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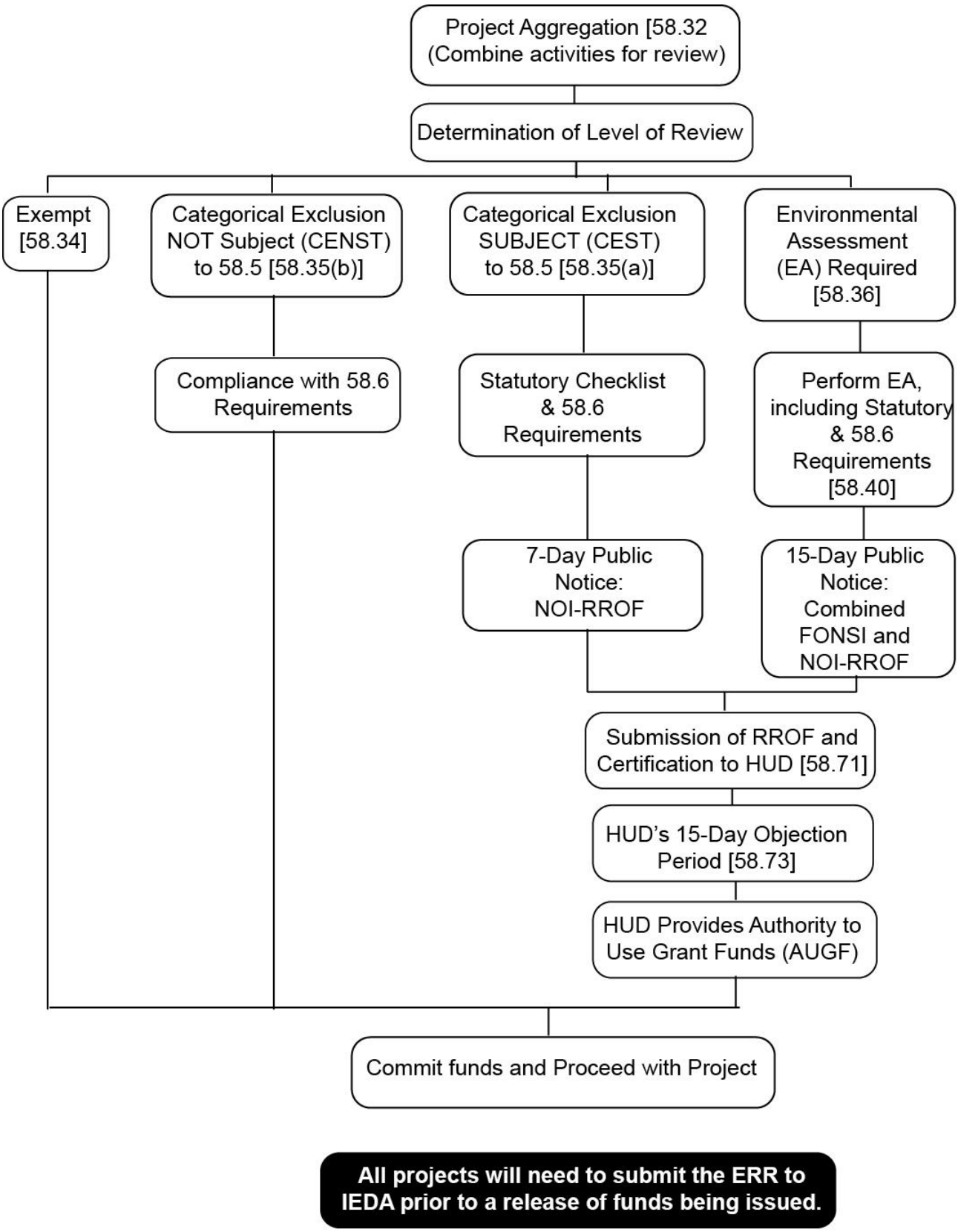
Environmental Review

COMMONLY USED ENVIRONMENTAL ACRONYMS

ACHP – Advisory Council on Historic Preservation
ACM – Asbestos Containing Material
ADT – Average Daily Traffic
AICUZ – Air Installation Compatible Use Zone
APCP – Air Protection Control Program
APE – Area of Potential Effect
APZ – Accident Potential Zones
ASD – Acceptable Separation Distance
AST – Aboveground Storage Tanks
ASTDR – Agency for Toxic Substances and Disease Registry
ASTM – American Society for Testing and Materials
BMP – Best Management Practices
CAA – Clean Air Act
CAFO – Confined Animal Feeding Operation
CDBG – Community Development Block Grant
CDC – Center for Disease Control
CENST – Categorically Excluded Not Subject To
CEST – Categorically Excluded Subject To
CERCLA – Comprehensive Environmental Response, Compensation and Liability Act
CFR – Code of Federal Regulations
CEQ – Council on Environmental Quality
CLG – Certified Local Government
COG – Council of Government
CWA – Clean Water Act
DNL – Day Night (average sound) Level
DNR –Department of Natural Resources
DOE – United States Department of Energy
EA – Environmental Assessment
EIS – Environmental Impact Statement
EJ – Environmental Justice
EO – Executive Order
ERR – Environmental Review Record
EPA – United States Environmental Protection Agency
ESA – Endangered Species Act
FAA – Federal Aviation Administration
FEMA – Federal Emergency Management Agency
FHBM - Flood Hazard Boundary Map
FHWA – Federal Highways Administration
FIRM – Flood Insurance Rate Map
FONSI – Finding of No Significant Impact
FOSI – Finding of Significant Impact
FPPA – Farmland Protection Policy Act
FR – Federal Register
HAP – Hazardous Air Pollutant
HUD – United States Department of Housing and Urban Development
IEDA – Iowa Economic Development Authority
LBP – Lead Based Paint
LESA – Land Evaluation and Site Assessment
MOA – Memorandum of Agreement
DOT – Department of Transportation
MOU – Memorandum of Understanding
NAAQS – National Ambient Air Quality Standards

NAL – Noise Assessment Location
NBC – National Building Code
NEPA – National Environmental Policy Act
NESHAP – National Emission Standards for Hazardous Air Pollutants
NFIP – National Flood Insurance Program
NFPA – National Fire Protection Association
NHPA – National Historic Preservation Act
NIOSH – National Institute for Occupational Safety and Health
NOAA – National Oceanic Atmospheric Administration
NOI/RROF – Notice of Intent to Request Release of Funds
NPDES – National Pollutant Discharge Elimination System
NPL – National Priority List
NPS – National Park Service
NRCS – National Resources Conservation Service, USDA
NRI – National Rivers Inventory
NWI – National Wetlands Inventory
OSHA – Occupational Safety and Health Act
ORV – Outstandingly Remarkable Values
PA – Programmatic Agreement
PAR – Preliminary Architectural Report
PER – Preliminary Engineering Report
PZ – Protection Zones
RAP – Remedial Action Plan
RCRA – Resource Conservation and Recovery Act
RCZ – Runway Clear Zones (also known as Runway Protection Zones)
RE – Responsible Entity (CDBG applicant or grantee)
REC – Recognized Environmental Condition
RPC – Regional Planning Commission
RPZ – Runway Protection Zones (also known as Runway Clear Zones)
RROF/C – Request for Release of Funds and Certification
SBC – Standard Building Code
SDWA – Safe Drinking Water Act
SFHA – Special Flood Hazard Area
SHPO – State Historic Preservation Office
SIP – State Implementation Plan
SWD – Storm Water Discharge
SWPPP – Storm Water Pollution Prevention Plan
THPO - Tribal Historic Preservation Officer
TMDL – Total Maximum Daily Loads
TRI – Toxic Release Inventory
UBC – Uniform Building Code
UST – Underground Storage Tank
USACE – United States Army Corps of Engineers
USDA – United States Department of Agriculture
USDA RD – Rural Development - United States Department of Agriculture
USFWS – United States Fish and Wildlife Service
USGS – United States Geological Survey
WSR – Wild and Scenic River

Environmental Review Process – Typical Flow (24 CFR Part 58)



All projects will need to submit the ERR to IEDA prior to a release of funds being issued.

DO NOT USE FORMS FOUND IN THIS APPENDIX YOU MUST GO ONLINE AND DOWNLOAD FORMS FORMS ARE AVAILABLE HERE:

https://www.iowaeconomicdevelopment.com/Community/downloads

LOOK FOR THE ENVIRONMENTAL COMPLIANCE SECTION:

- Categorically Excluded Packet - forms, notice, RROF **[MS Word: 495k]**
- Environmental Assessment Packet - forms, notice, RROF **[MS Word: 610k]**
- Categorically Excluded Subject to 58.5 Final Review of Tiered Projects **[MS Word: 49k]**
- Section 106 Summary and Tribal Consultation including *when to consult tribes under section 106 form* **[MS Word: 115k]**
- Programmatic Agreement, executed 08/23/2016 **[PDF: 2MB]**
- Section 106 Iowa Site Inventory form **[PDF: 364k]**
- Section 106 Exempt from Review form **[MS Word: 37k]**
- Section 106 Authorization for Alternate Signatories **[MS Word: 36k]**
- Floodplain & Wetland information - Eight (8) step process with Notices **[MS Word: 40k]**
- Research information for Categorically Excluded and Environmental Assessment checklists **[MS Word: 545k]**
- HUD research website for related federal laws and authorities **https://www.hudexchange.info/environmental-review/federal-related-laws-and-authorities**
- HUD Request for Release of Funds 7015.15 **[PDF: 81k]** and Instructions **[PDF: 67k]**
- Code of Federal Regulations Chapter 24, Part 58: Environmental Review Procedures **[PDF: 226k]**
- IEDA Internal Review Checklist for ERRs **[MS Word: 60k]**

CDBG Recipient Guide to
Lead Federal Agency Designation
To Complete a Portion of the Environmental Review

This guide is to be used for larger scale projects that require preparation of an Environmental Assessment and where the CDBG project is jointly funded with another agency using federal assistance such as DNR SRF or USDA-RD. If the project is jointly funded, the CDBG recipient may either be the Lead Federal Agency or designate a Lead Federal Agency for the project. This will allow one agency to complete the **environmental review and/or historical** review for the project. As the CDBG recipient, you are not required to work with the other agency, but it is strongly encouraged in order to reduce duplication of effort. There are several choices to make when selecting who will be the Lead Federal Agency and for determining what portion of the review the Lead Federal Agency will be responsible for completing. **Note** that the CDBG Recipient remains responsible for ensuring the project fully complies with 24 CFR Part 58 even where another agency has prepared the environmental assessment.

If the CDBG recipient would like to enter into a Lead Agency Agreement, first determine the co-funding agency and then use the following list to contact them:

- ***Iowa DNR's State Revolving Loan Fund*** *– Contact: Jean Mayne, (515) 725-0487. DNR will most likely be lead for section 106 as they complete the process prior to CDBG project funding. DNR prefers to establish the lead agency relationship via an email.*
- ***USDA –RD –*** *Contact the Environmental Representative at each district field office. Visit http://www.rurdev.usda.gov/ia/ to determine the district office.*

Complete the following steps if you or the participating funding agency will be the Lead Federal Agency:

1. 36 CFR part 800, Section 106 review:
The USDA-RD, the DNR or the CDBG recipient may be the lead federal agency and conduct the "Section 106" historical review under the requirements of 36 CFR part 800,including tribal consultation.

2. Environmental Assessment excluding 36 CFR part 800, Section 106 review:
The USDA-RD or the CDBG recipient may be the lead federal agency to conduct the Environmental Assessment excluding 36 CFR part 800, Section 106 review. Whoever takes on this responsibility must conduct the environmental assessment in accordance with 24 CFR Part 58 and 51. Fill out the appropriate form to designate a lead federal agency for completing the Environmental Review.

3. Make a Finding of No Significant Impact (FONSI) after the environmental assessment has been completed. For your convenience, please complete Section IV the conclusion section of the *Environmental Assessment Worksheet* located in this Appendix. Make sure the page is signed by the CDBG recipient Chief Elected Official

4. Publish the *combined notice to the public of Finding of No Significant Impact on the Environment (FONSI) and Notice of Intent to Request Release of Funds* (FONSI/NOI-RROF notice) found in this appendix. You must comply with local and state comment periods. You must have all environmental paperwork in the project file before you publish the CDBG notice. Remember, even if the designated lead agency published a FONSI notice you must still publish one, too.

The Notice must also be sent to individuals, groups, and agencies known to be interested in the project. A list of agencies can be found in this appendix.

5. Submit the *Request for Release of Funds and Certification* found in this appendix. After the local comment period has ended, submit this form to IEDA with a copy of the public notice.

Once received, the state comment period will begin. After 15 days IEDA can release funds.

DETERMINATION OF LEVEL OF REVIEW
ENVIRONMENTAL REVIEW RECORD

Project Name:

CDBG Contract Number:

Project Location:

Project Description (Attach additional descriptive information, as appropriate to the project, including narrative, maps, photographs, site plans, budgets and other information.):

The subject project has been reviewed pursuant to HUD regulations 24 CFR Part 58 "Environmental Review Procedures for Entities Assuming HUD Environmental Responsibilities," and the following determination with respect to the project is made:

☐ **Exempt** from NEPA review requirements per 24 CFR 58.34(a)( )

☐ **Categorically Excluded NOT Subject** to §58.5 authorities per 24 CFR 58.35(b)( )

☐ **Categorically Exclusion Subject** to §58.5 authorities per 24 CFR 58.35(a)( )
(A Statutory Checklist for the §58.5 authorities is attached.)

☐ An **Environmental Assessment** (EA) is required to be performed in accordance with subpart E of 24 CFR Part 58 is attached.

☐ An **Environmental Impact Statement** (EIS) is required to be performed.

The ERR (see §58.38) must contain all the environmental review documents, public notices and written determinations or environmental findings required by Part 58 as evidence of review, decision making and actions pertaining to a particular project. Include additional information including checklists, studies, analyses and documentation as appropriate.

Chief Elected Official:

_____ _____
Print Name Signature

_____ _____
Title Date

Updated 3/8/2012

All projects will need to submit the ERR to IEDA prior to a release of funds being is issued.

Great Plains Regional Office – Region VII
400 State Avenue, Room 200
Kansas City, KS 66101-2406

PROJECT NAME: _____

ERR FILE #: _____ Retain this form in the ERR of the subject project.

REQUIREMENTS listed at 24 CFR 58.6

1. AIRPORT RUNWAY PROTECTION ZONE / CLEAR ZONE NOTIFICATION

[24 C.F.R. Part 51.303(a)(3)]

Does the project involve the sale or acquisition of property located within a Civil Airport's Runway Protection Zone or a Military Airfield's Clear Zone?

( ) No. Cite or attach Source Document: _____
(Project complies with 24 CFR 51.303(a)(3).)

( ) Yes. **Notice must be provided to buyer**. The notice must advise the buyer that the property is in a Runway Protection Zone or Clear Zone, what the implications of such a location are, and that there is a possibility that the property may, at a later date, be acquired by the airport operator. The buyer must sign a statement acknowledging receipt of this information, and a copy of the signed notice must be maintained in this ERR.

2. COASTAL BARRIERS RESOURCES ACT

[Coastal Barrier Improvement Act of 1990 (16 U.S.C. 3501)]

Is the project located in a coastal barrier resource area?
(X) No. Cite or attach Source Document: No CBRA in MO/KS/NE/IA http://www.fema.gov/nfip/cobra.shtm (Proceed with project.)

( ) Yes. Federal assistance may not be used in such an area.

3. FLOOD DISASTER PROTECTION ACT

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

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

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

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

( ) Yes. **Flood Insurance under the National Flood Insurance Program must be obtained**. If HUD assistance is provided as a grant, insurance must be maintained for the economic life of the project and in the amount of the total project cost (or up to the maximum allowable coverage, whichever is less). If HUD assistance is provided as a loan, insurance must be maintained for the term of the loan and in the amount of the loan (or up to maximum allowable coverage, whichever is less). A copy of the flood insurance policy declaration must be kept on file in the ERR.

( ) No. **Federal assistance may not be used in the Special Flood Hazards Area**.

_____

Responsible Entity Official: Signature / Name / Title /Date

STATUTORY CHECKLIST

Use this worksheet for projects that are Categorically Excluded subject to § 58.5 under 24 CFR § 58.35(a).

Recipient Name:

CDBG Contract Number:

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.

Statute, Authority, Executive Order, Regulation or Policy cited at 24 CFR §58.5	STATUS A	STATUS B	Compliance Documentation
1. Air Quality [Clean Air Act sections 176(c) & (d), and 40 CFR 6, 51, 93]	☐	☐	
2. Airport Hazards (Clear Zones and Accident Potential Zones) [24 CFR 51D]	☐	☐	
3. Coastal Zone Management [Coastal Zone Management Act sections 307(c) & (d)]	☒	☐	No coastal zone management programs exist in the states of HUD Region VII, as established by Nat'l Oceanic & Atmospheric Administration, Office of Ocean and Coastal Resource Management (http://coastalmanagement.noaa.gov/mystate/welcome.html)
4. Contamination and Toxic Substances [24 CFR 58.5(i)(2)]	☐	☐	
5. Endangered Species [50 CFR 402]	☐	☐	
6. Environmental Justice [Executive Order 12898]	☐	☐	

7. Explosive and Flammable Operations [24 CFR 51C]	☐	☐	
8. Farmland Protection [7 CFR 658]	☐	☐	
9. Floodplain Management [24 CFR 55, Executive Order 11988]	☐	☐	
10. Historic Preservation [36 CFR 800]	☐	☐	
11. Noise Control [24 CFR 51B]	☐	☐	
12. Water Quality (Sole Source Aquifers) [40 CFR 149]	☐	☐	
13. Wetland Protection [24 CFR 55, Executive Order 11990]	☐	☐	
14. Wild and Scenic Rivers [36 CFR 297]	☐	☐	

DETERMINATION (check one):

☐ **COMPLIANCE IS MET.** The project is in compliance with aforementioned authorities and regulations, as documented above.

☐ **ACTION REQUIRED.** The project will be compliant with the aforementioned authorities and regulations, provided further action is taken. The action is a condition of the environmental review and is described below. (An additional compliance action may include obtaining a license or permit from a state, federal, or local agency, or completing a certain remediation or mitigation measure.)

Required Condition(s):

_____

_____

_____

PREPARER

PREPARER SIGNATURE: _____DATE:_____

PREPARER NAME & TITLE: _____

RESPONSIBLE ENTITY APPROVING OFFICIAL

SIGNATURE: _____ DATE:_____

APPROVING OFFICIAL NAME & TITLE: _____

Sample Notice of Intent to Request a Release of Funds

The language below is HUD's recommended wording of the Notice of Intent to Request a Release of Funds. This Notice is used to request the environmental release of funds for Categorically Excluded projects (24 CFR Part 58, Section 58.35(a) or for projects for which a Notice of Finding of No Significant Impact was previously issued. Words in **bold type** are required language. Words in *italics* are to be replaced by language appropriate to the particular project and Responsible Entity.

NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS

Date of Publication: *[date published]*

Name of Responsible Entity (RE)
Address (e.g., Street No. or P.O. Box)
City, State, Zip Code
Telephone Number of RE

On or after *at least one day after the end of the comment period* **the** *name of RE* **will submit a request to the State of Iowa, Iowa Economic Development Authority for the release of Community Development Block Grant funds under Title 1 of the HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974 as amended (P.L. 97-35), to undertake the following project:**

Project Title: *project name*
Purpose: *nature/scope of project*
Location: *project location*
Estimated Cost: *both estimated HUD funding & total project cost, as applicable*

The activities proposed *alternative #1: are categorically excluded under HUD regulations at 24 CFR Part 58 from National Environmental Policy Act (NEPA) requirements or alternative #2: comprise a project for which a Finding of No Significant Impact on the environment was [published/posted] on [date of Finding publication/posting].* **An Environmental Review Record (ERR) that documents the environmental determinations for this project is on file at** *name and address of RE office where ERR can be examined and name and address of other locations where the record is available for review* **and may be examined or copied weekdays __A.M to __P.M.**

PUBLIC COMMENTS

Any individual, group, or agency may submit written comments on the ERR to the *RE designated office responsible for receiving and responding to comments.* **All comments received by** *if notice is published: notice date plus seven days; if notice is mailed and posted: mailing and posting date plus ten days* **will be considered by the** *name of RE* **prior to authorizing submission of a request for release of funds.**

RELEASE OF FUNDS

The *name of RE* **certifies to the Iowa Economic Development Authority that** *name of Certifying Officer* **in** *his/her* **capacity as** *Official Title* **consents to accept the jurisdiction of the Federal Courts if an action is brought to enforce responsibilities in relation to the environmental review process and that these responsibilities have been satisfied. The Iowa Economic Development Authority approval of the certification satisfies its responsibilities under NEPA and related laws and authorities and allows the** *name of grant recipient* **to use HUD program funds.**

OBJECTIONS TO RELEASE OF FUNDS

The Iowa Economic Development Authority will accept objections to its release of funds and the *RE's* certification for a period of fifteen days following the anticipated submission date or its actual receipt of the request (whichever is later) only if they are on one of the following bases: (a) the certification was not executed by the Certifying Officer of the *name of RE;* (b) the *RE* has omitted a step or failed to make a decision or finding required by HUD regulations at 24 CFR part 58; (c) the grant recipient or other participants in the development process have committed funds, incurred costs or undertaken activities not authorized by 24 CFR Part 58 before approval of a release of funds by the Iowa Economic Development Authority; or (d) another Federal agency acting pursuant to 40 CFR Part 1504 has submitted a written finding that the project is unsatisfactory from the standpoint of environmental quality. Objections must be prepared and submitted in accordance with the required procedures (24 CFR Part 58, Sec. 58.76) and shall be addressed to Iowa Economic Development Authority at 200 East Grand Avenue, Des Moines, IA 50309. Potential objectors should contact the Iowa Economic Development Authority to verify the actual last day of the objection period.

