TABLE OF CONTENTS

GLOSSARY	v
OVERVIEW OF THE ENVIRONMENTAL REVIEW PROCESS/ REQUIREMENTS	vii
EXEMPT ACTIVITIES	1
OVERVIEW OF THE ENVIRONMENTAL REVIEW PROCESS	2
ENVIRONMENTAL IMPACT STATEMENTS (EIS)	2
ENVIRONMENTAL ASSESSMENT PROJECTS	3
CATEGORICALLY EXCLUDED PROJECTS	7
EXEMPT PROJECTS	9
ADOPTION OF OTHER AGENCIES' EIS/EA	10
PROJECT SCOPE CHANGE	10

LIST OF EXHIBITS

A-1	ENVIRONMENTAL REVIEW REQUIREMENT CHECKLIST	11
A-2	CALENDAR SHOWING PUBLIC COMMENT PERIOD FOR A PROJECT IN A FLOODPLAIN REQUIRING AN ENVIRONMENTAL ASSESSMENT	13
A-3	CALENDAR SHOWING PUBLIC COMMENT PERIOD FOR A PROJECT NOT IN A FLOODPLAIN REQUIRING AN ENVIRONMENTAL ASSESSMENT	15
A-4	OUTLINE FOR ENVIRONMENTAL ASSESSMENT PROJECTS NARRATIVE	17
A-5	SAMPLE OF AN ENVIRONMENTAL ASSESSMENT NARRATIVE	19
A-6	STATUTORY CHECKLIST	23
A-7	DOCUMENTING THE STATUTORY CHECKLIST	25
A-8	SAMPLE STATUTORY CHECKLIST	33
A-9	ENVIRONMENTAL ASSESSMENT CHECKLIST	35
A-10	SAMPLE FLOODPLAINS AND WETLANDS NOTICE - EARLY PUBLIC NOTICE	43
A-11	SAMPLE NOTICE OF EXPLANATION	45
A-12	CONCURRENT NOTICE	47
A-13	SAMPLE CONCURRENT NOTICE	51
A-14	DISTRIBUTION LIST	55
A-15	REQUEST FOR RELEASE OF FUNDS AND CERTIFICATION	57
A-16	FINDING OF CATEGORICAL EXCLUSION	59
A-17	NOTICE OF INTENT TO REQUEST A RELEASE OF FUNDS	61
A-18	SAMPLE NOTICE OF INTENT TO REQUEST A RELEASE OF FUNDS	63
A-19	CALENDAR SHOWING PUBLIC COMMENT PERIOD FOR A CATEGORICALLY EXCLUDED PROJECT IN A FLOODPLAIN	65
A-20	CALENDAR SHOWING PUBLIC COMMENT PERIOD FOR A CATEGORICALLY EXCLUDED PROJECT NOT IN A FLOODPLAIN	67
A-21	FINDING OF EXEMPTION	69
A-22	SUMMARY OF PROCEDURES AND REQUIREMENTS OF APPLICABLE FEDERAL LAWS AND REGULATIONS	73
A-23	SAMPLE LETTER OF REMOVAL OF ENVIRONMENTAL CONDITION	75

GLOSSARY

CONCURRENT NOTICE

The *Concurrent Notice* includes the Finding of No Significant Impact (FONSI) and Notice of Intent to Request Release of Funds (NOI/RROF).

ECD

Department of Economic and Community Development

ENVIRONMENTAL ASSESSMENT

The *Environmental Assessment* (EA) is an environmental review which requires a more detailed analysis than for projects that are exempt or categorically excluded.

ENVIRONMENTAL IMPACT STATEMENT

The *Environmental Impact Statement* (EIS) is the most detailed level of analysis.

EARLY PUBLIC NOTICE

The *Early Public Notice* (EPN) is the first notice which is required for **all** projects located in a floodplain and is published prior to any other notice. This notice must be sent to all interested parties identified on the distribution list.

ENVIRONMENTAL REVIEW RECORD

The *Environmental Review Record* (ERR) contains all documents, public notices, and written determinations issued during the environmental review process.

FINDING OF NO SIGNIFICANT IMPACT

The *Finding of No Significant Impact* (FONSI) is published and sent to all interested parties on projects that require an environmental assessment. It is included in the Concurrent Notice.

LETTER OF REMOVAL OF ENVIRONMENTAL CONDITION

The *Letter of Removal of Environmental Condition* (LOREC) will be sent to the recipient after the environmental requirements have been satisfied.

NEPA

National Environmental Policy Act

NOTICE OF EXPLANATION

The *Notice of Explanation* (NOE) is the second notice required for **all** projects located in a floodplain. It can be published concurrently with other publications 15 days **after** the EPN is published. This Notice must also be sent to all interested parties.

NOTICE OF INTENT TO REQUEST A RELEASE OF FUNDS

The *Notice of Intent to Request a Release of Funds* (NOI/RROF) is published and sent to all interested parties on projects that are categorically excluded or require an environmental assessment. It is also included in the Concurrent Notice.

NORCC

Notice of Release of Contract Conditions is received after environmental conditions and contract conditions have been satisfied.

REQUEST FOR RELEASE OF FUNDS AND CERTIFICATION

Notice that certifies all environmental activities have been covered or adhered to.

The *Request for Release of Funds and Certification* (RROF), along with the ERR and proof of publication of the appropriate notice(s), must be sent to ECD before the recipient can receive the LOREC (Letter of Removal of Environmental Condition) and the NORCC.

SHPO

State Historic Preservation Office

OVERVIEW OF THE
ENVIRONMENTAL REVIEW PROCESS/REQUIREMENTS

	ENVIRONMENTAL IMPACT STATEMENT	ENVIRONMENTAL ASSESSMENT		CATEGORICALLY EXCLUDED		EXEMPT
❶	Contact ECD	Statutory Checklist Exhibit (A-6)		Statutory Checklist Exhibit (A-6)		Statutory Checklist Exhibit (A-6)
		Environmental Assessment Checklist, Text/Map (Exhibit A-8 & A-4)		Document Finding of Categorical Exclusion/Map (Exhibit A-15)		Document Finding of Exemption/Map (Exhibit A-20)
		Floodplain	Not in Floodplain	Floodplain	Not in Floodplain	
❷		Publish/ Distribute EPN (Exhibit A-9)		Publish/ Distribute EPN (Exhibit A-9)		
		15 days		15 days		
		Publish/ Distribute NOE (Exhibit A-10) Concurrent Notice (Exhibit A-11)	Publish/ Distribute Concurrent Notice (Exhibit A-11)	Publish/ Distribute NOE (Exhibit A-10) NOI/RROF (Exhibit A-16)	Publish/ Distribute NOI/RROF (Exhibit A-16)	
		15 days	15 days	7 days	7 days	
❸		Submit Original of ERR to ECD		Submit Original of ERR to ECD		Submit Original of ERR to ECD
		15 days		15 days		
❹		ECD sends Letter of Removal of Environmental Condition (Exhibit A-22)		ECD sends Letter of Removal of Environmental Condition (Exhibit A-22)		ECD sends Letter of Removal of Environmental Condition (Exhibit A-22)

ENVIRONMENTAL

In order to proceed with your project, you must implement it in compliance with the National Environmental Policy Act (NEPA), and the environmental requirements of other Federal laws covering historic properties, noise, air quality, floodplains, wetlands, water quality, solid waste management, man-made hazards, farmlands protection, wild and scenic rivers, coastal areas, endangered species and environmental justice.

Your environmental responsibilities have both legal and financial ramifications. As part of your assurances, the **mayor or county mayor** must assume the role of the responsible Federal official under the provisions of NEPA. This person is the environmental certifying officer and must sign all environmentally related material. This means that if someone brings suit against your project in Federal court on environmental grounds, the mayor or county mayor acting as the environmental certifying officer, will be named as the responsible party.

In terms of financial responsibility, you cannot obligate or expend block grant funds until you have completed the environmental requirements and satisfied all contract conditions. (The only exceptions from the environmental requirements are listed below as exempt activities.) After the environmental requirements have been completed, you will receive a Letter of Removal of Environmental Condition (LOREC). Even though you receive this letter stating environmental requirements have been completed, **funds cannot be obligated or expended until all contract conditions have been satisfied and you receive a Final Notice of Removal of Contract Conditions (refer to Financial Chapter B).**

In order to follow all the requirements, rules, regulations, etc., an Environmental Review Record (ERR) must be maintained. The ERR describes the project and its environmentally related activities, and contains all original documents, public notices, and written determinations issued during the environmental review process. A copy of the ERR must be available at the city or county for public review, and another ERR, **containing all original signatures and publications**, bound in a 3-ring binder or notebook, must be sent to the State. **If an incomplete ERR is received, the State's 15-day comment period will not begin until all required information is received.**

EXEMPT ACTIVITIES

The only tasks that may be undertaken prior to receiving the Letter of Removal of Environmental Condition (LOREC) are the following exempt activities:

1. Eligible administrative cost
2. Engineering design
3. Environmental review.

OVERVIEW OF THE ENVIRONMENTAL REVIEW PROCESS

The environmental review process can be divided into four basic steps (see the chart on page vii which outlines the steps of the process in detail). The first step is to determine into which of the four environmental review categories your project should be placed based on the definition of each category. Projects may be categorized into one of the following NEPA categories:

❶ Environmental Impact Statement
❷ Environmental Assessment
❸ Categorically Excluded
❹ Exempt

The second step is to complete all of the environmental requirements based on the category selected in the first step. The grantee must maintain a written record of the environmental review undertaken for each project. This document shall be designated the Environmental Review Record (ERR) and shall contain all original documents, public notices, and written determinations issued during the environmental review process. The ERR must be available for public review.

The third step is to submit the **entire** ERR to ECD. At this time, ECD will review the ERR for completeness and compliance, and initiate a 15-day comment period so that interested parties may respond to the project. After the 15-day comment period and ECD approval, you will receive the LOREC, the fourth step. After you receive the LOREC and the Notice of Removal of Contract Conditions (NORCC), you can begin to obligate or spend money to implement your project.

The following is a summary of the definitions and requirements for each of the four review categories. For a more detailed description, the recipient should refer to *Environmental Review Procedures for Title I CDBG*, 24 CFR Part 58.

ENVIRONMENTAL IMPACT STATEMENTS (EIS)

An EIS is required under any of the following circumstances:

1. The project is determined to have a potentially significant impact on the human environment;
2. The project would provide a site(s) for hospitals and nursing homes containing a total of 2,500 or more beds;
3. The project would remove, demolish, convert, or substantially rehabilitate 2,500 or more existing housing units; or
4. The project would provide enough additional water and sewer capacity to support 2,500 or more additional housing units.

EIS REQUIREMENTS

If any of the above conditions are met, the recipient should immediately contact ECD for assistance.

ENVIRONMENTAL ASSESSMENT PROJECTS (EA)

Projects that involve new construction or substantial improvements to existing facilities will require an environmental assessment. Examples of these type projects include

1. New Construction
   - New building on vacant site
   - Water/sewer line construction to an area not serviced
   - New water storage tank

2. Substantial Improvements
   - Doubling the size of an existing building
   - Increasing employment by more than 20%
   - Changing the land use
   - Increasing the capacity of a facility by more than 20%

ENVIRONMENTAL ASSESSMENT (EA) REQUIREMENTS

Early in the environmental assessment of a project, the grantee must initiate coordination and consultation with the concerned Federal agency(ies) or with the designated State agencies responsible for administering State programs. It must complete all procedures and take other actions required under the provisions of applicable laws (see Summary of Procedures and Requirements of Applicable Federal Laws and Regulations - Exhibit A-22). Any such actions which have been taken shall be integrated into the EA and documented in the ERR.

