

# ENVIRONMENTAL REVIEW RECORD CHECKLIST

Project Year and Title:

	Requirements	n/a	Environmental Assessment	Categorically Excluded Subject To 58.5	Categorically Excluded Converted to Exempt	Exempt or CENST	Aggregate - previous ERR still valid	Adoption of Other Agencies' ERR	Addendum / Scope Change
Corresponds to form(s):	Corresponds to ERR Chapter pgs:		6-10	10-12	12-13	14	16	14	16
EA Worksheets	<b>Environmental Assessment Narrative</b>								<i>Statutory Worksheet only</i>
	<b>Statutory Worksheet</b>								
	<b>NEPA Checklist</b>								
	<b>Signature/Dates on all forms</b> Signature Dates*								
CEST Worksheets	<b>CEST Narrative</b>								
	<b>Statutory Worksheet</b>								
	<b>Signature/Dates on all forms</b>								
	<b>Signature Dates*</b>								
Exempt/CENST Worksheets	<b>Exempt or CENST Worksheet &amp; Certification</b>								
	<b>Signatures/Dates on all forms</b>								
	<b>Signature Date(s)</b>								
	<b>Map w/ project delineated</b>								
	<b>SHPO Letter</b> Response Date*								
	<b>All Tribal Consultations</b> Sent Date* Tribe(s) & Response Date(s)								

\* These signature dates must precede the publication date of the NOI/RROF or the Concurrent Notice and the Distribution List letters.

Requirements	n/a	Environmental Assessment	Categorically Excluded Subject To 58.5	Categorically Excluded Converted to Exempt	Exempt or CENST	Aggregate - previous ERR still valid	Adoption of Other Agencies' EA	Addendum / Scope Change
<b>Early Notice and Public Review</b> (for floodplain projects) Publication Date								
<b>Final Notice and Public Explanation</b> (for floodplain projects) Publication Date								1
<b>Concurrent Notice</b> Publication Date OR Posting Date								
<b>Notice of Intent to Request Release of Funds</b> Publication Date OR Posting Date								
<b>Distribution List (with proof)</b> Date EN&PR Letters Sent FN&PE / Other Notice Date Letters Sent								
<b>Documentation of Flood Insurance</b> (for structures only)								
<b>Copy of Adopted EIS/EA</b>								
<b>Addendum of Validity</b> Signature Date								
<b>Request for Release of Funds/Certification</b> Signature Date**								2

\*\* This signature date must be after local review (final notice public comment period(s)).

1 Check with ECD before completing - only needed if original ERR was an EA or new floodplain/wetland areas are being added to project

2 Needed if original project was funded in a previous year

**Environmental Assessment  
For HUD-funded Proposals**  
Recommended format per 24 CFR Part 58

Project Name:

Responsible Entity:

[24 CFR Part 58.2(a)(7)]

[City or County]

Certifying Officer:

[24 CFR Part 58.2(a)(2)]

[Mayor/County Executive]

Recipient Address

Project Identification:

[HUD Project Number]

ERR Preparer:

Date of ERR Completion:

Project Location:

HUD CDBG Funds:

Estimated Total Project Cost:

[24 CFR 58.32(d)]

**Description of the Proposed Project:** Include all contemplated actions, which logically are either geographically or functionally a composite part of the project, regardless of the source of funding [24 CFR 50.12 & 58.32; 40 CFR Part 1508.25]. **Include alternatives to the project, including a "No Action" alternative.**

**Statement of Need for Proposal:** [40 CFR Part 1508.9(b)]

**Existing Conditions and Trends:** Describe the existing conditions of the project area and its surroundings, and trends likely to continue in the absence of the project (land use, soils, etc.) [24 CFR Part 58.40(a)].

**Mitigation Measures and Conditions** [40 CFR 1505.2(c)]

Summarize below all mitigation measures adopted by the Responsible Entity to reduce, avoid, or eliminate adverse environmental impacts and to avoid non-compliance or non-conformance with the above-listed authorities and factors. These measures/conditions must be incorporated into project contracts, development agreements, and other relevant documents. The staff responsible for implementing and monitoring mitigation measures should be clearly identified in the mitigation plan.

**Determination:****Finding of No Significant Impact** [24 CFR Part 58.40(g)(1); 40 CFR 1508.27]

The project will not result in a significant impact on the quality of the human environment.

**Finding of Significant Impact** [24 CFR Part 58.40(g)(2); 40 CFR 1508.27]

The project may significantly affect the quality of the human environment.

**Preparer Signature:****Date:****Name/Title/Organization:****Certifying Officer Signature:****Date:****Name/Title:**

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).

## STATUTORY WORKSHEET

### 24 CFR §50.4, 58.5, 58.6 Laws, Statutes, Executive Orders & Regulations

Use this worksheet for projects that need an Environmental Assessment or are Categorical Excluded per 24 CFR §58.35(a).

HUD Grant number

HUD CDBG funds

Other funds and source

Project total

**PROJECT NAME, LOCATION and DESCRIPTION –**

Include all contemplated actions that logically are either geographically or functionally part of the project:

**SEWER SYSTEM PROJECTS ONLY:  
LIST DATE AND CATEGORY OF LAST ERR**

**DIRECTIONS -**

See the B-8 Statutory Worksheet Directions for directions on completing this form.

**Compliance Factors:**

STATUTES, EXECUTIVE ORDERS AND REGULATIONS LISTED AT 24 CFR 58.5 & 58.6	A/B	COMPLIANCE DETERMINATION
<p><b>HISTORIC PRESERVATION</b> NHPA partic. 106, 110; 36 CFR 800</p>		<p>SHPO response letter date:</p> <p>SHPO response:</p> <p>THPO response letter date(s):</p> <p>THPO response(s):</p> <p>List of Tribes that did not respond:</p>

<p><b>FLOODPLAIN MANAGEMENT</b> 24 CFR 55; EO 11988 partic. 2(a)</p>		FIRM map #(s) -
<p><b>WETLAND PROTECTION</b> EO 11990 partic. (2), (5)</p>		
<p><b>COASTAL ZONE MANAGEMENT ACT</b> CZMA Sections 307(c) &amp; (d)</p>		There are no coastal zones in Tennessee. See attached documentation.
<p><b>SOLE SOURCE AQUIFERS</b> SDWA partic. 1424(e); 40 CFR 149</p>		There are no Sole Source Aquifers in Tennessee. See attached documentation.
<p><b>ENDANGERED SPECIES ACT</b> ESA partic. Section 7; 50 CFR 402</p>		
<p><b>WILD AND SCENIC RIVERS ACT</b> WSRA partic. Sections 7(b) &amp; (c)</p>		
<p><b>CLEAN AIR ACT</b> CAA partic. Section 176(c) &amp; (d); 40 CFR 6, 51, 93</p>		See attached attainment or non-attainment map and /or list.
<p><b>FARMLAND PROTECTION POLICY ACT</b> FPPA partic. 1504(b) &amp; 1541; 7 CFR 658</p>		See completed FPPA checklist.
<p><b>EXPLOSIVE &amp; FLAMMABLE HAZARDS</b> 24 CFR 51C</p>		
<p><b>NOISE ABATEMENT &amp; CONTROL</b> NCA; QCA; 24 CFR 51B</p>		
<p><b>AIRPORT CLEAR ZONES &amp; ACCIDENT POTENTIAL ZONES</b> 24 CFR 51D</p>		See completed Airport checklist and radius map.
<p><b>CONTAMINATION &amp; TOXIC SUBSTANCES</b> 24 CFR 50.3(i), 58.5(i)(2)</p>		See completed Toxic checklist and EnviroFacts.
<p><b>ENVIRONMENTAL JUSTICE</b> EO 12898</p>		Project will not negatively affect low and moderate incomes and minority populations. Memo Date-

**DETERMINATION:**

This project converts to Exempt, per § 58.34(a)(12), because it does not require any mitigation for compliance with any listed statutes or authorities, nor requires any formal permit or license (*Status "A" has been determined in the status column for all authorities. Complete an A-16, also.*) Funds may be drawn down for this (now) EXEMPT project;

OR

This project cannot convert to Exempt and is Categorical Excluded because one or more statutes/authorities require consultation or mitigation. Complete consultation/mitigation requirements, publish NOI/RROF and obtain Authority to Use Grant Funds (HUD 7015.16) per §§ 58.370 and 58.71 before drawing down funds;

OR

The unusual circumstances of this project may result in a significant environmental impact. This project requires preparation of an Environmental Assessment (EA). Prepare the EA according to 24 CFR Part 58 Subpart E.

