

# VIRGINIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

## HOME PROGRAM

### Statutory Checklist – Site Specific

**PROGRAM NAME:** INDOOR PLUMBING REHABILITATION FLEX PROGRAM

**REGIONAL ADMINISTRATOR:**

**SITE ADDRESS:**

**SITE COUNTY:**

**PROJECT DESCRIPTION:**

<input type="checkbox"/> Pre-1978 <input type="checkbox"/> Rehab <input type="checkbox"/> Lacking Bathroom	<input type="checkbox"/> 1978 or after <input type="checkbox"/> Substantial <input type="checkbox"/> Failed absorption system
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**PROJECT NARRATIVE** (*Provide a brief narrative of the work which needs to be done to bring the structure up to DHCD Housing Quality Standards*):

Directions:

Record below the compliance or conformance determinations for each statute, executive order, or regulation. Provide credible, traceable, and supportive source documentation for each authority. Where applicable, complete the necessary reviews or consultations and obtain or note applicable permits of approvals. Clearly note citations, dates/names/titles of contacts, and page references. Attach additional documentation as appropriate.

*For example, under Floodplain Management, you might note "The site is not located in the 100-year floodplain according to the attached FIRM map panel 360112 0002B, effective 7/19/1976." The copy of the map must be included with the submission. Upload this completed form and supporting documentation in a single pdf file format into CAMS as part of your Project Set-Up submittals.*

<b>Compliance Factors:</b> Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5 and §58.6	<b>Are formal compliance steps or mitigation required?</b> A=No, B=Yes	<b>Compliance Determinations</b>
<b>STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR 50.4 &amp; 58.6</b>		
<b>Airport Runway Clear Zones and Accident Potential Zones</b>  24 CFR Part 51 Subpart D	A    B <input type="checkbox"/> <input type="checkbox"/>	
<b>Coastal Barrier Resources</b>  Coastal Barrier Resources Act, as amended by the Coastal Barrier Improvement Act of 1990 [16 USC 3501]	A    B <input type="checkbox"/> <input type="checkbox"/>	

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<b>Flood Insurance</b>  Flood Disaster Protection Act of 1973 and National Flood Insurance Reform Act of 1994 [42 USC 4001-4128 and 42 USC 5154a]	A    B <input type="checkbox"/> <input type="checkbox"/>	
<b>STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR 50.4 &amp; 58.5</b>		
<b>Clean Air</b>  Clean Air Act, as amended, particularly section 176(c) & (d); 40 CFR Parts 6, 51, 93	A    B <input type="checkbox"/> <input type="checkbox"/>	
<b>Coastal Zone Management</b>  Coastal Zone Management Act, sections 307(c) & (d)	A    B <input type="checkbox"/> <input type="checkbox"/>	
<b>Contamination and Toxic Substances</b>  24 CFR Part 50.3(i) & 58.5(i)(2)	A    B <input type="checkbox"/> <input type="checkbox"/>	
<b>Endangered Species</b>  Endangered Species Act of 1973, particularly section 7; 50 CFR Part 402	A    B <input checked="" type="checkbox"/> <input type="checkbox"/>	Activity involves rehabilitation of an existing structure or demolition and replacement of single family residence within developed lot and will therefore have NO EFFECT on federally protected species and critical habitat. Consultation with US Fish and Wildlife Service or the National Marine Fisheries Service is not necessary.
<b>Explosive and Flammable Hazards</b>  24 CFR Part 51 Subpart C	A    B <input checked="" type="checkbox"/> <input type="checkbox"/>	Based on the definition of HUD assisted Project at 24CFR 51.201 there are no circumstances requiring mitigation as no increased number of people are being exposed to hazardous operations by increasing residential densities, converting the type of use of a building to habitation, or making a vacant building habitable
<b>Farmlands Protection</b>  Farmland Protection Policy Act of 1981, particularly sections 1504(b) and 1541; 7 CFR Part 658	A    B <input type="checkbox"/> <input type="checkbox"/>	
<b>Floodplain Management</b>  Executive Order 11988, particularly section 2(a); 24 CFR Part 55	A    B <input type="checkbox"/> <input type="checkbox"/>	

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<b>Historic Preservation</b>  National Historic Preservation Act of 1966, particularly sections 106 and 110; 36 CFR Part 800	A B <input type="checkbox"/> <input type="checkbox"/>	
<b>Noise Abatement and Control</b>  Noise Control Act of 1972, as amended by the Quiet Communities Act of 1978; 24 CFR Part 51 Subpart B	A B <input type="checkbox"/> <input type="checkbox"/>	
<b>Sole Source Aquifers</b>  Safe Drinking Water Act of 1974, as amended, particularly section 1424(e); 40 CFR Part 149	A B <input type="checkbox"/> <input type="checkbox"/>	<i>(Effects Accomack, Clarke and Northampton Counties)</i>
<b>Wetlands Protection</b>  Executive Order 11990, particularly sections 2 and 5	A B <input checked="" type="checkbox"/> <input type="checkbox"/>	Project does not involve new construction, land use conversion, or substantial improvements as defined in 24 CFR Part 55
<b>Wild and Scenic Rivers</b>  Wild and Scenic Rivers Act of 1968, particularly section 7(b) and (c)	A B <input type="checkbox"/> <input type="checkbox"/>	
<b>ENVIRONMENTAL JUSTICE</b>		
<b>Environmental Justice</b>  Executive Order 12898	A B <input checked="" type="checkbox"/> <input type="checkbox"/>	Activity does not entail adverse health or environmental effects which disproportionately impact a minority or low-income population relative to the community at-large.

**Field Inspection** (Date and completed by):

**Summary of Findings and Conclusions:**

**Mitigation Measures and Conditions [40 CFR 1505.2(c)]**

Summarize below all mitigation measures adopted by the Responsible Entity to reduce, avoid, or eliminate adverse environmental impacts and to avoid non-compliance or non-conformance with the above-listed authorities and factors. These measures/conditions must be incorporated into project contracts, development agreements, and other relevant documents. The staff

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responsible for implementing and monitoring mitigation measures should be clearly identified in the mitigation plan.

Law, Authority, or Factor	Mitigation Measure

**Determination:**

- ☐ This categorically excluded activity/project converts to **EXEMPT** per Section 58.34(a)(12), because it does not require any mitigation for compliance with any listed statutes or authorities, nor requires any formal permit or license; **Funds may be committed and drawn down after certification of this part** for this (now) EXEMPT project; OR
- ☐ This categorically excluded activity/project cannot convert to Exempt status because one or more statutes or authorities listed at Section 58.5 requires formal consultation or mitigation. Complete consultation/mitigation protocol requirements, **publish NOI/RROF and obtain “Authority to Use Grant Funds”** (HUD 7015.16) per Section 58.70 and 58.71 before committing or drawing down any funds; OR
- ☐ This project is not categorically excluded OR, if originally categorically excluded, is now subject to a full Environmental Assessment according to Part 58 Subpart E due to extraordinary circumstances (Section 58.35(c)).

Preparer Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Name/Title/Organization: \_\_\_\_\_

Responsible Entity Agency Official Signature:

**NOTE: DHCD IS THE RESPONSIBLE ENTITY FOR IPR FLEX**

\_\_\_\_\_ Date: \_\_\_\_\_

Name/Title: \_\_\_\_\_

This original, signed document and related supporting material must be retained on file by the Responsible Entity in an Environmental Review Record (ERR) for the activity/project (ref: 24 CFR Part 58.38) and in accordance with recordkeeping requirements for the HUD program(s).

## SITE-SPECIFIC FIELD CONTAMINATION CHECKLIST

Completing the form requires a site visit by the preparer. The preparer should be sure to observe the property by walking through the property and the building(s) and other structures on the property to the extent possible and observing all adjoining\* properties.

### PREPARER MUST COMPLETE CHECKLIST IN ITS ENTIRETY

Date of Visit:

Time:

Weather Conditions:

Program Name:

Project Location/Address:

Property Owner:

Attach the following, as appropriate:

☐ Photographs of site and surrounding areas

☐ Maps (street, topographic, aerial, site map, etc.)

