### HUD Guide to Environmental Compliance: NEPA-Related Statutes, Authorities and Requirements

**24 CFR Parts 58.5 & 50.3/50.4 – NEPA-Related Federal laws and authorities**

* **HUD Office of Environment and Energy (OEE)**: <https://www.hudexchange.info/environmental-review/>
* **Glossary of Environmental Terms:** <http://iaspub.epa.gov/sor_internet/registry/termreg/searchandretrieve/termsandacronyms/search.do>
* **HUD Environmental Assessment and EA Factors:** <https://www.hudexchange.info/environmental-review/environmental-assessments/>
* **HUD Environmental Impact Statements (EIS):**  <https://www.hudexchange.info/environmental-review/environmental-impact-statements/>

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| **Environmental Issue/Impact**  (Statute, Authority &/or Regulation) | **Generally Applicable Activities** | **Threshold for Action** (Analysis/Evaluation/  Consultation) | **Source Documentation** (Map/On-line Listing/ Agency Contacts) | **Action Required** | Further Information |
| **1. Air Quality**[Clean Air Act of 1970, as amended](https://www.epa.gov/clean-air-act-overview/clean-air-act-title-i-air-pollution-prevention-and-control-parts-through-d) (42 U.S.C. 7401 et seq.), particularly 7506 (c) & (d).40 CFR parts 6, 51, and 93 (EPA) Asbestos: CAA of 1990, Sec. 112; 40 CFR Part 61 (NESHAP) | * Acquisition of undeveloped land * Change of land use * Demolition * Major rehabilitation * New construction | Project is located in an EPA-designated non-attainment area or maintenance area for one or more of six “criteria” air pollutants.” Air quality for these pollutants must meet National Ambient Air Quality Standards (NAAQS).  [NAAQS for Criteria Air Pollutants](https://www.epa.gov/criteria-air-pollutants/naaqs-table)  **Asbestos**:  Project entails renovation or demolition of building/facility. Contact the State or locally-delegated agency to determine NESHAP compliance requirements. | EPA-designated [non-attainment and maintenance areas](https://www.epa.gov/green-book) (aka, “Green Book”)  EPA [County-level Non-attainment](https://www3.epa.gov/airquality/greenbook/ancl.html#CA)  areas  EPA [National map of Non-attainment](https://www3.epa.gov/airquality/greenbook/mapnmpoll.html) areas  EPA [“AirData” maps and visualization tools](https://www.epa.gov/outdoor-air-quality-data)  EPA [“C-LINE” – Desktop Air Modeling Tool](https://www.cmascenter.org/c-tools/) for pollutant emissions near transportation sources (roadways; railyards)  **Asbestos**: ASTM “[Standard Practice for Comprehensive Building Asbestos Surveys](http://www.astm.org/Standards/E2356.htm)” ([E2356-18](https://www.astm.org/Standards/E2356.htm)) | A determination of conformity with the State Implementation Plan (SIP) is required with respect to the proposed activity and the specific pollutant for which the area was designated a non-attainment or maintenance area.  Document the activity does/does not require SIP compliance. Contact the MPO or EPA to determine if the proposed activity is one that requires a permit under the SIP. If yes, obtain letter of consistency showing that the project is consistent with the SIP. | Conformity to SIP is made by:   * Regional or Metropolitan Planning Organization (MPO); or * EPA Regional Office.   Status of non-attainment areas and EPA policy questions are addressed by EPA Regional Office.  EPA Region 8 SIPs, [State and local AQ contacts](https://www.epa.gov/caa-permitting/caa-permitting-epas-mountains-and-plains-region)  [HUD Exchange](https://www.hudexchange.info/environmental-review/air-quality/) |

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| ***2. Airport Hazards (Clear Zones & APZ)***  24 CFR Part 51-D “Siting of HUD-Assisted Projects in Runway Clear Zones at Civil Airports and Clear Zones and Accident Potential Zones at Military Airfields” (HUD) | * Acquisition for construction * Change in land use * Increase in density * Major (‘substantial’) rehabilitation * New construction   Applicable airports:   * All military air installations * Civil “commercial service” airports designated in [Nat’l Plan of Integrated Airport Systems](https://www.faa.gov/airports/planning_capacity/npias/reports/) (NPIAS):     “[Commercial Service Airports](https://www.faa.gov/airports/planning_capacity/passenger_allcargo_stats/categories/)” are publicly owned airports that have at least 2,500 passenger boardings each calendar year and receive scheduled passenger service.  (Note: See also Clear Zone notification requirement, page 14.) | Project is located within 2,500 feet of the end of a civil airport runway or 15,000 feet of the end of a military airfield runway.  HUD policy is to promote compatible land uses in RCZ/CZ/APZ. | Airport clear zone and accident potential zone (APZ) maps are available from airport operations authority.   * Civil airport: The Airport Layout Plan shows the Runway Clear Zone (RCZ), [a.k.a., Runway Protection Zone]. * Military airfield: The AICUZ Study shows the CZ and APZ. | RCZ/CZ: New construction, major rehabilitation, and activities that significantly prolong physical or economic life of the property are prohibited.  APZ: HUD assistance in APZ is discouraged, and project must be compatible with DOD land use guidelines for APZs. | Contact airport operator or nearest FAA District office.   * [Airport operators](https://www.airportiq5010.com/5010web/)   Civil airport locations:   * [NPIAS](https://www.faa.gov/airports/planning_capacity/npias/reports/) and * [Here](http://www.airnav.com/airports/)   [Military bases](https://www.globalsecurity.org/military/facility/conus.htm), including airfields  [HUD Exchange](https://www.hudexchange.info/environmental-review/airport-hazards/) |

