or toxic materials or petroleum products, including, but not limited to, aboveground or underground storage tanks, and oil and gas pipelines (other than service lateral extensions for four (4) or fewer residential units, or service lateral extensions where trenching and excavation is no deeper than ten (10) feet below ground surface).
  8. Projects for which a NEPA Environmental Impact Statement (EIS) is required within the SSA and/or its recharge zone.

9. Projects that involve domestic waste not connected to a public sanitary sewer system.
  10. Any other project or activity which HUD determines could be a potential source of contamination to a SSA.
- B. Any project located in whole or in part within the SSAs for which the EPA makes a written request for information will be referred to the EPA for review prior to any commitment of Federal financial assistance.

## ATTACHMENT D

### SOLE SOURCE AQUIFER PROJECT REVIEW INFORMATION

HUD or the RE will provide the information below at the time of submittal of the project to the EPA in order to assist the EPA's Sole Source Aquifer Program in timely evaluating whether proposed projects have the potential to contaminate a SSA. The EPA may request additional information as necessary.

1. Confirm a SSA project review is needed by answering the following:
  - a. Is any portion of the project or the property(ies) involved located within a designated SSA project review area? A searchable interactive map of designated SSA project review areas is available at <https://www.epa.gov/dwssa>. **If the answer to this question is no, the EPA does not need to review the project under the SSA program.**
  - b. What Federal funding source or Federal financial assistance is being sought or proposed? **If no Federal financial assistance is sought or proposed, the EPA does not need to review the project under the SSA program.**
2. Provide the location of the project, a map of the project, and the name of the SSA(s) within which the project is located. Descriptions and/or maps with the information below would be helpful if available and applicable:
  - a. What is known about local hydrogeology in the project review area (e.g., soil types, depth to groundwater, and groundwater flow direction)?
  - b. Are there any known wells in the project review area (including groundwater wells; shallow injection wells; and oil, geothermal, and mineral exploration wells) and how close are they to the project?
  - c. Are there any wetlands within the project review area? If applicable, describe any discharge to, loss of, or creation of wetlands by the project.
3. Provide a description of the project, including, but not limited to, answers to the applicable questions below:
  - a. Will the project result in any increase of impervious surface (e.g., concrete, asphalt)? If so, what is the area (e.g., square feet or acres)?
  - b. What is the depth of excavation?
  - c. Will any wells be installed or modified as part of the project (of any use type, including groundwater wells; shallow injection wells; and oil, geothermal, and mineral exploration wells)? For new/proposed wells, indicate depth of wells, depth of casing, casing diameter, and, for water wells, the anticipated average and maximum water demand from the wells during normal operation (gallons per minute).
  - d. Are there any deep pilings or foundations (e.g., greater than 10 feet below land surface) that will be installed, modified, or disturbed during the project?

4. Describe storm water management for the project area, including, but not limited to, answers to the applicable questions below:
  - a. Will the project require the use of shallow injection wells (i.e., dry wells, french drains, sumps, and drainfields)? **If the answer to this question is yes, please provide EPA with an explanation as to why these shallow injection wells are required.**
  - b. How will storm water be managed on this site during construction and after the project is complete, including treatment if applicable?
5. Describe chemical use and storage associated with the project, including, but not limited to, answers to the applicable questions below:
  - a. Will quantities of hazardous chemicals or petroleum above routine household quantities be used or stored in the project review area?
  - b. Are there any above ground storage tanks or underground storage tanks present or to be installed? Fuel tanks are often involved in projects that include generators and/or pump stations. If applicable, include details of such tanks, including spill containment and spill response plans.
6. Describe waste management related to the project, including, but not limited to, answers to the applicable questions below:
  - a. Will any liquid or solid waste be generated during construction (e.g., construction/drilling fluids, excavation dewatering fluids, or demolition debris)? If so, how will it be managed?
  - b. How will liquid or solid waste be managed after project completion, other than routine quantities of household wastes to a permitted sanitary landfill or publicly-owned treatment works (e.g., describe any on-site treatment/disposal, industrial wastewater, or other waste generation)? If applicable, provide details about any individual disposal systems such as cesspools, septic tanks with leach fields or seepage areas, pit toilets, or privately-owned sewerage systems, including those owned by a homeowners' association.
  - c. Are there any known brownfield or hazardous waste sites in close proximity to the project review area (e.g., sites listed on the EPA National Priorities List [i.e., Superfund sites], state-designated brownfield or clean-up sites)? Do any such contaminated sites have underground contamination plumes, monitoring wells, or soil contamination that may be disturbed by the project? Include details such as the name(s) and location(s) of the brownfield or hazardous waste site(s).
  - d. For agricultural projects involving animals, how will animal wastes be managed?
  - e. For burial of flocks or disposal of animals, what Best Management Practices ("BMPs") are planned to protect the SSA from contamination?

