The background of the slide features a collection of construction-related items on a dark wooden surface. In the top left is a yellow hard hat. To its right is a brass faucet and a brass drain cover. A white sheet of paper with faint blue architectural blueprints is spread across the center. On the right side, a yellow level with two bubble levels is visible. In the bottom left, there are orange-handled pliers and a yellow pencil. The title text is centered over the blueprint paper.

National Environmental Policy Act (NEPA) Review Process

Presented by: Shelli Lockwood

Statutory & Regulatory Structure

- National Environmental Policy Act (NEPA) and implementing regulations of the Council on Environmental Quality (40 CFR Parts 1500-1508).
- HUD Regulations (24 CFR Part 58) - “Environmental Review Procedures for Entities Assuming HUD Environmental Responsibilities”
- NEPA-Related Laws and Authorities (List at 24 CFR 58.5).
 - <https://www.hudexchange.info/environmental-review/federal-related-laws-and-authorities/>
 - Refer to Recipients’ Manual, Chapter 2: Section 2

Who Is Responsible for the Environmental Review?

- ❑ **Chief Elected Official (CEO)**
- ❑ Part 58 allows local units of government to perform NEPA responsibilities, with States reviewing documentation in place of HUD
 - ❑ Assumes responsibility for environmental review
 - ❑ Must sign the Finding of No Significant Impact (FONSI) and the Request for Release of Funds/Certification
 - ❑ Accepts the jurisdiction of the Federal Courts as the responsible entity in environmental matters for this certification

When should the Environmental Review start?

- **Before** making choice limiting actions, including acquisition and signing construction contracts
 - Must be able to reject the site
- Before commitment of funds – 24 CFR Part 58.22 (a)
 - Neither a recipient nor any participant, including a private, non-profit, or for-profit entity, may commit federal funds before approval of the RROF
 - Neither a recipient nor any participant may commit non-HUD funds if the project has the potential to have an adverse impact or limit the choice of reasonable alternatives.

Importance of Early Start

- Begin environmental review process as soon as possible.
- Typical time required to complete review ranges from 1 to 120+ days.

Environmental Review Process High Level Overview

- Determine the Level of Environmental Review required
- **Applies to the project as a whole, NOT just CDBG funds**
- Create the Environmental Review Record
 - Must be available to the public at the local government
- Complete the Environmental Review and document compliance with the related laws
- Publish required notices according to the level of review

Steps in the Environmental Review Process

Determine

Determine the Level of Environmental Review Required
(Applies to the entire project, not just CDBG funds)

Create

Create the Environmental Review Record
(Must be Available to the Public)

Complete

Complete the Environmental Review and document compliance with the related laws

Publish

Publish required notices according to Level of Review

Submit

Submit the Request for Release of Funds and supporting documentation to DCA
(DCA issues "release" letter)

Maintain

Maintain Documentation of Compliance (Including mitigation) in the ERR

HUD's Project Description Instructions

The Project description is the foundation of the environmental review.

Capture the maximum anticipated scope of the project:

- Overall objective of the project
- List of all activities
- List of all funding sources (both HUD and non-HUD)
- Time frame of project (max of five years)
- Provide maps showing clearly defined site project boundaries
 - Project boundaries are not limited to the site owned/controlled by the recipient/sub-recipient

Levels of Environmental Review

- 24 CFR Part 58.34(a) Exempt
- 24 CFR Part 58.35 Categorically Excluded
 - Categorical exclusions SUBJECT to laws and authorities at 24 CFR Part 58.5
 - Categorical exclusions NOT subject to laws and authorities at 24 CFR Part 58.5
- 24 CFR Part 58.36 Environmental Assessment
- 24 CFR Part 58.37 Environmental Impact Statement

58.34	58.35 (b)
Exempt	Categorically Excluded NOT subject to 58.5
TYPES OF ACTIVITIES	
<ul style="list-style-type: none"> • Environmental and other studies • Resource Identification • Development of plans and strategies • Information and financial services • Administrative and Management Activities • Public services, i.e., employment, crime prevention, child care, health, drug abuse, education, counseling, energy conservation, welfare, recreational needs • Inspections and testing for hazards or defects • Purchase insurance and tools • Engineering or design costs • Technical assistance and training • Temporary or permanent improvements that do not alter environmental conditions and are limited to protection, repair or restoration activities to control or arrest the effects from disasters or imminent threats to public safety, including those resulting from physical deterioration. • Payments of principal and interest on loans or obligations guaranteed by HUD 	<ul style="list-style-type: none"> • Tenant-based rental assistance • Supportive services such as health care, housing services, permanent housing placement, day care, nutritional services, short-term payments for rent, mortgage, or utilities, assistance in gaining access to government benefits. • Operating costs including maintenance, furnishings, security, equipment, operation, supplies, utilities, staff training and recruitment • Economic development activities including equipment purchase, inventory financing, interest subsidy, operating costs, and other expenses not associated with construction or expansion • Activities to assist homeownership of existing dwelling units or units under construction, including closing costs and down payment assistance to homebuyers, interest buy downs or other actions resulting in transfer of title. • Affordable housing pre-development costs: legal consulting, developer and other site-option costs, project financing, administrative costs for loan commitments, zoning approvals, and other activities which don't have a physical impact. • Approval of supplemental assistance (including insurance or guarantee) to a project previously approved under Part 58, if: approval is by same the RE, and re-evaluation is not required, per 58.47.
DOCUMENTATION REQUIRED IN ERR	
<p>Describe activity and make a written determination of exemption.</p> <p>Also, determine compliance with 58.6:</p> <ul style="list-style-type: none"> ◆ National Flood Insurance Program ◆ Coastal Barrier Resource Act ◆ Runway Clear Zones 	<p>Describe activity and make a written 58.35(b) determination.</p> <p>Also, determine compliance with 58.6:</p> <ul style="list-style-type: none"> ◆ National Flood Insurance Program (NFIP) ◆ Coastal Barrier Resource Act (CBRA) ◆ Runway Clear Zones

