

ENVIRONMENTAL PUBLIC NOTICES AND COMMENT PERIODS

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

COMMENT PERIODS – CALCULATING DAYS:

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

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

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

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

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

State Comment Period:

The State’s 15-day comment period commences the day after the RROF/C is submitted to DED. If the last day of the comment period should fall on Saturday, Sunday or Federal holiday, comments shall be extended to the next business day. The day after the end of the State’s comment period (16th day) the Pre-Grant Award letter or the 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/500-year Floodplain or Wetland]

[Note: May also be combined with other notices such as state floodplain or wetland notices so long as it contains the required information]

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

This is to give notice that **[HUD under part 50 or Responsible Entity under Part 58]** has determined that the following proposed action under **[Program Name]** and **[HUD grant or contract number]** is located in the **[100-year/500-year floodplain/wetland]**, and **[HUD or the Responsible Entity]** will be identifying and evaluating practicable alternatives to locating the action in the **[floodplain/wetland]** and the potential impacts on the **[floodplain/wetland]** from the proposed action, as required by **[Executive Order 11988 and/or 11990]**, in accordance with HUD regulations at 24 CFR 55.20 Subpart C Procedures for Making Determinations on Floodplain Management and Protection of Wetlands. **[Describe the activity, e.g. purpose, type of assistance, the size of the site, proposed number of units, size of footprint, type of floodplain/wetland, natural and beneficial functions (e.g. floodwater storage and conveyance, groundwater discharge or recharge, erosion control, water quality maintenance, and habitat for flora and fauna) and values (e.g. recreational, educational, scientific, historic, and cultural) of the floodplain/wetland potentially adversely affected by the activity]. [State the total number of acres of floodplains/wetland].** The proposed project(s) is located **[at addresses]** in **[Name of City]**, **[Name of County]**.

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

Written comments must be received by **[HUD or Responsible Entity]** at the following address on or before **[month, day, year] [a minimum 15 calendar day comment period will begin the day after the publication and end on the 16th day after the publication]: [HUD or Responsible Entity], [Address] and [phone number], Attention: [Name of Certifying Officer or designee], [Title].** A full description of the project may also be reviewed from **[enter available office hours]** at **[address or state address is same as above] and [web address if available].** Comments may also be submitted via email at **[email address].**

Date:

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/500-year Floodplain or Wetland]

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

This is to give notice that the **[HUD under part 50 or Responsible Entity under Part 58]** has conducted an evaluation as required by **[Executive Order 11988 and/or 11990]**, in accordance with HUD regulations at 24 CFR 55.20 Subpart C Procedures for Making Determinations on Floodplain Management and Wetlands Protection. The activity is funded under the **[Program Name]** under **[HUD grant or contract number]**. The proposed project(s) is located **[at addresses]** in **[Name of City]**, **[Name of County]**. **[Describe the activity, e.g. purpose, type of assistance, the size of the site, proposed number of units, size of footprint, type of floodplain/wetland, natural values]**. **[State the total number of acres of floodplains/wetland involved]**.

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

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

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

Written comments must be received by the **[HUD or Responsible Entity]** at the following address on or before **[month, day, year]** **[a minimum 7 calendar day comment period will begin the day after the publication and end on the 8th day after the publication]**: **[Name of Administrator]**, **[Address]** and **[phone number]**, Attention: **[Name of Certifying Officer or designee]**, **[Title]**. A full description of the project may also be reviewed from **[enter available office hours]** at **[address or state address is same as above]** and **[web address if available]**. Comments may also be submitted via email at **[email address]**.

Date:

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

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

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

The notice must be published one time in the newspaper of widest circulation as a display advertisement. If the notice is not published, it must be prominently displayed in public buildings, such as the local Post Office and within the project area with an additional 3 days added to the comment period. The Notice must specify that all comments be received and addressed in writing by the RE. The 7-day local comment period is the *minimum* time period required by regulation prior to submission of a Request for Release of Funds and Certification (form HUD-7015.15) to the State. The RE may choose to allow a longer comment period. The 15-day State objection period is a statutory requirement. The objection period follows the submission date specified in the NOI, or the actual date of receipt by the State, whichever is later.

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

NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS

Date of Publication

Name of Responsible Entity

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

City, State, Zip Code

Telephone Number of RE

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

Project Title: *descriptive project name*

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

Location: *detailed project location*

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

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

ENVIRONMENTAL CERTIFICATION

The *name of RE – City, County, or Village* certifies to the State of Missouri that *name of Certifying Officer* in *his/her* capacity as *Official Title – Mayor, Presiding Commissioner, or Village Chairperson* consents to accept the jurisdiction of the Federal Courts if an action is brought to enforce responsibilities in relation to the environmental review process and that these responsibilities have been satisfied. The State of Missouri's approval of the certification satisfies its responsibilities under NEPA and related laws and authorities and allows the *name of RE – City, County, or Village* to use HUD program funds.

OBJECTIONS TO RELEASE OF FUNDS

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

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

COMBINED NOTICE (FONSI & NOI) TEMPLATE

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

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

The Combined Notice must be published one time in the newspaper of widest circulation as a display advertisement. If the notice is not published, it must be prominently displayed in public buildings, such as the local Post Office and within the project area with an additional 3 days added to the comment period. The notice must also be distributed to Tribes, if applicable, and environmental agencies and proof of distribution maintained. A 15-day comment period shall commence the day after the date of publication.

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

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

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

Date of Publication
Name of Responsible Entity
Address (e.g., Street No. or P.O. Box)
City, State, Zip Code
Telephone Number of RE

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

REQUEST FOR RELEASE OF FUNDS

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

Project Title: *descriptive project name*
Purpose: *detailed description/nature/scope and of project*
Location: *detailed project location*
Estimated Cost: *both estimated CDBG funding & total project costs*

FINDING OF NO SIGNIFICANT IMPACT

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

PUBLIC COMMENTS

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

ENVIRONMENTAL CERTIFICATION

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)