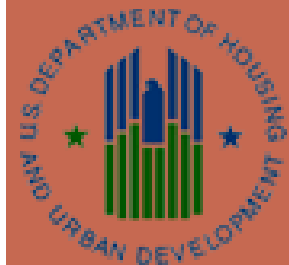


# OVERVIEW OF HUD'S ENVIRONMENTAL RESOURCES

2014 INTERAGENCY FLOOD RISK MANAGEMENT PROJECT WORKSHOP



Beth Held  
U.S. Department of Housing and Urban Development  
Region 1, Hartford Field Office



# HUD'S ENVIRONMENTAL REGULATIONS

- **24 CFR 50 – HUD Review**
  - Environmental review requirements for HUD staff
- **24 CFR 51 – HUD Standards**
  - Noise, Explosive or Flammable Hazards, Runway Clear Zones
- **24 CFR 55 – Floodplains & Wetlands**
- **24 CFR 58 – Local Government Review–Assumption Authority**
  - Environmental review requirements for units of general local government (“Responsible Entity”/RE)

# WHAT IS A RESPONSIBLE ENTITY?

- Responsible Entity (RE) assumes federal responsibilities
- RE = a unit of general local, tribal, or state government
- Under Part 58, RE's responsibilities include:
  - Conducting the environmental review, including all findings
  - Taking legal responsibility for review
  - When needed, submitting a Request for Release of Funds Form 7015.15 to HUD
- Certifying Officer (e.g. Mayor) signs off on ERs

# PART 50 VERSUS PART 58

## Part 58 – Local gov't conducts Environmental Review

When it applies:

- Program legislation permits the Responsible Entity to perform the review
- Most Community Planning & Development Programs & Public Housing Programs
  - Unless exception in part 58 applies
  - ALL HEARTH Act programs

## Part 50 – HUD staff conducts Environmental Review

When it applies:

- Program legislation does not allow use of Part 58 Assumption Authority
- HUD determines that local gov't does not have technical capacity
- Local gov't is not direct recipient and refuses to accept responsibility for review compliance

# HUD-FUNDED ASSISTANCE

- **Community Development Block Grant Program(CDBG)**
- **Home Investment Partnerships Program (HOME)**
- **Public Housing Programs under Title I of U.S. Housing Act of 1937**
- **Brownfields Economic Development Initiative (BEDI)**
- **Community Development Block Grant Disaster Recovery Program (CDBG-DR)**

# HUD'S FLOODPLAIN - WETLANDS REGULATIONS CHANGES TO 24 CFR PART 55

- HUD Final Rule effective December 16, 2013
- Codified HUD's existing policies and procedures implementing EO 11990 under Part 55 regulations
- Adopted E.O. 11990 Sec. 7 (c) wetland definition and modified it to include manmade wetlands to ensure that constructed wetlands for mitigation would be preserved as natural wetlands
- Introduced the use of Individual Permits under Section 404 of Clean Water Act to:
  - Streamline EO 11990 processing time
  - Reduce costs of compliance with parts of the 8 Step

# 24 CFR PART 55

## E.O. 11988 FLOODPLAIN MANAGEMENT

**Applies to physical actions in the 100yr:**

- **1-4 family rehab if > 50% value**
- **Buildings**
- **Roads**
- **Pipelines**
- **Anything except minor clearing and grubbing**

# 24 CFR PART 55

## CHANGES TO E.O. 11988 COMPLIANCE

### Exempt Activities

- The approval of financial assistance for restoring and preserving the natural and beneficial functions and values of floodplains and wetlands, including through acquisition.....but only if (c)(3)
  - (i) The property is cleared of all existing structures and related improvements;
  - (ii) The property is dedicated for permanent use for flood control, wetland protection, park land, or open space; and
  - (iii) A permanent covenant or comparable restriction is placed on the property's continued use to preserve the floodplain or wetland from future development.



# 24 CFR PART 55

## CHANGES TO E.O. 11988 COMPLIANCE

Requires consideration of alternatives outside the 100-yr floodplain or wetland based upon:

- Natural conditions (topography, habitat, and hazards)
- Social values (aesthetics, historic and cultural values, land use patterns, and environmental justice)
- Economic values (cost of space, construction, services, and relocation)
- Legal limitation

# 24 CFR PART 55

## CHANGES TO E.O. 11988 COMPLIANCE

### Floodplain Evaluation

- Adverse impacts to lives and property,
- Adverse impacts to natural and beneficial floodplain values of:
  - (i) Water resources, water quality, groundwater recharge
  - (ii) Living resources (flora and fauna);
  - (iii) Cultural resources (archaeological, historic, and recreational); and
  - (iv) Agricultural, aquacultural, and forestry resources

### Types of impacts:

- Positive and Negative
- Direct and indirect
- Short and long term

# 24 CFR PART 55

## CHANGES TO E.O. 11988 COMPLIANCE

### Conservation Easements

- Section 382 of the Federal Agriculture Improvement and Reform Act of 1996, amended the Emergency Watershed Protection Program (EWPP) to provide for the purchase of floodplain easements as an emergency measure.
- NRCS may purchase EWPP easements on any floodplain lands that have been impaired within the last 12 months or that have a history of repetitive flooding (flooded at least twice during the past 10 years).
- Easement provides NRCS with the authority to fully restore and enhance the floodplain's functions/values to natural conditions to the greatest extent practicable. NRCS may pay up to 100 percent of the restoration costs.

