

FEMA



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Regional Environmental Officer
U.S. Department of Homeland Security
Federal Emergency Management Agency (FEMA) Region 6
800 N. Loop 288
Denton, TX 76209
March 25, 2020

David Storms
Regional Environmental Officer
U.S. Department of Housing and Urban Development (HUD)
Office of Environment and Energy
Unit #45, Suite 2500
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Heather Lagrone
Sr. Deputy Director
Community Development & Revitalization
Texas General Land Office (GLO)
1700 Congress Ave,
Austin, TX 78701

Subject: Letter of Agreement under the Texas Unified Federal Review

Mr. Storms; Ms. Lagrone:

This letter requests HUD and GLO agreement to coordinate the environmental and historic preservation reviews for disaster recovery projects associated with Presidentially-declared disaster Hurricane Harvey, 4332-DR-TX as well as any past, present, or future events where the principles and guidelines set forth in this agreement would be both applicable and beneficial. Disaster assistance funding has been provided to Federal Emergency Management Agency (FEMA) and Department of Housing and Urban Development (HUD) under Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. §§5121-5207 et.seq., (P.L. 93-288, as amended) on August 25, 2017, and the Supplemental Appropriations for Disaster Relief Requirements 2017 (Pub. L. 115-56), approved September 8, 2017. The Texas General Land Office (GLO) has been designated as the HUD Responsible Entity (RE) by the governor and will administer HUD's Community Development Block Grant Disaster Recovery (CDBG-DR) and CDBG Mitigation (MIT) funds on behalf of the state.

Efficient and expeditious coordination is needed to promote effective compliance with the National Environmental Policy Act (NEPA), Section 106 of the National Historic Preservation Act (NHPA), and other applicable Federal, Tribal, state, and local environmental protection requirements. Representatives from FEMA Region 6, HUD Region VI, and GLO, have been communicating on a frequent and regular Letter of Agreement under the Texas UFR

March 25, 2020

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basis since September of 2017 regarding this request. This Letter of Agreement (LoA) (also referred to as ‘agreement’) is intended to facilitate uniformity, consistency, and transparency in our working relationship during all disaster recovery efforts.

The coordination requested in this letter is part of the Unified Federal Review (UFR) for Disaster Recovery Projects which was established by an interagency Memorandum of Understanding (MOU) on July 29, 2014. The UFR MOU formalizes Federal Agencies’ commitments to a coordinated process to expedite the environmental and historic preservation reviews for disaster recovery projects, consistent with applicable law. Nothing in this agreement is intended to override any existing agreements to expedite environmental and historic preservation reviews. Nor is it meant to alter any agency’s independent governing or regulatory obligations. The agreement is proposed to work within the context of existing agreements and regulatory obligations. With this agreement, FEMA, HUD, and GLO seek to memorialize existing working relationships by further defining and clarifying each agency’s role, responsibility, and expectations under the UFR in the State of Texas.

Recovery projects from Hurricane Harvey as well as past, present, and future Texas disaster events may involve funding, permitting, and/or approval from several Federal Agencies, in addition to Tribal, state, and local entities. Through this agreement, FEMA, HUD, and GLO will work together to identify and address any issues necessary to satisfy the NEPA, Section 106 of the NHPA, and other applicable Federal, Tribal, state, and local requirements for environmental protection when operating under the scope of the UFR.

The following paragraphs summarize the role of each agency participating in this LoA:

FEMA: To serve as a Lead Agency or joint Lead Agency for actions funded under FEMA’s grant programs, or a Cooperating Agency, as appropriate, and in accordance with NEPA, 40 Code of Federal Regulations (CFR) Parts 1500-1508, and FEMA’s Directive 108-1 and Instruction 108-1-1; FEMA will coordinate all project reviews under DR-4332-TX as well as applicable past, present, future presidentially declared events for FEMA funded actions that fall within the scope and intent of the UFR*.

GLO (Acting as HUD under 24 CFR 58.18): To serve as a Lead Agency or joint Lead Agency on behalf of HUD for actions funded under HUD’s grant programs, or a Cooperating Agency, as appropriate, and in accordance with NEPA, 40 CFR Parts 1500-1508, and 24 CFR Part 58; GLO as the HUD Responsible Entity under 24 CFR § 58.4, assumes full responsibility and liability for HUD environmental and historic preservation review for disaster recovery and mitigation projects under the CDBG-DR or CDBG-MIT programs; GLO will coordinate all project reviews on behalf of HUD for HUD funded disaster recovery and mitigation projects under Hurricane Harvey (DR-4332-TX) as well as applicable past, present, future presidentially declared events when actions fall within the scope and intent of the UFR.

**Scope and intent of the UFR should be based on the provisions outlined in the Sandy Recovery Improvement Act of 2013 (Pub. L. 113–2, div. B, §1106, Jan. 29, 2013, 127 Stat. 45), the authorities, commitments, and provisions of the Memorandum of Understanding Establishing the Unified Federal Environmental and Historic Preservation Review Process for Disaster Recovery Projects, dated July 29, 2014, and the agency’s own regulatory obligations and authorities.*



HUD: To serve as a support function and advisor on HUD’s UFR commitments; HUD will provide technical expertise on HUD programs/processes and assisting with the coordination of HUD funded disaster recovery and mitigation projects under Hurricane Harvey (DR-4332-TX) as well as applicable past, present, future presidentially declared events when actions fall within the scope and intent of the UFR.

The following paragraphs summarize the responsibilities and expectations of each agency participating in this LoA:

- 1) **FEMA, HUD, and GLO** will designate point(s)-of-contact (POC) for each Agency for the purpose of upholding the roles, responsibilities, and exceptions of this agreement. The POC(s) to this agreement will be responsible for providing or coordinating timely written communication on behalf of their Agency as well as ensuring written communication that falls within the scope of this agreement includes the other Agency POC(s). The POC(s) routine communications on collaborative matters are not binding on that Agency. FEMA, HUD, and GLO will clearly state in written communications regarding the Agency’s concurrence, decision-making, approvals or disapprovals whether the written communication is intended to represent the Agency’s position on certain planning milestone(s), issue(s), or document(s).
- 2) **FEMA, HUD, and GLO** will engage and coordinate as early as possible in the project review process to identify environmental and historic preservation issues and information needs, as well as to facilitate timely project decisions and ensure that the responsibilities of each agency are met when the project triggers joint Agency coordination. This may include but not limited to the following situations:
 - a) Joint funded federal recovery actions or activities such as the use of HUD funds as local match for eligible project proposals received under FEMA’s Public Assistance Grant Program (PA) and Hazard Mitigation Grant Program (HMGP); FEMA and HUD funded disaster recovery projects with potential to result in a ‘Connected Action’ or the need for ‘Cooperating Agency’ participation as defined by 40 CFR Parts 1508.
 - b) In cases where joint federal funding is identified early and an Environmental Assessment (EA) is known or anticipated then the Parties involved will use the interagency tools as follows to the extent practicable and beneficial: *Guidelines for Preparing an Environmental Assessment for FEMA and HUD Joint Federally Funded Projects*, dated April 2018 (Appendix A) and, *FEMA/HUD Environmental Checklist*, dated April 04, 2018 (Appendix B). These tools are not intended to slow the review process, nor are they meant to replace or circumvent an agency’s legal obligations or requirements for appropriately documenting environmental compliance. These interagency tools should be used to inform the compliance reviews and documentation process by offering EHP practitioners with a comprehensive list of environmental laws and Executive Orders (E.O.) that must be considered by both Federal agencies in cases where environmental review adoption is not permissible and/or appropriate. These scenarios are described in greater detail within Section 5(a)&(b).
- 3) **FEMA, HUD, and GLO** recognize that the Supplemental Appropriations for Disaster Relief Requirements 2017 (Pub. L. 115-56), approved September 8, 2017, authorizes GLO or other recipients of funds provided under Hurricane Harvey CDBG-DR appropriations “...that use such funds to supplement Federal assistance provided under section 402, 403, 404, 406, 407, 408(c)(4), or



502 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) may adopt, without review or public comment, any environmental review, approval, or permit performed by a Federal agency, and such adoption shall satisfy the responsibilities of the recipient with respect to such environmental review, approval or permit: Provided further, That, notwithstanding section 104(g)(2) of the Housing and Community Development Act of 1974 (42 U.S.C. 5304(g)(2)), the Secretary may, upon receipt of a request for release of funds and certification, immediately approve the release of funds for an activity or project assisted under this heading if the recipient has adopted an environmental review, approval or permit under the preceding provision or the activity or project is categorically excluded from review under the National Environmental Policy Act of 1969.” These authorizations extend to the CDBG-MIT funding allocated under the Further Additional Supplemental Appropriations for Disaster Relief Requirements Act, 2018 (Pub. L. 115-123, approved February 9, 2018) (the “Appropriations Act”).

- a) HUD’s adoption process was outlined in a memo issued by the HUD Office of Environment and Energy (OEE), dated March 4, 2013 (Appendix C). HUD Parties under this LoA, determined the 2013 memo to be the best available guidance on the environmental review adoption process for Stafford Act funded actions. HUD and GLO will adhere to the process referenced in the 2013 memo to applicable projects funded under the Hurricane Harvey CDBG-DR, CDBG-MIT, and other appropriations where environmental review adoption has been authorized. Should changes to this guidance occur then HUD will be responsible for notifying all Parties of those changes by following the amendment process described in Section 12.
 - b) FEMA’s UFR process for the State of Texas was outlined in a memo issued by the Regional Environmental Officer on September 5, 2018 (Appendix D). FEMA will continue adhering to the 2018 process, amending as needed. Should FEMA’s 2018 process changes, then FEMA will be responsible for notifying all Parties of those changes by following the amendment process described in Section 12.
- 4) **FEMA** agrees to provide HUD and GLO with a completed electronic copy of their Record of Environmental Consideration (REC) and/or Environmental Record(s) (e.g. agency consultations, studies, permits, etc.) for each project upon request to the designated POC(s) and to the extent deemed legally sufficient in order for HUD and GLO to uphold their aforementioned adoption process when:
- a) HUD assistance supplements the Stafford Act funding appropriated for Hurricane Harvey or other appropriations where environmental review adoption has been authorized, and
 - b) FEMA’s environmental review covers all project activities funded by the HUD recipient for each project
- 5) **FEMA** agrees to provide HUD and GLO with their REC and/or environmental record(s) upon request to the designated POC(s) for each project with similar scope, scale, and location in order to inform HUD and GLO environmental reviews when:
- a) HUD funds are being used from other appropriations or programs in which adoption is not permissible, or
 - b) HUD and GLO scope exceed FEMA’s scope of environmental review
- 6) **FEMA** agrees to respond to HUD and GLO environmental review or information requests within five (5) business days of submission to their designated POC(s). If FEMA is unable to service a request fully within that timeframe then their response to HUD and GLO should include an explanation as to why the request cannot be serviced and a target completion date whenever feasible.



- 7) **GLO** recognize the adoption process outlined in the HUD 2013 memo (Appendix C) and agrees to adhere to the process and guidelines contained therein.
- 8) **HUD and GLO** agree to provide FEMA with their Environmental Review Record (ERR) or supporting documentation upon request to the designated POC(s) for each project with similar scope, scale, and location in order to inform FEMA environmental reviews when:
 - a) FEMA's review occurs after HUD and/or GLO, or
 - b) FEMA scope exceeds the scope of the HUD and/or GLO review
- 9) **HUD and GLO** agree to respond to FEMA environmental review or information requests within five (5) business days of submission to the designated POC(s). If the responsible Agency is unable to service the request fully within five (5) business days of submission then that Agency's response should include an explanation as to why the request cannot be serviced and a target completion date whenever feasible.
- 10) **FEMA, HUD, and GLO** agree to transmit environmental reviews and supporting documentation using the FEMA's **Floodmaps File eXchange (FFX)** (<https://floodmaps.fema.gov/ffx/index.php>). In the event FFX fails, the Agency encountering the failure should notify FEMA's designated POC immediately while copying the other Agency POC(s) on the notification for their awareness. FEMA will be responsible for keeping all Parties apprised of the status of FFX until the system issues are resolved. In the absence of the FFX's availability, Agencies needing to exchange information will be responsible for coordinating an alternative method of exchange. An appropriate alternative when the information to be exchanged does not contain sensitive or Personal Identifiable Information (PII) would be the use of an Agency's secure government email.
- 11) **FEMA, HUD, and GLO** recognize that recovery efforts for Hurricane Harvey as well as other past, present, or future events may involve projects of a scale or scope that require greater collaboration and analysis to effectively address review and permitting requirements. FEMA, HUD, and GLO agree to open, frequent, and candid communication, including the efficient resolution of any issues, misunderstandings, or disagreements. FEMA, HUD, and GLO will participate in the environmental and historic preservation review process in a meaningful and substantive way, including attendance at periodic meetings and conference calls.
- 12) **FEMA, HUD, and GLO** will support early and regular involvement and cooperation to ensure timely decisions are made and that the roles of each Party are met. This coordination will include identifying and implementing opportunities to more efficiently and effectively perform Agency specific environmental and historic preservation review efforts, including related efforts that may involve other Agencies, by participating in a meaningful and substantive way, in the following: *Texas Interagency UFR Team meeting(s), Texas Interagency UFR Summit(s), and Interagency EHP Practitioners meetings*. FEMA's Regional UFR Coordinator (UFR Coordinator) will organize, maintain, and engage with FEMA, HUD, and GLO representatives on these activities and outcomes for the duration of their operation until otherwise disbanded. There may be a need to modify or expand upon the coordination efforts outlined above. Support for any modified or expanded efforts would follow the same principles and expectations set forth in this LoA.
- 13) **FEMA, HUD, and GLO** recognize the LoA may be amended when such an amendment is agreed to in writing by all Parties. The amendment will be effective on the date a copy of the amended LoA has been reissued to all Parties by the UFR Coordinator.
- 14) **FEMA, HUD, and GLO** agree that if any Party determines that the responsibilities and expectations of this LoA, will not or cannot be carried out, that Agency shall immediately consult with the other



Parties to develop an amendment. If within thirty (30) days an amendment cannot be reached, any Party may terminate the LoA upon written notification to the other Parties.

- 15) **FEMA, HUD, and GLO** will expeditiously address any issue or dispute that arises during the implementation of this LoA. As appropriate, the Agency whose decision is the subject of the issue or dispute will provide the other Agencies involved in the issue or dispute with the necessary guidance and direction regarding the proper application of its relevant authorities. FEMA, HUD, and GLO will seek to resolve issues or disputes at the earliest possible time through discussion at the lowest appropriate organizational level (i.e., project-level staff who have day-to-day involvement in a project). If an issue cannot be resolved through meetings among the project-level staff, then each Agency will elevate the issue expeditiously to their next appropriate organizational level for resolution. Each Agency is expected to follow its respective dispute resolution processes.

Please reply stating your agreement to work with FEMA to unify and expedite the environmental and historic preservation reviews for disaster recovery and mitigation projects associated with Presidentially-declared disaster DR-4332-TX as well as any past, present, or future disasters under the terms of this LoA. If you have any questions, please contact Sarah Carrino at sarah.carrino@fema.dhs.gov or at 202-733-7908.



