

2016 CDBG Environmental Review Training

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National Environmental Policy Act of 1969



Our **basic national charter** for protecting the environment

Environmental values **shall** be given appropriate consideration in decision making

Environmental information must be made available to citizens & decision-makers **before** decisions made ... **before** actions taken

Define the Project

- Capture maximum anticipated scope of the proposal



*Maps, Aerials, Photos,
Narrative, Budgets,
Schedule*

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Consider Alternatives



Alternative Sites...Design...Actions...Timeframes

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Consider Impacts

Change... Effect... Alter



Adverse

No Affect

Beneficial

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HUD Regulations Implementing NEPA

24 CFR Part 58 – applies to States, Tribes, Local Governments

“Environmental Review Procedures for Entities Assuming HUD Environmental Responsibilities”

Certain entities –units of general local government – may **assume** HUD’s NEPA responsibilities under Part 58 and act as **Responsible Entity (RE)**

RE assumes responsibility for:

- Environmental **review**
- Environmental **decision-making**
- Environmental **action** that would apply to HUD under NEPA and related laws



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NEPA-Related Laws and Authorities

[24 CFR Part 58.5 & 50.3/50.4]

- National Historic Preservation Act (1966)
- Wild and Scenic Rivers Act (1968)
- Clean Air Act (1970)
- Coastal Zone Management Act (1972)
- Noise Control Act (1972)
- Endangered Species Act (1973)
- Safe Drinking Water Act (1974)
- Floodplain Management & Wetlands Protection E.O.s (1977)
- Farmland Protection Policy Act (1981)
- HUD Environ. Criteria & Standards (1984)
- Environmental Justice E.O. (1994)



Environmental Protection

➤ Protect the **Environment**

Endangered species, wetlands, historic properties, air and water quality...

➤ Protect the **Project**

Toxic contamination, radon, explosive operations, noise impacts, flooding, airport hazards...



Environmental Review

- Evaluation of any HUD-assisted action and its relationship to NEPA & related environmental laws
- Part 58 reviews “**projects**,” not funds
- Environmental approval (aka, “clearance” or “**release of funds**”) is for the **project**, not the source of HUD funds



Environmental Review Record [§58.38]

- **ERR** = written evidence of **review** > **decision-making** > **action**
- Contains all evaluations, findings, decisions, documentation, public notices, approvals ...
- RE’s only proof of procedural compliance w/ Federal environmental law and your defense against environmental challenges



Limitation on Action [§58.22]

Prior to Release of Funds, Recipient may not:

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

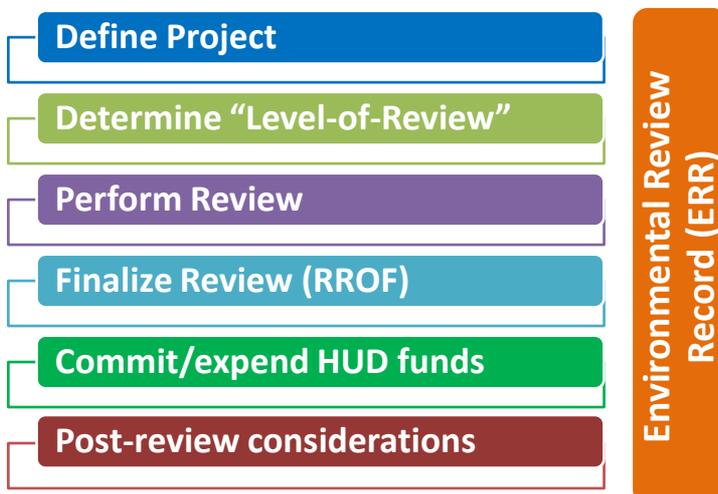


On any **Choice-limiting actions:**

Bid letting, real property acquisition, leasing, disposition, demolition, rehabilitation, repair, renovation, construction, conversion and site improvements



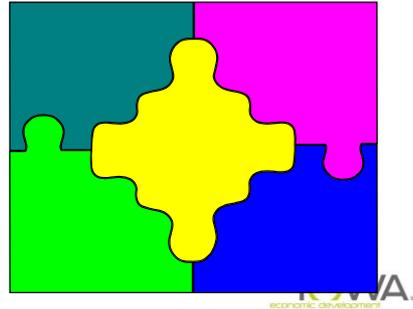
The Environmental Review Process



Project Aggregation [§58.32 / §50.21]

Evaluate as a single project all individual activities that are related either on a geographical or functional basis, or are logical parts of a composite of contemplated actions

Must include both HUD and non-HUD funds



Levels of Review

Exempt



Categorically Excluded Not Subject to 58.5

Categorically Excluded Subject to 58.5

Environmental Assessment

Environmental Impact Statement



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



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

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Categorical Exclusions (CE)

Category of actions that do not individually or cumulatively have a significant effect [40 CFR 1508.4]

HUD has two types of CE:

- CE “**Not Subject**” to Related Authorities (CENST)[§58.35(b) / §50.19]
- CE “**Subject To**” Related Authorities (CEST) [§58.35(a) / §50.20]



CE Not Subject to §58.5 authorities

§58.35(b)

(4) Economic development activities **not associated with construction or expansion** of existing operations.

Like: EDSA projects where we **just** purchase equipment



CE Subject to §58.5 authorities

§58.35(a)

- (1) Acquisition, repair, improvement, reconstruction or rehabilitation of **public facilities and improvements** when:
- Facilities and improvements are in place
 - Less than 20% change in size or capacity
 - No change in land use

Like: re-lining/replacing water/sewer lines



CE Subject to §58.5 authorities

Let's talk more about.....

Less than 20% change in size or capacity:

- If improvement result in 20% or more treatment capacity = NOT categorically excluded subject to.
- If line size goes from 4" to 8" = lines are changing **size** by **50%**. NOT categorically excluded subject to.



CE Subject to §58.5 authorities

§58.35(a)

- (3) Rehab/improvement of buildings
 - (i) Single-Family residential (1-4 units)
 - Density not over 4 units
 - Land use not changed
 - Like: HSG projects**
 - (ii) Multifamily residential
 - (iii) Commercial, industrial, public, institutional
 - No change in capacity beyond 20%
 - Land use not changed
 - Like: DTR projects**

Note no increase/changes of **size, density, cost, land use, building footprint**



Requirement: ALL PROJECTS [§58.6/§50.4]

» Requirements apply “as appropriate”

- Coastal Barrier Resources Act
- National Flood Insurance Program
- Airport Runway Clear Zones



» For CEST projects there is a separate form (24 CFR 58.6 Requirements Form)

» For EA projects it is incorporated into the document

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“Statutory Checklist”



STATUTORY CHECKLIST

Use this worksheet for projects that are Categorically Excluded under 24 CFR §58.35(a).

PROJECT NAME: _____

ERR FILE # _____ (optional)

An “ERR Determination” form should be provided as a cover to this checklist.

This checklist is a component of the Environmental Review Record (ERR) [§58.38]. Supplement the ERR, as appropriate, with photographs, site plans, maps, narrative and other information that describe the project.

24 CFR §58.5 – NEPA-Related Federal Statutes and Authorities

DIRECTIONS – For each authority, check one of the appropriate boxes under “Status.”

“**A box**” The project is in compliance, either because: (1) the nature of the project does not implicate the authority under consideration, or (2) supporting information documents that project compliance has been achieved. In either case, information must be provided as to **WHY the authority is not implicated, or HOW compliance is met.** OR

“**B box**” The project requires an additional compliance step or action, including but not limited to consultation with or approval from an oversight agency, performance of a study or analysis, completion of remediation or mitigation measure, or obtaining of license or permit.

IMPORTANT: Compliance documentation consists of verifiable source documents and/or relevant base data. Appropriate documentation must be provided for each law or authority. Documents may be incorporated by reference into the ERR provided that each source document is identified and available for inspection by interested parties. Proprietary material and studies that are not otherwise generally available for public review shall be included in the ERR. Refer to HUD guidance for more information.



Documenting Compliance

Part A. Compliance Findings for §50.4 Related Laws and Authorities

§50.4 Laws and Authorities	Project is in Compliance		Source Documentation and Requirements for Approval
	Yes	No	
16. Coastal Barrier Resources	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	N/A
17. Floodplain Management (24 CFR Part 55)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	N/A
18. Historic Preservation (36 CFR Part 800)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	N/A
19. Noise Abatement (24 CFR Part 51 Subpart B)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	N/A
20. Hazardous Operations (24 CFR Part 51 Subpart C)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	N/A
21. Airport Hazards (24 CFR Part 51 Subpart D)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	N/A
22. Protection of Wetlands (E. O. 11990)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	N/A
23. Toxic Chemicals & Radioactive Materials (§ 50.3(i))	<input checked="" type="checkbox"/>	<input type="checkbox"/>	N/A
24. Other § 50.4 authorities (e.g., endangered species, sole source aquifers, farmlands protection, flood, insurance, environmental justice)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	N/A

*“NIA” =
Not Acceptable...
Not Allowed...
Not Appropriate*

Types of Support Documentation

- Field Observations (include photographs)
- Interviews (must include name/title/date)
- Printed Materials
 - letters, emails, phone log
 - plans, maps
 - aerials
 - reports, studies, analyses
 - web-based material (not just URL)
 - photographs



Converting CEST to Exempt [§58.34(a)(12)]

Complete “Statutory Checklist,” then:

- ✓ If converts to exempt, document file and proceed with project
- ✓ If not, proceed with approval process (RROF)

“Big If” ... Can only convert where no circumstances requiring compliance, or compliance is fully met.

Like: “No Historic Properties Affected”; No Lead-Based Paint, No Radon Control, No ACM,.....



Environmental Assessment [§58.36/§50.31]

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

Like: Most CF and WS projects



Aspects of Environmental Assessment

- EA is “concise public document” [40 CFR 1508.9]
- Focus on issues that are truly important rather than “amassing needless detail” [40 CFR 1500.1]
- “Analytic rather than encyclopedic” [40 CFR 1502.2]
- Include direct effects (same time & place) as well as **indirect** effects & **cumulative** effects – those that are “reasonably foreseeable” [40 CFR 1508.8]
- *EA results typically in a “Finding of No Significant Impact” (FONSI)*



Use of Prior/Other NEPA Review [§58.53]

- Request copy of other Federal, State or local agencies’ EA and use to the extent practicable
- RE/HUD **must independently review** the environmental analysis, prepare the EA, be responsible for the required environmental finding, and complete RROF process
 - Note: HUD’s unique requirements – 24 CFR **Part 51** Airports/ Noise/ Explosive Operations
- RE/HUD may only “adopt” another EA if Cooperating Agency Agreement exists [§58.52]



Tiered Review [§58.15]

Appropriate when evaluating a proposal at the early stages of development or when site-specific analysis not yet feasible

- Generally, restrict Tiering to **CEST-level** reviews.
- » **Tier 1: Broad review** Address all laws and authorities possible and establish a plan (narrative) for the site-specific or subsequent review. Publish public notice (NOI/RROF) and submit RROF
- » **Tier 2: Site-Specific review** No public notice or RROF required unless unanticipated impacts or impacts not adequately addressed in prior review

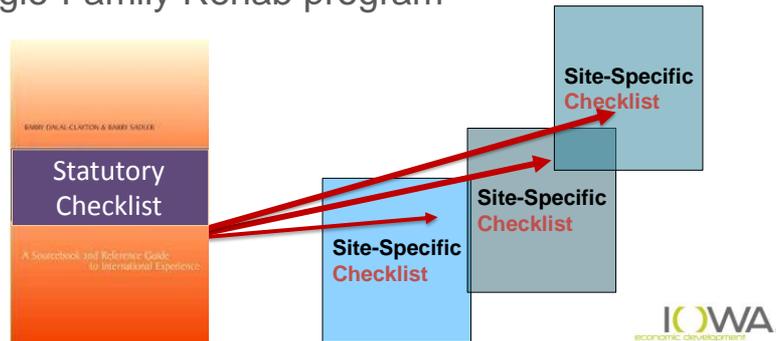


Tiering



Tiering (cont)

- » Generally, not appropriate for activities that require an Environmental Assessment
- » *Well-suited for CEST program, such as Single-Family Rehab program*



Updating the ERR [§58.47]

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

Obtaining Environmental Approval under Part 58

*“Request for Release of Funds and
Certification”*

Form HUD-7015.15



Environmental Certification

- » **RE** has fully carried out review, decision-making & action pertaining to specified project
- » RE has complied with NEPA, §58.5 (statutory checklist), §58.6 (requirements form), and applicable State & local laws
- » RE has mailed notice(s) and published or posted per required timeframes and has enclosed notice copies



Certifying Officer

- » Commits the RE to the jurisdiction of the Federal Courts in environmental matters
- » Must be person legally responsible for the community's government – e.g., Mayor, City Manager, Chair of County Commission.
- » Commonly is the person who signs the grant agreement



Summary of RROF Process

Two Routes for Release of Funds & Notices:

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



Summary of RROF Process:

Categorical Exclusion (CEST) Projects

1. RE mails & publishes/posts **NOI-RROF public notice**
2. RE observes **7/10-day** comment period
3. RE addresses any comments received
4. RE signs RROF and submits to State, with proof of mailing, publication and/or posting
5. State observes 15-day comment period
6. State issues “Release of Funds Letter”
7. RE implements project, including any environmental conditions that apply



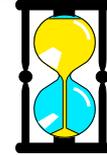
Summary of RROF Process:

Environmental Assessment (EA) Projects

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



Timing & Counting Days



- » RE starts counting the day **AFTER** publication
- » If last day of comment period falls on Sat, Sun or Holiday, should accept comments through the following business day
- » RE may extend comment period for any reason
- » **RE Signs** and submits RROF the day **AFTER** last day of comment period



Example: RE's Comment Periods For CEST and EA projects

S	M	T	W	T	F	S
			1- publication date	2	3	4
5	6	7	8 - NOI/RROF comment over	9- RE signs RROF	10	11
12	13	14	15	16- FONSI & NOI/RROF comment over	17 - RE signs RROF	18
19	20	21	22	23	24	25
26	27	28	29	30	31	



Key Points – ALL PUBLIC NOTICES

- Use HUD-recommended template for notice. It contains the minimum content - you may add language, but do not subtract
- FONSI and NOI-RROF notices must be mailed to interested groups and individuals
- RE must address and resolve any comments received **before** signing the RROF and before submitting the RROF to State



Key Points – ALL PUBLIC NOTICES

- » Posting: Post notices within the neighborhood impacted and in a manner consistent with REs "Citizen Participation" process
- » Publishing: Publish notice in newspaper of general circulation in the affected community
- » Documentation:
 - Publishing = Copy of publication and affidavit
 - Posting = Copy of posted notice and signed statement of distribution
 - Mailing = Signed statement of distribution



FONSI Notice



- » RE must send FONSI to individuals & groups known to be interested, local news media, appropriate tribal, local, state and federal agencies, Regional EPA and local HUD office [§58.43(a)]
- » EPA Region VII only wishes to see complex EA or EIS-level reviews
- » “Appropriate” agencies depends on project, complexity, controversy, impacts...



