

Completion of  
Environmental Review Records  
*HOME Single-Family Development*



Fahe & Go to Meeting Webinar  
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# Introductions



# Part 58 Environmental Review Records



# Overview

- An environmental review is the process of reviewing a project and its potential environmental impacts to determine whether it complies with the National Environmental Policy Act (NEPA) and related laws and authorities.
- All HUD-assisted projects are required to undergo an environmental review to evaluate environmental impacts. The analysis includes both how the project can affect the environment and how the environment can affect the project, site, and end users.
- An environmental review must be performed before any funds, regardless of source, are committed to a project and any “choice limiting activities” are undertaken.
- Documentation of the environmental review should be maintained in the environmental review record. This record contains the description of all activities that are part of the project and an evaluation of the effects of the project on the human environment and vice versa.

# Part 58 Reviews: KHC and Developer Roles

- As the “Responsible Entity,” KHC assumes authority to conduct environmental reviews on behalf of HUD as required by regulations found at 24 CFR Part 58. KHC is responsible for the scope and content of the review and making the finding.
- KHC requires developers, acting as Environmental Review Partners, to compile information and documentation necessary to complete the Part 58 Environmental Review Record. for submission with their project set up. Developers must complete Partner Worksheets for each related law and authority with complete supporting documentation with their project set ups.

You want your single-family development project to be Categorically Excluded Subject to Review (CEST)!

If not, you'll need a full Environmental Assessment.



# Levels of Review

## Exempt

- Applies to activities listed at [24 CFR 58.34\(a\)](#)

## Categorically excluded from NEPA, not subject to the related laws and authorities at 58.5 (CENST)

- Applies to activities listed at [24 CFR 58.35\(b\)](#)

## Categorically excluded from NEPA, but subject to the related laws and authorities at 58.5 (CEST)

- Applies to activities listed at [24 CFR 58.35\(a\)](#)
- *Most KHC-funded single-family development is CEST per 24 CFR 58.35(a)(4)(i) “an individual action on up to four dwelling units” on any one site.*

# Levels of Review

## Environmental assessment (EA)

- All other projects not covered under a categorical exclusion or exemption
- *For single-family development, this will typically occur with the development of 5 or more units in a subdivision, **regardless of funding source.***

## Environmental Impact Statement (EIS)

- Required when an environmental assessment concludes in a Finding of Significant Impact OR when the complexity of the project exceeds the scope of an environmental assessment
- Required when noise levels exceed 75 decibels (unacceptable noise zone) or when noise levels are between 65 and 75 decibels (normally unacceptable noise zone) and the project site is largely undeveloped or will encourage incompatible development



# A Note on Unit Aggregation

- Per the HUD Exchange WISER “Getting Started: Part 58” training, a project description should “capture the maximum scope of the project, not just a single activity that the federal money is funding.”
- **24 CFR § 58.32 “Project Aggregation”** requires that an ERR must “evaluate as a single project all individual activities which are related either on a geographical or functional basis” and that “objective is to complete a single environmental review considering all related activities for a project at a specific location, regardless of the source of funding.”
- *What does this mean?*
  - If you have more than four units that will be developed on contiguous lots, regardless of funding source or when development will occur, you must complete a full Environmental Assessment.

# Related Laws & Authorities

- **Air Quality-** N/A if less than 5 units
- **Airport Hazards-**document distance to nearest airport
- **Airport Runway Clear Zones-** document distance to nearest airport, assess if within clear zone
- **Coastal Barrier Resources Act-** N/A (Kentucky isn't a coastal state)
- **Coastal Zone Management Act -** N/A (Kentucky isn't a coastal state)
- **Contamination and Toxic Substances-** use NEPAassist search to identify and assess nearby EPA-designated facilities within a 3,000-foot radius for non-compliance and risks to nearby residents

# Related Laws & Authorities

- **Endangered Species Act-** Most S-F homebuyer development activities are governed by the *2017-2022 CATEGORICAL CONSULTATION AGREEMENT BETWEEN KENTUCKY HOUSING CORPORATION AND THE KENTUCKY FIELD OFFICE OF THE U.S. FISH AND WILDLIFE SERVICE FOR CERTAIN HUD-FUNDED PROJECTS*
- **Explosives & Flammable Hazards-** all new construction requires search for above-ground storage tanks within 1-mile radius of project site and calculation of acceptable separation distance from tanks to project site
- **Farmlands-** requires assessment of project site using USDA Web Soil Survey mapper. Consultation with USDA may be required if prime farmland or farmland of statewide importance
- **Flood Insurance-** DO NOT SELECT A SITE WITHIN 100-YEAR FLOODPLAIN. Document with FEMA FIRMette map for project site
- **Floodplain Management-** DO NOT SELECT A SITE WITHIN 100-YEAR FLOODPLAIN. Document with FEMA FIRMette map for project site