TEXAS GENERAL LAND OFFICE
GEORGE P. BUSH, COMMISSIONER

April 29, 2020

Kevin Jaynes
Regional Environmental Officer
U.S. Department of Homeland Security
Federal Emergency Management Agency (FEMA) Region 6
800 N. Loop 288
Denton, TX 76209

RE: Letter of Agreement under the Texas Unified Federal Review

Dear Mr. Jaynes;

This letter will serve as confirmation with FEMA, that the Texas General Land Office (GLO) has reviewed the documentation putting into place a Texas Unified Federal Review agreement between FEMA, HUD, and GLO to coordinate the environmental and historic preservation reviews for disaster recovery projects associated with the Presidentially-declared Hurricane Harvey, 4332-DR-TX, as well as any past, present, or future events where the principles and guidelines set forth in the agreement would be both beneficial and applicable.

We look forward to working with you collaboratively unifying and expediting disaster recovery- and mitigation-related environmental and historic preservation reviews not only associated with Presidentially declared Hurricane Harvey, but also past, present, and future disasters. We agree that efficient, uniform, transparent and expeditious coordination with the agencies will provide effective NEPA, Section 106 of NHPA and other applicable Federal, Tribal, state, and local environmental protections while serving the communities of Texas.

Please feel free to contact Celine Finney, Environmental Specialist at (512)475-5080 or by email at celine.finney.glo@recovery.texas.gov with any questions.

Sincerely,

Heather Lagrone
Sr. Deputy Director
Community Development and Revitalization



U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
Fort Worth Regional Office, Region VI
Office of the Regional Administrator
801 Cherry Street, Unit 45, Suite 2500
Fort Worth, TX 76102
Phone (817) 978-5965 - Fax (817) 978-5567
www.hud.gov www.espanol.hud.gov

June 15, 2020

Kevin Jaynes
Regional Environmental Officer
U.S. Department of Homeland Security
Federal Emergency Management Agency (FEMA) Region 6
800 N. Loop 288
Denton, TX 76209

Subject: Letter of Agreement under the Texas Unified Federal Review (UFR)

Dear Kevin:

In response to your email dated March 26, 2020 requesting concurrence with the proposed Letter of Agreement between the U.S. Department of Housing and Urban Development (HUD), the Texas General Land Office (GLO), and FEMA, this letter serves as formal concurrence.

We have reviewed the Letter of Agreement and appendices associated with Presidentially declared disaster DR-4332-TX and any past, present, or future disasters. The agreement lays out the framework in which the three agencies will work together to unify and expedite the environmental and historic preservation reviews for disaster recovery and mitigation process.

HUD has worked diligently to establish and maintain good working relationships with both agencies, and we look forward to continuing this working relationship. Through this unified approach, we can ensure compliance with the National Environmental Policy Act (NEPA), Section 106 of the National Historic Preservation Act (NHPA), and other applicable Federal, Tribal, state, and local regulations while helping the communities of Texas rebuild in a more resilient and timely manner.

If you have any additional questions pertaining to this concurrence, please feel free to contact me at 817-978-5540, or via email at david.a.storms@hud.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Kelly H. Storms".

For David A. Storms
Regional Environmental Officer

Appendix A

Draft Environmental Assessment

Sub-Applicant Name

Project Title

Program(s) / Project Number

Project County, Project State

Month and Year



FEMA



TXGLO



HUD

**U.S. Department of Homeland Security
Federal Emergency Management Agency**
Region 6
800 North Loop 288,
Denton, TX, 76209

Texas General Land Office
Community Development and Revitalization (CDR)
George P. Bush, Commissioner
1700 N. Congress Ave.
Austin, TX 78701-1495

**U.S. Department of Housing and Urban Development
Office of Environment and Energy**
Region VI

Guidelines for Preparing an Environmental Assessment for FEMA and HUD Joint Federally Funded Projects

The following is an outline for how to prepare an Environmental Assessment (EA) which includes specifications for the public comment period for projects seeking joint federal funding through the Federal Emergency Management Agency (FEMA) and the Department of Housing and Urban Development (HUD) grant programs. This guidance includes projects requiring an EA that proposes to use HUD's Community Development Block Grant-Disaster Funds (CDBG-DR) as local match ($\leq 25\%$) for projects largely funded ($\geq 75\%$) by FEMA grant programs. These guidelines are designed in conformity with the Unified Federal Review process, requiring federal agencies that fund or permit disaster recovery projects to adhere to an expedited and unified interagency environmental and historic preservation (EHP) review process for compliance with federal laws and executive orders when practicable.

An example of an EA prepared for a FEMA and HUD funded project can be found on FEMA's website at <https://www.fema.gov/media-library/assets/documents/114836>. Additional examples of EAs prepared for FEMA funded projects can be found on FEMA's website at <https://edit.fema.gov/environmental-planning-and-historic-preservation-program/environmental-documents-public-notice-2> and <http://www.fema.gov/media-library/assets/documents>. Additional information on FEMA's agency-specific procedures for NEPA implementation can be found at <https://www.fema.gov/office-environmental-planning-and-historic-preservation/national-environmental-policy-act>. Additional guidance on HUD's Environmental Factors pertaining to HUD specific requirements can be found at <https://www.hudexchange.info/programs/environmental-review/federal-related-laws-and-authorities/> and <https://www.hudexchange.info/resource/3895/additional-factors-to-consider-in-an-environmental-assessment/>.

It is advised that the EA be prepared in compliance with Section 508 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794d). Section 508 requires that when federal agencies develop, procure, maintain, or use electronic and information technology, federal employees and members of the public with disabilities have access to information and data that is comparable to the access and use by those without disabilities. In order for an EA to enter public comment, the document must be 508-compliant to be posted on a federal agency website. Guidance for preparing accessible (508-compliant) Word and PDF documents is available as a supplement to these EA Guidelines.

Suggested Format

- Cover and Title Page (use template provided)
- Table of Contents
- List of Acronyms
- 1.0 Introduction
- 2.0 Purpose and Need
- 3.0 Alternatives
 - 3.1 No Action Alternative

- 3.2 Proposed Action
- 3.3 Other Action Alternatives
- 3.4 Alternatives Considered and Dismissed
- 4.0 Affected Environment and Potential Impacts
 - 4.1 Physical Resources
 - 4.1.1 Geology, Soils, and Seismicity
 - 4.1.2 Farmlands Protection
 - 4.1.3 Air Quality
 - 4.1.4 Climate Change
 - 4.2 Water Resources
 - 4.2.1 Water Quality
 - 4.2.2 Wetlands *
 - 4.2.3 Floodplains & Flood Insurance (HUD Requirement) *
 - 4.2.4 Sole Source Aquifers (HUD Requirement) *
 - 4.2.5 Wild and Scenic Rivers
 - 4.3 Coastal Resources
 - 4.3.1 Coastal Barrier Resources
 - 4.3.2 Coastal Zone Management
 - 4.4 Biological Resources
 - 4.4.1 Threatened and Endangered Species and Critical Habitat *
 - 4.4.2 Wildlife and Fish
 - 4.5 Cultural Resources *
 - 4.5.1 Historic Properties
 - 4.5.2 American Indian/Native Hawaiian/Native Alaskan Cultural/Religious Sites
 - 4.6 Socioeconomic Resources
 - 4.6.1 Environmental Justice *
 - 4.6.2 Hazardous Material
 - 4.6.3 Explosive and Flammable Hazards (HUD Requirement)*
 - 4.6.4 Airport Hazards (HUD Requirement)*
 - 4.6.5 Noise
 - 4.6.6 Traffic
 - 4.6.7 Public Service and Utilities
 - 4.6.8 Public Health and Safety
 - 4.6.9 Employment and Income Patterns (HUD Requirement)*
 - 4.6.10 Demographic Character Changes, Displacement (HUD Requirement)*
 - 4.7 Summary Table
- 5.0 Cumulative Impacts
- 6.0 Agency Coordination, Public Involvement and Permits
- 7.0 Mitigation
- 8.0 References
- 9.0 List of Preparers
- 10.0 Appendices (*as appropriate, e.g. site maps and photographs, copies of consultation letters*)

NOTE: (*) These resources/areas of concern must be discussed in every EA when utilizing FEMA and HUD grant program funds.

Introduction

The introduction should include the following: a brief description of the project background/history (also include a summary of the disaster event, if applicable); an explanation of the nature of FEMA and HUD (or HUD Responsible Entities (RE)) involvement in the project (e.g. *St. Charles Parish submitted an HMGP application for funding to construct the Magnolia Ridge Pump Station, a 500 cubic feet per second (cfs) pump station that will be located in Boutte, Louisiana. The pump station will mitigate the risk of flooding of structures and streets during heavy rainfall and tidal surge events in the Magnolia Ridge watershed area which encompasses portions of Boutte and Paradis. If approved, St. Charles Parish proposes to cover 100% of local cost associated with the Proposed Action with CDBG-DR funds.*); a total estimated project cost to include other federal and non-federal funding sources (e.g. HUD CDBG-DR funds in the amount of \$A and local funds in the amount of \$B for a total of \$C); identification of the Lead Agency or joint Lead Agencies and Cooperating Agencies, if applicable); and a summary of the requirement under the National Environmental Policy Act (NEPA) as well as FEMA and HUD's regulations implementing NEPA to prepare an Environmental Assessment.

The following is recommended language to summarize the NEPA requirement:

This Environmental Assessment (EA) has been prepared in accordance with the National Environmental Policy Act (NEPA) of 1969, the President's Council on Environmental Quality regulations to implement NEPA (40 Code of Federal Regulations Parts 1500-1508), FEMA's procedures for implementing NEPA (FEMA Instruction 108-1-1), and HUD's regulations for implementing NEPA (24 Code of Federal Regulations Part 58). FEMA and HUD (or HUD RE) are required to consider potential environmental impacts before funding or approving actions and projects. The purpose of this EA is to analyze the potential environmental impacts of the [proposed project]. FEMA and HUD (or HUD RE) will use the findings in this EA to determine whether to prepare an Environmental Impact Statement (EIS) or a Finding of No Significant Impact (FONSI).

For the purposes of this EA, FEMA and HUD or HUD RE are serving as joint Lead Agencies. FEMA (or HUD/HUD RE) will act as agent to HUD/HUD RE (or FEMA), working with them carry out the Proposed Action. This serves as documentation of FEMA and HUD/HUD RE's analysis of the potential environmental impacts of the Proposed Action, including analysis of project alternatives and identification of impact minimization measures.

Purpose and Need

Purpose

Purpose is a statement of the grant program's goals and objectives. Purpose should be general in nature and not specifically oriented to support the proposed action or limit consideration of the other action alternatives. Contingent on the funding source, a

purpose statement might include something like the examples below. These are suggestions that may need to be revised for your specific project.

FEMA Programs

“Through HMGP, FEMA provides grants to states and local governments to implement long-term hazard mitigation measures. The purpose of HMGP is to reduce the loss of life and property due to natural disasters and to enable mitigation measures to be implemented during the immediate recovery from a disaster. HMGP is authorized under Section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act.”

Or

“The objective of the Federal Emergency Management Agency's (FEMA) Public Assistance (PA) Grant Program is to provide assistance to State, Tribal and local governments, and certain types of Private Nonprofit (PNP) organizations so that communities can quickly respond to and recover from major disasters or emergencies declared by the President.

“Through the PA Program, FEMA provides supplemental Federal disaster grant assistance for debris removal, emergency protective measures, and the repair, replacement, or restoration of disaster-damaged, publicly owned facilities and the facilities of certain PNP organizations. The PA Program also encourages protection of these damaged facilities from future events by providing assistance for hazard mitigation measures during the recovery process.”

And

HUD Program

“Through the CDBG-DR program, HUD provides grant assistance to areas affected by Presidentially declared disasters for rebuilding and recovery efforts in communities and neighborhoods that have limited resources to allocate to such programs.”

Need

Developing the appropriate project need is critical in an EA. Project need provides the basis to develop appropriate action alternatives and select the proposed alternative. The need is the specific problem the project is intended to address. The need should be specific and stated as a problem, not a solution. The situation should be explained such that readers understand why FEMA and HUD (or HUD RE) are involved. The need should be described in a manner that allows multiple ways of addressing the problem. The need should not be defined by the proposed action (e.g. the need is not “to build a dam,” but rather “to control flooding and prevent future flood damages and losses”); the

need is not “to build a 300-foot communications tower,” but rather “to improve public safety and interoperable communications among first responders during an emergency event”).

Alternatives

Joint FEMA and HUD EAs must, at minimum, include a discussion of the No Action Alternative (i.e. maintaining the status quo/consequences of not implementing the proposed project) and the Proposed Action. Preferably, the EA should also include a discussion of Action Alternatives; in other words, applicants/sub-applicants (or grantees/sub-grantees or recipient/sub-recipient) should ask the question: “if the proposed project cannot be chosen, how else could the need be met?” If an Action Alternative has been considered, but rejected as a feasible option, that alternative and reasons for its dismissal from further analysis in the EA should be briefly discussed in this section. Visual tools such as maps and photographs should be included so that the audience has a clear understanding of the proposed project and location.

Affected Environment and Potential Impacts

In this section, provide a description of the physical setting and information on the existing environment, or baseline conditions, for those resources/areas of concern that may be affected by the proposed action or alternatives. The following EHP-related resources/areas of concern must be discussed in every joint FEMA and HUD EA (these are designated by an asterisk (*) in the table of contents above): wetlands, floodplains, flood insurance, sole source aquifers, threatened and endangered species and critical habitat, cultural resources, environmental justice, explosive and flammable hazards, airport hazards, and demographic character changes, displacement. All other EHP-related resources/areas of concern should be addressed only if the proposed action and/or alternatives have the potential to affect that resource/area of concern. Typically, EAs for new facility construction (e.g. school, hospital, fire station) would also address air quality, noise, traffic, geology and soils.

Suggestion: Use information from other regional EAs that can be applied your project area (but only use the applicable information). Often EAs prepared by FEMA, Departments of Transportation (DOTs) and the U.S. Army Corps of Engineers (USACE) can be a good resource.

EAs for actions in the floodplain or affecting wetlands must include a narrative discussion of the 8-step process (44 CFR Part 9.6) in the associated floodplain and/or wetland section of the document or as an Appendix to the EA. An example of the narrative addressing floodplains (Executive Order 11988 and 44 CFR Part 9) has been attached to the end of these writing tips. This same narrative can be applied to address wetlands (Executive Order 11990 and 44 CFR Part 9) as well. EAs that do not provide this narrative when required will be returned as deficient.

For each resource/area of concern that is discussed, provide the following:

- Description of the general setting and character of the existing proposed project site relevant to the resource/area of concern being discussed;

- Summary of the EHP law, Executive Order or other requirement that may be triggered because of potential impacts to that resource/area of concern;
- For each alternative (including the no action alternative) under each resource provide:
 - Description of the short-term (i.e. construction phase) and long-term (i.e. facility operation) impacts, both positive and negative, on the resource/area of concern;
 - Identification of EHP mitigation measures or best management practices (BMPs) that would be implemented to reduce or avoid impacts;
 - If applicable, summary of coordination or consultation with resource and/or regulatory agencies responsible for the management or protection of that resource and outcome of that coordination or consultation (this will usually only apply to the proposed action/preferred alternative).

Include a summary table of potential EHP impacts and the EHP mitigation measures/BMPs that will be implemented to reduce or avoid those impacts. Resource agency coordination and permits can also be included in the table. This table should follow the same order as the narrative body of the EA and section titles and language should be consistent.

