

PROGRAM YEAR 2010

ENVIRONMENTAL REVIEW MANUAL

City of Charlotte
Neighborhood and Business Services

June 1, 2009

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**ENVIRONMENTAL REVIEW PROCESS
Federal Program Year 2010
CITY of CHARLOTTE
NEIGHBORHOOD AND BUSINESS SERVICES KEY BUSINESS**

1. Introduction:

This Environmental Review Process Manual addresses the steps for environmental compliance that must be taken by the City of Charlotte Neighborhood and Business Services. All projects funded in whole or in part under Housing and Urban Development (HUD) Programs – State or Federal - must comply with these procedures. For State projects conducted under the Neighborhood Stabilization Program, the Guidance and associated forms provided in Appendix A should be used. The Guidance in Appendix A is consistent with that presented in the ER Strategy; however it is provided in a different format that the State reportedly prefers to the Federal forms. In accordance with 24 CFR 58.32 (Project Aggregation), the City of Charlotte is required to group together and evaluate as a single project all individual activities which are related either on a geographic or functional basis, or are logically part of a composite of contemplated actions.

This manual provides details on conditions for classification and describes the environmental review process for each type of activity. It also includes an environmental review of the Laws and Authorities on HUD's Statutory Checklist (24 CFR Part 58.5 and 58.6). The environmental review identifies and addresses compliance factors for the housing and community development activities that can be addressed globally for unspecified sites within the geographic area and compliance factors that need to be addressed on a site-by-site basis.

2. Project Descriptions

Project Descriptions

The City of Charlotte's Draft FY 2010 Charlotte Mecklenburg Regional Housing Consortium FY 2010 Annual Action Plan, prepared by Neighborhood and Business Services Key Business, focuses on the following community development and housing related activities (non-federally funded activities are noted):

| Activity | Descriptions |
|---|---|
| 1. Code Enforcement (Not federally funded) | Conduct housing inspections to bring properties into conformance with the City of Charlotte Housing Code (Chapter 11 of the Code of Ordinances and the Minimum Housing Standards of North Carolina General Statutes 160A-441 et seq.). |
| 2. Relocation | Provides housing support services, rental and relocation assistance for displaced families due to code enforcement or other local government action. Assistance includes Emergency Housing, Temporary Assistance, Transitional Housing, and Tenant Based Subsidy. |
| 3. Rehabilitation | Provides rehabilitation financial assistance to owners of residential structures in the City earning 80% or less than the median income and not bankable. Provides rehabilitation loans to investor owners to make available housing for low and moderate-income tenants; and provides funds for repair or demolition of homes where the owner cannot comply with the housing code. |
| 4. Acquisition | Purchases property to provide housing for low and moderate-income households. Priority neighborhoods and areas are, Druid Hills, Cumming Avenue/Lincoln Heights, Kolher Avenue, Lakewood, Reid Park, Thomasboro/Hoskins, Washington Heights, and Wingate. |
| 5. New Construction | Provides new construction for low and moderate-income households in targeted neighborhoods. Priority neighborhoods are Druid Hills, Cummings Avenue/Lincoln Heights, Lakewood, Reid Park, Thomasboro/Hoskins, Washington Heights, and Wingate. |
| 6. Section 108 Loan Guarantee Payments | Interest payments on loan for conversion of the Historic Mecklenburg Mill and Hope Haven for low and moderate-income households. |
| 7. Housing Counseling (Not federally funded) | Provides Pre and Post homeownership counseling and delinquency/mortgage default counseling to low and moderate income individuals seeking access to housing. |
| 8. Community Housing | Fifteen percent required cost for project development to |

| Activity | Descriptions |
|--|--|
| Development Organization Set-Aside | Community Housing Development Organizations. |
| 9. Lead Paint Abatement | Provides lead testing for children testing of housing units and lead abatement of housing units. |
| 10. Tenant-Based Rental Assistance | Provides for tenant-based assistance to very low-income families. Families participating in the program will receive rental assistance subsidies for up to 2 years. |
| 11. Homeownership Subsidy (Federal and Local Funding) | Provides homeowner down payment and other purchase assistance to low and moderate income families seeking housing in targeted neighborhoods. Services include HouseCharlotte and the Police Down Payment Assistance and customized down payment programs for Community Housing Development Organizations. |
| 12. Emergency Utility Payments (Not federally funded) | City contribution to emergency utility fund to assist low and moderate income households experiencing difficulty in meeting utility (water, sewer, electric and gas) payments. |
| 13. Emergency Rental Payments (Not federally funded) | City contribution to fund to help low and moderate income households meet emergency household payments. |
| 14. Housing Services for HIV/AIDS (HOPWA) | Provides housing subsidies and general support services for individuals and families with AIDS/HIV in the Charlotte-Mecklenburg region. |
| 15. Homeless Assistance (ESG) | Provides funds to assist five homeless service providers- Crisis Assistance Ministry, Charlotte Emergency Housing, Salvation Army Women, Family Promise of Charlotte, Friendship CDC and Uptown's Men's Shelter. Program beneficiaries are homeless men, women and children, and intact families for the shelter programs, and persons threatened with homeless prevention programs. |
| 16. Program Delivery, Administration and Planning | Provides planning, design and administration of CDBG and HOME Programs. |
| 17. Infrastructure (Not federally funded) | Provides comprehensive streets, sidewalk and curb and gutter and landscaping improvements in targeted neighborhoods. |
| 18. After School Enrichment Programs (Federal and Local Funds) | Provides assistance to students in Kindergarten through 8th grade to overcome basic academic weaknesses in order to become successful in their schoolwork. Youth also have opportunities to expand social and cultural awareness and participate in recreational activities. These programs are aimed for youth in the City area. |

| Activity | Descriptions |
|---|--|
| 19. Neighborhood Services (Not federally funded) | Provide neighborhood organizations with the tools and resources – training, grants, problem-solving services, etc. - to become empowered. |
| 20. Business Development (Not federally funded) | Provides equity and loan funds to develop businesses in the City-Within-A-City area. Funds will be used to expand business incubator, develop community shopping centers and business parks and make loans to eligible businesses. |
| 21. Job Development | Provides individuals with training, placement and supportive services (day care and transportation) to obtain and retain a job. |
| 22. Hope VI Grants | Demolition of obsolete public housing developments, revitalization of sites on obsolete developments, development of off-site replacement housing that will lessen the concentration of very low-income families, and the provision of supportive services to residents. |
| 23. Public Housing - Section 8 | Partial or whole subsidies to pay landlords rent on the open market. Families decide for themselves where they would reside. |
| 24. Charlotte-Mecklenburg Regional Housing Consortium | Alleviate housing problems within Mecklenburg County and provide housing opportunities to low and moderate income households. |
| 25. Citizen Participation (Not federally funded) | Citizen participation forums will be conducted to raise awareness of projects to multiple entities. |
| 26. Neighborhood Stabilization Program | The primary focus of the NSP Program is to acquire foreclosed and abandoned properties as defined below by HUD. |
| 27. Other Programs | Supportive Housing, Shelter Plus Care, Operating Cost, Homeless Prevention and Rapid Re-Housing Program. |

