

# Community Development Block Grant **2020 Full Certification – Webinar 4**

# Environmental Review

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## **COMMUNITY DEVELOPMENT BLOCK GRANT**

# Topics Covered Today

- Summary of review process
- Project Description
- Determination of Level of Review
- 8 Step Process
- Tiered Reviews
- Statutory Checklist
- Timing
- Useful Websites
- Source Documentation

# Introduction

- **HUD's Mission**

- “To provide a decent, safe, and sanitary home & suitable living environment for every American...”

*-Housing Act of 1949*

- **HUD's Environmental Policy**

- “It is the policy of the Department to reject proposals which have significant adverse environmental impacts and to encourage the modification of projects in order to enhance environmental quality and minimize environmental harm.”

*-24 CFR 50.2*

- **HUD adopts NEPA & implements regulations**

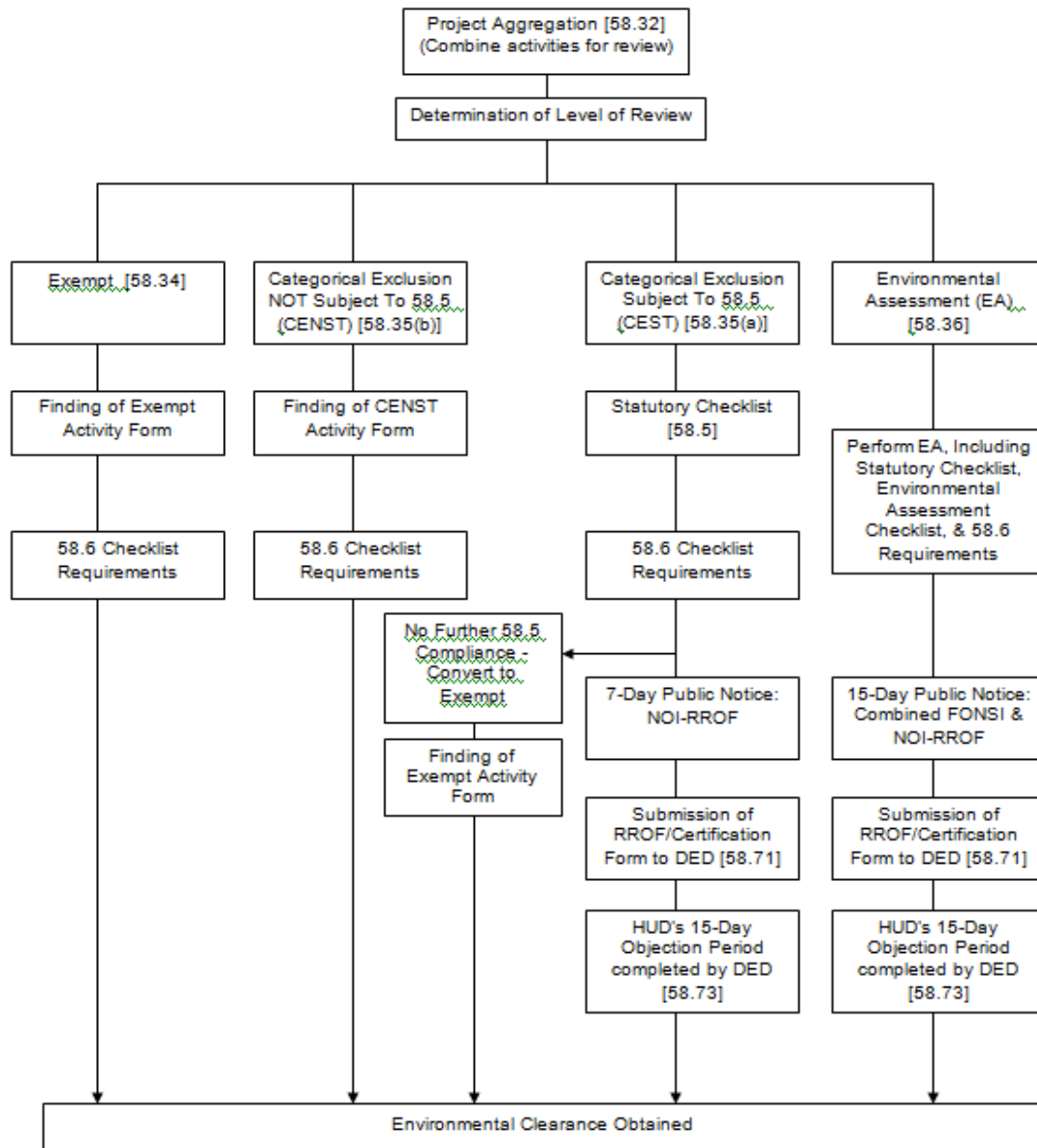
- **DED follows HUD's regulations for projects**

# What is NEPA?

- **National Environmental Policy Act of 1969, as amended:**

- The basic national charter for protection of the environment;
- Established council on environmental quality;
- Required Federal agencies implement NEPA in their own regulations
- NEPA requires “environmental values SHALL be given appropriate consideration in decision making;”
- Ensures that environmental information is made available to public officials and citizens **BEFORE** decisions are made and **BEFORE** “choice-limiting” actions are taken
- Ensures public officials make decisions with an understanding of environmental consequences.

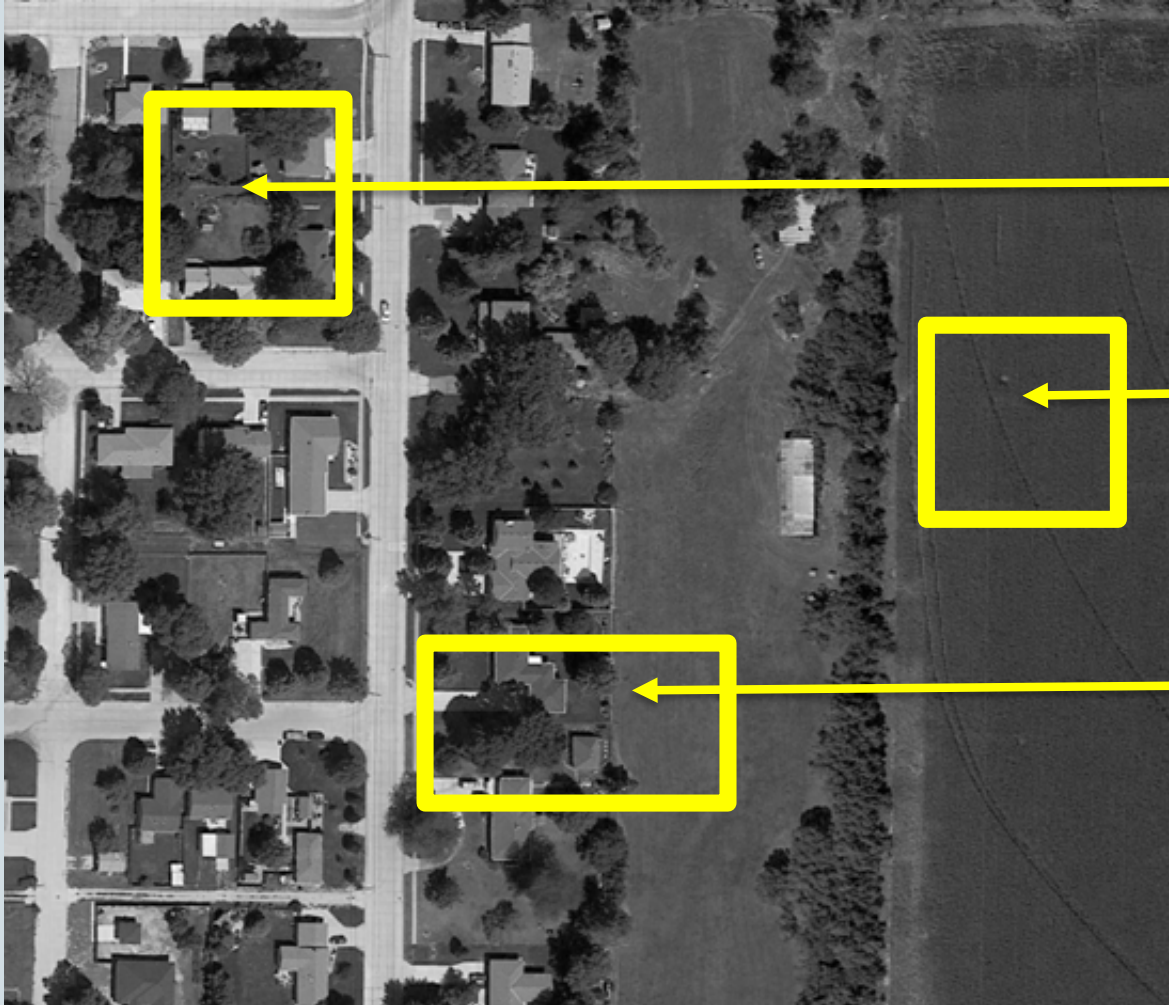
# ENVIRONMENTAL REVIEW PROCESS CDBG PROJECTS



## Summary of the Review Process

- Depending on the type of project and its activities will determine the level of review that must be completed for a project and which Environmental Review Packet must be completed.
- Use the Process Flow Chart to see process overview.

# Any Town



## 3 primary evaluations

- Projects inside developed land
- Projects outside developed land (primarily ag land)
- Projects inside & outside developed land

# Environmental Review Process

- Identifying Environmental Review Responsibilities
- Project Aggregation/Project Description
- Determination of Level of Review
- Environmental Review Packet Completion
- Publication/Posting
- Completion of RROF/Certification Form & Affidavit of Publication
- HUD 15 Day Objection Period
- Obtaining Environmental Clearance



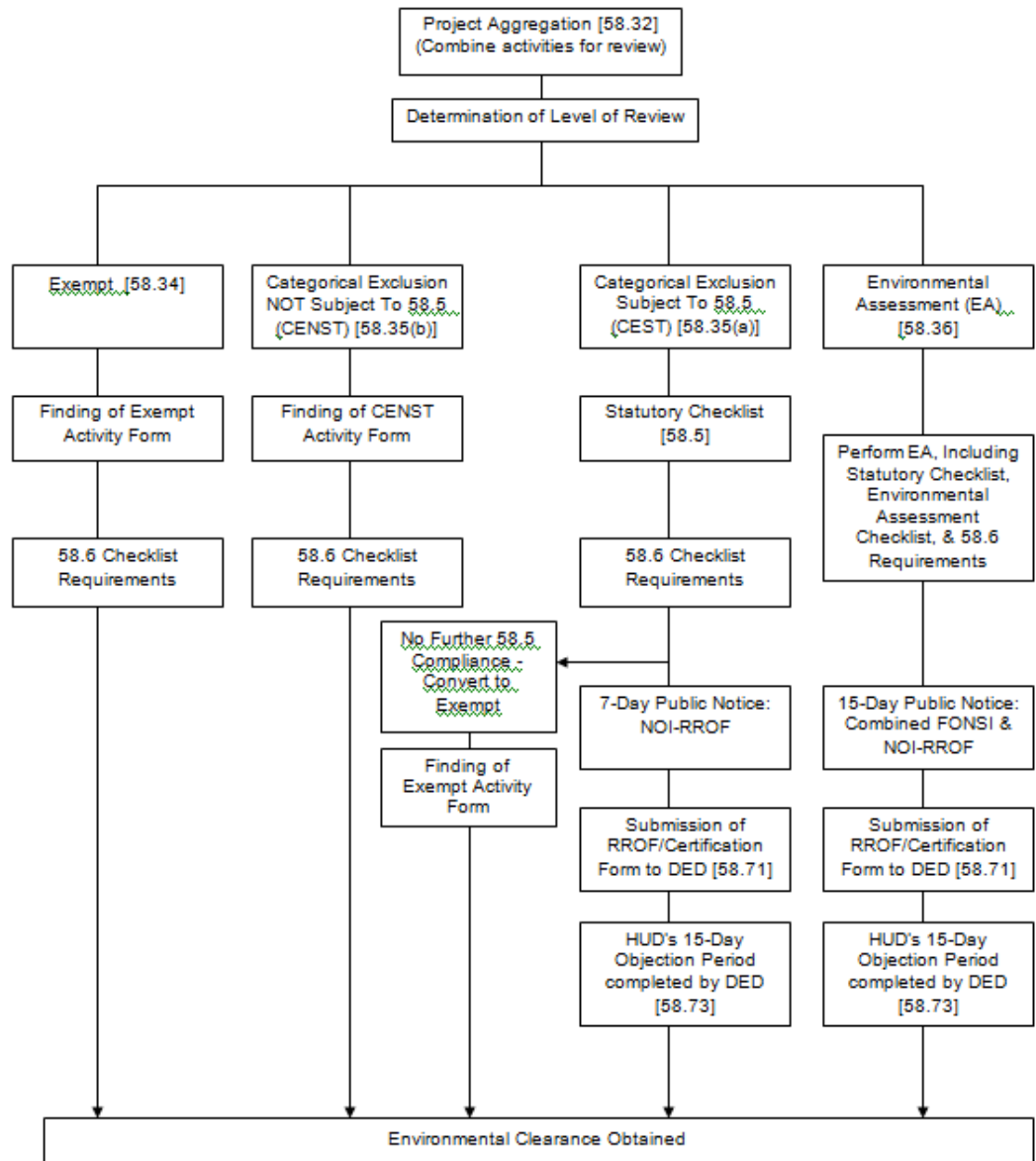
# Identifying Environmental Review Responsibilities

- Local Governments are the entities eligible to receive CDBG Funds
- The local governments assume the role of Responsibility Entity (RE) for environmental reviews
- The chief elected official assumes the role of environmental “certifying officer” and accepts full responsibility for the completeness & accuracy of the reviews
- The chief elected official signs all certification & findings

