

Environmental Review Training 2024



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What is an environmental review?

- » Any use of federal funds requires a NEPA review.
 - Even if only a penny is being given by the federal government, *the entire project requires full environmental review.*
- » HUD has specific environmental regulations listed in 24 CFR Part 58. Any regulatory questions can be given guidance through Part 58.
- » The unit of local government that is requesting funding is called the responsible entity (RE). CGAs are assuming the role of the RE and are charged with all environmental preparation and decision making.
 - IEDA cannot offer anything more than guidance on the process. We cannot create and then review our own environmentals, for example.
- » May hear environmentals referred to as environmentals, ERR, ER, NEPA review. These all mean the same thing.

Limitation on Action [§58.22]

*Prior to Release of Funds, **Recipient may not:***

- Commit **HUD** funds
- Commit ANY **non-HUD** funds (public or private), where the activity would have an adverse environmental impact or **limit the choice of reasonable alternatives**

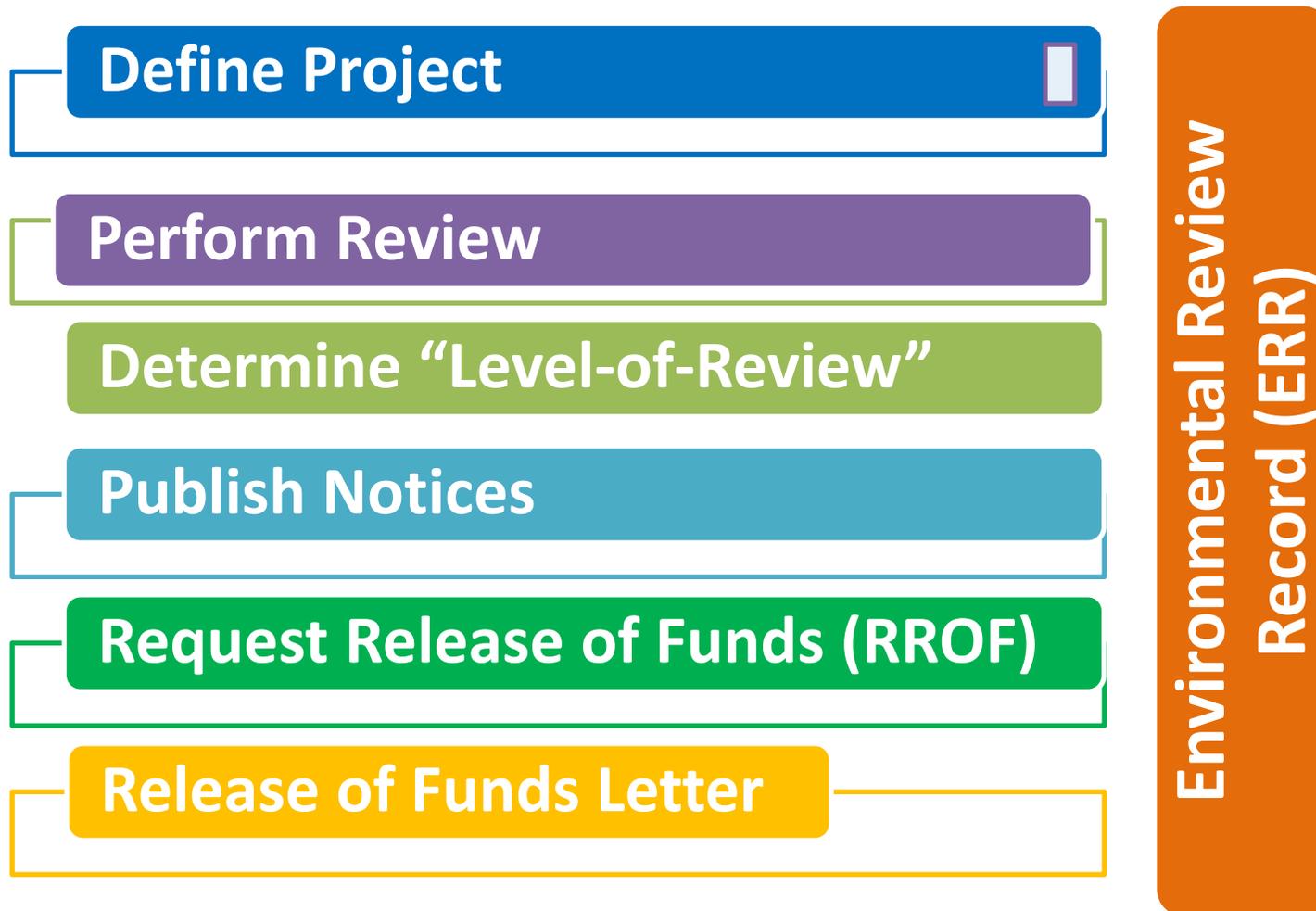


On any **Choice-limiting actions:**

Bid advertisement, real property acquisition, leasing, disposition of property, approval of final subdivision plats, re-zoning, demolition, rehabilitation, repair, renovation, any construction contracts/activities, conversion and site improvements

Watch actions of engineers, architects, sub-recipients too. Do NOT want to mess up here!

The Environmental Review Process



Define/Describe the Project

- **IMPORTANT:** Capture maximum anticipated scope of the proposal

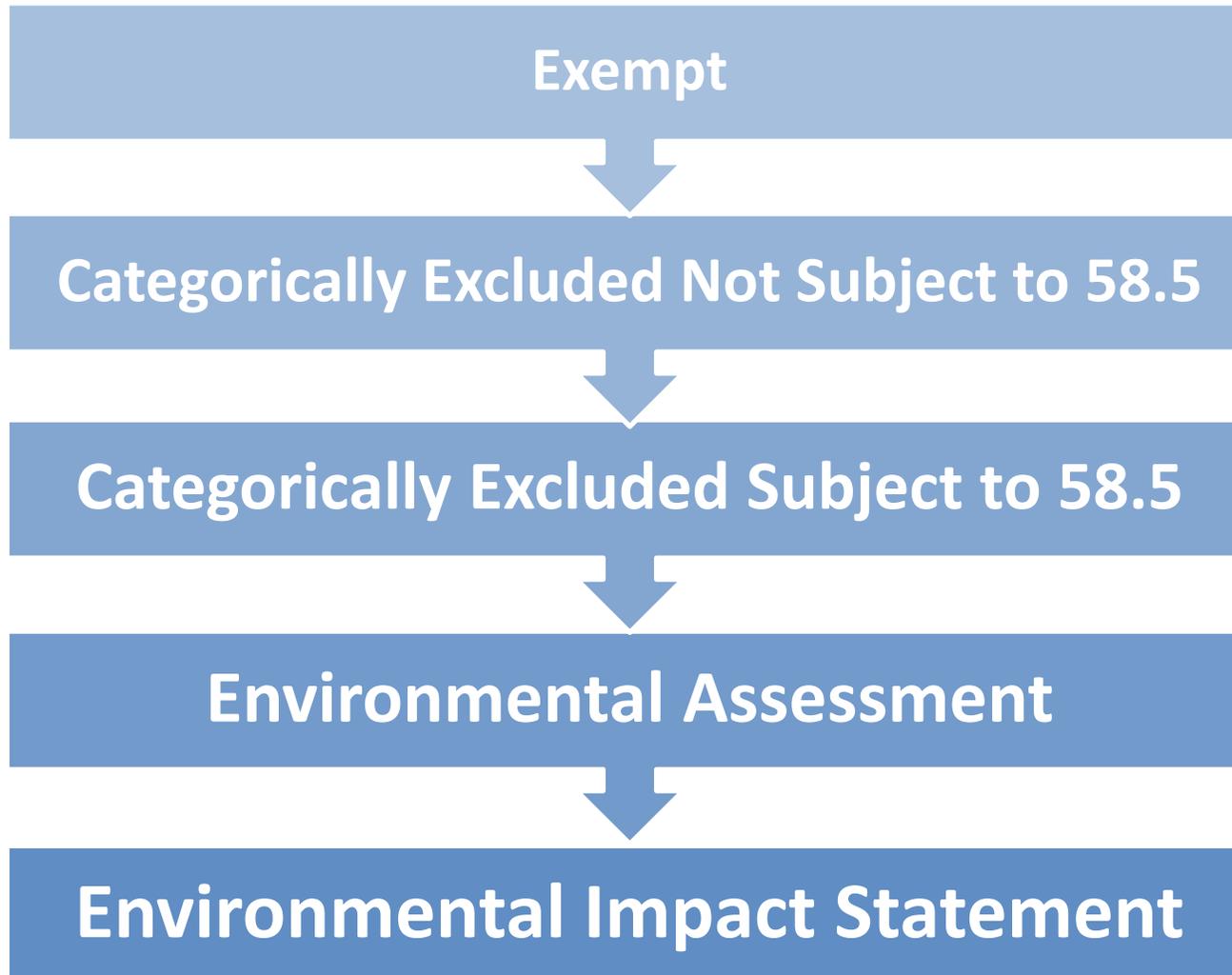


Need CLEAR, READABLE project location map(s), plus complete narrative description; overlay project location on map

Defining the project

- » Entire project scope must be specified in ERR. If CDBG funds are covering half of the project costs and SRF is covering the other half, your ERR must address both the CDBG and SRF portions together. Funding source does not matter here.
- » Explain project alternatives. Many projects may not have reasonable alternatives You must still explain why.

Levels of Review



Exempt Activities [§58.34(a) / §50.19]



Think of “exempt” as administrative and planning only.

- Environmental studies or Planning
- Information & financial services
- Administrative & management activities
- Public services (**no physical impact**)
- Inspections & testing properties
- Purchase of tools & insurance
- Engineering or design costs
- Technical assistance & training
- Payment of principal and interest
- Temporary assistance for disaster or imminent threats
- Very RARELY funded with regular CDBG (except for planning grants)

CE Not Subject to §58.5 authorities

§58.35(b)(3)

Operating costs such as maintenance, utilities, furnishings, supplies, training, etc.

§58.35(b)(4)

Economic development activities **not associated with construction** or expansion of existing operations. Simple rule of thumb: You pick up a hammer, you are subject to.

§58.35(b)(5)

Activities to assist homebuyers to purchase existing dwelling units or dwelling units under construction, including closing costs and down payment assistance, interest buydowns, and activities that result in the transfer of title.

Think of CENST as a tangible, purchased thing that requires zero construction to implement.

CE Subject to §58.5 authorities

§58.35(a)

(1) Acquisition, repair, improvement, reconstruction or rehabilitation of **public facilities and improvements** when:

- Facilities and improvements are in place
- Less than 20% change in size or capacity – of ANY part of system
- No change in land use

If there's construction, we're deciding between CEST and EA. Look at capacity at that point.

CE Subject to §58.5 authorities

§58.35(a)

(3) Rehab/improvement of buildings

(i) Single-Family residential (1-4 units)

Density not over 4 units

Land use not changed

Like: HSG – rehab projects ONLY

(ii) Multifamily residential

NOT for HSG – UPPER STORY! – Different “Animal”

(iii) Commercial, industrial, public, institutional

No change in capacity beyond 20%

Land use not changed

Like: DTR projects

Career Link Transportation Projects are in this category

Again: NO increase/changes of density or land use. **If so, you are at an EA level of review**

Requirement: ALL PROJECTS [§58.6/§50.4]

- » Requirements apply “as appropriate”
 - Coastal Barrier Resources Act (Never)
 - National Flood Insurance Program (Sometimes)
 - Airport Runway Clear Zones (Rarely in our programs)
- » For CEST projects there is a separate form (24 CFR 58.6 Requirements Form)
- » For EA projects it is incorporated into the document



“Statutory Checklist”