58.35(a)		58.36
Categorically Excluded AND subject to 58.5		NEPA Environmental Assessment
TYPES OF ACTIVITIES		
<p>Acquisition, repair, improvement, reconstruction, or rehabilitation of public facilities and improvements (other than buildings) when the facilities and improvements are already in place and will be retained in the same use without change in size or capacity of more than 20%</p> <ul style="list-style-type: none"> • Replacement of water or sewer lines • Reconstruction of curbs & sidewalks • repaving of streets <p>Special projects directed toward the removal of material and architectural barriers that restrict the mobility of and accessibility to the elderly and handicapped.</p> <p><u>Single Family Housing Rehab</u></p> <ul style="list-style-type: none"> • Unit density is not increased beyond 4 units, • Project doesn't involve change in land use from residential to non-residential • The footprint of the building is not increased in a floodplain or a wetland. <p><u>Multifamily Housing Rehab</u></p> <ul style="list-style-type: none"> • Unit density change is not more than 20% • Project doesn't involve change in land use from residential to non-residential • Cost of rehabilitation is less than 75% of the estimated cost of replacement after rehab <p><u>Non-Residential Structures</u></p> <ul style="list-style-type: none"> • Facilities and improvements were in place and will not be changed in size or capacity by more than 20% • Activity does not involve change in land use from non-residential to residential, commercial to industrial, or one industrial use to another <p>Individual action (e.g., disposition, new construction, demolition, acquisition) on a 1 to 4 family dwelling; or individual action on five or more units scattered on sites more than 2000 feet apart and no more than 4 units per site.</p> <p>Acquisition (including leasing) or disposition of, or equity loans on an existing structure or acquisition (including leasing) of vacant land provided that the structure or land acquired or disposed of will be retained for the same use</p> <p>*Combination of the above activities.</p>		<p>Activities not exempt or categorically excluded.</p> <ul style="list-style-type: none"> • Generally, new construction of 5 or more homes, and conversion from one type of land use to another.
DOCUMENTATION REQUIRED IN ERR		
<p>Complete Statutory Worksheet, (sec. 58.5) and indicate converts exempt.</p> <p>Also, determine compliance with 58.6</p> <ul style="list-style-type: none"> ◆ NFIP ◆ CBRA ◆ Runway Clear Zones 	<p>Complete Statutory Worksheet (sec. 58.5)</p> <p>NOI/RROF notification</p> <p>RROF & Certification (form 7015.15)</p> <p>Authority to Use Grant Funds (form 7015.16)</p> <p>Also, determine compliance with 58.6</p> <ul style="list-style-type: none"> ◆ National Flood Insurance Program ◆ Coastal Barrier Resource Act ◆ Runway Clear Zones 	<p>Environmental Assessment (including Statutory Checklist) *</p> <p>FONSI and NOI/RROF notification</p> <p>Form 7015.15</p> <p>Form 7015.16</p> <p>Also, determine compliance with 58.6</p>

Environmental Assessment

Environmental Forms & Notices

- 📄 [Levels of Environmental Review Overview](#) (PDF, 427.47 KB)
- 📄 [8 Step Process Flow Chart](#) (PDF, 252.79 KB)
- 📄 [Eight Step Decision Making Process for Wetlands and Floodplains](#) (PDF, 79.17 KB)
- 📄 [Early and Final Notice and Public Review of a Proposed Activity in a Floodplain...](#) (DOC, 65.5 KB)
- 📄 [Early and Final Notices for Floodplain/Wetland - Spanish](#) (DOC, 34.28 KB)
- 📄 [Executive Order 11990 Protection of Wetlands](#) (PDF, 62.06 KB)
- 📄 [Applicant Form 9: Environmental Review Information](#) (PDF, 164.33 KB)
- 📄 [Applicant Form 9A: Historic Preservation Environmental Review](#) (PDF, 429.69 KB)
- 📄 [Applicant Form 9B: When To Consult With Tribes](#) (PDF, 56.76 KB)
- 📄 [Tribal Consultation Letter Template](#) (DOC, 17.99 KB)
- 📄 [Certification of Categorical Exclusion Not Subject to 58.5](#) (DOC, 70.61 KB)
- 📄 [Environmental Review for Activity/Project that is Categorically Excluded Subjec...](#) (DOC, 38.54 KB)
- 📄 [Environmental Assessment](#) (DOC, 47.35 KB)
- 📄 [Steps for Developing a Tiered Review](#) (DOC, 91.5 KB)
- 📄 [Part 58 Tiered Review Form](#) (DOC, 59.24 KB)
- 📄 [Tribal Consultation Letter Template](#) (DOC, 17.99 KB)
- 📄 [NSP Site Specific Environmental Checklist](#) (DOC, 57.5 KB)
- 📄 [Certification of Exemption](#) (DOC, 65.8 KB)
- 📄 [Concurrent Notice Sample](#) (PDF, 61.64 KB)
- 📄 [Concurrent Notice in Spanish](#) (DOC, 19.81 KB)
- 📄 [Notice of Intent to Request Release of Funds](#) (PDF, 68.81 KB)
- 📄 [Notice of Intent to Request Release of Funds - Spanish](#) (DOC, 21.95 KB)
- 📄 [Request for Release of Funds and Certification Form](#) (PDF, 37.45 KB)
- 📄 [Programmatic Agreement for Historic Preservation](#) (PDF, 93.43 KB)
- 📄 [DCA RROF Checklist](#) (PDF, 89.88 KB)