IEDA Website

<http://www.iowaeconomicdevelopment.com/Community/CDBG>

Environmental Compliance

- Categorically Excluded Packet - forms, notice, RROF [MS Word: 495k]
- Environmental Assessment Packet - forms, notice, RROF [MS Word: 610k]
- Floodplain & Wetland information - Eight (8) step process with Notices [MS Word: 40k]
- Lead Federal Agency Designation - instructions and forms [MS Word: 45k]
- Research information for Categorically Excluded and Environmental Assessment checklists [MS Word: 545k]
- HUD research website for related federal laws and authorities
<https://www.hudexchange.info/environmental-review/federal-related-laws-and-authorities>
- **Disaster-Related Projects Only**
 - Disaster Notice of Intent to Request a Release of Funds [MS Word: 29k]
 - Disaster Sample Notice of Finding of No Significant Impact and.doc [MS Word: 30k]
- HUD Request for Release of Funds 7015.15 [PDF: 81k] and Instructions [PDF: 67k]
- Programmatic Memorandum of Understanding Between IDED and SHPO [MS Word: 342k]
- Code of Federal Regulations Chapter 24, Part 58: Environmental Review Procedures [PDF: 226k]
- Mapping for Wetlands, Hazards (not to be used for flood plain documentation)
[\[www.epa.gov/compliance/nepa/nepassist-mapping.html\]](http://www.epa.gov/compliance/nepa/nepassist-mapping.html)
- Examples of Completed Environmental Assessments: Barnes City, IA: [PDF: 2.5MB] and Wallace, IA: [PDF: 9.1MB]
- Section 106 — SHPO and Tribal Consultation Information [MS Word: 57k]
- IEDA Internal Review Checklist for ERRs [MS Word: 60k]

Let's review

» **Categorically Excluded Packet :**

- ✓ Step by Step sheet
- ✓ Level of Review Form
- ✓ 24 CFR 58.6 Form (Runway Protection and Flood Insurance)
- ✓ Statutory Checklist
- ✓ NOI/RROF notice
- ✓ RROF form (web link)

» **Environmental Assessment Packet:**

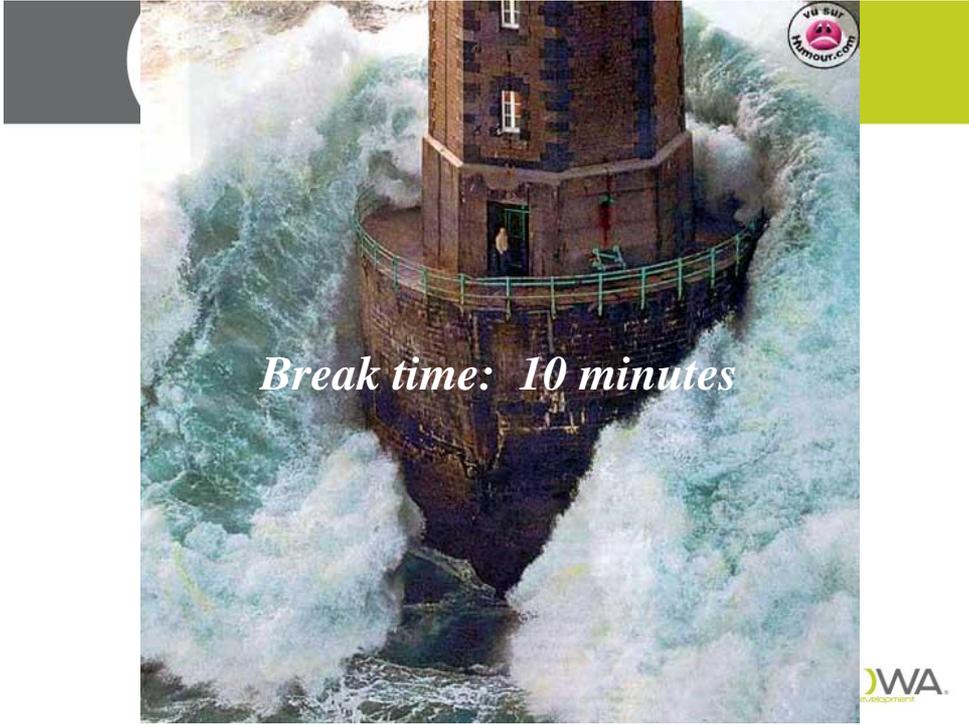
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- ✓ Level of Review Form
- ✓ Environmental Assessment (24 CFR 58.6 form, statutory checklist, and environmental assessment checklist)
- ✓ FONSI/RROF notice
- ✓ FONSI distribution list
- ✓ RROF form (web link)



Submission of Environmental Review to IEDA

- » Upload to IowaGrants: ERR
- » Send to IEDA via Mail: Original RROF (HUD-7015.15) and copy of publication and affidavit





Air Quality



Clean Air Act (CAA) of 1970

❑ *Comprehensive – regulates air emissions from area, stationary, and mobile sources*



❑ *Act authorized EPA to establish **National Ambient Air Quality Standards (NAAQS)** – maximum pollution standards – to protect public health and environment*

❑ *Areas that do not meet these NAAQS are called “**non-attainment areas**”*

❑ *State must develop **State Implementation Plans (SIPs)** to regulate emissions in “non-attainment areas”*



ERR Compliance & Documentation

Research if area is in a non-attainment area:

➤ **Go to the EPA website:**

<http://www.epa.gov/oaqps001/greenbk/mapnmpoll.html>

➤ **If not in a non-attainment area = *done***

➤ **If in a non-attainment area = *document whether proposed action has potential for air emissions***

If **no potential** for air emission reasonably exists, document using narrative statement that project complies with CAA because it will:

- not **cause** or **increase** violation of NAAQS standard
- nor **delay** compliance with any NAAQS standard



IEDA Website

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How do I show I have considered this.....

In the Statutory Checklist:

1. Air Quality [Clean Air Act sections 176(c) & (d), and 40 CFR 6, 51, 93]	<input type="checkbox"/> <input type="checkbox"/>	Project is NOT located in an EPA-designated non-attainment area or maintenance area for one or more of six "criteria pollutants," called National Ambient Air Quality Standards (NAAQS). Map documentation included in Appendix and can be found at: http://www.epa.gov/oaqps001/greenbk/mapnmpoll.html
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Two steps needed to show compliance documentation:

1. Description in the checklist
 - **Make a statement: project is or is not in a non-attainment area**
 - **If it is in a non-attainment area, will the project add to the air contamination**
2. Supporting documentation in Appendix
 - **Map**

Asbestos



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Air Toxics and the Clean Air Act (1990 amd)

- ❑ Air Toxics – a.k.a “Hazardous Air Pollutants” (HAPS) - Pollutants known or suspected to cause cancer or other serious health problems, or cause adverse environmental effects
- ❑ 183 HAPs currently listed (carcinogens, mutagens or reproductive toxins), including:
 - **asbestos**
 - **radon**
 - **benzene**
 - **perchloroethylene**
 - **mercury**
 - **lead compounds**
 - **chromium**



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Asbestos Hazards



- ❑ **Federal:** *National Emission Standard for Hazardous Air Pollutants (NESHAP) (40 CFR Part 60, subpart M)*
 - ✓ (EPA) Environmental Protection Agency
 - ✓ (OSHA) U.S. Occupational Safety and Health Administration

- ❑ **State:** *NESHAP implementation is delegated to States air quality programs have been delegated EPA's responsibility for the regulation of asbestos inspection, abatement, cleanup & disposal*



Asbestos Hazards



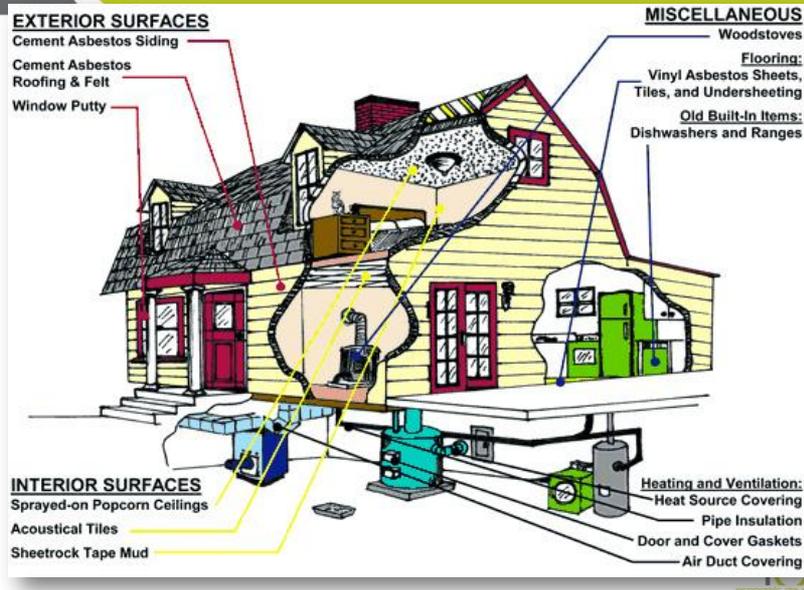
- ❑ Present in over 3,600 products – and **still being used today**
 - roof felt, shingles, floor tiles, brake pads...

- ❑ Asbestos banned in spray-applied surfacing (1973 & 1978) and in thermal system insulation (1975)

- ❑ Inhalation is the primary hazard
 - **Asbestosis** - scarring (fibrosis) of the lung
 - **Lung Cancer** - malignant tumor of the bronchi covering
 - **Mesothelioma** - cancer of the mesothelium, the lining of the chest/abdominal wall



Asbestos Hazards



Asbestos Hazards

Applies to all building renovation or demolition activities

- NESHAP **not** triggered for:
 - ✓ small quantities - if the disturbed area is below threshold of 80 linear meters or 15 square meters
 - ✓ Residential buildings **provided the project consists solely** of a **single** one-to-four unit (SF) residential building (40 CFR 61.141) **[“single-single-family”]**
- NESHAP requirements include:
 1. **Notification** to State
 2. **Inspection** (thorough) for asbestos
 3. **Abatement** of all **friable** and any **non-friable** asbestos that will become friable if it will be disturbed
 4. **Disposal** in approved landfill
- Licensed contractors required for abatement

Contamination & Toxics Substances



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What is Site Contamination?

The release of a hazardous or toxic chemical or substance, including petroleum products, on or in proximity to the project site in sufficient quantity as may be harmful to the environment, humans or other living organisms



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Examples



Landfills



Unexplained Dirt Mounds



Buried Waste



Underground Tanks



What regulations apply to contamination?

24 CFR 58.5(i)(2) & 24 CFR 50.3(i)

*“All property proposed for HUD program assistance shall be free of hazardous materials, contamination, toxic chemicals, gasses and radioactive substances **where** the hazard could affect the health and safety of occupants or conflict with the intended utilization of the property”*



Project-Based Approach

Field Inspection

- Site Visit
- Google Earth/Maps



Historic Land Use Search

- City Directory / Land Use Directory
- Sanborn Fire Insurance Rate Map



Environmental Compliance Search

- Federal: Echo, Envirofacts, environmapper:
<http://www.epa.gov/emefdata/em4ef.home>.
- State: Contaminated sites Database:
<https://programs.iowadnr.gov/contaminatedsites/pages/search.aspx>
- State: Leaking Underground Storage Tanks:
<https://programs.iowadnr.gov/tanks/pages/advanced.aspx>.



Field Inspection

What to look for:

- Vents, pipes
- Under & above ground tanks
- Monitoring well
- Distressed vegetation
- Drums, containers



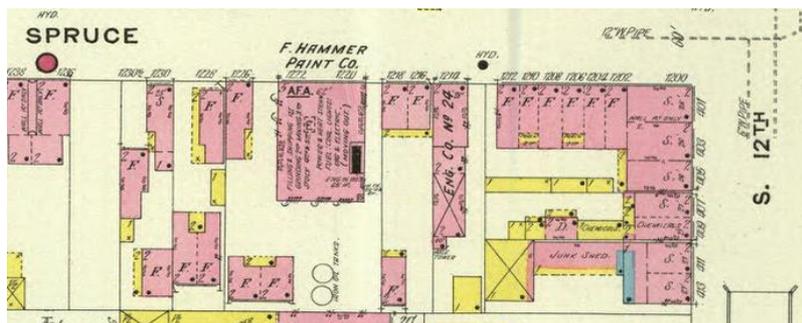
- Pits, ponds or lagoons
- Stained soil or pavement
- Pungent, foul or noxious Odors
- Dumped material, mounds of dirt, rubble, fill...