Affected Environment/ Resource Area	Impacts	Agency Coordination/Permits	Mitigation/BMPs
	<i>(list separately for each Alternative)</i>		

Cumulative Impacts

Cumulative impacts are the impact on the environment which results from the incremental impact of an action when added to other past, present, and reasonably foreseeable future actions, regardless of what agency (Federal or non-Federal) or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time. Impacts are only cumulative for a given resource type or area of concern. In other words, impacts on wetlands cannot accumulate with impacts on historic properties.

The EA must address cumulative impacts if the Proposed Action or Alternatives, when taken into account with other past, present, and reasonably foreseeable future actions, would have an impact on a particular resource/area of concern. Therefore, EA preparers should contact the appropriate local or county governmental entity to get an idea of what other projects, regardless of funding or proponent, may be going on or planned in the area.

Agency Coordination, Public Involvement and Permits

In this section, provide the following, if applicable: a description of permits or approvals that would typically be required for the proposed project (e.g. building codes; storm water, air pollution, and sediment and erosion control requirements, etc.); a list of Federal, state, and local agencies and offices or other stakeholders that were contacted and asked to review the project; and a description of any public involvement that has occurred regarding the proposed project, such as newspaper notices, town meetings, etc.

Please note, for the purposes of consultation under the National Historic Preservation Act (NHPA), applicants and sub-applicants must not contact federally recognized tribes. Per 36 CFR Part 800.2(c)(2)(ii)(C), “consultation with an Indian tribe must recognize the government-to-government relationship between the Federal Government and Indian tribes. The agency official shall consult with representatives designated or identified by the tribal government or the governing body of a Native Hawaiian organization.” Tribal consultation cannot be delegated from FEMA to the state or to sub-applicants.

References

Use an accepted citation style such as Modern Language Association (MLA), Turabian, Chicago, etc., and remain consistent throughout EA.

List of Preparers

Include a list of individuals, with their professional qualifications and affiliations, who contributed to the technical content of the EA. FEMA and HUD will likely add a list of federal staff that reviewed and approved the document as well.

Instructions for Submission of Document to Lead Agency or Joint Lead Agencies

When an EA includes joint Lead Agencies, these agencies will identify a single agency point of contact for document submissions. This designation occurs prior to development of the EA and is often communicated to the sub-applicant/grantee/recipient and/or contractor during initial coordination calls/meetings or correspondence. The agency designated the POC will serve as ‘Primary Agent’ to the other joint Lead Agency. It is the responsibility of the Primary Agent to distribute document submissions to the other joint Lead Agency for review and comment. The Primary Agent will collect and manage each agency’s comments as well as coordinate joint Lead Agency meetings as needed throughout the EA review and approval process. This ensures agency communication and coordination with the sub-applicant/grantee/recipient or contractor remains unified throughout the EA development and approval process.

A preliminary draft document must be submitted to the Lead Agency or Primary Agent for review and approval. The document must be in both PDF and editable MS Word format. The Lead Agency or Primary Agent may respond with required revisions. This revised document must be re-submitted to Lead Agency or Primary Agent for approval. It

can be helpful if the sub-applicant/grantee/recipient or contractor prepares an errata sheet that details how revisions were addressed. It also helps if the revised draft EA document includes line numbering to facilitate agency review. The final PDF document - to be posted on the Lead Agency or joint Lead Agencies' website - must be 508-compliant as discussed above. It is the responsibility of the sub-applicant/grantee/recipient or contractor to prepare a 508-compliant EA, including appendices.

Note: FEMA's EHP staff can offer limited assistance if issues are encountered with 508 when FEMA is Lead Agency or joint Lead Agency. Please see the attached guidance on preparing 508-accessible documents.

Public Notice and Public Comment Period

Once approved by the Lead Agency (or joint Lead Agencies), the Draft EA will go out for a 30 day public comment period. The length of the comment period can vary based on Lead Agency's (or joint Lead Agencies') discretion.

Publication of Notice

In addition, the sub-applicant/grantee/recipient or contractor must publish the public notice at least twice during the 30 day comment period, for one day at the beginning of the comment period and again for one more day 15 days into the comment period. The public notice need only be published once at the beginning of the comment period for EAs with a 15 day – or shorter- public comment period. A daily regional paper of record would be preferred over a weekly local paper. It is also preferred to be published in the Legal Section of the newspaper if available. The public notice should include an explanation of how the public can access the Draft EA and instructions for submitting comments to Lead Agency or Primary Agent. The public notice needs to be approved by the Lead Agency or Primary Agent before publication.

The sub-applicant/grantee/recipient or the contractor must submit proof of publication of the public notice to the Lead Agency or Primary Agent's environmental and historic preservation (EHP) compliance office or branch. This proof must be in the form of an original copy of the notarized proof of publication affidavit provided by the newspaper publisher. Any other forms of proof will be accepted on a case by case basis and will require preapproval from the Lead Agency or Primary Agent.

Physical Availability of Draft EA

The sub-applicant/grantee/recipient or contractor must make at least one (1) hard copy of the Draft EA available to the public in an easily accessible location, such as a city hall or public library. Copies of the public notice must accompany the Draft EA and must be posted in highly visible areas where the document will be available for public review. In rural areas, where public facilities can sometimes be too distant from the affected community, private businesses such as a grocery store can be used with preapproval from the from the Lead Agency or Primary Agent. Locations that have limited operating hours that would prevent an average citizen from access the document or sites that require pre-approval to access are not permitted.

Final Environmental Assessment

If any comments are received during the public comment period, the Lead Agency or Primary Agent may request that the sub-applicant/grantee/recipient or contractor revise the EA to address the comments. The sub-applicant/grantee/recipient or contractor may be contacted by the Lead Agency or Primary Agent's EHP compliance office or branch with additional instructions if a Final EA public comment period is necessary. If no public comments are received, revisions to the Final EA are commonly limited to updating the date and the public involvement sections.

Once the comment period has ended and all comments dealt with, and if there are no significant impacts, a FONSI will be written and signed by the Lead Agency or joint Lead Agencies. A FONSI is FEMA and HUD's decision document that concludes that the proposed action will not significantly impact the environment. It includes required mitigation measures that are conditions of the grant award. Issuance of a FONSI completes FEMA and HUD's NEPA process. If the EA results in a finding of significant impact, FEMA and/or HUD will issue a Notice of Intent to prepare an Environmental Impact Statement (EIS).

Appendix B

Reviewer Name, Agency, and Contact (email/phone):

Date Submitted to EHP Review:

Date EHP Review Completed:

Reviewer Name, Agency, and Contact (email/phone):

Date Submitted to EHP Review:

Date EHP Review Completed:

FEMA/HUD Record of Environmental Consideration



Grant Number [HUD]:

Responsible Entity [HUD]:

Certifying Officer [HUD]:

Agency/Project Name/Number [FEMA/HUD]:

Project Location [FEMA/HUD]:

Estimated total project cost:

Grant Recipient [HUD]/Applicant [FEMA]:

Recipient/Applicant Address:

Project Representative [HUD]:

Project Representative Telephone Number [HUD]:

Project Description:

Reviewer Name, Agency, and Contact (email/phone):

Date Submitted to EHP Review:

Date EHP Review Completed:

Reviewer Name, Agency, and Contact (email/phone):

Date Submitted to EHP Review:

Date EHP Review Completed:

National Environmental Policy Act (NEPA) Determination

Statutorily excluded from NEPA review [FEMA Directive 108-1 and FEMA Instruction 108-1-1].

(Review Concluded for FEMA)

Exempt [HUD 24 CFR Part 58.34] or Categorically Excluded Not Subject To 58.5 [24 CFR 58.35(b)].

Are project conditions required under 24 CFR 58.6 (Airport Hazards, Coastal Barriers, Flood Ins)?

Yes (see Section V) No **(Review concluded)**

Categorical Exclusion - Category () [FEMA Directive 108-1 and FEMA Instruction 108-1-1]

Categorical Exclusion Subject to 58.5 [HUD 24 CFR Part 58.35(a)] No Extraordinary Circumstances exist.

Are project conditions required? Yes (see Section V) No **(Review Concluded)**

Extraordinary Circumstances exist (See Section IV).

Extraordinary Circumstances mitigated. (See Section IV comments)

Are project conditions required? Yes (see Section V) No **(Review Concluded)**

Environmental Assessment

Supplemental Environmental Assessment (Reference EA or PEA in comments.)

Environmental Impact Statement

Comments:

Reviewer and Approval

Project is Non-Compliant. (See attached documentation justifying selection.)

FEMA Environmental Reviewer or HUD Responsible Entity (RE) Environmental Reviewer.
Name: Printed, (Position Title)

Signature _____ . Date _____ .

FEMA Regional Environmental Officer or RE Certifying Official or delegated approving official.
Name: Printed, (Position Title)

Signature _____ . Date _____ .

REC adoption or supplemental review.

FEMA Regional Environmental Officer or RE Certifying Official or delegated approving official.
Name: Printed, (Position Title)

Signature _____ . Date _____ .

Reviewer Name, Agency, and Contact (email/phone):

Date Submitted to EHP Review:

Date EHP Review Completed:

Reviewer Name, Agency, and Contact (email/phone):

Date Submitted to EHP Review:

Date EHP Review Completed:

I. Compliance Review for Environmental Laws (other than NEPA)

A. National Historic Preservation Act

- Not type of activity with potential to affect historic properties. (**Review Concluded**)
- Applicable executed Programmatic Agreement Otherwise, conduct standard Section 106 review.
 - Activity meets Programmatic Allowance #
Are project conditions required? Yes (see section V) No (**Review Concluded**)
- Addressed in Environmental Assessment (Tier 1)**

HISTORIC BUILDINGS AND STRUCTURES

- No historic properties that are listed or 45/50 years or older in project area. (**Review Concluded**)
- Building or structure listed or 45/50 years or older in project area and activity not exempt from review.
 - Determination of No Historic Properties Affected [Agency finding/SHPO/THPO concurrence on file].
Are project conditions required? Yes (see section V) No (**Review Concluded**)
 - Determination of Historic Properties Affected (Agency/RE finding/SHPO/THPO concurrence on file.)
 - Property a National Historic Landmark and National Park Service was provided early notification during the consultation process. If not, explain in comments
 - No Adverse Effect Determination (Agency/RE finding/SHPO/THPO concurrence on file.)
Are project conditions required? Yes (see section V) No (**Review Concluded**)
 - Adverse Effect Determination (FEMA finding/SHPO/THPO concurrence on file)
 - Resolution of Adverse Effect completed. (MOA on file)
Are project conditions required Yes (see section V) No (**Review Concluded**)

ARCHEOLOGICAL RESOURCES

- Project affects only previously disturbed ground. (**Review Concluded**)
- Project affects undisturbed ground.
 - Project area has no potential for presence of archeological resources
 - Determination of no historic properties affected (Agency/RE finding/SHPO/THPO concurrence or consultation on file). (**Review Concluded**)
 - Project area has potential for presence of archeological resources
 - Determination of no historic properties affected (Agency/RE finding/SHPO/THPO concurrence on file.)
Are project conditions required Yes (see section V) No (**Review Concluded**)
 - Determination of historic properties affected
 - NR eligible resources not present (Agency/RE finding/SHPO/THPO concurrence on file.)
Are project conditions required Yes (see section V) No (**Review Concluded**)
 - NR eligible resources present in project area. (Agency/RE finding/ SHPO/THPO concurrence on file.)
 - No Adverse Effect Determination. (Agency/RE finding/ SHPO/THPO concurrence on file.)
Are project conditions required? Yes (see section V) No (**Review Concluded**)
 - Adverse Effect Determination. (Agency/RE finding/ SHPO/THPO concurrence on file.)

Reviewer Name, Agency, and Contact (email/phone):

Date Submitted to EHP Review:

Date EHP Review Completed:

Reviewer Name, Agency, and Contact (email/phone):

Date Submitted to EHP Review:

Date EHP Review Completed:

- Resolution of Adverse Effect completed. (MOA on file.)
Are project conditions required? Yes (see section V) No
(Review Concluded)

Comments:

Correspondence/Consultation/References:

B. Endangered Species Act [50 C.F.R. Part 402; 16 USC 668 et seq.; and 16 USC 703 et seq.]

No listed species and/or designated critical habitat present in areas affected directly or indirectly by the Federal action. **(Review Concluded)**

Listed species and/or designated critical habitat present in the areas affected directly or indirectly by the Federal action.

No effect to species or designated critical habitat.

Are project conditions required? Yes (see section V) No **(Review Concluded)**

May affect, but not likely to adversely affect species or designated critical habitat (Agency/RE determination/USFWS/NMFS concurrence on file.)

Are project conditions required? Yes (see section V) No **(Review Concluded)**

Likely to adversely affect species or designated critical habitat

Formal consultation concluded. (Biological Assessment and Biological Opinion on file.)

Are project conditions required? YES (see section V) NO **(Review Concluded)**

Addressed in Environmental Assessment (Tier 1)

Comments:

Correspondence/Consultation/References:

C. Coastal Barrier Resources Act

Project is not on or connected to CBRA Unit or Otherwise Protected Area. **(Review Concluded)**

Project is on or connected to CBRA Unit or Otherwise Protected Area. (Agency/RE determination/USFWS consultation on file)

Proposed action an exception under Section 3505.a.6. **(Review Concluded)**

Proposed action not excepted under Section 3505.a.6.

Are project conditions required? YES (see section V) NO **(Review Concluded)**

Addressed in Environmental Assessment (Tier 1)

Comments:

Correspondence/Consultation/References:

D. Clean Water Act

Project would not affect any water of the U.S. **(Review Concluded)**

Project would affect waters, including wetlands, of the U.S.

Project exempted as in kind replacement or other exemption. **(Review Concluded)**

Project may require Section 404/401/or Section 9/10 (Rivers and Harbors Act) permit, including qualification under Nationwide Permits.