Name and Title of RE Certifying Officer

Note: The seven or ten-day public comment periods are the minimum time periods required by regulation prior to submission of a Request for Release of funds and Certification (form HUD-7015.15 to HUD/State. The Responsible Entity may choose to allow a longer comment period. The fifteen-day objection period is a statutory requirement. The objection period follows the submission date specified in the Notice or the actual date of receipt by HUD/State, whichever is later

U.S. Department of Housing and Urban Development
Great Plains Office – Region VII
400 State Avenue
Kansas City, Kansas 66101-2406

Environmental Assessment

for HUD-funded Projects

[HUD recommended format per 24 CFR 58.40]

Project Name: _____

Responsible Entity: _____
[24 CFR 58.2(a)(7)]

Certifying Officer Name & Title: _____
[24 CFR 58.2(a)(2)]

Environmental Review Record (ERR) File # _____

Environmental Assessment

Project Location: _____

Estimated Total Project Cost (all sources): _____

Amount of HUD Assistance: _____ **HUD Grant Program:** _____

Grant Recipient (if different from Responsible Entity):
[24 CFR 58.2(a)(5)]

_____

Recipient Address & Phone: _____

RE Project Contact Name & Phone: _____

Conditions for Approval: (List all mitigation and project modification measures adopted by the responsible entity to eliminate or minimize adverse environmental impacts. These conditions must be included in project contracts and other relevant documents as requirements.) [24 CFR 58.40(d), 40 CFR 1505.2(c)]

FINDING: [58.40(g)]

☐ **Finding of No Significant Impact (FONSI)**
(The project will not result in a significant impact on the quality of the human environment.)

☐ **Finding of Significant Impact**
(The project may significantly affect the quality of the human environment.)

PREPARER SIGNATURE: _____ DATE: _____

PREPARER NAME & TITLE: _____

PREPARER'S AGENCY (If Different from RE): _____

RE APPROVING OFFICIAL SIGNATURE: _____ DATE: _____

RE APPROVING OFFICIAL NAME & TITLE: _____

Purpose of the Project: ["Statement of Purpose and Need for the Proposal" - 40 CFR 1508.9(b)]

Description of the Project: Include all contemplated actions that are logically either geographically or functionally a composite part of the project, regardless of the source of funding. [24 CFR 58.32, 40 CFR 1508.25] As appropriate, attach maps, site plans, renderings, photographs, budgets and other descriptive information.

Existing Conditions and Trends: Describe the existing conditions of the project area and its surroundings, and the trends likely to continue in the absence of the project. [24 CFR 58.40(a)]

Part I: Statutory Checklist [24CFR §58.5]

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.

Statute, Authority, Executive Order Regulation or Policy cited at 24 CFR §58.5	STATUS A	STATUS B	Compliance Documentation
1. Air Quality [Clean Air Act sections 176(c) & (d), and 40 CFR 6, 51, 93]	☐	☐	
2. Airport Hazards (Clear Zones and Accident Potential Zones) [24 CFR 51D]	☐	☐	
3. Coastal Zone Management [Coastal Zone Management Act sections 307(c) & (d)]	☒	☐	No coastal zone management programs are in the states of HUD Region VII, per Nat'l Oceanic & Atmospheric Administration, Office of Ocean and Coastal Resource Management. (http://coastalmanagement.noaa.gov/mystate/welcome.html)
4. Contamination and Toxic Substances [24 CFR 58.5(i)(2)]	☐	☐	
5. Endangered Species [50 CFR 402]	☐	☐	
6. Environmental Justice [Executive Order 12898]	☐	☐	
7. Explosive and Flammable Operations [24 CFR 51C]	☐	☐	
8. Farmland Protection [7 CFR 658]	☐	☐	
9. Floodplain Management [24 CFR 55, Executive Order 11988]	☐	☐	
10. Historic Preservation [36 CFR 800]	☐	☐	
11. Noise Control [24 CFR 51B]	☐	☐	

12. Water Quality (Sole Source Aquifers) [40 CFR 149]	☐	☐	
13. Wetland Protection [24 CFR 55, Executive Order 11990]	☐	☐	
14. Wild and Scenic Rivers [36 CFR 297]	☐	☐	

Part II: Environmental Assessment Checklist

[Environmental Review Guide HUD CPD-782, 24 CFR 58.40; 40 CFR 1508.8 &1508.27]

For each impact category, evaluate the significance of the effects of the proposal on the character, features and resources of the project area. Enter relevant base data and credible, verifiable source documentation to support the finding. Note names, dates of contact, telephone numbers and page references. Then enter the appropriate determination of impact: None Anticipated, Potentially Adverse or Potentially Beneficial. Attach additional material as appropriate. Note conditions or mitigation measures required.

Impact Categories	Anticipated or Potential Impact • Adverse • Beneficial • No Impact	Source Documentation and Mitigation or Modification Required

Land Development

Conformance with Comprehensive and Neighborhood Plans		
Land Use Compatibility and Conformance with Zoning		
Urban Design - Visual Quality and Scale		
Slope		
Erosion		
Soil Suitability		
Hazards and Nuisances, including Site Safety		
Noise - Effects of Ambient Noise on Project & Contribution to Community Noise Levels		

Air Quality - Effects of Ambient Air Quality on Project & Contribution to Community Pollution Levels		
Energy Conservation		

Socioeconomic Factors

Demographic Character Changes		
Displacement		
Employment and Income Patterns		

Community Facilities and Services

Educational Facilities		
Commercial Facilities		
Health Care		
Social Services		
Solid Waste		
Waste Water		
Storm Water		
Water Supply		
Public Safety • Police		
• Fire		

• Emergency Medical		
Open Space and Recreation • Open Space		
• Recreation		
• Cultural Facilities		
Transportation		

Natural Features

Water Resources		
Surface Water		
Unique Natural Features and Agricultural Lands		
Vegetation and Wildlife		

Part III: Other Requirements [24 CFR §58.6]

Complete the following table or attach a separate §58.6 Checklist.

§58.6 Requirements	Compliance Status (Y/N)	Source Documentation
Flood Disaster Protection Act [Flood Insurance] [§58.6(a)]		
Coastal Barrier Resources Act/Coastal Barrier Improvement Act [§58.6(c)]	YES	No Costal Barrier Resource Areas in MO/KS/NE/IA. http://coastalmanagement.noaa.gov/mystate/welcome.html
Airport Runway Clear Zone Disclosure & Notification [§58.6(d)]		

Summary of Findings and Conclusions

Project Alternatives Considered [24 CFR 58.40(e), Ref. 40 CFR 1508.9] (As appropriate, identify other reasonable courses of action that were considered and not selected, such as other sites, design modifications, or other uses of the subject site. Describe the benefits and adverse impacts to the human environment of each alternative and the reasons for rejecting it. Include consideration of the No Action Alternative, that is, not implementing the preferred alternative).

Mitigation and Project Modification Measures Recommended
[24 CFR 58.40(d), 40 CFR 1508.20]
(Recommend feasible ways in which the proposal or its external factors should be modified in order to minimize adverse environmental impacts and restore or enhance environmental quality.)

Additional Studies Performed
(List the reports, studies or analyses performed for this assessment, and attach studies or summaries.)

List of Agencies and Persons Consulted [40 CFR 1508.9(b)]
(List agencies and persons consulted for this assessment.)

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

The language below is HUD's recommended wording of the combined Notice of Finding of No Significant Impact and Notice of Intent to Request a Release of Funds. This notice is used for projects requiring an Environmental Assessment (24 CFR Part 58, Section 58.36]. Words in **bold type** are required language. Words in *italics* are to be replaced by language appropriate to the particular project and Responsible Entity.

NOTICE OF FINDING OF NO SIGNIFICANT IMPACT AND NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS

Date of Publication: *[date published]*

Name of Responsible Entity (RE)
Address (e.g., Street No. or P.O. Box)
City, State, Zip Code
Telephone Number of RE

These notices shall satisfy two separate but related procedural requirements for activities to be undertaken by the *name of RE.*

REQUEST FOR RELEASE OF FUNDS

On or after *at least one day after the end of the comment period* **the** *name of RE* **will submit a request to the State of Iowa, Iowa Economic Development Authority for the release of Community Development Block Grant funds under TITLE 1 of the HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974, as amended (P.L. 97-35) to undertake the following project:**

Project Title: *project name*
Purpose: *nature/scope of project*
Location: *project location*
Estimated Cost: *both estimated HUD funding & total project cost, as applicable*

FINDING OF NO SIGNIFICANT IMPACT

The *name of RE* **has determined that the project will have no significant impact on the human environment. Therefore, an Environmental Impact Statement under the National Environmental Policy Act of 1969 (NEPA) is not required. Additional project information is contained in the Environmental Review Record (ERR) on file at** *name and address of RE office where ERR can be examined and name and address of other locations where the record is available for review* **and may be examined or copied weekdays __A.M to __P.M.**

PUBLIC COMMENTS

Any individual, group, or agency may submit written comments on the ERR to the *RE designated office responsible for receiving and responding to comments.* **All comments received by** *if notice is published: publication date plus fifteen days; if notice is mailed and posted: mailing and posting date plus eighteen days* **will be considered by the** *name of RE* **prior to authorizing submission of a request for release of funds. Comments should specify which Notice they are addressing.**

RELEASE OF FUNDS

The *name of RE* **certifies to Iowa Economic Development Authority that** *name of Certifying Officer* **in** *his/her* **capacity as** *Official Title* **consents to accept the jurisdiction of the Federal Courts if an action is brought to enforce responsibilities in relation to the environmental review process and that these responsibilities have been satisfied. Iowa Economic Development Authority's approval of the certification satisfies its responsibilities under NEPA and related laws and authorities and allows the** *name of grant recipient* **to use HUD program funds.**

OBJECTIONS TO RELEASE OF FUNDS

The Iowa Economic Development Authority will accept objections to its release of funds and the *RE's* certification for a period of fifteen days following the anticipated submission date or its actual receipt of the request (whichever is later) only if they are on one of the following bases: (a) the certification was not executed by the Certifying Officer of the *name of RE;* (b) the *RE* has omitted a step or failed to make a decision or finding required by HUD regulations at 24 CFR part 58; (c) the grant recipient or other participants in the development process have committed funds, incurred costs or undertaken activities not authorized by 24 CFR Part 58 before approval of a release of funds by the Iowa Economic Development Authority; or (d) another Federal agency acting pursuant to 40 CFR Part 1504 has submitted a written finding that the project is unsatisfactory from the standpoint of environmental quality. Objections must be prepared and submitted in accordance with the required procedures (24 CFR Part 58, Sec. 58.76) and shall be addressed to Iowa Economic Development Authority at 200 East Grand Avenue, Des Moines, IA 50309. Potential objectors should contact the Iowa Economic Development Authority to verify the actual last day of the objection period.

Name and Title of RE Certifying Officer

Note: The fifteen or eighteen-day public comment periods are the minimum time periods required by regulation prior to submission of a Request for Release of Funds and Certification (form HUD-7015.15) to HUD/State. The Responsible Entity may choose to allow a longer comment period. 24 CFR Part 58 requires, at Section 58.46, "Time delays for exceptional circumstances," a 30-day comment period for controversial or unique projects or those similar to projects normally requiring preparation of an Environmental Impact Statement. The fifteen-day objection period is a statutory requirement. The objection period follows the submission date specified in the Notice or the actual date of receipt by HUD/State, whichever is later.

LIST OF AGENCIES TO WHOM THE FINDING OF NO SIGNIFICANT IMPACT (FONSI) SHOULD BE DISTRIBUTED

If after following the Environmental Clearance Worksheet a Finding of No Significant Impact was reached, mail a copy of the FONSI notice to the following Agencies:

U.S. Department of Interior
Fish and Wildlife Service
1511 47th Ave.
Moline, IL 61265

DNR Contact for **Water** Projects:
Water Quality Bureau
Department of Natural Resources
Henry A. Wallace Building
502 East 9th Street
Des Moines, IA 50319

DNR Contact for **Sewer** Projects:
Satya Chennupati, P.E., Section Supervisor
Department of Natural Resources
Henry A. Wallace Building
502 East 9th Street
Des Moines, IA 50319-0034

Environmental Protection Agency (EPA)**
Environmental Protection Agency
EPA Region 7
11201 Renner Blvd.
Lenexa, KS 66219

**HUD regulations 24 CFR Part 58, Subpart E, require EPA to receive copies of FONSI notices. However, the EPA does not want to receive FONSI notices for the following categories:

- Replacement or upgrade of existing water supply or wastewater infrastructure which does not expand capacity by more than 30%
- Improvements to existing facilities to met ADA or public safety requirements (fire, medical, etc.)
- Funds for administrative purposes, training, or to maintain existing programs (meals-on-wheels, homebuyers, etc.)

Additional Information for Environmental Assessments and Categorically Excluded Projects Section

24 CFR Parts 58.5 & 50.3/50.4 – NEPA-Related Federal laws and authorities

Environmental Issue/Impact (Statute, Authority &/or Regulation)	**Generally Applicable Activities**	**Threshold for Action** (Analysis/Evaluation/ Consultation)	**Source Documentation** (Map/On-line Listing/ Agency Contacts)	**Action Required**	**Further Information**
1. Air Quality Clean Air Act of 1970, as amended (42 U.S.C. 7401 *et seq.*), particularly 7506 (c) & (d). 40 CFR parts 6, 51, and 93 (EPA) CAA of 1990, Sec. 112; 40 CFR Part 61 (NESHAP) http://www.epa.gov/air/caa/title1.html	▪ Acquisition of undeveloped land ▪ Change of land use ▪ Demolition ▪ Major rehabilitation ▪ New construction	Project is 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). Criteria pollutants (NAAQS): http://www.epa.gov/air/criteria.html Asbestos: Comprehensive Building Asbestos Survey are used for ongoing management of asbestos-containing materials, including Operations and Maintenance (O&M), removal, actions associated with renovations, and prior to demolition of a building or facility.	Designated non-attainment and maintenance areas are listed on EPA web site: http://www.epa.gov/oar/oaqps/greenbk/ County-level air quality data: http://www.epa.gov/oar/oaqps/greenbk/multipol.html Maps of non-attainment areas: http://www.epa.gov/oaqps001/greenbk/map_download.html EPA "AirData" maps and visualization tools: http://www.epa.gov/airdata/ Asbestos: **ASTM "Standard Practice for Comprehensive Building Asbestos Surveys"** (E2356-14): http://www.astm.org/Standards/E2356.htm	A determination of conformity with the State Implementation Plan (SIP) is required with respect to the proposed activity and the specific pollutant for which the area was designated a non-attainment or maintenance area. Document that the activity does/does not require SIP compliance. Contact the MPO or EPA to determine if the proposed activity is one that requires a permit under the SIP. If yes, obtain letter of consistency showing that the project is consistent with the SIP.	Conformity to SIP is made by: ▪ Regional or Metropolitan Planning Organization (MPO); or ▪ EPA Regional Office. Status of non-attainment areas and EPA policy questions are addressed by EPA Regional Office. EPA Region 7 SIPs, State and local AQ contacts: http://www.epa.gov/region07/air/index.htm HUD Q&A: https://www.hudexchange.info/environmental-review/air-quality/
2. Airport Hazards (Clear Zones & APZ) 24 CFR Part 51-D "Siting of HUD-	▪ Acquisition for construction ▪ Change in land use ▪ Increase in density ▪ Major ('substantial') rehabilitation	Project is 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.	Airport clear zone and accident potential zone (APZ) maps are available from airport operations authority.	RCZ/CZ: New construction, major rehabilitation, and activities that significantly prolong physical or economic life of the property are prohibited.	Contact airport operator or nearest FAA District office. Airport locations:

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Assisted Projects in Runway Clear Zones at Civil Airports and Clear Zones and Accident Potential Zones at Military Airfields" (HUD)	▪ New construction Applicable airports: ▪ Civil airport designated in Nat'l Plan of Integrated Airport System (NPIAS): http://www.faa.gov/airports/planning_capacity/npias/reports/ ▪ All military air installations (Note: See also Clear Zone notification requirement, page 13.)	HUD policy is to promote compatible land uses in RCZ/CZ/APZ.	▪ Civil airport: The Airport Layout Plan shows the Runway Clear Zone (RCZ), [a.k.a. Runway Protection Zone]. ▪ Military airfield: The AICUZ Study shows the CZ and APZ.	APZ: HUD assistance in APZ is discouraged, and project must be compatible with DOD land use guidelines for APZs.	Civil NPIAS http://www.faa.gov/airports/planning_capacity/npias/reports/ and http://www.airnav.com/airports/ Military Bases: http://www.globalsecurity.org/military/facility/conus.htm and http://www.globemaster.de/bases.html HUD Q&A: https://www.hudexchange.info/environmental-review/airport-hazards/
3. Coastal Zone Management Coastal Zone Management Act of 1972, as amended (16 U.S.C. 1451 et. seq., particularly section 1424(e)).	▪ Acquisition of undeveloped land ▪ Change of land use ▪ Major rehabilitation ▪ New construction	Project is located in a state having a Coastal Zone Management (CZM) Program.	CZM maps are on NOAA (Nat'l Oceanic & Atmospheric Administration) web site: http://coast.noaa.gov/czm/mystate/	State CZM agency (or its approved local designee) must concur with a finding (or issue permit) in evidence that project is consistent with approved State CZM plan.	NOAA: http://coastalmanagement.noaa.gov/welcome.html HUD Q&A: https://www.onecpd.info/environmental-review/coastal-zone-management/
4. Contamination and Toxic Substances 24 CFR Part 58.5 (i) (2) (HUD).	▪ Acquisition ▪ Disposition ▪ Conversion from non-residential to residential. ▪ Demolition ▪ Leasing ▪ New construction ▪ Rehabilitation	Project is located on or near site that contains hazardous materials, contamination, toxic chemicals or gases, or radioactive substances, that could affect the health and safety of occupants or that conflict with the intended utilization of the property. Particular attention to be given to any site located	Documentation may consist of Phase I environmental site assessment (ASTM standard practice E1527-13, as amended) and, as applicable, Phase II ESA, site characterizations and remediation plans. Additional/alternative documentation may include: ▪ Site inspection(s) by knowledgeable professional(s).	Due diligence must be exercised to ascertain the presence of contamination. In many cases, a Phase I environmental site assessment (ASTM standard E1527-13, as amended) must be performed. If the Phase I identifies recognized environmental conditions or if the results are inconclusive, a Phase II environmental site assessment will be required.	EPA Envirofacts Data: http://www.epa.gov/enviro/ EPA NEPAssist: http://nepassisttool.epa.gov/nepassist/entry.aspx EPA EnviroMapper: http://www.epa.gov/emefdata/em4ef.home EPA CERCLIS/NPL – Superfund database http://cumulis.epa.gov/supercpad/cursites/srchsites.cfm

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	▪ Repair	on or in general proximity to landfills, dumps, industrial sites, gas stations or other locations that contain hazardous wastes or materials. All property proposed for use in HUD programs must be free of hazardous materials, contamination, toxic chemicals and gases and radioactive substances, where a hazard could affect the health and safety of occupants or conflict with the intended utilization of the property. The environmental review of multifamily housing with 5 or more dwelling units must include a review of previous uses of the site or other evidence of contamination on or near the site to assure the proposed occupants are not impacted by any of these hazards. Current techniques by qualified professionals shall be used to undertake investigations determined necessary.	▪ Search of EPA and state/local/tribal databases for sites and facilities posing known or potential contamination concerns (including NPL sites (Superfund), RCRA facilities, Brownfields). ▪ Evaluation of permitted facilities for regulatory violations, e.g., using EPA ECHO database. ▪ Analysis of past uses of the site and adjacent properties as documented historic resources (e.g., Sanborn Fire Insurance Rate Maps and city directories). ASTM Phase I, Phase II, and related protocols available at: http://www.astm.org/index.html ASTM Phase I "Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process" (E1527-13): http://www.astm.org/Standards/E1527.htm Federal (EPA) standard for performing due diligence, aka, "all appropriate inquiries" (AAI) 40 CFR 312: http://www.epa.gov/swerosps/bf/aai/index.htm ASTM Phase I standard practice (E1527-13) is	Based upon the Phase II results, remediation, mitigation and monitoring measures may be required. Such measures must be consistent with Federal, State, Tribal and local laws and regulations, and must be implemented by qualified professionals. Specific forms of remediation are not prescribed by HUD and may vary depending on the nature of the hazard.	EPA Enforcement & Compliance History Online (ECHO): http://echo.epa.gov/ EPA Toxic Release Inventory (TRI): http://www.epa.gov/enviro/html/toxic_releases.html ATSDR "ToxFAQs" summaries about hazardous substances: http://www.atsdr.cdc.gov/toxfaqs/index.asp Right-To-Know Network: ▪ EPA databases, including TRI (Toxic Release Inventory); NPL & CERCLIS; RCRA: http://www.rtknet.org/ State voluntary cleanup programs: ▪ Kansas Dept. Health & Environ't (KDHE) http://www.kdheks.gov/remedial/index.html ▪ Missouri Dept. Natural Resources (DNR) http://www.dnr.mo.gov/env/hwp/index.html ▪ Nebraska Dept. Environmental Quality (NDEQ) http://www.deq.state.ne.us/