<http://www.nrcs.usda.gov/programs/ewp/floodplain/index.html>

# 24 CFR PART 55

## CHANGES TO E.O. 11990 COMPLIANCE

### Wetland Evaluation

■ Consider factors relevant to a project's effect on the survival and quality of the wetland:

(i) Public health, safety, and welfare (water supply, quality, recharge/discharge; pollution; flood and storm hazards; sediment and erosion);

(ii) Maintenance of natural systems (conservation and long-term productivity of flora and fauna; species and habitat diversity; natural hydrologic function; wetland type; fish, food, timber resources);

(iii) Cost increases attributed to wetland-required new construction and mitigation measures to minimize harm to wetlands; and

(iv) Other wetland uses in the public interest (recreational, scientific, and cultural uses).

# 24 CFR PART 55

## CHANGES TO E.O. 11990 COMPLIANCE

### Compensatory mitigation

- Practicable compensatory mitigation is recommended for unavoidable adverse impacts to more than 1 acre of wetland. Compensatory mitigation includes:
  - permittee-responsible mitigation,
  - mitigation banking,
  - in-lieu fee mitigation,
  - preservation easements/protective covenants, and any form of mitigation promoted by state or Federal agencies.

# 24 CFR PART 55

## CHANGES TO E.O. 11990 COMPLIANCE

### Minimization

- Minimization techniques for floodplain and wetland purposes include:
  - Use of permeable surfaces and natural landscape enhancements that maintain or restore natural hydrology through infiltration, native plant species, bioswales, stormwater capture and reuse
  - Green alleys, green/vegetative roofs with drainage provisions, NRCS conservation easements, buffers
  - Minimize tree cutting and destruction of wetland vegetation
  - Floodproofing and elevating structures, including freeboard above the required base flood elevations

# ONECPD SITE

OneCPD Resource Exchange 

About OneCPD | Email Updates | Contact Us | MY ONECPD

<https://www.onecpd.info/environmental-review/>

GRANTEES

## Environmental Review

Welcome to the official website for the Department of Housing and Urban Development's (HUD's) Office of Environment and Energy. The Office of Environment and Energy (OEE) manages the environmental review process for HUD.

An environmental review is the process of reviewing a project and its potential environmental impacts to determine whether it meets federal, state, and local environmental standards. The environmental review process is required for all HUD-assisted projects to ensure that the proposed project does not negatively impact the surrounding environment and that the property site itself will not have an adverse environmental or health effect on end users. Not every project is subject to a full environmental review (i.e., every project's environmental impact must be examined, but the extent of this examination varies), but every project must be in compliance with the [National Environmental Protection Act \(NEPA\)](#), and other related Federal and state environmental laws.

### Federal Related Laws and Authorities

Learn about complying with the Federal related laws and authorities listed in HUD's environmental review regulations at 24 CFR 50.4, 58.5, and 58.6. Each topic features a compilation of resources such as trainings, guidance, and useful websites.

[View Federal Related Laws and Authorities](#)

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[Environmental Review](#)

# OEE STAFF

<https://www.onecpd.info/environmental-review/hud-environmental-staff-contacts>

**MAP LEGEND**

NEW STAFF / UPDATES / REVISIONS

TIME ZONES

PRINCIPAL STAFF


REO FEO

VERSION: APRIL 2014

**U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT – ENVIRONMENTAL OFFICERS**


**OFFICE OF ENVIRONMENT AND ENERGY**

*Danielle L. Schopp, DIRECTOR*



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**REGION 10 – NW / ALASKA**

Alaska Time 9:30 A.M.

Pacific Time 10:30 A.M.

Mountain Time 11:30 A.M.

Central Time 12:30 P.M.

Eastern Time 1:30 P.M.

Hawaiian Time 7:30 A.M.

**HUD REGIONAL OFFICE ENVIRONMENTAL WEBSITES**

REGION IV <http://portal.hud.gov/hudportal/HUD?src=/states/shared/working/r4/environment>

REGION X <http://portal.hud.gov/hudportal/HUD?src=/states/shared/working/r10/environment>



# HEROS

## HUD ENVIRONMENTAL REVIEW ONLINE SYSTEM

- HUD's Office of Environment and Energy (OEE) has developed an online system for documenting and managing environmental reviews.
- HEROS will replace HUD's current paper-based environmental review process with a comprehensive online tool and dashboard.
- HEROS walks users through the entire environmental review process from cradle to grave, including compliance with related federal laws and authorities.

