

# ENVIRONMENTAL REVIEW RECORD FOR SECTION 811 PRA PROGRAM

## Property Information

Name of Property: \_\_\_\_\_

Project Address: \_\_\_\_\_

Total Number of Units: \_\_\_\_\_ Number of Section 811 PRA Units: \_\_\_\_\_ Date of Construction: \_\_\_\_\_

## Project Description

Provide a detailed description of the project including all construction or rehabilitation activities that are logically related to the transaction, regardless if they are assisted by HUD. Be sure to include any integral offsite development such as roads, water, and sewer lines, etc. Attach on a separate piece of paper if necessary.

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## Exception to Environmental Review

HUD-assisted properties that will not engage in activities with physical impacts or changes beyond routine maintenance activities or minimal repairs are not required to complete this checklist (see PRA.215(A)).

Is property currently HUD-assisted?  Yes  No

Does project work involve activities with physical impacts or changes that do not go beyond routine maintenance activities or minimal repairs?  Yes  No

If your answer to both of these conditions is yes, check the box below for the type of assistance and attach documentation of the HUD assistance to this property. Ensure that only routine maintenance is taking place. This is sufficient documentation and this checklist is NOT required to be completed for this property.

- FHA-mortgage insurance or federal mortgage interest subsidy
- Section 8 (project-based, partial assistance to property)
- HEARTH (for acquisition, new construction or rehabilitation only)
- PRAC       HOME       CDBG       NSP
- Other HUD funding: \_\_\_\_\_

If your answer to either of these questions above is no, the project must comply with the PRA environmental tenets. The checklist below is required to be completed for this property.

## Project Classification

Is this project New Construction?  Yes  No

If yes, then project is classified as New Construction for purposes of this checklist.

If this project is New Construction, has this project progressed beyond a stage of construction or rehabilitation where modifications can be undertaken to avoid adverse environmental impacts?

Yes  No  N/A

If yes, this project is classified as Existing Housing for purposes of this checklist.

If this project is not considered New Construction, it is classified as Existing Housing for purposes of this checklist.

## **§ PRA.215 Environmental Requirements and Environmental Assurance.**

(a) As HUD does not approve program funding for specific activities or projects of the Grantees, it will not perform environmental reviews on such activities or projects. However, to ensure that the tenets of HUD environmental policy and the requirements of applicable statutes and authorities are met, Grantees will be required to implement the following analyses and determinations for specific program activities and projects.

The environmental tenets apply to both existing and new projects per the requirements below. Existing properties that are currently HUD-assisted or HUD-insured and that will not engage in activities with physical impacts or changes beyond routine maintenance activities or minimal repairs are not required to comply with the environmental tenets. If, at the time that a project applies for PRAD assistance, the project is under construction or being rehabilitated, the project shall be subject to the environmental review requirements applicable to new construction or rehab if the work has **not** progressed beyond a stage of construction where modifications can be undertaken to avoid the adverse environmental impacts addressed by the requirement.

Citations to authorities in the following paragraphs are for reference only; to the extent that property standards or restrictions on the use of properties stated in the following paragraphs are more stringent than provisions of the authorities cited, the requirements stated in the following paragraphs shall control:

(1) Site Contamination (24 CFR 50.3(i)). It is HUD policy that all properties for use in HUD assisted housing be free of hazardous materials, contamination, toxic chemicals and gases, and radioactive substances, where a hazard could affect the health and safety of occupants or conflict with the intended utilization of the property (24 CFR 50.3(i)(1)). Therefore, projects applying for assistance shall:

(a) Assess whether the site (i) is listed on an EPA Superfund National Priorities or CERCLA list or equivalent State list; (ii) is located within 3,000 feet of a toxic or solid waste landfill site; (iii) has an underground storage tank other than a residential fuel tank; or (iv) is known or suspected to be contaminated by toxic chemicals or radioactive materials. If none of these conditions exist, a letter of finding certifying these findings must be submitted and maintained in the site's environmental record. If any of these conditions exist, the grantee must provide an ASTM Phase I Environmental Site Assessment (ESA) in accordance with ASTM E 1527-05 (or the most recent edition); OR

(b) Provide a Phase I ESA in accordance with ASTM E 1527-05 (or the most recent edition).