QUESTION  Is there evidence of any of the following?	OBSERVATION	
	SUBJECT PROPERTY	ADJOINING PROPERTIES
Is the property or any adjoining property currently used, or has evidence of prior use, as a <b>gasoline station, motor vehicle repair facility, printing facility, dry cleaners, photo developing laboratory, junkyard, or as a waste treatment, storage, disposal, processing or recycling facility?</b>	YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN <input type="checkbox"/>	YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN <input type="checkbox"/>
Are there any damaged or discarded <b>automobile(s), automotive or industrial batteries, pesticides, paints, or other chemicals</b> in individual containers greater than 5 gal in volume or 50 gal in the aggregate, stored on or used at the property or adjoining properties?	YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN <input type="checkbox"/>	YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN <input type="checkbox"/>
Are there any industrial <b>drums</b> (typically 55 gal) or sacks of <b>chemicals, herbicides or pesticides</b> located on the property or adjoining properties?	YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN <input type="checkbox"/>	YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN <input type="checkbox"/>
Has <b>fill dirt</b> been brought onto the property or adjoining properties that originated from a suspicious site or that is of an unknown origin?	YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN <input type="checkbox"/>	YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN <input type="checkbox"/>
Are there any <b>pits, ponds, or lagoons</b> located on the property or adjoining properties in connection with waste treatment or waste disposal?	YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN <input type="checkbox"/>	YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN <input type="checkbox"/>
Is there any <b>stained soil, distressed vegetation and/or discolored water</b> on the property or adjoining properties?	YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN <input type="checkbox"/>	YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN <input type="checkbox"/>
Are there any <b>storage tanks</b> , aboveground or underground (other than residential), located on the property or adjoining properties?	YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN <input type="checkbox"/>	YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN <input type="checkbox"/>

QUESTION: Is there evidence of any of the following?	SUBJECT PROPERTY	ADJOINING PROPERTIES
Are there any <b>vent pipes, fill pipes, or underground tank access ways</b> visible on the property or adjoining properties?	YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN <input type="checkbox"/>	YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN <input type="checkbox"/>
Are any flooring, drains, walls, ceilings, or grounds on the property or adjoining properties <b>stained by substances</b> (other than water) or emitting <b>noxious or foul odors or odors of a chemical nature</b> ?	YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN <input type="checkbox"/>	YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN <input type="checkbox"/>
Is the property served by a <b>private well or non-public water system</b> ? (If yes, a follow-up investigation is required to determine if contaminants have been identified in the well or system that exceed guidelines applicable to the water system, or if the well has been designated contaminated by any government environmental/health agency.)	YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN <input type="checkbox"/>	
Has the owner or occupant of the property been informed of the existence of past or current <b>hazardous substances or petroleum products or environmental violations</b> with respect to the property or adjoining properties?	YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN <input type="checkbox"/>	YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN <input type="checkbox"/>
Do the property or adjoining properties <b>discharge wastewater</b> (not including sanitary waste or storm water) onto the property or adjoining properties and/or into a storm water system?	YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN <input type="checkbox"/>	YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN <input type="checkbox"/>
Is there a <b>transformer, capacitor, or any hydraulic equipment</b> on the property or adjoining properties that are not marked as "non-PCB"?	YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN <input type="checkbox"/>	YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN <input type="checkbox"/>
If answering "YES" or UNKNOWN" to any above items, describe the conditions:		
Use photographs and maps to mark and identify conditions. Attach more information as needed.		
Is further evaluation warranted? YES <input type="checkbox"/> NO <input type="checkbox"/> UNCERTAIN <input type="checkbox"/>		
Preparer of this form must complete the following required information.		
This inspection was completed by: Name: Title:	Phone Number:	
	Email:	
	Agency:	
Address:		
Preparer represents that to the best of his/her knowledge the above statements and facts are true and correct and to the best of his/her actual knowledge no material facts have been suppressed, omitted or misstated.		
Signature:		Date:

## Worksheet for Preparing 24 CFR §58.5 Statutory Checklist

[Virginia Use Oriented]

### §58.6 - Airport Hazards (Runway Clear Zones and Clear Zones/Accident Potential Zones) [24 CFR 51D]

Will the project use IPR assistance, subsidy or insurance for construction; land development; community development or redevelopment; substantial modernization and rehabilitation which prolongs the physical or economic life of existing facilities; provide facilities and services which make land available for construction; change the use of a facility; increase the unit density or number of people at the site?

☒ Yes ☐ No

**If Yes**, continue.

**If No**, compliance with this section is complete. Mark box “A” on the Statutory Checklist for this authority.

Is the property within 5,000 feet of a civilian airport, the Runway Clear Zone (RCZ)?

☐ Yes ☐ No

Is the project is within the 15,000 foot military airfield Accident Potential Zone (APZ)?

☐ Yes ☐ No

**If Yes**, continue.

**If No** to both of the above questions, compliance with this section is complete. Mark box “A” on the Statutory Checklist for this authority.

If the project is within 5, 000 feet of the end of a civilian airport runway, did the Airport Operator provide a written determination that the project is not now and will not be 10 years from now, located 2,500 feet from the end of the civilian runway in a runway Clear Zone (CZ)?

☐ Yes ☐ No

**If Yes**, compliance is complete. Mark Box “A” on the Statutory Checklist and attach the Airport Operator’s written determination.

**If No**, continue.

If the project is within 15,000 feet of a military airfield did the airfield operator provide a written determination that the project is not currently located in a CZ/APZ and future expansion will not place the property in a CZ/APZ?

☐ Yes ☐ No

**If Yes**, compliance is complete. Mark Box “A” on the Statutory Checklist and attach the Airport Operator’s written determination.

**If No**, continue.

If the project is or will be in a CZ, will the project be frequently used or occupied by people?

☐ Yes ☐ No

**If Yes**, IPR assistance may not be used for this project.

**If No**, continue.

If the project will not frequently be used by people, has the airport operator provided a written statement that there are no plans to purchase the land involved with such facilities as part of a Runway CZ acquisition program?

☐ Yes ☐ No

**If Yes**, attach copy of written assurance from airport operator. Mark box “B” on the Statutory Checklist for this authority.

**If No**, HUD funds may not be used for this project.

If the project is located in a military airfield APZ, is the project consistent with the Land Use Compatibility Guidelines for Accident Potential Zones (32 CFR Part 256, DOD Instruction 4165.57).

☐ Yes ☐ No

**If Yes**, attach copy of written assurance from airport operator. Mark box “B” on the Statutory Checklist for this authority.

**If No**, HUD funds may not be used for this project.

Comments:

Cite and attach source documentation: (Map with project location noted showing the distance from civilian airports and/or military airfields. Written confirmation from airport operating stating whether or not project is located in a RCZ, CZ or APZ. Written assurance from airport operator on purchase of property.)



For further information see:

Airport Hazards HUD Guidance:

<https://www.hudexchange.info/environmental-review/airport-hazards/>

[DOD Instruction 4165.57](#)

<http://www.dtic.mil/whs/directives/corres/pdf/416557p.pdf>

Airport Information: <http://www.airnav.com/airports/>

## **§58.6 Coastal Barrier Resources**

### **Coastal Barrier Resources**

Is the project located in a coastal barrier resource area?

☐ Yes ☐ No

**If No**, compliance with this section is complete. Mark box "A" on the Statutory Checklist for this authority.

**If Yes**, Federal assistance may not be used in this area.

Comments:

Cite and attach source documentation: (Map with project location noted showing the proximity to coastal barrier resource area)

For further information see:

Coastal Barrier Resources HUD Guidance:

<https://www.hudexchange.info/environmental-review/coastal-barrier-resources/>

## **§58.5(g) Air Quality [40 CFR Parts 6, 51, 61 and 93]**

Does the project involve demolition or renovation of buildings likely to contain asbestos containing materials?

☒ Yes ☐ No

**If Yes**, ensure the project is in compliance with EPA's Asbestos regulations found at 40 CFR Part 61 (NESHAP) and all State and local regulations. Continue below.

**If No**, continue.

Does the project require an environmental assessment or environmental impact statement?

☐ Yes ☒ No

**If Yes**, continue.

**If No**, compliance with CAA State Implementation Plan factor is complete. Mark Box A on the Statutory checklist.

Comments:

Cite and attach source documentation: (Letter of consistency with SIP, assessment of emissions, air permits received, mitigation measures taken, etc.)

For further information see:

Air Quality HUD Guidance:

<https://www.hudexchange.info/environmental-review/air-quality/>

The Green Book Nonattainment Areas for Criteria Pollutants:

<http://www.epa.gov/oar/oaqps/greenbk/>

Region 3 State Implementation Plans (SIPs):

<http://yosemite.epa.gov/r3/r3sips.nsf/SIPIndex!OpenForm>

### **§58.5(c) Coastal Zone Management [Coastal Zone Management Act of 1972, Sections 307(c) & (d)]**

Does the project involve new construction, land use conversion, or substantial improvements?

☐ Yes ☐ No

**If Yes**, continue.

**If No**, compliance with this section is complete. Mark box “A” on the Statutory Checklist for this authority.

Is the project located within a Coastal Zone as defined in the Virginia Coastal Program (Virginia Coastal Zone Management (CZM) Plan)? See attached DEQ’s Virginia Coastal Zone map.