Historic Land Use Search

What to look for:

- Gas/Service Station
- Dry Cleaner
- Auto Repair
- Manufacturing Facilities
- Industrial Uses
- Recycling/Salvage Facilities
- Timber/Wood Facilities
- Railroad yard/lines



SANBORN MAP - St. Louis, Missouri, December 1908 #37

Environmental Compliance Search

Where to look:

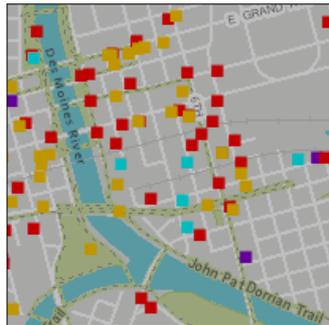
- **Federal databases**
 - ECHO
 - CERCLIS
 - NEPAassist
- **State Databases**
 - UST/LUST
 - Hazardous Substances
 - Spills

ST0005216	CASEY'S GENERAL STORE #2536	ATCHISON	Exit
103 W Hwy 136	ROCK PORT	64482	
Closure Manager <input type="checkbox"/> Expedite			
Facility Id	Owner Id	Tank ID	
ST0005216	DW00263	1	
Date Notice Received	Current Tank Status		
09/21/2006	Removed		
Date Of Approval Letter	Temp Verified Date		
10/04/2006			
Date Report Received	Capacity	Capacit -	CompartmentNum
02/13/2007		10000	1
Date Closed			
11/03/2006			
No Further Action Date			
Date Administratively Closed			
Firm Name	Comments		
Sunbelt Environmental	Reviewed closure report & now requesting (1) how were tanks clean enough on inspection so not to need to be cleaned, (2) photos of site prior to		
Date Added	Date Edited		
	02/28/2007		
User Name			
BOTTOMLEY, B			

Environmental Compliance Search

What to look for:

- History of non-compliance
- Unresolved incidents
- Onsite/Adjacent facilities requiring environmental permits



- Underground Storage Tank Facility
 - Above Ground Storage Tank Facility
 - ★ Leaking UST
 - Wastewater NPDES Facility
 - + Wastewater Treatment Plant
 - Wastewater Outfall
 - Wastewater Industrial Contributor



Screening: Records Search

How to Use Envirofacts
News and Information
Data Update
Envirofacts Model

Envirofacts

Your one-stop source for Environmental Information

Get the EnviroFACTS!

Retrieve information from multiple sources of Envirofacts' System Data for your area of interest.

Enter a location such as address, zip, city, county, waterbody, park name, etc.

[Advanced](#)

Topic Searches

Air

Land

Water

Waste

Toxics

Radiation

Facility

Compliance

Other

Envirofacts System Data Searches

68

- AFS
- BR
- Brownfields-Cleanups
- CERCLIS

ECHO/IDEA

- FRS
- EZ Search
- Organization Search

Locational Information

- Locational Search
- PCS
- Customized Search

RadNet

- Customized Search
- RCRAInfo
- SDWIS

TRI

- Customized
- EZ
- Form R

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How do I show I have considered this.....

In the Statutory Checklist:

<p>4. Contamination and Toxic Substances [24 C.F.R. 58.5(1)(2)]</p>	<input type="checkbox"/>	<p>(http://coastalmanagement.noaa.gov/mystate/welcome.html) Project location will not be affected by any contaminated or Toxic substances. A field inspection, land use search, and review of environmental compliance were conducted using the All sites in proximity were in compliance. EPA EnviroMapper: http://www.epa.gov/emi/edat/ed4ef/home All sites in proximity were in compliance. IDNR contaminated sites database also searched. https://programs.iowadnr.gov/contaminatedsites/pages/search.aspx No sites were discovered in vicinity of the project location and no tanks were registered on the site. IDNR storage tank database was searched: https://programs.iowadnr.gov/tanks/pages/advanced.aspx No leaking sites were discovered in vicinity of the project location and no tanks were registered on the site. Address RADON: Rehabilitation projects should test for radon Address LEAD: Rehabilitation projects Address ASBESTOS: single family housing exempt, but other rehabilitation required.</p>
--	--------------------------	---

Two steps needed to show compliance documentation:

1. Description in the checklist
 - **Make a statement: project will or will not be affected**
 - **Why is this true: field inspection, list websites**
2. Supporting documentation in Appendix
 - **Printouts from websites**

Threatened and Endangered Species and their Critical Habitat



Overview: Endangered Species Act (ESA)

- ❖ Primary federal statute is Endangered Species Act and its **Section 7 Protocols**
- ❖ **Section 7 mandates** that Federally-assisted activities **not jeopardize** the existence of plants and animals listed or proposed for listing on endangered species list
- ❖ *RE must insure activities **avoid** adversely modifying or destroying species' habitat*



Four ESA classifications...

1. **“Endangered”**: Species in danger of extinction in all or a significant portion of its range
Iowa 8 animals 0 plants
2. **“Threatened”**: Species likely to become endangered in foreseeable future
Iowa 1 animal 5 plants
3. **“Proposed”**: none in our area
4. **“Candidate”**: USFWS has sufficient information on biological status and threats to propose species as threatened or endangered. Candidate species **not subject to Section 7 consultation**
Iowa 3 animals 0 plants



Prairie Bush Clover



ESA Section 7 Protocols



USFWS must be consulted...

- ✓ If proposal **may affect** T&E species or critical habitat – even if effect is positive – “informal consultation” required
- ✓ If proposal **may adversely affect** T&E species or critical habitat, “formal consultation” required



USFWS does not need to be consulted...

- ✓ if proposal will have **no affect** on T&E species or critical habitat



ESA Section 7 Protocols

Section 7, Step-by-Step...



Step 1 RE determines whether proposed action could, **in any way** – either positive or negative – have an effect on a T&E species or its habitat:

➤ **MUST** look up the [T&E Species list](#) to be able to consider possible impact

➤ Website found at:

http://www.fws.gov/Midwest/Endangered/LISTS/iowa_cty.html.



Species



Iowa Pleistocene snail



Topeka Shiner



Prairie Fringed Orchid



Species



Indiana Bat and preferred summer habitat



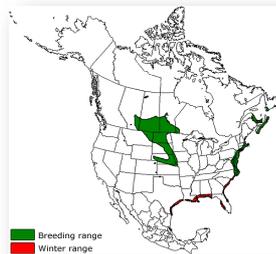
Shag-bark Hickory



ESA Section 7 Protocols

Step 2 If T&E **could** be present and critical habitat present, RE **must consult** with qualified sources to determine impact of the action on federally-listed species and/or habitat by:

- “Informal consultation”** with USFWSOR
- Preparing **biological assessment** using qualified consultant



ESA Section 7 Protocols

Step 2 Possible outcomes: RE determines the impact of the action:

- ❑ **“MAY AFFECT, BUT NOT LIKELY TO ADVERSELY AFFECT”**
Informal Consultation required: RE submits finding and all documentation (e.g., Biological Assessment) to USFWS with request for concurrence.
- ❑ **“MAY AFFECT, LIKELY TO ADVERSELY AFFECT”**
Formal Consultation required: RE initiates with USFWS
 - ❑ USFWS provides **Biological Opinion** (135 days) finding either jeopardy or no jeopardy to listed species and adverse or no adverse modification of critical habitat
 - ❑ Provides measures to minimize impacts
 - ❑ Makes exceptions for “incidental takes” of listed species (otherwise illegal – high penalties)



ESA Section 7 Protocols



Final Step: After consultation with USFWS the RE’s decision completes the process

- ❑ Range of agency actions possible, including:
 - ✓ Adopt a reasonable & prudent alternative or mitigation measure, as recommended by USFWS
 - ✓ Not undertake the project
 - ✓ Modify proposed action or develop new alternative and continue consultation with USFWS
- ❑ Agency must notify the USFWS of its **final decision**

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How do I show I have considered this.....

In the Statutory Checklist:

5. Endangered Species <small>[50 CFR 402]</small>				required Project will not affect any Federally listed endangered or threatened species or its habitat because the project location does not have habitat suitable for the listed species. Species list and habitat information can be found for Iowa by county at: http://www.fws.gov/Midwest/Endangered/LISTS/iowa_ctv.html . A list of species in the project location county is in the appendix
---	--	--	--	---

Two steps needed to show compliance documentation:

1. Description in the checklist
 - **Make a statement: project will have....**
 - **No effect**
 - **May effect, Not likely to adversely affect**
 - **May effect, likely to adversely affect**
 - **Give details: why the above statement is true**
2. Supporting documentation in Appendix
 - **Species list with habitat descriptions**
 - **Biological Assessment (if necessary)**
 - **USFWS opinions (if necessary)**

Environmental Justice



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Environmental Justice

Background.....

Historically, low-income and minority populations have been **more likely than other groups to live near areas of high contamination like...**

...landfills, incinerators, chemical plants, hazardous waste treatment facilities ...



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Environmental Justice E.O. 12898

Executive Order signed in 1994

“Each agency shall address **disproportionately high and adverse** human health or environmental effects of its programs/activities on **minority and low-income** populations and American Indian **tribes**”



Environmental Justice

Key Considerations

- Does an **EJ population exist** in or near our project area? (low-income, minority population or Indian tribe)
- Does the project entail any **adverse** impact?
- Does the adverse impact **disproportionately affect** the EJ population?



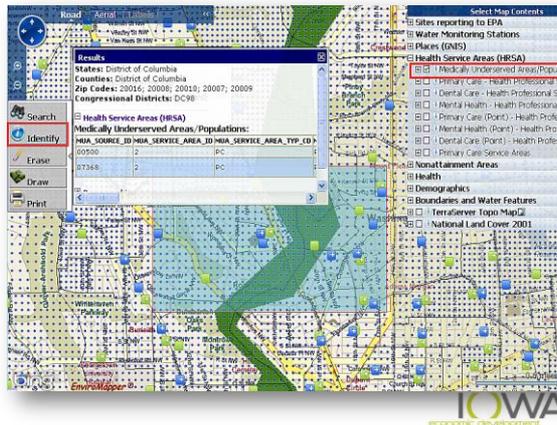
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Environmental Justice

EPA: EJView demographics, health and other data

<http://epamap14.epa.gov/ejmap/entry.html>

- Pop. Density
- Per Capita Income
- Below Poverty (%)
- Minority (%)
- HS Diploma Only (%)
- College Degree (%)
- Age < 18 years (%)
- Homes pre-1950 (%)
- Speak English
- Rental Units (%)



Environmental Justice

Mitigation and further analysis

- If impacts are identified, do they stop a project?
- Identification of an environmental effect does not:
 - preclude proposed agency action from going forward,
 - nor does it necessarily compel a conclusion that a proposed action is environmentally unsatisfactory
- Rather, it should heighten agency attention to **alternatives** (including alternative sites), **mitigation** strategies, monitoring needs, and **preferences** expressed by the affected community/population

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How do I show I have considered this.....

In the Statutory Checklist:

6. Environmental Justice [Executive Order 12898]	<input type="checkbox"/> <input type="checkbox"/>	Project site or neighborhood does not suffer from adverse health or environmental effects which disproportionately impact a minority or low-income population relative to the community at large. Project will assist low to moderate income person's for a better quality of life. See census statistics in the appendix and here: http://factfinder2.census.gov/faces/nav/jsf/pages/index.xhtml
--	---	---

Two steps needed to show compliance documentation:

1. Description in the checklist
 - **Make a statement: Area around project site does or does not suffer from disproportional impacts**
2. Supporting documentation in Appendix
 - **Census statistics**
 - **Map from EJview**

Explosive and Flammable Operations



24 CFR Part 51 - Subpart C

- ❑ “Siting of HUD-Assisted Projects Near Hazardous AST Facilities”
- ❑ **Explosive / Flammable Operations** = Stationary commercial/industrial facilities which handle & store chemicals or petrochemicals of explosive or flammable nature – **Above-Ground Storage Tanks (ASTs)**



24 CFR Part 51 - Subpart C

Remember: **ONLY** Above Ground Storage Tanks (ASTs)

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

▪ **Only 2 threats assessed**

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



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



Applicable Activities

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

- Does not apply to:
 - Owner-Occupied Rehabilitation
 - Water/Sewer Projects
 - Downtown Façade projects
- Applies to:
 - Community Facilities: New construction only not rehabilitation or additions
 - Economic Development: New construction



Detecting Hazardous Operations

Determine if any AST within 1 mile Radius

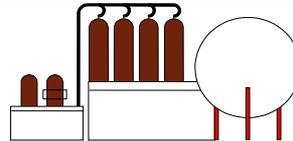


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Calculating ASD

Data needed...

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



Then perform the calculation....HUD's **ASD**
on-line tool

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

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Mitigation

1. Construct a Barrier

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

2. Bury the Tank



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How do I show I have considered this.....

