



CITY OF SAN ANTONIO
**NEIGHBORHOOD & HOUSING
SERVICES DEPARTMENT**

**Environmental Review
Policy, Procedures, and Standards
24 CFR Part 58**



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Environmental Review Summary

The City of San Antonio receives federal grant funds from the U.S. Department of Housing and Urban Development (HUD) to provide assistance to low- to moderate-income households, provide homeless services, and improve our community.

The primary objectives of the HUD environmental review are to identify specific environmental factors that may be encountered at potential project sites and to develop procedures to ensure compliance with regulations pertaining to these factors. Because the City of San Antonio programs vary in terms of applicant type, scope of program activities, and geography, a standard set of review documents and procedures have been designed to produce a consistent programmatic environmental review that provides for the greatest protection and accountability across all HUD related activities.

Environmental Policy

As the City of San Antonio assumes HUD environmental responsibilities for HUD grant funding under the requirements of HUD's environmental review regulations at 24 CFR Part 58, the City acts as the responsible entity to ensure all regulations are implemented under the National Environmental Policy Act (NEPA). The HUD environmental review process within the City's jurisdiction must be completed before federal funds can be utilized for the following programs:

- Community Development Block Grant (CDBG)
- Home Investment Partnership Program (HOME)
- Neighborhood Stabilization Program (NSP)
- Emergency Solutions Grant (ESG)
- Housing Opportunities for Persons with Aids (HOPWA)
- Homeless programs of Title IV McKinney-Vento Homeless Assistance Act
- Supportive Housing program
- Lead-based paint abatement programs
- HOPE VI
- Section 8 Voucher Program
- EDI
- Others grants require 24 CFR Part 58 compliance

Choice Limiting Action

Per the requirements of 58.22, no agency, developer, program or project is able to undertake a choice limiting action such as real property acquisition, leasing, disposition, demolition, rehabilitation, repair, construction, or site improvements until an environmental approval has been certified by the City of San Antonio's Grants Administrator and, if applicable, granted authority to use grant funds by HUD. This ensures that decision making does not occur until prior to completing the environmental review process. The grantee must ensure objectiveness in the consideration of alternatives and eliminates the opportunity for public-participation in the decision-making process.

Internal Review and Concurrence Process

The Division of Grants Monitoring and Administration (GMA) Grant Management Unit, acting through its Grant Administrator (Certifying Officer), is responsible for the environmental review, approval, and certifications necessary to ensure compliance with 24 CFR Part 58 as follows:

1. Grant Manager and staff shall review all environmental reviews to ensure compliance with 24 CFR Part 58 prior to submission to the Certifying Officer for certification of the Request for Release of Funds.
2. Upon the initial award of an activity the Grant Manager shall provide the funding recipient with environmental review requirements under 24 CFR Part 58.
3. Grant Manager shall determine the most appropriate preparation avenue to develop the environmental review based on the level of review and the capacity of the funding recipient in accordance with Environmental Preparation Standards set forth in this document.
4. If an external consultant is not required, proceed to #6
5. If an external consultant is required because the funding recipient lacks capacity to prepare environmental review documents for a particular review:
 - a. The assigned Management Analyst will issue a Request for Services which provides guidance for an external consultant to prepare a proposal.
 - b. The assigned Management Analyst will review the proposal in coordination with the funding recipient to review cost and scope of work including the recommendations for additional environmental studies, as needed.
6. The assigned Management Analyst shall review the prepared environmental review document, subsequent studies, and source documentation for compliance with all applicable environmental laws. They will recommend any revisions or additional studies to the Grant Manager. Upon review and approval of the recommended actions, the Management Analyst shall coordinate with the preparer. Once satisfied, the environmental review record is signed and submitted by the preparer.
7. The Management Analyst provides prepares a draft public notices for review of the Grants Manager and the Grants Administrator. The Management analysis ensures the public notice is published and obtains the appropriate documentation for the ERR. Once the public comment period closes, the Management Analysts is to complete the Request for Release of Funds (HUD Form 7015.15) and attach copies of the public notice documentation along with the environmental review. This documentation must be cleared through the Grants Manager and then submitted to the Grants Administrator for signature as Certifying Officer. Including the environmental review with submission of the 7015.15 to the Certifying Officer ensures that the environmental review is prepared prior to his/her certification of the 7015.15.

Environmental Procedures

STEP 1: Environmental Review Determination

In accordance with above internal review procedures, GMA will review the program/project scope of work and determine at what level of environmental review needs to be conducted. The NEPA classifications that will be determined are listed below:

1. Exempt – Subject to Related Laws at 24 CFR 58.34

Activities that by their very nature will have no physical impact upon the environment are exempt from NEPA requirements as well as Part 58.5. In these cases, the City does not need to check for compliance with the requirements or perform an environmental review, consultation, or other action under NEPA. Some examples from NEPA requirements include:

- Environmental studies, plans & strategies
- Information & financial services
- Administrative & management expenses
- Public services without physical changes
- Inspections & testing properties
- Purchase of insurance
- Purchase of tools
- Engineering or design costs
- Technical assistance & training
- Payment of principal and interest on HUD loans
- Any of the CEST activities at §58.35(a) if Federal laws and authorities at §58.5 are not triggered

2. Categorically Excluded, not Subject to 58.5. (24 CFR 58.35)

Activities in this section are categorically excluded from the requirements at 58.5, due to HUD's determination that such activities will not alter any conditions that would require a NEPA review or a compliance determination under 58.5. When performing a categorically excluded activity not subject to 58.5, the City does not need to publish a Notice of Intent/Request for Release of Funds (NOI/RROF). Following the award of program funds, no further approval from HUD will be needed with respect to environmental requirements. Examples of categorically excluded, not subject to NEPA requirements are:

- Tenant-based rental assistance
- Supportive services
- Operating costs including maintenance, security, operation, utilities, furnishings, equipment, supplies, staff training and recruitment and other incidental costs
- Economic development activities not associated with construction or expansion of existing operations
- Activities to assist homebuyers

- Affordable housing pre-development costs
- Supplemental assistance of previously-approved project

3. Categorically Excluded Subject to 58.5

Any of the categorically excluded activities in 58.35 are exempt from NEPA, provided that there are no circumstances that require compliance with any other federal law and authorities cited in 58.5. Using the statutory checklist, and after consulting with applicable agencies and organizations, the City can designate an activity as exempt if it can show that none of the federal laws and authorities are triggered through funding this activity. The statutory checklist deals with non-NEPA regulation which grantees must adhere to such as historic and wildlife preservation, floodplain management, noise control, etc. Examples of categorically excluded, subject to NEPA requirements are:

- Acquisition, repair, improvement, reconstruction or rehabilitation of public facilities and improvements when:
 - Facilities and improvements are in place
 - No more than 20% change in size or capacity
 - No change in land use
- Removal of architectural barriers that restrict accessibility
- Rehabilitation of buildings and improvements:
 - Residential Structures of 1 – 4 units: no more than 4 units; no change in land use; cannot increase into floodplain or wetland
 - Multifamily Residential Structures: unit density does not change more than 20%; no change in land use; cost of rehab is less than 75% of replacement cost after rehabilitation
 - Commercial, Industrial and Public Buildings: size and capacity does not increase by more than 20%; no change in land use
- Individual action on up to four dwelling units (One 4-unit structure or four 1-unit structures or any combination in between):
- Individual action on a project of five or more housing units when sites are more than 2000 feet apart and no more than four units on any one site.
- Acquisition, disposition or finance of existing structure or vacant land if retained for same use.
- Combination of any of the above activities.

