

## Appendix 1

# Coordinated Environmental Review Process Workgroup Members

### U.S. Department of Housing and Urban Development (Lead Agency)

#### **Office of the Assistant Secretary for Public and Indian Housing**

Jennifer Jones, Chief of Staff

#### **Office of Native American Programs**

Rodger Boyd, Deputy Assistant Secretary, Office of Native American Programs

Karen Newton Cole, Senior Executive for Project Management (on detail to ONAP for project)

Jennifer Bullough, Director, Office of Grants Evaluation

Hilary Atkin, Senior Environmental Specialist

#### **Office of Environment and Energy**

Danielle Schopp, Director

Elizabeth Zepeda, Environmental Specialist

Lauren Hayes, Intern

#### **Office of General Counsel**

Christopher Hartenau, Senior Attorney Advisor

Alyce Thompson, Attorney Advisor

Jad Atallah, Attorney Advisor

### Council on Environmental Quality

Horst Greczimiel, Associate Director for NEPA Oversight

Michael Drummond, Deputy Associate Director for the Unified Federal Review

### U.S. Department of Agriculture

#### **USDA Rural Development**

Tedd Buelow, Native American Coordinator

Richard Fristik, Senior Environmental Protection Specialist (Rural Utilities Service)

Peggy Wade, Senior Environmental Protection Specialist (Rural Housing Service)

Juliet Bochicchio, Senior Environmental Specialist (RB-CS)

Kellie McGuinness Kubena, Director Engineering and Environmental Staff (Rural Utilities Service)

#### **USDA Tribal Relations**

Leslie Wheelock, Director

### U.S. Department of Commerce

#### **Office of the Secretary**

Catherine Barrett, Deputy Director for Policy and Strategic Planning

#### **Economic Development Administration**

Shannon FitzGerald, Environmental Protection Specialist

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# Coordinated Environmental Review Process Workgroup Members

### U.S. Department of Energy

#### **Office of NEPA Policy and Compliance**

Bradley Mehaffy, Environmental Protection Specialist

Denise Freeman, Environmental Protection Specialist

### U.S. Environmental Protection Agency

#### **Office of Waste Water Management**

Matthew Richardson, Environmental Protection Specialist

Leslie Corcelli, Physical Scientist

#### **Office of Ground Water and Drinking Water**

John Irizarry, Environmental Protection Specialist

#### **Office of Federal Activities**

Jessica Trice, Environmental Protection Specialist (NEPA Compliance Division)

Mathew Nowakowski, Historical Preservation Expert

### U.S. Department of Health and Human Services

#### **Indian Health Services**

Gary Hartz, Director of Environmental Health and Engineering

Mark Calkins, Director, Division of Sanitation Facilities Construction

Stephen Aoyama, Senior Engineer

### U.S. Department of the Interior

#### **Office of the Assistant Secretary – Indian Affairs**

Lawrence Roberts, Principal Deputy Assistant Secretary for Indian Affairs

#### **Bureau of Indian Affairs**

Mike Black, Director, Bureau of Indian Affairs

Dan Hall, Regional Archeologist PRO, Acting FPO/NEPA Coordinator of DECRM

### U.S. Department of Transportation

#### **Federal Highway Administration**

Robert Sparrow, Director, Tribal Transportation Program

Terry Schuman, Senior Environmental Review Specialist

**Appendix 1**

**Coordinated Environmental Review Process Workgroup Members**

## APPENDIX 2

### Questionnaire on Federal Agency Partners' NEPA Process and Funding Sources for Indian Housing and Infrastructure

1. What entity within the agency (e.g., Department, Division, Office, or Section) is responsible for environmental reviews, decision-making and action regarding compliance with NEPA and the Federal laws and authorities?
2. What line officer in the agency must approve environmental compliance reviews?
3. What is the source of Federal funds that may be used for Indian housing and infrastructure projects?
4. What action triggers/initiates the environmental review process?
5. Must all related activities be incorporated into your agencies environmental review process (i.e. aggregation)?
6. What are the actions related to Indian housing and transportation projects that may require an environmental review by your agency (NEPA applicable actions)?
7. What actions does you agency categorize as Categorical Exclusions?
8. What are the actions that normally require or may require an Environmental Assessment (EA)?
9. What are the actions that normally require or may require an Environmental Impact Statement (EIS)?
10. What decides if there are Extraordinary Circumstances/Exceptions to the Categorical Exclusion (requiring an environmental assessment instead)?
11. What is your agency's public notification process?
12. Does your agency approve environmental reviews with contingencies or conditioned FONSI's?
13. What determines when Federal funds may be committed and spent?
14. What kind of GIS capabilities does your agency utilize for environmental reviews? Do you currently have a data sharing agreement in place with other agencies?
15. Does your agency have any training materials available for environmental staff that might be useful in order for other agencies to better understand your environmental review process?
16. Does your agency provide environmental training to Tribes?
17. Does your agency have an electronic tracking system for environmental reviews?
18. What kind of information on environmental reviews could be found on your agency website (i.e., regulations, templates, supporting documentation requirements)?
19. At what level (local, field, regional, headquarters) are the environmental reviews carried out?

