
Environmental Review

1. OVERVIEW

1.1 The HOME Rule requires that the environmental effects of each activity carried out with HOME funds comply with the provisions of the U.S. Dept. of Housing and Urban Development's (HUD) regulations implementing the National Environmental Policy Act of 1969 (NEPA) (**Attachment E1**) and the related authorities listed in HUD's implementing regulations at 24 CFR Parts 58 (**E2**). An environmental review must be conducted considering federal laws, authorities, and regulations which address noise, air quality, historic properties, floodplains, wetlands, water quality, solid waste disposal, man-made hazards, farmlands protection, wild and scenic rivers, coastal areas, endangered species and others.

In accordance with 24 § 58.22, applicants, owners, developers, sponsors or any other third party partners **CAN NOT** take any physical actions on a site, begin construction, commit, expend, or enter into any legally binding agreements that constitute choice limiting actions (e.g. enter into a legal agreement authorizing a physical action) for any HUD or non-HUD funds before the environmental review process has been completed and the Authority has received a Release of Funds approval from the U.S. Department of Housing Urban Development. **Any violation of the prior commitment statute or regulation will result in the immediate termination of the HOME reservation.**

1.2 This manual will guide you through the environmental review process. As soon as a site is identified, the environmental review process should begin. A successful environmental review will conclude with a:

1.2.1 Determination of Exemption (**E3**) from all regulations, statutes, & authorities under NEPA; or

1.2.2 Categorically Excluded Subject to (**E4**) converted to Exempt; or

1.2.3 Determination that the project is Categorically Excluded Not Subject to (**E5**); or

1.2.4 Release of grant conditions by way of Form HUD-7015.16 Authority to Use Grant Funds (**E6**) or equivalent letter.

1.3 A helpful web address that may help resolve environmental questions can be located at: <https://www.hudexchange.info/environmental-review/>.

2. RESPONSIBILITY FOR THE ENVIRONMENTAL REVIEW

2.1 **Local Governments** - HOME's environmental review procedures require that units of local governments, such as cities and counties, assume responsibility for all environmental reviews. The local government must complete the entire process; from gathering all required information to the publication of any/all notices. Local governments double as the Responsible Entity (RE) and as such submit Form HUD - 7015.15 Request for Release of Funds (RROF) (**E7**) to the State PJ (state) along with a copy of their applicable environmental review. The state acts as HUD and determines whether or not to execute their Form HUD-7015.16 Authority to Use Grant Funds (**E8**) or whether to certify that the project is exempt or categorically excluded from NEPA.

2.2 **Other Entities (Non-Profits, For Profits, Community Development Housing Organizations [CHDOs], etc.; will be referred to throughout as "applicant")** - For other applicants, the state is always the RE and is responsible for verifying information submitted in each entities' environmental review. Only the state can certify that the environmental review requirements have been met and as such is responsible for submitting Form HUD - 7015.15 RROF to HUD on the entity's behalf, if required. If a RROF is not required, the state will determine if the project is exempt or categorically excluded not subject to.

3. EXEMPT ACTIVITIES

3.1 **What Can Be Done Prior To Completion Of Environmental Review** - The only tasks that may be undertaken prior to completing the environmental review are those activities that generally have no impact on the environment and are therefore considered **exempt**.

3.1.1 **Exempt** activities include:

1. Environmental and other studies, resource identification and the development of plans and strategies;
2. Information and financial services;
3. Administrative and management activities;
4. Public services that will not have a physical impact or result in any physical changes, including but not limited to services concerned with employment, crime prevention, child care, health, drug abuse, education, counseling, energy conservation and welfare or recreational needs;
5. Inspection and testing of properties for hazards or defects;
6. Purchase of insurance;
7. Purchase of tools;
8. Engineering or design costs;
9. Technical assistance and training;
10. Assistance for temporary or permanent improvements that do not alter environmental conditions and are limited to protection, repair or restoration activities necessary only to control or arrest the effects from disasters or imminent threats to public safety including those resulting from physical deterioration;
11. Payment of principal and interest on loans made or obligations guaranteed by HUD;
12. Any of the categorical exclusions listed in §58.35(a) provided that there are no circumstances which require compliance with any other Federal laws and authorities cited in §58.5.

3.1.2 **Conditional Commitment of Funds** - An option agreement on a proposed site or property is allowable prior to the completion of the environmental review **if and only if** the option agreement is conditional in nature so as not to provide legal claim to any amount of HOME funds to be used for the specific project or site until the environmental review process is satisfactorily completed. **Attachment E9** contains required language.

4. ENVIRONMENTAL REVIEW REQUIREMENTS

4.1 **Overview** - The environmental review process should be initiated as soon as all proposed activities are determined. Private citizens and organizations can object to the Release of Funds (ROF) for HOME projects on certain procedural grounds relating to the environmental review. Therefore, it is important that all procedural requirements be met.

4.2 **Environmental Review Record (ERR)** is the written record of an environmental review related to a HOME-assisted project. The ERR must contain a description of the project and all activities determined to be part of the project. It must contain all documents, public notices, and written determinations or environmental findings as evidence of review, decision making and actions pertaining to a particular project. The ERR must be available for public review.

4.2.1 **Local Governments** must maintain the original written documents which make up their own ERR. A complete copy must be sent to the Authority along with the appropriate form; a *RROF* should also be sent if applicable.

4.2.2 **Other Entities** must send the **original ERR** to the Authority and maintain a copy for their own files.

4.3 **Project Aggregation** - Local governments/applicants must group together and evaluate, as a single project, all individual activities that are related either geographically (site specific - "Fairlie Poplar Historic District) or functionally (activity specific - all single-family actions), are logical parts of a larger project, are funded by several HUD or non-HUD Federal programs (CDBG, HOME, RD, etc.), or are partly funded with

non-Federal resources (e.g., State, local, nonprofit or private companies). The purpose of aggregation is to reduce the number of individual reviews by analyzing the impacts of the entire proposed project.

The environmental review must (a) state whether or not the proposed activity will receive multiple year funding, and (b) assess the impacts of activities funded from all other sources (Federal and non-Federal) which are used in HOME-assisted projects. The review should address all aspects of the project, not just those assisted with Federal funds. Additionally, the applicable public notice(s) shall identify the source of all other funds. Separate Request for Release of Funds and Certification forms (HUD-7015.15) should be completed for each source of HUD funds (e.g., HOME, CDBG, SNAPS).

In an effort to coordinate and improve the efficient preparation of environmental reviews, the Council on Environmental Quality (CEQ) has requested all Federal agencies to take further steps to implement the National Environmental Policy Act's (NEPA) mandate for preparing environmental assessments and environmental impact statements "in cooperation with State and local agencies," and other agencies with jurisdiction by law or with special expertise. The purpose of this policy is to engender a collaborative approach among relevant agencies so that the roles of each agency can be maximized as well as the overall effectiveness and efficiency of the assessment process itself. This approach requires written formalization of the process in a "Cooperating Agency Agreement" between the relevant agencies. **Attachment E10** is an example of a cooperating agreement provided by HUD so that Federal, State, and local agencies can better understand the circumstances under which these agreements can benefit all agencies involved in the environmental assessment process.

4.4 Level Of Review - There are five levels of review: Exempt; Categorically Excluded **Not** Subject to 24 CFR 58.5; Categorically Excluded Subject to 24 CFR 58.5; Environmental Assessment (EA); and Environmental Impact Statement (EIS). Typically, HOME projects are categorically excluded or require an EA. If there is a question about a project's level of review, contact the Authority.

4.4.1. Exempt Activities - Refer to **Section 3.1.1** above for an explanation and list of exempt activities. The RE must document its determination that the activity is exempt, complete the *Determination of Exemption* form, place the form into the ERR, and provide the local government/applicant with a copy.

4.4.2. Categorically Excluded Activities Not Subject To § 58.5 Authorities - HUD has determined that certain categorically excluded activities would not alter any conditions that would require an environmental review or compliance determination under Federal laws and authorities. These activities are treated like exempt activities. The RE must document its determination that the activity is a categorical exclusion not subject to, complete the *Categorically Excluded Not Subject to* form, place the form into the ERR, and provide the local government/applicant with a copy. Examples of activities that are categorical exclusions not subject to include the following:

1. Tenant-based rental assistance (TBRA);
2. Supportive services including, but not limited to, health care, housing services, permanent housing placement, day care, nutritional services, short-term payments for rent/mortgage/utility costs, and assistance in gaining access to local, State, Federal government benefits and services;
3. Operating costs including maintenance, security, operation, utilities, furnishings, equipment, supplies, staff training and recruitment and other incidental costs;
4. Activities to assist homebuyers to purchase existing dwelling units or dwelling units under construction, including closing costs and down payment assistance, interest buy downs, and similar activities that result in the transfer of title. **Warning:** homebuyer assistance for units not already under construction must be treated as a categorical exclusion *requiring* compliance with the authorities cited in §58.5.
5. Affordable housing pre-development costs including legal, consulting, developer and other costs related to obtaining site options, project financing, administrative costs and fees for loan commitments, zoning approvals, and other related activities that do not have a physical impact.

4.4.3. Categorical Exclusions Subject To §58.5 Authorities - These are actions that do not individually or cumulatively have a significant effect on the human environment, however, the completion of a

“compliance determination” review using the Statutory Checklist (E11) is required. The checklist lists all applicable Federal environmental laws and authorities. If the proposed project does not comply with any one of those laws or authorities, mitigation must be sought and completed before the review can be considered finished. Categorically excluded subject to activities are listed below:

1. Special projects directed to the removal of material and architectural barriers that restrict the mobility of and accessibility to elderly and disabled persons;
2. Rehabilitation of buildings and improvements when the following conditions are met:
 - a. In the case of a building for residential use containing one to four units:
 - Density is not increased beyond four (4) units;
 - Land use is not changed;
 - The footprint of the building is not increased in a floodplain or in a wetland;
 - b. In the case of multifamily residential buildings:
 - Unit density is not changed more than 20 percent;
 - The estimated cost of rehabilitation is less than 75% of the total estimated cost of replacement after rehabilitation;
 - The project does not involve changes in land use from residential to nonresidential;

Note: Provide the **Property Value Before Rehabilitation, Estimated Cost of Rehabilitation AND Total Estimated Cost of Replacement After Rehabilitation** if the intention is to meet criteria under 2.b. Submit those totals with the *Statutory Checklist*.

3. An individual action on up to four dwelling units where there is a maximum of four units on any one site. The units can be four one-unit buildings or one four-unit building or any combination in between;
4. An individual action on a project of five or more housing units developed on scattered sites when the sites are more than 2,000 feet apart and there are not more than four housing units on any one site;
5. Combinations of the above activities;

Local governments/applicants undertaking categorically excluded activities which trigger compliance with one of the laws or authorities may be required to publish notices related to the specific law or authority which was mitigated. Please note, **all activities which trigger compliance require:**

1. Publishing a Notice of Intent to Request Release of Funds (NOI/RROF) (E12); and
2. Submittal of the RROF to HUD or the state (in the case of a local government); and
3. Receipt of a Form HUD-7015.16 *Authority to Use Grant Funds* or equivalent letter from HUD or the state.

Categorically Excluded Activities described above may be **converted into Exempt activities** under the following conditions:

1. the local government/applicant completes a compliance determination for the proposed activity under the Federal laws and authorities using the *Statutory Checklist*; and
2. the local government/applicant submits all required *Source Documentation* with applicable forms to the Authority; and
3. the Authority concludes and documents that the activity did not trigger compliance with any laws and authorities; and
4. the Authority determines that the activity is exempt, completes the *Determination of Exemption* form, places the form into the ERR, and provides the local government/applicant with a copy.

- 4.4.4. **Environmental Assessments (EA)** - Activities which cannot be determined to be exempt or categorically excluded from NEPA require that a full EA be conducted. An EA is normally required for five (5) or more units only if the sites are 2,000 ft. apart or less and/or there are more than four (4) units on one site.

1. This includes:
 - a. new construction of five (5) or more residential units;
 - b. major rehabilitation and reconstruction of five (5) or more residential units;
 - c. conversion of non-residential land use to residential land use;
 - d. acquisition of vacant land for future development when five (5) or more units will be involved.