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| ***3. Coastal Zone Management***  Coastal Zone Management Act of 1972, as amended (16 U.S.C. 1451 et. seq., particularly section 1424(e)). | * Acquisition of undeveloped land * Change of land use * Major rehabilitation * New construction | Project is located in a state having a Coastal Zone Management (CZM) Program. | [CZM maps](https://coast.noaa.gov/czm/mystate/), from NOAA (Nat’l Oceanic & Atmospheric Administration) | State CZM agency (or its approved local designee) must concur with a finding (or issue permit) in evidence that project is consistent with approved State CZM plan. | [NOAA](https://coast.noaa.gov/)  [HUD Exchange](https://www.hudexchange.info/environmental-review/coastal-zone-management/) |
| ***4. Contamination and Toxic Substances***  24 CFR Part 58.5 (i) (2) (HUD). | * Acquisition * Disposition * Conversion from   non-residential to residential.   * Demolition * Leasing * New construction * Rehabilitation * Repair | Project is located on or near site that contains hazardous materials, contamination, toxic chemicals or gases, or radioactive substances, that could affect the health and safety of occupants or that conflict with the intended utilization of the property.  Particular attention to be given to any site located on or in general proximity to landfills, dumps, industrial sites, gas stations or other locations that contain hazardous wastes or materials.  All property proposed for use in HUD programs must be free of hazardous materials, contamination, toxic chemicals and gases and radioactive substances, where a hazard could affect the health and safety of occupants or conflict with the intended utilization of the property.  The environmental review of multifamily housing with 5 or more dwelling units must include a review of previous uses of the site or other evidence of contamination on or near the site to assure the proposed occupants are not impacted by any of these hazards.  Current techniques by qualified professionals shall be used to undertake investigations determined necessary. | Documentation may consist of Phase I environmental site assessment (ASTM standard practice E1527-13, as amended) and, as applicable, Phase II ESA, site characterizations and remediation plans.  Additional/alternative documentation may include:   * Site inspection(s) by knowledgeable professional(s). * Search of EPA and state/local/tribal databases for sites and facilities posing known or potential contamination concerns (including NPL sites (Superfund), RCRA facilities, Brownfields). * Evaluation of permitted facilities for regulatory violations, e.g., using EPA ECHO database. * Analysis of past uses of the site and adjacent properties as documented historic resources (e.g., Sanborn Fire Insurance Rate Maps and city directories).   [ASTM](https://www.astm.org/index.html) standard practices and protocols include Phase I, Phase II, and many others.  [ASTM E1527-13 Phase I](https://www.astm.org/Standards/E1527.htm) **“**Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process”  ASTM Phase I (E1527) is consistent with EPA’s “All Appropriate Inquires” (40 CFR 312).  Property that may be exposed to sub-surface vapors caused by a release of vapors from contaminated soil &/or groundwater on or near the project may warrant evaluation in accordance with [ASTM E 2600-15](https://www.astm.org/Standards/E2600.htm).  The outcome of a vapor evaluation may warrant further investigation.  **Radon Control**:  Radon-resistant construction or radon mitigation should conform to the following standards, which include post-mitigation testing requirements. All standards listed below are [here](https://standards.aarst.org/).  *Existing Structures*:   * Multifamily: ANSI-AARST RMS-MF 2018, “Radon Mitigation Standards for Multifamily Buildings”   Single-family: ANSI/AARST Standard SGM-SF-2017, “Soil Gas Mitigation Standards for Existing Homes”  *New Construction*:   * + - * + Multifamily: ANSI-AARST CC-1000-2018, “Soil Gas Control Systems in New Construction of Buildings,” or ANSI-ASHRAE 189.1-2017, “Standard for the Design of High-Performance Green Buildings except Low Rise Residential Buildings,” Sections 801.3.4, 1001.3.1.9, and 1001.3.2.1.4.5.d         + Single-family: ANSI-AARST CCAH-2013, “Reducing Radon in New Construction of 1 & 2 Family Dwellings and Townhouses” | Due diligence must be exercised to ascertain the presence of contamination.  A Phase I environmental site assessment (ASTM standard E1527-13, as amended) may be required for due diligence. Where the Phase I identifies a recognized environmental condition or if results are inconclusive, a Phase II environmental site assessment will generally be required.  