4. Subject to an Environmental Assessment (24 CFR 58.36)

If a project is not exempt or categorically excluded under the above sections, the City must prepare an Environmental Assessment (EA). An EA is a concise public document that includes all the evidence and analysis supporting the City’s decision as to whether an environmental impact statement is warranted or if an activity will result in no significant impact to the environment. Examples when environmental assessments are needed are:

- New Construction (more than five (5) units);
- Construction of Public Facilities;

- Infrastructure Development;
- New construction, demolition and/or reconstruction of five or more single family units on scattered sites that are less than 2,000 feet apart;
- Extending the footprint of a single family unit into the floodplain or wetland area or expanding the footprint of a structure that is already in a floodplain or wetland area;
- Major rehabilitation or reconstruction of multifamily residential units that increases or decreases the unit density more than 20 percent;
- Conversion of a non-residential structure to create a residential use;
- Acquisition of land for development of a housing subdivision;
- Activities that are normally exempt or categorically excluded but have an extraordinary circumstance that requires further review.

The City must file the completed checklist and a statement in the Environmental Review Record.

5. Subject to an environmental impact statement (24 CFR 58.37)

If a project is subject to a full EA and is determined to have a potentially significant impact on the human environment, then an Environmental Impact Statement (EIS) is required. An EIS is also required if the project fits at least one of the following criteria:

- It would provide a site or sites for or result in the construction of hospitals or nursing homes containing more than 2,500 or more beds;
- It would remove, demolish, convert or substantially rehabilitate 2,500 or more existing housing units or would result in the construction or installation of 2,500 or more housing units;
- It would provide enough additional water and sewer capacity to support 2,500 or more additional housing units.

The Grant Administrator must concur on the final environmental review determination (such as “Conversion to Exempt” or issuance of a “FONSI”). The administrative assistant receives the environmental review document log, scan, and digitally file in the City’s shared drive to ensure all environmental records are maintained together.

STEP 2: Preparation of Environmental Review

Once the level of environmental review is determined, GMA staff will include the determination in the Eligibility and Compliance Plan document. GMA staff will either prepare internally or designate the recipient to prepare environmental records.

The estimated timeframe, depending on consultations require for completing Environmental Process is as follows:

Environmental Determination	Estimated Timeline for Preparation
Exempt	1 Day
Categorically Excluded not Subject to 58.5	1 Day
Categorically Excluded Subject to 58.5	30-75 Days
Environmental Assessment	45-100 Days
Environmental Impact Statement	1-2 Years

Tiered Environmental Review

Environmental Reviews may be tiered to avoid repetition. Tiered reviews are used to identify and evaluate issues ripe for decision, excluding issues not relevant to the program, policy or project. They are appropriate when:

- Evaluating a policy or proposal
- Early Stages of Development
- When site-specific analysis is not feasible and more narrowed and focused review is better done at a later date
- *Tiered environmental reviews are not appropriate for projects requiring an Environmental Assessment.*

The City will ensure tiered environmental reviews are prepared for single family housing programs at unspecified sites. This review is conducted to achieve both compliance and speed because it does not require upfront identification of assisted properties.

In short, a tiered review focuses on a specific geographical area to address and analyze environmental impacts related to the proposed activities that might occur on the typical project site within that area. The specific addresses/locations of the individual properties are not known at this time. However, once individual project sites are located, any remaining environmental compliance issues that could not be resolved until project locations became known are completed according to standards for approval previously established for the target area. The City’s tiered review focuses on scattered sites located throughout a particular targeted area unless the housing program is considered city-wide.

The Tier 1 addresses all laws and authorities possible and establishes a plan (narrative) for the site-specific or subsequent review. GMA must publish a public notice of intent to request a release of funds (NOI/RROF) and submit RROF as described in Step 3.

The Tier 2 site-specific review does not require a public notice or RROF required unless there are unanticipated impacts or impacts that are not adequately addressed in the Tier 1 review.

8-Step Decision Making Process for Projects in the Floodplain

1. Determine whether the action is located in a 100-year floodplain (or a 500-year floodplain for critical actions).
2. Notify the public for early review of the proposal and involve the affected and interested public in the decision making process.
3. Identify and evaluate practicable alternatives. Identify the project site selection criteria and consider several alternative sites and actions:
 - A. Locate the project within the floodplain
 - B. Consider modifying the project
 - C. Obtain a Letter of Map Amendment (LOMA) or Letter of Map Revision (LOMR)or
 - A. Locate the Project Outside of the Floodplain
 - B. Consider other sites
 - C. Consider no action or alternative actions that serve the same purpose
4. Identify Potential Direct and Indirect Impacts of Associated with Floodplain Development.
5. Where practicable, design or modify the proposed action to minimize the potential adverse impacts to lives, property, and natural values within the floodplain and to restore, and preserve the values of the floodplain.
6. Reevaluate the Alternatives.
7. Determination of No Practicable Alternative
8. Implement the Proposed Action

STEP 3: Publication of Notice of Intent (NOI) Request for Release of Funds (RROF) and Finding of No Significant Impact (FONSI)

Categorical Exclusions

GMA will publish a Notice of Intent to Request a Release of Funds (NOI/RROF) for projects that are Categorical Exclusions Subject to §58.5 and projects requiring EAs, using the HUD recommended format. At a minimum, GMA staff shall publish the NOI/RROF notice in a newspaper of general circulation and on the City's GMA website. Additionally, the following shall be notified:

- | | |
|--|--|
| 1. Individuals and groups known to be interested in the activities | 4. HUD Field Office – Local HUD Representative |
| 2. Appropriate tribal, local, State and Federal agencies | CPD Representative |
| 3. Regional Offices of the Environmental Protection Agency | Department of Housing and Urban Development |
| | 615 East Houston Street, Suite 347 |
| | San Antonio, Texas 78205 |

GMA must consider the comments and make modifications, if appropriate, in response to the comments, before it certifies and submits the RROF to HUD. The public comment period is 7 days when published, counting from the day after the publication.

