

SECTION E - ENVIRONMENTAL REVIEW

- **The Environmental Review Record is a public document. A complete file must be kept.**
- **Compliance is mandatory - All grantees receiving HUD funds must prepare a review.**
- **Funds may not be committed for a HUD funded project until an environmental release letter is received from the State. Expenses incurred prior to receiving the release will not be reimbursed.**
- **Grantees bear all legal responsibility for environmental compliance.**

1. OVERVIEW - HUD ENVIRONMENTAL REVIEW REGULATIONS - 24 CFR PART 58

The environmental review process required by the CDBG program is regulated by the Federal Code of Regulations at 24 CFR Part 58. Other HUD programs covered by these regulations include include: Section 8, Homeless Programs, Indian Housing, ESG, HOPWA, Shelter + Care and HOME projects.

CDBG grantees must comply with **24 CFR PART 58** by completing the following **THREE** steps:

- ✓ Complete the Description of Proposed Action (DPA) form and appropriate checklist and submit to the State via WebGrants.
- ✓ Publish any required public notices and submit documentation to the State.
- ✓ Obtain a letter of Environmental Release for all activities associated with this grant.

There are **TWO** groups of laws, policies and regulations that must be taken into account:

- 1) **NEPA – National Environmental Policy Act of 1969** (40CFR Parts 1500-1508) This legislation established national policy, goals and procedures for protecting, restoring and enhancing environmental quality.
- 2) **Related Federal Laws and Authorities** (24 CFR 58.5). These laws include: HUD Environmental Criteria and Standards (24 CFR Part 51 (B) (C) (D)
 1. Toxic Chemicals and Radioactive Material – CERCLIS
 2. Historic properties
 3. Floodplain management and wetland protection
 4. Coastal area protection and management
 5. Sole source aquifers
 6. Endangered species
 7. Wild and scenic rivers
 8. Air quality
 9. Farmland protection
 10. Environmental Justice (Executive Order 12898)
 11. Environmental Standards (24 CFR Part 51)
 - I. Noise
 - II. Hazardous Substances (above ground storage tanks)
 - III. Airport Clear Zones

GRANTEE RESPONSIBILITIES – The Grantee will:

- **Designate an Environmental Certifying Officer (ECO)** – This person will sign the DPA Form and checklist and also complete the Request for Release of Funds (If required). He/She

will represent the grantee in any court proceeding in the event of legal action. By default, the ECO is the chief elected official of the city, town or county in which the project is located. Another option is to designate, by resolution, another employee of the jurisdiction. A sample ECO resolution template is posted on the DCC Environmental Review web page.

- **Prepare an Environmental Review Record (ERR).** This process is completed online through the WebGrants system. This document is a record of the environmental process. It must be available for public review. It will include all documentation related to environmental concerns. The file should include:
 - Designation of the Environmental Certifying Officer (ECO)
 - Description of Proposed Action (DPA) – always required
 - Environmental Checklist –with supporting documents – (narrative explanation, memos, maps, correspondence or other resources) if required.
 - Public notices (if required)
 - Request for Release of Funds & Certification (if required)
 - The **Environmental Release Letter** from the State – ALWAYS required

2. GETTING STARTED

- **Registering in WebGrants** – The person preparing the environmental review must register as a user in WebGrants. Instructions about how to navigate the WebGrants system are provided in this Handbook and on the Department of Community & Culture (DCC) website.

3. COMPLETING THE ENVIRONMENTAL REVIEW – GRANTEES MUST:

- Print out the appropriate **CHECKLIST INSTRUCTIONS** that are provided on the website.
- Provide comments for each item on the checklist.
- Attach any supporting documents as needed for each item using the “Attachment” feature.
- Use the resources posted on the DCC Environmental web page.
- Call the Environmental Review Officer for help if they get stuck!

4. WHEN TO PUBLISH A PUBLIC NOTICE FOR THE ENVIRONMENTAL REVIEW

- After submitting the environmental review online, project managers will be notified if a public notice is required. If there is an “Impact” indicated for any item on the checklist, a public notice will be required. This is followed by a 21 day comment period. Larger, new construction projects require a public notice followed by a 30 day comment period.
- Project managers should NOT publish prior to getting guidance from the State.

5. EXTRA HELP AND GUIDANCE

Grantees should **FIRST** call the State Environmental Review Officer (Cheryl Brown) with any questions or problems with this review process. A “Who to Contact List” is posted on the website as well. These people are the “experts” and can be very helpful with specific questions regarding endangered species, floodplains, etc.