# WHO USES HEROS?

- **HEROS can be used by all local government (Responsible Entities-REs), non-RE recipients, consultants, and HUD staff who currently prepare, review, or approve HUD environmental reviews.**

# BENEFITS OF USING HEROS

- **HEROS makes complying with HUD's environmental requirements easier by:**
  - Integrating policy guidance with formats
  - Facilitating communication with partners
  - Helping manage environmental reviews
- **HEROS streamlines the NEPA review process and reduces paper.**
  - Replaces paper forms with electronic submissions
  - Eliminates the need for paper filing

# BENEFITS TO HUD

- **Increases transparency of environmental reviews by posting them on the HUD Exchange for public review, improving overall NEPA compliance**
- **Provides a detailed look at how HUD grantees are complying with environmental review requirements**
  - **Identifies deficiencies that require additional training and technical assistance**
  - **Informs future guidance and policy development**

# HEROS DASHBOARD

HEROS Home

Guide to HEROS









[My Environmental Reviews](#) [Reports](#) [Admin](#) [Logout](#)

## My Environmental Reviews (50/58)

HEROS integrates guidance and assistance into the environmental review format, but it is not a substitute for learning and understanding HUD's environmental review process and all environmental laws and authorities addressed in this system. Responsible Entities are urged to attend regular environmental trainings lead by HUD staff and ensure that they are familiar with all relevant environmental laws and authorities. HEROS users remain responsible for ensuring that their environmental review records are accurate and complete.

Start a new environmental review

Go to tiered reviews 

	Name of Project 	City 	State 	Status 	Level of Review 	Last Updated 	Last Updated by 	ER ID 
<input type="checkbox"/>	Housing-rehabilitaion	Rockville	MD	Completed	CEST_CONV_EXEMP	MM/DD/YYYY Wed Jan 29 14:52:37 EST 2014	kat	
<input type="checkbox"/>	Warren-Gardens	Alexandria	NH	In progress	EA	Wed Jan 29 11:55:55 EST 2014	Kathryn Au	900000010000202
<input type="checkbox"/>	Rehab-of-Terrace-Apartments	Alexandria	VA	In progress	EA	Wed Jan 29 09:44:37 EST 2014	Kathryn Au	900000010000200

Edit selected environmental review

View 7015.16 - Authority to Use Grant Funds

View selected environmental review

# POSTING TO THE ONECPD WEBSITE

- Reviews will be posted during public comment periods.
- Completed reviews will be archived on OneCPD for a year for standard reviews, and 5 years for tiered reviews.

The screenshot shows the HUD Environmental Review Records website. At the top is a navigation bar with links: HOME, RESOURCE LIBRARY, NEWS, TRAINING & EVENTS, ASK A QUESTION, TECHNICAL ASSISTANCE, and ABOUT GRANTEES. Below the navigation bar is the title "Environmental Review Records" in orange. The main content area contains two paragraphs of text explaining the system and providing instructions on how to use search filters. To the right of the text is a "Related Resources" section with links for "Environmental Review Main" and "Environmental Impact Statements". Below the text is a section titled "Environmental Review Records" which includes a "Filter By" section with two dropdown menus: "All Report Statuses" and "All States". To the right of the filters are two project listings, each with a HUD logo icon, the project name, location, and public comment availability date.

HOME | RESOURCE LIBRARY | NEWS | TRAINING & EVENTS | ASK A QUESTION | TECHNICAL ASSISTANCE | ABOUT GRANTEES

## Environmental Review Records

HUD's Environmental Review Records page houses environmental reviews made publicly available through the HUD Environmental Review Online System (HEROS). This includes environmental assessments, CEST reviews, and CEST reviews that converted to exempt.

Use the search filters below to find projects with recent environmental reviews. Reviews currently in public comment period will appear above archived reviews. Tiered reviews will be available for five years. For reviews in public comment period, send your comments to the person identified in the Environmental Review Record. If you have submitted an environmental review through HEROS for posting but do not see it on this website within 24 hours, submit an inquiry through [Ask a Question](#). New or updated environmental reviews are posted here between 8 AM and 10 PM ET Monday through Saturday.

**Related Resources**



- [Environmental Review Main](#)
- [Environmental Impact Statements](#)

### Environmental Review Records

**Filter By**

All Report Statuses ▼

All States ▼

-  **Arena West Apartments**  
Anytown, CO  
Public comment available until 02/04/2015
-  **Home Rehab**  
Anytown, CO  
Public comment available until 02/07/2014

# HUD REGIONAL ROLLOUT

- HEROS started rolling out regionally for entitlement communities (responsible entities) starting in Spring 2014.
- Region Order: 7, 8, 10, 1, 3, 6, 2, 5, 4, 9
- A User Guide and e-tutorials for HEROS are located on HUD's OneCPD website.

# RESOURCES

- OneCPD – Part 58 Environmental Review Requirements

<https://www.onecpd.info/environmental-review/>

- HEROS – HUD Environmental Review Online System

<https://www.onecpd.info/environmental-review/heros>