

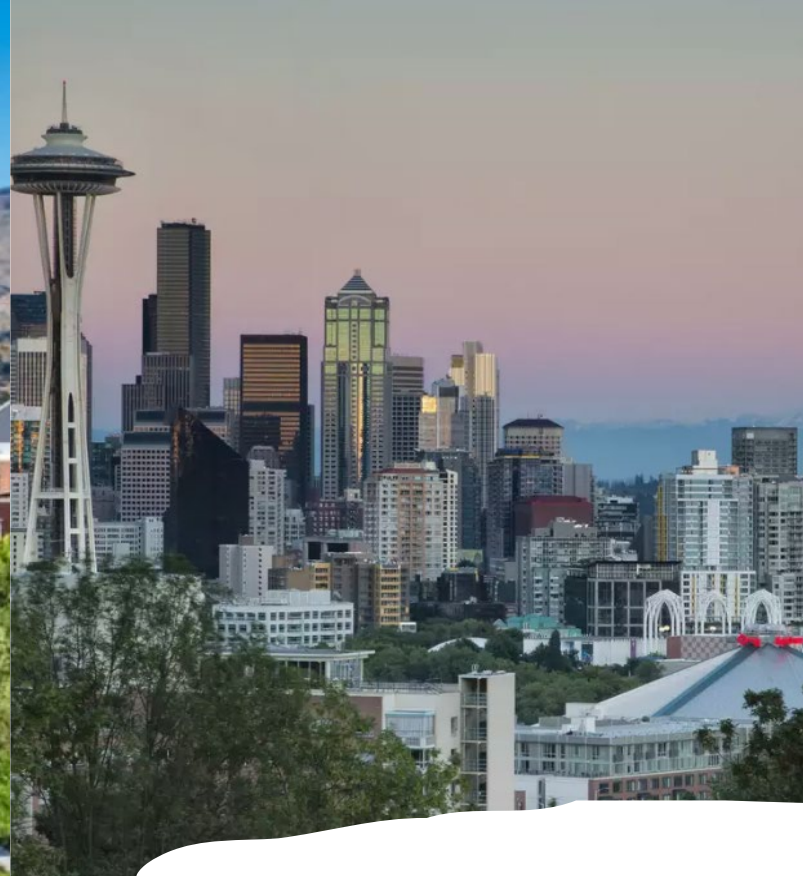


OFFICE OF HOUSING

Current West Region Environmental Topics

OFFICE OF MULTIFAMILY HOUSING PROGRAMS

WMAC – San Francisco 2023



Region X

Region X Environmental



HUD.GOV

SECRETARY OF HUD

WHAT WE DO



HUMANS OF HUD



FIND SHELTER



CORONAVIRUS RESOURCES



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ENVIRONMENTAL GUIDANCE

SERVING ALASKA, IDAHO, OREGON AND WASHINGTON

The Department of Housing and Urban Development (HUD) requires compliance with the National Environmental Policy Act (NEPA) and HUD-regulations that implement NEPA before funds can be committed or spent on any project. The purpose of the environmental review is to protect the natural environment as well as the environmental health and safety of those we assist.

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The Laws & Authorities listed below are either:

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If you are new to conducting Environmental Reviews, explore the components of an environmental review [found here](#). This link contains information pertaining to both Part 50 and Part 58 reviews including how to determine the proper level of review and suggested formats for conducting an environmental review.

- [Environmental contacts](#)

Completing environmental reviews in Region X

Historic Preservation [36 CFR Part 800]

ALASKA

- [Alaska State Historic Preservation Office \(SHPO\) Request for Section 106 Review HUD](#) (click "request for Section 106 Review Housing Projects") and fill out the form and include latitude and longitude.
- [Alaska Programmatic Agreement](#). Note this agreement can only be used by Responsible Entities that are Parties to the agreement. To become a Party, complete attachment B and submit to SHPO. [Agreement](#)
- [Office of History and Archaeology - Alaska](#)
- [Historic Preservation checklist \(PDF\) \(Word\)](#)
- [Alaska Community Database Online](#)
- [Alaska Local contacts for more information](#)

Quick Links

- [Historic Preservation](#)
- [Floodplain Management](#)
- [Wetland Protection](#)
- [Coastal Zone Management Act](#)
- [Sole Source Aquifers](#)
- [Endangered Species Act](#)
- [Wild and Scenic Rivers Act](#)
- [Clean Air Act](#)
- [Farmland Protection Policy Act](#)
- [Environmental Justice](#)
- [Noise Abatement and Control](#)
- [Explosive and Flammable Operations](#)
- [Toxic Chemicals and Radioactive Materials](#)
- [Airport Clear Zones and Accident Potential Zones](#)

Alaska Quick Links

- [Alaska Local contacts for more information](#)

<https://www.hud.gov/states/shared/working/r10/environment>

Region X Environmental

Endangered Species Act Section 7 Consultation Guidance for HUD in Alaska Prepared in collaboration with NOAA Fisheries Applies in State of Alaska only 24 CFR Part 58/50

July 2021

General requirements	ESA Legislation	HUD Regulations
Section 7 of the Endangered Species Act mandates that actions authorized, funded, or carried out by Federal agencies must not jeopardize the continued existence of ESA-listed threatened or endangered species or result in the adverse modification or destruction of designated critical habitat.	The Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.; particularly section 7)	24 CFR 58.5(e) 24 CFR 50.4(e)

Purpose: This document is intended to assist HUD and Responsible Entities (RE) in complying with the requirements of Section 7 of the Endangered Species Act (ESA) for the species listed as threatened and endangered under the ESA that are managed by NOAA Fisheries.¹

Under Section 7 of the ESA, federal agencies must consult with NOAA Fisheries when any action the agency carries out, funds, or authorizes may affect either a species listed as threatened or endangered under the ESA, or any critical habitat designated for it. The agency taking the action (in this case, HUD) is called the "action agency."

Step 1: The action agency determines if any listed species or critical habitats in Table 1 are present in the action area (the area within which the project has any effects on listed species; not limited to the project area). NOAA Fisheries has an [online mapping tool](#) to help determine which species may be present in the action area.

Table 1. List of threatened and endangered species and critical habitats under NOAA Fisheries' jurisdiction in Alaska.

Common Name	Scientific Name	Status	Critical Habitat in AK?
Bowhead Whale	<i>Balaena mysticetus</i>	Endangered	No
Sei Whale	<i>Balaenoptera borealis</i>	Endangered	No
Blue Whale	<i>Balaenoptera musculus</i>	Endangered	No
Fin Whale	<i>Balaenoptera physalus</i>	Endangered	No
Cook Inlet DPS Beluga Whale	<i>Delphinapterus leucas</i>	Endangered	Yes
Western North Pacific DPS Gray Whale	<i>Eschrichtius robustus</i>	Endangered	No
North Pacific Right Whale	<i>Eubalaena japonica</i>	Endangered	Yes
Mexico DPS Humpback Whale	<i>Megaptera novaeangliae</i>	Threatened	Yes
Western North Pacific DPS Humpback Whale	<i>Megaptera novaeangliae</i>	Endangered	Yes
Sperm Whale	<i>Physeter macrocephalus</i>	Endangered	No
Arctic Ringed Seal	<i>Phoca hispida hispida</i>	Threatened	Proposed

¹ This document only pertains to marine species and critical habitats under the jurisdiction of NOAA Fisheries. HUD may also be required to consult with the U.S. Fish and Wildlife Service for ESA-listed species under their jurisdiction. Refer to the [USFWS Programmatic Section 7 Consultation for Housing and Urban Development community upgrades in Alaska](#) for more information.

Beringia DPS, Bearded Seal	<i>Erignathus barbatus nauticus</i>	Threatened	Proposed
Western DPS Steller Sea Lion	<i>Eumetopias jubatus</i>	Endangered	Yes

Step 2: If ESA-listed species may be present in the action area, the action agency must then determine whether its actions (or authorizations) may affect those ESA-listed species. This is called the action agency's "effect determination."

The action agency may make three different effect determinations, with different Section 7 consultation requirements for each (Figure 1).

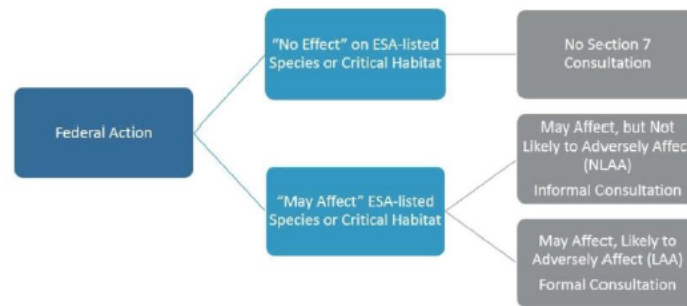


Figure 1. Effects determinations and type of ESA Section 7 consultation required by each.

No Effect means the proposed action will have no effect whatsoever on listed species or critical habitat. If the action agency makes a no effect determination, a Section 7 consultation is not required. The action agency is not required to consult with NOAA Fisheries on the project and NOAA Fisheries will not concur with the determination. Following are some examples of when a no effect determination is appropriate:

- No listed species or critical habitat occur anywhere, or at any time, in the action area (i.e., not just within the immediate project footprint but also outside the immediate area involved in the action and anywhere within the range of project effects).
- The listed species occur in the action area seasonally, but the action will be timed to avoid the presence of listed species and there will be no effect to those species or their critical habitat once they return to the area (e.g., an activity will not have an effect on the food source or reproductive habitat of a species so that species may use the areas when they return to the area).
- The listed species (or critical habitat) occur in the action area and may be present at the time of the project, but there are no plausible routes of effects.

HUD's ESA Guidance for ALASKA

Region X Environmental

NMFS Species and Habitat



Region X Environmental

Endangered Species Act & Magnuson-Stevens Act Guidance for HUD Projects in Oregon

Prepared in collaboration with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service

General Requirements	Legislation	HUD Regulations
Section 7(a)(2) of the Endangered Species Act mandates that actions that are authorized, funded, or carried out by Federal agencies do not jeopardize the continued existence of plants and animals that are listed, or result in the adverse modification or destruction of designated critical habitat.	The Endangered Species Act of 1973; 16 U.S.C. 1531 et seq.	24 CFR 58.5(e) 24 CFR 50.4(e)
Section 305(b)(2) of the Magnuson-Stevens Fishery Conservation and Management Act (MSA) requires Federal agencies to consult with NOAA Fisheries on any action that they authorize, fund, or undertake that may adversely affect essential fish habitat (EFH).	Magnuson-Stevens Fishery Conservation and Management Act; 16 U.S.C. 1801	

The purpose of this document is to assist the U.S. Department of Housing and Urban Development (HUD) and their responsible entities¹ (REs) in meeting their compliance and documentation obligations under the Endangered Species Act (ESA) and the Magnuson-Stevens Fisheries Conservation and Management Act (MSA). The ESA is administered jointly by the U.S. Fish and Wildlife Service (USFWS) and the National Marine Fisheries Service (NMFS) [collectively, "the Services"], while the MSA is administered solely by the NMFS. Nearly all HUD projects, including HUD funded, financed, subsidized, or guaranteed projects constitute a federal action requiring project review for compliance with the ESA and MSA.