# Review Process for CDBG

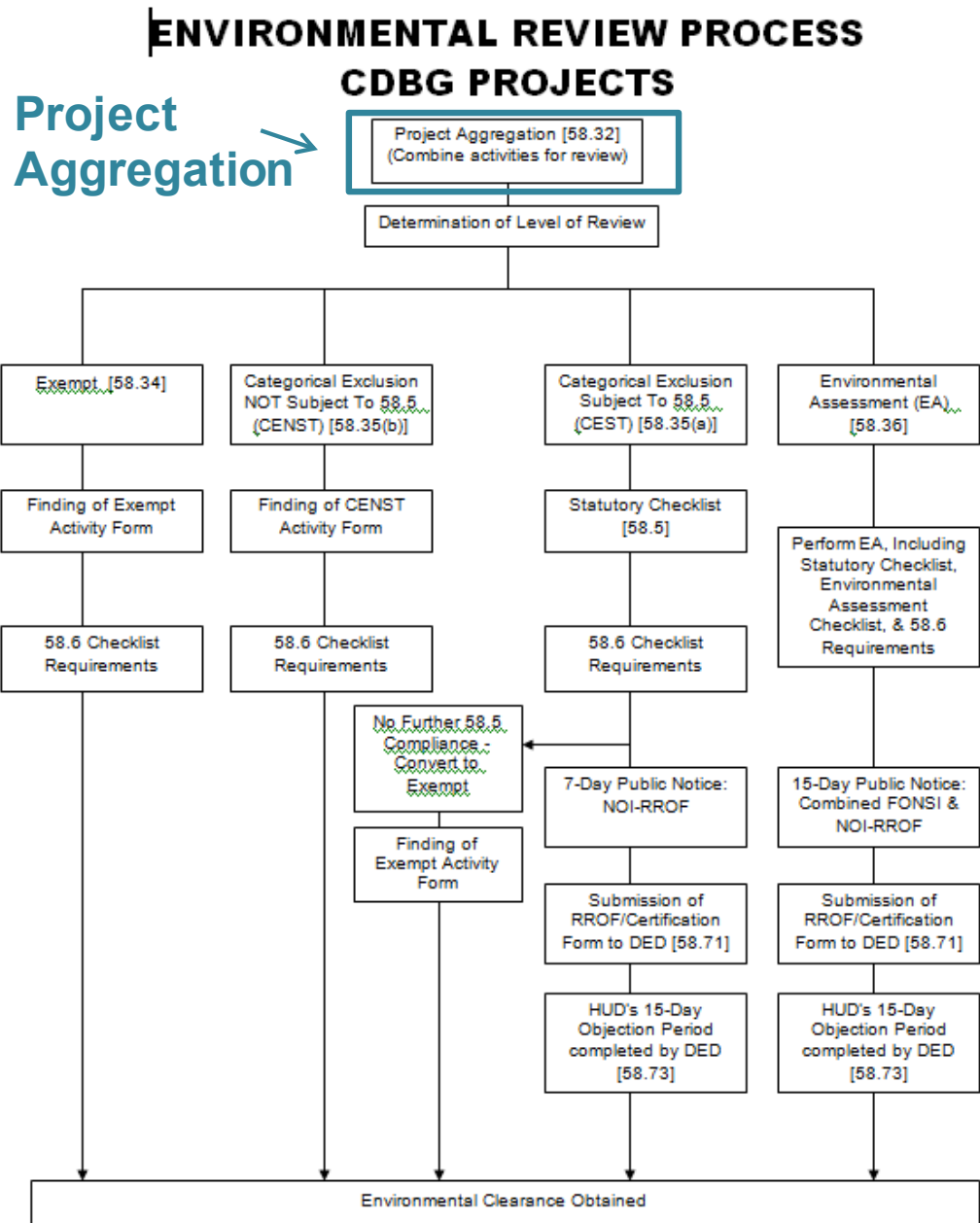
CDBG  
Manual  
Page 6-2

## ENVIRONMENTAL REVIEW PROCESS CDBG PROJECTS



# Review Process for CDBG

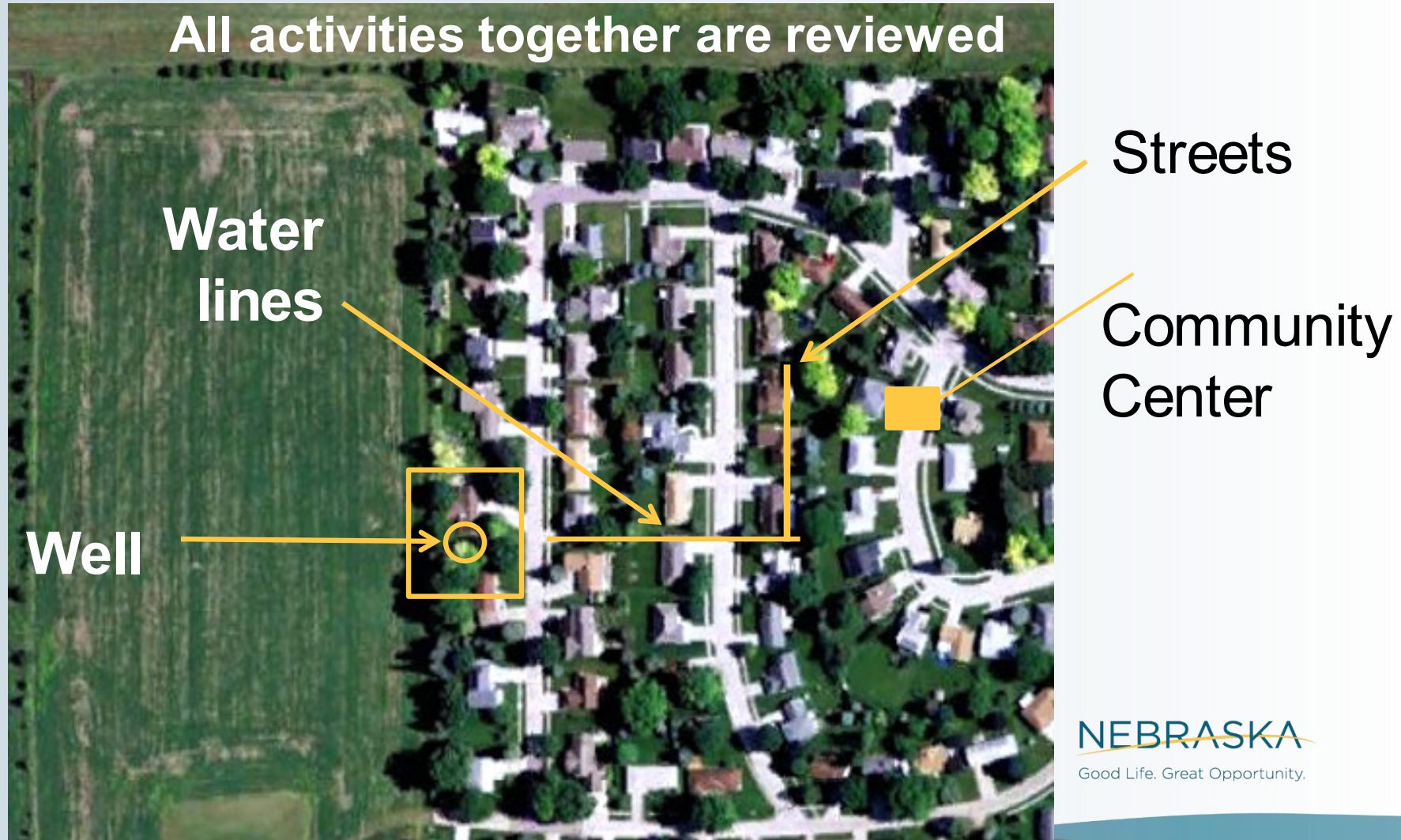
CDBG  
Manual  
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# Project Aggregation

- Identify all funding sources that may be used for the project.
- Determine all activities involved in the project (regardless of funding source).
- Determine any other activities involved on or near site that are closely related to the project.
- When evaluating the scope of a project review all “reasonably foreseeable activities”

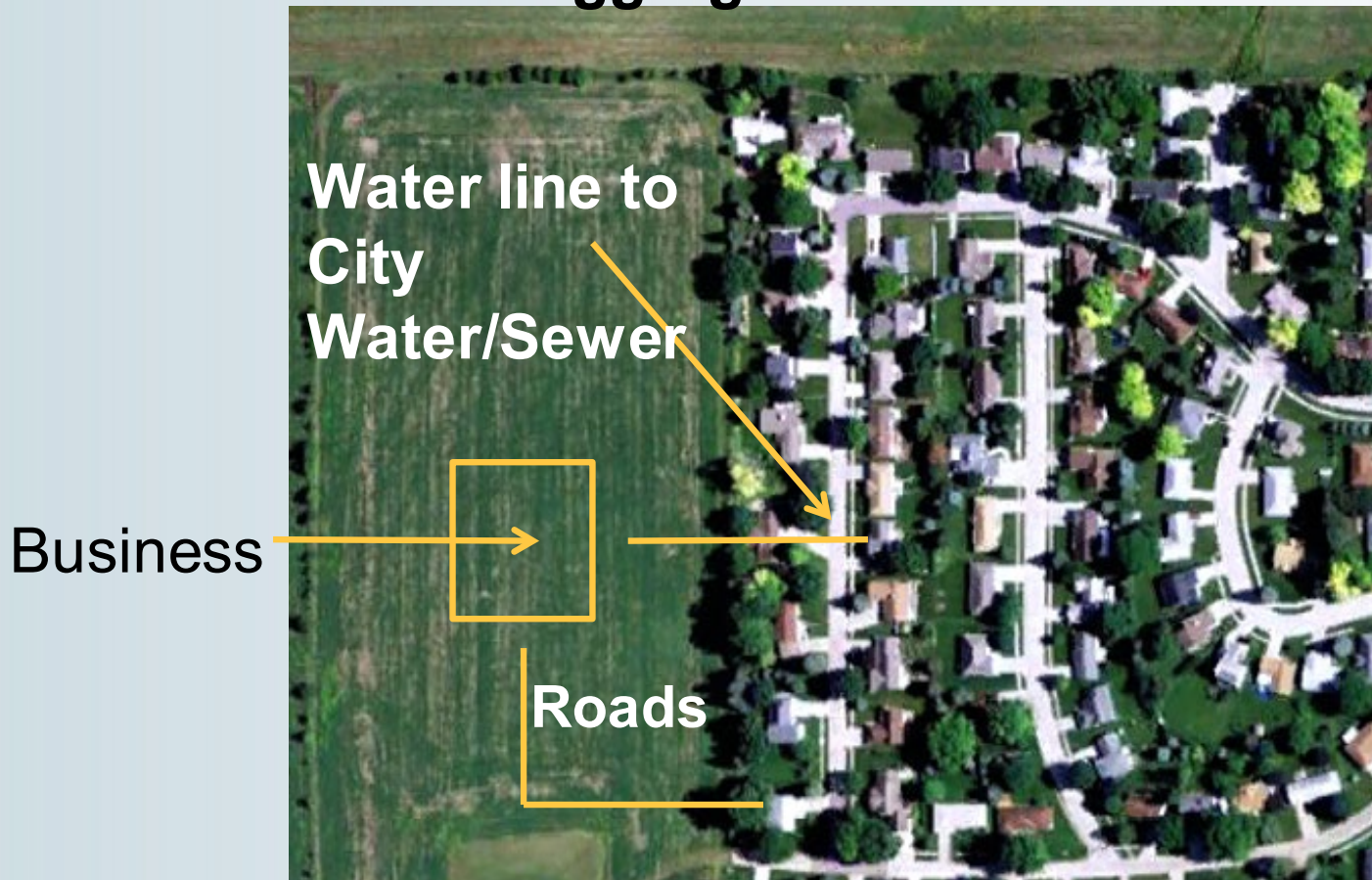
# Aggregation





# Aggregation

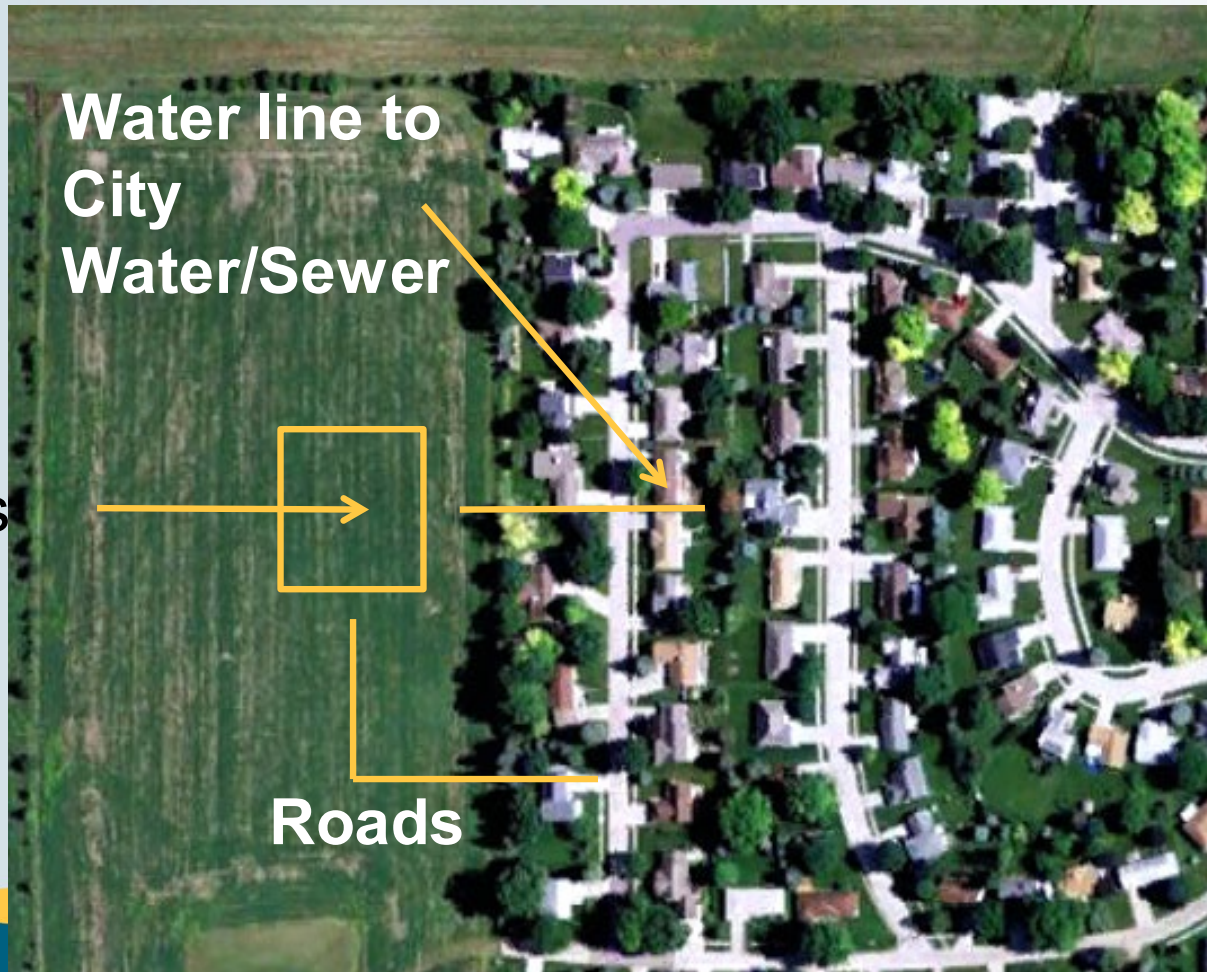
**Example: If a business is locating on an undeveloped parcel, will need water/sewer to the business and roads. Would aggregate all these activities.**



# Aggregation

**Example: If expanding water/sewer & adding roads because “reasonably foresee a business coming to the area then would aggregate all these activities.**

Likely  
Business  
Location



# Project Description

- Page 5, CDBG Administration Manual
- Project Aggregation involves the CDBG project and all other activities associated with the project.
- Attach maps, site plans, or any other document that provides clarity
- Omissions of facts may result in the ERR being redone and delays the project.
- The project description is the basis for the entire Environmental Review Record (ERR).
  - It affects the Determination of Level of Review (DLR)
  - It affects the ERR Public Notice(s)
  - It affects the 58.6 Checklist
  - It affects the consultation from source experts
  - It affects the Statutory Checklist



# Project Description

- Purpose and need for the project
- Identify the CDBG National Objective
- Exact geographic location of the project, include common address
- Geographic footprint of the project (may be included as a map) Estimated area of ground disturbance;
- General summary of the surrounding area (e.g., land use) where the project is proposed;
- Specific numbers related to the project (e.g., the number of dwelling units involved, linear feet of pipeline to be installed, new service connections to be installed, etc.);

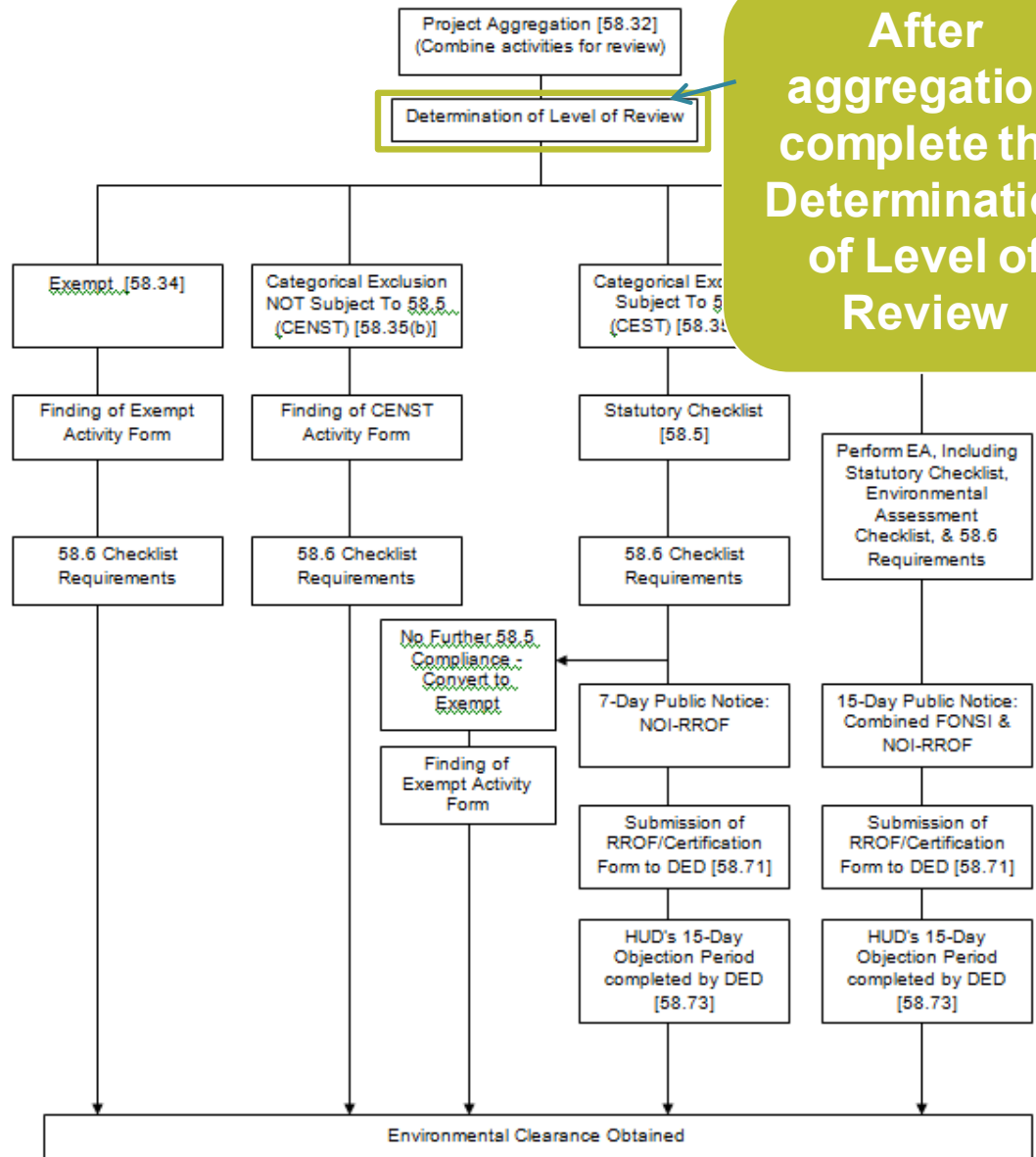
# Project Description

- Brief description of the activities;
- Identify if demolition, acquisition, construction, relocation, remodeling interior, etc. will be involved. o Indicate if and how activities effect the general public (e.g., road closures, noise, dust, cranes, change in traffic, etc.).
- Total estimated project cost including total estimated CDBG funds and non-CDBG amounts and their source (e.g., LB840, bank financing, bond, TIF, grant, etc.);
- Identify the applicant and the owner or manager of the project;
- Statement indicating that no residents, businesses, or farms will be displaced with this project; and
- If the sites have not been identified, the project description must include a statement that a Tier II environmental review will be conducted upon site selection;

# Review Process for CDBG

CDBG  
Manual  
Page 6-2

## ENVIRONMENTAL REVIEW PROCESS CDBG PROJECTS



After  
aggregation  
complete the  
Determination  
of Level of  
Review

# Determination of Level of Review

- Identify which classification of environmental review is appropriate for the project.
  - Exempt
  - CENST (Categorical Exclusion Not Subject To)
  - CEST (Categorical Exclusion Subject To)
  - EA (Environmental Assessment)
  - EIS (Larger Projects outside of scope of CDBG reviews & Training)

# Determination of Level of Review Form

Completed  
For All Projects

## 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.):

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*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 _____

**Describe  
Aggregation  
& All  
Activities**

**Select type of  
review from  
Code of Federal  
Regulations**

**Must be signed  
prior to  
completing  
Statutory  
Checklist**

## 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:*

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- ☐ 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 Review Project Categories

- **Exempt** activities-have no impact on the environment *[Classified within 24 CFR 58.34]*
- **CENST** activities-have limited impact on the environment *[Classified within 24 CFR 58.35(b)]*
- **CEST** activities-may impact certain environmental areas *[Classified within 24 CFR 58.35(a)]*
- **EA** activities-may impact several environmental areas *[Classified within 24 CFR 58.36]*
- **EIS** activities-large project outside the scope of CDBG and could not be classified as any of the other categories.

