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## CHAPTER IV

### ENVIRONMENTAL REVIEW

#### 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.

The NEPA created the *Council for Environmental Quality* (CEQ). The CEQ ensures that Federal agencies implement regulations so that environmental values are given appropriate consideration and decision-making in Federally-assisted or permitted actions. The CEQ analyzes and interprets environmental trends and are conscious of and responsive to economic, social, aesthetic, and cultural needs and interests of the Nation and formulate and recommend national policies to promote the improvement of the quality of the environment. ***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 effect 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.**

**PLEASE 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**

## 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)  
**ACHP** – Advisory Council on Historic Preservation  
**ACM** – Asbestos Containing Material  
**ADT** – Average Daily Traffic  
**AICUZ** – Air Installation Compatible Use Zone  
**APCP** – Air Protection Control Program  
**APE** – Area of Potential Effect  
**APZ** – Accident Potential Zones  
**ASD** – Acceptable Separation Distance  
**AST** – Aboveground Storage Tanks  
**ASTDR** – Agency for Toxic Substances and Disease Registry  
**ASTM** – American Society for Testing and Materials  
**BMP** – Best Management Practices  
**B/VCP** – Brownfields/Voluntary Cleanup Program (DNR)  
**CAA** – Clean Air Act  
**CAFO** – Confined Animal Feeding Operation  
**CDBG** – Community Development Block Grant  
**CDC** – Center for Disease Control  
**CENST** – Categorically Excluded Not Subject To  
**CEST** – Categorically Excluded Subject To  
**CERCLA** – Comprehensive Environmental Response, Compensation and Liability Act  
**CFR** – Code of Federal Regulations  
**CEQ** – Council on Environmental Quality  
**CLG** – Certified Local Government  
**CSR** – Code of State Regulations  
**CWA** – Clean Water Act  
**DED** – MO Department of Economic Development  
**DHSS** – MO Department of Health and Senior Services  
**DNL** – Day Night (average sound) Level  
**DNR** – MO Department of Natural Resources  
**DOC** – MO Department of Conservation  
**DOE** – United States Department of Energy  
**EA** – Environmental Assessment  
**EIS** – Environmental Impact Statement  
**EJ** – Environmental Justice  
**EO** – Executive Order  
**EPA** – United States Environmental Protection Agency  
**ESA** – Endangered Species Act

**ERR** – Environmental Review Record  
**FAA** – Federal Aviation Administration  
**FEMA** – Federal Emergency Management Agency  
**FHBM** - Flood Hazard Boundary Map  
**FHWA** – Federal Highways Administration  
**FIRM** – Flood Insurance Rate Map  
**FONSI** – Finding of No Significant Impact  
**FOSI** – Finding of Significant Impact  
**FPPA** – Farmland Protection Policy Act  
**FR** – Federal Register  
**HAP** – Hazardous Air Pollutant  
**HUD** – United States Department of Housing and Urban Development  
**LBP** – Lead Based Paint  
**LESA** – Land Evaluation and Site Assessment  
**MOA** – Memorandum of Agreement  
**MODOT** – MO Department of Transportation  
**MOU** – Memorandum of Understanding  
**NAAQS** – National Ambient Air Quality Standards  
**NAL** – Noise Assessment Location  
**NBC** – National Building Code  
**NEPA** – National Environmental Policy Act  
**NESHAP** – National Emission Standards for Hazardous Air Pollutants  
**NFIP** – National Flood Insurance Program  
**NFPA** – National Fire Protection Association  
**NHPA** – National Historic Preservation Act  
**NIOSH** – National Institute for Occupational Safety and Health  
**NOAA** – National Oceanic Atmospheric Administration  
**NOI/RROF** – Notice of Intent to Request Release of Funds  
**NPDES** – National Pollutant Discharge Elimination System  
**NPL** – National Priority List  
**NPS** – National Park Service  
**NRCS** – National Resources Conservation Service, USDA  
**NRI** – National Rivers Inventory  
**NWI** – National Wetlands Inventory  
**OSHA** – Occupational Safety and Health Act  
**ORV** – Outstandingly Remarkable Values  
**PA** – Programmatic Agreement  
**PAR** – Preliminary Architectural Report  
**PER** – Preliminary Engineering Report  
**PZ** – Protection Zones  
**RAP** – Remedial Action Plan

**RCOG** – Regional Council of Government  
**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: DESIGNATE THE PERSON(S) RESPONSIBLE FOR PREPARING THE ENVIRONMENTAL REVIEW**

The Responsible Entity (RE) is always a unit of general local government who assumes responsibility for the environment review, environmental decision-making, and all environmental actions. The RE must determine who has the knowledge, qualifications and experience necessary to assist in preparing the environmental documents. ***Remember, the RE is solely accountable should issues arise – choose the Environmental Preparer wisely!***

#### **❖ WHAT DOES IT TAKE TO BE AN ENVIRONMENTAL REVIEW PREPARER?**

1. **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.
2. **Time** to conduct site visits; contact and consult with environmental regulatory agencies; analyze data and information; prepare required forms and paperwork; communicate regularly with the RE; keep the review process moving; ensure minimal mistakes are made.
3. **Positive partnerships** with the RE, CDBG staff, community resource agencies, and Federal and State environmental regulatory and funding agencies.
4. **Resources** such as current CDBG forms, manuals, and training materials; varied communication methods such as e-mail, fax, telephone, cell phone; and reliable means of transportation.
5. **Flexibility** to be available to REs at times that fit their schedules and needs.
6. **Innovativeness** to recognize and address the unique needs of each rural community and the ability to make the most of limited resources available.
7. **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.
8. **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

#### **BE AWARE!**

If CDBG funds are proposed to pay for any contract - including environmental studies and services - the RE must follow CDBG procurement methods. If CDBG funds are not proposed, then RE procurement methods apply.

## **STEP 2: CREATE THE ENVIRONMENTAL REVIEW RECORD (ERR) (24 CFR 58.38)**

The RE must maintain a written record of the environmental review undertaken for each project available for public review at the RE address. The ERR must provide a comprehensive project description and evidence of the process from start to finish including, but not limited to, the following:

1. Complete, detailed project description including *all activities proposed by all funding sources*
2. Description of pre-existing environmental conditions of the project site and surrounding area
3. Completion of current CDBG environmental forms applicable to the level of review required
4. Acceptable support documentation; color maps (U.S.G.S, aerial, zoning, FEMA floodplain, soil survey, etc.), web-based material, color photos, documented site visits & phone calls, agency consultations, site plans, architectural/engineering reports, prior environmental studies, agency comments and clearances, etc.
5. Proof of compliance with NEPA and related laws and authorities – DOCUMENTATION!
6. Conditions for environmental approval (mitigation measures) and proof of required implementation
7. All environmental studies required and completed for the project
8. Project and activity alternatives considered and the basis for the chosen alternative
9. Environmental notices
10. Evidence of opportunity for public involvement: application public hearing notices, minutes, sign-in sheets, postings, newspaper articles, etc.
11. Environmental determination (Finding) signed by the RE Certifying Officer
12. CDBG Request For Release of Funds/Certification (RROF/C)
13. CDBG Authority To Use Grant Funds - formal release of funds/environmental approval
14. Other information as requested by CDBG and Federal and State environmental regulatory agencies

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.

## **STEP 3: DEVELOP THE PROJECT DESCRIPTION**

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 must not be parsed into individual activities to enable separate, small-scale reviews. Rather, the project as a whole dictates the level of review required.**

## **STEP 4: DETERMINE THE LEVEL OF ENVIRONMENTAL REVIEW**

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:

1. Exempt
2. Categorically Excluded, Not Subject To 58.5 (CENST)
3. Categorically Excluded, Subject To 58.5 (CEST)
4. Environmental Assessment (EA)
5. Environmental Impact Statement (EIS)

### **➔ Exempt Activities (24 CFR 58.34)**

Exempt activities have no physical impact or result in no physical change on the environment. Other than documenting the level of review as Exempt, the RE does not have to comply with actions under NEPA and other provisions of laws or authorities cited in §58.5. Funds from any source may be used for Exempt activities once the Finding of Exemption form 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
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 below)

**\*Converting to Exempt** – Only those projects determined Categorically Excluded Subject To review of laws and authorities at 58.5 (CEST) may be converted to Exempt. A Statutory Checklist is completed first to review any project impacts. In order to convert, the Statutory Checklist review must result in no adverse effects on protected resources, with no mitigation needed, no permitting or agreements required, etc. The project cannot occur in a floodplain or wetland, and the Section 106 Review for assessing Historic Properties must result in a “No Historic Properties Affected” determination by the SHPO. Projects requiring the use of *Tiering* cannot be converted to Exempt. No publications, comment periods, and Request For Release of Funds process would be required.

## ➔ **Categorically Excluded Activities (24 CFR 58.35) – 2 Classifications**

If an activity is not determined Exempt, the RE must determine if it is Categorically Excluded. Categorically Excluded activities are those *excluded from NEPA requirements, but may be subject to review under other Federal laws and authorities listed in 24 CFR 58.5*. There are two classifications of Categorically Excluded activities; those listed under **§58.35 (a)** and those listed under **§58.35(b)**.

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

The following activities may be subject to review under authorities listed 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:
  - a. 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;
  - b. 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
  - c. 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

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

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

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

If a project is not Exempt or Categorically Excluded, an *Environmental Assessment (EA)* is required. (See *58.40 Preparing the environmental assessment*, for more information.) The purpose of the EA is to determine the significance of 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.

Pursuant to 40 CFR Parts 1502 and 1508 – Chapter V--Council on Environmental Quality, an EA is a “concise public document” that should focus on issues that are truly important rather than “amassing needless detail”; and should be “analytic rather than encyclopedic”. Direct effects (effects occurring at the same time and place) and indirect effects (effects that “reasonably foreseeable”) should be included.

## → **Environmental Impact Statements (EIS) (24 CFR 58.37)**

An Environmental Impact Statement is the highest level of review typically required after completion of an EA where the project is determined to have potentially significant impacts on the environment. Pursuant to 40 CFR 1508.27, *Significantly* as used in NEPA requires consideration of both *context* and *intensity* for measuring the severity of impacts.

- **Context** is the significance of an action relative to its setting. An impact can be of local, regional, and/or global importance. For example, if an action is occurring on a specific site, the significance of the impact would likely be greater on a local level rather than world-wide. Short-term and long-term impacts are relevant when assessing the context of an action.
- **Intensity** is the severity of an impact. Whether an impact is adverse or beneficial, significant effects may exist. When evaluating the intensity of an action, the following should be evaluated: degree of threat to health and safety; impacts to unique characteristics - local resources, historic resources/properties, endangered species, rivers, etc.; whether a project or actions are highly controversial or have the ability to establish a precedent for future actions with significant effects; significant cumulative, long-term impacts of actions; whether actions could violate Federal, State, or local laws specific to protecting the environment.

An EIS is normally required for the following circumstances [58.37(b)(1),(2), & (3)]

- Project would provide a site or sites for, or result in the construction of, hospitals or nursing homes containing a total of 2,500 or more beds
- Project would remove, demolish, convert, or substantially rehab 2,500 or more housing units, or would result in the construction or installation of 2,500 or more housing units, or would provide sites for 2,500 or more housing units
- Project would provide enough additional water and sewer capacity to support 2,500 or more housing units. A project does not have to be intended specifically for residential use nor does it have to be totally new construction. If the project is designed to provide upgraded service to existing development as well as to serve new development, only that portion of the increased capacity which is intended to serve new development should be counted.

A project causing significant impacts to a small rural community may not pose the same level of significance to a large urban community. Context and intensity are keys in evaluating the significance of impacts.

**Example:** An industrial company plans to locate outside a rural community of 200 people, and CDBG funds are proposed for public infrastructure necessary to support company operations.

*The company anticipates the following:*

- Creation of 300 unskilled jobs with benefits, within the next 2 years
- Shifts that run 24 hours
- Converting 200 acres of prime farmland to an industrial use
- Significant water usage for its operations
- Emitting unknown amounts of hazardous air pollutants
- Heavy volumes of truck traffic through town and along a curvy 2-lane county road
- Discharging varieties of waste into an impaired stream
- Housing an above-ground fuel storage tank farm near a low income neighborhood

*Community characteristics:*

- 75% low-to-moderate income population
- No planning and zoning
- Limited housing stock
- Private on-site septic systems
- Water is purchased from a PWSD whose supply is already limited. Current water rates are very low may increase if the company locates nearby

The impacts of this project would likely result in the need for additional housing, increased water storage and system improvements, increased water rates, local and county road improvements and traffic control, expansion of educational facilities, and more childcare. The increase in population could tax local government, emergency response and law enforcement services, as well as health services, restaurants and retail establishments. Significant beneficial impacts to the community would include creation of 300 unskilled jobs with health benefits, the company's addition to the community's revenue stream, and indirect job creation from new retail shops and restaurants and the need for more service-related jobs. Increased revenues could assist in improving school facilities and public infrastructure. Although there would be some significant impacts to a developed urban community, impacts would likely not pose the same intensity and severity to the natural, human, and man-made environments as in a less-populated, low-income rural community. The Environmental Assessment for this project would likely result in a Finding of Significant Impact to the rural community, thereby warranting an EIS, or the RE's rejection of the project.

If a Finding of Significant Impact (FOSI) is determined by the RE, contact CDBG for consultation and guidance.

➔ *Once the level of environmental review is determined for your project, continue to **STEP 5** – completing the review procedures that are applicable to the level of review required for your project and related activities.*

## **STEP 5 – PROCEDURES FOR APPLICABLE LEVELS OF ENVIRONMENTAL REVIEW**

### **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.

### **EXEMPT Projects and/or Activities (§58.34)**

A project may be determined Exempt when consisting of an exempt activity *only*, such as planning, or, a project may be comprised of both exempt and non-exempt activities. In there are both exempt and non-exempt activities in a project, it is only in this case that the exempt activities can be assessed separately in order to advance project development and/or payments for Exempt activities.

### **Example:**

A CDBG project commonly includes both new construction and grant administration activities. Construction is a physical activity that by its very nature, impacts the environment to some degree. An environmental review for new construction entails an analysis of the project as a whole – as with an Environmental Assessment level of review. However, engineering design is an Exempt activity required for planning, development and implementation of a project, and for aiding in the environmental review. Engineering design by itself has no impact on the environment; therefore, funds may be expended for the engineering design activity only and may begin prior to completion of the Environmental Assessment, prior to DED's approval of the environmental review. The Environmental Assessment would then be completed to examine environmental impacts of the construction-related activities proposed.

When, as indicated in the example above, a project includes Exempt activities as well as those activities requiring a higher level of environmental review, more than one procedural step will apply to document compliance. For the above example, an Exempt determination must be documented for the engineering design in addition to the steps required to complete the environmental assessment for the new construction activities. **Remember that all Exempt activities included in your project must be documented in order to inform DED that compliance has been met and project funds are allowable for those Exempt activities.**

❖ **EXEMPT ONLY PROJECTS - document as follows:**

1. Complete the “*Determination of Level of Environmental Review*” form if the PROJECT AS A WHOLE is determined Exempt.
2. Complete the CDBG “**Finding of Exemption**” form identifying all Exempt activities in your project as indicate at §58.34. File both forms in the ERR and submit copies to CDBG. It is acceptable to fax or e-mail clear, signed copies; however, also mail originals to CDBG. If your project includes *only* Exempt activities, no further action is required. However, if there are any changes in the scope of the project, they are subject to environmental review requirements.

❖ **EXEMPT & NON-EXEMPT ACTIVITIES - document as follows:**

If your project includes Exempt AND non-Exempt activities, complete the “**Finding of Exemption**” form for all Exempt activities and then determine the level of review required for the project as a whole, continuing on to complete the procedures required for that level of review.

**REMEMBER!**

The “**Finding of Exemption**” form is required if the project consists solely of one or more exempt activities, **OR** if the project requires that one or more exempt activities be undertaken in advance of the project as a whole. File the form in the ERR and submit a copy to CDBG.

**CATEGORICALLY EXCLUDED Levels of Review – 2 classifications:**

1. **Categorically Excluded SUBJECT TO (CEST)** other related Federal laws and authorities [§58.35(a)] - the following procedures are required:
  - a. Complete the ‘*Determination of Level of Environmental Review*’ form.
  - b. Complete and submit the “*Section 106 Project Information Form*” and attachments to the SHPO and all Indian tribes identified for the county. SHPO has a minimum 30-day review period upon receipt of information. If the SHPO requests more information be submitted, a second 30-day review period will commence upon receipt of the additional information. In some instances, this review period may be longer. *It is wise to plan for a longer review.* Tribes have no specific deadline to respond - See “Consulting with Indian Tribes during the Section 106 Process”.
  - c. Submit project information to appropriate environmental agencies (i.e., US Army Corps of Engineers, US Fish and Wildlife, MO Dept. of Conservation, applicable DNR divisions, FEMA and SEMA, EPA, etc.)
  - d. Complete the “*Statutory Checklist*” and attach the “*Determination of Level of Environmental Review*” form. If the project lies in a floodplain or wetland, the “*HUD 8-Step Decision Making Process*” applies. Refer to the Statutory Checklist for steps in this process, and if applicable, follow and document all steps including publishing the “*Early Public Notice*”, *EPN - initial floodplain/wetland notice*), one time in a non-legal section of the newspaper of widest circulation, observing the 15-day comment period which begins the day after publication.
  - e. Once all environmental clearances applicable to the project are received, submit to CDBG: Statutory Checklist and all supporting documentation including copies of submittals to and responses from environmental agencies. After CDBG’s review, publish the “*Notice of Intent To*

*Request Release of Funds*” (NOI) and “*Notice of Explanation*” (NOE - final floodplain/wetland notice, if applicable) one time in a non-legal section of the newspaper of widest circulation. The NOI and NOE each require a 7-day local comment that may run concurrently beginning the day after publication. If any comments are received in writing, the local government must consider the comments, respond in writing, and provide copies of all correspondence to CDBG.

- g. Once the 7-day local comment period expires for the NOI and if applicable, the NOE, submit a copy of the publication(s) and affidavit(s) of publication along with the “*Request for Release of Funds and Certification*” (RROF&C) form to CDBG. It is acceptable to fax or e-mail clear, signed copies to expedite the comment period; however, originals must also be mailed to CDBG. The day after receipt of this information, CDBG will begin a 15-day State comment period reviewing the entire process for compliance.
  - h. On the 16th day, pending resolution of any conditions or concerns by environmental agencies, individuals and groups, CDBG will release funds via a “*Pre-Grant Award Environmental Approval Letter*” for proposed projects not yet funded, or the “*Authority to Use Grant Funds*” for projects awarded CDBG funds.
2. **Categorically Excluded NOT SUBJECT TO (CENST)** other related Federal laws and authorities [§58.35(b)] - the following procedure is required:
- a. Complete the “*Categorical Exclusion Not Subject To Related Statutory Authorities*” form and “*Determination of Level of Review*” form. Submit both to CDBG Environmental Review Officer for review. It is acceptable to fax or e-mail clear, signed copies; however, mail originals to CDBG.
  - b. Upon receipt and review by CDBG, the environmental review process is complete.

### **ENVIRONMENTAL ASSESSMENT Level of Review (EA) (§58.36)**

If a project is not Exempt or Categorically Excluded, it requires completion of an **Environmental Assessment (EA)** including applicable environmental notices and comment periods described below.

1. Complete the “*Determination of Level of Environmental Review*” form.
2. Complete and submit the “*Section 106 Project Information Form*” and attachments to the SHPO and all Indian tribes identified for the county. SHPO has a minimum 30-day review period upon receipt of information. If the SHPO requests more information be submitted, a second 30-day review period will commence upon receipt of the additional information. In some instances, this review period may be longer. *It is wise to plan for a longer review.* Tribes have no specific deadline to respond - See “*Consulting with Indian Tribes During the Section 106 Process*”.
3. Submit project information to appropriate environmental agencies (i.e., US Army Corps of Engineers, US Fish and Wildlife, MO Dept. of Conservation, applicable DNR divisions, FEMA and SEMA, EPA, etc.)
4. Complete the “*Environmental Assessment*” and document a Finding (FONSI or FOSI). Submit to CDBG: EA and all supporting documentation including copies of submittals to and responses from environmental agencies. After CDBG’s review, publish applicable environmental public notices.  
**\*NOTE:** If USDA Rural Development (RD), MO Dept. of Natural Resources (DNR), MO Dept. of Transportation (MODOT), US Environmental Protection Agency (EPA), or other agency is involved in the project, REs may use these agencies’ environmental reports but must review whether **all project activities by all funding sources are included and all CDBG environmental impact areas are addressed.** The RE Certifying Officer must sign and certify the report. If other Federal or State Agency environmental reports are considered, use the “*CDBG Environmental Impacts Checklist*”, found in this chapter, to determine if CDBG requirements are met.

5. If a project lies in a floodplain or wetland, the “*HUD 8-Step Decision Making Process*” applies. Refer to the EA for steps in this process, and if applicable, follow and document all steps including publishing the “*Early Public Notice*” (*EPN* - initial floodplain/wetland notice), one time in a non-legal section of the newspaper of widest circulation, observing the 15-day comment period which begins the day after publication. If comments are received in writing, the RE must consider comments, respond in writing and submit copies of correspondence to CDBG. Move forward with steps 3-6 in the HUD 8-Step Process.
6. The 7<sup>th</sup> seventh step in HUD’s 8-Step Process is publishing the “*Notice of Explanation*” (*NOE-final floodplain/wetland notice*) one time in a non-legal section of the newspaper of widest circulation. This notice must not be published until the 15-day comment period expires for the “*EPN*”. Observe the *NOE* 7-day comment period which begins the day after publication. This notice can be published in conjunction with the “*Combined Notice*”, explained below.
7. Publish the “*Combined Notice*” (*C/N - Notice of Finding of No Significant Impact/Notice of Intent to Request Release of Funds*), one time in a non-legal section of the newspaper of widest circulation. Submit notices to agencies listed further in this chapter. Observe the 15-day local comment period that begins the day after publication. If written comments are received, the RE must consider comments, respond in writing, and submit copies of correspondence to CDBG.
8. Once the 15-day local comment period expires, submit a copy of the publication(s), affidavit(s) of publication, proof of distribution of the *C/N* to environmental agencies, and “*Request for Release of Funds and Certification*” form (*RROF&C*) to CDBG. It is acceptable to fax or e-mail clear, signed copies to expedite the comment period; however, also mail originals to CDBG.
9. One day after receipt of all information, CDBG begins a 15-day State comment period. On the 16th day, pending any concerns by environmental agencies, CDBG will release funds via a “*Pre-Grant Award Environmental Approval Letter*” for proposed projects, or the “*Authority to Use Grant Funds*” for projects awarded CDBG funds.

**BE AWARE!**

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.

## FORMATTING AND DOCUMENT REQUIREMENTS

Please take pride in the work you complete. Submitting a complete and organized review will make it easier for CDBG staff to evaluate, allowing a quicker response. In order to produce a concise and reader-friendly environmental document, please adhere to the following recommendations.

1. Provide detailed explanations and descriptions as if no one knows anything about the project. Do not complete documents for the benefit of CDBG staff. Complete documents as if they will be read by the general public.
2. Compliance must be clearly documented by acceptable source documentation. Without documentation, there is no evidence compliance is achieved with all applicable laws and authorities.
3. PROOFREAD all correspondence and forms. Misspellings and omissions can change the entire context of a sentence.
4. Environmental forms and documents should be typed; not handwritten.
5. Complete the most current forms. You will be asked to re-submit documents on current forms, so stay up-to-date.
6. Indicate answers to questions in a separate color, larger font, and/or in bolded text so that they stand out and are easy to identify against the text of the form. Font sizes should be large enough to read comfortably.
7. Do not restate questions – answer them logically and specifically to the project.
8. When completing the *Environmental Assessment* and *Statutory Checklist*, **ensure each environmental topic does not run into the subsequent topic**. For example, the page addressing Historic Properties should be completely separate from Floodplain Management – do not allow them to run together. This is confusing and difficult for reviewers to track.
9. If there is not enough room on a form or within a section of a form to adequately explain an answer, attach additional pages as needed. Always instruct the reader to “See attachment”.
10. The project description should remain virtually identical on all forms and documents. This includes 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).
11. Maps should be in color, particularly if there are color-coded legends.
12. Photographs are best when in color.
13. Ensure all supporting documentation is current. Circumstances change – make sure you obtain the most up-to-date information. If a broken link on a website is encountered, or if a contact person or address has changed, please report this to CDBG.
14. If problems with formatting and/or computer program compatibility issues are encountered, contact CDBG – we’ll help as best we can!

## PUBLIC PARTICIPATION & ENVIRONMENTAL REVIEW GUIDANCE

Public participation is a critical component of the environmental review process in promoting effective planning, project development, implementation, and compliance with NEPA requirements.

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.

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. Below are ways to incorporate public participation into a project.

### HEARING NO. 1 - CDBG APPLICATION PUBLIC HEARING

- **Public Hearing Notice:**

In addition to required language outlined in *Chapter II of the CDBG Administrative Manual - Citizen Participation*, following are recommendations for inclusion in the application public hearing notice with respect to *Environmental Review* compliance:

1. Date & time of the public hearing to facilitate as much public participation as possible
2. Project contact information for the hearing, and for project & environmental-related questions
3. *Anticipated* environmental impacts for discussion at the hearing (i.e., historic buildings, floodplains, wetlands, endangered species, contamination, flammable operations, noise concerns, traffic, etc.)
4. Notice must NOT state that CDBG funds are already committed or awarded to the project

*Distributing the Public Hearing Notice:*

- a) Post at high-traffic public and/or private buildings
- b) Post on local and/or regional websites (i.e., local governments, public libraries, economic development groups, RPCs/COGs, chambers of commerce, tourism sites, online news sites, local historic group sites, etc.)
- c) Distribute in newsletters & flyers
- d) Direct invitations, *as deemed necessary or appropriate*, to members of the public including: individuals & residents; governmental, environmental, & funding agencies; local environmental-related groups; businesses; school administrations; housing agencies; neighborhood associations & groups; senior groups; hospital & other medical service-related industries; local emergency management organizations; civic organizations; religious groups, local media, etc., & any other individuals or groups who are anticipated to have interest in the proposed project

- **Public Hearing:**

In addition to requirements outlined in *Chapter II of the CDBG Administrative Manual - Citizen Participation*, the following are items recommended during the CDBG application public hearing to address *Environmental Review* compliance:

1. Attendance by local governmental officials and pertinent project parties: (i.e., project engineer/architect, sub-applicants/sub-recipients (not-for-profits, water/sewer districts, ambulance/fire districts, companies, business owners, property owners, etc.)
2. Following is project information recommended for explanation to the public and should be detailed in meeting minutes. In the event of a challenge, hearing minutes serve as an official record as to how the project was presented to the public:
  - a. Name of project
  - b. Purpose of project, project goals & outcomes
  - c. Description of all project activities by all funding sources
  - d. Total cost of project including environmental review preparation & any mitigation/modification costs
  - e. Proposed costs broken down by all funding sources proposed
  - f. Timeline of project including environmental review approval, onset of property easements & acquisition, & construction activities
  - g. Whether the project includes multiple municipal jurisdictions (identify all and lead applicant)

- h. Whether the project will be completed in phases and/or over years
- i. Whether acquisition and/or relocation is necessary for the project – outline rights of property owners under the federal Uniform Relocation Act (URA) requirements
- j. Identify all anticipated environmental impacts of the project on natural, human, & manmade environments
- k. Identify all anticipated environmental impacts to the project by surrounding environments
  - l. All required permitting
- m. All mitigation measures, project modification, & conditions for approval anticipated during the project to protect lives, property, and the environment
- n. General overview of CDBG environmental review procedures
- o. RE's designation of the Preparer of the environmental review, if known; name of individual(s) & firm/agency
- p. Confidentiality to the extent feasible of proprietary information, business plans, & privacy of property owners
- q. Adequate time for discussion, questions, & answers
- r. Ability to provide follow-up information or hold additional public meetings, as necessary, particularly for controversial and complex projects

## HEARING NO. 2 - CDBG CLOSE OUT PUBLIC HEARING

In addition to required language outlined in *Chapter II - Citizen Participation* of the *CDBG Administrative Manual*, following are recommendations for inclusion in the close out public hearing notice with respect to *Environmental Review* compliance:

- **Public Hearing Notice:**

1. Date & time of the public hearing to facilitate as much public participation as possible
2. Project contact information
3. Descriptive name of project

*Distributing the Public Hearing Notice:*

- a. Post at high-traffic public & private buildings;
- b. Post on local and/or regional websites (i.e., local governments, public libraries, economic development groups, chambers of commerce, tourism sites, online news sites, local historic group sites, etc.)
- c. Distribute in newsletters & flyers;
- d. Direct invitations, *as deemed necessary or appropriate*, to members of the public including: individuals & residents; governmental, environmental, & funding agencies; local environmental-related groups; businesses; school administrations; housing agencies; neighborhood associations & groups; senior groups; hospital & other medical service-related industries; local emergency management organizations; civic organizations; religious groups, local media, etc., & any other individuals or groups who are anticipated to have interest in the proposed project.

- **Public Hearing:**

In addition to required language outlined in *Chapter II of the CDBG Administrative Manual - Citizen Participation*, following are recommendations for inclusion in the close out public hearing with respect to *Environmental Review* compliance:

- a. Name of project
- b. Purpose of project & final project outcomes – will it meet all needs originally identified?
- c. Description of all project activities by all funding sources undertaken during project
- d. Changes that occurred to the project as funded & environmentally reviewed
- e. Final total cost of project broken down by all funding sources
- f. Environmental impacts identified & addressed during construction
- g. Environmental impacts of the finished project
- h. Conditions for approval & whether all were satisfactorily completed & documented
- i. Adequate time for discussion, questions, & answers
- j. Flexibility to provide any follow-up information to the public

**PUBLIC PARTICIPATION IN ENVIRONMENTAL REGULATIONS:**

**Council on Environmental Quality (CEQ) Regulations:**

There shall be an early and open process for determining the scope of issues to be addressed and for identifying the significant issues related to a proposed action. This process shall be termed scoping.

Invite the participation of affected Federal, State, and local agencies, any affected Indian Tribe, the proponent of the action, and other interested persons (including those who might not be in accord with the action on environmental grounds)

**National Environmental Policy Act of 1969 NEPA Regulation**

Agencies are required to make efforts to provide meaningful public involvement in their NEPA processes.

How agencies will inform the public that an action is proposed and the NEPA process is beginning (via Federal Register, newspapers, direct mailing, etc.); that certain documents are available; and that preliminary determinations have been made on the possible environmental effects of the proposal (e.g., what level of analysis the agency will initially undertake).

**Sec. 1506.6 Public involvement**

Agencies shall:

- (a) Make diligent efforts to involve the public in preparing and implementing their NEPA procedures
- (b) Provide public notice of NEPA-related hearings, public meetings, and the availability of environmental documents so as to inform those persons and agencies who may be interested or affected
  1. In all cases the agency shall mail notice to those who have requested it on an individual action.
  2. In the case of an action with effects of national concern notice shall include publication in the Federal Register and notice by mail to national organizations reasonably expected to be interested in the matter and may include listing in the 102 Monitor. An agency engaged in rulemaking may provide notice by mail to national organizations who have requested that notice regularly be provided. Agencies shall maintain a list of such organizations.
  3. In the case of an action with effects primarily of local concern the notice may include:
    - (i) Notice to State and area-wide clearinghouses pursuant to OMB Circular A- 95 (Revised)
    - (ii) Notice to Indian tribes when effects may occur on reservations
    - (iii) Following the affected State's public notice procedures for comparable actions
    - (iv) Publication in local newspapers (in papers of general circulation rather than legal papers)
    - (v) Notice through other local media
    - (vi) Notice to potentially interested community organizations including small business associations
    - (vii) Publication in newsletters that may be expected to reach potentially interested persons
    - (viii) Direct mailing to owners and occupants of nearby or affected property
    - (ix) Posting of notice on and off site in the area where the action is to be located
- (c) Hold or sponsor public hearings or public meetings whenever appropriate or in accordance with statutory requirements applicable to the agency. Criteria shall include whether there is:
  1. Substantial environmental controversy concerning the proposed action or substantial interest in holding the hearing
  2. A request for a hearing by another agency with jurisdiction over the action supported by reasons why a hearing will be helpful. If a draft environmental impact statement is to be considered at a public hearing, the agency should make the statement available to the public at least 15 days in advance (unless the purpose of the hearing is to provide information for the draft environmental impact statement).
- (d) Solicit appropriate information from the public
- (e) Explain in its procedures where interested persons can get information or status reports on environmental impact statements and other elements of the NEPA process

- (f) Make environmental impact statements, the comments received, and any underlying documents available to the public pursuant to the provisions of the Freedom of Information Act (5 U.S.C. 552), without regard to the exclusion for interagency memoranda where such memoranda transmit comments of Federal agencies on the environmental impact of the proposed action. Materials to be made available to the public shall be provided to the public without charge to the extent practicable, or at a fee which is not more than the actual costs of reproducing copies required to be sent to other Federal agencies, including the Council.

## **US Department of Housing and Urban Development (HUD) Regulation**

### **§ 50.23 Public participation**

HUD shall inform the affected public about NEPA-related hearings, public meetings, and the availability of environmental documents (see 40 CFR 1506.6(b)) in accordance with this section.

### **Environmental Justice Executive Order(E.O.) 12898**

**Fair treatment** means that no group of people should bear a disproportionate share of the negative environmental consequences resulting from industrial, governmental and commercial operations or policies.

**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

Early and meaningful public participation in the federal agency decision making process is a paramount goal of NEPA. CEQ's regulations require agencies to make diligent efforts to involve the public throughout the NEPA process. Participation of low income populations, minority populations, or tribal populations may require adaptive or innovative approaches to overcome linguistic, institutional, cultural, economic, historical, or other potential barriers to effective participation in the decision-making processes of Federal agencies under customary NEPA procedures. These barriers may range from agency failure to provide translation of documents to the scheduling of meetings at times and in places that are not convenient to working families.