OR

This is documentation as an ERR addendum. The original ERR is still current/valid.

Signature of preparer

Date

Title of preparer

Signature of Certifying Officer

Date

Title of Certifying Officer



## Floodplain Management Worksheet

<https://www.hudexchange.info/environmental-review/floodplain-management>

\*Refer to CDBG Manual Chapter B - Exhibit B-14 to reference 24 CFR 55.12

1. Does **24 CFR 55.12(c)** exempt this project from compliance with HUD's floodplain management regulations in Part 55?

Yes

Provide the applicable citation at 24 CFR 55.12(c) here. If project is exempt under 55.12(c)(6) or (8), provide supporting documentation.

→ If TNECD agrees with this recommendation, the review is in compliance with this section. Continue to the Worksheet Summary below.

No → Continue to Question 2.

2. Provide a FEMA/FIRM map showing the site.

The Federal Emergency Management Agency (FEMA) designates floodplains. The [FEMA Flood Map Service Center](#) provides this information in the form of FEMA Flood Insurance Rate Maps (FIRMs). **Does your project occur in a floodplain?**

No → Continue to the Worksheet Summary below.

Yes

Select the applicable floodplain using the FEMA map or the best available information:

Floodway → **Continue to Question 3, Floodways**

Coastal High Hazard Area (V Zone) → Continue to Question 4, Coastal High Hazard Areas

500-year floodplain (B Zone or shaded X Zone) → **Continue to Question 5, 500-year Floodplains**

100-year floodplain (A Zone) → **The 8-Step Process is required. Continue to Question 6, 8-Step Process**

3. **Floodways**

Is this a functionally dependent use?

Yes

The 8-Step Process is required. Work with the Responsible Entity & Project Engineer to complete the 8-Step Process. → Continue to Worksheet Summary.

No → *Federal assistance may not be used at this location unless an exception in 55.12(c) applies. You must either choose an alternate site or cancel the project.*

4. **Coastal High Hazard Area**

Is this a critical action such as a hospital, nursing home, fire station, or police station?

Yes → *Critical actions are prohibited in coastal high hazard areas unless an exception in 55.12(c) applies. You must either choose an alternate site or cancel the project.*

No

**Does this action include new construction that is not a functionally dependent use, existing construction (including improvements), or reconstruction following destruction caused by a disaster?**

Yes, there is new construction of something that is not a functionally dependent use. New construction must be designed to FEMA standards for V Zones at 44 CFR 60.3(e) (24 CFR 55.1(c)(3)(i)).

→ *Continue to Question 6, 8-Step Process*

No, this action concerns only existing construction.

Existing construction must have met FEMA elevation and construction standards for a coastal high hazard area or other standards applicable at the time of construction.

→ *Continue to Question 6, 8-Step Process*

#### 5. **500-year Floodplain**

**Is this a critical action (such as a hospital, nursing home, fire station, or police station)?**

No → *If the RE/HUD agrees with this recommendation, the review is in compliance with this section. Continue to the Worksheet Summary below. Continue to the Worksheet Summary below.*

Yes → *Continue to Question 6, 8-Step Process*

#### 6. **8-Step Process.**

**Is this 8-Step Process required? Select one of the following options:**

8-Step Process applies.

This project will require mitigation and may require elevating structure or structures. See the link to the HUD Exchange above for information on HUD's elevation requirements.

→ *Work with the Responsible Entity & Project Engineer to assist with the 8-Step Process. Continue to Worksheet Summary.*

5-Step Process is applicable per 55.12(a)(1-4).

**Provide the applicable citation at 24 CFR 55.12(a) here.**

→ *Work with the Responsible Entity & Project Engineer to assist with the 5-Step Process. Continue to Worksheet Summary.*

8-Step Process is inapplicable per 55.12(b)(1-5).

**Provide the applicable citation at 24 CFR 55.12(b) here.**

→ *If TNECD agrees with this recommendation, the review is in compliance with this section. Continue to the Worksheet Summary below.*

**Worksheet Summary - Floodplain Management**

Provide a full description of your determination and a synopsis of the information that it was based on, such as:

- Detailed description of proposed project activities
- Map panel numbers and dates
- Names of all consulted parties and relevant consultation dates
- Names of plans or reports and relevant page numbers
- Any additional requirements specific to your program or region

**Include all documentation supporting your findings in your Environmental Review Record.**

## Wetland Protection Worksheet

<https://www.hudexchange.info/environmental-review/wetlands-protection/>

24 CFR 55.1(a)(2): *The purpose of Executive Order 11990, Protection of Wetlands, is “to avoid to the extent possible the long- and short-term adverse 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 practicable alternative.”*

1. **Does the project involve new construction as defined in Executive Order 11990, expansion of a building’s footprint, or ground disturbance?** (“New construction” includes draining, dredging, channelizing, filling, diking, impounding, and related activities and any structures or facilities begun after the effective date of Executive Order 11990. (See section 7(b) of Executive Order 11990.))

- **Yes – Continue to Question 2**
- **No – If TNECD agrees with this recommendation, the review is in compliance with this section. Continue to Worksheet Summary below.**

2. **Provide a National Wetlands Inventory Map and USDA NRCS Web Soil Survey (including soil type data) of the project area. Does the NWI map indicate a wetland feature present, or does the NRCS Web Soil Survey indicate hydric soils in or near the project area?**

- **Yes – Consult with U.S. Fish and Wildlife Service Region IV National Wetlands Inventory Coordinator to determine if and what type of wetlands are present. Provide the following for this consultation: map of the property boundary, copy of NWI map showing the wetland feature(s) in question, and photos from the ground of the potential wetland area, if possible. Include the USFWS response in your Environmental Review Record. If the U.S. Army Corps of Engineers was consulted regarding jurisdictional wetlands, include this response and documentation of any wetland delineations conducted in your ERR.**

**Continue to Question 3.**

- **No – If TNECD agrees with this recommendation, the review is in compliance with this section. Continue to Worksheet Summary below.**

3. **Will the new construction or other ground disturbance impact a wetland as defined in E.O. 11990 (was a wetland feature confirmed to be present on or near the project area)?**

- **Yes – Continue to Question 4.**
- **No – If TNECD agrees with this recommendation, the review is in compliance with this section. Continue to Worksheet Summary below. Provide a map or documentation from USFWS National Wetlands Inventory staff (and/or U.S. Army Corps of Engineers) to explain your determination.**

**4. Does 24 CFR 55.12 state that the 8-Step Process is not required?\***

\*Refer to [CDBG Manual](#) Chapter B – Exhibit B-14 to reference 24 CFR 55.12.