In the Statutory Checklist:

7. Explosive and Flammable Operations [24 CFR 51C]	<input type="checkbox"/>	<input type="checkbox"/>	and here: http://factfinder2.census.gov/faces/nav/jsf/pages/index.xhtml Visual search of the area around the project revealed that the project is NOT located within sight of or in proximity to an above ground storage tanks or facilities that stores, handles or processes chemicals or petrochemicals of an explosive or flammable nature, such as liquid propane, gasoline or other above-ground storage tanks
---	--------------------------	--------------------------	---

Two steps needed to show compliance documentation:

1. Description in the checklist
 - **Make a statement:**
 - **Type of project is exempt from this review**
 - **project is or is not near an AST**
2. Supporting documentation in Appendix
 - **If near, separation distance calculator results**
 - **Description of mitigation**



AIRPORT HAZARDS



Background



In 1975 GSA issued **Federal Management Circular (FMC 75-2, Compatible Land Uses At Federal Airfields)**: directing all federal agencies, including HUD, to make sure their actions were compatible with land use recommendations prepared by the operating agencies for federally owned airports and airfields



24 CFR Part 51, Subpart D

Part 51- D, "Siting of HUD Assisted Projects in Runway Clear Zones at Civil Airports and Clear Zones and Accident Potential Zones at Military Airfields"

Three zones where incompatible land uses can occur:

- **Runway Clear Zones (RCZs):**
Area immediately beyond the ends of FAA **civilian** airport runways
- **Clear Zones (CZs):** Area immediately beyond the ends of **military** airfield runway
- **Accident potential Zones (APZs):**
Area immediately beyond the Clear Zones of **military** airfield

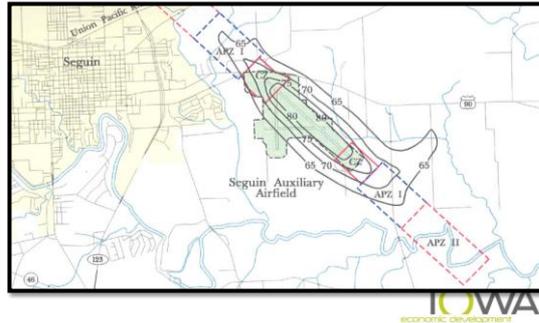


24 CFR Part 51, Subpart D

HUD Restrictions on development

Prohibits certain HUD-funded activities in Clear Zones (RCZs & CZs) and discourages assistance in Military APZs

- New construction
- Substantial rehabilitation: Minor repair/rehab (<75% pre-rehab value) allowed
- Change in land use



24 CFR Part 51, Subpart D

- ❑ **Part 51-D applies to all civil** airports designated by FAA in National Plan of Integrated Airport Systems (NPIAS)
www.faa.gov/airports/planning_capacity/npias/reports/
- ❑ Information to obtain from civil airport: **“Airport Layout Plan”** – shows RCZ – get from airport operator or FAA regional office. Now called **Runway Protection Zone (RPZ)**
- ❑ Information to obtain from military airfield: **“AICUZ” study [A-Cooz]** – shows CZ & APZ

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How do I show I have considered this.....

In the Statutory Checklist:

<p>2. Airport Hazards (Clear Zones and Accident Potential Zones) [24 CFR 51D]</p>	<input type="checkbox"/> <input type="checkbox"/>	<p>Project is NOT located within 2,500 feet of the end of a civil airport runway or 15,000 feet of the end of a military airfield runway. HUD policy is to promote compatible land uses in RCZ/CZ/APZ.</p> <p>OR</p> <p>Project is located within 2,500 feet of the end of a civil airport runway. Airport layout plan obtained and project is not within the RCZ/RPZ. NPIAS list checked at http://www.faa.gov/airports/planning_capacity/npias/reports/. Airport layout plan obtained and project is not within the RCZ/RPZ. Layout Plan in Appendix.</p> <p>OR</p> <p>Project is 15,000 feet of the end of a military airfield runway. HUD policy is to promote compatible land uses in CZ/APZ. An AICUZ study was obtained from the</p>
--	---	--

Two steps needed to show compliance documentation:

1. Description in the checklist
 - **Make a statement: project is or is not located near the end of a civil or military runway**
2. Supporting documentation in Appendix
 - **Map of airports near project location**
 - **Layout plans**

Farmland Protection



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Historical Background

- ❑ National Agricultural Land Study of 1980-81: **millions of acres** of farmland being converted in the U.S. each year
- ❑ 1981 Congressional report, “Compact Cities: Energy-Saving Strategies for the Eighties”: identified need for Congress to implement programs and policies to protect farmland
- ❑ Congress passed the Agriculture and Food Act of 1981 (Public Law 97-98) containing **Farmland Protection Policy Act (FPPA): Implemented by 7 CFR Part 658**

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Definitions

Only special categories of farmland qualify for FPPA protection

❑ “Important Farmland” includes:

- ❑ Prime farmland
- ❑ Unique farmland
- ❑ Farmland of statewide or local importance



❑ Farmland subject to FPPA requirements can be **cropland, pastureland, or forest** land – but not water or urbanized land



Activities not subject to FPPA....

- ✓ Land “**already committed to urban development**”
 - **Downtown Façade projects**
 - **Owner-occupied rehabilitation**
 - **Community facilities – rehab only**
- ✓ used for water storage
 - **Water tower projects only**

Land already **zoned non-agricultural** **does not exempt** the property from FPPA compliance

Land with a tint overlay on USGS map = **committed to urban development** <http://epamap14.epa.gov/ejmap/entry.html>



NRCS soils map



Land Evaluation & Site Assessment

“**Land Evaluation and Site Assessment**” (**LESA**) Developed by U.S. Department of Agriculture, Natural Resource Conservation Service (NRCS), to evaluate farmland being considered for conversion from agricultural usage

- If project contains prime/unique farmland, RE/HUD initiates intergovernmental evaluation of the property using **Form AD-1006, “Farmland Conversation Impact Rating”**
- Form AD-1006 can be downloaded at:
www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb1045394.pdf

Form AD-1006 itemized breakdown

Form AD-1006
outline

<input type="checkbox"/> Part I <input type="checkbox"/> Project description <input type="checkbox"/> Completed by RE
<input type="checkbox"/> Part II <input type="checkbox"/> Agricultural acreage & production description <input type="checkbox"/> Completed by NRCS
<input type="checkbox"/> Part III <input type="checkbox"/> Project acreage conversion summary <input type="checkbox"/> Completed by RE (up to 160 points)
<input type="checkbox"/> Part IV <input type="checkbox"/> Agricultural evaluation <input type="checkbox"/> Completed by NRCS
<input type="checkbox"/> Part V <input type="checkbox"/> Agricultural production numerical scoring <input type="checkbox"/> Completed by NRCS (up to 100 points)
<input type="checkbox"/> Parts VI & VII <input type="checkbox"/> Relative value of farmland numerical scoring If over 160, consider other sites



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How do I show I have considered this.....

In the Statutory Checklist:

<p>8. Farmland Protection [7 CER 658]</p>	<input type="checkbox"/> <input type="checkbox"/>	<p>OR Project is NOT located in area that includes prime farmland, unique farmland, or land of statewide or local importance. Map and description can be found in the appendix and here: http://websoilsurvey.nrcs.usda.gov/app/ OR Project location will be used for a water storage OR Project location already has a structure on it, which will be rehabilitated as part of the funded project activity.</p>
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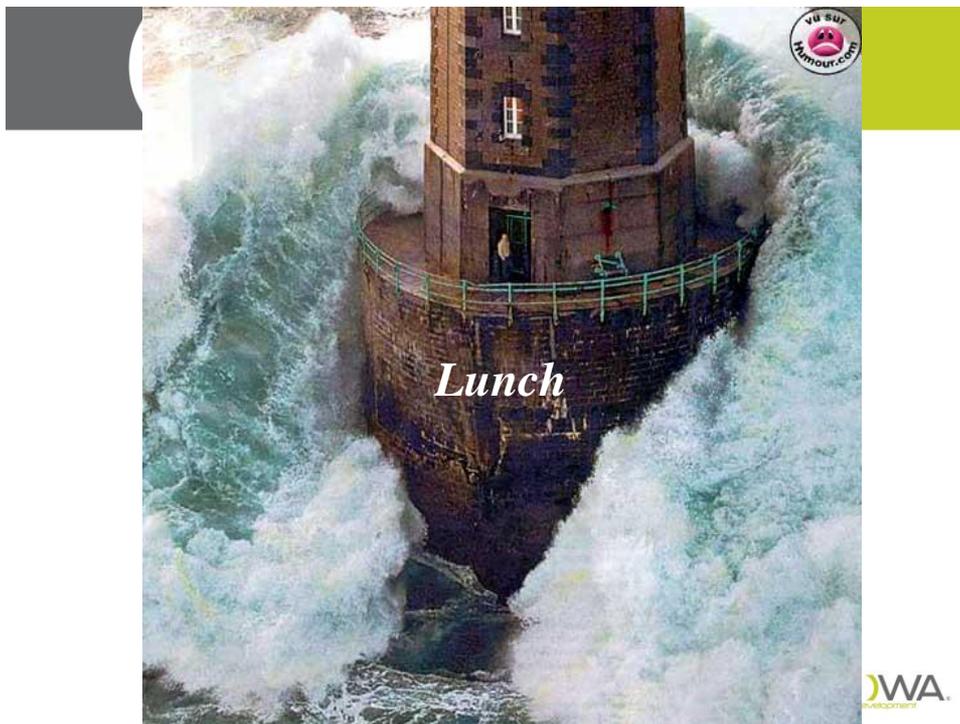
1. Description in the checklist

➤ Make a statement:

- Project is or is not located in an area that includes prime farmland
- Project is already committed to urban development
- Project location already has a structure

2. Supporting documentation in Appendix

- Soil maps
- USGS Map showing urban overlay
- AD-1006 forms



Floodplain Management and Flood Insurance



Cedar Rapids, Iowa - 2008



National Flood Insurance Act of 1968

Established National Flood Insurance Program (NFIP) AND the 100-year elevation as regulatory baseline.....which eventually lead to:

- **Floodplain Management** – implemented by 24 CFR Part 55 Triggered at 24 CFR [§58.5](#)

1977: Executive Order 11988, “Floodplain Management”

- The “no practicable alternative” test of avoidance
- The “8-Step” analysis process

- **Flood Insurance** – Flood Disaster Protection Act of 1973 (as amended) Triggered at 24 CFR [§58.6](#)

1994: National Flood Insurance Reform Act of 1994

- More stringent lender requirements
- Mandatory insurance for buildings in 100 yr floodplain
- Use of FEMA Form, “Std Flood Hazard Determination”



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

- » **Use FEMA maps** to determine if project is in flood hazard area (100 year or 500 year floodplain). Check for FEMA flood maps on-line or hard copy. Flood Insurance Rate Map ([FIRM](#)) or Flood Hazard Boundary Map.
- » **FEMA Maps available** at <https://msc.fema.gov/portal>
 - Create FIRMETTE, photocopy FEMA map and panel, or obtain flood information from other source
 - **Mark the project's boundary** on the map
 - Use to document the ERR
- » **Unmapped flood hazard areas**
 - Contact Bill Cappuccio at DNR with a project map and ask if there are any special flood hazards
Bill.Cappuccio@dnr.iowa.gov





Identify flood hazard [§55.20(a)]

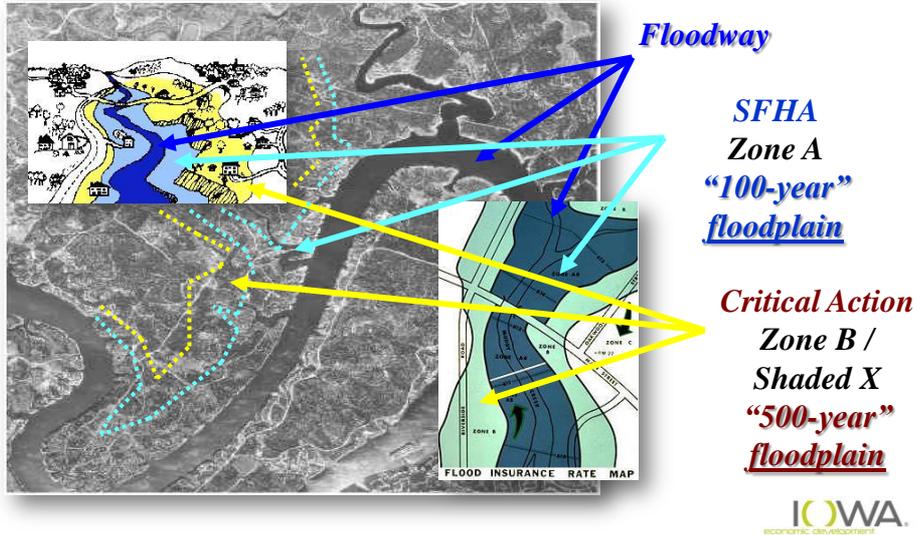
Must determine if the project is in a Special Flood Hazard Area or if a critical action in a 500 year floodplain:

- » **Special Flood Hazard Area (SFHA)**
aka, "100-year floodplain"
aka, "Base Flood Elevation" (BFE)
Shown on FEMA maps as **Zone A**



- » **"Critical Action"** located in:
500-year floodplain
Shown on FEMA maps as **Zone B** or **Shaded X**

Flood Zone Terms



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

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

*Example:
Essential or irreplaceable
records or emergency
services*

**Community
Storm
Shelters**



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

Critical Action Example: Sanitary Sewer Plant



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

Critical Action

Example:
Occupants of hospital, nursing home,
assisted living...



