

**PROGRAMMATIC AGREEMENT COMPLIANCE REPORT
TWENTY-FOURTH REPORTING PERIOD
JULY 1, 2019 – DECEMBER 31, 2019**

Prepared for:

**California State Historic Preservation Officer
and
Advisory Council on Historic Preservation**

Submitted by:

**City and County of San Francisco
Mayor's Office of Housing and Community Development
JANUARY 30, 2020**

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CERTIFICATION OF ACTIVITIES

January 10, 2020

The undersigned hereby certifies as required by Stipulation V.B of the Programmatic Agreement, that all work subject to the Programmatic Agreement was carried out in compliance with the terms of the Programmatic Agreement, including any undertakings subject to Appendix A of the Programmatic Agreement.

BY:  _____
Eugene T. Flannery

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City and County of San Francisco

INTRODUCTION

On January 19, 2007 a Programmatic Agreement (“PA”) was executed among the City and County of San Francisco (“City”), the California State Historic Preservation Officer (“SHPO”), and the Advisory Council on Historic Preservation (“ACHP”) regarding properties affected by the City’s use of funds subject to Part 58 of Title 24 of the Code of Federal Regulations (“Undertakings”). The PA contains stipulations that ensure the City’s responsibilities under Section 106 of the National Historic Preservation Act (NHPA) are carried out in accordance with the appropriate regulations for all undertakings that may have an effect on properties included in or eligible for inclusion in the National Register of Historic Places (“Historic Properties”).

The Mayor’s Office of Housing and Community Development (MOHCD) administers Part 58 activities in the City and County of San Francisco. These activities are funded through a variety of Federal Programs that are subject to the regulations contained in 24 C.F.R. Part 58. These programs are listed in Appendix 1. The PA requires the City to document in writing all actions taken pursuant to the PA and to report these activities to the SHPO and the ACHP in a Programmatic Agreement Compliance Report (PACR) every six months. This report covers the activities for which the Federal Environmental Review Records required by the National Environmental Policy Act (NEPA) were completed between July 1, 2019 and December 31, 2019.

The regulations in 24 CFR Part 58 apply to “responsible entities” (RE) as defined in 24 C.F.R. §58.2¹. Responsible entities are recipients of funds who assume the environmental responsibilities imposed upon the United States Department of Housing and Urban Development (HUD) by the National Environmental Policy Act (NEPA)². As a Responsible Entity, the City and County of San Francisco assumes HUD’s responsibilities for compliance with NEPA as well as those provisions of law identified at 24 CFR §§58.5 and 58.6³ for activities in the City and County of San Francisco. The RE certifies to HUD that it has complied with all requirements that would, in the absence of its assumption of authority, have applied to HUD in regards to responsibilities under NEPA.

In accordance with the Housing and Community Development Act of 1974⁴, HUD delegated its responsibilities for decision-making under NEPA to the City and County of San Francisco for

¹ Environmental Review Procedures For Entities Assuming HUD Environmental Responsibilities

² Pub. L. 91-190, §2, Jan. 1, 1970, 83 Stat. 852, 20 U.S.C. 5501.

³ See Appendix 2 for a list of these laws.

⁴ Pub. L. 93-383; Aug. 22, 1974, 88 Stat. 633; 42 U.S.C. 5301 et seq.

Undertakings as defined at 36 C.F.R. §800.16⁵ which are subject to 24 C.F.R. Part 58 and which are administered by the City and County of San Francisco.

As the chief executive of the responsible entity, The City and County of San Francisco, the Mayor of San Francisco assumes the status of a Federal official under the National Environmental Policy Act of 1969 and the laws listed in 24 CFR §§58.5 and 58.6 insofar as these laws apply to Housing and Urban Development's responsibilities for environmental review, decision-making and action. Included in the list of these NEPA related authorities are the National Historic Preservation Act (NHPA) and its implementing regulations at 36 C.F.R. Part 800. The Mayor has appointed the Director of the Office of Housing and Community Development as the certifying official for these Undertakings.