Statute, Authority, Executive Order, Regulation or Policy cited at 24 CFR §58.5	STATUS		Compliance Documentation
	A	B	
1. Air Quality [Clean Air Act sections 176(c) & (d), and 40 CFR 6, 51, 93]	<input type="checkbox"/>	<input type="checkbox"/>	Project is NOT located in an EPA-designated non-attainment area for one or more of six “criteria pollutants,” called National Air Standards (NAAQS). Map documentation included in Appendix a at: http://www.epa.gov/oagps001/greenbk/mapnmpoll.html
2. Airport Hazards (Clear Zones and Accident Potential Zones) [24 CFR 51D]	<input type="checkbox"/>	<input type="checkbox"/>	Project is NOT located within 2,500 feet of the end of a civil airport 15,000 feet of the end of a military airfield runway. HUD policy is compatible land uses in RCZ/CZ/APZ. OR Project is located within 2,500 feet of the end of a civil airport runway layout plan obtained and project is not within the RCZ/RPZ. NPI/ http://www.faa.gov/airports/planning_capacity/npias/reports/ . Airport layout plan project is not within the RCZ/RPZ. Layout Plan in Appendix. OR Project is 15,000 feet of the end of a military airfield runway. HUD promote compatible land uses in CZ/APZ. An AICUZ study was conducted for military airfield and the project is not within the APZ. Map in Appendix.
3. Coastal Zone Management [Coastal Zone Management Act sections 307(c) & (d)]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	No coastal zone management programs exist in the states of Hawaii and Alaska established by Nat'l Oceanic & Atmospheric Administration, Office of Coastal Resource Management (http://coastalmanagement.noaa.gov/mystate/welcome.html)
4. Contamination and Toxic Substances [24 CFR 58.5(i)(2)]	<input type="checkbox"/>	<input type="checkbox"/>	Project location will not be affected by any contaminated or Toxic field inspection, land use search, and review of environmental conditions conducted using the All sites in proximity were in compliance. EPA. http://www.epa.gov/emefdata/em4ef/home . All sites in proximity were in compliance. Contaminated sites database also searched: https://programs.iowadnr.gov/contaminatedsites/pages/search.aspx No sites discovered in vicinity of the project location and no tanks were required. IDNR storage tank database was searched: https://programs.iowadnr.gov/tanks/pages/advanced.aspx . No leaks discovered in vicinity of the project location and no tanks were required. Address RADON: Rehabilitation projects should test for radon Address LEAD: Rehabilitation projects Address ASBESTOS: single family housing exempt, but other regulations required.
5. Endangered Species [50 CFR 402]	<input type="checkbox"/>	<input type="checkbox"/>	Project will have <u>no effect</u> OR <u>May Effect, Not Likely to Affect</u> OR <u>Likely to adversely Affect</u> a Federally listed endangered or threatened species and its habitat. Species list and habitat information can be found for Iowa by county at http://www.fws.gov/Midwest/Endangered/LISTS/iowa_cty.html . A map of the project location county is in the appendix
6. Environmental Justice [Executive Order 12898]	<input type="checkbox"/>	<input type="checkbox"/>	Project site or neighborhood does not suffer from adverse health effects which disproportionately impact a minority or low-income population relative to the community at large. Project will assist low to moderate income persons for a better quality of life. See census statistics in the appendix at http://factfinder2.census.gov/faces/nav/jsf/pages/index.xhtml
7. Explosive and Flammable Operations [24 CFR 51C]	<input type="checkbox"/>	<input type="checkbox"/>	Visual search of the area around the project revealed that the project is not located within sight of or in proximity to an above ground storage tank that stores, handles or processes chemicals or petrochemicals of flammable nature, such as liquid propane, gasoline or other above ground tanks. OR For WS, HSG, CF rehabilitation and DTR: The project is not an above ground storage tank. Therefore, a visual search of the area around the project was not required to determine if explosive or flammable operations were present.

Types of Support Documentation

- **Answering N/A is NOT an option**
- Use provided narrative in template above as guide but support, as applicable, with:
- Field Observations (include photographs)
- Interviews (must include name/title/date)
- Printed Materials
 - letters, emails, phone log
 - plans, maps, aerials
 - reports, studies, analyses
 - web-based material (data, charts, screen shots)
 - photographs

[Link to our Sample Checklist 58.5 Narrative Responses and to HUD'S Research Information for Categorically Excluded and Environmental Assessment Checklists:](https://www.iowaeda.com/cdbg/management-guide/)

<https://www.iowaeda.com/cdbg/management-guide/>

Environmental Assessment [§58.36/§50.31]

- ❑ Required for any project not Exempt, not Categorically Excluded, and that does not meet EIS threshold
- ❑ Prepared using “[Environmental Assessment](#)” format and must follow §58.40
 - ❑ Includes Statutory Checklist
 - ❑ Includes 58.5, 58.6 requirements (airports, flood insurance, costal barriers)
 - ❑ *Includes assessment of land, socioeconomic, and community facilities and services in the project area

Like: Many CF and WS projects and ALL HSG-Upper Story

Assessment for EA Level Form

Environmental Assessment Factors [24 CFR 58.40; Ref. 40 CFR 1508.8 & 1508.27] Recorded below is the qualitative and quantitative significance of the effects of the proposal on the character, features and resources of the project area. Each factor has been evaluated and documented, as appropriate and in proportion to its relevance to the proposed action. Verifiable source documentation has been provided and described in support of each determination, as appropriate. Credible, traceable and supportive source documentation for each authority has been provided. Where applicable, the necessary reviews or consultations have been completed and applicable permits of approvals have been obtained or noted. Citations, dates/names/titles of contacts, and page references are clear. Additional documentation is attached, as appropriate. **All conditions, attenuation or mitigation measures have been clearly identified.**

Impact Codes: Use an impact code from the following list to make the determination of impact for each factor.

- (1) Minor beneficial impact
- (2) No impact anticipated
- (3) Minor Adverse Impact – May require mitigation
- (4) Significant or potentially significant impact requiring avoidance or modification which may require an Environmental Impact Statement

Environmental Assessment Factor	Impact Code	Impact Evaluation
LAND DEVELOPMENT		
Conformance with Plans / Compatible Land Use and Zoning / Scale and Urban Design		
Soil Suitability/ Slope/ Erosion/ Drainage/ Storm Water Runoff		
Hazards and Nuisances including Site Safety and Noise		
Energy Consumption		

Tiered Review [§58.15]

Appropriate when evaluating a proposal at the early stages of development or when site-specific locations are not yet known with certainty (i.e.) HSG (single family housing rehabs), DTR (downtown revitalization).

- With possible rare exceptions, other than DTR or Housing Rehabilitation, **ALL other projects should not use a TIER II approach. In those cases, Section 106 reviews should be completed prior to submittal of the ERR documents**
- Mostly, Tiering is restricted to **CEST-level** reviews.
- » Tier 1: **Broad review** Address all laws and authorities possible and establish a plan (mention in narrative) for the site-specific or subsequent review. Publish public notice (NOI/RROF) and submit RROF
- » Tier 2: **Site-Specific review** No public notice or RROF required unless unanticipated impacts or impacts not adequately addressed in prior broad review are discovered

Updating the ERR [§58.47]

- » **Re-evaluation** of project is required when new activities added, unexpected conditions arise, or substantial changes made to nature, magnitude or extent of project
- ✓ If original finding still valid: Update the ERR with memo to the file and any needed documentation
- ✓ If original finding no longer valid or project significantly changed: RE must prepare new review and proceed with approval process (**RROF**)

Summary of RROF Process

Two Routes for Release of Funds & Notices:

- » One, if project is “Categorical Exclusion Subject To” (CEST)
 - **NOI-RROF** – “*Notice of Intent to Request the Release of Funds*”

- » Two, if project requires Environmental Assessment (EA):
 - **NOI-RROF** – “*Notice of Intent to Request the Release of Funds*” and **FONSI** notice – “*Finding of No Significant Impact*”
 - Usually, these are combined

Summary of RROF Process:

Categorical Exclusion (CEST) Projects

1. RE publishes/posts **NOI-RROF public notice – SIGN FINDINGS BEFORE YOU PUBLISH**
2. RE observes **7/10-day** (10 day if posted), comment period
3. RE addresses any comments received
4. RE signs RROF **AFTER COMMENT PERIOD** and submits to State, with proof of mailing, publication and/or posting
5. State observes 15-day comment period
6. State issues “Release of Funds Letter”
7. RE implements project, including any environmental conditions that apply

Summary of RROF Process:

Environmental Assessment (EA) Projects

1. RE mails, publishes and/or posts **FONSI/NOIRROF (“combined notice”)**
2. RE observes **15/18-day (18 if posted) or 30-day** comment period (30 day in exceptional circumstance)
3. RE addresses any comments received
4. RE signs RROF Form and submits to State, with proof of mailing, publication and/or posting
5. State observes 15-day comment period
6. State issues “Release of Funds Letter”
7. RE implements project, including environmental conditions that apply

Most important slide of the whole presentation!

Standard documentation summary

- » Level of Determination form MUST be the first document signed and dated. EX: LoD gets signed 2/2/2024
- » Any time *after* 2/2/24, RE can publish findings. CANNOT publish before that 2/2/24 date. If you do, you have to start this whole process over again.
- » Your publication will include “on or after _____ date”. You CANNOT continue the process before that date comes, even if it’s already been more than 15 days. EX: Publication goes out 2/3/2024, will last until 2/20/2024
- » Once the publication comment period is over, then RE can get the release of funds form signed. Release of funds form CANNOT be signed prior to the date indicated in the publication. EX: Release of funds form signed any time after 2/20/2024
- » DO NOT sign the level of determination late, do not sign your release of funds forms early, definitely do not sign them on the same day. You will have to restart this process.

Key Points – ALL PUBLIC NOTICES

- Use HUD-recommended template for notice. It contains the minimum content - you may add language, but do not subtract
- FONSI and NOI-RROF notices must be mailed to interested groups and individuals (if any known)
- RE must address and resolve any comment, (and make part of ERR) before signing the RROF and before submitting the RROF to State

FONSI Notice



- » RE must send FONSI to individuals & groups known to be interested such as local news media, appropriate tribal, local, state and federal agencies, Regional EPA and local HUD office [§58.43(a)]
- » EPA Region VII only wishes to see complex EA or EIS-level reviews (Rare)
- » “Appropriate” agencies depends on project complexity, controversy, impacts and the agency’s involvement (i.e) EPA, IDNR, Fish & Wildlife Service, USDA, FEMA, Corp of Engineers

Request for Release of Fund Form

- Must use HUD template.
<https://www.hudexchange.info/resource/2338/hud-form-701515-request-release-funds-certification/>
- HUD/State ID number can be found under “Appropriations” section in iowagrants – if you can not find it, contact me. It is NOT your grant contract number (23-WS-020)
- Instructions at our web site detail what information goes in each section
- Form must be signed **AFTER** public comment has ended and only by the Mayor or Board Chair – be sure to also check box about EIS

IEDA Website

<https://www.iowaeda.com/cdbg/management-guide/>

Environmental Compliance

- What is a Floodway? [MS Word 1.1MB]
- Categorically Excluded Packet - forms, notice, RROF [MS Word: 495k]
- Environmental Assessment Packet - forms, notice, RROF [MS Word: 610k]
- Exempt or Categorically Excluded Not Subject To Packet [MS Word: 70k]
- Categorically Excluded Subject to 58.5 Final Review of Tiered Projects [MS Word: 49k]
- Section 106 Summary and Tribal Consultation including *when to consult tribes under section 106 form* [MS Word: 115k]
- Programmatic Agreement, executed 08/23/2016 [PDF: 2MB]
- Section 106 Iowa Site Inventory form [PDF: 364k]
- Section 106 Exempt from Review form [MS Word: 37k]
- Section 106 Authorization for Alternate Signatories [MS Word: 36k]
- Floodplain & Wetland Information - Eight (8) Step Process with Notices [MS Word: 40k]
- Research Information for Categorically Excluded and Environmental Assessment Checklists [MS Word: 391k]
- HUD Research Website for Related Federal Laws and Authorities
www.hudexchange.info/environmental-review/federal-related-laws-and-authorities
- Web-based Instructional System for Environmental Review (WISER) <http://www.hudexchange.info/trainings/wiser/>
- HUD **Request for Release of Funds 7015.15** and Instructions [PDF: 67k]
- Code of Federal Regulations Chapter 24, Part 58: Environmental Review Procedures [PDF: 226k]
- IEDA Internal Review Checklist for ERRs [MS Word: 60k]
- Sample 58.5 Checklist Narratives [MS Word: 222k]

Let's review – The ERR's

- » **Categorically Excluded NOT Subject to Packet (on website):**
 - ✓ Level of Review Form
 - ✓ 24 CFR 58.6 Form (Runway Protection and Flood Insurance)
 - ✓ No checklist, No notice, No RROF form

- » **Categorically Excluded Subject To Packet (on website):**
 - ✓ Level of Review Form
 - ✓ 24 CFR 58.6 Form (Runway Protection and Flood Insurance)
 - ✓ Statutory Checklist 58.5 Form
 - ✓ NOI/RROF notice and RROF form (web link)

- » **Environmental Assessment Packet (on website):**
 - ✓ Level of Review Form
 - ✓ Environmental Assessment (includes 24 CFR 58.5 and 58.6 form)
 - ✓ FONSI/RROF notice, FONSI distribution list, RROF form (web link)

Submission of Environmental Review Record to IEDA

- » Upload to IowaGrants: ERR, regardless of the level of review
- » Please do NOT send any physical documentation to IEDA through the mail. HUD no longer requires us to keep physical copies of documents.

