

**Requested Supplemental Materials
in response to
Hagerty Consulting High Level Environmental Review
Yuba County Roadside Fuel Reduction Project**

Responsible Entity:

County of Yuba
Department of Planning
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Marysville, CA 95901

Preparer:

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January 26, 2024

Summary

The information contained in this document was requested by Douglas Ganey of Hagerty Consulting in the High Level Environmental Review, Yuba County Roadside Fuel Reduction Project for the Project's National Environmental Policy Act (NEPA) Environmental Assessment. The High Level Environmental Review requested:

1. A figure showing designated work areas;
2. Consultation with wildlife agencies including the U.S. Fish and Wildlife Service;
3. FEMA/FIRM Maps for the project work area and complete the analysis according to HUD Guidance for Floodplain Management.

The contents of this document include:

1. Copy of the High Level Environmental Review Document, Yuba County Roadside Fuel Reduction Project
2. Figure 1. Designated Work Areas
3. Figures 2-A through 2-Q. FEMA Flood Hazard Zones
4. HUD/Responsible Entity FEMA Floodplain Management Checklist
5. Floodplain Management Determination Documentation

The additional information requested in the High Level Environmental Review provided in this document is highlighted in yellow. The applicable information from federal statutes for the Yuba County Roadside Fuel Reduction Project Floodplain Management Determination Documentation are highlighted in yellow.

Consultation with wildlife agencies including the U.S. Fish and Wildlife Service has been initiated as of the 1/16/2024, with Yuba County serving as the Federal representative to initiate consultation with the Pacific Southwest Region 8 of U.S. Fish and Wildlife Service Mr. Paul Souza. To date, no response has been received.

CA 2017 and 2018 CDBG – Disaster Recovery Memo

To: Angela Adams, HCD
From: Douglas Ganey, Hagerty Consulting
Date: February 23, 2022, **revised December 9, 2023**
Re: High Level Environmental Review, Yuba County Roadside Fuel Reduction Project

Table 1. High-Level Environmental Review Summary Table

Yuba County Roadside Fuel Reduction Project	
General Information	
Grant Program	CDBG-DR INF
Project Title	Yuba County Roadside Fuel Reduction Project
Subrecipient	Yuba County
Project Type	MIT-RIP
Document(s) Reviewed	“CEST” Report File: “Combined unsigned NEPA review.pdf” Environmental Assessment Files: “Adm Draft Yuba County Fuel Reduction Part-58-EA.pdf and “Attachment Complete.pdf”
Review Date	2/22/22, revised 12/9/23
HCD Project Lead	A. Adams
Review by	T. Youngbluth/D. Ganey/M. Novitske/A. Gettig (Hagerty Consulting)
Recommendations	
<p><u>Review Level:</u> An environmental review Categorically Excluded Subject to 24 CFR 58.5 “CEST” Report was developed for the proposed project. This project does not fit any of HUD’s categorical exclusions, therefore a CEST is not the appropriate review level. An Environmental Assessment would be the appropriate review level for this type of project. If (likely) applicable after completion of the EA public notice and publication of a Finding of No Significant Impacts would be required.</p> <p>12/9/23 Update: An Environmental Assessment was prepared for the proposed project. No further revision requested.</p> <p><u>Project Description:</u> More information is needed. Maps clearly designating the work areas should be provided. It is unclear from the project description exactly what Yuba County plans to do to create fuel breaks. The environmental review document should clearly describe what distance on either side of the road work is planned and specifically what will be done to achieve the fuel breaks. Are trees with a</p>	

Yuba County Roadside Fuel Reduction Project

specific reach over the road being trimmed? Are trees within a specific distance to the edge of the road being completely removed? Is other vegetation being removed? What does the County plan to do with all the vegetation that is being removed? Will all work take place within the existing right-of-way? The revised project description should provide enough information to answer these types of questions.

12/9/23 Update: The EA Report provides a project description and addresses the above questions; however, a figure(s) showing designated work areas should be included as well.

Endangered Species: A more detailed review of biological resources is required for a project that involves 47 miles of vegetation removal. Retention of a professional biologist is recommended. Critical habitat for the red legged frog was identified within the project area. Protection of this habitat and habitat for migrating and nesting birds needs to be addressed.

12/9/23 Update: A Biological Resources Assessment was provided with a more detailed review of the potential impacts to special-status species and habitats that may occur in the project area. Multiple special-status species and habitats may occur in the project area, but the Biological Resource Assessment does not include a “determination of the affect” the project will have on the federally listed species or critical habitat. The EA states that mitigation measures for special status species have been incorporated to reduce all impacts to less than significant level. Less than significant level does not constitute a “No Effect” determination and consultation with wildlife agencies including the U.S. Fish and Wildlife Service should be performed for this federal environmental review.

Farmland Protection: The farmland protection conclusion is correct, but the text needs to be updated to reflect the project being reviewed. The report describes road repairs and rehabilitation.

12/9/23 Update: The EA review of Farmland Protection has been updated to reflect the proposed project and its activities. No further revision requested.

Floodplain Management: The floodplain management section was taken from another project. Please update this section to reflect the project being reviewed.

12/9/23 Update: The EA updates this section with relevant information and states floodplains are found along stream channels throughout the project area, The project does not involve any changes to floodplain elevation and no impacts to floodplains will occur. Please provide FEMA/FIRM Maps for the project work area and complete the analysis according to HUD Guidance for Floodplain Management.

Noise Abatement and Control: The proposed project would have to comply with any local noise regulations as chain saws, chippers and other vegetation management equipment can generate significant amounts of noise.

12/9/23 Update: A noise impact assessment was completed and the EA states that noise associated with the project would not exceed County construction noise thresholds. No further revision requested.

Wetlands: Yuba County as the RE for this project is responsible for determining if any of the road segments are within a wetland area or if any of the planned work could impact a wetland area. Construction permitting under the National Pollutant Discharge Elimination Center may be required for a project of this size.

12/9/23 Update: The Biological Resources Assessment found that every road segment of the proposed project supports potentially jurisdictional aquatic features (i.e., wetlands). Aquatic

Yuba County Roadside Fuel Reduction Project	
<p>feature maps are provided as attachments and the EA states that all mapped areas will be avoided by the project through wetland mitigation measures. No further revision requested.</p> <p><u>Wild and Scenic River:</u> Yuba County as the RE for this project, needs to determine if any road segment is near the Feather River which is a designated Wild and Scenic River.</p> <p>12/9/23 Update: The EA determined that the closest road segment to the Feather River is 20 miles away. Therefore, the project will have no adverse impacts on Wild and Scenic Rivers.</p>	
Additional Information	
CEQA Compliance	No CEQA documents were provided. Yuba County is the lead agency responsible for compliance with CEQA.
Note	A preliminary high-level review of the CEST was performed. This does not constitute a full QA/QC document review. Yuba County will be acting as the Responsibility Entity (RE) for review under 24 CFR 58.

1.0 Summary

An environmental review Categorically Excluded Subject to 24 CFR 58.5 “CEST” Report was developed for Yuba County for the proposed project in February 2022. This project does not fit any of the U.S. Department of Housing and Urban Development (HUD)’s categorical exclusions under the National Environmental Policy Act; therefore an Environmental Assessment is the appropriate review level for this type of project, not CEST.

Project Description: According to the CEST Report, the project area encompasses 45.7 centerline miles of rural roads in the forested portions of the Sierra Nevada foothills. This project includes 18 road segments serving a total of seven at-risk communities. The goals of the project are to create fuel breaks along County roadways, reduce fire spread to structures and/or natural resources, allow access for fire-fighting equipment, and to provide safe evacuation routes for residents. Currently, trees on either side of the roads encroach to the point where the canopies extend over the roads and vegetation encroaches up to the edge of the roadways, allowing fires to cross the roadways easily while also impeding ingress and egress to at-risk communities.

More information is needed: Maps clearly designating the work areas should be provided. It is unclear from the project description exactly what Yuba County plans to do to create fuel breaks. The environmental review document should clearly describe what distance on either side of the road work is planned and specifically what will be done to achieve the fuel breaks. Are trees with a specific reach over the road being trimmed? Are trees within a specific distance to the edge of the road being completely removed? Is other vegetation being removed? What does the County plan to do with all the vegetation that is being removed? Will all work take place within the existing right-of-way? The revised project description should provide enough information to answer these types of questions. Information on construction staging areas, proposed construction equipment, and a work schedule should also be provided. Understanding whether any excavation will be performed (i.e. removal of tree stumps/roots below the ground surface) is important to understand the potential impacts from subsurface contamination and/or to archaeological resources.

2.0 HUD NEPA Environmental Review Categories

2.1 Airport Hazards

HUD's Airport Hazards policies do not apply to projects which do not result in new construction or reconstruction; therefore, the project complies with HUD's requirements to avoid Airport Hazards.

2.2 Coastal Barriers

There are no coastal barrier resources in California.

2.3 Flood Insurance

This project does not involve acquisition, repairs, rehabilitation, or construction of a structure; therefore, HUD's flood insurance requirements would not apply if any section of the roadway were in the floodplain. The project complies with HUD's flood insurance requirements.

2.4 Clean Air

This project does not include new construction or conversion of land use facilitating the development of public, commercial, or industrial facilities or five or more dwelling units; therefore, it is in compliance with air quality requirements.

2.5 Coastal Zone Management

The project sites are not located in a coastal zone.

