

CHAPTER IV Environmental Review

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INTRODUCTION

All projects and related activities proposed with CDBG funds are subject to the provisions of the *National Environmental Policy Act of 1969*, as amended (NEPA), which established national policies, goals, and procedures for protecting, restoring and enhancing environmental quality. In addition to NEPA requirements, CDBG-assisted projects are also subject to other related laws and Federal, State, and local authorities addressed in this chapter.

Procedures within Federal government programs must ensure that environmental information is available before decisions are made and before actions are taken. Responsible Entities (RE), as defined under HUD regulation, are required to follow specific procedures for carrying out Federal environmental review responsibilities as specified in [24 CFR 58](#). A determined effort should be made to become familiar with all aspects of 24 CFR Part 58.

EVERY project requires some level of environmental review. The RE is responsible for evaluating how the project could affect the environment and what impacts the environment may have on the project, including short term, cumulative and long term impacts. The environmental review is a means by which we can enhance the quality of projects, protect the environment, and improve the lives of people who will benefit. **The environmental review, especially when started EARLY, will save time and money in the long run.**

Cost-benefit considerations – When evaluating proposed project activities or site selection, always be aware of costs that may be associated with environmental conditions. These costs may include, but are not limited to, flood hazard mitigation, noise attenuation, contamination remediation, explosive and flammable hazard mitigation, asbestos and/or lead paint abatement, historic restoration, and others. It is important to consider environmental conditions and evaluate alternatives before selecting a site.

BE AWARE!

The Responsible Entity and its other parties to the project must not obligate CDBG funds or expend funds from any source, private or otherwise, for use in a CDBG-assisted project; no new construction, excavation, demolition, rehabilitation, repair, modification, or property acquisition, including all types of easements, must commence, nor commitment made to undertake such activities, until the environmental review is complete and the MO Department of Economic Development has issued a formal release of funds/environmental approval.

FAILURE TO COMPLY WITH THESE REQUIREMENTS WILL JEOPARDIZE CDBG FUNDS FOR USE IN YOUR PROJECT

BE AWARE!

Check the CDBG website all ER related forms

[https://ded.mo.gov/programs/cdbg/grant-information#mini-panel-cdbg-grant-information3!](https://ded.mo.gov/programs/cdbg/grant-information#mini-panel-cdbg-grant-information3)

HUD/CDBG ENVIRONMENTAL LANGUAGE

Below are key HUD environmental terms. Knowledge of the terms and language within HUD's Part 58 regulation will aid in learning HUD environmental requirements, ensuring communication is clear among all parties involved. An asterisk * indicates additional information is provided later in the chapter.

Activity – Action by an applicant, grantee, or sub-recipient in a CDBG-assisted project regardless if the activity is paid with CDBG or non-CDBG funds. See Project Aggregation below, for additional information.

Area of Potential Effect – Geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if any such properties exist. The area of potential effects is influenced by the scale and nature of an undertaking and may be different for different kinds of effects caused by the undertaking.

Certifying Officer – Chief elected official, usually a presiding commissioner, mayor, or village chairperson, authorized to execute the *Request For Release of Funds and Certification* form, assumes role of *Responsible Federal Official* under NEPA and related Federal laws and authorities, and accepts jurisdiction of the Federal Courts on behalf of the Responsible Entity in environmental matters.

- * **Conditions for Environmental Approval (Mitigation Measures Considered and Recommended)** – Measures to reduce potential impacts such as avoiding certain actions, limiting the degree or magnitude of an action and its implementation, and rectifying the impact through repair, rehabilitation, and/or restoration of the affected environment.
- * **Environmental Assessment (EA)** – Concise public document exhibiting compliance with NEPA and providing evidence and analysis of a more complex review resulting in a determination of a Finding of No Significant Impact (FONSI), or a Finding of Significant Impact.
- * **Environmental Impact Statement (EIS)** – Highest level of review required when a project is determined to have a potentially significant impact on the human environment. Typically an environmental assessment (EA) is completed first, resulting in a Finding of Significant Impact therefore warranting an EIS. However, if significant impacts are anticipated or known early in the project planning process, an EIS could be prepared without first completing an EA.
- * **Environmental Review Record (ERR)** – Concise public record containing original documentation related to the environmental review, decision-making, and activities undertaken in a project. The ERR must be available to the public upon request at the RE location; County Courthouse or City/Village offices.

Human Environment – Natural and physical environment and its relationship with people.

Impacts –

- **Direct** - Impacts caused by the actions in a project which take place at the same time in the same location.
 - **Indirect** – Secondary effects caused by project actions occurring later in time or farther removed in distance, but are still reasonably foreseeable. Indirect effects may include growth inducing effects and other impacts related to induced changes in the pattern of land use, population density or growth rate, and related effects on air and water and other natural systems, including ecosystems.
 - **Cumulative Impacts** – Resulting when effects of an action are added to or interact with other effects in a particular place, within a particular time. Cumulative impacts accumulate over time, from one or more sources, and can result in degradation of valuable resources. Cumulative impact analysis should focus on the combined effects and resulting environmental damage.
- **Project** – Activity or group of activities designed to accomplish, in whole or in part, a specific objective; what must be done in order to meet the particular needs of beneficiaries.
- * **Project Aggregation** – Grouping together and evaluating all individual activities related on a geographical or functional basis or that are logical parts of a contemplated action, regardless of funding source. *Example:*

City's proposal to construct a new municipal water system including a water treatment facility and elevated water tank funded by CDBG and distribution lines proposed with USDA funds. The project goal is safe, reliable water for the City. Although funded by two different sources, the activities are functionally related and both must be reviewed as a single project in order to accomplish the goal.

Release of Funds – Official CDBG issuance of environmental review approval for a project. The release of funds is the State's response to an RE's submission of the Request For Release of Funds and Certification form (RROF/C).

- * **Request For Release of Funds/Certification (RROF/C)** – Form HUD-7015.15 – Completed only if the project is determined either (1) Categorically Excluded Subject To (CEST) review under authorities listed at 58.5, and does not convert to Exempt; or (2) the project requires an Environmental Assessment (EA). An RE submits the RROF/C to CDBG, requesting release of funds and approval to use such funds. Submission of the form must occur no earlier than one day after the expiration of the local comment period for the appropriate notice; Notice of Intent To Request Release of Funds for a CEST level of review, or the Combined Notice (FONSI) for an EA level of review. The most current RROF/C form must be submitted. The originally-signed form must be contained to one page – front and back, not two separate pages.

Responsible Entity (RE) – For purposes of the State-administered CDBG program, the RE is always a unit of general local government assuming environmental responsibility for a project proposed for or funded with CDBG assistance, including certification of the RROF/C, with the assurance that any conditions, procedures, and requirements resulting from the environmental review are incorporated into project plans and successfully implemented.

Scope – The range of actions, alternatives, and impacts to be considered in an environmental assessment (EA).

- * **Statutory Checklist** – On its own, a document used for CEST, a lower level of review to address environmental compliance required by other Federal laws, implementing regulations, Executive Orders, and for other HUD compliance requirements.

Sub-recipient/sub-applicant – For the State-administered CDBG program, this could include a State-recognized non-profit entity, public water or sewer district, fire or ambulance district, or for-profit business or developer responsible for notifying the RE immediately if changes or alternatives are proposed in the project.

- * **Tiering** – Appropriate when evaluating a project in early stages of development or when site-specific analysis or mitigation is not currently feasible and a narrower or focused analysis is better done at a later date.

COMMONLY USED ENVIRONMENTAL ACRONYMS

AAI – All Appropriate Inquiries (US EPA)	FEMA – Federal Emergency Management Agency
ACHP – Advisory Council on Historic Preservation	FIRM – Flood Insurance Rate Map
ACM – Asbestos Containing Material	FONSI – Finding of No Significant Impact
ADT – Average Daily Traffic	FOSI – Finding of Significant Impact
AICUZ – Air Installation Compatible Use Zone	FPPA – Farmland Protection Policy Act
APE – Area of Potential Effect	FR – Federal Register
APZ – Accident Potential Zones	HAP – Hazardous Air Pollutant
ASD – Acceptable Separation Distance	HUD – United States Department of Housing and Urban Development
AST – Aboveground Storage Tanks	LBP – Lead Based Paint
ASTM – American Society for Testing and Materials	LESA – Land Evaluation and Site Assessment
BMP – Best Management Practices	MOA – Memorandum of Agreement
B/VCP – Brownfields/Voluntary Cleanup Program (DNR)	MODOT – MO Department of Transportation
CAA – Clean Air Act	MOU – Memorandum of Understanding
CDBG – Community Development Block Grant	NAAQS – National Ambient Air Quality Standards
CDC – Center for Disease Control	NAL – Noise Assessment Location
CENST – Categorically Excluded Not Subject To	NBC – National Building Code
CEST – Categorically Excluded Subject To	NEPA – National Environmental Policy Act
CERCLA – Comprehensive Environmental Response, Compensation and Liability Act	NESHAP – National Emission Standards for Hazardous Air Pollutants
CFR – Code of Federal Regulations	NFIP – National Flood Insurance Program
CEQ – Council on Environmental Quality	NHPA – National Historic Preservation Act
CSR – Code of State Regulations	NOAA – National Oceanic Atmospheric Administration
CWA – Clean Water Act	NOI/RROF – Notice of Intent to Request Release of Funds
DED – MO Department of Economic Development	NPDES – National Pollutant Discharge Elimination System
DNL – Day Night (average sound) Level	NPL – National Priority List
DNR – MO Department of Natural Resources	NPS – National Park Service
DOC – MO Department of Conservation	NRCS – National Resources Conservation Service, USDA
DOE – United States Department of Energy	NRI – National Rivers Inventory
EA – Environmental Assessment	NWI – National Wetlands Inventory
EIS – Environmental Impact Statement	OSHA – Occupational Safety and Health Act
EJ – Environmental Justice	PA – Programmatic Agreement
EO – Executive Order	PAR – Preliminary Architectural Report
EPA – United States Environmental Protection Agency	PER – Preliminary Engineering Report
ESA – Endangered Species Act	RAP – Remedial Action Plan
ERR – Environmental Review Record	
FAA – Federal Aviation Administration	

RCRA – Resource Conservation and Recovery Act

RCZ – Runway Clear Zones (also known as Runway Protection Zones)

RE – Responsible Entity (CDBG applicant or grantee)

REC – Recognized Environmental Condition

RPC – Regional Planning Commission

RPZ – Runway Protection Zones (also known as Runway Clear Zones)

RROF/C – Request for Release of Funds and Certification

RSMo – Missouri Revised Statute

SBC – Standard Building Code

SDWA – Safe Drinking Water Act

SEMA – MO State Emergency Management Agency

SFHA – Special Flood Hazard Area

SHPO – State Historic Preservation Office

SIP – State Implementation Plan

SWD – Storm Water Discharge

SWPPP – Storm Water Pollution Prevention Plan

THPO - Tribal Historic Preservation Officer

TMDL – Total Maximum Daily Loads

TRI – Toxic Release Inventory

UBC – Uniform Building Code

UST – Underground Storage Tank

URA – Uniform Relocation Act

USACE – United States Army Corps of Engineers

USDA – United States Department of Agriculture

USDA RD – Rural Development - United States Department of Agriculture

USFWS – United States Fish and Wildlife Service

USGS – United States Geological Survey

WSR – Wild and Scenic River

STEPS IN THE CDBG ENVIRONMENTAL REVIEW PROCESS

Step 1—Project Aggregation

The recipient should evaluate the entire scope of the project and include all funding sources that may be used in conjunction with the project. Defining the project should include determining all integrally related activities designed to accomplish a specific objective. This includes evaluating the entire project area, regardless of the funding source for any project activities.

