

## U. S. Department of Housing and Urban Development Environmental Review Introduction

### Overview

The federal government awards funds to Affordable Housing and other development projects through the US Department of Housing and Urban Development (HUD). Funding through a variety of HUD programs may be awarded by HUD directly (including Congressionally Directed Spending), awarded through Oregon Housing and Community Services, and through the City of Eugene. When a developer or agency receives a HUD award for a project, it must follow many different federal regulations, including Environmental Review required regulations. Developers cannot enter a contract to expend any federal funds until the Environmental Review has been completed. If a developer receives a HUD award for a project within Eugene, the City will conduct a site-specific Environmental Review. In cases where a developer is awarded HUD funds not from the City of Eugene, the developer will contract with City staff to complete the required federal Environmental Review, which makes the City the Responsible Entity that assumes the HUD environmental responsibilities for that project.

If you are a developer who received funding through HUD for a development located in Eugene, please contact the Environmental Review Analyst [Jackie Dowell](#). Please contact staff as soon as possible after receiving a HUD award because the process can take a minimum of 3 to 6 months once you've signed a contract with the City.

**Please Note: consult your Grant Guide provided by your awarding agency for information on how to properly incur reimbursable costs.**

### Background

The purpose of conducting required HUD Environmental Review is primarily to avoid or mitigate environmental effects that may harm people and/or the environment. Environmental Review is also important to prevent legal action that may stop a project on environmental grounds, prevent time delays and cost overruns based on environmental conditions and to avoid HUD monitoring findings.

The National Environmental Policy Act (NEPA) created in 1969 directs all federal agencies to consider the environmental impacts of proposed projects. Each federal agency establishes their own method for meeting this requirement. HUD establishes the policies and procedures but designates local and state governments as the Responsible Entity for conducting Environmental Reviews for HUD funded projects. The Responsible Entity is trained with the technical skills and knowledge of administrative requirements to carry out these reviews in order to properly document and complete the Environmental Review Record. Environmental Review requires an understanding of a variety of laws, Executive Orders, and regulations. Completed Environmental Reviews are legal documents and must be able to hold up in court if necessary.

### Requirements & Timeframe

There are a wide variety of federal laws and authorities that must be addressed through the Environmental Review process. Using Environmental Review policies and procedures, staff identifies the level of Environmental Review required depending on proposed project activities per the requirements outlined in [24 CFR 58](#). These requirements vary significantly depending on the nature of the activity being funded. The level of Environmental Review is based upon the full scope of the project, not just what the grant is covering. Please see the following HUD websites for more information about Environmental Review requirements:

<https://www.hudexchange.info/programs/environmental-review/>  
<https://www.hud.gov/states/shared/working/r10/environment>

New construction activities, larger rehabilitations, and buildings that change use as a result of the project require an 'Environmental Assessment' level of Environmental Review. Minor rehabilitation projects require a lower-level Environmental Review. More information on the [different levels of Environmental Review can be](#)

[found here](#). The HUD website has information and resources about the different topics that must be evaluated for a proposed project site during Environmental Assessments and other types of Environmental Review ([find this information by clicking here](#)). Some of the topics include Toxic Contamination, Historic Preservation, Endangered Species, Floodplain, Wetlands, Explosive and Flammable Materials, and more. The Environmental Assessment process takes on average six months, and sometimes longer depending upon the nature of the project. Lower-level Environmental Reviews may take an average of three months.

The City has a continual list of other Environmental Review projects underway, which may impact the timeframe for completion of new Environmental Reviews for external contracts.

\*\*\*Please Note: if HUD funds will support a project that involves acquisition, development, rehabilitation or construction, NO SITE ACTIVITIES MAY TAKE PLACE BETWEEN THE TIME THE APPLICATION FOR FUNDS IS SUBMITTED AND THE COMPLETION OF THE ENVIRONMENTAL REVIEW PROCESS.

## Process for Working with the City

**The Environmental Review process is a collaboration between many agencies including HUD, the developer and state and local authorities.** While the City, as the Responsible Entity, has the duty of evaluating the proposed project in keeping with NEPA and other federal laws, regulations, and Executive Orders, the developer also has responsibilities. The developer is an active partner and plays a vital and active role in expediting the Environmental Review process.