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			consistent with and in compliance with EPA's AAI (40 CFR 312). Property that may be exposed to sub-surface vapors caused by a release of vapors from contaminated soil &/or groundwater on or near the project may warrant evaluation in accordance with ASTM standard practice E 2600-10: http://www.astm.org/Standards/E2600.htm The outcome of a vapor evaluation may warrant further investigation. Radon Control: ▪ Multifamily Existing Housing: ASTM E 2121-11 "Standard Practice for Installing Radon Mitigation Systems in Existing Low-Rise Residential Buildings" http://www.astm.org/Standards/E2121.htm ▪ Multifamily New Housing: **ASTM E 1465-08a "Standard Practice for Radon Control Options for Design and Construction of New Low-Rise Residential Buildings"** http://www.astm.org/Standards/E1465.htm		▪ Iowa Dept. Natural Resources (DNR) http://www.iowadnr.gov/InsideDNR/RegulatoryLand/ContaminatedSites.aspx FAQs about USTs: http://www.epa.gov/swerust1/faqs/index.htm EPA Cleanup Guidance: http://clu-in.org/ HUD Lead Rule Compliance Advisor: http://portalapps.hud.gov/CorvidRpt/HUDLBP/welcome.html HUD Lead-Based Paint Guidelines http://portal.hud.gov/hudportal/HUD?src=/program_offices/healthy_homes/lbp/hudguidelines HUD Q&A: https://www.hudexchange.info/environmental-review/site-contamination/

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Environmental Issue/Impact (Statute, Authority &/or Regulation)	Generally Applicable Activities	Threshold for Action (Analysis/Evaluation/ Consultation)	Source Documentation (Map/On-line Listing/ Agency Contacts)	Action Required	Further Information
5. Endangered Species Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq*.), particularly section 7 (16 U.S.C. 1536) 50 CFR Part 402 "Endangered Species Act" (DOI & Commerce)	▪ Acquisition or Disposition of undeveloped land ▪ Conversion of land use ▪ Demolition ▪ Site clearance ▪ Major rehabilitation ▪ New construction	Project may affect or is likely to affect any Federally listed endangered or threatened species or its habitat.	Evaluate species and habitat listings for project area. Contact US Fish and Wildlife Service (USFWS) to determine if a listed species or habitat is present in the project area or may be affected by the project. USFWS general information on listed species and habitats: http://www.fws.gov/endangered/species/index.html USFWS Critical Habitat online mapper: http://crithab.fws.gov/ecos/home.action USFWS "iPaC" - critical habitat and species list http://ecos.fws.gov/ipac/ • Kansas listed species: http://ecos.fws.gov/tess_public/pub/stateListingAndOccurrenceIndividual.jsp?state=KS • Missouri listed species (USFWS / State Natural Heritage Database) http://newmdcgis.mdc.mo.gov/EnvReview/Default.aspx Missouri species, by county: http://midwest.fws.gov/endangered/lists/missouri-cty.html • Nebraska listed species: http://ecos.fws.gov/tess_public/reports/species-listed-by-state-report?state=NE&status=listed • Iowa species, by county: http://www.fws.gov/Midwest/Endangered/LISTS/iowa_cty.html	Determination required of either "no effect," "may affect but not likely to adversely affect" or "likely to adversely affect" a listed species or its habitat. If a listed species or habitat is present in project area, consultation is required under Section 7 of the Endangered Species Act to determine if the proposed activity will adversely affect the subject species or habitat. Step-by-step Section 7 consultation: http://www.fws.gov/midwest/endangered/section7/index.html When required, a biological assessment must be prepared by a qualified professional (e.g., biologist or botanist) explaining the likely effect on the species or habitat.	U.S. Fish & Wildlife Ecological Services Field offices: **Kansas** ▪ 2609 Anderson Avenue Manhattan, KS 66502 (785-539-3474) Missouri ▪ 101 Park DeVille Dr. Suite A Columbia, MO 65203-0057 (573-234-2132) Nebraska ▪ 203 West 2nd St. Second Floor Grand Island, NE 68801 (308-382-6468) Iowa ▪ 4469 48th Ave Court Rock Island, IL 61201 (309-793-5800) HUD Q&A: https://www.hudexchange.info/environmental-review/endangered-species/

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Environmental Issue/Impact (Statute, Authority &/or Regulation)	**Generally Applicable Activities**	**Threshold for Action** (Analysis/Evaluation/ Consultation)	**Source Documentation** (Map/On-line Listing/ Agency Contacts)	**Action Required**	**Further Information**
6. Environmental Justice E.O. 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations"	Applies when an adverse impact or condition occurs with respect to an environmental issue; *and,* When the activity is: ▪ Acquisition ▪ Change of land use ▪ Demolition ▪ Rehabilitation ▪ New construction	Project site or neighborhood suffers from adverse health or environmental effects which disproportionately impact a minority or low-income population relative to the community at large. The potential for new or continued adverse health or environmental effects must be considered.	EPA's "EJ View" Tool provides information relevant to EJ assessments: http://epamap14.epa.gov/ejmap/entry.html Census and geospatial data from local and regional planning agencies. Census data and maps also available at: http://factfinder2.census.gov/faces/nav/jsf/pages/index.xhtml and: http://www.census.gov/ Tract-level data on race & income: https://geomap.ffiec.gov/FFIECGeocMap/GeocodeMap1.aspx	Perform an EJ analysis using census, geographic and other data to determine if a low-income/minority population is disproportionately impacted. If susceptible populations are impacted: • Mitigation or avoidance of adverse impacts must be considered to the extent practicable; and, • Public participation processes must involve the affected population(s) in the decision-making process.	EJ maps & analysis, by location: http://www.scorecard.org/community/ej-index.tcl EPA MyRTK (Right-to-Know) Network http://www.rtknet.org/ EPA Maps: http://epamap14.epa.gov/ejmap/entry.html EPA MyEnvironment: http://www.epa.gov/myenvironment/ CEQ guide to EJ: http://www.epa.gov/oecaerth/environmentaljustice/resources/policy/ej_guidance_nepa_ceq1297.pdf EPA guide to NEPA & EJ http://www.epa.gov/compliance/ej/resources/policy/ej_guidance_nepa_epa0498.pdf Human Health & Toxicology: • CDC (NIOSH) http://www.cdc.gov/niosh/topics/chemical.html • ATSDR http://www.atsdr.cdc.gov/ • EPA (IRIS) http://www.epa.gov/iris/index.html Scorecard.Org: (Note: environmental datasets are from ca. 2002) http://www.scorecard.org/community/ej-index.tcl HUD Q&A:

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					https://www.hudexchange.info/environmental-review/environmental-justice/
7. Explosive and Flammable Operations Housing and Community Development Act of 1974, as amended. 24 CFR Part 51 Subpart C "Siting of HUD-Assisted Projects Near Hazardous Operations Handling Petroleum Products or Chemicals of an Explosive or Flammable Nature" (HUD)	Residential project when the activity is: ▪ New construction ▪ Rehabilitation, where unit density increased ▪ Conversion of land use from non-residential to residential use ▪ Vacant building made habitable or Any project for industrial, commercial, institutional or recreational use, when the activity is: ▪ New construction ▪ Conversion of land use	Project is located within sight of or in proximity to a stationary hazardous facility 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. Excluded from the regulation: • Mobile tanks (including railroad cars other than when servicing a facility) • Buried tanks • Residential tanks that serve HUD-assisted 1-4 unit housing • Tanks with 100-gallon and less capacity and having common fuels	Site inspection, aerial photo analysis and/or contact with local fire protection or emergency management agencies to determine presence of hazardous industrial operations and/or above-ground tanks in vicinity of project. Contact local owner/operator of such facility/tank to determine the type, volume and other characteristics of fuels and chemicals of an explosive or flammable nature.	Calculate the acceptable separation distance (ASD) per guidebook HUD-1060-CPD (1996), "Siting of HUD-Assisted Projects Near Hazardous Facilities," and apply appropriate mitigation measures or reject the site. Electronic calculator of ASD: https://www.hudexchange.info/environmental-review/asd-calculator/ AST tank capacity calculator: http://www.odayequipment.com/Support/TankChart/tankchartcalculator.shtml Mitigation may include burying the tank(s) or construction of a barrier of adequate size and strength to protect the building and occupants. Mitigation options: http://www.hud.gov/offices/cpd/environment/hazards_mitigation_options.pdf Barrier design guidance: http://portal.hud.gov/hudportal/documents/huddoc?id=barrier_design_guidance.pdf	Contact HUD Field Environmental Officer for tanks having over 1 million-gallon capacity. HUD ASD Guidebook: https://www.hudexchange.info/resource/2762/acceptable-separation-distance-guidebook/ HUD Q&A: https://www.hudexchange.info/environmental-review/explosive-and-flammable-facilities/

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8. Farmland Protection Farmland Protection Policy Act of 1981 (7 U.S.C. 4201 *et seq*.), particularly sections 1504(b) & 1541 7 CFR Part 658, "Farmland Protection Policy" (USDA)	▪ Acquisition of undeveloped land ▪ Conversion of undeveloped land ▪ New construction ▪ Site clearance	Project is located in area that includes prime farmland, unique farmland, or land of statewide or local importance. Can include forest land, pastureland or cropland, but not water or urbanized land. Urban land is exempt if the land is "already in" or "committed" to urban development per 7 CFR 658.2(a).	Follow steps for using soil maps to find important farmlands: http://search.usa.gov/search?query=important+farmland&op=Search&affiliate=usda-rd Natural Resources Conservation Service (NRCS) soil maps (95% of nation's counties): http://websoilsurvey.nrcs.usda.gov/app/ Alternatively, contact local Natural Resources Conservation Service (NRCS) office to determine the potential presence of protected farmland. Land "already in" or "committed" to urban development includes: • Census Bureau Map showing land identified as "urbanized area" (UA): http://tigerweb.geo.census.gov/tigerweb/ • USGS topographical maps showing urban area mapped with a "tint overprint": http://store.usgs.gov/b2c_usgs/usgs/maplocator/(ctype=areaDetails&xcm=r3standardpitrex_prd&carea=%24ROOT&layout=6_1_61_48&uiarea=2)/.do • USDA Important Farmland Maps showing "urban-built-up": http://search.usa.gov/search?query=important+farmland&op=Search&affiliate=usda-rd	Site assessment by NRCS is required to determine impact of the farmland conversion. Form #AD-1006 rates 12 criteria. Sponsor must submit form to NRCS, which has 45 days to make a determination. Form AD-1006 and instructions: http://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb1045394.pdf Instructions: http://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/nrcs144p2_063910.pdf Form NRCS-CPA-1006 for corridor projects: http://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb1045395.pdf	County offices for Natural Resources Conservation Services (NRCS) listed at: http://offices.sc.egov.usda.gov/locator/app NRCS and FPPA: http://www.nrcs.usda.gov/wps/portal/nrcs/main/national/programs/alphabetical/ HUD Q&A: https://www.hudexchange.info/environmental-review/farmlands-protection/

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Environmental Issue/Impact (Statute, Authority &/or Regulation)	Generally Applicable Activities	Threshold for Action (Analysis/Evaluation/ Consultation)	Source Documentation (Map/On-line Listing/ Agency Contacts)	Action Required	Further Information
9. Floodplain Management E.O. 11988, "Floodplain Management", particularly section 2(a). 24 CFR Part 55 "Floodplain Management and Wetland Protection" (HUD)	▪ Acquisition for construction or for existing bldg >4 units ▪ Disposition >4 units ▪ Financing >4 units ▪ Leasing (unless flood insured) ▪ New construction ▪ Rehab or Repair, unless 1-4 unit housing below threshold of Substantial Improvement *(total rehab cost <50% pre-rehab value or <20% density increase)*	Project is located within a Special Flood Hazard Area (100-year floodplain), or, if a critical action (e.g., nursing home; hospital; fire station) is located in a 500-year floodplain.	FEMA Flood Insurance Rate Maps (FIRM) or Flood Hazard Boundary Map (FHBM). FIRMETTE maps, which cover small areas (approx. 1 sq. mile), can be obtained at no charge on-line: http://msc.fema.gov/portal For unmapped areas, FEMA Community Status Book can provide information on flood hazards: https://www.fema.gov/national-flood-insurance-program/national-flood-insurance-program-community-status-book	Avoid direct or indirect support of floodplain development wherever there is a practicable alternative. Approval of project requires compliance with the decision-making provisions of §55.20, i.e., the "eight-step" process. Project may be approved only if there is no practicable alternative outside the floodplain. Project must apply appropriate mitigation.	FEMA: https://www.fema.gov/national-flood-insurance-program State Floodplain Managers: http://www.floods.org/index.asp?menuID=274&firstlevelmenuID=185&siteID=1 HUD sample 8-Step analysis: https://www.hudexchange.info/resource/3190/floodplain-management-8-step-decision-making-process/ HUD sample floodplain Notices: https://www.hudexchange.info/resource/3191/early-notice-and-public-review-of-a-proposed-activity-floodplain/ HUD Q&A: https://www.hudexchange.info/environmental-review/floodplain-management/
10. Historic Preservation National Historic Preservation Act of 1966 (16 U.S.C. 470 *et seq*.), particularly sections 106 & 110. 36 CFR Part 800 "Protection of Historic Properties" (ACHP)	Any undertaking having the potential to cause effect, such as: ▪ Acquisition ▪ Demolition ▪ Disposition ▪ Ground disturbance ▪ New construction ▪ Rehabilitation ▪ Repair	*Project's area of potential effects [see §800.16(d)] contains:* ▪ A property listed in, or eligible for listing in, the National Register of Historic Places; or, ▪ An historic district listed in, or eligible for listing in, the National Register of Historic Places; or,	Information on historic resources available from National, State, Tribal and local registers/sources: ▪ National Register http://nrhp.focus.nps.gov/natreghome.do?searchtype=natreghome ▪ State Historic Preservation Office (SHPO) http://ncshpo.org ▪ Tribal Historic Preservation Office (THPO) http://www.nathpo.org	Afford the Advisory Council on Historic Preservation a reasonable opportunity to comment, consistent with the procedures of 36 CFR Part 800 implementing the Section 106 process. Consultation with the SHPO is required. Consultation with THPO and interested parties and public participation may be required. The Section 106 process includes initiation of the	Advisory Council: http://www.achp.gov ACHP applicant toolkit: http://www.achp.gov/apptoolkit.html State Historic Preservation Officers (SHPOs): http://www.ncshpo.org Tribal Historic Preservation Officers (THPOs): http://www.nathpo.org

Environmental Issue/Impact (Statute, Authority &/or Regulation)	**Generally Applicable Activities**	**Threshold for Action** (Analysis/Evaluation/ Consultation)	**Source Documentation** (Map/On-line Listing/ Agency Contacts)	**Action Required**	**Further Information**
		▪ Compelling evidence of the high probability of archeological resources eligible for listing in the National Register of Historic Places. National Register Eligibility Criteria: http://www.achp.gov/nrcriteria.html HUD "TDAT" tribal database: http://egis.hud.gov/tdat/Tribal.aspx	▪ Certified Local Government (CLG) preservation staff.	process [§800.3], identification of historic properties [§800.4], assessment of adverse effects [§800.5], and resolution of adverse effects [§800.6]. Formal agreements (Memorandum of Agreement or Programmatic Agreement) stipulate how adverse effects will be resolved. Guidance on writing MOAs: http://www.npi.org/tools.html HUD database of Section 106 agreements (MOA & PA): https://www.hudexchange.info/resource/3675/section-106-agreement-database/	HUD tribal consultation database: http://egis.hud.gov/tdat/Tribal.aspx HUD tribal consultation policy: https://www.hudexchange.info/resource/2448/notice-cpd-12-006-tribal-consultation-under-24-cfr-part-58/ Federally-recognized Indian tribes: http://grants.cr.nps.gov/nacd/index.cfm and http://www.bia.gov/WhoWeAre/BIA/OIS/TribalGovernmentServices/TribalDirectory/index.htm National Register database: http://www.nps.gov/nr/ National Register: http://nrhp.focus.nps.gov/natreghome.do?searchtype=natreghome Preservation staff of a CLG (Certified Local Govern't) – contact the local government. NPS Standards and technical aids: http://www.nps.gov/tps/index.htm Other resource links: http://pubs.nal.usda.gov/historic-preservation-resources HUD Q&A: https://www.hudexchange.info/environmental-review/historic-preservation/

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Environmental Issue/Impact (Statute, Authority &/or Regulation)	Generally Applicable Activities	Threshold for Action (Analysis/Evaluation/ Consultation)	Source Documentation (Map/On-line Listing/ Agency Contacts)	Action Required	Further Information
11. Noise Abatement & Control Noise Control Act of 1972, as amended by the Quiet Communities Act of 1978. 24 CFR Part 51 Subpart B "Noise Abatement and Control" (HUD)	Residential and other noise-sensitive developments (e.g., hospitals, nursing homes, day care, community center) ▪ Acquisition for residential or noise-sensitive use ▪ Conversion of land use from non-residential to residential ▪ New construction ▪ Rehabilitation	Project is located within: ▪ 1,000 feet of major/busy road, ▪ 3,000 feet of railway, ▪ 15 miles of airport (civil or military). HUD interior noise goal is 45 decibels (DNL) or lower. HUD exterior noise goal is 55 decibels (DNL) or lower, although 65 DNL is considered acceptable.	Noise assessment data sources include: local or state highway departments; local or regional planning departments; public works departments; railroad dispatch offices; and airport operators. Airport noise contour maps are shown on Airport Layout Plan (civil airport) or AICUZ Study (military airfield). Civil airports subject to HUD noise requirements are designated in the FAA's "National Plan of Integrated Airport System" (NPIAS): http://www.faa.gov/airports/planning_capacity/npias/reports/ • Both Commercial Service (CS) and Primary (P) airports have noise contours maps available • General Aviation (GA) airports with less than 9,000 enplanements may be assumed to not present a community noise concern; otherwise, consult airport operator	Perform noise assessment in accordance with the Noise Assessment Guidelines (NAG) in guidebook HUD-953-CPD(1). For airports, use the airport's noise contour maps to determine noise levels (the contour lines are expressed in DNL noise levels). Noise level calculator: https://www.hudexchange.info/programs/environmental-review/dnl-calculator Projected noise level: ▪ 65-75 DNL "Normally Unacceptable;" requires mitigation or attenuation ▪ >75 DNL "Unacceptable;" requires rejection in most cases unless mitigated. Noise barrier calculator: https://www.hudexchange.info/programs/environmental-review/bpm-calculator/ Building wall mitigation calculator - Sound Transmission Classification Assessment Tool (STraCAT): http://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/environment/stracat	Traffic volumes - Road: **Iowa** http://www.iowadot.gov/maps/msp/traffic/tmaps.html **Kansas** http://www.ksdot.org/burTransPlan/prodinfo/trafdata.asp **Missouri** http://www.modot.mo.gov/safety/trafficvolumemaps.htm **Nebraska** http://www.nebraskatransportation.org/maps/#traffvol Rail information: **Fed Rail Admin (FRA) crossin invent** **http://safetydat .dot.gov/O ofSafety/p site/crossi ngqryloc.a** **Iowa** http://www.iowadotmaps.com/msp/pdf/Rail_Base.pdf **Kansas** http://www.ksdot.org/burRail/rail/default.asp **Missouri** http://www.modot.org/othertransportation/rail/documents/rail_freight_061809.pdf **Nebraska** http://www.nebraskatransportation.org/rpt/rail.htm

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					Barrier guidance (FHWA): http://www.fhwa.dot.gov/environment/noise/noise_barriers/design_construction/ HUD Q&A and Noise Guidebook: https://www.hudexchange.info/environmental-review/noise-abatement-and-control/