The project description is critical in determining the level of environmental review required. A cold reader should clearly understand the scope, scale, nature and extent of a proposed project from the description.

Project descriptions should remain virtually identical on all forms and correspondence. At a minimum, the project description should contain the following:

1. ALL proposed project activities by all funding sources, described in detail
2. Entire project scope and all phases of the project from beginning to end
3. Exact project location(s)/area(s), supported by a locational map
4. Color photographs, site plans, project plans, renderings and maps (e.g., topographic, aerial)
5. Total project costs by all funding sources including in-kind (donated labor and materials) activities
6. Existing environment on and around project site and how it is expected to change due to a project
7. Temporary impacts anticipated by construction activities and a timeline for construction
8. Other information as recommended by CDBG, environmental agencies, and project professionals

BE AWARE!

A project is the aggregation of all geographically & functionally related activities that accomplish a goal, becoming the basis for the environmental review. Projects cannot be parsed into individual activities to enable separate, small-scale reviews. Rather, the project as a whole dictates the level of review required.

Step 2—Environmental Review Responsibilities

Entities eligible to receive CDBG funds from the State are local governments. These units of local government assume the role of Responsible Entity (RE) with respect to environmental reviews.

For CDBG awards, the chief elected official assumes the role of environmental “certifying officer” and accepts full responsibility for the completeness and accuracy of the reviews. The chief elected official must sign all certifications and findings. This environmental duty may not be delegated, although local staff, consultants, and/or State resources may provide technical assistance to support local efforts.

However, an environmental preparer can be designated to complete the ER forms and gather documentation, with review and final approval by the RE certifying officer. *Due to the complexities of the process and weight of the responsibility, please choose the ER preparer wisely!*

WHAT DOES IT TAKE TO BE AN ENVIRONMENTAL REVIEW PREPARER?

Knowledge of HUD/CDBG program and NEPA compliance requirements through previous grants management and regular participation at CDBG trainings; local environmental issues; rural community and regional needs; and available resources.

Time to conduct site visits; contact and consult with environmental regulatory agencies; analyze data and information; prepare required forms and paperwork accurately; communicate regularly with the RE; keep the review process moving

Positive partnerships with the RE, CDBG staff, community resource agencies, and Federal and State environmental regulatory and funding agencies.

Resources such as current CDBG forms, manuals, and training materials; varied communication methods and reliable means of transportation.

Flexibility to be available to REs at times that fit their schedules and needs.

Innovativeness to recognize and address the unique needs of each community and the ability to make the most of limited resources available.

Desire to ensure projects do not adversely impact the environment: the environment is compatible with the proposed project and all related activities; compliance is met with NEPA and Part 58 requirements.

PRIDE in ensuring work is complete, concise, neat, organized, and free of errors.

- **Commonly Used Options for Environmental Preparer:**

1. Use of existing RE (county/city) staff persons (engineer, planner, public works, city administrator, economic or community developer, county clerk, etc.)
2. Local Regional Planning Commissions & Regional Councils of Governments
3. Private Grant Consultants & Grant Administrators
4. Other Federal or State Environmental and/or Funding Agencies
5. Licensed/certified Engineers, Planners and/or Architects
6. Private Environmental Consultants/Agencies

<p><u>BE AWARE!</u></p>	<p>If CDBG funds are proposed to pay for <u>any</u> contract - including environmental studies and services - the RE must follow CDBG procurement methods. If CDBG funds are not proposed, then RE procurement methods apply.</p>
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Step 3—Determine the Level of Review for the project as a whole

24 CFR Part 58 provides guidance for conducting the environmental review process. Every CDBG project requires some level of environmental review. The level of effort needed to prepare a review and the depth of analysis within should be proportional to the size and complexity of the proposed project. There are five levels of environmental review to consider:

- **Exempt Activities (24 CFR 58.34)**

Exempt activities have no physical impact or result in no physical change on the environment, and therefore do not require and environmental review. Funds from any source may be used for Exempt projects once the Packet is completed and submitted to CDBG. The following activities are Exempt under §58.34:

- (1) Environmental and other studies, resource identification and development of plans and strategies
- (2) Information and financial services
- (3) Administrative and management activities
- (4) Public services that will not have a physical impact or result in any physical changes, including but not limited to services concerned with employment, crime prevention, child care, health, drug abuse, education, counseling, energy conservation and welfare or recreational needs
- (5) Inspections and testing of properties for hazards or defects
- (6) Purchase of insurance
- (7) Purchase of tools
- (8) Engineering or design costs
- (9) Technical assistance and training

- (10) *Assistance for temporary or permanent improvements that do not alter environmental conditions and are limited to protection, repair, or restoration activities necessary only to control or arrest the effects from disasters or imminent threats to public safety including those resulting from physical deterioration (See Exemptions related to disaster and imminent threat below)
- (11) Payment of principal and interest on loans made or obligations guaranteed by HUD
- (12) *Any of the categorical exclusions listed in §58.35(a) provided there are no circumstances which require compliance with any other Federal laws and authorities cited in §58.5. (See Converting to Exempt below)

***Exemptions related to disaster and imminent threat** – For project activities exempt per 24 CFR 58.34(a)(10), documentation of environmental conditions and project activities must be completed prior to project implementation. Contact CDBG staff for documentation requirements under 24 CFR 58.34(a)(10).

- **Categorically Excluded Activities NOT SUBJECT TO §58.5 (CENST) (58.35(b))**

HUD has determined the following activities do not alter any conditions requiring a review of compliance determination under Federal laws and authorities cited in §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 homebuyers to purchase existing dwelling units or dwelling units under construction, including closing costs and down payment assistance, interest buy-downs, and similar activities that result in the transfer of title
- (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
- (7) Approval of supplemental assistance (including insurance or guarantee) to a project previously approved under this part, if the approval is made by the same responsible entity that conducted the environmental review on the original project and re-evaluation of the environmental findings is not required under §58.47

- **Categorically Excluded Activities SUBJECT TO §58.5 (CEST) (58.35)(a)**

HUD has determined the following activities do require a review of compliance determination under Federal laws and authorities cited in §58.5

- (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 a building for residential use (with one to four units), the density is not increased beyond four units, and the land use is not changed;

- (ii) 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
 - (c) The estimated cost of rehabilitation is less than 75 percent of the total estimated cost of replacement after rehabilitation
- (iii) 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
 - (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)
 - (i) An individual action on up to four dwelling units where there is a maximum of four units on any one site. The units can be four one-unit buildings or one four-unit building or combination in between:
 - (ii) An individual action on a project of five or more housing units developed on scattered sites when the sites are more than 2,000 feet apart and there are not more than four housing units on any one site
 - (iii) Paragraphs (a)(4)(i) and (ii) of this section do not apply to rehabilitation of a building for residential use (with one to four units) (see paragraph (a)(3)(i) of this section)
- (5) Acquisition (including leasing) or disposition of, or equity loans on an existing structure, or acquisition (including leasing) of vacant land provided that the structure or land acquired, financed, or disposed of will be retained for the same use
- (6) Combinations of the above activities

***Converting to Exempt** –CEST projects convert to Exempt if, after completing a Statutory Checklist, there are no circumstances requiring compliance or compliance is fully met. Projects requiring tiering, the HUD 8-Step decision making process, or any other compliance or mitigation cannot be converted to Exempt.

- **Environmental Assessment (EA) (24 CFR 58.36)**

If a project is not Exempt or Categorically Excluded, an *Environmental Assessment (EA)* is required. The purpose of the EA is to determine the significance of direct and indirect environmental effects of a project and to assess alternative means to achieve an RE's objectives. Once actual and potential impacts of each project alternative are identified, the RE must then assess if mitigation measures are needed to undertake the project. It is at this point the RE is capable of determining if the project is generally feasible, with the ability to identify the most suitable project alternative to meet the needs of the RE and its beneficiaries. If significant impacts are anticipated with no reasonable means of mitigation apparent, the RE may reject the project or complete an Environmental Impact Statement (EIS). In all circumstances, the completed EA must provide sufficient evidence and analysis for determining whether to prepare an EIS.

- **Environmental Impact Statements (EIS) (24 CFR 58.37)**

In addition to the four most common classifications, there is also an Environmental Impact Statement (EIS), the highest level of review. This comprehensive review is for those projects that will have a significant environmental impact in terms of context and intensity. These projects are generally beyond the scope of those completed by recipients working in conjunction with the Department of Economic Development. If a project results in a Finding of Significant Impact and the RE does not wish to reject the project, please contact CDBG for consultation and guidance.

EIS projects– Projects involving 2,500 or more beds or housing units may require the preparation of an EIS. This includes sewer and water projects that would result in additional capacity to support 2,500 or more housing units. New construction of projects involving a noise-sensitive land use with an unacceptable level of noise (≥ 75 dB) may also require the preparation of an EIS.

Step 4—Environmental Review Packet Completion

Once the complete scope and appropriate level of review for a project has been determined, a recipient must complete the appropriate Environmental Review Forms and submit them and any other necessary information that is required to fully document the environmental review to CDBG. This information is referred to as the Environmental Review Record (ERR). The ERR will vary in size. The project aggregation and the determination of level of review will help determine the appropriate ERR documentation. Additional source documentation, notices, RROF/C Form, and other information, as applicable must be provided and included in the ERR, particularly for projects that require a CEST or EA review.

- Exempt- (projects consisting of Exempt activities only) Cover Sheet, Determination of Level of Review Form, Finding of Exempt Activity(to be completed for the project as whole), and 58.6 Checklist
- CENST- Cover Sheet, Determination of Level of Review Form, Finding of Categorical Exclusion Not Subject To Form, and 58.6 Checklist
- CEST- Cover Sheet, Determination of Level of Review Form, Finding of Exempt Activities, 58.6 Checklist, Statutory Checklist, and appropriate documentation.
- EA- Cover Sheet, Determination of Level of Review Form, Finding of Exempt Activities, Environmental Assessment, and appropriate documentation.