- Use current forms on DCA Website
- Cite Authoritative Sources of Info
 - See HUD tool
(<https://www.hudexchange.info/environmental-review/federal-related-laws-and-authorities>)
- Describe mitigation measures for any identified negative impacts
- Evaluate all alternatives
- Certifying Officer must sign FONSI

Environmental Impact Statement (EIS)

- EIS required if Finding of Significant Impact (FOSI) is found as a result of completing an environmental assessment for the project
- Most CDBG projects do not trigger
- Contact DCA immediately for assistance

Compliance Factors

- HUD's Laws and Authorities Web Page

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



Air Quality



Airport Hazards



Coastal Barrier Resources



Coastal Zone Management



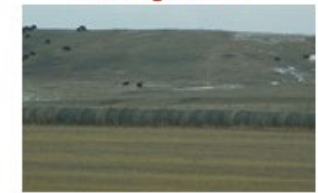
Endangered Species



Environmental Justice



Explosive and Flammable Facilities



Farmlands Protection



Flood Insurance



Floodplain Management



Historic Preservation



Noise Abatement and Control



Site Contamination



Sole Source Aquifers



Wetlands Protection



Wild and Scenic Rivers

How do I clear each Compliance Factor?

- Consult HUD's Laws and Authorities Web Page
Incorporate the HUD worksheets in review
 - Partner worksheets if completed by Regional Commission or Private Consultant
- Each factor must have documentation, including items like Sole Source Aquifers that do not apply to Georgia
- A map or report from a qualified expert or the appropriate government agency is the most common documentation
- Fish and Wildlife online Endangered Species tool:
<https://ecos.fws.gov/ipac/>

Request for Release of Funds Form HUD- 7015-15

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. 04/30/2027)

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 or, and a person is not required to respond to, a collection of information unless that collection displays a valid OMB control number.

Part 1. Program Description and Request for Release of Funds (to be completed by Responsible Entity)

1. Program Title(s)	2. HUD/State Identification Number	3. Recipient Identification Number (optional)
	Grant # or Pending year	
4. OMB Catalog Number(s)	5. Name and address of responsible entity	
6. For information about this request, contact (name & phone number)		
8. HUD or State Agency and office unit to receive request		7. Name and address of recipient (if different than responsible entity)
The recipient(s) of assistance under the program(s) listed above requests the release of funds and removal of environmental grant conditions governing the use of the assistance for the following		
9. Program Activity(ies)/Project Name(s)	10. Location (Street address, city, county, State)	

11. Program Activity/Project Description

Enough description that a HUD auditor or member of the general public would be able to understand the basics of the project. We do NOT need information on what CDBG is, this should be about the project.

Please provide us with a list of the activities and a brief summary of the project in a few sentences. This should not be a generic set of sentences for the type of project, but a description of the particular project. Indicate the problem you are trying to solve.

The description should include the location of work and beneficiaries, including street/neighborhood names or similar details. How many people are being helped? Add other pertinent details.

Previous editions are obsolete

Form HUD-7015.15 (1/99)

Request for Release of Funds Form HUD-7015-15

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

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

1. The responsible entity has fully carried out its responsibilities for environmental review, decision-making and action pertaining to the project(s) named above.
2. The responsible entity has assumed responsibility for and complied with and will continue to comply with, the National Environmental Policy Act of 1969, as amended, and the environmental procedures, permit requirements and statutory obligations of the laws cited in 24 CFR 58.5; and also agrees to comply with the authorities in 24 CFR 58.6 and applicable State and local laws.
3. The responsible entity has assumed responsibility for and complied with and will continue to comply with Section 106 of the National Historic Preservation Act, and its implementing regulations 36 CFR 800, including consultation with the State Historic Preservation Officer, Indian tribes and Native Hawaiian organizations, and the public.
4. After considering the type and degree of environmental effects identified by the environmental review completed for the proposed project described in Part 1 of this request, I have found that the proposal did ☐ did not ☐ require the preparation and dissemination of an environmental impact statement.
5. The responsible entity has disseminated and/or published in the manner prescribed by 24 CFR 58.43 and 58.55 a notice to the public in accordance with 24 CFR 58.70 and as evidenced by the attached copy (copies) or evidence of posting and mailing procedure.
6. The dates for all statutory and regulatory time periods for review, comment or other action are in compliance with procedures and requirements of 24 CFR Part 58.
7. In accordance with 24 CFR 58.71(b), the responsible entity will advise the recipient (if different from the responsible entity) of any special environmental conditions that must be adhered to in carrying out the project.

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

8. I am authorized to and do consent to assume the status of Federal official under the National Environmental Policy Act of 1969 and each provision of law designated in the 24 CFR 58.5 list of NEPA-related authorities insofar as the provisions of these laws apply to the HUD responsibilities for environmental review, decision-making and action that have been assumed by the responsible entity.
9. I am authorized to and do accept, on behalf of the recipient personally, the jurisdiction of the Federal courts for the enforcement of all these responsibilities, in my capacity as certifying officer of the responsible entity.

