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Title 24 – Housing and Urban Development

Subtitle A – Office of the Secretary, Department of Housing and Urban Development

Part 58 – Environmental Review Procedures for Entities Assuming HUD Environmental Responsibilities

Subpart D – Environmental Review Process: Documentation, Range of Activities, Project Aggregation and Classification

Authority: 12 U.S.C. 1707 note, 1715z–13a(k); 25 U.S.C. 4115 and 4226; 42 U.S.C. 1437x, 3535(d), 3547, 4321–4335, 4852, 5304(g), 12838, and 12905(h); title II of Pub. L. 105–276; E.O. 11514 as amended by E.O. 11991, 3 CFR, 1977 Comp., p. 123.

Source: 61 FR 19122, Apr. 30, 1996, unless otherwise noted.

§ 58.34 Exempt activities.

- (a) Except for the applicable requirements of § 58.6, the responsible entity does not have to comply with the requirements of this part or undertake any environmental review, consultation or other action under NEPA and the other provisions of law or authorities cited in § 58.5 for the activities exempt by this section or projects consisting solely of the following exempt activities:
- (1) Environmental and other studies, resource identification and the development of plans and strategies;
 - (2) Information and financial services;
 - (3) Administrative and management activities;
 - (4) Public services that will not have a physical impact or result in any physical changes, including but not limited to services concerned with employment, crime prevention, child care, health, drug abuse, education, counseling, energy conservation and welfare or recreational needs;
 - (5) Inspections and testing of properties for hazards or defects;
 - (6) Purchase of insurance;
 - (7) Purchase of tools;
 - (8) Engineering or design costs;
 - (9) Technical assistance and training;
 - (10) Assistance for temporary or permanent improvements that do not alter environmental conditions and are limited to protection, repair, or restoration activities necessary only to control or arrest the effects from disasters or imminent threats to public safety including those resulting from physical deterioration;
 - (11) Payment of principal and interest on loans made or obligations guaranteed by HUD;
 - (12) Any of the categorical exclusions listed in § 58.35(a) provided that there are no circumstances which require compliance with any other Federal laws and authorities cited in § 58.5.

- (b) A recipient does not have to submit an RROF and certification, and no further approval from HUD or the State will be needed by the recipient for the drawdown of funds to carry out exempt activities and projects. However, the responsible entity must document in writing its determination that each activity or project is exempt and meets the conditions specified for such exemption under this section.

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