Tiered Environmental Review for Repair, Rehabilitation, or Renovation of Single-Family Residential Properties

Broad-Level Review Summary & Site-Specific Compliance Strategy

August 21, 2020

Overview

Knox County Community Development (County) has developed a Consolidated Plan (2020-2024) to address affordable housing development needs in their jurisdiction. The submission of a Consolidated Plan and its subsequent Environmental Record Review is a requirement of the U.S. Department of Housing and Urban Development (HUD) for a jurisdiction to receive funding under its Community Development Block Grant (CDBG), CDBG COVID Recovery, and HOME Investment Partnerships Act (HOME). These funds are used to support affordable housing community development activities focused on the needs of low- to moderate-income (LMI) people and households in each jurisdiction. The County plans to conduct or provide assistance toward preservation, repair, rehabilitation, stabilization, or renovation of single-family residential structures (hereafter, “rehab program”), as defined below. The County conducts community development activities, such as the rehab program, to improve the stock of housing available to low- to moderate-income (LMI) people. The exact physical locations of individual project sites under the rehab program are not currently known but will be determined on an ad hoc basis as applications for assistance are received.
The County's rehab program is ideally suited to use a tiered environmental review process, as explained on the HUD Exchange website (see the link below following the quoted information):

“Tiering is a specialized form of conducting environmental reviews and is not appropriate for all activities, funding sources, or grantees. However, using tiering may increase efficiency when at the planning level HUD or the RE does not yet fully know the specific timing, location, or environmental impacts. For HUD environmental reviews, tiering may be appropriate when HUD or the RE is evaluating a collection of projects that would fund the same or very similar activities repeatedly within a defined local geographic area and timeframe (e.g., rehabilitating many single family homes within a city district or neighborhood over the course of 1 to 5 years) but where the specific sites and activities are not yet known.”

Reference: https://www.hudexchange.info/programs/environmental-review/tiered-environmental-reviews/

General Description of Projects

Projects evaluated under this review for compliance with 24 CFR Part 58 shall consist of repair and/or rehabilitation, of existing single-family residential properties meeting the following requirements and limitations:

- between one and four (1-4) single-family residential units on a single contiguous site
- unit(s) may be attached or detached (free-standing)
- unit(s) may be owner-occupied or rental housing
- repair and/or rehabilitation activities cannot result in the conversion of a non-residential property for residential use
- expansion of buildings and/or installation of site improvements is permitted if:
  - the resulting footprints for either structures or site improvements will not occupy, nor will work impact, the floodplain or a wetland
  - Structural additions do not increase residential density beyond four (4) units

The scope of work may include any of the following:

- repairs or replacement of:
  - cosmetic finishes
  - structural components
  - doors and windows
  - interior or exterior envelope
  - electrical, mechanical, and plumbing systems
  - site improvements (e.g. driveways, exterior lighting, fencing, landscaping, etc.)
  - utility lines and connections

- Expansion or additions to existing buildings that otherwise comply with the restrictions noted above
- Installation of needed site improvements, including that otherwise comply with the restrictions noted above
• Any activities listed under 24 CFR 58.34 (Exempt activities) and 58.35(b) (Categorical Exclusions) occurring concurrent to the repair or rehabilitation activities and in association with the project site.

The exact scope of work for individual projects will be described within the associated “Site-Specific Checklist.”

**Owner Occupied Housing Rehabilitation**

Designated entities under contract will provide assistance in the form of grants or no/low interest loans to low to moderate income homeowners for rehabilitation of their current principle residence within the respective county limits. Rehabilitation will be performed only on qualified properties having one or more substandard conditions or properties requiring alterations or additions to accommodate medically documented conditions or disabilities. All units will be brought up to the County’s housing quality standards and follow the Knox County Property Standards (Appendix A).

All of the units will be located within the Knox county limits for County projects. Site work will be done only as necessary to achieve the following goals:

- correct existing unsafe conditions
- correct substandard conditions likely to result in unsafe conditions, or
- accommodate medically documented conditions or disabilities

**Rental Rehabilitation**

HOME, CDBG and possibly other federal and private funds will be used for rental rehabilitation programs or projects that serve very low to moderate income residents. The funds will be used by the County and/or other organizations, by contract, to renovate substandard rental units located within the county limits. It is required that the renovations bring the unit(s) up to applicable standards, which will include, at a minimum, HUD’s housing quality standards (HQS) and/or Written Rehabilitation Standards. Site work will be consistent with that of the owner-occupied component.

**Broad-Level (a.k.a. Tier 1) Review Process**

Environmental Laws and Authorities cited under 24 CFR 58.5 and 58.6, as found on the “Broad-Level Tiered Environmental Review for Activity/Project that is Categorically Excluded Subject to Section 58.5” (hereafter, “Broad-Level checklist”) will be reviewed to determine if compliance can be documented (or cleared) at the Broad-Level for all projects under this tiered review based on the stated project activities and general location (Knox county) only.

**Site-Specific (a.k.a. “Tier 2”) Review Process**

A strategy for analyzing and making compliance determinations for those Environmental Laws and Authorities, not cleared at the Broad-Level, has been developed and is described further below. As applications for assistance are received and individual project locations become known, a “Site-Specific Checklist for Tiered Environmental Review for Repair and/or Rehabilitation of Single Family Residential Properties” (hereafter, “Site-Specific Checklist”) will be used to describe compliance determinations and reference supporting documentation for applicable environmental laws and authorities not cleared in
the Broad-Level Checklist. A blank copy of the Site-Specific Checklist is attached to this document as Appendix B.

Environmental Review Records

The Environmental Review Record (ERR) for each project will consist of copies of this document, the Broad-Level Checklist, the completed Site-Specific Checklist, along with all supporting documentation for applicable environmental laws and authorities. Alternatively, this document and the Broad-Level Checklist (with supporting documentation) may be stored separately and referenced in the ERR for each individual project, in which case the Broad-Level Checklist must also contain a log sheet listing information clearly and uniquely identifying each specific project by address or geocoordinates.

Summary of Broad-Level Review

As noted below and within the Broad-Level checklist, determinations of compliance were made (i.e. cleared) for Coastal Barrier Resources, Clean Air Act, Coastal Zone Management, Farmlands Protection, Sole Source Aquifers, and Wild and Scenic Rivers.

1. Coastal Barrier Resources (Coastal Barrier Resources Act, as amended by the Coastal Barrier Improvement Act of 1990 [16 USC 3501])

The Coastal Barrier Resources Act (CBRA) of 1982 designated relatively undeveloped coastal barriers along the Atlantic and Gulf coasts as part of the John H. Chafee Coastal Barrier Resources System (CBRS) and made these areas ineligible for most new Federal expenditures and financial assistance. The Coastal Barrier Improvement Act (CBLA) of 1990 reauthorized the CBRA and expanded the CBRS to include undeveloped coastal barriers along the Florida Keys, Great Lakes, Puerto Rico, and U.S. Virgin Islands. Tennessee is not a coastal state and therefore this regulation does not apply. See map in Appendix C.

Sources:
Fish and Wildlife Service’s Coastal Barrier Resources Act mapper
https://www.fws.gov/cbra/maps/Mapper.html

2. Air Quality (Sections 176(c) and (d), and 40 CFR 6, 51, 93)

The repair/rehabilitation of projects involving existing single-family homes will not result in new sources of criterion air pollutants, or an increase in existing sources of pollutants. Therefore, it has been determined that these activities will not affect air quality standards. Therefore, the requirements of the Clean Air Act of 1970 do not apply.

Sources:
EPA’s Nonattainment Areas for Criteria Pollutants (Green Book)
https://www3.epa.gov/airquality/greenbook/anayo_ak.html
3. **Coastal Zone Management (Coastal Zone Management Act Sections 307(c) and (d))**

The Coastal Zone Management Acts of 1972, 1976, and 1980 require that all federal grant activities which "directly affect" the zone comply with approved State Coastal Zone Management Plans. Tennessee is not a coastal state and therefore this regulation does not apply. See map in Appendix C.

Sources:
NOAA Office for Coastal Management Coastal Zone Management Programs
[https://coast.noaa.gov/czm/tryslate/](https://coast.noaa.gov/czm/tryslate/)

4. **Farmlands Protection (Farmland Protection Policy Act of 1981, particularly sections 1504(b) and 1541; 7 CFR Part 658)**

Rehabilitation activities will not cause the conversion of farmland for non-agricultural use. Therefore, the requirements of the Farmland Protection Policy Act of 1981 will not apply according to the local office of Tennessee's Natural Resources Conservation Service.

Sources:
USDA National Resources Conservation Service Web Soil Survey
U.S. Census Bureau

5. **Sole Source Aquifers (Safe Drinking Water Act of 1974, as amended, particularly section 1424(e); 40 CFR Part 149)**

According to EPA's Map of Sole Source Aquifers (link below with static copy attached) there are no sole source aquifers located in the State of Tennessee. Therefore, all site-specific locations are in compliance with Sole Source Aquifers. These requirements of the Clean Water Act of 1977 do not apply. See attached map in Appendix C.

Sources:
EPA Map of Sole Source Aquifers
[https://www.epa.gov/dwssa/map-sole-source-aquifer-locations](https://www.epa.gov/dwssa/map-sole-source-aquifer-locations)

6. **Wild and Scenic Rivers (Wild and Scenic Rivers Act of 1968, particularly section 7(b) and (c))**

No National Wild or Scenic Rivers are located in Knox County, Tennessee according to the National Wild and Scenic River System in the US. Only the Obed River located approximately 40 miles west of Knoxville is listed as a National Wild and Scenic River (see attached map in Appendix C). Segments of both the Holston and French Broad rivers within Knox County (and adjacent to Knoxville corporate limits) are listed on the Nationwide Rivers Inventory and are therefore afforded protections under this law. However, projects consisting only of rehabilitation of existing homes are not "Water Resources" projects, capable of affecting the free-flowing nature of river segments, and also do not have capacity to affect the watershed from protected segments. Therefore, these projects are in compliance with the Wild and Scenic Rivers Act of 1968 and further consideration of this law is unnecessary.
Sources:
National Wild and Scenic Rivers System
https://www.rivers.gov/tennessee.php
https://www.nps.gov/subjects/rivers/nationwide-rivers-inventory.htm

Site-Specific Compliance Strategy

1. Airport Hazards (24 CFR Part 51 Subpart D)

This will be addressed in a site-specific review.

HUD regulations provide the following definition for Civil Airport:

"An existing commercial service airport as designated in the National Plan of Integrated Airport Systems prepared by the Federal Aviation Administration in accordance with section 504 of the Airport and Airway Improvement Act of 1982."

Except for projects that will not be frequently used or occupied by people, HUD policy is to deny HUD assistance, subsidy, or insurance for any project involving new construction, substantial or major modernization and rehabilitation (applies to any repair activities not meeting the definition of maintenance per Notice CPD-16-02) or any other activity or program that significantly prolongs economic or physical life of existing facilities located within Runway Protection Zones (RPZ) at civil airports or Clear Zones (CZ) at military airfields.

HUD regulations for this authority provide that if a project is not located within 2,500 feet of a civil airport or 15,000 feet of a military airfield, the project is in compliance with this authority. The potential project area is defined as the area within Knox County. Two airports service Knox County: McGhee Tyson Airport which is located in Blount County, approximately three miles south and outside of Knox County, and Island Home Airport, which is located in downtown Knoxville. Island Home Airport is included in the National Plan of Integrated Airport Systems for 2011–2015, which categorized it as a reliever airport. Although most U.S. airports use the same three-letter location identifier for the FAA and IATA, this airport is assigned DKX by the FAA, but has no designation from the IATA. All projects analyzed under this tiered environmental review will be reviewed for proximity within 2,500 feet of Island Home Airport boundaries. If a project site is found to be within that area of concern, the airport operator will be consulted to determine if the site is located within any of its defined RPZ. If a site is determined to be located within an RPZ, the project will be rejected. See attached map in Appendix C of airport locations in relation to the city and county boundaries.