Environmental assessment projects require the completion of the following:

❒ STATUTORY CHECKLIST

The "Statutory Checklist" (Exhibit A-6) documents compliance with Federal laws, regulations and Executive Orders. It includes a listing of applicable statutes and regulations by 12 areas of compliance. The degree of impact for each of the 12 areas must be assessed ranging from *"not applicable..."* to *"mitigation required"*. A specific source, including the name of the field observer, title, agency and date contacted, must be documented for each area. The sources must be persons with professional expertise in the areas of compliance. In cases where a field observer comments that the project's activity(ies) may have significant environmental impacts on a specific area, you must receive clarification and/or further documentation regarding whether and/or how the impacts could slow or stop the project, and what measures could be employed to lessen the effect. Note that because environmental regulations could pose problems, it may be necessary to investigate the impact of the project's activities as the project is proposed and developed. All documentation should be included in the ERR.

❒ STATE HISTORIC PRESERVATION OFFICE (SHPO) LETTER

For Historic Properties, a SHPO letter is the **only** acceptable documentation. The box titled "Consultation Required" on the Statutory Checklist should be marked. The SHPO letter must be included in the ERR.

See the guidelines for documenting the Statutory Checklist in Exhibit A-7 and a Sample Statutory Checklist in Exhibit A-8.

❒ ENVIRONMENTAL ASSESSMENT CHECKLIST

The "Environmental Assessment Checklist" (Exhibit A-9) contains 7 major impact areas and 36 specific impact categories within the 7 major areas. The 7 impact areas represent categories with related and overlapping issues. Some of these areas are also included on the Statutory Checklist.

A project may be in compliance with the laws, regulations and Executive Orders stipulated on the Statutory Checklist yet still have an impact on the environment as listed on the Environmental Assessment Checklist. For example, there may be no statutes or regulations pertaining to Air Quality on the Statutory Checklist; however, during construction, there may be short-term dust levels that need proper mitigation. The appropriate box should be marked on the Environmental Assessment Checklist with reference to supporting documentation that should be included in the ERR.

If columns 3 - 6 are marked, these areas must be addressed in more detail in the *"Significant Environmental Impacts and Actions Taken to Minimize Adverse Impacts"* of the Project Narrative and the additional comment space provided with the Environmental Assessment Checklist. A specific source, including the name of the field observer, title, agency and date contacted, must be documented for each area of the 36 areas on the Environmental Assessment Checklist. The sources must be persons with professional expertise in the area of compliance.

❒ PROJECT NARRATIVE

The primary purpose of the Narrative is to discuss in detail any adverse impacts and mitigating measures that were identified in the Environmental Assessment Checklist. The following areas should be included:

I. General Information

   The project name, location, type, cost, administrating agency, contact person

II. Project Description

   A description and purpose of the project

III. Existing Environmental Conditions

IV. Significant Environmental Impacts and Actions Taken to Minimize Adverse Impacts

V. Alternatives

VI. Environmental Findings

The outline is included as Exhibit A-4 and an example of the Project Narrative is shown in Exhibit A-5.

When preparing the ERR for an industrial location project, the review should focus on the **entire scope** of the project, not only on the CDBG funded portion of the project. The narrative description should reflect that the entire scope was considered when the environmental impact was assessed, particularly noting what the company actually does.

❒ Map(s)

A project map(s), indicating the location of the project site(s), must be included in the ERR. If the project is in a floodplain, the FEMA or Flood Boundary maps must also be included in the ERR.

❒ PUBLICATIONS

Environmental Assessment projects require publication in the grantee's local newspaper in order to inform the public of the environmental requirements for the proposed project. Required notices must be published a minimum of one time. The number of notices and the amount of time required for the local comment period depend on whether or not the project is located in a floodplain.

Projects Located in a Floodplain

If the project is located within a floodplain, the grantee must first publish the "Early Public Notice" to inform the public that the project is in a floodplain, and allow 15 days for public comment. The notice should 1) determine if there is a practical alternative, 2) identify adverse impacts, 3) identify methods to be used to minimize, restore and preserve the floodplains, and 4) re-evaluate alternatives (See Exhibit A-10). After waiting the 15 days, pending no critical comments, the Statutory Checklist, Environmental Assessment Checklist and Narrative may be signed and dated by the local official. Subsequently publish both the "Notice of Explanation " (Exhibit A-11), which explains the decision to locate the project in the floodplain, and the "Concurrent Notice" (Exhibit A-12). A second 15-day local comment period is required for these publications.

Projects Not Located in a Floodplain

For projects not located in a floodplain, the grantee must publish the "Concurrent Notice" which is followed by a 15-day local comment period. A sample "Concurrent Notice" for an Environmental Assessment project is included as Exhibit A-13. Publication dates must succeed the dates of the Statutory Checklist, Environmental Assessment Checklist, and Narrative.

When photocopies of the publications rather than the original publications are included in the ERR, an original publisher's affidavit must be submitted in order to verify the actual date of publication.

❒ DISTRIBUTION LIST

Whenever any notice is published in the paper, a copy with a cover memo must be sent to all interested parties on or immediately before the date of publication. These include, but are not limited to, those agencies listed on the Distribution List (Exhibit A-14). The Distribution List and copies of all the cover memos must also be included in the ERR as proof that the agencies on the Distribution List were sent the required notices.

❒ FLOOD INSURANCE

If the project is located in a floodplain and involves the construction or improvement to a structure, the grantee must have flood insurance.

❒ REQUEST FOR RELEASE OF FUNDS AND CERTIFICATION (RROF)

The "Request for Release of Funds and Certification" (Exhibit A-15) must be completed and signed by the grantee's Chief Executive Officer (CEO). This form certifies that the CEO has complied with all Federal/State regulations in the environmental review process. The grantee must take into account any comments from the public or agencies in response to the published notices prior to completing this form. The original copy must be included in the ERR.

SUBMITTAL OF ENVIRONMENTAL REVIEW RECORD TO THE STATE

After all of the above activities have been completed, the ERR should be submitted to ECD. The "Environmental Review Requirements Checklist" (Exhibit A-1) should be completed by the grantee to ensure that all necessary forms have been included in the ERR and signed where appropriate.

LETTER OF REMOVAL OF ENVIRONMENTAL CONDITION

Upon receipt of a **complete** (containing all the required information) ERR at ECD, the 15-day public comment period for the State will begin. After the completion of this period, ECD will send the "Letter of Removal of Environmental Condition" (LOREC - Exhibit A-23) to the grantee.

Sample calendars showing the public comment periods for Environmental Assessment projects located in a floodplain and for those not located in a floodplain can be found as Exhibits A-2 and A-3, respectively.

CATEGORICALLY EXCLUDED PROJECTS

Projects not subject to NEPA requirements, but bound by other regulatory considerations and compliances are termed categorically excluded. Categorically excluded projects include:

1. Acquisition, repair, improvement, reconstruction, or rehabilitation of public facilities and improvements (other than buildings), when the facilities and improvements are in place and will be retained in the same use without change in size or capacity of more than 20 percent (e.g., replacement of water or sewer lines, reconstruction of curbs and sidewalks, repaving of streets).
2. Special projects directed to the removal of material and architectural barriers that restrict the mobility and accessibility of elderly and handicapped persons.
3. Rehabilitation of buildings and improvements
    i. Residential buildings
        A. Unit density is not increased by more than 20 percent;
        B. The project does not involve changes in land use from residential to non-residential or from one class of residential to another (e.g., from single family attached dwellings to high-rise multiple dwelling units; and
        C. The estimated cost of rehabilitation is less than 75 percent of the total estimated cost of replacement after rehabilitation.
    ii. Commercial and industrial rehabilitation activities
        A. The facilities and improvements are in place and will not be changed in size or capacity by more than 20 percent; and
        B. The activity does not involve a change in land use, such as from non-residential to residential, commerical to industrial, or from one industrial use to another.
4. An individual action on a one- to four-family dwelling or an individual action on a project of five or more units developed on scattered sites when the sites are more than 2,000 feet apart and there are not more than four units on any one site.
5. Acquisition or disposition of an existing structure or acquisition of vacant land provided that the structure or land acquired or disposed of will be retained for the same use.

6. Operating costs including maintenance, security, operation, utilities, furnishings, equipment, supplies, staff training and recruitment and other incidental costs;

7. Economic development activities, including but not limited to, equipment purchase, inventory financing, interest subsidy, operating expenses and similar costs not associated with construction or expansion of existing operations;

8. Combinations of the above activities.

CATEGORICALLY EXCLUDED REQUIREMENTS

If the project is determined to be categorically excluded based on the above descriptions, the same environmental assessment requirements apply with the following exceptions:

1. An "Environmental Assessment Checklist" (Exhibit A-9) is **not** completed.

2. A "Finding of Categorical Exclusion" (Exhibit A-16) replaces the "Environmental Assessment Narrative" (Exhibit A-5). A map must also be included.

The time frame for public comment and the forms required for publication are different for a Categorically Excluded project than for an Environmental Assessment project. Publish the "Notice of Intent to Request a Release of Funds" (NOI/RROF - Exhibit A-17) instead of the "Concurrent Notice." The local comment period is reduced from 15 days to 7 days. A sample NOI/RROF is included as Exhibit A-18.

Projects Located in a Floodplain

If the project **is** located within a floodplain, the grantee must publish the "Early Public Notice" (Exhibit A-10), for a commend period of 15-days. Afterwards, publish both the “Notice of Explanation” (Exhibit A-11) and the NOI/RROF (Exhibit A-17). A 7-day commend period is required for these publications. Calendars illustrating the commend periods for these type projects can be found as Exhibit A-19.

Projects Not Located in a Floodplain

For projects **not** located in a floodplain, the grantee must publish the NOI/RROF for a comment period of 7-days. Calendars illustrating the comment periods for these type projects can be found as Exhibit A-20.

At the end of the 7-day comment period, the grantee must submit the ERR (which includes the RROF, original publications, and all other environmentally related documents) to the State. Upon receipt of the complete ERR, a 15-day State comment period will begin. After the duration of this period, ECD will send the LOREC to the grantee.

EXEMPT PROJECTS

Exempt projects are categorically excluded projects that do not require compliance with any Federal laws or authorities. In order to determine if the project is exempt, the following two criteria must be met:

1. The project must be categorically excluded based on the descriptions set forth in the previous section.

2. The project will not have to comply with any other Federal laws listed on the Statutory Checklist (Exhibit A-6). Such projects may include

   (1) 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;

   (2) Purchase of tools;

   (3) Assistance for temporary or permanent improvements that do not altar environmental conditions and are limited to protection, repair or restoration activities necessary only to control or arrest the effects from disasters, imminent threats or physical deterioration.