Based on the Phase II results, further investigation, remediation, mitigation or monitoring may be required.  Such measures must be consistent with Federal, State, Tribal and local laws and regulations, and must be implemented by qualified professionals.    Specific forms of remediation are not prescribed by HUD and may vary depending on the nature of the hazard. | EPA [Envirofacts](https://enviro.epa.gov/) databases  EPA [NEPAssist](https://www.epa.gov/nepa/nepassist)  EPA [EnviroMapper](https://enviro.epa.gov/enviro/em4ef.home)  EPA [ECHO](https://echo.epa.gov/) (Enforcement & Compliance History Online)  EPA [SEMS](https://cumulis.epa.gov/supercpad/cursites/srchsites.cfm) (Superfund Enterprise Management System)  EPA Superfund [Human Exposure Dashboard](https://www.epa.gov/superfund/superfund-human-exposure-dashboard)  EPA [TRI](https://www.epa.gov/toxics-release-inventory-tri-program) (Toxic Release Inventory)  ATSDR [ToxFAQs](https://www.atsdr.cdc.gov/toxfaqs/index.asp)  – common language summaries of specific chemicals and hazardous substances  HUD [MAP Guide](https://www.hud.gov/sites/documents/4430GHSGG-BM.PDF) “Chapter 9”  State voluntary cleanup programs (VCP) & Leaking Underground Storage Tank (LUST) databases:  WY LUST: <http://deq.wyoming.gov/shwd/storage-tank/resources/general-information/>  WY VCP: <http://deq.wyoming.gov/shwd/voluntary-remediation-program/>  MT LUST: <http://deq.mt.gov/Land/lust/lustsites>  MT VCP: <https://deq.mt.gov/Land/statesuperfund/vcra>  SD LUST: <https://apps.sd.gov/NR42InteractiveMap>  SD VCP: <https://denr.sd.gov/des/gw/Brownfields/Brownfields.aspx>  ND LUST: <https://deq.nd.gov/FOIA/UST-LUST-DataExport/lust-data.aspx>  ND VCP: <https://deq.nd.gov/WM/Brownfields/>  UT LUST: <http://eqspillsps.deq.utah.gov/Search_Public.aspx>  UT VCP: <https://deq.utah.gov/environmental-response-and-remediation/cercla-comprehensive-environmental-response-compensation-and-liability-act/voluntary-cleanup-program#:~:text=In%201997%2C%20the%20Utah%20Voluntary,providing%20a%20streamlined%20cleanup%20program>.  CO LUST: <https://gis.colorado.gov/openpetroleum/>  CO VCP: <https://www.colorado.gov/pacific/cdphe/voluntary-cleanup>  EPA [info on USTs](https://www.epa.gov/ust) (underground storage tanks)  EPA [Cleanup Guidance](https://clu-in.org/)  HUD [Lead Rule Compliance Advisor](https://portalapps.hud.gov/CORVID/HUDLBPAdvisor/welcome.html)  HUD [Lead-Based Paint Guidelines](https://www.hud.gov/program_offices/healthy_homes/lbp/hudguidelines)  [HUD Exchange](https://www.hudexchange.info/environmental-review/site-contamination/) |

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| ***5. Endangered Species***  Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq*.), particularly section 7 (16 U.S.C. 1536)  50 CFR Part 402 “Endangered Species Act”  (DOI & Commerce) | * Acquisition or Disposition of undeveloped land * Conversion of land use * Demolition * Site clearance * Major rehabilitation * New construction | Project may affect or is likely to affect any Federally listed endangered or threatened species or its habitat. | Evaluate species and habitat listings for project area. Contact US Fish and Wildlife Service (USFWS) to determine if a listed species or habitat is present in the project area or may be affected by the project.  USFWS [iPaC](https://ecos.fws.gov/ipac/) - project area search tool for species and critical habitat.  USFWS [ECOS](https://www.fws.gov/endangered/?ref=topbar) county-level search tool.  USFWS [Critical Habitat online mapper](https://fws.maps.arcgis.com/home/webmap/viewer.html?webmap=9d8de5e265ad4fe09893cf75b8dbfb77)  USFWS general information on [listed species and habitats](https://www.fws.gov/endangered/species/index.html)  In addition:   * Missouri [Natural Heritage Database](https://www.fws.gov/midwest/endangered/lists/missouri-cty.html) (federal and state listed species) * [Missouri species](https://www.fws.gov/midwest/endangered/lists/missouri-cty.html), by county      * [Iowa species](https://www.fws.gov/Midwest/Endangered/LISTS/iowa_cty.html), by county | Determination required of either “no effect,” “may affect but not likely to adversely affect” or “likely to adversely affect” a listed species or its habitat.  If a listed species or habitat is present in project area, consultation is required under Section 7 of the Endangered Species Act to determine if the proposed activity will adversely affect the subject species or habitat.  Step-by-step [Section 7](https://www.fws.gov/midwest/endangered/section7/index.html) consultation:  When required, a biological assessment must be prepared by a qualified professional (e.g., biologist or botanist) explaining the likely effect on the species or habitat. | U.S. Fish & Wildlife [Ecological Services Field offices](https://www.fws.gov/ecological-services/map/index.html)  [HUD Exchange](https://www.hudexchange.info/environmental-review/endangered-species/) |