2. An EA addresses the same issues as those found on the *Statutory Checklist*, as well as the following analysis:
 1. determines existing conditions and describes the character, features, and resources of the project area and its surroundings; identifies the trends that are likely to continue in the absence of the project;
 2. identifies all potential environmental impacts, whether beneficial or adverse, and the conditions that would change as a result of the project;
 3. identifies, analyzes and evaluates all impacts to determine the significance of their effects on the human environment and whether the project will require further compliance under **related** laws and authorities;
 4. examines and recommends feasible ways in which the project or external factors relating to the project could be modified in order to eliminate or minimize adverse environmental impacts;
 5. examines alternatives to the project itself, if appropriate, including the alternative of no action;
 6. includes a compliance determination for all **related** laws and authorities;
 7. leads to an RE's *Finding of No Significant Impact* (FONSI) (**E13**), or a *Finding of Significant Impact* (FOSI). **Attachment E14** is one of the Authority's internal forms declaring FONSI/FOSI. In the event that a FOSI is made, an *Environmental Impact Statement* (EIS) must be executed.

4.4.5 **Environmental Impact Statement (EIS)** - An environmental impact statement is a complex analysis required for proposed activities that would have a significant impact on the human environment in accordance with NEPA. EIS thresholds stated at Section 58.37(a) and (b)(2) include:

1. projects determined by a previously written EA to have a potentially significant impact on the human environment; and/or
2. projects involving 2,500 or more units being removed, demolished, converted, rehabilitated, and/or constructed.

Should a local government/applicant determine it is necessary to prepare an EIS, the Authority should be contacted as soon as possible.

4.5 **Unspecified Site Strategy (Tiering)** - For some projects it is not possible or feasible to identify the exact physical location of the activity or housing units until the project is underway.

An unspecified site strategy can be used for scattered site projects involving rehabilitation or new construction. The environmental review should utilize target neighborhood information as a data base to complete most of the information required for a checklist. The environmental review would describe typical impacts regardless of the specific sites chosen within the target area at a later time.

A site specific strategy would be developed to include criteria or standards for judging impact and the need for mitigation measures at each site during the operation of the program. A checklist must be developed and completed on a site specific basis to document compliance with all of the remaining areas not cleared on a geographical basis. For example, Historic Properties and Noise could not be cleared until sites are identified, so these areas would be included on the site specific checklist.

Although funds may be released based upon the submittal of the ERR at the beginning of the project, individual site specific checklists must be submitted as soon as each site is identified.

The NOI/RROF notices relating to the use of an unspecified site strategy must contain a summary of the

assessment and identify the significant issues to be considered in site specific reviews. Subsequent site specific reviews will not require notices or a Request for Release of Funds unless the Certifying Officer determines that there are unanticipated impacts or impacts not adequately addressed in the prior review.

4.6 Section 58.6 Other Requirements - All HUD-Assisted activities - exempt, categorically excluded, an EA - **must** comply with the following requirements:

4.6.1. Flood Insurance/ Flood Disaster Protection Act - (Please do not confuse this requirement with the Floodplain Management compliance factor listed on the *Statutory Checklist* and explained in **Section 5.4.2, 2** below. These are two completely separate environmental factors!) For structures (walled and roofed buildings or manufactured homes) located in Zones designated as A(x) and/or V(x), (**Special Flood Hazard Areas**) on current effective Flood Insurance Rate Maps (FIRMS) National Flood Insurance Program flood insurance must be purchased or HOME funds cannot be utilized. If the HOME funds are provided in the form of a loan, the flood insurance must be maintained for the life of the loan. If the HOME funds are provided in the form of a grant the flood insurance must be maintained for the life of the structure, regardless of ownership.

Step 1 - Obtain the effective FEMA Federal Insurance Rate Map (FIRM) for the project. To do so:

1. Contact FEMA at 1 (877) 336- 2627; or
2. FIRMS specific to an individual site can be reviewed on-line and are available at <https://msc.fema.gov/portal/>, or;
3. If a FIRM is not available for a site, a site-specific determination may be obtained from the US Army Corps of Engineers by contacting Ms. Sara Brown at Sara.A.Brown@usace.army.mil; or by calling the National Flood Insurance Call Center at 1-800-612-3362.
4. If FEMA information is unavailable or insufficiently detailed, other Federal, state, or local data may be used as "best available information." However, a base flood elevation from an interim or preliminary or non-FEMA source cannot be used if it is lower than the current FIRM and Flood Insurance Study (FIS).

Step 2 - Include the FIRM, with the site clearly identified, as *Source Documentation*. A sample FIRM is included as **Attachment E15**. If the project is located in a FEMA-identified Special Flood Hazard Area (**E16**), go to **Step 3**.

Step 3 - Require the applicant to provide a certification stating a copy of the flood insurance policy declaration for the site will be provided as soon as possible.

4.6.2 Coastal Barrier Resources System (CBRS)

Step 1 - For projects not located in the areas listed below (<http://www.fema.gov/national-flood-insurance-program/coastal-barrier-resource-system-south-carolina> - last updated 12/15/2015), please write such on the applicable form and refer to this page in the Manual as *Source Documentation*.

1. **Beaufort County** - Unincorporated Areas
2. **Briarcliff Acres** - Town
3. **Charleston** - City
4. **Charleston County** - Unincorporated Areas
5. **Colleton County** - Unincorporated Areas
6. **Folly Beach** - Town
7. **Georgetown County** - Unincorporated Areas
8. **Horry County** - Unincorporated Areas
9. **Kiawah Island** – Town
10. **Mount Pleasant** – Town
11. **North Myrtle Beach** – Town
12. **Pawleys Island** – Town
13. **Seabrook Island** - Town

Step 2 - If a project is proposed to be located in or near any of the CBRS areas listed above, attach a copy of the appropriate FIRM as *Source Documentation*, clearly identifying the site and including a distance scale, to indicate if the project is or is not located within a CBRS area. If a determination is not clearly obvious, further consultation may be required.

Step 3 - If a project is clearly located within a CBRS area, the site will be rejected. Federal expenditures are not allowed in those areas.

The following website may be helpful: <http://www.fws.gov/CBRA/Maps/Mapper.html>.

4.6.3 **Airport Hazards** – Is the project located within 2,500 feet of a civil airport, or 15,000 feet of a military airfield? If the answer is yes to either question, contact the appropriate airport to determine if the project is located within the “Runway Clear Zone” or “Protection Zone” (applicable for civil and military airports) or “Accident Potential Zone” (military airports only).

1. HUD will not fund new construction or substantial rehabilitation activities in Runway Clearzones or Protection Zones, or Accident Potential Zones.
2. In all cases involving HUD assistance for the purchase or sale of an existing property in one of these airport “zones,” the applicant must advise the **buyer** that the property is in a Runway Clear Zone or Clear Zone, what the implications of such a location are, and that there is a possibility that the property may, at a later date, be acquired by the airport operator. The buyer must sign a statement acknowledging receipt of this information. **Attachment E17** contains a sample statement.

Step 1 - Provide a map clearly identifying the site and nearby airports as *Source Documentation*. Make sure the map has a distance scale. Should the site be located within the distances stated above, contact the airport operator and go to **Step 2**.

1. Military Airports
 - a. Joint Base Charleston, Charleston, - (843) 963-5608, <http://www.charleston.af.mil>;
 - b. Shaw AFB, Sumter, <http://www.shaw.af.mil>;
 - c. McEntire Joint National Guard Base, Eastover, <http://www.169fw.ang.af.mil>;
 - d. Marine Corps Air Station Beaufort, Beaufort, <https://www.beaufort.marines.mil>.
2. Civilian Airports
 - a. Charleston International Airport, www.chs-airport.com;
 - b. Columbia Metropolitan Airport, www.columbiaairport.com;
 - c. Florence Regional Airport, www.florencescaairport.com;
 - d. Greenville-Spartanburg, www.gspairport.com;
 - e. Hilton Head Airport, www.hiltonheadairport.com;
 - f. Myrtle Beach International, www.flymyrtlebeach.com.

Step 2 - Include all communication with the airport operator, whether it be a telephone log of a conversation or formal letter, as additional *Source Documentation*. If the operator determines the property is in a “zone”, go to step 3.

Step 3 - An appropriate statement signed by the **buyer** should be included as additional *Source Documentation*.

Attachment E58 contains Clear Zone information for some of the airports listed above. This website may also be helpful: www.scaeronautics.com/airport.asp.

5. ENVIRONMENTAL REVIEW PROCESS - **Attachment E18** is a flow chart that may be helpful.

5.1 **Determine Review Level** - Once a project has been identified and its activities defined, a determination must be made as to whether the project is exempt, categorically excluded or requires an EA.

5.1.1 Obtain, complete, and submit the appropriate level of review form along with ALL appropriate *Source*

Documentation. Below is a list of forms:

1. Exempt Activities - (24 CFR 58.34(a))
2. Categorical Exclusion Activities NOT Subject to §58.5 - (§58.35(b))
3. Categorical Exclusion Activities Subject to §58.5 - (§58.35(a)), AND HOME Environmental *Statutory Checklist*
4. Environmental Assessment - **Attachment E19.**
5. Environmental Impact Statement - no form; will be handled on a case-by-case basis.

5.2 Steps to Review an Exempt Activity

- 5.2.1 Refer to **Section 4.4.1** above.
- 5.2.2 Make sure that the *Other Requirements* questions are answered on the *Determination of Exemption* form and that the appropriate *Source Documentation* is provided.
- 5.2.3 If *Source Documentation* is not provided, the environmental review will not be considered complete and HOME funds will be withheld.

5.3 Steps to Review A Categorically Excluded Not Subject To Activity

- 5.3.1 Refer to **Section 4.4.2** above.
- 5.3.2 Make sure that the *Other Requirements* questions are answered on the *Categorically Excluded NOT Subject To* form and that the appropriate *Source Documentation* is provided.
- 5.3.3 If *Source Documentation* is not provided, the environmental review will not be considered complete and HOME funds will be withheld.

5.4 Steps To Review A Categorically Excluded Subject To Activity

- 5.4.1 **Complete the *Statutory Checklist*** - The *Statutory Checklist* includes a listing of applicable statutes, regulations, and authorities by area of compliance.
 1. **Status** - Indicate an "A" in the Status Column when the proposal, by its scope and nature, does not affect the Compliance Factor under consideration; OR write "B" if the project triggers **formal compliance consultation procedures** with the oversight agency, or requires mitigation. A request for review letter sent to an oversight agency is not in and of itself considered a formal compliance consultation procedure.
 2. **Compliance Determination & Source Documentation** - In the space provided on the *Statutory Checklist*, the specific source of information must be documented identifying when, and who or on what basis the determination or status was made. A sample *Statutory Checklist* completed correctly is available as **Attachment E20.**
- 5.4.2 **Compliance Factors** - Below is a list of each area of compliance as listed on the *Statutory Checklist*, a brief explanation of each, and descriptions of their acceptable *Source Documentation*:
 1. **Historic Preservation** - The National Historic Preservation Act requires Federal agencies to consider affects on properties that are eligible for or listed on the National Register of Historic Places. Section 106 of the Act requires approved officials to examine all sites to determine if the property itself or a surrounding property is listed on or eligible for listing on the National Register of Historic Places.

Step 1 - Begin the historic property identification process by seeking information through background research, consultation, oral history, sample field investigations, field survey, etc. National Register listings, historic property survey information, and non-locational archaeology information is available to the public at <http://archsite.cas.sc.edu/ArchSite/>.

Restricted National Register listings and archaeological site locations are available to vetted subscribers such as cultural resource professionals, environmental consultants, and planners. In accordance with the May 2009 HUD policy fact sheet “When to do Archeological Field Investigations”, archeological survey requests should generally **not** be honored unless authoritative resources indicate at least one of the following conditions is present at the project site:

1. Previously yielded archeological resources; or
2. Is in an urban area and is adjacent to a site that has yielded archeological resources; or
3. Is in a rural area and within a reasonable distance of sites that have yielded archeological resources.