3. Review Process

Overview of Environmental Review Strategy

In order to determine environmental findings for projects included in this environmental review record (ERR), the following steps were used:

1. All state and federally funded activities administered by the City of Charlotte Neighborhood and Business Services are classified as either:
 - a) *Exempt* from NEPA as defined in 24 CFR 58.34 must comply with 24 CFR 58.6;
 - b) *Categorically excluded not subject to 58.5 (CA/NA)* per 24 CFR 58.35;
 - c) *Categorically excluded subject to 58.5 (CE)* per 24 CFR 58.35
 - d) *Projects not exempt or categorically excluded (EA)* that require the City to prepare an environmental assessment per 24 CFR 58.36.
2. Initiate a process for screening and reviewing all state and federally funded community development and housing related activities to ensure that they are in compliance with NEPA and applicable HUD regulations (i.e., 24 CFR Part 51, 55, and 58). The process will include:
 - A. Providing a certification for the City of Charlotte Neighborhood and Business Services Key Business activities to document Exempt and Categorical Exclusion status as appropriate for each of the funded community development and housing related activities.
 - B. As applicable, preparing a Statutory Checklist or approved site-specific checklist that addresses potential environmental concerns for all categorically excluded community development and housing related activities.
 - C. Specifying conditional factors for Statutory Checklist items which:
 1. If all conditions are met, no further environmental review is required;
 2. If the conditions are not met, either:
 - a. Specify what mitigating actions will be taken to reduce the impacts to a non-significant level or
 - b. Specify that an Environmental Assessment (EA) or Environmental Impact Statement (EIS) will be prepared for all activities not in compliance with the environmental monitoring strategy.
 - D. Provide for a Tiered Review strategy in accordance with 24 CFR 58.15.
 - E. Describing activities subject to the ERR and by identifying activities by funding sources that are subject to a Request for Release of Funds (RROF).

The review status and the process for each activity is described in Table I on the next page, except for the State Funded Neighborhood Stabilization Program activities which shall follow the Guidance provided in Appendix A. Note that the Appendix A Guidance documents meets the same requirements as that described in this ER Strategy; however, it is in a different format that the State prefers for State-funded NSP projects.

Table I: Environmental Review Status and Process

| Activity (Citation) | Environmental Review Requirement | | | | Internal Review & Process | | | | | | |
|---|----------------------------------|--|--|---|--|--|--|--|--|------------------|------------------------------|
| | Exempt | Categorically Excluded (Not Subject To 24 CFR 58.5) | Categorically Excluded (Subject To 24 CFR 58.5) | Environmental Assessment or Environmental Impact Statement | Not Applicable (Due to Source of Funding) | Site Specific Checklist (Includes 58.6 Only) ¹ | Statutory Checklist (Includes 58.6) | Environmental Assessment / Environmental Impact Statement | Findings OF No Significant Impact (FONSI) | Notice Of Intent | Request For Release Of Funds |
| 1. Code Enforcement (Sec. 58.34 (a)(5)) | X | | | | X | | | | | | |
| 2. Relocation (Sec. 58.35 (b)(2)) | | X | | | | X | | | | | |
| 3. Rehabilitation² 20% or less change in density; No Change in land use and rehab cost is 75% or less of replacement cost. (Sec. 58.35 (a)(3)(i)) | | | X | | | | X | | | X | X |
| Greater than 20% change in density; Change in land use and rehab cost more than 75% of replacement cost. (Sec. 58.36) | | | | X | | | | X | X | X | X |
| 4. Acquisition/Disposition No Change In Use (Sec. 58.35(b)(5)) | | | X | | | | X | | | X | X |
| Change In Use (Sec. 58.36) | | | | X | | | | X | X | X | X |
| 5. Demolition (Sec. 58.25 (b)(5)) | | | X | | | | X | | | X | X |
| 6. New Construction Action on 1-4 family units or 5 or more units separated by 2,000 feet. (Sec. 58.35 (a)(4)) | | | X | | | | X | | | X | X |
| Action on more than 4 | | | | X | | | | X | X | X | X |

| Activity (Citation) | Environmental Review Requirement | | | | Internal Review & Process | | | | | | |
|--|----------------------------------|--|--|---|--|--|--|--|--|------------------|------------------------------|
| | Exempt | Categorically Excluded (Not Subject To 24 CFR 58.5) | Categorically Excluded (Subject To 24 CFR 58.5) | Environmental Assessment or Environmental Impact Statement | Not Applicable (Due to Source of Funding) | Site Specific Checklist (Includes 58.6 Only) ¹ | Statutory Checklist (Includes 58.6) | Environmental Assessment / Environmental Impact Statement | Findings OF No Significant Impact (FONSI) | Notice Of Intent | Request For Release Of Funds |
| <i>family unit. (Sec. 58.36)</i> | | | | | | | | | | | |
| 7. Section 108 Loan Guarantee Payments³ <i>(Sec. 58.34 (a)(11))</i> | X | | | | | | | | | | |
| 8. Housing Counseling³ <i>(Sec. 58.34 (a)(4))</i> | X | | | | X | | | | | | |
| 9. CHDO Administrative Support <i>(Sec. 58.35 (b)(3))</i> | X | | | | | | | | | | |
| 10. Lead Paint Abatement <i>(See Rehabilitation)</i> | | | X | | | | X | | X | X | |
| 11. Rental Housing Subsidy <i>(Sec. 58.35 (b)(1))</i> | | X | | | X | | | | | | |
| 12. Homeownership Subsidy <i>(Sec. 58.35 (b)(5))</i> | | X | | | | X | | | | | |
| 13. Emergency Utility Payments³ <i>(Sec. 58.35 (b)(2))</i> | | X | | | X | | | | | | |
| 14. Emergency Housing Payments³ <i>(Sec. 58.35 (b)(2))</i> | | X | | | X | | | | | | |
| 15. Housing Opportunities for People With AIDS³ <i>(Sec. 58.35 (b)(2))</i> | X | | | | | | | | | | |
| 16. Homeless Assistance³ <i>(Sec. 58.34 (a)(4))</i> | X | | | | | | | | | | |
| 17. Program Delivery, Administration & Planning³ <i>(Sec. 58.34 (a)(3))</i> | X | | | | | | | | | | |
| 18. Infrastructure Repair where change in | X | | | | X | | | | | | |