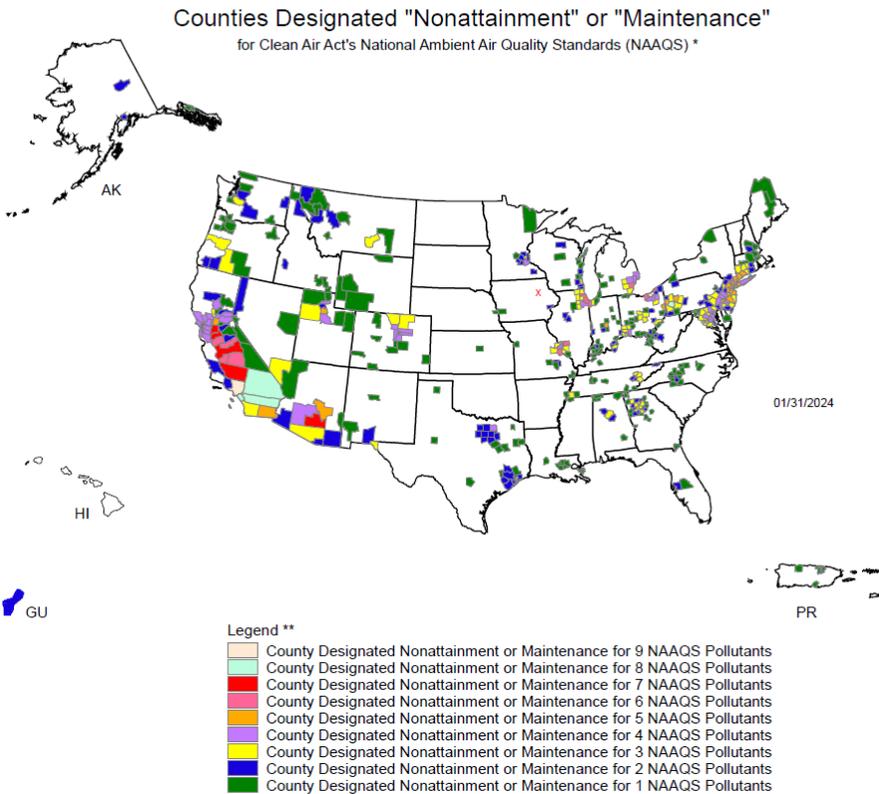
Appropriations					Add Appropriation Edit Appropriation Return to Components				
Year	Award Number	Award Name	Fund Type	Coding Block	Priority	Uncommitted Award Amount	Committed this contract	Expended	Unexpended
2021	B-21-DC-19-0001	2021 HUD - CDBG	Program Grant Funds	0340-269-4610-21-DTR0-4125-0000	1	\$422.06	\$500,000.00	\$0.00	\$500,000.00
						\$422.06	\$500,000.00	\$0.00	\$500,000.00

Transfer Log						
<i>A history of all modifications to the Committed Amount are tracked below.</i>						
Year	Name	Coding Block	Date	User	Comments	Revised Committed Amount
2021	2021 HUD - CDBG	Downtown Revitalization	09/30/2021	Khristy Smith		\$500,000.00

Air Quality – What are you looking for?

- Check EPA map to see if the project site is in a city that's considered a “non-attainment” or “maintenance” area.
- Entire city is considered non-attainment, not just portions.
- Very simple, you're in an area or you're not.

Air Quality – What you need in your ERR?



- This map is your air quality documentation.
- Source:
<https://www3.epa.gov/airquality/greenbook/mapnmpoll.html>
- Mark your project's location on the map. A simple red X or dot or label will suffice, but HUD needs to know where your project site is. They are not familiar with Iowa.

* 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.

Air Quality – What if there's an issue?

- If you're in a non-attainment or maintenance area, HUD wants to make sure your project will not add to the air quality issue.
- Draft a memo with city letterhead, the works, explaining that this project will add to the negative state of the air quality.
- That's all you need. An air map and a memo.

Contaminated Sites – What are you looking for?

- There are a ton of different types of contaminated sites: leaking underground storage tanks (LUST), CORRACTS, IDNR-tracked sites, EPA-tracked sites, NPL sites. You need to check all of these.
- LUST, IDNR, EPA sites need to be checked to ensure they are all in compliance or at least .5 miles from project site. Anything within .5 miles will require further investigation.
- CORRACTS and NPL are slightly different from the other sites. They need to be researched if within 1 mile of project site. It is unlikely that you will bump into an issue with these sites since there are so few, but we need to check.

Radon – Needs to be included in ERR submission

- Radon information now also needs to be included in the contaminated sites portion of the ERR.
- New HUD rule: any enclosed project site that will house people for 4 or more hours at a time *requires* radon testing. No exception. If the test comes back above 3.9 pci/L, mitigation is *required*. Again, there are no exceptions for this.
- Upper story housing, community facilities, new construction, anything residential will all be impacted by this rule change.
- If you have questions on what does and doesn't need a radon test, feel free to reach out.

Contaminated Sites – What do you need in your ERR?

- LUST: [Tanks \(iowadnr.gov\)](http://iowadnr.gov) – make sure you click “LUST” and not “UST”
- IDNR: [Search - Contaminated Sites Web Application \(iowadnr.gov\)](http://iowadnr.gov)
- ECHO: [Facility Search Results | ECHO | US EPA](http://www.epa.gov)
- CORRACTS: [Search for Corrective Action \(CA\) Sites \(epa.gov\)](http://www.epa.gov)
- NPL: [National Priorities List \(NPL\) Sites - by State | US EPA](http://www.epa.gov)
- You will need to provide screenshots from each of these websites after searching your city.
- You will need to provide maps showing the distance from a contaminated site to your project site.
- You may need to provide further information available on these sites or by contacting EPA/IDNR.

CONTAMINATED SITES

Jim's Tire Service
Chapter 133 - Closed
, Albert City , IA
Project Manager:

Detail

Detail

Documents

Location

Background

Summary

Site Search

ID	1822
Name	Jim's Tire Service
Alternate Name(s)	---
Origin Type	NA
Site Type	Unknown
Institutional Control(s)	---
Ownership	Not Specified
Project Manager	

Contaminated Sites – What do you need in your ERR?

- Step 1: Search for contaminated sites.
 - ECHO: Significant Violations
 - IDNR: Open
 - LUST: High risk
- Step 2: Locate any contaminated sites that are classified as those above. Measure the distance from the contaminated site to project site. Remember, you're only worried about open/significant sites within .5 miles.
- Include a screenshot of the site search and a map showing site distances in your ERR.

The screenshot displays an environmental data portal interface. At the top, there is a search bar with 'Altoona, Iowa' entered. Below the search bar is a satellite map of Altoona, Iowa, with several red location markers. To the right of the map is a 'Facility Summary' sidebar with a 'Current Search' section showing search criteria: 'Search Type: All Data', 'Results View: Interactive Map', 'City, State, and/or ZIP Code: Altoona, Iowa', and 'Active/Operating? Yes'. Below this is an 'Explore Enforcement and Compliance' section with a list of criteria and checkboxes. At the bottom of the sidebar is a 'Filter Facilities' section with a 'Not Filtering on 3 Facilities' message and a 'Facility Characteristics' section. Below the map is a table with columns for Facility Name, Mapped, Street Address, City, State, FRS ID, Reports, Current Significant Violations, Quarters Non Comp (3 yrs), Inspections (5 yrs), and Formal Enforcement Actions (5 yrs). The table lists three facilities: VAN DYCK FURNACE COMPANY INC, ALTOONA, CITY OF, and ATM TED'S BODY SHOP INC.

Facility Name	Mapped	Street Address	City	State	FRS ID	Reports	Current Significant Violations	Quarters Non Comp (3 yrs)	Inspections (5 yrs)	Formal Enforcement Actions (5 yrs)
VAN DYCK FURNACE COMPANY INC	<input checked="" type="checkbox"/>	1009 8TH STREET SW	ALTOONA	IA	110001762138	C	N	0	0	1
ALTOONA, CITY OF	<input checked="" type="checkbox"/>	901 17TH AVENUE SOUTHWEST	ALTOONA	IA	110013091705	C	N	0	2	1
ATM TED'S BODY SHOP INC	<input checked="" type="checkbox"/>	1007 8TH ST. SW	ALTOONA	IA	110063225264	C	N	0	2	1

Contaminated Sites – What if there's an issue?

- More site specific information is available on each of these websites. For example, the IDNR has a tab with all correspondences related to that site. You will likely find a discussion of cleanup measures taken at the site there.
- If you cannot find any site clean up proof, plume maps, or anything else proving the site will not impact the project site, contact EPA/IDNR. They will be able to tell you whether or not a site is an issue.
- Include full correspondence or extra documentation in your ERR. Without it, we have to assume our project site is negatively impacted by contaminated sites.

Contaminated Sites – Phase 1 ESA

- For new construction projects, IEDA may request a Phase 1 ESA in place of any contaminated sites information. Essentially, this is a third-party report that determines whether or no the site has contamination issues.
- If you're doing a new construction project, reach out to me and we can move forward from there.

Asbestos Hazards

Applies to all building renovation or demolition activities

- NESHAP **not** triggered for:
 - ✓ small quantities - if the disturbed area is below threshold of 80 linear meters or 15 square meters

 - ✓ Residential buildings **provided the project consists solely** of a **single** one-to-four unit (SF) residential building (40 CFR 61.141)

ALL HOUSING REHAB IS EXEMPT BUT WATCH FOR DTR & HSGU

- NESHAP requirements include:
 1. **Notification** to State
 2. **Inspection** (thorough) for asbestos
 3. **Abatement** of all **friable** and any **non-friable** asbestos that will become friable if it will be disturbed
 4. **Disposal** in approved landfill

- Licensed contractors required for abatement

Endangered Species – What are you looking for?

FISH & WILDLIFE SERVICE

ENDANGERED SPECIES CONSULTATION

NO EFFECTS DETERMINATION

A determination has been made that the project named below will have no effect on any federally listed species or their habitats.

This determination is based on upon one or more of the following factors: (check all that apply)

- The project involves no new construction activities
- The project involves the replacement, reconstruction or resurfacing of existing infrastructure components without disturbance of previously undisturbed soil
- The project involves the removal of blight through demolition with no storage or disposal of removed materials in or adjacent any listed species habitats
- The project involves the rehabilitation of existing buildings/facilities without a significant increase in capacity or change in use
- The project site is within an already developed area containing pavement, structures and/or regularly mowed or maintained grass or landscaped area and will not involve the removal of any native vegetation, including trees
- The project will not directly or indirectly effect any habitat area utilized by a listed endangered or threatened species

CDBG Project Name: _____

Nature of Project: _____

Signature of Certifying Person: _____

Date: _____

- HUD is looking to get two things from this.
- First, we need to be sure there are no **critical habitats** near the project site.
- Secondly, we need to determine whether or not the project has the potential to harm endangered species.

Endangered Species – What do you need in your ERR?



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Illinois-Iowa Ecological Services Field Office
Illinois & Iowa Ecological Services Field Office
1511 47th Ave
Moline, IL 61265-7022
Phone: (309) 757-5800 Fax: (309) 757-5807



- CGA needs to fill out and sign determination form.
- Fish & Wildlife letter needs to be obtained and included in full.
- F&W: [IPaC: Getting Started - Draw on Map \(fws.gov\)](https://www.fws.gov/ipac/getting-started-draw-on-map)
- IPaC can be a bit confusing. Make sure you make it all the way through the process. You should get your letter as a PDF at the end. Select “federal grant/loan related” when prompted.

In Reply Refer To:
Project Code: 2024-0050499
Project Name: Example

February 16, 2024

Subject: List of threatened and endangered species that may occur in your proposed project location or may be affected by your proposed project

To Whom It May Concern:

The attached species list identifies federally threatened, endangered, proposed and candidate species that may occur within the boundary of your proposed project or may be affected by your proposed project. The list also includes designated critical habitat, if present, within your proposed project area or affected by your project. This list is provided to you as the initial step of the consultation process required under section 7(c) of the Endangered Species Act, also referred to as Section 7 Consultation.

Under 50 CFR 402.12(e) (the regulations that implement Section 7 of the Endangered Species Act) **the accuracy of this species list should be verified after 90 days**. This verification can be completed formally or informally. You may verify the list by visiting the ECOSPHERE Information for Planning and Consultation (IPaC) website <https://ipac.ecosphere.fws.gov> at regular intervals during project planning and implementation and completing the same process you used to receive the attached list.

[Section 7 Consultation](#)

Endangered Species – What if there's an issue?

- If the project is going to impact a critical habitat in just about any way, Fish & Wildlife need to be contacted immediately.
- I cannot help you with anything in this section. This is all up to Fish & Wildlife.

Environmental Justice– What are you looking for?

- This review ensures that HUD is not funding a project that negatively impacts specifically minority communities.
- We're looking for negative health impacts and minority population numbers above the 80th percentile for the state.

Environmental Justice – What do you need in your ERR?

EPA EJScreen EPA's Environmental Justice Screening and Mapping Tool

Please note: Territory data (except Puerto Rico) is not available

clear

Drop a Pin

Draw an Area

Add a Path

BG Select Block Group

TR Select Tract

Select City

Select County

Select Multiple

Chart or Report

Name:

Buffer: mi

Explore Reports...