Note: A Phase I ESA, which complies with these standards, and was prepared within the Phase I ESA continuing viability timeframe for the acquisition of the property or a real estate transaction (construction, rehabilitation, or refinancing) for the property, will be deemed acceptable.

If a Phase I ESA is conducted and the Phase I ESA identifies RECs, a Phase II ESA in accordance with ASTM E 1903-11 (or the most recent edition) shall be performed. Any hazardous substances and/or petroleum products that are identified at levels that would require clean-up under State policy shall be so cleaned up in accordance with the State's clean-up policy. Risk-Based Corrective Actions are permitted if allowed for under a State's clean-up policy.

2) Historic Preservation (16 U.S.C. 470 et seq.).

(a) As the various States, Territories, Tribes and municipalities have established historic preservation programs to protect historic properties within their jurisdiction, all work on properties identified as historic by the State, Territory, Tribe, or Municipality, as applicable, must comply with all applicable State, territorial, and tribal historic preservation laws and requirements and, for projects affecting locally designated historic landmarks or districts, local historic preservation ordinance and permit conditions.

- (b) In addition, all work on properties listed on the National Register of Historic Places, or which the Grantee knows are eligible for such listing, must comply with “The Secretary of the Interior’s Standards for Rehabilitation.” Complete demolition of such properties would not meet the Standards and is prohibited.
- (c) On site discoveries. If archaeological resources and/or human remains are discovered on the project site during construction, the recipient must comply with applicable State, tribal, or territory law, and/or local ordinance (e.g., State unmarked burial law).

(3) Noise (24 CFR Part 51, Subpart B - Noise Abatement and Control). All activities and projects involving new construction shall be developed to ensure an interior noise level of 45 decibels (dB) or less. In this regard, and using the day-night average sound level (Ldn), sites not exceeding 65 dB of environmental noise are deemed to be acceptable; sites above 65 dB require sound attenuation in the building shell to 45 dB; and sites above 75 dB shall not have noise sensitive outdoor uses (e.g. picnic areas, tot lots, balconies or patios) situated in areas exposed to such noise levels.

(4) Airport Clear Zones (24 CFR Part 51, Subpart D - Siting of HUD Assisted Projects in Runway Clear Zones at Civil Airports and Clear Zones and Accident Potential Zones at Military Airfields). No activities or projects shall be permitted

Airport Clear Zones (24 CFR Part 51, Subpart D - Siting of HUD Assisted Projects in Runway Clear Zones at Civil Airports and Clear Zones and Accident Potential Zones at Military Airfields). No activities or projects shall be permitted within the “clear zones” or the “accident potential zones” of military airfields or the “runway protection zones” of civilian airports.

(5) Coastal Zone Management Act (16 U.S.C. 1451 et seq.). Activities and projects shall be consistent with the appropriate state coastal zone management plan. Plans are available from the local coastal zone management agency.

(6) Floodplains (Executive Order 11988; Flood Disaster Protection Act (42 U.S.C. 4001-4128)). No new construction activities or projects shall be located in the mapped 500-year floodplain or in the 100-year floodplain according to FEMA’s Flood Insurance Rate Maps (FIRM). Existing structures may be assisted in these areas, except for sites located in coastal high hazard areas (V Zones) or regulatory floodways, but must meet the following requirements:

- (a) The existing structures must be flood-proofed or must have the lowest habitable floor and utilities elevated above both the 500-year floodplain and the 100-year floodplain.
- (b) The project must have an early warning system and evacuation plan that includes evacuation routing to areas outside of the applicable floodplains.
- (c) Project structures in the 100-year floodplain must obtain flood insurance under the National Flood Insurance Program. No activities or projects located within the 100-year floodplain may be assisted in a community that is not participating in or has been suspended from the National Flood Insurance Program.

(7) Wetlands (Executive Order 11990). No new construction shall be performed in wetlands. No rehabilitation of existing properties shall be allowed that expands the footprint such that additional wetlands are destroyed. New construction includes draining, dredging, channelizing, filling, diking, impounding, and related grading activities. The term wetlands is intended to be consistent with the definition used by the U.S. Fish and Wildlife Service in Classification of Wetlands and Deep Water Habitats of the United States (Cowardin, et al., 1977). This definition includes those wetland areas separated from their natural supply of water as a result of activities such as the construction of structural flood protection methods or solid-fill road beds and activities such as mineral extraction and navigation improvements.