2.6 Contamination and Toxic Substances

A NEPAassist search was performed, the CEST indicates that the project sites are not near any known sources of contamination or toxic substances; however, there are no maps showing the project locations and/or locations of contaminated sites. Understanding whether any excavation will be performed (i.e. removal of tree stumps/roots below the ground surface) is important to understand the potential impacts from any contaminated sites located along the project. Documentation should also be provided regarding any hazardous materials to be used during project implementation and means for preventing and cleaning up spills.

2.7 Endangered Species/Biological Resources

The CEST's review of Endangered Species states: "There are no endangered species in Yuba County that would impact the rehabilitation of existing roadways." The project entails vegetation removal along an existing roadway not rehabilitation of an existing roadway. A more detailed review of biological resources is required for a project that involves 47 miles of vegetation removal. Critical habitat for the red legged frog was identified within the project area. Protection of this habitat and habitat for migrating and nesting birds needs to be addressed.

2.8 Explosive and Flammable Hazards

The proposed project does not increase residential density; therefore, it is in compliance with HUD explosive and flammable hazards review regulations.

2.9 Farmland Protection

The project does not convert any undeveloped land, it is therefore in compliance with farmlands protection requirements. The farmland protection conclusion is correct, but the text needs to be updated to reflect the project being reviewed. The project does not involve repairs and rehabilitation.

2.10 Floodplain Management

The floodplain management section was taken from another project. Please update this section to reflect the project being reviewed.

2.11 Historic Preservation/Cultural Resources

Vegetation removal is a type of activity that likely has minimal potential to cause effects on historic properties. If any excavation is planned as part of the project (i.e. stump removal), then this should be clearly indicated in the project description and additional review for cultural/archaeological resources would be required.

2.12 Noise Abatement and Control

HUD's noise policy applies to noise sensitive uses such as new construction and renovation of residential buildings, therefore it does not apply to vegetation removal. The proposed project would have to comply with any local noise regulations (e.g. regulated work hours) as chain saws, chippers and other vegetation management equipment can generate significant amounts of noise.

2.13 Sole Source Aquifers

There are no sole source aquifers in Yuba County. This project is in compliance with the sole source aquifer protection.

2.14 Wetlands

Yuba County as the RE for this project is responsible for determining if any of the road segments are within a wetland area or if any of the planned work could impact a wetland area. Construction permitting under the National Pollutant Discharge Elimination Center may be required for a project of this size.

2.15 Wild and Scenic Rivers

Yuba County as the RE for this project, needs to determine if any road segment is near the Feather River which is a designated Wild and Scenic river.

2.16 Environmental Justice

The EPA EJ Screen mapping tool was utilized. Based on the data, the CEST concluded that the project does not adversely impact any minority population. The project is expected to improve fire protection in the foothills area.

3.0 Environmental Assessment Factors

11/29/23 Update: The EA evaluated and documented each Environmental Assessment Factor. All conditions, attenuation or mitigation measures have been clearly identified. All EA Factors are determined to be "2" - No impact anticipated or "1"- Minor beneficial impact.

4.0 Environmental Permits and Other Project Requirements

5.0 Mitigation Measures

The following mitigation measures are listed in the EA:

Waters of the U.S.

All road segments within the Study Area support potentially jurisdictional aquatic features. The following measures are required to avoid impacts to potentially jurisdictional aquatic features:

The project shall avoid removing vegetation within potentially jurisdictional aquatic features and associated riparian habitat within the aquatic resource avoidance areas identified in the Aquatic Resource Avoidance Map (Attachment D). In addition, the project will avoid adding fill (i.e., any project-related materials) to potentially jurisdictional aquatic features within the project area resource avoidance areas. A qualified biologist will establish aquatic resource avoidance areas with survey flagging prior to project initiation.

Fueling of equipment will be conducted more than 100 feet from potentially jurisdictional aquatic features identified in the Aquatic Resource Avoidance Map located in Attachment D.

Special-Status Plants

There is potential for three federally listed plants, Stebbins' morning-glory (*Calystegia stebbinsii*) and Pine Hill flannelbush (*Fremontodendron decumbens*), and Layne's ragwort (*Packera layneae*) to occur within the Study Area. The following measures are required to minimize potential impacts to special-status plants:

Perform focused plant surveys within the identified road according to USFWS and CDFW protocols prior to construction. Surveys should be conducted by a qualified biologist within suitable habitats for target species and timed according to the appropriate phenological stage for identifying target species. The blooming period/survey window for Stebbins' morning-glory (*Calystegia stebbinsii*) and Pine Hill flannelbush (*Fremontodendron decumbens*) is April through July, and April through August for Layne's ragwort (*Packera layneae*). Known reference populations should be visited and/or local herbaria records should be reviewed, if available, prior to surveys to confirm the phenological stage of the target species. If no special-status plants are found within the Study Area, no further measures pertaining to special-status plants are necessary.

If special-status plants are identified within 50-feet of the Project impact area, implement the following measures:

The Project will avoid occurrences of federally listed plant species by establishing and clearly demarcating avoidance zones around the plant occurrences prior to construction. Avoidance zones should include the extent of the special-status plants plus a minimum 50-foot buffer, unless otherwise determined by a qualified biologist, and should be maintained until the completion of construction.

California Red-Legged Frog

California red-legged frog is considered "Present" within the Oregon Hill Road segment due to the CNDDDB occurrence within the Study Area and has potential to occur within the Baker Road, Youngs Hill Road, La Porte (east and west), Frenchtown Road, Mountain House Road, Indiana School Road, and Pendola Road segments in the Study Area. Implementation of the following measure would avoid impacts to CRLF:

The Project shall be designed to avoid Project activities within or adjacent to aquatic features and their associated riparian habitat within the Study Area. The Project will avoid impacts to CRLF and its habitat with the implementation of the aquatic resource avoidance areas measure.

Prior to the start of construction, a Worker Environmental Awareness Program (WEAP) will be prepared that includes species identification, procedures if CRLF is encountered, life history descriptions, habitat requirements during various life stages, the species protected status, and penalties for violating the federal ESA. A CRLF-qualified biologist will present the WEAP to all personnel working in the Project Area prior to the start of Project activities. The WEAP may be videotaped and used to train personnel not present for the initial training. A WEAP sign-in sheet will be signed by all that have taken the WEAP training, maintained onsite during Project activities and submitted to the County for record-keeping purposes at Project completion.

If CRLF is observed during the course of Project activities, then Project activities will be immediately halted within 100 feet of the observation and will be allowed to leave on its own volition.

California Spotted Owl

California spotted owl suitable nesting habitat occurs within and adjacent to the Study Area. If nesting California spotted owls are present, the Project could result in harassment to nesting individuals. In order to avoid impacts to California spotted owl, the following avoidance measures are required:

On all road segments that have the potential for California spotted owl to occur, project activities shall be conducted in October through February whenever possible, outside of the California spotted owl nesting season. The California spotted owl nesting season is March through September.

If Project activities are to occur during the California spotted owl nesting season within road segments where California spotted owl has the potential to occur, then "Disturbance-Only Project" surveys according to the USFWS 2012 northern spotted owl survey protocol shall be conducted by a qualified biologist. "Disturbance-Only Project" surveys include a one-year six visit survey that covers all spotted owl habitat within 0.25 mile from the Project area.

Nesting Birds and Raptors

Nesting birds and raptors have the potential to nest within the Study Area. The following measure is required to minimize potential impacts to nesting birds and raptors:

Project activities shall be conducted October through January, outside of the typical nesting season (generally February 1 through August 31).

If Project activities are to occur during the nesting season, conduct a preconstruction nesting bird survey of all suitable nesting habitat within 14 days of the commencement of Project activities in a given area of Project activities. The survey shall be conducted within a 500-foot radius of Project work areas for raptors and within a 100-foot radius for other nesting birds. If any active nests are observed, these nests shall be protected by an avoidance buffer established by a qualified biologist until the breeding season has ended or until a qualified biologist has determined that the young have fledged and are no longer reliant upon the nest or parental care for survival. A Preconstruction Nesting Bird Survey Report will be prepared by a qualified biologist that includes surveyors' names and affiliation, dates and times of surveys, methods, results, and recommendations. Additional nesting bird survey(s) will be conducted if there is a lapse in Project activities of 15 days or longer for areas that have been surveyed. Preconstruction nesting surveys are not required for construction activity outside the nesting season.