Assisted living center

Mobility restricted



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Floodplain Management: Project Options

If your proposed project is in the 100-year floodplain or a critical action in a 500-year floodplain:

- **Reject** project site – Avoid the flood hazard
- Determine if Floodplain Management might be “inapplicable”/meet an exception
- Begin “**8-step process**” – 24 CFR Part 55.20
Hard look at alternative sites, minimize flood hazards, restore beneficial values of the floodplain, engage the public



Floodplain Management: Exceptions

Exceptions at §55.12(a), (b) and (c)....a few of the most frequently used:

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

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



More Exceptions to the 8-Step Process

- » **§55.12(c)(3)** Restoration/preservation of natural & beneficial values of floodplain or wetland – including **land acquisition** - provided
 - Property is cleared of all structures
 - Property dedicated to flood control, wetlands, park or open space
 - Permanent covenant to preserve floodplain or wetland from future development

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



Floodplain Management – “8 Step Process”

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

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



Floodplain Management – “8 Step Process”

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



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

- » 15 day minimum comment period
- » Include required elements in notice – see §55.20(b)
- » Sample notice on “HUD Exchange” website:
<https://www.hudexchange.info/resource/3191/early-notice-and-public-review-of-a-proposed-activity-floodplain/>



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

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

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

Burden is on RE to meet



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

Two areas of concern:

- Impacts to Lives and Property
- Impacts to Floodplain

Three types of impact:

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

Will project encourage future Floodplain development?



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

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



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Step 5 – Minimize, Restore, Preserve (cont)

Examples:

- » Minimize fill in floodplain
- » Minimize grading; restore natural contours
- » Acquire/relocate non-conforming structures
- » Preserve natural drainage
- » Maintain/restore wetlands and riparian buffers
- » Control urban runoff & storm water discharge
- » Minimize tree cutting
- » Elevate and floodproof structures
- » Scale back size/scope of project
- » Deed restrictions/covenants

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

Is project *still feasible* considering:

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

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

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



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

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

Notice must include:

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

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

Sample final notice on HUD Exchange website

Sample 8-Step also on HUD Exchange:

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



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

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

Documentation (§55.27) must show:

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



IEDA Website

<http://www.iowaeconomicdevelopment.com/Community/CDBG>

Environmental Compliance

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How do I show I have considered this.....

In the Statutory Checklist:

9. Floodplain Management <small>[24 CFR 55, Executive Order 11988]</small>	<input type="checkbox"/> <input type="checkbox"/>	the funded project activity. Project location is not on the 100 or 500 year floodplain. FIRMette found in Appendix. Map panel number: #####
10. Historic Preservation	<input type="checkbox"/> <input type="checkbox"/>	

Two steps needed to show compliance documentation:

1. Description in the checklist
 - **Make a statement: is or is not in a floodplain**
 - **Give details: Map panel Number**
2. Supporting documentation in Appendix
 - **FEMA FIRM Maps**
 - **8 Step decision making process**
 - **Publications**



Flood Insurance 58.6 requirements form

National Flood Insurance Program (NFIP)

3. FLOOD DISASTER PROTECTION ACT
[Flood Disaster Protection Act of 1973, as amended (42 U.S.C. 4001-4126)]

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

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

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

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



Floodplain Management – Additional Guidance

“Floodplain Management Guidelines for Implementing Executive Order 11988”

*U.S. Water Resources Council
43 FR 6030, February 10, 1978*

“Further Advice on Executive Order 11988 Floodplain Management”

*Interagency Task Force on
Floodplain Management, 1982*



Noise Control

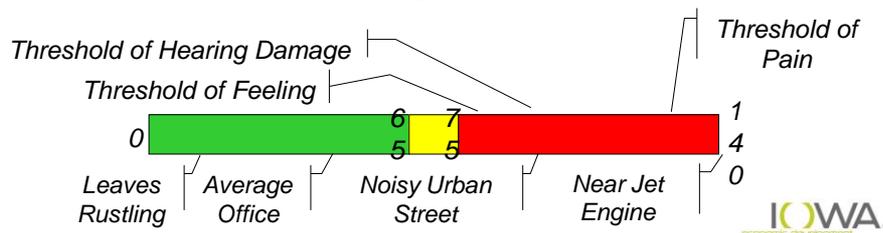


Background

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

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

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



HUD's Noise Standards

HUD policy for housing and noise sensitive uses...

- ❑ **New Construction** – **Prohibit** (generally) HUD support for new construction of noise sensitive uses on sites having unacceptable noise exposure [24 CFR 51.101(a)(3)]
- ❑ **Rehabilitation** – **Encourage**, or strongly encourage, noise attenuation features, or convert to a land use compatible with high noise levels [24 CFR 51.101(a)(5)]

Typical construction provides 20 dB of noise attenuation
– So, if outdoor noise level is 65 dB (or less), indoor noise will be 45 dB (acceptable) [§51.103(c)(2)]

HUD's Noise Standards: Rehabilitation

- ❑ Noise can't be taken into consideration without knowing if it's a problem – If an issue, attenuate noise commensurate with the extent of effort, resources, and level of exterior noise
- ❑ Rehab projects in **all** noise exposed areas: Responsible Entity “shall encourage attenuation”
- ❑ Housing rehab project in **unacceptable** noise zone: RE shall “strongly encourage” **conversion** to compatible land use
- ❑ For “**major or substantial rehab**,” RE “actively shall seek” noise attenuation features
- ❑ No explicit definition (noise reg. or HUD policy) to distinguish “**major**” vs “**minor**” rehab of single-family housing
- ❑ Mitigation depends on extent of rehab and exterior noise level.
*Example: **Moderate rehab**: perform energy audit and include weatherization in project's scope of work to extent practicable*



Conducting the Noise Analysis



Conducting Noise Analysis

1. Determine whether project is noise sensitive use
2. Determine if project is within proximity to major noise source(s)
3. Gather data needed for analysis
4. Calculate noise level
5. Based on noise level, make finding:
 - **approve** project as proposed
 - require noise **attenuation or mitigation**
 - **reject** project / seek alternative site(s)



Conducting Noise Analysis

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

- Housing
- Hospitals
- Quiet outdoor space that is ancillary to the principal use (e.g. for recreation/sitting)
- Day Care Facility
- Nursing Homes
- Libraries
- Community Center



Conducting Noise Analysis

Project located within threshold distance:

1,000 feet of major/busy road

3,000 feet of railway

15 miles of civil airport or military airfield



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Conducting Noise Analysis

If within 15 miles of an airport:



- Civil airports subject to Part 51-B are those designated in the FAA's "National Plan of Integrated Airport System" (NPIAS) – generally, 9,000 enplanements or higher www.faa.gov/airports/planning_capacity/npias/reports/
- Obtain noise contour plan [or](#) data on # flights per day, both daytime and at night
- At Military Installations, ask for their "Air Installation Compatible Use Zone" Plan – It is intended to be shared with local planners and developers

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Conducting Noise Analysis

If within 1,000 ft of a roadway

- DOT for Average Daily Traffic (ADT)
<http://www.iowadot.gov/maps/msp/traffic/tmaps.html>
- Percentage Breakdown of automobiles and medium and heavy trucks
- Traffic projections needed for minimum **10 years into future**
- Percentage Nighttime Use



Medium and Heavy Trucks

MEDIUM TRUCKS

- *10,000-26,000 gross vehicle weight*
- *Includes 2-axle, 6-wheel vehicles (w/ dual tires in rear, aka, "dualies")*

HEAVY TRUCKS

- » Above 26,000 gross vehicle weight and 3 or more axles
- » Buses with more than 15 seated passengers
- » If not possible to separate trucks that are heavy from those that are not, treat all trucks as "heavy"

Source: HUD Noise Guidebook, pg 56



Correlating HUD Vehicle Definitions with FHWA Vehicle Classifications

HUD Noise Guidebook

- **Autos**
[FHWA #1,2,3]

- **Medium Trucks**
[FHWA #5]

- **Heavy Trucks**
[FHWA #4, 6-13]

FHWA Vehicle Classes

1. Motorcycles
2. Passenger Cars
3. Pickups (Two-Axle, Four-Tire Single Unit Vehicles)
4. Buses (full-length)
5. Two-Axle, Six-Tire, Single-Unit Trucks
6. Three-Axle, Single-Unit Trucks
7. Four or More Axle, Single-Unit Trucks
8. Four or Fewer Axle Single-Trailer Trucks
9. Five-Axle Single-Trailer Trucks
10. Six or More Axle Single-Trailer Trucks
11. Five or fewer Axle Multi-Trailer Trucks
12. Six-Axle Multi-Trailer Trucks
13. Seven or More Axle Multi-Trailer Trucks



FHWA Vehicle Data

Iowa Department of TRANSPORTATION INDEX ABCDEFGHIJKL
DOT Home | About | Phone Book |

Office of Systems Planning

Annual average daily traffic (AADT)

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

Iowa DOT > Planning > Data



FHWA Vehicle Data

Office of Systems Planning

Volume of traffic on the Primary Road System

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

Annual Traffic Book

- 2013
- 2012
- 2011
- 2010
- 2009
- 2008

Iowa DOT > Planning > Data > Volume of Traffic > Traffic Book



FHWA Vehicle Data

Office of Systems Planning

Back | Introduction | Explanation of headings | PDF for all 2013 routes | Cartography and

Route	2013 Primary Route Section Description	Rural/Municipal	Section length (miles)	Annual Average Daily Traffic	Vehicle Classification Distribution of Annual Average Daily Traffic												
					Motorcycles	Cars, Vans and Pickups	Total Trucks and Buses	Single Unit Trucks				Combination Trucks					
								Buses	2-Axle	3-Axle	4 or more Axles	4 or less Axles	5-Axle	6 or more Axles	Multiple Trailer		
461	82 SCOTT COUNTY																
461	I 280 & US 61 INTERCHANGE TO																
461	IA 22 & ROCKINGHAM ROAD INTCHG *	M	1.641	8100	32	7188	879	29	280	56	11	63	358	35	48		

Auto (points to 32 and 7188)

Medium Truck (points to 29, 280, and 56)

Heavy Truck (points to 11, 63, 358, 35, and 48)

Conducting Noise Analysis

If within 3,000 of a railroad

- Federal Railroad Administration (FRA) at-grade crossing inventory database safetydata.fra.dot.gov/OfficeofSafety/publicsite/crossing/xingqryloc.aspx
- Take crossing # from bungalow or signal mast, e.g., 669871J
- Need to discover:
 - How many Trains per day?
 - Number of Cars per train?
 - Number of Engines per train?
 - Diesel or electric?
 - Rails welded or bolted?
 - Speed of train?
 - Percent of night operations?
 - Horns? Quiet Zone?



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Conducting Noise Analysis

Use the HUD on-line calculating tool

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

A word about the NAL: Noise Assessment Location

- ✓ NAL is located 6.5 feet (2 meters) in front of the façade of the proposed building at the point that is closest to the noise source
- ✓ If more than one building, use building nearest to noise source

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Conducting Noise Analysis



A Word on Noise Meters...

- May use when:
 - Insufficient/inadequate data
 - Noise source is not impulsive, but is “point” source – e.g., large air vents from underground transit line; noisy adjacent industrial use
- May **not use** to refute NAG or airport contours.
- See Noise Guidebook (pp. 101-102) as to when and when not to use measurements
- Should be professionally prepared (acoustical engineer)



IEDA Website

<http://www.iowaeconomicdevelopment.com/Community/CDBG>

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How do I show I have considered this.....

In the Statutory Checklist:

11. Noise Control [24 CFR 51B]	<input type="checkbox"/>	<input type="checkbox"/>	in the appendix.
			Project location is NOT within 1,000 feet of major/busy road, 3,000 feet of railway, or 15 miles of airport (civil or military). OR Project activity is not residential in nature nor a noise sensitive use (day care center, hospital, or community center)

Two steps needed to show compliance documentation:

1. Description in the checklist

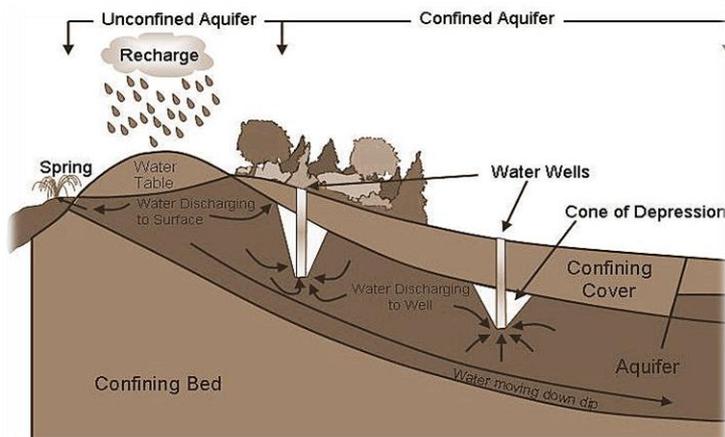
- **Make a statement:**
 - **project is or is not a noise sensitive use**
 - **Project is or is not within threshold criteria**

2. Supporting documentation in Appendix

- **Map showing distances to threshold criteria**
- **Noise calculation spreadsheet**
- **Listing of attenuation features**



Water Quality Protection Sole Source Aquifers



SSAs Located within HUD Region VII

No SSAs currently designated in states of Region VII



Print map and put in ERR:

www.epa.gov/safewater/sourcewater/pubs/qrg_ssamap_req7.pdf



How do I show I have considered this.....

In the Statutory Checklist:

12. Water Quality (Sole Source Aquifers) <small>[40 CFR 149]</small>	<input type="checkbox"/> <input type="checkbox"/>	<small>center, hospital, or community center)</small> Project is NOT located within area of an EPA-designated sole source aquifer. Map found in appendix and here: http://www.epa.gov/safewater/sourcewater/pubs/qrg_ssamap_req7.pdf
--	---	--

Two steps needed to show compliance documentation:

1. Description in the checklist
 - **Make a statement: Project is not located within the area of an EPA designated sole source aquifer**
2. Supporting documentation in Appendix
 - **Map from website**



Wetlands Protection



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What Are Wetlands?