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12. Water Quality (Sole Source Aquifers) Safe Drinking Water Act of 1974 (42 U.S.C. 201, 300(f) *et seq*., and 21 U.S.C. 349), particularly section 1424(e) 40 CFR Part 149 "Sole Source Aquifers" (EPA)	▪ Acquisition of undeveloped land ▪ Change of land use ▪ New construction	Project is located within area of an EPA-designated sole source aquifer, unless project utilizes municipal water and sewer and has appropriate local drainage.	Designated sole source aquifers are listed on EPA web site: http://www.epa.gov/safewater/sourcewater/pubs/qrg_ssamap_reg7.pdf	Review of project by Regional EPA Office of Ground Water is required if activity is of a type and size specified in an agreement between EPA and HUD. Project may require memorandum of understanding (MOU) with EPA describing compliance to be followed.	EPA – ground water & drinking water: http://water.epa.gov/drink/index.cfm EPA – source water protection: http://water.epa.gov/infrastructure/drinkingwater/sourcewater/protection/index.cfm EPA – TDML maps: http://water.epa.gov/lawsregs/lawsguidance/cwa/tmdl/index.cfm EPA – Septic Systems: http://water.epa.gov/infrastructure/drinkingwater/sourcewater/protection/sourcewaterprotection_septicsystems.cfm HUD Q&A: https://www.hudexchange.info/environmental-review/sole-source-aquifers/
13. Wetland Protection E.O. 11990, "Protection of Wetlands," particularly sections 2 & 5. 24 CFR Part 55 "Floodplain Management and Wetland Protection" (HUD).	▪ Acquisition or Disposition of undeveloped land ▪ Change of land use ▪ New construction ▪ Expansion of bldg footprint	Project is located within, or has impact upon, a wetland. Wetlands include both "jurisdictional" wetlands (aka, waters of the U.S.) and "isolated" wetlands.	National Wetlands Inventory (NWI) maps listed on USFWS site: http://www.fws.gov/wetlands/data/Mapper.html NWI maps are used for preliminary screening. Where site inspection or other information indicates potential for a wetland, the wetland should be delineated by a qualified wetland professional. For wetlands delineations, contact USACOE, USFWS, USDA-NRCS, USEPA and/or private consultants.	Avoid adverse impacts upon wetlands and direct or indirect support of new construction in wetlands wherever there is practicable alternative. Approval of project requires compliance with the decision-making provisions of §55.20, i.e., the "eight-step" process. Project may be approved only if there is no practicable alternative outside the wetland.	U.S. Army Corp of Engineers: http://www.usace.army.mil/Missions/CivilWorks/RegulatoryProgramandPermits.aspx U.S. Fish and Wildlife Service: http://www.fws.gov/wetlands/ EPA: http://water.epa.gov/type/wetlands/index.cfm HUD Q&A: https://www.hudexchange.info/environmental-review/wetlands-protection/

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14. Wild & Scenic Rivers Wild and Scenic Rivers Act of 1968 (16 U.S.C. 1271 *et seq*.), particularly sections 5(d), 7(a), 7(b) & (c). 36 CFR Part 297 "Wild and Scenic Rivers" (USDA)	▪ Acquisition of undeveloped land ▪ Change of land use ▪ Major rehabilitation ▪ New construction	Project is 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. Project is located upstream, downstream, or on a tributary of river that is designated, studied or has potential for listing on the system. Protected rivers are: Designated, Study and National River Inventory (NRI) rivers. NRI rivers may be eligible for listing as a Wild & Scenic River.	Designated wild and scenic rivers are listed on the National Park Service: http://www.rivers.gov/map.php GIS shape files (maps) can also be downloaded from this site. Study Rivers (potential wild and scenic rivers): http://www.rivers.gov/study.php Nationwide River Inventory (NRI) listed rivers: http://www.nps.gov/ncrc/programs/rtca/nri/	For a Designated River or Study River, determination from the National Park Service (NPS), or other federal/state/local Managing Agency, must be obtained, with finding that the project will not have a direct and adverse effect on the river nor invade or diminish values associated with such rivers. For NRI rivers, consultation with NPS is recommended to identify and eliminate direct and adverse effects.	National Park Service: http://www.rivers.gov/ and **http://www.nps.gov/ncrc/programs/rtca/nri/auth.html** **NEPA /CEQ Guidance:** http://www.nps.gov/ncrc/programs/rtca/nri/hist.html **Publications:** **http://www.nps.gov/ncrc/portals/rivers/pub_resources_rivers.html** **HUD Q&A:** https://www.hudexchange.info/environmental-review/wild-and-scenic-rivers/

24 CFR Parts 58.6/50.4 – Other Requirements

1. Airport Clear Zones 24 CFR Part 51 Subpart D "Siting of HUD-Assisted Projects in Clear Zones and Accident Potential Zones" (HUD)	▪ Purchase or sale of real property	Project is 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.	Airport clear zone maps available from airport operations authority.	Purchase or sale of a property in a CZ requires notification to buyer per 24 CFR Part 58.6(d). The notice informs the prospective buyer of potential hazards from airplane accidents and the potential by airport or airfield operators who may wish to purchase the property at some point in the future.	Contact airport operator or nearest FAA District office. Sample notice and HUD Q&A: https://www.hudexchange.info/environmental-review/airport-hazards/

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2. Coastal Barriers Coastal Barrier Resources Act, as amended (16 U.S.C. 3501)	▪ All activities having a physical impact	Project is located in a community listed in the Coastal Barrier Resources System (CBRS).	CBRS maps on USFWS and FEMA websites: http://www.fws.gov/CBRA/Maps/Mapper.html AND/OR http://coast.noaa.gov/czm/mystate/?redirect=301ocm Coastal barriers also displayed on a FEMA Flood Insurance Rate Map (FIRM).	Federal funding is prohibited for projects located within a designated coastal barrier.	FEMA: http://www.fema.gov/pdf/nfip/manual200505/18cbrs.pdf HUD Q&A: https://www.hudexchange.info/environmental-review/coastal-barrier-resources/
3. Flood Insurance Flood Disaster Protection Act of 1973, as amended. National Flood Insurance Reform Act of 1994 (42 U.S.C. sec 4001f) 44 CFR Parts 59-77 "Regulations of the National Flood Insurance Program" (FEMA)	All HUD programs that provide assistance to buildings. Exceptions: ▪ Leasing without rehab, acquisition or improvements (however, may be needed under §55.12(b)(5)) ▪ Loans < $5,000 repaid within 1 year ▪ Maintenance ▪ State-administered formula grants (i.e., CDBG, HOME & ESG programs) Inapplicable: ▪ Improvements or repairs costing less than the deductible of a standard flood insurance policy on a building (current FEMA deductible is $1,000).	Project is located within Special Flood Hazard Area (SFHA is the 100-year floodplain).	FEMA Flood Insurance Rate Maps (FIRM) or Flood Hazard Boundary Maps (FHBM). FIRMETTE maps, which cover small areas (approx. 1 sq. mile), can be obtained at no charge on-line: http://msc.fema.gov/portal	Property owner must purchase and maintain flood insurance protection. Coverage is limited to the building and improvements only (no coverage is available for land). If the Federal assistance includes any portion of the cost of any machinery, equipment, fixtures or furnishings, the total cost of such items must also be covered by flood insurance. Coverage requirements: ▪ Grants – Term is for life of the building, regardless of transfer of ownership; and coverage amount is equal to total project cost (up to maximum coverage limit). ▪ Loans – Term equal to that of the loan; coverage amount equal to that of the loan (up to maximum coverage limit).	*FEMA "Mandatory Purchase of Flood Insurance" Guidelines*: https://www.fema.gov/media-library/assets/documents/11705?id=2954 FEMA Nat'l Flood Insurance Program (NFIP): https://www.fema.gov/national-flood-insurance-programand FEMA "FloodSmart": http://www.floodsmart.gov/floodsmart/pages/index.jsp Community status of participation in National Flood Insurance Program: https://www.fema.gov/national-flood-insurance-program/national-flood-insurance-program-community-status-book HUD Q&A: https://www.hudexchange.info/environmental-review/flood-insurance/

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ADDITIONAL INFORMATION FOR EA AND CEST PROJECTS - SHEET C

Noise Assessment Guidelines

Noise: The Quiet Communities Act (24 CFR Part 51, Subpart B):

The Act establishes specific noise control requirements for CDBG-funded projects. Grant Recipients must take into consideration the noise criteria and standards in the environmental review process and consider ameliorative actions when noise sensitive land development is proposed in noise exposed areas.

The prime concern of a CDBG environmental impact assessment for noise should be the effect of existing and projected noise levels on the proposed activities and facilities.

If your project is not noise sensitive (e.g., water & sewer projects) then you can skip this assessment and note in the environmental review that the nature of the project, as described, is not noise sensitive.

An assessment will be needed if housing and other noise sensitive uses are proposed:

1. **Document the following on a map (either your project meets this criteria or not):**

   - Existing or proposed commercial or military airports within 15 miles of the site.

   - Roadways within 1,000 feet of the site with such characteristics (e.g., high traffic levels, high speed, heavy truck/bus usage, slope gradients, etc.) that would indicate high ambient vehicular noise levels.

   - Railroads within 3,000 feet of the site.

   - Other significant noise sources (e.g., industrial/manufacturing facilities, power generating stations, firing ranges) in proximity to the site.

2. **If you project is within the distance criteria above, you must perform a noise calculation. It can be found here:** https://www.hudexchange.info/environmental-review/dnl-calculator/**.**
   a. Airports: contact Airport for noise contour maps
   b. Road data: https://iowadot.gov/maps/digital-maps/traffic-maps/county
   c. Railroads: http://safetydata.fra.dot.gov/OfficeofSafety/publicsite/crossing/xinggryloc.aspx
      i. Some defaults:
         1. Diesel Engines: # of diesel = 2, # of rail cars = 50, Average Speed = 30, nighttime of ATO = .15 or 15%
         2. Electric Engines: # of electric = 1, # of rail cars = 8, Average Speed = 30, nighttime of ATO = .15 or 15%

3. **If your decibel level is above 65 dB – 75 dB:**
   a. For new construction – you MUST mitigate
   b. For Rehab – you are strongly encouraged to mitigate

   However, if above 75 dB you MUST contact leslie leager at IEDA for additional instructions.

ADDITIONAL INFORMATION FOR EA AND CEST PROJECTS -

Historic Preservation

Protection of Historic Properties: National Historic Preservation Act (36 CFR Part 800):

Introduction: Federally funded activities are subject to the review requirements of Section 106 of the National Historic Preservation Act. The review process involves consultation with various agencies, groups and individuals. The goal of consultation is to identify historic properties potentially affected by the undertaking, assess its effects and seek ways to avoid, minimize or mitigate any adverse effects on historic properties. Historic Properties are those properties that are listed on the National Register or are eligible for listing. A property is considered eligible when it meets specific criteria established by the National Park Service (36 CFR Part 63).

Programmatic Agreement: On August 23, 2016 the *Programmatic Agreement (PA) among the Iowa Economic Development Authority, the Iowa State Historic Preservation Officer, and the Advisory Council on Historic Preservation Regarding Responsibilities Delegated Under 24 CFR § 58* was executed. This agreement Outlines Programmatically Excluded Activities; allows for IEDA to have qualified staff complete the Section 106 review for undertakings resulting in findings of: No Potential to Cause Effects, No Historic Properties Affected, No Adverse Effect; involves SHPO in standard review of all undertakings resulting in Adverse Effects, and creates data sharing between IEDA and SHPO to further expand the State's Inventory. This document is available for review on IEDA Community Development Block Grant website:
https://www.iowaeconomicdevelopment.com/Community/downloads

Lead Federal Agency: As stipulated in the PA, when more than one Federal agency is involved in a project, a lead agency can be identified to serve as the agency official who shall act on the others behalf to fulfill their collective responsibilities under Section 106.

Excluded from further Review: Some CDBG projects are excluded from further review. To determine if your project fits the criteria, reference the *PA.* A link is provided above. Be sure to reference the correct Section of Appendix B. One pertains to those projects that involve ground disturbance and one involves Architectural/Historical resources. Follow the procedures outlined in the PA. USDA-RD has their own unique Programmatic Agreement. USDA-RD offices should follow their User's Manual to discover SHPO procedures.

Section 106 Consultation: If your project activity is not excluded from further review, you must consult in accordance to the PA. The PA outlines a process in which all recipients of IEDA awarded CDBG funds will consult with IEDA's Historic Preservation Specialist (IEDA HPS). IEDA has established an on-line submittal process and provided training for the required procedures. Training slides to help the recipient through the Section 106 process are also available on IEDA's CDBG website (link above). If you have any questions about historic preservation requirements contact IEDA's HPS, Ann Schmid at 515-725-3078 or ann.schmid@iowaeda.com.

Reference: As a reference, you may want to visit the State Historical Society of Iowa website regarding Historic Site and Archaeological Inventory: https://iowaculture.gov/history/preservation/historic-site-archaeological-inventory This website also has information on the Secretary of the Interior's Professional Qualification Standards for archaeology and historical investigation. Surveys completed for Section 106 review must meet the Department of Interior Standards, Section 110 or the equivalent. Under the National Historic Preservation Act (NHPA) the Advisory Council on Historic Preservation (ACHP) was established. This Federal agency oversees the Section 106 process. Recipients can learn more about the council's role, get copies of 36 CFR 800, and obtain other information about the Section 106 process on the Council's web site at **http://achp.gov/**

Below is a simplified documentation process to meet the Section 106 requirements.
Use the below steps to determine if your project is an undertaking that has the potential to cause effects to historic properties.

Step 1 Determine the Area of Potential Effects (APE) (36 CFR Section 800.16(d))
The APE is the surface and subsurface geographic area within which the undertaking may cause effects to historic properties if they exist. Usually it encompasses the project area

including all easements' borrow areas, equipment and material storage; and staging areas. Also takes into account the excavation and other earthmoving activities including 3-dimensional parameters (length, width, and depth) of the intended subsurface impacts, along with the view shed or adjacent properties. This information is normally included in the engineering plans and schematics for the project.

Step 2 Identify historic properties within the APE (36 CFR Section 800.4)
The recipient shall make a reasonable and good faith effort to carry out appropriate identification efforts. These include: Conduct background research: consult interested parties, including Indian tribes if applicable, take oral history reviews: interview local historians, complete field surveys, initiate a phase 1 archeological survey. Remember professionally qualified individuals should conduct an evaluation and identification of historic properties. Reference past planning, research and studies: Gather information on the types and number of recorded archaeological sites with a 1-mile radius of the project APE. This can be done by contacting the office of the State Archaeologist using the *Request for Iowa Site File Search*.

Step 3 Results of Identification and Evaluation **(36 CFR 800.4(d))**
After evaluation, the recipient must determine if the project will affect historic properties. Based upon the evaluation one of the following findings must be made:

_____ **No historic properties effected**. This means that either there are no historic properties present or there will be no effect upon the historic properties by the undertaking. If this finding applies to your project do the following:

1. Per the PA consult with IEDA HPS by completing and submitting a NHPA Section 106 Status form in IowaGrants.gov and send consultation to tribes and other interested parties as appropriate.
2. IEDA HPS will review and approve or comment on the submittal. Upon IEDA approval and if the Indian Tribes or other parties have not objected to the finding the recipients responsibilities under Section 106 are fulfilled

_____ **Historic properties effected**. This means there are historic properties present and they will be effected by the undertaking or that IEDA HPS or the Indian Tribes have objected to the agency's finding. You must now determine if the undertaking will have an adverse effect on the historic property (36 CFR Section 800.5).

- **Adverse Effect:** an adverse effect is found when an undertaking may alter, directly or indirectly, any of the characteristics of a historic property that qualify the property for inclusion in the National Register in a manner that would diminish the integrity of the property's location, design, setting, materials, workmanship, feeling, or association. If your project meets this criterion you need to contact IEDA HPS immediately and initiate consultation with SHPO (36 CFR Section 800.6).

3. **No Adverse Effect:** if your project does not meet the above definition of an adverse effect, per the PA consult with IEDA HPS by completing and submitting a NHPA Section 106 Status form in IowaGrants.gov and send consultation to tribes and other interested parties as appropriate.

CDBG Recipients Remember: You must receive IEDA HPS approval and complete the section 106 process before you publish the FONSI or the Request for Release of Funds Notice for a project.

Tribal Consultation

Tribal Consultation: For a list of projects that would require you to contact the tribal authorities reference *When To Consult With Tribes Under Section 106*. If your project type is not on the list you do not need to consult with the tribes.

For tribal consultation, reference the PA first, then HUD's guidance: *Process for Tribal Consultation in Projects That Are Reviewed Under 24 CFR Part 58*. https://www.google.com/#q=portal.hud.gov/huddoc/12-06cpdn.doc+

A list of tribal authorities who would like to be contacted can be found in Appendix A of the PA. This list is state-wide.

You should ALSO consult the HUD Tribal Directory for the list and current contact for tribes interested in undertaking in the specific area of the project.

HUD Tribal Directory Assessment Tool (TDAT): https://egis.hud.gov/tdat/tribal.aspx

When To Consult With Tribes Under Section 106

Section 106 requires consultation with federally-recognized Indian tribes when a project may affect a historic property of religious and cultural significance to the tribe. Historic properties of religious and cultural significance include: archeological sites, burial grounds, sacred landscapes or features, ceremonial areas, traditional cultural places, traditional cultural landscapes, plant and animal communities, and buildings and structures with significant tribal association. The types of activities that may affect historic properties of religious and cultural significance include: ground disturbance (digging), new construction in undeveloped natural areas, introduction of incongruent visual, audible, or atmospheric changes, work on a building with significant tribal association, and transfer, lease or sale of properties of the types listed above.

If a project includes any of the types of activities below, invite tribes to consult:

- ☐ **significant ground disturbance (digging)**
  Examples: new sewer lines, utility lines (above and below ground), foundations, footings, grading, access roads

- ☐ **new construction in undeveloped natural areas**
  Examples: industrial-scale energy facilities, transmission lines, pipelines, or new recreational facilities, in undeveloped natural areas like mountaintops, canyons, islands, forests, native grasslands, etc., and housing, commercial, and industrial facilities in such areas

- ☐ **incongruent visual changes**
  Examples: construction of a focal point that is out of character with the surrounding natural area, impairment of the vista or viewshed from an observation point in the natural landscape, or impairment of the recognized historic scenic qualities of an area

- ☐ **incongruent audible changes**
  Examples: increase in noise levels above an acceptable standard in areas known for their quiet, contemplative experience

- ☐ **incongruent atmospheric changes**
  Examples: introduction of lights that create skyglow in an area with a dark night sky

- ☐ **work on a building with significant tribal association**
  Examples: rehabilitation, demolition or removal of a surviving ancient tribal structure or village, or a building or structure that there is reason to believe was the location of a significant tribal event, home of an important person, or that served as a tribal school or community hall

- ☐ **transfer, lease or sale of a historic property of religious and cultural significance**
  Example: transfer, lease or sale of properties that contain archeological sites, burial grounds, sacred landscapes or features, ceremonial areas, plant and animal communities, or buildings and structures with significant tribal association

_____ **None of the above apply**

_____ _____

Project/ Date **Reviewed By**

Procedures for Making Determinations on Floodplain and Wetland Management (Sheet E)

Floodplain and Wetland Management: Executive Order 11988 & Executive Order 11990 (24 CFR Part 55):

Recipients are required to protect the values and benefits of floodplains and wetlands. Recipients should reduce flood losses and wetlands destruction by not conducting, supporting or allowing projects to be located in floodplains or wetlands unless it is the only practicable alternative.

The HUD "8-step" decision-making process is utilized to determine if flood-free alternatives are available to meet the purpose and need of the project. If, through the 8-step process, it is determined that the proposed project must be located in the floodplain or wetland, then certain measures must be undertaken. These measures, identified in step 5 of the process, should minimize potential harm to beneficial floodplain and wetland values, reduce the hazard and the risk of flood loss; and minimize the impact of floods on human safety, health and welfare.

Prior to proceeding with a project in or effecting a floodplain or wetland a recipient must comply with the requirements of Executive Order 11988 and 11990. The recipient must complete an 8-step decision-making process outlined in 24 CFR Part 55, Subpart C, Section 55.20. A summary of the 8-step process is:

1. Determine if the proposed action is in a wetland or the 100-year floodplain (or in the 500-year floodplain for a critical action i.e., actions for which even a slight chance of flooding would be too great). If the proposed action would not be conducted in these areas, then no further compliance with this part is required.
2. Notify the public of the intent to locate the proposed action in the floodplain or wetland. The notice must be published at least once in a local newspaper of general circulation (in cities where there is no newspaper of general circulation, notices must be displayed in the local post office and its substations). The public must be given at least fifteen days to comment. The notice is titled *Notice of Proposed Project to be Located in a Floodplain or Wetland*. This Notice can be found in the following pages. The recipient must use this form, or its equivalent, to meet federal requirements.
3. Identify and evaluate practicable alternatives to locating in the floodplain. This determination requires the recipient to consider whether the floodplain or wetland can be avoided either through selecting alternative sites, choosing alternative actions to serve the identical project objective, or taking no action. Note that specific, actual alternative site must be identified and evaluated.
4. Identify indirect or direct impacts associated with the occupancy or modification of the floodplain or wetland.
5. Identify methods to minimize the potential adverse impacts within the floodplain or wetland and to restore and preserve its natural and beneficial values.
6. Reevaluate the alternatives, taking into account the identified impacts, the steps necessary to minimize these impacts and the opportunities to restore and preserve floodplain values.
7. If the recipient determines the only practicable alternative is locating in the floodplain or wetland, a final public notice shall be published. This public notice MUST be published at least 8 days before the Notice of Intent to Request Release of Funds (NOI/RROF) or Concurrent Notice whichever is applicable. A sample notice that is titled *Notice of a Decision Regarding Project to be Located in a Floodplain or Wetland* can be found on the following pages. The notice will include the reason for locating the project in a floodplain or wetland, the alternatives that were considered, and any mitigation measures that are planned.
8. The proposed action can be implemented after steps 1 through 7 have been completed and all other requirements are met.