- **No – the 8-Step Process applies.**
  - This project will require mitigation and may require elevating structure or structures. See the link to the HUD Exchange above for information on HUD’s elevation requirements.
  - *Work with the Responsible Entity and Project Engineer to complete the 8-Step Process. Continue to Worksheet Summary below.*
  
- **No – but the 5-Step Process is applicable per 24 CFR 55.12(a).**
  - Provide the applicable citation at 24 CFR 55.12(a) here:
  
  - *Work with the Responsible Entity and Project Engineer to complete the 5-Step Process. Continue to Worksheet Summary below.*
  
- **Yes – the 8-Step Process is inapplicable per 24 CFR 55.12(b).**
  - Provide the applicable citation at 24 CFR 55.12(b) here:
  
  - *If TNECD agrees with this recommendation, the review is in compliance with this section. Continue to Worksheet Summary below.*
  
- **Yes – the 8-Step Process is inapplicable per 24 CFR 55.12(c).**
  - Provide the applicable citation at 24 CFR 55.12(c) here:
  
  - *If TNECD agrees with this recommendation, the review is in compliance with this section. Continue to Worksheet Summary below.*

**Worksheet Summary - Wetland Protection**

Provide a full description of your determination and a synopsis of the information that it was based on, such as:

- Detailed description of the proposed project activities, including the nature of construction and ground disturbance
- Map panel numbers and dates
- Names of all consulted parties and relevant consultation dates
- Names of plans or reports and relevant page numbers
- Any additional requirements specific to your program or region

Include all documentation supporting your findings in the Environmental Review Record.

**8-STEP DECISION MAKING PROCESS DOCUMENTATION**

(Decision Making Process under E.O. 11988 and 24 CFR 55.20)

*[Attach additional pages as necessary for any step in the process.]*

**STEP 1 – Determine if the proposed action/project is located in a 100-year floodplain/wetland, or 500-year floodplain for a critical action.**

Attach the FEMA Firmette of the Flood Insurance Rate Map, mark the project site clearly on the map, and complete the following:

**Community Name/Number:** \_\_\_\_\_

**Map Panel and Date of Map Panel:** \_\_\_\_\_

(Continue to Step 2 if the area has been mapped.)

Check here if the area has not been mapped by FEMA, and continue below.

*If the area has not been mapped by FEMA, obtain and attach the best information available from one or more of the following accepted source (check all sources used):*

Community Flood Administrator

US Army Corps of Engineers

US Geological Survey Maps

USDA Natural Resources conservation Service Soils Map

Regional Planning Commission/Regional Council of Governments Mapping

Local flood control or levee district

Other \_\_\_\_\_

**STEP 2 – Involve the public in the decision-making process.**

**Publish the Early Notice and Public Review.**

The Early Notice and Public Review is a notice of the proposal to consider an action in a floodplain/wetland. The Notice must be published in the non-legal section of the newspaper of widest circulation. A minimum 15-day comment period begins the day after publication. Indicate if comments were received. If the RE receives any written comments, the RE must respond in writing, resolve any issues and provide copies to CDBG. A copy of the publication must be enclosed in the ERR.

**Name of Newspaper:** \_\_\_\_\_

**Date of publication:** \_\_\_\_\_

**Were adverse comments received in writing?**                      **Yes**                      **No**  
*(If yes, attach all correspondence.)*

**STEP 3 – Evaluate alternatives to locating the proposed action in a floodplain.**

*Explain in detail* each of the following to determine if the floodplain and/or wetland can be avoided:  
(Attach additional pages if necessary.)

a. Identify and explain if alternative sites suitable for the project exist outside the floodplain/wetland:  
(Refer to the engineer/architect, or engineering/architectural report for alternatives. Other buildings and/or sites and No Action alternatives must be evaluated.)

b. Identify and explain if feasible alternative actions/methods may be used to fulfill the identical project objective: (Can different or modified actions with less chance for impact be used to fulfill the same project?)

c. Identify and explain if threats to lives and property and/or adverse impacts to the floodplain/wetland outweigh benefits of the proposed project: (Explain if impacts are too severe to human and natural environments to complete the project.)



**STEP 4 – Identify indirect and direct impacts associated with occupying or modifying the floodplain/wetland.**

If the RE determines the only practicable alternative for the project/action is occupying or modifying the floodplain/wetland, then impacts to lives and properties and impacts to floodplains and/or wetland, must be identified. If the RE determines an alternative site of the project exists out of the floodplain/wetland, project activities may still have an impact on the nearby floodplain/wetland and must also be identified to determine ways to minimize harm.

Explain in detail how the project/activity will affect the floodplain/wetland regarding the following types of impacts:

Positive or beneficial impacts to the floodplain/wetland, both direct and indirect:

Negative or harmful impacts to the floodplain/wetland, both direct and indirect:

Concentrated impacts – those occurring at or near the floodplain/wetland:

Dispersed or remote impacts occurring distant from the floodplain/wetland:

Short-term impacts to the floodplain/wetland (temporary impacts occurring immediately after an action lasting as short while):

Long-term impacts to the floodplain/wetland (impacts occurring during or after an action that persist for considerable time or indefinitely):

Explain if project encourages development in the floodplain/wetland:

**STEP 5 – Identify mitigation measures to minimize impacts to and to preserve benefits of the floodplain/wetland.** (*Consult project engineer/architect and/or engineering/architectural report.*)

a. Explain how actions will be designed and/or modified to minimize harm to or within the floodplain/wetland.

b. Explain how actions will be designed and/or modified to restore and/or preserve as much of the natural and beneficial floodplain/wetland values as possible.

**STEP 6 – Re-evaluate alternatives identified in Step 3. Take into account all identified impacts & mitigation measures.**

a. Explain whether it is possible to modify or relocate the project/activity and why.

b. If there are no alternatives, explain why the project/activity should occur. Consider impacts determined in Step 4 and minimization efforts identified in Step 5.

**STEP 7 – If re-evaluation results in no practicable alternative to relocate the project out of the floodplain/wetland, the decision must be made public.**

**Publish the Final Notice and Public Explanation**

The Final notice must be published in a non-legal section of the newspaper of widest circulation. A 7-day comment period begins the day *after* publication. This notice may be published concurrently with the Concurrent Notice or the NOI/RROF. (24 CFR Subpart C § 55.20(b)(1).

If the RE receives written comments, the RE must respond in writing, resolve issues and provide copies to CDBG. A copy of the publication must be enclosed in the ERR.

**Name of Newspaper:** \_\_\_\_\_

**Date of publication:** \_\_\_\_\_

**Were adverse comments in writing received?**                      **Yes**                      **No**  
*(If Yes, attach all correspondence.)*

**STEP 8 – Implement the Project.**

Project implementation can only proceed provided compliance has been demonstrated with respect to all of the prior steps and provided the project has been approved by the state in accordance with HUD regulation 254 CFR part 58.

The Responsible Entity has a continuing responsibility to ensure that the mitigating measures identified in Step 7 are implemented. Mitigation measures must be incorporated, as appropriate, in project contract and all related agreement documents.

