CHAPTER 6 – ENVIRONMENTAL REVIEW

INTRODUCTION
Environmental Review is the examination of a project relative to the National Environmental Policy Act of 1969 (NEPA) and its related laws. NEPA was established to ensure environmental protection for federally funded projects.

Community Development Block Grant (CDBG) funded projects are subject to the provisions of NEPA [24 USC 432-14347] and the HUD regulations implementing NEPA [24 CFR Part 58]. Recipients of CDBG funds are required to complete an environmental review prior to receiving environmental clearance from the Nebraska Department of Economic Development (the Department). The type of project a recipient is completing will determine the level of environmental review and the necessary documentation that will be required.

For every environmental review, three basic steps must be followed in order to correctly complete the review. These steps include:

1) **Project Aggregation:**
The recipient should evaluate the entire scope of the project and include all funding sources that may be used in conjunction with the project. The entire area in which the project will be located must be reviewed, regardless of what resources (CDBG or non-CDBG) are funding individual project activities.

2) **Determination of Level of Review:**
The recipient must determine which level of environmental review is appropriate for the project in order to correctly complete the necessary documentation for the project. A Determination of Level of Review Form must be completed which provides a complete description of the project and the level of environmental review that will be completed.

3) **Documentation:**
The recipient must complete the appropriate Department approved Environmental Review Packet and provide any other necessary information that is required to fully document the environmental review. This information is referred to as the Environmental Review Record (ERR). The ERR will vary in size. The project aggregation and the determination of level of review will help determine the appropriate ERR documentation. Additional source documentation must be provided, particularly for projects that require a CEST or EA review.

Table 1 describes the environmental review process for CDBG funded units of general local government recipients. A more detailed discussion of the complete environmental review steps will be discussed later in this chapter.
ENVIRONMENTAL REVIEW PROCESS
CDBG PROJECTS

Project Aggregation [58.32]
(Combine activities for review)

Determination of Level of Review

Exempt [58.34]

Finding of Exempt Activity Form

58.6 Checklist Requirements

Categorical Exclusion NOT Subject To 58.5 (CENST) [58.35(b)]

Finding of CENST Activity Form

58.6 Checklist Requirements

No Further 58.5 Compliance - Convert to Exempt

Finding of Exempt Activity Form

Categorical Exclusion Subject To 58.5 (CEST) [58.35(a)]

Statutory Checklist [58.5]

58.6 Checklist Requirements

Perform EA, Including Statutory Checklist, Environmental Assessment Checklist, & 58.6 Requirements

Environmental Assessment (EA) [58.36]

Environmental Clearance Obtained

7-Day Public Notice: NOI-RROF

Submission of RROF/Certification Form to DED [58.71]

HUD’s 15-Day Objection Period completed by DED [58.73]

15-Day Public Notice: Combined FONSI & NOI-RROF

Submission of RROF/Certification Form to DED [58.71]

HUD’s 15-Day Objection Period completed by DED [58.73]
### LEVEL OF ENVIRONMENTAL REVIEW

<table>
<thead>
<tr>
<th>24 CFR 58.34</th>
<th>24 CFR 58.35(a)</th>
<th>24 CFR 58.35(a)</th>
<th>24 CFR 58.36</th>
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<tr>
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<td>Categorically Excluded AND subject to 58.5</td>
<td>NEPA Environmental Assessment</td>
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<tr>
<td>“No” checked for all on Statutory Worksheet</td>
<td>“Yes” checked for one or more on Statutory Worksheet</td>
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### TYPE OF ACTIVITIES

- Environmental and other studies
- Resource Identification
- Development of plans and strategies
- Information and financial services
- Administrative and Management activities
- Public Services, i.e. employment, crime prevention, childcare, health, drug abuse, education, counseling, energy conservation, welfare, recreational needs
- Inspections and testing
- Purchase insurance and tools
- Engineering or design costs
- Technical assistance and training
- Temporary or permanent improvements that do not alter environmental conditions and are limited to activities to protect, repair or arrest the effects of disasters, imminent threats, or physical deterioration
- Payments of principal and interest on loans or obligations guaranteed by HUD
- Combinations of the above activities

**Activities not exempt or categorically excluded.**
- Generally, any new construction activity and construction of 5 or more homes, and conversion from one type of land use to another.
- To be able to start work on the Exempt Activities associated with any project, the WVDO needs to have the following documentation prior to issuing a Notice to Proceed:
  - Finding of Exemption letter on the Grantee’s letterhead listing which Activities are Exempt.
  - Other Requirements Checklist with source documentation.
  - Both documents shall be dated and signed by the Certifying Officer.

### DOCUMENTATION REQUIRED IN ERR

<table>
<thead>
<tr>
<th>Written determination of exemption.*</th>
<th>Complete Statutory Worksheet, (Sec. 58.5) and indicate converts exempt.*</th>
<th>Complete Statutory Worksheet (sec. 58.5)*</th>
<th>Environmental Assessment (including Statutory Worksheet)*</th>
</tr>
</thead>
<tbody>
<tr>
<td>Other Requirements Checklist (Sec. 58.6)</td>
<td>Other Requirements Checklist (Sec. 58.6)</td>
<td>NOI/RROF notification</td>
<td>FONSI and NOI/RROF notification</td>
</tr>
<tr>
<td>*Use: Environmental Review for Activity/Project that is Exempt or Cat Ex Not Subject to Section 58.5</td>
<td>*Use: Environmental Review for Activity/Project that is Cat Ex Subject to Section 58.5</td>
<td>RROF &amp; Certification (HUD form 7015.15) Authority to Use Grant Funds (HUD form 7015.16)</td>
<td>Form 7015.16 Form 7015.16 Other Req. Checklist (Sec. 58.6)</td>
</tr>
</tbody>
</table>

*Use: Environmental Review for Activity/Project that is Cat Ex Subject to Section 58.5

*Use: Environmental Review Determinations and Compliance Findings

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As Table 1 demonstrates, the environmental review process is comprehensive and detailed. The amount of information needed to complete the review depends on the type of project the recipient is completing.

There are a number of key terms that a recipient must familiarize themselves with in order to understand environmental review and the Table 1 Environmental Review Process Flow Chart. A few main terms are noted below.

- **Project**: An activity or group of activities regardless of funding source.
- **Environmental Review**: NEPA Review of a project.
- **Recipient**: The entity receiving assistance from HUD. This includes an entity that receives CDBG, HOME, NAHTF, or other funds from the Department and not directly from HUD.
- **Environmental Review Record (ERR)**: A well-organized written record of review, decision making, and action as required by 24 CFR 58.38. This includes the Department required forms and other required documentation.
- **Responsible Entity (RE)**: State, Indian Tribe, or Unit of General Local Government.
- **Certifying Officer**: The Responsible Entity (RE) Agency official responsible for completing the ERR
- **24 CFR 58**: The Code of Federal Regulations Section that details the HUD regulations for the environmental review process.
- **Exempt**: A project that is defined under 24 CFR 58.34
- **CENST**: Categorical Exclusion Not Subject to the requirements of 24 CFR 58.5 as defined under 24 CFR 58.35(b)
- **CEST**: Categorical Exclusion Subject to the requirements of 24 CFR 58.5 as defined under 24 CFR 58.35(a)
- **Statutory Checklist**: The Department’s form and other necessary documentation that must be completed for a project that requires a CEST level of environmental review. This form includes an evaluation of 14 additional environmental review items.
- **Environmental Assessment**: The Department’s form and other necessary documentation that must be completed for a project that is not considered Exempt, CENST, or CEST as noted on the Determination of Level of Review.
- **58.6 Checklist**: The Department’s form that must be completed for all environmental review projects.
- **NOI-RROF**: Notice of Intent to Request Release of Funds—A public notice that is completed for projects that require a CEST or EA review.
- **FONSI**: Finding of No Significant Impact is a determination that must be made by the Responsible Entity for projects that require an EA review.
- **COMBINED NOTICE (FONSI/NOI-RROF)**: A public notice used for an EA review that combines the Finding of No Significant Impact notice and the Notice of Intent to Request Release of Funds (NOI-RROF) notice. Both notices are generally combined into a single publication for EA projects.
- **RROF/Certification**: Request for Release of Funds/Certification Form that is completed for projects that require a CEST or EA review. Also referred to as HUD Form 7015.15.
THE PROCESS
The basic environmental review process is described below and divided into steps. Follow the steps and refer to the Table 1 Environmental Review Process Flow Chart for further information.

- **Step 1—Project Aggregation**
  The recipient should evaluate the entire scope of the project and include all funding sources that may be used in conjunction with the project. Defining the project should include determining all integrally related activities designed to accomplish a specific objective. This includes evaluating the entire project area, regardless of the funding source for any project activities.

- **Step 2—Identifying Environmental Review Responsibilities**
  Entities eligible to receive CDBG funds from the State are local governments. These units of local government assume the role of Responsible Entity (RE) with respect to environmental reviews.

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

- **Step 3—Determination of Level of Review**
  The recipient must determine which level of environmental review is appropriate for the project in order to correctly complete the necessary documentation for the project. The recipient must review the HUD regulations to determine which category of review the project should be classified under in order to determine which Environmental Review Packet must be completed.

  Each level of environmental review is defined within the HUD regulations found at 24 CFR 58. The four main levels of review that HOME recipients will need to consider include:
  - Exempt [Those projects classified under 24 CFR 58.34],
  - CENST [Those projects classified under 24 CFR 58.35(b)],
  - CEST [Those projects classified under 24 CFR 58.35(a)], or
  - EA [All other projects that are not classified under 24 CFR 58.34, 58.35(b), or 58.35(a) and that do not require an Environmental Impact Statement (EIS)].

  In addition to the four classifications, there is also an Environmental Impact Statement (EIS). This comprehensive review is for those projects that are larger in scope and will have a significant environmental impact. These projects are beyond the scope of those completed by recipients working in conjunction with the Department.

  Overall, review the HUD regulations to determine the most appropriate level of environmental review for a project. Every CDBG project will be classified under one of the four levels of review. If a project cannot be classified as Exempt, CENST, or CEST, then recipient will be required to complete an EA.

  See the Code of Federal Regulations [24 CFR 58] to make this determination.
Step 4—Environmental Review Packet Completion

Once a recipient has determined the scope of a project through project aggregation and determined the appropriate level of review, the recipient must complete the appropriate Environmental Review Packet for every project. The Packet that is completed will be a portion of the ERR for a project. There are four separate Environmental Review Packets (one for each different level of review).

The four Environmental Review Packets include:
- **Exempt Project Packet**—Projects that have been categorized under 24 CFR 58.34 must complete a packet that includes a Cover Sheet, a Determination of Level of Review Form, a Finding of Exempt Activity Form, and a 58.6 Checklist.
- **CENST Project Packet**—Projects that have been categorized under 24 CFR 58.35(b) must complete a packet that includes a Cover Sheet, a Determination of Level of Review Form, a Finding of Categorical Exclusion Not Subject To Form, and a 58.6 Checklist.
- **CEST Project Packet**—Projects that have been categorized under 24 CFR 58.35(a) must complete a packet that includes a Cover Sheet, a Determination of Level of Review Form, a Statutory Checklist Form, and a 58.6 Checklist. In addition, appropriate source documentation must be included in the Packet which provides maps, shows that the appropriate websites have been reviewed, and that the appropriate agencies have been consulted including letters to and from agencies.
- **EA Project Packet**—Projects that cannot be categorized as Exempt, CENST, or CEST must complete a packet that includes a Cover Sheet, a Determination of Level of Review Form, and an Environmental Assessment Form. In addition, appropriate source documentation must be included in the Packet which provides maps, shows that the appropriate websites have been reviewed, and that the appropriate agencies have been consulted including letters to and from agencies.

See also the Outline of the Environmental Review Record Items section for more information on the items needed for each Environmental Review Packet.

Step 5—Publication/Posting

Only those projects that require a CEST or EA review will be required to provide a NOI/RROF public notice which needs to be completed through either publication or posting. Projects that are Exempt, CENST, or those CEST projects that convert to Exempt do not require any publication or posting.

Projects that require a CEST review will have a 7 or 10 day public comment period. Projects that require an EA review will have a 15 or 18 day public comment period.

See also section titled Publication, RROF/Certification Form, & HUD Objection Period for more information.

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

Only those projects that require a CEST or EA review will be required to complete a RROF/Certification Form. The most current HUD 7015.15 Form must be used.
The Form is available on the HUD website at: https://www.hudexchange.info/resources/documents/HUD-Form-701515-Request-Release-Funds-Certification.pdf

The RROF/Certification must be completed, an original affidavit of publication, and a copy of the publication must be sent to the Department after the ERR is completed and sent no earlier than the day after the publication period has ended.

A failure to complete RROF/Certification Form correctly will result in the Department requesting that the Form be revised and resubmitted. The HUD 15 day objection period will not begin until the RROF/Certification Form is accurate.

See also the instructions and a copy of the RROF/Certification Form below.

- **Step 7—HUD 15 Day Objection Period**
  Once the RROF/Certification Form, the affidavit of publication, and the copy of publication notice are received by the Department (no earlier than the day after the publication period has ended), the HUD 15 day objection period begins.

- **Step 8—Obtaining Environmental Clearance**
  After the end of the HUD 15 day comment period, the project will have environmental clearance. The Department will provide a Release of Funds letter to the recipient which will provide environmental clearance and clearance to use grant funds after the Department receives all of the special conditions required by recipient’s CDBG contract.

**COMPREHENSIVE OVERVIEW OF ENVIRONMENTAL PROJECTS**

**Exempt Projects**

A project that has been classified under 24 CFR 58.34 is considered Exempt and requires a limited environmental review.

An Exempt project is a project that can be classified under one of the following categories:

1) Environmental and other studies, resource identification and the 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 that there are no circumstances which require compliance with any other Federal laws and authorities cited in §58.5. [CEST Projects that converts to Exempt] If a project cannot be classified under any of the above mentioned categories, then the project is not Exempt and a higher level of environmental review will need to be completed.

The ERR for an Exempt project must include the completion of the following items:
- Cover Sheet
- Determination of Level of Review
- Finding of Exempt Activity Form
- 58.6 Checklist

A Recipient does not have to publish a NOI/RROF, does not have to submit an RROF/Certification Form, and does not have to require a 15 day HUD Comment Period for Exempt Projects.

**CENST Projects**
A project that has been classified under 24 CFR 58.35(b) is considered a Categorical Exclusion Not Subject to the requirements of 24 CFR 58.5 and requires a limited environmental review.