Cultural Resources and Tribal Cultural Resources

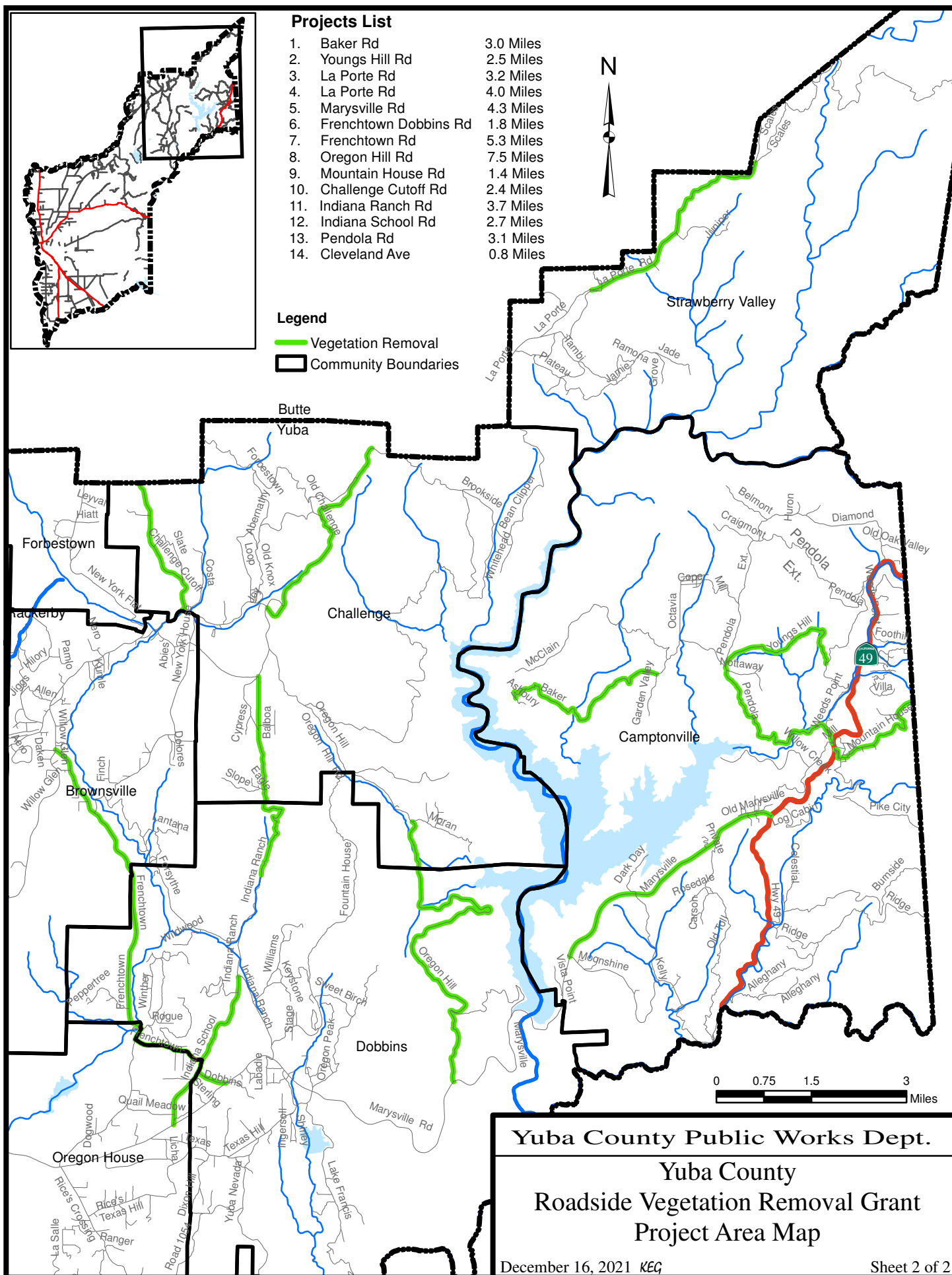
Based on the sensitivity for cultural resources in the permit areas, a training program shall be developed by an archaeologist that meets the Secretary of the Interior's Professional Qualifications Standards for archaeology and include relevant information regarding sensitive cultural resources and tribal cultural

resources, including applicable regulations, protocols for avoidance, consequences of violating state and federal laws and regulations, and appropriate avoidance and impact minimization measures.

Historic Resources

Vegetation clearing and management procedures have the potential to affect historic resources during project activities. Project activities have the potential to affect archaeological resources on the ground surface. In locations where pre-contact or historic-era resources are known to exist, vegetation removal by hand tools is required. Application of these measures will result in No Significant Effect to Historic Properties.

Figure 1. Designated Work Areas

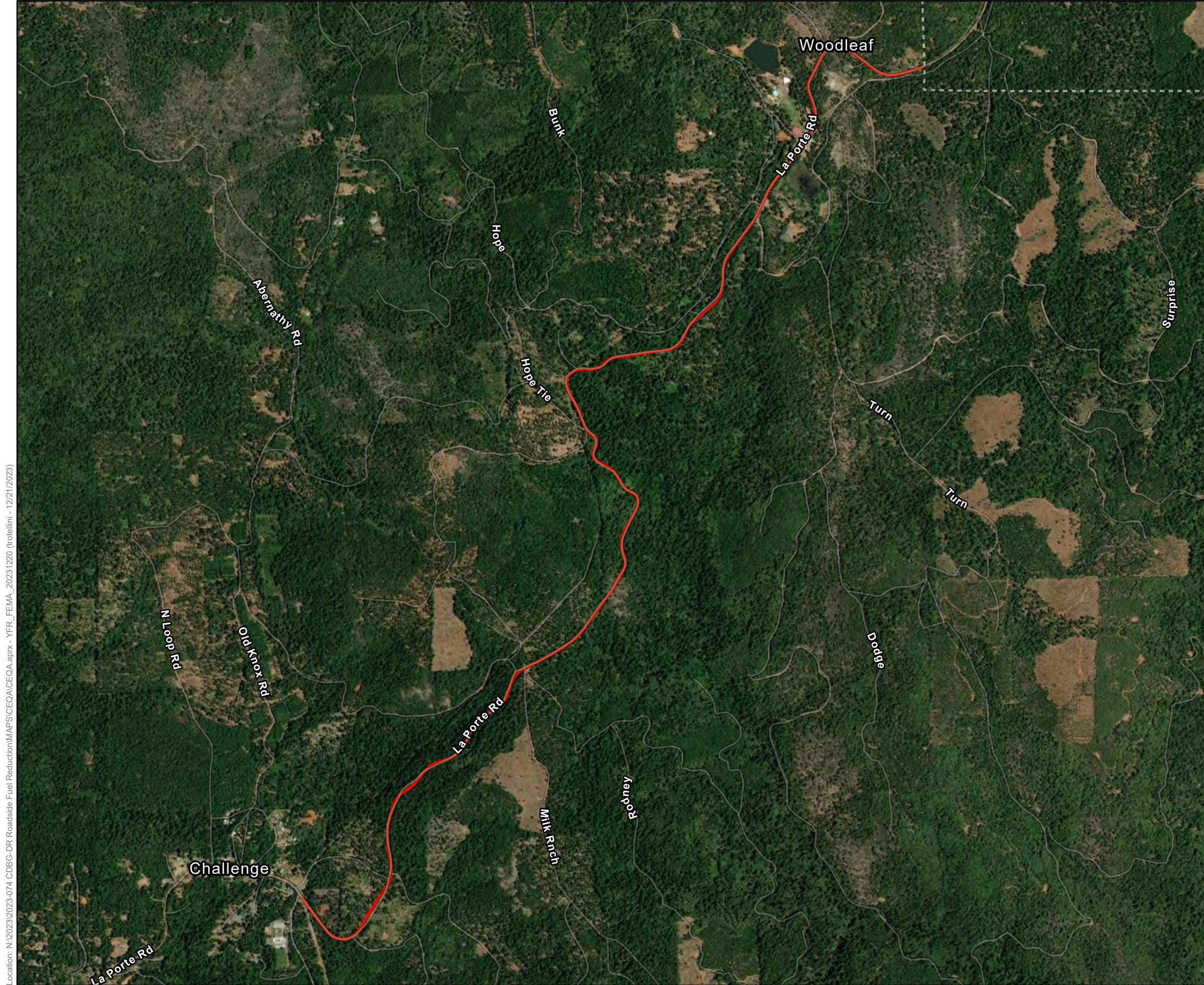




Map Contents
Project Segments

La Porte

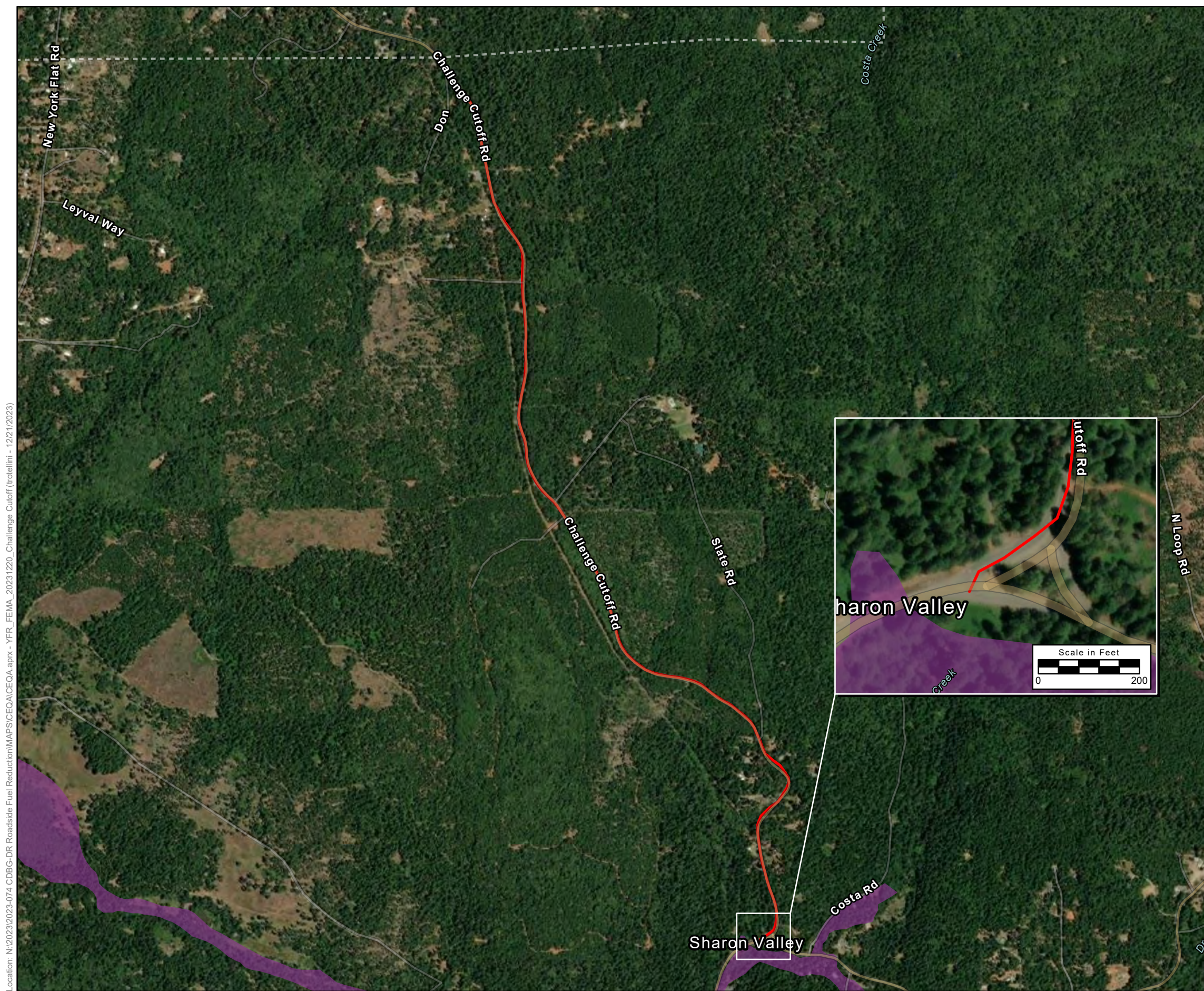
Sources: ESRI, Maxar (2021-2022), FEMA
Other Related Info if Needed