# Environmental Review Project Categories

## ▪ **Exempt Activities [24 CFR 58.34]**

- Planning studies
- Info & financial services
- Admin & management activities
- Public services (i.e. child care, education, counseling)
- Hazard inspections
- Insurance purchase
- Tool purchases
- Engineering & design costs
- TA & training
- Removal of imminent threat
- Loan payments
- CEST Projects that CONVERT TO EXEMPT



# Environmental Review Project Categories

- **CENST Activities [24 CFR 58.35(b)]**
  - Tenant Based Rental Assistance (TBRA)
  - Supportive Services
  - Operating costs
  - Economic Development activities that **DO NOT** include construction
  - Homebuyer down payment assistance and closing cost assistance
  - Housing pre-development costs
  - Supplemental assistance

# Environmental Review Project Categories

- **CEST Activities [24 CFR 58.35(a)]**

*Require the completion of the Statutory Checklist*

- Public facilities improvements and repairs
- Removal of architectural barriers
- Rehabilitation Construction (Residential, Commercial, & Industrial)
- New residential construction (limited circumstances)
- Demolition of residential structures
- Acquisition of property
- Combination of the above activities

# Environmental Review Project Categories

- **EA Activities-[24 CFR 58.36]**

*Require the completion of the Environmental Assessment Checklist in the EA Packet*

— All projects that are not Exempt, CENST, CEST, or so significant that require the completion of an Environmental Impact Statement (EIS)

# Exempt Project

- **For projects that are categorized under 24 CFR 58.34**
- Includes:
  - Cover Sheet
  - Determination of Level of Review Form
  - Finding of Exempt Activity Form
  - 58.6 Checklist

# CENST Project

- **For projects that are categorized under 24 CFR 58.35 (b)**
- Packets Include:
  - Cover Sheet
  - Determination of Level of Review Form
  - Finding of Categorical Exclusion Not Subject To Form
  - 58.6 Checklist

# CEST Project

- **For projects that are categorized under 24 CFR 58.35 (a)**
- Include:
  - Cover Sheet
  - Determination of Level of Review Form
  - Statutory Checklist Form
  - 58.6 Checklist
  - Source documentation
  - NOI/RROF Publication
  - Timing Summary Worksheet
  - Affidavit of Publication or Proof of Posting
  - RROF/Certification Form **(Original must be submitted to DED)**
  - 8 Step Process (if necessary)
  - Tier II Environmental Review Project Format (if necessary)

# EA Project

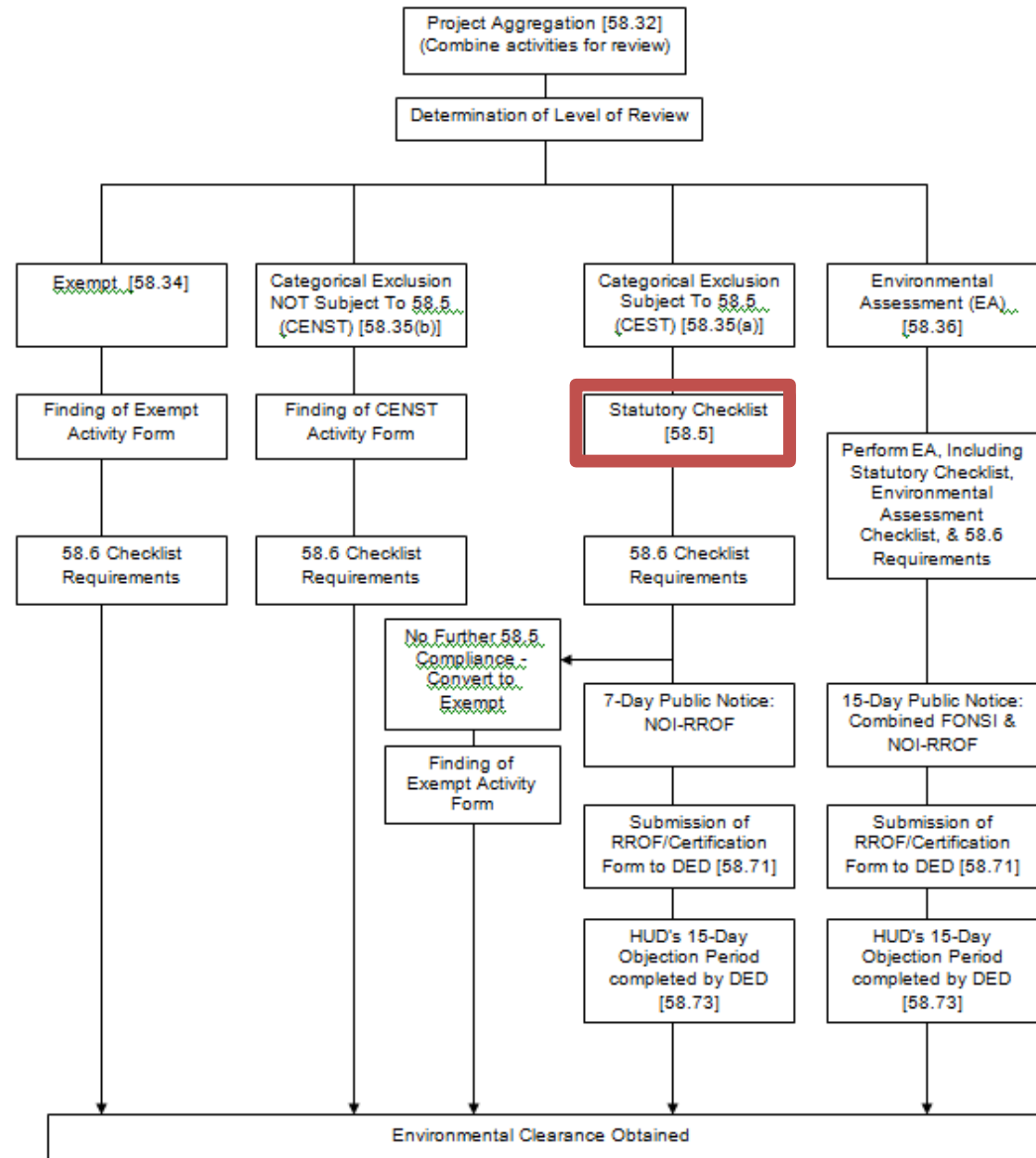
- **For projects that cannot be categorized as Exempt, CENST, or CEST, 24 CFR 58.36**
- Include:
  - Cover Sheet
  - Determination of Level of Review
  - HUD Environmental Assessment (58.6 Checklist Included)
  - Source Documentation
  - Timing Summary Worksheet
  - 15 Day Public Notice FONSI & NOI/RROF Publication
  - RROF/Certification Form (**Original must be submitted to DED**)
  - 8 Step Process (if necessary)
  - Tier II Environmental Review Project Format (if necessary)

# CEST Projects:

## Statutory Checklist

- Evaluation of 14 separate regulations

### ENVIRONMENTAL REVIEW PROCESS CDBG PROJECTS





# Statutory Checklist

- Completed for CEST Evaluation of 14 separate regulations

## 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.¶

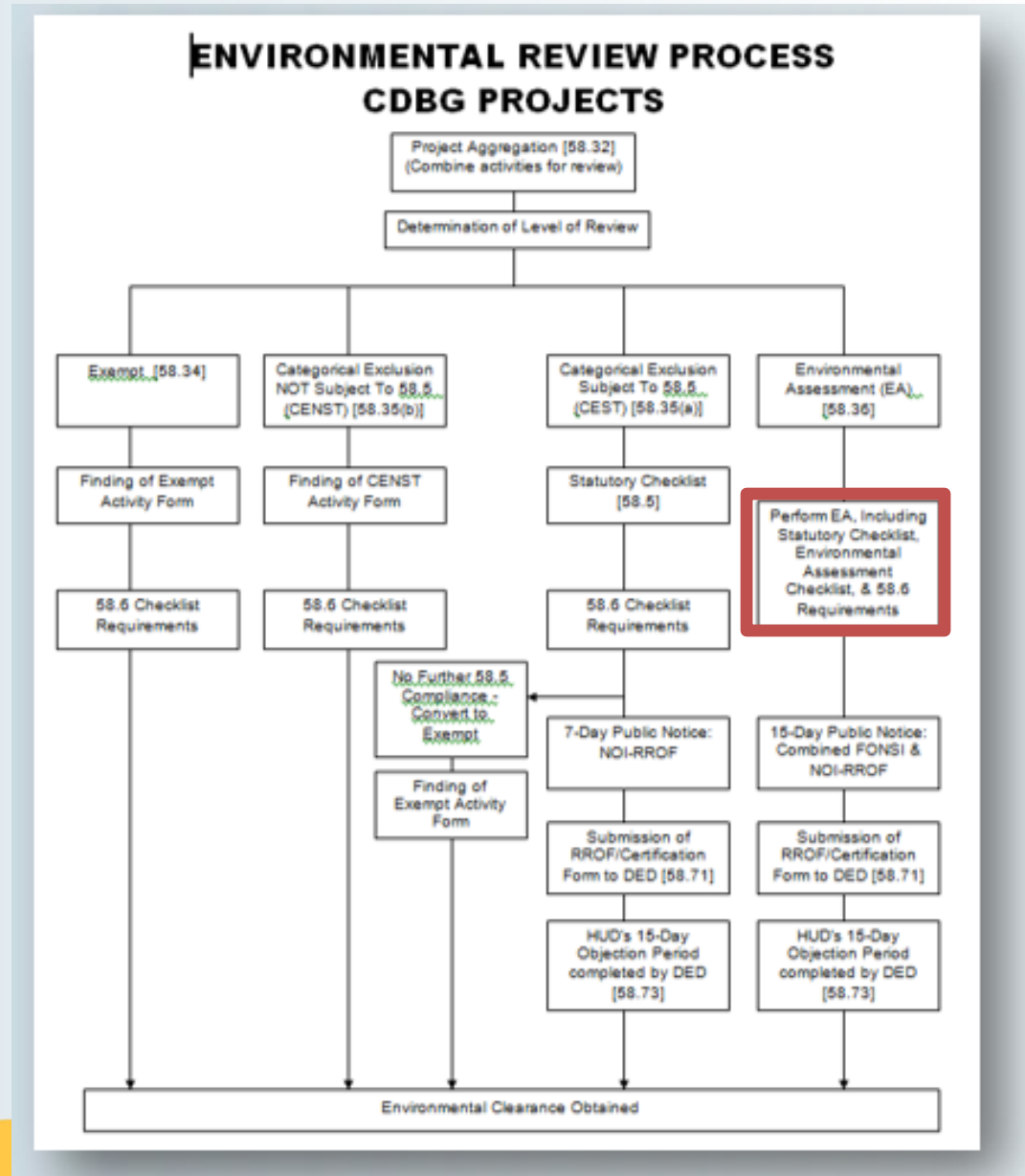
Statute, Authority, Executive Order, Regulation, or Policy cited at 24 CFR §58.5¶	...STATUS¶		¶	Compliance Documentation¶
	...A	...B		
<b>1. Air Quality¶</b> [Clean Air Act sections 176(c) & (d), and 40 CFR 6, 51, 93]¶	<input type="checkbox"/> ¶	<input type="checkbox"/> ¶	¶	¶
<b>2. Airport Hazards¶</b> (Clear Zones and Accident Potential Zones) [24 CFR 51D]¶	<input type="checkbox"/> ¶	<input type="checkbox"/> ¶	¶	¶

No coastal zone management programs exist in the States of. ¶

# EA Projects:

## Environmental Assessment Checklist

- Evaluation of other requirements specific to project area & community



# Environmental Assessment Checklist

- Evaluation of other requirements specific to project area & community

## **PART II: ENVIRONMENTAL ASSESSMENT CHECKLIST**

[Environmental Review Guide HUD CPD-782, 24 CFR 58.40; 40 CFR 1508.8 & 1508.27]

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.

Impact Categories	Anticipated or Potential Impact <ul style="list-style-type: none"> <li>• Adverse</li> <li>• Beneficial</li> <li>• No Impact</li> </ul>	Source Documentation and Mitigation or Modification Required
§		

### **Land Development**

Conformance with Comprehensive and Neighborhood Plans	No Impact	Site is zoned Agricultural. Any new development will also have to conform with local zoning for the area.
Land Use Compatibility and Conformance with Zoning	Beneficial	New well and water system will allow for future development of other commercial, residential, and industrial uses throughout Anytown.
Urban Design-Visual Quality and Scale	Beneficial	The community center development will be built with the character of the nearby buildings taken into consideration. The facade will include signage that is similar to that of the nearby storefronts.

- Evaluates Impact to several categories from land development through natural features.
- Determining if project site is appropriate for project.

# Checklist

- For CEST & EA projects need to evaluate 14 separate regulations and executive orders
- First thing you should do is see how many of these items you can resolve quickly based on the scope and nature of your project.
- Next focus on the most important items, which are those that may have the most impact on your project, and may take the longest time to resolve through consultation, review, etc.
- Common areas generally always require additional review include: Floodplain Management (or evaluation of flood plain maps) and SHPO Consultation.
- You are ensuring your project is in compliance with all of the stat checklist items.

# Air Quality

- Clean Air Act | **40 CFR Parts 6, 51 and 93**
- Administered by the US Environmental Protection Agency, and.
- Resource:  
<https://www.hudexchange.info/programs/environmental-review/air-quality/>

# Air Quality

## Documentation:

- A determination that the project does not include new construction or conversion of land use facilitating the development of public, commercial, or industrial facilities OR five or more dwelling units
- Documentation that the project's county or air quality management district is not in nonattainment or maintenance status for any criteria pollutants
- Evidence that estimated emissions levels for the project do not exceed de minimis emissions levels for the nonattainment or maintenance level pollutants

# Airport Hazards

- Regulation | **24 CFR 51, Subpart D**
- Some types of development are incompatible for locations in the immediate vicinity of airports and airfields. Potential aircraft accident problems pose a hazard to end users of these development projects.
- Resource: <https://www.hudexchange.info/environmental-review/airport-hazards/>

# Airport Hazards

- **Civil Airport:**
  - **Is your project within 2,500 ft. of a civilian airport?**
  - Runway Clear Zone (HUD): 2,500 ft. from end of runway
    - Also, known as Runway Protection Zone (FFA)
- **Military Airfield**
  - **Is your project within 15,000 feet of a military airfield?**
  - Clear Zone (CZ), immediately beyond runway
  - Accident Potential Zone (APZ), immediately beyond Clear Zone



# Airport Hazards

- **Documentation:**

- Documentation that the rule is not applicable to the proposed project (i.e., acquisition of an existing building, “minor” rehabilitation, or emergency action)
- A map showing the site is not within 15,000 feet of a military airport or within 2,500 feet of a civilian airport
- If within 15,000 feet of a military airport, a map showing the site is not within a designated APZ or a letter from the airport operator stating so
- If within 2,500 feet of a civilian airport, a map showing the site is not within a designated RPZ/CZ or a letter from the airport operator stating so

# Airport Hazards

- **Documentation:**

- If the site is in a designated APZ, documentation of consistency with DOD Land Use Compatibility Guidelines
- If the site is in a designated RPZ/CZ and the project does not involve any facilities that will be frequently used or occupied by people, and a determination of such and a written assurance from the airport operator that there are no plans to purchase the land as part of a RPZ/CZ program
- If the site is in a designated RPZ/CZ and the project involves the acquisition or sale of an existing property that will be frequently used or occupied by people, a copy of the notice to prospective buyers signed by the prospective buyer

# Coastal Zone Management

- Regulation | **Coastal Zone Management Act (CZMA) of 1972**
- Administered by the National Oceanic And Atmospheric Administration, Office of Ocean and Coastal Resource Management
- **Statement:** No coastal zone management programs exist in the states of HUD Region VII, as established by National Oceanic and Atmospheric Administration, Office of Ocean and Coastal Resource Management.
- Resource:
  - <https://www.hudexchange.info/environmental-review/coastal-zone-management/>
  - <https://coast.noaa.gov/czm/mystate/>

# Contamination & Toxic Substances

- Regulation | **24 CFR 58.5(i)(2)**
- Resources: <https://www.hudexchange.info/environmental-review/site-contamination/>
- **Were any on-site or nearby toxic, hazardous, or radioactive substances found that could affect the health and safety of project occupants or conflict with the intended use of the property?**
- **Key Items:**
  - Lead
  - Asbestos
  - Radon

# Contamination & Toxic Substances

- All property must be free of hazardous materials, contamination, toxic chemicals and gasses, and radioactive substances, where a hazard could affect the health and safety of occupants or conflict with the intended utilization of the property.
- Environmental review of properties shall include evaluation of previous uses of the site and other evidence of contamination on or near the site.
- Particular attention should be given to any proposed site on or in the general proximity of such areas as dumps, landfills, industrial sites, or other locations that contain, or may have contained, hazardous wastes.
- The responsible entity shall use current techniques by qualified professionals to undertake investigations determined necessary

# Contamination & Toxic Substances

- **Potential Documentation:**

- Evidence the site is not contaminated (this includes on site and off site contamination and previous uses of the site); an ESA is strongly encouraged or may be required.
- Evidence supporting a determination the hazard will not affect health and safety of the occupants or conflict with the intended use of the site, including any mitigation measures used

# Endangered Species | 24 CFR 58.5(e)

- Regulation | **Endangered Species Act (ESA) of 1973, as amended**
- Overseen by the U.S. Fish and Wildlife Service (terrestrial and freshwater species) and National Marine Fisheries Service (marine species and anadromous fish, such as salmon)
- **Resource:**
  - <https://www.hudexchange.info/environmental-review/endangered-species/>

Applies To:

- **Identified**

- Endangered Species
- Threatened Species
- Critical Habitats

- **Proposed**

- Endangered Species
- Threatened Species
- Critical Habitats

# Endangered Species | 24 CFR 58.5(e)

## **Does the project involve any activities that have the potential to affect species or habitats?**

- The first step in complying with section 7 of the ESA is to determine whether the project includes any activities with the potential to affect any species or habitats. A No Effect determination can be made if none of the activities involved in the project have potential to affect species or habitats. Examples of actions without potential to affect listed species may include: rental assistance, purchasing existing buildings, completing interior renovations to existing buildings, and replacing exterior paint or siding on existing buildings.