Sources:
24 CFR Part 51, Subpart D
https://www.ainav.com/airport/KDKX
2019-2013 NPIAS Report
Google Maps
Knox County GIS Mapping System

This will be addressed in a site-specific review.

The Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a) requires that projects receiving federal assistance and located in an area identified by the Federal Emergency Management Agency (FEMA) as being within a Special Flood Hazard Areas (SFHA) be covered by flood insurance under the National Flood Insurance Program (NFIP). In order to be able to purchase flood insurance, the community must be participating in the NFIP. If the community is not participating in the NFIP, federal assistance cannot be used in those areas.

The County will use a combination of Federal Insurance Rate Maps (FIRMs) and the Knoxville/Knox County GIS System with floodplain layers to determine if any proposed projects are located in the floodplain. Where specific projects are determined to have insurable property (primarily residential structures and outbuildings) located within the 100-year floodplain, Flood Insurance will be obtained and the recipient will be notified of the requirement to maintain flood insurance for the life of the structure.

Sources:
- FEMA FIRM Maps
- Knoxville/Knox County GIS Mapping System with floodplains overlays

3. **Hazards, Toxic or Radioactive Materials and Substances (24 CFR Part 50.3(l) & 50.5(l)(2))**

This will be addressed in a site-specific review.

All activities will be reviewed for seismic and toxic hazards to varying extents, based on the specific activity. This category includes asbestos and lead-based paint, as well as visible distress to the property, settlement ponds, etc.

Compliance of this part will be addressed through the completion of a Tier II Site Specific environmental checklist for each of the individual sites. A determination will be secured by using the NEPA Assist tool within the EPA website. This tool will indicate if the proposed site is located on or within 3,000 feet of an area that contains or may have contained hazardous waste (Superfund Clean-up site, Brownfields). Reviewing the Enforcement & Compliance section of the website will allow this determination to be made.

Sources:
- EPA NEPA Assist Mapper
  https://nepassisttool.epa.gov/nepassist/nepamap.aspx
- EPA Cleanups in My Community
  https://www.epa.gov/cleanups/cleanups-my-community
- EPA ECHO Facility Search
  https://echo.epa.gov/facilities/facility-search?redirect=page
- Tennessee Department of Environment and Conservation

This will be addressed in a site-specific review.

The Tennessee office of the U.S. Fish and Wildlife Service will be consulted on all projects where vegetation removal or ground disturbance is required. The online U.S. Fish and Wildlife Service Project Reviews Process tool will be used for all new projects. If any project proposes to remove vegetation, disturb the ground, or produce excessive noise, the Project Review Process will be completed and if deemed to potentially affect resources protected under the Act, the Department of Fish and Wildlife will be consulted and an opinion obtained. The County will follow USFWS Information for Planning and Consultation (IgA) protocol for any projects which include ground disturbance or vegetation removal and may potentially affect endangered species.

Sources:
U.S. Fish and Wildlife Service
https://ecos.fws.gov/ipac/
Tennessee Wildlife Resources Agency's Chapter 1660-01-32 Rules and Regulations for In Need of Management, Threatened, and Endangered Species

5. Explosive and Flammable Operations (24 CFR Part 51 Subpart C)

This will be addressed in a site-specific review.

Generally, rehabilitation of existing single family homes (1-4) units with no increase in density will not trigger this regulation. However, in cases where the County rehabilitates a vacant, substandard unit that allows for an increase in density, the County will obtain compliance with this regulation per 24 CFR Part 51 Subpart C.

The staff will search and map all above ground storage tanks within a one-mile radius of the site and determine the Acceptable Safe Distance (ASD) with the use of the HUD ASD Calculator. Tank contents and size will be obtained from tank owners and stored for future use.

Sources:
Knoxville/Knox County GIS Mapping System
Consultations with tank owners

6. Floodplain Management (Executive Order 11988, particularly section 2(a); 24 CFR Part 55)

This will be addressed in a site-specific review.

The County will use the latest version of the Flood Insurance Maps issued by the Federal Emergency Management Agency (FEMA) to assess the flood designation for the proposed activity. Compliance with this part will be addressed through a Tier II Site-Specific Environmental Review checklist and determine if the specific site is within a FEMA designated “Special Flood Hazard Area” (SFHA). The FEMA map will indicate the site location marker, map & panel number, map revision date, and if the site is in a
designated SFHA- Identified flood zone. If review of the FEMA website indicates the specific site is on a "non-printed panel" with no indication of being located in a floodplain, the ER preparer will utilize the City of Knoxville/Knox County's current GIS mapping tool with a FEMA map overlay to determine if the site is within a SFHA. A copy of this map depicting the Site shall be placed in the Environmental Review. In general, no rehabilitation or individual action will take place in a floodway.

For projects consisting of repair or rehab of single-family (1-4 units on a contiguous site) properties for which the project site is found to be located partially or entirely within the 100-year floodplain, the following protocol will be followed to determine if analysis of impacts and mitigation is necessary.

a) For projects that do not meet the definition of "Substantial improvement" under 55.2(b)(10): Repair projects of single-family properties that do not meet this definition are exempt from the 8-step decision-making process described at 24 CFR 55.20, per 55.12(b)(2). If so, the ERR will contain 1) FEMA flood insurance rate map annotated with the projects location and approximate property boundaries, and 2) documentation showing the cost of the repairs and the basis for determining its value. If the project meets these requirements, no further evaluation under 24 CFR Part 55 is required beyond documenting the project’s wetlands status (see below). Otherwise, proceed to b).

b) For projects meeting the definition of substantial improvement under 55.2(b)(10), and having no identified wetlands on the project site, search FEMA records for past issuance of Final or Conditional LOMA, LOMR, or LOMR-F that removes the entire project site from the floodplain. If so, the project may qualify for the exception to 24 CFR Part 55 found at 55.12(c)(8). The ERR must contain documentation evidencing the project meets these requirements. If the project meets these requirements, no further evaluation under Par: 55 is required. Otherwise, continue to c).

c) For projects where the 100-year floodplain, including the floodway or coastal high hazard area, or wetlands occupies only incidental portions of the project site, the requirements of 55.12(c)(7) will be evaluated. If those requirements are met, the ERR will contain documentation evidencing same, and 24 CFR Part 55 is not applicable to the project and no additional evaluation under Part 55 is required. Otherwise, continue to d).

d) The project is a substantial improvement and does not qualify for any exceptions noted above. Therefore, the 8-step decision making process described at 24 CFR 55.20, including the requisite analyses, determinations, and public notifications must be performed and documented in the ERR.

Sources:
FEMA FIRM Maps
Knoxville/Knox County GIS Mapping System with floodplains overlays


This will be addressed in a site-specific review.

Section 106 of the National Preservation Act of 1966 (NHPA), as amended, mandates that agencies with jurisdiction over federally assisted activities afford the National Advisory Council on Historic Preservation (NACHP) and the State Historic Preservation Officer (SHPO) a reasonable opportunity for
comment on a project's impact on historic properties. Pursuant to HUD's guidelines on compliance with the Section 106 review process (36 CFR Part 800), the County is operating under individual Programmatic Agreements (PA) that includes the Knoxville-Knox County Planning (KKCP) Department and the SHPO (see attached agreements in Appendix D). As per this programmatic agreement, all properties that are 45 years and older will be reviewed under Section 106 of the NHPA of 1966 by the KKCP. These services will include homeowner rehabilitation, rental rehabilitation, HVAC replacement, and down-payment assistance. If any of these activities are determined by KKCP to impact a historic structure or area (either by letter or map), additional information will be submitted to KKCP for review and comment in accordance with the MOA. If approved by KKCP, the package is submitted to SHPO for concurrence.

Sources:
Tennessee Historical Commission Mapper
https://tnmap.tn.gov/historicalcommission/
Knox County Property Search
http://www.kgis.org/


This will be addressed in a site-specific review.

If the project is not located within 1,000 feet of any major highway, 3,000 feet of any railroad, 5 miles of a major civilian airport, or 15 miles of a military airport, then noise abatement and control is not applicable. The County shall document that the project will not be adversely affected by any of these sources by placing a map with the site marked on the map in the Environmental Review. If, however, any of the aforementioned conditions exist, a noise study must be conducted in accordance with HUD's Noise Guidebook. For rehabilitation activities involving noise sensitive facilities exposed to Normally Unacceptable or Unacceptable, HUD encourages incorporation of noise attenuation measures given the extent and nature of the rehabilitation being undertaken and the level of exterior noise exposure.

Where site-specific projects covered under this tiered review strategy are found to be subject to noise levels above 65 dB, the ERR will contain either:

a) documentation of the nature and extent of noise attenuating features or components incorporated into the scope of work, along with the resulting projected interior Day-Night noise Level (DNL), or
b) description of the bases for decisions to not incorporate noise attenuating features or components in the scope of work. Reasonable bases for such decisions include, but are not limited to,
   1) the proposed scope of work does not address components capable of attenuating the identified elevated noise levels
   2) the cost of incorporating noise attenuating features or components exceeds project budget limitations or is disproportionately high in relation to the project cost without additional attenuation (e.g. if the scope of work includes components capable, if upgraded, of attenuating the specific noise sources, additional material/component costs are usually no more than 20% - going beyond that may compromise our ability to serve other needs within
the community).

Sources:
Federal Railroad Administration Rail Crossing Inventory  
TDOT Traffic History
https://www.arcgis.com/apps/webappviewer/index.html?id=075987cdae37474b88fa400d65681354
HUD DNL Calculator
https://www.hudexchange.info/programs/environmental-review/dnl-calculator/
HUD Sound Transmission Assessment Tool (STraCAT)
https://www.hudexchange.info/stracat/
Knoxville/Knox County GIS Mapping System with transportation overlays

9. Wetlands Protection (Executive Order 11990, particularly sections 2 and 5)

This will be addressed in a site-specific review.

Executive Order 11990 requires all federal executive agencies to refrain from supporting construction in wetlands wherever there is a practical alternative. Section 10 of Executive Order 11990 authorizes that responsibility applicable to projects covered by Section 104 (h) of the Housing and Community Development Act of 1974 may be assumed by the applicant if the applicant had also assumed all the responsibilities for environmental review. The Executive Order directs the applicant to avoid to the extent possible the long and short term impacts associated with the destruction or modification of wetlands, and to avoid direct or indirect support of new construction in wetlands, wherever there is a practical alternative. For HUD projects, Executive Order 11990 is implemented by regulations found at 24 CFR Part 55, which also addresses Floodplain Management (see above).

Compliance with Executive Order 11990 and 24 CFR Part 55 will be determined for site-specific reviews using the following steps:

a) For projects that do not meet the definition of "Substantial improvement" under 55.2(b)(10):  
Repair projects of single-family properties that do not meet this definition are exempt from the 8-step decision-making process described at 24 CFR 55.20, per 55.12(b)(2). If so, the ERR will contain 1) a copy of the NWI map showing the project location and immediate surroundings, annotated with the projects location and approximate property boundaries, and 2) documentation showing the cost of the repairs and the basis for determining its value. If the project meets these requirements, no further evaluation under 24 CFR Part 55 is required beyond also documenting the project's floodplain status (see above). Otherwise, proceed to step b).

b) For projects meeting the definition of Substantial Improvement" under 55.2(b)(10):  
Determine if any of the activities comprising the project involve ground disturbance.

1) If project activities do not include ground disturbance, there exists no potential for "new construction" as defined in Executive Order 11990 and 24 CFR 55.2(b)(8).
   i) If the project site is located entirely outside the floodplain (see Floodplain Management, above), all that is required is to add to the ERR documentation evidencing the lack of ground-disturbing activities and a copy of the NWI Map (see below).
   ii) If the project is located within the floodplain, formal evaluation of the presence or absence of wetlands is necessary to determine compliance with the requirements of 24 CFR Part 55 - proceed to step c).
2) If project activities include ground disturbing activities, formal evaluation of the presence or absence of wetlands is necessary to determining compliance with the requirements of 24 CFR Part 55 - proceed to step c).

c) Wetlands Identification Protocol:

24 CFR 55.2(b)(11)(ii) prescribes the primary screening tool to determine if the project site is located in proximity to wetlands and use of the NW maps produced by the US Fish and Wildlife Service (FWS). It is important to understand that NWI maps are not intended as an authoritative and definitive list of the locations and extent of all wetlands, but rather were designed as indicators of potential or probable wetlands areas. Where a NWI map identifies a potential or probable wetland, additional steps are necessary to confirm their presence and fully define their extent. When identification of wetlands is necessary, the following steps will be taken:

1) If the project site is located within an area designated on NWI maps as wetlands, FWS staff will be consulted to determine the nature and extent of the wetland(s) area. If FWS staff are unavailable or unable to provide definitive information in a timely manner, an appropriately qualified wetlands professional will be consulted.