Map Contents
Project Segments

La Porte

Sources: ESRI, Maxar (2021-2022), FEMA
Other Related Info if Needed



Map Contents

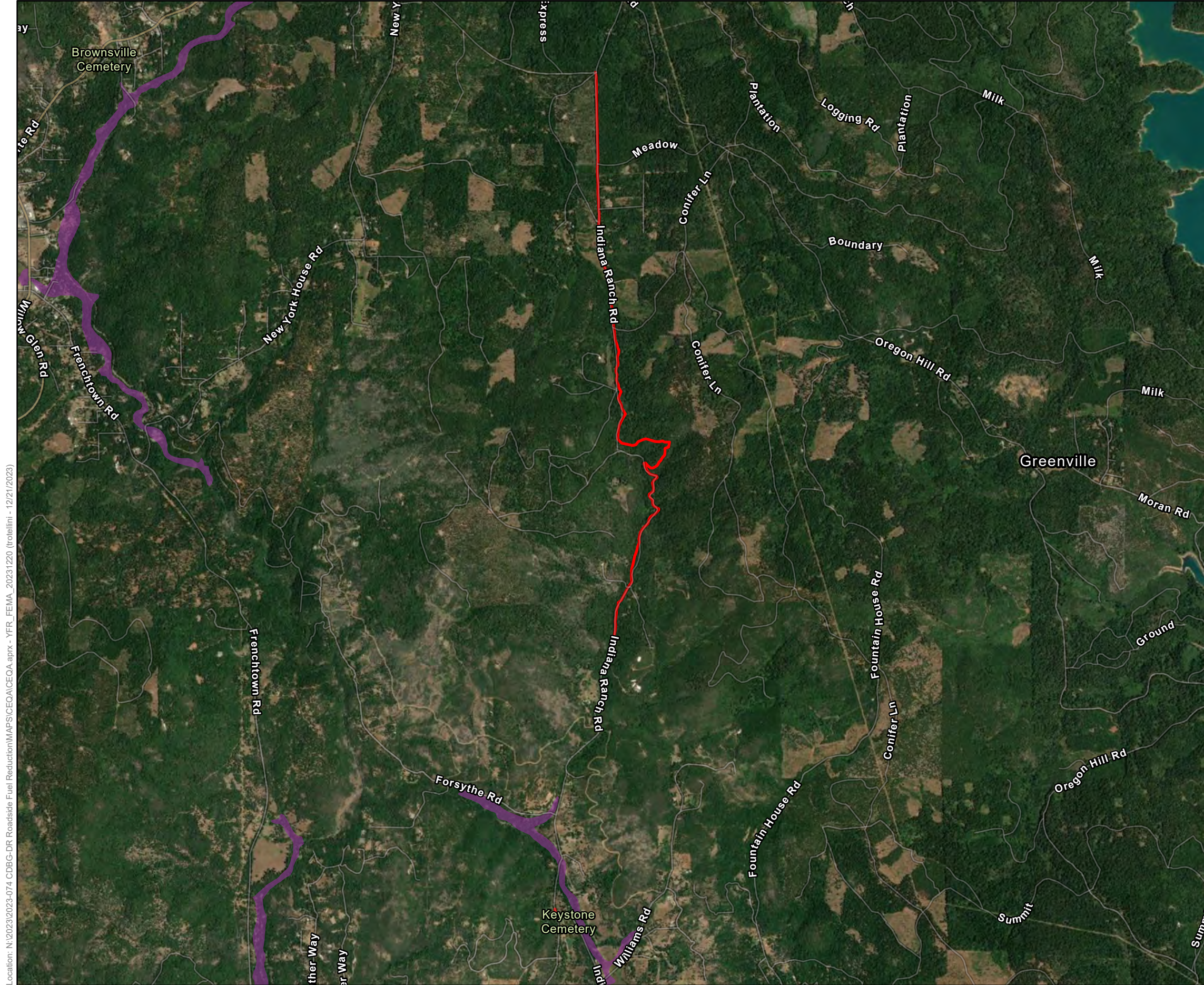
Project Segments

— Challenge Cutoff

FEMA Flood Hazard Zones

— Zone A - 1% Annual Chance Flood Hazard

Sources: ESRI, Maxar (2021-2022), FEMA
Other Related Info if Needed



Map Contents
Project Segments

— Indiana Ranch

FEMA Flood Hazard Zones

Zone A - 1% Annual Chance Flood Hazard

Sources: ESRI, Maxar (2021-2022), FEMA
Other Related Info if Needed

Location: N:\2023\2023-074 CDBG-DR Roadside Fuel Reduction\MAPS\CEQA\CEQA.aprx - YFR_FEMA_20231220 (trotellini - 12/21/2023)



Map Contents

Project Segments

— Baker - private land - not surveyed

Sources: ESRI, Maxar (2021-2022), FEMA
Other Related Info if Needed

Location: N:\2023\2023-074 CDBG-DR Roadside Fuel Reduction\WAPS\CEQA\CEQA.aprx - YFR_FEIMA_20231220 (trotellini - 12/21/2023)



Map Contents

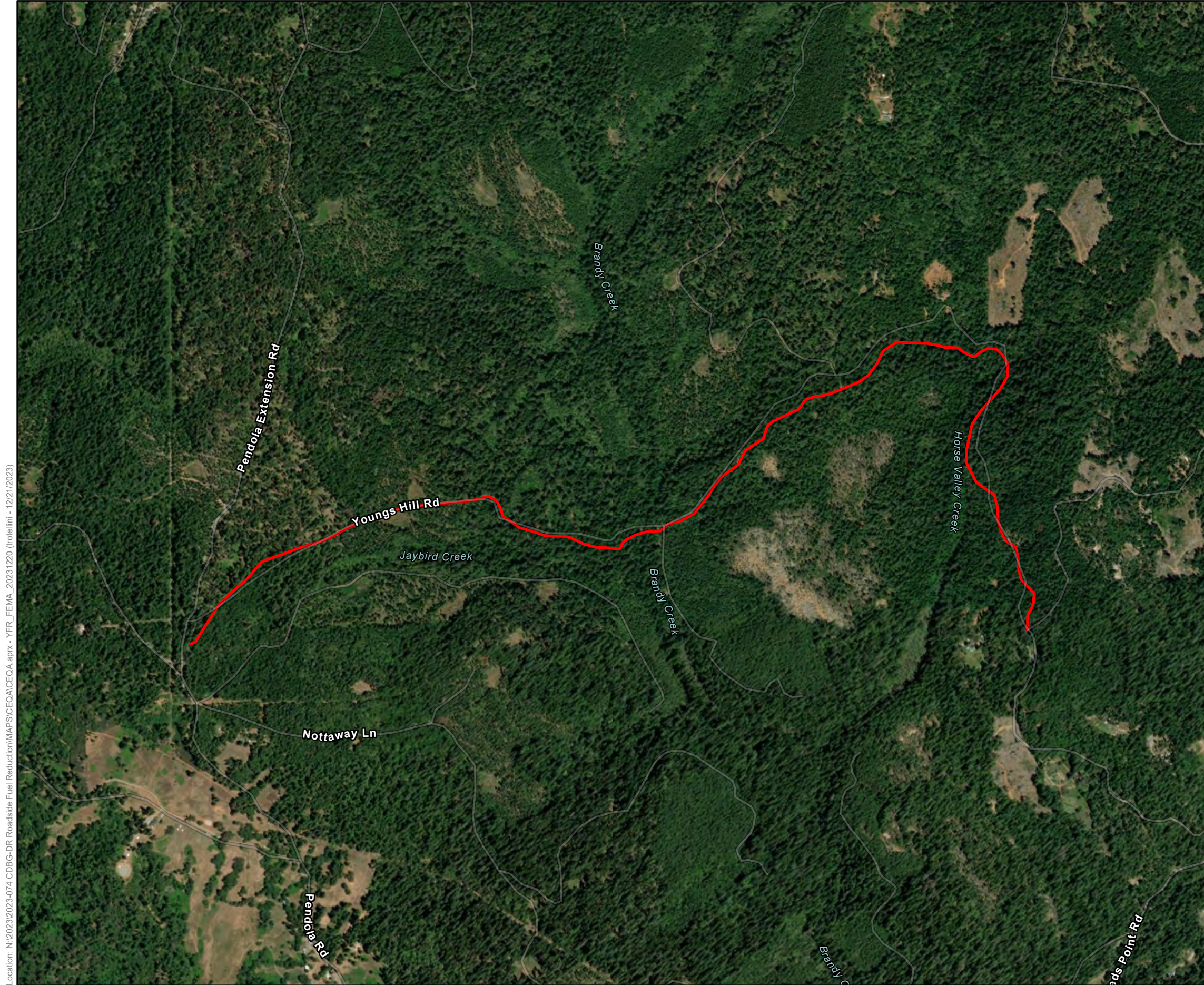
Project Segments

— Baker

Sources: ESRI, Maxar (2021-2022), FEMA

Other Related Info if Needed

Location: N:\2023\2023-074 CDBG-DR Roadside Fuel Reduction\MAPS\CEQA\CEQA.aprx - YFR_FEIMA_20231220 (trotellini - 12/21/2023)