The ERR is a legal document and the best and often only defense to prove compliance with applicable laws and regulations. The result should be a complete, yet concise record supporting each step of the environmental process ending in the final determination of the level of impact.

KEEP IN MIND!	CDBG forms and guidance cannot possibly be tailored to meet the needs of every project. Modify your review and explanations to adequately explain your particular project. Document all compliance relevant to your particular project.
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- **CEST or EA level projects consisting of exempt activities:**
Projects requiring a higher level of review will inevitably consist of some exempt activities (24§58.34) that need to take place *before* the “Authority to Use Grant Funds” is issued (i.e. engineering design, grant administration, etc.). Because of their status as exempt, funds may be expended for these activities and they may begin prior to completion of the ER process. Complete a “Finding of Exempt Activities” Form for all exempt activities prior to their initiation, then begin the environmental review process to examine environmental impacts of all other proposed activities.

Step 5—Publication/Posting

Projects that require a CEST or EA review also require the publication or posting of a Notice of Intent to Request Release of Funds (NOI/RROF) notice after the ER is finalized and signed by the RE certifying officer.

For CEST projects, a 7 day comment local comment period will follow publication of the Notice (10 days if posting). For EA projects, a 15 day comment local comment period will follow publication of the Notice (18 days if posting).

Step 6—Completion of RROF/C Form and Affidavit of Publication

Projects that require a CEST or EA review must submit a Request for Release of Funds and Certification, affidavit of publication of the Notice, and proof of distribution of the notice to environmental agencies and Tribes to DED no earlier than the day after the publication period has ended. A failure to complete RROF/Certification Form correctly will result in the Department requesting that the form be revised and resubmitted

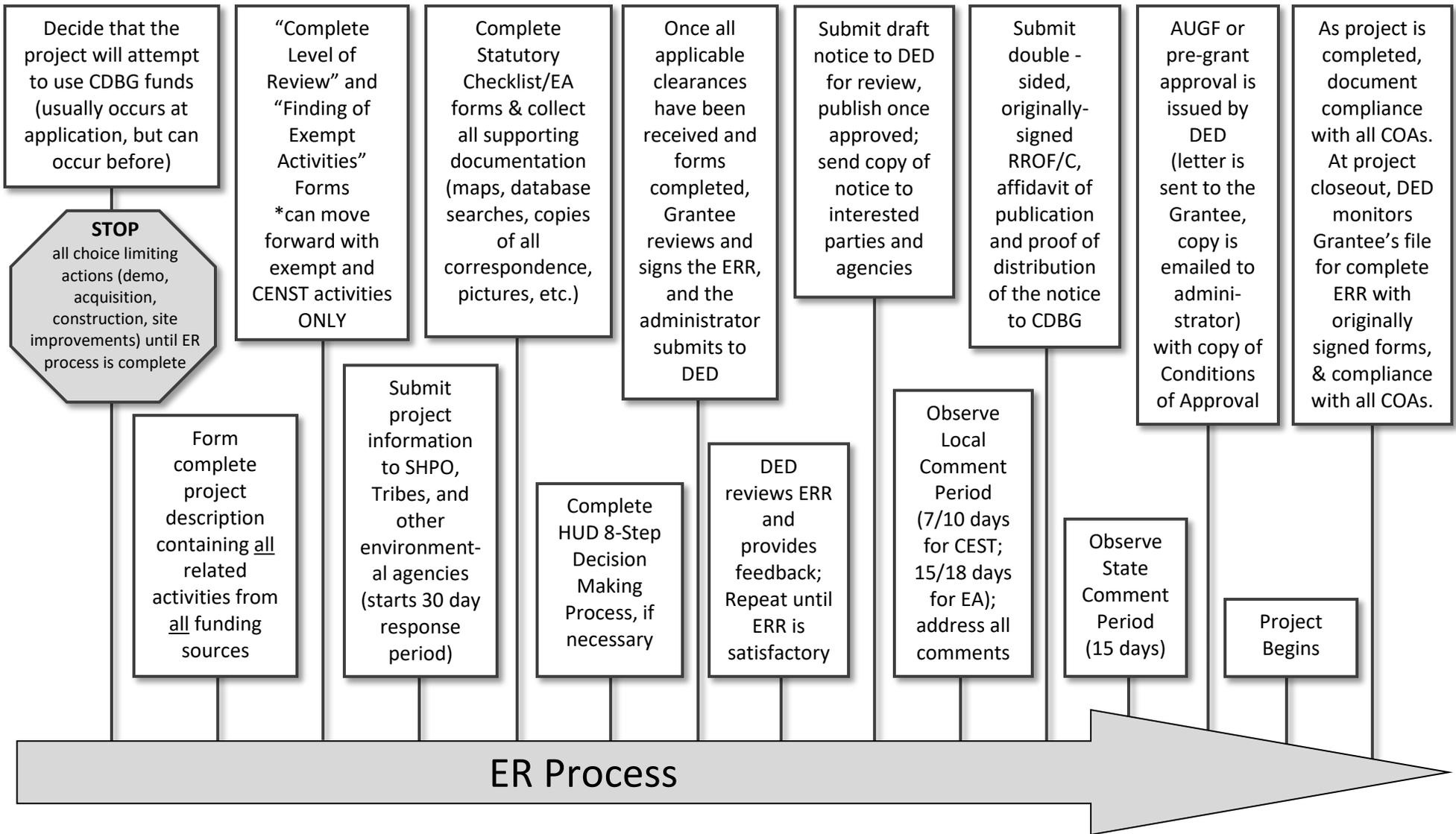
Step 7— State Comment Period

Once the documents have submitted and are accurate, the state 15 day objection period begins.

Step 8— Obtaining Environmental Clearance

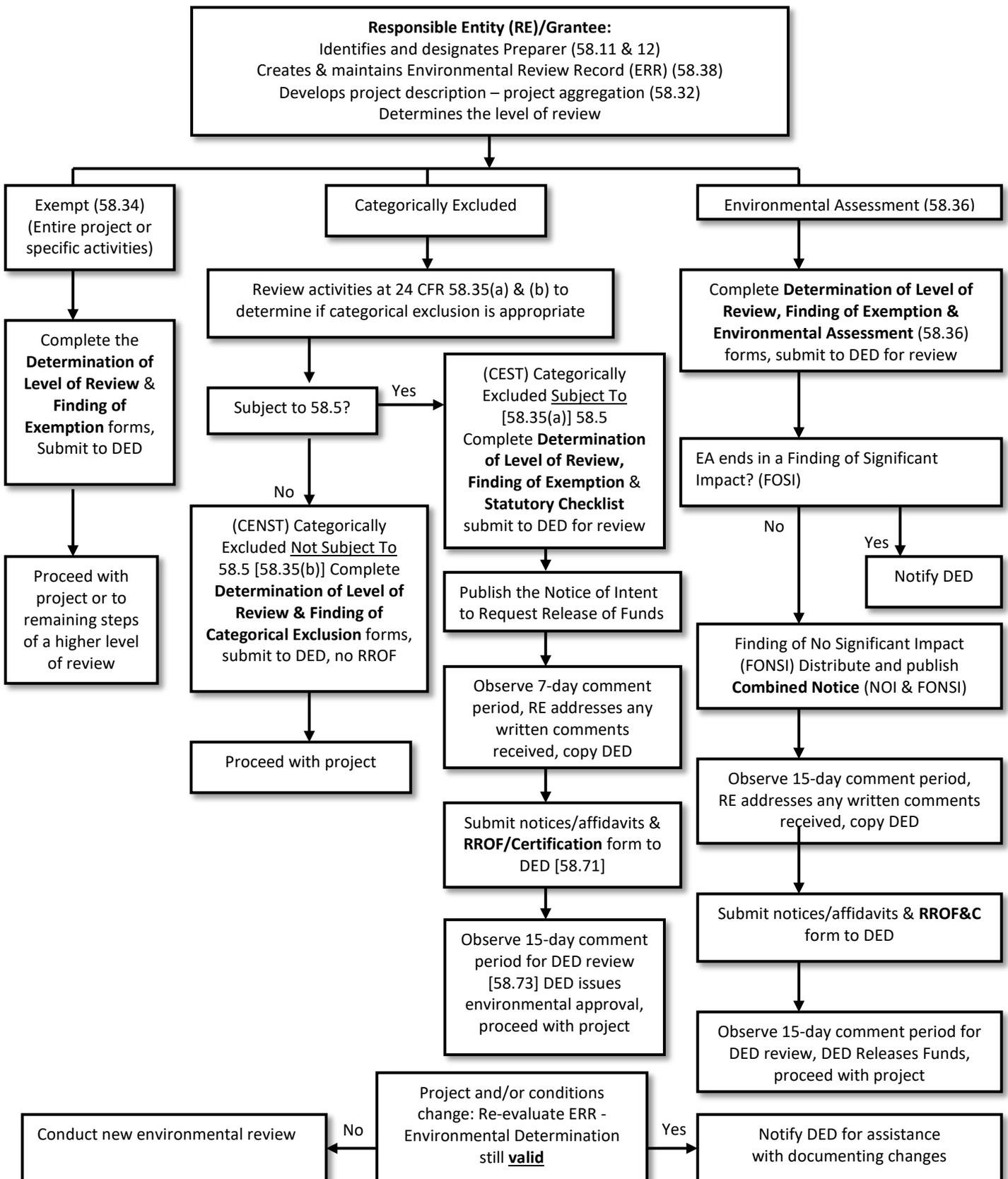
After the end of the State 15 day comment period, CDBG will provide a Release of Funds letter to the recipient providing environmental clearance and clearance to use grant funds after the Department receives all of the special conditions required by recipient's CDBG contract.

TIMELINE FOR CEST/EA PROJECTS



There is no specific timeframe for completion of the ER. On average, CEST and EA level reviews can take 90-120 days to complete. It is wise to begin the process as soon as the project is significantly known to allow sufficient time for the possible discovery of adverse impacts requiring mitigation or even the selection of a new project site.

MISSOURI CDBG ENVIRONMENTAL REVIEW PROCESS
General Flow of Review Procedures 24 CFR Part



FORMATTING AND DOCUMENT REQUIREMENTS

To produce a concise and reader-friendly document, please consider the following recommendations.