⁵ Undertaking means 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; and those requiring a Federal permit, license or approval. 36 CFR §800.16(y).

STATEMENT OF PURPOSE

The purposes of this 24th reporting period PACR are to:

- Describe the Methodology used by the City to carry out its responsibilities under the PA.
- Summarize for the SHPO and the ACHP the activities carried out under the PA from July 1, 2019 through December 31, 2019;
- Document all decisions made with respect to Identification and Evaluation of Historic Properties; Treatment of Historic Properties; Resolution of Adverse Effects; and Consideration and Treatment of Archeological Resources; and Exempt Projects;
- Provide copies of all Standard Mitigation Measures Agreements (SMMA), Memoranda of Agreement (MOA) and Programmatic Agreements (PA) entered into during the reporting period;
- Present the views of the City regarding the usefulness of the PA in promoting the efficiency and effectiveness of both the Programs and the consideration of Historic Properties;
- Inform the public of the activities carried out under the terms of the PA by making the PACR available for public inspection and comment.

METHODOLOGY

This section summarizes the methodology used by the City and County of San Francisco to carry out its duties under the PA. As the evaluation of undertakings required by the NHPA is incorporated into the preparation of Environmental Review Records (ERR) mandated by NEPA, some discussion of the NEPA review process is necessary in order to describe the City's Section 106 compliance procedures for Part 58 projects. Copies of the appropriate forms and other documentation used in complying with the terms of the PA are available upon request from the City.

The City's review of Undertakings begins with the preparation of a REQUEST FOR PREPARATION OF ENVIRONMENTAL REVIEW RECORD (Request) by the MOHCD Project Manager. The Request is reviewed by the Environmental Compliance Manager (Manager) to determine the appropriate level of environmental review necessary to inform the decision whether to proceed with the project. This review includes a determination whether the project is subject to the laws listed at 24 C.F.R. §58.5. If the project is subject to §58.5, the first level of review for all projects is an evaluation under the criteria, standards, policies and regulations affecting properties included in or eligible for inclusion in the National Register of Historic Places (Register).⁶

A determination is made whether the project qualifies for review under the terms of the PA. The PA covers all undertakings that are assisted in whole or in part by revenues from HUD programs subject to 24 CFR Part 58 and that can result in changes in the character or use of any resource that is fifty (50) years of age or older or that are otherwise eligible for listing in the Register. If subject to the PA, an Undertaking is then evaluated to determine if it is exempted from review and determinations of eligibility by Stipulation IV of the PA. Stipulation IV of the PA exempts from review and determinations of eligibility undertakings that:

- affect resources that are less than 50 years old;
- are limited exclusively to the interior portions of single family residences where the proposed work is not visible from the property's exterior;
- and those listed in Appendix A of the PA. Properties exempt from review per Appendix A are required to conform to the greatest extent feasible with the California State Historic Building Code and the Secretary of the Interior's Standards.

Accordingly, the age of each affected resource is determined by consulting public records on file at the San Francisco Planning Department. Projects less than 50 years old are evaluated to

⁶ See The National Historic Preservation Act of 1966, (16 U.S.C. 470 *et seq.*); Executive Order 11593, Protection and Enhancement of the Cultural Environment, May 13, 1971 (36 FR 8921), 3 CFR 1971-1975 Comp., p. 559; 36 CFR part 800; 36 CFR part 801; The Reservoir Salvage Act of 1960 as amended by the Archeological and Historic Preservation Act of 1974 (16 U.S.C. 469 *et seq.*).

determine if they meet the criteria for listing on a basis other than age. If the project is 50 years old or more and does not involve the interior of a single family dwelling it is evaluated to determine if it is exempt under Appendix A. All undertakings determined to be exempt are documented. Documentation of determinations of exemption includes property identifying information, description of the undertaking, basis for the exemption and date of the determination. MOHCD maintains this documentation on site. Those projects exempted under Appendix A are then evaluated to determine if they comply with the California State Historic Building Code, as well as the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring & Reconstructing Historic Buildings, 1995. This evaluation is made by either the Planning Department of the City and County of San Francisco (Planning) or by a qualified consultant under contract with the City and County of San Francisco. Undertakings not exempted by Appendix A of the Programmatic Agreement are reviewed in accordance with 36 CFR Part 800, and the appropriate stipulation of the Programmatic Agreement. These reviews are performed in consultation with Planning.