| ***6. Environmental Justice***  E.O. 12898, “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations” | Applies when an adverse impact or condition occurs with respect to an environmental issue;  *and,*  When the activity is:   * Acquisition * Change of land use * Demolition * Rehabilitation * New construction | Project site or neighborhood suffers from adverse health or environmental effects which disproportionately impact a minority or low-income population relative to the community at large.  The potential for new or continued adverse health or environmental effects must be considered. | Demographic and geospatial data from federal, state, local and regional agencies.  EPA [EJ Screen](https://www.epa.gov/ejscreen) mapping tool provides data relevant to EJ analysis.  Additional sources:   * FFIEC [Tract-level census data](https://geomap.ffiec.gov/FFIECGeocMap/GeocodeMap1.aspx) on race & income – search by address. * [Census](https://data.census.gov/cedsci/) tables and maps | Perform EJ analysis using census, geographic and other data to determine if a low-income/minority population is disproportionately impacted. Analysis is comparative between the project area and the larger community in which the project is located.  If susceptible populations are impacted:   * Mitigation or avoidance of adverse impacts must be considered to the extent practicable; and, * Public participation processes must involve the affected population(s) in the decision-making process. | EPA [EJ Mapper](https://ejscreen.epa.gov/mapper/)  EPA [MyEnvironment](https://www3.epa.gov/myem/envmap/find.html)  EPA [Guidance on EJ for NEPA](https://www.epa.gov/environmentaljustice/environmental-justice-and-national-environmental-policy-act)  CEQ [Guidance on EJ for NEPA](https://ceq.doe.gov/docs/ceq-regulations-and-guidance/regs/ej/justice.pdf)  Human Health & Toxicology:   * CDC [NIOSH](https://www.cdc.gov/niosh/topics/chemical.html)   ([Nat’l Institute for Occupational Safety and Health)](https://www.cdc.gov/niosh/index.htm) – chemical information   * CDC [ATSDR](https://www.atsdr.cdc.gov/)   (Agency for Toxic Substances and Disease Registry)   * EPA [IRIS](https://www.epa.gov/iris)   (Integrated Risk Information System)  [HUD Exchange](https://www.hudexchange.info/environmental-review/environmental-justice/) |
| ***7. Explosive and Flammable Operations***  Housing and Community Development Act of 1974, as amended.  24 CFR Part 51 Subpart C “Siting of HUD-Assisted Projects Near Hazardous Operations Handling Petroleum Products or Chemicals of an Explosive or Flammable Nature” (HUD) | Residential project when the activity is:   * New construction * Rehabilitation, where unit density increased * Conversion of land use from non-residential to residential use  Vacant building made habitableorAny project for industrial, commercial, institutional or recreational use, when the activity is:  * New construction * Conversion of land use | Project is located within sight of or in proximity to a stationary hazardous facility that stores, handles or processes chemicals or petrochemicals of an explosive or flammable nature, such as liquid propane, gasoline or other above-ground storage tanks.  Excluded from the regulation:   * Mobile tanks (including railroad cars other than when servicing a facility) * Buried tanks * Residential tanks that serve HUD-assisted 1-4 unit housing * Tanks with 100-gallon and less capacity and having common fuels * Tanks for liquefied petroleum gas (LPG) or propane up to 1,000 gallons that comply with National Fire Protection Association (NFPA) Code 58 (aka, LPG Code) (2017) | Site inspection, aerial photo analysis and/or contact with local fire protection or emergency management agencies to determine presence of hazardous industrial operations and/or above-ground tanks in vicinity of project.  Contact local owner/operator of such facility/tank to determine the type, volume and other characteristics of fuels and chemicals of an explosive or flammable nature. | Calculate the acceptable separation distance (ASD) per guidebook HUD-1060-CPD (1996), “Siting of HUD-Assisted Projects Near Hazardous Facilities,” and apply appropriate mitigation measures or reject the site.  HUD [ASD calculator](https://www.hudexchange.info/environmental-review/asd-calculator/)  [AST tank volume calculator](https://www.calculatorsoup.com/calculators/construction/tank.php)  Mitigation may include burying the tank(s) or construction of a barrier of adequate size and strength to protect the building and occupants.  HUD [Mitigation options](https://files.hudexchange.info/resources/documents/Acceptable-Separation-Distance-ASD-Hazard-Mitigation-Options.pdf)  HUD [Barrier design guidance](https://www.hud.gov/sites/documents/BARRIER_DESIGN_GUIDANCE.PDF) | Contact HUD Field Environmental Officer for tanks having over 1 million-gallon capacity.  HUD [ASD Guidebook](https://www.hudexchange.info/resource/2762/acceptable-separation-distance-guidebook/)  HUD [Fact sheet on 1000-gallon](https://files.hudexchange.info/resources/documents/Fact-Sheet-Final-Propane-Rule-24-CFR-Part-51-Subpart-C.pdf) LPG/ propane tanks  [HUD Exchange](https://www.hudexchange.info/environmental-review/explosive-and-flammable-facilities/) |