Step 2 Based on information discovered in **Step 1**, make a finding of:

1. No Historic Properties Affected (Status A on *Statutory Checklist*); or
2. No Adverse Effect (Status B); or
3. Adverse Effect

Step 3 - Send a request for review letter to SC’s State Historic Preservation Officer (SHPO), John Sylvest, Project Review Coordinator, SC Dept. of Archives & History, 8301 Parkland Road, Cola, SC 29223; (803) 896-6169; syvest@scdah.state.sc.us (**Attachment E21** contains all contact information) to determine the presence/absence of historic properties. To insure a timely review of the project, “adequately documented findings” must be included with the request for review letter. Below is a list of adequate documentation:

1. A copy of a completed Project Review Form (**E22**) (also available at <http://shpo.sc.gov/programs/revcomp/Documents/106Form.pdf>); and
2. A description of the project/undertaking that specifies:
 - a. Federal involvement (in this case, making application for federal HUD HOME funds is the “federal involvement.”); and
 - b. Area of potential effects, including photographs, maps, and drawings as necessary; and
3. A portion of an **identified** 1:24,000 USGS topographic map section showing the location of the project clearly delineated; and
4. A description of the historic property identification process taken in **Step 1**; and
5. The basis for the finding in **Step 2**;
6. If historic properties are found, also include the following:
 - a. A description of the historic properties, including characteristics that qualify them for the National Register; and
 - b. A description of the project’s/undertaking’s effects on historic properties; and
 - c. Copies or summaries of any views provided by consulting parties and the public; and
 - d. Finding of “No Adverse Effect” - An explanation of why the criteria of adverse affect (36 CFR § 800.5(a)(1) - **Attachment E55**) were found inapplicable, including any future actions required to avoid, minimize or mitigate adverse effects.

Step 4 – Tribal Consultation (THPOs) Please see HUD’s tribal consultation policy at: <https://www.hudexchange.info/resource/4484/hud-memo-section-106-tribal-consultation-in-projects-reviewed-under-24-cfr-part-50/>. Tribes with interest in the county where the project is occurring are identified by utilizing the Tribal Directory Assessment Tool (TDAT), which is available at <https://egis.hud.gov/tdat/Tribal.aspx>, and complete consultation with each tribe. As of May 2017, tribes that have shown an interest in SC, with known consultation protocols, are as follows:

The Alabama-Qassarte Tribal Town is interested in all projects occurring in counties of interest. The Tribal Historic Preservation Officer (THPO) is Samantha Robinson. Alabama-Qassarte Tribal Town THPO, P.O. Box 187. Wetumka, OK 74883. Consultation requests should be submitted via email to AQhpo@mail.com.

The Catawba Indian Nation is only interested in projects involving ground disturbance in the counties of interest. The THPO is Caitlin Totherow, Catawba Indian Nation, THPO Archaeology Dept., 1536 Tom Steven Road, Rock Hill, SC 29730 (ph. 803-328-2427 ext. 226). Consultation requests must be submitted via letter.

The Eastern Band of Cherokee Indians (EBCI) is only interested in projects involving ground disturbance of new soil (see below) in counties of interest. The THPO is Holly Austin, Tribal Historic Preservation Officer- Eastern Band of Cherokee Indians, Qualla Boundary Reservation, P.O. Box 455, Cherokee, NC 28719 (ph. 828-359-6852). The EBCI, has only asked to be consulted for projects involving disturbance of new soil, which is any ground that has not been classified as Urban Soil per the most recent Natural Resource Conservation Service (NRCS) County Soil Survey. (See <https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx> or contact the local NRCS office [<https://offices.sc.egov.usda.gov/locator/app>]). For projects involving Urban Soil disturbance the EBCI has asked to be informed of the Urban Soil impacts via email at hollymaustin94@gmail.com.

The Eastern Shawnee Tribe of Oklahoma is only interested in projects involving ground disturbance in the counties of interest. The THPO is Robin Dushane, HPO, Tribal Historic Preservation Office, Eastern Shawnee Tribe of Oklahoma, 70500 East 128 Road, Wyandotte, OK 74370 (ph. 918-666-2435 ext. 2010). Consultation requests submitted via email should be sent to RDushane@estoo.net.

The Muscogee (Creek) Indian Nation is only interested in projects involving ground disturbance in counties of interest. The THPO is Corain Lowe-Zepeda, Tribal Historic Preservation Officer, Cultural Preservation Department, Muscogee (Creek) Nation, P.O. Box 580, Okmulgee, OK 74447 (ph. 918-732-7835). Consultation requests submitted via email should be sent to section106@mcn-nsn.gov.

The Tuscarora Nation of New York. The Tuscarora Nation of New York does not have a THPO; therefore, if a reasonable, good-faith finding of "No Historic Properties Affected" is made for the project/activity once the SHPO and THPO(s) have concurred with the finding, the Section 106 Consultation process is considered complete. The Tuscarora Nation of New York contact is Chief Leo Henry, Tuscarora Nation of New York, Tuscarora Reservation, 2006 Mt. Hope Road, Lewiston, NY 14092 (phone: 716-264-6011). Consultation requests must be submitted via letter.

Step 8 - Finding of "No Historic Properties Affected":

1. A description of the project (undertaking) that specifies – a.) federal involvement, b.) area of potential effects, including photographs, maps (to include a portion of an identified USGS quad sheet showing the location of the project) and drawings as necessary.
2. A description of the historic property identification process, including, as appropriate efforts to seek information (i.e., background research, consultation, oral history, sample field investigation and field survey).
3. The basis for determining that no historic properties are present or affected.

Finding of "No Adverse Effect or Adverse Effect":

1. A description of the project (undertaking) that specifies – a.) federal involvement, b.) area of potential effects, including photographs, maps (to include a portion of an identified USGS quad sheet showing the location of the project) and drawings as necessary.
2. A description of the historic property identification process, including, as appropriate efforts to seek information (i.e., background research, consultation, oral history, sample field investigation and field survey).
3. A description of the historic properties, including information on the characteristics that qualify them for the National Register.
4. A description of the project's (undertaking's) effects on historic properties.
5. Copies or summaries of any views provided by consulting parties and the public.

6. Finding of “No Adverse Effect” - An explanation of why the criteria of adverse affect (see 36 CFR § 800.5([a]) were found inapplicable, including any future actions to avoid, minimize or mitigate adverse effects.
7. Finding of “Adverse Effect” - If this finding is made, the consultation process will not end until the project is modified so as to have a finding of “No Adverse Effect” or a Memorandum of Agreement is developed for the purpose of mitigating adverse effects.
 - i. **Local Governments acting as RE** - If an MOA must be developed, the local government must initiate a consultation with SHPO, THPO (if applicable), and the Advisory Council on Historic Preservation and complete the consultation process prior to completion of the environmental review.
 - ii. **Other Entities** - If an MOA must be developed, the Authority will initiate and complete the consultation process (with the applicant acting as an invited signatory) prior to completing the environmental review.

When consulting with the SHPO a completed project review form (<http://shpo.sc.gov/programs/revcomp/Documents/106Form.pdf>) must be submitted with the documentation.

National Register listings, historic property survey information, and non-locational archaeology information is available to the public <http://archsite.cas.sc.edu/ArchSite/>. Restricted National Register listings and archaeological site locations are available to vetted subscribers such as cultural resource professionals, environmental consultants, and planners.

In accordance with the July 6, 2001 Advisory Council on Historic Preservation Memorandum “Fees in the Section 106 Review Process”, the Responsible Entity (RE) should not pay fees to the tribe unless the RE enters into a contract with the tribe (see the Memorandum at <http://www.achp.gov/feesin106.pdf> for further detail). To facilitate consultation, the RE may agree to cover travel expenses for a site visit if that is deemed necessary.

Detailed “Guidance on Archeological Investigations in HUD Projects” is provided in HUD HP Fact Sheet #6 (http://portal.hud.gov/hudportal/documents/huddoc?id=env_factsheet_6.pdf).

Step 9 - Source Documentation

1. On the *Statutory Checklist* indicate the final determination and the date of the final determination; and
2. Copies of all documentation submitted to SHPO and THPO; and
3. Copies of all communications with SHPO and THPO, or the Advisory Council, etc.

The following website may also help in completing the environmental review for the Historic Preservation compliance factor: <http://shpo.sc.gov/>; <http://offices.sc.egov.usda.gov/locator/app>.

2. **Floodplain Management** - The Floodplain Management authorities were created to reduce the risk of flood loss, to minimize the impact of floods on human safety, health and welfare, and to restore and preserve the natural and beneficial values served by floodplains.

Step 1 - Determine if the project site is in a floodplain. To find out, go to **Section 4.6.1, Step 1**, for a step-by-step explanation. If no (Status A), go to **Step 7** below. If yes, go to **Step 2**.

Step 2 - Determine if any activity (including auxiliary features such as roads, driveways, storage facilities, etc.) is occurring in a 100-year floodplain (Zones Ax or Vx) for non-critical actions, or 500-year floodplain (Zones B or shaded X) for critical actions (actions affecting mobility-impaired individuals or those features such as roadways providing sole egress from flood-prone areas). If no (Status A), continue to **Step 7** below. If yes, go to **Step 3**.

Step 3 - Determine if the project is excluded under 24 CFR §55.12 *Inapplicability of 24 CFR part 55 to certain categories of proposed actions* (a). If yes, an abbreviated five-step process excluding steps 2, 3, and 7 of the full eight-step process outlined below must be completed.

Step 4 - Determine if the project is excluded under 24 CFR §55.12 *Inapplicability of 24 CFR part 55 to certain categories of proposed actions* (b) and (c). Provided as **Attachment E23**. If yes (Status A), go to **Step 7** below. If no, FEMA's Eight Step Planning Process for Floodplain/Wetland Management must be completed (Status B). The eight steps are:

1. Determine if the project or activity is in the floodplain.
2. If the project is in the floodplain, publish a notice in a local newspaper See **Attachment E24** for a sample Early Public Notice (EPN) with a 15-day comment period) to make the public aware of the intent; and send a copy to:
 - a. Jesse Munoz
Director, Mitigation Division
Department of Homeland Security
FEMA Regional Environmental Office
3003 Chamblee Tucker Road
Atlanta, GA 30341-4112
 - b. Jesse.munoz@fema.dhs.gov,
Stephanie.madson@fema.dhs.gov, and
Susan.wilson@fema.dhs.gov
3. Determine if there is a practical alternative;
4. Identify Adverse Impacts;
5. Identify methods to be used to *minimize*, *restore* and *preserve* the floodplains;
6. Re-evaluate alternatives;
7. Announce and explain decision to the public. The applicant must publish a *Notice of Explanation* (**E25**) in the local newspaper if the only practical alternative is to locate the project or activity in the floodplain (This notice can be combined with the FONSI). The reason for this decision, the alternatives considered, and the mitigation measures to be taken to minimize, restore, and preserve must be included in this notice; and copies sent to the same officials listed in 2a, and 2b above.
8. Implement the project or activity with appropriate mitigation.

Step 5 - In addition to the Eight-step or abbreviated Eight-step process a permit must be obtained from the appropriate Local Floodplain Administrator prior to constructing any development within the 100-year floodplain per 44 CFR § 60.3 (This permit can be obtained after an "Authority to Use Grant Funds" has been received). This applies to all communities that participate in the National Flood Insurance Program. Local floodplain administrators may be located by visiting the SC Flood Mitigation Programs website at <http://www.dnr.sc.gov/water/flood/> and clicking on "Local NFIP Administrator Directory" located on the right-hand side of the page. For more information on acquiring floodplain development permits http://dnr.sc.gov/water/flood/documents/SCQG_FloodplainManagement.pdf.

Step 6 - Determine if any part of the site is partially located in a 100-year floodplain (Status B). Even if that part of the site will not be touched, a covenant or comparable restriction must be legally placed on the property with the intent to preserve the floodplain from any future development. See **Attachment E26** for sample language. Otherwise, the Eight-step process described above must be completed.

