

ENVIRONMENTAL REVIEW

POLICIES AND PROCEDURES

HOUSING & COMMUNITY DEVELOPMENT DIVISION
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KISWAHILI

Wana jamii wanaeza omba huduma za utafsiri au zingine za kuhakikisha kwamba wanaeza shiriki kwa ukamilifu kwenye mchakato huu. Tafadhali wasiliana na Idara ya Makao na Maedeleo ya Jamii kupitia barua pepe: housing@cityofboise.org, simu: 208-570-6830, kuduma ya Simu ya Viziwi (TTY): 1-800-377-3529, Faksi: 208-384-4195, au ujifikishe kwa 150 N. Capitol Blvd (ghorofa ya pili)

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housing@cityofboise.org

تلفن: ۲۰۸-۵۷۰-۶۸۳۰

تلفن ناتوانان گفتاری و/ یا ناشنوا: ۱-۸۰۰-۳۷۷-۳۵۲۹

شماره فکس: ۲۰۸-۳۸۴-۴۱۹۵

یا به صورت حضوری به ادرس

150 N. Capitol Blvd (2nd floor) (طبقه دوم)

CONTENTS

INTRODUCTION	1
DEFINITIONS	2
ENVIRONMENTAL REVIEW OVERVIEW	4
CHOICE-LIMITING ACTIONS	4
LEVELS OF ENVIRONMENTAL REVIEW	5
TIERS.....	6
GENERAL REQUIREMENTS.....	6
ENVIRONMENTAL REVIEW WORKFLOW	8
PROJECT DESCRIPTION	8
LEVEL OF REVIEW & PROJECT JUSTIFICATION	8
LAWS AND AUTHORITIES.....	8
ANALYSIS.....	10
MITIGATION.....	10
ENVIRONMENTAL FINDING	10
NOTIFICATIONS.....	11
POST-REVIEW CONSIDERATIONS	11
APPENDICES	13
APPENDIX A: STATUTORY CHECKLIST	14
APPENDIX B: ENVIRONMENTAL REVIEW PROCESS FLOWCHART	17
APPENDIX C: IDAHO SHPO CONSULTATION RESOURCES	18
APPENDIX D: WHEN TO CONSULT WITH TRIBES UNDER SECTION 106.....	19
APPENDIX E: IDAHO CULTURAL RESOURCE CONTACTS.....	20
APPENDIX F: INADVERTENT DISCOVERY PLAN TEMPLATE.....	35
APPENDIX G: ENDANGERED SPECIES ACT – NO EFFECT GUIDANCE FOR IDAHO	52
APPENDIX H: FACT SHEET APPLICABILITY OF ASTM PHASE I ESA STANDARD FOR HUD ENVIRONMENTAL REVIEWS	59
APPENDIX I: LIST OF ENTITIES FOR FONSI DISSEMINATION	60
APPENDIX J: SAMPLE NOTICES.....	61
APPENDIX K: RROF AND AUGF FORMS	65
APPENDIX L: SAMPLE PRELIMINARY AWARD LETTER	68
APPENDIX M: SAMPLE RELEASE OF ER REQUIREMENTS/PROJECT DENIAL LETTER	70
APPENDIX N: SAMPLE ENVIRONMENTAL REVIEW APPROVAL LETTER	71

INTRODUCTION

The City of Boise (City) has been designated as a responsible entity (RE) and as such assumes the responsibility for the environmental review, decision-making, and action that would otherwise apply to the U.S. Department of Housing and Urban Development (HUD) under the National Environmental Policy Act of 1969 (NEPA) and other provisions of the law that further the purposes of NEPA as specified in Title 24 Part 58.5, by execution of a grant agreement with HUD. It is the City's goal to carry out these responsibilities to ensure compliance with all federal regulations as outlined in Title 24 Part 58.

An Environmental Review is required prior to the City of Boise investing federal funds into a project. This ensures that all projects receiving federal funds are in compliance with all applicable federal laws and authorities identified in 24 CFR Part 58. These procedures have been developed to:

- determine if any significant environmental impact may occur as a result of a proposed project,
- release funds to support eligible projects that neither harm nor are harmed by the environment,
- safeguard, enhance, and restore the environment, and
- foster public participation in the development decision-making process.

This handbook has been approved by Resolution by the Mayor and City Council. Any significant variation from these policies and procedures must be approved by the Housing and Community Development (HCD) Division Senior Manager. All exhibits and documents in this handbook are subject to change as the program requires and are in no way intended to be complete.

Policies and procedures will be reviewed and updated on an annual basis, or more frequently as needed.

DEFINITIONS

Activity: An action put forth as part of an assisted or to be assisted project. Activities include, but are not limited to, actions related to operations, administration, maintenance, rehabilitation, demolition, or disposition regardless of whether the activity will be funded by federal funding sources or not.

Authority To Use of Grant Funds (AUGF): (Form HUD 7015.16) This is an official HUD form granting Authority to Use Grant Funds for entities who have submitted HUD Form 7015.15: Request for Release of Funds and Certification when an environmental review has been completed.

Certification: A formal statement certifying to HUD that the City of Boise has satisfied its responsibilities under the National Environmental Policy Act of 1969 and other related laws and authorities.

Certifying Officer: The official authorized to execute the Request for Release of Funds and Certification with the legal capacity to carry out the responsibilities of §58.13 of the federal regulations on behalf of the City of Boise.

Choice-Limiting Action: Any action a developer takes prior to completing the Environmental Review that limits any alternative choices that can be made. Choice-limiting includes actions to acquire, dispose, rehabilitate, demolish, convert, transfer, remove, lease, or construct properties (including entering contracts or other written commitments). Choice limiting actions performed prior to environmental clearance can result in regulatory or statutory violations that can jeopardize HUD funding of the project.

Community Development Block Grant (CDBG): A federal program to create viable urban communities through decent housing and suitable living environments, by removing blighted conditions and expanding economic opportunities. CDBG funds are awarded annually to various jurisdictions and state agencies by the U.S. Department of Housing and Urban Development. Funds are primarily used to assist low/moderate income households/persons and local non-profit agencies who provide assistance to eligible persons.

Environmental Impact Statement (EIS): A detailed examination of the proposed project, the environment of the proposed project, and the relationship between the two.

Environmental Review: The process of reviewing a project and its potential environmental impacts to determine whether it meets federal, state, and local environmental standards.

Environmental Review Officer (ERO): The person responsible for conducting the environmental review.

Environmental Review Record (ERR): An encompassing record the Responsible Entity (RE) must maintain. The ERR documents the process of environmental review and compliance with applicable environmental regulations, pre- and post-project completion.

EPA: Environmental Protection Agency.

Finding of No Significant Impact (FONSI): A statement forwarded to HUD determining that the proposed project (including mitigating measures) will not adversely affect or be affected by the environment.

Federal Nexus: The point at which the City receives an application for federal funds or considers investing federal funds in a city-initiated project and begins its environmental review of a project. All choice-limiting actions must be postponed pending environmental clearance.

HUD Environmental Review Online System (HEROS): HUD's online system for completing and submitting environmental reviews. The system walks the Environmental Review Officer through the entire process in a step-by-step manner and will generate the ERR upon completion.

Home Investment Partnerships Program (HOME): A federal program intended to expand the supply of affordable housing for low to extremely low-income households through partnership between local jurisdictions and other public, private, and non-profit organizations. HOME funds are awarded annually to various jurisdictions and state agencies by the U.S. Department of Housing and Urban Development (HUD).

HUD: United States Department of Housing and Urban Development.

Notice of Intent (NOI): as in Notice of Intent to Request Release of Funds (NOI/RROF). The publishing of this notice begins the public comment period prior to releasing funds and is used to request the release of funds from HUD for the project.

Project: An activity, or group of integrally related activities, designed by the recipient to accomplish, in whole or in part, a specific objective.

Responsible Entity (RE): Responsible entities shall assume the responsibility for environmental review, decision-making, and action that would otherwise apply to HUD under NEPA and other provisions of law that further the purposes of NEPA, as specified in §58.5. Responsible entities that receive assistance directly from HUD assume these responsibilities by execution of a grant agreement with HUD. The RE is ultimately responsible for the content of the ER and must make an independent evaluation of the environmental issues, take responsibility for the scope and content of the compliance findings, and make the environmental decision concerning project approval.

Request for Release of Funds (RROF): A statement forwarded to HUD with the FONSI certifying that the environmental review is complete and without findings of significant impact requesting that funds for the proposed project be released for use by the City.

Section 106 Review: An integral part of the environmental review under 24 CFR 58.5 and NEPA which determines whether a federally permitted, licensed, or funded project affects any historic resources and if so, how to minimize any negative effects. The Section 106 consultation is mandated by The National Historic Preservation Act of 1966, as amended.

Statutory Checklist: An environmental checklist of the NEPA-Related Federal Statutes and Authorities under 24 CFR §58.5 and 58.6 that must be completed for all CEST & EA projects.

ENVIRONMENTAL REVIEW OVERVIEW

All projects receiving funding allocated to the City by HUD (e.g., CDBG, HOME, HOME-ARP) are subject to an Environmental Review (ER) using the criteria and statutory authorities specified in the HUD regulations 24 CFR Part 58, and for more complex projects, using procedures from the National Environmental Protection Act (NEPA).