☐ Yes ☐ No

**If Yes**, the State CZM Agency must make a finding that the project is consistent with the approved State CZM Plan. Mark box “B” on the Statutory Checklist for this authority.

**If No**, compliance with this section is complete. Mark box “A” on the Statutory Checklist for this authority.

Comments:

Cite and attach source documentation: (Map showing project in relation to the nearest Coastal Zone Management area (If applicable, VCP’s consistency determination)).

For additional information see:

Coastal Zone Management HUD Guidance:

<https://www.hudexchange.info/environmental-review/coastal-zone-management/>  
States and Territories Working with NOAA on Ocean and Coastal Zone Management:  
<http://coastalmanagement.noaa.gov/mystate/welcome.html>  
Virginia Coastal Program  
<http://www.deq.virginia.gov/Programs/CoastalZoneManagement/DescriptionBoundary.aspx>

## **§58.5(i) (2) Contamination and Toxic Substances**

Complete the **Site-Specific Field Contamination Checklist** and submit to DHCD along with the Statutory Checklist, including any attachments.

Comments:

Cite and attach source documentation: (Maps showing project distance to contaminated sites)

For additional information see:

HUD Guidance on Site Contamination:

<https://www.hudexchange.info/environmental-review/site-contamination/>

NEPAssist: <http://nepassisttool.epa.gov/nepassist/entry.aspx>

EPA Envirofacts Data: <http://www.epa.gov/enviro/>

EPA Maps: <http://www.epa.gov/emeftdata/em4ef.home>

ATSDR Hazardous substances: <http://www.atsdr.cdc.gov/toxfaqs/index.asp>

Right-To-Know Network: <http://www.rtknet.org/>

## **§58.5(e) Endangered Species [50 CFR Part 402]**

Does the project involve the type of activities that are likely to have “no effect on endangered species, such as:

- Demolition and construction or placement of a single family residence within a developed lot, and/or any loans or mortgages affiliated with such construction, demolition or placement provided they are not within 750 feet of habitat for federally-listed species or 300 feet of mapped wetlands, wildlife refuges, fish hatcheries, wildlife management areas, or related significant fish and wildlife resources?

☒ Yes ☐ No

- Rehabilitation or renovation activities associated with existing structures (e.g., houses, buildings), including additional structures attached to or associated with the primary structure, and/or any loans or mortgages affiliated with such rehabilitation or renovation?

☒ Yes ☐ No

- Acquisition of existing structures (e.g., houses, buildings), including additional structures attached to or associated with the primary structure, and/or any loans or mortgages affiliated with such acquisition.

☒ Yes ☐ No

- Purchase and placement of playground equipment within existing parks?

☐ Yes ☒ No

- Resurfacing, repairing, or maintaining existing streets, sidewalks, curbs, trails, parking lots and/or any other existing paved surfaces where additional ground disturbance, outside of the existing surface is not necessary?

☐ Yes ☒ No

**If Yes to any of the above**, the project is likely to have “No Effect” on federally protected species and critical habitat. Informal consultation with the US Fish and Wildlife Service or the National Marine Fisheries Service (Services) is not necessary. The RE is required to make this finding and include a memorandum to the file supporting the finding (note that this finding should be made by the RE, and not by third party contractors and non-RE grant recipients). Compliance with this section is complete. Mark box “A” on the Statutory Checklist for this authority.

**If No to all of the above**, continue.

Comments:

Cite and attach source documentation: (Memorandum to the file by the RE supporting the finding of “No Effect.” Concurrence memo from one or both of the Services for a finding of “Not Likely to Adversely Affect.” Biological Opinion from one or both of the Services for a finding of “May Affect.”)

For additional information see: (The Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.* as amended: particularly Section 7 (b) and (c). 50 CFR 402).

ESA HUD Guidance:

<https://www.hudexchange.info/environmental-review/endangered-species/>

USFWS ESA Species Search:

<http://www.FWS.gov/endangered/species/index.html>

NMFS ESA Species Search:

<http://www.nmfs.noaa.gov/pr/species/esa/>

USFWS Critical Habitat Maps:

<http://crithab.FWS.gov/>

NMFS Critical Habitat Maps:

<http://www.nmfs.noaa.gov/pr/species/criticalhabitat.htm>

### **§58.5(i) (1) Explosive and Flammable Operations [24 CFR 51C]**

- a. Does the project involve development, construction, rehabilitation, modernization or land use conversion of a property intended for residential use that will result in an increased number of people being exposed to hazardous operations by increasing residential densities, converting the type of use of a building to habitation, or making a vacant building habitable?

☐ Yes ☒ No

**If Yes**, continue.

**If No**, compliance with this section is complete. Mark box “A” on the Statutory Checklist for this authority.

Comments:

Cite and attach source documentation: Based on 24CFR 51.201: *HUD-assisted project*—the development, construction, rehabilitation, modernization or conversion with HUD subsidy, grant assistance, loan, loan guarantee, or mortgage insurance, of any project which is intended for residential, institutional, recreational, commercial or industrial use. For purposes of this subpart the terms “rehabilitation” and “modernization” refer only to such **repairs and renovation of a building or buildings as will result in an increased number of people being exposed to hazardous operations by increasing residential densities, converting the type of use of a building to habitation, or making a vacant building habitable.**

For additional information see:

HUD Guidance on Siting Projects near Explosive and Flammable Facilities:

<https://www.hudexchange.info/environmental-review/explosive-and-flammable-facilities/>

### **§58.5(h) Farmlands Protection [7 CFR Part 658]**

Does the project involve acquisition of undeveloped land, conversion of undeveloped land or conversion from one land use to another?

☐ Yes ☒ No

**If Yes**, continue.

**If No**, compliance with this section is complete. Mark box “A” on the Statutory Checklist for this authority.

Is project located in an area zoned to urban or will allow residential uses as mapped by the local governing body?

☒ Yes ☐ No

**If Yes**, compliance with this section is complete. Mark box “A” on the Statutory Checklist for this authority.

**If No**, continue.

Comments:

Cite and attach source documentation: (Zoning map with project location noted or letter from locality zoning official of the allowance of residential use).

For additional information see:

Farmland Protection HUD Guidance:

<https://www.hudexchange.info/environmental-review/farmlands-protection/>

Census Data Mapper:

<http://tigerweb.geo.census.gov/datamapper/map.html>

### **58.5(b) (1) Floodplain Management [24 CFR Part 55]**

- a. Does the project involve minor repairs or improvements on one to four family properties that do not meet the threshold for “substantial improvement” of §55.2(b)(10)(i), i.e., the cost does not equal or exceed 50% of the market value of the structure before improvement or repair started, or before damage occurred?  
☐ Yes ☐ No

- b. Does the project involve the removal of material and architectural barriers that restrict the mobility of and accessibility to elderly and persons with disabilities?  
☐ Yes ☐ No

**If Yes to a or b**, compliance with this section is complete. Mark box “A” on the Statutory Checklist for this authority.

**If No**, continue.

- c. Is the project located within (or have an impact on) a 100 year floodplain (Zone A) or Coastal High Hazard (Zone V) identified by FEMA maps?  
☐ Yes ☐ No

**If Yes to (b) or (c)**, follow HUD’s Floodplain Management Regulations 8-Step/5-Step decision-making process of §55.20 to comply with 24 CFR Part 55. **If No to (b) and (c)**, compliance with this section is complete. Mark box “A” on the Statutory Checklist for this authority.

Does the project involve a critical action in a coastal high hazard area or a floodway?

☐ Yes ☐ No      If, Yes, IPR assistance may not be used for this project.

Does the project involve a non-critical action which is not a functionally dependent use e.g.; boat dock or bridge that is located in a floodway?

☐ Yes ☐ No

**If Yes**, IPR assistance may not be used for this project

Does the project involve a non-critical action which is not a functionally dependent use that is located in a coastal high hazard area?

☐ Yes ☐ No

**If Yes**, project is allowed *only* if it is designed for a location in a coastal high hazard area *and* is processed under Section 55.20. Design requirements must be noted in Statutory Checklist and 8-Step decision-making process.

Comments:

Cite and attach source documentation: (FEMA flood map used to make this finding with the project location marked on the map. Include the community name, map panel number and date of map. If applicable, attach §55.20 8-Step decision-making process analysis. If FEMA has not published the appropriate flood map, the RE must make a finding based on best available data.)