- All descriptions and responses should be written for the general public, with enough detail for someone who has no prior knowledge of the project or program.
- Compliance must be clearly documented by acceptable source documentation.
- PROOFREAD all correspondence and forms. Misspellings and omissions can change the entire context of a sentence.
- Environmental forms and documents should be typed, not handwritten.
- Ensure all forms and supporting documentation is the most current available.
- Attach all documents to the corresponding section. (See ER Self-Monitoring Checklist Review)
- Do not submit duplicate documents. If documentation may apply to more than one section, a reference must be in the Compliance Determination Summary.
- Attach additional pages as needed. Always instruct the reader to “See attachment”.
- The project description should remain virtually identical on all forms and documents. This includes agency requests for review, funding applications, engineering and architectural reports, and environmental forms. If changes are proposed after the application and engineering/architectural reports were completed, clearly explain this in the project description (i.e., what has changed, when the decision was made, and why the change is needed). If sites/locations change, provide a map indicating the original site(s) in relation to newly proposed site(s).
- Maps should be in color, particularly if there are color-coded legends. Where applicable, clearly labeled maps are preferable to lists.
- Use linear measurements to show proximity. (Do not use driving directions.)
- Photographs are best when in color.
- If problems with formatting and/or computer program compatibility issues, broken links, or new contact persons are encountered, please let CDBG know!

PUBLIC PARTICIPATION

Early and meaningful public participation in the decision making process is paramount in promoting effective planning, project development, implementation, and compliance with NEPA requirements throughout the project’s life. Public participation is often a requirement of the CDBG funding application process; however, it is also important for ensuring safe, successful, and environmentally sound projects. Opportunities for public participation should be built into the decision making process.

Public participation is rooted in the Council for Environmental Quality’s (CEQ) regulations, the National Environmental Policy Act of 1969 (NEPA), U.S. Department of Housing and Urban Development environmental regulations, National Historic Preservation Act of 1966, and Environmental Justice Executive Order 12898.

Meaningful Involvement means:

1. People have an opportunity to participate in decisions about activities that may affect their environment and health
2. The public’s contribution can influence the regulatory agency’s decision
3. Their concerns will be considered in the decision making process
4. The decision makers seek out and facilitate the involvement of those potentially affected

PRELIMINARY ENGINEERING & ARCHITECTURAL REPORTS

Projects requiring an Environmental Assessment (EA) or Statutory Checklist (CEST level) will likely require a preliminary engineering (PER) and/or architectural report (PAR). Engineering reports are generally required for public infrastructure improvement projects such as water, sewer, storm sewer, utilities, roads, bridges, etc. Architectural reports are required for new construction or rehabilitation of buildings. Occasionally a project will require both types of reports. Following are items commonly included in PERs and PARs, but is not an all-inclusive list. Reports must be written to address the specific details of and need for a project. The level of effort needed to prepare the report and the depth of analysis within should be proportional to the size and complexity of the proposed project.

CONDITIONS OF APPROVAL

24 CFR 58.40(d) and 58.71(b); 40 CFR 1505.2(c) and 40 CFR 1508.20

When reviewing project activities for potentially adverse environmental impacts, it may be determined that certain conditions must be met to alleviate or minimize the effects during the course of the project, including, but not limited to, procuring permits, limiting construction actions to certain areas, implementing of specific construction practices, design approval by other agencies, compliance with local ordinances, etc. Work with local, state, and federal agencies to determine requirements to determine these “Conditions of Approval.” They should be written so that CDBG staff can verify satisfaction of the condition, and should state clearly and concisely:

- What is to be done
- How it is to be done
- Who is to do it
- When it is to be done
- Who is responsible for determining compliance, as well as when and how, if necessary

EXAMPLE: Excavation shall only take place in the existing plow zone (area that has been plowed and utilized for row crops). If excavation must be performed in areas that are not previously disturbed, an archaeological survey must be completed and submitted to SHPO for approval prior to the work taking place. This measure shall be noted in contract documents. Environmental preparer or project administrator shall perform a site visit to ensure compliance with this requirement.

*Contact the CDBG Environmental Specialist if you need assistance formulating the Conditions of Approval.

TIERING (24 CFR §58.15)

Tiering is a means to environmentally assess a project in the early stages of development or when site-specific analysis is not currently feasible, resulting in a more focused evaluation once additional information and/or sites are known. Tiering is commonly used for demolition only projects in which some structures proposed for demolition may be known at the time of the Tier I Review with additional structures being considered later in the project. Tiering is generally restricted to CEST-level reviews. Consult with CDBG if considering a tiered review. Following are guidelines when using the tiered review approach.

Tier I Review: Broad Review.

- **Designate the broad area of interest-** The Tier I Review is completed to obtain environmental approval for the project as a whole, with the understanding that additional activities and/or sites will be added later in the project. Provide a geographic designation of the area or region of potential Tier II sites. For large-scale county-wide or multi-county projects, designate specific priority areas within the counties and explain why they are areas of interest.
- **Plan-** Establish a plan (narrative) for the areas of environmental compliance that will be addressed during each level of the review.
- **Complete Review-** Address all laws and authorities for an area wide basis via the appropriate ER packet. Publish the applicable public notice(s), with language indicating the use of a tiered review approach and the specific areas of environmental compliance that will be addressed in the Tier II.

Tier II: Site-Specific Review. Using the CDBG Tier II form (refer to the following page), complete a review specific to each additional site identified through the course of the project, and submit to CDBG for review and comment. As long as Tier II Reviews address sites and activities established in the Tier I Review, and there are no significant and/or unanticipated impacts at each tiered site, then public notices and the RROF/C process are not required and site-specific activities may commence.

* **Industrial Parks:** In the case of industrial parks for economic development projects, particularly those that have experienced little to no development, a suggested approach to the environmental review is to identify the entire boundary of the industrial park, even land that has not yet been acquired or designated but is a consideration for inclusion in the future. Conduct the environmental review on the entire area, to the extent possible, in the Tier I Review. Where CDBG funds are proposed later, site-specific Tier II Reviews would be completed for any additional infrastructure and company activities.

*If a Tiered approach will be used, SHPO must be notified that site specific review will be completed as activities and properties are known.

Be Aware!

Check with the CDBG Environmental Review Specialist before beginning a tiered review.

MULTI-YEAR/PHASED PROJECTS [24 CFR §58.32(d)]

The following are guidelines for preparing a useful multi-year/phased environmental review for projects proposed to evolve over several years, as commonly used for large-scale and/or regional water and wastewater projects. Regardless of the source of funds, the environmental review should consider the relationship among *all* components of the multi-year/phased project, addressing and evaluating their cumulative, direct, and indirect environmental effects.

It is imperative to formulate a clear description of all proposed activities throughout the course of the project, a timetable or schedule each activity, and how the environmental review is intended to encompass the project as a whole. Include this information in the ERR. Each phase must be explained in as much detail as possible at the time of the initial review. The estimated *total* project cost should also be listed.

Address cumulative, direct, and indirect effects of the project as a whole over its expected lifetime. Include local and regional trends, such as projected growth, and any future goals for the area, such as new housing development and/or development of commercial areas that could not be accomplished without the CDBG-assisted project. Comprehensive plans are especially helpful in ensuring all related project activities are in conformance with plans, and typically explain the future goals and trends planned for an area or community.

Monitor the project to ensure it is progressing as planned in order to continue verify the validity of the environmental review and finding. Changes to the scope, magnitude and location of project activities require the completion of an ERR Amendment, and possibly the publishing of a new notice. Remember to contact environmental agencies and Tribes for review and comment prior to the implementation of significant changes.

OTHER FEDERAL/STATE/LOCAL AGENCY ENVIRONMENTAL REPORTS (24 CFR §58.14)

Responsible Entities should cooperate with other agencies to reduce duplication between NEPA and comparable environmental review requirements. A single EA may be prepared by one agency and used by other agencies participating in the same or geographically and functionally-related projects if an official agreement is made designating the lead agency prior to beginning the Environmental Review. The ER should cover all areas of compliance for all agencies involved. Some information may be proprietary (e.g., ASTM Phase I Environmental Site Assessments, asbestos/lead paint inspections, historic surveys, geotechnical reports, etc.) and permission may be required prior to obtaining or using such information.

When other State or Federal agencies are partnering with CDBG in a project, the RE/grantee may use the environmental report to the extent practicable to assist in achieving compliance with NEPA and HUD requirements, provided the other agencies' environmental reports/assessments is current and all project activities regardless of funding source must be included (i.e. the scope of the project must be the same). Reports and assessment should be supplemented, as necessary, to meet HUD/CDBG environmental compliance requirements. Use the '*CDBG Environmental Impact Checklist*', located on the following page, to help ensure that all environmental impacts are considered. All documents must be reader friendly and easy to follow and understand. The RE Certifying Officer must independently evaluate the report to ensure its accuracy and validity and sign off on the document, certifying his/or approval of and accepting responsibility for the information included to meet HUD compliance.

As is customary, a copy of the entire environmental assessment/report and all supporting documentation must be submitted to CDBG for review and comment. Once CDBG evaluates the document and if no significant impacts are determined by the RE, the required HUD/CDBG public notices should be published and applicable comment periods observed.

*** *PLEASE BE AWARE, other agency environmental notices do not meet HUD compliance. You must publish HUD/CDBG Environmental Notices.*** (Combined Notice, Notice of Intent, Floodplain Notices, etc.) and observe applicable CDBG comment periods.