2) For projects where NWI maps show no indication of wetlands on or adjacent to the site, yet streams (intermittent or perennial), creeks, rivers, ponds, or other areas frequently or intermittently covered with water are located on or adjacent to the site, Natural Resource Conservation Service Web Soil Survey maps and, where available, equivalent resources provided by local or state governments will be reviewed to determine if soils having hydric ratings are known or suspected to exist on the project site. If so, a qualified wetlands professional will be consulted to determine the absence or existence and extent of wetlands on the project site.

3) If no wetlands are identified on the project site, the project is in compliance with Executive Order 11990. The EIR will include documentation supporting the review and evaluation of relevant information.

4) If wetlands are identified on the project site, proceed to step d).

d) There are identified wetlands located on the project site, the project represents a substantial improvement under 24 CFR 55.2(b)(10), and consists of ground-disturbing activities:

1) For projects where the 100-year floodplain, including the floodway or coastal high hazard area, or wetlands occupies only incidental portions of the project site, the requirements of 55.12(c)(7) will be evaluated. If those requirements are met, 24 CFR Part 55 is not applicable and no additional evaluation under Part 55 is required, aside from Floodplain Management requirements noted above. Otherwise, continue to step e).

e) The 8-step decision making process described at 24 CFR 55.20, including the requisite analyses, determinations, and public notifications will be performed and documented within the EIR.

In addition to the HUD requirements, projects impacting wetlands may require USACE or State Water Quality program authorization prior to beginning construction.

Sources:
USDA National Resources Conservation Service Web Soil Survey
https://websolsurvey.nrcs.usda.gov/app/HomePage.htm
U.S Fish and Wildlife Service National Wetlands Inventory Mapper
https://www.fws.gov/wetlands/Data/Mapper.html
10. Environmental Justice (Executive Order 12898)

This will be addressed in a site-specific review.

Executive Order 12898 directs each Federal agency to make achieving environmental justice part of its mission by “identifying and addressing as appropriate disproportionately high and adverse human health or environmental effects of its programs, policies and activities on minority populations and low-income populations”. The County will consult the One CPD Environmental website to determine if an area is majority minority.

To address Executive Order 12898, the County adheres to the following:
1. Make every effort to refrain from placing federally funded housing activities (which solely benefit low- and moderate-income individuals and minorities) near hazardous and environmentally unsound locations disproportionately affecting minorities or low-income populations.
2. Make every effort to refrain from producing significant adverse impacts on the surrounding environment as a result of federally funded projects, or from exacerbating existing adverse conditions.
3. Thoroughly research all possible locations for federally funded activities for the presence of hazards and other surrounding dangers and potential dangers.

Sources:
EPA Environmental Justice Screening and Mapping Tool (EJSCREEN)
https://ejscreen.epa.gov/mapper/

Implementation and Compliance

County staff, in consultation with the appropriate authorities, is responsible for the implementation of environmental requirements and will ensure compliance before transferring funds to any housing related or infrastructure project. County staff will maintain documentation of all required consultation as documented on the statutory checklist devised for review of the unspecified housing related activities sites.

Single-family repair and rehabilitation activities not included under this Tier 1 Review shall not commence until a separate, project-specific, environmental review of the appropriate scope is prepared and, if applicable, a finding of no significant impact and release of funds are approved, or, if necessary, an environmental impact statement (EIS) is prepared.
MINIMUM ACCEPTABLE PROPERTY STANDARDS

1. Applicability. The Minimum Acceptable Property Standards apply to all units:
   1.1. Newly constructed with HOME/CDBG funds; or
   1.2. Rehabilitated with HOME/CDBG funds; or
   1.3. Reconstructed with HOME/CDBG funds; and/or
   1.4. Receiving a rental subsidy of any kind from HOME/CDBG funds.

MINIMUM STANDARDS FOR BASIC EQUIPMENT AND FACILITIES

2. KITCHENS
   2.1. In rental properties: If tenants are required to furnish their own appliances, the landlord shall furnish sufficient space, and all required electrical/gas hookups, properly installed, to facilitate the use of said appliances.
       2.1.1. If appliances are provided, the appliances shall meet or exceed the specification contained in 1.3 below
   2.2. In properties being acquired for homeownership: If the purchasers are required to furnish their own appliances, there shall be enough space, and all required electrical/gas hookups, properly installed to facilitate the use of said appliances.
       2.2.1. If appliances are provided, the appliances shall meet or exceed the specification contained in 2.3 below
   2.3. Every dwelling unit, except for Single Room Occupancy (SRO) shall have a separate kitchen room or kitchenette equipped with the following:
       2.3.1. Kitchen Sink – It shall contain an approved kitchen sink, properly connected to both hot and cold running water lines, under pressure, and maintained in working order.
       2.3.2. Stove - It shall contain a stove (gas or electric), properly connected to the source of power, maintained in working order, and capable of supplying the service for which it is intended.
       2.3.3. Refrigerator – It shall contain a refrigerator, properly connected to the source of power, maintained in working order, and capable of supplying the service for which it is intended.
   2.4. A Single Room Occupancy (SRO) unit shall have:
       2.4.1. All the appliances listed in 2.3 above. The appliances may be a single combination appliance, or different appliances, and may be located within the living space.

3. BATHROOMS
   3.1. Every dwelling unit, except as otherwise permitted for rooming houses, shall contain a bathroom;
       3.1.1. For newly constructed units, every dwelling unit with three or more bedrooms shall have two bathrooms.
   3.2. Every toilet and every bath shall be contained in a room or within separate rooms which affords privacy to a person within said room or rooms.
3.2.1. Toilets and bathrooms shall have doors with a privacy-type lock and such doors, lock and hardware shall be operable and maintained in working order.

3.3. Every bathroom shall be equipped with:
   3.3.1. A flush water closet (toilet) properly connected to cold running water, under pressure, and properly maintained in working order.
   3.3.2. A properly installed sink basin. All sink basins shall be properly connected to both hot and cold running water, under pressure, and shall be properly maintained in working order.
   3.3.3. A shower or bathtub. All showers or bathtubs shall be properly connected to both hot and cold running water, under pressure, and shall be properly maintained in working order.
   3.3.3.1. Potable water supply piping, water discharge outlets, backflow prevention devices or similar equipment shall not be so located as to make possible their submergence in any contaminated or polluted liquid or substance.
   3.3.3.2. Said bathtub and/or shower may be in the same room as the flush water closet and lavatory basin or said bathtub and/or shower may be in a separate room.
   3.3.4. In all cases, these facilities shall be properly connected to both hot and cold running water lines, under pressure, and shall be maintained in working order.

3.4. In housing house type structures, at least 1 bathtub and/or shower, one toilet, and one sink basin, properly connected and maintained (as set forth in 2.2.4 above), shall be supplied for each eight (8) persons or fraction thereof.

   3.4.1. Members of the operator's family whenever they share the use of said facilities, shall be included in the eight (8) persons.
   3.4.2. Every communal shall be located within a room or rooms accessible to the occupants of each dwelling unit sharing such facilities, without going through a dwelling unit of another occupant and without going outside of the dwelling.
   3.4.3. In rooming houses, said room or rooms shall be located on the same floor as the dwelling unit.
   3.4.4. Flush urinals may be substituted for no more than 25% of the required toilets if, and only if the rooming house rents to exclusively male tenants.

4. HOT WATER STORAGE
   4.1. Every dwelling shall have supplied water-heating facilities which are properly installed; are maintained in working condition and free of leaks; are properly connected to any required hot water lines; and, are capable of heating water to be drawn for every bath as well as general usage.
   4.1.1. No water heaters shall be allowed in bathrooms or closets.
   4.1.2. All water heaters shall be properly vented to the outside, sealed and shall be equipped with a pressure relief valve and drip leg.

   4.2. Hot water storage associated with water heating facilities shall be not less than the following minimum capacities:
   4.2.1. Efficiency and One (1) Bedroom Units 30 gallons
4.2.2. Two (2) and Three (3) Bedroom Units 40 gallons
4.2.3. Four (4) or more Bedroom Units 50 gallons
4.2.4. For rooming houses and other non-unit specific facilities:
   4.2.4.1. Ten (10) gallons of water heater capacity for each person.

4.3. The local rehabilitation division/department and/or the applicable local building inspection
division/department may adjust the required capacities upwards or downwards based on the
size and recovery time of the water heater being installed.

5. CONNECTION TO WATER
5.1. Every kitchen sink, toilet, lavatory basin and bathtub/shower, shall be in working condition
and be properly connected to an approved water system.

6. CONNECTION TO A SEWER OR SEPTIC SYSTEM.
6.1. Every kitchen sink, toilet, lavatory basin and bathtub/shower, shall be in working condition
and be properly connected to an approved sewer or septic system.

6.2. Septic systems shall be:
   6.2.1. Adequate to the number of persons served
   6.2.2. In good repair
   6.2.3. Free of clogs or backups

7. WASHER AND DRYER CONNECTIONS
7.1. Where provided, washers shall have:
   7.1.1. Hot and cold-water connections with bibs within one foot of the washer placement
   7.1.2. Drainage that connects to the sewer or septic system

7.2. Where provided, dryers shall be vented to the outside.
MINIMUM STRUCTURAL STANDARDS

8. EXITS
8.1. Every exit from every dwelling and/or dwelling unit shall comply with the following requirements:
8.1.1. Shall be kept in a state of maintenance and repair;
8.1.2. Shall always be unobstructed;
8.1.3. Every dwelling unit shall have two (2) independent, unobstructed means of egress;
8.1.4. All multiple dwellings, 1 and 2 family residences exempted, shall have a second exit stairway or approved fire escape available to all occupants from the second floor and above all such structures;

9. STAIRWAYS, BALCONIES AND HANDRAILS
9.1. All stairs and steps shall have a rise height of not more than 8" and a tread width of not less than 9".
9.1.1. This requirement may be waived on the local level if in an existing structure it would be impossible or cost-prohibitive to meet this requirement. In such cases, new stairs can be installed which have the same rise and run as the old.

9.2. Handrails
9.2.1. All stairways and steps of two (2) or more risers shall have at least one (1) handrail;
9.2.2. All stairways and steps which are 5 feet or more in width, or, which are open on both sides, shall have a handrail on each side;
9.2.3. All handrails shall be not less than 30" vertically above the nose of the stair treads and not less than 36" above the stairway platform;
9.2.4. The distance between balusters on all handrails shall prohibit a four (4") inch solid sphere from passing between any two (2) balusters.

9.3. All balconies and platforms which are 30" or more above grade shall have a protective railing not less than 36" in height above the balcony or platform level;

10. FLOORS AND FLOOR COVERINGS
10.1. Floors shall be level, free of holes and finished.
10.2. All floors shall have coverings except floors of rooms that are not inhabited.
10.2.1. Floor coverings shall be in good condition.
10.2.2. Concrete floors, uncovered, are expressly prohibited.
10.2.3. Bathroom and kitchen floors must be tile, vinyl or linoleum.
10.2.4. The junctions between floor coverings must be level where appropriate.

10.3. Carpet
10.3.1. Indoor/outdoor carpet is expressly prohibited.
10.3.2. Carpet shall be clean, in good repair, and shall be free from odors.