Signature of Certifying Officer of the Responsible Entity

X

Title of Certifying Officer

Date signed

Address of Certifying Officer

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

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

Signature of Authorized Officer of the Recipient

X

Title of Authorized Officer

Date signed

We, the undersigned, certify under penalty of perjury that the information provided above is true and correct. WARNING: Anyone who knowingly submits a false claim or makes a false statement is subject to criminal and/or civil penalties, including confinement for up to 5 years, fines, and civil and administrative penalties. (18 U.S.C. §§ 287, 1001, 1010, 1012, 1014; 31 U.S.C. § 3729, 3802)

Environmental Notices Period

Local Comment Period

- ✓ Publish in local newspaper of general circulation.
 - Legal or non-legal section
- ✓ Notice of Intent to Request Release of Funds (NOI): **7 days**
- ✓ FONSI and NOI (Combined/Concurrent notice): **15 days**
- ✓ Notice includes an additional **15 days** for public objection of RROF to DCA.
 - Begins the day after DCA receives the RROF.



Local Period – Objections

- Basis for Objections
 - Anything
- Local Government must consider comments
 - If you get a comment, you must respond
 - Acknowledge and respond in writing
- Tell DCA about any comments and include your response

Objections to DCA

- Basis for Objections
 - RROF not signed by Certifying Officer
 - Omission of a required decision, finding, or step applicable to the environmental process
 - Committed funds prior to release of funds

Waiting Period Details

- All Waiting period days must be full 24-hour periods
- The day of publication DOES NOT COUNT toward the waiting period
- The DCA public comment period does not start until the day after receipt of the RROF
- Each part of the process must be separate, no overlapping days

Example Fastest Concurrent Notice and RROF

- Day1: Concurrent Notice Published
- Day 2-16: 15-day comment period
- Day 17: RROF signed and dated by certifying official, emailed to and received by DCA. DCA comment period does not start on the day we receive it.
- Day 18-32: State 15-day comment period
- Day 33: RROF letter prepared by DCA
- Weekends and any delay usually increases this by a few days
- **If you have the time, allow for slightly more than 15 days. If you use the minimum and the newspaper runs it a day late you will have to re-publish.**

Items to send when Requesting Release of Funds

CDBG Release of Funds Checklist

Items to Check	Status/Date	Notes
Community/SN		
Type of Review		
Date Received by DCA		
Release Date (no comments)		
Activity Description		
EIS Checkbox		
Signature/Date		
Special Conditions		
HPD Clearance		
Tribal Consultation		
Wetlands/Floodplain notices		
Concurrent Notice		

- CEO Signed and Dated Request for Release of Funds
 - HUD wants an actual description not just the budget line item
 - Make sure to select the appropriate EIS check box on page 2
 - Must be signed and dated after the end of the public comment period
- All Newspaper Notices (Concurrent in most cases, and Floodplain/Wetlands if necessary) – Scans or actual notices, make sure the date of the paper (not just in the notice) is visible.
- HPD clearance letter unless it is not subject to 58.5
- Proof of Tribal Consultation signed by a certifying officer of the local government if subject to 58.5 and the activity requires it.
- If you received an objection or comment, include it and your response.
- ***If the project is a building or Multi-Family residential, provide Phase I results***

Required Items for your Application

- ☐ Applicant forms listed in the manual and available on our web site:
 - ☐ DCA 9 Environmental Review Information
 - ☐ DCA 9A Historic Preservation Environmental Review Form
 - ☐ DCA 9B When to Consult With Tribes Under Section 106
 - ☐ Proof of tribal consultation Generally this should be a scan of the letters, any responses, and a memo letting us know that the others did not respond during the review period.
 - ☐ The Chief Local Official should sign letters, or if she/he cannot because of a conflict of interest or some other reason, by the next highest certifying official.
- ☐ Floodplain and Wetland Maps
- ☐ Any other environmental review paperwork from stages that are complete when submitted.

FFRMS – Federal Flood Risk Management Standard

English

<https://dca.georgia.gov/document/document/early-and-final-notice-and-public-review-proposed-activity-floodplain-or-wetland/download>

Spanish

<https://dca.georgia.gov/document/forms/early-and-final-notice-floodplainwetland-spanish/download>

Early Notice and Public Review of a Proposed
Activity in a [Federal Flood Risk Management Standard Designated Floodplain or Wetland]

[Note: May also be combined with other notices such as state floodplain or wetland notices so long as it contains the required information]

To: All interested Agencies [include all Federal, State, and Local], Groups and Individuals

This is to give notice that [HUD under 24 CFR Part 50 or Responsible Entity under 24 CFR Part 58] has determined that the following proposed action under [Program Name] [HUD grant or contract number] is located in the [Federal Flood Risk Management Standard (FFRMS) floodplain / wetland], and [HUD or Responsible Entity] will be identifying and evaluating practicable alternatives to locating the action within the [floodplain/wetland] and the potential impacts on the [floodplain/wetland] from the proposed action, as required by [Executive Order 11988, as amended by Executive Order 13690 and/or Executive Order 11990], in accordance with HUD regulations at 24 CFR 55.20 in Subpart C Procedures for Making Determinations on Floodplain Management and Protection of Wetlands. The proposed project location is [at address(es)] in [Name of City], [Name of County]. The extent of the FFRMS floodplain was determined using [a Climate Informed Science Approach (CISA) / 0.2 percent flood approach / or freeboard value approach]. [Describe the proposed activities, e.g. purpose, type of assistance, size of the proposed site, proposed number of units, project footprint, type of floodplain (e.g. FFRMS, floodway, Coastal High Hazard Area (V Zone), or Limit of Moderate Wave Action) / wetland (e.g. marine, estuarine, lacustrine, palustrine, or riverine), existing natural and beneficial functions (e.g. floodwater storage and conveyance, groundwater discharge or recharge, erosion control, water quality maintenance, and habitat for flora and fauna) and intrinsic values (e.g. recreational, educational, scientific, historic, and cultural) of the floodplain/wetland potentially adversely affected by the activity]. [State the total number of acres of floodplain/wetland potentially impacted].