# Endangered Species | 24 CFR 58.5(e)

## **If so, are federally listed species or designated critical habitats present in the action area?**

- To determine whether there are federally listed species or designated critical habitats in the action area, first define the action area. For purposes of the ESA, the “action area” includes all areas that your project will affect either directly, indirectly, and/or cumulatively, and is not merely the immediate area involved in the project.
- Next, obtain a list of protected species

## **What effects, if any, will the project have on federally listed species or designated critical habitat?**

There are three possible determinations: No Effect; May Affect, Not Likely to Adversely Affect; and May Affect, Likely to Adversely Affect.

# Endangered Species | 24 CFR 58.5(e)

## Documentation:



- No Effect, including a determination that the project does not involve any activities that have a potential to affect species or habitats, evidence that there are no federally listed species in the area, or other analysis supporting a No Effect finding
- May Affect, Unlikely to Adverse Affect, including all correspondence with the Fish and Wildlife Service or the National Marine Fisheries Service
- Likely to Adversely Affect, including all correspondence with the Fish and Wildlife Service or the National Marine Fisheries Service

# Endangered Species | Using the Nebraska Game & Parks website (CERT)

## **Documentation:**

- Nebraska Game & Parks maintains an interactive tool for environmental reviews – the (Nebraska) Conservation and Environmental Review Tool or “CERT”
- Use CERT to document your review of endangered species in your project area, at the link:
  - <https://cert.outdoornebraska.gov/>
- The report will summarize your project, it's impact area, species that may be affected, and any mitigation required.
- The report is signed by the agency and represents an official review record.
- Include the CERT report (in Exhibits) the same as any agency letter.

# Endangered Species | CERT report sample

		
<h2>Environmental Review Report</h2>		
<h3>Project Information</h3>		
Report Generation Date:	4/5/2018 09:42:27 AM	
Project Title:	Jefferson Estates	
User Project Number(s):		
System Project ID:	NE-CERT-000481	
Project Type:	Development, New construction within existing municipality - previously undisturbed habitat	
Project Activities:	None Selected	
Project Size:	2.75 acres	
County(s):	Jefferson	
Watershed(s):	Little Blue	
Watershed(s) HUC 8:	Lower Little Blue	
Watershed(s) HUC 12:	Brawner Creek-Little Blue River	
Biologically Unique Landscape(s):	Sandstone Prairies	
Township/Range and/or Section(s):	T02R02ES11	
Latitude/Longitude:	40.158757 / -97.174549	
<h3>Contact Information</h3>		
Organization:	Excel Development Group	
Contact Name:	Joel Anderson	
Contact Phone:	4024701742	
Contact Email:	joel@exceldg.com	
Contact Address:	8551 Lexington Ave. Lincoln NE 68505	
Prepared By:		
Submitted On Behalf Of:	Midwest Housing Initiatives, Inc.	
<h3>Project Description</h3>		
<p>The proposed Jefferson Estates project will consist of the construction of eight duplex building (16 units) for household that contain at least one member that is 55 years or older. The site is comprised of approximately 2.55 acres of vacant ground that is located behind the Gerdes-Meyer Funeral home on 2414 "H" Street in Fairbury, NE. Project activities will include utility infrastructure, street paving and the construction of the duplexes.</p>		

# Endangered Species | CERT report sample

System Project ID: NE-CERT-000481

Report Generation Date: 4/5/2018 09:42:27 AM

## Questions and Conservation Conditions

### Northern Long-eared Bat

This project is within the range of the state and federally listed threatened northern long-eared bat (*Myotis septentrionalis*).

Habitat Questions for Northern Long-eared Bat:

Are the Project Limits within or adjacent to deciduous woodlands (> 5 acres in size) with live or dead trees or snags which are typically > 6 inches in diameter at breast height (dbh) and exhibit peeling bark or have crevices or hollows?

OR

Do the Project Limits include buildings, bridges over drainages (wet or dry), and/or box culverts over 5-feet in height?

☐ Unknown for EITHER question

☒ No for BOTH questions. Conservation conditions are not needed for this species unless otherwise indicated.

☐ Yes for EITHER question. The following conservation conditions must be implemented in order to avoid adverse impacts on northern long-eared bat.

**NLEB CC-2:** No removal of trees greater than or equal to 6 inch dbh or removal of roosting structures between June 1 and July 31.

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# Environmental Justice

- Regulation | **Executive Order 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-income Populations"**
- Environmental justice means ensuring that the environment and human health are protected fairly for all people regardless of race, color, national origin, or income.
  - Need to consider how federally assisted projects may have disproportionately high and adverse human health or environmental effects on minority and low-income populations.
- Resource: <https://www.hudexchange.info/environmental-review/environmental-justice/>



# Environmental Justice

## Questions to ask:

- Does the project create adverse environmental impacts?
  - If stating No, then there are no environmental justice issues.
- If so, are these adverse environmental impacts disproportionately high for low-income and/or minority communities?
- Can the adverse impacts be mitigated?
  - Engage the affected community in meaningful participation about mitigating the impacts or move the project to another community.



# Environmental Justice

Review land use plans, census information and the U.S. EPA Environmental Justice webpage (EJ View). Consider local government sources such as the health department or school district that may be more current or focused on the neighborhood as their unit of analysis.

<https://ejscreen.epa.gov/mapper/index.html>

# Environmental Justice

## **Documentation:**

- Evidence that the site or surrounding neighborhood does not suffer from adverse environmental conditions and evidence that the proposed action will not create an adverse and disproportionate environmental impact or aggravate an existing impact. (Describe how the proposed action will not have a disproportionate adverse impact on minority or low-income populations.)
- Evidence that the project is not in an environmental justice community of concern (demographics, income, etc.) or evidence that the project does not disproportionately affect a low-income or minority population
- If there are adverse effects on low-income or minority populations, documentation that the affected community residents have been meaningfully informed and involved in a participatory planning process to address (remove, minimize, or mitigate) the adverse effect from the project and the resulting changes

# Explosive & Flammable Operations

- Regulation | **24 CFR Part 51, Subpart C**
- There are inherent potential dangers associated with locating HUD-assisted projects near hazardous facilities which store, handle, or process hazardous substances of a flammable or explosive nature. Project sites located too close to facilities handling, storing or processing conventional fuels, hazardous gases or chemicals of an explosive or flammable nature may expose occupants or end-users of a project to the risk of injury in the event of an explosion.
- Resource: <https://www.hudexchange.info/environmental-review/explosive-and-flammable-facilities/>

# Explosive & Flammable Operations

## **Are there aboveground stationary storage tanks near the project?**

- Does this project include any of the following activities: development, construction, rehabilitation that will increase residential densities, or conversion?
- If so, within 1 mile of the project site, are there any current or *planned* stationary aboveground storage containers:
  - Of more than 100 gallon capacity, containing common liquid industrial fuels OR
  - Of any capacity, containing hazardous liquids or gases that are not common liquid industrial fuels?
- Is the Separation Distance from the project acceptable based on standards in the regulation?
  - If the separation distance is not acceptable, a barrier is required to mitigate the project. Otherwise, the project should be moved to a different location.

# Explosive & Flammable Operations

## **Are there Hazardous facilities included in the project?**

- Does the proposed HUD-assisted project include a hazardous facility (a facility that mainly stores, handles or processes flammable or combustible chemicals such as bulk fuel storage facilities and refineries)?
- If so, is the hazardous facility located at an acceptable separation distance from residences and any other facility or area where people may congregate or be present

# Explosive & Flammable Operations

## **Documentation – Aboveground storage tanks**

- A determination that the project does not include development, construction, rehabilitation that will increase residential densities, or conversion
- Evidence that within one mile of the project site there are no current or planned stationary aboveground storage containers of more than 100-gallon capacity containing common liquid industrial fuels or of any capacity containing hazardous liquids or gases that are not common liquid industrial fuels
  - Conduct a physical site review, and notate within the record
- A determination along with all supporting documentation that the separation distance of such containers from the project is acceptable
- Documentation of the existing or planned barrier that would serve as sufficient mitigation, including correspondence with a licensed engineer

# Explosive & Flammable Operations

## **Documentation – Hazardous Facilities**

- A determination that the project does not include a hazardous facility
- A determination along with all supporting documentation that the hazardous facility is located at an acceptable separation distance from residences and any other facility or area where people may congregate or be present
- Documentation of the existing or planned barrier that would serve as sufficient mitigation, including correspondence with a licensed engineer



# Farmlands Protection

- Regulation | **Farmland Protection Policy Act**
- Purpose: to minimize the effect of Federal programs on the unnecessary and irreversible conversion of farmland to nonagricultural uses.
- Resource:
  - <https://www.hudexchange.info/environmental-review/farmlands-protection/>
  - [USDA Natural Resources Conservation Service's \(NRCS\) Web Soil Survey](#)

**Does your project include any activities, including new construction, acquisition of undeveloped land, or conversion, that could potentially convert one land use to another?** Federal projects are subject to FPPA requirements if they may irreversibly convert farmland to a non-agricultural use. A finding of compliance with the requirements of the Farmland Protection Policy Act of 1981 (7 U.S.C. 4201 et seq.) must be made for assisted new construction activities, the acquisition of undeveloped land, and conversion projects.

# Farmlands Protection

## **Documentation:**

- A determination that the project does not include any activities, including new construction, acquisition of undeveloped land, or conversion, that could potentially convert one land use to another
- Evidence that the exemption applies, including all applicable maps
- Evidence supporting the determination that “Important Farmland,” including prime farmland, unique farmland, or farmland of statewide or local importance regulated under the FPPA does not occur on the project site
- Documentation of all correspondence with NRCS, including the completed AD-1006 and a description of the consideration of alternatives and means to avoid impacts to Important Farmland

# Floodplain Management

- Regulation | **Executive Order 11988 - Floodplain Management**
- 24 CFR Part 55
- Purpose: to avoid impacts to floodplains and to avoid direct and indirect support of floodplain development to the extent practicable.
- Resource: <https://www.hudexchange.info/environmental-review/floodplain-management/>
- Flood Insurance (if applicable)

# Floodplain Management

- **Step 1: Determine whether any of the exceptions at 55.12(c) apply?**
  - Activities listed in 55.12(c) include floodplain restoration, minor amendments to previously approved actions, sites where FEMA has issued a final Letter of Map Revision or final Letter of Map Amendment, actions that are Categorically Excluded Not Subject to 58.5, and sites where the “incidental floodplain exception” applies.

# Floodplain Management

- **Step 2: Determine whether the project site contains a floodplain**
  - Use a FEMA Flood Insurance Rate Map (FIRM) to determine whether the project is in or near a floodplain
    - When FEMA provides Advisory Base Flood Elevations (ABFE) or preliminary FIRMs and studies, HUD or the responsible entity must use the latest of these sources unless the ABFE or preliminary FIRM allow a lower Base Flood Elevation (BFE) than the current FIRM and FIS.
  - For projects in areas not mapped by the FEMA, use the **best available information** to determine floodplain information. Include in your documentation a discussion of why this is the best available information for the site.

# Floodplain Management

- **Step 3: Determine if the 8-Step Process is Required**
  - If the project occurs in a 100- year floodplain (A Zone)
  - If the project occurs in a 500-year floodplain (B Zone or Shaded X Zone)
  - If the project occurs in a floodway

# Floodplain Management

- **Step 4: Complete the 8-Step Process and Identify Mitigation Requirements**



# Floodplain Management

- **Documentation:**

- Documentation supporting the determination that an exception at 55.12(c) applies.
- A FEMA map showing the project is not located in a Special Flood Hazard Area.
- A FEMA map showing the project is located in a Special Flood Hazard Area and an applicable citation to 55.12(b) demonstrating that the 8-Step (or a 5-Step if allowed) Process is not required.
- A FEMA map showing the project is located in a Special Flood Hazard Area, documentation that the 8 Step (or a 5-Step if allowed) Process was completed, and the applicable citation to 55.12(a).
- Should include reference to recent flooding especially if the location of the project is within a declared disaster area.
- **Clearly indicate the location of the project on the maps**

# Historic Preservation


- Regulation | **36 CFR Part 800**
- Resources:
  - <https://www.hudexchange.info/environmental-review/historic-preservation/>
  - <https://egis.hud.gov/tdat/>
  - <https://history.nebraska.gov/federal-review-and-compliance-section-106-review>
- The State Historic Preservation Officer (SHPO) and/or Tribal Historic Preservation Officer (THPO) are primary consulting parties in the process.

# SHPO and Section 106 Review Online

- Consult the SHPO website = [history.nebraska.gov](http://history.nebraska.gov)
- SHPO compliance review known as Section 106 Review
- ***SHPO Section 106 Review is started and submitted online***
- SHPO may request additional information (pictures, descriptions of project activity details, etc.)
- SHPO may request an Archeological Survey of site
  - Survey conducted by specialists – see list provided
  - Archeological Survey written report included in ERR
- SHPO has specific guidelines for archeological sites
- SHPO contact for additional guidance or approvals:  
Contact (via email): [john.rissetto@nebraska.gov](mailto:john.rissetto@nebraska.gov)

# SHPO Section 106 Online Project Form

Submit Form to return the completed form. You can save data typed into this form. High



**History  
NEBRASKA**  
HISTORIC PRESERVATION

ONLINE SECTION 106 PROJECT FORM FOR  
INDIVIDUAL STANDING STRUCTURES

**NESHPO Use Only**  
Date Received      HP Number

Submission of a completed Project Information Form with adequate information and attachments constitutes a request for review pursuant to Section 106 of the National Historic Preservation Act of 1966 (as amended). More information may be required to adequately complete the Section 106 process. Submit completed form to [HN.HP@nebraska.gov](mailto:HN.HP@nebraska.gov).

*NOTE: Section 106 regulations provide for a 30-day response time by the Nebraska State Historic Preservation Office from the date of receipt.*

PROJECT NAME (if applicable)		PROJECT NUMBER (if applicable)
COUNTY	STREET ADDRESS (No P.O. Box Numbers)	CITY
FEDERAL AGENCY OR DESIGNEE		
CONTACT PERSON	CITY, STATE ZIP	TELEPHONE
EMAIL (for response)		

**PROJECT DESCRIPTION**  
Briefly describe the overall project.

**DESIGNATIONS**  
To the best of your knowledge, is the structure any of the following?

☐ Listed Individually on the National Register    ☐ Listed within a National Register Historic District

☐ Designated Local Landmark    ☐ Designated Local Landmark District

**PHOTOGRAPHS**  
Please provide photographs of all structures. Photographs of neighboring or nearby buildings are helpful. Go to page 2 to insert photo(s).

# Historic Preservation

## When do you consult with the Tribal Historic Preservation Officer (THPO) in lieu of the SHPO?

- If the project occurs on tribal lands, you consult with the THPO in lieu of the SHPO if they have assumed the role of the SHPO on tribal lands. **Otherwise, and on non-tribal lands, you consult with the THPO in addition to the SHPO.** A party on non-tribal lands that may be affected by a project on tribal lands with a THPO may request that the SHPO participate.
- **NOTE:** Only the certifying official of the Responsible Entity (Chief Elected Official) - may initiate tribal consultation; other parties like consultants, PHAs, lenders, or non-profit grantees **may not** initiate tribal consultation.

# Historic Preservation

- Step 1: Initiate Consultation
- Step 2: Identify and evaluate Historic Properties
- Step 3: Assess Effects on Historic Properties
- Step 4: Resolve Adverse Effects

# Historic Preservation

## Documentation:

### ▪ **No Historic Properties Affected**

- Letter from SHPO (or THPO on tribal lands\*) that concurs with HUD's or the Responsible Entity's determination of "no historic properties affected"
- With documentation on 1) the undertaking including photographs, maps, and drawings, as necessary, 2) steps taken to identify historic properties, 3) the basis for determining that no historic properties are present or affected, 4) evidence of tribal consultation if required; and 5) copies or summaries of any views provided by consulting parties and the public
- If the SHPO has not responded to a properly documented request for concurrence within 30 days of receipt of the request, Contact the SHPO directly for clarification or follow-up.