EJScreen Community Report

Delete this site

- EPA EJScreen: [EJScreen: Environmental Justice Screening and Mapping Tool | US EPA](#)
- Step 1: Go to the reports section, select “draw”.
- Step 2: Draw around your project site’s city.
- Step 3: Select the PDF report that this generates.
- We need to include the entire report in the ERR.

Explosive and Flammable Operations



24 CFR Part 51 - Subpart C

Remember: ONLY Above Ground Storage Tanks (ASTs)

- HUD regulation requires achieving an **Acceptable Separation Distance (ASD)** from explosive and fire hazards

- Only 2 threats assessed

- **Blast overpressure** (explosion)
- **Thermal** radiation (fire)



- Threats from release of **toxic chemicals or substances are NOT addressed** by this HUD guidance [Rather, §58.5(i)(2)]

Applicable Activities

Applies where **bringing people to the tanks...or tanks to the people**

Does not apply to:

- Owner-Occupied Rehabilitation
- Homebuyer Assistance
- Water/Sewer Projects
- Downtown Façade projects

Applies to:

- Upper Story = Vacant spaces made habitable
- New residential construction
- Community Facilities: New construction or substantial additions/expansions
- Economic Development: New construction or 20%+ expansions

Detecting Hazardous Operations

Determine if any AST within 1 mile Radius



Substances that must be evaluated

24 CFR Part 51:Appendix I to subpart C

Hazardous Liquids:

Acetic Acid	Crude Oil (Petroleum)	Isobutyl Alcohol
Acetic Anhydride	Cumene	Isopropyl Acetate
Acetone	Cyclohexane	Isopropyl Alcohol
Acrylonitrile	No. 2 Diesel Fuel	Jet Fuel and Kerosene
Amyl Acetate	Ethyl Acetate	Methyl Alcohol
Benzene	Ethyl Acrylate	Methyl Almyl Alcohol
Butyl Acetate	Ethyl Benzene	Methyl Ethyl Ketone
Butyl Acrylate	Ethyl Dichloride	Naptha
Butyl Alcohol	Ethyl Ether	Pentane
Carbon Bisulfide	Gasoline	Propylene Oxide
Carbon Disulfide	Heptane	Toluene
Cellosolve	Hexane	Vinyl Acetate
Cresols	Isobutyl Acetate	Xylene

“The list”

Hazardous Gases:

Acetaldehyde	Ethylene	Liquefied Petroleum Gas (LPG)
Butadene	Ethylene Oxide	Propane
Butane	Hydrogen	Propylene
Ethene	Liquefied Natural Gas (LNG)	Vinyl Chloride

Gas or liquid – that is the question

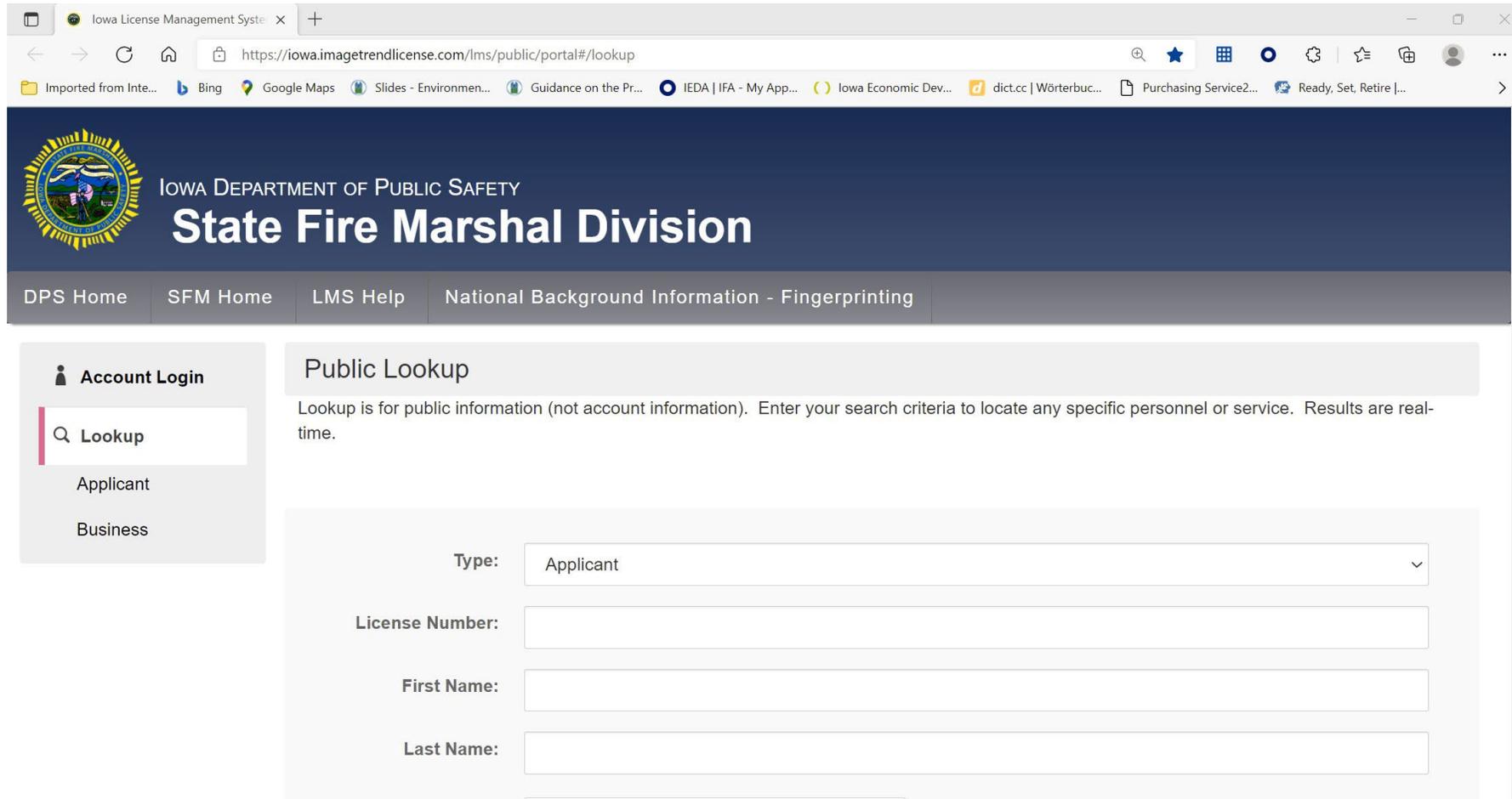
Determines how ASD calculated

- Gases are Pressurized – calculates both **Blast** Overpressure and **Thermal** Radiation
- Liquids are Unpressurized – calculates only **Thermal** Radiation

Note: propane is a non-cryogenic liquified gas stored under pressure and gasoline is liquid not stored under pressure

Data at State Fire Marshall Site

- Information no longer kept by Iowa DNR
- Must now use State Fire Marshall Web Site:
- [Iowa License Management System \(imagetrendlicense.com\)](https://iowa.imagetrendlicense.com)



The screenshot shows a web browser window displaying the Iowa License Management System (LMS) Public Lookup page. The browser's address bar shows the URL <https://iowa.imagetrendlicense.com/lms/public/portal#/lookup>. The page header features the Iowa Department of Public Safety logo and the text "IOWA DEPARTMENT OF PUBLIC SAFETY State Fire Marshal Division". Below the header is a navigation menu with links for "DPS Home", "SFM Home", "LMS Help", and "National Background Information - Fingerprinting".

On the left side, there is an "Account Login" section with a search bar containing the word "Lookup" and two options: "Applicant" and "Business".

The main content area is titled "Public Lookup" and contains the following text: "Lookup is for public information (not account information). Enter your search criteria to locate any specific personnel or service. Results are real-time." Below this text is a form with the following fields:

- Type:** A dropdown menu with "Applicant" selected.
- License Number:** A text input field.
- First Name:** A text input field.
- Last Name:** A text input field.

In the bottom right corner, there is a logo for "IOWA atomic development".

Search Steps

» Steps:

- 1) Click business icon on left hand side
- 2) Click "Select Business/Site Classification" drop down menu. Choose "tanks" option.
- 3) Put in city name in "Business Address City" text box
- 4) Click " I am not a robot" box (unless you are one)
- 5) Click Search button
- 6) See results below
- 7) NOTE: the address given for the tanks may NOT be where the tanks are actually located; but rather the address of the office of the owners of the tanks. So, please be sure to find the true tank location.

Search Steps For Tanks (1)

The screenshot shows a web browser window with the URL `iowa.imagetrendlicense.com/lms/public/portal#/lookup/service`. The page header features the Iowa Department of Public Safety logo and the text "IOWA DEPARTMENT OF PUBLIC SAFETY State Fire Marshal Division". Below the header is a navigation bar with links for "DPS Home", "SFM Home", "LMS Help", and "National Background Information - Fingerprinting".

On the left side, there is an "Account Login" section with a search bar containing the word "Lookup" and two buttons: "Applicant" and "Business".

The main content area is titled "Business Lookup" and contains the following text:
Enter any search criteria to view the licensing information of any active or past licensed contractor. Results are real-time. Please report any errors to `sfmlicense@dps.state.ia.us`.
You can list all licensed types of contractors by selecting the applicable Service Classification from the drop down list. All actively licensed contractors in that classification will be listed.
(Example: to list all licensed fire protection contractors, select Fire Protection from the Service Classification drop down list and click the Search button.)

The search form includes the following fields:
- Business Name:
- License Number:
- Business/Site Classification:
- Business Address City:
- Business Address County:
- Endorsement(s):
- A checkbox for "I'm not a robot" with a reCAPTCHA logo and "Privacy - Terms" link.

At the bottom of the form are "Search" and "Clear" buttons.

Search Steps For Tanks (2)

← → ↻ iowa.imagetrendlicense.com/lms/public/portal#/lookup/service



IOWA DEPARTMENT OF PUBLIC SAFETY
State Fire Marshal Division

DPS Home | SFM Home | LMS Help | National Background Information - Fingerprinting

Account Login

Lookup

Applicant

Business

Business Lookup

Enter any search criteria to view the licensing information of any active or past licensed contractor. Results are real-time. Please report any errors to stfmlicense@dps.state.ia.us

You can list all licensed types of contractors by selecting the applicable Service Classification from the drop down list. All actively licensed contractors in that classification will be listed.

(Example: to list all licensed fire protection contractors, select Fire Protection from the Service Classification drop down list and click the Search button.)

Business Name:

License Number:

Business/Site Classification:

Business Address City:

Business Address County:

Endorsement(s):

I'm not a robot 

Search Steps For Tanks (3)

The screenshot shows a web browser window with the URL `iowa.imagetrendlicense.com/lms/public/portal#/lookup/service`. The page header includes the Iowa Department of Public Safety logo and the text "IOWA DEPARTMENT OF PUBLIC SAFETY State Fire Marshal Division". A navigation bar contains links for "DPS Home", "SFM Home", "LMS Help", and "National Background Information - Fingerprinting".

On the left side, there is an "Account Login" section with a search bar containing the word "Lookup" and two buttons labeled "Applicant" and "Business".

The main content area is titled "Business Lookup". It contains the following text: "Enter any search criteria to view the licensing information of any active or past licensed contractor. Results are real-time. Please report any errors to stfmlicense@dps.state.ia.us". Below this, it states: "You can list all licensed types of contractors by selecting the applicable Service Classification from the drop down list. All actively licensed contractors in that classification will be listed." An example is provided: "(Example: to list all licensed fire protection contractors, select Fire Protection from the Service Classification drop down list and click the Search button.)"

The search form includes the following fields:

- Business Name:
- License Number:
- Business/Site Classification:
- Business Address City:
- Business Address County:
- Endorsement(s):

At the bottom of the form, there is a checkbox labeled "I'm not a robot" next to a CAPTCHA logo. Below the form are two buttons: "Search" and "Clear".

Data to Gather to Calculate ASD

Data you need to collect:

1. size of the tank
2. contents (liquid/gas)
3. pressurized/ not under pressure
4. diked/not-diked (length & width)
5. distance from project to tank

Note: Unfortunately, some of the information needed to do a calculation is not available at the site for some tanks. In that case, you will have to directly contact the Fire Marshall's Office, the tank owners or locals such as the Fire Department for information.