There are three primary purposes for this notice. First, people who may be affected by activities in [floodplain/wetland] and those who have an interest in the protection of the natural environment should be given an opportunity to express their concerns and provide information about these areas. Commenters are encouraged to offer alternative sites outside of the [floodplain/wetland], alternative methods to serve the same project purpose, and methods to minimize and mitigate project impacts on the [floodplain/wetland]. Second, an adequate public notice program can be an important public educational tool. The dissemination of information and request for public comment about [floodplain/wetland] can facilitate and enhance Federal efforts to reduce the risks and impacts associated with the occupancy and modification of these special areas. Third, as a matter of fairness, when the Federal government determines it will participate in actions taking place in [floodplain/wetland], it must inform those who may be put at greater or continued risk.

Written comments must be received by [HUD or Responsible Entity] at the following address on or before [month, day, year] [a minimum 15 calendar day comment period will begin the day after the publication and end on the 16th day after the publication]: [HUD or Responsible Entity], [Address] and [phone number]. Attention: [Name of Certifying Officer or designee], [Title]. A full description of the project may also be reviewed from [enter available office hours] at [address or state address is same as above] and [web address if available]. Comments may also be submitted via email at [email address].

Date:

FFRMS – Federal Flood Risk Management Standard

Final Notice and Public Explanation of a Proposed Activity in a [Federal Flood Risk Management Standard Designated Floodplain or Wetland]

To: All interested Agencies [include all Federal, State, and Local], Groups and Individuals

This is to give notice that [HUD under 24 CFR Part 50 or Responsible Entity under 24 CFR Part 58] has conducted an evaluation as required by [Executive Order(s) 11988, as amended by Executive Order 13690, and/or Executive Order 11990], in accordance with HUD regulations at 24 CFR 55.20 in Subpart C Procedures for Making Determinations on Floodplain Management and Wetlands Protection. The activity is funded under [Program Name] [HUD grant or contract number]. The proposed project(s) is located [at addresses] in [Name of City], [Name of County] and is located in the [Federal Flood Risk Management Standard (FFRMS) floodplain / wetland]. The extent of the FFRMS floodplain was determined using [a Climate Informed Science Approach (CISA) / 0.2 percent flood approach / freeboard value approach]. [Describe the proposed activities, e.g. purpose, type of assistance, size of the proposed site, proposed number of units, size of project footprint, type of floodplain (e.g. FFRMS, floodway, Coastal High Hazard Area (V Zone), or Limit of Moderate Wave Action) / wetland (e.g. marine, estuarine, lacustrine, palustrine, or riverine), existing natural and beneficial functions (e.g. floodwater storage and conveyance, groundwater discharge or recharge, erosion control, water quality maintenance, and habitat for flora and fauna) and intrinsic values (e.g. recreational, educational, scientific, historic, and cultural) of the floodplain / wetland potentially adversely affected by the activity]. [State the total number of acres of floodplains/wetlands potentially adversely impacted].

[HUD or Responsible Entity] has considered the following alternatives and mitigation measures to minimize adverse impacts and to restore and preserve natural and beneficial functions and intrinsic values of the existing floodplain/wetland: [List (i) ALL the reasons why the action must take place within floodplain/wetland, (ii) alternatives considered and, as applicable, reasons for alternative non-selection, and (iii) ALL mitigation measures to be taken to minimize adverse impacts and to restore and preserve natural and beneficial functions and intrinsic values of the existing floodplain/wetland]. [Cite the date of any final or conditional LOMR's or LOMA's from FEMA where applicable]. [Acknowledge compliance with state and local floodplain/wetland protection procedures].

[HUD or Responsible Entity] has reevaluated alternatives to building in the [floodplain/wetland] and has determined that it has no practicable alternative to [floodplain/wetland] development. Environmental files documenting compliance with [Executive Order 11988, as amended by Executive Order 13690, and/or Executive Order 11990], are available for public inspection, review and copying upon request at the times and location delineated in the last paragraph of this notice for receipt of comments.

There are three primary purposes for this notice. First, people who may be affected by activities in [floodplain/wetland] and those who have an interest in the protection of the natural environment should be given an opportunity to express their concerns and provide information about these areas. Second, an adequate public notice program can be an important public educational tool. The dissemination of information and request for public comment about [floodplain/wetland] can facilitate and enhance Federal efforts to reduce the risks and impacts associated with the occupancy and modification of these special areas. Third, as a matter of fairness, when the Federal government determines it will participate in actions taking place in [floodplain/wetland], it must inform those who may be put at greater or continued risk.

Written comments must be received by the [HUD or Responsible Entity] at the following address on or before [month, day, year] [a minimum 7 calendar day comment period will begin the day after the publication and end on the 8th day after the publication]: [Name of Administrator], [Address] and [phone number]. Attention: [Name of Certifying Officer or designee], [Title]. A full description of the project may also be reviewed from [enter available office hours] at [address or state address is same as above] and [web address if available]. Comments may also be submitted via email at [email address].