EXEMPT REQUIREMENTS

If the project is exempt based on the above two criteria, the grantee is required to include the following:

1. Statutory Checklist
2. Finding of Exemption (Exhibit A-21)
3. Map(s)
4. SHPO Letter
5. Environmental Review Requirements Checklist (Exhibit A-1)
6. RROF

No publications or comment periods are necessary for Exempt projects. After the complete ERR has been submitted to the State, ECD will send the LOREC to the grantee.

ADOPTION OF OTHER AGENCIES' EIS/EA

If an EIS or EA has been prepared on the project for another agency, the grantee may adopt this document as part of the environmental review requirements under the CDBG program. However, the following must also be included:

1. A copy of the previous EIS/EA
2. An addendum to the previous EIS/EA stating that it is still valid
3. "Environmental Review Requirement Checklist" (Exhibit A-1)
4. "Statutory Checklist" (Exhibit A-6)
5. SHPO Letter
6. Map(s)
7. Publication and proof of the required notices
8. "Distribution List" (Exhibit A-14) and accompanying letters
9. Documentation of flood insurance (if applicable)
10. "Request for Release of Funds and Certifications (Exhibit A-15)

NOTE: The "Concurrent Notice" and the floodplain notices (if applicable) **must be** published even if a previous notice was published as part of the adopted EIS/EA. The time frame for public comment is the same as for Environmental Assessments.

PROJECT SCOPE CHANGE

If there is a change in the scope of the project, the grantee must first notify ECD for approval. ECD will request the necessary documentation then re-evaluate the original environmental assessment based on the new information to determine whether the ERR is still applicable. If the original ERR is still valid, the grantee will be rquired to submit an Addendum to the original ERR. The Addendum should include the following:

- A description and map of the new project area
- A statement explaining that the original review is still valid, and that there are no adverse impacts. The statement must be on official letterhead and signed and dated by the chief executive officer.
- A current SHPO letter related to the new project area
- A current Statutory Checklist related to the new project area
- The Environmental Review Requirements Checklist column titled “Addendum”

If it is determined that the original ERR is no longer applicable, the grantee must prepare a new environmental assessment review that includes all of the requirements for that type project.

ENVIRONMENTAL REVIEW REQUIREMENT CHECKLIST

Project _____

REQUIREMENTS	Environ-mental Assessment	Categori-cally Excluded	Exempt	Adoption of Other Agencies' EA	Addendum
Written Text (Signature Date _____.)*	❑				
Description of Project	❑				❑
Existing Environmental	❑				
Significant Adverse Actions/Mitigating Actions	❑				
Alternatives	❑				
Finding of No Significant Impact	❑				
Environmental Assessment Checklist (Signature Date _____)*	❑				
Statutory Checklist (Signature Date _____)*	❑	❑	❑	❑	❑
SHPO Letter (Signature Date _____)*	❑	❑	❑	❑	❑
Map	❑	❑	❑	❑	❑
Public Notices *(with proof)*					
Early Public Notice *(for floodplain projects)* (Publication Date _____)	❑	❑		❑	
Notice of Explanation *(for floodplain projects)* (Publication Date _____)	❑	❑		❑	
Concurrent Notice (Publication Date _____)	❑			❑	
Notice of Intent to Request Release of Funds (Publication Date _____)		❑			
Distribution List *(with proof)* (Date letters sent _____)	❑	❑		❑	
Documentation of Flood Insurance *(for structures only)*	❑	❑	❑	❑	
Copy of Adopted EIS/EA				❑	
Addendum of Validity				❑	❑
Finding of Categorical Exclusion (Signature Date _____)*		❑			
Finding of Exemption (Signature Date)			❑		
Request for Release of Funds/Certification (Signature Date _____**	❑	❑		❑	

* The signature dates of these items should precede the publication date of the NOI/RROF or the Concurrent Notice and the Distribution List letters.

** Date should be after local review.

PUBLIC COMMENT PERIOD FOR A PROJECT *IN A FLOODPLAIN* REQUIRING AN ENVIRONMENTAL ASSESSMENT

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
Publish Early Public Notice	Start counting 15-day comment period 1	2	3	4	5	6
7	8	9	10	11	12	13
14	Last day for applicant to receive comments 15	Publish FONSI, NOI/RROF and Notice of Explanation	Start counting 15-day comment period 1	2	3	4
5	6	7	8	9	10	11
12	13	14	Last day for applicant to receive comments 15	Request Release of Funds and submit ERR to ECD	Start counting 15-day comment period 1	2
3	4	5	6	7	8	9
10	11	12	!3	14	Last day for ECD to receive comments 15	LOREC 16

PUBLIC COMMENT PERIOD FOR A PROJECT *NOT IN A FLOODPLAIN* REQUIRING AN ENVIRONMENTAL ASSESSMENT

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
	Publish FONSI & NOI/RROF	Start counting 15-day comment period 1	2	3	4	5
6	7	8	9	10	11	12
13	14	Last day for applicant to receive comments 15	Request Release of Funds and submit ERR to ECD	Start counting 15-day comment period 1	2	3
4	5	6	7	8	9	10
11	12	13	14	Last day for ECD to receive comments 15	LOREC	

OUTLINE FOR ENVIRONMENTAL ASSESSMENT PROJECT NARRATIVE

I. GENERAL INFORMATION
   A. Project name
   B. Project location
   C. Project type
   D. Cost (source and amounts)
   E. Administrative agency
   F. Applicant and contact person

II. DESCRIPTION
   A. Project description
   B. Project purpose (problem/need)
   C. Map

III. EXISTING ENVIRONMENTAL CONDITIONS
   A. Land use
   B. Soils
   C. Etc.

IV. SIGNIFICANT ENVIRONMENTAL IMPACTS AND ACTIONS TAKEN TO MINIMIZE ADVERSE IMPACTS
[based on "EA Checklist" (COLUMNS 3 - 6 marked)]

V. ALTERNATIVES

VI. FINDING
   A. EIS not required
   B. EIS required

SAMPLE
ENVIRONMENTAL ASSESSMENT PROJECT NARRATIVE

I. GENERAL INFORMATION

A. *Project Name:* Anytown Water Storage Facility

B. *Project Location:* 100 Any Avenue
City of Anytown
County of Anywhere, Tennessee

C. *Project Type:* Construction of an elevated 500,000 gallon capacity water storage facility

D. *Cost (source):*

Total	CDBG	RD Grant	RD Loan
$1,000,000	$500,000	$250,000	$250,000

E. *Administrative Agency:* Anytown Water District

F. *Applicant and Contact Person:* City of Anytown
City Hall
Anytown, Tennessee 37000

Mayor Jane Public
(111) 555-5555

II. DESCRIPTION OF PROJECT

The project consists of the construction of an elevated water storage facility, with 500,000 gallon capacity. It is to be located on the right-of-way of an abandoned railroad, in Census Tract 106. The site is adjacent to a residential area as shown in Attachment I. Upon completion, the facility is to be painted a light blue, and the grounds landscaped. Construction time is estimated at 8 months, after which only nominal activity (biweekly monitoring) will be conducted on site.

The purpose of the project is to provide an alternative to the 400,000 gallon ground storage facility that has been found in violation of State water quality standards. The State has mandated discontinuation of the use of the substandard facility by January 1, 20XX. There is an existing need for the increased capacity of the new facility. The proposed project will upgrade the community's water supply system into compliance with State regulations.

Funding for the proposed project has been allocated from the City's Community Development Block Grant, Fiscal Year 20XX. The land is owned outright by the City, which shall retain title to the property and improvements under the operating agency of the Anytown Water District.

Site and elevation maps, as well as preliminary design specifications, have been developed. The State Water Quality Control Board has tentatively approved the project, based on design specifications available to date. The project was reviewed and approved by the public as part of a general hearing held to review the City's application for Community Development Block Grant funds, and subsequently endorsed by the City Council acting as Board of Directors for the Anytown Water District. Individual residents of the immediate area have expressed interest in aspects of the project design, and the proposed light blue paint and park-like landscaping are responsive to their concerns.

III. EXISTING ENVIRONMENTAL CONDITIONS

The site proposed for the project is an odd-shaped parcel, approximately one-half acre in size. Located adjacent to the old G & K Railroad, abandoned since 1962, the site is flat with scattered ground cover consisting of wild shrub and grass. There is a problem with litter, and residents have complained of the spot as an eyesore. No unusual wildlife has ever been observed. The soil composition is primarily soils of the Kenney series, considered to have very high potential for urban uses, with adequate weight bearing capacity and no other major problems. Drainage is excellent.

The surrounding area comprises a residential subdivision of single family detached units to the north and west, and light industrial uses to the south. These areas are older and fully developed, and no additional growth is contemplated. The area to the east is unincorporated and currently is light agricultural use, with an irrigation system part of the Anywhere County Water District.

IV. SIGNIFICANT ENVIRONMENTAL IMPACTS AND ACTIONS TAKEN TO MINIMIZE ADVERSE IMPACTS

Air/Noise - During the construction phase of the project, which is anticipated to last eight months, there will be short-term dust level increments and additional noise associated with building activities. Standard engineering practices will be employed to minimize these impacts such as wetting the area, etc.

For safety precautions, the design of the tower will include a continuous 12-foot high solid wood plank fence around the base of the structure.

The project will produce beneficial effects by significantly upgrading the quality of the community's water supply.

Visual - The water tower, which will be approximately 60 feet in height and visible from surrounding neighborhoods, will change the scenic views from existing residential areas. To minimize this effect, the water tower will be painted a light blue, which is recommended by landscape architects for its relative unobtrusiveness. The site will also be landscaped attractively, screening views of the tower to the maximum feasible extent.

V. ALTERNATIVES

Given the mandated closing of the existing substandard facility by January 1, 20XX, the alternative of no project would mean the absence of water supply to adjacent residential users and the enforce abandonment of those homes.

No project design alternative to the elevated facility appears feasible, given the absence of ground storage sites acceptable from a water quality standard, in terms of ground seepage and contaminant hazards.

No alternative site has been identified of sufficient proximity to the proposed service district to allow for easy delivery.

VI. ENVIRONMENTAL FINDINGS

On the basis of this review:

- ❑ I find that this project **IS NOT** a major Federal action which would significantly affect the quality of the human environment and an Environmental Impact Statement is not required.

- ❑ I find that this project **IS** a major Federal action which would significantly affect the quality of the human environment and an Environmental Impact Statement is required.

_____	_____
Mayor or County Mayor	Date

Statutory Checklist

Area of Statutory - Regulatory Compliance (Precise citations for applicable statutes and regulations are printed on the back of this Checklist.)	**Not Applicable to This Project**	**Consultation Required**	**Review Required***	**Permits Required***	**Determincation of Consistency Approvals, Permits Obtained**	**Conditions and/or Mitigation Actions Required**	**Source or Documentation (Note date of contact or page reference) Additional material may be attached.**
Historic Properties							
Floodplain Management							
Wetlands Protection							
Coastal Areas							
Water Quality							
Endangered Species							
Wild and Scenic Rivers							
Air Quality							
Solid Waste Management							
Environmental Standards Noise							
Man-made Hazards							
Farmlands Protection							
Environmental Justice							

* Attach evidence that required actions have been taken.

LISTING OF APPLICABLE STATUTES AND REGULATIONS BY AREA OF COMPLIANCE

Historic Properties
National Historic Preservation Act of 1966, Section 106 (16 U.S.C. 470 et seq.), as amended.