Are project conditions required? YES (see section V) NO **(Review Concluded)**

Addressed in Environmental Assessment (Tier 1)

Comments:

Correspondence/Consultation/References:

Reviewer Name, Agency, and Contact (email/phone):

Date Submitted to EHP Review:

Date EHP Review Completed:

Reviewer Name, Agency, and Contact (email/phone):

Date Submitted to EHP Review:

Date EHP Review Completed:

E. Coastal Zone Management Act [Sections 307 (c), (d)]

- Project is not located in a coastal zone area and does not affect a coastal zone area (**Review Concluded**)
- Project is located in a coastal zone area and/or affects the coastal zone
- State administering agency does not require consistency review. (**Review Concluded**)
- State administering agency requires consistency review.
- Are project conditions required? YES (see section V) NO (**Review Concluded**)
- Addressed in Environmental Assessment (Tier 1)**

Comments:

Correspondence/Consultation/References:

F. Fish and Wildlife Coordination Act [16 U.S.C. 661- 666c]

- Not applicable for financial assistance. (**Review Concluded**)

G. Clean Air Act [Clean Air Act, Sections 176(c) & (d), & 40 C.F.R. Parts 6, 51, 90 & 93]

- Project will not result in permanent air emissions. (**Review Concluded**)
- Project is located in an attainment area. (**Review Concluded**)
- Project is located in a non-attainment area.
- Coordination required with applicable state administering agency.
- Are project conditions required? YES (see section V) NO (**Review Concluded**)
- Addressed in Environmental Assessment (Tier 1)**

Comments:

Correspondence/Consultation/References:

H. Farmland Protection Policy Act [7 C.F.R. Part 658]

- Project does not affect designated prime or unique farmland. (**Review Concluded**)
- Project causes unnecessary or irreversible conversion of designated prime or unique farmland.
- Coordination with Natural Resource Conservation Commission required.
- Farmland Conversion Impact Rating, Form AD-1006, completed.
- Are project conditions required? YES (see section V) NO (**Review Concluded**)
- Addressed in Environmental Assessment (Tier 1)**

Comments:

Correspondence/Consultation/References:

I. Migratory Bird Treaty Act

- Project not located within a flyway zone. (**Review Concluded**)
- Project located within a flyway zone.
- Project does not have potential to take migratory birds.
- Are project conditions required? Yes (see section V) No (**Review Concluded**)
- Project has potential to take migratory birds.
- Contact made with USFWS
- Are project conditions required? YES (see section V) NO (**Review Concluded**)
- Addressed in Environmental Assessment (Tier 1)**

Reviewer Name, Agency, and Contact (email/phone):

Date Submitted to EHP Review:

Date EHP Review Completed:

Reviewer Name, Agency, and Contact (email/phone):

Date Submitted to EHP Review:

Date EHP Review Completed:

Comments:

Correspondence/Consultation/References:

J. Magnuson-Stevens Fishery Conservation and Management Act [16 U.S.C. 1801 et seq.]

- Project not located in or near Essential Fish Habitat. (**Review Concluded**)
- Project located in or near Essential Fish Habitat.
 - Project does not adversely affect Essential Fish Habitat.
Are project conditions required? Yes (see section V) No (**Review Concluded**)
 - Project adversely affects Essential Fish Habitat (Agency/RE determination/USFWS/NMFS concurrence on file)
 - NOAA Fisheries provided no recommendation(s)
Are project conditions required? Yes (see section V) No (**Review Concluded**)
 - NOAA Fisheries provided recommendation(s)
 - Written reply to NOAA Fisheries recommendations completed.
Are project conditions required? YES (see section V) NO (**Review Concluded**)
- Addressed in Environmental Assessment (Tier 1)**

Comments:

Correspondence/Consultation/References:

K. Wild and Scenic Rivers Act [Sections 7 (b), (c)]

- Project is not along and does not affect Wild or Scenic River (WSR) (**Review Concluded**)
- Project is along or affects WSR
 - Project adversely affects WSR as determined by NPS/USFS. **FEMA cannot fund the action.** (NPS/USFS/USFWS/BLM consultation on file) (**Review Concluded**)
 - Project does not adversely affect WSR. (NPS/USFS/USFWS/BLM consultation on file)
Are project conditions required? Yes (see section V) No (**Review Concluded**)
- Addressed in Environmental Assessment (Tier 1)**

Comments:

Correspondence/Consultation/References:

L. Other Relevant Laws and Environmental Regulations

Comments:

Correspondence/Consultation/References:

II. Compliance Review for Executive Orders

A. E.O. 11988 – Floodplains [HUD 24 C.F.R. Part 55, FEMA 44 C.F.R. Part 9]

- No Effect on Floodplains/Flood levels and project outside Floodplain - (**Review Concluded**)
- Located in Floodplain or Effects on Floodplains/Flood levels
 - No adverse effect on floodplain and not adversely affected by the floodplain.
Are project conditions required? Yes (see section V) No (**Review Concluded**)
 - Beneficial Effect on Floodplain Occupancy/Values (**Review Concluded**)

Reviewer Name, Agency, and Contact (email/phone):

Date Submitted to EHP Review:

Date EHP Review Completed:

Reviewer Name, Agency, and Contact (email/phone):

Date Submitted to EHP Review:

Date EHP Review Completed:

- Possible adverse effects associated with investment in floodplain, occupancy or modification of floodplain environment
 - 8 Step Process Complete - documentation on file
- Are project conditions required? YES (see section V) NO (**Review Concluded**)
- HUD Floodplain Management Worksheet Completed (manually or electronically in HEROS) (**Review Concluded**)

Addressed in Environmental Assessment (Tier 1)

Comments:

Correspondence/Consultation/References:

B. E.O. 11990 - Wetlands

- No Effects on Wetland(s) and project located outside Wetland(s) (**Review Concluded**)
- Located in Wetland or effects Wetland(s)
 - Beneficial Effect on Wetland (**Review Concluded**)
 - Possible adverse effect associated with constructing in or near wetland
 - Review completed as part of floodplain review
 - 8 Step Process Complete - documentation on file
- Are project conditions required? YES (see section V) NO (**Review Concluded**)
- Addressed in Environmental Assessment (Tier 1)

Comments:

Correspondence/Consultation/References:

C. E.O. 12898 - Environmental Justice for Low Income and Minority Populations

- No Low income or minority population in, near or affected by the project (**Review Concluded**)
- Low income or minority population in or near project area
 - No disproportionately high and adverse impact on low income or minority population (**Review Concluded**)
 - Disproportionately high or adverse effects on low income or minority population
- Are project conditions required? YES (see section V) NO (**Review Concluded**)
- Addressed in Environmental Assessment (Tier 1)

Comments:

Correspondence/Consultation/References:

III. Other Environmental Issues

A. Railroad/Highway/Airport Noise Assessment [24 C.F.R. Part 51B]

- Project site is located within 3000 feet of a railroad, 1000 feet of a heavily traveled roadway, or 15 miles of a commercial or military airport? No (**Review Concluded**)
 - Yes. Does the project include multifamily residential (acquisition, rehab or new construction) or single family new construction?
 - No. For other activities involving noise sensitive uses (e.g. single family rehab), consider incorporating noise attenuation within project scope.
 - Yes, a noise assessment is required.

Reviewer Name, Agency, and Contact (email/phone):

Date Submitted to EHP Review:

Date EHP Review Completed:

Reviewer Name, Agency, and Contact (email/phone):

Date Submitted to EHP Review:

Date EHP Review Completed:

Addressed in Environmental Assessment (Tier 1)

Comments:

Correspondence/Consultation/References:

B. Hazardous Materials

Will the project increase density (e.g., through new construction, expansion, change in use, or restoration of vacant property)? No (**Review Concluded**)

Yes. Is the site located within one mile of any above ground storage tanks containing flammable or explosive liquids or fuels (per list at 24 CFR 51C, Appendix I)? No (**Review Concluded**)

Yes, calculation of Acceptable Separation Distance and compliance with 24 CFR Part 51(c) will be required.

Addressed in Environmental Assessment (Tier 1)

Comments:

Correspondence/Consultation/References:

C. Water Quality and Aquifers [40 C.F.R. Part 149]

Does the project include any activities beyond acquisition, leasing, or rehabilitation of existing buildings?

No (**Review Concluded**)

Yes. Is the site within an EPA-designated sole source aquifer zone? No (**Review Concluded**)

Yes. Process under HUD-EPA MOU.

Addressed in Environmental Assessment (Tier 1)

Comments:

Correspondence/Consultation/References:

D. Toxic Waste

Single family activities:

Is the site located near any dumps, landfills, industrial sites, or other locations containing toxic waste and/or radioactive materials? Is the site on, or adjacent to, any CERCLIS or Superfund sites (attach CERCLIS, NPS listings, etc., if applicable). No (**Review Concluded**)

Yes. Do these facilities pose a risk to occupants or conflict with the proposed use of the site?

No (**Review concluded**)

Yes. Is the project limited to owner-occupied home rehabilitation that improves environmental conditions at the property?

Yes. Review concluded.

No. Reject site or engage environmental professional and state oversight agency to obtain *No Further Action Letter* or a *Remediation Plan* (see Section V).

Multifamily residential and public buildings/spaces:

Does a Phase I Environmental Site Assessment support the determination that the property is free from toxic substances that could pose a risk to occupants or conflict with the proposed use? Yes. (**Review concluded**)

Reviewer Name, Agency, and Contact (email/phone):

Date Submitted to EHP Review:

Date EHP Review Completed:

Reviewer Name, Agency, and Contact (email/phone):

Date Submitted to EHP Review:

Date EHP Review Completed:

No. Reject site or engage environmental professional and state oversight agency to obtain a *No Further Action Letter* or a *Remediation Plan* (see Section V).

Other activities (e.g., infrastructure): Has the site been evaluated in accordance with applicable construction and planning laws and requirements? Yes. **(Review concluded)**

No. Reject project.

Addressed in Environmental Assessment (Tier 1)

Comments:

Correspondence/Consultation/References:

E. Runway Clear Zones or Clear Zone [24 C.F.R. Part 51D]

Is the site located within 15,000 feet of a military airport or 2,500 feet of a civilian airport? No **(Review Concluded)**

Yes. Is the site located near an Accident Potential Zone of a military airfield or a Runway Protection Zone/Clear Zone of a civilian airport/airfield? No **(Review Concluded)**

Yes.

Reject project if it includes: new construction; substantial rehabilitation; acquisition of undeveloped land; activities that would significantly prolong the physical or economic life of existing facilities or change the use of the facility to a use that is not consistent with the recommendations of the Department of Defense (DOD)'s Land Use Compatibility Guidelines; activities that would significantly increase the density or number of people at the site; or activities that would introduce explosive, flammable, or toxic materials to the area.

If project includes homebuyer assistance: Ensure that the homebuyer has been advised of the house's proximity to the runway/clear zone and has signed a Notice to Prospective Buyers (REQUIRED) acknowledging receipt of this information.

Addressed in Environmental Assessment (Tier 1)

Comments:

Correspondence/Consultation/References:

F. Flood Insurance [42 U.S.C. 4001-4128, 24 CFR 58.6(a)]

Is the project site located within a Special Flood Hazard Area? No **(Review Concluded)**

Yes. Does the project include assistance >\$5,000 to an insurable structure? No **(Review Concluded)**

Yes. Attach documentation of flood insurance.

HUD Flood Insurance Worksheet Completed (manually or electronically in HEROS) **(Review Concluded)**

Identify other potential environmental concerns in the comment box not clearly falling under a law or executive order (see environmental concerns scoping checklist for guidance).

Comments:

Correspondence/Consultation/References:

Reviewer Name, Agency, and Contact (email/phone):

Date Submitted to EHP Review:

Date EHP Review Completed:

Reviewer Name, Agency, and Contact (email/phone):

Date Submitted to EHP Review:

Date EHP Review Completed:

IV.

V. Extraordinary Circumstances

Based on the review of compliance with other environmental laws and Executive Orders, and in consideration of other environmental factors, review the project for extraordinary circumstances.

* A “Yes” under any circumstance may require an Environmental Assessment (EA). If the circumstance can be mitigated, please explain in comments. If no, leave blank.

Yes

- (i) Greater scope or size than normally experienced for a particular category of action
- (ii) Actions with a high level of public controversy.
- (iii) Potential for degradation, even though slight, of already existing poor environmental conditions.
- (iv) Employment of unproven technology with potential adverse effects or actions involving unique or unknown environmental risks.
- (v) Presence of endangered or threatened species or their critical habitat, or archaeological, cultural, historical, or other protected resources.
- (vi) Presence of hazardous or toxic substances at levels which exceed Federal, Tribal, state, or local regulations or standards requiring action or attention.
- (vii) Actions with the potential to affect special status areas adversely or other critical resources such as wetlands, coastal zones, wildlife refuges, wilderness areas, wild and scenic rivers, and sole or principal drinking water aquifers.
- (viii) Potential for adverse effects on health or safety.
- (ix) Potential to violate a Federal, Tribal, state, or local law or requirement imposed for the protection of the environment.
- (x) Potential for significant cumulative impact when the proposed action is combined with other past, present and reasonably foreseeable future actions, even though the impacts of the proposed action may not be significant by themselves.

Comments:

VI. Environmental Review Project Conditions

General comments: None

Project Conditions:

1. Any change to the approved scope of work will require re-evaluation for compliance with NEPA and other Laws and Executive Orders.
2. This review does not address all federal, state, and local requirements. Acceptance of federal funding requires recipient to comply with all federal, state and local laws. Failure to obtain all appropriate federal, state and local environmental permits and clearances may jeopardize federal funding.
3. If elevation activities occur, elevations must meet applicable Federal, state, and local requirements. Applicants are required to obtain an elevation certificate from the local floodplain administrator before work begins.

Reviewer Name, Agency, and Contact (email/phone):

Date Submitted to EHP Review:

Date EHP Review Completed:

Reviewer Name, Agency, and Contact (email/phone):

Date Submitted to EHP Review:

Date EHP Review Completed:

4. If ground disturbing activities occur during construction, applicant will monitor ground disturbance and if any potential archeological resources are discovered, will immediately cease construction in that area and notify the State and FEMA.
5. Unusable equipment, debris, and material shall be disposed of in an approved manner and location. In the event significant items (or evidence thereof) are discovered during implementation of the project, Applicant shall handle, manage, and dispose of petroleum products, hazardous materials, and toxic waste in accordance to the requirements and to the satisfaction of the governing Federal, state, and local Agencies.
6. If any asbestos containing materials, lead based paint, and/or other hazardous materials are found during remediation or repair activities, the Applicant must comply with all Federal, state, and local abatement and disposal requirements under the National Emissions Standards for Hazardous Air Pollutants (NESHAP).

Monitoring Requirements: None

Appendix C



U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
WASHINGTON, DC 20410-7000

OFFICE OF COMMUNITY PLANNING
AND DEVELOPMENT

MAR 4 2013

MEMORANDUM FOR: Regional Environmental Officers
Field Environmental Officers

FROM: *Danielle Schopp*
Danielle Schopp, Director, Office of Environment and Energy, DGE

SUBJECT: Adoption of FEMA and Other Federal Environmental Reviews and
Processing for Hurricane Sandy Supplemental Appropriation (H.R.
152) Activities

Under the Disaster Relief Appropriations Act, 2013 (P.L. 113-2), also known and referred to herein as the Hurricane Sandy Supplemental Appropriation (H.R. 152), HUD grantees are permitted to adopt environmental reviews performed by other Federal agencies when the HUD grantee is providing supplemental assistance to actions performed under sections 402, 403, 404, 406, 407, or 502 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act. The Hurricane Sandy Supplemental Appropriation also allows the Secretary to immediately approve funds that are subject to this adoption provision or are Categorically Excluded under the National Environmental Policy Act (NEPA). This document provides the language covering these provisions, contains frequently asked questions to explain the use of the adoption provision, discusses the immediate approval provision, and features charts explaining the comment periods applicable to different types of assistance.

Frequently Asked Questions about Adoption of Other Federal Reviews under the Hurricane Sandy Supplemental Appropriation

1. What does this provision of the supplemental appropriation and HUD's Notice of Allocation (http://portal.hud.gov/hudportal/documents/huddoc?id=CDBG-FR_Sandy_Notice.PDF) allow?

The Hurricane Sandy Supplemental Appropriation states:

Provided further, That, notwithstanding the preceding proviso, recipients of funds provided under this heading that use such funds to supplement Federal assistance provided under section 402, 403, 404, 406, 407, or 502 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) may adopt, without review or public comment, any environmental review, approval, or permit performed by a Federal agency, and such adoption shall satisfy the responsibilities of the recipient with respect to such environmental review, approval or permit.

The above provisions allow the recipient of supplemental assistance under this NOFA to adopt another Federal agency's review if the other Federal agency performed an environmental review for assistance under sections 402, 403, 404, 406, 407, or 502 of the Stafford Act. The review may only be adopted where the HUD assistance supplements the Stafford Act funding. The other agency's environmental review must cover all project activities funded by the HUD recipient for each project.