The ESA requires all federal agencies to use their authorities to help conserve "listed species" (i.e., those listed as "threatened" or "endangered" under the ESA). Therefore, as HUD staff or designated REs, you are responsible for minimizing the effects of your actions on ESA-listed species, designated critical habitat, and habitats identified in recovery plans. An ESA effects analysis must consider all effects to ESA-listed species and designated critical habitat caused by a proposed action. Few HUD actions occur within designated critical habitat, where direct injury or harm to ESA-listed species or critical habitat is likely to occur or easy to discern. More often, however, some types of HUD projects have the potential to effect ESA-listed species and their critical habitats that are far removed from the actual project location.

The MSA requires federal agencies to evaluate the effect of their actions on habitats used by a range of marine species that are commercially harvested. These habitats are identified as "essential fish habitat" (EFH).² In many cases, projects that have the potential to affect critical habitat designated under the ESA have similar effects on EFH, particularly with respect to Chinook and coho salmon, which are regulated species under both the ESA and MSA. Project assessment for ESA and MSA impacts are typically conducted concurrently, as the species and habitats regulated by both acts tend to overlap.

This document is intended to describe the circumstances under which a finding of "no effect" on ESA- and MSA-regulated species, their critical habitats, and EFH occurring in Oregon might be appropriate. A project that reaches a finding of "no effect" does not require coordination with, or approval from, the USFWS and NMFS, and documenting a finding of "no effect" satisfies the ESA/MSA review obligations by HUD. Note that, a finding of "no effect" would preclude NMFS or USFWS issuing liability protection for violations of the ESA,

¹ A Responsible entity is a unit of local government (state, county, city) designated by HUD under 24 Code of Federal Regulations (CFR) Part 58.

² Essential Fish Habitat (EFH) has been designated for Pacific salmon (Chinook, coho, and pink salmon), coastal pelagic species, groundfish, and highly migratory species.

based on the premise the project would not result in the take³ of an ESA-listed species or result in effects to critical habitat/EFH. However, if this determination is made in error, or if take does occur, the RE bears liability for such take.

The RE is solely responsible for making a finding of effect for a project and cannot defer responsibility to an external party. USFWS and NMFS rarely issue any correspondence for a "no effect" finding, except when there is a strong disagreement about that finding. If you make a "no effect" finding for your project, document the circumstances and reason for your decision in a memo to the project file, as this will aid HUD should the finding be reviewed internally or by another party. The worksheets presented in Part A and Part B of this document should be included in a project's Environmental Review Record to document what finding of effect was reached. Since USFWS and NMFS manage and regulate different species and habitats, it is entirely possible to reach a different finding of effect for each Service.

Obtaining an appropriate effects determination for both the ESA and MSA is an essential part of carrying out a project's obligation to use its federal authority to help conserve listed species. While there are a great number of activities that will have "no effect" on federally-listed species, designated critical habitat, and EFH, there are a number of activities that will require further analysis, documentation, and consultation with USFWS and/or NMFS. As there are minor variations in process, this guidance is separated into multiple parts:

- Part A** Describes the "no effect" determination process for species and habitats under USFWS' jurisdiction;
- Part B** Describes the "no effect" determination process for species and habitats under NMFS' jurisdiction;
- Part C** Describes the process to initiate consultation with USFWS and/or NMFS if you are unable to reach a "no effect" finding for your project, and provides contact information for staff that can provide technical assistance in initiating the ESA consultation process;
- Part D** Includes a glossary of terminology frequently used when discussing the ESA and MSA.

A: Consultation with the U.S. Fish and Wildlife Service (USFWS)

Wildlife trust resources are found in a wide range of habitats throughout Oregon, including forests, wetlands, rivers, lakes, reservoirs, coastal dunes, estuaries, grasslands, prairies, shrub-steppe, and mountains. Species listed or proposed for listing under the ESA that are found in Oregon include plants, insects, fish, crustaceans, birds, mammals, reptiles, and amphibians. Project concerns for ESA-species under USFWS' jurisdiction largely focus on preventing the destruction or loss of sensitive habitats (e.g., wetlands, oak savanna) that support ESA-listed species for all or part of their life history. Additional concerns include minimizing the adverse effects from construction and operation (e.g., noise, light, vibrations) that temporarily or permanently impact habitats occupied by ESA-listed species, reducing the suitability of habitats and/or disrupting essential life-stage activities of a listed species (e.g., nesting, feeding, migration). The following two steps will assist you in making a finding of effect for your project.

1: Obtain Species List & Determine Critical Habitat

First, you must obtain a species list for the entire action area of your project. The action area encompasses all effects of the project, not just those that occur within the construction footprint. Project effects that extend beyond the project site itself and may include noise, air pollution, water quality, stormwater discharge, and visual disturbances. Additionally, effects to habitat must be considered, including the project's effects on

³ "Take" of a listed species is defined as, "to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct." [50 CFR 402.02]

HUD's ESA Guidance Oregon

Region X - Where to Start?

ESA & MSA Guidance for Oregon

- Checklist to determine an action's appropriate finding of effect under the ESA
- Current version updated April 2022

FWS' Issues of Concern:

- Construction in or adjacent to occupied or suitable habitats

Endangered Species Act & Magnuson-Stevens Act Guidance for HUD Projects in Oregon

Prepared in collaboration with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service

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Region X Environmental



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
West Coast Region
1201 NE Lloyd Boulevard, Suite 1100
PORTLAND, OR 97232-1274

Refer to NMFS No:
WCRO-2020-00512

October 23, 2020

Brian Sturdivant
U.S. Department of Housing and Urban Development
Oregon State Office
1200 SW 3rd Avenue, Suite 400
Portland, Oregon 97204

Re: Corrections for the Endangered Species Act Section 7 Formal Programmatic Biological Opinion and Magnuson-Stevens Fishery Conservation and Management Act Essential Fish Habitat Consultation for the U.S. Department of Housing and Urban Development Housing Programs in Washington State

Dear Mr. Sturdivant:

We thank you for your pointing out three corrections that are needed for the September 9, 2020 HUD Programmatic Biological Opinion. As you discussed with Bonnie Shorin, the primary author of that biological opinion, none of the corrections alter the substance, the analysis, conclusion, or outcomes of the opinion, but will ensure that Responsible Entities who employ the programmatic will have greater clarity in the applicability of the program, and the protocols of use and compliance.

At this time we provide a corrected copy of the biological opinion.

1. The corrected title of this biological opinion is: "Endangered Species Act Section 7 Formal Programmatic Biological Opinion and Magnuson-Stevens Fishery Conservation and Management Act Essential Fish Habitat Consultation for the U.S. Department of Housing and Urban Development Housing Programs in Washington State".
2. In Appendix C, "NMFS Stormwater Criteria for HUD projects in Washington for use when site constraints prevent use of LID", the enumerated paragraph 2, the statement "at least 60-days" is revised to "at least 20 days".

A corresponding change from "60" to "20" is also found on the Action Notification Form in Appendix D.

3. We add at several locations in Appendix D, the electronic inbox for requests for project coverage under the programmatic in Eastern Washington: HUD-CRBO.ConsultationRequest.WCR@noaa.gov

This addition occurs in the first full paragraph of Appendix D, on the "Action Notification Form", on the "Stormwater Information Form" and finally on the "Action Completion Report Form".

WCRO-2020-00512



FISH & WILDLIFE SERVICE Endangered Species Act: Consultation Guidance for Washington State

(Prepared in collaboration with the U.S. Fish and Wildlife Service. For use in Washington State only.)

24 CFR Part 58, 24 CFR Part 50

Purpose

The purpose of this checklist is to assist HUD and HUD's responsible entities (REs) in meeting their Endangered Species Act obligations. The checklist is designed to help you determine whether a proposed HUD assisted project has potential to affect federally listed species or designated critical habitat, and the process to follow based on that effect determination. The guidance contained herein is specifically for U.S. Fish and Wildlife Service (FWS) trust resources.

In September 2020, National Marine Fisheries Service (NMFS) issued its Endangered Species Act Section 7 Formal Programmatic Biological Opinion and Magnuson-Stevens Fishery Conservation and Management Act Essential Fish Habitat Consultation for the U.S. Department of Housing and Urban Development Housing Programs in Washington, otherwise known as a "programmatic" biological opinion.¹ HUD and REs must consider both this Fish & Wildlife Consultation Guidance document AND the NMFS Washington State Programmatic when considering the effects of a HUD assisted project on listed species and/or habitat.

HUD must ensure that any action it authorizes, funds, or carries out is not likely to jeopardize the continued existence of a listed species in the wild or destroy or adversely modify its critical habitat. HUD staff and REs, as a part of an environmental review, must consider potential impacts of the HUD-assisted project to endangered and threatened species and critical habitats. The review must evaluate potential impacts not only to any listed species but also to any proposed endangered or threatened species and critical habitats. This responsibility is cited in environmental procedures at 24 CFR 58.5(e) and 24 CFR 50.4(e).

ESA Section 7 Consultation Background

The ESA directs all Federal agencies to utilize their authorities to conserve species listed as threatened or endangered (ESA Section 2(c)(1)), and to consult with "the Services" - NMFS and FWS - to ensure that their actions will not jeopardize listed species, or adversely modify habitat designated as critical for listed species.

The Services share responsibility for assisting federal agencies in 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. For NMFS information and guidance on how to consider NMFS listed species and habitat, consult the Washington State Programmatic found here

¹ The programmatic is a separate document from this consultation guidance which you are reading. The programmatic can be found at the Region X Environmental website.

HUD's ESA Guidance Washington

Region X Environmental



My project meets local building code and Western WA Stormwater Manual!

Meeting state standards or applying the stormwater manual does NOT mean the project has **No Effects**.

Any project which adds new impervious surface typically **will have an effect** and must seek consultation.

Programmatic or Individual Consultation

HUD/RE Choice:

- **Submit consultation under the Programmatic**
- **Seek individual consultation**

Some projects must seek individual consultations:

- **Projects 150 ft or closer to a shoreline or enter riparian area.**
- **Large infrastructure projects such as new roads, new or expansion of waste treatment facilities.**
- **Floodplain fill of any kind or expansion into 100 year floodplains and impacts to wetlands deemed as critical habitat.**
- **Remove 5 or more acres of mature tree cover (trees larger than 6-inches diameter at breast height)**

Projects that don't qualify must prepare a BE/BA:

Region X Environmental

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.

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 all 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 all 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.snr.state.id.us/Categories/Environment/InvasiveSpecies/Council/InvSpplst.php>) and the Idaho Noxious Weed List (<http://www.snr.state.id.us/Categories/Plants/Insects/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

HUD’s ESA
Guidance

Idaho

Region X Environmental

State Historic Preservation Officer (SHPO)



For a Directory of SHPOs: <https://ncshpo.org/directory/>

Region X Environmental

U.S. Department of Housing and Urban Development

Home / State Information / Shared / Working / Region 10 / Environmental Guidance

ENVIRONMENTAL GUIDANCE

SERVING ALASKA, IDAHO, OREGON AND WASHINGTON

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If you are new to conducting Environmental Reviews, explore the components of an environmental review [found here](#). This link contains information pertaining to both Part 50 and Part 58 reviews including how to determine the proper level of review and suggested formats for conducting an environmental review.