**Additional Information/Explanations:**

\_\_\_\_\_  
**Preparer's signature/title**

\_\_\_\_\_  
**Date**

## Farmland Protection

### Checklist for Responsible Entity

General requirements	Legislation	Regulation
The Farmland Protection Policy Act discourages Federal activities that would convert farmland to nonagricultural purposes.	Farmland Protection Policy Act of 1981 (7 U.S.C. 4201 et seq.)	7 CFR Part 658

#### 1. Does your project include new construction, acquisition of undeveloped land or change in use of land or property?

No: STOP here. The Farmland Protection Policy Act does not apply. Record your determination

Yes: PROCEED to #2

#### 2. Does your project meet one of the following exemptions?

- Urban development - This project area is already in or committed to urban land use or has existing footprints including rights-of-ways and therefore is not subject to FPPA.
- Subsurface corridor project (minimal disturbance) - Properly planned permitted buried utility project that will result in minimal disturbance of agricultural lands.
- Agricultural structures - Construction limited to on-farm structures needed for farm operations.
- Zoning - The project area has been designated by a state or local government entity for commercial and/or industrial land use and is therefore not subject to FPPA.
- Water Storage - The project area involves land used for water storage and is therefore not subject to FPPA.
- Minimal Acreage threshold - This project falls below the threshold of 10 acres per linear mile which require review and therefore is not subject to FPPA.

No: PROCEED to #3

Yes: STOP here. The project is not subject to the Farmland Protection Policy Act. Record your determination.

#### 3. Does "important farmland" regulated under the Farmland Protection Policy Act occur on the project site? This includes prime farmland, unique farmland and/or land of statewide or local importance (You may use the links below to determine if important farmland occurs on the project site):

- Utilize USDA Natural Resources Conservation Service's (NRCS) Web Soil Survey <http://websoilsurvey.nrcs.usda.gov/app/HomePage.htm>
- Check with your city or county's planning department and ask them to document if the project is on land regulated by the FPPA (zoning important farmland as non-agricultural does not exempt it from FPPA requirements)
- Contact NRCS at the local USDA service center <http://offices.sc.egov.usda.gov/locator/app?agency=nrcs> or your NRCS state soil scientist [http://www.nrcs.usda.gov/Internet/FSE\\_DOCUMENTS/stelprdb1254316.pdf](http://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb1254316.pdf) for assistance

- No: STOP here. The project does not convert farmland to nonagricultural purposes. Record your determination on the Statutory Worksheet and attach documentation used to make your determination
- Yes: PROCEED to #4

**4. Consider alternatives to completing the project on important farmland and means of avoiding impacts to important farmland.**

Complete form AD-1006, "Farmland Conversion Impact Rating"

[http://www.nrcs.usda.gov/Internet/FSE\\_DOCUMENTS/stelprdb1045394.pdf](http://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb1045394.pdf) and contact the state soil scientist before sending it to the local NRCS District Conservationist. Work with NRCS to minimize the impact of the project on the protected farmland.

Return a copy of Form 1006 to the USDA-NRCS State Soil Scientist or his/her designees informing them of your determination once you have finished the analysis.

**DISCLAIMER:** This document is intended as a tool to help TN CDBG grantees complete environmental requirements. This document is subject to change. This is not a policy statement, and the Farmland Protection Legislation and Regulations take precedence over any information found in this document.

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Preparer signature and Title

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Date

# Explosive and Flammable Operations

## Checklist for Responsible Entity

General requirements	Legislation	Regulation
Establish safety standards that can be used a basis for calculating acceptable separation distances for assisted projects.	Sec. 2 Housing and Urban Development Act of 1969 (42 U.S.C. 1441 (a))	24 CFR 51 Subpart C

**1. Does the proposed project involve any of the following residential activities: development, construction (reconstruction), rehabilitation, modernization or conversion?**

*For modernization and rehabilitation, does the work increase residential densities, convert a building for habitation or make a vacant building habitable?*

**Does the proposed project involve new construction, construction of line extensions or increase the number of people exposed to potential hazards?**

No: STOP here. The project is not subject to 254 CFR Part 51 C. Record the determination in your ERR “Project will not increase the number of people exposed to potential hazards.”

Yes: PROCEED to #2

**2. Are there aboveground storage tanks within 1 mile of the project site more than 100 gallons in size? Are there plans to install such aboveground storage tanks within 1 mile of the project site?**

**\*A site visit is required to assess the area for hazards and must be documented.**

The site visit should be completed by the County Emergency Services management or local Fire Chief. The site visit is required to ensure that there are no storage tanks within one mile of the project site. A letter/memo from the individual completing the site visit should be placed as documentation in your ERR, along with a radius map and this checklist.

TIP: You do not have to consider all tanks at all sizes within 1 mile of your project. Screen further by determining the Acceptable Separation Distance (ASD) for specific tank sizes and using that information to narrow your search. For instance, the maximum ASD for a 100 gallon tank is 115 feet. You do not need to map 100 gallon tanks farther than 115 feet from your project site.

<https://www.hudexchange.info/environmental-review/explosive-and-flammable-facilities/>  
<http://www.hud.gov/offices/cpd/environment/asduserguide.pdf>

*(HUD’s stated position is that 24 CFR Part 51 C does not apply to storage tanks ancillary to the operation of the assisted 1-4 family residence, for example the home heating or power source. It does apply to all other tanks, including tanks for neighboring 1-4 family residences.)*

No: STOP here. The project is not subject to 24 CFR Part 51 C. Documentation to be placed in the ERR is this checklist and a copy of the site visit notes signed by the County EMS management or local Fire Chief and a radius map.

Yes: PROCEED to #3

**3. Is the Separation Distance from the project acceptable based on standards in 24 CFR 51 C?**

Use the online tool to calculate ASD:

<https://www.hudexchange.info/environmental-review/asd-calculator/>

Yes: STOP here. Include signed site visit report, map(s), ASD calculations and this checklist in your ERR.

No: PROCEED to #4

**4. With mitigation, can the Separation Distance become acceptable?**

No: PROJECT IS NOT ACCEPTABLE-DO NOT FUND

Yes: STOP here. Maintain documentation supporting your determination in your ERR. Documentation could include a finding by a qualified data source (i.e. Fire Marshal, etc.), copies of pictures, maps, technical calculations and information describing the mitigation measures taken.

**MITIGATION OPTIONS**

If the Acceptable Separation Distance (ASD) cannot be met your options are:

No action

- Cancel the project at this location

Mitigation

- Contact your Field or Regional Environmental Officer  
<http://www.hud.gov/offices/cpd/environment/contact/>.
- Incorporate natural or existing man-made barriers.
- Have the storage containers (tank) buried • Reconfigure the site plan - To increase the distance between the hazard and the project.
- Modify the building design - To compensate for the ASD
- Construct a Barrier for blast overpressure and thermal radiation.

Other reasonable alternatives

- Choose an alternate site

**DISCLAIMER:** This document is intended as a tool to help TN CDBG grantees complete environmental requirements. This document is subject to change. This is not a policy statement, and the appropriate legislation and regulations take precedence over any information found in this document.

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Preparer signature and Title

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Date



## Clear Zones (CZ) and Accident Potential Zones (APZ)

### Checklist for Responsible Entity

General requirements	Legislation	Regulation
Promote compatible land uses around civil airports and military airfields	Section 2 of the Housing Act of 1949 as amended, 42 U.S.C 1331, affirmed by Section 2 of the Housing and Urban Development Act of 1969, P.L. No 90-448; Section 7(d) of the Dept. HUD Act of 1965, 42 U.S.C. 3535 (d).	24 CFR Part 51 Subpart D 32 CFR Part 256

#### 1. Is the Project located within 2,500 feet for a civil airport or within 15,000 feet for a military airfield of the end of a runway?