(8) Siting of Projects Activities Near Hazardous Operations Handling Conventional Fuels or Chemicals of an Explosive or Flammable Nature (24 CFR Part 51, Subpart C). Unshielded or unprotected new construction sites shall be allowed only if they meet the standards of blast overpressure (0.5psi – buildings and outdoor unprotected facilities) and thermal radiation (450 BTU/ft<sup>2</sup> -hr – people, 10,000 BTU/ft<sup>2</sup>-hr – buildings) from facilities that store, handle, or process substances of explosive or fire prone nature in stationary, above ground tanks/containers.

(9) Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.). New construction shall not be permitted that would result in a taking of endangered plant or animal species as listed under the Endangered Species Act of 1973. Taking includes not only direct harm and killing but also modification of habitat. Maps for listed species and geographic habitat by state can be found at: [http://ecos.fws.gov/tess\\_public/StateListing.do?state=all](http://ecos.fws.gov/tess_public/StateListing.do?state=all).

(10) Farmland Protection (7 USC 4201 et seq.). New construction shall not result in the conversion of unique, prime, or otherwise productive agricultural properties to urban uses.

(11) Sole Source Aquifers (Section 1424(e) of the Safe Drinking Water Act of 1974 (42 U.S.C. 201, 300 et seq., and 21 U.S.C. 349)). Any new construction activities and projects located in federally designated sole source aquifer areas (SSAs) shall require consultation and review with the U.S. Environmental Protection Agency (USEPA). Information regarding location and geographic coverage of the 73 federally designated SSAs can be found at: <http://water.epa.gov/infrastructure/drinkingwater/sourcewater/protection/solesourceaquifer.cfm>.

**§ PRA.216 Coastal Barrier Resources Act.**

The Grantee must adhere to the Coastal Barrier Resources Act which prohibits activities or projects in Coastal Barrier Resource System (CBRS) units. CBRS units are mapped and available from the Fish and Wildlife Service at: <http://www.fws.gov/CBRA/>.



<p><b>2. Historic Preservation</b> Applies to New Construction and Existing</p> <ul style="list-style-type: none"> <li>• Is the property identified as historic by the State, Territory, Tribe, or Municipality?</li> <li>• Is the property listed or eligible for listing on the National Register of Historic Places?</li> <li>• Are there any archaeological resources or human remains at the project site?</li> </ul>	<p>PRA.215 (a) (2)</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</p>	<p>Provide documentation that property is or is not historic. If YES, must comply with all applicable laws and requirements.</p> <p>If YES, the Grantee must comply with the Secretary of the Interior’s standards for rehabilitation for any site work. Complete demolition of such property is prohibited.</p> <p>If discovered, recipient must comply with State, local, territory, or tribal laws.</p>	<p>Letter from SHPO (or THPO on tribal lands) that “no historic properties affected”; if the SHPO has not responded to a properly documented request for concurrence within 30 days of receipt of the request, document the request and lack of response as part of the record.</p>
<p><b>3. Noise</b> Applies to New Construction Only</p> <ul style="list-style-type: none"> <li>• Is the average sound level below 65db at the site?</li> <li>• Is the average sound level above 75db?</li> </ul>	<p>PRA.215 (a) (3)</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>If NO, mitigate. If YES, move onto next tenet.</p> <p>If YES, outdoor noise sensitive uses are prohibited.</p>	<p>Use <a href="http://www.draftlogic.com/projects-google-maps-distance-calculator.htm">http://www.draftlogic.com/projects-google-maps-distance-calculator.htm</a> to document not within 1,000 feet of a major roadway, 3,000 feet of a railroad, or 15 miles of a military or FAA-regulated civil airfield.</p>
<p><b>4. Airport Clear Zones</b> Applies to New Construction and Existing</p> <ul style="list-style-type: none"> <li>• Is the project located within the “clear zone” or the “accident potential zones” of military airfields or the “runway protection zones” of civilian airports?</li> </ul>	<p>PRA.215 (a) (4)</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>If YES, project is not eligible. If NO, provide documentation and move onto next tenet.</p>	<p>Use <a href="http://www.draftlogic.com/projects-google-maps-distance-calculator.htm">http://www.draftlogic.com/projects-google-maps-distance-calculator.htm</a> to document not within 15,000 feet of a military airport or within 2,500 feet of a civilian airport.</p>