The recipient does not need to supplement the other agency's environmental review to comply with HUD regulations. The recipient's environmental review obligations are considered complete when the recipient adopts another agency's review.

2. What must be done by the grantee for adoption to occur?

The grantee must obtain a completed electronic or paper copy of the Federal agency's review and retain a copy in its environmental records. The grantee must notify HUD or the State (if the State is acting as HUD under 24 CFR 58.18) that another Federal agency review is being used. The notification must be stated on a Request for Release of Funds (RROF) Form 7015.15. The RROF must indicate that another Federal agency's review is being adopted and include the name of the other Federal agency, the name of the project, and the date of the project's review as prepared by the other Federal agency.

3. Which forms of HUD assistance allow grantees to adopt reviews performed by other agencies?

The adoption provision only applies to HUD funds under the Hurricane Sandy Supplemental Appropriation. Only environmental reviews performed by other Federal agencies under the Stafford Act may be adopted. The environmental review must cover all project actions.

If HUD funds are being used from other appropriations or programs, then HUD or the responsible entity must perform an environmental review to cover activities assisted by those funds. HUD or the responsible entity may use information from the other Federal agency's review, but the environmental review cannot be adopted without independent review and public comment as allowed under the above provisions.

If HUD or non-HUD funds used by participants in the development process are being used for project activities that exceed the scope of the other agency's review, a new review must be performed. However, the information contained within the prior review may be used in the new review.

4. Does the grantee have to publish notices?

No. The grantee is adopting the environmental review record of the other Federal agency. All notice requirements should have been fulfilled by the other Federal agency's review.

5. Can other Federal agencies adopt HUD or responsible entities' reviews?

No. HUD recipients are allowed to adopt other Federal reviews without notices or comments, but the other Federal agencies are not permitted to adopt HUD or responsible entity reviews under this provision. Outside of this provision, Federal agencies may adopt reviews consistent with CEQ and agency regulations.

HUD Secretary's Immediate Approval of Release of Funds under the Hurricane Sandy Supplemental Appropriation

The Hurricane Sandy Supplemental Appropriation states:

[N]otwithstanding section 104(g)(2) of the Housing and Community Development Act of 1974 (42 U.S.C. 5304(g)(2)), the Secretary may, upon receipt of a request for release of funds and certification, immediately approve the release of funds for an activity or project assisted under this heading if the recipient has adopted an environmental review, approval or permit under the preceding proviso or the activity or project is categorically excluded from review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

Under this provision, the Secretary may immediately release funds without holding the Request for Release of Funds (RROF) (Form 7015.15) for the 15 days required by Section 104(g) of the Housing and Community Development Act of 1974 (42 U.S.C. 5304(g)) and 24 CFR 58.73 if the action is supplemental assistance for which the recipient has adopted another agency's review under the Hurricane Sandy Supplemental Appropriation, as discussed above, or if the project is Categorical Excluded under NEPA. HUD may immediately accept the RROF and issue an Authority to Use Grant Funds (AUGF) (Form 7015.16) or equivalent letter. This provision is unique to the Hurricane Sandy Supplemental Appropriation.

Comment Period Comparison by Funding Source

Normal Public Comment Periods for Non-Hurricane Sandy Supplemental Appropriation Assistance under 24 CFR 58.45 and 58.73:

(a) Notice of Finding of No Significant Impact (FONSI)	15 days when published or, if no publication, 18 days when mailing and posting
(b) Notice of Intent to Request Release of Funds (NOI-RROF)	7 days when published or, if no publication, 10 days when mailing and posting
(c) Concurrent or combined notices	15 days when published or, if no publication, 18 days when mailing and posting
(d) HUD approval period for objections	15 days

Hurricane Sandy Supplemental Appropriation Assistance (when Sandy CDBG assistance is used as supplemental assistance to another Federal agency and the CDBG grantee has adopted another Federal agency's environmental review):

(a) Notice of Finding of No Significant Impact (FONSI)	0 days no publication or posting required
(b) Notice of Intent to Request Release of Funds (NOI-RROF)	0 days no publication or posting required
(c) Concurrent or combined notices	0 days no publication or posting required
(d) HUD approval period for objections	0 days

Categorically Excluded Activities for Hurricane Sandy Supplemental Appropriation (when not adopting another federal review):

(a) Notice of Intent to Request Release of Funds (NOI-RROF)	7 days when published or, if no publication, 10 days when mailing and posting
(b) HUD approval period for objections	0 days

Appendix D



FEMA

September 5, 2018

**MEMORANDUM FOR: Environmental and Historic Preservation (EHP) Staff
FEMA Region 6**

FROM: Kevin Jaynes, Regional Environmental Officer (REO) KEVIN R JAYNES

**SUBJECT: Unified Federal ‘Environmental and Historic Preservation’
Review (UFR) Process for FEMA funded disaster recovery
projects in the State of Texas.**

Digitally signed by KEVIN R
JAYNES
Date: 2018.09.05 13:22:06
-0500

The Region 6 Environmental and Historic Preservation team is pleased to present this memorandum which provides clarification on the UFR process when the Federal Emergency Management Agency (FEMA) is the Lead Agency for a federally funded disaster recovery project associated with a Presidentially-declared disaster in the State of Texas. The purpose of this memo is to compliment and memorialize ongoing UFR coordination efforts and best practices established in support of Hurricane Harvey/DR-4332-TX in order to replicate and apply those best practices to current and future declarations moving forward.

Background

On July 29, 2014 the Memorandum of Understanding (MOU) establishing the UFR Process, was signed. The MOU formalizes eleven federal departments’ and agencies’ commitments to UFR to expedite and unify the EHP reviews for disaster recovery projects, and is consistent with applicable law. The Department of Homeland Security (DHS), Instruction Manual 023-01-001-01, Revision 01, Implementation of the National Environmental Policy Act (NEPA), FEMA Directive 108-1 and Instruction 108-1-1 require that FEMA take into account environmental considerations when authorizing or approving major federal actions (defined at 40 CFR 1508.18). All EHP reviews are conducted in accordance with the requirements of the Directive 108-1 and Instruction 108-1-1.

Under DR-4332-TX , FEMA will provide federal funds authorized under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. §§5121-5207 *et.seq.*, (P.L. 93-288, as amended) to eligible State, Tribal, and local governments as well as certain eligible private non-profit (PNP) organizations (sub-applicants) through the following grant programs: Public Assistance and Individual Assistance. Sub-applicants in all jurisdictions in the State of Texas are eligible for funding under Section 404 of FEMA’s Hazard Mitigation Grant Program

(HMGP). Major actions funded under these programs must be reviewed by FEMA EHP for consistency with applicable law.

Additional federal funding will be made available to DR-4332-TX impacted communities through the Department of Housing and Urban Development (HUD) Community Development Block Grant Disaster Recovery (CDBG-DR) program. The Texas General Land Office (TGLO) has been designated as the HUD Responsible Entity (HUD RE) by the governor and will administer CDBG-DR funds on behalf of the State. Per the HUD Federal Register Notice, *Allocations, Common Application, Waivers, and Alternative Requirements for 2017 Disaster Community Development Block Grant Disaster Recovery Grantees* dated February 09, 2018, “[g]rantees can draw funds once they have completed the applicable environmental review (pursuant to 24 CFR part 58) or as authorized by the Appropriations Act.” The *Supplemental Appropriations for Disaster Relief Requirements, 2017* (Pub. L. 115-56), approved September 8, 2017, authorizes

“...[r]ecipients of funds provided under this heading that use such funds to supplement Federal assistance provided under section 402, 403, 404, 406, 407, or 502 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) may adopt, without review or public comment, any environmental review, approval, or permit performed by a Federal agency, and such adoption shall satisfy the responsibilities of the recipient with respect to such environmental review, approval or permit: Provided further, That, notwithstanding section 104(g)(2) of the Housing and Community Development Act of 1974 (42 U.S.C. 5304(g)(2)), the Secretary may, upon receipt of a request for release of funds and certification, immediately approve the release of funds for an activity or project assisted under this heading if the recipient has adopted an environmental review, approval or permit under the preceding proviso or the activity or project is categorically excluded from review under the National Environmental Policy Act of 1969.”

FEMA and HUD’s programs target the same DR-4332-TX impacted communities, thereby elevating the potential for joint federally funded disaster recovery projects or federally funded activities of a similar scope and location. This has triggered the need for a UFR process for disaster recovery project(s) funded under these programs.

In addition, the aforementioned circumstances are applicable to past, present, and future Presidentially-declared events in the State of Texas, establishing precedent for a statewide UFR process.

FEMA’s UFR Process for the State of Texas

FEMA will coordinate all project reviews for those funded under FEMA programs related to Presidentially-declared events in the State of Texas and when appropriate serve as a cooperating agency in accordance with NEPA, DHS Instruction Manual 023-01-001-01, FEMA’s Directive 108-1 and FEMA Instruction 108-1-1 for projects funded under other authorities.

Role as Lead or Joint Lead Agency

FEMA will serve as lead agency for actions solely funded, planned, or approved by FEMA. As lead agency FEMA will adhere to the general requirements outlined in the DHS Instruction 023-01, Section V, F., and may initiate a request to another agency to participate as a cooperating agency when the agency's participation in FEMA's NEPA process would provide technical or other expertise that would contribute to the effectiveness of the EHP compliance process. To be accepted as a cooperating agency, the agency must have jurisdiction by law or expertise in EHP concerns related to the proposed action. Requests to other agencies to participate as a cooperating agency in FEMA's NEPA process must first receive approval from the REO.

When multiple federal agencies are involved in the same proposed action FEMA may serve as either lead or joint lead agency for the NEPA process. This role will be determined for applicable projects on a case-by-case bases by the REO and, as appropriate, in coordination with other agencies when the proposed project does not include the use of CDBG-DR funding as local match. When CDBG-DR funding is used as local match, FEMA will adhere to the guidance outlined in the corresponding section of this memorandum. For all other projects, the REO may consider the following factors when determining the appropriateness of FEMA's role in the NEPA process [40 CFR 1501.5]:

- (1) Magnitude of agency's involvement (e.g. FEMA funding accounts for majority of project funding).
- (2) Project approval/disapproval authority.
- (3) Expertise concerning the action's environmental effects (e.g. Executive Order 11988 and special hazard floodplain areas).
- (4) Duration of agency's involvement.
- (5) Sequence of agency's involvement.

Should FEMA decide to serve as joint lead agency under the aforementioned circumstances, the agency's specific roles and responsibilities will be negotiated and defined on a case-by-case bases in coordination with other joint lead agency(ies), which will be documented in writing or as appropriate.

Using CDBG-DR Funding for Local Match

When CDBG-DR funds are used to supplement the match (i.e. $\leq 25\%$) for a proposed action seeking FEMA grant program funding (i.e. $\geq 75\%$), FEMA will serve as a joint lead agency with the HUD Responsible Entity (RE). Under these circumstances, FEMA will act as the primary agent and coordinate with the HUD RE regarding participation in the NEPA process. In situations where FEMA programs control majority share of the project funds, FEMA will retain final NEPA decision making authority. This includes the final determination to issue a Finding of No Significance (FONSI) or Record of Decision (ROD).

As primary agency to the joint lead agencies, FEMA will host an interagency coordination meeting with the HUD RE to establish a strategy for collaboratively engaging in the NEPA planning and documentation process at the earliest time possible; preferably before FEMA conducts the first NEPA technical assistance meeting with the Grantee and/or Sub-grantee's

NEPA document preparer(s). To memorialize this multiagency cooperation, FEMA will at a minimum issue an informal memo documenting: the date of initial joint agency coordination meeting; meeting outcome(s); and project coordination plan (PCP). The PCP should identify the primary agent as well as each agency's POC for the NEPA review and include any unique coordination milestones such as project specific draft NEPA document review timelines or expedited public notice/comment periods.

Transmitting EHP Reviews

FEMA will transmit EHP reviews to other agencies where the following factors are met: a) the cooperating agency participates in the UFR process with validated overlapping project/program funding opportunities, b) transmission of such data does not violate any federal or state regulation or policy for personally identifiable information or need to know basis, and c) the data request is justifiable, thereby adding value to the recipient's need to satisfy their own EHP review in the spirit of the UFR process.

The transmittal of the information will be coordinated upon the agreement of these factors by the EHP regional and disaster leadership, and will be in a reasonable format providing for the most expeditious and practicable method.

In support of this effort and in recognition of the greater potential for joint federally funded projects under DR-4332-TX, descriptions of the FEMA programs and processes by which EHP reviews will be conducted for Hurricane Harvey are outlined in *Attachment A*. Note, the process descriptions in *Attachment A* are limited to those developed and implemented in support of Hurricane Harvey and therefore, may not reflect those processes implemented in past, present, or future Texas disasters.

For questions concerning the information addressed in this memorandum, please contact Kevin Jaynes, Regional Environmental Officer at Kevin.Jaynes@fema.dhs.gov and Sarah Carrino, Regional UFR Coordinator at Sarah.Carrino@fema.dhs.gov.

cc:

Adam Borden, Environmental Liaison Officer, Texas Recovery Office
Traci Brasher, Director Recovery Division, FEMA Region 6
Mark Emmert, Federal Disaster Recovery Officer, Texas Recovery Office
Kristen Fontenot, Director, FEMA Office of Environmental Planning/Historic Preservation
Sandra Keefe, Director Mitigation Division, FEMA Region 6
Paul Morris, Director Texas Recovery Office, FEMA Region 6

Enclosures:

Attachment A. FEMA EHP REVIEW PROCEDURES FOR HURRICANE HARVEY
DISASTER RECOVERY PROJECTS

Attachment B. FEMA/HUD RECORD OF ENVIRONMENTAL CONSIDERATION

Attachment C. GUIDELINES FOR PREPARING AN ENVIRONMENTAL ASSESSMENT
FOR FEMA AND HUD JOINT FEDERALLY FUNDED PROJECTS

Attachment A.

**FEMA EHP REVIEW PROCEDURES FOR
HURRICANE HARVEY DISASTER RECOVERY
PROJECTS**

FEMA EHP REVIEW PROCEDURES FOR HURRICANE HARVEY DISASTER RECOVERY PROJECTS

Multi-Family Lease Repair Program (MLRP) [Section 408(c)(1)(B)(ii) and Section 502(a)(6) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended (42 U.S.C. § 5174 and 42 U.S.C. § 5192)]

- **Program Description:** Allows FEMA and the State to enter into lease agreements with owners of multi-family housing units to make repairs or improvements to rental properties to house individuals and households eligible for direct temporary housing assistance.
- **EHP Review Process:** EHP will issue a Record of Environmental Consideration (REC) for each structure reviewed under the MLRP, examining the laws and executive orders identified under Section I and II of the FEMA/HUD REC Template.
- **Special Instructions:** Activities funded under MLRP are determined to be Categorically Excluded. These projects are also exempt from Executive Order (EO) 11988/11990 reviews [FEMA 44 CFR, 9.5(c)(10)]. FEMA will conduct consultations with State Historic Preservation Office (SHPO)/Tribal Historic Preservation Office (THPO) for any properties 45 years and older that do not meet the allowances of the National Historic Preservation Act (NHPA) Section 106 Programmatic Agreement (PA) for Texas.

