



Housing Assistance Council

**ENVIRONMENTAL REVIEW:
A GUIDE FOR
APPLICANTS SEEKING
HUD OR
USDA RURAL DEVELOPMENT
FINANCIAL ASSISTANCE**

\$5.00

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HAC, founded in 1971, is a nonprofit corporation that supports the development of rural low-income housing nationwide. HAC provides technical housing services, loans from a revolving fund, housing program and policy analysis, research and demonstration projects, and training and information services. HAC is an equal opportunity lender.

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INTRODUCTION

Rural nonprofit organizations increasingly rely on a combination of funding sources, including U.S. Department of Housing and Urban Development (HUD) and United States Department of Agriculture (USDA) Rural Development (RD) as well as state and local funds, to develop affordable housing. Both HUD and RD require environmental reviews for housing projects to be completed prior to approval of financial assistance. An environmental review *may* also be required when state or local funds are used.

An environmental review (ER) is undoubtedly a valuable step in the development process. The environmental review allows HUD, RD, and applicants to make better decisions and take appropriate actions that protect, restore, and enhance the environment by considering environmental issues *early* in the planning process. The environmental review can decrease project expenses and delays, and allow the public a chance to participate in the decisionmaking process in accordance with the National Environmental Policy Act.

The environmental review requires an understanding of a variety of laws, Executive Orders, and regulations. In order to fulfill the requirements of differing funding sources, rural nonprofit organizations need clear instructions and tools to navigate HUD's and RD's similar – but distinct – processes. The Housing Assistance Council developed this guide to familiarize rural developers with the environmental review processes required when requesting HUD or RD financial assistance.

This guide is divided into two major sections: 1) guidelines for the HUD environmental review and 2) guidelines for the RD environmental review. This guide was drafted using HUD regulations on “Environmental Review Procedures for Entities Assuming HUD Environmental Responsibilities” at 24 CFR part 58, and RD Instruction 1940-G (7 CFR 1940 subpart G). Included in this guide are the steps in an environmental review, a discussion of the various levels of environmental review, factors that are reviewed in the environmental assessment, and an explanation of the developer's responsibilities.

Background

Various activities related to housing construction can have an impact on the ecosystem. For example, site development can disrupt natural floodplains or deplete wetlands. Wetlands provide the environment with very essential functions such as filtering pollutants, protecting water quality, reducing flood damage, and protecting against erosion (LUESA 2002). Initiating construction in these areas without regard to the environmental constraints can damage their performance, and possibly start a dire chain reaction with effects on the environment and its inhabitants. Thus, it is very important to be familiar with the area and the potential impacts that construction could have there.

In 1969, the federal government took action to protect the environment from harmful impacts and enacted the National Environmental Policy Act (NEPA). The purpose of this law is primarily to:

declare a national policy which will encourage productive and enjoyable harmony between man [sic] and his environment; to promote efforts which

will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of man. (NEPA 1969)

This statute requires that all federal agencies develop methods and procedures to ensure that the environment is given appropriate consideration in decisionmaking along with economic and technical considerations. This is done by providing a detailed statement for major federal actions significantly affecting the quality of the environment and its inhabitants. (Hill 2005; HAC 2000).

Important Terms

The environmental review involves a variety of terms and acronyms. For the purpose of clarification, this guide provides a review of the most frequently used terms and their use below. Where the HUD and RD definitions are not the same, differences are identified. For other terms, see Appendix A.

<i>Environmental Assessment (EA)</i>	<p>A concise public document that serves to:</p> <ul style="list-style-type: none">△ provide sufficient evidence and analysis for determining whether to prepare an Environmental Impact Statement (EIS) or a Finding of No Significant Impact (FONSI);△ aid an agency's compliance with NEPA when an EIS is necessary;△ identify and discuss alternatives;△ identify and discuss, as relevant, mitigation;△ facilitate preparation of an EIS, when one is necessary;△ document the comments and concerns of the agencies and persons consulted during the preparation of the EA. (DCED 2002)
<i>Environmental Impact Statement (EIS)</i>	<p>A detailed written statement prepared when a major federal action will affect the quality of the human environment. The EIS is a full and fair discussion of significant environmental impacts and informs the decisionmakers and the public of the reasonable alternatives that would avoid or minimize adverse impacts or enhance the quality of the human environment. An EIS is uncommon for small- and moderate-scale residential developments.</p>
<i>Environmental Review (ER)</i>	<p>An in-depth process that includes <i>all</i> analysis <i>and</i> findings necessary for compliance with NEPA and other related environmental laws and authorities by the grantee with respect to a federally funded project (DCED 2002). The ER includes all findings and determinations, which might include a categorical exclusion determination or an EA, and may determine the need for preparation of an EIS. The terms "environmental review" and "environmental assessment" are sometimes used as synonyms.</p>
<i>Environmental Review Record</i>	<p>The documentation of the environmental review process including all assessments or Environmental Impact Statements, published notices, notifications, and correspondence relating to a specific project or group of projects (DCED 2002). The Responsible Entity is responsible for maintaining the record; however, the grantee may need to provide documentation.</p>

<i>Finding of No Significant Impact (FONSI)</i>	A document by a federal agency briefly presenting the reasons why an action, not otherwise excluded, will not have a significant effect on the human environment and why an EIS is not necessary.
<i>Finding of Significant Impact (FOSI)</i>	<u>HUD definition:</u> A determination by the Responsible Entity based on the environmental assessment that there would be a significant impact on the human environment that is “caused or induced by” (DCED 2002) the project or activities associated with the project. A FOSI results in the preparation of an EIS. A FOSI is rare.
<i>Responsible Entity (RE)</i>	<u>HUD definition:</u> Any body of general government that has jurisdiction over the area in which a project is located, and exercises authority over land use issues in that jurisdiction (24 CFR § 58.2). (Note: the RE can sometimes be an ambiguous figure. Contact a local HUD office, using the information in Appendix B, for further assistance in determining the RE for a HUD-funded project.) <u>RD definition:</u> Any body of government that provides financing for the project and is obligated to perform an environmental review (Hill 2005). (Note: Contact a local RD office, using the information in Appendix C, for further assistance in determining the RE for a RD-funded project.)
<i>Request for Release of Funds (RROF)</i>	Request for a firm approval letter; also known as the Release of Funds (ROF). The RROF generally states that the project has met all environmental requirements and no other compliance is needed.
<i>Letter of Conditions (LOC)</i>	An instrument used by RD to provide written notice of conditions under which an application for financial assistance is granted. The LOC includes any environmental mitigation measures or other conditions required by the EA or ER. Conditions established in the EA may have an impact on project costs and should be factored into budgets and funding requests.

Getting Started

The environmental review is meant to be a proactive step for protecting the environment and its inhabitants. It is not a cursory or elective process; rather it is a thorough and mandatory requirement. Many individuals come together to make this process work. Each one plays an important role. The developer is not an idle partner in the process and in some instances may be required to take on additional responsibilities (e.g., supplying technical data). As the developer, you should see your part in the review process as more than just fulfilling another requirement. Instead, you should consider the environmental review process as beneficial to your understanding of potential issues and problems.

There are several important factors to keep in mind before and during the environmental review:

- △ *Review process.* All action that utilizes HUD and RD financial assistance must undergo an environmental review. The level of review varies, however, depending on the type of activities a proposed project will involve.

- △ *Responsibility.* The developer is *not* responsible for physically conducting the environmental review, but supplies all available and relevant information necessary to perform the review for each property. Until environmental compliance is completed, developers are not to begin project activities nor commit or expend federal or non-federal funds for the project.
- △ *Time.* It is critical to contact funding agencies early in the process of site selection and design – *prior* to making *any* decisions. Doing so will minimize revision of work to meet environmental and program requirements. In addition, the environmental review can be a lengthy process. Substantial time may be needed to gather and submit documentation to federal, state, and local authorities for their review, allow for a public comment period, and receive formal approvals. To ensure that deadlines are met, this process must not be put off until the last minute. Adequate time should be included in the proposed project planning schedules to complete the environmental review process.
- △ *Co-funding.* When a proposed project will use funds from multiple sources, agencies often collaborate to determine which agency will act as the lead in preparing the environmental review. This is important to keep in mind when seeking funding from multiple agencies. Your organization may be able to lessen the amount of legwork required.
- △ *Reciprocity.* There may be reciprocity between HUD and RD; however, please check with your local HUD and RD offices (see Appendices B and/or C). RD may accept part or all of an environmental review performed by HUD and, under some circumstances, HUD may accept part or all of an environmental review performed by RD. Similarly, many federal and state agencies may have provisions in their environmental policies that allow for adoption of ERs by others or joint participation in preparation. Avoiding duplication of effort is an important consideration in effective project planning.
- △ *State and local requirements.* Do not overlook other environmental requirements that you may need to fulfill. Your state may have additional laws that are not related to the federal environmental review. Please make sure that these separate state laws and/or regulations are met in order to expedite the development process.
- △ *Intergovernmental review of federal actions.* Under the concept of federalism, many proposed projects are subject to the requirements of Executive Order (EO) 12372, “Intergovernmental Review of Federal Programs.” This EO assures that federal programs do not duplicate other efforts and are coordinated within a state. Information may be submitted by the applicant or the federal agency to the State Single Point of Contact (SPOC). The Office of Management and Budget (OMB) maintains a list of SPOCs. To determine whether your state has a SPOC, visit <http://www.whitehouse.gov/omb/grants/spoc.html>.
- △ *Site selection.* Please keep in mind alternative site locations. Do not commit to a specific site before speaking with the appropriate HUD or RD program staff to ensure that compliance with all environmental requirements can be met.

- △ *Mitigation.* Mitigation is action undertaken to avoid, minimize, rectify, reduce, or compensate identified adverse environmental effects of project development. Mitigation of effects on physical, biological, or human-constructed resources may be required for issuance of a FONSI and approval of financing. In many instances, mitigation measures will affect the design and final costs of projects and should be addressed in the development of final construction budgets.

HUD ENVIRONMENTAL REVIEW PROCEDURES

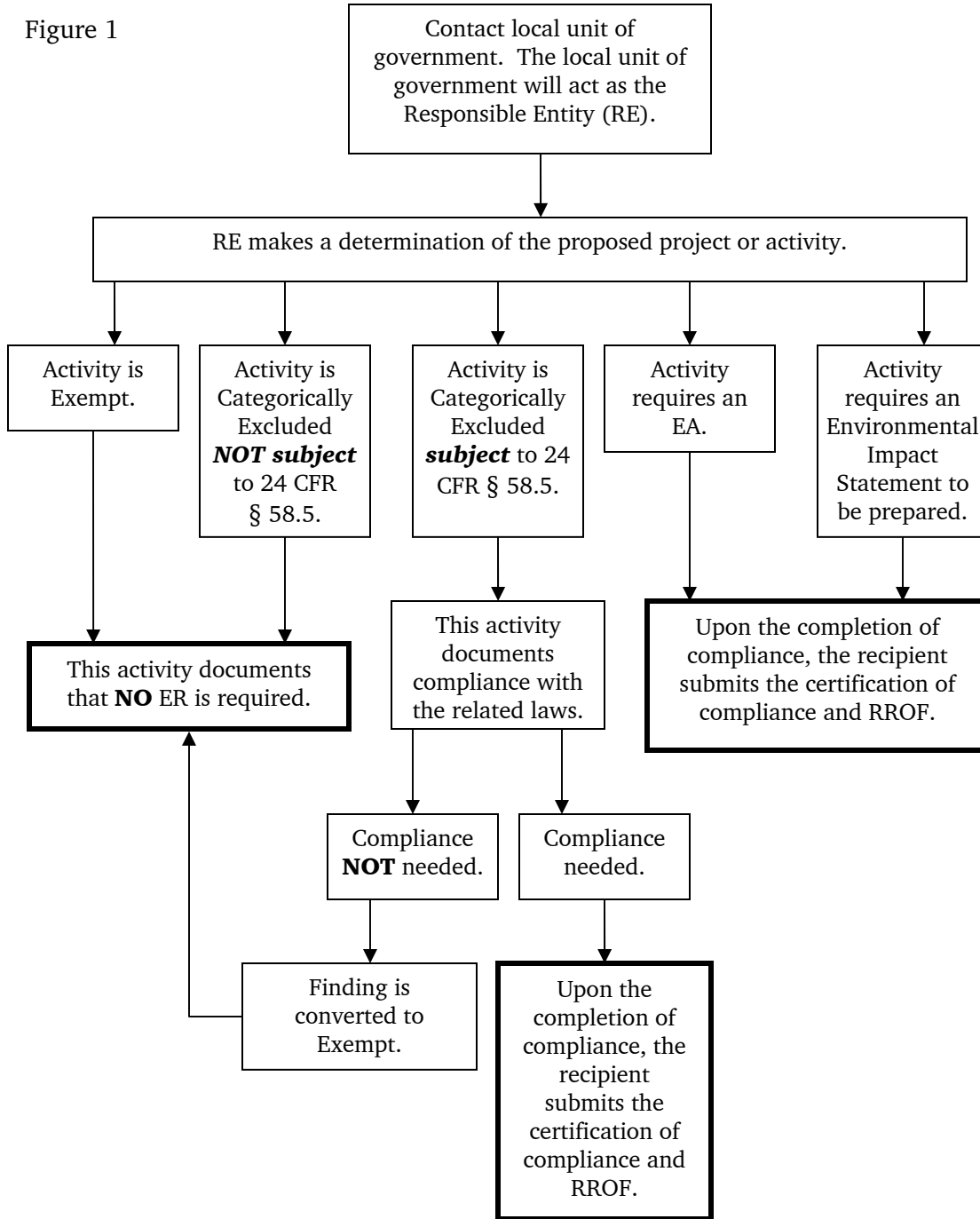
To initiate the environmental review process, contact the unit of local government (hereafter, the responsible entity (RE)) whose jurisdiction contains the project site. Please see Appendix B for a list of HUD State Field Environmental Officers. The Environmental Officer can provide contact information for the environmental staff of the unit of general local government that has assumed HUD's environmental review responsibility.