Map Contents
Project Segments

Youngs Hill

Sources: ESRI, Maxar (2021-2022), FEMA
Other Related Info if Needed



Map Contents

Project Segments

— Pendola

Sources: ESRI, Maxar (2021-2022), FEMA
Other Related Info if Needed

Location: N:\2023\2023-074 CDBG-DR Roadside Fuel Reduction\MAPS\CEQA\CEQA.aprx - YFR_FEIMA_20231220 (trotellini - 12/21/2023)

Figure 2-H. FEMA Flood Hazard Zones
Pendola - Sheet 8 of 17
2023-074 CDBG-DR Roadside Fuel Reduction



Map Contents
Project Segments

Old Camptonville

Sources: ESRI, Maxar (2021-2022), FEMA
Other Related Info if Needed



Map Contents
Project Segments

Hwy 49

Sources: ESRI, Maxar (2021-2022), FEMA
Other Related Info if Needed



Map Contents

Project Segments

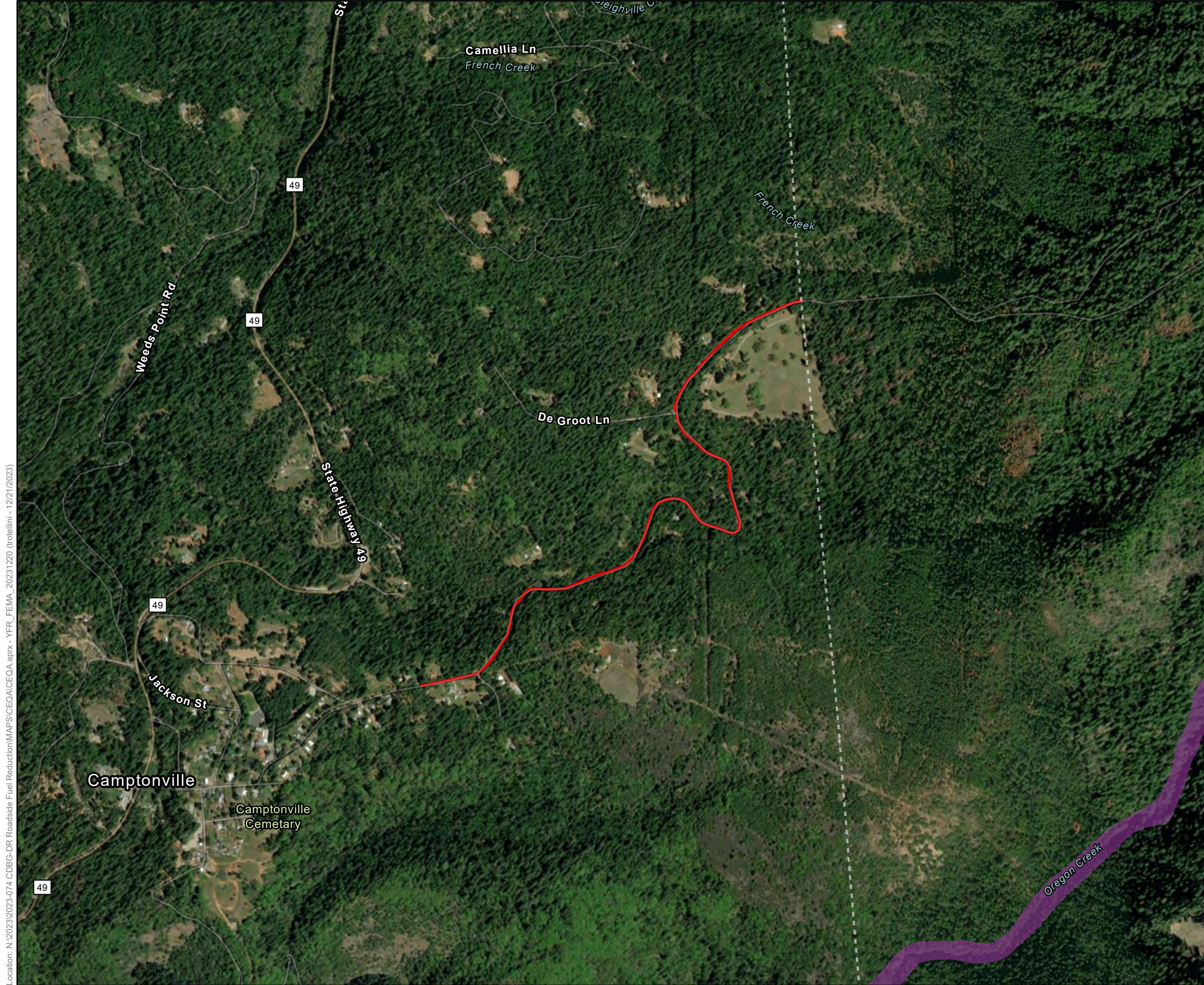
— Cleveland

FEMA Flood Hazard Zones

■ Zone A - 1% Annual Chance Flood Hazard

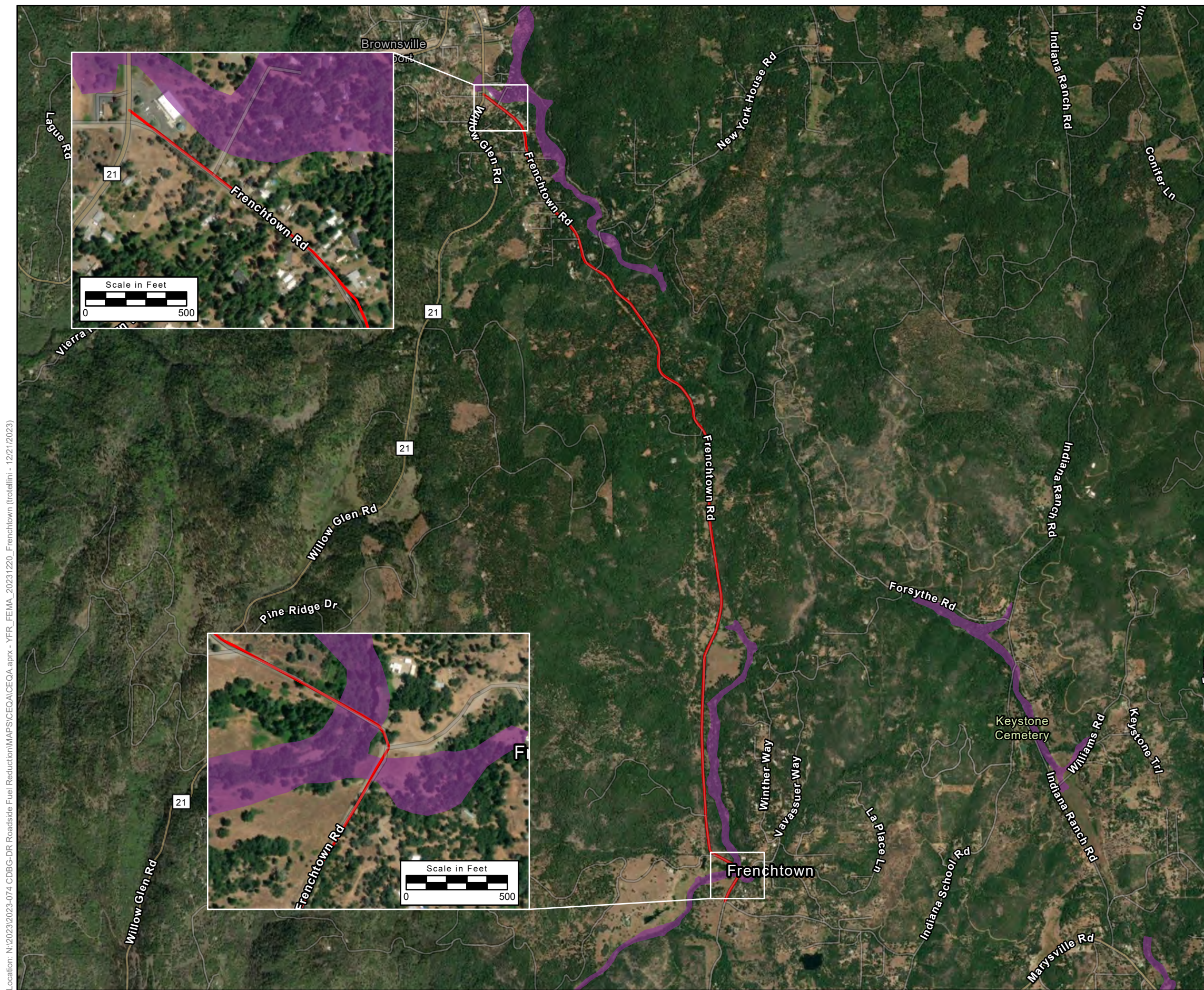
Sources: ESRI, Maxar (2021-2022), FEMA
Other Related Info if Needed