(continued)

If the project will impact a floodplain or wetland mitigation measures are required. The following are examples of mitigation measures:

Floodplains:
In compliance with Executive Order 11988, Floodplain Management Guidelines, a floodplain has been identified and the following mitigation measures shall be followed. (State the mitigation requirements)

This is an example for a water or sewer project with the utility line in a floodplain.

All existing buildings in the floodplain will be served by the water/sewer project. For new construction in the floodplain the city shall identify and evaluate practicable alternatives to locating the new construction in the floodplain using E.O. 11988, Part II, Step 3. Water/Sewer service shall be denied to any and all new construction in the floodplain if a practicable alternative location outside the floodplain exists.

For other types of projects determine appropriate mitigation measures.

Wetlands:
In compliance with Executive Order 11990, Protection of wetlands, a wetland (or potential wetland) has been identified and the following mitigation measures shall be followed. (State the mitigation requirements).

This is an example for a water or sewer project with the utility line in a wetland.

1. *All existing buildings in the wetland will be served by the water/sewer project. For new construction in the wetland the city shall deny water/sewer service unless the conversion of the wetland is authorized by a Clean Water Act Section 404 Permit.*

   or

2. *If the area was determined to be a potential wetland and no official wetland determination has been made on the parcel then the city shall request the parcel owner to complete an official wetland determination. If the parcel is determined to be a wetland the city shall deny water/sewer service unless the conversion of the wetland is authorized by a Clean Water Act Section 404 Permit.*

ADDITIONAL INFORMATION FOR EA AND CEST PROJECTS - SHEET F

IOWA PROTECTED WATER AREA DESIGNATION

BOONE RIVER	- from Webster City to Des Moines River 25.0 miles
LITTLE SIOUX RIVER	- from Spencer to Linn Grove 34.5 miles 1,548 sq. mi. drainage area
MIDDLE RACCOON RIVER	- from Panora to Redfield 14.6 miles 609 sq. mi. drainage area
UPPER IOWA RIVER	- from Kendallville to Hwy 76 64.2 miles total 770 sq. mi. drainage area
WAPSIPINICON RIVER	- from Sweet Marsh in Bremer County to the Mouth 177.0 miles 2,540 sq. mi. drainage area

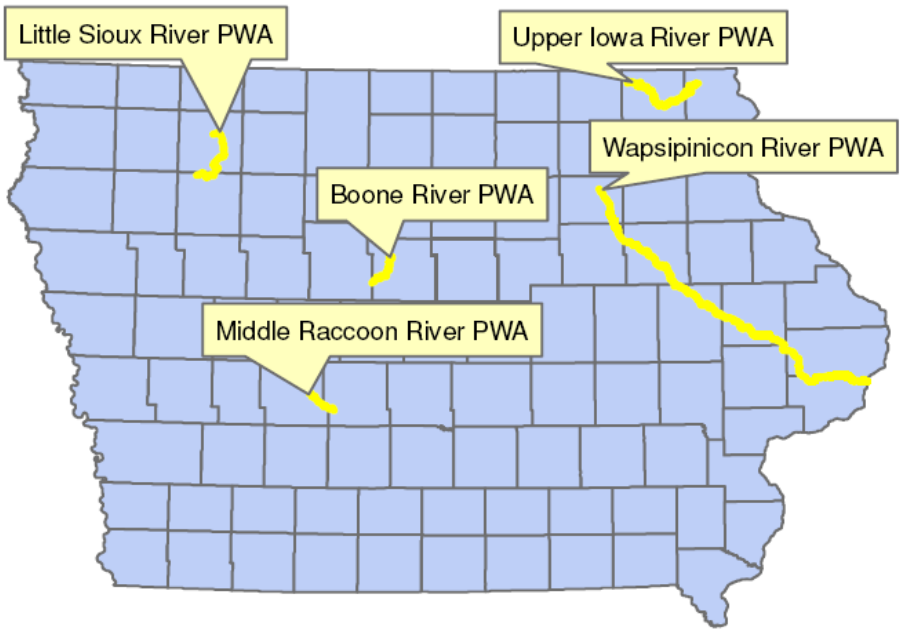
From the 1995 Nationwide Rivers Inventory

Boone River	From Webster City to confluence with Des Moines River.	25.0 miles
Cedar River	Iowa River to Highway 6.	26.0 miles
Maquoketa River	Mississippi River to US 151 Bridge (omit small reservoir northwest of Maquoketa).	68.0 miles
Middle Raccoon River	City of Panora to the City of Redfield dam.	14.6 miles
Turkey River	Mississippi River to Vernon Springs.	110.0 miles
Upper Iowa River	City of Kendallville to Highway 76 crossing.	64.2 miles
Wapsipinicon River	Mississippi River to State Highway 334 at Frederika (omit reservoir northwest of Independence).	195.0 miles
Yellow River	Mississippi River to Highway W60 near Myron.	34.0 miles
Yellow River	Entire segment within Effigy Mounds National Monument.	1.2 miles

(continued)

FIVE PROTECTED WATER AREAS
(With PWA designation in parenthesis)

Wapsipinicon River (Sweets Marsh to Mississippi)
Middle Raccoon River (Panora to Redfield)
Upper Iowa River (Kendallville to Highway 76)
Little Sioux River (Spencer to Linn Grove)
Boone River (Brewers Creek to Des Moines River)



Notices Section
(Floodplain and Wetland Only)

Early Notice and Public Review of a Proposed Activity in a 100-Year Floodplain or Wetland

Publication Date: _____

This is to give notice that **[Responsible Entity]** has conducted an evaluation as required by Executive Order 11988 and/or 11990, in accordance with HUD regulations at 24 CFR 55.20 Subpart C Procedures for Making Determinations on Floodplain Management, to determine the potential affect that its activity in the floodplain and wetland will have on the human environment for **[Program Name]** under **[contract number]**. **[Describe the activity, e.g. purpose, type of assistance, the size of the site, proposed number of units, size of footprint, type of floodplain, natural values]. [State the total number of acres of floodplains].** The proposed project(s) is located **[at addresses]** in **[Name of City]**, **[Name of County].**

There are three primary purposes for this notice. First, people who may be affected by activities in floodplains and those who have an interest in the protection of the natural environment should be given an opportunity to express their concerns and provide information about these areas. Second, an adequate public notice program can be an important public educational tool. The dissemination of information about floodplains can facilitate and enhance Federal efforts to reduce the risks associated with the occupancy and modification of these special areas. Third, as a matter of fairness, when the Federal government determines it will participate in actions taking place in floodplains, it must inform those who may be put at greater or continued risk.

Written comments must be received by **[Responsible Entity]** at the following address on or before **[Date]***: **[Responsible Entity], [Address]** and **[phone number]**, Attention: **[Name of Certifying Officer], [Title].** Comments may also be submitted or further information can be requested via email at **[email address]**. A full description of the project may also be reviewed from **[enter available office hours]** at **[enter address or state that the address is the same as the office address above]**.

** Day 15 - This date should be 15 days after the date of publication (note: first day of comment is always the day after the date of publication. Therefore, really 16 days from date of publication to end of local comment period)*

Final Notice and Public Explanation of a Proposed Activity in a 100-Year Floodplain or Wetland

Publication Date: _____

This is to give notice that the **[Responsible Entity]** has conducted an evaluation as required by Executive Order 11988 and/or 11990, in accordance with HUD regulations at 24 CFR 55.20 Subpart C Procedures for Making Determinations on Floodplain Management, to determine the potential affect that its activity in the floodplain and wetland will have on the human environment for **[Program Name]** under **[contract number**]. The proposed project(s) is located **[at addresses]** in **[Name of City], [Name of County]. [Describe the activity, e.g. purpose, type of assistance, the size of the site, proposed number of units, size of footprint, type of floodplain, natural values]. [State the total number of acres of floodplains involved].**

[Responsible Entity] has considered the following alternatives and mitigation measures to be taken to minimize adverse impacts and to restore and preserve natural and beneficial values: **[List (i) ALL of the reasons why the action must take place in a floodplain, (ii) alternatives considered and reasons for non-selection, (iii) all mitigation measures to be taken to minimize adverse impacts and to restore and preserve natural and beneficial values] [Cite the date of any final or conditional LOMR's or LOMA's from FEMA where applicable] [Acknowledge compliance with state and local floodplain protection procedures]**

[Responsible Entity] has reevaluated the alternatives to building in the floodplain and has determined that it has no practicable alternative. Environmental files that document compliance with steps 3 through 6 of Executive Order 11988 and/or 11990, are available for public inspection, review and copying upon request at the times and location delineated in the last paragraph of this notice for receipt of comments. This activity will have no significant impact on the environment for the following reasons:

[Give reasons why there is no significant impact]

There are three primary purposes for this notice. First, people who may be affected by activities in floodplains and those who have an interest in the protection of the natural environment should be given an opportunity to express their concerns and provide information about these areas. Second, an adequate public notice program can be an important public educational tool. The dissemination of information about floodplains can facilitate and enhance Federal efforts to reduce the risks associated with the occupancy and modification of these special areas. Third, as a matter of fairness, when the Federal government determines it will participate in actions taking place in floodplains, it must inform those who may be put at greater or continued risk.

Written comments must be received by the **[Responsible Entity]** at the following address on or before **[Date]***: **[Na**
Administrator], **[Address]** and **[phone number]**, Attention: **[Name of Certifying Officer]**, **[Title]**. Comments may
submitted or further information can be requested via email at **[email address]**. A full description of the project may
reviewed from **[enter available office hours]** at
[enter address or state that the address is the same as the office address above].

You may combine this comment section with the other comment sections if you are publishing them together.

** Day 7 - This date should be 7 days after the date of publication (note: first day of comment is a*
the day after the date of publication. Therefore, really 8 days from date of publication to end of
comment period)

Note: You can combine this notice with your Notice of Intent to Request Release of Funds or your Notice of Intent to Request Release of Funds /Finding of No Significant Impact. The 7 day comment would run concurrently with the 7 or 15 day local comment in those notices.

IEDA CDBG Request for Release of Funds and Certification Instructions

* After you have completed your appropriate level of review, published proper notices, and publication you can request release of funds from IEDA. Visit the IEDA website for the form.

Part 1. Program Description and Request for Release of Funds

1) **Program Title(s)** – There are seven options for the programs related to Iowa's CDBG yearly allocation. Use State of Iowa CDBG – *(insert program title)* – pick from the following:
    a. Community Facilities
    b. Water / Sewer
    c. Housing
    d. Opportunities and Threats
    e. Downtown Revitalization
    f. Economic Development Set-Aside (EDSA)
    g. Public Facilities Set-Aside (PFSA)

2) **HUD/State Identification Number** – This number is related to the year your project was funded. The following are the HUD/State Identification Numbers for the last couple of years.
    a. 2012-B-11-DC-19-0001
    b. 2011-B-11-DC-19-0001
    c. 2010-B-10-DC-19-0001
    d. 2009-B-09-DC-19-0001

3) **Recipient Identification Number** – This is your project's contract number with IEDA.

4) **OMB Catalog Number(s)** – This stays constant, **always use 14.228**

5) **Name and address of responsible entity** – Enter: Recipient's name (City or County)
    Recipient's Address
    Recipient's City, IA Zip Code

6) **For Information about this request, contact (name & phone number)** – Enter the Project Administrator's name and phone number (person responsible for authoring the ER).

7) **Name and address of recipient (if different than responsible entity)** – *Leave Blank*

8) **HUD or State Agency and office unit to receive request** – Enter: Iowa Economic Development Authority
    200 East Grand Avenue, Des Moines, IA 50309

9) **Program Activity(ies)/Project Name(s)** – Enter the project's name.

10) **Location (Street address, city, county, State)** – If the project has an exact location provide the correct information. If the project is city-wide or does not have a dedicated address provide a description of the location (i.e. The Northwest Quadrant of East 4th Street and Grand Avenue, *along with city, county, State*.

11) **Program Activity/Project Description** – Enter a clear, complete and concise description of the activity/project to which this form pertains. Include all project activities, including non-HUD funded actions. Provide the performance targets, budget amounts and people served from the Attachment A of your contract with IEDA.

Part 2. Environmental Certification

Part 2 is a very important step for the Responsible Entity/Recipient. Please have the CEO of the Recipient review clauses 1-8.

- **3)** Select that the ER did not require an EIS (select the second box or the box to the right), if in fact an EIS is not required.
- **Signature of Certifying Officer of the Responsible Entity:**

  After the end of the required public comment period, the Certifying Officer signs his/her name, title, and the date. The Certifying Official is the chief elected official of the government (local, tribal, or state). The chief elected official or legislative body of the responsible entity may authorize the Certifying Officer's legal responsibility to reside with another official of the RE if the other official is acceptable. For purposes of being authorized to carry out this responsibility, HUD requires that the substituted official provide evidence, in the form of a formal delegation by the chief elected official or resolution by the legislative body of the RE, that the substituted official has the authority to consent on behalf of the chief elected official to federal court jurisdiction and to bind the RE to satisfy any judgment entered in federal court relating to the RE's performance of environmental responsibilities under 24 CFR Part 58 and as set forth in Items 1 through 8 in Part 2 of the RROF.

- **Signature of Certifying Officer of the Responsible Entity** – Either Mayor or County Chairperson's Signature
- **Title of Certifying Officer**
- **Date Signed**
- **Address of Certifying Officer** – Enter the Recipient's Address

Part 3. To be completed when the Recipient is not the Responsible Entity

DO NOT FILL OUT – NOT APPLICABLE

Here are some key tips that will help you avoid submission errors that could delay the release of funds (aka, environmental approval):

- *Only use this current official OMB-approved form, HUD-7015.15, and follow the attached instructions for its completion.*
- *The form should be printed and certified (signed) using one sheet of paper; that is, duplex-copied, having the first and second page on a single sheet.*
- *Pay particular attention to describing the location of the project (Box 10) and provide a complete yet concise project description (Box 11). Include in the description all non-HUD funded activities that comprise the project.*
- *Do not use attachments for the project location or description. Rather, describe the project in the space provided on the form. If the project location will not fit in Box 10, include the location in project description (Box 11).*
- *Ensure that the Certifying Official does not sign the RROF until after the expiration of the public comment period and after any comments, as appropriate, have been addressed.*

Request for Release of Funds and Certification

U.S. Department of Housing and Urban Development
Office of Community Planning and Development

OMB No. 2506-0087
(exp. 10/31/2014)

This form is to be used by Responsible Entities and Recipients (as defined in 24 CFR 58.2) when requesting the release of funds, and requesting the authority to use such funds, for HUD programs identified by statutes that provide for the assumption of the environmental review responsibility by units of general local government and States. Public reporting burden for this collection of information is estimated to average 36 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. This agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless that collection displays a valid OMB control number.

Part 1. Program Description and Request for Release of Funds (to be completed by Responsible Entity)

1. Program Title(s)	2. HUD/State Identification Number	3. Recipient Identification Number (optional)
4. OMB Catalog Number(s)	5. Name and address of responsible entity	
6. For information about this request, contact (name & phone number)		
	7. Name and address of recipient (if different than responsible entity)	
8. HUD or State Agency and office unit to receive request		

The recipient(s) of assistance under the program(s) listed above requests the release of funds and removal of environmental grant conditions governing the use of the assistance for the following

9. Program Activity(ies)/Project Name(s)	10. Location (Street address, city, county, State)

11. Program Activity/Project Description

Previous editions are obsolete

form **HUD-7015.15** (1/99)

Part 2. Environmental Certification (to be completed by responsible entity)

With reference to the above Program Activity(ies)/Project(s), I, the undersigned officer of the responsible entity, certify that:

1. The responsible entity has fully carried out its responsibilities for environmental review, decision-making and action pertaining to the project(s) named above.
2. The responsible entity has assumed responsibility for and complied with and will continue to comply with, the National Environmental Policy Act of 1969, as amended, and the environmental procedures, permit requirements and statutory obligations of the laws cited in 24 CFR 58.5; and also agrees to comply with the authorities in 24 CFR 58.6 and applicable State and local laws.
3. After considering the type and degree of environmental effects identified by the environmental review completed for the proposed project described in Part 1 of this request, I have found that the proposal ☐ did ☐ did not require the preparation and dissemination of an environmental impact statement.
4. The responsible entity has disseminated and/or published in the manner prescribed by 24 CFR 58.43 and 58.55 a notice to the public in accordance with 24 CFR 58.70 and as evidenced by the attached copy (copies) or evidence of posting and mailing procedure.
5. The dates for all statutory and regulatory time periods for review, comment or other action are in compliance with procedures and requirements of 24 CFR Part 58.
6. In accordance with 24 CFR 58.71(b), the responsible entity will advise the recipient (if different from the responsible entity) of any special environmental conditions that must be adhered to in carrying out the project.

As the duly designated certifying official of the responsible entity, I also certify that:

7. I am authorized to and do consent to assume the status of Federal official under the National Environmental Policy Act of 1969 and each provision of law designated in the 24 CFR 58.5 list of NEPA-related authorities insofar as the provisions of these laws apply to the HUD responsibilities for environmental review, decision-making and action that have been assumed by the responsible entity.
8. I am authorized to and do accept, on behalf of the recipient personally, the jurisdiction of the Federal courts for the enforcement of all these responsibilities, in my capacity as certifying officer of the responsible entity.

Signature of Certifying Officer of the Responsible Entity	Title of Certifying Officer
X	Date signed
Address of Certifying Officer	

Part 3. To be completed when the Recipient is not the Responsible Entity

The recipient requests the release of funds for the programs and activities identified in Part 1 and agrees to abide by the special conditions, procedures and requirements of the environmental review and to advise the responsible entity of any proposed change in the scope of the project or any change in environmental conditions in accordance with 24 CFR 58.71(b).

Signature of Authorized Officer of the Recipient	Title of Authorized Officer
X	Date signed

Warning: HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)

Previous editions are obsolete

form **HUD-7015.15** (1/99)

Use this checklist to verify that your description and documentation are correct for the statutory checklist. This is the checklist IEDA uses to review your ERR submittal.

Contract Number: _____ Recipient:_____ Date Reviewed: _____

Correct Level of Review: YES NO
All documents signed? YES NO
Local comment timeframe ok? YES NO
RROF signed after end of local comment? YES NO
Date submitted to IEDA in publication one day after end of local comment? YES NO
If categorically excluded subject to, 24 CFR Part 58.6 requirements form completed YES NO

Air Quality [Clean Air Act sections 176(c) & (d), and 40 CFR 6, 51, 93]	**Description in Checklist:** Project is or 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). **Review Criteria:** Project located in a non-attainment or maintenance area: Y N If yes, will project contribute to contamination: Y N **Documentation:** - Map of non-attainment areas: http://www.epa.gov/oaqps001/greenbk/mapnmpoll.html -conformance to SIP (if required)
Airport Hazards (Clear Zones Accident Potential Zones) [24 CFR 51D]	**Description in Checklist:** Project is or 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. **Review Criteria:** Is the project located within 2,500 feet of the end of a civil runway or 15,000 feet of the end of a military airfield? Y N If yes, is the project within the RCZ/RPZ for civil airport or CZ/APZ of military airfield Y N **Documentation:** - Map showing project in relation to airports

	- If within 2,500 ft of civilian airport = layout plan showing project not in RCZ/RPZ - If within 15,000 ft of military airport = AICUZ study showing project not in CZ/APZ
Coastal Zone Management	**Description in Checklist:** No coastal zone management programs exist in the states of HUD Region VII, as established by Nat'l Oceanic & Atmospheric Administration, Office of Ocean and Coastal Resource Management No coastal zone management areas in Iowa. **Documentation:** none necessary
Contamination and Toxic Substance [24 CFR 58.5(i)(2)]	**Description in Checklist:** Project location will or will not be affected by any contaminated or Toxic substances. A field inspection, land use search, and review of environmental compliance were conducted. **Review Criteria:** Project location affected by contamination or toxic substances Y N If yes, what mitigation is planned If the project is a HSG they need to mention Radon and Lead testing If the project is a non-infastructure/non-housing need to discuss Asbestos testing Documentation: - Environmapper results: http://www.epa.gov/emefdata/em4ef.home or ECHO or other - DNR contaminated sites database results https://programs.iowadnr.gov/contaminatedsites/pages/search.aspx - DNR LUST database results https://programs.iowadnr.gov/tanks/pages/advanced.aspx.
Endangered Species [50 CFR 402]	**Description in Checklist:** Project will have no effect or May Effect, Not Likely to Affect or May Effect, Likely to adversely Affect a Federally listed endangered or threatened species or its habitat. **Review Criteria:** Determination made (circle one): - No Effect - May Effect, Not Likely to Affect – evidence of informal consultation with fish & wildlife - May Effect, Likely to adversely Affect - evidence of formal consultation with fish & wildlife and mitigation strategy **Documentation:** - Species & habitat list: http://www.fws.gov/Midwest/Endangered/LISTS/iowa_cty.html. - Surveys & evidence of consultation (if required)
Environmental Justice [Executive Order 12898	**Description in Checklist:** Project site or neighborhood does or 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 persons for a better quality of life. **Review Criteria:**

	Does the project site or neighborhood suffer from adverse health or environmental effects which disproportionately impact a minority or low-income population relative to the community at large? Y N If yes, will the project add to this issue? Y N Documentation: - census information http://factfinder2.census.gov/faces/nav/jsf/pages/index.xhtml
Explosive and Flammable Operations [24 CFR 51C]	**Description in Checklist:** **HSG, WS, CF rehabilitation and DTR =** The project is not an applicable activity. Therefore, a visual search of the area around the project was not conducted to determine if explosive or flammable operations were present. **CF new construction:** A visual search of the area revealed that the project is or 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. **Review Criteria:** Is the project an applicable activity? Y N If applicable, any above ground storage tanks within 1 mile of project? Y N If yes, are they within the Acceptable Separation Distance? Y N If no, review mitigation strategies Documentation - none if not applicable - communication with city/county officials
Farmland Protection [7 CFR 658]	**Description in Checklist:** **WS (water storage only):** The project is a water storage project. Therefore, it is not an applicable activity and prime farmland, unique farmland, or land of statewide or local importance was not investigated on the project site. **HSG, DTR, and CF rehabilitation**: Project location already has a structure on it, which will be rehabilitated as part of the funded project activity. Therefore, it is not an applicable activity and prime farmland, unique farmland, or land of statewide or local importance was not investigated on the project site. **WS and CF new construction:** Project is or is not located in area that includes prime farmland, unique farmland, or land of statewide or local importance.

