

Requirements for Housing Trust Fund Environmental Provisions - HTF Only September 20, 2016

Chantel Key: Hello. And welcome to the "Requirements for Housing Trust Fund Environmental Provisions" webinar. Before we begin our webinar today, I would like to go over how to submit your questions for today. If they are content related questions, we ask that you submit your questions through the Q&A box.

Before submitting, we ask that you also choose all panelists, so everyone can see all the questions that are being asked for today. Now, if you are having audio and video issues -- any kind of troubleshooting issues -- please submit those through the chat function and submit them directly to me, Chantel Key. So again, any content related questions, we ask that you submit those in the Q&A function, and any troubleshooting issues through the chat function directly to me, Chantel Key.

Now, if you are viewing the webinar today using full screen, you will not see your Q&A option. So please minimize the webinar and then you will see the option of pulling down your Q&A box. Also, for your polling function, you'll see a number of different buttons on the top right-hand corner of your screen. One of them will be polling. Please click on the polling button and that will also bring down in your WebEx toolbar the polling function for you to participate in the poll today.

So next we would like to go to our first poll of the webinar. Lauren, next slide please. "Are you familiar with HUD Environmental Review requirements?" We have three options here for you. "Yes, we act as a Responsible Entity," "Yes, we've worked with an RE on HUD funded projects," and the third option for you to choose is, "No." The poll is now open. And I'll keep it open for just a few more seconds.

Okay. We have the poll open for about 15 more seconds. Give you some more seconds for you to vote. Right now, I'm sharing the poll results with everyone. And we have about 42 percent voted, "Yes, we act as a Responsible Entity," 18 percent voted, "Yes, we've worked with an RE on HUD funded projects," and 8 percent voted, "No."

At this time, I'll pass the mike over to Lauren for the start of our webinar today.

Virginia Sardone: [inaudible] -- which is the office here at HUD that is administering the Housing Trust Fund. I'm here today with my colleagues from HUD's Office of Environment and Energy; Danielle Schopp, who is the OEE director; and Lauren McNamara, who is a senior environmental specialist in OEE. And actually, Lauren and Danielle are responsible for the Notice 16-14 that we're here to talk about today.

We're really excited here at HUD to be making the first ever HTF grants this year with a long wait to get that money flowing. For those of you who administer HOME or other federal

programs through -- as was indicated in the poll -- you'll notice that the environmental provisions for HTF are very different than what you're used to for HOME or for other federal programs. And that's why we thought it was really important to sort of have this webinar and walk you through the provisions for HTF. We're pleased to have the opportunity to do this with you today and to take your questions.

So with that I'm going to turn it over to Danielle Schopp.

Danielle Schopp: Thanks, Ginny. Hi, everyone. As Ginny stated, the Housing Trust Fund is different from an environmental perspective. We're using a different framework than those of you who do HUD projects with other money through Part 58 or are familiar with it -- it's very similar, but different.

Housing Trust Fund shows a commitment to the National Environmental Policy Act by using the Housing Trust Fund property standards. So Lauren will be going over the property standards. We know that because it's similar but very different, that there'll be lots of questions. And we just want to encourage you to talk to your local field environmental officer contacts and Lauren McNamara. We are here to help you.

We are going to be adding more information to the new page in the HUD Exchange over the next few months, like frequently asked questions, this webinar recording, and other information.

So with that I'm going to turn it over to Lauren to begin the presentation. Thank you.

Lauren McNamara: Okay. Thank you, Danielle. So we've already gone through this poll question and it seems like a lot of you are familiar with Part 58, or at least familiar with it. And a few of you are not, and that's okay. We're going to go through a lot of information that's found in the notice.

So the agenda for today will be covering a background on the HTF environmental provisions, how the provisions are different from Part 50 and Part 58, resources that we have; and then we'll go into the main part of the presentation which will be complying with the environmental provisions when only HTF funding's involved. And then we'll take a break for questions, and then we'll go into our second part, which will be covering complying with the environmental provisions when HTF funding is combined with other HUD funds. And then we'll take questions after that. And finally we'll go through a quick little cheat sheet on if you're acquiring housing using HTF, how that's done, and then we'll have a final question session.