No: STOP here. The project is not within a Clear Zone (also known as Runway Protection Zone) or Accident Potential Zone. Record your determination as listed below.

Maintain in your ERR a radius map with the project area marked that identifies airports and lists the distance between the CA and/or APZ and the project area. The regulations only apply to military and civil primary and commercial service airports. The Federal Aviation Administration updates the list of applicable airports annually: [http://www.faa.gov/airports\\_airtraffic/airports/planning\\_capacity/passenger\\_allcargo\\_stats/passenger](http://www.faa.gov/airports_airtraffic/airports/planning_capacity/passenger_allcargo_stats/passenger)

Yes: PROCEED to #2

#### 2. Is the Project in the CZ or APZ?

Contact the airport operator and obtain written documentation of the Clear Zone (also known as Runway Protection Zone) and for military airfields, the Accident Potential Zone, and a determination of whether your project is in the APZ or CZ. Include the documentation in the ERR.

No: STOP here. Record your determination that the project is not in a CZ or APZ.

Yes: PROCEED TO #3

**For Civil and Military Airports, is the activity for new construction, major rehabilitation\*, or any other activity which significantly prolongs the physical or economic life of existing facilities? For Accident Potential Zones at Military Airfields, does the project change the use of a facility so that it becomes one which is no longer acceptable in accordance with Department of Defense standards (Please see 32 CFR Part 256 for *Land Use Compatibility Guidelines for Accident Potential Zones*), significantly increases the density or number of people at the site, or introduces explosive, flammable or toxic materials to the area?**

No: STOP here. The project is not subject to the regulations. Record your determination.

Yes: PROCEED to #4

**4. Will the project frequently be used or occupied by people?**

Yes: The project cannot be assisted with HUD funds. STOP HERE.

No: Obtain written assurance from the airport operator to the effect that there are no plans to purchase the land involved with the project as a portion of a Runway Clear Zone or Clear Zone acquisition program. Maintain copies of all of the documents you have used to make your determination

\* Rehabilitation is major when the estimated cost of the work is 75% or more of the total estimated cost of replacement after rehab (Please see 24 CFR 58.35(a) for complete definition of major rehabilitation thresholds.)

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\_\_\_\_\_  
Preparer signature and title

\_\_\_\_\_  
Date

## Contamination & Toxic Substances

### Checklist for Responsible Entity

General Requirements	Legislation	Regulation
All property proposed for use in HUD programs must be free of hazardous materials, contamination, toxic chemicals and gasses and radioactive substances, where a hazard could affect the health and safety of occupants or conflict with the intended utilization of the property.	Comprehensive Environmental Response, Compensation, and Liability Act of 1980 as amended by Superfund Amendments and Reauthorization Act	24 CFR 58.5(i)

**You are required to consider all hazards that could affect the health and safety of occupants and use current techniques by qualified professionals to undertake investigations determined necessary.**

**1. Are the only project activities any of the following types of "linear infrastructure" improvements:**

- water or sewer line repair or replacement
- water or sewer line extension
- water or wastewater treatment plant improvements
- pump station and/or lift station repair or replacement
- drainage, street, or sidewalk improvements

Yes: **PROCEED to #3**

No: **PROCEED to #2**

**2. Will the project include acquisition, leasing, new construction or rehabilitation of non-residential property (including public or commercial buildings) or multifamily housing with five (5) or more dwelling units?**

No: **PROCEED to #3**

Yes: An ASTM Phase 1 Environmental Site Assessment (or equivalent analysis) must be completed for the project site.\* Complete the attached **Site Contamination Worksheet**. Your review should also cover the information in the questions below. **PROCEED to #3**.

\*Contact ECD if the project site has had a Phase 1 ESA completed within the last five years. Additional information will likely be needed for Phase 1 ESA reports that are over one year old.

3. Is the answer Yes to any of the following questions?

a. Is the property or surrounding neighborhood listed on an EPA Superfund National Priorities, the SEMS List, or equivalent State list?

Internet sites that may be helpful:

EPA Envirofacts Homepage: <http://www.epa.gov/enviro/>

No

Yes

b. Is the property located near a toxic or solid-waste landfill site?

Maps, site inspections and documentation from the local planning department may also be useful in making your determination.

No

Yes

c. Are there any underground storage tanks (not including residential fuel tanks) on or near the property?

Consider past uses of the property when making your determination. This website may be helpful: [https://tdeconline.tn.gov/USTActiveInactive\\_public/](https://tdeconline.tn.gov/USTActiveInactive_public/)

No

Yes

d. Is the property known or suspected to be contaminated by toxic chemicals or radioactive materials?

No

Yes

- **“No” to all questions:** The toxic chemicals and radioactive materials review is complete; record your determination on the Statutory Worksheet and maintain appropriate documentation in the ERR (this form completed and a copy of the Envirofacts report page).
- **“Yes” to any of the above questions:** **PROCEED to #4**

HUD’s “Choosing an Environmentally ‘Safe’ Site” provides guidance in considering potential environmental issues: [http://portal.hud.gov/hudportal/documents/huddoc?id=DOC\\_12823.pdf](http://portal.hud.gov/hudportal/documents/huddoc?id=DOC_12823.pdf). In considering the site the guidance suggests that you:

- Make a visual inspection of the site for signs of distressed vegetation, vents or fill pipes, storage/oil tanks or questionable containers, pits, ponds or lagoons, stained soil or pavement, pungent, foul or noxious odors, dumped material or soil, mounds of dirt, rubble, fill etc.
- Research the past uses of the site and obtain a disclosure of past uses from the owner. Certain past and present uses such as the following signal concerns of possible contamination and require a more detailed review: gasoline stations, vehicle repair shops, car dealerships, garages, depots, warehouses, commercial printing facilities, industrial or commercial warehouses, dry cleaners, photo developing laboratories, hospitals, junkyard or landfills, waste treatment, storage disposal, processing or recycling facilities, agricultural/farming operations (including hog and poultry operations) and tanneries.
- Identify adjoining properties in the surrounding area for evidence of any facilities as described above.
- Research Federal, State and local records about possible toxins and hazards at the site.

**4. Could nearby toxic, hazardous or radioactive substances affect the health and safety of project occupants or conflict with the intended utilization of the property?**

Gather all pertinent information concerning any on-site and nearby toxic hazards. Consider, at a minimum, each of the areas identified in Question 3. Consider if your ASTM Phase 1 or equivalent analysis identifies any Recognized Environmental Conditions (RECs)? If appropriate and/or required, obtain independent professional reviews of the site (e.g., an ASTM Phase 2 or equivalent analysis). Contact appropriate Federal, State and Local resources for assistance in assessing exposure to health hazards.

- No: The toxic chemicals and radioactive materials review is complete, unless there are other hazards that could affect the health and safety of occupants. Record your determination that there are no hazards that could affect the safety of occupants or impact the intended use of the project and maintain appropriate documentation in the ERR
- Yes: PROCEED to #5

**5. Can the adverse environmental condition be mitigated?**

- No: Do not provide HUD assistance for the project at this site
- Yes: Mitigate according to the requirements of the appropriate Federal, State or local oversight agency. Record your determination that there are no hazards that could affect the safety of occupants or impact the intended use of the project and maintain appropriate documentation in the ERR. HUD assistance should be conditioned on completion of appropriate mitigation. Deny HUD assistance if, after mitigation, the property is still determined to be unsafe or unhealthy. For more details please refer to HUD's "Choosing an Environmentally 'Safe' Site."