The following steps may be considered, as appropriate, in developing an innovative strategy for effective public participation:

1. Coordination with individuals, institutions, or organizations in the affected community to educate the public about potential health and environmental impacts and enhance public involvement
2. Translation of major documents (or summaries thereof), provision of translators at meetings, or other efforts as appropriate to ensure that limited-English speakers potentially affected by a proposed action have an understanding of the proposed action and its potential impacts
3. Provision of opportunities for limited-English speaking members of the affected public to provide comments throughout the NEPA process
4. Provision of opportunities for public participation through means other than written communication, such as personal interviews or use of audio or video recording devices to capture oral comments
5. Use of periodic newsletters or summaries to provide updates on the NEPA process to keep the public informed
6. Use of different meeting sizes or formats, or variation on the type and number of media used, so that communications are tailored to the particular community or population
7. Circulation or creation of specialized materials that reflect the concerns and sensitivities of particular populations such as information about risks specific to subsistence consumers of fish, vegetation, or wildlife
8. Use of locations and facilities that are local, convenient, and accessible to the disabled, low-income and minority communities, and Indian tribes
9. Assistance to hearing-impaired or sight-impaired individuals

### **36 CFR Part 800 - Section 106 of the National Historic Preservation Act of 1966-Protection of Historic Properties**

- **Key Elements: Involving the Public**

**Public involvement** is a critical aspect of the Section 106 process. Section 800.2(d) contains a standard that Federal agencies must adhere to as they go through the Section 106 process.

The **type** of public involvement will depend upon various factors, including but not limited to, the nature and complexity of the undertaking, the potential impact, the historic property, and the likely interest of the public in historic preservation issues.

**Confidentiality** concerns include those specified in Section 304 of the Act and legitimate concerns about proprietary information, business plans, and privacy of property owners.

Section 800.2(d)(2) sets a notice and public information standard. The public must be notified, with sufficient information to allow meaningful comments, so that they can express their views during the various stages and decision-making points of the Section 106 process.

It is intended that Federal agencies have flexibility in how they involve the public, including the use of the National Environmental Policy Act (NEPA) and other agency planning processes, as long as opportunities for such public involvement are adequate and consistent with subpart A of the regulations. Section 800.2(d)(3) provides reminders of this flexibility.

## **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.

### **General Preliminary Engineering Report (PER) Contents:**

#### ***Title Page:***

- A. Name of project
- B. Owner of system, property, facility, building, structure, infrastructure, etc.
- C. Name of CDBG applicant (county, city, village)
- D. Preparer name, agency/firm, address, phone, e-mail, and fax numbers, licensed to practice in Missouri
- E. Licensed engineer's seal, signature, and date of report

#### ***Section 1: Purpose and Need for the Project***

- A. Purpose & need for new construction, expansion, or improvements of existing facilities; project beneficiaries
- B. Health & safety concerns
- C. Violations and/or environmental issues and agency concerns and recommendations
- D. Existing population and projected population for 20 years
- E. Projected economic growth
- F. Operation and maintenance (O&M) issues, if applicable
- G. Future needs of owners/beneficiaries
- H. Whether the project is in conformance with any existing comprehensive or strategic plans

#### ***Section 2: Project Description – All activities by all funding sources***

- A. Details of the proposed project – size(s) of existing facilities, detailed improvements proposed, materials and amounts needed, whether project is multi-jurisdictional, whether project is to be completed in phases (explain each phase in detail, including timelines, as currently known)
- B. Timeline for construction
- C. Location - address, coordinates, legal description, maps, photos, sketches, legal & natural boundaries, major obstacles, elevations, general service area, etc.

#### ***Section 3: Existing Facility/Infrastructure, and/or Land Description***

- A. Location of existing and/or proposed infrastructure or facility to be addressed by the project
- B. Location of property proposed for acquisition, if applicable, and a plan and timeline for acquisition
- C. Location of easements needed, if applicable, and a plan and timeline for acquiring easements
- D. Origin of funding for original facility or infrastructure, including any existing debt
- E. History and condition of facilities/infrastructure, *current* easements

***Section 4: Alternatives Considered – Include No Project/No Action Alternative***

- A. Description of each alternative (sites & designs) including: locations, design parameters, schematic layout map, land requirements, permitting, potential construction issues, environmental impacts, etc.)
- B. Construction and average annual operation and maintenance cost for each Alternative

***Section 5: Recommended Alternative for Proposed Project***

- A. Preferred alternative; reason for selection: cost, efficiency, environmental impacts, location, ease of construction, etc.

***Section 6: Project Cost & Project Financing***

- A. Total project cost all sources; existing & proposed project budget including costs for O&M, capital improvements, debt payment and status of reserve accounts, if applicable
- B. Anticipated annual operation & maintenance (O&M) cost for proposed project
- C. Technical, managerial, administrative capacity of owner/operator and/or applicant
- D. Funding source(s) for all project costs, additional O&M, and replacement costs
- E. Status of funding – contingencies by any sources; anticipated receipt of funding

***Section 7: Environmental Review/Impacts***

- A. General impacts to natural & manmade environments from construction & completed project: noise; odors; increased traffic and new traffic hazards; fugitive dust, etc.
- B. Environmental clearances needed; agencies' clearances/responses if received prior to completing PER
- C. Environmental permits needed and/or received; timeline for obtaining permits
- D. Environmental impacts for the No Action/No Project alternative
- E. Maps, photos, environmental studies and narratives
- F. Location, significance of, and anticipated impacts to important resources on and near project site(s): farmland; forest; conservation areas; wetlands; unique features; 100 & 500 year floodplains; streams, creeks, and river crossings; historic sites; critical habitats; low income & minority neighborhoods and residential areas; landfills; Superfund sites; flammable/hazardous facilities; air quality; water quality; mitigation; abatement of toxic or hazardous materials (heavy metals, asbestos, arsenic, etc.); etc.
- G. Land Use Compatibility and Planning & Zoning
- H. Construction best management practices and construction staging controls
- I. Storm water drainage including, NPDES permitting and storm water pollution prevention plan, if Applicable

***Section 9: Conclusion***

- A. Final recommendation
- B. Additional information and explanations

• **Preliminary Architectural Report Contents (PAR):**

***Title Page:***

- A. Name of project
- B. Owner of building, property, facility
- C. Name of CDBG applicant (county, city, or village); if multijurisdictional, list all applicants
- D. Name of CDBG sub-applicant, if applicable: public water, sewer, levee, drainage, etc. districts
- E. Preparer name, agency/firm, address, phone, e-mail, and fax numbers, licensed to practice in Missouri
- F. Licensed architect's seal, signature, and date of report

***Section 1: Purpose and Need for the Project***

- A. Purpose & need for any of the following proposed activities: new construction; expansion, improvements, demolition of existing facilities. Indicate the project beneficiaries
- B. Health & safety concerns (structural issues, asbestos, lead based paint, mold, ADA accessibility, local health and safety ordinances, State health and safety requirements, etc.)
- C. Code and/or environmental violations, agency concerns and recommendations
- D. Operation and maintenance issues, if applicable
- E. Future needs of owners/beneficiaries
- F. Whether the project is in conformance with any existing comprehensive or strategic plans

***Section 2: Project Description – All activities by all funding sources***

- A. Description of proposed project T
- B. Timeline for construction
- C. Location of the building; legal & natural boundaries; Maps: topographic, area map indicating location of the building within the city or town; site map showing building(s)/site and adjacent streets, with appropriate notations, such as a north arrow and main entrance of the building; map of service area

***Section 4: Existing Conditions On and Around the Project Site***

- A. Description of current conditions of the existing building, if applicable, and the overall site, including but not limited to code deficiencies, structural decay, presence of asbestos, lead paint, mold or moisture, subsidence issues
- B. Prior uses of the building, if applicable
- C. Current uses of surrounding buildings, if applicable, and description of surrounding environment
- D. Zoning and/or land use of the area

***Section 5: Alternatives Considered – Include No Project/No Action Alternative***

- A. Description of each alternative (sites & designs) including: locations, design parameters, schematic layout map, land requirements, permitting, potential construction issues, environmental impacts, etc.)
- B. Construction and average annual operation and maintenance cost for each Alternative

***Section 6: Recommended Alternative for Proposed Project***

- A. Preferred alternative; reason for selection: cost, efficiency, environmental impacts, location, ease of construction, etc.

***Section 7: Project Goals & Design Principles***

- A. Statement summarizing the goals of the project and the design principles governing the project (e.g. principles may be that public spaces receive the highest level of preservation; preserving the primary elevations of the building was important; retaining as many original design elements as possible was important, etc)

***Section 9: Project Cost & Project Financing***

- A. Total project cost all sources; existing & proposed project budget including costs for O&M, capital

***Section 10: Environmental Review/Impacts***

- A. General impacts to natural and manmade environments from construction or demolition and completed project: noise, odors, increased traffic and new hazards, parking availability, fugitive dust, etc.
- B. Environmental clearances needed; agencies' responses if received prior to completing the PAR
- C. Environmental permits needed and/or received; timeline for obtaining permits
- D. Environmental impacts of No Action/No Project alternative
- E. Any current or prior environmental studies, surveys, reports, testing, etc.
- F. Any prior abatement documentation for lead paint, mold, and asbestos
- G. Location, significance of, and anticipated impacts to important resources on and near project site(s): farmland; forest; conservation areas; wetlands; unique features; 100 & 500 year floodplains; streams, creeks, and rivers; historic sites; critical habitats; low income & minority neighborhoods and residential areas; landfills; Superfund sites; flammable/hazardous facilities; air quality; water quality; mitigation; abatement of toxic or hazardous materials (heavy metals, asbestos, arsenic, etc.); etc.
- G. Land Use Compatibility and Planning & Zoning
- H. Construction best management practices and construction staging controls

***Section 11: Conclusion***

- A. Final recommendations
- B. Additional information and explanations

***Section 12: Attachments***

- A. Proposed floor plans: Complete scaled floor plans of the proposed structure. Indicate all new construction.
- B. Demolition Plans, if applicable: Complete scaled floor plans of the existing structure. Indicate all proposed demolition. Elevation sections (even in sketch form).
- C. Elevations: All elevations of the existing building. If any elevation is to be changed, those changes must be explained.

- D. Historical information about the site including any architectural surveys and information from local historical societies, groups, or individuals
- E. Photographs of existing conditions both exterior and interior labeled and keyed to a site map, and existing floor plans. Preliminary photographs can be 3x5 color or black and white.
- F. Specifications: Specifications must be provided; general notes are acceptable in the preliminary Stages of a project.
- G. Statement or certification that all improvements are consistent with the Americans with Disabilities Act and related laws.
- H. Renderings if relevant to the project

**Note:** Floor plans, elevations and sections must be drawn and notated with standard architectural forms and notations (e.g. plans must be drawn accurately; the entire building should be drawn; the width of the walls should be shown; doorways and door swings indicated, materials indicated when appropriate, etc.)

## CONDITIONS FOR APPROVAL

When reviewing project activities for potentially adverse environmental impacts, it may be determined that certain conditions be met to alleviate or minimize the effects during the course of the project. Once the environmental review process is complete, including the identification of any environmental conditions for approval and plan for implementation, DED would issue environmental approval (release of funds) with the condition that certain recommendations, mitigation measures or controls be included in design plans and construction contract documents, and appropriately implemented. Evidence that conditions were met would be reviewed during the project and/or at the time of project close out monitoring.

Conditions for approval could include, but are not limited to, any of the following:

- Federal, state, and/or local permitting and controls (i.e., air, water, storm water discharge, solid waste, floodplain management, permits to construct, permits to operate, etc.)
- Project design approval from other State agencies including water and wastewater engineering design by DNR, MODOT rights-of-way, railroad rights-of-way, and projects with transportation engineering, etc.
- Recommendations from environmental agencies for implementation of construction best management practices
- Local laws and ordinances requiring control of construction staging, noise, traffic, fugitive dust, etc.

Authorized environmental agencies; local zoning, codes and ordinances; and project architects/engineers are some of the resources to consult to determine whether conditions for approval are required in the project, as well as how to document that compliance is achieved.

***Example:*** During the completion of the HUD 8-Step Decision Making Process for Floodplains it is determined that the only feasible alternative for the project is to locate a rural health clinic in an existing building which lies in the floodplain. After completion of the EA and applicable processes, DED would issue the release of funds with conditions for approval. Conditions for approval in this case could include compliance with the RE's local floodplain ordinance and permitting process mandating flood insurance on the building as well as implementing flood-proofing measures on the building during construction. The RE would submit documentation after construction as evidence floodplain management and flood insurance conditions for approval were satisfied. The project engineer/architect would submit the executed Certificate of Final Completion that conditions outlined in construction contracts were successfully implemented.

Other common examples of projects with conditions for environmental approval:

- In the case of residential and commercial demolition projects, conditions for approval would include compliance with the NESHAP and MODNR asbestos requirements. The following documentation would be submitted to CDBG:
  - ☒ Asbestos inspection/risk assessment report
  - ☒ Evidence the inspector/risk assessor is certified through MODNR
  - ☒ Correspondence and notifications to DNR's Asbestos Unit
  - ☒ Evidence the abatement contractor is certified through MODNR
  - ☒ Permitted landfill receipts for all regulated asbestos containing materials (ACMs)
- Mitigation could be required if a project could adversely impact endangered species. The US Fish and Wildlife and the MO Department of Conservation could issue recommendations to minimize or avoid impacts to critical habitat through best management construction practices.

## **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 also common for Downtown Revitalization and Micro-enterprise Loan projects. It may be beneficial to consult with CDBG if considering a tiered review. Following are guidelines when using the tiered review approach:

**Tier I Review: Broad Review.** 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. Establish a plan (narrative) for the site-specific or subsequent reviews and address impacts that may occur on a typical site and/or an explanation provided of those impacts that would definitely vary by site. 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.

Address all laws and authorities for known sites and activities via the *Environmental Assessment* or *Statutory Checklist*, whichever is applicable to the level of review required, publish the applicable public notice(s) (NOI or Combined Notice and floodplain notices, if applicable) and observe the related comment periods. Public notices must clearly state that a tiered review approach will be used (e.g., “A Tiered Review approach is being used for this project. As additional activities and/or properties become known, they will be assessed for relevant environmental impacts. Any mitigation measures required to alleviate or minimize adverse impacts will be implemented.”)

Submit the *Request for Release of Funds and Certification* (RROF/C) to DED after local comment periods expire. DED will issue environmental approval **conditional** upon completion of the Tier II Reviews for specific sites and activities identified later in the project.

**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.

**TIER II REVIEW FORM**

**Responsible Entity:**  **Project#:**

**Project Type/Name:**

**Preparer Name & Agency:**

**Location/Address:**

**Project Design:**  
Check all of the following that are applicable specific to the project location indicated above.  
Attach all applicable documents.  
 PER    PAR    Site Plan    Building Design/Renderings    Work Write-up  
 Cost Estimates/Revised Budget    N/A-Explain: \_\_\_\_\_  
 Other: \_\_\_\_\_

**Conditions for Approval (Site-specific):**

**Project Description:**

## TIER II REVIEW FORM

### **REVIEW OF ENVIRONMENTAL IMPACTS:**

For each of the impact areas listed below, choose the appropriate option specific to the Tier II Review location:

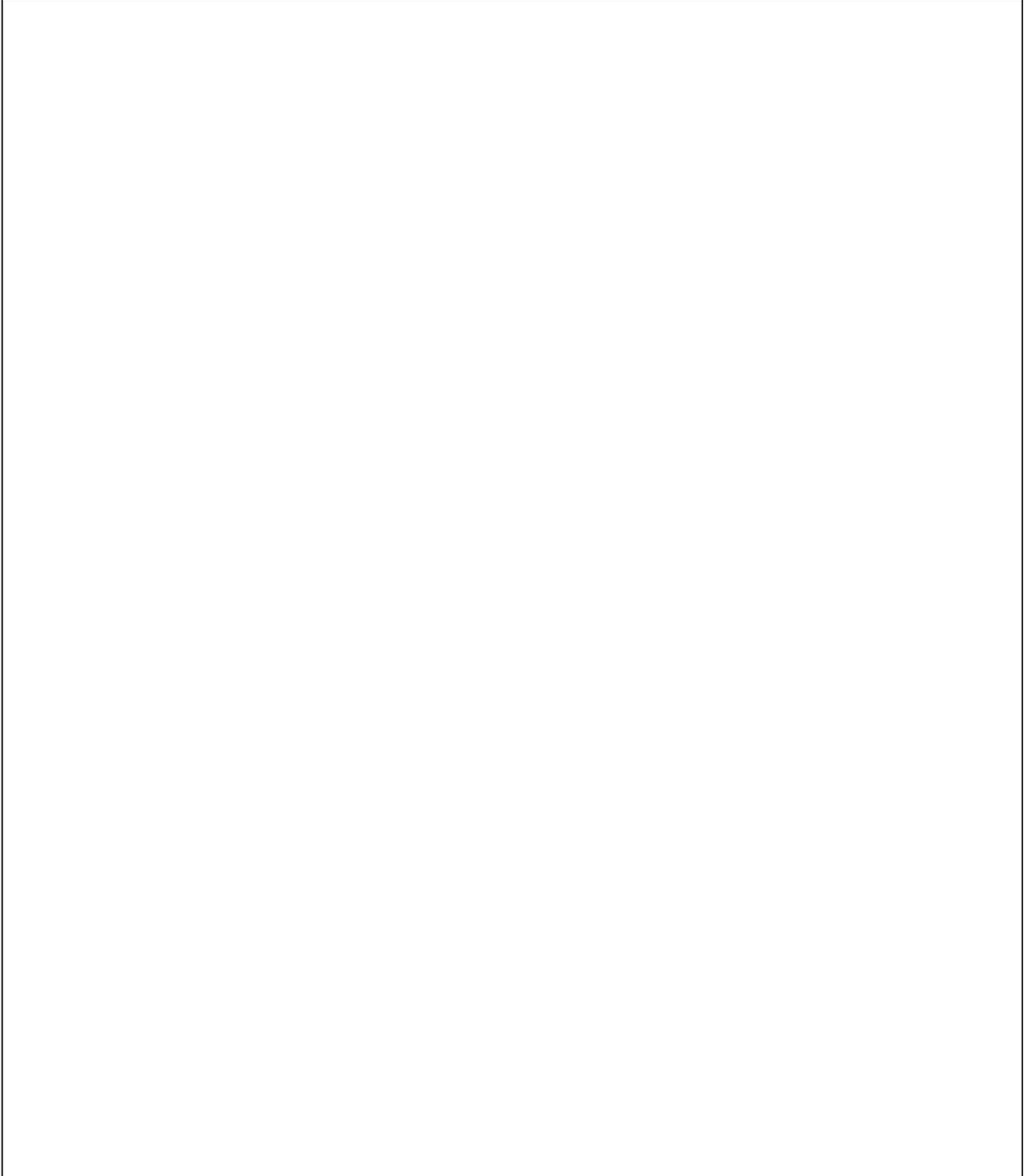
#### **Environmental Section**

#### **Choose one of the following:**

- |                                    |  |
|------------------------------------|--|
| Historic Properties                | <input type="checkbox"/> Impacts Anticipated <input type="checkbox"/> No Impacts Anticipated |
| Floodplain Management              | <input type="checkbox"/> Impacts Anticipated <input type="checkbox"/> No Impacts Anticipated |
| Flood Insurance                    | <input type="checkbox"/> Impacts Anticipated <input type="checkbox"/> No Impacts Anticipated |
| Wetlands                           | <input type="checkbox"/> Impacts Anticipated <input type="checkbox"/> No Impacts Anticipated |
| HUD 8-Step Decision Making Process | <input type="checkbox"/> Impacts Anticipated <input type="checkbox"/> No Impacts Anticipated |
| Airport Hazards                    | <input type="checkbox"/> Impacts Anticipated <input type="checkbox"/> No Impacts Anticipated |
| Endangered Species                 | <input type="checkbox"/> Impacts Anticipated <input type="checkbox"/> No Impacts Anticipated |
| Wild and Scenic Rivers             | <input type="checkbox"/> Impacts Anticipated <input type="checkbox"/> No Impacts Anticipated |
| Farmland Protection                | <input type="checkbox"/> Impacts Anticipated <input type="checkbox"/> No Impacts Anticipated |
| Noise Control                      | <input type="checkbox"/> Impacts Anticipated <input type="checkbox"/> No Impacts Anticipated |
| Explosive and Flammable Operations | <input type="checkbox"/> Impacts Anticipated <input type="checkbox"/> No Impacts Anticipated |
| Water Quality                      | <input type="checkbox"/> Impacts Anticipated <input type="checkbox"/> No Impacts Anticipated |
| Air Quality                        | <input type="checkbox"/> Impacts Anticipated <input type="checkbox"/> No Impacts Anticipated |
| Contamination and Toxic Materials  | <input type="checkbox"/> Impacts Anticipated <input type="checkbox"/> No Impacts Anticipated |
| Environmental Justice              | <input type="checkbox"/> Impacts Anticipated <input type="checkbox"/> No Impacts Anticipated |
| Land Use and Development           | <input type="checkbox"/> Impacts Anticipated <input type="checkbox"/> No Impacts Anticipated |
| Community Facilities and Services  | <input type="checkbox"/> Impacts Anticipated <input type="checkbox"/> No Impacts Anticipated |
| Wastewater                         | <input type="checkbox"/> Impacts Anticipated <input type="checkbox"/> No Impacts Anticipated |
| Solid Waste                        | <input type="checkbox"/> Impacts Anticipated <input type="checkbox"/> No Impacts Anticipated |
| Storm Water Drainage               | <input type="checkbox"/> Impacts Anticipated <input type="checkbox"/> No Impacts Anticipated |
| Lead Based Paint                   | <input type="checkbox"/> Impacts Anticipated <input type="checkbox"/> No Impacts Anticipated |
| Asbestos                           | <input type="checkbox"/> Impacts Anticipated <input type="checkbox"/> No Impacts Anticipated |
| Energy Consumption                 | <input type="checkbox"/> Impacts Anticipated <input type="checkbox"/> No Impacts Anticipated |

## **TIER II REVIEW FORM**

Provide an explanation for each of the “Impacts Anticipated” chosen on the preceding page (for guidance on how to determine impacts, refer to respective sections of the Statutory Checklist or Environmental Assessment, whichever document was prepared for the Tier I Review.) Attach all supporting documentation generated from the Tier II Review (i.e., correspondence to and from environmental agencies and Tribes, color maps/aerials, photographs, Field Visit Checklist & Site Evaluation form, web based documentation, etc.)



CDBG Administrative Manual  
Environmental Review  
**TIER II REVIEW FORM**

**CERTIFYING OFFICER'S CERTIFICATION OF THE TIER II REVIEW:**

In my capacity as Certifying Officer on behalf of the Responsible Entity (RE) and in conformance with 24 CFR Part 58, I certify that I have independently evaluated the Tier II Review, including all related documentation, and have supplemented the Tier II Review with additional information where appropriate. On behalf of the Responsible Entity, I assume responsibility for the accuracy of the information contained herein.

Based on the completed Tier II Review, I make the following determination:

- There are anticipated impacts not identified or adequately addressed in the Tier I Review that require further examination at the Tier II Review level.
- There are no anticipated impacts that were not adequately addressed in the Tier I Review and/or identified in the Tier II Review.

I hereby approve the Tier II Review and acknowledge all identified conditions for approval that must be implemented and appropriately documented.

\_\_\_\_\_  
Signature, RE Certifying Officer

\_\_\_\_\_  
Date

**PREPARER'S CERTIFICATION OF THE TIER II REVIEW:**

As preparer of the Tier II Review as designated by the Responsible Entity, I certify to the accuracy of the information contained herein.

\_\_\_\_\_  
Preparer Signature

\_\_\_\_\_  
Date

- Field Visit Checklist & Site Evaluation and supporting documentation attached.**

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

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

The ERR shall contain a clear description of all known activities proposed throughout the course of the project, a timetable or schedule of the activities, and whether the environmental review is intended to encompass the project over time, in phases. Each phase must be explained in as much detail as possible at the time of the initial review. The estimated *total* project cost shall also be listed.

Address cumulative, direct, and indirect effects of all proposed activities that will occur in the project over several years. 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 verifying the validity of the environmental review and finding. Update the ERR as necessary to include any changes to the scope, magnitude and location of project activities. Remember to contact environmental agencies for review and comment, as well as Indian tribes, when significant changes are proposed and prior to their implementation.

## **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. 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 USDA Rural Development, MO Dept. of Natural Resources (DNR), MO Housing Development Commission (MHDC), HUD, U.S. Dept. of Commerce, Economic Development Administration (EDA), MO Dept. of Transportation (MODOT), US Environmental Protection Agency (EPA), or 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 following are met:

Other agencies' environmental reports/assessments must be current and all project activities regardless of funding source must be included. Reports and assessment must be supplemented, as necessary, to include HUD/CDBG environmental compliance requirements. To ensure all requirements are met, it is helpful to use the '*CDBG Environmental Impact Checklist*', located in this chapter. Other agency environmental reports/assessments 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 RE would publish the required HUD/CDBG public notices and observe applicable comment periods.

**\* *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.

**RE-EVALUATION OF ENVIRONMENTAL ASSESSMENTS  
AND OTHER ENVIRONMENTAL FINDINGS  
[24 CFR §58.47]**

The re-evaluation of an environmental assessment or other environmental findings is required when new activities are added, unexpected conditions arise, or substantial changes are made to the nature, location, magnitude or extent of an existing or previous project. The RE must re-evaluate the Environmental Review Record (ERR) with respect to any changes in project scope to determine if the original finding [Finding of No Significant Impact (FONSI) or Finding of Significant Impact (FOSI)] remains valid. If the RE determines the FONSI remains valid and the FONSI notice has already been published, no additional FONSI notice is required for publication. However, the RE must amend the existing CDBG environmental review record to document new activities/sites and environmental impacts associated with any changes proposed in the project prior to their implementation (see below). 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. If the RE determines the original finding is no longer valid, it must prepare an Environmental Assessment (EA), or an Environmental Impact Statement (EIS) if its evaluation indicates potentially significant environmental impacts. Contact the CDBG Environmental Officer for guidance if an RE is re-evaluating its ERR.

**AMENDING THE ORIGINAL ENVIRONMENTAL REVIEW RECORD (ERR)**

An amendment to an RE's existing CDBG environmental review record is required prior to finalizing any new project sites and implementing any new activities. All proposed changes must conform to the original project scope (the original need for the project). The "Amendment to the ERR" form must be completed and all supporting documentation attached. Submit to CDBG for review and comment. The RE Certifying Officer and the ER Preparer must sign and date the final submission. Amendments must be included in the RE's ERR.

**AMENDMENT TO THE ENVIRONMENTAL REVIEW RECORD**

Responsible Entity:

Project Number:

Project Name:

**Estimated Project Costs for Proposed Activities – All Sources & Amounts:**

Total Project Cost: _____	
CDBG Funds: _____	Other State Funds: _____
Local Cash Contributions: _____	Other Federal Funds: _____
Private Contributions: _____	In-Kind Contribution: _____

**Preliminary Project Design: Check the appropriate box or boxes and attach:**

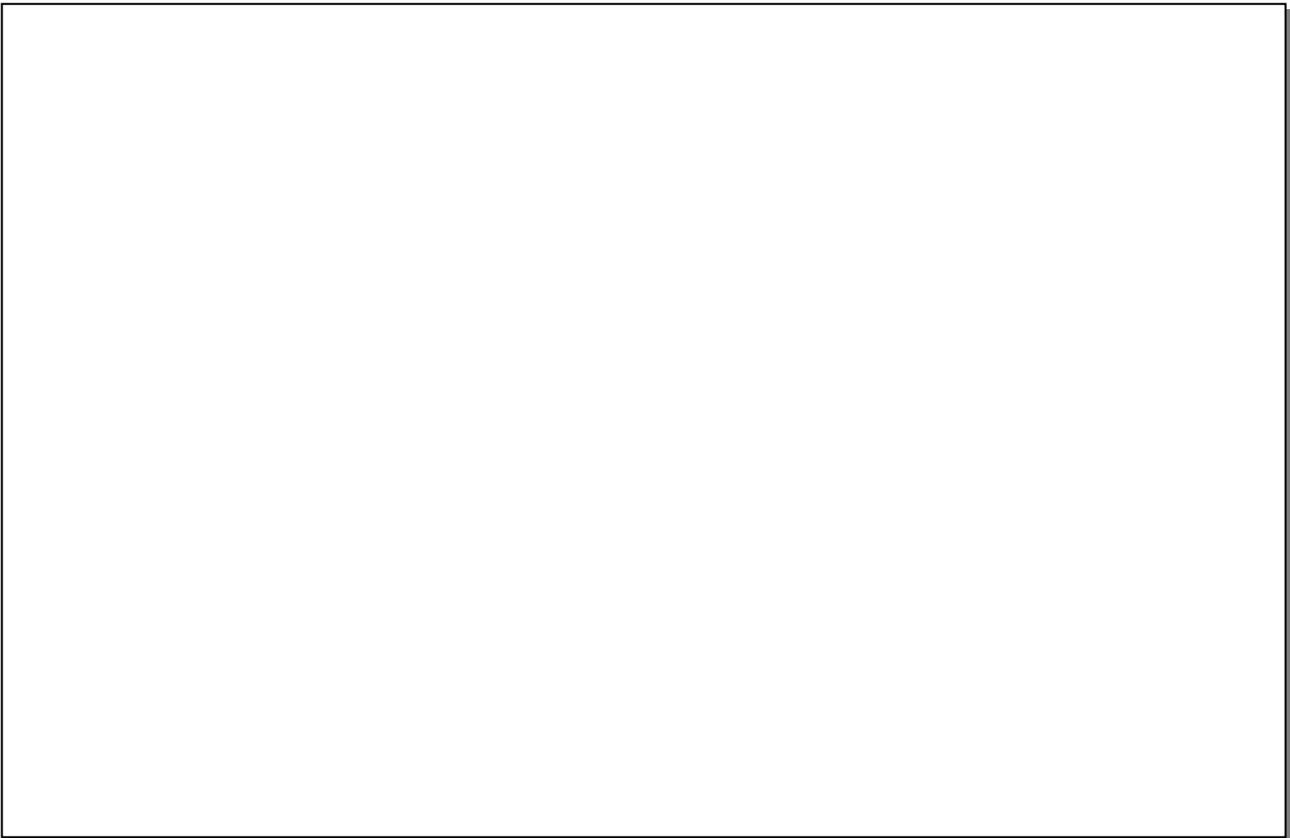
<input type="checkbox"/> PER	Date: _____	Firm: _____	
<input type="checkbox"/> Addendums		Number of Addendums to Date: _____	
<input type="checkbox"/> PAR	Date: _____	Firm: _____	
<input type="checkbox"/> Addendums		Number of Addendums to Date: _____	
<input type="checkbox"/> Site Plan	<input type="checkbox"/> Building Plans	<input type="checkbox"/> Design Drawings/Renderings	<input type="checkbox"/> Work Write-up
<input type="checkbox"/> Cost Estimates/Revised Budget			
<input type="checkbox"/> Other: _____			
<input type="checkbox"/> N/A – Explain: _____			

**Project Description As Originally Funded:**

**Proposed Project Activities**

A large, empty rectangular box with a thin black border, intended for describing proposed project activities.

**Conditions for Approval for Proposed Activities**

A large, empty rectangular box with a thin black border, intended for listing conditions for approval for proposed activities.

**AMENDMENT TO THE ENVIRONMENTAL REVIEW RECORD**

**REVIEW OF ENVIRONMENTAL IMPACTS:**

For each impact area listed below, chose the appropriate option specific to changes proposed in this amendment.