IDENTIFICATION AND EVALUATION OF HISTORIC PROPERTIES. Stipulation VII of the PA requires the City to review existing information on any property within an Undertaking's Area of Potential Effects (APE) to determine if it may be a Historic Property unless the Undertaking is exempted by Stipulation IV. The determination of eligibility is made by the Planning Department based upon information provided to it by MOHCD, consultants and that already available to the Planning Department. The procedure used in making the determination of eligibility follows.

For each Undertaking affecting a resource which has not been reviewed by the San Francisco Planning Department for eligibility for inclusion in the Register within the previous five years MOHCD submits a Request for Determination of Eligibility on "Form A, Section 106 Research Form" to the San Francisco Planning Department. Form A contains basic information necessary for the Planning Department to conduct further research and make a determination regarding the resource's eligibility for inclusion in the Register. Form A is accompanied by the following information, if appropriate:

- State of California DPR Forms 523
- Sanborn Maps, Metroscan Maps, Coastal Survey Maps;
- Photographs; both current and, if available, historic;
- Plans and drawings for the proposed Undertaking;
- Description of the Area of Potential Effects;
- Results of a literature search of the following sources to determine if the Resource has been identified, mentioned or listed therein:
 1. National Register;
 2. State Office of Historic Preservation Historic Resources Inventory;

3. City and County of San Francisco Landmark Listings per Article 10 of the San Francisco Planning Code;
4. City and County of San Francisco Historic District Listing per Article 10 of the San Francisco Planning Code;
5. Conservation Building or Districts Listing per Article 11 of the San Francisco Planning Code;
6. General Area Plan;
7. Here Today Survey;
8. 1976 Architectural Survey;
9. Unreinforced Masonry Building Survey;
10. San Francisco Heritage Survey;
11. Historical Files maintained by the City and County of San Francisco Planning Department.
12. California State Department of Parks and Recreation DPR Series 523 Forms
13. Northwest Information Center at Sonoma State University
14. San Francisco Planning Department Property Information Map

Planning reviews the proposed undertaking using the Criteria for Eligibility on the National Register of Historic Places. Planning determines the nature of the resource, assesses the integrity of the resource's location, design, setting, materials, workmanship, and feelings and association. Planning also determines whether the resource has significance by virtue of association with events contributing to the broad patterns of our history; with the lives of significant persons, or if it embodies distinctive characteristics of a type, period or method of construction which represents the work of a master, possesses high artistic value, represents a significant and distinguishable entity whose components may lack individual distinction. Additionally, Planning determines whether the resource has yielded or is likely to yield, information important in prehistory or history.

Planning documents the results of its review of the undertaking on Form B, Section 106 Review Form. If the State Office of Historic Preservation has not made a previous determination of eligibility for the resource, the Planning Department proceeds to do so. Additionally, Form B documents the effect of the Undertaking on the resource, regardless of the resource's eligibility for inclusion in the Register. The effect is classified as not adverse, not adverse with mitigations, or adverse. Depending upon Planning's assessment of the effect of the Undertaking, MOHCD implements, modifies, or abandons the Undertaking. MOHCD maintains these requests for Determinations of Eligibility and Section 106 Review Forms on site.