- [Environmental contacts](#)

Completing environmental reviews in Region X

Historic Preservation [36 CFR Part 800]

ALASKA

- [Alaska State Historic Preservation Office \(SHPO\) Request for Section 106 Review HUD](#) (click "request for Section 106 Review Housing Projects") and fill out the form and include latitude and longitude.
- [Alaska Programmatic Agreement \(PDF\)](#) - Note this agreement can only be used by Responsible Entities that are Parties to the agreement. To become a Party, complete attachment B and submit to SHPO.
- [Office of History and Archaeology - Alaska](#)
- [Historic Preservation checklist \(PDF\) \(Word\)](#)
- [Alaska Community Database Online](#)
- [Alaska Local contact for more information](#)

IDAHO

- [Idaho State Historic Preservation checklist \(PDF\) \(Word\)](#)
- [Idaho State Historic Preservation Office](#)
- <https://history.idaho.gov/section-106> (search "sample checklist for Section 106").

OREGON

- [Oregon State Historic Preservation checklist \(PDF\) \(Word\)](#)
- [Information on how to submit Section 106 consultation](#)
- [Oregon State Historic Preservation Office](#)

WASHINGTON

Quick Links

- [Historic Preservation](#)
- [Floodplain Management](#)
- [Wetland Protection](#)
- [Coastal Zone Management Act](#)
- [Sole Source Aquifers](#)
- [Endangered Species Act](#)
- [Wild and Scenic Rivers Act](#)
- [Clean Air Act](#)
- [Farmland Protection Policy Act](#)
- [Environmental Justice](#)
- [Noise Abatement and Control](#)
- [Explosive and Flammable Operations](#)
- [Toxic Chemicals and Radioactive Materials](#)
- [Airport Clear Zones and Accident Potential Zones](#)

Alaska Quick Links

- [Alaska Local contacts for more information](#)

Idaho Quick Links

- [DRAFT Programmatic Agreement Information](#)

AMENDMENT TO PROGRAMMATIC AGREEMENT AMONG ALASKA TRIBES, ALASKA ENTITLEMENT COMMUNITIES, THE ALASKA DEPARTMENT OF COMMERCE, COMMUNITY AND ECONOMIC DEVELOPMENT, ALASKA HOUSING FINANCE CORPORATION, THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, AND THE ALASKA STATE HISTORIC PRESERVATION OFFICE FOR THE ADMINISTRATION OF CERTAIN HUD-FUNDED ACTIVITIES

AS: The agreement, executed on April 15, 2016, will expire on December 31, 2020.

AS: The signatories have found the agreement to be very useful, efficient and beneficial for all determining actions necessary to fulfilling historic preservation responsibilities when meeting environmental review requirements under 24 CFR part 50 and 58. The signatories mutually amend the agreement to extend the duration for an additional five years.

AS: The U.S. Department of Housing and Urban Development will send a copy of this executed agreement to the Advisory Council on Historic Preservation (ACHP).

AS: The ACHP declined to sign onto the Agreement in 2016 and does not have a Signatory role in the agreement;

AS: The U.S. Department of Housing and Urban Development consulted with Alaska Tribes, Alaska Entitlement Communities, the Alaska Department of Community and Economic Development, the Alaska Housing Finance Corporation, and other consulting parties about the proposed amendment;

HEREFORE, in accordance with Stipulation VI, Amendment, of the Agreement the Alaska State Historic Preservation Officer (SHPO); Offices of Public Housing, Multi-Family Housing, Community and Development, Native American Programs, of the U.S. Department of Housing and Urban Development; Offices of Alaska Housing Finance Corporation, Department of Commerce and Community and Economic Development, of the State of Alaska; and the Municipality of Anchorage, amend the Agreement as follows:

Amend Stipulation IX, Duration, so it reads as follows:

Following signature of the SHPO and filing the Amendment with the ACHP, the PA Amendment will be binding on a party and shall be in force until December 31, 2025.

All other Stipulations of the Agreement remain unchanged.

This Amendment may be executed in two or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

ALASKA Programmatic Agreement (PA)

Region X Environmental

PROGRAMMATIC AGREEMENT
among
THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
and
THE IDAHO STATE HISTORIC PRESERVATION OFFICER
and
CERTAIN IDAHO UNITS OF STATE AND GENERAL LOCAL GOVERNMENT
ACTING AS RESPONSIBLE ENTITIES
and
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION
for
THE REVIEW OF HUD-ASSISTED PROJECTS AND PROGRAMS SUBJECT TO
24 CFR PART 50 and PART 58
in
THE STATE OF IDAHO

WHEREAS, the U.S. Department of Housing and Urban Development ("HUD") through various offices, including the Offices of the Assistant Secretaries for Housing—Federal Housing Commissioner (Housing), Public and Indian Housing (PIH), Community Planning and Development (CPD), and Office of Lead Hazard Control and Healthy Homes (OLHCHH) provides grant funding, mortgage insurance and other assistance ("HUD Programs") to a range of entities within the State of Idaho; and

WHEREAS, HUD Programs are authorized by various statutes that require environmental compliance under one of two HUD environmental regulations, 24 CFR Part 50 or 24 CFR Part 58; and

WHEREAS, 24 CFR Part 50 requires HUD program officials to conduct environmental review of the activities it proposes to assist and ensure compliance with Section 106 of the National Historic Preservation Act of 1966 (hereinafter NHPA; 54 U.S.C. § 306108), and its implementing regulations 36 CFR Part 800; and

WHEREAS, HUD has the legal responsibility to defend the process and outcomes of the Section 106 review of individual undertakings subject to 24 CFR Part 50 before a court of law; and

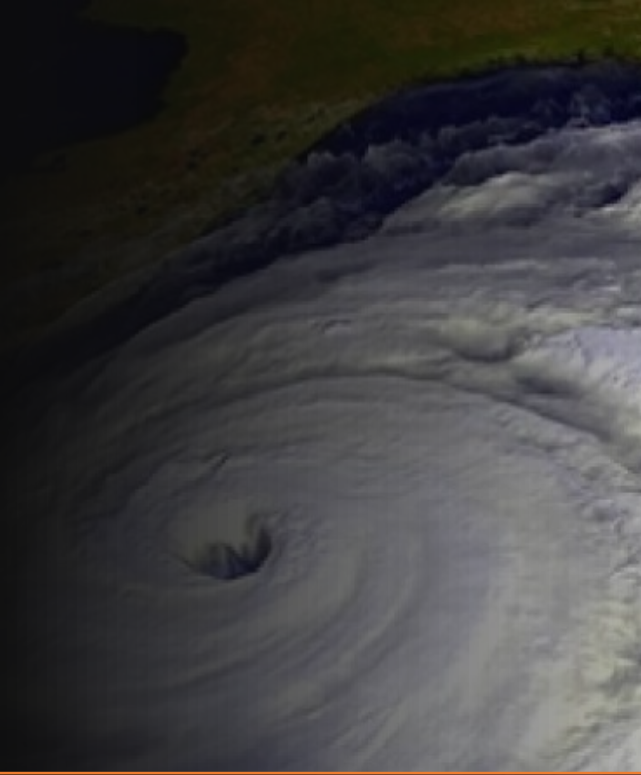
WHEREAS, HUD programs that are subject to Part 50 include, but are not limited to: mortgage insurance per Sections 203(b), 207, 211, 213, 220, 221(d)(3), 221(d)(4), 223(a)(7), 223(f), 231, 232, 241(a) and 242 of the National Housing Act of 1934, Section 202 of the Housing Act of 1959, Section 811 of the Cranston-Gonzalez National Affordable Housing Act of 1990; Project Based Rental Assistance Renewal and Transfer programs; Rental Assistance Demonstration Programs, HUD administered programs under the American Recovery and Investment Act of 2009 that require accelerated processing timelines; programs authorized by the National Housing Assistance and Stabilization Act of 2009; programs authorized by the Community Development and Housing Act of 1992 (16 U.S.C. § 184) and the Housing and Community Development Act of 1992 (16 U.S.C. § 184) when they decline Part 50 review authority for projects subject to Part 50.

Updated Idaho 50-58 PA July 18, 2023
Part 50/58 Section 106 Programmatic Agreement

IDAHO Programmatic Agreement (PA)

NEW!! SEPTEMBER 2023

Climate Change

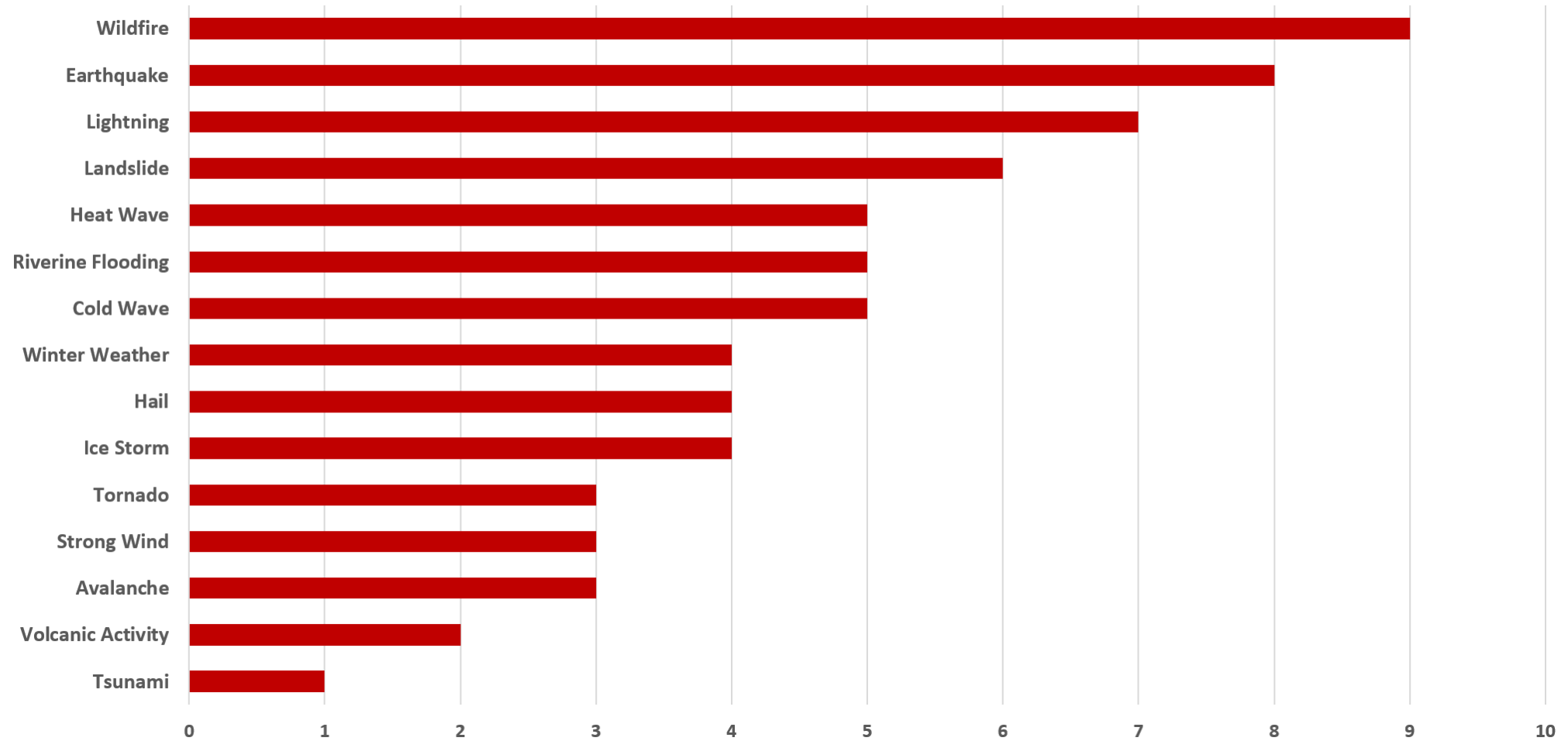


Environmental Assessment Factor: Climate Change

- Approximately 150 apps post 12/1/2022 nationally that require an EA level review
- In West Region, 10 apps post 12/1/2022
- Plan to assess trends, issues etc. at the one-year mark. Send feedback to sara.jensen@hud.gov
- Early feedback on Best Practices