Manufactured Housing Unit (MHU)/Recreational Vehicle (RV) Program [Section 408 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended, 42 U.S. Code § 5174.]

- **Program Description:** Applicants may receive Direct Temporary Housing Assistance in the form of a travel trailer or fifth wheel placed on their private, commercial or group site for up to six months. Applicants may receive direct temporary housing assistance in the form of a MHU placed on their private, commercial or group site for up to 18 months from the date of disaster declaration.
- **EHP Review Process for Private and Commercial Project Sites:** EHP will issue a Programmatic REC by county for private and commercial sites reviewed under the MHU/RV Program, examining the laws and executive orders identified under Section I and II of the FEMA/HUD REC Template.
- **Special Instructions:** These activities are determined to be Categorical Excluded. Programmatic Eight-Step Decision Documents (PESDD) for compliance with EO 11988/11990 are issued by county with site specific flood zone determinations maintained in a spreadsheet. These activities meet the allowances under Item I.A.2.a. of the Texas PA.

- **EHP Review Process for Group Project Sites:** EHP will issue a REC - categorically excluding - *group site projects*, that are less than 5 acres of ground disturbance on sites that are zoned for housing, and that follow best management practices for pollution control. This determination extends to the conversion of such temporary housing to permanent housing when these criteria are met.

EHP will issue an Abbreviated Environmental Assessment (EA), Public Notice, and consult with SHPO/THPO for group sites that meet one of the following criteria: 1) the sites disturbs less than 5 acres and zoned for other use, 2) the site disturbs more than 5 acres.

- **Special Instructions:** Group sites will not be constructed in floodplains or wetlands, avoiding the need for the full eight-step decision process.

Permanent Housing Construction (PHC) Program (Direct Repair) [Section 408 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended, 42 U.S. Code § 5174.]

- **Program Description:** Direct Repair provides applicants direct permanent housing assistance in the form of physical repairs to a home, such as repairs to heating, air conditioning, walls, and floors.
- **EHP Review Process:** EHP will issue a programmatic REC for projects reviewed under the PHC program, examining the laws and executive orders identified under Section I and II of the FEMA/HUD REC Template.
- **Special Instructions:** PHC projects are exempt from EO 11988/11990 reviews [FEMA 44 CFR, 9.5(c)(10)]. EHP will conduct consultation with SHPO/THPO for any properties 45 years and older that do not meet the programmatic allowances under the Texas PA.

Direct Lease [Section 408 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended, 42 U.S. Code § 5174.]

- **Program Description:** Direct Lease is direct temporary housing assistance in the form of leased existing resources provided directly to individuals or households.
- **EHP Review Process:** Exempt, no documentation issued.

Partial Repair and Essential Power for Sheltering (PREPS) [Section 403, 42 U.S.C. 5170b(a)(3)(B) and (I), and 5170b(a)(4) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended.]

- **Program Description:** PREPS focuses only on single-family owner occupied residential properties which can be quickly made habitable allowing individuals to return to their dwellings to shelter in place. PREPS is not a comprehensive repair program and does not result in the complete restoration of the dwelling.

- **EHP Review Process:** EHP completed and issued a single programmatic REC covering all projects funded under the PREPS program, programmatically examining the laws and executive orders identified under Section I and II of the FEMA/HUD REC Template.
- **Special Instructions:** Activities under PREPS are Statutorily Excluded from NEPA and exempt from EO 11988/11990 review [44 CFR part 9.5(c)(1)]. These activities meet the allowances under Item I.A.2.b. of the Texas PA.

Public Assistance Grant Program [Section 428 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act 42 U.S.C § 5186 f.]

- **Program Description:** This program helps Tribal, State, and local governments and eligible private nonprofits in their response and recovery to a disaster by providing financial assistance in the form of grants from major disasters or emergencies declared by the President. The program also encourages protection of damaged facilities from future events by providing assistance for hazard mitigation measures during the recovery process.
- **EHP Review Process:** EHP will determine the appropriate level of NEPA review on a case by case basis, examining each project against the laws and executive orders identified under Section I and II of the FEMA/HUD REC Template. Other laws –not currently listed on the Template- may be reviewed by EHP depending upon the project scope.

Hazard Mitigation Grant Program [Section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act.]

- **Program Description:** HMGP provides grants to Tribal Governments, States, Territories, local governments, and eligible private nonprofits to implement long-term hazard mitigation measures after a major disaster declaration declared by the President. HMGP includes Pre-Disaster Mitigation, Flood Mitigation, Severe Repetitive Loss, and Repetitive Flood Claims Grants. The purpose of the HMGP is to reduce the loss of life and property due to natural disasters and to enable mitigation measures to be implemented during the immediate recovery from a disaster.
- **EHP Review Process:** EHP will determine the appropriate level of NEPA review on a case by case basis, examining each project against the laws and executive orders identified under Section I and II of the FEMA/HUD REC Template. Other laws –not currently listed on the Template- may be reviewed by EHP depending upon the project scope.

Attachment B.

**FEMA/HUD RECORD OF ENVIRONMENTAL
CONSIDERATION**

Reviewer Name, Agency, and Contact (email/phone):

Date Submitted to EHP Review:

Date EHP Review Completed:

Reviewer Name, Agency, and Contact (email/phone):

Date Submitted to EHP Review:

Date EHP Review Completed:

FEMA/HUD Record of Environmental Consideration



Grant Number [HUD]:

Responsible Entity [HUD]:

Certifying Officer [HUD]:

Agency/Project Name/Number [FEMA/HUD]:

Project Location [FEMA/HUD]:

Estimated total project cost:

Grant Recipient [HUD]/Applicant [FEMA]:

Recipient/Applicant Address:

Project Representative [HUD]:

Project Representative Telephone Number [HUD]:

Project Description:

Reviewer Name, Agency, and Contact (email/phone):

Date Submitted to EHP Review:

Date EHP Review Completed:

Reviewer Name, Agency, and Contact (email/phone):

Date Submitted to EHP Review:

Date EHP Review Completed:

National Environmental Policy Act (NEPA) Determination

Statutorily excluded from NEPA review [FEMA Directive 108-1 and FEMA Instruction 108-1-1].

(Review Concluded for FEMA)

Exempt [HUD 24 CFR Part 58.34] or Categorically Excluded Not Subject To 58.5 [24 CFR 58.35(b)].

Are project conditions required under 24 CFR 58.6 (Airport Hazards, Coastal Barriers, Flood Ins)?

Yes (see Section V) No **(Review concluded)**

Categorical Exclusion - Category () [FEMA Directive 108-1 and FEMA Instruction 108-1-1]

Categorical Exclusion Subject to 58.5 [HUD 24 CFR Part 58.35(a)] No Extraordinary Circumstances exist.

Are project conditions required? Yes (see Section V) No **(Review Concluded)**

Extraordinary Circumstances exist (See Section IV).

Extraordinary Circumstances mitigated. (See Section IV comments)

Are project conditions required? Yes (see Section V) No **(Review Concluded)**

Environmental Assessment

Supplemental Environmental Assessment (Reference EA or PEA in comments.)

Environmental Impact Statement

Comments:

Reviewer and Approval

Project is Non-Compliant. (See attached documentation justifying selection.)

FEMA Environmental Reviewer or HUD Responsible Entity (RE) Environmental Reviewer.
Name: Printed, (Position Title)

Signature _____ . Date _____ .

FEMA Regional Environmental Officer or RE Certifying Official or delegated approving official.
Name: Printed, (Position Title)

Signature _____ . Date _____ .

REC adoption or supplemental review.

FEMA Regional Environmental Officer or RE Certifying Official or delegated approving official.
Name: Printed, (Position Title)

Signature _____ . Date _____ .

Reviewer Name, Agency, and Contact (email/phone):

Date Submitted to EHP Review:

Date EHP Review Completed:

Reviewer Name, Agency, and Contact (email/phone):

Date Submitted to EHP Review:

Date EHP Review Completed:

I. Compliance Review for Environmental Laws (other than NEPA)

A. National Historic Preservation Act

- Not type of activity with potential to affect historic properties. **(Review Concluded)**
- Applicable executed Programmatic Agreement Otherwise, conduct standard Section 106 review.
 - Activity meets Programmatic Allowance #
Are project conditions required? Yes (see section V) No **(Review Concluded)**
- Addressed in Environmental Assessment (Tier 1)**

HISTORIC BUILDINGS AND STRUCTURES

- No historic properties that are listed or 45/50 years or older in project area. **(Review Concluded)**
- Building or structure listed or 45/50 years or older in project area and activity not exempt from review.
 - Determination of No Historic Properties Affected [Agency finding/SHPO/THPO concurrence on file].
Are project conditions required? Yes (see section V) No **(Review Concluded)**
 - Determination of Historic Properties Affected (Agency/RE finding/SHPO/THPO concurrence on file.)
 - Property a National Historic Landmark and National Park Service was provided early notification during the consultation process. If not, explain in comments
 - No Adverse Effect Determination (Agency/RE finding/SHPO/THPO concurrence on file.)
Are project conditions required? Yes (see section V) No **(Review Concluded)**
 - Adverse Effect Determination (FEMA finding/SHPO/THPO concurrence on file)
 - Resolution of Adverse Effect completed. (MOA on file)
Are project conditions required Yes (see section V) No **(Review Concluded)**

ARCHEOLOGICAL RESOURCES

- Project affects only previously disturbed ground. **(Review Concluded)**
- Project affects undisturbed ground.
 - Project area has no potential for presence of archeological resources
 - Determination of no historic properties affected (Agency/RE finding/SHPO/THPO concurrence or consultation on file). **(Review Concluded)**
 - Project area has potential for presence of archeological resources
 - Determination of no historic properties affected (Agency/RE finding/SHPO/THPO concurrence on file.)
Are project conditions required Yes (see section V) No **(Review Concluded)**
 - Determination of historic properties affected
 - NR eligible resources not present (Agency/RE finding/SHPO/THPO concurrence on file.)
Are project conditions required Yes (see section V) No **(Review Concluded)**
 - NR eligible resources present in project area. (Agency/RE finding/ SHPO/THPO concurrence on file.)
 - No Adverse Effect Determination. (Agency/RE finding/ SHPO/THPO concurrence on file.)
Are project conditions required? Yes (see section V) No **(Review Concluded)**
 - Adverse Effect Determination. (Agency/RE finding/ SHPO/THPO concurrence on file.)

Reviewer Name, Agency, and Contact (email/phone):

Date Submitted to EHP Review:

Date EHP Review Completed:

Reviewer Name, Agency, and Contact (email/phone):

Date Submitted to EHP Review:

Date EHP Review Completed:

- Resolution of Adverse Effect completed. (MOA on file.)
Are project conditions required? Yes (see section V) No
(Review Concluded)

Comments:

Correspondence/Consultation/References:

B. Endangered Species Act [50 C.F.R. Part 402; 16 USC 668 et seq.; and 16 USC 703 et seq.]

No listed species and/or designated critical habitat present in areas affected directly or indirectly by the Federal action. **(Review Concluded)**

Listed species and/or designated critical habitat present in the areas affected directly or indirectly by the Federal action.

No effect to species or designated critical habitat.

Are project conditions required? Yes (see section V) No **(Review Concluded)**

May affect, but not likely to adversely affect species or designated critical habitat (Agency/RE determination/USFWS/NMFS concurrence on file.)

Are project conditions required? Yes (see section V) No **(Review Concluded)**

Likely to adversely affect species or designated critical habitat

Formal consultation concluded. (Biological Assessment and Biological Opinion on file.)

Are project conditions required? YES (see section V) NO **(Review Concluded)**

Addressed in Environmental Assessment (Tier 1)

Comments:

Correspondence/Consultation/References:

C. Coastal Barrier Resources Act

Project is not on or connected to CBRA Unit or Otherwise Protected Area. **(Review Concluded)**

Project is on or connected to CBRA Unit or Otherwise Protected Area. (Agency/RE determination/USFWS consultation on file)

Proposed action an exception under Section 3505.a.6. **(Review Concluded)**

Proposed action not excepted under Section 3505.a.6.

Are project conditions required? YES (see section V) NO **(Review Concluded)**

Addressed in Environmental Assessment (Tier 1)

Comments:

Correspondence/Consultation/References:

D. Clean Water Act

Project would not affect any water of the U.S. **(Review Concluded)**

Project would affect waters, including wetlands, of the U.S.

Project exempted as in kind replacement or other exemption. **(Review Concluded)**

Project may require Section 404/401/or Section 9/10 (Rivers and Harbors Act) permit, including qualification under Nationwide Permits.

Are project conditions required? YES (see section V) NO **(Review Concluded)**

Addressed in Environmental Assessment (Tier 1)

Comments:

Correspondence/Consultation/References:

Reviewer Name, Agency, and Contact (email/phone):

Date Submitted to EHP Review:

Date EHP Review Completed:

Reviewer Name, Agency, and Contact (email/phone):

Date Submitted to EHP Review:

Date EHP Review Completed:

E. Coastal Zone Management Act [Sections 307 (c), (d)]

- Project is not located in a coastal zone area and does not affect a coastal zone area (**Review Concluded**)
- Project is located in a coastal zone area and/or affects the coastal zone
 - State administering agency does not require consistency review. (**Review Concluded**)
 - State administering agency requires consistency review.
- Are project conditions required? YES (see section V) NO (**Review Concluded**)
- Addressed in Environmental Assessment (Tier 1)**

Comments:

Correspondence/Consultation/References:

F. Fish and Wildlife Coordination Act [16 U.S.C. 661- 666c]

- Not applicable for financial assistance. (**Review Concluded**)

G. Clean Air Act [Clean Air Act, Sections 176(c) & (d), & 40 C.F.R. Parts 6, 51, 90 & 93]

- Project will not result in permanent air emissions. (**Review Concluded**)
- Project is located in an attainment area. (**Review Concluded**)
- Project is located in a non-attainment area.
 - Coordination required with applicable state administering agency.
- Are project conditions required? YES (see section V) NO (**Review Concluded**)
- Addressed in Environmental Assessment (Tier 1)**

Comments:

Correspondence/Consultation/References:

H. Farmland Protection Policy Act [7 C.F.R. Part 658]

- Project does not affect designated prime or unique farmland. (**Review Concluded**)
- Project causes unnecessary or irreversible conversion of designated prime or unique farmland.
 - Coordination with Natural Resource Conservation Commission required.
 - Farmland Conversion Impact Rating, Form AD-1006, completed.
- Are project conditions required? YES (see section V) NO (**Review Concluded**)
- Addressed in Environmental Assessment (Tier 1)**

Comments:

Correspondence/Consultation/References:

I. Migratory Bird Treaty Act

- Project not located within a flyway zone. (**Review Concluded**)
- Project located within a flyway zone.
 - Project does not have potential to take migratory birds.
 - Are project conditions required? Yes (see section V) No (**Review Concluded**)
 - Project has potential to take migratory birds.
 - Contact made with USFWS
 - Are project conditions required? YES (see section V) NO (**Review Concluded**)
- Addressed in Environmental Assessment (Tier 1)**

Reviewer Name, Agency, and Contact (email/phone):

Date Submitted to EHP Review:

Date EHP Review Completed:

Reviewer Name, Agency, and Contact (email/phone):

Date Submitted to EHP Review:

Date EHP Review Completed:

Comments:

Correspondence/Consultation/References:

J. Magnuson-Stevens Fishery Conservation and Management Act [16 U.S.C. 1801 et seq.]

Project not located in or near Essential Fish Habitat. (**Review Concluded**)

Project located in or near Essential Fish Habitat.