10.4. Tile, Vinyl and Linoleum
10.4.1. Asbestos tile is expressly prohibited.
10.4.2. All tile, vinyl and linoleum shall be in good repair, free of cracks, and properly adhered and sealed.
10.5. Wood and Wood laminate
   10.5.1. All wood and wood laminate floors shall be in good repair, free of cracked and broken
           boards and properly adhered and sealed.
   10.5.2. Exposed nails are expressly prohibited.

10.6. Other Flooring
   10.6.1. All other floor coverings shall be in good repair, properly adhered and sealed, clean
           and safe for children

11. WALLS
11.1. All interior walls shall be complete, free of holes and finished.
11.2. All interior walls shall be free of mold, mildew or water stains.
11.3. All exterior walls shall be complete, free of holes and finished.

12. CEILINGS
12.1. All ceilings shall be complete, free of holes and finished.
12.2. All ceilings shall be free of mold, mildew or water stains.
12.3. All ceilings in any habitable room shall have a minimum clearance from the floor of
       eight (8) feet.

13. ROOFS
13.1. All roofs shall be in good condition and free from any leaks

14. SIDING AND SOFFIT
14.1. All siding and soffit shall be in good condition
14.2. All siding and soffit shall be free of mildew and/or mold.

15. DRAINAGE
15.1. The dwelling shall have drainage that directs water away from the dwelling.
       15.1.1. Standing water within six feet of the foundation at any point is expressly prohibited.
15.2. The dwelling shall have gutters and downspouts which direct water away from the
       dwelling.
MINIMUM STANDARDS FOR LIGHT AND VENTILATION

16. Required Window Area
   16.1. Every habitable room, provided such rooms are adequately lighted, shall have at least one (1) open air space. The minimum total window area measured between stops, for every habitable room shall be as follows:
       16.1.1. One twelfth (1/12) of the floor area if two (2) or more separate windows exist, or;
       16.1.2. One tenth (1/10) of the floor area if only one (1) window exists;

   16.2. A minimum of twelve (12) square feet of window area is required in habitable rooms other than kitchens;
       16.2.1. A kitchen may pase without a window area, provided, there is a mechanical means of ventilation which is maintained in working order.

   16.3. Whenever the only window in a room is a skylight type window at the top of the room, the total window area of such skylight shall be equal to at least fifteen (15%) percent of the total floor area of such room.
       16.3.1. Skylight type windows, if less than fifteen (15%) percent of the total floor area, shall be increased to fifteen (15%) percent of the total floor area unless another window is to be installed which will provide adequate light and ventilation.

17. Adequate Ventilation Required
   17.1. Every habitable room shall have at least one (1) window or skylight which can easily be opened, or other such device as will adequately ventilate the room.

   17.2. The total operable window area, in every habitable room, shall be equal to at least 50% of the minimum window area size or minimum skylight type window size as required above, except where there is supplied some other device affording adequate ventilation.

17.3. Light and Ventilation Requirements for Bathrooms, Toilet Rooms, and Kitchens.
   17.3.1. Every bathroom, toilet room, kitchen, and other similar rooms (i.e. laundry room) shall have a window area of not less than 4 square feet.
       17.3.1.1. Every bathroom, toilet room, and kitchen shall comply with the light and ventilation requirements for habitable rooms contained above, except that no window shall be required for adequately ventilated bathrooms, toilet rooms or kitchens equipped with a ventilation system installed in accordance with the current building code.

17.4. Screens Required
   17.4.1. Every window opening to outdoor space, which is used for, or is intended to be used for ventilation, shall be supplied with screens covering all of the window areas required for ventilation.
       17.4.1.1. The material used for all such screens shall be not less than 16 mesh per inch and shall be properly installed, maintained and repaired to prevent the entrance of flies, mosquitoes or other insects.

       17.4.1.2. Half screens on windows may be allowed, provided, they are properly installed and are bug and insect tight.

       17.4.2. Each door that opens to the outdoors shall have an operable screen or storm door.
MINIMUM ELECTRICAL STANDARDS

18. Smoke Detectors
   18.1. All residential structures shall have U.L. approved "hard wired" smoke detectors or
   battery-operated smoke detectors, properly installed in all bedrooms and hard wired in
   areas adjacent to bedrooms.

19. Electrical Outlets and Service Required
   19.1. The minimum electrical service for each dwelling and/or dwelling unit shall be 200
   amps, (in one-bedroom unit, 100 amps is acceptable) or as adjusted and approved, in
   writing, by the Chief Electrical Inspector of the (insert name of jurisdiction).
   19.1.1. All electric panel boxes shall be properly labeled.
   19.2. Every habitable room within such dwelling shall contain, at a minimum, four (4)
   separate and remote wall type electric convenience outlets.
   19.2.1. Habitable rooms over 120 square feet shall contain, at a minimum, five (5) separate
   and remote wall type electric convenience outlets.
   19.2.2. All newly installed outlets shall be of the grounded type.
   19.2.3. Temporary wiring or extension cords shall not be used as permanent wiring.
   19.3. Every habitable room and every hallway shall have at least one (1) ceiling or wall
   type electric light fixture, controlled by a wall switch, or a wall type grounded electric
   convenience outlet controlled by a remote switch.
   19.3.1. A wall switch shall control all wall and/or ceiling type lighting fixtures, except that
   porcelain type fixtures such as those used in attics may be controlled with a proper pull
   chain.
   19.3.2. All old pendant type lighting fixtures shall be removed and replaced with properly
   installed non-pendant type fixtures.
   19.4. All heavy-duty appliances, i.e., window air conditioner, freezers, refrigerators,
   electric stoves, washers, electric dryers, microwaves, etc., shall be supplied with their own
   proper outlet(s) on separate circuits, as applicable.
   19.4.1. If a unit does not have a central air-conditioning system and central air will not be
   installed, at a minimum a properly grounded outlet shall be installed under one (1)
   window in bedroom and living room or den to allow the occupant(s) to install window
   air conditioning units.
   19.5. Every toilet room, bathroom, laundry, and furnace room, and hallway shall contain
   at least one (1) supplied ceiling or wall type electric light fixture, controlled by a wall switch,
   and at least one (1) wall type grounded electric convenience outlet.
   19.5.1. Wall type convenience outlets used in bathrooms and kitchens shall be the GFCI
   type.
   19.6. Every kitchen shall be wired in accordance with following minimum standards
   19.6.1. Receptacle convenience outlets installed above countertops shall be of the GFCI type.
   19.6.2. No receptacle convenience outlets shall be installed within twelve (12") inches of any
   sink basin.
   19.7. Receptacle convenience outlets installed on the exterior of the structure or on open
   porches, breezeways, garages, utility rooms, etc. shall be of the GFCI type.
   19.7.1. The minimum number of exterior receptacles shall be two.
19.8. All electric lighting fixtures installed on the exterior shall be of the type approved for exterior use.

19.9. All broken and/or missing switch plates and/or receptacle plates shall be replaced.

19.10. Public Halls and Stairways
19.10.1. Public halls and stairways in every dwelling containing two (2) to four (4) dwelling units, shall be provided with convenient wall-mounted light switches controlling an adequate lighting system that will provide at least two (2) foot candles of illumination throughout.
19.10.1.1. An emergency circuit is not required for this lighting.

19.10.2. Public hall and stairways in every dwelling containing five (5) or more dwelling units shall always be lighted with an artificial lighting system. Said systems shall always provide at least two (2) foot candles of illumination on all parts thereof by means of properly located electric light fixtures.
19.10.2.1. Such artificial lighting may be omitted from sunrise to sunset where an adequate amount of natural light is provided.
19.10.2.2. The required intensity of illumination (two (2) foot candles) shall apply to both natural and artificial lighting.

19.11. All outlets and fixtures shall be properly installed, shall be maintained in working condition, and shall be connected to the source of electric power in a proper manner and shall be in accordance with the electrical code of the city and/or the N.E.C., as applicable.

19.12. Each dwelling unit shall have at least one operating telephone jack per 500 square feet of living space.
HEAT AND AIR CONDITIONING STANDARDS

20. Heat Facilities

20.1. Every owner or operator of any dwelling who rents, leases, or lets for human habitation, any dwelling unit contained within such dwelling, on terms either expressed or implied, to supply or furnish heat to the occupants thereof, shall maintain therein a minimum temperature of 70 degrees F. (21 degrees C.) at a distance 3 feet above the floor at all times when the outdoor temperature is at or below 0 degrees F.

20.2. All heating facilities shall be properly installed, be maintained in working condition and be capable of adequately heating all habitable rooms, bathrooms, and toilet rooms, contained therein, or intended for use of by the occupants thereof, to a temperature of at least 70 degrees F. (21 degrees C.) at a distance 3 feet above the floor when the outside temperature is at or below 0 degrees F.

20.3. Every supplied central heating system shall comply with all of the following requirements:

20.3.1. The central heating unit shall be safe and in good working condition;
20.3.2. Every heat duct, steam pipe, and hot water pipe shall be free of leaks and shall function so that an adequate amount of heat is delivered where intended;
20.3.3. Every seal between any of the sections of a hot air furnace shall be air-tight so noxious gases and fumes will not escape into the heat ducts;
20.3.4. If there is no existing flue liner, a double-walled metalbestos liner shall be installed. The liner shall meet or exceed the requirements of the local building code and shall be installed according to it.
20.3.5. All fuel burning heating systems shall be inspected by a qualified furnace inspector to determine if the unit is safe, free from carbon-monoxide leakage, and capable of supplying heat as required above.
20.3.6. Every central heating unit, space heater, water heater, and cooking appliance shall be located and installed in such a manner so as to afford protection against involvement of egress facilities or egress routes in the event of uncontrolled fires in the structure(s);
20.3.7. Every fuel burning heating unit or water heater shall be effectively vented in a safe manner to a chimney or duct leading to the exterior of the building. The chimney duct and vents shall be of such a design as to assure proper draft, shall be adequately supported and shall be kept clean and in a state of maintenance and repair;
20.3.8. No fuel-burning furnace shall be in any sleeping room or bathroom unless provided with adequate ducting for air supply from the exterior, and, the combustion chamber for such heating unit shall be sealed from the room in an airtight manner. Gas water heaters are prohibited in bathrooms, sleeping rooms, and closets;
20.3.9. Every steam or hot water boiler and every water heater shall be protected against overheating by appropriate temperature and pressure limit controls;
20.3.10. Every gaseous or liquid fuel burning heating unit and water heater shall be equipped with electronic ignition or with a pilot light and an automatic control to interrupt the flow of fuel to the unit in the event of failure of the ignition device. All such heating units with plenum shall have a limit control to prevent overheating;
20.3.11. All HVAC condensate lines must be plumbed to code.

20.4. Each dwelling and/or dwelling unit shall be supplied with its own heating system.

20.5. Any dwelling and/or dwelling unit having as its only source of heat, space heaters or floor furnaces shall be changed to AGS approved heaters or central heat.
20.6. All mechanical work shall be inspected and approved by the (City/County) local mechanical inspector and/or the building inspection department or by a person knowledgeable in mechanical/heating systems.

21. Air Conditioning Facilities

21.1. Every owner or operator of any dwelling shall be required to provide air conditioning, or to provide electrical outlets separately wired under windows for window air conditioners, if and only if:

21.1.1. The number of calendar days of local weather where the daily temperature exceeds 90 degrees F, is greater than ninety (90) days a year on average.

21.2. Every owner or operator of any dwelling who rents, leases, or lets for human habitation, any dwelling unit contained within such dwelling, on terms either expressed or implied, to supply or furnish air conditioning to the occupants thereof, shall maintain therein a maximum temperature of 70 degrees F. (21 degrees C.) at a distance 3 feet above the floor at all times when the outdoor temperature is at or above 90 degrees F.

21.3. All air conditioning facilities shall be properly installed, be maintained in working condition and be capable of adequately cooling all habitable rooms, bathrooms, and toilet rooms, contained therein, or intended for use of by the occupants thereof, to a temperature 70 degrees F. (21 degrees C.) at a distance 3 feet above the floor when the outside temperature is at or above 90 degrees F.

21.4. Every supplied air conditioning system shall comply with all of the following requirements:

21.4.1. The air conditioning unit shall be safe and in good working condition:

21.5. All mechanical work shall be inspected and approved by the (City/County) local mechanical inspector and/or the building inspection department or by a person knowledgeable in mechanical/heating systems.

