



Office of
Native American
Programs

HUD

Office of Public & Indian Housing

Environmental Review Requirements

Goals of Environmental Review

- ✦ Ensure that environmental concerns are identified and addressed **before** a project is undertaken
- ✦ Promote the health and safety of residents, neighborhoods, and communities
- ✦ Protect land, air, and water



What is NEPA?

- ✧ National Environmental Policy Act of 1969
 - ✧ Basic national charter for protection of environment
- ✧ Established Council on Environmental Quality (CEQ)
- ✧ Federal agencies implement NEPA with their own regulations

Responsible Entity

✦ For HUD programs under 24 CFR part 58, Indian tribal governments assume the role of the responsible federal official in the environmental decision making process



Certifying Officer

- ✪ The tribal chief executive is the certifying officer for environmental determinations
- ✪ The chief executive certifies that the tribe will accept the jurisdiction of the Federal Courts for environmental matters



Environmental Review Record

A well organized written record of
the environmental review process
and resulting determinations

Four Levels of Environmental Review

- ◆ Exemption
- ◆ Categorical Exclusion
- ◆ Environmental Assessment
- ◆ Environmental Impact Statement

Exempt Activities

- ✦ Exempt from NEPA and related laws and authorities
- ✦ Activities which by their nature are unlikely to have environmental effects

Exempt Activities

Examples

- ✠ Studies, planning documents
- ✠ Administrative, management activities
- ✠ Public service activities
- ✠ Inspections, testing services
- ✠ Engineering and design costs
- ✠ Technical assistance, training

Categorical Exclusions

- ✦ Activities that do not require an Environmental Assessment or Environmental Impact Statement under NEPA (except in *extraordinary circumstances*)

Categorical Exclusions

Examples

- ✦ Acquisition of land and buildings
- ✦ Rehabilitation of public facilities and housing
- ✦ Rental assistance
- ✦ Operating costs including maintenance
- ✦ Down payment assistance
- ✦ Financing and pre-development costs

Environmental Assessment

- ✦ If not exempt or categorically excluded, an Environmental Assessment (EA) is required
 - ✦ Primarily projects that involve new construction, substantial rehabilitation, or conversion of uses
 - ✦ EA results in either a Finding of No Significant Impact (FONSI) or Finding of Significant Impact

Environmental Assessment Examples

- ✦ New housing construction (5 or more units)
- ✦ Construction of public facilities
- ✦ Infrastructure development (include water and sewer lines)
- ✦ Activities that are normally exempt or categorically excluded but have an *extraordinary circumstance* that requires further review

Environmental Impact Statement

- ✦ Most complicated level of review
- ✦ Must perform an EIS when a project
 - ◆ Will have a potentially significant impact on human environment
 - ◆ Is of a certain size - e.g., project involves more than 2,500 housing units
- ✦ EIS is rare for HUD-funded projects

Documenting Environmental Determinations

- ✦ The tribe must document its determination of exemptions, categorical exclusions, and findings of no significant impact
- ✦ The certifying officer must sign each of the determinations
- ✦ HUD has developed recommended formats for each type of review



Steps in Preparing EA

✦ Step 1: Make EIS Determination

✦ Step 2: Define Proposed Action and Alternatives

✦ Step 3: Evaluate Project Environment

✦ Step 4: Assess Project Impact

Steps in Preparing EA

✦ Step 5: Make Findings

✦ Step 6: Publish Public Notice

✦ Step 7: Release of Funds

✦ Step 8: Verify ERR is complete

Public Notice

Finding of No Significant Impact and Notice of Intent to Request Release of Funds

- ✪ Public has 15 days from date of publication to comment to the tribe on proposed action
- ✪ Public has 15 days from HUD's receipt of tribe's RROF to comment to HUD on proposed action
- ✪ Tribe must use sample formats provided by HUD for the publication

Release of Funds

- ✦ Tribe certifies completion of environmental review process on form HUD-7015.15
- ✦ HUD-7015.15, public notice, and affidavit of publication must be submitted to start 15-day HUD comment period
- ✦ Tribe cannot commit funds until form HUD-7015.16, Authority to Use Grant Funds, is received



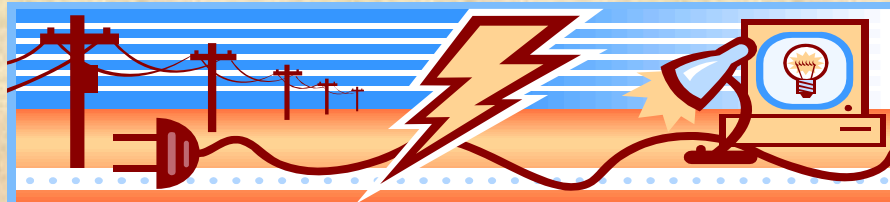
Key Factors in the Environmental Review Process

- ✦ Integrate the environmental review into overall project planning
- ✦ Ensure a complete Environmental Review Record
- ✦ Prepare a written determination of compliance for each review level



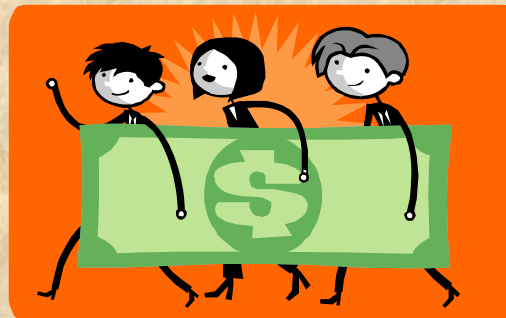
Key Factors in the Environmental Review Process

- ✦ Include appropriate supporting documents for each factor
- ✦ Initiate special studies (e.g., archeological review, biological survey, Phase I site assessment) early in the review process
- ✦ Include a detailed project description



Key Factors in the Environmental Review Process

- ✦ Use special Statutory Worksheet for housing rehabilitation
- ✦ Verify wording of public notice, especially comment period
- ✦ Do not obligate or expend project funds prematurely



HUD Contacts and Information

✦ Environmental resources:

www.hud.gov/offices/pih/ih/codetalk/resources/env.cfm

✦ Bob Kroll, Southwest ONAP

(602) 379-7192

✦ Andrea Dunyon, Southwest ONAP

(602) 379-7202