Project does not adversely affect Essential Fish Habitat.

Are project conditions required? Yes (see section V) No (**Review Concluded**)

Project adversely affects Essential Fish Habitat (Agency/RE determination/USFWS/NMFS concurrence on file)

NOAA Fisheries provided no recommendation(s)

Are project conditions required? Yes (see section V) No (**Review Concluded**)

NOAA Fisheries provided recommendation(s)

Written reply to NOAA Fisheries recommendations completed.

Are project conditions required? YES (see section V) NO (**Review Concluded**)

Addressed in Environmental Assessment (Tier 1)

Comments:

Correspondence/Consultation/References:

K. Wild and Scenic Rivers Act [Sections 7 (b), (c)]

Project is not along and does not affect Wild or Scenic River (WSR) (**Review Concluded**)

Project is along or affects WSR

Project adversely affects WSR as determined by NPS/USFS. **FEMA cannot fund the action.** (NPS/USFS/USFWS/BLM consultation on file) (**Review Concluded**)

Project does not adversely affect WSR. (NPS/USFS/USFWS/BLM consultation on file)

Are project conditions required? Yes (see section V) No (**Review Concluded**)

Addressed in Environmental Assessment (Tier 1)

Comments:

Correspondence/Consultation/References:

L. Other Relevant Laws and Environmental Regulations

Comments:

Correspondence/Consultation/References:

II. Compliance Review for Executive Orders

A. E.O. 11988 – Floodplains [HUD 24 C.F.R. Part 55, FEMA 44 C.F.R. Part 9]

No Effect on Floodplains/Flood levels and project outside Floodplain - (**Review Concluded**)

Located in Floodplain or Effects on Floodplains/Flood levels

No adverse effect on floodplain and not adversely affected by the floodplain.

Are project conditions required? Yes (see section V) No (**Review Concluded**)

Beneficial Effect on Floodplain Occupancy/Values (**Review Concluded**)

Reviewer Name, Agency, and Contact (email/phone):

Date Submitted to EHP Review:

Date EHP Review Completed:

Reviewer Name, Agency, and Contact (email/phone):

Date Submitted to EHP Review:

Date EHP Review Completed:

- Possible adverse effects associated with investment in floodplain, occupancy or modification of floodplain environment
 - 8 Step Process Complete - documentation on file
- Are project conditions required? YES (see section V) NO (**Review Concluded**)
- HUD Floodplain Management Worksheet Completed (manually or electronically in HEROS) (**Review Concluded**)

Addressed in Environmental Assessment (Tier 1)

Comments:

Correspondence/Consultation/References:

B. E.O. 11990 - Wetlands

- No Effects on Wetland(s) and project located outside Wetland(s) (**Review Concluded**)
- Located in Wetland or effects Wetland(s)
 - Beneficial Effect on Wetland (**Review Concluded**)
 - Possible adverse effect associated with constructing in or near wetland
 - Review completed as part of floodplain review
 - 8 Step Process Complete - documentation on file
- Are project conditions required? YES (see section V) NO (**Review Concluded**)
- Addressed in Environmental Assessment (Tier 1)

Comments:

Correspondence/Consultation/References:

C. E.O. 12898 - Environmental Justice for Low Income and Minority Populations

- No Low income or minority population in, near or affected by the project (**Review Concluded**)
- Low income or minority population in or near project area
 - No disproportionately high and adverse impact on low income or minority population (**Review Concluded**)
 - Disproportionately high or adverse effects on low income or minority population
- Are project conditions required? YES (see section V) NO (**Review Concluded**)
- Addressed in Environmental Assessment (Tier 1)

Comments:

Correspondence/Consultation/References:

III. Other Environmental Issues

A. Railroad/Highway/Airport Noise Assessment [24 C.F.R. Part 51B]

- Project site is located within 3000 feet of a railroad, 1000 feet of a heavily traveled roadway, or 15 miles of a commercial or military airport? No (**Review Concluded**)
- Yes. Does the project include multifamily residential (acquisition, rehab or new construction) or single family new construction?
 - No. For other activities involving noise sensitive uses (e.g. single family rehab), consider incorporating noise attenuation within project scope.
 - Yes, a noise assessment is required.

Reviewer Name, Agency, and Contact (email/phone):

Date Submitted to EHP Review:

Date EHP Review Completed:

Reviewer Name, Agency, and Contact (email/phone):

Date Submitted to EHP Review:

Date EHP Review Completed:

Addressed in Environmental Assessment (Tier 1)

Comments:

Correspondence/Consultation/References:

B. Hazardous Materials

Will the project increase density (e.g., through new construction, expansion, change in use, or restoration of vacant property)? No (**Review Concluded**)

Yes. Is the site located within one mile of any above ground storage tanks containing flammable or explosive liquids or fuels (per list at 24 CFR 51C, Appendix I)? No (**Review Concluded**)

Yes, calculation of Acceptable Separation Distance and compliance with 24 CFR Part 51(c) will be required.

Addressed in Environmental Assessment (Tier 1)

Comments:

Correspondence/Consultation/References:

C. Water Quality and Aquifers [40 C.F.R. Part 149]

Does the project include any activities beyond acquisition, leasing, or rehabilitation of existing buildings?

No (**Review Concluded**)

Yes. Is the site within an EPA-designated sole source aquifer zone? No (**Review Concluded**)

Yes. Process under HUD-EPA MOU.

Addressed in Environmental Assessment (Tier 1)

Comments:

Correspondence/Consultation/References:

D. Toxic Waste

Single family activities:

Is the site located near any dumps, landfills, industrial sites, or other locations containing toxic waste and/or radioactive materials? Is the site on, or adjacent to, any CERCLIS or Superfund sites (attach CERCLIS, NPS listings, etc., if applicable). No (**Review Concluded**)

Yes. Do these facilities pose a risk to occupants or conflict with the proposed use of the site?

No (**Review concluded**)

Yes. Is the project limited to owner-occupied home rehabilitation that improves environmental conditions at the property?

Yes. Review concluded.

No. Reject site or engage environmental professional and state oversight agency to obtain *No Further Action Letter* or a *Remediation Plan* (see Section V).

Multifamily residential and public buildings/spaces:

Does a Phase I Environmental Site Assessment support the determination that the property is free from toxic substances that could pose a risk to occupants or conflict with the proposed use? Yes. (**Review concluded**)

Reviewer Name, Agency, and Contact (email/phone):

Date Submitted to EHP Review:

Date EHP Review Completed:

Reviewer Name, Agency, and Contact (email/phone):

Date Submitted to EHP Review:

Date EHP Review Completed:

No. Reject site or engage environmental professional and state oversight agency to obtain a *No Further Action Letter* or a *Remediation Plan* (see Section V).

Other activities (e.g., infrastructure): Has the site been evaluated in accordance with applicable construction and planning laws and requirements? Yes. **(Review concluded)**

No. Reject project.

Addressed in Environmental Assessment (Tier 1)

Comments:

Correspondence/Consultation/References:

E. Runway Clear Zones or Clear Zone [24 C.F.R. Part 51D]

Is the site located within 15,000 feet of a military airport or 2,500 feet of a civilian airport? No **(Review Concluded)**

Yes. Is the site located near an Accident Potential Zone of a military airfield or a Runway Protection Zone/Clear Zone of a civilian airport/airfield? No **(Review Concluded)**

Yes.

Reject project if it includes: new construction; substantial rehabilitation; acquisition of undeveloped land; activities that would significantly prolong the physical or economic life of existing facilities or change the use of the facility to a use that is not consistent with the recommendations of the Department of Defense (DOD)'s Land Use Compatibility Guidelines; activities that would significantly increase the density or number of people at the site; or activities that would introduce explosive, flammable, or toxic materials to the area.

If project includes homebuyer assistance: Ensure that the homebuyer has been advised of the house's proximity to the runway/clear zone and has signed a Notice to Prospective Buyers (REQUIRED) acknowledging receipt of this information.

Addressed in Environmental Assessment (Tier 1)

Comments:

Correspondence/Consultation/References:

F. Flood Insurance [42 U.S.C. 4001-4128, 24 CFR 58.6(a)]

Is the project site located within a Special Flood Hazard Area? No **(Review Concluded)**

Yes. Does the project include assistance >\$5,000 to an insurable structure? No **(Review Concluded)**

Yes. Attach documentation of flood insurance.

HUD Flood Insurance Worksheet Completed (manually or electronically in HEROS) **(Review Concluded)**

Identify other potential environmental concerns in the comment box not clearly falling under a law or executive order (see environmental concerns scoping checklist for guidance).

Comments:

Correspondence/Consultation/References:

Reviewer Name, Agency, and Contact (email/phone):

Date Submitted to EHP Review:

Date EHP Review Completed:

Reviewer Name, Agency, and Contact (email/phone):

Date Submitted to EHP Review:

Date EHP Review Completed:

IV.

V. Extraordinary Circumstances

Based on the review of compliance with other environmental laws and Executive Orders, and in consideration of other environmental factors, review the project for extraordinary circumstances.

* A “Yes” under any circumstance may require an Environmental Assessment (EA). If the circumstance can be mitigated, please explain in comments. If no, leave blank.

Yes

- (i) Greater scope or size than normally experienced for a particular category of action
- (ii) Actions with a high level of public controversy.
- (iii) Potential for degradation, even though slight, of already existing poor environmental conditions.
- (iv) Employment of unproven technology with potential adverse effects or actions involving unique or unknown environmental risks.
- (v) Presence of endangered or threatened species or their critical habitat, or archaeological, cultural, historical, or other protected resources.
- (vi) Presence of hazardous or toxic substances at levels which exceed Federal, Tribal, state, or local regulations or standards requiring action or attention.
- (vii) Actions with the potential to affect special status areas adversely or other critical resources such as wetlands, coastal zones, wildlife refuges, wilderness areas, wild and scenic rivers, and sole or principal drinking water aquifers. (viii) Potential for adverse effects on health or safety.
- (ix) Potential to violate a Federal, Tribal, state, or local law or requirement imposed for the protection of the environment.
- (x) Potential for significant cumulative impact when the proposed action is combined with other past, present and reasonably foreseeable future actions, even though the impacts of the proposed action may not be significant by themselves.

Comments:

VI. Environmental Review Project Conditions

General comments: None

Project Conditions:

1. Any change to the approved scope of work will require re-evaluation for compliance with NEPA and other Laws and Executive Orders.
2. This review does not address all federal, state, and local requirements. Acceptance of federal funding requires recipient to comply with all federal, state and local laws. Failure to obtain all appropriate federal, state and local environmental permits and clearances may jeopardize federal funding.
3. If elevation activities occur, elevations must meet applicable Federal, state, and local requirements. Applicants are required to obtain an elevation certificate from the local floodplain administrator before work begins.

Reviewer Name, Agency, and Contact (email/phone):

Date Submitted to EHP Review:

Date EHP Review Completed:

Reviewer Name, Agency, and Contact (email/phone):

Date Submitted to EHP Review:

Date EHP Review Completed:

4. If ground disturbing activities occur during construction, applicant will monitor ground disturbance and if any potential archeological resources are discovered, will immediately cease construction in that area and notify the State and FEMA.
5. Unusable equipment, debris, and material shall be disposed of in an approved manner and location. In the event significant items (or evidence thereof) are discovered during implementation of the project, Applicant shall handle, manage, and dispose of petroleum products, hazardous materials, and toxic waste in accordance to the requirements and to the satisfaction of the governing Federal, state, and local Agencies.
6. If any asbestos containing materials, lead based paint, and/or other hazardous materials are found during remediation or repair activities, the Applicant must comply with all Federal, state, and local abatement and disposal requirements under the National Emissions Standards for Hazardous Air Pollutants (NESHAP).

Monitoring Requirements: None

Attachment C.

**GUIDELINES FOR PREPARING AN
ENVIRONMENTAL ASSESSMENT FOR FEMA
AND HUD JOINT FEDERALLY FUNDED
PROJECTS**

Draft Environmental Assessment

Sub-Applicant Name

Project Title

Program(s) / Project Number

Project County, Project State

Month and Year



FEMA



TXGLO



HUD

**U.S. Department of Homeland Security
Federal Emergency Management Agency**
Region 6
800 North Loop 288,
Denton, TX, 76209

Texas General Land Office
Community Development and Revitalization (CDR)
George P. Bush, Commissioner
1700 N. Congress Ave.
Austin, TX 78701-1495

**U.S. Department of Housing and Urban Development
Office of Environment and Energy**
Region VI

Guidelines for Preparing an Environmental Assessment for FEMA and HUD Joint Federally Funded Projects

The following is an outline for how to prepare an Environmental Assessment (EA) which includes specifications for the public comment period for projects seeking joint federal funding through the Federal Emergency Management Agency (FEMA) and the Department of Housing and Urban Development (HUD) grant programs. This guidance includes projects requiring an EA that proposes to use HUD's Community Development Block Grant-Disaster Funds (CDBG-DR) as local match ($\leq 25\%$) for projects largely funded ($\geq 75\%$) by FEMA grant programs. These guidelines are designed in conformity with the Unified Federal Review process, requiring federal agencies that fund or permit disaster recovery projects to adhere to an expedited and unified interagency environmental and historic preservation (EHP) review process for compliance with federal laws and executive orders when practicable.

An example of an EA prepared for a FEMA and HUD funded project can be found on FEMA's website at <https://www.fema.gov/media-library/assets/documents/114836>. Additional examples of EAs prepared for FEMA funded projects can be found on FEMA's website at <https://edit.fema.gov/environmental-planning-and-historic-preservation-program/environmental-documents-public-notice-2> and <http://www.fema.gov/media-library/assets/documents>. Additional information on FEMA's agency-specific procedures for NEPA implementation can be found at <https://www.fema.gov/office-environmental-planning-and-historic-preservation/national-environmental-policy-act>. Additional guidance on HUD's Environmental Factors pertaining to HUD specific requirements can be found at <https://www.hudexchange.info/programs/environmental-review/federal-related-laws-and-authorities/> and <https://www.hudexchange.info/resource/3895/additional-factors-to-consider-in-an-environmental-assessment/>.

It is advised that the EA be prepared in compliance with Section 508 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794d). Section 508 requires that when federal agencies develop, procure, maintain, or use electronic and information technology, federal employees and members of the public with disabilities have access to information and data that is comparable to the access and use by those without disabilities. In order for an EA to enter public comment, the document must be 508-compliant to be posted on a federal agency website. Guidance for preparing accessible (508-compliant) Word and PDF documents is available as a supplement to these EA Guidelines.