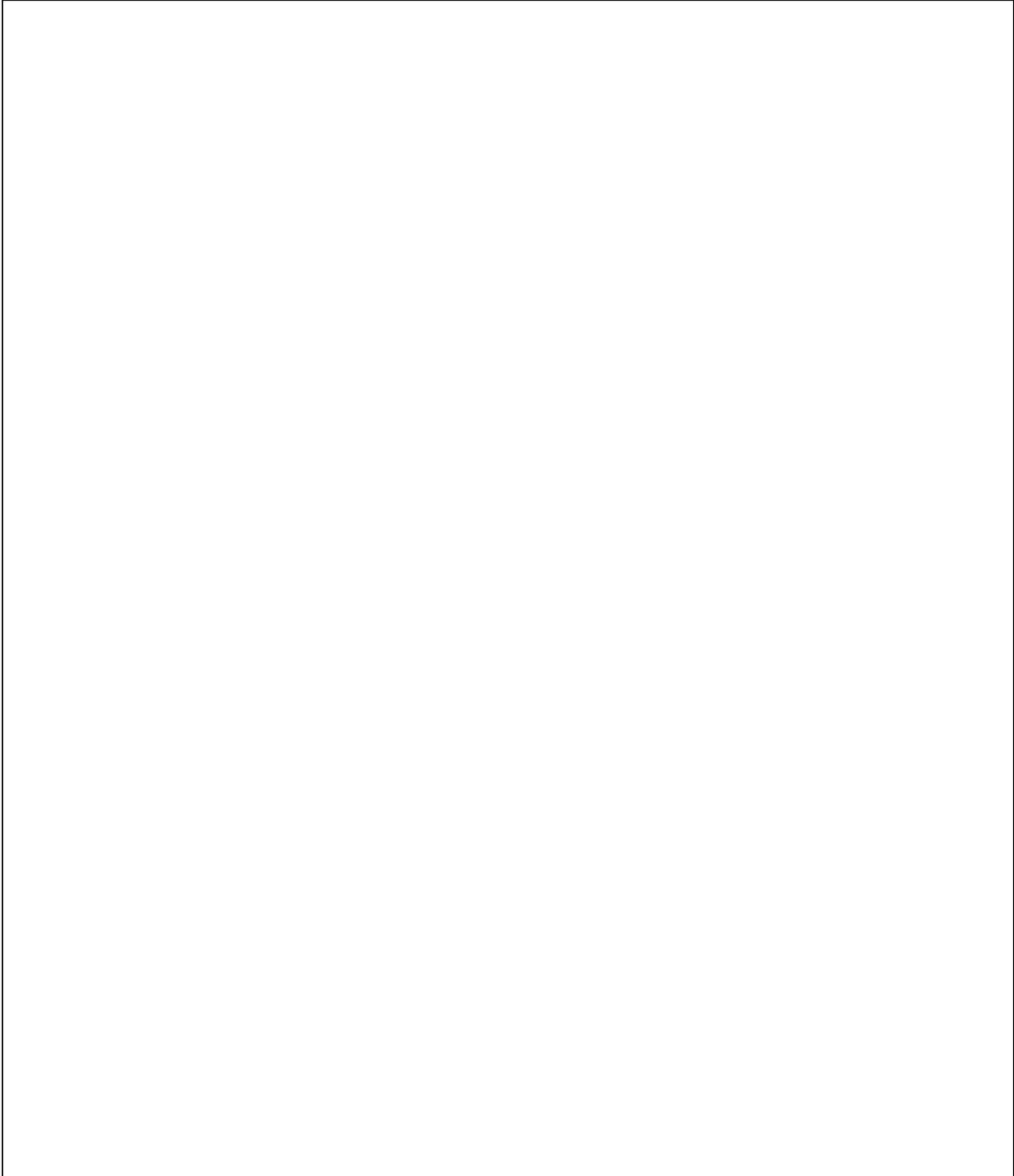
**Environmental Section**

**Choose One of the Following:**

- |                                    |  |
|------------------------------------|--|
| Historic Properties                | <input type="checkbox"/> Impacts Anticipated <input type="checkbox"/> No Impacts Anticipated |
| Floodplain Management              | <input type="checkbox"/> Impacts Anticipated <input type="checkbox"/> No Impacts Anticipated |
| Flood Insurance                    | <input type="checkbox"/> Impacts Anticipated <input type="checkbox"/> No Impacts Anticipated |
| Wetlands                           | <input type="checkbox"/> Impacts Anticipated <input type="checkbox"/> No Impacts Anticipated |
| HUD 8-Step Decision Making Process | <input type="checkbox"/> Impacts Anticipated <input type="checkbox"/> No Impacts Anticipated |
| Airport Hazards                    | <input type="checkbox"/> Impacts Anticipated <input type="checkbox"/> No Impacts Anticipated |
| Endangered Species                 | <input type="checkbox"/> Impacts Anticipated <input type="checkbox"/> No Impacts Anticipated |
| Wild and Scenic Rivers             | <input type="checkbox"/> Impacts Anticipated <input type="checkbox"/> No Impacts Anticipated |
| Farmland Protection                | <input type="checkbox"/> Impacts Anticipated <input type="checkbox"/> No Impacts Anticipated |
| Noise Control                      | <input type="checkbox"/> Impacts Anticipated <input type="checkbox"/> No Impacts Anticipated |
| Explosive and Flammable Operations | <input type="checkbox"/> Impacts Anticipated <input type="checkbox"/> No Impacts Anticipated |
| Water Quality                      | <input type="checkbox"/> Impacts Anticipated <input type="checkbox"/> No Impacts Anticipated |
| Air Quality                        | <input type="checkbox"/> Impacts Anticipated <input type="checkbox"/> No Impacts Anticipated |
| Contamination and Toxic Materials  | <input type="checkbox"/> Impacts Anticipated <input type="checkbox"/> No Impacts Anticipated |
| Environmental Justice              | <input type="checkbox"/> Impacts Anticipated <input type="checkbox"/> No Impacts Anticipated |
| Land Use                           | <input type="checkbox"/> Impacts Anticipated <input type="checkbox"/> No Impacts Anticipated |
| Community Facilities and Services  | <input type="checkbox"/> Impacts Anticipated <input type="checkbox"/> No Impacts Anticipated |
| Wastewater                         | <input type="checkbox"/> Impacts Anticipated <input type="checkbox"/> No Impacts Anticipated |
| Solid Waste                        | <input type="checkbox"/> Impacts Anticipated <input type="checkbox"/> No Impacts Anticipated |
| Storm Water Drainage               | <input type="checkbox"/> Impacts Anticipated <input type="checkbox"/> No Impacts Anticipated |
| Lead Based Paint                   | <input type="checkbox"/> Impacts Anticipated <input type="checkbox"/> No Impacts Anticipated |
| Asbestos                           | <input type="checkbox"/> Impacts Anticipated <input type="checkbox"/> No Impacts Anticipated |
| Energy Consumption                 | <input type="checkbox"/> Impacts Anticipated <input type="checkbox"/> No Impacts Anticipated |

**AMENDMENT TO THE ENVIRONMENTAL REVIEW RECORD**

Provide an explanation for each of the “Impacts Anticipated” chosen on the preceding page (for guidance on how to determine impacts, refer to respective sections of the Statutory Checklist or Environmental Assessment, whichever document was originally prepared.) Attach all supporting documentation generated from the Amendment (i.e., correspondence to and from environmental agencies and Tribes, color maps/aerials, photographs, Field Visit Checklist & Site Evaluation form, web based documentation, etc.)



**AMENDMENT TO THE ENVIRONMENTAL REVIEW RECORD**

**CERTIFICATION OF ORIGINAL ENVIRONMENTAL FINDING:**

The Responsible Entity has completed an Amendment to the Environmental Review Record. In conformance with HUD Federal regulation 24 CFR 58.47 – *Re-evaluation of environmental assessment and other environmental findings*, the original environmental review record was examined and the Finding of No Significant Impact (FONSI) determination remains valid.

In my capacity as Certifying Officer on behalf of the Responsible Entity and in conformance with Part 58, I certify that I have independently evaluated the Amendment, including all related documentation, and have supplemented the Amendment with additional information where appropriate. On behalf of the Responsible Entity, I assume responsibility for the accuracy of the information contained herein. I hereby approve the Amendment and acknowledge all identified conditions for approval that must be implemented and appropriately documented.

\_\_\_\_\_  
Signature, RE Certifying Officer

\_\_\_\_\_  
Date

**PREPARER'S CERTIFICATION:**

As preparer of the Amendment as designated by the Responsible Entity, I certify to the accuracy of the information contained herein.

\_\_\_\_\_  
Preparer Signature

\_\_\_\_\_  
Date

## PROPERTY ACQUISITION

If there is intent to apply for HUD funds and/or the NEPA review for a project proposed with HUD funds has begun, it is critical that formal property acquisition does not occur prior to the completion of the environmental review and DED's issuance of 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 (3 page document). The sample agreement may be modified to suit a particular project. Contact CDBG if assistance is necessary.

**REMINDER: 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**

THIS OPTION AGREEMENT is made this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by and between \_\_\_\_\_, (insert category of seller – corporation, LLC, single person, married person) whose address is \_\_\_\_\_ (Seller), and \_\_\_\_\_ and \_\_\_\_\_, (insert category of buyer such as husband and wife, corporation, LLC), whose address is \_\_\_\_\_ (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 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. 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.

**BUYER:**

Date:

\_\_\_\_\_

\_\_\_\_\_

Printed Name: \_\_\_\_\_

\_\_\_\_\_

Printed Name: \_\_\_\_\_

**SELLER:**

Date:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Printed Name: \_\_\_\_\_

CDBG Administrative Manual  
Environmental Review  
EXHIBIT 1

Property Address: \_\_\_\_\_

Property Legal Description:

## **ECONOMIC DEVELOPMENT PROJECTS**

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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 possible 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 proposing 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 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 activities proposed by all funding sources must be included in the environmental review. Environmental reviews are not conducted solely on activities proposed with CDBG funds.
- 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 other agencies, may not fulfill all CDBG requirements. However, this information may be adopted by a Responsible Entity for use in completing the CDBG environmental review.
- Ensure there is a detailed description of a company's operations along with their proposed activities. See the following *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.

CDBG Administrative Manual  
Environmental Review  
**COMMUNITY DEVELOPMENT BLOCK GRANT**  
**ECONOMIC DEVELOPMENT CHECKLIST FOR ENVIRONMENTAL REVIEW**  
**COMPANY-SPECIFIC INFORMATION**

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**RESPONSIBLE ENTITY:** \_\_\_\_\_ **NAME OF COMPANY:** \_\_\_\_\_

**1. FUNDING SOURCES**

Provide the **NAME** of the funding source, **AMOUNT** of funds, and **USE** of all funds proposed in the project:

	NAMES	AMOUNTS	USES
<input type="checkbox"/> <b>Local Govt (city or county)</b>			
<input type="checkbox"/> <b>State Agencies:</b>			
<input type="checkbox"/> <b>Federal Agencies:</b>			
<input type="checkbox"/> <b>Company:</b>			
<input type="checkbox"/> <b>CDBG:</b>			
<input type="checkbox"/> <b>Other:</b>			
<b>Total Project Cost:</b> _____			

**2. COMPANY OPERATIONS**

Indicate the nature of the company (industrial, manufacturing, distribution, storage/warehouse, etc.) and describe the company's operations (what they do, how they do it):

### 3. COMPANY PERMITTING REQUIREMENTS

Indicate all company permitting requirements with regard to the CDBG-assisted project. Submit permits with the environmental review. (Clean Air Act, Clean Water Act, Hazardous Waste, Solid Waste, NPDES, local permitting, etc.)

### 4. TRAFFIC & HOURS OF OPERATION:

Days of company operation: \_\_\_\_\_

# shifts per day: \_\_\_\_\_

Hours of each shift: \_\_\_\_\_

Will hours of operation and the number of shifts change as a result of the CDBG-assisted project and will existing traffic control be sufficient - explain?

### 5. NOISE:

Explain noise associated or anticipated with company operations:

Are there noise sensitive uses around the site:

- If YES, what are the uses:  Residential       Hospitals/Medical Clinics       Schools       Library  
 Nursing Home       Day Care       Group Home       Senior Housing  
 Other \_\_\_\_\_

### 6. EXPLOSIVE AND FLAMMABLE OPERATIONS:

Does the company currently use or house above-ground fuel storage tanks?     YES     No

If YES: # of Tanks: \_\_\_\_\_ Volume (gal) of tanks: \_\_\_\_\_

Contents of tanks: \_\_\_\_\_

Are tanks pressurized?     YES     No      Are tanks diked?     YES     No

Does the company house, use or store any other types of explosive or flammable materials?     YES     No

If YES, explain:

If YES, does the company have an emergency plan or other type of plan or requirements related to safety of operations? If yes, submit with the environmental review.

## 7. CONTAMINATION AND TOXIC SUBSTANCES

Does the company handle, store, or use contaminants or toxic substances?  YES  No

If YES, does the company have a plan or requirements related to the use of these substances? If yes, submit with the environmental review.

If YES, explain:

## 8. WATER & SEWER USAGE

Indicate the company's proposed water and sewer usage at the project site (obtain something in writing from the company):

Indicate whether the water and sewer systems have the capacity to serve the company and the project (obtain something from a representative of the water and sewer systems and/or the project engineer):

## 9. AIR QUALITY

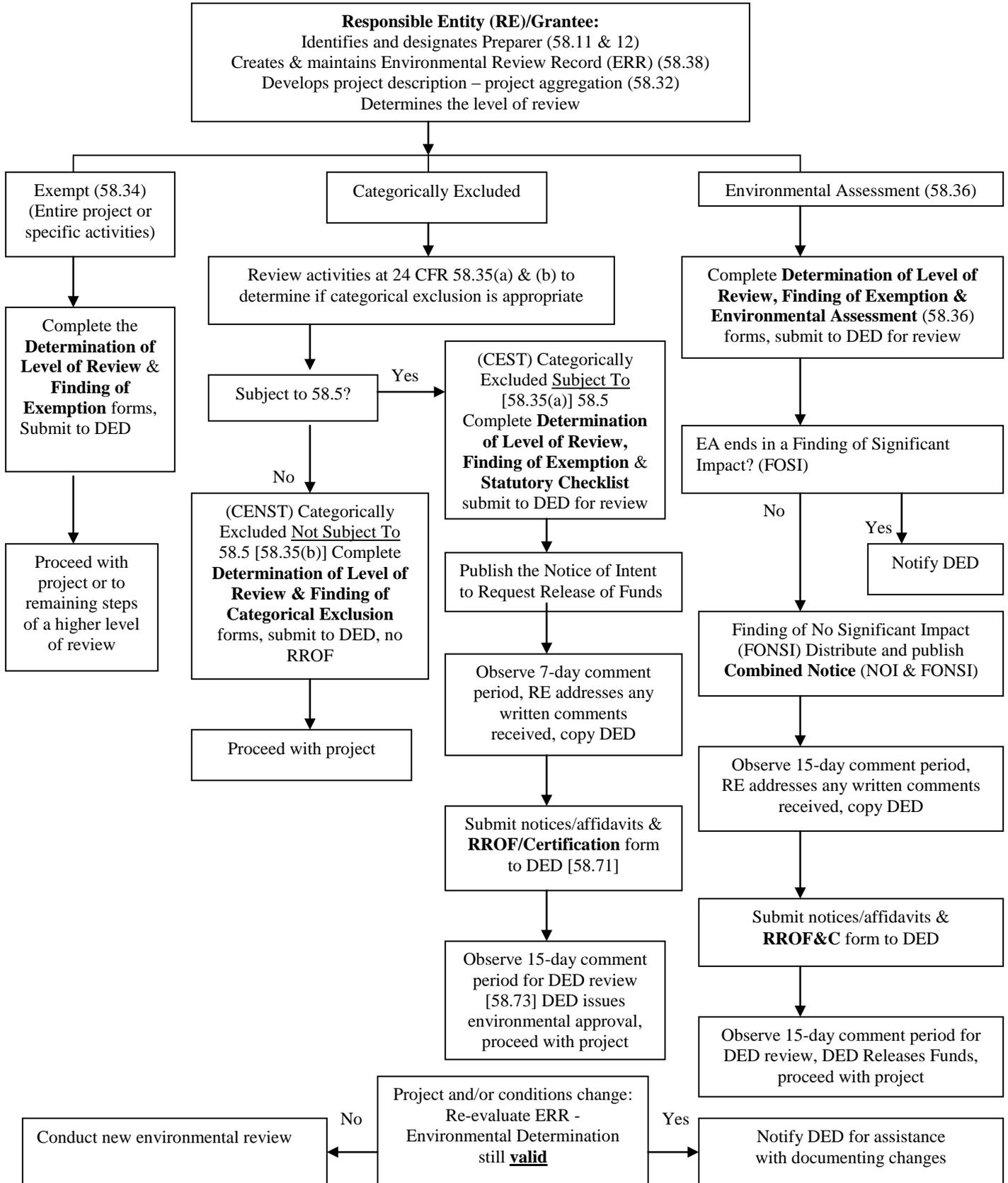
Indicate whether the company will have air emissions, the types, and amounts and whether they are permitted (obtain something in writing from the company):

Indicate whether the city/county has adopted an ordinance for air emissions and whether located in an EPA non-attainment area (obtain something from the city/county and copy of the local ordinance):

Indicate the types of solid waste to be generated by the company's operations. (obtain something in writing from the company):

## 10. ADDITIONAL INFORMATION

MISSOURI CDBG ENVIRONMENTAL REVIEW PROCESS  
General Flow of Review Procedures  
24 CFR Part 58





## COMMUNITY DEVELOPMENT BLOCK GRANT DETERMINATION OF LEVEL OF ENVIRONMENTAL REVIEW

RESPONSIBLE ENTITY (RE)	
PROJECT NAME	
CDBG PROJECT # (IF FUNDED)	DETAILED PROJECT LOCATION/ADDRESS
DETAILED PROJECT DESCRIPTION - <u>ALL</u> ACTIVITIES BY <u>ALL</u> FUNDING SOURCES (ATTACH ADDITIONAL PAGES AS NECESSARY)	
<p>The subject project has been reviewed by the RE in accordance with HUD regulation 24 CFR Part 58. The following Determination of Level of Environmental Review is made:</p> <p><i>(Check the box for the appropriate level and insert full citation in the blank space provided. Refer to <a href="http://www.access.gpo.gov/nara/cfr/waisidx_09/24cfr58_09.html">http://www.access.gpo.gov/nara/cfr/waisidx_09/24cfr58_09.html</a> for appropriate citation.)</i></p> <p><input type="checkbox"/> <b>Exempt</b> from NEPA review requirements per 24 CFR 58.34(a)(___)</p> <p><input type="checkbox"/> <b>Categorically Excluded NOT Subject To</b> (CENST) §58.5 authorities per 24 CFR 58.35(b)(___)</p> <p><input type="checkbox"/> <b>Categorically Excluded SUBJECT To</b> (CEST) §58.5 authorities per 24 CFR 58.35(a)(___) <i>(Preparation of the Statutory Checklist is required.)</i></p> <p><input type="checkbox"/> <b>Environmental Assessment</b> (EA) is required in accordance with subpart E of 24 CFR Part 58.36</p> <p><input type="checkbox"/> <b>Environmental Impact Statement</b> (EIS) is required.</p>	
<p>The Environmental Review Record (ERR), pursuant to §58.38, contains all environmental documents, public notices and written determinations or findings required as evidence of the review, decision making, and actions pertaining to this project. Additional information (e.g., checklists, studies, analyses, etc.) are included, as appropriate, in the ERR.</p>	
<b>PREPARED BY</b>	
PRINT NAME	SIGNATURE
TITLE	DATE
<b>RESPONSIBLE ENTITY CERTIFYING OFFICER</b>	
PRINT NAME	SIGNATURE
TITLE	DATE



**COMMUNITY DEVELOPMENT BLOCK GRANT  
FINDING OF EXEMPTION  
FOR SPECIFIC EXEMPT PROJECT ACTIVITIES OR EXEMPT ONLY  
PROJECT (24 CFR §58.34)**

RESPONSIBLE ENTITY (RE)	
RE ADDRESS	
PROJECT NAME	
CDBG PROJECT # (IF FUNDED)	TOTAL AMOUNT OF FUNDS FOR <u>EXEMPT ACTIVITIES</u>
The following activities have been determined <b>Exempt</b> in accordance with 24 CFR 58.34:	
LIST ALL EXEMPT ACTIVITIES BY ALL FUNDING SOURCES:	
PREPARER SIGNATURE	DATE
PREPARER NAME & TITLE	
PREPARER'S AGENCY (IF DIFFERENT FROM RE)	
As RE Certifying Officer, I understand the activities listed above are exempt from NEPA review requirements as specified at 58.34 and do not require a formal release of funds (environmental approval). I understand the RE may proceed with the above activities.	
RE CERTIFYING OFFICER SIGNATURE	DATE
RE CERTIFYING OFFICER NAME & TITLE	



**FINDING OF CATEGORICAL EXCLUSION,  
NOT SUBJECT TO RELATED STATUTORY AUTHORITIES [24 CFR §58.35(b)]**

Responsible Entity: _____ Project Name: _____ Project Number (if funded): _____ Project Location: _____
The RE must determine whether the project is Categorically Excluded from the National Environmental Policy Act of 1969 (NEPA), as amended, and whether subject to the statutory authorities listed at 24 CFR §58.5. Provide a detailed description of the project in the box below and attach all applicable documentation for submittal to DED. The Responsible Entity must maintain all documentation in the Environmental Review Record. Consulted HUD's Part 58 regulation as necessary.
<b>Provide a <u>detailed</u> description of <u>ALL</u> project activities by <u>ALL</u> funding sources:</b>
Check a <b>single box</b> that best describes or fits the proposed project.
<input type="checkbox"/> Tenant-based rental assistance [58.35(b)(1)]. <input type="checkbox"/> Supportive services [58.35(b)(2)], including, but not limited to, health care, housing services, permanent housing placement, day care, nutritional services, and short-term payments for rent/mortgage/utility costs. <input type="checkbox"/> Operating costs [58.35(b)(3)], including maintenance, security, operation, utilities, furnishings, equipment, supplies, staff training and recruitment, and other incidental costs. <input type="checkbox"/> Economic development activities [58.35(b)(4)], 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. <input type="checkbox"/> Activities to assist homeownership of existing or new dwelling units not assisted with Federal funds [58.35(b)(5)], including closing costs and down payment assistance to home buyers, interest buy-downs, and similar activities that result in the transfer of title to a property. <input type="checkbox"/> Affordable housing predevelopment costs [58.35(b)(6)], 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.
<input type="checkbox"/> Approval of supplemental assistance [58.35(b)(7)], (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 no required under §58.47

<p><b>§58.6 Requirements:</b> The Responsible Entity must also ensure compliance with §58.6 requirements; Flood Disaster Protection Act of 1973/Flood Insurance, Coastal Barriers Resources Act, and Airport Runway Clear Zones/Clear Zone Disclosures. Completion of the remainder of this form, along with attached documentation, will serve as evidence of compliance with these requirements.</p>	
<p>Does the project involve acquisition, construction, or rehabilitation of structures, buildings, or mobile homes by any funding sources? (Attach FEMA Map with Panel Number &amp; Date) <span style="float: right;"><input type="checkbox"/> YES <input type="checkbox"/> NO</span></p>	
<p><u>If Yes</u>, does the community participate in the National Flood Insurance Program (or has less than one year passed since FEMA notification of Special Flood Hazards)? <span style="float: right;"><input type="checkbox"/> YES <input type="checkbox"/> NO</span>  <a href="#">FEMA Community Status Book</a> - Attach the appropriate page</p>	
<p><u>If Yes</u>, and the project lies in a FEMA-identified Special Flood Hazard Area and HUD assistance is provided as a grant, flood insurance must be maintained for the economic life of the project in the amount of total project costs or up to the maximum allowable coverage, whichever is less. If HUD/CDBG assistance is provided as a loan, insurance must be maintained for the term of the loan, in the amount of the loan, or up to the maximum allowable coverage, whichever is less. A copy of the flood insurance policy declaration must be contained in the Environmental Review Record.</p> <p><b>If No, Federal assistance may not be used in the Special Flood Hazard Area.</b></p>	
<p>Is the project located in a Coastal Barrier Resource Area? (There are no CBRA's in MO.) <span style="float: right;"><input type="checkbox"/> YES <input checked="" type="checkbox"/> NO</span>  <a href="#">NOAA Coastal Management</a> - Print and attach</p>	
<p>Does the proposed activity entail the sale or acquisition of existing property within a Civil Airport's Runway Protection Zone, Approach Protection Zone, or a Military Installation's Protection Zone? <span style="float: right;"><input type="checkbox"/> YES <input type="checkbox"/> NO</span></p> <p><u>If Yes</u>, the Responsible Entity shall provide notification to the prospective buyer in accordance with the procedures at 24 CFR §58.6(c) and maintain a copy of the signed disclosure statement in the Environmental Review Record. And copy must be attached to this form for submittal to DED.</p>	
<p>In accordance with the provisions at 24 CFR §58.35(b), the Responsible Entity has determined the project is Categorically Excluded from the National Environmental Policy Act of 1969 (NEPA), as amended, and Not Subject to the Related Part 58.5 Statutory Authorities.</p>	
<b>RESPONSIBLE ENTITY (RE) LOCATION (CITY/COUNTY)</b>	<b>DATE</b>
<b>PREPARED BY</b>	
PRINT NAME	SIGNATURE
<b>RE/GRANTEE CERTIFYING OFFICER</b>	
SIGNATURE	

**SAMPLE COVER LETTER TO ENVIRONMENTAL AGENCIES**

**REQUEST FOR PROJECT REVIEW & COMMENT**

*(Date)*

Mr./Ms. \_\_\_\_\_

Agency Name \_\_\_\_\_

Address \_\_\_\_\_

Address \_\_\_\_\_

RE: *Grantee/applicant & Descriptive name of project*

Dear \_\_\_\_\_,

The *City/County/Village* of \_\_\_\_\_ is preparing a NEPA environmental review regarding a funding application for the State-administered Community Development Block Grant Program (CDBG). The *City/County/Village* requests your review of this proposed project to determine the potential for any adverse environmental impacts (*list specific environmental impacts to be addressed, as appropriate*).

The proposed project is located at (*Detailed address – street/road/highway address, coordinates, boundaries, city, county, etc.*) and will consist of (*Detailed description of project including all activities proposed by all funding sources - all project descriptions should remain the same on all project documents*).

**Enclosed you will find the following items:**

- Topographic map with project site clearly identified
- Aerial map
- Color photographs of the site and surrounding area
- Preliminary engineering report
- Preliminary architectural report
- Other \_\_\_\_\_

Please provide written comments and/or recommendations for any mitigation measures by \_\_\_\_\_, (*Insert date – allow sufficient time, 30 days from receipt of the information is encouraged, longer if project is complex. Allow at least 5 days for receipt of information.*)

Should any significant changes be proposed to the location and/or scope of the proposed project, you will be notified in writing prior to the initiation of any construction activities for the opportunity to review and comment. Please contact me at (*Telephone Number*) or by e-mail at (*E-mail Address*) if you have any questions or require additional information. Thank you for your assistance.

Sincerely,

*Your Name/Title/Agency*

**SAMPLE COVER LETTER TO STATE HISTORIC PRESERVATION OFFICE**

(Date)

Missouri State Historic Preservation Office  
Attention: Review and Compliance  
P.O. Box 176  
Jefferson City, Missouri 65102

Re: Rehabilitation/Demolition/etc. at (Address, City, County, State, Zip code), (Federal Funding Agency)

Dear Compliance Officer:

Enclosed please find a request for review pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended. Per your requirements, we have included the following information:

- Section 106 Project Information Form
- Topographic and/or city map that clearly marks the project area and defines the area of potential effects
- A topographic and current aerial map marking the exact location of borrow material where applicable
- Photographs of the project area that are not photocopied, are at least 3 x 5 inches, and clearly show the primary façade of the buildings and streetscape showing buildings along the project corridor. For your convenience, these have been provided in color.
- Additional documentation (e.g. scope of work, bid, construction plans, site plans) to describe in detail the undertaking

**Check one of the following:**

The property is not listed in the National Register of Historic Places and does not appear to meet National Register criteria of eligibility. Therefore, we have determined that no historic properties will be affected by this undertaking. We request your concurrence.

**OR**

The property is listed in the National Register of Historic Places. We have applied the criteria of adverse effect and find that the proposed undertaking will have:  *no adverse effect*  *an adverse effect* on historic properties. We request your concurrence.

I am aware the SHPO has 30 days upon receipt of adequate information to review and comment on the impact of this undertaking. I am also aware that if the initial Section 106 submission is not sufficient and additional information is requested, a second 30-day review will begin upon SHPO's receipt of the additional information.

If you have any questions, please contact me at (insert phone number and email).

Sincerely,

Name/Title/Agency

Encl.

C: DED/CDBG

## CONSULTING WITH INDIAN TRIBES DURING THE SECTION 106 REVIEW PROCESS

### **OVERVIEW:**

REs must make reasonable, good faith efforts to identify and contact Indian tribes as part of the Section 106 Process. Tribes should be provided a draft scope of the project during planning stages, clearly identifying the proposed Area of Potential Effect (APE). Consultation should be respectful of tribal sovereignty in a manner that recognizes and is sensitive to tribal preservation interests. Contact and consultation without thoughtful regard to tribal interests and sensitivity to tribal sovereignty could result in mistrust and miscommunication, resulting in a prolonged review. The Statutory Checklist and Environmental Assessment documents contain the “*Determination to Consult with Tribes Under Section 106*” form for assistance in determining when it is required to contact interested Tribes.

There are no federally-recognized Indian reservations in the State of Missouri. However, because the National Historic Preservation Act (NHPA) does not restrict tribal consultation to federally-recognized tribal lands alone, consultation is also required for *off tribal lands*. Off tribal lands may be the ancestral homelands of tribes containing historic properties of religious and cultural significance.

Tribal Historic Preservation Officers, or THPOs, are the counterpart to the State Historic Preservation Officers (SHPOs). There are currently no THPOs in the State of Missouri. As a result, these tribes designate who will represent them in consultation for proposed undertakings off tribal lands. Tribes without THPOs off tribal lands have the same rights as tribes with THPOs, to serve as consulting parties in the Section 106 Process.

### **HUD TRIBAL DIRECTORY ASSESSMENT TOOL (TDAT):**

REs must access HUD’s Tribal Directory to identify interested tribes and to obtain tribal contact information. The directory indicates tribes and their counties of interest in a particular state. Consult the database each time a Section 106 Review is initiated as information in the directory is subject to change. **HUD Tribal Directory Assessment Tool (TDAT): [HUD TDAT](#).**

### **DETERMINE IF TRIBAL CONSULTATION IS REQUIRED:**

Not all projects require consultation with Indian tribes. Consultation with tribes is required when a project includes activities that have the potential to affect historic properties of religious and cultural significance to tribes. These types of activities include ground disturbance (digging), new construction in undeveloped natural areas, introduction of incongruent visual, audible, or atmospheric changes, work on a building or structure with significant tribal association, or transfer, lease or sale of historic properties of religious and cultural significance.

### **CHECKLIST ON WHEN TO CONSULT WITH TRIBES**

Use the Determination to Consult with Tribes Under Section 106 checklist included in the Statutory Checklist and Environmental Assessment to determine if the project includes types of activities that have the potential to affect historic properties of religious and cultural significance. If not, tribal consultation is not required. Keep a copy of the checklist in the Environmental Review Record (ERR) within the Historic Properties section. If needed, you may seek technical assistance from State CDBG staff. If consultation is required, follow the steps below.

### **GOVERNMENT-TO-GOVERNMENT CONSULTATION:**

Consultation with tribes should be initiated by the **RE’s Certifying Officer** through a letter to the leadership of each tribe. The Certifying Officer, for the purposes of Missouri CDBG REs (Presiding Commissioners, Mayors, and Village Chairpersons), is the person who has jurisdiction over the undertaking and takes legal responsibility for Section 106 compliance. **Other persons (i.e. regional planning commissions and councils of governments, private grant consultants, local government staff persons, etc.) may assist the Certifying Officer in preparing submittals to tribes and in carrying out consultations, but must not sign letters or attempt to carry out tribal consultation on their own.** The Certifying Officer should provide tribes the same information provided to the SHPO including land, buildings, and structures that may be affected by proposed undertakings. The Section 106 Review must be complete before approving and/or committing funds to a project.

### **TIMESFRAMES:**

The agency official should **allow no less than 30 days for response** for tribes upon receipt of project information. It is acceptable to submit project information by email or regular mail. If a Tribe does not respond to the initial request for comment, a second attempt may be made, particularly for projects that involve ground-disturbing activities on undeveloped land, large-scale complex projects, and/or projects that are controversial in nature.

- Email: An RE may assume that an emailed letter is received the date it is sent. It is highly encouraged to send emails with a “read receipt” option, if available. All project information, including necessary attachments, must be included with the email.
- Regular Mail: For regular mail, it is suggested to begin the 30-day response period no less than 7 days after the day information is mailed. It is highly encouraged that the RE mail letters via certified mail to ensure a tribe’s receipt of the information. If a tribe has not responded within the designated time frame indicated in the RE’s initial letter, it may be assumed that the tribe has no comment about the proposed project undertakings. An RE may submit a second letter to the tribe allowing at least 14 additional days as a second opportunity to comment and participate. Again, it is recommended to allow no less than 7 days for receipt of information by tribes. Sample letters to tribes follow as additional guidance. If any Indian tribe responds with concerns, recommendations and/or mitigation measures, contact the SHPO (Section 106 Staff - (573)751-7858) and/or CDBG for guidance and consult in cooperation with the Indian tribe(s)

### **DISCOVERIES DURING CONSTRUCTION:**

Whenever previously unknown below ground historic properties of religious and cultural significance are discovered during construction, excavation in the area of the resources **must immediately stop** until tribal consultation can occur. The RE must notify tribes, the Advisory Council on Historic Preservation, and the SHPO within 48 hours of the discovery.

If the discovery includes human remains, they should be respectfully covered over and secured, and the RE should contact law enforcement authorities as well as tribes and other consulting parties. If the human remains are determined to be Indian burials, the RE should follow the guidance in the “Advisory Council on Historic Preservation Policy Statement Regarding Treatment of Burial Sites, Human Remains and Funerary Objects” - [Treatment of Burial Sites, Human Remains, & Funerary Objects](#).

**SAMPLE COVER LETTER TO INDIAN TRIBES**

***Change the wording in the letter to reflect your particular project. This sample cover letter provides suggestions for the use of appropriate language as well as the type and nature of project information that should be sent to Indian tribes for their review. Contact CDBG if you have questions or would like someone to review your letter prior to submission to tribes. CAREFULLY PROOFREAD ALL LETTERS!***

**REQUEST FOR PROPOSED PROJECT REVIEW**

(DATE)

***Title of Official Tribal Representative (Titles differ – ensure use of the appropriate title) & Name***

***Tribal Name*** \_\_\_\_\_

***Address*** \_\_\_\_\_

***Address*** \_\_\_\_\_

RE: (Grantee/applicant & Descriptive name of project)

Dear (Title of Official Tribal Representative and Name) \_\_\_\_\_,

The (County/City/Village) is interested in submitting an application to the Missouri Department of Economic Development (MO DED) requesting Community Development Block Grant funds (CDBG) to assist with our proposed project. CDBG funds are granted to the MO DED by the US Department of Housing and Urban Development (HUD). An environmental review is required pursuant to the National Environmental Policy Act (NEPA) and HUD's environmental regulation, 24 CFR Part 58. The (County/City/Village) requests your review of this proposed project to identify whether sites exist that have religious and cultural significance to the Tribe and to determine if project undertakings have the potential to adversely impact any identified sites.

The purpose and need of the project is to (Provide an explanation as to why this proposed project is needed, the objectives it will fulfill, and who would benefit.)

The project as proposed consists of (Detailed description of project including all activities proposed by all funding sources – refer to the engineering/architectural report and funding application – all project descriptions should remain the same on all project documents).

**Enclosed you will find the following items:**

- Topographic map with project site clearly identified
- Aerial map
- Color photographs of the site and surrounding area
- Preliminary engineering report
- Preliminary architectural report
- Other \_\_\_\_\_

Please provide written comments by \_\_\_\_\_, (Insert date – allow no less than 30 days from receipt of the information – allow 5 days for receipt of information. Provide a longer review and response time if the project is complex.) to the following:

***Local Government Agency Official – Presiding Commissioner, Mayor or Village Chairperson and Name***

***Address***

***City, State, Zip***

If you require more time for review of this project, or if you have questions or would like more information, please contact me at the address above, or by telephone at (Telephone Number), or by e-mail at (E-mail Address). Should any significant changes be proposed to the location and/or scope of the proposed project, you will be notified in writing prior to the initiation of any construction activities for the opportunity to review and comment on any such changes. Thank you for your interest and assistance.