Under HUD regulation, even if federal funds support only a portion of the project, the full project and its impacts must be examined before any funds are committed or expended. The Environmental Review Officer will conduct the environmental review and verify that the requirements have been met. In addition, even if a governmental agency or private independent firm has already conducted some other form of environmental review, the City must determine and document that the review meets HUD requirements. All Environmental Reviews will be completed in HUD's Environmental Review Online System (HEROS).

No HUD funds may be committed to a project, nor may any choice-limiting actions be taken by any party until the City, or its designee, has completed an ER, determined that the project will have no adverse effect on the environment nor will the environment cause harm to any participants or persons in proximity to the project, and received authorization to use grant funds from HUD. The required level of review is dependent on the proposed project and will determine the actions necessary for completion. The submission of an application for federal funding will be considered a trigger of the Federal Nexus, at which point all choice-limiting actions will be prohibited, pending the results of the environmental review.

CHOICE-LIMITING ACTIONS

Definition

Choice-limiting actions are the acquisition, demolition, disposition, rehabilitation, repair, new construction, site preparation, or leasing of any property associated with the project. Choice-limiting actions are usually implemented through a contract, agreement, or physical activity. These actions are prohibited before HUD has approved the RROF and issued the AUGF because they may cause an adverse environmental impact or limit the choice of reasonable alternatives.

It is acceptable for grantees to execute option agreements prior to completion of the environmental review process, if the agreement is subject to the determination by the City resulting from the completion of the ER. The cost of the option must be a nominal portion of the purchase price (24 CFR 58.22(d)).

Funds can be committed for relocation assistance before approval of the RROF by HUD, if the assistance is required by 24 CFR part 42 (24 CFR 58.22(f)).

Timeline

At the point of application for federal funds, or at a time when the City considers investing federal funds into a project, the project or activity becomes "federal" and subject to Environmental Review requirements, regardless of whether the City starts the environmental review process at that time.

When the environmental review process is started before the city receives the application, choice limiting actions are prohibited, and the project or activity is “federal.”

Project Eligibility

The project or activity will no longer be eligible for any HUD assistance if any choice-limiting actions are taken before the ER has been completed. The prohibition of choice-limiting actions does not apply to commitments of non-federal funds before a party has applied for HUD funding if the project is not already “federal.”

LEVELS OF ENVIRONMENTAL REVIEW

The level of environmental review will be determined by the project description provided in the application. The project description should provide location specific information and geographic boundaries, as well as a delineation of all activities (acquisition, construction, demolition, rehabilitation, etc.) included in the overall scope of the project. If the description included in the application does not include detail sufficient to accurately determine the level of review necessary, the City may require the project sponsor to supply further documentation.

The City will use all provided materials to determine the Level of Review within the HEROS portal. Levels of environmental review are characterized by the degree to which the regulations require review, compliance, or mitigation as determined under the statutes cited in 24 CFR Part 58.

In order from simplest to most complex, the levels of review are Exempt, Categorical Exclusions Not Subject to 58.5 (CENST), Categorical Exclusions Subject to 58.5 (CEST), Environmental Assessment (EA), and Environmental Impact Statement (EIS).

Exempt

Activities that are exempt from the provisions of laws or authorities cited in Section 58.5 except for the applicable requirement of Section 58.6. Exempt activities may include but are not limited to administrative activities, public services with no physical impact, purchase of tools, and engineering or design costs.

The City does not have to submit an RROF and certification, and no further approval from HUD is needed by the recipient for the drawdown of funds to carry out exempt activities and projects.

Categorical Exclusions Not Subject To 58.5 (CENST)

Activities that would not require a review or compliance determination under the Federal laws and authorities cited in §58.5. However, these activities are still subject to 58.6: Airport Hazards, Coastal Barrier Resources, and Flood Insurance. CENST activities may include but are not limited to operating costs, supportive services, or economic development activities.

When CENST activities are undertaken, the RE does not have to publish a NOI/RROF or execute a certification or submit an RROF to HUD. A CENST project can convert to Exempt if there are no laws and/or statutes that require adherence to.

Categorical Exclusions Subject To 58.5 (CEST)

Activities that, according to regulations under 24 CFR 58.35(a), do not require an EIS or an EA plus FONSI, but do require compliance with the NEPA-related statutes and

authorities on the Statutory Checklist. In addition, after completion of the Statutory Checklist, if the activity does not trigger compliance with any of the laws and authorities, the activity can convert to Exempt as outlined in 58.34(a)(12). CEST activities may include, but are not limited to, acquisition, repair, improvement, or rehabilitation of public facilities.

A project that requires compliance with federal statutes can involve consulting with other agencies (Historic Preservation Offices, USFWS, Idaho Fish & Game, etc.) to ensure adherence with the statutes. If the contacted agencies make no significant findings or require no mitigation, the project will convert to Exempt and will be closed out similarly.

Environmental Assessment (EA)

Activities that are neither exempt nor categorically excluded, which fall below the threshold of activities requiring an EIS, must have an Environmental Assessment prepared in accordance with Subpart E of Part 58. Projects requiring an EA are usually large-scale construction projects and will be required to comply with additional environmental requirements. Mitigation measures may also be necessary if the project is found to be non-compliant with any of the various laws included on the Statutory Checklist.

An EA may take several months to complete due to the amount of research involved and the requirement for a public comment period, consultation with other agencies, and any mitigation measures required to comply with applicable laws, regulations, and statutes.

Environmental Impact Statement (EIS)

When a project is determined to have a potentially significant impact on humans or the environment, it will require an EIS. Projects that require an EIS are unlikely to be funded by the City.

See Appendix A: Statutory Checklist

TIERS

Responsible entities may tier environmental reviews and assessments to eliminate repetitive discussions of the same issues at subsequent levels of review. The Tier 1 (broad) review should identify and evaluate issues related to the program as a whole and establish policies, standards, and processes to be followed for site-specific reviews.

Tier 2 (narrow) reviews can reference the issues identified in the Tier 1 review and only need to analyze site-specific issues.

Tier 2 reviews do not require notices or RROFs, unless the Certifying Officer determines there are impacts not adequately addressed in the Tier 1 review.

GENERAL REQUIREMENTS

Duration

Environmental Reviews are valid for five years. However, if a project's scope of work or environmental condition changes within those five years, the City will re-evaluate the environmental findings and may update the review to reflect the proposed changes.

Retention

The project sponsor is responsible for maintaining all project related files, including all worker/employer certifications and documentation for 5 years from the closeout date of the project (date the project is marked complete in IDIS).

The City will retain and dispose of its project records and financial documents in accordance with the regulations of the federal funding source (HOME, CDBG, etc.) and the HCD Record Retention and Disposition Policy, which will be for no less than seven (7) years or the life of the project, whichever is longer.

A copy of the completed ERR and any updates will be provided to the project sponsor.

Project Aggregation

The City will group together and evaluate as a single project all individual activities which are related either on a geographical or functional basis or are logical parts of a composite of contemplated actions (i.e., a developer acquiring multiple homes in proximity to each other for rehabilitation or reconstruction will require a single review rather than individual reviews for each unit), as required by 24 CFR §58.32. Prior to determining the level of environmental review, the Environmental Review Officer will ensure the project description has sufficient information specific to possible project aggregation (including multi-year aggregation) and will use this information to justify whether a project is part of an aggregated whole.

Multi-year Project Aggregation

When considering a project that will be implemented over two or more years, the City's environmental review will consider the relationship among all composite activities of the multi-year project, regardless of the source of funds, and address and evaluate their cumulative environmental effects. The estimated range of the aggregated activities and the estimated cost of the total project must be listed and described in the environmental review and included in the RROF. The RROF will cover the entire project period.

Re-evaluation of Environmental Assessments or Findings

If the original findings are still valid but the data or conditions upon which they were based have changed, the City will affirm the original findings and update its ERR by including this re-evaluation and its determination based on its findings. Under these circumstances, if a FONSI notice has already been published, there will be no further publication of a FONSI notice.

If the findings are no longer valid, the City will prepare a new ER/EA.

ENVIRONMENTAL REVIEW WORKFLOW

All Environmental Reviews will follow the process outlined below.

See Appendix B: Environmental Review Process Flowchart

PROJECT DESCRIPTION

The Environmental Review Officer will draft a project description that adequately describes the proposed activity and all its delineated activities throughout all anticipated phases (if more than one) such that a member of the general public will be sufficiently informed of the purpose, need, and steps necessary to complete the activity being undertaken. The ERO will use the details found in the project application and other developer-submitted materials, as well as GIS maps, site visits, and other sources to develop the description. The information found in the description should include but not be limited to:

- HUD funding action (grant, loan, insurance, etc.),
- Amount of funds and sources of funds,
- Detailed description of the aggregated project activities from an environmental perspective including type of project (new construction, rehab, etc), physical description of existing or proposed new buildings, implementation steps and time frame, size, scale and scope (area coverage, disturbance footprint, number of units, population served),
- Location of the project such that the public can locate it,
- Area setting including existing site conditions, features, resources, and trends,
- Purpose and need described and explained,
- Project beneficiaries,
- Other funding sources and development partners (IHFA, etc.).

LEVEL OF REVIEW & PROJECT JUSTIFICATION

The ERO will compare the activity information provided in the project summary to the checklist on the Level of Review Determination tab in HEROS and select the appropriate level: Exempt, CENST, CEST, EA, or EIS.

The ERO will describe the purpose and need for the project (how it meets the City's goals for housing and community development) as well as determine existing conditions of the project area and its surroundings.