If Planning determines the property is eligible for listing in the Register, MOHCD documents determination of eligibility for listing in the National Register of Historic Places on a State of California Historic Resources Inventory Form – DPR 523 and forwards it to the California State Office of Historic Preservation for concurrence. Unless exempted by Stipulations IV or VII of the PA, the City reviews all existing information on any property within an Undertaking's APE as required by 36 CFR §800.4 to determine if such properties may also be Historic Properties.

TREATMENT OF HISTORIC PROPERTIES. Stipulation VIII of the PA lists the procedures to be followed when historic properties are proposed to be rehabilitated, demolished, or relocated. Procedures for new construction and the relocation of non-historic properties that may affect historic properties are also set forth.

RESOLUTION OF ADVERSE EFFECTS. Stipulation IX of the PA requires the City and SHPO to consult for period of up to 30 days to determine if Historic Properties affected by an Undertaking should be treated in accordance with Standard Mitigation Measures set forth in Appendix B of the PA or if the consultation process set forth in 36 CFR Section 800.6 should be initiated. All actions under this Stipulation are to be documented.

EMERGENCY UNDERTAKINGS. When the City determines that Emergency Conditions require the immediate demolition of a Historic Property in connection with an activity subject to the PA, the City is required to notify in writing the ACHP, SHPO, the Historic Preservation Commission, formerly the Landmarks Preservation Advisory Board, and any interested Indian Tribes. The notified parties are to be given seven days to comment on the proposed demolition. If the City determines that circumstances do not permit a seven-day comment period, the City must notify the parties mentioned above and invite comment in the allowable time. All actions under this Stipulation X are to be documented.

CONSIDERATION AND TREATMENT OF ARCHEOLOGICAL RESOURCES. When an Undertaking has the potential to affect archeological resources as identified in Stipulation XI of the PA and the Undertaking does not qualify as an exemption under Stipulation XI.B, the City is required to request a records search of the Undertaking's APE by the Northwest Information Center of the California Historical Resources Information System at Sonoma State University (IC). Stipulation XI identifies the procedures to be followed if the IC informs the City that an archeological property is located within the Undertaking's APE or recommends that a survey be conducted. The City is required to document all actions taken in relation to this Stipulation.

REVIEW OF CHANGES TO APPROVED UNDERTAKINGS. The City is required to notify the SHPO promptly if previously approved scopes of work are changed in such a manner that they are no longer exempt from review under the terms of the PA. The City is also required to notify the SHPO of proposed changes to executed SMMA's.

DISCOVERIES AND UNANTICIPATED EFFECTS. The City is required to notify the SHPO as soon as possible if it is apparent that an Undertaking will affect previously unidentified historic resources.

PUBLIC INVOLVEMENT. The City is required to notify any public person or organization interested in the Undertakings subject to the PA by informing the public about Historic Properties when complying with the public notice requirements of 24 CFR Part 58. Interested parties are invited to participate in the development of SMMA's. The City is to notify the SHPO of any objections lodged by the public. Stipulation XIV contains the standards and procedures for addressing public objections to undertakings.

July 1, 2019 to December 31, 2019

SUMMARY OF ACTIVITIES

The table in this section summarizes all Part 58 activities carried out under the PA between July 1, 2019 and December 31, 2019 for which an environmental review was completed during that reporting period.

Name	Street	Street Type	Address	Level of Review	Activity	Year of Initial Construction
Oakes Children's Center	Treat	Avenue	1550	58.34(a)(3)(iii)	Rehabilitation	1907
Southeast Asian Development Center	Eddy	Street	166	58.35(a)(3)	HVAC Repair and renovation of basement for program space.	1908
Success Center San Francisco	Howard	Street	1245	58.35(a)(3)	HVAC and alarm system installation	1936
YMCA Mission	Mission	Street	4080	58.35(a)(3)	Tenant Improvement to childcare space	1954
PRC Odyssey House	Oak	Street	484	58.35(a)(3)	Electrical Main rebuild, replace front fence, repair windows	1895
Hayes Valley South	Rose	Street	401	58.35(a)(3)	Rehabilitation	1999
PRC San Jose Place	San Jose	Avenue	673	58.35(a)(3)	Replace roof	1936
Bernal Heights Hazel Betsy	17th	Street	3554	58.35(a)(3)(iii)	Replace flooring in apartment units and hallways.	1916