| Activity (Citation) | Environmental Review Requirement | | | | Internal Review & Process | | | | | | |
|---|----------------------------------|--|--|---|--|--|--|--|--|------------------|------------------------------|
| | Exempt | Categorically Excluded (Not Subject To 24 CFR 58.5) | Categorically Excluded (Subject To 24 CFR 58.5) | Environmental Assessment or Environmental Impact Statement | Not Applicable (Due to Source of Funding) | Site Specific Checklist (Includes 58.6 Only) ¹ | Statutory Checklist (Includes 58.6) | Environmental Assessment / Environmental Impact Statement | Findings OF No Significant Impact (FONSI) | Notice Of Intent | Request For Release Of Funds |
| <i>size or capacity is 20% or less. (Sec. 58.35 a)(1))</i> | | | | | | | | | | | |
| <i>New Construction or repair where change in size or capacity is greater than 20% (Sec. 58.36)</i> | X | | | | X | | | | | | |
| 19. After School Enrichment Program³ <i>(Sec. 58.34 (a)(4))</i> | X | | | | | | | | | | |
| 20. Neighborhood Services <i>(Sec. 58.34 (a)(4))</i> | X | | | | X | | | | | | |
| 21. Business Development | | | | | | | | | | | |
| <i>Loans and financing (Sec. 58.35 (b)(4))</i> | X | | | | X | | | | | | |
| <i>Nonresidential rehab where size and capacity does not increase greater than 20% and no change in land use. (Sec. 58.34 (a)(3)(ii))</i> | X | | | | X | | | | | | |
| <i>Nonresidential rehab where size or capacity is increased greater than 20% or change in land use or new construction (Sec. 58.36)</i> | X | | | | X | | | | | | |
| 22. Job Development <i>(Sec. 58.34 (a)(4))</i> | X | | | | | | | | | | |

N. A. – Not applicable because the City has requested an unspecified site Request For Release of Funds.

1. Neighborhood and Business Services’ Site Specific Checklist for rehabilitation and lead-based paint should include Historic Properties, Flood Zone and Airport Clear Zone. The Coastal Zone is not applicable to the City of Charlotte.
2. Neighborhood and Business Services has requested a general release of funds for unspecified rehabilitation sites. Therefore, Notice of Intent and a Request for Release of Funds are not required for these sites.
3. Document the program/contract file. All other documentation must be in the project file. In all cases, the Environmental Record must be update.

3.A. Environmental Review Strategy

ENVIRONMENTAL REVIEW STRATEGY

(Federal Program Years 2010 through 2015)

CITY of CHARLOTTE

NEIGHBORHOOD AND BUSINESS SERVICES KEY BUSINESS

Introduction

This Environmental Review Strategy (ER Strategy) addresses environmental compliance for the City of Charlotte Neighborhood and Business Services Key Business Housing Rehabilitation Projects that are funded under State and Federal HUD Programs. In accordance with 24 CFR 58.32 (Project Aggregation) the responsible entity (City of Charlotte) is required to group together and evaluate as a single project all individual activities which are related either on a geographic or functional basis, or are logically part of a composite of contemplated actions.

The strategy is intended for Program Years 2010 through 2015 and is consistent with the City of Charlotte Draft FY 2010 Annual Action Plan. The ER Strategy will be reviewed annually and updated every five years, or as needed.

The ER Strategy includes: a description of the City of Charlotte housing rehabilitation related activities, a description of the geographic focal area of the project, the identification of federal funding sources associated with the activity, and classification of the activity to identify the level of review required to achieve compliance with National Environmental Protection Act (NEPA).

The ER Strategy provides details on conditions for classification and describes the environmental review process for each type of housing rehabilitation activity. It also includes an environmental review of the Laws and Authorities on HUD's Statutory Checklist pursuant to 24 CFR Part 58.5 and 58.6. The environmental review identifies and addresses compliance factors for housing rehabilitation activities that can be addressed globally for all unspecified sites within the geographic area and compliance factors that need to be addressed on a site-by-site basis.

Section I

Strategy Objectives

1. To classify all federally-funded activities administered by the City of Charlotte Neighborhood and Business Services Key Business as either:
 - a) *Exempt* from NEPA as defined in 24 CFR 58.34, but must comply with 24 CFR 58.6;
 - b) *Categorically excluded not subject to 24 CFR 58.5 (CE/NA) , but subject to 24 CFR 58.6 per 24 CFR 58.35;*
 - c) *Categorically excluded subject to 24 CFR 58.5 (CE) and 24 CFR 58.6 per 24 CFR 58.35; or*

- d) *Projects not exempt or categorically excluded (EA)* that require the City to prepare an Environmental Assessment (EA) or Environmental Impact Statement (EIS) per 24 CFR 58.36.
2. To develop a process for screening and reviewing all unspecified sites for state and federally funded housing rehabilitation activities to ensure that they are in compliance with NEPA and applicable HUD regulations (i.e., 24 CFR Part 51, 55, and 58). The process will include:
 - A. Providing a certification program for the City of Charlotte Neighborhood and Business Services Key Business activities to document Exempt and Categorical Exclusion status as appropriate for each of the federally-funded housing rehabilitation activities.
 - B. Preparing a Statutory Checklist that addresses potential environmental concerns for all categorically excluded housing rehabilitation activities that involve unspecified sites.
 - C. Creating a Site Specific Review Checklist and specifying conditional factors for Statutory Checklist items that can not be addressed for all sites:
 1. If the conditions are met, no further environmental review is required;
 2. If the conditions are not met, either:
 - a. Specify what mitigating actions will be taken; or
 - b. Specify that an EA or EIS will be prepared for all activities not in compliance with the environmental monitoring strategy for unspecified sites and identify the appropriate public notification requirements.
 - D. Providing for a Tiered Review strategy, as applicable, in accordance with 24 CFR 58.15.
 - E. Describing all activities subject to the ER Strategy and identifying activities by funding sources that are subject to a Request for Release of Funds (RROF).