Location: N:\2023\2023-074 CDBG-DR Roadside Fuel Reduction\MAPS\CEQA\CEQA.aprx - YFR_FEIMA_20231220 (trotellini - 12/21/2023)



Map Contents
Project Segments
— Mountain House
FEMA Flood Hazard Zones
■ Zone A - 1% Annual Chance Flood Hazard

Sources: ESRI, Maxar (2021-2022), FEMA
Other Related Info if Needed



Map Contents

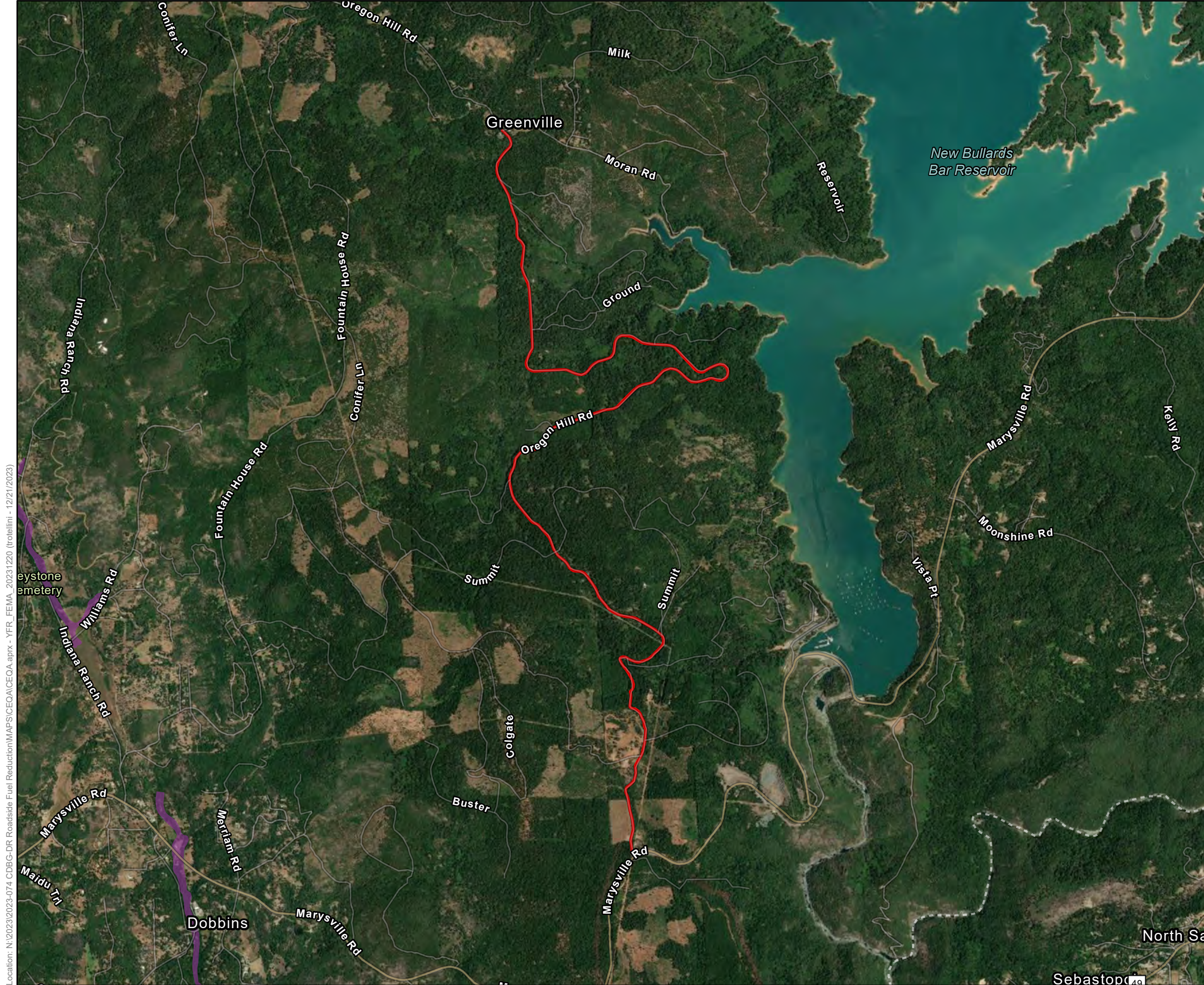
Project Segments

— Frenchtown

FEMA Flood Hazard Zones

Zone A - 1% Annual Chance Flood Hazard

Sources: ESRI, Maxar (2021-2022), FEMA
Other Related Info if Needed



Map Contents

Project Segments

— Oregon Hill

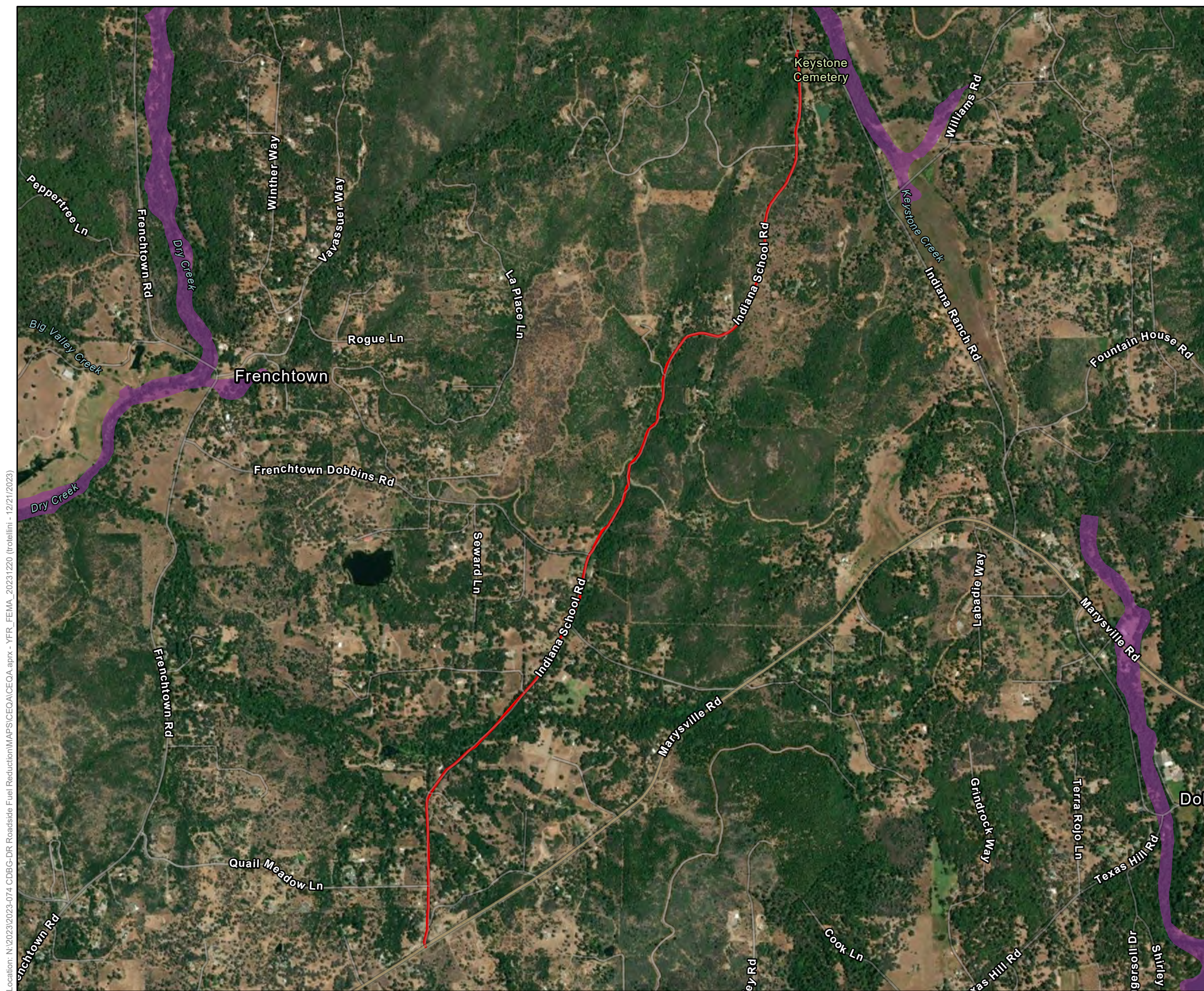
FEMA Flood Hazard Zones

Zone A - 1% Annual Chance Flood Hazard

Sources: ESRI, Maxar (2021-2022), FEMA
Other Related Info if Needed

Figure 2-N. FEMA Flood Hazard Zones
Oregon Hill - Sheet 14 of 17
 2023-074 CDBG-DR Roadside Fuel Reduction

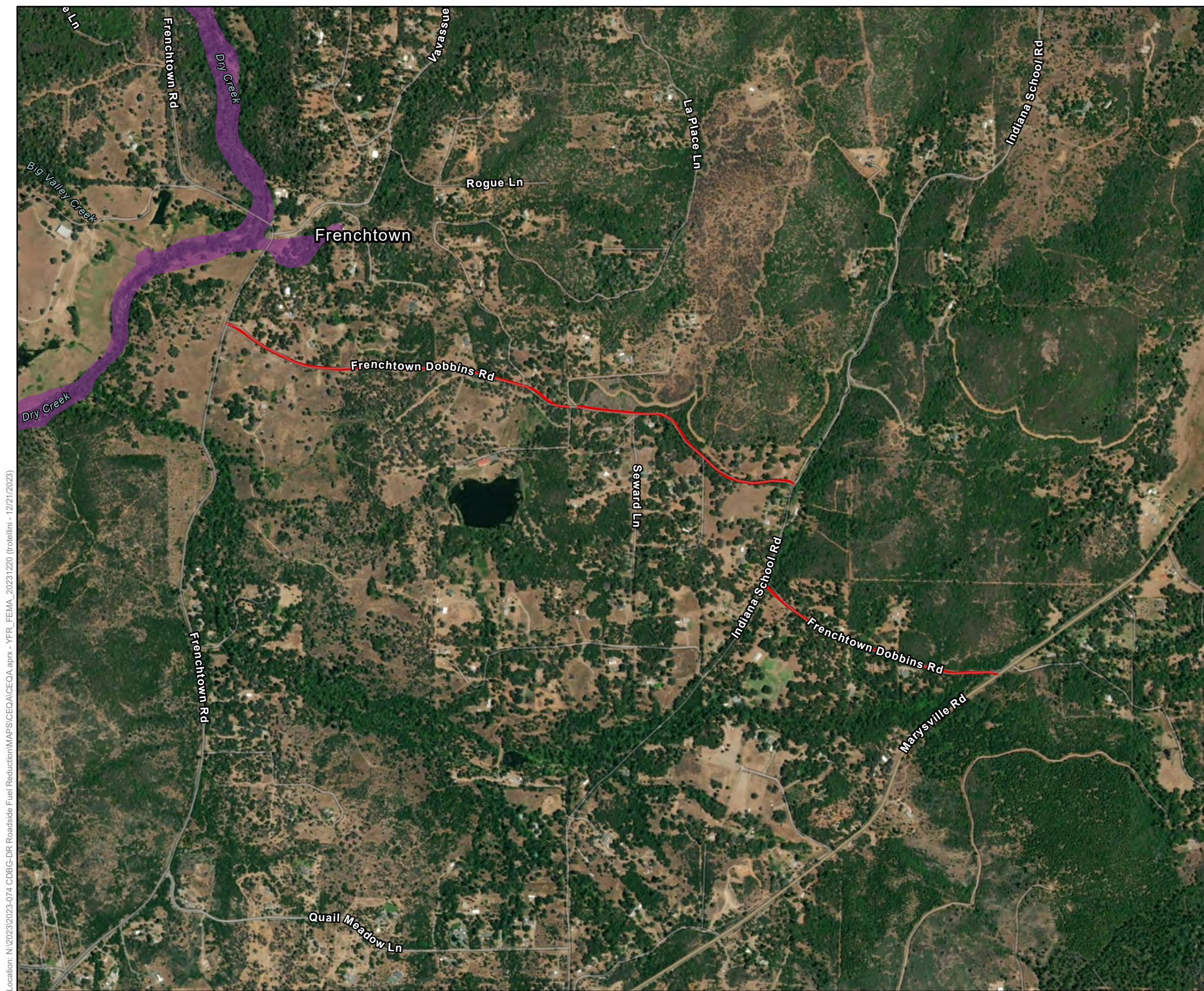
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Map Contents
Project Segments
— Indiana School
FEMA Flood Hazard Zones
— Zone A - 1% Annual Chance Flood Hazard

Sources: ESRI, Maxar (2021-2022), FEMA
Other Related Info if Needed

Location: N:\2023\2023-074 CDBG-DR Roadside Fuel Reduction\MAPS\CEQA\CEQA.aprx - YFR_FEMA_20231220 (trotellini - 12/21/2023)



Map Contents

Project Segments

Frenchtown-Dobbins

FEMA Flood Hazard Zones

Zone A - 1% Annual Chance Flood Hazard

Sources: ESRI, Maxar (2021-2022), FEMA
Other Related Info if Needed

An inset map showing a larger geographic area, likely in Oregon. It features topographic contours, a river labeled 'South', and a peak labeled '4285 ft'. A red line indicates the project segment, and a black box highlights the specific area shown in the main aerial map. Labels include 'Oregon Hills' and 'ridge'.

Floodplain Management

Checklist for HUD or Responsible Entity

General requirements	Legislation	Regulation
Avoid the adverse impacts associated with the occupancy and modification of floodplains. Avoid floodplain development whenever there are practicable alternatives.	Executive Order 11988, May 24 1977	24 CFR Part 55

1. Is the Project located in a floodway or a 100 or 500-year flood plain?

☐ For projects in areas mapped by FEMA, maintain the FEMA map panel that includes your project site. Make sure to include the map panel number and date. If FEMA information is unavailable or insufficiently detailed, other Federal, state, tribal or local data may be used as 'best available information.' However, a base flood elevation from an interim or preliminary or non-FEMA source cannot be used if it is lower than the current FIRM and FIS. Include documentation, including a discussion of why this is the best available information for the site.

- ☐ No: STOP here. The Floodplain Management regulations do not apply. Record your determination that the project is not in a floodplain or floodway.
- ☐ Yes—Floodway. **STOP. The National Flood Insurance Program prohibits federal financial assistance for use in a floodway.** The only exception is for functionally dependent uses, such as a marina, a port facility, a waterfront park, a bridge or a dam. If your project is a functionally dependent use in a floodway, proceed to #3
- ☐ Yes—500-year flood plain (Zone B or X on FEMA maps or best information). **PROCEED to #2**
- ☒ Yes—100 Year flood plain (Zone A or V on FEMA maps or best information). **PROCEED to #3**
- ☐ Yes—Flood prone area. **PROCEED to #3**

2. For projects in the 500-year flood plain: Does your project involve a critical action, defined as an activity for which even a slight chance of flooding would be too great because it might result in loss of life, injury or property damage? Specific examples include:

- Structures or facilities that produce, use or store highly volatile, flammable, explosive, toxic or water-reactive materials.
- Structures or facilities that provide essential and irreplaceable records or utility or emergency services that may become lost or inoperative during flood and storm events (e.g., data storage centers, generating plants, principal utility lines, emergency operations centers including fire and police stations, and roadways providing sole egress from flood-prone areas).
- Structures or facilities that are likely to contain occupants who may not be sufficiently mobile to avoid loss of life or injury during flood or storm events, e.g. persons who reside in hospitals, nursing homes, convalescent homes, intermediate care facilities, board and care facilities, and retirement service centers. Housing for independent living for the elderly is not considered a critical action.

- ☐ No: STOP here. The project can proceed without further analysis. Record your determination and attach flood plain map and documentation that project does not involve a critical action.
- ☐ Yes: PROCEED to #3

3. Does your project meet one of the categories of proposed action for which Part 55 does not apply?

(Below are several common exemptions—please see 24 CFR 55.12(c) for additional categories of proposed action)

- The approval of financial assistance for restoring and preserving the natural and beneficial functions and values of floodplains and wetlands but only other certain further conditions (see 24 CFR 55(c)(3)).

- A minor amendment to a previously approved action with no additional adverse impact on or from a floodplain.
- Approval of a project site, an incidental portion of which is situated in an adjacent floodplain, but only with certain further conditions (see 24 CFR 55.12(c)(6)).
- A project on any site in a floodplain for which FEMA has issued a final Letter of Map Amendment or Letter of Map Revision that removed the property from a FEMA-designated floodplain location.
- A project on any site in a floodplain for which FEMA has issued a conditional LOMA or LOMR if the approval is subject to the requirements and conditions of the conditional LOMA or LOMR.
- Special Projects directed to the removal of material and architectural barriers that restrict the mobility of and accessibility to elderly and persons with disabilities.

☒ Yes: Stop here. Record your determination that the project is exempt from floodplain management regulations per 24 CFR 55.12(c). Maintain copies of all of the documents you have used to make your determination. Please note that you may still have to maintain flood insurance on the project per the Flood Disaster Protection Act.

☐ No: Proceed to #4.

4. Does your project meet one of the categories of proposed action for which the 8-step decision making process does not apply? (Below are several common exemptions—please see 24 CFR 55.12(b) for additional categories of proposed action)

- Financial assistance for the purchasing, mortgaging or refinancing of existing one-to-four family properties under certain conditions (24 CFR 55(b)(1))
- Financial assistance for minor repairs or improvements on one-to-four-family properties that do not meet the thresholds for ‘substantial improvement’¹
- Disposition of individual HUD-acquired one-to-four-family properties.
- HUD guarantees under the Loan Guarantee Recovery Fund Program under certain conditions (see 24 CFR 55.12(b)(4).
- Leasing an existing structure in the floodplain but only under certain conditions (see 24 CFR 55.12(b)(5))

☐ Yes: Stop here. Record your determination that the project is exempt from the 8-step process as per 24 CFR 55.12(b). Maintain copies of all of the documents you have used to make your determination. Please note that you may still have to maintain flood insurance on the project per the Flood Disaster Protection Act. Please also note that notification of floodplain hazard requirements at 24 CFR 55.21 may apply.