Step 7 - *Source Documentation*:

1. All applicants must include the appropriate FIRM, with the site clearly identified. Include the FIRM map panel number, effective date, and zone the site is located within on the *Statutory Checklist*.
2. Projects excluded under 24 CFR § 55.12 must also provide a narrative describing the circumstances supporting that determination.
3. Projects which required the Eight-step process must also provide copies of all notices, and a narrative explaining how the final determination was reached. For example, the narrative should contain a list of practical alternatives considered, adverse impacts identified, and methods discussed for mitigation. Please note, the Authority could reject a project if the 8-step process analysis is inadequate.
4. Sites requiring covenants or other comparable restrictions must provide sample copies of

those documents before the environmental will be considered complete. You may not simply submit Attachment E26 as a sample copy. Executed and legally recorded copies of those documents must be provided before the project is officially closed.

5. Flood insurance must be purchased for structures (walled and roofed buildings or manufactures homes) located in a 100-year floodplain pursuant to 24 CFR § 50.4(b)(1). Please see **4.6.1** above for more information.

The following website may help in completing the environmental review for Floodplain Management: <https://www.fema.gov/floodplain-management/floodplain-management>. For more information on acquiring floodplain development permits in SC: www.dnr.sc.gov/water/flood/quickguide.html.

3. **Wetland Protection** - The Eight-step process is also applicable to activities in wetlands.

Step 1 - Determine if the proposed project will result in the construction of new structures (including auxiliary features mentioned in **Step 2 of Floodplain Management** above) or grading and filling activities. If yes, go on to **Step 2**. If no (Status A), list all activities applicable to the project on the *Statutory Checklist* and go to **4. Coastal Zone Management Act** below.

Step 2 - Determine the presence or absence of wetlands, including non-jurisdictional (e.g. not covered under the Clean Water Act) wetlands. If wetlands, including non-jurisdictional wetlands, are present (Status B), go on to **Step 3**. If not (Status A), go to **Step 6** below. For assistance in identifying wetlands:

1. Contact the USFWS, SC Ecological Services office for assistance: 176 Croghan Spur Road, Suite 200, Charleston, SC 29407; (843) 727-4707; Charleston_regulatory@fws.gov. If USFWS staff are unavailable, you may contact the Regulatory Division of the US Army Corps of Engineers (USACE) at (843) 329-8044 or if outside of the Charleston area dial (866) 329-8187 toll-free. When consulting with USACE make it clear that the assessment is being conducted to determine whether EO 11990 wetlands are present.
2. Write a letter to the Corps of Engineers (U.S. Dept. of the Army, Corp of Engineers, Regulatory Division, 69-A Hagood Avenue, Charleston, SC 29407) requesting their determination. To insure a timely review of the project, provide a full description of the proposed project in your letter and attach a map clearly showing the site boundaries; or
3. Have a wetland professional (i.e., biologist, soil scientist, etc.) certify as to the absence or presence of wetlands. Wetland professionals must make a determination in accordance with the 1989 Federal Manual for Identifying and Delineating Wetlands. A copy of the manual is available at: <https://digitalmedia.fws.gov/cdm/ref/collection/document/id/1341>.

Note: You may consult the National Wetlands Inventory developed by the U.S. Fish and Wildlife Service or the Water Pollution Control Division of the Department of Environment and Conservation but those resources will not be accepted as stand alone Source Documentation.

Step 3 - Refer to **2. Floodplain Management, Step 3** above with one exception; replace the word "floodplains" with "wetlands."

Note: During completion of steps 3 through 6 in the Eight-step process, the project's effect on the survival and quality of the wetlands must be considered with emphasis on the following factors; public health, safety and welfare (including water supply, quality, recharge and discharge); pollution; flood and storm hazards; sediment and erosion; natural system maintenance (including conservation and long term productivity of commercial and non-commercial species and their habitat); and uses of public interest (including recreational, scientific and cultural uses).

Step 4 – Should the Eight Step process include mitigation that causes the loss of any wetlands, streams, or open waters, authorization from SCDHEC’s Bureau of Water may be required along with authorization from USACE.

Step 5 - Refer to **2. Floodplain Management, Step 5** above with one exception; replace the word “floodplains” with “wetlands.”

Step 6 - *Source Documentation:*

1. All applicants must include the documentation used to determine wetlands were or were not present on the site and a USGS map clearly identifying the site. On the *Statutory Checklist*, include the final determination, such as “No Wetlands on Site,” the date of the determination and who made the determination.
2. Should a wetlands professional have made the determination, also include a copy of the surveyor’s qualifications.
3. Projects excluded under 24 CFR §55.12 must also provide a narrative describing the circumstances supporting that determination.
4. Projects which required the Eight-step process must also provide copies of all notices, and a narrative explaining how the final determination was reached. For example, the narrative should contain a list of practical alternatives considered, adverse impacts identified, and methods discussed for mitigation. Please note, the Authority could reject a project if the 8-step process analysis is inadequate.
5. Sites requiring covenants or other comparable restrictions must provide sample copies of those documents before the environmental will be considered complete. You may not simply submit Attachment E26 as a sample copy. Executed and legally recorded copies of those documents must be provided before the project is officially closed.
6. The following website may also help: www.sac.usace.army.mil
<http://www.fws.gov/wetlands/data/index.html>.

Note: If a project will result in the impounding, diverting, deepening, channelizing or modification of a stream or other body of water, consultation with the USFWS and SC Department of Natural Resources is required to determine what effect the project may have on wildlife resources.

Due to the use of HUD funds, compliance with Executive Order 11990 through completion of the 8-step process will be required for projects with wetland impacts regardless of whether the USACE requires or has authorized a general or regional Section 404 permit. An individual Section 404 permit may be used to comply with steps 1 through 6 of the 8-step process provided the following conditions are met:

- a) the individual permit has been authorized;
- b) no construction will occur in the 100-year floodplain (or 500-year for critical actions); and
- c) all the affected wetlands (jurisdictional and non-jurisdictional) are covered by the individual permit.

4. **Coastal Zone Management Act (CZMA)** - The Act, administered by the National Oceanic and Atmospheric Administration (NOAA), provides for management of the nation's coastal resources, including the Great Lakes, and balances economic development with environmental conservation. As a voluntary federal-state partnership, the CZMA is designed to encourage state tailored coastal management programs. To insure compliance with the Act, follow these steps:

Step 1 - Determine if the project is located in one of the eight coastal zone counties. SC’s Coastal Zone counties are Beaufort, Berkeley, Charleston, Colleton, Dorchester, Georgetown, Horry and Jasper.

Step 2 - Projects not located in one of these counties should simply indicate, “Project not located in a SC CZMA county” on the *Statutory Checklist* and go to **5. Sole Source Aquifers** below

(Status A). If the project is located in one of the eight coastal counties, determine if it involves new construction, conversion of land use, major rehabilitation of existing structures (including substantial improvement) or the acquisition of undeveloped land. If yes, go to **Step 3**. If no (Status A), go to **5. Sole Source Aquifers** below.

Step 3 - A request for a Determination of Consistency must be made to DHEC's Office of Ocean & Coastal Resource Management Control as soon as possible.

1. For projects located in Berkeley, Dorchester, Georgetown or Horry County without wetland impacts, contact William McGoldrick, Stormwater Permit Coordinator at (843) 953-0239 or mcgoldwr@dhec.sc.gov.
2. For projects located in Beaufort, Charleston, Colleton or Jasper County without wetland impacts, contact Christine Koczera, Stormwater Permit Coordinator at (843) 953-0702 or koczerc@dhec.sc.gov.
3. For projects with wetland impacts contact Tess Rodgers, Wetland Section Coordinator, at (843) 953-0233 or rodgermt@dhec.sc.gov.

Step 4 - To insure a timely review of the project, SCDHEC-OCRM recommends sending a letter requesting a Consistency Determination (DHEC, Office of OCRM, 1362 McMillian Avenue, Suite 400, Charleston, SC 29405, boltincr@dhec.s.gov) with the following attachments and information:

1. A portion of an identified 1:24,000 scale USGS quad sheet with a delineated site boundary;
2. A site plan;
3. Preliminary stormwater management plans;
4. A wetland delineation completed in accordance with the 1987 USCOE Wetlands Delineation Manual;
5. A full project description; and
6. The reason for a finding of consistency (i.e. "We have reviewed the Coastal Management Plan and found our project to be consistent with the requirements, objectives, policies, and standards of the Plan").

Step 5 - Source Documentation

A copy of your letter and response received from DHEC-CORM must be included as source documentation. On the *Statutory Checklist* indicate the final determination and the date on OCRM's letter. A Determination of Consistency would warrant a "B" status.

The following websites may also help:
www.scdhec.gov/Environment/WaterQuality/CoastalPermits/CoastalZoneConsistency/,
www.scdhec.gov/Environment/WaterQuality/Stormwater/ConstructionActivities/Overview/.

5. **Sole Source Aquifers** - This is the sole or primary source for drinking water derived from ground water. There are no sole source aquifers in South Carolina according to the U.S Environmental Protection Agency (EPA). This compliance factor is already completed on the *Statutory Checklist*. Should you want additional information about this factor, the EPA website has more information at: www.epa.gov/safewater/sourcewater/pubs/reg4.pdf.
6. **Endangered and Threatened Species** - To insure compliance with the Act, follow these steps:

Step 1 – For proposed projects that can be cleared under the "HUD and USDA Rural Development Projects Clearance Letter | No Effect" (available at: www.fws.gov/charleston/pdf/Regulatory/20151008_DOC_HUD_and_USDA_Rural_Development_Projects_Clearance_Letter_No_Effect.pdf), go to **Step 7**. For proposed projects that cannot be cleared with the above Clearance Letter, a biological evaluation may need to be completed. Go to **Step 2**.

Step 2 – To determine if a complete biological evaluation is warranted you must:

1. Consult the species list for your county www.fws.gov/charleston/endangeredSpecies.html and determine what listed species are known or may be present in the county where the proposed project is occurring;
2. If no listed species are known or may be present, then a finding of “No Effect” (Status A) may be made and no further action is required. Go to **Step 7**.
3. If any listed species are present, then a biological evaluation must be completed to support findings regarding potential impacts to the listed species. Go to **Step 3**.

Step 3 - Detailed directions for completing a biological evaluation are found in “Contents of a Biological Assessment/Biological Evaluation,” which may be downloaded at http://fws.gov/raleigh/es_consultation.html. If based upon correctly completing the biological evaluation the result is a species may be affected, go to **Step 4**; if a determination of “No Effect,” may be made then no further action is required (Status A). Go to **Step 7**. A “No Effect” determination means that:

1. No listed species habitat is present on or adjacent to the project site;
2. The project site is not located within a listed species management zone; or
3. The proposed project does not have the potential to affect water bodies or wetlands that may contain listed species then no further action is required [e.g., a determination of “no effect” may not be made for a construction project next to a stream located within the watershed of a listed aquatic species, such as mussels or fish, because runoff from the project during and after construction may affect the listed aquatic species by changing the water quality].

Step 4 - If based on the results of the biological evaluation, listed species “may be affected” by the proposed project, the US Fish and Wildlife Service (USFWS) must be contacted with a request for concurrence. The USFWS will reply in writing with a determination of:

- 1 “not likely to adversely affect” which is Status B, no further action is required (unless the scope or nature of the project is altered or new information indicates a listed species may be affected); go to **Step 7**; or
- 2 entrance into formal consultation with a determination of “likely to adversely affect;” go to **Step 5**.

Step 5 - A formal consultation process may include submittal of a biological assessment and receipt of a biological opinion that may contain reasonable and prudent measures that must be followed to prevent jeopardy to the existence of the species.