A CENST project is a project that can be classified under one of the following categories:

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 buydowns, 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.

If a project cannot be classified under any of the above mentioned categories, then the project is not CENST and a higher level of environmental review will need to be completed.
The ERR for a CENST project must include the completion of the following items:

- Cover Sheet
- Determination of Level of Review
- Finding of Categorical Exclusion Not Subject To Form
- 58.6 Checklist

A Recipient does not have to publish a NOI/RROF, does not have to submit an RROF/Certification Form, and does not have to require a 15 day HUD Objection Period for CENST Projects.

**CEST Projects**

A project that has been classified under 24 CFR 58.35(a) is considered a Categorical Exclusion Subject To the requirements of 24 CFR 58.5 and requires the completion of a Statutory Checklist which evaluates 14 separate environmental laws.

A CEST project is a project that can be classified under one of the following categories:

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.
   a) Rehabilitation of buildings and improvements when the following conditions are met: In the case of a building for residential use (with one to four units), the density is not increased beyond four units, the land use is not changed, and the footprint of the building is not increased in a floodplain or in a wetland;
   b) In the case of multifamily residential buildings:
      i. Unit density is not changed more than 20 percent;
      ii. The project does not involve changes in land use from residential to non-residential; and
      iii. 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:
      i. The facilities and improvements are in place and will not be changed in size or capacity by more than 20 percent; and
      ii. 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.

3) 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 any combination in between; or
   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).

4) 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.

5) Combinations of the above activities.

If a project cannot be classified under any of the above mentioned categories, then the project is not CEST and an EA will need to be completed.

The ERR for a CEST project must include the completion of the following items:

- Cover Sheet
- Determination of Level of Review
- Statutory Checklist
- 58.6 Checklist
- Source Documentation [including, but not limited to, a FIRM Map, an aerial map, letters sent to any agencies, agency websites consulted, agency responses, and any other relevant information that provides support for your findings within the Statutory Checklist]
- NOI/RROF Publication
- Affidavit of Publication or Proof of Posting
- RROF/Certification Form

A Recipient does have to publish a NOI/RROF, does have to submit an RROF/Certification Form, and does have to require a 15 day HUD Comment Period for CEST Projects unless the project converts to Exempt.

**Note:** While completing the Statutory Checklist, if it is determined that the project is within a floodplain, the recipient will need to conduct the 8 Step Process for Compliance with Floodplain Management.

**CEST Project Converting to Exempt**

In some instances a CEST Project may convert to an Exempt Project. This may occur if the recipient has completed the Statutory Checklist and has marked all authorities as Status “A”.

If Box “A” has been selected within the Determination Section of the Statutory Checklist, the recipient would be confirming that the project does not require any further compliance measure (e.g. consultation, mitigation, permit, approval, or any other additional measure) with respect to any law or authority cited at 24 CFR 58.5.

When a project converts to Exempt, it will be necessary for the recipient to have completed the Determination of Level of Review, the Statutory Checklist, and the 58.6 Checklist, and provide the necessary source documentation for the project. After this information has been included in the ERR, the recipient then must complete a Finding of Exempt Activity Form and note that the project is converting to Exempt according to 24 CFR 58.34(a)(12). The Finding of Exempt Activity Form should be incorporated into the ERR and sent to the Department.
A NOI/RROF Publication, RROF/Certification, and 15 day HUD Comment Period are not required for CEST projects that have converted to Exempt.

**EA Projects**

A project that cannot be classified as Exempt, CENST, CEST, but is classified under 24 CFR 58.36 requires the completion of an Environmental Assessment (EA). An EA includes a FONSI Determination, a Statutory Checklist, an Environmental Assessment Checklist, a 58.6 Checklist, and all other required information as noted in the EA Project Packet.

The ERR for an EA project must include the completion of the following items:

- Cover Sheet
- Determination of Level of Review
- Environmental Assessment (EA) Form
- Source Documentation [including, but not limited to, a FIRM Map, an aerial map, letters sent to any agencies, agency websites consulted, agency responses, and any other relevant information that provides support for your findings within the Statutory Checklist]
- NOI/RROF Publication
- FONSI Publication
- Affidavit of Publication or Proof of Posting
- RROF/Certification Form

See also information below titled Completing the Statutory Checklist, Completing the Environmental Assessment Checklist, Completing the 58.6 Checklist, and the HUD Guide for further information.

See also the Source Documentation Section for further information.

A Recipient does have to publish a Combined Notice (FONSI/NOI-RROF), does have to submit an RROF/Certification Form, and does have to require a 15 day HUD Objection Period for EA Projects.

**Publication, RROF/Certification Form, & HUD Objection Period**

The HUD regulations at 24 CFR 58 define the publication requirements for CDBG projects and the process for receiving environmental clearance after the recipient’s environmental review packet has been completed for CEST or EA Projects and has been signed by the RE Certifying Officer.

This process includes a public comment period publication (Notice of Intent to Request Release of Funds, NOI-RROF), a FONSI publication for **EA Projects only**, the completion of a RROF/Certification Form with documentation, and a HUD 15-Day Objection period. This process must be completed in the correct order or republishing may be necessary.

24 CFR 58.21 defines time periods in regard to determining when a publication or objection period begins. Time Periods are defined as:

> All time periods in this part shall be counted in calendar days. The first day of a time period begins at 12:01 a.m. local time on the day following the publication or the mailing and posting date of the notice which initiates the time period.

24 CFR 58.43 further notes that the RE must consider the comments and make modifications, if appropriate, in response to the comments from the publication before completing the
RROF/Certification Form.

**Publication Requirements for CEST Projects**

For CEST Projects the recipient is required to:

- Provide a public comment period (NOI-RROF publication),
- Complete a RROF/Certification Form with documentation, and
- Complete the HUD 15 Day Objection Period.

The NOI-RROF cannot be published until after the RE Certifying Officer has signed the ERR. For CDBG projects, this means that the ERR must be prepared and signed by Certifying Officer at least one day before publication. Once the RE Certifying Officer signs the ERR it is proper to publish/post the NOI-RROF. Publication cannot be completed until at least 1 day after the RE Certifying Officer signs the ERR.

The NOI-RROF Notice is published or posted for a period of time defined at 24 CFR 58.45 [7 days when published or, if no publication, 10 days when mailing and posting].

A FONSI Notice is not required for CEST Projects. Only a NOI-RROF Notice is required. See Sample NOI-RROF Publication for the language that must be provided in the notice.

No earlier than the day after the public comment period has ended, the recipient completes the RROF/Certification Form and sends it to the Department along with the appropriate documentation. This documentation includes an affidavit of publication (or posting) and a copy of the publication notice.

**Note:** if the 8 Step Process is triggered, there are additional publication requirements. See also 8 Step Process for Compliance with Floodplain Management for further information.

**Publication Requirements for EA Projects**

For EA Projects the recipient is required to:

- Publish a FONSI Notice,
- Publish a NOI-RROF Notice,
- Choose to publish the FONSI/NOI-RROF together in a Combined Notice,
- Complete a RROF/Certification Form with documentation, and
- Complete the HUD Objection Period.

The FONSI notice and NOI-RROF publication process can be completed concurrently using a Combined Notice (FONSI/NOI-RROF) Publication. See Sample Combined FONSI/NOI-RROF Publication for the language that must be provided in the notice.

The Combined FONSI/NOI-RROF cannot be published until at least a day after the RE Certifying Officer has signed the ERR. For CDBG projects, this means that the ERR must be prepared and then signed by the RE Certifying Officer before publication.

The Combined Notice is published or posted for a period of time defined at 24 CFR 58.45 [15 days when published or, if no publication, 18 days when mailing and posting].

If publishing the FONSI Notice and NOI-RROF separately, then two separate 15 day public comment periods must be provided when publishing and 2 separate 15 day public comment periods must be provided when posting. These notices could not run concurrently. No earlier than the day after the
public comment period has ended, the recipient completes the RROF/Certification Form and sends it to the Department, along with the appropriate documentation. Appropriate documentation includes:

- An affidavit of publication (or posting), and
- A copy of the publication notice.

**SOURCE DOCUMENTATION**

Source Documentation is used to supplement the ERR and provide justification for the information that has been detailed in the Compliance Documentation Section of the Statutory Checklist, the Environmental Assessment Checklist, and any other section of the ERR. The ERR must be a standalone document that will provide a complete picture of the environmental impacts of the project for a reviewer.

Some examples of Source Documentation that must be included in CEST and EA Project reviews include:

- Aerial map of site (when sites have been identified)
- FIRM map (when sites have been identified and mapped)
- Agency websites reviewed
- Letters to Agencies
- Responses from Agencies

The RE may use an environmental review from another agency to help supplement the ERR for the Department. A copy of the review should be incorporated into the ERR and referenced in the Compliance Documentation Section of the Statutory Checklist or the Source Documentation Section of the Environmental Assessment Checklist.

In addition, any Engineering Reports, Phase I Reports, Phase II Reports, and any other relevant information should be included in the ERR.

**Completing the Statutory Checklist**

The Statutory Checklist must be completed for CEST and EA Projects. The Statutory Checklist is a separate form for CEST projects and is part of the Environmental Review Packet completion. For EA projects the Statutory Checklist is incorporated into the Environmental Assessment and must be completed.

The Statutory Checklist evaluates 14 separate environmental issues and impacts. Each of these 14 items must be evaluated for every project. Within the Statutory Checklist, the recipient must follow instructions detailed in the Checklist and select either Status A or Status B for each and every of the 14 items.

By selecting Status A, the recipient is documenting that the project is in compliance either because 1) the nature of the project does not implicate the authority under consideration or 2) supporting information documents that the project compliance has been achieved. If Status A is marked, the recipient is noting that no further compliance is needed, and no further consultation, permitting, or additional evaluation are needed in regard to the Item evaluated.

By selecting Status B, the recipient is documenting that the project requires additional compliance. This includes an additional compliance step or action, including but not limited to, consultation with or approval from an oversight agency, performance of a study or analysis, completion of remediation or
mitigation measures, or obtaining a license or permit.

Selecting Status B is also appropriate when a project site has not been identified as a tiered review will be required and further compliance is necessary.

Note that leaving any Compliance Documentation Section blank or providing a “not applicable” response to any of the 14 items is not acceptable. A failure to review all 14 items will result in the recipient having to correct the Statutory Checklist and resubmit the information to the Department.

Statutory Checklist Process
A recipient should consult the appropriate statutes, authorities, executive orders, regulations, or policies as noted in each of the 14 items. 24 CFR 58.5 provides more information on the Related Federal laws and authorities that must be reviewed.

In addition, utilizing the HUD Guide to Environmental Compliance (HUD Guide) can also be used as a tool to assist the recipient with the completion of the Statutory Checklist. If used correctly the HUD Guide can provide guidance on how to appropriately provide Compliance Documentation. Review the Applicable Activities, Threshold for Action, Source Documentation, and Action Required Sections as a whole in order to assist the recipient.

For example, in providing a proper evaluation for Item 3 Coastal Zone Management, the recipient could note within the Compliance Documentation Section of the Statutory Checklist, that a project in Nebraska is not located in a state having a Coastal Zone Management (CZM) Program as provided by the National Oceanic & Atmospheric Administration at web site: http://coastalmanagement.noaa.gov/mystate/welcome.html. Providing this information, along with a copy of the website would provide sufficient source documentation for this item.

The goal of the evaluation is to obtain environmental compliance with each of the 14 items. Compliance can be obtained in some instances by the Recipient providing an appropriate narrative and source documentation within the Compliance Documentation section of the Statutory Checklist. In other instances it is necessary to provide additional source documentation, including referencing agency website information, letters sent to agencies, agency responses, and any other relevant information.

The RE must retain all documentation (letters, maps, notes on comments of authorities contacted, etc.) to support the Compliance Documentation in the ERR. The recipient should use the best available information in order to achieve compliance.

Federal or State Agency consultation may be necessary to provide a proper environmental evaluation. Agency responses may concur with a recipient’s findings and result in no need for further action, may place conditions on the project prior to environmental clearance, or may halt the project until mitigating measures are identified and steps have been taken to achieve compliance.

If permits are required, a listing of the specific permits needed and the procedures by which they will be obtained should be attached to the ERR. If mitigating actions are required, the RE should fully describe the actions the recipient will take to assure compliance.

The Statutory Checklist must be prepared and signed by the Preparer prior to being signed by the RE.
Certifying Officer. A failure to have the Preparer sign the Statutory Checklist before the RE Certifying Officer will result in the recipient having to correct the Statutory Checklist and resubmit the information to the Department.

For more information review 24 CFR 58.5 and the HUD Guide below.

For more information see also list of Potential Agency Contacts below.

**Completing the Environmental Assessment Checklist**
The Environmental Assessment Checklist must be completed for EA Projects. This Checklist is incorporated into the Environmental Assessment and must be completed.

The Environmental Checklist evaluates several impact categories to evaluate the significance of the effects of the proposal on the character, features, and resources of the project area. This evaluation includes the area surrounding the project site and the reference of the site to other resources in the community. Each of the impact categories must be evaluated for every project.

**Note:** Leaving any Compliance Documentation Section blank or providing a “not applicable” response to any of the items is not acceptable. A failure to review all items will result in the recipient having to correct the Environmental Assessment Checklist and resubmit the information to the Department.

An example for providing a proper evaluation for the impact category Community Facilities and Services in relation to Public Safety and Fire, a recipient may provide information on the location and distance of the nearest fire station in relation to the project site. If the station is near the site then it may be appropriate to note that the anticipated or potential impact was Beneficial to the project.

For further information see the Source Documentation section.

**Completing the 58.6 Checklist**
The 58.6 Checklist must be completed for every project. For Exempt, CENST, or CEST projects the 58.6 Checklist is a separate form that must be completed. For EA projects the 58.6 Checklist is incorporated into the Environmental Assessment and must be completed.

There are three main sections of the 58.6 Checklist that have to be reviewed. These include:

- **Airport Runway Clear Zones and Clear Zone Notification** [24 CFR Part 51.303(a)(3)]
- **Coastal Barrier Resources Act** [Coastal Barrier Improvement Act of 1990 (16 USC 3501)]
- **Flood Disaster Protection Act** [Flood Disaster Protection Act of 1973, as amended (42 USC 4001-4128)]

The 58.6 Checklist provides a set of “yes” or “no” questions that have to be answered and must be supplemented with proper source documentation. Source Documentation may include an aerial map, FIRM map, Agency website information, and any other relevant information that would substantiate the information provided in the 58.6 Checklist.