# Historic Preservation

## Documentation:

### ▪ **No Adverse Effect**

- Letter from SHPO (or THPO on tribal lands\*) that concurs with HUD'S or the Responsible Entity's finding of "no adverse effect"
- With documentation on 1) the undertaking including photographs, maps, and drawings, as necessary, 2) steps taken to identify historic properties, 3) affected historic properties (including characteristics qualifying them for the NR), 4) the undertaking's effects on historic properties, 5) why the criteria of adverse effect were not applicable (§800.5), 6) evidence of tribal consultation if required, and 7) copies or summaries of any views provided by consulting parties and the public
- If the SHPO has not responded to a properly documented request for concurrence within 30 days of receipt of the request, Contact the SHPO directly for clarification or follow-up.

# Historic Preservation

## Documentation:

### ▪ **Adverse Effect**

- Notification of adverse effect sent to Advisory Council on Historic Preservation
- Letter from SHPO (or THPO on tribal lands\*) that concurs with a finding of “adverse effect”
- With documentation on 1) the undertaking including photographs, maps, and drawings, as necessary, 2) steps taken to identify historic properties, 3) affected historic properties (including characteristics qualifying them for the NR), 4) the undertaking’s effects on historic properties, 5) why the criteria of adverse effect are applicable (§ 800.5), 6) evidence of tribal consultation if required, and 7) copies or summaries of any views provided by consulting parties and the public

# Noise Control

- Regulation | **24 CFR Part 51, Subpart B**
- Resource:  
<https://www.hudexchange.info/programs/environmental-review/noise-abatement-and-control/>
- **Determine if there are potential noise generators in the vicinity of the project:**
  - Major Roadways (within 1,000 ft.)
  - Railroads (within 3,000 ft.)
  - Military or FAA regulated airfields (within 15 miles)

# Noise Control

- All sites whose environmental or community noise exposure exceeds the day night average sound level (DNL) of 65 decibels (dB) are considered noise-impacted areas.
  - **Interior Standard is 45dB**
- Locations with day-night average noise levels **above 75 dB** have “Unacceptable” noise exposure. For new construction, noise attenuation measures in these locations require the approval of the Responsible Entity’s Certifying Officer. The acceptance of such locations normally requires an **environmental impact statement**.

# Noise Control

- If a noise assessment was performed, was the noise found to be Acceptable, Normally Unacceptable, or Unacceptable?

Noise Zone	Day/Night Average Sound Level	Special Approvals & requirements
Acceptable	Not exceeding 65 dB	None
Normally Unacceptable	Above 65 dB, but not exceeding 75 dB	<ul style="list-style-type: none"><li>▪ Environmental assessment and attenuation required for new construction</li><li>▪ Attenuation strongly encouraged for major rehabilitation</li></ul> <p>Note: An environmental impact statement is required if the project site is largely undeveloped or will encourage incompatible development.</p>
Unacceptable	Above 75 dB	Environmental Impact Statement Required.

# Noise Control

## Documentation:

- Documentation the proposed action is not within 1000 feet of a major roadway, 3,000 feet of a railroad, or 15 miles of a military or FAA-regulated civil airfield
- If within those distances, documentation showing the noise level is *Acceptable* (at or below 65 DNL)
- If within those distances, documentation showing that there's an effective noise barrier (i.e., that provides sufficient protection)
- Documentation showing the noise generated by the noise source(s) is *Normally Unacceptable* (66 – 75 DNL) and identifying noise attenuation requirements that will bring the interior noise level to 45 DNL and/or exterior noise level to 65 DNL

# Water Quality (Sole Source Aquifers)

- Regulation | **Safe Drinking Water Act of 1974**
- **Purpose:** requires protection of drinking water systems that are the sole or principal drinking water source for an area and which, if contaminated, would create a significant hazard to public health.
- **Resource:**
  - <https://www.hudexchange.info/environmental-review/sole-source-aquifers/>
  - <https://epa.maps.arcgis.com/apps/webappviewer/index.html?id=9ebb047ba3ec41ada1877155fe31356b>



# Water Quality (Sole Source Aquifers)

## **Documentation:**

- Documentation, including a map, showing that the project site is not on a sole source aquifer
- A determination that the project consists solely of acquisition, leasing, or rehabilitation of existing buildings
- Documentation showing that a memorandum of understanding (MOU) or agreement with the EPA excludes your project from further review
- Documentation that EPA has reviewed and commented on the proposed action within an SSA and a description of any mitigation measures, if necessary

# Wetlands Protection

- Regulation | **Executive Order 11990: Protection of Wetlands**
- **Purpose:** requires Federal activities to avoid adverse impacts to wetlands where practicable.
- **Resources:**
  - <https://www.hudexchange.info/environmental-review/wetlands-protection/>
  - National Wetlands Inventory:  
<https://www.fws.gov/wetlands/nwi/Overview.html>

# Wetlands Protection

## **Documentation:**

- Documentation supporting the determination that an exception at 55.12(a)(3), 55.12(a)(4), 55.12(c)(3), 55.12(c)(7), or 55.12(c)(10) applies.
- Documentation supporting the determination that the project does not involve new construction (as defined in Executive Order 11990), expansion of a building's footprint, or ground disturbance.
- A map or other relevant documentation supporting the determination that the project does not impact an on- or off-site wetland.
- A completed 8-Step Process, including a map and the early and final public notices.

# Wild and Scenic Rivers | **24 CFR 58.5(f)**

- Regulation | **16 U.S.C. 1271-1287**
- Overseen by National Park Service, Bureau of Land Management, US Forest Service, and US Fish and Wildlife Service
- **Applies to:**
  - **Wild and Scenic Rivers:** These rivers or river segments have been designated by Congress or by states (with the concurrence of the Secretary of the Interior) as wild, scenic or recreational.
  - **Study Rivers:** These rivers or river segments are being studied as a potential component of the Wild & Scenic River system.
  - **Nationwide Rivers Inventory (NRI):** The National Park Service has compiled and maintains the NRI, a register of river segments that potentially qualify as national wild, scenic or recreational river areas.

# Wild and Scenic Rivers | **24 CFR 58.5(f)**

- Resources:
  - **Nationwide Rivers Inventory:** <https://www.nps.gov/subjects/rivers/nationwide-rivers-inventory.htm>
  - **Wild & Scenic River Studies:** <https://www.rivers.gov/study.php>
  - **Wild & Scenic Rivers:** <https://www.rivers.gov/map.php>

# Wild and Scenic Rivers | **24 CFR 58.5(f)**

- Documentation:
  - Evidence the proposed action is not within proximity to a designated Wild, Scenic, or Recreational River
  - Documentation that contact was made with the Federal (or state) agency that has administrative responsibility for management of the river and that the proposed action will not affect river designation or is not inconsistent with the management and land use plan for the designated river area

# Statutory Checklist

- Ways to know the general requirements for each of the Statutory Checklist Items include:
- Reviewing the HUD Guide (in DED Manual)
- Review the HUD website (on HUD exchange) at:  
<https://www.hudexchange.info/programs/environmental-review/federal-related-laws-and-authorities/>
- HUD WISER Training Modules
- Using HUD's "Green Book" Environmental Review Guide for CDBG Programs at:  
[https://www.hudexchange.info/resources/documents/461\\_EnvironmentalReviewGuide.pdf](https://www.hudexchange.info/resources/documents/461_EnvironmentalReviewGuide.pdf)



# Statutory Checklist

- Example of how to use HUD website (on HUD exchange) at:

<https://www.hudexchange.info/programs/environmental-review/federal-related-laws-and-authorities/>

## Select a topic

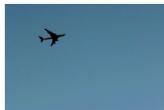
## Related Federal Laws and Authorities

Choose a topic below to learn more about HUD environmental review compliance with Federal related laws and

Find by Topic



## Air Quality



## Airport Hazards



## Review the topic

## Air Quality

## Introduction

The Clean Air Act was implemented to remedy the damaging effects to health and the environment. Although it is a federal act applied nationwide at the state and local level to tailor air quality requirements to local conditions, it was revised in 1990, when major changes were enacted.

The Clean Air Act is administered by the U.S. Environmental Protection Agency (EPA). The Act sets National Ambient Air Quality Standards (NAAQS). These are limits on certain "criteria pollutants" that are in the air anywhere in the United States. Areas that do not meet the standards are called "nonattainment areas," while areas that do meet the standards are called "attainment areas." The location of areas designated by U.S. EPA as "nonattainment" areas is shown in the U.S. EPA's [Green Book on Nonattainment Areas](#).

In addition to the EPA, the Clean Air Act is administered by state, tribal, and local governments responsible for developing local solutions to air quality problems. State Implementation Plans (SIPs) to regulate their state air quality.

In order to show compliance with the NAAQS, projects funded by HUD the appropriate SIP.

## HUD Guidance

Does your project include new construction or conversion of land public, commercial, or industrial facilities OR five or more dwellin

Federal projects must conform to Clean Air Act requirements if they may cause or contribute to air pollution. If your project does not involve new construction or conversion, it can be assumed that its emissions are below de minimis levels and the

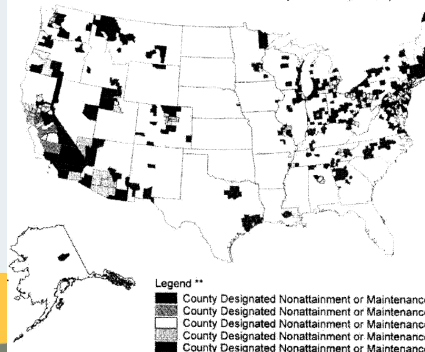
If so, is your project's county or air quality management district in status for any criteria pollutants?

## Add info in Compliance Documentation Section

<b>Statute, Authority, Executive Order, Regulation, or Policy cited:</b> 24-CCR §58.5d	<b>STATUS</b> A-----B	<b>Compliance Documentation</b>
<b>1. Air Quality</b> [Clean Air Act sections 176(c) & (d), and 40 CFR 6, 51, 93]	<input checked="" type="checkbox"/> <input type="checkbox"/>	The project is not located in an EPA non-attainment or maintenance area as identified in the air quality State Implementation Plan (SIP). Qualified Data Source(s): _____ See also Attachment ____

## Add Source Docs

Counties Designated "Nonattainment" or "Maintenance"  
for Clean Air Act's National Ambient Air Quality Standards (NAAQS) \*



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# Statutory Checklist

## Helpful Tips:

- **NEVER** note “NA”, **Not Applicable**, for Statutory Checklist Item.
- Resolve as many items as you can quickly by understanding your project and project area.
- Use language from regulations (i.e. language from HUD guide, etc. as you explain and meet compliance for each of the 14 sections).
- Ask DED for completed examples of successful reviews.

# Environmental Assessment Checklist

- Only for EA projects
- Evaluating whether project site is appropriate for project activities. For example, for ED would want to show site will not harm people that are living near it. For housing would want to show providing housing in a suitable neighborhood that would be a good place to live.
- Ways to know the general requirements for EA Checklist include:
  - Review the HUD website (on HUD exchange) at:  
<https://www.hudexchange.info/programs/environmental-review/>
  - Using HUD's "Green Book" Environmental Review Guide for CDBG Programs at:  
[https://www.hudexchange.info/resources/documents/461\\_EnvironmentalReviewGuide.pdf](https://www.hudexchange.info/resources/documents/461_EnvironmentalReviewGuide.pdf)

# Publication/Posting

- Only projects that are classified as **CEST** or **EA** are required to provide a publication notice.
- **CEST** projects publish/post a Notice of Intent to Request Release of Funds (NOI-RROF)
- **EA** projects publish/post a Finding of No Significant Impact (FONSI) and a NOI-RROF. These are generally published concurrently through a “Combined Notice”

# Environmental Review

## **Common Reasons for Rejection**

- Incurring costs before certification is approved by DED
- Failure to complete floodplain review prior to FONSI
- FONSI published prior to consultation
- Inadequate public comment periods
- Notices not sent to federal and state agencies
- Source data to document compliance with applicable authority
- Not responding to comments received from authorities
- Tier II – not completed or missing from file

# Environmental Review

## **Common Reasons for Rejection**

- Incorrect DLR selected.
- The RROF Certification was sent to NDED prior to the first comment period expiring.
  - The first comment period must expire before the Grantee can submit the RROF Certification to the Department.

# Environmental Review

## Common Reasons for Rejection

- The Environmental Review Record did not include a project description (or had no DLR).
- Statutory Checklist -- notations were inadequate.
  - Using “Not Applicable,”
  - Citing a website link without documentation showing critical decision information from the website.
  - Sending agency request letters without a complete project description and or not including a copy of the correspondence sent to the agency
  - Improper mitigation noted in ERR from an agency (that is, not responding to the requirements of the agency notations and determinations), etc.



# Completion of RROF/Certification Form & Affidavit of Publication

- Only projects that require a CEST or EA review are required to complete a RROF/Certification Form
- The RROF/Certification Form must be completed, along with an affidavit of publication and a copy of the publication notice, and sent to DED after the end of the public comment period
  - **The RROF/Cert Form is signed no earlier than the day after the publication period has ended.**

# Guidance on Publishing/Posting

## 24 CFR § 58.43

- As a minimum, the responsible entity must send the FONSI notice to:
  - individuals and groups known to be interested in the activities,
  - to the local news media,
  - to the appropriate tribal, local, State and Federal agencies;
  - to the Regional Offices of the Environmental Protection Agency having jurisdiction and
  - to the HUD Field Office (or the State where applicable).
  - The responsible entity may also publish the FONSI notice in a newspaper of general circulation in the affected community.
- **If the notice is not published**, it must also be prominently displayed in public buildings, such as the local Post Office and within the project area or in accordance with procedures established as part of the citizen participation process.

# Publication/Posting

- **CEST** projects require a 7 day public comment period for publishing (10 days for posting)
- **EA** projects require a 15 day public comment period for publishing (18 days for posting)
- Projects that are Exempt, CENST, or those CEST projects that Convert to Exempt, do not require any publication or posting.

# HUD 15 Day Objection Period

- Once the Department receives the **original signed** RROF/Certification Form; an affidavit of publication; and a copy of the publication notice **(no earlier than the day after the publication period has ended)**, the HUD 15 day objection period begins.

# Obtaining Environmental Clearance

- The grantee submits a copy of the Environmental Review Record to DED after the Responsible Entity signs and is made available to the public.
- The grantee submits the original RROF Certification Form to DED.
- After the end of the HUD 15 Day Objection Period (and all comments received have been reviewed, evaluated, and responded to) the Environmental Review Record, this is the earliest date that the grantee can receive Notice of Release of Funds/Environmental Clearance.
- **DED will provide a Notice of Release of Funds/Environmental Clearance to the recipient.**
  - This will provide environmental clearance & clearance to use grant funds after DED receives all of the special conditions required by the recipient's CDBG contact.

# Tiering

- Defined in the CFR [24 CFR 50.15]
- Used for some CEST or EA Projects
- Involves 2 Main Parts (Broad Review & Site Specific Review)
- Commonly used for those projects when a specific address is unknown.

# Broad Review (Tier I)

- Evaluate items in Statutory Checklist that can be reviewed without knowing site locations
- Develop approach to Site Specific Review (Tier II)





Broad  
Review  
(Tier I)  
designated  
area

Site Specific Reviews (Tier II)  
property addresses

## Broad Review



Site Specific Reviews (Tier II)  
property addresses (commercial)

After Broad Review, where you have evaluated everything you can without knowing the site you will select....