Environmental Assessment Factor: Climate Change

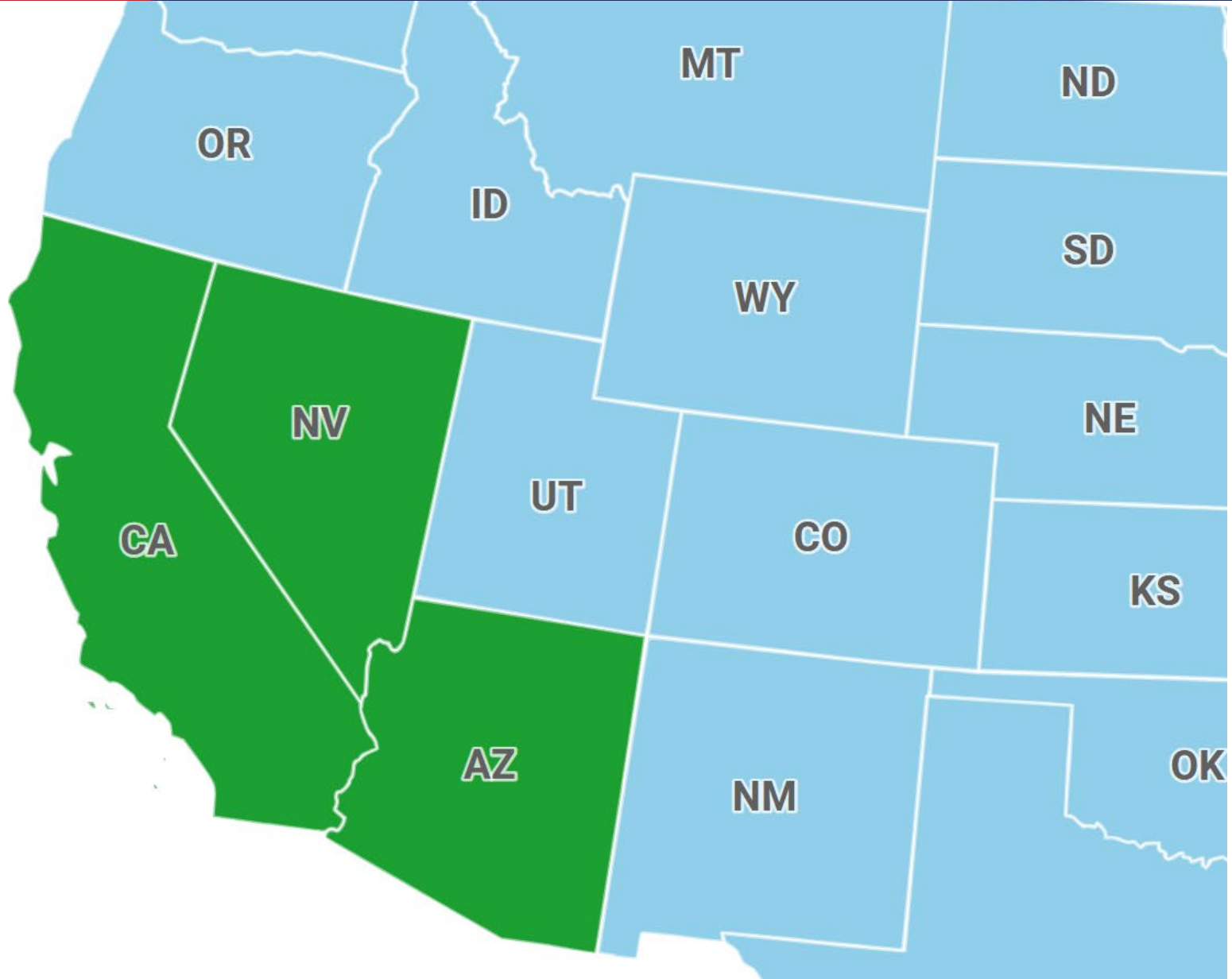
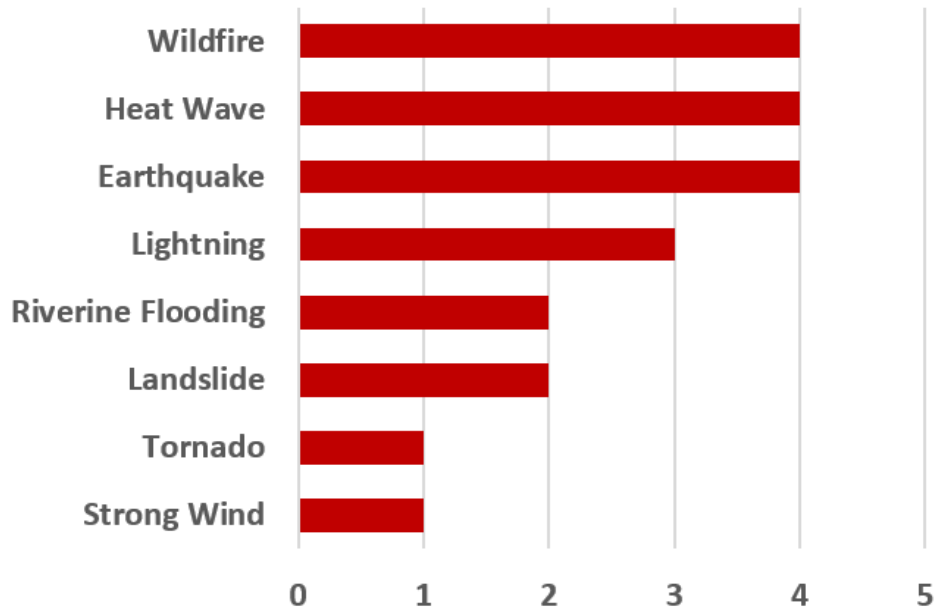
Relatively High/Very High Risk Factors - West Region Metro Areas



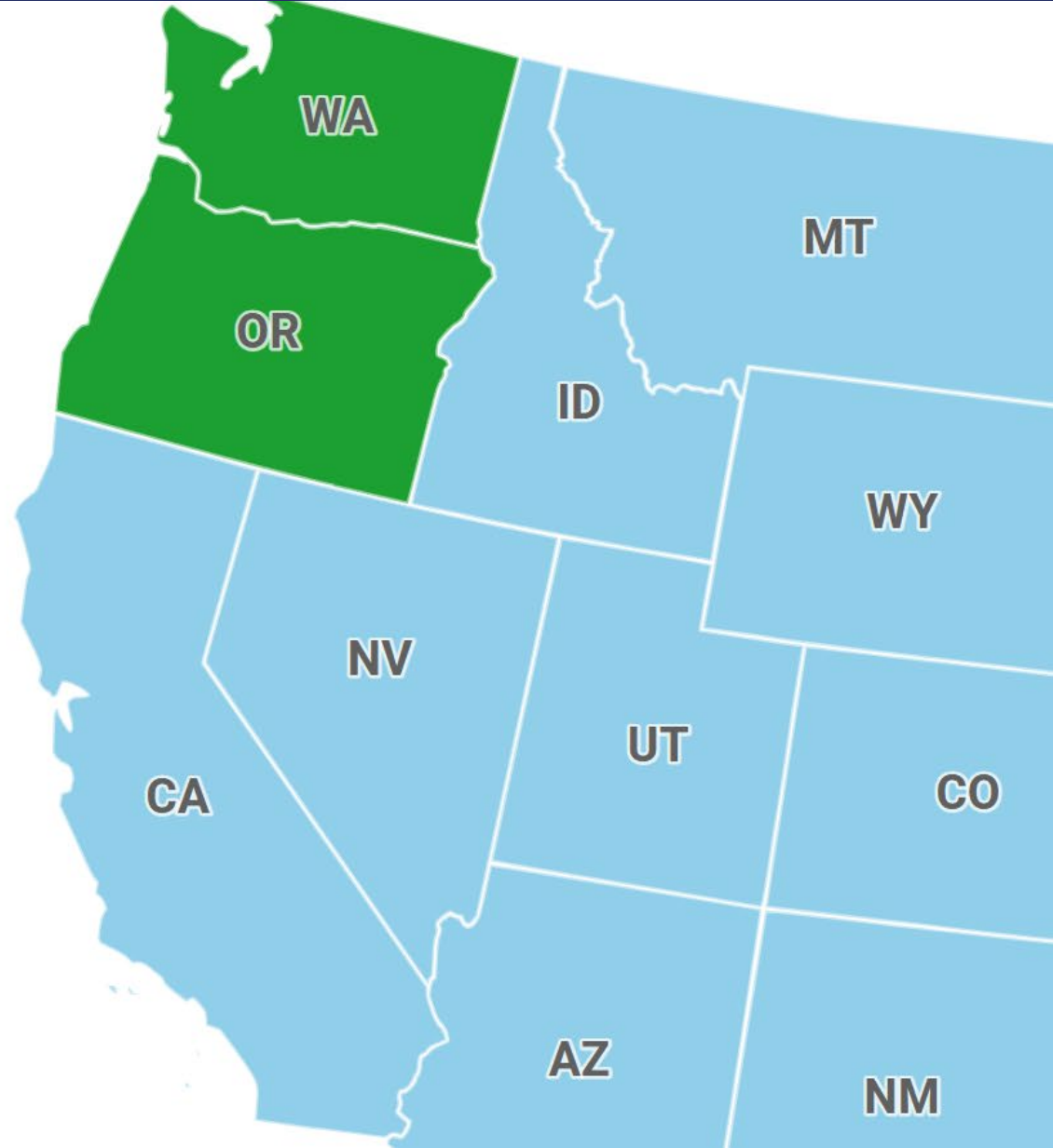
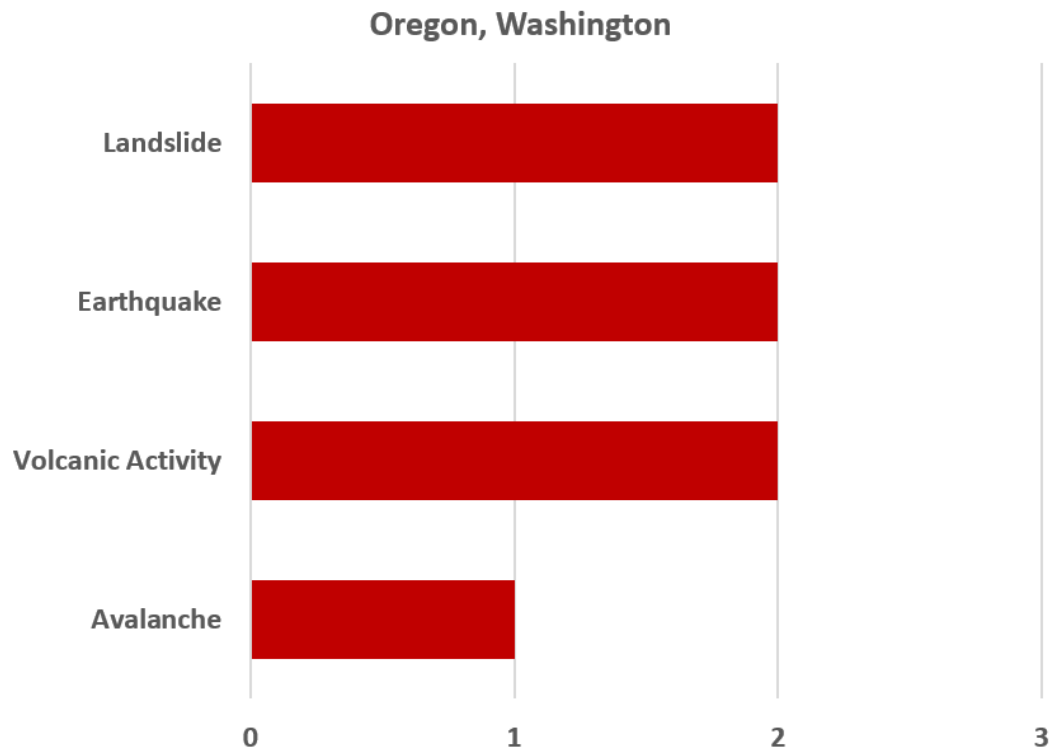
Anchorage, Boise, Cheyenne, Denver, Fargo, Helena, Honolulu, Las Vegas, Los Angeles, Phoenix, Portland, Rapid City, Salt Lake City, San Diego, San Francisco, Seattle