Environmental Assessments (EA)

If the GMA makes a Finding of No Significant Impact from an EA, it must prepare a Finding of No Significant Impact (FONSI) notice, using the HUD recommended format. At a minimum, GMA staff shall publish the FONSI/NOI/RROF combined notice in a newspaper of general circulation and on the City's GMA website. Additionally, the following shall be notified:

- | | |
|--|--|
| 1. Individuals and groups known to be interested in the activities | 4. HUD Field Office – Local HUD Representative |
| 2. Appropriate tribal, local, State and Federal agencies | Alberto J. Solórzano |
| 3. Regional Offices of the Environmental Protection Agency (Attachment IV) | CPD Representative |
| | Department of Housing and Urban Development |
| | 615 East Houston Street, Suite 347 |
| | San Antonio, Texas 78205 |

The FONSI public comment period is 15 days when published, counting from the day after the publication. GMA typically publishes a FONSI notice at the same time it publishes the NOI/RROF. If the notices are released as a combined notice, the combined notice shall clearly indicate that it is intended to meet two separate procedural requirements; and, advise the public to specify in their comments which "notice" their comments address. The public comment period is 15 days when published, counting from the day after the publication.

STEP 4: Preparation and Submission of the Request for Release of Funds (RROF)

If no comments are received or once the comments are addressed, a HUD-7015.15 Request for Release of Funds (RROF) will be prepared by GMA staff and signed by the Grants Administrator (Certifying Official). Once the signature is obtained, it will be submitted to the local HUD office. If comments are received GMA must consider the comments and make modifications, if appropriate, in response to the comments, before it completes its environmental certification and before the recipient submits its RROF. *The RE cannot sign the RROF until the day after the public comment period closes.*

The form must be printed on both sides and the original copy must be submitted to HUD. The RROF cannot be altered in any way. In preparing a RROF, GMA must ensure that all applicable sections are completed. This includes the following:

- HUD program for which funds are being requested is included
- The Name and Address of the RE
- Name and Address of the Recipient if it is not the RE
- Project description for which RE is requesting funds
- Indication of whether an EIS was or was not required
- Signature of the Certifying Officer
- Copy of Ordinance Delegating City Manager's authority as Certifying Officer to the Grants Administrator
- Certification Date after expiration of public notice comment period
- Signature of the authorized officer of the Recipient when the Recipient is not the RE
- Date of signature of the Recipient after expiration of the public notice comment period
- Attach a copy of the public notice
- Attach a copy of the citizen comments and responses

The most current RROF can be found in Attachment V or at the following website:

<http://www.hud.gov/offices/adm/hudclips/forms/hud7.cfm>

The receipt of which will begin the fifteen (15) day period for HUD to receive comments. The original RROF document and a copy of the publication will be mailed to the San Antonio HUD local office located at 615 East Houston Street, San Antonio, Texas 78205.

After HUD's fifteen (15) day comment period and no comments were received, HUD will send the City an Authority to Use Grant Funds (form HUD-7015.16). At this point the City is authorized to commit and use federal funds to undertake the various projects.

STEP 5: After Approval of the Environmental Review Record

1. GMA staff shall add (if applicable) all public notice affidavits, citizen comments and responses, RROF, and the ATUGF to the environmental review record.
2. GMA staff shall notify the agency or city department of approved environmental record.
3. GMA staff shall ensure all mitigation and environmental requirements are incorporated into any contractual agreements.

STEP 6: Environmental Review Recordkeeping

1. GMA staff shall ensure all Environmental Review Records are certified by the Grant Administrator (Certifying Officer).
2. GMA staff shall submit the certified Environmental Review Records including the Public Notice Affidavit, Request for Release of Funds (RROF) Form 7015.15, and the Authority to Use Grant Funds (ATUG) Form 7015.16 to the divisions Administrative Assistant for digital scanning and logging in the shared-access drive located in K:\Environmental\Scanned Environmentals.
3. The Administrative Assistant shall return the logged and recorded hard version of the Environmental Review Record to the GMA staff person for keeping in the appropriate project file.
4. GMA staff shall ensure the Environmental Review Records remain accessible in the centralized located shared-access drive for availability.

Standards

Environmental Professional

The proposed definition first and foremost required that, to qualify as an environmental professional, a person must “possess sufficient specific education, training, and experience necessary to exercise professional judgment to develop opinions and conclusions regarding the presence of releases or threatened releases to the surface or subsurface of a property, sufficient to meet the objectives and performance factors” that are provided in the proposed regulation. The proposed definition of an environmental professional includes individuals who possess the following combinations of education and experience.

1. Hold a current Professional Engineer’s (P.E.) or Professional Geologist’s (P.G.) license or registration from a state, tribe, or U.S. territory and have the equivalent of three (3) years of full-time relevant experience; or
2. Be licensed or certified by the federal government, a state, tribe, or U.S. territory to perform environmental inquiries as defined in § 312.21 and have the equivalent of three (3) years of full-time relevant experience; or
3. Have a Baccalaureate or higher degree from an accredited institution of higher education in a relevant discipline of engineering, environmental science, or earth science and the equivalent of five (5) years of full-time relevant experience; or
4. As of the date of the promulgation of the final rule, have a Baccalaureate or higher degree from an accredited institution of higher education and the equivalent of ten (10) years of full-time relevant experience.

Environmental Preparation

Environmental Determination	Responsible for Preparing Environmental Document			Consultant Required
	Department	Sub-Grantee	Developer	
Exempt	GMA	GMA	N/A	No
Categorically Excluded not Subject to 58.5	GMA	Sub-Grantee	N/A	No
Categorically Excluded Subject to 58.5	Department	Sub-Grantee	N/A	Recommended
Environmental Assessment	Department	Sub-Grantee	Developer	Yes
Environmental Impact Statement	Department	Sub-Grantee	Developer	Yes

Site Assessments

The Neighborhood and Housing Services Department’s Division of Grants Monitoring and Administration has adopted the ATSM 1527-05 standard for Phase I, II, and III Environmental Site Assessments.

Phase I ESA

An ASTM Phase I ESA report is required for multi-family (5 or more units) and/or non-residential properties in accordance with HUD guidance.

Phase II ESA

Phase II Environmental Site Assessments shall be required if an area of concern or recognized environmental condition (REC) is identified in the Phase I ESA. HUD sites may require further investigation and sampling to determine if an environmental liability exists. The area of concern shall be

characterized, liabilities assessed, and conclusions drawn during the Phase II process. Accurate and precise analytical data and recommendations for remedial actions shall be determined as necessary.

Phase III ESA

A Phase III ESA may be recommended in the Phase II to design and implement a remediation plan for a contaminated site. All necessary reports demonstrating successful remediation must be included in the Environmental Review Record

Public Comment Periods

Minimum Public Comment Periods	
Notice Type	Public Comment Period Requirements
Notice of Finding of No Significant Impact (FONSI)	15 days when published.
FONSIs for projects that involve considerable interest, that are similar to other projects normally requiring an EIS, or projects that are unique and without precedent	30 days.
Notice of Intent to Request Release of Funds (NOI/RROF)	7 days when published.
Concurrent or Combined Notices	15 days when published.