For the Flood Disaster Section, if “No” is answered for the first question, then it is not appropriate to answer the remaining questions.

In addition, for Section 3 pertaining to the Flood Disaster Protection Act it may be necessary to attach an
applicable FIRM Map when it is necessary to provide evidence that a project is not being locating within a Special Flood Hazard Area (SFHA). If a FIRM map is attached then it would be necessary to cite the appropriate year and panel number of the FIRM map. (See FEMA.gov for more information on FIRM maps).

If a project site is not mapped, then the best available information should be used to ascertain whether or not a project is located within a SFHA. In this instance it may be necessary to contact the Department of Natural Resources for this information.

**Timing**

For projects that require publication notices (CEST projects that do not convert to Exempt and EA projects) it is critical to ensure the public received the proper time period in which to comment and review the environmental record that was prepared by the grantee. After the public comment period, information is sent to the Department and the public has an additional period of time in which to object to environmental review process. This is referred to as the HUD 15 Day Objection Period.

Below is additional information on drafting the public notices for projects and in ensuring the proper timing requirements are met for each project.

**Drafting the NOI-RROF for CEST projects**

Once the RE Certifying Officer signs the environmental record, the Notice of Intent to Request Release of Funds (NOI-RROF) can be published in the newspaper or posted, but no earlier than the day after the RE Certifying Officer signs the environmental record. The specific required NOI-RROF notice language must be used for the publication. (See the Sample Notice language at the end of this Chapter). The timing worksheet can assist in ensuring that the language of the Notice is properly written in order to ensure the grantee provides the proper comment period for the public to review the environmental record.

<table>
<thead>
<tr>
<th>Date(s) RE signs: DLR, Stat. Checklist, and 58.6 Checklist.</th>
<th>Date Publish NOI-RROF (no earlier than day after RE signs) [DATE of NOTICE]</th>
<th>Begin Counting (Enter Date) 1</th>
<th>2</th>
<th>3</th>
</tr>
</thead>
<tbody>
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</table>

It is important to know the exact date that the Newspaper will publish the NOI-RROF public notice as this will determine the date of the last day of the public comment period and the earliest date in which the RE Certifying Officer can sign the RROF/Certification Form. It is recommended to add a day or two to the end of the comment period in order to ensure that the appropriate HUD public comment period has been met.
The first paragraph of the NOI-RROF notice notes “On or after” the RE will undertake a specific project. This “On or after” language is referencing the earliest date that the RE can sign the RROF/Certification Form. The RROF/Certification Form cannot be signed until the day after the end of the public comment period. Using the Timing Worksheet above will assist the grantee in ensuring proper timing. For example, if the RE signs the environmental record (all CEST required items) on July 10, 2015 then the earliest date that the NOI-RROF could be published would be on July 11, 2015.

**Timing Worksheet for NOI-RROF Publication Notice**

<table>
<thead>
<tr>
<th>Date(s) RE signs: DLR, Stat. Checklist, and 58.6 Checklist.</th>
<th>Date Publish NOI-RROF (no earlier than day after RE signs)</th>
<th>Begin Counting (Enter Date)</th>
<th>Last Day of Comment Period [Identified in the NOTICE]</th>
<th>Earliest Date can sign RROF/Cert Form (day after comment period ends) [“On or after” date]</th>
</tr>
</thead>
<tbody>
<tr>
<td>7/15</td>
<td>7/16</td>
<td>7/17</td>
<td>7/18/2015</td>
<td>7/19/2015</td>
</tr>
</tbody>
</table>

If the Notice is published on July 11th, then the grantee would begin counting for the 7 day public comment period on the next day (July 12th). The last day of the public comment period as identified within the public notice within the “All comments received by” section would be July 18, 2015 (as this includes 7 complete days for the public to comment).

**PUBLIC COMMENTS**

Any individual, group, or agency may submit written comments on the ERR to the RE designated office responsible for receiving and responding to comments. All comments received by if notice is published: notice date plus seven days if notice is mailed and posted: mailing and posting date plus ten days will be considered by the name of RE prior to authorizing submission of a request for release of funds.

Because the last day of the public comment period is July 18th, the earliest date that the RE can sign the RROF/Certification Form would be July 19, 2015 and this is the date that is added to the “On or after” portion of the Notice.

**NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS**

Date of Publication: [date published]

Name of Responsible Entity (RE)
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 will if the RE is not also the grant recipient, insert the following language here: “authorize the [name of grant recipient] to” submit a request to the HUD/State administering agency for the release of name of grant program funds under Title/Section [xx] of the name of the appropriation Act of [year], as amended, to undertake the following project:
Drafting the Combined Notice (FONSI/NOI-RROF) for EA projects

Once the RE Certifying Officer signs the environmental record, the Combined Notice (FONSI/NOI-RROF) Finding of No Significant Impact and Notice of Intent to Request Release of Funds can be published in the Newspaper or posted, but no earlier than the day after the RE Certifying Officer signs the environmental record. The specific required Combined Notice language must be used for the publication. (See the Sample Notice language at the end of this Chapter). The timing worksheet can assist in ensuring that the language of the Notice is properly written in order to ensure the grantee provides the proper comment period for the public to review the environmental record.

<table>
<thead>
<tr>
<th>Date(s) RE signs: DLR, Stat. Checklist, and 58.6 Checklist.</th>
<th>Date Publish NOI-RROF (no earlier than day after RE signs) [DATE of NOTICE]</th>
<th>Begin Counting (Enter Date)</th>
<th>2</th>
<th>3</th>
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<tr>
<td>14</td>
<td>Last Day of Comment Period [Identified in the NOTICE]</td>
<td>Earliest Date RE can sign RROF/Cert Form (day after comment period ends) [“On or after” date]</td>
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It is important to know the exact date that the newspaper will publish the Combined Notice as this will determine the date of the last day of the public comment period and the earliest date in which the RE Certifying Officer can sign the RROF/Certification Form. It is recommended to add a day or two to the end of the comment period in order to ensure that the appropriate HUD public comment period has been met.

PUBLIC COMMENTS

Any individual, group, or agency may submit written comments on the ERR to the RE designated office affirmed of receiving and responding to comments. All comments received by if notice is published: notice date plus seven days! if notice is mailed and posted: mailing and posting date plus ten days will be considered by the name of RE prior to authorizing submission of a request for release of funds.
The first paragraph of the Combined Notice notes “On or after” the RE will undertake a specific project (see page 6-20). This “On or after” language is referencing the earliest date that the RE can sign the RROF/Certification Form. The RROF/Certification Form cannot be signed until the day after the end of the public comment period. Using the Timing Worksheet above will assist the grantee in ensuring proper timing.

For example, if the RE signs the environmental record (all EA required items) on July 10, 2015 then the earliest date that the Combined Notice could be published would be on July 11, 2015. You will notice that counting for the 15 day public comment period does not begin until the day after the Combined Notice is published.

<table>
<thead>
<tr>
<th>Date(s) RE signs: DLR, EA</th>
<th>Date Publish Combined Notice (no earlier than day after RE signs) [DATE of NOTICE]</th>
<th>Begin Counting (Enter Date) 1</th>
<th>2</th>
<th>3</th>
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<tbody>
<tr>
<td>7/10/2015</td>
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<td>7/25</td>
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If the Notice is published on July 11th, then the grantee would begin counting for the 15 day public comment period on the next day (July 12th). The last day of the public comment period as identified within the public notice within the “All comments received by” section would be July 26, 2015 (as this includes 15 complete days for the public to comment).
Because the last day of the public comment period is July 26th, the earliest date that the RE can sign the RROF/Certification Form would be July 27, 2015 and this is the date that is added to the “On or after” portion of the Notice.

Completing the RROF/Certification Form
As noted above the RE Certifying Officer cannot sign the RROF/Certification Form until after the end of the public comment period and this is why it is important to use the timing worksheet as it helps to ensure that proper timing was provided within the public notice and to ensure that the RE does not sign the RROF/Certification Form too early.

Once the public comment period has ended, the RE can sign the RROF/Certification Form. The Form basically tells the public that the grantee has completed the environmental review public comment period; that they are preparing to begin the HUD 15 Day Objection Period; and are ultimately requesting environmental clearance for the project.

The current RROF/Certification Form must be used and is available through a link to HUD’s current forms on the Department’s website.

HUD 15 Day Objection Period and Obtaining Environmental Clearance
Using the Timing Worksheet will help determine the earliest date that the RE can sign the RROF/Certification Form for CEST and EA projects. The Worksheet will also assist in identifying when the HUD 15 Day Objection Period will begin and note that the Objection Period cannot begin until after the Department receives the signed RROF/Certification Form, an Affidavit of Publication (or Posting) and a copy of the publication notice.
### Timing Worksheet for CEST and EA Projects (Continued)

<table>
<thead>
<tr>
<th>Earliest Date RE can sign RROF/Cert Form (day after comment period ends)</th>
<th>Date the Department receives the RROF/Cert, the affidavit of publication, and a copy of the publication notice</th>
<th>Date RE signs the RROF/Cert Form</th>
<th>Begin Counting For HUD 15 Day Objection Period (Enter Date)</th>
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</thead>
<tbody>
<tr>
<td>“On or after” date</td>
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For example, if the earliest date that the RE could sign the RROF/Certification Form was on July 27, 2015 (and did sign the Form on that date) then the grantee would have to send the signed RROF/Cert Form, the affidavit of publication, and a copy of the publication notice to the Department. If this information was faxed or emailed on the same day that the Form was signed then the Department would note that the proper documentation was received on July 27th. Based on this information, counting for the HUD 15 Day Objection Period would begin on the next day (July 28th) and would run through August 11th. From the table below you will see that the earliest date that environmental clearance could be obtained for the project would be on August 12th.
<table>
<thead>
<tr>
<th>Earliest Date RE can sign RROF/Cert Form (day after comment period ends) [&quot;On or after&quot; date]</th>
<th>Date RE signs the RROF/Cert Form</th>
<th>Date the Department receives the RROF/Cert, the affidavit of publication, and a copy of the publication notice</th>
<th>Begin Counting For HUD 15 Day Objection Period (Enter Date)</th>
</tr>
</thead>
<tbody>
<tr>
<td>7/27/2015</td>
<td>7/27</td>
<td>7/27/2015</td>
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<td>7/28/2015</td>
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<td>7/30</td>
<td>7/31</td>
<td>8/1</td>
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<td>8/9</td>
<td>8/10</td>
<td>8/11/2015</td>
<td>8/12/2015</td>
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</table>

Overall, the grantee should utilize the timing worksheet in order to ensure proper environmental timing is completed. A failure to provide an appropriate public comment period and a failure to sign the RROF/Certification Form on the correct date will result in the grantee having to republish, which will result in delays to the project that the grantee wishes to implement.

**8 Step Process for Compliance with Floodplain Management**

If a project has been determined to be located within a Special Flood Hazard Area (SFHA) as indicated on a Flood Insurance Rate Map (FIRM) or located in a wetland as determined by consultation with the Natural Resources Conservation Service and/or U. S. Army Corps of Engineers, then it will be necessary for the recipient to complete the 8 Step Process as required by 24 CFR 55.20. This process must be completed prior to finalizing the Statutory Checklist for CEST projects and prior to a FONSI for EA projects.

Complete the 8 Step Process Form and instructions. Complete the required publications including the Notice for Early Public Review and the Notice and Public Explanation.

For further information on the requirements of the 8 Step Process review 24 CFR 55.20 at the Electronic Code of Federal Regulations website [http://ecfr.gpoaccess.gov]. See also Sample Floodplain/Wetland notices at Attachment 5. Use the language as provided in the notices.
The 8 Step Process Form and instructions are found at the end of this Chapter. Below is a timing worksheet for CEST projects.

### Timing Worksheet for CEST Projects with 8 Step Process

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<thead>
<tr>
<th>Date Publish Early Public Notice</th>
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<th>2</th>
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**15 [Last day of comment period]**

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<th>15</th>
<th>16</th>
<th>17</th>
<th>18</th>
<th>19</th>
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<tbody>
<tr>
<td>[enter date]</td>
<td>[enter date]</td>
<td>Publish the Notice of Explanation (No earlier than day after the end of the public comment period).</td>
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**7 [Last day of comment period]**

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<th>25</th>
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<th>27</th>
<th>28</th>
<th>29</th>
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<tbody>
<tr>
<td>Earliest Day to finalize the EA by having the RE Certifying Officer sign the EA and make a FONSI determination. (No earlier than day after the end of the public comment period).</td>
<td>[enter date]</td>
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<td>[enter date]</td>
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</tbody>
</table>

**NOTE:** If any comments are received during the public comment periods, they must reviewed and response provided in writing prior to publishing the next public notice.
<table>
<thead>
<tr>
<th>Date DLR, Stat Checklist, 58.6 checklist signed by RE Certifying Officer [enter date]</th>
<th>Date Publish NOI-RROF (no earlier than day after DLR, Stat Checklist, 58.6 Checklist signed by RE Certifying Officer [enter date]</th>
<th>1</th>
<th>2</th>
<th>3</th>
</tr>
</thead>
<tbody>
<tr>
<td>4</td>
<td>5</td>
<td>7 [Last day of comment period] [enter date]</td>
<td>Earliest Day for RROF/Cert Completion (no earlier than the day after the end of the comment period)</td>
<td></td>
</tr>
<tr>
<td>Date RROF/Cert signed [enter date]</td>
<td>RROF/Cert &amp; Documentation Sent to DED &amp; Rec’d by DED [enter date]</td>
<td>1</td>
<td>2</td>
<td>3</td>
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<tr>
<td>14</td>
<td>15</td>
<td>Earliest Day to receive environmental clearance</td>
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</table>
TIERED REVIEW
A tiered review is a process in which the grantee completes a CEST or EA Project review, but has not identified any or all the sites where the project activities will be completed.

In order to properly complete a tiered review, the grantee must complete a 2 step process. The first step is to complete the CEST or EA Project Packet by identifying and evaluating those issues that can be reviewed without having sites identified. This would also be called the “Broad Review” and this information would generally be identified with the Statutory Checklist.

The issues that cannot be evaluated without having specific sites identified would be reviewed once sites have been selected and noted within the Tier II evaluation. Language within the Compliance Documentation section of the Statutory Checklist would note “A Tier II evaluation will be conducted as sites are identified” and additional compliance documentation language would be provided.

In addition, the Broad Review should include a Tier II Review Format which will identify all the topics that will be reviewed within the Site Specific Review and also identify the methods that will be used to obtain the information.