Suggested Format

- Cover and Title Page (use template provided)
- Table of Contents
- List of Acronyms
- 1.0 Introduction
- 2.0 Purpose and Need
- 3.0 Alternatives
 - 3.1 No Action Alternative

- 3.2 Proposed Action
- 3.3 Other Action Alternatives
- 3.4 Alternatives Considered and Dismissed
- 4.0 Affected Environment and Potential Impacts
 - 4.1 Physical Resources
 - 4.1.1 Geology, Soils, and Seismicity
 - 4.1.2 Farmlands Protection
 - 4.1.3 Air Quality
 - 4.1.4 Climate Change
 - 4.2 Water Resources
 - 4.2.1 Water Quality
 - 4.2.2 Wetlands *
 - 4.2.3 Floodplains & Flood Insurance (HUD Requirement) *
 - 4.2.4 Sole Source Aquifers (HUD Requirement) *
 - 4.2.5 Wild and Scenic Rivers
 - 4.3 Coastal Resources
 - 4.3.1 Coastal Barrier Resources
 - 4.3.2 Coastal Zone Management
 - 4.4 Biological Resources
 - 4.4.1 Threatened and Endangered Species and Critical Habitat *
 - 4.4.2 Wildlife and Fish
 - 4.5 Cultural Resources *
 - 4.5.1 Historic Properties
 - 4.5.2 American Indian/Native Hawaiian/Native Alaskan Cultural/Religious Sites
 - 4.6 Socioeconomic Resources
 - 4.6.1 Environmental Justice *
 - 4.6.2 Hazardous Material
 - 4.6.3 Explosive and Flammable Hazards (HUD Requirement)*
 - 4.6.4 Airport Hazards (HUD Requirement)*
 - 4.6.5 Noise
 - 4.6.6 Traffic
 - 4.6.7 Public Service and Utilities
 - 4.6.8 Public Health and Safety
 - 4.6.9 Employment and Income Patterns (HUD Requirement)*
 - 4.6.10 Demographic Character Changes, Displacement (HUD Requirement)*
 - 4.7 Summary Table
- 5.0 Cumulative Impacts
- 6.0 Agency Coordination, Public Involvement and Permits
- 7.0 Mitigation
- 8.0 References
- 9.0 List of Preparers
- 10.0 Appendices (*as appropriate, e.g. site maps and photographs, copies of consultation letters*)

NOTE: (*) These resources/areas of concern must be discussed in every EA when utilizing FEMA and HUD grant program funds.

Introduction

The introduction should include the following: a brief description of the project background/history (also include a summary of the disaster event, if applicable); an explanation of the nature of FEMA and HUD (or HUD Responsible Entities (RE)) involvement in the project (e.g. *St. Charles Parish submitted an HMGP application for funding to construct the Magnolia Ridge Pump Station, a 500 cubic feet per second (cfs) pump station that will be located in Boutte, Louisiana. The pump station will mitigate the risk of flooding of structures and streets during heavy rainfall and tidal surge events in the Magnolia Ridge watershed area which encompasses portions of Boutte and Paradis. If approved, St. Charles Parish proposes to cover 100% of local cost associated with the Proposed Action with CDBG-DR funds.*); a total estimated project cost to include other federal and non-federal funding sources (e.g. HUD CDBG-DR funds in the amount of \$A and local funds in the amount of \$B for a total of \$C); identification of the Lead Agency or joint Lead Agencies and Cooperating Agencies, if applicable); and a summary of the requirement under the National Environmental Policy Act (NEPA) as well as FEMA and HUD's regulations implementing NEPA to prepare an Environmental Assessment.

The following is recommended language to summarize the NEPA requirement:

This Environmental Assessment (EA) has been prepared in accordance with the National Environmental Policy Act (NEPA) of 1969, the President's Council on Environmental Quality regulations to implement NEPA (40 Code of Federal Regulations Parts 1500-1508), FEMA's procedures for implementing NEPA (FEMA Instruction 108-1-1), and HUD's regulations for implementing NEPA (24 Code of Federal Regulations Part 58). FEMA and HUD (or HUD RE) are required to consider potential environmental impacts before funding or approving actions and projects. The purpose of this EA is to analyze the potential environmental impacts of the [proposed project]. FEMA and HUD (or HUD RE) will use the findings in this EA to determine whether to prepare an Environmental Impact Statement (EIS) or a Finding of No Significant Impact (FONSI).

For the purposes of this EA, FEMA and HUD or HUD RE are serving as joint Lead Agencies. FEMA (or HUD/HUD RE) will act as agent to HUD/HUD RE (or FEMA), working with them carry out the Proposed Action. This serves as documentation of FEMA and HUD/HUD RE's analysis of the potential environmental impacts of the Proposed Action, including analysis of project alternatives and identification of impact minimization measures.

Purpose and Need

Purpose

Purpose is a statement of the grant program's goals and objectives. Purpose should be general in nature and not specifically oriented to support the proposed action or limit consideration of the other action alternatives. Contingent on the funding source, a

purpose statement might include something like the examples below. These are suggestions that may need to be revised for your specific project.

FEMA Programs

“Through HMGP, FEMA provides grants to states and local governments to implement long-term hazard mitigation measures. The purpose of HMGP is to reduce the loss of life and property due to natural disasters and to enable mitigation measures to be implemented during the immediate recovery from a disaster. HMGP is authorized under Section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act.”

Or

“The objective of the Federal Emergency Management Agency's (FEMA) Public Assistance (PA) Grant Program is to provide assistance to State, Tribal and local governments, and certain types of Private Nonprofit (PNP) organizations so that communities can quickly respond to and recover from major disasters or emergencies declared by the President.

“Through the PA Program, FEMA provides supplemental Federal disaster grant assistance for debris removal, emergency protective measures, and the repair, replacement, or restoration of disaster-damaged, publicly owned facilities and the facilities of certain PNP organizations. The PA Program also encourages protection of these damaged facilities from future events by providing assistance for hazard mitigation measures during the recovery process.”

And

HUD Program

“Through the CDBG-DR program, HUD provides grant assistance to areas affected by Presidentially declared disasters for rebuilding and recovery efforts in communities and neighborhoods that have limited resources to allocate to such programs.”

Need

Developing the appropriate project need is critical in an EA. Project need provides the basis to develop appropriate action alternatives and select the proposed alternative. The need is the specific problem the project is intended to address. The need should be specific and stated as a problem, not a solution. The situation should be explained such that readers understand why FEMA and HUD (or HUD RE) are involved. The need should be described in a manner that allows multiple ways of addressing the problem. The need should not be defined by the proposed action (e.g. the need is not “to build a dam,” but rather “to control flooding and prevent future flood damages and losses”; the

need is not “to build a 300-foot communications tower,” but rather “to improve public safety and interoperable communications among first responders during an emergency event”).

Alternatives

Joint FEMA and HUD EAs must, at minimum, include a discussion of the No Action Alternative (i.e. maintaining the status quo/consequences of not implementing the proposed project) and the Proposed Action. Preferably, the EA should also include a discussion of Action Alternatives; in other words, applicants/sub-applicants (or grantees/sub-grantees or recipient/sub-recipient) should ask the question: “if the proposed project cannot be chosen, how else could the need be met?” If an Action Alternative has been considered, but rejected as a feasible option, that alternative and reasons for its dismissal from further analysis in the EA should be briefly discussed in this section. Visual tools such as maps and photographs should be included so that the audience has a clear understanding of the proposed project and location.

Affected Environment and Potential Impacts

In this section, provide a description of the physical setting and information on the existing environment, or baseline conditions, for those resources/areas of concern that may be affected by the proposed action or alternatives. The following EHP-related resources/areas of concern must be discussed in every joint FEMA and HUD EA (these are designated by an asterisk (*) in the table of contents above): wetlands, floodplains, flood insurance, sole source aquifers, threatened and endangered species and critical habitat, cultural resources, environmental justice, explosive and flammable hazards, airport hazards, and demographic character changes, displacement. All other EHP-related resources/areas of concern should be addressed only if the proposed action and/or alternatives have the potential to affect that resource/area of concern. Typically, EAs for new facility construction (e.g. school, hospital, fire station) would also address air quality, noise, traffic, geology and soils.

Suggestion: Use information from other regional EAs that can be applied your project area (but only use the applicable information). Often EAs prepared by FEMA, Departments of Transportation (DOTs) and the U.S. Army Corps of Engineers (USACE) can be a good resource.

EAs for actions in the floodplain or affecting wetlands must include a narrative discussion of the 8-step process (44 CFR Part 9.6) in the associated floodplain and/or wetland section of the document or as an Appendix to the EA. An example of the narrative addressing floodplains (Executive Order 11988 and 44 CFR Part 9) has been attached to the end of these writing tips. This same narrative can be applied to address wetlands (Executive Order 11990 and 44 CFR Part 9) as well. EAs that do not provide this narrative when required will be returned as deficient.

For each resource/area of concern that is discussed, provide the following:

- Description of the general setting and character of the existing proposed project site relevant to the resource/area of concern being discussed;

- Summary of the EHP law, Executive Order or other requirement that may be triggered because of potential impacts to that resource/area of concern;
- For each alternative (including the no action alternative) under each resource provide:
 - Description of the short-term (i.e. construction phase) and long-term (i.e. facility operation) impacts, both positive and negative, on the resource/area of concern;
 - Identification of EHP mitigation measures or best management practices (BMPs) that would be implemented to reduce or avoid impacts;
 - If applicable, summary of coordination or consultation with resource and/or regulatory agencies responsible for the management or protection of that resource and outcome of that coordination or consultation (this will usually only apply to the proposed action/preferred alternative).

Include a summary table of potential EHP impacts and the EHP mitigation measures/BMPs that will be implemented to reduce or avoid those impacts. Resource agency coordination and permits can also be included in the table. This table should follow the same order as the narrative body of the EA and section titles and language should be consistent.

Affected Environment/ Resource Area	Impacts	Agency Coordination/Permits	Mitigation/BMPs
	<i>(list separately for each Alternative)</i>		

Cumulative Impacts

Cumulative impacts are the impact on the environment which results from the incremental impact of an action when added to other past, present, and reasonably foreseeable future actions, regardless of what agency (Federal or non-Federal) or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time. Impacts are only cumulative for a given resource type or area of concern. In other words, impacts on wetlands cannot accumulate with impacts on historic properties.

The EA must address cumulative impacts if the Proposed Action or Alternatives, when taken into account with other past, present, and reasonably foreseeable future actions, would have an impact on a particular resource/area of concern. Therefore, EA preparers should contact the appropriate local or county governmental entity to get an idea of what other projects, regardless of funding or proponent, may be going on or planned in the area.

Agency Coordination, Public Involvement and Permits

In this section, provide the following, if applicable: a description of permits or approvals that would typically be required for the proposed project (e.g. building codes; storm water, air pollution, and sediment and erosion control requirements, etc.); a list of Federal, state, and local agencies and offices or other stakeholders that were contacted and asked to review the project; and a description of any public involvement that has occurred regarding the proposed project, such as newspaper notices, town meetings, etc.

Please note, for the purposes of consultation under the National Historic Preservation Act (NHPA), applicants and sub-applicants must not contact federally recognized tribes. Per 36 CFR Part 800.2(c)(2)(ii)(C), “consultation with an Indian tribe must recognize the government-to-government relationship between the Federal Government and Indian tribes. The agency official shall consult with representatives designated or identified by the tribal government or the governing body of a Native Hawaiian organization.” Tribal consultation cannot be delegated from FEMA to the state or to sub-applicants.

References

Use an accepted citation style such as Modern Language Association (MLA), Turabian, Chicago, etc., and remain consistent throughout EA.

List of Preparers

Include a list of individuals, with their professional qualifications and affiliations, who contributed to the technical content of the EA. FEMA and HUD will likely add a list of federal staff that reviewed and approved the document as well.

Instructions for Submission of Document to Lead Agency or Joint Lead Agencies

When an EA includes joint Lead Agencies, these agencies will identify a single agency point of contact for document submissions. This designation occurs prior to development of the EA and is often communicated to the sub-applicant/grantee/recipient and/or contractor during initial coordination calls/meetings or correspondence. The agency designated the POC will serve as ‘Primary Agent’ to the other joint Lead Agency. It is the responsibility of the Primary Agent to distribute document submissions to the other joint Lead Agency for review and comment. The Primary Agent will collect and manage each agency’s comments as well as coordinate joint Lead Agency meetings as needed throughout the EA review and approval process. This ensures agency communication and coordination with the sub-applicant/grantee/recipient or contractor remains unified throughout the EA development and approval process.

A preliminary draft document must be submitted to the Lead Agency or Primary Agent for review and approval. The document must be in both PDF and editable MS Word format. The Lead Agency or Primary Agent may respond with required revisions. This revised document must be re-submitted to Lead Agency or Primary Agent for approval. It

can be helpful if the sub-applicant/grantee/recipient or contractor prepares an errata sheet that details how revisions were addressed. It also helps if the revised draft EA document includes line numbering to facilitate agency review. The final PDF document - to be posted on the Lead Agency or joint Lead Agencies' website - must be 508-compliant as discussed above. It is the responsibility of the sub-applicant/grantee/recipient or contractor to prepare a 508-compliant EA, including appendices.

Note: FEMA's EHP staff can offer limited assistance if issues are encountered with 508 when FEMA is Lead Agency or joint Lead Agency. Please see the attached guidance on preparing 508-accessible documents.

Public Notice and Public Comment Period

Once approved by the Lead Agency (or joint Lead Agencies), the Draft EA will go out for a 30 day public comment period. The length of the comment period can vary based on Lead Agency's (or joint Lead Agencies') discretion.

Publication of Notice

In addition, the sub-applicant/grantee/recipient or contractor must publish the public notice at least twice during the 30 day comment period, for one day at the beginning of the comment period and again for one more day 15 days into the comment period. The public notice need only be published once at the beginning of the comment period for EAs with a 15 day – or shorter- public comment period. A daily regional paper of record would be preferred over a weekly local paper. It is also preferred to be published in the Legal Section of the newspaper if available. The public notice should include an explanation of how the public can access the Draft EA and instructions for submitting comments to Lead Agency or Primary Agent. The public notice needs to be approved by the Lead Agency or Primary Agent before publication.

The sub-applicant/grantee/recipient or the contractor must submit proof of publication of the public notice to the Lead Agency or Primary Agent's environmental and historic preservation (EHP) compliance office or branch. This proof must be in the form of an original copy of the notarized proof of publication affidavit provided by the newspaper publisher. Any other forms of proof will be accepted on a case by case basis and will require preapproval from the Lead Agency or Primary Agent.

Physical Availability of Draft EA

The sub-applicant/grantee/recipient or contractor must make at least one (1) hard copy of the Draft EA available to the public in an easily accessible location, such as a city hall or public library. Copies of the public notice must accompany the Draft EA and must be posted in highly visible areas where the document will be available for public review. In rural areas, where public facilities can sometimes be too distant from the affected community, private businesses such as a grocery store can be used with preapproval from the from the Lead Agency or Primary Agent. Locations that have limited operating hours that would prevent an average citizen from access the document or sites that require pre-approval to access are not permitted.

Final Environmental Assessment

If any comments are received during the public comment period, the Lead Agency or Primary Agent may request that the sub-applicant/grantee/recipient or contractor revise the EA to address the comments. The sub-applicant/grantee/recipient or contractor may be contacted by the Lead Agency or Primary Agent's EHP compliance office or branch with additional instructions if a Final EA public comment period is necessary. If no public comments are received, revisions to the Final EA are commonly limited to updating the date and the public involvement sections.

Once the comment period has ended and all comments dealt with, and if there are no significant impacts, a FONSI will be written and signed by the Lead Agency or joint Lead Agencies. A FONSI is FEMA and HUD's decision document that concludes that the proposed action will not significantly impact the environment. It includes required mitigation measures that are conditions of the grant award. Issuance of a FONSI completes FEMA and HUD's NEPA process. If the EA results in a finding of significant impact, FEMA and/or HUD will issue a Notice of Intent to prepare an Environmental Impact Statement (EIS).