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| ***8. Farmland Protection***  Farmland Protection Policy Act of 1981 (7 U.S.C. 4201 *et seq*.), particularly sections 1504(b) & 1541  7 CFR Part 658, “Farmland Protection Policy” (USDA) | * Acquisition of undeveloped land * Conversion of undeveloped land * New construction * Site clearance | Project is located in area that includes prime farmland, unique farmland, or land of statewide or local importance. Can include forest land, pastureland or cropland, but not water or urbanized land. Urban land is exempt if the land is “already in” or “committed” to urban development per 7 CFR 658.2(a). | Follow steps using  [soil maps from NRCS](https://websoilsurvey.nrcs.usda.gov/app/) (USDA Natural Resources Conservation Service) to find important farmlands (95% of nation’s counties covered).  Alternatively, contact local NRCS office to determine the potential presence of protected farmland.  Land “already in” or “committed” to urban development includes:   * [Census Bureau Map](https://tigerweb.geo.census.gov/tigerweb/) showing land identified as “urbanized area” (UA) * [USGS topographic maps](https://viewer.nationalmap.gov/advanced-viewer/) showing urban area mapped with a red-tint “overprint” | Site assessment by NRCS is required to determine impact of the farmland conversion. Form AD-1006 rates 12 criteria. Sponsor must use scoring criteria (below) and submit form to NRCS, which has 45 days to make a determination.   * NRCS [Form AD-1006](https://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb1045394.pdf)   (Farmland Conversion Impact Rating)  [Scoring Criteria](https://www.ecfr.gov/cgi-bin/retrieveECFR?gp=1&SID=149b58d86cbe6a6c109a764b8054373a&ty=HTML&h=L&mc=true&r=PART&n=pt7.6.658#se7.6.658_15) (LESA) for completing AD-1006. (Criteria at 7 CFR §658.5)   * NRCS [Form NRCS-CPA-1006](https://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb1045395.pdf) for corridor projects   Site with impact rating of between 160 and 200 points requires consideration of at least two alternative sites. Rating over 200 points should include three alternative sites. | [NRCS County offices](https://offices.sc.egov.usda.gov/locator/app)  [NRCS & FPPA](https://www.nrcs.usda.gov/wps/portal/nrcs/detail/national/landuse/fppa/?cid=nrcs143_008275)  NRCS [Land Evaluation and Scoring Assessment (LESA)](https://directives.sc.egov.usda.gov/RollupViewer.aspx?hid=17119) Handbook, Sept 2006  [HUD Exchange](https://www.hudexchange.info/environmental-review/farmlands-protection/) |

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| ***9. Floodplain Management***  E.O. 11988, “Floodplain Management”, particularly section 2(a).  24 CFR Part 55 “Floodplain Management and Wetland Protection” (HUD) | * Acquisition for construction or for existing bldg >4 units * Disposition >4 units * Financing >4 units * Leasing (unless flood insured) * New construction * Rehab or Repair, unless 1-4 unit housing below threshold of Substantial Improvement   (total rehab cost <50% pre-rehab value or <20% density increase) | Project is located within a Special Flood Hazard Area (100-year floodplain), or, if a critical action (e.g., nursing home; hospital; fire station) is located in a 500-year floodplain. | FEMA Flood Insurance Rate Maps (FIRM), Preliminary FIRM, or Flood Hazard Boundary Map (FHBM).  FEMA National Flood Hazard Layer’s [FIRM and [FIRMette maps](https://hazards-fema.maps.arcgis.com/apps/webappviewer/index.html?id=8b0adb51996444d4879338b5529aa9cd)](https://hazards-fema.maps.arcgis.com/apps/webappviewer/index.html?id=8b0adb51996444d4879338b5529aa9cd), the latter covering small areas (approx. 1 sq. mile) and suitable for most projects.  FEMA [Preliminary FIRMs](https://hazards.fema.gov/femaportal/prelimdownload/) *must* be used where the Base Flood Elevation (BFE) is higher than the BFE on the current FIRM. [More info](https://www.fema.gov/view-your-communitys-preliminary-flood-hazard-data).  If the preliminary flood data search tool is unavailable, use FEMA’s [alternate site](https://floodmaps.fema.gov/prelim/PrelimData/) to view preliminary flood maps.  FEMA [Preliminary Map Comparison Tool](https://fema.maps.arcgis.com/apps/webappviewer/index.html?id=e7a7dc3ebd7f4ad39bb8e485bb64ce44) (accessed through the *Flood Map Changes Viewer*) features side-by-side panel viewing of effective & preliminary maps. [Tutorial.](https://www.fema.gov/media-library/assets/documents/161591)  [FEMA Flood Map Service Center](https://msc.fema.gov/portal/advanceSearch) (all products, including historic maps, Letters of Map Amendment, etc.)  For unmapped areas, [FEMA Community Status Book](https://www.fema.gov/national-flood-insurance-program-community-status-book) can provide information on flood hazards. | | Avoid direct or indirect support of floodplain development wherever there is a practicable alternative.  Approval of project requires compliance with the decision-making provisions of §55.20, i.e., the “eight-step” process.  Project may be approved only if there is no practicable alternative outside the floodplain. Project must apply appropriate mitigation. | [FEMA National Flood Insurance Program](https://www.fema.gov/national-flood-insurance-program)  [Association of State Floodplain Managers](http://www.floods.org/index.asp?menuID=274&firstlevelmenuID=185&siteID=1)  [HUD sample 8-Step Analysis](https://www.hudexchange.info/resource/3190/floodplain-management-8-step-decision-making-process/)  [HUD sample floodplain Notices](https://www.hudexchange.info/resource/3191/early-notice-and-public-review-of-a-proposed-activity-floodplain/) (8-Step)  [HUD Exchange](https://www.hudexchange.info/environmental-review/floodplain-management/) |