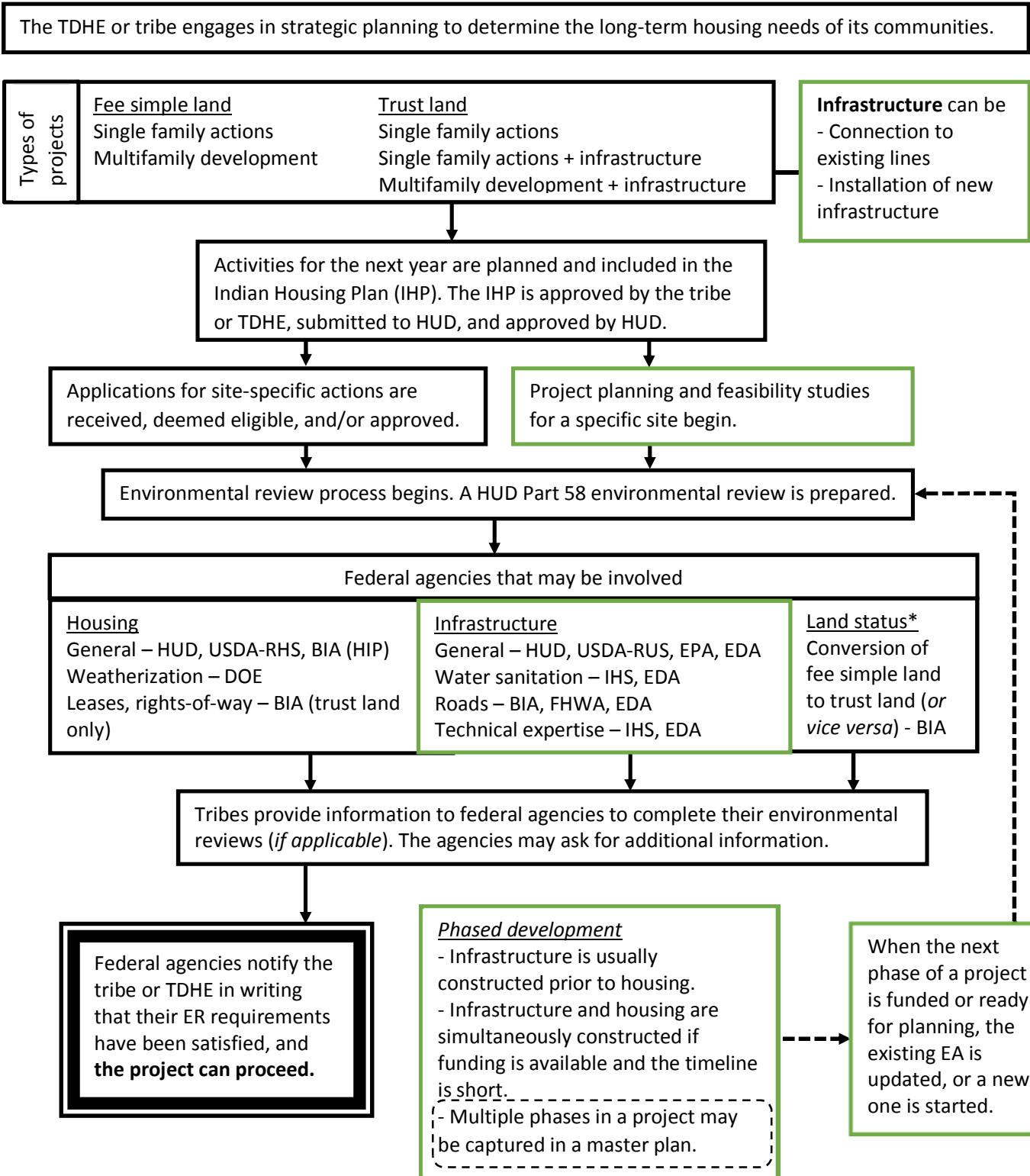
20. What kind of environmental checklists/forms etc. does your agency currently use in order to request information from a Tribe or Program Staff to complete an environmental review?
21. How does your agency ensure mitigation measures and/or conditions for approval are implemented?
22. What is the timeframe for a project to clear the agency review process? How many other reviews must a project go through before a grant is awarded? Where does the environmental review fit into this process?
23. Do you request tribes to be cooperating agencies when preparing NEPA reviews for actions on tribal lands? If no, are there any regulatory obstacles or other reasons for not doing so?
24. For jointly funded projects, are you able to adopt a HUD EA prepared in accordance with HUD's NEPA regulations? If no, are there any regulatory obstacles or other reasons for not doing so?
25. Is it generally understood by your staff preparing NEPA reviews that HUD has the legal authority to allow tribes, and Alaska Native Villages or Regional Corporations to assume responsibility for compliance with NEPA and the related Federal laws and authorities that otherwise would apply to HUD?
26. Are there any types of infrastructure or housing projects you fund that are statutorily exempt from NEPA and the related Federal laws and authorities?