	OR WS: project is located in town, in an urbanized area, and in City right of way. CF new construction: project is located in town, in an urbanized area, and on an infill lot. **Review Criteria:** Is project a water storage project? Y N If no, does the project location involve rehabilitation of an existing structure? Y N If No, is project located in an area that includes prime farmland, unique farmland, or land of statewide or local importance. Y N If yes, AD-1006 form must be below 160 **Documentation:** - none if not applicable - map of soils: http://websoilsurvey.nrcs.usda.gov/app/ - AD-1006 (if necessary)
Floodplain Management [24 CFR 55, Executive Order 11988]	**Description in Checklist:** Project location is or is not on the 100 or 500 year floodplain. Map panel number: ####### **Review Criteria:** Are floodplains present? N Y If yes, 8 steps followed? Y N **Documentation:** - FEMA map https://msc.fema.gov/portal - 8 step process (if appropriate) with publications
Historic Preservation [36 CFR Part 800]	**Description in Checklist:** According to the Programmatic Agreement, CDBG recipients are to consult with IEDA'sSection 106 Coordinator instead of the SHPO. The section 106 consultation with IEDA was concluded on #/##/##. Letters to the tribes and IEDA consultation memo are located in the appendix. OR (for HSG& DTRprojects) According to the Programmatic Agreement, CDBG recipients are to consult with IEDA's Section 106 Coordinator instead of the SHPO. Each house/building as it is identified will be submitted to the IEDA Section 106 Coordinator for section 106 consultation. Due to the nature of the activity, the Tribes were not consulted. **Review Criteria:**

	Exempt form date: _____ Date consultation concluded with IEDA:_____ Date letters to tribes sent: _____ Or "signed when to consult tribes" memo **Documentation:** - consultation documentation – screen shot of IowaGrants approved section 106 form - Tribal letters Or - "signed when to consult tribes" memo [MS Word: 57k]**Documentation:** - SHPO consultation documentation - Tribal letters Or - "signed when to consult tribes" memo [MS Word: 57k]
Noise Control **[24 CFR 51B]**	**Description in Checklist:** **HSG and CF:** Project location is or is not within1,000 feet of major/busy road, 3,000 feet of railway, or 15 miles of airport (civil or military). **DTR and WS:** Project activity is not residential in nature nor a noise sensitive use (housing, day care center, hospital, or community center). **Review Criteria:** Is project noise sensitive: Y N If noise sensitive, is the project located within 1,000 ft of a major road, 3,000 ft of a railroad, 15 miles of a civil or military airfield Y N If yes, what is the noise level: If above 65dB what are the attenuation plans (HSG and CF rehabilitation attenuation strongly encouraged, new construction mandatory). **Documentation – if noise sensitive:** - map showing distances from railroad, airfield, major roads - Noise calculator outputs (if within separation distances) - discussion of attenuation plans (if necessary)

Water Quality (Sole Source Aquifers)[40 CFR 149]	**Description in Checklist:** Project is not located within area of an EPA-designated sole source aquifer. **Documentation:** map from http://www.epa.gov/safewater/sourcewater/pubs/qrg_ssamap_reg7.pdf
Wetland Protection [24 CFR 55, Executive Order 11990]	**Description in Checklist:** Project is or is not located within, or has impact upon, a wetland. Are wetlands present? Y N If yes, 8 steps followed? Y N Documentation: - Wetland Mapper map http://www.fws.gov/wetlands/data/Mapper.html - 8 step process (if appropriate) with publications
Wild and Scenic Rivers Act [36 CFR 297]	Project located is or is not within one (1) mile of a designated Wild & Scenic River, or river being studied as a potential component of the Wild & Scenic River system. **Documentation:** Project near a designated, studied or potential river? Y N If yes, will project have an effect on the river? Y N If yes, mitigation strategy discussed and evidence of consultation with NPS Documentation: - List of protected rivers: http://www.nps.gov/ncrc/programs/rtca/nri/states/ia.html

As part of a tiered review, use this worksheet for projects listed under 24 CFR §58.35 (a) Categorically Excluded subject to 58.5 that you have already done a checklist, publication, and requested release of funds.

Once Completed, this form will be for YOUR FILES. Additionally, you will transcribe this information onto the Tier II form in IowaGrants. This form in IowaGrants will be your opportunity to share the information below and complete your Section 106 review of each project site.

Categorically Excluded Subject to 58.5 Final Review

Recipient Name:
CDBG Contract Number:
Date of Release of funds:
Reason why a tiered approach was necessary:
Summarize any issues address in the broader review:
§ 58.15 Tiering. Responsible entities may tier their environmental reviews and assessments to eliminate repetitive discussions of the same issues at subsequent levels of review. Tiering is appropriate **when site-specific analysis or mitigation is not currently feasible and a more narrow or focused analysis is better done at a later date**. The site specific review need only reference or summarize the issues addressed in the broader review. Subsequent site-specific reviews will not require notices or a Request for Release of Funds unless the Certifying Officer determines that there are unanticipated impacts or impacts not adequately addressed in the prior review.

Statute, Authority, Executive Order, Regulation or Policy cited at 24 CFR §58.5	**Compliance Documentation**
Contamination and Toxic Substances [24 CFR 58.5(i)(2)]	• For Housing projects discuss Radon and Lead: • List any contamination and mitigation on the site or in close proximity of the site that is different than that identified in the broader review:
Historic Preservation [36 CFR 800]	• You will complete this reivew in IowaGrants along with documentation of contamination and toxic substances and noise control. Take a screen shot of the approved tier II review for your section 106 documentation.
Noise Control [24 CFR 51B]	For housing only: In the appendix, include a map detailing how close each home is to a busy road, railway or airport. If the ANY of the homes are within1,000 feet of major/busy road, 3,000 feet of railway, or 15 miles of airport (civil or military) complete the noise level was calculated using the HUD online DNL calculator: http://www.hud.gov/offices/cpd/environment/dnlcalculator.cfm If the noise level was within the acceptable range of 65 decibels or less no attenuation is necessary. If the noise level is over 65 decibels, you are strongly encouraged to provide attenuation if the project budget allows.

PREPARER

PREPARER SIGNATURE: _____DATE:_____

PREPARER NAME & TITLE: _____

RESPONSIBLE ENTITY APPROVING OFFICIAL

SIGNATURE: _____ DATE:_____

APPROVING OFFICIAL NAME & TITLE: _____

PROGRAMMATIC AGREEMENT AMONG
THE IOWA ECONOMIC DEVELOPMENT AUTHORITY,
THE IOWA STATE HISTORIC PRESERVATION OFFICER, AND
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION REGARDING
RESPONSIBILITIES DELEGATED UNDER 24 CFR § 58

WHEREAS, the U.S. Department of Housing and Urban Development (hereinafter, HUD) allocates funds to the Iowa Economic Development Authority (hereinafter, IEDA) through various programs including the annual Community Development Block Grant Program (hereinafter, CDBG), authorized by Title I of the Housing and Community Development Act of 1974, in accordance with Section 104(g) (42 U.S.C. 5304(g)) and the allocation of future CDBG Disaster funds, should such funding be made available to the State of Iowa; and,

WHEREAS, Section 106 of the National Historic Preservation Act of 1966, as amended (U.S.C. §300101 *et seq*., hereinafter, NHPA*)*, requires federal agencies to take into account the effect of their undertakings on historic properties and to afford the Advisory Council on Historic Preservation (hereinafter, ACHP) a reasonable opportunity to comment on such undertakings; and,

WHEREAS, pursuant to 24 CFR § 58.2(7), the Responsible Entity (hereafter, RE) is defined as the recipient or grantee of CDBG funds provided by HUD for the implementation of an eligible program activity; and,

WHEREAS, pursuant to 24 CFR § 58.5, the RE must assume responsibilities for environmental review, decision-making, and action that would apply to HUD under Section 106 of the NHPA and its implementing regulations at 36 CFR § 800; and,

WHEREAS, the IEDA has consulted with the Iowa State Historic Preservation Officer (hereinafter, SHPO) and the ACHP and has determined that certain CDBG actions have the potential to cause effects to historic properties while others do not; and,

WHEREAS, given the breadth and number of Iowa's non-entitlement community funding recipients and the need for timely and efficient delivery of governmental assistance, the IEDA, SHPO, and ACHP have agreed that the Section 106 process for undertakings where the RE must assume HUD environmental review responsibilities pursuant to 24 CFR § 58.4, and where IEDA administers the CDBG program, may be addressed programmatically in order to effectively and expeditiously meet regulatory obligations as an alternative to standard Section 106 procedures, as allowed by 36 CFR § 800.14; and,

WHEREAS, the RE, in the interest of streamlining, will enter into lead federal agency agreements pursuant to 36 CFR § 800.2(a)(2) and 24 CFR § 58.7 when any other federal agency shares a role in an undertaking and such agreements are applicable and mutually advantageous and of net benefit to the ultimate recipient of federal aid; and,

WHEREAS, the RE will use the process established by the National Environmental Policy Act (hereafter, NEPA) when practicable and feasible to address the requirements of both the Section 106 and NEPA process; and,

WHEREAS, the IEDA has contacted federally recognized tribes that may attach religious and cultural significance to historic properties that may be affected by HUD-funded undertakings, as identified in Appendix A of this agreement, notifying them of the collective desire and intent of the signatories of this agreement to address Section 106 compliance programmatically, to notify them of the types of undertakings pursued under 24 CFR § 58 programs and to solicit their views on which types of undertakings may have the potential to affect properties of interest to them and how they wish to be consulted upon undertakings that may potentially affect properties in which they have an expressed interest, and finally to review and comment upon the programmatic agreement in the capacity of an invited consulting party; and,

WHEREAS, it is the intent of this document to streamline Section 106 consultation with the SHPO, and in no-way minimizes or otherwise modifies the RE's responsibilities to consult with other interested parties including federally recognized tribes on the type of project that they may have interest in.

WHEREAS, the IEDA, in consultation with the SHPO and ACHP, has identified other potential consulting parties, as identified in Appendix A of this agreement, including but not limited to the Iowa Office of the State Archaeologist, Preservation Iowa and the Chicago Field-Office of the National Trust for Historic Preservation, and has afforded them and the public a reasonable opportunity to comment by disseminating information about this programmatic agreement; and,

WHEREAS, the IEDA will continue to consult with Native American tribes and other consulting parties on individual undertakings and involve the public by utilizing HUD procedures for soliciting public involvement found at 24 CFR § 58.43; § 58.45–46; § 58.59 and other applicable sections of the part, as appropriate; and,

WHEREAS, all references to time periods in this agreement are in calendar days; and,

NOW THEREFORE, the IEDA, the SHPO, and the ACHP as signatories to this agreement, agree that, upon execution of this programmatic agreement, undertakings where the RE has assumed HUD environmental responsibilities pursuant to 24 CFR § 58 shall be implemented in accordance with the following stipulations and conditions in a timely manner and with the adequate resources in order to take into account the effects of these undertakings on historic properties.

STIPULATIONS

To the extent of its legal authority, and in coordination with SHPO, the REs, and taking into account the comments of consulting parties, IEDA will require that the following stipulations be implemented:

I. IEDA RESPONSIBILITIES

A. The IEDA shall designate staff to carry out the terms of this Programmatic Agreement, including an IEDA Historic Preservation Specialist (hereafter, IEDA HPS) who is determined to meet, in consultation with the SHPO, the Secretary of the Interior's Professional Qualifications Standards (https://www.nps.gov/history/local-law/arch_stnds_9.htm). IEDA shall ensure that that all guidance provided to the REs from the IEDA HPS shall meet the Secretary of the Interior's Standards and Guidelines for identification, evaluation and affects assessments and will be consistent with 24 CFR Part 58.

B. The IEDA HPS will consult with each RE to carry out the identification of historic properties and assessment of effects in accordance with 36CFR Sections 800.3 through 800.5. The IEDA HPS will coordinate consultation with the RE and the SHPO in the event that an undertaking will have an adverse effect.

C. The IEDA HPS shall ensure that all Section 106 documentation compiled by the RE is complete and accurate and meets or exceeds the standards outlined at 36 CFR 800.11 and is consistent with the ACHP's *Meeting the "Reasonable and Good Faith" Identification Standard in Section 106 Review(issued November 2011.)* The IEDA HPS may request additional information from the RE to ensure a complete submittal.

D. The IEDA HPS shall review the Section 106 documents provided by the RE and issue comments on the project. The IEDA HPS will either concur with the finding presented by the RE on the "Request for IEDA HPS Review" form or will provide comments back to the RE with reasons why they were unable to concur with the proposed finding. An undertaking may not commence until the IEDA HPS and the RE concur with a finding consistent with the NHPA.

E. The IEDA HPS, at their discretion, may consult with the SHPO on any eligibility evaluation or effects assessment prior to providing comments to the RE.

F. The IEDA HPS shall provide copies of any identification and evaluation documents prepared by the RE such as Iowa Site Inventory Forms (ISIFs) or Archaeological Investigation Reports to the SHPO for inclusion in the statewide inventory at a minimum of once a year, along with a summary of projects processed under this programmatic agreement per Federal reporting year which ends each September 30th providing reporting content to the SHPO no later than October 15th annually in accordance with Stipulation XII. A. of this agreement.

G. The IEDA HPS shall provide technical assistance to the RE when requested regarding all other historic preservation activities including but not limited to: Tribal Consultation, public notifications, lead agency agreements and consultation with the National Park Service (hereinafter, NPS) regarding effects to National Historic Landmarks.

H. IEDA will host regular training opportunities for REs to ensure compliance with this agreement and a working knowledge of the requirements of Section 106 particularly as they pertain to the identification and evaluation of historic properties and affects assessments. These trainings may be offered through webinars, onsite workshops, in coordination with statewide conferences or one-on-one as coordinated with REs.

I. In the event that the IEDA HPS is unable to comply with the above stipulations due to an extended absence or time in between filling this position, IEDA shall instruct the REs to consult directly with the SHPO in accordance to standard Section 106 consultation under 36 CFR § 800.3 (c)(3); however the RE may continue to apply the Programmatically Excluded Activities found in Appendix B of this agreement as they apply to eligible projects.

II. RE RESPONSIBILITIES

A. The RE shall ensure that all historic property investigations, evaluations, and data recovery efforts conducted pursuant to this agreement shall be performed in accordance with the Secretary of the Interior's Standards and Guidelines for Identification and Evaluation; and shall be performed in a manner that is consistent with the Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation (36 CFR § 60, § 63 and § 65) and the guidance provided in the state-level *Guidelines for Archaeological Investigations in Iowa,* and all other federal or state standards as appropriate as indicated at 36 CFR § 800.4(b)(1). The RE shall use the HUD issued HP Fact Sheet #6 *When to do Archaeological Field Investigations*, Appendix D, as a guide and shall ensure that any required investigation and final archaeological reports resulting from data recovery are responsive to contemporary professional standards and to the Department of the Interior's *Format Standards for Final Reports of Data Recovery Programs* (42 FR 5377–5379).

B. The RE shall ensure that all documentation submitted to IEDA meets or exceeds the standards outlined at 36 CFR § 800.11 and is consistent with the ACHP's *Meeting the "Reasonable and Good Faith" Identification Standard in Section 106 Review (issued November 2011).*

C. Pursuant to Section 304 of the NHPA (54 U.S.C. §307103) and Chapters 263B.10, 14, and 22.7(20) of the Iowa Code, the RE shall withhold from disclosure to the public, information relating to the location or character of historic resources and archaeological sites when it has been determined that disclosure of such information may create a substantial risk for harm, theft, or destruction to such resources or to the area or place where such resources are located.

D. The RE shall ensure that artifacts and records resulting from archaeological investigation made pursuant to this agreement shall be curated at a facility in the State of Iowa that meets or exceeds the Secretary of the Interior's Standards (36 CFR § 79).

E. The RE shall ensure that consultation for undertakings affecting historic buildings include discussion of the feasibility and practicality of the use of interim controls in lieu of full lead paint abatement as allowed at 24 CFR § 35.1330 provided that standards for abatement and clearance are determined by the RE to be achievable while taking into account any comments of the IEDA HPS and SHPO if applicable.

F. The RE shall consult directly with the National Park Service Midwest Regional Office in Omaha on all undertakings that may affect a National Historic Landmarks in accordance with 36 CFR § 800.10 (Special requirements for protecting National Historic Landmarks) and copy the IEDA HPS on such consultation.

G. The RE shall provide a letter of notification to IEDA when they intend to determine to enter into a lead federal agency agreement. The notification shall identify the undertaking, any federal agencies other than HUD, and the RE's lead or subordinate role under the agreement. IEDA must be included as a signatory of any such lead agency agreement, and all agreements should stipulate that the agency taking lead will identify all participating funding sources in their Section 106 consultation, if consultation is required.

H. The RE shall ensure that all documentation regarding Section 106 consultation is submitted to the IEDA HPS in a comprehensive packet as described in Stipulation VI. of this agreement.

I. The RE shall ensure that any change in scope of work identified after project approval and IEDA HPS consultation, will be submitted to the IEDA HPS who will work with the RE to determine if continued consultation in accordance with Stipulation VI of this agreement is required.

III. SHPO RESPONSIBILITIES

A. The SHPO shall be available to discuss with the IEDA HPS within a ten (10) day time frame from a request for consultation.

B. The SHPO will provide guidance on scopes of work when necessary to avoid adverse effects and in the preparation of agreement documents developed to avoid, minimize or resolve adverse effects to historic properties such as Memoranda of Agreement.

C. In the event that the IEDA HPS is unavailable to perform the duties stipulated above, per Stipulation I. H. of this agreement, the SHPO will resume standard Section 106 Review and consultation in accordance with 36 CFR § 800.3 (c)(3) until such time as the IEDA HPS can resume the duties outlined above in Stipulation I. A-G.

IV. ACHP RESPONSIBILITIES

A. The ACHP shall participate in cases requiring dispute resolution as required in Stipulation IX and in instances when the Criteria for ACHP Involvement in Reviewing Individual Section 106 Cases are met (36 CFR § 800, Appendix A).

V. EXCLUDED UNDERTAKINGS

A. The RE shall determine individual undertakings excluded from Section 106 review (no potential to affect historic properties) based on the following sets of criteria—those activities listed as exempt at 24 CFR § 58.34, or those categorically excluded not subject to review under 24 CFR § 58.35(b), or those excluded from Section 106 review under this programmatic agreement as further described in Appendix B of this agreement except in extraordinary circumstances (see 24 CFR § 58.2(a)(3)) in which a normally excluded activity may have a significant impact.