22. ENERGY CONSERVATION – All structures shall comply with energy conservation measures to the maximum extent feasible. These measures include, but are not limited to:

22.1. Installation of insulation or the installation of additional insulation, especially in the attic/ceiling areas: The recommended level for ceiling insulation is to an R-30, wherever possible;

22.2. Weather-stripping

22.3. Caulking

22.4. Replacement of ineffective or inefficient heating/cooling systems.

22.5. Replacement of single pane window units with thermal units or, the installation of combination storm windows if the single window units will not be replaced.
23. The Minimum Acceptable Property Standards were:
   23.1. Updated on 31 August 2018 based on the applicable state and local codes.
   23.2. Adopted by the Mayor of Knox County on 1 September 2018.
   23.3. And shall be reviewed every three (3) years.

24. This Minimum Acceptable Property Standards shall be included by reference in the following documents:
   24.1. All Solicitations to Bid, Request for Proposals, or Requests for Qualifications involving HOME program dollars;
   24.2. All program manuals for programs that utilize HOME dollars.
   24.3. All applications to receive funds that include HOME dollars as a funding or financing source.
APPENDIX B

BROAD LEVEL CHECKLIST
AND
TIER 2 SITE SPECIFIC CHECKLIST
Broad-Level Tiered Environmental Review Summary and Checklist for:
Activity/Project that is
Categorically Excluded Subject to Section 58.5
Pursuant to 24 CFR Part 58.35(a)

Project Information

Project Name: Repair and/or Rehabilitation of Single Family homes (1-4 residential units per site)

Responsible Entity (RE): Mayor Glenn Jacobs Knox County (KCCD)

State/Local Identifier:

RE Preparer: Point of Contact:
Mr. Iain Christie, Grants Program Manager, KCCD
400 West Main Street, Suite 630
Knoxville, TN 37902
865.215.3964

Certifying Officer: Mayor Glenn Jacobs, KCCD

Project Location: County-wide projects with Knox County

Additional Location Information:

Direct Comments to: Mr. Iain Christie, KCCD

Description of the Proposed Project [24 CFR 50.12 & 58.32; 40 CFR 1508.25]: See “General Description of Projects” section of the attached “Broad-Level Review Summary & Site-Specific Compliance Strategy.” The exact scope of work for individual projects will be described within the associated “Site-Specific Checklist.”

Approximate size of the project area: Projects can be located anywhere within the boundaries of Knox County, TN. Knox County is approximately 526 square miles in size.

Length of time covered by this review: Five (5) years, between 2020 and 2024.

Maximum number of dwelling units or lots addressed by this tiered review: TBD
Level of Environmental Review Determination:
Categorically Excluded per 24 CFR 58.35(a), and subject to laws and authorities at §58.5: 58.35(a)(3)

Funding Information

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<thead>
<tr>
<th>Grant Number</th>
<th>HUD Program</th>
<th>Program Name</th>
<th>Funding Amount</th>
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<tr>
<td>FY 2020 to FY 2024</td>
<td>HOME Including CHDO)</td>
<td>Rehabilitation of Single Family Homes</td>
<td>$2,000,000</td>
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<tr>
<td>FY 2020 to FY 2024</td>
<td>CDBG and CDBG COVID Recovery</td>
<td>Rehabilitation of Single Family Homes</td>
<td>$6,000,000</td>
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Estimated Total HUD Funded Amount: $8,000,000

Estimated Total Project Cost (HUD and non-HUD funds) [24 CFR 58.32(d)]: minimum $10,000,000
Compliance with 24 CFR 50.4, 58.5, and 58.6 Laws and Authorities and Written Strategies

<table>
<thead>
<tr>
<th>Compliance Factors: Statutes, Executive Orders, and Regulations listed at 24 CFR 50.4, 58.5, and 58.6</th>
<th>Was compliance achieved at the broad level of review?</th>
<th>If Yes: Describe compliance determinations made at the broad level. If No: Describe the policy, standard, or process to be followed in the site-specific review.</th>
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<tr>
<td>STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR 50.4 &amp; 58.6</td>
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<tr>
<td><strong>Airport Hazards</strong></td>
<td>Yes</td>
<td>No</td>
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<tr>
<td>24 CFR Part 51 Subpart D</td>
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<tr>
<td><strong>Coastal Barrier Resources</strong></td>
<td>Yes</td>
<td>No</td>
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<tr>
<td>Coastal Barrier Resources Act, as amended by the Coastal Barrier Improvement Act of 1990 [16 USC 3501]</td>
<td>☐</td>
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<tr>
<td><strong>Flood Insurance</strong></td>
<td>Yes</td>
<td>No</td>
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<tr>
<td>Flood Disaster Protection Act of 1973 and National Flood Insurance Reform Act of 1994 [42 USC 4001-4128 and 42 USC 5154a]</td>
<td>☐</td>
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<td>STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR §58.5</td>
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<td><strong>Clean Air</strong></td>
<td>Yes</td>
<td>No</td>
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<tr>
<td>Clean Air Act, as amended, particularly section 176(c) &amp; (d); 40 CFR Parts 6, 51, 93</td>
<td>☒</td>
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<tr>
<td><strong>Coastal Zone Management</strong></td>
<td>Yes</td>
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<tr>
<td>Coastal Zone Management Act, sections 307(c) &amp; (d)</td>
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<tr>
<td><strong>Contamination and Toxic Substances</strong></td>
<td>Yes</td>
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<tr>
<td>24 CFR Part 50.3(i) &amp; 58.5(i)(2)]</td>
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<td><strong>Endangered Species</strong></td>
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<td>Endangered Species Act of 1973, particularly section 7; 50 CFR Part 402</td>
<td>To be addressed in a site-specific review. See the sections for this law within the “Site-Specific Compliance Strategy” and Site-Specific checklist.</td>
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<tr>
<th><strong>Explosive and Flammable Hazards</strong></th>
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<tr>
<td>24 CFR Part 51 Subpart C</td>
<td>To be addressed in a site-specific review. See the sections for this authority within the “Site-Specific Compliance Strategy” and Site-Specific checklist.</td>
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<th><strong>Farmlands Protection</strong></th>
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<tr>
<td>Farmland Protection Policy Act of 1981, particularly sections 1504(b) and 1541; 7 CFR Part 658</td>
<td>Rehabilitation activities will not cause the conversion of farmland for non-agricultural use.</td>
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<tr>
<th><strong>Floodplain Management</strong></th>
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<tr>
<td>Executive Order 11988, particularly section 2(a); 24 CFR Part 55</td>
<td>To be addressed in a site-specific review. See the sections for this law within the “Site-Specific Compliance Strategy” and Site-Specific checklist.</td>
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<tr>
<th><strong>Historic Preservation</strong></th>
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<tr>
<td>National Historic Preservation Act of 1966, particularly sections 106 and 110; 36 CFR Part 800</td>
<td>To be addressed in a site-specific review. See the sections for this law within the “Site-Specific Compliance Strategy” and Site-Specific checklist.</td>
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<tr>
<th><strong>Noise Abatement and Control</strong></th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>No</td>
<td>X</td>
</tr>
<tr>
<td>Noise Control Act of 1972, as amended by the Quiet Communities Act of 1978; 24 CFR Part 51 Subpart B</td>
<td>This will be addressed in a site-specific review. If the project is not located within 1,000 feet of any major highway, 3,000 feet of any railroad, 5 miles of a major civilian airport, or 15 miles of a military airport, then noise abatement and control is not applicable. The County shall document that the project will not be adversely affected by any of these sources by placing a map with the site marked on the map in the Environmental Review. If, however, any of the aforementioned conditions exist, a noise study must be conducted in accordance with HUD’s Noise Guidebook. For rehabilitation activities involving noise sensitive facilities exposed to Normally Unacceptable or Unacceptable, HUD encourages incorporation of noise attenuation measures given the extent and nature of the rehabilitation being undertaken and the level of exterior noise exposure. Where site-specific projects covered under this tiered review strategy are found to be subject to noise levels above 65 dB, the ERR will contain</td>
<td></td>
</tr>
</tbody>
</table>
either:
a) documentation of the nature and extent of noise attenuating features or components incorporated into the scope of work, along with the resulting projected interior Day-Night noise Level (DNL), or
b) description of the bases for decisions to not incorporate noise attenuating features or components in the scope of work. Reasonable bases for such decisions include, but are not limited to,

1) the proposed scope of work does not address components capable of attenuating the identified elevated noise levels
2) the cost of incorporating noise attenuating features or components exceeds project budget limitations or is disproportionally high in relation to the project cost without additional attenuation (e.g., if the scope of work includes components capable, if upgraded, of attenuating the specific noise sources, additional material/component costs are usually no more than 20% - going beyond that may compromise our ability to serve other needs within the community).

<table>
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<tr>
<th>Sole Source Aquifers</th>
<th>Yes</th>
<th>No</th>
</tr>
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<tbody>
<tr>
<td>Safe Drinking Water Act of 1974, as amended, particularly section 1424(e); 40 CFR Part 149</td>
<td>✗</td>
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</table>

According to the Environmental Protection Agency's Sole Source Aquifer Map, there are no sole source aquifers located in or near Knox County, TN. See attached map in Appendix C.

<table>
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<tr>
<th>Wetlands Protection</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
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<td>Executive Order 11990, particularly sections 2 and 5</td>
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This will be addressed in a site-specific review. Executive Order 11990 requires all federal executive agencies to refrain from supporting construction in wetlands wherever there is a practical alternative. Section 10 of Executive Order 11990 authorizes that responsibility applicable to projects covered by Section 104 (h) of the Housing and Community Development Act of 1974 may be assumed by the applicant if the applicant had also assumed all the responsibilities for environmental review. The Executive Order directs the applicant to avoid to the extent possible the long and short term impacts associated with the destruction or modification of wetlands, and to avoid direct or indirect support of new
construction in wetlands, wherever there is a practical alternative. For HUD projects, Executive Order 11990 is implemented by regulations found at 24 CFR Part 55, which also addresses Floodplain Management (see above).

Compliance with Executive Order 11990 and 24 CFR Part 55 will be determined for site-specific reviews using the following steps:

a) For projects that do not meet the definition of "Substantial improvement" under 55.2(b)(10):

Repair projects of single-family properties that do not meet this definition are exempt from the 8-step decision-making process described at 24 CFR 55.20, per 55.12(b)(2). If so, the ERR will contain 1) a copy of the NWI map showing the project location and immediate surroundings, annotated with the projects location and approximate property boundaries, and 2) documentation showing the cost of the repairs and the basis for determining its value. If the project meets these requirements, no further evaluation under 24 CFR Part 55 is required beyond also documenting the project's floodplain status (see above). Otherwise, proceed to step b).

b) For projects meeting the definition of "Substantial improvement" under 55.2(b)(10):

Determine if any of the activities comprising the project involve ground disturbance.

1) If project activities do not include ground disturbance, there exists no potential for "new construction" as defined in Executive Order 11990 and 24 CFR 55.2(b)(8).

   i) If the project site is located entirely outside the floodplain (see Floodplain Management, above), all that is required is to add to the ERR documentation evidencing the lack of ground-disturbing activities and a copy of the NWI Map (see below).

   ii) If the project is located within the floodplain, formal evaluation of the presence or absence of wetlands is necessary to determine compliance with the requirements of 24 CFR Part 55 - proceed to step c).
2) If project activities include ground disturbing activities, formal evaluation of the presence or absence of wetlands is necessary to determining compliance with the requirements of 24 CFR Part 55 - proceed to step c).

c) Wetlands Identification Protocol:

24 CFR 55.2(b)(1)(ii) prescribes the primary screening tool to determine if the project site is located in proximity to wetlands and use of the NW maps produced by the US Fish and Wildlife Service (FWS). It is important to understand that NWI maps are not intended as an authoritative and definitive list of the locations and extent of all wetlands, but rather were designed as indicators of potential or probable wetlands areas. Where a NWI map identifies a potential or probable wetland, additional steps are necessary to confirm their presence and fully define their extent. When identification of wetlands is necessary, the following steps will be taken:

1) If the project site is located within an area designated on NWI maps as wetlands, FWS staff will be consulted to determine the nature and extent of the wetland(s) area. If FWS staff are unavailable or unable to provide definitive information in a timely manner, an appropriately qualified wetlands professional will be consulted.