HUD ER procedures are required for proposed projects and activities that utilize HUD financial assistance. During the HUD environmental review process, certain activities are exempt (see section below). Projects that are not determined to be exempt may be required to undergo an environmental assessment (EA). It is important to note that:

- △ an EA *is not required* for projects proposing development of one to four housing units or development of five or more housing units on scattered sites more than 2,000 feet apart. These actions are considered “individual actions” and are *categorically excluded*, although they *are* required to comply with related federal environmental laws and authorities cited in 24 CFR § 58.5;
- △ an EA *is required* for projects developing a residential subdivision of five or more housing units and multifamily housing apartment buildings containing five or more apartments.

Figure 1 illustrates the basic flow of the HUD ER process.

Figure 1



The following sections provide more detail on exempt and categorically excluded projects and activities. In addition, more information is presented on the EA and developer responsibilities.

Exempt and Categorically Excluded Activities

Projects can be determined to be either exempt or categorically excluded. This designation determines the level of assessment the project must undergo and the responsibilities of the developer.

Exempt Activities

An EA is generally not required for projects and activities that are determined to be exempt. A project may be determined to be exempt if funding is for any of these activities:

- (1) Environmental and other studies, resource identification and the development of plans and strategies;
- (2) Information and financial services;
- (3) Administrative and management activities;
- (4) Public services that will not have a physical impact or result in any physical changes, including but not limited to services concerned with employment, crime prevention, child care, health, drug abuse, education, counseling, energy conservation and welfare or recreational needs;
- (5) Inspections and testing of properties for hazards or defects;
- (6) Purchase of insurance;
- (7) Purchase of tools;
- (8) Engineering or design costs;
- (9) Technical assistance and training;
- (10) Assistance for temporary or permanent improvements that do not alter environmental conditions and are limited to protection, repair, or restoration activities necessary only to control or arrest the effects from disasters or imminent threats to public safety including those resulting from physical deterioration;
- (11) Payment of principal and interest on loans made or obligations guaranteed by HUD;
- (12) Any of the categorical exclusions listed in § 58.35(a) [below] provided that there are no circumstances which require compliance with any other Federal laws and authorities cited in § 58.5. (24 CFR § 58.34(a))

If the responsible entity has determined that a project activity is exempt, then it is not necessary to prepare a certification and a Request for Release of Funds (RROF) is not required. Under

these circumstances, no other actions by HUD or the state are necessary. The developer may now utilize HUD funds, provided the RE has documented that the project is exempt under one of the above 12 criteria. (24 CFR 58.34(b))

Categorically Excluded Activities

Project can be classified as either “categorically excluded **not** subject to 24 CFR § 58.5” or “categorically excluded **subject to** 24 CFR § 58.5” [emphasis added].

The RE can find a proposed project or activity to be “categorically excluded **not** subject to 24 CFR § 58.5,” and therefore no EA is needed. The following uses of funds are considered “categorically excluded” and do **not** require compliance with federal laws and authorities cited in § 58.5:

- (1) Tenant-based rental assistance;
- (2) Supportive services including, but not limited to, health care, housing services, permanent housing placement, day care, nutritional services, short-term payments for rent/mortgage/utility costs, and assistance in gaining access to local, State, and Federal government benefits and services;
- (3) Operating costs including maintenance, security, operation, utilities, furnishings, equipment, supplies, staff training and recruitment and other incidental costs;
- (4) Economic development activities, including but not limited to, equipment purchase, inventory financing, interest subsidy, operating expenses and similar costs not associated with construction or expansion of existing operations;
- (5) Activities to assist homebuyers to purchase existing dwelling units or dwelling units under construction, including closing costs and down payment assistance, interest buydowns, and similar activities that result in the transfer of title;
- (6) Affordable housing pre-development costs including legal, consulting, developer and other costs related to obtaining site options, project financing, administrative costs and fees for loan commitments, zoning approvals, and other related activities which do not have a physical impact;
- (7) Approval of supplemental assistance (including insurance or guarantee) to a project previously approved under this part, if the approval is made by the same responsible entity that conducted the environmental review on the original project and re-evaluation of the environmental findings is not required under § 58.47.
(24 CFR § 58.35(b))

After the responsible entity has documented that the project activity is a “categorical exclusion **not** subject to § 58.5” and related laws, the preparation of a certification and Request for Release of Funds is **not** needed. No other actions by HUD or the state are necessary. The developer may now utilize HUD funds, provided the RE has documented that the project is excluded under one of the above criteria. (24 CFR § 58.34 (b))

Activities are considered to be “categorically excluded **subject** to 24 CFR § 58.5” and **require** an EA if financial assistance is to be used for:

- (1) Acquisition, repair, improvement, reconstruction, or rehabilitation of public facilities and improvements (other than buildings) when the facilities and improvements are in place and will be retained in the same use without change in size or capacity of more than 20 percent (e.g., replacement of water or sewer lines, reconstruction of curbs and sidewalks, repaving of streets).
- (2) Special projects directed to the removal of material and architectural barriers that restrict the mobility of and accessibility to elderly and handicapped persons.
- (3) Rehabilitation of buildings and improvements [*only when all*] of the following conditions are met:
 - (i) In the case of a building for residential use (with one to four units), the density is not increased beyond four units, the land use is not changed, and the footprint of the building is not increased in a floodplain or in a wetland.
 - (ii) In the case of multifamily residential buildings:
 - (A) Unit density is not changed more than 20 percent;
 - (B) The project does not involve changes in land use from residential to non-residential; and
 - (C) The estimated cost of rehabilitation is less than 75 percent of the total estimated cost of replacement after rehabilitation.
 - (iii) In the case of non-residential structures, including commercial, industrial, and public buildings:
 - (A) The facilities and improvements are in place and will not be changed in size or capacity by more than 20 percent; and
 - (B) The activity does not involve a change in land use, such as from non-residential to residential, commercial to industrial, or from one industrial use to another.
- (4)
 - (i) An individual action on up to four dwelling units where there is a maximum of four units on any one site. The units can be four one-unit buildings or one four-unit building or any combination in between; or
 - (ii) An individual action on a project of five or more housing units developed on scattered sites when the sites are more than 2,000 feet apart and there are not more than four housing units on any one site.
 - (iii) Paragraphs (a)(4)(i) and (ii) of this section do not apply to rehabilitation of a building for residential use (with one to four units)(see paragraph (a)(3)(i) of this section).
- (5) Acquisition (including leasing) or disposition of, or equity loans on an existing structure, or acquisition (including leasing) of vacant land provided that the structure or land acquired, financed, or disposed of will be retained for the same use.
- (6) Combinations of the above activities. (24 CFR § 58.35(a))

If the responsible entity determines that a project activity is a “categorical exclusion *subject to* § 58.5” and related laws,” there are two possible scenarios:

- △ Compliance must be completed for all the related federal laws and authorities that are applicable to the project. Upon the completion of compliance, the recipient submits the certification of compliance and Request for Release of Funds. Upon approval, the developer may then utilize HUD funds.
- △ If there are no circumstances that require compliance with any federal laws and authorities cited in § 58.5, the categorical exclusion is converted to a finding of exemption under § 58.34(a)(12), then no preparation of a certification of compliance and Request for Release of Funds is needed. No other actions by HUD or the state are necessary. The developer may now utilize HUD funds, provided the RE has documented that the project is exempt. (24 CFR § 58.34(b))

The Environmental Assessment

When the responsible entity must prepare an environmental assessment, certain factors must be addressed. It is important to keep these factors in mind when choosing a site. Appendix D provides a presentation of the information collected by the responsible entity under the Self-Help Homeownership Opportunity Program (SHOP). The protocol, which defines the information to be collected during the environmental review, includes specific questions about the location of the project and the potential impact of development on a range of environmental factors, including:

- △ air quality;
- △ coastal zones;
- △ endangered species;
- △ environmental justice;
- △ farmland protection¹;
- △ floodplains;
- △ historic properties;
- △ manmade hazards;
- △ noise;
- △ water quality; and
- △ wetlands.

Each of these factors is be addressed and considered before reaching a decision of environmental impact. When the responsible entity prepares an environmental assessment there will be one of two findings:

- △ a Finding of No Significant Impact (FONSI) or
- △ a Finding of Significant Impact (FOSI).

¹ Appendix J includes contact information for USDA Natural Resources Conservation Service, which provides specific information on farmland protection.

A Finding of Significant Impact is rare; however, it is important to be aware of the possibility. Additional steps may be required that may add delays and costs to the proposed project. (See Appendix E for further explanation.)

Figure 2 illustrates the steps taken after a FONSI.

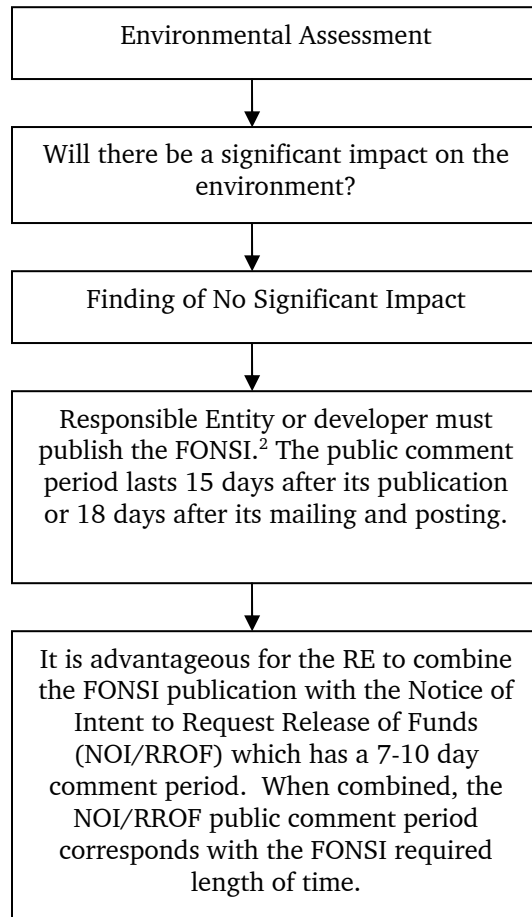


Figure 2

Developer Responsibilities

The entire environmental review process is a collaboration between many agencies including HUD, the developer, and state and local authorities. While the responsible entity has the duty of evaluating the project in keeping with NEPA and other federal regulations and laws, the developer also has responsibilities. It is important to understand that the developer is not an idle member of the collaboration, but instead plays a vital and active role in expediting the HUD environmental review process. The developer's responsibilities include:

² Please confirm with your responsible entity who will ultimately be responsible for publishing the finding.

- (1) reaching an arrangement with the responsible entity to perform the environmental review (Notice CPD-98-10, sec. III B 1);
- (2) notifying the HUD field office (Appendix B), if the responsible entity is unwilling to perform the environmental review, with either: 1) a letter from the local unit of government that declined to perform the environmental review; or 2) the name, title, address, and telephone number of the local government representative who expressed the decision not to perform the environmental review. The developer may then: 1) request HUD to ask the county or state to perform the environmental review; or 2) request that HUD perform the environmental review (Notice CPD-98-10, sec. III B 1);
- (3) supplying the responsible entity (whether it is a local unit of government or HUD) with information on the project location, nature and scope of the activities to be carried out, and all available environmental information (Appendix D). The developer may want to gather this information prior to contacting HUD staff (Notice CPD-98-10, sec. III B 2);
- (4) having an alternative site or carrying out mitigating measures (Notice CPD-98-10, sec. III B 3);
- (5) preparing the cover letter for the Request for Release of Funds (Notice CPD-98-10, sec. III B 4);
- (6) reporting any change in the scope, nature, or environment to the responsible entity (Notice CPD-98-10, sec. III B 6); and
- (7) providing data for the responsible entity's performance of the environmental review when requested (Notice CPD-98-10, sec. III B 7).