Step 6 - *Source Documentation:*

1. If the project was described in **Step 1** above, indicate on the *Statutory Checklist* that the USFWS letter for HUD and USDA Rural Development Projects is applicable.
2. If project results described in **Step 2** above are “No Effect”, indicate such on the *Statutory Checklist* and provide a copy of the computer generated species list for the proposed site’s location and county.
3. If project results described in **Step 3** above are “No Effect,” indicate such on the *Statutory Checklist* and provide all documentation used when completing the biological evaluation utilizing directions in the “Contents of a Biological Assessment.”
4. If project results described in **Step 4** above are “not likely to adversely affect,” indicate such on the *Statutory Checklist* and provide all documentation used when completing the biological evaluation utilizing directions in the “Contents of a Biological Assessment,” as well as all communication with the USFWS.
5. If a formal consultation is required by USFWS, all communication and documentation must be provided. On the *Statutory Checklist* indicate USFWS’s final determination and the date of that determination, and the procedures that will be implemented to insure that the reasonable or prudent measures are followed.

Please be advised - there is no time limit for the USFWS to provide assistance; furthermore, based on the information provided, the USFWS could require an onsite visit by a qualified biologist *at the expense of the applicant*. (The USFWS may be contacted at: USFWS – South Carolina Ecological Services, ATTN: Section 7 ESA Consultation 176 Croghan Spur Road, Suite 200, Charleston, SC 29407. The regulatory phone number is 843-727-4707. However, the USFWS has asked that consultation be initiated electronically at charleston_regulatory@fws.gov. Guidance on submitting project electronically is available at https://www.fws.gov/charleston/pdf/Regulatory/20160126_Project_Submission_Guidance.pdf).

NOTE: If the Northern Long-Eared Bat (NLEB) is listed as occurring in your county and the proposed project involves action(s)*, such as tree-removal, that would result in findings of not likely to adversely affect NLEB either the Streamlined Consultation Process**, developed as part of the 4(d) Ruled Biological Opinion for the NLEB, or the Standard Consultation Process must be completed.

For projects where the Streamlined Consultation Process is utilized, as appropriate, HUD or the responsible party should use the Northern Long-Eared Bat 4(d) Rule Streamlined Consultation form (which is available at <https://www.fws.gov/Midwest/Endangered/mammals/nleb/s7.html>), which notifies the local USFWS office that the Streamlined Consultation process will be used, and provides the USFWS with information necessary to both track effects to the NLEB and determine if re-initiation of consultation may be required.

* See the Programmatic Biological Opinion of the Final 4(d) Rule for the Northern Long Eared Bat and Activities Excepted from Take Prohibitions at http://www.fws.gov/Midwest/Endangered/mammals/nleb/bos/16_NLEBRange_Final4d01052016.pdf for a complete list of actions that would require at a minimum a finding of not likely to adversely affect the NLEB.

**The Streamlined Consultation Process may only be used for the NLEB. Other federally listed Threatened and Endangered species that may be affected by an action will have to go through the Standard Consultation Process

7. **Wild And Scenic Rivers Act** – Determine if the project will affect a Wild and Scenic River (WSR) or a Nationwide River Inventory (NRI) river. There is only one wild and scenic river in SC, it is the Chattooga River located in Oconee County. SC's NRI rivers can be found here: www.nps.gov/ncrc/programs/rtca/nri/states/sc.html. If any of the listed rivers or their tributaries (located within one mile of a watershed) will be affected, consult with the National Park Service or USFWS to resolve or mitigate possible adverse effects and attach documentation. If a project is located in a county with a WSR or NRI river that will not be affected, attach a map showing the location of the project relative to the affected river as *Source Documentation*.
8. **Clean Air Act** - Half of York County is currently in "maintenance" status for criteria pollutants; however, HOME activities carried out by SC Housing are all considered de minimis and therefore, compliant with the State Implementation Plan (E60).

Step 1 – Mark the *Statutory Checklist* as Status A. Refer to the 2018 ER Manual as source documentation.

Lead and asbestos removal are not covered under the Clean Air Act; however, this does not preclude compliance with all applicable local, state and federal laws for lead or asbestos removal. For more information about indoor air quality requirements, please contact the SCBAQ at (803) 898-4289.

9. **Farmland Protection Policy Act** - The purpose of the Act is to minimize the extent to which Federal programs contribute to the unnecessary and irreversible conversion of farmland to nonagricultural uses.

Step 1 - Activities such as rehabilitation of existing structures are exempt (Status A).

Step 2 - Activities involving construction of roads or structures on vacant land, consideration of this act is required, UNLESS *Source Documentation* is provided that shows the site is located within an (Status A):

1. “Urbanized area” on a U.S. Census Bureau Map (see http://factfinder.census.gov/servlet/ReferenceMapFramesetServlet?_lang=en);
2. Urban area on the USGS topographical map (as indicated by a “tint overprint”);
3. “Urban built-up” area on the USDA Important Farmland Maps, or an area shown as white (not farmland) on USDA Important Farmland Maps;
4. Area zoned for a non-agriculture use, or area for which the decision to change the project’s land use to a non-agricultural use has already been made as a result of local zoning.

Step 3 - If the project is not located in one of the above mentioned “urban” areas, the Natural Resource Conservation Service (NRCS) must be contacted for assistance in determining if the project will remove prime, unique, statewide or local important farmland from production. To locate a local NRCS office in South Carolina, go to: <https://offices.sc.egov.usda.gov/locator/app>.

1. At a minimum a [Form AD-1006 Farmland Conversion Impact Rating](#) analysis (E28) will be required;
2. If the site is rated using [Form AD-1006](#) and receives a score of less than 160, no further action will be required (Status B);
3. If the score exceeds 160, appropriate further analysis will have to be done to determine the availability of alternatives and appropriate mitigation for adverse farmland effects (Status B).

Step 4 - *Source Documentation*:

1. Projects for which **Step 1** above is applicable, provide a brief description of the activities on the *Statutory Checklist* and no further action will be required.
2. Projects described in **Step 2** above must provide at least one of the documents listed in 1. – 4. On the *Statutory Checklist* indicate which of the four documents identified has been included as *Source Documentation* and the effective date listed on the document.
3. **Step 3** projects must provide a completed Form AD-1006, if the site scores above 160, and all communication with NRCS. NRCS’ final determination, the date the determination was made, and the Form AD-1006 score should all be included on the *Statutory Checklist*.

10. **Environmental Justice** - on October 21, 2008, SC’s DHEC was given an Environmental Justice award by the U.S. EPA. DHEC was recognized for its work over the past five years to improve public participation in order to achieve environmental protection.

Step 1 - Determine if there are any environmental conditions (i.e., toxic pollutants, hazardous industrial operations, landfills or dumps, foul odor producing operations, explosive or flammable operations, or high automobile or train traffic hazards) that may have a disproportional effect on low income or minority populations. If none exist, no further action is required (Status A).

Step 2 - On the *Statutory Checklist*, indicate whether or not environmental justice has been triggered. *Source Documentation* is not required if there is no environmental justice impact. If there is a potential impact, include a copy of the environmental query. <https://www.epa.gov/environmentaljustice>. *Source Documentation* will be assessed on a case-by-case basis.

Other helpful websites are:, www.epa.gov/compliance/environmentaljustice/index.html.

5.4.3 **HUD Environmental Standards** - Below is a list of each environmental standard as listed on the *Statutory Checklist*, a brief explanation of each, and descriptions of their acceptable *Source*

Documentation:

1. **Noise Abatement and Control** - This refers to sources of noise that may affect the project. It is HUD's general policy to protect citizens against excessive noise in their communities and places of residence. Follow these steps when assessing your site for noise:

Step 1 - Determine if there are any Major Highways (These are normally roads depicted as noise generators on the Bureau of Transportation Statistics map <https://maps.bts.dot.gov/arcgis/apps/webappviewer/index.html?id=a303ff5924c9474790464cc0e9d5c9fb>. Local conditions, for example a manufacturing facility at the end of a local road may require inclusion of roads not depicted on the subject map) within 1,000 feet of the closest site boundary. AADT volumes are available by:

1. Determining the appropriate route number for highways in question by viewing SCDOT County maps at: www.scdot.org/getting/maps.html and then visiting this website: <http://www.dot.state.sc.us/getting/annualtraffic.aspx> ; OR
2. Contacting SCDOT: *William G. Stoneburner* at StoneburWG@scdot.org, (803)737-1628 or faxing (803)737-0006; or *William E. Jordan* with the Office of Planning & Environmental, Senior Transportation Planner (803) 737-1679; or *Louise S. Moore*, with the Office of Planning & Environmental, Senior Transportation Planner (803) 737-1438. Provide the following info to SCDOT to get accurate counts:
 - a. Your contact information;
 - b. Municipality where highway in question is located;
 - c. Name/number of the highway;
 - d. Nearby intersecting highways;
 - e. A map showing the highway in question; and
 - f. Number of years for which projections are needed.
3. In addition to addressing concerns regarding existing roadways, future roadways that may affect proposed activities must also be considered. To determine if an activity may affect a proposed highway project consult <http://www.scdot.org/inside/stip.aspx>; or Mark Pleasant, Chief of Metropolitan Planning, SCDOT, 955 Park Street, Rm 516, Columbia, SC 29202, pleasantmd@scdot.org.

Step 2 - Determine if there are any Active Railroads within 3,000 feet of the closest site boundary. To obtain railroad information:

1. Collect the following information:
 - a. Closest railroad crossing identification number(s) physically located on the railroad crossing ID plate, or researched online at <http://safetydata.fra.dot.gov/officeofsafety/default.aspx>; and
 - b. Maps clearly identifying the location of the crossing; and
 - c. Name of the street being crossed.
2. Contact the appropriate railway company (not all railway contact info. is available.):
 - a. Railway owners may be identified via <http://safetydata.fra.dot.gov/OfficeofSafety/publicsite/crossing/Crossing.aspx>.
 - b. For Norfolk-Southern Railways - Mrs. Porshia Cross: (864) 255-4230 fax (864) 255-4279, porshia.cross@exchange.nscorp.com;
 - c. CSX Railways - toll-free 1-877-835-5279; state & community relations (904) 366-2949; Leslie_Scherr@csx.com - Principle Manager Public Projects (904) 366-3057, (904) 245-2686 (fax); or www.csx.com/index.cfm/about-csx/contact-us/.

Step 3 - Determine if there are any military airports or FAA-regulated airfield that service jets within 15 miles of the closest site boundary. Contact any airport of concern and request a

map showing the current DNL or Noise Exposure Forecast (NEF) contours:

1. Military Airports are listed above in **Section 4.7.3**. Contours for military installations should be published as part of their Air Installation Compatible Use Zone (AICUZ) report; Contours for the Charleston AFB and Shaw AFB as well as several other airports are in this manual as **Attachment E56**;
2. Civilian Airports are listed above in **Section 4.7.3**;
3. Listed below are all other airports with sufficient emplanements to generate noise concerns:
 - a. Anderson Regional, Anderson City
 - b. Charleston Executive, Charleston City
 - c. Greenville Downtown, Greenville City
 - d. Georgetown County, Georgetown City
 - e. Lowcountry Regional, Walterboro
 - f. Grand Strand, North Myrtle Beach
 - g. Spartanburg Downtown Memorial, Spartanburg City
 - h. Aiken Municipal, Aiken City
 - i. Pickens County, Pickens
 - j. Donaldson Center, Greenville City
 - k. Columbia Owens Downtown, Columbia City
 - l. Rock Hill/York County/Bryant Field, Rock Hill City
 - m. Mt. Pleasant Regional-Faison Field, Mt. Pleasant Town
 - n. Oconee County Regional, Seneca
 - o. Hartsville Regional, Hartsville
 - p. Lancaster County-McWhirter Field, Lancaster City
 - q. Sumter, Sumter
 - r. Allendale County, Allendale Town
 - s. Greenwood County, Greenwood
 - t. Conway-Horry County, Conway
 - u. Orangeburg Municipal, Orangeburg City
 - v. Woodward Field, Camden

The following website may be helpful in getting airport contact information: www.faa.gov/airports_airtraffic/airports/planning_capacity/passenger_allcargo_stats/passenger or www.scaeronautics.com/airport.asp.

Step 4 - If any of the conditions listed in the steps above exist, a noise study must be conducted in accordance with HUD's "The Noise Guidebook." Chapter 5 of the guidebook, *Noise Assessment Guidelines*, is **Attachment E29**.