Why is HTF different? HUD's Office of General Counsel determined that because HUD has no discretion over the selection of projects, that there's no federal nexus to which the National Environmental Policy Act would apply. Unlike other HUD programs like CDBG or HOME where their statutes include provisions for environmental review, the HTF statute does not.

The HTF environmental provisions are under the property standards, and they are HUD's commitment to the principles of NEPA and HUD's mission of ensuring decent, safe, sanitary, and affordable housing.

The HTF environmental provisions for new construction and rehabilitation under the property standards at 24 CFR § 93.301(f)(1) and (f)(2) are similar to HUD's environmental regulations at 24 CFR Part 50 and Part 58. The main difference is that the environmental provisions are outcome-based and exclude consultation procedures that would be applicable if the project was a federal action. So it's a little different. We're going to walk through each of the environmental provisions and how they mirror the laws and authorities.

Here are the 14 environmental laws and authorities covered by the environmental provisions. We will go into more detail on each of these in a few minutes. But it covers the same thing that you're familiar with, with Part 50 and Part 58. This includes historic preservation, farmlands protection, airport zones, coastal barrier resources systems, coastal zone management, flood plains, wetlands, explosives and hazards, contaminations, noise, endangered species, wild and scenic rivers, safe drinking water, and sole source aquifers.

So if you're familiar with the HUD environmental regulations of Part 50 or Part 58, the following six laws and authorities are handled the same way they are with the current Part 50 and Part 58 process. And this includes coastal barrier resources, coastal zone management, explosives and hazards, endangered species -- which will include informal consultation -- wild and scenic rivers, and sole source aquifers.

And here's a list of the environmental provisions that are not the same as Part 50 or Part 58. And that includes historic preservation, farmlands, airport zones, flood plains, wetlands, contamination, noise, and safe drinking water. And throughout the presentation, these laws and authorities will have a little star at the top, just to kind of give you a heads-up that it's different from Part 50 and Part 58.

When projects are only using HTF HUD funds, there's no level of environmental review. There's no public comment period and there's no request for release of funds and certification. When you are doing a project that is only funded with HTF and no other HUD funds, the project just needs to meet the environmental standards for new construction or rehabilitation. So it's different from Part 58. You just have to meet it. And I'll go into more detail about when it's combined with Part 50 or Part 58.

Who's responsible? For HTF grants, the HTF grantee must maintain documentation demonstrating that the project meets the HTF environmental provisions. If the grantee has subgranted the funds to a local government, they must maintain documentation demonstrating that each project meets the HTF environmental provisions. So I'll go into more detail about what needs to be documented. But you need to keep a record or a file where this information can be found for each project, showing that the projects do meet the environmental provisions for new construction or rehabilitation.

And this page just went live yesterday. We have a new HTF environmental provisions page on the HUD Exchange. And it's going to have updates, formats, environmental contacts, and then the recording of this webinar. So I'm going to pop over there for a second. Okay. So here's the page. It includes some background information. What's the same as Part 50 and Part 58 and

what's different. It also includes links to HUD environmental staff. So this is our field staff. You can find my information under headquarters. My name is Lauren McNamara. And then each of our regions has regional and field environmental officers, and then the website tells which states they cover in your jurisdiction.

Also from this website we have a link to the notice, CPD 16-14. Here's a link to it if you haven't reviewed it yet, I suggest that you do take a look at it. There's a lot of good information in it about resources and how to document and we're going to go through the notice step by step.

And then one other thing that the website has is suggested formats. So if you're doing a project that is just HTF only and is new construction, there's a word document that you can fill out, and it walks you through step by step based on your selection how you need to document.

Now, I'm just going to hop back over to the PowerPoint. And we'll be making updates to this website. As Danielle mentioned, since this is new, we're going to be doing some frequently asked questions. We'll be updating those as we do get questions in about HTF environmental provisions and we'll have our webinar recording there and we'll have more information going through that website. So stay tuned for that.

Okay. So now we're going to walk through the environmental provisions for new construction and rehab when there's only HTF HUD funding involved in a project.

Timing. The environmental review provisions for new construction and rehab must be met at project completion. However, this is a huge caveat. It should be determined prior to construction if the project will meet the environmental provisions. You don't want to fund a project and then find out at the end that it can't be funded because it doesn't meet the environmental provisions. For example, if the project impacts a wetland or is in an airport clear zone, it cannot be funded with HTF funding. So you should determine early on, prior to construction ideally, if your project's going to meet the standards.