# Related Laws & Authorities

- **Historic Preservation-** Developer must consult with Kentucky Heritage Council [State Historic Preservation Office (SHPO)] and direct KHC to invite applicable tribal nations to consult on the project. **INITIATE AS SOON AS SITE IS IDENTIFIED!**
- **Noise-** document distance to nearest airport(s), nearest railroad(s), and nearest major road(s). Assess noise levels if within threshold distances [road (1,000 ft.), railroad (3,000 ft.), airports (15 mi.)]
- **Sole Source Aquifers-** N/A (none in Kentucky)
- **Wetlands-** assess site using US Fish & Wildlife Service Wetlands Mapper. Avoid selecting sites on wetlands.
- **Wild and Scenic Rivers-** document distance from project site to Wild and Scenic portions of Red River **AND** nearest Nationwide Inventories River
- **Environmental Justice-** only applicable if mitigating factors identified for other related laws & authorities

# Resources- HUD Exchange

- [Environmental Review Homepage](#)
- [Web-Based Instructional System for Environmental Review \(WISER\)](#)
- [Orientation to Environmental Reviews](#)
- [Related Federal Laws and Authorities Guidance](#)
- [HUD Environmental Regulations](#)
- [HEROS - HUD Environmental Review Online System](#)

# Resources-KHC HCA Help Desk

- ***ALWAYS DOWNLOAD MOST RECENT VERSION FROM HCA HELP DESK (<https://kyhmis.zendesk.com>) BEFORE INITIATING YOUR ERR!***
- [Environmental Review Worksheet Completion Guide-HOME Single-Family \(rev. 6/24/2019\)](#)
- [Environmental Review Worksheet Packet -HOME Single-Family Developers](#)
- [Endangered Species: 2017-22 Categorical Consultation Agreement between USFWS and KHC](#)
- [Tribal Consultation Checklist](#)
- [Farmland Conversion Rating Guidance for Form AD-1006](#)
- [HUD Small Airport Noise Worksheet 2018](#)

# Related Laws and Authorities Partner Worksheets and Supporting Documentation



# Example Environmental Review

- Remember: documentation may seem redundant, illogical and unnecessary, but the standards specified in the [Environmental Review Worksheet Completion Guide-HOME Single-Family \(rev. 6/24/2019\)](#) are needed to meet HUD documentation requirements. Follow the instructions!
- Google Maps and Google Earth Pro are essential documentation tools.
- It is **STRONGLY RECOMMENDED** that you get an Adobe Acrobat Pro license (or another software tool) that will allow you to print directly to PDF, edit PDFs, combine PDFs, and organize page order. Scans received by KHC have often been illegible.
  - Adobe offers discounts to non-profits.
- **Sample Project-KCEOC-193 Bayberry Lane, Corbin (36.935403, -84.079530)**
  - This is just an example and is not comprehensive. Each individual project site has different variables, conditions, and challenges.



# A. Environmental Review Project Information

- Be sure to include decimal longitude/latitude coordinates in project location line. Use the center of the project site, not the position on the road.
- Include both the total-HUD funded amount and total development cost in funding lines.
- Include an aerial site map, site photos, and a plat map (if you have one) as supporting documents for this worksheet.

## B. Part 58 Level of Review Determination Checklist

- Select all applicable activities using the checkboxes, but be sure to select the overall level of review that is the most demanding.
- Most single-family new construction projects, if less than 5 units on a site, will be classified as Categorical exclusion subject to the Federal laws and authorities cited in §58.5 (CEST) as an Individual Action.

## C. Flood Insurance & D. Floodplain Management

- When evaluating potential properties for development ALWAYS check their floodplain status using the FEMA Flood Map Service Center first.
- AVOID FLOODPLAINS!
- A printed FIRMette map where the website demonstrates the site location is HUD's standard for project documentation. You can search using longitude and latitude coordinates (enter longitude, latitude).
  - Save using the Dynamic Map link
- If you wish to use a site in a floodplain, consult KHC immediately before taking any actions that will commit your organization to the project.