## Communication Sessions with the Tribes or TDHEs

Dates	Area ONAP	Organizations	Location	Completion	Event
2/3/2015	Headquarters	National American Indian Housing Council (NAIHC) Legislative Conference	Washington, DC	yes	Listening session
3/17-19, 2015	SWONAP	Nevada/California Quarterly Regional Indian Housing Association Quarterly Meeting	Sacramento, CA	yes	Listening session
3/31 -4/1, 2015	NPONAP	United Native American Housing Association (UNAHA) Annual Meeting	Denver, CO	yes	Listening session
2/3/2015	AKONAP	Association of Alaska Housing Authorities (AAHA) Quarterly Meeting	Anchorage, AK	yes	Listening session
4/20/2015	SPONAP	Small group meeting	Tulsa, OK	yes	Listening session
4/21-23/2015	NWONAP	Northwest Indian Housing Association (NWIHA) Quarterly Meeting	Coeur d'Alene, ID	yes	Briefing
<b>5/12-14/2015</b>	<b>National</b>	<b>AMERIND Risk/NAIHC Annual Convention</b>	<b>Scottsdale, AZ</b>	<b>yes</b>	<b>Tribal Consultation</b>
5/14/2015	E/WONAP	Great Lakes Inter-Tribal Council (GLITC) Meeting	Manitowoc, WI	yes	Listening session
5/18-21/2015	E/WONAP	United South and Eastern Tribes (USET) Meeting	Manshantucket, CT	yes	Listening session
5/18-21/2015	NWONAP	Affiliated Tribes of Northwest Indians Mid-year Convention	Confederated Tribes of Warm Springs, OR	yes	Listening session
5/18-21/2015	SPONAP	Southern Plains Indian Housing Association (SPIHA) Meeting	Tulsa, OK	yes	Listening session
6/3-4/2015	E/WONAP	Midwest Alliance of Sovereign Tribes (MAST) Meeting	Green Bay, WI	yes	Listening session
<b>6/28-7/1/2015</b>	<b>National</b>	<b>National Congress of American Indians (NCAI) 2015 Mid-Year Conference</b>	<b>St. Paul, Minnesota</b>	<b>yes</b>	<b>Tribal Consultation</b>
7/28-30/15	SWONAP	Southwest Tribal Housing Alliance (SWTA)	Tucson, AZ	yes	Briefing

# APPENDIX 4

## Project Development, Planning, and Environmental Review process for Tribal Housing and Housing Infrastructure Projects Commonly Used by Tribes and TDHEs



Green boxes pertain specifically to infrastructure development. Dotted lines represent additional actions that may occur when a project is developed in phases.

\*The conversion of land requires more time and may occur earlier in the process.

## APPENDIX 5-1

### Tribal Interview Questions

#### Category 1: Housing Development on Fee Simple Land without Infrastructure

- What types of housing projects do/have you used federal funding for?
  - How frequently do you do this type of project?
  - Which of the following agencies have you worked with on a housing project: BIA, Dept. of Commerce, Dept. of Energy, EPA, IHS, and USDA? If you don't know the agency, can you identify the name of the Federal grant program to which you have applied for funding assistance?
  - On average, how many of the above agencies (or programs, if you do not know the name of the funding agency) are involved in your housing projects? What are the most agencies (or programs) ever involved in a single project in order for that project to be successfully completed?
  - When your tribe/TDHE plans to leverage funds from other Federal agencies, do you incorporate those activities into your Part 58 environmental review for evaluation, too?
  