7. Provide any other available information that could be helpful in determining if this project may potentially create a significant hazard to public health through contamination of a SSA, including, but not limited to, answers to the applicable questions below:
  - a. Are BMPs planned to address any possible risks or concerns? If so, which BMPs will be used?
  - b. Does the project include any improvements that may be beneficial to any SSA, such as improvements to the publicly-owned treatment works?
  - c. Are any previous environmental assessments available regarding the project or project area?

## **HUD Wetlands Protection Worksheet**

*Portions of this worksheet were removed that were not applicable to this Environmental Review for clarity and conciseness.*

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.
<b>References</b>		
<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" shall include draining, dredging, channelizing, filling, diking, impounding, and related activities and 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.*

### **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

Project does not include activities relevant to this factor.

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

- Yes  
 No

**Wild and Scenic Rivers Map**

• Tallapoosa

• U.S.



• U.S.

Broward  
County   
Miami

## Study River List

### Wild & Scenic River Studies

There are two study provisions in the Act — Section 5(a), through which Congress directs the study of select rivers, and Section 5(d)(1), which directs federal agencies to identify potential additions to the National Wild and Scenic Rivers System (National System) through federal agency plans. A brief explanation is provided in the following respective sections:



### Current Active Studies

Currently, there are three rivers or river systems under "authorized" study—two under Section 5(a) of the Wild & Scenic Rivers Act and one under Section 2(a)(ii). This does not include those that might be under assessment as part of normal agency land-planning processes.

#### **– Rivers Currently Under Study**

- **Cave, Lake, No Name and Panther Creeks, Oregon** (Public Law 113-291, December 19, 2014) – Under study by the National Park Service
- **Housatonic River, Connecticut** (Governor Malloy Request for Section 2(a)(ii) Designation, November 16, 2016) – Under study by the National Park Service
- **York River, Maine** (Public Law 113-291, December 19, 2014) – Under study by the National Park Service

## National River Inventory Map

### Nationwide Rivers Inventory

This is a listing of more than 3,200 free-flowing river segments in the U.S. that are believed to possess one or more "outstandingly remarkable" values.



## **Environmental Justice Worksheet**

*Portions of this worksheet were removed that were not applicable to this Environmental Review for clarity and conciseness.*

<b>General requirements</b>	<b>Legislation</b>	<b>Regulation</b>
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	
<b>References</b>		
<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.*

### **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

New project activities do not include any activities that will expand the project area or potentially negatively impact neighborhood residents. The original finding for this factor is still valid.

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

Yes

No

## **Tier II Strategy**

The following strategy document has been designed to provide guidance on completion of the Site Specific environmental reviews as the project locations become available. Attached to this strategy document is a checklist for each factor to assist with compliance. Whenever possible, the strategy and checklist closely match the narratives and format recommended by HUD.

### *Flood Insurance (Flood Disaster Protection Act of 1973)*

Project receiving federal assistance and located in a Special Flood Hazard Areas (SFHA) that impact structures are required to maintain flood insurance of the life of the project. The City's Minor Rehabilitation project will, by its nature, have an impact on residential structures.

There are a number of ways in which a project location can verify compliance with this factor.

1. Project is not located in a 100-year Floodplain SFHA
  - a. Complete Flood Insurance Tier II Worksheet
  - b. Include FEMA Flood Map ([www.msc.fema.gov/portal/home](http://www.msc.fema.gov/portal/home))
2. Project is located in a 100-year Floodplain SFHA
  - a. Complete Flood Insurance Tier II Worksheet
  - b. Include FEMA Flood Map ([www.msc.fema.gov/portal/home](http://www.msc.fema.gov/portal/home))
  - c. Include proof of NFIP participation (<https://www.fema.gov/national-flood-insurance-program-community-status-book>)
  - d. Include copy of flood insurance for the project location

### *Coastal Zone Management (Coastal Zone Management Act, sections 307(c) & (d))*

As communities urbanize there is an increased risk to coastal resources and ecosystems. In many cases the soil and vegetation in the coastal areas are unique and vulnerable. The state of Florida has defined the coastal zone as any non-inland county, including Broward County.

Confirmation that the project will not impact the coastal zone comes from the Florida Clearinghouse. Compliance is received through emailing the Clearinghouse a packet with the required files. Documents should include:

1. Clearinghouse Packet
  - a. Letter explaining the project
  - b. Project location map
  - c. National Register of Historic Places Map
2. Email record ([state.clearinghouse@dep.state.fl.us](mailto:state.clearinghouse@dep.state.fl.us))

*Contamination and Toxic Substances (24 CFR Part 58.5(i)(2))*

HUD is committed to ensuring all living environments are free of hazardous materials, contamination, toxic chemicals and gasses, and radioactive substances. HUD guidance identifies three specific factors that may contaminate a site: Superfunds, toxic or solid waste landfills, and underground storage tanks. Documentation addressing each of the factors will be provided in the Tier II.