For more information see:

Floodplain Management HUD Guidance:

<https://www.hudexchange.info/environmental-review/floodplain-management/>

FEMA Map Service Center:

<http://www.msc.fema.gov>

24 CFR, Part 55

<http://www.ecfr.gov/cgi-bin/text-idx?SID=97b46ed11126c00f1796973becbdc15&node=24:1.1.1.1.32&rgn=div5>

### **§58.5(a) Historical Properties [36 CFR Part 800]**

#### **Historic Properties**

Does the project include the type of activity that would have the potential to affect historic properties such as acquisition, demolition, disposition, ground disturbance, new construction or rehabilitation?

☒ Yes ☐ No

**If Yes**, continue.

**If No**, the project is not the type of activity that has the potential to affect historic properties. Compliance with this section is complete. Mark box “A” on the Statutory Checklist for this authority.

Does DHCD as the Responsible Entity (RE) and State Historic Preservation Office (SHPO) have a Programmatic Agreement (PA) that does not require consultation for this type of activity?

☐ Yes ☒ No

**If Yes**, document compliance with the PA. Compliance with this section is complete. Mark box “A” on the Statutory Checklist for this authority.

**If No**, continue.

Is the project located within or directly adjacent to a historic district?

☐ Yes ☐ No

Is the structure or surrounding structures listed on or eligible for listing on the National Register of Historic Places?

☐ Yes ☐ No

Were any properties of historical, architectural, religious or cultural significance identified in the project's Area of Potential Effect (APE)?

☐ Yes ☐ No

**If Yes to any of the questions above, continue.**

**If No to all of the questions above, the project will not affect historic properties. A concurrence from the SHPO that "no historic properties will be affected" is required. Compliance with this section is complete after concurrence is received from the SHPO. Mark box "A" on the Statutory Checklist for this authority.**

Have you submitted a Project Review form to DHR and received a finding of "No Adverse Effect on Historic Properties?"

☐ Yes ☐ No

**If Yes, continue.**

**If No, consultation with the SHPO through a "Finding of Effect" is required.**

Does the SHPO concurrence letter received for this project require mitigation or have conditions (always does in an "Adverse Effect" or "No Adverse Effect" determination)?

☐ Yes ☐ No

**If Yes, continue.**

**If No, compliance with this section is complete. Mark box "A" on the Statutory Checklist for this authority.**

Have the SHPO and RE agreed on required mitigation or conditions?

☐ Yes ☐ No

**If Yes, include mitigation requirements and/or conditions from the SHPO in the mitigation section of the Statutory Checklist. Mark box "B" on the Statutory Checklist for this authority.**

**If No, continue with consultation until resolved.**

Comments:

Cite and attach source documentation: (Correspondence with SHPO and/or Tribal Historic Preservation Officer (THPO). How determination of "no potential to cause effects to historic properties" was made.)



Further Information Resources:

Historic Preservation HUD Guidance:

<https://www.hudexchange.info/environmental-review/historic-preservation/>

National Register of Historic Places:

<http://nrhp.focus.nps.gov/natreghome.do?searchtype=natreghome>

Historic Preservation HUD Guidance:

<https://www.hudexchange.info/environmental-review/historic-preservation/>

**§58.5(i) (1) Noise Abatement and Control [24 CFR Part 51B]**

- a. Does the project involve a noise sensitive use such as a residential structure?  
☒ Yes ☐ No

**If Yes**, continue.

**If No**, compliance with this section is complete. Mark box “A” on the Statutory Checklist for this authority.

- b. Is the project located within:

▪ 15 miles of a civilian or military airfield with more than 9,000 carrier operations annually;

☐ Yes ☐ No

▪ 1,000 feet of a major highway or busy road;

☐ Yes ☐ No

▪ 3,000 feet of a railroad.

☐ Yes ☐ No

**If Yes to any the above**, complete a noise calculation assessment. Use adopted Day Night Noise Level (DNL) contours if the noise source is an airport. Continue.

**If No**, compliance with this section is complete. Mark box “A” on the Statutory Checklist for this authority.

- c. Do noise calculations or airport noise contour maps indicate noise levels above 65dB (outside)?  
☐ Yes ☐ No

**If No**, compliance with this section is complete. Mark box “A” on the Statutory Checklist for this authority.

**If Yes**, continue;

If the answer to “c” above is “yes,” does the project involve rehabilitation?

☐ Yes ☐ No

**If Yes,** noise attenuation measures are strongly encouraged for rehabilitation to reduce noise levels to below 65dB. Mark box “B” on the Statutory Checklist for this authority. List all attenuation measures in the mitigation section of the Statutory Checklist (i.e. replacement windows, doors, siding to address lowering noise factor).

**If No,** continue.

If the answer to “c” is yes, does the project involve new construction?

☐ Yes ☐ No

**If Yes,** Special Environmental Clearance is required (an Environmental Assessment). Noise attenuation measures are required for new construction to reduce noise levels to below 65dB. Mark box “B” on the Statutory Checklist for this authority. List all attenuation measures in the mitigation section of the Statutory Checklist.

**If No,** Continue.

d. Do noise calculations or airport noise contour maps indicate outdoor noise levels above 75dB?

☐ Yes ☐ No

**If Yes,** continue.

**If No,** compliance is completed with respect to steps a-d above.

e. If noise levels are above 75 dB, does the project involve new construction?

☐ Yes ☐ No

**If Yes,** IPR assistance for the construction of new noise sensitive uses is generally prohibited for projects with unacceptable noise exposure (>75dB). An Environmental Impact Statement (EIS) is required. Compliance cannot be achieved without either completion of an EIS or processing of an EIS waiver.

**If No,** compliance is complete with respect to steps a-e above.

If outdoor noise levels are > 75 dB and the project involves new construction, was an EIS waiver processed?

☐ Yes ☐ No

**If Yes,** compliance is complete. Attach the EIS waiver, signed by the Certifying Officer. Mark box “B” of the Statutory Checklist and list all outdoor and indoor attenuation measures to reduce outdoor noise levels to 65 dB and indoor noise levels to 45 dB in the mitigation section of the Statutory Checklist.

**If No,** proceed with preparation of an EIS or deny the project.

Comments:

Cite and attach source documentation: (Maps with project location indicating distance from noise sources. DNL calculations and/or NAG worksheets.)

For more information see:

HUD Noise Guidance:

<https://www.hudexchange.info/environmental-review/noise-abatement-and-control/>

Virginia Department of Transportation Traffic Counts

<http://www.virginiadot.org/info/ct-trafficcounts.asp>

Federal Railroad Administration Crossing Data – Office of Safety Data – use 8.10

<http://safetydata.fra.dot.gov/officeofsafety/default.aspx>

Federal Aeronautics Administration:

[http://www.faa.gov/airports/planning\\_capacity/npas/reports/](http://www.faa.gov/airports/planning_capacity/npas/reports/)

Airport Contacts: <http://www.airnav.com/airports/>

### **§58.5(d) Sole Source Aquifers [40 CFR Part 149]**

Does the project involve new construction or land use conversion?

☐ Yes ☐ No

**If Yes**, continue.

**If No**, compliance with this section is complete. Mark box “A” on the Statutory Checklist for this authority.

Is the project located within a U.S. Environmental Protection Agency (EPA)-designated sole source aquifer watershed area per EPA Ground Water Office? See Sole Source Aquifers in Region III map. (**Clarke, Accomack or Northampton counties**)

☐ Yes ☐ No

**If Yes**, consult with the Water Management Division of EPA to design mitigation measures to avoid contaminating the aquifer and implement appropriate mitigation measures. Include mitigation measures in mitigation section of Statutory Checklist. Mark box “B” on the Statutory Checklist for this authority.

**If No**, compliance with this section is complete. Mark box “A” on the Statutory Checklist for this authority.

Comments:

Cite and attach source documentation: (Map showing project in relation to the nearest Sole Source Aquifer.)

For more information see:

Sole Source Aquifer HUD Guidance:

<https://www.hudexchange.info/environmental-review/sole-source-aquifers/>

### **§58.5(b) (2) Wetlands Protection (E.O. 11990)**

Does the project involve new construction, land use conversion, or substantial improvements as defined in 24CFR Part 55 i.e., the cost does not equal or exceed 50% of the market value of the structure before improvement or repair started, or before damage occurred?

☐ Yes ☒ No

**If Yes**, continue.

**If No**, compliance with this section is complete. Mark box “A” on the Statutory Checklist for this authority.

Comments:

Cite and attach source documentation: (NWI Map with project location noted in reference to wetlands. §55.20 8/5-Step decision-making process analysis for new construction and/or filling, and any permits received.)