- What is your process for developing plans for housing projects?
  - At what point do you generally start preparing the ER? For example, do you begin as soon as the annual Indian Housing Plan (IHP) is submitted to HUD for approval, or is there another point in your planning process that determines when preparation of the ER must be initiated?
  - Are your ERs completed under part 50 or 58?
  - What type of HUD funds do you use:
    - IHBG
    - Section 184 loan guarantee
    - Title VI loan guarantee
    - ICDBG
    - RHED (Rural Housing and Economic Development)
  
- Coordination of multiple Federal funding sources for housing projects
  - On a typical housing project, do you know from the outset all of the agencies that will contribute funding?
    - **If yes:** How do you know? Are the same agencies involved in all your projects, or all of certain types of projects?
    - **If no:** Describe the process of getting the various agencies on board with the process.
  - **On fee simple land:**
    - What is the type of project(s)?
    - What is the first federal agency to provide funding and/or prepare an environmental review?
    - Does it vary from project to project?
    - Is the first agency to provide funding always the first agency to prepare an ER?
    - Have you ever done a project that converted fee simple land into trust land?
      - **If yes:** How did the process differ from that of a project on trust land?
      - Do you have any concerns with this process?



## APPENDIX 5-1

### Tribal Interview Questions

#### Category 1: Housing Development on Fee Simple Land without Infrastructure

- When you develop housing, is the necessary infrastructure usually already in place, or does it have to be developed at the same time?
  - If infrastructure is often/always in place prior to housing development:
    - Which agencies (or federally-funded programs) are typically involved in the housing development?
  - If infrastructure is rarely/never in place:
    - What is the process for coordinating the installation of housing and infrastructure together? Do you develop in phases, or all at once?
      - If in phases: What do you construct first?
      - Does your HUD ER address all housing and infrastructure, or just the housing?
  - If it varies: [Ask both sets of questions above, but also the following]
    - Describe the difference between the two processes. Which do you find runs smoother?
- Regarding HUD ER process:
  - Who within your tribe/TDHE conducts the environmental reviews? Or, do you use environmental consultants instead?
  - Who is your certifying officer? Is there more than one certifying officer?
  - What is your public notification process (publication or posting/ mailing)?
  - Does the tribe or TDHE maintain the project ERRs? (Note: In Alaska the Regional Corporations, and in some regions of the lower 48 states the Regional TDHEs, are asked by ONAP to maintain the records).
  - Do you maintain an ER database? If not, what resources do you use to derive environmental information?
  - Do you attend ER training? Who provides the training? How often does staff attend ER training?
- What is your system, if any, for tracking ERs and the implementation of mitigation measures, if required?
- What issues or problems have you encountered in using both HUD and other Federal agencies' funds for the same project?
  - Are there any inconsistencies in the review requirements across the different agencies that you have observed? For example, HUD has noise and Acceptable Separation Distance regulations that do not apply to other agencies. Have you found comparable requirements that other agencies consider that HUD does not?
- Have you ever had a lead agency agreement to coordinate multiple agencies' environmental reviews?
  - If yes: Describe that process.
    - Would you do it again? Why or why not?
  - If no:
    - Have you ever considered doing this?
    - Do you request a copy of that agency's environmental review to supplement and facilitate your own environmental findings?

## APPENDIX 5-1

### Tribal Interview Questions

#### Category 1: Housing Development on Fee Simple Land without Infrastructure

- Have you experienced situations in which the HUD environmental review process has worked well or effectively with another Federal agency's review process?
  
- Does your tribe/TDHE have written environmental review procedures?
  - **If yes:** May we have a copy?