*Superfunds:* Map or list of Superfunds from the Environmental Protection Agency

*Toxic or Solid Waste Landfills:* Map from WasteMap Florida with the project location identified

*Underground Storage Tanks:* Map with the project location identified and the nearest underground storage tanks from the Florida Department of Environmental Protection

*Floodplain Management (Executive Order 11988)*

In order to guarantee the protection fo the nation’s floodplains each site must be analyzed for potential harm. HUD will avoid direct or indirect support of floodplain development whenever practical. Due to Florida’s landscape it is not practical to avoid project activities in a floodplain. However, when actions do occur in a floodplain an additional analysis will be conducted to ensure there are no alternatives to that location

Compliance can be shown through one of the following steps:

1. FEMA Floodplain map showing that the project location is not in a Special Flood Hazard Area
2. FEMA Floodplain map showing the project is located in a Special Flood Hazard Area and a 5-Step Decision Making Process is completed.

*Historic Preservation (Section 106 of the National Historic Preservation Act)*

It is the responsibility of the grant recipient to identify and address any potential impact the project will have on historic or potentially historic properties. The grant recipient will conduct due diligence and submit the findings to the State Historic Preservation Officer. The SHPO has 30 days to respond to the grant recipients request for consultation. In the State of Florida there are two additional offices that should be consulted: State Masterfile and State Clearinghouse.

The following documents should be present in every Tier II:

- National Register of Historic Places Map
- State Masterfile Correspondence
- State Clearinghouse Correspondence
- SHPO Correspondence

*Noise Abatement and Control (24 CFR 51 Subpart B)*

Federal guidance encourages noise mitigation for residential properties. This mitigation is intended to reduce the noise levels in the building to acceptable compliance standards. There are three ways to show compliance with this factor.

1. Provide documentation showing that the grant recipient has standardized noise attenuation measures in place that apply to all minor rehabilitation projects.
2. Provide a complete noise analysis that shows the project location is within the acceptable noise limits.
3. Provide a complete noise analysis that shows the project location is not within acceptable noise limits and the intended mitigation steps to address this factor.

## **Tier II Checklist – Miramar Minor Rehabilitation Program**

Proposed Project Location:

Proposed Activity Description:

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### *Flood Insurance (Flood Disaster Protection Act of 1973)*

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. 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 2.*

**2. 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.  
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.*
- 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

*Coastal Zone Management (Coastal Zone Management Act, sections 307(c) & (d))*

General requirements	Legislation	Regulation
<b>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.</b>	Coastal Zone Management Act (16 USC 1451-1464), particularly section 307(c) and (d) (16 USC 1456(c) and (d))	15 CFR Part 930
<b>References</b>		
<a href="https://www.onecpd.info/environmental-review/coastal-zone-management">https://www.onecpd.info/environmental-review/coastal-zone-management</a>		

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

- Yes, with mitigation. → *Continue to Question 2.*
- 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.*
- No, project must be canceled.  
  - Project cannot proceed at this location.

**2. 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

*Contamination and Toxic Substances (24 CFR Part 58.5(i)(2))*

General requirements	Legislation	Regulations
<p><b>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.</b></p>		<p>24 CFR 58.5(i)(2) 24 CFR 50.3(i)</p>
Reference		
<p><a href="https://www.hudexchange.info/programs/environmental-review/site-contamination">https://www.hudexchange.info/programs/environmental-review/site-contamination</a></p>		

- 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 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.*

## 2. Mitigation

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>1</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, or use of institutional controls.

### 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.*

---

<sup>1</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.

## **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 (Executive Order 11988)*

General Requirements	Legislation	Regulation
<b>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.</b>	Executive Order 11988	24 CFR 55
Reference		
<a href="https://www.hudexchange.info/environmental-review/floodplain-management">https://www.hudexchange.info/environmental-review/floodplain-management</a>		

**1. 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 100-year floodplain?**

- No → *Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below.*
- Yes → *The 8-Step Process is required. Continue to Question 2, 5-Step Process*

**2. 5-Step Process**

Complete the 5-Step Decision Making Process and include with this packet.

**Does your project require additional mitigation?**

- No → *Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below.*
- Yes → *Proceed to Question 3*

**3. 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 (Section 106 of the National Historic Preservation Act)*

<b>General requirements</b>	<b>Legislation</b>	<b>Regulation</b>
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)	<u>36 CFR 800 "Protection of Historic Properties"</u>
<b>References</b>		
<a href="https://www.hudexchange.info/environmental-review/historic-preservation">https://www.hudexchange.info/environmental-review/historic-preservation</a>		

**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*

**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

*Noise Abatement and Control (24 CFR 51 Subpart B)*

General requirements	Legislation	Regulation
<b>HUD’s noise regulations protect residential properties from excessive noise exposure. HUD encourages mitigation as appropriate.</b>	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. 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):**

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 2.*

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:**

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 4.*

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:**

**Is the project in a largely undeveloped area?**

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 4.*

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.*

- 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:

*→ 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.

### **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

Preparer Signature:

Date:

Name/Title/Organization:

Responsible Entity Agency Official Signature:

Date:

Name/Title:

#### **Determination:**

- This Site Specific Review has determined that 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 Site Specific Review cannot immediately move forward 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



## **Tier II Reviews**