For more information see:

Wetlands Protection HUD Guidance:

<https://www.hudexchange.info/environmental-review/wetlands-protection/>

USFWS National Wetlands Inventory – Geospatial Wetlands Digital Data:

<http://www.FWS.gov/wetlands/data/index.html>

Recognizing wetlands:

[http://www.usace.army.mil/Portals/2/docs/civilworks/regulatory/techbio/rw\\_bro.pdf](http://www.usace.army.mil/Portals/2/docs/civilworks/regulatory/techbio/rw_bro.pdf)  
[24CFR, Part 55](#)

[http://www.ecfr.gov/cgi-bin/text-](http://www.ecfr.gov/cgi-bin/text-idx?SID=97b46ed11126c00f1796973becbdcb15&node=24:1.1.1.1.32&rgn=div5)

[idx?SID=97b46ed11126c00f1796973becbdcb15&node=24:1.1.1.1.32&rgn=div5](http://www.ecfr.gov/cgi-bin/text-idx?SID=97b46ed11126c00f1796973becbdcb15&node=24:1.1.1.1.32&rgn=div5)

### **§58.5(f) Wild and Scenic Rivers [36 CFR Part 297]**

Does the project involve new construction, land use conversion, or substantial improvements as defined in 24CFR Part 55 i.e., the cost does not equal or exceed 50% of the market value of the structure before improvement or repair started, or before damage occurred?

☐ Yes ☐ No

**If Yes**, continue.

**If No**, compliance with this section is complete. Mark box “A” on the Statutory Checklist for this authority.

Is the project is located within one quarter (1/4) mile of a designated Wild, Scenic, Recreational, or river being studied as a potential component of the Wild & Scenic River system or an inventory river?

☐ Yes ☐ No

**If Yes**, determination from the National Park Service (NPS) must be obtained, with a finding that the project will not have a direct and adverse effect on the river nor invade or diminish values associated with such rivers. For NRI Rivers, consultation with NPS is recommended to identify and eliminate direct and adverse effects. Mark box “B” on the Statutory Checklist for this authority.

**If No**, compliance with this section is complete. Mark box “A” on the Statutory Checklist for this authority.

Comments:

Cite and attach source documentation: (Maps noting project location and showing proximity to protected rivers. Relevant determinations or results of consultation)

For further information see:

Wild and Scenic Rivers HUD Guidance:

<https://www.hudexchange.info/environmental-review/wild-and-scenic-rivers/>

Recreational River Segments – Virginia

<http://www.nps.gov/ncrc/programs/rtca/nri/states/va.html>

### **§58.5(j) Environmental Justice (E.O. 12898)**

Is the project located in or designed to serve a predominantly minority and low-income neighborhood?

☒ Yes ☐ No

**If Yes**, continue.

**If No**, compliance with this section is complete. Mark box “A” on the Statutory Checklist for this authority.

Would there be an adverse environmental impact caused by the proposed action, or would the proposed action be subject to an existing adverse environmental impact?

☐ Yes ☒ No

**If Yes**, perform an Environmental Justice (EJ) analysis using census, geographic and other data to determine if a low-income/minority population is disproportionately impacted. Continue.

**If No**, compliance with this section is complete. Mark box “A” on the Statutory Checklist for this authority.

Comments:

Cite and attach source documentation: (Mapping of low-income and minority populations in the vicinity of the project site. EJ analysis. Mitigation Plan.)

For additional information see:

EJ HUD Guidance:

<https://www.hudexchange.info/environmental-review/environmental-justice/>

EJ maps & analysis, by location:

<http://www.scorecard.org/community/ej-index.tcl>

EPA’s “EJ View” Tool provides information relevant to EJ assessments:

<http://epamap14.epa.gov/ejmap/entry.html>

Census Bureau – American Fact Finder - data and maps:

<http://factfinder2.census.gov/faces/nav/jsf/pages/index.xhtml>

Tract-level data on race & income:

<http://www.ffiec.gov/geocode>

### **Summary of Mitigation Measures:**

(Required for Incorporation into Project Work Write-up, included in Public Notices, and included as requirements of contracts, grants, loans, etcetera?).

### **References:**

(List the Federal, State, or local agencies contacted to obtain their existing environmental reports and other data used for the environmental review of the proposed project).

### **List of Major Reports Obtained:**

(Attach report(s), such as wetlands delineation studies, biological evaluations or habitat assessments, Phase I and II environmental site assessments).

## **Statutory Checklist Instructions**

DHCD is acting as the responsible official for the entire IPR program in complying with the National Environmental Policy Act (NEPA). Although DHCD will conduct the overall assessment subrecipients are required to complete an IPR Statutory Checklist for each property and submit to DHCD along with the Project Set-Up Package. **Documentation must be compiled to substantiate all responses. These will enable us to certify that we have complied with NEPA.**

**IPR funds used for administrative activities are EXEMPT. Most IPR rehabilitations will be CATEGORICALLY EXCLUDED, meaning that the subrecipient need only complete and submit the IPR Statutory Checklist and comply with requirements of whatever mitigation is deemed relevant to the related laws.**

**The IPR Statutory Checklist and supporting documentation will constitute the Environmental Review Record (ERR) for each project. The checklist must be completed; copies placed in the client's file, and submitted to DHCD through the Centralized Application and Management System (CAMS) all with the Project Set-Up package.**

Subrecipients are required to visit each property to complete the IPR Statutory Checklist. The guidance below will assist with the review of the property from the Department of Historic Resources. The remainder of the federal regulations are addressed in the Statutory Checklist Worksheet. Please complete the worksheet in its entirety and attach any records derived from sources referenced. Contract your assigned CD Specialist for technical assistance.

### **HISTORIC STRUCTURES.**

**Determine if the house might be an unidentified historic property. Review the National Register of Historic Properties including any supplements and local historic reports found at <http://www.nationalregisterofhistoricplaces.com/VA/>. Estimate the year of construction. If your assessment is that the unit is not likely to be historic, send a letter to the SHPO anyway asking for concurrence that the rehab will not affect an historic property. **EFFECTIVE PROGRAM YEAR 2016 ALL HOUSES MUST BE REVIEWED BY THE DEPARTMENT OF HISTORIC REVIEW.****

- a. Project Review Application Form correctly completed. See Attachment 28d;**
- b. USGS 7.5 minute topographic map with the house clearly marked;**
- c. Results of a completed archive search, including all maps and site documentation (if no resources were found during the search, this should be noted). Search can be done in person, by remote access through the Data Sharing System, or by DHR for a nominal fee; and**

- d. Clear black and white photographs of the house and surrounding area.

Send everything including the letter “Certified Mail, Return Receipt Requested” or by email to Julie Langan at [Julie.Langan@dhr.virginia.gov](mailto:Julie.Langan@dhr.virginia.gov). The SHPO has thirty (30) days to respond upon receipt of complete information about the project. You must wait thirty-five (35) days to allow for transit time.

The SHPO will likely reply “NO EFFECT” or if the thirty-five (35) days has elapsed with no response, you should check the first column of the Statutory Checklist, insert the date of the Project Review Form and the end of the 35-day period in the second block and attach copies of the letters, photos and map.

#### **RECOGNIZED OR POTENTIALLY HISTORIC STRUCTURES**

If the house is identified as historic, is located in an historic district or possibly eligible to be on the Register, the Project Review Form must be sent to the SHPO requesting concurrence that the proposed work will have “NO ADVERSE AFFECT.” It must be accompanied by the four items listed above plus a set of the rehabilitation specifications. Send the material via “Certified Mail, Return Receipt Requested” or email as prescribed above to [Julie.Langan@dhr.virginia.gov](mailto:Julie.Langan@dhr.virginia.gov). Again, wait thirty-five (35) days for a reply.

The SHPO will make one of the following responses:

- a. **ADVERSE AFFECT:** The property is deemed historic and the SHPO requires submission of the Work Write-up for comments which you must consider.
- b. **NO ADVERSE AFFECT:** The SHPO deems that the rehabilitation will not be negative, but concurrence must be requested from the Advisory Council on Historic Preservation.
- c. **NO EFFECT:** No further actions are necessary.
- d. **NO RESPONSE:** If the SHPO does not respond within thirty-five (35) days, no further action is necessary.

If the Council objects or the SHPO cites an adverse affect and changes are proposed, the Regional Administrator must consider the cost. **Accommodating the Secretary’s Standards must not increase the cost above DHCD’s cost limits and must not include the expenditure of IPR funds on items not related to DHCD’s Housing Quality Standards.**

For more information about the Advisory Council, go to their Web site at [www.achp.gov](http://www.achp.gov).



**Historic Preservation / Archeological Review**

Section 106 of the National Historic Preservation Act requires that the effects of IPR projects on properties included in or eligible for the National Register of Historic Places be taken into account. The Advisory Council on Historic Preservation seeks, through the Section 106 process, to accommodate historic preservation concerns with the needs of federally funded projects. Such accommodation is encouraged through consultation among the Agency Official, the State Historic Preservation Officer (SHPO), and other interested persons during the planning stage.