Executive Order 11596, Protection and enhancement of the Cultural Environment, May 13, 1971 (3 CFR,, 1971-1975 Comp., p. 559)

The Archeological and Historic Preservation Act of 1974 (16 U.S.C. 469 et seq.).

Procedures for the Protection of Historic and Cultural Properties (Advisory Council on Historic Preservation - 36 CFR part 800).

Floodplain Management
Flood Disaster Protection Act of 1973 (42 U.S.C. 4001-4128) and the National Flood Insurance Reform Act of 1994 (Pub.L. 103-325, 108 Stat. 2160).

HUD Procedure for the Implementation of Executive Order 11988 (3 CFR, 1977 Comp., p. 117) - 24 CFR part 55, Floodplain Management.

Wetland Protection
Executive Order 11990, (Protection of Wetlands), (3 CFR, 1977 Comp., p. 121).

Coastal Areas
The Coastal Barrier Resources Act, as amended by the Coastal Barrier Improvement Act of 1990 (16 U.S.C. 3501 et seq.).

The Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.), as amended.

Water Quality
The Safe Drinking Water Act of 1974 (42 U.S.C. 201, 300 et seq., and 21 U.S.C. 349), as amended. (See 40 CFR part 149.)

The Federal Water Pollution Control Act, as amended by the Federal Water Pollution Control Act Amendments of 1972 (33 U.S.C. 1251 et seq.), and later enactments.

Endangered Species
The Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), as amended. (See 50 CFR part 402).

Wild and Scenic Rivers
The Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.), as amended.

Air Quality
Coastal Zone Management Act of 1972 as Amended (16 U.S.C. 1451-1464)

Coastal Barrier Resources Act of 1982 (16 U.S.C. 3501 et.seq.)

Solid Waste Management
The Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976 (42 U.S.C. 6901 et seq.), and later enactments.

The Comprehensive Environmental Resource, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.), as amended.

Farmlands Protection
Farmlands Protection Policy Act of 1981 (7 U.S.C. 4201 et. seq.), as amended. (See 7 CFR part 658.)

Environmental Standards
Noise
HUD Regulations (24 CFR Part 51, Subpart B)
Man-made Hazards
HUD Regulation (24 CFR Part 51, Subpart C HUD Notice 79-33) Indefinite Notice, Spetember 10, 1979

Environmental Justice
Executive Order 12898 - Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations (3 CFR, 1994 Comp., p. 859).

Instructions

- Not Applicable to this Project - Check here, only when it is known that the project is not located in an area where the environmental condition or resource is nonexistent.
- Consultation Required - This requires contact with appropriate individuals at Federal or federally authorized agencies and documentation of that contact through attached notes and correspondence.
- Review Procedures Required - (e.g., 106 procedure of the Advisory Council on Historic Preservation)
- Permits Procedure Required - Attachments should indicate evidence of permits that have to be secured, or required procedures followed.
- Determination of Consistency, Approvals and Permits Obtained - (e.g., consistency with State coastal zone management plan). In areas requiring consistency or where projects required Federal permits, licenses or other forms of approval, such requirements should be recorded here as having been met. Any condition, temporary permit or partial approval is recorded in the next column to a document recorded in the ERR.
- Conditions or Mitigation Actions Required - These should be listed and attached including any correspondence from reviewing agencies and a designation of responsibility for implementation.

_____
Chief Executive Officer (Typed)

_____
Signature Date

DOCUMENTING THE STATUTORY CHECKLIST

The following was prepared by the Environmental Branch of the HUD Regional Office to explain the compliance areas of the Statutory Checklist and to provide possible sources of documentation. It was excerpted from the "Environmental Review Guide for Community Development Block Grant Programs," and "36 CFR Part 800: Protection of Historic Properties."

Historic Properties

Section 106 of the National Historic Preservation Act of 1966, as amended, mandates that every Federal agency take into account how each of its undertakings (any project, activity, or program that can result in changes in the character or use of historic properties) could affect historic properties.

In order to comply with the Historic Properties area of Statutory Compliance, the grantee must determine the effect that the proposed project or activity(ies) will have on historic properties. The grantee must allow the State Historic Preservation Officer (SHPO) an opportunity to review and comment on their decision.

Sufficient information must be given to the SHPO in order to make a determination of effect. This information includes the following:

1. A letter requesting Section 106 review of the undertaking which shall include:

   (a) The identity of the federal agency funding, licensing, or permitting the undertaking, the name and/or position title of the “Agency Official” as defined at 36 CFR Part 800.2(a), and the name, address, and telephone number of the agency staff person who may be contacted regarding the project.

   (b) If applicable, the identity of the applicant for federal funding, licensing, or permitting and the name, address, and telephone number of the staff person employed by this applicant organization who may be contacted regarding the project. Please include documentation generated by the federal agency which authorizes the applicant to act as the federal agency’s representative in the initial Section 106 review process as delineated at 36 CFR Part 800.(c)(5).

   (c) The location (<u>address</u>, <u>city</u>, and <u>county</u>) of the project; and the project’s Area of Potential Effect as defined at 36 CFR Part 800.16(d).

(d) The identities of all other Consulting Parties invited to participate in consultation relative to the undertaking and the names, addresses, and telephone numbers of authorized representatives of these additional Consulting Parties who may be contacted regarding the project. Consulting Parties are enumerated at 36 CFR Part 800.2(c). Please include copies of all invitation letters to Consulting Parties and copies of any responses.

(e) A description of the agency's or applicant's formal procedure for involving the public in the Section 106 review process as delineated at 36 CFR Part 800.2(d).

(f) If applicable, a description of the formal process by which Section 106 review is to be melded into other appropriate federal and state environmental reviews as delineated at 36 CFR Part 800.2(a)(4), 800.3(b), and 800.8.

2. A USGS 7½ minute topographic map (be sure to include the name) clearly indicating the boundary of the undertaking, the location of all project elements, and the project's Area of Potential Effect.

3. Other suitably scaled maps or site plans as necessary to depict the extent of the project and its locational relationship to its surroundings and environment.

4. A project narrative which describes the project in sufficient detail to enable a reader unfamiliar with the project or its location to gain a full understanding of the project and all of its elements and their potential to affect directly and indirectly any historic properties within the Area of Potential Effect.

5. Original chemical or digital photographs of the project Area of Potential Effect which are numbered and clearly keyed to one of the above maps or site plans.

6. Any available information including dates of construction of buildings either inside the project footprint or within view or sound of the project. Be sure to include photographs of buildings within the project's Area of Potential Effect.

7. If applicable, a discussion of the results of agency or applicant pre-consultation review of architectural, historical, or archaeological studies which have been previously produced. This should include:

(a) a list of historic properties located within the Area of Potential Effect which are either National Register of Historic Places listed or have been determined eligible for such listing. This list should include any above ground properties which appear marked on SHPO survey file maps.

(b) Locations of such properties shown on one of the maps or site plans which are submitted.

(c) If pre-consultation review has not discovered eligible or listed properties, a statement to that effect should be included. Properties identified and evaluated as not eligible for listing in the National Register should be listed and mapped.

8. A discussion of any pre-consultation field-work, e.g., reconnaissance survey, which may have been undertaken.

9. Written results of any internal agency cultural resources staff review (for undertakings planned by land- or structure-controlling agencies with qualified cultural resources staffs).

10. The written results of any consultation with all additional Consulting Parties.

Additional documentation produced as a consequence of a written request from the Tennessee State Historic Preservation Office to the agency or applicant. This documentation must be prepared by a person or persons in the appropriate field who meets applicable professional standards and in consultation with this office (see "Standards and Guidelines for Archaeological and Architectural Resource Identification Studies") and definitions codified at 36 CFR Part 800.2(a)(1) and 800.2(a)(3):

1. Historic/Architectural Survey and Inventory

2. Archaeological Site Survey and Inventory

There are three (3) possible findings that can be made in consultation with the SHPO:

1. No effect: There is no effect of any kind on historic properties. The grantee may proceed with the project or activity(ies).

2. No adverse effect: There is a possibility of effect, but it would not be harmful to the historic properties. After consultation with the SHPO, a copy of this determination must be sent to the Advisory Council on Historic Preservation for their review. Unless the Advisory Council objects to this determination, the grantee may proceed with the project or activity(ies) subject to the concerns of the SHPO and Advisory Council, if any.

3. Adverse effect: There could be a harmful effect to a historic property. The grantee must begin the consultation process with the Advisory Council. This process usually results in a Memorandum of Agreement (MOA). The grantee may then proceed with the project or activity(ies) subject to the terms of the MOA.

These findings will be received in a letter from the State Historic Preservation Office (SHPO). In cases where the SHPO comments that additional information is necessary before a determination can be made, the grantee must submit the additional information in order to receive a "no effect" letter from the SHPO.

When a project, or parts thereof, lie in a floodplain, the SHPO letter's discussion will ask that all precautions be taken to minimize adverse effects to the floodplain.

The SHPO letter must be included in the ERR and used as the reference when addressing Historic Properties on the Statutory Checklist.

Floodplain Management

The grantee must determine whether the project or activity(ies) will be located in the 100-year floodplain. This area is identified by the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Map (FIRM) or Flood Hazard Boundary Map as Flood Zones A and V. These areas are expected to flood at least once every one hundred years.

If, after review of the Floodplain Map, the grantee determines that the project or activity(ies) is located in the floodplain, they must determine the impact that the project will have on the floodplain, in accordance with Executive Order (EO) 11988. This decision-making process involves three steps. They are

1. Publish a Notice in a local newspaper to make the public aware of the intent. The Notice should include a brief description and location of the proposed project, why it is necessary to carry out the project in the floodplain and a call for alternatives/suggestions.

   During the Early Public Notice comment period, any comments regarding the floodplains should be considered to determine whether there is a practical alternative. Identify the adverse impacts of any alternative and examine the methods necessary for minimizing, restoring and preserving the floodplains then re-evaluate the alternatives.

2. Announce and explain the decision to the public through the Notice of Explanation (NOE). The NOE, published in the local newspaper, explains the only practical alternative is to locate the project or activity(ies) in the floodplain. The reason for this decision and the alternatives considered must be included in this notice.

3. Implement project or activity(ies) with appropriate mitigation.

Wetlands Protection

The grantee must determine the impact that the proposed project or activity(ies) will have on the wetland, pursuant to Executive Order (EO) 11990. Executive Order 11990 requires all Federal agencies to refrain from supporting construction in wetlands wherever there is a practical alternative.

<u>What is a Wetland</u>? - Generally, a wetland includes swamps, marshes, bogs, and similar areas such as sloughs, potholes, wet meadows, river overflows, mud flats and natural ponds. They are useful in filtering, storing and recharging groundwater, producing flood control, nurturing wildlife including food sources such as water fowl and fish. Wetlands are also useful in water purification, oxygen production, and presenting themselves as aesthetic recreational locations.

The Corp of Engineers must be consulted for instructions regarding the 404 permit as well as reference to other necessary permits. The grantee may also consult the National Wetlands Inventory, developed by the U.S. Fish and Wildlife Service, U.S.

Department of the Interior, in order to determine the impact the project or activity(s) will have on the wetland.

If the project or activity(ies) will have an impact on the wetland, the three step decision-making process described under floodplains should be followed.