B. Undertakings cannot be segmented into activities that are excluded and activities that are not excluded. If the entire undertaking does not qualify for exclusion under the predefined criteria as described in Appendix B, then the entire undertaking must follow procedures for standard project review. Similarly, undertakings cannot be segmented according to funding streams or by any other agency action that is subject to Section 106 review (i.e., permit, license, assistance, etc.). If multiple agencies are funding different but integral elements of an undertaking and those elements cannot demonstrate independent utility, then each component must be considered part of a larger undertaking and the agencies should assign a lead agency to address their collective compliance responsibilities. Failure to assign a lead federal agency

will result in redundant effort and potential inefficiencies leading to project delays. If other agencies involved in the undertaking refuse to assign a lead under the programmatic agreement, then those agencies will need to consult on the ENTIRE undertaking, separately. The alternative procedures established in the programmatic agreement only apply when the CDBG RE is assigned the lead agency role.

C. For an undertaking determined by the RE to be excluded from Review, the RE shall document this determination by completing the *Excluded from Review, Project Determination* form (Appendix E). The RE shall include the form and supporting documentation with the project file and notify IEDA by mailing a copy to their office or uploading it to their on-line grant documents, in accordance with the annual CDBG Management Guide. The IEDA HPS shall review all *Excluded from Review, Project Determination* forms to ensure compliance with this agreement. The IEDA HPS may seek additional information from the RE, or may recommend the review be elevated to standard project review. Once the IEDA HPS has signed off on the determination that an undertaking is excluded from review, this concludes the RE's responsibilities for complying with Section 106 and this programmatic agreement for undertakings determined exempt from review.

D. If for any reason the RE cannot determine to exclude all activities of an undertaking from review, the RE shall submit the entire undertaking to IEDA for review as described in Stipulations II and VI. The resulting request for comment should nevertheless focus on the portions of the project with the potential to affect historic properties.

VI. STANDARD PROJECT REVIEW

A. Public and Consulting Party Involvement

1. The RE shall invite parties to consult on specific undertakings subject to review and not excluded by Stipulation V. Consulting parties include the RE, IEDA, SHPO, federally recognized Native American Indian Tribes with an interest in the area of the undertaking, Historic Preservation Commissions of a local government, individuals and organizations who, due to the nature of their legal or economic relation to the undertaking, or their concern with the undertaking's effects on historic properties demonstrate a legitimate interest, and the public, Appendix A (36 CFR § 800.2).

B. Identification and Evaluation of Historic Properties

1. Identify Historic Properties
   a. For each undertaking the RE shall determine and document an Area of Potential Effects (hereafter, APE) consistent with 36 CFR § 800.16(d).

   b. The RE shall examine sources of information on historic properties existing within the APE as a basic level of investigation. Sources of existing information **included but not limited to**: the National Register of Historic Places (hereinafter, NRHP), maintained by the Keeper of the National Register at the NPS on behalf of the Sectary of the Interior, the State Inventory of historic properties and results of previous evaluations in Iowa —the *Iowa Site Inventory*, maintained by the SHPO, local historical societies, local historic preservation commissions and *I-Sites Pro* Iowa Archaeological Sites and

Surveys Database maintained by the Office of the State Archaeologist (hereinafter, OSA) and provided through an Iowa Department of Transportation web portal as well as maps, recorded soil-sediment data, landform data, and property records where available for the APE on a case-by-case basis.

c. The RE shall seek input from consulting parties described in Stipulation VI.A.1 for information on land-use history of the APE and historic properties within the APE that may be affected.

d. Based on the nature and scope of the undertaking and analysis of the potential for the APE to contain historic properties, the RE will determine if they are persuaded by authoritative sources of information that there is a "likely" (36 CFR § 800.4(b)(1)) presence of National Register-eligible or listed properties within the APE or a portion of it that the project may affect National Register resources. When warranted, the RE may undertake field survey work to further its efforts to identify and evaluate historic properties with the APE or a portion of it.

2. Evaluate Historic Significance
   The RE shall determine the historic significance of resources within the APE through the application of the NRHP criteria at 36 CFR § 60 in accordance with 36 CFR § 800.4(c).

3. Results of Identification and Evaluation
   The RE shall submit documentation of the historic property identification efforts to IEDA for review and approval. Submittals should include a cover letter containing a detailed description of the undertaking, a *Request for Comment on a HUD Project* form, a map of the location of the undertaking and all other applicable supporting documentation requested on the form.

C. Assessment of Effects and Resolution of Adverse Effects

1. If no historic properties are located within the APE or there are properties within the APE that will not be affected, the RE will submit to IEDA a finding of "no historic properties affected." If the IEDA HPS concurs with the RE's finding the RE's may proceed with the undertaking.

2. If historic properties will be affected by the undertaking but the effects do not meet the criteria of adverse effect outlined at 36 CFR § 800.5.(a)(1) or the RE chooses to modify the scope of work or the scale and nature of the undertaking to ensure consistency with the Secretary's Standards for the Treatment of Historic Properties, the RE shall submit to IEDA a finding of "no adverse effect." If the IEDA HPS concurs with the RE's finding the RE's may proceed with the undertaking.

3. If the RE determines that the undertaking will result in "adverse effects" to one or more historic properties and the IEDA HPS concurs, the RE will submit consultation to the SHPO and any other identified interested parties in accordance with 36 CFR § 800.6 including consulting on ways to avoid, minimize or mitigate adverse effects on historic properties. Resolution of Adverse Effects shall trigger a standard section 106 process

including notification of the ACHP and the development and execution of Memoranda of Agreement, and will not be processed under the expedited procedure outlined in this agreement.

VII. UNANTICIPATED DISCOVERIES

A. *Human remains.* Iowa law protects all human burials regardless of historical age, sex, or cultural/ethnic affiliation. The RE shall observe the following procedures in the event that construction or project planning and testing, such as archaeological investigations, encounter human remains.

1. In the event that construction activities or project planning and testing, such as archeological investigations encounter human remains or burials, work shall cease in the area. The RE shall take appropriate steps to secure the site and notify officials at the Bioarchaeology Program at the OSA (Lara Noldner, 319-384-0740). The RE shall concurrently notify IEDA and the SHPO.

2. If the remains appear to be ancient (i.e., older than 150 years), the Bioarchaeology Program at OSA shall have jurisdiction in accordance with Chapter 263 of the Iowa Code. The RE will follow any procedures recommended or required by the OSA.

3. Human remains less than 150 years old are protected under Chapter 566 of the Iowa Code. In the event that project activities encounter human remains appearing less than 150 years in age, the RE shall notify the appropriate law enforcement authorities and the Iowa Department of Health.

B. *Archaeological material (non-mortuary related).* The RE shall observe the following procedures in the event that project activities encounter previously undetected non-mortuary-related archeological materials during project implementation or during project planning and testing, such as archaeological investigations.

1. All activities in the area of the resource shall cease immediately, appropriate steps shall be implemented to secure the site, IEDA and the SHPO shall be notified of the discovery.

2. A qualified archaeologist retained by IEDA or the RE will inspect the work site and determine the extent of the affected archeological resource within 48 hours of its discovery. Construction work may then continue in the area outside the archeological resource as it is defined by the archaeologist in consultation with the SHPO.

3. Before work can resume in the area of any unanticipated discovery, the RE must determine the NRHP eligibility of the archeological resource in consultation with the SHPO.

4. Upon a determination of eligibility, the RE shall submit a plan for avoidance, protection, recovery of information, or destruction without data recovery to the SHPO for review and comment. The RE will notify all consulting parties of the unanticipated discovery and provide the proposed treatment plan for their consideration. The SHPO and consulting parties will have seven (7) days to provide comments on the proposed treatment plan upon

receipt of the information. The RE may implement the proposed treatment plan if SHPO fails to respond within the allotted timeframe.

5. Work in the affected area shall resume upon either:

   a. The development and implementation of an appropriate data recovery plan, other recommended mitigation procedures, or agreement among the RE and the SHPO that the site does not warrant mitigation of adverse effects to a historic property; or,

   b. Agreement by SHPO and the RE that the newly located archeological materials are not eligible for inclusion on the NRHP.

C. *Post Review Discoveries upon Architectural Properties*. The REs shall ensure that the following procedures are observed in the event that post-review effects to buildings, objects, or districts are identified.

1. Work in the affected area shall cease and the RE shall notify IEDA and SHPO of the discovery.

2. An architectural historian retained by IEDA or the RE will inspect the work site and determine the extent and magnitude of the effects upon the property within 48 hours of its discovery. The RE shall provide the determination of effect and report of the consulting historian's findings to the SHPO who shall have seven (7) days to provide comments.

3. Upon assessment of adverse effect, the RE shall submit a plan for after-the-fact mitigation to the SHPO for review and comment. The RE will notify all consulting parties of the unanticipated discovery and provide the mitigation proposal for their consideration. The SHPO and consulting parties will have seven (7) days to provide comments on the mitigation proposal upon its receipt. The RE may implement the proposed mitigation plan if SHPO fails to respond within the allotted timeframe.

4. Work in the affected area shall resume upon either upon:

   a. Agreement by the RE and SHPO that the encountered properties are not eligible for listing in the NRHP; or,

   b. Agreement by the RE and SHPO that the effects are not adverse; or,

   c. The development and implementation of an appropriate mitigation plan, or agreement among the RE and the SHPO that the site does not warrant mitigation.

VIII. ANTICIPATORY ACTIONS

A. The RE shall ensure that consultation pursuant to Stipulation VI or other applicable stipulations of this agreement take place once a project assumes federal identity and shall be concluded prior to the commencement of that federal activity or the release of HUD funds to the undertaking (ie. Signing a construction contract, purchasing real property, or other choice

limiting activities). A federal identity is assumed once an RE submits an official application for HUD funds to IEDA or RE.

B. IEDA will not grant funding to any RE who, with intent to avoid the requirements of this Agreement, NHPA or NEPA, has intentionally significantly adversely affected a historic property to which the CDBG grant would relate, or having legal power to prevent it, allowed such significant adverse effect to occur. Under extraordinary circumstances, and after consulting with the ACHP, IEDA may determine that circumstances justify awarding such grant despite the adverse effects created or permitted by the RE, and will ensure that the RE completes consultation for the project pursuant to Stipulation VI or other applicable stipulations of this agreement as appropriate.

IX. DISPUTE RESOLUTION

A. IEDA shall represent itself and RE petitioning singly or as a group in all dispute resolution situations.

B. Should any signatory to this agreement or RE (represented by IEDA) object at any time to any actions proposed or the manner in which the terms of this agreement are implemented, IEDA shall consult with the SHPO and any such party to resolve the objection.

C. If IEDA determines that such objection cannot be resolved, then the IEDA will:

1. Forward all documentation relevant to the dispute, including the IEDA's proposed resolution, to the ACHP. The ACHP shall provide the IEDA with its advice on the resolution of the objection within fifteen (15) days of receiving adequate documentation.

2. If the ACHP does not provide its advice regarding the dispute within the fifteen (15) day period, then the IEDA may make a final decision on the dispute and proceed accordingly.

3. Prior to reaching such a final decision, IEDA shall prepare a written response that takes into account any timely comments regarding the dispute from the signatories to the agreement, and provide them and the ACHP with a copy of such written response. IEDA's final decision on the dispute will be provided on a schedule compatible with all internal and external review, as may be determined necessary by IEDA.

4. The responsibilities of the PA signatories to carry out all other actions subject to the terms of this agreement that are not the subject of the dispute remain unchanged.

X. AMENDMENT

A. IEDA shall represent itself and the RE petitioning singly or as a group in all requests for amendments to this agreement.

B. Any of the signatories to this programmatic agreement, or RE (represented by IEDA), may request with appropriate justification that IEDA should amend any or all of its articles subsequent to this programmatic agreement's execution, whereupon IEDA will notify the other signatories who will consult in accordance with 36 CFR § 800.13, to consider such amendment.

Prior to reaching a final decision on the amendment, IEDA must notify the ACHP of its intent to amend the programmatic agreement and invite the ACHP's review and comment. The amendment will be effective on the date an executed copy (signed by all of the signatories) is filed with the ACHP. IEDA shall provide copies of the amended programmatic agreement to the signatories.

C. Revisions to the appendices shall not require notification of and review by the ACHP. However, SHPO must agree to any such changes and IEDA shall provide the ACHP with file copies of finalized versions that reflect all revisions.

XI. TERMINATION AND DURATION

A. The IEDA shall represent itself and all RE when the latter petition as a unanimous body to terminate this agreement.

B. If any signatory to this agreement or RE (represented by IEDA) determines that its terms will not or cannot be carried out, that party shall immediately notify IEDA. The IEDA will then consult with the other signatories to attempt to develop an amendment per Stipulation X or other form of resolution. If within thirty (30) days resolution through amendment or other means cannot be reached, any signatory may terminate the agreement upon written notification to the other signatories.

C. Once the agreement is terminated or becomes null and void and until a new agreement is executed, work on undertakings subject to this programmatic agreement shall proceed to follow the standard Section 106 process (36 CFR § 800, Subpart B) including for SHPO Review all projects with no exclusions allowed only by this programmatic agreement. IEDA must then execute a new agreement pursuant to 36 CFR § 800.6, or, request, take into account, and respond to the comments of the ACHP under 36 CFR § 800.7. IEDA shall notify the signatories as to the course of action it will pursue.

D. This agreement will become null and void five (5) years from the date of its execution. Prior to such time, the term of duration may be extended by filing an amendment with the ACHP in accordance with Stipulation X.

XII. MONITORING AND REPORTING

A. By October 15 of each year, the IEDA shall submit an annual report to SHPO for review and comment on certain program activities that occurred through September 30 of the previous year, per the federal fiscal reporting period. The report will include a summary of all projects reviewed by the IEDA HPS, those projects with documentation collected under Stipulation I. F of this agreement, all projects excluded from SHPO review and indicate which exclusion of this agreement the projects qualified for, a summary of legal agreements executed during the reporting period, and update on agreed upon mitigation measures, and suggestions, if any, for additional actions that could be considered for inclusion as Specific Excluded Activities in Appendix B. Supporting documentation will be available to the SHPO upon written request. From time to time, the SHPO may review files for the entire range of activities subject to Section 106 review to verify that IEDA is properly implementing the terms of the Agreement.

XIII. EXECUTION OF THE AGREEMENT

A. This agreement is considered executed after signatures by IEDA and SHPO have been provided to the ACHP, and the ACHP signs the agreement. Execution of this agreement by the ACHP and the implementation of its terms evidences that the IEDA and the several recipient RE have taken into account program effects on historic properties and have afforded the SHPO and ACHP an opportunity to comment.

SIGNATORIES

Iowa Economic Development Authority

By:_____ Date: 8-1-16
Tim Waddell, Division Administrator

State Historic Preservation Officer

By:_____ Date: 01 AUG 2016
Steve King, Deputy State Historic Preservation Officer

Advisory Council on Historic Preservation

By:_____ Date: 8/23/16
John M. Fowler, Executive Director

CONCURRING PARTIES

Office of the State Archaeologist

By:_____ Date: 7/29/16
John Doershuk, State Archaeologist

Preservation Iowa

By:_____ Date: 7/27/16
Caleb Giesel, Executive Director

APPENDICES

Appendix A. CONSULTING PARTIES

Appendix B. PROGRAMMATICALLY EXCLUDED ACTIVITIES FOR SECTION 106 REVIEW UNDER THE PROGRAMMATIC AGREEMENT AND EXEMPT FROM REVIEW, PROJECT DETERMINATION FORM

Appendix C. PROCESS and DECISION-MAKING CHART

Appendix D. HP FACT SHEET #6 *When to do Archaeological Field Investigation*

Appendix E. AUTHORIZATION FOR ALTERNATE SIGNATORY

Appendix F. REQUEST FOR COMMENT ON A HUD PROJECT

Appendix G. GLOSSARY

CONSULTING PARTIES
List of Tribal Notifications*

Apache Tribe of Oklahoma
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(405) 247-9493, (405) 247-2763

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Iowa Tribe of Oklahoma
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Sac & Fox Nation of Missouri in Kansas and Nebraska
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Gary Bahr, Secretary
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Sac & Fox Nation, Oklahoma
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Flandreau Santee Sioux Tribe of South Dakota
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***Source:** HUD, OCP&D Environmental Planning Division. BE ADVISED: Some of the tribal contact information may be out-of-date. Please verify contact persons and mailing addresses prior to initiating consultation. Tribal websites, The Office of the State Archaeologist Bioarchaeology Director, state historic preservation officers, or HUD field environmental staff are all potential resources. http://egis.hud.gov/tdat/Query.aspx?state=Iowa

CONSULTING PARTIES: SIGNATORY, CONCURRING OR INVITED

(this is a list of parties included in the execution of this agreement. Many of these parties may also be involved in consultation on individual undertakings, and additional parties may be identified specifically for an individual undertaking.

Signatory Parties

Iowa Economic Development Authority, Community Development Division
Iowa State Historic Preservation Officer
Advisory Council on Historic Preservation

Concurring Parties

Iowa Office of the State Archaeologist
Preservation Iowa

Consulting Parties

Native American Tribes as indicated above
Iowa State Association of Counties
National Trust for Historic Preservation
Iowa League of Cities

American Planning Association, Iowa Chapter
Iowa Councils of Governments and Regional Planning Agencies
Iowa Association of Regional Councils
Private CDBG Grant Administration Service Providers:
- Anderson Consulting, Inc
- MSA
- PlanScape Partners - Enerjyn
- Pathfinders R C & D, Inc.
- Simmering-Cory, Inc.

Certified Local Government Contact List, including only Non-Entitlement Communities
https://iowaculture.gov/sites/default/files/History%20-%20Preservation%20-%20Certified%20Local%20Governments%20-%20Benefits%20-%20Community%20List%20%28PDF%29.pdf
City and County Historic Preservation Commissions
Local organizations with an interest in the undertaking such as historical societies, museums, etc.

Plans for Public Involvement

The notice and invitation to comment on certain undertakings will include a PDF notice for the above groups to post, and IEDA will follow the state's HUD Citizen Participation Plan, including publishing a public notice, hosting a public hearing and making the agreement available on IEDA's website.

APPENDIX B

PROGRAMMATICALLY EXCLUDED ACTIVITIES

In addition to projects and activities that are either exempt under HUD regulations (24 CFR Part 58.34) or may be categorically excluded as being not subject to review of the laws listed at 24 CFR Part 58.5 in accordance with 24 CFR Part 58.35(b), the signatories agree that the following types of activities do not have the potential to cause adverse effects on historic properties, assuming such historic properties are present, and therefore the Responsible Entity has no further obligations under Section 106 once appropriately documented with the IEDA HPS.

Section 1. ***Administrative Costs and Non –Brick and Mortar Financial Assistance***
The RE will document how the project meets these excluded activities on an *Excluded from SHPO Review Form* for submittal to the IEDA HPS.

a. IEDA activities including equipment purchase, inventory financing, interest subsidy, operating expenses, and similar costs associated with construction or expansion of existing operations where physical improvements, if any, will be limited to those listed in Sections 2 and 3, below;
b. Activities to assist homebuyers to purchase existing dwelling units or dwelling units under construction, including closing costs and down payments assistance, interest buydowns, interim mortgage assistance, and similar activities that result in the transfer of title where no change in use will occur and physical improvements, if any, will be limited to those listed in Sections 2 and 3, below;
c. Building acquisition where physical improvements, if any, will be limited to those listed in Sections 2 and 3, below.

Section 2. ***Undertakings Involving Ground Disturbance***

Non-Specific Activities
If the project will **NOT** involve buildings, districts, objects, structures, defined sites, or cultural landscapes that are 50 years or age or older and not listed in or previously determined eligible for the NRHP in the Area of Potential Effects; there are no triangle sites within ¼ mile of the APE; **AND** either of the following conditions is met, the SHPO does not need to review the project regardless of activity. The RE will document how the project meets the qualifying criteria on an *Excluded from SHPO Review Form* for submittal to the IEDA HPS.

Qualifying Criteria:

a. Previously Surveyed - The Area of Potential Effects (APE) was intensively surveyed after 1999 for the purposes of a previous Section 106 review and determined by the federal agency not to contain archaeological sites that are NRHP-listed, eligible, or unevaluated, and this finding was accepted by the Iowa SHPO. This requires consultation with Office of the State Archaeologist or *I-SitesPro* online databases to determine.

b. Profoundly Disturbed - The APE has been profoundly disturbed. *Profound disturbance* as it relates to the APE occurs when a past activity or activities have physically altered the *three-dimensional* APE of an undertaking *in its entirety* to the point where there is no potential for an archaeologically significant property to remain.