All other activities engaged in by Neighborhood and Business Services will go through an environmental review process on a project by project basis.

Please note that State-funded NSP Projects should be reviewed using the guidance provided in Appendix A. Note that the Appendix A Guidance documents meets the same requirements as that described in this ER Strategy; however, it is in a different format that the State prefers for State-funded NSP projects.

Section II

Unspecified Site Strategy – Geographic Focus

Although some housing activities are city-wide in scope, the City’s primary focus is on maintaining, rehabilitating, and revitalizing inner city neighborhoods in support of the housing policy as identified in the Draft FY 2010 Annual Action Plan.

The inner-city geographical area generally consists of 60 square miles of Charlotte’s urban core with approximately 73 residential neighborhoods. Neighborhoods identified as *fragile* or *threatened* and distressed business districts are the focus of the City’s revitalization activities; however, recent studies have identified areas outside this inner-City geography that may warrant attention.

Several projects are anticipated to be evaluated that exist outside of the inner City, particularly those that may be associated with the Neighborhood Stabilization Program. For projects located outside of the inner City, the environmental concerns referenced in Section 1.0 will be evaluated for applicability.

Categorical Exclusions under 24 CFR 58.35 subject to 24 CFR 58.5 and 24 CFR 58.6

Generally, all other projects involve unspecified sites and must meet the criteria listed under 24 CFR 58.35 in order to qualify for a categorical exclusion. Even though the activities listed in Table 1 are considered to be categorically excluded from NEPA requirements under 24 CFR Part 58.35, the City is still required to document, per activity, compliance of these activities with the statutes and regulations specified in the Statutory Checklist and identified in 24 CFR 58.5 (related laws and authorities); and 24 CFR Part 58.6 other requirements (see Table 1). If the unit density is changed more than 20%, the project involves a change in land use from residential to non-residential, or the estimated cost of rehabilitation is more than 75% of the total estimated cost of replacement after rehabilitation, an EA or EIS is required.

Table 1. *Environmental Review Requirements for Housing Rehabilitation activities Pursuant to 24 CFR Part 58, Published in the Federal Register April 30, 1996.*

| Activities | Exempt* | CE/NA** | CE*** | EA**** |
|---|---------|---------|----------------|----------------|
| 1. Rehabilitation - Single Family (Including Lead Based Paint Abatement) | | | X | |
| 2. Rehabilitation - Multi-Family (Including Lead Based Paint Abatement) | | | X ¹ | X ² |

X¹ = If for continued use, <20% change in density (or size), or cost

X² = If for change in use, or change in density (or size) >20% or cost

- * Exempt Exempt Activities
- ** CE/NA Categorically Excluded and Not Subject to 24 CFR 58.5, but Subject to 24 CFR 58.6
- *** CE Categorically Excluded, Subject to 24 CFR 58.5 (use Statutory Checklist)
- **** EA Environmental Assessment (Format II)

In accordance with the letters from the U.S. Department of Housing and Urban Development, Office of Lead-Based Paint Abatement and Poison Prevention, dated August 30, 1994 and March 7, 1995, Lead-Based Paint abatement funds are categorically excluded from review under the National Environmental Policy Act (NEPA). Lead-based paint abatement activities are subject to only three related laws identified in 24 CFR Part 58.5, including Section 106 of the National Historic Preservation Act of 1966, as amended (NHPA), the Coastal Barriers Resources Act (CBRA) and the Flood Disaster Protection Act (FDPA). The CBRA is not applicable to sites in the project area of Mecklenburg County.

All Other Activities Engaged in by Neighborhood and Business Services will be examined on a project by project basis.

All other activities involving federal funding will be examined to determine the appropriate level of environmental review. If a project is not exempt or categorically excluded under Section 58.34 and 58.35, the City will prepare an EA or EIS. An Environment Assessment or Environmental Impact Statement will be prepared for the following:

1. Rehabilitation exceeding the requirements of 24 CFR 58.35 (a) (3)
2. Any activity where the Certifying Officer has determined that extraordinary circumstances warrant an EA or EIS.

The City will make a written determination of the environmental findings required by 24 CFR 58.40 by preparing the EA or EIS. The outcome of the EA or EIS will be one of two findings:

1. A Finding of No Significant Impact (FONSI) or,
2. A Finding of Significant Impact (FOSI).

When a FONSI is completed, the City will follow all requirements for notification and public comment periods outlined in 24 CFR 58.43 and 58.45. Upon completion of the public notice and comment periods, the City will submit to HUD a Request for Release of Funds (RROF). A FONSI will require an Environment Impact Statement to be undertaken.

Section III

Re-evaluation under 24 CFR 58.47

Pursuant to 24 CFR 58.47 at the beginning of every fifth local program year, a re-evaluation of the City's FONSI will be conducted by reviewing the Consolidated Plans' housing rehabilitation related activities. These assessments will update the Environmental Review Record (ERR) and will include the following:

1. Citations of 24 CFR Part 58.34(a)(ii) designating each aforementioned activity as being exempt providing no circumstances require statutory compliance arise;
2. Citation of 24 CFR Part 58.35 designating each of the aforementioned activities as being categorically excluded;
3. For each categorically excluded activity, complete a categorical exclusion checklist and a Statutory Checklist (see paragraph below);
4. A statement that the original FONSI remains in the ERR to serve as documentation that the original ER strategy has been reviewed by HUD officials; and
5. A copy of the Programmatic Agreement remains in the ERR specifying the method of review by the State Historic Preservation Office (SHPO) and any individual responses by the SHPO for individual projects. The Programmatic Agreement will be updated annually and included in the ERR.