LAWS AND AUTHORITIES

The ERO will compile data and request reports for each of the required related laws and authorities listed in the Statutory Checklist, as required by the level of review for the project. For each compliance factor, the ERO will write a brief summary of their findings with references to the acquired data and make a determination of whether compliance or mitigation measures are necessary, including the justifications for such determinations.

Consultation

It may be necessary to consult with other state and/or local agencies/organizations during the environmental review process to accurately make a compliance determination or identify mitigation that may be required.

Historic Preservation

The Idaho State Historic Preservation Office (SHPO) must be consulted if the project involves ground disturbance, the project location is within a historical district, or the project involves a building over 50 years old.

See Appendix C: Idaho SHPO Consultation Resources

The Tribal Historic Preservation Offices (THPO) must be contacted when the project involves ground disturbance.

See Appendix D: When to Consult with Tribes Under Section 106

See Appendix E: Idaho Cultural Resource Contacts

Both SHPO and THPO have a 30-day window to comment on any concerns with the proposed project, including any mitigation measures necessary. When there is ground disturbance in the project an Inadvertent Discovery Plan will be in place if potential human remains or historic/prehistoric items are discovered during construction. It is the responsibility of the general contractor to secure the site and contact the appropriate persons listed on the Inadvertent Discovery Plan if remains or artifacts are discovered.

See Appendix F: Inadvertent Discovery Plan Template

Noise Abatement and Control

The Idaho Transportation Department (ITD) and/or Ada County Highway District (ACHD) should be contacted to collect traffic data for Noise Abatement and Control compliance factors.

Endangered Species

The U.S. Fish and Wildlife Service should be contacted to determine if there are threatened and/or endangered species present in the proposed project location, or that may be affected by the proposed project.

See Appendix G: Endangered Species Act – No Effect Guidance for Idaho

Professional Reports

Site Contamination

In activities involving acquisition, the City must identify any potential environmental issues involving the property before leasing, optioning, and/or acquiring the property in order to prevent inadvertent assumption of liability for clean-up costs. The City will contract with a qualified professional to have an ASTM Phase I Report completed as part of the environmental review. Depending on the findings of the Phase I report, a Phase II ASTM report may also be required. ASTM Phase I and Phase II reports are valid for 180 days.

See Appendix H: Fact Sheet Applicability of ASTM Phase I ESA Standard for HUD Environmental Reviews

Historic Preservation

The SHPO may require an architectural survey, archaeology report, or other cultural/historical investigation conducted by a preservation consultant. Any required reports will be identified during the consultation process.

ANALYSIS

The ERO will assess the project on several Environmental Assessment Factors as found on the EA Factors tab in HEROS. The impact codes and evaluations will determine the impact of the project and identify any further mitigation measures required.

The ERO will provide an analysis summary and highlight any negative effects that will need to be mitigated. Additionally, any alternative actions or site locations will be listed with the reasons for rejecting them.

MITIGATION

The ERO will develop a mitigation plan based on the compliance determinations listed in prior steps. Documentation demonstrating that the mitigation measures have been implemented will be included in the environmental review record.

ENVIRONMENTAL FINDING

Determination

Based on all provided data and determinations, the ERO will document either a Finding of No Significant Impact (FONSI) or Finding of Significant Impact. If a Finding of Significant Impact is made, an Environmental Impact Assessment is required before funds can be committed. The City is unlikely to fund a project with this determination.

Notices

All notices will be published in both English and Spanish.

CEST Level Reviews

If the CEST level review does not convert to exempt, the City will publish a Notice of Intent to Request Release of Funds (NOI-RROF) when the review is completed. The NOI-RROF will be published on the HCD website (cityofboise.org/hcd) and in the Idaho Statesman to allow the public to comment on the notice for seven (7) calendar days.

EA Level Reviews

After a FONSI has been determined, the City will publish public notice of both the FONSI and the NOI-RROF. The notice(s) will be published on the HCD website (cityofboise.org/hcd), in the Idaho Statesman, and sent to individuals and groups known to be interested in the activities and to the appropriate local, state, and federal entities. The published notice(s) will indicate that it is intended to meet two separate procedural requirements, and the public has 15 calendar days to comment on either notice.

See Appendix I: List of Entities for FONSI Dissemination

See Appendix J: Sample Notices

Comment Periods

The comment period begins at 12:01 AM the day after the notice is published in the Idaho Statesman and ends at midnight of the last day (7th or 15th day), or the next business day after a weekend or holiday.

Exceptions

The City will extend the comment period to 30 calendar days when:

- There is a considerable interest or controversy concerning the project;
- The proposed project is similar to other projects that normally require the preparation of an EIS; or
- The project is unique and without precedent.

Submittal

After the public comment period and all objections, if any, have been sufficiently addressed, the City will send the ERR to the HUD Field Office along with a Request to Release Funds (RROF Form 7015.15) and proof of the public notices. HUD then holds a 15-day period to receive objections. If the RROF is approved, HUD will respond with Authority to Use Grant Funds (AUGF Form 7015.16), at which point the City may commit federal funds to the project and draws may begin.

See Appendix K: RROF and AUGF Forms

NOTIFICATIONS

Preliminary Awards

Any projects that have been preliminarily awarded funds will be provided with information regarding the Part 58 review requirements and the prohibition of choice-limiting actions pending the Environmental Review process as part of the Preliminary Award Letter.

See Appendix L: Sample Preliminary Award Letter

Denied Applications

If a project/application is not selected for funding, the applicant will be notified that they are released from the Environmental Review requirements that were triggered by their application for federal funding.

See Appendix M: Sample Release of ER Requirements/Project Denial Letter

Environmental Review Completion

Upon completion of the Environmental Review Record, including any approvals from HUD that may be required as determined by the level of review, the City will provide notification to the applicant regarding the status and findings of the review. This notification will include any mitigation requirements and additional compliance measures that have been identified during the review process.

See Appendix N: Sample Environmental Review Approval Letter

POST-REVIEW CONSIDERATIONS

The ERO will reevaluate the ER as needed as the project advances and if any significant alterations to the proposed project are made. Significant alterations include but are not limited to change in scope of project, additional or alternate activities that become necessary to complete the project, or any new information learned that may require additional compliance determinations.

The ERO will ensure the project complies with the predetermined mitigation plan as documented in the ERR. The project sponsor is responsible for all mitigation steps listed in the mitigation plan. If the mitigation measures are not followed, the City reserves the right to cancel the project, remove funding, or require repayment.

APPENDICES

APPENDIX A: STATUTORY CHECKLIST

Listings under 24 CFR 50.4 and 58.6

Issue	Laws, Authorities, and Regulations
Airport Hazards	24 CFR Part 50, Subpart D
Coastal Barrier Resources	Coastal Barrier Resources Act, as amended by the Coastal Barrier Improvement Act of 1990 (16 U.S.C. 3501)
Flood Insurance	<p>G. Flood Disaster Protection Act of 1973, as amended</p> <ul style="list-style-type: none"> • 42 U.S.C. 4001 • 42 U.S.C. 4106 <p>H. National Flood Insurance Reform Act of 1994 (42 U.S.C. 5154a)</p>