<https://www.hudexchange.info/resource/313/hud-noise-guidebook/>

1. **Attachment E57** is an Excel spreadsheet may be helpful in electronically calculating the correct dB once all required data is collected. The spreadsheet was developed by a HUD Environmental Specialist. A Day/Night Noise Level Electronic Assessment Tool can be found at <https://www.hudexchange.info/programs/environmental-review/daynight-noise-level-electronic-assessment-tool/> **Attachment E30**, Noise Abatement and Control Worksheet, may also be helpful.
2. If "traffic mixes," which are required for the roadway noise worksheet as well as the Excel spreadsheet, are not available from SCDOT, the following percentages are to be used;
 - a. Interstate Urban: Automobiles - 89%; Medium Trucks - 2%; Heavy Trucks - 9%;
 - b. Interstate Rural: Automobiles - 80%; Medium Trucks - 3%; Heavy Trucks - 17%;
 - c. Major Arterial Urban: Automobiles - 89%; Medium Trucks - 2%; Heavy Trucks - 9%;
 - d. Major Arterial Rural: Automobiles - 87%; Medium Trucks - 4%; Heavy Trucks - 9%.

Step 5 - Source Documentation

1. For sites that do not fall within the ranges listed above, a map clearly identifying the site and the closest major highway, railway, and airport must be submitted as *Source Documentation* (Status A).
2. If the noise assessment concludes the noise level is 65 dB or below, that is an acceptable range and no further action is required. Include the assessment in the ERR and indicate the dB level on the *Statutory Checklist* (Status A);
3. Should a noise assessment conclude the noise level is 66 dB to 75 dB, that is a normally unacceptable range that will require mitigation. Include the assessment in the ERR, indicate the dB level on the *Statutory Checklist*, and the mitigation planned (Status B);
4. A dB level of 76 and above is unacceptable. The site will be rejected;
5. For rehabilitation activities, HUD encourages noise attenuation measures in "normally unacceptable" areas given the extent and nature of the rehab being undertaken and level of noise exposure and strongly encourages conversion to land uses compatible with unacceptable levels of noise.

2. Explosive & Flammable Operations

Step 1 - Determine if the project includes construction, rehabilitation that will increase the number of people using the structure, or rehabilitation which will make a vacant building habitable. If no (Status A), go to **Step 6**.

Step 2 - Determine if the project site is located within one mile of any 100+ gallon above ground storage tanks (ASTs) storing explosive or flammable solids, liquids, or gases (This does not apply to gasoline stations with underground tanks). This can be determined by:

1. Conducting a site visit;
2. Reviewing current maps and photographs; and
3. Contacting the local Fire Marshall, Fire Department, Police Department, or emergency management agency regarding the presence of known ASTs or explosive storage facilities.

Step 3 - If there are no ASTs within one mile of the site (Status A), go to **Step 6**. If ASTs or explosive storage facilities of concern are within one mile of the property, an analysis must be conducted per HUD's "*Siting of HUD-Assisted Projects Near Hazardous Facilities*" to determine if the project is at or beyond an Acceptable Separation Distance (ASD) from the AST(s). The entire guidebook is many pages so has not been included as an attachment in this manual, but can be found at: <http://www.hud.gov/offices/cpd/environment/training/guidebooks/hazfacilities/>. Appendix A of the guidebook is very informative and is included as **Attachment E32**. The ASD analysis may be completed by using the ASD Electronic Assessment Tool found at www.hudexchange.info/programs/environmental-review/asd-calculator.

Step 4 - If the separation distance is acceptable per HUD's analysis regulations (Status A), go to **Step 6**. If the project is within the ASD of any AST (Status B), call the Authority, mitigation must be sought immediately.

Step 5 - If mitigation is not available, the project will be rejected.

Step 6 - *Source Documentation*:

1. All applicants meeting the project description in **Step 1** above must submit a map clearly identifying the site and a one mile radius. In addition, field notes or the sample form Exhibit 31 must be included and executed by the applicant. Indicate on the *Statutory Checklist* the date of the site visit and whether ASTs are visible. Those not meeting the description must clearly describe all activities that will be undertaken for the project on the *Statutory Checklist*.

2. Any ASTs within a one (1) mile radius should be clearly identified on the map. Include all documentation used to determine if the AST is within an ASD.

NOTE: To determine ASDs for ASTs above 1,000,000 gallons you must contact the Authority for additional guidance.

Attachment E31 is a helpful checklist for this compliance factor.

3. **Contamination and Toxic Substances** - This is not the same as #2 above! Currently there are reported and confirmed contamination sites in South Carolina.

Step 1 - A Phase I Environmental Assessment per ASTM Standard E-1527-13 is required for all SC Housing projects awarded HOME funds. The Phase I (one-year shelf life) must be conducted by a qualified Environmental Professional (EP). The EP must have sufficient specific education, training, and experience to exercise professional judgment to develop opinions and conclusions regarding the presence of releases or threatened releases of hazardous substances; AND one of the three following criteria:

1. Holds professional engineer or professional geologist license, or other state, federal, or tribal certification or environmental professional license and has 3 years of relevant full-time experience; OR
2. Has a degree in science or engineering and 5 years of relevant full-time experience; OR
3. Has 10 years of relevant full-time experience.

Step 2 - If potential toxics or hazards are not identified (Status A), no further review is necessary. Go to **Step 5**.

Step 3 - If potential toxics or hazards are identified, or Recognized Environmental Concerns (RECs) are recorded in a Phase I, further assessment including completion of an additional records review and sampling (ASTM Standard E 1903-11) may be required to determine if toxins or hazards are actually present on the property (Status B). Immediately contact the SCDHEC at (803) 896-8940 for assistance in determining if the contamination may affect the project.

Step 4 - If toxics and/or hazards are present and at harmful levels then:

1. The property may be rejected;
2. The contaminants may have to be removed; and/or
3. Institutional/engineering controls may have to be implemented to prevent site users from coming into contact with the contaminants.

Step 5 - *Source Documentation:*

1. On the *Statutory Checklist*, record the findings of the Phase I and the date of the determination. Be sure to include the entire Phase I as documentation.
2. If potential toxics or hazards were identified, include all documentation utilized to make that determination. Include the final determination and date of such on the *Statutory Checklist*.

Additional information regarding Phase I ESA's:
<https://www.hudexchange.info/resource/4829/using-a-phase-i-environmental-site-assessment-to-document-compliance-with-hud-environmental-standards-at-24-cfr-585i2-or-503i/>

4. **Airport Clear Zones and Accident Potential Zones** - This compliance factor is similar to Section 4.7.3 above, but is more stringent in relation to military airports. Please do not skip this! It is HUD's general policy to apply standards to prevent incompatible development around civil airports and military airfields. HUD policy is to discourage the provision of any assistance, subsidy or insurance for projects and actions in the Accident Potential Zones (only military

airports have these zones).

Step 1 - Follow guidance provided in **Section 4.7.3**. Provide all required *Source Documentation* but in addition, complete the *Statutory Checklist* indicating dates and final determinations.

Step 2 - Determine if the project is located in an Accident Potential Zone (military airports only). Accident Potential Zone-I (APZ I) is the area beyond the "Clearzone" which possesses a significant potential for accidents. Accident Potential Zone-II (APZ II) is an area beyond APZ-I having a measurable potential for accidents. Please note, there are instances in which single-family units could be allowed in APZ-II. In those cases, suggested maximum density should be 1-2 dwelling units per acre, possibly increased under a planned unit development where maximum lot covered would be less than 20 percent. Should placement be sought, the airport operator and buyer must sign certifications. Should this be the case, please contact the Authority to discuss such certifications.

Step 3 - Provide a map with a distance scale, clearly identifying the site and any nearby military airports as *Source Documentation*. In addition, complete the *Statutory Checklist*. If in an Accident Potential Zone, the site will almost certainly be rejected.

Note: Use the military airports listed in **Section 4.7.3, 1.** as well as **E58**.

5.4.4 **Other Federal Authorities** - Below is a list of other federal authorities as listed on the *Statutory Checklist*, a brief explanation of each, and descriptions of their acceptable *Source Documentation*:

1. **Clean Water Act** - Pursuant to Section 404 of the Clean Water Act (CWA) prior authorization from the USACE may be required for activities that cause the loss of any jurisdictional wetlands, streams (including modified streams and wet weather channels), or open waters. Authorization requirements are contingent upon the activity and the authorizing permit. In addition to acquiring authorization from the USACE, authorization may also be required from the SCDHEC-BOW regional field office (<http://www.scdhec.gov/HomeAndEnvironment/Water/>) for guidance.

Pursuant to Section 402 of the CWA, all construction activities that disturb one or more acres of land must be covered under a National Pollutant Discharge Elimination System (NPDES) General Permit. To obtain coverage for the NPDES General Permit (SCR 100000) an appropriate stormwater management and sediment control plan shall be submitted to SCDHEC-BOW or OCRM (if the activity lies within one of the 8-coastal counties). For additional guidance see <http://www.scdhec.gov/HomeAndEnvironment/Water/Stormwater/>.

Step 1 - Will any of the project's activities cause the loss of any jurisdictional wetlands, streams (including modified streams and wet weather channels), or open waters? If no, go to **2. Resource Conservation and Recovery Act**. If yes, provide appropriate *Source Documentation* showing authorization from USACE and/or SCDHEC-ORCM.

Step 2 - For projects requiring USACE or SCDHEC-BOW authorization, authorization must be obtained prior to beginning construction of the project, but may be obtained after completion of the environmental review process. Indicate status on *Statutory Checklist*.

2. **The Resource Conservation and Recovery Act** - Is the project creating hazardous waste? This Federal authority should not be applicable to HOME projects as household waste is not considered as regulated hazardous waste under the Resource Conservation Recovery Act.

3. **Fish and Wildlife Coordination Act**

Step 1 - Is the activity going to result in the impounding, diverting, deepening, channelizing or modification of a stream or other body of water? If no, skip to **5.4.5.1 Stormwater and Sedimentation**. If yes, consultation with the USFWS and SC Department of Natural

Resources is required to determine what affect the proposed project may have on wildlife resources.

Step 2 - For projects requiring USFWS or SCDNR consultation, that consultation must be done prior to completing the environmental review. Indicate status on *Statutory Checklist*.

5.4.5 State and Local Statutes (This is not an exhaustive list)

1. **Stormwater and Sedimentation** (Stormwater Management and Sediment Reduction Act of 1991) - Throughout South Carolina, land disturbances of greater than two-acres (note the exception below for activities occurring in the 8-coastal counties) require submittal of a stormwater management and sediment control plan for approval from the appropriate SCDHEC district office (see www.scdhec.gov/environment/envserv/regions.htm).

Within the 8-coastal counties, disturbances of two-acres or less within ½ mile of a receiving waterbody require submittal of a stormwater management and sediment control plan for approval from the appropriate SCDHEC district office (see www.scdhec.gov/environment/envserv/regions.htm).

Step 1 - Provide copy of approved stormwater management and sediment control plan as *Source Documentation*.

2. **Ground Water Use Permitting** - Permits for groundwater withdrawals that occur in designated Capacity Use areas and exceed three million gallons during any one-month. We do not anticipate any HOME projects to meet this minimum for groundwater withdrawal. To obtain additional information regarding the Ground Water Use and Reporting Act see www.scdhec.gov/environment/water/capuse.htm.
3. **Drinking Water Protection** - Prior to constructing an on-site distribution system connecting multiple buildings to an existing public water system, a permit must be obtained from SCDHEC. To obtain additional information see www.scdhec.gov/environment/water/dwpermit.htm.

NOTE: For more detailed information on general permitting requirements in S.C., a copy of “A General guide to Environmental Permitting in South Carolina” may be obtained at www.scdhec.gov/administration/library/CR-003631.pdf.

5.4.6 **Publication Of Notices** - If compliance is triggered by any of the regulations, executive orders, or authorities listed above, a NOI/RROF is to be posted in a public building or published in the local newspaper AFTER the triggered compliance factor has been satisfactorily mitigated.