Sincerely,

***Name/Title - Presiding Commissioner, Mayor, or Village Chairperson***

**SAMPLE FOLLOW-UP LETTER TO INDIAN TRIBES (OPTIONAL)**

*This is a sample **FOLLOW-UP** letter to Indian tribes who have not responded during the initial suggested comment period. Change the wording of the letter to reflect your particular project. The sample letter provides suggestions for the use of appropriate language as well as the type and nature of project information that should be sent to Indian tribes for their review. Contact CDBG if you have questions or would like someone to review your letter prior to submission to tribes. **CAREFULLY PROOFREAD ALL LETTERS!***

**2<sup>ND</sup> REQUEST FOR PROPOSED PROJECT REVIEW**

(DATE)

*Title of Official Tribal Representative (Titles differ – ensure use of the appropriate title) & Name*

*Tribal Name* \_\_\_\_\_

*Address* \_\_\_\_\_

*Address* \_\_\_\_\_

RE: (Grantee/applicant & Descriptive name of proposed project)

Dear (Title of Official Tribal Representative and Name) \_\_\_\_\_,

The (County/City/Village) of \_\_\_\_\_ requested your review and comment of the above-mentioned proposed project in a letter dated (Date of initial letter to tribe). As I have not received a response in the time period suggested in my initial letter, I am notifying you again to ensure you are afforded adequate opportunity to review the proposed project and provide comments.

As indicated in my earlier letter, the (County/City/Village) is interested in submitting an application to the Missouri Department of Economic Development for CDBG funding to assist with our proposed project. An environmental review is required pursuant to the National Environmental Policy Act (NEPA) and the US Department of Housing and Urban Development's (HUD) environmental regulation, 24 CFR Part 58. The (County/City/Village) requests your review of this proposed project to identify whether sites exist that have religious and cultural significance to the Tribe and to determine if project undertakings have the potential to adversely impact any identified sites.

The proposed project is located at (Include detailed address, coordinates, boundaries, city, county, etc.)

The purpose and need of the project is to (Provide an explanation as to why this proposed project is needed, the objectives it will fulfill, and who would benefit.)

The project as proposed consists of (Detailed description of project including all activities proposed by all funding sources – refer to the engineering/architectural report and funding application – all project descriptions should remain the same on all project documents. You do not have to re-submit the engineering/architectural report and color photos.) Alternatives that have been considered include (Explain all alternative actions and sites proposed – refer to the engineering/architectural report.) The preferred alternative was chosen because (Indicate why the preferred alternative was chosen as the best to fulfill project objectives and minimize or eliminate any environmental impacts.)

Please provide written comments by \_\_\_\_\_, (Insert date – allow no less than 14 days for response upon receipt of the information – allow 5 days for receipt of information.) to the following:

*Local Government Agency Official – Presiding Commissioner, Mayor or Village Chairperson and Name*

*Address*

*City, State, Zip*

If we do not receive a response by the date indicated above, it will be assumed that you have no concerns with our undertaking the project as proposed. Should any significant changes be proposed to the location and/or scope of the proposed project, you will be notified in writing prior to the initiation of any construction activities for the opportunity to review and comment on any such changes. If you have questions or would like more information, please contact me at the address above, or by telephone at (Telephone Number), or by e-mail at (E-mail Address). Thank you for your interest and assistance.

Sincerely,

*Name/Title - Presiding Commissioner, Mayor, or Village Chairperson*

**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 Applicant/Grantee:** \_\_\_\_\_ **CDBG Project # (if funded):** \_\_\_\_\_

**Level of Review:**  **Categorically Excluded**  **Environmental Assessment**

**Comments/Notes:**

<input type="checkbox"/> Project Location	<input type="checkbox"/> Estimated Project Costs All Sources
<input type="checkbox"/> Conditions of Environmental Approval	<input type="checkbox"/> EA Finding: <input type="checkbox"/> FONSI <input type="checkbox"/> FONSI w/Conditions <input type="checkbox"/> FOSI
<input type="checkbox"/> Preliminary Engineering/Architectural Report	<input type="checkbox"/> Examination of Alternatives
<input type="checkbox"/> Signature of Certifying Officer <i>Mayor/Chair/Presiding Commissioner</i>	<input type="checkbox"/> Signature of Environmental Preparer
<input type="checkbox"/> Purpose and Need of Project	<input type="checkbox"/> Description of Project
<input type="checkbox"/> Existing Conditions & Trends	<input type="checkbox"/> Citizen Participation
<input type="checkbox"/> Historic Properties (SHPO & Tribal Contacts)	<input type="checkbox"/> Water Quality
<input type="checkbox"/> Floodplain Management	<input type="checkbox"/> Air Quality
<input type="checkbox"/> HUD 8- Step Process for Floodplains & Wetlands	<input type="checkbox"/> Contamination & Toxic Materials
<input type="checkbox"/> Flood Insurance (NFIP)	<input type="checkbox"/> Environmental Justice
<input type="checkbox"/> Wetlands Protection	<input type="checkbox"/> Land Development
<input type="checkbox"/> Coastal Zones	<input type="checkbox"/> Community Facilities & Services
<input type="checkbox"/> Airport Hazards	<input type="checkbox"/> Wastewater
<input type="checkbox"/> Endangered Species: <input type="checkbox"/> Federal <input type="checkbox"/> State	<input type="checkbox"/> Solid Waste
<input type="checkbox"/> Wild & Scenic Rivers <input type="checkbox"/> Federal <input type="checkbox"/> State	<input type="checkbox"/> Storm Water Drainage
<input type="checkbox"/> Farmland Protection	<input type="checkbox"/> Lead Based Paint
<input type="checkbox"/> Noise Control	<input type="checkbox"/> Asbestos
<input type="checkbox"/> Explosive & Flammable Operations	<input type="checkbox"/> Radon
<input type="checkbox"/> Energy	<input type="checkbox"/> Permitting
<input type="checkbox"/> Documented Site Visit	<input type="checkbox"/> Other:
<input type="checkbox"/> Project Mitigation/Modifications	<input type="checkbox"/> Determination of Level of Environmental Review Form
<input type="checkbox"/> Environmental Review Summary	<input type="checkbox"/> Finding of Exemption Form

**ENVIRONMENTAL ASSESSMENT (EA)/STATUTORY CHECKLIST REVIEW**

*This document is a tool for the environmental review preparer to proof their work and ensure all sections contain the appropriate information and documentation.*

- Are documents written for a “cold reader” – someone who has no knowledge of the project?
- For consistency, cross check w/ other project documents (PER/PAR, CDBG & other funding applications, CDBG Funding Approval if funded, environmental studies/reports, etc.)
- Cover Page:** Are all areas complete?
  - Project Name (Should adequately reflect project):
  - CDBG Project # (only assigned after a grant award):
  - Responsible Entity(RE) Location (County, City, or Village):
  - RE Telephone Number:
  - Certifying Officer Name/Title -Presiding Commissioner, Mayor, Chair, or other local official formally designated by resolution:
  - Preparer Name and contact information
  - If another agency official is designated, a copy of the resolution must be attached.
- Project Location/Address:** Location varies depending upon project type—most logical should be provided:
  - County: \_\_\_\_\_ City: \_\_\_\_\_ Street/Road Address: \_\_\_\_\_
  - Coordinates: \_\_\_\_\_ Structure Name: \_\_\_\_\_ Boundaries: \_\_\_\_\_ Other: \_\_\_\_\_
  - Cross check w/ other project documents – are they consistent?
- Total Project Costs:**
  - All funding sources and amounts listed & correctly totaled;
  - Cross check w/ other project documents – are they consistent?
    - CDBG \$ \_\_\_\_\_
    - Local Cash \$ \_\_\_\_\_
    - Private \$ \_\_\_\_\_
    - Other State \$ \_\_\_\_\_
    - Federal \$ \_\_\_\_\_
    - In-Kind \$ \_\_\_\_\_
    - Total \$ \_\_\_\_\_
- Name & Address of Sub-recipient, if applicable** - Non-profit, public water supply or sewer district, fire or ambulance district, library, downtown organization, etc. If no sub-recipient, N/A must be checked.
- Responsible Entity Project Contact Name, Address, Telephone**
- Conditions for Approval** - Assess after reviewing document to ensure conditions listed are complete and accurate. List out Conditions that were identified throughout the ERR.
- Finding (EA only):** \_\_\_ FONSI \_\_\_ FONSI w/ Conditions for Approval \_\_\_ FOSI
- Preparer:** \_\_\_ Signature \_\_\_ Date \_\_\_ Name/Title \_\_\_ Agency
- Certifying Officer:** \_\_\_ Signature \_\_\_ Date \_\_\_ Name/Title
- Preliminary Design:** PER/PAR submitted. Date: \_\_\_\_\_ Name of firm: \_\_\_\_\_
- Property Acquisition** Explain if the project requires property acquisition.
- Purpose & Need of Project** (Why project needed – what needs the project will address, not the project description):
- Description of Project** (All proposed activities & actions by all funding sources; includes in-kind. Cross check with all other documents available):
- Existing Conditions & Trends** – (1) How project & surrounding areas appear now; (2) How areas to appear at projection completion (3) Future use plans for project & surrounding areas, if known. Are proposed uses compatible? (4) How project area would appear or remain if project did not happen:
- Examination of Project Alternatives (EA only):** (1) All alternatives considered, including no project. (2) Evaluation of each alternative. (3) Explanation for preferred alternative. N/A is unacceptable.
- Citizen Participation (EA only):** Public notification of project for opportunity to comment; should mirror Environmental Justice section and support Historic Properties section. Examples: public notices & hearings, newspaper/newsletter articles, environmental notices, etc. Minutes should reflect precisely how project was explained to public.

- Summary of Environmental Review:** Snapshot of entire review. Project impacts must be rated. Form must be fully complete - 2 pages for EA; 1 page for Statutory Checklist.
- Field Visit Checklist** – must be fully completed
- Historic Properties:** Is this page of the document fully complete?
  - Citizen/Public participation documentation should explain and comply with Section 106 Process
  - Cover letter to SHPO
  - SHPO Section 106 Project Information Form
  - Attachments to Section 106 Form
  - SHPO response letter(s) – SHPO always responds in writing
  - Determination to Consult with Tribes Under Section 106 Form
  - Letter(s) to tribes
  - Tribal response letter(s) –  Response  No Response
  - Cultural Resource Survey, if applicable
  - Memorandum of Agreement (MOA), if applicable (Letters to ACHP & Tribes)
  - SHPO/ACHP/Tribal approval of MOA stipulations, if applicable
  - **Conditions for Approval Identified:**
- Floodplain Management:** Is this page of the document fully complete?
  - FEMA Flood Insurance Rate Map (FIRM) map or FEMA Firmette Map w/ project keyed
  - If unmapped, other appropriate mapping documentation
  - If not in floodplain, no more required. EA/Statutory Checklist form must be complete. N/A at top of HUD 8-Step Process page should be checked.
  - If in floodplain, HUD 8-Step Process is required. Engineer/architect is resource for help.
  - **Conditions for Approval Identified:**
- Flood Insurance:** Is this page of the document fully complete? (Particularly relevant if project lies in floodplain. RE must be member in good standing with NFIP if project is in floodplain. If not in floodplain, documentation should be attached for consistency.)
  - Page(s) from FEMA Community Status Book for NFIP status
  - **Conditions for Approval Identified:**
- Wetland Protection:** Is this page of the document fully complete? (If project is in a wetland, HUD 8-Step Process applies.)
  - Color US Fish & Wildlife (USFWS) National Wetlands Inventory (NWI) Map
  - Letter & attachments to USFWS
  - US Fish & Wildlife response
  - Letter & attachments to US Army Corps of Engineers (USACE)
  - USACE response
  - Permitting requirements, as applicable
  - Other:
  - **Conditions for Approval Identified:**
- HUD 8 Step Decision Making Process:** If applicable, are all pages of the in the process fully complete?
  - Early Public Notice (EPN) & affidavit or actual newspaper page
  - Proof EPN & cover letter sent to environmental agencies-certified mail or stamped addressed envelopes
  - Notice of Explanation (NOE) & affidavit (or actual newspaper page)
  - Proof NOE & cover letter sent to environmental agencies-certified mail or stamped addressed envelopes
  - **Conditions for Approval Identified:**
- Coastal Zone Management** - No coastal zones in MO
- Airport Hazards** - Is this page of the document fully complete? ( Protection of project & project beneficiaries from airport accident potential zones.)
  - Maps indicating nearest airports in relation to the project area
  - If project proposed w/in thresholds of airport accident areas, HUD process that must be completed
  - **Conditions for Approval Identified:**
- Endangered Species** - Is this page of the document fully complete? (Includes threatened and endangered plants and animals, and their habitat)
  - Letter & attachments to USFWS for Federally designated species
  - Response from USFWS

- Letter & attachments to MO Dept of Conservation (MDC) for State designated species
- Response from MDC
- Conditions by agencies, as applicable
- **Conditions for Approval Identified:**
- Wild & Scenic Rivers**-Project impacts to designated rivers & river segments; impacts to project from rivers/segments
  - Federally designated river-Eleven Point only. Website documentation & map river in relation to project
  - State designated river segments by county. Segments listed in project county mapped in relation to project site
  - If Eleven Point River and/or state river segments exist on or close to project site, USFWS and/or National Park Service must have been contacted and all correspondence & documentation attached.
  - **Conditions for Approval Identified:**
- Farmland Protection** - Does project convert prime or unique farmland to other uses
  - Color aerial photograph of project area and surrounding area
  - Letter & attachments to USDA Natural Resources Conservation Services (NRCS), including Farmland Conversion Impact Rating Form AD 1006
  - All correspondence from USDA NRCS
  - Mitigation measures recommended
  - Other:
  - **Conditions for Approval Identified:**
- Noise Control**-Noise from project, noise around project, construction noise, how project contributes to existing community noise levels.
  - Color aerial photograph
  - Color photos of project site & surrounding area
  - Color maps showing project in relation to noise sources or sensitive noise uses
  - Noise Assessment, if applicable
  - Noise attenuation measures, as appropriate
  - **Conditions for Approval Identified:**
- Explosive & Flammable Operations** – Hazards by the project, project subjected to nearby hazards
  - Color photographs of project site & adjacent sites
  - Statement from fire department/fire marshal
  - Statement from local emergency management agency/individual
  - HUD Acceptable Separation Distance calculations, if applicable
  - Mitigation measures, if applicable
  - **Conditions for Approval Identified:**
- Water Quality**-Adequate supply to serve project, impacts to water bodies, impacts to project by water bodies, wells
  - Most current water quality report and/or inspection
  - For water projects, plans & specs/preliminary engineering report must be attached & briefly explained
  - Statement from water supply source and/or public works department
  - Color map showing any water bodies in relation to project
  - Sole Source Aquifer documentation from website (MO has none)
  - If project involves using, drilling, or abandoning a well, all related documentation
  - MO DNR correspondence and/or documentation
  - Other:
  - **Conditions for Approval Identified:**
- Air Quality** (Air emissions from project or project subjected to air emissions)
  - EPA designated non-attainment areas from EPA website
  - EPA/DNR air permits or permitting requirements
  - Conformance with local air codes, ordinances, & standards by finished project & construction activities
  - Documentation whether project will begin a trend of poor air quality standards
  - Odors and fumes from project or impacting project
  - Radon test and results and mitigation, if applicable (applies only to buildings)
  - Mold inspection and report and mitigation, if applicable (applies only to buildings)
  - Asbestos -Under Air Quality in Statutory Checklist. EA has an Asbestos Section. Includes inspections, sampling, testing, reports, mitigation, water/sewer pipes, boiler/plumbing wrap, interior/exterior buildings, bridges, etc.
  - **Conditions for Approval Identified:**

- Contamination & Toxic Substances** (Contamination by the project or impacts to the project)
  - Previous uses of site(s)
  - Professional Site Assessment:    \_\_\_ NPL Listing    \_\_\_ EPA & DNR Maps    \_\_\_ DNR Petroleum Storage Tank
  - ASTM 1527-05 E Phase I Environmental Site Assessment (ESA), if applicable
  - ASTM Phase II ESA, if applicable
  - Remediation, if applicable
  - **Conditions for Approval Identified:**
  
- Environmental Justice** - Last section for Statutory Checklist. Disproportionately high adverse impacts to low income & minority persons
  - Planning and zoning information, if available
  - Public involvement in the project (should coincide with Citizen Participation in an EA)
  - Map or other documentation to show if project occurs on or near low income or minority neighborhood
  - Positive and negative impacts to people by the project
  - **Conditions for Approval Identified:**
  
- \* **Remaining areas applicable to the Environmental Assessment ONLY:**
  
- Land Development**
  - Existing land uses on and around project site
  - Future land uses on and around project site
  - Whether project will contribute to urban sprawl
  - Whether project will increase or decrease employment opportunities
  - Whether project will displace a business from a central business district
  - Whether project will alter demographic characteristics
  - Existing erosion or sedimentation (best if confirmed by an engineer or public works director)
  - How erosion will be controlled and minimized
  - Erosion control plan, if applicable
  - Soil concerns related to use for project
  - Geotechnical Report, soil borings, soil reports, if applicable
  - Will project displace anyone? If so, all documentation regarding the Uniform Relocation Act.
  - **Conditions for Approval Identified:**
  
- Community Facilities & Services** (Project impacts on services; services on project. See top of page for areas that require addressing.)
  - Emergency & Non-emergency
  - Health Care Services:    \_\_\_ Public Safety Police/Sheriff Services    \_\_\_ Fire Protection Services
  - Parks, Playgrounds & Open Spaces
  - Pedestrian & Bike Paths/Trails
  - Streets/Roads, Parking Areas/Facilities & Traffic Control Measures
  - Public Transportation (taxi cabs, bus, OATS, train, etc.)
  - **Conditions for Approval Identified:**
  
- Wastewater**
  - Existing or planned wastewater system adequate to service project, including permits
  - If a wastewater project, plans and specs/preliminary engineering report should be attached and briefly explained
  - On-site sewage systems suitability
  - Other:
  - **Conditions for Approval Identified:**
  
- Solid Waste**
  - Existing solid waste disposal adequate to service project
  - Waste associated with project demolition/construction
  - Permitting, if applicable
  - Cost for disposal services
  - Name and location of servicing landfill
  - Landfills near project site with potential for adverse impacts
  - **Conditions for Approval Identified:**
  
- Storm Water Drainage**
  - Whether adequate storm water drainage system exists or is planned to service project
  - If no drainage system, if and/or how will project promote run-off and how this will be addressed

CDBG Administrative Manual  
Environmental Review

- For drainage system projects, plans and specs/preliminary engineering report should be attached and briefly explained
- NPDES community – page from website should be attached
- NPDES permitting/storm water prevention plan, as applicable
- **Conditions for Approval Identified:**

**Lead Based Paint**

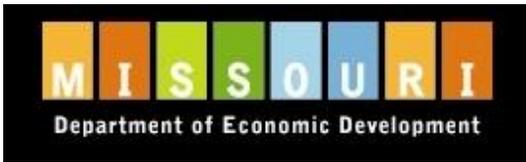
- Rehab to structures built prior to 1978
- If YES, children under 6 to reside over 100 days or spend over 10 hours/week in project structure
- If YES, field observation, inspection reports
- Mitigation measures, if applicable
- Other:
- **Conditions for Approval Identified:**

**Asbestos**

- Indicate whether the project involves demo and/or rehab of residential and/or commercial structures
- If YES, asbestos inspection, sampling, testing, DNR notifications, and abatement documentation required
- Mitigation measures and all related documentation, as applicable
- **Conditions for Approval Identified:**

**Energy Consumption** (strongly recommended, not required at this point)

- Alternative or renewable energy sources used for or by project
- Structure Energy Star Qualified
- Energy-efficient materials and/or construction methods used
- Are energy-efficient materials and/or construction methods feasible, why or why not?
- Weatherization techniques
- **Conditions for Approval Identified:**



**Community Development Block Grant**

301 W. High Street, Room 770

PO Box 118

Jefferson City, MO 65102

## 2016 STATUTORY CHECKLIST

### FINDING OF CATEGORICAL EXCLUSION [§ 58.35(a)]

<b>PROJECT NAME</b>	<b>CDBG PROJECT # (IF FUNDED)</b>
<b>RESPONSIBLE ENTITY/GRANTEE LOCATION [24 CFR 58.2(A)(7)(II)]</b>	<b>RE TELEPHONE NUMBER</b>
<b>CERTIFYING OFFICER NAME, TITLE &amp; EMAIL [24 CFR 58.2(A)(2)]</b>	
<b>ERR PREPARER CONTACT NAME, ADDRESS, PHONE, &amp; EMAIL</b>	

**CDBG STATUTORY CHECKLIST**

PROJECT LOCATION(S)/ADDRESS(ES)

ESTIMATED PROJECT COSTS - ALL FUNDING SOURCES & AMOUNTS

Total Project Cost: \_\_\_\_\_

CDBG Funds:

Other State Funds:

Local Cash Contribution:

Federal Funds:

Private Contribution:

In-Kind Contribution:

RESPONSIBLE ENTITY PROJECT CONTACT NAME, ADDRESS, PHONE, & EMAIL

NAME OF GRANT SUB-RECIPIENT, IF APPLICABLE  N/A

SUB-RECIPIENT CONTACT PERSON NAME, ADDRESS, PHONE & EMAIL  N/A

**CONDITIONS FOR APPROVAL** [24 CFR 58.40(d), 40 CFR 1505.2(c) and 40 CFR 1508.20] - *As appropriate:* (List all mitigation and project modification measures, including permits, adopted by the Responsible Entity to eliminate or minimize adverse environmental impacts. These conditions must be included in project contracts and all relevant agreement documents.) Attach additional pages as necessary.

**CDBG STATUTORY CHECKLIST**

In my capacity as *Environmental Preparer* as designated by the Responsible Entity, I hereby attest that the Statutory Checklist document is true and complete to the best of my knowledge.

**PREPARER SIGNATURE**

**DATE**

**PREPARER NAME & TITLE**

**PREPARER'S AGENCY (IF DIFFERENT FROM RE)**

In my capacity as *Certifying Officer* on behalf of the *Responsible Entity* and in conformance with 24 CFR Part 58, I have reviewed and independently evaluated the Statutory Checklist prepared by the above-designated individual, and supplemented the information where appropriate. On behalf of the Responsible Entity, I assume responsibility for the accuracy of the information contained herein.

**RE APPROVING OFFICIAL SIGNATURE**

**DATE**

**RE APPROVING OFFICIAL NAME & TITLE**

**CDBG STATUTORY CHECKLIST**

- **Does this project require a Tiered Reviewed approach?** [24 CFR §58.15]  YES  NO
- **Is this a multi-year/phased project?** [24 CFR §58.32(d)]  YES  NO

**Preliminary Project Design:** Check the applicable box or boxes and attach.

- PER:** Date \_\_\_\_\_ Firm \_\_\_\_\_
  - Addendums: # of Addendums to date? \_\_\_\_\_
- PAR:** Date \_\_\_\_\_ Firm \_\_\_\_\_
  - Addendums: # of Addendums to date? \_\_\_\_\_

**Property Acquisition:** Does the project require property acquisition?  YES  NO  
*Property acquisition must not occur prior to completion of the Environmental Review.*

- Real Property:
  - Vacant property
  - Includes building or structure
- Option to Purchase (*acceptable prior to completion of the Environmental Review*)
- Easement(s): (*Map easements*)
  - Temporary
  - Permanent

**Purpose of property acquisition:**

**Purpose and Need of the Project:** [*“Statement of Purpose and Need of the Proposal” – 40 CFR 1508.9(b)*]

Explain why the project is needed. Attach additional pages as necessary.

**CDBG STATUTORY CHECKLIST**

**Description of the Project:** [24 CFR 58.32, 40 CFR 1508.25] Explain all activities proposed by all funding sources. Attach additional descriptive information, including scaled location map, U.S.G.S. topographic map, aerial photograph, site plans, renderings, photographs, budgets, etc. Attach additional pages as necessary.

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

**STATUTORY CHECKLIST  
SUMMARY OF ENVIRONMENTAL REVIEW**

**Impact Codes:** 1=No impact anticipated 2=Potentially beneficial 3=Potentially adverse 4=Requires Mitigation 5=Requires project modification 6=Permit Required

Environmental Impact	Code	List Source Documentation
Historic Properties (SHPO & Tribal contacts)		
Floodplain Management		
Flood Insurance		
Wetlands Protection		
Airport Hazards		
Endangered Species		
Wild & Scenic Rivers		
Coastal Zones		
Farmland Protection		
Noise Control		
Explosive/Flammable Operations		
Water Quality		
Air Quality		
Contamination/Toxic Materials		
Environmental Justice		
Other:		

<b><u>STATUTORY CHECKLIST</u></b>														
<b>FIELD VISIT CHECKLIST &amp; SITE EVALUATION</b>														
<b>Date of Visit:</b>	<b>Time:</b>	<b>Weather Conditions:</b>												
<b>Grantee/Applicant:</b>														
<b>Project Name:</b>	<b>CDBG Project # (if funded):</b>													
<b>Project Location/Address:</b>														
<b>Project Area Bounded By:</b>														
<b>Site Dimensions:</b>														
<b>Site Owner(s):</b>														
<b>Field Visit Conducted By:</b>														
<b><u>Attach the following:</u></b> <ul style="list-style-type: none"> <li>▪ Photographs of site and surrounding areas</li> <li>▪ Maps (street, topographic, aerial, etc.)</li> </ul>														
<b>EXISTING ENVIRONMENTAL CONDITIONS ON &amp; AROUND SITE:</b>														
<b>Land Use/Zoning</b> - check all that apply: <table style="width: 100%; border: none;"> <tr> <td><input type="checkbox"/> Residential</td> <td><input type="checkbox"/> Retail</td> <td><input type="checkbox"/> Never Developed</td> <td><input type="checkbox"/> Light Industrial</td> </tr> <tr> <td><input type="checkbox"/> Recreational</td> <td><input type="checkbox"/> Commercial</td> <td><input type="checkbox"/> Heavy industrial</td> <td><input type="checkbox"/> Currently Farmed</td> </tr> <tr> <td><input type="checkbox"/> Forest</td> <td><input type="checkbox"/> Pasture</td> <td><input type="checkbox"/> Conservation Area</td> <td><input type="checkbox"/> Other _____</td> </tr> </table>			<input type="checkbox"/> Residential	<input type="checkbox"/> Retail	<input type="checkbox"/> Never Developed	<input type="checkbox"/> Light Industrial	<input type="checkbox"/> Recreational	<input type="checkbox"/> Commercial	<input type="checkbox"/> Heavy industrial	<input type="checkbox"/> Currently Farmed	<input type="checkbox"/> Forest	<input type="checkbox"/> Pasture	<input type="checkbox"/> Conservation Area	<input type="checkbox"/> Other _____
<input type="checkbox"/> Residential	<input type="checkbox"/> Retail	<input type="checkbox"/> Never Developed	<input type="checkbox"/> Light Industrial											
<input type="checkbox"/> Recreational	<input type="checkbox"/> Commercial	<input type="checkbox"/> Heavy industrial	<input type="checkbox"/> Currently Farmed											
<input type="checkbox"/> Forest	<input type="checkbox"/> Pasture	<input type="checkbox"/> Conservation Area	<input type="checkbox"/> Other _____											
<b>Description of Existing Conditions:</b> (Explain in detail and attach additional pages as necessary.)   														
<b>Site Features and Topography:</b> (i.e., elevations, unique natural features, site slope, ravines, banks, mounds, caverns, cliffs, hills, depressions, erosion, sedimentation, drainage paths, etc. )   														
<b>Describe Site Access – Ingress &amp; Egress:</b> (Ease of accessing and exiting site, traffic control at site, safety and line of site, etc.)   														
<b>Interviews Conducted:</b> (Include names and titles of interviewees)   														

**STATUTORY CHECKLIST**

**FIELD VISIT CHECKLIST & SITE EVALUATION**

**Existing infrastructure on or near site - check all that apply and comment as appropriate:**

<input type="checkbox"/> Unpaved Roads Condition:	<input type="checkbox"/> Railroad Facilities/Tracks/Spurs Condition:
<input type="checkbox"/> Paved Roads Condition:	<input type="checkbox"/> Fencing/Security Condition:
<input type="checkbox"/> Sidewalks Condition:	<input type="checkbox"/> Culverts Condition:
<input type="checkbox"/> Crosswalks Condition:	<input type="checkbox"/> Drop Inlets Condition:
<input type="checkbox"/> Curb/Guttering Condition:	<input type="checkbox"/> Bridges Condition:
<input type="checkbox"/> Ditches Condition:	<input type="checkbox"/> Water Treatment Facility Condition:
<input type="checkbox"/> Water Lines	<input type="checkbox"/> Centralized Sewer System
<input type="checkbox"/> Water Wells	<input type="checkbox"/> Street Lights
<input type="checkbox"/> Parking Facilities Condition:	<input type="checkbox"/> Sewer Treatment Facilities Condition:
<input type="checkbox"/> Intersections Condition:	<input type="checkbox"/> Septic Tanks/Systems Condition:
<input type="checkbox"/> Bike/Pedestrian Lanes/Paths	<input type="checkbox"/> Fire Hydrants
<input type="checkbox"/> Electricity	<input type="checkbox"/> 911 Emergency Systems
<input type="checkbox"/> Traffic Signs	<input type="checkbox"/> Traffic Lights
<input type="checkbox"/> Gas Lines	<input type="checkbox"/> Other

**Check all that exist on or in close proximity to the project site. The importance of the proximity depends on the nature of the project. Further evaluation and documentation may be warranted if there is potential for environmental concerns.**

<input type="checkbox"/> Airport/Airport Clear Zones	<input type="checkbox"/> Former/Current/Proposed EPA Superfund Site	<input type="checkbox"/> Open Spaces
<input type="checkbox"/> Ambulance Facility	<input type="checkbox"/> Funeral Home	<input type="checkbox"/> Paint Facilities
<input type="checkbox"/> Animal Processing Plant	<input type="checkbox"/> Gas Station	<input type="checkbox"/> Police Station
<input type="checkbox"/> Apartments/Multi-Family	<input type="checkbox"/> Grocery Store	<input type="checkbox"/> Power Station/Transformer
<input type="checkbox"/> Arts/Cultural Center	<input type="checkbox"/> Group Home	<input type="checkbox"/> Printing Facilities
<input type="checkbox"/> Auto Repair Shop	<input type="checkbox"/> Heavily Traveled Roads	<input type="checkbox"/> Prison/Jail/Detention Center
<input type="checkbox"/> Bio-diesel Facility	<input type="checkbox"/> Heavy/Light Manufacturing Facilities	<input type="checkbox"/> Quarry
<input type="checkbox"/> Bus Stop/Station	<input type="checkbox"/> Highways – Interstate/State	<input type="checkbox"/> Recycling Facilities
<input type="checkbox"/> Car Dealership	<input type="checkbox"/> Historical Sites/Buildings	<input type="checkbox"/> Restaurants
<input type="checkbox"/> Cemeteries	<input type="checkbox"/> Hospitals	<input type="checkbox"/> Retaining Walls
<input type="checkbox"/> Chemical Manufacturer	<input type="checkbox"/> Industrial Park	<input type="checkbox"/> Rivers/Streams/Creeks
<input type="checkbox"/> Churches	<input type="checkbox"/> Lakes/Ponds	<input type="checkbox"/> Schools
<input type="checkbox"/> Car Dealership	<input type="checkbox"/> Library	<input type="checkbox"/> Senior Center
<input type="checkbox"/> Community Center	<input type="checkbox"/> Low Income Housing	<input type="checkbox"/> Senior Housing
<input type="checkbox"/> Conservation Areas	<input type="checkbox"/> Medical/Health Clinic	<input type="checkbox"/> Sheltered Workshop
<input type="checkbox"/> Daycare Center	<input type="checkbox"/> Museum	<input type="checkbox"/> Shopping Centers
<input type="checkbox"/> Doctor's Office/Health Clinic	<input type="checkbox"/> Neighborhoods	<input type="checkbox"/> Storage/Use of Explosives
<input type="checkbox"/> Dry Cleaners	<input type="checkbox"/> Nursing Homes	<input type="checkbox"/> Train Depot
<input type="checkbox"/> Ethanol Plant	<input type="checkbox"/> Office Buildings	<input type="checkbox"/> Veterinary Clinic/Hospital
<input type="checkbox"/> Fire Station	<input type="checkbox"/> Parks/Playgrounds	<input type="checkbox"/> Youth Center

**STATUTORY CHECKLIST**

**FIELD VISIT CHECKLIST & SITE EVALUATION**

**Contamination & Toxic Materials**

QUESTION	SUBJECT PROPERTY	ADJOINING PROPERTIES
<i>Is there evidence of any of the following?</i>		
A. Is the property or any adjoining property currently used, or has evidence of prior use, as a <b>gasoline station, motor vehicle repair facility, printing facility, dry cleaners, photo developing laboratory, junkyard, or as a waste treatment, storage, disposal, processing or recycling facility?</b>	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN
B. Are there any damaged or discarded <b>automobile(s), automotive or industrial batteries, pesticides, paints, or other chemicals</b> in individual containers greater than 5 gal in volume or 50 gal in the aggregate, stored on or used at the property or adjoining properties?	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN
C. Are there any industrial <b>drums</b> (typically 55 gal) or sack of <b>chemicals, herbicides or pesticides</b> located on the property or adjoining properties?	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN
D. Has <b>fill dirt</b> been brought onto the property or adjoining properties that originated from a suspicious site or that is of an unknown origin?	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN
E. Are there any <b>pits, ponds, or lagoons</b> located on the property or adjoining properties in connection with waste treatment or waste disposal?	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN
F. Is there any <b>stained soil, distressed vegetation and/or discolored water</b> on the property or adjoining properties?	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN
G. Are there any <b>storage tanks</b> , aboveground or underground (other than residential), located on the property or adjoining properties within 1 mile of site?	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN
H. Are there any <b>vent pipes, fill pipes, or underground tank access ways</b> visible on the property or adjoining properties	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN
I. Are there any flooring, drains, walls, ceilings, or grounds on the property or adjoining properties <b>stained by substances</b> (other than water) or emitting <b>noxious or foul odors of a chemical nature?</b>	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN
J. Is the property served by a <b>private well or non-public water system?</b> (If yes, a follow-up investigation is required to determine if contaminants have been identified in the well or system that exceeds guidelines applicable to the water system, or if the well has been designated contaminated by any government environmental/health agency.)	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN	
K. Has the owner or occupant of the property been informed of the existence of past or current <b>hazardous substances or petroleum products or environmental violations</b> with respect to the property or adjoining properties?	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN
L. Do the property or adjoining properties <b>discharge wastewater</b> (not including sanitary waste or storm water) onto the property or adjoining properties and/or into a storm water system?	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN
M. Is there a <b>transformer, capacitor, or any hydraulic equipment</b> on the property or adjoining properties that are not marked as “non-PCB”?	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN

**STATUTORY CHECKLIST**

**FIELD VISIT CHECKLIST & SITE EVALUATION**

**If answering “YES” or “UNKNOWN” to any above items, explain and describe the conditions:  
Use photographs and maps to mark and identify conditions. Attach more information as needed.**

**Is further evaluation warranted for determining the presence of contamination?  YES  NO**

Preparer of this form must complete the following required information.