The second step includes the grantee completing a Site-Specific Tier II environmental review for each site selected for the project. The grantee would identify and evaluate those issues that were noted in the Statutory Checklist, the Environmental Assessment Checklist (for EA projects), and 58.6 Checklist that required further evaluation once sites had been identified.

For housing projects that require a tiered review (generally owner occupied rehab projects), this may include, but would not be limited to Contamination and Toxic Substances, Floodplain Management, Historic Preservation, Noise Control, and Flood Disaster Protection.

For downtown revitalization projects that include façade improvements this may include, but would not be limited to Contamination and Toxic Substances, Floodplain Management, Historic Preservation, and Flood Disaster Protection.

The Tier II review should follow the recommended format and will be part of the ERR that is retained in the grantee’s project files at the grantee’s office. This Tier II review must reference the CEST or EA Project packet that was completed previously, and had received environmental clearance. This should be retained in a separate, master file, for the project.

The Tier II review should supplement the previous review. Discussing the tiered review is most appropriate in the description of the project in the Determination of Level of Review Form, the Statutory Checklist, the Environmental Assessment Checklist, and 58.6 Checklist.

An additional public comment period or HUD Objection Period is not required for a site specific review after the recipient has already received environmental clearance.

For a Tier II review format example see below.

For more information refer to 24 CFR 58.15.
CHANGES TO THE ORIGINAL PROJECT OR ADDITIONAL FUNDING (24 CFR 58.47)
In some instances the recipient may make changes to the activities in a project, change the project area, or receive additional funds for a project that has previously received environmental clearance.

In these instances it is necessary for the RE to re-evaluate its environmental findings. The RE should re-evaluate its environmental findings when:

- The recipient proposes substantial changes in the nature, magnitude or extent of the project, including adding new activities not anticipated in the original scope of the project; or,
- There are new circumstances and environmental conditions that may affect the project or the environment, such as concealed or unexpected conditions discovered during implementation.

The purpose of the re-evaluation is to determine if the new circumstances still justify and support the environmental finding originally issued. If the original finding is still valid, the RE must affirm the original findings by completing the Certification of Continued Environmental Compliance Form and update its ERR. Under these circumstances, if a FONSI notice has already been published, no additional FONSI notice is required.

However, if the re-evaluation is the result of a change in the scope, scale, nature, magnitude and/or location of a project, or additional funds are being added to a project with previous environmental clearance, then the RE must submit a Certification of Continued Environmental Compliance (Attachment 6) with its request to the Department for amendment approval.

If the RE determines that the original finding is no longer valid, it must re-initiate an additional CEST or EA review process if its evaluation indicates potentially significant impacts.

Provide a description of all project activities including those activities funded by all sources. In addition, if additional funds are being received for a project that has previously received environmental clearance describe why the project can be classified as supplemental assistance as defined at 24 CFR 58.35(b)(7). In this instance, the recipient would complete an environmental review packet for CENST projects and include a Certification of Continued Environmental Compliance.

When a recipient is only completing a contract amendment in which no new activities are anticipated or no additional funds are being added to total amount of grant funds received, it is not necessary to complete the Certification of Continued Environmental Compliance.

See an example of the Certification of Continued Environmental Compliance Form. Use the Department website, www.neded.org, to access the most current form.
OUTLINE OF ENVIRONMENTAL REVIEW RECORD (ERR) ITEMS

The following items will be needed in a recipient’s ERR depending on the type of project the recipient is completing. Complete the appropriate Environmental Review Project Packet using one of the four packets contained in this Attachment.

**Exempt Activities [24 CFR 58.34]**
- Cover Sheet
- Determination of Level of Review
- Finding of Exempt Activity
- 58.6 Checklist

**Categorical Exclusion Not Subject To (CENST) Activities [24 CFR 58.35(b)]**
- Cover Sheet
- Determination of Level of Review
- Finding of CENST Activity
- 58.6 Checklist
- Supporting Documentation (if necessary)

**Categorical Exclusion Subject To (CEST) Activities [24 CFR 58.35(a)]**
- Cover Sheet
- Determination of Level of Review
- Statutory Checklist
- 58.6 Checklist
- Supporting Documentation
- 7-Day Public Notice NOI/RROF Publication
- RROF/Certification
- 8 Step Process (if necessary)

**Environmental Assessment [24 CFR 58.36]**
- Cover Sheet
- Determination of Level of Review
- HUD Environmental Assessment
- Supporting Documentation
- 15-Day Public Notice FONSI &NOI/RROF Publication
- RROF/Certification
- Supporting Documentation
- Phase I (if necessary)
- Phase II (if necessary)
- 8 Step Process (if necessary)
EXEMPT

PROJECT

PACKET

[24 CFR 58.34]
ENVIRONMENTAL REVIEW RECORD

GRANT NUMBER:____________________________

PROJECT NAME:__________________________
DETERMINATION OF LEVEL OF REVIEW

ERR GRANT#______________________________________________________________

Project Name:___________________________________________________________ Program Year:__________________________________________________________

Project Location:____________________________________________________________________________________________________

Project Description (Attach additional descriptive information, as appropriate to the project, including narrative, maps, photographs, site plans, budgets and other information.):

________________________________________________________________________________________________________________________

________________________________________________________________________________________________________________________

The subject project has been reviewed pursuant to HUD regulations 24 CFR Part 58, “Environmental Review Procedures for Entities Assuming HUD Environmental Responsibilities,” and the following determination with respect to the project is made:

☐ Exempt from NEPA review requirements per 24 CFR 58.34(a)(___________)

☐ Categorically Excluded NOT Subject to §58.5 authorities per 24 CFR 58.35(b)(___________)

☐ Categorically Excluded SUBJECT to §58.5 authorities per 24 CFR 58.35(a)(___________)

(A Statutory Checklist for the §58.5 authorities is attached.)

☐ An Environmental Assessment (EA) is required to be performed. (An Environmental Assessment performed in accordance with subpart E of 24 CFR Part 58 is attached.)

☐ An Environmental Impact Statement (EIS) is required to be performed.

The ERR (see §58.38) must contain all the environmental review documents, public notices and written determinations or environmental findings required by Part 58 as evidence of review, decision making and actions pertaining to a particular project. Include additional information including checklists, studies, analyses and documentation as appropriate.

____________________________________________________________________

Preparer Name

Signature

Title

Date

____________________________________________________________________

Responsible Entity Certifying Officer

Signature

Title

Date
# FINDING OF EXEMPT ACTIVITY [24 CFR 58.34(a)]

**GRANTEE:** ____________________________  **GRANT #** ____________________________

**DIRECTIONS:** Certain CDBG, HOME, and NAHTF funded activities, which do not have a physical impact, require a grantee, as defined at 24 CFR Part 58.2, to determine whether the proposed activity is Exempt from the National Environmental Policy Act of 1969 (NEPA), as amended, and not subject to the environmentally-related statutory authorities listed at 24 CFR Parts 58.5. This form provides a grantee with a format to make this determination. A description of the activity (or project) should be attached to this form and the documentation maintained in the Environmental Review Record (24 CFR Part 58.38). Note that the 24 CFR 58.6 requirements will also need to be completed. Consult HUD’s environmental regulation (24 CFR Part 58) as necessary.

**Check a single box** that best describes or fits the proposed activity. Submit the completed form to your Responsible Entity Certifying Officer for review.

- [ ] Environmental and other studies, resource identification and the development of plans and strategies [58.34(a)(1)].
- [ ] Information and financial services [58.34(a)(2)].
- [ ] Administrative and management activities [58.34(a)(3)].
- [ ] 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 [58.34(a)(4)].
- [ ] Inspections and testing of properties for hazards or defects [58.34(a)(5)].
- [ ] Purchase of insurance [58.34(a)(6)].
- [ ] Purchase of tools [58.34(a)(7)].
- [ ] Engineering or design costs [58.34(a)(8)].
- [ ] Technical assistance and training [58.34(a)(9)].
- [ ] 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 [58.34(a)(10)].
- [ ] Payment of principal or interest on loans made or obligations guaranteed by HUD [58.34(a)(11)].
- [ ] 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 [58.34(a)(12)].

**PROJECT DESCRIPTION:** Provide a description of all project activities including those activities funded by sources other than CDBG, HOME, or NAHTF. (Attach additional pages as necessary.)

In accordance with the provisions of 24 CFR 58.34(a), the grantee has determined that the subject CDBG, HOME, or NAHTF-assisted activity (or program) explained above is Exempt from the National Environmental Policy Act of 1969 (NEPA), as amended.

### DETERMINATION BY (PREPARER)

<table>
<thead>
<tr>
<th>PRINT NAME</th>
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### RESPONSIBLE ENTITY CERTIFYING OFFICER

<table>
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<tr>
<th>PRINT NAME</th>
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24 CFR §58.6 – OTHER REQUIREMENTS

Use this worksheet for projects that are EXEMPT, CATEGORICALLY EXCLUDED SUBJECT TO (CEST), and CATEGORICALLY EXCLUDED NOT SUBJECT TO (CENST) Related Federal Statutes and Authorities.

This 58.6 Form is a component of the Environmental Review Record (ERR) [§58.38]. Supplement the ERR, as appropriate, with photographs, site plans, maps, narrative and other information that describe the project.

1. AIRPORT RUNWAY CLEAR ZONES AND CLEAR ZONES NOTIFICATION [24 CFR Part 51.303(a)(3)]

Does the project involve the sale or acquisition of property located within a Civil Airport Runway Clear Zone or a Military Airfield Clear Zone?

☐ No. Cite or attach Source Documentation: [Project complies with 24 CFR 51.303(a)(3)].

☒ Yes. Notice must be provided to the buyer. The notice must advise the buyer that the property is in a Runway Clear Zone or Clear Zone, what the implications of such a location are, and that there is a possibility that the property may, at a later date, be acquired by the airport operator. The buyer must sign a statement acknowledging receipt of this information, and a copy of the signed notice must be maintained in the ERR.

2. COASTAL BARRIERS RESOURCES ACT [Coastal Barrier Improvement Act of 1990 (16 USC 3501)]

Is the project located in a coastal barrier resource area?

☒ No. Cite or attach Source Documentation: No CBRA’s in Nebraska according to the Office for Coastal Management (NOAA) https://coast.noaa.gov/czm/mystate/ [Proceed with project].

☐ Yes. Federal assistance may not be used in such an area.

3. FLOOD DISASTER PROTECTION ACT [Flood Disaster Protection Act of 1973, as amended (42 USC 4001-4128)]

Does the project involve acquisition, construction, or rehabilitation of structures located in a FEMA-identified Special Flood Hazard Area (SFHA)?

☐ No. Cite or attach Source Documentation: [Proceed with project].

☒ Yes. Cite or attach Source Documentation:

Is the community participating in the National Insurance Program (or has less than one year passed since FEMA notification of Special Flood Hazards)?

☒ Yes. Flood Insurance under the National Flood Insurance Program must be obtained. If HUD assistance is provided as a grant, insurance must be maintained for the economic life of the project and in the amount of the total project cost (or up to the maximum allowable coverage, whichever is less). If HUD assistance is provided as a loan, insurance must be maintained for the term of the loan and 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 kept on file in the ERR.

☐ No. Federal assistance may not be used in the Special Flood Hazard Area.

Preparer Name

Preparer Signature

Date

RE Certifying Officer Name

RE Certifying Officer Signature

Date
CENST
PROJECT
PACKET

[24 CFR 58.35(b)]
ENVIRONMENTAL REVIEW RECORD

GRANT NUMBER:________________________________________

PROJECT NAME:________________________________________
DETERMINATION OF LEVEL OF REVIEW

ERR GRANT# ____________________________

Project Name: ____________________________ Program Year: _______________

Project Location: ____________________________

Project Description (Attach additional descriptive information, as appropriate to the project, including narrative, maps, photographs, site plans, budgets and other information.):

________________________________________________________________________
________________________________________________________________________

The subject project has been reviewed pursuant to HUD regulations 24 CFR Part 58, “Environmental Review Procedures for Entities Assuming HUD Environmental Responsibilities,” and the following determination with respect to the project is made:

☐ Exempt from NEPA review requirements per 24 CFR 58.34(a)____________________

☐ Categorically Excluded NOT Subject to §58.5 authorities per 24 CFR 58.35(b)____________________

☐ Categorically Excluded SUBJECT to §58.5 authorities per 24 CFR 58.35(a)____________________

(A Statutory Checklist for the §58.5 authorities is attached.)

☐ An Environmental Assessment (EA) is required to be performed. (An Environmental Assessment performed in accordance with subpart E of 24 CFR Part 58 is attached.)

☐ An Environmental Impact Statement (EIS) is required to be performed.

The ERR (see §58.38) must contain all the environmental review documents, public notices and written determinations or environmental findings required by Part 58 as evidence of review, decision making and actions pertaining to a particular project. Include additional information including checklists, studies, analyses and documentation as appropriate.

Preparer Name ____________________________ Signature ____________________________

Title ____________________________ Date ____________________________

Responsible Entity Certifying Officer ____________________________ Signature ____________________________

Title ____________________________ Date ____________________________
**FINDING OF CATEGORICAL EXCLUSION, NOT SUBJECT TO RELATED Federal Statutes and AUTHORITIES [24 CFR 58.35(b)]**

| GRANTEE: __________________________________________ | GRANT # __________________________ |

**DIRECTIONS:** Certain CDBG, HOME, and NAHTF funded activities, which do not have a physical impact, require a grantee, as defined at 24 CFR Part 58.2, to determine whether the proposed activity is Categorically Excluded from the National Environmental Policy Act of 1969 (NEPA), as amended, and not subject to the environmentally-related statutory authorities listed at 24 CFR Parts 58.5.

This form provides a grantee with a format to make this determination. A description of the activity (or project) should be attached to this form and the documentation maintained in the Environmental Review Record (24 CFR Part 58.38). Note that the 24 CFR 58.6 requirements will also need to be completed. Consult HUD’s environmental regulation (24 CFR Part 58) as necessary.

**Check a single box** that best describes or fits the proposed activity. Submit the completed form to your Responsible Entity Certifying Officer for review.

- [ ] Tenant-based rental assistance [58.35(b)(1)].
- [ ] 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.
- [ ] Operating costs [58.35(b)(3)], including maintenance, security, operation, utilities, furnishings, equipment, supplies, staff training and recruitment, and other incidental costs.
- [ ] 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.
- [ ] 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.
- [ ] 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.
- [ ] Approval of supplemental assistance [58.35(b)(7)], (including insurance or guarantee) to a project previously approved 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.