July 1, 2019 to December 31, 2019

Name	Street	Street Type	Address	Level of Review	Activity	Year of Initial Construction
Korean American Community Center	Buchanan	Street	745	58.35(a)(3)(iii)	Roof repair	1924
Bernal Heights	Cortland	Street	515	58.35(a)(3)(iii)	Repairs to roof, repairs to ceiling and installation of air conditioning system.	1904
Wu Yee	Scotia	Street	175	58.35(a)(3)(iii)	Conversion of storage space into child care center and conversion of parking lot into play area	1945
22 South Park	South Park		22	58.35(a)(3)(iii)	Rehabilitation	1915
102 South Park	South Park		102	58.35(a)(3)(iii)	Rehabilitation	1912
Maceo May	Treasure Island			FONSI	New construction	TBB

IDENTIFICATION AND EVALUATION OF HISTORIC PROPERTIES.

Unless exempt pursuant to Stipulation IV or to Sections B and C of Stipulation VII, the City is required to evaluate all properties that may be affected by an Undertaking using the National Register Criteria set forth in 36 CFR § 60.4. All evaluations are to be documented by the City on a State of California Historic Resources Inventory Form – DPR 523.

The San Francisco Planning Department made the no determinations of ineligibility for listing in the National Register during the 24th Reporting Period.

TREATMENT OF HISTORIC PROPERTIES

Rehabilitation: All rehabilitation activities were exempt under the programmatic agreement

Relocation: None

Demolition: None

CONSIDERATIONS AND TREATMENT OF ARCHEOLOGICAL RESOURCES

During this the 24rd Reporting Period, one Authority to Use Grant Funds was issued by HUD for the Treasure Island Maceo May Development. This project involved ground disturbing activities that could affect archeological resources. A copy of the site-specific Programmatic Agreement is attached.

THE VIEWS OF THE CITY REGARDING THE USEFULNESS OF THE PA IN PROMOTING THE EFFICIENCY AND EFFECTIVENESS OF BOTH THE PROGRAMS AND THE CONSIDERATION OF HISTORIC PROPERTIES.

This is the 24rd period in which the City has had the opportunity to implement its responsibilities under Section 106 using the subject Programmatic Agreement.

As reported in previous periods, our expectation that review times for individual projects would decrease was realized. Overall the City is pleased with the advantages afforded by the PA. The PA is an important and crucial element in the project planning process for Part 58 projects.

The City would like to amend the PA in regards to Stipulation XI. Consideration and Treatment of Archeological Resources. We believe that the Programmatic Agreement for 1150 3rd Street, which would serve as an excellent model. Since 2011 our office has entered into 18 Site Specific Programmatic Agreements with the State Historic Preservation Officer, of these 16 have been for the consideration and treatment of archeological resources. The agreements have over time become standardized in terms of Stipulations. It takes about four months to execute a site-specific PA. We believe it would facilitate the development of affordable housing if we were able to modify the PA itself to reflect these standard stipulations by saving considerable time.

APPENDIX ONE

Programs and activities subject to 24 CFR Part 58 include:

1. Community Development Block Grant programs authorized by Title I of the Housing and Community Development Act of 1974, in accordance with section 104(g) (42 U.S.C. 5304(g));
2. Grants to states and units of general local government under the Emergency Shelter Grant Program, Supportive Housing Program (and its predecessors, the Supportive Housing Demonstration Program (both Transitional Housing and Permanent Housing for Homeless Persons with Disabilities) and Supplemental Assistance for Facilities to Assist the Homeless), Shelter Plus Care Program, Safe Havens for Homeless Individuals Demonstration Program, and Rural Homeless Housing Assistance, authorized by Title IV of the McKinney-Vento Homeless Assistance Act, in accordance with section 443 (42 U.S.C. 11402);
3. Grants beginning with Fiscal Year 2001 to private non-profit organizations and housing agencies under the Supportive Housing Program and Shelter Plus Care Program authorized by Title IV of the McKinney-Vento Homeless Assistance Act, in accordance with section 443 (42 U.S.C. 11402);
4. The HOME Investment Partnerships Program authorized by Title II of the Cranston-Gonzalez National Affordable Housing Act (NAHA), in accordance with section 288 (42 U.S.C. 12838);
5. Grants to States and units of general local government for abatement of lead-based paint and lead dust hazards pursuant to Title II of the Departments of Veterans Affairs and Housing and Urban Development and Independent Agencies Appropriations Act, 1992, and grants for lead-based paint hazard reduction under section 1011 of the Housing and Community Development Act of 1992, in accordance with section 1011(o) (42 U.S.C. 4852(o));
6. Public Housing Programs under Title I of the United States Housing Act of 1937, including HOPE VI grants authorized under section 24 of the Act for Fiscal Year 2000 and later, in accordance with section 26 (42 U.S.C. 1437x);
7. Grants for the revitalization of severely distressed public housing (HOPE VI) for Fiscal Year 1999 and prior years, in accordance with Title II of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1999 (Pub. L. 105-276, approved October 21, 1998); and
8. Assistance administered by a public housing agency under section 8 of the United States Housing Act of 1937, except for assistance provided under part 886 of this title, in accordance with section 26 (42 U.S.C. 1437x);

9. Special Projects appropriated under an appropriation act for HUD, such as special projects under the heading "Annual Contributions for Assisted Housing" in Title II of various Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Acts, in accordance with section 305(c) of the Multifamily Housing Property Disposition Reform Act of 1994 (42 U.S.C. 3547);
10. The FHA Multifamily Housing Finance Agency Pilot Program under section 542(c) of the Housing and Community Development Act of 1992, in accordance with section 542(c)(9)(12 U.S.C. 1707 note);
11. The Self-Help Homeownership Opportunity Program under section 11 of the Housing Opportunity Program Extension Act of 1996 (Pub. L. 104-120, 110 Stat. 834), in accordance with section 11(m);
12. Assistance provided under the Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA), in accordance with Section 105 for Indian Housing Block Grants and Federal Guarantees or Financing for Tribal Housing Authorities (25 U.S.C. 4115 and 4226); and Section 806 for Native Hawaiian Housing Block Grants (25 U.S.C. 4226);
13. Indian Housing Loan Guarantees authorized by section 184 of the Housing and Community Development Act of 1992, in accordance with section 184(k) (12 U.S.C. 1715z-13a(k)); and
14. Grants for Housing Opportunities for Persons with AIDS (HOPWA) under the AIDS Housing Opportunity Act, as follows: competitive grants beginning with Fiscal Year 2001 and all formula grants, in accordance with section 856(h) (42 U.S.C. 12905(h)); all grants for Fiscal Year 1999 and prior years, in accordance with section 207(c) of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1999 (Pub. L. 105-276, approved October 21, 1998).
15. When HUD assistance is used to help fund a revolving loan fund that is administered by a recipient or another party, the activities initially receiving assistance from the fund are subject to the requirements in Part 58. Future activities receiving assistance from the revolving loan fund, after the fund has received loan repayments, are subject to the environmental review requirements if the rules of the HUD program that initially provided assistance to the fund continue to treat the activities as subject to the Federal requirements. If the HUD program treats the activities as not being subject to any Federal requirements, then the activities cease to become Federally-funded activities and the provisions of Part 58 do not apply.