Data to gather to Calculate ASD

Then perform the calculation:

<https://www.hudexchange.info/environmental-review/asd-calculator/>

Output will let you know how far you must be separated from the tank:

- If your project location is within the distance, mitigation is required
- If your project is outside of the distance, no mitigation is required

Mitigation

1. Construct a Barrier

- ❑ Only Professional Engineers (PE) are permitted to design barrier
 - Civil engineer or Structural engineer
- ❑ Construction oversight by same required

2. Bury the Tank

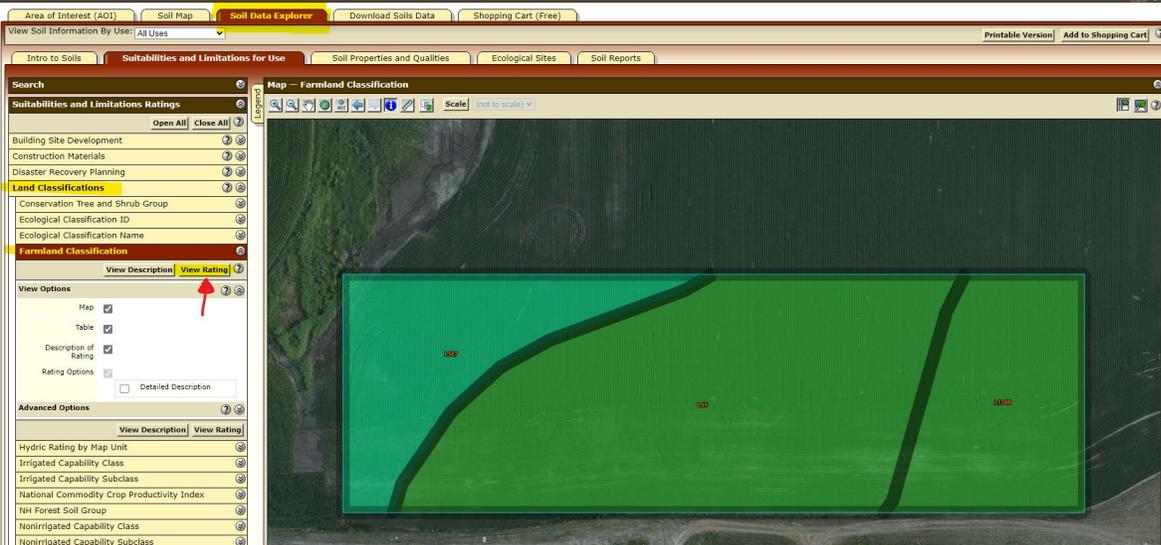
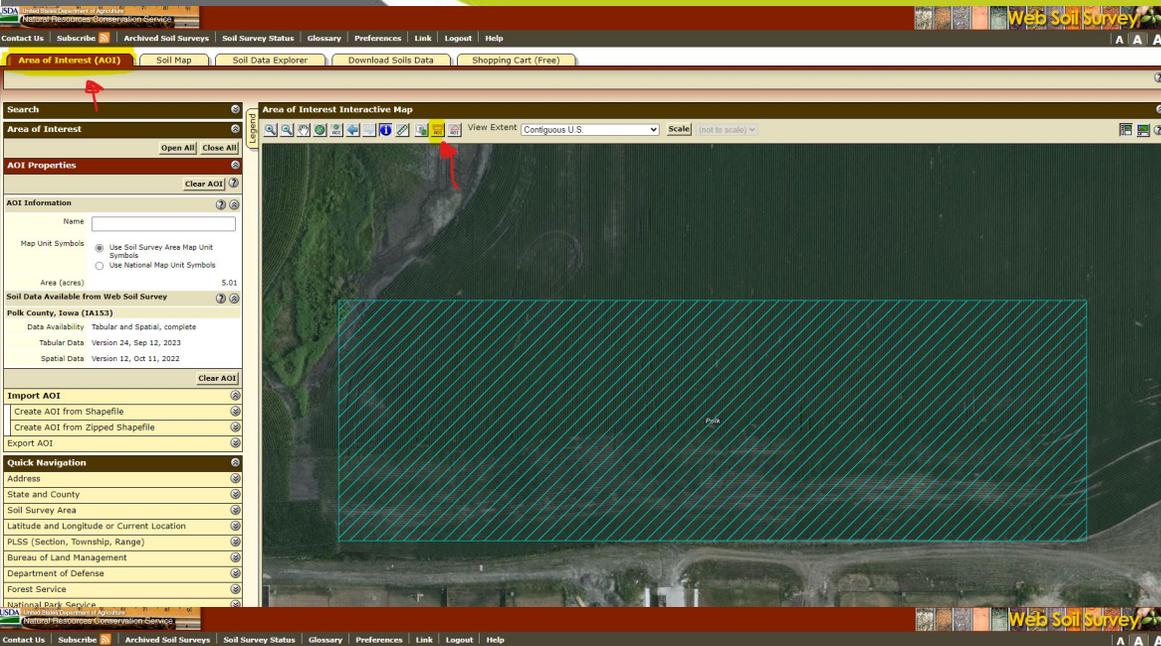


3. Expensive Measures/ Last Resort

Prime Farmland– What are you looking for?

- USDA does not want us building on the best farmland in the Midwest.
- This one is cut and dry: is the land prime farmland or not?
- Does not affect DTR, upper story, water/sewer, any kind of rehab.
- New construction is generally the only time this will have to be checked.

Prime Farmland– What do you need in your ERR?



- Web Soil Survey: <https://websoilsurvey.nrcs.usda.gov/app/>
- Website will tell you explicitly if land is prime or not. Very easy to use.
- Include screenshots of your site's "status".

Prime Farmland– What if there's an issue?

- If your project site is considered prime farmland, you need to fill out an AD-1006.
- AD-1006:
www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb1045394.pdf
- After inputting all the pertinent information, you're hoping the singular, quantified number is below 160.
- If above 160,

Form AD-1006, if above 160: Mitigation

Mitigation: Create a memo of consideration to include:

- 1. Project description**
- 2. Description of the AD-1006 form and the rating**
- 3. 7 CFR 658.4(c)(2) requires evaluation on three criteria:**
 - i. Use of land that is not farmland or use of existing structures**
 - ii. Alternative sites that would convert fewer acres or a lower value**
 - iii. Special Siting requirement of the proposed project**
- 4. Evaluate all three categories and make a final statement.**
- 5. Include in ERR**

Goal is to show this project will not promote more new construction on prime farmland.

Form AD-1006

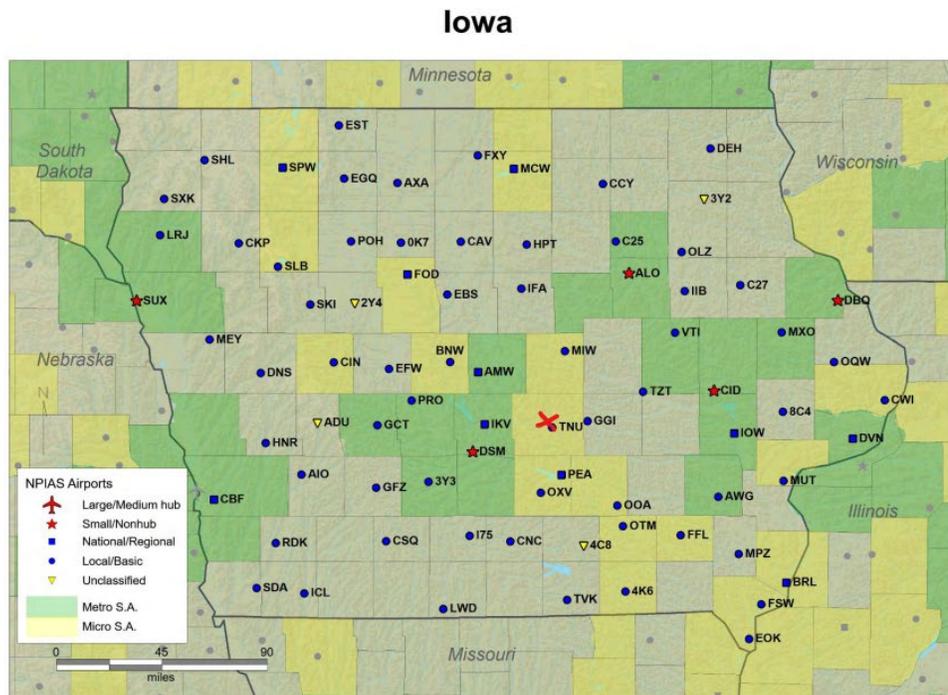
- Must access rating criteria at 7 CFR 658.5:
<https://www.law.cornell.edu/cfr/text/7/658.5>
- The criteria help you answer questions 1-12 on Part VI
- After completing sections I, II, VI send to NRCS field office:
<https://offices.sc.egov.usda.gov/locator/app?state=ia>
- Complete section VII after NRCS review, if value is 160 then consider alternative sites, modifications, or mitigation

Airport Hazards – What are you looking for?

- HUD funds cannot be used on construction near the ends of runways.
- FAA has a certain requirement for airports to be considered “civil”, which is what the HUD regs regard.
- Only 5 airports are busy enough to be considered “civil” airports: Cedar Rapids, Des Moines, Dubuque, Sioux City, and Waterloo.
- If you’re near an airport that is not listed above, while important to note it in the environmental, it does not violate any airport hazard regulation.

Airport Hazards – What do you need in your ERR?

- Iowa airport map:
https://www.faa.gov/airports/planning_capacity/npias/current
- Be sure to mark the project location.
- Be sure to include the map even if the project site is not near one of the five airports.



Airport Hazards – What if there are issues?

- We would be aware of an airport hazard during the application process. We would either not fund the project or already have a plan in place to clear it.
- Communicate with IEDA about problems like this that pop up.

Step 1: Identify flood hazard [§55.20(a)]

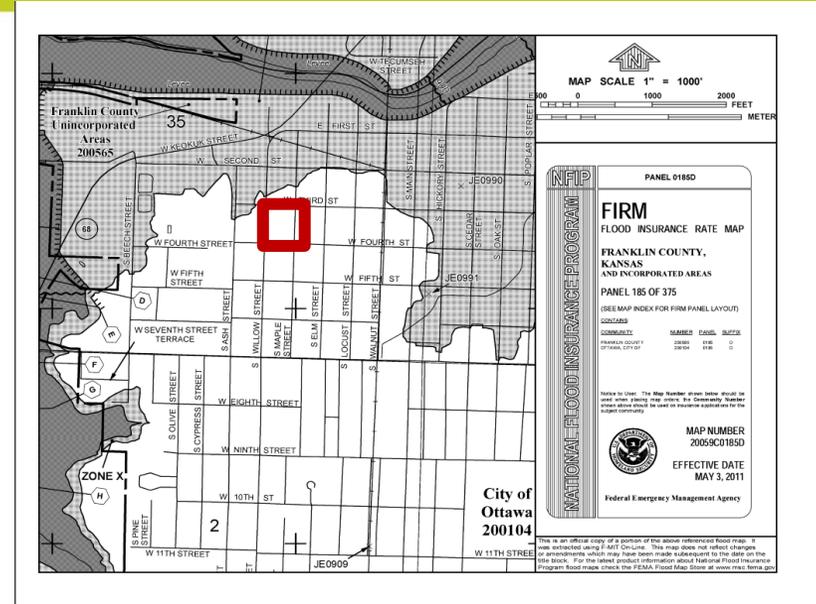
- » **Use FEMA maps** (preferred) to determine if project is in flood hazard area (100 year or 500 year floodplain). Check for FEMA flood maps on-line or hard copy. Flood Insurance Rate Map (**FIRM**) or Flood Hazard Boundary Map.