Prepared by:

Address:

Name:

Title:

Email:

Agency:

Phone Number:

**Preparer represents that to the best of his/her knowledge the above statements and facts are true and correct and to the best of his/her actual knowledge, no material facts have been suppressed, omitted or misstated.**

**Signature:**

**Date:**

**STATUTORY CHECKLIST**

**HISTORIC PROPERTIES**

**(Historic Preservation Act 16 U.S.C. 470 & 36 CFR Part 800)**

[Section 106 Project Information Form](#); [MO SHPO Website](#)

1. Is any property in the project listed or eligible for listing on the National Register of Historic Places?  YES  NO  
*(Print information from websites and attach)*  
[National Historic Landmarks](#)  
[MO National Register Listing](#) - by County
  
2. Is any property in the project located within or directly adjacent to a historic property?  YES  NO
  
3. If a tiered review, was SHPO notified that site-specific reviews will be completed as activities and properties are known?  N/A  YES  NO
  
4. Is fill material required for the project?  YES  NO  
 If Yes, has the location of the fill been reviewed by the SHPO?  YES  NO
  
5. Has the RE provided adequate public involvement for identifying and assessing impacts to historic properties consistent with 36 CFR Part 800.2(d)?  YES  NO  
*Check all that apply and attach:*  Public Notices  Public Hearing Minutes  Direct Mail  
 Newspapers/Newsletters  Postings (websites, high traffic buildings, neighborhoods, etc.)
  
6. Based on completion of the Determination to Consult with Tribes Under Section 106 form, is consultation with Tribes required? *(Form located on page IV-70.)*  YES  NO
  
7. According to HUD's Tribal Directory Assessment Tool, are there Tribes listed for the county in which the project is to occur? [HUD TDAT](#)  YES  NO  
*Print and attach web page(s) as documentation.*  
 In response to submission of project information ,did any Tribes issue comments of concern or request more information, consultation, and/or a survey? *Attach all correspondence.*  N/A  YES  NO
  
8. Is a cultural resource survey required as part of the Section 106 Review?  YES  NO  
*If YES, check the appropriate box or boxes.*  
 Architectural Survey Completed – Date of SHPO/Tribal acceptance letter: \_\_\_\_\_  
 Archaeological Survey Completed – Date of SHPO/Tribal acceptance letter: \_\_\_\_\_
  
9. **SHPO Project Number Assigned:** \_\_\_\_\_
  
10. **Result of Section 106 Review:** *Attach Section 106 Project Information Form, attachments, and correspondence.*  
 No Historic Properties Affected - Date of SHPO Letter(s): \_\_\_\_\_  
 No Adverse Affect – Date of SHPO Letter(s): \_\_\_\_\_  
 No Adverse Effect With Conditions - Date of SHPO Letter(s): \_\_\_\_\_  
 Date of SHPO letter accepting that conditions are satisfied: \_\_\_\_\_  
 Adverse Affect – Date of SHPO Letter(s): \_\_\_\_\_  
*[Project either rejected or requires Memorandum of Agreement (MOA)]*

**STATUTORY CHECKLIST**

11. **MOA** (Once received, *attach acceptance by applicable parties and final copy of MOA*)  N/A – MOA Not Required

**Check all that apply:**

- ACHP notified (*Must be contacted prior to executing MOA*)
    - ACHP chooses to participate     ACHP chooses not to participate
  - Indian Tribes Notified (*Must be contacted prior to executing MOA*);
    - N/A – No Tribes identified with interest in the project county
    - If Tribes are identified as having interest in the project county:
      - One or more Tribes choose to participate     No Tribes choose to participate
  - Stipulations must be completed and accepted by SHPO prior to beginning any physical project activities
  - Activities may begin, but all stipulations must be approved by SHPO prior to project close out
  - MOA Stipulations complete and accepted by SHPO and other participating parties
- Date of letter(s): \_\_\_\_\_

12. **Has compliance with Section 106 been met?**  YES     NO

If NO, explain why:

**SHPO STAFF:**

Judith Deel, Archaeology: 573/751-7862; [Judith.deel@dnr.mo.gov](mailto:Judith.deel@dnr.mo.gov)

Amanda Burke, Architecture: 573/522-4641; [amanda.burke@dnr.mo.gov](mailto:amanda.burke@dnr.mo.gov)

**COMMUNITY DEVELOPMENT BLOCK GRANT  
DETERMINATION TO CONSULT WITH TRIBES UNDER SECTION 106**

<b>RESPONSIBLE ENTITY (RE)</b>	
<b>PROJECT NAME</b>	
<b>CDBG PROJECT # (IF FUNDED)</b>	<b>PROJECT LOCATION/ADDRESS</b>

Section 106 requires consultation with federally-recognized Indian tribes when a project may affect a historic property of religious and cultural significance to the tribe. Historic properties of religious and cultural significance include archeological sites, burial grounds, sacred landscapes or features, ceremonial areas, traditional cultural places, traditional cultural landscapes, plant and animal communities, and buildings and structures with significant tribal association. Following are the activities that may affect historic properties of religious and cultural significance.

**If a project includes any of the types of activities below, invite tribes to consult:**

**Significant ground disturbance (digging)**

Examples: new sewer lines, utility lines (above and below ground), foundations, footings, grading, access roads.

**New construction in undeveloped natural areas**

Examples: industrial-scale energy facilities, transmission lines, pipelines, or new recreational facilities, in undeveloped natural areas like mountaintops, canyons, islands, forests, native grasslands, etc., and housing, commercial, and industrial facilities in such areas.

**Incongruent visual changes**

Examples: construction of a focal point that is out of character with the surrounding natural area, impairment of the vista or viewshed from an observation point in the natural landscape, or impairment of the recognized historic scenic qualities of an area.

**Incongruent audible changes**

Examples: increase in noise levels above an acceptable standard in areas known for their quiet, contemplative experience.

**Incongruent atmospheric changes**

Examples: introduction of lights that create skyglow in an area with a dark night sky.

**Work on a building with significant tribal association**

Examples: rehabilitation, demolition or removal of a surviving ancient tribal structure or village, or a building or structure that there is reason to believe was the location of a significant tribal event, home of an important person, or that served as a tribal school or community hall.

**Transfer, lease or sale of a historic property of religious and cultural significance**

Example: transfer, lease or sale of properties that contain archeological sites, burial grounds, sacred landscapes or features, ceremonial areas, plant and animal communities, or buildings and structures with significant tribal association.

**None of the above apply.**

\_\_\_\_\_  
**Prepared By**

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

**STATUTORY CHECKLIST**

**FLOODPLAIN MANAGEMENT**

(E.O. 11988, 24 CFR Part 55)

1. Floodplain Management applies to projects involving ANY of the following - check all that apply:
- Acquisition of land (including easements) or buildings
  - New Construction
  - Substantial Rehabilitation (i.e., modifications and improvements to buildings where rehabilitation costs exceed 50% of pre-rehabilitation value of building or where residential density increases more than 20%)
  - Expanding/altering the footprint of buildings or structures
  - Infrastructure Improvements – Water, Sewer, Drainage, Roads, Bridges, Ditches, Utilities
  - Other activities affecting land use \_\_\_\_\_

2. Is the project located in a 100-year floodplain or designated floodway?  YES  NO  
[FEMA Map Service Center](#)  
*Mark project boundaries on FEMA map if the area has been mapped by FEMA.*  
*\*Part 55 prohibits federal financial assistance for use in a floodway except functionally dependent uses such as port authorities, floodwalls, bridges, levees, dams, etc.*

**\*UNMAPPED AREAS:** Obtain the best information possible from one or more of the following qualified sources: *Check all sources used and attach all documentation.*

- [CARES Internet Mapper](#) – Click to access mapper
- Project Engineer – Written statement/explanation
- Community Floodplain Administrator – Written statement/explanation
- US Army Corps of Engineers - Correspondence
- US Geological Survey Maps
- USDA Natural Resources Conservation Service – Correspondence and/or Soil Maps
- Regional Planning Commission/Regional Council of Government Mapping – Maps/Written statement
- Local flood control or levee district – Map/Written statement
- Other \_\_\_\_\_

3. Does the project involve a **Critical Action** (nursing home, hospital, data storage facility, etc)?  YES  NO  
If YES, is the project located in a 500-year floodplain?  YES  NO

**If YES to #2 and/or #3 above, skip to #5 below. If NO to # 2 and #3 above, go on to #4 below.**

4. The project is NOT located in a floodplain.  
*Attach FEMA Firmette Map or Flood Insurance Rate Map and mark the project boundary on the map.*  
**Community Name/Number:** \_\_\_\_\_  
**Map Panel and Date of Map Panel:** \_\_\_\_\_

5. The project IS located in a floodplain. HUD’s 8-Step Decision Making Process is required. See page IV-73.  
*\* Refer to the Preliminary Engineering/Architectural Report and/or consult with the engineer/architect for assistance. Consultation with environmental professionals may also be appropriate.*

**STATUTORY CHECKLIST**

**FLOOD INSURANCE**

**(The Flood Disaster Protection Act of 1973, 24 CFR 58.6)**

The threshold for flood insurance requirements is included in *The Flood Disaster Protection Act of 1973*, as amended, requiring property owners purchase flood insurance for buildings located within *Special Flood Hazard Areas (SFHA)* when Federal financial assistance is used to acquire, repair, improve, or construct a building. Owners of HUD-assisted properties located within Special Flood Hazard Areas (SFHA) must purchase and maintain flood insurance protection as a condition of approval of any HUD financial assistance for proposed property acquisition, rehabilitation, conversion, repair or construction.

CDBG Grant - Owners of buildings located in a floodplain that are included in the project must maintain flood insurance for the life of the building, regardless of transfer of ownership.

CDBG Loan – Owners of buildings located in floodplain that are included in the project must maintain flood insurance for the term of the loan, in the amount of the loan.

*(Compliance with mandatory flood insurance purchase does not constitute compliance with floodplain management requirements discussed under the Floodplain Management section of this document.)*

1. Does the RE participate in the National Flood Insurance Program (NFIP)?  YES  NO  
*Access the following website and attach the appropriate page.*  
[MO communities participating in the NFIP](#)

2. Is any portion of the project located in a SFHA?  YES  NO  
 *\*If any portion of the project is located in a SFHA, attach a copy of the local jurisdiction's floodplain ordinance and permitting information.*  
If YES, does the project involve existing buildings or proposed buildings in the SFHA?  YES  NO  
 If YES, flood insurance is required and proof of purchase of flood insurance must be attached or submitted during the project once available.  
*\*If any portion of the project is located in a SFHA, HUD assistance is prohibited unless the community is participating in and is in good standing with the NFIP.*  
*\*\* Sewer lift stations located in a SFHA that are at least one foot above the base flood elevation, or as specified in the local floodplain management ordinance, are not subject to flood insurance requirements.*

**MO State Emergency Management Agency (SEMA)**  
2302 Militia Drive, PO Box 116  
Jefferson City, MO 65102  
  
Dale Schmutzler, Floodplain Management Officer, NFIP  
573/526-9135  
[Dale.schmutzler@sema.dps.mo.gov](mailto:Dale.schmutzler@sema.dps.mo.gov)

[HUD Flood Insurance Q & A](#)  
[FEMA NFIP](#)  
[MO Local Floodplain Managers](#) - (Subject to change)

**Additional Information/Explanations:**

**STATUTORY CHECKLIST**

**WETLANDS PROTECTION**  
**(E.O. 11990, 24 CFR Part 55)**

Executive Order 11990 requires all Federal agencies avoid impacts to wetlands, direct or indirect, by discouraging construction in wetlands whenever there is a practicable alternative.

1. Compliance with Wetlands Protection applies to Land Acquisition and/or Construction related to any of the following. *Check all that apply to the project:*

- Buildings and structures
- Roads
- Sewer and water systems
- Utility lines
- Storm drains and ditches
- Flood control systems
- Dredging, filling, excavation (includes rehabilitation to existing buildings and structures)
- Expansion or altering the footprint of buildings or structures

2. Attach a color wetlands map with the project boundary clearly marked. Acceptable mapping sites are listed below. Ensure the map is zoomed in close enough to exhibit details of the surrounding project area. *Maps listed are for preliminary screening purposes only.*

[FWS Nation Wetlands Inventory Mapper](#)  
[CARES GIS & Internet Mapping](#)

3. Are there drainage ways, streams, creeks or rivers on or near the project site?  YES  NO

If YES, or the project is located in or near wetlands, submit a cover letter with detailed project description, project location including township, range and section, clear and detailed map, and color photographs of the area to:

**U.S. Fish & Wildlife Service**  
Columbia Ecological Services Field  
Amy L. Salveter, Field Supervisor  
101 Park DeVille Drive, Suite A  
Columbia, MO 65203-0057  
Phone-573/234-2132

**U.S. Army Corps of Engineers**  
Contact your regions District Office for potential Jurisdiction Determination at the following website:  
[USACE Regulatory Officer Locator](#)  
**If a wetlands delineation is needed, contact NRCS:**  
**Wetlands Delineation Contacts** [NRCS Wetlands Delineation Contacts](#)

4. Is the project in a designated wetland, as indicated by qualified sources?  YES  NO

5. Is the project located in a 100-year floodplain or designated floodway?  YES  NO

\*\*If Yes, HUD's 8-step Decision Making Process **IS** required.  
\*\*If Yes, to Question 4 and No to Question 5, **please proceed to Question 6 to determine what level of HUD's 8-Step Decision Making Process is required.**

6. **Permitting Requirements:** Does the project involve new construction?  Yes  No

6a. Does the project require a USACE Section 404 Individual Permit?  YES  NO  
\*\*If yes, and project is **not** new construction, attach permit and complete **only Steps 6, 7 and 8** of HUD's 8-Step Decision Making Process. New construction requires full 8-Step.

6b. Does the project require a USACE Section 404 General or Nationwide Permit?  YES  NO  
\*\*If Yes, you must complete HUD's **entire 8-Step** Decision Making Process.

*Check all source documentation applicable and attach: Maps must be in color.*

- Color FWS Map(s)
- Color maps from other qualified agencies. Specify: \_\_\_\_\_
- Consultation correspondence (letters, e-mails, faxes, documented phone calls)
- US Fish & Wildlife Service Clearance
- US Army Corps of Engineers Clearance
- Other qualified agency clearance(s): \_\_\_\_\_
- Permitting Information
- Other sources of documentation: \_\_\_\_\_

**Additional Information/Explanations:**

**STATUTORY CHECKLIST**

N/A

**HUD 8-STEP DECISION MAKING PROCESS**

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

*(Attach additional pages as necessary)*

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

a. Based on completion of the previous Floodplain Management and Wetlands Protection sections, is the HUD 8-Step Decision Making Process completed for:

Floodplains and Wetlands     Floodplains     Wetlands

b. Provide the dimensions of the project area(s) located in the floodplain and/or wetlands:

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

**Publish the Early Public Notice**

The Early Public Notice is a notice of the proposal to consider an action in a floodplain and/or wetland. The notice must be published in a non-legal section of the newspaper of widest circulation. A minimum 15-day comment period begins the day after publication. If the RE receives written comments, the RE must consider the comments, respond in writing and provide copies to CDBG. The public notice must be submitted to environmental agencies and Tribes, as applicable.

*Attach a copy of the notice, affidavit of publication and/ or tear sheet, and proof of distribution to environmental agencies and Tribes.*

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

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

Were comments in writing received?  YES     NO

If YES, explain and attach all correspondence:

### STATUTORY CHECKLIST

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

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

- a. Identify and explain if alternative sites suitable for the project exist outside the floodplain/wetland:  
*(Refer to the engineer/architect, or engineering/architectural report for alternatives. Other buildings and/or sites and No Action must be evaluated.)*
- b. Identify and explain if feasible alternative actions/methods may be used to fulfill the identical project objective: *(Can different or modified actions with less chance for impact be used to fulfill the same project?)*
- c. Is there a storm/flood-related outdoor emergency warning system/siren serving the area in which the project is proposed?      YES    NO    Not relevant to the project  
  
If NO, explain how project beneficiaries are notified of an emergency situation:
- d. Does an adequate evacuation plan exist, or will an evacuation plan be implemented by the facility and/or the community?      YES    NO    Not relevant to the project  
  
If NO, explain how the lack of an evacuation plan will impact project beneficiaries:
- e. Are ingress and egress at the project site above or outside of the floodplain?    YES    NO  
  
If NO, explain how beneficiaries will be evacuated and how emergency response vehicles will access the site during flooding events:
- f. Is there at least one route/road to the project site above or outside the floodplain to allow access by emergency response vehicles?    YES    NO    Not relevant to the project  
  
If NO, explain how emergency response vehicles will access the site during flooding events:
- g. Identify and explain if threats to lives and property and/or adverse impacts to the floodplain/wetland *outweigh* benefits of the proposed project: *(Explain if impacts are too severe to human and natural environments to complete the project.)*

**STATUTORY CHECKLIST**

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

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

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

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

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

Concentrated impacts – at or near the floodplain/wetland:

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

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

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

Explain if the project encourages development in the floodplain/wetland:

**STATUTORY CHECKLIST**

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

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

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

c. Is there a local floodplain ordinance and floodplain development permitting process?  YES  NO  
If YES, attach a copy of the floodplain permit *application* submitted to the local authorizing jurisdiction, and a copy of the floodplain development *permit* issued by the local jurisdiction.

d. Is flood insurance required for the project?  YES  NO  
If YES, attach a copy of the flood insurance policy.

e. Is future development restricted on the project site(s)?  YES  NO  
If YES, attach a copy of the property deed restriction.

**STATUTORY CHECKLIST**

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

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

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

**STATUTORY CHECKLIST**

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

**Publish the Notice of Explanation**

The Notice of Explanation must include reasons for locating the project/activity in the floodplain/wetland, all alternatives considered, and all mitigations measures planned. The notice must be published in a non-legal section of the newspaper of widest circulation. A minimum 7-day comment period begins the day after publication. If the RE receives comments, the RE must consider the comments, respond in writing and provide copies to CDBG.

*Attach a copy of the notice, affidavit of publication and/ or tear sheet, and proof of distribution to environmental agencies and Tribes.*

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

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

Were comments in writing received?  YES  NO

If YES, explain and attach all correspondence

**STEP 8 – Implement the Project.**

Project implementation can only proceed provided compliance has been demonstrated with respect to all of the prior steps and provided the project has been approved by the State in accordance with HUD regulation 24 CFR Part 58.

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

**Are there any Conditions for Approval specific to floodplains/wetlands?**  YES  NO

If YES, list Conditions for Approval identified in the HUD 8 Step Process specific to floodplains and/or wetlands:

**Additional Information/Explanations:**

## STATUTORY CHECKLIST

### COASTAL ZONE MANAGEMENT

There are no Coastal Zones in Missouri.

Compliance Documentation: [NOAA Coastal Management](#)



#### States and Territories Working on Ocean and Coastal Management

Click on a state or territory below to see what we're doing to manage your state's oceans and coasts.



- |                               |                                |  |
|-------------------------------|--------------------------------|--|
| <a href="#">Alabama</a>       | <a href="#">Alaska</a>         | <a href="#">American Samoa</a>           |
| <a href="#">California</a>    | <a href="#">Connecticut</a>    | <a href="#">Delaware</a>                 |
| <a href="#">Florida</a>       | <a href="#">Georgia</a>        | <a href="#">Guam</a>                     |
| <a href="#">Hawaii</a>        | <a href="#">Illinois</a>       | <a href="#">Indiana</a>                  |
| <a href="#">Louisiana</a>     | <a href="#">Maine</a>          | <a href="#">Maryland</a>                 |
| <a href="#">Massachusetts</a> | <a href="#">Michigan</a>       | <a href="#">Minnesota</a>                |
| <a href="#">Mississippi</a>   | <a href="#">New Hampshire</a>  | <a href="#">New Jersey</a>               |
| <a href="#">New York</a>      | <a href="#">North Carolina</a> | <a href="#">Northern Mariana Islands</a> |
| <a href="#">Ohio</a>          | <a href="#">Oregon</a>         | <a href="#">Pennsylvania</a>             |
| <a href="#">Puerto Rico</a>   | <a href="#">Rhode Island</a>   | <a href="#">South Carolina</a>           |
| <a href="#">Texas</a>         | <a href="#">Virgin Islands</a> | <a href="#">Virginia</a>                 |
| <a href="#">Washington</a>    | <a href="#">Wisconsin</a>      |  |

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**STATUTORY CHECKLIST**

**AIRPORT HAZARDS**  
**(Clear Zones and Accident Potential Zones)**  
**24 CFR Part 51 Subpart D**

HUD funds may not be used for assistance, subsidy, or insurance for construction, land development, community development, or redevelopment designed to make land available for construction, or rehabilitation that significantly prolongs the life of existing facilities in designated Runway Protection Zones (RPZ) at civil airports or Protection Zones (PZ) at military airfields and Accident Potential Zone (APZ) at military airfields, except where written assurances are made that the project proposed for development will not be frequently used by people, and where written assurances are provided by the airport operator indicating no plans exist to purchase the property as part of a RPZ, PZ, or APZ acquisition program.

If CDBG funds are proposed for development in proximity to these areas, documentation must be provided that the program will comply with the requirements referenced above.

1. Do project activities, regardless of funding source, involve new construction, major rehabilitation, change of land use, increases in residential density, or acquisition of real property?  YES  NO

2. Is the project site located within 2,500 feet of the end of a civil airport runway or within 15,000 ft (2.8 miles) from the end of a military airfield?  YES  NO

3. If the answer to either question above is NO, provide support documentation as proof of compliance.

4. If the answer to both questions is YES, documentation must be attached indicating compliance with 24 CFR Part 51 Sub-part D. Contact the applicable airport operator for dimensions of the affected zones and provide documentation that the project is located outside the affected zones.

**List attached compliance documentation:**

**Acceptable Compliance Documentation:** *Clearly indicate the project area on maps. Maps must be in color.*

[AirNav Listing of Airports by State & Name, or City](#)

[CARES Interactive Maps](#) (Select 'Transportation' map layer)

[Civil & Military Airports by State](#)

[FAA List of National Plan of Integrated Airport Systems Airports \(NAIPS\)](#)

[FAA NAIPS State Maps](#)

**Additional Information/Explanations:**

**STATUTORY CHECKLIST**

**ENDANGERED SPECIES**

**(Endangered Species Act (ESA), Section 7 - 50 CFR Part 402)**

The ESA mandates that Federally-assisted activities not jeopardize the existence of plants and animals listed or proposed for listing on the endangered species list. Activities proposed for areas harboring such species must avoid adversely modifying or destroying their habitat.

[Endangered Species Act of 1973](#)

**If the project involves acquisition, new construction, site clearance, or public infrastructure improvements contact the following agencies. *Attach all related documentation.***

**U.S. Fish & Wildlife Service (US F&W)**

Columbia Ecological Services Field  
Amy L. Salveter, Field Supervisor  
101 Park DeVille Drive, Suite A  
Columbia, MO 65203-0057  
Phone: 573/234-2132

[US Fish & Wildlife Services Columbia, MO Field Office](#)  
[iPac Information Planning and Conservation System Tool](#)

**MO Department of Conservation (MDC)**

Attention Policy Coordination  
PO Box 180  
Jefferson City, MO 65102  
573/522-4115

[MDC Website](#)

**Compliance:**

Agency Requirements: Are conditions/mitigation measures required by agencies?  YES  NO

**If Yes, 1) Explain agency requirements 2) Explain if they are feasible in relation to project goals 3) Describe the mitigation plan to address requirements and if mitigation measures are required for completion *prior* to beginning any physical activity, etc: (Attach additional pages as needed.)**

**Agency Recommendations Related to the Site:**  No recommendations provided by agencies.

**Check all source documentation applicable and attach:**

- US Fish and Wildlife clearance
- MO Department of Conservation clearance
- Consultation correspondence (letters, e-mails, faxes, documented phone calls)
- Permitting Information
- Other sources of documentation: \_\_\_\_\_

**Compliance has been met.**



**STATUTORY CHECKLIST**

**FARMLAND PROTECTION**  
**(Farmland Protection Policy Act, 7 CFR 658)**

The purpose of the Farmland Protection Policy Act (FPPA) is to minimize unnecessary and irreversible conversion of farmland to non-agricultural uses.

- FPPA is NOT applicable to (1) land with a density of 30 structures per 40-acre area, (2) lands identified as “urbanized area” (UA) on the Census Bureau Map, (3) as urban area mapped with a “tint overprint” on the USGS topographical maps, or (4) as “urban-built-up” on the USDA Important Farmland Maps.
- FPPA IS applicable to land designated as *Prime* or *Unique* agricultural lands by USDA Natural Resources Conservation Service, including forestland, pastureland & cropland, and farmland of statewide or local importance.

**Compliance: Does the project involve new construction, acquisition or disposition of agricultural land, pasture or forested land that would result in development or conversion for non-agricultural use?**

**NO** Explain current land use and/or zoning classification of proposed project site(s):

Describe current land use of the project site and surrounding/adjacent parcels of the project site. Explain compatibility of proposed project activities with current land use. Attach support documentation for current zoning classification and/or land use such as ordinances, and color photos and maps. Attach additional pages as necessary:

**YES** Complete the: [USDA Farmland Conversion Impact Rating Form](#). Submit the form to the USDA NRCS office *in your region*.

Contact information for NRCS offices: [NRCS Service Center Locator for MO](#)

Describe the outcome of the NRCS rating, any conditions or mitigation measures required, and the feasibility of these requirements in relation to project goals. Attach all related documentation.

Related Website: [CARES Internet Mapping](#) – Print map in color. \* The map site listed above is for *preliminary screening purposes only*.

**STATUTORY CHECKLIST**

**NOISE CONTROL**  
**(24 CFR Part 51, Sub-part B)**

The purpose of the HUD Noise Regulation is to encourage suitable separation between noise sensitive land uses and major noise sources and establishes standards, requirements, and guidelines for noise control and abatement for HUD-assisted projects. If other funding sources are assisting the project also requiring noise control, comply with the strictest noise standards.

Explain potential noise associated with:

(a) Project Construction:

(b) Completed Project:

1. Is the proposed project a noise sensitive land use (residential, school, day care center, community center, library, hospital, nursing home, auditorium, health clinic, shelter, etc)?  YES  NO

2. Is the proposed project located within proximity of the following major noise sources?  YES  NO  
*Check all that apply and map locations in relation to the project area(s). Acceptable documentation includes on site measurements (preferred) or mapping sites allowing distance measurements.*

- Within 1,000 feet of a major roadway (high volume traffic, heavy truck traffic, etc.)
- Within 3,000 feet of a railroad  
Identify crossing locations and whistle stops - [FAA Railroad Crossing Inventory Query](#)  
*Refer to FAA's crossing inventory above and local government officials*
- There is a designated quiet zone in the area of the project.  
*If a quiet zone exists in the area of the project, explain and attach related documentation.*
- Within 15 miles of an airport (*See Airport Hazards section for mapping airports.*)
- Other significant noise sources: \_\_\_\_\_  
*(Industrial/manufacturing facilities; power generating stations; recreational facilities such as racing speedways/tracks, and motorcycle trails, etc.)*

3. Is the project a major noise source within proximity of a noise sensitive use?  YES  NO

If YES to both #2 and #3, or YES to #4, a Noise Assessment is ***required***. Refer to HUD's noise website, the 'HUD Noise Guidebook', and DNL Calculator at the websites below. *Attach all related documentation.*

[HUD Noise Abatement & Control](#)

[HUD Noise Guidebook](#)

[HUD Day/Night Noise Level Electronic Assessment Tool](#)

*\*The use of a noise meter may only be used when there is insufficient or inadequate data. See pages 101 -102 of 'HUD Noise Guidebook' as to when it is appropriate to use measurements from a noise meter.*

4. If a Noise Assessment was required, attach the assessment and explain the outcome below:  N/A

**STATUTORY CHECKLIST**

**EXPLOSIVE AND FLAMMABLE OPERATIONS**  
**(24 CFR Part 51 Sub-part C)**

HUD-assisted projects must be assessed for the presence of facilities presenting an explosive or flammable hazard to project sites in an effort to prevent injury to occupants and damage to buildings from industrial accidents.

1. Does the proposed project involve any of the following *residential* activities: conversion of non-residential land to residential land use, rehabilitation where unit density is increased, new housing construction, or vacant buildings made habitable?  YES  NO

2. Does the proposed project entail institutional, recreational, commercial, or industrial use, including open spaces, where people may congregate?  YES  NO

If NO to #1 or #2, document that no Explosive or Hazardous Operations are relevant to the project by attaching the site visit and other related documentation as indicated below.

3. If YES to #1 or #2, is the project within sight of or within one (1) mile of stationary hazardous facilities that store, handle, or process chemicals or petrochemicals of an explosive or flammable nature, such as liquid propane, gasoline or other above-ground storage tanks, particularly when there are no intervening topography, existing structures or barriers, are unsuitable for new development or substantial rehab projects?  YES  NO

*\* Mobile tanks (including railroad cars), buried tanks, and tanks with less than 100-gallon capacity and having common fuels are excluded.*

4. Does the proposed project involve the installation of hazardous facilities?  YES  NO

If YES to #3 or #4, the RE shall ensure that such hazardous facilities are located at an acceptable separation distance from residences and from any other facility or area where people may congregate or be present. Acceptable Separation Distance (ASD) must be determined by referring to the following:

['Siting of HUD-Assisted Projects Near Hazardous Facilities Guidebook'](#)  
[Acceptable Separation Distance Calculator](#).

*Attach all related documentation.*

**Acceptable Sources of Information:**

- Field Visit Checklist & Site Evaluation Form (*Refer to pages IV-64*)
- Maps with distances of the project site(s) to any explosive and hazardous operations
- Fire marshal, fire department, fire prevention agencies
- City, county, or project engineer
- Documented interviews with owners of aboveground fuel storage tanks/explosive and hazardous operations
- Current aboveground tank inspection reports
- Current color U.S.G.S topographic map
- Color survey land use maps

**Additional Information/Explanations:**

**STATUTORY CHECKLIST**

**WATER QUALITY**  
**Water Supply and Ground Water**  
**(Safe Drinking Water Act of 1974, Clean Water Act)**

The Safe Drinking Water Act (SDWA) protects public health by regulating the nation's public drinking water supply. The law requires many actions to protect drinking water and its sources: rivers, lakes, reservoirs, springs, and ground water wells. SDWA applies to every public water system in the U.S, but does not regulate private wells serving fewer than 25 people.

[Safe Drinking Water Act of 1974](#)

[Clean Water Act \(EPA\)](#)

1. a. Is there an existing municipal or public water supply adequate to serve the project?  YES  NO  
b. Is the water supply safe and free of contamination?  YES  NO

Refer to the following and/or to local inspection reports, and correspondence and/or documented telephone calls from Public Water Supply District or comparable source.

[EPA Safe Drinking Water Act Search Page](#)

[CARES Public Drinking Water System Reports](#)

[DNR Water Systems Search](#)

*Attach all related documentation.*

2. Will any waterways be affected by the project?  YES  NO
- d. Map the project site in relation to any nearby rivers, lakes, streams, or other water bodies that may receive effluent discharges from the project site that could impact potable water. *Attach the map and documentation from other qualified sources.*
- e. If the project could adversely impact water quality, explain how this will be addressed to the satisfaction of applicable environmental agencies and requirements.  N/A *Attach related documentation.*

3. Explain construction best management practices, construction staging controls, permitting, and/or local requirements for protecting groundwater during construction activities.

