

Statewide Programmatic Agreement for HUD Programs in Nevada

Under HUD regulation 24 CFR 58, Environmental Review (ER) procedures is an analysis required for all HUD-assisted funds, including, community Development Block Grant (CDBG), HOME Investment Partnership Program (HOME), Continuum of Care (CoC), and Public Housing, etc. The analysis reviews the impacts of both the project on the environment and the environment on the project. The goal of the ER is to identify ways to avoid or reduce adverse effects on the environment and/or the public surrounding the property, by ensuring it meets federal, state, and local standards. While there are different levels of ERs subject to the proposed project and location, a standard Environmental Assessment can take an average of 4 to 5 months to complete. Prior to the Responsible Entity (RE) committing any funds to project, a completed and compliant ER is required.

HUD regulation 24 CFR 58.4 (a) allows the assumption of a local government (Clark County) to assume responsibility as a Responsible Entity (RE) when conducting ERs, including Section 106 reviews. Section 106 requires all federal agencies undertaking federal funds to consider the potential effects the proposed projects may have on historic properties. Clark County acknowledges that Federally Recognized Indian Tribes possess special knowledge in assessing properties with tribal religious and cultural significance. Accordingly, Clark County will continue to conduct outreach and consult with the State Historic Preservation Officers (SHPO) and Federally Recognized Indian Tribes. Though SHPO claims no authority to cancel or pause a project, SHPO's responsibility is to make recommendations on projects to comply with federal regulations.

Clark County would benefit from a streamlined process ensuring that historic properties are considered, known as a Programmatic Agreement (PA). This PA outlines an expedited Section 106 process, by listing activities that may be exempt from the review. Most HUD-funded projects have no historic properties or adverse effect on historic properties. It would be beneficial to adapt this PA and eliminate the need for further review. The time taken to complete an ER is critical to the commencement of a project. Signing this PA would reduce the ER process and allow HUD-assisted federal funds to go toward assisting vulnerable populations in a timelier manner.