**PROJECT DESCRIPTION:** Provide a description of all project activities including those activities funded by sources other than CDBG, HOME, or NAHTF. (Attach additional pages as necessary.)

In accordance with the provisions of 24 CFR 58.35(b), the grantee has determined that the subject CDBG, HOME, or NAHTF-assisted activity (or program) explained above 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.

**DETERMINATION BY (PREPARER)**

<table>
<thead>
<tr>
<th>PRINT NAME</th>
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<th>DATE</th>
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</thead>
</table>

**RESPONSIBLE ENTITY CERTIFYING OFFICER**

<table>
<thead>
<tr>
<th>PRINT NAME</th>
<th>SIGNATURE</th>
<th>DATE</th>
</tr>
</thead>
</table>
24 CFR §58.6 – OTHER REQUIREMENTS

Use this worksheet for projects that are EXEMPT, CATEGORICALLY EXCLUDED SUBJECT TO (CEST), and CATEGORICALLY EXCLUDED NOT SUBJECT TO (CENST) Related Federal Statutes and Authorities.

This 58.6 Form is a component of the Environmental Review Record (ERR) §58.38. Supplement the ERR, as appropriate, with photographs, site plans, maps, narrative and other information that describe the project.

1. AIRPORT RUNWAY CLEAR ZONES AND CLEAR ZONES NOTIFICATION [24 CFR Part 51.303(a)(3)]

Does the project involve the sale or acquisition of property located within a Civil Airport Runway Clear Zone or a Military Airfield Clear Zone?

☐ No. Cite or attach Source Documentation: ____________________________________________ [Project complies with 24 CFR 51.303(a)(3)].

☐ Yes. Notice must be provided to the buyer. The notice must advise the buyer that the property is in a Runway Clear Zone or Clear Zone, what the implications of such a location are, and that there is a possibility that the property may, at a later date, be acquired by the airport operator. The buyer must sign a statement acknowledging receipt of this information, and a copy of the signed notice must be maintained in the ERR.

2. COASTAL BARRIERS RESOURCES ACT [Coastal Barrier Improvement Act of 1990 (16 USC 3501)]

Is the project located in a coastal barrier resource area?

☐ No. Cite or attach Source Documentation: No CBRA’s in Nebraska according to the Office for Coastal Management (NOAA) https://coast.noaa.gov/czm/mystate/ [Proceed with project].

☐ Yes. Federal assistance may not be used in such an area.

3. FLOOD DISASTER PROTECTION ACT [Flood Disaster Protection Act of 1973, as amended (42 USC 4001-4128)]

Does the project involve acquisition, construction, or rehabilitation of structures located in a FEMA-identified Special Flood Hazard Area (SFHA)?

☐ No. Cite or attach Source Documentation: ____________________________________________ [Proceed with project].

☐ Yes. Cite or attach Source Documentation: ____________________________________________ [Proceed with project].

Is the community participating in the National Insurance Program (or has less than one year passed since FEMA notification of Special Flood Hazards)?

☐ Yes. Flood Insurance under the National Flood Insurance Program must be obtained. If HUD assistance is provided as a grant, insurance must be maintained for the economic life of the project and in the amount of the total project cost (or up to the maximum allowable coverage, whichever is less). If HUD assistance is provided as a loan, insurance must be maintained for the term of the loan and 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 kept on file in the ERR.

☐ No. Federal assistance may not be used in the Special Flood Hazard Area.

Preparer Name ____________________________ Preparer Signature ____________________________ Date ____________

RE Certifying Officer Name ____________________________ RE Certifying Officer Signature ____________________________ Date ____________
CEST

PROJECT

PACKET

[24 CFR 58.35(a)]
ENVIRONMENTAL REVIEW RECORD

GRANT NUMBER: ________________________________

PROJECT NAME: ________________________________
DETERMINATION OF LEVEL OF REVIEW

ERR GRANT# ____________________________________________

Project Name: ________________________________ Program Year: __________

Project Location: __________________________

Project Description (Attach additional descriptive information, as appropriate to the project, including narrative, maps, photographs, site plans, budgets and other information.):

________________________________________________________________________

The subject project has been reviewed pursuant to HUD regulations 24 CFR Part 58, “Environmental Review Procedures for Entities Assuming HUD Environmental Responsibilities,” and the following determination with respect to the project is made:

☐ Exempt from NEPA review requirements per 24 CFR 58.34(a)(______________________)

☐ Categorically Excluded NOT Subject to §58.5 authorities per 24 CFR 58.35(b)(______________________)

☐ Categorically Excluded SUBJECT to §58.5 authorities per 24 CFR 58.35(a)(______________________)
   (A Statutory Checklist for the §58.5 authorities is attached.)

☐ An Environmental Assessment (EA) is required to be performed. (An Environmental Assessment performed in accordance with subpart E of 24 CFR Part 58 is attached.)

☐ An Environmental Impact Statement (EIS) is required to be performed.

The ERR (see §58.38) must contain all the environmental review documents, public notices and written determinations or environmental findings required by Part 58 as evidence of review, decision making and actions pertaining to a particular project. Include additional information including checklists, studies, analyses and documentation as appropriate.

Preparer Name ___________________________ Signature ___________________________

Title ______________________________ Date ___________________________

Responsible Entity Certifying Officer ___________________________ Signature ___________________________

Title ______________________________ Date ___________________________
STATUTORY CHECKLIST
Use this worksheet only for projects that are CATEGORICALLY EXCLUDED SUBJECT TO (CEST) Related Federal Statutes and Authorities [24 CFR §58.35(a)]

GRANTEE:_________________________ GRANT#:_________________________

A “Determination of Level of Review” form should be provided as a cover to this checklist.

This checklist is a component of the Environmental Review Record (ERR) [§58.38]. In addition the “Requirements listed at 24 CFR §58.6” form must also be completed. Supplement the ERR, as appropriate, with photographs, site plans, maps, narrative and other information that describe the project.

24 CFR §58.5 – NEPA-Related Federal Statutes and Authorities

DIRECTIONS – For each authority, check either Box “A” or “B” under “Status.”

“A box” The project is in compliance, either because: (1) the nature of the project does not implicate the authority under consideration, or (2) supporting information documents that project compliance has been achieved. In either case, information must be provided as to WHY the authority is not implicated, or HOW compliance is met; OR

“B box” The project requires an additional compliance step or action, including, but not limited to, consultation with or approval from an oversight agency, performance of a study or analysis, completion of remediation or mitigation measure, or obtaining of license or permit.

IMPORTANT: Compliance documentation consists of verifiable source documents and/or relevant base data. Appropriate documentation must be provided for each law or authority. Documents may be incorporated by reference into the ERR provided that each source document is identified and available for inspection by interested parties. Proprietary material and studies that are not otherwise generally available for public review shall be included in the ERR. Refer to HUD guidance for more information.

<table>
<thead>
<tr>
<th>Statute, Authority, Executive Order, Regulation, or Policy cited at 24 CFR §58.5</th>
<th>STATUS A</th>
<th>B</th>
<th>Compliance Documentation</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Air Quality [Clean Air Act sections 176(c) &amp; (d), and 40 CFR 6, 51, 93]</td>
<td>☐</td>
<td>☐</td>
<td></td>
</tr>
<tr>
<td>2. Airport Hazards (Clear Zones and Accident Potential Zones) [24 CFR 51D]</td>
<td>☐</td>
<td>☐</td>
<td></td>
</tr>
<tr>
<td>3. Coastal Zone Management [Coastal Zone Management Act sections 307(c) &amp; (d)]</td>
<td>☑</td>
<td>☐</td>
<td>The project in Nebraska is not located in a state having a Coastal Zone Management (CZM) Program as provided by the National Oceanic &amp; Atmospheric Administration. (<a href="http://coastalmanagement.noaa.gov/mystate/welcome.html">http://coastalmanagement.noaa.gov/mystate/welcome.html</a>.)</td>
</tr>
</tbody>
</table>
4. Contamination and Toxic Substances  
[24 CFR 58.5(i)(2)]

5. Endangered Species  
[50 CFR 402]

6. Environmental Justice  
[Executive Order 12898]

7. Explosive and Flammable Operations  
[24 CFR 51C]

8. Farmland Protection  
[7 CFR 658]

9. Floodplain Management  
[24 CFR 55, Executive Order 11988]

10. Historic Preservation  
[36 CFR 800]

11. Noise Control  
[24 CFR 51B]

12. Water Quality (Sole Source Acquifers)  
[40 CFR 149]

13. Wetland Protection  
[24 CFR 55, Executive Order 11990]

14. Wild and Scenic Rivers  
[36 CFR 297]

**DETERMINATION:**

- **Box “A” has been checked for all authorities.** The project can convert to Exempt, per §58.34(a)(12), since the project does not require any further compliance measure (e.g. consultation, mitigation, permit, or approval) with respect to any law or authority cited at §58.5. Complete Finding of Exempt Activity and document in writing per §58.34(a)(12) & (b); OR

- **Box “B” has been checked for one or more authorities.** The project cannot convert to Exempt since one or more authorities require compliance, including but not limited to consultation with or approval from an oversight agency, performance of a study or analysis, completion of remediation or mitigation measure, or obtaining of license or permit. Complete pertinent compliance requirement(s), publish NOI/RROF, request release of funds (HUD-7015.15), and obtain HUD’s Authority to Use Grant Funds (HUD-7015.16) per §§58.70 & 58.71 before committing funds: OR

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

---

**Preparer Name**  
Preparer Signature  
_Date_

---

**RE Certifying Officer Name**  
RE Certifying Officer Signature  
_Date_
24 CFR §58.6 – OTHER REQUIREMENTS

Use this worksheet for projects that are EXEMPT, CATEGORICALLY EXCLUDED SUBJECT TO (CEST), and CATEGORICALLY EXCLUDED NOT SUBJECT TO (CENST) Related Federal Statutes and Authorities.

This 58.6 Form is a component of the Environmental Review Record (ERR) [§58.38]. Supplement the ERR, as appropriate, with photographs, site plans, maps, narrative and other information that describe the project.

1. AIRPORT RUNWAY CLEAR ZONES AND CLEAR ZONES NOTIFICATION [24 CFR Part 51.303(a)(3)]

Does the project involve the sale or acquisition of property located within a Civil Airport Runway Clear Zone or a Military Airfield Clear Zone?

☐ No. Cite or attach Source Documentation: [Project complies with 24 CFR 51.303(a)(3)].

☐ Yes. Notice must be provided to the buyer. The notice must advise the buyer that the property is in a Runway Clear Zone or Clear Zone, what the implications of such a location are, and that there is a possibility that the property may, at a later date, be acquired by the airport operator. The buyer must sign a statement acknowledging receipt of this information, and a copy of the signed notice must be maintained in the ERR.

2. COASTAL BARRIERS RESOURCES ACT [Coastal Barrier Improvement Act of 1990 (16 USC 3501)] Is the project located in a coastal barrier resource area?

☐ No. Cite or attach Source Documentation: No CBRA's in Nebraska according to the Office for Coastal Management (NOAA) https://coast.noaa.gov/czm/mystate/ [Proceed with project.].

☐ Yes. Federal assistance may not be used in such an area.

3. FLOOD DISASTER PROTECTION ACT [Flood Disaster Protection Act of 1973, as amended (42 USC 4001-4128)] Does the project involve acquisition, construction, or rehabilitation of structures located in a FEMA-identified Special Flood Hazard Area (SFHA)?

☐ No. Cite or attach Source Documentation: [Proceed with project.]

☐ Yes. Cite or attach Source Documentation: Is the community participating in the National Insurance Program (or has less than one year passed since FEMA notification of Special Flood Hazards)?

☐ Yes. Flood Insurance under the National Flood Insurance Program must be obtained. If HUD assistance is provided as a grant, insurance must be maintained for the economic life of the project and in the amount of the total project cost (or up to the maximum allowable coverage, whichever is less). If HUD assistance is provided as a loan, insurance must be maintained for the term of the loan and 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 kept on file in the ERR.

☐ No. Federal assistance may not be used in the Special Flood Hazard Area.

Preparer Name ___________________________ Preparer Signature ___________________________ Date ___________________________

RE Certifying Officer Name ___________________________ RE Certifying Officer Signature ___________________________ Date ___________________________
ENVIRONMENTAL ASSESSMENT (EA)

PROJECT

PACKET

[24 CFR 58.36]
ENVIRONMENTAL REVIEW RECORD

GRANT NUMBER: ____________________________

PROJECT NAME: ____________________________
DETERMINATION OF LEVEL OF REVIEW

ERR GRANT#______________________________________________________________

Project Name: ____________________________ Program Year: _________________

Project Location: _______________________________________________________

Project Description (Attach additional descriptive information, as appropriate to the project, including narrative, maps, photographs, site plans, budgets and other information.):

________________________________________________________________________

________________________________________________________________________

The subject project has been reviewed pursuant to HUD regulations 24 CFR Part 58, “Environmental Review Procedures for Entities Assuming HUD Environmental Responsibilities,” and the following determination with respect to the project is made:

☐ Exempt from NEPA review requirements per 24 CFR 58.34(a)___________________

☐ Categorically Excluded NOT Subject to §58.5 authorities per 24 CFR 58.35(b)___________

☐ Categorically Excluded SUBJECT to §58.5 authorities per 24 CFR 58.35(a)_________________

(A Statutory Checklist for the §58.5 authorities is attached.)

☐ An Environmental Assessment (EA) is required to be performed. (An Environmental Assessment performed in accordance with subpart E of 24 CFR Part 58 is attached.)

☐ An Environmental Impact Statement (EIS) is required to be performed.

The ERR (see §58.38) must contain all the environmental review documents, public notices and written determinations or environmental findings required by Part 58 as evidence of review, decision making and actions pertaining to a particular project. Include additional information including checklists, studies, analyses and documentation as appropriate.

Preparer Name ____________________________ Signature ____________________________

Title ____________________________ Date ____________________________

Responsible Entity Certifying Officer ____________________________ Signature ____________________________

Title ____________________________ Date ____________________________
ENVIRONMENTAL ASSESSMENT for HUD-funded Projects

[HUD recommended format per 24 CFR 58.40]

Project Name:___________________________________________________________

Responsible Entity:_______________________________________________________

Certifying Officer Name & Title:___________________________________________

Environmental Review Record (ERR) File #:______________________________
ENVIRONMENTAL ASSESSMENT

Project Location: ________________________________________________________________

Estimated Total Project Cost (all sources): _________________________________________

Amount of HUD Assistance: ___________________________ HUD Grant Program: ________

Grant Recipient (if different from Responsible Entity): ______________________________
[24 CFR 58.2(a)(5)]

Recipient Address & Phone: ______________________________________________________

RE Project Contact Name & Phone: ________________________________________________

Conditions for Approval: (List all mitigation and project modification measures adopted by the Responsible Entity to eliminate or minimize adverse environmental impacts. These conditions must be included in project contracts and other relevant documents as required.) [24 CFR 58.40(d), 40 CFR 1505.2(c)]

FINDING: [24 CFR 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 Significant impact
   (The project may significantly affect the quality of the human environment.)