Date:

Note: 100-year templates are no longer permissible

Application Requirements & Bonus Points

DEADLINE

Tribal Consultation must be completed by the Application Deadline

30 June 2026

10 Apr. 2026

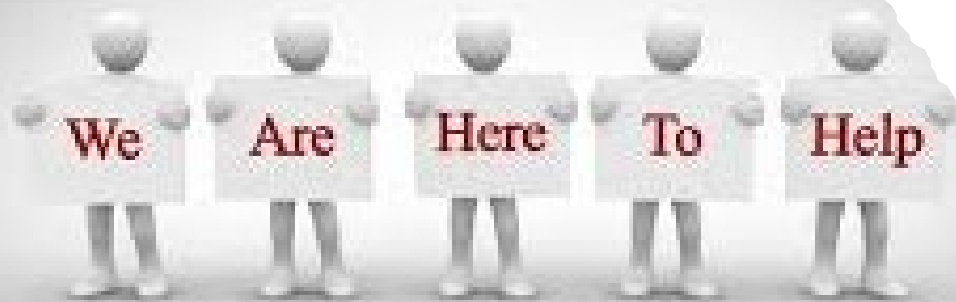


If you complete the process and have a Release of Funds by Tuesday, June 30, 2026, your application will receive 5 bonus points

Environmental Review Optional Advice for RROFs

- A memo listing items submitted with the RROF and items previously sent to DCA will make it faster and easier to review.
- Grouping paperwork with the RROF instead of each item submitted separately will make it easier for anything that is not bonus point-related.
- Only submit the requested documents.

Important Tips



- Change of scope in the project (grant amendments) might require additional review.
- DON'T SPEND A DIME – until your ER is complete and you have received Release of Funds from DCA
 - Exception for Admin and Design Costs
- **When in doubt – contact DCA/CDBG staff!**

Current Issues

- Everything must be complete, including the response from Historic Preservation, before you publish the FONSI/Concurrent Notice
- The Environmental Review lasts 5 years from the release date. If construction is still taking place, you must stop and perform a completely new review
- Any Historic Preservation condition stops a conversion to Exempt
- Incidental Floodplain and Wetlands – Do 8 Step, or Deed Restrict
- Tribal Consultation should be Government-to-Government, and signed by the CEO
- Hazardous Waste: Check 300' radius
- Radon determination should be included in projects where required
- **For Buildings or Multi-Family residential housing with 5 or more units, provide Phase I results with the RROF.**
- **Please Note: For a Phase 1 to be presumed valid, it must be less than 180 days since preparation.**

Phase One Assessment Requirements

- ❑ Standards should be referenced (American Society for Testing and Materials (ASTM) E1527-21 Standard)
- ❑ Professionals' resumes for Engineer/Geologist
- ❑ Documentation indicating "No Findings of Impact"
- The environmental review of multi-family housing with five or more dwelling units (including leasing) or the development of non-residential property (buildings such as Head Start Centers, Senior Centers, etc.) must include a Phase One Assessment.



HUD Policy Updates

HUD's Departmentwide Radon Policy Notice



HUD Departmental Radon Policy Notice

- On January 11, 2024, HUD published its departmentwide radon policy notice, “***Departmental Policy for Addressing Radon in the Environmental Review Process***” addressing the risk of radon exposure.
- This policy falls under HUD’s contamination regulations at 24 CFR 50.3(i) & 58.5(i)(2), which is part of the environmental (NEPA) review of proposed HUD supported projects
- The Policy requires consideration of radon gas for projects:
 - With a CEST, EA, or EIS level of review
 - Structures occupied or intended to be occupied at least four (4) hours a day
- Radon testing is ***not*** required, but mitigation is required if the method used to consider radon shows levels at 4.0 pCi/L or greater.

Radon Policy Notice: Implementation



Final Policy was published as
CPD Notice CPD-23-103 on
January 11, 2024.

11 Jan. 2024

11 Apr. 2024

Policy became effective on
April 11, 2024, for all non-tribal
and recipients.

On April 11, 2024,
Responsible Entities must
consider radon as part of any
non- tiered Environmental
Review (ER) that were not yet
certified, regardless of where
they are in the ER process.

11 Apr. 2024

Does the project require an environmental review at the Categorical Excluded Subject to (CEST), EA, or EIS level?

Yes

No

Does the project involve structures that are or are intended to be occupied at least 4 hours/day?

Yes

No

The notice does **not** apply to your project.

Do all buildings meet one of the exemptions in the notice?

The notice does **not** apply to your project.

The notice does not apply to your project, **but you must document if using test results from**

Yes

No

You **must** comply with the notice for your project.

Exemptions

- Buildings with no enclosed areas having ground contact
 - For example, buildings built on piers
- Non-residential buildings which will not be occupied for more than four (4) hours per day
- Buildings with existing radon mitigation systems - document radon levels are below 4 pCi/L with test results dated within two years (of application or certification)
- Buildings tested within five (5) years with test results below 4 pCi/L

How To Consider Radon under the Policy Notice

- **HUD's Preferred, Best Practice:** **The American National Standards Institute** (ANSI) and **American Association of Radon Scientists and Technologists** (AARST) radon testing and mitigation standards.
- **Alternative strategies** that can be used (if testing not otherwise required by law/reg):
 - Do-It-Yourself (DIY) Testing: Use of individual DIY home radon test kits
 - Continuous Radon Monitoring Devices: for use by trained local government staff in remote areas
 - Review of science-based data on radon in the area where the project site is located: state/tribal geologic data, CDC radon test data
- If use of any of the above methods determines that indoor radon levels are or may be above 4 pCi/L, then the Responsible Entity (RE) must document and implement a **mitigation plan**.