1. **Local Governments** are responsible for publishing/posting their own Notice of FONSI and NOI/RROF, or one combined notice, for seven (7) days if published... 10 days if posted.
2. **Other Entities** - The Authority takes the responsibility of posting or publishing this notice.
3. **Unspecified Site Strategy** - If using an Unspecified Site Strategy, the following language must be inserted prior to the last paragraph of the NOI/RROF. “Because the (grant award year) Project will involve activities at several scattered sites for which the exact location will not be known for sometime, an environmental review strategy has been developed including Site-Specific Checklists, to assure that the required environmental review is completed for each site. If environmental factors are identified as having an impact on the project or any of the specific project sites, they will be addressed on a case-by-case basis.”
4. A seven (7) day (published) or ten (10) day (posted) local comment period must be allowed and indicated in the notice. The seven (published) or ten (posted) days will begin on the day after the notice is to be published.

5.4.4 Request For Release Of Funds And Certification (RROF)

1. **Local Governments** - After allowing seven days for public comment and taking into account any comments received, local governments complete the RROF and submit the RROF and ERR to the Authority.
2. **Other Entities** - The Authority will complete the RROF and submit it to the HUD/Columbia Office.

5.4.5 Release of Funds

1. **Local Governments** - After the ERR is submitted to the Authority and reviewed, the Authority will typically approve the RROF 15 -20 days after the receipt of the ERR unless there is a basis for disapproval. The Authority will send Form HUD-7015.16 *Authority to Use Grant Funds* or equivalent letter once the 15 days have passed.
2. **Other Entities** - HUD will wait 15 days after receiving the RROF from the State before it issues a release of funds unless there is a basis for disapproval. Once received, the Authority will fax and send a copy of the Form HUD-7015.16 or equivalent letter to applicants.

6. STEPS TO COMPLETE AN ENVIRONMENTAL ASSESSMENT

6.1 The *HOME Environmental Statutory Checklist*, as described in detail in Section 5 above, is a part of the *EA*.

6.2 **Modified EA**- The items listed on the *EA Checklist*, also known as “impact areas”, must be reviewed to facilitate consideration of the overall effects of the project on the environment and the effects of the environment on the project users. The presence/absence and effects to/from these items is identified via site observations and consultation with local agencies to determine if local services are available and, if available, how the local services will be affected by the project. *Form HUD-4128 (E34)* may be helpful in completing the *EA Checklist*.

The degree to which the project must be evaluated relative to these factors ranges from “No Impact Anticipated” to “Requires Project Modification.” The *EA Checklist* calls for sources which have contributed to the decision to be identified. Record both the potential beneficial and adverse effects to or from the environment as a result of the project. If potential adverse effects to or from the environment are identified, provide information regarding actions that may be taken to mitigate the adverse effects.

Source Documentation must be provided for all impact areas. **Attachments E35** - Sample Service/Resource Impact Letter & **E36** - excerpts from HUD’s 1390.2 Handbook may be helpful along with the following websites: www.statelibrary.sc.gov/sc-cities and www.sccounties.org/counties/counties.htm. A copy of “A General Guide to Environmental Permitting in South Carolina” may be obtained at www.scdhec.gov/administration/library/CR-003631.pdf and prove to be very helpful. Phone logs may be used to document agency comments and analyses. If used, make sure the following information is provided as part of the log: name of agency; name, title, and phone number of agency official contacted; date and time of communication; and summary of discussion.

6.2.1 **Land Development** - The factors included in this section enable the evaluator to make a judgment on the use of the selected project site and area and arrive at a decision regarding the feasibility of using it for housing. The majority of these factors will require a site visit and/or contact with a Local Planning Board.

1. Conformance with Comprehensive Plans and Zoning - Generally the community's zoning land use controls, which carry out its Master Plan, are sufficient to ensure land use compatibility; contact the Local Planning Board. **Attachments E37** and **E38** should be helpful.
2. Compatibility and Urban Impact - Compatibility with surrounding development is an important consideration. This means avoiding the harmful effects of industry and commercial operations such as heavy traffic, noise, air pollution and other hazards in residential areas. Desirable conditions would be suitable access, the presence of parks, schools, churches, recreational facilities, libraries, pleasant views, permanent open space as well as existing residential

development which is properly maintained and not overcrowded. It is not necessary that density or housing types be uniform if the land planning is done with care.

3. Slope - Some localities have established slope construction regulations. These usually deal with a combination of factors: hillside management in relation to land use, lot size, drainage, foundation design, and sewage disposal.
4. Erosion - Erosion, transport and sedimentation are the processes by which the land surface is worn away (by the action of wind and water), moved to and deposited in another location. Erosion can cause structural damage in buildings by undermining foundation support. It can pollute surface waters with sediment and increase the possibility of flooding by filling river or stream channels and urban storm drains. Some soils are less stable than others and are consequently more susceptible to erosion. Loosely consolidated soils (e.g., sands) and those of small particle size (e.g., fine silts) are more susceptible to erosion. By contrast, soils with high moisture and clay content are more resistant to erosion. Refer to the Natural Resource Conservation Service (NCRS) County Soil Survey to determine if engineering restraints are indicated. See <http://offices.sc.egov.usda.gov/locator/app?service=page/CountyMap&state=SC&stateName=South%20Carolina&stateCode=45> to locate the local NCRS office. Provide comments from the site engineer or local development department if engineering restraints are indicated based on the Soil Survey. The website www.dnr.sc.gov/geology/index.htm may also help.
5. Soil Suitability - To be suitable for a building, a soil must be capable of adequately supporting its foundation without settling or cracking. The soil should be well drained so that basements remain dry, and so that septic systems can be installed in localities not served by sewers. Soil depth is an important factor and must be adequate for the excavation of basements, sewers and underground utility trenches. How well a soil is able to support development is a function of several factors including its composition, texture, density, moisture content, depth, drainage and slope.

Subsidence causes a sinking or settlement of land areas which may result from various situations such as: the pumping of ground water from the earth, "drying out" of boggy or waterladen soils, or underground mining. The settlement caused by subsidence is not consistent but is instead shaped like an inverted cone. It is helpful to note that the low point of this cone continually shifts over the span of several years. Finally, it is important to consider this natural hazard because it has the ability to impact a site by altering drainage patterns or even reversing the direction of the flow of drainage water.

6. Hazards and Nuisances including Site Safety - **Attachment E39** should be helpful. *Site hazards*: inadequate street lighting, uncontrolled access to lakes and streams, improperly screened drains or catchment areas, drilling operations, pipelines, steep stairs or walks, overgrown brush, lack of access for emergency vehicles. *Traffic*: circulation conflicts, heavy traffic, hazardous cargo transportation routes and road safety. *Neighborhood hazards/nuisances*: vibration, glare from parking lots, odors and proximity of the project to aerial transmission lines, power plants, transformers, drainage canals, junk yards, and industrial activities. *Natural hazards*: landslides, earthquakes, bluffs, unprotected water bodies, radon, and forest fire prone areas.
7. Energy Consumption - Energy is a scarce resource. It has become increasingly important to design and locate new facilities which minimize energy usage. Energy consumption should be viewed in a two-fold manner; energy consumed directly by the project for heating, cooling, and for hot water systems, and indirectly by the transportation of people and goods to and from the project.
 - a. For rehab and renovation activities, information should be provided regarding the installation of energy saving features such as EnergyStar qualified windows or insulation appropriate for the regions climate. Additional information on techniques for increasing energy efficiency may be obtained by visiting <http://rehabadvisor.pathnet.org/index.asp> or www.hud.gov/energy.
 - b. For new construction, information should be provided regarding the project site location relative to utilities and services (e.g., to promote walking to services an access trail is being constructed between the apartment complex and adjacent grocery-store anchored shopping center); site

planning techniques for addressing wind and sun direction; and provision of structure shelter (e.g., the existing forest area located on the west side of the property will not be disturbed so that it may serve as windbreak during the winter months); building design/construction techniques, etc. Additional information on techniques for minimizing energy consumption due to new construction may be obtained by visiting www.hud.gov/energy, www.energysavers.gov, www.energystar.gov, www.pathnet.org and www.epa.gov/chp.

- c. Provide a narrative to discuss methods for minimizing or reducing energy consumption.
8. Contribution to Community Noise Levels - Will the project itself contribute significantly to community noise levels during and/ or after construction?
9. Effects of Ambient Air Quality on Project and Contribution to Community Pollution Levels - The effect of air pollution on human health can vary from irritating the eyes and throat to contributing to three often fatal diseases--heart disease, lung disease and cancer. Air pollution can also damage plant growth, reduce visibility, dirty outdoor equipment, and erode buildings and monuments. Some groups--the sick, the elderly, pregnant women, and children--are more susceptible to air pollution than are others. They suffer adverse effects at lower pollution levels than the general public. This fact should be remembered in considering the location and/or design of schools and parks, hospitals and housing.
10. Visual Quality: Coherence, Diversity, Compatible Use and Scale - Visual impact can be defined as the impact of the project on the visual quality of its surroundings. The visual quality of an area is made up of the way elements of the natural and built environment relate to each other to create a sense of harmony.

6.2.2 **Socioeconomic** - The study of the relationship between economic activity and social life.

1. Demographic Character Changes - The concept of the neighborhood is complex and "neighborhood" is a descriptor usually used to define specific geographic areas within a city. The physical characteristics include the quality and type of housing units, commercial, public and social services, its size, location and boundaries. The social dimension or demographic character of a neighborhood is determined by household and population size, density, age, ethnic and minority composition, as well as income, education, and employment profiles. Finally, there is the psychological and social interaction. This refers to the residents' sense of neighborhood, their perceived relationship with their surroundings and others within the neighborhood boundaries, and the strength of their various organizational ties and support systems (formal and informal). Determining neighborhood boundaries is also complex. The boundaries can be natural or built. Natural boundaries might include one or more of the following, topography, streams or open space; whereas built boundaries can be railroads, freeways or major streets (thoroughfares). Demography, such as the type of housing, may also be a factor in defining the neighborhood.
2. Displacement - Displacement refers to the dislocation of people, businesses, institutions or community facilities as a result of a project action. Direct displacement is the dislocation of a person, business or other activity occupying property that is acquired for a project or that must be vacated to comply with code or zoning enforcement. People and businesses directly displaced usually have no alternatives to that action.
3. Employment and Income Patterns - Find out if there are employment opportunities near the proposed project site(s).

6.2.3 **Community Facilities and Services** - The development of community services by private and public agencies has been a necessary component of urban development. The basic factors which influence the demand for community services are human necessity, economic level, demography of the population, and availability of services. Each of these factors relates to the level and quality of the various services. If the community services are located at unreasonable distances from a neighborhood, they will be of little benefit to residents. Scattered centers for services, such as health care and education, increase the availability of services but do not necessarily improve the quality of service. The various community services are similar in that they provide services necessary to the

health, education, safety, and well-being of the population. The major necessities for the population of any urban community include an adequate water supply; provisions for sewage, waste water and storm water disposal, and a system of solid waste collection and disposal. The services may be provided by the public or private sector, but the local jurisdiction maintains some form of control. Project evaluation is based upon the adequacy of these facilities to serve the project and the impact of the project on the capacity of these facilities. Because of the variance in types of projects as well as site conditions, it is important that these items be addressed on an individual case basis and that the assessment documentation clearly indicate the sources from which information was gathered.