Listings under 24 CFR 50.4 and 58.5

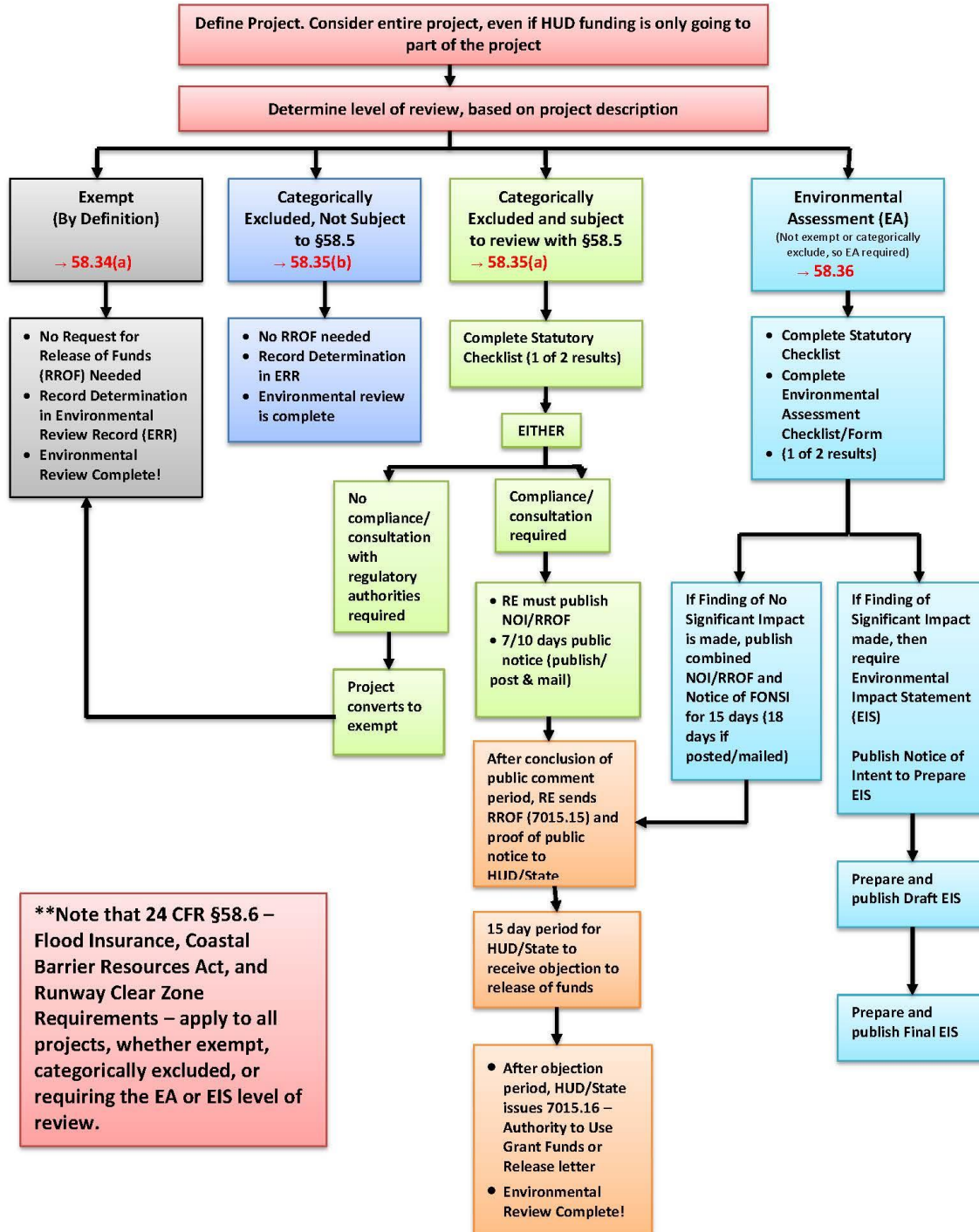
Subject	Laws, Authorities, and Regulations
Air Quality	<p>I. The Clean Air Act (42 U.S.C. 7401 et seq.) as amended, particularly section 176(c) and (d) (42 U.S.C. 7506(c) and (d))</p> <p>J. Determining conformity of General Federal Actions to State or Federal Implementation Plans - 40 CFR parts 6, 51, and 93</p>
Coastal Zone Management	The Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq) as amended, particularly section 307(c) and (d)
Contamination and Toxic Substances	24 CFR 50.3(i) & 58.5(i)(2)
Floodplain Management	<p>K. Executive Order 11988, Floodplain Management</p> <p>L. 24 CFR Part 55</p>
Endangered Species	The Endangered Species Act of 1973 (16 U.S.C. 1531) et seq. as amended, particularly section 7 (16 U.S.C. 1536)

Environmental Justice	Executive Order 12898 - Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations
Explosive and Flammable Hazards (Above-Ground Storage Tanks)	24 CFR Part 51, Subpart C
Farmlands Protection	Department of Agriculture - 7 CFR part 658
Historic Preservation	<p>M. The National Historic Preservation Act of 1966 as amended (16 U.S.C. 470 et seq.), particularly sections 106 and 110 (16 U.S.C. 470f and 470h-2)</p> <p>N. Advisory Council on Historic Preservation - 36 CFR Part 800</p> <p>O. Executive Order 11593, Protection and Enhancement of the Cultural Environment</p> <p>P. The Reservoir Salvage Act of 1960 as amended by the Archeological and Historic Preservation Act of 1974 (16 U.S.C. 469 et seq.), particularly section 3 (16 U.S.C. 469a-1)</p>
Noise Abatement and Control	<p>Q. Noise Control Act of 1972, as amended by the Quiet Communities Act of 1978</p> <p>R. 24 CFR Part 51, Subpart B</p>
Sole Source Aquifers	<p>S. The Safe Drinking Water Act of 1974 (42 U.S.C. 201, 300(f) et seq., and 21 U.S.C. 349) as amended, particularly section 1424(e) (42 U.S.C. 300h-3(e))</p> <p>T. Environmental Protection Agency - 40 CFR Part 149</p>
Wetlands Protection	<p>U. Executive Order 11990, Protection of Wetlands</p> <p>V. 24 CFR Part 55</p>

<u>Wild and Scenic Rivers</u>	The Wild and Scenic Rivers Act of 1968 (16 U.S.C. 1531 et seq.) as amended, particularly section 7 (b) and (c) (<u>16 U.S.C. 1278(b) and (c)</u>)
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APPENDIX B: ENVIRONMENTAL REVIEW PROCESS FLOWCHART

Environmental Review Process (To Be Conducted by Responsible Entity)



APPENDIX C: IDAHO SHPO CONSULTATION RESOURCES

Idaho State Historic Preservation Office Section 106 Project Review website:

<https://history.idaho.gov/section-106/>

Consulting with the Idaho SHPO Handbook: https://history.idaho.gov/wp-content/uploads/Consulting_With_Idaho_SHPO.pdf

Mitigation Process: <https://history.idaho.gov/section-106/mitigation-process/>

APPENDIX D: WHEN TO CONSULT WITH TRIBES UNDER SECTION 106

When To Consult With Tribes Under Section 106

Section 106 requires consultation with federally-recognized Indian tribes when a project may affect a historic property of religious and cultural significance to the tribe. Historic properties of religious and cultural significance include: archeological sites, burial grounds, sacred landscapes or features, ceremonial areas, traditional cultural places, traditional cultural landscapes, plant and animal communities, and buildings and structures with significant tribal association. The types of activities that may affect historic properties of religious and cultural significance include: ground disturbance (digging), new construction in undeveloped natural areas, introduction of incongruent visual, audible, or atmospheric changes, work on a building with significant tribal association, and transfer, lease or sale of properties of the types listed above.

If a project includes any of the types of activities below, invite tribes to consult:

- significant ground disturbance (digging)**
Examples: new sewer lines, utility lines (above and below ground), foundations, footings, grading, access roads
- new construction in undeveloped natural areas**
Examples: industrial-scale energy facilities, transmission lines, pipelines, or new recreational facilities, in undeveloped natural areas like mountaintops, canyons, islands, forests, native grasslands, etc., and housing, commercial, and industrial facilities in such areas
- incongruent visual changes**
Examples: construction of a focal point that is out of character with the surrounding natural area, impairment of the vista or viewshed from an observation point in the natural landscape, or impairment of the recognized historic scenic qualities of an area
- incongruent audible changes**
Examples: increase in noise levels above an acceptable standard in areas known for their quiet, contemplative experience
- incongruent atmospheric changes**
Examples: introduction of lights that create skyglow in an area with a dark night sky
- work on a building with significant tribal association**
Examples: rehabilitation, demolition or removal of a surviving ancient tribal structure or village, or a building or structure that there is reason to believe was the location of a significant tribal event, home of an important person, or that served as a tribal school or community hall
- transfer, lease or sale of a historic property of religious and cultural significance**
Example: transfer, lease or sale of properties that contain archeological sites, burial grounds, sacred landscapes or features, ceremonial areas, plant and animal communities, or buildings and structures with significant tribal association
- None of the above apply**

Project

Reviewed By

Date

APPENDIX E: IDAHO CULTURAL RESOURCE CONTACTS

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The Idaho Cultural Resource Contacts list contains the information for state and federal agencies, tribal partners, universities, colleges, and regional archaeological centers. The list is compiled from the agency contacts and website. If there is an error or a change in staff, please email us at shpo@ishs.idaho.gov.



The State Historic Preservation Office (SHPO) is part of the Idaho State Historical Society and encourages the preservation, documentation, and use of cultural resources. To learn more visit history.idaho.gov/shpo.

APPENDIX F: INADVERTENT DISCOVERY PLAN TEMPLATE

Inadvertent Discovery Plan

The Inadvertent Discovery Plan (IDP) protocol must be adhered to if cultural materials, including human remains, are encountered during construction

Project: Click or tap here to enter text.

SHPO Review No.: Click or tap here to enter text.

Project Manager: Click or tap here to enter text.

Location: Click or tap here to enter text.

Cultural Resources

Construction work may uncover previously unidentified Native American or Euro-American artifacts. This could occur for a variety of reasons, but may be associated with deeply buried cultural material, access restrictions during project development, or if the area contains impervious surfaces throughout most of the project area which would have prevented standard archaeological site discovery methods. Work must stop and the IDP protocol followed when archaeological artifacts and/or features are encountered.

Native American artifacts may include (but are not limited to):

- Flaked stone tools (e.g. arrowheads, knives scrapers etc.);
- Waste flakes that resulted from the construction of flaked stone tools;
- Modified, shaped, or perforated stones like net anchors, pendants;
- Ground stone tools like mortars and pestles;
- Layers (strata) of discolored earth resulting from fire hearths. May be black, red or mottled brown and often contain discolored cracked rocks or dark soil in association with other artifacts;
- Human remains; and/or
- Structural remains (e.g. wooden beams, post holes, fish weirs).

Euro-American artifacts may include (but are not limited to):

- Glass (e.g. bottles, vessels, windows etc.);
- Ceramic (e.g. dinnerware, vessels etc.);
- Metal (e.g. nails, drink/food cans, tobacco tins, industrial parts etc.);
- Building materials (e.g. bricks, shingles etc.);
- Building remains (e.g. foundations, architectural components etc.);
- Old wooden posts, pilings, or planks (these may be encountered above or below water);
- Old farm equipment may indicate historic resources in the area.

Even what looks to be old garbage could very well be an important archaeological resource.

When in doubt, call it in!

Protocol

I. Stop Work Immediately

In the event of an inadvertent discovery of possible cultural materials, including human remains, all work will stop immediately in the vicinity of the find. The area will then be secured and protected with a 100-foot buffer around the discovery. Work can proceed outside of this buffered area unless additional cultural materials are encountered.