Water Quality

The grantee must determine whether the project or activity(ies) will involve the disposal or placement of dredged or fill material in navigable waters and wetlands. If this type of project or activity(ies) will be undertaken, the grantee must obtain a 404 Permit from the Corps of Engineers and be in compliance with Section 208 of the Federal Water Pollution Control Act.

Possible sources of information and documentation are the Regional Planning Agency, Corps of Engineers, City or County Engineer, and State or Federal EPA.

Water Quality: Sole Source Aquifers - This is the sole or primary source for drinking water derived from ground water. The grantee must determine the impact their project or activity(ies) will have on contaminating areas designated by the U.S. EPA as the sole or principal drinking water source for the area.

Sources of contact are the U.S. Environmental Protection Agency, Regional Planning Agency, or City or County Engineer.

Endangered Species

The grantee must determine whether the project or activity(ies) will threaten any animal species listed by either State or Federal agencies as rare or endangered. Sources of contact may be the U.S. Fish and Wildlife Service of the U.S. Department of Interior and the U.S. Department of Agriculture's Endangered Species Technical Bulletin or State agency.

Wild and Scenic Rivers

The grantee must determine whether the project or activity(ies) will have an impact on rivers designated on the Nationwide Rivers Inventory by the U.S. Department of Agriculture as wild, scenic, and recreational. Sources of documentation are the Nationwide Rivers Inventory or Regional Planning Agency.

Air Quality

The grantee must determine whether the project or activity(ies) is located in an area that is in violation of the ambient air quality standard for that particular area. Sources of contact are the U.S. EPA and State and local air pollution control agencies. The project must, also, be in compliance with the State Implementation Plan (SIP) if it will either contribute to or generate traffic, i.e., commercial development or a parking garage.

Solid Waste Management

The grantee must determine whether the project or activity(ies) will generate solid waste. If so, the grantee must be in compliance with Section 209 guidelines of the Resources Conservation and Recovery Act of 1976, 42 USC 6901-6987.

Possible sources of information and documentation are the City or County Engineer, Regional Planning Agency, State or Federal EPA.

Noise

The grantee must assess the impact that sources of noise will have on a noise sensitive project or activity(ies) i.e., housing rehabilitation, construction, etc.

> "An assessment will be needed if housing and other noise sensitive uses are proposed and any of the following conditions are present:
>
> 1. Existing or proposed commercial or military airport(s) within 15 miles of the site.
>
> 2. Roadways within 1,000 feet of the site with such characteristics (e.g., high traffic levels, high speed, heavy truck/bus usage, slope gradients, etc.) that would indicate high ambient vehicular noise levels.
>
> 3. At-grade or elevated transit lines or railroads within 3,000 feet of the site."

If a noise sensitive project or activity(ies) is proposed that will expose a source of noise, the grantee must undertake a noise assessment to determine the level of noise. When the noise level exceeds 65 L_{dn}, the grantee must consider mitigative measures that will reduce the noise below this level, i.e., the use of storm doors and windows, added insulation, working only during daylight hours, etc.

The project engineer may serve as the source of information.

Manmade Hazards

Thermal and Explosive Hazards - The grantee must determine whether its project or activity(ies) is located near a specific stationary, hazardous operation that stores, handles or processes hazardous substances such as petroleum products or chemicals of an explosive or flammable nature. This does not apply to gasoline stations with underground tanks.

To the extent practicable, grantees should avoid locating projects or activities near these hazards or calculate acceptable separation distances. Possible sources of information and documentation are the local fire department, City or County Engineer, and State or Federal EPA.

Runway Clear Zones, Clear Zones and Accident Potential Zones - The grantee must determine whether its project or activity(ies) will be located within or in part of the Runway Clear Zone at a civil airport or the Clear Zone at a military airfield. No CDBG monies may be expended on a project or activity(ies) located in either zone.

According to the FAA, this regulation applies to all military installations with aircraft operations and to all civil airports designated as commercial service airports under the National Plan for Integrated Airport Systems.

A source of contact is the Federal Aviation Administration.

Farmlands Protection

The grantee must determine whether the project or activity(ies) will convert prime, unique or state/locally important farmlands to non-agricultural uses. The definition for farmland is as follows:

1. *Prime Farmland* - Land having the best combination of physical characteristics for crop production.

2. *Unique Farmland* - Land other than prime, with the capacity to produce specific high value food and fiber, e.g., citrus fruits, olives, etc.

Sources of contact are the USDA's District Conservationist or State Soil Conservation Service.

Environmental Justice

Executive Order 12898 -- Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations requires that every Federal agency must identify and address, to the greatest extent possible, the human health and environmental effects on minority and low-income populations. Any condition such as landfills, toxic waste dumps, malodorous industry or treatment methods used for water/sewer problems, etc. could pose health threats to project beneficiaries. Environmental Justice requires that agencies ensure the most practicable and appropriate actions be considered in the siting of, and methods used, to complete projects.

Sources of contact include the mayor or county mayor, city or county engineer or the State or Federal EPA.

Sample
Statutory Checklist

Area of Statutory - Regulatory Compliance (Precise citations for applicable statutes and regulations are printed on the back of this Checklist.)	**Not Applicable to This Project**	**Consultation Required**	**Review Required***	**Permits Required***	**Determination of Consistency Approvals, Permits Obtained**	**Conditions and/or Mitigation Actions Required**	**Source or Documentation (Note date of contact or page reference) Additional material may be attached.**
Historic Properties		x					See attached letter from State Historic Preservation Office, dated July 19, 1997.
Floodplain Management	x						FEMA Flood Insurance Rate Map, Panel N. 470040-0169, June 15, 1982.
Wetlands Protection	x						Project not located in, or impacts the wetland, per U.S. Fish & Wildlife Service, S. Pickett (July 27, 2000). See attached letter.
Coastal Areas	x						No impact areas.
Water Quality	x						Per engineer, M. Hamilton, project will have no effect on water quality. July 19, 2000.
Endangered Species	x						No endangered species listed in project area, per U.S. Fish & Wildlife Service,B. Friedan (July 20, 2000) See attached letter.
Wild and Scenic Rivers	x						No Wild or Scenic Rivers listed, per review of Nationwide Rivers Inventory, dated January 1982.
Air Quality	x						There are no major sources of air pollution near project area, per Environment & Conservation, S. Jackson (July 19). See attached letter.
Solid Waste Management	x						Per engineer, M. Hamilton, project will have no effect on solid waste management. (July 19, 2000.)
Environmental Standards Noise	x						Project is not located near major highway, railroad or airport. Field observation. (July 19, 2000.)
Manmade Hazards	x						There are no known sources of chemical, radioactive, flammable or explosive hazards near project area.R. Derby, Fire Dept. (July 19, 2000.)
Farmlands Protection	x						No prime or unique farmlands will be affected, per County Soil Conservation Service, D. Fairmer, (July 19, 2000.)
Environmental Justice	x						No adverse human health or environmental effects on minority and low-income populations in the project area, per Mayor Walton (July 20, 2000).

* Attach evidence that required actions have been taken.

LISTING OF APPLICABLE STATUTES AND REGULATIONS BY AREA OF COMPLIANCE

Historic Properties
National Historic Preservation Act of 1966, Section 106 (16 U.S.C. 470 et seq.), as amended.

Executive Order 11596, Protection and enhancement of the Cultural Environment, May 13, 1971 (3 CFR,, 1971-1975 Comp., p. 559)

The Archeological and Historic Preservation Act of 1974 (16 U.S.C. 469 et seq.).

Procedures for the Protection of Historic and Cultural Properties (Advisory Council on Historic Preservation - 36 CFR part 800).

Floodplain Management
Flood Disaster Protection Act of 1973 (42 U.S.C. 4001-4128) and the National Flood Insurance Reform Act of 1994 (Pub.L. 103-325, 108 Stat. 2160).

HUD Procedure for the Implementation of Executive Order 11988 (3 CFR, 1977 Comp., p. 117) - 24 CFR part 55, Floodplain Management.

Wetland Protection
Executive Order 11990, (Protection of Wetlands), (3 CFR, 1977 Comp., p. 121).

Coastal Areas
The Coastal Barrier Resources Act, as amended by the Coastal Barrier Improvement Act of 1990 (16 U.S.C. 3501 et seq.).

The Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.), as amended.

Water Quality
The Safe Drinking Water Act of 1974 (42 U.S.C. 201, 300 et seq., and 21 U.S.C. 349), as amended. (See 40 CFR part 149.)

The Federal Water Pollution Control Act, as amended by the Federal Water Pollution Control Act Amendments of 1972 (33 U.S.C. 1251 et seq.), and later enactments.

Endangered Species
The Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), as amended. (See 50 CFR part 402).

Wild and Scenic Rivers
The Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.), as amended.

Air Quality
Coastal Zone Management Act of 1972 as Amended (16 U.S.C. 1451-1464)

Coastal Barrier Resources Act of 1982 (16 U.S.C. 3501 et.seq.)

Solid Waste Management
The Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976 (42 U.S.C. 6901 et seq.), and later enactments.

The Comprehensive Environmental Resource, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.), as amended.

Farmlands Protection
Farmlands Protection Policy Act of 1981 (7 U.S.C. 4201 et. seq.), as amended. (See 7 CFR part 658.)

Environmental Standards
Noise
HUD Regulations (24 CFR Part 51, Subpart B)
Man-made Hazards
HUD Regulation (24 CFR Part 51, Subpart C HUD Notice 79-33) Indefinite Notice, Spetember 10, 1979

Environmental Justice
Executive Order 12898 - Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations (3 CFR, 1994 Comp., p. 859).

Instructions

- Not Applicable to this Project - Check here, only when it is known that the project is not located in an area where the environmental condition or resource is nonexistent.
- Consultation Required - This requires contact with appropriate individuals at Federal or federally authorized agencies and documentation of that contact through attached notes and correspondence.
- Review Procedures Required - (e.g., 106 procedure of the Advisory Council on Historic Preservation)
- Permits Procedure Required - Attachments should indicate evidence of permits that have to be secured, or required procedures followed.
- Determination of Consistency, Approvals and Permits Obtained - (e.g., consistency with State coastal zone management plan). In areas requiring consistency or where projects required Federal permits, licenses or other forms of approval, such requirements should be recorded here as having been met. Any condition, temporary permit or partial approval is recorded in the next column to a document recorded in the ERR.
- Conditions or Mitigation Actions Required - These should be listed and attached including any correspondence from reviewing agencies and a designation of responsibility for implementation.