1. Educational Facilities - (E40) Schools include the traditional elementary and high school systems and may include centers of higher education and adult education. Need for educational facilities is related to the age structure of the population, and may be influenced by the economic structure of the community. Contact the local school board or visit <http://ed.sc.gov/schools>.
2. Commercial Facilities - (E41) Commercial/retail facilities, such as neighborhood shops, community shopping districts and regional shopping centers provide a source of goods and personal services to maintain the population. These facilities are established privately and the number and quality of these facilities therefore depends upon the economic conditions and demand of the serviced population.
3. Health Care - (E42) As a part of conducting an Environmental Assessment, one must consider a number of community and neighborhood services as factors, which could potentially affect the HUD assisted project. Such services may include but are not limited to health care. Find out if health care services are nearby.
4. Social Services - (E43) Social Services include transportation for handicapped and elderly, alcoholism and drug programs, and halfway houses. The need for such services will be a function of the age, income and educational level of potential project residents. See the local Social Services Dept.
5. Solid Waste - (E44) Solid waste disposal is an essential service in urban areas. Solid wastes are usually managed by a local government's Public Works Department which, or through their contractor, collects and disposes of waste. States now exercise authority over disposal of municipal solid wastes. Solid waste materials are generally transported by trucks to a common, usually remote site for either recycling (rarely), incineration (where allowed), or disposal in a sanitary landfill.
6. Waste Water - (E45) All new development must have a wastewater disposal system. Most new projects will be connected to an existing system. If, however, the existing system is at capacity or if the project is located too far away for connections to be feasible, some form of on-site disposal system will have to be employed. If the soil and other conditions are suitable, individual septic systems could be built. Or a developer may build some form of package treatment plant. Whatever system is used, it must be built and operated so that the effluent (treated water) does not cause pollution problems.
7. Storm Water
 - a. In SC, land disturbances of greater than two acres requires submittal of a stormwater management and sediment control plan for approval. Please note that within the eight (8) coastal counties, disturbances of two acres or less located within ½ mile of a receiving waterbody require submittal of a stormwater management and sediment control plan for approval. Approval must be obtained from the appropriate SCDHEC district office (see www.scdhec.net/eqc/admin/pubs/permit01.pdf).
 - b. Storm water disposal is an essential service in urban areas, and the complexity of the system design is in direct proportion to the intensity of land use. A central business district where maximum land coverage is allowed will need a storm sewer system designed to remove most of the rainfall within a short time after the end of the storm and mostly in a closed system. At the other extreme, a low density area where homes are built on very large lots, will carry nearly all its surface run-off in its natural waterways. The only drainage structures needed will be bridges and culverts to carry water under roads. It is also important, and in many cases critical,

that adequate provision be made to allow as much rainfall as possible to enter the soil to recharge the water table which supplies well water for domestic and other uses. Sending too much storm water into natural drainage channels can cause the start of erosion where the streambed formerly was stabilized. Storm water in cities washes over streets and picks up considerable amounts of surface pollution which is not biologically degradable, e.g. grease, rubber, metal, glass and dangerous metals such as lead and cadmium which pollute ground and surface waters.

8. Water Supply - (E46) Adequate water supply refers to the delivery to a housing project site of a sufficient amount of potable water at all times, with adequate pressure for fire protection and at affordable rates. In terms of quantity, a rule of thumb estimates 100 gallons per person per day for domestic consumption. Most places where HUD does business are urban areas with water distribution systems already in place. The water system is usually owned and operated by governmental agencies' Public Works Department although there are some privately owned water companies. Many proposed housing sites, however, are located at the edge of the urban or service area and it is often necessary to extend mains to serve them. These extensions will ultimately become part of the municipal water system and consequently will be required to be Constructed not just to serve the project, but to meet local and fire underwriters standards. Depending on local policy and requirements, the project may have to pay all or part of the costs.
9. Public Safety – County Emergency Management Agency information is available at www.scecmd.org/who/county_orgs.html.
 - a. Police - (E47) Like fire protection services, access and response time are important planning considerations for assuring adequate policy protection. Organization and staff may vary widely among communities.
 - b. Fire - (E48) Adequate access for fire equipment and vehicles to the project area is critical, as is the consideration of water supply, water flow and the placement of fire hydrants for assuring good fire protection. Insurance industry standards often dictate the organization and location of facilities and equipment.
 - c. Emergency Medical - (E49) Emergency Health Care consists of those emergency medical care and ambulance services. The latter are usually provided by local fire departments and area hospitals.
10. Open Space and Recreation - (E50) As a part of conducting an Environmental Assessment, one must consider a number of community and neighborhood services as factors which could potentially affect the HUD-assisted project.
 - a. Open Space - See the Local Planning Department.
 - b. Recreation - Parks and Recreation include active sports and passive areas, parks and gardens, trails and facilities for spectator and participatory sports. See the local Parks & Recreation Dept.
 - c. Cultural Facilities (Executive Order 11593) - The Federal Government shall provide leadership in preserving, restoring and maintaining the historic and cultural (cultural - knowledge, customs, and arts of a group of people) environment of the Nation. Agencies of the executive branch of the Government (hereinafter referred to as "Federal agencies") shall administer the cultural properties under their control in a spirit of stewardship and trusteeship for future generations.
11. Transportation - (E51 and E52) Transportation should incorporate private and public transportation. It is recognized that some minimal number of users is required to make public transportation feasible, and without this, prospective residents will have to provide for their own transportation. In outlying areas, particularly with subdivisions, personally owned vehicles (POV) is the standard transportation mode.

6.2.4 **Natural Features** - Undeveloped areas often represent valuable natural resources which must be conserved and protected. They are ecological reservations for animals, fish and wildlife. Water resources and any impounded supply represent sources of drinking water and recreational opportunities for large numbers of people. When evaluating a project involving natural features and

resource areas the major consideration should be the impact the project will impose on them. www.dnr.sc.gov/managed/heritage.html

1. Water Resources - There are two principal aspects of water resources: the quantity of water that is available, and its quality. Water resources can be divided into two subcategories: (a) groundwater and (b) surface water. Groundwater refers to all of the water found below the ground's surface. While most groundwater comes directly from rainwater, some results from seepage from the sides and bottoms of lakes and streams. The area in which the groundwater is stored is called an aquifer. The supply of groundwater depends upon a balance between the amount of water entering the ground and the amount being withdrawn. Excessive well pumping can induce infiltration from streams and ponds, causing surface water levels to drop. If these surface waters are polluted, groundwater quality will be degraded.
2. Surface Water - Surface waters range from very large rivers and lakes to small ponds and streams. Urban development can have a serious negative impact on water quality, specifically from the effects of pollution generated by factories, urban sewerage systems, power plants and runoff from paved areas. Degraded surface water quality can have short-term and long-term human health implications, can affect aquatic habitats and species and can have aesthetic and other consequences.
3. Unique Natural Features - (E53) This factor includes two separate but related natural environmental conditions - unique geological features and mineral resources. Unique natural features are produced by normal geological processes. Their uniqueness stems from their infrequent occurrence, their aesthetic value, or their information content. Examples of such features include exposures of fossil-bearing, mineralogical, unusual or interesting rock formations, cliffs, waterfalls, or special formations such as glacial drumlines and eskers, and such aesthetically pleasing features as coastal dunes and bluffs. Mineral resources are usually divided into three categories: fossil fuels, metals, and non-metals. The categories reflect more how they are used rather than how they were formed. Mineral resources are extracted from the earth by various methods. Each technique has certain kinds of effects on the ground above and around it which sometimes affects nearby development; thus, there may be a potential conflict between mineral resource production and the well-being of nearby communities. If the feature does indeed pose any type of hazard, it should be fenced as a mitigative measure. Conversely, the presence of these communities can prevent the development of some valuable mineral resources. The following website may be useful: www.dnr.sc.gov/managed/heritage.html as well as Julie Holling, Data Manager, SCDNR, Heritage Trust Selection, P.O. Box 167, Columbia, SC 29202; (803)734-3917..
4. Agricultural Lands - U.S. farmland is a unique natural resource which provides food and fiber. These agricultural lands include lands currently used to produce agricultural commodities or lands that have the potential for such production. These lands have the favorable combination of soil quality, growing season, moisture supply and accessibility. Highly productive or potentially productive agricultural lands are important due to their relatively limited occurrence and their long-term value for efficient production of food and fiber. Each year large amounts of farmland are converted from actual or potential agricultural use to non-agricultural use. As urban expansion moves outward from cities into surrounding agricultural regions, highly productive lands are often converted to or adversely affected by urban development. Farmlands are limited. Due to the importance of agriculture to the national economy and the importance of agricultural of maintaining the very best farmlands in production, many local and State governments are adopting policies and regulations to preserve farmlands in the face of urban development pressures. The term farmlands or agricultural lands for this assessment factor refers to three specific categories: prime farmland, unique farmland, and farmland of statewide or local importance.
5. Vegetation and Wildlife - The dying out of plant and animal species is certainly not a new or even an unnatural phenomenon. It is however a phenomenon that occurs with much greater frequency today than in the past. As man's influence and activities cover more and more of the globe, the natural habitats of thousands of species are destroyed or irrevocably altered. It has been estimated that half the species of plants and animals (including birds, fish and insects) alive today

could be extinct by the year 2000. One of the scientists' major concerns is that there is so much we don't know about most of the world's plants and animals. Through ignorance alone, we may be causing or allowing the extinction of species that could have enormous value to us. Most of the projects HUD is involved with probably do not pose any threat to existing species since most projects are located in urbanized areas where development will have already had its effect. If, however, a project is located in a less developed area where there are lands that are still mostly in their natural state, endangered species or their habitats may be encountered.

6.2.5 Publication Of Notices

1. **Local Governments** - The FONSI and NOI/RROF may be combined (E54) and must be published in the local newspaper or posted in a public place that is accessible to effected individuals by the city or county. A 15-day local comment period, beginning the day AFTER the notice is published, must be allowed and indicated in the notice if published... 18 days if posted.
2. **Other Entities** - The Authority takes the responsibility of posting or publishing this notice. A 15-day local comment period, beginning the day AFTER the notice is published, must be allowed and indicated in the notice. An 18-day comment period must be allowed if the notice is posted.
3. **Unspecified Site Strategy** - If using an Unspecified Site Strategy, the following language must be inserted prior to the last paragraph of the Concurrent Notice: "Because the (*grant award year*) Project will involve activities at several scattered sites for which the exact location will not be known for some time, an environmental review strategy has been developed, including Site Specific Checklists, to assure that the required environmental review is completed for each site. If environmental factors are identified as having an impact on the project or any of the specific project sites, they will be addressed on a case-by-case basis."

6.2.6 Request For Release Of Funds And Certification

1. **Local Governments** - After allowing 15 days (published) or 18 days (posted) for public comment and taking into account any comments received, local governments complete the Form HUD-7015.15 and submit it along with the ERR to the Authority.
2. **Other Entities** - After allowing 15 days for public comment and taking into account any comments received, the Authority will complete the Form HUD-7015.15 and submit it directly to the HUD/Columbia Office.

6.2.7 Release Of Funds

1. **Local Governments** - The Authority will not approve the RROF for at least 15 days after the receipt of the ERR. Once the 15 days have passed, the Authority will send a copy of the *Authority to Use Grant Funds* and keep the original in the ERR.
2. **Other Entities** - HUD/Columbia Office will wait 15 days after receiving the RROF from the Authority before it issues a ROF. The Authority will send the *Authority to Use Grant Funds* form to the recipient immediately after it is received from HUD.

7. RE-EVALUATIONS

- 7.1 After completion of the original environmental review process, circumstances may require that the original review be reevaluated. This will occur when:
 - 7.1.1 Substantial changes to the nature, magnitude, or extent of the project are proposed;
 - 7.1.2 New activities not anticipated in the original review are proposed;
 - 7.1.3 New circumstances and environmental conditions that may affect the project or have a bearing on its impact are discovered during the implementation of the project; or
 - 7.1.4 The selection of an alternative not in the original finding is proposed.
- 7.2 If the original findings are still valid, the applicant must affirm the original findings and update the ERR with

its re-evaluation. A statement addressing the above four points will suffice as documentation that a reevaluation has been conducted. A new FONSI notice is not required.

- 7.3 If the applicant determines that the original findings are no longer valid, it must prepare a new EA (or an EIS if its evaluation indicates potentially significant impacts). A new FONSI notice must be published/disseminated and be submitted to HUD (or the State) or disseminated in accordance with §58.43.

8. EMERGENCIES

- 8.1 When an emergency, disaster or imminent threat to health and safety is declared by the President or the chief elected official of the responsible entity, the combined Notice of FONSI and the NOI/RROF may be disseminated and/or published simultaneously with the submission of the RROF and Certification form to HUD (or the state). The combined FONSI Notice and NOI/RROF shall state that the funds are needed on an emergency basis due to a declared disaster and that the comment periods have been combined. Any comments made by the public, other organizations or agencies are to be sent to HUD (or the State) and the applicant.