DIY Testing

- Do-it-yourself (DIY) test kits allowed in single-family dwelling units for “single-family” homes, buildings that feature 1-4 dwelling units
- Tests should ideally be approved by the **National Radon Safety Board** (NRSB) or the **National Radon Proficiency Program** (NRPP)

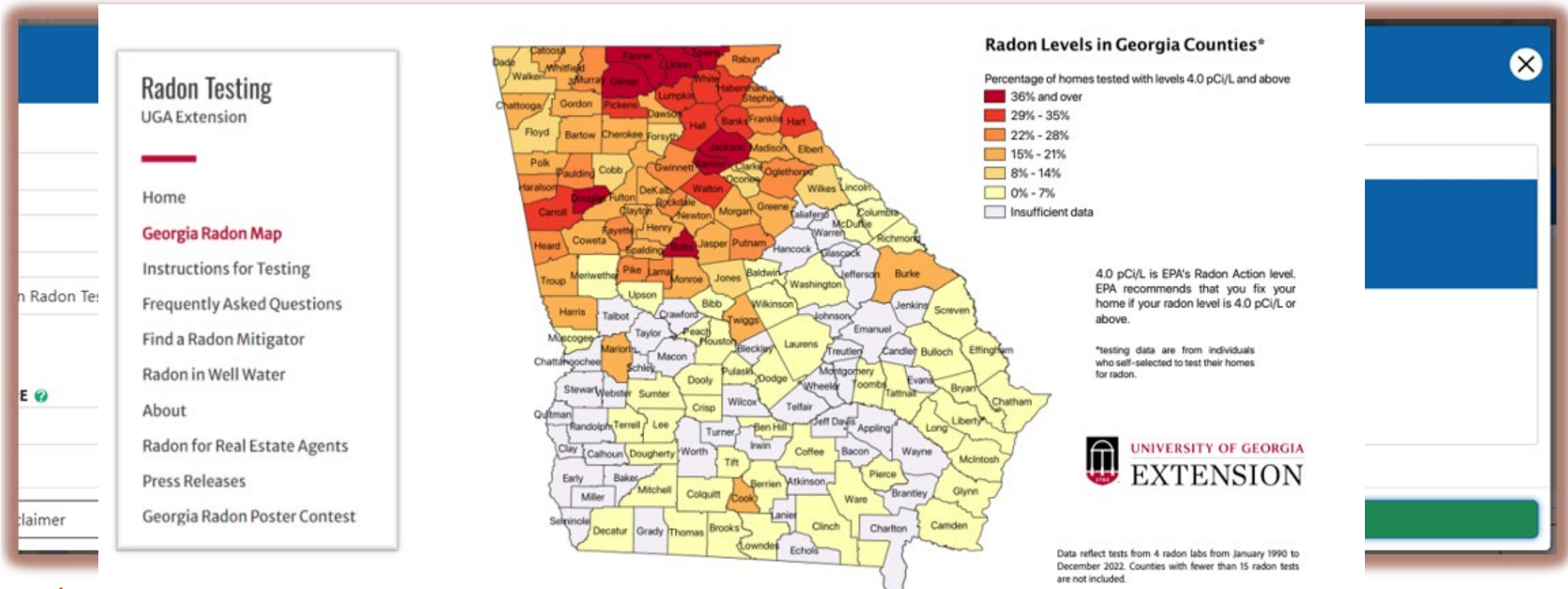


Continuous Radon Monitors

- In remote areas where other types of testing is not possible or feasible, the use of continuous radon monitors (CRMs) by the local government is allowed to measure radon levels
- Devices should be approved by the NRSB or NRPP
- Contact your state or the National Radon Program Services at KSU for recommendations and assistance



Review of Science-Based Data: Examples of Data Sources



<https://www.cdc.gov/environmental-health-tracking/php/data-research/radon-testing.html>

<https://extension.uga.edu/programs-services/radon-testing.html>



Mitigation

- Mitigation under the Notice functions just as other mitigation under 24 CFR 50.3(i) and 58.5(i)
- If radon testing or a review of science-based data shows a radon level for a building at or above 4 pCi/L, then the Environmental Review Record (ERR) **must include** a mitigation plan
- If using a review of science-based data radon testing can be done prior to initiation of mitigation to determine if mitigation is necessary for a building
 - If a review of science-based data shows levels at or above 4.0 pCi/L but subsequent testing shows levels in the building below 4.0, no mitigation is needed
 - By electing to test, Environmental Review preparers and recipients may ultimately save funds by avoiding unnecessary radon mitigation
- Mitigation plans must: **identify the radon level; consider the risk to occupants' health; describe the radon reduction system that will be installed; whenever possible, establish an ongoing maintenance plan to ensure the system is operating as intended; establish a reasonable timeframe for implementation; and require post-installation testing.**
 - Post-installation testing should be conducted by a licensed radon professional where feasible.

Getting Technical Assistance and Useful Resources

- HUD Policy for Addressing Radon in the Environmental Review Process

<https://www.hudexchange.info/trainings/courses/hud-policy-for-addressing-radon-in-the-environmental-review-process/>

- For assistance with selecting a test or monitoring device, industry standards, and becoming certified in testing or mitigation, and other educational information, check out the National Radon Program Services at Kansas State University:

<https://sosradon.org/>

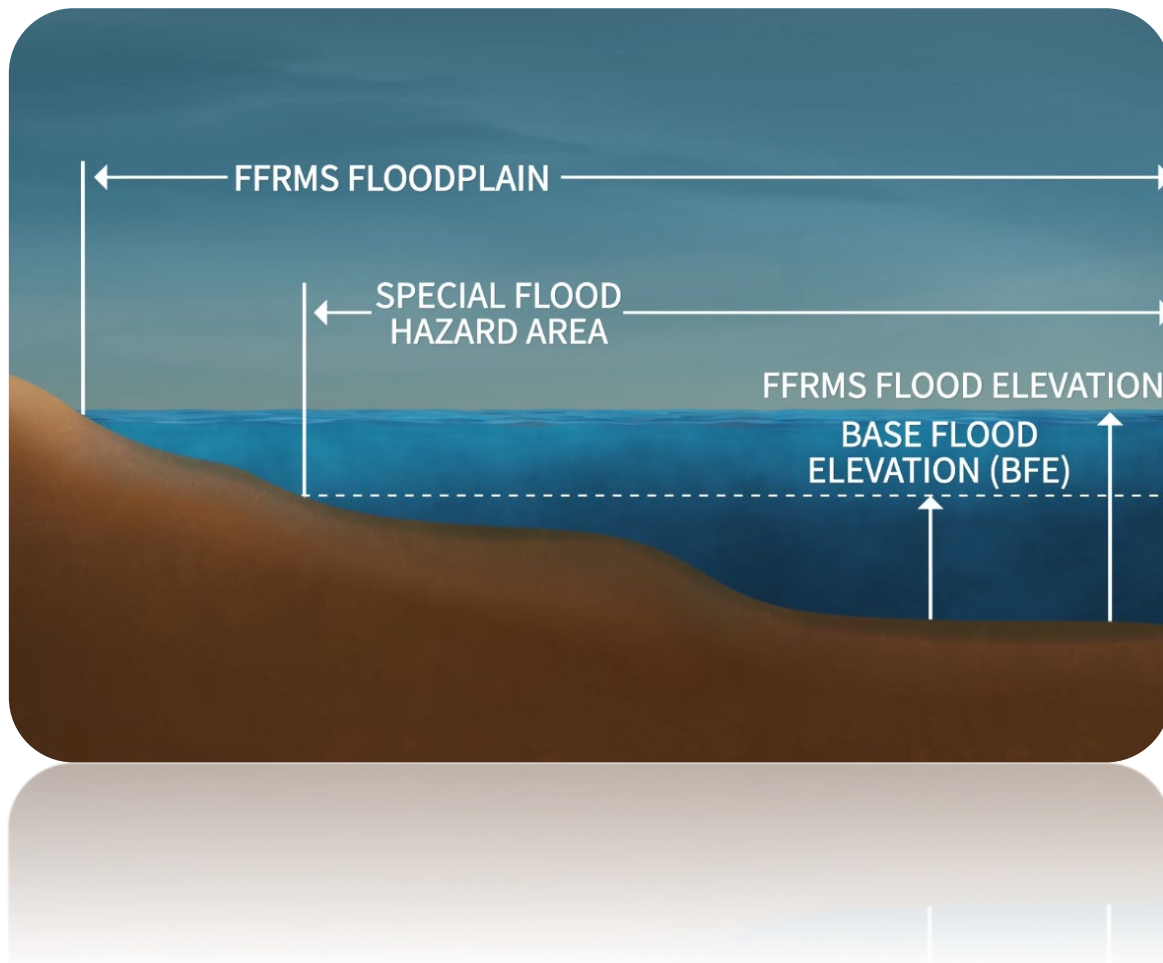
- Phone number - **800-767-7236**

- To view the ANSI/AARST standards online for free:

<https://standards.aarst.org/>



Federal Flood Risk Management Standard



- Published April 23, 2024, amends existing floodplain regulations – effective June 24, 2024.
- Expands 100-year floodplain to newly defined “FFRMS floodplain” (expanded area).
 - E.O.13690 January 2015
- New construction or substantially improved structures within FFRMS floodplain must be elevated or floodproofed.
- Projects within FFRMS floodplain required to complete 8-step/5-step
- Added [24 CFR 55.7](#) - 3-Tiered Approach to FFRMS
- Allows for public notices required for environmental reviews to be published online on appropriate government websites.
- <https://www.ecfr.gov/current/title-44/chapter-I/subchapter-A/part-9>
- <https://www.ecfr.gov/current/title-24/subtitle-A/part-55/subpart-B/section-55.7>

Contact Information

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Send Environmental documents to cdbg.biz@dca.ga.gov

Resources

- <https://www.hudexchange.info/environmental-review/orientation-to-environmental-reviews/>
- <https://egis.hud.gov/tdat/>
- <https://www.hudexchange.info/environmental-review/federal-related-laws-and-authorities/>
- <https://www.hudexchange.info/resource/4707/environmental-review-record-related-federal-laws-and-authorities-worksheets/>
- <https://dca.georgia.gov/financing-tools/infrastructure/community-development-block-grants-cdbg/compliance-administration-0>
- <https://nepassisttool.epa.gov/nepassist/nepamap.aspx>