4. Will the project draw water from a Sole Source Aquifer?  YES  NO
- Print and attach the following webpage: [EPA-designated Sole Source Aquifers](#)

<p><b>5. WELLS:</b></p>	
<p>a. Will the project involve drilling a well? <span style="float: right;"><input type="checkbox"/> YES <input type="checkbox"/> NO</span></p> <p>If YES, is the location subject to rapid water withdrawal problems that will change depth of the water table? <i>Attach county health department inspection reports, letters and/or documented telephone calls.</i> <span style="float: right;"><input type="checkbox"/> YES <input type="checkbox"/> NO</span></p>	
<p>b. Will the project use a private well for its water supply? <span style="float: right;"><input type="checkbox"/> YES <input type="checkbox"/> NO</span></p> <p>If YES:</p> <p>    Has the source been tested and free of contamination? <i>Submit most current inspections/reports.</i> <span style="float: right;"><input type="checkbox"/> YES <input type="checkbox"/> NO</span></p> <p>    Are septic systems present on or around the project site and are they properly installed and maintained? <i>If YES, submit appropriate documentation.</i> <span style="float: right;"><input type="checkbox"/> YES <input type="checkbox"/> NO</span></p>	
<p>c. Do one or more wells exist on the project site? <span style="float: right;"><input type="checkbox"/> YES <input type="checkbox"/> NO</span></p> <p>If YES, will wells remain in use for the project? <span style="float: right;"><input type="checkbox"/> YES <input type="checkbox"/> NO</span></p>	
<p>d. Does the project require abandoning/decommissioning one or more wells? <span style="float: right;"><input type="checkbox"/> YES <input type="checkbox"/> NO</span></p> <p>If YES, contact:</p> <p>MO DNR Wellhead Protection Section PO Box 25 Rolla, MO 65402 573/368-2165</p>	
<p>e. <u>Public Water Supply Notification:</u> If any household will disconnect from a private well to connect to a municipal water system or Public Water Supply District as part of the CDBG-assisted project, wells must be plugged in accordance with <i>10 CSR23-3.110 – Plugging Wells</i>. DNR contact information is listed above, for further information. <a href="#">10 CSR23-3.110-Plugging Wells</a></p> <p>Contact the DNR Public Drinking Water Program, Wellhead Protection Section before construction begins on any public water supply well to determine if it is a non-community or community supply and if an engineer is required to evaluate the supply.</p> <p><i>Attach documented site visits and/or interviews with DNR, property owners, county health department, etc.</i></p>	<input type="checkbox"/> N/A
<p><b>For Further Information:</b></p> <p><a href="#">DNR Water Permits</a></p> <p><a href="#">DNR County Interactive Water Systems Data</a></p> <p><a href="#">DNR Surface Water</a>    <a href="#">DNR Groundwater</a></p> <p><a href="#">DNR Wellhead Protection Section</a></p> <p><a href="#">EPA - Locate Your Watershed</a></p>	
<p><b><u>Additional Information/Explanations:</u></b></p>	

**STATUTORY CHECKLIST**

**AIR QUALITY**

(Clean Air Act 42 U.S.C. 7400 Section 176 & 171, 40 CFR Parts 6, 51, 93)

**Federal, State and Local Compliance**

1. Is the project in an EPA-designated non-attainment or maintenance area for one or more of the six criteria pollutants regulated under the Clean Air Act?  YES  NO

Attach documentation from EPA: [EPA Currently Designated Nonattainment Areas](#)

If YES, a determination of conformity with the State Implementation Plan (SIP) is required for the project and specific pollutant for which the area was designated a non-attainment or maintenance area. Contact EPA Region VII to determine if the project requires a permit under the SIP.

EPA – State SIPs: US EPA Region 7  
Air and Waste Management Divisions  
11201 Renner Boulevard  
Lenexa, KS 66219  
913/551-7089

If applicable, obtain a letter of consistency from EPA proving the project is consistent with the SIP.  
*Provide explanations and attach all correspondence.*

2. Does the project require installation and/or operating permits, or indirect sources permit, in accordance with the Clean Air Act?  YES  NO

[DNR Air Permitting](#)

If YES, explain and attach all permitting documentation:

3. Are there local air pollution rules or policies for controlling fugitive dust, and vehicle and equipment emissions during construction activities?  YES  NO

*Attach County or City ordinances or codes.*

If NO, explain how fugitive dust from equipment and vehicles will be controlled during construction activities?

4. a.) Explain if the completed project could encourage similar developments in the area that could contribute or lead to future violations of air quality standards.
- b.) Explain the sources, types, and amounts of air emissions produced by the *finished* project and the mitigation needed to control or alleviate air emissions.

5. Noxious Odors or Fumes: Explain potential for odors and fumes from surrounding area sources and the completed project; include mitigation measures required to minimize migration of noxious odors or fumes.

## INDOOR AIR QUALITY

### Asbestos:

1. Does the project involve demolition or rehabilitation of residential, commercial, or bridge structures?  YES  NO

If YES:

- a. A current DNR Certified Asbestos Inspector must be hired to perform an asbestos inspection in accordance with DNR requirements. *See links below for more information or contact DNR's Asbestos Unit.*
- b. If friable asbestos containing materials are present requiring abatement, a current DNR registered asbestos abatement contractor must be hired.
- c. If CDBG funds are proposed for asbestos inspection and/or abatement, CDBG procurement methods apply.

*Attach all related documentation.*

2. Does the project include removal of asbestos water or sewer pipes?  YES  NO

If YES, wet methods must be used and debris material properly disposed in a sanitary landfill that accepts asbestos containing material. If the amount of asbestos containing material is over 260 linear feet, a DNR-certified abatement contractor must be used. Nothing is required if pipe is to be left in place.

#### Asbestos Resources:

DNR Asbestos Unit – 573/751-4817

#### [EPA Asbestos in Drinking Water](#)

[State Asbestos Rules 10 CSR 10-6.240, 6.241, 6.250](#)

[DNR Asbestos Information & Forms](#)

[Environmental Regulations for Demolition Project Checklist](#)

[Asbestos Requirements for Demolition & Renovation](#)

[Management of Non-Friable ACMs](#)

[EPA Asbestos Information](#)

[OSHA Asbestos Standards](#)

### Lead Paint:

1. Does the project involve rehabilitation to structures built prior to January 1, 1978?  YES  NO

If YES, is there *potential* for children under 6 years old to reside over 100 days or spend over 10 hours a week in the project structure?  YES  NO

If YES lead paint testing is required for deteriorated paint surfaces and paint surfaces that will be disturbed. A Missouri Licensed Lead Professional licensed through the Missouri Department of Health and Senior Services (DHSS) must be hired. Consult with the lead risk assessor to determine whether there is a need for soil testing. Comply with all DHSS requirements.

2. Does the project involve demolition of structures built prior to January 1, 1978?  YES  NO

If YES, will property re-use involve residential; child-occupied facility such as a day care center, pre-school, or playground; and common areas such as open spaces that may be used by children?  YES  NO

If YES, soil testing is required by an EPA-certified lead risk assessor also listed on the DHSS website.

3. Does the project involve demolition or rehabilitation of an *elevated water tower/tank*?  YES  NO

If YES, is lead based paint located on the interior and/or exterior of the tower/tank?  YES  NO

4. Does the project involve demolition or rehabilitation of a bridge?  YES  NO  
 If YES, does the bridge contain lead based paint?  YES  NO  
 If YES to c. or d. above, does the field visit reveal deteriorated paint such as crackling, peeling and chipping?  YES  NO

5. Explain mitigation measures to be implemented during the project including soil testing, remediation of existing lead in soils, and how soils will be protected from lead paint during demolition and/or construction activities.  
 If CDBG funds are proposed for lead testing, treatment, and/or abatement, CDBG procurement methods apply.

Lead Paint Resources:

DHSS Lead Licensing Program – 573/526-5873; toll free 888/837-0927

[EPA Lead Main Page](#)

[MO Licensed Lead Professionals](#)

[EPA Renovation, Repair, and Painting Program](#)

[RSMO 701.300-701.338](#)

[MO Dept. of Health & Senior Services Lead Licensing Main Page](#)

**Radon:** [A picocurie = unit of measure for levels of radon gas (pCi)]

1. Does the project entail new construction or major rehabilitation to any building for residential purposes or long term occupancy of people?  YES  NO

If YES, follow the directions below that are applicable to your project:

a. Existing Buildings:

N/A

A radon test must be conducted prior to construction improvements.

*Attach test results.*

Do test results reveal radon levels in excess of 4 picocuries?  YES  NO

If YES, mitigation is required and further testing at project completion.

Retesting: If re-testing was necessary, are radon levels in excess of 4 picocuries?  YES  NO

If YES, the project must include implementing a mitigation system.

*Attach test results and any explanations.*

b. New Construction:

N/A

New construction requires implementation of a radon mitigation system. Radon testing is required after construction is complete.

If Radon re-testing was required: Do test results reveal radon levels in excess of 4 picocuries?  YES  NO  
*Attach test results and any explanations.*

Radon Resources:

[HUD Radon Main Page](#)

[EPA Radon Main Page](#)

[EPA - Radon in MO](#)

- Mold:** Does the project entail rehabilitation of any building with evidence of mold on any building component, or an interior moisture-related problem, including roof leaks or moisture in and around the interior foundation or crawl space?  YES  NO  
*Document a site visit and attach color photos.*

If YES, describe how mold will be eliminated and construction measures undertaken to eliminate source(s) of mold-inducing moisture inside the structure. *Attach documentation evidencing mold remediation undertaken.*

[HUD Mold Main Page](#)

[EPA Mold Main Page](#)

**STATUTORY CHECKLIST**

**CONTAMINATION AND TOXIC MATERIALS**  
**(HUD Policy on Site Contamination [Sec. 58.5(i)(2)])**

HUD-assisted project sites must be free of contamination and chemicals where a hazard could affect health and safety of occupants or conflict with intended use of properties. Particular attention should be paid to sites located on or near landfills, industrial sites, gas stations, or other locations with potential for contaminants. If a project involves property acquisition, investigations must be complete and resolved *prior* to the formal transfer of property.

**Identify Site Contamination:** *Acceptable documentation: documented site visit, current historical property data, site inspections, ASTM E1527-05 Standard Phase I Environmental Site Assessment and, if applicable, Phase II and Phase III Assessments, other recent environmental studies, documentation from DNR and EPA staff*

1. Explain previous uses of the site and attach acceptable documentation: historical research of property, information from prior land owners, deed, title, easements, liens, aerial photographs, etc.

2. Is fill/borrow material required for the project?  Unknown  YES  NO

If YES, identify the origin of the fill on a map and complete and document a site visit.  
*Attach documentation.*

Based on the site visit, is there potential for contamination at the fill/borrow site?  YES  NO

If YES:  The borrow site is rejected. Evaluate the potential for contamination of new borrow sites.

A current ASTM Phase I Environmental Site Assessment is attached.

An ASTM Phase I Environmental Site Assessment will be prepared.

3. Does the project require removal of florescent light fixtures?  YES  NO

If YES:

Are any ballasts in fixtures identified as PCB-containing ballasts?  YES  NO

If YES, are there are signs of leaking?  YES  NO

If YES, the project must comply with: [DNR Universal Waste Rule](#)  
[DNR Fluorescent Lamp Ballasts](#)

*\*If a ballast is not labeled "No PCBs" assume it contains PCBs.*

4. Does the project anticipate removal of a HVAC unit?  YES  NO

If YES:

a. Will mercury-filled tipping mechanisms (thermostats) be removed?  YES  NO

b. Will a Freon-based AC unit be replaced?  YES  NO

If YES to one or both, the project must comply with [DNR Universal Waste Rule](#)

**PROFESSIONAL ASTM ENVIRONMENTAL SITE ASSESSMENTS (ESA)**

1. Has a current ASTM 1527-05 Phase I ESA been completed?  YES  NO  
(Generally, a Phase I ESA is considered current for 180 days)
- If NO, move on to question #3 below.
  - If YES, Date of Phase I ESA Reconnaissance Visit: \_\_\_\_\_  
(Attach the Phase I assessment)
  - Based on the Phase I, does contamination exist or is suspected to exist at the site?  YES  NO
    - If NO, nothing further is required.  
  
Explain how contamination identified in the Phase I ESA will be addressed in the project. Explain any cleanup procedures/mitigation and whether the cost and timeline for cleanup are feasible for the project
    - If YES, will contamination affect the health and safety of occupants or conflict with intended use of the site?  YES  NO
    - If YES, is a Phase II Assessment recommended?  YES  NO  
*If YES, submit the Phase II Assessment once complete.*
2. Was a Phase II Assessment already completed?  N/A
- If YES, date of Phase II Assessment: \_\_\_\_\_
  - Based on the Phase II Assessment, does contamination exist at the site?  YES  NO
    - If NO, nothing further is required.
    - If YES, explain how contamination will be addressed in the project. Explain any cleanup procedures/mitigation and whether the cost and timeline for cleanup are feasible for the project.
3. If a current Phase I ESA **has NOT been completed**, determine if it is appropriate.  N/A
- Depending on the nature of the project, a Phase I ESA could be required if the potential for contamination exists. Following are questions to determine if a Phase I ESA is needed:
- a. Based on the current site visit conducted, other than water stains, is there evidence of stained soil or pavement on or around the project site?  YES  NO
  - b. Is the project site an EPA Superfund (CERCLA) site or within 1-mile of Superfund Site?  YES  NO  
Print and attach documentation from [EPA NPL/Superfund Sites](#)
  - c. Have hazardous substances, pollutants, or contaminants been stored or dumped on the project site?  YES  NO
  - d. Is the project site near an industry or in an industrial area disposing of chemicals and/or hazardous waste?  YES  NO  
  
*Obtain documentation from one or more of the following websites and attach.*  
[EPA NEPAassist](#)   [EPA EJView](#)   [EPA EnviroMapper](#)
  - e. Is the project site located within 3,000 feet of a toxic or solid waste landfill?  YES  NO  
*Print and attach documentation from one or both of the sites below:*  
[DNR Landfill & Transfer Station Map](#)  
[Missouri Hazardous Substance Site Locator](#)

f. Do aboveground or underground tanks exist on or adjacent to the project site?

YES  NO

[DNR Petroleum Storage Tank Database](#): Print database information

If tanks are present, have any tanks been identified by DNR as leaking?

YES  NO

Contact DNR Tanks Section for more information: 573/751-6822

g. Based on results of the above, is a Phase I ESA needed?

YES  NO

- If NO, nothing further is required.

- If YES, choose one of the following:

- A Phase I ESA will be conducted and submitted to CDBG.

- The site is rejected. Based on the rejection of the site, explain how the project will proceed:

**More information is found at the following:**

[MO DNR Hazardous Waste Program](#)

[DNR Brownfields/Voluntary Cleanup Program](#)

[Association for Standards & Testing Methods \(ASTM\)](#)

**Additional Information/Explanations:**

**STATUTORY CHECKLIST**

**ENVIRONMENTAL JUSTICE**

**(E.O. 12898)**

The purpose of Executive Order 12898 is to direct Federal agencies to identify and address as appropriate “disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations”. Generally, this applies to low-income and minority neighborhoods where HUD-assisted projects are proposed for acquisition of existing housing, acquisition of land for development, change in land use, demolition, major rehabilitation, and new construction. At a minimum, Environmental Justice should address the consideration of actual and potential environmental impacts to people of low-income and minority status resulting from the proposed project, and mitigation measures to minimize adverse impacts as much as practicable within the principles of the Executive Order. It is imperative that consistency is maintained throughout the project. Attach additional pages as needed.

1. Explain the planning/ zoning classification and/or land use designation of the project site and immediate area. If zoning does not exist, explain the land use on and around the project area. (Acceptable documentation includes official planning & zoning information, color maps, color photographs, description of project and surrounding areas).

2. Explain opportunities for public involvement in decision making. (Acceptable support documentation includes: minutes from council/commission meetings and other public meetings/hearings; meeting sign-in sheets, copies of public notices and affidavits of publication; newspaper articles, website information, etc.)

3. Is the proposed project located in or around a low-income or minority neighborhood?  YES  NO  
If Yes, explain how individuals have been made aware of the project and the opportunity for public comment and involvement. Attach all related documentation.

[EPA EJView Map](#) and/or [EPA NEPAssist](#)

On the menu to the right:

(a) Click “Demographics (ACS) 2010”; click “Below Poverty”; choose Block Group, Tract, or County. Print & attach color map.

(b) Click “Demographics (SF1) 2010”; click “Minority”; choose Block Group, Tract, or County. Print & attach color map.

4. Explain all environmental impacts of the proposed project to low-income and minority persons.

Positive Impacts Anticipated:

Negative Impacts Anticipated:

5. Explain if project activities could contribute to existing adverse conditions to minority and/or low income persons.

**More information is found at the following:**

[EPA - Environmental Justice](#)

[EJScreen](#) – demonstration at [EJ Screen Tutorial](#)

[HUD Environmental Justice](#)

[Executive Order 12898](#)



**Community Development Block Grant**

301 W. High Street, Room 770

PO Box 118

Jefferson City, MO 65102

# 2016 ENVIRONMENTAL ASSESSMENT

## [\S 58.30]

<b>PROJECT NAME</b>	<b>CDBG PROJECT # (IF FUNDED)</b>
<b>RESPONSIBLE ENTITY/GRANTEE LOCATION [24 CFR 58.2(A)(7)(II)]</b>	<b>RE TELEPHONE NUMBER</b>
<b>CERTIFYING OFFICER NAME, TITLE &amp; EMAIL [24 CFR 58.2(A)(2)]</b>	
<b>ERR PREPARER NAME, ADDRESS, TELEPHONE &amp; EMAIL</b>	

<b><u>CDBG ENVIRONMENTAL ASSESSMENT</u></b>	
<b>PROJECT LOCATION/ADDRESS</b>	
<b>ESTIMATED TOTAL PROJECT COST- ALL SOURCES &amp; AMOUNTS</b>	
<b>Total Project Cost:</b> _____	
<b>CDBG Funds:</b>	<b>Other State Funds:</b>
<b>Local Cash Contribution:</b>	<b>Federal Funds:</b>
<b>Private Contribution:</b>	<b>In-Kind Contribution:</b>
<b>RESPONSIBLE ENTITY <u>PROJECT CONTACT</u> NAME, ADDRESS, TELEPHONE &amp; EMAIL</b>	
<b>NAME OF GRANT <u>SUB-RECIPIENT</u>, IF APPLICABLE    <input type="checkbox"/> N/A</b>	
<b>SUB-RECIPIENT CONTACT PERSON, ADDRESS, TELEPHONE &amp; EMAIL</b>	
<p><b><u>CONDITIONS FOR APPROVAL</u></b> [24 CFR 58.40(d), 40 CFR 1505.2(c) and 40 CFR 1508.20] <i>As appropriate:</i> (List all mitigation and project modification measures, including permits, adopted by the Responsible Entity to eliminate or minimize adverse environmental impacts. These conditions must be included in project contracts and all relevant agreement documents.) <u>Attach additional pages as necessary.</u></p>	

**CDBG ENVIRONMENTAL ASSESSMENT**

**FINDING:** [58.40(g)]

- Finding of No Significant Impact (FONSI)**  
The project will not result in a significant impact on the quality of the human environment.
  
- Finding of No Significant Impact (FONSI) with Conditions for Approval**  
The project will not result in a significant impact on the quality of the human environment. Mitigation and project modification measures, as listed under ‘Conditions for Approval’, will be adopted by the Responsible Entity to eliminate or minimize adverse environmental impacts.
  
- Finding of Significant Impact**  
The project may significantly affect the quality of the human environment. The project must be rejected unless the Responsible Entity completes an Environmental Impact Statement.

In my capacity as *Environmental Preparer* as designated by the Responsible Entity, I hereby attest that the Environmental Assessment document is true and complete to the best of my knowledge and supports the Finding indicated above:

**PREPARER SIGNATURE**

**DATE**

**PREPARER NAME & TITLE**

**PREPARER’S AGENCY (IF DIFFERENT FROM RE)**

In my capacity as *Certifying Officer* on behalf of the *Responsible Entity* and in conformance with 24 CFR Part 58, I have independently reviewed the Environmental Assessment prepared by the above-designated individual, and supplemented the information where appropriate. On behalf of the Responsible Entity, I assume responsibility for the accuracy of the information contained herein and approve the Finding and conditions indicated above:

**RE APPROVING OFFICIAL SIGNATURE**

**DATE**

**RE APPROVING OFFICIAL NAME & TITLE**

**CDBG ENVIRONMENTAL ASSESSMENT**

- **Does this project require a Tiered Reviewed approach?** [24 CFR §58.15]  YES  NO
- **Is this a multi-year/phased project?** [24 CFR §58.32(d)]  YES  NO

**Preliminary Project Design:** Check the applicable box or boxes and attach.

**PER:** Date \_\_\_\_\_ Firm \_\_\_\_\_

Addendums # of Addendums to date \_\_\_\_\_

**PAR:** Date \_\_\_\_\_ Firm \_\_\_\_\_

Addendums: # of Addendums to date \_\_\_\_\_

**Property Acquisition:** Does the project require property acquisition?  YES  NO

*Property acquisition must not occur prior to completion of the Environmental Review.*

Real Property:

Vacant property

Includes building or structure

Option to Purchase (*acceptable prior to completion of the Environmental Review*)

Easement(s): (*Map easements*)

Temporary

Permanent

**Purpose of property acquisition:**

**Purpose and Need of the Project:** [*“Statement of Purpose and Need of the Proposal” – 40 CFR 1508.9(b)*]

Explain why the project is needed and attach additional pages as necessary.

**CDBG ENVIRONMENTAL ASSESSMENT**

**Description of the Project:** [24 CFR 58.32, 40 CFR 1508.25] Include all contemplated actions proposed by all funding sources as part of the project. Attach additional descriptive information, including scaled location map, U.S.G.S. topographic map, aerial photograph, site plans, renderings, color photographs, budgets, etc. Attach additional pages as necessary.

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

**CDBG ENVIRONMENTAL ASSESSMENT**

**Examination of Project Alternatives:** [24 CFR 58.40(d)&(e)] Explain ALL alternatives considered including alternative project activities, sites, designs, plans, etc. and how the determination was made to implement the chosen alternative. Include no action and/or no project. (*Refer to the preliminary engineering and/or architectural report. Add pages as needed.*)

**Citizen Participation:** [40CFR 1506.6] Indicate how the public has been informed or plan to be informed of the proposed project and its potential environmental impacts. Explain if adverse comments have been received and how issues were resolved. [*Public hearings and meetings, published notices including affidavits of publication or newspapers, posted notices certified by chief elected official, newspaper articles (copies or original articles), printed website information, etc.*] Attach all supporting documentation.

**CDBG ENVIRONMENTAL ASSESSMENT  
SUMMARY OF ENVIRONMENTAL REVIEW**

**Impact Codes:** 1=No impact anticipated 2=Potentially beneficial 3=Potentially adverse 4=Requires Mitigation 5=Requires project modification 6=Permit Required

Environmental Impact	Code	Source Documentation
Historic Properties (SHPO & Tribal contacts)		
Floodplain Management		
Flood Insurance		
Wetlands Protection		
Coastal Zones		
Airport Hazards		
Endangered Species		
Wild & Scenic Rivers		
Farmland Protection		
Noise Control		
Explosive/Flammable Operations		
Water Quality		
Air Quality		

**CDBG ENVIRONMENTAL ASSESSMENT  
SUMMARY OF ENVIRONMENTAL REVIEW**

**Impact Codes:** 1=No impact anticipated 2=Potentially beneficial 3=Potentially adverse 4=Requires Mitigation 5=Requires project modification 6=Permit Required

Environmental Impact	Code	Source Documentation
Contamination/Toxic Materials		
Environmental Justice		
Land Development		
Community Facilities & Services		
Wastewater		
Solid Waste		
Storm Water Drainage		
Lead Based Paint		
Asbestos		
Energy Consumption		
Other(s):		
Other(s):		

<b>CDBG ENVIRONMENTAL ASSESSMENT</b>														
<b>FIELD VISIT CHECKLIST &amp; SITE EVALUATION</b>														
<b>Date of Visit:</b>	<b>Time:</b>	<b>Weather Conditions:</b>												
<b>Grantee/Applicant:</b>														
<b>Project Name:</b>		<b>CDBG Project # (if funded):</b>												
<b>Project Location/Address:</b>														
<b>Project Area Bounded By:</b>														
<b>Site Dimensions:</b>														
<b>Site Owner(s):</b>														
<b>Field Visit Conducted By:</b>														
<b><u>Attach the following:</u></b> <ul style="list-style-type: none"> <li>▪ Photographs of site and surrounding areas</li> <li>▪ Maps (street, topographic, aerial, etc.)</li> </ul>														
<b>EXISTING ENVIRONMENTAL CONDITIONS ON &amp; AROUND SITE:</b>														
<b>Land Use/Zoning</b> - check all that apply: <table style="width: 100%; border: none;"> <tr> <td><input type="checkbox"/> Residential</td> <td><input type="checkbox"/> Retail</td> <td><input type="checkbox"/> Never Developed</td> <td><input type="checkbox"/> Light Industrial</td> </tr> <tr> <td><input type="checkbox"/> Recreational</td> <td><input type="checkbox"/> Commercial</td> <td><input type="checkbox"/> Heavy industrial</td> <td><input type="checkbox"/> Currently Farmed</td> </tr> <tr> <td><input type="checkbox"/> Forest</td> <td><input type="checkbox"/> Pasture</td> <td><input type="checkbox"/> Conservation Area</td> <td><input type="checkbox"/> Other _____</td> </tr> </table>			<input type="checkbox"/> Residential	<input type="checkbox"/> Retail	<input type="checkbox"/> Never Developed	<input type="checkbox"/> Light Industrial	<input type="checkbox"/> Recreational	<input type="checkbox"/> Commercial	<input type="checkbox"/> Heavy industrial	<input type="checkbox"/> Currently Farmed	<input type="checkbox"/> Forest	<input type="checkbox"/> Pasture	<input type="checkbox"/> Conservation Area	<input type="checkbox"/> Other _____
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<input type="checkbox"/> Forest	<input type="checkbox"/> Pasture	<input type="checkbox"/> Conservation Area	<input type="checkbox"/> Other _____											
<b>Description of Existing Conditions:</b> (Explain in detail and attach additional pages as necessary.)   														
<b>Site Features and Topography:</b> (i.e., elevations, unique natural features, site slope, ravines, banks, mounds, caverns, cliffs, hills, depressions, erosion, sedimentation, drainage paths, etc. )   														
<b>Describe Site Access – Ingress &amp; Egress:</b> (Ease of accessing and exiting site, traffic control at site, safety and line of site, etc.)   														
<b>Interviews Conducted:</b> (Include names and titles of interviewees)   														

**CDBG ENVIRONMENTAL ASSESSMENT**

**FIELD VISIT CHECKLIST & SITE EVALUATION**

**Existing infrastructure on or near site - check all that apply and comment as appropriate:**

<input type="checkbox"/> Unpaved Roads Condition:	<input type="checkbox"/> Railroad Facilities/Tracks/Spurs Condition:
<input type="checkbox"/> Paved Roads Condition:	<input type="checkbox"/> Fencing/Security Condition:
<input type="checkbox"/> Sidewalks Condition:	<input type="checkbox"/> Culverts Condition:
<input type="checkbox"/> Crosswalks Condition:	<input type="checkbox"/> Drop Inlets Condition:
<input type="checkbox"/> Curb/Guttering Condition:	<input type="checkbox"/> Bridges Condition:
<input type="checkbox"/> Ditches Condition:	<input type="checkbox"/> Water Treatment Facility Condition:
<input type="checkbox"/> Water Lines	<input type="checkbox"/> Centralized Sewer System
<input type="checkbox"/> Water Wells	<input type="checkbox"/> Street Lights
<input type="checkbox"/> Parking Facilities Condition:	<input type="checkbox"/> Sewer Treatment Facilities Condition:
<input type="checkbox"/> Intersections Condition:	<input type="checkbox"/> Septic Tanks/Systems Condition:
<input type="checkbox"/> Bike/Pedestrian Lanes/Paths	<input type="checkbox"/> Fire Hydrants
<input type="checkbox"/> Electricity	<input type="checkbox"/> 911 Emergency Systems
<input type="checkbox"/> Traffic Signs	<input type="checkbox"/> Traffic Lights
<input type="checkbox"/> Gas Lines	<input type="checkbox"/> Other

**Check all that exist on or in close proximity to the project site. The importance of the proximity depends on the nature of the project. Further evaluation and documentation may be warranted if there is potential for environmental concerns.**

<input type="checkbox"/> Airport/Airport Clear Zones	<input type="checkbox"/> Former/Current/Proposed EPA Superfund Site	<input type="checkbox"/> Parks/Playgrounds
<input type="checkbox"/> Ambulance Facility	<input type="checkbox"/> Funeral Home	<input type="checkbox"/> Paint Facilities
<input type="checkbox"/> Animal Processing Plant	<input type="checkbox"/> Gas Station	<input type="checkbox"/> Police Station
<input type="checkbox"/> Apartments/Multi-Family	<input type="checkbox"/> Grocery Store	<input type="checkbox"/> Power Station/Transformer
<input type="checkbox"/> Arts/Cultural Center	<input type="checkbox"/> Group Home	<input type="checkbox"/> Printing Facilities
<input type="checkbox"/> Auto Repair Shop	<input type="checkbox"/> Heavily Traveled Roads	<input type="checkbox"/> Prison/Jail/Detention Center
<input type="checkbox"/> Bio-diesel Facility	<input type="checkbox"/> Heavy/Light Manufacturing Facilities	<input type="checkbox"/> Quarry
<input type="checkbox"/> Bus Stop/Station	<input type="checkbox"/> Highways – Interstate/State	<input type="checkbox"/> Recycling Facilities
<input type="checkbox"/> Car Dealership	<input type="checkbox"/> Historical Sites/Buildings	<input type="checkbox"/> Restaurants
<input type="checkbox"/> Cemeteries	<input type="checkbox"/> Hospitals	<input type="checkbox"/> Retaining Walls
<input type="checkbox"/> Chemical Manufacturer	<input type="checkbox"/> Industrial Park	<input type="checkbox"/> Rivers/ Streams/Creeks
<input type="checkbox"/> Churches	<input type="checkbox"/> Lakes/Ponds	<input type="checkbox"/> Schools
<input type="checkbox"/> Car Dealership	<input type="checkbox"/> Library	<input type="checkbox"/> Senior Center
<input type="checkbox"/> Community Center	<input type="checkbox"/> Low Income Housing	<input type="checkbox"/> Senior Housing
<input type="checkbox"/> Conservation Areas	<input type="checkbox"/> Medical/Health Clinic	<input type="checkbox"/> Sheltered Workshop
<input type="checkbox"/> Daycare Center	<input type="checkbox"/> Museum	<input type="checkbox"/> Shopping Centers
<input type="checkbox"/> Doctor's Office/Health Clinic	<input type="checkbox"/> Neighborhoods	<input type="checkbox"/> Storage/Use of Explosives
<input type="checkbox"/> Dry Cleaners	<input type="checkbox"/> Nursing Homes	<input type="checkbox"/> Train Depot
<input type="checkbox"/> Ethanol Plant	<input type="checkbox"/> Office Buildings	<input type="checkbox"/> Veterinary Clinic/Hospital
<input type="checkbox"/> Fire Station	<input type="checkbox"/> Open Spaces	<input type="checkbox"/> Youth Center

**CDBG ENVIRONMENTAL ASSESSMENT**

**FIELD VISIT CHECKLIST & SITE EVALUATION**

**Contamination & Toxic Materials**

QUESTION	SUBJECT PROPERTY	ADJOINING PROPERTIES
<i>Is there evidence of any of the following?</i>		
A. Is the property or any adjoining property currently used, or has evidence of prior use, as a <b>gasoline station, motor vehicle repair facility, printing facility, dry cleaners, photo developing laboratory, junkyard, or as a waste treatment, storage, disposal, processing or recycling facility?</b>	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN
B. Are there any damaged or discarded <b>automobile(s), automotive or industrial batteries, pesticides, paints, or other chemicals</b> in individual containers greater than 5 gal in volume or 50 gal in the aggregate, stored on or used at the property or adjoining properties?	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN
C. Are there any industrial <b>drums</b> (typically 55 gal) or sack of <b>chemicals, herbicides or pesticides</b> located on the property or adjoining properties?	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN
D. Has <b>fill dirt</b> been brought onto the property or adjoining properties that originated from a suspicious site or that is of an unknown origin?	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN
E. Are there any <b>pits, ponds, or lagoons</b> located on the property or adjoining properties in connection with waste treatment or waste disposal?	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN
F. Is there any <b>stained soil, distressed vegetation and/or discolored water</b> on the property or adjoining properties?	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN
G. Are there any <b>storage tanks</b> , aboveground or underground (other than residential), located on the property or adjoining properties within 1 mile of site?	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN
H. Are there any <b>vent pipes, fill pipes, or underground tank access ways</b> visible on the property or adjoining properties	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN
I. Are there any flooring, drains, walls, ceilings, or grounds on the property or adjoining properties <b>stained by substances</b> (other than water) or emitting <b>noxious or foul odors of a chemical nature?</b>	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN
J. Is the property served by a <b>private well or non-public water system?</b> (If yes, a follow-up investigation is required to determine if contaminants have been identified in the well or system that exceeds guidelines applicable to the water system, or if the well has been designated contaminated by any government environmental/health agency.)	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN	
K. Has the owner or occupant of the property been informed of the existence of past or current <b>hazardous substances or petroleum products or environmental violations</b> with respect to the property or adjoining properties?	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN
L. Do the property or adjoining properties <b>discharge wastewater</b> (not including sanitary waste or storm water) onto the property or adjoining properties and/or into a storm water system?	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN
M. Is there a <b>transformer, capacitor, or any hydraulic equipment</b> on the property or adjoining properties that are not marked as “non-PCB”?	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN

**CDBG ENVIRONMENTAL ASSESSMENT**

**FIELD VISIT CHECKLIST & SITE EVALUATION**

**If answering "YES" or "UNKNOWN" to any above items, explain and describe the conditions:  
Use photographs and maps to mark and identify conditions. Attach more information as needed.**

**Is further evaluation warranted for determining the presence of contamination?  YES  NO**

Preparer of this form must complete the following required information.

Inspection completed by:

Address:

Name:

Title:

Email:

Agency:

Phone Number:

**Preparer represents that to the best of his/her knowledge the above statements and facts are true and correct and to the best of his/her actual knowledge no material facts have been suppressed, omitted or misstated.**

**Signature:**

**Date:**

**CDBG ENVIRONMENTAL ASSESSMENT**

**HISTORIC PROPERTIES**  
**(Historic Preservation Act 16 U.S.C. 470 & 36 CFR Part 800)**

[Section 106 Project Information Form](#); [MO SHPO Website](#)

1. Is any property in the project listed or eligible for listing on the National Register of Historic Places? *(Print information from websites and attach)*  YES  NO

[National Historic Landmarks](#)

[MO National Register Listing](#) - by County

2. Is any property in the project located within or directly adjacent to a historic property?  YES  NO

3. If a tiered review, was SHPO notified that site-specific reviews will be completed as activities and properties are known?  N/A  YES  NO

4. Is fill material required for the project?  YES  NO  
If Yes, has the location of the fill been reviewed by the SHPO?  YES  NO

5. Has the RE provided adequate public involvement for identifying and assessing impacts to historic properties consistent with 36 CFR Part 800.2(d)?  YES  NO  
*Check all that apply and attach:*  Public Notices  Public Hearing Minutes  Direct Mail  
 Newspapers/Newsletters  Postings (websites, high traffic buildings, neighborhoods, etc.)