Wetlands are “.....those areas that are inundated or saturated by surface or ground **water** at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of **vegetation** typically adapted for life in saturated **soil** conditions”

- **Clean Water Act, Section 404**
- **HUD 24 CFR 55.2(b)(11)**



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What are Wetlands?

Wetlands generally require **presence of three conditions** to meet federal definitions

Hydric **soils**



Hydrophilic **vegetation**



Year-round & seasonal **water**



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What Are Wetlands?

Four federal agencies identify wetlands:

- US Army Corps of Engineers (USACE)
- US Environmental Protection Agency (EPA)
- US Fish & Wildlife Service (USFWS)
- USDA/Natural Resource Conservation Service (NRCS)

USACE utilizes 3-parameter approach: “**1987 Corps of Engineers Wetlands Delineation Manual**” – requiring an assessment of:



hydrology

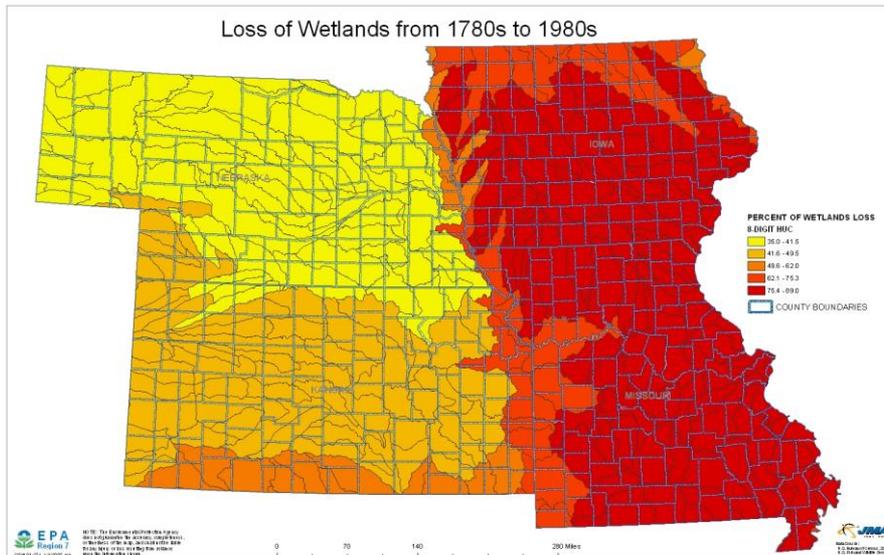
vegetation



soils



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Federal Authorities that Protect Wetlands

Executive Order 11990, “Protection of Wetlands “ (1977)

“...**avoid** to the extent possible the long and short term adverse impacts associated with the destruction or modification of wetlands and to **avoid** direct or indirect support of new construction in wetlands wherever there is a practicable alternative...”

Section 404 of the Clean Water Act (1977)

Dredging or Filling wetlands (“Waters of the US”) requires a Section 404 permit from the Army Corps of Engineers

NEW! HUD 24 CFR Part 55, “Floodplain Management and Wetlands Protection” (2013) – codifies E.O. 11990

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24 CFR Part 55

- » Compliance for HUD projects required at §58.5(b)(2) and §50.4(b)(3)



- » 24 CFR Part 55 implements E.O. 11990 – Requires “**8-Step**” decision making process at §55.20
- » HUD/RE discouraged from supporting activities in wetlands unless **no practicable alternative**



24 CFR Part 55 - Highlights

Step 1 – Determine if a wetland is present

- » Primary screen tool = National Wetlands Inventory (NWI) Mapper:
<http://www.fws.gov/wetlands/data/Mapper.html>
- » Verify if any wetlands in **proximity** to project



Wetland Management – “8 Step Process”

If project is in a Wetland, start the 8-step process:

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



Wetland Management – “8 Step Process”

- **Step 6.** Reevaluate whether proposed action is practicable
 - **Step 7.** Publish “Final Public Notice” of decision to identify why there is “no practicable alternative,” and the alternatives and mitigation measures adopted (7 day minimum comment period)
 - **Step 8.** Implement proposed action with mitigation measures
- ❖ 8-Step process shall be **concluded** prior to completion of the NEPA environmental review (§55.10)
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 - Disaster Sample Notice of Finding of No Significant Impact and.doc [MS Word: 30k]
- HUD Request for Release of Funds 7015.15 [PDF: 81k] and Instructions [PDF: 67k]
- Programmatic Memorandum of Understanding Between IDED and SHPO [MS Word: 342k]
- Code of Federal Regulations Chapter 24, Part 58: Environmental Review Procedures [PDF: 226k]
- Mapping for Wetlands, Hazards (not to be used for flood plain documentation)
[\[www.epa.gov/compliance/nepa/nepassist-mapping.html\]](http://www.epa.gov/compliance/nepa/nepassist-mapping.html)
- Examples of Completed Environmental Assessments: Barnes City, IA: [PDF: 2.5MB] and Wallace, IA: [PDF: 9.1MB]
- Section 106 — SHPO and Tribal Consultation Information [MS Word: 57k]
- IEDA Internal Review Checklist for ERRs [MS Word: 60k]

How do I show I have considered this.....

In the Statutory Checklist:

13. Wetland Protection <small>[24 CFR 55, Executive Order 11990]</small>	<input type="checkbox"/> <input type="checkbox"/>	Project is NOT located within, or has impact upon, a wetland. Map found in appendix and here: http://www.fws.gov/wetlands/data/Mapper.html
14. Wild and Scenic Rivers	<input type="checkbox"/> <input type="checkbox"/>	Project is NOT located within one (1) mile of a designated Wild & Scenic River or

Two steps needed to show compliance documentation:

1. Description in the checklist
 - **Make a statement: is or is not in a wetland**
 - **Give details: web address of wetland mapper**
2. Supporting documentation in Appendix
 - **National Wetlands Inventory Map**
 - **8 step process**
 - **publications**

Wild & Scenic Rivers



IOWA
economic development

Historical Background

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

- Pollutants pouring into rivers virtually unchecked by regulation
- Rivers being dammed, dredged, diked and diverted
- To balance the physical alteration of waterways, Congress passed the **Wild and Scenic Rivers Act of 1968**



IOWA
economic development

River Classifications

Three types of classifications

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



Three types of rivers are protected:

- **Designated Rivers** – protected under Section 7(a) of the Act
- **Study Rivers** – protected under Section 7(a) of the Act
- **Potential Rivers** - protection under Section 5 (d) of Act



Environmental Review Requirements

NEPA protocol to protect NWSR...

- Determine if proposed **action** could affect NWSR: Expansion, demolition, or new construction of buildings or facilities
- Identify if project is in proximity to NWSR
<http://www.nps.gov/ncrc/programs/rtca/nri/states/ia.html>
- Appropriate “triggers”
 - Project **1 mile back** from a NWSR
 - Project **10-20 miles upstream or 10 miles downstream** from a NWSR
 - Project located on **tributary** in proximity to NWSR



Who to Contact

NPS – a starting point for contact.....

- ❑ *National Park Service (NPS) maintains an official federal government site with background information and lists @ www.nps.gov/rivers/*

*Regional Rivers Coordinator
NPS Omaha Midwest Regional Office
601 Riverside Drive
Omaha, NE 68102 402-661-1844*



- ❑ *Federal land management agencies with responsibilities for river segments of the NWSRS*
 - **Fish and Wildlife Service**
 - **Forest Service**
 - **Bureau of Land Management**
 - **Bureau of Reclamation**



IEDA Website

<http://www.iowaeconomicdevelopment.com/Community/CDBG>

Environmental Compliance

- Categorically Excluded Packet - forms, notice, RROF [MS Word: 495k]
- Environmental Assessment Packet - forms, notice, RROF [MS Word: 610k]
- Floodplain & Wetland information - Eight (8) step process with Notices [MS Word: 40k]
- Lead Federal Agency Designation - instructions and forms [MS Word: 45k]
- Research information for Categorically Excluded and Environmental Assessment checklists [MS Word: 545k]
- HUD research website for related federal laws and authorities <https://www.hudexchange.info/environmental-review/federal-related-laws-and-authorities>
- **Disaster-Related Projects Only**
 - Disaster Notice of Intent to Request a Release of Funds [MS Word: 29k]
 - Disaster Sample Notice of Finding of No Significant Impact and.doc [MS Word: 30k]
- HUD Request for Release of Funds 7015.15 [PDF: 81k] and Instructions [PDF: 67k]
- Programmatic Memorandum of Understanding Between IDED and SHPO [MS Word: 342k]
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- Section 106 — SHPO and Tribal Consultation Information [MS Word: 57k]
- IEDA Internal Review Checklist for ERRs [MS Word: 60k]

How do I show I have considered this.....

In the Statutory Checklist:

14. Wild and Scenic Rivers <small>[36 CER 297]</small>	<input type="checkbox"/>	Project is NOT located within one (1) mile of a designated Wild & Scenic River, or river being studied as a potential component of the Wild & Scenic River system. Iowa does not have any designated rivers, but does have 1 study river (1972, upper Iowa: 80 miles. Preservation by state recommended) and 7 potential rivers listed in the <u>NRI</u> (Sections of the Boone River, Cedar River, Maquoketa, Middle Raccoon River, Turkey River, Upper Iowa River, Wapsipinicon, Yellow River). http://www.nps.gov/nrcr/programs/rtca/nri/states/ia.html
--	--------------------------	--

Two steps needed to show compliance documentation:

1. Description in the checklist
 - **Make a statement: Project is or is not within one mile of a designated river**
 - **If it is, will it have an affect**
2. Supporting documentation in Appendix
 - **List of rivers in Iowa from Website**
 - **Consultation with NPS (if necessary)**



Section 106



National Historic Preservation Act, 1966

- » State Historic Preservation Offices
- » Tribal Historic Preservation Offices
- » Advisory Council on Historic Preservation
- » National Register of Historic Places
- » National Historic Landmarks
- » Certification of Local Governments
- » Section 106 of the National Historic Preservation Act and Title 36 CFR Part 800

“The head of any Federal agency having direct or indirect jurisdiction over a proposed Federal or federally assisted undertaking in any State and the head of any Federal department or independent agency having authority to license any undertaking shall, prior to the approval of the expenditure of any Federal funds on the undertaking or prior to the issuance of any license, as the case may be, take into account the effect of the undertaking on any district, site, building, structure, or object that is included in or eligible for inclusion in the National Register.”



Section 106 Process for HUD Projects

- » Delegation of compliance to the Responsible Entity (RE).
 - » 24 CFR Part 58.5 – stipulates the unique delegation of authority from the Federal Agency (U.S. Department of Housing and Urban Development) to the recipients, hence becoming the Responsible Entity.
 - » The RE must certify that it has complied with the requirements that would apply to HUD under these laws and authorities and must consider the criteria, standards, policies and regulations of these laws and authorities.



Section 106 Process

» Four Point Approach

- » 1. Initiate Section 106 Review Process
 - Identify projects that have the potential to affect cultural resources
- » 2. Identification and Evaluation of Historic Properties
 - Identify the Area of Potential Effects (APE) including sites within, adjacent to and directly or indirectly related to the undertaking which may be affected by the project
 - Evaluate resources within the APE that are listed on or eligible for listing on the National Register of Historic Places (NRHP)
- » 3. Assessing Effects
 - Consult with the State Historic Preservation Office (SHPO), interested and consulting parties and the public
- » 4. Resolve Adverse Effects
 - Memorandum of Agreement, which outlines agreed upon measures that IEDA will take to avoid, minimize or mitigate the adverse effect resulting from the undertaking



Section 106 Process

» 1. Initiate Section 106 Review Process

- » Is this the type of project that has the potential to effect cultural resources?
 - Construction activities on a building more than 50 years old, activities that include ground disturbance, activities within the visual view shed of buildings, sites, districts or objects that are more than 50 years old, etc. – YES
 - Planning activities with no construction components – NO
 - Activities outlined as Categorically Excluded **not** Subject to 58.5 – NO
- » Using a Programmatic Agreement that is in place between the RE or IEDA and the SHPO to expedite or streamline the Section 106 Process?
 - Your project may fall under an “Allowance” or “Exempt Activity” meaning you don’t have to consult with the SHPO on a project that without a PA in place you would otherwise have to. **Please note that PA’s must be current, up to date and can not be used by any other agency than that specified in the agreement.**



Section 106 Process

» PA and PMOU

» Programmatic Memorandum of Understanding (PMOU)

- Construction activities on a building more than 50 years old, activities that include ground disturbance, activities within the visual view shed of buildings, sites, districts or objects that are more than 50 years old, etc. – YES
- Planning activities with no construction components – NO
- Activities outlined as Categorically Excluded **not** Subject to 58.5 - NO



Section 106 Process

» PA and PMOU

Exempt from SHPO Review, Project Determination Form

After referencing Exhibit A of the Programmatic Memorandum of Understanding (PMOU) to verify that the project activity does not need to be reviewed by SHPO, use this form to document compliance with the SHPO consultation portion of Section 106. This form will be submitted to the Department with your Request for Release of Funds (RROF) and a copy should be put into your environmental review record.

As an example, here are the steps you would take:

- State Environmental Review
- Self SHPO Review: Refer to Exhibit A of either Ground Disturbance or Architectural/Historical Resources sections of the Programmatic Memorandum of Understanding (PMOU).
- If the project activity is included, fill out this form and include it to your environmental review record.
- Mail Native American comment letters to tribes; you must still do this even if your project activity does not require SHPO review.
- Complete the rest of the Environmental Review.
- Publish Notice
- Submit the Request for Release of Funds; attach a copy of the notice and the *Exempt from SHPO Review, Project Determination Form*.