Consulting parties for the Historic Preservation/Archeological Review are defined as follows:

- Agency Official. The official with legal jurisdiction and responsibility for the project. Under the IPR Program, the Agency Official is the designated certifying official of the Subrecipient who accepts the jurisdiction of federal courts for enforcement purposes. Normally, this official is the Chief Executive Officer of the locality.
- State Historic Preservation Officer (SHPO). The SHPO coordinates State participation in the Section 106 process. Their role is to consult with and assist the Agency Official when identifying historic properties, assessing effects upon them, and considering alternatives to avoid or reduce those effects.
- Advisory Council. The Council is responsible for commenting to the Agency Official when historic properties are affected.
- Interested Persons. Organizations or individuals that are concerned with the effects of a project on historic properties.

The Consultation Process (Agency Official's Responsibilities) for the Historic Preservation/Archeological Review is as follows:

1. Prior to notifying the SHPO, the Agency Official **MUST** review existing information on historic properties potentially affected by the project, including any data concerning the likelihood that unidentified historic properties exist in the project area.

2. **Request** the views of the SHPO on further actions to identify historic properties that may be affected. The SHPO must be contacted in writing (see SAMPLE). Technically, a Subrecipient cannot certify that its project has NO SIGNIFICANT IMPACT ON THE ENVIRONMENT until the project is cleared by the SHPO **unless** the SHPO fails to respond within thirty (30) days of notification.

The following is the type of letter that must be sent to the State Historic Preservation Officer (SHPO), as required by 36 CFR 800.4. The key is to **clearly identify** the project, its location, existing conditions, past construction activity, current land use, and construction methods. In addition, your letter should contain:

- Any significant observations from your site inspections;
- Photographs;
- Your review of the National Register of Historic Places, including the periodic supplements; and your determination that there will be no effect on historic properties;
- A review of any local historic reports;
- U.S.G.S. Quadrangle Map specifically locating the structure(s).

*The letter should be sent to:*

Director  
Virginia Department of Historic Resources  
Attn: Julie Langan  
2801 Kensington Avenue  
Richmond, Virginia 23221  
804-482-6446

The Responsible Entity can either submit hard copy applications and correspondence through USPS, FedEx, etc. or electronically through ePIX (DHR's Electronic Project Information Exchange) which can be located on DHR's website at <https://www.dhr.virginia.gov/environmental-review/epix-electronic-project-information-exchange/>.

## **SAMPLE LETTER TO STATE HISTORICAL PRESERVATION OFFICER**

**CERTIFIED MAIL**

**June 1, 20\*\***

**Director  
Virginia Department of Historic Resources  
Attn: Review and Compliance Officer  
2801 Kensington Avenue  
Richmond, Virginia 23221**

**Dear Director:**

The City of Grantsville is applying to the Virginia Department of Housing and Community Development for funding to extend water and sewer lines in various sections of the City. Enclosed are copies of maps from a DHR archives search which identify any historical or cultural resources and neighborhood photographs illustrating the three (3) project service areas.

These areas are geographically bounded by State Route 683 on the South, the Grantsville limits on the East and West, and Norfolk-Western Railroad on the North. Physical improvements to the area will include the extension of lateral water lines and the extension of sewer lines throughout the City.

Project One involves the installation of approximately 1,000 linear feet of water line on Davis Boulevard, White Marsh Road, and Seminole Drive which are currently served by inadequate well systems. Project Two allows for the installation of approximately 2,900 linear feet of water line on Dill, Carolina and Benton Roads. Project Three will require the installation of fifty bathrooms and approximately 8,000 linear feet of gravity sewer line on Ashley Avenue, Mason Avenue, Kennedy Street, Causey Street, South Broad Street, Linden Avenue, First Street, and Second Street in the Philadelphia and Saratoga Place neighborhoods and on East Washington Street, Suburban Drive, Cross Terrace, Riddick Drive, Bailey Circle, Reid Street, and Bell Street in the Pierce Park neighborhood of the City.

I would note that the proposed projects are contained almost entirely within the existing right-of-way of the streets in the project areas. Very little physical work will be undertaken in locations not previously disturbed by extension construction or in areas routinely maintained, either by the City or the Virginia Department of Transportation. Absolutely no impact is anticipated on any historic or archeological sites.

The bathrooms will be constructed within the existing houses or added as additions. Specifications will require that the addition match the existing construction exterior as close as possible. All unsanitary pit privies will be removed to comply with Department of Health sanitation standards.

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Attachment 28B: Project Review Letter to DHR

Director  
Page Two  
June 1, 20\*\*

**The City has reviewed the National Register of Historic Places of Block County prepared by I. M. Lookinhard and has determined that no historical person has lived within the project area and no historical structures exist within the project area that have a bearing on the history of Grantsville or Block County.**

In the unlikely event any such sites are discovered during project construction activities, the City will be immediately informed by the on-site contractor, and your Office will be notified shortly thereafter. The City will undertake every effort to ensure that historic and archeological sites will in no way be disturbed by the proposed activities.

**The City has determined that no effect or no adverse effect will occur to archeological sites or historic structures.**

**Your review of this project and a response within thirty (30) days would be greatly appreciated. Should you have any questions concerning this matter, please do not hesitate to contact me or Sally Smith of my staff.**

Sincerely,

**Tom Tyron  
Mayor**

CR/kr

Enclosures [...INCLUDE PHOTOGRAPHS and TOPO MAPS...]

cc: Supervisor, Project Review Section; Virginia Research Center for Archeology

Attachment

**28C**

**DHR Historic Resources  
Archive Search Application**

Form to be completed by Subrecipient

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# VIRGINIA DEPARTMENT OF HISTORIC RESOURCES

## ARCHIVES SEARCH

Please send this completed form and user agreement with a copy of USGS quad map to Quatro Hubbard, Archivist, Department of Historic Resources, 2801 Kensington Avenue, Richmond, VA 23221

NAME: \_\_\_\_\_

COMPANY AFFILIATION: \_\_\_\_\_

FED ID #/SSN #: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

\_\_\_\_\_

PHONE #: \_\_\_\_\_

FAX #: \_\_\_\_\_

E-MAIL CONTACT: \_\_\_\_\_

### **LOCATION OF PROJECT**

NAME OF PROJECT: \_\_\_\_\_

NAME OF QUADS: \_\_\_\_\_

NAME OF COUNTY: \_\_\_\_\_

**TYPE OF SEARCH:** Please mark the "Expedited" box **in addition** to one of the other two types of searches **only** if you wish to have the search done in less than 3 business days (with an additional fee of \$150).

Maps Only

Search Detailed Search

Expedited?

☐☐☐

### **SEARCH AREA FOR HISTORIC PROPERTIES/DISTRICTS:**

One Mile Radius Two Mile Radius Marked Site Area Only

☐☐☐

### **SEARCH AREA FOR ARCHAEOLOGICAL SITES:**

One Mile Radius Two Mile Radius Marked Site Area Only

☐☐☐

Search results will be mailed unless other arrangements are made in advance. If you would like results sent via Federal Express, please provide that number here: \_\_\_\_\_

**DHR will also need signed Conditions for Use agreement (provided below) submitted BEFORE we can conduct the requested search.**

# Department of Historic Resources

## CONDITIONS FOR USE OF DIGITAL AND OTHER DHR LOCATIONAL DATA

Use of this data is subject to the following conditions:

1. **User understands and acknowledges that release of precise locations may threaten archaeological and historical resources. User shall take reasonable precautions to ensure the security of site locations.**
2. User will identify "Department of Historic Resources" as data source on any map or publication using DHR data. User will also include the date provided.
3. User will provide DHR with two copies of any reports prepared using Virginia Department of Historic Resources data if requested by DHR.
4. Although DHR maintains high standards of data quality control, DHR makes no warranty that the data are necessarily accurate or complete.
5. Obtaining information on previously recorded historic properties does not constitute review under Section 106 of the National Historic Preservation Act. If a project is federally funded, licensed, or assisted, the federal agency may require you to obtain DHR comment under Section 106. If you are also requesting a review of your project on behalf of a federal agency, you may download a Project Review Form from our web site at [www.dhr.state.va.us](http://www.dhr.state.va.us).
6. User understands and acknowledges that the accuracy of these data is time-limited. User agrees to use DHR-provided data only for the term specified by DHR, and to incorporate all updates provided by DHR. Under no circumstances shall User continue using DHR-provided historic resource data for more than six months following its generation.
7. If there are charges, User shall pay agreed charges within 30 days of being billed by DHR.
8. Photographs may only be reproduced in commercial publications if specific permission is granted by DHR.
9. User will indemnify and hold DHR and its officers and employees harmless against any claims by third parties arising out of the use by User of the data provided hereunder.
10. This Agreement is the entire agreement between the parties with respect to the subject matter hereof. It shall be construed in accordance with the law of the Commonwealth of Virginia and may be amended only in writing signed by both parties.