Standards for Tribal Consultation

The City shall ensure its adherence to the HUD CPD Notice 12-006 (Attachment VII) in completing the process for Tribal Consultation. Attachment VII will also have a sample tribal letter.

The City requires consultation with federally recognized tribes if the project includes the types of activities that have the potential to affect historic properties of religious and cultural significance to tribes such as:

- Ground disturbance (digging);
- New construction in undeveloped natural areas
- Incongruent visual changes – impairment of the vista or view shed from an observation point in the natural landscape;
- Incongruent audible changes – increase in noise levels above an acceptable standard in areas known for their quiet,
- contemplative experience;
- Incongruent atmospheric changes – introduction of lights that create sky glow in an area with a dark night sky;
- Work on a building with significant tribal association;
- Transfer, lease or sale of a historic property of religious and cultural significance.

The Mescalero Apache Tribe of the Mescalero Reservation and the Comanche Nation are federally recognized tribes that may have an interest of religious and cultural significance in Bexar County. The City shall engage both tribes in the review of several projects that in the types of activities that may have the potential to affect religious and cultural significance.

Standards for Documenting Endangered Species

The City shall conduct an evaluation of the federally listed species during the Environmental Review process by attaching and reviewing the following:

Endangered Species Review	
Document Type	Regulatory Agency Contact
Current list of endangered and threatened species located in Bexar County	US Fish and Wildlife Service (USFWS) & Texas Wildlife Department (TPWD)
TPWD Natural Diversity Database (NDD) w/review of maps and Element Occurrence Records (EOR)	Texas Wildlife Department (TPWD)
U.S. Geological Survey (USGS) Map	U.S. Geological Services (USGS)
Karst Zone Maps	US Fish and Wildlife Service (USFWS)

GMA staff shall ensure that each project will provide a table providing the listing status of each threatened or endangered species, the species habitat description, acknowledgement regarding the presence or absence of suitable habitat, and project effect.

GMA staff shall review the course of action needed for the Endangered Species section of the Environmental Review Record and utilize the resources as outlined in the Environmental Review Policy.

In our evaluation, if it is determined that the project has “No Effect”, GMA staff shall issue a memo to the Environmental Record.

Standards for Endangered Species - Formal vs. Informal Consultation

Formal Consultation

In our evaluation, if it is determined that the project “may affect” one or more listed species in the project area, GMA shall immediately initiate formal consultation with the Service for verification of impact to ensure compliance with the Endangered Species Act.

Based upon professional findings, GMA staff shall notate the Statutory Checklist and make a final decision concerning the pursuit of the proposed activity. GMA staff will notify USFWS of its final decision to ensure that compliance efforts and regulatory requirements are maintained.

Informal Consultation

Informal consultation shall be requested with the USFWS in the early stages of project planning. If the Federal agency, after discussions with the USFWS, determines that the proposed action is not likely to affect any listed species in the action area, and the USFWS concurs, the informal consultation is complete and the City shall move ahead with the proposed project.

Standards for Noise

Methodology Review

GMA staff shall evaluate the noise environments for each proposed project against roadway, airport, and railway noise sources utilizing the U.S. Department of Housing and Urban Development (HUD) noise assessment guidelines. The following measures shall be considered in the noise methodology review of each proposed project.

1. Utilize Noise Assessment Locations (NALs) within each site, as prescribed in Section 51.103(c) to calculate distances to surrounding noise sources.
2. Examine the totality of sources for Roadway, Airport, and Railway categories along with noise sources contributing to noise at the NAL site location.
3. Utilize the HUD Noise Guidebook and Online DNL Calculator Tool to determine site noise levels.
4. Evaluate Major Airports within 15 miles of proposed project site containing a projected/calculated noise contour or flight path perpendicular to any NAL on the project side within three times the length of the airport's 65 dB contour to the flight path or runway.
5. Evaluate railroad lines within 3000' and/or within a line sight to any NAL on the project site.
6. Evaluate installations causing loud impulsive sounds near the project site (if applicable).

For City of San Antonio HUD assisted activities, roadway traffic projections between 15-20 years into the future are used to calculate the external noise environment. HUD Section 51.106(e) requires evaluation of conditions at least 10 years into the future, where possible.

Noise Attenuation Analysis

GMA staff shall conduct a noise attenuation analysis including the calculation of attenuation measures in the following order:

1. Noise Barriers
2. Site Design
3. Acoustical Construction

Noise Barrier Analysis shall utilize proposed and/or future site development plans, GIS-derived site measurements, and the HUD Barrier Performance Module to calculate noise attenuation. Once the noise barrier attenuation level is calculated for each project site, the values should be entered into the original HUD DNL Calculator. The resultant level shall determine the overall DNL level for each project site (the Noise Zone category) and guided the recommended noise attenuation measures.

If the barriers reduced exterior noise levels to 65 DNL or below, no additional attenuation measures or approvals shall be required.

Per HUD Noise Regulations Section 51.101(a)(3), HUD support for new construction, HUD considers site preparation for future construction. HUD assistance is prohibited for projects with Unacceptable noise exposures and is discouraged for projects with Normally Unacceptable noise exposure.

As indicated in Section 51.103, For new construction of noise sensitive uses, noise exposure in the Normally Unacceptable Range requires special environmental approval. Special environmental approval is normally interpreted as requiring an environmental assessment. New construction of noise sensitive uses with noise exposure in the Unacceptabl Noise range (> 75 dB) requires an environmental impact statement (EIS). The Certifying has the authority to approve a waiver from the EIS requirement. However, noise attenuation measures are still required and are not waived as part of the EIS waiver.

Standards for Site Contamination

If the proposed site has been the subject of a contamination cleanup prior to completion of an EA, and No Further Action Required letter from the appropriate regulatory oversight authority must be included in the ERR which confirms that the site has been remediated to appropriate levels for the intended use of the property.

If a project site for HUD assistance is found to be contaminated, prior to reaching a FONSI and submitting a RROF, the RE must submit:

- a. Fully characterize site contamination based on accepted industry practice;
- b. Develop a remediation plan with a firm cost estimate;
- c. Obtain approval of the plan from the appropriate regulatory oversight agency; and
- d. Provide evidence of a secure source of funding for remediation plan implementation.

If remediation is to occur after the release of funds, the City must obtain a site closure letter from the appropriate regulatory oversight agency prior to project construction. This documentation shall be maintained in the Environmental Review Record.

If site contamination evaluation identifies an existing continuing obligation or identifies obligations as a remediation measure, these must be indentified in an EA. The EA must require a deed restriction or an environmental lien as a project condition to ensure obligations are maintained throughout the life of the project.