- 1. Developer contacts the City for Environmental Review assistance** that kicks off the following steps 2 through 5, which are a general guide for responsibilities.
- 2. Staff will schedule an initial meeting to explain the Environmental Review process and do an initial review.** The developer will need to describe the scope of activities of the proposed project including purpose and need, location, existing conditions/features/resources, project beneficiaries, all funding sources, development partners, size of the project site, size and/or number of buildings, number of housing units, scope and duration of the project, and plans for the next five years. This will enable staff to determine the required level of Environmental Review. After the meeting and based on the level of review, staff will prepare a list of required environmental studies and information that will be needed. A list of information needed for Environmental Assessment (new construction or substantial rehabilitation projects) can be seen below in Attachment A. The developer is responsible for submitting needed information to complete the Environmental Review (step #4 below).
- 3. The developer and the City will enter into a contract to complete the Environmental Review work.** Depending on the project scope of activities, staff may be able to give the developer an estimate of costs and timeline that vary based on site and project scope. Please note: the City may have other Environmental Review projects in the queue that will affect the amount of time it takes to complete a new request for Environmental Review. It is important to contact staff as soon as possible after receiving a HUD award.
- 4. The developer will submit necessary information and studies, and staff will begin due diligence research.** Staff will use local informational resources and submitted studies to complete required forms, facilitate public notice advertising (if required) and consult with other agencies such as the State Historic Preservation Office, US Fish and Wildlife Service, and National Marine Fisheries Service. Staff will provide updates to the developer and will communicate about questions. It is important that the developer replies promptly with answers so as to not draw out the process timeline.

5. **For certain Environmental Reviews, once the Environmental Review is complete, the City will certify it and the developer can start the project.** For other activities, including activities that require Environmental Assessment level of ER, there is a 15-day advertised public comment period, the City submits the Request for Release of Funds to HUD, followed by a 15-day HUD objection period. After the 30 days of public comment are complete, HUD will issue an Authority to Use Grant Funds if there are no objections, and the developer can start the project.

For questions and information about the Environmental Review process, please contact the Environmental Review Analyst Jackie Dowell at [jdowell@eugene-or.gov](mailto:jdowell@eugene-or.gov) or 541-682-5447.

## **Attachment A. Information Needed for Environmental Assessments**

The City will help you better understand this information and what is needed.

- Detailed **description of the project**, including building plans, drawing set, renderings, etc. (if available)
  - *Include all contemplated actions which logically are either geographically or functionally a composite part of the project, regardless of the source of funding.*
- Narrative for **purpose and need** for the proposed project
- Narrative explaining **existing conditions** and trends for subject site
  - *Describe the existing conditions of the project area and its surroundings, and trends likely to continue in the absence of the project.*
- Funding Info:
  - Grant Number (if any)
  - HUD Program (type of federal \$\$ being used)
  - Total of federal \$\$ being used (include all sources)
  - Total of Non-federal \$\$ being used (total development cost)
- Alternatives
  - *Identify other reasonable courses of action that were considered and not selected, such as other sites, design modifications, or other uses of the subject site. Describe the benefits and adverse impacts to the human environment of each alternative and the reasons for rejecting it.*
- No Action Alternative
  - *Identify other reasonable courses of action that were considered and not selected, such as other sites, design modifications, or other uses of the subject site. Describe the benefits and adverse impacts to the human environment of each alternative and the reasons for rejecting it.*
- Endangered Species forms for salmon:

- Stormwater Plan
  - Operations and Maintenance Plan
  - NOAA Stormwater Information Form
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- Phase I Environmental Site Assessment using HUD standards: **24 CFR 58.5 (i)(2)**
  - Possible Phase II Environmental Site Assessment using HUD standards
  - Historic Preservation Section 106 Clearance Review Information for the property and properties within the Area of Potential Effect (APE)
  - Possible Archeological Survey with Subsurface Testing
  - Inadvertent Discovery Plan (IDP) template at [www.oregon.gov/oprd/OH/pages/archaeology.aspx](http://www.oregon.gov/oprd/OH/pages/archaeology.aspx)