☐ No: Proceed to #5.

5. Does your project meet one of the categories of proposed action for which a limited 8-step process applies? (please see 24 CFR 55.12(a) for more details)

- Disposition of acquired multifamily housing projects or acquired one-to-four family properties where communities are in good standing in the NFIP program.
- HUD’s actions under the National Housing Act for purchase or refinance of existing multifamily housing projects, hospitals, nursing homes, assisted living facilities, board and care facilities, and intermediate care facilities, in communities that are in good standing under the NFIP.
- Actions under any HUD program involving the repair, rehabilitation, modernization, weatherization, or improvement of existing multifamily housing projects, nursing homes, assisted living facilities, board and care facilities, intermediate car facilities and one-to-four family properties in communities in the Regular Program of the NFIP and in good standing, units are not increased more than 20 percent, the action does not involve a conversion from nonresidential to residential land use, the action does not meet the thresholds for ‘substantial improvement’¹ and the footprint of the structure and paved areas is not significantly increased.
- Actions under any HUD program involving the repair, rehabilitation, modernization, weatherization, or improvement of existing nonresidential buildings and structures in communities in the Regular Program of the NFIP and in good standing, the action does not meet the thresholds for ‘substantial improvement’¹ and the footprint of the structure is not significantly increased.

☐ Yes: Complete the 5-step decision-making process for floodplains. You do not have to publish the notices in steps 2 or 7 or do an analysis of alternatives in Step 3. Analyze potential direct and indirect impacts (step 4); design or modify to minimize potential impacts (step 5); reevaluate the proposed action to determine if action is still practicable (step 6).

- If still practicable, document your analysis in the file and move forward.
- If not still practicable, either reject or modify project.

☐ No: Proceed to #6.

6. Are there practicable alternatives to locating your project in the floodplain?

HUD strongly discourages use of funds for projects that do not meet an exemption in Part 55.12. Reject the Project Site or Request a Letter of Map Amendment or Revision (LOMA/R) from FEMA. If you decide to consider the project you must determine if there are alternatives by completing the 8-step decision-making process described in 24 CFR Section 55.20. Please note that requesting a LOMA/R or completing the 8 step process take time and resources. The 8-step decision-making process requires two public notice and comment periods.

You must also maintain flood insurance on the project per the Flood Disaster Protection Act.

☐ Yes: Reject or modify project.

☐ No: Document your analysis, including floodplain notices, in your Environmental Review Record. You must notify any private party participating in a financial transaction for the property of the hazards of the floodplain location before the execution of documents completing the transaction. (24 CFR Section 55.21)

DISCLAIMER: This document is intended as a tool to help HUD Region X grantees and HUD staff complete environmental requirements. This document is subject to change. This is not a policy statement, and the Floodplain Executive Order and Regulations take precedence over any information found in this document.

¹ Substantial Improvement means any repair, reconstruction, modernization or improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure either before the improvement or repair started or if the structure has been damaged before the damage occurred OR any repair reconstruction etc. that results in an increase of more than 20% of dwelling units or peak number of customers and employees (24 CFR 55.2(b)(8))

Floodplain Management Determination Documentation for Yuba County Roadside Fuel Reduction Project

55.12 Inapplicability of 24 CFR part 55 to certain categories of proposed actions.

(a) The decisionmaking steps in § 55.20(b), (c), and (g) (steps 2, 3, and 7) do not apply to the following categories of proposed actions:

(1) HUD's or the recipient's actions involving the disposition of acquired multifamily housing projects or “bulk sales” of HUD-acquired (or under part 58 of recipients') one- to four-family properties in communities that are in the Regular Program of National Flood Insurance Program and in good standing (i.e., not suspended from program eligibility or placed on probation under 44 CFR 59.24). For programs subject to part 58, this paragraph applies only to recipients' disposition activities that are subject to review under part 58.

(2) HUD's actions under the National Housing Act (12 U.S.C. 1701) for the purchase or refinancing of existing multifamily housing projects, hospitals, nursing homes, assisted living facilities, board and care facilities, and intermediate care facilities, in communities that are in good standing under the NFIP.

(3) HUD's or the recipient's actions under any HUD program involving the repair, rehabilitation, modernization, weatherization, or improvement of existing multifamily housing projects, hospitals, nursing homes, assisted living facilities, board and care facilities, intermediate care facilities, and one- to four-family properties, in communities that are in the Regular Program of the National Flood Insurance Program (NFIP) and are in good standing, provided that the number of units is not increased more than 20 percent, the action does not involve a conversion from nonresidential to residential land use, the action does not meet the thresholds for “substantial improvement” under § 55.2(b)(10), and the footprint of the structure and paved areas is not significantly increased.

(4) HUD's or the recipient's actions under any HUD program involving the repair, rehabilitation, modernization, weatherization, or improvement of existing nonresidential buildings and structures, in communities that are in the Regular Program of the NFIP and are in good standing, provided that the action does not meet the thresholds for “substantial improvement” under § 55.2(b)(10) and that the footprint of the structure and paved areas is not significantly increased.

(b) The decisionmaking process in § 55.20 shall not apply to the following categories of proposed actions:

(1) HUD's mortgage insurance actions and other financial assistance for the purchasing, mortgaging or refinancing of existing one- to four-family properties in communities that are in the Regular Program of the NFIP and in good standing (i.e., not suspended from program eligibility or placed on probation under 44 CFR 59.24), where the action is not a critical action and the property is not located in a floodway or Coastal High Hazard Area;

(2) Financial assistance for minor repairs or improvements on one- to four-family properties that do not meet the thresholds for “substantial improvement” under § 55.2(b)(10);

(3) HUD or a recipient's actions involving the disposition of individual HUD-acquired, one- to four-family properties;

(4) HUD guarantees under the Loan Guarantee Recovery Fund Program ([24 CFR part 573](#)) of loans that refinance existing loans and mortgages, where any new construction or rehabilitation financed by the existing loan or mortgage has been completed prior to the filing of an application under the program, and the refinancing will not allow further construction or rehabilitation, nor result in any physical impacts or changes except for routine maintenance; and

(5) The approval of financial assistance to lease an existing structure located within the floodplain, but only if;

(i) The structure is located outside the floodway or Coastal High Hazard Area, and is in a community that is in the Regular Program of the NFIP and in good standing (i.e., not suspended from program eligibility or placed on probation under [44 CFR 59.24](#));

(ii) The project is not a critical action; and

(iii) The entire structure is or will be fully insured or insured to the maximum under the NFIP for at least the term of the lease.

(c) This part shall not apply to the following categories of proposed HUD actions:

(1) HUD-assisted activities described in [24 CFR 58.34](#) and [58.35\(b\)](#);

(2) HUD-assisted activities described in [24 CFR 50.19](#), except as otherwise indicated in [§ 50.19](#);

(3) The approval of financial assistance for restoring and preserving the natural and beneficial functions and values of floodplains and wetlands, including through acquisition of such floodplain and wetland property, but only if:

(i) The property is cleared of all existing structures and related improvements;

(ii) The property is dedicated for permanent use for flood control, wetland protection, park land, or open space; and

(iii) A permanent covenant or comparable restriction is placed on the property's continued use to preserve the floodplain or wetland from future development.

(4) An action involving a repossession, receivership, foreclosure, or similar acquisition of property to protect or enforce HUD's financial interests under previously approved loans, grants, mortgage insurance, or other HUD assistance;

(5) Policy-level actions described at [24 CFR 50.16](#) that do not involve site-based decisions;

(6) A minor amendment to a previously approved action with no additional adverse impact on or from a floodplain or wetland;

(7) HUD's or the responsible entity's approval of a project site, an incidental portion of which is situated in an adjacent floodplain, including the floodway or Coastal High Hazard Area, or wetland, but only if:

(i) The proposed construction and landscaping activities (except for minor grubbing, clearing of debris, pruning, sodding, seeding, or other similar activities) do not occupy or modify the 100-year floodplain (or the 500-year floodplain for critical actions) or the wetland;

24 CFR 55.12(c)(7)(i)

(ii) Appropriate provision is made for site drainage that would not have an adverse effect on the wetland; and

(iii) A permanent covenant or comparable restriction is placed on the property's continued use to preserve the floodplain or wetland;

(8) HUD's or the responsible entity's approval of financial assistance for a project on any nonwetland site in a floodplain for which FEMA has issued:

(i) A final Letter of Map Amendment (LOMA), final Letter of Map Revision (LOMR), or final Letter of Map Revision Based on Fill (LOMR-F) that removed the property from a FEMA-designated floodplain location; or

(ii) A conditional LOMA, conditional LOMR, or conditional LOMR-F if HUD or the responsible entity's approval is subject to the requirements and conditions of the conditional LOMA or conditional LOMR;

(9) Issuance or use of Housing Vouchers, Certificates under the Section 8 Existing Housing Program, or other forms of rental subsidy where HUD, the awarding community, or the public housing agency that administers the contract awards rental subsidies that are not project-based (i.e., do not involve site-specific subsidies);

(10) Special projects directed to the removal of material and architectural barriers that restrict the mobility of and accessibility to elderly and persons with disabilities;

(11) The approval of financial assistance for acquisition, leasing, construction, rehabilitation, repair, maintenance, or operation of ships and other waterborne vessels that will be used for transportation or cruises and will not be permanently moored.

[[78 FR 68731](#), Nov. 15, 2013; [78 FR 74009](#), Dec. 10, 2013]