Special Procedures for the Discovery of Human Skeletal Material

Any human skeletal remains, regardless of antiquity or ethnic origin, will always be treated with dignity and respect. Cover the remains with a tarp or other materials (not soil or rocks) for temporary protection and to shield them from being photographed. **Do not call 911 or speak with the media. Do not take pictures.**

II. Notify Appropriate Parties

The project manager must be notified immediately, who will then notify the State Historic Preservation Office (SHPO), the local police or sheriff's department, and the project Archaeologist, as appropriate.

If potential human remains are encountered, the local police or sheriff's department must be notified and they will coordinate with the Idaho State Police (ISP), the local Medical Examiner/Coroner, and appropriate Tribal Governments. Call the non-emergent line and request the Watch Commander or Officer-In-Charge.

Project Manager Name: Click or tap here to enter text. Phone: Click or tap here to enter text. Email: Click or tap here to enter text.	Project Archaeologist Name: Click or tap here to enter text. Phone: Click or tap here to enter text. Email: Click or tap here to enter text.
State Historic Preservation Office Name: Lindsay Johansson Phone: 208.334.3861 Email: shsshpo@ishs.idaho.gov	City/County Project Manager Name: Click or tap here to enter text. Phone: Click or tap here to enter text. Email: Click or tap here to enter text.
Local Law Enforcement Name: Click or tap here to enter text. Phone: Click or tap here to enter text. Email: Click or tap here to enter text.	Local Medical Examiner/Coroner Name: Click or tap here to enter text. Phone: Click or tap here to enter text. Email: Click or tap here to enter text.
State/Federal Project Manager Name: Click or tap here to enter text. Phone: Click or tap here to enter text. Email: Click or tap here to enter text.	Landowner Name: Click or tap here to enter text. Phone: Click or tap here to enter text. Email: Click or tap here to enter text.

III. Wait for Guidance

No work in the buffered area may resume until consultation has occurred. If a professional archaeologist is needed to assess the discovery, they will consult with the SHPO and appropriate Tribal Governments to facilitate determination of an appropriate course of action. Archaeological investigation or excavations may be required. Until a formal determination can be made, archaeological deposits discovered during construction will be assumed eligible for listing in the National Register of Historic Places and should be protected. The professional archaeologist and project manager, in consultation with SHPO and Tribal Governments, handles this on a case-by-case basis.

IV. Proceed with Construction

Construction can proceed only after the proper archaeological inspections have occurred and environmental clearances are obtained if necessary and clearance has been received from all parties involved. This requires close coordination with SHPO and the Tribal Governments.

After an inadvertent discovery, some areas may be specified for close monitoring or 'no work zones.' Any such areas will be identified by the professional archaeologist to the Project Manager, and appropriate Contractor personnel. In coordination with the SHPO, the Project Manager will verify these identified areas and be sure that the areas are clearly demarcated in the field.

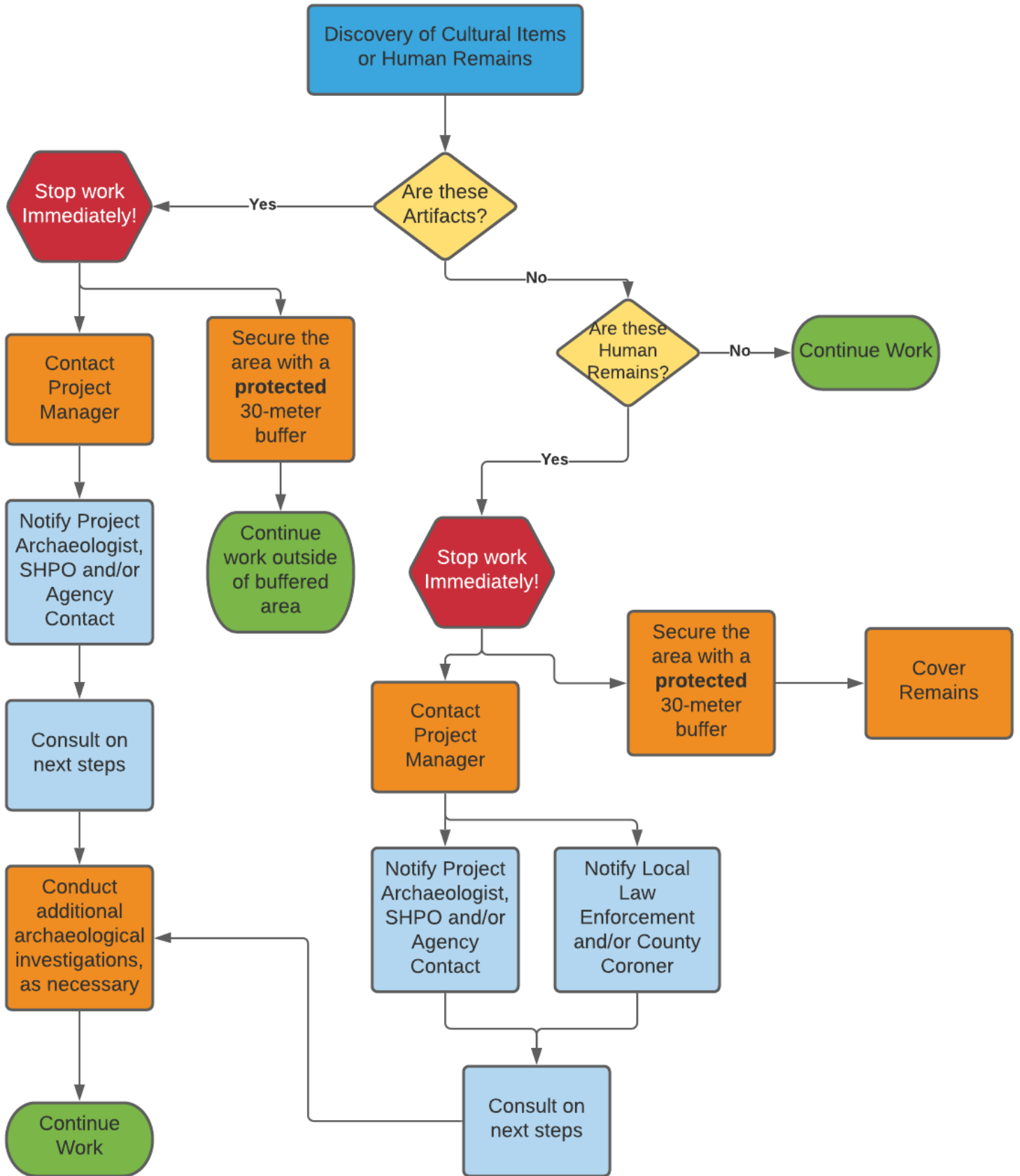
Confidentiality

This project and its employees, contractors, and subcontractors shall make their best efforts, in accordance with federal and state law, to ensure that its personnel keep the discovery confidential. The media, or any third-party member or members of the public are not to be contacted or have information regarding the discovery, and any public or media inquiry is to be reported to [Click or tap here to enter text.](#) Prior to any release, the responsible agencies and Tribes shall consult on the amount of information, if any, to be released to the public.

As the designated representative for the project, I acknowledge that I have received this inadvertent discovery plan and will, to the best of my abilities, ensure that it is implemented appropriately.

Name: [Click or tap here to enter text.](#) Date [Click or tap here to enter text.](#)

Appendix A: Process Flow Chart



Appendix B: Visual References and Examples of Potential Discoveries

Implement the IDP if ... You see chipped stone artifacts.



- Glass-like material
- Angular
- “Unusual” material for area
- “Unusual” shape
- Regularity of flaking
- Variability of size



Implement the IDP if ...

You see ground or pecked stone artifacts.



- Striations or scratching
- Unusual or unnatural shapes
- Unusual stone
- Etching
- Perforations
- Pecking
- Regularity in modifications
- Variability of size, function, and complexity



Stone Artifacts from Oregon



Implement the IDP if ... You see bone or shell artifacts.



- Often smooth
- Unusual shape
- Carved
- Often pointed if used as a tool
- Often wedge shaped like a “shoehorn”



Bone Awls from Oregon and Bone Wedge from California

Implement the IDP if ...

You see bone or shell artifacts.



- Often smooth
- Unusual shape
- Perforated
- Variability of size



Tooth Pendant and Bone Pendants from Oregon and Washington

Implement the IDP if ... You see fiber or wood artifacts.



- Wet environments needed for preservation
- Variability of size, function, and complexity
- Rare



Artifacts by Mud Bay, Olympia, Washington

Implement the IDP if ... You see historic period artifacts.



Artifacts from Downtown Seattle, Alaskan Way Viaduct (Upper Left and Lower) and Unknown Site (Upper Right)

Implement the IDP if ...

You see strange, different, or interesting looking dirt, rocks, or shells.



- Human activities leave traces in the ground that may or may not have artifacts associated with them
- “Unusual” accumulations of rock (especially fire-cracked rock)
- “Unusual” shaped accumulations of rock (e.g., similar to a fire ring)
- Charcoal or charcoal-stained soils
- Oxidized or burnt-looking soils
- Accumulations of shell
- Accumulations of bones or artifacts
- Look for the “unusual” or out of place (e.g., rock piles or accumulations in areas with few rock)

Unknown Sites

Implement the IDP if ...

You see strange, different or interesting looking dirt, rocks, or shells.



- “Unusual” accumulations of rock (especially fire-cracked rock)
- “Unusual” shaped accumulations of rock (e.g., similar to a fire ring)
- Look for the “unusual” or out of place (e.g., rock piles or accumulations in areas with few rock)

Site of Muckleshoot Indian Reservation, near WSDOT ROW along SR 164

Implement the IDP if ...

You see strange, different or interesting looking dirt, rocks, or shells.



Site located within WSDOT ROW near Anacortes Ferry Terminal

Implement the IDP if ...

You see historic foundations or buried structures.



45KI1924, In WSDOT ROW for SR 99 Tunnel

Appendix C: Map of Project Area

Include any monitoring areas if applicable

APPENDIX G: ENDANGERED SPECIES ACT – NO EFFECT GUIDANCE FOR IDAHO

Endangered Species Act: No Effect Guidance for Idaho

(Prepared in collaboration with the U.S. Fish and Wildlife Service and National Marine Fisheries Service. Applies in Idaho only.)

24 CFR Part 58, 24 CFR Part 50

Purpose

The purpose of this checklist is to assist HUD and responsible entities in meeting their Endangered Species Act obligations. The checklist is designed to help you determine if the proposed project will have an effect to federally listed species or designated critical habitat. A determination of “**no effect**” to federally listed species and critical habitat fulfills HUD’s and the responsible entity’s obligation to ensure actions it authorizes, funds, or carries out do not jeopardize the continued existence of listed species or adversely modify designated critical habitat. “**No effect**” determinations do not require coordination with or approval from the U.S. Fish and Wildlife Service (FWS) and/or the National Marine Fisheries Service (NMFS) under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq., as amended; ESA).

ESA Section 7 Background

NMFS and FWS share responsibility for implementing the ESA. FWS trust resources under the ESA include birds, amphibians, plants, insects, terrestrial reptiles, terrestrial mammals, most freshwater fish, and a few marine mammals. NMFS manages the remainder of listed marine mammals, as well as anadromous fish such as salmon and steelhead.

Section 7(a) of the ESA directs all Federal agencies to conserve species listed as threatened or endangered. Those agencies, in consultation with NMFS and FWS, must ensure that their actions will not jeopardize the continued existence of any ESA-listed species. Based on analysis of the project activity and/or whether listed species or habitat is present, the Federal agency makes one of three determinations of effect for listed species:

- “**No effect**” is the appropriate conclusion if the proposed action will not affect listed species/critical habitat. If a “no effect” determination is made, the Federal agency is not obligated to contact FWS and/or NMFS for concurrence.
- When effects to listed species are expected to be insignificant or discountable¹, the action agency should make a “**not likely to adversely affect**” determination and contact FWS and/or NMFS, as appropriate, for written concurrence with that determination.
- If adverse effects are likely to occur as a direct or indirect result of the proposed action or its interrelated or interdependent actions, then the action agency should make a determination of “**likely to adversely affect.**” The Federal agency must initiate formal consultation with FWS and/or NMFS as appropriate.

¹ **Insignificant effects** relate to the size of the impact and should never reach the scale where take occurs, where take is defined as to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect or attempt to engage in any such conduct. **Discountable effects** are those extremely unlikely to occur. Based on best judgment, a person would not: (1) be able to meaningfully measure, detect, or evaluate insignificant effects; or (2) expect discountable effects to occur.

Procedure for Section 7 Determination

Use the guidance below to help you determine whether the project qualifies for a “no effect” determination.

Part A: Project Activity

Is the project activity listed in Table A (see next page) and does it meet all of the required parameters?

- YES, the activity is listed in Table A and meets all of the required parameters.** Therefore, the project will have No Effect on ESA-listed species and/or designated critical habitat. There is no need to consult with National Marine Fisheries Service (NMFS) or with Fish and Wildlife Service (FWS).
 - Record your determination of No Effect and maintain this documentation in your Environmental Review Record.
 - Attach a statement to your determination explaining how your project met the required parameters in Table A.

YOU ARE DONE WITH THIS CHECKLIST. YOU DO NOT NEED TO INITIATE SECTION 7 CONSULTATION.

- NO, the project description does not match a project description in Table A and all of the specified parameters.**

CONTINUE TO PARTS B AND C.

TABLE A.

Potential “No Effect” Activity	Required Parameters
Landscape repair, including adding sprinkler systems ²	<ul style="list-style-type: none"> • Does not remove trees or streamside vegetation • If located within the map area outlined in Appendix A, does not require increasing the volume or rate of water withdrawn from surface or groundwater sources
Interior rehabilitation	<ul style="list-style-type: none"> • For existing structures • Waste materials are recycled or otherwise disposed of in an EPA approved sanitary or hazardous waste disposal site
Exterior rehabilitation, including: <ul style="list-style-type: none"> • Replacing exterior paint or siding • Replace/repair roof³ • Reconstruct/repair existing curbs, sidewalks or other concrete structures • Repair existing parking lots (pot holes, repainting lines, etc.) 	<ul style="list-style-type: none"> • Does not increase amount of impervious surface • Waste materials are recycled or otherwise disposed of in an EPA approved sanitary or hazardous waste disposal site
New construction (does not increase impervious surface)	Meets <u>all</u> of the following: <ul style="list-style-type: none"> • On previously developed parcel; and • Does not remove trees or streamside/riparian vegetation; and • Complies with all state and local building codes and storm water regulations; and • Infiltrates all storm water onsite <u>OR</u> does not discharge storm water to a salmonid-bearing stream or proposed/designated critical habitat; and • Quarry sites and materials spoil sites have been assessed as part of any proposed action.
New construction (increases impervious surface)	Meets <u>all</u> of the following: <ul style="list-style-type: none"> • On previously developed parcel; and • Does not remove trees or streamside/riparian vegetation; and • Complies with all state and local building codes and storm water regulations; and • Discharges treated storm water to non- salmonid-bearing stream within the same sub-basin⁴ <u>OR</u> infiltrates all treated storm water within the same sub-basin; and • Quarry sites and materials spoil sites have been assessed as part of any proposed action.

² When choosing plants, HUD suggests that you consult the Idaho Invasive Species List (<http://www.agri.state.id.us/Categories/Environment/InvasiveSpeciesCouncil/InvSppList.php>) and the Idaho Noxious Weed List (<http://www.agri.state.id.us/Categories/PlantsInsects/NoxiousWeeds/watchlist.php>) to avoid plants that are designated as invasive or noxious by state law.

³ Not including galvanized material unless it has been sealed or otherwise confined so that it will not leach into stormwater.

⁴ Discharge point must be a minimum of ¼ mile from salmonid bearing stream or proposed/designated critical habitat

Part B: Consultation with National Marine Fisheries Service

B1. Designated or proposed critical habitats covered by National Marine Fisheries Service (NMFS) fall within Adams, Benewah, Blaine, Clearwater, Custer, Idaho, Latah, Lemhi, Lewis, Nez Perce, Shoshone and Valley Counties. Is the project located within one of these counties?

- NO, the project is not located within one of these counties.** Therefore, there is no need to consult with NMFS. Consultation with Fish and Wildlife Service may still be necessary.
- Record your determination of No Effect on species or habitats covered by NMFS, and maintain this documentation in your Environmental Review Record.
 - Attach a statement to your determination explaining that your project is not located within one of the counties covered by NMFS.
 - Consultation with FWS may still be necessary. CONTINUE TO PART C.
- YES, the project is located within one of these counties.** Continue to question B2.

B2. Would the project effects overlap with federally listed or proposed species and designated or proposed critical habitat covered by NMFS? Note that project effects include those that extend beyond the project site itself, such as noise, water quality, stormwater discharge, visual disturbance; and habitat consideration must include consideration for feeding, spawning, rearing, overwintering sites, and migratory corridors.

For NMFS species and designated or proposed critical habitat go to:
http://www.westcoast.fisheries.noaa.gov/maps_data/maps_and_gis_data.html For assistance, contact the Idaho State Habitat Office at (208) 378-5696.

- NO, the project and all effects are outside the range of listed species and critical habitat covered by NMFS.** Therefore, there is no need to consult with NMFS. However, consultation with FWS may still be necessary.
- Record your determination of No Effect on species or habitats covered by NMFS, and maintain this documentation in your Environmental Review Record.
 - Attach a statement explaining how you determined that your project's effects do not overlap with species or habitat covered by NMFS.
 - Consultation with FWS may still be necessary. CONTINUE TO PART C.
- YES, project effects may overlap with ESA-listed species or designated critical habitat covered by NMFS.** Therefore, your project may affect species and habitat.
- YOU MUST INITIATE SECTION 7 CONSULTATION WITH NMFS.
 - Consultation with FWS may also be necessary. CONTINUE TO PART C.

Part C: Consultation with Fish and Wildlife Service

Would the project effects overlap with federally listed or proposed species or designated or proposed critical habitat covered by Fish and Wildlife Service? Note that project effects include those that extend beyond the project site itself, such as noise, air pollution, water quality, storm-water discharge, visual disturbance; and habitat consideration must include consideration for roosting, feeding, nesting, spawning, rearing, overwintering sites, and migratory corridors.

Go to <https://ecos.fws.gov/ipac/> for a list of species by county. Please note that this list includes listed, proposed *and* candidate species; consideration of project effects on candidate species is optional. However, candidate species may become listed as endangered species during the period of construction.

- NO, the project and all effects are outside the range of listed species and critical habitat covered by FWS.** Therefore, the project will have No Effect on ESA-listed species or designated critical habitat.
 - Record your determination of No Effect on species or habitats covered by FWS, and maintain this documentation in your Environmental Review Record.
 - Attach a statement explaining how you determined that your project's effects do not overlap with species or habitat covered by FWS.
- YES, project effects may overlap with ESA-listed species or designated critical habitat covered by FWS.** Therefore, your project may affect species and habitat.
 - YOU MUST INITIATE SECTION 7 CONSULTATION WITH FWS.

Initiating Section 7 Consultation

If the effects of the action are insignificant, discountable, or entirely beneficial, it is *not likely to adversely affect* listed species, and the section 7 consultation for the project will remain informal and relatively simple. Concurrence from FWS and/or NMFS on a May Affect, Not Likely to Adversely Affect determination is the most common outcome of consultation for HUD-funded projects.

However, if the effects of the action on listed species and/or critical habitat are not discountable, insignificant, or beneficial, (i.e., likely to adversely affect), formal consultation must be initiated. In such cases, a formal consultation must be initiated prior to committing resources to the project, by which the FWS and/or NMFS assess the action's potential to jeopardize the listed species, to result in the destruction or adverse modification of critical habitat, or to result in incidental take of a listed species.

At any stage in making your determination, you may wish to contact the appropriate FWS and NMFS field offices for technical assistance. Contact information is available at:

National Marine Fisheries Service
Idaho State Habitat Office
10095 W Emerald
Boise, Idaho 83704
(208) 378 – 5696
www.nmfs.noaa.gov

Fish and Wildlife Service
Idaho Fish and Wildlife Office
1387 Vinnell Way, Room 368
Boise, ID 83709
(208) 378 – 5253
www.fws.gov

DISCLAIMER: This document is intended as a tool to help grantees and HUD staff complete NEPA requirements. This document is subject to change. This is not a policy statement, and the Endangered Species Act and associated regulations take precedence over any information found in this document.

Questions concerning environmental requirements relative to HUD programs can be addressed to Deborah Peavler-Stewart (206) 220-5414 or Brian Sturdivant (206) 220-5377.

APPENDIX H: FACT SHEET APPLICABILITY OF ASTM PHASE I ESA STANDARD FOR HUD ENVIRONMENTAL REVIEWS

Fact Sheet #ASTM

Updates on the applicability of recently adopted ASTM E 1527-13 Phase I ESA standard to HUD environmental reviews

Updates from previous Phase I E-1527-05

- *Recognized environmental condition* was simplified and clarified to help bring greater consistency to the identification of RECs
- *Historical REC* was clarified to exclude any REC. Under the E 1527-13 version, an HREC is a condition that was in the past, but is not now, a REC.
- *Controlled REC* definition was developed to categorize certain RECs as currently managed to a regulatory standard that does not permit unrestricted property use. This is designed to replace the use of HREC for conditions that require continued management or restrict possible uses.
- *De minimis condition* was clarified to make clear that RECs that require management or restrictions on use are still RECs.
- *Migration* was defined, clarifying that hazardous waste or petroleum products in vapor form must be evaluated as part of the Phase I ESA.

Authority: 24 CFR Part 50.3(i), and 58.5 (i)

Purpose: To provide specific guidance on the updates to the recently adopted ASTM Phase I ESA standard that are most relevant for HUD environmental reviews, and to explain how those updates apply to HUD environmental reviews.

A Phase I ESA studies previous uses of the property:

- Chain of title
- Aerial photographs
- Reviews government records
- Visual site inspection
- Identifies environmental concerns
- Makes recommendations

Applicability to HUD Environmental Reviews

HUD requires the performance of a Phase I ESA in accordance with ASTM E 1527 as part of environmental reviews in many of its programs, including all Federal Housing Administration (FHA) programs. ASTM International recently adopted ASTM E 1527-13, an updated version of ASTM E 1527-05. The updated version incorporates a few items which are significant for HUD's environmental reviews.

The identification of Controlled Recognized Environmental Conditions in the Phase I ESA will alert HUD staff and RE's to sites which have controlled contamination on site but may need further remediation to reach residential standards.

The migration definition includes hazardous waste or petroleum products in vapor form. This change will not impact program requirements in the FHA as most FHA programs already require that a Vapor Encroachment Survey be performed in accordance with ASTM E2600-10 and that it be included in the Phase I ESA. However, it does change the context of that requirement in that a Vapor Encroachment Survey is now required to also satisfy the ASTM E1527-13 Phase I ESA requirements. The migration definition may result in changes to the information submitted in a Phase I ESA in other HUD Offices where a Vapor Encroachment Survey was not already a program requirement.

APPENDIX I: LIST OF ENTITIES FOR FONSI DISSEMINATION

Agency	Contact Name	Email
Boise Planning & Zoning		zoninginfo@cityofboise.org
Capitol City Development Corporation		info@ccdcboise.com
Confederated Tribes of Warm Springs		thpo@ctwsbnr.org
EPA Region 10		epa-seattle@epa.gov
HUD Field Office	Heather Gramp	Heather.M.Gramp@hud.gov
Idaho Dept. of Commerce	Dennis Porter	Dennis.Porter@commerce.idaho.gov
Idaho Depart. of Environmental Quality	Aaron Scheff	Aaron.Scheff@deq.idaho.gov
Idaho Depart. of Health & Welfare		Questions@dhw.idaho.gov
Idaho Dept. of Water Resources		idwrinfo@idwr.idaho.gov
Shoshone-Bannock Tribes		csmith@sbtribes.com

APPENDIX J: SAMPLE NOTICES

Sample Notice of Intent to Request a Release of Funds

The sample language below is HUD's recommended wording of the Notice of Intent to Request a Release of Funds. This Notice is used to request the environmental release of funds for Categorical Exclusions [24 CFR Part 58, Section 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. The minimum comment period is seven days following publication or ten days if posting and mailing without publication is used

NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS

Date of Notice

Name of Responsible Entity [RE]

Address (e.g., Street No. or P.O. Box)

City, State, Zip Code

Telephone Number of RE

On or about *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 [] of the name of the Act of [year], as amended, to undertake a project known as project title for the purpose of nature/scope of project, estimated funding (include non-HUD funding sources if applicable) and project location if applicable.**

The activities proposed *alternative #1: are categorically excluded under HUD regulations at 24 CFR Part 58 from National Environmental Policy Act (NEPA) requirements or alternative #2: comprise a project for which a Finding of No Significant Impact on the environment 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.**

ENVIRONMENTAL CERTIFICATION

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 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

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

The sample language below is HUD's recommended wording of the combined Notice of Finding of No Significant Impact and Notice of Intent to Request a Release of Funds. This Notice is used for projects requiring an Environmental Assessment (24 CFR Part 58, Section 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 Notice

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 about *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 [] of the name of the Act of [year], as amended, to undertake a project known as project title for the purpose of nature/scope of project, estimated funding (include non-HUD funding sources if applicable) and project location if applicable.**

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.**

ENVIRONMENTAL CERTIFICATION

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 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

APPENDIX K: RROF AND AUGF FORMS

Request for Release of Funds and Certification

U.S. Department of Housing
and Urban Development
Office of Community Planning
and Development

OMB No. 2506-0087
(exp. 08/31/2023)

This form is to be used by Responsible Entities and Recipients (as defined in 24 CFR 58.2) when requesting the release of funds, and requesting the authority to use such funds, for HUD programs identified by statutes that provide for the assumption of the environmental review responsibility by units of general local government and States. Public reporting burden for this collection of information is estimated to average 36 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. This agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless that collection displays a valid OMB control number.

Part 1. Program Description and Request for Release of Funds (to be completed by Responsible Entity)

1. Program Title(s) <input type="text"/>	2. HUD/State Identification Number <input type="text"/>	3. Recipient Identification Number (optional) <input type="text"/>
4. OMB Catalog Number(s) <input type="text"/>	5. Name and address of responsible entity <input type="text"/>	
6. For information about this request, contact (name & phone number) <input type="text"/>	<input type="text"/>	
8. HUD or State Agency and office unit to receive request <input type="text"/>	7. Name and address of recipient (if different than responsible entity) <input type="text"/>	

The recipient(s) of assistance under the program(s) listed above requests the release of funds and removal of environmental grant conditions governing the use of the assistance for the following

9. Program Activity(ies)/Project Name(s) <input type="text"/>	10. Location (Street address, city, county, State) <input type="text"/>
--	--

11. Program Activity/Project Description

Previous editions are obsolete

form HUD-7015.15 (1/99)

Part 2. Environmental Certification (to be completed by responsible entity)

With reference to the above Program Activity(ies)/Project(s), I, the undersigned officer of the responsible entity, certify that:

1. The responsible entity has fully carried out its responsibilities for environmental review, decision-making and action pertaining to the project(s) named above.
2. The responsible entity has assumed responsibility for and complied with and will continue to comply with, the National Environmental Policy Act of 1969, as amended, and the environmental procedures, permit requirements and statutory obligations of the laws cited in 24 CFR 58.5; and also agrees to comply with the authorities in 24 CFR 58.6 and applicable State and local laws.
3. The responsible entity has assumed responsibility for and complied with and will continue to comply with Section 106 of the National Historic Preservation Act, and its implementing regulations 36 CFR 800, including consultation with the State Historic Preservation Officer, Indian tribes and Native Hawaiian organizations, and the public.
4. After considering the type and degree of environmental effects identified by the environmental review completed for the proposed project described in Part 1 of this request, I have found that the proposal did did not require the preparation and dissemination of an environmental impact statement.
5. The responsible entity has disseminated and/or published in the manner prescribed by 24 CFR 58.43 and 58.55 a notice to the public in accordance with 24 CFR 58.70 and as evidenced by the attached copy (copies) or evidence of posting and mailing procedure.
6. The dates for all statutory and regulatory time periods for review, comment or other action are in compliance with procedures and requirements of 24 CFR Part 58.
7. In accordance with 24 CFR 58.71(b), the responsible entity will advise the recipient (if different from the responsible entity) of any special environmental conditions that must be adhered to in carrying out the project.