6. Based on completion of the Determination to Consult with Tribes Under Section 106 form, is consultation with Tribes required? *(Form located on the following page.)*  YES  NO

7. According to HUD's Tribal Directory Assessment Tool, are there Tribes listed for the county in which the project is to occur? [HUD TDAT](#)  YES  NO  
*Print and attach web page(s) as documentation.*  
In response to submission of project information, did any Tribes issue a comment of concern, request more information, consultation, and/or a survey? *Attach all correspondence.*  N/A  YES  NO

8. Is a cultural resource survey required as part of the Section 106 Review?  YES  NO  
*If YES, check the appropriate box or boxes.*  
 Architectural Survey Completed – Date of SHPO acceptance letter: \_\_\_\_\_  
 Archaeological Survey Completed – Date of SHPO acceptance letter: \_\_\_\_\_

9. **SHPO Project Number Assigned:** \_\_\_\_\_

10. **Result of Section 106 Review:** *Attach Section 106 form, including attachments*  
 No Historic Properties Affected - Date of SHPO Letter(s): \_\_\_\_\_  
 No Adverse Affect – Date of SHPO Letter(s): \_\_\_\_\_  
 No Adverse Effect With Conditions – Date of SHPO Letter(s): \_\_\_\_\_  
Date of SHPO acceptance letter: \_\_\_\_\_  
 Adverse Affect - Date of SHPO Letter(s): \_\_\_\_\_  
*[Project either rejected or requires Memorandum of Agreement (MOA)]*

**CDBG ENVIRONMENTAL ASSESSMENT**

11. **MOA** (*Attach SHPO acceptance once received and final copy of MOA*) **Check all**  N/A – MOA Not Required  
**Check all that apply:**

- ACHP notified (*Must be contacted prior to executing MOA*)
  - ACHP chooses to participate  ACHP chooses not to participate
- Indian Tribes Notified -  N/A – No Tribes Identified with interest in the project county
  - One or more Tribes choose to participate in the MOA  No Tribal choose to participate
- All stipulations may be completed and approved by SHPO prior to beginning any physical project activities
- MOA Stipulations Complete and Accepted by the SHPO – Date of SHPO letter: \_\_\_\_\_

12. **Has compliance with Section 106 been met?**  YES  NO

If NO, explain why:

**SHPO STAFF:**

Judith Deel, Archaeology: 573/751-7862; [Judith.deel@dnr.mo.gov](mailto:Judith.deel@dnr.mo.gov)

Amanda Burke, Architecture: 573/751-7958; [Amanda.Burke@dnr.mo.gov](mailto:Amanda.Burke@dnr.mo.gov)

**COMMUNITY DEVELOPMENT BLOCK GRANT  
DETERMINATION TO CONSULT WITH TRIBES UNDER SECTION 106**

<b>RESPONSIBLE ENTITY (RE)</b>	
<b>PROJECT NAME</b>	
<b>CDBG PROJECT # (IF FUNDED)</b>	<b>PROJECT LOCATION/ADDRESS</b>

Section 106 requires consultation with federally-recognized Indian tribes when a project may affect a historic property of religious and cultural significance to the tribe. Historic properties of religious and cultural significance include archeological sites, burial grounds, sacred landscapes or features, ceremonial areas, traditional cultural places, traditional cultural landscapes, plant and animal communities, and buildings and structures with significant tribal association. Following are the activities that may affect historic properties of religious and cultural significance.

**If a project includes any of the types of activities below, invite tribes to consult:**

**Significant ground disturbance (digging)**

Examples: new sewer lines, utility lines (above and below ground), foundations, footings, grading, access roads.

**New construction in undeveloped natural areas**

Examples: industrial-scale energy facilities, transmission lines, pipelines, or new recreational facilities, in undeveloped natural areas like mountaintops, canyons, islands, forests, native grasslands, etc., and housing, commercial, and industrial facilities in such areas.

**Incongruent visual changes**

Examples: construction of a focal point that is out of character with the surrounding natural area, impairment of the vista or view shed from an observation point in the natural landscape, or impairment of the recognized historic scenic qualities of an area.

**Incongruent audible changes**

Examples: increase in noise levels above an acceptable standard in areas known for their quiet, contemplative experience.

**Incongruent atmospheric changes**

Examples: introduction of lights that create skyglow in an area with a dark night sky.

**Work on a building with significant tribal association**

Examples: rehabilitation, demolition or removal of a surviving ancient tribal structure or village, or a building or structure that there is reason to believe was the location of a significant tribal event, home of an important person, or that served as a tribal school or community hall.

**Transfer, lease or sale of a historic property of religious and cultural significance**

Example: transfer, lease or sale of properties that contain archeological sites, burial grounds, sacred landscapes or features, ceremonial areas, plant and animal communities, or buildings and structures with significant tribal association.

**None of the above apply.**

\_\_\_\_\_  
**Reviewed By**

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

**ENVIRONMENTAL ASSESSMENT**

**FLOODPLAIN MANAGEMENT**

(E.O. 11988, 24 CFR Part 55)

1. Floodplain Management applies to projects involving ANY of the following - check all that apply:

- Acquisition of land or buildings
- New Construction
- Substantial Rehabilitation (i.e., modifications and improvements to buildings where rehabilitation costs exceed 50% of pre-rehabilitation value of building or where residential density increases more than 20%)
- Expanding the footprint of buildings or structures
- Infrastructure Improvements – Water, Sewer, Drainage, Roads, Bridges, Ditches, Utilities
- Other activities affecting land use \_\_\_\_\_

2. Is the project located in a 100-year floodplain or designated floodway?  YES  NO

[FEMA Map Service Center](#)

Mark project boundary clearly on FEMA map if the area has been mapped by FEMA.

*\*Part 55 prohibits federal financial assistance for use in a floodway except functionally dependent uses such as port authorities, floodwalls, bridges, levees, dams, etc.*

**UNMAPPED AREAS:** Obtain the best information possible from one or more of the following qualified sources: *Check all sources used and attach all documentation.*

- [CARES Internet Mapper](#) – Click to access mapper
- Project Engineer – Written explanation
- Community Floodplain Administrator – Written statement
- US Army Corps of Engineers - Correspondence
- US Geological Survey Maps
- USDA Natural Resources Conservation Service – Soil Maps
- Regional Planning Commission/Regional Council of Governments Mapping – Maps/Written statement
- Local flood control or levee district – Maps/Written statement
- Other \_\_\_\_\_

3. Does the project involve a **Critical Action** (nursing home, hospital, data storage facility)?  YES  NO

If YES, is the project located in a 500-year floodplain?  YES  NO

If **YES** to # 2 and/or #3, skip to #5. If **NO** to #2 and #3, go on to #4.

4. The project is NOT located in a floodplain.

Attach FEMA Firmette Map or Flood Insurance Rate Map and mark the project boundary on the map.

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

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

5. The project IS located in a floodplain. HUD's 8-Step Decision Making Process is required. See Page IV-112.

*\* Refer to the Preliminary Engineering/Architectural Report and/or consult with the engineer/architect for assistance. Consultation with environmental professionals may be appropriate.*

**ENVIRONMENTAL ASSESSMENT**

**FLOOD INSURANCE**

**(The Flood Disaster Protection Act of 1973, 24 CFR 58.6)**

The threshold for flood insurance requirements is included in *The Flood Disaster Protection Act of 1973*, as amended, requiring property owners purchase flood insurance for buildings located within *Special Flood Hazard Areas (SFHA)* when Federal financial assistance is used to acquire, repair, improve, or construct a building. Owners of HUD-assisted properties located within Special Flood Hazard Areas (SFHA) must purchase and maintain flood insurance protection as a condition of approval of any HUD financial assistance for proposed property acquisition, rehabilitation, conversion, repair or construction.

**CDBG Grant** - Owners of buildings located in a floodplain that are included in the project must maintain flood insurance for the life of the building, regardless of transfer of ownership.

**CDBG Loan** – Owners of buildings located in floodplain that are included in the project must maintain flood insurance for the term of the loan, in the amount of the loan.

*(Compliance with mandatory flood insurance purchase does not constitute compliance with floodplain management requirements discussed under the Floodplain Management section of this document.)*

1. Does the RE participate in the National Flood Insurance Program (NFIP)?  YES  NO  
*Access the following website and attach the appropriate page.*  
**[MO communities participating in the NFIP](#)**  
 *\*If any portion of the project is located in a SFHA, attach a copy of the local jurisdiction's floodplain management ordinance and permitting information.*

2. Is any portion of the project located in a SFHA?  YES  NO  
If YES, does the project involve existing buildings or proposed buildings in the SFHA?  YES  NO  
If YES, flood insurance is required and proof of purchase of flood insurance must be attached or submitted during the project as it becomes available.  
 *If any portion of the project is located in a SFHA, HUD assistance is prohibited unless the community is participating in and in good standing with the NFIP.*  
*\*\*Sewer lift stations located in a SFHA that are at least one foot above base flood elevation, or as specified in the local floodplain management ordinance, are not subject to flood insurance requirements.*

**MO State Emergency Management Agency (SEMA)**

2302 Militia Drive, PO Box 116  
Jefferson City, MO 65102

Dale Schmutzler, Floodplain Management Officer, NFIP  
573/526-9135

**[Dale.schmutzler@sema.dps.mo.gov](mailto:Dale.schmutzler@sema.dps.mo.gov)**

**[HUD Flood Insurance Q & A](#)**

**[FEMA NFIP](#)**

**[MO Local Floodplain Managers](#)** - (Subject to change)

**Additional Information/Explanations:**

**ENVIRONMENTAL ASSESSMENT**

**WETLANDS PROTECTION**  
**(E.O. 11990, 24 CFR Part 55)**

Executive Order 11990 requires all Federal agencies avoid impacts to wetlands, direct or indirect, by discouraging construction in wetlands whenever there is a practicable alternative.

1. Compliance with Wetlands Protection applies to Land Acquisition and/or Construction related to any of the following. Check all that apply to the project:

- Buildings and structures
- Roads
- Sewer and water systems
- Storm drains and ditches
- Flood control systems
- Dredging, filling, excavation (includes rehabilitation to existing buildings and structures)
- Expansion or altering the footprint of buildings or structures

2. Attach a **color wetlands map** with the project site clearly marked. Acceptable mapping sites are listed below. Ensure the map is zoomed in close enough to exhibit details of the surrounding project area. *Maps listed are for preliminary screening purposes only.*

[National Wetlands Inventory Mapper](#) – FWS Wetlands Mapper (National Wetlands Inventory)

[UMC CARES GIS & Internet Mapping](#) – UMC CARES GIS and Internet Mapping

3. Are there drainage ways, streams, creeks or rivers on or near the project site?  YES  NO

If yes, or the project is located in or near a wetlands, submit a cover letter with detailed project description, project location including township, range and section, clear and detailed map, and preferably color photographs of the area to:

**U.S. Fish & Wildlife Service**  
Columbia Ecological Services Field  
Amy L. Salveter, Field Supervisor  
101 Park DeVille Drive, Suite A  
Columbia, MO 65203-0057  
Phone-573/234-2132

**U.S. Army Corps of Engineers**  
Contact your regions District Office for potential Jurisdiction Determination at the following website:

[USACE Regulatory Officer Locator](#)

**If a wetlands delineation is needed, contact NRCS:**  
[NRCS Wetlands Delineation Contacts](#)

4. **Is the project in a designated wetland, as indicated by qualified sources?**  YES  NO

5. **Is the project located in a 100-year floodplain or designated floodway?**  YES  NO

\*\* If Yes, the [HUD 8-Step Decision Making Process](#) IS required

\*\* If Yes to Question 4 and No to Question 5, please proceed to Question 6 to determine what level of HUD's 8-Step Decision Making Process is required.

6. **Permitting Requirements: Does the project involve new construction?**  Yes  No

6a. Does the project require a USACE Section 404 Individual Permit?  YES  NO

\*\*If yes, and project is **not** new construction, attach permit and complete **only steps 6,7 and 8** of HUD's 8-Step Decision Making Process. New construction requires full 8-Step.

6b. Does the project require a USACE Section 404 General or Nationwide Permit?  YES  NO

\*\*If Yes, HUD's **entire 8-Step** Decision Making process is required.

**Check all source documentation applicable and attach: Maps must be in color.**

- Color FWS Map(s)
- Color maps from other qualified agencies. Specify: \_\_\_\_\_
- Consultation correspondence (letters, e-mails, faxes, documented phone calls)
- US Fish & Wildlife Service Clearance
- US Army Corps of Engineers Clearance
- Other qualified agency clearance(s): \_\_\_\_\_
- Permitting Information
- Other sources of documentation: \_\_\_\_\_

**Additional Information/Explanations:**

**ENVIRONMENTAL ASSESSMENT**

N/A

**HUD 8-STEP DECISION MAKING PROCESS**

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

*(Attach additional pages as necessary.)*

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

a. Based upon completion of the previous Floodplain Management and Wetlands Protection sections, is the HUD 8-Step Decision Making Process completed for:

Floodplains and Wetlands     Floodplains     Wetlands

b. Provide the dimensions of the project area(s) located in the floodplain and/or wetlands:

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

**Publish the Early Public Notice**

The Early Public Notice is a notice of the proposal to consider an action in a floodplain/wetland. The notice must be published in a non-legal section of the newspaper of widest circulation. *A minimum 15-day comment period begins the day after publication.* Indicate if comments were received. If the RE receives written comments, the RE must consider the comments, respond in writing and provide copies to CDBG. The public notice must be submitted to environmental agencies and Tribes, as applicable.

*Attach a copy of the notice, affidavit of publication or tear sheet, and proof of distribution to agencies and Tribes.*

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

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

Were comments received in writing?  YES     NO

If YES, explain and attach all correspondence.

**ENVIRONMENTAL ASSESSMENT**

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

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

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

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

c. Is there a storm/flood-related outdoor emergency warning system/siren serving the area in which the project is proposed?  YES  NO  Not relevant to the project

If NO, explain how project beneficiaries are notified of an emergency situation:

d. Does an adequate evacuation plan exist, or will an evacuation plan be implemented by the facility and/or the community?  YES  NO  Not relevant to the project

If NO, explain how the lack of an evacuation plain will impact project beneficiaries:

e. Are ingress and egress at the project site above or outside of the floodplain?  YES  NO

If NO, explain how beneficiaries will be evacuated and how emergency response vehicles will access the site during flooding events:

f. Is there at least one route/road to the project site above or outside the floodplain to allow access by emergency response vehicles?  YES  NO  Not relevant to the project

If NO, explain how emergency response vehicles will access the site during flooding events:

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

**ENVIRONMENTAL ASSESSMENT**

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

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

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

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

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

Concentrated impacts – at or near the floodplain/wetland:

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

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

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

Explain if the project encourages development in the floodplain/wetland:

**ENVIRONMENTAL ASSESSMENT**

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

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

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

c. Is there a local floodplain ordinance and floodplain development permitting process?  YES  NO  
If Yes, attach a copy of the floodplain permit *application* submitted to the local authorizing jurisdiction, and a copy of the floodplain development *permit* issued by the local jurisdiction.

d. Is flood insurance required for the project?  YES  NO  
If Yes, attach a copy of the flood insurance policy.

e. Is future development restricted on the project site(s)?  YES  NO  
If Yes, attach a copy of the property deed restriction.

**ENVIRONMENTAL ASSESSMENT**

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

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

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

**ENVIRONMENTAL ASSESSMENT**

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

**Publish the Notice of Explanation**

The Notice of Explanation must include reasons for locating the project/activity in the floodplain/wetland, all alternatives considered, and all mitigations measures planned. The notice must be published in a non-legal section of the newspaper of widest circulation. A 7-day comment period begins the day after publication. If the RE receives written comments, the RE must respond in writing, resolve issues and provide copies to CDBG.

*Attach a copy of the notice, affidavit of publication and/ or tear sheet, and proof of distribution to environmental agencies and Tribes.*

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

Date of Publication: \_\_\_\_\_

Were adverse comments in writing received:  YES  NO

If YES, explain and attach all correspondence.

**STEP 8 – Implement the Project.**

Project implementation can only proceed provided compliance has been demonstrated with respect to all of the prior steps and provided the project has been approved by the State in accordance with HUD regulation 24 CFR Part 58.

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

**Are there any Conditions for Approval specific to floodplains/wetlands?**  YES  NO

If Yes, list all Conditions for Approval identified in the HUD 8 Step Process specific to floodplains and/or wetlands.

**Additional Information/Explanations:**

## ENVIRONMENTAL ASSESSMENT

### COASTAL ZONE MANAGEMENT

There are no Coastal Zones in Missouri.

Compliance Documentation:

[NOAA Coastal Zones](#)



#### States and Territories Working on Ocean and Coastal Management

Click on a state or territory below to see what we're doing to manage your state's oceans and coasts.



- |                               |                                |  |
|-------------------------------|--------------------------------|--|
| <a href="#">Alabama</a>       | <a href="#">Alaska</a>         | <a href="#">American Samoa</a>           |
| <a href="#">California</a>    | <a href="#">Connecticut</a>    | <a href="#">Delaware</a>                 |
| <a href="#">Florida</a>       | <a href="#">Georgia</a>        | <a href="#">Guam</a>                     |
| <a href="#">Hawaii</a>        | <a href="#">Illinois</a>       | <a href="#">Indiana</a>                  |
| <a href="#">Louisiana</a>     | <a href="#">Maine</a>          | <a href="#">Maryland</a>                 |
| <a href="#">Massachusetts</a> | <a href="#">Michigan</a>       | <a href="#">Minnesota</a>                |
| <a href="#">Mississippi</a>   | <a href="#">New Hampshire</a>  | <a href="#">New Jersey</a>               |
| <a href="#">New York</a>      | <a href="#">North Carolina</a> | <a href="#">Northern Mariana Islands</a> |
| <a href="#">Ohio</a>          | <a href="#">Oregon</a>         | <a href="#">Pennsylvania</a>             |
| <a href="#">Puerto Rico</a>   | <a href="#">Rhode Island</a>   | <a href="#">South Carolina</a>           |
| <a href="#">Texas</a>         | <a href="#">Virgin Islands</a> | <a href="#">Virginia</a>                 |
| <a href="#">Washington</a>    | <a href="#">Wisconsin</a>      |  |

[\(top\)](#)

**ENVIRONMENTAL ASSESSMENT**

**AIRPORT HAZARDS**

**(Clear Zones and Accident Potential Zones)**

**24 CFR Part 51 Subpart D**

HUD funds may not be used for assistance, subsidy, or insurance for construction, land development, community development, or redevelopment designed to make land available for construction, or rehabilitation that significantly prolongs the life of existing facilities in designated Runway Protection Zones (RPZ) at civil airports or Protection Zones (PZ) at military airfields and Accident Potential Zone (APZ) at military airfields, except where written assurances are made that the project proposed for development will not be frequently used by people, and where written assurances are provided by the airport operator indicating no plans exist to purchase the property as part of a RPZ, PZ, or APZ acquisition program.

If CDBG funds are proposed for development in proximity to these areas, documentation must be provided that the program will comply with the requirements referenced above.

1. Do project activities, regardless of funding source, involve new construction, major rehabilitation, change of land use, increases in residential density, or acquisition of real property?  YES  NO
2. Is the project site located within 2,500 feet of the end of a civil airport runway or within 15,000 ft (2.8 miles) from the end of a military airfield?  YES  NO
3. If the answer to either question above is NO, provide support documentation as proof of compliance.
4. If the answer to both questions is YES, documentation must be attached indicating compliance with 24 CFR Part 51 Sub-part D. Contact the applicable airport operator for dimensions of the affected zones and provide documentation that the project is located outside the affected zones.

**List attached compliance documentation:**

**Acceptable Compliance Documentation:** *Clearly indicate the project area on maps. Maps must be in color.*

[AirNav Listing of Airports by State & Name, or City](#)

[CARES Interactive Maps](#) (Select 'Transportation' map layer)

[Civil & Military Airports by State](#)

[FAA List of National Plan of Integrated Airport Systems Airports \(NAIPS\)](#)

[FAA NAIPS State Maps](#)

**Additional Information/Explanations:**

**ENVIRONMENTAL ASSESSMENT**

**ENDANGERED SPECIES**

**(Endangered Species Act (ESA), Section 7 - 50 CFR Part 402)**

The ESA mandates that Federally-assisted activities not jeopardize the existence of plants and animals listed or proposed for listing on the endangered species list. Activities proposed for areas harboring such species must avoid adversely modifying or destroying their habitat.

[Endangered Species Act of 1973](#)

**\*If the project involves acquisition, new construction, site clearance, or public infrastructure improvements contact the following agencies. *Attach all related documentation.***

**U.S. Fish & Wildlife Service**  
Columbia Ecological Services Field  
Amy L. Salveter, Field Supervisor  
101 Park DeVille Drive, Suite A  
Columbia, MO 65203-0057  
Phone: 573/234-2132

[US Fish & Wildlife Services Columbia, MO Field Office](#)  
[iPac Information Planning and Conservation System Tool](#)

**MO Department of Conservation (MODOC)**  
Attention Policy Coordination  
PO Box 180  
Jefferson City, MO 65102  
573/522-4115  
[MDC Website](#)

**Compliance:**

**Agency Requirements:** Are conditions/mitigation measures required by any agency?  YES  NO

If Yes, 1) Explain agency requirements 2) Explain if they are feasible in relation to project goals 3) Describe the mitigation plan to address requirements and if mitigation measures are required for completion *prior* to beginning any physical activity, etc. (*Attach additional pages as needed.*)

**Agency Recommendations Related to Site:**  No recommendations provided by agencies

**Check all source documentation applicable and attach:**

- US Fish and Wildlife clearance
- MO Department of Conservation clearance
- Consultation correspondence (letters, e-mails, faxes, documented phone calls)
- Permitting Information
- Other sources of documentation: \_\_\_\_\_

**Compliance has been met.**



**ENVIRONMENTAL ASSESSMENT**

**FARMLAND PROTECTION**

**(Farmland Protection Policy Act, 7 CFR 658)**

The purpose of the Farmland Protection Policy Act (FPPA) is to minimize unnecessary and irreversible conversion of farmland to non-agricultural uses.

- FPPA is NOT applicable to (1) land with a density of 30 structures per 40-acre area, (2) lands identified as “urbanized area” (UA) on the Census Bureau Map, (3) as urban area mapped with a “tint overprint” on the USGS topographical maps, or (4) as “urban-built-up” on the USDA Important Farmland Maps.
- FPPA IS applicable to land designated as *Prime* or *Unique* agricultural lands by USDA Natural Resources Conservation Services, including forestland, pastureland and cropland, and farmland of statewide or local importance.

**Compliance:**

**Does the project involve new construction, acquisition or disposition of agricultural land, pasture or forested land that would result in development or conversion for non-agricultural use?**

**NO**      **Indicate current land use and/or zoning classification of proposed project site:**

Describe current land use of the project site and surrounding/adjacent parcels of the project site. Explain compatibility of proposed project activities with current land use. Attach support documentation for current zoning classification and/or land use such as ordinances, and color photos and maps. Attach additional pages as necessary:

**YES**      **Complete the [USDA Farmland Conversion Impact Rating Form](#).** Submit the form to the USDA NRCS office *in your region*.

Contact information for NRCS offices: [NRCS Service Center Locator for MO](#)

Describe the outcome of the NRCS rating, any conditions or mitigation measures required, and the feasibility of these requirements in relation to project goals. Attach all related documentation:

Related Website: [CARES Internet Mapping](#) - UMC Cares Map Room.

If using a map for support documentation, print in color.

The map site listed above is for *preliminary screening purposes only*.

**ENVIRONMENTAL ASSESSMENT**

**NOISE CONTROL**

**(24 CFR Part 51, Sub-part B)**

The purpose of the HUD Noise Regulation is to encourage suitable separation between noise sensitive land uses and major noise sources and establishes standards, requirements, and guidelines for noise control and abatement for HUD-assisted projects. If other funding sources are assisting the project also requiring noise control, comply with the strictest noise standards.

1. Explain potential noise associated with:

(a) Construction:

(b) Completed project:

2. Is the proposed project a noise sensitive land use (residential, school, day care center, community center, library, hospital, nursing home, auditorium, health clinic, shelter, etc)?  YES  NO

3. Is the proposed project located within proximity of the following major noise sources?  YES  NO

*Check all that apply and map locations in relation to the project area(s). Acceptable documentation includes on site measurements (preferred) or mapping sites allowing distance measurements.*

Within 1,000 feet of a major roadway (high volume traffic, heavy truck traffic, etc.)

Within 3,000 feet of a railroad

Identify crossing locations - [FAA Railroad Crossing Inventory Query](#)

*Refer to FAA's crossing inventory above and local government officials*

There is a designated quiet zone in the area of the project.

*If a quiet zone exists in the area of the project, explain and attach related documentation.*

Within 15 miles of an airport (*See Airport Hazards section for mapping airports*)

Other significant noise sources (industrial/manufacturing facilities, power generating stations, etc.)

*(Industrial/manufacturing facilities; power generating stations; recreational facilities such as racing speedways/tracks, and motorcycle trails, etc.)*

4. Is the project a major noise source within proximity of a noise sensitive use?  YES  NO

If Yes to both #2 and #3, or Yes to #4, a Noise Assessment is **required**. Refer to HUD's noise website, the 'HUD Noise Guidebook', and DNL Calculator at the websites below. *Attach all related documentation.*

[HUD Noise Abatement & Control](#)

[HUD Noise Guidebook](#)

[HUD Day/Night Noise Level Electronic Assessment Tool](#)

*\*The use of a noise meter may only be used when there is insufficient or inadequate data. See pages 101 -102 of 'HUD Noise Guidebook' as to when it is appropriate to use measurements from a noise meter.*

5. If a noise assessment was required, attach the assessment and explain the outcome below:  N/A

**ENVIRONMENTAL ASSESSMENT**

**EXPLOSIVE AND FLAMMABLE OPERATIONS**

**(24 CFR Part 51 Sub-part C)**

HUD-assisted projects must be assessed for the presence of facilities presenting an explosive or flammable hazard to project sites in an effort to prevent injury to occupants and damage to buildings from industrial accidents.

1. Does the proposed project involve any of the following *residential* activities: conversion of non-residential land to residential land use, rehabilitation where unit density is increased, new housing construction, or vacant buildings made habitable?  YES  NO

2. Does the proposed project entail institutional, recreational, commercial, or industrial use, including open spaces, where people may congregate?  YES  NO

3. If YES to #1 or #2, is the project within sight of or within one (1) mile of stationary hazardous facilities that store, handle, or process chemicals or petrochemicals of an explosive or flammable nature, such as liquid propane, gasoline or other above-ground storage tanks, particularly when there are no intervening topography, existing structures or barriers, are unsuitable for new development or substantial rehab projects?  YES  NO

*\*Mobile tanks (including railroad cars), buried tanks, and tanks with less than 100-gallon capacity and having common fuels are excluded.*

If NO to #1 and #2, document that no Explosive or Hazardous Operations are relevant to the project by attaching the site visit and other related documentation as indicated below.

4. Does the proposed project involve the installation of hazardous facilities?  YES  NO

If YES to #3 or #4, the RE shall ensure that such hazardous facilities are located at an acceptable separation distance from residences and from any other facility or area where people may congregate or be present. Acceptable Separation Distance (ASD) must be determined by referring to the following:

**[‘Siting of HUD-Assisted Projects Near Hazardous Facilities Guidebook’](#)**

**[Acceptable Separation Distance Calculator](#)**

*Attach all related documentation.*

**Acceptable Sources of Information:**

- Field Visit Checklist & Site Evaluation Form (*Refer to pages IV-105*)
- Maps with distances of the project site(s) to any explosive and hazardous operations
- Fire marshal, fire department, fire prevention agencies
- City, county, or project engineer
- Documented interviews with owners of aboveground fuel storage tanks/explosive and hazardous operations
- Current aboveground tank inspection reports
- Current color U.S.G.S topographic map
- Color survey land use maps

**Additional Information/Explanations**

**ENVIRONMENTAL ASSESSMENT**

**WATER QUALITY**

**Water Supply and Ground Water  
(Safe Drinking Water Act of 1974, Clean Water Act)**

The Safe Drinking Water Act (SDWA) protects public health by regulating the nation's public drinking water supply. The law requires many actions to protect drinking water and its sources: rivers, lakes, reservoirs, springs, and ground water wells. SDWA applies to every public water system in the U.S, but does not regulate private wells serving fewer than 25 people.

[Safe Drinking Water Act of 1974](#)

[Clean Water Act \(EPA\)](#)

1. a. Is there an existing municipal or public water supply adequate to serve the project?  YES  NO  
b. Is the water supply safe and free of contamination?  YES  NO

Refer to the following and/or to local inspection reports, and correspondence and/or documented telephone calls from Public Water Supply District or comparable source.

[EPA Safe Drinking Water Act Search Page](#)

[CARES Public Drinking Water System Reports](#)

[DNR Water Systems Search](#)

*Attach all related documentation.*

2. Will any waterways be affected by the project?  YES  NO
- a. Map the project site in relation to any nearby rivers, lakes, streams, or other water bodies that may receive effluent discharges from the project site that could impact potable water. *Attach the map and documentation from other qualified sources.*
- b. If the project could adversely impact water quality, explain how this will be addressed to the satisfaction of applicable environmental agencies and requirements.  N/A *Attach related documentation.*

3. Explain construction best management practices, construction staging controls, permitting, and/or local requirements for protecting groundwater during construction activities.

4. Will the project draw water from a Sole Source Aquifer?  YES  NO
- Print and attach the following webpage: [EPA-designated Sole Source Aquifers](#)

<b>5. WELLS:</b>		
a.	Will the project involve drilling a well?  If YES, is the location subject to rapid water withdrawal problems that will change depth of the water table? <i>Attach county health department inspection reports, letters and/or documented telephone calls.</i>	<input type="checkbox"/> YES <input type="checkbox"/> NO  <input type="checkbox"/> YES <input type="checkbox"/> NO
b.	Will the project use a private well for its water supply?  If YES:  Has the source been tested and free of contamination? <i>Submit most current inspections/reports.</i>  Are septic systems present on or around the project site and have they been properly installed and maintained? <i>If YES, submit documentation.</i>	<input type="checkbox"/> YES <input type="checkbox"/> NO  <input type="checkbox"/> YES <input type="checkbox"/> NO  <input type="checkbox"/> YES <input type="checkbox"/> NO
c.	Do one or more wells exist on the project site?  If YES, will wells remain in use for the project?	<input type="checkbox"/> YES <input type="checkbox"/> NO  <input type="checkbox"/> YES <input type="checkbox"/> NO
d.	Does the project require abandoning/decommissioning one or more wells?  If YES, contact:  MO DNR Wellhead Protection Section PO Box 25 Rolla, MO 65402 573/368-2165	<input type="checkbox"/> YES <input type="checkbox"/> NO
e.	<b>Public Water Supply Notification:</b> If any household will disconnect from a private well to connect to a municipal water system or Public Water Supply District as part of the CDBG-assisted project, wells must be plugged in accordance with <b>10 CSR23-3.110 – Plugging Wells</b> .  Contact the DNR Public Drinking Water Program, Wellhead Protection Section before construction begins on any public water supply well to determine if it is a non-community or community supply and if an engineer is required to evaluate the supply.  <i>Attach documented site visits and/or interviews with DNR, property owners, county health department, etc.</i>	<input type="checkbox"/> N/A
<b>For Further Information:</b> <a href="#">DNR Water Permit</a> <a href="#">DNR County Interactive Water Systems Data</a> <a href="#">DNR Surface Water</a> <a href="#">DNR Groundwater</a> <a href="#">DNR Wellhead Protection Section</a> <a href="#">EPA - Locate Your Watershed</a>		
<b><u>Additional Information/Explanations:</u></b>          		

**ENVIRONMENTAL ASSESSMENT**

**AIR QUALITY**

**(Clean Air Act 42 U.S.C. 7400 Section 176 & 171, 40 CFR Parts 6, 51, 93)**

**Federal, State and Local Compliance** (Attach additional pages as necessary)

1. Is the project in an EPA-designated non-attainment or maintenance area for one or more of the six criteria pollutants regulated under the Clean Air Act? Attach documentation from EPA: [EPA Currently Designated Nonattainment Areas](#)  YES  NO

If YES, a determination of conformity with the State Implementation Plan (SIP) is required for the project and specific pollutant for which the area was designated a non-attainment or maintenance area. Contact EPA Region VII to determine if the project requires a permit under the SIP.

EPA – State SIPs: US EPA Region 7  
Air and Waste Management Divisions  
11201 Renner Boulevard  
Lenexa, KS 66219  
913/551-7089

If applicable, obtain a letter of consistency from EPA proving the project is consistent with the SIP.  
*Provide explanations and attach all correspondence.*

2. Does the project require installation and/or operating permits, or indirect sources permit, in accordance with the Clean Air Act?  YES  NO

<http://www.dnr.mo.gov/env/apcp/permits.htm> – DNR Air Permitting

If YES, explain and attach all permitting documentation:

3. Are there local air pollution rules or policies for controlling fugitive dust, and vehicle and equipment emissions during construction activities?  YES  NO

*Attach any County or City ordinances or codes.*

If NO, explain how fugitive dust from equipment and vehicles will be controlled during construction activities?

4. a. Explain if the completed project could encourage similar developments in the area that could contribute or lead to future violations of air quality standards.  
b. Explain the sources, types, and amounts of air emissions produced by the finished project and the mitigation needed to control or alleviate air emissions.

5. Noxious Odors or Fumes: Explain potential for odors and emissions from surrounding area sources and completed project, and mitigation measures required to minimize migration of noxious odors or fumes.

## INDOOR AIR QUALITY

Provide information on sources and types of air emissions that could affect indoor air quality after construction. Attach additional pages as needed to adequately explain each.