2) For projects where NWI maps show no indication of wetlands on or adjacent to the site, yet streams (intermittent or perennial), creeks, rivers, ponds, or other areas frequently or intermittently covered with water are located on or adjacent to the site, Natural Resource Conservation Service Web Soil Survey maps and, where available, equivalent resources provided by local or state governments will be reviewed to determine if soils having hydric ratings are known or suspected to exist on the project site. If so, a qualified wetlands professional will be consulted to determine the absence or existence and extent of wetlands on the project site.

3) If no wetlands are identified on the project site, the project is in compliance with Executive Order 11990. The ERR will include documentation supporting the review and
evaluation of relevant information.

4) If wetlands are identified on the project site, proceed to step d).

d) There are identified wetlands located on the project site, the project represents a substantial improvement under 24 CFR 55.2(b)(10), and consists of ground-disturbing activities:

1) For projects where the 100-year floodplain, including the floodway or coastal high hazard area, or wetlands occupies only incidental portions of the project site, the requirements of 55.12(e)(7) will be evaluated. If those requirements are met, 24 CFR Part 55 is not applicable and no additional evaluation under Part 55 is required, aside from Floodplain Management requirements noted above. Otherwise, continue to step e).

e) The 8-step decision making process described at 24 CFR 55.20, including the requisite analyses, determinations, and public notifications will be performed and documented within the ERR.

In addition to the HUD requirements, projects impacting wetlands may require USACE or State Water Quality program authorization prior to beginning construction.

Wild and Scenic Rivers

Wild and Scenic Rivers Act of 1968, particularly section 7(b) and (c)

<table>
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<th>No</th>
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<td>☒</td>
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</table>

No National Wild or Scenic Rivers are located in Knox County, Tennessee according to the National Wild and Scenic River System in the US. Only the Obed River located approximately 40 miles west of Knoxville/Knox County is listed as a National Wild and Scenic River (see attached map in Appendix C). Segments of both the Holston and French Broad rivers within Knox County (and adjacent to Knoxville corporate limits) are listed on the Nationwide Rivers Inventory and are therefore afforded protections under this law. However, projects consisting only of rehabilitation of existing homes are not "Water Resources" projects, capable of affecting the free-flowing nature of river segments, and also do not have capacity to affect the watershed from protected segments. Therefore, these projects are in compliance with the Wild and Scenic Rivers Act
of 1968 and further consideration of this law is unnecessary.

<table>
<thead>
<tr>
<th>Environmental Justice</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Executive Order 12898</td>
<td>☒</td>
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</table>

To be addressed in a site-specific review. See the sections for this law within the “Site-Specific Compliance Strategy” and Site-Specific checklist.

Attach supporting documentation as necessary, including a site-specific checklist.

**Determination:**

☐ Extraordinary circumstances exist and this project may result in significant environmental impact. This project requires preparation of an Environmental Assessment (EA); OR

☒ There are no extraordinary circumstances which would require completion of an EA, and this project may remain CEST.

Preparer Signature:  

Date: August 21, 2020

Name/Title/Organization: Jessica Lindbom, Quantum Environmental and Engineering Services, LLC

Responsible Entity Agency Official Signature:

Date: 8/25/2020

Name/Title: Mr. Glenn Jacobs, Mayor, Knox County

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

This document represents the Tier 1 or Broad-Level review only. As individual sites are selected, this review must be supplemented by individual Tier 2 or Site-Specific reviews for each site. All laws and authorities requiring site-specific analysis will be addressed in these individual reviews.

Page 9 of 10
APPENDIX: Site-Specific or Tier 2 Reviews
Update this document as site-specific reviews are completed. Complete each site-specific review according to the written strategies outlined in the broad-level review and attach it in the environmental review record.

<table>
<thead>
<tr>
<th>Site-specific project name</th>
<th>Address or location</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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</tbody>
</table>
Tier 2 (Site-Specific) Tiered Environmental Review for Activity/Project that is Categorically Excluded Subject to Section 58.5 Pursuant to 24 CFR Part 58.35(a)(3)

This document represents the Tier 2, Site Specific, review of the project identified below, and contains only information relevant to the identified site and activities, along with compliance determinations and supporting documentation not provided within the Tier 1, or broad level, portion of this review. Please refer to the Tier 1 Broad-Level environmental review record, "Knox County Community Development, Tiered Environmental Review for Repair, Rehabilitation, or Renovation of Single-Family Residential Properties, FYs 2020-2024" for general program information and supporting documentation for compliance determinations made previously.

Note to the Preparer:
The complete Environmental Review Record (ERR) for the project at this specific site is comprised of both, the Tier 2 review documentation (this form/checklist and all supporting docs), as well as the Tier 1 review documentation. If these components of the complete ERR are stored separately, each document should provide members of the public with instructions adequate to locate the other for their review.

Specific Project Information

Specific Project Name:

Responsible Entity (RE):

State/Local Identifier:

Site-Specific Review Preparer:

Certifying Officer:

Consultant (if applicable):
   Point of Contact:
Project Location: Address of Specific Project
Additional Location Information:

Description of the Proposed Specific Project [24 CFR 50.12 & 58.32; 40 CFR 1508.25]:

Approximate size of the Specific Project site:

Number of units at the Specific Project site:

**Project-Specific Funding Information**

<table>
<thead>
<tr>
<th>Grant Number</th>
<th>HUD Program</th>
<th>Program Name</th>
<th>Funding Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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</tbody>
</table>

Estimated Total HUD Funded Amount:

Estimated Total Project Cost (HUD and non-HUD funds) [24 CFR 58.32(d)]:

**Compliance with 24 CFR 50.4, 58.5, and 58.6 Laws and Authorities and Written Strategies**

<table>
<thead>
<tr>
<th>Compliance Factors: Statutes, Executive Orders, and Regulations listed at 24 CFR 58.5, and 58.6</th>
<th>Are formal compliance steps or mitigation required?</th>
<th>Compliance Determinations</th>
</tr>
</thead>
</table>

**STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR 50.4 & 58.6**

<table>
<thead>
<tr>
<th>Airport Hazards</th>
<th>Yes</th>
<th>No</th>
<th>This will be addressed in a site-specific review.</th>
</tr>
</thead>
<tbody>
<tr>
<td>24 CFR Part 51</td>
<td></td>
<td></td>
<td><strong>HUD regulations provide the following definition for Civil Airport:</strong></td>
</tr>
<tr>
<td>Subpart D</td>
<td></td>
<td></td>
<td><strong>“An existing commercial service airport as designated in the National Plan of Integrated Airport Systems prepared by the</strong></td>
</tr>
</tbody>
</table>

Page 2 of 10
Federal Aviation Administration in accordance with section 504 of the Airport and Airway Improvement Act of 1982.”

Except for projects that will not be frequently used or occupied by people, HUD policy is to deny HUD assistance, subsidy, or insurance for any project involving new construction, substantial or major modernization and rehabilitation (applies to any repair activities not meeting the definition of maintenance per Notice CPD-16-02) or any other activity or program that significantly prolongs economic or physical life of existing facilities located within Runway Protection Zones (RPZ) at civil airports or Clear Zones (CZ) at military airfields.

HUD regulations for this authority provide that if a project is not located within 2,500 feet of a civil airport or 15,000 feet of a military airfield, the project is in compliance with this authority. The potential project area is defined as the area within the corporate limits of Knox County. Two airports service Knox County: McGhee Tyson Airport which is located in Blount County, approximately three miles south and outside of Knox County, and Island Home Airport, which is located in downtown Knoxville. Island Home Airport is included in the National Plan of Integrated Airport Systems for 2011–2015, which categorized it as a reliever airport. Although most U.S. airports use the same three-letter location identifier for the FAA and IATA, this airport is assigned DKX by the FAA, but has no designation from the IATA. All projects analyzed under this tiered environmental review will be reviewed for proximity within 2,500 feet of Island Home Airport boundaries. If a project site is found to be within that area of concern, the airport operator will be consulted to determine if the site is located within any of its defined RPZ. If a site is determined to be located within an RPZ, the project will be rejected. See attached map in Appendix C of airport locations in relation to the city and county boundaries.

<table>
<thead>
<tr>
<th>Coastal Barrier Resources</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Coastal Barrier Resources Act, as amended by the Coastal Barrier Improvement Act of 1990 [16 USC 3501]</td>
<td>☑</td>
<td>☐</td>
</tr>
</tbody>
</table>

Compliance determination and supporting documentation are contained within the Tier 1 (Broad-Level) review record, referenced above.

<table>
<thead>
<tr>
<th>Flood Insurance</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>The County will use the latest version of the Flood Insurance Maps issued by the Federal Emergency Management Agency (FEMA) to</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>Statute/Act</td>
<td>Compliance Determination and Supporting Documentation</td>
<td></td>
</tr>
<tr>
<td>--------------------------------------------------------------</td>
<td>--------------------------------------------------------</td>
<td></td>
</tr>
<tr>
<td>Clean Air Act, as amended, particularly section 176(c) &amp; (d); 40 CFR Parts 6, 51, 93</td>
<td>Compliance determination and supporting documentation are contained within the Tier 1 (Broad-Level) review record, referenced above.</td>
<td></td>
</tr>
<tr>
<td>Coastal Zone Management, Coastal Zone Management Act, sections 307(c) &amp; (d)</td>
<td>Compliance determination and supporting documentation are contained within the Tier 1 (Broad-Level) review record, referenced above.</td>
<td></td>
</tr>
<tr>
<td>Contamination and Toxic Substances, 24 CFR Part 50.3(i) &amp; 58.5(i)(2)]</td>
<td>A determination will be secured by using the NEPA assist tool within the EPA website. This tool will indicate if the proposed site is located on or within 3,000 feet of an area that contains or may have contained hazardous waste (Superfund Clean-up site, Brownfields). Reviewing the Enforcement &amp; Compliance section of the website will allow this determination to be made. Sites found to require mitigation will either be rejected or will be analyzed as separate projects and be reviewed for compliance with applicable local, State, and Federal environmental laws and authorities and documented in a separate and contiguous environmental review record (i.e. the ERR will not be included as part of a tiered review system). The following worksheet is recommended: <a href="https://www.hudexchange.info/resources/documents/Site-Contamination-Single-Family-Worksheet.docx">https://www.hudexchange.info/resources/documents/Site-Contamination-Single-Family-Worksheet.docx</a></td>
<td></td>
</tr>
<tr>
<td>Endangered Species, Endangered Species Act of</td>
<td>For projects involving ground disturbance, where project activities have the potential to affect threatened or endangered species, or defined critical habitat, informal consultation with USFWS will be employed to determine any necessary mitigation.</td>
<td></td>
</tr>
<tr>
<td><strong>1973, particularly section 7; 50 CFR Part 402</strong></td>
<td>The following worksheet is recommended: <a href="https://www.hudexchange.info/resources/documents/Endangered-Species-Act-Worksheet.docx">https://www.hudexchange.info/resources/documents/Endangered-Species-Act-Worksheet.docx</a></td>
<td></td>
</tr>
<tr>
<td>Explosive and Flammable Hazards</td>
<td>Yes ☑️ No ☐</td>
<td>When this authority is determined to be applicable, and if above-ground storage tanks are identified within one-mile of the project site, calculations of Acceptable Separation Distance (ASD) will be made. Project sites located beyond the ASD require no mitigation. Projects located less than the ASD from the identified hazard will be rejected. The following worksheet is recommended: <a href="https://www.hudexchange.info/resources/documents/Explosive-and-Flammable-Facilities-Worksheet.docx">https://www.hudexchange.info/resources/documents/Explosive-and-Flammable-Facilities-Worksheet.docx</a></td>
</tr>
<tr>
<td>Farmlands Protection</td>
<td>Yes ☑️ No ☐</td>
<td>Compliance determination and supporting documentation are contained within the Tier 1 (Broad-Level) review record, referenced above.</td>
</tr>
<tr>
<td>Farmland Protection Policy Act of 1981, particularly sections 1504(b) and 1541; 7 CFR Part 658</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Floodplain Management</td>
<td>Yes ☐ No ☑️</td>
<td>This will be addressed in a site-specific review. See the sections for this law within the “Site-Specific Compliance Strategy” and references for this authority above. The following worksheet is recommended: <a href="https://www.hudexchange.info/resources/documents/Floodplain-Management-Worksheet.docx">https://www.hudexchange.info/resources/documents/Floodplain-Management-Worksheet.docx</a></td>
</tr>
<tr>
<td>Executive Order 11988, particularly section 2(a); 24 CFR Part 55</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Historic Preservation</td>
<td>Yes ☐ No ☑️</td>
<td>Section 106 of the National Preservation Act of 1966 (NHPA), as amended, mandates that agencies with jurisdiction over federally assisted activities afford the National Advisory Council on Historic Preservation (NACHP) and the State Historic Preservation Officer (SHPO) a reasonable opportunity for comment on a project's impact on historic properties. Pursuant to HUD's guidelines on compliance with the Section 106 review process (36 CFR Part 800), Knox County is operating under an individual Programmatic Agreement (PA) that includes the Knoxville-Knox County Planning (KKCP) Department and the SHPO (see attached agreement in Appendix D). As per this programmatic agreement, all properties that are 45 years and older will be reviewed under Section 106 of the NHPA of 1966 by the KKCP. These services will include homeowner rehabilitation, rental rehabilitation, HVAC replacement, and down-payment assistance. If any of these activities are determined by KKCP to impact a historic structure or area (either by letter or map),</td>
</tr>
</tbody>
</table>
additional information will be submitted to KKCP for review and comment in accordance with the MOA. If approved by KKCP, the package is submitted to SHPO for concurrence. For projects determined to involve significant ground disturbance, consultation with those tribal authorities determined by a search of HUD’s Tribal Directory Assistance Tool (TDAT) to have current or ancestral interests in Knox County will also be conducted in accordance with Section 106.

