

Environmental Assessment (EA) Factors eGuide Webinar FAQs



July 2022

General Questions

| QUESTION | ANSWER |
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| <p>Will the downloadable EA form be updated to include the climate change and environmental justice factors? When will it be available? Where will it be located? Will there be a notification when the update happens?</p> | <p><i>The downloadable EA form will be updated to include the new Climate and Energy category as well as the new Climate Change and Environmental Justice factors. This form will be published on the HUD Exchange Environmental Review page in coordination with the update of the 4010—EA Factors Summary screen in HEROS, which will happen in fall 2022. In the interim, we ask that you record any impact evaluation for the climate change and environmental justice factors in the Other Factors box at the end of the Natural Features category. This form will continue to be accessible from the Part 58 Environmental Assessment Form page on HUD Exchange.</i></p> |
| <p>What determines whether required mitigation for lower levels of review will trigger elevation to an environmental assessment? What about mitigation for an EA triggering elevation to an environmental impact statement (EIS)?</p> | <p><i>Categorically excluded reviews require elevation when extraordinary circumstances result in a normally excluded activity having an overly significant impact. “Extraordinary circumstances” means a situation in which an EA or EIS is not normally required, but is appropriate due to unusual conditions. Indicators of unusual conditions are:</i></p> <ul style="list-style-type: none"><i>• Actions that are unique or without precedent.</i><i>• Actions that have political ramifications.</i><i>• Actions that are substantially similar to those that normally require an EIS.</i><i>• Actions that are likely to alter existing HUD policy or HUD mandates.</i><i>• Actions that, due to unusual physical conditions on the site or in the vicinity, have the potential for a significant impact on the environment or have the potential for the environment to have a significant impact on users of the facility.</i> |

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| | <p><i>Mitigation does not automatically trigger elevation. Categorically Excluded Subject to 58.5 (CEST) reviews can be “Completed, conditioned upon Mitigation” where the ER preparer would provide a mitigation plan that includes measures that must be met either prior to or during the implementation of the project. Additionally, the existence of cumulative effects does not trigger elevation. Impacts must be disproportionate to those that are standard for the geographic area in ways that are unique or precedent-setting to trigger elevation to an EIS.</i></p> |
| <p>When do the updates take effect? When will it be required to comply with the updated guidelines (especially regarding climate change and environmental justice)?</p> | <p><i>Once the 4010 – EA Factors Summary screen in the HUD Environmental Review Online System (HEROS) has been updated to reflect the climate change impacts and environmental justice EA factors (which were added in response to EO 12898 Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations and EO 14008 Tackling the Climate Crisis at Home and Abroad), an environmental review will no longer be complete without analyzing these factors and reporting the findings. In the meantime, OEE strongly encourages review preparers to address these new factors in the Other Factors row of the EA Factors table in HEROS. Also note that compliance with EO 12898 on environmental justice is required for all HUD-affiliated projects at or above the CEST level of review. As with all of the EA factors discussed in the eGuide, the scope of analysis of climate change impacts and environmental justice will vary depending on the purpose and scale of the project under review. Review preparers should reference the eGuide as they determine the appropriate level of discussion to apply to each EA Factor.</i></p> |
| <p>Will there be more trainings like this for environmental reviews?</p> | <p><i>You can submit requests for future trainings directly to your Regional Environmental Officer (REO) or Field Environmental Officer (FEO).</i></p> <p><i>If you are not sure who your REO or FEO is, please reference the HUD Environmental Staff Contacts page and search by your region.</i></p> |

Climate Change and Environmental Justice Factors

| QUESTION | ANSWER |
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| Where do ER Preparers report findings for the climate change impacts and environmental justice factors until the HEROS update? | <i>Please report them in the Other Factors row (under the Natural Features category) of the EA Factors table on the 4010 – EA Factors Summary screen until the update to HEROS this fall. Note that the environmental justice analysis should also be reported in the Related Laws and Authorities area of HEROS (screen 2005). As long as the environmental justice analysis meets the criteria for an EA-level review set by the new eGuide, it is okay to use the same information in both places.</i> |
| Why was climate change included as a new factor for environmental assessments? | <i>The climate change factor was added in response to Executive Order 14008 Tackling the Climate Crisis at Home and Abroad and HUD's Climate Action Plan. The climate change factor serves to protect residents and projects from avoidable or mitigable adverse impacts throughout the expected life of a project. The increase in extreme weather events, extreme heat, sea-level rise, flooding, and other climate impacts makes future considerations necessary for responsible and safe development. A 30-year outlook is recommended based on the average length of a mortgage; however, a longer timescale may be more sensible for projects with longer expected lifespans. The consideration of climate change during development reduces the need for costly repairs or reconstruction, improves building safety for residents, and proactively mitigates risk against extreme weather scenarios.</i> |
| Currently, environmental justice is addressed within the Related Laws and Authorities section. Under the new EA review, will it be contained in both the Related Laws and Authorities section and the Environmental Assessment Factor section? | <i>Yes, environmental justice will be listed under the Related Laws and Authorities section and the Environmental Assessment Factor section. By adding the environmental justice factor to the eGuide, we are setting expectations for what an environmental justice analysis should include at the EA level. If a project is substantial enough to require an EA, it would be expected to complete a more thorough environmental justice process than the “floor” set by the</i> |

related federal laws and authorities. Note that two separate environmental justice analyses would not be expected. Rather, the review preparer should report the findings of the high-quality environmental justice analysis they conducted for the EA-level review in both locations.