CDBG ENVIRONMENTAL IMPACT CHECKLIST

(For Review of Other Agency Environmental Reports, Assessments & Reviews)

Date of Report/Assessment: _____ Type of Project: _____

Other Entity/Agency: _____

Preparer Name/Agency: _____

CDBG RE: _____ CDBG Project # (if funded): _____

CDBG Level of Review: Categorically Excluded Environmental Assessment

HUD Environmental Review Compliance Areas:

CEST AND EA

- | | |
|---|--|
| <input type="checkbox"/> Project Location (must be the same) | <input type="checkbox"/> Wetlands |
| <input type="checkbox"/> Project Description (must be the same) | <input type="checkbox"/> Coastal Zones |
| <input type="checkbox"/> Documented Site Visit | <input type="checkbox"/> Airport Hazards |
| <input type="checkbox"/> Estimated Project Costs All Sources | <input type="checkbox"/> Endangered Species: <input type="checkbox"/> Federal <input type="checkbox"/> State |
| <input type="checkbox"/> Preliminary Engineering/Architectural Report | <input type="checkbox"/> Wild & Scenic Rivers: <input type="checkbox"/> Federal <input type="checkbox"/> State |
| <input type="checkbox"/> Signature of Certifying Officer | <input type="checkbox"/> Farmland Protection |
| <input type="checkbox"/> Signature of Environmental Preparer | <input type="checkbox"/> Noise Control |
| <input type="checkbox"/> Permitting | <input type="checkbox"/> Explosive & Flammable Operations |
| <input type="checkbox"/> Summary of Findings and Conclusions | <input type="checkbox"/> Water Quality |
| <input type="checkbox"/> Project Mitigation/Modifications | <input type="checkbox"/> Air Quality |
| <input type="checkbox"/> Conditions of Environmental Approval | <input type="checkbox"/> Contamination & Toxic Materials |
| <input type="checkbox"/> Historic Properties | <input type="checkbox"/> Environmental Justice |
| <input type="checkbox"/> Flood Insurance | <input type="checkbox"/> Determination of Level of Review Form |
| <input type="checkbox"/> Floodplain Management | <input type="checkbox"/> Finding of Exemption Form |
| <input type="checkbox"/> HUD 8- Step Process for Floodplains & Wetlands | |

EA ONLY

- | | |
|--|--|
| <input type="checkbox"/> Purpose and Need of Project | <input type="checkbox"/> Citizen Participation |
| <input type="checkbox"/> Existing Conditions & Trends | <input type="checkbox"/> Land Development |
| <input type="checkbox"/> List of Sources, Agencies, and Persons Consulted | <input type="checkbox"/> Socioeconomic |
| <input type="checkbox"/> Public Outreach | <input type="checkbox"/> Community Facilities |
| <input type="checkbox"/> Examination of Alternatives | <input type="checkbox"/> Natural Facilities |
| <input type="checkbox"/> Finding: <input type="checkbox"/> FONSI <input type="checkbox"/> FOSI | |

AMENDING THE ORIGINAL ENVIRONMENTAL REVIEW RECORD (24 CFR §58.47)

The re-evaluation of an environmental review is required when new activities are added, unexpected conditions arise, or substantial changes are made to the nature, magnitude, or extent of the project. However, all proposed changes must conform to the original project scope. Through an “Amendment to the ERR,” the RE will re-evaluate the Environmental Review Record (ERR) to determine if the original finding remains valid.

If the RE determines the FONSI remains valid and the FONSI notice has already been published, no additional notice is required for publication. If the RE determines the original finding is no longer valid, it must prepare a new review or a higher level review, depending on the extent of the impacts.

Submit a completed “Amendment to the ERR” form and all supporting documentation to CDBG for review and comment, and include a copy in the RE’s ERR. The RE Certifying Officer and the ER Preparer must sign and date the final submission.

*The RE is responsible for maintaining copies of ERRs previously completed. CDBG records are archived and destroyed after a specified time period – do not rely on CDBG to provide copies of prior ERRs.

<p><u>BE AWARE!</u></p> <p>If at any time the project scope changes, if new circumstances and/or environmental conditions arise, or if alternatives not considered originally are selected, the impacts of the changes/activities must be reassessed, and the original finding reviewed for validity. If a new finding is made, new environmental notices must be published and a new Request For Release of Funds and Certification process is required.</p>

<p><u>FORM</u></p>	<p>Check the CDBG website for the ERR Amendment Form!</p>
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PROPERTY ACQUISITION

Once the projected use of HUD assistance is determined, it is critical the acquisition of property or easements does not occur until the ER process is completed and DED has issued environmental approval. Property acquisition is a choice-limiting action (§58.71) and acquiring property prior to completion of the environmental review exhibits a bias for a specific site without evidence of an evaluation of that site or of other sites that may be suitable or even more appropriate for the project. This includes all types of easements. Further, it does not afford the public an opportunity to review and comment on the project. A well-prepared environmental review justifies the selection of a site.

The goal of the environmental review process is to improve projects or ensure projects do not adversely affect human health and safety, or the environment. Undertaking property acquisition prior to the environmental review is not in line with the goal of the environmental review process and could in fact jeopardize people and property. Examples of this include the acquisition of contaminated property, property with significant noise issues that are infeasible to attenuate, property located in close proximity to explosives and flammable operations, or property located in the floodplain.

Rather than formally acquiring property prior to completion of the environmental review, it is encouraged that an [option agreement to purchase real estate](#) be exercised – see HUD’s sample agreement on the following page. The sample agreement may be modified to suit a particular project.

A real estate option agreement is a legal agreement between the potential buyer of real property and the owner of that property. The real estate option agreement gives the potential buyer the exclusive right to buy the property at a specific price within a specific time period. The option agreement does not impose any obligation upon the potential buyer to purchase the property. The option agreement does obligate the seller to sell at the specified price if the potential buyer exercises the option to buy in the manner described in the contract.

REMEMBER!

Do not enter into any real estate agreement, other than HUD’s option agreement to purchase real estate or similar agreement, prior to completion of the environmental review process and DED’s issuance of environmental review approval.

OPTION AGREEMENT TO PURCHASE REAL ESTATE TEMPLATE

THIS OPTION AGREEMENT ("Option") is made and entered into this _____ day of _____, 20____, by and between _____, whose principal address is _____, hereinafter referred to as "Seller", and _____ and _____, whose principal address is _____, hereinafter referred to as "Buyer".

NOW, THEREFORE, in consideration of the premises, the covenants and agreements hereinafter set forth and other good and valuable considerations (the receipt and sufficiency of which are acknowledged by the respective parties hereto), and the express understanding that Buyer intends to utilize HUD funding through Community Development Block Grant funds of the City/County/Village of _____ in a project for which a certain property is being obtained, it is agreed as follows:

A. Seller hereby grants to Buyer, pursuant to the terms and provisions hereof, an exclusive option to purchase (the "Option") the property described on Exhibit 1 attached hereto and incorporated by reference herein (the "Property"). Notwithstanding any other provision of this Option, the Buyer shall have no obligation to purchase the property. Furthermore, no transfer of title to the Buyer may occur, unless and until the City/County/Village of _____ has (1) provided the Buyer with a written determination, on the basis of a federally required environmental review and an approved request for release of federal funds, that purchase of the property by the Buyer may proceed, subject to any other contingencies in this Option or may proceed only if certain conditions to address issues in the environmental review shall be satisfied before or after the purchase of the property OR (2) the City/County/Village has determined that the purchase is exempt from federal environmental review and a request for release of funds is not require. The City/County/Village of _____ shall use its best efforts to conclude the environmental review of the property expeditiously.

B. The Option granted herein shall remain in full force and effect through and including ___[date]___. In consideration of this Option, Buyer concurrently herewith has paid Seller the nominal sum of _____ Dollars (\$ _____) (the "The Cost of the Option"), the receipt of which is hereby acknowledged, which \$ _____ shall be applied to the Purchase Price if the Option is exercised. This Cost of Option shall not exceed one thousand (\$1,000) dollars.

C. To exercise this Option, Buyer shall give written notice of exercise to Seller at the following address:
_____ prior to the expiration of the term of this Option.

D. Between the Seller's execution of this Option Agreement and the Closing (as hereinafter defined), Seller shall maintain the Subject Property (as hereinafter defined) in good order, condition and repair, reasonable wear and tear excepted, and otherwise operate the Subject Property in the same manner as before the making of this Option Agreement, as though Seller were retaining the Subject Property

E. Buyer and Buyer's agents and independent contractors may, during the term of the Option and after the exercise thereof until the Closing (as hereinafter defined), enter upon the Subject Property at reasonable times upon reasonable prior notice to Seller for the purpose of inspecting and investigating the Subject Property and conducting tests thereon at Buyer's sole cost and expense.

F. Buyer covenants and agrees (a) to indemnify and hold Seller harmless from any and all costs and charges for any and all tests, inspections and investigations of the Subject Property by Buyer and Buyer's agents and contractors and from any and all liability or damage (including but not limited to attorneys' fees and court costs) to any persons or property suffered as a result of any physical injury or property damage caused by Buyer's entry, testing, investigation or inspection of the Subject Property; (b) to repair any and all damage to the Subject Property resulting from Buyer's entry, testing or inspection of the Subject Property; and (c) to provide Seller with copies of any and all tests, reports, studies, zoning or other governmental applications, evaluations and other information received or developed by Buyer with respect to the Subject Property (other than those prepared by Buyer or Buyer's attorneys, accountants, employees, or confidential agents); and (d) in the event that Buyer does not acquire the Subject Property, that Seller may make such use of all such tests, reports, studies, zoning or other

governmental applications, evaluations and other information as Seller, in its sole discretion, so desires.

G. In the event that Buyer exercises this option, the sale price for the property set forth in attached Exhibit 1 shall be _____. Seller shall credit to the Buyer toward said sale price the amount paid for this Option.

IN WITNESS WHEREOF, the parties have executed this Option Agreement on the dates set forth below.

Date: _____

Buyer 1 Signature: _____

Printed Name: _____

Date: _____

Buyer 2 Signature: _____

Printed Name: _____

Date: _____

Seller Signature: _____

Printed Name: _____

Property Address:

Property Legal Description:

ECONOMIC DEVELOPMENT PROJECTS

Timing is a common concern with Economic Development (ED) projects. Most companies are anxious to begin expending funds and commencing construction activities as soon as possible. It is critical that the environmental review be initiated as soon as the projected use of HUD funds is determined to minimize delays and to prevent actions from occurring that could jeopardize CDBG funding for use in a project. All parties in the project (e.g., CDBG applicants, key company personnel, economic developers, RPCs/RCOGs, private grant consultants, etc.) should be informed of HUD's environmental review requirements as soon as possible. Responsible Entities and companies should be provided the most current environmental review information available and be afforded the opportunity to make thoughtful decisions when designing the project in the early stages of development.

As is the case for all CDBG projects, some level of environmental review is required for ED projects, including all activities proposed by all funding sources. All geographically and functionally related activities compose the project. For example, a "project" is not simply a road proposed with CDBG funds; the road is merely one activity in the greater project. The project may be expansion of a company's operations. Activities for this expansion could include new construction of a facility and the public road needed to support facility operations. Individual activities must not be parsed out separately in an attempt to avoid environmental review requirements.

A project may involve more than one activity funded by several sources including other federal and state agencies, cities or counties, banks and other lending institutions, private individuals, companies, etc. Communication among all parties is critical to the success of the environmental review.

Below are key points to consider when considering CDBG funds for an ED project:

- Environmental review is authorized and regulated by Federal law, not DED policy.
- Initiate the environmental review as soon as the project is substantially known. If there is intent to apply for CDBG funds, the environmental review should be considered as early as possible in the project development process. The ER process takes **at least** 90-120 days.
- The environmental review cannot be waived. Once the level of environmental review is determined for a project, all steps in that process are required for completion prior to beginning the project.
- All functionally or geographically related activities proposed by all funding sources for the project must be included in the environmental review. Environmental reviews are not conducted solely on activities proposed with CDBG funds.
- Once the intent to apply for HUD funds is determined, absolutely no construction, acquisition, rehabilitation, modifications, excavation, and no expenditures for working capital or installation of machinery and equipment proposed in the project must occur prior to the completion of the environmental review applicable to the project. Doing so will jeopardize CDBG funds for use in the project.
- Environmental reports, assessments, reviews, etc., completed by or for other agencies may not fulfill all CDBG requirements. However, this information may be utilized for completing the CDBG environmental review.
- Ensure there is a detailed description of a company's operations along with their proposed activities. See the CDBG website for the [ER-ED Checklist](#) to assist in obtaining appropriate company information.
- In the case of industrial parks for economic development projects, particularly those that have experienced little to no development, it is suggested that the entire industrial park be identified and addressed to the extent possible in the Tier I Review. Where CDBG funds are proposed later, site-specific Tier II Reviews would be completed for any additional infrastructure and company activities.