- » **FEMA Maps available** at <https://msc.fema.gov/portal>
 - Create FIRMETTE, photocopy FEMA map and panel, or obtain flood information from other source, (<https://ifis.iowafloodcenter.org/ifis/newmaps/hazard/>)
 - **Mark the project's boundary** on the map
 - Use to document the ERR

- » **Unmapped flood hazard areas**
 - Contact Bill Cappuccio at DNR with a project map and ask if there are any special flood hazards Bill.Cappuccio@dnr.iowa.gov

Step 1: Identify flood hazard [§55.20(a)]

- » Flood Maps:
- » <https://msc.fema.gov/portal>
 1. Type in Address
 2. Click “view map”
 3. Zoom into project site
 4. Click make a FIRMette
 5. Move pink box to project area on map
 6. Save as a PDF or Image



Identify flood hazard [§55.20(a)]

Must determine if the project is in a Special Flood Hazard Area or if a critical action in a 500 year floodplain:

» **Special Flood Hazard Area (SFHA)**

aka, “100-year floodplain”

aka, “Base Flood Elevation” (BFE)

Shown on FEMA maps as **Zone A**

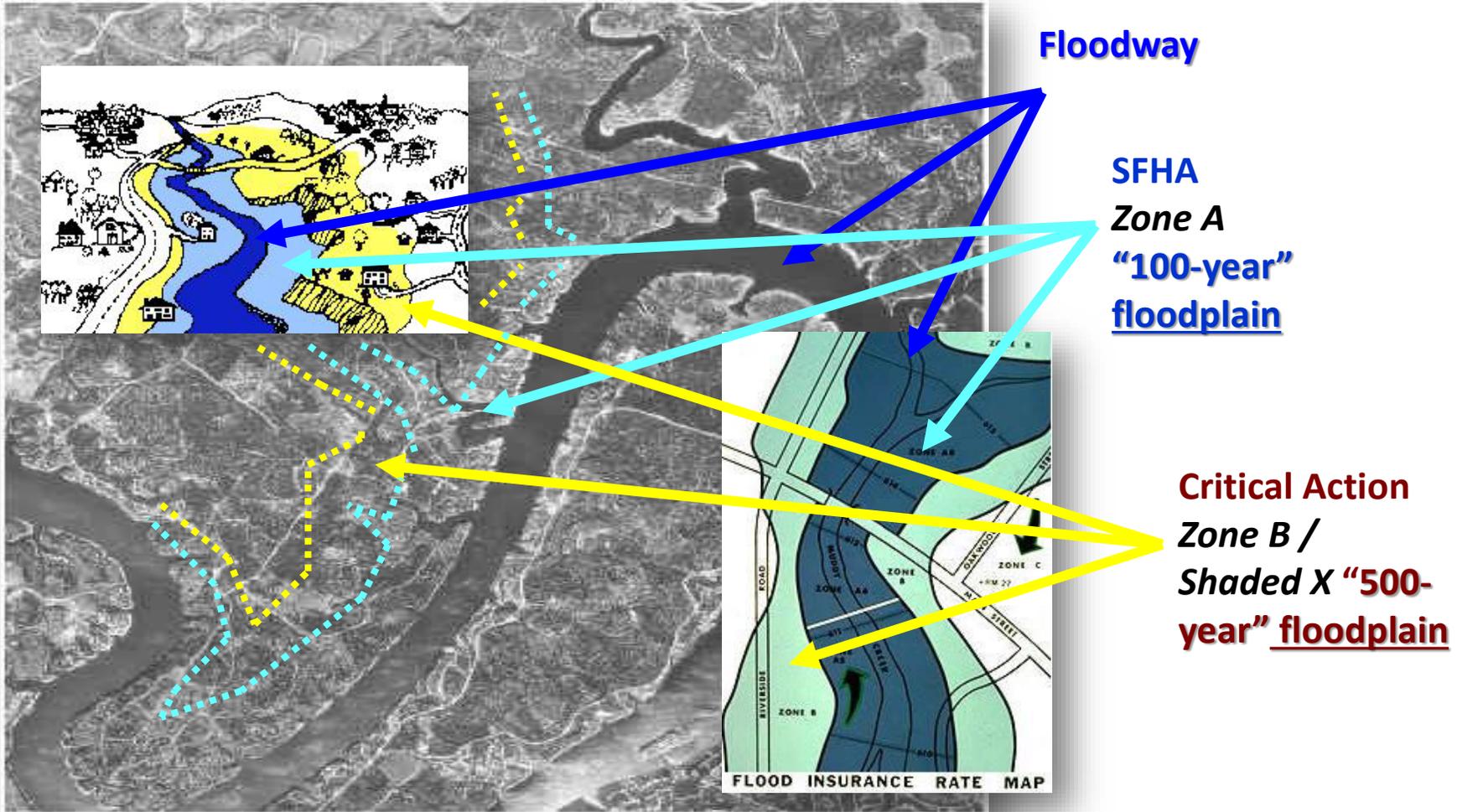
» **“Critical Action”** located in:

500-year floodplain

Shown on FEMA maps as **Zone B** or **Shaded X**



Flood Zone Terms



FEMA Flood Zones

Common Name	Official Name	Flood Risk	Old Maps	New Maps
100-Year Floodplain	“Special Flood Hazard Area” aka, Regulatory floodplain	1% per year	A	A
500-Year Floodplain	Area of Moderate Flood Risk	0.2% per year	B	Shaded X
Outside the 100-year or 500-year floodplain	Area of Minimal Flood Risk	Less than 0.2% per year	C	X

Floodplain Management – “8 Step Process”

If project is in a flood plain and does not meet an exception, start the 8-step process:

- **Step 1.** Determine whether the proposed action is located in 100-year floodplain (or 500-yr for critical action)
- **Step 2.** Publish “Early Public Notice” of the proposal to consider an action in the floodplain (15 day minimum comment period)
- **Step 3.** Evaluate practicable alternatives to locating the proposed action in a floodplain
- **Step 4.** Identify the potential impacts associated with occupancy and modification of the floodplain
- **Step 5.** Design or modify the action to minimize adverse impacts and preserve the beneficial values of the floodplain

Floodplain Management – “8 Step Process”

- **Step 6.** Reevaluate whether proposed action is practicable
 - **Step 7.** Publish “Final Public Notice” of decision to identify why there is “no practicable alternative,” and the alternatives and mitigation measures adopted (7 day minimum comment period)
 - **Step 8.** Implement proposed action with mitigation measures
- ❖ 8-Step process shall be **concluded prior to** completion of the NEPA environmental review (§55.10) and prior to a Level of Determination
- ❖ However, may publish “Final Public Notice” (Step 7) concurrent with FONSI and/or NOI-RROF notices

Floodway



SPECIAL FLOOD HAZARD AREAS	
	Without Base Flood Elevation (BFE) Zone A, V, A99
	With BFE or Depth
	Regulatory Floodway Zone AE, AO, AH, VE, AR
	0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X

Floodplain portion carrying water flow and where the flood hazard is the greatest:
Designated as Zone AE (hatched) on FIRM

CDBG assistance is **prohibited in the floodway** except for functionally dependent uses (dam, bridge, waterfront park, etc.) or floodplain function restoration activity

What is a Critical Action in the 500-year Flood Plain?

Activity for which even a slight chance of flooding would be too great and which might result in loss of life, injury or property damage [§55.2(b)(3)]

Example:

Essential or irreplaceable records or emergency services

**Community
Storm
Shelters**



Floodplain Management: **Exceptions**

Exceptions at §55.12(a),(b) and (c)..... most frequently used in regular CDBG program:

§55.12(c)(8) Project site has obtained from FEMA:

- **LOMA** – “Letter of Map Amendment” – **correction** to the map; e.g., better map data
- **LOMR** – “Letter of Map Revision” – used where particular site has been **elevated** above the SFHA
- **CLOMR** – “Conditional Letter of Map Revision” - used *if* the proposed changes are made to the project, then LOMR could be granted.

More Exceptions to the 8-Step Process

- » **§55.12(c)(3)** Restoration/preservation of natural & beneficial values of floodplain or wetland – including **land acquisition** - provided
 - Property is cleared of all structures
 - Property dedicated to flood control, wetlands, park or open space
 - Permanent covenant to preserve floodplain or wetland from future development
 - Open space uses, (parks, trails) NOT exempt from 8 step

- » **§55.12(c)(7)** Project site with **incidental portion** in floodplain, provided:
 - No construction/modification of floodplain or wetland
 - Site drainage is adequate & w/o adverse effect on wetland
 - Permanent covenant to preserve floodplain or wetland use

Step 2 – Early Public Review [§55.20(b)]

- » 15 day minimum comment period
- » Include required elements in notice – see §55.20(b)
- » Sample notice on IEDA website



NOTICE

Step 3 – Identify & Evaluate Practicable Alternatives [§55.20(c)]

“Practicable” - general concept of site feasibility – natural, social, economic, legal factors

- Specific alternative sites must be identified that are outside floodplain
- Alternative methods that achieve the same project objective/purpose
- “No Action” – always an alternative

Burden is on RE to meet



Step 4 – Identify Potential Direct & Indirect Impacts [§55.20(d)]

Two areas of concern:

- Impacts to Lives and Property
- Impacts to Floodplain

Three types of impact:

- Positive & Negative
- Concentrated & Dispersed
- Short- and Long-Term

Will project encourage future Floodplain development?



Step 5 – Minimize, Restore, Preserve [§55.20(e)]

- **Minimize** – rigorous, demanding standard – “reduce harm to smallest possible degree.” Far beyond mitigate or alleviate
- **Restore** – re-establish environment in which the natural & beneficial floodplain values can operate
- **Preserve** – prevent modification to natural floodplain or maintain as closely as possible to its natural state



Step 6 – Re-Evaluate Proposal & Alternatives [§55.20(f)]

Is project *still feasible* considering:

- » Impacts to floodplain (Step 4)
- » Minimization actions and opportunities to restore & preserve floodplain values (Step 5)

If not, and in light of Steps 4 & 5, do alternatives rejected in Step 3 appear feasible? Prepare table to compare adverse impacts of alternatives

If neither proposed project nor alternatives are acceptable, the alternative is **No Action**

Step 7 – Public Explanation [§55.20(g)]

If no practicable alternative exists, inform the public. 7 day minimum comment period.

Notice must include:

1. Reasons why project must be located in floodplain
2. List of alternatives considered & addresses
3. All mitigation measures to be taken and actions to restore and preserve natural and beneficial values

Notice can be combined with 15 day NOI/RROF or FONSI/RROF

Sample final notice on HUD Exchange website

Sample 8-Step also on HUD Exchange:

<https://www.hudexchange.info/resource/3190/floodplain-management-8-step-decision-making-process/>

Step 8 – Implement Project [§55.20(h)]

RE has **continuing responsibility** to ensure that measures in Step 7 are implemented

Documentation (§55.27) must show:

- that **actual sites** were identified & considered as practicable alternatives
- minimization measures have been applied to the project design & incorporated into agreements

Flood Insurance 58.6 requirements form

National Flood Insurance Program (NFIP)

3. FLOOD DISASTER PROTECTION ACT

[Flood Disaster Protection Act of 1973, as amended (42 U.S.C. 4001-4128)]

Does the project involve acquisition, construction or rehabilitation of structures located in a FEMA-identified Special Flood Hazard Area?

No. Cite or attach Source Document: _____
(Proceed with project.)

Yes. Cite or attach Source Document: _____
Is the community participating in the National Insurance Program (or has less than one year passed since FEMA notification of Special Flood Hazards)?

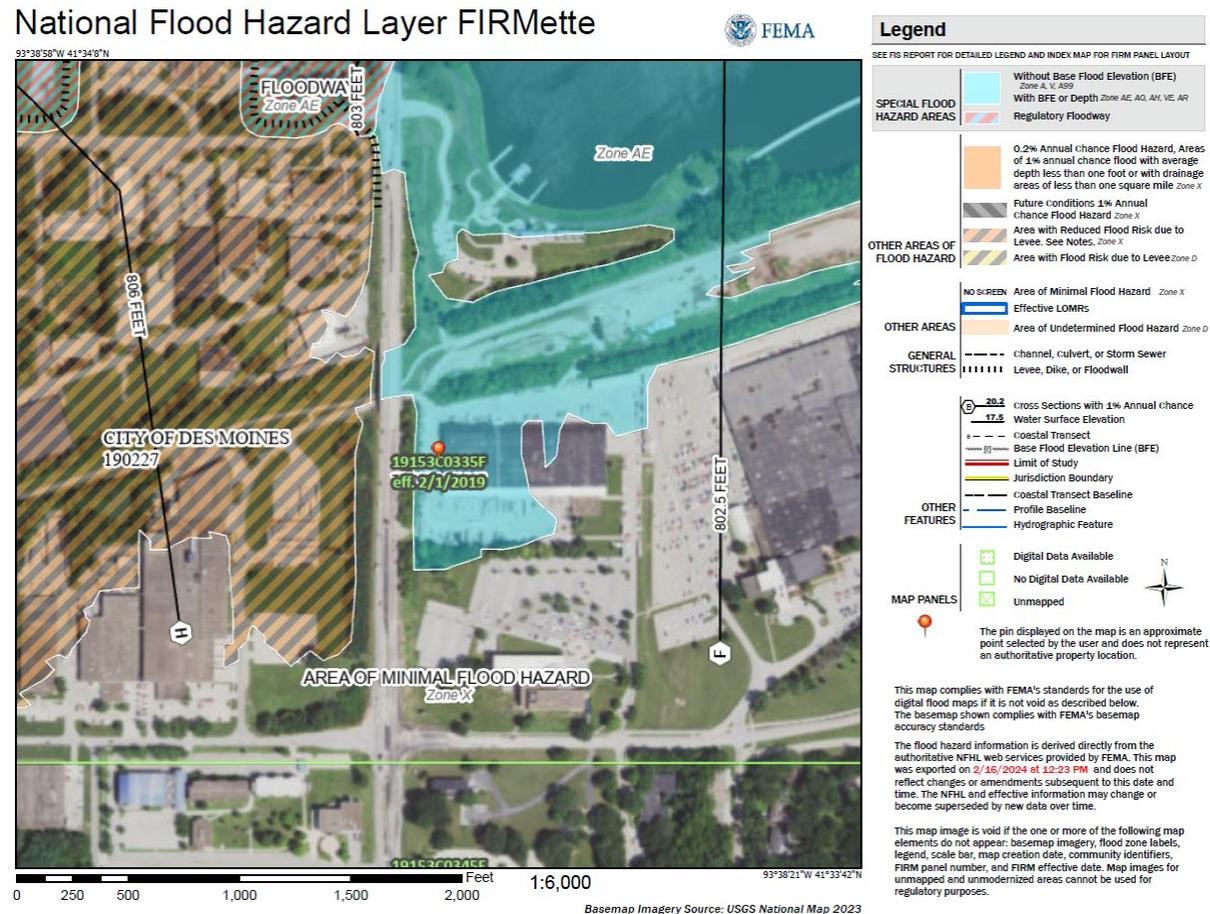
- » In exchange for adopting and enforcing a local Floodplain Management (FPM) ordinance, Federally backed flood insurance is made available to property owners throughout the community but only within **participating communities**
- » FEMA list of communities participating in NFIP is “Community Status Book”
www.fema.gov/fema/csb.shtm
- » Most HUD programs require applicants to carry flood insurance if in a 100 year floodplain. **However, CDBG state grant recipients are exempt from this requirement.**

Future floodplain changes

HUD is in the process of changing the maps we use to determine floodplains.