APPENDIX TWO

Historic Preservation Authorities

1. The National Historic Preservation Act of 1966 as amended (16 U.S.C. 470 *et seq.*), particularly sections 106 and 110 (16 U.S.C. 470 and 470h-2), except as provided in § 58.17 for Section 17 projects.
2. Executive Order 11593, Protection and Enhancement of the Cultural Environment, May 13, 1971 (36 FR 8921), 3 CFR 1971–1975 Comp., p. 559, particularly section 2(c).
3. Federal historic preservation regulations as follows:
 - (i) 36 CFR part 800 with respect to HUD programs other than Urban Development Action Grants (UDAG); and
 - (ii) 36 CFR part 801 with respect to UDAG.
4. The Reservoir Salvage Act of 1960 as amended by the Archeological and Historic Preservation Act of 1974 (16 U.S.C. 469 *et seq.*), particularly section 3 (16 U.S.C. 469a-1).

Floodplain Management And Wetland Protection.

1. Executive Order 11988, Floodplain Management, May 24, 1977 (42 FR 26951), 3 CFR, 1977 Comp., p. 117, as interpreted in HUD regulations at 24 CFR part 55, particularly section 2(a) of the order (For an explanation of the relationship between the decision-making process in 24 CFR part 55 and this part, see § 55.10 of subtitle A.)
2. Executive Order 11990, Protection of Wetlands, May 24, 1977 (42 FR 26961), 3 CFR, 1977 Comp., p. 121, particularly sections 2 and 5.

Coastal Zone Management

1. The Coastal Zone Management Act of 1972 (16 U.S.C. 1451 *et seq.*), as amended, particularly section 307(c) and (d) (16 U.S.C. 1456(c) and (d)).

Sole source aquifers.

1. The Safe Drinking Water Act of 1974 (42 U.S.C. 201, 300(f) *et seq.*, and 21 U.S.C. 349) as amended; particularly section 1424(e)(42 U.S.C. 300h-3(e)).
2. Sole Source Aquifers (Environmental Protection Agency—40 CFR part 149).

Endangered Species.

1. The Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.*) as amended, particularly section 7 (16 U.S.C. 1536).

Wild And Scenic Rivers.

1. The Wild and Scenic Rivers Act of 1968 (16 U.S.C. 1271 *et seq.*) as amended, particularly section 7(b) and (c) (16 U.S.C. 1278(b) and (c)).

Air Quality.

- 1 The Clean Air Act (42 U.S.C. 7401 *et seq.*) as amended; particularly section 176(c) and (d) (42 U.S.C. 7506(c) and (d)).
- 2 Determining Conformity of Federal Actions to State or Federal Implementation Plans (Environmental Protection Agency— 40 CFR parts 6, 51, and 93).

Farmlands Protection

1. Farmland Protection Policy Act of 1981 (7 U.S.C. 4201 *et seq.*) particularly sections 1540(b) and 1541 (7 U.S.C. 4201(b) and 4202).
2. Farmland Protection Policy (Department of Agriculture—7 CFR part 658).

HUD Environmental Standards.

1. Applicable criteria and standards specified in HUD environmental regulations (24 CFR part 51) (other than the runway clear zone and clear zone notification requirement in 24 CFR 51.303(a)(3)) and HUD Notice 79–33, Policy
2. Guidance to Address the Problems Posed by Toxic Chemicals and Radioactive Materials, September 10, 1979).

Environmental justice.

1. Executive Order 12898—Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, February 11, 1994 (59 FR 7629), 3 CFR, 1994 Comp. p. 859.

Other Requirements.

1. Flood Disaster Protection Act of 1973, as amended (42 U.S.C. 4001–4128).
2. National Flood Insurance Program
3. Coastal Barrier Resources Act, as amended by the

4. Coastal Barrier Improvement Act of 1990 (16 U.S.C. 3501)
5. 24 CFR 51, Subpart D—Siting of HUD Assisted Projects in Runway Clear Zones at Civil Airports and Clear Zones and Accident Potential Zones at Military Airfields

APPENDIX THREE - CONSULTANTS

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**APPENDIX FOUR
AGREEMENTS**