Environmental Assessment Factor: Climate Change

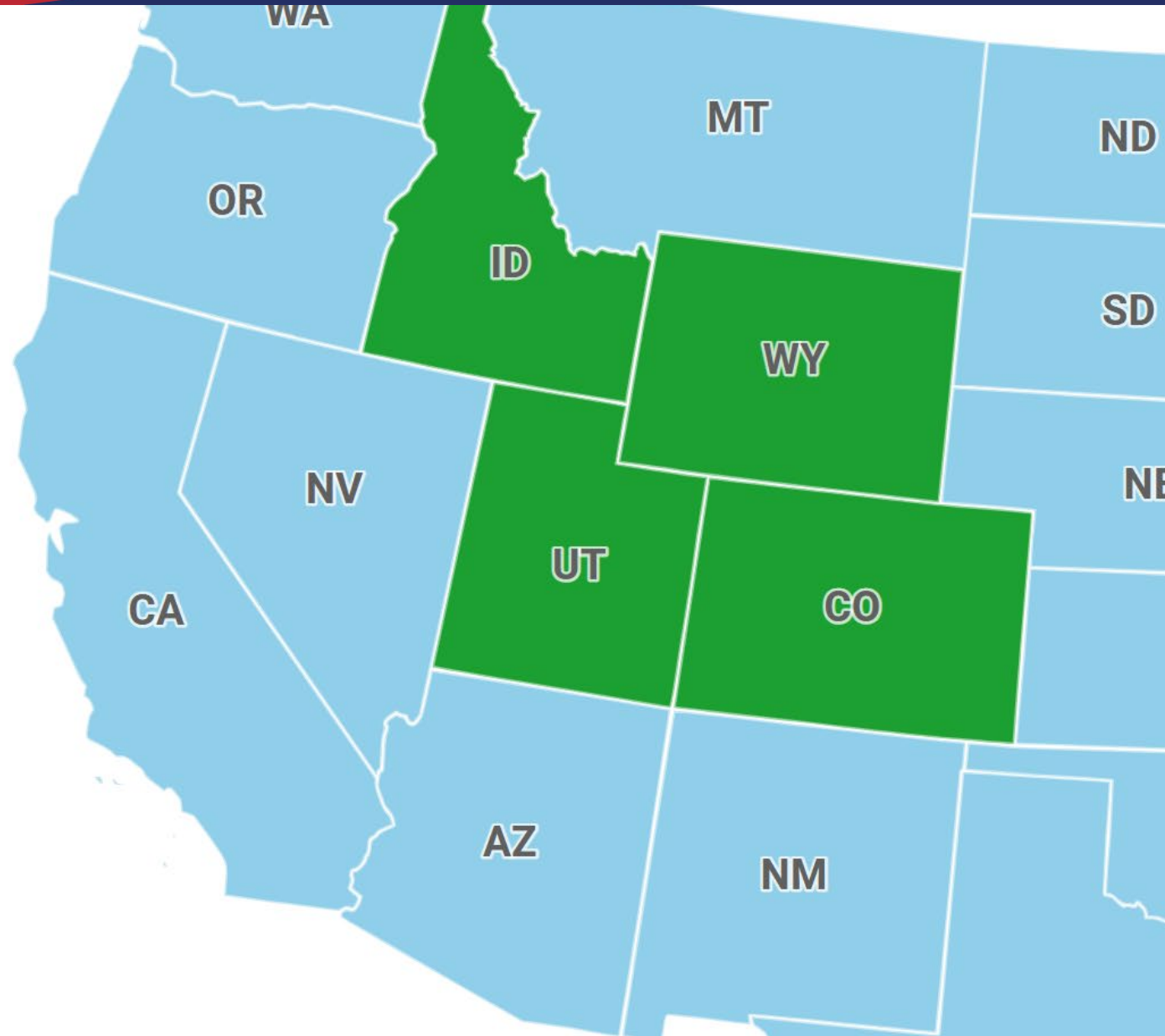
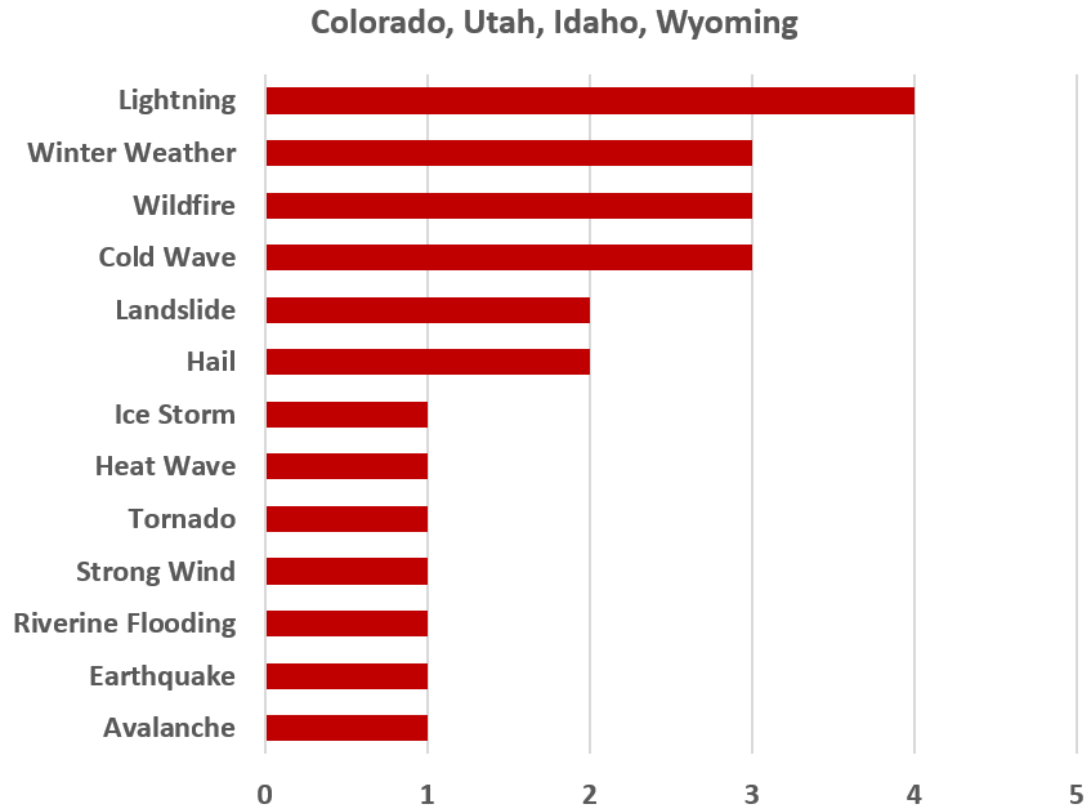
Arizona, California, Nevada



