

**State of Utah – Department of Workforce Services
Housing & Community Development Division
Olene Walker Housing Loan Fund (OWHLF)**

Housing Trust Fund (HTF) - Environmental Review Provisions & Instructions

The Housing Trust Fund (HTF) regulations establish specific property standards for housing that receives HTF funds. These standards include Environmental Provisions for projects involving new construction and rehabilitation. The HTF Environmental Provisions for new construction and rehabilitation under the Property Standards at 24 CFR § 93.301(f)(1) and (2) are similar to HUD’s Environmental Regulations at 24 CFR Parts 50 and 58. HTF projects are subject to the same environmental concerns that HUD-assisted projects are subject to. The main difference is that the HTF Environmental Provisions are outcome based, and exclude consultation procedures that would be applicable if HTF project selection was a federal action. Parts 50 and 58 are process based, and include consultation procedures for several laws and authorities where there may be environmental impacts.

What Provisions are the same as 24CFR Part 50/58?

The following Environmental Provisions are the *same* as the Part 50/58 process:

- Coastal Barrier Resources System
- Coastal Zone Management
- Explosives and Hazards
- Endangered Species (informal consultation)
- Wild and Scenic Rivers
- Sole Source Aquifers

What Provisions are different from 24CFRPart 50/58?

The following Environmental Provisions are *not* the same as the Part 50/58 process:

- Historic Preservation
- Farmlands
- Airport Zones
- Floodplains
- Wetlands
- Contamination
- Noise
- Safe Drinking Water

When a project is **only** using HTF funds

- No Level of Review (Cat X Checklist (CEST) or Environmental Assessment (EA))
- No Public Comment
- No Request for Release of Funds and Certification (RROF Form)
 - No Authority to Use Grant Funds (AUGF) from HUD

Directions – The following pages can be used as a cover sheet for compliance with the Environmental Provisions for New Construction where Part 50/58 does not meet the Environmental Provisions of HTF Funding.

- 1) Select from the options under each Environmental Provision
 - 2) Provide the appropriate documentation in the project file
-

Project Name: _____

Project Address: _____

Year: _____ Funding Sources: HTF HOME Other HUD Funds _____

Preparer Name: _____

Organization: _____

Phone: _____

Email: _____

Date: _____

1) Historic Preservation

Consultation with interested parties such as the State Historic Preservation Officers, federally recognized Indian tribes/Tribal Historic Preservation Officers (THPOs); and Native Hawaiian Organizations.

➔ *Document the consultation process.*

Select from the following:

- The project is NOT listed or eligible for listing in the National Register of Historic Places individually or as part of an historic district.
<http://www.nps.gov/nr/research/>

➔ *Document that the project is not listed or eligible to be listed on the National Register of Historic Places.*

- The project IS listed or eligible to be listed on the National Register of Historic Places, individually or as part of an historic district, **and work DOES NOT include demolition and MEETS the Secretary of Interior’s Standards for Rehabilitation** – including the Standards related to new construction. <https://www.nps.gov/tps/standards/four-treatments/treatment-rehabilitation.htm>

➔ Document how the work meets the Secretary of Interior’s Standards for Rehabilitation.

- Project cannot be funded with HTF.**

Note: If archaeological resources or human remains are discovered on the project site during construction, consult with affected tribes and/or descendant communities and comply with the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001–3013), State law and/or local ordinance (e.g., State unmarked burial law).

- ➔ Document all consultation correspondence with the affected tribe and/or descendant communities, and how compliance with the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001–3013), State law and/or local ordinance (e.g., State unmarked burial law) has been met.

2) Farmlands

Select one of the following:

- The project will NOT convert unique, prime or significant (state or local) farmland to an urban use.
<http://websoilsurvey.nrcs.usda.gov/app/WebSoilSurvey.aspx> or <https://tigerweb.geo.census.gov/tigerweb/>
- ➔ A map from the Web Soil Survey or TigerWeb showing that the project site is not a unique, prime or statewide or locally significant agricultural property, or a TigerWeb map showing the project is in an urban area.
- Project cannot be funded with HTF.

3) Airport Zones

Select one of the following:

- The project is NOT located within a Runway Protection Zone (RPZ) of a civilian airport or the clear zone or Accident Potential Zone (APZ) of a military airfield.
<https://www.epa.gov/nepa/nepassist>
- ➔ A map showing the site is not within 15,000 feet of a military airport or within 2,500 feet of a civilian airport.
- If within 15,000 feet of a military airport, a map showing the site is not within a designated APZ or a letter from the airport operator stating so.*
- If within 2,500 feet of a civilian airport, a map showing the site is not within a designated RPZ or a letter from the airport operator stating so.*
- Project cannot be funded with HTF.

4) Floodplains

Select one of the following:

- The project is NOT located in the Floodway, Coastal High Hazard Area or 100-year or 500-year floodplain on the latest FEMA floodmap (including preliminary maps and Advisory Base Flood Elevations).
<https://msc.fema.gov/portal>
- ➔ FEMA FIRM or other latest-available data from FEMA showing the project location is not within a floodplain.
- 100-year floodplain -
If the project site is within the 100-year floodplain, an 8-step Process and required notifications are required. Any structure located within the 100-year floodplain WILL BE elevated to at least the BFE or floodproofed to one foot above the BFE. Elevated and floodproofed buildings must adhere to National Flood Insurance Program standards, and the project MUST NOT BE a Critical Action.
- ➔ Document the 8-step Process and required notifications. Provide the FIRM or latest-available FEMA data and document that the structure will be elevated at least the BFE or floodproofed to one foot above the BFE, that elevated and floodproofed buildings adhere to National Flood Insurance Program standards, and that the project is a not a Critical Action.