Section IV

Unspecified Site Strategy

This unspecified site strategy describes the method for the phased environmental review of housing rehabilitation related activities as described in the project description. The City will complete the following for each project:

- A statutory checklist for unspecified sites.
- Review Compliance categories to determine the need to evaluate issues on a site-specific basis.
- Develop a site-specific checklist to document compliance for each project.
 - The Site Specific Review Checklist must only be used for activities in the project description.
 - All documentation for the compliance factors included in the site specific review must be completed prior to committing funds for the individual sites.

Review of the Statutory Checklist

For each activity listed as *categorically excluded and subject to 24 CFR 58.5 (CE)*, the City must document compliance with 24 CFR, Parts 58.5 and 58.6. The Statutory Checklist includes a compliance category for each environmental concern identified in 24 CFR, Parts 58.5 and 58.6.

The Statutory Checklist was designed by HUD to address environmental impact as it relates to categorically excluded housing activities. Environmental impact includes determining existing conditions before an activity begins and addressing the issues. The main issues on the statutory checklist include:

- historic preservation,
- floodplain management,
- wetlands protection,
- coastal zone management,
- water quality/sole source aquifers,
- endangered species,
- wild and scenic rivers,
- air quality
- farmlands protection,
- manmade hazards,
- environmental justice.

All factors on the Statutory Checklist have been analyzed to identify environmental concerns that may impact or may be impacted by any of the activities listed as *categorically excluded and subject to 24 CFR 58.5*.

The following were determined to be considered on a site-by-site basis for all categorically excluded activities that are subject to 24 CFR Part 58.5 (see Attachment I, Section 2.2):

- historic properties
- floodplain management
- runway clear zones, clear zones, and accident potential zones
- noise
- thermal and explosive hazards
- toxic sites
- environmental justice

- lead-based paint and asbestos

See Attachment I for the documentation regarding the above-mentioned determinations. The Statutory Checklist will be in the Project file, and Documentation (e.g. Request for Release of Funds authorization and Finding of No Significant Impact Notice) will be filed in the ERR.

Due to the geographic location of inner City, the following were determined to be not applicable to housing related activities (see Attachment I, Section 1.0):

- coastal area protection and management,
- coastal barriers,
- water quality – sole source aquifers,
- wild and scenic rivers,
- solid waste disposal,
- fish and wildlife,
- air quality,
- farmland protection

The following environmental concerns are generally not applicable to inner city development or refurbishment where there is no new undisturbed land involved, but may be applicable for new construction projects (see Attachment I, Section 2.1):

- water quality
- wetlands protection
- protected species

For projects outside of the inner City, the applicability of the above items will be reviewed.

Site Specific Review Checklist

The Site Specific Review Checklist has been developed to address concerns that may be applicable to exempt and categorically excluded housing related activities as described in the project description. The identification of potential impact on the Site Specific Review Checklist will require review by the program monitor and may require public notification and approval from HUD before commitment of funds.

Section V

Implementation of Compliance

Neighborhood and Business Services staff and its Certifying Officer, in consultation with appropriate agencies, is responsible for implementation of environmental requirements and must assure compliance before committing funds to any of the projects involving programs listed in Section III of this document.

Documentation of Compliance

Neighborhood and Business Services staff must maintain documentation of all required consultations with each project file. The Project Manager responsible for a specific project must forward to the Certifying Officer a copy of the completed Statutory and/or Site Specific Review Checklist, along with a location map (i.e. tax map) identifying the site and any correspondence with the SHPO, if required. The Checklist will include a statement that:

1. The proposed project will comply with the National Environmental Policy Act and other Federal, State and local environmental laws and authorities; and
2. A finding, which sets forth that implementation of the activity, will not affect the original finding of categorical exclusion.

Projects Not in Compliance

Projects not in compliance with the National Environmental Policy Act and other Federal, State and local environmental laws and authorities will not commence until a Format II Environmental Assessment is prepared and a Finding of No Significant Impact and Request for Release of Funds are approved, or if necessary, an Environmental Impact Statement is prepared. Appropriate agencies will be contacted, the information compiled, and forms submitted.

A summary of the checklist will result in an evaluation of improvements related to any projects listed in Section III. The evaluation will determine whether or not the project will affect the already existing project area's environmental conditions.

Examination of Temporary Environmental Impacts

Implementation of these activities under a coordinated community development approach will provide better control over a shorter time frame for the temporary adverse effects expected from physical improvements, which generally are considered negligible in their impact.

Re-Evaluation of Assessment Findings 24 CFR Part 58.47

The Neighborhood and Business Services Program will re-evaluate its ER Strategy every five years, along with the activities of its sub-recipients and contractors, and determine if the previously published FONSI findings remain valid.

ATTACHMENT I
DOCUMENTATION

Section 1.0. The following environmental concerns were determined to be not applicable to categorically excluded projects described in the ER strategy:

Supporting documentation for these potential environmental concerns is provided in the Appendices to the ER Strategy.

1.1 Coastal Areas Protection and Management and Coastal Barriers

Coastal Area Protection and Management and protection of Coastal Barriers is not applicable to projects in the City geographic focus area. Mecklenburg County is located in the Piedmont Physiographic Province west of the Coastal Plain of North Carolina and is not a coastal county.

Source: North Carolina Division of Coastal Management's Coastal Area Management Act (CAMA) Counties map (http://dcm2.enr.state.nc.us/cama_counties.htm)

NOAA's List of Coastal Counties

1.2 Water Quality – Sole Source Aquifers

Ground water quality is not applicable to projects in the City geographic focus area. The primary source for drinking water is not ground water but Lake Norman, the Catawba River, and Mountain Island Lake. Some homes in the City area have drinking water supply wells, however the categorically excluded projects identified in the Annual Action Plan City of Charlotte Neighborhood and Business Services are not expected to impact water quality. There are no sole source aquifers in the City area.

Source: EPA Source Water Protection Program, Region IV
(<http://www.epa.gov/water/groundwater/r4ssa.html>)

1.3 Wild and Scenic Rivers

Protection of Wild and Scenic Rivers is not applicable to projects in the City geographic focus area. At this time the Mecklenburg County has no designated "Wild and Scenic Rivers".