_____
Chief Executive Officer (Typed)

_____
Signature Date

Environmental Assessment Checklist

Project Name and Identification No. _____

Impact Categories	1 **No Impact Anticipated**	2 **Potentially Beneficial**	3 **Potentially Adverse Requires documentation only**	4 **Potentially Adverse Requires More Study**	5 **Needs Mitigation**	6 Requires Project Modification	7 Source or Documentation (Note date of contact or page reference) Addition material may be attached.
Land Development							
Conformance With Comprehensive Plans and Zoning							
Compatibility and Urban Impact							
Slope							
Erosion							
Soil Suitability							
Hazards and Nuisances, Including Site Safety							
Energy Consumption							
Noise							
Effects of Ambient Noise on Project and Contribution to Community Noise Levels							

Environmental
Assessment Checklist
(continued, page 2)

Project Name and Identification No. _____

Impact Categories	1 **No Impact Anticipated**	2 **Potentially Beneficial**	3 **Potentially Adverse Requires documentation only**	4 **Potentially Adverse Requires More Study**	5 **Needs Mitigation**	6 Requires Project Modification	7 Source or Documentation (Note date of contact or page reference) Addition material may be attached.
Air Quality							
Effects of Ambient Air Quality on Project and Contribution to Community Pollution Levels							
Environmental Design and Historic Values							
Visual Quality-- Coherence, Diversity, Compatible Use, and Scale							
Historic, Cultural, and Archaeological Resources							
Socioeconomic							
Demographic/ Character Changes							
Displacement							
Employment and Income Patterns							
Community Facilities and Services							
Educational Facilities							
Commerical Facilities							
Health Care							
Social Services							

Environmental
Assessment Checklist
(continued, page 3)

Project Name and Identification No. _____

Impact Categories		1 **No Impact Anticipated**	2 **Potentially Beneficial**	3 **Potentially Adverse Requires documentation only**	4 **Potentially Adverse Requires More Study**	5 **Needs Mitigation**	6 Requires Project Modification	7 Source or Documentation (Note date of contact or page reference) Addition material may be attached.
Community Facilities and Services (Continued)								
Solid Waste								
Waste Water								
Storm Water								
Water Supply								
Public Safety Police								
	Fire							
	Emergency Medical							
Open Space and Recreation	Open Space							
	Recreation							
	Cultural Facilities							
Transportation								

Environmental
Assessment Checklist
(continued, page 4)

Project Name and Identification No. _____

Impact Categories	1 **No Impact Anticipated**	2 **Potentially Beneficial**	3 **Potentially Adverse Requires documentation only**	4 **Potentially Adverse Requires More Study**	5 **Needs Mitigation**	6 Requires Project Modification	7 Source or Documentation (Note date of contact or page reference) Addition material may be attached.
Natural Features							
Water Resources							
Surface Water							
Floodplains							
Wetlands							
Coastal Zone							
Unique Natural Features and Agricultural Lands							
Vegetation and Wildlife							

Summary of Findings and Conclusions:

_____

_____

_____

_____

_____

_____

Summary of Environmental Conditions:

_____

_____

_____

_____

_____

_____

Project Modifications and Alternatives Considered:

_____

_____

_____

_____

_____

_____

Additional Studies Performed (Attach Study or Summary)

Mitigation Measures Needed:

1. Is project in compliance with applicable laws and regulations? o Yes o No

2. Is an EIS required? o Yes o No

3. A Finding of No Significant Impact (FONSI) can be made. Project will not significantly affect the quality of the human environment. o Yes o No

_____
Chief Executive Officer (Typed)

_____
Signature

_____
Date

How to Complete

For each impact category the local environmental analyst is asked to check the appropriate box relating to potential impacts, needed study, and mitigation or modification. In many cases more than one box could or should be checked. In each case a source should be cited which may be a report, phone contact, previous ERR, field observation or general knowledge of the area. The determinations to be made for each impact category include:

l **No Impact Anticipated (Column 1)**--A checkmark here indicates no more analysis or mitigation effort is needed. Clear and specific documentation is essential, referencing the factual conditions or specific circumstances that support the finding. Mere conclusions are not sufficient.

l **Potentially Beneficial (Column 2)**-- Beneficial impacts should be indicated here. Notations supporting that finding can be attached. A more detailed analysis is not necessary.

l **Potentially Adverse/Requires Documentation Only (Column 3)**--In some cases, this quick review may be all that is needed to evaluate impacts. They may be so small as to require no more study; they may be construction effects only for which standard mitigation procedures have been established; or they may have been analyzed for previous assessments in a fully comparable situation. Documentation here is particularly important and will require attached notes outlining sources explaining the factual basis of the impact finding and describing any mitigation efforts.

l **Potentially Adverse/Requires More Study (Column 4)**--If this is checked, the impact category in question will be subject to further review (site visits, detailed review of data, consultation with experts, etc.) using techniques such as those described in Appendix A (of the Environmental Review Guide for Community Development Block Grant Programs). The points to remember are that (1) only those categories with a check in this box need to subject to a detailed assessment and (2) this is not a decision about EIS preparation but a decision to investigate further.

l **Needs Mitigation (Column 5)**--This column should be used in combination with the third and fourth columns indicating some type of potential adverse impact. In some cases specific measures to reduce adverse effects on a community cannot be discussed in full detail right away. Instead, such measures are subject to review and development and implementation responsibility as part of a more detailed analysis which follows. In other cases mitigation measures may be known, and recorded. Mitigation measures or safeguards should be listed for easy reference on the last page of the Checklist.

l **Requires Project Modification (Column 6)**--Early project review, affords a special opportunity to identify needed changes in the project itself before final applications are made or programs finalized. Often such changes can eliminate the need for further analysis by eliminating the source of the problem. It is also possible that changes (such as moving a project to a different site outside a high noise zone, or combining it with a new project to provide needed sewer or water lines) could be identified at this time.

l **Source (Column 7)**-- Identify sources or contacts which have contributed to the decision in a specific category.

SAMPLE FLOODPLAINS AND WETLANDS NOTICE

EARLY PUBLIC NOTICE

The City of Anytown, Tennessee is considering Fifth Street improvements from Avenue D to Avenue J as a Small Cities CDBG project. The project is located in the 100-year floodplain. Fifth Street is the City's primary commercial area and it is experiencing deterioration. To repair existing damage to the roadway and to improve subsurface drainage, it is necessary to carry out this project in the floodplain. The City is interested in discussing alternatives to this project and securing public perceptions of possible adverse impacts that could result from the project and possible minimization measures. Please send written comments to Mayor Jane Q. Public, City Hall, Room 100, Anytown, Tennessee. Comments will be received until ___*(Date)*___.

_____
Jane Q. Public
Mayor

SAMPLE **NOTICE OF EXPLANATION**

_____*(GRANTEE)*_____ intends to undertake improvements to Fifth Street from Avenue D to Avenue J. These improvements are needed to improve surface conditions, hook into the West Side Storm Drainage outfall and provide better street lighting. This project is located in the 100 year floodplain. Proposed improvements to Fifth Street cannot be undertaken in any other location. There is, therefore, no practical alternative to the proposed project. *(If there are alternatives, you must discuss them here.)*

The proposed improvements to the existing street conform to all applicable State floodplain protection standards. Improvements to Fifth Street's Storm sewer capacity and hook-up to the new West Side drainage outfall are part of the City's long-range floodplain management plan. *(If minimization measures are required, they must be discussed here.)* The proposed action will not affect natural or beneficial floodplain values as it represents an improvement of an existing roadway.

Failure to provide these improvements would result in the continued deterioration of the City's primary commercial district.

The other agency involved in this project is the State of Tennessee with funds from the U.S. Department of Housing and Urban Development. *(List all agencies providing funding and/or approvals and permits.)*

CONCURRENT NOTICE

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

_____[1]
Date

_____
(Name of Grantee)

_____
(Street, City, Zip Code)

_____
(Telephone Number)

These notices shall satisfy two separate but related procedural requirements for activities to be undertaken by the _____.
(name of grantee)

REQUEST FOR RELEASE OF FUNDS

On or about _____[2], the _____
(grantee)
will submit a request to the Department of Economic and Community Development for the release of 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
_____, and _____
(estimated funding) *(project location)*
_____.

FINDING OF NO SIGNIFICANT IMPACT

The _____ has determined that the project will have no
(grantee)
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 _____
(address where ERR can be examined)
and may be examined or copied weekdays. _____ a.m. to _____ p.m.

---

[1] Date of Notice
[2] The day following the 15-day comment period (i.e., 16 days from date of publication)

PUBLIC COMMENTS

Any individual, group, or agency disagreeing with this determination or wishing to comment on the project may submit written comments to the _____ _____. All comments
(office responsible for receiving and responding to comments)
received by _____[3] will be considered by the _____
(grantee)
prior to authorizing submission of a request for release of funds. Comments should specify which Notice they are addressing.

RELEASE OF FUNDS

The _____ certifies to the Tennessee Department
(grantee)
of Economic and Community Development that _____
(mayor or county mayor's name)
In his/her capacity as _____ consents to accept the
(mayor or county mayor)
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 Development (ECD) approval of the certification satisfies its responsibilities under NEPA and related laws and authorities.

OBJECTIONS TO RELEASE OF FUNDS

The Tennessee Department of Economic and Community Development will accept objections to its release of funds and the _____ certification
(grantee)
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 basis:

(a) The certification was not executed by the Certifying Officer of the _____;
(grantee)

(b) The _____ has omitted a step or failed to
(grantee)
make a decision or finding required by HUD regulations at 24 CFR Part 58;

(c) The grant recipient has committed funds or incurred costs not authorized by 24 CFR Part 58 before approval of a release of funds by the Tennessee Department of Economic and Community Development; or

[3] 15 days following the date of publication (i.e., 16 days)

(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) and shall be addressed to the **State of Tennessee, Department of Economic and Community Development, Program Management, William R. Snodgrass Tennessee Tower, 10th Floor, 312 Eighth Avenue North, Nashville, Tennessee 37243-0405**. Potential objectors should contact the Program Management Office to verify the actual last day of the objection period.

_____

(Name of Certifying Officer)

_____

(Title of Certifying Officer)

SAMPLE
CONCURRENT NOTICE

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

_____[1]
Date

_____
(Name of Grantee)

_____
(Street, City, Zip Code)

_____
(Telephone Number)

These notices shall satisfy two separate but related procedural requirements for activities to be undertaken by the _____.
(name of grantee)

REQUEST FOR RELEASE OF FUNDS

On or about _____[2], the _____
(grantee)
will submit a request to the Department of Economic and Community Development for the release of 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
_____, and _____
(estimated funding) *(project location)*
_____.

FINDING OF NO SIGNIFICANT IMPACT

The _____ has determined that the project will have no
(grantee)
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 _____
(address where ERR can be examined)
and may be examined or copied weekdays. _____ a.m. to _____ p.m.

---

[1] Date of Notice
[2] The day following the 15-day comment period (i.e., 16 days from date of publication)

PUBLIC COMMENTS

Any individual, group, or agency disagreeing with this determination or wishing to comment on the project may submit written comments to the _____ _____. All comments
(office responsible for receiving and responding to comments)
received by _____[3] will be considered by the _____
(grantee)
prior to authorizing submission of a request for release of funds. Comments should specify which Notice they are addressing.

RELEASE OF FUNDS

The _____ certifies to the Tennessee Department
(grantee)
of Economic and Community Development that _____
(mayor or county mayor's name)
In his/her capacity as _____ consents to accept the
(mayor or county mayor)
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 Development (ECD) approval of the certification satisfies its responsibilities under NEPA and related laws and authorities.

OBJECTIONS TO RELEASE OF FUNDS

The Tennessee Department of Economic and Community Development will accept objections to its release of funds and the _____ certification
(grantee)
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 basis:

(a) The certification was not executed by the Certifying Officer of the _____;
(grantee)

(b) The _____ has omitted a step or failed to
(grantee)
make a decision or finding required by HUD regulations at 24 CFR Part 58;

(c) The grant recipient has committed funds or incurred costs not authorized by 24 CFR Part 58 before approval of a release of funds by the Tennessee Department of Economic and Community Development; or

[3] 15 days following the date of publication (i.e., 16 days)

(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) and shall be addressed to the **State of Tennessee, Department of Economic and Community Development, Program Management, William R. Snodgrass Tennessee Tower, 10th Floor, 312 Eighth Avenue North, Nashville, Tennessee 37243-0405**. Potential objectors should contact the Program Management Office to verify the actual last day of the objection period.