**DISCLAIMER:** This document is intended as a tool to help TN CDBG grantees complete environmental requirements. This document is subject to change. This is not a policy statement. Legislation and Regulations take precedence over any information found in this document.

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Preparer signature and Title

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Date

## Site Contamination Worksheet (Multifamily and Non-Residential Properties) – PARTNER

This Worksheet was designed to be used by those “Partners” (including Public Housing Authorities, consultants, contractors, and nonprofits) who assist Responsible Entities and HUD in preparing environmental reviews, but legally cannot take full responsibilities for these reviews themselves. Responsible Entities and HUD should use the RE/HUD version of the Worksheet.

General requirements	Legislation	Regulations
It is HUD policy that all properties that are being proposed for use in HUD programs be free of hazardous materials, contamination, toxic chemicals and gases, and radioactive substances, where a hazard could affect the health and safety of the occupants or conflict with the intended utilization of the property.		24 CFR 58.5(i)(2) 24 CFR 50.3(i)
Reference		
<a href="https://www.hudexchange.info/programs/environmental-review/site-contamination">https://www.hudexchange.info/programs/environmental-review/site-contamination</a>		

**1. How was site contamination evaluated? <sup>1</sup> Select all that apply.**

- ASTM Phase I ESA
- ASTM Phase II ESA
- Remediation or clean-up plan
- ASTM Vapor Encroachment Screening
- None of the above

→ Provide documentation and reports and include an explanation of how site contamination was evaluated in the Worksheet Summary.

Continue to Question 2.

**2. Were any on-site or nearby toxic, hazardous, or radioactive substances found that could affect the health and safety of project occupants or conflict with the intended use of the property? (Were any recognized environmental conditions or RECs identified in a Phase I ESA and confirmed in a Phase II ESA?)**

- No

**Explain:**

<sup>1</sup> HUD regulations at 24 CFR § 58.5(i)(2)(ii) require that the environmental review for multifamily housing with five or more dwelling units or non-residential property include the evaluation of previous uses of the site or other evidence of contamination on or near the site. For acquisition and new construction of multifamily and nonresidential properties HUD strongly advises the review include an ASTM Phase I Environmental Site Assessment (ESA) to meet real estate transaction standards of due diligence and to help ensure compliance with HUD’s toxic policy at 24 CFR §58.5(i) and 24 CFR §50.3(i). Also note that some HUD programs require an ASTM Phase I ESA.

→ If the RE/HUD agrees with this recommendation, the review is in compliance with this section. Continue to the Worksheet Summary below.

Yes.

→ Describe the findings, including any recognized environmental conditions (RECs), in Worksheet Summary below. Continue to Question 3.

### 3. Mitigation

Work with the RE/HUD to identify the mitigation needed according to the requirements of the appropriate federal, state, tribal, or local oversight agency. If the adverse environmental effects cannot be mitigated, then HUD assistance may not be used for the project at this site.

#### Can adverse environmental impacts be mitigated?

Adverse environmental impacts cannot feasibly be mitigated.

→ Project cannot proceed at this location.

Yes, adverse environmental impacts can be eliminated through mitigation.

→ Provide all mitigation requirements<sup>2</sup> and documents. Continue to Question 4.

### 4. Describe how compliance was achieved. Include any of the following that apply: State Voluntary Clean-up Program, a No Further Action letter, use of engineering controls<sup>3</sup>, or use of institutional controls<sup>4</sup>.

<sup>2</sup> Mitigation requirements include all clean-up actions required by applicable federal, state, tribal, or local law. Additionally, provide, as applicable, the long-term operations and maintenance plan, Remedial Action Work Plan, and other equivalent documents.

<sup>3</sup> Engineering controls are any physical mechanism used to contain or stabilize contamination or ensure the effectiveness of a remedial action. Engineering controls may include, without limitation, caps, covers, dikes, trenches, leachate collection systems, signs, fences, physical access controls, ground water monitoring systems and ground water containment systems including, without limitation, slurry walls and ground water pumping systems.

<sup>4</sup> Institutional controls are mechanisms used to limit human activities at or near a contaminated site, or to ensure the effectiveness of the remedial action over time, when contaminants remain at a site at levels above the applicable remediation standard which would allow for unrestricted use of the property. Institutional controls may include structure, land, and natural resource use restrictions, well restriction areas, classification exception areas, deed notices, and declarations of environmental restrictions.

**If a remediation plan or clean-up program was necessary, which standard does it follow?**

Complete removal

→ *Continue to the Worksheet Summary.*

Risk-based corrective action (RBCA)

→ *Continue to the Worksheet Summary.*

### **Worksheet Summary**

#### **Compliance Determination**

Provide a clear description of your determination and a synopsis of the information that it was based on, such as:

- Map panel numbers and dates
- Names of all consulted parties and relevant consultation dates
- Names of plans or reports and relevant page numbers
- Any additional requirements specific to your region

**Are formal compliance steps or mitigation required?**

Yes

No



**NEPA ENVIRONMENTAL ASSESSMENT CHECKLIST**  
 [Environmental Assessment Factors 24 CFR 58.40; Ref 40 CFR 1508.8 and 1508.27]

Recorded below is the qualitative and quantitative significance of the effects of the proposal on the character, features and resources of the project area. Each factor has been evaluated and documented, as appropriate and in proportion to its relevance to the proposed action. Verifiable source documentation has been provided and described in support of each determination, as appropriate. Credible, traceable and supportive source documentation for each authority has been provided. Where applicable, the necessary reviews or consultations have been completed, and applicable permits or approvals have been obtained or noted. Citations, dates/names/titles of contacts are clear. Additional documentation is attached. All conditions, attenuation or mitigation measures have been clearly identified.

**Impact Codes:** Use an impact code from the following list to make the determination of impact for each factor:

- (1) **Minor beneficial Impact**
- (2) **No impact anticipated**
- (3) **Minor Adverse Impact - may require mitigation**
- (4) **Significant or potentially significant impact requiring avoidance or modification which may require an Environmental Impact Statement**

See **Exhibit B-9 NEPA Checklist Directions** for the contacts to consult in each category. Consultants should be asked to evaluate the significance of the effects of the proposal on the character, features and resources of the project area. Enter relevant base data and verifiable source documentation from the consultant that supports the finding. Then enter the appropriate impact code from the following list to make a determination of impact.

**ECD does not accept “No response” in any category; an expert must be found with whom to consult. If unable to get a response, please contact ECD for approval of another expert with whom to consult.**

Land Development	Code	Source of Documentation
Conformance with Plans / Compatible Land Use and Zoning / Scale and Urban Design		
Soil Suitability / Slope / Erosion / Drainage / Stormwater Runoff		
Hazards and Nuisances including Site Safety and Noise		

**Socioeconomic**

Employment and Income Patterns		
Demographic Character Changes / Displacement		
Environmental Justice		

Climate Change Impacts		
Energy Efficiency		

**Climate & Energy**

**Community Facilities  
& Services**

**Code**

**Source of Documentation**

Educational Facilities		
Cultural Facilities		
Commercial Facilities		
Health Care Facilities		
Social Services Facilities		
Solid Waste Disposal / Recycling		
Waste Water / Sanitary Sewers		
Water Supply		
Public Safety - Police, Fire and Emergency Medical		
Parks, Open Space, and Recreation		
Transportation and Accessibility		

**Natural Features**

Unique Natural Features		
Water Resources		
Vegetation		
Wildlife		

## Summary of Findings and Conclusions:

### 1. Alternatives to the Proposed Action

[24 CFR 58.40(e), Rev. 40 CFR 1508.9]

Identify other reasonable courses of action that were considered and not selected, such as other sites, design modifications, or other uses of the subject site. Describe the benefits and adverse impacts to the human environment of each alternative and the reasons for rejecting it. There must be alternatives to the project listed.