Recordkeeping. The HTF grantee or subgrantee is responsible for maintaining documentation that the environmental review provisions are met. The notice, CPD 16-14, has appendices that walk through this, including suggested formats. And we have just created some easier formats that we have on the HUD Exchange page and these formats can be used as a cover sheet for project documentation.

Throughout the presentation, when I show how a provision can be documented, there will be a little grey file folder in the bottom left-hand side of the slide and I will just -- this should be what your documentation looks like for a project.

Okay. As we walk through each of the provisions the following will appear at the top right of the screen. NC means the provision covers new construction, R is for when the provision is rehab specific, and NC/R is for when a provision is the same for new construction and rehabilitation.

All right. So here is what the provision under historic preservation says for new construction and rehab. This is different from Part 50 and Part 58. If a project is listed or eligible to be listed on a

national register and any work is being done on a project, it has to meet the secretary of interior standards for rehabilitation including new construction. Note that property includes structures as well as archeological resources.

As a first step you can check the national register to see if the property is listed individually or as part of a historic district. This needs to be certified by a qualified professional, and there is more information about what a qualified professional -- the requirements to be a qualified professional -- in the second link. And a local government may have a person on staff who meets these qualifications. And the last link is to the rehabilitation standards from the secretary of interior.

So if the project isn't listed or eligible to be listed, you need to document that determination, and it needs to be certified by a qualified professional. If the project is listed or eligible to be listed the project must meet the secretary of interior's standards for rehabilitation including new construction. This is done by providing photos, architectural plans, as well as certification by a qualified professional.

So here's a screenshot of the standards for rehabilitation including new construction. As mentioned before, this can be documented with photos, architectural plans, and certified by a qualified professional. If the project is not listed, you can have a certification by a qualified professional as well saying that the project is not listed or eligible to be listed. And that's what you would put in your file.

The second part of historic preservation is pretty straightforward. It's for when archaeological resources or human remains are discovered during construction. This occasionally does come up, and if it does, you should contact your local HUD staff or environmental staff, just to let them know what's going on. But to document this, you need to document the consultation process with the affected tribes or descendant communities and how the project complies with federal, state, or local laws in regards to human remains and archaeological resources.

So here is the provision for farmlands. And it's the same for new construction and rehab. And it's different from Part 50 and Part 58. Projects cannot convert unique, prime, or statewide or locally significant agricultural properties to urban uses. One caveat: if the project is solely rehabilitation, the project will not be resulting in conversion of farmland to urban use. So if the project is solely rehab, you're fine. If the project is new construction, you do have to take an extra step.

And to do that, you can check to see if the project is located on any of those agricultural properties of interest using the USDA Web Soil Survey or you can check to see if the project is already located in an urbanized area using the Census.gov TigerWeb Urbanized Area layer.

To document this, you provide one of the two maps that I just mentioned. If the project is rehab, you would just give a summary of the rehab activities taking place on the project. Here's a screenshot from TigerWeb showing a site marked within an urban area. It's right up here in yellow. It's towards the middle of the map. And here's a screenshot from the web soil survey showing a site marked as not on significant farmland, right here. It might be a little hard to see.

So now we're moving on to airports. The provision for airports is the same for new construction and rehab and it is different from Part 50 and Part 58. Projects are not permitted within a runway protection zone of civilian airports or the clear zones or accident potential zones of military airfields. You can start by using NEPAassist to screen your project's proximity to airports.

If the project is over 1,500 feet from a military airport or 2,500 feet from a civilian airport, document it with a map. If the project is within 1,500 feet of a military airport, you'll need a map showing it's not in a designated airport accident potential zone or a letter from the airport operator stating that. If the project is within 2,500 feet of a civilian airport, you'll need a map showing that the project is not within the runway protection zone or a letter from the airport operator saying that it's not in the runway protection zone.

And here's a screenshot of a map from NEPAassist. It's using a measuring tool to show that the project is over 8,000 feet away from a civilian airport and it measures from the end of the runway to the building.