<p><b>5. Coastal Barrier Resources</b> Applies to New Construction and Existing</p> <ul style="list-style-type: none"> <li>Is the project located in a Coastal Barrier Resources System (CBRS) unit?</li> </ul>	PRA.216	<input type="checkbox"/> Yes <input type="checkbox"/> No	<p>If YES, project is not eligible. If NO, provide documentation and move onto next tenet.</p>	<p>Use the Coastal Barrier Resources System map at <a href="https://www.fws.gov/CBRA">https://www.fws.gov/CBRA</a></p>
<p><b>6. Coastal Zone Management</b> Applies to New Construction and Existing</p> <ul style="list-style-type: none"> <li>Is the project in a coastal zone?</li> <li>If project is in a coastal zone, is it consistent with the appropriate state coastal zone management plan?</li> </ul>	PRA.215 (a)(5)	<input checked="" type="checkbox"/> N/A for Alaska  <input type="checkbox"/> Yes <input type="checkbox"/> No  <input type="checkbox"/> Yes <input type="checkbox"/> No	<p>If NO, move onto next tenet. If YES, answer next question.</p> <p>If YES, provide documentation and move onto next tenet. If NO, project is not eligible unless modified.</p>	<p>The State of Alaska does not have a Coastal Zone Management Plan. Projects are not subject to this requirement. Include details in site's environmental record.</p>
<p><b>7. Flood Plains</b> Applies to New Construction and Existing</p> <p>A. New Construction</p> <ul style="list-style-type: none"> <li>Is the project located in the mapped 500-year floodplain or the 100-year floodplain?</li> </ul> <p>B. Existing</p> <ul style="list-style-type: none"> <li>Is the project in coastal high hazard areas (V Zones) or regulatory floodways?</li> <li>Is the project located in the mapped 500-year floodplain or the 100-year floodplain?</li> <li>If yes, are all three of the following true? <ul style="list-style-type: none"> <li>The existing structure is flood-proofed or has the lowest habitable floor and utilities elevated above the 500-year floodplain.</li> <li>The project has an early warning system and evacuation plan that includes evacuation routing to areas outside of the applicable floodplain.</li> </ul> </li> </ul>	PRA.215 (a) (6)	<input type="checkbox"/> Yes <input type="checkbox"/> No  <input type="checkbox"/> Yes <input type="checkbox"/> No  <input type="checkbox"/> Yes <input type="checkbox"/> No  <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<p>If YES, project is ineligible. If NO, must provide documentation of location and move onto next tenet.</p> <p>If YES, project is ineligible. If NO, provide documentation of location and move onto next tenet.</p> <p>If NO, provide documentation of location and move onto next tenet. If YES, then answer next question.</p> <p>If NO to any of the three, the project is not eligible unless project modified to come into compliance. If YES, provide documentation of all three.</p>	<p>Use <a href="http://msc.fema.gov/portal">http://msc.fema.gov/portal</a></p>