Source: National Wild and Scenic River System
(<http://www.rivers.gov/wildriverslist.html>)

1.4 Solid Waste Disposal (including construction and demolition debris disposal)

Generally is not applicable to inner-city redevelopment or refurbishment. All solid waste disposal will be provided for in accordance with applicable City and County ordinances.

Source: Charlotte Mecklenburg Solid Waste (704) 336-2831

1.5 Fish and Wildlife

Fish and Wildlife Protection is generally not applicable to inner-city redevelopment or refurbishment where there is no new undisturbed land involved. This is applicable primarily to federal lands greater than 5 acres.

Source: U.S. Fish and Wildlife Service (<http://ecos.fws.gov>)

1.6 Air Quality

This item relates primarily to projects creating emissions which have appreciable ozone emissions or could affect the ozone layer. Therefore, this item will be “Not Applicable” to all rehabilitation, replacement housing and residential acquisition projects.

There are six ambient air quality standards which must be met. Charlotte is in compliance with five of the standards: particulate matter 10 (P.M₁₀), particulate matter 2.5 (P.M_{2.5}), sulfur oxide, nitrogen oxide and carbon monoxide. Charlotte is not in compliance with the standards for ozone. Therefore, only projects having emissions which affect ozone concentrations will require further clearance with regard to Air Quality.

- a) If the project involves no emissions which could affect the ozone, the factor is rated “Not Applicable”.
- b) If the project involves emissions, which could affect the ozone, the project must be cleared by the Environmental Protection Agency.
 - 1) If the EPA clears the project unconditionally, the factor is marked “Consultation Required”, listing on the right the person who provided that clearance (and an address or phone number) and attaching a copy of the clearance.
 - 2) If the EPA clears the project with conditions, mark “Conditions and/or Mitigation Actions Required”, listing on the right the person who provided that clearance (and an address or phone number) and attaching a copy of the clearance.

Appropriate Federal, State, and Local standards will be followed during demolition and new construction activities to minimize the effect of air-borne contaminant or other detrimental effects to ambient air quality.

Source: Mecklenburg County Department of Environmental Protection, Land Use and Environmental Services Agency
(www.charmeck.org/Departments/LUESA/Home.htm)
Mecklenburg County Air Quality (704)-336-5500

1.7 Farmland Protection

Farmland Protection is generally not applicable to inner-city redevelopment or refurbishment since no land currently used as farmland is involved. Projects are not expected to convert prime, unique or state/locally important farmland to non-agricultural use.

Source: Mecklenburg County Soil and Water Conservation District

Section 2.0. The remaining Statutory Checklist items will be reviewed on a case-by-case basis.

2.1 The following concerns are only applicable to projects that involve new construction on natural habitats or naturalized land (woodland and open fields):

2.1.1 Water Quality

Water quality is generally not applicable to inner-city redevelopment or refurbishment where there is no new undisturbed land involved. The following wording has been added to all rehabilitation and new construction contracts: “The contractor will avoid the disposal or placement of dredged or fill material in jurisdictional waters of the U.S., including wetlands.”

If the project involves new construction of previously undisturbed land and a stream, channel, standing water, wetlands, or any surface water feature is identified on the site, the stream and/or wetland should be delineated and appropriate permit(s) should be obtained from the U.S. Army Corps of Engineers and/or North Carolina Division of Water Quality, as applicable. If impacts will occur, mitigation may be required and would be determined during the permitting process. Appropriate erosion and sedimentation control measures will also likely be required to minimize/avoid impacts to waters of the U.S.

2.1.2 Wetlands Protection

Wetlands protection is generally not applicable to inner-city redevelopment or refurbishment since no new undisturbed land is involved. Wetlands refer to swamps, marshes, bogs, sloughs, potholes, wet meadows, river overflows, mud flats and natural ponds (as defined in 33 CFR Part 328).

If the project involves new construction on previously undisturbed land (i.e., natural or naturalized) this concern will be evaluated and appropriate documentation will be included with the environmental review.

2.1.3 Protected Species

Protected species issues are generally not applicable to inner-city development or refurbishment as none of the listed protected species have habitat or are known to occur in Charlotte when there is no new undisturbed land involved.

If the project involves new construction on previously undisturbed land this concern will be evaluated and documentation will be included with the environmental review.

Source: Federal and State list of Endangered, Threatened and Rare Species for Mecklenburg County North Carolina
U.S. Fish and Wildlife Service (<http://ecos.fws.gov>)

2.2. The following environmental concerns must be addressed on a case by case basis for all projects and activities described in the ER Strategy that are categorically excluded and subject to 24 CFR 58.5:

2.2.1 Historic Properties

In accordance with the Programmatic Agreement (attached) established with the N.C. State Historic Preservation Office (SHPO), The SHPO's concurrence with the program will be contingent upon further review by the SHPO if a targeted structure is:

- a) over fifty (50) years old;
- b) adjacent to or in the vicinity of a structure over 50 years old;
- c) located within a designated National Register listed property/district or eligible historic property/district;
- d) immediately adjacent to a National Register listed property/district or eligible historic property/district; or
- e) locally designated historic district or locally designated historic property.

If none of the above five factors apply, the Historic Property element will be considered "not applicable" and no further contact with the SHPO will be required to document the project's exempt status.

If any of these factors do apply, then the SHPO will be consulted, and will accordingly be provided with adequate information (work write-up, photographs, etc.) with which to perform an assessment of the potential historic significance. Properties eligible for or listed on the National Register and properties in or in close proximity to Historic Districts are subject to a special review under Section 106 of the National Historic Preservation Act and therefore can not be "exempt" per 24 CFR 58.34 (a)(10).

Sources: Programmatic Agreement, October 2008
Lead-based paint hazard control program Agreement with SHPO letters dated September 28, 1999; November 19, 1999; and January 6, 2000.

2.2.2 Floodplain Management

All rehabilitation projects will be checked to determine whether or not the proposed project is located in the regulatory floodplain.

- a) If not located in the 100-year floodplain, this factor is considered "Not Applicable".
- b) If located in the 100-year floodplain, the factor is rated "Conditions and/or Mitigation Actions Required" and the 8-step process must be completed and documented as follows:

- 1) Determine if the proposed action is located in the 100-year floodplain (base floodplain).
- 2) Notify the public of a proposal to consider actions in the floodplain.
- 3) Identify and evaluate practicable alternatives.
- 4) Identify potential direct and indirect impacts.
- 5) Design or modify the proposed action to minimize potential adverse impacts to the floodplain.
- 6) Re-evaluate the proposed action.
- 7) Publish a final notice.
- 8) Implement the proposed action.