FORM

Check the CDBG website for the ED Checklist- Company Specific Information form.

- SHPO/ACHP/Tribal approval of MOA stipulations, if applicable
- **Mitigation/Condition of Approval?** No Yes: _____

Flood Insurance:

- FIRMette or best available flood data
- Proof of Flood Insurance, if required
- Documentation supporting exception, if applicable
- **Mitigation/Condition of Approval?** No Yes: _____

Floodplain Management:

- FIRMette or best available flood data
- Documentation supporting exception, if applicable
- **Mitigation/Condition of Approval?** No Yes: _____

Wetland Protection:

- Color National Wetlands Inventory Map
- Documentation supporting exception, if applicable
- IPac
- Correspondence with USACE, if applicable
- **Mitigation/Condition of Approval?** No Yes: _____

HUD 8 Step Decision Making Process: only complete if applicable

- Proof of publication and distribution of EPN
- Proof of publication and distribution of NOE
- **Mitigation/Condition of Approval?** No Yes: _____

Coastal Zone Management: None in MO

Airport Hazards:

- Documentation supporting exception, if applicable
- Maps indicating not within thresholds/APZ/RPZ/CZ
- Conformance with DOD guidelines, if applicable
- Proof of notification of airport hazards, if applicable
- **Mitigation/Condition of Approval?** No Yes: _____

Endangered Species:

- IPaC
- Missouri Natural Heritage Report
- "Effect Determination Tool" Results
- Documentation supporting "Effect Determination"
- Correspondence with USFWS, if applicable
- **Mitigation/Condition of Approval?** No Yes: _____

Wild & Scenic Rivers:

- Map showing W&S Rivers/Segments in proximity to project site
- Correspondence with USFWS or NPS, as applicable
- **Mitigation/Condition of Approval?** No Yes: _____

Farmland Protection:

- Documentation supporting exception, if applicable
- Map(s) supporting exemptions, showing farmland, etc., as applicable
- Correspondence and attachments to and from USDA NRCS
- **Mitigation/Condition of Approval?** No Yes: _____

Noise Control:

- Map(s) showing project in relation to noise sources or sensitive noise uses
- Noise Assessment, if applicable

— **Mitigation/Condition of Approval?** No Yes: _____

Explosive & Flammable Operations:

- Photographs/Maps of project site & adjacent sites showing explosive & flammable hazards
- HUD Acceptable Separation Distance calculations, if applicable
- **Mitigation/Condition of Approval?** No Yes: _____

Water Quality: Missouri has no sole source aquifers

Air Quality:

- Documentation of project area's attainment status
- Documentation supporting exception, if applicable
- Correspondence with EPA and DNR, if applicable
- Proof of compliance with SIP, if applicable
- Asbestos- inspection and report, if applicable
- Mold- inspection and report, if applicable
- **Mitigation/Condition of Approval?** No Yes: _____

Contamination & Toxic Substances:

- Separate form for fill/borrow, if applicable
- Previous uses of site(s)
- Online Database Screening: Superfund, eStart, Landfills, UST, ECHO, Envirofacts, etc.
- E Phase I Environmental Site Assessment (ESA), if applicable
- ASTM Phase II ESA, if applicable
- Lead-Based Paint: inspection and report, if applicable
- Lead-Based Paint: "Lead Rule Compliance Advisor" results, if applicable
- Radon: test results, if applicable
- **Mitigation/Condition of Approval?** No Yes: _____

Environmental Justice:

- Documentation showing project area's income and minority levels
- Positive and negative impacts to people by the project
- **Mitigation/Condition of Approval?** No Yes: _____

Summary of Findings & Conclusions

The following is applicable to the EA "Additional Environmental Factors" Section ONLY:

Documentation of compliance, including appropriate sources and necessary information, for the following sections will vary greatly depending on project type, location, size, etc.

Land Development

- Documentation supporting current community plans
- Zoning map
- Evidence of surrounding natural and built environment, if applicable
- Plans for conformance with surrounding natural and built environment, if applicable
- Documentation supporting soil suitability (geotechnical reports, soil borings, soil reports, etc.)
- Documentation of appropriate slope for site use
- Erosion control plan, if applicable
- Compliance with MS4 requirements
- Evidence of measures to be incorporated for safety
- Documentation of energy efficiency measures, if applicable
- **Mitigation/Condition of Approval?** No Yes: _____

Socioeconomic

- Documentation of project's potential to effect employment and income patterns

- Documentation of project's potential to effect community demographic characteristics
- Documentation of project's potential to cause displacement
- **Mitigation/Condition of Approval?** No Yes: _____

Community Facilities & Services

- Documentation of project's potential to effect educational and cultural facilities
- Documentation of project's potential to effect commercial facilities
- Documentation of project's potential to effect health care facilities
- Documentation of project's potential to effect social services
- Documentation of adequate solid waste disposal services
- Documentation of adequate wastewater disposal services
- Documentation of adequate water supply
- Documentation of adequate public safety services
- Documentation of adequate parks, open spaces, and recreation
- Documentation of adequate transportation and accessibility
- **Mitigation/Condition of Approval?** No Yes: _____

Natural Facilities

- Documentation of nearby unique natural features
- Documentation of sufficient ground water for project
- Documentation of measures to protect ground water
- Documentation of measures to protect vegetation
- Documentation of measures wildlife
- **Mitigation/Condition of Approval?** No Yes: _____

Impact Summary

**ENVIRONMENTAL NOTICES, COMMENT PERIODS, RROF, AND
AUGF**

ENVIRONMENTAL PUBLIC NOTICES AND COMMENT PERIODS

Environmental public notices are applicable to CEST and Environmental Assessment levels of review and require observance of comment periods. Below is guidance for calculating comment periods, followed by templates of HUD’s environmental notices.

COMMENT PERIODS – CALCULATING DAYS:

Local Comment Periods (Initial comment period on the local government level):

The local comment period begins the day after the date the notice is published. If the last day of the local comment period should fall on Saturday, Sunday or Federal holiday, comments periods shall be extended to the next business day.

- The RE may extend the comment period for any reason. For example, if the project is highly complex, controversial, multi-phased, etc., the RE may wish to extend the comment period in order to provide adequate opportunity for public comment.
- If comments are received, The RE must consider the comments and make modifications, if appropriate, in response to the comments, before it completes its environmental certification and before submittal of the RROF.
- The RROF/C may be submitted to DED *no earlier than one day after the local comment period* (8th day for Notice of Intent only; 16th day for the Combined Notice). If there is a significant time lapse between the last day of the local comment period and the date the RROF/C is submitted to DED, the RE may be required to re-publish the public notice, observe a second local comment period, re-submit the RROF/C, and observe the State’s 15-day comment period.

Below is an example of a Combined Notice 15 day comment period ending on a weekend requiring the comment period be extended to the next business day.

Sunday	Monday	Tuesday	Wednesday	Tuesday	Friday	Saturday
				1	2 – Combined Notice Publication	3 Day 1
4 Day 2	5 Day 3	6 Day 4	7 Day 5	8 Day 6	9 Day 7	10 Day 8
11 Day 9	12 Day 10	13 Day 11	14 Day 12	15 Day 13	16 Day 14	17 Day 15
18	19 – First business day	20 – RROF/C submitted to CDBG	21 – State comment period commences	22	23	24

State Comment Period:

The State’s 15-day comment period commences the day after the RROF/C is submitted to DED. If the last day of the comment period should fall on Saturday, Sunday or Federal holiday, comments shall be extended to the next business day. The day after the end of the State’s comment period (16th day) the Pre-Grant Award letter or the

CDBG Administrative Manual
Environmental Review

Authority to Use Grant Funds form shall be issued pending resolution to any comments received. Review the permissible bases for public objections at 58.75.

EARLY PUBLIC FLOODPLAIN/WETLANDS NOTICE TEMPLATE

This is the first of two notices required for the HUD 8-Step Decision Making Process for Floodplains and/or Wetlands. Italicized words in parenthesis are to be replaced with language relevant to the specific project and Responsible Entity involved. The notice may be submitted to CDBG for review prior to publication. The notice must be published one time in the newspaper of widest circulation as a display advertisement. The notice must also be mailed to Tribes, if applicable, and environmental agencies. A 15-day comment period begins one day after the date of publication and prior to publishing the Notice of Explanation (second floodplain notice). Also, the notice must be published prior to the Notice of Intent to Request Release of the Funds (NOI) or the Combined Notice, whichever notices applies. Obtain the affidavit of publication and/or tear sheet. Maintain proof of distribution to environmental agencies.

EARLY NOTICE AND PUBLIC REVIEW OF A PROPOSED ACTIVITY IN A FLOODPLAIN AND/OR WETLAND

Date of Publication:

To: All interested Agencies [include all Federal, State, and Local], Groups and Individuals

This is to give notice that *(the name of Responsible Entity)* has determined that the following proposed action under CDBG and *(CDBG Project Number, if funded)* is located in the *(100-year/500-year floodplain/wetland)*, and *(the Responsible Entity)* will be identifying and evaluating practicable alternatives to locating the action in the *(floodplain/wetland)* and the potential impacts on the *(floodplain/wetland)* from the proposed action, as required by *(Executive Order 11988 and/or 11990)*, in accordance with HUD regulations at 24 CFR 55.20 Subpart C Procedures for Making Determinations on Floodplain Management and Protection of Wetlands. *(Describe the activity, e.g. purpose, type of assistance, the size of the site, proposed number of units, size of footprint, type of floodplain/wetland, natural and beneficial functions (e.g. floodwater storage and conveyance, groundwater discharge or recharge, erosion control, water quality maintenance, and habitat for flora and fauna) and values (e.g. recreational, educational, scientific, historic, and cultural) of the floodplain/wetland potentially adversely affected by the activity). (State the total number of acres of floodplains/wetland).* The proposed project(s) is located at *(addresses)* in *(Name of City), (Name of County)*.