_____

(Name of Certifying Officer)

_____

(Title of Certifying Officer)

DISTRIBUTION LIST

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

Mr. Roger Port
Federal Highway Administration
640 Grassmere Park, Suite 112
Nashville, Tennessee 37211

State of Tennessee
Department of Transportation
Suite 600, James K. Polk Building
Nashville, Tennessee 37243-0341

William James
Environmental Resource Branch
Nashville District
Corps of Engineers
P.O. Box 1070
Nashville, Tennessee 37203
(floodplain projects only)

FEMA
3003 Chamblee Tucker Road
Atlanta, Georgia 30341
(floodplain projects only)

Local Development District

Tennessee Local Planning Field Office

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. 6/30/2001)

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

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)	10. Location (Street address, city, county, State)

11. Program Activity/Project Description

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

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. 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.
4. 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.
5. 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.
6. 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:

7. 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.
8. 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	Title of Certifying Officer
X	Date signed

Address of Certifying Officer

Part 3. To be completed when the Recipient is not the Responsible Entity

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	Title of Authorized Officer
X	Date signed

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)

FINDING OF CATEGORICAL EXCLUSION

I. GENERAL INFORMATION

A. Project name

B. Project location

C. Project type

D. Cost (source and amounts)

E. Administrative agency

F. Applicant and contact person

II. DESCRIPTION

A. Project description

B. Project purpose (problem/need)

C. Map(s)

III. STATEMENT OF CATEGORICAL EXCLUSION

The ___(Grantee)___ has found the above project to be categorically excluded from the environmental review required by the National Environmental Policy Act (NEPA).

The project consists solely of activities that the Department of Housing and Urban Development has determined to be categorically excluded from NEPA requirements in applicable regulations (24 CFR 58). All activities in this project meet one of the set of conditions established in Section 58.35 (copy attached) referenced below: (Check only one)

___ 58.35(a)(1)
___ 58.35(a)(2)
___ 58.35(a)(3)
___ 58.35(a)(3)(i)(A)
___ 58.35(a)(3)(i)(B)
___ 58.35(a)(3)(i)(C)
___ 58.35(a)(3)(ii)(A)
___ 58.35(a)(3)(ii)(B)
___ 58.35(a)(4)
___ 58.35(a)(5)
___ 58.35(a)(6)

___ 58.35(b)(1)
___ 58.35(b)(2)
___ 58.35(b)(3)
___ 58.35(b)(4)
___ 58.35(b)(5)
___ 58.35(b)(6)

In accordance with 58.35, evidence that the environmental requirements of the laws and authorities cited at 24 CFR 58.5 is filed elsewhere in the Environmental Review Record for this project.

_____
Signature of Chief Executive Officer

_____
Date

§58.35 Categorically excluded activities

(a) *Categorical exclusions from NEPA requirements.* Activities and projects which consist solely of the following kinds of activities are categorically excluded from the NEPA requirements but may be subject to review under authorities listed in Sec. 58.5 include:

(1) Acquisition, repair, improvement, reconstruction, or rehabilitation of public facilities and improvements (other than buildings) when the facilities and improvements are in place and will be retained in the same use without change in size or capacity of more than 20 percent (e.g., replacement of water or sewer lines, reconstruction of curbs and sidewalks, repaving of streets).

(2) Special projects directed to the removal of material and architectural barriers that restrict the mobility of and accessibility to elderly and handicapped persons.

(3) Rehabilitation of buildings and improvements when the following conditions are met:

(i) In the case of multifamily residential buildings:

(A) Unit density is not changed more than 20 percent;

(B) The project does not involve changes in land use from residential to non-residential; and

(C) The estimated cost of rehabilitation is less than 75 percent of the total estimated cost of replacement after rehabilitation.

(ii) In the case of non-residential structures, including commercial, industrial, and public buildings:

(A)The facilities and improvements are in place and will not be changed in size or capacity by more than 20 percent; and

(B) The activity does not involve a change in land use, such as from non-residential to residential, commercial to industrial, or from one industrial use to another.

(4) An individual action on a one- to four-family dwelling or an individual action on a project of five or more units developed on scattered sites when the sites are more than 2,000 feet apart and there are not more than four units on any one site.

(5) Acquisition or disposition of an existing structure or acquisition of vacant land provided that the structure or land acquired or disposed of will be retained for the same use.

(6) Combinations of the above activities.

(b) *Categorical exclusions not subject to Sec. 58.5.*

(1) Tenant-based rental assistance;

(2) Supportive services including, but not limited to, health care, housing services, permanent housing placement, day care, nutritional services, short-term payments for rent/mortgage/utility costs, and assistance in gaining access to local, State, and Federal government benefits and services;

(3) Operating costs including maintenance, security, operation, utilities, furnishings, equipment, supplies, staff training and recruitment and other incidental costs;

(4) Economic development activities, including but not limited to, equipment purchase, inventory financing, interest subsidy, operating expenses and similar costs not associated with construction or expansion of existing operations;

(5) Activities to assist homeownership of existing "new dwelling units not assisted with Federal funds" including closing costs and down payment assistance to home buyers, interest buydowns and similar activities that result in the transfer of title to a property;

(6) Affordable housing pre-development costs including legal, consulting, developer and other costs related to obtaining site options, project financing, administrative costs and fees for loan commitments, zoning approvals, and other related activities which do not have a physical impact.

(c) *Circumstances requiring NEPA review.* If a responsible entity determines that an activity or project identified in paragraph (a) or (b) of this section, because of extraordinary circumstances and conditions at or affecting the location of the activity or project, may have a significant environmental effect, it shall comply with all the requirements of this part.

NOTICE OF INTENT TO REQUEST A RELEASE OF FUNDS

_____
Date of Notice

_____
(Name of Grantee)

_____
(Street, City, Zip Code)

_____
(Telephone Number)

On or about _____[1] the _____
(grantee)
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 _____, for the purpose of _____,
(project title) *nature/scope of project*
_____, and _____
(estimated funding) *(project location).*

The activities proposed _____
(Alternative #1: are categorically excluded under HUD regulations at 24 CFR Part 58 from National Environmental Policy Act requirements or Alternative #2: comprise a project for which a Finding of No Significant Impact on the environmental)
was published on _____. An Environmental Review Record
date of finding publication
(ERR) that documents the environmental determinations for this project is on file at _____ for review and may be examined or
(name and address where ERR can be examined)
copied weekdays _____ a.m. to _____ p.m.

PUBLIC COMMENTS

Any individual, group, or agency may submit written comments on the ERR to the _____. All comments received by
(office responsible for receiving and responding to comments)
_____[2] will be considered by the _____ prior to
(grantee)
authorizing submission of a request for release of funds.

RELEASE OF FUNDS

The _____ certifies to the Tennessee Department of Economic and
(grantee)
Community that _____ in his/her capacity as _____
(name of certifying officer) *(title)*

---

[1] The day following the 7-day comment period (i.e., 8 days from the date of publication)
[2] (same as 1)

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 Department of Economic and Community Development's approval of the certification satisfies its responsibilities under NEPA and related laws and authorities, and allow the _____ to use Program funds.
(grantee)

OBJECTIONS TO RELEASE OF FUNDS

The Tennessee Department of Economic and Community Development will accept objections to its release of funds and the _____'s certifications for a
(grantee)
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 _____;
(grantee)
(b) the _____ has omitted a step or failed to make a decision or
(grantee)
finding required by HUD regulations at 24 CFR Part 58; (c) the grant recipient has committed funds or incurred costs not authorized by 24 CFR Part 58 before approval of a release of funds by the 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) and shall be addressed to Department of Economic and Community Development, Office of Program Management, 10th Floor, William R. Snodgrass Tennessee Tower, 312 Eighth Avenue North, Nashville, Tennessee 37243-0405. Potential objectors should contact Program Management to verify the actual last day of the objection period.

_____
(name)

_____
(title of certifying officer)

SAMPLE
NOTICE OF INTENT TO REQUEST A RELEASE OF FUNDS

_____
Date of Notice

_____
(Name of Grantee)

_____
(Street, City, Zip Code)

_____
(Telephone Number)

On or about _____[1] the _____
(grantee)
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 _____, for the purpose of _____
(project title) *nature/scope of project*
_____, _____, and _____
(estimated funding) *(project location).*

The activities proposed _____
_____
(Alternative #1: are categorically excluded under HUD regulations at 24 CFR Part 58 from National Environmental Policy Act requirements or Alternative #2: comprise a project for which a Finding of No Significant Impact on the environmental)
was published on _____. An Environmental Review Record
date of finding publication
(ERR) that documents the environmental determinations for this project is on file at _____ for review and may be examined or
(name and address where ERR can be examined)
copied weekdays _____ a.m. to _____ p.m.

PUBLIC COMMENTS

Any individual, group, or agency may submit written comments on the ERR to the _____. All comments received by
(office responsible for receiving and responding to comments)
_____[2] will be considered by the _____ prior to
(grantee)
authorizing submission of a request for release of funds.

RELEASE OF FUNDS

The _____ certifies to the Tennessee Department of Economic and
(grantee)

[1] The day following the 7-day comment period (i.e., 8 days from the date of publication)
[2] (same as 1)

Community that _____ in his/her capacity as _____
(name of certifying officer) *(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 Department of Economic and Community Development's approval of the certification satisfies its responsibilities under NEPA and related laws and authorities, and allow the _____ to use Program funds.
(grantee)

OBJECTIONS TO RELEASE OF FUNDS

The Tennessee Department of Economic and Community Development will accept objections to its release of funds and the _____'s certifications for a
(grantee)
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 _____;
(grantee)
(b) the _____ has omitted a step or failed to make a decision or
(grantee)
finding required by HUD regulations at 24 CFR Part 58; (c) the grant recipient has committed funds or incurred costs not authorized by 24 CFR Part 58 before approval of a release of funds by the 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) and shall be addressed to Department of Economic and Community Development, Office of Program Management, 10th Floor, William R. Snodgrass Tennessee Tower, 312 Eighth Avenue North, Nashville, Tennessee 37243-0405. Potential objectors should contact Program Management to verify the actual last day of the objection period.