| ***10. Historic Preservation***  National Historic Preservation Act of 1966 (16 U.S.C. 470 *et seq*.), particularly sections 106 & 110.  36 CFR Part 800 “Protection of Historic Properties” (ACHP) | Any undertaking having the potential to cause effect, such as:   * Acquisition * Demolition * Disposition * Ground disturbance * New construction * Rehabilitation * Repair | Project’s area of potential effects [see §800.16(d)] contains:   * A property listed in, or eligible for listing in, the National Register of Historic Places; or, * An historic district listed in, or eligible for listing in, the National Register of Historic Places; or, * HigHigh Compelling evidence of the high probability of archeological resources eligible for listing in the National Register of Historic Places.   [National Register Eligibility Criteria](https://www.nps.gov/nr/publications/bulletins/nrb15/nrb15_2.htm)  [HUD Tribal Directory Assessment Tool (TDAT)](https://egis.hud.gov/tdat/) | Information on historic resources available from National, State, Tribal and local registers/sources:   * [National Register](https://npgallery.nps.gov/nrhp) database * [State Historic Preservation Office](http://ncshpo.org) (SHPO) * [Tribal Historic Preservation Office](https://www.nathpo.org/) (THPO) * Certified Local Government (CLG) preservation staff – contact the local government. | | Afford the Advisory Council on Historic Preservation (ACHP) opportunity to comment, consistent with 36 CFR Part 800 implementing the Section 106 process. Consultation with the SHPO is required. Consultation with tribes, THPO, the public and others may be required.  The Section 106 process includes initiation of the process [§800.3], identification of historic properties [§800.4], assessment of adverse effects [§800.5], and resolution of adverse effects [§800.6].  Formal agreements (Memorandum of Agreement or Programmatic Agreement) stipulate how adverse effects will be resolved. [Guidance on writing MOAs](https://www.npi.org/tools-crms)  HUD [Section 106 database of agreement documents](https://www.hudexchange.info/resource/3675/section-106-agreement-database/) (MOA & PA) | [Advisory Council on Historic Preservation](https://www.achp.gov/) (ACHP)  ACHP [applicant toolkit](https://www.achp.gov/digital-library-section-106-landing/section-106-applicant-toolkit)  HUD [tribal consultation database](https://egis.hud.gov/tdat/)  HUD tribal consultation policy ([Notice CDP-12-006](https://www.hudexchange.info/resource/2448/notice-cpd-12-006-tribal-consultation-under-24-cfr-part-58/))  [Federally recognized Indian tribes](https://www.ncsl.org/research/state-tribal-institute/list-of-federal-and-state-recognized-tribes.aspx)  and [here](https://www.bia.gov/tribal-leaders-directory)  [National Register of Historic Places](https://www.nps.gov/subjects/nationalregister/index.htm)  NPS [Standards and technical guidance](https://www.nps.gov/tps/index.htm)  USDA [Other resources](https://pubs.nal.usda.gov/sites/pubs.nal.usda.gov/files/preserve.html)  [HUD Exchange](https://www.hudexchange.info/programs/environmental-review/historic-preservation/) |
| *11. Noise Abatement & Control* Noise Control Act of 1972, as amended by the Quiet Communities Act of 1978.  24 CFR Part 51 Subpart B “Noise Abatement and Control” (HUD) | Residential and other noise-sensitive developments (e.g., hospitals, nursing homes, day care, community center)  * Acquisition for residential or noise-sensitive use * Conversion of land use from non-residential to residential * New construction * Rehabilitation | Project is located within:   * 1,000 feet of major/busy road, * 3,000 feet of railway, * 15 miles of airport (civil or military).   HUD interior noise goal is 45 decibels (DNL) or lower.  HUD exterior noise goal is 55 decibels (DNL) or lower, although 65 DNL is considered acceptable. | Noise assessment data sources include: local or state highway departments; local or regional planning departments; public works departments; railroad dispatch offices; and airport operators.  Airport noise contour maps are shown on Airport Layout Plan (civil airport) or AICUZ Study (military airfield).  Civil airports subject to HUD noise requirements are designated in the FAA [National Plan of Integrated Airport System](https://www.faa.gov/airports/planning_capacity/npias/reports/) (NPIAS):   * Both Commercial Service (CS) and Primary (P) airports have noise contours maps available * General Aviation (GA) airports with less than 9,000 enplanements may be assumed to not present a community noise concern; otherwise, consult airport operator | | Perform noise assessment in accordance with the Noise Assessment Guidelines (NAG) in guidebook HUD-953-CPD(1). For airports, use the airport’s noise contour maps to determine noise levels (the contour lines are expressed in DNL noise levels).  HUD [Noise Level Calculator](https://www.hudexchange.info/programs/environmental-review/dnl-calculator/)  Microsoft *Internet Explorer* browser recommended.  [Road gradient calculator](https://www.omnicalculator.com/construction/elevation-grade)  Projected noise level:   * 65-75 DNL “Normally Unacceptable;” requires mitigation or attenuation * >75 DNL “Unacceptable;” requires rejection in most cases unless mitigated.   HUD [Noise Barrier Calculator](https://www.hudexchange.info/programs/environmental-review/bpm-calculator/)  HUD [STraCAT, Building Attenuation Calculator](https://www.hudexchange.info/stracat/) (Sound Transmission Classification Assessment Tool) | FAA [noise exposure maps](https://www.faa.gov/airports/environmental/airport_noise/noise_exposure_maps/) (some airports)  [Airport operator contacts](https://www.airportiq5010.com/5010web/)  Roadway state DOT traffic volume maps:  WY DOT: <https://apps.wyoroad.info/itsm/map.html>    MT DOT: <https://mdt.mt.gov/publications/datastats/traffic_maps.shtml>  SD DOT: <https://opendata2017-09-18t192802468z-sdbit.opendata.arcgis.com/datasets/efb6478b5e9248e9831138f538602032_0?geometry=-121.161%2C41.427%2C-79.347%2C46.936>  ND DOT: <https://gis.dot.nd.gov/external/ge_html/?viewer=ext_transinfo>    UT DOT: <https://data-uplan.opendata.arcgis.com/datasets/c2c6fe2c52b141b6afb4374d5825c611_0>    CO DOT: <https://dtdapps.coloradodot.info/otis/TrafficData>  FRA (Federal Railway Administration) [crossing inventory](https://safetydata.fra.dot.gov/OfficeofSafety/publicsite/crossing/xingqryloc.aspx)  FRA [Mapping tool](https://fragis.fra.dot.gov/GISFRASafety/)  FHWA [Noise Barrier design & construction](https://www.fhwa.dot.gov/environment/noise/noise_barriers/design_construction/)  [HUD Exchange & Noise Guidebook](https://www.hudexchange.info/programs/environmental-review/noise-abatement-and-control/) |
| ***12. Water Quality (Sole Source Aquifers)***  Safe Drinking Water Act of 1974 (42 U.S.C. 201, 300(f) *et seq*., and 21 U.S.C. 349), particularly section 1424(e)  40 CFR Part 149 “Sole Source Aquifers” (EPA) | * Acquisition of undeveloped land * Change of land use * New construction | Project is located within area of an EPA-designated sole source aquifer, unless project utilizes municipal water and sewer and has appropriate local drainage. | | EPA [Designated sole source aquifers](https://epa.maps.arcgis.com/apps/webappviewer/index.html?id=9ebb047ba3ec41ada1877155fe31356b). | Review of project by Regional EPA Office of Ground Water is required if activity is of a type and size specified in an agreement between EPA and HUD.  Project may require memorandum of understanding (MOU) with EPA describing compliance to be followed. | EPA – ground water & drinking water:  [http://water.epa.gov/drink/index.cfm](http://water.epa.gov/drink/index.cfm%20)  EPA – source water protection:  <https://www.epa.gov/sourcewaterprotection>    EPA – TMDL maps:  <https://www.epa.gov/tmdl>  [HUD Exchange](https://www.hudexchange.info/environmental-review/sole-source-aquifers/) |
| ***13. Wetlands Protection***  E.O. 11990, “Protection of Wetlands,” particularly sections 2 & 5.  24 CFR Part 55 “Floodplain Management and Wetland Protection” (HUD). | * Acquisition or Disposition of undeveloped land * Change of land use * New construction * Expansion of bldg footprint | Project is located within, or has impact upon, a wetland.  Wetlands include both “jurisdictional” wetlands (aka, waters of the U.S.) and “isolated” wetlands. | | NWI (National Wetlands Inventory) maps are used for preliminary screening.  USFWS [NWI Mapper](https://www.fws.gov/wetlands/data/Mapper.html)  Where NWI map, site inspection, or other information indicates potential for a wetland, the wetland should be delineated by a qualified wetland professional using the “1989 Corps of Engineers Wetland Delineation Manual.”  For wetlands delineation, contact USACOE, USFWS, USDA-NRCS, USEPA and/or private consultants. | Avoid adverse impacts upon wetlands and direct or indirect support of new construction in wetlands wherever there is practicable alternative.  Approval of project requires compliance with the decision-making provisions of §55.20, i.e., the “eight-step” process.  Project may be approved only if there is no practicable alternative outside the wetland. | [U.S. Army Corp of Engineers](https://www.usace.army.mil/Missions/Civil-Works/Regulatory-Program-and-Permits/)  [U.S. Fish and Wildlife Service](https://www.fws.gov/wetlands/)  [EPA](https://www.epa.gov/wetlands)  [HUD Exchange](https://www.hudexchange.info/environmental-review/wetlands-protection/) |

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| ***14. Wild & Scenic Rivers***  Wild and Scenic Rivers Act of 1968 (16 U.S.C. 1271 *et seq*.), particularly sections 5(d), 7(a), 7(b) & (c).  36 CFR Part 297 “Wild and Scenic Rivers” (USDA) | * Acquisition of undeveloped land * Change of land use * Major rehabilitation * New construction | Project is located within one (1) mile of a designated Wild & Scenic River, or river being studied as a potential component of the Wild & Scenic River system.  Project is located upstream, downstream, or on a tributary of river that is designated, studied or has potential for listing on the system.  Protected rivers are: Designated, Study and National River Inventory (NRI) rivers. NRI rivers may be eligible for listing as a Wild & Scenic River. | Protected rivers on National Park Service (NPS) website:   * [Designated](https://www.rivers.gov/map.php) wild & scenic rivers * [Study](https://www.rivers.gov/study.php) rivers (potential wild and scenic rivers), and * [National River Inventory](https://www.nps.gov/subjects/rivers/nationwide-rivers-inventory.htm) (NRI) listed rivers (eligible rivers and segments).   GIS shape files (maps) for Designated Rivers can also be downloaded from the NPS site.  [River Management Plans](https://www.rivers.gov/management-plans.php)  [Managing Agencies](https://www.rivers.gov/agencies.php) | For a Designated River or Study River, determination from the National Park Service (NPS), or other federal/state/local Managing Agency, must be obtained, with finding that the project will not have a direct and adverse effect on the river nor invade or diminish values associated with such rivers.  For NRI rivers, consultation with NPS is recommended to identify and eliminate direct and adverse effects. | [National Park Service](https://www.rivers.gov/), and [here](https://www.nps.gov/subjects/rivers/nationwide-rivers-inventory.htm)  NPS [consultation instructions for NRI](https://www.nps.gov/subjects/rivers/consultation-instructions.htm)  NPS [publications](https://www.rivers.gov/publications.php)  [HUD Exchange](https://www.hudexchange.info/environmental-review/wild-and-scenic-rivers/) |

**24 CFR Parts 58.6/50.4 – Other Requirements**

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| ***1. Airport Clear Zones***  24 CFR Part 51 Subpart D “Siting of HUD-Assisted Projects in Clear Zones and Accident Potential Zones” (HUD) | * Purchase or sale of real property | Project is located within 2,500 feet of the end of a civil airport runway or 15,000 feet of the end of a military airfield runway. | Airport clear zone maps available from airport operations authority. | Purchase or sale of a property in a CZ requires notification to buyer per 24 CFR Part 58.6(d).    The notice informs the prospective buyer of potential hazards from airplane accidents and the potential by airport or airfield operators who may wish to purchase the property at some point in the future. | Contact airport operator or nearest FAA District office.   * [Airport operators](https://www.airportiq5010.com/5010web/)   HUD [Sample buyer notification](https://www.hudexchange.info/resource/2758/notice-prospective-buyers-properties-in-runway-clear-zones/)  [HUD Exchange](https://www.hudexchange.info/environmental-review/airport-hazards/) |
| ***2. Coastal Barriers***  Coastal Barrier Resources Act, as amended (16 U.S.C. 3501) | * All activities having a physical impact | Project is located in a community listed in the Coastal Barrier Resources System (CBRS). | USFWS [CBRS maps](https://www.fws.gov/CBRA/Maps/Mapper.html)  Coastal barriers are also displayed on a FEMA Flood Insurance Rate Map (FIRM). | Federal funding is prohibited for projects located within a designated coastal barrier. | [FEMA](https://www.fema.gov/pdf/nfip/manual200505/18cbrs.pdf) maps’ community panel numbers with CBRS  [HUD Exchange](https://www.hudexchange.info/environmental-review/coastal-barrier-resources/) |
| ***3. Flood Insurance***  Flood Disaster Protection Act of 1973, as amended. National Flood Insurance Reform Act of 1994 (42 U.S.C. sec 4001f)  44 CFR Parts 59-77 “Regulations of the National Flood Insurance Program” (FEMA) | All HUD programs that provide assistance to buildings.  Exceptions:   * Leasing without rehab, acquisition or improvements (however, may be needed under §55.12(b)(5)) * Loans < $5,000 repaid within 1 year * Maintenance * State-administered formula grants (i.e., CDBG, HOME & ESG programs)   Inapplicable:   * Improvements or repairs costing less than the deductible of a standard flood insurance policy on a building (up to a FEMA deductible of $10,000). | Building is located within Special Flood Hazard Area (SFHA is the 100-year floodplain). | FEMA Flood Insurance Rate Maps (FIRM) or Flood Hazard Boundary Maps (FHBM).  FEMA National Flood Hazard Layer’s [FIRM and [FIRMette maps](https://hazards-fema.maps.arcgis.com/apps/webappviewer/index.html?id=8b0adb51996444d4879338b5529aa9cd)](https://hazards-fema.maps.arcgis.com/apps/webappviewer/index.html?id=8b0adb51996444d4879338b5529aa9cd), the latter covering small areas (approx. 1 sq. mile) and suitable for most projects. | Property owner must purchase and maintain flood insurance protection.  Coverage is limited to the building and improvements only (no coverage is available for land). If the Federal assistance includes any portion of the cost of any machinery, equipment, fixtures or furnishings, the total cost of such items must also be covered by flood insurance.  Coverage requirements:   * Grants – Term is for life of the building, regardless of transfer of ownership; and coverage amount is equal to total project cost (up to maximum coverage limit). * Loans – Term equal to that of the loan; coverage amount equal to that of the loan (up to maximum coverage limit). | FEMA [Nat’l Flood Insurance Program](https://www.fema.gov/flood-insurance) (NFIP)  FEMA [Community Status Book](https://www.fema.gov/flood-insurance/work-with-nfip/community-status-book), showing participation in National Flood Insurance Program  [HUD Exchange](https://www.hudexchange.info/programs/environmental-review/flood-insurance/) |