Specific Excluded Activities

When the following ground disturbing activities are proposed for any project locations not meeting the Qualifying Criteria, they will be considered excluded from further review by the SHPO or ACHP, because the activities have limited potential to adversely affect historic properties (some exceptions noted in *italics* below). The RE will document how the project meets these specific excluded activities on an *Excluded from SHPO Review Form* for submittal to the IEDA HPS.

a. Photoscopic pictures of water and/or sewer pipe.
b. Re-lining of non-historic water and/or sewer pipe (i.e., polyvinyl, fiber cement, and other composite or plastic pipe; clay pipe less than 24 inches in diameter, post-WPA pre-cast concrete pipe and boxes).
c. Point repairs of water and/or sewer pipe.
d. Hydrant replacements.
e. Manhole cover replacements.
f. New/replacement service lines and related appurtenances involving boring or slit trenches up to one (1) foot in width and up to 100 feet in length, if no known NRHP listed, eligible, or unevaluated properties, including sites and historic districts, are within the APE and no triangle sites are within ¼ mile of the APE.
g. Equipment replacement, purchase, removal, and/or installation.
h. Disturbances confined to the current footprint of an existing facility compound, such as water and/or sewer treatment plants, if no known NRHP listed, eligible, or unevaluated properties, including sites and historic districts.
i. Directional boring of utility lines without sending and receiving pits, if no known NRHP listed, eligible, or unevaluated properties, including sites and historic districts, are within the APE and no triangle sites are within ¼ mile of the APE.
j. Connecting pits relating to directional boring for utility lines no bigger than 10 feet by 10 feet, if no known NRHP listed, eligible, or known but unevaluated properties, including sites and historic districts, are within the APE and no triangle sites are within ¼ mile of the APE.
k. In-place replacement of non-historic water and/or sewer mains (i.e., polyvinyl, fiber cement and other generic composite or plastic pipe; clay pipe less than 24 inches in diameter, post-WPA pre-cast concrete pipe and boxes), if no known NRHP listed, eligible, or known but unevaluated properties, including sites and historic districts, are within or immediately adjacent to the APE.
l. Replacement of wells in existing well fields.
m. Test boring/well sites to determine soil suitability, if no recorded archeological sites are within or immediately adjacent to the APE
n. Replacement of concrete or asphalt sidewalks.
o. Replacement of water towers on the same parcel when that parcel is less than one (1) acre in size, if water tower to be demolished is less than 50 years old and the new tower is not more than a 10% increase in capacity or an increase of more than 20 feet in height as compared to the existing water tower.
p. Utility upgrades without new ground disturbance.
q. Parking lot rehabilitation or construction of less than one (1) acre in size, without the installation of storm drains or other related below-ground appurtenances located on row-cropped agricultural land, provided that any ground disturbance activities will be confined to the plowzone, which generally extends 10 to 12 inches below the surface.
r. Replacement of overhead conductor cable.
s. Resurfacing and/or rehabilitation of existing concrete sidewalks and curbs and concrete or asphalt roads, drives, or entries where there will be no change in the existing horizontal and vertical alignment. *This does not apply to roads found eligible for listing on the NRHP.*
t. Conversion of an existing gravel road to concrete or asphalt where there will be no change in the existing horizontal and vertical alignment. *This does not apply to roads found eligible for listing on the NRHP.*
u. Pavement widening and/or shoulder construction and the addition of auxiliary lanes, such as turn lanes or climbing lanes where there will be no change in the existing horizontal and vertical alignment of an

existing right of way. *This does not apply to roads found eligible for listing on the NRHP.*

v. Demolition of non-historic buildings when all activity is confined to the current footprint of the original construction, which includes a presumed builder's trench extending three (3) feet beyond the existing foundation/footing, and, when ground surface conditions are stable enough to support the weight and movement of heavy equipment on bare ground or on temporary mats without sinking into the ground, rutting the ground surface, or resulting in any form of earthmoving at the demolition site.

Section 3. *Undertakings Involving Architectural/Historical Resources*

Non-Specific Excluded Activities

If any of the following conditions are met, SHPO does not need to review the architectural portion of a project regardless of activity. The RE will document how the project meets the qualifying criteria on an *Excluded from SHPO Review Form* for submittal to the IEDA HPS.

Qualifying Criteria:

a. Less than 50 - The Project will involve a building of any type that is less than 50 years old and that is not listed in or previously determined eligible for the NRHP, and does not convey the level of exceptional significance to be considered eligible for the NRHP under Criteria Consideration G (individually or as a contributing component to a historic district).

b. Previous Evaluation - The Area of Potential Effect (APE) has been surveyed by a professional historian or architectural historian within the last 5 years, determined not to contain historic properties, and the finding was accepted by the Iowa SHPO. Please note this does not include properties simply added to the Iowa Site Inventory within 5 years. The property must have been signed off as being "not eligible" by SHPO staff.

Specific Excluded Activities

When the following activities are proposed for any architectural properties not meeting the Qualifying Criteria, they will be considered excluded from further review by the SHPO, because the activities have limited potential to adversely affect historic properties (some exceptions noted in *italics* below). The RE will document how the project meets these specific excluded activities on an *Excluded from SHPO Review Form* for submittal to the IEDA HPS.

1. Exterior Rehabilitation
   a. Caulking and weather stripping in a color complementary to the adjacent surfaces
   b. Scraping, extremely low-pressure (less than 100 psi) washing, and/or repainting of exterior cladding. *This does not apply to destructive surface preparation treatments, such as water blasting, sand or other particle blasting, power sanding, or chemical cleaning.*
   c. Repair or in-kind replacement of windows (i.e., new windows will duplicate the material, dimensions, design, detailing, and operation of the extant or known historic windows; glazing will be clear, non-reflective, and without tint; window sashes will not be clad with aluminum or synthetic material), as follows *(this does not apply to the replacement of existing archaic, decorative, or architectural/structural glass)*:
      i. Repair, scrape, paint, and re-glaze existing windows.
      ii. Repair or in-kind replacement of window sash, glass, and/or hardware, including jam tracks. Consideration should be given first to identifying ways to repair rather than replace damaged historic materials.
      iii. Repair or in-kind replacement of damaged and non-operable transoms. Consideration should be given first to repair rather than replacement of damaged historic materials.

d. Installation of storm windows and doors, provided that they conform to the shape and size of the historic windows and doors. The meeting rail of storm windows must coincide with that of the existing sash. Color should complement trim; mill finish aluminum is not acceptable.
e. Repair or in-kind replacement (i.e., the new features will duplicate the extant material, dimensions, and detailing) of the following features *(consideration should be given first to identifying ways to repair rather than replace damaged historic materials)*:
    i. Porches — railings, post/columns, brackets, cornices, steps, flooring, ceilings, and other decorative treatments.
    ii. Roofs.
    iii. Siding.
    iv. Exterior architectural details and features.
    v. Doors, including cellar/bulkhead doors.
    vi. Gutters and downspouts.
f. Repair or reconstruction of concrete/masonry walls, parapets, chimneys, or cornices, provided any new masonry or mortar matches the color, strength, composition, rake, and joint width of existing walls, and no power tools are used on historic materials. *(Work on historic masonry must follow the guidance provided in Preservation "Brief #2: Repointing Mortar Joints in Historic Masonry Buildings," currently found online at http://www.nps.gov/history/hps/tps/briefs/brief02.htm.)*
g. Bracing and reinforcing of chimneys and fireplaces, provided the bracing and reinforcing are either concealed from exterior view or removable in the future.
h. Construction or replacement of wheelchair ramps, provided the ramps are on secondary façades and will not directly impact the material fabric of the building.
i. Installation of temporary wheelchair ramps on any façade.
j. Substantial repair or in-kind replacement of signs or awnings. *This does not apply to historic sign—painted, neon, or otherwise.*

2. Interior Rehabilitation
    a. Non-destructive or concealed testing for damage assessment or identification of hazardous materials (e.g., lead paint, asbestos, etc.).
    b. Scraping and repainting of interior trim.
    c. Plumbing repair/replacement, including pipes and fixtures when no structural alteration is involved. *This does not apply to historic fixtures, which must be repaired for this allowance to apply.*
    d. HVAC system repair, replacement, and/or cleaning, including furnaces, pipes, ducts, radiators, or other HVAC units when no structural alteration or exposed new ductwork is involved. *This does not apply to historic fixtures, which must be repaired for this allowance to apply.*
    e. Repair or replacement of electrical wiring, including switches and receptacles. *This Allowance does not apply to installing exposed wiring such as surface mounted wiring, conduits, piping, or to the installation of new systems where they will affect significant interior features.*
    f. Repair or replacement of interior fire detection, fire suppression, or security alarm systems. *This Allowance does not apply to exposed systems such as surface mounted wiring, conduits, or piping where replacement will affect significant interior features.*
    g. Restroom improvements for handicapped accessibility, provided the work is contained within existing restroom and significant interior materials and features (e.g., historic trim or architectural details) are not altered.
    h. Repair or in-kind replacement of interior floors, walls, and ceilings. This applies to the repair of interior finishes, including plaster and wallboard, provided the repair is restricted to the damaged area and does not affect adjacent materials. *This does not apply to historic architectural finishes such as decorative plaster or plaster substrates for decorative materials such as wainscoting, murals, gold leaf, etc.*
    i. Installation of drywall over existing wall surface, provided no decorative plaster or other decorative features are covered and all historic trimwork is reinstalled.
    j. Installation of insulation in ceilings, attic spaces, and crawl spaces. *This does not apply to the installation of urea formaldehyde foam insulation or any other insulation containing water.*

k. Installation of insulation in wall spaces, provided an appropriate interior vapor barrier or vapor barrier paint is used and historic exterior clapboards are removed and reinstalled carefully. *This does not apply to the installation of urea formaldehyde foam insulation or any other thermal wall insulation containing water.*
l. Repair or pouring of concrete cellar floor in an existing cellar.
m. Repair or replacement of cabinets and countertops. *Historic "built-in" cabinets must be repaired for this to apply.*

3. Site Improvements
   a. Repair or in-kind replacement of driveways, parking lots, and walkways, although consideration should be given first to repair rather than replacement of damaged historic materials whenever feasible.
   b. Repair or in-kind replacement of non-historic landscaping and utilities, such as paving, planters, trellises, irrigation, and lighting.
   c. Repair or in-kind replacement of fencing and other exterior retaining or freestanding walls, provided masonry and mortar matches the color, strength, composition, rake, and joint width of historic wall and no power tools are used on historic materials. *(Work on historic masonry must follow the guidance provided in Preservation "Brief #2: Repointing Mortar Joints in Historic Masonry Buildings," currently found online at http://www.nps.gov/history/hps/tps/briefs/brief02.htm.)*

Excluded from Review, Project Determination Form

After referencing Appendix B of the Programmatic Agreement (PA) to verify that the project activity does not need further review, use this form to document compliance with the Section 106 of the NHPA. This form will be submitted to IEDA either with your Request for Release of Funds (RROF) or individually per building as applicable.

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

- Start Environmental Review
- See if the project is exempt from further review by referencing Appendix B of the PA..
- If the project activity meets either the Qualifying Criteria or the Specific Excluded Activities, fill out this form and include it in your environmental review record or upload it to iowagrants.gov as applicable.
- Use the "When to Consult with Tribes Under Section 106" included in the PA to determine if Tribal consultation is required. If so, mail letters to tribes; you must still do this even if your project activity meets and exemption under this PA.
- 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 Review, Project Determination Form.*

NOTE: You must still solicit comment about the project from the Native American Tribes even if your project activity is exempt from further review.

Recipient Name: **Contract Number:**
Recipient Address:

For information on this request, contact:
Contact Name: **Contact Phone Number:**

Project Description (provide a brief description of the actual scope of work not just "housing rehab")

Project Address (Street, City, Zip): **Project County:**

Reason Project Activity is Excluded from Review (use Appendix B of the PA):
Section 1, 2 or 3:
Qualifying Criteria a. or b.:
OR
Specific Excluded Activity (include which specific activity):
Notes:
(include date of construction)

Pictures: Take a before picture of the primary façade 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 each provision of law designated in the 24 CFR 58.

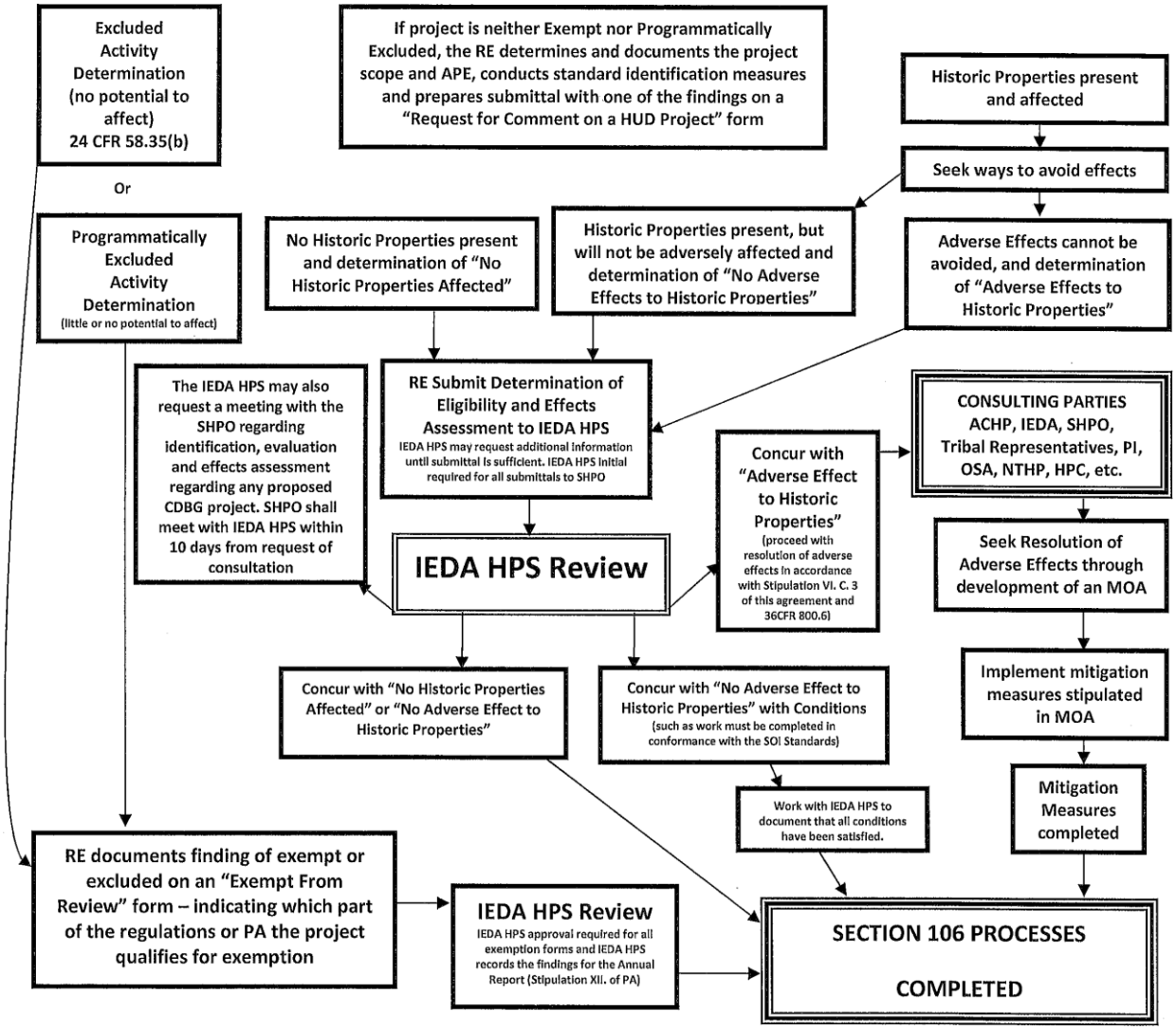
_____ _____
Signature of the Certifying Officer of Applicant, Date

_____
Print Name and Title of Certifying Officer of Applicant

Iowa Non-Entitlement CDBG Programmatic Agreement APPENDICES

APPENDIX C

SECTION 106 REVIEW PROCESS FOR TYPICAL PROJECTS*



***Technical Assistance from IEDA HPS may be sought at any point in the process. This chart does not address post review discoveries, monitoring findings, annual reporting, dispute resolution, and other unusual circumstances. Any other portions of Environmental Review are not considered here.**

HP FACT SHEET #6:

WHEN TO DO ARCHAEOLOGICAL FIELD INVESTIGATIONS

HUD offers the following guidance on when to do professional archaeological field investigations. It is applicable to both Part 50 and Part 58 programs. It meets the "reasonable and good faith effort" requirement to identify historic properties, per 36 CFR § 800.4(b).

- Archaeological field investigations and related work should be approved only when HUD or the Responsible Entity (RE) *is persuaded* by authoritative sources of information that there is a "likely" (§ 800.4(b)(1)) presence of National Register-eligible or -listed properties within the project site and that the project may affect National Register resources.
- Authoritative sources of information include, but are not limited to, reports, studies, surveys, predictive models, National Register data, and/or tribal input. These data must demonstrate that the project site contains or is reasonably adjacent to archaeological sites that meet National Register criteria.
- The SHPO/THPO and other qualified persons may provide such information. The information should indicate a close and direct relationship between such previously discovered sites and the project site. It should also indicate the likelihood that National Register resources will be affected. Archaeological field investigation in such cases would help determine the presence of resources on site and provide the basis for establishing their significance and the project effects on them.
- For urban areas, it is reasonable to consider the project site relationship only to such off-project archeological sites that are immediately adjacent to the project site.
- In the case of projects for new developments in areas not previously developed or disturbed, a somewhat more distant site or ring of sites may be considered as relevant to the project site. But still, in this scenario, HUD or the RE *must be persuaded* that documented archaeology sites outside the APE are reasonably close enough to the project site to establish a likely relationship and so warrant a professional field investigation on the project site.
- HUD or the RE should generally not honor a request for a professional archaeological field investigation without specific justification or solely on grounds that previous surveys have never been conducted in the area. HUD or the RE may turn down such requests as an unjustifiable public expense, particularly where private or non-federal lands are involved.

This guidance is supported further by the Advisory Council on Historic Preservation's 2007 *Policy Statement on Affordable Housing and Historic Preservation* (72 FR 7387-7389), Implementation Principle #8, that limits archaeological field investigations in certain situations.

Implementation Principle #8:

"Archeological investigations ***should be avoided*** for affordable housing projects limited to rehabilitation and requiring minimal ground disturbance" *(emphasis added)*.

NEED ADDITIONAL HELP?
CONTACT YOUR LOCAL HUD ENVIRONMENTAL OFFICER.

Source: Office of Environment and Energy, Environmental Planning Division, CPD, May 2009

AUTHORIZATION FOR ALTERNATE SIGNATORIES FOR SECTION 106 COMPLIANCE FORMS

CDBG Grant Administrators or City Clerks may now sign the Section 106 Compliance Forms including the *Exempt from Review Project Determination Form* and the *Request for Comment on a HUD Project* 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 Section 106 compliance documentation.

As stated in 36 CFR Part 800, 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 B of 36 CFR Part 800. 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 Comment* form or the Exempt from Review Project Determination From, however, the following alternates signatories listed below are authorized to act on the behalf of the Agency Official. In the event an alternate signatory is used, the Agency Official remains legally responsible for all required findings and determinations made through the Section 106 process. The signatures attested below are effective as of:

_____.
(Date)

Sincerely,

_____
Agency Official (CEO) signature

_____ _____
[Name and Title of] Signatory # 1 Signature of Signatory #1

_____ _____
[Name and Title of] Signatory # 2 Signature of Signatory #2

_____ _____
[Name and Title of] Witness Signature of Witness

REQUEST FOR COMMENT ON A HUD PROJECT*

☐ **This is a new submittal**
☐ **This is more information relating to a previous submittal**

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: _____
b. Property Street & Number: _____
c. County: _____ City: _____ Zip: _____
d. Lead Federal Agency: _____ CDBG Contract No: _____
e. Federal Funding Program: CDBG If HUD; check one: ☐ 24 CFR Part 50 or ☒ 24 CFR Part 58
f. Contact Person on Project: _____
Contact Address: _____ City: _____ State: _____ Zip: _____
e-mail: _____ Phone: _____

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**

- ☐ 7.5 min Quad U.S.G.S. (1-mile radius) with quad name and APE outlined (maps on-line at http://ortho.gis.iastate.edu/)
- ☐ *Site plan showing limits of proposed activities or general layout (engineering)*
- ☐ *Aerial photo: zoom to project area (photos on-line at http://ortho.gis.iastate.edu/)*
- ☐ *Description of width and depth of proposed excavation and current conditions of project area*
- ☐ *OSA site file search, Phase IA, or Phase I (whichever is appropriate)*
- ☐ Number of acres in project: _____
- ☐ *Legal location: Section(s) _____ Township(s) _____ Range(s) _____*

☐ **Architecture**

- ☐ Date of original construction for the building: _____
- ☐ Previous site information available (contact Iowa Site Inventory Coordinator)
- ☐ Updated or new Iowa site Inventory Form (available online at www.iowahistory.org/preservation)
- ☐ Clear photos of property and surrounding area
- ☐ Location map (no bigger than 11x17) with APE clearly defined (Quad map or city plat map)
- ☐ Copy of county or city assessor's card record or other appropriate property information
- ☐ Detailed description of proposed action, including copy of project specifications, if applicable

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.)

Federally Authorized Signature: _____ Date: _____
Type name and title below ➔

Submit one copy with *each* property for which comment is requested. Please print or type.
Return with full Section 106 Compliance Documents to the IEDA HPS at: 200 East Grand Ave., Des Moines, IA 50309

*This form may be replaced by an electronic submission process, which would collect the same information.