Environmental Assessment Factor: Climate Change

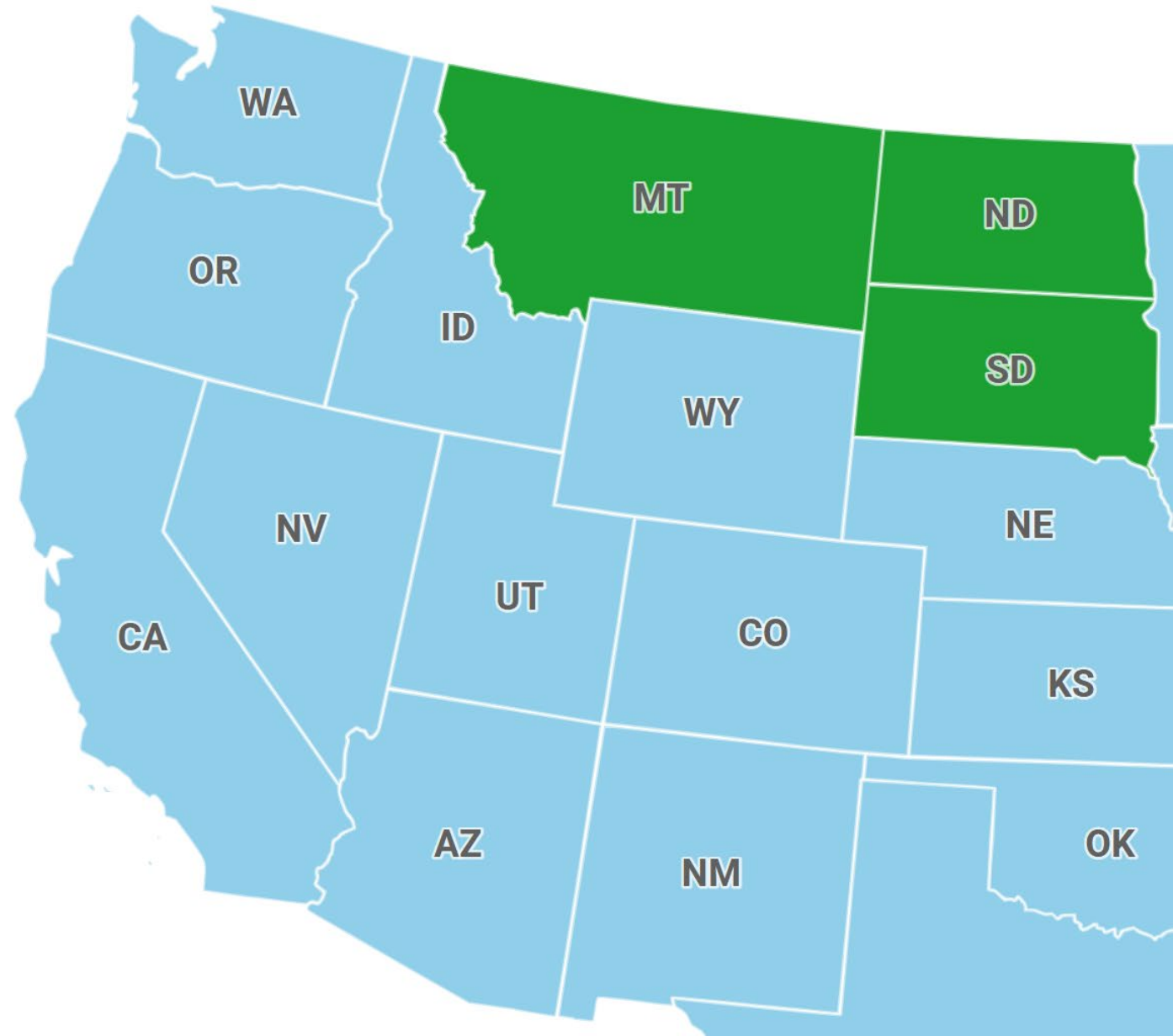
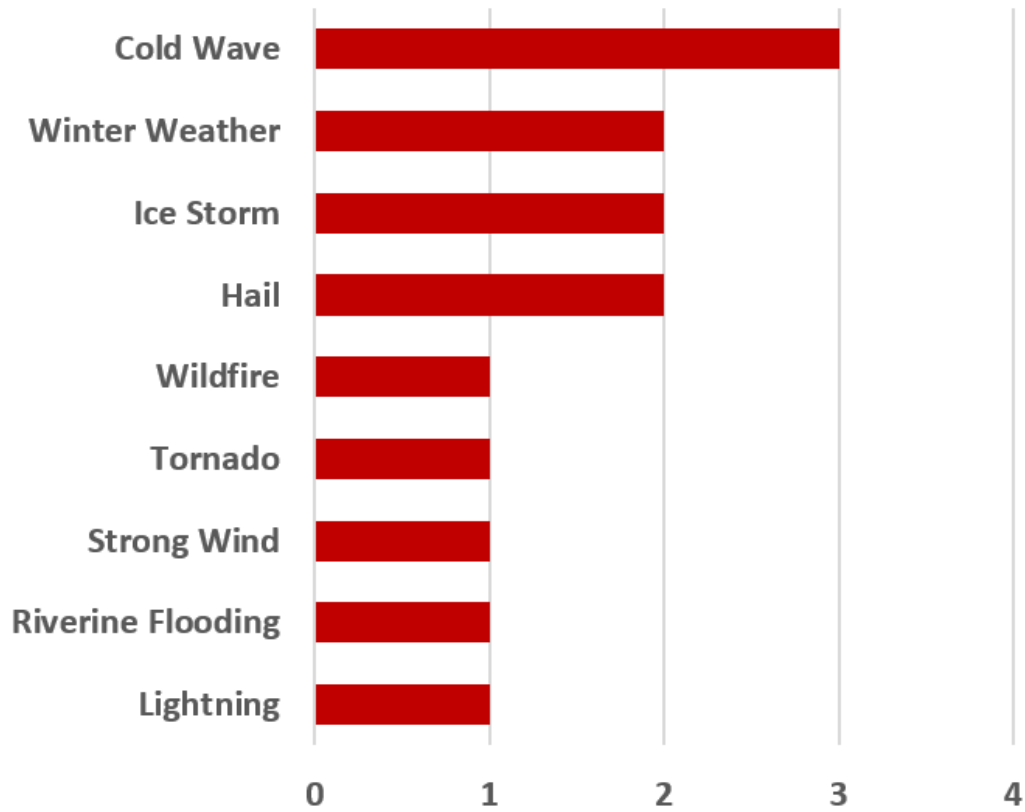


Environmental Assessment Factor: Climate Change



Environmental Assessment Factor: Climate Change

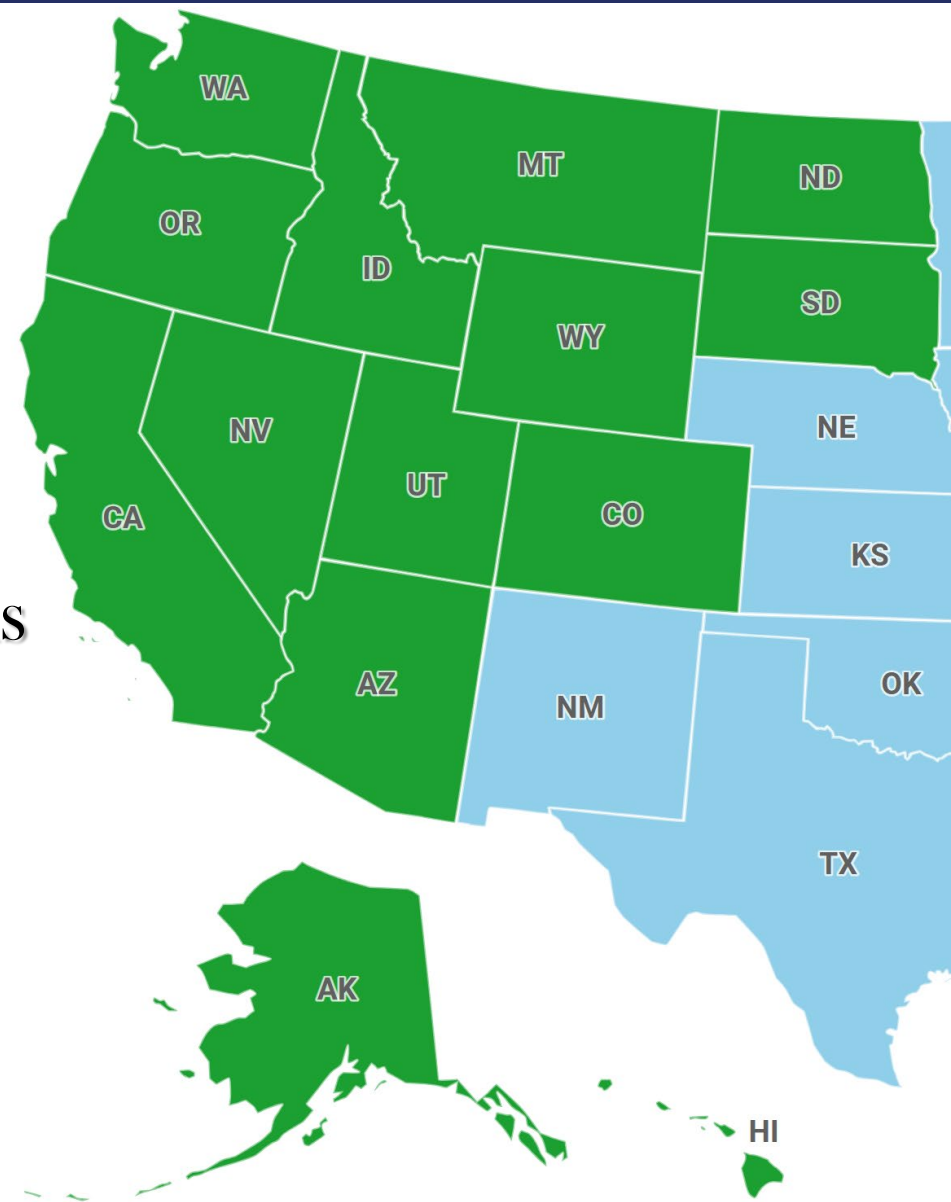
Montana, North Dakota, South Dakota



Environmental Assessment Factor: Climate Change

Climate Change - Best Practices

- ALL Climate Change analysis should be uploaded into HEROS - both lenders and consultants.
- Provide details concerning construction plans as early as possible.
- Include more detailed information beyond the project meeting the Green MIP Standards.



Demolition while an Application is in Processing

Question: The local municipality wants us to move forward with demolition activities ASAP due to the vagrancy and crime going on at the existing buildings...

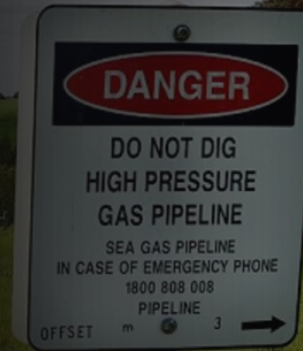
Answer: Demolition will not be granted until after HUD has completed the entire environmental review. HUD is not able to separate out portions of the review (Historic Preservation, Housing Requirements) to make such determinations. HUD will allow owners to fence off, board up, or take other temporary measures to assist with those issues.

Demolition while an Application is in Processing

Question: For us to meet stringent deadlines, the developer has indicated that they will need to commence demolition work on the mall structure (which partially overlaps the apartment site) to begin construction of a big box store by Q2 of next year. We request that HUD allow demolition of the mall structure as soon as possible...

Answer: Demolition will not be granted until after HUD has completed the HEROS review. HUD will facilitate an early environmental review, but that must be communicated to HUD early, preferably at the concept stage.

Pipeline and Fall Hazards



Pipeline and Fall Hazards

Updates!

- HUD has a new environmental engineer at OEE HQ to replace Nelson Rivera.
- Daniel Weissman, Daniel.Z.Weissman@hud.gov
- Please work through your Multifamily and Regional Environmental Officer
- Updated Fact Sheets on Pipelines and Fall Hazards:
<https://www.hudexchange.info/programs/environmental-review/housing/fact-sheets/>

Pipeline and Fall Hazards

Question: How does HUD define “ancillary facilities”, “common areas”, and “like related improvements” that apply to fall hazards and pipeline analysis...

Answer: HUD defines these facilities as ancillary to housing which support or complement buildings used by people. This includes private balconies, yards, carports, garages, sheds or buildings like pool houses, etc. Common areas are places where people congregate which include playgrounds, rec areas, and parking lots intended to serve residents. Walking trails, pathways and sidewalks without these amenities may be excluded on a case-by-case basis.