Summing Up

The tables below provide an illustration of the steps of an environmental review, depending on whether the project:

△ is exempt.

△ is categorically excluded **not** subject to 24 CFR § 58.5.

	Yes	No
Commence with an EA		✓
Have a FONSI published		✓
Have an EIS prepared		✓
Publish NOI/EIS		✓
Have a ROD prepared		✓
Have a NOI/RROF published		✓

	Yes	No
Commence with an EA		✓
Have a FONSI published		✓
Have an EIS prepared		✓
Publish NOI/EIS		✓
Have a ROD prepared		✓
Have a NOI/RROF published		✓

If the project is “categorically excluded **subject to** 24 CFR § 58.5” and:

△ receives a FONSI.

	Yes	No
Commence with an EA	✓	
Have a FONSI published	✓	
Have an EIS prepared		✓
Publish NOI/EIS		✓
Have a ROD prepared		✓
Have a NOI/RROF published	✓	

△ receives a FOSI.

	Yes	No
Commence with an EA	✓	
Have a FOSI published	✓	
Have an EIS prepared	✓	
Publish NOI/EIS	✓	
Have a ROD prepared	✓	
Have a NOI/RROF published	✓	

Remember, if you have questions about beginning the environmental review process, contact your local HUD State Environmental Officer (see Appendix B for contact information). For more information on the factors considered during the environmental assessment, please refer to Appendix D.

RURAL DEVELOPMENT ENVIRONMENTAL REVIEW PROCESS

All financial assistance provided by Rural Development (RD) necessitates an environmental review. However, before filling out any forms or committing to any particular site, please contact the appropriate RD office (Appendix C) as completion of certain materials may not be required for your proposed project.

The RD environmental review process is similar to that of HUD, but includes some differing language and requirements. The RD environmental review encompasses NEPA and the related environmental laws, regulations, and Executive Orders. The RD process starts with the developer filing an application for financial assistance with an RD office. RD staff will be able to guide your organization through the process based on your proposed project's category (explained below) and assist with the necessary forms and information needed for the environmental review.

Rural Development often forms partnerships with HUD and other federal, state, local, and private sources to fund developments. In these instances, RD works with the other agencies to determine the applicable environmental review process and which agency will act as lead in preparation of the environmental review.

For RD-assisted proposals, there are three different NEPA classes of action, depending on the nature of the proposed project and the number of units. These classes of action include Categorical Exclusion, Environmental Assessment, and Environmental Impact Statement. Classification of the action is a starting point for the agency to begin the environmental review.

Categorically Excluded Activities

Certain proposed projects will be determined eligible for categorical exclusion (CATEX) by Rural Development according to RD Instruction 1940-G. CATEX proposals are typically those that have minimal potential for impact on the quality of the human environment. Review of CATEX proposals is documented using Form RD 1940-22, Environmental Checklist for Categorical Exclusions (see Appendix I). This checklist includes items such as coastal barriers, endangered species, prime rangeland, and wilderness areas (a complete list is included below). Proposed projects that will typically be CATEX include single-family homes and small multifamily projects with fewer than five units that do not have any impacts on environmental resources. (RD Instruction 1940.310)

Environmental Assessments

Environmental assessments are prepared for proposed projects that have a higher potential for impact on the environment. The level of environmental review is based on the project information provided in RD Form 1940-20.

Form 1940-20

If the level of review is not a categorical exclusion, you may be required to fill out and submit RD Form 1940-20, Request for Environmental Information, to the RD office processing your request. This document provides information regarding your proposal and its potential impacts on the

environment. A copy of RD Form 1940-20 is included in Appendix F. This form asks three major questions:

1. Has a federal, state, or local Environmental Impact Statement or Environmental Analysis been prepared for this proposed project?
2. Has the State Historic Preservation Officer been provided a detailed project description and been requested to submit comments to the appropriate Rural Development office?
3. Are there any land uses or environmental resources either to be affected by the proposal or located within or adjacent to the project site(s)? Land uses include but are not limited to residential areas, schools, transportation, commercial, and recreational activities. Resources include such issues as historic properties and archeological sites, floodplains, dunes, beaches, and wildlife.

In addition to preparing and submitting RD Form 1940-20, you must notify the appropriate State Historic Preservation Officer (SHPO) (see Appendix G) of your intended project. This allows you to identify any historic properties so that RD can evaluate their significance. RD also determines whether any Native American tribes may need to be consulted in the review process. Please note that it is the responsibility of RD to conduct “government-to-government” consultation with the Tribal Historic Preservation Officer (THPO) (listed in Appendix H).

Projects that require environmental assessments are further subdivided into two classes: Class I and Class II Actions.

Class I Actions: This classification is for small multifamily projects of five to not more than 25 units. Because of their small size, these projects have been deemed to have limited potential for adverse effects on the environment. These projects will require environmental assessments with only limited detail and analysis. (RD Instruction 1940.311)

Class II Actions: This classification is for larger projects that have more than 25 units and are deemed, because of size, to have a greater potential for adverse effects on the environment. These projects require completely detailed environmental assessments. (RD Instruction 1940.312)

The Environmental Assessment

When the RE is preparing the environmental assessment, certain factors will be addressed. It is important to keep these factors in mind when considering a site. The RE will consider:

- △ coastal zones;
- △ endangered species;
- △ farmland protection³;
- △ floodplains;
- △ environmental justice;

³ Appendix J includes contact information for USDA Natural Resources Conservation Service, which provides specific information on farmland protection.

- △ historic properties;
- △ natural landmarks;
- △ prime forestland;
- △ prime rangeland;
- △ sole source aquifer recharge areas;
- △ water quality;
- △ wetlands;
- △ wilderness areas; and
- △ wild and scenic rivers.

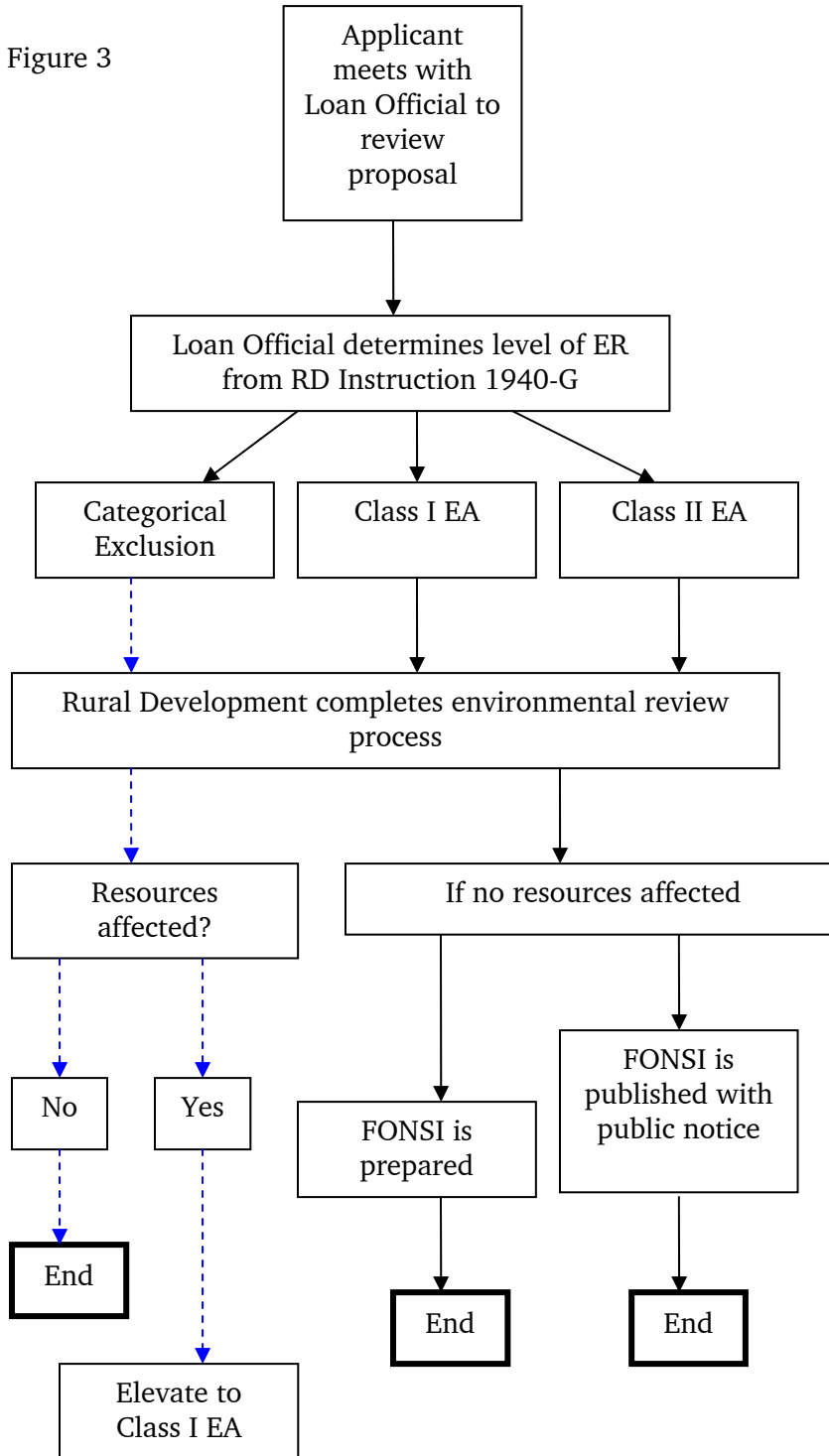
Each of these factors will be addressed and considered before reaching a decision of environmental impact.

Environmental Impact Statements

An EIS will need to be prepared if the “project or proposal will have a significant impact on the quality of the human environment” (RD Instruction 1940.313). This situation is atypical and will not apply to most proposed housing developments.

Figure 3 illustrates the general flow of an RD environmental review.

Figure 3



Developer Responsibility

The entire environmental review process is a collaboration between many agencies including USDA RD, the developer, and federal, state, and local authorities. While RD has the responsibility of evaluating the proposed project in accordance with NEPA and other federal environmental regulations and laws, the developer also has responsibilities. It is important for

the developer to understand that s/he is not an idle member of the collaboration, but instead plays a vital and active role in expediting the review process. The developer's responsibilities include:

- (1) considering the potential environmental impacts of the proposed project at the earliest planning stages (RD Instruction 1940.309(a));
- (2) developing project proposals that minimize the potential to adversely impact the environment (RD Instruction 1940.309(a));
- (3) providing the necessary information to the Rural Development office so that RD can evaluate the proposed project, such as a complete description of the project elements and the site (RD Instruction 1940.309(b)) and Form 1940-20, Request for Environmental Information, if the RE determines it is necessary;
- (4) ensuring that all required materials are current, sufficiently detailed, and complete and are submitted directly to the RD office processing the application (RD Instruction 1940.309(d));
- (5) not taking any actions with respect to the proposed project that will have an adverse impact on the environment or limit the range of alternatives during the application review and processing (RD Instruction 1940.309(e));
- (6) providing public notification and fully cooperating in holding public information meetings (RD Instruction 1940.309(f)); and
- (7) appealing any administrative decision made by Rural Development that may directly and adversely affect the applicant (RD Instruction 1940.309(g)).

Summing Up

For further information or assistance, please contact your local RD office (see Appendix C). Official RD forms and RD Instruction 1940-G are available at RD offices or online from the RD web site, www.rurdev.usda.gov. Please contact the local RD office with any specific questions.

In addition to contact information please see Appendices F and I for forms that will be used during your environmental review process. Prior to filling out forms, it is recommended that you contact RD and other funding agencies to determine which forms are applicable to your project.

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APPENDIX A: DEFINITIONS OF TERMS

Air Quality

The major concern relative to air quality is that the proposed project not be located near an emitter of pollutants that would adversely affect the health and safety of the project residents.

Coastal Barriers

The Coastal Barrier Resources Act places strict limitations on development in coastal barriers. Normally, federal agencies will not provide financial assistance for any activity to be located within the Coastal Barrier Resources System.

Coastal Zone

Is your proposed project located within or near a coastal zone? If you wish to develop in a coastal or Great Lakes state and your proposed project is located near the shoreline or tidal waters, state and federal Coastal Zone Management plans and permits may be necessary.

Environmental Assessment (EA)

This concise public document serves to:

- (1) provide sufficient evidence and analysis for determining whether to prepare an Environmental Impact Statement (EIS) or a Finding of No Significant Impact (FONSI);
- (2) aid an agency's compliance with NEPA when an EIS is necessary;
- (3) identify and discuss alternatives considered;
- (4) identify and discuss, as relevant, mitigation;
- (5) facilitate preparation of a Statement when one is necessary;
- (6) identify agencies and persons consulted and document their comments and concerns. (DCED 2002)

Environmental Impact Statement (EIS)

An EIS is a detailed written statement prepared when a major federal action affects the quality of the human environment. The EIS is a full and fair discussion of significant environmental impacts and informs the decisionmakers and the public of the reasonable alternatives that would avoid or minimize adverse impacts or enhance the quality of the human environment. An EIS is uncommon for small- and moderate-scale residential developments.