<ul style="list-style-type: none"> <li>○ The project has flood insurance under the National Flood Insurance Program.</li> <li>○ Is the community not participating in or suspended from the National Flood Insurance Program?</li> </ul>		<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<p>If YES, assistance is prohibited.</p>	
<p><b>8. Wetlands</b> Applies to New Construction and Rehabilitation</p> <p>A. New Construction</p> <ul style="list-style-type: none"> <li>• Is New Construction occurring in wetlands?</li> </ul> <p>B. Rehabilitation</p> <ul style="list-style-type: none"> <li>• Is the project expanding footprint such that wetlands are destroyed?</li> </ul>	<p>PRA.215 (a)(7)</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No  <input type="checkbox"/> Yes <input type="checkbox"/> No	<p>If YES, project is not eligible. If NO, provide documentation of location and move onto next tenet.</p> <p>If YES, project is not eligible.</p>	<p>A map or other relevant documentation such as the Corps clearance letter supporting the determination that the project does not impact wetland.</p>
<p><b>9. Explosive Flammable Hazards</b> Applies to New Construction Only</p> <ul style="list-style-type: none"> <li>• Is the project sited near hazardous operations handling conventional fuels or chemicals of an explosive or flammable nature?</li> <li>• If yes, does the project meet the standards of blast overpressure (Blast overpressure standard: 0.5psi, Thermal radiation: People: 450 BTU/ft<sup>2</sup> – hr and buildings and outdoor facilities” 10,000 BTU/ft<sup>2</sup> – hr) and thermal radiation from facilities that store, handle, or process substances of explosive or fire prone nature in stationary, above ground tanks/containers?</li> </ul>	<p>PRA.215 (a) (8)</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No  <input type="checkbox"/> Yes <input type="checkbox"/> No	<p>If NO, provide documentation and move onto the next tenet. If YES, answer the next question.</p> <p>If YES, provide documentation and move onto next tenet. If NO, project is not eligible without mitigation.</p>	<p>Evidence that there are no current or planned stationary above ground storage containers nearby of more than 100-gallon capacity containing common liquid industrial fuels or of any capacity containing hazardous liquids or gases that are not common liquid industrial fuels. If YES, documentation that the existing or planned barrier that would serve as sufficient mitigation, including correspondence with a licensed engineer.</p>

<p><b>10. Endangered Species Act of 1973</b> Applies to New Construction Only</p> <ul style="list-style-type: none"> <li>Will the project result in taking of plants or animal species as listed under the Endangered Species Act of 1973 or modification of habitat?</li> </ul>	<p>PRA.215 (a) (9)</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>If YES, the project is not eligible. If NO, move onto next tenet.</p>	<p>Use <a href="http://ecos.fws.gov/ipac/gettingstarted/index">http://ecos.fws.gov/ipac/gettingstarted/index</a> to generate the exhibit for this question.</p>
<p><b>11. Farmland Protection</b> Applies to New Construction Only</p> <ul style="list-style-type: none"> <li>Will the project result in conversion of unique, prime, or otherwise productive agricultural properties to urban uses?</li> </ul>	<p>PRA.215 (a) (10)</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>If YES, the project is not eligible. If No, move onto the next tenet.</p>	
<p><b>12. Sole Source Aquifers</b> Applies to New Construction Only</p> <ul style="list-style-type: none"> <li>Is the project located in a federally designated sole source aquifer area?</li> </ul>	<p>PRA.215 (a) (11)</p>	<p><input checked="" type="checkbox"/> N/A for Alaska  <input type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>If YES, must consult with the EPA. If NO, document location of project.</p>	<p>The State of Alaska does not have any Sole Source Aquifers. Projects are not subject to this requirement. Include details in site's environmental record.</p>

<sup>1</sup> Every component of the ERR Checklist applies to all projects unless otherwise noted as specific to New Construction, Rehabilitation, or Existing projects only.

<sup>2</sup> ASTM 1527-131, Section 4.6 *Continued Viability of Environmental Site Assessment* – Subject to Section 4.8, an *environmental site assessment* meeting or exceeding this practice and completed less than 180 days prior to the date of acquisition of the property or (for transactions not involving an acquisition) the date of the intended transaction is presumed to be valid. If within this period the assessment will be used by a *user* different than the *user* for whom the assessment was originally prepared, the subsequent *user* must also satisfy the User's Responsibilities in Section 6. Subject to Section 4.8 and the User's Responsibilities set forth in Section 6, an *environmental site assessment* meeting or exceeding this practice and for which the information was collected or updated within one year prior to the date of acquisition of the property or (for transaction not involving an acquisition) the date of the intended transaction may be used provided that the following components of the inquiries were conducted or updated within 180 days of the date of purchase or the date of the intended transaction:

- I. *interviews with owners, operators, and occupants;*
- II. *searches for recorded environmental cleanup liens;*
- III. *reviews of federal, tribal, state, and local government records;*
- IV. *visual inspections of the property and of adjoining properties; and*
- V. *the declaration by the environmental professional responsible for the assessment or update.*