By accepting the DHR data, User agrees to abide by all of the above conditions

User signaturePrinted name

---

User Title and AffiliationDate

---

Attachment 28C: DHR Archive Search Application



# Archives Search

## VIRGINIA DEPARTMENT OF HISTORIC RESOURCES

Information on previously surveyed historic resources and archaeological sites is available in our archives. The hours are from 8:30 a.m. until 12 noon and from 1 p.m. until 4:45 p.m. on weekdays (excluding state holidays). There is no charge to use the archives, but nominal fees are charged for photocopies and color printouts of maps. Appointments are not necessary.

If you are unable to come to our Richmond office to use the archives, and would like our staff to process your request, we can provide that service for a fee.

To conduct a search, we will need the above cover sheet filled out in full, a copy of a USGS topographical quad map clearly delineating your project site and signed Conditions for Use Agreement. An invoice will be included with your search results. In order to issue an invoice, we will need your company's Federal ID number or the Social Security number of the individual making the request.

Descriptions and fee schedules for the search services are as follows:

### Cell Tower Searches

A search of the DHR's cultural resource inventory for locational data only on all previously recorded archaeological sites, and architectural structures and districts. You will receive a map (or maps) showing the locations of any architectural resources within a one mile radius of your site, if the tower will be 199 feet or less in height, or two miles if the tower will be 200 feet or taller. You will also receive a map showing the archaeological sites in the immediate vicinity of your project area.

The cost is \$25 per quad sheet searched, plus a \$50 processing fee for each project. Even if no previously identified resources are present within the radius, you will still receive copies of our maps, and the fees will still be assessed. We strive to complete the search for you within ten business days of our receipt of clearly marked USGS quad mapping, the completed request form and signed Conditions for Use Agreement.

### Detailed Searches

A search of the DHR's cultural resource inventory for the presence of all previously recorded archaeological sites, and architectural structures and districts. You will receive maps showing the locations of any architectural or archaeological resources within your marked project area.

You will also receive copies of architectural survey forms and archaeological site forms for those resources identified in your project area. In addition, you will receive

a printout of the architectural resources with the resource name, DHR file number and indication as to whether the resource is listed on the registers, or has been evaluated by the Department for possible inclusion on the registers. If an archaeological site has been evaluated for possible inclusion on the registers, then you will receive a copy of that letter of determination or evaluation form.

The cost is \$25 per quad sheet searched, a \$50 processing fee for each project and \$10 per site for the forms and a printout of each resource identified within your project area. If the file is missing, then that will be noted and the fee will not be charged. If no resources are identified in your project area, you will still receive copies of our maps, and the processing and quad sheet fees will still be assessed. We strive to complete the search for you within ten business days of our receipt of clearly marked USGS quad mapping, the completed request form and a signed Conditions for Use Agreement.

### Expedited Searches

If you require the information urgently, we offer an expedited archives search, for which a surcharge of \$150 will be required. Please mark the expedited box on the above search form in addition to either the cell tower or detailed search box if you desire the faster service.

The goal is to complete the expedited search in three business days or less from the day on which we receive a completed request form, a signed conditions for use agreement and clearly marked USGS quad mapping. You will be contacted if circumstances prevent us from successfully completing your search within the three-day goal to give you an estimated time frame.

Our results will be sent to you by standard mail unless other arrangements are pre-arranged. A space is provided on our search request form for you to include your Federal Express number if you desire overnight delivery of the results.

### Conditions

DHR serves as the official state repository on historic resources. This information has been compiled primarily by independent cultural resource consultants. DHR makes no warranty as to the fitness of the data for any purpose.

The absence of historic resources in DHR records does not necessarily mean that no historic properties are present. It is possible that the area in question has not been systematically surveyed for resources.

Obtaining information on previously recorded historic properties does not constitute review under Section 106 of the National Historic Preservation Act.

If a project is federally funded, licensed, or permitted, the federal agency may require you to obtain DHR comment under Section 106. If you are also requesting a review of your project on behalf of a federal agency, you may download a Project Review Form from our web site at <http://www.dhr.virginia.gov/>. This is a separate process that does not involve the archives, and thus cannot be accomplished concurrent with an archives search.

## DHR Contact

Please send your completed search request form and your marked USGS quad map to:

Archives Search Service  
c/o Quatro Hubbard  
Archivist  
Department of Historic Resources  
2801 Kensington Avenue  
Richmond, VA 23221-2470

You may fax your documentation to the attention of the archives at (804) 367-2391.

If you have any questions concerning this information, please contact:

Quatro Hubbard at (804) 482-6102  
Fax: (804) 367-2391  
E-mail: [Quatro.Hubbard@dhr.virginia.gov](mailto:Quatro.Hubbard@dhr.virginia.gov)

# DHR Historic Review Process and Project Review Form

Requesting a Project Review from the Department of Historic Resources

The Department of Historic Resources (DHR) is Virginia's State Historic Preservation Office (SHPO). Section 106 of the National Historic Preservation Act of 1966, as amended, requires federal agencies to consult with the SHPO and others who may have knowledge of historic properties in identifying known historic properties which may be affected by a federal undertaking, and in determining the need for further survey efforts to identify previously unrecorded historic properties. Information on Section 106 and the text of the Section 106 regulations are available on the web site of the Advisory Council on Historic Preservation ([www.achp.gov](http://www.achp.gov)).

THIS APPLICATION MUST BE COMPLETED FOR ALL FEDERAL UNDERTAKINGS AND SUBMITTED TO THE VIRGINIA DEPARTMENT OF HISTORIC RESOURCES FOR REVIEW. A federal undertaking is defined in the Section 106 regulations as "a project, activity, or program funded in whole or in part under the direct or indirect jurisdiction of a Federal agency, including those carried out by or on behalf of a Federal agency; those carried out with Federal financial assistance; those requiring a Federal permit, license or approval; and those subject to State or local regulation administered pursuant to a delegation or approval by a Federal agency." This form may also be used to obtain the comments of DHR as part of a state review process. Please provide a completed form even in cases where project information is included in a separate document, such as an Environmental Impact Report. Environmental documents may be submitted as attachments to the form if they provide an important part of the project description.

A program specific review application form for cell tower projects is available on DHR's website along with several other attachments to the project review application relating to the rehabilitation and demolition of historic structures which are intended to streamline the process.

## Before You Complete the Project Review Application Form

1. Determine if your project constitutes an undertaking that has the potential to impact historic properties, assuming such historic properties are present (for the definition of an undertaking, go to the Section 106 Regulations, Definitions section, 36 CFR 800.16, on the web at <https://www.achp.gov/digital-library-section-106-landing/section-106-regulations>).
2. Determine the Area(s) of Potential Effect (APE) for the project. For the purposes of Section 106, the area of potential effect (APE) is defined as the entire geographical area in which changes may occur to historic properties if any are present. The APE for archaeological resources may be different than for architectural resources. The view shed of historic properties often extends well beyond their boundaries and is often an important contributing element to their historic significance. Therefore, projects which alter the landscape drastically - large scale subdivisions, highway construction - or those which insert a large, intrusive structure into the landscape - cell towers, water towers - must take into account the surrounding view shed when determining the APE. A field inspection of the project area will help to establish the

Attachment 28D: DHR Review Process and Project Review Form

APE. Establishing it is the responsibility of the federal agency in consultation with DHR. When acting on the behalf of a federal agency, the APE that is presented to DHR must be the APE that is approved by that agency. The boundaries of the APE should be clearly described and indicated on a U.S.G.S. quad map (original or clear copy). If there are two different APEs – one where ground disturbance is going to occur and one where view shed is the only concern, for instance, these should be clearly indicated.

3. Gather information to identify the historic properties within or adjacent to the APE that may be affected by your project. Information on recorded historic properties is available in the DHR Archives, and this information must be collected prior to submitting project review application. The Archives are open to the public, and the only charges for use are 15 cents per page for copies. If it is not possible to visit the DHR Archives, the archivist will provide information on recorded properties for a fee (telephone the Archives at 804-367-2323, extension 125 for more information). Please be aware that survey in Virginia is far from complete, and the absence of historic resources in DHR records does not necessarily mean that no historic properties are present. Information that should be considered in the identification process may also be available in other repositories, such as county planning offices and historical societies. On-site inspections are an essential component of the identification process. Photographs of the subject property and any nearby properties that may be over 50 years old should be provided with your project review application. Please attach the available information on recorded historic properties within the APE and documentation resulting from field inspection to the project review application form. If no historic properties are recorded in the APE, and if no potentially historic properties were observed during field inspection, note this on the application form.
4. Following the identification process, you should complete the project review application form in its entirety by referring to the following instructions. Attach or enclose the required additional information, and submit your application packet to DHR. The Department of Historic Resources will respond to your request within 30 days.