High Voltage Power Lines

Question: Which powerlines are considered “high voltage”, and which are considered “local service lines”?

Answer: Transmission lines (69+ kilovolts) carry electricity from stations to substations where buildings, ancillary facilities, and common areas are not permitted within the easement of such lines.

Local service lines (50 or less kilovolts) are also known distribution lines and serve neighborhoods at stepped down voltages. They do not trigger easement restrictions or fall hazard requirements.

H-FRAME*

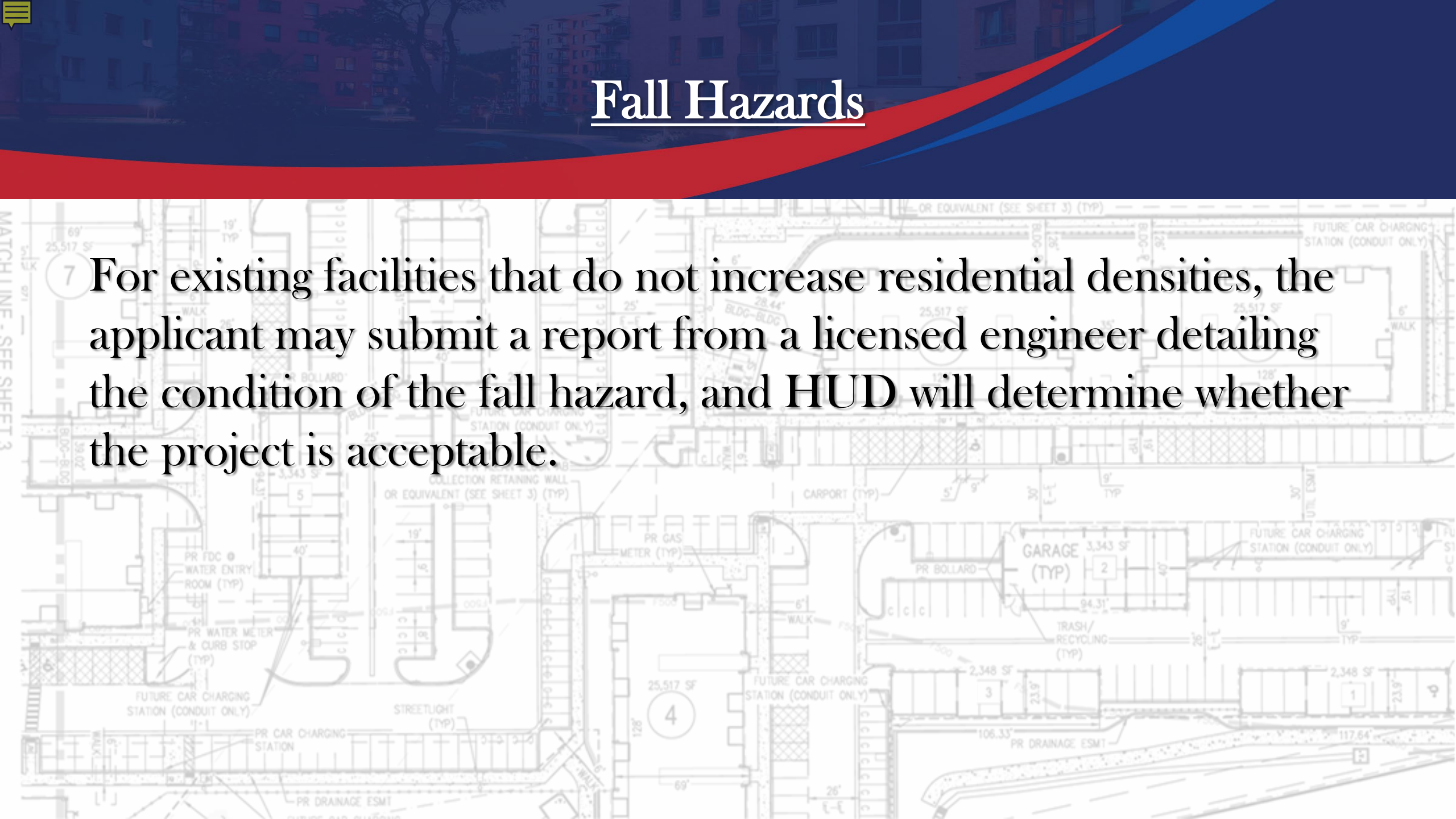
LATTICE TOWER

SINGLE-POLE

THREE-POLE STRUCTURES

Fall Hazards

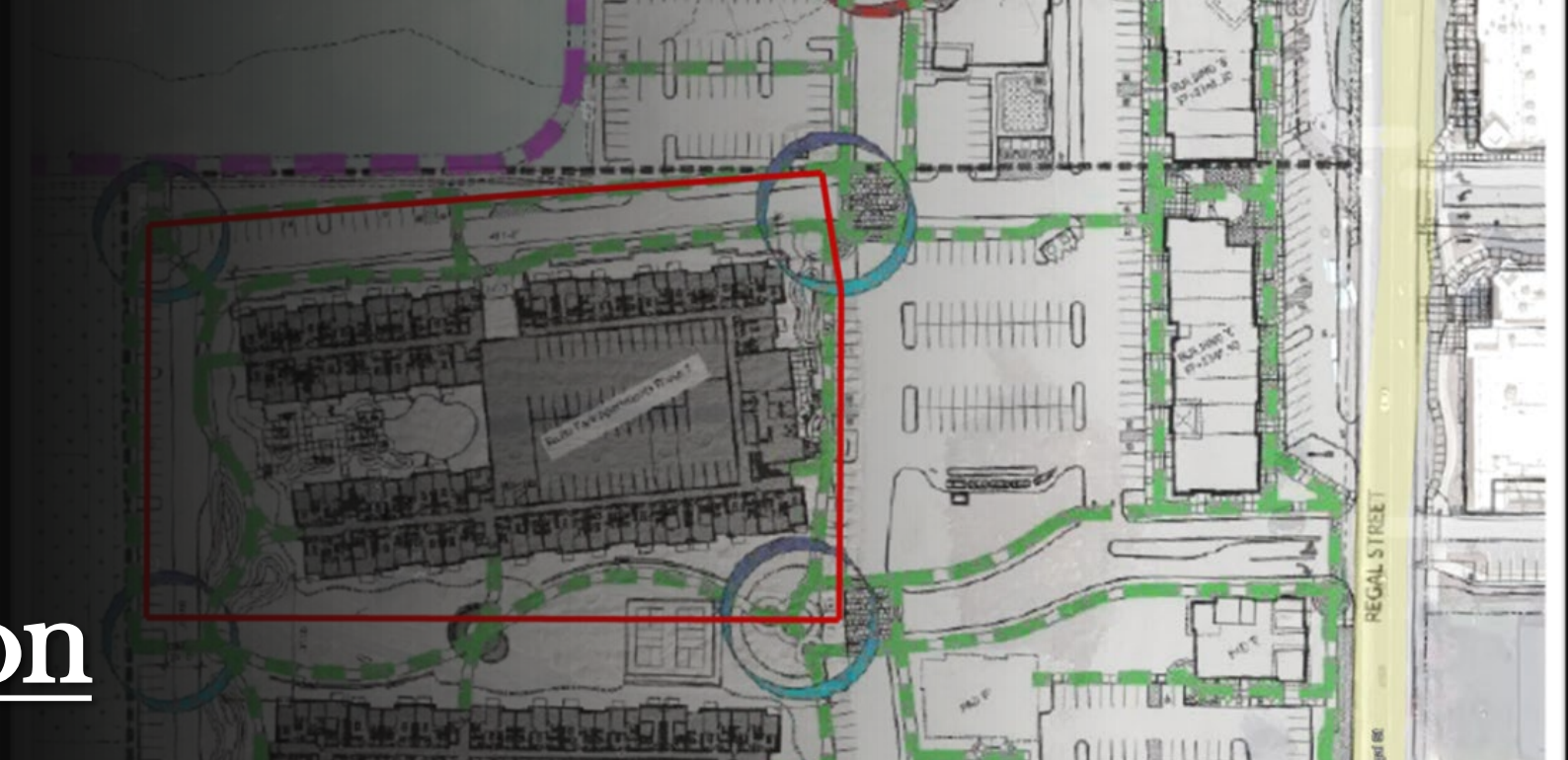
7 For existing facilities that do not increase residential densities, the applicant may submit a report from a licensed engineer detailing the condition of the fall hazard, and HUD will determine whether the project is acceptable.



Pipeline and Fall Hazards

Pipeline and Fall Hazards - Best Practices:

- Analyze and provide any information directly from pipeline operator, including any engineer reports.
- Discuss these hazards and requirements early with the borrower/developer to properly design their project safely around such hazards.