Coastal barrier resources is the same for new construction and rehab. The provision's the same. It's also the same as it is for Part 50 and Part 58. No projects in these areas can be funded with any HUD money or any federal money. So nothing can be done in coastal barrier resource system units.

The areas along the Atlantic and Gulf Coast as well as the Great Lakes have coastal barrier resource units. If you're not in any of those states, you're fine. The first link gives you a link to the state list. But if you are in a state with coastal barrier resources, you can use the mapper. To document this -- if you're located in a state that doesn't have coastal barrier resource system units, you're good. If you are in a state, you'll need to provide a map showing that the project is not within CBRS unit. And here's a screenshot from the Fish and Wildlife Service Coastal Barrier Resources System Mapper showing that the project site is located outside of a CBRS unit. So here is your CBRS unit -- New York-26 -- and here is my project.

Coastal zone management is the same for new construction and rehab and it's also handled the same way as it is under current Part 50 and Part 58 processes. Development must be consistent with the coastal zone management plan -- so, the state coastal zone management plan. The HUD Exchange link provides more information about how state -- about the states that do have coastal zone management plans and if you are in one of those states, how you determine if you're project is consistent with the plan.

If your project is located in a state without a coastal zone, you're good. If your project is located in a state with a coastal zone, provide a map showing that the project is outside of the coastal zone. If the project is located within a coastal zone, you'll have to do a little bit more work. You'll have to check the state's coastal zone management plan to see if the project is consistent and if you are unable to determine if it's consistent by looking at their plan, you may have to obtain a letter of consistency. But if your project is in a coastal zone, if you talk to your local field environmental officer, they should know, based on your project activities, what needs to be done.

Here's a map. The first one -- the map on the left -- well, there's only one map. The map is showing that my project site is outside of the coastal zone for Maine. But if it was within a coastal zone, I would have to look at the main guide to federal consistency review and look based on the project's types of activities if it's consistent or not. And if you're looking at the plan -- if you're referencing any part of a state plan -- please be sure to include the page numbers. And if you do obtain a letter of consistency, be sure to keep that with your documentation.

Okay. Now, we're on to flood plain. First, we're going to cover the flood plain provision for new construction. This is different from Part 50 and Part 58, because if the project is within a flood plain, an Eight Step is not required when there's only HTF HUD funding involved. And I'll go into more detail about what needs to be done if it -- if you are mixing Part 50 and Part 58 with HTF funds.

The primary source of flood plains data is the FEMA Flood Insurance Rate Maps, also known as FIRM. When FEMA provides interim flood hazard data such as advisory base flood elevations or preliminary maps or studies, the latest sources of data must be used. And I'm going to go into the breakdown of how this works for the different flood plain areas.

Okay. So if your project is not in a flood plain, provide a map showing the location of your project not within the flood plain. If your project is in a 100-year flood plain, document whether there's any practicable alternative, and if so, select a site outside the flood plain. If there's no alternative, provide a map showing the location of the project. And you need to document that the structure has been elevated to at least the base flood elevation or flood-proofed to one foot above the base flood elevation. And any building that has been elevated or flood-proofed must adhere to the national flood insurance program standards. And the project also cannot be a critical action.

Floodway. If the project is in a floodway, it can only be a functionally dependent use. And we know that HTF funding is going towards housing and housing is not a functionally dependent use. So nothing should be funded in a floodway. If the project is in a coastal high hazard area, the project must be reconstruction of a structure following destruction caused by a disaster and designed to be located in a coastal high hazard area. It needs to be consistent with the flood insurance program's requirements for V zones. And it also cannot be a critical action.

Critical action. Most of HTF funding is not going towards critical actions, such as emergency services such as police stations or things that CDBG would be used for. But if the project is likely to contain occupants who may not sufficiently be mobile, such as hospitals, nursing homes, intermediate care facilities, retirement service centers, this is a critical action. And one caveat is housing for independent living for elderly is not a critical action. So if you're doing something with those who are mobile-ly [sic] impaired and you're within the 500-year or the coastal high hazard area, just talk to your field environmental officer, see if it's a critical action and what needs to be done.

So the flood plain provisions for rehab -- there's a thing to note here: substantial improvement of a structure. And this is when a structure is improved, the cost of improvement of the structure is

equal or greater than 50 percent the market value of the structure or it increases the number of dwelling units by more than 20 percent.