## APPENDIX 5-2

### Tribal Interview Questions

#### Category 2: Housing Development on Fee Simple Land with Infrastructure

- What types of housing and housing infrastructure projects do/have you used federal funding for?
  - How frequently do you do this type of project?
  - Which of the following agencies have you worked with on a housing and housing infrastructure project: BIA, EDA, Dept. of Energy, EPA, IHS, Rural Housing Services and Rural Utilities Services? If you don't know the agency, can you identify the name of the Federal grant program to which you have applied for funding assistance?
  - On average, how many of the above agencies (or programs, if you do not know the name of the funding agency) are involved in your housing and housing infrastructure projects? What are the most agencies (or programs) ever involved in a single project in order for that project to be successfully completed?
  - When your tribe/TDHE plans to leverage funds from other Federal agencies, do you incorporate those activities into your Part 58 environmental review for evaluation, too?
  
- What is your process for developing plans for housing and housing infrastructure projects?
  - At what point do you generally start preparing the ER? For example, do you begin as soon as the annual Indian Housing Plan (IHP) is submitted to HUD for approval, or is there another point in your planning process that determines when preparation of the ER must be initiated?
  - Are your ERs completed under part 50 or 58?
  - What type of HUD funds do you use:
    - IHBG
    - Section 184 loan guarantee
    - Title VI loan guarantee
    - ICDBG
    - RHED (Rural Housing and Economic Development)
  
- Coordination of multiple Federal funding sources for housing projects:
  - On a typical housing project, do you know from the outset all of the agencies that will contribute funding?
    - **If yes:** How do you know? Are the same agencies involved in all your projects, or all of certain types of projects?
    - **If no:** Describe the process of getting the various agencies on board with the process.
  - **On fee simple land:**
    - What is the type of project(s)?
    - What is the first federal agency to provide funding and/or prepare an environmental review?
    - Does it vary from project to project?
    - Is the first agency to provide funding always the first agency to prepare an ER?
    - Have you ever done a project that converted fee simple land into trust land?
      - **If yes:** How did the process differ from that of a project on trust land?
      - Do you have any concerns with this process?
  - When you develop housing, what is the process for coordinating the installation of housing and infrastructure together? Do you develop in phases, or all at once?
    - **If in phases:** What do you construct first?
    - Does your HUD ER address all housing and infrastructure, or just the housing?

## APPENDIX 5-2

### Tribal Interview Questions

#### Category 2: Housing Development on Fee Simple Land with Infrastructure

- Describe the difference between developing housing plus infrastructure, and developing housing where infrastructure is already in place. Which process do you find runs smoother?
- Regarding HUD ER process:
  - Who within your tribe/TDHE conducts the environmental reviews? Or, do you use environmental consultants instead?
  - Who is your certifying officer? Is there more than one certifying officer?
  - What is your public notification process (publication or posting/ mailing)?
  - Does the tribe or TDHE maintain the project ERRs? (Note: In Alaska the Regional Corporations, and in some regions of the lower 48 states the Regional TDHEs, are asked by ONAP to maintain the records).
  - Do you maintain an ER database? If not, what resources do you use to derive environmental information?
  - Do you attend ER training? Who provides the training? How often does staff attend ER training?
- What is your system, if any, for tracking ERs and the implementation of mitigation measures, if required?
- What issues or problems have you encountered in using both HUD and other Federal agencies' funds for the same project?
  - Are there any inconsistencies in the review requirements across the different agencies that you have observed? For example, HUD has noise and Acceptable Separation Distance regulations that do not apply to other agencies. Have you found comparable requirements that other agencies consider that HUD does not?
- Have you ever had a lead agency agreement to coordinate multiple agencies' environmental reviews?
  - **If yes:** Describe that process.
    - Would you do it again? Why or why not?
  - **If no:**
    - Have you ever considered doing this?
    - Do you request a copy of that agency's environmental review to supplement and facilitate your own environmental findings?
- Have you experienced situations in which the HUD environmental review process has worked well or effectively with another Federal agency's review process?
- Does your tribe/TDHE have written environmental review procedures?
  - **If yes:** May we have a copy?

## APPENDIX 5-3

### Tribal Interview Questions

#### Category 3: Housing Development on Trust Land without Infrastructure

- What types of housing projects do/have you used federal funding for?
  - How frequently do you do this type of project?
  - Which of the following agencies have you worked with on a housing project: BIA, Dept. of Commerce, Dept. of Energy, EPA, IHS, and USDA? If you don't know the agency can you identify the name of the Federal grant program to which you have applied for funding assistance?
  - On average, how many of the above agencies (or programs if you do not know the name of the funding agency) are involved in your housing projects? What are the most agencies (or programs) ever involved in a single project in order for that project to be successfully completed?
  - When your tribe/TDHE plans to leverage funds from other Federal agencies, do you incorporate those activities into your Part 58 environmental review for evaluation, too?
  