# E. Historic Preservation

- As soon as you have selected a site, initiate consultation with the Kentucky Heritage Council, the State Historic Preservation Office **AND** complete the Tribal Consultation Checklist on the HCA Help Desk.
- After you get a SHPO letter, check “No, because the project consists solely of activities included in a No Potential to Cause Effects memo or other determination [36 CFR 800.3(a)(1)]” when completing the worksheet. Include the date and findings of the letter in the text box below the checklist.
- If tribal consultation is necessary, determine which tribe(s) must be consulted using the HUD Tribal Directory Assessment Tool (TDAT).
  - KHC must initiate consultation with tribes, who have 30 days to respond.
  - Submit a request for consultation by emailing [contractmgt@kyhousing.org](mailto:contractmgt@kyhousing.org) with a site map and any site photos you have.
  - **DO NOT WAIT UNTIL YOU HAVE A SET UP READY FOR SUBMISSION!** Release of funds cannot be granted until at least 30 days after KHC has granted notice to tribe(s).
  - **NOTE:** Even if the TDAT lists them as a tribe to be consulted, the Muscogee (Creek) Nation currently has no areas of interest in Kentucky per recent correspondence with KHC.

## F. Wetlands

- When evaluating potential properties for development ALWAYS check their wetlands status using the US Fish & Wildlife Service Wetlands Mapper online tool.
- AVOID WETLANDS!
- Click the “Measure” tool then click the location button (the right icon) to mark the center of the project site on the map.
- Use the print function on the website to save a copy of the map. Enter the address in the title for your printout bar.
- If you wish to use a site in a wetland, consult KHC immediately regarding initiation of the 8-step process before taking any actions that will commit your organization to the project.

## G. Wild and Scenic Rivers

- This related law and authority applies to federally-designated Wild and Scenic Rivers **and** rivers listed on the Nationwide Rivers Inventory.
- There is only one Wild and Scenic River in Kentucky: 19.4 miles of the Red River in Wolfe County.
- You must document the distance of your project site from both the Red River **and** the nearest Nationwide Rivers Inventory body, no matter how far away it is!
- If your project site is within ½ mile of the Red River or a Nationwide Rivers Inventory body, the National Park Service must be consulted.

## H. Sole Source Aquifers

- There are no sole source aquifers in Kentucky.
- Include a sole source aquifers map for the project site OR the whole state as supporting documentation.

# I. Endangered Species

- Most HOME Single-Family activities are covered by the *2017-2022 CATEGORICAL CONSULTATION AGREEMENT BETWEEN KENTUCKY HOUSING CORPORATION AND THE KENTUCKY FIELD OFFICE OF THE U.S. FISH AND WILDLIFE SERVICE FOR CERTAIN HUD-FUNDED PROJECTS*
- Include a copy of this document (available on the HCA Help Desk) with your worksheet for this related law and authority.



# J. Farmlands Protection

- You must include a USDA Web Soil Survey Map with your project site as an “Area of Interest (AOI).”
  - Use the AOI polygon tool to best mirror the site boundaries.
- Regardless of whether the site has been used as farmland or not, if it contains “Prime Farmland” or “Farmland of Statewide Importance,” the USDA must be consulted.
- If the USDA determines that a Form AD-1006 must be completed for the project site, consult with KHC immediately.
  - Review the [Farmland Conversion Rating Guidance for Form AD-1006](#) from the HCA Help Desk to assist KHC in gathering necessary information to rate the conversion of the site using the Form AD-1006.

## K. Noise

- Use an online mapping tool to determine if the property is within 1,000 feet of any expressways, highways or major arterials “major roads,” within 3,000 feet of any railroads, or within 15 miles of an airport.
  - If the property meets any of these criteria, then a noise calculation must be completed for **all** noise generators within the thresholds.
- You must document your project site’s distance to the nearest noise source in each category, even if they do not fall within the thresholds.
- Include the distances to the noise generators in each category in your worksheet summary.
- Projects with noise levels above 65 dB require completion of an Environmental Assessment or an Environmental Impact Statement. Consult with KHC if this is the case.

# L. Explosives and Flammable Hazards

- All new construction activities must be assessed to determine if there are any above-ground storage tanks for within a 1-mile radius of the project site.
- Google Earth Pro is the best tool for this.
- May need to consult with the Public Protection Cabinet Department of Housing, Buildings, and Construction to determine if above ground storage tanks in the vicinity contain explosive or flammable materials.
- If so, then Acceptable Separation Distance (ASD) must be calculated from the tanks. Consult KHC if your property is within the ASD.

# M. Air Quality

- Because most KHC-funded HOME single-family developments should be single-address, single-unit developments, the project should be in compliance with this related law and authority.
- Select “no” as an answer to question 1.
- Enter “This homeownership development project is less than five dwelling units” on the worksheet summary.
- If the project consists of 5 or more contiguous units (regardless of funding source), Air Quality should be assessed as part of an Environmental Assessment.