Environmental Justice

EPA defines environmental justice as “the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies” (EPA 2007). The RE’s focus when addressing environmental justice is the potential effect on the minority population of the area. The RE will do this “by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations in the United States and its territories and possessions.” (Executive Order 12898, Section 1:1)

Environmental Review (ER)

The ER is an in-depth process that includes *all* analysis *and* findings necessary for compliance with NEPA and all related laws and authorities by the grantee with respect to a federally funded project. (DCED 2002)

Farmlands

Under the Farmland Protection Policy Act of 1981, a project must not change farmland to a non-agricultural function. If one is unsure whether a location is considered “farmland,” contact the USDA Natural Resources Conservation Service (NRCS) (see Appendix J).

Finding of No Significant Impact (FONSI)

A FONSI is a document by a federal agency briefly presenting the reasons why an action, not otherwise excluded, will not have a significant effect on the human environment and for which an EIS is not necessary.

Finding of Significant Impact (FOSI)

A FOSI is a determination by the RE based on the environmental assessment that there would be a significant impact on the human environment that would be “caused or induced by” (DCED 2002) the proposed project or activities associated with the proposed project.

Floodplain Management

The RE will determine whether the proposed project is located within or will have an impact on the 100-year floodplain identified by the Federal Emergency Management Agency (FEMA). Any construction or development within this area will be discouraged unless no reasonable alternatives exist. While flood insurance is not a form of environmental mitigation, insurance through the National Flood Insurance Program must be obtained for all forms of financial assistance.

Historic Properties

The RE will make a particular effort to determine whether an undertaking is located within a historic district or has potential to impact historic resources (such as structures listed or eligible for listing in the National Register of Historic Places and places of importance to individuals, organizations, and Native American groups). The RE will then consult with the State Historic Preservation Officer (SHPO) and other interested parties to complete what is called the Section 106 process in the earliest stages of the project. The SHPO will issue an opinion on effects of the proposed design and determine if an archeological survey is required for a site, or if a structure is on the National Register of Historic Properties or in a potentially eligible historic district.

Important Farmland

Impact on Important Farmlands involves both a determination by NRCS (see Farmlands above) that important farmland soils exist on a site, and consideration of impact using the Land Evaluation and Site Assessment process. This review considers both the use of the site for agriculture and its potential for use in nonagricultural development.

Manmade Hazards

When considering manmade hazards, the RE must consider any potentially hazardous materials or underground storage tanks on the project site or in proximity to the site that may present a risk to the project security and persons using the site.

Natural Landmarks

The National Natural Landmarks Program recognizes and encourages the conservation of outstanding examples of the natural history of the United States. Natural Landmarks are listed on the National Registry of Natural Landmarks maintained by the National Park Service. The proximity and visibility of projects outside their boundaries can impact National Landmarks.

Noise

Noise generators such as an active railroad, major highway, and industrial or commercial land use in proximity to the development will be taken into consideration in site selection, land planning, and design of the buildings.

Record of Decision (ROD)

A record of decision is a concise public document that is required to:

- a. State what the [environmental review] decision was.
- b. Identify all alternatives considered by the agency in reaching its decision, specifying the alternative or alternatives which were considered to be environmentally preferable. An agency may discuss preferences among alternatives based on relevant factors including economic and technical considerations and agency statutory missions. An agency shall identify and discuss all such factors including any essential considerations of national policy which were balanced by the agency in making its decision and state how those considerations entered into its decision.
- c. State whether all practicable means to avoid or minimize environmental harm from the alternative selected have been adopted, and if not, why they were not. A monitoring and enforcement program shall be adopted and summarized where applicable for any mitigation. (40 CFR 1505.2)

Responsible Entity (RE)

HUD definition:

“The Responsible Entity is any body of government that has jurisdiction over the area in which a project is located, and exercises authority over land use issues in that jurisdiction.” (Note: the RE can sometimes be an ambiguous figure. Contact a local HUD office using the contact information in Appendix B for further assistance in determining what agency will act as the RE for a project.)

RD definition:

The RE is any body of government that provides financing for the project and is obligated to perform an environmental review. (Hill 2005) (Contact a local RD office using the contact information in Appendix C for further assistance in determining what agency will act as the RE for a project.)

Request for Release of Funds (RROF)

The Request for Release of Funds (RROF) or Release of Funds (ROF) letter generally states that the project has met all environmental requirements and no other compliance is needed.

Sole Source Aquifer Recharge Area

These areas and potential effects on them are determined by the Environmental Protection Agency. Typically housing development does not impact this resource.

Water Quality

Projects are reviewed to determine their impact on water quality in the project area, both surface and underground sources, and to assure that the project has a permanent source of water to serve its needs.

For a housing project to be serviced by a central water and sewer system, it is necessary to obtain a statement from the providers of the service that there is a sufficient capacity, that the system is in compliance with all state and federal regulation, and that the project will be allowed to connect.

For a housing project with on-site water or sewer systems, the project engineer and/or local and state agencies will make a determination that the site has suitable capacity within local and state requirements. In addition, all projects must comply with any storm water and sediment control regulation.

Wetlands

The RE determines whether a project impacts a wetland. Development in or near a wetland is discouraged. However, building in this vicinity may be approved if there is no other option outside the wetland area.

Wild and Scenic Rivers

Rivers and portions of rivers designated as part of the Wild and Scenic Rivers System and rivers under study for inclusion in the system are maintained and published by the Department of the Interior. These areas can be impacted by the proximity and visibility of projects outside their boundaries.

Wilderness Areas

Wilderness areas both proposed and under evaluation, are designated by the USDA Forest Service and state agencies. Only limited development in these areas is permitted, but the areas can be impacted by the proximity of projects outside their boundaries.

Wildlife and Endangered Species

The RE will consider two criteria: (1) whether there are any known wildlife resources or (2) whether endangered or threatened species, species under consideration for listing as endangered or threatened under the Endangered Species Act of 1973, or critical habitats are on the site or in the immediate vicinity.

APPENDIX B: HUD STATE FIELD ENVIRONMENTAL OFFICERS

(Note: Please refer to HUD's website at
<http://www.hud.gov/offices/cpd/environment/contact/localcontacts/index.cfm>
as numbers and locations may have changed)

Alabama

Regional Environmental Officer
Atlanta Regional Office
40 Marietta Street NW
Atlanta, GA 30303-3388
Phone: 404-331-3167 ext. 2557
Fax: 404-731-2853

Alaska

Field Environmental Officer
Housing and Urban Development
Office of Regional Director
909-1st Avenue, Suite 255
Seattle, WA 98104-1000
Phone: 206-220-5226
Fax: 206-220-5403

Regional Environmental Officer
Housing and Urban Development
Office of Regional Director
909-1st Avenue, Suite 255
Seattle, WA 98104-1000
Phone: 206-220-5414
Fax: 206-220-5108

Arizona

Regional Environmental Officer
San Francisco Regional Office
600 Harrison Street, Third Floor
San Francisco, CA 94107-1300
Phone: 415-489-6731
Fax: 415-489-6732

Arkansas

Regional Environmental Officer
Fort Worth Field Office
801 Cherry Street, Room 2860
Ft. Worth, TX 76102
Phone: 817-978-5983
Fax: 817-978-5569
(also serves Oklahoma and New Mexico)

California

Regional Environmental Officer
San Francisco Regional Office
600 Harrison Street, Third Floor
San Francisco, CA 94107-1300
Phone: 415-489-6731
Fax: 415-489-6732
(serves northern California)

Field Environmental Officer
HUD - Los Angeles Field Office
611 West 6th Street, Suite 800
Los Angeles, CA 90017-3127
Phone: 213-534-2578
Fax: 213-894-8122
(serves southern California)

Colorado

Regional Environmental Officer
Denver Regional Office
1670 Broadway Street
Denver, CO 80202-4801
Phone: 303-672-5285 ext. 1305
Fax: 303-672-5150

Connecticut

Field Environmental Officer
HUD - Hartford Field Office
One Corporate Center - 19th Floor
Hartford, CT 06103-3220
Phone: 860-240-4800 ext. 3072
Fax: 860-240-4859

Regional Environmental Officer
New England Regional Office
10 Causeway Street
Boston, MA 02222-1092
Phone: 617-994-8374
Fax: 617-565-5442

Delaware

Regional Environmental Officer
Philadelphia Regional Office
100 Penn Square East
Philadelphia, PA 19107-3380
Phone: 215-656-0624 ext. 3222
Fax: 215-656-3442

District of Columbia

Field Environmental Officer
HUD - Baltimore Field Office
10 S. Howard Street, 5th Floor
Baltimore, MD 21201-2505
Phone: 410-962-2520 ext. 3053
Fax: 410-962-7250

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Philadelphia Field Office
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Philadelphia, PA 19107-3380
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Florida

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Atlanta Regional Office
40 Marietta Street NW
Atlanta, GA 30303-3388
Phone: 404-331-3167 ext. 2560
Fax: 404-730-2853
(serves northern Florida)

Field Environmental Officer
HUD - Miami Field Office
Brickell Plaza Federal Building
909 SE First Avenue, Suite 500
Miami, FL 33131-3028
Phone: 305-536-5678 ext. 2276
Fax: 305-536 -5765
(serves southern Florida)

Regional Environmental Officer
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Georgia

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Hawaii

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Idaho

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Illinois

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Chicago Regional Office
Metcalf Fed. Bldg.
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Chicago, IL 60604-3507
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Fax: 312-353-0121

Indiana

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Chicago Regional Office
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Iowa

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HUD - St. Louis Area Office
1222 Spruce Street, Room 3207
St. Louis, MO 63103-2836
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Fax: 314-539-6818

Regional Environmental Officer
HUD - Kansas City Regional Office
400 State Street
Kansas City, KS 66101-2406
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Kansas

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Kentucky

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Maine

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Maryland

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Regional Environmental Officer
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100 Penn Square East
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Massachusetts

Regional Environmental Officer
Boston Regional Office
10 Causeway Street
Boston, MA 02222-1092
Phone: 617-994-8374
Fax: 617-565-5442
*(serves Connecticut, Maine, Massachusetts,
New Hampshire, and Vermont)*

Michigan

Field Environmental Officer
HUD - Milwaukee Field Office
Henry S. Reuss Federal Plaza
310 West Wisconsin Ave., Suite 1380
Milwaukee, WI 53208-2289
Phone: 414-297-3214 ext. 8108
Fax: 414-297-3202

Minnesota

Field Environmental Officer
HUD - Milwaukee Field Office
Henry S. Reuss Federal Plaza
310 West Wisconsin Ave., Suite 1380
Milwaukee, WI 53208-2289
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Mississippi

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Missouri

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(serves western Missouri)

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(serves eastern Missouri)

Montana

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Denver, CO 80202-4801
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Nebraska

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Nevada

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New Jersey

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New Mexico

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New York

Field Environmental Officer
HUD - New York City Regional Office
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(serves southern New York and New York City)

Buffalo Field Office
Field Environmental Officer
HUD - Buffalo Field Office
Lafayette Court
465 Main Street, Second Floor
Buffalo, NY 14203-1780
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Fax: 716-551-5634
(serves northern New York)

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North Carolina

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Greensboro, NC 27407-3838
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North Dakota

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Ohio

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Oklahoma

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Oregon

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Regional Environmental Officer
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Pennsylvania

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Philadelphia Field Office
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Phone: 215-656-0624 ext. 3222
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(serves eastern Pennsylvania and Delaware)

Pittsburgh Field Office
Field Environmental Officer
HUD - Pittsburgh Field Office
339-6th Avenue, 6th Floor
Pittsburgh, PA 15222-2515
Phone: 412-644-6932
Fax: 412-644-2678
(serves western Pennsylvania and West Virginia)

Rhode Island

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South Dakota

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Tennessee

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Regional Environmental Officer
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Texas

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Forth Worth Field Office
801 Cherry Street, Room 2856
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Phone: 817-978-5985
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(serves eastern, central, and western Texas)

HUD - San Antonio Area Office
Field Environmental Officer
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Fax: 210-472-6804
(serves southern Texas and Louisiana)

Utah

Regional Environmental Officer
Denver Regional Office
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Phone: 303-672-5285 ext. 1305
Fax: 303-672-5150

Vermont

Regional Environmental Officer
New England Regional Office
10 Causeway Street
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Fax: 617-565-5442

Virginia

Field Environmental Officer
HUD - Richmond Office
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Fax: 206-220-5403

Regional Environmental Officer
Housing and Urban Development
Office of Regional Director
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Phone: 206-220-5414
Fax: 206-220-5108

West Virginia

Field Environmental Officer
HUD - Pittsburgh Field Office
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Fax: 412-644-2678