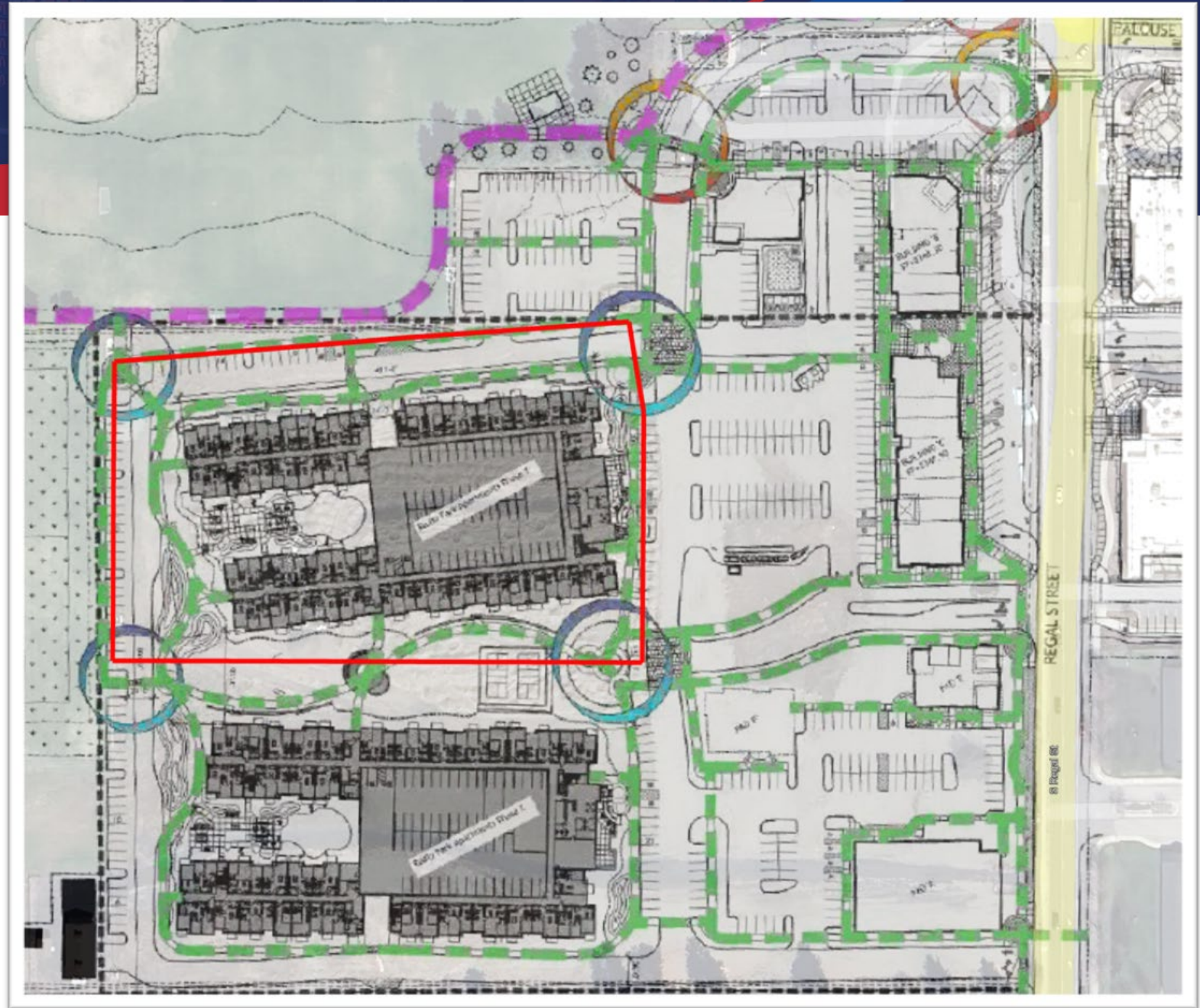


Site Aggregation



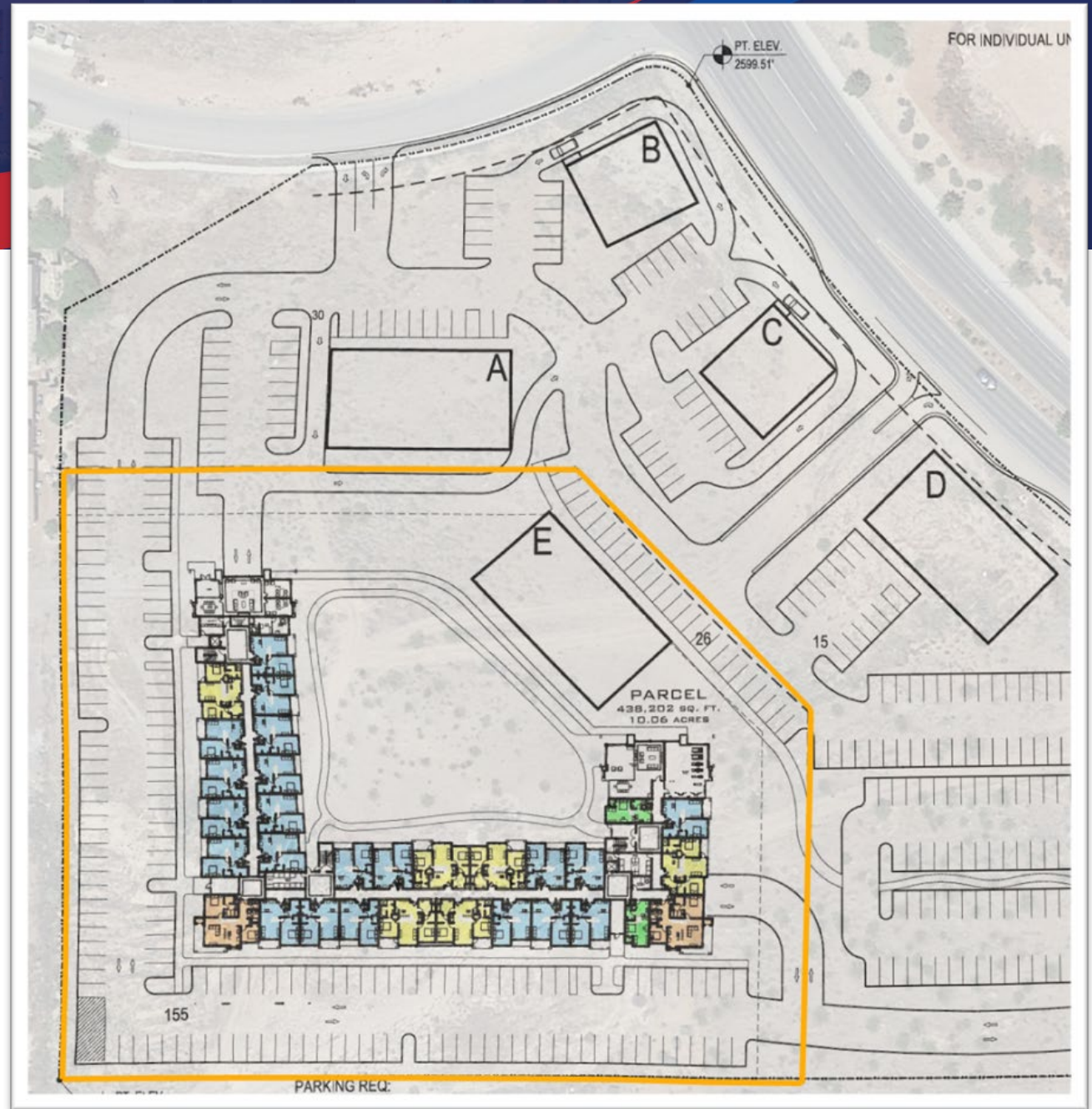
Site Aggregation Examples

Where is the main access to the collateral? Are the utilities already in-place? What's the timing of the 2nd Phase? What about storm water plans and its construction timing?



Site Aggregation Examples

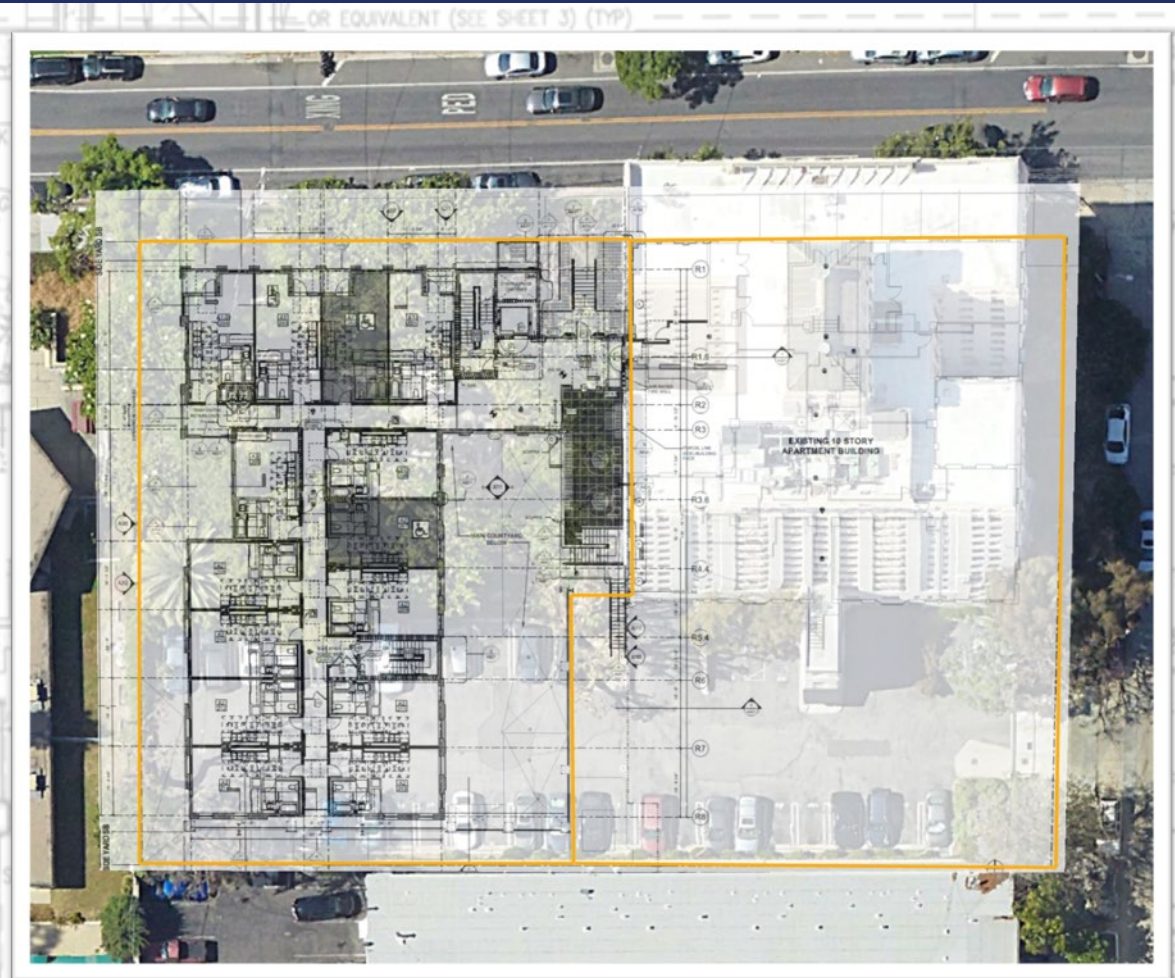
What is the timing of the commercial developments proposed off-site? Do utilities run through the main ingress/egress points? Will tenants require access to parking that's available on the commercial parcels?



MAP Guide 9.1.2: Aggregation...

Existing properties might also require an aggregated environmental review.

- **Historic Preservation** - the APE could extend beyond the subject site.
- **Endangered Species** - offsite endangered species could be impacted.



MAP Guide 9.1.2: Aggregation...

Site Aggregation Best Practices:

- **Early Consultation** - If unsure, provide information that will assist HUD in determining if your proposal requires site aggregation, preferably at the concept meeting stage.
- **Timing** - You **MUST** consider the timing of offsite construction plans.
 - The MAP Guide imposes restrictions on construction and site modification (**MAP Guide 9.2.1.C.6**) until the environmental review is complete - that includes aggregated sites.

If timing is an issue, the proposal might not be able to move forward

HQ Environmental Updates

- HUD Federal Flood Risk Management Standard (FFRMS) Final Rule
 - Proposed Rule published 3/24/2023
 - Final rule targeted for publication early 2024
 - HUD will provide training, program specific guidance and FAQs to implement FFRMS
 - Horizontal extent of the FFRMS floodplain generally equivalent to the 500-year floodplain
- HUD Departmental Radon Policy
 - Proposed notice published in the Federal Register February 13, 2023
 - Final notice coming soon
 - No change to most Housing programs—MAP Guide, RAD Notice and 232 Handbook more stringent and prescriptive
 - Policy issuance will prompt Notice for 542(c) FHA Risk Share radon testing



HQ Environmental Updates

- **WISER Modules for Housing Programs coming soon!**
 - Nuisances and Hazards (pipelines, fall hazards)
 - HEROS for Housing Partners
 - Mitigation Measures
 - Environmental Reviews for Asset Management