# N. Contamination & Toxic Substances

- Use EPA NEPAssist tool to identify all EPA facilities within a 3,000-foot radius of the project site.
- Include the NEPAssist Report as supporting documentation.
- Include ECHO Reports and EPA Facility Reports accessible through NEPAssist for all EPA facilities within the radius as supporting documentation.
- Assess the risk to residents at your project site from any facilities with a history of non-compliance reported in their ECHO reports or if any brownfields are within the radius.
  - This may require consultation with the Energy and Environment Cabinet via an open records request.

## O. Airport Hazards & P. Airport Runway Clear Zones

- Document the project site's distance to the nearest airport.
- If within 2,500 feet, you must determine if the site is within the Airport Clear Zone or Runway Protection Zone of the airport.
  - You may need to contact the airport for maps of those zones. If they are not available contact KHC.
  - If the property is within an Airport Clear Zone or Runway Protection Zone, the homebuyer must be notified that the property is in the zone and that notification must be documented using HUD's form.
  - Include a copy of the map documenting distance to each airport with each worksheet.

## Q. Environmental Justice

- If no adverse environmental impacts have been identified after completing all other ERR worksheets, the project is in compliance with this related law and authority.
- If there are adverse environmental impacts identified, the project must be assessed to determine if they disproportionately impact a low-income or minority community.
  - Community consultation and mitigation measures may be required.

# Coming Soon: HEROS

- HEROS - HUD Environmental Review Online System
- HUD's Office of Environment and Energy has developed an online system for developing, documenting, and managing environmental reviews. It covers all levels of environmental reviews for both Part 50 and Part 58 projects and includes on-screen guidance for completing HUD environmental reviews.
- Will still need to upload all required supporting documentation, but will not have to fill out worksheets.
- KHC plans to implement HEROS as our Environmental Review Record submission and management system in 2019.
- Info at <https://www.hudexchange.info/programs/environmental-review/heros/>
- A future eGram will alert you when you will need to create an account. Instructions will be posted to the help desk.



# eGrams: Sign Up & Read 'Em!

The image shows a screenshot of an eGram newsletter from the Kentucky Housing Corporation (KHC). The header features the word "eGram" in a large, blue, serif font, with a small envelope icon to its left. To the right of "eGram" is the KHC logo, which consists of the letters "KHC" in a blue, stylized font with a house icon integrated into the letter "H", followed by the text "Kentucky Housing Corporation" in a smaller, blue, sans-serif font. Below the logo is the tagline "KHC's source for news and information." in a green, sans-serif font. The main content area is divided into two columns. The left column has a section titled "In This Issue" in green, followed by a link to "KHC Issues NOFA and Opens Application Period for the Single-Family Homebuyer Development and AHTF Home Repair Programs". Below this is a "Quick Links" section with links for "Website", "About Us", and "Development". At the bottom of the left column are social media icons for Facebook, Twitter, LinkedIn, YouTube, and RSS. The right column features a large green headline: "KHC Issues NOFA and Opens Application Period for the Single-Family Homebuyer Development and AHTF Home Repair Programs". Below the headline is a paragraph of text in black, followed by a paragraph in blue text that begins with "This [Notice of Funds Availability \(NOFA\) and Application Guidelines](#) governs 2019 applications for two programs: Single-Family Homebuyer Development (HOME, AHTF, and ARC-funded) and AHTF Home Repair. Applicants must submit two separate applications should they wish to apply for both programs."

**eGram** | **KHC** Kentucky Housing Corporation  
*KHC's source for news and information.*

**In This Issue**  
KHC Issues NOFA and Opens Application Period for the Single-Family Homebuyer Development and AHTF Home Repair Programs

**Quick Links**  
[Website](#)  
[About Us](#)  
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**KHC Issues NOFA and Opens Application Period for the Single-Family Homebuyer Development and AHTF Home Repair Programs**

Kentucky Housing Corporation (KHC), through its Housing Contract Administration (HCA) department, is pleased to offer a competitive funding application process to affordable housing developers, builders, and organizations across the state through the HOME Investment Partnerships Program (HOME), the Kentucky Affordable Housing Trust Fund (AHTF), and the Appalachian Regional Commission-Kentucky Appalachian Housing Program (ARC).

This [Notice of Funds Availability \(NOFA\) and Application Guidelines](#) governs 2019 applications for two programs: Single-Family Homebuyer Development (HOME, AHTF, and ARC-funded) and AHTF Home Repair. Applicants must submit two separate applications should they wish to apply for both programs.

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# Thank You.

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