NOTE: You must still solicit comment about the project from the Native American Tribes even if your project activity does not need to be reviewed by SHPO.

Recipient Name: _____ Contact Number: _____
Recipient Address: _____
For information on this request, contact: _____
Contact Name: _____ Contact Phone Number: _____

Project Description: _____
Project Address (Street, City, Zip): _____
Project County: _____

Reason Project Activity is Exempt from SHPO Review: reproduce reason from Exhibit A of the Programmatic Memorandum of Understanding (PMOU) or either the Exhibit A involving Ground Disturbance or Architectural/Historical Resources, as appropriate.

Pictures: Take a before picture of the primary facade of any buildings directly impacted by project activities. Attach them to this form.

Applicant Certification: As the duly designated certifying official of the recipient, I also certify that: I am authorized to and do consent to assume the status of responsible federal official under the National Environmental Policy Act of 1969 and such provisions of law designated in the 24 CFR 58.

Signature and Title of the Certifying Official of Applicant

Try to provide more information than just "Rehab" – state something like "replace wood double hung windows with vinyl windows, install new vinyl siding, replace asphalt roof with metal roof, replace furnace, etc..."

Be sure that the property address that you put on the Exempt form matches the address you will use on a draw. Don't put Lot #8 on this form, and then 101 Stream Lane on the Draw. IEDA needs to be able to match these documents.

Site the actual section of the PMOU or PA that makes the property exempt.

If less than 50 years old state, "PMOU Exhibit A Architectural – Qualifying Criteria 2 – less than 50. Building built in 1976."

If area has been previously surveyed for archaeology state, "PMOU Exhibit A Ground Disturbance – Qualifying Criteria 1, APE previously surveyed in 2003 and SHPO concurred with No Historic Properties Affected.

Try to remember to include a date with signature, so we can record when the evaluation occurred



Section 106 Process

» *PA and PMOU*

- » Programmatic Memorandum of Understanding (PMOU)
 - Construction activities on a building more than 50 years old, activities that include ground disturbance, activities within the visual view shed of buildings, sites, districts or objects that are more than 50 years old, etc. – YES
 - Planning activities with no construction components – NO
 - Activities outlined as Categorically Excluded not Subject to 58.5 - NO

- » NEW – Programmatic Agreement
 - IEDA is currently in the process of developing a Programmatic Agreement (PA) which will minimize consultation with the SHPO, require RE's to consult with IEDA's Historic Preservation Specialist and revise exemptions and allowances.



Section 106 Process

» 2. Identification and Evaluation of Historic Properties

- » What is a Historic Property?
 - Resources that are listed on or eligible for listing on the National Register of Historic Places (NRHP) including:
 - Buildings, Districts, Structures, Objects, Sites (including archaeological sites)

- » How do we identify historic properties?
 - Check the National Register of Historic Places Database:
<http://nrhp.focus.nps.gov/natreghome.do?searchtype+natreghome>
 - Check the State of Iowa Inventory by contacting the inventory coordinator Berry Bennett at 515.281.8742 or berry.bennett@iowa.gov



» Identification and Evaluation of Historic Properties

The screenshot shows the National Register of Historic Places search interface. At the top, it says 'nps.gov' and 'National Park Service U.S. Department of the Interior'. The main heading is 'National Register of Historic Places' with a sub-heading 'NPS Focus' and an image of a historic building. The search form includes a 'Resource Name' field, a 'Geographic Location' section with dropdowns for 'State' and 'County' (with 'and City' text), and a 'NPS Park Name' dropdown. There are radio buttons for 'and', 'not', and 'or' between the location fields. A 'Search' button and a 'Reset' button are at the bottom of the form. Below the form, there are links for 'Freedom of Information Act', 'Privacy Policy', 'Disclaimer', and 'Accessibility'. The footer includes 'Last updated: 08/09/13' and the number '73'.



Section 106 Process

- » How do we evaluate previously unevaluated historic properties?
 - Apply the National Register Criteria for Evaluation to determine if the building is eligible for listing in the NRHP – note evaluation is not always limited to the exterior
 - **Age** – is the building over 50 years old or of exceptional significance?
 - **Criterion A** – is the resource associated with an event that made a significant contribution to our history?
 - **Criterion B** – is the resource associated with the lives of significant persons?
 - **Criterion C** – does the resource embody the distinctive characteristics of a significant type, period, style, or method of construction/architecture?
 - **Criterion D** – does the resource yield or is likely to yield important information about our nation's history or pre-historic times? (Archaeology)
 - Complete an Iowa Site Inventory Form to document your evaluation



Section 106 Process

» How do we evaluate previously unevaluated historic properties?

- Provide existing condition photographs.
- Describe in detail any changes or alterations made to the building over time.
- Document any damage or deterioration that has occurred or is visible.
- Include a good map of the property location.
- Include any historic images or maps to help document the age of the structure and the integrity of the building.



IOWA
ECONOMIC DEVELOPMENT

Section 106 Process Completing an Iowa Site Inventory Form

Site Inventory Form State Inventory No. [] Supplemental []
State Historical Society of Iowa (November 2005)

Part of a district with known boundaries (enter inventory #) _____
 Relationship Contributing Noncontributing
 Contributes to a potential district with yet unknown boundaries
 National Register Status (any that apply) Listed De-listed NHL DOE
 & Digit DPO Review & Compliance (R&C) Number _____
 Non-Existent (enter year) _____

1. Name of Property
 Historic name _____
 other names/alias number _____

2. Location
 street & number _____
 city or town _____
 Legal Description (if Rural) Township Name _____ Range No. _____ Section _____ Quarter of Quarter _____
 (if Urban) Subdivision _____ Block(s) _____ Tract _____

3. State/Federal Agency Certification (Skip this Section)
4. National Park Service Certification (Skip this Section)

5. Classification
 Category of Property (Check only one box) **Number of Resources within Property**
 building(s) Non-Eligible Property / Eligible Property, enter number of
 1. district Enter number of Contributing _____ Noncontributing _____
 2. site _____ buildings _____ buildings _____
 3. structure _____ sites _____ sites _____
 4. object _____ structures _____ structures _____
 5. object _____ objects _____ objects _____
 Total _____ Total _____

Name of related project report or multiple property study (Enter "N/A" if the property is not part of a multiple property report/study)
 Title _____ Historical Architectural Code Book Number _____

6. Function or Use
 Historic Functions (Enter categories from instructions) _____ Current Functions (Enter categories from instructions) _____

7. Description
 Architectural Classification (Enter categories from instructions) _____ Materials (Enter categories from instructions) _____
 foundation _____
 walls (visible materials) _____
 roof _____

8. Statement of Significance (SEE CONTINUATION SHEETS, WHICH MUST BE COMPLETED)
 Research National Register Criteria (Use "Y" representing your opinion of eligibility after applying relevant National Register criteria)
 Yes No More Research Recommended A. Property is associated with significant events.
 Yes No More Research Recommended B. Property is associated with the lives of significant persons.
 Yes No More Research Recommended C. Property has distinctive architectural characteristics.
 Yes No More Research Recommended D. Property yields significant information in archeology or history.

County _____ Address _____ Site Number _____
 City _____ District Number _____

Criteria Considerations
 A. Center for a religious institution or used for religious purposes. F. A reconstructed building, object, or structure.
 B. Remained from its original location. G. A commemorative property.
 C. A birthplace or grave. H. Less than 50 years of age or achieved significance within the past 50 years.
 D. A cemetery.

Area of Significance (Enter categories from instructions) _____ **Significant Dates** _____
 check if date or estimated date
 Other dates, including renovation _____

Significant Person (Complete if National Register Criterion B is marked above) _____
 Architect/Builder _____
 Architect _____

9. Major Bibliographical References (SEE CONTINUATION SHEETS, WHICH MUST BE COMPLETED)
 Bibliography (See continuation sheet for citations of the books, articles, and other sources used in preparing this form)

10. Geographic Data
 UTM Reference (if Rural)
 1. Zone _____ Easting _____ Northing _____
 2. Zone _____ Easting _____ Northing _____
 3. Zone _____ Easting _____ Northing _____
 See continuation sheet for additional UTM references or comments.

11. Form Prepared By
 Name _____ Date _____
 Organization _____ Telephone _____
 Address _____ City _____ State _____ Zip _____

ADDITIONAL DOCUMENTATION (Submit the following items with the completed form)
FOR ALL PRIORITIES
 1. Map showing the property's location in a township or township.
 2. Site plan showing position of buildings and structures on the site in relation to public roads.
 3. Photographs: representative black and white photos. If the photos are taken as part of a survey for which the Society is to be notified, the photographs and site plan, a photographic sheet needs to be included with the photographs and the following needs to be provided below on this particular inventory site:
 Building sheet # _____ Photograph # _____ Date Taken _____
 Building sheet # _____ Photograph # _____ Date Taken _____
 Building sheet # _____ Photograph # _____ Date Taken _____
 See continuation sheet for additional photographs and site plan.
 Photographs without negatives are also in the site inventory file.
FOR CERTAIN KINDS OF PRIORITIES, INCLUDE THE FOLLOWING AS WELL
 1. **Formulated & Dated:** List of structures and buildings, houses or estimated year built and contributing or noncontributing status.
 2. **Site Plan:**
 a. A sketch of the frame/truss configuration in the form of drawing a typical middle beam of the beam.
 b. A paragraph of the text showing the frame configuration along one side.
 c. A sketch floor plan of the interior space arrangements along with the beam's exterior dimensions in feet.
 State Historic Preservation Office (SHPO) Use Only Below This Line
 Copied with above survey approval on National Register eligibility Yes No More Research Recommended
 This is a locally designated property or part of a locally designated district.
 Comments: _____
 Evaluated by (name/date): _____ Date: _____

IOWA
ECONOMIC DEVELOPMENT

Section 106 Process Completing an Iowa Site Inventory Form

Iowa Department of Cultural Affairs
State Historical Society of Iowa
**Iowa Site Inventory Form
Continuation Sheet**

Site Number _____
Related District Number _____

Page 1

Name of Property _____ County _____
Address _____ City _____

7. Description

Include a narrative description of the property describing the size and form of the resource, how many stories it is, what the exterior materials are, what the roof form is, distinct details or characterizes and visible changes or alterations made to the building. If the resource is located within a neighborhood or collection of similar resources, briefly describe the setting as well.

8. Statement of Significance

Describe why the property is or is not eligible for listing in the National Register of Historic Places. Make sure this section matches the boxes you filled out on page 1 of the form and explains your “yes” or “no” determination for each of the NRHP criteria. Talk about any integrity issues and make your definitive statement about NRHP eligibility.

Continuation Pages can also be used for:

- *Current Photographs*
 - *Historic Images*
 - *Maps*
 - *Floor Plans*
 - *Renderings*
 - *Drawings*
- *Archival materials such as newspaper articles, pamphlets, brochures, etc.*



Section 106 Process Completing an Iowa Site Inventory Form

Iowa Department of Cultural Affairs
State Historical Society of Iowa
**Iowa Site Inventory Form
Continuation Sheet**

Site Number _____
Related District Number _____

Page 2

Name of Property _____ Scott _____
1310 Eastern Avenue _____ County _____
Address _____ Des Moines _____
City _____



Front of 1310 Eastern, facing west

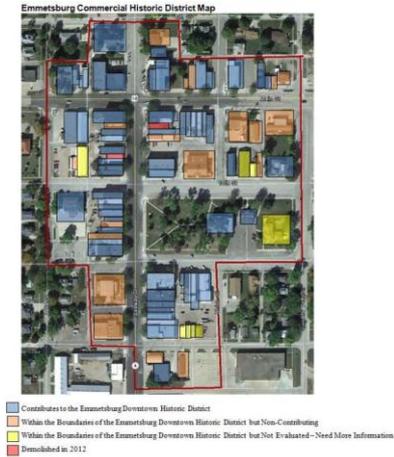
Continuation Sheets can also be used for:

- *Current Photographs*
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 - *Renderings*
 - *Drawings*
- *Archival materials such as newspaper articles, pamphlets, brochures, etc.*



Section 106 Process

» 2. Identification and Evaluation of Historic Properties



Section 106 Process

» 2. Identification and Evaluation of Historic Properties



Section 106 Process

» 3. Assessing Effects

- » How will my project effect Cultural Resources:
 - » No Potential To Cause Effects – No SHPO Consultation Required
 - » No Historic Properties Effected – Consult with SHPO
 - » No Adverse Effect to Historic Properties – Consult with SHPO
 - » Adverse Effect to Historic Properties – Consult with SHPO
- » Consult with SHPO and other consulting parties after selecting a Finding



Section 106 Process

- » When should I consult with the State Historic Preservation Office (SHPO)?
 - » *When you know the full scope of work for the project, including project plans, specifications, access areas, borrow sites, utilities, etc.*
 - » *After you've defined your Area of Potential Effects (APE)*
 - » *When you've completed your identification and evaluation of cultural resources within your APE*
 - » *When you've determined your effects assessment*
 - » *Approximately 3 months prior to an estimated construction start date, or earlier*



Section 106 Process

» Preparing a comprehensive SHPO Submittal

- » Cover letter from the RE (City or Grant Administrator) to SHPO requesting review and comment on a CDBG funded undertaking
- » Request for SHPO Comment on a HUD Project form – with a finding selected and an authorized signature
- » Inventory Form for the individual building or district including current condition photographs and any available historic images. Even if the building or district is listed on the NRHP, current condition photographs are required with submittal. Or if new construction, archaeological figures to show previous use of the land and the potential for the site to contain archaeological resources.
- » Print out of the assessor's webpage for the property/parcel.
- » Architects renderings including as much detail is possible in order to convey that the proposed project meets SOI standards, or will not result in an Adverse Effect to any Historic Properties



Section 106 Process

IOWA ECONOMIC DEVELOPMENT AUTHORITY

MAR 29 2013

DIVISION OF COMMUNITY
DEVELOPMENT

DATE: March 28, 2013
TO: State Historical Society of Iowa
FROM: Housing Specialist

RE: Request for Comment on Miller House 224 N. Harlan St. Stuart, Iowa, 50250
(CDBG Grant 12-248G-008)

Enclosed is a Request for SHPO Comment on a Project Form and associated information for 224 N. Harlan St. Stuart, Iowa, 50250. The house on the property is to be rehabilitated using CDBG funds awarded for the City of Stuart Rehabilitation Program, through the Iowa Economic Development Authority.