Move from FEMA to CISA maps

- CISA maps don't exist and probably won't for another decade.
- IEDA will require RE to explain project site's history of flooding in the application to determine its eligibility for grant funding.
- Essentially, SFHA stays the same. 500-year should be assumed to be incorrect and more research is required to discern if the project is actually in the SFHA



Noise Control

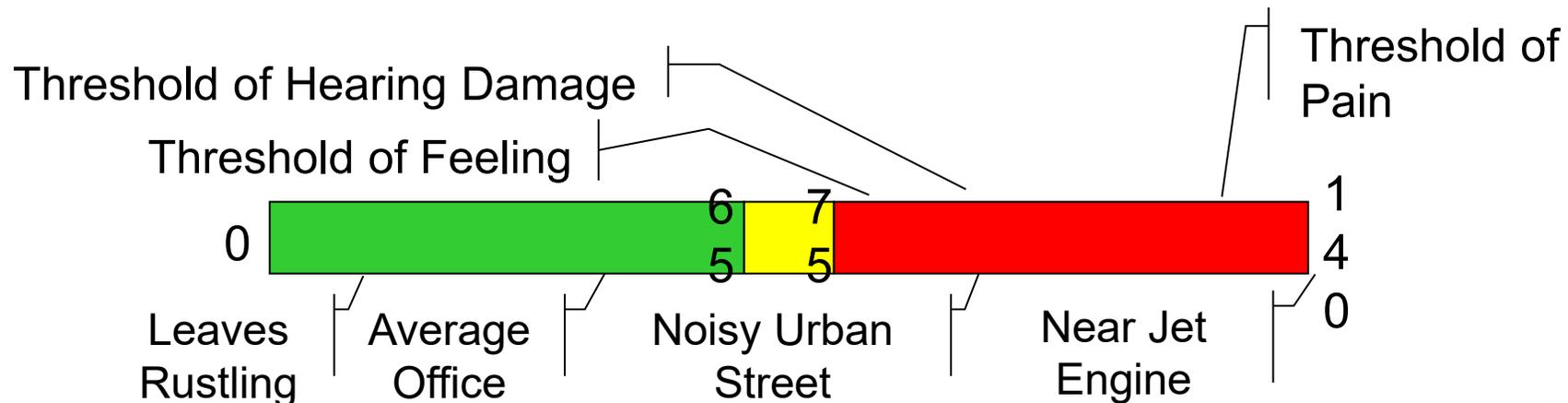


Background

Congress passed the **Noise Control Act of 1972**, amended by the **Quiet Communities Act of 1978**

Implemented for HUD projects through regulation **24 CFR Part 51, Subpart B:**

- **Acceptable** Range: ≤ 65 dB
- **Normally Unacceptable** Range: 65 dB ≤ 75 dB
- **Unacceptable** Range: >75 dB



Conducting Noise Analysis

Determine whether project is noise sensitive. Any activity that is easily disturbed by high noise levels...

- *Owner Occupied Housing
- *Upper Story Housing
- *Community Facilities: day care center, medical clinic, library, shelters, classrooms – anything that can be readily disrupted by noise
- Excessive noise levels, (above 75 dB), can stop a new upper story residential use or newly constructed community facilities or residential project in its tracks / if above 65, TALK TO US

However, DTR, Water & Sewer, Storm Water, Economic Development Planning grants are NOT noise sensitive projects

***Will get “pop-up” message in iowagrants for housing (part of Section 106 process) if dB is over 65**

Conducting Noise Analysis

**Determine if the project is located within threshold distance.
Calculate from the NAL: Noise Assessment Location:**

- ✓ 1,000 feet of major/busy road
- ✓ 3,000 feet of railway
- ✓ 15 miles of civilian airport

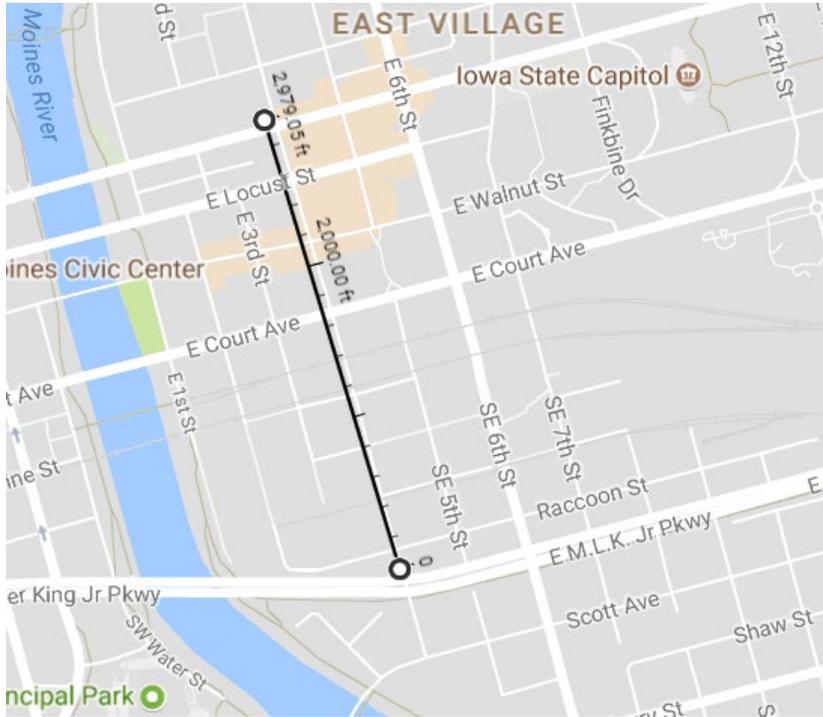
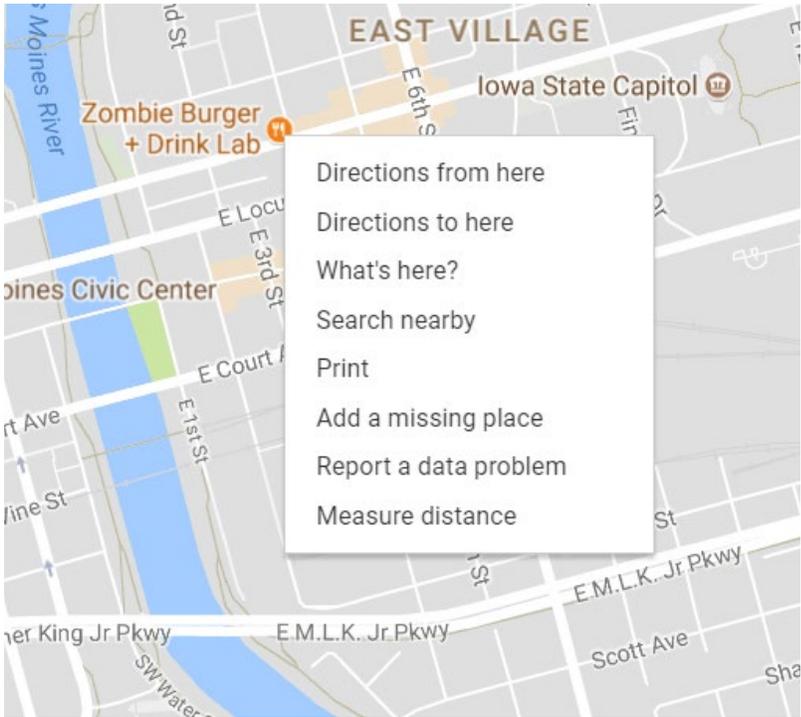


NAL is located 6.5 feet in front of the façade of the proposed building at the point that is closest to the noise source

If more than one building, use building nearest to noise source

Measuring Distance

- » Use Google Maps
- » Find location, right click, click on the first point, then drag to the second location. Do NOT use driving or walking distances.



Conducting Noise Analysis

If within 15 miles of an airport:

1. Civil airports subject to Part 51-B are those designated in the FAA's "National Plan of Integrated Airport System" (NPIAS)
2. Go to enplanement website:
https://www.faa.gov/airports/planning_capacity/passenger_and_cargo_stats/passenger/
3. Download *CY (latest year) Passenger Boarding Data, Enplanements at all Airports* as an excel spreadsheet
4. Filter for Iowa – five airports are over 9,000/day
5. General Aviation (GA) airports with less than 9,000 enplanements may be assumed to not present a community noise concern; otherwise, consult airport operator

Conducting Noise Analysis

If within 1,000 ft of a roadway:

- DOT for Average Daily Traffic (ADT)

https://iowadot.gov/maps/Digital-maps/traffic/city_trafficmaps



- Need to discover:
 1. ALL roadways over noise threshold within 1000 feet, not just the closest or busiest
 2. Effective Distance?
 3. Distance to Stop?
 4. Average Speed?
 5. Average Daily Trips (ADT)? **Website – THEN PROJECT 10 YEARS**
 6. Night Fraction? Default = **15% of ADT**
 7. Road Gradient for Heavy Trucks? Default = **2%**

FHWA Vehicle Data

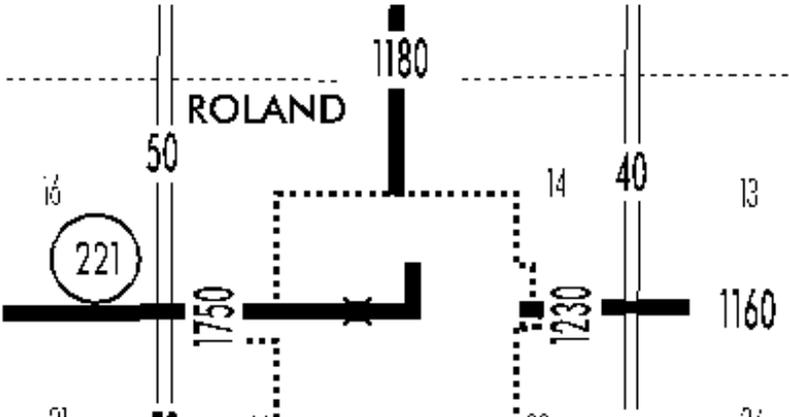
Iowa Department of **TRANSPORTATION** INDEX [A](#) [B](#) [C](#) [D](#) [E](#) [F](#) [G](#) [H](#) [I](#) [J](#) [K](#) [L](#)
DOT Home | About | Phone Book |



Office of Systems Planning

Annual average daily traffic (AADT)

- ▶ Cartography and Traffic Data home
- ▶ **Data**
- ▶ Digital maps
 - ▶ State maps
 - ▶ City and county maps
 - ▶ Traffic maps
 - ▶ Interactive Maps
 - ▶ Other maps
- ▶ Order paper maps
- ▶ Contact information



Iowa DOT > Planning > Data

FHWA Vehicle Data – Primary Roads

Office of Systems Planning

- ▶ Cartography and Traffic Data home
- ▶ Data
 - ▶ Vehicle-miles traveled
 - ▶ City-to-city distance
 - ▶ Secondary road miles
 - ▶ Miles of public roads

▶ **Volume of traffic on the Primary Road System**

Volume of traffic on the Primary Road System

The Iowa Department of Transportation's Office of Systems Planning, in cooperation with the Federal Highway Administration, prepares this biennial traffic report. This report is used by federal, state, and local governmental agencies in determining highway needs, construction priorities, route location, and environmental impact studies; and the application of appropriate design standards. The public uses this information in determining the amount of traffic that passes a given area as they make their development plans and propose land use changes. The above reflects only a few of the many technical uses for this data.