PREPARER SIGNATURE: ___________________________________________ DATE: ________

PREPARER NAME & TITLE: ______________________________________________________

PREPARER'S AGENCY (If Different from RE): ______________________________________

RE CERTIFYING OFFICER SIGNATURE: __________________________ DATE: __________
### Purpose of the Project:
["Statement of Purpose and Need for the Proposal" - 40 CFR 1508.9(b)]

### Description of the Project:
Include all contemplated actions that are logically either geographically or functionally a composite part of the project, regardless of the source of funding. [24 CFR 58.32, 40 CFR 1508.25] As appropriate, attach maps, site plans, renderings, photographs, budgets, and other descriptive information.

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

### PART I: STATUTORY CHECKLIST [24 CFR 58.5]

**DIRECTIONS** – For each authority, check either Box “A” or “B” under “Status.”

**“A box”** The project is in compliance, either because: (1) the nature of the project does not implicate the authority under consideration, or (2) supporting information documents that project compliance has been achieved. In either case, information must be provided as to WHY the authority is not implicated, or HOW compliance is met; OR

**“B box”** The project requires an additional compliance step or action, including, but not limited to, consultation with or approval from an oversight agency, performance of a study or analysis, completion of remediation or mitigation measure, or obtaining of license or permit.

**IMPORTANT:** Compliance documentation consists of verifiable source documents and/or relevant base data. Appropriate documentation must be provided for each law or authority. Documents may be incorporated by reference into the ERR provided that each source document is identified and available for inspection by interested parties. Proprietary material and studies that are not otherwise generally available for public review shall be included in the ERR. Refer to HUD guidance for more information.

<table>
<thead>
<tr>
<th>Statute, Authority, Executive Order, Regulation, or Policy cited at 24 CFR §58.5</th>
<th>STATUS</th>
<th>Compliance Documentation</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Air Quality [Clean Air Act sections 176(c) &amp; (d), and 40 CFR 6, 51, 93]</td>
<td>A</td>
<td>B</td>
</tr>
<tr>
<td>2. Airport Hazards [Clear Zones and Accident Potential Zones] [24 CFR 51D]</td>
<td>A</td>
<td>B</td>
</tr>
<tr>
<td>3. Coastal Zone Management [Coastal Zone Management Act sections 307(c) &amp; (d)]</td>
<td>X</td>
<td>B</td>
</tr>
<tr>
<td></td>
<td></td>
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<tr>
<td>---</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>4. Contamination and Toxic Substances</td>
<td>[24 CFR 58.5(i)(2)]</td>
<td></td>
</tr>
<tr>
<td>5. Endangered Species</td>
<td>[50 CFR 402]</td>
<td></td>
</tr>
<tr>
<td>6. Environmental Justice</td>
<td>[Executive Order 12898]</td>
<td></td>
</tr>
<tr>
<td>8. Farmland Protection</td>
<td>[7 CFR 658]</td>
<td></td>
</tr>
<tr>
<td>12. Water Quality (Sole Source Aquifers)</td>
<td>[40 CFR 149]</td>
<td></td>
</tr>
<tr>
<td>14. Wild and Scenic Rivers</td>
<td>[36 CFR 297]</td>
<td></td>
</tr>
</tbody>
</table>
PART II: ENVIRONMENTAL ASSESSMENT CHECKLIST

For each impact category, evaluate the significance of the effects of the proposal on the character, features, and resources of the project area. Enter relevant base data and credible, verifiable source documentation to support the finding. Note names, dates of contact, telephone numbers, and page references. Then enter the appropriate determination of impact: None, Anticipated, Potentially Adverse, or Potentially Beneficial. Attach additional material as appropriate. Note conditions or mitigation measures required.

<table>
<thead>
<tr>
<th>Impact Categories</th>
<th>Anticipated or Potential Impact</th>
<th>Source Documentation and Mitigation or Modification Required</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>• Adverse</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Beneficial</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• No Impact</td>
<td></td>
</tr>
</tbody>
</table>

**Land Development**

<table>
<thead>
<tr>
<th>Conformance with Comprehensive and Neighborhood Plans</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Land Use Compatibility and Conformance with Zoning</td>
<td></td>
</tr>
<tr>
<td>Urban Design-Visual Quality and Scale</td>
<td></td>
</tr>
<tr>
<td>Slope</td>
<td></td>
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<tr>
<td>Erosion</td>
<td></td>
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<tr>
<td>Soil Suitability</td>
<td></td>
</tr>
<tr>
<td>Hazards and Nuisances, Including Site Safety</td>
<td></td>
</tr>
<tr>
<td>Noise-Effects of Ambient Noise on Project &amp; Contribution to Community Noise Levels</td>
<td></td>
</tr>
<tr>
<td>Air Quality-Effects of Ambient Air Quality on Project &amp; Contribution to Community Pollution Levels</td>
<td></td>
</tr>
</tbody>
</table>
### Socioeconomic Factors

<table>
<thead>
<tr>
<th>Demographic Character Changes</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Displacement</td>
<td></td>
</tr>
<tr>
<td>Employment and Income Patterns</td>
<td></td>
</tr>
</tbody>
</table>

### Community Facilities and Services

<table>
<thead>
<tr>
<th>Educational Facilities</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Commercial Facilities</td>
<td></td>
</tr>
<tr>
<td>Health Care</td>
<td></td>
</tr>
<tr>
<td>Social Services</td>
<td></td>
</tr>
<tr>
<td>Solid Waste</td>
<td></td>
</tr>
<tr>
<td>Waste Water</td>
<td></td>
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<tr>
<td>Storm Water</td>
<td></td>
</tr>
<tr>
<td>Water Supply</td>
<td></td>
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<tr>
<td>Public Safety</td>
<td></td>
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<tr>
<td>• Police</td>
<td></td>
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<tr>
<td>• Fire</td>
<td></td>
</tr>
</tbody>
</table>

Energy Conservation
<table>
<thead>
<tr>
<th>• Emergency Medical</th>
</tr>
</thead>
<tbody>
<tr>
<td>Open Space &amp; Recreation</td>
</tr>
<tr>
<td>• Open Space</td>
</tr>
<tr>
<td>• Recreation</td>
</tr>
<tr>
<td>• Cultural Facilities</td>
</tr>
<tr>
<td>Transportation</td>
</tr>
</tbody>
</table>

**Natural Features**

<table>
<thead>
<tr>
<th>Water Resources</th>
</tr>
</thead>
<tbody>
<tr>
<td>Surface Water</td>
</tr>
<tr>
<td>Unique Natural Features &amp; Agricultural Lands</td>
</tr>
<tr>
<td>Vegetation and Wildlife</td>
</tr>
</tbody>
</table>
PART III: 58.6 CHECKLIST

1. AIRPORT RUNWAY CLEAR ZONES AND CLEAR ZONES NOTIFICATION [24 CFR Part 51.303(a)(3)]
   Does the project involve the sale or acquisition of property located within a Civil Airport Runway Clear Zone or a Military Airfield Clear Zone?
   □ No. Cite or attach Source Documentation: [Project complies with 24 CFR 51.303(a)(3).]
   □ Yes. Notice must be provided to the buyer. The notice must advise the buyer that the property is in a Runway Clear Zone or Clear Zone, what the implications of such a location are, and that there is a possibility that the property may, at a later date, be acquired by the airport operator. The buyer must sign a statement acknowledging receipt of this information, and a copy of the signed notice must be maintained in the ERR.

2. COASTAL BARRIERS RESOURCES ACT [Coastal Barrier Improvement Act of 1990 (16 USC 3501)] Is the project located in a coastal barrier resource area?
   □ No. Cite or attach Source Documentation: No CBRA’s in Nebraska according to the Office for Coastal Management (NOAA) https://coast.noaa.gov/czm/mystate/ [Proceed with project.]
   □ Yes. Federal assistance may not be used in such an area.

3. FLOOD DISASTER PROTECTION ACT [Flood Disaster Protection Act of 1973, as amended (42 USC 4001-4128)] Does the project involve acquisition, construction, or rehabilitation of structures located in a FEMA-identified Special Flood Hazard Area (SFHA)?
   □ No. Cite or attach Source Documentation: [Proceed with project.]
   □ Yes. Cite or attach Source Documentation: [Proceed with project.]
   Is the community participating in the National Insurance Program (or has less than one year passed since FEMA notification of Special Flood Hazards)?
   □ Yes. Flood Insurance under the National Flood Insurance Program must be obtained. If HUD assistance is provided as a grant, insurance must be maintained for the economic life of the project and in the amount of the total project cost (or up to the maximum allowable coverage, whichever is less). If HUD assistance is provided as a loan, insurance must be maintained for the term of the loan and 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 kept on file in the ERR.
   □ No. Federal assistance may not be used in the Special Flood Hazard Area.

Summary of Findings and Conclusions

Project Alternatives Considered: [24 CFR 58.40(e), 40 CFR 1508.9] (As appropriate, identify other reasonable courses of action that were considered and not selected, such as other sites, design modifications, or other uses of the subject site. Describe the benefits and adverse impacts to the human environment for each alternative and the reasons for rejecting it. Include consideration of the No Action Alternative, that is, not implementing the preferred alternative.)
Mitigation and Project Modification Measures Recommended: [24 CFR 58.40(d), 40 CFR 1508.20] (Recommend feasible ways in which the proposal or its external factors should be modified in order to minimize adverse environmental impacts and restore or enhance environmental quality.)

Additional Studies Performed: (List the reports, studies, or analyses performed for this assessment, and attach studies or summaries.)

List of Agencies and Persons Consulted: [40 CFR 1508.9(b)] (List agencies and persons consulted for this assessment.)
Tier II Review (Supplemental Information)

The following information is an example of the recommended format that should be used for a project that requires a tiered review. A tiered review is appropriate for CEST or EA projects where the location of all activities that will be completed in the project have not been identified.

The Tier II review supplements an ERR for a CEST or EA environmental review that has been previously completed (i.e. the Broad Review). A separate Tier II review should be completed for each newly identified project site and must be retained by the grantee in separate site-specific project files for the purposes of future monitoring by DED.

Only the items that have been previously identified in the Statutory Checklist, Environmental Review Checklist, or 58.6 Checklist that were noted to require further evaluation or consultation should be discussed in the Tier II review.

Below is an example of information noted within the Statutory Checklist related to the Tier II review. Note that within any area where a site specific review would be needed, the grantee must note that a Tier II revaluation will be conducted as sites are identified.

<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>A Tier II evaluation will be conducted as sites are identified. Each sub-recipient will provide documentation within the Tier II review that includes the following steps and information:</td>
<td></td>
</tr>
<tr>
<td>a) Information regarding a visual inspection of the site and its surroundings.</td>
<td></td>
</tr>
<tr>
<td>b) Information as to whether or not there are any potentially contaminated sites exist at or near the home by utilizing the EPA’s Environmental Justice Geographic Assessment tool or the Department of Environmental Quality’s facility tracking tool at:</td>
<td></td>
</tr>
<tr>
<td><a href="http://epamap14.epagov/eimap/entry.html">http://epamap14.epagov/eimap/entry.html</a> or <a href="http://deqims.deq.state.ne.us/DEQ/">http://deqims.deq.state.ne.us/DEQ/</a></td>
<td></td>
</tr>
<tr>
<td>c) The sub-recipient will send a letter to the Fire Marshall (or other best available contact) to determine whether or not there are any Underground Storage Tanks (UST’s) on the site or nearby the site location.</td>
<td></td>
</tr>
<tr>
<td>d) The sub-recipient will wait to receive a response from the Fire Marshall (or other best available contact) to determine if the Agency has any information on any UST’s on the site or surroundings and whether or not those are Leaking Underground Storage Tanks (LUST’s) that might be harmful to any persons living on the property.</td>
<td></td>
</tr>
</tbody>
</table>
Below is an example of a Tier II Review Format. This Format may be utilized, but must be customized to fit the grantee’s project.

### TIER II SITE SPECIFIC ENVIRONMENTAL REVIEW
for CDBG OOR PROGRAM

<table>
<thead>
<tr>
<th>Grant Number</th>
<th>Sub-Recipient: ____________________________</th>
</tr>
</thead>
<tbody>
<tr>
<td>____________</td>
<td>__________________________________________________________________________________</td>
</tr>
</tbody>
</table>

**Description of Activities:**

The project activities include: ☐ acquisition ☐ rehabilitation ☐ dpa ☐ closing cost assistance

Acquisition cost is projected at: $________________________.

Scope of the rehab work includes: ________________________________________________________________

The total estimated rehab cost is projected at: $________________________.

The total estimated cost of all activities is projected at: $________________________.

### Compliance Documentation

<table>
<thead>
<tr>
<th>Contamination and Toxic Substances [24 CFR 58.5(i)(2)]</th>
<th>Site review of site and surroundings conducted on ____________[date].</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>The site review identified the following concerns on or adjacent to the project site:</td>
</tr>
<tr>
<td></td>
<td>__________________________________________________________________________________</td>
</tr>
<tr>
<td></td>
<td>The ☐ EPA <a href="http://epamap14.epa.gov/ejmap/entry.html">http://epamap14.epa.gov/ejmap/entry.html</a> mapping web-tool was used. The following sites were identified on or near the site that may be a concern for the project [Explain and attach documentation].________________________________________________________________________________</td>
</tr>
<tr>
<td></td>
<td>The ☐ DEQ <a href="http://deqims2.deq.state.ne.us/deqflex/DEQ.html">http://deqims2.deq.state.ne.us/deqflex/DEQ.html</a> mapping web-tool was used. The following sites were identified on or near the site that may be a concern for the project [Explain and attach documentation].________________________________________________________________________________</td>
</tr>
</tbody>
</table>
The □ Fire Marshall □ Other [_______________________________] was sent a letter on ________________ and is attached.