Source: 24 CFR 55.20

Federal Emergency Management Agency's Flood Insurance Rate Maps (FIRMs)

2.2.3 Runway Clear Zones, Clear Zones and Accident Potential Zones

Projects and activities will be checked to determine whether or not the proposed project is located (in whole or in part) in the Runway Clear Zone or Accident Potential Zone.

- a) If not located in such a zone, the factor is marked "Not Applicable".
- b) If located in such a zone, the factor is rated "Conditions and/or Mitigation Actions Required". Those actions should be specified, including:
 - 1) Alternative assistance in other locations will be offered to applicants already located in such zone.
 - 2) No CDBG funds will be spent on projects or activities located in such zones. (The expenditure of CDBG funds in such zones is prohibited by law.)

Source: City of Charlotte Aviation Department (704) 336-4008
Runway Clear Zone Map

2.2.4 Noise

Projects and activities will be checked to determine whether or not the proposed project is located in an area where the noise level exceeds 65 DNL.

For all new construction projects, if the project is within 3,000 feet of a railroad and/or within 1,000 feet of a highway (average daily traffic [ADT] count of >10,000) conduct a noise assessment using the HUD Noise Guidebook. If noise levels exceed 75 DNL, reject the site. If noise levels are within the normally unacceptable range of 65 to 75 DNL mitigation is required to achieve acceptable noise levels.

- a) If not located in an area >65 DNL, the factor is marked “Not Applicable”.
- b) If located in an area >65 DNL, the factor is rated “Conditions and/or Mitigation Actions Required”. Attenuation must be provided to bring interior levels down to 45 DNL or below.
 - 1) The three basic mitigation measures to provide noise attenuation are:
 - i) Use of barriers or berms
 - ii) Site design
 - iii) Acoustical construction.
 - 2) It is the responsibility of a HUD staff member to
 - i) Make sure the project sponsor or developer is aware of the attenuation requirements for the project
 - ii) Make the sponsor aware of options available
 - iii) Review attenuations proposals to make sure they are adequate.

*note - the consultant will provide the HUD staff member information regarding the DNL and whether or not attenuation is required.

Source: HUD – Noise Guidebook

2.2.5 Thermal and Explosive Hazards

Projects and activities will be checked to determine whether or not the proposed project is located within an acceptable separation distance of above ground flammable storage that is greater than 100 gallons.

Acceptable Separation Distances will be determined using the most recent version of the Siting of HUD-Assisted Projects Near Hazardous Facilities – Acceptable Separation Distances from Explosive and Flammable Hazards Guidebook.

- a) If not located in such an area, this factor is marked “Not Applicable”.
- b) If located in such an area, the factor is rated “Conditions and/or Mitigation Actions Required”. Those should be specified, including:
 - 1) Alternative assistance in other locations will be offered to applicants already located in such a zone.
 - 2) No Rehabilitation loans will be made for properties located in such zones.

2.2.6 Toxic Sites

The USEPA superfund web site will be searched to determine if there are any hazardous waste sites in the vicinity of the project. Site conditions will be observed for potential evidence of sources of contamination. Available environmental studies will be reviewed.

A Phase I environmental assessment conducted by a qualified environmental professional will be performed for all multifamily projects.

Source: www.epa.gov

2.2.7 Environmental Justice

Projects will be evaluated to determine whether there is a disproportionate impact to low income or minority populations. If there are no environmental conditions then environmental justice is not applicable. If an environmental condition exists, determine if low income or minority populations are impacted more than the general population as a whole.

2.2.8 Lead-Based Paint and Asbestos

All activities that involve removal and disturbance of lead-based paint and/or asbestos must be conducted by a certified removal expert.

2.2.9 Other State and Local Regulations

Except for review of historic properties or impact on surrounding historic properties and/or districts, consultation with State authorities will not be required since none of the programs activities in Section III will likely require permits.

All proposed activities may not commence until all permits required by Mecklenburg County have been obtained and approved by the Mecklenburg County Building Standards Department.

3.B. Neighborhood and Business Services Environmental Review Process Flow Chart

3.C. Neighborhood and Business Services Detailed Environmental Review Process

NEIGHBORHOOD AND BUSINESS SERVICES

ENVIRONMENTAL PROJECT ANALYSIS

ENVIRONMENTAL REVIEW PROCESS

Project Manager and Division Compliance Officer review the project for applicability of environmental regulations for state and federally funded projects. The project description is prepared and reviewed against the Neighborhood and Business Services' Environmental Strategy and 24 CFR Part 58. Please note that, as presented earlier in this Strategy, State-funded NSP programs are to follow the guidance provided in Appendix A.

A determination is made whether the project is:

- a) Exempt
- b) Categorically Excluded (Subject to 58.5 or Not Subject to 58.5)
- c) Requires Consultation
- d) Requires Environmental Assessment or Environmental Impact Statement

The Project Manager and Division Compliance Officer may consult with the Neighborhood and Business Services' Environmental Officer in making the determination.

If Project is *Exempt, Categorically Excluded but Not Subject to Section 58.5, or Categorically Excluded Subject to 58.5*, the Project Manager completes the Environmental Checklist and attaches the appropriate documentation. If there are ***no environmental findings***, the checklist is forwarded to the Environmental Officer for review and approval. Upon approval, the Project Manager documents the project file and the Environmental Officer documents the Environmental Record. Funds can be committed to the project and the project may proceed.

If Project is *Categorically Excluded but Subject to 58.5* and the completion of the checklist results in **environmental findings**, the Project Manager forwards the checklist and supporting documentation to the Environmental Officer. The Environmental Officer contacts the Environmental Firm to initiate the development of a Mitigation Plan by the Environmental Firm. The Environmental Firm forwards Mitigation Plan to Environmental Officer. Environmental Officer forwards Mitigation Plan to ND Certifying Officer for review and approval. Environmental Officer publishes Notice of Intent and Request for Release of Funds. Environmental Officer documents Environmental Record. Project Manager documents project file.