Regional Environmental Officer
Philadelphia Field Office
100 Penn Square East
Philadelphia, PA 19107-3380
Phone: 215-656-0624 ext. 3222
Fax: 215-656-3442

Wisconsin

Field Environmental Officer
HUD - Milwaukee Field Office
Henry S. Reuss Federal Plaza
310 West Wisconsin Ave., Suite 1380
Milwaukee, WI 53208-2289
Phone: 414-297-3214 ext. 8108
Fax: 414-297-3202

Wyoming

Regional Environmental Officer
Denver Regional Office
1670 Broadway Street
Denver, CO 80202-4801
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Fax: 303-672-5150

APPENDIX C: USDA RURAL DEVELOPMENT STATE OFFICE CONTACTS

(Note: Please refer to RD's website at <http://www.rurdev.usda.gov/> as numbers and locations may have changed)

Alabama

Suite 601, Sterling Centre
4121 Carmichael Road
Montgomery, AL 36106-3683
Phone: 334-279-3400
Fax: 334- 279-3403

Alaska

800 W. Evergreen, Suite 201
Palmer, AK 99645)
Phone: 907-761-7705
Fax: 907-761-7783

Arizona

230 North 1st Avenue, Suite 206
Phoenix, AZ 85003
Phone: 602-280-8701
Fax: 602-280-8708

Arkansas

Federal Building, Room 3416
700 West Capital Avenue
Little Rock, AR 72201-3225
Phone: 501-301-3200
Fax: 501-301-3278

California

California State Office
430 G Street, Agency 4169
Davis, CA 95616-4169
Phone: 530-792-5800
Fax: 530-792-5837
TDD: 530-792-5848

Colorado

655 Parfet Street
Room E-100
Lakewood, CO 80215
Phone: 720-544-2903
Fax: 720-544-2981

Connecticut

Norwich Service Center
238 West Town Street
Norwich, CT 06360-2111
Phone: 860-859-5218 Ext. 3004
Fax: 860-859-5223
(serves eastern Connecticut)

Windsor Service Center
100 Northfield Drive, 4th floor
Windsor, CT 06095-4729
Phone: 860-688-7725 Ext. 4
Fax: 860-688-7979
(serves western and central Connecticut)

Delaware

1221 College Park Drive, Suite 200
Dover, DE 19904
Phone: 302-857-3580
Fax: 302-857-3640
TTY: 302-857-3585

Florida

4440 N.W. 25th Place
Gainesville, Florida 32606
Phone: 352-338-3402
Fax: 352-338-3405

Georgia

Stephens Federal Building
355 East Hancock Avenue
Athens, GA 30601-2768
Phone: 706-546-2162
Fax: 706-546-2152

Hawaii

Room 311, Federal Building
154 Waiianuenue Avenue
Hilo, HI 96720
Phone: 808-933-8380
Fax: 808-933-8327
TDD: 808-933-8321

Idaho

9173 West Barnes Street
Suite A1
Boise, ID 83709-1555
Phone: 208-378-5600
Fax: 208-378-5643

Illinois

2118 West Park Court, Suite A
Champaign, IL 61821
Phone: 217-403-6202
Fax: 217-403-6243

Indiana

5975 Lakeside Boulevard
Indianapolis, IN 46278
Phone: 317-290-3100
FAX: 317-290-3095

Iowa

210 Walnut Street, Room 873
Des Moines, IA 50309-2196
Phone: 515-284-4663
Fax: 515-284-4821

Kansas

1303 First American Place
Suite 100
Topeka, KS 66604
Phone: 785-271-2700
Fax: 785-271-2708

Kentucky

771 Corporate Drive, Suite 200
Lexington, KY 40503-5477
Phone: 859-224-7300
Fax: 859-224-7340
TTY: 859-224-7422

Louisiana

3727 Government Street
Alexandria, LA 71302
Phone: 318-473-7921

Maine

28 Gilman Plaza, Suite 3.
Bangor, ME 04401-3550
Phone: 207-990-3676
Fax: 207-990-5092
TDD/TTY: 207-942-7331

Maryland

1221 College Park Drive, Suite 200
Dover, DE 19904
Phone: 302-857-3580
Fax: 302-857-3640
TTY: 302-857-3585

Massachusetts

451 West Street, Suite 2
Amherst, MA 01002-2999
Phone: 413-253-4300
Fax: 413-253-4347
TDD: 413-253-4590

Michigan

3001 Coolidge, Suite 200
East Lansing, MI 48823
Phone: 517-324-5190
TDD/TDY: 517-337-6906

Minnesota

410 Farm Credit Service Building
375 Jackson Street
St. Paul, MN 55101-1853
Phone: 651-602-7800
Fax: 651-602-7824

Mississippi

100 West Capitol St.
Suite 831, Federal Building
Jackson, MS 39269
Phone: 601-965-4316
Fax: 601-965-4088

Missouri

601 Business Loop 70 West
Parkade Center, Suite 235
Columbia, MO 65203
Phone: 573-876-0976
Fax: 573-876-0977
TDD: 573-876-9480

Montana

P.O. Box 850
Bozeman, MT 59771
Phone: 406-585-2580
Fax: 406-585-2565
TDD: 406-585-2562

Nebraska

Federal Building, Room 152
100 Centennial Mall North
Lincoln, Nebraska 68508
Phone: 402-437-5551
Fax: 402-437-5408
TDY: 402-437-5093

Nevada

1390 S. Curry Street
Carson City, NV 89703
Phone: 775-887-1222
Fax: 775-885-0841
TDD: 775-885-0633

New Hampshire

City Center 3rd Floor
89 Main Street
Montpelier, VT 05602
Phone: 802-828-6080
Fax: 802-828-6018
TTY: 802-223-6365

New Jersey

5th Floor North, Suite 500
8000 Midlantic Drive
Mt. Laurel, NJ 08054
Phone: 856-787-7700
Fax: 856-787-7783

New Mexico

6200 Jefferson NE
Albuquerque, NM 87109
Phone: 505-761-4950
TTY: 505-761-4938

New York

441 South Salina St, Suite 357
Syracuse, NY 13202
Phone: 315-477-6400
Fax: 315-477-6438
TDD: 315-477-6447

North Carolina

4405 Bland Road, Suite 260
Raleigh, NC 27609
Phone: 919-873-2000
Fax: 919-873-2075

North Dakota

Federal Building, Room 208
220 East Rosser Ave.
P.O. Box 1737
Bismarck, ND 58502
Phone: 701-530-2037
Fax: 701-530-2108

Ohio

Federal Building, Room 507
200 North High Street
Columbus, Ohio 43215
Phone: 614-255-2500

Oklahoma

100 USDA, Suite 108
Stillwater, OK 74074
Phone: 405-742-1000
Fax: 405-742-1005
TTY/TDD: 405-742-1007

Oregon

1201 NE Lloyd Blvd., Suite 801
Portland, OR 97232
Phone: 503-414-3300
Toll Free: 1-866-923-5626
Fax: 503-414-3392
TTY: 503-414-3387

Pennsylvania

One Credit Union Place, Suite 330
Harrisburg, PA 17110-2996
Phone: 717-237-2299
Fax: 717-237-2191
TDD/TTY: 717-237-2261

Rhode Island

451 West Street, Suite 2
Amherst, MA 01002-2999
Phone: 413-253-4300
TDD: 413-253-4590
Fax: 413-253-4347

South Carolina

Strom Thurmond Federal Building
1835 Assembly Street, Room 1007
Columbia, South Carolina, 29201
Phone: 803-765-5163
Fax: 803-765-5633
TTY/TDD: 803-765-5697

South Dakota

200 4th Street SW
Federal Building, Room 210
Huron, SD 57350
Phone: 605-352-1100
Fax: 605-352-1146
TDD: 605-352-1147

Tennessee

3322 West End Avenue, Suite 300
Nashville, Tennessee 37203
Phone: 615-783-1300
Toll Free: 1-800-342-3149
Fax: 615-783-1301

Texas

101 South Main Street, Suite 102
Temple, TX 76501
Phone: 254-742-9700
Fax: 254-742-9709
TDD: 254-742-9712

Utah

Wallace F. Bennett Federal Building
125 South State Street, Room 4311
Salt Lake City, UT 84138
Phone: 801-524-4320
Fax: 801-524-4406
TDD: 801-524-3309

Vermont

City Center 3rd Floor, 89 Main Street
Montpelier, VT 05602
Phone: 802-828-6080
Fax: 802-828-6018
TTY: 802-223-6365

Virginia

Culpeper Bldg., Suite 238
1606 Santa Rosa Road
Richmond, VA 23229
Phone: 804-287-1552
Fax: 804-287-1718

Washington

1835 Black Lake Blvd. SW, Suite B
Olympia, WA 98501-5715
Phone: 360-704-7740
Fax: 360-704-7742

West Virginia

75 High Street, Suite 320
Morgantown, WV 26505
Phone: 304-284-4860
Fax: 304-284-4893

Wisconsin

4949 Kirschling Ct.
Stevens Point, WI 54481
Phone: 715-345-7615
Fax: 715-345-7669
TTY: 715-345-7614

Wyoming

PO Box 11005

Casper, WY 82602-5006

Phone: 307-233-6700

Fax: 307-233-6727

TDD: 307-233-6733

APPENDIX D: HUD CPD-98-10 PROTOCOL ATTACHMENT A

PROTOCOL

This protocol defines the information to be supplied by Subrecipients to the HUD field office for the Self-Help Homeownership Opportunity Program (SHOP), whenever the unit of general local government (UGLG) within which the project is located declines or is unable (as determined by the HUD field office CPD Division Director) to perform the environmental review under 24 CFR Part 58 (Environmental Review Procedures for Entities Assuming HUD Environmental Responsibilities) and the Subrecipient chooses not to request HUD to contact the county or State to perform the review. The protocol provides specific questions for the Subrecipient to answer for each property proposed for modified environmental processing. In addition, the protocol provides resources related to each question.

Subrecipients are to request their HUD field office CPD Division Director to initiate modified environmental processing under 24 CFR Part 50 (Protection and Enhancement of Environmental Quality). Such a request should include all available relevant information necessary for the HUD field office CPD Division Director and staff to perform for each property any environmental review required under Part 50. The Subrecipient's request should supply a letter from the local government declining to perform the environmental review or simply provide HUD with the name, title, address, and phone number of the local government representative who communicated the negative decision.

Under this protocol, fifteen working days after receipt of a request by the UGLG, a Subrecipient may submit environmental information specified by this protocol directly to HUD field office CPD Division Director, if the UGLG is not acting on the Subrecipient's request for processing under Part 58. At that point, HUD could decide either to complete the environmental review within ten working days or to contact the UGLG to facilitate the review. If HUD chooses to contact the UGLG, HUD should receive by FAX from the UGLG evidence of progress in the environmental review process by receiving copies of either (i) any necessary scoping letters, (ii) a copy of the published combined notice of Finding of No Significant Impact and Notice of Intent to [Request] Release of Funds (FONSI/NOIRROF), or (iii) a notice announcing a public hearing if such a meeting is required based on the UGLG's review. The amount of additional time that the UGLG needs to complete the processing as reported to the HUD field office should be communicated to the Subrecipient.

Questions

1. Is the property located within designated coastal barrier resources?
2. Is the property contaminated by toxic chemicals or radioactive materials?
3. Is the property located within a special flood hazard area or designated wetland?
4. Is the property located within an airport runway clear zone at a civil airport or within a clear zone or accident potential zone at a military airfield?

5. Is the property listed on, or eligible for listing on, the National Register of Historic Places; located within, or adjacent to, an historic district; or is a property whose area of potential effect includes a historic district or property?
6. Is the property located near hazardous industrial operations handling fuels or chemicals of an explosive or flammable nature?
7. Does the property affect a designated sole source aquifer?
8. Does the property affect endangered species?
9. Does the Subrecipient propose: (i) acquisition involving five or more units of housing or housing sites that are 2,000 feet or less apart; or (ii) infrastructure?

Resources for Supporting Documentation

Subrecipients may wish to contact their local or county planning agency or local community development agency, and request the agency for help in developing the information or have the agency staff prepare a letter with their answers (i.e., findings) to the above questions; or the Recipient may wish to use FY-1998 SHOP administrative funds to help pay for RE staff services or private consultants who would obtain and supply the information or support Subrecipients in supplying information to the HUD Field Office; or a combination of the above. Most of the information necessary to prepare the response to these questions is readily available to Subrecipients from their local or county planning agency or building permit official.

The Sub-recipient's written response should include a city or county map that shows the location of the property as well as photos showing the north, east, south, and west perspectives from the property and the dates the photos were taken. Because the most time consuming item is the letter (see below) from the State Historic Preservation Officer (SHPO), Subrecipients are encouraged to contact the SHPO **as early as possible**.

Question #1: Is the property located within designated coastal barrier resources?