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

Written comments must be received by *(Responsible Entity)* at the following address on or before *(date equal to a minimum 15 calendar day comment period starting the day after the publication): (Responsible Entity), (Address)* and *(phone number)*, Attention: *(Name & Title of Certifying Officer)*. A full description of the project may also be reviewed from *(enter available office hours and days of the week)* at *(address or state address is same as above)* and *(web address if available)*. Comments may also be submitted via email at *(email address if available)*.

(Name of Mayor/Presiding Commissioner/Village Chair)

NOTICE OF EXPLANATION FLOODPLAIN/WETLANDS NOTICE TEMPLATE

This is the second and final floodplain notice required as part of the HUD 8-Step Decision Making Process for Floodplains and/or Wetlands. The Notice may be submitted to CDBG for review prior to publication. The notice must be published one time in the newspaper of widest circulation as a display advertisement. The notice must also be mailed to Tribes (if applicable) and environmental agencies. A 7-day comment period begins the day after the date of publication and may be published concurrent to the Notice of Intent to Request Release of Funds or the Combined Notice, whichever is applicable to the project. Obtain the affidavit of publication and/or tear sheet. Maintain proof of distribution to Tribes and environmental agencies.

FINAL NOTICE & PUBLIC EXPLANATION OF A PROPOSED ACTIVITY IN A FLOODPLAIN/WETLAND

Date of Publication:

To: All interested Agencies [include all Federal, State, and Local], Groups and Individuals

This is to give notice that *(the name of Responsible Entity)* has conducted an evaluation as required by *(Executive Order 11988 and/or 11990)*, in accordance with HUD regulations at 24 CFR 55.20 Subpart C Procedures for Making Determinations on Floodplain Management and Protection of Wetlands. The activity is funded under the *(CDBG Project Number, if funded)*. The proposed project(s) is located at *(addresses)* in *(Name of City)*, *(Name of County)*. *(Describe the activity, e.g. purpose, type of assistance, the size of the site, proposed number of units, size of footprint, type of floodplain/wetland, natural values)*. *(State the total number of acres of floodplains/wetland)*.

(Responsible Entity) has considered the following alternatives and mitigation measures to be taken to minimize adverse impacts and to restore and preserve natural and beneficial values: *(List (i) ALL of the reasons why the action must take place in a floodplain/wetland, (ii) alternatives considered and reasons for non-selection, (iii) all mitigation measures to be taken to minimize adverse impacts and to restore and preserve natural and beneficial functions (e.g. floodwater storage and conveyance, groundwater discharge or recharge, erosion control, water quality maintenance, and habitat for flora and fauna) and values (e.g. recreational, educational, scientific, historic, and cultural) of the floodplain/wetland)* *(Cite the date of any final or conditional LOMR's or LOMA's from FEMA where applicable)* *(Acknowledge compliance with state and local floodplain/wetland protection procedures)*

(Responsible Entity) has reevaluated the alternatives to building in the *(floodplain/wetland)* and has determined that it has no practicable alternative. Environmental files that document compliance with steps 3 through 6 of *(Executive Order 11988 and/or 11990)*, are available for public inspection, review and copying upon request at the times and location delineated in the last paragraph of this notice for receipt of comments.

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

Written comments must be received by *(Name of Responsible Entity)* at the following address on or before *(month/date/year)* [a minimum 7 day calendar day comment period will begin the day after the publication and end on the 8th day after the publication]: *(Name of Responsible Entity)*, *(Address)* and *(phone number)*, Attention: *(Name & Title of Certifying Officer)*. Comments may also be submitted or further information can be

CDBG Administrative Manual
Environmental Review

requested via email at *(RE's email address)*. A full description of the project may also be reviewed from *(enter available office hours)* at the above address.

(Name of Mayor/Presiding Commissioner/Village Chair)

NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS (NOI) TEMPLATE

The following *Notice of Intent to Request Release of Funds* (NOI) contains language required by HUD and is used to request environmental approval (environmental release of funds) for Categorically Excluded projects [CEST pursuant to 24 CFR Part 58, Section 58.35(a)] or for projects for which a Notice of Finding of No Significant Impact was previously issued. Required language is bolded and words in *italics* are to be replaced with language relevant to the specific project and Responsible Entity involved.

If there is more than one Grantee/applicant, list them all. For instance, in the case of multi-jurisdictional projects, there is a lead grantee along with other participating grantees. Also for multi-jurisdictional projects, notices should be published in newspapers of all relevant jurisdictions, or at a minimum, posted in high traffic areas of all jurisdictions involved in the project. If necessary, contact CDBG for assistance.

The notice must be published one time in the newspaper of widest circulation as a display advertisement. The Notice must specify that all comments be received and addressed in writing by the RE. The 7-day local comment period is the *minimum* time period required by regulation prior to submission of a Request for Release of Funds and Certification (form HUD-7015.15) to the State. The RE may choose to allow a longer comment period. The 15-day State objection period is a statutory requirement. The objection period follows the submission date specified in the NOI, or the actual date of receipt by the State, whichever is later.

If using a tiered or phased approach to the environmental review, the Combined Notice must indicate that additional activities and/or sites will be considered during the course of the project or over years, and will be environmentally reviewed to determine if the original Finding of No Significant Impact remains valid. If necessary, contact CDBG for assistance.

NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS

Date of Publication

Name of Responsible Entity

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

City, State, Zip Code

Telephone Number of RE

On or after *at least one day after the end of the comment period* the name of RE – City, County, or Village will submit a request to the State of Missouri Department of Economic Development for the release of Community Development Block Grant funds under Title I of the Housing and Community Development Act of 1974 (PL 93-383) to undertake the following project:

Project Title: *descriptive project name*

Purpose: *detailed description/nature/scope and of project*

Location: *detailed project location*

Estimated Cost: *both estimated CDBG funding & total project costs*

The activities proposed are categorically excluded under HUD regulations at 24 CFR Part 58 from National Environmental Policy Act (NEPA) requirements. An Environmental Review Record (ERR) that documents the environmental determinations for this project is on file at name and address of RE office where ERR can be examined – City Hall, County Courthouse, Village- and name and address of other locations where the record is available for review Hall and may be examined or copied weekdays __A.M to __P.M.

PUBLIC COMMENTS

Any individual, group, or agency may submit written comments on the ERR to the *RE office responsible for receiving and responding to comments – City Hall, County Courthouse, or Village Hall*. All comments received by *notice date plus seven days* will be considered by the *name of RE – City, County, or Village* prior to authorizing submission of a request for release of funds.

RELEASE OF FUNDS

The *name of RE – City, County, or Village* certifies to the State of Missouri that *name of Certifying Officer* in *his/her* capacity as *Official Title – Mayor, Presiding Commissioner, or Village Chairperson* 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 State of Missouri's approval of the certification satisfies its responsibilities under NEPA and related laws and authorities and allows the *name of RE – City, County, or Village* to use HUD program funds.

OBJECTIONS TO RELEASE OF FUNDS

The State of Missouri will accept objections to its release of funds and the RE's – City, County, or Village certification for a period of fifteen days following the anticipated submission date or its actual receipt of the request (whichever is later) only if they are on one of the following bases: (a) the certification was not executed by the Certifying Officer of the name of RE – City, County, or Village; (b) the RE – City, County, or Village has omitted a step or failed to make a decision or finding required by HUD regulations at 24 CFR part 58; (c) the grant recipient or other participants in the development process have committed funds, incurred costs or undertaken activities not authorized by 24 CFR Part 58 before approval of a release of funds by the State of Missouri; or (d) another Federal agency acting pursuant to 40 CFR Part 1504 has submitted a written finding that the project is unsatisfactory from the standpoint of environmental quality. Objections must be prepared and submitted in accordance with the required procedures (24 CFR Part 58, Sec. 58.76) and shall be addressed to the State of Missouri Department of Economic Development at PO Box 118, Jefferson City, MO 65102. Potential objectors should contact the State of Missouri Department of Economic Development to verify the actual last day of the objection period.

Name and Title of RE Certifying Officer (Mayor, Presiding Commissioner, or Village Chairperson)

COMBINED NOTICE (FONSI & NOI) TEMPLATE

The following Combined Notice template contains language required by HUD and is used for projects requiring preparation of an Environmental Assessment. Required language is bolded and words in *italics* are to be replaced with language relevant to the specific project and Responsible Entity involved.

If there is more than one grantee/applicant, list them all. For instance, in the case of multi-jurisdictional projects, there is a lead grantee along with other participating grantees. Also for multi-jurisdictional projects, notices should be published in newspapers of all relevant jurisdictions, or at a minimum, posted in high traffic areas of all jurisdictions involved in the project. If necessary, contact CDBG for assistance with determining appropriate language in the notice. The Notice must specify that all comments be received and addressed in writing by the RE.

The Combined Notice must be published one time in the newspaper of widest circulation as a display advertisement. The notice must also be distributed to Tribes, if applicable, and environmental agencies and proof of distribution maintained. A 15-day comment period shall commence the day after the date of publication.

The 15-day public comment period is the minimum time period required by regulation prior to submission of a Request for Release of Funds and Certification (form HUD-7015.15) to the State. The RE may choose to allow a longer comment period. Pursuant to 58.46, "time delays for exceptional circumstances," a 30-day comment period for controversial or unique projects or those similar to projects normally requiring preparation of an Environmental Impact Statement. The fifteen-day objection period is a statutory requirement. The objection period follows the submission date specified in the Notice, or the day after receipt of the Notice by the State, whichever is later.

If using a tiered or phased approach to the environmental review, the Combined Notice must indicate that additional activities and/or sites will be considered during the course of the project or over years, and will be environmentally reviewed to determine if the original Finding of No Significant Impact remains valid. If necessary, contact CDBG for assistance.

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

Date of Publication

Name of Responsible Entity

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

City, State, Zip Code

Telephone Number of RE

These notices shall satisfy two separate but related procedural requirements for activities to be undertaken by the *name of RE or grant recipient – City, County, or Village only*.

REQUEST FOR RELEASE OF FUNDS

On or after *insert date at least one day after the end of the comment period the name of RE (City, County, or Village)* will submit a request to the State of Missouri Department of Economic Development for the release of Community Development Block Grant funds under Title I of the Housing and Community Development Act of 1974 (PL 93-383), to undertake the following project:

Project Title: *descriptive project name*

Purpose: *detailed description/nature/scope and of project*

Location: *detailed project location*

Estimated Cost: *both estimated CDBG funding & total project costs*

FINDING OF NO SIGNIFICANT IMPACT

The name of RE – City, County, or Village only has determined that the project will have no significant impact on the human environment. Therefore, an Environmental Impact Statement under the National Environmental Policy Act of 1969 (NEPA) is not required. Additional project information is contained in the Environmental Review Record (ERR) on file at name and address of RE - City, County, or Village- office where ERR can be examined and name and address of other locations where the record is available for review and may be examined or copied weekdays __A.M to __P.M.