_____
(name)

_____
(title of certifying officer)

PUBLIC COMMENT PERIOD FOR A CATEGORICALLY EXCLUDED PROJECT *IN A FLOODPLAIN*

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
Publish Early Public Notice	Start counting 15-day comment period 1	2	3	4	5	6
7	8	9	10	11	12	13
14	Last day for applicant to receive comments 15	Publish NOI/RROF and Notice of Explanation	Start counting 7-day comment period 1	2	3	4
5	6	Last day for applicant to receive comments 7	Request RROF and submit ERR to ECD	Start counting 15-day comment period 1	2	3
4	5	6	7	8	9	10
11	12	13	14	Last day for ECD to receive comments 15	LOREC	

PUBLIC COMMENT PERIOD FOR A CATEGORICALLY EXCLUDED PROJECT *NOT IN A FLOODPLAIN*

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
	Publish NOI/RROF	Start counting 7-day comment period 1	2	3	4	5
6	Last day for applicant to receive comments 7	Request Release of Funds and submit ERR to ECD	Start counting 15-day comment period 1	2	3	4
5	6	7	8	9	10	11
12	13	14	Last day for ECD to receive comments 15	LOREC		

FINDING OF EXEMPTION

I. GENERAL INFORMATION

A. Project name

B. Project location

C. Project type

D. Cost (source and amounts)

E. Administrative agency

F. Applicant and contact person

II. DESCRIPTION

A. Project description

B. Project purpose (problem/need)

C. Map(s)

III. STATEMENT OF CATEGORICAL EXCLUSION

The ___(Grantee)___ has found the above project to be categorically excluded from the environmental review required by the National Environmental Policy Act (NEPA).

The project consists solely of activities that the Department of Housing and Urban Development has determined to be categorically excluded from NEPA requirements in applicable regulations (24 CFR 58). All activities in this project meet one of the set of conditions established in Section 58.35 (copy attached) referenced below: (Check only one)

___ 58.35(a)(1)
___ 58.35(a)(2)
___ 58.35(a)(3)
___ 58.35(a)(3)(i)(A)
___ 58.35(a)(3)(i)(B)
___ 58.35(a)(3)(i)(C)
___ 58.35(a)(3)(ii)(A)
___ 58.35(a)(3)(ii)(B)
___ 58.35(a)(4)
___ 58.35(a)(5)
___ 58.35(a)(6)

___ 58.35(b)(1)
___ 58.35(b)(2)
___ 58.35(b)(3)
___ 58.35(b)(4)
___ 58.35(b)(5)
___ 58.35(b)(6)

In accordance with 58.35, evidence that the environmental requirements of the laws and authorities cited at 24 CFR 58.5 is filed elsewhere in the Environmental Review Record for this project.

IV. STATEMENT OF EXEMPTION

It is the finding of the _____*(Grantee)* that the above project as proposed in the 20XX CDBG application is exempt from environmental review requirements of NEPA and the environmental requirements of related Federal authorities because the activities are defined as exempt activities in Section 58.34:

- ✶ Categorically excluded project which does not require compliance with any other Federal laws or authorities.

_____
Signature of Chief Executive Officer

_____
Date

§58.35 Categorically excluded activities

(a) *Categorical exclusions from NEPA requirements.* Activities and projects which consist solely of the following kinds of activities are categorically excluded from the NEPA requirements but may be subject to review under authorities listed in Sec. 58.5 include:

(1) Acquisition, repair, improvement, reconstruction, or rehabilitation of public facilities and improvements (other than buildings) when the facilities and improvements are in place and will be retained in the same use without change in size or capacity of more than 20 percent (e.g., replacement of water or sewer lines, reconstruction of curbs and sidewalks, repaving of streets).

(2) Special projects directed to the removal of material and architectural barriers that restrict the mobility of and accessibility to elderly and handicapped persons.

(3) Rehabilitation of buildings and improvements when the following conditions are met:

(i) In the case of multifamily residential buildings:

(A) Unit density is not changed more than 20 percent;

(B) The project does not involve changes in land use from residential to non-residential; and

(C) The estimated cost of rehabilitation is less than 75 percent of the total estimated cost of replacement after rehabilitation.

(ii) In the case of non-residential structures, including commercial, industrial, and public buildings:

(A)The facilities and improvements are in place and will not be changed in size or capacity by more than 20 percent; and

(B) The activity does not involve a change in land use, such as from non-residential to residential, commercial to industrial, or from one industrial use to another.

(4) An individual action on a one- to four-family dwelling or an individual action on a project of five or more units developed on scattered sites when the sites are more than 2,000 feet apart and there are not more than four units on any one site.

(5) Acquisition or disposition of an existing structure or acquisition of vacant land provided that the structure or land acquired or disposed of will be retained for the same use.

(6) Combinations of the above activities.

(b) *Categorical exclusions not subject to Sec. 58.5.*

(1) Tenant-based rental assistance;

(2) Supportive services including, but not limited to, health care, housing services, permanent housing placement, day care, nutritional services, short-term payments for rent/mortgage/utility costs, and assistance in gaining access to local, State, and Federal government benefits and services;

(3) Operating costs including maintenance, security, operation, utilities, furnishings, equipment, supplies, staff training and recruitment and other incidental costs;

(4) Economic development activities, including but not limited to, equipment purchase, inventory financing, interest subsidy, operating expenses and similar costs not associated with construction or expansion of existing operations;

(5) Activities to assist homeownership of existing "new dwelling units not assisted with Federal funds" including closing costs and down payment assistance to home buyers, interest buydowns and similar activities that result in the transfer of title to a property;

(6) Affordable housing pre-development costs including legal, consulting, developer and other costs related to obtaining site options, project financing, administrative costs and fees for loan commitments, zoning approvals, and other related activities which do not have a physical impact.

(c) *Circumstances requiring NEPA review.* If a responsible entity determines that an activity or project identified in paragraph (a) or (b) of this section, because of extraordinary circumstances and conditions at or affecting the location of the activity or project, may have a significant environmental effect, it shall comply with all the requirements of this part.

Summary of Procedures and Requirements of Applicable Federal Laws and Regulations

Legislation	Regulations	Applicability	General Requirements	Coordination/Consultation
Historic Preservation				
National Historic Preservation Act, 16 U.S.C. 470(f), Section 106	36 CFR Part 1294, 36 CFR Part 800	All actions affecting properties on or eligible for National Register of Historic Places	Protect sites, buildings, and objects with National, State, or local historic or cultural significance. Identify effects of project on properties.	Coordinate with SHPO, ACHP, DOI (Keeper of the Register)
Floodplains				
E.O. 11988, Floodplain Management	24 CFR Part 55 (when issued)	Any action proposed for a floodplain	Avoid direct or indirect support of floodplain development wherever there is a practicable alternative	
Wetlands				
E.O. 11990, Protection of Wetlands	24 CFR Part 55 (when issued)	Any action proposed for construction in a wetland	Avoid direct or indirect support of new construction in wetlands wherever there is a practicable alternative	
Noise				
Noise Control Act 42 U.S.C. 4903	24 CFR Part 51, Subpart B	All actions	Compliance with special provision for CDBG projects required	
Air Quality				
Clean Air Act 42 U.S.C. 7400, et. seq., Section 176 and Section 117		All actions	Federal actions must conform with the SIP	Coordinate with EPA and State and local air pollution control agencies in making conformity determination as appropriate
		Large stationary pollution sources	Compliance with stationary source air pollution standards for major sources emitting 100 tons per year of a single air pollutant	
		All actions	Screen to determine if site is in a location in violation of ambient air quality standard--assess impacts on project	
Hazards				
	HUD Notice 79-33 24 CFR Part 51 Subpart C and D	All actions	Minimize the impact of environmental hazards on HUD-assisted activities--chemical and radioactive materials, activities of flammable or explosive nature, aircraft hazards	Coordinate with EPA and other Federal agencies, as appropriate
Water Quality				
Clean Water Act, 33 U.S.C. 1251-1376, et.seq., Section 404	33 CFR Part 320-325, 33 CFR Part 230	Any activity involving disposal or placement of dredged or fill material in navigable waters	The 404 permit program is administered by Corps of Engineers. EPA has authority to veto permit.	Applicant must have permit before decision on appropriate environmental document
			Compliance with 208 plan	
Safe Drinking Water Act, 42 U.S.C. 300		Federally assisted projects which may contaminate an aquifer designated by EPA as the sole source of drinking water for a community	Prohibits financial assistance of projects which EPA determines may contaminate a designed sole source aquifer	Request from EPA a determination whether project may contaminate the aquifer
Solid Waste Disposal				
Resources Conservation and Recovery Act 42 U.S.C. 6901-6987		Any activity which generates solid waste	Requires compliance with Section 209 guidelines	Coordinate with EPA
Coastal Areas				
Coastal Zone Management Act 16 U.S.C. 1451-1464	15 CFR Part 930 44 FR 37142	Any proposed activity affecting areas covered by an approved coastal	Ensure that projects are consistent with coastal zone program	Coordinate with State Coastal Zone Management Agency. If federally funded action is inconsistent with approved plan, coordinate with DOC Office of Coastal Zone Management
Coastal Barrier Resource Act 1982 16 U.S.C. 3501, et. seq.		Any proposed construction or development action which may occur on an undeveloped coastal barrier listed in Section 4 of the Act. (Section 6 cites exceptions.)	Prohibits Federal Flood Insurance and other Federal assistance on actions which encourage development of coastal barrier resources.	Coordination with U.S. Fish and Wildlife Service and State Coastal Zone Management Agencies

Summary of Procedures and Requirements of Applicable Federal Laws and Regulations

Legislation	Regulations	Applicability	General Requirements	Coordination/Consultation
Endangered Species				
Endangered Species Act 16 U.S.C. 1531, Section 7	50 CFR Part 402	Any action which might jeopardize continued assistance of endangered or threatened species or result in destruction of modification of critical habitat	Federal agencies shall insure that their actions conserve listed species and ensure, in consultation with FMS/NMFS, that their actions do not jeopardize listed species or modify critical habitat	Coordinate with FMS concerning terrestrial and freshwater species, NMFS concerning marine species
Farmlands Protection				
Farmland Protection Policy Act of 1981 7 U.S.C. 4201, et.seq.	7 CFR Part 658	Any federally assisted action which encourages the conversion of prime, unique, State/locally important farmlands	Minimize the extent to which Federal programs contribute to the unnecessary conversion of farmland to nonagricultural uses.	Coordination with SCS (USDA) State Resource Conservation Office
Wild and Scenic Rivers				
Wild and Scenic Rivers Act 16 U.S.C. 1271-1257	President's Environmental Message, 8-2-79, CBQ Memorandum, 8-10-80, Interagency Consultation on Rivers in the Nationwide Inventory	Rivers designated under the Act Proposed activity affecting rivers on the Nationwide inventory of potential wide, scenic and recreational rivers	Preserve wild and scenic rivers. Assure that Federal actions do not foreclose designation under the Wild and Scenic Rivers Act	Coordinate with HCRS and USDA Forest Service, as appropriate Coordinate with HCRS

Office of Program Management
William R. Snodgrass Tennessee Tower, 10th Floor
312 Eighth Avenue North
Nashville, Tennessee 37243-0405
615-741-6201 Voice/TDD / FAX: 615-253-1870

EXAMPLE

The Honorable Jane Q. Public
Mayor
City Hall
Anytown, Tennessee 37000

Re: 2001 Easy Street Sewer Line Extension

Dear Mayor Doe:

On August 1, 2001, your environmental review record and Request for Release of Funds and Certification (RROF) was received in this office.

The RROF has been held for 15 days, as required by HUD regulations 24 CFR. Part 58, to allow the public to object to the use of HUD funds in this project. There being no valid objections, the grant condition, requiring this project to be environmentally cleared, was removed on August 17, 2001.

You cannot proceed with your project until you have satisfied all contract conditions.

If you have any questions, please call your program representative at (615) 741-6201.

Sincerely,

Paula Lovett
Grants Program Manager

PL:mwf