### 2. No Action Alternative [24 CFR 58.40(e)]

Discuss the benefits and adverse impacts to the human environment of not implementing the preferred alternative.

### 3. Mitigation Measures and Conditions [40 CFR 1505.2(c)]

Recommended feasible ways in which the proposal or its external factors should be modified in order to minimize adverse environmental impacts and restore or enhance environmental quality.

**4. Additional Studies Performed**

Attach studies or summaries.

**5. List Sources, Agencies and Persons Consulted [40 CFR 1508.9(b)]**

**Determination**

- 1. Is project in compliance with applicable laws and regulations?      Yes      No
- 2. Is an EIS required?      Yes      No
- 3. Can a Finding of No Significant Impact (FONSI) be made?      Yes      No

\_\_\_\_\_  
Preparer's signature / title

\_\_\_\_\_  
Date

\_\_\_\_\_  
Certifying Official's signature / title

\_\_\_\_\_  
Date

**Early Notice and Public Review of a Proposed  
Activity in a 100-Year Floodplain**

To: All interested Agencies - Federal, State, and Local - Groups and Individuals

This is to give notice that **[Responsible Entity]**  
under CFR 24 Part 58 has conducted an evaluation as required by Executive Order 11988 and/or 11990, in  
accordance with HUD regulations at 24 CFR 55.20 Subpart C Procedures for Making Determinations on Floodplain  
Management, to determine the potential affect that its activity in the floodplain and wetland will have on the human  
environment for a Community Development Block Grant under **[HUD grant number]**.

**[Describe the activity, e.g. purpose, type of assistance, the size of the site, proposed number of units, size of footprint, type of floodplain, natural value. State the total number of acres of floodplains].**

The proposed project(s) is located **[at addresses]** in  
**[Name of City], [Name of County]**.

There are three primary purposes for this notice. First, people who may be affected by activities in floodplains and those who have an interest in the protection of the natural environment should be given an opportunity to express their concerns and provide information about these areas. Second, an adequate public notice program can be an important public educational tool. The dissemination of information about floodplains can facilitate and enhance Federal efforts to reduce the risks associated with the occupancy and modification of these special areas. Third, as a matter of fairness, when the Federal government determines it will participate in actions taking place in floodplains, it must inform those who may be put at greater or continued risk.

Written comments must be received by **[Responsible Entity]** at the following  
address on or before **[month, day, year]** *(a minimum 15 calendar day comment period will begin the day after the publication and end on the 16<sup>th</sup> day after the publication).*

**[Responsible Entity]**  
**[Address]**

Attention: **[phone number]**, **[Name of Certifying Officer]**, **[Title]**.

Comments may also be submitted or further information can be requested via email at  
**[email address]**.

A full description of the project may also be reviewed from **[enter available office hours]**  
at **[enter address or state that the**  
**address is the same as the office address above]**.

**Date:**

**Name of Certifying Officer:**

**Title of Certifying Officer:**

## Final Notice and Public Explanation of a Proposed Activity in a 100-Year Floodplain

To: All interested Agencies - Federal, State, and Local - Groups and Individuals

This is to give notice that the **[Responsible Entity]** under CFR 24 Part 58 has conducted an evaluation as required by Executive Order 11988 and/or 11990, in accordance with HUD regulations at 24 CFR 55.20 Subpart C Procedures for Making Determinations on Floodplain Management, to determine the potential affect that its activity in the floodplain and wetland will have on the human environment for a Community Development Block Grant under **[HUD grant number]**. The proposed project(s) is located **[at addresses]** in **[Name of City, Name of County]**.

**[Describe the activity, e.g. purpose, type of assistance, the size of the site, proposed number of units, size of footprint, type of floodplain, natural values]. [State the total number of acres of floodplains involved].**

**[Responsible Entity]** has considered the following alternatives and mitigation measures to be taken to minimize adverse impacts and to restore and preserve natural and beneficial values:

**[List (i) ALL of the reasons why the action must take place in a floodplain, (ii) alternatives considered and reasons for non-selection, (iii) all mitigation measures to be taken to minimize adverse impacts and to restore and preserve natural and beneficial values; cite**

**the date of any final or conditional LOMR's or LOMA's from FEMA where applicable; acknowledge compliance with state and local floodplain protection procedures]**

**[Responsible Entity]** has reevaluated the alternatives to building in the floodplain and has determined that it has no practicable alternative. Environmental files that document compliance with steps 3 through 6 of Executive Order 11988 and/or 11990, are available for public inspection, review and copying upon request at the times and location delineated in the last paragraph of this notice for receipt of comments. This activity will have no significant impact on the environment for the following reasons:

**[Give reasons why there is no significant impact]**

There are three primary purposes for this notice. First, people who may be affected by activities in floodplains and those who have an interest in the protection of the natural environment should be given an opportunity to express their concerns and provide information about these areas. Second, an adequate public notice program can be an important public educational tool. The dissemination of information about floodplains can facilitate and enhance Federal efforts to reduce the risks associated with the occupancy and modification of these special areas. Third, as a matter of fairness, when the Federal government determines it will participate in actions taking place in floodplains, it must inform those who may be put at greater or continued risk.

Written comments must be received by the **[Responsible Entity]** at the following address on or before **[month, day, year]** *(a minimum 7 calendar day comment period will begin the day after the publication and end on the 8<sup>th</sup> day after the publication):*

**[Name of Responsible Entity]**  
**[Address]**  
**[phone number]**  
Attention: **[Name of Certifying Officer],** **[Title].**

Comments may also be submitted or further information can be requested via email at **[email address]**. A full description of the project may also be reviewed from **[enter available office hours]** at **[enter address or state that the address is the same as the office address above].**

**Date:**

**Name of Certifying Officer:**

**Title of Certifying Officer:**



**CONCURRENT NOTICE  
NOTICE OF FINDING OF NO SIGNIFICANT IMPACT  
AND  
NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS**

Date of Notice

Name of Responsible Entity (RE) *[RE = grantee]*

Address (e.g., Street No. or P.O. Box)

City, State, Zip Code

Telephone Number of RE

These notices shall satisfy two separate but related procedural requirements for activities to be undertaken by the *[name of RE]*.

**REQUEST FOR RELEASE OF FUNDS**

On or about *[date]* the *[name of RE]* will submit a request to the Tennessee Department of Economic and Community Development for the release of Block Grant Funds under Title I of the Housing and Community Development Act of 1974, as amended, to undertake a project known as *[project title]* for the purpose of

*[nature/scope of project, estimated funding (include non-HUD funding sources if applicable) and project location if applicable].*

## FINDING OF NO SIGNIFICANT IMPACT

The *[name of RE]* has determined that the project will have no significant impact on the human environment. Therefore, an Environmental Impact Statement under the National Environmental Policy Act of 1969 (NEPA) is not required. Additional project information is contained in the Environmental Review Record (ERR) on file at

*[name and address of RE office where ERR can be examined and name and address of other locations where the record is available for review]* and may be examined or copied weekdays

A.M. to P.M.