As the duly designated certifying official of the responsible entity, I also certify that:

8. I am authorized to and do consent to assume the status of Federal official under the National Environmental Policy Act of 1969 and each provision of law designated in the 24 CFR 58.5 list of NEPA-related authorities insofar as the provisions of these laws apply to the HUD responsibilities for environmental review, decision-making and action that have been assumed by the responsible entity.
9. I am authorized to and do accept, on behalf of the recipient personally, the jurisdiction of the Federal courts for the enforcement of all these responsibilities, in my capacity as certifying officer of the responsible entity.

Signature of Certifying Officer of the Responsible Entity X	Title of Certifying Officer <input type="text"/>
	Date signed <input type="text"/>

Address of Certifying Officer <input type="text"/>

Part 3. To be completed when the Recipient is not the Responsible Entity

The recipient requests the release of funds for the programs and activities identified in Part 1 and agrees to abide by the special conditions, procedures and requirements of the environmental review and to advise the responsible entity of any proposed change in the scope of the project or any change in environmental conditions in accordance with 24 CFR 58.71(b).

Signature of Authorized Officer of the Recipient X	Title of Authorized Officer <input type="text"/>
	Date signed <input type="text"/>

Warning: HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)

Previous editions are obsolete

form HUD-7015.15 (1/99)

Authority to Use Grant Funds

U.S. Department of Housing
and Urban Development
Office of Community Planning
and Development

To: (name & address of Grant Recipient & name & title of Chief Executive Officer)	Copy To: (name & address of SubRecipient)
---	---

We received your Request for Release of Funds and Certification, form HUD-7015.15 on	
Your Request was for HUD/State Identification Number	

All objections, if received, have been considered. And the minimum waiting period has transpired.
You are hereby authorized to use funds provided to you under the above HUD/State Identification Number.
File this form for proper record keeping, audit, and inspection purposes.

Typed Name of Authorizing Officer	Signature of Authorizing Officer	Date (mm/dd/yyyy)
Title of Authorizing Officer	X	

Previous editions are obsolete.

form HUD-7015.16 (2/94)
ref. Handbook 6513.01

APPENDIX L: SAMPLE PRELIMINARY AWARD LETTER



PLANNING AND DEVELOPMENT SERVICES CITY OF BOISE HOUSING AND COMMUNITY DEVELOPMENT

DATE

DEVELOPMENT FIRM
STREET ADDRESS
CITY, STATE, ZIP

Subject: DEVELOPMENT NAME/ADDRESS – Preliminary Award Letter

Dear DEVELOPER NAME:

The City of Boise (City) recognizes the deep need for affordable housing within our community and is appreciative of your commitment to supporting the City's housing goals. <Insert specifics regarding current need >

DEVELOPMENT FIRM recently submitted a competitive application for FUNDING SOURCE funds. <Insert specifics about applications received and funding available>

This letter serves as the City of Boise's intent to providing financing of \$DOLLAR AMOUNT in FUND SOURCE funds for the project. <Insert other project specifics as applicable>

The terms of the City's FUND SOURCE loan/grant are subject to change and will be based on the project's overall feasibility and proforma. Currently the terms are <insert specifics – cash flow/amortizing + interest rate>

Receipt of a binding commitment is contingent upon:

- An Environmental Review meeting the requirements of 24 CFR part 58, including approval of the RROF/FONSI by HUD and any other requirements as determined by the City's Environmental Review Officer;
- Receipt of <insert other funding requirements – tax credits/permanent loan commitments/etc.>;
- Acceptable final underwriting, subsidy layers, cost allocation, and due diligence reviews by the City and execution of all required agreements in form and substance acceptable to the City;
- <Insert other requirements as applicable>

Until the Environmental Review process is complete and HUD has issued its authorization, no activities that would have an adverse environmental impact or limit the choice of alternatives may be undertaken (24 CFR 58.22). Please note that "choice-limiting actions" include the purchase of

BOISE CITY HALL: ATTN: Housing and Community Development | 150 N. Capitol Boulevard | MAIL: P.O. Box 500, Boise, Idaho 83701-0500
P: 208-570-6830 | F: 208-384-4195 | TDD/TTY: 800-377-3529



Upon request, this document will be provided in a format that is accessible to persons with disabilities and/or persons with limited-English proficiency. The City of Boise prohibits discrimination in housing on the basis of race, color, sex, sexual orientation, gender identity/expression, national origin, religion, familial status, disability and age.

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land. Any such actions are at the risk of the project developer and/or owner and will result in the City rescinding this funding reservation. The City will conduct the Environmental Review and notify you when the process is complete.

We are looking forward to collaborating with you on this project to bring much-needed housing to our community.

If you have any questions concerning this commitment of funds, please do not hesitate to reach out – contact information is below.

Sincerely,

STAFF NAME
POSITION
EMAIL
PHONE
City of Boise



APPENDIX M: SAMPLE RELEASE OF ER REQUIREMENTS/PROJECT DENIAL LETTER



PLANNING AND DEVELOPMENT SERVICES CITY OF BOISE HOUSING AND COMMUNITY DEVELOPMENT

DATE

DEVELOPMENT FIRM
STREET ADDRESS
CITY, STATE, ZIP

SUBJECT: PROGRAM NAME Application,

Dear DEVELOPER NAME:

Thank you for your application to the City of Boise's PROGRAM NAME. We truly appreciate the time and efforts that went into your application. After careful review and consideration, we regret to inform you that your proposal was not selected for funding.

This letter serves to relieve your organization of any federal requirements that were triggered by your application for FUNDING SOURCE funds.

We hope that you consider applying for this program in the future. Thank you again for your notable work in the community.

Please do not hesitate to reach out with any questions.

Sincerely,

STAFF NAME
POSITION
City of Boise

BOISE CITY HALL: ATTN: Housing and Community Development | 150 N. Capitol Boulevard | MAIL: P.O. Box 500, Boise, Idaho 83701-0500
P: 208-570-6830 | F: 208-384-4195 | TDD/TTY: 800-377-3529



Upon request, this document will be provided in a format that is accessible to persons with disabilities and/or persons with limited-English proficiency. The City of Boise prohibits discrimination in housing on the basis of race, color, sex, sexual orientation, gender identity/expression, national origin, religion, familial status, disability and age.

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APPENDIX N: SAMPLE ENVIRONMENTAL REVIEW APPROVAL LETTER



PLANNING AND DEVELOPMENT SERVICES CITY OF BOISE HOUSING AND COMMUNITY DEVELOPMENT

DATE

DEVELOPMENT FIRM
STREET ADDRESS
CITY, STATE, ZIP

Subject: DEVELOPMENT NAME – Environmental Review Approval

Dear DEVELOPER NAME:

In accordance with 24 CFR Part 58, the U.S. Department of Housing & Urban Development (HUD) regulations that implement the National Environmental Policy Act, the City of Boise, acting as the Responsible Entity, has conducted an environmental review of the DEVELOPMENT NAME project.

The project is approved based on submitted plans, with the following conditions:

[REVISE TO BE PROJECT-SPECIFIC]

- Materials reviewed, such as the Developer's site plans, may not be altered.
- Include the Inadvertent Discovery Plan for Cultural resources in ground disturbance related contracts and adhere to the plan, as it is stated.
- Architectural plans and building specifications should adhere to the EPA's drinking water requirements and must use only lead-free pipes, solder, and flux.
- The monarch butterfly is currently a candidate for the endangered species list but is not currently on the list. Should the monarch butterfly be listed as an endangered species prior to construction beginning, the developers will contact the City of Boise and adhere to all recommendations to protect the monarch butterfly set forth by the Fish and Wildlife Service.
- Should there be any findings or concerns during construction due to the oil staining on site, the project must stop immediately. Coordination with the City of Boise and the ordering of a Phase II ESA is required to investigate any possible concerns and hazards.
- Building materials and site plans will attenuate interior noise to acceptable levels per proposed plans.
- Radon-resistant construction is recommended.

All construction crews should be trained on the contents and importance of the Inadvertent Discovery Plan for Cultural Resources. It is a violation of the law if they knowingly damage an archaeological site.

Upon project completion, Developers will certify and provide proof that all of the above conditions were met/followed. If you have any questions regarding the requirements, please contact the

BOISE CITY HALL: ATTN: Housing and Community Development | 150 N. Capitol Boulevard | MAIL: P.O. Box 500, Boise, Idaho 83701-0500
P: 208-570-6830 | F: 208-384-4195 | TDD/TTY: 800-377-3529



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Housing & Community Development Compliance team at 208-570-6830 or monitoring@cityofboise.org.

Sincerely,

STAFF NAME
Environmental Review Officer
City of Boise