If Project *Requires Consultation*, Environmental Officer contacts Environmental Firm. If Environmental Firm determines that project is Exempt or Categorically Excluded, Firm notifies Environmental Officer. Environmental Officer informs Project Manager. Project Manager prepares Environmental Checklist and supporting documentation. Environmental Officer confirms Environmental Review requirements. Environmental

Officer documents the Environmental Review Record. Project Manager documents the Project File.

If Environmental Firm determines that *Environmental Assessment or Environmental Impact Statement* is needed, Environmental Firm provides Environmental Assessment or Environmental Impact Statement to Environmental Officer.

Environmental Firm will issue one of two findings:

- a) Findings of No Significant Impact- Environmental Assessment must be reviewed and approved by ND Certifying Officer. Environmental Officer issues Public Notice and Request for Release of Funds (if applicable). Environmental Officer documents Environmental Review Record. Project Manager documents project file.
- b) Findings of Significant Impact- Environmental Firm develops Mitigation Plan and submits to Environmental Officer. Environmental Officer forwards Mitigation Plan to ND Certifying Officer for review and approval. Environmental Officer issues Public Notice and Request for Release of Funds. Environmental Officer documents the Environmental Record. Project Manager documents the project file.

Source: City of Charlotte Neighborhood and Business Services
ER Process Narrative 8.16.99
Microsoft Word Document

4. Statutory and Site Specific Checklists

Completion of Statutory Checklists

The Statutory Checklist addresses environmental impact as it relates to housing activities. Environmental impact includes determining existing conditions before an activity begins and addressing issues such as historic properties, floodplain management, wetlands protection, coastal zone management, water quality/sole source aquifers, endangered species, wild and scenic rivers, air quality, farmlands protection, manmade hazards, and environmental justice where they apply. For each activity listed as *categorically excluded and subject to 24 CFR 58.5*, a Statutory Checklist must be completed (24CFR part 58.5 and 58.6).

All factors on the Statutory Checklist have been analyzed to identify environmental concerns that may impact or may be impacted by the activities listed as *categorically excluded and subject to 24 CFR 58.5*. Neighborhood and Business Services staff determined that only Historic Properties, Floodplain Management, Noise, Toxic Sites, Environmental Justice, and Thermal and Explosive Hazards should be considered for all categorically excluded activities. This record, referred to as the Environmental Checklist, will be filed in the ERR.

Included in this section are the Statutory Checklist and checklists for completed projects.

Completion of Site Specific Checklist

Based on the Statutory Checklist and Neighborhood and Business Services' request for unspecified site approval for rehabilitation and lead based paint activities, three site specific checklists have been developed. Also included in this section are site specific checklists for environmental reviews, House Charlotte activities, and Lead-based Paint Hazard Control Program Sites.

4.A. Checklists

5. Monitoring and Enforcement Procedures

Annual Re-evaluation under 24CFR 58.47

Pursuant to 24 CFR 58.47 at the beginning of each local program year, a re-evaluation of the City's FONSI, published in October 2004, will be conducted by reviewing the Consolidated Plans' housing related activities. These assessments will update the ERR and will include the following:

1. Citations of 24 CFR Part 58.34(a)(ii) designating each aforementioned activity as being exempt providing no circumstances requiring statutory compliance arise;
2. Citation of 24 CFR Part 58.35 designating each of the aforementioned activities as being categorically excluded;
3. For each categorically excluded activity, complete a categorical exclusion checklist and a Statutory Checklist;
4. A statement that the original FONSI remains in the ERR to serve as documentation that the original ERR has been reviewed by HUD officials;
5. A copy of the Memorandum of Agreement (MOA) remains in the ERR specifying the method of review by the State Historic Preservation Office (SHPO) and any individual responses by the SHPO for individual projects. The MOA will be updated annually and included in the ERR.

Implementation of Compliance

Neighborhood and Business Services staff, in consultation with appropriate agencies, are responsible for implementation of environmental requirements and must assure compliance before transferring funds to any of the projects involving programs listed in the Project Description section.

Documentation of Compliance

Neighborhood and Business Services staff must maintain documentation of all required consultations with each project file. The lead project person responsible for a specific project must forward to the Program Monitor a copy of the completed Environmental Assessment Checklist, along with a location map (i.e. tax map) to identify the site and any correspondence with the SHPO, if required. The Checklist will include a statement that:

- a) The proposed project will comply with the National Environmental Policy Act and other Federal, State and local environmental laws and authorities and
- b) A finding, which sets forth that implementation of the activity, will not affect the original finding of categorical exclusion.

Projects in Non-Compliance

Projects not in compliance with the National Environmental Policy Act and other Federal, State and local environmental laws and authorities will not commence until a Format II Environmental Assessment is prepared and a Find of No Significant Impact and Release of Funds are approved, or if necessary, an Environmental Impact Statement is prepared

Examination of Environmental Impacts

Implementation of these activities under a coordinated community development approach will provide better control over a shorter time frame for the temporary adverse effects expected from physical improvements, which are considered negligible in their impact. These temporary impacts include:

- a) Physical – temporary noise, dust, and disruption associated with construction activities.
- b) Social – increased citizen involvement in neighborhoods as a result of the activities associated with implementation of these programs.

Program Monitoring by HUD

Periodically, HUD Environmental Specialists will conduct a monitoring visit to review program activities for compliance with HUD's environmental regulations at 24 CFR Part 58 and provide technical assistance.

APPENDIX A

**ENVIRONMENTAL REVIEW AT THE COMMUNITY LEVEL
NC DEPT OF COMMERCE
NEIGHBORHOOD STABILIZATION PROGRAM
(STATE-FUNDED NSP PROGRAM GUIDANCE)**

APPENDIX B
HISTORIC PROPERTIES DOCUMENTATION

APPENDIX C

COASTAL AREAS PROTECTION DOCUMENTATION

APPENDIX D
SOLE SOURCE AQUIFER DOCUMENTATION

APPENDIX E

WILD AND SCENIC RIVER DOCUMENTAION

APPENDIX F
FISH AND WILDLIFE DOCUMENTATION

APPENDIX G
AIR QUALITY DOCUMENTATION

APPENDIX H
FARMLAND PROTECTION DOCUMENTATION