Attachment I

Environmental Review Record

Attachment II

Example 8 Step Public Notices and Documentation Template

Early Notice and Public Review of a Proposed Activity in a 100-Year Floodplain

Note: May also be combined with other notices such as state floodplain or wetland notices so long as it contains the required information.

To: All interested Agencies *[include all Federal, State, and Local]*, Groups and Individuals

This is to give notice *that [Responsible Entity under Part 58]* has conducted an evaluation as required by *[Executive Order 11988 and/or 11990]*, in accordance with HUD regulations at 24 CFR 55.20 Subpart C Procedures for Making Determinations on Floodplain Management, to determine the potential affect that its activity in the floodplain and wetland will have on the human environment for *[Program Name]* under *[HUD grant or contract number]*. *[Describe the activity, e.g. purpose, type of assistance, the size of the site, proposed number of units, size of footprint, type of floodplain, natural values]*. *[State the total number of acres of floodplains involved]*. The proposed project(s) is located *[at addresses]* in *[Name of City]*, *[Name of County]*.

There are three primary purposes for this notice. First, people who may be affected by activities in floodplains and those who have an interest in the protection of the natural environment should be given an opportunity to express their concerns and provide information about these areas. Second, an adequate public notice program can be an important public educational tool. The dissemination of information about floodplains can facilitate and enhance Federal efforts to reduce the risks associated with the occupancy and modification of these special areas. Third, as a matter of fairness, when the Federal government determines it will participate in actions taking place in floodplains, it must inform those who may be put at greater or continued risk.

Written comments must be received by *[HUD or Responsible Entity]* at the following address on or before *[month, day, year]* *[a minimum 15 calendar day comment period will begin the day after the publication and end on the 16th day after the publication]*: *[HUD or Responsible Entity]*, *[Address]* and *[phone number]*, Attention: *[Name of Certifying Officer]*, *[Title]*, during the hours of 9:00 AM to 5:00 PM. Comments may also be submitted via email at *[email address]*.

Final Notice and Public Explanation of a Proposed Activity in a 100-Year Floodplain

To: All interested Agencies *[include all Federal, State, and Local]*, Groups and Individuals

This is to give notice that the *[Responsible Entity under Part 58]* has conducted an evaluation as required by *[Executive Order 11988 and/or 11990]*, in accordance with HUD regulations at 24 CFR 55.20 Subpart C Procedures for Making Determinations on Floodplain Management, to determine the potential affect that its activity in the floodplain and wetland will have on the human environment for *[Program Name]* under *[HUD grant or contract number]*. The proposed project(s) is located *[at addresses]* in *[Name of City]*, *[Name of County]*. *[Describe the activity, e.g. purpose, type of assistance, the size of the site, proposed number of units, size of footprint, type of floodplain, natural values]*. *[State the total number of acres of floodplains involved]*.

[Responsible Entity] has considered the following alternatives and mitigation measures to be taken to minimize adverse impacts and to restore and preserve natural and beneficial values: *[and reasons (quantitatively based if possible) for non-selection, (iii) all mitigation measures to be taken to minimize adverse impacts and to restore and preserve natural and beneficial values]* *[Cite the date of any final or conditional LOMR's or LOMA's from FEMA where applicable]* *[Acknowledge compliance with state and local floodplain protection procedures]*

[Responsible Entity] has reevaluated the alternatives to building in the floodplain and has determined that it has no practicable alternative. Environmental files that document compliance with steps 3 through 6 of *[Executive Order 11988 and/or 11990]*, are available for public inspection, review and copying upon request at the times and location delineated in the last paragraph of this notice for receipt of comments. This activity will have no significant impact on the environment for the following reasons:

[Give reasons why there is no significant impact]

There are three primary purposes for this notice. First, people who may be affected by activities in floodplains and those who have an interest in the protection of the natural environment should be given an opportunity to express their concerns and provide information about these areas. Second, an adequate public notice program can be an important public educational tool. The dissemination of information about floodplains can facilitate and enhance Federal efforts to reduce the risks associated with the occupancy and modification of these special areas. Third, as a matter of fairness, when the Federal government determines it will participate in actions taking place in floodplains, it must inform those who may be put at greater or continued risk.

Written comments must be received by the *[Responsible Entity]* at the following address on or before *[month, day, year]* *[a minimum 7 calendar day comment period will begin the day after the publication and end on the 8th day after the publication]*: *[Name of Administrator]*, *[Address]* and *[phone number]*, Attention: *[Name of Certifying Officer]*, *[Title]*, during the hours of 9:00 AM to 5:00 PM. Comments may also be submitted via email at *[email address]*.

8 Step Decision Making Process for Projects in the Floodplain

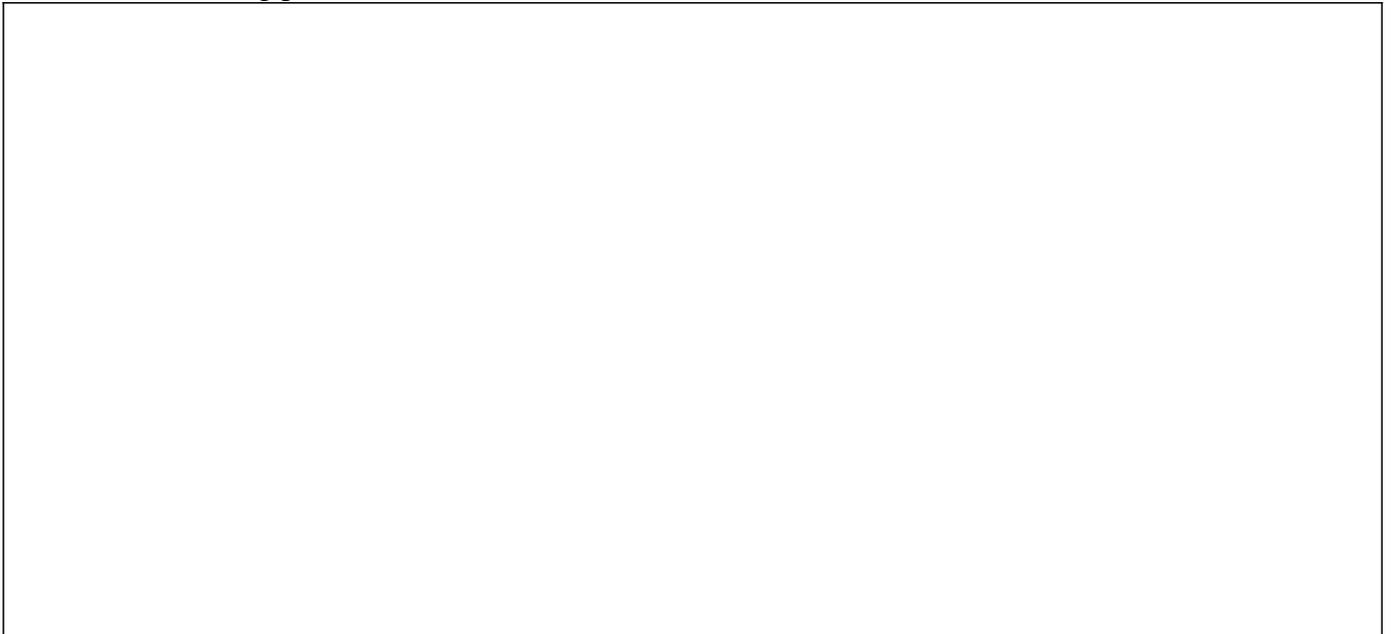
Attach to Environmental Review Record (if applicable)