The Agency response letter noted that:
   □ There were no Underground Storage Tanks (UST’s) on or near the site.
   □ There were Underground Storage Tanks (UST’s) on or near the site.
These UST’s included those located at:_________________________________________________

The following Attachments have also been included:
   □ Photographs
   □ Website
   □ Letter sent to Agency
   □ Response received back from Agency
   □ Maps
   □ Aerials

<table>
<thead>
<tr>
<th>Environmental Justice</th>
<th>Is the proposed site located in or around a low-income or minority neighborhood? □ Yes □ No</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>The EPA [Executive Order 12898] <a href="http://epamap14.epa.gov/ejmap/entry.html">http://epamap14.epa.gov/ejmap/entry.html</a> website tool was used. The following sites were identified on or near the site that may be a concern for the project [attach documentation].__________________________________________________________</td>
</tr>
<tr>
<td></td>
<td>Based on the above information, is the site located in a suitable, safe, and sanitary living environment? □ Yes □ No (Site should be rejected)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Explosive and Flammable Operations</th>
<th>Site review of site and surroundings conducted on ______________[date].</th>
</tr>
</thead>
<tbody>
<tr>
<td>[24 CFR 51C]</td>
<td>□ No known explosive or flammable operations were visible on or near the site.</td>
</tr>
<tr>
<td></td>
<td>□ Explosive or flammable operations were visible on or near the site.[Complete the remaining info]</td>
</tr>
<tr>
<td></td>
<td>The site review identified the following concerns on or adjacent to the project site:__________________________________________________________</td>
</tr>
<tr>
<td></td>
<td>___________________________________________ [Determine the type of operation, the distance from the operation, and calculate the Acceptable Separation Distance. Attach as separate documentation]</td>
</tr>
</tbody>
</table>
### Floodplain Management

- **[24 CFR 55, Executive Order 11988]**

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>☐</td>
<td>Site is not located within a SFHA (100 year floodplain).</td>
</tr>
<tr>
<td></td>
<td>The attached FEMA FIRM map [Map #, Panel #] was reviewed and indicates the site is not located in a Special Flood Hazard Area (SFHA). [Attach the FIRM Map]</td>
</tr>
<tr>
<td></td>
<td>No FIRM map was available for the site. ____________________________ was contacted on _________ and the attached information indicates the site is not located in a Special Flood Hazard Area (SFHA). [Attach source]</td>
</tr>
<tr>
<td>☐</td>
<td>Site is located within a SFHA (100 year floodplain).</td>
</tr>
<tr>
<td></td>
<td>The attached FEMA FIRM map [Map #, Panel #] was reviewed and indicates the site is located in a Special Flood Hazard Area (SFHA). [Attach the FIRM Map]</td>
</tr>
<tr>
<td></td>
<td>No FIRM map was available for the site. ____________________________ was contacted on _________ and the attached information indicates the site is located in a Special Flood Hazard Area (SFHA). [Attach source]</td>
</tr>
<tr>
<td></td>
<td>Complete the 8-Step Process prior to acquisition. Attach the 8-Step Process Form.</td>
</tr>
<tr>
<td></td>
<td>Review the HOME Manual for additional information.</td>
</tr>
<tr>
<td></td>
<td>The following Attachments have also been included:</td>
</tr>
<tr>
<td>☐</td>
<td>FIRM Map</td>
</tr>
<tr>
<td>☐</td>
<td>Other ____________________________</td>
</tr>
</tbody>
</table>

### Historic Preservation

- **[36 CFR 800]**

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>The home was built in the year: ____________</td>
</tr>
<tr>
<td></td>
<td>A site review and photos of the property were completed on the following date: ____________</td>
</tr>
<tr>
<td></td>
<td>Based on the review, it has been determined that the home is:</td>
</tr>
<tr>
<td>☐</td>
<td>historic</td>
</tr>
<tr>
<td>☐</td>
<td>not historic</td>
</tr>
<tr>
<td></td>
<td>It has also been determined that the rehab activities proposed in the project</td>
</tr>
<tr>
<td>☐</td>
<td>will not impact any historic resources.</td>
</tr>
<tr>
<td>☐</td>
<td>may impact historic resources which may include the home or nearby houses or structures.</td>
</tr>
<tr>
<td></td>
<td>A letter determining whether or not any historic resources might be impacted by the project, along with photos of the site, an aerial map of the residence, and a list of proposed activities were sent to the SHPO on the following date: ____________</td>
</tr>
<tr>
<td></td>
<td>SHPO response was received back on the following date: ____________</td>
</tr>
<tr>
<td></td>
<td>SHPO noted ____________________________</td>
</tr>
<tr>
<td></td>
<td>The following Attachments have also been included:</td>
</tr>
<tr>
<td>☐</td>
<td>Photographs</td>
</tr>
<tr>
<td>☐</td>
<td>Maps</td>
</tr>
<tr>
<td>☐</td>
<td>Aerials</td>
</tr>
<tr>
<td>☐</td>
<td>Letter sent to the Nebraska SHPO</td>
</tr>
<tr>
<td>☐</td>
<td>Letter received back from the Nebraska SHPO</td>
</tr>
<tr>
<td><strong>Noise Control</strong>&lt;br&gt;[24 CFR 51B]</td>
<td>The proposed site is located within  &lt;br&gt;_______ feet of a busy/major roadway  &lt;br&gt;_______ feet of a railway  &lt;br&gt;_______ miles from a civil airport or military airfield  &lt;br&gt;_______ miles from any community airport  &lt;br&gt;Attach an aerial map(s) which includes the site marked and map scale as documentation.  &lt;br&gt;☐ Based on the above mentioned review, the proposed site is located within an acceptable noise environment, and no further evaluation is needed.  &lt;br&gt;Based on the above mentioned review, the proposed site is located within  &lt;br&gt;☐ 1,000 feet of a busy/major roadway  &lt;br&gt;☐ 3,000 feet of a railway  &lt;br&gt;☐ 15 miles from a civil airport or military airfield  &lt;br&gt;The site may be located within a normally unacceptable or unacceptable noise environment.  &lt;br&gt;A description of the noise attenuation measures that will be incorporated during the rehabilitation include:__________________________________________________________________________  &lt;br&gt;________________________________________________________________________________  &lt;br&gt;The comprehensive scope of weatherization improvements include:________________________</td>
</tr>
<tr>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td><strong>58.6 Requirements</strong>&lt;br&gt;Flood Disaster Protection Act</td>
<td>☐ Site is not located within a SFHA (100 year floodplain).  &lt;br&gt;The attached FEMA FIRM map __________________________ [Map #, Panel #] was reviewed and indicates the site is not located in a Special Flood Hazard Area (SFHA). [Attach the FIRM Map]  &lt;br&gt;No FIRM map was available for the site. __________________________ was contacted on ________ and the attached information indicates the site is not located in a Special Flood Hazard Area (SFHA). [Attach source]  &lt;br&gt;☐ Site is located within a SFHA (100 year floodplain).  &lt;br&gt;The attached FEMA FIRM map __________________________ [Map #, Panel #] was reviewed and indicates the site is located in a Special Flood Hazard Area (SFHA). [Attach the FIRM Map]  &lt;br&gt;No FIRM map was available for the site. __________________________ was contacted on ________ and the attached information indicates the site is located in a Special Flood Hazard Area (SFHA). [Attach source]  &lt;br&gt;Due to the location of the site, the property  &lt;br&gt;☐ Does not require the purchase of flood insurance  &lt;br&gt;☐ Requires the purchase of flood insurance. [Attach evidence the community is participating in the National Insurance Program and a copy of the flood insurance policy]</td>
</tr>
</tbody>
</table>
A site specific environmental review has been performed at the above location in compliance with HUD environmental review regulations (24 CFR 58) and related laws, authorities, and requirements. The review has been performed prior to the commitment of HUD or non-HUD funds, as required by 24 CFR 58.22(a) and (c).

This review shall be retained as a component of the project’s ERR. Consult the Tier I for further information as to compliance with other laws and authorities for this HUD-assisted project.
Sample Notice of Intent to Request a Release of Funds

The language below is HUD’s recommended wording of the Notice of Intent to Request a Release of Funds. This Notice is used to request the environmental release of funds for Categorically Excluded projects (24 CFR Part 58, Section 58.35(a) or for projects for which a Notice of Finding of No Significant Impact was previously issued. Words in **bold** are required language. Words in *italics* are to be replaced by language appropriate to the particular project and Responsible Entity.

---

NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS

**Date of Publication:** [date published]

Name of Responsible Entity (RE)
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 will if the RE is not also the grant recipient, insert the following language here: “authorize the [name of grant recipient] to” submit a request to the HUD/State administering agency for the release of name of grant program funds under Title/Section [xx] of the name of the appropriation Act of [year], as amended, to undertake the following project:

- **Project Title:** project name
- **Purpose:** nature/ scope of project
- **Location:** project location
- **Estimated Cost:** both estimated HUD funding & total project cost, as applicable

The activities proposed alternative #1: are categorically excluded under HUD regulations at 24 CFR Part 58 from National Environmental Policy Act (NEPA) requirements or alternative #2: comprise a project for which a Finding of No Significant Impact on the environment was [published/posted] on [date of Finding publication/posting]. 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 and name and address of other locations where the record is available for review and may be examined or copied weekdays ___A.M to ___P.M.

**PUBLIC COMMENTS**

Any individual, group, or agency may submit written comments on the ERR to the RE designated office responsible for receiving and responding to comments. All comments received by if notice is published: notice date plus seven days; if notice is mailed and posted: mailing and posting date plus ten days will be considered by the name of RE prior to authorizing submission of a request for release of funds.

**RELEASE OF FUNDS**

The name of RE certifies to HUD/State that name of Certifying Officer in his/her capacity as Official Title consents to accept the jurisdiction of the Federal Courts if an action is brought to enforce responsibilities in relation to the environmental review process and that these responsibilities have been satisfied. HUD/State’s approval of the certification satisfies its responsibilities under NEPA and related laws and authorities and allows the name of grant recipient to use HUD program funds.

**OBJECTIONS TO RELEASE OF FUNDS**

HUD/State will accept objections to its release of fund and the RE’s certification for a period of fifteen days following the anticipated submission date or its actual receipt of the request (whichever is later) only if they are on one of the following bases: (a) the certification was not executed by the Certifying Officer of the name of RE; (b) the RE has omitted a step or failed to make a decision or finding required

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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 HUD/State; 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 HUD/State administration office at address of that office. Potential objectors should contact HUD/State to verify the actual last day of the objection period.

*Name and Title of RE Certifying Officer*

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Note: The seven or ten-day public comment periods are the minimum time periods required by regulation prior to submission of a Request for Release of funds and Certification (form HUD-7015.15 to HUD/State. The Responsible Entity may choose to allow a longer comment period. The fifteen-day objection period is a statutory requirement. The objection period follows the submission date specified in the Notice or the actual date of receipt by HUD/State, whichever is later.

**REMAINDER OF PAGE INTENTIONALLY LEFT BLANK**
Sample Notice of Finding of No Significant Impact and Notice of Intent to Request a Release of Funds

The language below is HUD’s recommended wording of the combined Notice of Finding of No Significant Impact and Notice of Intent to Request a Release of Funds. This Notice is used for projects requiring an Environmental Assessment (24 CFR Part 58, Section 58.36). Words in **bold type** are required language. Words in *italics* are to be replaced by language appropriate to the particular project and Responsible Entity.

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)
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.

REQUEST FOR RELEASE OF FUNDS

On or after at least one day after the end of the comment period the name of RE will if the RE is not also the grant recipient, insert the following language here: “authorize the [name of grant recipient] to” submit a request to the HUD/State administering agency for the release of name of grant program funds under Title/Section [xx] of the name of the appropriation Act of [year], as amended, to undertake the following project:

Project Title: project name

Purpose: nature/scope of project

Location: project location

Estimated Cost: both estimated HUD funding & total project cost, as applicable

FINDING OF NO SIGNIFICANT IMPACT

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

PUBLIC COMMENTS

Any individual, group, or agency may submit written comments on the ERR to the RE designated office responsible for receiving and responding to comments. All comments received by if notice is published: publication date plus fifteen days; if notice is mailed and posted: mailing and posting date plus eighteen days will be considered by the name of RE prior to authorizing submission of a request for release of funds. Comments should specify which Notice they are addressing.

RELEASE OF FUNDS

The name of RE certifies to HUD/State that name of Certifying Officer in his/her capacity as Official Title consents to accept the jurisdiction of the Federal Courts if an action is brought to enforce responsibilities in relation to the environmental review process and that these

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responsibilities have been satisfied. HUD’s/State’s approval of the certification satisfies its responsibilities under NEPA and related laws and authorities and allows the name of grant recipient to use HUD program funds.

**OBJECTIONS TO RELEASE OF FUNDS**

*HUD/State* will accept objections to its release of fund and the RE’s certification for a period of fifteen days following the anticipated submission date or its actual receipt of the request (whichever is later) only if they are on one of the following bases: (a) the certification was not executed by the Certifying Officer of the name of RE; (b) the RE has omitted a step or failed to make a decision or finding required by HUD regulations at 24 CFR part 58; (c) the grant recipient or other participants in the development process have committed funds, incurred costs or undertaken activities not authorized by 24 CFR Part 58 before approval of a release of funds by HUD/State; 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 *HUD/State administration office* at *address of that office*. Potential objectors should contact *HUD/State* to verify the actual last day of the objection period.

*Name and Title of RE Certifying Officer*

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**Note:** The fifteen or eighteen-day public comment periods are the minimum time periods required by regulation prior to submission of a Request for Release of Funds and Certification (form HUD-7015.15) to HUD/State. The Responsible Entity may choose to allow a longer comment period. 24 CFR Part 58 requires, at Section 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 actual date of receipt by HUD/State, whichever is later.

See the Publication, RROF/Certification Form, & HUD Objection Period Section for more information.
Completing the RROF/Certification Form (HUD 7015.15)

The RROF/Certification Form that must be completed for CEST or EA projects no earlier than the day after the public comment has ended.

The most current, official HUD Form must be used. Use the following link to obtain the most current HUD Form at:  https://www.hudexchange.info/resources/documents/HUD-Form-701515-Request-Release-Funds-Certification.pdf

Instructions for CDBG Projects

Part I:

1. **Program Title:** Enter “CDBG Program”
2. **HUD/State Identification Number:** Enter the DED grant number designated for your project.
3. **Recipient Identification Number:** Leave this section blank.
4. **OMB Catalog Number:** Enter “CFDA 14.228”.
5. **Name and address of Responsible Entity:** Enter the address of the Responsible Entity (RE).
6. **For Information about this request:** Enter the name and telephone number of the person to contact concerning this form and the environmental review for the activities/project listed on this form if further information or clarification is needed.
7. **Name and Address of Recipient (if different than responsible entity):** Leave this section blank.
8. **HUD or State Agency to receive request:** Enter “Nebraska Department of Economic Development, P O Box 94666, Lincoln, NE 68509”.
9. **Program Activity/Project Name:** Enter the activity(ies)/project name(s) for which this form is submitted.
10. **Location:** Enter the location(s) of the activity/project. Include the Street address, City, County, and State.
11. **Program Activity/Project Description:** Provide a complete description of the project similar to the one provided in the Determination of Level of Review. Include all activities within the project, regardless of funding source. This could include any infrastructure that is being developed in conjunction with a DED funded activity.

