# Template | CDBG Notice of Intent to Request Release of Funds (NOIRROF)

# (Tiered Reviews)

**Instructions:**

The language below is HUD’s recommended wording of the Notice of Intent to Request Release of Funds (NOIRROF Tier II) when a Tier II Review is required. This Notice is used to request the environmental release of funds for Categorically Excluded Subject To (CEST) projects [24 CFR Part 58, §58.35(a)]. Words in **bold type** are required language. Words in *italics* are to be replaced by language appropriate to the particular project and Responsible Entity. *Site specific reviews (NOIRROF) require a different form*.

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

**FOR TIERED PROJECTS AND PROGRAMS**

*Date of Notice*

*Name of Responsible Entity (RE)*

*Address*

*City, State, Zip Code*

*Telephone Number*

**On or after** *[insert date at least one day after the end of the comment period]* **the** *[insert 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 United States Department of Housing and Urban Development (HUD), or its State administering agency, Nebraska Department of Economic Development (State), for the release of Community Development Block Grant (CDBG) funds under Title I of the Housing and Urban Development Act of 1974 (U.S.C. 5301 et seq.), as amended, to undertake a project known as** *[insert project title]* **for the purpose of** *[insert project description].*

**Tier 2 site specific reviews will be completed for those laws and authorities not addressed in the Tier 1 broad review for each address under this program when addresses become known.**

**Level of Environmental Review Citation:** *[insert the specific categorical exclusion citation under which the program falls. For example, for a Rehabilitation Program of homeowner occupied single family homes, state: “24 CFR Part 58.5(a)(3)(i)”]*

**Tier 2 site specific review: The site-specific reviews will cover the following laws and authorities not addressed in the Tier 1 broad review:** *[List the laws and authorities that were not addressed in the Tier 1 broad review and will be addressed in the Tier 2 site specific review.]*

**Mitigation Measures/Conditions/Permits (if any):** *[For each of the laws and authorities listed in the Tier 2 site specific review, describe how issues will be addressed, and how mitigation measures, conditions or permits required will be implemented.]*

**The activities proposed are Categorically Excluded Subject To (CEST) under HUD regulations at 24 CFR Part 58 from National Environmental Policy Act (NEPA) requirements***.* **An Environmental Review Record (ERR) that documents the environmental determinations for this project is on file at** *[insert 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. The ERR will be made available to the public for review either electronically or by U.S. mail. Please submit your request by U.S. mail to the address above** *[insert written request address, if different]* **or by email to** *[insert email address for request].* **If the RE chooses to send the ERR to the public for review via U.S. mail, the RE will establish a timeframe for accepting comments with the person requesting the ERR.** *[Insert optional sentence only if website is used: The ERR can be accessed online at the following website: [insert web address]]*

**PUBLIC COMMENTS**

**Any individual, group, or agency may submit written comments on the ERR to** *[insert name of**RE designated officer responsible for receiving and responding to comments].* **All comments received by** *[insert date: 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** *[insert name of RE]* **prior to authorizing submission of a request for release of funds.**

**ENVIRONMENTAL CERTIFICATION**

**The** *[insert name of RE]* **certifies to the State****that** *[insert name of Certifying Officer]* **in****their capacity as** *[insert 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. The State’s****approval of the certification satisfies its responsibilities under NEPA and related laws and authorities and allows the** *[insert name of grant recipient]* **to use Program funds.**

**OBJECTIONS TO RELEASE OF FUNDS**

**The Nebraska Department of Economic Development****will accept objections to its release of funds and the** *[insert name of**RE]* **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** *[insert name of grant recipient]***;****(b) grant recipient has omitted a step or failed to make a decision or finding required by HUD regulations at 24 CFR part 58; (c) the grant recipient or other participants in the development process have committed funds, incurred costs, or undertaken activities not authorized by 24 CFR Part 58 before approval of a release of funds by the Nebraska Department of Economic Development;****or (d) another Federal agency acting pursuant to 40 CFR Part 1504 has submitted a written finding that the project is unsatisfactory from the standpoint of environmental quality. Objections must be prepared and submitted in accordance with the required procedures (24 CFR Part 58, Sec. 58.76)****in writing to the Nebraska Department of Economic Development, 245 Fallbrook Blvd, Suite 002, Lincoln, NE 68521. Potential objectors should contact the Nebraska Department of Economic Development to verify the actual last day of the objection period.**

*Name and Title of RE Certifying Officer*