For CEST reviews, preparers should continue to follow the original environmental justice guidance on the [Environmental Justice Related Laws and Authorities](#) page.

Would incorporating green standards into a residential development with HUD-assisted funding (LEED, Enterprise Green Communities, National Green Building Standards, Energy Star, or others) be considered an indirect benefit for the climate?

Yes, the incorporation of green building standards is considered a benefit for the climate change factor. Depending on the previous use of the site, these green building standards may also serve as a benefit for the energy consumption factor. However, the impact of green building standards does not cover the full scope of considerations necessary for the climate change factor. It is particularly important to consider any adverse climate change impacts on the project, such as an increased risk of flooding, extreme heat, etc. These factors will directly impact the health and safety of residents as well as potentially alter the livability of the project location within the recommended 30-year timeframe.

Can the municipality's comprehensive plan be used to help show possible solutions to any observed climate impacts?

Yes, the comprehensive plan can be used to demonstrate solutions or mitigative actions against climate impacts.

What resources can help determine the climate change impacts on a project? How should coastal communities address shoreline erosion/sea level rise for the climate change factor?

Climate impacts vary depending on region and location across the country. As such, the resources listed in the EA Factors [eGuide](#) provide location-dependent guidance. For coastal communities, the Climate Explorer tool on the [U.S. Climate Resilience Toolkit](#) website offers forward-looking projections for increases in high tide flooding. Please refer to the [Environmental Assessment Factors eGuide webinar](#) for a demonstration on using this tool. The toolkit additionally provides guidance on sea level rise based on a 2022 Sea Level Rise Technical Report developed by NOAA. This information can be used to assess the viability of potential coastal project sites.

Regarding the EJScreen, is there a way to determine how current the data is and/or the time in which the data was collected?

The U.S. Environmental Protection Agency (EPA) updates its [EJScreen](#) tool annually; however, the burdens of data collection result in the tool never being perfectly up-to-date. Some layers include information to obtain more detail on the source data. This tool should be an element of a reviewer's consideration for environmental justice; however, other methods, such as community outreach/engagement, will be necessary as well. Most layers in EJScreen indicate the data source (i.e., 2015–2019 ACS, 2010 Census, or 2000 Census) used. Additionally, some layers include an information icon that you can select to obtain more specific detail on when and from where the provided data was taken.

Other Factors

| QUESTION | ANSWER |
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| For the stormwater factor, is there a specific process to estimate the risk of combined sewage overflow (CSO) events? | <i>CSO events occur when the volume of wastewater entering the combined sewer system, which collects rainwater runoff, domestic sewage, and industrial wastewater into one pipe, exceeds capacity and causes the untreated stormwater and wastewater to discharge directly into nearby streams, rivers, and other water bodies. Developers should consult with local engineers or planners at local planning departments, engineering departments, or sanitary districts to assess the impact of a new development on combined sewer system capacity. Changes in rainfall patterns also impact the likelihood of CSO events.</i> |
| What should you do when you find a problem you are unable to mitigate during the ER? For example, what is the impact on the funding award if it is determined an existing school will not be able to handle the anticipated increase in students due to a new multifamily building? | <i>When challenging problems arise during the environmental review, the review preparers should take an open-minded approach to finding a viable solution. This may mean partnering with local government agencies or neighboring towns, temporarily repurposing buildings, or integrating a long-term solution into your comprehensive plan. The eGuide includes a Resources to Reference/Experts to Contact section for each factor, which lists agencies you could contact for help. Additionally, the Resources page in the eGuide</i> |

provides tools and resources that can help review preparers identify and check for environmental issues and statutory compliance responsibilities.

Access to education is not an essential determinant for project approval; however, developers should coordinate with the community to ensure the existence of a reasonable schooling option. There are multiple options including using temporary classrooms, building additions to existing schools, repurposing other public facilities for educational use, or providing transportation to other nearby schools. In some situations, it will require a flexible or creative approach to find an appropriate and reasonable solution. For this example, it should be noted that busing low-income and minority students long distances may create an environmental injustice as it exposes these children to high levels of air pollution and poses long-term health risks. As such, it is important to consider any potential knock-on effects of your solution as well.