### How to Complete the Project Review Application Form

#### I. GENERAL PROJECT INFORMATION

1. Indicate if the project or any part thereof has been previously reviewed by DHR and if so, insert the file number. If we know that a project has been previously reviewed, we can often avoid asking for duplicate information.
- 2-3. Complete this section in its entirety providing the name and location (independent city or town and county) of the project. If your project involves work on a specific building, please include the street address of the building.
4. For CDBG projects, the Lead Federal Agency is HUD and the Subrecipient. Other Federal Agency will be any other federal agency who is funding the projects e. g., Rural Development. State Agency is DHCD.
- 5-6. Lead Agency Contact is the designated Certifying Officer. Applicant Contact is the individual with the most knowledge of the ERR, including the DHR submission. It is important that complete mailing addresses be provided.

#### II. PROJECT LOCATION AND DESCRIPTION

7. Indicate the name of the USGS quadrangle on which your project area is located. An original or clear photocopy of the 7.5 minute USGS topographic quadrangle, or a clearly

- labeled portion thereof, showing the exact boundaries of the project location, and the project's Area(s) of Potential Effect (APE) must be attached to this application. Do not reduce or enlarge the map. Topographic maps may be downloaded free of charge from Topozone© ([www.topozone.com](http://www.topozone.com)).
8. Indicate the acreage of the project area.
  9. Indicate if an architectural or archaeological survey has been conducted as part of the identification process or in a different context by consulting DHR's Archives. Indicate the author, title, and date of the report and if a copy of it is on file at DHR. If a survey has been completed and a copy is not on file, a copy should be included with the application materials.
  10. During the identification stage of the Section 106 process you should determine the presence/absence of structures 50 years old or older. Indicate if the Archives search revealed any historic properties in the APE and if the site inspection revealed any properties over 50 years of age within or adjacent to the project area which may or may not be recorded at DHR. The date of construction for structures is often indicated in county or state tax records. Photographs of all structures over 50 years of age must be included with the application materials.
  - 11-12. These questions are designed to help DHR determine if your project needs to be reviewed by an architectural historian or an archaeologist or both. If the answer to either of these questions is *yes*, a complete explanation is required in the Description.
  13. Description. Attach a detailed description of the project area and the proposed undertaking, making sure to include the following information:
    - a) Description of the existing land use. Include photographs of the project area.
    - b) Description of any recent modifications to the landscape. [Note: If the existing landscape appears to be markedly different from that shown on the attached quad map, please include information to that effect explaining what changes have occurred since the map was last updated.]
    - c) For projects involving the rehabilitation, alteration, or demolition of a structure over 50 years of age, a detailed description of the extent of the proposed alterations, along with photographs, architectural and engineering drawings, project specifications, and maps will be required.
    - d) Detailed project description that includes the precise location of all construction, destruction, and other proposed disturbance, the horizontal and vertical dimensions of all above and below ground construction, and the nature and extent of any previous disturbances – i.e. it is in a plowed field or disturbed VDOT right-of-way – within the APE.

Please Note: A complete project review application consists not only of the fully completed form, but also a completed Archives search, a USGS topographic map with the APE marked, a detailed project description, and all required photographs and project plans. A checklist is provided at the end of the application. Accurate and complete information will help in obtaining a timely response. If all required materials are not submitted, you will receive notification that your application is incomplete and the 30-day review period will not begin until all necessary materials are received.

MAIL COMPLETED FORM AND ATTACHMENTS TO:  
Virginia Department of Historic Resources  
Attention: Project Review  
2801 Kensington Avenue  
Richmond, VA 23221  
[www.dhr.virginia.gov](http://www.dhr.virginia.gov)

# ***Project Review Application Form***

**This application must be completed for all projects that will be federally funded, licensed, or permitted, or that are subject to state review. Please allow 30 days from receipt for the review of a project. All information must be completed before review of a project can begin and incomplete forms will be returned for completion.**

## **I. GENERAL PROJECT INFORMATION**

**1. Has this project been previously reviewed by DHR? YES \_\_\_\_\_ DHR File # \_\_\_\_\_**

**2. Project Name** \_\_\_\_\_

**3. Project Location** \_\_\_\_\_  
City Town County

**4. Specify Federal and State agencies involved in project (providing funding, assistance, license or permit). Refer to the list of agencies and abbreviations in the instructions.**

**Lead Federal Agency** HUD/ \_\_\_\_\_

**Other Federal Agency** \_\_\_\_\_

**State Agency** VDHCD \_\_\_\_\_

### **5. Lead Agency Contact (Certifying Officer) Information**

**Contact Person** \_\_\_\_\_

**Mailing Address** \_\_\_\_\_

**Phone Number** \_\_\_\_\_ **Fax Number** \_\_\_\_\_

**Email Address** \_\_\_\_\_

### **6. Applicant Contact Information**

**Contact Person** \_\_\_\_\_

**Mailing Address** \_\_\_\_\_

**Phone Number** \_\_\_\_\_ **Fax Number** \_\_\_\_\_

**Email Address** \_\_\_\_\_

## **II. PROJECT LOCATION AND DESCRIPTION**

**7. USGS Quadrangle Name** \_\_\_\_\_

**8. Number of acres included in the project** \_\_\_\_\_

9. Have any architectural or archaeological surveys of the area been conducted? YES  
NO

If yes, list author, title, and date of report here. Indicate if a copy is on file at DHR.

10. Are any structures 50 years old or older within or adjacent to the project area? YES  
NO

If yes, give date(s) of construction and provide photographs.

11. Does the project involve the rehabilitation, alteration, removal, or demolition of any structure, building, designed site (e.g. park, cemetery), or district that is 50 years or older? If yes, this must be explained fully in the project description. YES  
NO

12. Does the project involve any ground disturbance (e.g. excavating for footings, installing sewer or water lines or utilities, grading roads, etc.)? If yes, this must be explained fully in the project description. YES  
NO

13. DESCRIPTION: Attach a complete description of the project. Refer to the instructions for the required information.

To the best of my knowledge, I have accurately described the proposed project and its likely impacts.

Signature of Applicant/Agent \_\_\_\_\_  
Date \_\_\_\_\_

The following information must be attached to this form:

- \_\_\_\_\_ Completed DHR Archives search
- \_\_\_\_\_ USGS map with APE shown
- \_\_\_\_\_ Complete project description
- \_\_\_\_\_ Any required photographs and plans

<p>_____ No historic properties affected _____ No adverse effect</p> <p>_____ Additional information is needed in order to complete our review.</p> <p>_____ We have previously reviewed this project. A copy of our correspondence is attached.</p> <p>Comments: _____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>Signature _____ Date _____</p> <p>Phone number _____ DHR File # _____</p> <p><i>This Space For Department Of Historic Resources Use Only</i></p>
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**Attachment  
28E**

**Sample Letter to State  
Dept. of Environmental Quality**

January 1, 2022

Mr. John Fisher  
Environmental Impact Review Coordinator  
Virginia Department of Environmental Quality  
629 East Main Street, 6<sup>th</sup> floor  
Richmond, Virginia 23219

RE: Coastal Consistency Review  
Indoor Plumbing Rehabilitation Flex Program

Dear Mr. Fisher:

This letter requests your review and concurrence that the following projects are consistent with the enforceable policies of the Virginia Coastal Resources Management Program. Mitigation measures to be used include but are not limited to: soil erosion deterrents such as silt fencing, straw, stone barriers and cleaning of the site daily.

The *(Regional Administrator)* \_\_\_\_\_ proposes to use State funds from the Virginia Department of Housing and Community Development and/or U.S. Department of Housing and Urban Development (HUD) - HOME grant funds for a Housing Rehabilitation Program for low income residents. Rehabilitation will occur in rural areas to provide complete indoor plumbing facilities to single family, owner occupied dwellings. Each individual project will consist of one house on one site.

We are requesting clearance from your agency to proceed with the following  
Project sites as listed below:  
A project description, site map and aerial photo are enclosed for each site.

**(Enter Property Address)**

**Year Built**

Please contact me if you have any questions, concerns, or need additional information  
at: \_\_\_\_\_ (email address).

Sincerely,

\_\_\_\_\_

Enclosures