Now, we're going to go into the breakdown where it's a little clearer. So if your project is not in a flood plain, you're good. Document it on a map. Put it in your file. If the project is within a 100-year flood plain, document whether there is any alternative, and if so, select that alternative. And if that's not an option, provide a map showing the project's location in the flood plain. And in addition, if the project is a substantial improvement, you need to document that the structure has been elevated at least to base flood elevation or flood-proofed to one foot above the base flood elevation. And if it's elevated and flood-proofed, it needs to adhere to the flood insurance program standards and a project cannot be a critical action.

If the project site is within a floodway, it can't be funded with HTF, because HTF funds are not going towards functionally dependent uses. If it's located in a coastal high hazard area, it has to be a reconstruction following a destruction by a disaster and designed to be located within a coastal high hazard area and it must be consistent with the national flood insurance program requirements for V zones. And it can't be a critical action. And for the 500-year flood plain -- if you're in the 500-year flood plain, provide a map and document that the structure's not a critical action.

Okay. So for documentation purposes, the resources and documentation for flood plains is the same for new construction and rehab. So here's the link to the FEMA flood map service center. And here is an example of a project with the site marked outside of the flood plain. If the project was within a 100-year flood plain, you'd have to provide documentation that the project has been elevated to base flood elevation or flood-proofed to one foot above base flood elevation.

Okay. So the provisions for wetlands for new construction is different than Part 50 and Part 58. Projects cannot impact a wetland. There is no draining, dredging, channelizing, filling, diking, impounding, or related grading activities to be performed in wetlands. So nothing in wetlands. For rehabilitation the provision is also different from Part 58 and Part 50. Rehab of existing properties cannot expand a building's footprint into a wetland.

The resources for new construction and rehab are the same. So the first resource is the fish and wildlife service National Wetland Inventory Mapper and to document this you would provide a map showing that the project is not located in a jurisdictional or non-jurisdictional wetland. And here is an example showing that the site is not located in a wetland, using the national wetland inventory mapper. My site is marked in red just below the lake and wetland.

Okay. The provision for explosives and hazards for new construction is the same as it is for Part 50 and Part 58. The project must be in compliance with these standards for acceptable separation distance as found in 24 CFR part 51, subpart C. You'll need to document that the project meets these standards. And I'll go into a little bit more detail about that.

If a project is rehabilitation of a building and it's increasing the number of dwelling units, the project must be in compliance with the standards of acceptable separation distance, as found at 24 CFR part 51, subpart C. If the project is not increasing residential densities, document that the

project meets the standard. If you're not increasing the number of dwelling units, you're good. If the project will increase it then you need to do a little bit more analysis on ASD, Acceptable Separation Distance.

So here's a link to the HUD Exchange for more information on how to analyze acceptable separation distances for your projects. And it also includes calculators and guidebooks and it's a great resource that can be used, if you're doing a project that's new construction or rehab that's increasing the number of dwelling units.

For documentation, you'll look around the area of the site for above ground storage tanks and walk through an assessment for acceptable separation distance. There's more information on how to do this on the HUD Exchange, but here are a few screenshots of what we would be looking for in documentation. We'd be looking for the site, what's in relationship to it, and then looking at the acceptable separation distance assessment tool -- doing a calculation to figure out how far the site needs to be from these above ground storage tanks. And if you have any questions on how to figure out how to calculate this, definitely reach out to your field environmental officers.

So the environmental provision for contamination is different from Part 50 and Part 58, and this is because a phase I is required for multifamily. And the multifamily is defined as more than four housing units. The provision is the same for new construction and rehab, the only difference is project/project activities in the sixth line of this slide. So I'm covering them as one.

HTF projects must avoid sites that are located within a quarter mile of Superfund or CERCLIS sites and any other contaminated site reported to federal, state, or local authorities. There must be no hazards that could affect the health or safety of occupants. More information on site contamination can be found on HUD Exchange under contamination, and NEPAassist is also a helpful tool.

So documentation. You need to document that the project is free of hazardous materials, contamination, toxic chemicals, and gases as well as radioactive substances. You also need to document that the project is not located within those thresholds that I talked about before. The main point here is that the project needs to be safe for those who are going to eventually occupy it. So there can be no contamination on the site that could affect the health and safety of occupants.