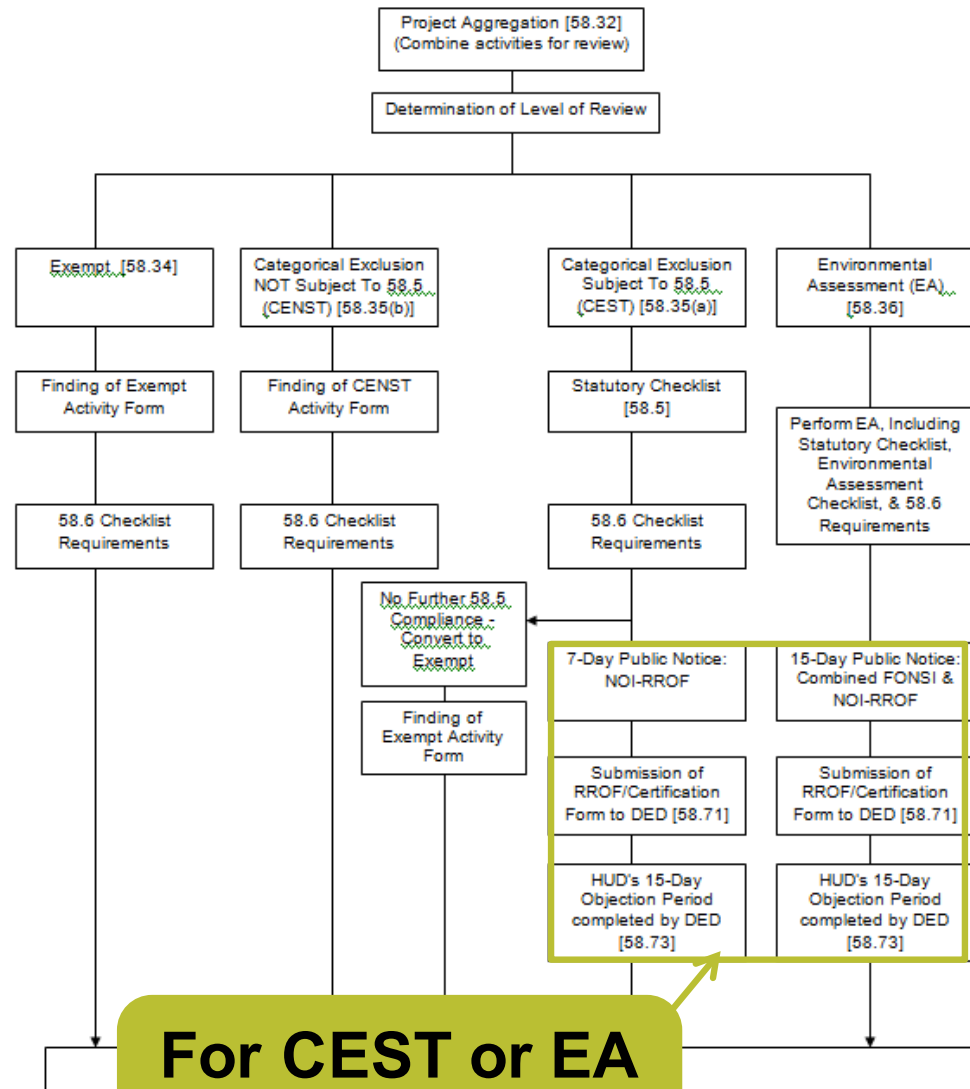
Site Specific Reviews (Tier II)  
property addresses (commercial)

...One Tier II Review completed for each site



# Timing: Public Notice & Objection Period

## ENVIRONMENTAL REVIEW PROCESS CDBG PROJECTS



**For CEST or EA  
projects**

# Public Notice

- Depends on Level of Review
- Depends when RE Certifying Officer signed the record
- Depends on Publishing or Posting

# Timing Steps

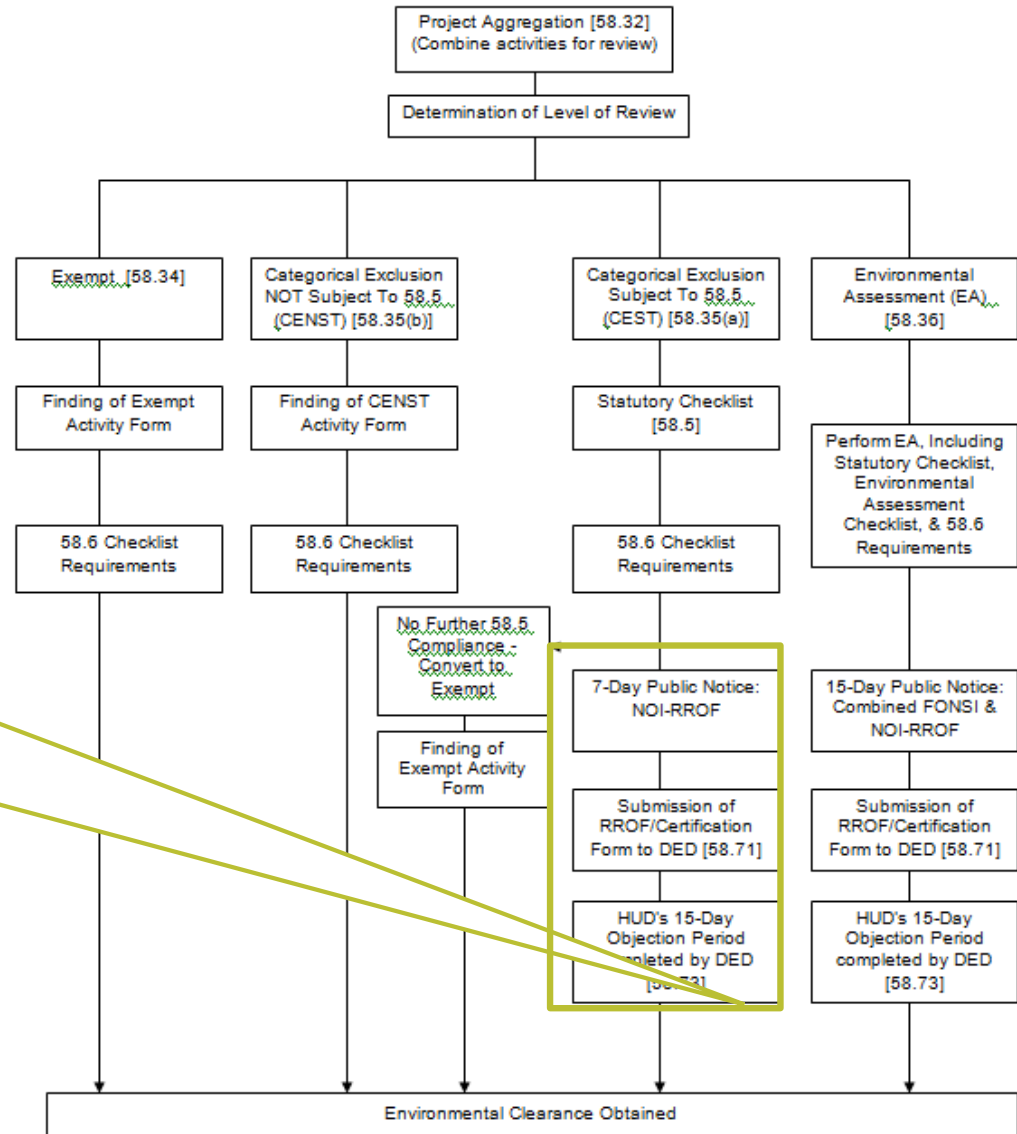
- Publish or Post the Public Notice(s)
- RE signs the RROF/Certification Form
- Signed RROF/Cert, Affidavit, & Copy of Notice to DED
- HUD 15 Day Objection Period
- Environmental Clearance Obtained

# CEST Timing Steps

- Publish or Post the NOI-RROF
- RE signs the RROF/Certification Form
- Signed RROF/Cert, Affidavit, & Copy of Notice to DED
- HUD 15 Day Objection Period
- Environmental Clearance Obtained



# ENVIRONMENTAL REVIEW PROCESS CDBG PROJECTS



Timing  
Requirements  
for CEST  
Projects

# CEST Projects

## Drafting the NOI-RROF

### NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS

*Date of Notice*

*Name of Responsible Entity [RE]*

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

*City, State, Zip Code*

*Telephone Number of RE*

**On or about 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 [ ] of the name of the Act of [year], as amended, to undertake a project known as project title for the purpose of nature/scope of project, estimated funding (include non-HUD funding sources if applicable) and project location if applicable.**

- Use the Sample NOI-RROF
- Provide Proper Dates
- Use Timing Summary Worksheet
- Send to the Newspaper or post
- Provide notice to directly impacted parties

# CEST Projects Drafting the NOI-RROF Need to Know:

## NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS

*Date of Notice*

*Name of Responsible Entity [RE]*

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

*City, State, Zip Code*

*Telephone Number of RE*

**On or about 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 [ ] of the name of the Act of [year], as amended, to undertake a project known as project title for the purpose of nature/scope of project, estimated funding (include non-HUD funding sources if applicable) and project location if applicable.**

## 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.**

- Paragraph noting “On or about” references the earliest date RE can sign the RROF/Cert Form
  - Paragraph noting “All comments received by” references the last day of the comment period
- The date noted within both paragraphs must be different

# CEST Projects Drafting the NOI-RROF Need to Know:

Date RE can sign the  
RROF/ Cert Form

Last Day of Comment Period

NOTICE OF  
INTENT TO  
REQUEST  
RELEASE OF  
FUNDS

Grantee: City of York,  
Nebraska  
Citywide Owner  
Occupied Rehabilitation  
Address: City Hall,  
100 East 4th Street  
York, Ne 68467-0276  
Contact: Jean Thiele,  
City Clerk (402)  
363-2600

To All Interested  
Agencies, Groups and  
Persons:

On or about **March 19,  
2012**, the above-named  
entity will submit a re-  
quest to the Nebraska  
Department of Eco-  
nomic Development  
(DED) for the release  
of Community Devel-

Comments should be  
addressed to: Nebraska  
Department of Eco-  
nomic Development  
Community and Rural  
Development Division  
P.O. Box 94666 Lin-  
coln, NE 68509-4666

Charles Harris, Mayor  
Environmental Certify-  
ing Officer  
March 9

upon request during  
regular business hours.

**Public Comments**

Any individual, group,  
or agency may submit  
written comments on  
the ERR to the above  
contact person. All  
written comments re-  
ceived by **March 16,  
2012** will be consid-  
ered by the City of  
York prior to submis-  
sion of a request for re-  
lease of funds.

**Release of Funds**

The City of York also

ASKA  
t Opportunity.

# CEST Projects Publishing the NOI-RROF Need to Know:

- Before can Publish, the CEST review must be complete and signed by the RE Certifying Officer
- Cannot publish until at least the day after the RE has signed the review (Determination of Level of Review, Statutory Checklist, and 58.6 Checklist)

# CEST Projects After Comment Period What's Next

- RROF/Cert Form signed by RE (no earlier than day after comment period ends)
  - **Send original to DED, begins the final objection comment period.**
- Send signed RROF/Cert Form, Affidavit of Publication, & Copy of Publication Notice to DED



# Copy of Notice

Proof of Publication

RECEIVED  
JUL - 2 2012

State of Nebraska,) BY: \_\_\_\_\_  
County of Lincoln :) ss.

**JUDITH COLBOR**

being by me first duly sworn on oath  
that she/he is employed by the  
North Platte Telegraph, a newspaper  
published in North Platte, Nebraska,  
and personally knows that said news-  
paper is a legal daily, except Monday,  
newspaper under the statutes of the  
state of Nebraska, having a bonafide  
circulation of over three hundred copies,  
has been published in said county for  
more than fifty two successive weeks  
prior to the first publication of the at-  
tached notice and is printed in an  
office maintained in the city of  
North Platte, in said county, which city  
is the place of its publication; that  
the notice hereto attached was published  
in said newspaper in the regular issues  
thereof.

JUNE 28, 2012

Dated this 28TH day of  
JUNE, 2012  
*Judith Colborn*

Subscribed and sworn to before me

dated this 28TH day of  
JUNE, 2012  
*Linda L. DeLack*

[illegible]



# Projects that Convert to Exempt

- **In general, CEST** projects require a 7 day public comment period for publishing (10 days for posting)
- **Unless**, the Statutory Checklist for the CEST project identifies all items as “Status A” and no further compliance or consultation is needed. **The project converts to Exempt.**
- **Must then complete:** a Finding of Exempt Activity Form [classified as 24 CFR 58.34(a)(12)]
- Exempt projects do not require publication, do not require the completion of a RROF/Cert Form, & do not have a HUD 15 Day Objection Period.

# Projects that Convert to Exempt

- Can only convert CEST projects
- Cannot be used for Tiered Reviews (as not all compliance sections would be marked as “Status A” & additional compliance review would be required)
- Commonly used for Public Works Street Repaving projects where all streets have been identified
- A CEST project that converts to Exempt does NOT require publication, does NOT require the completion of a RROF/Cert Form, & does NOT have a HUD 15 Day Objection Period.

# EA Projects Timing Steps

- Publish or Post the Combined Notice [FONSI & NOI-RROF]
- RE signs the RROF/Cert Form (no earlier than day after end of public comment period as noted in the Combined Notice)
- Signed RROF/Cert, Affidavit, and Copy of Combined Notice sent to DED
- HUD 15 Day Objection Period
- Environmental Clearance Obtained

# EA Projects

## Drafting the Combined Notice Need to Know:

- Before can Publish, the EA review must be complete and must be signed by the RE Certifying Officer
- Cannot publish until at least the day after the RE signs the environmental record (includes the Determination of Level of Review and the EA)

# EA Projects Drafting the Combined Notice

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

*Date of Notice*

*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 about 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 [ ] of the name of the Act of [year], as amended, to undertake a project known as project title for the purpose of nature/scope of project, estimated funding (include non-HUD funding sources if applicable) and project location if applicable.**

- Use the Sample Language for Combined Notice
- Provide the proper dates in the Combined Notice
- Use the Timing Worksheet to assist
- Send to the Newspaper or Post

**NEBRASKA**

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# EA Projects

## Drafting the Combined Notice

Date RE can sign the  
RROF/Cert Form  
("On or About" Date)

Last Day of Comment Period

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

*Date of Notice*

*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 about 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 [ ] of the name of the Act of [year], as amended, to undertake a project known as project title for the purpose of nature/scope of project, estimated funding (include non-HUD funding sources if applicable) and project location if applicable.**

upon request during regular business hours.

### Public Comments

Any individual, group, or agency may submit written comments on the ERR to the above contact person. All

written comments received by March 16, 2012 will be considered by the City of York prior to submission of a request for release of funds.

### Release of Funds

The City of York also

NEBRASKA

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# EA Projects After Comment Period, What's Next?

- RROF/Cert Form signed by RE (no earlier than the day after the end of the public comment period)
- Send DED signed RROF/Cert Form, Affidavit, and copy of publication notice
- HUD 15 Day Objection Period
- Environmental Clearance Obtained



# EA Projects: DED must receive all items before HUD 15 Day Objection Period begins

## Signed RROF/Cert Form

## Affidavit

## Copy of Notice

### Request for Release of Funds and Certification

U.S. Department of Housing  
and Urban Development  
Office of Community Planning  
and Development

OMB No. 2506-0087  
(exp. 3/31/2011)

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 30 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 it displays a valid OMB control number.

1. Program Title(s)		2. HUD/State Identification Number	3. Recipient Identification Number (optional)
CDBG Program		08-RO-1234	
4. OMB Catalog Number(s)		5. Name and address of responsible entity	
CFDA 14.228		City of Anytown PO Box 1234 Anytown, Nebraska 68533	
6. For information about this request, contact (name & phone number)		7. Name and address of recipient (if different than responsible entity)	
Joe Anytown			
8. HUD or State Agency and office unit to receive request			
Nebraska Dept of Economic Development PO Box 34666 Lincoln, NE 68509			

The recipient(s) of assistance under the program(s) listed above conditions governing the use of the assistance for the following:

Program Activity/Project Name(s)  
0510 Housing rehab  
0580 Project Soft Costs  
0181 General Administration

11. Program Activity/Project Description  
This tiered project consists of the rehab reviewed throughout the area to determine w program. Once a home is selected for the pr (Part 12) will be completed addressing the additional compliance review and will be in

#### Part 2. Environmental Certification (to be completed by responsible entity)

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

- The responsible entity has fully carried out its responsibilities for environmental review, decision-making and action pertaining to the project(s) named above.
- The responsible entity has assumed responsibility for and complied with and will continue to comply with the National Environmental Policy Act of 1966, as amended, and its 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.
- 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 proposed project ☒ does not require the preparation and dissemination of an environmental impact statement.
- 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.
- The dates for all necessary and regulatory time periods for review, comment or other action are in compliance with procedures and requirements of 24 CFR Part 58.
- In accordance with 24 CFR 58.71(b), the responsible entity will advise the recipient (if different from the responsible entity) of any special environmental conditions that must be adhered to in carrying out the project.

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

- 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.
- I am authorized to and do accept, on behalf of the recipient personally, the jurisdiction of the Federal courts for the enforcement of all such responsibilities, in my capacity as certifying official of the responsible entity.

Signature of Certifying Official of the Responsible Entity  
Mayor  
Date signed: 08/31/2008  
X  
Address of Certifying Official  
3474 S. 14th Street  
Anytown, NE 68535

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

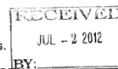
The recipient requests the release of funds for the program and activities identified in Part 1 and agrees to abide by the special conditions, procedures and requirements of the environmental review and to advise the responsible entity of any proposed change in the scope of the project or any change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

Signature of Authorized Official of the Recipient  
Title of Authorized Official  
Date signed

X  
Warning: FUD 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, 3730)

### Proof of Publication

State of Nebraska.)  
County of Lincoln ) ss.



JUDITH COLBORN

being by me first duly sworn on oath says that she/he is employed by the North Platte Telegraph, a newspaper published in North Platte, Nebraska, and personally knows that said newspaper is a legal daily, except Monday, newspaper under the statutes of the state of Nebraska, having a bonafide circulation of over three hundred copies, has been published in said county for more than fifty-two successive weeks prior to the first publication of the attached notice and is printed in an office maintained in the city of North Platte, in said county, which said city is the place of its publication; that the notice hereto attached was published in said newspaper in the regular issues thereof.

JUNE 28, 2012

Dated this 28TH day of

JUNE, 2012

Judith Colborn  
Subscribed and sworn to before me

dated this 28TH day of

JUNE, 2012

Linda Leddauk  
Notary Public

### LEGAL NOTICE NOTICE OF INTENT REQUEST RELEASE OF FUNDS

Date of Publication: June 28, 2012  
Name of Responsible Entity (RE): Nebraska Department of Economic Development  
301 Centennial Mall South, PO Box 34666, Lincoln, NE 68509-4666  
Contact: Lane Haskin, CDBG Director, 402-471-3759 (PFE Certifying Official)

On or after July 15th, 2012 the Nebraska Department of Economic Development (NED) will submit a request to the United States Department of Housing and Urban Development (HUD) for the release of HUD funds for the purpose of funding the project(s) listed under Title II of the Cranston-Howard National Affordable Housing Act of 1980, as amended, to construct the project(s) listed above.

Purpose: The HOME Regional Rehabilitation Program is a portion of the State of Nebraska Department of Economic Development's annual HOME allocation awarded to the State of Nebraska by the U.S. Department of Housing and Urban Development. These funds are used to finance the construction of new and rehabilitation of existing housing units throughout Nebraska.

Notice: The HOME Regional Rehabilitation Program is a portion of the State of Nebraska Department of Economic Development's annual HOME allocation awarded to the State of Nebraska by the U.S. Department of Housing and Urban Development. These funds are used to finance the construction of new and rehabilitation of existing housing units throughout Nebraska.

