

# Partner Engineering & Science, Inc.

**Engineering, Environmental and Energy Consulting  
Commercial Real Estate Due Diligence**



**“Engineers who understand your business.”**

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# HUD Floodplain & Wetlands Regulations



Lumberton, N.C.  
September 2018

## **24 CFR Part 55** – Floodplain Management & Protection of Wetlands

- Implements Executive Order 11988 for Floodplain Management
- Implements Executive Order 11990 for Protection of Wetlands

# MAP Guide Highlights

- Project must comply with Part 55 if any part of the site *or integral offsite development* (e.g. ingress, egress, parking) is located within floodplain
- Unless an exception applies, HUD will not approve projects in:
  - Floodways,
  - Coastal high hazard areas, or
  - Floodplains if community does not participate in NFIP (see MAP 9.5.E.2)
- New construction/major improvements: HUD **strongly discourages** projects in the 100-year floodplain
- Refinances/minor improvements: HUD **discourages** projects where lowest floor, life support facilities, or egress/ingress are more than 12" below base flood elevation
- HUD will consider history or evidence of flooding even if site is not in a FEMA-designated floodplain

# Part 55 Requirements

Projects located in a floodplain must be processed under §55.20 (“The 8-Step Process”) unless an exception applies to the project type

Type of proposed action (new reviewable action or an amendment) <sup>1</sup>	Type of proposed action			
	Floodways	Coastal high hazard areas	Wetlands or 100-year floodplain outside coastal high hazard area and floodways	Nonwetlands area outside of the 100-year and within the 500-year floodplain
Critical Actions as defined in §55.12(b)(2)	Critical actions not allowed.	Critical actions not allowed.	Allowed if the proposed critical action is processed under §55.20. <sup>2</sup>	Allowed if the proposed critical action is processed under §55.20. <sup>2</sup>
Noncritical actions not excluded under §55.12(b) or (c)	Allowed only if the proposed non-critical action is a functionally dependent use and processed under §55.20. <sup>2</sup>	Allowed only if the proposed noncritical action is processed under §55.20 <sup>2</sup> and is (1) a functionally dependent use, (2) existing construction (including improvements), or (3) reconstruction following destruction caused by a disaster. If the action is not a functionally dependent use, the action must be designed for location in a Coastal High Hazard Area under §55.1(c)(3)	Allowed if proposed noncritical action is processed under §55.20. <sup>2</sup>	Any noncritical action is allowed without processing under this part.



# Purpose of Part 55

- Every Project Must Comply with Part 55
- HUD's Doctrine of **avoidance**
  - **Avoid** adverse impacts associated with the occupancy and modification of floodplains
  - **Avoid** support of floodplain development whenever there are practicable alternatives

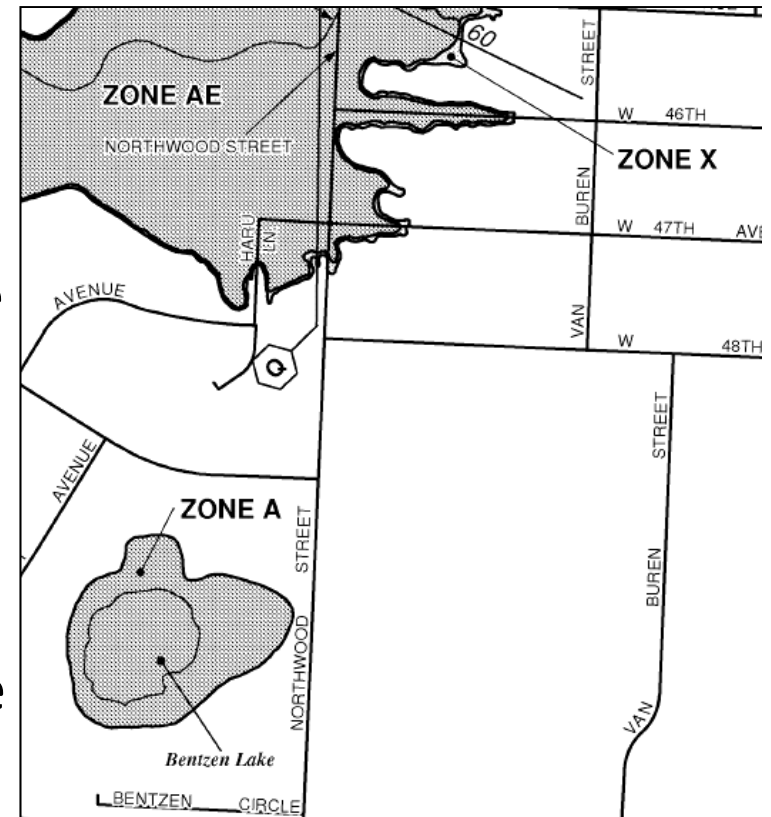


Lumberton, N.C.

# 100-Year Floodplain

## 100-year floodplain (§ 55.2(b)(9))

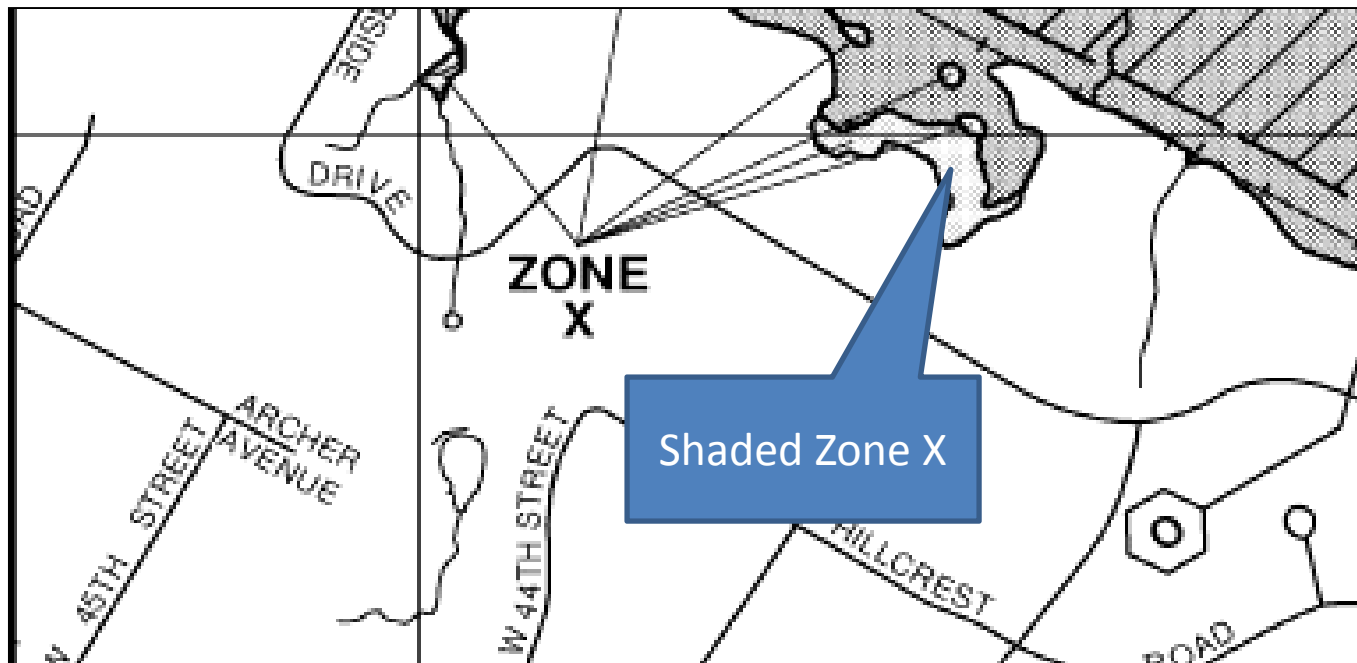
- Aka, *Special Flood Hazard Area* (SFHA)
- Areas with a 1% chance of flooding each year *if* maps are functioning perfectly
  - 26% chance over a 30-year mortgage
- FEMA designated as **Zone A**
- Current FEMA maps are backward looking
  - Studies have predicted that actual risk will increase as current maps age



# 500-Year Floodplain

## 500-year floodplain (§ 55.2(b)(4))

- Areas with 0.2% annual chance of flooding (6% chance over a thirty-year mortgage)
- FEMA designated as **Zone B** or **Zone X (shaded)**
- Minimum floodplain of concern for “Critical Actions”



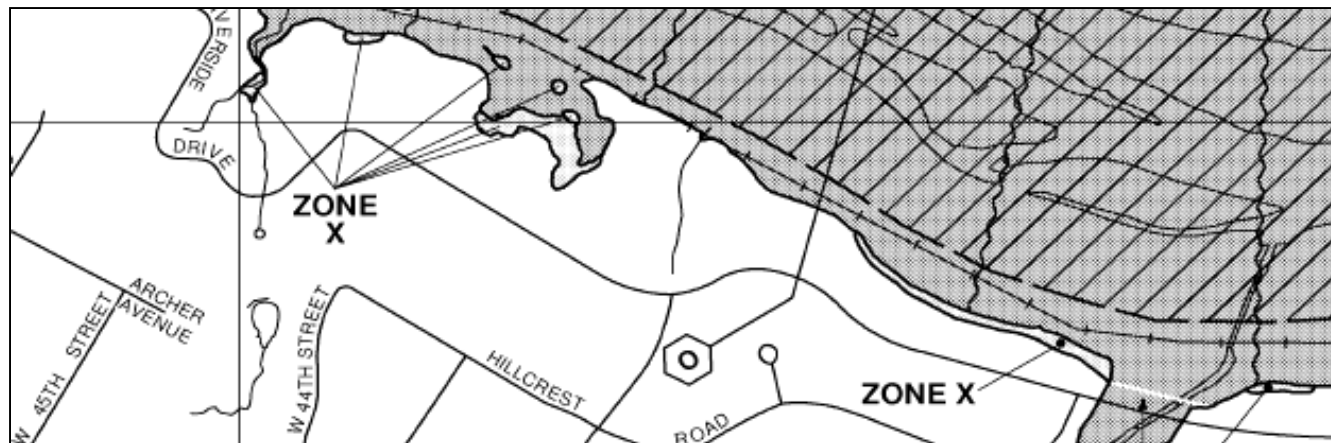
# Floodway

## Floodway (§ 55.2(b)(5))

- The portion of the floodplain which is effective in carrying flow, where the flood hazard is generally the greatest, and where water depths and velocities are the highest.