- What is your process for developing plans for housing projects?
  - At what point do you generally start preparing the ER? For example, do you begin as soon as the annual Indian Housing Plan (IHP) is submitted to HUD for approval, or is there another point in your planning process that determines when preparation of the ER must be initiated?
  - Are your ERs completed under part 50 or 58?
  - What type of HUD funds do you use:
    - IHBG
    - Section 184 loan guarantee
    - Title VI loan guarantee
    - ICDBG
    - RHED (Rural Housing and Economic Development)
  
- Coordination of multiple Federal funding sources for housing projects
  - On a typical housing project, do you know from the outset all of the agencies that will contribute funding?
    - **If yes:** How do you know? Are the same agencies involved in all your projects, or all of certain types of projects?
    - **If no:** Describe the process of getting the various agencies on board with the process.
  - **On trust land:**
    - What is the type of project(s)?
    - Is BIA always the first agency to conduct an environmental review?
    - Do BIA's environmental reviews aggregate to consider the activities that will be conducted on the land?
  - Have you ever done a housing project on fee simple land?
    - **If yes:** How did the process differ from that of a project on trust land?
  
- When you develop housing, is the necessary infrastructure usually already in place, or does it have to be developed at the same time?
  - **If infrastructure is often/always in place prior to housing development:**
    - Which agencies (or federally funded programs) are typically involved in the housing development?
  - **If infrastructure is rarely/never in place:**
    - What is the process for coordinating the installation of housing and infrastructure together? Do you develop in phases, or all at once?

## APPENDIX 5-3

### Tribal Interview Questions

#### Category 3: Housing Development on Trust Land without Infrastructure

- **If in phases:** What do you construct first?
  - Does your HUD ER address all housing and infrastructure, or just the housing?
- **If it varies:** [Ask both sets of questions above, but also the following]
  - Describe the difference between the two processes. Which do you find runs smoother?
- Regarding HUD ER process:
  - Who within your tribe/TDHE conducts the environmental reviews? Or, do you use environmental consultants instead?
  - Who is your certifying officer? Is there more than one certifying officer?
  - What is your public notification process (publication or posting/ mailing)?
  - Does the tribe or TDHE maintain the project ERRs? (Note: In Alaska the Regional Corporations, and in some regions of the lower 48 states the Regional TDHEs, are asked by ONAP to maintain the records).
  - Do you maintain an ER database? If not, what resources do you use to derive environmental information?
  - Do you attend ER training? Who provides the training? How often does staff attend ER training?
- What is your system, if any, for tracking ERs and the implementation of mitigation measures, if required?
- What issues or problems have you encountered in using both HUD and other Federal agencies' funds for the same project?
  - Are there any inconsistencies in the review requirements across the different agencies that you have observed? For example, HUD has noise and Acceptable Separation Distance regulations that do not apply to other agencies. Have you found comparable requirements that other agencies consider that HUD does not?
- Have you ever had a lead agency agreement to coordinate multiple agencies' environmental reviews?
  - **If yes:** Describe that process.
    - Would you do it again? Why or why not?
  - **If no:**
    - Have you ever considered doing this?
    - Do you request a copy of that agency's environmental review to supplement and facilitate your own environmental findings?
- Have you experienced situations in which the HUD environmental review process has worked well or effectively with another Federal agency's review process?
- Does your tribe/TDHE have written environmental review procedures?
  - **If yes:** May we have a copy?

## APPENDIX 5-4

### Tribal Interview Questions

#### Category 4: Housing Development on Trust Land with Infrastructure

- What types of housing and housing infrastructure projects do/have you used federal funding for?
  - How frequently do you do this type of project?
  - Which of the following agencies have you worked with on a housing and housing infrastructure project: BIA, EDA, Dept. of Energy, EPA, IHS, Rural Housing Services, and Rural Utilities Services? If you don't know the agency can you identify the name of the Federal grant program to which you have applied for funding assistance?
  - On average, how many of the above agencies (or programs, if you do not know the name of the funding agency) are involved in your housing and housing infrastructure projects? What are the most agencies (or programs) ever involved in a single project in order for that project to be successfully completed?
  - When your tribe/TDHE plans to leverage funds from other Federal agencies, do you incorporate those activities into your Part 58 environmental review for evaluation too?
  