The following worksheet is recommended:
https://www.hudexchange.info/resources/documents/Historic-Preservation-Worksheet.docx

<table>
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<th>Noise Abatement and Control</th>
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This will be addressed in a site-specific review. See the sections for this law within the “Site-Specific Compliance Strategy” and references for this authority above.

The following worksheet is recommended:

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Executive Order 11990 requires all federal executive agencies to refrain from supporting construction in wetlands wherever there is a practical alternative. Section 10 of Executive Order 11990 authorizes that responsibility applicable to projects covered by Section 104 (h) of the Housing and Community Development Act of 1974 may be assumed by the applicant if the applicant had also assumed all the responsibilities for environmental review. The Executive Order directs the applicant to avoid to the extent possible the long and short term impacts associated with the destruction or modification of wetlands, and to avoid direct or indirect support of new construction in wetlands, wherever there is a practical
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Compliance with Executive Order 11990 and 24 CFR Part 55 will be determined for site-specific reviews using the following steps:

a) For projects that do not meet the definition of "Substantial improvement" under 55.2(b)(10):

Repair projects of single-family properties that do not meet this definition are exempt from the 8-step decision-making process described at 24 CFR 55.20, per 55.12(b)(2). If so, the ERR will contain 1) a copy of the NWI map showing the project location and immediate surroundings, annotated with the projects location and approximate property boundaries, and 2) documentation showing the cost of the repairs and the basis for determining its value. If the project meets these requirements, no further evaluation under 24 CFR Part 55 is required beyond also documenting the project's floodplain status (see above). Otherwise, proceed to step b).

b) For projects meeting the definition of Substantial improvement under 55.2(b)(10):

Determine if any of the activities comprising the project involve ground disturbance.

1) If project activities do not include ground disturbance, there exists no potential for "new construction" as defined in Executive Order 11990 and 24 CFR 55.2(b)(8).

   i) If the project site is located entirely outside the floodplain (see Floodplain Management, above), all that is required is to add to the ERR documentation evidencing the lack of ground-disturbing activities and a copy of the NWI Map (see below).

   ii) If the project is located within the floodplain, formal evaluation of the presence or absence of wetlands is necessary to determine compliance with the requirements of 24 CFR Part 55 - proceed to step c).

2) If project activities include ground disturbing activities. formal evaluation of the presence or absence of wetlands is necessary to determining compliance with the requirements of 24 CFR Part 55 - proceed to step c).

c) Wetlands Identification Protocol:

24 CFR 55.2(b)(11)(ii) prescribes the primary screening tool to determine if the project site is located in proximity to wetlands and use of the NWI maps produced by the US Fish and Wildlife Service (FWS). It is important to understand that NWI maps are not intended as an authoritative and definitive list of the locations and extent of all wetlands, but rather were designed as indicators of
potential or probable wetlands areas. Where a NWI map identifies a potential or probable wetland, additional steps are necessary to confirm their presence and fully define their extent. When identification of wetlands is necessary, the following steps will be taken:

1) If the project site is located within an area designated on NWI maps as wetlands, FWS staff will be consulted to determine the nature and extent of the wetland(s) area. If FWS staff are unavailable or unable to provide definitive information in a timely manner, an appropriately qualified wetlands professional will be consulted.

2) For projects where NWI maps show no indication of wetlands on or adjacent to the site, yet streams (intermittent or perennial), creeks, rivers, ponds, or other areas frequently or intermittently covered with water are located on or adjacent to the site, Natural Resource Conservation Service Web Soil Survey maps and, where available, equivalent resources provided by local or state governments will be reviewed to determine if soils having hydric ratings are known or suspected to exist on the project site. If so, a qualified wetlands professional will be consulted to determine the absence or existence and extent of wetlands on the project site.

3) If no wetlands are identified on the project site, the project is in compliance with Executive Order 11990. The ERR will include documentation supporting the review and evaluation of relevant information.

4) If wetlands are identified on the project site, proceed to step d).

d) There are identified wetlands located on the project site, the project represents a substantial improvement under 24 CFR 55.2(b)(10), and consists of ground-disturbing activities:

1) For projects where the 100-year floodplain, including the floodway or coastal high hazard area, or wetlands occupies only incidental portions of the project site, the requirements of 55.12(c)(7) will be evaluated. If those requirements are met, 24 CFR Part 55 is not applicable and no additional evaluation under Part 55 is required, aside from Floodplain Management requirements noted above. Otherwise, continue to step e).

e) The 8-step decision making process described at 24 CFR 55.20, including the requisite analyses, determinations, and public notifications will be performed and documented within the ERR.
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The following worksheet is recommended:
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<th>No</th>
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<tbody>
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<td>Wild and Scenic Rivers Act of 1968, particularly section 7(b) and (c)</td>
<td>☒</td>
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</tbody>
</table>

No National Wild or Scenic Rivers are located in Knox County, Tennessee according to the National Wild and Scenic River System in the US. Only the Obed River located approximately 40 miles west of Knoxville/Knox County is listed as a National Wild and Scenic River (see attached map in Appendix C). Segments of both the Holston and French Broad rivers within Knox County (and adjacent to Knoxville corporate limits) are listed on the Nationwide Rivers Inventory and are therefore afforded protections under this law. However, projects consisting only of rehabilitation of existing homes are not "Water Resources" projects, capable of affecting the free-flowing nature of river segments, and also do not have capacity to affect the watershed from protected segments. Therefore, these projects are in compliance with the Wild and Scenic Rivers Act of 1968 and further consideration of this law is unnecessary.

https://www.rivers.gov/tennessee.php
https://www.nps.gov/subjects/rivers/nationwide-rivers-inventory.htm

**ENVIRONMENTAL JUSTICE**

<table>
<thead>
<tr>
<th>Environmental Justice</th>
<th>Yes</th>
<th>No</th>
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<tbody>
<tr>
<td>Executive Order 12898</td>
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Project sites are not anticipated to adversely affect low- and moderate-income citizens. Instead, the projects are designed to enhance low- and moderate-income families. The County will no: fund projects in areas of potential contamination (e.g. noise, toxic or hazardous operations, Brownfields, etc.). If projects are determined to be planned on or near these types of properties, then the County will provide mitigation or choose an alternative site. The following worksheet is recommended:
https://www.hudexchange.info/resources/documents/Environmental-Justice-Worksheet.docx

**Determination:**

☐ Extraordinary circumstances exist and this project may result in significant environmental impact. This project requires preparation of an Environmental Assessment (EA); OR

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☐ There are no extraordinary circumstances which would require completion of an EA, and this project may remain CEST.

Preparer Signature: ____________________________ Date: __________

Name/Title/Organization: ________________________________

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

Ensure that all supporting documentation for determinations made at this level are attached to this document.
APPENDIX C

DOCUMENTATION
Nationwide Rivers Inventory

This is a listing of more than 3,200 free-flowing river segments in the U.S. that are believed to possess one or more ...
APPENDIX D

PROGRAMMATIC AGREEMENT
PROGRAMMATIC AGREEMENT
AMONG THE TENNESSEE STATE HISTORIC PRESERVATION OFFICER, KNOX COUNTY, AND KNOXVILLE-KNOX COUNTY PLANNING, REGARDING KNOX COUNTY, TENNESSEE PROGRAMS FUNDED BY THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT PURSUANT TO 36 CFR SECTION 800.6(a)

WHEREAS, Knox County (County) administers the Community Development Block Grant (CDBG) Program, the HOME Investment Partnership Program, the Section 108 Loan Program, and any future United States Department of Housing and Urban Development (HUD) program funded activities (Programs); and

WHEREAS, the County is acting as the responsible entity in accordance with HUD's environmental regulations at 24 CFR Part 58.4 and as such, is responsible for compliance with section 106 of the National Historic Preservation Act; and

WHEREAS, the County has determined that the administration of the Programs may have an effect upon properties listed on or eligible for the National Register of Historic Places (National Register) and has consulted with the State Historic Preservation Officer (SHPO) and the Advisory Council on Historic Preservation (Council) pursuant to 36 CFR Part 800.1 of the Council's regulations implementing Section 106 of the National Preservation Act (16 U.S.C. 470f), and

WHEREAS, Knoxville-Knox County Planning (KKCP) maintains an ongoing survey in Knoxville and Knox County of districts, sites, buildings, structures, and objects (hereafter "properties") that may meet the criteria for listing in the National Register in accordance with the criteria for Determinations of Eligibility for Inclusion in the National Register of Historic Places [36 CFR 800.2 C (2)], and

NOW, THEREFORE, the SHPO, the County, and KKCP agree that the Programs shall be administered in accordance with the following stipulations to satisfy the County's Section 106 responsibilities for all individual undertakings of the Programs.

STIPULATIONS

The County will ensure that the following measures are carried out.

1. Professional Qualifications

The SHPO will review and approve the credentials of KKCP professional staff to confirm they meet the qualifications published in Appendix A to 36 CFR Part 61 and to ensure the application of the Standards.

2. Identification

The following stipulations for identification and treatment apply only to undertakings with no ground-disturbing activities.
The County will notify KKCP staff of all districts, sites, buildings, structures, and objects (hereafter "properties") that are forty-five (45) years old or older that are located within the boundaries of targeted priority neighborhoods and other project areas slated for Program activities. The County will provide current photographs of properties that are forty-five years old or older to KKCP staff. KKCP staff (meeting the qualifications published in Appendix A to 36 CFR Part 61) will confirm the properties' age and survey the properties at the reconnaissance level. KKCP will be responsible for maintaining current information on local historic zoning overlays, NRHP listings, and neighborhood information as needed. KKCP will consult survey files; GIS maps documenting past historic resource surveys, local zoning overlays and NRHP sites; and also survey at the reconnaissance level the surrounding neighborhood context.