## No HUD assistance may be approved for use in a floodway, except:

- Functionally dependent uses
  - Housing is NEVER a functionally dependent use
- Floodplain function restoration activities
- Activities excepted under 55.12(c)

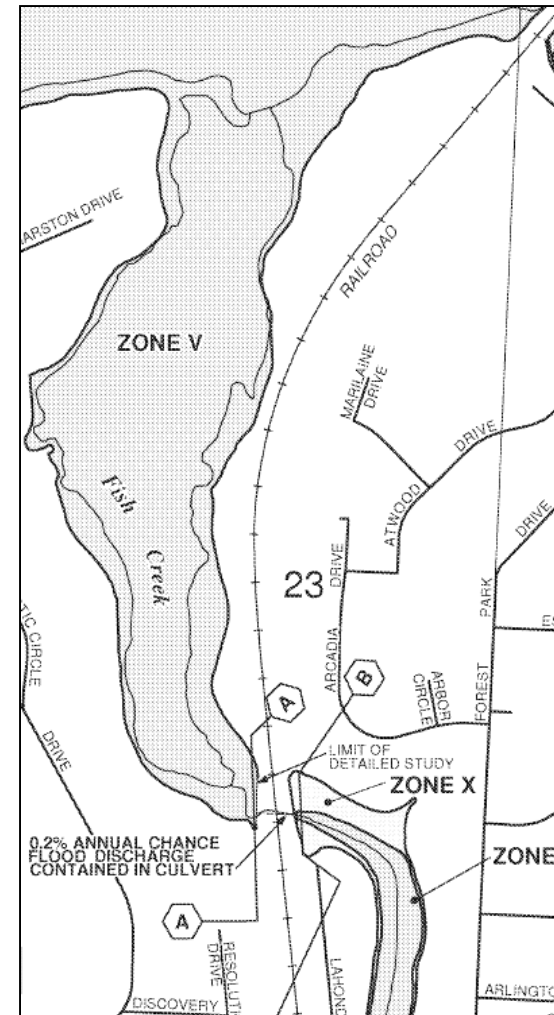




# Coastal High Hazard Area

## Coastal High Hazard Area (§ 55.2(b)(1))

- The area subject to high velocity waters, including hurricane wave wash and tsunamis
- FEMA designated as **Zone V**
- **STOP** - Critical Actions and New Construction are not allowed
  - Chapter 9 of the MAP Guide also prohibits projects involving rehab (9.5.E.2)
- Any activities must be designed for location in a Coastal High Hazard Area under §55.1(c)(3)



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# Critical Actions

## **Critical Action** (§ 55.2(b)(3))

- Any activity for which even a slight chance of flooding would be too great, because such flooding might result in loss of life, injury to persons, or damage to property
- Examples:
  - Utilities, **roadways** providing sole egress from flood-prone areas
  - **Hospitals, nursing homes, assisted living**
  - **All** § 232 and § 242 projects
  - *But Not* housing for independent living for the elderly

**Critical actions shall not be approved in floodways or coastal high hazard areas**

- Otherwise, 8-Step Process required in 500- and 100-year floodplains

# Floodplain – Preliminary FIRMS

The screenshot shows the FEMA Map Service Center website. The browser address bar displays <https://hazards.fema.gov/femaportal/prelimdownload/>. The page header includes the FEMA logo and the text "Map Service Center". Below the header, the section "Preliminary FEMA Map Products" is visible, followed by a paragraph of text and a "Disclaimer". The "Search" section contains the instruction "Use the following selection boxes to find your area of interest." and three numbered steps: 1. Select a State, District, or Territory (Colorado is selected), 2. Select a County, Parish, etc. (Denver County is selected), and 3. Get Preliminary FEMA Map Products (button). The FEMA ID 08 and 08031 are displayed next to the selection boxes. The footer contains the text "FEMA.gov | Accessibility | FAQ | Contact Us" and "FEMA Map Service Center, P.O. Box 3167 Oakton, Virginia 22124-9617 Phone: (877) 336-2627".

**Preliminary FEMA Map Products**

Preliminary flood hazard data (preliminary data) provide the public an early look at their home or community's projected risk to flood hazards. Preliminary data may include: new or revised Flood Insurance Rate Maps (FIRM), Flood Insurance Study (FIS) reports, and FIRM Databases. This tool makes nation-wide preliminary data available in a centralized and easily accessible location, along with FEMA's other flood hazard mapping products. For more information about preliminary data, go to FEMA's [Preliminary Flood Hazard Data](#) webpage.

Please note, if you do not see your community's preliminary data, contact the [FEMA Map Information eXchange \(FMIX\)](#) for further support.

**Disclaimer:** Preliminary data are for review and guidance purposes only. By viewing preliminary data and maps, the user acknowledges that the information provided is preliminary and subject to change. Preliminary data, including new or revised FIRMs, FIS reports, and FIRM Databases, are not final and are presented on the MSC as the best information available at this time. Additionally, preliminary data cannot be used to rate flood insurance policies or enforce the Federal mandatory purchase requirement. FEMA will remove preliminary data once effective data are available.

**Search**

Use the following selection boxes to find your area of interest.

1	Select a State, District, or Territory	FEMA ID
	<input type="text" value="Colorado"/>	08
2	Select a County, Parish, etc.	
	<input type="text" value="Denver County"/>	08031
3	<input type="button" value="Get Preliminary FEMA Map Products"/>	

FEMA.gov | Accessibility | FAQ | Contact Us

FEMA Map Service Center, P.O. Box 3167 Oakton, Virginia 22124-9617 Phone: (877) 336-2627

- If a **Preliminary flood map** is available, it **must** be used as “best available information”- *unless* it is less protective than the current FIRM map



# Floodplain – Preliminary FIRMS

**Effective** (current) Flood Insurance Rate Map (FIRM)  
Panel # 3604970379**F**



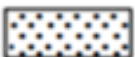
**Preliminary** Flood Insurance Rate Map (FIRM)  
Panel # 3604970379**G**



100-year floodplain



500-year floodplain



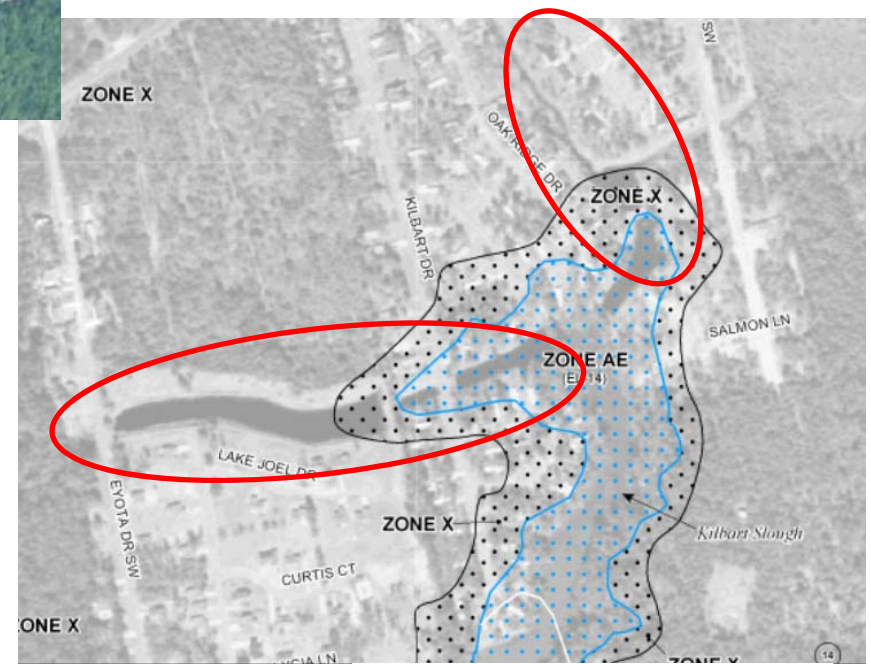
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# Floodplain – Multi-Family 223f



Town of Ocean Isle Beach, N.C.  
Revised FEMA FIRM - 2018

FEMA FIRM, dated June 2, 2006



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# MAP Guide Highlights

- Project must comply with Part 55 if any part of the site *or integral offsite development* (e.g., ingress, egress, parking) is located within floodplain
- New construction/major improvements: HUD **strongly discourages** projects in 100-year floodplain
- Refinances/minor improvements: HUD discourages projects where lowest floor, life support facilities, or egress/ingress are more than 12" below base flood elevation

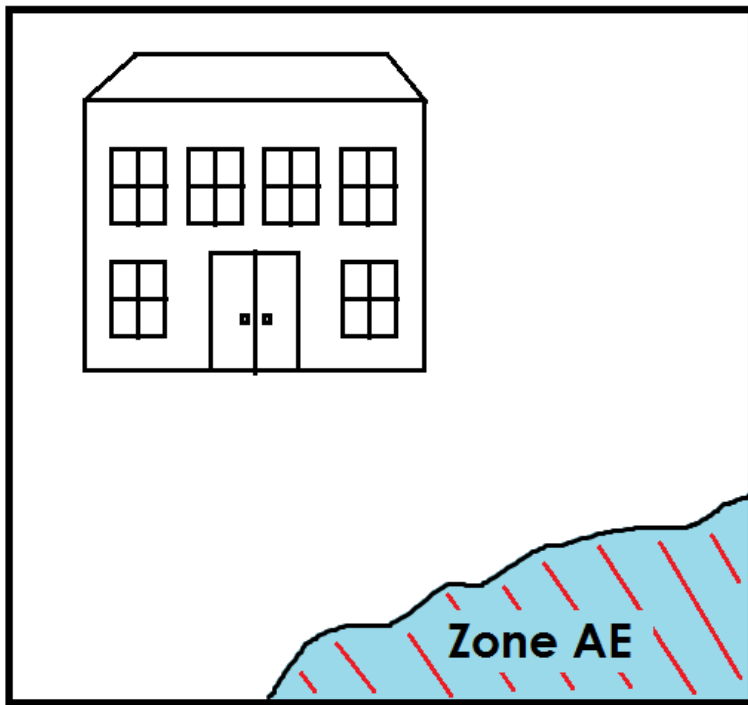
# Incidental Floodplain Exception

§55.12(c)(7): Part 55 does not apply to a site in which an **incidental portion** is situated in an adjacent floodplain or wetland, **but only if**:

- Proposed activities do not occupy or modify the floodplain;
- Provisions are made for site drainage that would not have an adverse effect on any wetland; **and**
- A permanent covenant or comparable restriction is placed on the property's continued use to preserve the floodplain or wetland.