The Area of Potential Effects (APE) for this project is confined to the parcel:
Lots One (1) and Two (2) in Block Fourteen (14) of the Original Town of Stuart,
Guthrie County, Iowa

This house was built in 1900.

Rehabilitation of the house will include:

- Patch Stucco and Paint exterior
- Replace remaining windows (1/2 of the windows have been replaced already and several have been downsized).
- Replace furnace
- Re-roof home.

Surrounding homes on the block and across street are a mixture of 1, 1-1/2, and 2-1/2 story houses of a wide variety of forms.

A list of previously recorded properties within Stuart was obtained from SHPO Inventory Coordinator Berry Bennett on March 6, 2013. No previous site information is available for 224 N. Harlan St. and some of the surrounding properties has been found eligible (see attached report).

An Iowa Site Inventory Form was completed, including photographs and locational maps (see attached). A copy of the Guthrie County Assessor card for this property is enclosed.

An Iowa Site Inventory Form was completed, including photographs and locational maps (see attached). A copy of the Guthrie County Assessor card for this property is enclosed.

Since the property does not appear to meet any of the National Register criteria, the area does not appear to be part of a historic district, no historic properties are within the APE, and no ground disturbance is planned, it is concluded that **No Historic Properties will be Affected** by the undertaking.

We look forward to receiving your concurrence with this finding in the coming weeks. If you have any questions, please contact me at 712-792-9914 or jfloss@region12cog.org.

Sincerely,



REQUEST FOR SHPO COMMENT ON A HUD PROJECT

This is a new submission.
 This is more information relating to SHPO R&C # _____

Instructions for completing this form are available in the User's Manual, found online at www.iowahistory.org/preservation under "Review and Compliance". If you have questions while completing the form, please reference the User's Manual before contacting your CDBG project administrator or SHPO, as appropriate. Please attach a copy of the lead federal agency statement and/or the signature authorization form to your submission, if applicable.

Cover Letter: Please include a cover letter with a comprehensive description of the Area of Potential Effect (APE) and project activities. The APE should include the project area, all easements, borrow areas, equipment and material storage, and staging areas, if applicable, describe excavation and other earthmoving activities including 3-dimensional parameters (length, width, and depth).

I. GENERAL INFORMATION

a. Project name and/or Property Owner: Campan, Mir
b. Property Street & Number: 221 N. Walnut St.
c. County: Sublet City: Shant Zip: 50590
d. Lead Federal Agency: HUD Agency Project No.: 32-1593-008
e. Federal Funding Program/Grant: CDBG if HUD, check one: 24 CFR Part 50 or 24 CFR Part 58
f. Contact Person on Project: Jared Foss
Contact Address: 1009 E. Anthony Street, P.O. Box 788, City, Carroll State: Iowa Zip: 51401
e-mail: jaredfoss@iowa.gov Phone: 712-792-9914

II. IDENTIFICATION OF HISTORIC PLACES

Please check box indicating whether you are requesting an archaeological and/or architectural review of your project and include each of the items requested:

Archaeology
 1/2 Mile Quad U.S.G.S. (1-mile radius) with quad name and APE outlined (maps on-line at www.erdc.gov/lastate/erdc/)
 Site plan showing limits of proposed activities or general layout (engineering)

III. APPLICANT CERTIFICATION (Check Either Adverse Effect or No Adverse Effect for Historic Property Affected category)

Determination of Effect (Check One)

No historic properties will be affected (i.e., none are present or there are historic properties present but the project will have no effect upon them)

No Adverse Effect to a historic property (i.e., a historic property is present and affected. However, the project either has no adverse effect on the historic property, or the applicant or other federally authorized representative will consult with the SHPO to modify the project or impose conditions to avoid adverse effects.)

Adverse Effect to a historic property (i.e., a historic property is present and adversely affected. The applicant, or other federally authorized representative, will consult with the SHPO and other consulting parties to resolve the adverse effect.)

I understand that the SHPO has 30 days from receipt to object to the finding, after which the SHPO waives its opportunity to comment on this undertaking.

Federally Authorized Signature:  Date: 25 March 2013
Type name and title below → Jared Foss / Housing Specialist

HOUSING FUND MANAGEMENT GUIDE - APPENDIX TWO - PAGE 102

AUTHORIZATION FOR ALTERNATE SIGNATORIES FOR SHPO COMMENT FORM

CDBG Grant Administrators or City Clerks may now sign the SHPO Comment Form. In order to take advantage of this opportunity, the Agency Official/CEO must sign this form and have it witnessed. The CEO is the person who signed the CDBG contract. The grant administrator or City Clerk must also sign this form as a signatory.

Note: By signing this agreement, the Agency Official/CEO is still legally responsible for all findings and determinations made on their behalf by the signatory.

Once signed, submit this form with your SHPO Comment Form to SHPO.

As stated in 36 CFR Part 600, the implementing regulation for Section 106 of the National Historic Preservation Act of 1966, the Agency Official with jurisdiction over an undertaking takes legal and financial responsibility for Section 106 compliance in accordance with Subpart G of 36 CFR Part 600. In the case of the state Community Development Block Grant (CDBG) Program, however, the Agency Official will be the selected non-entitlement cities, which as CDBG recipients are authorized to serve as the Agency Official under 24 CFR Part 58.

In the event that the Agency Official is unable to sign the Request for SHPO Comment

Supplemental Information



Supplemental Information

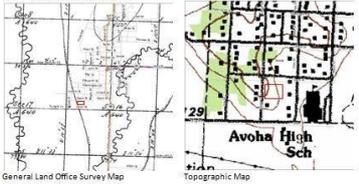
Archaeological Figures

08-DRH-203
Construction of two New Homes
751 W Grant Street
Avoca, IA

Determination: There are no known archaeological sites within the Area of Potential Effects, the closest identified sites, located approximately .5 miles from the APE consist of historic scatter and did not include determinations of eligibility for listing in the National Register of Historic Places. An archaeological survey was conducted in 2010 for a Habitat for Humanity project just one block north-west of the APE, and no sites were identified during that investigation. The new construction is confined to two in-town lots, which have been previously disturbed by the construction and subsequent demolition of earlier structures as both lots contained residential structures as noted on the 1932 Sanborn Fire Insurance Map. Based on this desk-top review, no archaeological survey is required in advance of the undertaking and no archaeological monitoring is required during construction activities.



Google Earth, December 13, 2012



General Land Office Survey Map

Topographic Map

08-DRH-203 City of Avoca - New Construction 751 W Grant



1930s Historic Aerial Photo



1950s Historic Aerial Photo



1960s Historic Aerial Photo



1970s Historic Aerial Photo

IOWA
economic development

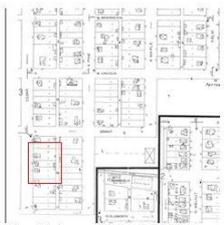
Supplemental Information



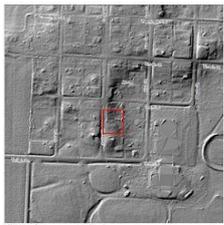
1990s Historic Aerial Photo



2011 USDA National Agriculture Imagery Program



Sanborn Fire Insurance Map May 1932, Sheet 4



Hillshade maps - LIDAR



Web Soil Survey December 13, 2012 - Marshall sss clay loam - loess-mantle terrace - very deep, well drained soils.

08-DRH-203 City of Avoca - New Construction 751 W Grant

- » Google Maps
- » Historic Aerial Maps
- » General Land Office Survey Maps
- » Sanborn Fire Insurance Maps
- » Web Soil Survey
- » Topographic Maps

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economic development

Supplemental Information

The screenshot shows two web pages. The top page is the Iowa Geographic Information Systems User (GISU) website, featuring a navigation menu with 'Home', 'Map Search', 'Iowa Index Map', 'GIS Tools and Services', 'News', and 'Links'. A central banner for 'Web Soil Survey' includes the USDA logo and the text 'Assessing Watershed Vulnerability to Erosion'. Below this is the 'Iowa Library Services State Library of Iowa' website, which includes a search bar, navigation links for 'About', 'Contact', 'For Libraries', 'For Iowans', and 'State Data Center', and a section titled 'Login to Digital Sanborn Maps' with a form to enter a 14-digit Iowa Library Services Card number.

- » <http://ortho.gis.iastate.edu/>
 - Historic Aerial Maps
 - General Land Office Survey Maps
 - Topographic Maps
 - Lidar
- » <http://websoilsurvey.sc.egov.usda.gov/App/HomePage.htm>
 - Web Soil Survey
- » <http://www.statelibraryofiowa.org/services/online-resources/resources/sanborn-login>
 - Sanborn Fire Insurance Maps



Consultation

- » Consultation should be an open process, where both the RE and the SHPO can discuss options, make suggestions and ultimately agree on a finding.
- » The SHPO may be able to provide technical assistance or conditions related to a specific project, such as conformance with the Secretary of the Interior's Standards for the Treatment of Historic Properties or review of Archaeological Survey work.
- » Consultation with the SHPO does not replace the potential need to consult with federally recognized Native American Tribes and Tribal Preservation Officers. Use the CDBG Management Guide and HUD database for the consultation process and Federal Tribal contacts. Note consultation with the Tribe MUST be on City letterhead from the Chief Elected Official and not the grant administrator.
- » CDBG projects are often designed to avoid adverse effects, however when such effects can't be avoided, IEDA works with the RE and SHPO to resolve those effects.



Section 106 Process

» 4. Resolving Adverse Effects

- » Memorandum of Agreement outlines agreed upon measures that IEDA and the RE will take to avoid, minimize or mitigate the adverse effect resulting from the undertaking, developed in consultation with the SHPO, interested parties and the public.
 - » Consult with the SHPO on a finding of “Adverse Effects” (30 days)
 - » SHPO concurs with finding of “Adverse Effects”
 - » Notify the Advisory Council on Historic Preservation of the Adverse Effects and invite them to participate in resolution (15 days)
 - » Notify the public and interested parties of the Adverse Effect and solicit ideas for ways to avoid, minimize and mitigate the effects
 - » Through consultation with the SHPO and all identified interested parties select mitigation measures that are commensurate with the adverse effect
 - » Draft the MOA to outline those mitigation measures and the roles and responsibilities of who will implement them
 - » Distribute the draft MOA to all signatories and invited signatories for review and comment
 - » Once agreed upon, execute MOA
 - » Complete all stipulations of the MOA



Section 106 Process

» 4. Resolving Assessing Effects

- » Things to keep in mind when resolving adverse effects:
 - » Time frame to complete the mitigation measures as relates to the time frame of the Federal Funding Source
 - » The ability to pay for the Mitigation Measures – will it be covered by the Federal Funds or do you need to look for in-kind donations or other funds
 - » Identify projects that are most beneficial to Historic Preservation and the Public – stay away from private interests or isolated benefits
 - » Ensure that the mitigation measures are agreed upon by all parties, particularly the federal agency and the SHPO before including them in the MOA
 - » Make sure there are resources and administration available to implement the mitigation measures and the MOA clearly states who is responsible for each task



Section 106 Process

» 4. Resolving Assessing Effects

» Example Mitigation Measures:

» Resource Specific:

- » Recordation and Documentation – typically completed before an historic building is demolished or altered by the federally funded project
- » Booklet or other publication on the history and significance of the resource
- » Signage or interpretive kiosk at the location of the resource

» Alternate Mitigation:

- » Survey and National Register Nomination of other nearby resources
- » Historic Preservation Education and Technical Assistance Workshops
- » Comprehensive Preservation Plan
- » Bricks and Mortar repairs to other local historic properties
- » Digitization of archival documentation for public use



Section 106 Process

» Section 106 Summary

» Myths, Roles and Responsibility

- » Truth or Myth – The SHPO determines if properties are eligible for listing in the NRHP for federally funded projects.
 - » MYTH
- » Truth or Myth – The SHPO defines the Area of Potential Effects for federally funded projects.
 - » MYTH
- » Truth or Myth – Anyone can sign the “Request for SHPO Comment” form.
 - » MYTH
- » Truth or Myth – The recipient of CDBG funding should work closely with their grant administrator to evaluate resources that may be affected by their project for listing in the NRHP, document their evaluation process in an Iowa Site Inventory Form and submit that documentation with all project details and specifications to the SHPO for review and comment.
 - » TRUTH
- » Truth or Myth – The SHPO Selects the “Finding” for the project.
 - » MYTH
- » Truth or Myth – Section 106 consultation should be an open processes where both the Responsible Entity and the SHPO share opinions and ideas and eventually agree on one of the federally recognized findings.
 - » TRUTH