Public Notices Attached

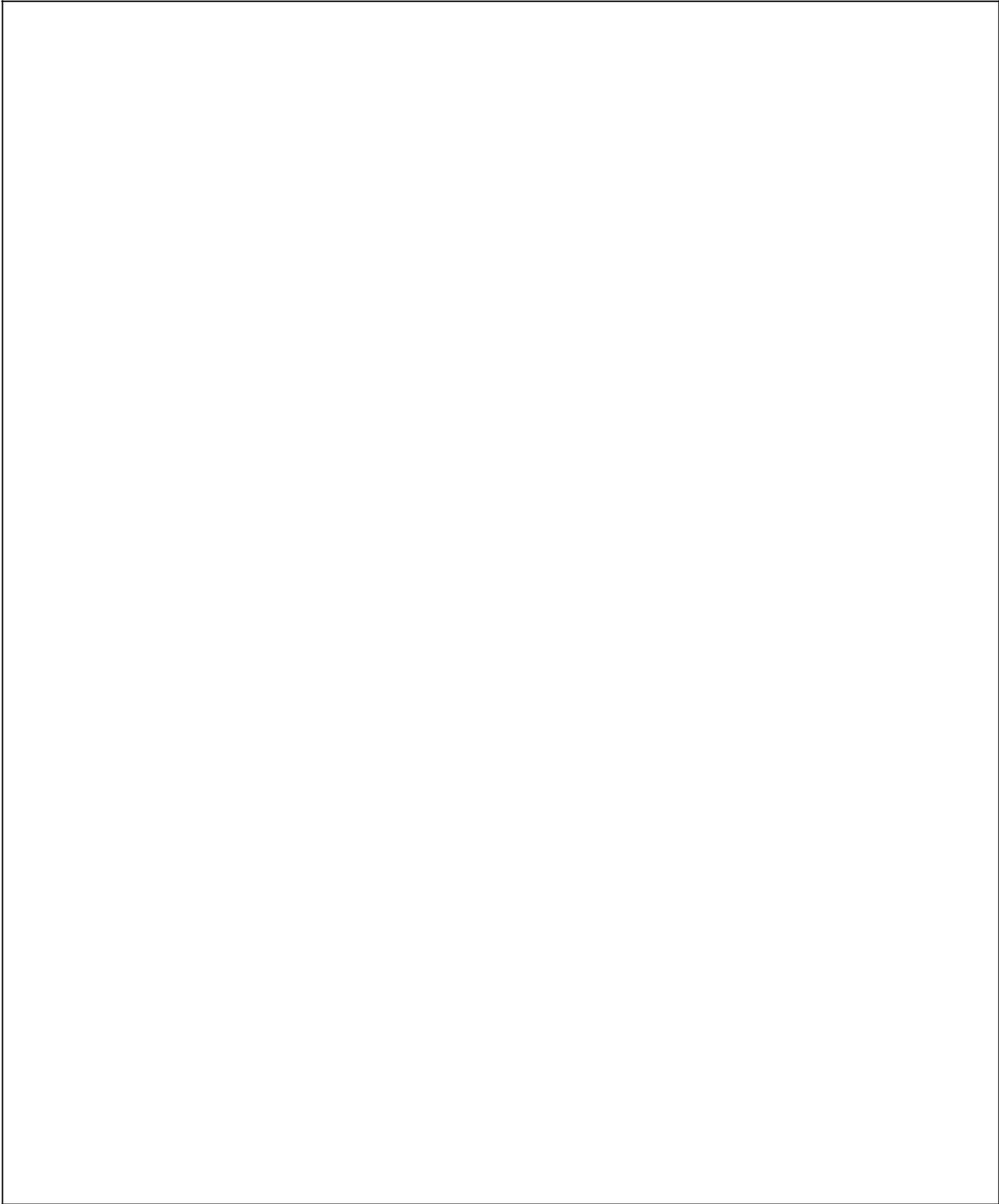
Step 1: Determine whether the action is located in a 100-year floodplain (or a 500-year floodplain for critical actions).



Step 2: Notify the public for early review of the proposal and involve the affected and interested public in the decision making process.



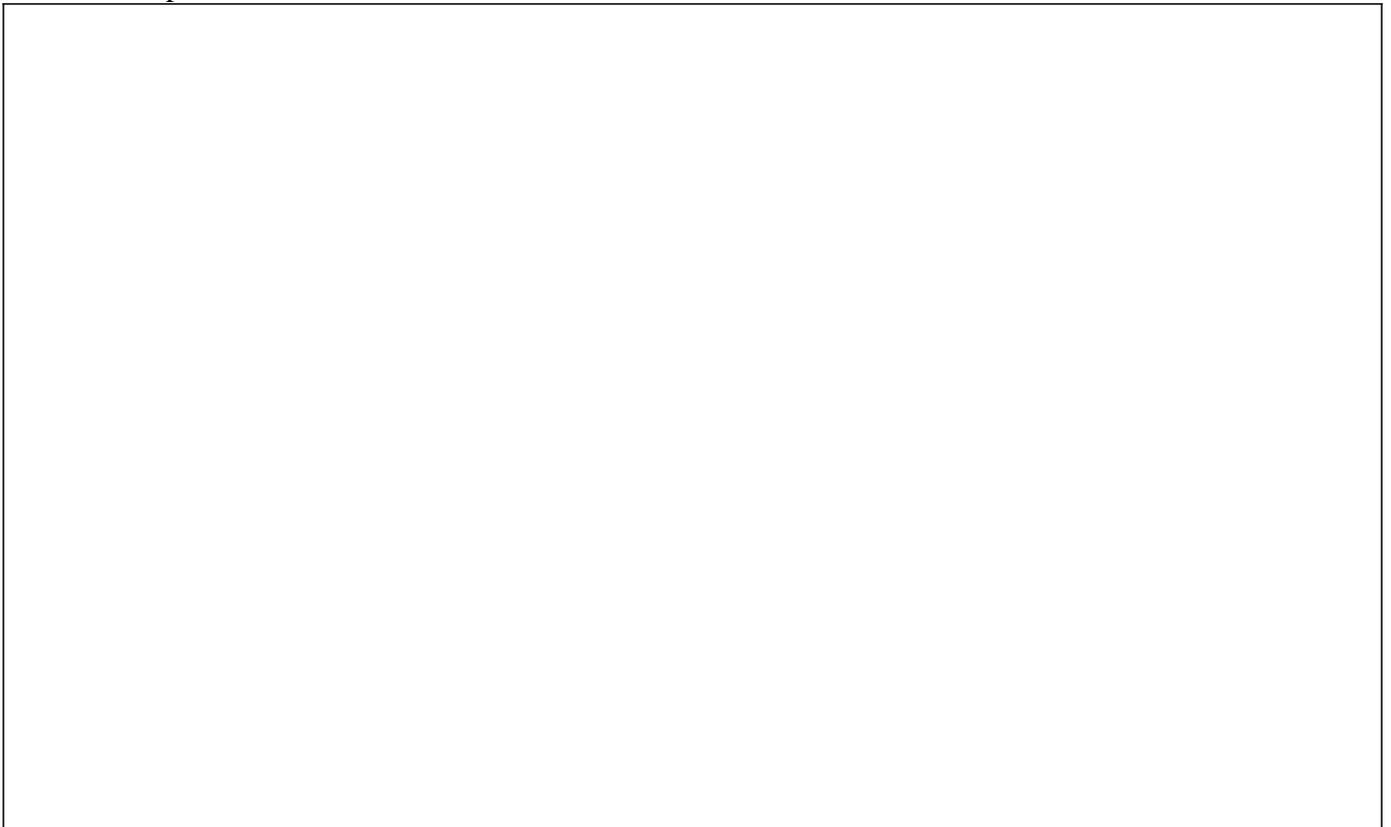
Step 3: Identify and evaluate practicable alternatives.

A large, empty rectangular box with a thin black border, occupying most of the page. It is intended for the user to identify and evaluate practicable alternatives as part of Step 3.

Step 4: Identify Potential Direct and Indirect Impacts of Associated with Floodplain Development.



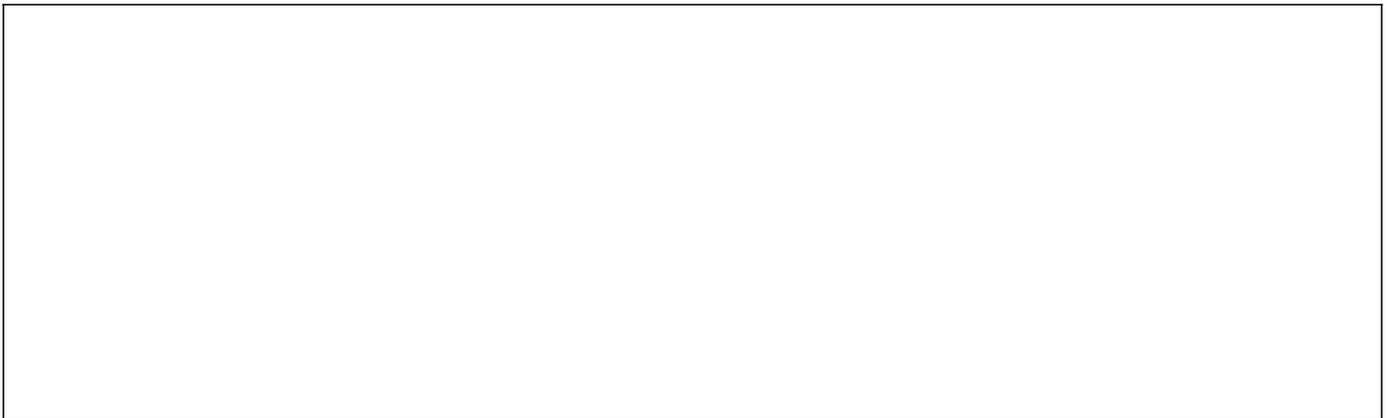
Step 5: Where practicable, design or modify the proposed action to minimize the potential adverse impacts to lives, property, and natural values within the floodplain and to restore, and preserve the values of the floodplain.



Step 6: Re-evaluate the Alternatives.



Step 7: Determination of No Practicable Alternative



Step 8: Implement the Proposed Action



Attachment III

Example NOI/RROF/FONSI related notices

Notice of Intent to Request Release of Funds

The language below is HUD's recommended wording of the Notice of Intent to Request Release of Funds. This Notice is used to request the environmental release of funds for Categorically Excluded projects (24 CFR Part 58, §58.35(a)) or for projects for which a Notice of Finding of No Significant Impact was previously issued. Words in **bold type** are required language. Words in *italics* are to be replaced by language appropriate to the particular project and Responsible Entity.

NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS

Date of Publication: *[date published]*

Name of Responsible Entity (RE)
Address (e.g., Street No. or P.O. Box)
City, State, Zip Code
Telephone Number of RE

On or after *at least one day after the end of the comment period* **the name of RE will** *if the RE is not also the grant recipient, insert the following language here: "authorize the [name of grant recipient] to"* **submit a request to the HUD/State administering agency for the release of name of grant program funds under Title/Section [xx] of the name of the appropriation Act of [year], as amended, to undertake the following project:**

Project Title: *project name*

Purpose: *Summarize purpose and need for the project*

Location: *Provide address, map identification and map coordinates (Note: ensure there is enough information about the location for the public to either use Google Earth or to physically locate the project; i.e. if a street address is not available provide map coordinates)*

Project Description: *Describe what the project is, the surrounding environment, what is going to be done and how.*

Project Issues: *Describe all project issues that require mitigation, consultation, permits or project to be conditioned*

Mitigation Measures/Conditions/Permits (if any): *Describe mitigation measures, conditions on project or required permits for above project issues*

Estimated Project Cost: *Include HUD funding & total estimated project cost*

The activities proposed project *[language option #1]: is categorically excluded under HUD regulations at 24 CFR Part 58 from National Environmental Policy Act (NEPA) requirements. OR [language option #2]: A Finding of No Significant Impact on the environment for this project was [published/posted] on [date of Finding publication/posting]. **An Environmental Review Record (ERR) that documents the environmental determinations for this project is on file at name and address of RE office where ERR can be examined and name and address of other locations where the record is available for review and may be examined or copied weekdays __A.M to __P.M.***

PUBLIC COMMENTS

Any individual, group, or agency may submit written comments on the ERR to the RE designated office responsible for receiving and responding to comments. All comments received by if notice is published: notice date plus seven days; if notice is mailed and posted: mailing and posting date plus ten days will be considered by the name of RE prior to authorizing submission of a request for release of funds.

RELEASE OF FUNDS

The name of RE certifies to HUD/State that name of Certifying Officer in his/her capacity as Official Title consents to accept the jurisdiction of the Federal Courts if an action is brought to enforce responsibilities in relation to the environmental review process and that these responsibilities have been satisfied. HUD's/State's approval of the certification satisfies its responsibilities under NEPA and related laws and authorities and allows the name of grant recipient to use HUD program funds.

OBJECTIONS TO RELEASE OF FUNDS

HUD/State will accept objections to its release of fund and the RE's certification for a period of fifteen days following the anticipated submission date or its actual receipt of the request (whichever is later) only if they are on one of the following bases: (a) the certification was not executed by the Certifying Officer of the name of RE; (b) the RE has omitted a step or failed to make a decision or finding required by HUD regulations at 24 CFR part 58; (c) the grant recipient or other participants in the development process have committed funds, incurred costs or undertaken activities not authorized by 24 CFR Part 58 before approval of a release of funds by HUD/State; or (d) another Federal agency acting pursuant to 40 CFR Part 1504 has submitted a written finding that the project is unsatisfactory from the standpoint of environmental quality. Objections must be prepared and submitted in accordance with the required procedures (24 CFR Part 58, Sec. 58.76) and shall be addressed to HUD/State administration office at address of that office. Potential objectors should contact HUD/State to verify the actual last day of the objection period.

Name and Title of RE Certifying Officer

Combined Notice of Finding of No Significant Impact and Notice of Intent to Request Release of Funds

The language below is HUD's recommended wording of the combined Notice of Finding of No Significant Impact and Notice of Intent to Request Release of Funds. This Notice is used for projects requiring an Environmental Assessment (24 CFR Part 58, §58.36). Words in bold type are required language. Words in italics are to be replaced by language appropriate to the particular project and Responsible Entity.

NOTICE OF FINDING OF NO SIGNIFICANT IMPACT AND NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS

Date of Publication: *[date published]*
Name of Responsible Entity (RE)
Address (e.g., Street No. or P.O. Box)
City, State, Zip Code
Telephone Number of RE

These notices shall satisfy two separate but related procedural requirements for activities to be undertaken by the name of RE or grant recipient.

REQUEST FOR RELEASE OF FUNDS

On or after at least one day after the end of the comment period the name of RE will if the RE is not also the grant recipient, insert the following language here: "authorize the [name of grant recipient] to" submit a request to the HUD/State administering agency for the release of name of grant program funds under Title/Section [xx] of the name of the appropriation Act of [year], as amended, to undertake the following project:

Project Title: *project name*

Purpose: *Summarize purpose and need for the project*

Location: *Provide address, map identification and map coordinates (Note: ensure there is enough information about the location for the public to either use Google Earth or to physically locate the project; i.e. if a street address is not available provide map coordinates)*

Project Description: *Describe what the project is, the surrounding environment, what is going to be done and how.*

Project Issues: *Describe all project issues that require mitigation, consultation, permits or project to be conditioned*

Mitigation Measures/Conditions/Permits (if any): *Describe mitigation measures, conditions on project or required permits for above project issues*

Estimated Project Cost: *Include HUD funding & total estimated project cost*

FINDING OF NO SIGNIFICANT IMPACT

The name of RE has determined that the project will have no significant impact on the human environment. Therefore, an Environmental Impact Statement under the National Environmental Policy Act of 1969 (NEPA) is not required. Additional project information is contained in the Environmental Review Record (ERR) on file at name and address of RE office where ERR can be examined and name and address of other locations where the record is available for review and may be examined or copied weekdays __A.M to __P.M.

PUBLIC COMMENTS

Any individual, group, or agency may submit written comments on the ERR to the RE designated office responsible for receiving and responding to comments. All comments received by if notice is published: publication date plus fifteen days; if notice is mailed and posted: mailing and posting date plus eighteen days will be considered by the name of RE prior to authorizing submission of a request for release of funds. Comments should specify which Notice they are addressing.

RELEASE OF FUNDS

The name of RE certifies to HUD/State that name of Certifying Officer in his/her capacity as Official Title consents to accept the jurisdiction of the Federal Courts if an action is brought to enforce responsibilities in relation to the environmental review process and that these responsibilities have been satisfied. HUD's/State's approval of the certification satisfies its responsibilities under NEPA and related laws and authorities and allows the name of grant recipient to use HUD program funds.

OBJECTIONS TO RELEASE OF FUNDS

HUD/State will accept objections to its release of fund and the RE's certification for a period of fifteen days following the anticipated submission date or its actual receipt of the request (whichever is later) only if they are on one of the following bases: (a) the certification was not executed by the Certifying Officer of the name of RE; (b) the RE has omitted a step or failed to make a decision or finding required by HUD regulations at 24 CFR part 58; (c) the grant recipient or other participants in the development process have committed funds, incurred costs or undertaken activities not authorized by 24 CFR Part 58 before approval of a release of funds by HUD/State; or (d) another Federal agency acting pursuant to 40 CFR Part 1504 has submitted a written finding that the project is unsatisfactory from the standpoint of environmental quality. Objections must be prepared and submitted in accordance with the required procedures (24 CFR Part 58, Sec. 58.76) and shall be addressed to HUD/State administration office at address of that office. Potential objectors should contact HUD/State to verify the actual last day of the objection period.

Name and Title of RE Certifying Officer

Attachment IV

Example EPA Cover Notification

Date

Rhonda Smith
US EPA Region 6
1445 Ross Avenue, Suite 1200
Mail Code 6EN
Dallas, TX 75202-2733

RE: NEPA Environmental Assessment FONSI Notification – Project Name

Ms. Smith:

The City of San Antonio, in accordance with the U.S Department of Housing and Urban Development (HUD) Region 6 Environmental Compliance Guidebook (December 2012), is providing notification to the Environmental Protection Agency (EPA) that the City has issued a Finding of No Significant Impact for the PROJECT NAME/Provide description of the project.

Upon receipt of the HUD Authority to Use Grant Funds, the city intends to State Action. The project is funded with \$X in Grant funds, as approved by the San Antonio City Council. In addition, as required by HUD regulations at 24 CFR Part 58, the city is publishing the combined Notice of Finding of No Significant Impact and Notice of Intent to Request a Release of Funds in the San Antonio Express News, a newspaper of general circulation, on Date. A copy of the notice has also been provided.

If the City of San Antonio does not receive a written response within 15 days of the date of this notice, the City will assume there are no issues and will proceed with issuing the Request for Release of Funds to HUD. The EPA may submit comments or objections directly to HUD within 15 days after the Request for Release of Funds is received by HUD.

Please contact staff name, staff title at 210-207-XXXX, if you have any questions or concerns.

Sincerely

Name

Grants Administrator

Attachment V

HUD Form 7015.15

Attachment VI

HUD CPD Notice 12-006

Attachment VII

Edwards Aquifer EPA Consultation

Attachment VIII

HUD Environmental Guide (May 2014)