Properties that may be affected by HUD-funded programs will be evaluated by KKCP for National Register eligibility in consultation with the SHPO. KKCP staff will submit a location map, current photographs, and any historical information gathered on the properties to SHPO staff. If the SHPO's opinion is not rendered within 30 days of the submission of adequate documentation, it will be assumed that the SHPO is in agreement with KKCP's determination of eligibility. In the event that the County and the SHPO cannot agree on the eligibility of a property, the County will request a determination of eligibility from the Keeper of the National Register of Historic Places in accordance with 36 CFR 800.3. Documentation on all determinations will be retained by the County and will be available to the SHPO.

3. Treatment

Above-ground properties that KKCP and the SHPO agree are eligible, determined to be eligible, nominated, or listed in the National Register will be treated in the manner listed below. KKCP will review each activity to determine if the property lies within a National Register historic district or a locally designated historic or neighborhood conservation zoning district.

REHABILITATION

(a) The County will rehabilitate properties in accordance with The Secretary of the Interior’s "Standards for the Rehabilitation of and Guidelines for Rehabilitating Historic Buildings" (36 CFR 67.7) (hereafter "Standards").

(b) Knox County Community Development, the County entity that administers the HUD programs, will supervise all rehabilitation. All documentation, including work write-ups, bid documents, architectural plans, and photographs taken prior to the start of rehabilitation, will be reviewed by a professional with training and experience in rehabilitation supervision of historic properties and the application of the Standards to ensure conformance. This professional will be an employee of KKCP. The SHPO will have the right to review and approve the credentials of that employee in accordance with the qualifications published in Appendix A to 36 CFR Part 61.
(c) County staff will send a request for preliminary review to KKCP for rehabilitation projects involving all buildings that are at least 45 years old or are within a local historic or neighborhood conservation zoning overlay district. KKCP staff will review the proposed scope of work to determine if it meets the activities included in the below list of “Activities Exempt from Further Review.”

(d) If the proposed scope of work is included on the below list of “Activities Exempt from Further Review,” KKCP staff may determine that the work does not require further consultation with the SHPO.

(e) On properties at least 45 years old, all rehabilitation work not included in the below list of “Activities Exempt from Further Review” will be submitted to the SHPO for review within the procedures set forth at 36 CFR Part 800 of the Council’s regulations.

(f) For rehabilitation work not included in the list of excluded activities (Stipulation 5), on all properties determined eligible for or listed on the NRHP, the County will consult with the SHPO and initiate the procedures set forth at 36 CFR Part 800.5 of the Council’s regulations. If KKCP has received a determination of not eligible for a resource, no further review is required provided that the SHPO issued that determination within the past ten (10) years and no new information has come to light.

(g) The documentation for each rehabilitation project will be retained by the County as part of the permanent project files and will be reviewed by the SHPO on an agreed-upon periodic basis.

NEW CONSTRUCTION

(a) The County will require designs for buildings slated for new construction within or adjacent to historic districts either listed on, or eligible for, the National Register or adjacent to properties that are individually eligible or listed in the National Register to adhere to the Standards and be compatible with the overall character of the historic district or adjacent historic properties in terms of height, scale, massing, setback, color, materials, and details. Preliminary plans will be submitted to the SHPO for approval.

(b) The final design will be consistent with the preliminary plans approved by the SHPO, as modified to address any SHPO recommendations. If the plans cannot be modified and the SHPO determines there is an adverse effect, then the County will follow the steps laid out in 36 CFR 800.6 to resolve the adverse effects. If the County disagrees with the SHPO concerning the determination of an adverse effect, then the County will request the Council’s comments in accordance with 36 CFR 800.5(c)(3)(i).

(c) Additions to structures that are eligible for or listed on the National Register of Historic Places, whether individually or as part of a historic district, will adhere to the
Standards and be consistent with guidelines in the National Park Service’s Preservation Brief #14, "New Exterior Additions to Historic Buildings: Preservation Concerns." Prior to beginning construction, all plans and drawings will be submitted to the SHPO for review and approval.

DEMOLITION

(a) The County will send all demolition proposals to KKCP for review and comment.

(b) KKCP will review the property for age and evaluate potential National Register eligibility and render a formal determination to the County and the SHPO.

(c) County staff will submit to the SHPO for review all proposed demolitions, and consult with the SHPO pursuant to the requirements of 36 CFR Part 800.

4. Training

The SHPO will provide training in the application of the Standards for County personnel, and other personnel as requested by the County, on a schedule to be arranged between the parties.

5. Activities Exempt from Further Review

If the County determines that program activities will involve properties less than forty-five (45) years old and not eligible under Criteria Consideration G of the National Register, no further review is required, including evaluation of the property for National Register eligibility.

For the purposes of the following stipulation, "in-kind" means “installation of a new element that duplicates the material, dimensions, configuration, profile, and detailing of the original element.”

In addition, for properties that are forty-five (45) years old or older, the below listed rehabilitation activities may not require further consultation with the SHPO. Information on each property over 45 years old and the proposed scope of work will be submitted to qualified KKCP staff. KKCP staff will review the property and scope of work and determine the property’s National Register status using the above identification process and determine if the proposed work qualifies as an activity exempt from further review. KKCP staff can recommend the County to initiate consultation with the SHPO pursuant to the requirements of 36 CFR 800 on a case-by-case basis.

a) Exterior work, to include:
   i. Electrical work (upgrading, repair, or in-kind replacement);
   ii. Plumbing work (upgrading, repair, or in-kind replacement);
   iii. Repair or replacement of heating and ventilation systems where no structural alteration is involved;
iv. Painting surfaces that have already been painted;
v. Repair or replacement of roofs (when a potential health and safety hazard exists), gutters, porch elements, or cornices, when the repair or replacement is done in-kind to match existing material and form;
vi. Caulking;
vii. Repair to an existing accessibility ramp;
viii. Reconstruction of an existing accessibility ramp provided that the reconstruction is in-kind and does not cause any new ground disturbance;
ix. Replacement of non-historic doors on non character-defining elevations;
x. Repair to, or replacement of, non-historic screen doors;
xi. Replacement of non-historic, replacement windows that were replaced within the last forty (40) years;
xii. Repair to historic windows;
xiii. Modifications to driveways and sidewalks;
xiv. In-kind repair of steps.

b) Interior work, to include:
i. Weatherization activities, including weather-stripping, roof insulation, and insulation of basements and interior walls;
ii. Interior surface treatments, including repainting, refinishing, repapering or installing carpet or linoleum, provided no original feature significant to the historic character of the structure is altered or lost;
iii. Repair to flooring;
iv. Repair of plaster walls and ceilings by patching plaster where possible, and replacement of interior deteriorated plaster with drywall, provided plaster does not have original decorative details;
v. Replacement of original lighting fixtures for safety or efficiency, when those fixtures are not character-defining features;
vi. Replacement of damaged interior doors that are not character-defining features with replacement doors similar in design size;
vii. Accessibility modifications, including widening of interior doors (when widening does not alter character-defining floor plans; or damage or remove any historic interior features), lowering kitchen and bathroom counters;
viii. Replacements to toilets, bathtubs, shower valves, faucets, and similar bathroom fixtures, and associated plumbing;
ix. Replacements to bathroom fixtures provided no alterations are needed to the floor plan or structure of the building;
x. Replacement of kitchen fixtures provided no alterations are needed to the floor plan or structure of the building.

6. Ground-Disturbing Activities

Ground-Disturbing activities include, but are not limited to, utility excavation, new construction, excavation for footing or foundation repair, pond excavation, clearing for demolition, and extensive landscaping.
If ground disturbing activities are proposed by the County, other than in-place repair or replacement of existing water and sewer lines in the same location or areas documented to have been previously disturbed, the County will consult with the SHPO prior to any such activity to determine if the activity has the potential to affect National Register-listed or -eligible properties. If such potential exists, the County will conduct an archaeological survey in accordance with 36 CFR Part 66, Appendices B and C. The report will then be submitted to the SHPO for its review and comment. If archaeological resources are identified which meet the National Register criteria, they will be avoided or preserved in place wherever feasible. If this is not feasible, the SHPO will be consulted and a treatment program consistent with the Council’s handbook "Treatment of Archaeological Properties" and approved by the SHPO will be developed and implemented.

7. Public Involvement

Each year the County will notify the public of the County's current Program, and make available for public inspection documentation on the County's Program. Included in this documentation will be general information on the Program; information on the type(s) of activities undertaken with CDBG or HUD funds; information on identified historic properties which might be affected by these activities; the amount of CDBG or HUD funds available in the current program year; and how interested persons can receive further information on the Program. Documentation will be made available to the public via hard copy at the Community Development office and online.

8. Post-Review Discoveries

The County and KKCP will comply with the post-review discovery requirements defined in 36 CFR 800.13. If a post-review discovery is made, the County and KKCP will coordinate with the SHPO to evaluate discoveries as needed and determine next steps.

9. Emergency Situations

If an emergency situation arises, the County and KKCP will comply with the requirements defined in 36 CFR 800.12. The County and KKCP will coordinate with the SHPO in the event of an emergency situation.

10. Monitoring

The Council and the SHPO may monitor activities carried out pursuant to this Agreement, and the Council will review such activities if so requested. The County will cooperate with the Council and the SHPO in carrying out their monitoring and review responsibilities.

Throughout this agreement, unless otherwise stated, the SHPO shall have thirty (30) days to review and comment on all submittals from County concerning activities covered under this agreement document. Comments received from the SHPO shall be taken into
consideration in preparing final plans. County will supply copies of its final findings to the other signatories.

An annual report will be prepared by KKCP and County staff detailing the reviews conducted under the Programmatic Agreement. The annual report will coincide with the end of the County’s fiscal year and will be delivered to the SHPO no later than June 30 of each year.

11. Amendments/Termination

Signatories may propose an amendment to this agreement at any time. Signatories to this agreement may then agree to amend the terms of the agreement document. Such amendment shall be effective upon the signatures of all signatories to this agreement document, and the amendment shall be appended to the agreement document as an attachment.

This agreement will be reviewed annually at the receipt of the annual report. If any signatory determines that the terms of this agreement cannot be or are not being carried out, the signatories shall consult to seek amendment of the agreement. If the agreement is not amended, any signatory may terminate it upon providing the other signatories thirty (30) days written notice.

12. Copies

The agency official shall provide each consulting party with a copy of the executed agreement.

13. Dispute Resolution

Should any signatory object in writing within time frames established by this PA to any plans, specifications, determinations, or other activities undertaken pursuant to this PA, the County shall consult with that party, and any other party, to resolve the objection. If the objection is resolved within 14 days, the parties will proceed accordingly. If the County determines within this time frame that the objection cannot be resolved through consultation, the County will request comments from the Advisory Council on Historic Preservation (ACHP) pursuant to 36 CFR 800.2(b)(2). The County will take into account any ACHP comments received within 30 days after ACHP receipt of the request, with reference only to the subject in dispute. The signatories are responsible for implementing all actions of this PA that are not subject to dispute. County will promptly provide the other parties with a written resolution.

14. Duration

This Programmatic Agreement will continue in force and effect until five (5) years after the date of the last signature. At that time, it will be reviewed by the Signatories to consider
an extension, modification, or termination of this Agreement. No extension or modification will be effective unless all Signatories to this Agreement have agreed to it in writing.

Execution of this Agreement among the Tennessee State Historic Preservation Office, Knox County, Knoxville-Knox County Planning, and implementation of its terms evidence that the County has taken into account the effects of the undertaking on historic properties, and that the County has complied with its obligations under Section 106 of the National Historic Preservation Act.

KNOXVILLE-KNOX COUNTY PLANNING:
By: ___________________________ Date: 4/30/2020
Gerald Green, Executive Director

KNOX COUNTY, TENNESSEE:
By: ___________________________ Date: 4/8/2020
Glenn Jacobs, Mayor

TENNESSEE STATE HISTORIC PRESERVATION OFFICER:
By: ___________________________ Date: 05/05/2020
E. Patrick McIntyre, Jr., Tennessee State Historic Preservation Officer

Contract No.: 20-170

APPROVED AS TO LEGAL FORM

Knox County Law Director Date