[maps > Data > Volume of traffic on the Primary Road System \(iowadot.gov\)](#)

Annual Traffic Book

- [2013](#)
- [2012](#)
- [2011](#)
- [2010](#)
- [2009](#)
- [2008](#)

[Iowa DOT > Planning > Data > Volume of Traffic > Traffic Book](#)

FHWA Vehicle Data

Route	2015 Primary Route Section Description	Rural/Municipal	Section length (miles)	Annual Average Daily Traffic	Vehicle Classification Distribution of Annual Average Daily Traffic											Average Daily Vehicle Miles		
					Motorcycles	Cars, Vans and Pickups	Total Trucks and Buses	Single Unit Trucks			Combination Trucks					All Vehicles	Trucks and Buses	
								Buses	2 Axle	3 Axle	4 or more Axles	4 or less Axles	5 Axle	6 or more Axles	Multiple Trailer			
80	77 POLK COUNTY																	
80	I 35 & I 235 WEST INTERCHANGE	M	0.688	69700	279	57933	11487	330	1212	241	14	610	8701	117	264	47954	7903	
80	Duplicate route with I 35 I 35 & I 235 East Interchange to US 65 Interchange at																	
80	WEST LIMITS OF ALTOONA	R	2.844	78100	311	64466	13323	612	2245	446	26	629	8974	121	272	222116	37891	

Auto

Medium
Truck

Heavy Truck

County Road Data

- County roads do not break down types of vehicle
- So, Defaults can be used in these cases:

Vehicle Class Distribution by Road Type (Functional Classification)
State of Iowa

Road Type (*Functional Classification*)	FHWA Funct. Class.	AADT Range (*)		Auto (**)		Medium Truck (**)		Heavy Truck (**)	
		Urban	Rural	Urban	Rural	Urban	Rural	Urban	Rural
		Interstate	1	35,000 - 129,000	12,000 - 34,000	89.8%	74.5%	2.3%	2.2%
Freeway & Expressways	2	13,000 - 55,000	4,000 - 18,500	n/a	n/a	n/a	n/a	n/a	n/a
Major Arterial	3	7,000 - 27,000	2,000 - 8,500	91.8%	81.9%	3.0%	2.6%	5.2%	15.5%
Minor Arterial	4	3,000 - 14,000	1,500 - 6,000	96.8%	84.5%	1.7%	4.5%	1.5%	11.0%
Major Collector	5	1,100 - 6,300	300 - 2,600	n/a	91.4%	n/a	3.9%	n/a	4.7%
Minor Collector	6	1,100 - 6,300	150 - 1,110	n/a	85.3%	n/a	7.0%	n/a	7.7%
Local	7	80 - 700	15 - 400	n/a	n/a	n/a	n/a	n/a	n/a

- AADT range determines the type of road: [maps > Digital maps > traffic > city_trafficmaps \(iowadot.gov\)](#) All streets/roads – use latest available
- For noise concerns, consider anything with an ADT of 2,000 or above for rural (less than 5,000 population) and ADT of 7,000 or above for urban, (more than 5,000 population).....**but can be rare, unique exceptions** (i.e.) minor collector leading to landfill, rock quarry, military firing range

Conducting Noise Analysis

If within 3,000 of a railroad

- Federal Railroad Administration (FRA) at-grade crossing inventory database safetydata.fra.dot.gov/OfficeofSafety/publicsite/crossing/xingqryloc.aspx
- Take crossing # from bungalow or signal mast, e.g., 669871J or search for nearest intersection to project site
- Need to discover:
 - How many Trains per day? **Website**
 - Number of Cars per train? **Default = 50**
 - Number of Engines per train? **Default = 2**
 - Diesel or electric? **Diesel**
 - Rails welded or bolted? **Site Visit (most welded)**
 - Speed of train? **Website**
 - Percent of night operations? **Website**
 - Horns? **Y** Quiet Zone? **N (if quiet zone then no horns)**



HUD's Noise Standards

Use the HUD on-line calculating tool

www.hudexchange.info/programs/environmental-review/dnl-calculator

Railroad #1 Track Identifier:	<input type="text"/>	
Rail # 1		
Train Type	Electric <input type="checkbox"/>	Diesel <input checked="" type="checkbox"/>
Effective Distance	<input type="text"/>	2000
Average Train Speed	<input type="text"/>	20
Engines per Train	<input type="text"/>	2
Railway cars per Train	<input type="text"/>	50
Average Train Operations (ATO)	<input type="text"/>	2
Night Fraction of ATO	<input type="text"/>	0
Railway whistles or horns?	Yes: <input type="checkbox"/> No: <input type="checkbox"/>	Yes: <input checked="" type="checkbox"/> No: <input type="checkbox"/>
Bolted Tracks?	Yes: <input type="checkbox"/> No: <input type="checkbox"/>	Yes: <input checked="" type="checkbox"/> No: <input type="checkbox"/>
Train DNL	<input type="text"/>	45.8
Calculate Rail #1 DNL	45.8	Reset

HUD policy for housing and noise sensitive uses...

- New Construction – Prohibit** (generally) HUD support for new construction of noise sensitive uses on sites having unacceptable (65 dB < 75 dB) noise exposure [24 CFR 51.101(a)(3)] – but can mitigate if 75 or below.

- Upper Story Housing Rehab or new construction Prohibited** if above 75 dB and converted from a non-residential use; if less, or formally a residential use being re-instated, mitigation through construction down to 45dB internally is required with a certification

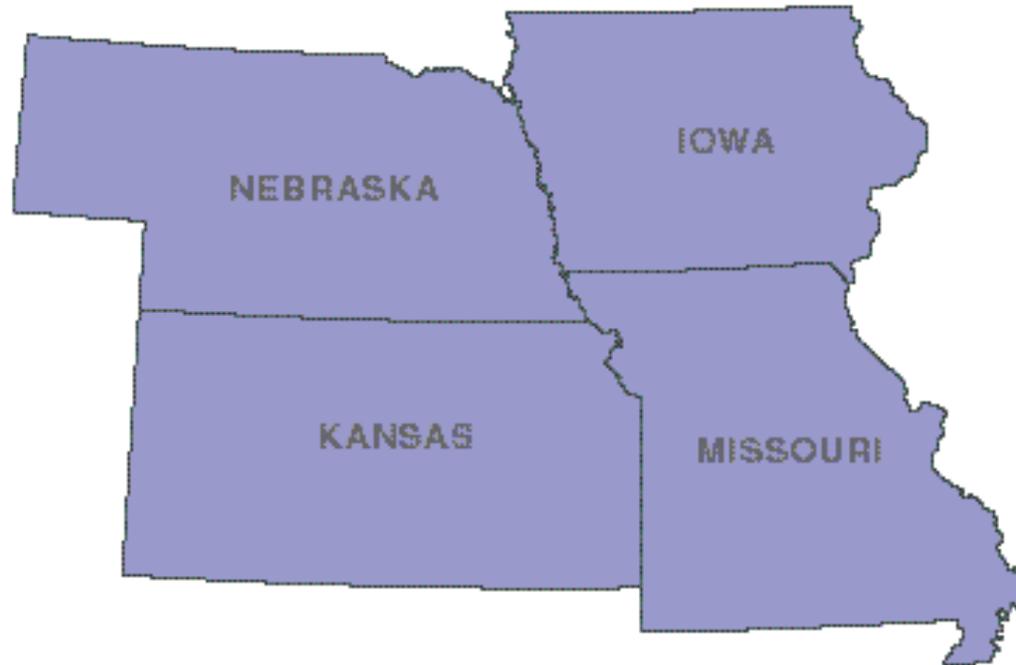
- Rehabilitation – Encourage**, or strongly encourage, noise attenuation features, or convert to a land use compatible with high noise levels [24 CFR 51.101(a)(5)]
 - Rehab projects in **all** noise exposed areas: Responsible Entity “shall encourage attenuation”
 - Housing rehab project in **unacceptable** noise zone: RE shall “strongly encourage” **conversion** to compatible land use.

Noise – What do you need in your ERR?

- Map with distance to nearest major road, airport, and railroad.
- If close enough to any of those, **MUST** include a HUD noise calculation.
- If db level is between 65-75, must include memo from the architect explaining how they plan to mitigate for noise.

SSAs Located within HUD Region VII

No SSAs currently designated in states of Region VII



Print map and put in ERR:

<https://www.hudexchange.info/programs/environmental-review/sole-source-aquifers/>

Wetlands

» National Wetlands Inventory (NWI) Mapper:
<http://www.fws.gov/wetlands/data/Mapper.html>

» On Website home page:

- Click on # 3, Wetlands Mapper
- Click on “Find Location” (upper right)
- Unclick all boxes except Wetlands (Left side of screen)
- Click on Legend (upper right)
- Click on Print (upper right): Enter a title, print, Print Job – references title

The screenshot displays the National Wetlands Inventory Mapper interface. The top navigation bar includes links for ABOUT, GET DATA, PRINT, and FIND LOCATION. The left sidebar shows the MAP LAYERS panel with the following options:

- Wetlands
- Riparian
- Riparian Mapping Areas
- Data Source
 - Source Type
 - Image Scale
 - Image Year
- Areas of Interest
- FWS Managed Lands
- Historic Wetland Data

The central map shows an aerial view of Albert City with several wetland areas highlighted in green. A legend on the right side of the map provides the following color key for wetland types:

- Estuarine and Marine Deepwater
- Estuarine and Marine Wetland
- Freshwater Emergent Wetland
- Freshwater Forested/Shrub Wetland
- Freshwater Pond
- Lake
- Other
- Riverine

The bottom right corner of the image features the logo for WA development.

Wetland Management – “8 Step Process”

If project is in a Wetland, start the 8-step process: (same process as with a floodplain)

- **Step 1.** Determine whether the proposed action is located in a wetland
- **Step 2.** Publish “Early Public Notice” of the proposal to consider an action in the wetland (15 day minimum comment period)
- **Step 3.** Evaluate practicable alternatives to locating the proposed action in a wetland
- **Step 4.** Identify the potential impacts associated with occupancy and modification of the wetland
- **Step 5.** Design or modify the action to minimize adverse impacts and preserve the beneficial values of the wetland

Wetland Management – “8 Step Process”

- **Step 6.** Reevaluate whether proposed action is practicable
 - **Step 7.** Publish “Final Public Notice” of decision to identify why there is “no practicable alternative,” and the alternatives and mitigation measures adopted (7 day minimum comment period)
 - **Step 8.** Implement proposed action with mitigation measures
- ❖ 8-Step process shall be **concluded prior to** Level of Determination and completion of the NEPA environmental review (§55.10)
- ❖ However, may publish “Final Public Notice” (Step 7) concurrent with FONSI and/or NOI-RROF notices

Wild and Scenic Rivers

By 1960s, national trends identified some rivers in crisis...

To balance the physical alteration of waterways, Congress passed the **Wild and Scenic Rivers Act of 1968**

Three types of classifications:

- **Wild**
- **Scenic**
- **Recreational**



Three types of rivers are protected:

- **Designated Rivers** – protected under Section 7(a) – 0 in Iowa
- **Study Rivers** – protected under Section 7(a)– 1 in Iowa
- **Potential Rivers** - protection under Section 5 (d) – 5 in Iowa

Environmental Review Requirements

NEPA protocol to protect NWSR...

- ❑ Determine if proposed **action** *could* affect NWSR: Expansion, demolition, sewer effluent, new construction of buildings or facilities – affect could be a positive one

- ❑ Appropriate “triggers” to check on potential affect
 - Project **1 mile back** from a NWSR
 - Project **10-20 miles upstream or 10 miles downstream** from a NWSR
 - Project located on **tributary** in proximity to NWSR
 - Quick Link for all listed rivers in Iowa:
<https://www.nps.gov/subjects/rivers/iowa.htm>

Rivers in Iowa

☐ Identify if project is in proximity to NWSR

<http://www.nps.gov/ncrc/programs/rtca/nri/states/ia.html>

Iowa

River	County	Reach	Length (miles)	Description	Potential Classification	ORVs	Watershed (HUC Code 8)	Year Listed/Updated	Other State
Boone River	Hamilton and Webster	From Webster City to confluence with Des Moines River.	26	Iowa's first designated "Protected Water Area." Identified for its scenic and natural qualities, including relatively undisturbed riparian habitat and excellent smallmouth bass fishery.	Recreational	Fish, Recreational, Scenic, Wildlife	Middle Des Moines	1995	
Cedar River	Louisa, Muscatine	Highway 6 to mouth at Iowa River	31	Two federally listed endangered species of mussel and one federally listed species of bat may be found along the river; potentially rich in cultural resources; nice streamside relief with bluffs and ridges.		Cultural, Fish, Wildlife	Lower Cedar	1982	
Maquoketa River	Jackson, Jones	US 151 Bridge to Mississippi River (omit small reservoir northwest of ...)	81	River cuts narrow, gorge-like valley up to 150 feet deep through limestone; excellent water quality supporting productive ...		Cultural, Fish, Geologic, Historic, Recreational, Scenic,	Maquoketa	1982	

For Further Information Contact:

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