## PUBLIC COMMENTS

Any individual, group, or agency may submit written comments on the ERR to the

*[RE designated office responsible for receiving and responding to comments]*. All comments received by *[Date]* will be considered by the *[name of RE]* prior to authorizing submission of a request for release of funds. Comments should specify which Notice they are addressing.

## ENVIRONMENTAL CERTIFICATION

The *[name of RE]* certifies to the Tennessee Department of Economic and Community Development that *[name of Certifying Officer]* in his/her capacity as *[Official Title]* consents to accept the jurisdiction of the Federal Courts if an action is brought to enforce responsibilities in relation to the environmental review process and that these responsibilities have been satisfied. The Tennessee Department of Economic and Community's approval of the certification satisfies its responsibilities under NEPA and related laws and authorities and allows the *[name of RE]* to use Program funds.

## OBJECTIONS TO RELEASE OF FUNDS

The Tennessee Department of Economic and Community Development will accept objections to its release of fund and the *[name of RE's]* certification for a period of fifteen days following the anticipated submission date or its actual receipt of the request (whichever is later) only if they are on one of the following bases: (a) the certification was not executed by the Certifying Officer of the *[name of RE]*;

(b) the *[name of RE]* has omitted a step or failed to make a decision or finding required by HUD regulations at 24 CFR part 58; (c) the grant recipient or other participants in the development process have committed funds, incurred costs or undertaken activities not authorized by 24 CFR Part 58 before approval of a release of funds by the Tennessee Department of Economic and Community Development; or (d) another Federal agency acting pursuant to 40 CFR Part 1504 has submitted a written finding that the project is unsatisfactory from the standpoint of environmental quality. Objections must be prepared and submitted in accordance with the required procedures (24 CFR Part 58, Sec. 58.76) and shall be addressed to Tennessee Department of Economic and Community Development, Community and Rural Development, 312 Rosa L. Parks Avenue, 27<sup>th</sup> Floor, Nashville, Tennessee 37243-1102. Potential objectors should contact Community and Rural Development to verify the actual last day of the objection period.

Name and Title of RE Certifying Officer

<b>DISTRIBUTION LIST</b>
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Tennessee Historical Commission  
 2941 Lebanon Road  
 Nashville, Tennessee 37243-0442

Heinz Mueller, Chief  
 Environmental Policy Section  
 U.S. EPA Region IV  
 Atlanta Federal Center, 61 Forsyth Street, S.W.  
 Atlanta, Georgia 30303

Director, Federal Agency Liaison Division  
 Office of Federal Activities (A-104)  
 Environmental Protection Agency  
 Washington, D.C. 20460

State of Tennessee  
 Department of Transportation  
 Attn: Program Development &  
 Administration Division  
 James K. Polk Building, 6th Floor  
 505 Deaderick Street  
 Nashville, Tennessee 37243-0341

William L. James  
 Chief, Eastern Section  
 Regulatory Branch  
 U.S. Army Corps of Engineers  
 3701 Bell Road  
 Nashville, Tennessee 37214-2660  
*(floodplain projects only)*

William R. Straw, Ph.D.  
 Dept. of Homeland Security  
 FEMA Regional Environmental Office  
 3003 Chamblee Tucker Road  
 Atlanta, Georgia 30341-4112  
*(floodplain projects only)*

All Required Tribal Consultations (See A-20 – A-23)

Local Development District

# Request for Release of Funds and Certification

U.S. Department of Housing and Urban Development  
Office of Community Planning and Development

OMB No. 2506-0087  
(exp. 08/31/2023)

This form is to be used by Responsible Entities and Recipients (as defined in 24 CFR 58.2) when requesting the release of funds, and requesting the authority to use such funds, for HUD programs identified by statutes that provide for the assumption of the environmental review responsibility by units of general local government and States. Public reporting burden for this collection of information is estimated to average 36 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. This agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless that collection displays a valid OMB control number.

## Part 1. Program Description and Request for Release of Funds (to be completed by Responsible Entity)

1. Program Title(s) <input type="text"/>	2. HUD/State Identification Number <input type="text"/>	3. Recipient Identification Number (optional) <input type="text"/>
4. OMB Catalog Number(s) <input type="text"/>	5. Name and address of responsible entity <input type="text"/>	
6. For information about this request, contact (name & phone number) <input type="text"/>		
8. HUD or State Agency and office unit to receive request <input type="text"/>	7. Name and address of recipient (if different than responsible entity) <input type="text"/>	

**The recipient(s) of assistance under the program(s) listed above requests the release of funds and removal of environmental grant conditions governing the use of the assistance for the following**

9. Program Activity(ies)/Project Name(s) <input type="text"/>	10. Location (Street address, city, county, State) <input type="text"/>
--	--

11. Program Activity/Project Description

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**Part 2. Environmental Certification** (to be completed by responsible entity)

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**With reference to the above Program Activity(ies)/Project(s), I, the undersigned officer of the responsible entity, certify that:**

1. The responsible entity has fully carried out its responsibilities for environmental review, decision-making and action pertaining to the project(s) named above.
2. The responsible entity has assumed responsibility for and complied with and will continue to comply with, the National Environmental Policy Act of 1969, as amended, and the environmental procedures, permit requirements and statutory obligations of the laws cited in 24 CFR 58.5; and also agrees to comply with the authorities in 24 CFR 58.6 and applicable State and local laws.
3. The responsible entity has assumed responsibility for and complied with and will continue to comply with Section 106 of the National Historic Preservation Act, and its implementing regulations 36 CFR 800, including consultation with the State Historic Preservation Officer, Indian tribes and Native Hawaiian organizations, and the public.
4. After considering the type and degree of environmental effects identified by the environmental review completed for the proposed project described in Part 1 of this request, I have found that the proposal did  did not  require the preparation and dissemination of an environmental impact statement.
5. The responsible entity has disseminated and/or published in the manner prescribed by 24 CFR 58.43 and 58.55 a notice to the public in accordance with 24 CFR 58.70 and as evidenced by the attached copy (copies) or evidence of posting and mailing procedure.
6. The dates for all statutory and regulatory time periods for review, comment or other action are in compliance with procedures and requirements of 24 CFR Part 58.
7. In accordance with 24 CFR 58.71(b), the responsible entity will advise the recipient (if different from the responsible entity) of any special environmental conditions that must be adhered to in carrying out the project.

As the duly designated certifying official of the responsible entity, I also certify that:

8. I am authorized to and do consent to assume the status of Federal official under the National Environmental Policy Act of 1969 and each provision of law designated in the 24 CFR 58.5 list of NEPA-related authorities insofar as the provisions of these laws apply to the HUD responsibilities for environmental review, decision-making and action that have been assumed by the responsible entity.
9. I am authorized to and do accept, on behalf of the recipient personally, the jurisdiction of the Federal courts for the enforcement of all these responsibilities, in my capacity as certifying officer of the responsible entity.

Signature of Certifying Officer of the Responsible Entity  <b>X</b>	Title of Certifying Officer <input type="text"/>
	Date signed <input type="text"/>

Address of Certifying Officer <input type="text"/>
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**Part 3. To be completed when the Recipient is not the Responsible Entity**

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The recipient requests the release of funds for the programs and activities identified in Part 1 and agrees to abide by the special conditions, procedures and requirements of the environmental review and to advise the responsible entity of any proposed change in the scope of the project or any change in environmental conditions in accordance with 24 CFR 58.71(b).

Signature of Authorized Officer of the Recipient  <b>X</b>	Title of Authorized Officer <input type="text"/>
	Date signed <input type="text"/>

**Warning:** HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)