**Radon:** [A picocurie = unit of measure for levels of radon gas (pCi)]

1. Does the project entail new construction or major rehabilitation to any type of building to be used for residential purposes or long term occupancy of people?  YES  NO

If YES, follow the directions below that are applicable to your project:

- a. **Existing Buildings:**  N/A  YES  NO

A radon test must be conducted prior to construction improvements.  
*Attach test results.*

- Do test results reveal radon levels in excess of 4 picocuries?  N/A  YES  NO

If YES, mitigation is required and further testing at project completion.

- Retesting:** If re-testing was necessary, are radon levels in excess of 4 picocuries?  YES  NO

*Attach test results and explanations.*

- b. **New Construction:** New construction requires implementation of a radon mitigation system. Radon testing is required after construction is complete.  N/A  YES  NO

**If Radon Testing was required:** Do test results reveal radon levels in excess of 4 picocuries?  N/A  YES  NO  
*Attach test results and any explanations.*

Radon Resources:

[HUD Radon Main Page](#)

[EPA Radon Information](#)

[EPA Radon in Missouri](#)

- Mold:**  YES  NO

Does the project entail rehabilitation of any building with evidence of mold on any building component, or an interior moisture-related problem, including roof leaks or moisture in and around the interior foundation or crawl space? *Document a site visit and attach color photos.*

If YES, describe how mold will be eliminated and the construction measures required to eliminate source(s) of mold-inducing moisture inside the structure. Attach documentation to support implementation of mold remediation.

Mold Resources: [HUD Mold Main Page](#) [EPA Mold Main Page](#)

**Additional Information/Explanations:**

**ENVIRONMENTAL ASSESSMENT**

**CONTAMINATION AND TOXIC MATERIALS**

**(HUD Policy on Site Contamination [Sec. 58.5(i)(2)])**

HUD-assisted project sites *must* be free of contamination and chemicals where a hazard could affect health and safety of occupants or conflict with intended use of properties. Particular attention should be paid to sites located on or near landfills, industrial sites, gas stations, or other locations with potential for contaminants. If the project involves property acquisition, investigations must be complete and resolved *prior* to the transfer of property.

**Identify Site Contamination:** *Acceptable documentation: documented site visit, current historical property data, site inspections, ASTM E1527-05 Standard Phase I Environmental Site Assessment and, if applicable, Phase II and Phase III Assessments, other recent environmental studies, documentation from DNR and EPA staff*

1. Explain previous uses of the site and attach acceptable documentation: historical research of property, information from prior land owners, deed, title, easements, liens, aerial photographs, etc.

2. Is fill/borrow material required for the project?  YES  NO

If YES, identify the origin of the fill on a map, and complete and document a site visit  
*Attach documentation.*

Based on the site visit, is there evidence of contamination at the fill/borrow site?  YES  NO

If YES,  Borrow site is rejected. Evaluate the potential for contamination of new borrow sites.

A current ASTM Phase I Environmental Site Assessment is attached.

An ASTM Phase I Environmental Site Assessment will be prepared.

3. Does the project anticipate removal of florescent light fixtures?  YES  NO

If YES:

Are any ballasts in fixtures identified as PCB-containing ballasts?  YES  NO

If YES, are there signs of leaking?  YES  NO

If YES, the project must comply with: [DNR Universal Waste Rule](#)

[DNR Fluorescent Lamp Ballasts](#)

*\*If a ballast is not labeled "No PCBs" assume it contains PCBs.*

4. Does the project anticipate removal of a HVAC unit?  YES  NO

If YES:

a. Will mercury-filled tipping mechanisms (thermostats) be removed?  YES  NO

b. Will a Freon-based AC unit be replaced?  YES  NO

If YES, the project must comply with: [DNR Universal Waste Rule](#)

<b>PROFESSIONAL ASTM ENVIRONMENTAL SITE ASSESSMENTS (ESA)</b>	
<p>1. Has a current ASTM 1527-05 Phase I ESA been completed? <i>(Generally, a Phase I ESA is considered current for 180 days)</i></p> <ul style="list-style-type: none"> <li>• If <u>NO</u>, move on to question #3 below.</li> <li>• If YES, date of Phase I ESA Reconnaissance Visit: _____ <i>(Attach the Phase I ESA)</i> <ul style="list-style-type: none"> <li>• Based on the Phase I, does contamination exist or is suspected to exist at the site?                             <ul style="list-style-type: none"> <li>▪ If NO, nothing further is required.</li> <li>▪ If YES, will contaminants affect health and safety of occupants or conflict with the intended use of the site?</li> <li>▪ If YES, is a Phase II Assessment recommended? <i>If YES, submit the Phase II Assessment once complete.</i></li> <li>▪ If NO - a Phase II Assessment is not recommended, explain how contamination identified in the Phase I ESA will be addressed in the project. Explain any cleanup procedures/mitigation and whether the cost and timeline for cleanup are feasible for the project:</li> </ul> </li> </ul> </li> </ul>	<p><input type="checkbox"/> YES   <input type="checkbox"/> NO</p> <p><input type="checkbox"/> YES   <input type="checkbox"/> NO</p> <p><input type="checkbox"/> YES   <input type="checkbox"/> NO</p>
<p>2. Has a Phase II Assessment been completed?</p> <ul style="list-style-type: none"> <li>▪ If YES, date of Phase II Assessment: _____ <i>(Attach the Phase II Assessment)</i></li> <li>▪ Based on the Phase II Assessment, does contamination exist at the site?                             <ul style="list-style-type: none"> <li>▪ If NO, nothing further is required.</li> <li>▪ If YES, explain how contamination will be addressed in the project. Explain any cleanup procedures/mitigation and whether the cost and timeline for cleanup are feasible for the project:</li> </ul> </li> </ul>	<p><input type="checkbox"/> N/A   <input type="checkbox"/> YES   <input type="checkbox"/> NO</p> <p><input type="checkbox"/> YES   <input type="checkbox"/> NO</p>
<p>3. If a current Phase I ESA <b>has NOT been completed</b>, determine if it is appropriate. <input type="checkbox"/> N/A</p> <p>Depending on the nature of the project, a Phase I ESA could be required if the <u>potential</u> for contamination exists. Following are questions to determine if a Phase I ESA is needed:</p> <ul style="list-style-type: none"> <li>a. Based on the current site visit conducted, is there evidence of stained soil or pavement on or around the project site, other than water stains?</li> <li>b. Is the project site an EPA Superfund (CERCLA) site or within 1 mile of a Superfund Site? Print and attach documentation from <a href="#">EPA NPL/Superfund Sites</a></li> <li>c. Have hazardous substances, pollutants, or contaminants been stored or dumped on the project site?</li> </ul>	<p><input type="checkbox"/> YES   <input type="checkbox"/> NO</p> <p><input type="checkbox"/> YES   <input type="checkbox"/> NO</p> <p><input type="checkbox"/> YES   <input type="checkbox"/> NO</p>

- c. Is the project site near an industry or in an industrial area disposing of chemicals and/or hazardous waste?  YES  NO

*Obtain documentation from one or more of the following websites and attach.*

[EPA NEPAassist](#)

[EPA EJView](#)

[EPA EnviroMapper](#)

[DNR Hazardous Substance Site Locator](#)

- d. Is the project site located within 3,000 feet of a toxic or solid waste landfill site?  YES  NO

[DNR Landfill & Transfer Station Map](#)

- e. Do aboveground or underground storage tanks exist on or adjacent to the project site?  YES  NO

Print database information: [DNR Petroleum Storage Tank Database](#)

If tanks are present, have tanks been identified by DNR as leaking?

Contact the DNR Tanks Section for more information: 573/751-6822

YES  NO

- g. Based on results of the above, is a Phase I ESA needed?  YES  NO

▪ If NO, nothing further is required.

▪ If YES, choose one of the following:

A Phase I ESA will be conducted and submitted to DED.

The site is rejected. Based on rejection of the site, explain how the project will proceed:

**More information is found at the following:**

[DNR Hazardous Waste Program](#)

[DNR Brownfields/Voluntary Cleanup Program](#)

[Association for Standards & Testing Methods \(ASTM\)](#)

**Additional Information/Explanations:**

**ENVIRONMENTAL ASSESSMENT**

**ENVIRONMENTAL JUSTICE**

**(E.O. 12898)**

The purpose of Executive Order 12898 is to direct Federal agencies to identify and address as appropriate “disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations”. Generally, this applies to low-income and minority neighborhoods where HUD-assisted projects are proposed for acquisition of existing housing, acquisition of land for development, change in land use, demolition, major rehabilitation, and new construction. At a minimum, Environmental Justice should address the consideration of actual and potential environmental impacts to people of low-income and minority status resulting from the proposed project, and mitigation measures to minimize adverse impacts as much as practicable within the principles of the Executive Order. It is imperative that consistency is maintained throughout the project. Attach additional pages as needed.

1. Explain the planning/ zoning classification and/or land use designation of the project site and immediate area. If zoning does not exist, explain the land use on and around the project area. (Acceptable documentation includes official planning & zoning information, color maps, color photographs, description of project and surrounding areas).

2. Is the proposed project located in or around a low-income or minority neighborhood?  Yes  NO  
If Yes, explain how individuals have been made aware of the project and the opportunity for public comment and involvement. Attach all related documentation.

[EPA EJView Map](#) and/or [EPA NEPAssist](#)

On the menu to the right:

(a) Click “Demographics (ACS) 2010”; click “Below Poverty”; choose Block Group, Tract, or County. Print & attach color map.

(b) Click “Demographics (SF1) 2010”; click “Minority”; choose Block Group, Tract, or County. Print & attach color map.

3. Explain all environmental impacts of the proposed project to low-income and minority persons.

Positive Impacts:

Negative Impacts:

4. Explain if project activities could contribute to already adverse conditions to minority and/or low income persons.

**More information is found at the following website:**

[EPA - Environmental Justice](#)

[EJScreen](#) – demonstration at [EJ Screen Tutorial](#)

[HUD Environmental Justice](#)

[Executive Order 12898](#)

**Additional Information/Explanations:**

**ENVIRONMENTAL ASSESSMENT**

**LAND DEVELOPMENT**

1. Land Use Compatibility

Explain if the proposed project will conflict with existing uses or future plans for residential, commercial, or industrial uses in the vicinity of the surrounding area of the project.

2. Compatibility and Urban Impacts

a. Explain if the project will contribute to urban sprawl. (*Sprawl is randomly dispersed, auto-dependent development in rural countryside, outside of compact urban, village centers, along highways.*)

b. Explain if the proposed project will increase or decrease employment opportunities.

c. Explain if the proposed project will displace economic activity from a central business district.

3. Demographic Character Changes

Explain if the proposed project will significantly alter income, racial or age distribution of the community or neighborhood.

[American Fact Finder](#) - For specific census/demographic information enter city, county, zip, or choose state



6. Seismic Hazards

[Modified Mercalli Intensity Scale](#) – print and attach

Are there local seismic building codes or requirements necessary for the project?  YES  NO

If YES, explain:

7. Is the proposed construction subject to any federal, state or local building codes and regulations?  YES  NO

If Yes, all building codes and requirements must be attached, and included in construction contract documents.

8. Displacement

Explain if the proposed project will displace individuals, families, or businesses. *(If so, implement the Uniform Relocation Assistance and Real Property Acquisition Act (URA. Attach related documentation.)*

[URA Regulation for HUD-Assisted Projects](#)

[HUD Acquisition and Relocation Webpage](#)

**Additional Information/Explanations:**



### 3) Commercial/Retail and Transportation

- a. Are commercial/retail services nearby?  YES  NO
- b. Is the project accessible to employment, shopping and services by  public transportation  private vehicle?
- c. Is adequate public transportation available from the project to these facilities?  YES  NO
- d. Are the approaches to the project convenient, safe and attractive?  YES  NO
- e. Explain if the completed project is compatible with nearby services, etc.
  
- f. Explain if it is necessary to expand services to meet needs of the area as a result of the project.
  
- g. Explain if there will be increased traffic as a result of the completed project and if there is adequate infrastructure and traffic control measures to service the area.
  
- h. Explain if detours, delays, or road closings are planned and the plans proposed to minimize impacts on traffic.

Contact the city/county or local RPC, or access the following for assistance in determining what may be needed for the project:

[Smart Growth](#)

[MODOT Bicycle & Pedestrian Program](#)

[MO Statutes on Traffic Regulations](#)

[MODOT Rural Public Transportation Program](#)

[Nat'l Highway Traffic Safety Administration - Safe Communities](#)

[OSHA Temporary Traffic Control Measures](#)

**ENVIRONMENTAL ASSESSMENT**

**WASTEWATER**

1. Is there an existing or planned wastewater collection and treatment system adequate to serve the project? Attach the current wastewater permit and whether there are system violations.  N/A  YES  NO

If system violations exist, explain how they are being addressed. (Information should come from the wastewater superintendent, project engineer, and/or DNR.)

2. If on-site sewage systems are planned, are lot sizes and soils suitable for this use?  N/A  YES  NO  
\*If soil conditions are not addressed in the PER, a written statement by the engineer must be obtained. (Refer to engineering report and/or project engineer for assistance.)

Explain:

More information is contained at the following websites:

[MO DNR Permitting](#) [Dept. of Health & Human Services Onsite Sewage Small Communities, EPA Office of Wastewater Management](#)

**Additional Information/Explanations:**

**ENVIRONMENTAL ASSESSMENT**

**SOLID WASTE**

1. Indicate the regional DNR solid waste district for the project: \_\_\_\_\_  
[DNR Solid Waste Districts](#)

2. Describe the types of waste expected as part of construction debris.

3. Is there an existing solid waste disposal system adequate to handle the construction debris?  YES  NO  
If NO, explain:

4. Describe the types of solid waste generated by the completed project.

5. Provide the name of the servicing landfill and map the distance from the proposed project site.

6. Is hazardous waste anticipated as part of the project?  YES  NO  
If Yes, does the servicing landfill accept hazardous waste? If Yes, attach documentation.  YES  NO

7. Is solid waste permitting currently required, and/or will the completed project require solid waste permitting?  YES  NO  
If YES, explain and attach all permitting documentation.

8. If owners or renters are required to pay costs for disposal services, will it create a financial hardship?  YES  NO

9. Indicate if any other landfills exist in proximity to the project area that could adversely affect the environment in or around the project site. List names of landfills and types and map in relation to project site.

Additional source documentation found at the following:

- [DNR Permitted Solid Waste Facilities](#)
- [DNR Solid Waste forms & permitting](#)
- [DNR Hazardous Waste Map Gallery](#)

**ENVIRONMENTAL ASSESSMENT**

**STORM WATER DRAINAGE**

1. Is there an existing storm water drainage system adequate to serve the project?  YES  NO  
Explain the type of drainage system: (Information should come from the public works superintendent, project engineer, DNR, or other knowledgeable source)

2. If no storm water drainage system exists, describe how storm water run-off will be impacted by the project.  N/A

3. National Pollutant Discharge Elimination System Permit: Is the community listed?  YES  NO  
MO Regulated Municipal Separate Storm Sewer Systems – As of January 8, 2013

If your community is listed as affected by Phase II storm water regulations, attach evidence that your community is in receipt of the NPDES Permit. Attach the community's plan for a storm water drainage program and explain progress toward implementation of the required program. Attach additional pages as necessary.

Background Information:

The national and state stormwater regulations now require certain small communities to obtain a National Pollutant Discharge Elimination System, also known as NPDES, permit. Missouri has three Phase I communities: – Kansas City, Independence and Springfield. In addition, there are approximately 164 Missouri communities affected by these Phase II Stormwater regulations. These small communities with Municipal Separate Storm Sewer Systems, also known as MS4s, were required to obtain a NPDES permit by March 10, 2003. The permit requires these regulated MS4s to have their Stormwater management program in place within five years from the date of initial permit issuance. The program must address six minimum control measures.

4. Does the project require a storm water (NPDES) permit?  YES  NO  
If YES, attach the permit and any other relevant documentation.

For more information, access the following websites:

- [DNR Local Government MS4 Program](#)
- [DNR Storm Water Information Clearinghouse](#)
- [EPA Storm Water Best management Practices](#)

**Additional Information/Explanations:**

**ENVIRONMENTAL ASSESSMENT**

**LEAD BASED PAINT**

**(24 CFR Part 35)**

Lead based paint requirements apply to all HUD-assisted rehabilitation, residential, commercial, and public facility projects where young children will reside over 100 days, or spend more than 10 hours per week. Lead-based paint is defined by statute as paint with a lead concentration of 1 milligram per square centimeter, or 0.5 percent by weight. Hazards can be in the form of paint chips, child-accessible (therefore chewable) painted surfaces, friction surfaces of windows and doors, lead contaminated dust, and lead contaminated soil. If lead based paint hazards are identified, lead based paint treatments and lead safe work practices must be implemented. The Missouri Department of Health and Senior Services (DHSS), Section for Environmental Public Health (SEPH), Lead Licensing Program under authority of RSMO 701.300-701.338, governs the licensure of lead abatement personnel, enforces work practice standards for lead inspections, risk assessments, and lead abatement projects, and accredits lead training courses in Missouri.

1. Does the project involve **rehabilitation** to structures built prior to January 1, 1978?  YES  NO  
 If YES, is there potential for children under 6 years old to reside over 100 days or spend over 10 hours a week in the project structure?  N/A  YES  NO  
 If YES lead paint testing is required for deteriorated paint surfaces and paint surfaces that will be disturbed. A *Missouri Licensed Lead Professional* licensed through the Missouri Department of Health and Senior Services (DHSS) must be hired. Comply with all DHSS requirements.  
*Pay particular attention to friction areas such as doors and windows, and assess if paint has made contact with soil. Consult with a lead risk assessor to determine whether soil testing is needed.*

2. Does the project involve **demolition** of structures built prior to January 1, 1978?  YES  NO  
 If YES, will property re-use involve residential, child-occupied facilities such as a day care center or pre-school, playgrounds, and/or common or open spaces that may be used by children?  
 If YES, soil testing is required by an EPA-certified lead risk assessor listed on the DHSS website. Attach all related documentation.

3. a. Does the project involve demolition or rehabilitation of an **elevated water tower/tank**?  YES  NO  
 If YES, is lead based paint located on the interior and/or exterior of the tower/tank?  YES  NO  
 b. Does the project involve demolition or rehabilitation of a **bridge**?  YES  NO  
 If YES, does the bridge contain lead based paint?  YES  NO  
 If YES to 3a or 3b, does the site visit reveal any deteriorated paint such as cracking, peeling and chipping?  YES  NO  
 c. Explain any mitigation measures that will be implemented during the project including soil testing, remediation of existing lead in soils, and how soils will be protected from lead based paint during demolition and/or construction activities. Attach all related documentation.

If CDBG funds are proposed for lead testing, treatment, and/or abatement, CDBG procurement methods apply.

For more information:

[EPA Lead Main Page](#)

[MO Licensed Lead Professionals](#)

[EPA Renovation, Repair, and Painting Program](#)

[RSMO 701.300-701.338](#)

[MO Dept. of Health & Senior Services Lead Licensing Main Page](#)

**Additional Information/Explanations:**

**ENVIRONMENTAL ASSESSMENT**

**ASBESTOS**

**(40 CFR 61.141 Sub-part M)**

Asbestos requirements apply to all HUD-assisted projects involving demolition and rehabilitation of regulated structures. Missouri Department of Natural Resources (DNR) is a delegated agency of the EPA for the purposes of administering 40 CFR Part 61, Subpart M, *The National Emission Standard for Asbestos* (NESHAP). This regulation contains requirements for asbestos inspection, project notification, emission control procedures for asbestos removal, and waste disposal. DNR regulates demolition and renovation projects involving institutional, commercial, public, industrial, or residential structures, installations or buildings.

DNR enforce additional State regulations that govern asbestos activities. These regulations include requirements for trained and registered contractors to perform asbestos abatement work and to ensure that individuals that perform asbestos inspections and who design and work on asbestos abatement projects, are properly trained and certified through accredited training providers.

United States Occupational Safety and Health Administration (OSHA) requirements are in place to ensure the protection of workers who must work with and around asbestos containing materials. Projects involving structures with asbestos containing materials, whether or not regulated by DNR, are subject to all applicable OSHA requirements.

1. Does the project involve demolition or rehabilitation of residential, commercial, or bridge structures?  YES  NO

If YES, a *Missouri Certified Asbestos Inspector, certified by DNR*, must be hired to perform a thorough asbestos inspection identifying the quantity, type, condition, and location of asbestos containing materials. Comply with DNR reporting requirements. If friable asbestos containing materials are present requiring abatement, a Missouri registered asbestos abatement contractor must be hired.

**DNR Asbestos Unit - (573) 751-4817**

2. Does the project include removal of asbestos water or sewer pipes?  YES  NO

If asbestos piping will be removed, wet methods must be used and debris material properly disposed in a sanitary landfill that accepts asbestos containing material. If the amount of asbestos containing material is over 260 linear feet, a DNR-certified abatement contractor must be used. Nothing further is required if pipe is to be left in place.

[EPA Asbestos in Drinking Water](#)

If CDBG funds are proposed for asbestos inspection and/or abatement, CDBG procurement methods will apply.

For more information:

[EPA Asbestos in Drinking Water](#)

[State Asbestos Rules 10 CSR 10-6.240, 6.241, 6.250](#)

[DNR Asbestos Information & Forms](#)

[Environmental Regulations for Demolition Project Checklist](#)

[Asbestos Requirements for Demolition & Renovation](#)

[Management of Non-Friable ACMs](#)

[EPA Asbestos Information](#)

[OSHA Asbestos Standards](#)

**Additional Information/Explanations:**

**ENVIRONMENTAL ASSESSMENT**

**ENERGY CONSUMPTION**

Section 101 of the Housing and Community Development Act of 1974, as amended, states: “Federal assistance provided in this chapter is for the support of community development activities which are directed toward the following specific objectives: the conservation of the Nation’s scarce energy resources, *improvement of energy efficiency*, and the provision of alternative and renewable energy sources of supply”. HUD encourages incorporation of ENERGY STAR qualified products and practices for rehabilitation and new construction.

1. Explain if the project will use as its energy source any “alternative” or renewable fuel or energy source(s) such as wind generation, solar power, geothermal energy, or bio-fuels. [DNR Renewable Energy](#)

2. For new building construction or rehab, will it be Energy Star qualified.  N/A  YES  NO  
*See Energy Star websites below.*

3. For new building construction or rehab, identify if energy-efficient materials and construction methods are proposed – consult with the project architect or engineer. Check all that apply:  N/A

- Programmable thermostat
- Installation of new HVAC system with improved controls
- Use of reflective, light colored roofing shingles
- Professionally sealed ducts to the ENERGY STAR specification of 10% maximum
- Joints and penetrations through drywall must be well sealed to keep moist air out of insulation.
- Sealing leaks around windows, doors, floor, ceiling, plumbing and electrical features
- Insulating all exterior walls to at least R-19
- Window replacement/addition with U-factor of 0.40 or less & solar heat gain coefficient 0.55 or less
- Insulation of ceilings of top floor to at least R-49.
- Insulation of floors above unconditioned space to at least R-25
- Installation of vapor retarders in non-vented framed floors
- Insulation of interior floors above conditioned spaces to at least R-19
- Installation of radiant barriers in attic or like spaces
- Replacing water heater with electric model with an Energy Factor of 0.92 or higher, or gas model of 0.61 or higher
- Replacing incandescent lights with ENERGY STAR compact fluorescent bulbs and fixtures
- Replace magnetic ballasts with electronic ballasts using a T8 lamp
- ENERGY STAR exit signs
- Low flow toilets
- Low flow faucets
- ENERGY STAR brand appliances

4. If none of the above are feasible explain.  N/A

5. Explain if simple weatherization techniques will be implemented during construction.  N/A  
[DNR Low Income Weatherization Program](#)

Related Information:

[Licensed Professional’s Guide to Energy Star ® for Commercial Buildings - May 2013](#)

[Energy Star Building Upgrade Manual](#)

[Energy Star For Local Governments](#)

[Energy Star Building Update Value Calculator](#)

## 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* (8<sup>th</sup> day for Notice of Intent only; 16<sup>th</sup> 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	3
4	5	6	7	8	9 – Combined Notice Publication	10  Day 1
11  Day 2	12  Day 3	13  Day 4	14  Day 5	15  Day 6	16  Day 7	17  Day 8
18  Day 9	19  Day 10	20  Day 11	21  Day 12	22  Day 13	23  Day 14	24  Day 15
25	26 – First business day	27 – RROF/C submitted to CDBG	28 – State comment period commences	29	30	31

#### **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 (16<sup>th</sup> day) the Pre-Grant Award letter or the 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 100-YEAR FLOODPLAIN AND/OR WETLAND**

#### **Date of Publication:**

#### **To: All Interested Agencies, Groups, & Individuals**

This is to give notice that (*Name of Responsible Entity*) has conducted an evaluation as required by (*Executive Order 11988 for floodplain management and/or 11990 for protection of wetlands*), in accordance with HUD regulations at 24 CFR 55.20 Subpart C Procedures for Making Determinations on Floodplain Management, to determine the potential affect that its activity in the floodplain and/or wetland will have on the human environment for Community Development Block Grant under Title I of the Housing and Community Development Act of 1974 (PL 93-383). The proposed project(s) is located at (*address(es)*) in (*City*), (*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, if applicable, natural values*). (*Indicate the total number of acres of floodplains and/or wetlands*).

There are three primary purposes for this notice. First, people who may be affected by activities in (*floodplains and/or 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 about (*floodplains and/or wetlands*) can facilitate and enhance Federal efforts to reduce the risks associated with the occupancy and modification of these special areas. Third, as a matter of fairness, when the Federal government determines it will participate in actions taking place in (*floodplains and/or wetlands*), it must inform those who may be put at greater or continued risk.

Written comments must be received by (*the name of Responsible Entity*) at the following address on or before (*month/date/year*)[a minimum 15 calendar day comment period will begin the day after the publication and end on the 16<sup>th</sup> day after the publication]: (*Name of Responsible Entity*), (*Address*) and (*phone number*), Attention: (*Name & Title of Certifying Officer*). Comments may also be submitted or further information can be requested via email at (*RE 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 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 AND PUBLIC EXPLANATION OF A PROPOSED ACTIVITY IN A 100-YEAR FLOODPLAIN AND/OR WETLAND**

**Date of publication:**

**To: All Interested Agencies, Groups, & Individuals**

This is to give notice that *(Name of Responsible Entity)* has conducted an evaluation as required by *(Executive Order 11988 for floodplain management and/or 11990 for protection of wetlands)*, in accordance with HUD regulations at 24 CFR 55.20 Subpart C Procedures for Making Determinations on Floodplain Management, to determine the potential affect that its activity in the floodplain and/or wetland will have on the human environment for Community Development Block Grant under Title I of the Housing and Community Development Act of 1974 (PL 93-383). The proposed project(s) is located at *(address(es))* in *(City)*, *(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, if applicable, natural values)*. *(Indicate the total number of acres of floodplains and/or wetlands)*.

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

***(Give reasons why there is no significant impact)***

There are three primary purposes for this notice. First, people who may be affected by activities in *(floodplains and/or 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 about *(floodplains and/or wetlands)* can facilitate and enhance Federal efforts to reduce the risks associated with the occupancy and modification of these special areas. Third, as a matter of fairness, when the Federal government determines it will participate in actions taking place in *(floodplains and/or 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 8<sup>th</sup> 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 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)*

## **GUIDELINES FOR THE NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS (NOI)**

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 TEMPLATE

**Date of Publication:** *[date published]*

*Name of Responsible Entity (RE) - City, County, or Village only*

*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)*

## **GUIDELINES FOR THE COMBINED NOTICE**

### **Notice of Finding of No Significant Impact (FONSI) & Notice of Intent To Request Release of Funds**

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:** *[date published]*

**Name of Responsible Entity (RE) -** *City, County, or Village only*

**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 project description/nature/scope 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
- State and federal agencies, as appropriate

**Following is a list of state and federal agencies most appropriate to receive environmental notification.**

- Agencies marked with one asterisk (\*) and Tribes, if applicable, must receive the Combined Notice. (The NOI is distributed to Tribes and agencies only if the project is located in a floodplain and/or wetland. Otherwise, the NOI on its own is not required to be sent to Tribes and agencies.)
- If the project is located within the 100-Year Floodplain and/or Wetland, all agencies listed below, and Tribes, if applicable, must receive both the EPN and NOE in addition to the NOI or Combined Notice, whichever is applicable.
- If the proposed project involves development or conversion of prime or unique agricultural land for non-agricultural use, submit EPN and NOE (if applicable) and the NOI or Combined Notice, whichever is applicable, to USDA Natural Resources Conservation Service.

<p>*U.S. Environmental Protection Agency, Region 7 ENSV/NEPA Team 11201 Renner Blvd. Lenexa, KS 66219 Phone: 913-551-7565 <a href="mailto:Tucker.amber@epa.gov">Tucker.amber@epa.gov</a> <b>NOTE – EPA wishes to be contacted for projects requiring an Environmental Assessment. Contact EPA for guidance.</b></p>	<p>U.S. Army Corps of Engineers SEND TO THE AREADISTRICT OFFICE: <a href="#">USACE Regulatory Officer Locator</a></p>
<p>* Missouri Department of Natural Resources State Historic Preservation Office – Section 106 PO Box 176 Jefferson City, MO 65102 Phone: 573-751-7858</p>	<p>FEMA Region VII ATTN: Ken Sessa 9221 Ward Parkway, Suite 300 Kansas City, MO 64114-3372 Phone: 816-283-7960</p>
<p>*Missouri Department of Natural Resources PO Box 176 Jefferson City, MO 65102 Phone: 573-522-8796 <b>Attn: Send environmental notices to all DNR divisions, units, and offices that could have an interest in the project.</b> <a href="#">DNR Divisions &amp; Programs</a></p>	<p>*U.S. Fish and Wildlife Service Region 3 Ecological Field Office ATTN: Amy L. Salveter 101 Park DeVile Drive, Suite A Columbia, MO 65203 Phone: 573-234-2132</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. <a href="#">HID Tribal Directory Assessment Tool</a></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</p>
<p>MO State Emergency Management Agency ATTN: Dale Schmutzler, Floodplain Management Officer 2302 Militia Drive, PO Box 116 Jefferson City, MO 65102 573/526-9135</p>	<p>USDA Natural Resources Conservation Service Access the website below for area soil scientist. <a href="#">NRCS MO Area Soil Contacts</a></p>

## 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 & Responsible Entity – Insert the name of the Mayor or Presiding Commissioner, the chief elected official for the grantee. This should correspond with whomever 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)	
<b>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</b>		
9. Program Activity(ies)/Project Name(s)	10. Location (Street address, city, county, State)	
11. Program Activity/Project Description		

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

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

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

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

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

Signature of Certifying Officer of the Responsible Entity	Title of Certifying Officer
<b>X</b>	Date signed
Address of Certifying Officer	

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

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

Signature of Authorized Officer of the Recipient	Title of Authorized Officer
<b>X</b>	Date signed

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

## **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

## PRE-GRANT AWARD ENVIRONMENTAL APPROVAL

(DATE)

The Honorable *Name*  
*Presiding Commissioner/Mayor/Chairperson*  
*Address*  
*Address*

RE: *County/City/Village*

Dear *Presiding Commissioner/Mayor/Chairperson*,

Our office received the *City/County of \_\_\_\_\_* 'Request For Release of Funds & Certification', form HUD-7015.15, on (Date)\_\_\_\_\_. The Environmental Review for the *City/County* proposed CDBG project has been reviewed by this office. Consider this notice documentation that the HUD/CDBG Environmental Review Process is complete as of the date of this letter, (Date)\_\_\_\_\_. No further action is required at this time. *Conditions for environmental approval apply to this project; therefore, as it becomes available, documentation is required for submittal as evidence mitigation and/or project modification measures are appropriately implemented in compliance with applicable laws and authorities.*

This notice in no way commits or guarantees CDBG funding for use in this proposed project, nor does it authorize the *City/County* to officially commit CDBG funds for any portion of this proposed project *prior to a grant award and executed Grant Agreement*. Should the *City/County* be awarded CDBG funding for the project, this notice will remain in effect unless changes are made to the project as originally reviewed.

*The City/County* should be aware of two critical issues that could impact eligibility for CDBG funding;

- 1) Do not expend any funds, including HUD funds and non-HUD funds, or initiate any physical work on activities that were not included in this environmental review. Physical activities include new construction, excavation, rehabilitation, modifications, site preparation, and property acquisition including all types of easements. *Failure to adhere to this requirement will jeopardize CDBG funds for use in this project.*
- 2) Additionally, funds expended by any source prior to the Department's issuance of the fully executed CDBG Grant Agreement cannot be counted toward any match requirement that may be applicable to the *City/County* project should the *City/County* be awarded a CDBG grant.

Please file this notice in the *City/County* Environmental Review Record for proper record keeping, audit, and inspection purposes. If there are changes in the scope of the project, please contact this office as changes are subject to environmental review requirements.

Should you have any questions about environmental review requirements, we may be reached at 573/751-3600. Thank you for your cooperation.

STATE OF MISSOURI  
DEPARTMENT OF ECONOMIC DEVELOPMENT  
COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

AUTHORITY TO USE GRANT FUNDS/  
COMPLETION OF ENVIRONMENTAL REVIEW REQUIREMENTS

GRANTEE: \_\_\_\_\_ PROJECT #: \_\_\_\_\_

Date Request for Release of Funds and Certification, form HUD-7015.15 received: \_\_\_\_\_

All objections, if received, have been considered and the minimum comment period has expired.

The Grantee is hereby authorized to use CDBG funds awarded and any non-CDBG funds for the above referenced project.

File this form in the Environmental Review Record for proper record keeping, audit and inspection purposes.

***Any changes in the scope of the project as funded are subject to HUD/CDBG environmental review requirements.***

***If Conditions For Approval apply, documentation is required for submittal as evidence mitigation and/or project modification measures comply with applicable laws and authorities.***

\_\_\_\_\_  
Effective Date of Release

\_\_\_\_\_  
Andy Papen  
CDBG Compliance Manager  
MO Department of Economic Development

Cc: