

State Community Development Block Grant Program

ENVIRONMENTAL SECTIONS

TO

A GUIDE TO FEDERAL REQUIREMENTS  
(State Administrator's Manual)

Developed by:

U.S. Department of Housing and Urban Development

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APPENDIX 1

ENVIRONMENT

Requirements: Recordkeeping

LOCAL RECORDKEEPING

Recipient records for environmental requirements compliance must satisfy State review requirements.

Possible Type of Record

Explanation

Review Process Source  
Checklist Document Document

For every project, the recipient must

maintain an Environmental Review Record (ERR) that includes:

- o A description of the project and its activities. x
- o All environmental reviews, including their findings and documentation. x x x
- o All public notices. x
- o All written determinations. x
- o HUD's approval of the environmental certification. x
- o HUD's approval of the Request for the Release of Funds (RROF). x

For projects consisting solely of exempt activities (24 CFR 58.314), the recipient's ERR must also include:

- o Written documentation, signed by the certifying officer, that the project qualifies for exemption (24 CFR 58.34(b)). x

(NOTE: Such project must be one or more of the activities described in Section 105 of the Housing and Community Development Act.)

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Possible Type of Record  
Review Process Source  
Checklist Document Document

Explanation

For projects consisting of categorically excluded activities (24 CFR 58.35), the recipient's ERR must also include:

- o Written documentation, signed by the certifying officer, that project activities meet the requirements for categorical exclusion from NEPA requirements (24 CFR 58.35(a)) or exemption (24 CFR 58.34). x x
  
- o Written documentation of compliance with environmental requirements of other applicable related laws (24 CFR 58.5), detailing completion of required procedures and actions (24 CFR 58.35(b)). x x x
  
- OR
- o Written determination, signed by the certifying officer, that the project is exempt from designated laws and authorities (24 CFR 58.34(a)(10)). x
  
- o For projects requiring compliance with applicable related statutes, evidence that recipient published the Notice of Intent to Request the Release of Funds (NOI/RROF) at least 7 calendar days before submitting the Request for the Release of Funds (RROF) to the State, using the HUD format or an equivalent. x x
  
- o Record of comments regarding the NOI/RROF and report of how comments were addressed (24 CFR 58.70). x x

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LOCAL RECORDKEEPING

Recipient records for environmental requirements compliance must satisfy State review requirements.

Possible Type of Record

Explanation	Review Checklist	Process Document	Source Document
- Environmental Protection Agency (EPA) headquarters and appropriate regional offices;	x		x
- Interested individuals and groups;	x		x
- Appropriate Federal, State, and local agencies; and	x		x
- The State CDBG agency (24 CFR 58.43 and 58.44)	x		x
o Evidence that all notices were published at least once in local areawide newspaper (for exceptions, see 24 CFR 58.43).	x		x
o Evidence that a 15-day comment period was provided for all FONSI Notices, including:	x	x	x
- Record of comments received.			x
- Report of how comments were addressed (24 CFR 58.44 and 58.45).		x	
- Record of any determination extending comment period or providing for a 30-day FONSI Notice comment period rather than the standard 15 days (24 CFR 58.46).			x
o If separate notices for the FONSI and the NOI/RROF are issued, records should include evidence that 7 calendar days elapsed between publication and the end of the comment period provided for the NOI/RROF before the RROF was submitted to the State, including a record of:	x		x

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Requirements: Recordkeeping

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LOCAL RECORDKEEPING

Recipient records for environmental requirements compliance must satisfy State review requirements.

Explanation	Possible Type of Record		
	Review Checklist	Process Document	Source Document
o A copy of the Draft EIS (DEIS) prepared according to HUD format and Section 1502.10 of NEPA (24 CFR 58.60). The DEIS should include evidence of compliance with applicable laws and authorities (24 CFR 58.66).			x
o Documentation that the DEIS was filed with EPA headquarters and regional offices (24 CFR 58.61).	x	x	
o Record of any decision to hold public hearings. If hearing(s) held, records should include:			x
- A description of the proceedings,		x	
- Any comments made, and		x	x
- Measures taken to address the comments.		x	
o A copy of the Final EIS (FEIS) written using the HUD format or equivalent according to 40 CFR 1502. The FEIS should include:			x
- Any response to comments received during the comment period.			
- A description of any public hearing(s) (NEPA, Sections 1502 and 1505; 24 CFR 58.62).			
- Evidence of compliance with applicable laws and authorities (24 CFR 58.66).			

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Recipient records for environmental requirements compliance must satisfy State review requirements.

Explanation	Possible Type of Record		
	Review Checklist	Process Document	Source Document
To complete recipient records for environmental requirements, the ERR must contain the following documentation regarding the Release of Funds (ROF) and the certification approval:			
o Evidence documenting the date of:			
- Release of Funds	x		x
- Submission of the certification to the State	x		x
o Record of any objections received from agencies or the public during the State ROF process, and report on how they were addressed (24 CFR 58.76 and 58.77 (a) and (b)).		x	x
o A copy of the State notification of the Release of Funds.			x
o A copy of the State approval of certification.			x
o Record of the implementation of the environmental review decisions.		x	
o Record of amendments to Environmental Review documents and written determination by the certifying officer based on any reevaluation of assessment findings (24 CFR 58.47).	x	x	x

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Suggested Activities: Review of Recipient Recordkeeping

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REVIEW OF RECIPIENT RECORDKEEPING

SUGGESTED ACTIVITIES

Review Topic	Suggested Review Focus
o Review recipient's compliance with public notice requirements.	o The reviewers should check the Environmental Review Record (ERR) for documentation verifying that the public comment period for the Notice of Intent to Request the Release of Funds (NOI/RROF) and the FONSI notice met the time requirements as cited in 24 CFR 58.45 and 58.46.
o Review recipient's Environmental Impact Statement (EIS).	o The reviewers should check the recipient's ERR for evidence that a Notice of Intent to Prepare an Environmental Impact Statement (NOI/EIS) was published at least 15 days before a scoping meeting.
o Review recipient's records of any discretionary public hearing and meetings.	o The reviewers should check the ERR for projects which generated significant numbers of complaints, and ask: <ul style="list-style-type: none"><li>- Did the recipient elect to hold a public hearing?</li><li>- Did the recipient comply with the 15-day notice requirement for public hearings?</li></ul>
o Review recipient's records for any project which required an Environmental Impact Statement (EIS).	o The reviewers should examine the ERR to determine if substantial changes occurred in the proposed project which should have been treated in a Supplemental Environmental Impact Statement.

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Suggested Monitoring Checklist

Environmental Review



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	YES	NO
STEP 5: Environmental Impact Statement (if applicable)		
Did the Environmental Assessment conclude that an Environmental Impact Statement was required?		
Was the project so large that a significant environmental impact was probable?		
Did the project comply with NEPA and all other applicable laws and provisions?		
Was a Notice of Intent to Prepare an Environmental Impact Statement published?		
Was a scoping meeting held no less than 15 days after publication of the Notice of Intent to Prepare an Environmental Impact Statement?		
Was a lead agency designated?		
Were public hearings held?		
Was a draft Environmental Impact Statement prepared?		
Was the draft filed according to NEPA criteria with copies sent to EPA, the Environmental Review Record, public libraries, and other interested parties?		
Was a final Environmental Impact Statement filed distributed?		
Was a supplemental Environmental Impact Statement filed (if required)?		
Was a record of the decision filed in the Environmental Review Record summarizing any mitigating measures called for in the Environmental Impact Statement?		
Was the Environmental Impact Statement coordinated with environmental actions undertaken under related laws and authorities?		
Were prior statements and statements filed by other agencies used instead of the Environmental Impact Statement?		