The State of Nebraska is hereby giving notice to the public that the project(s) listed above is/are being submitted to HUD for funding. The project(s) listed above is/are being submitted to HUD for funding. The project(s) listed above is/are being submitted to HUD for funding.

The project(s) listed above is/are being submitted to HUD for funding. The project(s) listed above is/are being submitted to HUD for funding. The project(s) listed above is/are being submitted to HUD for funding.

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### PUBLIC COMMENTS

Any individual, group, or agency may submit written comments on the HUD to Lane Haskin, Community and Rural Development Director, at the address listed above. Comments should be submitted to HUD by July 15, 2012. Comments received by July 15, 2012 will be considered by the HUD prior to making any decision on the release of funds.

### RELEASE OF FUNDS

The HUD will release to HUD the amount of funds requested by the responsible entity for the project(s) listed above. The HUD will release to HUD the amount of funds requested by the responsible entity for the project(s) listed above. The HUD will release to HUD the amount of funds requested by the responsible entity for the project(s) listed above.

### OBJECTIONS TO RELEASE OF FUNDS

HUD will accept objections to the release of funds and the HUD will accept objections to the release of funds and the HUD will accept objections to the release of funds. The HUD will accept objections to the release of funds and the HUD will accept objections to the release of funds. The HUD will accept objections to the release of funds and the HUD will accept objections to the release of funds.

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# Timing

### DIAGRAM

## Environmental Assessment | 8 Step Process | Publish

Timing Worksheet | Name of Grantee \_\_\_\_\_ | Grant # \_\_\_\_\_

[illegible]

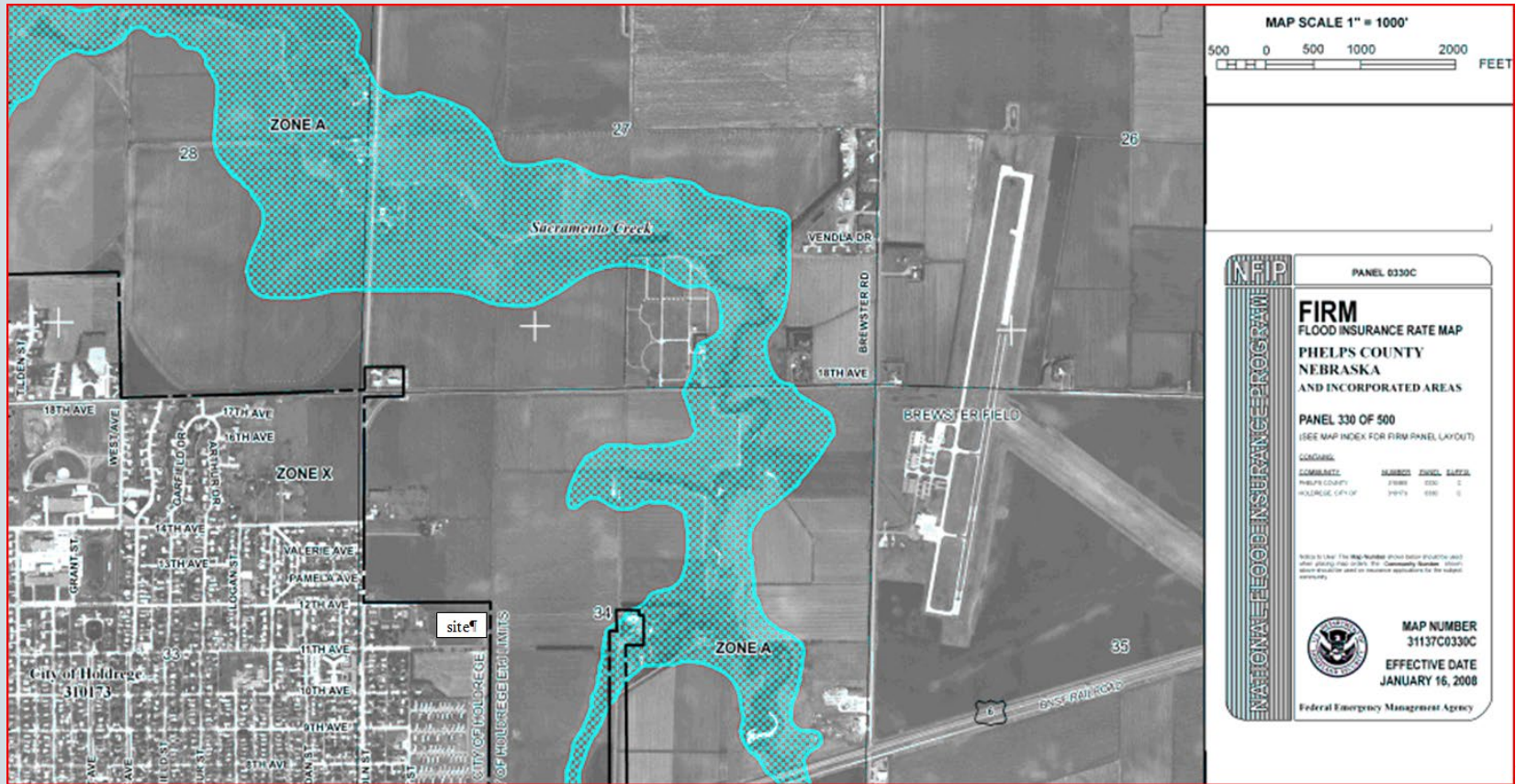
# 8 Step Process

- For projects that involve activities in floodplains or wetlands
- If project is located in a floodplain or involves a wetland the 8 Step Process May Need to be completed prior to finalizing the Statutory Checklist or EA
- **NOTE:** under 24 CFR Part 55 there may be opportunities to utilize a 5 Step Process or even not have to complete the 8 Step for specific projects (based on its activities).

# 8 Step Process

- Determine if project site is in a Special Flood Hazard Area (SFHA-100 year floodplain)
- Determine if project site impacts wetlands (Any kind of wetlands)

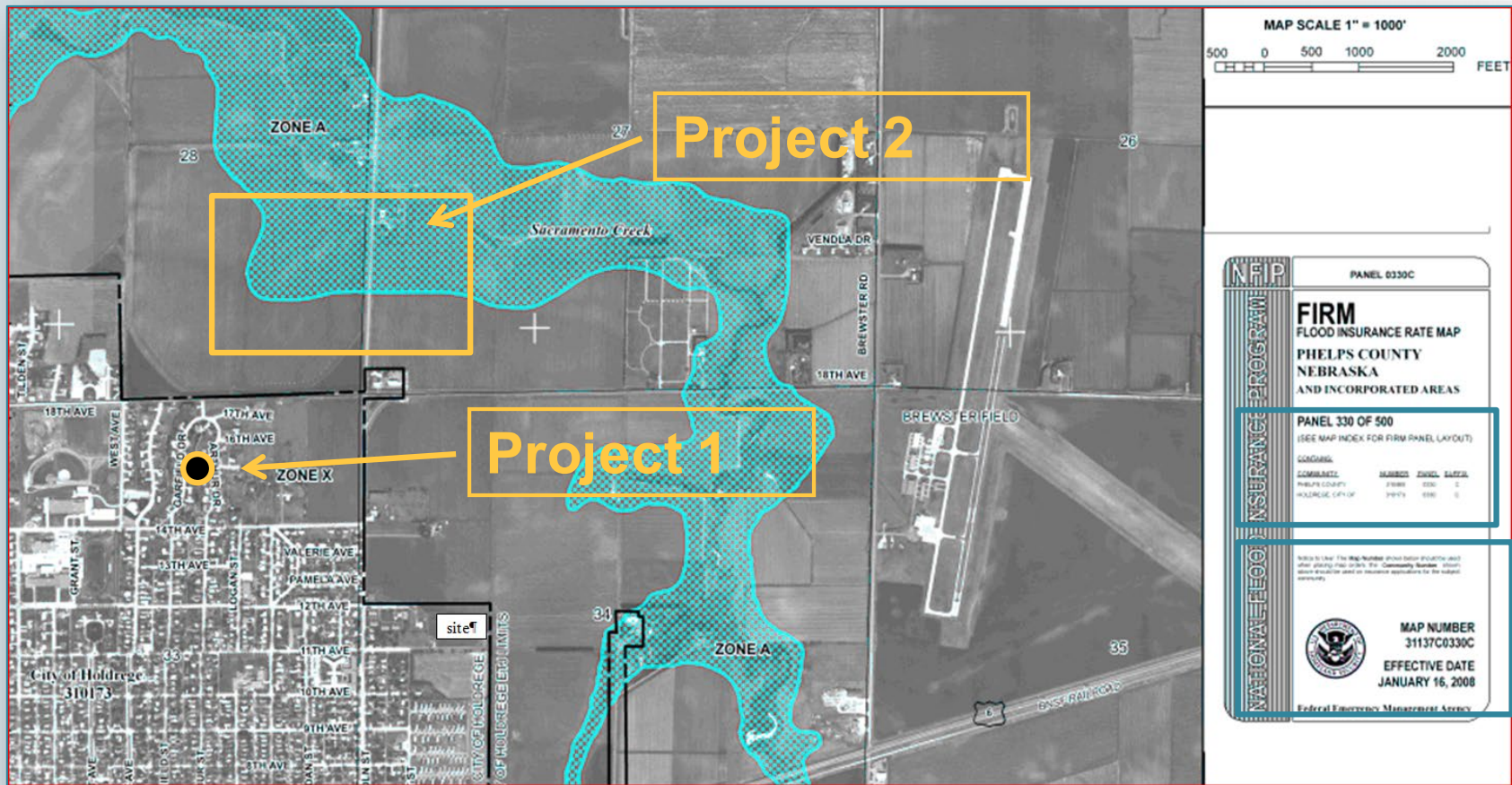
# Is the Project Site in 100 Year Floodplain?



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# Floodplain Management



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# Does The Project Involve A Wetland?



REPLY TO  
ATTENTION OF

DEPARTMENT OF THE ARMY  
CORPS OF ENGINEERS, OMAHA DISTRICT  
NEBRASKA REGULATORY OFFICE - KEARNEY  
1430 CENTRAL AVENUE, SUITE 4  
KEARNEY, NEBRASKA 68847-6856

<https://www.nwo.usace.army.mil/html/od-rne/nahome.html>

July 18, 2007

Mr. Dana Peterson  
Tagge Engineering Consultants, Inc.  
PO Box 23  
Holdrege, Nebraska 68949-0023

RE: 2007-2249-KEA

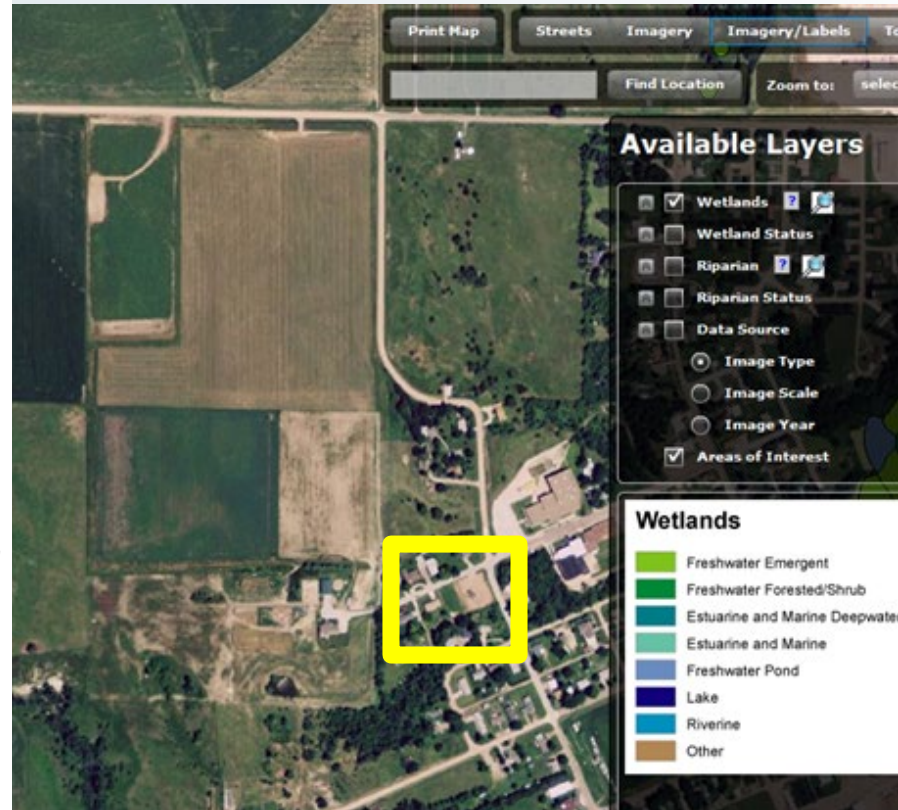
Dear Mr. Peterson:

I am writing in regard to your request for comments on proposed wastewater system improvements for the Village of Taylor, Nebraska. Based on the National Wetland Inventory (attached), possible waters of the United States exist within the project boundary. When final plans have been developed, please complete the enclosed application and forward to me. A wetland delineation will need to be included, along with any other information needed to make a jurisdictional determination. If you have any questions, feel free to call me at 308-234-1403.

Sincerely,

Keith Tillotson  
Environmental Resource Specialist

Attachment  
Enclosure



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# 8 Step Process Form

<b>8 STEP PROCESS</b> <b>FOR COMPLIANCE WITH FLOODPLAIN MANAGEMENT</b> <b>[24 CFR 55, Executive Order 11988]</b>	
1. Floodplain Management applies to projects involving ANY of the following-Check all that apply:	<input type="checkbox"/> Acquisition of land or buildings <input type="checkbox"/> New Construction <input type="checkbox"/> 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%) <input type="checkbox"/> Expanding the footprint of buildings or structures <input type="checkbox"/> Infrastructure Improvements—Water, Sewer, Drainage, Roads, and Ditches <input type="checkbox"/> Other activities affecting land use _____
2. Is the project located in a 100-year floodplain, designated floodway, or wetland? <input type="checkbox"/> Yes <input type="checkbox"/> 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.)	<input type="checkbox"/> Nebraska Department of Natural Resources <input type="checkbox"/> Natural Resources Conservation Service (Wetlands Determination Only) <input type="checkbox"/> US Army Corps of Engineers (Wetlands Determination Only) <input type="checkbox"/> 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.)	
<b>HUD 8 STEP PROCESS</b> <b>DECISION MAKING PROCESS UNDER 24 CFR 55.20 AND EXECUTIVE ORDER 11988</b>	
<b>STEP 1—Determine if the proposed action/project is located in a 100-year floodplain/wetland.</b>	

# 8 Step Process

- **STEP 1**—Determine if the proposed action/project is located in a 100-year floodplain/wetland.
- **STEP 2**—Involve the public in the decision-making process. Public Notices with specific language
- **STEP 3**—Evaluate alternatives to locating the proposed action in a floodplain.
- **STEP 4**—Identify indirect and direct impacts associated with occupying or modifying the floodplain/wetland.

# 8 Step Process

- **STEP 5**—Identify mitigation measures to minimize impacts to and preserve benefits of the floodplain/wetland
- **STEP 6**—Re-evaluate alternatives identified in Step 3. Take into account all identified impacts and mitigation measures.
- **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.
- **STEP 8**—Implement the Project.

# 8 Step Process Form

&

# Process Completed Prior to RE Signing Statutory Checklist or EA

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:	<input type="checkbox"/> Acquisition of land or buildings <input type="checkbox"/> New Construction <input type="checkbox"/> 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%) <input type="checkbox"/> Expanding the footprint of buildings or structures <input type="checkbox"/> Infrastructure Improvements—Water, Sewer, Drainage, Roads, and Ditches <input type="checkbox"/> Other activities affecting land use _____
2. Is the project located in a 100-year floodplain, designated floodway, or wetland? <input type="checkbox"/> Yes <input type="checkbox"/> 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.) <input type="checkbox"/> Nebraska Department of Natural Resources <input type="checkbox"/> Natural Resources Conservation Service (Wetlands Determination Only) <input type="checkbox"/> US Army Corps of Engineers (Wetlands Determination Only) <input type="checkbox"/> 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.	