Okay. So now we're going to talk a little bit about how you do this for multifamily. So for multifamily properties, to assess if your site is safe for inhabitants, you need to do a phase I environmental site assessment. If there's any recognized environmental conditions identified in a phase I, a phase II must be done. And if contamination is found, a letter of no further action or equivalent must be obtained for the project.

The current ASTM standard that must be used for phase I right now, in September 2016, is the E1527-13. And this will include information looking at records searches, historical information, and it will let you know if there's any recognized environmental conditions identified in the phase I.

For single family properties a phase I is not required, but a project must be screened to not be within a quarter mile of Superfund, CERCLIS sites, or other contaminated sites reported to federal, state, or local authorities. If anything is identified in a screening process that raises concerns, it may be appropriate to have a phase I prepared or a testing and sampling done on the site.

Here's a screenshot from NEPAssist. And the project is looking at Superfund, brownfields, and toxic substances to see what's in the area. And NEPAssist is a really great tool to use. You can put a buffer around your site. So here is a quarter mile buffer.

The provisions for noise for new construction is different from Part 50 and Part 58. Interior noise levels must be 45 decibels or less. And I'll go into more detail on this on the next slide. If the external noise level is under 65 decibels, you're good. Document the noise level. If the exterior noise level is between 65 decibels and less than 75 decibels, you need to document the noise level, as well as the mitigation measures taken to meet the interior noise level standard of no more than 45 decibels. If the external noise level is 75 or greater, the interior noise level must be at 45 decibels or less using mitigation measures and there can be no outdoor noise sensitive uses. The noise provision for rehab is simple. The interior noise level needs to be no more than 45 decibels.

Here are the resources that could be used for the noise provision for rehab and new construction. We have the HUD Exchange noise abatement and control page, we have the day/night noise calculator. We also have STraCAT and we also have the barrier performance module.

The DNL calculator helps you calculate your external noise levels. You look at different noise sources such as roads. You also can look at rail. And you can look at airport. So you can do your analysis for external noise levels easily on the HUD website, but if you have any questions, definitely reach out to our field staff.

In this example, the external noise level is under 52. So I would be okay. But if the calculation was above 65, you can use the STraCAT tool to be used to calculate noise attenuation from building components that are frequently used these days. And if you do have a high noise level and using STraCAT to figure out the attenuation does not bring the noise level down enough, you can take a look at our barrier design modules to see how external noise levels can be lowered using barriers. But definitely reach out to your field environmental staff. They walk through this all the time and they're very familiar with the noise sources and how to attenuate.

The provisions for endangered species are structured slightly different for new construction and rehab, but they essentially have the same words. So this is a little different from Part 50 and Part 58 because consultation is informal. But the project needs to avoid all actions that could jeopardize the continued existence of any endangered or threatened species, or would result in a destruction or adversely modify the designated critical habitat of such species.

Here are resources. The HUD Exchange as well as the fish and wildlife service's IPAC tool and the National Marine Fisheries Service's species list are a good place to start. If there's nothing on your site in regards to endangered or threatened species or even critical habitats, document that.

If there are present on your site, you'll need to take a look at your project activities and how they might impact the present species. You can find more information about the species on the fish and wildlife service or national marine fisheries service websites and even the regional fish and wildlife pages.

If the activity might impact a species, you'll need to consult with fish and wildlife service or national marine fisheries. And for more information about how informal consultation works, you can check out more information on the HUD Exchange.

So in my example, there are piping plovers in my project area and my project is in New York City, so I'm going to take a closer look at the piping plovers in more detail. And their habitat is coastal beaches, sand flats and dunes, and they nest in wetlands or small creeks. My rehab project in New York City will not in any way impact piping plovers and I will document everything that helps me make this determination.

The wild and scenic rivers provision is the same as it is for new construction and rehab and is also the same way you're doing it for Part 50 and Part 58. Basically, grantees must avoid activities that are inconsistent with river management plans. More information on how to perform this analysis can be found on the HUD Exchange under wild and scenic rivers.

If your project is not located near a wild and scenic river, you're good. If your project is located near a wild and scenic river, you need to document that your project is consistent with the river's management plan. So you need to take a look not only at the river but also at the river management plan.