Threshold: Subrecipients are **prohibited** by federal laws (cited below) from using federal financial assistance for properties in their SHOP programs, if the properties are located within designated coastal barriers resources of the Atlantic Ocean, Gulf of Mexico ' and the Great Lakes. The Coastal Barrier Resources Act (COBRA), as amended, 16 U.S.C. 3501) is in cited _ 50.4 and 58.5 of HUD environmental regulations.

Documentation: Subrecipients are to select either A or B for the condition that best describes their property.

A. The Subrecipient states that its SHOP program operates in a community that does **not** contain any shores along the Atlantic Ocean, Gulf of Mexico, or the Great Lakes.

B. For the Subrecipient whose SHOP program operates in a community that does contain shores along the Atlantic Ocean, the Gulf of Mexico, or the Great Lakes, the Subrecipient provides HUD with a finding stating that the Subrecipient's proposed property is not located within a designated coastal barrier by citing the map panel number of the COBRA maps issued by the

Department of the Interior or the flood insurance rate maps (FIRM) issued by the federal Emergency Management Agency (FEMA). Such maps are readily available for viewing by Subrecipients at the offices of their local planning agency or building permit official or local banks.

Example: The Subrecipient's property is not located within the Coastal Barrier Resources System as shown on FIRM map for Town of North Topsail Beach, NC (Onslow County), community-panel number 370466 0005 A, map revised June 2, 1992.

Question #2: Is the property contaminated by toxic chemicals or radioactive materials?

Threshold: Under HUD policy, as described in 50.3(i), HUD will **not** approve the provision of financial assistance to residential properties located on contaminated sites. Sites known or suspected to be contaminated by toxic chemicals or radioactive materials include but are not limited to sites: (i) listed on an EPA Superfund National Priorities or CERCLA List, or equivalent State list; (ii) located within 3,000 feet of a toxic or solid waste landfill site; or (iii) with an underground storage tank (which is not a residential fuel tank).

Documentation: Subrecipients are to select either A or B for the condition that best describes their property.

A. The Subrecipient states that the property is not listed on an EPA Superfund National Priorities or CERCLA List, or equivalent State list; is not located within 3,000 feet of a toxic or solid waste landfill site; does not have an underground storage tank (which is not a residential fuel tank); and is not known or suspected to be contaminated by toxic chemicals or radioactive materials.

B. The Subrecipient states the property is known or suspected to be contaminated by toxic chemicals or radioactive materials or is located within 3,000 feet of a toxic or solid waste landfill site, or has an underground storage tank other than a residential fuel tank, and an American Society for Testing Materials (ASTM) Phase I report is attached.

Question #3: Is the property located within a special flood hazard area or designated wetland?

Threshold: HUD will **not** approve new construction in a designated wetland or development in a floodplain. Executive Order 11988 (Floodplain Management), Executive Order 11990 (Protection of Wetlands), and HUD's implementing regulations at 24 CFR Part 55-Floodplain Management, prescribe measures for protecting floodplains and wetlands.

Documentation: Subrecipients are to select A or B for the condition that best describes their property.

(A) The Subrecipient provides HUD with a letter of finding by the local planning agency that the property is **not** located within the Special Flood Hazard Area or designated wetlands.

(B) The Subrecipient provides HUD with a finding by the local planning agency that the property is located within the Special Flood Hazard Area or designated wetlands.

The response as to whether a property is located within a special flood hazard area or designated wetlands can be made as follows. To make a wetlands finding, the Subrecipient

would need to use maps issued by the Department of the Interior for the National Inventory of Wetlands. To make a floodplain finding, the Subrecipient would need to use maps issued by Federal Emergency Management Agency (FEMA) for the National Flood Insurance Program. These findings should cite the map panel number of the official maps issued by DOI and FEMA on the basis of which the findings were made. Such maps are readily available for viewing by Subrecipients at the offices of their local planning agency or building permit official or local banks.

The Flood Disaster Protection Act of 1973 as amended requires that homeowners purchase flood insurance for buildings located within Special Flood Hazard Areas (SFHA), when federal or federally-regulated financial assistance is used to acquire, improve, or construct a building. The mandatory period for maintaining flood insurance protection is different for grants and loans. For grants, the mandatory period is the life of the building irrespective of transfer of ownership. For loans, the mandatory period is the term of the loan.

Question #4: Is the property located within an airport runway clear zone at a civil airport or within a clear zone or accident potential zone at a military airfield?

Threshold: HUD policy as described in 24 CFR 51, Subpart D, is that assistance for construction or major rehabilitation of any property located on a clear zone site is prohibited. For properties located within 3,000 feet of a civil airport or military airfield, the airport operator should make a finding stating whether or not the property is located within a runway clear zone for civil airports or a clear zone or accident potential zone at a military airfield.

Documentation: Subrecipients are to select A or B for the condition that best describes their property.

A. The Subrecipient states that the property is not located within 3,000 feet of a civil airport or military airfield.

B. For properties located within 3,000 feet of a civil or military airport, the Subrecipient provides HUD with a letter of finding from the airport operator stating whether or not the property is located within a runway clear zone at a civil airport, or a clear zone or accident potential zone at a military airfield.

Question #5: Is the property listed on, or eligible for listing on, the National Register of Historic Places; located within, or adjacent to, a historic district; or is a property whose area of potential effect includes a historic district or property?

Threshold: Historic properties and districts are subject by law to special protection and historic preservation processing which HUD must perform to comply with the regulations of the Advisory Council on Historic Preservation (36 CFR part 800). Subrecipients seeking information from the State Historic Preservation Officer (SHPO) need to allow sufficient time to obtain the information from the SHPO. Subrecipients may wish to make special arrangements with the SHPO for rapid review of the proposed property where this is practicable. For properties determined to be historic properties or for actions impacting a historic property, HUD will require 30 to 90 days in most cases to perform the required processing. If the action will have adverse effect on historic properties, HUD will request the Subrecipient to select another property.

Documentation: Subrecipients are to select A or B for the condition that best describes their property.

A. Subrecipient provides HUD a letter of finding by the SHPO that the property will have no effect or no adverse effect on historic properties.

B. Subrecipient provides HUD with a copy of a letter from the SHPO stating any reasons for not being able to provide the Subrecipient with the requested information and finding.

Question #6: Is the property located near hazardous industrial operations handling fuels or chemicals of an explosive or flammable nature?

Threshold: Properties that are located near hazardous industrial operations handling fuels or chemicals of an explosive or flammable nature are subject to HUD safety standards (24 CFR 51, Subpart C). Industrial facilities are those handling explosive or fire-prone materials such as liquid propane, gasoline or other storage tanks adjacent to or visible from the SHOP property.

Documentation: Subrecipients are to select A or B for the condition that best describes their property.

A. The Subrecipient states the SHOP property is not located adjacent to a hazardous industrial facility nor is such a facility visible from the SHOP property.

B. The Subrecipient states that the property is located near hazardous industrial operations handling fuels or chemicals of an explosive or flammable nature and provides a letter of finding made by the company official or engineer of the facility stating the following: (i) the type and scale of such hazardous industrial operations; (ii) the distance of such operations from the proposed property; (iii) a preliminary calculation of the acceptable separation distance (ASD) between such operations and the proposed property; and (iv) a recommendation as to whether it is safe to use the property in accord with 24 CFR 51, Subpart C.

Question #7: Does the property affect a sole source aquifer?

Threshold: The Safe Drinking Water Act of 1974 requires protection of drinking water systems which are the sole or principal drinking water source for an area and which, if contaminated, would create a significant hazard to public health. Development which can affect aquifers designated by the Environmental Protection Agency (EPA) must be reviewed for impact on such designated aquifer sources. Sole source aquifer information is available from the local planning agency, but is also listed on the homepage of the EPA Office of Ground Water and Drinking Water at (<http://www.epa.gov/OGWDW//ssanp.html>)

Documentation: Subrecipients are to select A or B for the condition that best describes their property.

A. The Subrecipient provides HUD with a finding stating that the Subrecipient's proposed property is not located on nor does it affect a sole source aquifer designated by EPA.

B. For the Subrecipient whose property is located on or may affect any sole source aquifer designated by the EPA, the Subrecipient identifies the aquifer and provides HUD with an explanation of the effect on the aquifer from a qualified data source, and/or a copy of any comments on the proposed property that the Subrecipient has received from the EPA Regional Office as well as from any State or local agency with jurisdiction for protecting the drinking water system.

Question #8: Does the property affect an endangered species?

Threshold: The Endangered Species Act (ESA) of 1973 requires protection of listed endangered or threatened species or critical habitats. Projects which can affect listed endangered or threatened species or critical habitats require consultation with the Department of Interior in compliance with the procedure of Section 7 of the ESA.

Documentation: Subrecipients are to select A or B for the condition that best describes their property.

A. Subrecipient provides a finding stating that the property does not affect listed endangered or threatened species or critical habitats.

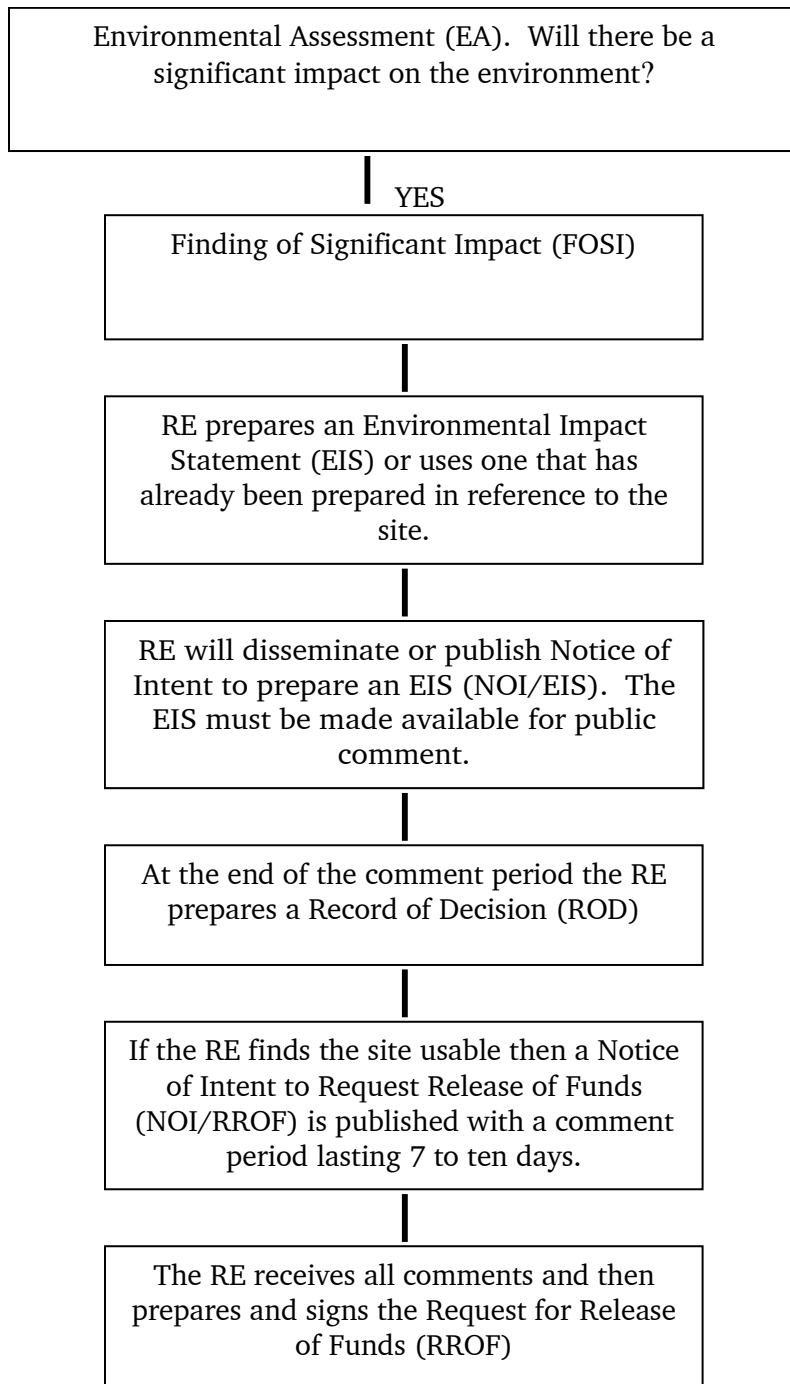
B. Subrecipient provides a finding from a qualified data source explaining the likely effect on endangered or threatened species or critical habitat, and/or finding must be made by the Fish and Wildlife Service of the Department of the Interior stating as acceptable the proposed mitigation that the Subrecipient will provide to protect any affected endangered or threatened species or critical habitats.

Question #9: Does the Subrecipient propose: (i) acquisition involving five or more units of housing or housing sites that are 2,000 feet or less apart; or (ii) infrastructure? Infrastructure refers to those public improvements with growth inducing effects such as streets or water mains and sanitary sewer lines.