PUBLIC COMMENTS

Any individual, group, or agency may submit written comments on the ERR to the *RE designated office responsible for receiving and responding to comments - County Court House, City Hall, or Village Hall*. All comments received by publication date plus fifteen days will be considered by the *name of RE – City, County, or Village* prior to authorizing submission of a request for release of funds. Comments should specify which Notice they are addressing.

RELEASE OF FUNDS

The *name of RE – City, County, or Village* certifies to the State of Missouri that *name of Certifying Officer* in *his/her* capacity as *Official Title - Presiding Commissioner, Mayor, or Village Chairperson* 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 State of Missouri's approval of the certification satisfies its responsibilities under NEPA and related laws and authorities and allows the *City, County or Village* to use HUD program funds.

OBJECTIONS TO RELEASE OF FUNDS

The State of Missouri will accept objections to its release of funds and the RE, – City, County or Village certification for a period of fifteen days following the anticipated submission date or its actual receipt of the request (whichever is later) only if they are on one of the following bases: (a) the certification was not executed by the Certifying Officer of the name of RE – City, County, or Village; (b) the RE, – City, County, or Village has omitted a step or failed to make a decision or finding required by HUD regulations at 24 CFR part 58; (c) the grant recipient or other participants in the development process have committed funds, incurred costs or undertaken activities not authorized by 24 CFR Part 58 before approval of a release of funds by the State of Missouri; or (d) another Federal agency acting pursuant to 40 CFR Part 1504 has submitted a written finding that the project is unsatisfactory from the standpoint of environmental quality. Objections must be prepared and submitted in accordance with the required procedures (24 CFR Part 58, Sec. 58.76) and shall be addressed to State of Missouri Department of Economic Development, Community Development Block Grant at PO Box 118, Jefferson City, MO 65102. Potential objectors should contact the State of Missouri Department of Economic Development to verify the actual last day of the objection period.

Name and Title of RE Certifying Officer (Presiding Commissioner, Mayor, or Village Chairperson)

DISTRIBUTION LIST FOR ENVIRONMENTAL NOTICES

In general, environmental notices should be sent to all interested parties, including, local news media, individuals and groups interested in your activities, including historical societies and groups, and state and federal agencies, as deemed appropriate by the nature of the project.

Following is a list of state and federal agencies most appropriate to receive environmental notification. This list is not all inclusive. Other agencies should be contacted as necessary for the project.

- Floodplain/Wetland- if applicable, distribute the EPN and NOE to all relevant agencies and Tribes
- CEST/NOI- distribute the notice to agencies and Tribes *only* if located in a floodplain/wetland
- EA/Combined Notice- distribute the notice to all appropriate agencies , depending on project complexity, controversy, impacts, etc., and Tribes

The contact information below can be used in conjunction with the worksheets to determine what agencies should be contacted for comment on the project prior to the submission of the ERR to CDBG.

<p>HISTORIC PRESERVATION: Missouri Department of Natural Resources State Historic Preservation Office – Section 106 PO Box 176 Jefferson City, MO 65102 Phone: 573-751-7858</p> <p>Indian Tribes Access the website below to determine whether Indian Tribes have an interest in the County where the proposed project takes place. HID Tribal Directory Assessment Tool</p>	<p>FLOOD INSURANCE/FLOODPLAIN MANAGEMENT: FEMA Region VII ATTN: Ken Sessa 11224 Holmes Rd Kansas City, MO 64131-3626 Phone: 816-283-7960</p> <p>MO State Emergency Management Agency ATTN: Karen McHugh, CFM, Floodplain Management Officer, NFIP State Coordinator 2302 Militia Drive, PO Box 116 Jefferson City, MO 65102 573/526-9129 karen.mchugh@sema.dps.mo.gov</p>
<p>WETLANDS: U.S. Army Corps of Engineers SEND TO THE AREA DISTRICT OFFICE: USACE Regulatory Officer Locator If a wetlands delineation is needed, contact NRCS: NRCS Wetlands Delineation Contacts</p>	<p>WILD AND SCENIC RIVERS: National Park Service Environmental Compliance Midwest Regional Office 601 Riverside Drive Omaha, Nebraska 68102 Phone: 402/661-1848</p>
<p>ENDANGERED SPECIES: U.S. Fish and Wildlife Service Region 3 Ecological Field Office ATTN: Karen Herrington, Field Supervisor 101 Park DeVille Drive, Suite A Columbia, MO 65203 Phone: 573-234-2132</p> <p>Missouri Department of Conservation ATTN: Resource Science Division 2901 W. Truman Blvd., PO Box 180 Jefferson City, MO 65102 573/522-4115, ext. 3250 NaturalHeritageReview@mdc.mo.gov</p>	<p>FARMLAND PROTECTION: USDA Natural Resources Conservation Service Access the website below for area soil scientist. NRCS MO Area Soil Contacts</p> <p>AIR QUALITY: (State SIPs) US EPA Region 7 Air and Waste Management Divisions 11201 Renner Boulevard Lenexa, KS 66219 913/551-7089</p>

ENVIRONMENTAL QUALITY:

Missouri Department of Natural Resources

Phone: 573-522-2656

Attn: Rob Hunt

P.O. Box 176, Director's Office

Jefferson City, MO 65102-0176

rob.hunt@dnr.mo.gov

U.S. Environmental Protection Agency, Region 7

ENSV/NEPA Team

11201 Renner Blvd.

Lenexa, KS 66219

Phone: 913-551-7565

Tucker.amber@epa.gov

**Submit all Combined Notices to EPA*

Council of Environmental Quality

722 Jackson Place, N.W.

Washington, DC 20503

Phone: 202-395-5750

INSTRUCTIONS FOR COMPLETING THE REQUEST FOR RELEASE OF FUNDS & CERTIFICATION FORM (RROF&C)

A fillable PDF version of the request for release of funds & certification form is found at [RROF/C HUD Portal](#).

IMPORTANT:

1. The Request for Release of Funds and Certification (RROF/C) must be submitted to DED timely after the local comment period expires for the Notice of Intent To Request Release of Funds (NOI) or the Combined Notice, whichever is applicable to the level of review required for your project. If too much time elapses between the time the comment period expires and the time you submit the RROF/C, you may be required to re-publish.
2. The original form must be on one page – front and back – not on two separate pages.
3. Do NOT indicate an exact amount for project costs on this form!
4. The form must be typed, not hand written.

PART 1 – Program Description and Request for Release of Funds

- **Box 1** – Program Title(s): Community Development Block Grant (CDBG)
- **Box 2** – HUD/State Identification Number: For projects that have been awarded funding, indicate the CDBG assigned project number (Ex. 2011-PF-01). For proposed projects, leave this area blank.
- **Box 3** – Recipient Identification Number: No entry is required. However, the Grantee may use this space for internal filing purposes.
- **Box 4** – OMB Catalog Number(s): **The State CDBG Program will always be “CFDA No. 14.228”**
- **Box 5** – Name & Address of the Responsible Entity: Name & address of the Grantee (city or county)
- **Box 6** – For Information about this request, contact name & telephone number: Enter the name of the person to contact concerning questions about this form and the environmental review for the project. This may be the grantee, but is commonly the person who completed the environmental review process.
- **Box 7** – Name & Address of Recipient (if different than responsible entity): This may be left blank as the grantee is the responsible entity and is indicated in Box 5.
- **Box 8** – HUD or State Agency and Office Unit to Receive Request: State of MO Department of Economic Development, CDBG Program
- **Box 9** – Program Activity/Project Name: Enter the name of the project/activity for which the request for release of funds is being submitted.
- **Box 10** – Location (Street address, city, county, & State): Enter the complete location of the project.
- **Box 11** – Program Activity/Project Description: Enter a complete description of all activities for which the form pertains.

PART 2 – Environmental Certification (to be completed by responsible entity)

- **No. 4** – Check one of the boxes. The second box is the box that is usually checked.
- Signature of Certifying Officer and Responsible Entity – Insert the name of the Mayor or Presiding Commissioner, the chief elected official for the grantee. This should correspond with whoever signs the grant agreement, otherwise known as the Funding Approval. The Certifying Officer is attesting to the grantee’s compliance with HUD/CDBG environmental review procedures (24 CFR Part 58).

PART 3 – To be completed when the recipient is not the responsible entity

Signature of Authorized Officer of the Recipient: For purposes of the CDBG program, this area does not apply, as the recipient and the responsible entity are one in the same.

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. 07/31/2017)

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

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

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

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

Signature of Certifying Officer of the Responsible Entity	Title of the Certifying Officer
	Date Signed

Address of the 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
	Date signed

PERMISSIBLE BASES FOR OBJECTIONS
[24 CFR §58.75](DED's Objections to Release of Funds)

DED will not approve the *Request for Release of Funds* before 15 calendar days have elapsed from the time of receipt of the *Request for Release of Funds/Certification form (RROF/C)*. All objections must be received by DED within the 15-day period. DED will consider objections of a grantee's noncompliance with environmental requirements based on any of the grounds listed below. These are the only bases upon which DED will not approve the *Request for Release of Funds/Certification*.

The certification was not in fact executed by the RE/grantee Certifying Officer.

The RE/grantee has failed to make one of the two findings pursuant to §58.40 or to make the written determination as required, either a *Finding of Significant Impact (FOSI)* or *Finding of No Significant Impact (FONSI)* to the environment.

The RE/grantee has omitted one or more of the steps for the preparation and completion of an environmental review including publishing applicable notices and observing required comment periods, and completion of an *Environmental Assessment (EA)*.

Another Federal agency has submitted a written finding that the project is unsatisfactory from the standpoint of environmental quality.

The RE/grantee has omitted one or more of the steps for the preparation and completion of an *Environmental Impact Statement (EIS)*.

The RE/grantee or other participants in the development process have committed funds, incurred costs, or undertaken activities not authorized by 24 CFR Part 58.75 before the release of funds and approval of the environmental certification by DED/CDBG.

No opportunity was given to the Advisory Council on Historic Preservation or its Executive Director to review the effect of the project on a property listed on the National Register of Historic Places or found to be eligible for such listing by the Secretary of the Interior.

With respect to a project where environmental circumstances cause a reevaluation of assessment findings, the use of prior environmental impact statements, or the use of supplemental impact statement, the grantee has failed to include in the *Environmental Review Record (ERR)* the written decision required, or its decision is not supported by facts specified by the objecting party.

If no objections are received, DED/CDBG will issue a "Pre-Grant Award Environmental Approval" letter for applications not yet funded, or the notice of "Authority to Use Grant Funds/Completion of Environmental Review Requirements", for projects that have been awarded CDBG fund