And here's a screenshot looking at a project. And you'll see a list of rivers. You can see what rivers are near your project. And then you'll need to take a closer look at the river management plan which can easily be found online or using Google. And you'll need to make a determination if your project's consistent and if you're referencing any page numbers in a river management plan, be sure to reference them.

Safe drinking water. So safe drinking water is the same for rehabilitation and new construction and it isn't in Part 58. It's very straightforward. If a project has water systems it must use only lead-free pipes, solder, and flux.

How can this be documented? This can be documented with building specs, pictures, and certification by a qualified professional.

Sole source aquifers is the same for new construction and rehab and it's also the same as it is for Part 50 and Part 58. Project activity should avoid sites and activities that have the potential to contaminate sole source aquifer areas. For more information on how to figure out if your site is located on a sole source aquifer, you can find this on the HUD Exchange.

If your project is not near a sole source aquifer, provide a map showing that it's not. If your project is on a sole source aquifer, you need to provide documentation from EPA that the project will not impact the sole source aquifer. Local field environmental officers will have knowledge

of any regional memorandums of understanding with EPA for HUD projects, so check with them to talk about your project and the types of activities that you're undertaking to learn more information about what needs to be done. And here's an example of a sole source aquifer map showing that my county in the Midwest is not near a sole source aquifer.

And now I'm going to open it up for questions about when HTF funding only is used on the project.

Danielle Schopp: Couple of questions here. First question is, "Can we use HEROS for Housing Trust Fund-only projects?"

Lauren McNamara: Okay. So the first question was, can we use HEROS for Housing Trust Fund projects? And HEROS is the HUD's Environmental Review Online System. And at this time, HEROS is voluntary for grantees. But we don't recommend using HEROS. You shouldn't use HEROS for HTF. You should use the suggested format.

Okay. The next question was, "Do we need to mark the project site on every map? And the answer is yes. You do need to mark your project location. That's part of the documentation that you need to put in your file. So you do need to mark your site.

Environmental justice does not apply when the project is only funded with HTF HUD funds. If the project is funded with HTF and other HUD funding, environmental justice needs to be analyzed.

Okay. That question was, "Does the certifying officer need to sign anything that will be put in a project file?" And the answer is no. The environmental provisions just have to be documented and met and nothing needs to be signed by the certifying officer in the file.

So the question was, "If a county does not contain sole source aquifers or wild and scenic rivers, can this be documented once in a central file? Those of you who work with Part 58 are probably familiar with central files, and yes. Just be sure that your Housing Trust Fund documentation for wild and scenic rivers, sole source aquifers, coastal barrier resources, or coastal zones. You know, things that if you're in a county that doesn't have them, you're not going to have them. So be sure that those are easily located in one space for all Housing Trust Fund projects. But you can do that. But you should mark your county on those maps.

The question was, "Is tribal consultation required in advance for HTF?" And I'm going to double-check, but I believe the answer is no. You would just -- if you were doing any grounds disturbance, possibly. So I'm going to look into more information on that question.

Oh, I'm sorry. I've been informed by our federal historic preservation officer that the answer is no. It's not required.

Danielle Schopp: Okay. We have a question about wetlands. [inaudible] that impact wetlands is not permitted -- and for the sake of clarification, this means that impact to wetlands where there is mitigation is not permitted --

Lauren McNamara: Okay. So that question was, "If any impact to wetlands were mitigated, would that be allowable with HTF?" And the answer is no. You can't impact a wetland at all.

Okay. So if it was exempt -- if you were doing soft costs, you don't have to look at that. But if you're doing anything with physical activities, there's no level of review. The environmental provisions need to be met. There's no level of review if there's just Housing Trust Funds only. You just need to meet them. So just meet those provisions. [inaudible] --

Okay. So the question was, "If a project has HOME and Housing Trust Funds funding, would we use HEROS?" And I would say you shouldn't use HEROS. And that's because certain laws and authorities are handled a little differently. And I'll go into more detail about when Part 50 and Part 58 is combined with Housing Trust Fund funds. So it's handled differently than it is in HEROS, so it should be done outside of HEROS. Unless we make a change to HEROS, which we probably won't be making any time soon. But you never know.

(END)