Threshold: For the above activities, an environmental assessment is required for compliance with the National Environmental Policy Act (NEPA) and the implementing regulations of the Council on Environmental Quality. It is the policy of the Department to reject proposals which have significant adverse environmental impacts and to encourage the modification of projects in order to enhance environmental quality.

Documentation: If the answer to question #9 is “Yes,” Subrecipients are to provide information on any adverse environmental impacts that affect the project or that the project would create. Subrecipients are to identify any adverse impacts in terms of: (i) impact on unique natural features or areas; (ii) site suitability, access, and compatibility with surrounding development; (iii) soil stability, erosion, and drainage; (iv) nuisances and hazards (natural and built); (v) availability of water supply and sanitary sewers; (vi) availability of solid waste disposal; (vii) availability of schools, parks, recreation, and social services; (viii) availability of emergency health care, fire and police services; and (ix) availability of commercial/retail and public transportation serving such proposed development. Subrecipients are to identify any significant impacts to the human environment.

APPENDIX E: HUD FINDING OF SIGNIFICANT IMPACT (FOSI)



**APPENDIX F: FORM RD 1940-20
REQUEST FOR ENVIRONMENTAL INFORMATION**

REQUEST FOR ENVIRONMENTAL INFORMATION

Name of Project
Location

Item 1a. Has a Federal, State, or Local Environmental Impact Statement or Analysis been prepared for this project?

Yes No Copy attached as EXHIBIT I-A.

1b. If "No." provide the information requested in Instructions as EXHIBIT I.

Item 2. The State Historic Preservation Officer (SHPO) has been provided a detailed project description and has been requested to submit comments to the appropriate Rural Development Office. Yes No Date description submitted to SHPO _____

Item 3. Are any of the following land uses or environmental resources either to be affected by the proposal or located within or adjacent to the project site(s)? (Check appropriate box for every item of the following checklist).

	Yes	No	Unknown		Yes	No	Unknown
1. Industrial.....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	19. Dunes.....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Commercial.....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	20. Estuary.....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Residential.....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	21. Wetlands.....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. Agricultural.....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	22. Floodplain.....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. Grazing.....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	23. Wilderness.....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Mining, Quarrying.....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<i>(designated or proposed under the Wilderness Act)</i>			
7. Forests.....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	24. Wild or Scenic River.....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8. Recreational.....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<i>(proposed or designated under the Wild and Scenic Rivers Act)</i>			
9. Transportation.....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	25. Historical, Archeological Sites.....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10. Parks.....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<i>(Listed on the National Register of Historic Places or which may be eligible for listing)</i>			
11. Hospital.....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	26. Critical Habitats.....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12. Schools.....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<i>(endangered/threatened species)</i>			
13. Open spaces.....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	27. Wildlife.....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
14. Aquifer Recharge Area.....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	28. Air Quality.....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
15. Steep Slopes.....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	29. Solid Waste Management.....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
16. Wildlife Refuge.....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	30. Energy Supplies.....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
17. Shoreline.....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	31. Natural Landmark.....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
18. Beaches.....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<i>(Listed on National Registry of Natural Landmarks)</i>			
				32. Coastal Barrier Resources System.....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Item 4. Are any facilities under your ownership, lease, or supervision to be utilized in the accomplishment of this project, either listed or under consideration for listing on the Environmental Protection Agency's List of Violating Facilities? Yes No

(Date)

Signed: _____
(Applicant)

(Title)

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collections is 0575-0094. The time required to complete this information collection is estimated to average 6 to 10 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

APPENDIX G: STATE HISTORIC PRESERVATION OFFICER (SHPO) CONTACTS

Alabama

Alabama Historical Commission
468 South Perry Street
Montgomery, AL 36130-0900
Phone: 334-242-3184
Fax: 334-240-3477

Alaska

Alaska DNR, Office of History & Archaeology
550 West 7th Avenue
Suite 1310
Anchorage, AK 99501-3565
Phone: 907-269-8721
Fax: 907-269-8908

Arizona

Arizona State Parks
1300 West Washington
Phoenix, AZ 85007
Phone: 602-542-4174
Fax: 602-542-4180

Arkansas

Department of Arkansas Heritage
323 Center Street
Suite 1500
Little Rock, AR 72201
Phone: 501-324-9150
Fax: 501-324-9154

California

Office of Historic Preservation
Department of Parks & Recreation
P.O. Box 942896
Sacramento, CA 94296-0001
Phone: 916-653-6624
Fax: 916-653-9824

Colorado

Colorado Historical Society
1300 Broadway
Denver, CO 80203
Phone: 303-866-3355
Fax: 303-866-4464

Connecticut

Connecticut Commission on Culture and
Tourism
755 Main Street
One Financial Plaza
Hartford, CT 06103
Phone: 860-566-4770
Fax: 860-566-5078

Delaware

Division of Historical and Cultural Affairs
21 The Green
Suite B
Dover, DE 19901
Phone: 302-739-5313
Fax: 302-739-6711

Florida

Division of Historical Resources
Department of State
500 South Bronough Street
Room 305
Tallahassee, FL 32399-0250
Phone: 850-245-6300

Georgia

Historic Preservation Division/DNR
47 Trinity Avenue SW
Suite 414-H
Atlanta, GA 30334-9006
Phone: 404-656-2840
Fax: 404-651-8739

Hawaii

Department of Land & Natural Resources
601 Kamokila Boulevard
Suite 555
Kapolei, HI 96707
Phone: 808-548-6550
Fax: 808-587-0018

Idaho

Idaho State Historical Society
1109 Main Street
Suite 250
Boise, ID 83702-5642
Phone: 208-334-2682

Illinois

Illinois Historic Preservation Agency
1 Old State Capitol Plaza
Springfield, IL 62701-1512
Phone: 217-785-4512
Fax: 217-524-7525

Indiana

Department of Natural Resources
402 West Washington Street
Indiana Government Center South
Room W256
Indianapolis, IN 46204
Phone: 317-232-1646
Fax: 317-232-0693

Iowa

State Historical Society of Iowa
Capitol Complex
East 6th and Locust Street
Des Moines, IA 50319
Phone: 515-281-8741
Fax: 515-242-6498

Kansas

Kansas State Historical Society
6425 Southwest 6th Avenue
Topeka, KS 66615-1099
Phone: 785-272-8681 x210
Fax: 785-272-8682

Kentucky

Kentucky Heritage Council
300 Washington Street
Frankfort, KY 40601
Phone: 502-564-7005
Fax: 502-564-5820

Louisiana

Department of Culture, Recreation &
Tourism
P.O. Box 44247
Baton Rouge, LA 70804
Phone: 225-342-8200
Fax: 225-342-8173

Maine

Maine Historic Preservation Commission
55 Capitol Street
Station 65
Augusta, ME 04333
Phone: 207-287-2132
Fax: 207-287-2335

Maryland

Maryland Historical Trust
100 Community Place
3rd Floor
Crownsville, MD 21032-2023
Phone: 410-514-7600
Fax: 410-514-7678

Massachusetts

Massachusetts Historical Commission
220 Morrissey Boulevard
Boston, MA 02125
Phone: 617-727-8470
Fax: 617-727-5128

Michigan

Michigan Historical Center
702 West Kalamazoo Street
P.O. Box 30740
Lansing, MI 48909-8240
Phone: 517-373-1630
Fax: 517-335-0348

Minnesota

Minnesota Historical Society
345 Kellogg Boulevard West
St. Paul, MN 55102-1906
Phone: 651-296-2747
Fax: 651-296-1004

Mississippi

Mississippi Department of Archives &
History
P.O. Box 571
Jackson, MS 39205-0571
Phone: 601-576-6850

Missouri

State Department of Natural Resources
Phone: 573-751-4732
Fax: 573-751-7627

Montana

State Historic Preservation Office
1410 8th Avenue
P.O. Box 201202
Helena, MT 59620-1202
Phone: 406-444-7717
fax: 406-444-6575

Nebraska

Nebraska State Historical Society
P.O. Box 82554
1500 R Street
Lincoln, NE 68501
Phone: 402-471-4745
Fax: 402-471-3100

Nevada

Historic Preservation Office
100 North Stewart Street
Capitol Complex
Carson City, NV 89701-4285
Phone: 775-684-3440
Fax: 775-684-3442

New Hampshire

New Hampshire Division of Historical
Resources
19 Pillsbury Street
2nd Floor
Concord, NH 03301-3570
Phone: 603-271-6435
Fax: 603-271-3433
TDD: 800-735-2964

New Jersey

Department of Environmental Protection
401 East State Street
P.O. Box 402
Trenton, NJ 08625
Phone: 609-292-2885
Fax: 609-292-7695

New Mexico

Historic Preservation Division
Office of Cultural Affairs
228 East Palace Avenue
Santa Fe, NM 87503
Phone: 505-827-6320
Fax: 505-827-6338

New York

Parks, Recreation & Historic Preservation
Agency Building #1
Empire State Plaza
Albany, NY 12238
Phone: 518-474-0443

North Carolina

Division of Archives & History
4610 Mail Service Center
Raleigh, NC 27699-4610
Phone: 919-807-7280
Fax: 919-733-8807

North Dakota

State Historical Society of North Dakota
612 East Boulevard Avenue
Bismarck, ND 58505
Phone: 701-328-2666
Fax: 701-328-3710

Ohio

Ohio Historic Preservation Office
Ohio Historical Society
567 East Hudson Street
Columbus, OH 43211-1030
Phone: 614-298-2000
Fax: 614-298-2037

Oklahoma

Oklahoma Historical Society
2100 North Lincoln Boulevard
Oklahoma City, OK 73105
Phone: 405-521-2491
Fax: 405-521-2492

Oregon

Oregon Parks & Recreation Department
725 Summer Street
Suite C
Salem, OR 97301
Phone: 503-986-0669
Fax: 503-986-0793

Pennsylvania

Pennsylvania Historical and Museum
Commission
300 North Street
Harrisburg, PA 17120
Phone: 717-787-2891

Rhode Island

Rhode Island Historic Preservation &
Heritage Commission
Old State House
150 Benefit Street
Providence, RI 02903
Phone: 401-222-2678
Fax: 401-222-2968

South Carolina

Department of Archives & History
8301 Parklane Road
Columbia, SC 29223-4905
Phone: 803-896-6100
Fax: 803-896-6167

South Dakota

State Historic Preservation Office
Cultural Heritage Center
900 Governors Drive
Pierre, SD 57501
Phone: 605-773-3458
Fax: 605-773-6041

Tennessee

Department of Environment and
Conservation
4401 Church Street
L & C Tower, 21st Floor
Nashville, TN 37243-0435
Phone: 615-532-0109
Fax: 615-532-0120

Texas

Texas Historical Commission
P.O. Box 12276
Austin, TX 78711-2276
Phone: 512-463-6100
Fax: 512-463-8222

Utah

Utah State Historical Society
300 Rio Grande
Salt Lake City, UT 84101
Phone: 801-533-3500
Fax: 801-533-3503

Vermont

Vermont Division for Historic Preservation
National Life Building, Drawer 20
Montpelier, VT 05620-0501
Phone: 802-828-3211

Virginia

Department of Historic Resources
2801 Kensington Avenue
Richmond, VA 23221
Phone: 804-367-2323
Fax: 804-367-2391

Washington

Office of Archeology & Historic Preservation
P.O. Box 48343
Olympia, WA 98504-8343
Phone: 360-586-3065
Fax: 360-586-3067

West Virginia

West Virginia Division of Culture & History
Historic Preservation Office
1900 Kanawha Boulevard East
Charleston, WV 25305-0300
Phone: 304-558-0220
Fax: 304-558-2779

Wisconsin

Wisconsin Historical Society
816 State Street
Madison, WI 53706
Phone: 608-264-6464
Fax: 608-264-6504

Wyoming

Wyoming State Historic Preservation Office
2301 Central Avenue
3rd Floor
Cheyenne, WY 82002
Phone: 307-777-7013
Fax: 307-777-3543

APPENDIX H: TRIBAL HISTORIC PRESERVATION OFFICERS

Alabama

Tribal Administrator Officer Contact
Poarch Band of Creek Indians
5811 Jack Springs Road
Atmore, AL 36502
Phone: 251-368-9136 x2682

Tribal Historic Preservation Officer
Stewart's Point Rancheria Kashia Band of
Pomo
3535 Industrial Drive, Suite B-2
Santa Rosa, CA 95403

Alaska

none

Tribal Historic Preservation Officer
Table Bluff Reservation - Wiyot Tribe
Tribal Historic Preservation Office
1000 Wiyot Drive
Loleta, CA 95551

Arizona

Tribal Preservation Officer
Hualapai Tribe
P.O. Box 310
Peach Springs, AZ 86434
Phone: 928-769-2224

Tribal Historic Preservation Officer
Timbisha Shoshone Tribe
P.O. Box 206
Death Valley, CA 92328-0206

Tribal Preservation Officer
Navajo Nation
Historic Preservation Department
P.O. Box 4950
Window Rock, AZ 86515
Phone: 928-871-6437

