

Environmental Pointers

A Newsletter for HUD Grantees in Region 1

Welcome to the Winter 2018 edition of Environmental Pointers. The purpose of the newsletter is to provide information to help you through the 24 CFR Part 58 environmental review process, including the related laws and authorities referenced in §58.5 and §58.6, and to make you aware of resources available to assist you in the environmental review process. My goal is to make this a periodic newsletter for HUD grantees in Region 1 and to keep each newsletter relatively short.

The Project Description Determines the Level of Review

The project description drives the rest of the environmental review. There are five levels of environmental review: exempt; categorically excluded from NEPA, not subject to the related laws at authorities at §58.5 (CENST); categorically excluded from NEPA but subject to the related laws and authorities at §58.5 (CEST); environmental assessment (EA); and Environmental Impact Statement (EIS). More information on the levels of review can be found at: <https://www.hudexchange.info/programs/environmental-review/orientation-to-environmental-reviews/#level-of-review>. The appropriate level of environmental review is based upon the project description. It should capture the maximum anticipated scope of the project, not just a single activity that the money is going toward. It should include all contemplated actions that are a composite part of the project and is not limited to merely those activities financed with HUD funding. Activities should be aggregated according to the regulations at §58.32, which says that a responsible entity must group together and evaluate as a single project all individual activities which are related either on a geographical or functional basis, or both, or are logical parts of a composite of contemplated actions.

Example: CDBG funding is being used to acquire land. The Part 58 review must address not just the acquisition, but the ultimate end use of the land.

Example: CDBG funding is being used to assist in the acquisition of equipment for a local business. If there are other activities involved with the overall project – for example, rehab or expansion of the building – the Part 58 review must address not just the equipment purchase, but the project as a whole.

Don't Forget About Tribal Consultation

Federally-recognized Indian tribes must be consulted when a project may affect a historic property of religious or cultural significance to the tribe. Historic properties of religious and cultural significance include: archaeological sites, burial grounds, sacred landscapes or features, ceremonial areas, traditional cultural places, traditional cultural landscapes, plant and animal communities, and buildings and structures with significant tribal association. If the project includes any of the following activities, invite tribes to consult: significant ground disturbance (digging); new construction in undeveloped natural areas; incongruent audible changes; incongruent atmospheric changes; work on a building with significant tribal association; and transfer, lease or sale of a historic property of religious and cultural significance. You can find the tribal consultation checklist at: <https://www.hudexchange.info/resource/3770/when-to-consult-with-tribes-under-section-106-checklist/>. You can find tribes that have current and ancestral interest in your county, and who therefore must be consulted if a project may affect a historic property of religious or cultural significance, by using the Tribal Director Assessment Tool (TDAT) at: <https://egis.hud.gov/tdat/>. General information on the historic preservation review process can be found at: <https://www.hudexchange.info/programs/environmental-review/historic-preservation/>.

Lead Pipes

HUD grantees are well aware of the risks posed by lead paint. Did you know that water pipes, including the municipal service pipes connecting to residences, can be a source of lead in drinking water in homes? The Environmental Protection Agency has recently identified elevated lead levels in drinking water in several communities. You may be able to use your CDBG funds to address this serious public health issue affecting our children. Help get the lead out!

Resources to assist you in completing environmental reviews

HUD Exchange - <https://www.hudexchange.info/programs/environmental-review/> - has a variety of information and training resources to assist you in completing environmental reviews, including information about each of the related Federal laws and authorities. HUD has recently introduced WISER – the Web-Based Instructional System for Environmental Review. WISER is a set of self-paced online learning modules that can be completed in any order. You can access WISER at: <https://www.hudexchange.info/trainings/wiser/>.

For questions about this information, assistance with any other environmental review issues, or if you have suggestions for future content, please contact Martha Curran, Regional Environmental Officer, at martha.a.curran@hud.gov or 617-994-8363.