# Source Documentation

- Site Photos
- Aerial Maps
- Letters sent to Agencies
- Responses from Agencies
- Websites Reviewed

# Site Photos



# Site Photos



NEBRASKA

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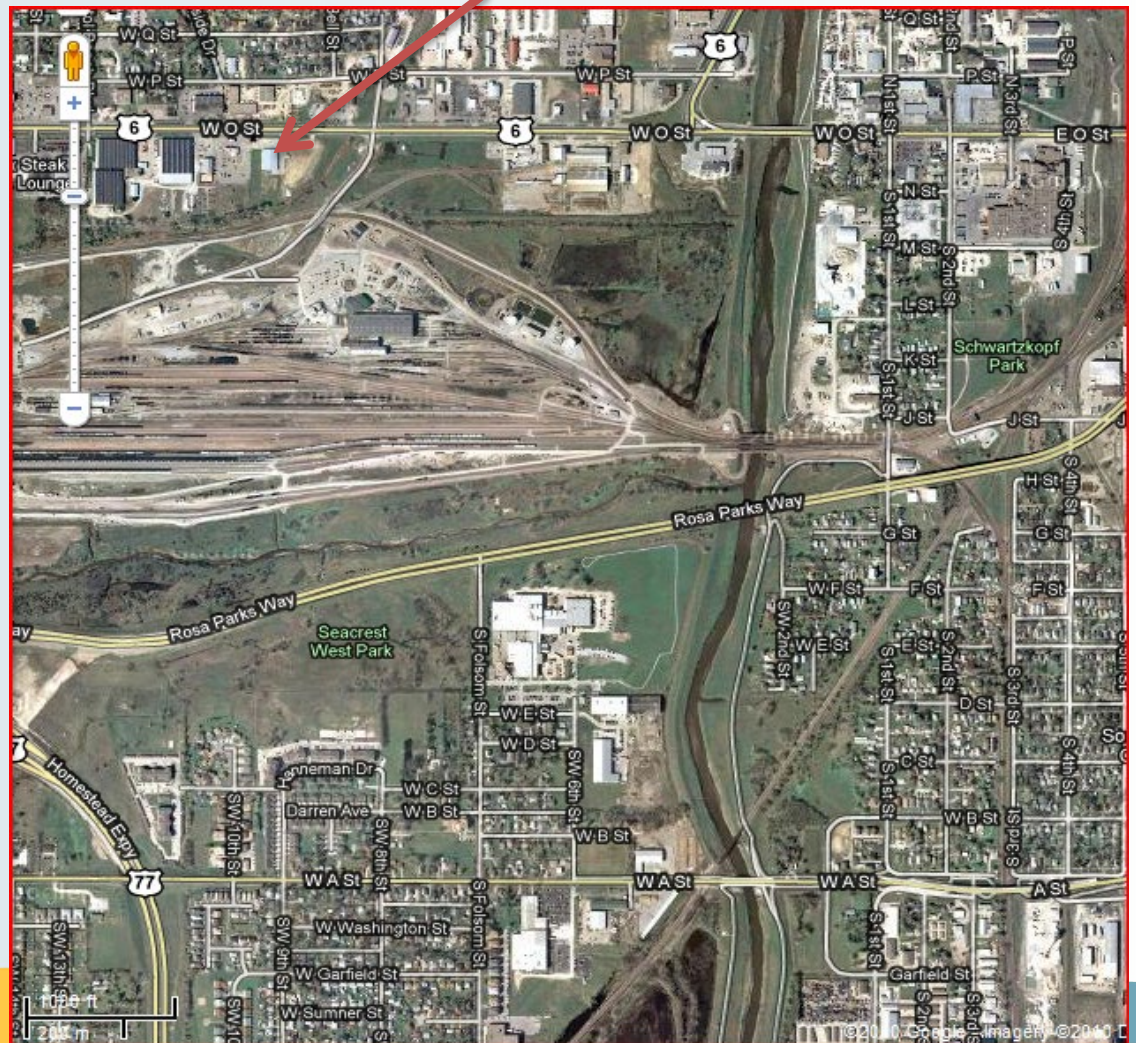


# Aerial Maps



# Aerial Maps

## Site





# Letters Sent to Agencies

October 13, 2009

U.S. Army Corps of Engineers  
8901 South 154th Street  
Omaha, NE 68138-3621

RE: Rosewood Estates II, LLC  
18 Unit (9-Duplexes) Senior 55+ Development  
Cheyenne Lane, Alliance, Nebraska

To Whom It May Concern:


On behalf of the Alliance Housing Authority, I am requesting your review and response to any environmental impacts your agency may identify for the proposed Rosewood Estates II project, pursuant to the National Environmental Policy Act. In particular, we would like your comments regarding any potential impact on wetlands.

The proposed project is an affordable senior rental housing project, comprised of the new construction of 18 units (9-duplexes) in Alliance. Sixteen units will be 2-bedroom (983 sq. ft.) and two units will be 3-bedroom (1,241 sq. ft.). The project involves acquiring a parcel of land (2.35 acres) comprised of twelve (12) available residential lots on Cheyenne Lane, within the Lakefield Addition. The proposed site is zoned "R-1", which will be rezoned to RP-3 for the development.

For your reference, a Legal Description, City Location Map, Preliminary Site Plan, and Floor Plans are provided. Please advise Excel Development of comments you may have by November 13, 2009 (within 30 days), as we must incorporate your response into our Nebraska Department of Economic Development (NDED) and the Nebraska Investment Finance Authority (NIFA) funding application.

If you have questions or need additional information, please contact me at 402-434-3344 or [pamela@exceldg.com](mailto:pamela@exceldg.com).

Sincerely,



# Responses from Agencies



Mike Johanns  
Governor

Mr. Jeff Christensen, Deputy Director  
Northeast Nebraska Economic Development District Name  
111 South 1<sup>st</sup> St.  
Norfolk, Nebraska 68701

August 19, 2003

Director  
Suite 400, The Atrium  
1200 'N' Street  
P.O. Box 98922  
Lincoln, Nebraska 68509-8922  
Phone (402) 471-2186  
FAX (402) 471-2909  
web site : [www.deq.state.ne.us](http://www.deq.state.ne.us)

**RE:: Notice of No Significant Impact on the Environment**  
**Request for Release of Funds**  
**Platte County**  
**03-PW-016**

Dear Mr. Christensen:

The Nebraska Department of Environmental Quality has reviewed the above referenced project. As with any facility, permits may be required prior to beginning construction or operation. At minimum, you should be aware of the possible requirement for the following permits:

	<u>Contact</u>	<u>Phone</u>
Construction/Industrial Storm Water	Donna Luckner	(402) 471-1367
NPDES Pretreatment or Waste Water	Ron Asch	(402) 471-2188
Air Quality Construction	Clark Smith	(402) 471-4204
Wastewater Sewer Extension	Chuck Duerschner	(402) 471-4206

Until further along in the planning process, it is unknown whether there may be additional regulatory requirements. Additionally, we would recommend you check with the U.S. Army Corps of Engineers concerning the need for a 404 permit.

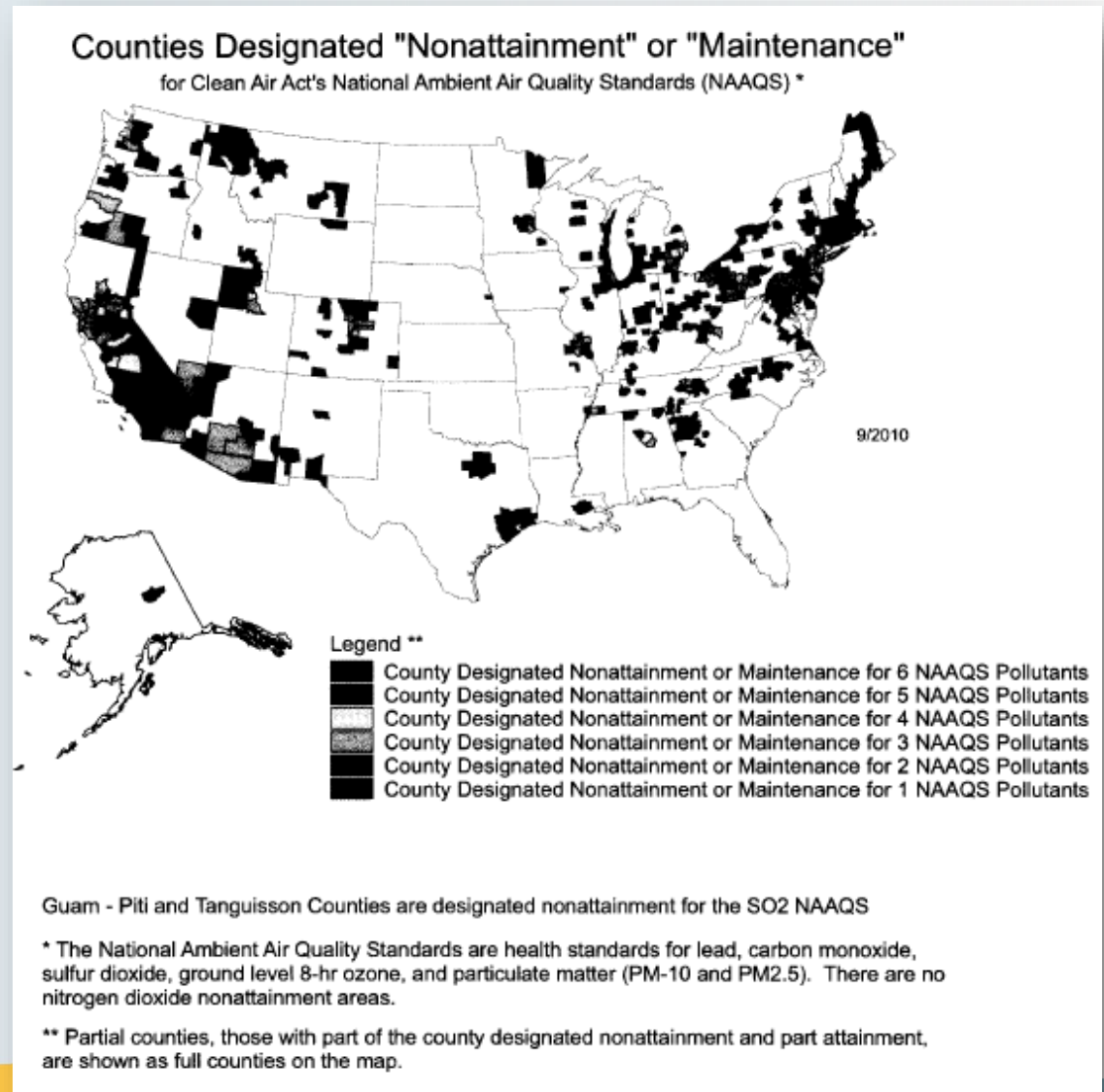
We strongly urge the project sponsors to make contact with the department. It has been our experience that early and open communication helps facilitate the permitting process.

Should you have any questions, feel free to contact me at (402) 471-4231.

Sincerely,


Jay D. Ringenberg  
Deputy Director

# Websites Reviewed



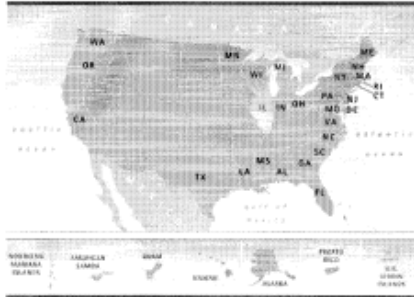
# Websites Reviewed

NOAA Office of Ocean and Coastal Resource Management: My State — Page 1 of 2



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


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



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

<http://coastalmanagement.noaa.gov/mystate/welcome.html>

Exhibit 2  
10/22/2010



Web Address

Exhibit or  
Attachment Number

# Environmental Site Assessment (ESA)

- **Conducted** by an environmental professional, and meets the “Innocent Landowner Defense” found in the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA).
- **Ask if any ESA will be done** and made available – **include in the ERR.**
- **Without an ESA**, a new landowner assumes environmental risk – cost of clean up and related liability.
- **With an ESA**, a landowner is assumed innocent (allows for a legal defense against claims for environmental issues).
- A potential (purchaser) landowner or **the bank financing the project may require an ESA.**
- During your review, a **ERR preparer may have to request that an ESA be done** to address suspected environmental conditions:
  - **“Brownfield”** – suspected of toxins or hazards present at site
  - During site inspection, unusual or unexplained site features may require further professional analysis with an ESA (such as stains, discolorations in soil, disposal barrels or trash, vent pipes from unknown buried items, possible toxins present due to historical use, or neighbors with environmental issues that may affect your subject property)



# Environmental Site Assessment (ESA)

- **Two main types of ESAs: Phase I ESA and a Phase II ESA**
- **Phase I ESA** – reviews project footprint to identify potential hazards affecting your project site
- **Phase II ESA** – continues to address RECs found in the Phase I ESA report

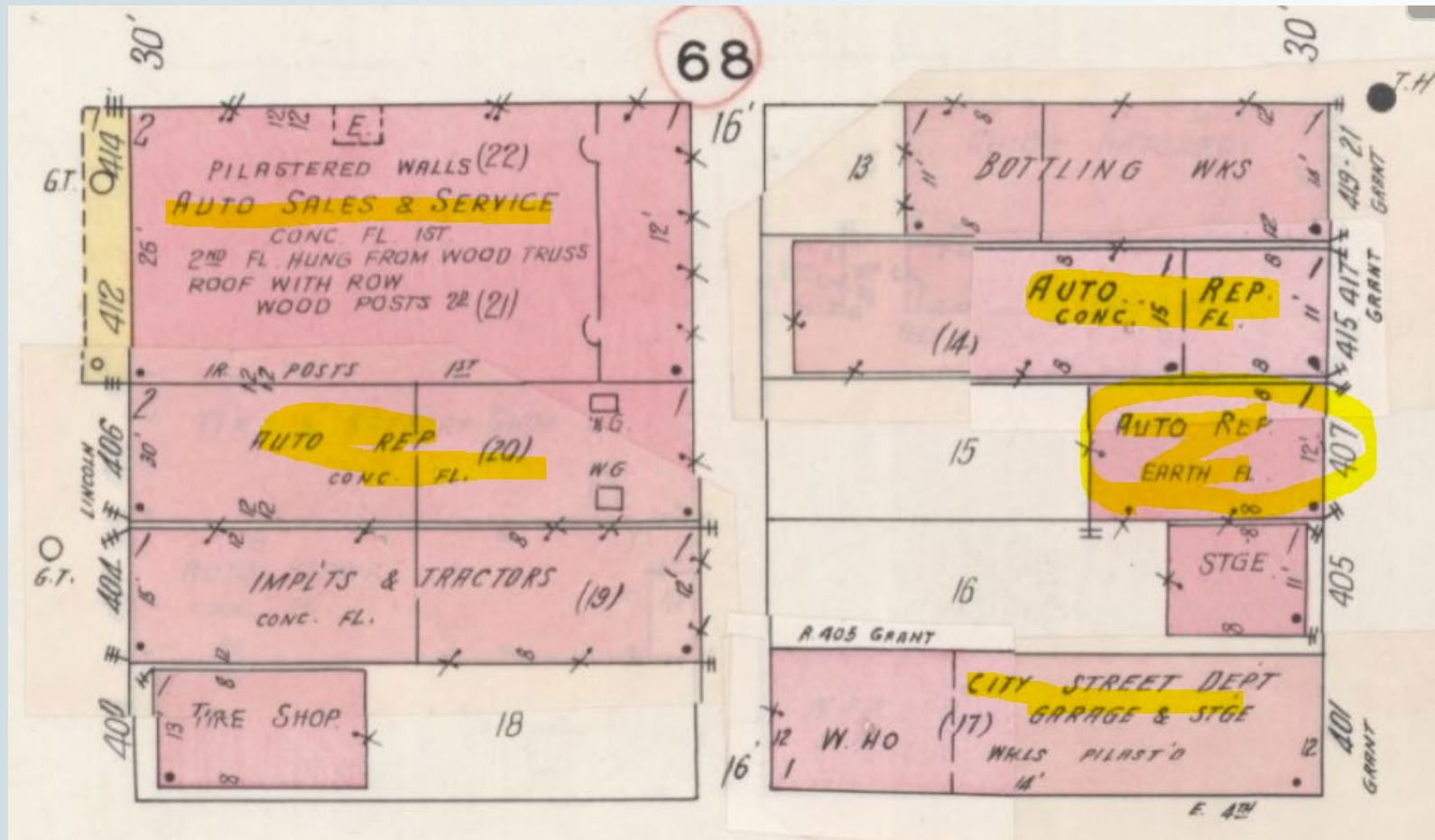
(See Handouts)

# Without an ESA? – minimum additional documentation steps:

- **Document a physical site inspection** with narrative and pictures as needed
- **Document EPA sites using NEPAassist** – review nearby EPA hazardous sites (near your project)
- **Document historical uses using Sanborn (fire insurance) maps** (found in Library of Congress or local libraries)
- **Caution: A ERR preparer may require an ESA to determine safety or to further assess a project site**

(See Handouts)

# Documentation steps - sample Sanborn map detail



# Documentation steps with NEPAAssist

The screenshot displays the EPA NEPAAssist web application. At the top, the EPA logo and "United States Environmental Protection Agency" text are visible, along with "Home | Help" links. Below the header, there are navigation buttons: "Save Session", "Tools", and "More Data". The main area features a map of Lincoln, NE, with a popup window for "AIRS" (U-Stop #5) at 8231 O ST, LINCOLN, NE 68510. The popup includes links for "Get Facility Report" and "Get ECHO Report". To the right of the map is a "Select Map Contents" panel with a list of EPA facilities and their corresponding map icons. The list includes:

- ☒ Hazardous Waste (RCRAInfo)
- ☒ Air Pollution (ICIS-AIR)
- ☒ Water Dischargers (NPDES)
- ☒ Toxic Releases (TRI)
- ☒ Superfund (NPL)
- ☒ Brownfields (ACRES)
- ☒ RADInfo
- ☒ Toxic Substances Control Act (TSCA)

# Documentation steps with NEPAssist – ECHO report

## Facility Summary



### U-STOP #5

8231 O ST, LINCOLN, NE 68510 ⓘ

FRS ID: 110067158925

EPA Region: 07

Latitude: 40.81343

Longitude: -96.60784

Locational Data Source: FRS

Industry:

Indian Country: N

## Enforcement and Compliance Summary ⚠

Statute	Insp (5 Years)	Date of Last Inspection	Compliance Status	Qtrs with NC (of 12)	Qtrs with Significant Violation	Informal Enforcement Actions (5 years)	Formal Enforcement Actions (5 years)
CAA	2	05/18/2018	No Violation Identified	0	0	--	--

### Regulatory Information

Clean Air Act (CAA): No Information

Clean Water Act (CWA): No Information

Resource Conservation and Recovery Act (RCRA): No Information

Safe Drinking Water Act (SDWA): No Information

### Other Regulatory Reports

Air Emissions Inventory (EIS): No Information

Greenhouse Gas Emissions (eGGRT): No Information

Toxic Releases (TRI): No Information

Compliance and Emissions Data Reporting Interface (CEDRI): No Information