Tribal Heritage Preservation Officer
Yurok Tribe
15900 Highway 101 N
Klamath, CA 95548
Phone: 707-482-1822

Tribal Historic Preservation Officer
White Mountain Apache Tribe
Heritage Program
P.O. Box 507
Fort Apache, AZ 85926
Phone: 928-338-3033

Colorado

none

Connecticut

none

Arkansas

none

Delaware

none

California

Tribal Historic Preservation Officer
Big Pine Paiute Tribe of the Owens Valley
P.O. Box 700
Big Pine, CA 93513
Phone: 760-938-2003
Fax: 760-938-29

Florida

none

Georgia

none

Hawaii

none

Tribal Historic Preservation Officer
Blue Lake Rancheria Tribe of Indians
P.O. Box 428
Blue Lake, CA 95525-0428
Phone: 707-668-5101

Idaho

Tribal Historic Preservation Officer
Nez Perce Tribe
P.O. Box 365
Lapwai, ID 83540
Phone: 208-843-7400

Illinois

none

Indiana

none

Iowa

none

Kansas

none

Kentucky

none

Louisiana

Tribal Preservation Officer
Tunica-Biloxi Indians of Louisiana
P.O. Box 331
Marksville, LA 71351
Phone: 318-253-8174

Maine

Tribal Historic Preservation Officer
Passamaquoddy Tribe
Tribal Historic Preservation Office
P.O. Box 102
Princeton, ME 04668
Phone: 207-796-0822

Tribal Historic Preservation Officer
Penobscot Nation
Cultural and Historic Preservation Prog
6 River Road, Indian Island
Old Town, ME 04668
Phone: 207-817-7332

Maryland

none

Massachusetts

Wampanoag Tribe of Gay Head (Aquinnah)
Tribal Historic Preservation Officer
20 Black Brook Road
Aquinnah, MA 025359701
Phone: 508-645-9265

Michigan

Tribal Historic Preservation Officer
Lac Vieux Desert Band of Lake Superior
Chippewa Indians
P.O. Box 249
Watersmeet, MI 49969
Phone: 906-358-4577

Minnesota

Tribal Historic Preservation Officer
Leech Lake Band of Chippewa Indians
6530 Hwy 2 NW
Cass Lake, MN 56633
Phone: 218-335-2940

Tribal Preservation Officer
Mille Lacs Band of Ojibwe Indians
43408 Oodena Drive
Onamia, MN 56359
Phone: 320-532-4181

Tribal Historic Preservation Officer
White Earth Band of Minnesota Chippewa
P. O. Box 418
White Earth, MN 56591
Phone: 218-573-3007

Mississippi

none

Missouri

none

Montana

Tribal Historic Preservation Officer
Blackfeet Nation
P.O. Box 2809/527
Browning, MT 59417
Phone: 406-338-7406

Tribal Historic Preservation Officer
Chippewa Cree Tribe of the Rocky Boy's
Reservation
RR1 #544
Box Elder, MT 59521
Phone: 406-395-4147

Tribal Preservation Officer
Confederated Salish and Kootenai Tribes of
the Flathead Indian Nation
Tribal Preservation Office
P.O. Box 278
Pablo, MT 59855
Phone: 406-675-2700

Tribal Historic Preservation Officer
Northern Cheyenne Tribe
P.O. Box 128
Lame Deer, MT 59043
Phone: 406-477-6035

Nebraska

none

Nevada

none

New Hampshire

none

New Jersey

none

New Mexico

Interim Tribal Historic Preservation Officer
Mescalero Apache Tribe
P.O. Box 227
Mescalero, NM 88340
Phone: 505-464-4711

Tribal Historic Preservation Officer
Pueblo of Zuni
Heritage and Historic Preservation Office
P.O. Box 339
Zuni, NM 87327
Phone: 505-782-4814

New York

Tribal Historic Preservation Officer
Seneca Nation of Indians
Seneca-Iroquois National Museum
794-814 Broad Street
Salamanca, NY 14779
Phone: 716-945-1738

North Carolina

Tribal Historic Preservation Officer
Eastern Band of Cherokee Indians
Cultural Resources Department
Qualla Boundary P.O. Box 455
Cherokee, NC 28719
Phone: 828-488-0437

North Dakota

Tribal Preservation Officer
Standing Rock Sioux Tribe
P.O. Box D
Fort Yates, ND 58538
Phone: 701-854-2120

Tribal Historic Preservation Officer
Turtle Mountain Band of Chippewa
P.O. Box 900
Belcourt, ND 58316
Phone: 701-477-2641

Ohio

none

Oklahoma

Tribal Historic Preservation Officer
Absentee Shawnee Tribe
2025 S. Gordon Cooper Drive
Shawnee, OK 74801
Phone: 405-275-4030 x199

Tribal Historic Preservation Officer
Caddo Tribe of Oklahoma
Tribal Historic Preservation Office
P.O. Box 487
Binger, OK 73009
Phone: 405-656-2901

Tribal Preservation Officer
Choctaw Nation of Oklahoma
P. O. Drawer 1210
Durant, OK 74702-1210
Phone: 800-522-6170 x2125

Oregon

Tribal Historic Preservation Officer
Confederated Tribes of the Umatilla Indian
Reservation
P.O. Box 638
Pendleton, OR 97801
Phone: 541-276-3629

Acting Tribal Preservation Officer
Confederated Tribes of the Warm Springs
Reservation in Oregon
Department of Cultural Resources
P.O. Box C
Warm Springs, OR 97761
Phone: 541-553-2006

Pennsylvania

none

Rhode Island

Tribal Preservation Officer
Narragansett Indian Tribe
P.O. Box 700
Wyoming, RI 02898
Phone: 401-364-9873

South Carolina

Tribal Historic Preservation Officer
Catawba Indian Nation
Catawba Cultural Preservation Project
611 East Main Street
Rock Hill, SC 29730
Phone: 803-328-2427

South Dakota

Mr. James Picotte Jr.
Tribal Historic Preservation Officer
Cheyenne River Sioux Tribe
P.O. Box 590
Eagle Butte, SD 57625
Phone: 605-964-7554

Tennessee

none

Texas

none

Utah

Tribal Historic Preservation Officer
Skull Valley Band of Goshute Indians
Tapai Project
2480 South Main St., Suite 110
Salt Lake City, UT 84115
Phone: 801-484-4422

Vermont

none

Virginia

none

Washington

Acting Tribal Preservation Officer
Confederated Tribes of the Colville
Reservation
Archaeology and History Department
P.O. Box 150
Nespelem, WA 99155
Phone: 509-634-2654

Tribal Preservation Officer
Lummi Nation
Interim THPO
2616 Kwina Drive
Bellingham, WA 98226
Phone: 360-384-1489

Tribal Historic Preservation Officer
Makah Tribe
Makah Cultural and Research Center
P.O. Box 160
Neah Bay, WA 98357
Phone: 360-645-2711

Tribal Historic Preservation Officer
Skokomish Indian Tribe
N. 541 Tribal Center Road
Shelton, WA 98584
Phone: 360-426-4232

Tribal Preservation Officer
Spokane Tribe of Indians
P.O. Box 100
Wellpinit, WA 99040
Phone: 509-258-4315

Tribal Historic Preservation Officer
Squaxin Island Tribe
SE 70 Squaxin Lane
Shelton, WA 98584
Phone: 360-432-3850

West Virginia

none

Wisconsin

Tribal Historic Preservation Officer
Bad River Band of Lake Superior Chippewa
Indians
P.O. Box 39
Odanah, WI 54861
Phone: 715-682-7123 x1662

Tribal Historic Preservation Officer
Lac Courte Oreilles Band of Lake Superior
Chippewa Indians of Wisconsin
Tribal Historic Preservation Office
13394 W. Trepania Road
Hayward, WI 54843
Phone: 715-634-0092

Tribal Preservation Officer
Lac du Flambeau Band of Lake Superior
Chippewa Indians
P.O. Box 67
Lac du Flambeau, WI 54538
Phone: 715-588-2139

Tribal Historic Preservation Officer
Menominee Indian Tribe of Wisconsin
P.O. Box 910
Keshena, WI 541350910
Phone: 715-799-5258

Tribal Historic Preservation Officer
Oneida Nation of Wisconsin
Tribal Historic Preservation Office
P.O. Box 365
Oneida, WI 54155

Tribal Historic Preservation Officer
Red Cliff Band of Lake Superior Chippewas
88385 Pike Road, Highway 13
Bayfield, WI 54814
Phone: 715-779-3648

Wyoming

None

**APPENDIX I: FORM RD 1940-22
ENVIRONMENTAL CHECKLIST FOR CATEGORICAL EXCLUSIONS**

USDA-Rural Development
 Form RD 1940-22
 (Rev. 6-88)

**ENVIRONMENTAL CHECKLIST FOR
 CATEGORICAL EXCLUSIONS**

1. Description

a. Name of Project:

b. Project Number:

c. Location:

2. Protected Resources

For the below listed land uses or environmental resources, the undersigned has checked Column A to indicate those that are present within the site(s) of the proposed action. Column B has been checked for those that are within the action's area of environmental impact, such as the areas adjacent to the proposed site(s). Column C has been checked for those land uses and environmental resources that will be affected by the proposed action, as defined in Section 1940.317. (Check appropriate box or circle, as provided. If a check appears in any circle in column A, B, or C, the environmental assessment for a Class I action must be completed).

	<u>A</u>		<u>B</u>		<u>C</u>	
	Located on Proposed Site(s)		Located within Actions's Area of Environmental Impact		Affected by Proposed Action	
	Yes	No	Yes	No	Yes	No
a. Wetlands	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Floodplains with existing structure(s)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Floodplains without existing structure(s)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Wilderness (<i>designated or proposed under the Wilderness Act</i>)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Wild or Scenic River (<i>proposed or designated under the Wild and Scenic Rivers Act</i>)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. Historical, Archeological Sites (<i>listed on the National Register of Historic Places or which may be eligible for listing</i>)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. Critical Habitat or Endangered/Threatened Species (<i>listed or proposed</i>)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h. Coastal Barrier included in Coastal Barrier Resources System	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i. Natural Landmark (<i>listed on National Registry of Natural Landmarks</i>)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
j. Important Farmlands	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
k. Prime Forest Lands	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
l. Prime Rangeland	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
m. Approved Coastal Zone Management Area	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
n. Sole Source Aquifer Recharge Area	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(<i>designated by Environmental Protection Agency</i>)						
o. State Water Quality Standard					<input checked="" type="checkbox"/>	<input type="checkbox"/>

3. Compliance With Highly Erodible Land and Wetland Conservation Requirements

Yes No This action is subject to the highly erodible land and wetland conservation requirements contained in Exhibit M of RD Instruction 1940-G.

If "yes " is checked, complete (a), (b), (c), and (d).

a. Attached as Exhibit _____ is a completed Form SCS-CPA-026 which documents the following:

Yes No Highly erodible land is present on the farm property.

Yes No Wetland is present on the farm property.

Yes No Converted wetland is present on the farm property.

b. Yes No This action qualifies for the following exemption allowed under Exhibit M:

c. Yes No The applicant must complete the following requirements prior to approval of the action in order to retain or regain its eligibility for Agency financial assistance:

d. Yes No Under the requirements of Exhibit M, the applicant's proposed activities are eligible for Agency financial assistance.

4. Finding

This proposal meets, in terms of its size and components, the criteria for a categorical exclusion as defined in Sections 1940.310 and 1940.317. As indicated in item 2 above, the proposal does not affect any important land uses or environmental resources that would subject it to disqualification as a categorical exclusion. Finally, the proposal is neither a phase nor segment of a project which when viewed in its entirety would not meet the requirements of a categorical exclusion per Section 1940.317 (d).

*(*Signature of Preparer)*

(Date)

(Title)

**(Signature of Concurring Official)*

(Date)

(Title)

* See Section 1940.302 for listing of Agency officials authorized to prepare this form. See Section 1940.316 for when a concurring official's signature is required and who is authorized to sign as the concurring official.

**APPENDIX J: USDA, NATURAL RESOURCES CONSERVATION SERVICE
CONTACT**

Mail:

Natural Resources Conservation Service
Attn: Conservation Communications Staff
P.O. Box 2890
Washington, DC 20013

Address:

Natural Resources Conservation Service
14th and Independence Ave., S.W.
Washington, DC 20250

Web page:

<http://www.nrcs.usda.gov>

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Rural California Housing Corporation
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Pedro Rodriguez, Jr.
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Lauriette West-Hoff
Southern Real Estate Management &
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Durham, North Carolina

Peggy R. Wright
Arkansas State University – Delta Studies Center
Jonesboro, Arkansas

This guide is intended to familiarize developers of affordable housing in rural areas with the environmental review processes required when requesting financial assistance from the U.S. Department of Housing and Urban Development or United States Department of Agriculture Rural Development.

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