Part 2: Environmental Certification, Item 3: Check either “did” or “did not” require an EIS.

**Signature of Certifying Officer:** For CDBG projects, have the RE Certifying Officer sign the document, provide the RE’s Title and address.

Part 3: Do not complete this section.
# Request for Release of Funds and Certification

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)

<table>
<thead>
<tr>
<th>1. Program Title(s)</th>
<th>2. HUD/State Identification Number</th>
<th>3. Recipient Identification Number (optional)</th>
</tr>
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<tbody>
<tr>
<td></td>
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</table>

<table>
<thead>
<tr>
<th>4. OMB Catalog Number(s)</th>
<th>5. Name and address of responsible entity</th>
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</thead>
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<tr>
<td></td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>6. For information about this request, contact (name &amp; phone number)</th>
<th>7. Name and address of recipient (if different than responsible entity)</th>
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<td></td>
<td></td>
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</tbody>
</table>

**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**

<table>
<thead>
<tr>
<th>9. Program Activity(ies)/Project Name(s)</th>
<th>10. Location (Street address, city, county, State)</th>
</tr>
</thead>
<tbody>
<tr>
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<td></td>
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</table>

<table>
<thead>
<tr>
<th>11. Program Activity/Project Description</th>
<th></th>
</tr>
</thead>
<tbody>
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<td></td>
<td></td>
</tr>
</tbody>
</table>
Part 2. Environmental Certification (to be completed by responsible entity)

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

1. The responsible entity has fully carried out its responsibilities for environmental review, decision-making and action pertaining to the project(s) named above.

2. The responsible entity has assumed responsibility for and complied with and will continue to comply with, the National Environmental Policy Act of 1969, as amended, and the environmental procedures, permit requirements and statutory obligations of the laws cited in 24 CFR 58.5; and also agrees to comply with the authorities in 24 CFR 58.6 and applicable State and local laws.

3. The responsible entity has assumed responsibility for and complied with and will continue to comply with Section 106 of the National Historic Preservation Act, and its implementing regulations 36 CFR 800, including consultation with the State Historic Preservation Officer, Indian tribes and Native Hawaiian organizations, and the public.

4. After considering the type and degree of environmental effects identified by the environmental review completed for the proposed project described in Part 1 of this request, I have found that the proposal did □ did not □ require the preparation and dissemination of an environmental impact statement.

5. The responsible entity has disseminated and/or published in the manner prescribed by 24 CFR 58.43 and 58.55 a notice to the public in accordance with 24 CFR 58.70 and as evidenced by the attached copy (copies) or evidence of posting and mailing procedure.

6. The dates for all statutory and regulatory time periods for review, comment or other action are in compliance with procedures and requirements of 24 CFR Part 58.

7. In accordance with 24 CFR 58.71(b), the responsible entity will advise the recipient (if different from the responsible entity) of any special environmental conditions that must be adhered to in carrying out the project.

As the duly designated certifying officer 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

Date signed

Address of Certifying Officer

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

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

Signature of Authorized Officer of the Recipient

Title of Authorized Officer

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)
## 8 STEP PROCESS
### FOR COMPLIANCE WITH FLOODPLAIN MANAGEMENT

**[24 CFR 55, Executive Order 11988]**

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 the pre-rehab value of the building or where residential density increases more than 20%)
   **Expanding the footprint of buildings or structures**
   **Infrastructure Improvements—Water, Sewer, Drainage, Roads, and Ditches**
   **Other activities affecting land use**

2. Is the project located in a 100-year floodplain, designated floodway, or wetland? **Yes** **No**
   [Note: Review the FIRM (Flood Insurance Rate Map) for your project area, or when the project area is not mapped, use other best available information (i.e. Dept. of Natural Resources response letter).]
   
   If YES, skip to #4  
   If NO, go on to #3

3. You have determined that the project is NOT located in a floodplain or wetland. Document the determination by completing the following:
   - **Source Documentation:** Attach a FEMA Flood Insurance Rate Map (FIRM) and identify the site and project location on the map.
   - **Community Name/Number:**
   - **FIRM Map Panel and Date of Map Panel:**
   
   If the area has not been mapped, obtain the best available information from one or more of the following qualified resources: (Check all sources used and attach all documentation received.)
   - Nebraska Department of Natural Resources
   - Natural Resources Conservation Service (Wetlands Determination Only) US Army Corps of Engineers (Wetlands Determination Only)
   - Other

4. You have determined that your project is located in a floodplain/wetland. The HUD 8 Step Process is required. Complete and attach the following 8-Step Decision Making Form and all supporting documentation.
   (Refer to the Preliminary Engineering/Architectural Report and/or consult with the engineer/architect for assistance. Consultation with environmental professionals may be appropriate.)
HUD 8 STEP PROCESS
DECISION MAKING PROCESS UNDER 24 CFR 55.20 AND EXECUTIVE ORDER 11988

STEP 1—Determine if the proposed action/project is located in a 100-year floodplain/wetland.

Attach the FEMA Flood Insurance Rate Map (FIRM) and complete the following: Community
Name/Number: ____________________________
Map Panel and Date of Map Panel: ____________________________
Flood Zone for Proposed Project Site: ____________________________

Executive Order 11988 requires the project sponsor to evaluate all available options prior to deciding to put federally funded assets into an at-risk flood zone. If the proposed project is located in a regulated floodplain area, provide the necessary documentation which shows that development in a floodplain is the only viable option.

(Continue to Step 2 if the area has been mapped and the information above has been provided)

If the area has not been mapped, obtain the best available information from one or more of the following qualified resources: (Check all sources used and attach all documentation received.)

☐ Nebraska Department of Natural Resources
☐ Natural Resources Conservation Service (Wetlands Determination Only) US Army
☐ Corps of Engineers (Wetlands Determination Only)
☐ Other ____________________________

If the area not been mapped, but is participating in the National Flood Insurance Program, the local floodplain coordinator should request a base flood elevation (BFE) request for the site from a community on-staff or on-retainer professional engineer and submit a letter with the request to the Nebraska Department of Natural Resources (NDNR). All correspondence from the NDNR is required to be with the local floodplain administrator. (Attach all documentation received.)

If the area has not been mapped, and not participating in the National Flood Insurance Program, a community on-staff or on-retainer professional engineer must include a letter, with the additional 8 Step Review documentation, stating that in his/her professional opinion, the project site is or is not flood prone. If the project site is flood prone, then the engineer must state how the flood risk will be mitigated to the project (Attach all documentation received).

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 newspaper of widest circulation. A required minimum 15-day comment period begins the day after publication. Indicate if any comments were received. If the RE receives any written comments, the RE must respond in writing, resolve any issues, and provide copies to DED.

Attach a copy of the notice and affidavit of publication to this form. Name of
Newspaper: ____________________________
Date of Publication: ____________________________
Were any comments received in writing? ☐ Yes ☐ No
(If Yes, attach all correspondence.)
**STEP 3**—Evaluate alternatives to locating the proposed action in a floodplain.

Explain in detail each of the following to determine if the floodplain and/or wetland can be avoided:

(Attach additional pages as necessary.)

<table>
<thead>
<tr>
<th>a. Identify and explain if alternative sites suitable for the project exist outside the floodplain/wetland:</th>
</tr>
</thead>
<tbody>
<tr>
<td>(Refer to the engineer/architect, or engineering/architectural report for alternatives. Include other sites and/or buildings and the No Action Alternative.)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>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?</th>
</tr>
</thead>
<tbody>
<tr>
<td>c. Identify and explain if threats to lives and property and/or adverse impacts to the floodplain/wetland outweigh the benefits of the proposed project:</td>
</tr>
<tr>
<td>(Explain if impacts are too severe to human and natural environments to complete the project.)</td>
</tr>
</tbody>
</table>

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

If the RE determines the 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:

<table>
<thead>
<tr>
<th>a. Positive or beneficial impacts to the floodplain/wetland, both direct and indirect:</th>
</tr>
</thead>
<tbody>
<tr>
<td>(List and describe)</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>b. Negative or harmful impacts to the floodplain/wetland, both direct and indirect:</th>
</tr>
</thead>
<tbody>
<tr>
<td>(List and describe)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>c. Concentrated impacts at or near the floodplain/wetland:</th>
</tr>
</thead>
<tbody>
<tr>
<td>(List and describe)</td>
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</table>

<table>
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<tr>
<th>d. Dispersed or remote impacts occurring distant from the floodplain/wetland:</th>
</tr>
</thead>
<tbody>
<tr>
<td>(List and describe)</td>
</tr>
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</table>

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<tr>
<th>e. Short-term impacts to the floodplain/wetland (temporary impacts occurring immediately after an action lasting a short while):</th>
</tr>
</thead>
<tbody>
<tr>
<td>(List and describe)</td>
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</table>

<table>
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<tr>
<th>f. Long-term impacts to the floodplain/wetland (impacts occurring during or after an action that persist for considerable time or indefinitely):</th>
</tr>
</thead>
<tbody>
<tr>
<td>(List and describe)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>g. Explain if the project encourages development in the floodplain wetland:</th>
</tr>
</thead>
<tbody>
<tr>
<td>(Describe)</td>
</tr>
</tbody>
</table>
### STEP 5—Identify mitigation measures to minimize impacts to and preserve benefits of the floodplain/wetland.
(Consult with the project engineer/architect and/or engineering/architectural report.)

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

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

### STEP 6—Re-evaluate alternatives identified in Step 3. Take into account all identified impacts 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.

### 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 the reasons for locating the project/activity in the floodplain/wetland, all alternatives considered (including the no action alternative), and all mitigation measures planned.

The notice must be published in a newspaper of widest circulation. A required minimum 7-day comment period begins the day after publication. Indicate if any comments were received. If the RE receives any written comments, the RE must respond in writing, resolve any issues, and provide copies to DED.

This notice must not be published concurrently with the Combined Notice. Attach a copy of the notice and affidavit of publication to this form.

Name of Newspaper: ___________________

Date of Publication: ___________________

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

### STEP 8—Implement the Project.

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

The RE 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.

Additional Information/Explanations:

Attachments:
Notice for Early Public Review of a Proposal to Support Activity in the 100-Year Floodplain or Wetland

To: All Interested Agencies, Groups, and Individuals

This is to give notice that (Name of Grantee) is proposing to expend federal funds in a 100-Year Floodplain (or wetland, if applicable). The subject funds are (Community Development Block Grant or HOME Investment Partnership administered by the Nebraska Department of Economic Development) [mention other federal funds involved, if applicable].

This notice is required by Section 2(a)(4) of Executive Order 11988 for Floodplain Management, and by Section 2(b) of Executive Order 11990 for the Protection of Wetlands, and is implemented by HUD Regulations found at 24 CFR 55.20(b) for the HUD action that is within and/or affects a floodplain or wetland.

The (Name of Grantee) is proposing to undertake the following activities in the area.

Describe the project, being specific as to location of proposed activities, and total number of acres of floodplain/wetland involved.

The purpose of this notice is to give an early opportunity for interested agencies, persons or groups to comment on the proposed action(s). The (Name of Grantee) will consider any feasible alternatives or adjustments to the anticipated project which might minimize any potential adverse effects upon the floodplain/wetland as a result of the project.

This notice with a request for comment was mailed to: (Name of agencies, and other organizations notice sent to)

Additional information concerning this project is available for public review and copying, upon request, at: (location). Any comments relative to this proposed expenditure of federal funds in an area identified as a flood hazard/wetland area should be submitted in writing to (name and address) on or before (month, day, year) [allow minimum of 15 calendar days after publication date, not counting day of publication as required by 24 CFR 55.20(b)(2)].
Notice and Public Explanation of a Proposed Activity in the 100-Year Floodplain and Wetland

To: All interested Agencies, Groups and Individuals

This is to give notice that the (Name of Grantee) has conducted an evaluation as required by Executive Order (11988 or 11990) in accordance with HUD regulations at 24 CFR 55.20 to determine the potential affect that its activity in the (floodplain or wetland) will have on the environment. The proposed project (Description of project and project activities).

The (Name of Grantee) has determined that it has no practicable alternative other than locating the proposed (Community Development Block Grant or HOME Investment Partnership) project in a (floodplain/wetland). This activity will have no significant impact on the environment for the following reasons:

(List and describe the reasons why the activity will have no significant impact and state reason(s) why the project must be located in the floodplain; including other alternatives that were considered and mitigation measures to be taken to minimize adverse effects)

Written comments must be received by (Name of Grantee) at the following address on or before (month, day, year) [§ 55.20(g)(2) allows 7 days at a minimum]: (Address of Grantee)
Directions: Complete the current version of the Certification from the DED website.

CERTIFICATION OF CONTINUED ENVIRONMENTAL COM
Nebraska Department of Economic Development
CDBG, HOME, & NAHTF Projects

Grantee Name: Grant Number:

Original Level of Finding:

Date of Determination:

Date Notice of Intent (NOI-RROF) Published:

Date Request for Release Funds Submitted to DED:

Date of Environmental Clearance:

Description of Project:

In accordance with the provisions of 24 C.F.R. Part 58.47, it is the finding of the Cert the above referenced grantee that [check one of the following]:

1. □ The scope, scale, nature, magnitude and location of the project are substanti from that as originally reviewed and approved; further, no new circumstances or conditions which may affect the project or have a bearing on its impact, such as unexpected conditions, have been discovered; and the selection of an alternative original finding is not proposed. Re-evaluation of the project under §58.47 is required. The same conditions that previously applied to the project remain unchanged.

OR

2. □ The scope, scale, nature, magnitude and/or location of the project have subst from that as originally reviewed and approved; or, new circumstances or environ which may affect the project or have a bearing on its impact, such as concealed or. The findings have been updated per §58.47(b) and are described on the next page.

I certify that the above statements accurately reflect the revisions to the project scope of work and do not alter the basis under which the project received its original environmental status determin

Signature of RE Certifying Officer: Address:

Title: __________________________________________

Date:

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