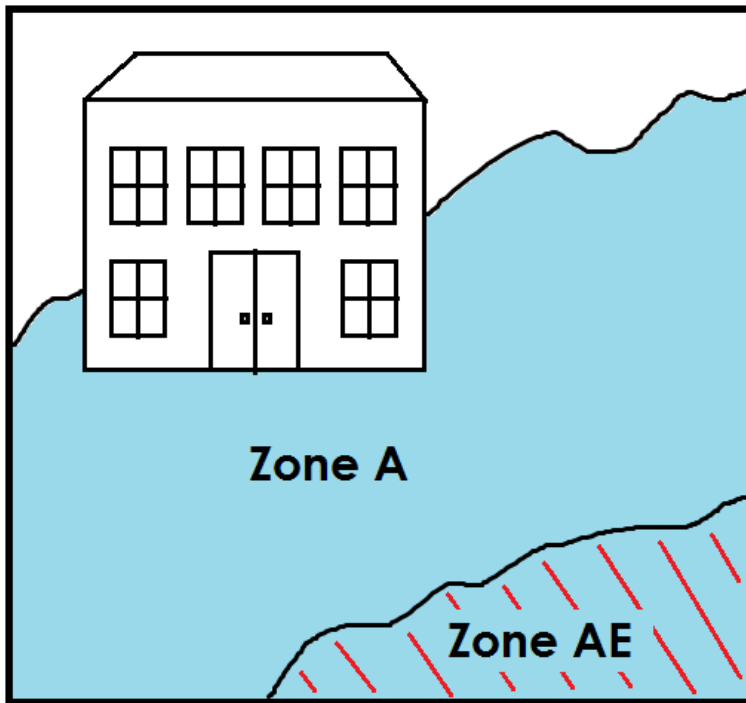


# Incidental Portion of Floodplains



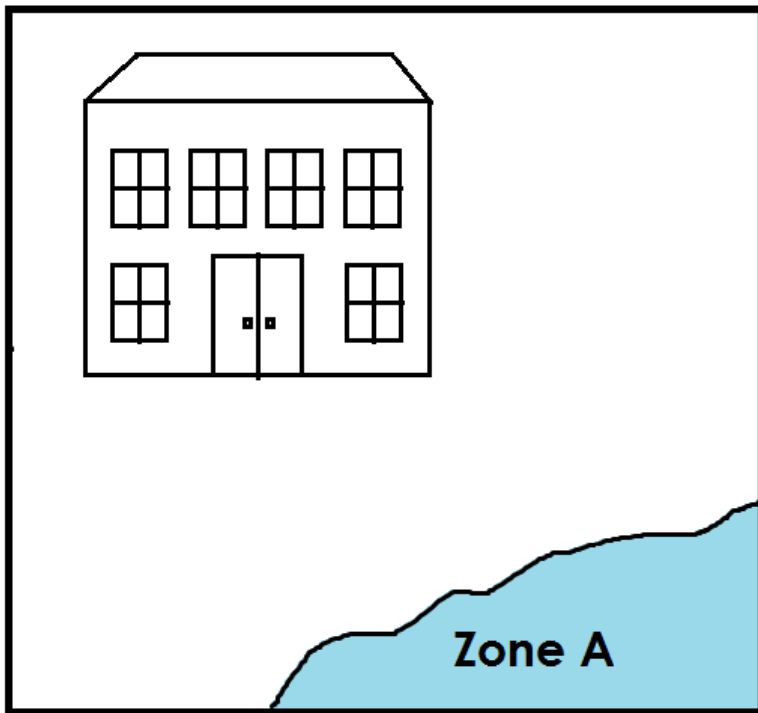
- Graphic shows site contains floodway
- Floodplain is incidental, *if* no access roads cross floodplain
- Project may proceed *IF* all conditions in § 55.12(c)(7) are met

# Incidental Portion of Floodplains



- Site contains a **floodway** and a 100-year floodplain
- Floodplain is NOT incidental
- Project cannot use the 8-Step Process and will be rejected

# Incidental Portion of Floodplains



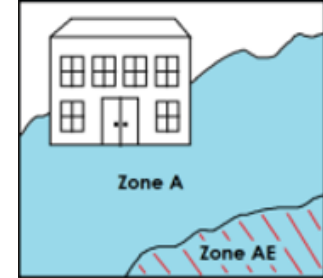
- Site contains 100-year floodplain
- Floodplain is incidental
- Project may proceed either:
  - By meeting conditions in § 55.12(c)(7), OR
  - By completing 8-Step Process



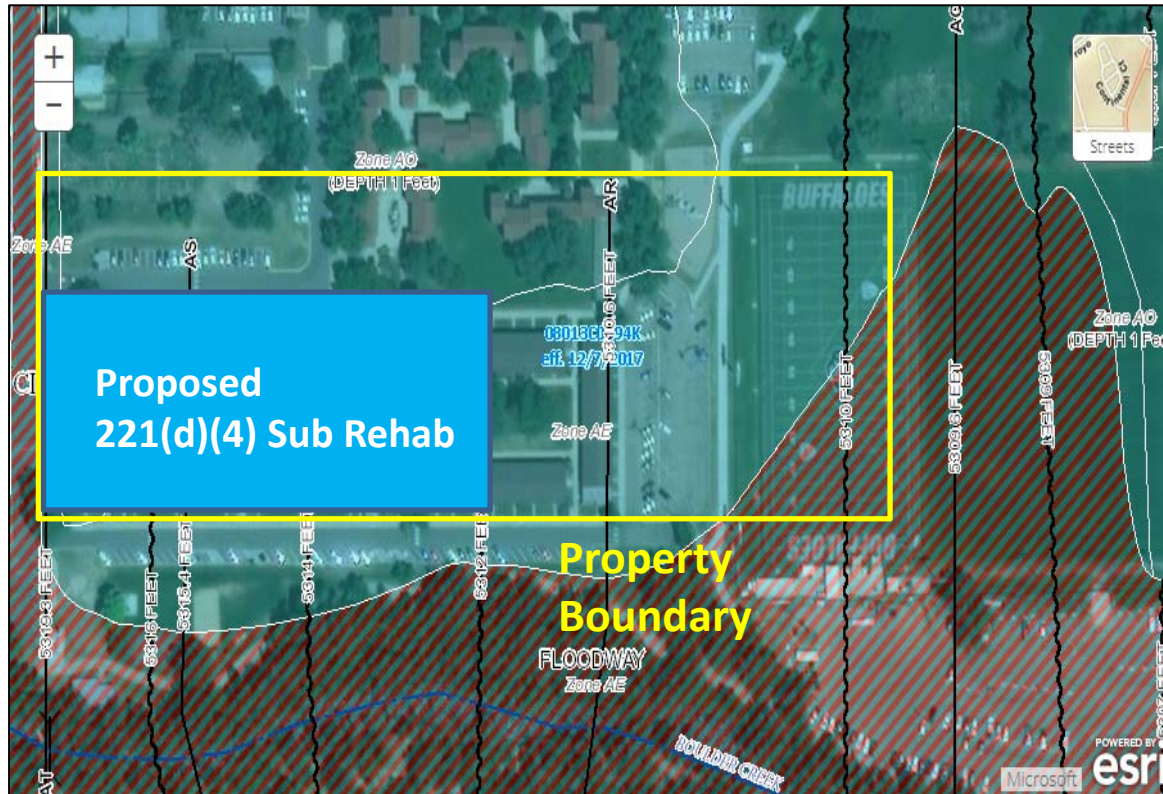
# Incidental Portion - Improvements

**Multifamily Projects:** HUD does not consider **improvements** to be incidental

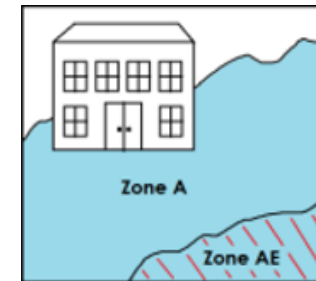
- ▶ In other words, if any improvements (buildings, roads, parking lots, etc.) are located in the floodplain, the property does NOT qualify for the Incidental Portion Exception in § 55.12(c)(7) and thus is subject to the requirements of Part 55



## Scenario: Incidental Portion



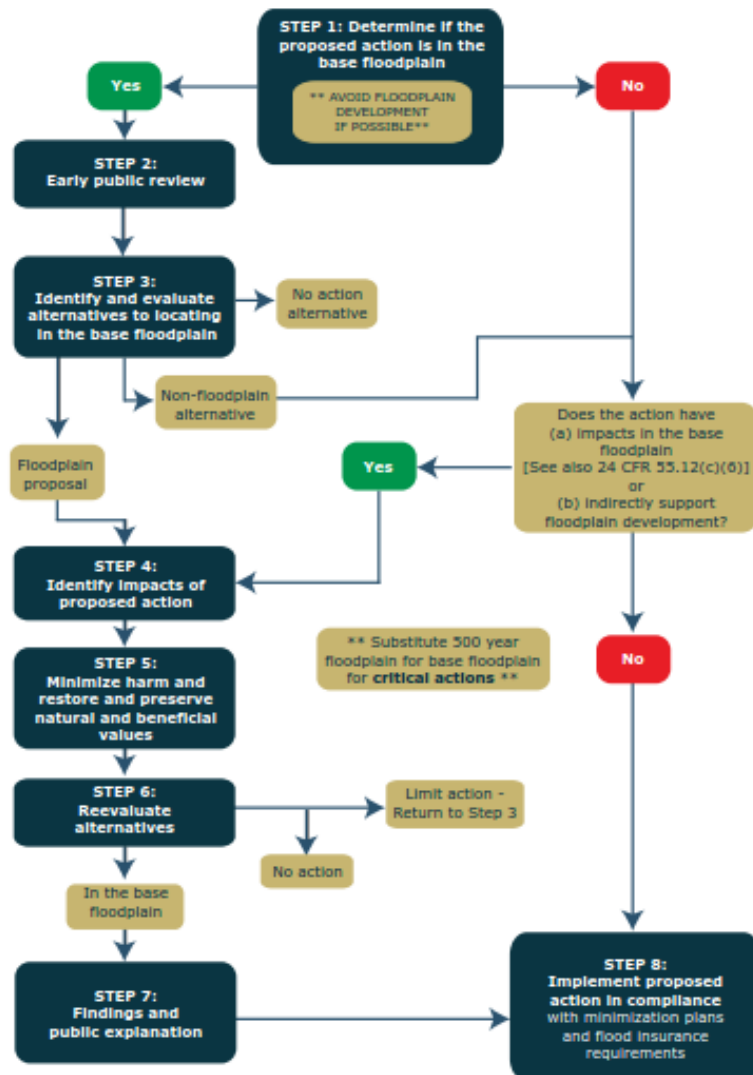
# Project NOT ALLOWED



Property boundary includes Floodplain (SFHA),  
and existing improvements (parking) in Floodway.

# Floodplain Regulations – 223f

## 8- Step Decision-Making Process for Executive Order 11988



“5-Step” does not include:

- Step 2
- Step 3
- Step 7



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# Exceptions to Part 55



Broad Channel Queens, NY  
February 2016

- §55.12(a) → activities that are not required to complete the **full** 8-Step Process, and may instead complete the **Modified 5-Step Process**
  - Steps 2, 3, and 7 do not apply to these activities
- §55.12(b) → activities that are not required to complete the 8-Step Process
- §55.12(c) → activities that are not required to comply with Part 55



# WETLANDS



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# Wetland Laws

**Executive Order 11990, “Protection of Wetlands,” Promulgated at 24 CFR Part 55**

“...**avoid** to the extent possible the long and short term adverse impacts associated with the destruction or modification of wetlands and to **avoid** direct or indirect support of **new construction in wetlands** wherever there is a practicable alternative...”

## **Section 404 of the Clean Water Act**

Dredging or filling wetlands (“Waters of the US”) requires a Section 404 permit from the Army Corps of Engineers

# WETLANDS

## Federal Manual for Identifying and Delineating Jurisdictional Wetlands



AN INTERAGENCY COOPERATIVE PUBLICATION

Fish and  
Wildlife Service

Environmental  
Protection Agency

Department of  
the Army

Soil Conservation  
Service

January 1989

- Screening tool: FWS “National Wetlands Inventory”
- For Delineation: Use this manual from January 1989 – (***not*** 1987 manual)

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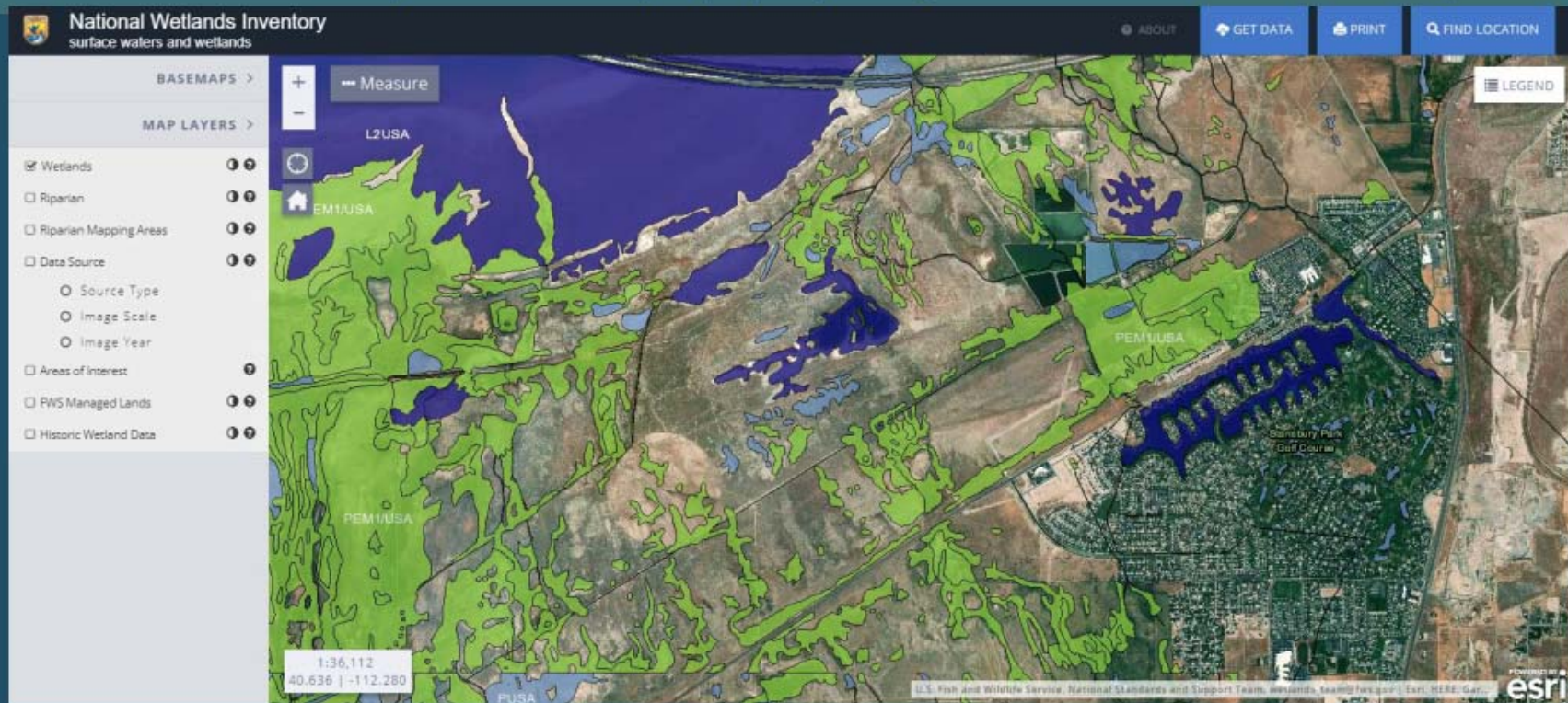
# WETLANDS



U.S. Fish & Wildlife Service

## National Wetlands Inventory

Wetlands are depicted on the subject property during the review of the NWI Online Map



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# WETLANDS

## Cowardin Wetland Definition

Wetlands are lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water.

Wetlands must have one or more of the following three attributes:

1. Land supports predominantly **hydrophytes**
2. Substrate is undrained **hydric soil**, and
3. Substrate is non-soil and is **saturated of with water or covered by shallow water at some time during the growing season each year**

Bonnet Carré Spillway, Jefferson Parish, LA

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# WETLANDS

## Suspect a wetland?

Contact a wetland professional to help navigate you through your responsibilities before discharging in a wetland

### **Wetland professional will:**

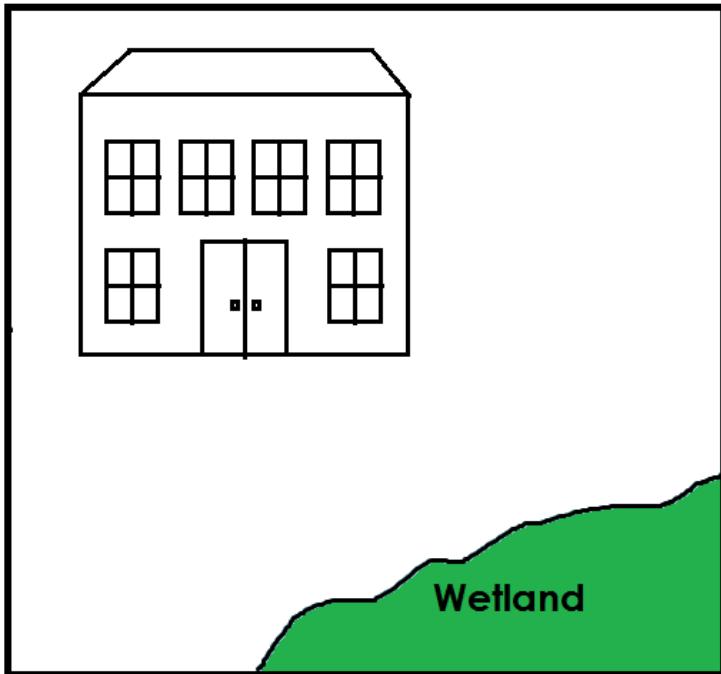
- Conduct a wetland determination
- Conduct wetland delineation
- Assist with permitting and mitigation



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# Wetlands

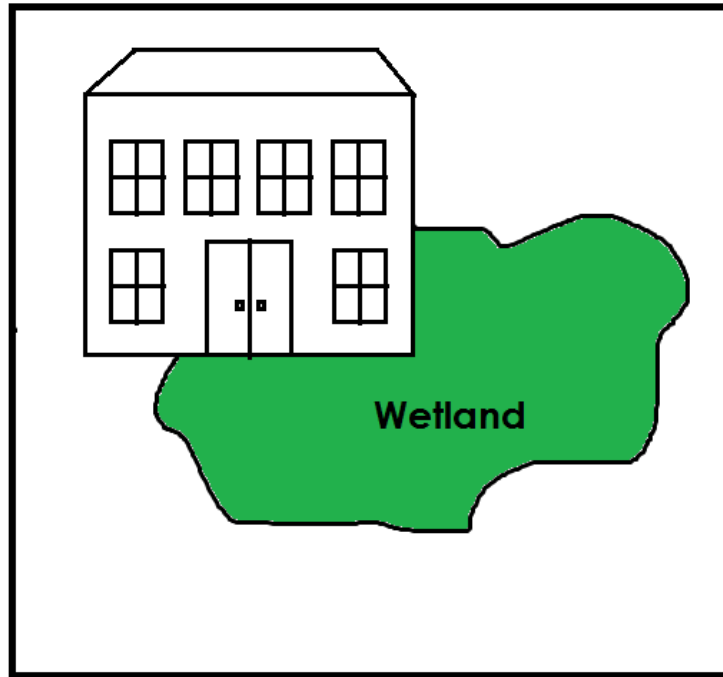


New Construction? **Yes**

New Construction in a wetland? **No**

- **Project may proceed w/out an 8-step if:**
  - no construction or landscaping activities in the wetland
  - appropriate provision made for site drainage that will not have an adverse effect on the wetland and
  - a permanent covenant or comparable restriction placed on property to preserve the wetland

# Wetlands



New Construction? **Yes**

New Construction in wetland?

**Yes**

- Project may Proceed if:
  - Avoid wetland, or
  - HUD determines no practicable alternative via 8-step process \*

\* Individual 404 permit can replace steps 1-5 of 8-step but only if no construction in floodplain

# Wetland

## USACE Permits

- ❖ A USACE **Nationwide Permit** is applicable for impact to waters of the United States up to 1/2 acre or 300 linear feet of wetland or stream
- ❖ A USACE **Individual Permit** is applicable for impact to waters of the United States over 1/2 acre or 300 linear feet



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# Wetlands and the MAP Guide

- Extensive data must be provided to HUD. Early consultation required.
- **Compensatory Mitigation** recommended for unavoidable adverse impacts to **more than one acre** of wetland (24 CFR 55.20 (e)(2)).
  - permittee-responsible mitigation,
  - mitigation banking,
  - in-lieu fee mitigation,
  - preservation easements/protective covenants, and any form of mitigation promoted by state or Federal agencies.
- Only in rare cases will rehab, purchase and refinancing be permitted to involve wetlands impacts.

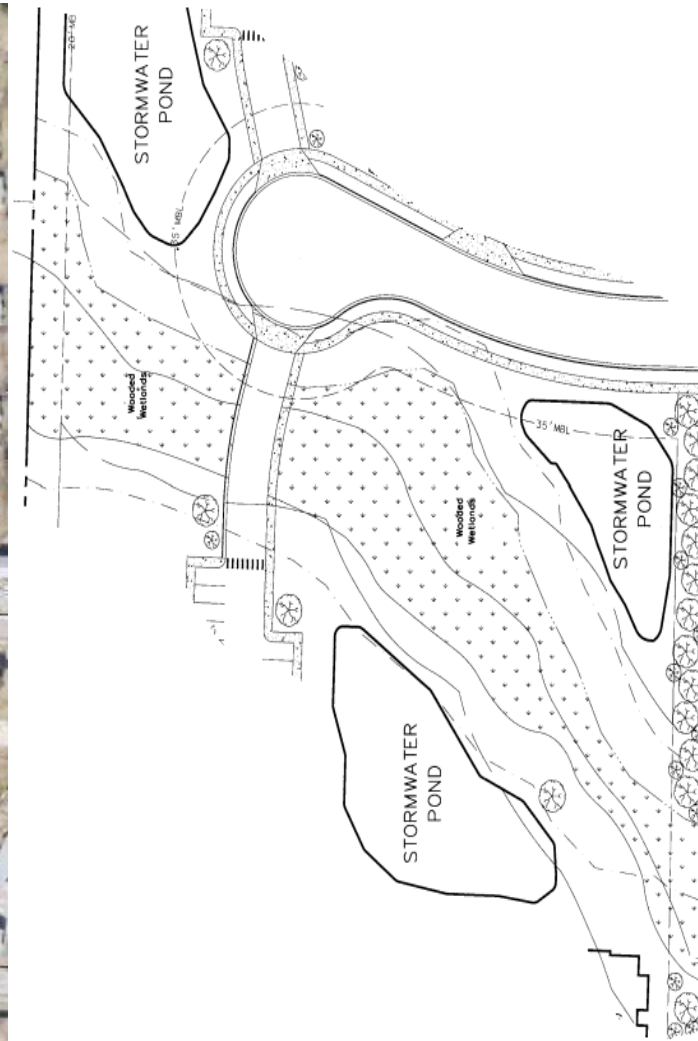
# Protection of Wetlands

## Wetlands impacts:

- **AVOID THE WETLAND!**
- If an impact cannot be **avoided**, HUD does an 8-step analysis to make that decision and to **mitigate** the impacts to both the floodplain and the wetlands.
- Must do full 8 steps; however for Individually-permitted 404 sites, the first 5 steps can be eliminated (24 CFR 55.28)



# Wetland – Multi-Family 221d4 – New Construction

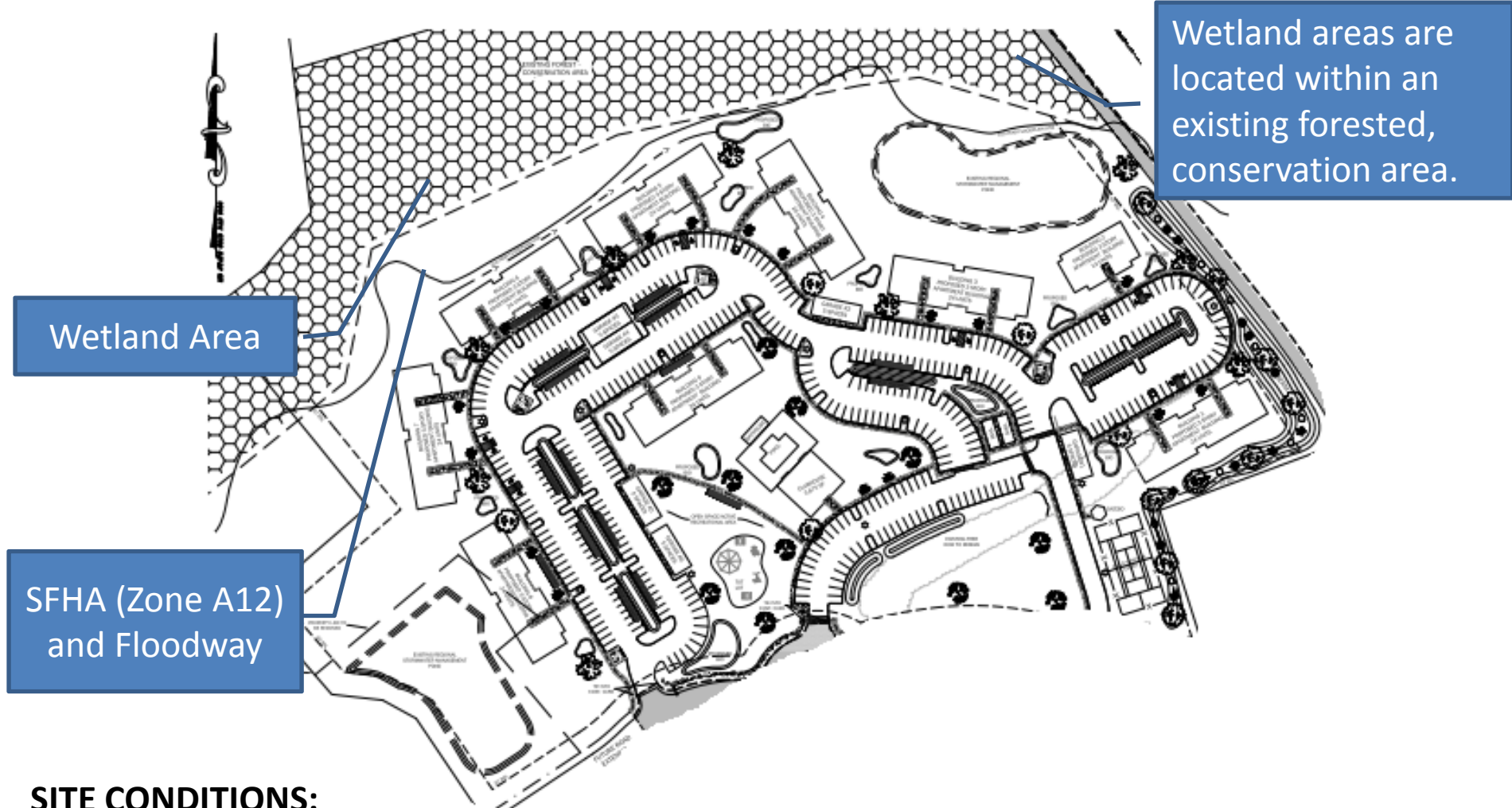


**Wetland Guidelines  
MAP (223f)**

Executive Order 11990  
and 24 CFR 55.20

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# Wetland – Multi-Family 221d4 – New Construction



## SITE CONDITIONS:

- 12 – 14 foot elevation drop from the edge of the forest buffer to the creek.
- No planned improvements within wetland or SFHA/Floodway areas,
- Forested buffer will not be disturbed.

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# Wetland – Multi-Family 221d4 – New Construction

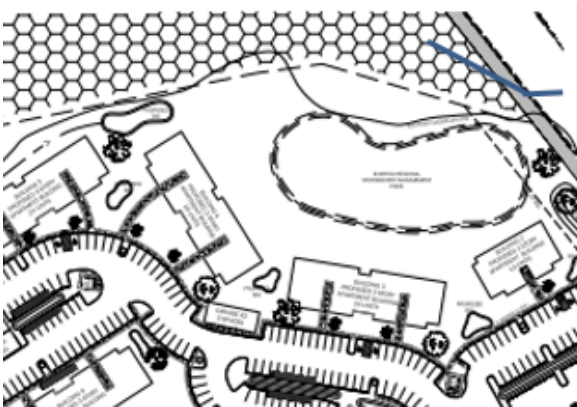
## Wetland Impacts can be

### ➤ Direct

- Disturbance in wetland

### ➤ Indirect

- Soil erosion and sedimentation during construction.
- Modification of wetland and watercourse hydrology and degradation of water quality of receiving waters.
- Loss of and impacts to, wildlife habitat and biodiversity.



Potential indirect adverse impacts from storm water discharges can be mitigated through the use of integrated storm water management system

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# HUD Noise Standards

**HUD Exterior Noise Goal = 55 dB or lower**

	Indoor	Outdoor	Requirements
Acceptable	$\leq 45$ dB	$\leq 65$ dB	None.
Normally Unacceptable	$> 45$ dB	$> 65$ dB $\leq 75$ dB	<ul style="list-style-type: none"><li>-Environmental Assessment and attenuation required for NC.</li><li>-Attenuation strongly encouraged for SR.</li><li>-Exterior amenity areas must be mitigated to 65dB for NC and encouraged for SR.</li></ul> <p>EIS required if area is largely undeveloped or will encourage incompatible development.</p>
Unacceptable	$> 45$ dB	$> 75$ dB	<ul style="list-style-type: none"><li>-EIS Required.</li><li>-Attenuation required for NC with approval by the Assistant Secretary for CPD or Certifying Officer.</li></ul>

# Acceptable Interior Noise

- If exterior noise less than 65 dB, then through standard construction it can be assumed that interior noise does not exceed 45dB.
- If exterior noise is **greater than 65dB**, additional analysis required to ensure interior noise does not **exceed** 45 dB.
- **Greater than 65 dB** means **65.1** db or higher



# Normally Unacceptable

- For noise within this range (**above 65dB and  $\leq 75$ dB**) mitigation must demonstrate compliance (**Noise Book Figures 17/19 or online Stracat**), describe plans & specs, and be certified by project architect.
- Interior noise levels must be certified to be **at or** below 45 dB.
- Exterior amenities must be documented and certified to be **at or** below 65dB.
- Environmental Impact Statement is required if project located in largely undeveloped area.

# HUD Noise Calculator

## DNL Calculator

Site ID	Template
Record Date	Template
User's Name	Template

Road # 1 Name:	Road 1
----------------	--------



















### Road #1

Vehicle Type	Cars <input checked="" type="checkbox"/>	Medium Trucks <input checked="" type="checkbox"/>	Heavy Trucks <input checked="" type="checkbox"/>
Effective Distance	150	150	150
Distance to Stop Sign	75	75	75
Average Speed	35	35	35
Average Daily Trips (ADT)	25000	830	830
Night Fraction of ADT	15	15	15
Road Gradient (%)			0
Vehicle DNL	54.4037	59.615	67.9128
Calculate Road #1 DNL	68.6848	Reset	

Because sound level is greater than 65 decibels, completion of the Sound Transmission Classification System (**STraCAT**) is warranted

# Noise Analysis – Traffic Data

## FHWA Vehicle Classifications

FHWA Vehicle Classifications			
<b>1. Motorcycles</b> 2 axles, 2 or 3 tires 	<b>2. Passenger Cars</b> 2 axles, can have 1- or 2-axle trailers 	<b>3. Pickups, Panels, Vans</b> 2 axles, 4-tire single units Can have 1 or 2 axle trailers 	<b>4. Buses</b> 2 or 3 axles, full length 
<b>5. Single Unit 2-Axle Trucks</b> 2 axles, 6 tires (dual rear tires), single-unit 	<b>6. Single Unit 3-Axle Trucks</b> 3 axles, single unit 	<b>7. Single Unit 4 or More-Axle Trucks</b> 4 or more axles, single unit 	<b>8. Single Trailer 3- or 4-Axle Trucks</b> 3 or 4 axles, single trailer   
<b>9. Single Trailer 5-Axle Trucks</b> 5 axles, single trailer  	<b>10. Single Trailer 6 or More-Axle Trucks</b> 6 or more axles, single trailer  		
<b>11. Multi-Trailer 5 or Less-Axle Trucks</b> 5 or less axles, multiple trailers 		<b>12. Multi-Trailer 6-Axle Trucks</b> 6 axles, multiple trailers  	
<b>13. Multi-Trailer 7 or More-Axle Trucks</b> 7 or more axles, multiple trailers 			

# Noise Analysis – Traffic Data

## Correlating HUD Definitions *with* FHWA Classifications

### HUD Noise Guidebook

- **Autos**

[FHWA #1,2,3]

- **Medium Trucks**

[FHWA #5]

- **Heavy Trucks**

[FHWA #4, 6-13]

### FHWA Vehicle Classes

1. **Motorcycles**
2. **Passenger Cars**
3. **Pickups (Two-Axle, Four-Tire Single Unit Vehicles)**
4. **Buses (full-length)**
5. **Two-Axle, Six-Tire, Single-Unit Trucks**
6. **Three-Axle, Single-Unit Trucks**
7. **Four or More Axle, Single-Unit Trucks**
8. **Four or Fewer Axle Single-Trailer Trucks**
9. **Five-Axle Single-Trailer Trucks**
10. **Six or More Axle Single-Trailer Trucks**
11. **Five or fewer Axle Multi-Trailer Trucks**
12. **Six-Axle Multi-Trailer Trucks**
13. **Seven or More Axle Multi-Trailer Trucks**

# Sound Transmission Classification Assessment Tool (STraCAT)

Part I - Description

Project

Sponsor/Developer

Location

Prepared by

Noise Level

0

Date

2018-11-20

Primary Source(s)

Part II - Wall Components

Wall Construction Detail

Area

STC

-- select wall --

0

0

-- select wall --

0

0

-- select wall --

0

0

0 Sq. Feet

0

Window Construction Detail

Quantity

Sq Ft/Unit

STC

-- select window --

0

0

-- select window --

0

0

-- select window --

0

0

Door Construction Detail

Quantity

Sq Ft/Unit

STC

-- select door --

0

0

-- select door --

0

0

-- select door --

0

0

Part III - Results

Wall Statistics

Stat

Value

Area:

0 ft²

Wall STC:

0

Aperture Statistics

Aperture

Count

Area

% of wall

Windows:

0

0 ft²

0%

Doors:

0

0 ft²

0%

Evaluation Criteria

Criteria

Value

Noise source sound level(dB):

0

Combined attenuation for wall component:

0 dB

Required attenuation:

0

Do Wall components meet requirements?

Yes

Print



# Criteria to Increase “Acceptable” Range to 70 dB

1. Environmental Impact Study (EIS) is not required and noise is the **only** environmental issue
2. Received concurrence of HUD Environmental Clearance Officer
3. Project meets other program goals
4. Project conforms with local goals
5. Project sponsor has set forth reasons why the noise cannot be attenuated
- 6. Other sites with DNL below 65dB are not available**

Refer to §51.105

# If the Noise Level is Above 75 dB

## New Construction:

- Noise above 75dB is unacceptable and results in **rejected** application...
- **Unless EIS is prepared and project meets noise standards**
- EIS waiver is possible if criteria are met, including is no other unmitigated environmental concern
- A Waiver of the EIS is required to be submitted by the HUB to HQ
- Must demonstrate interiors are attenuated to 45dB and exterior amenities are attenuated to 65dB.
- Plan on a **minimum 90** day review by HQ

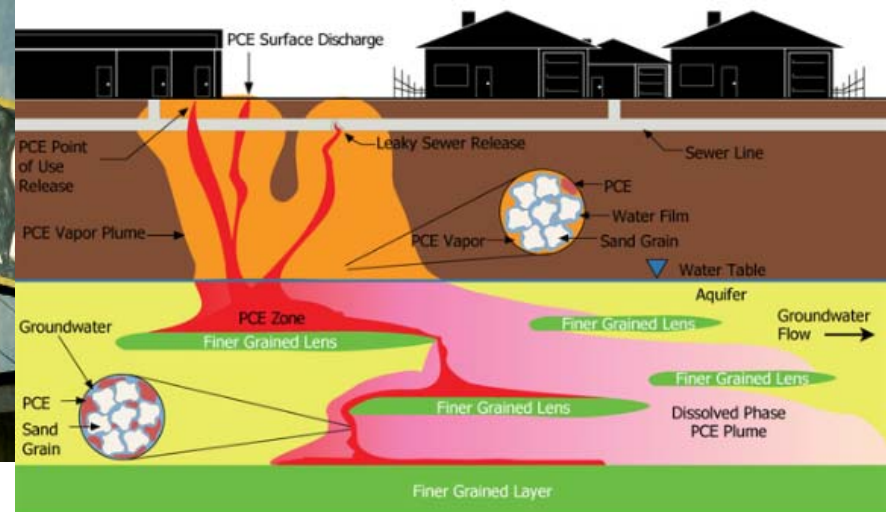
## Sub-Rehab:

- No EIS waiver required but must meet MAP Guide 9.5.G for marketability noise mitigation
- HUD may reject project
- HUD strongly encourages conversion to a **noise-compatible land use** (51.101(a)(5))

# Contamination Analysis

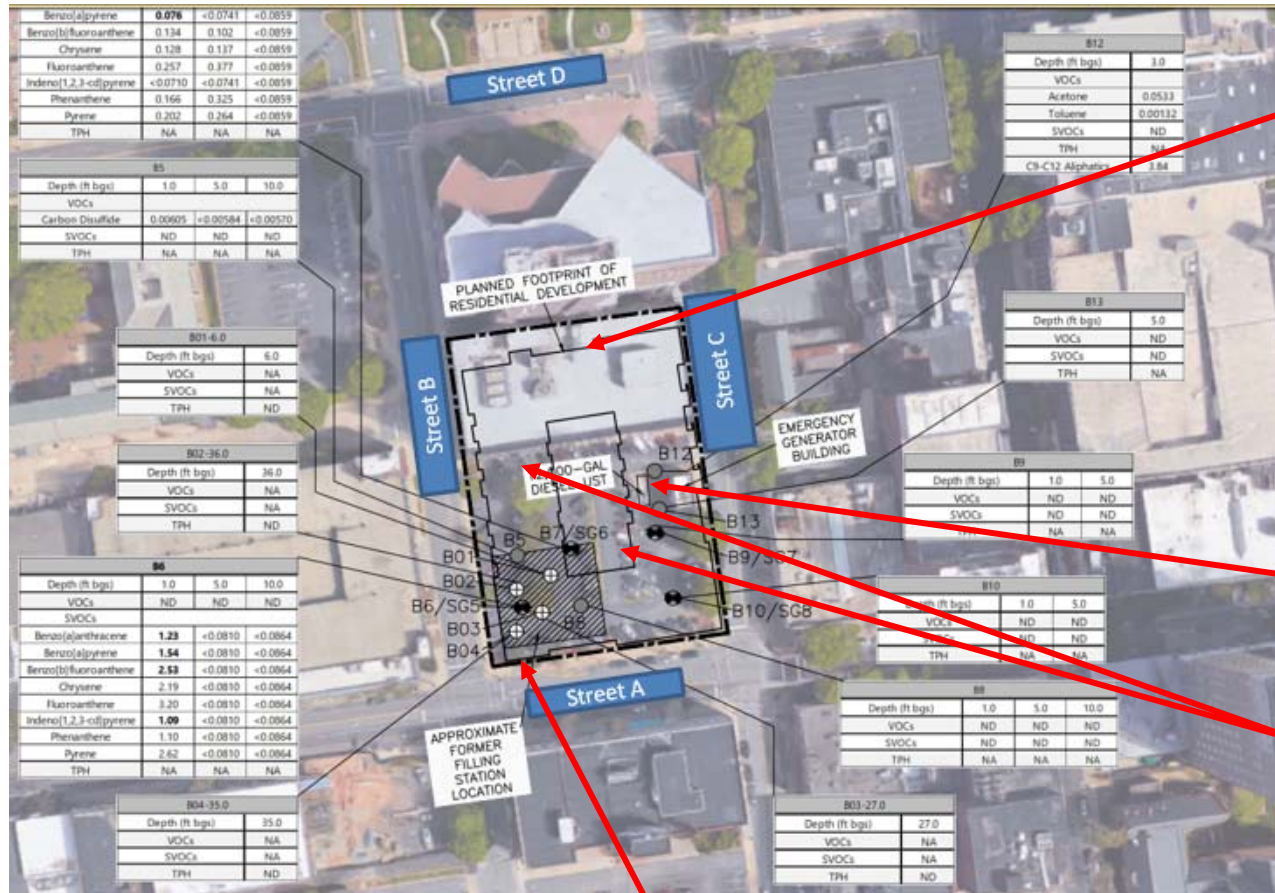


## The PCE Challenge





# Contamination Analysis



**No Information under or in building**

Vapor can be addressed based on  
(1) soil/groundwater analytical  
results, (2) sub-slab vapor testing  
or (3) interior testing

- **Subsurface Investigation in 2010**

**No Information**

Is this a complete site characterization?

Is there a data gap?

## Subsurface Investigation in 2007





What to do about  
offsite contamination?

**Per Chapter 9 in the  
MAP Guide,**

KEY:  
Subject Property 

# HUD Environmental Review Online System (HEROS)



→ ↻ ⓘ <https://www.hudexchange.info/trainings/courses/using-heros-for-multifamily-fha-partners/2484/>



# HUD EXCHANGE

Secretary Ben Carson



Using HEROS for Multifamily FHA Partne...



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## What is HEROS?



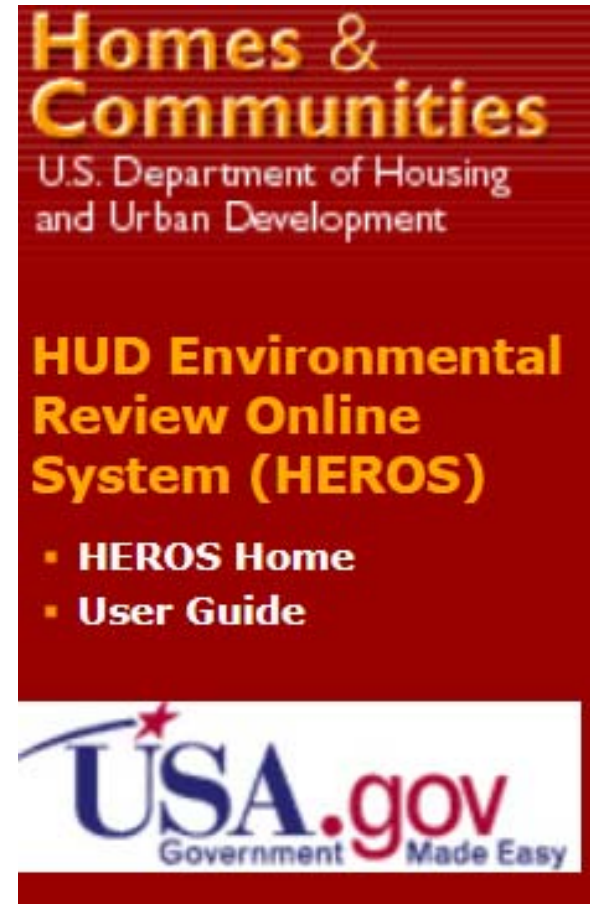
# HEROS

- HEROS is replaces HUD's current paper-based environmental review process (including the 4128) with a consistent, comprehensive online tool.
- HEROS walks users through the entire environmental review process from beginning to end, including compliance with related laws and authorities.
- It works for Part 50 *and* Part 58 environmental reviews in all HUD programs.
- Currently encouraged for MF and RAD partners—soon will be required



# HEROS Access

- Register for HEROS Partner Access: [https://docs.google.com/forms/d/e/1FAIpQLSdzD9KpXZKdVw1cRgqqc9g4Z0ZDXK7DnvKfL10f4bZJmRU1QQ/viewform?usp=sf\\_link](https://docs.google.com/forms/d/e/1FAIpQLSdzD9KpXZKdVw1cRgqqc9g4Z0ZDXK7DnvKfL10f4bZJmRU1QQ/viewform?usp=sf_link)
- Partners will be notified by email when they have access
- The email will provide their login credentials
- It takes about two weeks after submitting a request to get access



## HEROS Login

Enter your Username (C\*\*\*\*\*, B\*\*\*\*\* or H\*\*\*\*\*) and Password:

Username:

Password:

By using this U.S. Government information system you understand and consent to the following:

- The information system Rules of Behavior (RoB) provides the rules that govern the appropriate use of the information system for all government, contract personnel and other federally funded users. The RoB is intended to enhance and further define the specific rules each user must follow while accessing the information system and enforcing user understanding of:
  1. HUD's policy requiring a separation of duties between the requestor and approver for financial transactions;
  2. Prohibition from misusing the information system, i.e., exceeding their

☐ I agree to the Terms of Service

Login

[HTTPS:HEROS.HUD.GOV/HEROS/](https://heros.hud.gov/heros/)

# HEROS

## HEROS "How To" Videos

This series of short videos consists of brief, topic-specific tutorials that demonstrate how to use HEROS.

# HEROS Process

PARTNER	HUD STAFF
Assembles data and documents and inputs directly into HEROS	Reviews information directly in HEROS
HEROS screens are equivalent to <a href="#">Partner Worksheets</a>	Follows up for any missing information
Share with lenders outside of the HEROS system (Bug currently blocking lenders from reviewing inside the system)	Completes all findings and determinations that must be made by HUD
	Get all required signatures in HEROS



[Home](#) > [Programs](#) > [Environmental Review](#) > Environmental Review Records

## Environmental Review Records

### Filter By

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## Filter By

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### **Environmental Assessment Determinations and Compliance Findings for HUD-assisted Projects 24 CFR Part 50**

#### **Project Information**

**Project Name:** Second-and-Delaware



# Environmental Review Timing



## Lenders:

- Highlight environmental issues at **Concept** meeting and in detail in Lenders Narrative
- Narrative should include strategy and timing for resolution of environmental issues
- **Pre-app** submissions must include the Phase 1, Phase 2 (if needed), radon, lead and asbestos reports, and an environmental report that address NEPA factors and the laws & authorities (**preferably in HEROS**) See Map 9.2.A.7
- Pre-apps or apps that are incomplete may be rejected.

## HUD staff:

- HUD staff will do as thorough a review as possible at the Pre-app stage, pending workload. Goal is to identify as many issues as possible before inviting in a Firm.

# Environmental Conditions on FIRM

- The environmental review must be complete and signed off in HEROS **before HUD issues a FIRM.**
- The environmental review and FIRM can contain certain conditions, but only for issues that have already been reviewed and approved.
- All consultation must be complete, correspondence resolved, etc., before HUD can issue a FIRM.

# Special Conditions

Condition Approved	Condition Denied
<p><b>Historic Preservation:</b> Signed MOA with SHPO/Tribe requires an archaeologist be present during excavation. The archaeologist should be selected and already have a contract in place.</p>	<p><b>Historic Preservation:</b> MOA will be developed or signed in the future.</p> <p>All consultation must be complete, correspondence with tribes resolved, etc. before HUD can complete an environmental review and issue a FIRM.</p>

## Special Conditions (cont.)

Condition Approved	Condition Denied
<p><b>Toxic Hazards:</b> site remediation will take place during construction; remediation plan approved by the state.</p> <p>HUD needs hard numbers on cost and an evaluation of <u>worst case</u> scenarios.</p>	<p><b>Toxic Hazards:</b> unapproved or incomplete remediation plans.</p> <p>See MAP Chapter 9 or 232 Handbook Chapter 7.3 for more information.</p>

## Special Conditions (cont.)

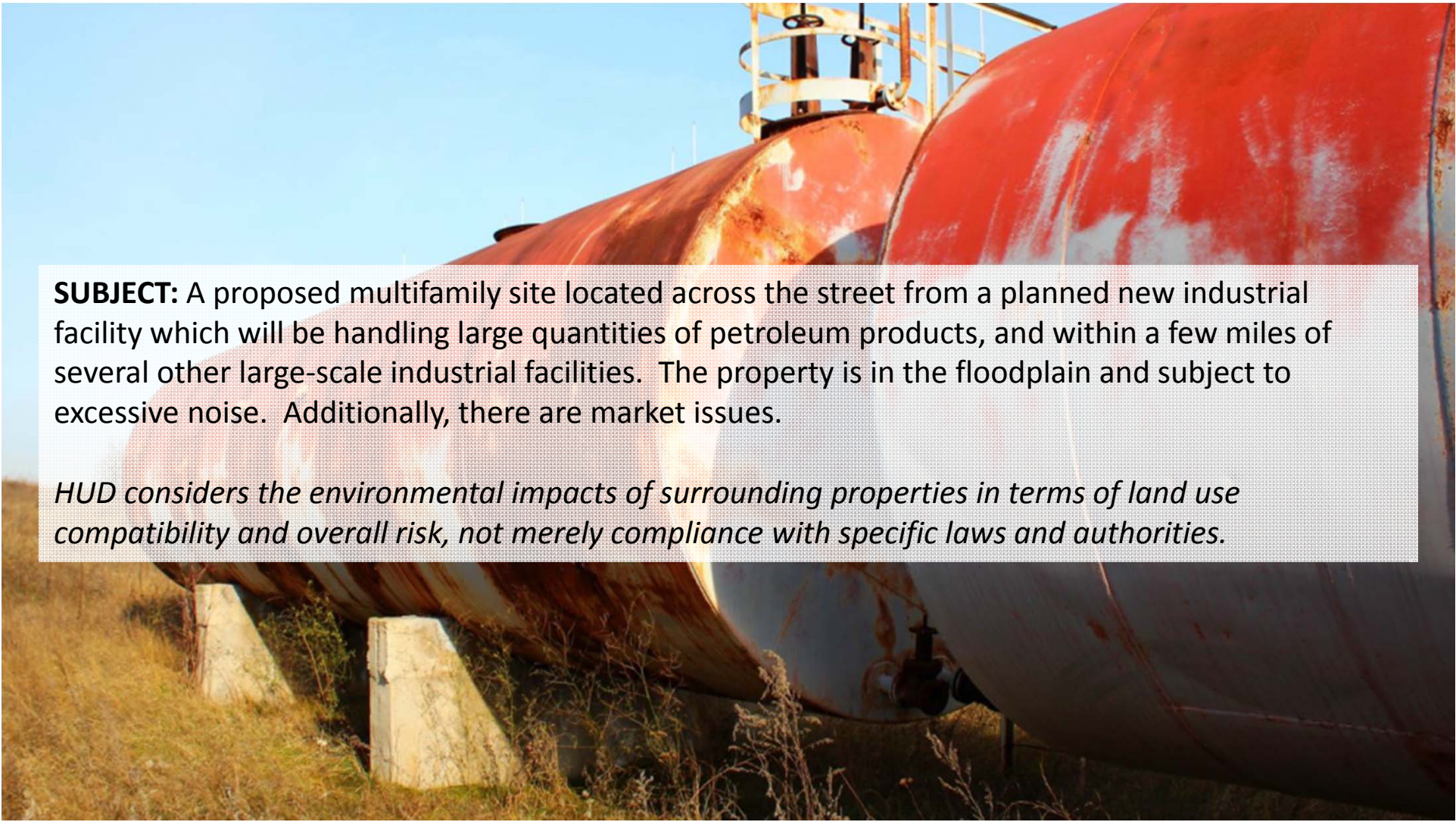
Condition Approved	Condition Denied
<p><b>Wetland:</b> completed 8-step analysis &amp; decision requires Best Management Practices for soil erosion during construction.</p> <p>Condition must be in FIRM agreement and construction documents.</p>	<p><b>Wetland:</b> 8-step will be conducted as condition of the FIRM.</p> <p>8-step is a decision-making process and must be complete prior to HUD issuing a FIRM.</p>



**SUBJECT:** A proposed multifamily complex to be located in an urban downtown area, directly adjacent to (and under) a major federal highway. Due to the proximity of nearby archaeologic discoveries, the SHPO recommended a cultural resources survey, which later indicated the moderate to high probability of archaeologic resources. Therefore, an initial excavation to determine further risk was necessary for the project to move forward. The projected 10-year DNL for the subject property ranges from 78 to 83 dB, which will require a regulatory waiver to conduct an Environmental Impact Statement (EIS) per 24 CFR Part 51.104 and referenced in MAP 9.5.H.2.a. Phase 1 and 2 Environmental Site Assessments were conducted on the site which showed contaminants in the soil, but did not exceed the state's de minimis thresholds.

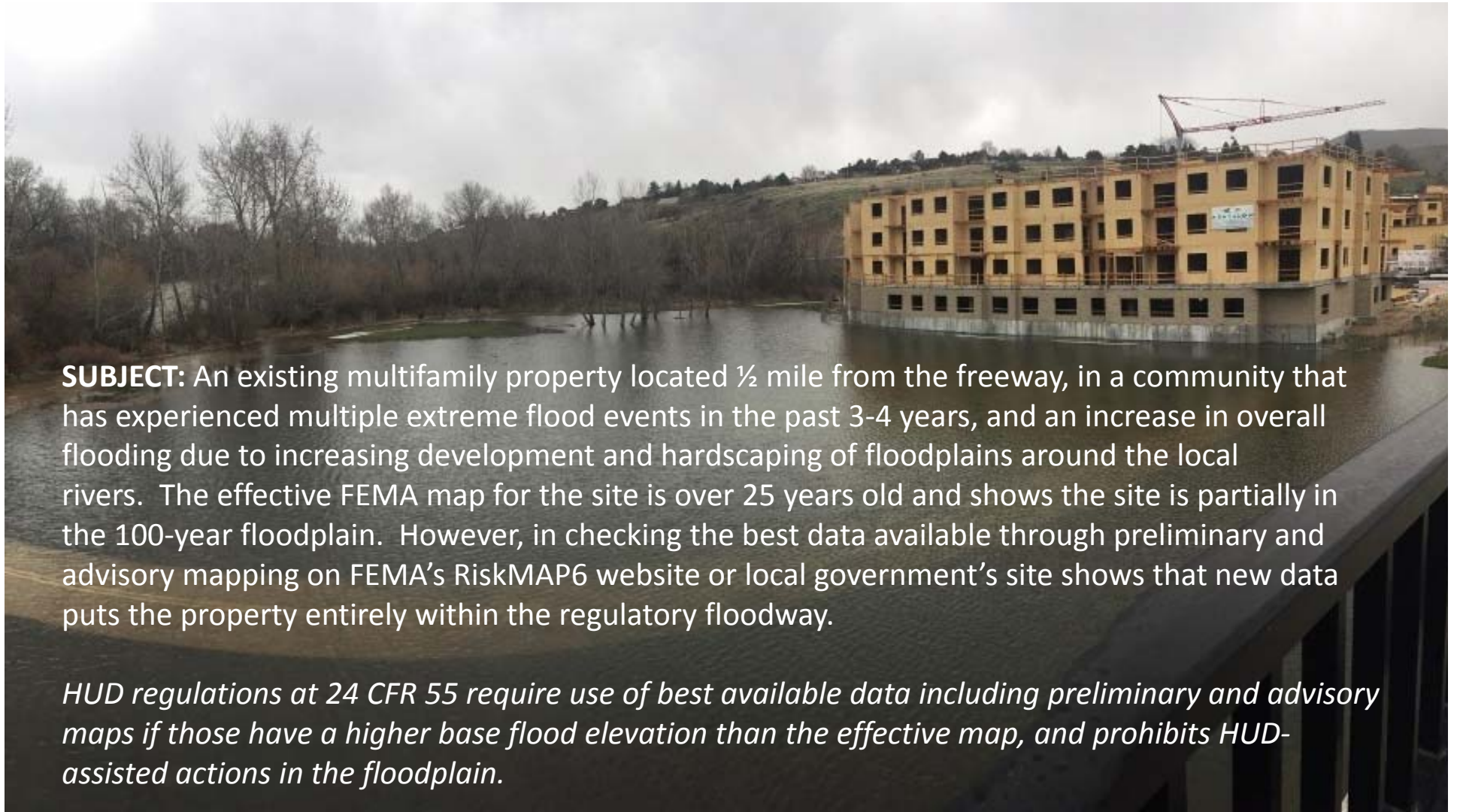
*Per Section 9.3 of the MAP Guide, a No Further Action letter from the state regulatory authority would be required, confirming the testing conducted and the level of contaminants present do not warrant that further remediation or monitoring be required. However, the state would only issue a "No Further Interest" letter that stated, "Based on the limited information submitted, the Department does not intend to respond further to this matter. This letter is not intended and should not be construed to be a concurrence that the information provided is adequate to ascertain the condition of the property in question."*





**SUBJECT:** A proposed multifamily site located across the street from a planned new industrial facility which will be handling large quantities of petroleum products, and within a few miles of several other large-scale industrial facilities. The property is in the floodplain and subject to excessive noise. Additionally, there are market issues.


*HUD considers the environmental impacts of surrounding properties in terms of land use compatibility and overall risk, not merely compliance with specific laws and authorities.*



**SUBJECT:** An existing multifamily property located ½ mile from the freeway, in a community that has experienced multiple extreme flood events in the past 3-4 years, and an increase in overall flooding due to increasing development and hardscaping of floodplains around the local rivers. The effective FEMA map for the site is over 25 years old and shows the site is partially in the 100-year floodplain. However, in checking the best data available through preliminary and advisory mapping on FEMA's RiskMAP6 website or local government's site shows that new data puts the property entirely within the regulatory floodway.

*HUD regulations at 24 CFR 55 require use of best available data including preliminary and advisory maps if those have a higher base flood elevation than the effective map, and prohibits HUD-assisted actions in the floodplain.*





**SUBJECT:** The property under consideration is currently occupied by a National Register listed (historic) building that is in disrepair. The local government agrees it is blight and should be demolished and redeveloped as housing. The current owner is willing to clear the property to prepare it for sale to the borrower, prior to submittal of pre-app to HUD.

Mike to discuss

*Under Section 110 of the National Historic Preservation Act, HUD cannot participate in a development where demolition was completed prior to HUD application in order to avoid Section 106 (Historic Preservation) review.*



An aerial photograph of a winding river or stream flowing through a lush green landscape. The river meanders through the terrain, surrounded by dense vegetation. The sky is overcast with grey clouds. The overall scene is a natural, undeveloped area.

**SUBJECT:** A proposed market rate multifamily property to be located on a site which is almost entirely in a special flood hazard area. The project involved the modification of wetlands, floodplains, floodway, and a stream crossing the property.

*The project had to be rejected based on regulatory requirements. HUD's floodplain management and wetland protection regulations have an express prohibition against HUD assistance in a floodway (24 CFR Part 55.1(c) (1)). The exception to the floodway prohibition requires the LOMR to remove the entire site from the 100-year floodplain and floodway, with the requirement that the site contain no wetlands. The project did not qualify for the exception, because there were wetlands on the project site. Because there was disagreement on whether wetlands existed on the site, HUD staff performed a site visit and verified the wetlands on the property. Additionally, the MAP Guide provision at Chapter 9.5.E.2 prohibits development in a stream coursing through a proposed site if it is in the 100-year floodplain but not necessarily in a FEMA designated floodway. Essentially, the MAP Guide is treating the stream in the 100-year floodplain as if it were a floodway. Because the plan was to culvert the stream, this was considered development and not allowed by the MAP Guide. For these reasons the project could not meet HUD's regulatory requirements and was rejected.*



## Resources

- **HEROS Partner Worksheets:**  
<https://www.hudexchange.info/resource/5119/environmental-review-record-related-federal-laws-and-authorities-partner-worksheets/>
- **HEROS access:** <https://heros.hud.gov/sme/login>
- **MAP Guide:**  
<http://portal.hud.gov/hudportal/documents/huddoc?id=4430GHSGG.pdf>
- **232 LEAN Guide:**  
[https://portal.hud.gov/hudportal/HUD?src=/federal\\_housing\\_administration/healthcare\\_facilities/residential\\_caref](https://portal.hud.gov/hudportal/HUD?src=/federal_housing_administration/healthcare_facilities/residential_caref)
- **HUD Environmental website:**  
<https://www.hudexchange.info/programs/environmental-review/>
- **Formal Training:** “Environmental Training for FHA Programs:  
<http://webcast.hud.gov/>



Environmental Review Procedures and Resources

Related Laws and Authorities

HEROS

Historic Preservation and Tribal Consultation

Housing Trust Fund

Continuum of Care

Disaster Recovery

## Related Laws and Authorities

### Protecting Our Natural Resources

This webinar serves as a guide to three laws concerning the protection of natural resources: the [Wild and Scenic Rivers Act](#), [Farmland Protection Policy Act](#), and [Endangered Species Act](#). It outlines the compliance steps for HUD projects for all three laws.

Date Published: September 2012

### Environmental Justice at HUD: Why, What, and How

This webinar explores HUD's process for [environmental justice](#) analysis.

Date Published: August 2012

### Evaluating Site Contamination for HUD Projects

This webinar presents an overview of [site contamination](#), including what it is, why