Floodway –

The project IS a functionally dependent use.

➔ *If the project site is within a Floodway, provide the FIRM or latest-available FEMA data and document that the structure is a functionally dependent use.*

Coastal High Hazard Area –

The project IS reconstruction following destruction caused by a disaster and is designed for location in a coastal high hazard area consistent with the FEMA National Flood Insurance Program requirements for V Zones.

➔ *If the project site is within a Coastal High Hazard Area, provide the FIRM or latest-available FEMA data and document that the structure is reconstruction following destruction caused by a disaster and is designed for location in a coastal high hazard area consistent with the FEMA National Flood Insurance Program requirements for V Zones, and that the structure is not a Critical Action.*

500-year floodplain –

The project is NOT a Critical Action.

➔ *If the project site is within the 500-year floodplain provide the FIRM or latest-available FEMA data and document that the structure is not a Critical Action.*

Project cannot be funded with HTF.

5) Wetlands

Select one of the following:

The project will NOT adversely impact a wetland. The project will NOT drain, dredge, channelize, fill, dike, impound, or perform grading activities in wetlands.

<http://www.fws.gov/wetlands/Data/Mapper.html>

➔ *A map showing the project is not located in a jurisdictional or non-jurisdictional wetland.*

Project cannot be funded with HTF.

6) Contamination

Select one of the following:

The project is 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 use of the property.

AND

The project IS NOT located within 0.25 miles of a Superfund or CERCLIS (Comprehensive Environmental Response, Compensation, and Liability Information System) site or other contaminated site reported to Federal, State, or local authorities without a statement in writing from the U.S. Environmental Protection Agency (EPA) or the appropriate State agency that there is no hazard that could affect the health and safety of the occupants or conflict with the intended use of the property.

Note: The CERCLIS Public Access Database has been retired. The EPA is transitioning to the Superfund Enterprise Management System, or SEMS. SEMS includes the same data fields and content as CERCLIS.

<https://www.hudexchange.info/environmental-review/site-contamination/>

➔ Document that the project is 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 use of the property. Document that the project is not located within 0.25 miles of a Superfund or CERCLIS site or other contaminated site reported to Federal, State, or local authorities without a statement in writing from the EPA or the appropriate State agency that there is no hazard that could affect the health and safety of the occupants or conflict with the intended use of the property.

Multifamily properties (more than 4 units) - a Phase I ESA–ASTM is required. If the Phase I ESA identifies RECs, a Phase II ESA–ASTM will be required. If the Phase II indicates the presence of hazardous substances or petroleum products above applicable local, state, tribal or federal (LSTF) screening levels, coordination with the relevant LSTF oversight agency will be required to complete the remediation process and obtain a determination that no further action is required. Development of more than four single family structures in the same location, such as subdivision development, should be evaluated as multifamily

Single family properties - projects must avoid sites located within 0.25 miles of a Superfund or CERCLIS site or other contaminated site reported to Federal, State, or local authorities without a statement in writing from the EPA or the appropriate State agency that there is no hazard that could affect the health and safety of the occupants or conflict with the intended use of the property. In addition to the government records search, the screening process for single family does include a site visit. When the screening process raises concerns related to site contamination, it may be appropriate to contract with an environmental professional for preparation of a Phase I, testing and sampling, or other investigation.

Project cannot be funded with HTF.

7) **Noise**

Select one of the following:

External noise level is LESS THAN 65 dB.

➔ Document the external noise level.

External noise level is between 65 dB and less than 75 dB. Mitigation measures result in an interior standard of 45 dB.

➔ Document the external noise level, and the mitigation measures taken to meet the interior noise level standard of no more than 45 dB.

External noise level is 75 dB or greater. There are NO noise sensitive outdoor uses (e.g., picnic areas, tot lots, balconies, or patios) and mitigation measures to the building shell achieve the 45 dB interior standard.

<https://www.hudexchange.info/programs/environmental-review/noise-abatement-and-control/>

➔ Document the exterior noise level, and the mitigation measures taken to meet the interior noise level standard of no more than 45 dB. Also document that there are no outside noise sensitive uses involved in the project.

Project cannot be funded with HTF.

8) **Safe Drinking Water**

Select one of the following:

The project is CONSTRUCTED WITH lead-free pipes, solder, and flux.

<https://www.epa.gov/dwreginfo>

➔ *Document that the project only uses lead-free pipes, solder, and flux (architectural plans, building specifications, and certification by qualified professional).*

Project cannot be funded with HTF.

I have reviewed all the environmental criteria above and found that the project is in compliance with the additional HTF Environmental Provisions for new construction and rehabilitation under the Property Standards at 24 CFR § 93.301(f)(1) and (2).

Environmental Review Preparer:

Signature: _____

Preparer Name (Printed: _____

Date: _____

HCD Representative:

Reviewed by HCD Environmental Review Officer: _____

Date: _____