- What is your process for developing plans for housing and housing infrastructure projects?
  - At what point do you generally start preparing the ER? For example, do you begin as soon as the annual Indian Housing Plan (IHP) is submitted to HUD for approval, or is there another point in your planning process that determines when preparation of the ER must be initiated?
  - Are your ERs completed under part 50 or 58?
  - What type of HUD funds do you use:
    - IHBG
    - Section 184 loan guarantee
    - Title VI loan guarantee
    - ICDBG
    - RHED (Rural Housing and Economic Development)
  
- Coordination of multiple Federal funding sources for housing projects
  - On a typical housing project, do you know from the outset all of the agencies that will contribute funding?
    - **If yes:** How do you know? Are the same agencies involved in all your projects, or all of certain types of projects?
    - **If no:** Describe the process of getting the various agencies on board with the process.
  - **On trust land:**
    - What is the type of project(s)?
    - Is BIA always the first agency to conduct an environmental review?
    - Do BIA's environmental reviews aggregate to consider the activities that will be conducted on the land?
  - Have you ever done a housing project on fee simple land?
    - **If yes:** How did the process differ from that of a project on trust land?
  
- When you develop housing, what is the process for coordinating the installation of housing and infrastructure together? Do you develop in phases, or all at once?
  - **If in phases:** What do you construct first?
  - Does your HUD ER address all housing and infrastructure, or just the housing?
- Describe the difference between developing housing plus infrastructure, and developing housing where infrastructure is already in place. Which process do you find runs smoother?

**APPENDIX 5-4**  
**Tribal Interview Questions**  
**Category 4: Housing Development on Trust Land with Infrastructure**

- Regarding HUD ER process:
  - Who within your tribe/TDHE conducts the environmental reviews? Or, do you use environmental consultants instead?
  - Who is your certifying officer? Is there more than one certifying officer?
  - What is your public notification process (publication or posting/ mailing)?
  - Does the tribe or TDHE maintain the project ERRs? (Note: In Alaska the Regional Corporations, and in some regions of the lower 48 states the Regional TDHEs, are asked by ONAP to maintain the records).
  - Do you maintain an ER database? If not, what resources do you use to derive environmental information?
  - Do you attend ER training? Who provides the training? How often does staff attend ER training?
- What is your system, if any, for tracking ERs and the implementation of mitigation measures, if required?
- What issues or problems have you encountered in using both HUD and other Federal agencies' funds for the same project?
  - Are there any inconsistencies in the review requirements across the different agencies that you have observed? For example, HUD has noise and Acceptable Separation Distance regulations that do not apply to other agencies. Have you found comparable requirements that other agencies consider that HUD does not?
- Have you ever had a lead agency agreement to coordinate multiple agencies' environmental reviews?
  - **If yes:** Describe that process.
    - Would you do it again? Why or why not?
  - **If no:**
    - Have you ever considered doing this?
    - Do you request a copy of that agency's environmental review to supplement and facilitate your own environmental findings?
- Have you experienced situations in which the HUD environmental review process has worked well or effectively with another Federal agency's review process?
- Does your tribe/TDHE have written environmental review procedures?
  - **If yes:** May we have a copy?





<sup>1</sup> Note that the list of environmental laws and authorities included here does not necessarily include all environmental statutes, regulations, and executive orders that may be documented in an environmental review record. Some additional laws and authorities may be missing from this chart.

<sup>2</sup> Generally, EPA's activities applicable to tribal housing and housing infrastructure do not require a NEPA review. These actions are either statutorily exempted from NEPA or are functionally equivalent with NEPA. Many of the water and wastewater infrastructure projects funded through the EPA are managed through Interagency Agreements with the Indian Health Service (IHS), and IHS is responsible for complying with any applicable Federal requirements, including NEPA. However, outside of a NEPA review there must be a determination whether the other cross-cutting authorities require documentation.

<sup>3</sup> EO 13690 issued January, 2015 amends EO 11988. Revised Guidelines were published October 22, 2015, at 80 FR 64008, "Guidelines for Implementing Executive Order 11988, Floodplain Management, and Executive Order 13690, Establishing a Federal Flood Risk Management Standard and a Process for Further Soliciting and Considering Stakeholder Input."

\* Gray-shaded laws and authorities are agency specific. For example, HUD's regulations on Noise Abatement and Control regulate noise-sensitive uses, such as housing. Other agencies may also document compliance with similar authorities, including the Noise Control Act, in their environmental review records, although that Act is not included in this chart.